

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, NOVEMBER 17, 2009 – 3:03 P.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; Nancy Bostock; and Neil Brickfield.

Others Present: James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Michael P. Schmidt and Tammy L. Burgess, Deputy Clerks.

INVOCATION: Pastor Curt Snare, St. Timothy Lutheran Church, Tarpon Springs.

PLEDGE OF ALLEGIANCE: Commissioner Morroni.

PRESENTATIONS AND AWARDS:

1. Youth Advisory Committee presentation by Amy Smith.

CITIZENS TO BE HEARD

Thomas Rask, Seminole, re more scrutiny of expenses.

Lenore Faulkner, Madeira Beach, re Pinellas Park Middle School, Pinellas County Schools.

Greg Pound, Largo, re families.

Todd Malecot, Madeira Beach, re Eagle Lake Park.

Linda Osmundson, St. Petersburg, re Community Action Stops Abuse (CASA) visitation center.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 17 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 9A and 9B, WHICH WERE CONSIDERED UNDER ITEM NO. 18.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	7 – 0

1 Minutes of regular meeting of October 6, 2009 approved.

2 Reports received for filing:

Report of Expenses Incurred Under Incentives, Awards, and Recruitment Ordinance for the Quarter ended June 30, 2009.

3 Vouchers and Bills Paid – Period October 5 through October 16, 2009.

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2345

Payroll checks numbered 564771 through 565107

Imprest Fund Expenditures

Manual checks numbered 751623 through 751626

System checks numbered 981442 through 982089

ACH Transfers numbered 3604 through 3647

Wire Transfers numbered 11123 through 11128

4 Miscellaneous items received for filing:

- a. City of Clearwater Ordinance No. 8090-09 adopted October 1, 2009, annexing certain property; change in meeting dates of public hearings on Annexation, Land Use Plan and Zoning Atlas amendments to November 5, 2009, re Ordinances Nos. 8093-09, 8094-09, and 8095-09; and Resolution No. 09-46 adopted October 1, 2009, recommending that the Pinellas County Board of County Commissioners use EMS reserves to fund a rescue unit at Station 50.
- b. City of Safety Harbor Resolution No. 2009-21 adopted October 19, 2009, opposing the expansion of offshore oil drilling within three miles of the Pinellas County coast and requesting that the Florida Legislation not take up the matter in a Special Session.
- c. Public Risk Management of Florida Intergovernmental Cooperative Agreement for the City of Indian Rocks Beach as amended and restated through October 15, 2004 for the provision of insurance, together with an Affidavit of Authenticity.
- d. Juvenile Welfare Board Interim Financial Report (Unaudited) dated September 30, 2009.
- e. Pinellas Park Water Management District minutes of Regular Authority Meeting No. 12 dated September 17, 2009.

5 Supplemental Agreement No. 3 to the Local Agency Program (LAP) Agreement with the State of Florida Department of Transportation (PID Nos. 1501, 1626, 1810, and 2059) for the Belcher Road Advanced Traffic Management System/Intelligent Transportation System project improvements from Klosterman Road to Druid Road and improvements on State Road 60 from South Hillcrest Avenue to Island Way approved; Chairman authorized to sign and the Clerk to attest (Companion Item No. 6)

- # 6 Amendment No. 1 to the Joint Participation Agreement with the State of Florida Department of Transportation (PID Nos. 1626 and 2059) for the Belcher Road Advanced Traffic Management System/Intelligent Transportation System project improvements from Druid Road to Klosterman Road approved; Chairman authorized to sign and the Clerk to attest (Companion Item No. 5).
- # 7a Award of bid to Westra Construction Corp. for Pump Station 163 Force Main Replacement Phases II-A and II-B (Project No. 1596; Bid No. 089-0556-C) approved in the amount of \$2,241,881.45 on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.
- # 7b Award of bid to QRC, Inc., for Pump Station 054 construction (Project No. 1773; Bid No. 089-0537-C) approved in the amount of \$1,598,000.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.
- # 8 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Airport	Airline Commercial Operations Permit with United Parcel Service Co. for Continued Use of Airport Facilities for Non-Exclusive Cargo Services	\$240,000.00 annual revenue	10.5.09
Community Development	Specific Performance Agreements (SPAs) with: (a) Clearwater Homeless Intervention Project for Operations; (b) Community Services Foundation, Inc. for Housing Placement Services; (c) Tampa Bay Community Development Corporation for Reimbursement of Actual Costs Incurred for Staff Salaries and Operating Costs for the Foreclosure Prevention Program;	(a) \$55,000.00 Emergency Shelter Grant (ESG) funds; (b) N/A – time only; (c) \$45,000.00 State Housing Initiatives (SHIP) funds;	10.9.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
	(d) Consumer Credit Counseling Service of Central Florida and the Florida Gulf Coast, Inc. for Consumer Credit Counseling Services;	(d) \$50,000.00 SHIP funds;	
	(e) Pinellas Opportunity Council, Inc. for Pinellas Opportunity Council Chore Services;	(e) \$30,000.00 Community Development Block Grant (CBGB) funds;	
	(f) Tampa Bay Community Development Corporation for the Homebuyers Club;	(f) \$65,000.00 SHIP funds;	
	(g) Religious Community Services, Inc. for Grace House Operations; and	(g) \$34,478.00 ESG funds; and	
	(h) Tampa Bay Community Development Corporation for Housing Counseling Services	(h) \$50,000.00 SHIP funds	
Community Development	SPAs with: (a) Westcare Gulfcoast – Florida, Inc. for Turning Point Shelter Operations;	(a) \$36,550.00 ESG funds	9.29.09
	(b) Clearwater Neighborhood Housing Services Incorporated for Housing Counseling Services;	(b) \$50,000.00 SHIP funds;	
	(c) Community Service Foundation, Inc. for Housing Counseling Services; and	(c) \$50,000.00 SHIP funds; and	
	(d) Community Service Foundation for Central Housing Assistance Services Program	(d) \$16,000.00 SHIP funds	
Community Development	Satisfactions of Mortgage with: Thomas P. and Kathleen R. Organista; and Leslie Cabbage	All liens are paid in full.	9.28.09
Community Development	(a) Satisfaction of Mortgage with Cheri M. Fletcher; and (b) Release of Lien with George Haber	(a-b) All liens are paid in full.	9.9.09
Community Development	Declaration of Covenants, Conditions and Restrictions for Shady Grove Townhomes for an Affordable Housing Project Being Development	N/A	5.28.09
Convention & Visitors Bureau	Agreement with the St. Petersburg/Clearwater Convention & Visitors Bureau a/k/a Visit St. Petersburg Clearwater with: (a) Hippo Express, Inc. for Mail House Services in Canada; and	(a-b) \$25,000.00 each	10.22.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
	(b) Touristikdienst Truber for Mail Housing Services in Central Europe		
	First Amendment to Agreement with BH&P Direct Mail, LTD. For Mail Housing Services in the United Kingdom	\$35,000.00	
Convention & Visitors Bureau	Tourism Promotion Agreements with St. Petersburg/Clearwater Area Convention & Visitors Bureau a/k/a Visit St. Petersburg Clearwater and:		10.19.09
	(a) Tampa Bay Rays Baseball, Ltd. For Team Activities, Services, and Events;	(a-b) \$250,000.00 each; and	
	(b) Andretti Green Racing, Inc. and Andretti Green Promotions, LLC for the Honda Grand Prix of St. Petersburg; and		
	(c) World Triathlon Corporation for Ironman World Championship 70.3	(c) \$100,000.00	
Convention & Visitors Bureau	(a) First Amendment to Agreement with the Tampa Bay Convention & Visitors Bureau, Inc. (TBCVB) for Cooperative Marketing Program in Brazil;	(a) \$32,400.00;	10.7.09
	(b) First Amendment to Agreement with TBCVB for Cooperative Marketing Program in Argentina;	(b) \$22,800.00;	
	(c) Third Amendment to Agreement with TBCVB for Cooperative Marketing Program in the Midwest Region; and	(c) \$50,000.00; and	
	(d) Fourth Amendment to Agreement with TBCVB for Cooperative Marketing Program in the Washington, D.C. Area	(d) \$50,000.00	
Culture, Education and Leisure	Modification No. 1 to the Wildlife Cooperation Extension Agreement with the U.S. Department of the Interior Fish and Wildlife Service for Additional Project Funding	\$12,000.00 additional revenue	6.30.09
Economic Development	Agreement with the Florida Agency for Workforce Innovation for State Employment Data	N/A	8.11.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Emergency Management	Scope of Work Acceptance for Hazard Analysis Update for the Emergency Planning and Right to Know Act from the State of Florida for Funding to Provide Inspection of Designated Chemical Facilities	\$18,009.00 grant revenue	10.12.09
Emergency Management	Federally-Funded Subgrant Agreement with the State of Florida, Division of Emergency Management for Planning, Training and Exercises	\$65,000.00 grant revenue, no required County match	8.20.09
Environmental Management	Interlocal Agreement with the City of Treasure Island for Final Engineering and Bid Solicitation Services for Sand Sharing Project	\$31,300.00	10.6.09
Environmental Management	Interlocal Agreement with the City of Indian Rocks Beach for Construction of New Dune Walkovers at Public Beach Access Sites	\$50,000.00	10.5.09
Environmental Management	Application for Transfer of Environmental Resource Permit and Notification of Sale of a Facility or Surface Water Management System	N/A	10.1.09
Health and Human Services	Medical Director Quality Assurance Agreement with the Pinellas County Health Department for Health Care Services on the Mobile Medical Unit	\$144,000.00 per year for a two-year period	10.19.09
Justice and Consumer Services	Contracts for Law Enforcement Services with the Pinellas County Housing Authority and the Sheriff for: (a) French Villas and Lakeside Terrace; and (b) Rainbow Village	(a-b) \$62,550.77 each revenue	10.22.09
	Amendment No. 1 to the Contract for Law Enforcement Services with the Pinellas County Housing Authority and the Sheriff for: (a) French Villas and Lakeside Terrace; and (b) Rainbow Village	(a-b) N/A	
Justice and Consumer Services	Agreement with the Pinellas County Sheriff and the Town of Kenneth City for Forensic, Evidence and Property Storage	\$29,562.45 revenue	10.19.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
	Alcohol and Drug Abuse Trust Fund Grant Agreements with:		
	(a) Operation PAR, Inc.;	(a) \$9,365.00;	
	(b) Family Resources, Inc.;	(b-e) \$7,500.00 each;	
	(c) Operation PAR, Inc.;		
	(d) Suncoast Center, Inc.;		
	(e) Pinellas County Sheriff's Office;		
	(f) WestCare GulfCoast-Florida, Inc.;	(f) \$6,887.00;	
	(g) Tampa Crossroads, Inc.;	(g) \$6,000.00;	
	(h) Boley Centers, Inc.;	(h) \$5,000.00;	
	(i) A Spiritual Change, Inc.;	(i) \$4,248.00;	
	(j) Gulf Coast Community Care;	(j-k) \$3,500.00 each;	
	(k) Personal Enrichment through Mental Health Services, Inc.; and	and	
	(l) Agency for Community Treatment Services, Inc.	(l) \$2,000.00	
	Cover Letter and Form for the Designation of Central E-Mail Address with U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment for the Pinellas County Adult Drug Court Collaborative Grant Program	N/A	
	Recovery Act Service Funding Agreement with Alpha House of Pinellas County, Inc. for Child Abuse Education and Prevention	\$45,000.00	
	Certificate of Acceptance of Subgrant Award with Application with the State of Florida, Office of Criminal Justice Grants, Florida Department of Law Enforcement for the Edward Byrne Memorial Justice Assistance Grant Award, American Recovery and Reinvestment Act 2009	\$50,000.00	
Justice and Consumer Services	Certificate of Acceptance of Subgrant Award and Application with the State of Florida, Office of Criminal Justice Grants, Florida Department of Law Enforcement for Alpha House Child Abuse Education and Prevention Program	\$45,000.00 grant revenue, no County match	10.12.09
Justice and Consumer Services	(a) Certificate of Acceptance of Subgrant Award and Grant Application with the State of Florida, Office of Criminal Justice Grants, Florida Department of Law Enforcement for Sexual Predator and Offender Tracking Unit Detectives; and	(a) \$285,346.00 grant revenue, no County match; ratification item to follow; and	10.7.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
	(b) Grant Award and Special Conditions Document with the U.S. Department of Justice, Office of Justice Programs (USDOJ) for Toxicology Laboratory Upgrade	(b) \$85,000.00 grant revenue, no required County match	
Justice and Consumer Services	(a) Data Collaborative Services Agreement with the University of South Florida for Various Systems to Assess Cross-System Interactions, Patterns, and Trends for Agencies to Enhance Policy and Planning; and	(a) \$20,000.00; and	10.6.09
	(b) Grant Award and Special Conditions Documents with the USDOJ for the Pinellas Reentry Project	(b) \$300,000.00 grant revenue, no required County match; ratification agenda item to follow	
Management and Budget	Assistance Award with the U.S. Department of Energy for the Energy Efficiency and Conservation Block Grant Program – Strategy Activity	\$55,000.00 grant revenue, no required County match	10.8.09
Management and Budget	Assistance Award/Amendment with the U.S. Department of Housing and Urban Development for Renovation of Palm Harbor Library	\$247,500.00 grant revenue	1.18.08
Management and Budget	Grant Agreement with the Department of Housing and Urban Development for Renovation of Palm Harbor Library	\$247,500.00 grant revenue Awarded in 1.18.08 Assistance Award/Amendment	11.27.07
Public Safety Services	Memo Approving Cancellation of the Interlocal Agreement with the City of South Pasadena for Fire Prevention Inspection Services	N/A	10.21.09
Public Safety Services	Amendment to Frequency Reconfiguration Agreement with the City of St. Petersburg and Nextel South Corp. for Additional Replacement Equipment Identified in Schedule D1 for Various Agencies Operating on the 800 MegaHertz Trunked System	N/A	9.23.09
Public Works	Release of Funds Head as Completion Surety for Resop Station Remodel	N/A	10.7.09

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Real Estate Management	Access License Agreement with Hubbard Construction Company for 46 th Avenue North Road Construction Project for Use of a Parcel of Land at the Intersection of 71 st Street North and 52 nd Avenue North as a Staging Area	N/A	10.19.09
Real Estate Management	Request for Renewal of Lease Agreement with Alliant Integrated Defense Company, LLC for a Portion of the Solid Waste Sod Farm Property for Testing Ranges of Microwave Sensors and Seekers from a 38-Foot Tower	\$11,530.70 quarterly revenue	10.13.09
Real Estate Management	Contract for Sale and Purchase and Right-of-Way Easement with ADK Universal, LLC for the Bryan Dairy Road Project from Starkey Road to 72 nd Street North	\$16,225.00 total estimated cost	10.8.09
Real Estate Management	Lease Termination Agreement with the City of St. Petersburg for Use of a Fire Station Located in Tierra Verde	N/A	10.6.09
Real Estate Management	License Agreement with the Town of Indian Shores for Landscaping Behind Trolley Stops Along Gulf Boulevard	N/A	10.5.09
Real Estate Management	Noncash Charitable Contribution Form 8283 for Rodolfo Ciccarello for Property Contiguous to County-Owned Property in Brooker Creek Preserve	N/A	10.2.09
Real Estate Management	Contract for Sale and Purchase and Temporary Construction Easement with FPRO-501, LLC for Bryan Dairy Road Project for Starkey Road to 72 nd Street North	\$7,200.00	10.1.09
Real Estate Management	Supplemental Lease Agreement No. 19 with the United States of America, General Services Administration, Public Building Service for Coast Guard Communications Antenna at Fort DeSoto Park	N/A	9/21/09
Real Estate Management	Access License and Hold Harmless Agreement with Homeland Intelligence Technologies, Inc. for Space Near Building 200 and 600 of the Young – Rainey STAR Center	\$400.00 monthly rental revenue	8.18.09

November 17, 2009

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Utilities	Innovative Waste Reduction and Recycling Grant IG8-06 with the Florida Department of Environmental Protection for Period July 1 to September 30, 2009	\$35,733.14 requested funds, plus \$6,446.00 County match	10.19.09
Utilities	Documents Delegating Signature Authority for Permit Documents from the State of Florida Department of Environmental Protection and Grant Variances for Reclaimed Water Schedules for Usage to the Director of Utilities Department	N/A	9.25.09
Utilities	Amendment No. 2 to the State Financial Assistance Agreement with the Florida Department of Environmental Protection for North Pinellas Reclaimed Water Pump Station Rehabilitation	N/A – time only extension	7.8.09
# 9a	See Item No. 18.		
# 9b	See Item No. 18.		
#10	County Administrator’s signature approving the grant award providing funding in the amount of \$500,000.00 from the United States Department of Justice, Office of Community Oriented Policing Services, for the Pinellas County Sheriff’s Office ratified and confirmed (Justice and Consumer Services).		
#11	Fiscal Year 2009 Budget Amendment No. 13 was filed and made a part of the record (Management and Budget).		
#12a	Resolution No. 09-173 adopted supplementing the Fiscal Year 2009 Palm Harbor Recreation and Library Fund budget (unanticipated grant revenues in the amount of \$180,660.00) to appropriate earmarked receipts for a particular purpose (Companion to Item No. 12b) (Management and Budget).		
#12b	Resolution No. 09-174 adopted supplementing the Fiscal Year 2010 Palm Harbor Recreation and Library Fund budget (unanticipated grant revenues in the amount of \$50,000.00) to appropriate earmarked receipts for a particular purpose (Companion to Item No. 12a) (Management and Budget).		

- #13a Resolution No. 09-175 adopted supplementing the Fiscal Year 2010 General Fund Budget (unanticipated fund balance) to appropriate earmarked receipts for a particular purpose (American Recovery and Reinvestment Act and various other grants and contracts) as requested by the Sheriff (Management and Budget).
- #13b Resolution No. 09-176 adopted supplementing the Fiscal Year 2010 General Fund Budget (grants awards) to appropriate earmarked receipts for a particular purpose as requested by the Emergency Management and Justice and Consumer Services departments (Management and Budget).
- #13c Resolution No. 09-177 adopted appropriating earmarked receipts for a particular purpose in the Fiscal Year 2010 General Fund Budget in the amount of \$358,000.00 for unanticipated fund balance from prior year grants to the Public Defender (Management and Budget).
- #14a Renewal of Certificates of Public Convenience and Necessity issued for advanced life support (ALS), in accordance with Pinellas County Code Section 54 and Section 401.25, Florida Statutes (Public Safety Services):

ALS First Responders

Cities of Clearwater, Dunedin, Gulfport, Largo, Madeira Beach, Oldsmar, Pinellas Park, Safety Harbor, Seminole, South Pasadena, St. Pete Beach, St. Petersburg, Tarpon Springs, and Treasure Island; East Lake Tarpon Special Fire Control District; Lealman Special Fire Control District; Palm Harbor Special Fire Control District

ALS Helicopter Ambulances

Bayfront Medical Center, Inc. d/b/a, Bayflite

Florida Health Sciences Center, Inc. d/b/a Tampa General Hospital – Aeromed

Sunstar Ambulance Service

Pinellas County Emergency Medical Services Authority d/b/a Sunstar

- #14b Sitting as the Emergency Medical Services (EMS) Authority, the Board approved the renewal of Certificates of Public Convenience and Necessity for providers of non-medical wheelchair transport, as follows, in accordance with Section 54, Pinellas County Code (Public Safety Services):

1st Choice Transportation, L.L.C.
Care on Wheels, Inc.
Care Ride, L.L.C.
Comfort Coach Wheelchair Transportation, Inc.
Express Medical Transporters, Inc.
Lifefleet Southeast, Inc. d/b/a American Medical Response (AMR)
Mac-Transport
MedFleet Systems, Inc.
Stretcher Limo, Inc.
T.L.C. Transportations, Inc.
Trinity Mobility, Inc. d/b/a A Trinity Wheelchair Transportation
Wheelchair Transport Service, Inc.

- #15 Quarterly report of claim settlements for July 1, 2009 through September 30, 2009 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement area of \$25,001.00 to \$50,000.00 (total claims paid, \$34,051.86) received for filing (Risk Management/County Attorney).
- #16 Sitting as the Countywide Planning Authority, the Board adopted Resolution No. 09-178 accepting the Amended Countywide Future Land Use Plan Map and directing it be filed with the Clerk of the Board of County Commissioners as the official Countywide Future Land Use Plan Map, as recommended by the Pinellas Planning Council in its Resolution No. 09-3 adopted October 21, 2009, a copy of which has been filed and made a part of the record.
- #17 Sitting as the Countywide Planning Authority, the Board adopted Resolutions Nos. 09-179, 09-180, and 09-181 approving updated Determinations of Consistency with the Countywide Future Land Use Plan and Rules for the municipalities of Redington Shores, Safety Harbor, and St. Petersburg, respectively.
- #18 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court)
 - #9a Approval of Ratification of the Recovery Act: Edward Byrne Memorial Justice Assistance Grant for Sexual Predator and Offender Tracking Unit (Award No. 2010-ARRC-PINE-19-W7-081) in the amount of \$285,346.00 (Project period: October 1, 2009 to September 30, 2010) (Justice and Consumer Services).

In response to queries by Commissioners Brickfield and Bostock, Justice and Consumer Services Director Tim L. Burns detailed the procedures for processing grant award documents; whereupon, Administrator LaSala discussed the agenda process and agreed to schedule a workshop. Mr. Burns discussed the methods used by Justice and Consumer Services to efficiently circulate documents for review and provided statistical information regarding grants documents to be ratified.

Motion - Commissioner Welch
Second - Commissioner Morrone
Vote - 7 – 0

#9b Approval of Ratification of the Fiscal Year 2009 Congressionally Selected Pinellas Reentry Project Grant (Award No. 2009-D1-BX-0337) in the amount of \$300,000.00 (Project period: October 1, 2009 to March 31, 2011) (Justice and Consumer Services).

Motion - Commissioner Welch
Second - Commissioner Morrone
Vote - 7 – 0

#19 Change Order No. 1 to the contract with Duffy & Lee Carpet Company for the Airport Terminal Improvement Project – Phase I Carpet and Installation (Airport Contract No. AP-66, Bid No. 078-0337-B) approved increasing the contract amount by \$100,705.00 with a \$10,000.00 contingency allowance for a total amount of \$110,705.00 (revised contract total, \$497,741.73); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Welch
Second - Commissioner Latvala
Vote - 7 – 0

#20a Amendment No. 5 to the agreement for consultant services with the LPA Group Incorporated for the St. Petersburg-Clearwater International Airport Terminal Building Schematic Design Phase (PID No. 674) approved increasing the agreement for construction phase services by \$507,690.00 and decreasing the agreement for design services by \$374,103.00 (revised agreement amount, \$3,493,749.50); Chairman authorized to sign the amendment and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Welch

In response to queries by Commissioner Brickfield, Airport Director Noah Lagos related that an estimated 775,000 travelers will pass through the Airport by the end of Calendar Year 2009; that Amendments Nos. 5 and 6 involve stimulus funding; and that no additional amendments are expected to come before the Board relating to the LPA Group's contract.

Vote - 6 – 1 (Commissioner Brickfield dissenting)

#20b Amendment No. 6 to the agreement for consultant services with the LPA Group Incorporated for the St. Petersburg-Clearwater International Airport Terminal Building Schematic Design Phase (PID No. 674) approved increasing the agreement by \$86,799.00 (revised agreement amount, \$3,580,548.50); Chairman authorized to sign the amendment and the Clerk to attest.

Motion - Commissioner Welch
Second - Commissioner Latvala
Vote - 7 – 0

#21 Construction Agreement with CSX Transportation, Inc. for the installation of new warning devices at the rail crossing at Bryan Dairy Road in the amount of \$336,269.00 approved (PID No. 920588); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Morrone
Second - Commissioner Latvala

In response to queries by Commissioner Seel, Director of Public Works and Transportation Peter J. Yauch presented background information regarding the rail crossing at Bryan Dairy Road. He related that although the physical railroad crossing was replaced in 2008, the automatic warning devices could not be replaced at that time because of a proposed road widening; that the agreement provides for longer mast arms and gates and the relocation of equipment; and that the type of equipment to be installed and technology utilized remains unchanged.

Vote - 7 – 0

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At this time, 3:51 P.M., Commissioner Brickfield left the meeting.

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#22 Resolution No. 09-182 adopted authorizing the Ultra Low Flow Toilet Rebate Program for an additional year.

Motion - Commissioner Latvala
Second - Commissioner Welch

Responding to the Chairman’s call for persons wishing to be heard, Thomas Rask, Seminole, appeared and expressed his concerns.

In response to queries by Commissioner Bostock, Conservation Department Interim Director Bob Peacock provided general and financial background information relating to the Ultra Low Flow Toilet Rebate Program, and reported that the Program Administrator, Viewtech Financial Services, Inc., receives and processes Program applications, verifies toilet installations, and issues rebate checks on behalf of the County; whereupon, Commissioner Bostock expressed her concerns regarding the program, emphasizing that \$37.50 in administrative costs to process a \$100.00 rebate is excessive.

Thereupon, Mr. Peacock explained that to satisfy the requirements of the Southwest Florida Water Management District (SWFWMD) and to provide for good stewardship of utility ratepayer dollars, the County must ensure that County residents replace their high flow toilets with ones which are low flow.

Vote - 5 – 1 (Commissioner Bostock dissenting)

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At this time, 3:53 P.M., Commissioner Brickfield returned to the meeting.

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#23 Resolution No. 09-183 adopted supporting elimination of the cap on the state and local housing trust funds and supporting full appropriation of the housing trust funds for housing programs (County Administrator)

Motion - Commissioner Welch
Second - Commissioner Seel
Vote - 7 – 0

#24 Resolution No. 09-184 adopted opposing the approval of oil and gas drilling in Florida's waters in areas other than those already approved for such exploration and recommending the Florida Legislature establish a special task force to study the short and long term implications of oil and gas drilling and other alternative energy sources (County Administrator).

Motion - Commissioner Latvala
Second - Commissioner Welch

Responding to the Chairman's call for people wishing to be heard, Thomas Rask, Seminole, appeared and expressed his concerns.

In response to queries by Commissioner Seel regarding whether the Convention and Visitors Bureau is permitted to engage in issue advocacy, Attorney Bennett provided information relating to the intricacies of such advocacy, and related that he will seek an opinion from the Attorney General and provide that information to the members, and Commissioner Latvala provided input.

In response to queries by Commissioner Bostock, Commissioner Seel, with input by Commissioner Welch, explained that the resolution is being adopted to communicate the County's opposition to oil and gas drilling in Florida's waters and that various entities have requested that the County take a position on the matter; that most of the cities have passed their own resolutions; and that the resolution will update a similar resolution adopted by the Board in 2006. Commissioner Seel discussed the special task force and the importance of the members becoming well-informed about the short and long term implications of offshore drilling; whereupon, Commissioner Morrioni, with input by Commissioner Latvala, related that adopting a resolution will demonstrate how the County, the cities, and the Big C are united in their opposition to offshore drilling.

Commissioner Brickfield expressed support for the resolution; whereupon, he suggested that the County develop a clear policy regarding how departments implement Board initiatives. Chairman Harris provided various reasons why Pinellas County opposes offshore drilling, noting that the County's economy is based on tourism; whereupon, during further discussion, Administrator LaSala emphasized that the County did not organize the recent anti-drilling rally, and Commissioner Welch provided input.

Vote - 6 – 1 (Commissioner Bostock dissenting)

#25 Assistance Agreement with the United States Department of Energy for the Pinellas County Regional Urban Sustainability Demonstration and Education Facility (Sustainability Node) approved in the amount of \$475,750.00; Chairman authorized to sign and the Clerk to attest (Culture, Education and Leisure).

Motion - Commissioner Latvala
Second - Commissioner Welch

In response to queries by Commissioner Bostock, Culture, Education and Leisure (CEL) Director Paul A. Cozzie indicated that the CEL Department has requested and received project funding for a Sustainability Node at the Extension campus; and that the facility will demonstrate green building techniques, alternative energy initiatives and technologies, and reduced energy consumption.

Mr. Cozzie related that 50 percent of the in-kind services that make up the grant will be provided by the University of Florida and the remainder by Pinellas County. He clarified that the CEL and Parks and Recreation Departments are not providing the County's portion of the in-kind services; whereupon, during further discussion, Director of Public Works and Transportation Peter J. Yauch related that his staff will be providing the in-kind services and should be able to accommodate the increased workload with other projects remaining unaffected.

Thereupon, Mr. Cozzie related that the facility should open in approximately three years; and that methods for tracking programs and determining outcomes will be a part of the process; whereupon, Commissioners Seel and Latvala expressed their support for the program.

Vote - 6 – 1 (Commissioner Bostock dissenting)

#26 Contract with the State of Florida Department of Health for operation of the Pinellas County Health Department for Contract Year 2009-2010 approved, retroactive to October 1, 2009; County's appropriated responsibility not to exceed \$4,284,530.00 for Fiscal Year 2009-2010; Chairman authorized to execute and the Clerk to attest (Health and Human Services).

Motion - Commissioner Welch
Second - Commissioner Latvala

In response to query by Commissioner Seel, Chairman Harris indicated that the contract being voted upon is separate from the County's Medical Home Contract with the Health Department.

Vote - 7 – 0

#27 Grant-In-Aid Agreement for Post-Adjudicatory Drug Court expansion between the Office of the State Courts Administrator (OSCA) and the Pinellas County Board of County Commissioners approved for execution in the amount of \$1,074,150.00; agreement will be effective upon execution and remain in effect until September 30, 2010 (Justice and Consumer Services).

Motion - Commissioner Latvala
Second - Commissioner Welch

In response to queries by Commissioner Seel, Justice and Consumer Services Director Tim L. Burns discussed the monies received and budgeted for various Drug Court programs.

Vote - 7 – 0

#28 Other administrative matters – None.

#29 County Attorney Miscellaneous – None.

#30 Sitting as the Countywide Planning Authority (CPA), the Board received and accepted the Curlew Road Scenic/Non-Commercial Corridor Pilot Study as recommended by the Pinellas Planning Council (PPC).

In response to queries by Commissioners Brickfield and Bostock, PPC Executive Director David P. Healey, with input by Planning Director Brian K. Smith, presented background information relating to the Pilot Study; whereupon, Mr. Healey discussed the terms “planning level” and “site plan level” as each relates to Plan Map amendments, and related that he is in agreement with the Planning Department that a site plan level of scrutiny is not appropriate to the program.

Motion - Commissioner Morrioni
Second - Commissioner Latvala
Vote - 7 – 0

* * * *

At this time, 4:32 P.M., Commissioner Welch left the meeting.

* * * *

#31 Sitting as the Emergency Medical Services (EMS) Authority, the Board approved the revised Appendices A and B to the Advanced Life Support (ALS) First Responder Agreement with the City of St. Pete Beach.

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

* * * *

At this time, 4:33 P.M., Commissioner Welch returned to the meeting.

* * * *

#32 County Administrator Reports:

a. Charter Review Update

Assistant County Administrator Elithia V. Stanfield indicated that the Pinellas County Charter requires that every six years the Pinellas County Board of County Commissioners establish a Charter Review Commission (CRC) composed of 13 members representing the following groups:

- One member from the Pinellas County Legislative Delegation residing in Pinellas County
- One constitutional officer
- One member from the elected city officials
- One member from the elected Board of County Commissioners
- Nine members from the public at large, none of whom shall be an elected official

During discussion and in response to queries by the members, Ms. Stanfield indicated that the Charter directs the Board to appoint the members of the CRC during the month of December; and that since an Orientation Session is scheduled for Monday, December 7, 2009, it is necessary for the Board to appoint the CRC at its December 1, 2009 meeting.

b. Digital Billboards

Administrator LaSala, with input by Director of Public Works and Transportation Peter J. Yauch, indicated that subsequent to the Board's previous discussions regarding the regulation of digital billboards, staff became aware of two such billboards currently being planned for installation. Administrator LaSala noted the Board's direction that a hold on future installations be implemented until sign regulations are updated and negotiations with the sign companies on reducing the overall number of billboards begin; whereupon, he indicated that staff would like to formalize that hold, and offered two primary options to the Board for consideration:

1. Declare a moratorium on any new electronic billboard installations until sign regulations are updated and negotiations are complete.
2. Permit the new signs on an annual basis, with permits being renewed only as the new sign installations conform with the future regulations or to the negotiated agreement.

During discussion and in response to query by the members, Attorney Bennett indicated that previous settlement agreements did not specifically address digital billboards. He pointed out the advantages and disadvantages of each option, and suggested that a moratorium would be the most effective way to accomplish the objectives of the Board.

Attorney Bennett discussed digital and non-digital on-premise signs, relating that the digital signs have begun to proliferate throughout the County due to limited regulation; whereupon, he advised that the members consider expanding the scope of the two available options to include all signs, including on-premise signs, and discussion ensued.

In response to queries by Commissioners Bostock and Brickfield, Attorney Bennett discussed the legal requirements relating to public notice; whereupon, he related that the current ordinance only deals with electronic variable message signs, which involve issues relating to aesthetics, distraction, and luminosity.

In response to queries by Commissioner Welch, Attorney Bennett, with input by Mr. Yauch, related that since no federal standards exist relating to the permitting of billboards, the County would need to develop its own standards in order to

assess the safety of an application; whereupon, he related that although the existing agreement does not address digital billboards, it does require that companies comply with existing regulations.

Responding to queries and comments by the members, Attorney Bennett advised that since the members have expressed their desire to halt the proliferation of digital billboards, a moratorium would effectively accomplish that goal until sign regulations are updated; whereupon, he provided detailed information relating to the process for enacting a moratorium, emphasizing that it is an allowable procedure under the law; and that no more permit applications would be accepted during that time period.

Thereupon, Attorney Bennett related that his office would complete a legal analysis of the current in-house billboard applications prior to the December 1, 2009 BCC meeting.

Later in the meeting, Commissioner Welch moved, seconded by Commissioner Seel, that staff proceed with the moratorium option as outlined in the memorandum.

Motion - Commissioner Welch
Second - Commissioner Seel

Following discussion, Commissioner Seel requested that the motion be amended to include digital on-premise signs, and Commissioner Welch indicated his acceptance of the amendment.

Upon call for the vote, the motion carried 5 to 2, with Commissioners Latvala and Bostock dissenting.

Vote - 5 – 2 (Commissioners Latvala and Bostock dissenting)

#33 Reappointment of Kevin Donoghue to a four-year term on the Health Facilities Authority (term expires November 24, 2013) approved.

Motion - Commissioner Morrone
Second - Commissioner Welch
Vote - 7 – 0

#34 Appointment of Christopher P. Brennan to a five-year term on the Educational Facilities Authority (term expires October 25, 2014) approved.

Motion - Commissioner Seel
Second - Commissioner Latvala
Vote - 7 – 0

#35 Appointment of Lauralee G. Westine, alternate member, to the Local Planning Agency Board approved.

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 7 – 0

#36 At the request of the Chairman, Chief Deputy Clerk Clarethia N. Harris assumed the gavel and presided as Acting Chairman for the purpose of electing a Chairman and Vice-Chairman of the Board of County Commissioners for Calendar Year 2010; and indicated that the floor is open for nominations.

Chairman Harris moved that Commissioner Karen Williams Seel be elected Chairman of the Board of County Commissioners, which was seconded by Commissioner Latvala. Upon call for the vote, the motion carried unanimously.

Commissioner Seel moved that Commissioner Susan Latvala be elected as Vice-Chairman of the Board of County Commissioners, which was seconded by Chairman Harris. Upon call for the vote, the motion carried unanimously.

Thereupon, in response to queries by Commissioner Brickfield, Commissioner Seel related that she will meet with Administrator LaSala and Attorney Bennett on Wednesday afternoons; and that her goal is for the agenda to be available for member review by Thursday.

During discussion and in response to queries by the members, Administrator LaSala discussed the agenda process, and related that adjustments have been made along the way to increase efficiencies, but he will confer with staff in an attempt to further streamline the process. Administrator LaSala related that Pinellas County does not own an electronic agenda system; and that while documents are generated in Word, they are not transmitted electronically.

Commissioner Welch reported that the cost of an electronic agenda system would be in excess of \$100,000.00; whereupon, he questioned the business value of trying to move up the agenda schedule by one day, and Commissioners Bostock and Brickfield provided input.

#37 County Commission Miscellaneous:

The Commissioners extended congratulations and thanks to their fellow Commissioners and wished everyone a Happy Thanksgiving.

- b. Commissioner Morroni extended thanks and appreciation for everyone’s support regarding his illness.
- c. Commissioner Welch requested clarification of the new Citizens to be Heard process; members provided input.
- d. Commissioner Bostock questioned when the Board will review its policy for appointing individuals to various committees; Chairman Harris indicated that the matter will be discussed at the next meeting.
- e. Commissioner Brickfield requested a new official Commission photograph be taken; Commissioner Seel indicated that new photos are taken each December.
- f. Chairman Harris discussed having more workshops to ensure new commissioners are well-informed on all issues.

#37a Approval of Appointments to the Tourism Development Council

During discussion, Chief Assistant County Attorney Dennis R. Long advised the members on questions relating to the voting process and Florida Sunshine Laws.

Reappointments of Timothy Bogott and Anthony Satterfield (representing hotels and motels) to the Tourism Development Council approved.

Motion	-	Commissioner Latvala
Second	-	Commissioner Morroni
Vote	-	7 – 0

Appointment of North Redington Beach Mayor Bill Queen (representing the Big “C”) to the Tourism Development Council approved.

Motion	-	Commissioner Seel
Second	-	Commissioner Brickfield
Vote	-	7 – 0

Chairman Harris tabulated the ballots and announced the appointments of Doreen Moore and Lloyd Williams (tourism related) to the Tourist Development Council.

* * * *

At this time, 5:36 P.M., the meeting was recessed and reconvened at 6:34 P.M. with all members present.

* * * *

#38 Ordinance No. 09-60 adopted approving Case No. CW 09-20, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential Medium to Commercial General, re 0.6 acre m.o.l., located at 2337 Gulf to Bay Boulevard (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 Morroni
Vote	-	7 – 0

#39a Ordinance No. 09-61 adopted approving Case No. CW 92-20 (Special Area Plan Change No. 2-2009), the proposal by the City of Gulfport to amend the Countywide Future Land Use Plan by amending the City of Gulfport Waterfront Area Redevelopment Plan to provide redevelopment incentives in the Mixed Use category, re 58.6 acres m.o.l., located generally in an area included within and encompassed by the lots north of and abutting Shore Boulevard South, between 58th Street South and 54th Street South, an area south of 28th Avenue South to Shore Boulevard South, and east of 56th Street South and west of 54th Street South (i.e., excluding lots that front on Essex Avenue South, west of 54th Street South) (regular amendment). The Pinellas Planning Council recommended approval of the proposed amendment subject to the following conditions, and staff concurred. One letter in support of the amendment 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.

Motion - Commissioner Morroni
Second - Commissioner Welch
Vote - 7 – 0

#39b Proposed ordinance by the City of Largo Case No. CW 97-62 (Special Area Plan Change No. 1-2009) to amend the Countywide Future Land Use Plan by replacing the West Bay Drive Redevelopment Plan adopted in 1997 with a plan that establishes character districts to guide redevelopment, re 315.4 acres m.o.l., located generally in an area included within and encompassed by 4th Avenue Northwest, Missouri Avenue, 2nd Avenue Northeast, 2nd Street Northeast, 1st Avenue Northeast, Central Park Drive (including Largo Central Park and Library), an area north of 6th Avenue Southeast, Seminole Boulevard, 4th Avenue Southwest, and extending further west to the western boundary of the Largo Medical Center, West Bay Drive, 14th Street Northwest, Pine Vista Drive, and the Pinellas Trail (regular amendment) continued to the December 15, 2009 BCC meeting. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Welch
Vote - 7 – 0

#40 Resolution No. 09-185 adopted granting the petition of Nasser A. Moukaddem to vacate a portion of a utility easement on Lot 11, Feather Sound Custom Home Site Unit Three Subdivision (File No. 1357). Authorization granted for Clerk to record the resolution. Letters of no objection received from all 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.

Motion - Commissioner Morroni
Second - Commissioner Latvala
Vote - 7 – 0

- #41a First public hearing held on the application of the Pinellas County Planning Director for a change in land use designation from Preservation to Residential Medium (LU-1-1-08), subject to further review and approval by the Pinellas Planning Council and Countywide Planning Authority, re a parcel of land containing approximately 0.60 acre located on the north side of 42nd Avenue North, 450 feet east of 28th Street North, St. Petersburg (street address: 4200 26th Street North). Staff authorized to transmit proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA. No correspondence has been received. Earlier correspondence and testimony received at the Local Planning Agency hearing included one letter and six citizens in opposition to the proposed ordinance.

Planning Department Zoning Manager John F. Cueva referred to an aerial photograph and the zoning and land use map, pointed out the subject property, and described the surrounding land uses. He provided an overview of the application and related that the Board previously heard and approved the application for a change of zoning to RM-12.5, Residential Medium-12.5 units per acre, and a change in land use designation to Residential Medium; and that the application was sent to the Department of Community Affairs (DCA) as a small-scale amendment, but that the DCA determined that the submittal did not meet the criteria for a small-scale amendment, as the density associated with the Residential Medium land use designation exceeded the ten units per acre threshold allowed, and returned the case for re-submission as a large-scale amendment.

Mr. Cueva indicated that only the change in land use designation is at issue; and that the Local Planning Agency (LPA) approved the change in land use designation with the caveat that, after the process is complete, the applicant submit an application for R-4 zoning, Single Family – Duplex and Triplex, noting that the caveat was based on neighborhood concerns regarding crime associated with the workforce housing development in the area and the potential for government housing to be developed on the subject property; whereupon, in response to query by Commissioner Morroni, Mr. Cueva related that the LPA vote was unanimous.

Lois Bozarth Pendley, Seminole, indicated that the Southwest Florida Water Management District (SWFWMD) bought approximately 2.5 acres of the property several years ago and designated it Preservation; and that the remaining 0.60 acre was inadvertently designated Preservation as well; whereupon, she related that in the event the home is destroyed, it cannot be rebuilt due to the Preservation designation.

In response to the Chairman's call for persons wishing to be heard, Steve Huff and Jacob Storza, St. Petersburg, appeared, expressed their concerns, and responded to queries by the members.

In response to comments by Chairman Harris, Planning Director Brian K. Smith clarified that although this is the first public hearing on the matter, the members need to vote on whether or not to remit the land use package to the DCA, noting that the second public hearing will occur in a few months.

Motion - Commissioner Latvala
Second - Commissioner Morrone

Commissioner Latvala expressed concern regarding residents' continued misconception regarding the allowable development on various properties and related that a more thorough explanation needs to occur to alleviate the neighbors' concerns. Mr. Cueva discussed the efforts made to explain the proposed zoning change to the residents prior to the LPA hearing, noting that not all of the residents attend the public hearings; whereupon, he indicated that he has a graphic that he will bring to future meetings to assist in the explanation.

In response to queries by Commissioner Welch, Mr. Cueva clarified the LPA's recommendation and noted that the zoning application can be submitted as a Planning Director's application; and Commissioner Latvala confirmed that her motion includes the LPA's stipulation regarding the application for R-4 zoning.

Vote - 7 - 0

- #41b Ordinance No. 09-62 adopted approving the application of Edward and Donna Brauch for a change in land use designation from Commercial General to Residential Low (LU-1-10-09), re a parcel of land containing approximately 0.15 acre located on the south side of 55th Terrace North where it intersects with 56th Way North, St. Petersburg (street address: 5723 54th Avenue North). Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. Earlier correspondence submitted for the Local Planning Agency hearing included one letter of no objection from the City of Pinellas Park. No citizens appeared to be heard.

Motion - Commissioner Morrone
Second - Commissioner Welch
Vote - 7 - 0

#41c First public hearing held regarding a proposed ordinance to amend the Pinellas County Future Land Use Map on approximately 101 acres located on the west side of Alternate U.S. Highway 19 and lying within the Wall Springs County Park, Palm Harbor (LU-2-10-09). Staff recommended approval of the application based on the Local Planning Agency Report. Staff authorized to transmit the proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Seel
Vote - 7 – 0

#41d Resolution No. 09-186 adopted approving the application of Juan Vazquez, Trustee, through Braulio Grajales, P.E., Representative, for a change of zoning from C-1, Neighborhood Commercial, to C-2, General Retail Commercial & Limited Services; a variance to allow a 24.7-foot front setback where a 25-foot front setback is required; and a parking variance to allow 14 parking spaces where 17 are required (Z-3-10-09), re two lots containing approximately 0.38 acre located on the east side of Missouri Avenue, 270 feet south of Woodlawn Street, Clearwater (street addresses: 1521 and 1527 South Missouri Avenue). Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Seel
Vote - 7 – 0

#41e Application of Joseph McGeehan, McGeehan Construction, Inc., approved for a conditional use to allow storage and the operation of a solid waste facility along with a special exception to allow the storage of fill in excess of 1,000 cubic yards (CU-4-10-09), re a parcel of land containing approximately 3.6 acres located 700 feet east of U.S. Highway 19 and 700 feet south of Ulmerton Road, Clearwater. Staff recommended approval of the application based on the Local Planning Agency Report, subject to the following conditions:

1. Full site plan review.
2. The solid waste facility shall be for construction and demolition of debris only.

3. No rock crushing equipment shall be permitted.
4. Dust control provisions shall be implemented.
5. The number of cubic yards of demolition debris collected and stored on the site shall not exceed 5,000 cubic yards.
6. The height of the piles of debris and fill shall not exceed 16 feet in height.
7. Hours of operation shall be Monday through Friday, 7:00 A.M. to 4:30 P.M., Saturday, 8:00 A.M. to 4:00 P.M., and closed on Sunday.
8. No hazardous materials shall be collected at the site.
9. In the event the above conditions are not met, the Board of County Commissioners may modify or rescind the conditional use permit.
10. All required state permits will be obtained prior to the operation of the solid waste facility.

No correspondence has been received. Earlier correspondence submitted for the Local Planning Agency hearing included one letter of concern from the City of Pinellas Park and one letter in opposition to the application.

Planning Department Zoning Manager John F. Cueva referred to an aerial photograph and the zoning and land use map, pointed out the subject property, and described the surrounding zoning and land uses. He related that the subject property is designated Industrial Limited, which allows the applicant to apply for a conditional use for a solid waste facility; and that the Code Enforcement Special Magistrate directed the applicant to apply for a conditional use in response to an existing violation; whereupon, Mr. Cueva requested that an additional condition be added restricting access from the applicant's property up to Ulmerton Road, noting that the Board of Adjustment recently granted a variance allowing access to the site via a private road due to a lack of frontage on a public road.

In response to the Chairman's call for individuals wishing to be heard, MaryLou DeWyn Gaert, Clearwater, appeared and expressed her concerns.

Commissioner Bostock expressed concern regarding staff's recommendation of approval given it had recommended denial of the application in 2004; and noted that no significant changes have been made. In response to her queries, Mr. Cueva indicated that there were code violations on the site in 2004, but that the Code Enforcement Special Magistrate was not involved at that time; and that there are existing code violations on the site for which the Special Magistrate has directed the applicant to apply for the conditional use permit to remedy; whereupon, he stated that staff feels the applicant can meet the standards; and that the Board can revoke the permit if the applicant fails to comply.

During discussion Commissioner Bostock expressed concern regarding the notice given to the neighbors and Mr. Cueva pointed out that notices were sent out beyond the 200-foot minimum requirement. He clarified that the requested conditional use is a solid waste facility, not a landfill, and discussion ensued; whereupon, Commissioner Seel moved, seconded by Commissioner Bostock, to deny the application.

Motion	-	Commissioner Seel
Second	-	Commissioner Bostock

In response to query by Commissioner Welch, Mr. Cueva confirmed that the nature of the current code enforcement violation was the construction demolition debris brought onto the site. Commissioner Seel requested that, in the future, the members be provided background information if an item has been previously heard and denied by the Board; whereupon, Attorney Bennett noted that the applicant has not been heard from yet.

Joseph F. McGeehan, Clearwater, appeared and provided input regarding the history and use of the property since his purchase in 2001, the miscommunications resulting in the multiple code violations, and how the company operates. He indicated that he has spoken with the neighbor to the west regarding his concerns of contamination; and clarified that no liquid is brought onto the site. In response to queries by the members, he defined construction debris and indicated that approval of the conditional use permit will bring him into compliance; that "solid waste facility" is the term the County uses to describe the work his business performs, although there is no trash or garbage involved; and that the materials and description listed are the same on the 2004 and the current applications; whereupon, Mr. LaSala suggested that the Board include a condition wherein the applicant would be subject to periodic inspections every six months, at his expense, and the conditional use permit would be revoked if he is found to be in violation.

Following lengthy discussion regarding the need for industrial business and the lack of available space within the county allowing for industrial use, Commissioner Welch expressed his reluctant support of the application and requested strong enforcement.

Commissioner Morroni suggested that Mr. LaSala's additional condition be incorporated into the motion; whereupon, Commissioner Seel stated that her motion was to deny the application. In response to Commissioner Seel's request for an explanation of the side conversation between Mr. LaSala and Attorney Bennett, Mr. LaSala explained that they were discussing whether or not to ask the applicant if he is willing to accept the additional condition; whereupon, Mr. McGeehan related that he has no objection to the inclusion of the additional condition.

During discussion Attorney Bennett clarified that the Code Enforcement Special Magistrate did not specifically recommend the case to the BCC, but directed the applicant to apply for a conditional use permit. In response to query by Chairman Harris, Commissioner Seel indicated that her motion to deny remains on the floor; and expressed concern regarding the Board's ability to enforce the conditional use; whereupon, Attorney Bennett explained that if there is evidence on the record of a violation of the conditions, the matter would come back before the Board, who could revoke the conditional use permit or impose other relief, such as additional conditions.

Vote - 2 – 5 (Commissioners Harris, Latvala, Welch, Morroni, and Brickfield dissenting).

Commissioner Latvala moved, seconded by Commissioner Morroni, that the application be granted with the inclusion of the additional conditions that access be restricted from the applicant's property up to Ulmerton Road; and that the applicant be subject to inspections every six months at his own expense.

Upon call for the vote, the motion carried by a vote of 5 to 2.

Motion - Commissioner Latvala
Second - Commissioner Morroni
Vote - 5 – 2 (Commissioners Seel and Bostock dissenting).

In response to Mr. Cueva's request, Commissioner Bostock confirmed that the motion included the additional conditions.

#41f Resolution No. 09-187 adopted approving the application of Vito Farese for a change of zoning from R-3, Single Family Residential, to C-2, General Retail Commercial and Limited Services (Z-5-10-09), re a parcel of land containing approximately 0.11 acre located 130 feet east of Audrey Lane and 130 feet north of Ulmerton Road, Largo (street address: 6789 Ulmerton Road). Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. Earlier correspondence submitted for the Local Planning Agency hearing included one letter in opposition to the application.

Planning Department Zoning Manager John F. Cueva referred to an aerial photograph and the zoning and land use maps, pointed out the subject property, and described the surrounding land uses. He stated that the current zoning on the property is inconsistent with the land use designation on the Future Land Use Map (FLUM), which is the basis for the application; that State law requires that the maps be consistent; and that staff encouraged the property owner to file the current application to bring the property into conformance.

Mr. Cueva indicated that the Board previously denied the applicant's request for a change of zoning to C-2 on a larger portion of the property, including the 0.11 acre and directed staff to take the applicant through the non-conforming use process; and that the applicant has completed the process and has provided the required affidavits confirming the existence of a non-conforming use on the property since 1963, noting that the current use is less intense than in 1963. He related that the non-conforming use on the portion of the property to the north will remain zoned R-3; and that in the event the existing building is destroyed, only a single family residence could be built on the property; whereupon, he indicated that the change of zoning will bring the property into conformance with the FLUM and will not adversely impact adjacent businesses.

Vito Farese, St. Petersburg, indicated that commercial use has been the grandfathered use on the property for the past 50 years.

In response to the Chairman's call for persons wishing to be heard, Marilyn Myers, Largo, appeared, expressed her concerns, and responded to queries by the members.

During discussion and in response to query by Commissioner Bostock, Mr. Cueva stated that the current application requests a change of zoning on a much smaller area than in the prior application; that the request to change the zoning on the 0.11 acre portion of the property to bring it into conformance with the FLUM was included in the previous

application, but that the Board denied the application in full, which did not address the inconsistency.

Alluding to concerns expressed by Ms. Myers, Commissioner Seel stated that the change of zoning will apply only to the 0.11 acre parcel; and that the Board has no intent of changing the zoning on the northern portion of the property, and no objections were noted.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel
Vote	-	7 – 0

#41g First public hearing held on the application of Pinellas County through Noah Lagos, Airport Director, Representative, for a change in land use designation from Recreation/Open Space to Commercial General; Resolution No. 09-188 adopted approving a change in zoning from PC-Airport to C-2, General Retail Commercial and Limited Services (Z/LU-6-10-09), subject to approval of the companion policy amendments, re a parcel of land containing approximately ten acres located on the northwest corner of Old Roosevelt Boulevard and 34th Street North (Evergreen Avenue), Clearwater. Staff authorized to transmit the proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA.

and

#41h First public hearing held on the application of Pinellas County through Noah Lagos, Airport Director, Representative, for a change in land use designation from Recreation/Open Space to Industrial Limited; Resolution No. 09-189 adopted approving a change in zoning from PC-Airport to M-1, Light Manufacturing and Industry Services (Z/LU-7-10-09), subject to approval of the companion policy amendments, re a parcel of land containing approximately 117.81 acres located on the northeast side of Old Roosevelt Boulevard, west of 34th Street North (Evergreen Avenue), and lying 700 feet m.o.l. north of Ulmerton Road, Clearwater. Staff authorized to transmit the proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA.

and

- #41i First public hearing held regarding a proposed ordinance to amend the Quality Communities and Future Land Use Element of the Pinellas County Comprehensive Plan to include policies regarding the development of the Airco property. Staff authorized to transmit the proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA.

Mr. Smith announced that the three items would be heard together. He indicated that staff recommended approval of the three items based on the Local Planning Agency (LPA) Reports, but excluded the LPA's contingency that the level of service (LOS) for Ulmerton Road be improved from LOS "F" to LOS "D" before any development permits are issued or development begins. He indicated that no correspondence has been received. Earlier testimony received at the LPA hearing included one supporter and five citizens with concerns.

Referring to the zoning and land use map, Mr. Smith identified the subject parcels and indicated that the ten-acre parcel (Agenda Item No. 41g) and the 117.81-acre parcel (Agenda Item No. 41h) are part of a larger parcel totaling approximately 128 acres; and that the three agenda items pertain to the Airport and golf course properties. He related that the Airport recently commissioned a special marketing study to evaluate and determine potential future uses on the properties; that it identified commercial and industrial as appropriate uses; and that the study also noted the potential for unintended overdevelopment of the area. Mr. Smith related that the decision was made to identify and limit the amount of development on the parcels to an amount below the Development of Regional Impact (DRI) threshold; whereupon, he described the proposed uses and noted that the associated policies, outlined in Agenda Item No. 41i, limit development on the properties.

Mr. Smith indicated that the policies require the development of a transportation management plan for the ten-acre parcel, which must be approved by the County Administrator prior to any permits being issued, and the development of a master plan for the 117.81-acre parcel, which must be approved by the Board of County Commissioners (BCC) through a public hearing. He stated that development of the properties will be done in two phases, with Phase One focusing on the ten-acre parcel and Phase Two focusing on the 117.81-acre parcel; whereupon, he indicated that the associated policies (agenda item No. 41i) relate to the development of the parcels and outline how the phasing will occur, noting that 45 acres on the west side of the airport property will be used for aviation purposes. Mr. Smith pointed out that the flag-shaped parcel to the east

of the airport property has not been identified for development, but is a subject of concern for Feather Sound residents.

Referring to a map of the area, Mr. Smith identified the properties and future road improvements, and pointed out that a majority of the transportation improvements are scheduled to occur between the years 2026 and 2031. He suggested that a major resurfacing project on Ulmerton Road, scheduled to occur in 2013, and current intelligent transportation system (ITS) improvements may improve traffic flow in the area. In response to query by Commissioner Welch, Mr. Smith related that the Ulmerton Road resurfacing project scheduled for 2013 may include some lane reconfiguration and will impact the roadway capacity, but that no lanes will be added and the road will remain a LOS "F."

Mr. Smith referenced the LPA's recommendation that development not begin until the level of service on Ulmerton Road is increased to a LOS "D," and noted the Agency's concerns regarding further traffic impacts that would result from development of the parcels. He indicated that staff believes that the current transportation facilities may be able to accommodate the estimated 3,000 trips per day resulting from development of the ten-acre parcel, reiterating that development of a transportation management plan to be approved by the County Administrator is required before any permits will be issued and will identify any necessary transportation improvements; whereupon, he indicated that staff feels Phase One is achievable and is comfortable moving forward.

Mr. Smith further indicated that although roadway improvements need to be identified before moving forward with Phase Two, the development of a master plan is required and will identify any extensive improvements to the transportation facilities required to accommodate the trips per day resulting from development of the 117.81-acre parcel; whereupon, he recommended approval of the three items.

Airport Director Noah Lagos provided background information relating to the history of the Airport and the golf course, and indicated that the Federal Aviation Administration (FAA) requires the Airport to ensure that the golf course property is self-sustaining and is utilized to its highest and best use; and that the Airport's operation of the golf course was an interim agreement; whereupon, he discussed the Airport master plan and Airport layout plan approved by the FAA.

Mr. Lagos read into the record excerpts from the letter of opinion received from outside counsel in 2005 regarding the Airport and the County's compliance with federal aviation law and grant assurances. He related that outside counsel concluded (1) that the ongoing

management and operation of the golf course by the Airport does not appear to raise issues of federal aviation law; (2) that the current financial arrangement does not appear to violate the revenue diversion policy or self-sufficiency requirement as currently interpreted by the FAA; and (3) that it is important that the County move forward with its feasibility analysis for highest and best use of the golf course property and redevelopment of the property; whereupon, Mr. Lagos pointed out that a decision must be made by the first quarter of next year regarding whether or not the golf course property will continue to operate in its current form in light of the continued losses; and that the issue will be brought before the County Administrator, and possibly the BCC.

Mr. Lagos discussed the recommendations from the *Airco Golf Course Redevelopment Feasibility Study* and indicated that he reviewed the PowerPoint presentation conducted before the BCC on October 28, 2008 with the FAA to ensure it understood that the County is fulfilling its obligations to move forward as outlined in the airport master plan and the feasibility study; that he mentioned the previous County Administrator's commitment to create a 300-foot buffer zone to the Feather Sound community to the FAA; and that the FAA did not appear to have any objections, although it was not approved; whereupon, he provided Commissioner Brickfield with a copy of the PowerPoint presentation.

Mr. Lagos stated that he understands that substantial traffic improvements are required to develop the 117.81-acre parcel, but that the development of a hotel on the ten-acre parcel is vital to the Airport's revenue stream in the short-term, noting that when the development is completed it is expected to generate approximately \$400,000 to \$450,000 annually in positive cash flow; whereupon, he requested that the Board consider moving forward with the development of the ten-acre property while taking note of the FAA compliance issues involved.

In response to query by Commissioner Morroni, Mr. Lagos confirmed that the flag-shaped parcel currently represents approximately 800 feet, not 300 feet; and stated that the Airport supports a 300-foot buffer. He indicated that the parcel currently allows for manufacturing use, but development of the parcel would be difficult; whereupon, he related that transferring the parcel's development rights to the golf course property is proposed; and that drainage or a stormwater pond would be the only potential development on the parcel. In response to query by Commissioner Brickfield, Mr. Lagos confirmed that the golf course was profitable under the previous owner.

November 17, 2009

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared, expressed their concerns, and responded to queries by the members:

Michael Schlensker, Clearwater (submitted petition with 189 signatures)
Steve Ochsner, Clearwater
Marc Mazo, Clearwater
John Macedo, Clearwater
Valerie L. McDevitt, Clearwater
Colleen Hawk, Clearwater

In response to concerns expressed regarding transportation, Director of Public Works and Transportation Peter J. Yauch referred to an aerial photograph, discussed proposed improvements to the area, and noted that the timeframe for the projects is flexible and based on the Florida Department of Transportation (FDOT) budgets. He stated that the policies (Agenda Item No. 41i) cover redevelopment and require the approval of a master plan before any development occurs.

In response to queries by Commissioner Seel regarding restricting access via Evergreen Avenue, Mr. Smith indicated that access to the property will likely be via the lighted intersection; whereupon, Mr. Yauch provided input regarding the FDOT's evaluation of the corridor, noting that the intersection is part of the evaluation.

Discussion ensued wherein Commissioner Morroni stated that he supports retaining the entire 800-foot flag-shaped parcel as a buffer; that transportation is a very real problem; that adding any kind of development will only exacerbate the current traffic issues on Ulmerton Road; and that the LPA's supplemental recommendation requiring improving the level of service on Ulmerton Road from a LOS "F" to a LOS "D" before any development begins is insignificant in relation to the magnitude of the traffic problem; and that requiring a service level of LOS "C" or LOS "B" would be more appropriate; whereupon, Chairman Harris noted that approving the items only allows for the planning process to begin, not development.

In response to comments and queries by Commissioner Welch, Mr. Yauch reiterated that the policies (Agenda Item No. 41i) require that a master development plan be developed that would address all of the infrastructure needs related to serving the facilities; that a transportation plan must be approved by the County Administrator; and that all of the infrastructure needs must be dealt with before any development is permitted.

County Attorney James L. Bennett explained that the policies (Agenda Item No. 41i) require that a master plan be developed and brought before the BCC at a public hearing

for approval, prior to any development being permitted; and that FAA approval of the uses on the properties must be obtained before the master plan is brought before the BCC. He related that numerous issues are anticipated to be addressed during the public hearing, including the appropriate buffer; whereupon, he expressed his concerns regarding any offers of a buffer at this time as the issue was not advertised as part of tonight's public hearing, and discussion ensued with Commissioner Seel providing input.

Mr. Lagos indicated that he does not believe the request for a buffer is unreasonable; and that he will advocate for retaining the entire flag-shaped parcel in pristine condition for use as a buffer, contingent upon the ability to develop the 117.81-acre parcel; whereupon, he pointed out that the FAA's primary concern is ensuring that the Airport's aviation needs are provided for well into the future; and that certain types of applications are exempt from certain types of concurrency regulations under State law; and Mr. Smith acknowledged that the FAA's approval process is separate from the master plan.

During further discussion and in response to concerns expressed by Commissioner Morroni regarding losses at the golf course, Mr. Lagos stated that the decision regarding whether or not the Airport continues to operate the golf course is a fiscal issue that is separate from the items before the Board.

Commissioner Bostock suggested that one vote be taken on Agenda Items Nos. 41g, 41h, and 41i, and no objections were noted.

Motion	-	Commissioner Seel
Second	-	Commissioner Latvala

In response to Commissioner Welch's request for clarification of the motion, Attorney Bennett noted that this is the first public hearing on the item; and Mr. Smith stated that the second public hearing will be held after comments from the DCA have been received.

Vote	-	6 – 1 (Commissioner Morroni dissenting)
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Thereupon, Commissioner Morroni stated that he supports the 800-foot buffer; and explained that he cast the dissenting vote to emphasize that there is more work to be done on the matter; whereupon, discussion ensued wherein the members expressed their gratitude for the input and efforts from the Feather Sound community. Commissioner Morroni reminded the citizens that information regarding matters that impact Feather Sound residents can be found in the community newspaper and in the *St. Petersburg Times*; and Chairman Harris indicated that residents will receive notice of all future hearings; whereupon, County Administrator Robert S. LaSala offered his assurance that regular discussions with the citizens regarding the development will continue to occur.

#41j First public hearing held regarding a proposed ordinance amending Figures 1, 2, 3, and 12 of the Public School Facilities Element of the Pinellas County Comprehensive Plan. Staff recommended approval based on the Local Planning Agency Report. Staff authorized to transmit proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Seel
Second	-	Commissioner Morroni
Vote	-	7 – 0

#41k First public hearing held regarding a proposed ordinance amending Part I of the Future Land Use Map Category Descriptions and Rules of the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan. Staff recommended approval based on the Local Planning Agency Report. Staff authorized to transmit proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Seel
Second	-	Commissioner Latvala
Vote	-	7 – 0

#41l First public hearing held regarding a proposed ordinance amending Policy 1.11.1 of the Intergovernmental Coordination Element of the Pinellas County Comprehensive Plan regarding the dispute resolution process. Staff recommended approval based on the Local Planning Agency Report. Staff authorized to transmit proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Seel
Second	-	Commissioner Latvala
Vote	-	7 – 0

#41m Ordinance No. 09-63 adopted amending the Capital Improvements Element of the Pinellas County Comprehensive Plan. Staff recommended approval of the proposed ordinance based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel
Vote	-	7 – 0

#41n First public hearing held regarding a proposed ordinance to amend the objectives and policies of the Recreation, Open Space and Culture Element and the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan regarding historic and archaeological preservation and resources. Staff recommended approval based on the Local Planning Agency Report. Staff authorized to transmit proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Seel
Second	-	Commissioner Morroni
Vote	-	7 – 0

#42 Meeting adjourned at 9:29 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk