Pinellas County

315 Court Street Clearwater, FL 33756



Minutes - Final

Tuesday, June 7, 2022 9:30 A.M.

Hybrid In-Person and Virtual Regular Meeting
5th Floor Assembly Room

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 - 9:34 A.M.

Present: 7 - Chairman Charlie Justice, Vice-Chair Janet C. Long, Dave Eggers, Rene Flowers, Pat Gerard,

Kathleen Peters, and Karen Williams Seel

Others Present: Barry A. Burton, County Administrator; Jewel White, County Attorney; Derelynn Revie,

Board Recorders Manager; and Shirley Westfall, Board Reporter, Deputy Clerk

INVOCATION

PLEDGE OF ALLEGIANCE

PRESENTATIONS AND AWARDS

1. Juneteenth Proclamation:

Clearwater Urban Leadership Coalition

- Gloria Campbell, Executive Director
- Jai Hinson
- Muhammad Abdur Rahim
- Marilyn Turman
- Madra Matthews

Chairman Justice read a proclamation recognizing June 19, 2022 as Juneteenth and discussed the significance of the holiday before inviting Ms. Campbell and her team to the podium; whereupon, Ms. Campbell made brief comments and thanked the Board for the recognition.

- 2. National Waste and Recycling Workers Week Proclamation:
 - Paul Sacco, Director, Solid Waste
 - Earl Gloster, City of Clearwater, Director, Solid Waste/General Service, and Chair of the Solid Waste Technical Management Committee
 - Tracy Meehan, Waste Pro, Communications Director, and member of the Solid Waste Technical Management Committee

Chairman Justice read a proclamation recognizing the week of June 17, 2022 as National Waste and Recycling Workers Week and acknowledged the importance of the work of waste and recycling collectors, material processors, and all others employed in the industry. Messrs. Sacco and Gloster and Ms. Meehan shared brief comments and expressed appreciation for the proclamation.

- **3.** Pride Month Proclamation:
 - Todd Richardson, St. Petersburg Development Director, Equality Florida
 - Tiffany Freisberg, President, St. Pete Pride
 - Nicole Berman, Executive Director, St. Pete Pride

Chairman Justice invited Ms. Berman to the podium and read a proclamation recognizing June 2022 as Pride Month; whereupon, Ms. Berman thanked the Board for its support.

4. Partner Presentation:

Hurricane Season Kickoff

- Joe Borries, Operations Manager, Emergency Management

Referring to a PowerPoint presentation, Mr. Borries provided information regarding the Emergency Management Department's preparation for the upcoming hurricane season and discussed the preparedness messaging going out to the community, updates to the Ready Pinellas mobile application, efforts to improve upon and acquire additional shelter space, and various training exercises and workshops for community partners. He highlighted that the Department recently reviewed all hurricane evacuation zones in the County utilizing data from the National Hurricane Center; that evacuation levels for 47,000 parcels, equaling approximately 10% of all parcels, have been updated; and that affected residents received correspondence informing them of the changes.

Responding to queries by the members, Mr. Borries explained that shelters will adhere to 20 square feet per person in some cases, and 15 square feet per person in more crowded situations; that residents can navigate to the Emergency Management section of the Pinellas County website for a list of shelters, including those that are special needs and pet friendly; that per the aforementioned parcel update, risks associated with hurricanes increased for 6.6% of households and decreased for 2.6%; and that the County informs residents of their evacuation level in a variety of ways and invites citizens to visit storm.pinellascounty.org for more information.

Deviating from the agenda, Chair Justice indicated that Item No. 20 will be heard at this time.

COUNTY ADMINISTRATOR DEPARTMENTS

Safety and Emergency Services

20. Interlocal Agreement to create the Pinellas Regional Information Management Enterprise made up of the Cities of Clearwater, Largo, Pinellas Park, St. Petersburg, and Tarpon Springs as well as the Safety and Emergency Services Department and the Pinellas County Sheriff's Office.

Agreement approved. Pinellas County to pay a not-to-exceed amount of \$9,300,000.00, excluding pro rata costs, of the total \$15,000,000.00 amount for initial system costs; agreement term is five years, with automatic one-year renewals, not to exceed ten years.

City of Clearwater Chief of Police Dan Slaughter provided an overview of the agreement, indicating that following a review of the Parkland school shooting incident, it was realized that there is an efficiency to be gained by having all of the County's emergency services on a singular computer-aided dispatch platform; whereupon, he emphasized the importance of collaboration of the parties.

Responding to gueries by the members, Chief Slaughter highlighted the following topics:

- Work process and public-facing component improvements
- Law enforcement agencies included on the platform
- Funding and cost to the County

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

Aye:

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

PUBLIC HEARINGS

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Countywide Planning Authority

5. Case No. CW 22-09 - City of Largo

Countywide Plan Map amendment from Retail and Services to Public/Semi-Public, regarding 8.36 acres more or less, located at 1199 East Bay Drive.

Ordinance No. 22-17 adopted amending the plan. 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. No citizens appeared to be heard.

A motion was made by Vice-Chair Gerard, 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
- 6. Case No. CW 22-10 City of Largo

Countywide Plan Map amendment from Residential Low Medium, Residential Medium, Retail and Services and Activity Center to Recreation/Open Space and Activity Center, regarding 7.07 acres more or less, located at 375 Seminole Boulevard.

Ordinance No. 22-18 adopted amending the plan. 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. No citizens appeared to be heard.

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. Case No. CW 22-11 - City of Largo

Countywide Plan Map amendment from Activity Center to Activity Center, regarding 3.24 acres more or less, located at 10050 Ulmerton Road.

Ordinance No. 22-19 adopted amending the plan. 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. No citizens appeared to be heard.

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

Aye:

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

BOARD OF COUNTY COMMISSIONERS

8. Ordinance updates to Chapter 14 of the Pinellas County Code relating to animals specifically regarding the retail sale of dogs and cats in Pinellas County.

Ordinance No. 22-20 adopted approving the updates to Chapter 14 of the Pinellas County Code relating to animals. Fifteen emails in support of the proposed ordinance, 80 emails supporting a full retail ban with no grandfathering of existing stores, and 4 emails opposing a retail ban on pet sales have been received.

Animal Services Director Doug Brightwell referred to a PowerPoint presentation and provided information regarding the Department's research of the pet breeding and retail sale industry and regulations pertaining to animal welfare, consumer protections, and actions by local jurisdictions on retail pet sales.

Mr. Brightwell noted that the research was conducted pursuant to the Board's request, following its adoption of a one-year moratorium on the expansion of commercial locations engaged in the retail sale of cats and dogs; that it supports findings by the United States Department of Agriculture's (USDA) Inspector General, highlighting that the USDA is not adequately regulating the dog breeding industry, nor is it effectively safeguarding the health and welfare of the dogs being produced by the industry; that Florida's Pet Lemon Law provides minimal protection for consumers; that there are 76 Florida jurisdictions, as well as 5 states, with full or partial bans on retail pet sales; and that the proposed ordinance would ban any new pet stores opening in the County and grandfather the existing stores with additional regulations, including not allowing expansion or relocation.

Chairman Justice indicated that the Board has the options of taking no action on retail pet sales, limiting any new development in conjunction with a grandfathering clause for existing stores, or a full retail ban; whereupon, in response to queries by the members, Mr. Brightwell noted that the proposed ordinance includes heightened regulations for the existing pet stores, including requiring the point of sale certificates and Official Certificate of Veterinary Inspection (OCVI) for each animal sold to be submitted to the Animal Services Department in a timely fashion, minimum cage requirements for dogs based on their size, and requiring information from the OCVI, along with other medical information, to be posted on the cages in the larger font.

Responding to queries by Commissioner Eggers, Mr. Brightwell explained that regulations regarding the isolation and treatment of sick animals in pet stores already exist; that Florida statutes provide for the reimbursement of certain veterinary bills accrued after the purchase of a pet at a retail store; however, the compensation cannot exceed the price that was paid for the pet; and that he will seek the County Attorney's advice regarding the possibility of increasing the compensation.

Upon call by the Chairman for public comment, the following individuals expressed their concerns, citing the inhumane treatment at puppy mills, health issues and living conditions of puppies purchased at pet stores, overcrowding at animal shelters and rescue groups, and other issues. Certain individuals expressed support of a full retail ban while others expressed support of the grandfathering clause in the proposed ordinance:

Rose Hart, Clearwater Jacqueline Harrington, Largo Nancy Frisco, Clearwater Belinda Blease, Largo Renee Rivard, Cortez

Suzanne Boschen, Clearwater

Suzanne House, Tampa

Myriam Parham, Dade City, representing Florida Voices for Animals

Dara Crystal, Palm Harbor

Pamela Bickett, Largo

Michael Kucan, Clearwater

Kurt Marsh, Holidav

Sunje Schwarz, Holiday

Leah Tiberini, Sarasota

Genevieve Pettyjohn, Seminole

Susan Killanin, Clearwater

Dennis Moore, Largo

Martha Boden, Largo, SPCA Tampa Bay CEO, representing the nonprofit animal welfare leadership of Pinellas County (spoke on behalf of others in attendance)

Anne Marie Cancio, Tampa

Jennifer Hobgood, Tallahassee

Laura Weiss, Bradenton

Gwen Burley, Indialantic

Frank Casali. Clearwater

Nina Perino, Palm Harbor

Laura Pennington, Tampa

Samantha Turetsky, St. Petersburg

Greg Pound, Largo

Austin Cohn, Largo (submitted documents)

Rosaliss Socorro, Largo (submitted documents)

Savannah Finley, Largo (submitted documents)

Kaylin Neilson, Largo

Hahley Love, Plant City

Dan Cohn, Largo (spoke on behalf of others in attendance, submitted documents)

Alexandria Julian, Largo (spoke on behalf of others in attendance, submitted documents)

Amanda Roudebush, Largo

Lorilee Thomas, Whiting, KS

During public comment, Chairman Justice, with input by Commissioner Flowers, noted that the proposed ordinance does not specifically address rabbits or puppy mills.

Meeting Recessed: 12:15 P.M.

Meeting Reconvened: 12:50 P.M.

Responding to queries by Commissioner Seel, Mr. Brightwell noted that pet retail stores are required to buy their animals from USDA licensed breeders; that hobby breeders are subject to minor regulations; and that the proposed ordinance does not apply to hobby breeders; whereupon, lengthy discussion ensued on the following and other topics, with input from Mr. Brightwell and Attorney White:

- Sourcing of the animals sold at pet retail stores
- Regulations of rescue organizations and the purchasing of animals online
- Animal populations at County shelters and Departmental resources for the owners struggling to care for their pet due to behavioral and/or financial issues
- Living conditions and health of animals at pet retail stores
- The number of animals annually sold at pet retail stores and what percentage of them stays in the County
- Information given to consumers when purchasing an animal at a pet retail store

During discussion and in response to queries by the members, Mr. Brightwell clarified that his Department receives 3 to 4 complaints about the pet retail stores each month; that the number of complaints is low compared to the number of sales; that it has been a couple of years since his Department has issued a violation to any of the stores; that Animal Services has the appropriate staffing to enforce the set of regulations in the proposed ordinance; and that the proposed ordinance allows for the suspension or revoking of a store's permit to sell pets pursuant to their failure to correct violations, depending on their severity.

Commissioner Peters related that some rescue organizations in the states where pet retail sales are banned are buying animals for sale and profit, and reiterated her interest in having staff look into whether that occurs locally; whereupon, she opined that a full pet retail ban would facilitate black market activity, void of any animal protection.

Thereupon, in regards to concerns by Commissioner Flowers addressing recent legislation on ordinances that negatively impact the revenue of business entities, Attorney White discussed possible ramifications and the effective date of the related Senate Bill 620, indicating that it has not yet been presented to the Governor to be signed; that other jurisdictions throughout Florida that have passed similar bans on pet retail stores have been exposed to lawsuits, which have largely been abandoned; and that if the Board adopts the ordinance, the County would likely be susceptible to business damage lawsuits.

Responding to queries by the members, Attorney White noted that the proposed ordinance provides for the right of the existing grandfathered stores to transfer, assign, or sell their business with the stipulation that the new ownership maintain compliance with the ordinance; and that the County could be more stringent than State statutes by requiring the stores to pay more than the price of an animal sold in potential veterinary bills incurred by the owner following the purchase.

Commissioner Long recommended that the proposed ordinance include language about a downsize option for the retail stores; whereupon, Commissioner Seel indicated that she was going to move that the proposed ordinance be approved as-is, but will accept a request by Commissioner Long as a friendly amendment. Commissioner Peters seconded the motion, and discussion continued.

Attorney White distributed a copy of the ordinance with the updated language, stating that per the Board's discussion at a recent work session, the update allows for a retail pet store to relocate as long as there is a net reduction in the pet sales aspect of the business; and that in response to comments received from a hobby breeder, the County Attorney's Office recommends adding a clause to exclude hobby breeders from the ordinance's definition of "commercial establishment" to clarify that the regulations set forth do not extend to them, noting that the clause is also included in the updated language; whereupon, Chief Assistant County Attorney Don Crowell provided an overview of the updated language to the ordinance.

Following discussion regarding the legality of including a ban on the retail sale of rabbits in the proposed ordinance in the context of Senate Bill 620, and the definition of a hobby breeder, Commissioners Seel and Peters confirmed that the updated language regarding relocation and hobby breeders are incorporated in the motion and second, and responding to query by Chair Justice, Commissioner Gerard indicated that she favors a complete ban of pet retail stores.

In response to queries by the members, Mr. Brightwell provided clarifying comments regarding the time frame for compensation of veterinary bills following the purchase of an animal at a retail pet store and noted that Animal Services does not have any oversight or authority over rescues that would allow for the regulation of the sourcing of the animals.

Responding to queries by Commissioner Seel, Attorney White related that notices to the public for ordinances include a provision that states that modifications may occur upon input received at the public hearing, however, it is not a guarantee that a modification would not be challenged. Mr. Brightwell noted that there are 12 to 14 stores selling pet rabbits in the County; that Animal Services has never regulated rabbits or had care, cage, food, or veterinary requirements for them; and that the Department would have to determine best practices, veterinary care requirements, and acquire other information if they were to regulate and inspect pet rabbits; whereupon, Attorney White remarked that the Board needs a basis upon which to move forward with a regulatory ordinance, as the action may otherwise appear arbitrary, capricious, and may not look grounded in well-founded research.

A motion was made by Commissioner Seel, seconded by Commissioner Peters, that the proposed ordinance be approved as amended to specify that it does not apply to hobby breeders and to address relocation of pet stores. The motion carried by the following vote:

Aye:

- 6 Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers,
 Commissioner Peters, and Commissioner Seel
- Nay: 1 Commissioner Gerard

CITIZENS TO BE HEARD

9. Citizens To Be Heard - Public Comment

David Ballard Geddis, Jr., Palm Harbor Greg Pound, Largo

CONSENT AGENDA - Items 10 through 17

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

Ave:

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

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

10. Minutes of the in-person and virtual meetings held April 7 and 12, 2022.

This item was approved as part of the Consent Agenda

11. Vouchers and bills paid from May 1 through May 14, 2022.

Period May 1 - 7, 2022

Accounts Payable - \$45,212,083.66 Payroll - None

Period May 8 - 14, 2022

Accounts Payable - \$17,949,163.22

Payroll - \$4,042,851.81

This item was approved as part of the Consent Agenda

Reports received for filing:

12. Dock Fee Report for the month of April 2022.

This item was approved as part of the Consent Agenda

Miscellaneous items received for filing:

13. Juvenile Welfare Board Quarterly Financial Statements for the period ended March 31, 2022.

This item was approved as part of the Consent Agenda

14. City of Safety Harbor Community Redevelopment Agency Annual Report for Fiscal Year 2020-2021.

This item was approved as part of the Consent Agenda

COUNTY ADMINISTRATOR DEPARTMENTS

Development Review Services

15. Plat of Jullee Estates; a private residential subdivision.

This item was approved as part of the Consent Agenda

Public Works

16. Ratification of the Board of County Commissioners' approval of the April 12, 2022 Road Transfer Interlocal Agreement and Assignment of Easements and Right-of-Way with the City of Largo for transfer of specific roadway segments.

(PID. No. 005076A) Approval of agreement ratified. Original agreement approved with missing pages; complete ratified agreement to be re-recorded in the Official Record. This item was approved as part of the Consent Agenda

Utilities

17. Award of bid to Envirowaste Services Group, Inc. for domestic wastewater pumping and tankering services during emergency and non-emergency events.

Contract No. 22-0073-B awarded in the amount of \$4,837,500.00 for a sixty-month duration on the basis of being the lowest responsive, responsible bid received meeting specifications. The contract replaces the current contract expiring on September 13, 2022.

This item was approved as part of the Consent Agenda

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

COUNTY ADMINISTRATOR DEPARTMENTS

Airport

18. Airport Service Contract with the United States Coast Guard at the St. Pete-Clearwater International Airport for airfield operating expenses and aircraft rescue and firefighting services for the Coast Guard Air Station Clearwater.

Contract for reimbursement approved; total reimbursement to the Airport over a five-year contract term is \$2,995,273.80, which includes an annual 4% adjustment. Contract is effective June 1, 2022 through May 31, 2027.

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:

Human Services

19. Appointment to the Opioid Abatement Funding Advisory Board.

Appointment of Karen Yatchum, Director of Human Services, to the Opioid Abatement Funding Advisory Board approved for two-year term.

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

Aye:

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

Safety and Emergency Services

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Emergency Medical Services Authority

- 21. Appointments to the Emergency Medical Services Advisory Council.

 Sitting as the Emergency Medical Services Authority, the Board approved the following appointments/reappointments for terms ending in May 2024:
 - Reappointment of Mayor Woody Brown as a Mayors' Council representative
 - Reappointment of Mayor Sandra Bradbury as a Mayors' Council representative
 - Appointment of Mayor Dave Gattis as a Mayors' Council representative
 - Appointment of Mayor Dan Saracki as a Mayors' Council representative

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

Aye:

- 7 Chairman Justice, Vice-Chair Long, Commissioner Eggers, Commissioner Flowers,
 Commissioner Gerard, Commissioner Peters, and Commissioner Seel
- **22.** Issuance and renewal of Certificates of Public Convenience and Necessity for non-medical wheelchair transport and stretcher van providers.

Sitting as the Emergency Medical Services Authority, certificates renewed and issued to 12 providers as set forth in the Staff Report and in accordance with Pinellas County Code Section 54. Seven of the 12 providers have applied to render both wheelchair and stretcher services. Certificates will expire on June 30, 2023.

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

Aye:

Human Resources

23. Third Amendment to the Agreement with Willis Towers Watson US LLC for benefits consulting services.

(Contract No. 178-0396-P) Amendment approved increasing the contract amount by \$675,000.00 for a revised not-to-exceed total of \$2,050,000.00 (annual amount of \$410,000.00).

Responding to comments and queries by Commissioners Seel and Eggers, Human Resources Director Kimberly Crum provided the following information:

- There were a number of special services included in the contract when it was negotiated in 2019; the third amendment addresses special services which were not budgeted for in the contract.
- Pharmacy services are good for five years and will not need to be placed out for bid at this time
- The County's benefits package was benchmarked against 11 jurisdictions last year and was deemed the top package.
- The Benefits Advisory Committee has been meeting regularly to identify recommendations with the goal of ensuring that the benefits plan includes options for all employees.

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:

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

Nay:

2 - Chairman Justice, and Commissioner Eggers

COUNTY ATTORNEY

24. Proposed initiation of litigation in the case of Leanne Brandfass v. Imperial Cove Condominium X Association, Inc.; HUD Case No. 04-22-8540-8; PC Case No. 21-049 - 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:

25. County Attorney Reports.

Assistant County Attorney Don Crowell reported that the County Attorney's Office voluntarily dismissed with prejudice the lawsuit filed on behalf of the County Commission in Leon County, due to the lack of any real possibility of receiving any type of relief; and that the related lawsuit filed by the Pinellas County Clerk of the Circuit Court and Comptroller against the County has also been dismissed; whereupon, Chairman Justice provided input.

26. County Administrator Reports. - None.

COUNTY COMMISSION

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

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

Commissioner Eggers

- East Lake Road Corridor Study public information meeting
- 26th Annual John Morroni Law Enforcement and First Responder Appreciation Dinner
- Memorial Day services at Curlew Hills Memory Gardens and at the City of Tarpon Springs

Commissioner Justice

ADJOURNMENT - 2:02 P.M.

- City of Oldsmar Memorial Day ceremony
- 26th Annual John Morroni Law Enforcement and First Responder Appreciation Dinner
- Hurricane Expo at the Lealman Exchange
- Grocery giveaway on June 10 at England Brothers Park in Pinellas Park

	Chair	
ATTEST: KEN BURKE, CLERK		
By Deputy Clerk		