

Pinellas County

*Pinellas County Cooperative Extension
12520 Ulmerton Road, Largo*



Minutes - Final

Tuesday, October 6, 2020

9:30 A.M.

Virtual Regular Meeting

Board of County Commissioners

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

ROLL CALL - 9:30 A.M.

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

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

Office of Technology and Innovation Director Bryan Zumwalt introduced himself and announced that he would be the Technology Moderator for the virtual meeting; and that Chief Assistant County Attorney Don Crowell would serve as Process Moderator; whereupon, he conducted a roll call of the members.

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

1. Case No. CW 20-13 - Pinellas County (Residential Rural)
Countywide Plan Map amendment from Residential Very Low to Residential Rural, regarding 2,919.5 acres more or less, located in the East Lake Tarpon Community.

Ordinance No. 20-23 adopted approving Case No. CW 20-13. Forward Pinellas, in its role as the Pinellas Planning Council, recommended approval of the proposal, and staff concurred. An email has been received from the Council of North County Neighborhoods, conveying support of the proposed amendment by the member residents and the Board, and one email has been received in opposition. No citizens appeared to be heard.

Commissioner Eggers referred to the email from John Landon, Palm Harbor, who expressed opposition to the amendment based on potential density impact to Riverside Development, and requested staff's response; whereupon, Attorney White indicated that as the Riverside property is located in the unincorporated area, it is already limited to a density of one-half dwelling unit per acre.

Responding to query by Commissioner Eggers, Mr. Burton confirmed that any annexations for properties located in the area recommended for the amendment would occur under the proposed density, noting that any changes to that would require another amendment by the Board.

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

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

2. Case No. CW 20-14 - Pinellas County (Downtown Palm Harbor)
Countywide Plan Map amendment from Activity Center, Employment, Office, Public/Semi-Public, Retail and Services, Residential Medium and Residential Low Medium to Activity Center, regarding 63.8 acres more or less, located in downtown Palm Harbor.

Ordinance No. 20-24 adopted approving Case No. CW 20-14. Forward Pinellas, in its role as the Pinellas Planning Council, recommended approval of the proposal, and staff concurred. One email in support of the proposed ordinance has been received.

Commissioner Eggers noted that he received emails from the residents expressing concerns regarding the proposed stormwater and parking requirements pertaining to Palm Harbor downtown development; whereupon, Mr. Burton provided information regarding the amendment, and Forward Pinellas Planning Division Manager Rodney Chatman discussed strategies for addressing stormwater and parking.

Responding to Commissioner Eggers' concerns regarding potential challenges relating to parking availability, Housing and Community Development Planning Section Manager Scott Swearngen further discussed plans for parking improvements, indicating that parking standards would be addressed through zoning; and that he does not foresee issues outside of the central downtown area.

Responding to the Chair's call for public comment, David Ballard Geddis, Jr., Palm Harbor, expressed his concerns.

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

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

3. Case No. CW 20-15 - City of Largo
Countywide Plan Map amendment from Public/Semi-Public to Retail and Services, regarding 4.36 acres more or less, located at 4825 East Bay Drive.

Ordinance No. 20-25 adopted approving Case No. CW 20-15. Forward Pinellas, in its role as the Pinellas Planning Council, recommended approval of the proposal, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

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

BOARD OF COUNTY COMMISSIONERS

4. Resolution approving the use of the State Uniform Non-Ad Valorem Collection Method, pursuant to F.S. §§ 197.3632, 197.3635, for the dredging of the southern entrance to the Shell Key Grand Canal.

Resolution No. 20-142 adopted approving the intent to use the Uniform Method for the assessment. Two emails in opposition to the proposed resolution have been received.

In response to query by Commissioner Peters regarding a concern of the residents of Collany Key, Tierra Verde, pertaining to unfair inclusion of properties not facing the Grand Canal in the special tax assessment, Attorney White advised that the proposed resolution would define the boundary of the properties subject to the assessment and state the Board's intent, but the actual methodology for how it would be imposed is yet to be determined. Director of Public Works Kelli Hammer Levy indicated that she met with Collany Key residents regarding their concerns relating to the dredge, and responding to query by Commissioner Eggers, reiterated that community discussions will continue; and that a petition regarding the assessment will be presented to the property owners in the spring.

Responding to the Chair's call for public comment, the following individuals stated their concerns:

Mark Stroud, St. Petersburg (representing a condominium association located on the Grand Canal)

David Ballard Geddis, Jr., Palm Harbor

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

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

CITIZENS TO BE HEARD

5. Public Comment.

Karen Mullins, Dunedin

Nichole Mattheus, Dunedin

Michelle Birnbaum, Dunedin

Larri Gerson, Dunedin

Kai Rubach, Dunedin

Devyn Waitt, Oldsmar

Aluna Michaels, Clearwater (spelling uncertain)

Bridget Benduhn, Dunedin (spelling uncertain)

Craig Murtha, Largo

Kelly Johnson, Dunedin

Aden Barnes, Largo

Laurel Perry, Palm Harbor
David Waddell, Clearwater
David Ballard Geddis, Jr., Palm Harbor

CONSENT AGENDA - Items 6 through 15 (Items 10 and 11 addressed under Regular Agenda)

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

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

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

6. Minutes of the virtual regular meetings held August 11 and August 20, 2020.
7. Vouchers and bills paid from August 23 through September 12, 2020.

Period: August 23 through August 29, 2020

Accounts Payable - \$31,024,603.28

Payroll - None

Period: August 30 through September 5, 2020

Accounts Payable - \$30,077,665.03

Payroll - \$3,899,837.99

Period: September 6 through September 12, 2020

Accounts Payable - \$10,059,271.76

Payroll - None

Reports received for filing:

8. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2020-16 dated September 11, 2020 - Follow-Up Audit of the Pinellas County Purchasing Card Program.
9. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2020-17 dated September 18, 2020 - Inspector General's Observation of the William E. Dunn Water Reclamation Facility's Annual Physical Inventory of Fixed Assets.

COUNTY ATTORNEY

12. Notice of new lawsuit and defense of the same by the County Attorney in the case of Judy Palmer v. Pinellas County, et al.; Circuit Civil Case No. 20-004061-CI-15 - allegations of negligence resulting in personal injuries.

13. Notice of new lawsuit and defense of the same by the County Attorney in the case of Nicole Davis v. Pinellas County; Circuit Civil Case No. 20-002246-CI-15 - allegations of negligence resulting in personal injuries.
14. Notice of new lawsuit and defense of the same by the County Attorney in the case of Carlos Raul Bello Noguera a/k/a Karla Bello v. Pinellas County, et al.; US District Court, Middle District Case No. 8:20-cv-02005-TPB-AEP - allegation of constitutional violations.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Countywide Planning Authority

15. Countywide Plan Map adjustment submitted by the City of Safety Harbor.

Map adjustment received and accepted, as recommended by Forward Pinellas in its role as the Pinellas Planning Council.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

10. Ranking of firms and agreements for requirements of continuing construction engineering and inspection consultant services.

Ranking of firms and Contract No.190-0376-CN approved with an upset limit for each of the following firms in the amount of \$1,666,666.67 and a five-year contract total of \$5,000,000.00. County Administrator has delegated authority to increase the upset limits of contract purchase orders, proving the negotiated rates remain the same. Contract provides for one 24-month extension, with rates subject to negotiation based on current market conditions. Chair authorized to sign and the Clerk to attest.

- AECOM Technical Services, Inc.
- Curtoom Companies, Inc.
- KCI Technologies, Inc.

Mr. Burton related that the three firms will provide engineering and inspection services for various construction projects; that Curtoom Companies, Inc. is a certified Small Business Enterprise (SBE); and that the other firms have committed to utilizing certified SBEs for engagements resulting from this contract.

Responding to comment and query by Commissioner Welch, Mr. Burton indicated that one of the key features of software purchased by the Board allows for tracking of SBE utilization.

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

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

Economic Development

11. Ranking of firms and agreement with Beck Architecture, LLC for professional architectural services pertaining to the Tampa Bay Innovation Center Incubator project.

Ranking of firms and Contract No.190-0140-NC approved in the amount of \$1,071,816.00. Construction is to be completed no later than October 29, 2023. Chair authorized to sign and the Clerk to attest.

Commissioner Seel stated that she would abstain from voting on the item due to a conflict of interest, and in accordance with the provisions of Standards of Conduct Law, a Memorandum of Voting Conflict form has been filed and made a part of the record.

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

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

Abstain: 1 - Commissioner Seel

16. Local State of Emergency.

At the request of Mr. Burton, Florida Department of Health in Pinellas County Director Dr. Ulyee Choe provided an update regarding COVID-19 data trends, including positivity rate, mortality rate and demographics, and the number of infected individuals in schools. He indicated that the positivity rate has been stable for the last few weeks; and that hospital capacity is sufficient.

Mr. Burton related that in response to the members' request for information regarding the conditions needed for eliminating the mask ordinance, discussions were held among health experts, regional partners, and staff; that factors such as heavy inter-county travel and various local, state, and national trends were considered; that the matter is complex; and that conclusive information from the health experts was requested to be provided by the next Board meeting.

Mr. Burton recommended extending the Local State of Emergency (LSE), noting that the mask ordinance would be in effect as long as the LSE is in place; that the effectiveness of masks has been evident; and that pursuant to the delegation of authority approved by the Board at the September 22 meeting, the members will be taking action regarding LSE extensions every other week at the regular Commission meetings, consistent with a similar process in other Florida counties.

Upon call by Chair Gerard for public comment, the following individuals stated their concerns:

David Ballard Geddis, Jr., Palm Harbor
David Waddell, Clearwater
Aden Barnes, Largo
Virginia Frizzle, Largo
Karen Mullins, Dunedin
Mike Brutsman, Clearwater (spelling uncertain)
Robert Helinger, Largo
Courtney Schroeder, Tarpon Springs
Denise Fougere, Largo
Craig Murtha, Largo
Bill DeWeese, Palm Harbor

In response to comments by members of the public, Commissioner Welch noted that accusations addressed to the Commissioners are inaccurate, and stressed the importance of focusing on the science relating to COVID-19 trends and mask effectiveness and safely reopening the economy; whereupon, discussion ensued on the following topics:

- Importance of wellness, nutrition, and health
- Collaborative regional approach
- Considering measures implemented by other counties
- Managing residents' expectations relating to the LSE extension
- Inappropriate accusations made toward the Commissioners
- Plans for lifting the mask mandate, given several weeks of steady low positivity rate
- Availability of COVID-19 tests
- CARES Act funding distribution

At the request of Commissioner Peters, Mr. Burton elaborated regarding the two purposes for CARES Act funding distribution, (1) specific expenses associated with COVID-19 response, including protective equipment, testing, hospital and nursing home needs, and similar expenses, and (2) assistance to individuals and businesses directly impacted by the pandemic. He underscored that there has been no financial benefit from the funding other than covering additional costs associated with the pandemic; whereupon, responding to query by Commissioner Welch, he provided information concerning enforcement of the mask ordinance.

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

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

Resolution No. 20-143 adopted extending the Local State of Emergency established in Resolution No. 20-16 until 3:00 P.M. on October 16, 2020.

Commissioner Welch indicated that he is supportive of the efforts by Sheriff Gualtieri relating to the possibility of acquiring body cameras for law enforcement officers; whereupon, the Sheriff discussed background information, new technology, community support, costs and possible long-term savings, the potential timeline for implementation, and related topics, indicating that the investment over five years would be \$15 million plus additional administrative costs, and Commissioner Eggers provided input.

County Administrator

17. Resolution designating job titles of potential Code Enforcement Officers or Inspectors.

Resolution No. 20-144 adopted designating job titles as listed in Appendix A, directing Human Resources to assign the employees to a protected class designation and authorizing the County Administrator or his designee to revise designated job titles in light of internal reorganization or rebranding.

Mr. Burton related that the job title designations are required by Florida Statute so that employees in those positions have the authority to enforce County ordinances.

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

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

Safety and Emergency Services

18. Extension of the Pinellas County Technical Rescue Team Agreement with the Cities of Clearwater, Largo, Pinellas Park and St. Petersburg.

Extension approved for one year to September 30, 2021, waiving the provision for a five-year renewal term. Chair authorized to sign and the Clerk to attest.

Responding to a request by Commissioner Welch, Mr. Burton stated that a report containing the number of technical rescues performed will be provided.

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

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

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Business Technology Services

- 19.** Purchase authorization with Level 3 Telecom Holdings, LLC for information technology equipment, software, and services.

Contract No. 190-0330-G approved in an amount not to exceed \$4,579,000.00 through March 17, 2025 (average annual expenditure, \$915,800.00). Pricing, terms, and conditions of the authorization are per General Services Administration Contract No. GS-35F-0426R. Chair authorized to sign and the Clerk to attest.

Later in the meeting in response to Chair Gerard's call for public comment, Virginia Frizzle, Largo, expressed concern regarding the vendor; whereupon, Mr. Burton commented that the County's purchasing process is very robust; and that all companies are properly vetted.

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

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

Emergency Medical Services Authority

- 20.** Amendment to the Emergency Medical Services Advanced Life Support First Responder Agreement with the City of St. Petersburg.

Sitting as the Emergency Medical Services Authority, the Board approved the amendment reflecting operational adjustments for Fiscal Year 2020-2021. Chair authorized to sign and the Clerk to attest.

Commissioner Peters indicated that she has concerns regarding the amendment and requested that staff provide an update within the first year.

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

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

COUNTY ATTORNEY

21. Proposed settlement in the case of Dino Hadzihusic v. Pinellas County; Circuit Civil Case No. 19-005534-CI-20.

Settlement approved in accordance with the confidential memorandum dated October 6, 2020.

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

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

22. Proposed settlement in the case of Corey Gourdine and Sakria Gourdine v. Pinellas County; Circuit Civil Case No. 14-006708-CI-13.

Settlement approved in accordance with the confidential memorandum dated October 6, 2020

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

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

23. County Attorney Reports - None.

COUNTY ADMINISTRATOR REPORTS

24. County Administrator Reports.

Mr. Burton reported that he met with city managers regarding CARES Act funding; and that discussions continue regarding the Gladys Douglas Hackworth property in the City of Dunedin.

COUNTY COMMISSION

25. Appointment to the Pinellas County Construction Licensing Board (Board of County Commissioners as a whole).

Donald L. Tyre appointed as the South County Building Official for the remainder of the existing term ending September 30, 2021.

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

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

- 26. County Commission New Business Items:
 - Annual Performance Review of the County Administrator

The Commissioners commended Mr. Burton on his outstanding leadership and performance, noting his efforts to bring the County employees and citizens through the pandemic and to further municipal and regional partnerships, as well as his accomplishments relating to budget development and numerous process improvements; whereupon, Mr. Burton thanked the Commissioners for their support and remarked that he is proud to lead an organization of dedicated staff.

The Commissioners commented on various topics, as follows:

Commissioner Eggers

- Appreciation of the Tax Collector’s Office responsiveness to callers
- The Gladys Douglas Hackworth property

Responding to query by Commissioner Eggers, Mr. Burton confirmed that the Board will be meeting virtually through the end of the month.

Commissioner Welch

- The City of St. Petersburg being nominated as one of the top ten large cities to visit

Commissioner Peters

- Youth Advisory Committee update

Commissioner Peters requested that the appointment of a Youth Advisory Committee representative to the Parks and Conservation Resources Advisory Board be delegated to the Committee; and that the BCC approval requirement be waived. Brief discussion ensued; whereupon, Attorney White indicated that bringing the matter forward at this time is appropriate.

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

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

ADJOURNMENT - 12:07 P.M.

ATTEST: KEN BURKE, CLERK

Chair

By _____
Deputy Clerk