

Pinellas County

*Pinellas County Cooperative Extension
12520 Ulmerton Road, Largo*



Minutes - Final

Tuesday, December 7, 2021

2:00 P.M.

Public Hearings at 6:00 P.M.

Hybrid In-Person and Virtual Regular Meeting

Board of County Commissioners

Dave Eggers, Chair

Charlie Justice, Vice-Chair

Rene Flowers

Pat Gerard

Janet C. Long

Kathleen Peters

Karen Williams Seel

ROLL CALL - 2:03 P.M.

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

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

INVOCATION by Reverend Bob Scott, Peace Memorial Church, Clearwater.

PLEDGE OF ALLEGIANCE

Chair Eggers invited Veteran Services Director Zeffery Mims to the podium and read a proclamation recognizing December 7, 2021 as Pearl Harbor Remembrance Day and the 80th anniversary of the attack; whereupon, Mr. Mims expressed thanks on behalf of veterans and their families living in Pinellas County for remembering and recognizing the tragedy.

Chair Eggers invited Herb Polson, Judge John Carassas, and Deputy Supervisor of Elections Dustin Chase to the podium and recognized Mr. Polson and Judge Carassas for their many years of service to the Canvassing Board. On behalf of Supervisor of Elections Julie Marcus, Mr. Chase expressed gratitude towards them for their countless hours on the Canvassing Board, and they voiced their appreciation for the recognition.

CITIZENS TO BE HEARD

1. Citizens To Be Heard - Public Comment.

- David Lee, St. Petersburg
- Tom Showalter, Largo
- David Ballard Geddis, Jr., Palm Harbor
- Greg Pound, Largo
- Cathy Doxsey, Largo
- Laura Havlin, Largo
- Rebecca Jensen, St. Petersburg
- David Waddell, Clearwater

CONSENT AGENDA - Items 2 through 26

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

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

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

2. Minutes of the in-person and virtual regular meetings held September 9 and 21, 2021.

The item was approved as part of the Consent Agenda.

3. Vouchers and bills paid from October 10 through November 13, 2021.

Period: October 10 through 16, 2021

Accounts Payable - \$16,546,398.59

Payroll - \$3,936,206.34

Period: October 17 through 23, 2021

Accounts Payable - \$14,322,417.92

Payroll - None

Period: October 24 through 30, 2021

Accounts Payable - \$20,981,604.49

Payroll - \$4,176,275.73

Period: October 31 through November 6, 2021

Accounts Payable - \$69,722,154.16

Payroll - None

Period: November 7 through 13, 2021

Accounts Payable - \$10,106,289.00

Payroll - \$4,054,957.93

The item was approved as part of the Consent Agenda.

Reports received for filing:

4. Dock Fee Report for the month of October 2021.

The item was approved as part of the Consent Agenda.

5. State of Florida Constitutional Officer Financial Report for 2020-2021 - Pinellas County Clerk of the Circuit Court and Comptroller, pursuant to Section 218.36, Florida Statutes.

The item was approved as part of the Consent Agenda.

6. State of Florida Constitutional Officer Financial Report for 2020-2021 - Pinellas County Property Appraiser, pursuant to Section 218.36, Florida Statutes.

The item was approved as part of the Consent Agenda.

7. State of Florida Constitutional Officer Financial Report for 2020-2021 - Pinellas County Sheriff, pursuant to Section 218.36, Florida Statutes.

The item was approved as part of the Consent Agenda.

8. State of Florida Constitutional Officer Financial Report for 2020-2021 - Pinellas County Supervisor of Elections, pursuant to Section 218.36, Florida Statutes.

The item was approved as part of the Consent Agenda.

9. State of Florida Constitutional Officer Financial Report for 2020-2021 - Pinellas County Tax Collector, pursuant to Section 218.36, Florida Statutes.

The item was approved as part of the Consent Agenda.

10. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2021-22 dated October 25, 2021 - Follow-up Audit of the Observation of the Planning Division's Annual Physical Inventory of Fixed Assets.

The item was approved as part of the Consent Agenda.

11. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2021-23 dated October 25, 2021 - Follow-up Audit of the Observation of the William E. Dunn Water Reclamation Facility's Annual Physical Inventory of Fixed Assets.

The item was approved as part of the Consent Agenda.

12. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2021-25 dated November 17, 2021 - Follow-up Investigation of Misuse of County Time and Equipment.

The item was approved as part of the Consent Agenda.

13. Quarterly Donation Listing of \$500 or more for the quarter ended September 30, 2021.

The item was approved as part of the Consent Agenda.

Miscellaneous items received for filing:

14. Juvenile Welfare Board Quarterly Financial Statements for the period ended September 30, 2021.

The item was approved as part of the Consent Agenda.

15. City of Clearwater Ordinance Nos. 9481-21, 9490-21, and 9493-21 adopted October 7, 2021, annexing certain properties.

The item was approved as part of the Consent Agenda.

16. City of Safety Harbor Ordinance No. 2021-20 adopted November 5, 2021, annexing certain properties.
The item was approved as part of the Consent Agenda.
17. City of Safety Harbor Community Redevelopment Agency Resolution No. 2021-01 CRA and City of Safety Harbor Resolution 2021-16 adopted October 4, 2021, recommending extension of the sunset date and extending the sunset date, respectively, in accordance with Chapter 163, Florida Statutes.
The item was approved as part of the Consent Agenda.
18. City of Seminole Ordinance Nos. 14-2021 and 15-2021 adopted October 12, 2021, annexing certain properties.
The item was approved as part of the Consent Agenda.
19. City of Largo Notice of Public Hearing held on December 2, 2021, regarding a conditional use application.
The item was approved as part of the Consent Agenda.

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

20. Quarterly report of claim settlements for the period of July 1, 2021 through September 30, 2021.
The item was approved as part of the Consent Agenda.

County Administrator

21. Receipt and file report of non-procurement items delegated to the County Administrator for the period ending November 17, 2021.
The item was approved as part of the Consent Agenda.

Human Services

22. Award of bid to FPG Florida, LLC d/b/a Alife Tribute for indigent and unclaimed burial and cremation services.
Contract No. 21-0248-B awarded for an amount not to exceed \$2,475,000.00 for a 60-month term commencing in January of 2022 and ending on September 30, 2026 on the basis of being the only responsive, responsible bid received meeting specifications.
The item was approved as part of the Consent Agenda.

Public Works

- 23.** Award of bid to American Empire Builders, Inc. for the Oakwood Drive Bridge Replacement project

Contract No. 21-0708-CP (PID No. 001035A) approved in the amount of \$3,333,215.61 for a duration of 460 consecutive calendar days on the basis of being the lowest responsive and responsible bidder. The Small Business Enterprise program commitment for the contract is 10%.

The item was approved as part of the Consent Agenda.

Utilities

- 24.** Award of bid to TLC Diversified, Inc. for the construction of the Keller Regional Treatment Polyphosphate Building process upgrades.

Contract No. 21-0616 (PID No. 004355A) awarded in the amount of \$1,746,300.00 with all work to be completed within 365 consecutive calendar days. The Small Business Enterprise commitment for the contract is 17%.

The item was approved as part of the Consent Agenda.

COUNTY ATTORNEY

- 25.** Receipt and file report of civil lawsuits filed against Pinellas County as delegated to the County Attorney.

The item was approved as part of the Consent Agenda.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Countywide Planning Authority

- 26.** Countywide Plan Map - 2021 Annual Update.

Resolution No. 21-130 adopted accepting the amended Countywide Plan Map and directing that it be filed with the Clerk of the Board of County Commissioners as the official Countywide Plan Map, as recommended by Forward Pinellas, in its role as the Pinellas Planning Council, in its Resolution No. 21-05 adopted November 10, 2021.

The item was approved as part of the Consent Agenda.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

- 27. Purchase authorization for requirements of heavy and light duty vehicles and equipment.

Contract No. 22-0072-PB approved in an amount not to exceed \$5,663,579.63.

In response to queries and concerns by the members, Mr. Burton, with input from Administrative Services Director Joe Lauro, indicated that this contract is part of Fleet Management’s normal replacement schedule to address ongoing vehicle demand; that there are only six electric vehicles included in the purchase for a variety of reasons, including supply chain concerns and the lack of cooperative contracts for electric vehicles; and that as part of the implementation strategy to electrify the County’s fleet, infrastructure to support electric vehicles must be established prior to the transition.

Commissioner Long reiterated her earlier concerns regarding the timeline for electrifying the County’s fleet and noted that she will not be voting in support of the purchase.

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

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

Nay: 1 - Commissioner Long

Airport

- 28. Ranking of firms and agreement with AVCON, Inc. for professional engineering design services of the new Airco Taxiways.

Contract No. 21-0552-NC approved in the amount of \$1,516,305.00. Work to be completed within 800 consecutive calendar days from the notice-to-proceed date. Four certified Small Business Enterprise subconsultants are included in the contract for approximately 7% of the total award amount.

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

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

29. Ranking of firms and agreement with Michael Baker International, Inc. for professional engineering services of the Cargo Apron Reconstruction and Replacement of Runway 9-27.

Contract No. 21-0546-NC approved in the amount of \$1,834,858.45. Work to be completed within 750 consecutive calendar days from the notice-to-proceed date. Four certified Small Business Enterprise subconsultants are included in the contract for approximately 16% of the total award amount.

Responding to queries by the members, Airport Director Thomas Jewsbury indicated that the cargo apron reconstruction and runway replacement project is independent from the Airco taxiway development; that there are separate funding sources for the two projects; and that it was not feasible to combine the projects and contract with a single engineering company to complete them.

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

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

Convention and Visitors Bureau

30. Agreement with Kaus Media Services for International sales and public relations representation services in Central Europe.

Contract No. 21-0675-LI approved in the estimated average annual amount of \$302,400.00 for a sixty-month total not-to-exceed amount of \$1,512,000.00 through November 30, 2026.

In response to queries by the members, Visit St. Pete/Clearwater (VSPC) President and CEO Steve Hayes provided a brief overview of recent changes to international travel and related that there is a cancellation clause in the contract to be cautious of future potential travel restrictions; that he will consult with staff regarding the addition of turnaround times for COVID-19 tests in VSPC marketing; that Kaus Media Services previously handled VSPC's public relations in the German market; and that this agreement combines public relations and sales to increase collaboration and preserve resources.

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

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

31. Contract with Rooster Creative Ltd. d/b/a Rooster for international sales and public relations representation - UK, Ireland, and Scandinavia.

Contract No. 21-0660-LI approved in the estimated average annual amount of \$366,000.00 for a sixty-month total not-to-exceed amount of \$1,830,000.00 through November 30, 2026.

Earlier in the meeting and responding to a query by Commissioner Seel, Visit St. Pete/Clearwater (VSPC) President and CEO Steve Hayes clarified that VSPC's previous international sales and public relations representative for the United Kingdom closed her business during the pandemic.

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

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

- 32.** Local Arts Agency Funding Agreement with Creative Pinellas Incorporated for marketing and promoting Pinellas County as an arts community and cultural destination during Fiscal Year 2022.

Agreement approved in the amount of \$978,360.00 for a term of one year.

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 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

Management and Budget

- 33.** Fiscal Year 2022 Board Budget Resolution to increase the Clerk of the Circuit Court board funded budget.

Mr. Burton noted that he requested for this item to be removed from the agenda due to a wording problem in the resolution; and that the item will return to the Board at its January meeting. No action was taken.

Public Works

- 34.** Hazard Mitigation Grant Program application with the Florida Division of Emergency Management for the replacement and hardening of span wire supported traffic signals with mast arm traffic signals.

Resolution No. 21-131 adopted granting the County Administrator authority to sign the application on behalf of the Board Chair to finalize the application and meet the submittal deadline for grant funding in the amount of \$4,387,500.00. County to provide a 25% local match in the amount of \$1,462,500.00, for a total project cost of \$5,850,000.00.

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 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

35. Resolution providing authority for use of golf carts within the unincorporated Bardmoor North Community.

Resolution No. 21-132 adopted incorporating an authorized golf cart area within unincorporated Bardmoor North.

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

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

Safety and Emergency Services

36. Renewal of Certificates of Public Convenience and Necessity for Advanced Life Support providers.

Renewal certificates issued for the following providers pursuant to Pinellas County Code Section 54 and in accordance with Section 401.25, Florida Statutes.

ALS First Responders

Cities of Clearwater, Dunedin, Gulfport, Largo, Madeira Beach, Oldsmar, Pinellas Park, Safety Harbor, Seminole, South Pasadena, St. Pete Beach, St. Petersburg, Tarpon Springs, Treasure Island; and East Lake Tarpon Special Fire Control District, Lealman Special Fire Control District, Palm Harbor Special Fire Control & Rescue District, and Pinellas Suncoast Fire & Rescue District

ALS Helicopter Ambulances

Florida Health Sciences Center, Inc., d/b/a Tampa General Hospital - Aeromed; Johns Hopkins All Children's Hospital, Inc., d/b/a Med-Trans Corporation - Lifeline All Children's; Rocky Mountain Holdings, L.L.C., d/b/a Bayflite; and Med-Trans Corporation, d/b/a Med-Trans Florida

Hospitals - Ground - Neonatal/Pediatric Interfacility

Johns Hopkins All Children's Hospital, Inc.- Lifeline All Children's and BayCare Health System, d/b/a St. Joseph's Children's Hospital, Inc.

Sunstar

Pinellas County Emergency Medical Services Authority, d/b/a Sunstar

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

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

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILSClerk of the Circuit Court

- 37.** Resolution amending the County's Investment Policy; amend the Investment Policy for changes recommended by the Investment Committee.

Resolution No. 21-133 adopted removing outdated language, incorporating best practices, and clarifying ambiguity.

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

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

Emergency Medical Services Authority

- 38.** Reappointment to the Emergency Medical Services Medical Control Board.

Sitting as the Emergency Medical Services Authority, the Board approved the reappointment of Dr. Jennifer Pearson as a primary Hospital Administrator Representative for a two-year term ending November 2023.

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

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

COUNTY ATTORNEY

- 39.** Proposed litigation in the case of Pinellas County v. McKinsey and Company, Inc. - action for money damages arising from the opioid epidemic.

Attorney White related that there is no recommendation from the County Attorney's office to take action on this item; that the Board may choose to take action or not; and that outside counsel would not be authorized to move forward if the Board does not act. No action was taken.

- 40.** Resolution recognizing the efforts of Pinellas County in funding and providing opioid misuse prevention and treatment services, participation in the Pinellas County Opioid Task Force, and adoption of the Pinellas County Opioid Task Force Strategic Plan.

Resolution No. 21-134 adopted outlining the County's membership in the Pinellas County Opioid Task Force and adopting the Pinellas County Opioid Task Force's Strategic Plan.

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 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

41. County Attorney Reports:
- County Redistricting Board Update
 - Virtual Meeting Attendance Policy

County Redistricting Board Update

Attorney White introduced KS&A President Kurt Spitzer and noted that the members should have received an email from Mr. Spitzer with three maps that the Board indicated they would like to consider during the last work session; whereupon, Mr. Spitzer provided an overview of the two single-member districts maps, one at-large districts map, and the housekeeping, technical, and policy changes within them.

A motion was made by Vice-Chair Justice, seconded by Commissioner Peters, that the redistricting proposal identified as Alternative 3 for At-Large Districts be approved; and that staff be authorized to comply with all statutory notice and advertising requirements. The motion carried by the following vote:

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

The members compared the two single-member districts maps and discussed their compatibility with redistricting guidelines to recognize existing district boundaries and prioritize compactness.

Commissioner Peters expressed her concerns regarding compactness and equitable populations across districts and noted that she will not be voting in support of the Alternative 1.

A motion was made by Commissioner Seel, seconded by Vice-Chair Justice, that the redistricting proposal identified as Alternative 1 for Single Member Districts be approved; and that staff be authorized to comply with all statutory notice and advertising requirements. The motion carried by the following vote:

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

Nay: 1 - Commissioner Peters

In response to queries by Chair Eggers, Mr. Spitzer indicated that while the Census data arrived almost five months late, the numbers are assumed to be accurate; that it is too late for the Board to make adjustments to the data based on good demographic principles, however, if gross errors are discovered in the near future, there is the option to adjust the district boundaries during an odd-numbered year; and that if there are recommended corrections by the Bureau of the Census or the Bureau of Economic and Business Research at the University of Florida, then the Board may choose to consider those changes as well.

Virtual Meeting Attendance Policy

Attorney White responded to queries by the members and related that the draft policy would set forth protocol in regard to Commissioners appearing virtually at County Commission meetings or workshops; that a minimal change to what has been the Board's practice is that virtual attendance would require both audio and visual interaction; that a quorum of the Board must be physically present in person to allow virtual meeting attendance; that the Board would need to make a legislative determination when considering such a request by deciding whether the Commissioner attending virtually is either incapacitated due to illness or injury or hindered by extraordinary circumstances; and that the members may choose to adopt the policy or choose to do nothing and continue proceeding as they have.

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

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

COUNTY ADMINISTRATOR

42. County Administrator Reports. - None.

COUNTY COMMISSION

43. 2022 State Legislative Program.

Assistant to the County Administrator Brian Lowack presented an overview of the proposed 2022 State Legislative Program.

Responding to a comment by Chair Eggers, Mr. Burton indicated that the topic of state legislation regarding specialty contractor licenses will be an agenda item for the January 6 Work Session.

City of Dunedin Mayor Julie Ward Bujalski expressed appreciation to the Commissioners for seeking funding to replace the Dunedin Causeway; whereupon, responding to a query by Chair Eggers, Mr. Lowack clarified that funding for engineering design services for the bridge has not yet been obtained; and that there is bill currently being considered by Congress regarding funds related to infrastructure projects.

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

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

44. Appointments/reappointments to the Feather Sound Community Services District, Inc. (Individual appointments by Commissioners Long, Gerard, Justice, Eggers, Seel, Peters, and Flowers).

Kevin Chambers, Rob Copenhaver, Marshall Deason, Michael Ludwig, Anne Pollack, and Adam Shelton reappointed and Calvin Warren appointed to each serve one-year terms ending December 31, 2022.

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

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

45. Appointments/reappointments to the Historic Preservation Board (Individual appointment by Commissioners Long, Seel, and Flowers).

John Barie and Jeffrey Brown reappointed and Allison Dolan appointed to each serve three-year terms.

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

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

46. Appointments to the Lealman Community Redevelopment Area Advisory Committee (Board of County Commissioners as a whole).

James "Steve" Cleveland reappointed and Charles Flynt appointed to each serve three-year terms.

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

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

47. Reappointment to the Palm Harbor Community Services Agency, Inc (Individual appointment by Commissioner Long).

Philip Wagner reappointed for a two-year term beginning on December 1, 2021.

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

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

48. Reappointment to the Unified Personnel Board (Board of County Commissioners as a whole).

Kenneth Peluso reappointed to serve a two-year term to begin on January 1, 2022.

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 - Chair Eggers, Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

49. Appointment to the Value Adjustment Board (Board of County Commissioners as a whole).

Frank Makowski reappointed for a two-year term to begin on January 1, 2022, following a ballot vote.

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

- 2022 Chair Board Appointments

Assignments approved as set forth in the attachment to the Staff Report.

Commissioner Seel noted that she has calendar conflicts with some Pinellas Suncoast Transit Authority Board meetings, but that she will attend as many as possible.

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

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

The members provided updates regarding their assigned boards and committees and commented on various topics, as follows:

Commissioner Long

- Transportation summit at the Florida Department of Transportation building in Tampa

Commissioner Seel

- Forward Pinellas updates

Commissioner Eggers

- Appreciation and Happy Holidays

Chair Eggers expressed appreciation for the opportunity to have served as Chair and thanked the Commissioners for their work. He conveyed his gratitude to the County Administrator, the County Attorney, the BCC's Executive Assistants, and County staff; whereupon, he recognized the work of his assistant, Kim Greenleaf, noting her professionalism, kindness, and persistence.

Commissioner Justice

- Appreciation and presentation

On behalf of the members, Commissioner Justice thanked Chair Eggers for his leadership during the last year, noting that the hallmark of his tenure has been one of respect to colleagues. He noted that traditionally a small gift is presented to the outgoing Chair; whereupon, he conveyed that Chair Eggers requested a donation to a food pantry. FEAST of Palm Harbor President David Martin came forward to receive the donation. Chair Eggers expressed his thanks and emphasized the food insecurities that exist within the community and the amazing work done by food pantries.

Meeting Recessed: 4:15 P.M.

Meeting Reconvened: 6:00 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

- 51.** Case No. CW 21-13 - City of St. Petersburg
Countywide Plan Map amendment from Activity Center to Activity Center, regarding 17.91 acres more or less, located at the northwest corner of Gandy Boulevard and I-275

Ordinance No. 21-28 adopted approving Case No. CW 21-13. Forward Pinellas, in its role as the Pinellas Planning Council, and the Planners Advisory Committee recommended approval of the proposal; staff concurred. No correspondence has been received.

Ann Vickstrom, City of St. Petersburg Planning and Development Services Department, provided background information related to the subject property and indicated that the request adds 500 multifamily units and expands industrial use; whereupon, she noted that data provided by Pinellas County Economic Development indicates that the industrial use aspect has the potential to create 331 jobs, with an estimated average salary of \$71,085.00; and that the Florida Department of Transportation District Seven has indicated no objection to the proposal.

Don Mastry, representative for Greystar Development East, LLC and Jabil, Inc. (seller of the property), provided additional details pertaining to the proposed amendment, including

expected employment opportunities over the next several years, an affordable housing requirement for 20% of the units, and the vacant and underutilized nature of the subject property.

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

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

Absent: 1 - Commissioner Peters

52. Case No. CW 21-15 - City of Pinellas Park

Countywide Plan Map amendment from Employment, Retail and Services and Target Employment Center to Retail and Services and Target Employment Center, regarding 5.25 acres more or less, located approximately 750 feet southwest of Ulmerton Road and 49th Street North.

Ordinance No. 21-29 adopted approving Case No. CW 21-15. In its role as the Pinellas Planning Council, Forward Pinellas, and the Planners Advisory Committee recommended approval of the proposal; staff concurred. No correspondence has been received.

Mr. Burton introduced the item and indicated that the proposal is to facilitate the conversion of two hotels into multifamily units, eight of which will be designated for affordable housing.

Matt Newton, Shumaker, Loop, and Kendrick, LLP, Tampa, spoke on behalf of the developer and thanked the City of Pinellas Park and Forward Pinellas for their work during the application process.

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

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

Absent: 1 - Commissioner Peters

BOARD OF COUNTY COMMISSIONERS

- 53. Petition of Mikhail A. Fokin, Zilya Ruga, Hugo E. Gonzalez, Rosemary Craig Gonzalez, Kimble McNeal, and Mary McNeal to vacate the 50-foot wide right-of-way of Palmetto Avenue lying east of Elm Street and west of Church Street and also the 10-foot wide alley lying east of and adjacent to Lots 6 through 10, Block 2 and west of and adjacent to Lots 1 through 5, Block 2, all being a part of Jackson Park Subdivision, Plat Book 4, Page 1, lying in Section 33-28-16, Pinellas County, Florida. (Legislative Hearing)**

Hearing continued until January 11, 2022. Letters of no objection have been received, with

Spectrum advising that the petitioner would bear the expense of any required relocation of its facilities. All interested parties have been notified as to the date of the public hearing. Two emails in opposition have been received.

Building and Development Review Services Director Blake Lyon, with input by Public Works Director Kelli Hammer Levy, referred to a presentation containing maps and photographs and described the request relative to the right-of-way and surrounding properties; challenges with the property to be developed, including a lack of utilities and an impaired water feature; the right-of-way transfer program; the unincorporated enclave nature of the properties, and concerns of the Fire Marshal and County and City of Safety Harbor (City) staff.

Responding to queries by Commissioner Seel and Chair Eggers, Mr. Lyon and Ms. Hammer Levy indicated that a number of alternatives for accessing the property have been discussed with the property owners; that the potential for future annexation has been part of discussions; that the right-of-way transfer program includes more than the Palmetto Avenue right-of-way in this particular area; and the need, if the vacation were approved, for a drainage easement due a county-maintained and permitted stormwater facility pump in the subject area.

Stating that she represents four property owners, Zilya Ruga, Safety Harbor, referred to a presentation and stated the reason for the vacation request, provided historical information related to Palmetto Avenue, and discussed County, City, and Fire Marshal concerns and objections to the request.

At the request of Commissioner Justice, Ms. Ruga provided emails from County staff, referenced during her presentation, to Ms. Carpenter.

In response to the call by the Chair for public comment, the following individuals expressed their support:

Barbara Bronson, Safety Harbor
Rosemary Gonzalez, Safety Harbor (co-petitioner)
Kimble McNeal, Safety Harbor (co-petitioner)
Anthony Vieira, Safety Harbor

Responding to a question by Chair Eggers, Mr. McNeal indicated that an agreement has been made by the homeowners, if the vacation request is granted, regarding ownership of the right-of-way.

In response to Chair Eggers, Ms. Carpenter indicated that two emails in opposition had been received.

Mr. Lyon clarified that the City suggested a fully developed roadway; that the County does not feel it appropriate to maintain a right-of-way in an enclave; and that the County's position

is to pursue the transfer of this right-of-way and allow the property development to occur according to City rules and requirements.

Discussion ensued regarding the following topics:

- Timeline of discussions regarding the property
- Other potential options
- Fire Marshall concerns
- Necessity for the vacation

Mr. Burton indicated that City of Safety Harbor Manager Matthew Spoor is watching the broadcast of the meeting; that Mr. Spoor has related that some of the issues regarding the Fire Marshal concerns are per Florida Fire Prevention Code; that Palmetto Avenue, if managed by the City, would need to be developed by the petitioners to meet City standards; and that the expectation would not include development of a full roadway.

Ms. Hammer Levy reiterated that the County has no objection to a standard driveway being constructed; and that in negotiations related to the right-of-way transfer program, the City's position was that the right-of-way would either be left in its current condition or improved to standards; whereupon, Mr. Burton indicated that the information he is now getting is different; and that he believes that some clarifications could be obtained within a short period of time.

Responding to a query by Commissioner Justice, Mr. Lyon indicated that County staff met with the individuals in the petition desiring to build a home and provided direction regarding the 10-foot driveway; that subsequent discussions were held with the City regarding the lack of utilities on the property; and that consideration was given during the process to the right-of-way transfer program; whereupon, Commissioner Justice opined that the transfer program may need to be set aside as related to this project.

Commissioner Long suggested that a decision for the hearing be postponed so that staff can meet with all pertinent parties and work towards a resolution; additional discussion ensued. Attorney White indicated that if the Board wishes to allow staff time to meet with the City, a date certain for January could be made part of any motion for continuing the hearing, which would negate the need to readvertise.

Responding to queries by Chair Eggers and Commissioner Justice, Mr. Lyon confirmed that the vacation request is for the entirety of Palmetto Avenue; and that, if approved, it would be owned by all of the petitioners, which would then require negotiation amongst themselves regarding property access; whereupon, he also noted that an additional option would be for the County to retain the right-of-way (Palmetto Avenue), allow the 10-foot driveway, and require an easement.

Attorney White related that if the Board grants the vacation request, the right-of-way becomes a private property issue for the homeowners to address; and that the County

would not be involved in their negotiations.

Ms. Ruga and Mikhail Fokin, Safety Harbor (co-petitioner), discussed communication amongst the property owners, dates and details related to their efforts to build a home, and willingness to accept options put forth by the Commissioners.

In response to a query by Chair Eggers, Ms. Hammer Levy indicated that a drainage easement over the creek on the subject property will be worked through during the permitting process, but that Pinellas County Code requires 25 feet; and that the County does not oppose vacation of the alleyway, which is also part of the request; whereupon, Attorney White stated that it is not appropriate to try to connect the easement for drainage to the right-of-way issue being addressed during this hearing.

Following an additional brief discussion, Commissioner Long made a motion to continue the hearing until January 11, 2022 to provide time for the County Administrator and staff to meet with the parties, which was seconded by Commissioner Flowers; whereupon, Mr. Burton indicated that he has a meeting scheduled with Mr. Spoor for Friday, December 10, at 9:00 A.M.; and that he will also meet with the petitioners.

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

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

Absent: 1 - Commissioner Peters

- 55.** Tax Equity Fiscal Responsibility Act Resolution for the issuance by the Pinellas County Health Facilities Authority of its Healthcare Facilities Refunding and Revenue Bonds in an aggregate principal amount not to exceed \$23,000,000.00 on behalf of Mease Life, Inc.

Resolution No. 21-135 adopted approving the issuance of bonds pursuant of Section 147(f) of the Internal Revenue Code of 1986. No correspondence has been received.

Deviating from the agenda, Chair Eggers indicated that Item No. 55 will be taken at this time; and that representatives from Mease Life, Inc. are present.

At the request of Chair Eggers, Mr. Burton provided a summary of the role of the BCC-appointed Health Facilities Authority related to its process for assuring that bond issuance requests are compliant with federal law.

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

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

Absent: 1 - Commissioner Peters

Meeting Recessed: 7:57 P.M.

Meeting Reconvened: 8:00 P.M.

54. Petition of Robert D. Saner, Jennifer L. Saner, Ben Warren Gillen, Molly Glaser, 2013-1 IH Borrower LP, and Jeffrey L. Gray to vacate the south 260 feet of 18th Street lying north of and adjacent to the north right-of-way of Georgia Avenue and east of Block 79 and west of Block 78, Map of Sutherland, Plat Book H1, Page 1, Public Records of Pinellas County, Florida, lying in Section 1-28-15, Pinellas County, Florida. (Legislative Hearing)

Hearing continued until January 25, 2022. Letters of no objection have been received, with Spectrum advising that the petitioner would bear the expense of any required relocation of its facilities. All interested parties have been notified as to the date of the public hearing, and no correspondence has been received.

Building and Development Review Services Director Blake Lyon referred to a PowerPoint presentation containing photographs and maps and provided information related to the location of the right-of-way, history of the subject area, and the current private encroachments; whereupon, he indicated that staff's recommendation for denial involves concern for impediment of pedestrian accessibility, the creation of a superblock, an existing water line, and incentivizing privatization of a public right-of-way.

Co-petitioner Ben Warren Gillen, Palm Harbor, appeared and shared historical information regarding his property and the subject right-of-way and indicated that the petition to vacate application was filed after being notified of code violations involving the right-of-way. He noted that he has been maintaining the right-of-way since he bought his property; that the Pinellas County Code regarding superblocks was passed in 2019, in the middle of a pandemic-delayed response to the petition; and that the petitioners would like to continue using the right-of-way in the same manner as was being done before they bought their homes.

Later in the meeting, Planning Division Manager Evan Johnson stated, as a point of clarification, that Ordinance No. 18-36 related to superblocks was passed in July 2018.

Responding to a query by Chair Eggers, Mr. Lyon related that there is a portion of 18th Street, estimated to be 50 feet, which has been improved and allows Mr. Saner access to his garage.

In response to the call by the Chair for public comment, the following individuals expressed their support for the petition:

Robert D. Saner, Palm Harbor (co-petitioner)
Matt Iannuzzi, Palm Harbor
James Ross, Palm Harbor

Responding to a comment made by Mr. Ross and a query by Chair Eggers, Mr. Lyon confirmed, upon review of document referenced by Mr. Ross, that he was issued in September 1998, a utilization permit; and that the permit allows for permission to utilize the right-of-way and build a driveway with access from 18th Street, but that it is not a vacation.

In response to comments and queries by Commissioner Justice and Chair Eggers, Mr. Lyon discussed concerns regarding the existing water line and County access; typical reasons for issuance of such a permit, which is typically not for privatization of a public area; and pedestrian accessibility and connectivity.

Mr. Gillen addressed the concerns regarding access to the water line and noted that all structures encroaching into the right-of-way are temporary and can be moved.

Discussion ensued, and Mr. Lyon offered the following two options for consideration:

- Deny the petition to vacate the right-of-way. Staff will work with petitioners regarding a right-of-way utilization permit for driveway and vehicular access. Items encroaching into the right-of-way would be moved onto petitioner's properties.
- Grant the petition for a partial vacation of the right-of-way. There would be conditions for easements and access points.

Commissioner Gerard remarked that assurance is certain that the right-of-way will not be utilized by the public unless the structures are moved; and that it is not palatable to her when individuals request approvals of vacations after constructing illegal encroachments; whereupon, Commissioner Seel concurred, suggesting that there could be a different way to approach this request so that a precedent is not set.

Mr. Lyon pointed out that if it is the will of the Board to deny the request without prejudice, staff could work with the petitioners to amend the application; whereupon, Commissioner Long made a motion, which was seconded by Commissioner Seel, to deny without prejudice the request to vacate the right-of-way. Attorney White confirmed that a denial of the request does not require that a date certain be set for hearing the amended application.

Responding to a query by Commissioner Seel, Mr. Lyon indicated that staff will work with the petitioners to amend their application in order to heard at the Board meeting scheduled for January 25; whereupon, she withdrew her second to the current motion.

Commissioner Long made a new motion to continue the hearing until January 25, 2022, and Commissioner Seel seconded the motion.

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

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

Absent: 1 - Commissioner Peters

56. Moratorium relating to Section 14-29, Chapter 14 of the County Code relating to the expansion of commercial locations engaging in the retail sale of cats and dogs in Pinellas County.

Ordinance No. 21-30 adopted approving a one-year moratorium on the expansion of commercial locations engaged in the retail sale of cats and dogs. Four emails in opposition and two emails in favor of the moratorium have been received.

Mr. Burton introduced the item, referencing previous discussions by the Commissioners related to concerns regarding the retail sale of dogs and cats and the possibility of exploring a temporary moratorium while staff conducts a study; whereupon, Chair Eggers added that the moratorium would also prohibit existing retail owners from adding locations or square footage.

Responding to a query by Commissioner Justice, Mr. Burton indicated that he anticipates providing a report to the Board in the spring of 2022. In order to expedite a complete study, Commissioner Justice suggested that the Commissioners presently submit questions for the study to Mr. Burton and Director of Animal Services Doug Brightwell.

Upon call by the Chair for public comment, the following individuals appeared and expressed their concerns:

Dan Cohn, Largo
Tom Da Silva, Sarasota
Laura Weiss, Bradenton
Cynthia Kahn, Sarasota
Carlos Goncalves, Sarasota
Melissa Zepeda, St. Petersburg
Genevieve Pettyjohn, Seminole
Sunje Schwartz, Holiday
Hillary Hart, St. Petersburg
Tom Goergen, Seminole
Elizabeth Olson, Palm Harbor
Catherine Infanti, St. Petersburg

Attorney White referred to a document provided to the Commissioners earlier in the meeting, which contains language modifications to the proposed ordinance; whereupon, she clarified that the language does not change the substance of the ordinance, but is procedural and would allow for the ordinance, if approved, to become part of the Pinellas County Code. She requested that if favorable action is taken on the ordinance, then the motion should include the provided amended language.

Commissioner Seel noted that she would like additional discussion to occur regarding the issue of the sale of rabbits, and Chair Eggers concurred.

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

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

Absent: 1 - Commissioner Peters

ADJOURNMENT - 9:41 P.M.

ATTEST: KEN BURKE, CLERK

By 
Deputy Clerk




Chair