

# **Pinellas County**

*Pinellas County Cooperative Extension  
12520 Ulmerton Road, Largo, FL 33774*



## **Minutes - Final**

**Tuesday, January 25, 2022**

**2:00 P.M.**

**Hybrid In-Person and Virtual Regular Meeting  
Public Hearings at 6:00 P.M.**

### **Board of County Commissioners**

*Charlie Justice, Chairman*

*Janet C. Long, Vice-Chair*

*Dave Eggers*

*Rene Flowers*

*Pat Gerard*

*Kathleen Peters*

*Karen Williams Seel*

**ROLL CALL - 2:04 P.M.**

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

**Others Present:** Barry A. Burton, County Administrator; Jewel White, County Attorney; Katherine Carpenter, Board Records Manager; and Katie Poviones, Board Reporter, Deputy Clerk

**INVOCATION****PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS**

1. National Mentor Month Proclamation:
  - Dr. Valerie Brimm, Director, Office of Strategic Partnerships, Pinellas County Schools
  - Debbie Buschman, Lunch Pals Coordinator, Office of Strategic Partnerships, Pinellas County Schools

Chairman Justice invited Dr. Brimm and Ms. Buschman to the podium and read a proclamation recognizing January 2022 as National Mentoring Month; whereupon, they provided brief comments and thanked the Board for their support.

2. Human Trafficking Prevention Month Proclamation:
  - Major Nathaly Patterson, Tampa Bay Human Trafficking Task Force Coordinator, St. Petersburg Police Department
  - Misty La Perriere, National Law Enforcement Liaison and Trainer, Selah Freedom
  - Doug Templeton, Chief Investigator, Consumer Protection, Human Services

Chairman Justice invited those above in attendance to the podium and read a proclamation recognizing January 2022 as Human Trafficking Prevention Month; whereupon, Human Services Director Karen Yatchum, on behalf of Mr. Templeton, provided brief comments and thanked the Board on behalf of staff for its efforts at raising awareness of the issue.

**CITIZENS TO BE HEARD**

3. Citizens To Be Heard - Public Comment.

Mack Johnson, Largo  
David Ballard Geddis, Jr., Palm Harbor (submitted documents)  
Vincent Nowicki, St. Petersburg  
Tom Timcik, Madeira Beach  
Julie Vayne, Seminole

Greg Pound, Largo  
Tom Rask, unincorporated Pinellas County  
Pam McAloon, Palm Harbor  
Steven D. Lange, St. Petersburg  
Aden Barnes, Largo

**CONSENT AGENDA - Items 4 through 15  
(Item Nos. 9 and 12 addressed under Regular Agenda)**

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

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

**CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

- 4. Vouchers and bills paid from December 12, 2021, through January 1, 2022.

Period: December 12 through 18, 2021

Accounts Payable - \$7,537,192.67

Payroll - None

Period: December 19 through 25, 2021

Accounts Payable - \$4,143,884.84

Payroll - \$4,070,764.16

Period: December 26, 2021 through January 1, 2022

Accounts Payable - \$47,058,138.72

Payroll - None

**The item was approved as part of the Consent Agenda.**

Reports received for filing:

- 5. Dock Fee Report for the month of December 2021.

**The item was approved as part of the Consent Agenda.**

- 6. Quarterly Report of Routine Dock & Dredge/Fill Permits issued from October 1 to December 31, 2021.

**The item was approved as part of the Consent Agenda.**

Miscellaneous items received for filing:

7. Affidavit of Publication of Legal Notice published in Tampa Bay Times on December 29, 2021 and also on January 5, 2022, regarding Notice of Redistricting the Pinellas County Commission Districts, as approved by the Board of County Commissioners on December 7, 2021.

**The item was approved as part of the Consent Agenda.**

8. City of Madeira Beach Notice of Public Hearing held on January 10, 2022, regarding an application for rezoning and a land use change.

**The item was approved as part of the Consent Agenda.**

## COUNTY ADMINISTRATOR DEPARTMENTS

### Animal Services

10. Award of bid to Patterson Veterinary Supply Inc. for annual requirements of veterinary drugs and medical supplies.

Contract No. 21-0547-B awarded in the not-to-exceed amount of \$1,863,853.91 (estimated annual expenditure, \$581,284.64) for a 36-month term on the basis of being the lowest responsive, responsible bid received meeting specifications. Contract contains a provision to allow for price adjustments after the initial 12 months and annually thereafter.

**The item was approved as part of the Consent Agenda.**

### County Administrator

11. Receipt and file report of non-procurement items delegated to the County Administrator for the month ending December 31, 2021.

**The item was approved as part of the Consent Agenda.**

### Utilities

13. Joint Project Agreement with the City of Belleair Bluffs for construction and relocation of County water distribution mains and gravity sewer mains, in conjunction with proposed City of Belleair Bluffs road construction and drainage system improvements along Marlin Drive from Southwind Drive to Belmar Drive.

(County PID No. 004572A) Agreement approved. County to pay the City an amount not to exceed \$550,00.00, which is 100% of construction services for the project and 10% of the total cost for mobilization, maintenance of traffic, and miscellaneous administrative fees.

**The item was approved as part of the Consent Agenda.**

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Sheriff's Office

- 14. Receipt and file report of Sheriff's Office grants received and service contracts for the quarter ending December 31, 2021.

The item was approved as part of the Consent Agenda.

- 15. Receipt and file report of the Law Enforcement Trust Fund for the quarter ending December 31, 2021.

The item was approved as part of the Consent Agenda.

**REGULAR AGENDA**

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

Miscellaneous items received for filing:

- 9. City of Tarpon Springs Ordinance No. 2021-21 adopted December 7, 2021, annexing certain properties.

Chairman Justice noted that there is an individual registered online who wishes to make a public comment on this item; whereupon, Harrison Butchart, Tarpon Springs, expressed his thoughts.

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

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

Utilities

- 12. Award of bid to Rowland Inc. for annual sanitary sewer repairs and extensions for Fiscal Years 2022-2024.

Contract No. 21-0637-CP (PID No. 001272D) awarded in the estimated annual expenditure in the amount of \$4,633,121.12, for a two-year contract amount of \$9,266,242.25 on the basis of being the lowest responsive, responsible bid received meeting specifications. All work is expected to be completed within 730 consecutive calendar days.

At the request of Commissioner Eggers, Utilities Director Megan Ross explained that the contract will facilitate supplemental repair that staff is unable to complete; and that it will allow for immediate corrective action in the event of a potential disruption of service due to an emergency break.

Responding to queries by Commissioner Eggers, Ms. Ross indicated that while significant progress has been made pertaining to sewer issues, there are projects underway which still require a substantial amount of work; that a rate study will most likely begin in 2022; and that the study will assist with determining if there is adequate funding to meet future needs.

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

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

## COUNTY ADMINISTRATOR DEPARTMENTS

### Human Services

- 16.** Grant award from the Office of Justice Programs Office of Juvenile Justice and Delinquency Prevention for the Fiscal Year 2021 Family Drug Court Program.

Grant award approved for funding in the amount of \$996,944.00 over a three-year period, from October 1, 2021 to September 30, 2024. An in-kind match of approximately \$266,667.00 over the three-year period will be contributed by the Sixth Judicial Circuit and WestCare.

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

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

### Public Works

- 17.** Sovereignty Submerged Lands Easement with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the Living Shoreline Project at Philippe Park.

(PID No. 004178B) Easement approved, allowing the County to continue future phases of the Living Shoreline Project at Philippe Park. No funding is required.

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

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

Utilities

18. First Amendment to the agreement with Wharton Smith, Inc. for professional design build services pertaining to the Lift Station Replacement portion of the North Redington Beach Fire Rescue Station and Lift Station Replacement project.

(Contract No. 189-0190-NC) Amendment in the Guaranteed Maximum Price amount of \$4,309,895.00 approved for construction services for the lift station portion of the project. Construction duration for the lift station is anticipated to be approximately eleven consecutive months from notice to proceed date.

Responding to queries by Commissioner Seel, Director of Administrative Services Joe Lauro indicated that the budgeted amount for the fire station portion of the project was \$2.3 million; that the actual cost is now estimated to be at a much higher amount; that a maximum price is currently being negotiated; and that the budgeted amount for the lift station portion was approximately \$3 million.

In response to a request by Commissioner Seel, Mr. Burton confirmed that he would research whether there was a change with regard to staff providing budget summaries for agenda items; whereupon, he noted that most bids are now coming in higher than originally projected.

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

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

## AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Emergency Medical Services Authority

19. Second Amendment to the Agreement with EmCare, Inc. for medical direction services.

(Contract No. 167-0194-P) Amendment approved for an increase in the amount of \$120,000.00 for a revised total contract amount of \$4,191,790.00 through September 30, 2022.

Mr. Burton introduced the item and explained that the amendment provides for a pilot opioid program on site at the Bayfront Health St. Petersburg Emergency Department.

Responding to queries by Commissioner Seel, Human Services Director Karen Yatchum explained that the pilot program will allow for a physician and a certified addiction professional to be on site in the Emergency Department; that the physicians there will be trained on the administration of Naloxone; and that a subsequent portion of the pilot program will be to develop pathways to ensure patient treatment is maintained; whereupon, Commissioner Peters commended Ms. Yatchum for her outstanding work.

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

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

## COUNTY ATTORNEY

- 20. County Attorney Reports:**  
- County Redistricting Update

Attorney White referenced Agenda Item Number 7, an Affidavit of Publication related to the Notice of Redistricting the Pinellas County Commission Districts, and reported that publication was the final required action for completing the redistricting process.

## COUNTY ADMINISTRATOR

- 21. County Administrator Reports:**  
- COVID-19 Update

Mr. Burton provided an update related to COVID-19, including information regarding recent positive case trends, vaccination rate, ambulance transports, testing sites, and the closure of the State monoclonal antibody infusion center; whereupon, he noted that the County's dashboard is still active.

Responding to queries by Commissioners Eggers and Long, Mr. Burton, with input by Assistant County Administrator Lourdes Benedict, indicated that he believes results from self-testing are not part of the County statistics; that testing sites are currently very busy; and that staffing shortages continue to be an issue with local hospitals.

## COUNTY COMMISSION

- 22. Appointment to the Historic Preservation Board (Individual appointment by Commissioner Justice).**

Gregory Cahanin appointed to complete a current term of three years, expiring on December 31, 2024.

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

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

- 23. Appointment of an alternate to the Historic Preservation Board (Board of County Commissioners as a whole).**

James Bachteler appointed as an alternate for a three-year term ending December 31, 2024, following a ballot vote.



**24.** Appointment to the Local Planning Agency (Individual appointment by Commissioner Seel).

Mack Duggan Cooley III appointed to serve the balance of a term ending November 4, 2024. Commissioner Seel expressed her gratitude for Steven Klar and his many years of service to the Local Planning Agency.

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

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

**25.** Appointment to the Pinellas County Housing Finance Authority (Board of County Commissioners as a whole).

Kristina Kovarik reappointed to a four-year term beginning February 1, 2022, following a ballot vote.

**26.** County Commission New Business: Pertinent and Timely Committee/Board Updates, Policy Considerations, Administrative/Procedural Considerations, and other New Business.

Chairman Justice requested Board support for the appointment of Herb Polson to serve as the Board of County Commissioners' Alternate Canvassing Board member for the March 15, 2022 Municipal Elections and the November 8, 2022 General Election.

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

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

The members commented on various topics, as follows:

Commissioner Seel

- Forward Pinellas
- Historic Preservation Board

Commissioner Gerard

- Juvenile Welfare Board
- 2-1-1 Tampa Bay Cares
- County and regional transportation

Commissioner Eggers

- Tampa Bay Water
- North Loop Trail project

Commissioner Flowers

- Tampa Bay Regional Transit Authority
- Pinellas Suncoast Transit Authority
- Affordable Housing February Conference
- Resident support of the Penny for Pinellas
- Florida Association of Counties
- Tampa Bay Regional Planning Council

Chairman Justice

- Gulf Consortium
- Weedon Island Management Plan Committee
- County Attorney Oversight Committee
- Tourist Development Council

Responding to a query by Commissioner Gerard, Chairman Justice indicated that the Board of County Commission's build with Habitat for Humanity of Pinellas and West Pasco Counties is scheduled for February 4 and will take place at a site in unincorporated Largo.

**Meeting Recessed: 3:42 P.M.**

**Meeting Reconvened: 6:02 P.M.**

**PUBLIC HEARINGS**

**All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.**

## BOARD OF COUNTY COMMISSIONERS

27. Ordinance amending the Pinellas County Comprehensive Plan, providing for the enactment of a new Property Rights Element in the Comprehensive Plan, including a goal, objectives, and policies to implement Florida House Bill 59 requiring local government adoption of a property rights element into its comprehensive plan. (Legislative)

Ordinance No. 22-1 adopted amending the plan. The Local Planning Agency recommended approval of the request, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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

28. Case No. FLU-21-02 (FL Orange MU, LLC) (Companion to Agenda Item No. 29)  
A request for a change of land use from Residential Low Medium to Residential Medium on approximately 0.71 acre located at 5173 28th Street North, 2786 and 2782 52nd Avenue North in Lealman. (Legislative)

Ordinance No. 22-2 adopted approving the land use change. The Local Planning Agency recommended approval of the request, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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

29. Case No. Q ZON-21-06 (FL Orange MU, LLC) (Companion to Agenda Item No. 28)  
A request for a change of Zoning from R-4, One, Two, and Three Family Residential to RM, Multi-Family Residential on approximately 0.71 acre located at 5173 28th Street North, 2786 and 2782 52nd Avenue North in Lealman. (Quasi-Judicial Hearing)

Resolution No. 22-8 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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

30. Case No. FLU-21-03 (Palm Harbor Montessori School, Inc.) (Companion to Agenda Item No. 31) A request for a change of Land Use from Residential Low to Residential/Office Limited on approximately 2.25 acres located at 1961 East Lake Road in East Lake Tarpon. (Legislative)

Ordinance No. 22-3 adopted approving the land use change. The Local Planning Agency recommended approval of the request, and staff concurred. One letter of concern has been received. No citizens appeared to be heard.

Responding to queries by Commissioner Flowers, Planning Department Zoning Manager Glenn Bailey provided background information regarding the application, indicating that the proposed land use would not change the density; that based on standard traffic calculations it will reduce traffic; and that although East Lake Road is deficient, there is a nearby signalized intersection to the north.

In response to queries by Commissioner Eggers, Mr. Bailey discussed how the proposed use fits within the area's scenic/non-commercial corridor; whereupon, he noted that currently there are no specific plans for the site; that the allowable number of potential units and building size would be based on the total acreage and may fluctuate during site plan review; that wetlands on the east side of the property create limitations for development; and that the zoning district limits building height to 35 feet.

Upon the Chairman's call for the applicant, Todd Pressman, St. Petersburg, appeared and indicated that he is the applicant's representative; that the site abuts a fire station; that according to East Lake Fire Rescue Deputy Chief Jason Gennaro, firemen make anywhere from 3.6 to 13 trips a day; and that noise due to firetruck sirens is not appropriate for residential purposes.

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

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

31. Case No. Q ZON-21-07 (Palm Harbor Montessori School, Inc.) (Companion to Agenda Item No. 30) A request for a change of Zoning from RPD-W, Residential Planned Development-Wellhead Protection Overlay to LO-W, Limited Office-Wellhead Protection Overlay on approximately 2.25 acres located at 1961 East Lake Road in East Lake Tarpon. (Quasi-Judicial Hearing)

Resolution No. 22-9 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. One letter of concern has been received. No citizens appeared to be heard.

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

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

**32. Case No. FLU-21-04 (Cypress Run of FL, LLC)**

A request for a land use change from Recreation/Open Space (1.43 acres) to Residential Rural and Residential Rural (1.43 acres) to Recreation/Open Space on approximately 2.86 acres located at 2669 St. Andrews Boulevard in East Lake Tarpon. (Legislative)

Ordinance No. 22-4 adopted approving the land use change. The Local Planning Agency recommended approval of the request, and staff concurred. Two letters in support have been received.

Katie Cole, Clearwater, appeared and related that she represents the applicant; and that she would be happy to answer any questions.

Upon the Chairman's call for public comment, Judith Durdan, Tarpon Springs, appeared and expressed that she is the President of the Cypress Run Property Owners Association; and that she fully supports the proposed land use change.

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

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

**33. Case No. FLU-21-05 (90 20th Terrace Southwest, LLC)**

A request for a change of Land Use from Residential Low to Commercial General on approximately 0.33 acre located at 90 20th Terrace Southwest in unincorporated Largo. (Legislative)

Ordinance No. 22-5 adopted approving the land use change. The Local Planning Agency recommended approval of the request, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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

**34. Case No. Q ZON-21-09 (Snug Harbor Lot 1, LLC)**

A request for a change of Zoning from RMH, Residential Mobile/Manufactured Home to R-5, Urban Residential on approximately 0.34 acre located at the northwest corner of San Fernando Boulevard Northeast and Monaco Drive Northeast in unincorporated St. Petersburg. (Quasi-Judicial Hearing)

Resolution No. 22-10 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Hailey Dalton, St. Petersburg, appeared and related that she is the applicant, indicating that she addressed some questions in a meeting with County staff; and that she would be happy to answer any other questions.

**A motion was made by Commissioner Gerard, seconded by Vice-Chair Long, that the item be approved.**

**The motion carried by the following vote:**

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

- 35.** Ordinance adopting a new Pinellas County Comprehensive Plan to be known as PLANPinellas; providing for a new Vision Element, the update and replacement of each Element and the associated Future Land Use Category Descriptions and Rules, as per State Statute requirements. (Legislative)

Hearing postponed to a future BCC meeting.

Earlier in the meeting, Mr. Burton related that several Commissioners have approached him with questions regarding the new Comprehensive Plan; that he would like to meet with them individually to address their questions and concerns; and that postponing the approval of the Plan by a few months should not have any negative impacts; whereupon, Attorney White related that the Board does not need to defer the public hearing to a specific date.

Upon the Chairman's call for citizens to be heard, Tex Carter, Tarpon Springs, appeared and expressed his support for the new Plan.

- 36.** Ordinance amending Appendix A, the ten-year Water Supply Facility Plan, of the Potable Water Supply, Wastewater and Reuse Element of the Pinellas County Comprehensive Plan. (Legislative)

First public hearing held. No correspondence has been received.

Mr. Burton, with input from Attorney White, indicated that the second public hearing will most likely take place in April.

- 37.** Petition of A Investments Development Corp to vacate that portion of Second Avenue North right-of-way lying south of and adjacent to Lots 1 through 6, Block 45 and lying north of and adjacent to Lots 8 through 12, Block 42, Unit No. 1 - Sec. A Chautauqua "On the Lake", Plat Book 9, Page 52, lying in Section 32-28-16, Pinellas County, Florida. (Legislative Hearing)

Resolution No. 22-11 adopted granting the petition. Letters of no objection were received from the appropriate parties. All interested parties have been notified as to the date of the public hearing, and two comments in opposition have been received.

Referring to a PowerPoint presentation containing maps and photographs, Building and Development Review Services Director Blake Lyon provided information regarding property ownership and the location of the right-of-way in relation to the surrounding area and utilities. He indicated that community members have presented concerns regarding the development potential of the land; that future development potential should not be a factor in the Board's decision, as the request is to consider whether there is a public interest in maintaining the existing right-of-way; and that per the letters of no objection, public utilities have no interest in maintaining the right-of-way.

Mr. Lyon noted that other concerns voiced by community members include public access to a lake and environmental conservation; that the lake has a preservation designation on approximately two-thirds of the property; and that there are no current plans for development of the land.

In response to queries by Commissioner Eggers, Mr. Lyon discussed land ownership with regard to the proposed right-of-way vacation, indicating that the land would be split between the applicant and the property owner to the south of the subject property; that much of the property on the east side of First Street is located in unincorporated Pinellas County, while most of the properties on the west side are located in the City of Clearwater; and that if the subject property was to be developed in the future, the City may be required to annex the property.

Mathew Poling, St. Petersburg, appeared and indicated that he represents the applicant who owns the property to the north; that the property owner to the south consented to the vacation; and that the applicant intends to build three 90-foot-wide single-family lots. He noted that the applicant wants the property to remain within unincorporated Pinellas County, if possible; that there is no anticipated impact to the wetlands on the east side of the property; and that future development will fully comply with the County Land Development Code and wetland buffering requirements.

Ron Beemiller, Clearwater, appeared and related that he is the applicant; and that he is available to answer any questions.

Upon call by the Chairman for public comment, the following individuals stated their concerns with the petition, citing the loss of public access to the lake, environmental impacts, increased density, traffic, and other issues:

Donald Sutton, Clearwater  
Jane Sutton, Clearwater  
Gina Signor, Clearwater

In rebuttal, Mr. Poling related that public access to the lake would not be eliminated by the vacation because the right-of-way does not extend to it; and that the future 90-foot-wide lots would be similar in size to 100-foot lots on the north side of Third Avenue.

Responding to queries by the members, Mr. Lyon remarked that no complaints were received regarding the removal of illegal debris on the property; that the current parcel depth would only accommodate two 90-foot-wide lots; and that to build the intended three lots, the applicant would have the options of acquiring additional land through a private transaction, attempting to have the property rezoned, or applying for a variance; whereupon, he provided information regarding a septic system that may be required for the future development.

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

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

**Nay:** 3 - Commissioner Eggers, Commissioner Flowers, and Commissioner Seel

38. Petition of Landen Clint Patrick Miller to vacate that portion of the 15-foot right-of-way lying west of and adjacent to the north  $\frac{1}{2}$  of Lot 4, Pinellas Groves, Plat Book 1 Page 55, lying in the northeast  $\frac{1}{4}$  of the northwest  $\frac{1}{4}$  of Section 29-30-15, Pinellas County, Florida, less that portion lying within 33 foot of the north line of Section 29-30-15. (Legislative Hearing)

Resolution No. 22-12 adopted granting the petition. Letters of no objection were received from the appropriate parties. All interested parties have been notified as to the date of the public hearing, and two comments in opposition have been received.

Mr. Lyon discussed the petition's history, indicating that the original request to vacate the right-of-way was denied by the Board in August of 2021; that neighbors who attended that hearing expressed concerns regarding Duke Energy's access for service and emergencies; that the petitioner subsequently revised his petition to provide a public utility easement in place of the 15-foot right-of-way; and that staff has determined that the proposed easement has not addressed the entirety of the concerns by adjacent property owners

Referring to a PowerPoint presentation containing maps and photographs, Mr. Lyon provided information regarding property ownership and the location of the right-of-way in relation to the surrounding area and utilities. He noted that the vacation would merge the right-of-way area with a side yard setback; and that staff's position is not to contemplate future development potential, but rather to consider the existing public interest in maintaining the right-of-way, which staff believes is preserved with the utility easement; whereupon, he indicated that staff recommends the vacation.

In response to queries by Commissioner Eggers, Mr. Lyon, with input from Attorney White, explained that if the petition is approved, the vacated land would return to the original entity that provided the right-of-way when the area was platted and subdivided; that the communities to the south and the west were created under a separate subdivision and a separate plat; and that as a result, the entire vacated right-of-way land would return to the petitioner.



Upon the Chairman's call for the applicant, Landen Miller, Seminole, appeared and related that his goal is to protect his children, horses, and property; that he does not intend to obstruct access by neighbors or utility providers; and that he plans to address his neighbor's complaints regarding trailers on his property by building a garage to store them and his boat.

Craig Taraszki, St. Petersburg, appeared and indicated that he represents the applicant; that the right-of-way is a dead end of substandard width that forces vehicles to perform a dangerous maneuver to exit; and that the petitioner should be allowed to take the same safety precautions as the adjacent property owners, who have a six to seven foot fence along their properties; whereupon, he addressed the neighbors' concerns regarding structures on the subject property being too close in proximity.

Upon call by the Chairman for public comment, the following individuals appeared and expressed their concerns with the petition, citing longer timelines for fence and utility repairs, increased destruction of property by utility vehicles, visual pollution, and the elimination of property access:

Mary Bellomo, Seminole (submitted documents)  
Randy Bellomo, Seminole (submitted documents)  
David Turngren, Seminole (submitted documents)

In rebuttal, Mr. Taraszki clarified that the utility easement would be granted to Pinellas County, not each individual utility provider; that there does not need to be an overwhelming public benefit to justify the vacation, but rather a demonstration that the existing right-of-way does not serve the public good; and that adjacent property owners had the option to incorporate rear access when their vinyl fences were erected.

In response to queries by the members, Mr. Lyon discussed County requirements for junk, trash, debris, outdoor storage, and storing of vehicles on the property with regard to the petitioner's business, indicating that the County has a home occupation ordinance that allows individuals to operate their business from home with certain limitations; that the utility easement would prevent any impeding of access by potential property development; and that impact on property values is not relevant to the vacation request.

Responding to further queries by the members, Mr. Lyon remarked that access of utility providers in emergency situations would not change with granting of the easement; that the petitioner could build a fence along 86th Avenue for security also without preventing utility access; that the right-of-way is effectively a substandard piece of an alley; and that part of the initial engagement with Mr. Miller was in response to a code enforcement complaint about objects being stored in the right-of-way, which were subsequently removed.

During discussion and responding to queries and concerns by the members, Attorney White clarified that any public access easement agreement for adjacent property owners' ability to trespass the petitioner's property, particularly, in cases of fence repairs, would be arranged privately; and that any new structures installed within the utility easement must be approved by the County as the grantee.

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

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

Nay: 1 - Commissioner Seel

- 39. Resolution supplementing the Fiscal Year 2022 Capital Budget for unanticipated fund balances in the STAR Center, Capital Projects, Airport Revenue & Operating, Solid Waste Renewal & Replacement, Water Renewal & Replacement, and Sewer Renewal & Replacement Funds.

Resolution No. 22-13 adopted appropriating unanticipated fund balances in the aggregate amount of \$48,417,500.00. No correspondence has been received. No citizens appeared to be heard.

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

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

- 40. Resolution supplementing the Fiscal Year 2022 Operating Budget for unanticipated fund balances in the General Fund, Emergency Medical Services Fund, Emergency Communications E911 Fund, Fire Districts Fund, Fleet Management Fund, Water Revenue & Operating Fund, Water Renewal & Replacement Fund, Sewer Revenue & Operating Fund, and Sewer Renewal & Replacement Fund.

Resolution No. 22-14 adopted appropriating unanticipated fund balances. No correspondence has been received. No citizens appeared to be heard.

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

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

ADJOURNMENT - 7:46 P.M.



Handwritten signature of the Chair, with the word 'Chair' printed below the signature line.

ATTEST: KEN BURKE, CLERK

By [Handwritten Signature] Deputy Clerk