

Pinellas County

*315 Court Street
Clearwater, Florida 33756*



Minutes - Final

Tuesday, April 23, 2019

2:00 PM

Public Hearings at 6:00 PM

BCC Assembly Room

Board of County Commissioners

Karen Williams Seel, Chair

Pat Gerard, Vice-Chair

Dave Eggers

Charlie Justice

Janet C. Long

Kathleen Peters

Kenneth T. Welch

ROLL CALL - 2:01 P.M.

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

Others Present: Barry A. Burton, County Administrator; Jewel White, County Attorney; Clarethia N. Harris, Chief Deputy Clerk; and Chris Bartlett, Board Reporter, Deputy Clerk

INVOCATION by Reverend Watson Haynes II, Pinellas County Urban League, St. Petersburg.**PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS**

1. Employee Appreciation Week Proclamation:
 - Kara Crabtree, Animal Services
 - Angela Greene, Human Services
 - Hazel Lane, Human Services
 - Bruno Rivera, Marketing & Communications
 - Jonathan Skinner, Parks & Conservation Resources
 - Michael Schoderbock, Planning
 - Casey Morse, Public Works
 - Melissa Perez, Real Estate Management
 - Lori Collins, Safety & Emergency Services
 - Billy Washington, Utilities

Chair Seel invited County employees representing various departments to the podium. She asked them to introduce themselves, and read a proclamation recognizing the week of May 5 through 11, 2019 as Public Service Recognition Week; whereupon, she provided brief comments and a video was shown highlighting the services they provide.

2. National Arbor Day Proclamation:
 - Public Works - Stormwater and Vegetation Division
 - Michael P. DePappa, Section Manager
 - Jamie Frank, Operations Manager
 - Dave Hinrichs, Operations Manager
 - Carolyn Cheatham Rhodes, Urban Forester
 - John Martinotti, Crew Chief 2
 - Matt Hill, Tree Trimmer
 - Development Review Services
 - Carol Purchell, Environmental Program Manager 2
 - Mike Riley, Environmental Specialist 2
 - Jackie Hartley, Environmental Specialist 1
 - Lori Messenger, Environmental Specialist 1
 - Jerry Irizarry, Environmental Specialist 1

Chair Seel invited employees present from the Public Works and Development Review Services Departments to join her at the podium and asked them to introduce themselves; whereupon, she read a proclamation recognizing the 147th anniversary of Arbor Day. Ms. Rhodes spoke about the expertise of Urban Forestry and Landscape Services staff and described their duties, and presented each Commissioner with a pine tree sapling and gift bag to encourage tree planting.

3. Mental Health Awareness Month Proclamation:
- National Alliance on Mental Illness, Pinellas County

Chair Seel invited Ann Rogers and Denise Whitfield, NAMI Pinellas Executive Board President and Executive Director, respectively, to the podium and read a proclamation recognizing May 2019 as National Mental Health Awareness Month. They were joined by representatives from various mental health partners, and Ms. Whitfield spoke about the importance of mental health awareness.

4. Partner Presentation:
- Ed Sherwood, Executive Director, Tampa Bay Estuary Program

Mr. Sherwood referred to a PowerPoint presentation titled *2019 Program Update Pinellas County B.O.C.C.* and provided an update on the program, including the following:

- Mission and Comprehensive Plan themes
- Program funding sources
- Active projects
- Tampa Bay Nitrogen Management Consortium
- Public-private partnerships
- Tampa Bay Estuary license plate
- Give a Day for Tampa Bay workdays

In response to query by Commissioner Eggers, Mr. Sherwood discussed efforts to improve tidal flow and circulation near the causeways. Commissioner Justice called the estuary program one of the best examples of regional cooperation in Tampa Bay.

5. Partner Presentation:
- #PurePinellas by Commissioner Justice

Commissioner Justice related that the #PurePinellas portion of the meeting focuses on the unique quality of life in the county. He introduced Iain Donaldson, Piping Director for the City of Dunedin, who played a selection on the bagpipes. Following the performance, Mr. Donaldson provided background information on the Scottish heritage of Dunedin, spoke about teaching bagpipe lessons in the City's public schools, and briefly discussed how to operate the bagpipes; whereupon, Commissioner Eggers indicated that Mr. Donaldson is one of the top bagpipe instructors in the country.

CONSENT AGENDA - Items 6 through 26

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

Aye: 6 - Chair Seel, Vice-Chair Gerard, Commissioner Eggers, Commissioner Long, Commissioner Peters, and Commissioner Welch

Absent: 1 - Commissioner Justice

CLERK OF THE CIRCUIT COURT AND COMPTROLLER

6. Minutes of the regular meeting held March 12, 2019.
7. Vouchers and bills paid from March 10 through March 23, 2019.

Period: March 10 through March 16, 2019

Accounts Payable - \$25,529,904.26

Payroll - None

Period: March 17 through March 23, 2019

Accounts Payable - \$7,475,081.13

Payroll - \$3,661,205.39

Reports received for filing:

8. Pinellas County Comprehensive Annual Financial Report, Annual Financial Report, and Citizens' Guide to County Finances for the Fiscal Year ended September 30, 2018.
9. Division of Inspector General, Clerk of the Circuit Court and Comptroller, Annual Report for the year ending December 31, 2018.

Commissioner Welch commented on Agenda Items 10 through 13, commending the format and detail of the Safety Harbor financial presentation and inquiring whether other municipalities could be encouraged to follow the model; whereupon, Chair Seel suggested sending the cities a template to follow, and Commissioner Long requested an update on all the CRAs, and discussion ensued.

10. City of Dunedin Community Redevelopment Agency Annual Report for Fiscal Year 2017-2018.
11. City of Largo Community Redevelopment Agency Annual Report for Fiscal Year 2017-2018.

12. City of Oldsmar Community Redevelopment Agency Annual Report for Fiscal Year 2018-2019.
13. City of Safety Harbor Community Redevelopment Agency Annual Report for Fiscal Year 2017-2018.

Miscellaneous items received for filing:

14. Florida Department of State, Division of Historical Resources, notification of official listing of Cycadia Cemetery in the National Register of Historic Places.
15. City of Clearwater Ordinances Nos. 9229-19 and 9232-19 adopted March 7, 2019, annexing certain properties.
16. City of Seminole Notice of Ordinance Enactment and Public Hearing to be held April 23, 2019, re proposed Ordinance No. 03-2019 annexing certain property.

COUNTY ADMINISTRATOR DEPARTMENTS

County Administrator

17. Receipt and file report of non-procurement items delegated to the County Administrator for the period ending March 31, 2019.
18. Receipt and file report of purchasing items delegated to the County Administrator for the quarter ending March 31, 2019.

Purchasing

19. Authority to advertise a proposed modification to the Pinellas County Code related to purchasing.
Authority granted to advertise a public hearing to be held on May 7, 2019.

COUNTY ATTORNEY

20. Notice of new lawsuit and defense of the same by the County Attorney in the case of James A. Latiolais, Jr. v. Pinellas County, Community Development and Planning Department; Circuit Civil Case No. 18-006909-CI - action for injunctive relief.
21. Notice of new lawsuit and defense of the same by the County Attorney in the case of Blevins Road Boring, Inc. v. Pinellas County; Circuit Civil Case No. 19-000932-CI-20 - allegations of damage as a result of negligence.

22. Notice of new lawsuit and defense of the same by the County Attorney in the case of Mia Sindt v. Pinellas County; Circuit Civil Case No. 19-001021-CI-8 - allegations of negligence resulting in personal injuries.
23. Notice of new lawsuit and defense of the same by the County Attorney in the case of Susan Maliner-Colvin v. Pinellas County; Circuit Civil Case No. 18-001085-CI-7 - alleged breach of contract.
24. Notice of new lawsuit and defense of the same by the County Attorney in the case of Janet Flanagan v. Pinellas County; Circuit Civil Case No. 19-001967-CI-21 - allegations of negligence resulting in personal injuries.

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Sheriff's Office

25. Receipt and file report on the Law Enforcement Trust Fund for the quarter ending March 31, 2019.
26. Receipt and file report of Sheriff's Office grants received and service contracts for the quarter ending March 31, 2019.

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

COUNTY ADMINISTRATOR DEPARTMENTS

Airport

27. Change Order No.2 to the contract with Walbridge Aldinger, LLC for the Customs and Border Protection Improvement project at the St. Pete-Clearwater International Airport.
(Contract No. 178-0305-CP; PID No. 002878A) Change Order approved increasing the contract amount by \$345,297.53 for a revised total of \$7,057,784.53 and extending the term by 62 consecutive calendar days.

Responding to query by Commissioner Eggers, Mr. Burton related that the increase relates to work that was added after the contract was issued.

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

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

Planning

- 28.** Resolution adopting the Linking Lealman Action Plan implementing mobility and complete streets.

Resolution No. 19-18 adopted authorizing projects identified in the plan to be reviewed for implementation through the Capital Improvements Program and other potential funding sources.

In response to query by Commissioner Welch regarding the potential realignment of 54th Avenue, Mr. Burton explained that no final decision has been made; and that it will be discussed as part of a public process; whereupon, at the request of Chair Seel, Jared Schneider, Kimley-Horn and Associates, Inc., conducted a PowerPoint presentation titled *Mobility and Complete Streets Implementation Plan*.

Mr. Schneider related that resident feedback was utilized to devise prioritization criteria; and that the plan focuses on projects that can be implemented in the near future to address issues of concern such as the lack of sidewalks and street lighting, and needed crossing and intersection improvements. He reported that there have been 19 fatalities in the community during the five year period from 2012 to 2017.

In response to queries by Commissioners Welch and Eggers, Mr. Schneider discussed funding issues, and Assistant to the County Administrator Chris Moore provided input.

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

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

Real Estate Management

- 29.** Resolution reserving parcel number 20-30-15-27468-002-0031, an escheated property in the ownership of the County, instead of transferring it to the City of Seminole.

Resolution No. 19-19 adopted retaining ownership of the parcel as surplus property. Clerk authorized to attest and record.

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

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

COUNTY ADMINISTRATOR

30. County Administrator Miscellaneous.

Mr. Burton introduced Jill Silverboard, indicating that she will be joining his staff in the role of Deputy Assistant County Administrator/Chief of Staff, and new Veterans Services Director Zeffery Mims; whereupon, he provided a brief update relating to the implementation of improvements to the Small Business Enterprise program.

COUNTY ATTORNEY

31. County Attorney Miscellaneous - None.

COUNTY ADMINISTRATOR REPORTS

32. County Administrator Reports - None.

CITIZENS TO BE HEARD

33. Public Comment.

JoAn Totty, Palm Harbor, re dog leash law

Randy Lovelace, Clearwater, re Clearwater Housing Authority waiting list

Linda McDowell, Seminole, re Baypointe property - spoke on behalf of others in attendance (displayed photographs)

Ken Renoux, Seminole, re Baypointe Golf Course

Lenore Faulkner, Madeira Beach, re 100% success all Pinellas students

David Ballard Geddis, Jr., Palm Harbor, re Statute 95.11 (submitted document)

Greg Pound, Largo, re truth

Mr. Burton commented and responded to queries by the members regarding the Baypointe Golf Course property, and Attorney White provided input.

COUNTY COMMISSION

34. Resolution clarifying the delegated authority of the Human Resources Director to act as Plan Administrator of the Board of County Commissioners sponsored employee benefit plans.

Resolution No. 19-20 adopted superseding Resolution 18-90, removing reference to the Benefits Advisory Committee per consensus reached by the Appointing Authorities.

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

35. Reappointment to the Local Planning Agency (Board of County Commissioners as a whole).

Valerie Hibbard reappointed as an alternate member for a four-year term.

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

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

36. County Commission New Business Items - None.

37. County Commission Board Reports and Miscellaneous Items.

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

Commissioner Welch

- Business Technology Services Board
- 2020 Census
- Earth Day celebration

Commissioner Peters

- Tampa Bay Water Board
- Marchman Act receiving facilities in nearby counties; Pinellas Domiciliary

Commissioner Justice

- Stormwater/Wastewater Task Force, Gulf Consortium
- April 12 Farm Share event
- Feeding Tampa Bay's Cereal for Summer program

Commissioner Gerard

- CareerSource Pinellas Board, Youth Advisory Committee
- Meeting in Greater Ridgecrest regarding annexation concerns
- Department of Agriculture national sustainability conference

Commissioner Eggers

- Forward Pinellas Board, Community Veterans Engagement Board, Tampa Bay Water Board
- North County Relay for Life, Palm Harbor Spring Fling
- Memorial Day ceremony at Bay Pines National Cemetery in St. Petersburg
- Groundbreaking for the Toronto Blue Jays spring training stadium in Dunedin
- Ozona Village Improvement Society meeting
- Employee Appreciation Day activities
- County Administrator's new agenda briefing format

Commissioner Long

- Tampa Bay Area Regional Transit Authority Board, Largo Medical Center Board of Trustees
- Florida Association of Counties, National Association of Counties
- Tampa Bay Regional Resiliency Coalition Summit

Chair Seel

- UNITE Pinellas meeting
- Administrative Professionals Day

Meeting Recessed: 4:27 P.M.

Meeting Reconvened: 5:59 P.M.

PUBLIC HEARINGS

Public hearing items Nos. 39 through 42 have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

BOARD OF COUNTY COMMISSIONERS

- 38.** Release of public road right-of-way, as recorded in Official Record Book 18037, Page 1170, by General Release, and reservation of a drainage, utility, and sidewalk easement over the property. (Legislative Hearing)

Mr. Burton stated that the item was not properly noticed to the public; and that staff is requesting that the hearing be deferred to a future meeting of the Board.

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

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

39. Petition of Pinellas Affordable Living, Inc. to vacate that certain 16-foot alley lying between Lots 3 through 28, Block B, Central Park Subdivision, Plat Book 12, Page 87, lying in Section 31-30-16, Pinellas County, Florida. (Legislative Hearing)

Resolution No. 19-21 adopted granting the petition. Clerk authorized to attest and record the resolution. Letters of no objection received from the appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

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

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

40. Petition of Pulte Home Company to vacate the north 6.54 feet of an 11.54-foot private drainage, utility and landscape easement lying in Lots 20, 21, and 22 and the south 6.54 feet of an 11.54-foot private drainage, utility and landscape easement lying in Lots 23, 24, and 25, Enclave at Palm Harbor, Plat Book 143, Page 14 and Official Record Book 20204, Page 2339, lying in Section 13-28-15, Pinellas County, Florida. (Quasi-Judicial Hearing)

Resolution No. 19-22 adopted granting the petition. Clerk authorized to attest and record the resolution. Letters of no objection received from the appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

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

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

41. Case No. (Q) Z-06-03-19 (J. Long Realty Group, LLC and K S K Homes, Inc.) Request for a zoning change from R-R, Rural Residential to R-1, Single Family Residential on an approximately 1.48-acre portion of two adjacent parcels located south of the 72nd Terrace North and Hubert Street intersection in unincorporated Seminole (street address: 13250 72nd Terrace North).

Resolution No. 19-23 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 Vice-Chair Gerard, seconded by Commissioner Welch, that the item be approved. The motion carried by the following vote:

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

42. Case No. (Q) Z-05-03-19 (Joyce M. Couture)
Request for a zoning change from R-3, Single Family Residential to RM-CO, Multi-Family Residential-Conditional Overlay (5.1 acres) and PC, Preservation/Conservation (0.32 acre), with the Conditional Overlay limiting the use to single family attached dwellings (townhouses) and their customary accessory uses on approximately 5.4 acres located at 600 Pennsylvania Avenue in Ozona.

Resolution No. 19-24 adopted denying the zoning change. The Local Planning Agency (LPA) recommended approval of the request, and staff concurred. Thirty-four letters and two petitions with 91 total signatures in opposition to the application have been received.

Referring to a PowerPoint presentation containing various maps and photographs, Principal Planner Michael Schoderbock pointed out the location of the subject property, discussed the surrounding uses, and provided background information regarding the application, relating that the property currently contains two single-family homes; and that the applicant is proposing to build a 26-unit townhouse subdivision. He noted that the proposed zoning will not change the currently allowable density of five units per acre; and that under the current zoning, it would be allowable to build up to 26 single-family detached homes on the property.

Mr. Schoderbock further indicated that the conditional overlay would limit the property use to townhouses; that the requested designations are appropriate for the upland and wetland areas; that there are adequate capacities available for infrastructure impacts; and that the proposal is compatible with surrounding uses and consistent with the Comprehensive Plan, including policies developed for the Ozona community; whereupon, he stated that staff recommends approval.

Mr. Schoderbock responded to queries by Commissioner Eggers regarding the allowable density on the property and other restrictions. He noted that the Coastal High Hazard Area limits density on the property to five units per acre; and that during site plan review, the builders would need to demonstrate compliance with flood zone elevations and stormwater management requirements, and discussion ensued.

Upon the Chair's call for the applicant, Jessica Koch, Clearwater, referred to a PowerPoint presentation containing various maps, photographs, and a preliminary concept site plan, provided background information regarding the application, pointed out the proposed entrance and exit sites, and discussed the surrounding uses and plans concerning the future construction height, drainage, and preservation of wetlands and mangroves on the property. She indicated that the main access to the townhouse development will require extending Ohio Avenue, which currently dead-ends at the property line, into the subdivision; whereupon, she relayed that the applicant aspires to create a community atmosphere and will continue working with the County to find the best way to develop the land to ensure the preservation of nature.

In response to queries by the members, Ms. Koch indicated that two existing homes on the property would be removed; that the family's intentions have been to only build townhomes on the property, which the conditional overlay makes certain by not allowing other types of uses; and that she has discussed the proposal with members of the community.

Upon the Chair's call for opponents, the following persons stated their concerns and responded to queries by the members:

Brian Smith, Ozona, representing Ozona Village Improvement Society
Dennis Green, Ozona
Gregory Smith, Ozona

Concerns expressed by the objectors with regard to the proposed development included the following:

- Non-compliance with the Ozona community overlay
- Incompatibility with the neighborhood character
- Negative environmental impacts
- Preserving the heritage of the community

Responding to queries by the members relating to concerns of the objectors, Mr. Schoderbock indicated that land use designations restrict the density of a property, and zoning requirements control the property's use, lot size, and setbacks. He stated that after reviewing the site, he believes that the applicant could successfully build 26 single-family detached homes on the property; and that building townhomes would allow for a greater amount of open space, and discussion ensued.

Commissioner Long stated that the LPA voted to recommend the item by a 4 to 2 vote, and in response to her query, Zoning Manager Glenn Bailey indicated that the dissenting votes were cast by Ronald Schultz and Valerie Hibbard. Commissioner Welch noted that the rationale for dissenting was not included in the LPA report; and that regardless of the Board's vote, the property and surrounding area are going to change one way or another; whereupon, in response to queries by the members, Attorney White provided information regarding how the members should approach their decision from a legal perspective, and indicated that due to Coastal High Hazard Area restrictions, homes in the area are either built on fill or stilts.

Following discussion, Commissioner Peters stated that the adjacent properties are all multi-family homes; that building detached homes would significantly decrease the amount of green space on the property; and that she is surprised there is opposition to the proposal, and Commissioner Eggers provided input.

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

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

Nay: 1 - Commissioner Peters

ADJOURNMENT - 7:09 P.M.

Chair

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk