

# **Pinellas County**

*315 Court Street, 5th Floor Assembly Room  
Clearwater, Florida 33756*



## **Minutes - Final**

**Tuesday, August 23, 2016**

**2:00 PM**

**BCC Assembly Room**

## **Board of County Commissioners**

*Charlie Justice, Chairman  
Janet C. Long, Vice-Chairman  
Dave Eggers  
Pat Gerard  
John Morroni  
Karen Williams Seel  
Kenneth T. Welch*

**ROLL CALL - 2:06 P.M.**

**Present:** 6 - Charlie Justice, Janet C. Long, Dave Eggers, Pat Gerard, Karen Williams Seel, and Kenneth T. Welch

**Absent:** 1 - John Morrioni

**Others Present:** James L. Bennett, County Attorney; Mark S. Woodard, Assistant County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Lynn Abbott and Michael Schmidt, Board Reporters, Deputy Clerks.

**INVOCATION by Rabbi Jacob Luski with Congregation B'nai Israel in St. Petersburg**

**PLEDGE OF ALLEGIANCE**

**PRESENTATIONS AND AWARDS**

1. Presentations and awards:

American Heart Association Mission Lifeline Gold Award Presentation

Esri Enterprise GIS Award Presentation

Tech Savvy County Award Presentation

Earle B. Phelps Award Presentation

Doing Things Employee Recognition: Chuck Fry, Senior Electrical/Mechanical Technician, Utilities

National Water Quality Month Proclamation

Partner Presentation:

Tampa Bay Water - Chuck Carden, Chief Operating Officer

**American Heart Association Mission Lifeline Gold Standard Recognition Award Presentation**

The 2016 American Heart Association (AHA) Mission Lifeline Gold Standard Recognition Award was presented to Pinellas County Emergency Medical Services (EMS) by Tampa Bay American Heart Association Board member Dr. Robert Sanchez.

Dr. Sanchez explained that the award, the third in consecutive years for Pinellas County, recognizes the critical role responders play in providing rapid and effective treatment for

chest pain and heart attacks; whereupon, EMS Medical Director Dr. Angus Jameson gave a PowerPoint presentation highlighting the County's partnership with the AHA and its efforts to expedite care for "STEMI" heart attacks.

Drs. Sanchez and Jameson were joined by EMS representatives from Clearwater, Dunedin, East Lake, Largo, Lealman, Palm Harbor, Pinellas Park, Pinellas Suncoast Fire and Rescue District, Seminole, South Pasadena, Sunstar Paramedics, and Tarpon Springs.

### **Esri Enterprise GIS Award Presentation**

Chairman Justice played a video showing the 2016 Esri Enterprise Geographic Information System (GIS) Award being presented to Business Technology Services (BTS) Chief Information Officer Martin Rose, Director Thomas Fredrick, and GIS Manager Bryan Zumwalt on June 29, 2016 in San Diego, California, in recognition of the County's innovative use of online GIS mapping technology.

Chairman Justice noted that the award from the Esri software technology company is given to only one organization a year from more than 350,000 worldwide and cited the County's unique governance structure, which includes the BTS Board and the EGIS Steering Committee, as a factor Esri's committee considered in making the award.

Commissioner Welch, Chair of the BTS Board, displayed the award and congratulated Mr. Rose and his staff, Property Appraiser Pam Dubov, and other collaborators on the accomplishment.

### **Tech Savvy County Award Presentation**

Chairman Justice read a proclamation stating that for the third year in a row, Pinellas County has received the Public Technology Institute's Tech Savvy County Award. He explained that PTI's program recognizes local governments that meet a list of criteria in which technology is used to address issues, challenges, and future opportunities, and on behalf of the Commission, congratulated the recipients.

### **Earle B. Phelps Award Presentation**

Tina Nixon, Award Chair for the Florida Water Environmental Association, presented the Earle B. Phelps Award for advanced wastewater treatment to South Cross Bayou Water Reclamation Facility Manager Megan Ross and her staff. Ms. Nixon said that out of hundreds of facilities across the state, South Cross Bayou was one of only three to win the award.

### **Doing Things Employee Recognition: Chuck Fry, Senior Electrical/Mechanical Technician, Utilities**

Chairman Justice recognized Senior Electrical/Mechanical Technician Chuck Fry of the South Cross Bayou Water Reclamation Facility as an outstanding employee. He cited

Mr. Fry's 28 years of service, strong work ethic, and positive attitude, after which a video was played showing the services Mr. Fry provides.

### **National Water Quality Month Proclamation**

Chairman Justice invited staff members from the Public Works and Utilities departments to join him at the dais and read a proclamation recognizing August as National Water Quality Month. He encouraged citizens to seek out opportunities to learn how they can preserve water quality now and into the future.

### **Partner Presentation: Tampa Bay Water - Matthew Jordan, General Manager**

Referring to a PowerPoint presentation, a copy of which has been filed and made a part of the record, Mr. Jordan provided an overview of the history of Tampa Bay Water and an update on current operations and plans for future needs.

Commissioners Eggers and Welch commended the agency for its professionalism. In response to query by Commissioner Welch as to whether the agency has adjusted its water treatment protocols in accordance with recent Department of Environmental Protection (DEP) regulatory changes, Mr. Jordan indicated that it did have concerns, which it addressed with DEP; whereupon, Tampa Bay Water Chief Technical Officer Dr. Alison Adams related that water quality standards have been improved through new DEP methodology; and that none of the new standards are below the Safe Drinking Water Act standards that Tampa Bay Water must meet when treating and delivering water.

Responding to query by Commissioner Long, Dr. Adams stated that the DEP would not knowingly allow carcinogens to enter the water supply and explained how the new DEP standards pertain to surface water, not groundwater, and how discharges from industry and municipal facilities are monitored and regulated. She noted that Tampa Bay Water tests for all standards that must be met under the Safe Drinking Water Act and vigorously monitors source and treated water quality.

Commissioner Eggers added that Pinellas County, under Utilities Director Randi Kim, conducts its own intricate stringent testing of water received from Tampa Bay Water.

## **CITIZENS TO BE HEARD**

### **2. Public comment.**

Greg Pound, Largo, re truth

David Ballard Geddis, Jr., Palm Harbor, re bondage as qualification requisite

Lois Eannel, Palm Harbor, re East Lake Library

Lenore Faulkner, Madeira Beach, re education excellence for all students

J. Carl DeVine, St. Petersburg, re Banyan Tree Project, Public Defender

James Hayes, St. Petersburg, re Banyan Tree Project, Public Defender

Robert Weibrecht, St. Petersburg, re Public Defender

Messrs. DeVine, Hayes, and Weibrecht expressed concerns regarding a monetary dispute between Banyan Tree Project, Inc. and the Public Defender's Office; and following brief discussion, Commissioner Welch indicated that he would look into the matter.

**CONSENT AGENDA - Items 3 through 16 (Items 5, 9, 12, 13, and 14 addressed under Regular Agenda)**

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morrioni

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

3. Minutes of the regular meeting held July 19, 2016.

Reports received for filing:

4. Dock Fee Report for the month of July 2016.

Miscellaneous items received for filing:

6. HFA of Pinellas County FY 2017 General Fund and Housing Trust Fund Operating Budgets, as approved by the HFA Board of Directors.
7. City of Seminole Ordinances Nos. 04-2016 through 07-2016 and 09-2016 adopted July 12, 2016, voluntarily annexing certain properties.

COUNTY ADMINISTRATOR DEPARTMENTS

Animal Services

8. Revised License and Rabies Certificate.

Certificate approved, as required by Chapter 14, Section 14-61 (a)(5), Pinellas County Code.

County Administrator

10. Receipt and file report of non-procurement items delegated to the County Administrator.

Management and Budget

11. Resolution authorizing the submittal of a construction grant application to the Florida Department of State, Division of Library and Information Services for the East Lake Community Library Expansion Project.

Resolution No. 16-54 adopted authorizing the County Administrator to sign the application and any necessary certifications. Chairman authorized to sign the Certification of Application.

Solid Waste

15. Annual certification of the Lealman Solid Waste Collection and Disposal District Non-Ad Valorem Assessment Roll.

Sitting as the governing body of the Lealman Solid Waste Collection and Disposal District, the Board approved the non-ad valorem assessment roll for the period of January 1 through December 31, 2016. Chairman authorized to certify the roll to the Tax Collector prior to September 15, 2016.

## AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Emergency Medical Services Authority

16. Certificate of Public Convenience and Necessity for EKallevig Transport, LLC d/b/a Caliber Patient Transport, a Non-Medical Wheelchair Transport Provider.

Certificate issued in accordance with Section 54, Pinellas County Code. Chairman authorized to sign the certificate.

**Sitting as the Emergency Medical Services (EMS) Authority, issue a Certificate of Public Convenience and Necessity (COPCN) for a new applicant, EKallevig Transport, LLC d/b/a Caliber Patient Transport, to provide non-medical wheelchair transport service.**

Authorize the chairman to sign the certificate.

**REGULAR AGENDA**

## ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

Miscellaneous item received for filing:

5. Housing Finance Authority (HFA) of Pinellas County Resolution No. 2016-07 adopting and approving General Fund and Housing Trust Fund Fiscal Year (FY) 2016 Budget Amendments.

Responding to query by Commissioner Welch pertaining to the Housing Trust Fund, HFA Executive Director Kathryn Driver explained that a \$180,000 County allocation for Fiscal Year 2016 was not distributed to the HFA; and that the Fiscal Year 2017 budget will include the allocations for two years.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

### Animal Services

9. Authority to advertise a public hearing to be held on October 11, 2016, regarding a proposed ordinance amending Chapter 14 of the County Code relating to animals.

Commissioner Seel cited proposed references to state statute, and expressed concern that the ordinance would unintentionally restrict private pet owners. Responding to her queries, Assistant County Administrator John A. Bennett indicated that the state statutes are superior to the existing County ordinance with regard to protection of law enforcement service dogs, and Mr. Woodard explained that the stricter animal controls were requested by community partners and are intended to prevent serial breeding at residential properties. Animal Services Director Doug Brightwell provided input regarding the proposed new regulations, and discussion ensued.

**A motion was made by Vice-Chairman Long, seconded by Commissioner Gerard, that authority be granted. The motion carried by the following vote:**

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

### Public Works

12. Award of bid to Kamminga & Roodvoets, Inc. for the roadway construction project on Haines Road from 51st Avenue North to 60th Avenue North.

Bid No. 156-0375-CP in the amount of \$4,722,721.15 awarded on the basis of being the lowest responsive, responsible bid meeting specifications. All work is expected to be completed within 548 consecutive calendar days. Chairman authorized to sign the agreement and the Clerk to attest.

At the request of Commissioner Eggers, Traffic Signal Operations Manager Ken Jacobs provided a brief description of the work to be completed, noting that the project includes resurfacing, adding sidewalks, and improving drainage.

During discussion and responding to query to Commissioner Welch, Mr. Jacobs indicated that the roadway will not be wide enough to accommodate bicycle lanes, but will have wider shoulders than it does currently.

**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-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

### Real Estate Management

13. Authority to advertise a public hearing to be held October 11, 2016, regarding a proposed ordinance restricting groundwater wells, other than Florida Department of Environmental Protection-approved monitoring wells, from being placed within County-owned or operated rights-of-way.

Responding to query by Commissioner Seel, Mr. Woodard explained that the proposed ordinance will streamline the process for the Department of Environmental Protection (DEP) to place wells into County land for the purpose of monitoring contamination and groundwater issues. Environmental Program Coordinator Teresa Hasbrouk provided input, noting that the intent is to prevent the installation of potable water wells in areas where the water might be contaminated.

**A motion was made by Commissioner Eggers, seconded by Commissioner Gerard, that authority be granted. The motion carried by the following vote:**

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

### Risk Management

14. Acceptance of Insurance Carrier Claim Settlement for Wall Springs Park observation tower ramp construction.



Settlement in the amount of \$903,054.76 (\$115,724.00 for design costs and \$788,054.76 for construction) accepted.

At the request of Commissioner Eggers, Mr. Woodard provided an update regarding the observation tower and ramp. He indicated that the tower was lost due to arson in 2013 and rebuilt in 2015 to meet the Americans with Disabilities Act (ADA) requirements that existed when it was originally constructed in 2004; that the County subsequently discovered that it would have to be brought to more stringent ADA standards that went into effect in 2010; and that the settlement is the result of many months of negotiation.

Mr. Woodard related that the proposed ramp is the least expensive and most public-friendly of the options explored, and responding to query by Commissioner Eggers, confirmed that due to an oversight by staff, the ADA-compliant ramp was not included in the initial insurance settlement.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

## COUNTY ADMINISTRATOR DEPARTMENTS

### Airport

17. Interlocal Agreement with the Pinellas County Sheriff's Office for law enforcement services at St. Pete-Clearwater International Airport.

Agreement for the period October 1, 2016 through September 30, 2017 in the amount of \$727,956.78 approved; Chairman authorized to sign and the Clerk to attest.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

### Convention and Visitors Bureau

18. FY 2017 Elite Event Funding Recommendations from the Tourist Development Council.

Recommendations approved to fund the following Fiscal Year 2017 Elite Events for a

total cost of \$1,525,000.00, as delineated in the Staff Report: Firestone Grand Prix of St. Petersburg, 2017 Valspar PGA Championship, Outback Bowl and Clearwater Beach Day, St. Petersburg Bowl, Clearwater Jazz Holiday, Bright House Networks Clearwater National Super Boat Championship Festival, Pier 60 Sugar Sand Festival, Ribfest, 92nd Annual East-West Shrine Game, 2017 Clearwater Seafood and Blues Festival, John's Pass Seafood Festival, Baddest BBQ on the Bone and Fishing Slam, and Old Salt Fall King of the Beach Tournament and Festival.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morrioni

### Human Services

19. Sole source contract with 2-1-1 Tampa Bay Cares, Inc. for administration of the Emergency Financial Assistance for Adults Program.

Contract No. 156-0250-SS in the amount of \$9,064,640.00 for a five-year term expiring September 30, 2021, approved (estimated annual expenditure not to exceed \$1,812,928.00).

In response to queries by Commissioner Seel, Mr. Woodard discussed the three programmatic areas of 2-1-1 Tampa Bay Cares supported by the Board, reporting that the Adult Emergency Financial Assistance Program (AEFAP) began as a pilot program last year with the goal of assisting adults at risk of becoming homeless; whereupon, Assistant County Administrator John A. Bennett provided financial information regarding the five-percent inflationary adjustment for Human Services contracts.

In response to queries by Commissioner Welch, Mr. Woodard provided information regarding how the emergency assistance funding would be utilized, and the prospect of hiring additional supervisory staff to realize greater efficiencies; whereupon, Micki Thompson, Executive Director, 2-1-1 Tampa Bay Cares, related that four direct service line staff were hired during the pilot program; that a supervisor will be hired to assist with financial documentation; and that telephone calls are screened Monday through Friday, 7:00 A.M. to 6:00 P.M.

In response to queries by Commissioners Eggers and Gerard, Ms. Thompson discussed various ways citizens can contact 2-1-1 Tampa Bay Cares, and provided information regarding call volumes and staffing levels, indicating that because more calls come into the Crisis Line after normal business hours, it would be helpful to hire a second individual to help with the increased call volume; whereupon, she related that the Juvenile Welfare Board will continue to be a funder of 2-1-1 Tampa Bay Cares.

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

**Aye:** 5 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, and Commissioner Welch

**Absent:** 2 - Commissioner Morroni, and Commissioner Seel

### Management and Budget

- 20.** FY 2016 Board Budget Amendment No. 6 to use Tourist Development Council Fund Reserves for expanded sales and marketing activities for the Convention and Visitors Bureau.

Amendment approved realigning appropriation in the amount of \$2,000,000 to the Sales and Marketing Program within the Convention and Visitors Bureau.

Mr. Woodard related that the proposed action is consistent with the Tourist Development Plan; and that using the funding for marketing and promotions will not disadvantage those amounts for capital and debt service.

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

**Aye:** 5 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, and Commissioner Welch

**Absent:** 2 - Commissioner Morroni, and Commissioner Seel

- 21.** FY 2016 Board Budget Amendment No. 7 to realign appropriation from General Fund - Reserve for Contingencies to provide funding for the High Speed Ferry Pilot program.

Amendment approved realigning appropriation in the amount of \$350,000 to the Countywide Support Services - Intergovernmental Program.

Mr. Woodard indicated that if the Board ultimately decides to include the High Speed Ferry Pilot Program as one of its approved BP projects, an accounting adjustment can take place to restore the \$350,000 to reserves.

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

**Aye:** 4 - Chairman Justice, Vice-Chairman Long, Commissioner Gerard, and Commissioner Welch

**Nay:** 1 - Commissioner Eggers

**Absent:** 2 - Commissioner Morroni, and Commissioner Seel

### Public Works

22. Selection of a preferred design alternative for the Dunedin Causeway Bridges project.  
(County PID No. 000423A) Selection temporarily deferred.

Following introduction of the item by Mr. Woodard, Traffic Engineering Manager Kenneth A. Jacobs responded to queries by Commissioner Welch, relating that even though approximately 80 percent of the funding for bridge construction could come from the federal government, those dollars would not be used for operation and maintenance (O&M) of the bridge.

In response to queries by Chairman Justice, Mr. Woodard reported that a Project Development and Environment (PD&E) study is presently taking place and is required as part of the National Environmental Policy Act (NEPA) process; and that the County is taking the necessary steps to qualify for federal funding through the Federal Highway Administration; whereupon, he indicated that the design consultant has identified three profiles and alignments for the main bridge; that the members are being asked to select one of those choices; and that a decision today will allow the design consultant to move forward and gather further information.

In response to queries by Commissioners Eggers and Gerard, Mr. Jacobs, with input by Megan McKinney, AECOM, discussed community support for the various bridge configurations and presented additional information regarding the PD&E study and NEPA process, noting that there are various circumstances where the federal government may provide less than the 80 percent of funding requested by Pinellas County; whereupon, he related that while sea level rise is being taken into account with regard to the bridges, it is not being considered with respect to the causeway since the causeway is not part of the construction project, and Commissioner Seel provided input.

In response to queries by Commissioner Seel, Mr. Jacobs and Ms. McKinney indicated that the current bridge is opened four times a day for boat traffic; and that a mid-level bridge would reduce openings to two per day; whereupon, James W. Englert, P.E., Bridge Department Manager, AECOM, related that because the Intracoastal Waterway was established by an Act of Congress, bridge heights, bridge openings, and similar limitations are administered by the U.S. Coast Guard, and discussion ensued.

Responding to the Chairman's call for persons wishing to be heard, the following individuals presented their comments and concerns:

John L. Taylor, Clearwater - supports high-level bridge with boat ramps

Jackie Nigro, Dunedin - supports mid-level bridge

Mayor Julie Ward Bujalski, Dunedin - supports mid-level bridge

Commissioner Deborah Kynes, Dunedin - supports mid-level bridge

In response to queries by Commissioner Welch, Mr. Jacobs related that the annual O&M costs for the current bridge are about \$300,000; that those dollars come out of the Transportation Trust Fund; and that the annual O&M costs for a mid-level bridge would be about \$225,000 over a 75-year projected lifespan; whereupon, Commissioner Gerard remarked that she is surprised by the adversarial tone of Mayor Bujalski in her comments; that the County has been friendly during the entire process; and that because the project will be in excess of \$50 million, it is worth the members' time to engage in contemplation and discussion.

Commissioner Seel stated that she had telephoned the Florida Department of Transportation (FDOT) regarding the prospect of state funding since the bridge primarily goes to a state park; whereupon, she related that she is not prepared to make a decision today regarding the preferred design alternative; that there are still unanswered questions; that the members should be speaking with state representatives and others to see what resources may be available; and that she would be more in favor of the project if there were partners to share in the annual O&M costs, and Commissioner Long agreed.

In response to queries by Commissioners Long and Welch, Mr. Woodard discussed factors impacting the Transportation Trust Fund, indicating that it will likely be depleted by 2022, and Mr. Jacobs provided information regarding city, state, county, and federal funding for construction of the Clearwater Memorial Causeway; whereupon, Commissioner Welch presented information regarding the difference in construction costs to Pinellas County for a high-level versus a mid-level bridge, and Commissioners Eggers and Seel discussed O&M funding and the various factors associated with moving forward.

Commissioner Seel requested that staff speak with the Coast Guard regarding the number of boats that utilize the current bridge, an alternative route around Honeymoon Island, and whether an actual need exists for the construction of a 65-foot-bridge or bascule bridge; whereupon, she related that more discussion should take place with FDOT and USDOT regarding funding; and that she would be glad to maintain contact with state representatives regarding causeway funding, reminding them that the causeway ends at a state park, and discussion ensued with input by Commissioners Eggers and Gerard.

Mr. Woodard related that the members are presently going through a due-diligence process; and that if they have any further questions subsequent to the meeting, they can submit those questions to his office, preferably by Friday; whereupon, Chairman Justice related that Agenda Item No. 22 is being postponed, and no objections were noted.

Real Estate Management

23. Resolution designating the former Zero Corporation site as a Brownfield site.

Resolution No. 16-55 adopted designating the area known as the former Zero Corporation site as a Brownfield site pursuant to Chapter 376, Florida Statutes; identifying the person responsible for Brownfield site rehabilitation; authorizing the Chairman to execute a Brownfield Site Rehabilitation Agreement; authorizing the County Administrator to notify the Florida Department of Environmental Protection of said designation; and authorizing the Real Estate Management Director to sign and file reports, plans, and other administrative documents, and to take such other actions necessary to accomplish the Brownfield designation.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morrioni

## COUNTY ADMINISTRATOR

### 24. County Administrator miscellaneous.

#### Update on Zika Virus

Mr. Woodard indicated that Dr. Ulyee Choe, Director, Florida Department of Health in Pinellas County, was joined earlier today by the Governor and the State Surgeon General and has an announcement regarding the Zika virus; whereupon, Dr. Choe reported that the Department of Health has confirmed that one non-travel-related case of Zika has been found in Pinellas County; that an investigation is currently taking place; and that the case does not indicate active transmission.

Dr. Choe related that the Department of Health and Pinellas County Mosquito Control have been working together; that door-to-door outreach is taking place; that educational materials are being provided to the public; and that known mosquito breeding areas are being sprayed; whereupon, he provided information regarding how pregnant women can obtain mosquito kits and be tested for the virus free of charge, and discussed ways to reduce the local mosquito population and other preventive measures to avoid becoming infected.

In response to queries by Commissioner Gerard, Dr. Choe discussed the larvicide dunks provided in the mosquito kits, opining that the draining of standing water would likely provide a greater benefit; whereupon, he indicated that because only one in five people infected with Zika show symptoms, it presents a challenge to the medical community; and that symptoms can include fever, rash, conjunctivitis, and joint pain.

Responding to comments and queries by the members, Dr. Choe reported that active transmission occurs when local mosquitoes spread the virus versus travel-related cases where people become infected elsewhere and return to the area, and recommended

that both adults and children wear long sleeve shirts, long pants, and use mosquito repellants to avoid becoming infected; whereupon, Mr. Woodard related that additional state funding has allowed for increased eradication efforts; that field operations have been revised to combat the particular mosquito involved; and that his office has been receiving guidance from the Centers for Disease Control and the Department of Health, and brief discussion ensued.

#### Retirement of Assistant County Administrator Pick Talley

Mr. Woodard related that after a ten-year retirement, Assistant County Administrator Pick Talley returned to serve Pinellas County about 14 months ago; and that today is his last meeting prior to a second retirement; whereupon, he noted Mr. Talley's accomplishments during that timeframe and thanked him for his service.

#### Incoming Assistant County Administrator Bill Breckinridge

Mr. Woodard introduced Mr. Breckinridge and discussed his education and experience.

### COUNTY ATTORNEY

Attorney Bennett discussed Agenda Items Nos. 25, 26, and 27, indicating that the items relate to complaints of alleged housing discrimination; and that such cases are reviewed by the Department of Housing and Urban Development, the Office of Human Rights, and the County Attorney's Office. He reported that when cause is found, cases are brought before the County Commission for a vote and referral to either Bay Area Legal Services or Gulfcoast Legal Services; and that cause has been found in all three cases.

- 25.** Proposed initiation of litigation in the case of Melissa Vivenzio v. Edward Palladini - HUD Case No. 04-15-0215-8; PC Case No. 15-016 - alleged housing discrimination.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

- 26.** Proposed initiation of litigation in the case of James Paige v. Eagles Nest Residents, Inc., Lamont Management, Inc., Robert Kohler, William Rogers, Doris Eitel, Costa Chelikas and Sue Lamont - HUD Case No. 04-16-4065-8; PC Case No. 16-002 - alleged housing discrimination.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

- 27.** Proposed initiation of litigation in the case of Octavia Stewart v. Holly Berry Gifts, Inc. and Mike Prusinski - HUD Case No. 04-16-0164-8; PC Case No. 16-004 - alleged housing discrimination.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

- 28.** County Attorney miscellaneous - None.

#### AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

##### Economic Development Authority

- 29.** Transfer of property to the Economic Development Authority and execution of a Contract for Sale and Purchase between the Economic Development Authority and Crown Automotive Management, Inc. for the property located at 7651 U.S. Highway 19 North in Pinellas Park.

Transfer of property from Pinellas County to the Pinellas County Industrial Development Authority d/b/a the Pinellas County Economic Development Authority approved. Chairman authorized to sign the deed and the Clerk to attest.

Sitting as the Pinellas County Industrial Development Authority d/b/a the Pinellas County Economic Development Authority, the Board approved the Contract for Sale and Purchase in the amount of \$802,000. Chairman authorized to execute the contract and deed and the Clerk to attest.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

#### COUNTY ADMINISTRATOR REPORTS

- 30.** County Administrator reports:



Hurricane Preparedness presentation.

Emergency Management Director Sally Bishop conducted a PowerPoint presentation, provided an overview of Emergency Management's Hurricane Evacuation Plan, a copy of which has been filed and made a part of the record, and briefly discussed the Board's role in emergency operations. She discussed the core functions tasked to Emergency Management and related that its duties consist of direction and control, warning and notification, communications, and resource coordination with many community partners as well as federal and state agencies, noting that the various roles are based on statutes.

Ms. Bishop discussed what factors determine how the BCC decides when evacuations are issued and at what level, and referred to the Pinellas County Comprehensive Emergency Management Plan, noting that it is undergoing a five-year update, and she will provide an electronic copy when it is available.

Responding to queries by Commissioners Welch and Long, Ms. Bishop related that the Sheriff is responsible for the unincorporated parts of the county; that municipal law enforcement agencies are responsible for their jurisdictions; and that a coordinated effort is required. She explained that a County ordinance designates the County Administrator as the authoritative head of the Emergency Operations Center (EOC) to make decisions throughout evacuations; that the Evacuation Guide becomes activated; that partner coordination shifts into high gear; and that shelters are opened; whereupon, Mr. Woodard stated that as County Administrator, he would shelter in place at the EOC as would his assistants.

Ms. Bishop discussed the importance of the Board's taking official action in a post-event environment and related that Emergency Management and the Planning Department have drafted an ordinance that allows homeowners to place a recreational vehicle on their property in emergency situations. She indicated that federal policies are changing; and that the State and County will take on more responsibility, as Congress is planning to limit what the Federal Emergency Management Agency (FEMA) can declare as Presidential Disasters.

Noting that the County has never experienced a true recovery effort, Ms. Bishop highlighted the continuing focus on disaster mitigation regarding sea level rise and preserving a healthy catastrophe reserve fund and discussed FEMA's Whole Community concept. She discussed the partnership between her office and Mr. Woodard to create a model to establish a deeper network connection with collaboration, planning, and emergency information sharing, and reported that Communications will assist in the redevelopment of marketing materials to educate participants and the community about disaster plans and the required actions.

Referring to a PowerPoint presentation, Business and Technology Manager Bryan Zumwalt discussed the Pinellas Ready hurricane evacuation tool utilizing Geographic Information System (GIS) technology, which allows a person to use their cell phone to identify their location, address, and evacuation zone and to learn whether the area is under an evacuation order. He pointed out that the application also informs the public of

a forecast cone, noting that a checklist can be prepared and saved to the phone for later access. In response to queries by Commissioners Gerard, Justice, and Welch, he indicated that the application will provide a link but will not route people to shelters, noting that the next phase may do so.

Ms. Bishop indicated that the Pinellas Suncoast Transit Authority will continue to run regular transit routes and take people to shelters; and that the fleet will operate as long as routes can safely be driven.

## COUNTY COMMISSION

### 31. Appointment to the Pinellas Opportunity Council.

Dr. Cynthia Johnson reappointed for a term to expire September 30, 2016.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morrioni

### 32. Appointments to the WorkNet Pinellas d/b/a CareerSource Pinellas Board of Directors.

David Fetkenher and Jack Jarrell appointed for terms to expire June 30, 2018.

Responding to query by Commissioner Long, Commissioner Welch related that there is no requirement that appointees live in Pinellas County.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morrioni

### 33. Appointment to the Pinellas County Housing Finance Authority.

Steven Beal appointed for a four-year term.

Commissioner Eggers discussed misinformation contained in Rick Toenjes' application, and Chairman Justice noted that no explanation was given as to why three applicants were listed as not qualified; whereupon, Commissioner Long clarified that only one candidate qualified as an advocate for low-income persons in connection with affordable

housing.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

**34.** Annual performance review of the County Attorney.

Chairman Justice indicated that the results of Attorney Bennett's annual performance review are included in the agenda packet; whereupon, he thanked him for his service and recognized his integrity and personal character, noting that high marks were received in many sections. Following comments by the members, Attorney Bennett thanked them for their trust and acknowledged the professionalism of his staff.

Responding to comment by Commissioner Eggers, Attorney Bennett confirmed that a date has been set for the legislative/quasi-judicial process issue to come before the Board.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

**35.** County Commission miscellaneous:

Proposed FY 2017 Budget feedback

- Summary of position changes in Board of County Commissioners departments for Proposed FY 2017 Budget
- Business Continuity Management and Disaster Recovery
- Opening Brooker Creek and Weedon Island Educational Centers additional days
- Clerk of the Circuit Court Investment Advisory Services.

Mr. Woodard provided an overview of the approximately 79 additional positions, noting that the basis of the recommendation is serving the public with thoughtful restoration of services.

Commissioner Welch discussed the revised request for Business Continuity Management and Disaster Recovery, noting that the original \$1.4 million request has been reduced to less than \$300,000 due to the decision by Business Technology Services that a secondary data center is not necessary.

In response to query by Commissioner Gerard, Mr. Woodard clarified that the \$1.4

million request was not included in the proposed budget; and that the Board tentatively approved \$1 million for strategic technology projects in the next year. He recommended that the Board fund the disaster recovery need by tapping into the existing appropriation, which would have no effect on the proposed budget; whereupon, Chief Information Officer Martin Rose provided input and noted that he will forward his PowerPoint presentation to the members.

Mr. Woodard provided an overview of the Friends of the Brooker Creek and Weedon Island Preserves' request, discussed attendance numbers, and pointed out available options, noting that volunteers will be needed to assist with activities.

Parks and Conservation Resources Department Director Paul Cozzie estimated cost breakdowns for full- and part-time staff and presented additional alternatives. In response to queries by the members, Mr. Cozzie provided statistical information for weekday and weekend visitations, noting that on an annual basis, approximately 17,000 and 22,000 people visited Weedon Island and Brooker Creek, respectively; whereupon, Mr. Woodard clarified that expanded hours boosted the pre-recession attendance numbers; and that the General Fund could fund the request without any substantive impact to the budget.

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and provided input:

Cathie Foster, Chairman, Friends of Brooker Creek Preserve  
Barb Hoffman, Tarpon Springs

**A motion was made by Commissioner Seel, seconded by Vice-Chairman Long, that the Weedon Island and Brooker Creek Preserve Education Centers be open on Sundays during Fiscal Year 2017 at a cost of \$49,000. The motion carried by the following vote:**

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

Mr. Woodard responded to queries by the members pertaining a request by Gulfcoast Legal Services and other budgetary considerations.

### **County Commission Miscellaneous**

#### Commissioner Long

- Expressed concerns regarding the AMskills program.
- Discussed future Farm Share events, and Mr. Woodard and Chairman Justice provided input.

- Referred to state and federal guidelines affecting citizens' ability to obtain dock permits, and Assistant County Administrator Jake Stowers provided background information.
- Requested an update regarding the tree spraying issue in the Joe's Creek area, and Mr. Woodard agreed to provide further information.

#### Commissioner Welch

- Thanked County staff and various agencies for assistance provided to citizens with regard to the Mosley Motel, and Director of Human Services Lourdes Benedict provided an update.

#### Commissioner Eggers

- Thanked staff for his recent tour of the Cross Bar/Al Bar Ranch.
- Acknowledged the City of Clearwater for its Coast Guard Appreciation Day on August 11.
- Commended Ms. Benedict and Human Services staff for assistance provided to the homeless community.
- Referring to comments by Commissioner Long, related that a workshop will be held soon regarding manufacturing training.
- Commended Emergency Medical Services professionals for their work.

#### Chairman Justice

- Suggested that the Board hold a discussion regarding recent St. Petersburg action pertaining to puppy sales.
- Requested future discussion regarding revision of Blue Laws.
- Referred to proposal by Palm Harbor Community Services Agency for Municipal Services Taxing Unit grant funding, and requested Board approval to spend up to \$80,000 to address immediate needs.

**A motion was made by Commissioner Eggers, seconded by Commissioner Welch, that the request be approved. The motion carried by the following vote:**

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morrioni

Mr. Woodard referred to a \$50,000 request by Clerk of the Circuit Court and Comptroller Ken Burke for an outside investment advisor to assist his office with management of the County's portfolio, and Commissioner Eggers noted that the Board had discussed funding the request as a pilot program in light of an upcoming staffing transition.

**A motion was made by Commissioner Gerard, seconded by Vice-Chairman Long, that the Clerk's requested \$50,000 funding for an Investment Advisor be approved. The motion carried by the following vote:**

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

**Meeting Recessed: 5:33.P.M.**

**Meeting Reconvened: 6:01 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**

### **36. Q CU-16-7-16 (Duke Energy Florida, Inc.)**

A request for a conditional use for the expansion of a utility substation on approximately 1.7 acres located at 6700 32nd Street North in Lealman.

Resolution No. 16-56 adopted approving Case No. CU-16-7-16. The Local Planning Agency recommended approval of the request subject to the conditions set forth in the staff report. No correspondence has been received.

Responding to the Chairman's call for persons wishing to be heard, Jamie Poulos, Poulos and Bennett, indicated that he represents the applicant and offered to answer questions.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

### **37. Ordinance amending the Future Land Use and Quality Communities Element of the Comprehensive Plan to establish the Crystal Beach Community Overlay (first hearing).**

First public hearing held and staff authorized to transmit the proposed ordinance to the Florida Department of Economic Opportunity for review and comment. The Local

Planning Agency unanimously recommended adoption of the overlay with revisions to Policy 1.24.4, which have been included in the proposed ordinance. One letter in support of the ordinance has been received.

In response to the Chairman's call for persons wishing to be heard, the following individuals spoke in support of the proposed overlay:

Dianne Fecteau, Crystal Beach  
Barbara Witlin, Crystal Beach

Responding to queries by Chairman Justice and Commissioner Eggers, Principal Planner Christopher D. Moore clarified that tonight's hearing is for approval to transmit the proposed ordinance to the Department of Economic Opportunity in accordance with the state agency review process; and that a second hearing would be scheduled in approximately two months for approval of the ordinance, noting that he will give the members a short presentation at that time.

**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-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morroni

- 38.** Ordinance amending County Code sections 122-40, 122-41, 122-42, and 122-44 relating to the County towing ordinance.

Ordinance No. 16-49 adopted to provide for additional consumer protections. No correspondence has been received.

Consumer Protection Operations Manager Doug Templeton provided an overview of the proposed ordinance, indicating that the amendment would enhance public safety by reducing the incentive to drive under the influence by prohibiting the towing of vehicles from properties licensed to sell alcoholic beverages, during certain hours, without the property owner's authorization; allow access to personal items in towed vehicles at no charge during operating hours, or after hours for a fee; require tow operators to accept debit and credit cards in addition to cash; and update the ordinance with regard to Consumer Protection contact information.

In response to queries by Commissioner Welch, Mr. Templeton related that the ordinance would be countywide with no opt-out clause, and Senior County Attorney Carl Brody clarified that the language is compatible with the City of St. Petersburg ordinance and state law; that the Board created the safeguard under its special powers for consumer protection; and that October 1 will be the effective date.

The following individuals appeared in response to the Chairman's call for persons

wishing to be heard:

Calvin Hudson, Comtow, LLC, spoke in support of the proposed ordinance, noting that an after-hours fee pertaining to the retrieval of the vehicle as well as its contents should be established; and that Sarasota and Hillsborough Counties have set their after-hours fee at \$50. He remarked that the credit card processing fee should be increased to 3.5 percent to mirror the Clerk's charge; and that Ordinance No. 00-59 should be adjusted to reflect a reasonable increase in the towing fee, pointing out that the rates were adopted 16 years ago.

Jason Goldstein, Esquire, on behalf of A-1 Recovery, Inc. and Florida Auto Recovery, indicated that requiring tow operators to accept a credit card would allow frustrated consumers to dispute the transaction and cancel the charges, which would burden the tow company; but that a debit card is acceptable because the charges cannot be reversed.

Ben Creamer, Clearwater, stated his concerns and support of the option to pay by credit card, allowing the consumer to dispute the tow.

Responding to query by Chairman Justice, Attorney Brody clarified that the ordinance does not currently address the fee regarding the retrieval of personal items during non-business hours; and that the industry is allowed to decide how much the charge should be. He explained that if the reclaim fee was too high, the consumer could wait until normal business hours to recover the item at no cost, noting that businesses are required to post their operating hours.

Attorney Brody further clarified that the County does not charge a credit card usage fee; and that 3.5 percent is the rate set by the Clerk of the Circuit Court, commenting that 3 percent is standard; whereupon, Mr. Woodard recommended that the Board adopt a separate resolution to address the fees so that the ordinance will not have to be amended every time there is an adjustment, and agreed to work with the County Attorney's Office to modify the ordinance and draft a resolution.

Following discussion, Chairman Justice stated that the 3 percent fee included in the ordinance will remain, and Attorney Bennett indicated that language will be incorporated allowing the rate to be established by resolution. Attorney Brody clarified that the intent is to require tow operators to accept payment by cash, major credit card, and debit card, and the members concurred.

Commissioner Gerard moved, seconded by Commissioner Welch, that the ordinance be approved as amended; whereupon, Attorney Bennett requested that the motion include authorization for the Chairman to approve the revised language regarding resolutions, and the motioner and seconder concurred.

Mr. Woodard indicated that the effective date of the ordinance will be October 1, 2016; that it will provide flexibility with regard to debit/credit card fees; and that staff will conduct a survey of peer counties pertaining to towing fees and provide information for



consideration by the Board.

Commissioner Eggers expressed concern about addressing the after-hours fees in a timely manner, noting that consumers could be overcharged by the tow operators; whereupon, Chairman Justice indicated that there is no current protection for consumers; and that the amended language will benefit the community.

**A motion was made by Commissioner Gerard, seconded by Commissioner Welch, that the ordinance be adopted as amended and the Chairman authorized to approve the revised language. The motion carried by the following vote:**

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morrioni

**39.** Petition of the Real Estate Management Department to vacate right of way on the Jail Campus property for new construction improvements, and to grant a utility easement to the City of Largo for its existing sanitary sewer facilities (legislative hearing).

Resolution No. 16-57 adopted granting the petition to vacate and the utility easement. Clerk authorized to record the resolution. Letters of no objection have been received from the appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended that the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

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

**Aye:** 6 - Chairman Justice, Vice-Chairman Long, Commissioner Eggers, Commissioner Gerard, Commissioner Seel, and Commissioner Welch

**Absent:** 1 - Commissioner Morrioni

**ADJOURNMENT - 7:42 P.M.**

\_\_\_\_\_  
Chairman

ATTEST: KEN BURKE, CLERK

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