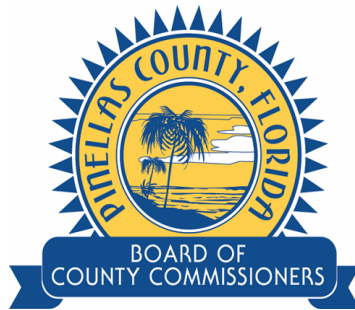


Pinellas County

*315 Court Street, 5th Floor Assembly Room
Clearwater, Florida 33756*



Minutes - Final

Thursday, February 2, 2017

1:30 PM

Joint Session with the Pinellas County Legislative Delegation

4th Floor Clerk's Conference Room

Board of County Commissioners

*Janet C. Long, Chairman
Kenneth T. Welch, Vice-Chairman
Dave Eggers
Pat Gerard
Charlie Justice
John Morroni
Karen Williams Seel*

ROLL CALL - 1:34 P.M.

Members Present:

Board of County Commissioners (BCC) - Janet C. Long, Chairman; Kenneth T. Welch, Vice-Chairman; Dave Eggers; Pat Gerard; Charlie Justice; and Karen Williams Seel.

Pinellas County Legislative Delegation - Representative Chris Latvala, Chairman; Senator Darryl Rouson, Vice-Chairman*; Representative Larry Ahern*; Senator Jeff Brandes*; Representative Ben Diamond; Representative James Grant*; Senator Jack Latvala*; Representative Wengay Newton*; Representative Kathleen Peters; and Representative Chris Sprowls.

Not Present: Commissioner John Morroni.

Also Present: James L. Bennett, County Attorney; Mark S. Woodard, County Administrator; other interested individuals; and Lynn M. Abbott, Board Reporter, Deputy Clerk. Minutes by Helen Groves.

* Late arrival

1. Welcome

BCC Chairman Long and Legislative Delegation Chairman Chris Latvala welcomed those present, noting that some members have been delayed due to traffic; whereupon, Mr. Woodard discussed the agenda and welcomed the Constitutional Officers in attendance.

2. Mental/Behavioral Health Update

Stating that mental health and drug addiction are the most severe problems the country and state are facing, Representative Peters provided an overview of steps the State has taken to address the issues. She discussed Senate Bill 12, indicating that it aligns the Marchman Act and the Baker Act, reducing fees and making the process more user-friendly; and that many Florida counties do not have a Marchman facility and little Marchman data is available.

Later in the meeting, Clerk of the Circuit Court and Comptroller Ken Burke reported that he had checked with his staff, and that 2,631 Baker Act and 50 Marchman Act cases were filed in Pinellas County in 2016, and neither involved filing fees.

Representative Peters indicated that Senate Bill 12 requires each county to have a central receiving center and a transportation plan by July of 2017. She related that her focus this year is to (1) maximize revenue by using the money already being spent in the system as a match to hopefully bring in several hundred million more federal dollars,

possibly by a Medicaid 1115 waiver and (2) transfer the program to the Department of Children and Families (DCF) to administer, probably along the lines of the Healthy Start model.

In response to queries by Commissioners Seel and Welch, Representative Peters indicated that \$20 million is in the budget this year for the construction of central receiving facilities, although only three counties received the funding; and that she is anticipating that additional funding will be included in the next budget, pointing out that a 50-percent match is required. She related that a central receiving facility can be used for both Baker and Marchman Act cases and for both mental and behavioral health, which would include addiction, noting that a Marchman facility does not require a psychiatrist; that Pinellas County does not have a receiving facility and currently uses a distributive network; and that she understands that the Pinellas County 2-1-1 system is not considered a good communication system, commenting that Hillsborough County uses an elective transportation plan.

Director of Human Services Lourdes Benedict conducted a PowerPoint presentation titled *Behavioral Health Pilot*, which has been made a part of the record, and provided an overview of the one-year program, stating that it was developed with many community stakeholders, and an agreement was signed in May of 2016; that the BCC contributed \$964,000 to the project; and that its purpose is to find solutions to meet the needs of the community and reduce the number of times a "high utilizer" draws on the services of a Crisis Stabilization Unit, the jail, and hospital emergency rooms. She discussed the current situation of the 33 high utilizers in the project, noting that none have dropped out of the voluntary program; described the work done to integrate behavioral health with physical health and to provide housing; and presented the interim findings of the program; whereupon, she stated that the Sheriff's Office has reported that the pilot program has resulted in fewer arrests of the high users and the severity of the arrests has lessened.

In response to query by Commissioner Welch, Ms. Benedict indicated that most of the high utilizers are male, the average age is 33, and none are veterans. She related that Human Services has received over \$14 million in grants within the last three years, and discussion ensued with Representative Latvala providing input.

Thereupon, Representative Peters stated that no matter how many laws are passed, success is not possible until the addiction and mental health problems are dealt with.

3. Follow up from Wastewater/Stormwater Task Force
 - Private lateral replacement partnership
 - Private sewer systems

Mr. Woodard indicated that following the sewer spills resulting from the heavy rainfall last year, a Wastewater/Stormwater Task Force was assembled, comprised of elected officials and representatives from all the utilities within Pinellas County, as well as a technical working group comprised primarily of staff and subject matter experts. He indicated that the technical group was charged with drawing up an initial action plan

within 90 days; whereupon, he provided an overview of a series of slides from the PowerPoint presentation titled *Wastewater/Stormwater Task Force Initial Action Plan* conducted at the St. Petersburg College Digitorium on January 30.

Mr. Woodard indicated that a sewer spill is not only about the condition of the sewer system, but involves the interplay of stormwater infiltrating and flowing into the sewer system, causing an overcapacity issue; that the Pinellas County system is complicated and under multiple jurisdictions; and that there are 15 public and three private sewer systems serving almost one million people, with 3,646 miles of pipe and 14 wastewater treatment plants.

Mr. Woodard presented the Initial Action Plan as follows:

1. Inflow and Infiltration Studies (May 2017 - September 2018)
2. Address System Hydraulic Bottlenecks (April 2017 - April 2018)
3. Rehabilitation/Replacement Programs for Aging Infrastructure (January 2017 - September 2018)
4. Stormwater Drainage Improvements (March 2017 - September 2018)
5. Resource Sharing/Maximization (January 2017 - March 2018)
6. Develop Public Dialogue Program (February - April 2017)
7. Develop Legislation, Regulations, Local Ordinances (January - December 2017)

Mr. Woodard indicated that private lateral piping is between 20 and 70 percent of the inflow and infiltration problem; that replacing the lateral would cost the homeowner about \$4,000 to \$6,000; and that the County and the municipalities will be looking for ways to fund incentives for private citizens and businesses to replace or repair the laterals and would be expecting the Legislature to make some State funding available.

Public Works Director Rahim Harji indicated that one of the challenges is gaining authority to go on private property to inspect the laterals; and that perhaps some guidance would be provided from the State level, and discussion ensued with Senator Brandes suggesting conducting smoke tests to identify the individual properties. Representative Ahern concurred, noting that many citizens might not know that they are contributing to the problem and, if identified, would voluntarily take care of it. Chairman Long commented that citizens need to be educated about the problem.

Representative Newton commented that he grew up in the City of St. Petersburg and Pinellas County; that heavy rain events have occurred throughout the years and are not rare; and that until the recent sewage dump, there has been no mention of a problem with the private laterals; whereupon, he stated that City and County leaders are aware

that there is an issue, but continue to allow massive, sometimes 40-story-high, buildings to be erected on old infrastructure, intending to worry later about capacity and other problems they are causing. Chairman Long disagreed that the leaders are ignoring the problem and, at her request, Mr. Woodard related that the ability to provide water, sewer, and other services is addressed during the site plan process in the County and probably in the cities.

Noting that it is rare to have the Senators in attendance and expressing appreciation for their presence, Commissioner Welch questioned whether local governments would have the legal authority to make a public investment on behalf of a private property owner. Attorney Bennett provided input, advising that public investment would need to stay on the public side of a property, and discussion ensued regarding what would constitute the dividing line; whereupon, Commissioner Justice stated that there is precedent for the State having a grant program to help people harden or improve their homes for the public benefit.

Thereupon, Representative Peters cautioned that the BCC should not enact an ordinance that would be punitive to the homeowners. She stated that she has thoroughly researched the matter, and the data does not support the claim that private laterals are 70 percent of the problem, but does show that the problem is usually uncapped pipes that can be plugged very inexpensively, and Mr. Woodard concurred, noting that the County has already begun an educational campaign to advise people about the problem.

Representative Latvala suggested that the Penny for Pinellas ordinance be changed so that Penny money can be used for the sewage system and other infrastructure, and discussion ensued wherein Senator Latvala recommended that individual interlocal agreements be used for the new Penny; and that the BCC strongly recommend that the cities use a portion of the money they receive to address the sewer problems; whereupon, Representative Newton and Commissioner Welch provided information about how St. Petersburg plans to spend its portion of the Penny money.

Commissioner Seel related that the BCC recently ruled that in the Community Redevelopment Areas that exist within Pinellas County, the cities' portion of the tax increment can be used to finance sewer systems.

Representative Peters expressed concern that a developed county such as Pinellas should have so many septic tanks and asked that the County provide information regarding how it plans to solve the problem; whereupon, she related that she is working on a comprehensive wastewater bill.

Representative Newton referenced the Stormwater Management Fee that brings in \$12 million dollars annually in St. Petersburg, and suggested that it be used for the private lateral replacement issue. He commented that unless the fees are just being used to collect money for the government, the ones paying the tax should be able to use the funds to correct the problem. During discussion, Mr. Woodard confirmed that 16 of the

24 cities collect a stormwater fee. Commissioner Gerard cautioned that wastewater and stormwater are two different systems, and discussion ensued regarding the legality of commingling Enterprise funds. At the request of Mr. Woodard, Utilities Engineering Director Kevin Becotte discussed possible legislative changes to allow inspection of private sewer facilities. Commissioner Gerard explained how the City of Largo handles the issue of private collection systems, and Representative Sprowls suggested simply asking for permission to enter a property.

Representative Grant indicated that in order for the Delegation to work with the entities to solve the problem, it would need more information; whereupon, Chairman Long agreed to provide the names of the entities collecting a stormwater fee, how much has been collected, and how it has been used.

(Senator Brandes left the meeting at 2:38 P.M.)

4. Local Bill Discussion
- Vacation Rentals
 - Pinellas County Construction Licensing Board

Representative Latvala related that action had been taken on both items at the Delegation meeting on Tuesday.

Vacation Rentals

Representative Latvala reported that the Delegation has approved the vacation rentals bill for Redington Beach, but the vote was not unanimous and the issue was contentious; whereupon, in response to a comment by Chairman Long that it is a countywide problem, Representative Peters indicated that the bill was carved out strictly for Redington Beach, and a repealer bill is circulating.

Pinellas County Construction Licensing Board

Senator Latvala indicated that the Delegation has agreed that the responsibilities of the Construction Licensing Board will not be turned over to the County; that legislating based on a few newspaper articles is not the way to do business; that the Board has been in place for 43 years with minimal problems and the cities have a vested interest in it; and that a lot of people in the construction industry do not believe the County appropriately handles the responsibility they already have regarding building permits for construction. He indicated that a local bill requires unanimous consent of the local Senators, and while he has not exercised that veto power in the 15 years he has served, the dramatic fix presented by the BCC is not the right solution; whereupon, the Senator related that he, Representative Ahern, and Senator Brandes were appointed to meet with the County to get suggestions on how to improve the Licensing Board by putting in place the right people, procedures, and oversight.

Representative Sprowls indicated that he and Attorney Bennett have conferred on the matter and agree that different rules apply to local bills, and in this case, substantial

changes would require re-notice and would be contingent upon a referendum.

Senator Rouson related that he had indicated before the vote was taken that he likes the suggestions put forward by Mr. Woodard; and that he voted for Representative Ahern's bill with the understanding that the amendatory process would be used to make a good idea better, and discussion ensued.

State Attorney Bernie McCabe stated that after reading the first series of newspaper articles, he had looked into the Construction Licensing Board, and agrees with Senator Latvala that the entity itself is not broken, and only a small part needs to be fixed. He indicated that he had been prepared to do a more detailed investigation, but does not think it is necessary now; whereupon, he advised making some minor changes and letting the matter "simmer" for a year to see what happens.

Commissioner Justice stated that the BCC is not looking to take over anything; that because of the name, people think it is part of County Government and the Commissioners have received complaints; and that the bottom line is that the BCC wants the Licensing Board to be more accountable and transparent and to take care of the citizens; whereupon, Senator Latvala thanked the Commissioner for his decision to cease rubberstamping the Licensing Board appointments and to bring the matter to the attention of the Delegation.

Representative Diamond echoed the comments of Senator Rouson, and suggested that the Delegation clarify its rules regarding the local bill process so that input can be gathered timely in order not to delay the matter for another year.

Representative Newton provided input, and suggested that the Chairman of the Licensing Board be required to make an annual report to the County Commission. Commissioner Seel concurred, and suggested that a relationship with the County's Consumer Protection Agency be established, with the Agency having a seat on the Licensing Board or otherwise being invited to the table. Attorney Bennett provided input, and Representative Ahern pointed out that the bill must be published by February 5.

Miscellaneous

Stating that he must leave the meeting early, Clerk Burke announced that Bryce Schoenherr, a student from Palm Harbor High School and the son of the new Pinellas County Human Resources Director, is shadowing him today and will write an article on today's meeting for the school newspaper; whereupon, in collaboration with State Attorney McCabe and looking to the future, Clerk Burke presented the Delegation with a nameplate reading GOVERNOR JACK LATVALA.

5. Appropriations Requests
 - Veterans Memorial Reef
 - Community Center in Lealman

Veterans Memorial Reef

Mr. Woodard indicated that the proposal is for the County and the State to collaborate on the funding and expansion of the existing Veterans Reef to create a veterans memorial that would have sunken military statuaries. Representative Latvala confirmed that the appropriation request would be filed; whereupon, Representative Peters related that she has already filed a request.

Community Center in Lealman

Mr. Woodard indicated that the BCC is very vested in Lealman and has created a Community Redevelopment Area there, the first ever in an unincorporated area of Pinellas County; and that the Commission is requesting that the Delegation make money available for a community center, with the County as a funding partner; whereupon, Senator Latvala stated that he would be supportive of the request with the caveat that it be named after the late Ray Neri, and no objections were noted.

6. Overview of County's Legislative Program

Intergovernmental Liaison Mary Scott Hardwick referenced a document titled *Pinellas County Board of County Commissioners - 2017 Legislative Program*, a copy of which has been made a part of the record, and reviewed the following issues:

PRIORITY ISSUES

Beach Nourishment

Ms. Hardwick expressed appreciation that the Governor's proposed budget shows a high level of funding for beach nourishment, and related that the issue remains a County priority.

Mosquito Control Funding

Ms. Hardwick stated that with Zika and other mosquito-borne illnesses becoming prevalent, federal, state, and local governments need to work together to ensure all needed assets are available, as they did during this last mosquito season.

Vehicles for Hire

Ms. Hardwick indicated that the County supports the statewide regulation of vehicles for hire, in particular the bills filed by Representatives Sprowls and Grant.

Local Tax Referenda

Ms. Hardwick expressed concern regarding a recent bill filed in the open House and Senate that would require local governments to place tax referendums on the ballot in November of even-numbered years, noting that it is important to retain local control, as

the Penny for Pinellas referendum is currently scheduled for November of 2017.

Regional Transportation

Ms. Hardwick requested support for regional transportation coordination, including funding for a study of the best regional models.

APPROPRIATIONS

Ms. Hardwick discussed two appropriation requests: Lake Seminole dredging and a small business incubator in the City of St. Petersburg. In response to query by Senator Latvala, Representative Latvala confirmed that bills for the two projects will be filed.

In response to queries by Chairman Long, the Delegation reviewed the status of the Tierra Verde Canal Dredging and Anclote River Basin projects.

7. Open Discussion

Chairman Long thanked the Delegation for its support of transportation, especially the regional aspect. She reported that Jeffery Vinik, the owner of the Tampa Bay Lightning, was in the Commission chambers this morning and heard the presentation on the County-owned Airco property located off Ulmerton Road and the possibilities for redevelopment.

Commissioner Justice thanked the Delegation, especially Senator Latvala, for supporting the Lealman community.

Commissioner Eggers expressed his lingering concern regarding the Construction Licensing Board; whereupon, Senator Latvala indicated that some changes have already been made. Representative Grant indicated that the minor changes planned may prevent having to make a wholesale change that could involve the need for multiple interlocal agreements, construction contractors having to register in 24 different municipalities, and other unintended consequences.

8. Public Comment

No one appeared in response to the Chairman's call for citizens wishing to be heard.

ADJOURNMENT - 3:10 P.M.