

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, FEBRUARY 5, 2008 - 9:30 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Robert B. Stewart, Chairman; Calvin D. Harris, Vice-Chairman; Karen Williams Seel; Susan Latvala; John Morroni; Kenneth T. Welch; and Ronnie E. Duncan.

Members Absent: None.

Members Late: None.

Members Excused: None.

Others Present: Fred E. Marquis, Interim County Administrator; James L. Bennett, Interim County Attorney; Clarethia N. Harris, Chief Deputy Clerk; and MaryAnn Penhale, Deputy Clerk.

INVOCATION: Father Kenneth Malley, St. Catherine of Siena Catholic Church, Clearwater

PLEDGE OF ALLEGIANCE: Assistant County Administrator James A. Dates

PROCLAMATIONS AND AWARDS - None.

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

1 Tax Equity Fiscal Responsibility Act (TEFRA) public hearing held and Resolution No. 08-23 adopted approving issuance of not to exceed \$3,800,000.00 Pinellas County Industrial Development Authority Industrial Development Revenue Bonds, Series 2008, on behalf of Thomas Sign & Awning Company, Inc. pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Latvala
Second	-	Commissioner Duncan
Vote	-	7 - 0

2 Resolution No. 08-24 adopted granting petition of Stephen P. and Janet O’Harrow vacating a portion of Columbia Avenue public right-of-way lying west of Eighth Street and north of Block 45, in the Town of Sutherland Subdivision as recorded in the public records of Pinellas County as Hillsborough Plat Book 1, Page 1; authority granted for the 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.

Referring to an aerial map, Real Estate Administrator James Meloy pointed out the location of the area to be vacated and indicated that the petitioners have requested the vacation in order to enhance the development of their property.

No citizens appeared to be heard.

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

WATER AND NAVIGATION CONTROL AUTHORITY PUBLIC HEARINGS

3 Private dock application No. P37581-06/Revised-A, Richard K. and Deborah J. Pertile, vacant lot adjacent to 2810 Phillippe Parkway, Safety Harbor (Tampa Bay) approved; no correspondence has been received; no citizens appeared to be heard; and the biological report has been filed as part of the record.

Motion	-	Commissioner Latvala
Second	-	Commissioner Duncan
Vote	-	7 - 0

4 Dredge and Fill Application No. DF1895-07, Boca Vista Condominium Association, Inc., 401 150th Avenue, Madeira Beach, (Boca Ciega Bay) approved; no correspondence has been received; no citizens appeared to be heard; the biological report has been filed as part of the record; and approval is subject to the following condition:

Turbidity control devices must be properly maintained throughout dredging. In the event of turbidity problems outside of the immediate work area, the applicant or contractor must take immediate corrective action.

Motion	-	Commissioner Duncan
Second	-	Commissioner Seel
Vote	-	7 - 0

COUNTYWIDE PLANNING AUTHORITY PUBLIC HEARINGS

5a Ordinance No. 08-08 adopted approving Case No. CW 08-01, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Medium to Residential/Office General, re 0.5 acre m.o.l. located at 2701 Sunset Point Road (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 Duncan
Vote	-	7 - 0

- # 5b Ordinance No. 08-09 adopted approving Case No. CW 08-04 A and B, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from Recreation/Open Space to Residential Low, re 1.2 acres m.o.l. located at (A) the southwest corner of Cortez Way and Columbus Way; and (B) south of the intersection of Columbus Way and Madrid Way South (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 Duncan
 Vote - 7 - 0

- # 5c Ordinance No. 08-10 adopted approving Case No. CW 08-08, the proposal by the City of Safety Harbor to amend the Countywide Future Land Use Plan from Residential Low and Water/Drainage Feature to Residential/Office Limited, re 0.7 acre m.o.l. located at the northwest corner of Martin Luther King, Jr. Street and Phillippe Parkway (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 Duncan
 Vote - 7 - 0

- # 6a Ordinance No. 08-09 adopted approving Case No. CW 08-02, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan as set forth in the attached Council report in Exhibit A, less and except Area 78 withdrawn in the January 9, 2008 email message from the City of St. Petersburg included in Exhibit A, and subject to the City of St. Petersburg submitting a modified infrastructure analysis by September 30, 2008, indicating the cumulative impacts expected from incremental Countywide Plan Map amendments to the Vision 2020 Special Area Plan, and that updates all other relevant portions of the Special Area Plan, including but not limited to maps, acreage calculations, and other relevant analysis and discussion, re approximately 214 acres m.o.l. located throughout the City of St. Petersburg, Areas 3 - 176 (regular 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 Duncan
 Second - Commissioner Morroni
 Vote - 7 - 0

- # 6b Case No. CW 08-03, the proposal by the City of Belleair Bluffs to amend the Countywide Future Land Use Plan in accordance with Support Document Attachment No. 1, re approximately 10.8 acres m.o.l. located throughout the City of Belleair Bluffs (regular amendment), temporarily deferred to meeting of March 11, 2008. Pinellas Planning Council recommended the temporary deferral of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Morroni
 Second - Commissioner Duncan
 Vote - 7 - 0

- # 6c Ordinance No. 08-09 adopted approving Case No. 08-05 A and B, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from Commercial General to Planned Redevelopment - Mixed Use, re 15.7 acres m.o.l. located (A) north of the intersection of Ulmerton Road and Roosevelt Boulevard, immediately west of Heron Boulevard; and (B) at 2311 Ulmerton Road, subject to the City of St. Petersburg submitting a modified infrastructure analysis by September 30, 2008, indicating the cumulative impacts expected from incremental Countywide Plan Map amendments to the Vision 2020 Special Area Plan, including but not limited to maps, acreage calculations, and other relevant analysis and discussion (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Commissioner Morroni indicated that he had voted against approval of the case at the Pinellas Planning Council meeting and expressed concerns regarding the lack of an analysis of the traffic count; and that he would not support the proposal.

Motion - Commissioner Welch
 Second - Commissioner Harris
 Vote - 6 - 1 (Commissioner Morroni dissenting)

- # 6d Ordinance No. 08-08 adopted approving Case No. CW 08-06, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Suburban to Institutional, re 1.6 acres m.o.l. located at 7770 128th Street North, subject to approval of the accompanying development agreement by the County (regular 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 Duncan
 Vote - 7 - 0

- # 6e Ordinance No. 08-08 adopted approving Case No. CW 08-07, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Industrial Limited to Commercial General, re 1.1 acres m.o.l. located at 1999 Starkey Road (regular 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 Duncan
 Vote - 7 - 0

CITIZENS TO BE HEARD

Mark P. Klutho, Largo, re stupidity, waste.
Hamilton R. Hanson, St. Petersburg, re budgets.

CONSENT AGENDA ITEMS NOS. 7 THROUGH 16 - APPROVED

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

- # 7 Minutes of regular meeting of December 18, 2007.
- # 8 Reports received for filing:
 - a. Annual Investment Report for the Fiscal Year ended September 30, 2007.
 - b. Dock Fee Report for the month of December 2007.
 - c. Quarterly Report of Routine Dock Permits issued from October 1, 2007 through December 31, 2007.
- # 9 Vouchers and Bills Paid – Period of December 27, 2007 through January 4, 2008:
 - Payroll Journal Expenditures
 - Payroll Journal page numbers 1 through 2606
 - Payroll checks numbered 554257 through 554508

 - Imprest Fund Expenditures
 - Replacement check numbered 165931
 - Manual checks numbered 751458 through 751477
 - System checks numbered 910034 through 911047

 - ACH Transfers numbered 22 through 28

 - Wire Transfers numbered 010069 through 010175
- #10 Miscellaneous items received for filing:
 - a. Correspondence from the City of Pinellas Park regarding three ordinances voluntarily annexing certain property; public hearings to be held February 14, 2008.
 - b. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 2 dated November 15, 2007, and financial statement for the month of October 2007.
- #11 Plats, Guaranties, Sureties, and Agreements:
 - a. Windward Trace Subdivision Island Court, LLC – plat accepted and approved for recording.

- b. Ulmerton Industrial Mart (A. Three D Investment Irrevocable Trust; B. Macrae, Incorporated) - plat accepted and approved for recording.
- #12 Termination of Easement by General Release to relinquish interest in a portion of a drainage and utility easement; Chairman authorized to sign and the Clerk to attest.
- #13 Change Order No. 2 (Final) to agreement with E. L. Trevena, Incorporated for 2007 railroad crossing and sidewalk improvements (PID Nos. 1201, 1580, 935, 1139; Bid No. 067-0233-C) decreasing the agreement by \$46,879.71 (revised agreement amount, \$966,352.93); contract substantially complete as of October 4, 2007; all remaining retainage released; Chairman authorized to sign and the Clerk to attest.
- #14 Rescission of ranking of Hayes-Bosworth Corporation as the number one ranked proposer for the Lake Seminole dredging project; project may be rebid at a later date (Contract No. 067-0064-P) (Environmental Management).
- #15 Acceptance of a grant award from the United States Department of Health and Human Services, Health Resources and Services Administration (HRSA) in the amount of \$322,081.00 (Health and Human Services).
- #16 In accordance with Resolution No. 05-61, the Report of Write-Offs for Accounting Purposes Delegated to the County Administrator for Approval for the period April 1, 2007 through September 30, 2007, received for filing (Management and Budget).

REGULAR AGENDA

- #17 Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None.
- #18 Contract for Sale and Purchase with The Townhomes at North Lake Homeowners Association, Inc. for acquisition of improved real property located in the Keystone Road Capital Improvement Project area (portion of Parcel No. 08/27/16/91534/000/1100), Tarpon Springs, for the Keystone Road, U.S. Highway 19 to East Lake Road project (PID No. 920522) approved by extraordinary vote; authorization granted for issuance of a check in the amount of \$10,250.00 to Alday-Donalson Title Agency, Inc. (purchase price of \$9,900.00; \$350.00 for title insurance and closing costs; additional \$2,000.00 appraisal fee [County] for a total estimated cost of \$12,250.00); Chairman authorized to sign and the Clerk to attest.

Motion	-	Commissioner Welch
Second	-	Commissioner Latvala
Vote	-	7 – 0
- #19 Contract for Sale and Purchase with Clarence D. Hobbs, Sr., Trustee, Hobbs Family Trust, for acquisition of improved real property located at 2211 Keystone Road, Tarpon

Springs, for the Keystone Road, U.S. Highway 19 to East Lake Road project (PID No. 920522) approved by extraordinary vote; authorization granted for issuance of a check in the amount of \$64,517.43 to Alday-Donalson Title Company, Inc. (purchase price of \$63,900.00; \$617.43 for title insurance and closing costs; additional \$4,000.00 appraisal fee [County] for a total estimated cost of \$68,517.43); Chairman authorized to sign and the Clerk to attest.

Motion	-	Commissioner Harris
Second	-	Commissioner Duncan
Vote	-	7 – 0

#20 Preliminary Engineering Report from URS Corporation Southern for Starkey Road (County Road One), Bryan Dairy Road to Ulmerton Road project (PID No. 922252) accepted; authorization to proceed with the design phase granted (total estimated project cost, \$21,083,300.00).

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

#21 Change Order No. 2 to agreement with QRC, Inc. for pump station rehabilitation annual requirements 2005/06 (PID No. 1697; Bid No. 056-0269-C) approved increasing the agreement in the amount of \$1,500,000.00 (revised agreement amount, \$3,922,455.00); granting a 12-month extension of time from the date change order is approved; Chairman authorized to sign and Clerk to attest.

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

#22 Adoption of the 2008-09 Federal Legislative Program approved as amended (County Administrator).

Mr. Marquis noted a correction to the Treasure Island/Long Key Beach renourishment request for \$4,500,000.00, adding that the Corp of Engineers has advised a cost amount of \$6,300,000.00 based on the current estimate for dredging sand.

Commissioner Seel clarified her intent to fund safety improvements for U.S. Highway 19; and stated that she has spoken with Congressional staff who support the improvements; whereupon, she requested that the “118th Avenue Connector” priority item be amended to read “U.S. Highway 19 safety improvements.”

During discussion, Mr. Marquis, with input by Assistant County Administrator Peter J. Yauch, related that the 118th Avenue project is fully funded for design and will be completed prior to the receipt of federal funding; that the “118th Avenue Connector” item was for advanced right-of-way acquisition; and that the Department of Transportation (DOT) is looking at removing the existing traffic light and median at the intersection of

U.S. Highway 19 and Enterprise Road and redirecting traffic to the Countryside interchange, which will significantly improve traffic operations. Assistant County Administrator Elithia V. Stanfield provided the members with a copy of the revised wording for the amendment, a copy of which has been filed and made a part of the record, and related that costs for the safety improvements are estimated to be \$15,000,000.00; whereupon, Commissioner Seel indicated that three concepts with costs ranging from \$4,600,000.00 to \$31,300,000.00 were previously presented to the Metropolitan Planning Organization (MPO) and will be presented again at the February MPO meeting.

Discussion ensued and in response to comments by Chairman Stewart, Ms. Stanfield provided examples of how it is determined from which appropriations bill a project is funded; whereupon, following discussion, Commissioner Seel moved, seconded by Commissioner Duncan, that the priorities be amended, removing the 118th Avenue Connector and adding the request for \$15,000,000.00 for safety improvements to U.S. Highway 19.

Discussion ensued and in response to comments and queries by Commissioner Harris, Mr. Marquis, with input by Commissioners Seel and Latvala, explained that staff erred in describing the item when they compiled the final report; and that replacing the item with the amendment will correctly reflect the Board's direction given at the last meeting and does not add a new item or change the Board's priorities.

Responding to comments and queries by Commissioner Welch, Ms. Stanfield related that the appendix reflects only the appropriations bills applicable to the priority projects requested; and Mr. Yauch stated that the net unfunded amount for the 118th Avenue construction is currently between \$90,000,000.00 and \$100,000,000.00, but is expected to change as a result of design modifications; that the DOT has a consultant reviewing the completed study to determine methods to reduce costs; that they are identifying potential significant reductions in right-of-way and are very optimistic regarding reducing the cost of the project; and that the consultant will be presenting two alternatives to the 15 percent plan completion stage for costing purposes.

During discussion, Chairman Stewart clarified that the list reflects the top five priorities for federal appropriation requests, but does not rank the priorities; whereupon, Commissioners Seel and Morrone added that the federal government will review the list and determine which projects to fund; and upon call for the vote, the motion carried unanimously.

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

Attorney Bennett stated that the record should reflect that the members voted on the amended package.

#23a Mr. Marquis announced that a public hearing by the Local Planning Agency (LPA) will be held on February 20, 2008 at 6:30 P.M. at the Shiloh Missionary Baptist Church, 13255 118th Street North, Largo, regarding the designation of the Dansville Community in unincorporated Pinellas County as a Brownfield area; that the Board of County Commissioners will consider the matter at its meeting of April 8, 2008; and that the designation would allow the County to offer economic incentives to encourage redevelopment of the area into an affordable and market-rate housing complex.

#23b Mr. Marquis announced a Tax Equity Fiscal Responsibility Act (TEFRA) public hearing on behalf of the Pinellas County Educational Facilities Authority (Veritas Academy, Inc.) to be considered at the Board of County Commissioners meeting on February 19, 2008, at 6:30 P.M.; and no objections were noted.

#24 County Attorney authorized to defend the County's interest:

- a. Sierra Asset Management, Inc., f/k/a The Peninsula Inn & Spa, Inc. versus Opimian Group, Inc., Pinellas County, et al. - Circuit Civil Case No. 06-2014-CI-13 – Mortgage Foreclosure Involving a Community Development Mortgage.
- b. David Brown versus Ken Burke, Clerk of the Circuit Court – Federal Case No. 8:07-cv-01273-EAK-EAJ – Allegations of Denial of Access to Counsel and Courts.
- c. Andrew Covington, a Minor, et al. versus Pinellas County – Circuit Civil Case No. 07-13427-CI-15 – Allegations of Negligence Resulting in Personal Injuries.
 - Motion - Commissioner Latvala
 - Second - Commissioner Duncan
 - Vote - 7 – 0

#25 County Attorney authorized to initiate litigation in the case of Pinellas County versus Rachel Michelle Christy – Negligence in the Operation of a Motor Vehicle.

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

#26 County Attorney Miscellaneous – None.

#27a Citizen Survey Results:

Assistant County Administrator Mark S. Woodard stated that one of three interconnected items to be presented to the Board is the 2007 Citizen Survey Executive Summary, which focuses on responses to questions related to funding priorities; that information regarding the remaining areas of the survey will be provided to the Board through a written memorandum at a later date; and that it is staff's opinion that the citizen survey is an important building block to the Board's Strategic Plan and the allocation of budget resources.

Senior Economic Development Manager Laura Berkowitz presented a PowerPoint presentation titled *2007 Pinellas County National Citizen Survey Executive Summary*, a copy of which has been filed and made a part of the record, and stated that the citizen survey was the third conducted since 2003; and that the National Citizen Survey, a partnership with the International City/County Management Association (ICMA), was selected to conduct the survey because it provides the opportunity to benchmark the results against other jurisdictions with equal population; whereupon, she explained the 100-point scale and provided an overview of the funding priority results.

Ms. Berkowitz related staff's recommendations regarding the next steps to be taken, noting that the Executive Summary and full report from the survey will be posted on the Vision Pinellas and Pinellas County websites, as well as the intranet; and suggested that the National Citizen Survey be repeated in 2009 to benchmark the results against those of the 2007 survey and track the County's progress against other jurisdictions; that additional research be considered to re-examine funding priorities and the citizens' tolerance for service reductions; and stated that data-mining will continue, and will include an analysis based on North, Mid and South areas of the County, and focus on the age-core of the persons surveyed; and that additional detailed information would be provided to the Board at upcoming February workshops.

During discussion and in response to queries by the members, Ms. Berkowitz related that a comparison of the results for Pinellas County versus other Florida counties can be performed only if other Florida counties publish their results on the web; that the areas under traffic maintenance and traffic signal timing that rated highly will be compiled and provided; that responses to voter status and activity were overstated; and that random-digit dialing including all area prefixes was performed to ensure responses were scientific and representative.

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Mr. Marquis presented a short video regarding the Board's Strategic Plan titled *Vision Pinellas*, a copy of which has been filed and made a part of the record, and related that six focus teams will provide detailed updates at two future workshops.

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#27b Budget Update:

Mr. Marquis advised that he and Office of Management and Budget Bureau Director John Woodruff would be presenting the proposed process and timeline for obtaining budget information; that he is asking the board to consider specific focus areas such as tax policy, new revenue sources, funding of non-mandatory and non-essential programs, levels of service, business model and funding of the Constitutional Officers and

Independents; and that it is his intent to bring a complete package back to the board before the first public hearing scheduled for April 24.

Opening a PowerPoint presentation titled, *FY09 Budget Process*, a copy of which has been filed and made a part of the record, Mr. Woodruff related that the estimated budget gap is \$50,000,000.00; that a recent memorandum from Mr. Marquis initiated a freeze on hiring, major purchases, and travel and included a request that all departments receiving monies from the General Fund limit expenditures from their current budgets to 97 percent to help ease the impact to next year's budget.

Discussion ensued throughout the presentation with regard to changes in the format of budget hearings, *Cost of Opening the Doors* budgets and customized reductions, definitions of mandatory and essential programs, and state-mandated programs; at which time, Mr. Woodruff noted that instructions to the BCC departments differ from those given to Constitutional Officers and Independents, entities which have been instructed to submit budgets indicating zero percent growth calculated against fiscal year 2008.

Following further discussion, it was the consensus of the members that the Constitutional Officers, Independents and BCC departments all share the same level of reductions; whereupon, Mr. Marquis requested that the Board allow the entire budget to be presented before taking input at public hearings. Chairman Stewart indicated that the Board supports the request and will proceed accordingly, and the members concurred.

#28 Jim Sebesta appointed to the Housing Finance Authority (HFA) for a four-year term.

Motion	-	Commissioner Harris
Second	-	Commissioner Duncan
Vote	-	7 – 0

#29 Morgan Liston appointed to the Pinellas County Youth Advisory Committee for a term beginning February 5, 2008 and ending July 31, 2008.

Motion	-	Commissioner Harris
Second	-	Commissioner Duncan
Vote	-	7 – 0

#30 County Commission Miscellaneous:

- a. Commissioner Welch thanked Commissioner Morroni re Annual Law Enforcement Dinner; all other commissioners echoed his comments.
- b. Commissioner Seel stated 118th Avenue North has been identified as being on Strategic Intermodal System, which makes it eligible for funding; discussed her recent visit to several North County properties.

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- c. Commissioner Morroni extended kudos to law enforcement and emergency personnel.
- d. Commissioner Harris provided a water conservation tip.
- e. Chairman Stewart presented request for approval of City of St. Petersburg's recommendation of Leslie Curran to serve as representative on Convention and Visitors Bureau Tourist Development Council.
Motion – Commissioner Duncan
Second – Commissioner Welch
Vote – 7 – 0

presented update re Job Corps groundbreaking to be held on February 21, 2008 in Midtown, St. Petersburg.

31 Meeting adjourned at 11:55 A.M.

Chairman

ATTEST: KEN BURKE, CLERK

By: _____
Deputy Clerk