

Pinellas County

*315 Court Street
Clearwater, FL 33756*



Minutes - Final

Tuesday, December 13, 2022

2:00 P.M.

**Hybrid In-Person and Virtual Regular Meeting,
Public Hearings at 6:00 P.M.**

Board of County Commissioners

Charlie Justice, Chairman

Janet C. Long, Vice-Chair

Dave Eggers

Rene Flowers

Chris Latvala

Kathleen Peters

Brian Scott

ROLL CALL- 2:00 P.M.

Present: 7 - Chairman Charlie Justice, Vice-Chair Janet C. Long, Dave Eggers, Kathleen Peters, Rene Flowers, Chris Latvala, and Brian Scott

Others Present: Barry Burton, County Administrator; Derelynn Revie, Board Records Manager; and Sarah Rathke, Board Reporter, Deputy Clerk

INVOCATION by Rabbi Joshua Lobel, Temple B'nai Israel, Clearwater.

PLEDGE OF ALLEGIANCE

PRESENTATIONS AND AWARDS

1. Tampa Bay Community Water Wise Awards:
 - Doris Heitzmann, Florida-Friendly Landscaping Program Coordinator, Pinellas County Extension
 - Deborah and Daniel Rothenberger, St. Pete Beach

Chairman Justice recognized Mr. and Mrs. Rothenberger for leading the way in outdoor water conservation and introduced photographs highlighting the urban oasis they created with landscaping on their property; whereupon, he presented them with the award.

CITIZENS TO BE HEARD

2. Citizens To Be Heard - Public Comment.

Greg Pound, Largo
David Ballard Geddis, Jr., Palm Harbor
Tom Rask, no address given

CONSENT AGENDA - Items 3 through 19

A motion was made by Vice-Chair Long, seconded by Commissioner Flowers, that the Consent Agenda items be approved. The motion carried by the following vote:

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

3. Minutes of the regular meetings held September 8 and 23, 2022.

The item was approved as part of the Consent Agenda.

4. Vouchers and bills paid from October 16 through November 12, 2022.Period October 16 - 22, 2022

Accounts Payable - \$10,640,281.30

Payroll - None

Period October 23 - 29, 2022

Accounts Payable - \$24,332,846.39

Payroll - \$4,637,978.67

Period October 30 - November 5, 2022

Accounts Payable - \$64,842,622.62

Payroll - \$19,846.23

Period November 6 - 12, 2022

Accounts Payable - \$10,848,365.97

Payroll - \$4,245,012.44

The item was approved as part of the Consent Agenda.

Reports received for filing:

- 5. Dock Fee Report for the month of October 2022.
The item was approved as part of the Consent Agenda.**
- 6. State of Florida Constitutional Officer Financial Report for 2021-2022 - Pinellas County Clerk of the Circuit Court and Comptroller, pursuant to Section 218.36, Florida Statutes.
The item was approved as part of the Consent Agenda.**
- 7. State of Florida Constitutional Officer Financial Report for 2021-2022 - Pinellas County Property Appraiser, pursuant to Section 218.36, Florida Statutes.
The item was approved as part of the Consent Agenda.**
- 8. State of Florida Constitutional Officer Financial Report for 2021-2022 - Pinellas County Sheriff, pursuant to Section 218.36, Florida Statutes.
The item was approved as part of the Consent Agenda.**
- 9. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2022-18 dated November 1, 2022 - Follow-up Audit of the Observation of Public Works Mosquito Control's 2021 Annual Physical Inventory of Fixed Assets.
The item was approved as part of the Consent Agenda.**
- 10. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2022-19 dated November 10, 2022 - Follow-up Investigation of Public Works Outside Employment and Procurement Practices.
The item was approved as part of the Consent Agenda.**

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

11. Award of bid with Geyen Group South, Inc. for carpet maintenance cleaning services.

Contract No. 22-0574-B awarded in the annual amount of \$322,026.41 for a 36-month term total of \$966,079.23 on the basis of being the lowest responsive, responsible bid received.

The item was approved as part of the Consent Agenda.

County Administrator

12. Receipt and file report of non-procurement items delegated to the County Administrator for the period ending November 23, 2022.

The item was approved as part of the Consent Agenda.

Human Services

13. Award of contract to LifeLine Mobile Inc. for the purchase of a 45-foot mobile medical unit.

Contract No. 21-0594-P for a one-time purchase in an amount not to exceed \$601,985.00.

The item was approved as part of the Consent Agenda.

Public Works

14. Award of bid to Vector Disease Control International, LLC for emergency aerial mosquito insecticide application services.

Contract No. 22-0668-B awarded in a total amount not to exceed \$552,000.00 for a term of twenty-four months with an average annual expenditure of \$276,000.000 on the basis of being the lowest responsive, responsible bid received. The contract replaces a prior contract expiring on January 8, 2023.

The item was approved as part of the Consent Agenda.

Safety and Emergency Services

15. Ranking of firms and agreement with Gulfstream Outsourcing and Specialized Billing, LLC to provide ambulance transports liability claims processing.

(Contract No. 22-0429-P) Ranking of firms and agreement approved; net revenue in the amount of \$6,727,272.00 is projected over a five-year contract period based on a projected gross revenue of \$8,207,272.00 and contingency fees, as outlined in the Staff Report.

The item was approved as part of the Consent Agenda.

Utilities

16. Award of bid to Strut Mechanical, Inc. for HVAC preventative maintenance, repairs and equipment replacements.

Contract No. 22-0681-B in the estimated annual expenditure of \$1,093,660.00 with a 36-month expenditure not to exceed \$3,280,980.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications. The contract will replace a former contract awarded on December 2, 2017.

The item was approved as part of the Consent Agenda.

17. Award of bid to Test Gauge FL LLC d/b/a Test Gauge, Inc. and Ferguson Enterprises, Inc. d/b/a Ferguson Waterworks for backflow prevention assemblies and parts for groups 1, 2, and 4.

Contract No. 22-0562-B awarded to the lowest responsive, responsible bidders for a 36-month duration in the total estimated amount of \$6,783,847.91 (\$5,543,256.26 to Test Gauge, Inc. for groups 1 and 2; \$1,240,591.65 to Ferguson Waterworks for group 4, as outlined in the Staff Report). The contract replaces two prior contracts, which expired on August 8, 2022.

The item was approved as part of the Consent Agenda.

COUNTY ATTORNEY

18. Receipt and file report of civil lawsuits filed against Pinellas County as delegated to the County Attorney.

The item was approved as part of the Consent Agenda.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Countywide Planning Authority

19. Countywide Plan Map - 2022 Annual Update

Resolution 22-107 adopted accepting the amended Countywide Plan Map and directing that it be filed with the Clerk of the Board of County Commissioners as the official Countywide Plan Map, as recommended by Forward Pinellas, in its role as the Pinellas Planning Council.

The item was approved as part of the Consent Agenda.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

- 20.** Declare surplus and authorize the sale or donation of miscellaneous County-owned equipment.

Item was deferred to a later date.

Airport

- 21.** Award of contract to Marine Max, Inc. to lease the property owned by the St. Pete-Clearwater International Airport.

Contract No. 22-0066-RN approved in the annual revenue amount of \$248,987.40 for a lease term of 50 calendar years with annual rental rate increases after the initial five-year lease term and scaled rental payment schedule, as outlined in the Staff Report, following negotiations with the one responsive and responsible vendor.

Mr. Burton noted that the contract presents an exciting opportunity for improving the property formerly known as The Turtle Club, and St. Pete-Clearwater International Airport Director Thomas Jewsbury expressed his support and enthusiasm for the project and the partnership with MarineMax, Inc. and Intrepid Powerboats.

Ken Clinton, Intrepid Powerboats, indicated that Intrepid aspires to build large vessels at a new facility that would be developed at the Airport property to meet customer demand, noting that 300 jobs will be added as a result. Samuel Lowrey, MarineMax, thanked the County for the local business and employment expansion opportunity; whereupon, the members congratulated and thanked the partners.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

County Administrator

- 22.** Florida Dream Center Pantry to Life Project Fiscal Year 2023 Municipal Services Taxing Unit funding request

Funding request approved in the amount not to exceed \$20,000.00.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Economic Development

23. Covenant of Purpose, Use, and Ownership between Pinellas County and the U.S. Economic Development Administration.

Covenant approved, providing the U.S. Economic Development Administration (EDA) a security interest in the Tampa Bay Innovation Center Incubator project property, as part of a condition of the EDA grant award for the project.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Housing & Community Development

24. Resolution approving the Affordable Housing Advisory Committee Report related to the State Housing Initiatives Partnership Program Affordable Housing incentives.

Resolution No. 22-108 adopted approving the report and authorizing its submittal to the Florida Housing Finance Corporation.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Human Services

25. Contract with the State of Florida Department of Health for the operation of the Florida Department of Health in Pinellas County.

Contract approved for Fiscal Year 2023 in an amount not to exceed \$7,964,340.00 (the County's responsibility), generated by a dedicated millage rate of 0.0790 mills levied countywide. The State's appropriated responsibility not to exceed \$24,877,519.00.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

26. Funding recommendations for the Alcohol and Drug Abuse Trust Fund program and service agreement for non-profit agencies.

Funding recommendations by the Substance Abuse Advisory Board approved in the total amount of \$35,000.00, to be disbursed among six agencies, as outlined in the Staff Report. Trust Fund Grant Agreement with the listed agencies approved.

Commissioner Eggers expressed a concern related to the funding needs and distribution.

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

- Aye:** 6 - Chairman Justice, Vice-Chair Long, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott
- Nay:** 1 - Commissioner Eggers

Public Works

27. Change Order No. 2 to R.J.P. Enterprises, Inc. for the Sidewalk and Underdrain Replacement Program for Fiscal Years 2021-2023.

(Contract No. 21-0216-CP) Change order approved for an increase of \$700,000.00 for a new total amount of \$4,165,360.00.

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

- Aye:** 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

28. County Incentive Grant Program agreement with the Florida Department of Transportation and associated resolution for design of the Advanced Traffic Management System/Intelligent Transportation System project on State Road 590/Drew Street from Fort Harrison Road to State Road 55/U.S. Highway 19.

Resolution No. 22-109 adopted authorizing the BCC Chairman to execute and the Clerk to attest the agreement. Agreement approved (FDOT Financial Project No. 448511 1 34 01, County PID No. 004542A) for state funding in an amount not to exceed \$293,550.00, which is the required 50% for project design (total design estimate, \$587,100.00). County match is \$293,550.00. Agreement term expires on July 23, 2025.

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

- Aye:** 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

29. Sub-recipient Grant Agreement and associated resolution with the Federal Emergency Management Agency through the Florida Division of Emergency Management for the Cross Bayou Watershed Management Plan update.

Resolution No. 22-110 adopted approving the agreement (Federal Award Identification No. FEMA-DR-4337-FL; FDEM Contract No. H0889) providing \$180,000.00 in grant funding (total contract amount, \$240,000.00), with a County match of \$60,000.00. Agreement term ends on September 30, 2023. County Administrator authorized to sign the agreement.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Safety and Emergency Services

30. Renewal of Certificates of Public Convenience and Necessity for Advanced Life Support providers.

Certificates renewed and issued to the providers as set forth in the Staff Report and in accordance with Pinellas County Code Section 54. Certificates will expire on December 31, 2023.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Business Technology Services

31. Second amendment to the purchase authorization agreement with CDW Government LLC for information technology solutions and services.

(Contract No. 21-0201-PB) Amendment approved for a \$950,000.00 increase to the contract amount for CDW Government LLC, with a contract total not-to-exceed amount of \$1,900,000.00 and a revised contract end date of February 28, 2025.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Emergency Medical Services Authority

32. Issuance of a Certificate of Public Convenience and Necessity to Sollavez Transportation, L.L.C. for provision of non-medical wheelchair transport services.

Sitting as the Emergency Medical Services Authority, certificate issued as set forth in the Staff Report. Certificate will expire on June 30, 2023.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

COUNTY ATTORNEY

33. Arbitration determination in the case of Pepper Contracting Services, Inc. v. Pinellas County; Circuit Civil Case No. 19-004558-CI-8 - claims arising from a work order contract.

Attorney White indicated that no action is needed at this time due to the court-ordered arbitration being unable to proceed on the scheduled date; and that the item will be returned to the Commissioners at a later date after that arbitration does, in fact, occur.

34. Proposed initiation of litigation in the case of Azeen Sarkhosh v. Hunter's Glen Condominium Association, Inc. et al; HUD Case No. 04-22-2195-8; PC Case No. 22-050 - alleged housing discrimination.

Initiation of litigation approved. Attorney White noted that the case was investigated by the County's Office of Human Rights.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

35. Proposed ratification of initiation of litigation in the case of Pinellas County v. Joseph Rippey; County Civil Case No. 22-008067-CO - petition for custody of cruelly or neglectfully treated animals.

Action taken by the County Attorney's Office with advance approval of the BCC Chairman is ratified.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

36. Proposed settlement in the case of Harold Petersen v. Pinellas County; Circuit Civil Case No. 22-004038-CI.

Proposed settlement approved in accordance with the confidential memorandum dated December 13, 2022.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

37. Public Official Bonds for Public Officers.

Public Official Bonds for Commissioners Eggers, Latvala, Peters, and Scott, in accordance with Chapter 137, Florida Statutes, approved.

Attorney White indicated that she is requesting approval of bonds for the four newly-elected Commissioners; that procurement of the public official bonds is a statutory obligation; and that the bond amounts were established by the Board through a resolution. She noted that it was not necessary to obtain a bond for Commissioner Flowers since there is one currently in place.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

38. Resolution designating the County Attorney as the official to accept service of process on behalf of Pinellas County and its Board of County Commissioners, as well as individual County Commissioners and the County Administrator, in their official capacities.

Resolution No. 22-111 adopted designating the County Attorney as the official agent to accept service of process as detailed in the Staff Report.

Attorney White noted that this is an update to a resolution adopted by the Board in 1990.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

39. County Attorney Reports. - None.

COUNTY ADMINISTRATOR

- 40. County Administrator Reports. - None.

COUNTY COMMISSION

- 41. Appointments to the Feather Sound Community Services District, Inc. (Individual appointments by Commissioners Long, Justice, Eggers, Peters, and Flowers).

Chairman Justice indicated that the reappointment by Commissioner Peters is removed from consideration.

Individual appointment of Jessica Hooper and three reappointments of Anne Pollack, Marshall Deason, and Nicholas Pfeifer approved for one-year terms, beginning January 1, 2023.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

- 42. Appointment to the Historic Preservation Board (Board of County Commissioners as a whole).

Following a ballot vote, James Bachteler was appointed as an alternate member for a three-year term, beginning January 1, 2023.

- 43. Appointment to the Historic Preservation Board (Individual appointment by Commissioner Eggers).

Dr. Tina Bucuvalas appointed for a three-year term, beginning January 1, 2023.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

- 44. Appointments to the Lealman Community Redevelopment Area Advisory Committee (Board of County Commissioners as a whole).

Jennifer Post and Kim Blessinger approved for 3-year terms, beginning January 1, 2023.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

45. Appointment to the Local Planning Agency (Individual appointment by Commissioner Long).

John Cueva appointed to fulfill the remainder of a term ending November 4, 2024.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

46. Approve one reappointment to the Pinellas County Historical Commission (Individual reappointment by Commissioner Peters).

Chairman Justice indicated that the item has been pulled from the agenda.

47. Appointment to the Pinellas County Housing Finance Authority (Board of County Commissioners as a whole).

Following a ballot vote, Mary Kim Wagner was appointed for a four-year term, beginning January 1, 2023.

48. Appointment to the Unified Personnel System Board (Board of County Commissioners as a whole).

Jeffery Kronschnabl appointed for a two-year term, beginning on January 1, 2023.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

49. Selection of the 2023 Chair and Vice-Chair.

A motion was made by Commissioner Flowers, seconded by Vice-Chair Long, that Vice-Chair Long be selected to serve as Chair. The motion carried by the following vote:

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

A motion was made by Commissioner Flowers, seconded by Vice-Chair Long, that Commissioner Peters be selected to serve as Vice-Chair. The motion carried by the following vote:

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

50. County Commission New Business: Pertinent and Timely Committee/Board Updates, Policy Considerations, Administrative/Procedural Considerations, and other New Business:
- Skyway Lighting Resolutions (Commissioner Justice)
 - Commissioner Scott's Appointments
 - 2023 Chair Board Appointments

Skyway Lighting Resolutions

Resolution No. 22-112 adopted supporting the Florida Department of Transportation lighting of the Bob Graham Sunshine Skyway Bridge in recognition of Superior Mesenteric Artery Syndrome Awareness Day on January 28, 2023.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Commissioner Scott's Appointments

The following individual appointments approved:

- Gregory Buschman to the Pinellas County Historical Commission
- Heather Vernillo to the Parks and Conservation Resources Advisory Board
- Deborah White to the Board of Adjustment and Appeals

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

2023 Chair Board Appointments

Upon Commissioner Long's request to elaborate on the authority of the BCC to appoint a member to the Creative Pinellas Board, Attorney White, with input from Mr. Burton, related that the BCC does not have an obligation to appoint an individual to the Creative Pinellas Board; and that Creative Pinellas is the designated Local Arts Agency for Pinellas County and receives funding from the County but is not a part of County government, indicating that there would not be a conflict of interest should the BCC decide to continue having a non-voting member on that Board; and that her office has been reviewing other boards and committees with regard to BCC member presence obligations.

Commissioner Flowers indicated that the Juvenile Detention Alternatives Initiative (JDAI) Committee has disbanded; and that there has been no reconstitution or meetings determined.

Commissioner Peters referred to the 2023 Committee/Board Appointment Recommendations list and expressed concerns regarding the recommended appointment of Commissioner Long to the Pinellas Suncoast Transit Authority (PSTA). She made a motion to approve the 2023 board appointments with an amendment that Commissioner Scott be appointed to PSTA instead of Commissioner Long; whereupon, discussion ensued.

Commissioner Long noted her extensive involvement in regional transportation, discussed the reasons for the committee/board appointment recommendations, and urged the members to approve them without changes.

During discussion, Commissioner Eggers seconded the motion, noting the value of Commissioner Scott's professional background to the PSTA, and Commissioner Scott indicated that he would be interested in serving on PSTA, if that is the will of the Board.

In response to queries by the members, Attorney White related that at the time Commissioner Scott was previously appointed by the BCC to the PSTA Board as a private citizen, there was a specific provision in the PSTA Board Special Act regarding individuals affiliated with ownership of a common business interest to not serve on PSTA; that the BCC was advised that as the appointing body, they could make the legislative determination on whether that was a conflict, to which they determined it was not; and that the position of PSTA's counsel at the time was to not provide advisement regarding the appointment.

Commissioner Peters amended her motion to approve the 2023 board appointments with the amendments that Commissioner Scott be appointed to PSTA Board instead of Commissioner Long and the elimination of Creative Pinellas and JDAI appointments; whereupon, Commissioner Eggers concurred.

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

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

The members provided updates regarding their assigned boards and committees and commented on various topics, as follows:

Commissioner Eggers

- Tampa Bay Water
- Forward Pinellas

Commissioner Flowers

- Martin Luther King Jr. (MLK) breakfast scheduled for January 16, 2023
- City of St. Petersburg MLK Parade
- Tampa Bay Regional Transit Authority

Chairman Justice

- Congratulations to Tampa Bay Beaches Chamber CEO Robin Miller, named State Chamber Executive of the Year
- Thanks to Palm Harbor Museum for the living landscape expansion
- Lealman Tree Lighting

Meeting Recessed: 3:09 P.M.

Meeting Reconvened: 6:01 P.M.

PUBLIC HEARINGS

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Countywide Planning Authority

- 51.** Case No. CW 22-21 - Pinellas County
Countywide Plan Map amendment from Office and Preservation to Employment and Preservation, regarding 13.1 acres more or less, located at 10055 Seminole Boulevard.
Ordinance No. 22-38 adopted approving Case No. CW 22-21. Forward Pinellas, in its role as the Pinellas Planning Council, recommended approval of the amendment, and staff concurred. No correspondence has been received. No citizens appeared to be heard.
A motion was made by Commissioner Peters, seconded by Commissioner Scott, that the item be approved. The motion carried by the following vote:
- Aye:** 6 - Chairman Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott
- Absent:** 1 - Vice-Chair Long
- 52.** Case No. CW 22-22 - City of Safety Harbor
Countywide Plan Map amendment from Residential Very Low to Residential Low Medium, regarding 3.6 acres more or less, located at 3404 and 3406 Enterprise Road.
Ordinance No. 22-39 adopted approving Case No. CW 22-22. Forward Pinellas, in its role as the Pinellas Planning Council, recommended approval of the amendment, and staff concurred. No correspondence has been received. No citizens appeared to be heard.
A motion was made by Commissioner Peters, seconded by Commissioner Flowers, that the item be approved. The motion carried by the following vote:
- Aye:** 6 - Chairman Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott
- Absent:** 1 - Vice-Chair Long
- 53.** Case No. CW 22-23 - City of Clearwater
Countywide Plan Map amendment from Residential Low Medium to Public/Semi-Public, regarding 0.891 acre more or less, located at 110 North McMullen Booth Road.
Ordinance No. 22-40 adopted approving Case No. CW 22-23. Forward Pinellas, in its role as the Pinellas Planning Council, recommended approval of the amendment, and staff concurred. No correspondence has been received. No citizens appeared to be heard.
A motion was made by Commissioner Peters, seconded by Commissioner Eggers, that the item be approved. The motion carried by the following vote:
- Aye:** 6 - Chairman Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott
- Absent:** 1 - Vice-Chair Long

BOARD OF COUNTY COMMISSIONERS

54. Case No. FLU-22-04 (Community Assisted & Supported Living, Inc.)

A request for a change of Land Use from Residential Suburban to Residential Low on approximately 2.79 acres located at 13000 Park Boulevard in unincorporated Seminole through Katie Cole, Esq, & Angela Rauber, Esq. Will, Ward, Henderson, PA, Representatives.

Hearing continued to the January 31, 2022, BCC meeting.

Katie Cole, Clearwater, appeared and related that she represents the applicant; that a continuance for the item was requested to allow the applicant to speak to neighbors and resolve site plan issues; and that per the rules of procedure, individuals who testify tonight would not be able to speak on the same topic in the future; whereupon, Attorney White confirmed that the Board's rules of procedure dictate that citizens are entitled to speak for up to three minutes on a particular item; and that if a citizen wanted to testify tonight, that would be their allotted three minutes.

Ms. Cole noted that the applicant's requested continuance date for the hearing is January 31.

A motion was made by Commissioner Peters, seconded by Commissioner Latvala, that the item be continued to the January 31, 2022, BCC meeting. The motion carried by the following vote:

Aye: 6 - Chairman Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Absent: 1 - Vice-Chair Long

55. Case No. ZON 22-05 (Community Assisted & Supported Living, Inc.)

A request for a change of Zoning on approximately 2.79 acres located at 13000 Park Boulevard in unincorporated Seminole from R-E, Residential Estate to RM-CO, Multi-family Residential - Conditional Overlay with the Conditional Overlay limiting the number of residential dwelling units to a maximum of 21 that will include a combination of one, two, and three bedroom units in single story duplex or triplex residential structures, to be occupied as independent housing for a maximum of 28 Persons with Developmental Disabilities, as defined by Florida Statute Section 393.063(1), to include permanent supportive housing services, provided, however, that no such permanent supportive services shall be provided to persons who are not occupants of the development. A clubhouse and other associated amenities will be included. (Quasi-Judicial)

Hearing continued to the January 31, 2022, BCC meeting.

A motion was made by Commissioner Peters, seconded by Commissioner Latvala, that the item be continued to the January 31, 2022, BCC meeting. The motion carried by the following vote:

Aye: 6 - Chairman Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Absent: 1 - Vice-Chair Long

56. Case No. FLU-22-05 (M J H Properties, Inc.)

A request for a change of Land Use from Residential Urban to Residential Low Medium on approximately 2.33 acres located at 2231 Blanchard Court in unincorporated Largo.

Ordinance No. 22-41 adopted approving the land use change. The Local Planning Agency recommended approval of the request, and staff concurred. No correspondence has been received.

Long Range Planning Manager Scott Swearngen referred to a PowerPoint presentation containing maps and photographs of the area, pointed out the location of the subject property, described the surrounding land uses, and provided background information regarding the application and property, explaining that the existing use is 12 multi-family dwelling units within five residential buildings; that the applicant proposes to demolish some existing units and add new ones; and that potential traffic impact amounts to approximately 40 additional daily trips.

Mr. Swearngen noted that the proposed land use change would increase the allowed number of dwelling units on the property from 17 to 23, which staff finds compatible with the Pinellas County Comprehensive Plan; and that the Development Review Committee, the Local Planning Agency (LPA), and staff recommended approval. In response to a query by Commissioner Scott, Mr. Swearngen clarified that citizens who spoke in opposition to the application at the LPA hearing were primarily focused on drainage issues on the right-of-way for 23rd Avenue Southwest and potential traffic impacts.

Responding to the Chairman's call for public comment, Hamid Shoraka, Largo, and Dale Henegar, Largo, expressed their concerns, including drainage issues, traffic impacts, and lack of privacy.

Upon the Chairman's call for the applicant, Robert Pergolizzi, Clearwater, appeared and related that he is a planner representing the applicant; that a "dead end" sign was installed following the LPA hearing in response to concerns by the neighbors; that he spoke with Mr. Shoraka and agreed to fix any drainage issues caused by the property; that he would be happy to work with staff to install speed humps on the road if the residents desire to have them and the County allows it; and that the applicant agreed to address a sidewalk gap.

In response to queries by the members, Mr. Pergolizzi provided clarifying comments and indicated that stormwater drainage issues would be reviewed and addressed during the site plan process, and Zoning Manager Glenn Bailey agreed.

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

Aye: 6 - Chairman Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Absent: 1 - Vice-Chair Long

57. Proposed settlement in the case of Vertex Development, LLC v. Pinellas County, Florida; Federal District Court Case No. 8:22-cv-02012-VMC-CPT.

Attorney White provided background information regarding the matter, explaining that it was heard by the Board of Adjustment and Appeals (BAA), which denied the application for a Type-2 Use to allow for the construction of a 120-foot camouflaged communication tower on church property; and that the staff report and attachments from the case heard by the BAA are included in the backup materials provided to the Board.

Attorney White noted that following the BAA's denial, the applicant filed a federal lawsuit claiming a violation of the Federal Telecommunications Act and subsequently approached the County Attorney's Office seeking to settle, proposing a tower height of 100 feet; and that per the County's Land Development Code, the Attorney's Office concluded that a public hearing would be necessary for the Board to consider granting the requested relief. She indicated that federal law prohibits the Board from regulating towers based upon testimony regarding environmental effects or radio-frequency emissions and requires a written opinion through meeting minutes or verbatim of the Board's reasoning for whatever decision they make.

Attorney White noted that staff recommends approval of the application and settlement proposal, citing the applicant's request for a lower tower; whereupon, Zoning Manager Glenn Bailey referred to a PowerPoint presentation containing maps and photographs of the area, pointed out the location of the subject property, and described the surrounding land uses. In response to queries by the members, he explained that the nearest residential properties to the potential tower site are 122 feet away; and that per the Code, the length of the setback from residential property lines is at or above the tower's height.

Mr. Bailey discussed the notification of neighboring property owners of the public hearing and County limitations on communication tower height, noting that the towers are allowed in most zoning districts at 20 feet above the maximum building height; and that camouflage towers can be up to 75 feet tall in single-family zones; whereupon, he elaborated on additional requirements, highlighting that a 55-foot tower or a 75-foot camouflaged tower with an appropriate setback distance would be allowed by right with no public hearing.

Referring to Code Section 138-241, Mr. Bailey noted that the BAA did not agree that the proposal met the Type 2 Use approval criteria requiring adequate separation of the proposed use and related structures from adjacent and nearby uses by screening devices, buffer area, or other appropriate means. Responding to a query by Commissioner Latvala, Attorney White clarified that the federal lawsuit will continue if the Board denies the applicant's request tonight, indicating that a federal ruling in favor of the plaintiff would allow the tower to be 120 feet high; and that the Board's approval of the settlement agreement would settle the lawsuit.

Attorney White noted that the Federal Telecommunications Act provides that the Board may not unreasonably discriminate against providers of functionally equivalent services; that the criteria set forth in the Code is the reasonable basis upon which the BCC uses to judge similar cases; and that any testimony to the Board on matters that are appropriate for an expert to be attesting to should be given by a qualified individual.

Upon the Chairman's call for the applicant, Mary Solik, Tampa, indicated that she is the applicant's attorney and introduced Vertex Development Founder and Manager Alan Ruiz, Tampa. Mr. Ruiz clarified that antennas would be inside of the tower; that the additional height is to accommodate the antennas of multiple carriers; and that the horizontal member that would be installed on the tower to resemble a cross would serve as camouflage.

Responding to queries by the members, Mr. Ruiz noted that a determination of no hazard was received from the Federal Aviation Administration for the proposed location of the tower, meaning no lighting on the top of the tower is necessary; whereupon, in response to the Chairman's call for public comment, the following individuals appeared and expressed their concerns, citing a decrease in property values, aesthetics, health, safety, and other related concerns:

Alan Sychowski, Largo
Mary O'Leary, Largo
Catherine Kadlec, Largo
Ron Gurley, Largo (submitted documents)
Mike Kuzbyt, Largo
Ken Campagna, Largo
Christopher Cleary, Largo
Don Rithell, Largo
Joseph Campbell, Largo
Christie Barreiro, Largo
Jack Mears, Largo
Barbara Mears, Largo
Lori Miller, Largo
Lisa Donovan, Largo
Matt Kellenbach, Largo
Adam Moravick, Largo
Margo Moravick, Largo
Janet Dillon, Largo
Crystal Sherrill, Largo
Rick Clark, Largo
Winn Petrescue, Largo

In response to a query by Commissioner Latvala, Attorney White explained that any citizen concerns that the Board considers in making their decision should relate back to the criteria set forth in the Code; and that it would be appropriate for the Board to take into consideration testimony on safety concerns relevant to the Code criteria, such as of adequate separation.

Thereupon, in rebuttal to citizens' comments, Ms. Solik maintained that the applicant meets the performance criteria set forth in the Code regarding the setbacks and fall-zone radius; and that the structural safety of the proposed tower would be reviewed by the County's Building Department during the permitting process. She noted that the County Code lacks a provision for height increases; that a federal law would preempt the Board from preventing an extension of the tower's height by 20 feet to accommodate multiple carriers via co-location, which is generally promoted because it prevents the proliferation of communication towers; and that the tower would benefit the public via expanded cellular coverage that is integral for public safety.

Responding to queries by the members, Mr. Ruiz discussed his company's experience developing communication towers, the reasoning for the requested height based on technology and service, the tower's durability, and other topics. He emphasized that communication towers are not frequently built in industrial and commercial areas due to adequate coverage there; that minimal noise generated by the tower would be from generator testing once a month; and that a 75-foot tower is not cost-effective for cellular carriers as it would cover too small of an area.

In response to a query by Chairman Justice, Attorney White, with input from Mr. Bailey, clarified that the federal law referenced by the applicant that would allow for a 20-foot extension to the tower, would not be an automatic right and may not apply in this scenario; whereupon, discussion ensued regarding the law and the negative impacts of towers on nearby property values. Commissioner Latvala noted that Attorney White suggested he inform the Board that he erroneously replied to an email regarding the case; and that he would forward the email to the Board Records department.

Commissioner Eggers moved that the settlement be denied based on the issues of adequate separation, property value impacts, aesthetics, noise, and zoning; whereupon, he suggested that the County review and possibly adjust the pertinent Code regulations. Commissioner Peters seconded the motion, and the members provided comments, discussing their reasons for supporting the motion.

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

Aye: 6 - Chairman Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Absent: 1 - Vice-Chair Long

Meeting Recessed: 8:27 P.M.

Meeting Reconvened: 8:34 P.M.

58. Case No. ZON 22-07 (Joey K’s LLC)

A request for a change of Zoning from C-1, Neighborhood Commercial to C-2-CO, General Commercial and Services - Conditional Overlay with the Conditional Overlay limiting the uses to motor vehicle sales and all uses allowed within the C-1 zoning district on approximately 0.45 acre located at 530 Alternate U.S. 19 in Palm Harbor. (Quasi-Judicial)

Resolution No. 22-113 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. Seven letters in opposition and two letters in support have been received. No citizens appeared to be heard.

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

Aye: 6 - Chairman Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Absent: 1 - Vice-Chair Long

59. Case No. FLU-22-06 (Cypress Run of FL, LLC.)

A request for a change of Land Use from Transportation/Utility to Residential Rural on approximately 4.21 acres located on the east side of East Lake Drive in East Lake Tarpon, through Cynthia H. Tarapani, Tarapani Planning Strategies.

Ordinance No. 22-42 adopted approving the land use change. The Local Planning Agency recommended approval of the request, and staff concurred. Four letters in opposition have been received.

Responding to the Chairman’s call for public comment, Michael Dogali, Tarpon Springs, appeared and expressed his concerns, citing noise, lights, and traffic impacts.

Upon the Chairman’s call for the applicant, Cyndi Tarapani, Tarpon Springs, appeared and indicated that she represents the property owner; whereupon, she provided information regarding the application and the next steps associated with the request, including an upcoming request for rezoning and a master plan, noting that there will be more meetings with the surrounding neighborhood to address concerns.

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

Aye: 6 - Chairman Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Absent: 1 - Vice-Chair Long

- 60. Petition of Holt Corner, LLC to vacate a portion of the right-of-way known as Indiana Avenue, lying adjacent to the northerly boundary of Lots 6 and 7 (1004 Indiana Avenue), Town of Sutherland, P.B. H-1, PG. 1, lying within section 2-28-15, Pinellas County, Florida.

Resolution No. 22-114 adopted granting the petition. Letters of no objection were received from the appropriate parties. All interested parties have been notified as to the date of the public hearing. No correspondence has been received. No citizens appeared to be heard.

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

Aye: 6 - Chairman Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Absent: 1 - Vice-Chair Long

- 61. Petition of Howard Allen Davis and Susan Davis to vacate a portion of the west 3.00 feet of the north 45-feet of the south 78.50-feet of the 10-foot drainage and utility easement lying along the east boundary of lot 4, Block B (9659 136th Street).

Resolution No. 22-115 adopted granting the petition. Letters of no objection were received from the appropriate parties. All interested have been notified as to the date of the public hearing. No correspondence has been received. No citizens appeared to be heard.

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

Aye: 6 - Chairman Justice, Commissioner Eggers, Commissioner Flowers, Commissioner Latvala, Commissioner Peters, and Commissioner Scott

Absent: 1 - Vice-Chair Long

ADJOURNMENT - 8:44 P.M.

Janet C. Long
Chair



ATTEST: KEN BURKE, CLERK

By *Dee Lynn Burke*
Deputy Clerk