

MINUTES OF THE MEETING OF THE
PINELLAS PLANNING COUNCIL

May 20, 2009

The Pinellas Planning Council (PPC) met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 1:08 P.M. with the following members present:

Beverley Billiris, Chairman, City of Tarpon Springs Mayor
Jerry Knight, Vice-Chairman, Town of North Redington Beach Vice-Mayor
Patricia Gerard, Secretary, City of Largo Mayor
John Morroni, Treasurer, County Commissioner
Nina Bandoni, City of Safety Harbor Vice-Mayor
Sandra L. Bradbury, City of Pinellas Park Councilmember
David Carson, City of Dunedin Commissioner
John Doran, City of Clearwater Councilmember
Jim Kennedy, City of St. Petersburg Councilmember
Linda S. Lerner, School Board Member
Stephanie Oddo, Town of Belleair Commissioner
Jim Ronecker, City of Oldsmar Mayor

Not Present:

Patricia J. Shontz, City of Madeira Beach Mayor

Also Present:

David P. Healey, Executive Director, PPC
Willie L. Brown, Jr., PPC Staff
Linda Fisher, PPC Staff
Christopher M. Mettler, PPC Staff
Larry S. Pflueger, PPC Staff
Michael Schoderbock, PPC Staff
Carolyn Shoemaker, PPC Staff
Jewel White Cole, Managing Assistant County Attorney
Other interested individuals
Tammy L. Burgess, Deputy Clerk

AGENDA

- I. CALL TO ORDER
 - A. Invocation and Pledge
 - B. Identification of Members Present

- II. CONSENT AGENDA
 - A. Minutes of April 15, 2009 Meeting
 - B. Financial Statement for April 2009
 - C. Countywide Planning Authority (CPA) Actions – May 2009
 - D. Annexation Report – March 2009 (corrected) and April 2009
 - E. Preliminary June 2009 Agenda
 - F. Correspondence

- III. PUBLIC HEARING – To begin at 1:00 P.M. or as soon thereafter as agenda permits
 - A. Public Hearing Format Announcement and Oath
 - B. Proposed Amendments to the Countywide Future Land Use Plan
 - Group 1: Subthreshold Amendments
 - 1. Case CW 09-08: City of Clearwater
 - 2. Case CW 09-10: Pinellas County
 - 3. Case CW 09-11: Pinellas County
 - 4. Case CW 09-12: Pinellas County
 - Group 2: Regular Amendments
 - 5. Case CW 09-09: City of Dunedin
 - 6. Case CW 09-13: Pinellas County

- IV. REPORTS/OTHER ACTION
 - A. Annexation Report – Quarterly Summary, Second Quarter FY 2008-09
 - B. Local Assistance – Quarterly Summary, Second Quarter FY 2008-09
 - C. 2009 Regular Legislative Session Wrap Up
 - D. PPC Newsletter – Preliminary Draft
 - E. Survey of Cities Re: Council Assistance – Follow-Up

- V. EXECUTIVE DIRECTOR ITEMS
 - A. Consistency Follow-Up Actions, Including:
 - 1. Letters to Local Jurisdictions – Draft
 - 2. Local Ordinance Amendment Language – Draft
 - 3. Updated Determination of Consistency - Draft
 - B. Work Program and Budget for FY 2009-10 – Discussion Outline
 - C. Verbal Reports

- VI. OTHER COUNCIL BUSINESS
 - A. Chairman/Member Items

- VII. ADJOURNMENT

CALL TO ORDER

Chairman Billiris called the meeting to order at 1:08 P.M.

INVOCATION AND PLEDGE

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

IDENTIFICATION OF MEMBERS PRESENT

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

CONSENT AGENDA – APPROVED

Chairman Billiris presented the Consent Agenda items, as follows:

- A. Minutes of April 15, 2009 Meeting
- B. Financial Statement for April 2009
- C. Countywide Planning Authority (CPA) Actions – May 2009
- D. Annexation Report – March 2009 (corrected) and April 2009
- E. Preliminary June 2009 Agenda
- F. Correspondence

Mayor Gerard moved, seconded by Councilmember Doran and carried, that the Consent Agenda items 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

GROUP 1: SUBTHRESHOLD AMENDMENTS

PUBLIC HEARING: CASE CW 09-08, PROPOSAL BY THE CITY OF CLEARWATER TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL/OFFICE GENERAL (R/OG) TO INSTITUTIONAL (I) – APPROVED

Pursuant to legal notice published in the May 4, 2009 issue of the *St. Petersburg Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 09-08, a proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from R/OG to I, re 1.3 acres m.o.l., located at 300 and 303 Pinellas Street, 323 Jeffords Street, and a parcel located on the east side of Reynolds Avenue approximately 250 feet north of Pinellas Street.

Mr. Healey indicated that Case CW 09-08 qualifies as a subthreshold amendment; that the request entails three separate parcels; and that all of the map amendment areas are internal to the Morton Plant Hospital campus, have common ownership, and do not directly abut adjoining uses outside of the hospital's boundaries; whereupon, he noted that the City of Clearwater failed to include ordinances for the subject property in its 1995 application to the Florida Department of Community Affairs (DCA) and the PPC, which included the surrounding property. He further indicated that the three subject parcels include developed areas consisting of an existing parking lot and landscaped area (0.63 acre) and a retention pond (0.55 acre); that a portion of the larger lot (0.15 acre) is proposed for a 50,000 square-foot medical facility building; and that the proposed land use is consistent with the surrounding uses, noting that the Institutional designation allows primary uses such as hospitals, medical clinics, and emergency medical uses; whereupon, Mr. Healey indicated that staff recommends approval of Case CW 09-08.

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

Chairman Billiris noted that the Planners Advisory Council (PAC) voted 12 to 0 to approve the subthreshold amendment.

Commissioner Morroni moved, seconded by Councilmember Doran and carried, that Case CW 09-08 be approved as recommended by staff (Vote 12-0).

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PUBLIC HEARING: CASE CW 09-10, PROPOSAL BY PINELLAS COUNTY TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM COMMERCIAL NEIGHBORHOOD (CN) TO RESIDENTIAL LOW (RL) – APPROVED

Pursuant to legal notice published in the May 4, 2009 issue of the *St. Petersburg Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 09-10, a proposal by Pinellas County to amend the Countywide Future Land Use Plan from CN to RL, re 0.9 acre m.o.l., located at 1202, 1263, and 1325 Gooden Crossing.

Mr. Healey indicated that Case CW 09-10 qualifies as a subthreshold amendment; that the request entails three parcels; that the existing land uses are single-family residential; that the proposed RL category recognizes the current and proposed uses of the amendment areas; that the parcel located at 1263 Gooden Crossing contains a vacant commercial building that is owned by Pinellas County Community Development; that the remaining two parcels are privately owned and contain single-family dwellings; and that the predominant land use category surrounding the subject area is RL; whereupon, Mr. Healey indicated that staff recommends approval of Case CW 09-10.

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

Chairman Billiris noted that the Planners Advisory Council (PAC) voted 12 to 0 to approve the subthreshold amendment.

Commissioner Morroni moved, seconded by Councilmember Doran and carried, that Case CW 09-10 be approved as recommended by staff (Vote 12-0).

PUBLIC HEARING: CASE CW 09-11, PROPOSAL BY PINELLAS COUNTY TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM COMMERCIAL NEIGHBORHOOD (CN), RESIDENTIAL LOW (RL), AND RECREATION/OPEN SPACE (R/OS) TO RESIDENTIAL LOW AND RECREATION/OPEN SPACE – APPROVED, INCLUSIVE OF SEPARATE AND ADDITIONAL RECOMMENDATION

Pursuant to legal notice published in the May 4, 2009 issue of the *St. Petersburg Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 09-11, a proposal by Pinellas County to amend the Countywide Future Land Use Plan from CN, RL, and R/OS to RL and R/OS, re several parcels of land containing 4.3 acres m.o.l., located north of Wilcox Road between Pine Street Southwest and Jackson Street.

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Mr. Healey indicated that Case CW 09-11 qualifies as a subthreshold amendment; that the County wishes to exclude commercial and multi-family uses from the area and encourage single-family development in an effort to preserve the character and integrity of the Greater Ridgecrest Area, which includes the Dansville and Baskins Subdivisions; that the County's application in its entirety seeks to reclassify the zoning and land use designations on 20 parcels and 13.51 acres of land; and that the PPC staff only reviewed the six amendments requiring Countywide Plan Map amendments, noting that the remaining 14 amendments are proposed changes to the County's zoning atlas and do not involve amendments to the Countywide Plan Map. He further indicated that a large retention pond (approximately 5.0 acres) is being added to the R/OS designation; whereupon, Mr. Healey indicated that staff recommends approval of Case CW 09-11; and that staff also recommends that the County consider putting the retention pond in the Water/Drainage Feature category, which would be the appropriate designation, within one year and submit an application for amendment to the Countywide Plan Map.

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

Chairman Billiris noted that the Planners Advisory Council (PAC) voted 12 to 0 to approve the subthreshold amendment.

Commissioner Morroni moved, seconded by Councilmember Doran and carried, that Case CW 09-11 be approved as recommended by staff (Vote 12-0).

PUBLIC HEARING: CASE CW 09-12, PROPOSAL BY PINELLAS COUNTY TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN (RU) AND COMMERCIAL NEIGHBORHOOD (CN) TO INDUSTRIAL LIMITED – APPROVED

Pursuant to legal notice published in the May 4, 2009 issue of the *St. Petersburg Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 09-12, a proposal by Pinellas County to amend the Countywide Future Land Use Plan from RU and CN to IL, re 0.9 acre m.o.l., located at 6289 150th Avenue North and 15092, 15098, and 15110 63rd Street North.

Mr. Healey indicated that Case CW 09-12 qualifies as a subthreshold amendment; that the request is a follow-up to direction given to County staff to study the area to bring forth appropriate recommendations for a map amendment for the subject site; and that the amendment will recognize the industrial nature of the surrounding area. He described the existing uses of the subject properties for Cases CW 09-12 and CW 09-13, and indicated that the request is being

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submitted in conjunction with Case CW 09-13, which is also a proposed reclassification to IL and is located east of the subject property across 63rd Street North; that a previous amendment (CW 08-46) to IL in the area was completed in December 2008; and that, combined, the two cases recognize a significant change in character of the surrounding area from its single-family beginnings, noting that although the amendments are inconsistent with the single-family uses occupying the site, the property owners are supportive of the change to IL; whereupon, Mr. Healey indicated that staff recommends approval of Case CW 09-12.

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

Chairman Billiris noted that the Planners Advisory Council (PAC) voted 12 to 0 to approve the subthreshold amendment.

Commissioner Morroni moved, seconded by Councilmember Doran and carried, that Case CW 09-12 be approved as recommended by staff (Vote 12-0).

GROUP 2: REGULAR AMENDMENTS

PUBLIC HEARING: CASE CW 09-13, PROPOSAL BY PINELLAS COUNTY TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN (RU) TO INDUSTRIAL LIMITED (IL) – APPROVED

Pursuant to legal notice published in the May 4, 2009 issue of the *St. Petersburg Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 09-13, a proposal by Pinellas County to amend the Countywide Future Land Use Plan from RU to IL, re 2.0 acres m.o.l., located at 15122 and 15123 63rd Street North and 15090 62nd Street North.

Deviating from the agenda, Mr. Healey suggested that Case CW 09-13 be heard at this time, as it is a companion item to Case CW 09-12; whereupon, Chairman Billiris queried the Board for its consensus, and no objections were noted.

Mr. Brown indicated that the requested amendment seeks to recognize the industrial nature of the surrounding area by reclassifying the subject properties to IL; and that the site consists of two separate amendment areas, the northern parcel and the southern parcel, noting that the area is separated by residential parcels designated RU. He described the existing uses on the amendment areas and related that all of the uses are currently non-conforming under the RU category; and that the predominant land use surrounding the site is IL; and noted that the

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adjacent parcel farther to the north and west is a vacant area located in the City of Largo and is designated IL.

Referring to the Future Land Use Map, Mr. Brown identified the areas previously amended to IL under Case CW 08-46 and indicated that the subject request is a companion item to the subthreshold amendment approved under Case CW 09-12; whereupon, he described the surrounding area and noted that the amendment area is not directly located on a roadway with a Level of Service "D" or in a Coastal High Hazard Area (CHHA); and related that staff recommends approval of the amendment.

Chairman Billiris noted that the PAC voted 12 to 0 to approve the amendment.

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

Responding to queries by the members, John Cueva, Planning Department Zoning Manager, indicated that the amendment would bring the areas in conformance; that a sign was posted on the subject property and notices were sent via certified mail to the surrounding property owners, including the two single-family residences that have been surrounded by industrial uses for many years; and that no responses were received; whereupon, he noted that a review of the tax rolls indicates that there may be some kind of tie-in with the families working at the industrial sites and may explain why the residents did not respond to the notices.

Commissioner Morroni moved, seconded by Councilmember Bradbury and carried, that Case CW 09-13 be approved as recommended by staff (Vote 12-0).

PUBLIC HEARING: CASE CW 09-09, PROPOSAL BY THE CITY OF DUNEDIN TO AMEND THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN (RU) TO RESORT FACILITIES MEDIUM (RFM) – APPROVED SUBJECT TO THE ACCOMPANYING DEVELOPMENT AGREEMENT AND AN EXCEPTION TO THE SCENIC/NON-COMMERCIAL CORRIDOR UNIQUE/SCENIC VIEW SUBCLASSIFICATION FOR THE PORTION OF EDGEWATER DRIVE THAT SERVES THE SITE – APPROVED

Pursuant to legal notice published in the May 4, 2009 issue of the *St. Petersburg Times* as evidenced by affidavit of publication filed with the Clerk, public hearing was held on Case CW 09-09, a proposal by the City of Dunedin to amend the Countywide Future Land Use Plan from RU to RFM, re 5.3 acres m.o.l., located at 453 Edgewater Drive (Alternate U.S. Highway 19).

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Mr. Brown indicated that the developer seeks to re-establish the Fenway on the Bay Resort Hotel as a condominium/hotel, selling some of the units as condominiums and renting the remainder of the rooms as hotel rooms; and that the site's uniqueness is its proximity to St. Joseph's Sound and the fact that a hotel was previously on the site. He related that the most recent uses of the site were Institutional; and that Institutional uses will no longer be encouraged on the site due to the incompatibility with the surrounding uses; whereupon, he described the surrounding uses.

Mr. Brown indicated that the entire Edgewater Drive (Alternate U.S. Highway 19) corridor is designated a Unique/Scenic View; that an exception from the Scenic Non-Commercial Corridor Unique/Scenic View sub-classification to Enhancement Connector is required in order to grant hotel use under the RFM category; and that the Enhancement Connector sub-classification allows a wide variety of uses, but that the size and configuration of the proposed amendment area is "de minimus" compared to the overall length of the Scenic Non-Commercial Corridor along Edgewater Drive (Alternate U.S. Highway 19). He related that the main purpose of the corridor is to protect the views facing St. Joseph's Sound; whereupon, he noted that there are no existing or proposed uses on the subject property that would obstruct the view; and stated that an exception to the Scenic Non-Commercial Corridor sub-classification to allow the RFM category is recommended.

Mr. Brown related that the site will consist of uses complementary of the hotel/condominium units, noting that the accompanying development agreement limits use of the site to hotel/condominium uses; whereupon, he described the limitations on building space, guest rooms, and maximum dwelling units per acre allowed under the development agreement. He indicated that a six-foot wall surrounding the site will buffer any unwanted noise and/or visual nuisances from the adjacent residential uses; that restoration of the courtyards, shutters, awnings, porch roofs, eaves, and stucco exteriors will give the building and site a more residential appeal than the previous Institutional uses; that the site will not negatively impact a roadway with a Level of Service below "D"; and that although a portion of the site is located in a CHHA, there are no existing or proposed structures within the CHHA boundaries; whereupon, he identified the CHHA boundaries and the Scenic Non-Commercial Corridor.

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

Commissioner Carson indicated that he believes Schiller University occupied the site from 1990 to 2006, not from 1990 to 1996 as indicated in the back-up documentation; that the City of Dunedin voted 5 to 0 to approve the project prior to his election; and that there were a few naysayers from the neighborhood, but that after he and the developer spoke with the citizens,

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a vast majority are supportive of the project; whereupon, he related that he is supportive of the project.

Chairman Billiris noted that the PAC voted 12 to 0 to approve the amendment.

Responding to queries by the members, Matthew Campbell, City of Dunedin Assistant Director of Planning and Development, related that the developer plans to restore the existing original structure and construct two wings on the western portion, or the front, of the building, noting that the new construction will be done in accordance with the Florida Building Code guidelines for new structures. He stated that the development will observe a 70-foot front yard setback within the area off Edgewater Drive (Alternate U.S. Highway 19), which exceeds the required 25-foot front yard setback allowed under the underlying R-60 zoning category, with the Resort Single-Family Overlay for the historic portion.

In response to query by Vice-Mayor Bandoni, Mr. Campbell indicated that parking was negotiated to 1.2 spaces per hotel room, above and beyond the minimum standard of one parking space per hotel room, during the development agreement process; that the site can accommodate 100 percent of the parking; that the developer has secured an off-site parking lot for employee parking, which will provide up to 90 parking spaces; and that the developer has provided a lease agreement to the City of Dunedin that would run with the use, as dictated by the hotel, if needed, noting that the zoning would revert to Residential in the event the project does not go forward.

Vice-Chairman Knight moved, seconded by Commissioner Oddo, that Case CW 09-09 be approved as recommended by staff.

Mr. Healey explained that approval of an amendment subject to a development agreement does not preclude the requirement to meet all other permitting requirements, if any; and indicated that the developer has provided specific provisions in the development agreement for approval by the Water and Navigation Authority of any dock that may be approved

Upon call for the vote, the motion carried unanimously (Vote 12-0).

REPORTS AND OTHER ACTION

- A. Annexation Report – Quarterly Summary, Second Quarter Fiscal Year (FY) 2008/09 – Received/Discussed

Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, Mr. Schoderbock indicated that from January 1, 2009 through March 31,

2009, voluntary annexations consisted of 79.43 acres of land and a total of \$16,157,886 in taxable value; and that approximately 20 percent of the annexations, 15.91 acres, helped to eliminate or reduce enclaves.

Displaying graphs showing historical data for the past eight years, Mr. Schoderbock noted that annexations are occurring at a slower pace than in previous years; and that annexations occurring in enclaves are running on average compared to prior years.

Mr. Schoderbock related that during the second quarter of FY08-09, the referendum annexation for the East Lake area, conducted by the City of Oldsmar, failed; and that there were no other involuntary annexations; whereupon, Chairman Billiris noted that the majority of annexations in the County are voluntary; and that there is not a campaign of involuntary annexations occurring.

B. Local Assistance – Quarterly Summary, Second Quarter Fiscal Year (FY) 2008/09 – Received/Discussed

Mr. Pflueger reported that PPC staff has concluded its work with eight communities on their Evaluation and Appraisal Report (EAR) -based amendments; and indicated that the project was successful, as all of the reports were determined to be sufficient and the Department of Community Affairs determined all of the amendments to be in compliance; whereupon, he discussed the workshops conducted to inform the local governments within the County of the various processes involved with the EAR-based amendments and the development of data guidelines published on the Council's website for use by all jurisdictions throughout the State of Florida.

Mr. Pflueger elaborated on the assistance provided to the City of Dunedin for its Patricia Avenue and Douglas Avenue corridor studies, to the City of Largo for its West Bay Drive Commercial Redevelopment District Plan update, and to Madeira Beach to finalize the Special Area Plan pertaining to the "Town Center." He referenced the older Interlocal Agreements with the nine communities in the County, which include assistance with the municipality's zoning maps, and indicated that letters have been sent to the nine communities explaining the PPC's new mapping capabilities and seeking feedback relating to the communities' desire for the PPC to continue housing the zoning data and producing the zoning maps; and that all of the communities have replied in the affirmative; whereupon, he provided an overview of the process going forward.

In response to query by Vice-Chairman Knight regarding the success of all of the communities with EAR responsibilities, including the communities that staff did not work with, Mr. Pflueger indicated that some of the communities did not achieve success on the first attempt.

C. 2009 Regular Legislative Session Wrap Up – Received/Discussed

Mr. Pflueger related that the regular Florida legislative session ended on May 1, 2009; and that 235 of the 2,065 bills filed passed both houses; that Senate Bill (SB) 360, the “Community Renewal Act” was submitted to the Governor last week; and that the Governor has until June 2, 2009 to take action on the bill.

Mr. Pflueger stated that SB360 has been criticized because it relieves developers from a lot of responsibility for providing transportation infrastructure for developments; that it has been applauded because there are positive provisions for development and redevelopment within dense urban areas, such as Pinellas County; and that the proposed answer to the criticisms is the imposition of a mobility fee, noting that no laws, rules, or methodology have been created for the fee; that there are lots of questions regarding when the bill takes effect, what the mobility fee is, and if the concurrency management systems will go away or remain in effect until the new legislation is passed next year. He indicated that the bill changes the requirement for local governments to be financially feasible for their capital improvement elements to December 1, 2011, instead of December 1, 2009; and that, with certain exceptions, the bill extends and renews permits and development orders with expiration dates between September 1, 2008 and January 1, 2012 for two years; whereupon, he noted that the bill is confusing; and that it is tied to the economic situation.

Mr. Healey related that he spoke with Metropolitan Planning Organization (MPO) Executive Director Brian K. Smith; and that he and Mr. Smith have agreed to meet to try to determine the meaning of the bill with respect to the potential removal of concurrency management, the deadline for the report to the Legislature in December 2009, and what happens in the interim. He indicated that the Council’s transportation consultant, who is one of the foremost experts on concurrency, is uncertain of the answers; whereupon, he stated that a webcast conversation with DCA Secretary Thomas G. Pelham is scheduled for tomorrow that will hopefully provide some answers and clarification; and that staff will bring back the interpretations of what the bill means at the next meeting, provided the bill becomes law by June 2, 2009.

D. PPC Newsletter – Preliminary Draft – Received/Discussed/Authorized Printing and Distribution

Ms. Fisher provided an overview of the articles contained in the Spring 2009 draft edition of the *PPC News*, a copy of which has been filed and made a part of the record; whereupon, following a brief discussion, no objections were noted as to staff proceeding with the printing and distribution of the newsletter.

E. Survey of Cities Re: Council Assistance – Follow Up – Received/Discussed

Ms. Fisher provided information relating to the Council's request that a survey be sent to the local jurisdictions soliciting their interest in receiving local assistance services from the PPC within the next two years and stated that the purpose of the survey was to help the Council make decisions regarding its upcoming work program and how the PPC can provide local assistance services as effectively and efficiently as possible. She outlined the different kinds of local assistance available, and noted that the different types of assistance were included in the survey; whereupon, she outlined the responses received from the jurisdictions, including the types of services requested most by the jurisdictions, noting that the two biggest topics of concern were Special Area Plans (SAP) and other redevelopment strategies.

Ms. Fisher related that coordination of Special Area Plans (SAP) is part of the comprehensive requirement to implement the Countywide Future Land Use Plan, which is a mandatory part of the work program under the Special Act; that currently coordination includes review, approval, and tracking of the plans; that should Council choose to make creating SAP a priority, coordination would be the appropriate place in the work program to do so; that monitoring state legislation falls under the category of Plan Coordination, which is largely legally mandatory or essential to the PPC mission; and that other types of direct assistance fall under the General Local Government Assistance heading, which may or may not be essential to the PPC mission depending on the type of project.

In summary, Ms. Fisher stated that the survey results suggest some priorities that could be incorporated into the work program, primarily focusing on countywide studies that could help as many local governments as possible at one time, which could also include a model or how-to guide for SAP, model ordinances to help local governments implement various redevelopment strategies that are enabled by the Countywide Plan and Rules, and model Comprehensive Plan amendment language to meet new state growth management requirements. She indicated that staff will follow up with the local governments who have expressed an interest in receiving direct assistance from the PPC to ascertain the genuine interest in contracting for the services and will determine if the PPC staff has the time and capabilities to provide the assistance; whereupon, she related that staff is seeking Council's input and direction.

EXECUTIVE DIRECTOR ITEMS

- A. Consistency Follow-Up Actions, Including (1) Letters to Local Jurisdictions – Draft; (2) Local Ordinance Amendment Language – Draft; and (3) Updated Determination of Consistency – Draft – Received/Discussed/Provided Direction

Mr. Healey related that the information provided is a follow-up to the Council's ongoing discussions regarding consistency; that staff has developed three documents for the Council's review; and that with the Council's concurrence, staff will proceed to the next steps.

Mr. Mettler indicated that PPC staff has drafted two letters, a local ordinance statement, and a resolution, and is requesting discussion and direction from the Council. He stated that staff is preparing to distribute letters to the local governments itemizing any remaining issues to be resolved from the outstanding issues identified in the Consistency Report; that the letters indicate that staff is preparing to issue updated Determinations of Consistency, and invites the local governments that receive the letter to provide comments; that the draft resolution indicates that the local government's plan map and code have been found to be consistent, contingent upon resolution of any outstanding items within one year of the date of the resolution, and indicates that staff will be reviewing the local plans, maps, and codes every five years for consistency with the Countywide Rules; and that the draft statement, which was prepared in conjunction with legal staff, is recommended to be included in the local government ordinances that amend the plans, maps, or codes for the purpose of reminding the local governments of the requirement to be consistent with the Countywide Rules; whereupon, he referenced copies of the draft documents, copies of which have been filed and made a part of the record, and noted that the proposed resolution indicates that a letter will be sent by the PPC Chairman to the elected official of the local government, upon satisfactory completion of any required amendments, attesting to the satisfactory completion; and that the official copy will be maintained by the Council.

Chairman Billiris related that PAC voted 12 to 0 to approve the documents, which included the recommendation of five-year intervals for review.

Responding to queries by Vice-Chairman Knight, Mr. Mettler indicated that four communities will receive draft one of the letter, which indicates that all of the outstanding issues have been resolved; and that there are still several communities with outstanding issues; whereupon, Mr. Healey related that consistency is a moving target; and that the intent is to send out the letters enumerating the outstanding issues to be resolved, give the communities a month to either resolve the issues or to provide their position on the issues, and then staff will bring the determination before the Council with an agreement on what remains to be done, noting that the communities would have a year from the date of the resolution to resolve the outstanding issues.

Councilmember Bradbury moved, seconded by Mayor Gerard and carried, that staff be authorized to proceed with the steps discussed (Vote 12 to 0); whereupon, in response to Mr. Healey's request for clarification, Chairman Billiris stated that it is the Council's consensus that the vote encompassed all three issues under the Executive Director's Items.

B. Work Program and Budget for Fiscal Year 2009/10 – Discussion Outline – Received/Discussed/Provided Direction

Referring to the Fiscal Year 2009-10 work program, Mr. Healey indicated that at the April meeting a preliminary draft outline of the annual work program for Fiscal Year 2009-10 was provided and discussed; and noted that no changes have been made to the outline. He related that at the direction of Council he met with the County Administrator; and that it was generally agreed that there is an interest and opportunity, after the FY10 budget process is complete, to examine whether there are alternatives to the current planning model or structure that might enhance its effectiveness and efficiency, noting that the budget outcome will have implications to the current structure and operations; whereupon, Mr. Healey stated that, with the Council's concurrence, the matter will be revisited after October 1, 2009, and no objections were noted.

Referring to the Fiscal Year 2009-10 budget, Mr. Healey indicated that at the March and April meetings a preliminary budget outline for Fiscal Year 2009-10 was provided; and that no changes have been made to the outline as staff is still awaiting definitive information on property values from the Property Appraiser's office, which are expected within the next few days.

Mr. Healey indicated that the preliminary budget outline was discussed with the BCC during its May 12 budget workshop, noting that copies of the agenda, materials reviewed with the BCC, and the materials provided through the Office of Management and Budget (OMB) and shared with the Council at the April meeting are contained in the back-up packet. He noted that the budget discussion reflected that the PPC's prior six years' budgets increased a little less than three percent annually; and that the millage rate was reduced approximately 24 percent or an average of a little less than five percent annually.

Mr. Healey indicated that staff continues to review budget refinements and options; whereupon, he provided input regarding budgeting a portion of the cash balance in the PPC fund, available as of September 30, 2008 in the audit, as revenue for FY10 and potentially FY11, to be allocated incrementally and in a conservative fashion, and potentially reducing the millage rate by a token amount.

Discussion ensued regarding the impact on the reserves if the millage rate is reduced and utilizing the fund balance in increments to allow the millage rate to remain the same. In response to comments and queries by the members, Mr. Healey indicated that, while there is an ample fund balance, the reserves in the budget have typically been in the seven to eight percent range; and that bringing part of the fund balance into the budget and placing it in reserves will increase the reserves to the desired 12 to 15 percent range; whereupon, Vice-Chairman Knight confirmed that reserves are a budgeted item and the fund balance is a carryover representing the under expenditure in a given year.

Chairman Billiris expressed her concerns with the effectiveness of reducing the millage rate by a token amount, and in response to queries by the members, Mr. Healey stated that a 3.5 percent millage reduction would amount to a savings of approximately ten cents per household; and that adding the additional savings from reducing the millage rate to the reserve cash balance would be an option; whereupon, Councilmember Kennedy opined that reducing the millage rate results in an insignificant amount saved by homeowners; whereupon, he moved, seconded by Mayor Ronecker, that the millage rate remain at its current rate; and that a portion of the cash balance be incrementally added to the budget to build the reserves.

Responding to queries by Commissioner Morroni, Mr. Healey related that the fund balance as of September 30, 2008 was \$977,888; and that the reserve balance is currently \$106,400. Commissioner Morroni indicated that the reserves are at approximately one-half of the desired 15 percent; and confirmed that the motion being voted on is that the savings from leaving the millage rate at its current level will be put into the reserve to help build the balance.

Upon call for the vote, the motion carried unanimously (Vote 12 to 0).

Thereupon, Mr. Healey indicated that staff will prepare a final draft of the work program and the budget for the Council's review and direction.

C. Verbal Reports – None.

OTHER COUNCIL BUSINESS

A. Chairman/Member Items

1. Chairman Billiris related that the August PPC meeting has been cancelled, and no objections were noted.
2. Chairman Billiris stated that she will not be present at the July PPC meeting; and that Vice-Chairman Knight will chair the meeting.
3. Commissioner Morroni stated that he will not be present at the June PPC meeting.

May 20, 2009

ADJOURNMENT

There being no further business, the meeting was adjourned at 2:20 P.M.

Chairman