

Pinellas County

*315 Court Street
Clearwater, Florida 33756*



Minutes - Final

Tuesday, October 22, 2019

2:00 P.M.

Public Hearings at 6:00 P.M.

BCC Assembly Room

Board of County Commissioners

Karen Williams Seel, Chair

Pat Gerard, Vice-Chair

Dave Eggers

Charlie Justice

Janet C. Long

Kathleen Peters

Kenneth T. Welch

ROLL CALL - 2:01 P.M.

Present: 6 - Chair Karen Williams Seel, Vice-Chair Pat Gerard, Dave Eggers, Charlie Justice, Janet C. Long, and Kathleen Peters

Absent: 1 - Kenneth T. Welch

Others Present: Jewel White, County Attorney; Jacob F. Stowers, Assistant County Administrator; Jeanette L. Phillips, Chief Deputy Clerk; and Jenny Masinovsky, Board Reporter, Deputy Clerk

INVOCATION by Reverend Dr. Shelly Wilson, Church of the Isles, Indian Rocks Beach.**PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS**

1. Domestic Violence Awareness Month Proclamation:
 - Kirk Ray Smith, President and CEO, RCS Pinellas
 - Melinda Perry, COO, RCS Pinellas

Chair Seel called Mr. Smith and Ms. Perry to the podium and recognized Religious Community Services, Inc. for its work in supporting domestic violence survivors and their children, and Mr. Smith provided input; whereupon, she read a proclamation recognizing October as Domestic Violence Awareness Month and presented Mr. Smith with a commemorative plaque.

2. Manufacturing Day Proclamation:
 - Jerry Custin, President and CEO, Upper Tampa Bay Chamber

Chair Seel called Mr. Custin and manufacturing representatives Christina Davenport, Dru Wilson, and Paula DeLuca to the podium and acknowledged the contributions, achievements, and value of manufacturing. Mr. Custin related that over 1,300 school children participated in Manufacturing Day on October 5; whereupon, Chair Seel read a proclamation recognizing October as Pinellas Manufacturing Month and presented Mr. Custin with a commemorative plaque.

3. Veterans Day Proclamation:
 - Randall McNabb, Commander, 16th District American Legion, Department of Florida

Chair Seel provided information regarding the American Legion and its advocacy for veterans and their families, noting that it was founded in 1919 on the pillars of a strong national defense, Americanism, care for veterans, and children and youth; and that the American Legion plays a leading role in initiatives and breakthroughs affecting the lives of all Americans, from the U.S. Flag Code to the G.I. Bill; whereupon, she read a proclamation recognizing the American Legion's 100th year of devotion and commitment to Veterans and to the community at large, and stated that November 11, 2019 will be recognized as Veterans Day.

Mr. McNabb thanked the Commissioners and introduced American Legion Department of Florida Second Vice Commander Eunice Butts, 16th District Vice Commander and Commander of Post 238 of Safety Harbor Bob Matheson, and 16th District Adjutant and Commander of Post 46 of Tarpon Springs Eric Nestler, and Ms. Butts provided input.

4. Partner Presentation:
- John David White, Circle of Heroes

Mr. White played a video providing background information on the project and depicting veterans scuba diving and their reactions to the memorial.

Following the video, Mr. White conducted a PowerPoint presentation and discussed the current state of the project, relating that the dedication of the first 12 statues was held on August 5; that a plan to receive national and social media attention was successful; and that Circle of Heroes is partnering with dive shops, veterans care organizations, and event planners to attract divers and other visitors to see and experience the memorial site.

Mr. White indicated that the second phase of the project will include an additional 12 statues, which will highlight specific people in history; that a new statue in honor of U.S. Coast Guard Seaman Apprentice William Ray Flores has been designed and completed; and that \$350,000 is needed to design and complete the remaining 11 statues.

Chair Seel noted that beyond the positive publicity seen in the media, the therapeutic benefit for veterans who dive the site is incredible. In response to query by Commissioner Long, she indicated that the Tourist Development Council Capital Projects funding process may be one avenue of securing financial support for the project.

5. Partner Presentation:
- Lynda Leedy, Chief Administrative Officer, Juvenile Welfare Board

Ms. Leedy referred to a PowerPoint presentation and provided information regarding the Juvenile Welfare Board (JWB) Children's Mental Health Initiative. She discussed the results of local and national studies pertaining to youth mental health issues and suicide, and related that the Initiative is the result of a Consensus Workshop involving over 40 mental health care providers, school system representatives, and other partners; and that its vision is to devise and implement a children's mental health system of care for Pinellas County that will enhance public awareness and provide for an accessible, family-oriented, coordinated, comprehensive, high-quality system supported by an engaged and skilled workforce.

Ms. Leedy indicated that the Initiative has designed a model program to integrate behavioral health into pediatric visits; whereupon, she discussed the program, the benefits of implementing the proposed model, and how it will address the identified concerns and needs.

Ms. Leedy noted that the JWB has partnered with the Community Health Centers of Pinellas to initiate the program in its five locations that include pediatricians; that the goal is to have

30 pediatricians trained in the new model and have behavioral therapists staffed in each location to provide screening; and that it will hopefully spark a cultural shift to integrate mental health with physical health.

Responding to queries by the members, Ms. Leedy indicated that the JWB will fund the therapists at each location, and several members expressed their appreciation of the program.

6. Partner Presentation:
- #PurePinellas by Commissioner Justice

Chair Seel indicated that the #PurePinellas presentation has been canceled.

CITIZENS TO BE HEARD

7. Public Comment.

Lenore Faulkner, Madeira Beach, re Veterans Day and Education Excellence
David Ballard Geddis, Jr., Palm Harbor, re County is Foreclosed?
Greg Pound, Largo, re families

CONSENT AGENDA - Items 8 through 22

A motion was made by Commissioner Justice, seconded by Commissioner Eggers, that the Consent Agenda Items be approved. The motion carried by the following vote:

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

Absent: 1 - Commissioner Welch

8. Minutes of the regular meeting held September 24, 2019.

Reports received for filing:

9. Dock Fee Report for the month of September 2019.
10. Quarterly Report of Routine Dock and Dredge/Fill Applications Received from July 1 to September 30, 2019.
11. Pinellas County Sheriff's Office Adopted Budget for Fiscal Year 2019-2020.

12. Juvenile Welfare Board of Pinellas County Fiscal Year 2020 Budget.

Miscellaneous items received for filing:

13. Southwest Florida Water Management District Fiscal Year 2020 schedule of meetings and map depicting the District's boundaries.
14. Eastlake Oaks Community Development District minutes of the meeting held June 13, 2019.

COUNTY ADMINISTRATOR DEPARTMENTS

County Administrator

15. Receipt and file report of non-procurement items delegated to the County Administrator for the period ending September 30, 2019.
16. Receipt and file report of purchasing items delegated to the County Administrator for the quarter ending September 30, 2019.

Utilities

17. Joint Project Agreement with the City of Largo for construction services for the relocation and replacement of Pinellas County Utilities water lines, maintained by Pinellas County, in conjunction with the proposed City of Largo roadway, sidewalk and drainage construction improvements along Rosery Road from the Pinellas Trail to Missouri Avenue.

Agreement approved. County to reimburse the City an amount not to exceed \$1,650,000.00 for construction services, administrative fees, and other related costs; work is expected to commence in October 2019. Chair authorized to sign and the Clerk to attest.

COUNTY ATTORNEY

18. Notice of new lawsuit and defense of the same by the County Attorney in the case of Lisa Ferrel v. Pinellas County; Circuit Civil Case No. 19-003731-CI-7 - allegations of negligence resulting in personal injuries.
19. Notice of new lawsuit and defense of the same by the County Attorney in the case of Shira Jones v. Pinellas County; Circuit Civil Case No. 19-006068-CI-21 - allegations of negligence resulting in personal injuries.

20. Notice of new lawsuit and defense of the same by the County Attorney in the case of State Farm a/s/o Alexssandra Martins v. Pinellas County; Circuit Civil Case No. 19-007496-CO-40 - allegations of negligence resulting in personal injuries.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Sheriff's Office

21. Receipt and file report on the Law Enforcement Trust Fund for the quarter ending September 30, 2019.
22. Receipt and file report of Sheriff's Office grants received and service contracts for the quarter ending September 30, 2019.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

COUNTY ADMINISTRATOR DEPARTMENTS

Airport

23. 2019-2020 Florida Job Growth Grant Fund Public Infrastructure Grant Proposal for Taxiway Improvements at the St. Pete-Clearwater International Airport.

Grant Proposal approved for submission, requesting \$1,897,380.00 of the total estimated design cost of \$2,108,200.00; Airport to provide \$210,820.00 in matching funds.

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

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

Absent: 1 - Commissioner Welch

Economic Development

24. 2019-2020 Florida Job Growth Grant Fund Public Infrastructure Grant Proposal to fund a portion of the design, construction and equipping of an approximate 45,000-square-foot purpose built, state-of-the-art facility to house the Tampa Bay Innovation Center incubator.

Grant Proposal approved for submission requesting \$4,000,000.00 of the estimated total project cost of \$12,000,000.00. The U.S. Economic Development Administration has awarded a grant of \$7,463,295.00 to the County for the project and Pinellas County has committed to a match of \$4,536,705.00, which would be reduced to \$536,705.00 if the grant proposal is successful.

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

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

Absent: 1 - Commissioner Welch

- 25.** Resolution expressing support of Formulated Solutions LLC as a qualified applicant for an Economic Development Ad Valorem Tax Exemption.

Resolution No. 19-84 adopted supporting Formulated Solutions LLC as a qualified applicant pursuant to Section 196.1995, Florida Statutes, and authorizing the company to make improvements and/or tangible personal property additions before an Exemption Ordinance is adopted.

In response to queries by the members, Economic Development Director Mike Meidel related that the company will add approximately 24,000 square feet of warehouse, office, and manufacturing space and 75 new jobs; and that further negotiation will be completed to identify the percentage of taxes that would be exempt and the level of new wages expected for the jobs created.

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

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

Absent: 1 - Commissioner Welch

Human Services

- 26.** Grant Agreement with the U.S. Department of Justice under the Fiscal Year 2019 Opioid Affected Youth Initiative for the project "Aiding Drug Impacted Children in Out-of-Home Care" in partnership with the Sixth Judicial Circuit Court.

(DOJ Grant No. 2019-YB-FX-K002) Agreement approved providing funding in the amount of \$1,000,000.00 over three years, with no match or cost-sharing requirements.

Mr. Stowers indicated that the grant will serve at least 75 children with comprehensive services and treatment with the objectives of at least 90 percent seeing improved family relations and at least 80 percent exhibiting reduced trauma symptoms.

Responding to queries by the members, Human Services Director Daisy Rodriguez indicated that the grant provides an opportunity to expand existing services; that funding for the program beyond three years is unknown at this time; and that WestCare GulfCoast-Florida, Inc. will provide the counseling and services.

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

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

Absent: 1 - Commissioner Welch

- 27.** Award of bid to Denson Construction, Inc. for the Philippe Park Pedestrian Bridge Replacement project. (Companion to Item No. 28)

Bid No. 189-0398-CP (PID No. 003494A) in the amount of \$484,717.00 awarded on the basis of being the lowest responsive, responsible bid received meeting specifications. All work is expected to be completed within 180 consecutive calendar days. Chair authorized to sign the agreement and the Clerk to attest. Bid from Caladesi Construction Company rejected on the basis of being non-responsive for not meeting bid requirements.

In response to query by Commissioner Justice, Administrative Services Director Joe Lauro indicated that Pinellas County's Small Business Enterprise program covers a four-county area, including the vendor's location in Plant City.

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

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

Absent: 1 - Commissioner Welch

- 28.** Amendment No.1 to the Interlocal Agreement with the City of Safety Harbor for replacement of the existing pedestrian boardwalk between North Bayshore Drive and Philippe Park Drive. (Companion to Item No. 27)

(Contract No. 189-0398-CP; PID No. 003494A) Amendment approved increasing the County funding amount by \$194,717.00 for a revised total of \$444,717.00. Chair authorized to sign and the Clerk to attest.

In response to query by Commissioner Eggers, Transportation Division Director Ken Jacobs indicated that the \$250,000.00 previously allocated to the project by the County consisted of British Petroleum settlement funds; that the County has expended an additional amount for design-related costs; and that the City is providing a \$250,000.00 match.

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

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

Absent: 1 - Commissioner Welch

Real Estate Management

- 29.** Resolution authorizing the submittal of a Public Library Construction Grant application to the Florida Department of State, Division of Library and Information Services for the East Lake Community Library Renovation project.

Resolution No. 19-85 adopted authorizing submittal of the application requesting funding in the amount of \$170,000.00. If awarded, required match of \$170,000.00 to be provided by East Lake Community Library Capital Reserves.

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

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

Absent: 1 - Commissioner Welch

- 30.** Resolution authorizing the lease of real property between Pinellas County and the Towns of North Redington Beach and Redington Shores; Interlocal Agreement between Pinellas County and the Towns of Redington Beach, North Redington Beach and Redington Shores; Ground Lease Agreement between the County and the Town of North Redington Beach; and Facility Lease Agreement between the County and the Towns of North Redington Beach and Redington Shores.

Resolution No. 19-86 adopted authorizing the lease; Interlocal and Lease Agreements approved. Chair authorized to sign and the Clerk to attest. County to pay all initial construction and project costs, not to exceed \$3 million. Upon completion, reimbursements to be made by the Towns as outlined in the Interlocal Agreement.

Commissioner Long extended her thanks to former Commissioner Jay J. Beyrouiti for the work that he did to bring the agreements to fruition.

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

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

Absent: 1 - Commissioner Welch

31. U.S. Environmental Protection Agency Brownfield Assessment Grant Cooperative Agreement for the Lealman Community Redevelopment Area.

Agreement approved providing grant funding in the amount of \$300,000.00 over a three-year period for reimbursement of assessment-related expenditures; no County match required.

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

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

Absent: 1 - Commissioner Welch

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Emergency Medical Services Authority

32. Advanced Life Support First Responder Agreement with the Cities of St. Petersburg and St. Pete Beach

Sitting as the Pinellas County Emergency Medical Services Authority, the Board approved the agreement, providing funding in the amount of \$17,303,983.00 for a five-year term beginning on October 1, 2019, with the option for one additional five-year extension. Chair authorized to sign and the Clerk to attest.

In response to queries by the members, Director of Public Safety and Emergency Services Jim Fogarty indicated that the Priority Dispatch component of the agreement is an opt-in program; that the City of St. Petersburg has chosen to not to do so at this time; and that five of the other cities and fire districts have opted in. Referring to a chart, he described the results of the program after four months with the five agencies, indicating that he hopes others will participate once the data is presented.

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

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

Absent: 1 - Commissioner Welch

COUNTY ATTORNEY

33. Proposed initiation of litigation in the case of Pinellas County v. Ricky Wallen - action for injunctive relief.

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

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

Absent: 1 - Commissioner Welch

34. Proposed initiation of litigation in the case of Pinellas County v. Silverlakes Property Management LLC - action for injunctive relief.

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

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

Absent: 1 - Commissioner Welch

35. County Attorney Reports - None.

Commissioner Peters expressed concern regarding potential legislation pre-empting local governments from receiving awards from litigation, particularly with regard to the opioid crisis, and requested that the matter be added to the Board’s legislative agenda. Following discussion, Attorney White agreed to coordinate with Intergovernmental Liaison Brian Lowack to add the matter to the *watch list* of items to monitor in Tallahassee for further development.

COUNTY ADMINISTRATOR REPORTS

36. County Administrator Reports:

- Update on Federal and State reimbursements for Hurricane Irma

Fredricka Collins, Office of Management and Budget, related that of the \$22.1 million in eligible expenditures, approximately \$21.5 million is expected to be reimbursed; and that approximately \$3.6 million has been received by the County so far. She discussed the reasons for the delay in reimbursement, including requirements for audit testing and contract amendments by the State, noting that they have since lessened, and the reimbursement process for new projects should be faster.

Commissioner Justice noted the influx of emails from the Office of Senator Marco Rubio regarding the grant awards. Chair Seel concurred, and responding to her query, Ms. Collins indicated that a significant portion of the reimbursement is expected to be received in Fiscal Year 2020, and the remainder in Fiscal Year 2021.

COUNTY COMMISSION

37. Appointment and reappointments to the Parks and Conservation Resources Advisory Board (Individual Appointments).

Individual appointment of Daniel M. Savercool and reappointments of Peg Cummings, Deborah J. Chayet, Brian Scott, Michael R. Bauer, and Mary Ann Renfrow approved for one-year terms concurrent with the respective nominating Commissioners.

Responding to query by Commissioner Eggers, Commissioner Peters related that the Youth Advisory Committee has yet to make its appointment to the Board.

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

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

Absent: 1 - Commissioner Welch

38. County Commission New Business Items.

Chair Seel discussed the following items:

Tourist Development Tax (Bed Tax) Use Expansion

Chair Seel related that she and Managing Assistant County Attorney Michael Zas discussed the possibility of expanding the use of bed tax revenue for the purpose of dredging by adding it to the *Beach Nourishment* category of the Tourist Development Plan.

Chair Seel distributed a document titled *Coastal Management Outlook FY20-FY24* and indicated that the total amount needed for coastal management projects is estimated at approximately \$65 million; that relying on state and federal funds to pay a substantial portion of that can be risky; and that beach nourishment has historically been included in the Plan. She cautioned that expanding the bed tax use to dredging may lead to never-ending funding requests for cleanups and other related needs, and recommended that at this time beach nourishment remain the only allowable use. Discussion ensued regarding options for funding dredging on a case by case basis, additional tourism-related bed tax uses, such as transportation and inlet management, and having an in-depth discussion regarding expanding bed tax uses allowable under the statute.

In response to concerns voiced by Commissioners Eggers and Peters, Chair Seel indicated that funding for dredging in the City of Tarpon Springs would have to come from the City and is available there; whereupon, she suggested that the issue of storm drain maintenance by the coastal municipalities be addressed by Sustainability Coordinator Hank Hodde.

Housing Finance Authority (HFA) Board Resignation

Chair Seel related that HFA Board Chairman Casey Cane has resigned.

Tourist Development Council (TDC) Elite Event Funding Program Waiver Application

Chair Seel provided an update regarding a waiver application for the Martin Luther King (MLK) Family Fun Day and Parade event, indicating that the matter is time-sensitive and would require a vote by the Board; that the organization running the event would have to provide an audit trail for how the money was spent; and that marketing and sponsorship requirements of the program would be addressed later.

In response to the members' comments concerning setting a precedent and the importance of accountability and transparency, Chair Seel indicated that establishing the TDC budget and marketing committees this year has resulted in more transparency; that applications of this type will be limited in amount; and that the program's *Cultural Heritage Event* category was approved by the Board; whereupon, Commissioner Peters requested information relating to the Tourist Development Tax percents and usage.

Chair Seel noted that the Tourist Development Tax fund reserve is healthy; and that the new Visit St. Pete/Clearwater (VSPC) President and CEO, Steve Hayes, will assume his position in December.

Later in the meeting, Attorney Zas indicated that if the Board agrees to the waiver, action should be taken to confirm the same. He clarified that (1) the members would be waiving the Elite Event Funding Program guideline regarding using the funds for marketing purposes only, noting that \$20,000 of the requested \$25,000 would be used for operational expenses; and that (2) due to time-sensitivity and other unusual circumstances which are outside of the guidelines, the funds would be advanced prior to the event rather than provided on a reimbursement basis thereafter; whereupon, he discussed various safeguards that would be incorporated into the funding agreement to address accountability, legal responsibility, and future eligibility.

During discussion and responding to queries by the members, VSPC Interim President and CEO Paul Sacco, with input by Attorney Zas, provided background information regarding the event and the past efforts of the County to fund it. Mr. Sacco noted that the waiver would be pending receipt of a written request by the organization; whereupon, Commissioner Gerard remarked that the MLK parade is a great event for the community.

A motion was made by Vice-Chair Gerard, seconded by Commissioner Long, that an emergency waiver of the Elite Event Funding Program requirements relating to operational funding and reimbursement be approved with regard to the MLK event application, for this year only; that the funding be provided upfront; that appropriate safeguards, such as financial receipt requirements, be incorporated into the funding agreement; and that staff be directed to work with the event organizer on promotional opportunities for the County. The motion carried by the following vote:

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

Absent: 1 - Commissioner Welch

39. County Commission Board Reports and Miscellaneous.

The members thanked everyone who participated in the successful October 11 Farm Share event, provided updates regarding their assigned boards and committees, and commented on various topics, as follows:

Commissioner Long

- Business Technology Services Board, Tampa Bay Area Regional Transit Authority, Pinellas Suncoast Transit Authority, Tampa Bay Regional Planning Council
- Upcoming Florida Association of Counties (FAC) and National Association of Counties conferences
- American Public Transportation Association annual conference
- Opportunity for Pinellas County to serve on the United Nations committee addressing the impacts of climate change on coastal counties

Commissioner Eggers

- Tampa Bay Water Board, Forward Pinellas Board, Community Veterans Engagement Board, Transportation Management Area Leadership Group
- Palm Harbor Chamber of Commerce teachers breakfast, farewell celebration for Oldsmar Vice Mayor and Council Member Gabby McGee
- Recent and upcoming CASA and Honor Flight events
- Upcoming Veterans Day ceremonies
- BCC work session re transportation on November 12

Commissioner Gerard

- CareerSource Pinellas Board
- Tour of Spectrum Field
- Habitat for Humanity Annual Luncheon at Ruth Eckerd Hall, Ruth Eckerd Hall expansion
- 2019 Disability Employment Awareness Celebration
- New affordable housing project by Boley Centers

Commissioner Justice

- Area Agency on Aging
- Legislators' tours of the Lealman Community, Lake Seminole dredge tour
- Opening of the Tampa Bay Lightning Street Hockey Rink in Oldsmar, Habitat for Humanity dedication in the Childs Park area of St. Petersburg

Commissioner Peters

- Youth Advisory Committee
- Ten Marchman beds operating at the ACTS facility
- 2019 FAC Federal Fly In in Washington, DC
- Staff response to Redington Long Pier collapse

Chair Seel

- Juvenile Welfare Board
- Passing of community leader and former School Board member Lee Benjamin

Meeting Recessed: 4:14 P.M.

Meeting Reconvened: 5:59 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.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Countywide Planning Authority

- 40.** Ordinance amending the Countywide Rules and Countywide Plan Strategies (second public hearing).

Ordinance No. 19-26 adopted. No correspondence has been received. No citizens appeared to be heard.

Chair Seel thanked everyone involved for their efforts to complete the project.

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

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

Absent: 1 - Commissioner Welch

BOARD OF COUNTY COMMISSIONERS

- 41.** Case No. LU-16-09-19 (Sweet Water at Largo)

A request for a land use change from Residential Urban to Residential Medium on approximately 1.79 acres located at 11290 Walsingham Road in unincorporated Seminole.

Ordinance No. 19-27 adopted changing the land use designation. The Local Planning Agency recommended approval of the request, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Responding to query by Commissioner Justice, Planning Department Zoning Manager Glenn Bailey confirmed that assisted living facility operations are licensed by the State.

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

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

Absent: 1 - Commissioner Welch

42. Case No. CP-10-06-19 (Second Hearing)

Proposed Ordinance amending the Future Land Use and Quality Communities Element and the Housing Element of the Pinellas County Comprehensive Plan to delete policies that limit affordable housing densities in certain commercial and mixed-use Future Land Use Map categories.

Ordinance No. 19-28 adopted. The Local Planning Agency recommended approval of the amendments, and staff concurred. Letters of no objection have been received from the appropriate state agencies. No citizens appeared to be heard.

Chair Seel thanked the staff involved in developing the ordinance, noting that it will enable the County to provide more affordable and workforce housing for its residents.

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

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

Absent: 1 - Commissioner Welch

43. Ordinance amending the Pinellas County Code by adding Division 4-Equine Riding and Seagrass Damage to Article X-Aquatic Preserves of Chapter 58-Environment; providing for the prohibition of equine riding within aquatic preserves; and providing for the prohibition of unpermitted seagrass damage within aquatic preserves.

Ordinance No. 19-29 adopted. Correspondence received includes 64 letters in support of and 320 letters in opposition to the proposed ordinance.

Referring to a PowerPoint presentation titled *Seagrass Protection Ordinance*, Environmental Management Division Director Kelli Hammer Levy provided an overview of the proposed amendment, discussing the following:

- Impact of intensive horseback riding on the Pinellas County Aquatic Preserve
- Water quality and public health
- State best practices, legal requirements, and policies
- Horseback riding opportunities in the Tampa Bay area
- Ongoing and next steps

Ms. Levy referred to statistical information and images depicting seagrasses pre- and post-extensive horseback riding, and indicated that recreational and commercial riding in the aquatic preserve has led to seagrass damage and violations of water quality standards related to horse manure bacteria that is harmful to human health; and that those impacts are inconsistent with State and County legal requirements and best practices, as well as the Tampa Bay Estuary Program's Comprehensive Conservation Management Plan to protect seagrass and water quality.

She noted that based on recommendations of the Florida Departments of Environmental Protection (DEP) and Agriculture, riding should occur a minimum of 25 feet away from water bodies, and horses should be kept out of waters to avoid erosion, pollution, and other related issues; that in general, coastal Florida counties prohibit horses on beaches; and that there are ample other opportunities for riding in the Tampa Bay area. She stated that the proposed ordinance would prohibit horseback riding within the aquatic preserve and allow the County to address other activities that negatively impact seagrass; and that should it be approved, all stakeholders will be updated on the implementation process.

Responding to queries by the members, Ms. Levy discussed enforcement of the ordinance, noting that representatives of the Departments of Environmental Protection, Health, and Transportation have discussed halting equestrian activity on beaches and are supportive of the ordinance. She opined that occasional riding would be inconsistent with the state law and present more problems than systematic riding in terms of seagrass damage and impact on public health; that seagrasses take years to restore; and that horse manure, unlike bacteria sources attributed to other animals present in the water, is a chronic occurrence.

In response to the Chair's call for proponents of the ordinance, the following individuals appeared and expressed their support:

Randy Runnels, Gulfport, Aquatic Preserve Manager, Florida DEP
Jessica Bibza, St. Petersburg, National Wildlife Federation
Todd Bibza, St. Petersburg
Roger Wilson, Seminole
Ann Paul, Tampa
John Hood, Bellair
Heather Young, Clearwater, Tampa Bay Regional Planning Council (TBRPC)
Sandra Chiappetta, South Pasadena
Barbara Sheen Todd, St. Petersburg, TBRPC Agency on Bay Management

The proponents based their support on the following points:

- The most seagrass damage observed during diving excursions by DEP staff was caused by horses, not watercraft scarring
- Seagrass recovery resulted from the efforts of many organizations and individuals, and took many years to achieve
- Seagrasses help improve water quality and prevent harmful algae blooms
- Science presented by staff is credible; the issue has been reviewed by experts
- Threat to the health of the bay and subsequently tourism and local economy
- Unpleasant smell
- Beach horseback riding activity conflicts with the purpose of establishing the aquatic preserve for repair, restoration, and protection of the seagrass damaged by prior dredging
- Beach horseback riding is unlawful and creates health issues for people
- Increase in fecal bacteria was documented upon testing waters where horses are ridden and may lead to beach closures
- No oversight of the riding activities or accountability relating to seagrass and water quality

Upon the Chair's call for opponents, the following individuals stated their concerns:

Jim Swayne, St. Petersburg

Charles Cole, III, Myakka City (presented correspondence and a seagrass report by Surface Water Improvement and Management Program)

Carol Felts, Myakka City

Kathy Wolfe, Parrish

Jennifer Osterling, Myakka City

David Putnam, Nokomis

Kimberly Kult, Port Charlotte, representing C Ponies (spoke on behalf of others in attendance)

Jenny Cook, Kalamazoo, MI

Monika Bruehsel, Pinellas Park (noted that she sent correspondence to Commissioner Peters, presented photographs)

Donald Hudgins, St. Petersburg

Leah Scott, Gulfport

Madison Mack, Myakka City

KC Hicks, Clearwater Beach

Andrew Butterfield, St. Pete Beach

Concerns expressed by the objectors included the following:

- Most seagrass damage is caused by activities other than horse riding, including boats and kite boarding
- Scientific evidence regarding seagrass damage and water quality presented by staff is inconclusive, insufficient, biased, and should be reviewed by a third party

- The number of designated riding trails is decreasing, jobs and profitable businesses are being lost
- A small group of people is being discriminated against for enjoying a natural hobby in a natural environment
- Impact from horses does not compare to main causes of declining environment, such as sewage spills and air pollution
- Manatee County prohibited beach horseback riding and later found no evidence of seagrass damage or worsening water quality caused by horses
- Horse waste is organic, disintegrates in the water, and is a food source for other animals
- Riders stay out of seagrass
- Riders are environmentalists; the guides educate the public, promote beach cleanups, and regularly clean the beaches of trash and horse waste
- Beach horseback riding is a unique activity that has an emotional and physical therapeutic effect on people
- Horse manure is excluded from the Environmental Protection Agency's solid waste regulation as it does not contain significant amounts of hazardous chemicals
- Beach horseback riding generates tourism and contributes to the economy
- Other parties affected by the ordinance should be afforded the opportunity to discuss the matter
- Kite boarders do not damage seagrass

During discussion and responding to questions and concerns by the members, Ms. Levy provided information regarding water sampling and requirements for beach horseback riding in other counties, as well as noticing of the parties affected by the ordinance and issues it is intended to address. She indicated that the water sampling for bacteria was conducted by the DEP under strict regulatory guidelines; that data showed the presence of bacteria from horse manure only on the days when horses were present on the beach; that she is not aware of the water being affected by dogs; that the County's dog beach has no seagrass; and that there are strict requirements for cleanup of dog waste by the owner.

Ms. Levy noted that she emailed the ordinance to the stakeholders to be shared with potentially affected parties, such as the kite-boarding community; and that staff will continue to work with all other recreational beach users to ensure compliance; whereupon, she stressed that the ordinance is intended to address chronic issues which have a substantial impact on water quality and seagrass, not an accidental transgression. Commissioner Long pointed out that a proposal regarding the ordinance was brought forth from the TBRPC; and that it is a step in resolving the larger environmental challenges facing the County. Chair Seel thanked Roger Wilson and Barbara Sheen Todd for their leadership in environmental protection, and Commissioner Eggers reiterated his concerns that other parties potentially affected by the ordinance would not have an opportunity to be heard by the Board if the ordinance is approved today.

Commissioner Peters described her recent beach horseback riding experience near the Skyway Bridge, noting that it is a wonderful opportunity for local residents and tourists; that the guides picked up horse manure and trash left on the beach; that horses stayed mostly along the sandbar and did not step on the seagrass; and that many of the horses are rescues; whereupon, she requested that a compromise be reached to allow an alternate location for the activity, such as the east side of the Skyway Bridge where there is the least amount of seagrass, and suggested rotating activity areas, collecting permit fees, and using the revenue to replant seagrass on a regular basis, and discussion ensued.

Ms. Levy reiterated that the presence of horse manure in the water presents a public health issue, and indicated that the improvement of Tampa Bay involved many steps; that there are challenges related to sea turtle nesting; and that the only alternative solution she can propose is beach horse riding without going into the water, which would require an amendment to the parks ordinance. Responding to query by Commissioner Gerard, Messrs. Runnels and Stowers discussed various species of seagrass, noting that some take many years to regrow.

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

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

Nay: 1 - Commissioner Peters

Absent: 1 - Commissioner Welch

A motion was made by Commissioner Eggers, seconded by Commissioner Justice, that staff be directed to investigate options for horseback riding on beaches, staying within appropriate bounds with regard to the environment. The motion carried by the following vote:

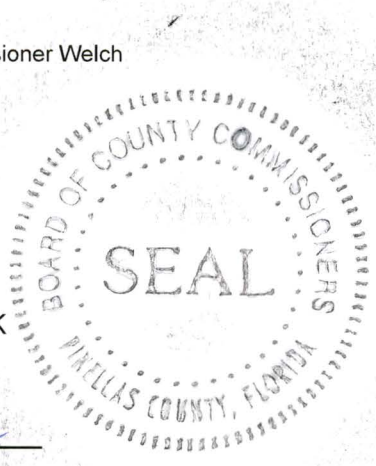
Aye: 6 - Chair Seel, Vice-Chair Gerard, Commissioner Eggers, Commissioner Justice, Commissioner Long, and Commissioner Peters

Absent: 1 - Commissioner Welch

ADJOURNMENT - 8:17 P.M.

ATTEST: KEN BURKE, CLERK

By Norman D. Levy
Deputy Clerk



Karen Seel
Chair