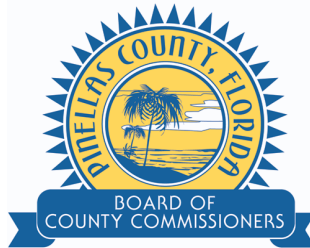


# Pinellas County



## Minutes - Final

### In-Person and Virtual Regular Meeting

Tuesday, July 21, 2020

2:00 P.M.

Public Hearings at 6:00 P.M.

Pinellas County Cooperative Extension  
12520 Ulmerton Road, Largo

### Board of County Commissioners

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

**ROLL CALL - 2:00 P.M.**

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

**Others Present:** Barry A. Burton, County Administrator; Jewel White, County Attorney; Katherine Carpenter, Board Records Manager; other interested individuals; and Amelia Hanks, Board Reporter

Office of Technology and Innovation Director Bryan Zumwalt served as the Technology Moderator for the Zoom virtual input. Participants appeared in person and virtually.

Deviating from the agenda, Chair Gerard indicated that she would like to discuss Item No. 20 at this time.

**20. Local State of Emergency.**

Mr. Burton related that at the Commissioners' request, local hospital representatives and medical directors were invited to speak about the impact of the pandemic on the hospital system.

HCA West Florida Chief Medical Officer Dr. Larry Feinman discussed the measures that hospitals in Pinellas County have taken to accommodate the influx of patients due to COVID-19 and related that the average age of the infected is dropping, while hospital occupancy is rising; and that hospitals are open for Commissioners to visit; whereupon, he strongly urged them to extend the Local State of Emergency (LSE) and continue requiring masks in public.

In response to queries by the members, Dr. Feinman indicated that the hospitals are running low on convalescent plasma and Remdesivir, a drug that helps alleviate COVID-19 symptoms; that there is stress on staff and a shortage of nurses; and that a prescription is not needed to give blood; whereupon, Florida Department of Health in Pinellas County Director Dr. Ulyee Choe noted that there is a screening process for people wishing to donate blood.

AdventHealth North Pinellas President and Chief Executive Officer Jason Dunkel discussed his concerns regarding the staff shortage, the need for rapid testing for the virus, and difficulties placing patients into suitable Skilled Nursing or Assisted Living Facilities to free up beds. In response to queries by Commissioner Eggers, Dr. Choe clarified that the provisions released by the Agency for Health Care Administration for dedicated COVID facilities should alleviate some of the pressures on the hospitals; and that while access to testing has improved, rapid testing remains an issue.

BayCare Chief Medical Officer Dr. Nishant Anand supported the claims made by the other doctors and expressed appreciation to Dr. Choe and the County staff for the partnership; whereupon, responding to queries by Commissioners Seel and Welch, the doctors discussed the accuracy of testing, the evidence that COVID-19 is not a hoax, Intensive Care Unit capacity, and advising the School Board on the school system reopening.

During discussion and in response to queries by the members, Mr. Burton and Attorney White clarified that the Governor's order allowing virtual meetings, which expires on August 1, has not yet been extended, and it is up to the Board whether or not to hold the next meeting in person; that the proposed resolution would extend the LSE through July 31; that the County's mask ordinance was predicated to be effective so long as the LSE is in place; and that the Governor's State of Emergency Order is effective until September 6.

Sheriff Bob Gualtieri emphasized that bars have been compliant with the State's order regarding on-premise alcohol consumption and the County's social distancing guidelines, noting that most reports of violations are due to misunderstanding of the regulations; whereupon, Dr. Choe and Emergency Medical Services Medical Director Dr. Angus Jameson discussed current trends pertaining to COVID-19 cases, emergency room volumes and severity of patient conditions, and related topics.

In response to the Chair's call for public comment, the following individuals expressed their concerns:

David Waddell, Clearwater  
Dawn Bohler, St. Petersburg  
Trevor Burgess, St. Petersburg  
Karen Mullins, Dunedin  
Lane Simpson, Dunedin  
Jeff Brown, Crystal Beach  
Barbara Walker, Palm Harbor  
Samantha Willis, Dunedin (spelling uncertain)  
Linsey Grove, St. Petersburg

During discussion and in response to queries and comments by the public and the members, Dr. Choe provided an update regarding contact tracing, and Mr. Burton reviewed the local measures undertaken since the beginning of the pandemic, the challenges, and the progress. Commissioner Peters remarked that contrary to a caller's comment, the members do listen to the residents, and the members agreed; whereupon, they discussed challenges relating to balancing the public health risks with keeping the economy open, concerns regarding the accuracy of COVID-19 case data, and related matters, and Commissioner Welch urged the public to be a part of the solution by following pertinent guidelines, noting that the Board makes the best decisions it can, based on recommendations by the experts.

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

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

Resolution No. 20-62 adopted extending the Local State of Emergency established in Resolution No. 20-16 until 3:00 P.M. on July 31, 2020.

**CONSENT AGENDA - Items 2 through 19**

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

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

**CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

2. Minutes of the virtual regular meetings held May 28, June 2, June 5, and June 18, 2020.

3. Vouchers and bills paid from May 24 through July 4, 2020.

Period: May 24 through May 30, 2020

Accounts Payable - \$18,238,938.00

Payroll - \$3,876,201.17

Period: May 31 through June 6, 2020

Accounts Payable - \$52,327,136.94

Payroll - None

Period: June 7 through June 13, 2020

Accounts Payable - \$7,394,638.12

Payroll - \$3,926,911.90

Period: June 14 through June 20, 2020

Accounts Payable - \$22,352,083.31

Payroll - None

Period: June 21 through June 27, 2020

Accounts Payable - \$21,372,208.93

Payroll - \$4,131,681.38

Period: June 28 through July 4, 2020

Accounts Payable - \$59,151,113.24

Payroll - None

Reports received for filing:

4. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2020-10 dated June 29, 2020 - Audit of Building & Development Review Services - Phase 1, Building Code Inspectors.

5. Dock Fee Report for the month of June 2020.
6. Quarterly Report of Routine Dock & Dredge/Fill Applications Received from April 1 to June 30, 2020.

Miscellaneous items received for filing:

7. City of Clearwater Ordinances Nos. 9360-20, 9363-20, 9366-20, 9369-20, and 9375-20 adopted April 16, 2020, and Ordinance No. 9372-20 adopted June 4, 2020, annexing certain properties.
8. City of Tarpon Springs Ordinance No. 2020-13 adopted June 9, 2020, amending Ordinance No. 2019-23 by revising the effective date of annexing certain property.
9. Clearwater Cay Community Development District Proposed Operating Budget for Fiscal Year 2021.
10. Eastlake Oaks Community Development District Proposed Operating Budget for Fiscal Year 2021.

## COUNTY ADMINISTRATOR DEPARTMENTS

### County Administrator

11. Receipt and file report of non-procurement items delegated to the County Administrator for the period ending June 30, 2020.
12. Receipt and file report of purchasing items delegated to the County Administrator for the quarter ending June 30, 2020.

In response to query by Commissioner Seel, Mr. Burton provided information regarding the contract with Management Partners, Inc.

### Development Review Services

13. Plat of River Bend Village, a private residential and commercial subdivision.

Public Works

14. Award of bid to Keystone Excavators, Inc. for Lakeview Road ADA ramps and drainage improvements.  
Bid No. 190-0361-CP (PID No. 000489A) in the amount of \$1,515,335.98 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications. All work is expected to be completed within 270 consecutive calendar days.
15. Joint Project Agreement with the City of Clearwater for utility work associated with the Old Coachman Road/County Road 535 bridge replacement over Alligator Creek.  
(City Project No. 17-0056-UT; County PID No. 001034A) Agreement approved.  
City to pay the County an estimated amount of \$356,790.00 for utility work, contract administration, and other related costs in advance of the project. Work is expected to commence in October 2020; the agreement is for a two-year period from the construction notice to proceed date. Chair authorized to sign and the Clerk to attest.

## COUNTY ATTORNEY

16. Notice of new lawsuit and defense of the same by the County Attorney in the case of Arlene Alligood v. Pinellas County; Circuit Civil Case No. 20-002649-CI-20 - civil action.
17. Notice of new lawsuit and defense of the same by the County Attorney in the case of Mary Louise Colebrook v. Pinellas County; Circuit Civil Case No. 20-002635-CI-11 - allegations of negligence resulting in personal injuries.
18. Notice of new lawsuit and defense of the same by the County Attorney in the case of Robert Kelly and Nancy Kelly v. Pinellas County; Circuit Civil Case No. 20-001519-CI-15 - allegations of negligence resulting in damages.
19. Notice of new lawsuit and defense of the same by the County Attorney in the case of Weingarten Realty Investors v. Pike Electric, LLC and Pinellas County; Circuit Civil Case No. 20-002568-CI-13 - action to recover costs.

**REGULAR AGENDA**

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

## COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

21. Declare County-owned property surplus and authorize the transfer of the parcel to the Town of Kenneth City.

Resolution No. 20-63 adopted declaring the property as surplus and authorizing its conveyance at no cost, pursuant to Section 125.38, Florida Statutes. Chair authorized to sign the County Deed and the Clerk to attest. Clerk authorized to record the resolution and deed.

In response to Chair Gerard's call for persons wishing to be heard, David Waddell, Clearwater, expressed his concerns regarding the Public Comment item of the agenda, and Chair Gerard provided comments.

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

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

**22.** Second Amendment to the Lease Agreement with YMCA of the Suncoast, Inc.

Amendment approved assigning responsibility for future capital improvements to the County and exercising the first of two 10-year renewals, extending the lease to August 8, 2030.

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

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

### Human Services

**23.** Human Services Social Action Grant Funding Recommendations

Recommendations approved awarding funding to 15 agencies. An amount not to exceed \$1,551,000.00 in Social Action Grant Funding is anticipated to be available in Fiscal Year 2021. Human Services Department staff directed to negotiate agreements for the recommended programs.

Commissioner Welch commented that there is a great need for Social Action Grant Funding in the community, and thanked the review committee of community partners for their work in developing the recommendations.

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

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

## COUNTY ATTORNEY

24. Proposed settlement in the case of Gregory Murray v. Pinellas County; Circuit Civil Case No. 20-000686-CI-19.

Settlement approved in accordance with the confidential memorandum dated July 21, 2020.

In response to Chair Gerard's call for persons wishing to be heard, David Waddell, Clearwater, expressed his concerns; whereupon, she and Mr. Burton provided information pertaining to holding the current meeting in person and ensuring safety and enhanced sanitation of the County buildings pursuant to the Centers for Disease Control and Prevention guidelines.

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

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

25. Proposed initiation of litigation in the case of Emma Ortiz v. Casa Del Sol-Alhambra Condo Assoc., Inc. and Ameri-Tech Property Management, Inc.; HUD Case No. 04-19-8060-8; PC Case No. 19-062 - alleged housing discrimination.

Chair Gerard called for persons wishing to be heard, and in response to queries and concerns by David Waddell, Clearwater; Kaitlin Noethen, Clearwater; and Samantha Willis, Dunedin (spelling uncertain), she provided information regarding the meeting schedule and agenda, and Attorney White indicated that public notice posted on the County website clearly reflects the start time and access information.

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

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

26. Proposed initiation of litigation in the case of Shantelle Andre v. The Wave Condo Association of St. Petersburg, Inc.; HUD Case No. 04-19-8369-8; PC Case No. 19-068 - alleged housing discrimination.

In response to Chair Gerard's call for persons wishing to be heard, Mark L, Seminole (no last name provided), expressed his concerns regarding the Board providing an opportunity for public comment.

Following discussion with input by Attorney White, the Board agreed to address Agenda Item No. 1, Public Comment, before the public hearings, when the meeting reconvenes at 6:00 P.M.

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

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

27. County Attorney Reports - None.



## COUNTY ADMINISTRATOR REPORTS

**28. County Administrator Reports:**  
- FY21 Proposed Budget

Mr. Burton and Director of Office of Management and Budget Bill Berger conducted a PowerPoint presentation titled *FY21 Proposed Budget* and discussed the proposed budget summary and millage rates, as well as specific budgets, recommended Decision Packages, and staffing for the Board of County Commissioners (BCC) Departments, Constitutional Officers, and other agencies, highlighting the following:

- Staff has taken a conservative, two-year impact approach in developing the budget, in light of uncertainties relating to COVID-19.
- The proposed total budget of \$2.5 billion reflects a 3.7-percent increase over the current year.
- Expenditures are greatly limited, as compared to previous years, and reserves are increased.
- There are no proposed increases in millage rates.
- The BCC Departments budget reflects a decrease of 0.3 percent.
- The Constitutional Officers budget represents approximately 16 percent of the total budget.
- The budget for other agencies represents 15 percent of the total budget.
- The total proposed staffing is 5,434.5 full-time-equivalent (FTE) positions; staffing decisions regarding the BCC Departments will continue to be made based on performance and data.

Mr. Burton discussed various budget priority initiatives; whereupon, referring to the budget timeline, Mr. Berger indicated that the July 30 Budget Information Session agenda will include the Board providing feedback on the proposed budget and setting the maximum millage rates to be certified to the Property Appraiser for development of Truth in Millage (TRIM) notices, which will be mailed to all property owners on August 24; that public hearings regarding the budget will be held on September 10 and 22; and that the fiscal year will begin on October 1.

In response to queries by the members, Messrs. Berger and Burton discussed the significant increase in the reserve level, contributing factors, and the location of the reserves. They related that budget documents are posted on the County website and are Americans with Disabilities Act (ADA) accessible; and that the County is prepared for another potential dramatic increase in COVID-19 cases, noting that a part of the CARES Act funding would be used for supplies and support of healthcare and nursing home facilities.

Commissioner Peters referred to her memorandum to the Commissioners dated July 16 and discussed her recommendations regarding the Commissioners' budget; whereupon, she made a motion to incorporate her proposed changes going forward. Chair Gerard indicated that a discussion on the matter will take place at an upcoming meeting, and the members provided comments regarding their office expenditures, event funding, transparency, and related topics.

Mr. Burton provided an update on completion of the Wall Springs Park expansion project in Palm Harbor, relating that a soft opening will take place on August 1; and that a formal grand opening is planned for the fall.

## COUNTY COMMISSION

- 29.** Appointments/reappointments to the Parks and Conservation Resources Advisory Board (Board of County Commissioners as a whole).

Manitia Moultrie and Lindsay Cross reappointed to serve one-year terms ending July 31, 2021.

Commissioner Seel thanked applicants for their interest in the positions. Discussion ensued, and in response to queries by the members, Parks and Conservation Resources Director Paul Cozzie explained that there are certain qualifications that make a person eligible to serve on this particular Board, including a suitable background and experience, and Commissioner Seel provided information regarding the nomination process.

**A motion was made by Commissioner Justice, seconded by Commissioner Welch, that Manitia Moultrie and Lindsay Cross be reappointed. The motion carried by the following vote:**

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

- 30.** County Commission New Business Items - None.

**Meeting Recessed: 4:51 P.M.**

**Meeting Reconvened: 6:00 P.M.**

## CITIZENS TO BE HEARD

- 1.** Public Comment.

David Ballard Geddis, Jr., Palm Harbor, re ad valorem lien/levy  
David Waddell, Clearwater, re taking action regarding the pandemic

**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

- 31.** Case No. CW 20-10 - City of Clearwater  
Countywide Plan Map amendment from Residential Low Medium, Retail and Services, Recreation/Open Space and Preservation to Multimodal Corridor and Preservation, regarding 26.3 acres more or less, located at 24323 and 24479 U.S. Highway 19 North.

Ordinance No. 20-15 adopted approving Case No. CW 20-10. Forward Pinellas, in its role as the Pinellas Planning Council, recommended approval of the proposal, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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

- 32.** Case No. CW 20-11 - City of Largo  
Countywide Plan Map amendment from Public/Semi-Public to Retail and Services, regarding 1.06 acres more or less, located at 2188 58th Street North.

Ordinance No. 20-16 adopted approving Case No. CW 20-11. Forward Pinellas, in its role as the Pinellas Planning Council, recommended approval of the proposal, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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

- 33.** Case CW 20-12 - City of Largo  
Countywide Plan Map amendment from Public/Semi-Public to Residential Low Medium, regarding 5.01 acres more or less, located at 2050 58th Street North.

Ordinance No. 20-17 adopted approving Case No. CW 20-12. Forward Pinellas, in its role as the Pinellas Planning Council, recommended approval of the proposal, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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

**34.** Ordinance amending the Countywide Rules (first public hearing).

First public hearing held. Forward Pinellas, in its role as the Pinellas Planning Council recommended approval of the proposed amendments. Four emails in support of the proposed ordinance have been received. No citizens appeared to be heard.

Attorney White indicated that it is the first of two public hearings; and that the Board does not need to take action at this time.

In response to query by Commissioner Seel, Forward Pinellas Principal Planner Linda Fisher indicated that at least one annexation occurred related to the Pioneer Homes development plan for North Lake Estates; that she believes an additional one occurred in Tarpon Springs; and that she will have further information for the second hearing.

**BOARD OF COUNTY COMMISSIONERS****35.** 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; also the 20-foot-wide alley right-of-way lying between Lots 7, 8, 9 and 10, Block 135, Map of Sutherland, Plat Book H1, Page 1, lying in Section 2-28-15, Pinellas County, Florida. (Legislative Hearing)

Resolution No. 20-64 adopted vacating the 20-foot-wide alley lying between two parcels owned by Christopher D. Muller and Laura T. Muller. Clerk authorized to record the resolution. Petition vacating the 80-foot-wide right-of-way of Illinois Avenue continued to January 2021. Letters of no objection have been received from the appropriate parties. Interested property owners were notified as to the date of the public hearing. One email in opposition to the petition has been received.

Referring to a PowerPoint presentation, Facilities and Real Property Division Director Andrew Pupke indicated that the petitioners are seeking to vacate two right-of-ways; and that staff does not object to the vacation of the 20-foot-wide alley, but does object to the vacation of the 80-foot-wide one due to concerns regarding Pinellas Trail access and drainage needs.

Referring to aerial photographs, Building and Development Review Services Director Blake Lyon provided information regarding the location of the right-of-ways in relation to adjacent properties, property ownership, and underground utilities and sewer and water mains. He explained that staff objects, in part, to the vacation of the 80-foot right-of-way due to the overall volume of utilities in that area; and that while the right-of-way does not have heavy vehicular traffic, the adjacent property owner has placed private improvements and landscaping in the public right-of-way that he opines results in the privatization of the public access point to the Pinellas Trail. He displayed photographs showing the improvements made between 2006 and 2010, noting staff's concern that they could pose safety concerns for individuals driving their vehicles in the area.

Mr. Lyon stated that, in 2008, the Public Works Department issued a red tag violation notice to the petitioners, asking for them to remove the improvements that were partially obstructing the public right-of-way; and that, in 2015, the petitioners unsuccessfully petitioned to vacate the portion of 9th Street near their property. He indicated that County Departments were queried regarding the vacation request; whereupon, he provided information regarding the timeline of staff discussions with the petitioners and stated that the staff recommendation is included in the meeting materials.

Public Works Director Kelli Hammer Levy explained that the Public Works Department uses the County Code as guidance regarding what criteria to consider when evaluating petition-to-vacate requests, including whether there is a present or future need for the right-of-way for public, vehicular, or pedestrian access, as a public utility corridor, or for future stormwater, environmental maintenance, or improvement projects. Referring to a digital elevation map, she provided insight regarding the drainage of a stormwater pond southeast of the 80-foot-wide right-of-way, indicating that the pond needs to drain to the north as the Ohio drainage system to the south is at capacity, and opined that the 80-foot-wide right-of-way should be retained to allow for future stormwater drainage improvements.

Mr. Lyon indicated that if the Board wishes to approve the vacation of the 80-foot-wide right-of-way, there would need to be an access easement for the owners of the property at 945 Illinois Avenue. He stated that the petitioners are building a home nearby; and that the certificate of occupancy is conditioned upon removal of the improvements in the right-of-way.

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

- Ownership of the properties on the north side of the 80-foot-wide right-of-way
- Future stormwater drainage plans, including the creation of a graded inlet near the Pinellas Trail and an underground stormwater pipe from the trail to the intersection of Illinois Avenue and 9th Street then north to connect with the existing drainage system
- Existing drainage ditch on the northwest side of 9th Street
- Drainage plan review by the Technical Working Group and the Department's stormwater engineers
- Communications between the petitioners and staff over the past five years regarding various project proposals
- Alternative means to improve access to the trail
- Safety concerns regarding the private improvements that are located in the public right-of-way
- Petitioners' willingness to move temporary installations, such as landscaping boulders, when requested in the past

In response to query by Commissioner Gerard, Mr. Lyon indicated that staff assumed that removal of the improvements would occur prior to the completion of the house construction; that the public hearing regarding this petition has been delayed due to COVID-19; and that staff is now unsure whether they want the certificate of occupancy restriction to remain in place; whereupon, he confirmed that an alternative to not allowing occupancy would be to put a bond on the property.

Appearing on behalf of petitioners Laura and Chris Muller, Todd Pressman, St. Petersburg, testified that they were not aware of the proposed drainage system plan for the 80-foot-wide right-of-way until last Friday; and that staff had recently indicated that they would be conducting an area-wide drainage study, with no specified timeframe.

Referring to an earlier comment by staff, Mr. Pressman explained that a complaint made in 2016 was addressed and closed; and that there have been no complaints in the past four years; whereupon, he requested that the Board approve both vacations, noting that utility and drainage easements would be provided; and that failing approval, the petitioners would request that the Board eliminate the occupancy restriction and keep the petition pending to provide them more time to work with staff to address the issues.

Mr. Pressman introduced engineer Tom Radcliffe, Palm Harbor, who indicated that he has been working with the Mullers since 2014; that the current drainage issues in the area are caused in part by property owners to the southeast of the right-of-way who have failed to maintain and upgrade the stormwater pond on their property despite receiving a 2011 request to do so by Southwest Florida Water Management District; that a study should be conducted of the area; and that there are alternate ways to construct a drainage system.

In response to query by Commissioner Seel, Attorney White indicated that if the Board removes the occupancy restriction and chooses not to vacate the 80-foot-wide right-of-way, the County would still be able to take enforcement or legal action to remove the improvements located within the public right-of-way, and discussion ensued regarding the following topics:

- Continuing improvements in the public right-of-way over the course of the last several years
- Need for increased collaboration between the petitioners and staff
- General support of the 20-foot-wide alley vacation

In response to queries by Commissioner Justice, Ms. Levy explained that staff met with Mr. Radcliffe and the petitioners in February regarding the digital elevation map and drainage concerns; and that the only new information presented today is the comparison of costs between upgrading the Ohio drainage system and creating a new drainage system along Illinois Avenue; whereupon, she indicated that the Ohio drainage system is surcharging regardless of whether the southeast pond is being maintained appropriately.

Discussion ensued regarding the following topics:

- Whether to release the certificate of occupancy restriction
- Lack of enforcement regarding the red tag violation
- Creation of additional public access to the Pinellas Trail off of the petitioner's property near Ohio Avenue
- Possibility of other drainage options

Petitioner Laura Muller indicated that her husband and she had originally assumed that the red tag violation was addressed after removal of boulders encroaching into 9th Avenue; and that the gravel part of Illinois Avenue was their private driveway and not a public access point.

Upon call by the Chair for public comment, the following individuals expressed their opinions:

- Michael Purdy, Palm Harbor
- Jeff Brown, Crystal Beach
- Raymond Bennett, Palm Harbor (co-petitioner)

Discussion ensued regarding possible actions that the Board could take.

**A motion was made by Commissioner Long, seconded by Commissioner Peters, that the request to vacate the 20-foot-wide alley be approved. The motion carried by the following vote:**

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

**A motion was made by Commissioner Long, seconded by Commissioner Welch, that the request to vacate the 80-foot-wide right-of-way be continued until January 2021. The motion carried by the following vote:**

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

- 36.** Petition of John Skopos to vacate a 12-foot-wide alley lying west of Desoto Boulevard and east of Moss Rose Avenue, lying in Block 1, Crystal Beach Heights, Plat Book 3, Page 58, lying in Section 35-27-15, Pinellas County, Florida. (Legislative Hearing)

Resolution No. 20-65 adopted granting the petition. Clerk authorized to record the resolution. Letters of no objection have been received from the appropriate parties, with Duke Energy's letter contingent upon the retention of a 12-foot-wide drainage and utility easement. Interested property owners were notified as to the date of the public hearing. Staff indicated no objection to the vacation request. No correspondence has been received.

Referring to aerial maps and photographs, Facilities and Real Property Division Director Andrew Pupke pointed out the location of the applicant's property and the proposed area to be vacated, noting that staff asked that the request include the entire alley rather than a remnant thereof. He related that the petitioner is requesting the vacation to construct a

swimming pool in the back yard; and that the right-of-way has a lot of vegetation; whereupon, he explained that the Public Works and Utilities Departments, along with Duke Energy, have requested a drainage and utility easement.

In response to queries by Chair Gerard and Commissioner Welch, Mr. Pupke clarified that, if the vacation is approved, all the adjacent property owners would own portions of the right-of-way; and that while the applicant could build a pool deck extending into the easement, the pool itself could not.

John Skopos, Palm Harbor, indicated that a survey was not conducted when he bought the property a few years ago; that in addition to his back yard improvements, his neighbors have also encroached into the right-of-way; and that he was not aware of the property line until he began the planning process for a pool.

Upon call by the Chair for public comment, Colette Ciliberti, Palm Harbor, expressed her concerns.

In response to query by Commissioner Welch, Mr. Pupke indicated that he is not aware of a drainage issue in the area; and that any problem could be addressed within the requested easement.

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

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

- 37.** Petition of Lazarus Paskalidis, Eugina Paskalidis, and Sokaratis Paskalidis to vacate a portion of a 10-foot-wide drainage and/or utility easement lying in Lots 36 and 37, Baywood Village, Section 5, Plat Book 75, Page 93, lying in Section 23-27-15, Pinellas County, Florida. (Quasi-Judicial Hearing)

Resolution No. 20-66 adopted granting the petition. 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 indicated no objection to the vacation request. No correspondence has been received. No citizens appeared to be heard.

In response to query by Commissioner Eggers, Facilities and Real Property Division Director Andrew Pupke confirmed that the petitioners are aware that any necessary relocation of the Bright House Networks equipment would be at their expense.

In response to query by Commissioner Justice, Attorney White related that the land interest being released determines whether the hearings are considered legislative or quasi-judicial.

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



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

- 38.** Petition of Pinellas County to vacate a portion of 118th Avenue North right-of-way lying east of Starkey Road and west of the Seaboard Coastline Railroad, lying in Sections 12-30-15 and 13-30-15, Pinellas County, Florida. (Legislative Hearing)

Resolution No. 20-67 adopted granting the petition. Clerk authorized to record the resolution. Letters of no objection have been received from the appropriate parties, with the exception of Duke Energy, which is seeking an easement. Interested property owners were notified as to the date of the public hearing. Staff indicated no objection to the vacation request. No correspondence has been received. No citizens appeared to be heard.

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

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

- 39.** Ordinance amending Section 2-142 of the Pinellas County Code, providing that the Risk Finance Ordinance be amended to modify the procedure for approving and rejecting settlement demands.

Ordinance No. 20-18 adopted approving the amendment. No correspondence has been received. No citizens appeared to be heard.

Attorney White indicated that the proposed ordinance would increase the authority of the County Attorney and County Administrator, allowing them to reject settlement offers between \$50,000 and \$200,000.

In response to queries by Commissioners Long and Gerard, Attorney White explained that any proposal for acceptance of a settlement in excess of \$50,000 would come before the Board for approval; and that there is no risk in the County Attorney and County Administrator being able to reject claims of up to \$200,000.

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

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

- 40.** Ordinance amending the Pinellas County Code by revising Article IV-County Sewer System, further defining permit requirements for non-domestic waste users and ensuring the County has legal authority to implement new regulations in the Dental Amalgam Rule and Pharmaceutical Hazardous Waste Ban.

Ordinance No. 20-19 adopted approving the amendment. No correspondence has been received.

In response to query by Commissioner Justice, Assistant Utilities Director Hillary Weber indicated that the proposed ordinance implements the Environmental Protection Agency's (EPA) federal regulations, creates additional requirements for dental facility amalgam equipment, adds Hazardous Waste Pharmaceuticals as prohibited discharge from certain facilities such as veterinary clinics and pharmacies, and renames industrial wastewater discharge permits to industrial wastewater permits.

In response to queries by Commissioner Long, Ms. Weber and Water Quality Monitoring Manager Matthew Wotowiec indicated that the County has sent letters to dental facilities to notify them about the dental amalgam rule; that most hospitals and clinics are currently following the practices; and that the requirements in the proposed ordinance already exist through the EPA.

Upon call by the Chair for public comment, Chris Clement, Palm Harbor, expressed his concerns. Ms. Weber and Deputy County Administrator Jill Silverboard explained the various options for disposal of pharmaceuticals and referred to information posted on the County's website regarding prescription drop-off locations.

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

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

- 41.** Ordinances adopting the Downtown Palm Harbor Master Plan, amending the Comprehensive Plan to expand the Activity Center Future Land Use Map designation, and amending the Future Land Use Categories and Rules.

Public hearing held and staff authorized to transmit the two ordinances to the State Department of Economic Opportunity (DEO) for review, per Florida Statute. The Local Planning Agency recommended approval of the requests. One email in support of the proposed ordinances was received.

Interim Planning Division Manager Evan Johnson clarified that the recommended action is to transmit the ordinances to the DEO for review.

Upon call by the Chair for public comment, David Ballard Geddis, Jr., Palm Harbor, expressed his concerns. Mr. Johnson and Mr. Burton explained that the Downtown Palm Harbor Master Plan provides a basis for establishing the Form-Based Code District; and that staff will present more information after the ordinances are reviewed by the DEO.

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

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

42. Resolution approving a Substantial Amendment to the Fiscal Year 2019-2020 Annual Action Plan for the purpose of receiving Community Development Block Grant and Emergency Solutions Grant Coronavirus Response funds.

Resolution No. 20-68 adopted approving the amendment. No correspondence has been received. No citizens appeared to be heard.

In response to query by Commissioner Welch, Mr. Burton indicated that Phase 2 of the Pinellas CARES programs is underway; that the Financial Assistance Program is continuing; and that the County is waiting for letters of interest from businesses. He clarified that the action before the Board is a separate source of coronavirus funding.

Responding to query by Commissioner Seel, Community Development Manager Bruce Bussey explained that the County received an allocation of CBDG and ESG funding in May; and that 44 applications were submitted, 22 of which the County has selected to fund. He added that funding is being allotted to non-profit agencies that provide food in neighborhoods, organizations that conduct summer programs for children, entities that provide medical care, street outreach programs, and homeless facilities; whereupon, he explained that the United States Department of Housing and Urban Development has indicated that the County will be receiving almost \$4 million in additional funding for ESG.

In response to query by Commissioner Gerard, Mr. Bussey stated that he can provide the Board with a list of organizations that are receiving funding.

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

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

43. Resolution approving the Fiscal Year 2020-2024 Five-Year Consolidated Plan, including the Fiscal Year 2020-2021 Annual Action Plan, and authorizing actions related to the administration and operation of the Community Development Block Grant, HOME Investment Partnerships, and Emergency Solutions Grant programs.

Resolution No. 20-69 adopted. No correspondence has been received. No citizens appeared to be heard.

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

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

- 44. Resolution accepting the City of Largo’s 15-year review of the West Bay Drive Community Redevelopment Trust Fund and directing the City of Largo to amend the West Bay Drive Community Redevelopment Area Plan.

Resolution No. 20-70 adopted. No correspondence has been received. No citizens appeared to be heard.

In response to queries by Commissioner Eggers, Interim Planning Division Manager Evan Johnson indicated that the resolution continues the County’s Tax Increment Financing (TIF) contribution at the present rate; that the County’s contribution will be less than the City’s; and that the amount will only change if the millage rate changes.

Responding to query by Commissioner Welch and referring to a presentation at a work session in March 2020, Mr. Johnson explained that the overall CRA policy is being revised; that a consultant was hired; and that recommendations will be presented to the Board in the next few months.

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

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

**ADJOURNMENT - 8:24 P.M.**

*Pat Gerard*  
 \_\_\_\_\_  
 Chair

ATTEST: KEN BURKE, CLERK

By *Ken Burke*  
 \_\_\_\_\_  
 Deputy Clerk

