

Pinellas County

*315 Court Street
Clearwater, FL 33756*



Minutes - Final

Tuesday, February 22, 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 - 2:05 PM

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 Shirley Westfall, Board Reporter, Deputy Clerk

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS AND AWARDS

- 2. Partner Presentation:
 - Mike Sutton, President & Chief Executive Officer, Habitat for Humanity of Pinellas and West Pasco Counties

Deviating from the agenda, Chairman Justice invited Mr. Sutton to the podium, who provided information regarding Habitat for Humanity's work in Pinellas County; whereupon, the members extended their gratitude and thanks.

Responding to queries by Commissioner Seel, Mr. Sutton indicated that all participants have the opportunity to sell their home; that financial counseling is available; and that Habitat for Humanity has a right of refusal depending on the affordability period.

- 1. Black History Month Proclamation:
 - Terri Lipsey Scott, Executive Director, Dr. Carter G. Woodson African American Museum

Chairman Justice invited Board Member Frechette Bradley to the podium and read a proclamation recognizing Black History Month in celebration of the historic and present day contributions of Black Americans. Ms. Bradley thanked the members for their support and invited them to assist in creating more Black history by raising capital for the art museum.

CITIZENS TO BE HEARD

- 3. Citizens To Be Heard - Public Comment.

Jeffery Kaputo, St. Petersburg
Jeff Maddux, St. Petersburg
Richard Griswold, Palm Harbor (submitted documents)
David Ballard Geddis Jr., Palm Harbor (submitted documents)
Rory King, St. Petersburg

Patti Sidote, St. Petersburg
Julie Vayne, Seminole
William Henderson, Seminole
David Happe, Tarpon Springs
Lizbet Lorez, address not provided
Gisela Laubitz, South Pasadena
Rocky Benslimane, St. Petersburg
Vincent Nowick, St. Petersburg
Dan Tucker, Seminole
Michael Benjamin, Largo
Michael Greiger, St. Petersburg
John Kieffer, St. Petersburg
Mack Johnson, Largo
Rich Dumont, Tierra Verde
Virginia Frizzle, Largo
Greg Pound, Largo
Aden Barnes, Largo
Eileen Posch, Tarpon Springs
Stacy Geier, Largo
Barbara Haselden, St. Petersburg

CONSENT AGENDA - Items 4 through 15 (Item No. 13 addressed under Regular Agenda)

A motion was made by Vice-Chair Long, seconded by Commissioner Flowers, to approve the Consent Agenda. 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

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

- 4. Minutes of the in-person and virtual regular meetings held on October 26 and November 9, 2021.
The item was approved as part of the Consent Agenda.
- 5. Vouchers and bills paid from January 16 through 22, 2022.

Period: January 16 through 22, 2022
Accounts Payable - \$9,560,609.88
Payroll - \$4,028,601.79

The item was approved as part of the Consent Agenda.

Reports received for filing:

6. Division of Inspector General, Clerk of the Circuit Court and Comptroller, 2022 Inspector General's Annual Plan.
The item was approved as part of the Consent Agenda.

7. Dock Fee Report for the month of January 2022.
The item was approved as part of the Consent Agenda.

Miscellaneous items received for filing:

8. City of Seminole Notice of Public Hearing to be held March 22, 2022, regarding proposed Ordinance No. 02-2022 and voluntary annexation.
The item was approved as part of the Consent Agenda.

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

9. Quarterly report of claim settlements for the period of October 1, 2021 through December 31, 2021.
The item was approved as part of the Consent Agenda.

County Administrator

10. Receipt and file report of non-procurement items delegated to the County Administrator for the month ending January 31, 2022.
The item was approved as part of the Consent Agenda.

11. Receipt and file report of purchasing items delegated to the County Administrator for the quarter ending December 31, 2021.
The item was approved as part of the Consent Agenda.

Public Works

12. Cooperative Funding Agreement with the Southwest Florida Water Management District for Habitat Restoration at Roosevelt Creek Channel 5.
SWFWMD Agreement No. 22CF0003721 (PID No. 002123A) approved providing \$350,000.00 in SWFWMD funding and requiring a County match of \$350,000.00. Agreement is effective until December 31, 2025.
The item was approved as part of the Consent Agenda.

COUNTY ATTORNEY

- 14. 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

Tax Collector

- 15. Award of quote to Gulf Coast Review, Inc. d/b/a Business Observer for the advertisement of delinquent real estate tax lists.

Contract No. 22-0128-Q in the amount of \$26,000.00 for a 24-month term awarded on the basis of being the lowest responsive, responsible quote received meeting expectations (estimated annual expenditure not to exceed \$13,000.00).

The item was approved as part of the Consent Agenda.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

Utilities

- 13. Cooperative Funding Agreement with the Southwest Florida Water Management District for the Advanced Metering Infrastructure Project.

SWFMD Agreement No. 22CF0003711 (PID No. 001601A and 003769A) approved providing \$139,414.00 in SWFWMD funding and requiring a County match of \$139,414.00. Agreement is effective October 1, 2021 through February 1, 2029.

Upon the Chairman’s invitation to hear from citizens wishing to be heard on the matter, David Ballard Geddis, Jr., Palm Harbor, appeared and stated his concerns.

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

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

16. Ranking of firms and agreement with Creative Contractors, Inc. for construction manager at risk services (Phase One) pertaining to the Jail Security and Entry Center project. (Companion to Agenda Item No. 17)

(Contract No. 21-0704-NC) Decision regarding the ranking of firms and agreement continued to March 8.

Mr. Burton indicated that Agenda Item Nos. 16 and 17 are companion items; whereupon, Commissioner Flowers made a motion to approve the items and Commissioner Long seconded the motion. Later in the meeting, Commissioner Flowers withdrew her motion before a call for a vote.

Commissioner Eggers stated that he and other members have not had a chance to visit the site; and that he would request that the items be continued to the next meeting, and discussion ensued. In response to queries by the members, Director of Administrator Services Joe Lauro indicated that the project is a major security project; that it will be completed in two phases; and that a two-week delay should not be a critical issue.

A motion was made by Commissioner Gerard, seconded by Commissioner Flowers, that Agenda Item Nos. 16 and 17 be continued to the March 8 meeting. 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 Flowers

17. Ranking of firms and agreement with Williamson Dacar Associates, Inc. for design services pertaining to the Jail Security Entry Center project. (Companion to Agenda Item No. 16)

(Contract No. 21-0489-NC) Decision regarding the ranking of firms and agreement continued to March 8.

A motion was made by Commissioner Gerard, seconded by Commissioner Flowers, that Agenda Item Nos. 16 and 17 be continued to the March 8 meeting. 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

Economic Development

18. Resolution expressing support of Project C1110944724 as a qualified applicant for an Economic Development Ad Valorem Tax Exemption.

Resolution No. 22-15 adopted supporting C1110944724 as a qualified applicant pursuant to Section 196.1995, Florida Statutes, and authorizing the applicant to make improvements before an exemption ordinance is adopted.

Several members expressed their support and thanked staff for their contributions.

Commissioner Peters noted that the project will create 20 low-wage positions of an expected annual salary of \$38,000; that her expectation for the program is to create high-wage jobs in the area; and that she would like staff to move forward on opportunities that support the creation of positions with higher salaries, and Commissioner Seel concurred.

Director of Economic Development Dr. Cynthia Johnson approached the podium and provided additional details regarding the program.

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

Housing & Community Development

19. Advantage Pinellas Housing Compact to create a coordinated approach to addressing affordable housing in Pinellas County.

Compact agreement approved providing for a common framework for collaboration on housing related initiatives for the next ten years, through 2031.

Responding to queries by the members, Mr. Burton indicated that the agreement brings staff together to work collaboratively on strategies to address different housing types; and that having shared messaging and working with partners will aid citizens in making necessary housing connections; whereupon, he responded to queries by the members, noting that the approach will be rolled out countywide and to municipalities wishing to participate in the program, and discussion ensued.

Upon Chairman Justice's call for citizens wishing to speak on the matter, Director of Government Relations and Advocacy Sean King, Habitat for Humanity of Pinellas and West Pasco Counties, spoke in support of the initiative.

Responding to queries by members, Pinellas County Planning Division Director Evan Johnson indicated that community partners and government agencies will be involved; and that a website has been created for residents and developers to find more information.

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 Seel

Parks and Conservation Resources

20. 2022 Weedon Island Preserve Management Plan Update as required by two Lease Agreements with the State of Florida Board of Trustees of the Internal Improvement Trust Fund.

Plan Update approved detailing the goals and objectives necessary to provide sound stewardship and protection of natural communities and historical resources at the Preserve. No substantive changes were made to the existing management goals and objectives already in place.

In response to queries by the members, Mr. Burton indicated that as part of the Plan, two full-time staff positions have been created and Deputy County Administrator Jill Silverboard stated that the on-site Education Center is now open five days a week; and that the Center will be open seven days a week sometime next year, and discussion ensued.

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 Seel

Public Works

21. Declare a portion of fee owned County property as surplus and grant the authorization to exchange it for property owned by Kenneth M. McAlpin Trustee of the Huey Kenneth McAlpin Revocable Trust Agreement.

Resolution No. 22-16 adopted declaring the property as surplus and authorizing its exchange, pursuant to Section 125.37, Florida Statutes. The exchange of property will resolve recorded inconsistencies and allow for roadway alignment, reconstruction, and drainage improvements within a newly configured Highland Avenue right-of-way.

A motion was made by Vice-Chair Long, seconded by Commissioner 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

22. Road Transfer Interlocal Agreement with the City of Clearwater for the transfer and acceptance of specific roadway segments and easements.

Agreement approved granting a right-of-way easement to the City on County-owned property transferring operation and maintenance responsibilities of various road segments (17.01 centerline miles).

Responding to a query by Commissioner Seel, Public Works Director Kelli Hammer Levi related that the City is already maintaining these roads; and that this is the finalized agreement.

A motion was made by Commissioner Eggers, 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

Utilities

- 23.** Third Amendment to the Agreement with The Forestry Company for Ecosystem Management pertaining to the Al-Bar and Cross Bar Ranches.

(Contract No. 167-0365-P) Amendment approved in the amount of \$940,000.00 for a revised total contract amount not to exceed \$4,419,518.00 effective through March 19, 2023.

President of The Forestry Company, Don Curtis, appeared and provided background information regarding the project and answered queries by the members. Director of Utilities Megan Ross related that the investments regarding the change order involve future generating revenue.

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 Seel

COUNTY ATTORNEY

- 24.** Proposed initiation of litigation in the case of Lina Lindberg v. Lakeview of Largo South Condominium Association, Inc. et al; HUD Case No. 04-21-7231-8; PC Case No. 21-041 - alleged housing discrimination.

Initiation of litigation approved.

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

- 25.** Proposed initiation of litigation in the case of Patricia Lang v. Rosetree Village Association, Inc./Real Manage, LLC; HUD Case No. 04-20-2631-8; PC Case No. 20-035 - alleged housing discrimination.

Initiation of litigation approved.

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

26. Resolution approving the delegation of the Board of County Commissioner's duties to make the delinquent tax advertisements.

Resolution No. 22-17 adopted granting the Tax Collector authority to act on behalf of the Board with the duties related to delinquent tax notices pursuant to the Florida Statutes, Section 197.402.

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

27. County Attorney Reports:
- Update on an ad valorem tax litigation against Pasco County Property Appraiser and Tax Collector.

Attorney White provided an update regarding the County's ad valorem tax litigation against the Pasco County Property Appraiser and Tax Collector, noting that the Florida Supreme Court will take jurisdiction on the case; and that a brief will be filed within the next 30 days.

COUNTY ADMINISTRATOR

28. County Administrator Reports:
- COVID-19 Update

Mr. Burton provided a brief Covid-19 update, stating that the County's case percent positivity has reduced significantly; and that several County testing sites have closed or will be closing, returning testing to the private sector.

COUNTY COMMISSION

29. Appointment to the Feather Sound Community Services District, Inc. (Individual appointment by Commissioner Eggers).

Nick Pfeifer appointed to serve the current term expiring on December 31, 2022.

A motion was made by Commissioner Eggers, seconded by Commissioner Gerard, 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 Seel

Absent: 1 - Commissioner Peters

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

The Commissioners reported on the activities of their assigned boards and committees and discussed various issues.

Commissioner Flowers

- Tampa Bay Area Regional Transit Authority
- CareerSource
- Florida Housing Coalition Conference
- Homeless Leadership Alliance of Pinellas
- Pinellas Community Foundation

In response to Chair Justice's query, Attorney White related that the County will be involved in the selection process for the CareerSource Interim and Executive Director positions per the interlocal agreement, the bylaws, and the County representatives on the selection committee.

Commissioner Long

- Regional Planning Council

Commissioner Gerard

- Florida Housing Coalition Conference

Commissioner Seel

- Forward Pinellas

Commissioner Eggers

- Tampa Bay Water
- PACE - Program of Accelerated Education
- Term Limits

Term Limits

Following a motion by Commissioner Eggers to include a discussion of term limits on the next BCC meeting agenda, Chairman Justice summarized previous Board discussions regarding term limits and noted that a simple majority is needed to bring the matter back to the Board as a discussion item; and that should the members move forward, additional meetings will likely be needed in order to finalize any ballot language; whereupon, discussion ensued with occasional input by Attorney White.

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

Aye: 3 - Chairman Justice, Commissioner Eggers, and Commissioner Peters

Nay: 4 - Vice-Chair Long, Commissioner Flowers, Commissioner Gerard, and Commissioner Seel

Meeting Recessed: 4:50 P.M.

Meeting Reconvened: 6:03 P.M.

6:00 PM

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

Educational Facilities Authority

31. Tax Equity Fiscal Responsibility Act Resolution for issuance by the Pinellas County Educational Facilities Authority of its Revenue Bonds in an aggregate principal amount not to exceed \$7,000,000.00 on behalf of Learning Independence for Tomorrow, Inc. d/b/a LiFT Academy.

Resolution No. 22-18 adopted approving the issuance of bonds pursuant to Section 147(f) of the Internal Revenue Code of 1986. No correspondence has been received, and no citizens appeared to be heard.

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

BOARD OF COUNTY COMMISSIONERS

32. Q ZON-21-08 (Pinellas County)

A request for a change of Zoning from RMH, Residential Mobile/Manufactured Home to R-5-CO, Urban Residential-Conditional Overlay with the Conditional Overlay limiting the maximum building height to 35 feet and requiring a minimum 20-foot setback from 46th Avenue North, excluding front porches, decks, and covered entryways, which will require a minimum of 15 feet from 46th Avenue North, on approximately 1.55 acres located at 3901 46th Avenue North in Lealman. (Quasi-Judicial)

Resolution No. 22-19 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. One letter of opposition 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 Seal

33. Q ZON-21-12 (First Capital Trusts, LLC)

A request for a change of Zoning from R-A, Residential Agriculture to R-5, Urban Residential on approximately 2.3 acres located on the west side of Starkey Road, approximately 483 feet north of 94th Avenue North in unincorporated Seminole. (Quasi-Judicial)

Resolution No. 22-20 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. Five letters of opposition have been received.

Referring to a PowerPoint presentation containing maps and photographs, Zoning Manager Glenn Bailey pointed out the location of the subject property, described surrounding land uses, provided background information, and related that the intended use is a 29-unit townhome rental development.

Justyna Gale, Land O'Lakes, appeared and reiterated that the project is consistent with the proposed rezoning and comprehensive plan; that quality high-end townhomes with enhanced landscape buffers is proposed; and that the applicant has met with surrounding homeowners.

Responding to a query by Commissioner Gerard, Mr. Bailey responded that the opposition is from the abutting property to the west; and that their concern was regarding drainage, which will be examined during the site plan review. Upon call for public comment, Charlie Delatorre, Seminole, attempted to appear virtually but had connection issues. Commissioner Seel noted that his correspondence in opposition has been received.

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

34. Ordinance amending the Pinellas County Code by adding Article VII to Chapter 126 that provides regulation pertaining to private sewer laterals and provides permitting and regulation of private sanitary sewer collection systems. (Companion to Agenda Item No. 35)

Ordinance No. 22-10 adopted approving the amendment. No correspondence has been received and no citizens appeared to be heard.

Following a video demonstrating how damaged private laterals can lead to increased inflow and infiltration contributing to sewer overflows, Utilities Director Megan Ross provided background information, detailed policy and cost estimates, and responded to queries by the members.

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

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. Resolution authorizing the County Administrator to establish and implement programs to address the conditions of private sewer laterals and collection systems and reduce related impacts to the County sewer system. (Regular Agenda Item that is Companion to Item No. 34)

Resolution No. 22-21 adopted including four policies authorizing the County to implement certain programs as set forth in the Staff Report. Funding from the programs would make rebates available to eligible property owners to implement the policies, reducing burden and expense to County-owned system.

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 Seel

- 36. 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. (Legislative Hearing)

Mr. Burton indicated that the petition has been withdrawn.

The applicants, Mikhail Fokin and Zilya Ruga, appeared and expressed their appreciation for the efforts of all those involved.

ADJOURNMENT - 6:46 PM.

Chair

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk