

# **Pinellas County**

*Pinellas County Cooperative Extension  
12520 Ulmerton Road, Largo*



## **Minutes - Final**

**Tuesday, January 26, 2021**

**2:00 P.M.**

**Hybrid In-Person and Virtual Regular Meeting**

**Public Hearings at 6:00 P.M.**

## **Board of County Commissioners**

*Dave Eggers, Chair  
Charlie Justice, Vice-Chair  
Rene Flowers  
Pat Gerard  
Janet C. Long  
Kathleen Peters  
Karen Williams Seel*

**ROLL CALL – 2:02 P.M.**

**Present:** 7 - Chair Dave Eggers, Vice-Chair Charlie Justice, Rene Flowers, Pat Gerard, Janet C. Long, Kathleen Peters, and Karen Williams Seel

**Others Present:** Barry A. Burton, County Administrator; Jewel White, County Attorney; Katherine Carpenter, Board Records Manager; and Sitara Coyle, Board Reporter, Deputy Clerk

Chair Eggers convened the meeting and congratulated the Tampa Bay Buccaneers on advancing to Super Bowl LV; whereupon, he related that Commissioner Seel wishes to attend the meeting virtually. Attorney White advised that Sunshine Law recognizes limited exceptions to in-person participation; that the Board should determine whether exigent circumstances exist to warrant the virtual appearance; and that the matter be open to citizen comment.

Upon the Chair's call for persons wishing to be heard, David Waddell, Clearwater, and Tom Rask, unincorporated Pinellas County, spoke regarding the matter. Responding to Mr. Rask's concerns, Attorney White explained the legal basis for virtual participation.

**A motion was made by Commissioner Long, seconded by Commissioner Flowers, that Commissioner Seel be allowed to appear virtually. The motion carried by the following vote:**

**Aye:** 6 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, and Commissioner Peters

**Not Voting:** 1 - Commissioner Seel

**INVOCATION by Pastor Bill Losasso, New Path Community Church, Lealman.**

**PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS**

1. Human Trafficking Prevention Month Proclamation:
  - Office of Human Rights
    - Paul Valenti, Director
  - Pinellas County Consumer Protection
    - Doug Templeton, Chief Investigator
    - Jason Ohman, Investigator Supervisor
    - Jim Clark, Investigator
  - Florida Dream Center
    - Pastor Bill Losasso
  - St. Petersburg Police Department, Investigative Support Division
    - Major Nathaly Patterson

Chair Eggers noted the County's efforts to increase awareness of and combat human trafficking, and read a proclamation declaring January of 2021 as Human Trafficking Awareness Month; whereupon, Messrs. Valenti and Templeton expressed appreciation for the Board's support of the matter, emphasizing the importance of public vigilance, especially with regard to the upcoming Super Bowl event, and Pastor Losasso discussed the assistance provided to the victims at Florida Dream Center.

2. Partner Presentation:

Human Trafficking Update

- Doug Templeton, Chief Investigator, Pinellas County Consumer Protection
- Major Nathaly Patterson, Investigative Support Division, St. Petersburg Police Department
- Teresa Hibbard

Mr. Templeton indicated that his staff has partnered with the Marketing and Communications Department in an effort to raise awareness of the potential for increased human trafficking activity in the Tampa Bay area around the Super Bowl, utilizing local and national resources to educate the public, law enforcement, and industry partners to recognize human trafficking indicators and provide an appropriate response. He recommended that the County continue its collaboration with the Tampa Bay Human Trafficking Task Force and other partners, noting that the task force has available grant funding.

Major Patterson referred to a PowerPoint presentation titled *Tampa Bay Human Trafficking Task Force* and discussed the following topics related to human trafficking:

- Definition of the crime, related legislation, and statistics
- The Tampa Bay Human Trafficking Task Force
- Tip 411 application and informational brochure
- Non-governmental organizations partnership and services
- Resources and contacts

Responding to queries and comments by the members, Major Patterson noted the value of using the tip application to report suspicious behavior and being proactive in order to prevent or stop the crime. Commissioner Peters pointed out that drug addiction may be a characteristic of a human trafficking victim, and Major Patterson elaborated on the use of drugs as a coercion tactic.

Teresa Hibbard, Clearwater, requested that the Board support a collaborative community-wide effort by establishing a Pinellas County Commission on Human Trafficking, noting that the Board's policies can affect long-term changes in the matter; and that the commission would act in an advisory capacity to the BCC. Responding to queries by Commissioner Long, she discussed the proposed commission makeup. Chair Eggers suggested that the request be discussed in a workshop, and Mr. Burton provided input.

Mr. Burton related that Mr. Valenti has accepted another position and will be leaving the County; whereupon, he, Chair Eggers, and Commissioner Justice expressed appreciation for his service, passion, and professionalism, and Mr. Valenti thanked the Board for support and commitment to human rights causes.

## LOCAL STATE OF EMERGENCY

**3. Local State of Emergency.**

Florida Department of Health in Pinellas County Director Dr. Ulyee Choe discussed current COVID-19 trends and statistics, indicating that while there is a slight improvement in the case count and positivity rate as compared to last week, the numbers of hospital and ICU beds occupied by COVID-19 patients are still significant.

Dr. Choe and Mr. Burton provided an update regarding the vaccination efforts and challenges relating to supply, registration, and distribution. Responding to queries and concerns by the members, they and Emergency Medical Services Medical Director Dr. Angus Jameson discussed the importance of receiving both vaccine doses, distribution priorities, public messaging pertaining to vaccination and assurance of hospital safety, and related matters.

Responding to Chair Eggers' call for public comment, the following individuals expressed their concerns:

Dawn Bohler, St. Petersburg  
Chris Slininger, St. Petersburg  
Tom Rask, unincorporated Pinellas County  
David Waddell, Clearwater  
Karen Mullins, Dunedin  
Bob Homan, Largo  
Richard Manno, Oldsmar  
Linsey Grove, St. Petersburg

Mr. Burton reported that he and Dr. Choe had just participated in a telephone conference with Director of Florida's Division of Emergency Management Jared Moskowitz; and that the County will work with the State toward expanding vaccine distribution channels.

Chair Eggers reminded the public that starting in February, pre-registration for virtual public comment by 5:00 P.M. the day before a BCC meeting will be required.

**A motion was made by Vice-Chair Justice, seconded by Commissioner Gerard, that the order extending the Local State of Emergency be approved. The motion carried by the following vote:**

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

Resolution No. 21-7 adopted extending the Local State of Emergency established in Resolution No. 20-16 until 3:00 P.M. on February 5, 2021.

CITIZENS TO BE HEARD

4. Citizens To Be Heard - Public Comment.

- David Ballard Geddis, Jr., Palm Harbor
- Nancy Obarski, Indian Rocks Beach
- Greg Pound, Largo
- Mack Johnson, Largo
- David Waddell, Clearwater
- Brittany Peters, Pinellas Park

**CONSENT AGENDA - Items 5 through 22**

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

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

- 5. Minutes of the virtual regular meeting held October 20 and the emergency meeting held November 11, 2020.
- 6. Vouchers and bills paid from December 20, 2020 through January 2, 2021.

Period: December 20, 2020 through December 26, 2020  
 Accounts Payable - \$7,489,801.79  
 Payroll - \$4,019,798.72

Period: December 27, 2020 through January 2, 2021  
 Accounts Payable - \$32,547,667.30  
 Payroll - \$76.72

Reports received for filing:

- 7. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2020-25 dated December 23, 2020 - Follow-Up Investigation of Housing Finance Authority Board Application Process.

Upon request by Chair Eggers, Attorney White provided an update pertaining to the implementation of the Inspector General’s recommendations with regard to the boards and committees for which the County Commission makes appointments. She indicated that no criminal background check is required for any of the board members; that the Local

Planning Agency, the Board of Adjustment and Appeals, and the Construction Licensing Board members will be required to file a limited financial disclosure form; that all board applicants will have to agree to the standards of conduct and certify to the truth of information provided on their applications; and that the applications and website will be amended to reflect the changes and other pertinent information.

In response to query by Chair Eggers, Attorney White indicated that the item is informational, and a vote is not required. Upon call by the Chair for public comment, David Waddell, Clearwater, expressed his concerns.

8. Annual Investment Report for the period ended September 30, 2020.
9. Dock Fee Report for the month of December 2020.
10. Quarterly Report of Routine Dock & Dredge/Fill Permits Issued from October 1 to December 31, 2020.

Miscellaneous items received for filing:

11. City of Clearwater Resolution No. 20-52 initiating the creation of the North Greenwood Community Redevelopment Area.
12. City of Clearwater Ordinance No. 9396-20 adopted December 3, 2020, annexing certain property.
13. City of Largo Notice to Taxing Authority regarding the proposed Clearwater-Largo Road Community Redevelopment District Expansion Area.
14. City of Seminole Ordinance No. 10-2020 adopted November 17, 2020, annexing certain property.

## COUNTY ADMINISTRATOR DEPARTMENTS

### County Administrator

15. Receipt and file report of non-procurement items delegated to the County Administrator for the period ending December 31, 2020.
16. Receipt and file report of purchasing items delegated to the County Administrator for the quarter ending December 31, 2020.

Public Works

17. Cooperative Funding Agreement with the Southwest Florida Water Management District for the Coastal Zone 5 Watershed Management Plan.

SWFWMD Agreement No. 21CF0003420 (PID No. 004760A) approved for a total contract amount of \$575,000.00 (County responsibility, \$287,500.00). Agreement is effective October 1, 2020 through October 1, 2025.

18. Cooperative Funding Agreement with the Southwest Florida Water Management District for the Joe's Creek model update, alternatives analysis, and feasibility study.

SWFWMD Agreement No. 21CF0003357 (PID No. 004116A) approved for a total contract amount of \$720,000.00 (County responsibility, \$360,000.00). Agreement is effective October 1, 2020 through January 31, 2024. Chair authorized to sign and the Clerk to attest.

19. Cooperative Funding Agreement with the Southwest Florida Water Management District for development of a Preliminary Engineering Report for the McKay Creek Watershed.

SWFWMD Agreement No. 21CF0003366 (PID No. 004117A) approved for a total contract amount of \$520,000.00 (County responsibility, \$260,000.00). Agreement is effective October 1, 2020 through July 31, 2023. Chair authorized to sign and the Clerk to attest.

20. Ranking of firms and agreements for requirements of professional engineering services pertaining to bridges and other structures.

(Contract No. 190-0018-CN) Ranking of firms and agreements with the following firms approved with an upset limit of \$2,000,000.00 for each firm, for a total of \$10,000,000.00 over a five-year term. County Administrator has delegated authority to increase the upset limits of contract purchase orders provided the negotiated rates remain the same. Chair authorized to sign and the Clerk to attest.

- Atkins North America, Inc.
- DRMP, Inc.
- H.W. Lochner, Inc.
- HDR Engineering, Inc.
- Kisinger Campo & Associates, Corp.

## AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Sheriff's Office

21. Receipt and file report on the Law Enforcement Trust Fund for the quarter ending December 31, 2020.
22. Receipt and file report of Sheriff's Office grants received and service contracts for the quarter ending December 31, 2020.

**REGULAR AGENDA**

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

- 23.** Agreements for requirements of heavy and light duty vehicles and equipment.

Contract No. 21-0100-PB approved for a total expenditure not to exceed \$6,574,342.00 pursuant to the pricing, terms, and conditions of the following contracts:

- 1. Florida Sheriffs Association/Florida Association of Counties contracts: police-rated, administrative, utility vehicles, trucks and vans, and heavy equipment
- 2. State of Florida, Department of Management Services: assorted vehicles and equipment
- 3. Sourcewell: asphalt pavers
- 4. Omnia Partners: commercial utility vehicles
- 5. Houston-Galveston Area Council: tram for utilities

Chair authorized to sign the agreements and the Clerk to attest.

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

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

- 24.** Change Order No.1 with Gibraltar Construction and Change Order No.2 with New Vista Builders Group, Inc. for Job Order Contracting facility maintenance, repair, and construction.

(Bid No. 167-0421-CP) Change Orders approved increasing the contract amount by a total of \$3,500,000.00, for a revised contract total amount of \$23,500,000.00. Chair authorized to sign and the Clerk to attest.

Responding to query by Chair Eggers, Mr. Burton indicated that there will be no change in the scope of repairs.

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

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel



Convention and Visitors Bureau**25.** Production agreement with ATOL Film LLC for production of the film, "A Taste of Love."

Agreement approved in the amount of \$500,000.00, to be paid after all deliverables have been received; advertising value to be received from the destination's exposure in the film estimated at \$2,084,200.00.

Chair Eggers noted that the Board received numerous emails from the residents, in support and in opposition to the film production. At his request, Visit St. Pete/Clearwater (VSPC) President and CEO Steve Hayes provided background information regarding the proposed project, relating that it would be a Hallmark-style feature film shot exclusively in the St. Petersburg/Clearwater area; and that it would serve as a 90-minute commercial showcasing the destination and bring an estimated \$2 million in marketing value as return on investment.

During discussion and responding to queries by the members, Mr. Hayes and VSPC Film Commissioner Tony Armer discussed the marketing and economic benefits to the County and other topics pertaining to the project, including the following:

- The County's net profit share
- Film promotion and distribution
- Crew wages
- Film budget
- Local film industry

Mr. Armer indicated that the production company and project hires will be local, with the exception of the leading actors, who are yet unknown; and that while the County may be financing 100 percent of the project, the funds will not be provided until all deliverables are met and staff is satisfied with the final product; whereupon, Commissioner Peters voiced her concerns regarding full funding of the venture by taxpayers.

Mr. Armer explained the potential marketing value and remarked that the film will tell a story of the destination; that there are no other productions coming to the area at this time; and that as a result of the County's efforts, St. Petersburg/Clearwater was named one of the top 25 places to live and work as a filmmaker by MovieMaker Magazine; whereupon, Commissioner Flowers requested that staff inform the Board should the production not be carried out as planned.

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

**Aye:** 5 - Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, and Commissioner Seel

**Nay:** 2 - Chair Eggers and Commissioner Peters

County Administrator

26. Resolution ratifying the County Administrator's approval of acceptance of award terms for the Emergency Rental Assistance payment of the Consolidated Appropriations Act, 2021, and authorizing the County Administrator to take required action for Pinellas County to receive COVID-19 relief or stimulus funds for future programs.

Resolution No. 21-8 approved. Authorization to remain effective throughout the ongoing Local State of Emergency.

Responding to queries by Chair Eggers, Mr. Burton indicated that the County received \$21.3 million from the federal government for financial assistance with rent, utilities, and other housing expenses; that staff is working with community partners with regard to program administration; that the funds must be used by the end of the year; and that all details will be finalized before a public announcement regarding the matter is made.

**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 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

Public Works

27. Air Pollution Control Specific Operating Agreement between with the State of Florida Department of Environmental Protection and the County.

Agreement approved to remain in effect until August 31, 2024. Chair authorized to sign and the Clerk to attest.

Mr. Burton noted that there is no County match required for the program.

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

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

Solid Waste

28. Interlocal Agreement with Pasco County for limited solid waste processing services.

Agreement approved for a perpetual term until terminated, in writing, by either party. Out-of-county surcharge fees will be waived. Chair authorized to sign and the Clerk to attest.

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

**Aye:** 6 - Chair Eggers, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

**Absent:** 1 - Vice-Chair Justice

Utilities

- 29.** Fourth Amendment to the Agreement with Synagro-WWT, Inc. for the sludge dryer project.

Amendment to Contract No. 001-790-C approved increasing the contract amount by \$9,000,000.00 for a revised not-to-exceed total of \$57,661,264.86 (estimated annual amount, \$1,800,000.00), extending the term through April 23, 2028, and providing for up to three additional 5-year extensions. Chair authorized to sign and the Clerk to attest.

In response to queries by Chair Eggers, Mr. Burton provided clarification regarding the amendment.

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

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

## AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Emergency Medical Services Authority

- 30.** Attestation to accept Coronavirus Aid, Relief, and Economic Security Act funding, and comply with outlined terms and conditions associated with the United States of America Department of Health and Human Services Phase 3 General Distribution of \$20.0B to healthcare system providers.

Staff authorized to electronically submit an attestation to accept funding in the amount of \$292,923.47.

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

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

Sheriff's Office

31. Fiscal Year 2021 Board Budget Amendment No. 1 to realign appropriation from Reserve for Contingencies in the General Fund to the Sheriff's Office for the implementation of body-worn cameras.

Amendment approved in the amount of \$3,456,931.00. Estimated 6-year program implementation costs total \$24.8 million.

Mr. Burton introduced the item; whereupon, Pinellas County Sheriff Bob Gualtieri discussed the budget amendment request, including the basis for body camera program implementation, the vendor, contract, current camera system comparison, additional staffing needs, costs, and implementation timeline, noting that the vendor, Axon Enterprises, Inc., is widely used in the area, allowing for interoperability; and that a 30-day trial was successful. He indicated that the initial implementation cost was negotiated from \$3,829,510.00, which was the original amount of the budget amendment request, to \$3,456,931.00; that subsequent costs will be approximately \$4.4 million for years 2, 3, 4, and 5, and approximately \$3 million for year 6 of the program; and that the contract would be renegotiated during the final year and include a cap on future costs.

Sheriff Gualtieri requested that the Board approve the budget amendment, and discussion ensued; whereupon, he responded to queries by the members, providing clarification regarding the costs, program implementation policies, record retention, cost-sharing with the cities, and balancing privacy interests. He noted that the camera system would automatically activate whenever a weapon is unholstered; and that discretion will be exercised in all other situations, such as in interviewing victims.

Mr. Burton provided input regarding program funding sources and the County budget, indicating that no significant impacts have been observed as a result of COVID-19.

**A motion was made by Commissioner Long, seconded by Commissioner Flowers, that the budget amendment be approved in the revised amount of \$3,456,931.00. The motion carried by the following vote:**

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

## COUNTY ATTORNEY

32. County Attorney Reports.

Attorney White provided an update on the application process for the County Redistricting Board, noting that there are 17 applicants as of today; and that the application is open until February 4.

In response to queries by the Commissioners, Attorney White indicated that the Board will consider 11 appointments, seven of them being individual member nominations, at the March 9 meeting; and that she will update the Board with more information regarding the application process, encouraging the Commissioners whose districts lack applicant representation, to recruit potential candidates.

Thereupon, Chair Eggers indicated that individual nominations must be submitted to Executive Aide Courtney Vandenberg by February 10.

## COUNTY ADMINISTRATOR

### 33. County Administrator Reports.

- Contractor Licensing Update
- Announcement of Daisy Rodriguez Retiring
- Yellow Dot Update
- Accomplishments Report

#### Contractor Licensing Update

Mr. Burton related that Contractor Licensing Department Director Gay Lancaster will be retiring after 40 years of service to the County; and that Deputy Director Michelle Krickovic will be her successor; whereupon, Ms. Lancaster referred to a PowerPoint presentation titled *Contractor Licensing* and provided background information pertaining to the duties and responsibilities of the department, core business functions, what improvements were made as a result of the Inspector General's (IG) report, and future goals.

Ms. Lancaster indicated that of 235 recommendations made by the IG, 89 percent have been either fully or partially implemented or are no longer applicable; whereupon, she discussed the efforts to address extraneous contractor classifications and outdated recordkeeping, collection strategies, and customer satisfaction measures, noting that contractor classifications decreased from 87 to 63 after review; that there are 457 boxes of records in the process of being digitized; and that customer satisfaction has improved with the introduction of the QLess application and online chat feature. She related that the anticipated implementation of Accela software is in April; and that with ongoing improvements and enhancements, the department will become more streamlined, effective, and efficient.

Mr. Burton expressed gratitude to Ms. Lancaster for sharing her knowledge and for her dedication and service to the County, and introduced Ms. Krickovic as the incoming Construction Licensing Department Director; whereupon, Mses. Lancaster and Krickovic provided remarks.

Thereupon, Chair Eggers and Commissioner Seel thanked Ms. Lancaster for her hard and valuable work and congratulated Ms. Krickovic on her promotion.

Announcement of Daisy Rodriguez Retiring

Mr. Burton announced that Human Services Director Daisy Rodriguez will be retiring; and that Karen Yatchum will be appointed as the Interim Human Services Director.

Ms. Rodriguez expressed gratitude to the Board for their leadership and the opportunity to serve the residents and thanked Assistant County Administrator Lourdes Benedict for her leadership and encouragement; whereupon, Mr. Burton and the members commended Ms. Rodriguez for her hard work and commitment.

Yellow Dot Update

Mr. Burton provided an update regarding the Yellow Dot program, noting that the program is a coordinated effort to place critical medical information inside a vehicle glove box to be used and sought by first responders in case of an emergency; and that marketing efforts will begin in early spring with handouts and deliverables made available for the public countywide and to partner cities.

Accomplishments Report

Mr. Burton indicated that the accomplishments report, summarizing achievements of the Board and County staff, is available on the County website for the public and the Board to view.

## COUNTY COMMISSION

**34.** 2021 State Legislative Program.

Assistant County Administrator Brian Lowack presented the amended 2021 State Legislative program and related that, at the direction of the Board, it was changed to address funding for three priority projects in the Florida Department of Transportation District 7 Work Plan; and that staff is currently working with partners at Forward Pinellas and legislators to develop a strategy to advocate for retention of the funding in the plan; whereupon, Chair Eggers thanked Mr. Lowack for his hard work on the program.

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

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

35. Appointment to the Pinellas County Construction Licensing Board (Board of County Commissioners as a whole).

Michael Sofarelli appointed as the registered architect for the remainder of the existing term ending September 30, 2022.

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

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

36. County Commission New Business: Pertinent and Timely Committee/Board Updates, Policy Considerations, Administrative/Procedural Considerations, and Other New Business.

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

Chair Eggers

- Tampa Bay Water Board
- Medicaid Expansion Resolution

Chair Eggers related that the League of Women Voters requested the Commission to consider a Medicaid Expansion Resolution and queried the Board regarding interest in a workshop on the item. Brief discussion ensued, and Mr. Burton indicated that staff will provide more information regarding the request and the financial impact it may have on the County.

Later in the meeting, and upon call by the Chair for public comment, Linsey Grove, St. Petersburg, spoke on behalf of the League of Women Voters of the St. Petersburg Area and the League of Women Voters of North Pinellas County, and expressed support for the Medicaid Expansion Resolution.

Commissioner Peters

- Preservation of The Science Center in St. Petersburg

Commissioner Seel

- Forward Pinellas

Meeting Recessed: 5:45 P.M.

Meeting Reconvened: 6:06 P.M.

## PUBLIC HEARINGS

**All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.**

### BOARD OF COUNTY COMMISSIONERS

37. Resolution supplementing the Fiscal Year 2021 Budget for unanticipated fund balances in the STAR Center, Surface Water Utility, Capital Projects, Solid Waste Renewal and Replacement, and Water Renewal and Replacement Funds.

Resolution No. 21-9 adopted recognizing unanticipated beginning fund balances within the various funds identified and increasing the total appropriation within each fund accordingly. No correspondence has been received. No citizens appeared to be heard.

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

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

38. Ordinance establishing Chapter 42, Article XV, Pinellas County Code relating to an Infectious Disease Elimination program including syringe exchange, providing program definitions, requirements, and operational guidelines.

Ordinance No. 21-02 adopted. No correspondence has been received. No citizens appeared to be heard.

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

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

39. Petition of Christopher D. Muller, Laura T. Muller, Raymond B. Bennett, and Debra J. Schaefer to vacate the 80-foot-wide right-of-way of Illinois Avenue lying between Lots 6, 7 and 8, Block 135 and Lots 9, 10, 11 and 12, Block 130, Map of Sutherland, Plat Book H1, Page 1, lying in Section 2-28-15, Pinellas County, Florida. (Legislative Hearing)

Petition denied. Letters of no objection have been received from the appropriate parties and interested parties were notified as to the date of the public hearing. Four email comments in opposition to the petition have been received.



Referring to a PowerPoint presentation containing photographs and maps, Facilities and Real Property Division Director Andrew Pupke indicated that the petitioners are seeking the vacation to increase their property size and retain unpermitted improvements encroaching into the right-of-way. He provided information regarding the location of the right-of-way in relation to the surrounding area, property ownership, utilities, and the history of the improvements made between 2006 and 2010.

Mr. Pupke related that, at the direction of the Board in July 2020, staff met with the petitioners three times to reach an agreeable solution for all parties; and that there was no solution presented by the petitioners that addressed the County's concerns regarding public access to the Pinellas Trail, existing utility infrastructure, and future stormwater drainage needs; whereupon, he stated that staff recommends denial of the petition.

Mr. Pupke indicated that if the Board decides to grant the petition, the following conditions are enumerated in the accompanying resolution:

- The County would retain an 80-foot-wide drainage and utility easement because of existing utility infrastructure and future stormwater improvements.
- The petitioners would be responsible for expenses incurred for removal of any improvements impeding the County's future installation of a drainage system.
- Additional improvements to the right-of-way would not be permitted.
- Alternate trail access improvements at the corner of Ohio Avenue and Ninth Street would be constructed by the petitioners.

In response to queries by the Commissioners, Mr. Pupke, with input from Attorney White, related that an improved alternate trail access is included as a condition of the resolution due to the loss of the public access point on Illinois Avenue; that the Illinois Avenue trail access is currently unimproved and does not meet County standards, but could still be used by the petitioners and nearby homeowners for access to their properties; and that the retained easement would only be for drainage and utility purposes.

Public Works Director Kelli Hammer Levy explained that the County Code provides criteria for evaluating vacation requests, including whether there is a present or future need for a right-of-way. She provided insight regarding the design of the stormwater drainage plan that the petitioners presented, noting the following concerns:

- Location of a discharge pipe could cause mosquito breeding, erosion, and increased maintenance by the County
- Public safety
- Flooding
- Potential conflict with utilities
- Proposed project did not include an evaluation of its impact on the surrounding area
- The petitioners did not address design comments from County staff
- The County would have to make additional improvements to accommodate the petitioner's drainage design

Ms. Levy related that a high-level conceptual assessment was completed by County engineering staff pertaining to the various improvements that would need to be conducted regarding stormwater drainage; and that, by looking at elevation data history of Illinois Avenue, staff determined the south end of the right-of-way will have to be regraded to its original elevation for the County's stormwater drainage plan to work.

Ms. Levy indicated that a drainage project for the area could be included in the County's six-year plan; and that a stormwater pond at the corner of Ohio Avenue and Pinellas Trail was inspected by the engineering staff, who found very minor maintenance concerns; whereupon, Ms. Levy and Mr. Pupke, with input from Attorney White, provided clarification regarding various topics.

Building and Development Review Services Director Blake Lyon stated that the petitioners are re-building a home on the property; and that the certificate of occupancy is conditioned upon the removal of the encroachments on the Ninth Street right-of-way due to safety risks and liability issues. He indicated that an option to secure a bond exists for removal of the improvements made to the Illinois Avenue right-of-way, relating that once the County identifies a drainage project, they will provide ample notification to the property owners to remove the improvements; and that if the improvements are not removed, the County will exercise the bond and remove them; whereupon, he stated that staff recommends removal of the overgrown vegetation currently impeding visibility to the trail access on Illinois Avenue.

In response to queries by the Commissioners, Mr. Lyon provided information regarding the following topics:

- Bond specifics
- Construction progress regarding the home re-build
- Removal of boulders and storage containers placed on or near the subject property
- Safety concerns regarding the encroachments on the Ninth Street right-of-way

Appearing on behalf of the petitioners, Todd Pressman, St. Petersburg, referred to a PowerPoint presentation and discussed concerns of staff, noting that the petitioners intend to improve the trail access on the corner of Ohio Avenue and Ninth Street and to install a stormwater drainage system, both at their expense, if granted the vacation; and that there have been no complaints from the public regarding the improvements.

Mr. Pressman indicated that the boulders across the street were removed at the request of staff; that the removal of the Ninth Street improvements was delayed until the Board made the final decision regarding the petition; and that if the vacation is granted, the petitioners propose to give 40 feet of the right-of-way back to the County for a drainage and utility easement instead of the 80 feet requested by staff.

Mr. Pressman introduced engineer Tom Radcliffe, Safety Harbor, who indicated that he conducted research in the area and proposed a drainage plan to address staff's concerns in regard to flooding; and that, based upon the underground location of the existing utilities, the proposed 40-foot easement in the center of the right-of-way would address any maintenance needs.

Petitioner Laura Muller, Palm Harbor, indicated that her husband and she had no intention of landscaping on County property; and that the red tag violation they received in 2008 pertaining to the right-of-way overgrowth and encroaching boulders was assumed to be resolved.

In response to queries by Commissioner Gerard, Mr. Pressman, with input from Mr. Radcliffe, confirmed that the petitioners are seeking an 80-foot-wide vacation and are willing to give back a 40-foot easement in the center for the maintenance of utilities and trail access; whereupon, Ms. Levy provided insight regarding the location of the utilities in relation to the proposed easement.

During a lengthy discussion regarding the request and what action the Board could take, the following and related topics were discussed by the members and staff, with input by Mr. Pressman:

- Design of the proposed drainage system and whether it complies with the recommendations made by staff
- Whether a proposed 40-foot easement in the center of the right-of-way would be sufficient for the County to access its existing facilities for maintenance or address the needs relating to stormwater drainage
- Future need, location, and timeframe for stormwater drainage enhancements
- Length of notice to petitioners to remove improvements once a drainage project is determined by the County
- Petitioners knowledge of and continued encroachment subsequent to violation notices sent by the County in 2008 and 2011

Upon call by the Chair for public comment, Michael Purdy, Palm Harbor, expressed his concerns regarding the petition.

Commissioner Seel moved, seconded by Commissioner Long, that the petition be denied; that the encroachments into the Ninth Street right-of-way be removed; that a bond be secured for future removal of encroachments in the Illinois Avenue right-of-way; and that the Mullers be required to construct a Pinellas Trail connection at the corner of Ninth Street and Ohio Street in consideration of utilizing the Illinois right-of-way until future drainage is constructed by the County, noting that potential growth of the vegetation encroaching into the right-of-way should be considered in calculating the bond amount.

Attorney White cautioned the Board against imposing a condition requiring the Mullers to construct a trail access, and brief discussion ensued; whereupon, Commissioner Seel amended her motion.

**A motion was made by Commissioner Seel, seconded by Commissioner Long, that the request to vacate the 80-foot-wide right-of-way be denied with the following stipulations: (1) all encroachments into the Ninth Street right-of-way be removed; (2) a bond be secured for the removal of encroachments into the Illinois Avenue right-of-way; and (3) the vegetation currently impeding the trail access at the end of Illinois Avenue be removed. The motion carried by the following vote:**

**Aye:** 7 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

**ADJOURNMENT – 8:01 P.M.**

ATTEST: KEN BURKE, CLERK

\_\_\_\_\_  
Chair

By \_\_\_\_\_  
Deputy Clerk