

Pinellas County

*Pinellas County Cooperative Extension
12520 Ulmerton Road, Largo*



Minutes - Final

Tuesday, May 25, 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 - 2:02 P.M.

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

Others Present: Barry A. Burton, County Administrator; Jewel White, County Attorney; Katherine Carpenter, Board Records Manager; and Shirley Westfall, Board Reporter, Deputy Clerk

INVOCATION by Pastor Willie McClendon, Shiloh Missionary Baptist Church, Largo.**PLEDGE OF ALLEGIANCE****PRESENTATIONS AND AWARDS**

1. International Internal Audit Awareness Month Proclamation:
 - Ken Burke, Clerk of the Circuit Court and Comptroller, Pinellas County
 - Melissa Dondero, Inspector General/Chief Audit Executive, Division of Inspector General

Chair Eggers invited Mr. Burke and Ms. Dondero to the podium; whereupon, he read a proclamation recognizing the month of May 2021 as International Internal Audit Awareness Month, and Mr. Burke, with input from Ms. Dondero, provided brief remarks and thanked the Board for the recognition.

2. Mental Health Month Proclamation:

National Alliance on Mental Illness Pinellas County, Inc.

 - Denise Whitfield, Executive Director
 - Ann S. Rogers, Board President

Chair Eggers invited Mses. Whitfield and Rogers to the podium, read a proclamation recognizing the month of May 2021 as Mental Health Awareness Month, and thanked the Alliance for its work within the community; whereupon, Ms. Whitfield provided input and expressed appreciation.

3. Memorial Day Proclamation:
 - David Bear, Post Commander, Veterans of Foreign Wars (VFW) All American Post 12186 Oldsmar
 - Dana Barrows, Auxiliary President, VFW Post 12186
 - David McKinley, Jr., Vice Commander, VFW Post 12186

Chair Eggers read a proclamation recognizing May 31, 2021 as Memorial Day, honoring the men and women who have died while serving in the U.S. military; whereupon, Mr. Bear thanked the Commissioners for their recognition. Brief discussion ensued among the members regarding educating youth on the meaning of Memorial Day and Commissioner Flowers thanked the VFW members for their continued service.

CITIZENS TO BE HEARD**4. Citizens To Be Heard - Public Comment.**

Greg Pound, Largo
David Ballard Geddis, Jr., Palm Harbor
Mack Johnson, Largo
Aden Barnes, Largo
David Happe, Tarpon Springs

CONSENT AGENDA - Items 5 through 14

A motion was made by Commissioner Long, seconded by Commissioner Gerard, to approve the Consent Agenda. The motion carried by the following vote:

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

Absent: 1 - Commissioner Flowers

CLERK OF THE CIRCUIT COURT AND COMPTROLLER**5. Minutes of the in-person and virtual regular meeting held March 9, 2021.**

This item was approved as part of the Consent Agenda

6. Vouchers and bills paid from April 4 through April 24, 2021.

Period: April 4 through April 10, 2021

Accounts Payable - \$14,342,310.61

Payroll - None

Period: April 11 through April 17, 2021

Accounts Payable - \$16,475,776.38

Payroll - \$3,975,766.68

Period: April 18 through April 24, 2021

Accounts Payable - \$12,734,080.01

Payroll - None

This item was approved as part of the Consent Agenda

Reports received for filing:

7. Pinellas County Comprehensive Annual Financial Report, Annual Financial Report, and Citizens' Guide to County Finances for the Fiscal Year ended September 30, 2020.

This item was approved as part of the Consent Agenda

8. Dock Fee Reports for the months of March and April 2021.

This item was approved as part of the Consent Agenda

9. Quarterly Donation Listing of \$500 or More for the quarter ended March 31, 2021.

This item was approved as part of the Consent Agenda

10. Pinellas County, Florida, Community Redevelopment Agency Financial Statements for the year ended September 30, 2020.

This item was approved as part of the Consent Agenda

Miscellaneous items received for filing:

11. City of Safety Harbor Ordinance No. 2021-11 adopted April 19, 2021, annexing certain properties.

This item was approved as part of the Consent Agenda

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

12. Declare surplus and authorize the sale of County-owned equipment and vehicles.

Authorization granted. Assets to be liquidated through public auction conducted by auction vendors under provisions of existing contracts. Distribution of proceeds approved as recommended in the Staff Report.

This item was approved as part of the Consent Agenda

County Administrator

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

This 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.

This item was approved as part of the Consent Agenda

REGULAR AGENDA

ITEMS FOR DISCUSSION FROM THE CONSENT AGENDA - None.

COUNTY ADMINISTRATOR DEPARTMENTS

Administrative Services

15. Change Order No. 3 to the agreements to increase the upset limit with Caladesi Construction Co., Gibraltar Construction Company, Inc., J.O. DeLotto & Sons, Inc., and New Vista Builder Group, LLC for Job Order Contracting for facility maintenance, repair and minor construction.

(Contract No. 167-0421-CP) Change Order approved increasing the upset limit of the contract by \$6,000,000.00 (\$1,500,000.00 for each of the four listed vendors) for a revised total of \$29,500,000.00 through January 8, 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: 6 - Chair Eggers, Vice-Chair Justice, Commissioner Gerard, Commissioner Long, Commissioner Peters, and Commissioner Seel

Absent: 1 - Commissioner Flowers

County Administrator

16. Community Service Association Palm Harbor Parks and Recreation Fiscal Year 2021 Municipal Services Taxing Unit special projects funding request.

Funding request approved in the not-to-exceed amount of \$20,000.00 for the replacement of audio-visual equipment and restroom renovation at The Centre.

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

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

Absent: 1 - Commissioner Flowers

17. East Lake Community Library Fiscal Year 2021 Municipal Services Taxing Unit special projects funding request.

Funding request approved in the not-to-exceed amount of \$20,000.00 towards the replacement of 20 computers and related components to be installed in a covered outdoor pavilion.

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

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

Absent: 1 - Commissioner Flowers

18. East Lake Recreation Fiscal Year 2021 Municipal Services Taxing Unit special projects funding request.

Funding request approved in the not-to-exceed amount of \$20,000.00 towards the fabrication and installation of an illuminated digital sign at the Recreation District's sports complex entrance.

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

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

Absent: 1 - Commissioner Flowers

19. Palm Harbor Library Fiscal Year 2021 Municipal Services Taxing Units special projects funding request.

Funding request approved in the not-to-exceed amount of \$20,000.00 towards the completion of a 400-square-foot section of flooring in the Adult Services Department, which will complete the replacement of all flooring throughout the 26,000+ square foot facility.

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

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

Absent: 1 - Commissioner Flowers

20. Florida Dream Center Fiscal Year 2021 Municipal Services Taxing Unit special projects funding request.

Funding request approved in the not-to-exceed amount of \$20,000.00 for a new cargo van to support Pantry to Life, a mobile food pantry program to help reduce food insecurity for low-income, transportation-disadvantaged residents.

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

Absent: 1 - Commissioner Flowers

21. Municipal Services Taxing Unit funding for Seminole Junior Warhawks Athletic Association for improvements to soccer fields.

Funding request approved in the not-to-exceed amount of \$19,500.00 for improvements to soccer fields.

In response to comments by Commissioner Long, Mr. Burton indicated that there is ongoing discussion regarding the management of the fields; and that staff will present a report of the various management options to the Board later this year.

A motion was made by Commissioner Peters, 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

Management and Budget

22. Federally funded subaward and grant agreement with the State of Florida, Division of Emergency Management for the Federal Emergency Management Agency Public Assistance program due to the COVID-19 nationwide emergency declaration and public health emergency.

Agreement approved. Execution of the Agreement is necessary to receive Federal reimbursement to the County, which has expended more than \$30.5 million for eligible public health and safety costs associated with COVID-19 as of April 19, 2021.

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

Public Works

- 23.** Interlocal agreement between the County and municipalities representing the majority population of incorporated Pinellas County for distribution of proceeds from the proposed imposition of 1-5 Cent Local Option Fuel Tax on every gallon of motor fuel or diesel sold in the County.

Agreement approved. Mr. Burton provided background information regarding the item, indicating that the agreement establishes the distribution process if the 1-5 Cent Local Option Fuel Tax were to be imposed as part of the approved budget in September; and that there will be a presentation on the Penny For Pinellas program during one of the budget workshops in June.

In response to queries by the Commissioners, Mr. Burton related that he will present the budget recommendation on June 13, which will help formulate discussion regarding property taxes, millage rates, the Transportation Trust Fund, and other related matters.

In response to queries by Commissioner Seel, Director of Office of Management and Budget Bill Berger noted that the current interlocal agreement is based on 2015 population data; that the changes in population since then have been nominal; and that the agreement would be renewed every ten years.

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

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

Nay: 1 - Commissioner Peters

- 24.** Road Transfer Agreement for the transfer and acceptance of specific roadway segments and easements from the County to the City of St. Petersburg.

(PID No. 004192A and Sub-PID No. 004747A) Agreement approved transferring roadway segments and easements as set forth in the Staff Report and a one-time payment to the City in the amount of \$1,789,368.00 for resurfacing of Central Avenue segments that were programmed within the County's pavement management program. Clerk authorized to record the agreement and corresponding right-of way maps.

A motion was made by Commissioner Gerard, 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

AUTHORITIES, BOARDS, CONSTITUTIONAL OFFICERS AND COUNCILS

Emergency Medical Services Authority**25. Appointments/reappointment to the Emergency Medical Services Advisory Council.**

Sitting as the Emergency Medical Services Authority, the Board approved the appointments and reappointment of the following individuals for two-year terms ending May 2023:

- Chad Pittman and Scott Young appointed as the Pinellas County Fire Chiefs' Association representative and alternate representative, respectfully.
- Becca Tieder reappointed as Citizen Representative for District 5.

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

COUNTY ATTORNEY

26. Proposed settlement of Pinellas County employee Mona McGuire's Workers' Compensation claims 17-16362 and 20-23503.

Settlement approved in accordance with the confidential memorandum dated May 25, 2021.

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

27. Proposed settlement in the case of Samuel Dirienzo v. Pinellas County; Workers' Compensation, Office of the Judges of Compensation Claims Case No. 16-021178RLY (consolidating 21-002973RLY; 21-005972RLY; 18-012556RLY; and 17-000044RLY).

Attorney White indicated that she is not asking for any action to be taken today; and that she will bring the matter back to the Board at a future meeting.

28. County Attorney Reports - None.

COUNTY ADMINISTRATOR

29. County Administrator Reports.Behavioral Health Coordinated Access Model Contract

Mr. Burton stated that the contract for the Behavioral Health Coordinated Access model that was outlined and approved in the Strategic Action Plan will be introduced at the June 8 meeting; that staff has been working closely with KPMG to develop an optimal data set for performance metrics as a step towards implementing a coordinated access model; and that the work should be completed on target as outlined in the Plan.

Lawsuit regarding the Tampa Bay Rays

Mr. Burton commented on the recent lawsuit regarding the Tampa Bay Rays and advised that he has been in contact with the City of St. Petersburg and team officials. Chair Eggers noted that he is staying in close contact with the City Council Chair.

Responding to a query by Commissioner Justice, Mr. Burton indicated that the final contract to secure a consultant to evaluate the impact of professional baseball in Pinellas County and the proposed split-season model has yet to be signed; and that the evaluation is a separate process from the City's redevelopment of Tropicana Field; whereupon, Commissioner Flowers provided information and expressed concern that graves may possibly be located on the site and requested that the Board continue to be updated.

COUNTY COMMISSION

30. Appointments to the Pinellas County Construction Licensing Board (Board of County Commissioners as a whole).

David Eldridge appointed as Residential Contractor to fulfill a remaining term ending September 30, 2022.

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

Lawrence G. Schear appointed Consumer Representative to fulfill a remaining term ending September 30, 2022 via ballot vote.

31. Appointment to the Suncoast Health Council (Board of County Commissioners as a whole).

Dameron Davis appointed to the Suncoast Health Council for a two-year term ending March 31, 2023.

A motion was made by Commissioner Seel, 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

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

The members commented on various topics, as follows:

Commissioner Seel

- Forward Pinellas

Commissioner Justice

- Tampa Bay Estuary Program
- Area Agency on Aging of Pasco-Pinellas
- Early Learning Coalition of Pinellas
- Gulf Consortium
- Stormwater-Wastewater Partnership
- Historic Preservation Board
- Wounded Warriors Abilities Ranch
- Keep Pinellas Beautiful

Commissioner Long

- Business Technology Services Board
- Tampa Bay Area Regional Transit Authority
- Pinellas Suncoast Transit Authority Board
- Florida Association of Counties Annual Conference
- Tampa Bay Regional Planning Council
- Pinellas County Sheriff's Office Fallen Officer Memorial
- Tampa International Airport's express curbside service

Chair Eggers

- Executive Assistant search
- Tampa Bay Water

Regarding concerns presented at a prior meeting of a possible conflict of interest for an individual appointed to the South St. Petersburg Community Redevelopment Agency, Attorney White confirmed that a conflict does exist and stated that the Board has the authority to waive the conflict with a two-thirds vote. Following discussion, Chair Eggers noted that there is consensus among the members to reconsider the matter at the next meeting.

Meeting recessed: 3:36 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

- 33.** Resolution supplementing the Fiscal Year 2021 Budget for unanticipated fund balances in the General Fund, Emergency Medical Services, Emergency Communications E911, Fire Districts, Fleet Management, Water Renewal and Replacement, and Sewer Renewal and Replacement Funds.

Resolution No. 21- 32 adopted recognizing unanticipated fund balance in various funds, as listed below, and increasing Fiscal Year 2021 budget appropriation accordingly in each fund.

General Fund: \$265,670.00

Emergency Medical Services Fund: \$1,143,370.00

Emergency Communications E911 Fund: \$744,920.00

Fire Districts Fund: \$365,140.00

Fleet Management Fund: \$118,630.00

Water Renewal and Replacement Fund: \$218,830.00

Sewer Renewal and Replacement Fund: \$149,010.00

No correspondence has been received. No citizens appeared to be heard.

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

- 34.** Case No. Z/LU-14-09-19 (T T G C, LLC) (first public hearing)
A request for a Future Land Use Map amendment from Recreation/Open Space and Preservation to Residential Low and Preservation on approximately 95.96 acres located at 11832 66th Avenue North in unincorporated Seminole. (Companion to Item No. 35)

Resolution No. 21-33 adopted denying the request. The Local Planning Agency (LPA) recommended denial of the request, and staff concurred. Approximately 1,490 comments and three petitions with over 22,000 signatures, collectively, have been received in opposition to the application.

Attorney White explained the public hearing procedure and reiterated that the Board's decision should be to determine if the proposed amendment is consistent with the Pinellas County Comprehensive Plan.

Zoning Manager Glenn Bailey referred to a PowerPoint presentation containing maps and photographs of the area, pointed out the location of the subject property, described the surrounding land uses, and provided background information regarding the application and property.

Long Range Planning Manager Scott Swearingen indicated that the County's Comprehensive Plan specifies the importance of redirecting development away from areas vulnerable to potential sea level rise, such as floodplains, storm surge, and coastal high hazard and coastal storm areas; and that due to the limited amount of open space remaining in Pinellas County, the Plan prohibits the conversion and encourages the retention of dedicated recreation open land; whereupon, he stated that staff recommends denial of the proposed amendment, noting that the application does not address density requirements and is inconsistent with the Pinellas County Comprehensive Plan, and discussion ensued.

Joel Tew, Palm Harbor, appeared and stated that he is the attorney for the applicant, rebutted staff comments, provided historical information regarding the zoning and platting of the property, and introduced the team working on the proposed project. He indicated that the hearing should be quasi-judicial and not legislative; that the LPA was instructed to hold a quasi-judicial hearing on the matter; and that the LPA transcript and related correspondence should be preserved under the public records law.

Mr. Tew indicated that the proposed amendment is compatible with the surrounding neighborhoods; that Comprehensive Plan Policy 1.3 authorizes up to five units per acre in a coastal storm area; and that the proposal is for 3.1 units per acre. He stated that the Plan prohibits the County from converting County- or publicly-owned space such as parks and other recreational areas, but does not prohibit the conversion of privately-owned land; and that while the Plan encourages the retention of privately-owned open space, denying the applicant's request creates a disproportionate burden on the private landowner; whereupon, he introduced the following team members working on the proposed project, who each provided information related to their expertise:

Clark C. Lohmiller, Registered Landscape Architect, Ardurra, Tampa
Brian K. Skidmore, Environmental Scientist, Ardurra, Tampa
Nicole L. Lynn, Civil Group Leader, Ardurra, Tampa
Steven J. Henry, Registered Engineer, Lincks and Associates, Tampa

Mr. Tew provided additional information regarding traffic and the viability of maintaining a golf course after years of operating at a deficit by both the previous owners and the applicant upon initial purchase of the property.

Meeting recessed: 7:26 P.M.

Meeting reconvened: 7:35 P.M.

In response to the Chair's call for public comment, the following individuals expressed their concerns:

Brian Bolves*, Attorney, Save the Tides
Susan Finch*, Planner, Save the Tides
William Kimpton*, Attorney, Save the Tides
Richard Gehring*, Planner, Save the Tides
Colleen Dannemiller, Seminole
Patricia Kirby, Clearwater
Dawn Ladd, Seminole
Ronald Stephens, Seminole
Steve Dannemiller, Seminole
Sarah Tucker, Seminole
Ed Methfessell, Seminole
Ashley Carpenter, Seminole
Clark Lamonte, Seminole
Andy Strickland, Seminole (submitted document)
Elizabeth Kelser, Seminole
Mary Ellen Hazelton, Seminole
Vick Stevens, Seminole
Thomas Beckwith, Seminole

**Spoke on behalf of others in attendance*

In rebuttal, Mr. Tew reiterated that it is inappropriate to use land use regulations to deny a legitimate use. Mr. Swarengen stated that the County is not concerned with prohibiting development on the property; and that the focus is only on reviewing the application for the subject property based on the Comprehensive Plan; whereupon, he discussed the evaluating process and restated that staff recommends denial of the application.

Upon a query from Chair Eggers, Attorney White clarified the procedures regarding the application and presentations and noted that Florida law recognizes an application to amend nearly 100 acres of land as legislative in nature; that density requirements are not applicable to the discussion, but would be heard later on in the process with other matters; and that the only decision to make at this time is whether the application is consistent with the Comprehensive Plan; whereupon, she clarified certain other statements.

Following discussion, Commissioner Seel indicated that the proposed development does not direct the density away from vulnerable areas; and that as a result, it is inconsistent with the Comprehensive Plan, and several members concurred.

A motion was made by Commissioner Flowers, seconded by Commissioner Peters, that the item be denied. 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

- 35. Resolution designating the former Tides Golf Course as a Brownfield site (first public hearing). (Companion to Item No. 34)

Attorney White stated that due to the outcome of Agenda Item No. 34, this item has been rendered moot; whereupon, Chair Eggers indicated that the item would not be heard at this time.

ADJOURNMENT - 9:26 P.M.



Dave Eggers
Chair

ATTEST: KEN BURKE, CLERK

By *Kristina Caputo*
Deputy Clerk