

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, APRIL 8, 2008 – 9:34 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: James L. Bennett, County Attorney; Fred E. Marquis, Interim County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Tammy L. Burgess, Deputy Clerk.

INVOCATION: Pastor Bill Magee, St. Matthias Lutheran Church, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Welch.

PRESENTATIONS AND AWARDS

1. Introduction of Gerald Seeber, General Manager, Tampa Bay Water.
2. Presentation of the 2008 Victims' Rights Week proclamation to Kristen Jahn, Victim Advocate, Pinellas County Victim Rights Coalition.
3. Presentation of the One Bay Regional Vision proclamation to Stuart Rogel, Tampa Bay Partnership President and CEO.
4. Presentation of the 2008 National Public Works Week proclamation presented to Assistant County Administrator Peter J. Yauch.

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 Resolution No. 08-52 adopted granting petition of Curt A. Steinbach and Hugh R. and Shelby A. Shumake to vacate an unopened portion of public-right-of-way, reserving a general utility easement, west of Haines Road North between Grove Park Avenue North and 52nd Avenue North in the Grove Park Vista Annex Subdivision; authority 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. One letter in opposition has been received. No citizens appeared to be heard.

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

- # 2 Proposed ordinance amending Section 58-304 of the Pinellas County Code relating to excessive accumulation of trash and debris on property abutting public rights-of-way temporarily deferred.

Assistant County Administrator Peter J. Yauch provided a brief overview of the ordinance, and related that its basic purpose is to require property owners to maintain the area between the right-of-way and the edge of the street, noting that most property owners currently perform this maintenance voluntarily; and indicated that the County will continue to maintain the collectors and arterial roadways and ditches.

Highway Field Operations Manager Paul E. Hagler discussed budget cuts made in the contract mowing operation, and related that by the County maintaining the collectors and arterial roadways, which were previously contracted out, the current level of service will be maintained.

During discussion and in response to comments and queries by the Board, Mr. Hagler related that the County will continue to maintain rear yards, ditches, and unopened rights-of-way; that if the ordinance is passed, a follow-up letter will be sent to the citizens indicating the date in which the County will discontinue service; that the expectation is that citizens would be able to use standard lawn equipment used to maintain lawns, such as a lawn mower and weed eater; and that the targeted areas will be re-evaluated as needed; whereupon, Commissioner Latvala stated that the County would save approximately \$500,000.00.

Discussion ensued and Attorney Bennett noted that the County would not face any additional liability; and that the fine for failing to maintain the right-of-way has been set at \$138.00, with a maximum of \$500.00 for repeat offenders; and in response to query by Commissioner Welch, Mr. Hagler indicated that if the ordinance is not passed, the County would continue to maintain the rights-of-way, noting that the level of service in neighborhoods would diminish.

Responding to the Chairman's call for individuals wishing to be heard in opposition to the proposed ordinance, the following persons appeared:

Jill B. Literaty, Seminole
James Casey, Palm Harbor
JoAn Totty, Palm Harbor
Brian Boron, Palm Harbor
Todd Emmons, Palm Harbor

Linda Bock, Palm Harbor (submitted petition)
Jeff Purcell, Largo
Wendell Giles, Largo
Debbie Cobb, Palm Harbor (submitted letter)
Caroline Huber, Dunedin
Wendy Johnson, Seminole (submitted pictures)
Linda Woodhouse, Palm Harbor

Responding to the concerns of the objectors, Commissioner Latvala related that state roadways will continue to be maintained by the Florida Department of Transportation; and Mr. Hagler indicated that the notification letters were sent to the addresses of the property owners as listed with the Property Appraiser’s office; and that the address of the affected property was not indicated in the letter.

Following discussion, the members concurred that questions remain unanswered; that the proposed ordinance is open-ended; and that clarification is required; whereupon, Commissioner Duncan moved, seconded by Commissioner Seel and carried, that the matter be deferred.

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

3 Ordinance No. 08-22 adopted relating to the Lealman Residential Solid Waste Collection and Disposal District; amending Section 114-351 to provide for additional definitions; creating Section 114-361 providing for a refund of the special assessment paid for vacant residential units in certain circumstances; providing for severability; providing for inclusion in the code; providing for an effective date; and providing for other modifications which may arise from review of the ordinance with responsible authorities. Staff recommended approval of the proposed ordinance. No correspondence has been received. No citizens appeared to be heard.

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

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At this time, 10:55 A.M., Commissioner Latvala left the meeting.

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WATER AND NAVIGATION CONTROL AUTHORITY PUBLIC HEARINGS

4a Private dock Application No. P38855-08 submitted by Patricia Ryan, 437 St. Andrews Drive, Belleair (Clearwater Harbor) 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 Welch
Second - Commissioner Morrone
Vote - 6 - 0

4b Commercial dock Application No. CC37445-06/Revised submitted by the City of Clearwater, 69 Bay Esplanade, Clearwater (Mandalay Channel) 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:

- 1. A hurricane plan for the marina must be received from the applicant prior to permit issuance.

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

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At this time, 10:57 A.M., Commissioner Latvala returned to the meeting.

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4c Commercial dock Application No. CD38267-07/Revised-A submitted by the Travis Corporation of Pinellas County and the East Madeira Corporation, 5000 92nd Street North and 9293 Bay Pines Boulevard, Seminole (Long Bayou) 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 conditions:

- 1. 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.
- 2. Prior to dock construction, the channel marker off of docks K and L must be relocated to the east as much as practical in order to maximize the clearance off of the docks and straighten the channel as much as possible.
- 3. Boat lifts for dock M are included with this permit. Separate approvals are required for any additional lifts proposed in the future.

In response to comments and queries by Commissioner Seel, Director of Environmental Management William M. Davis referenced an aerial photograph and indicated the location of the navigation channel and described the basin area.

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

- # 4d Dredge and Fill Application No. DF1848-07 submitted by the Travis Corporation of Pinellas County and the East Madeira Corporation, 5000 92nd Street North and 9293 Bay Pines Boulevard, Seminole (Long Bayou) 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 installed 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 Latvala
Second - Commissioner Morrone
Vote - 7 - 0

COUNTYWIDE PLANNING AUTHORITY PUBLIC HEARINGS

- # 5a Ordinance No. 08-23 adopted approving Case No. CW 08-13, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Urban to Residential/Office/Retail, re 0.2 acre m.o.l. located on the north side of Smith Street, 265 feet east of South Myrtle Avenue (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 Seel
Second - Commissioner Duncan
Vote - 7 - 0

- # 5b Ordinance No. 08-24 adopted approving Case No. CW 08-15, the proposal by the City of Dunedin to amend the Countywide Future Land Use Plan from Residential Medium to Residential Low Medium, re 2.5 acres m.o.l. located at the southeast corner of Martin Luther King Jr. Avenue and Howell Street (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 Seel
Second - Commissioner Duncan
Vote - 7 - 0

- # 5c Ordinance No. 08-23 adopted approving Case No. CW 08-17, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Low to Residential/Office General, re 0.2 acre m.o.l. located at 1515 Lakeview 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 Seel
Second - Commissioner Duncan
Vote - 7 - 0

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Chairman Stewart announced that agenda Item No. 6b will be heard after agenda Item No. 6e. At this time, 11:05 A.M., Commissioner Seel left the meeting.

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- # 6a Ordinance No. 08-25 adopted approving Case No. CW 07-36 A, the proposal by the City of St. Petersburg to amend the Countywide Future Land Use Plan from Residential/Office/Retail to Planned Redevelopment – Mixed Use, re 0.2 acre m.o.l. located approximately 125 feet west of the southwest corner of 4th Street and 53rd Avenue (regular amendment). Pinellas Planning Council recommended approval of the proposed amendment and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 6 - 0

- # 6c Ordinance No. 08-23 adopted approving Case No. CW 08-14, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Urban to Residential Low Medium re 3.7 acres m.o.l. located 600 feet east of Park Street between 46th Avenue North and 48th Avenue North subject to the accompanying development agreement (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 - 6 - 0

- # 6d Ordinance No. 08-26 adopted approving Case No. CW 08-16, the proposal by the City of Largo to amend the Countywide Future Land Use Plan from Residential Suburban to Institutional, re 7.3 acres m.o.l. located north of 1955 Belcher Road (regular amendment). County staff concurs with Pinellas Planning Council’s recommendation of approval of

the proposed amendment, and its separate recommendation to give special consideration to the improvement of the site with respect to the buffering and landscaping guidelines of the Scenic/Non-Commercial Corridor Master Plan. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 6 - 0

6e Ordinance No. 08-23 adopted approving Case No. CW 08-18, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Commercial Recreation to Residential Low, re 6.4 acres m.o.l. located at 2201 Feather Sound Drive (regular amendment). County staff concurs with Pinellas Planning Council’s recommendation of approval subject to the following conditions: (1) the accompanying development agreement and (2) the density averaging requirements in Section 6.1.3 of the Countywide Rules, including written evidence of the averaging, to be recorded in the Public Records; and its separate recommendation that the County amend the remaining Commercial Recreation areas to another appropriate designation once building permits are issued for the residential structures and clubhouse, as defined in the development agreement. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Latvala
Second - Commissioner Duncan
Vote - 6 - 0

6b Ordinance No. 08-27 adopted approving Case No. CW 08-09, the proposal by the City of Tarpon Springs to amend the Countywide Future Land Use Plan from Industrial Limited to Commercial General, re 13.0 acres m.o.l. located at the northwest corner of East Pine Street and U.S. Highway 19 North (regular amendment). Pinellas Planning Council recommended approval of the proposal. Staff recommended denial of the proposal. One letter in opposition to the proposed amendment has been received.

* * * *

At this time, 11:07 A.M., Commissioner Seel returned to the meeting.

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Pinellas Planning Council (PPC) Executive Director David P. Healey referred to an aerial photograph; indicated the location of the subject property on which a Lowe’s Home Center would be built; described the surrounding properties, site, and anticipated redevelopment; and outlined the criteria the PPC relied upon in making the decision, noting that the accompanying development agreement was an important caveat.

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During discussion and in response to query by Commissioner Welch, Mr. Healey indicated that staff recommended that the PPC deny the application due to PPC Resolution No. 06-3 and its criteria governing an amendment from Industrial to another land use category that does not hold the same potential to yield high-wage jobs that both Pinellas by Design and the County Plan are targeted to accomplish; and confirmed that the amendment from Industrial to Commercial land use was approved by the Planners Advisory Committee by a vote of 8 – 3; that the PPC approved the amendment by a vote of 6 – 5 over staff’s recommendation to deny; and that a supermajority vote of the BCC would be required to overrule the PPC recommendation.

Director of Planning Brian K. Smith indicated that staff is basing its recommendation for denial upon positions and policies that the Board has established previously, upon its responsibilities inherent in its role as the Countywide Planning Authority, and upon the resolutions adopted by both the BCC and the PPC to safeguard industrial property. He indicated that retaining industrial land for economic purposes and the transportation issues are the two main reasons staff is recommending denial of the application; whereupon, following discussion, Commissioner Seel stated that she had contacted the Florida Department of Transportation and was informed that with the Lowe’s usage, a traffic signal for the proposed intersection will be warranted.

Steve Henry, Lincks & Associates, Tampa, provided a brief overview of the site plan and proposed traffic improvements; and Renea Vincent, Planning and Zoning Director for the City of Tarpon Springs, indicated that the subject site is appropriate for a Commercial General land use designation; that the signal and traffic improvements will improve access to the sponge docks; and that Lowe’s will bring 80 to 120 jobs into the Tarpon Springs area; whereupon, Commissioner Latvala stated for the record that there is an existing safe, lighted entrance/exit on U.S. Highway 19.

E. D. Armstrong, III, Esquire, Clearwater, stated that he represents Lowe’s and the owners of the subject property; and provided information related to the development agreement. Ethyl Hammer, Engelhardt, Hammer & Associates, Tampa, provided an overview of the evaluation and in-depth corridor study; and stated that the proposed amendment has unique circumstances; and that approving it would not set a precedent; whereupon, George Cantonis, Belleair, provided a brief history of the area and discussed opportunities available to businesses if the proposed amendment is approved.

Responding to the Chairman’s call for individuals wishing to be heard in support of the proposed amendment, the following persons appeared:

Mayor Beverly Billiris, Tarpon Springs
Paul Wikle, Tarpon Springs
Frank DiDonato, Tarpon Springs
David Archie, Tarpon Springs
Mark Reichert, Tarpon Springs

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Director of Economic Development Mike Meidel provided input regarding targeted businesses for the area, transportation issues, and the likelihood of future requests that would further deplete industrial lands, and discussion ensued.

Responding to query by Commissioner Seel, Mr. Armstrong stated that Lowe's will bear the full financial burden for the traffic signal in the event the proposed Wal-Mart project falls through; whereupon, following discussion, Commissioner Seel moved, seconded by Commissioner Morroni, to approve the amendment.

Discussion continued; whereupon, Chairman Stewart stated that a precedent would, in fact, be set, but that the proposed amendment is a unique situation and each future request would need to be evaluated independently.

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

CITIZENS TO BE HEARD

Mark P. Klutho, Largo, re 10 years!

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At this time, 12:47 P.M., the meeting was recessed and reconvened at 1:03 P.M. with all members present with the exception of Commissioner Seel.

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CONSENT AGENDA ITEMS NOS. 7 THROUGH 22 – APPROVED

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

7 Minutes of regular meeting of February 19, 2008.

8 Reports received for filing:

- a. Palm Harbor Special Fire Control and Rescue District Annual Financial Report for the Fiscal Year ended September 30, 2007.
- b. Juvenile Welfare Board Financial Statements and Schedules for the Fiscal Year ended September 30, 2007.
- c. Dock Fee Reports for the months of January and February 2008.

9 Vouchers and Bills Paid - Period of February 18 through February 29, 2008:

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2549

Payroll checks numbered 555257 through 555506

Imprest Fund Expenditures

Replacement check numbered 751485

System checks numbered 916242 through 917908

ACH Transfers numbered 36 through 47

Wire Transfers numbered 010372 through 010441

#10 Miscellaneous items received for filing:

- a. City of Clearwater Notices of Public Hearings re Ordinance No. 7925-08 amending Beach by Design; Ordinance No. 7926-08 amending the Clearwater Community Development Code; Ordinance No. 7941-08 rescinding Ordinances Nos. 7405-05 and 7406-05; and Ordinances Nos. 7922-08 through 7924-08 and 7942-08 through 7946-08 amending the Annexation, Land Use Plan and Zoning Atlas; public hearings held March 20, 2008 and to be held May 15, 2008.
- b. City of Largo Ordinances Nos. 2008-19 through 2008-22 adopted February 19, 2008 and Notices of Public Hearings re Ordinances Nos. 2008-23 and 2008-28 through 2008-30 held March 18, 2008, annexing certain property.
- c. City of Seminole Notices of Public Hearings held March 25, 2008 regarding Ordinances Nos. 02-2008 through 09-2008 and No. 12-2008, voluntarily annexing certain property.
- d. City of Seminole Resolution No. 02-2008 opposing the widening of 102nd Avenue North from a two-lane undivided roadway to a four-lane divided facility from 113th Street North to 137th Street North and endorsing the concept of transportation management strategies.
- e. Pinellas Suncoast Fire and Rescue District Resolutions Nos. 2008-02 and 2008-04 fixing the rate of non-ad valorem assessments in compliance with the Charter of the District and amending the Fiscal Year 07/08 Operating Budget, respectively, adopted February 19, 2008.
- f. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 4 dated January 17, 2008, and financial statement for the month of December 2007.
- g. Homeowners Association of Highland Lakes, Inc. 2008 Board of Directors Slate of Officers.

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- #11 Plats, Guarantees, Sureties, and Agreements:
Intown Suites Management, Inc. – completion surety funds released.
- #12a Change Order No. 1 (Final) to contract with Angle & Schmid, Inc. for renovations to the Pinellas Suncoast Transit Authority’s (PSTA) former building, now to be used as minimum security detention facility (PID No. 1601; Bid No. 067-0239-C) approved in the amount of \$49,306.23 (includes a reimbursable Pinellas County Building Department permit fee of \$22,840.24) (revised agreement amount, \$2,718,866.23); contract accepted as complete as of August 19, 2007; all retainage previously held is released; Chairman authorized to sign and the Clerk to attest.
- #12b Change Order No. 3 (Final) to the Option of Renewal with Pepper Contracting Services, Inc. for general sidewalk and Americans with Disabilities Act (ADA) ramp construction 2004-2005 in the amount of \$20,193.54 (PID No. 1181; Bid No. 045-339-C) approved (revised contract amount, \$2,340,261.08); contract accepted as complete as of August 30, 2007; all retainage previously withheld is released; Chairman authorized to sign and the Clerk to attest.
- #13 Joint Project Agreement with the City of St. Petersburg for utility installation by roadway contractor for 46th Avenue North from 80th Street North to 62nd Street North (PID No. 922493) approved; total estimated cost, \$773,747.50; County’s estimated cost, \$25,987.50; Chairman authorized to sign and the Clerk to attest.
- #14 Award of Bid to Florida Safety Contractors, Inc. for Advanced Traffic Management System (ATMS) signal installation and construction along the County Road 611 (McMullen-Booth/East Lake Road) corridor accepted in the amount of \$2,038,715.54, on the basis of being the lowest responsive, responsible bid received meeting specifications (PID No. 743, Bid No. 078-0227-C); 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.
- #15 Award of Bid to Diaz/Fritz Group, Inc., d/b/a Diaz Fritz Isabel, a pre-qualified contractor, for the development of Eagle Lake Park accepted in the amount of \$8,399,323.13, on the basis of being the lowest responsive, responsible bid received meeting specifications (PID No. 625, Bid No. 078-0219-C); 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 (Culture, Education, and Leisure).
- #16 Resolution No. 08-53 adopted approving consent order between Pinellas County and Medico Environmental Sciences, Inc. as final settlement of Enforcement Case No. A07-048 (Environmental Management).

- #17 Declaration of miscellaneous County-owned equipment as surplus approved and authorization granted for liquidation of same through public auction conducted by Tampa Machinery Auction; distribution of proceeds from vehicles sold from Governmental Funds to the Fleet Internal Service Fund to offset the replacement cost of future vehicles approved (Facility Management/Fleet Management).
- #18 Bids of Deolijger Inc., d/b/a Auto Aid; Flash Equipment, Inc.; Fleet Acquisitions, LLC, d/b/a Fleet Products; Fleet Pride, Inc.; Genuine Parts Company; Parts Depot, Inc., d/b/a Bumper to Bumper; and Vehicle Maintenance Program accepted for automotive repair parts and supplies, after market, heavy and light trucks and cars, as primary and secondary suppliers as indicated on the Tabulation of Bids, which has been filed and made a part of the record (co-op) (Contract No. 078-0185-B) on the basis of being the lowest responsive, responsible bids received meeting specifications (total contract estimated annual expenditure not to exceed \$351,000.00; Pinellas County's annual estimated expenditure not to exceed \$281,000.00) (36-month contract with one additional 24-month option of renewal to be exercised only if all pricing discount percentages, terms and conditions remain the same and approval is granted by the County Administrator). Bids of Emergency Vehicle Supply, Inc. and Maher Chevrolet, Inc. rejected on the basis of not meeting the terms and conditions of the bid submittal (Fleet Management).
- #19 Resolution No. 08-54 adopted supplementing the Fiscal Year 2008 General Fund budget (unanticipated fund balance) to appropriate earmarked receipts for a particular purpose as requested by the Medical Examiner (Management and Budget).
- #20 Resolution No. 08-55 adopted supplementing the Fiscal Year 2008 General Fund budget (Federal Equitable Sharing Trust Fund, Law Enforcement Trust Fund, Florida Department of Law Enforcement Grants, and Florida Department of Transportation Grant) to appropriate earmarked receipts for a particular purpose as requested by the Sheriff (Management and Budget).
- #21 Pinellas County Metropolitan Planning Organization Staff Services Agreement replacing the agreement authorized by the Board on February 19, 2008, approved for execution (Planning).
- #22 Authorization granted for payment to FM Global for commercial property insurance premiums for the Solid Waste Operations Resource Recovery Facility in the amount of \$1,115,328.00 and South Cross Bayou Reclamation Facility in the amount of \$436,764.00; County Administrator or his designee authorized to execute forms, applications and documents necessary to continue coverage for the term of the renewal policies (Risk Management).
- #23 Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None.

- #24 First amendment to agreement for concession services with United Park Services, Inc. (Contract No. 056-0459-P) approved effective April 15, 2008 to continue to June 30, 2011, with two additional five-year options of renewal subject to approval by the County Administrator (estimated revenue to be generated annually, \$24,916.80); Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

Motion - Commissioner Latvala
Second - Commissioner Duncan

Airco Golf Course Director Larry D. Thomas provided information on concession services currently available at Airco Golf Course.

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At this time, 1:08 P.M., Commissioner Seel entered the meeting.

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Vote - 7 – 0

- #25 Amendment No. 1 to Pinellas County Resource Recovery Facility Service Agreement with Veolia ES Pinellas, Inc. (Contract No. 045-143-P) for additional funding in the amount of \$3,427,193.00 (revised estimated contract amount, \$618,727,193.00) for the Secondary Punch List for repairs to the Waste-to-Energy Facility Operator Re-Procurement Services and to extend the timeframe by eight months approved. Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

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

- #26 Actions of the County Administrator to restate and freeze the 401(a) Special Pay Plan formerly administered by Penco, Inc. and enter into a new agreement for the plan to be administered by AIG VALIC ratified and accepted (County Administrator).

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

- #27 Resolution No. 08-56 adopted recommending that the Florida Legislature accept the final report to the 2008 Florida Legislature as submitted by the Florida Consumer Fertilizer Task Force and ensure that the recommendations be fulfilled and reject any attempt to

preempt the home rule authority of local government to enact regulations to reduce the introduction of pollutants into our waterways (Environmental Management).

Motion - Commissioner Latvala
Second - Commissioner Morroni

Responding to queries by Commissioner Welch, Interim County Administrator Marquis confirmed that the report contains baseline standards only; and indicated that additional information regarding fees will be provided. Discussion ensued wherein Commissioner Morroni noted that he will be meeting with Director of the Tampa Bay Estuary Program Holly Greening following the Fertilizer Symposium being held today; and that he will share this information with the members; and Commissioner Harris explained the rationale for his opposition to this item.

Commissioner Seel related that it is appropriate for the matter to be examined from a multi-county, regional point of view and noted the cooperation of the Southwest Florida Water Management District; and Director of Environmental Management William M. Davis provided additional input; whereupon, Commissioner Latvala indicated that there should be more emphasis on citizen education with respect to the prevention of contamination; and Mr. Marquis noted that this legislation is presently in committee and may not reach the legislature.

Vote - 6 – 1 (Commissioner Harris dissenting)

- #28 Food Vending Services Agreement with the Pinellas County School Board for the 2008 Summer Food Service Program approved for execution for summer food vending services for the period June 10 through August 8, 2008 (a federally funded program administered locally by the Florida Department of Education) effective for six months from the date of execution (Health and Human Services).

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

- #29 Other administrative matters – None.

- #30 County Attorney authorized to defend the County's interest:

- a. National City Mortgage Co. versus Phyllis J. Brown, et al. – Circuit Civil Case No. 07-11695-CI-07 – Mortgage Foreclosure Involving a Subordinate Mortgage.
- b. Southtrust Mortgage Corporation versus Timothy A. Donahey, et al. – Circuit Civil Case No. 08-2663-CI-8 – Mortgage Foreclosure Involving a Subordinate Mortgage.
- c. Wells Fargo Bank, NA versus Andrew L. Rhubottom, Surviving Spouse of Margaret E. Rhubottom, Deceased, et al. – Circuit Civil Case No. 08-2422-CI-21 – Mortgage Foreclosure Involving a Subordinate Mortgage.

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

- #31 County Attorney authorized to initiate litigation in the case of Pinellas County versus Danielle McCown – Negligence in the Operation of a Motor Vehicle.

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

- #32 County Attorney authorized to file a motion to exclude Pinellas County from the proposed class action settlement in High Tide Harry’s, Inc. versus Waste Management, Inc. of Florida – Case No. 05-CA-009441, Division 43, Complex Business Litigation Court, Circuit Court for the Ninth Judicial Circuit, Orange County, Florida.

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

- #33 Revised Appendix “A” to Contract for Legal Services with Ford & Harrison, LLP as special counsel in conjunction with services provided for litigation and administrative proceedings involving labor and employment matters retroactive to April 1, 2008, approved.

Additionally, the services of Attorney Bridget Ann Duffy approved with an effective date of October 1, 2007.

County Attorney Bennett explained the rationale for revising the manner in which billing by Ford & Harrison, LLP will occur; and noted that the new method will reduce the amount paid for special counsel services.

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

- #34 Resolution No. 08-57 adopted designating various County employees as Code Enforcement Officers.

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

- #35 County Attorney authorized to initiate a counterclaim in the case of Michael D. Seel versus Pinellas County, a Political Subdivision of the State of Florida, United States District Court for the Middle District of Florida – Case No. 8:08-cv-00371-SCB-EAJ.

Commissioner Seel noted that neither she nor her husband are related to the plaintiff in this action.

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

#36 County Attorney Miscellaneous – None.

#37 Sitting as the Countywide Planning Authority, the Board approved the final draft of the Target Employment and Industrial Lands Study for the Pinellas Community.

Commissioner Latvala moved, seconded by Commissioner Duncan, that the study be approved. Responding to query by Chairman Stewart, Pinellas Planning Council Executive Director David P. Healey provided the rationale for referring to the study as a tool rather than a policy; and noted that if approved, he and his staff intend to rely on the study as policy to provide guidelines for their recommendations; following which Planning Director Brian K Smith and Interim County Administrator Marquis provided additional input.

Discussion ensued; whereupon, Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the Target Employment and Industrial Land Study for the Pinellas Community be approved as Board policy.

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

#38 Resolution No. 08-58 adopted approving the issuance by the Housing Finance Authority of Pinellas County of its Multifamily Housing Revenue Bonds, Series 2008, in the aggregate amount not to exceed \$17,500,000.00 to provide funds to finance the multifamily residential rental housing projects for the benefit of Contemporary Housing Alternatives of Florida, Inc., and providing an effective date

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

Director of Community Development Anthony M. Jones provided information on the area median income (AMI) to be served by this project; and in response to query by Commissioner Welch, related that approximately one-half of the units will be available to renters earning less than 80 percent of the AMI.

#39 County Administrator Reports.

Interim County Administrator Marquis provided an update on the Blue Ribbon Advisory Board Study of the County's procedures and processes for the purchase and sale of real estate and noted that the Advisory Board's report will be presented to the members for approval at the April 22, 2008 BCC meeting.

#40 Appointment of Matt Solomon to the Youth Advisory Committee for the term of April 8, 2008 through July 31, 2008, approved.

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

#41 Appointment of Holly Greening to the Pinellas County Environmental Fund approved.

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

#42 a. Update regarding executive search services for County Administrator.

Waters-Oldani Executive Recruitment Senior Consultant Andrea B. Sims provided detailed information with respect to the process to be used in the search for a County Administrator; noted that specific information regarding scheduling and procedures will be distributed to the Board on April 14, 2008; and indicated that she expects the Board to be able to make the appointment at the first BCC meeting in September.

Responding to query by Commissioner Welch, Interim County Administrator Marquis indicated that once the appointment is made he intends to request that the board double encumber the position of County Administrator for a period of 45 to 60 days in order for the new appointee to become familiar with the workings of the County before assuming the regular duties of the position; that he is willing to remain Interim County Administrator during that time period; and that he anticipates the actual start date for the new County Administrator will be in mid-November.

- b. Employment Contract for County Attorney approved.

Responding to query by Commissioner Welch, Attorney Bennett noted that all items requiring clarification have been addressed; and that no other changes have been made.

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

- c. Commissioners Seel, Welch, and Latvala discussed franchise garbage collection; Mr. Marquis provided input.
- d. Commissioner Harris described World War II/Swinging Forties event at Heritage Village; and offered a water conservation tip.
- e. Chairman Stewart related that awards received at Tampa Bay Regional Planning Council luncheon will be presented at next board meeting.
- f. Commissioner Latvala requested that members contact Budget and Tax Reform Commission re upcoming vote on Taxpayer Bill of Rights (TABOR).

#43 Meeting adjourned at 1:55 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By: _____
Deputy Clerk