

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JULY 7, 2009 – 9:30 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Calvin D. Harris, Chairman; Karen Williams Seel, Vice-Chairman; Susan Latvala; John Morroni; Kenneth T. Welch; and Nancy Bostock.

Not Present: Neil Brickfield.

Others Present: James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Tammy L. Burgess, Deputy Clerk.

INVOCATION: Commissioner Welch.

PLEDGE OF ALLEGIANCE: Commissioner Morroni.

PRESENTATIONS AND AWARDS:

1. PowerPoint presentation by Tampa Bay Water General Manager Jerry Seeber.

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

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)

- # 1 Ordinance No. 09-40 adopted amending Section 46-33 of the Pinellas County Code regarding surcharge on non-criminal traffic infractions or certain criminal violations. No correspondence has been received. No citizens appeared to be heard.

Chief Judge J. Thomas McGrady indicated that it is estimated that the \$30.00 surcharge will generate \$2.9 million to the County in Fiscal Year 2010 to be used for facilities and is included in the Court’s projected budget.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	6 – 0

- # 2 Commercial dock Application No. CD39624-09 submitted by William A. Day, 473 East Shore Drive, Clearwater (Mandalay Channel/Clearwater Harbor) approved; no correspondence has been received; and the biological report has been filed as part of the record. No citizens appeared to be heard.

Motion - Commissioner Seel
Second - Commissioner Bostock
Vote - 6 – 0

COUNTYWIDE PLANNING AUTHORITY (CPA) PUBLIC HEARINGS

3 Ordinance No. 09-41 adopted approving Case No. CW 09-15, the proposal by the City of Dunedin to amend the Countywide Future Land Use Plan from Residential Estate and Preservation with Water/Drainage Feature Overlay to Residential Suburban and Preservation with Water/Drainage Feature Overlay, re 4.8 acres m.o.l., located at 1000 Lyndhurst Street, 1099 Virginia Street, and the southern adjacent vacant lot, all generally located east of Cedarwood Drive (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Morrone
Vote - 6 – 0

4a Ordinance No. 09-42 adopted approving Case No. CW 09-14, the proposal by the City of Safety Harbor to amend the Countywide Future Land Use Plan from Residential Low, Residential Urban, Residential Urban with Resort Facilities Overlay, Residential Medium, Residential/Office Limited, Industrial Limited, Institutional, Recreation/Open Space, and Central Business District to Community Redevelopment District (CRD) in accordance with a Special Area Plan (the *City of Safety Harbor Downtown Redevelopment Plan*), re approximately 156.5 acres located generally in an area included within and encompassed by Scott Street, 3rd Street South, 9th Avenue South, 7th Street South, east of Landfield Avenue, 4th Street South, lots fronting 13th Avenue North and South and a part of Main Street, 3rd Street North, 10th Avenue North, 4th Street North, then eastward to 2nd Avenue North and then northward to 6th Street North, Church Street, Virginia Avenue, and extending to Old Tampa Bay to include the Safety Harbor Spa and City Marina properties (regular amendment). The Pinellas Planning Council recommended approval of the proposed amendment subject to the following conditions, and staff concurred. No correspondence has been received. No citizens appeared to be heard.

1. Submission of any future amendment to the Special Area Plan for receipt and acceptance, or for consideration as an amendment, as is determined necessary under the Countywide Plan Map amendment process.

2. Submission of an assessment of the Special Area Plan's progress with respect to its enumerated objectives five years from the effective date of the Countywide Plan Map amendments pursuant to this Special Area Plan.
3. Application of permitted densities and intensities based on their respective proportion to the affected total land area, unless specifically noted otherwise in the Special Area Plan.
4. Authorization of an exception to the Scenic/Non-Commercial Corridor Unique/Scenic View subclassification for the portion for Bayshore Boulevard in the Special Area Plan.

Motion - Commissioner Latvala
Second - Commissioner Seel

In response to query by Commissioner Seel, Planning Director Brian K. Smith confirmed that the ordinance does not change the tax increment financing area.

Vote - 6 - 0

4b Ordinance No. 09-43 adopted approving Case No. CW 09-16, the proposal by the City of Madeira Beach to amend the Countywide Future Land Use Plan from Residential/Office/Retail, Resort Facilities Medium, Commercial General, Recreation/Open Space, Institutional, and Transportation/Utility to Planned Redevelopment – Mixed Use in accordance with a Special Area Plan (the *Madeira Beach Town Center Plan*), re approximately 80.0 acres m.o.l., located generally in an area included within and encompassed by the Gulf of Mexico on the west, 154th Avenue on the north, Boca Ciega Bay on the north, east, and south, and generally north of East Madeira Avenue, and south of 1st Street East (regular amendment). The Pinellas Planning Council recommended approval of the proposed amendment subject to the following conditions, and staff concurs, with the exception of condition number three, which staff recommends be excluded. No correspondence has been received. No citizens appeared to be heard.

1. Submission of any future amendment to the Special Area Plan for receipt and acceptance, or for consideration as an amendment, as is determined necessary under the Countywide Plan Map amendment process.
2. Submission of an assessment of the Special Area Plan's progress with respect to its enumerated objectives five years from the effective date of the Countywide Plan Map amendments pursuant to this Special Area Plan.

3. Submission of any zoning amendments that result in increases in the allowable density or intensity, and that such submission will constitute substantive amendment of the Special Area Plan; or amendment of the Special Area Plan to include refinement of the Character Districts to recognize current public ownership and/or existing use.
4. With the exception of the Commercial Core District, application of permitted densities and intensities based on their respective proportion to the total affected land area, unless specifically noted otherwise in the Special Area Plan.

Commissioner Latvala moved, seconded by Commissioner Seel, to accept staff's recommendation. Discussion ensued regarding condition number three and Pinellas Planning Council (PPC) Executive Director Dave Healey explained that the PPC's reason for the inclusion of the condition was based on the Madeira Beach Town Center Plan, which establishes numerous character districts that rely on the underlying zoning but does not specify the density and intensity limitations; that the Town Center lies in a Coastal High Hazard Area; and that the density and intensity in the Town Center would rely entirely on the contents of the Special Area Plan without the inclusion of the condition, which would require that any change to the zoning affecting the Special Area Plan as a plan amendment be reviewed and approved by the Board. Mr. Healey stated that the Planners Advisory Council and the PPC both approved the Special Area Plan with the inclusion of condition number three by unanimous votes; whereupon, referring to a letter received from the City of Madeira Beach City Manager W.D. Higginbotham, Jr., a copy of which has been filed and made a part of the record, Commissioner Morrone related that the City of Madeira Beach has no objection to the inclusion of the condition; and Mr. Healey related that PPC staff worked closely with the City on the plan; and noted that a representative from the City of Madeira Beach sits on the PPC and voted affirmatively to include the condition as part of the approval.

Mr. Healey related that he takes exception to County Planning staff's wording in the agenda memorandum that this is a different interpretation of precedent with respect to considering zoning; and that the Special Act and the Rules are clear regarding the authority of the PPC and the BCC relating to the review of plan amendments and land development regulations, noting that the reviews are essential to the City of Madeira Beach's request for the proposed amendment; whereupon, he indicated that the issue is understanding the real life implications of the Special Area Plan.

Planning Director Brian K. Smith indicated that the Planning staff believes that the Special Area Plan provides adequate detail regarding the zoning; that the local zoning is a local decision-making procedure; and that the Board would be setting a precedent by

including condition number three as part of the approval; whereupon, he indicated that the density in the coastal zoned area is adequately defined in the Special Area Plan; and that the Department of Community Affairs, which is the custodian of the coastal area, approved the Special Area Plan.

Discussion ensued regarding the Board's prior approval of the City of St. Petersburg's Vision 2020 Plan and Mr. Healey related that there were two separate recommendations made in the case specifically referencing zoning; and that conditions numbers three and four in the Madeira Beach approval are exactly the same wording as the conditions in the City of St. Petersburg approval; whereupon, he recited language from Section 5 of the Special Act regarding the powers and duties of the PPC, and Section 7(b) regarding the types of uses and the density and intensity and Section 4.2.3 (4.2.3.1) of the Rules regarding consistency criteria for density and intensity and Section 6.1.1 (6.1.1.1 and 6.1.1.2) regarding the consistency of local government land use plans and land development regulations with the Countywide Future Land Use Plan Map and the Countywide Rules, and indicated that the point is to understand what is being approved; that Madeira Beach understands; and that the PPC staff recommends the amendment be approved as recommended by the PPC.

Responding to comments and queries by the members, Mr. Smith indicated that the Planning staff feels that the exclusion of condition number three would allow the normal review and approval procedures to be followed and the details of the Special Area Plan relied upon to control the standards for density and intensity in the area; that there is sufficient specificity in the Plan; and that the condition is redundant and is a policing action normally handled by the local elected officials; whereupon, he stated that the inclusion of condition number three in the approval of the City of St. Petersburg case differed in that the amendment involved a major rewriting of the Code.

Thereupon, with no vote having been taken on the original motion, Commissioner Morrone moved, seconded by Commissioner Seel, that the Madeira Beach Town Center Special Area Plan be approved with the inclusion of condition number three.

Motion	-	Commissioner Morrone
Second	-	Commissioner Seel
Vote	-	4 – 2 (Commissioners Latvala and Bostock dissenting)

CITIZENS TO BE HEARD

Todd Pressman, Palm Harbor, re digital billboards – 60 seconds to 6 seconds – prior Board order.

Lenore Faulkner, Madeira Beach, re Pinellas County schools.

Greg Pound, Largo, re Pinellas County family & children.

CONSENT AGENDA ITEMS NOS. 5 THROUGH 12 – APPROVED WITH THE EXCEPTION OF ITEM NO. 11, WHICH WAS CONSIDERED UNDER ITEM NO. 13.

Motion - Commissioner Morroni
Second - Commissioner Welch
Vote - 6 - 0

5 Minutes of regular meeting of June 2, 2009 approved.

6 Reports received for filing:

- a. Clearwater Cay Community Development District Proposed Fiscal Year 2010 Operations Budget.
- b. Pinellas County License Board for Children’s Centers and Family Day Care Homes Resolution No. 09-01 effective May 14, 2009, amending the budget for Fiscal Year 2008-2009.
- c. Dock Fee Report for the month of May 2009.

7 Vouchers and Bills Paid – Period May 26 through June 5, 2009:

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2396

Payroll checks numbered 562698 through 562896

Imprest Fund Expenditures

Manual check numbered 751580

System checks numbered 967360 through 968820

ACH Transfers numbered 2550 through 2679

Wire Transfers numbered 010982 through 010996

8 Miscellaneous items received for filing:

- a. City of Safety Harbor Ordinance No. 2009-07 adopted June 1, 2009, annexing certain property.
- b. City of Seminole Notice of Public Hearings to be held July 14, 2009 regarding Ordinances Nos. 19-2009 and 20-2009, voluntarily annexing certain property.
- c. Notification from Hunter Douglas Fabrication Company regarding the closing of the plant and the permanent layoff of 191 employees, pursuant to the Worker Adjustment and Retraining Notification (WARN) Act.

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- d. Pinellas Park Water Management District minutes of Regular Authority Meeting No. 7 dated April 16, 2009.

- # 9 Change Order No. 3 (Final) to the contract with Ajax Paving Industries, Inc. for 2007-2008 Countywide Pavement Preservation and Americans with Disabilities Act (A.D.A.) Ramps (PID No. 1577, Bid No. 067-0398-C) approved increasing the contract by \$34,462.68 (revised contract amount, \$6,994,235.30); contract accepted as complete as of March 19, 2009; Chairman authorized to sign and the Clerk to attest.

- #10 Grant application for National Oceanic and Atmospheric Administration (NOAA) Coastal and Marine Habitat Restoration Project Grants under the American Recovery and Reinvestment Act (ARRA) requesting funding in the amount of \$3,900,000.00 for hydrological recirculation restoration and ten dune walkovers at Fort DeSoto Park ratified and confirmed (Culture, Education, and Leisure).

- #11 See Item No. 13.

- #12a Resolution No. 09-72 adopted supplementing the Fiscal Year 2009 General Fund Budget (unanticipated donation proceeds in the amount of \$9,610.00) to appropriate earmarked receipts for a particular purpose and transfer to the Culture, Education, and Leisure Department (Management and Budget).

- #12b Resolution No. 09-73 adopted supplementing the Fiscal Year 2009 Fire Districts Fund Budget (reallocation of Clearwater Fire District's Reserve for Future Years in the amount of \$578,950.00) to appropriate earmarked receipts for a particular purpose to recognize the unincorporated Pinellas County funding share for a construction expense (Management and Budget).

- #13 Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court):
 - #11 Ranking of firms and authorization for staff to negotiate with the No. 1 ranked firm for professional engineering and environmental services: Cross Bayou Watershed Evaluation and Management Plan (PID No. 922271) (Environmental Management) approved as follows:
 1. Jones, Edmunds & Associates, Inc.
 2. Post, Buckley, Schuh & Jernigan, Inc.
 3. URS Corporation Southern
 4. Camp Dresser & McKee Inc.

5. MACTEC Engineering and Consulting, Inc.
6. Inwood Consulting Engineers, Inc.
7. TBE Group, Inc.
8. Environmental Consulting & Technology, Inc.
9. Ardaman & Associates, Inc.
10. King Engineering Associates, Inc.
11. Dyer, Riddle, Mills and Precourt, Inc.
12. Woolpert, Inc.
13. Chastain-Skillman, Inc.
14. Landon, Moree & Associates, Inc.
15. Howard Civil Engineering, LLC

In response to concerns expressed by Commissioner Seel regarding proceeding with engineering and environmental studies for the Cross Bayou project, Director of Environmental Management William M. Davis related that flooding, pollutant, and water quality issues exist; that the state refers to the Cross Bayou basin as an impaired water body; and that there are new federal and state mandated total maximum daily loads standards, which include watershed planning. He indicated that the studies will identify projects; that grants and funding for the projects will need to be secured; that performing the studies and identifying the necessary projects, while securing the necessary funding, will be money well spent; and that the issues will need to be addressed as the Capital Improvement Project (CIP) list is prioritized each year. Mr. Davis related that the costs are shared if the basin is shared with a city; and that half of the funding for the studies will come from a \$300,000.00 Southwest Florida Water Management District grant; and in response to comments and queries by Commissioner Seel, noted that the agenda item relates to property flooding, not house flooding.

Mr. LaSala stated that there are stormwater management issues that have to be addressed relating to flooding and water quality issues; and that a workshop to discuss stormwater management is expected to occur in Fiscal Year 2009-2010. He discussed a report from a study conducted and received prior to his hire, and stated that the report was never presented to the BCC as it was put aside by former County staff; that the report has not been scrutinized by County staff; and that it does not affect current CIP activity, but will affect future CIP activity; whereupon, Director of Public Works and Transportation Peter J. Yauch related that the report relates to a stormwater governance study conducted to determine drainage and jurisdictional boundaries and whether it is a countywide issue; that it requires interagency coordination and discussion regarding funding; that it expands the CIP responsibility to be a countywide determination of priority; and that staff recommends proceeding with the CIP as its priority for the unincorporated area; and that the governance issue be reviewed in the future.

Mr. LaSala related that the County's CIP is developed based on a series of criteria that generally stays the same, noting that the available funds and where the line is drawn on projects to be completed changes; whereupon, Commissioner Bostock expressed concern that the report was not shared with the BCC prior to its recent prioritization of the CIP list; and stated that the best available information should be considered when making determinations related to the CIP, noting that an assessment of the County's needs is an important factor.

Motion - Commissioner Welch
 Second - Commissioner Latvala
 Vote - 5 – 1 (Commissioner Seel dissenting)

#14 Ranking of agencies and authorization for staff to negotiate with the No. 1 ranked agency for fire protection services in Tierra Verde (Bid No. 089-0356-P) approved as follows:

1. Lealman Special Fire Control District
2. City of St. Pete Beach
3. City of St. Petersburg

Lealman Special Fire Control District selected according to the criteria as described in the agenda memorandum, a copy of which has been filed and made a part of the record; (projected cost for Fiscal Year 2009-2010 estimated at \$1,081,700.00) (Public Safety Services/Purchasing).

Motion - Commissioner Latvala
 Second - Commissioner Morrone

In response to queries by Commissioner Welch, Pinellas County Fire Division Manager Mike Cooksey related that he hopes to have a contract in place by September 1, 2009; and that the Lealman proposal provides an opportunity for displaced St. Petersburg fire fighters to interview for open positions with Lealman Fire and Rescue; whereupon, he provided information regarding fire vehicles and other capital equipment, and Commissioner Morrone provided input.

Vote - 6 – 0

#15 Authorization granted to advertise a public hearing to be held on July 21, 2009, regarding a proposed ordinance amending Section 2-166 of the Pinellas County Code relating to purchasing (Purchasing/County Attorney).

Motion - Commissioner Latvala
 Second - Commissioner Welch

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During discussion and in response to queries by the members, Chief Assistant County Attorney Dennis R. Long indicated that the proposed ordinance amending Section 2-166 to the Pinellas County Code provides for a local preference policy for professional services as defined by Florida Statute Section 287.055(1)(a), known as the Consultant's Competitive Negotiation Act (CCNA); that professional services, as defined, include the practice of architecture, professional engineering, landscape architecture, and registered surveying and mapping; that the CCNA provides for evaluation of a firm based in part on its location as authorized by Section 287.055(4)(b) Florida Statutes; and that the proposed ordinance provides for local preference to determine award in the event of a tie from two or more proposals consisting of equal qualifications.

Attorney Long, with input by Mr. LaSala, indicated that the proposed ordinance provides a preference process for qualified firms deemed *local* as defined by the Board; that the ordinance provides a definition of local as being a sole proprietorship, firm, corporation or other business that has its headquarters in geographical Pinellas County at the time of bid submittal; and for *regional* preference, staff recommends that the Board consider the Metropolitan Statistical Area (MSA) as defined by the United States Office of Management and Budget incorporating the Counties of Pinellas, Hillsborough, Pasco, and Hernando or any other combination of counties as determined to be appropriate. Attorney Long related that the proposed ordinance provides for bonus points to be awarded of ten percent of the overall points received for local and five percent for regional during a CCNA evaluation process.

During further discussion and in response to queries by Commissioner Seel, Attorney Bennett, with input by Attorney Long, presented information relating to the times when an ordinance would be required to be re-advertised, and related that the ordinance was written in such a way as to provide for ease of administration and to address the concerns of the Board; whereupon, he supplied information relating to projects that would be governed by the CCNA and to language which was not included in the ordinance.

Several of the commissioners expressed their concerns regarding use of the MSA and questioned whether expanding the list of counties defeats the purpose of local preference; whereupon, Purchasing Director Joseph Lauro related that the Purchasing Department decided to use the MSA because it is an acceptable measurement established by the U.S. Office of Management and Budget. Commissioner Welch stated that the underlying principle of the ordinance is to keep the economic benefits in Pinellas County; and that he wanted to see the ordinance expanded beyond professional services, and Commissioner Bostock concurred; whereupon, she pointed out that working toward obtaining the best price for services, while at the same time trying to abide by local preference requirements, can be challenging.

Discussion continued and in response to queries by Commissioner Seel, Mr. Lauro talked about the construction process and the prequalification process; whereupon, he offered additional information relating to the CCNA and the Purchasing Ordinance.

Thereupon, Attorney Bennett presented information regarding the manner in which Requests for Proposals are advertised. Commissioner Latvala provided information relating to positive outcomes the Board has experienced when contracting with local companies and some negative experiences that have been encountered with non-local companies, and related that she wants to use companies who are truly responsive and responsible bidders. Mr. Lauro related how specifications are written and companies are prequalified, and related that many companies complete their tasks in an acceptable manner and do so at a fair price; whereupon, he discussed reasons why less than desirable outcomes have occurred, and Mr. LaSala provided input.

In response to query by Commissioner Morroni, Attorney Bennett clarified that the motion is to grant authorization to advertise a public hearing, and upon call for the vote, the motion carried unanimously.

Vote - 6 – 0

#16 Other Administrative Matters:

Resolution No. 09-74 adopted authorizing Pinellas County to join the Florida Suncoast Housing Partners Consortium for the submittal of a grant application to the U.S. Department of Housing and Urban Development (HUD) for the Neighborhood Stabilization Program, Round II (NSP2) funding (Community Development).

Motion - Commissioner Welch
Second - Commissioner Latvala
Vote - 6 – 0

#17 Authorization granted to advertise a public hearing to be held on July 21, 2009, regarding a proposed ordinance amending the definition of permitted investments in Section 2-144(a), Pinellas County Code.

Motion - Commissioner Welch
Second - Commissioner Morroni
Vote - 6 – 0

#18 Settlement approved in the case of Jerry Kolk versus Pinellas County Government – Workers' Compensation Date of Accident – February 26, 2009 in accordance with the confidential memorandum from County Attorney James L. Bennett dated July 7, 2009.

Motion - Commissioner Welch
Second - Commissioner Latvala
Vote - 5 – 1 (Commissioner Seel dissenting)

#19 County Attorney Miscellaneous – None.

#20 Sitting as the Emergency Medical Services Authority, the Board approved a three-year agreement for Continuing Medical Education (CME) with St. Petersburg College effective October 1, 2009 (total expenditure not to exceed \$500,000.00 per year); Chairman authorized to sign agreement and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

Commissioner Welch disclosed that he must abstain from voting on this matter due to a conflict of interest, and in accordance with the provisions of the Standards of Conduct Law, submitted a Memorandum of Voting Conflict, which has been filed and made a part of the record.

Motion - Commissioner Seel
Second - Commissioner Bostock
Vote - 5 – 0 (Commissioner Welch abstaining)

#21 Sitting as the Emergency Medical Services Authority, the Board approved Amendment No. 1 to the Medical Direction Service Agreement with Emergency Medical Services Group, Inc. (Contract No. 056-0056-P); changes to the agreement are described in the agenda memorandum, a copy of which has been filed and made a part of the record (estimated annual expenditure for Fiscal Year 2009-2010, \$1,160,650.00); Chairman authorized to sign agreement and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

During discussion and in response to queries by Commissioners Seel and Bostock, Emergency Medical Services (EMS) Division Manager Craig A. Hare, with input by Mr. LaSala, emphasized that the amendment does not alter the original bid's initial term or term extensions; and that the agreement is being amended for the sole purpose of reducing costs.

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 6 – 0

#22 Appeal to rehear Multi-Use Dock Application No. M39293-08/Revised submitted by Chesapeake Point Co-Op, Inc., 800 Chesapeake Point Drive, Tarpon Springs (Anclote River) denied due to the absence of any substantive, new, supporting information.

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During discussion and in response to queries by the members, Director of Environmental Management William M. Davis displayed an aerial photograph of the subject property, pointed out the location of the site, and presented historical background information regarding Multi-Use Dock Application No. M39293-08. He indicated that an application to construct a 40-slip docking facility at the above referenced address was approved by the Board at a public hearing on May 5, 2009; that four petitions for a rehearing of the application were received within the thirty day appeal period; and that the Board, at its discretion, may grant or deny such a request.

Mr. Davis related that the main concern of the appellants is that the abovementioned docks project too far into the waterway and impede the safe navigation of vessels. He related that Environmental Management staff reviewed the project for impacts to navigation due to the narrowness of the *channels* in the location; and determined that there will be sufficient width beyond the docks for the public to navigate; whereupon, he related that the docks will not project further than 20 percent into the waterway, countering the appellants' assertion that the docks exceed the County's 25 percent limit.

Mr. Davis stated that a second issue raised by the appellants relates to the notification process, which was also discussed at the May public hearing; that staff confirmed proper notification had been given to surrounding neighbors; that the Pinellas County Code requires that notice be sent to property owners within 500 feet of the project; and that residents within 600 feet of the project were provided notice. Mr. Davis indicated that while additional issues have been raised such as shoaling, view, and impacts to wildlife, no new substantive supporting information has been provided that staff feels would warrant a rehearing on the application; whereupon, he provided information relating to municipal issues and state concerns, reporting that these are outside the scope of Board review.

During further discussion and in response to queries by Commissioner Bostock, Attorney Bennett provided information regarding the required criteria for allowing a rehearing of the case.

During discussion, Commissioner Bostock suggested that the policy regarding the Citizens to be Heard portion of the BCC meetings be changed to allow any citizen to speak on any issue whether or not it is on the agenda or has been acted upon; and that until the changes are made, the current rules prohibiting the citizens from speaking on any item not be enforced, and no objections were noted.

Thereupon, Commissioner Welch moved, seconded by Commissioner Seel, to uphold staff's recommendation of not hearing an appeal on Multi-Use Dock Application No. M39293-08 and, following further discussion, Commissioner Welch clarified his motion, stating that the Board is denying the appeal to rehear the item based on staff's recommendation, and upon call for the vote, the motion carried unanimously.

Motion	-	Commissioner Welch
Second	-	Commissioner Seel
Vote	-	6 – 0

#23 County Administrator Reports – None.

#24 Roger G. Johnson appointed to the East Lake Community Library Advisory Board to fill the vacancy created by the resignation of Thomas C. McKone III; term will expire on December 31, 2009.

Motion	-	Commissioner Welch
Second	-	Commissioner Seel
Vote	-	6 – 0

#25 Appointment of Stephen J. Daugherty to serve on the WorkNet Pinellas Board of Directors for the term of July 1, 2009 through June 30, 2011, approved.

Motion	-	Commissioner Welch
Second	-	Commissioner Latvala
Vote	-	6 – 0

#26 County Commission Miscellaneous:

a. Commissioner Latvala discussed Florida Association of Counties conference.

b. Commissioner Seel discussed upcoming Metropolitan Planning Organization (MPO) meeting agenda; members unanimously supported questions that she will take to MPO re use of federal stimulus money, priority of projects, and funding for projects if economy continues to decline.

discussed 46th Avenue/Lealman project; Mr. LaSala to provide information re cost of assessment of five-acre lot.

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discussed use of County facilities for non-profit organizations and need for cooperation of School Board re use of recreational property for Sheriff's PAL program; members provided input.

c. Commissioner Bostock

discussed proposed changes to procedures for Citizens to be Heard portion of BCC meetings, citizens speaking on public hearing items, location of notifications re public hearing items on County website, and flyer re utility bill hearing.

d. Chairman Harris

provided a water conservation tip.

#27 Meeting adjourned at 12:19 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk