

Pinellas County

*315 Court Street
Clearwater, FL 33756*



Minutes - Final

Tuesday, May 10, 2022

9:30 A.M.

Hybrid In-Person and Virtual Regular Meeting

5th Floor Assembly Room

Board of County Commissioners

Charlie Justice, Chairman

Janet C. Long, Vice-Chair

Dave Eggers

Rene Flowers

Pat Gerard

Kathleen Peters

Karen Williams Seel

ROLL CALL - 9:33 A.M.

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

Others Present: Barry A. Burton, County Administrator; Jewel White, County Attorney; Derelynn Revie, Board Records Manager; and Teresa Ribble, Board Reporter, Deputy Clerk

INVOCATION by Pastor Randy Morris, Gulf Coast Church, Largo.**PLEDGE OF ALLEGIANCE**

Chairman Justice stated that Commissioner Seel is unable to attend the meeting in person and requested that the Board allow her to participate virtually.

A motion was made by Commissioner Flowers, seconded by Vice-Chair Long, that the Board allow Commissioner Seel to participate virtually. The motion carried by the following vote:

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

Absent: 1 - Commissioner Seel

PRESENTATIONS AND AWARDS

1. Mental Health Month Proclamation:
NAMI Pinellas County
- Denise Bjurholm, Executive Director
- Dr. Brittany Peters, Board President

Chairman Justice invited Ms. Bjurholm and Dr. Peters to the podium and read a proclamation recognizing May 2022 as Mental Health Month. Ms. Bjurholm provided brief remarks and thanked the Board for its support.

2. Emergency Medical Services (EMS) Week Proclamation:
- Craig Hare, Director, EMS & Fire Administration
- Lt. Ashley White, Palm Harbor Fire Rescue
- Chief Scott Sanford, Palm Harbor Fire Rescue

2022 EMS Professional of Year Awards: Emergency Medical Dispatcher
- Sarah Walsh, Public Safety Telecommunicator III, Regional 911 Center
Emergency Medical Technician
- Brian Peterson, Firefighter/EMT, St. Pete Beach Fire Rescue
Paramedic
- Robert Krayner, Firefighter/Paramedic, Palm Harbor Fire Rescue

Pinellas Federal Credit Union
- Lauren Sutton, Compliance Specialist
- Yariel Alvarez, Branch Manager

Emergency Medical Services (EMS) Week Proclamation

Chairman Justice read a proclamation declaring May 16 through 22 as Emergency Medical Services Week and invited Chief Scott Sanford and Lieutenant (Lt.) Ashley White to the podium, noting that it is an opportunity to reflect on the dedicated daily efforts of EMS personnel. Lt. White expressed her honor at accepting the proclamation on behalf of the County's EMS personnel, while Chief Sanford noted the excellence of the EMS system and thanked the Board for its support.

Chairman Justice provided information related to serious injuries that Lt. White sustained while on duty in September 2021, remarking that she is the embodiment of the sacrifice that first responders make every single day.

2022 EMS Professional of Year Awards

Chairman Justice acknowledged Pinellas Federal Credit Union for continually supporting the EMS Professionals of the Year since 1990 and indicated that Ms. Sutton and Mr. Alvarez will assist with presenting the awards.

Following a video which highlighted achievements of the recipients, Chairman Justice invited each to the podium and presented the awards.

3. Partner Presentation:
2021 Audit Results
- Ken Burke, Clerk of the Circuit Court and Comptroller
 - John Weber, Partner, Crowe LLP

During his introductory remarks, Mr. Burke emphasized the transparency and availability of the County's financial records, noting that the Clerk's *Spending in the Sunshine* website allows citizens to see a wide array of financial reports, including Annual Financial Statements. He presented an overview of the Pinellas County Comprehensive Annual Financial Report prepared by the Clerk's Finance Division and related that it contained a clean audit opinion; and that the Government Finance Officers Association (GFOA) Certificate of Excellence has once again been received. Mr. Burke noted that a *Citizens' Guide to County Finances*, which is a condensed version of the financial report, is available.

Mr. Burke reported that investments were a challenge in 2021 due to a low rate of return and rising federal interest rates, but that the County has been aggressive to refinance for lower interest rates whenever feasible. He related that an additional challenge involved the receipt and disbursement of federal grant monies, including from the American Rescue Act and the Coronavirus Aid, Relief, and Economic Security Act, particularly due to usage guidelines typically provided following the release of the funding; whereupon, he indicated that he believes that a good job was done by the County to properly and quickly provide funding to those who needed it the most.

Mr. Burke introduced Finance Division Chief Deputy Director Jeanette Phillips and Andrew Laffin, General Accounting and Reporting Department, and thanked them and the entire staff for their work. He recognized the effective partnership between himself, as Chief Financial Officer, and Mr. Burton as Budget Officer.

Mr. Weber utilized a PowerPoint presentation titled *Audit Results Pinellas County Fiscal Year 2021* and provided a summary of the audit results, an overview of the financial statements, and surrounding county comparative data, noting that an unmodified opinion, otherwise referred to as a clean audit opinion, was issued for the Comprehensive Annual Financial Report; that no material weaknesses or significant deficiencies on internal control and compliance were found; that an unmodified opinion was issued and no material weaknesses, significant deficiencies, findings, or questioned costs were found related to County compliance with federal and state grants; and that audits of the Constitutional Officers' offices and other separate audits were all clean.

In response to queries by Commissioners Eggers and Flowers, Mr. Weber indicated that he believes the County's water, sewer, and solid waste systems are in good financial condition; that instability of the economy solidifies the need for General Fund reserves; and that the amount of reserves that a municipality deems appropriate is an internal management decision; whereupon, Mr. Burke related that he will provide the members a best practice document published by the GFOA related to reserves, and Mr. Burton indicated that staff works with all communities to share the Federal Emergency Management Agency (FEMA) rating received by Pinellas County which allows homeowners to take advantage of a 35% discount on flood insurance.

Responding to queries by Commissioner Long, Mr. Burke indicated that organizations such as the GFOA are in the process of discussing reserve fund standards related to environmental concerns; and that he and Mr. Burton will collaborate to research and discuss a potential recommendation related to the County's reserve funds.

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.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Countywide Planning Authority

4. Case No. CW 22-05 - Pinellas County
Countywide Plan Map amendment from Residential Low Medium to Residential Medium, regarding 0.71 acres more or less, located at 5173 28th Street North and 2786 and 2782 52nd Avenue North.

Ordinance No. 22-12 adopted approving Case No. 22-05. Forward Pinellas, in its role as the 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 Gerard, 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 Eggers, Commissioner Flowers, Commissioner Gerard, and Commissioner Peters

Absent: 1 - Commissioner Seel

5. Case No. CW 22-06 - Pinellas County
Countywide Plan Map amendment from Residential Low Medium and Scenic/Non Commercial Corridor to Office and Scenic/Non Commercial Corridor, regarding 2.25 acres more or less, located at 1961 East Lake Road.

Ordinance No. 22-13 adopted approving Case No. 22-06. Forward Pinellas, in its role as the 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 Eggers, 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 Eggers, Commissioner Flowers, Commissioner Gerard, and Commissioner Peters

Absent: 1 - Commissioner Seel

6. Case No. CW 22-07 - Pinellas County
Countywide Plan Map amendment from Residential Low Medium to Retail and Services, regarding 0.33 acres more or less, located at 90 20th Terrace Southwest.

Ordinance No. 22-14 adopted approving Case No. 22-07. Forward Pinellas, in its role as the 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 Gerard, 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 Eggers, Commissioner Flowers, Commissioner Gerard, and Commissioner Peters

Absent: 1 - Commissioner Seel

7. Case No. CW 22-08 - Pinellas County
Countywide Plan Map amendment from Recreation/Open Space and Residential Rural to Residential Rural and Recreation/Open Space, regarding 2.86 acres more or less, located at 2669 St. Andrews Boulevard.

Ordinance No. 22-15 adopted approving Case No. 22-08. Forward Pinellas, in its role as the 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 Gerard, seconded by Commissioner Eggers, that the item be approved. The motion carried by the following vote:

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

Absent: 1 - Commissioner Seel

CITIZENS TO BE HEARD

8. Citizens To Be Heard - Public Comment

David Ballard Geddis, Jr., Palm Harbor (submitted documents)
Greg Pound, Largo
Mack Johnson, Largo

CONSENT AGENDA - Items 9 through 17

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

Absent: 1 - Commissioner Seel

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

9. Minutes of the regular meeting held February 22, 2022.

This item was approved as part of the Consent Agenda.

10. Vouchers and bills paid from March 27 through April 9, 2022.

Period March 27 - April 2, 2022

Accounts Payable - \$29,360,191.96

Payroll - \$4,158,372.90

Period April 3 - 9, 2022

Accounts Payable - \$76,540,761.60

Payroll - None

This item was approved as part of the Consent Agenda.

Miscellaneous items received for filing:

11. Pinellas County, Florida, Community Redevelopment Agency Financial Statements for the year ended September 30, 2021.

This item was approved as part of the Consent Agenda.

12. Eastlake Oaks Community Development District minutes and corresponding attachments of the meeting held February 10, 2022.

This item was approved as part of the Consent Agenda.

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

13. Quarterly report of claim settlements for the period of January 1, through March 31, 2022.

This item was approved as part of the Consent Agenda.

Economic Development

14. Award of bid to Gibson Air Conditioning and Refrigeration, LLC for the STAR Center Air Handler Replacement project 138, 154, and 189.

Contract No. 22-0090-CP awarded in the amount of \$875,000.00 on the basis of being the lowest responsive, responsible bid received. All work to be completed within 250 consecutive calendar days.

This item was approved as part of the Consent Agenda.

Public Works

15. Joint Project Agreement with the Town of Belleair to address utility conflicts associated with County proposed sidewalk improvements on Mehlenbacher Road from Gulf View Drive to Belleair Forest Drive.

(County PID No. 001976A) Agreement approved. Estimated cost of improvements, \$357,761.25, to be funded by the Town.

This item was approved as part of the Consent Agenda.

Utilities

16. Award of bid to Insituform Technologies, LLC for the sanitary sewer infrastructure rehabilitation in the vicinity of three areas: Bee Pond Road, Hamlin Boulevard, and 46th Avenue North.

Contract No. 21-0366-CP in the not-to-exceed amount of \$1,253,773.40 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications. Work to be completed within 365 consecutive calendar days.

This item was approved as part of the Consent Agenda.

17. Ranking of firms and agreement with CDM Smith, Inc. for professional engineering services for the Regional Resource Recovery Facility project.

(Contract No. 190-0157-NC) Ranking of firms and agreement approved in the amount not to exceed \$2,343,755.50 for Phase 1 services for a term of 730 consecutive calendar days.

This item was approved as part of the Consent Agenda.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

18. Declare 15 County-owned parcels as surplus and grant authorization to advertise and dispose of the parcels.

Resolution No. 22-35 adopted declaring 15 County-owned parcels as surplus and authorizing advertisement for disposition, pursuant to Section 125.35, Florida Statutes.

Responding to a query by Commissioner Eggers, Mr. Burton, with input from Assistant County Administrator Kevin Knutson and Deputy Director of Administrative Services Diana Sweeney, related that County staff have worked with Colliers International to identify surplus County-owned parcels for disposal, explaining that 15 of the 110 parcels identified are being considered today; whereupon, Commissioner Eggers requested a more detailed report regarding parcel categories.

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

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

Absent: 1 - Commissioner Seel

Airport

19. Award of bid to Kloote Contracting, Inc. for the St. Pete-Clearwater International Airport cell lot restrooms.

Contract No. 22-0144-CP (PID No. 004910A) awarded in an amount not to exceed \$409,025.00 for a 180-day term on the basis of being the lowest responsive, responsible bid received meeting specifications.

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

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

Absent: 1 - Commissioner Seel

Housing & Community Development

20. Affordable Housing Program loan to Homes for Independence d/b/a ServiceSource for a multifamily rental housing project known as the Homes for Independence 6 Homes Renovation project.

Funding approved in the amount of \$386,198.00 utilizing State Housing Initiatives Partnership funds for renovations of six affordable housing units for persons with special needs. County Administrator has delegated authority to execute loan documents, restrictive covenants, and any other such agreements and documentation associated with the loan in the amount authorized by the Board.

A motion was made by Vice-Chair Long, 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 Gerard, Commissioner Peters, and Commissioner Seel

21. Affordable Housing Program project funding recommendation for Fairfield Avenue Apartments by Fairfield Avenue LLC.

Recommendation approved for funding in the amount of \$5.6 million (\$3 million for land acquisition, \$2.6 million for construction) for a 264 multi-family unit affordable housing apartment project in St. Petersburg. Total estimated project cost is \$51,426,942.00. County Administrator authorized to negotiate and approve the terms, conditions, and final funding amount not to exceed the BCC-approved amount. Board approval of the funding is conditioned upon satisfactory completion of a due diligence review as determined by the County Administrator.

Commissioner Flowers expressed her appreciation for the project, recognizing the partnership between the County and the cities to make walkable communities a reality; whereupon, she related that the income level limits information is available in the agenda packet.

Responding to a query by Commissioner Eggers, Community Development Manager Bruce Bussey related that the land value is \$5.6 million; that \$3 million will be provided at closing, and \$2.6 million will be payable as construction milestones are reached; and that the project will provide workforce housing units, as well the affordable housing units.

A motion was made by Vice-Chair Long, 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 Gerard, Commissioner Peters, and Commissioner Seel

Management and Budget

- 22.** Fiscal Year 2022 Board Budget Amendment No. 22-02 to realign appropriation from Reserve for Contingencies in the General Fund and Risk Financing Fund for unanticipated Fiscal Year 2022 expenditures.

Amendment approved realigning \$6,179,880.00 from Reserves for Contingencies in the General Fund and \$1,125,210.00 from Reserves for Contingencies in the Risk Financing Fund, as outlined in the Staff Report.

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 Gerard, Commissioner Peters, and Commissioner Seel

Public Works

- 23.** Request for a public hearing to appeal the denial of County Dock Permit Application No. WND-21-01528 for 618 Sunset Drive South in St. Petersburg.

Request for public hearing approved.

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

Aye: 5 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, and Commissioner Peters

Nay: 2 - Commissioner Gerard, and Commissioner Seel

COUNTY ATTORNEY

- 24.** County Attorney Report:

Authorize County Attorney to execute conflict of waiver form from outside counsel related to Supervisor of Elections' request

Attorney White presented a conflict waiver request from Bryant Miller Olive P.A., the County's outside counsel, and indicated that the Supervisor of Elections contacted her office with a concern regarding the potential of the Supervisor's involvement in the Senate Bill 524 litigation; that there are no plans to file suit against the Supervisor; and that she recommends that the Board approve the request.

A motion was made by Vice-Chair Long, seconded by Commissioner Gerard, that the conflict waiver request be approved. The motion carried by the following vote:

Aye: 7 - Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers, Commissioner Gerard, Commissioner Peters, and Commissioner Seal

COUNTY ADMINISTRATOR

25. County Administrator Reports:

- Upcoming Budget Information Sessions
- Attendance at upcoming community panel meetings
- Cross-Bay Ferry

In response to a query by Commissioner Long, Mr. Burton indicated that County reserve levels and other financial matters will be discussed at the June budget information sessions, and related that he will participate in the upcoming panel meetings of the Dunedin Chamber of Commerce, Leadership St. Pete, and Habitat for Humanity of Pinellas and West Pasco Counties.

Mr. Burton indicated that, as discussed at the May 5 BCC work session, he is requesting authority to issue a written notice of termination of the Interlocal Agreement with Hillsborough County, the City of St. Petersburg, and the City of Tampa, for the Cross Bay Ferry, pursuant to Section 7 of the agreement and based on its terms and transparency of information. He noted that the termination notice deadline is June 1; and that the County is supportive of the ferry service and open to discussing a new agreement, which would not have to be in place until August, and discussion ensued.

Commissioner Gerard expressed concern regarding the matter, noting that over 200 citizen emails have been received; and that consideration of a contract termination might warrant a public hearing.

Referring to the citizen emails, Commissioner Long indicated that she did not make categorical comments about not supporting the ferry service; and that she was under the impression that the Board was going to consider amending the contract, rather than terminating it so that Pinellas County could be more involved in the partnership, including discussing utilization of newer technologies; whereupon, she emphasized the importance of addressing the goal of providing regional public transportation options.

Commissioner Peters stated that she is not in favor of using taxpayer money to subsidize what is entertainment and not transportation. Commissioner Eggers noted that he disagrees with supporting a private business with tax revenue; and that a collective vision with regard to waterborne transportation should involve conversations with other coastal communities.

Commissioner Flowers indicated that there may have been a misunderstanding by the public of the issue regarding the agreement termination and suggested that all partners meet in person to discuss the ferry service partnership.

Responding to comments by the members, Mr. Burton indicated that he reached out to all of the partners prior to today's meeting; and that a letter will be sent to them, pending today's action, offering to meet and discuss the terms of agreement; that there is no movement by the partners as to the County's request for tourism promotion in return for ferry sponsorship; and that Visit St. Pete/Clearwater is prepared to work on a promotion.

Upon the Chairman's call for public comment, Ed Turanchik, Sarasota (former Hillsborough County Commissioner) and Matthew Miller, Miami Lakes (President of HMS Ferries, Inc.), appeared telephonically and voiced their concerns regarding the proposed action on the agreement and potential consequences, inaccuracy of the ferry service data presented at the BCC workshop, this year's financial losses due to increased costs for gas and labor, and other related matters.

In response to public comment, Commissioner Flowers noted that the data presented at the workshop was provided by HMS Ferries and not refuted for being inaccurate by the partners; that no partners chose to attend today's meeting in person; that other businesses are also affected by cost increases; and that the County continues to request information, which has yet to be provided.

Attorney White indicated that pursuant to the terms of the agreement, there is no issue with the Board taking action on the termination, as today's meeting was publicly noticed and accessible to all; that her review of the separate contract between Hillsborough County and HMF Ferries, Inc. does not show that termination of the Interlocal Agreement would terminate that contract; that Hillsborough County has until August 15 of any calendar year to provide notice to HMS Ferries if it wishes to continue the ferry service; and that the only way to compel renegotiation of the terms of the Interlocal Agreement is to first terminate the existing agreement.

In response to a query by Commissioner Long, Attorney White indicated that last year's request for funding was provided to the County very late in the process; and that there was not a fair opportunity to weigh in on the terms of the current agreement, and discussion continued.

Commissioner Peters made a motion, seconded by Commissioner Gerard, that the County Administrator be authorized to provide a written notice of termination of the Cross Bay Ferry Inter-City Interlocal Agreement by June 1, 2022. The motion carried by the following vote:

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

COUNTY COMMISSION

26. 2022 Federal Legislative Program.

Assistant to the County Administrator Brian Lowack noted that the Legislative Program includes the National Flood Insurance Program, beach nourishment, transportation infrastructure, and offshore oil-drilling; and that Congressmen Gus Bilirakis' and Charlie Crist's staff have informed him that the proposed Baypointe regional stormwater facility and the Anclote Road stormwater and drainage improvements projects were submitted to committee for consideration of being included in the Fiscal Year 2023 federal budget.

A motion was made by Commissioner Flowers, 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 Gerard, Commissioner Peters, and Commissioner Seel

27. County Commission New Business: Pertinent and Timely Committee/Board Updates, Policy Considerations, Administrative/Procedural Considerations, and other New Business:
- Skyway Lighting Resolutions (Commissioner Justice) - no action taken

The members commented on various topics, as follows:

Commissioner Long

- Hands Across the Sand event at Indian Rocks Beach on May 21
- Mental Health for Heroes Foundation

Commissioner Eggers

- John Morroni Foundation event on June 4 recognizing first responders

ADJOURNMENT - 11:43 A.M.



Charles Justice

 Chair

ATTEST: KEN BURKE, CLERK

By *Deedyn Lewis*
 Deputy Clerk