

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, FEBRUARY 17, 2004 – 3:00 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Members Absent: None.

Members Late: None.

Members Excused: None.

Others Present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Caroline J. Jones, Board Reporter.

INVOCATION: Pastor Tom Hamilton, Feather Sound
Community Church

PLEDGE OF ALLEGIANCE: John Morroni

CONSENT AGENDA ITEMS NOS. 1 THROUGH 15 – APPROVED

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

- # 1
- a. Minutes of regular meeting of January 20, 2004.
 - b. Corrections to minutes of January 6, 2004, Item No. 4-f, to read “proposal by the City of Clearwater;” and minutes of July 9, 2002, Item No. 5, to reflect “legal notice published in the June 21, 2002 issue of the St. Petersburg Times.”
- # 2
- Reports received for filing:
- a. Memorandum dated January 23, 2004 received from Clerk of the Circuit Court re funds in the amount of \$16,328.93 received from the State Office of Financial Services for deposit to the County’s General Revenue fund for unclaimed property as identified by Florida Association of Court Clerks’ (FACC) Unclaimed Property Program, together with copy of FACC newsletter article.
 - b. Juvenile Welfare Board Interim Financial Reports (unaudited), dated December 31, 2003.
 - c. Personnel Department Annual Report for fiscal year 2002-2003.
 - d. Pinellas Planning Council Comprehensive Annual Financial Report for year ended September 30, 2003.

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- e. Pinellas County Florida, Tax Collector Financial Statements for the year ended September 30, 2003 (With Independent Auditors' Report Thereon).

3 Approvals received for filing:

- a. General – none.
- b. Vouchers and Bills Paid – Period of January 19 through January 30, 2004.
Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2690
Payroll checks numbered 514040 through 514519

Imprest Fund Expenditures
Manual checks numbered 686590 through 686597
System checks numbered 717474 through 719230

Wire Transfers numbered 002563 through 002625

4 Miscellaneous items received for filing as noted on agenda:

- a. Correspondence from City of Pinellas Park re one ordinance voluntarily annexing certain property; public hearing to be held February 26, 2004.
- b. City of Safety Harbor Resolution No. 2004-01 adopted January 20, 2004 expressing concerns re proposed plans, projects, and air traffic associated with St. Petersburg/Clearwater International Airport.
- c. City of Hollywood, Florida Resolution No. R-2003-348 adopted November 5, 2003 supporting Local Sources First policy pertaining to Florida's water resources.

5 115th Lane at Irving Avenue

- 1. Drainage easement accepted for recording from Wells Fargo Bank Minnesota, National Association, formerly known as Norwest Bank Minnesota.

6 Williams Earth Sciences, Inc. selected to provide geotechnical engineering services for the Belleair Causeway Bridge Replacements Project (CIP No. 922142); staff authorized to initiate contract negotiations with said firm.

7 Confirmation of Utilities Department emergency expenditures with authorization for payments to:

- a. Kamminga & Roodvoets, Inc. for a total expenditure not to exceed \$104,614.64 for repairs to pump station No. 022 (Contract No. 034-207-E).

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	Satisfactions of Mortgage (Housing): Paul N. Webb; George David and Alice H. Everitt; William J. and Mary Lea Ratliff; Lillian Campo; Nancy V. Cunningham; Harriet Kalis; Delia Saavedra and Lorraine DelBene; Susan M. Meisenhelder; John D. Robey; Releases of Lien (Housing): Eugene W. and Gloria A. Messimer; Effie and Melvin K. Carswell	All liens are paid in full.	1.23.04
County Administrator	Contract for Personal Services with Michael D. Cusick and Anthony P. Carvalho as Budget Analysts during the 2004 Legislative Session	Not to exceed \$14,000.00	1.22.04
County Attorney	Acknowledgment of Name Change of Oertel, Fernandez & Cole, P.A. to Oertel, Fernandez, Cole & Bryant, P.A.	N/A	1.15.04
Culture, Leisure, and Education (Heritage Village)	Funding Agreement with Pinellas County African American History Museum, Incorporation, for the Florida African American Heritage Celebration	Not to exceed \$35,000.00	1.15.04
Culture, Leisure, and Education	Grant Funding Agreement with Seminole Junior Warhawk Athletic Association for Baseball Field Lights	\$90,000.00	1.7.04
Culture, Leisure, and Education (Heritage Village)	Historical Museums Grant Award Agreement with FL Department of State, Division of Historical Resources	\$16,020.01	11.12.03
Environmental Management	Time Extension with the U.S. Environmental Protection Agency for the Fort DeSoto Water Recirculation Project	N/A – time extension only	1.15.04
Environmental Management	Third Amendment to Agreement with Southwest Florida Water Management District for Restoration of Water Circulation at the Fort DeSoto Park Site	N/A – time extension only	10.30.03
General Services	Interlocal Agreement with the City of St. Petersburg for Wrecker Services	\$15,000.00 for 3 years	1.9.04
Human Services	Agreement with the Juvenile Welfare Board for the Task Force on Homelessness	\$10,000.00	1.20.04
Human Services	Amendment No. 1 to the Service Funding Agreement with Healthy Kids of Pinellas County	\$20,000.00	1.7.04
Public Works	Termination of Drainage and Utility Easement with MARM, LLC	N/A	1.9.04

- #11 Resolution No. 04-21 adopted assessing liens against lands cleared in Pinellas County pursuant to Chapter 78-599, Laws of Florida, and Pinellas County Code Chapter 58, Article IX, Section 338, directing that this resolution be filed in the Public Records Office of the Clerk of the Circuit Court of Pinellas County, Florida (Environmental Management).
- #12 Bid of Linda Joyce Brown for lease and maintenance of studio apartment located at 113 10th Avenue, St. Pete Beach, on basis of being the only responsive, responsible bid received at a revenue of \$525.00 monthly effective March 1, 2004, with an option to renew for four consecutive annual one-year periods (allows for a minimum annual price increase of four percent and a maximum of eight percent based on the Consumer Price Index, subject to the County Administrator's approval) (Bid No. 034-277-B); County Administrator authorized to approve and execute tenant's options of renewal or acceptance of the tenant's options of renewal of the lease upon the same terms and conditions set forth in the original lease; Chairman authorized to sign agreement after proper execution by the tenant and written approval as to form by the Office of the County Attorney (General Services).
- #13 Budget amendments No. 44 (FY2003) and No. 4 (FY2004) were filed and made a part of the record (Management and Budget).
- #14 Bid of Gulf Coast Business Review awarded for advertising delinquent real estate tax and tangible personal property tax lists for an estimated 24-month expenditure not to exceed \$46,800.00 pursuant to Florida Statutes, Chapter 197.402 (Bid No. 034-224-B); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Purchasing/Tax Collector).

ECONOMIC DEVELOPMENT AUTHORITY

- #15 Change Order No. 1 to Contract No. 023-476-C with J & R Co-Op Construction, Inc. for Building 100 Waterproofing, Watson II, Package No. 4 at the Young-Rainey STAR Center for an expenditure in the amount of \$5,600.00 (revised total estimated expenditure, \$259,400.00).
- #16a Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None
- #16b Board welcomes new St. Petersburg-Clearwater International Airport Director Ronald “Noah” Lagos; Thomas Jewsbury commended for performance as Acting Interim Director of the Airport.

REGULAR AGENDA

#17 URS Corporation selected to provide professional services for the St. Petersburg-Clearwater International Airport Taxiway "M" Medium Intensity Lights project (CIP No. 673); staff authorized to initiate contract negotiations with said firm.

Motion - Todd
Second - Welch
Vote - 7-0

#18 Agreement with the TBE Group, Inc. to provide consultant services for Forest Lakes Boulevard Sidewalk Improvements, State Road 580 to Tampa Road, (CIP No. 935) approved for execution, no impact on County revenue sources; project totally funded by Florida Department of Transportation.

Motion - Harris
Second - Todd
Vote - 7-0

#19 Temporarily deferred - Amendment No. 1 to agreement between Owner, Pinellas County, and Design-Builder, W. G. Mills, Inc. for the Fire and Emergency Medical Services (EMS) Facility, confirming the Guaranteed Maximum Price in the amount of \$2,314,150.00.

Motion - Morroni
Second - Welch
Vote - 7-0

#20 Change Order No. 1 to Contract No. 920515 with David Nelson Construction Co. for the construction of Klosterman Road, U.S. Alternate Highway 19 to U.S. Highway 19, increasing the contract in the amount of \$473,571.95 (new total contract, \$10,179,439.75) approved for execution. Commissioner Stewart noted that \$2,377,450.00 associated with the project has been derived from accumulative transportation impact fees.

Motion - Harris
Second - Todd
Vote - 7-0

#21 Installation of six speed humps on Oak Street between Whitney Road and Haines Bayshore Road approved pursuant to Resolution No. 97-291.

Motion - Morroni
Second - Welch
Vote - 7-0

- #22 Installation of three-way stop controls on 85th Lane North at 75th Place North, at 77th Avenue North, and at 78th Terrace North approved pursuant to Resolution No. 97-291.
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|--------|---|-------|
| Motion | - | Todd |
| Second | - | Welch |
| Vote | - | 7-0 |
- #23 Agreement with John and Dorothy High for acquisition of property located at 8400 Bay Pines Boulevard, St. Petersburg, Florida, for the Park Street/Starkey Road project (PID No. 864) approved for execution; authorization granted to issue necessary checks and to declare the structure as surplus and dispose of said property, as appropriate.
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| Motion | - | Welch |
| Second | - | Harris |
| Vote | - | 7-0 |
- #24 Authority granted to advertise a public information meeting for the Haines Road, U.S. Highway 19 to Interstate 275, reconstruction project (PID No. 922265), to be held on February 24, 2004, from 4:00 P.M. to 7:00 P.M. at the John M. Sexton Elementary School. Jan R. Herbst, Director of Public Works, presented an overview of the project and responding to query by Vice-Chairman Morroni, indicated that the construction phase is expected to take approximately 18 months.
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| Motion | - | Welch |
| Second | - | Todd |
| Vote | - | 7-0 |
- #25 Change Order No. 2 to the agreement with Wharton-Smith, Inc. for the William E. Dunn Water Reclamation Facility Improvement Project, Phase II, increasing the contract in the amount of \$525,000.00 (revised total contract, \$12,367,000.00) approved for execution (Bid No. 012-453-C); time extension of 214 days granted; and retainage reduced from five percent to one percent.
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| Motion | - | Harris |
| Second | - | Welch |
| Vote | - | 7-0 |
- #26 Utility Work Order Change No. 3 (Final) with State of Florida Department of Transportation (FDOT) to the Joint Project Agreement for utility relocation for Blind Pass Road (State Road 699), 75th Avenue to 93rd Avenue, increasing the contract in the amount of \$112,451.59 (final total contract, \$912,451.59) approved for execution; final payment authorized in the amount of \$27,166.09 (figure represents difference between the amount of money in escrow and the final project cost); and release of escrow funds in the amount of \$885,285.50 (Project No. 653-991714-0910).
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| Motion | - | Todd |
| Second | - | Welch |
| Vote | - | 7-0 |

- #27 Agreement with Ash Engineering, Inc. for professional consulting services for the Capri Isle 16-inch and 24-inch water main replacements for a total expenditure of \$128,110.00 (Project No. 623-909514-1498) approved for execution.
- Motion - Commissioner Todd
 - Second - Commissioner Morroni
 - Vote - 7 - 0
- #28 CDM selected to provide consulting engineering services for operator procurement assistance at the Solid Waste Resource Recovery Facility (RRF) (Project No. 999-999999-1714); staff authorized to initiate contract negotiations with said firm.
- Motion - Commissioner Todd
 - Second - Commissioner Welch
 - Vote - 7 - 0
- #29 HDR Engineering, Inc. selected for consulting engineering services to provide independent consulting services as required in the County's Trust Indenture and the Consolidated Management Agreement (CMA) with the current Solid Waste Resource Recovery Facility (RRF) operator, in addition to consulting services related to the monitoring, administration and operation of the RRF on an ongoing basis (Project No. 999-999999-1713); staff authorized to initiate contract negotiations with said firm.
- Motion - Commissioner Todd
 - Second - Commissioner
 - Vote - 7 - 0
- #30 Agreement with King Engineering Associates, Inc. for professional engineering services for the study and design of the replacement/rehabilitation of Pinellas County Utilities Redington Beach Pump Stations Nos. 76, 77 and 78 for a total expenditure of \$160,855.00 (Project No. 754-617114-1613) approved for execution.
- Motion - Commissioner Morroni
 - Second - Commissioner Todd
 - Vote - 7 - 0
- #31 Authorization granted for second public information meeting to be held on March 11, 2004, from 4:00 P.M. to 7:00 P.M., at Palm Harbor University High School re the Pop Stansell Boat Ramp upgrade project (PID No. 000539)(Culture, Education and Leisure).
- Motion - Commissioner Todd
 - Second - Commissioner Welch
 - Vote - 7 - 0
- #32 Award for continued grant funding in the amount of \$94,350.00 from the U.S. Environmental Protection Agency (EPA) Air Pollution Control (Section 105) Grant for continuing air pollution control program activities (#A-00402104-0) approved; County Administrator authorized to carry out the agreement and execute the award and the

subsequent award which will complete the fiscal year's funding (Environmental Management).

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

- #33 Amended and Restated Declaration of Reciprocal Easements and Covenants, Conditions and Restrictions with HPT CW Properties Trust re County property located at 13355 49th Street North, restating the earlier easements and covenants, clarifying responsibilities, resolving several development rights for the adjacent property owner, and increasing the County's credit for parking spaces by five; Chairman authorized to sign and Clerk to attest (General Services).

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

- #34 Concession License Agreement form for roving beach concession services at Sand Key Park (agreement is for two years with three one-year renewal periods) and establishment of minimum base bid of 12 percent of gross sales to be paid to the County approved; authorization granted for Purchasing Department to advertise (RFP No. 023-815-P)(General Services).

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

- #35 Third amendment to the agreement with the Palm Harbor Historical Society, Inc. for the management and maintenance of the North Pinellas Historical Museum (County to approve the location of a donated structure and waive permit fees; Historical Society to bear expense of moving the structure); Chairman authorized to sign and Clerk to attest (General Services).

Motion - Commissioner Harris
 Second - Commissioner Todd
 Vote - 7 - 0

- #36 Lease Agreement with HK New Plan Skyway Plaza, LLC for Tax Collector offices located at 1079 62nd Avenue South, St. Petersburg, for a five-year term with one five-year renewal at \$17.00 per square foot for an annual fee in the amount of \$68,000.00 (rental rate reduced to \$52,000.00 for the first year of the second five-year term followed by annual increases based on the Consumer Price Index [CPI]); (Landlord to pay \$100,000.00 in tenant improvements and Tax Collector to pay remainder in an amount not to exceed \$150,000.00; Tax Collector to pay electric, communications and security) (Lease File No. 2003-0061); Chairman authorized to sign and Clerk to attest (General Services).

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

#37 Agreement between Westcare Florida and Pinellas County for a Jail Diversion Program for the mentally ill (total contract amount is \$43,800.00) approved for execution (Justice and Consumer Services).

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

#38 Agreement between Suncoast Center for Community Mental Health, Inc. and Pinellas County for a Jail Diversion Program for the mentally ill (total contract amount is \$594,923.60) approved for execution (Justice and Consumer Services).

Motion - Commissioner Todd
 Second - Commissioner Harris
 Vote - 7 - 0

#39 Agreement between Gulf Coast Jewish Family Services, Inc. and Pinellas County for a Jail Diversion Program for the mentally ill (total contract amount is \$350,726.40) approved for execution (Justice and Consumer Services).

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

#40 Memorandum of Understanding (MOU) Between Pinellas County and Bob Dillinger, Public Defender for the Sixth Judicial Circuit of Florida for administration of grant funds from the United States Justice Department, Office of Justice Programs, for funding under the 2003 Bureau of Justice Assistance (BJA) Congressionally Mandated Awards in the amount of \$993,500.00 (to be utilized for the Jail Diversion Program for the mentally ill) approved for execution (Justice and Consumer Services).

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

#41 Resolution No. 04-22 adopted appropriating earmarked receipts for a particular purpose in the FY 2004 Capital Projects Fund Budget (Management and Budget).

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

#42 Second Amendment to Agreement for Cost Allocation Plan Consulting Services with Maguire Associates of Virginia, Inc. for preparation of an alternative cost allocation plan

for the Information Technology (IT) Department (one-time charge of \$1,600.00 for additional service; revised estimated expenditure not to exceed \$23,400.00); Chairman authorized to sign the amendment after proper execution by the contractor and approval as to form by the County Attorney (Contract No. 990-0860-P) (Purchasing/Information Technology).

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

#43 Other Administrative Matters

a. Bayfront Medical Center, Inc. has requested authorization to advertise a public hearing (TEFRA) to be held March 9, 2004, re the proposed issuance of Pinellas County Health Facilities Authority Refunding Revenue and Revenue Bonds (Bayfront Obligated Group Projects), Series 2004, issued by the Pinellas County Health Facilities Authority, in an amount not to exceed \$50,000,000.00, and no objections were noted.

#44 County Attorney authorized to file small claims action on behalf of Sunstar against the Estate of Robert F. Stewart for unpaid ambulance bills in the amount of \$501.00.

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

#45 Release of lien against Ellis Huewitt, Sr., Case No. CRC 00-18568CFANO approved.

Motion	-	Commissioner Todd
Second	-	Commissioner Stewart
Vote	-	7 - 0

#46 Contract for Legal Services and Exhibit "A" with the law firm of Zinober & McCrea to represent the Pinellas County Sheriff in the matter of the Estate of Earlvin Todd Neal, by and through its Personal Representative, Angela Mica Neal versus Pinellas County Sheriff's Office, Everett S. Rice, individually, and Michael C. Borland, individually re Case No. 8:03-CV-247-T-17MAP effective February 2, 2004 (date of incident July 15, 2002; Claim No. 02-72227); approved for execution.

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

#47 County Attorney Miscellaneous – None.

#48 Sitting as the Industrial Development Authority d/b/a Economic Development Authority, the Board approved for execution an Application for Federal Assistance to the

Department of Energy (DOE) for an additional \$1,400,000.00 in grant funds for infrastructure improvements at the Young-Rainey STAR Center.

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

- #49 Sitting as the Industrial Development Authority d/b/a Economic Development Authority, the Board approved for execution Amendment 14 to the lease agreement between the Economic Development Authority and Raytheon Company at the Young-Rainey STAR Center, for an additional 4,248 square feet, effective October 1, 2003 (368,034 total square footage); at an annual rental increase of \$21,452.40 (adjusted monthly rent is \$165,722.64 which includes seven percent sales tax).

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

- #50 Sitting as the Industrial Development Authority d/b/a Economic Development Authority, the Board approved for execution Amendment 15 to the lease agreement between the Economic Development Authority and Raytheon Company at the Young-Rainey STAR Center, for a first option of renewal for an additional five years effective December 1, 2003 through November 30, 2008; adjusted monthly rent including seven percent sales tax is \$166,378.98 (inclusive of the two percent annual rent adjustment to the base rental amount).

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

- #51 County Administrator Reports

- a. Update re Clearwater Courthouse food concession – requested approval to contact Blind Services and negotiate an arrangement similar to the contract with Hillsborough County, and no objections were noted.
- b. Update re Countywide Planning Authority’s request of June 2003 to the Pinellas Planning Council (PPC) for boundary line movement – Commissioner Welch moved, seconded by Commissioner Harris and carried, that the members’ position be reaffirmed and presented to the PPC for action; and it was the consensus of the members that the scheduling of a joint meeting be pursued.

#52 County Commission Miscellaneous

- a. Commissioner Harris - Introduced Kevin Reilly, Executive Internship Program student; requested staff follow up re space availability for the Guardian ad Litem Program; and provided a water conservation tip.
- b. Commissioner Morrioni - Attended luncheon meeting with Commissioner Seel at Bayfront Medical Center and toured the Bayflight Communications Department.
- c. Commissioner Seel - Moved approval of her nomination of Herbert Thompson to the Feather Sound Municipal Services Taxing Unit, seconded by Commissioner Morrioni and carried.
- d. Commissioner Welch - Requested that the Chairman write a letter to the Department of Children and Family Services re foster care situation; and thanked staff for the tour of the St. Petersburg Judicial Complex.
- e. Chairman Latvala - Reaffirmed the scheduling of a joint meeting with the PPC.

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Upon direction of the Chairman, the meeting was recessed at 4:16 P.M.
and reconvened at 6:30 P.M., with the absence of Commissioner Todd.
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PROCLAMATIONS PRESENTATIONS AND AWARDS

1. Presentation of the Joey Bergsma Retinoblastoma Awareness Month proclamation to Pam Bergsma.
2. Chairman Latvala recognized members of Boy Scout Troop 402, along with Assistant Scoutmaster Phil Dennis, for their work in the community.
3. Presentation by Daniel Holm, Youth Advisory Committee, relative to the activities of the group.

CITIZENS TO BE HEARD

1. H. Patrick Wheeler, Palm Harbor, spoke on behalf of Taxpayers Association, Inc., regarding free parking provided for County employees; and use of Penny for Pinellas funds.
2. John Savas, Largo, re water fluoridation.
3. Mark P. Klutho, Largo, re waste in government operations.
4. Pamela Borres, Pinellas Park; Shelayh Inglesby and Jim Gisondi, St. Petersburg, re spaying and neutering of cats and dogs; and Elka Zwick, St. Petersburg, re Pinellas County Animal Services and availability of such programs. Chairman Latvala indicated that an additional veterinarian has been hired in an effort to gain efficiencies in the County's spay and neuter program.
5. F. J. Burr, National Seniors Benevolent Association, Inc., spoke on behalf of a group of developmentally impaired citizens and the loss of the use of a County-conveyed property for a group home. Chief Assistant County Administrator D. Gay Lancaster provided an update to the Board and indicated staff wishes to review Mr. Burr's documentation so as to complete research and provide a response to him and a report to the Board.

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At 7:17 P.M., Commissioner Stewart left the meeting.

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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 - BCC

#53 Resolution No. 04-23 adopted granting petition of Steven S. McEnerney to vacate an irregularly shaped portion of a 20-foot wide utility easement containing 528 square feet on Lot 47, Whispering Lakes Subdivision, located in the northwest quarter of Section 13, Township 27 South, Range 16 East. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended that the vacation be granted. No correspondence has been received. No citizens appeared to be heard.

Motion	-	Commissioner Morrone
Second	-	Commissioner Welch
Vote	-	5-0

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At 7:19 P.M., Commissioner Stewart returned to the meeting.

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#54 Ordinance No. 04-13 adopted amending the Pinellas County Code creating a section specifying the form of citizens' petitions to be used in proposing amendment to the County Charter. Staff recommended approval of the proposed ordinance. No correspondence has been received. No citizens appeared to be heard.

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

#55 Agreement for the purchase of the City of Belleair Beach Wastewater Collection System in the amount of \$924,430.00 approved for execution; Chairman authorized to execute applicable Exhibit B to the agreements upon closing. Staff recommended approval of the agreement.

Responding to the concerns expressed by John B. Hansen, County Attorney Susan H. Churuti advised that pending litigation refers to filed lawsuits.

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

#56 Public hearing held re proposed resolution designating the Young-Rainey STAR Center as a Brownfield area; final action continued to meeting of March 9, 2004. No correspondence has been received. No citizens appeared to be heard.

#57 Public hearing held re proposed ordinance amending the Pinellas County Code relating to buffer distances between solid waste disposal facilities and future residential development. No correspondence has been received.

Responding to queries by Commissioner Welch, Utilities Director Pick Talley stated that the estimated cost to haul waste to Okeechobee County is \$55.00 per ton; and that the landfill currently has a useful life of 22 years. Director of Solid Waste Operations Warren Smith indicated that with the use of two properties the landfill has 68 years of useful life; and that the raw garbage shown in Mr. Talley's video represents the 15 percent of the time that the materials cannot be buried. In response to further query by Commissioner Welch, Mr. Talley stated that The Lakes development is 500 feet from the landfill; that a portion of The Mainlands is located inside that range; that the plan is to fill the lifts and maximize the length of time of usage up to the limit of the height; and that given the option, raw garbage would be placed as far away from residential properties as

possible. Mr. Smith indicated that prior to Commissioner Welch's request, complaints were not documented; that since then a small number of complaints have been documented; and that the most recent complaint has been with regard to removal of exotic vegetation along the side slopes of the landfill, making the plant visible to neighboring residents; but that substantial landscaping will be done in the area.

In response to queries by the members, Marc Rogoff, appearing as an expert witness for the Utilities Department, stated that the Bee Ridge landfill in Sarasota County was constructed prior to the development of residential uses and has closed its landfill due to citizen complaints, resulting in a significant rise in hauling rates. Commissioners Seel and Morroni requested that the aforementioned information be provided in written form.

Responding to queries by the members, Robert M. Brumback, Chair of the Technical Management Committee (TMC), indicated that the committee, including representatives of the cities of Pinellas Park and St. Petersburg, voted unanimously to support the protection of the landfill.

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Later in the meeting, Mr. Brumback clarified that TMC representatives from the cities of Pinellas Park and St. Petersburg did not vote for a 2,000-foot separation as the distance was not addressed at the onset of the committee's deliberations.

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Comments by Attilio Corbo in support and Dave Goodwin, representing the City of St. Petersburg, in objection to the proposed ordinance were noted.

Timothy A. Johnson, Jr., Esquire, representing Tarpon Ridge, Inc., summarized his client's reasons for opposing the proposed ordinance and suggested that the setback requirement be reduced to 1,000 feet; and that the declaration approach be adopted for notifying potential residents of the proposed development. In response to query by Commissioner Welch, Mr. Johnson indicated that 100-foot-tall non-residential buildings would block the view of the landfill from the residential units; and that the special exception from the City of St. Petersburg limits the height on the landfill property to 50 feet; whereupon, Attorney Churuti advised that staff disagrees on the issue and requested a copy of the aforementioned document.

Comments by Honey Rand; Andrea Zelman, representing Home Shopping Network; and William Markley, Ciega Village, in opposition were noted. Second public hearing to be held March 9, 2004.

#58a Application of John J. Bennett for a change of zoning from C-2 and R-3 to CR and a change in land use designation from residential low to commercial recreation, re approximately 0.201 acre located on the west side of Bayshore Drive, 130 feet south of Bay Street (Z/LU-1-1-04) temporarily deferred. One letter in opposition to the application has been received. Staff recommended a continuance based on the Local Planning Agency Report. No citizens appeared to be heard.

Motion - Commissioner Seel
Second - Commissioner Morrone
Vote - 6-0

#58b Resolution No. 04-24 adopted granting the application of American Housing Corporation for a change of zoning from R-6 to R-3, re approximately 0.138 acre located on the north side of 103rd Avenue North, 303.9 feet east of 62nd Street North (Z-2-1-04). One letter in favor of the application has been received. Staff recommended approval of the application. No citizens appeared to be heard.

Motion - Commissioner Morrone
Second - Commissioner Harris
Vote - 6-0

#58c Application of Edmund S. Whitson, Jr., for a change of zoning from RR to P-1 and a change in land use designation from residential low to residential/office general, re approximately 0.793 acre located on the north side of Belleair Road, 495.11 feet east of South Highland Avenue (Z/LU-4-1-04) continued for 30 days. One letter in opposition to the application has been received. Staff recommended approval of the continuance based on the Local Planning Agency Report. No citizens appeared to be heard.

Motion - Commissioner Morrone
Second - Commissioner Seel
Vote - 6-0

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At 9:16 P.M., Commissioner Harris left the meeting.

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#58d Ordinance No. 04-14 adopted approving the application of Charles Eugene Creel, Sr., for a change in land use designation from residential low medium to commercial general and a developer agreement, re approximately 1.26 acres located 450 feet west of U.S. Highway 19, 311.6 feet south of Central Avenue (LU-1-6-03), subject to review and approval by the Countywide Planning Authority. 18 letters in opposition to the application have been received. Staff recommended approval of the application based on the Local Planning Agency Report.

Responding to query by Commissioner Seel, David Levy, representing the applicant, indicated that the language in the Developer Agreement, Section 5.5.1 was added by Chief Assistant County Attorney James L. Bennett. Mr. Bennett explained that the density is referring to Floor Area Ratio; that once the property is being utilized for the commercial purposes that are allowed in the agreement, it becomes an irrevocable agreement; and that a time period is allowed for exploration of development opportunities to ensure a viable development.

Comments by Marjorie W. Doty in objection to the application were noted.

Motion - Commissioner Stewart
Second - Commissioner Morrone
Vote - 5-0

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At 9:20 P.M., Commissioner Harris returned to the meeting.

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SCHEDULED PUBLIC HEARINGS - WATER AND NAVIGATION AUTHORITY

#59 Multi-use dock application No. M33664-03/Revised, Richard Ladd, DR Horton Homes, 5200 4th Street South, St. Petersburg, Little Bayou denied without prejudice; five letters and 15 telephone calls in opposition to the application have been received. Staff recommended approval of the application. The biological report has been filed as part of the record.

Responding to query by Commissioner Welch, Director of Environmental Management William M. Davis stated that the proposed dock is further out from the shoreline in order to have the least impact on a band of sea grasses; that the size, setback and projection of the dock into the waterway is established by the City of St. Petersburg's regulations; and that the determination is made by the City's building department and environmental review.

E.D. Armstrong, Esquire, representing the applicant, conducted a brief presentation and stated that the City of St. Petersburg and the Army Corps of Engineers have issued permits for construction of the dock.

Comments by the following persons in opposition to the application were noted:

Thomas W, Reese St, Petersburg
Jane Link-Zahn, St. Petersburg
Kathy Durham, St. Petersburg
Katy Anderson, St. Petersburg
Isabelle Simon, St. Petersburg (representing 10 property owners)
Beth Connor, St. Petersburg

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Tony McCall, St. Petersburg
Rachel Scherer, St. Petersburg
Dana McCall, St. Petersburg
Cynthia Petelle
Edward L. Rucks, Jr., St. Petersburg
Ned Webster, St. Petersburg

John and Ann Taylor, St. Petersburg
Paul C. Scherer, St. Petersburg
Roy Hastings, St. Petersburg
Randy Wilburn, St. Petersburg
George C. Coburn, St. Petersburg

In response to the concerns of the objectors, Mr. Davis indicated that a slow speed zone could be considered in working with the City of St. Petersburg; that the Board allows docks to penetrate a shoreline; that dredging of the area is not anticipated; that water depths presented by staff are accurate; and that the water quality of Little Bayou is good to very good.

Responding to queries by the members, Mr. Davis stated that the depths were at mean low water; that living aboard or leasing the slips is not permitted; that fuel pumps or pump out facilities are not allowed; that the dock could be shortened, but room to maneuver without disturbing the sea grasses would be lost; and that should the application be denied by the Board, the applicant would have to reapply to the City of St. Petersburg.

In response to comments from the audience, Attorney Churuti advised that the procedural ordinance does provide an opportunity for proponents and opponents who believe staff response includes errors in fact or law, to point out such errors prior to the applicant's rebuttal; whereupon, Ms. Petelle, Ms. Taylor, Ms. Durham, Mr. Rucks and unidentified audience members addressed their questions to the Board, during which, Senior Assistant County Attorney Jewel White Cole advised that if the upland property extends to the water, riparian rights would attach; and that owning the submerged lands is not relative to such rights.

In rebuttal, Mr. Armstrong indicated that restrictions regarding living aboard or leasing of the slips could be included as conditions to the application; that the depths have been confirmed by two licensed surveyors; that the *Nettles Report*, a copy of which has been filed and made a part of the record, indicates the water to be of good quality; that the Army Corps of Engineers and the Southwest Florida Water Management District require compliance with the Clean Water Act; that the U.S. Fish and Wildlife Commission conducted a biological study of all listed species, and determined it was appropriate to issue the permit; and that the applicant has met the standards of the Pinellas County Code.

Responding to queries addressed to the Board by several of the opponents, Mr. Armstrong indicated that there is an error in the summary table, but the main permit and diagrams are correct; and that the applicant will work with the County on a plan to regulate speed and no wake zones; whereupon, Assistant County Administrator Jacob F.

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Stowers confirmed that staff will work with the City of St. Petersburg with regard to proper signage in the area.

Following discussion by the members relative to the size of the proposed dock, Commissioner Seel recommended denial of the application without prejudice; that a revised application include restrictions on living aboard and leasing of the dock slips; and that signage be in place prior to construction.

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

#60 Meeting adjourned at 11:19 p.m.

Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By _____
Deputy Clerk