

Pinellas County

*Pinellas County Cooperative Extension
12520 Ulmerton Road, Largo*



Minutes - Final

Tuesday, October 26, 2021

2:00 P.M.

Hybrid In-Person and Virtual Regular Meeting

Public Hearings at 6:00 P.M.

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 - 2:04 P.M.

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

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

Chair Eggers called the meeting to order and provided brief comments regarding Halloween festivities and the YMCA Prayer Breakfast.

INVOCATION by Reverend Dr. Dawn Haeger, Peace Memorial, Clearwater.**PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS**

1. Breast and Cervical Cancer Program Month Proclamation:
Florida Department of Health
 - Valarie D. Lee, Public Health Services Manager
 - Lisa Field, Human Services Program Analyst
 - Sharon Haggans, Human Services Counselor 1
 - Amilda Nunez, Administrative Secretary

Chair Eggers invited Florida Department of Health in Pinellas County Director Dr. Ulyee Choe and Ms. Lee and her team to the podium and read a proclamation recognizing October as Breast and Cervical Cancer Program Month; whereupon, Dr. Choe and Ms. Lee provided brief comments regarding the importance of women's health screenings and timely treatments.

CITIZENS TO BE HEARD

2. Citizens To Be Heard - Public Comment.

Terie Raftery, Seminole
Alexandria Julian, Largo (submitted documents)
David Ballard Geddis Jr., Palm Harbor
Natalia Sanabria, Largo (submitted documents)
Kaylin Neilson, Largo
Savannah Finley, Brandon
Greg Pound, Largo
Mack Johnson, Largo
Ellsworth Williams, St. Petersburg (submitted documents)

CONSENT AGENDA - Items 3 through 14 (Item Nos. 11 through 13 addressed under Regular Agenda)

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

- 3. Vouchers and bills paid from September 19 through October 2, 2021.

Period: September 19 through September 25, 2021

Accounts Payable - \$13,512,205.47

Payroll - None

Period: September 26 through October 2, 2021

Accounts Payable - \$43,782,627.90

Payroll - \$3,969,401.12

The item was approved as part of the Consent Agenda.

Reports received for filing:

- 4. Dock Fee Report for the month of September 2021.
The item was approved as part of the Consent Agenda.

- 5. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Report No. 2021-20 dated September 28, 2021 - Unannounced Audit of the Parks and Conservation Resources Change Fund and Petty Cash Fund.
The item was approved as part of the Consent Agenda.

Miscellaneous items received for filing:

- 6. City of Clearwater Ordinance No. 9478-21 adopted September 2, 2021, annexing certain properties.
The item was approved as part of the Consent Agenda.

- 7. Eastlake Oaks Community Development District Fiscal Year 2022 Meeting Schedule. **The item was approved as part of the Consent Agenda.**

COUNTY ADMINISTRATOR DEPARTMENTS

County Administrator

8. Receipt and file report of non-procurement items delegated to the County Administrator for the month ending September 30, 2021.

The item was approved as part of the Consent Agenda.

9. Receipt and file report of purchasing items delegated to the County Administrator for the quarter ending September 30, 2021.

The item was approved as part of the Consent Agenda.

Economic Development

10. Ratification of the County Administrator's approval of an amended grant application to the U.S. Economic Development Administration for an additional grant of \$3.8 million to fund a portion of the design, construction, and equipping of the Tampa Bay Innovation Center incubator.

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.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA

Public Works

11. Ranking of firms and agreement with Pennoni Associates, Inc. for preliminary engineering, planning, and environmental services pertaining to the Complete Streets Project of 54th Avenue North from 49th Street North to 34th Street North.

Ranking of firms and Contract No. 190-0068-NC approved in the amount of \$538,603.86 (including \$100,000.00 contingency); agreement is effective for 365 consecutive calendar days from the notice-to-proceed date.

In response to queries by Commissioner Justice, Public Works Director Kelli Hammer Levy provided an overview of the project's goals and timeline, noting that County staff plans to consider a variety of alternatives and will be leading those efforts with community input; whereupon, she indicated that the Amazon distribution center located in the area should not impact traffic.

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

12. Ratification of the County Administrator's approval of the Cooperative Agreement with the Federal Highway Administration for the Advanced Transportation and Congestion Management Technologies Deployment program for the Pinellas Connected Community Project.

(PID No. 004974A; FHWA Agreement No. 693JJ32150011) Approval of the Cooperative Agreement ratified and confirmed. The agreement requires federal funding of \$4,622,880.00, and a non-federal match of \$6,289,000.00, which is a 50/50 cost shared between the State and the County; the total estimated obligation is \$10,911,880.00. The project will begin upon full execution of the agreement.

In response to queries by Commissioner Seel, Public Works Engineering Section Manager Tom Washburn provided information regarding the project, indicating that the intention is to implement connected vehicle devices within the current Advanced Transportation Management System with a focus on improving pedestrian and bicyclist safety; that data will be collected to measure effectiveness; and that other communities have implemented the program. Responding to comments by Chair Eggers and Commissioner Long, he requested that the members share their concerns regarding transportation congestion with the department in the future.

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

Utilities

13. Ratification of the County Administrator's approval of the Resilient Florida grant applications with the Florida Department of Environmental Protection.

Approval of grant applications ratified and confirmed for funding in the total amount of \$38,401,000.00. No County match required.

In response to queries by the members, Utilities Director Megan Ross provided background information regarding the Resilient Florida grant program, indicating that it is aimed at assisting local efforts in mitigating impacts of the sea level rise, including infrastructure support; whereupon, she described the specific projects that were proposed for funding. She noted that four of the five projects are included in the capital budget; and that any awarded grants will be taken into account during the next utility rates study.

A motion was made by Commissioner Gerard, 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

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

15. First Amendment to the Agreement with Commercial Landscape Professionals, Inc. d/b/a Trimac Outdoor for landscape and irrigation maintenance services.

(Contract No. 189-0354-B) Amendment approved decreasing the contract amount by \$1,051,310.00 for a revised total contract value of \$485,590.00 with an estimated annual average expenditure of \$97,118.00, effective through June 22, 2025.

Responding to a comment by Chair Eggers, Mr. Burton and Administrative Services Director Joe Lauro indicated that the amendment descopes the landscaping services by Trimac Outdoor for some County locations in order to accommodate for labor shortages and allow the contractor to reach the performance requirements remaining on the contract; and that the affected locations will be transferred to another company.

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

Airport

16. Change Order No. 4 (Final) with Ajax Paving Industries of Florida, LLC for the Runway 18-36 rehabilitation project located at the St. Pete-Clearwater International Airport.

(Contract No. 189-0334-CP) Change order approved increasing the contract amount by \$186,963.42 for a revised total of \$23,139,170.31 and increasing the project duration by an additional 96 consecutive calendar days.

In response to a query by Commissioner Seel, Airport Director Tom Jewsbury indicated that the change order pertains to the safety area needing to be graded in case an aircraft goes off the pavement surface. Commissioner Peters commended the airport for their COVID-19 safety practices and convenient layout.

A motion was made by Vice-Chair Justice, 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

Economic Development

17. Resolution expressing support of Project C1071544713 as a qualified applicant for an Economic Development Ad Valorem Tax Exemption.

Resolution No. 21-119 adopted supporting Project C1071544713 as a qualified applicant for an Economic Development Ad Valorem Tax Exemption (EDAVTE) pursuant to Section 196.1995, Florida Statutes, and authorizing the company to make improvements before an EDAVTE Ordinance is adopted.

Mr. Burton explained that the project involves the relocation of a Fortune 500 company from New York to St. Petersburg, indicating that the proposed improvements to the existing local facility qualify for the tax exemption.

Responding to queries by the members, Director of Economic Development Suzanne Christman provided information regarding the value of the existing property and the property taxes, indicating that the current tax will continue; that there will be a clawback provision to ensure performance metrics are met; and that the St. Petersburg City Council has already approved the project. The members discussed the City's procedures regarding approval of the tax exemption, and Commissioner Flowers stressed the importance of the company delivering on the number of jobs it plans to create and of ensuring a diverse workforce.

A motion was made by Commissioner Gerard, 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

Human Services

18. Contract with the State of Florida Department of Health for operation of the Florida Department of Health in Pinellas County.

Contract approved for Fiscal Year 2022 in an amount not to exceed \$7,013,760.00, as generated by a dedicated millage rate of 0.0790 mills levied countywide.

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

Management and Budget

19. Resolution approving the Pinellas County Employee Vaccination Incentive Program and supplementing the Fiscal Year 2022 American Rescue Plan Act Fund Budget for unanticipated revenue from the Department of Treasury for the American Rescue Plan Act State and Local Fiscal Recovery Fund program.

Resolution Nos. 21-120 and 21-121 adopted approving the incentive program and appropriating unanticipated revenue in the amount of \$94,690,770.00, respectively.

Mr. Burton indicated that the Vaccination Incentive Program is impactful; and that other projects for funding through the American Rescue Plan Act (ARPA) will be brought to the Board for consideration in the future.

In response to queries by the Chair, Attorney White indicated that the Vaccination Incentive Program and the supplementation of the FY 22 ARPA Fund Budget matters may be considered separately on the condition that there is a proper motion and second on both parts of the item; that it is important that a number of findings of fact attached to the budget resolution remain as part of it; and that it would be appropriate to take action on the incentive program first because it is part of the budget amendment.

Responding to queries by the members, Mr. Burton related that the federal government requires the County to have an initial plan for utilization of the ARPA funds; that the Commission will have the opportunity to discuss and provide feedback on categories and specific projects during a workshop in November; that two individuals have been hired to assist with program administration; and that the monies must be obligated within three years; whereupon, Office of Management and Budget Director Chris Rose noted that the County had to submit the initial proposal for the usage of the funds around September 16.

During discussion, Chair Eggers shared his reasons for not supporting the Vaccination Incentive Program.

A motion was made by Vice-Chair Justice, seconded by Commissioner Flowers, that the resolution approving the County Employee Vaccination Incentive Program be adopted. The motion carried by the following vote:

Aye: 5 - Vice-Chair Justice, Commissioner Flowers, Commissioner Gerard, Commissioner Long, and Commissioner Seel

Nay: 2 - Chair Eggers, and Commissioner Peters

A motion was made by Vice-Chair Justice, seconded by Commissioner Flowers, that the resolution supplementing the FY22 budget for the American Rescue Plan Act be adopted. 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

Public Works

20. Construction Agreement with CSX Transportation, Inc. for the replacement of the Keene Road Railroad Crossing.

(CXST OP No. FL2763; County PID No. 004506A) Agreement approved in the amount of \$398,459.00. Work expected to commence and be completed during winter 2021, with the rail crossing work completed in three to four days and the total project within 30 days.

A motion was made by Vice-Chair Justice, 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

21. Proposed ratification of initiation of litigation in the case of Pinellas County v. Max Eldon Wysong; Circuit Civil Case No. 21-004477-CI-20 - action for injunctive relief.

Ratification of action taken by the County Attorney's Office, previously approved by the BCC Chair, granted.

A motion was made by Commissioner Long, 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

22. Proposed ratification of initiation of litigation in the case of Pinellas County v. Max Eldon Wysong; County Court Case No. 21-007056-CO-41 - animal seizure.

Ratification of action taken by the County Attorney's Office, previously approved by the BCC Chair, granted.

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

23. Proposed ratification of initiation of litigation in the case of Pinellas County v. Ralph Heath; County Court Case No. 21-007057-CO-41 - animal seizure.

Ratification of action taken by the County Attorney's Office, previously approved by the BCC Chair, granted.

Attorney White referred to a discussion at a recent BCC work session and noted that the urgent legal matters in the above-referenced case concluded before the defendant's death; and that the case is now closed.

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

24. County Attorney Reports:
- County Redistricting Board Update

Attorney White indicated that meetings hosted by a consultant to gain community input on some of the proposed redistricting maps have concluded; and that the next Redistricting Board meeting is on October 27.

COUNTY ADMINISTRATOR

25. County Administrator Reports:
- COVID-19 Update

Mr. Burton, with input from Assistant County Administrator Lourdes Benedict, provided an update on COVID-19 data trends, vaccination statistics, usage of monoclonal antibody treatments, and immunization and testing sites, noting that total numbers of positive cases, transports, hospitalizations, and deaths are down; and that the County may shut down its booster site on October 29 as a result of accessibility increasing in the private sector; whereupon, he responded to queries and comments by the members.

COUNTY COMMISSION

26. Reappointments to the Parks & Conservation Resources Advisory Board (Individual reappointments by Commissioners Gerard, Justice, Eggers, Seel, Peters, and Flowers).

Individual appointment of Bryan Beckman and reappointments of Deborah Chayet, Brandon Shuler, Peg Cummings, Brian Scott, Steven Ochsner, and Daniel Savercool approved to serve one-year terms ending November 3, 2022.

A motion was made by Vice-Chair Justice, 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

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

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

Commissioner Long

- Tampa Bay Regional Transit Authority
- John Morroni Legacy Foundation's 27th Annual Law Enforcement and First Responder Appreciation event

Commissioner Seel

- Forward Pinellas
- Juvenile Welfare Board
- Creative Pinellas
- Virtual participation in meetings

Commissioner Eggers

- Tampa Bay Water

Commissioner Justice

- Area Agency on Aging of Pasco-Pinellas
- Tampa Bay Estuary Program
- Board of County Commissioners 2022 draft calendar

Commissioner Flowers

- Tampa Bay Regional Transit Authority
- CareerSource Pinellas
- Continuum of Care (formerly Homeless Leadership Board)
- Rental Assistance Program
- St. Petersburg's health equity resolution

Commissioner Gerard

- 2022 Board Committee assignments
- Temporary moratorium on new pet retail stores

Meeting Recessed: 4:30 P.M.

Meeting Reconvened: 6:04 P.M.

PUBLIC HEARINGS

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

BOARD OF COUNTY COMMISSIONERS

28. Case No. (Q) Z/LU-20-12 (Dushyant Gulati)

A request for a land use change from Residential Suburban to Residential Low and a zoning change from R-R, Rural Residential to R-3-CO, Single Family Residential-Conditional Overlay, with the Conditional Overlay restricting the maximum number of lots to seven, establishing the minimum lot width as 80 feet, establishing the minimum lot size as 9,500 square feet, and requiring an additional five feet to the minimum setback on the east and south sides of the property; reversing and overturning Resolution No. 21-27 on approximately 2.18 acres located at 1736 Winchester Road in unincorporated Largo.

Resolution No. 21-122 adopted approving the zoning change. Ordinance No. 21-27 adopted approving the land use designation. Resolution No. 21-27 reversed and overturned. Two letters in opposition to the application have been received.

Attorney White discussed the application's history, indicating that the original request for changes in land use and zoning was denied by the Board in April 2021; that subsequently, the applicant filed requests for relief and mediation pursuant to Florida Statutes; that the County and the applicant entered into mediation in June and finalized a stipulation and agreement in August; and that the Board may choose to approve, deny, or modify the recommendation put forth by the parties in the agreement.

Planning Department Zoning Manager Glenn Bailey provided background information, referred to aerial maps and photographs, and described the existing uses of the property and the surrounding parcels. He noted that the current request contains a conditional overlay, which represents a compromise between the parties and addresses the concerns of compatibility with the surrounding area, based on which the original request was denied, and stated that the current request is consistent with the Comprehensive Plan and the Countywide Plan Map; and that traffic impacts would be minimal.

Responding to queries by the members, Mr. Bailey confirmed that the applicant would be responsible for any improvements to Winchester Road associated with the development, including drainage, and Development Review Services Director Blake Lyon provided further details, including the need for improving the northern portion of the road and for the width to remain consistent throughout, indicating that any additional roadway widening would not affect properties other than the applicant's.

Pamela Jo Hatley, Tampa, appeared and indicated that she represents the applicant. She conveyed that the proposed land use and rezoning would allow low-density residential development that is compatible with surrounding parcels, which have coexisted in a stable fashion for many years; that the petition submitted by opponents is not probative of any relevant fact and does not constitute competent substantial evidence, whereas the professional opinion rendered by County staff and the Development Review Committee does.

Hillary Hepp, Treasure Island, appeared on behalf of the applicant and provided a copy of the tentative site plan, relating that she is a civil engineer with Kimley-Horn; that the site plan addresses several of the concerns expressed regarding the original request; that Pinellas County staff and the City of Largo Fire Department preliminarily approved the site plan layout; and that the proposed usage of the property may be a more favorable compromise over other permitted land uses under the current Rural Residential zoning category.

Upon call by the Chair for public comment, the following individuals stated their concerns with the development, citing its compatibility, increased density, environmental impacts, lot size, and other issues:

Leo Torres, Clearwater (spoke on behalf of others in attendance)
Karrie Meeks, Clearwater
Kim Farrington, Clearwater
Jessica Jurek, Clearwater

In response to a query by Commissioner Flowers, Attorney White clarified that Florida Statutes specify that the parties to mediation proceedings are the local government and the property owner; and that surrounding property owners are permitted to participate but are not granted party or intervener status; whereupon, Senior Assistant County Attorney David Sadowsky noted that neighbors were given the opportunity to address the mediated solution during the second mediation session on August 30; and that the special magistrate took their testimony under consideration before issuing the joint stipulation that is now before the Board.

Responding to queries by the members, Mr. Bailey reported that there are larger homes to the west, north, and south of the subject property, as well as smaller lots to the east, and Attorney Sadowsky expressed that the parties were allowed to negotiate outside of the mediation sessions; and that in this case, County staff and the applicant conferred before presenting a proposal to the magistrate, which he reviewed and approved.

In rebuttal to the opponents' comments, Ms. Hatley maintained that there are lots of various sizes surrounding the property that have existed for many years without having negative impacts on each other; that the proposed minimum lot size is in the median of lot sizes in the area; and that the property has land use entitlements that allow development; whereupon, discussion ensued regarding the following topics, with Mr. Lyon, Attorney White, and Mses. Hatley and Hepp providing input:

- County requirements for streetlights
- Site plan layout
- Allowable uses for the property
- Compatibility of proposed lot sizes with the surrounding area
- Legal standards for legislative hearings

- Development regulations
- Public participation in the mediation process

Responding to a query by Commissioner Seel, Ms. Hepp confirmed that other uses for the subject property, such as short-term vacation rentals, are allowed under both the current and proposed zoning categories, and Commissioner Seel emphasized that there are development options for the land under the category it was purchased.

In response to queries by Commissioners Flowers and Seel, Attorney White indicated that the proposed conditional overlay is limited to dimensional and other changes and cannot accommodate provisions relating to street lighting or site plan, which normally can be made binding through a development agreement; whereupon, Mr. Lyon indicated that the concerns expressed by the residents and the members may be addressed through the site plan process.

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

Aye: 5 - Chair Eggers, Vice-Chair Justice, Commissioner Gerard, Commissioner Long, and Commissioner Peters

Nay: 2 - Commissioner Flowers, and Commissioner Seel

29. Case No. Q ZON-21-04 (1st Clearwater, LLC)

A request for a zoning change from E-1, Employment-1 to C-2, General Commercial and Services on an approximately 0.62-acre portion of a 0.84-acre parcel located at 3877 Ulmerton Road in unincorporated Clearwater.

Resolution No. 21-123 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

A motion was made by Commissioner 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

30. Case No. Q ZON-21-05 (Snug Harbor Lot 1, LLC)

A request for a zoning change from R-4, One, Two, and Three Family Residential to R-5, Urban Residential on approximately 0.26 acre located at the southwest corner of the intersection of Mortola Drive Northeast and Snug Harbor Road Northeast in unincorporated St. Petersburg.

Resolution No. 21-124 adopted approving the zoning change. The Local Planning Agency recommended approval of the request, and staff concurred. One phone call in support of the application has been received. No citizens appeared to be heard.

A motion was made by Commissioner Flowers, 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.** Ordinance amending the Pinellas County Comprehensive Plan, providing for the enactment of a new Property Rights Element in the Comprehensive Plan, including a Goal, Objectives, and Policies to implement Florida House Bill 59 requiring local government adoption of a property rights element into its Comprehensive Plan.

First public hearing held. Staff authorized to transmit the ordinance to the State Department of Economic Opportunity for State agency review prior to a second public hearing before the Board of County Commissioners. The Local Planning Agency recommended approval of the amendment. No correspondence has been received. No citizens appeared to be heard.

In response to a query by Commissioner Seel, Long Range Planning Manager Scott Swearingen indicated that the new property rights element would further the protections for property owners and the neighboring property owners that are already in place in the Comprehensive Plan.

A motion was made by Commissioner Flowers, 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

- 32.** Petition of Joseph M. Becker III and Julie M. Kurmay to vacate a portion of the access, maintenance, utility and drainage easement lying within Lot 39, Block 1, Bonnie Bay Country Club Estates - Phase 5, Plat Book 83, Page 21, lying in Section 31-30-16, Pinellas County, Florida. (Quasi-Judicial Hearing)

Resolution No. 21-125 adopted granting the petition. Letters of no objection have been received from the appropriate parties. Interested property owners have been notified as to the date of the public hearing. Staff indicated no objection to the vacation request. No correspondence has been received. No citizens appeared to be heard.

Responding to a query by Commissioner Gerard, Mr. Lyon related that utility providers and Pinellas County departments had no objections to the petition; and that the same type of vacation request was previously approved for an adjacent property.

A motion was made by Vice-Chair Justice, 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

- 33. Petition of Parkview Animal Hospital, Inc. to vacate that portion of a 16-foot-wide alley lying south of the south right-of-way of 54th Avenue North and lying east of and adjacent to Lot 7, Block 2, Third Section of Lealman Heights, Plat Book 17, Page 8, lying in Section 3-31-16, Pinellas County, Florida. (Legislative Hearing)

Resolution No. 21-126 adopted granting the petition. Letters of no objection were received from the appropriate parties, with exception of Duke Energy, which requested the removal/relocation of existing facilities or an easement. Interested property owners have been notified as to the date of the public hearing. No correspondence has been received.

Upon call by the Chair for public comment, George M. Golden, Jr., St. Petersburg, appeared and stated his concerns regarding accessing his garage that is south of the subject property; whereupon, Attorney White noted that the hearing should have been presented as quasi-judicial, and Mr. Golden was sworn in by a Deputy Clerk.

In response to comments made by Mr. Golden, Mr. Lyon clarified that the portion of the alley being requested for the vacation would allow to conjoin the two properties along 54th Avenue North owned by the applicant; and that neighbors would still be able to access their properties from the east-west or the southern portions of the alley; whereupon, responding to a query by Commissioner Peters, the Chair confirmed that approval of the request is contingent upon the retention of a 16-foot-wide public utility easement over a portion of the vacated area by Duke Energy.

A motion was made by Commissioner Long, 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

ADJOURNMENT - 8:02 P.M.



Charles Johnson

 Chair

ATTEST: KEN BURKE, CLERK

By *Ken Burke*

 Deputy Clerk