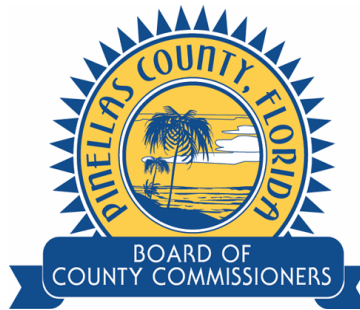


Pinellas County

*315 Court Street
Clearwater, Florida 33756*



Minutes - Final

Thursday, October 3, 2019

9:30 A.M.

**Work Session/Agenda Briefing
Clerk's Conference Room, 4th Floor**

Board of County Commissioners - Work Session

Karen Williams Seel, Chair

Pat Gerard, Vice-Chair

Dave Eggers

Charlie Justice

Janet C. Long

Kathleen Peters

Kenneth T. Welch

ROLL CALL - 9:33 A.M.

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

Others Present: Barry A. Burton, County Administrator; Jewel White, County Attorney; and Jenny Masinovsky, Board Reporter, Deputy Clerk

1. Canals and Lakes Update

Mr. Burton indicated that the purpose of the presentation is to encourage a discussion of current policies and practices relating to managing drainage ways, canals, areas of sand migration, and similar items, and to consider the need for change, noting that community interest in the matter is strong.

Chair Seel congratulated Environmental Management Division Director Kelli Hammer Levy on being named one of the top environmentalists for climate change in Florida, as reported in *The Tampa Bay Times*, for creating a mapping tool incorporating sea level rise into capital planning in the County, and Ms. Levy thanked staff for their assistance with digitizing the tool and converting it to a web-based format, allowing anyone in the country to use it.

Referring to a PowerPoint presentation titled *An Overview of Current Lake and Canal Management Policies and Practices*, Ms. Levy indicated that there has been a growing number of requests for additional levels of service in the areas of stormwater management, navigational dredging, and aquatic plant management. She reviewed various policy and code updates, and discussed the history and current practices pertaining to each of the focus areas and other related matters. Discussion ensued throughout the presentation, and Ms. Levy responded to queries by the members, with input by Mr. Burton and staff.

Stormwater Management

Ms. Levy provided information regarding public and private stormwater management projects, relating that public projects are conducted in the canals and creeks where the County has rights and responsibilities and where the assessment studies confirmed that sediment removal will reduce flooding; that they are funded through the General and Transportation Trust Funds, Surface Water Assessment fees, and the Penny for Pinellas; and that projects to repair and restore private systems are considered under the special assessment process and funded by the benefitting property owners.

Responding to query by Commissioner Eggers, Ms. Levy indicated that major changes in the management of street stormwater runoff were implemented in 1985 when State requirements relating to stormwater management facilities triggered multiple Land Development Code updates and the establishment of best practices; and that a federal pollutant discharge program details and regulates all management requirements, including cleanup frequency, water quality, and more.

Discussion ensued regarding public versus private stormwater management responsibilities, including concerns about Curlew and Cedar Creeks. Ms. Levy and Assistant County Administrator Rahim Harji related that the County received a request to replace a large private stormwater system through the special assessment process, and cautioned that accommodating the request may set a precedent; that private owners are responsible for managing their stormwater systems under the Code; and that considering that the County currently manages 700 of the over 5,000 existing private systems, the additional expense would be substantial. Responding to queries by Commissioner Welch, Ms. Levy indicated that stormwater management in unincorporated areas is funded by Surface Water Assessment fees.

Navigational Dredging

Ms. Levy related that navigational coastal dredging is conducted by the U.S. Army Corps of Engineers and involves rigid control lines and beneficial reuse of material; that channels providing commercial access are defined by federal and state programs; and that 60 percent of the dredging is funded by the federal government and the rest by the County and the State. She noted that the only channel formally maintained by the County is Hurricane Pass; that it is funded by the bed tax; that the sand has been reused on the Dunedin Causeway beach area; and that private navigational dredging is considered through the special assessment process funded by the benefitting property owners. Responding to queries by the members, Ms. Levy indicated that she will obtain information regarding the Hurricane Pass annual maintenance costs; and that intracoastal waterways, which have been filling up, are maintained by the Army Corps.

Responding to queries and concerns of Commissioner Peters regarding closure of the Grand Canal and the possibility of its dredging by the County, Ms. Levy explained that since Hurricane Pass did not qualify to be maintained by the Army Corps due to lack of commercial access, the County assumed the responsibility as it is widely used and has a great public purpose and regional significance, whereas the Grand Canal benefits only the surrounding property owners. Commissioner Peters stressed the need for dredging, noting that the canal is also used for access to nearby restaurants; that the residents have been acquiring quiet titles; and that the matter is time-sensitive.

Mr. Burton pointed out that the Grand Canal is not a channel. He related that staff has discussed the sand buildup causes and solutions with the residents; that experts on all sides have come to an agreement of a technical solution, but legal determination of property rights is ongoing; and that the matter will be brought to the Board for a decision soon, emphasizing that it will set a precedent for similar requests, and Ms. Levy noted that staff will discuss the options and costs with the public on November 13.

Commissioner Eggers voiced concern regarding dredging the Anclote River, stating that the abutting areas need to be dredged at the same time or the silt will move; whereupon, he

asked about the possibility of assessing dredging projects based on environmental conditions prior to their undertaking.

Aquatic Plant Management (Lake Seminole and Lake Tarpon)

Ms. Levy related that management plans for a significant aquatic nuisance plant invasion and water quality maintenance were developed for Lake Seminole and Lake Tarpon from 1989 through 2001 by partnering with the Florida Fish and Wildlife Conservation Commission and Southwest Florida Water Management District; and that following cleanup of the invasive vegetation, replacing it with beneficial native plants, and implementing other habitat restoration requirements, maintenance of the lakes continues by the County, State agencies, and private property owners.

Ms. Levy indicated that Lake Tarpon is healthy and its water quality requirements are met based on the State's assessment standards, with the exception of high algae growth. She remarked that the lake is listed in the Visit Florida magazine as a jewel of Pinellas County and one of the top ten bass fishing lakes in the state. Responding to query by Commissioner Long, she explained that while Lake Seminole's water quality is still poor, it is trending in the right direction; that management actions have made an impact; and that an upcoming sediment dredge to remove phosphorus and nitrogen is essential, and Mr. Harji noted that the County has made significant investments in cleaning up the lakes over the last few years.

During discussion and responding to queries by the members, Ms. Levy provided information pertaining to the lakes' maintenance and funding, challenges relating to sediment removal in Lake Seminole, educating the public on the three most detrimental invasive plants, and other matters. She indicated that the cities of Largo and Seminole do not contribute to the cost of maintaining Lake Seminole, and Commissioner Gerard noted that Largo had participated in the lake treatment efforts.

Current Policy, Special Assessments, Considerations, Other Jurisdictions

Ms. Levy indicated that based on current policy, County funding or participation in any watershed-related project located on private property requires having an underlying public purpose and benefit. She discussed the Special Assessment concept, requirements, and authority provided under County Code, as well as concerns and challenges pertaining to public versus private rights, obtaining authorizations, strict special assessment requirements, and potential risks and liabilities; whereupon, she reviewed the practices of other Tampa Bay jurisdictions with regard to navigational dredging and aquatic plant management.

During discussion and responding to queries by the members, Ms. Levy noted the importance of assessing potential County risks and liabilities, including trespassing or damaging private property, in the undertaking of various projects; whereupon, she discussed the Baywood Village special assessment dredge request that was denied upon

discovery of high arsenic quantities in the soil, with Attorney White providing input regarding perpetual liabilities relating to participation in special assessments involving contamination. Responding to concerns expressed by Commissioner Peters, Ms. Levy explained the presence of arsenic in the soil, where it has been found locally, and how it is managed with regard to dredging; whereupon, she indicated that a lawsuit in a related matter was filed, and Commissioner Peters provided input.

The members noted that the matters relating to watershed management policies and practices are complex and stressed the importance of educating the residents regarding their responsibilities for maintenance, special assessment requirements, and similar matters by holding public meetings, creating flyers, and reaching out to realtor organizations for assistance in disclosing pertinent information to prospective home buyers. Ms. Levy indicated that staff already works with realtors, and Commissioner Eggers requested that the PowerPoint presentation used by Ms. Levy today and the meeting video be made public.

At the request of Mr. Burton, Ms. Levy discussed issues pertaining to drainage in residential backyards, including permit compliance, flooding, and related problems caused by residents filling in swales or building structures impeding the water flow, and refusing to accept the responsibility for fixing the drainage. Referring to the Cross Bayou watershed, she related that it is congested; that there is a great public benefit to clearing it by the County; and that while the residents request it, they decline to provide the easements, and discussion ensued.

Meeting Recessed: 11:19 A.M.

Meeting Reconvened: 11:33 A.M.

2. Agenda Briefing

Mr. Burton and Attorney White provided a review of the agenda items to be considered at the October 8, 2019 Commission meeting. Discussion ensued regarding the following items, which were addressed by staff in response to queries and requests for additional information by the members:

- Item No. 6 Case No. CW 19-15, Countywide Plan Map amendment
- Item No. 13 Resolution to extend the existence of the St. Petersburg Intown West Redevelopment Area
- Item No. 21 Ranking of firms and agreement pertaining to budgeting software
- Item No. 24 Contract for operation of the Florida Department of Health in Pinellas County
- Item No. 27 Construction agreement with CSX Transportation, Inc.
- Item No. 28 Declaration of fee owned County property as surplus and authorization of its sale
- Item No. 29 Contract for sale of five parcels in the Dansville neighborhood

- Item No. 31 Amendment to the agreement for services relating to the St. Petersburg Justice Center Courts Consolidation project
- Item No. 32 Amendment to the agreement pertaining to non-emergency transportation services
- Item No. 33 Change Order to the contract for the North County Satellite Site project
- Item No. 39 County Administrator Report: Notice of a public hearing regarding prohibition of equine riding and seagrass damage in aquatic preserves

Attorney White related that she intends to request authority to file an injunction pertaining to a code enforcement case involving overgrowth, trash, and related issues, noting that she is prepared to proceed with the case at this time, rather than postponing the matter to the October 22 meeting.

Attorney White provided updates and discussion ensued regarding the following items:

- Ad valorem exemption for affordable housing
- Opioid litigation shade meeting on October 17
- Pasco County tax immunity case, potential liability issues

Thereupon, Mr. Burton informed the members that a work session regarding transportation is set for November 12.

ADJOURNMENT - 12:30 P.M.