

Clearwater, Florida, May 20, 2003

The Board of County Commissioners in and for the County of Pinellas met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 3:06 P.M. on this date with the following members present: Karen Williams Seel, Chairman; Susan Latvala, Vice-Chairman; Barbara Sheen Todd; Robert B. Stewart; Calvin D. Harris; John Morroni; and Kenneth T. Welch.

Absent: None.

Also present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; Linda R. Reed, Deputy Clerk; and Cathy Fickley and MaryAnn Penhale, Board Reporters.

Reverend Gordon Maudlin, Bread of Life Church, Clearwater, pronounced the Invocation which was followed by the Pledge of Allegiance to the Flag led by Commissioner Morroni.

A G E N D A

INVOCATION

PLEDGE OF ALLEGIANCE to the Flag of the United States of America

A. CONSENT AGENDA

CLERK OF THE CIRCUIT COURT

1. Approval of Minutes of the Regular Meeting of April 15, 2003.
2. Reports:
 - a. Dock Fee Report for the Month of April 2003.
 - b. Juvenile Welfare Board Interim Financial Reports, Unaudited, Dated March 31, 2003.
 - c. Eastlake Oaks Community Development District Independent Auditors' Report and General Purpose Financial Statements for the Fiscal Year Ended September 30, 2002, Prepared by Grau & Company, P.A.
 - d. Pinellas Park Water Management District Public Facilities Report Prepared March 2003 by Camp Dresser & McKee Inc.
 - e. Audit of Traffic Ticket Credit Card Payments, Internal Audit Division, Clerk of the Circuit Court, Report No. 2003-4 Dated May 1, 2003.

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- f. Follow-Up Review of Audit of STAR Center, Internal Audit Division, Clerk of the Circuit Court, Report No. 2003-5 Dated May 1, 2003.
 - g. Follow-Up Review of Audit of Orange Blossom Catering Agreement with the STAR Center, Internal Audit Division, Clerk of the Circuit Court, Report No. 2003-6 Dated May 1, 2003.
 - h. 2003-2004 Operating Budget Request for the Office of the Clerk of the Circuit Court and the 2003-2004 Budget for Expenditures Planned from the Modernization Trust Fund.
3. Other Approvals:
- a. General – None.
 - b. Vouchers and Bills Paid.
4. Miscellaneous Items to be Received for Filing:
- a. Florida Public Service Commission Notice of Commission Hearing and Prehearing Regarding a Petition for Arbitration of Open Issues Resulting from Interconnection Negotiations with Verizon Florida Inc. by Dieca Communications, Inc. d/b/a Covad Communications Company, Held May 14, 2003 in Tallahassee.
 - b. City of Largo Notice of Annexation Hearing Regarding Ordinances Nos. 2003-62 and 2003-63, Public Hearing Held May 6, 2003.
 - c. Correspondence from City of Pinellas Park Regarding Two Ordinances Voluntarily Annexing Certain Property and the Denial without Prejudice of Annexation Ordinance No. 3107; Public Hearing Held May 8, 2003.
 - d. City of Seminole Ordinances Nos. 9-2003 and 10-2003 Effective April 22, 2003, Annexing Certain Property.
 - e. City of Indian Rocks Beach Resolution No. 2003-56 Regarding the Creation of Countywide “Challenge” Recreation Program.
 - f. City of Madeira Beach Resolutions No. 03.07 Regarding Improvement of Gulf Boulevard between Walsingham Road and Park Boulevard and No. 03.08 Regarding Funding of Beach Erosion Control Project, Adopted April 8, 2003.
 - g. City of Pinellas Park Resolution No. 03-20 Adopted April 10, 2003, Honoring Girls Incorporated of Pinellas.
 - h. City of Treasure Island Resolution No. 03-36 Adopted April 7, 2003, Regarding the Creation of Countywide “Challenge” Recreation Program.
 - i. Feather Sound Community Services District, Inc. Financial Statements and Independent Auditor’s Report for the Years Ended September 30, 2001 and 2002.
 - j. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 6 Held March 20, 2003, Together with Financial Statement Dated March 2003.

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COUNTY ADMINISTRATOR

Public Works

5. Approval of the Annual Joint Funding Agreement with the U.S. Geological Survey, U.S. Department of the Interior, for Water Resources Data Collection.
6. Approval of Items Concerning the Construction of Keene Road from Sunset Point Road to Virginia Street:
 - a. Change Order No. 3 (Final).
 - b. Asphalt Concrete Surface Course Warranty and Maintenance Bond.

Utilities

7. Approval of an Award of Bid for Acute and Chronic Toxicity Tests.
8. Approval of Change Order No. 1 (Final) for Storm Leachate Control Structure at Outfall Bond "A," Retaining Wall at Resource Recovery Hot Pad, and Release of Retainage.
9. Approval of the Ranking of Firms and Authorization for Staff to Negotiate a Contract with the Number One Ranked Firm for Debris Management.

Other Departments

10. Receipt and File of Items Delegated to the County Administrator for Approval (County Administrator).
11. Adoption of a Resolution for Assessment of Liens against Lands Cleared (Environmental Management).
12. Approval of the Purchase Authorization of Five Bucket Trucks from Altec Industries, Inc. (Fleet Management).
13. Approval of Budget Amendment No. 16 (Management and Budget).
14. Adoption of a Resolution to Earmark Receipts for a Particular Purpose in the Fiscal Year 2003 General Fund Budget for the Judiciary – Teen Court (Management and Budget).

B. REGULAR AGENDA

15. Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).

COUNTY ADMINISTRATOR

Public Works

16. Approval of the Installation of Five Speed Humps on Emerald Lane between 150th Avenue North and East Bay Drive, and a Four-Way Stop on Emerald Lane at 4th Avenue Southeast.

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17. Approval of the Installation of Four Speed Humps on Azalea Place, Floral Drive and 36th Street Southeast, and a Four-Way Stop on 36th Street Southeast at 4th Avenue Southeast.
18. Approval of the Installation of Two Speed Humps on 95th Street North, Located between 126th Avenue North and Randolph Street, and a Four-Way Stop Condition on 95th Street North at 126th Avenue North.
19. Approval of Change Order No. 1 (Final) for Fort DeSoto Boat Launching Facilities Repairs.

Utilities

20. Approval of an Interlocal Agreement with the City of Oldsmar to Provide Compensation for the Loss of Recreational Open Space (Canal Park) for the North County Reclaimed Water System.
21. Approval of Amendment No. 9 to the Construction Management Agreement with Beers Skanska, Inc. for the South Cross Bayou Water Reclamation Facility Phase II-B Improvements, and Partial Release of Retainage.
22. Approval of Amendment No. 4 to the Engineering Agreement with Jones, Edmunds and Associates, Inc. for Consulting Services for the Water Quality Study and Analysis.

Other Departments

23. Approval of the Declarations of Six Properties in Violation of the Flood Damage Prevention Article of the County Code and Section 1316 of the National Flood Insurance Act of 1968, as Amended (Building).
24. Approval of the Authorization to Advertise for a Public Hearing on the Fiscal Year 2003-04 Consortium's Action Plan for Federal Funding (Community Development).
25. Approval of a Request for an Expanded Scope of Manufacturing Authority for Cardinal Health 409, Inc., f/k/a R.P. Scherer, in Foreign Trade Subzone No. 193A (Economic Development).
26. Adoption of a Resolution for the Tampa Bay Estuary Program Manatee Awareness Coalition to Form a Task Force and Serve as the Local Rule Review Committee (Environmental Management).
27. Approval of Change Order No. 1 for Modifications to the Mobile Medical Unit (Fleet Management).
28. Approval of a \$4,200,000.00 Grant Application for Florida Forever Funding with Florida Communities Trust (General Services).
29. Approval of the Purchase Sale Agreement for the Wilcox Road Parcel Owned by CSX Transportation, Inc. in the Dansville Redevelopment Area (General Services).
30. Approval to Declare Parcel No. 35-27-15-00000-420-0300 as Surplus, Establish a Base Bid, Grant Authorization to Sell and Permission to Advertise (General Services).
31. Approval of the Antenna Siting License Agreement with VoiceStream Tampa/Orlando, Inc. (General Services).

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32. Approval of Requests by the City of St. Petersburg to Approve Ad Valorem Property Tax Exemptions for Historic Structures (Planning):
 - a. The Thomas Whitted House.
 - b. The Mayor Bradshaw House.
33. Approval of the Revised Board of County Commissioners' Travel Policy (Purchasing).
34. Approval of the Award of a Proposal for the Self-Funded Group Dental Direct Reimbursement Program to the Highest Ranked Proposer, Direct Reimbursement Benefit Plans (Purchasing/Personnel).
35. Approval of Amendment No. 1 to the Agreement with St. Petersburg College for One Stop Operator Services through June 30, 2003 (WorkNet).
36. Approval of Amendment No. 1 to the Agreement with Dynamic Education Systems, Inc. through June 30, 2003 (WorkNet).
37. Approval of Amendment No. 1 to the Agreement with Family Service Centers, Inc. through June 30, 2003 (WorkNet).
38. Approval of Amendment No. 1 to the Agreement with Gulf Coast Jewish Family Services, d/b/a Gulf Coast Community Care, through June 30, 2003 (WorkNet).
39. Other Administrative Matters.

COUNTY ATTORNEY

40. Approval of the Authority for County Attorney to Defend:
 - a. Administrative Hearing of City of Clearwater, Florida, For Use and Benefit of Lawrence H. Dimmitt, III, and Lawrence H. Dimmitt, Jr., as Trustee Under Amended Revocable Living Trust Agreement Dated December 1, 1998 v. Pinellas County Board of County Commissioners, as Countywide Planning Authority – DOAH Case No. (To Be Assigned) – Appeal of Earlier CPA Decision.
 - b. City of Largo, FL v. Jim Smith, Pinellas County Property Appraiser, Diane Nelson, Pinellas County Tax Collector and Pinellas County, et al - Circuit Civil Case No. 03-0032-01-CI-15 – Allegations that Property Appraiser Changed His Policy for Processing Annexations Commencing Within the 2002 Tax Year.
 - c. Barbara Dawn Hall v. Everett Rice, as Sheriff of Pinellas County, Florida, and Donald Rogers Individually and in His Official Capacity as Deputy Sheriff of Pinellas County, Florida – Case No. 8:03-CV-685-T-17MAP – Allegations of False Arrest and Unreasonable Force.
 - d. Lisa M. Leccese v. Sheriff Everett S. Rice, Pinellas County Sheriff - Circuit Civil Case No. 03-2898-CI-21 – Allegations of Negligence in the Operation of a Sheriff's Cruiser.

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- e. Linda Mancini-Taylor v. Pinellas County Board of County Commissioners, Office of the Medical Director – Appeal from a Denial of Paramedic Credentials by the Office of the Medical Director.
 - f. Motion to Authorize County Attorney to Investigate Claims and to Defend Anticipated Litigation in the Matter of Nature’s Watch and Eagle’s Reserve Claims.
- 41. Approval of the Authority for the County to File a Small Claims Action on Behalf of Sunstar against the Estate of Arleen F. Stevenson for Unpaid Ambulance Bills.
 - 42. Approval of the Special Counsel Contract with Foley & Lardner - Revised Exhibit “A.”
 - 43. Approval of Addendum No. 1 to the Law Enforcement Services Contract for the City of Seminole.
 - 44. Approval of the Recommendation to Reject the Settlement Offer of John and Gerald Sachs in the Matter of John and Gerald Sachs v. Roger B. Broderick, Johnson, Blakley, Pope, Bokor, Ruppel & Burns, P.A., et al - Circuit Civil Case No. 96-6199-CI-11.
 - 45. Approval of the Recommendation of Settlement in Joseph Laurino v. Pinellas County Government – Workers’ Compensation OJCC No. 91-005153SPT – Date of Accident: 11/20/91 and 8/15/94.
 - 46. Miscellaneous.

C. AUTHORITIES

ECONOMIC DEVELOPMENT AUTHORITY

- 47. Approval of a Lease Agreement with CTC Tampa Bay, Inc. at the Young – Rainey STAR Center.

D. COUNTY ADMINISTRATOR REPORTS

- 48. Legislative Update.

E. COUNTY COMMISSION

- 49. Approval of Appointments to the Youth Advisory Committee.
- 50. Miscellaneous.

6:30 P.M.

PRESENTATIONS AND AWARDS

F. CITIZENS TO BE HEARD

Any Person Wishing to Speak at This Time, Excluding Issues on the Agenda or Previously Acted on by the BCC, Must Have a Yellow Card Filled Out and Given to the Agenda Coordinator at the Staff Table Located at the Front of the Board Room. No Person May Speak More Than Once on the Same Subject within a 30-Day Period, Unless Specifically Granted Permission by the Chair. The Chair Will Call Each Speaker’s Name.

G. SCHEDULED PUBLIC HEARINGS

Any Person Wishing to Speak about a Public Hearing on This Agenda Must Have a Yellow Card Filled Out and Given to the Agenda Coordinator at the Staff Table Located at the Front of the Board Room. Please Refer to the Back of Your Agenda Copy for More Details on Guidelines for Time Limitations and Opportunities to Speak. The Chair Will Call Each Speaker's Name. The Procedure Used by the Board of County Commissioners in Conducting Public Hearings is to Have a Staff Presentation Followed by the Applicant Presenting the Specific Proposal. The Board Will Then Hear Comments from the Proponents Followed by Comments From the Opponents and a Staff Summary. The Applicant Will Then be Given an Opportunity to Close and the Board of County Commissioners Will Decide on the Matter.

COUNTYWIDE PLANNING AUTHORITY

Consideration of the Following Proposal as a Regular Amendment to the Adopted Countywide Future Land Use Plan:

51. Case #CW 03-31 – Dunedin (Continued from May 6, 2003 BCC Meeting).
Location – 17.1 Acres Located on the Southwest Corner of U.S. Highway 19 and Congress Avenue. Amendment from Residential Low Medium; Preservation; Resort Facilities Overlay; Undesignated to Residential Low; Residential Low Medium; Commercial General; Preservation.

SCHEDULED PUBLIC HEARINGS - BCC

52. Petition to Vacate Submitted by John M. Wolfe, III, and Brenda West Wolfe, for a 3.5-Foot by 46.5-Foot Portion of a 10.0-Foot Utility Easement on Lot 81, Orangepointe Unit II, Located in the Southwest ¼ of Section 31, Township 27 South, Range 16 East.

Planning and Zoning Application Heard by the Examiner:

53. Z/LU-1-4-03 (Continued from May 6, 2003 BCC Meeting).
Application of Skylark R.O. Association, Inc., through Ed Armstrong, c/o Johnson, Blakely, Pope, Bokor, Ruppel and Burns, Representative, for a Zoning Change from R-6, Mobile Home Parks and Subdivisions to C2, General Retail Commercial and Limited Services District, a Land Use Change from Residential Urban and Transportation/Utility to Commercial General and Transportation/Utility and a Developer's Agreement on Approximately 13.04 Acres on the Northeast Corner of State Road 580 and Summerdale Drive (Street Address: 2526 State Road 580 East) (Parcel ID No. 30-28-16-82694-000-0002).

WATER AND NAVIGATION

Pursuant to the Provisions of Chapter 31182, Laws of Florida (1955), as Amended, it is the Policy of the Pinellas County Water & Navigation Control Authority that all Persons Giving Testimony on Matters Relating to Application for Dredge, Fill, or Dock Permits do so Under Oath. If You Wish to Make Statements or Give Testimony Concerning any of the Water and Navigation Items, Please be Prepared to Stand and Take the Oath When Requested to do so by the Clerk.

54. Adoption of an Ordinance for Mangrove Trimming and Preservation (Continued from December 3, 2002 BCC Meeting).

ADJOURNMENT

CONSENT AGENDA ITEMS NOS. 1 THROUGH 14 - APPROVED

Upon presentation by Chairman Seel, Commissioner Todd moved, seconded by Commissioner Welch and carried, that the consent agenda, consisting of items Nos. 1 through 14, be approved as follows:

1 APPROVAL OF MINUTES

Minutes of regular meeting of April 15, 2003.

2 REPORTS RECEIVED FOR FILING

- a. Dock Fee Report for the month of April 2003.
- b. Juvenile Welfare Board Interim Financial Reports, Unaudited, dated March 31, 2003.
- c. Eastlake Oaks Community Development District Independent Auditors' Report and General Purpose Financial Statements for the Fiscal Year Ended September 30, 2002, prepared by Grau & Company, P.A.
- d. Pinellas Park Water Management District Public Facilities Report prepared March 2003 by Camp Dresser & McKee Inc.
- e. Internal Audit Division, Clerk of the Circuit Court Report No. 2003-4 dated May 1, 2003, Audit of Traffic Ticket Credit Card Payments.
- f. Internal Audit Division, Clerk of the Circuit Court Report No. 2003-5 dated May 1, 2003, Follow-Up Review of Audit of STAR Center.
- g. Internal Audit Division, Clerk of the Circuit Court Report No. 2003-6 dated May 1, 2003, Follow-Up Review of Audit of Orange Blossom Catering Agreement with the STAR Center.

- h. 2003-2004 Operating Budget Request for the Office of the Clerk of the Circuit Court and the 2003-2004 Budget for Expenditures Planned from the Modernization Trust Fund.

3 OTHER APPROVALS

- a. General - None.

- b. Vouchers and Bills Paid

- (1) Checks released for the period from April 21, 2003 through May 2, 2003 as follows:

Payroll Journal Expenditures
Payroll Journal page numbers 1 through 2699
Payroll checks numbered 503651 through 504182

Imprest Fund Expenditures
Manual checks numbered 686062 through 686092
System checks numbered 679959 through 681972

Wire transfers numbered 1242 through 1314

4 MISCELLANEOUS ITEMS RECEIVED

- a. Florida Public Service Commission Notice of Commission Hearing and Prehearing re petition for arbitration of open issues resulting from interconnection negotiations with Verizon Florida Inc. by Dieca Communications, Inc. d/b/a Covad Communications Company held May 14, 2003 in Tallahassee.
- b. City of Largo Notice of Annexation Hearing regarding Ordinances Nos. 2003-62 and 2003-63 held May 6, 2003.
- c. Correspondence from City of Pinellas Park re two ordinances voluntarily annexing certain property and the denial without prejudice of Annexation Ordinance No. 3107; public hearing held May 8, 2003.

- d. City of Seminole Ordinances Nos. 9-2003 and 10-2003 effective April 22, 2003, annexing certain property.
- e. City of Indian Rocks Beach Resolution No. 2003-56 re creation of Countywide “Challenge” recreation program.
- f. City of Madeira Beach Resolutions No. 03.07 re improvement of Gulf Boulevard between Walsingham Road and Park Boulevard and No. 03.08 re funding of beach erosion control project, adopted April 8, 2003.
- g. City of Pinellas Park Resolution No. 03-20 adopted April 10, 2003, honoring Girls Incorporated of Pinellas.
- h. City of Treasure Island Resolution No. 03-36 adopted April 7, 2003, re creation of Countywide “Challenge” Recreation Program.
- i. Feather Sound Community Services District, Inc. Financial Statements and Independent Auditor’s Report for the years ended September 30, 2002 and 2001.
- j. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 6 held March 20, 2003, together with Financial Statement dated March 2003.

5 JOINT FUNDING AGREEMENT WITH U.S. GEOLOGICAL SURVEY (USGS), UNITED STATES DEPARTMENT OF THE INTERIOR, FOR WATER RESOURCES DATA COLLECTION

Joint Funding Agreement with U.S. Geological Survey (USGS), United States Department of the Interior, for water resources data collection, in a total amount of \$202,400.00, with the County’s cost to be \$152,400.00 for the period from May 1, 2003 to April 30, 2004.

6a CHANGE ORDER NO. 3 (FINAL) TO CONTRACT NO. 920487 WITH DAVID NELSON CONSTRUCTION CO. FOR CONSTRUCTION OF KEENE ROAD FROM SUNSET POINT ROAD TO VIRGINIA STREET (BID NO. 990-0457-C)

- a. Change Order No. 3 (final) decreases the contract by \$370,317.25 (new total contract, \$5,882,423.14).
- b. Contract accepted as complete as of November 16, 2001.
- c. Chairman authorized to sign and Clerk to attest.

6b ASPHALT CONCRETE SURFACE COURSE WARRANTY AND MAINTENANCE BOND FOR CONTRACT NO. 920487 FOR THE CONSTRUCTION OF KEENE ROAD FROM SUNSET POINT ROAD TO VIRGINIA STREET (BID NO. 990-0457-C)

- a. The bond, furnished by Ajax Paving Industries, Inc., is a dual obligee bond naming David Nelson Construction Co., the prime contractor, and Pinellas County as obligees.
- b. Chairman authorized to sign and Clerk to attest.

7 BID OF ELAB OF TENNESSEE, INC. FOR ACUTE AND CHRONIC TOXICITY TESTS (BID NO. 023-360-B)

Bid of Elab of Tennessee, Inc. for acute and chronic toxicity tests, on the basis of being the lowest responsive and responsible bid received meeting specifications, for an estimated annual expenditure not to exceed \$42,000.00, including a contingency amount of \$10,800.00, 12-month contract with two additional 12-month options of renewal upon approval of the County Administrator (monthly cost estimated to be \$2,600.00, with an estimated annual amount of \$31,200.00); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

8 CHANGE ORDER NO 1 (FINAL) TO CONTRACT WITH CALADESI CONSTRUCTION COMPANY FOR STORM LEACHATE CONTROL STRUCTURE AT OUTFALL TO POND "A" AND RETAINING WALL AT RESOURCE RECOVERY HOT PAD (PROJECTS NOS. 819-809914-1223 AND 819-822413-1267)

- a. Change Order No. 1 (Final) decreases the contract by \$3,322.85 (total agreement amount, \$162,921.90).
- b. Contract accepted as substantially complete as of February 24, 2003.
- c. Release of retainage in the amount of \$15,095.00.
- d. Chairman authorized to sign and Clerk to attest.

9 SELECTION OF DEWBERRY TO PROVIDE DEBRIS MANAGEMENT (PROJECT NO. 819-839811-1682); AUTHORIZATION FOR STAFF TO INITIATE CONTRACT NEGOTIATIONS WITH SAID FIRM

Selection Advisory Committee's ranking of the firms most qualified to provide debris management as follows:

- 1. Dewberry
- 2. PBS&J

Authorization for staff to initiate contract negotiations with the number one ranked firm, Dewberry, and to finalize a contract with said firm for Board approval.

#10 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR PURSUANT TO ORDINANCE NO. 02-44 – RECEIVED FOR FILING

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Airport	Access Agreement with Office for Domestic Preparedness, U.S. Dept. of Homeland Security for Warehouse Storage of Emergency Equipment	N/A	5/2/03
Airport	Mutual General Release with Pinellas Farmhouse, Inc. and Specialty Restaurants Corporation for Lease Termination	N/A	4/24/03

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Airport	Local Memorandum of Agreement with U.S. Customs and Border Protection, Dept. of Homeland Security and the Transportation Security Administration for Transfer of Criminal History Record Checks	N/A	4/15/03
Clerk of the Circuit Court	Satisfactions of Judgment for Attorney Fees and Costs – F.R.B., a minor (2); Wesley R. Cooper, a minor; James Richard Afeld; Edward Bruce Brown; Shannon Hensley Carter; Lyle John Cascarelle; Cathleen Renee Casteel; Victor Richard Delquaglio; Tiffany Lavern Demps; Michael Paul Forcier; Sonya V. Grant; Carlos D. Gifford; Ronald A. Hooks; Chad Hoel; Michael Joseph Hepperle; Nancy R. Kennedy; Tiffany P.G. Marshall; Thomas Donald Nemece; Denise L. Richter; Marcus M. Redding; Mark Ternes; Allyn Bruce Torry; Melissa Ann Vancleave; Robbie Lee Waters; Jeffrey Lyn Willis; T.L., a minor; Richard Antony Bartolo; Angel Antonio Carrion; Michael J. Cristinzo; Joel Contreras-Martinez; Laurie Gersh Holton; John Samuel Karabanoff; Monique L. Lee; Glenn W. Martin; Carlos Ivan Matos; Wallace John McGuigan; Herbert K. Posoa; Enrique Pedraza-Rosquero; Christina Marie Shirah; Scott Simschauser; Ricky Cooper Stewart; Oraldo Yunion Vega; Allen James Wellington; Kain Kirby; Glenn W. Martin (2); Kenneth W. Postrech; Tuan Van Vo; Stacy S. Ward; Michael Dicaldo (2); Timothy Figler; Edwin Alin Lee; Jeffrey Pollock; Steven Rainwater; Wendy Volkmar; Release of Liens (Navigational Dredging) – Minnie L. Rossi; Thomas E. Allen and Marilyn Allen; Release of Liens (Paving) – Harley M. Doyle; Kathryn L. Holbeck; Annie Milburn (2); Barbara Carrington (2); Mary F. Frisch; Joan M. Forbes; William Benedetti; Kittye J. Benedetti; David W. Bell; Pamela F. Bell; See attached list of names for Release of Street Lighting Liens	N/A	4/15/03
Clerk of the Circuit Court	Satisfactions of Judgment for Attorney Fees and Costs – J.C., a minor; J.A.C., a minor; T.J.D., a minor (3); Dustin Shelby Cofiell; Tommaso Incesti; Gina Marie Loguercio; Alan V. Mahipat; Carlos Ivan Matos; Lynn M. Pirreca; James Hart Strom; Michael Muir; Heriberto Ramos	All liens paid in full.	4/14/03

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Clerk of the Circuit Court	Satisfactions of Judgment for Attorney Fees and Costs – T.L., a minor; Jason Adams; Warren R. Anderson; Charles A. Bueker; Robin Ewell; Debbie Ann Levine; James McCown; Stephen Penta; Rosemarie Ruymen; Ramond A. Smith; Eugene Atkins; Dietra D. Barber; Edwin e. Blair; Cynthia Yate Brown; Lewis G. Butler, Jr.; Michael Butler; Bryan Paul Ebert; Christipher Ranchino; John A Friedling, Jr.; Jeffrey A. Johnson; William Riley Klasne; Bruce Edward Lewis; Patrick Marshal Marriott; Sherry Lynn Nagengast; Timothy Russel Patterson; Herbert Thomas Plass; Kay Farthing Roessler; Jacob Rosenblum; Mysun J. Thompson; Jason Curtis Walsworth	All liens paid in full.	3/17/03
Clerk of the Circuit Court	Satisfactions of Judgment for Attorney Fees and Costs – Pacific J. Banwell; Tanya M. Benoit; Stephen Coester; Brian Raymond Bingham; Phillip Eugene Bordner; Richard Marshall Bradish; David Casario; Ronald Chamberlain; Richard Allen Chandler; Adriana Corona-Flores; Kevin D. Fisher; James Edwin Gile, Jr.; Jonathan Jon Lomba; Jon P. Lonabaugh; Aquilino Margarito; Kevin Garrett Morse; Victor Manuel Ortiz; Robert D. Osborne; Donald Robbins; Angel Rodriguez; Betty Ann Strickland; Lynnne Troy Troha; Terry Keith Vickers; Michele Lisa Vitunski; Tracey Babette Willis; Philip Lynn Yazel; William T. Dodson; Jeffrey C. Gregory; Michael Joseph Jellerson	All liens paid in full.	3/11/03
Clerk of the Circuit Court	Satisfactions of Judgment for Attorney Fees and Costs – Jason Garrett Alexander; Stephen Coester; Rose Gordon; Jonathan Jon Lomba; Thomas D. McCauley; Donald C. Petra; Kevin Alexander Suta; Scott A. Terry (2); Armando Valdez; Petar Vukadin; Stephen M. Coester; Scott Mello (2); J.M., a minor; Monica D. O'Connor, a minor	All liens paid in full.	3/6/03
Community Development	Neighborhood Enhancement Grant Agreements with (1) Tierra Verde Community Association, Inc.; (2) The Lansbrook Master Association, Inc.; (3) Florida Educational Services, Inc. d/b/a The Broach School; (4) Tarpon Woods Entrance and Islands Alliance; and (5) The Crystal Beach Community Association, Inc.	(1) \$3,345.00 (2) \$8,000.00 (3) \$1,820.00 (4) \$8,680.00 (5)\$10,000.00	5/6/03

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	Neighborhood Enhancement Grant Agreement with Alcove Mobile Home Owners' Assoc. Inc.	\$1,525.00	5/5/03
Community Development	Satisfactions of Mortgage (Housing) – Patricia M. Olver, n/k/a Patricia M. Williams; Vicki L. Atkinson; Emily L. Skinner, f/k/a Emily L. Williams and Barbara M. Williams; Andrew Cavanaugh, a/k/a Anderew J. Cavanaugh and Armaleen Cavanaugh, a/k/a Armaleen M. Cavanaugh; Ann Manley; Arlear D. McKinnie; Sheila Castel; Janice F. Johnson, n/k/a Janice F. Berry; Hassan Hijazi and Hanan Ali Hijazi.	All liens paid in full.	5/5/03
Community Development	Specific Performance Agreement with the City of Pinellas Park for a Community Block Development Grant	\$73,829.00	5/5/03
Community Development	Subordination Agreement – Betty Schott	\$51,500.00	4/28/03
Community Development	Amendment to State Housing Initiatives Partnership Specific Performance Agreement with Housing Finance Authority	N/A – change of funds' distribution	4/23/03
Community Development	Subordination Agreement – J.C. Collins and Ruth Collins	\$50,000.00	4/22/03
Community Development	Satisfactions of Mortgage (Housing) – Awilda N. Epp; Mildred Rosa Rivera and Marta Martinez and Arnaldo Flores Rodriguez; Nenad Korajkic and Sajka Korajkic; Lauren B. Rose; Release of Lien – James Richard Day	All liens paid in full.	4/16/03
Community Development	Satisfactions of Mortgage (Housing) – Ellen F. Ball; Daniel F. Boria, Jr. and Heidi C. Boria; Theresa H. Smith; Michael T. Hart; Muhammed M. Yahia and Beverly A. Yahia	All liens paid in full.	4/11/03
Community Development	Specific Performance Agreement with Catholic Charities Community Development Corporation for Homebuyer Classes	\$50,000.00	4/7/03

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	Satisfactions of Mortgage (Housing) – Lela M. Owens a/k/a Lela Owens; Cindy Lou Hoisington; Judith A. Carini; Denise Lodge; Paul P. Ballard and Eileen D. Ballard; Paige L. Kowalski and Thomas Kowalski; Cheryl A. Thurston; Jacqueline M. Kiernan; Deborah L. Hagen; Donald E. Bailey; Arthur Fiedler and Marguerite R. Fiedler; Releases of Lien (Housing) – Anice L. Proestos; Lela M. Owens; Arthene Cole	All liens paid in full.	4/4/03
Community Development	Subordination Agreement – James Richard Day	\$80,000.00	3/28/03
Community Development	Subordination Agreement – George M. Koulianos and Erine M. Koulianos	\$57,000.00	3/18/03
Community Development	Satisfactions of Mortgage (Housing) – Lisa Jensen; Kathryn M. Potter; William A. Laursen and Nancee S. Laursen; Patricia M. VanDyke; Marie E. Beezhold; Lisa M. Donovanick; William C. Geil, Jr.; Release of Lien (Housing) – Catherine Quarterman, a/k/a Katherine Quarterman	All liens paid in full.	3/17/03
Community Development	Subordination Agreement – Laura Kadner; Rosine Saliba	\$53,400.00; \$51,500.00	3/6/03
Economic Development	Business Assistance Partnership Agreements with St. Petersburg Area Chamber of Commerce, Inc.	\$20,000.00	4/27/03
Economic Development	Business Assistance Partnership Agreements with Palm Harbor Chamber of Commerce, Inc. / Palm Harbor Community Services Agency, Inc., Oldsmar/Upper Tampa Bay Regional Chamber of Commerce, Inc.	\$20,000.00 and \$23,000.00 respectively	4/16/03
Environmental Management	Assistance Agreement with U.S. Environmental Protection Agency for FL Section 103 Air Monitoring Program	\$67,460.00	4/16/03
Environmental Management	Term Contract with Orange County, FL, for Lab Analysis for Volatile Organic Compounds	\$200.00 reimbursement per analyzed canister	4/4/03
General Services	Construction Agreement with Bandes Construction Co., Inc.	\$58,985.00	5/7/03

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
General Services	Distribution Easement with Progress Energy Florida, Inc.	N/A	5/7/03
General Services	Permit Parking Contract with State of FL Dept. of Management Services for Parking at Judicial Building	\$300.00	5/3/03
General Services	Terminations of Easement (3) by General Release with Lowe's Home Centers, Inc.	N/A	4/28/03
General Services	Third Lease Amendment with 400 Cleveland, LLC	N/A (change in landlord's name)	4/23/03
General Services	FL Dept. of Environmental Protection Land and Water Conservation Fund Program Project Agreement for the Brooker Anclote Corridor Phase I	\$200,000.00	3/25/03
Justice and Consumer Services	Agreement with Alpha Group Center for Crime and Intelligence Analysis Training	\$10,000.00	4/16/03
Park	Task Assignment Change Orders for Sawgrass Lake Park and War Veteran's Memorial Park	\$25,000.00 and \$20,000.00 respectively	4/8/03
Park	Grant Application for FL Boating Improvement for War Veterans' Memorial Park	\$113,800.00	4/4/03
Public Affairs	Volunteer Agreement with Cub Scout Pack 475 for Volunteer Planting	N/A	5/6/03
Public Works	Grant Agreement from U.S. Dept. of Housing and Urban Development for Preliminary Design of Gulf Blvd. Utilities' Undergrounding	\$500,000.00	4/28/03
Public Works	Amendment to Congestion Mitigation and Air Quality Application for Traffic Control / Incident Management System Phase I	\$925,000.00	4/1/03
Social Services	Public Health Service Grant Application to U.S. Dept. of Health and Human Services for Collaborative Mobile Medical Ef	\$212,200.00	3/31/03
Utilities	Interagency Agreement for Consulting Services for Cross Bar Ranch Science Education Program	\$59,596.00	5/3/03

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Utilities	Joint Project Agreement with National Audubon Society, Inc. for Wildlife Management Services	\$41,000.00	4/28/03
Utilities	Interlocal Agreement with City of St. Pete Beach for Reclaimed Water System Interconnect	N/A	4/21/03
Utilities	Change Order No. 1 Final for Landfill Underdrain Video Inspection and Repairs and Release of Retainage for Comanco Environmental Corporation	\$1,262.00 (total contract amount is now \$97,384.00); release of retainage is \$4,806.05	4/17/03
WorkNet	Training Services Agreement through June 30, 2003, with Data Management Systems, Inc	\$100,000.00 maximum	4/29/03
WorkNet	Request for Temporary Aid for Needy Families Funds for Youth Programs	\$100,000.00	4/2/03

#11 LOT CLEARING RESOLUTION

Resolution No. 03-96 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 in Pinellas County, Florida.

#12 AUTHORIZATION FOR PURCHASE OF FIVE BUCKET TRUCKS FROM ALTEC INDUSTRIES, INC. (CONTRACT NO. 023-479-G)

Authorization for purchase of five bucket trucks from Altec Industries, Inc., based on pricing terms and conditions of GSA Contract No. GS-30F-1028G, for a total expenditure not to exceed \$413,208.00.

#13 BUDGET AMENDMENT NO. 16

Copy of Budget Amendment No. 16 was filed and made a part of the minutes.

#14 RESOLUTION NO. 03-97 SUPPLEMENTING THE FY03 GENERAL FUND BUDGET (TEEN COURT)

Resolution No. 03-97 to appropriate earmarked receipts for a particular purpose in the FY03 General Fund Budget as requested by the Judiciary.

#15 ITEMS FOR DISCUSSION FROM CONSENT AGENDA (COUNTY ADMINISTRATOR AND CLERK OF CIRCUIT COURT) - NONE

#16 INSTALLATION OF FIVE SPEED HUMPS ON EMERALD LANE BETWEEN 150TH AVENUE NORTH TO EAST BAY DRIVE AND A FOUR-WAY STOP ON EMERALD LANE AT 4TH AVENUE SOUTHEAST RE RESIDENTIAL TRAFFIC MANAGEMENT PROGRAM - APPROVED

County Administrator Stephen M. Spratt recommended approval of the installation of five speed humps on Emerald Lane between 150th Avenue North to East Bay Drive and a four-way stop on Emerald Lane at 4th Avenue Southeast, in accordance with the Residential Traffic Management Program adopted pursuant to Resolution No. 97-291, dated October 14, 1997 and revised June 4, 2002.

Commissioner Latvala moved, seconded by Commissioner Todd and carried, that the recommendation of the County Administrator be approved.

Following discussion and upon call for the vote, the motion carried unanimously.

#17 INSTALLATION OF FOUR SPEED HUMPS ON AZALEA PLACE, FLORAL DRIVE, AND 36TH STREET SOUTHEAST, AND A FOUR-WAY STOP ON 36TH STREET SOUTHEAST AT 4TH AVENUE SOUTHEAST - APPROVED

County Administrator Stephen M. Spratt recommended approval of the installation of four speed humps on Azalea Place, Floral Drive, and 36th Street Southeast, and a four-way stop condition on 36th Street Southeast at 4th Avenue Southeast, in accordance with the Residential Traffic Management Program adopted pursuant to Resolution No. 97-291, dated October 14, 1997 and revised June 4, 2002.

Commissioner Latvala moved, seconded by Commissioner Morroni and carried, that the recommendation of the County Administrator be approved.

- #18 INSTALLATION OF TWO SPEED HUMPS ON 95TH STREET NORTH, LOCATED BETWEEN 126TH AVENUE NORTH AND RANDOLPH STREET, AND A FOUR-WAY STOP CONDITION ON 95TH STREET NORTH AT 126TH AVENUE NORTH - APPROVED

County Administrator Stephen M. Spratt recommended approval of the installation of two speed humps on 95th Street North, located between 126th Avenue North and Randolph Street, and a four-way stop condition on 95th Street North at 126th Avenue North, in accordance with the Residential Traffic Management Program adopted pursuant to Resolution No. 97-291, dated October 14, 1997 and revised June 4, 2002.

Commissioner Latvala moved, seconded by Commissioner Welch and carried, that the recommendation of the County Administrator be approved.

- #19 CHANGE ORDER NO. 1 (FINAL) TO CONTRACT NO. 922160 WITH MISENER MARINE CONSTRUCTION, INC. (FORMERLY INTER-BAY MARINE CONSTRUCTION CO., INC.) FOR THE FORT DeSOTO BOAT LAUNCHING FACILITIES REPAIRS (BID NO. 012-84-C) - APPROVED FOR EXECUTION; PROJECT ACCEPTED AS COMPLETE

County Administrator Stephen M. Spratt recommended approval of Change Order No. 1 (Final) to the contract with Misener Marine Construction, Inc. (formerly Inter-Bay Marine Construction Co., Inc.) for the Fort DeSoto boat launching facilities repairs, increasing the agreement amount by \$25,355.48 (new total contract amount, \$1,756,264.48); project accepted as complete as of November 14, 2002.

Commissioner Morroni moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Administrator be approved.

- #20 INTERLOCAL AGREEMENT WITH CITY OF OLDSMAR TO PROVIDE COMPENSATION FOR THE LOSS OF RECREATIONAL OPEN SPACE (CANAL PARK) FOR THE NORTH COUNTY RECLAIMED WATER SYSTEM - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of an Interlocal Agreement with the City of Oldsmar to provide compensation in the amount of \$200,000.00 for the loss of recreational open space (Canal Park) for the North County reclaimed water system.

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Commissioner Todd moved, seconded by Commissioner Welch, that the recommendation of the County Administrator be approved.

Following discussion and input from Director of Utilities Pick Talley, upon call for the vote, the motion carried unanimously.

#21 AMENDMENT NO. 9 TO THE AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER WITH BEERS SKANSKA, INC. FOR THE SOUTH CROSS BAYOU WATER RECLAMATION FACILITY (SCBWRF) PHASE II B IMPROVEMENTS AND PARTIAL RELEASE OF RETAINAGE (PROJECT NO. 734-617213-0711) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 9 to the Agreement between Owner and Construction Manager with Beers Skanska, Inc. for the South Cross Bayou Water Reclamation Facility (SCBWRF) Phase II B improvements in the amount of \$579,624.58 (total revised agreement amount, \$118,292,286.39) and release of all remaining retainage in the amount of \$732,926.78.

Commissioner Todd moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Administrator be approved.

#22 AMENDMENT NO. 4 TO ENGINEERING AGREEMENT FOR CONSULTING SERVICES WITH JONES, EDMUNDS & ASSOCIATES, INC. (JEA) FOR WATER QUALITY STUDY AND ANALYSIS (PROJECT NO. 610-210419-1309) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 4 to the Engineering Agreement for Consulting Services with Jones, Edmunds & Associates, Inc. (JEA) for water quality study and analysis for the conceptual design of the detention blending and minimal treatment facilities for the Utilities Department water supply, in the amount of \$2,412,131.00 (revised agreement total, \$3,512,974.00).

Commissioner Todd moved, seconded by Commissioner Latvala, that the recommendation of the County Administrator be approved.

Director of Utilities Pick Talley presented a summary of the status of the project; whereupon, Commissioner Stewart provided information from the May 19, 2003 Tampa Bay Water Board meeting reinforcing the need for the detention blending and minimal treatment facilities.

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During discussion and in response to queries by the members, Mr. Talley indicated that a recommendation will be submitted for Board approval within a 12-month period upon completion of the study; that the most suitable site for the facility is a 200-acre tract at the Eldridge Wilde wellfield; and that authorization for condemnation proceedings may be requested at a future date. Additional discussion ensued regarding anticipated costs associated with the condemnation process, the galvanized pipe program, the water rates paid by customers, the provision of uniform quality water throughout the County, and other related matters.

Responding to query by Commissioner Welch, Mr. Talley confirmed that the Board can move to the advanced membrane treatment facility at a later date with the proposed detention and blending facility as a first step; whereupon, Commissioner Stewart indicated his support of the motion but clarified that it does not encompass moving forward to an advanced treatment facility.

Pursuant to additional deliberations and upon call for the vote, the motion carried unanimously.

Referencing the Board of County Commissioners meeting of October 9, 2001, at which time the members voted to adopt Option No. 2 which would move directly to the advanced membrane treatment, Commissioner Stewart suggested that in view of the action taken at today's meeting, the issue be revisited by means of a revote to override the action taken at that time.

* * * *

At this time, 4:00 P.M., Commissioner Todd left the meeting.

* * * *

Following discussion, Commissioner Stewart moved, seconded by Commissioner Welch and carried, that Option No. 1 presented at the meeting of October 9, 2001 be approved, which encompasses building a detention blending and minimal treatment facility.

- #23 AUTHORIZATION GRANTED FOR COUNTY ADMINISTRATOR TO EXECUTE FIVE NATIONAL FLOOD INSURANCE ACT OF 1968 SECTION 1316 DECLARATIONS (PROPERTIES NOS. 1 THROUGH 5) IN VIOLATION OF THE FLOOD DAMAGE PREVENTION ARTICLE SECTION 170-105(A) OF PINELLAS COUNTY CODE, WITH REQUEST FOR FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO DENY THE AVAILABILITY OF THE FLOOD INSURANCE COVERAGES PURSUANT TO THE PROVISIONS OF SECTION 1316 OF THE NATIONAL FLOOD INSURANCE ACT OF 1968, AS AMENDED; DECLARATION FOR PROPERTY NO. 6 – TEMPORARILY DEFERRED TO MEETING OF JUNE 10, 2003
-

County Administrator Stephen M. Spratt stated that property No. 6 will be deleted from the agenda item and temporarily deferred to the meeting of June 10, 2003; whereupon, he recommended that authorization be granted for the County Administrator to execute five National Flood Insurance Act of 1968 Section 1316 Declarations for properties Nos. 1 through 5 in violation of the Flood Damage Prevention Article Section 170-105(A) of the Pinellas County Code as listed in the agenda memorandum dated May 20, 2003; and further recommended that the Federal Emergency Management Agency (FEMA) be requested to deny the availability of the flood insurance coverages pursuant to the provisions of Section 1316 of the National Flood Insurance Act of 1968 as amended.

Commissioner Stewart moved, seconded by Commissioner Latvala and carried, that the recommendations of the County Administrator be approved.

- #24 AUTHORIZATION GRANTED TO ADVERTISE PUBLIC HEARING REGARDING FY 2003-04 PINELLAS COUNTY CONSORTIUM'S ACTION PLAN FOR COMMUNITY PLANNING AND DEVELOPMENT PROGRAMS FUNDED WITH FEDERAL GRANT FUNDS
-

County Administrator Stephen M. Spratt recommended that authorization be granted to advertise a public hearing to be held July 1, 2003 regarding the FY 2003-04 Pinellas County Consortium's Action Plan for Community Planning and Development Programs funded with federal grant funds.

Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Administrator be approved.

#25 APPLICATION FOR EXPANDED SCOPE OF MANUFACTURING AUTHORITY IN FOREIGN-TRADE ZONE NO. 193A FOR CARDINAL HEALTH 409, INC. F/K/A R. P. SCHERER - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of an application for expanded scope of manufacturing authority in Foreign Trade Zone No. 193A to include additional product lines within the foreign trade subzone for Cardinal Health 409, Inc., f/k/a R. P. Scherer.

Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Administrator be approved.

#26 RESOLUTION NO. 03-98 ADOPTED REQUESTING THAT A TASK FORCE OF THE TAMPA BAY MANATEE AWARENESS COALITION SERVE AS THE LOCAL RULE REVIEW COMMITTEE FOR PINELLAS COUNTY

County Administrator Stephen M. Spratt recommended adoption of a resolution requesting that a task force of the Tampa Bay Estuary Program Manatee Awareness Coalition be formed to serve as the Local Rule Review Committee for Pinellas County and to work with Hillsborough and Manatee Counties to assist the Florida Fish and Wildlife Conservation Commission to prepare rules for the Tampa Bay Region.

Commissioner Morroni moved, seconded by Commissioner Latvala, that Resolution No. 03-98 be adopted as recommended by the County Administrator. Upon roll call, the vote was:

Ayes: Seel, Latvala, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: Todd.

#27 CHANGE ORDER NO. 1 TO CONTRACT NO. 023-218-B WITH AK SPECIALTY VEHICLES FOR MOBILE MEDICAL CLINIC - APPROVED

County Administrator Stephen M. Spratt recommended approval of Change Order No. 1 to Contract No. 023-218-B (P.O. No. 212022) with AK Specialty Vehicles for modifications to the interior of a mobile medical unit being constructed, in the amount of \$7,596.25 (new total contract, \$212,096.25).

Commissioner Welch moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Administrator be approved.

#28 GRANT APPLICATION FOR FLORIDA FOREVER FUNDING ADMINISTERED BY FLORIDA COMMUNITIES TRUST (FCT)

County Administrator Stephen M. Spratt recommended approval of the submission of a grant application requesting reimbursement for the purchase of environmentally sensitive and passive recreation lands in the Brooker Anclote Corridor Project Area under the Florida Forever Grant Program administered by the Florida Communities Trust (FCT).

Commissioner Latvala moved, seconded by Commissioner Morroni and carried, that the recommendation of the County Administrator be approved.

#29 CONTRACT WITH CSX TRANSPORTATION, INC. (CSX) FOR SALE AND PURCHASE OF WILCOX ROAD PARCEL IN THE DANSVILLE REDEVELOPMENT AREA - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a contract with CSX Transportation, Inc. (CSX) for sale and purchase by quit claim deed of the Wilcox Road parcel in the Dansville Redevelopment Area, for a sale price in the amount of \$86,000.00.

Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Administrator be approved.

#30 DECLARATION OF PARCEL NO. 35/27/15/00000/420/0300 AS SURPLUS - APPROVED

County Administrator Stephen M. Spratt recommended that Parcel No. 35/27/15/00000/420/0300 be declared surplus with authorization to sell the parcel, to establish a base bid amount of \$266,300.00, and to grant permission to advertise (Public Works retention pond site).

Commissioner Latvala moved, seconded by Commissioner Harris and carried, that the recommendation of the County Administrator be approved.

#31 ANTENNA SITING LICENSE AGREEMENT WITH VOICESTREAM TAMPA/ORLANDO, INC. - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of an antenna siting license agreement with VoiceStream Tampa/Orlando, Inc. to locate an antenna array on the existing County tower at Toytown and to install an outdoor equipment shelter (license period is ten years at an initial annual rent of \$21,600.00 or \$1,800.00 per month, with an annual rental increase of two to six percent based upon the Consumer Price Index [CPI] at the end of each 12-month period).

Commissioner Latvala moved, seconded by Commissioner Welch and carried, that the recommendation of the County Administrator be approved.

* * * *

At this time, 4:07 P.M., Commissioner Todd returned to the meeting.

* * * *

#32a RESOLUTION NO. 03-99 ADOPTED APPROVING A HISTORIC PROPERTY TAX EXEMPTION FOR THE THOMAS WHITTED HOUSE IN THE CITY OF ST. PETERSBURG; AND PROVIDING AN EFFECTIVE DATE

County Administrator Stephen M. Spratt recommended adoption of a resolution approving an ad valorem property tax exemption for a historic structure for the Thomas Whitted House located at 656 1st Street North in the City of St. Petersburg; and providing an effective date.

Commissioner Harris moved, seconded by Commissioner Welch, that Resolution No. 03-99 be adopted as recommended.

In response to query by the Chairman, Robert Jeffries, City of St. Petersburg, indicated that the State allows the tax exemption to carry forward to a new purchaser as an incentive to encourage the purchase of homes in transitional neighborhoods.

Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morrioni and Welch.

Nays: None.

Absent and not voting: None.

#32b RESOLUTION NO. 03-100 ADOPTED APPROVING A HISTORIC PROPERTY TAX EXEMPTION FOR THE MAYOR BRADSHAW HOUSE IN THE CITY OF ST. PETERSBURG; AND PROVIDING AN EFFECTIVE DATE

County Administrator Stephen M. Spratt recommended adoption of a resolution approving an ad valorem property tax exemption for a historic structure for the Mayor Bradshaw House located at 609 11th Avenue South in the City of St. Petersburg; and providing an effective date.

Commissioner Welch moved, seconded by Commissioner Todd, that Resolution No. 03-100 be adopted as recommended. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

#33 REVISED BOARD OF COUNTY COMMISSIONERS' TRAVEL POLICY - APPROVED

County Administrator Stephen M. Spratt recommended that the revised and updated Board of County Commissioners' Travel Policy be approved and accepted.

Commissioner Latvala moved, seconded by Commissioner Welch and carried, that the recommendation of the County Administrator be approved.

#34 PROPOSAL FOR SELF-FUNDED GROUP DENTAL DIRECT REIMBURSEMENT PROGRAM AWARDED TO HIGHEST RANKED PROPOSER, DIRECT REIMBURSEMENT BENEFIT PLANS (RFP NO. 023-500-P); CHAIRMAN AUTHORIZED TO SIGN AGREEMENT AFTER PROPER EXECUTION BY CONTRACTOR AND WRITTEN APPROVAL AS TO FORM BY OFFICE OF THE COUNTY ATTORNEY

County Administrator Stephen M. Spratt recommended that the Board award the proposal for a self-funded group dental direct reimbursement program to the highest ranked proposer, Direct Reimbursement Benefit Plans, for an estimated annual expenditure of \$117,500.00 (three-year contract commencing October 1, 2003 and ending September 30, 2006 with three additional 12-month options of renewal after the initial contract period; options shall be exercised only if all terms and conditions remain the same and prices increase up to an amount of the prevailing Consumer Price Index [CPI]

at the time of the renewal process or five percent, whichever is less; and approval by the County Administrator); and further recommended that the Chairman be authorized to sign the agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

Commissioner Morroni moved, seconded by Commissioner Welch and carried, that the recommendations of the County Administrator be approved.

#35 AMENDMENT NO. 1 TO AGREEMENT WITH ST. PETERSBURG COLLEGE FOR ONE STOP OPERATOR SERVICES THROUGH JUNE 30, 2003 - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 1 to an agreement between Pinellas County (WorkNet Pinellas, Inc.) and the St. Petersburg College One Stop Operator (the Contractor) for the provision of One Stop renovations and employer services through June 30, 2003, as requested by the WorkNet Pinellas Board.

Commissioner Harris moved, seconded by Commissioner Latvala, that the recommendation of the County Administrator be approved.

In response to queries by the Chairman and Commissioner Todd, Kristen Griffin, WorkNet Pinellas, Inc., indicated that funds referred to in Exhibit "B" will be used for employer services; whereupon, Commissioner Welch and Chief Assistant County Administrator D. Gay Lancaster addressed the issue of documentation in support of invoices.

Upon call for the vote, the motion carried unanimously.

#36 AMENDMENT NO. 1 TO AGREEMENT BETWEEN WORKNET PINELLAS AND DYNAMIC EDUCATIONAL SYSTEMS, INC. (DESI) THROUGH JUNE 30, 2003 - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 1 to the agreement between WorkNet Pinellas and Dynamic Education Systems, Inc. (DESI) for the provision of case management, training services, placement and retention as they relate to the Welfare-to-Work Program (WtW) through June 30, 2003, as requested by the WorkNet Pinellas Board (no change in original agreement amount of \$792,708.00).

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Commissioner Welch moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Administrator be approved.

#37 AMENDMENT NO. 1 TO AGREEMENT BETWEEN WORKNET PINELLAS AND FAMILY SERVICE CENTERS, INC. THROUGH JUNE 30, 2003 - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 1 to the agreement between WorkNet Pinellas and Family Service Centers, Inc. for the provision of youth welfare transition case management services through June 30, 2003, as requested by the WorkNet Pinellas Board (revised total agreement amount, \$480,201.50).

Commissioner Latvala moved, seconded by Commissioner Welch and carried, that the recommendation of the County Administrator be approved.

#38 AMENDMENT NO. 1 TO AGREEMENT BETWEEN WORKNET PINELLAS AND GULFCOAST JEWISH FAMILY SERVICES, INC. D/B/A GULFCOAST COMMUNITY CARE - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 1 to the agreement between WorkNet Pinellas and Gulfcoast Jewish Family Services, Inc. d/b/a Gulfcoast Community Care for the provision of non-custodial parent employment programmatic services through June 30, 2003, as requested by the WorkNet Pinellas Board (no change in original agreement amount of \$147,896.00).

Commissioner Harris moved, seconded by Commissioner Welch and carried, that the recommendation of the County Administrator be approved.

#39 OTHER ADMINISTRATIVE MATTERS

County Administrator Stephen M. Spratt announced that a security briefing will be held on June 3, 2003 at 9:00 A.M. in the Commissioners' Conference Room pursuant to Section 281.301 of the Florida Statutes.

#40a COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST IN ADMINISTRATIVE HEARING OF CITY OF CLEARWATER, FLORIDA, FOR USE AND BENEFIT OF LAWRENCE H. DIMMITT, III, AND LAWRENCE H. DIMMITT, JR., AS TRUSTEE UNDER AMENDED REVOCABLE LIVING TRUST AGREEMENT DATED DECEMBER 1, 1998 VERSUS PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS, AS COUNTYWIDE PLANNING AUTHORITY - DOAH CASE NO. (TO BE ASSIGNED) - APPEAL OF EARLIER CPA DECISION

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Morroni moved, seconded by Commissioner Latvala, that the County Attorney be authorized to defend the County's interest in the Administrative Hearing of City of Clearwater, Florida, for use and benefit of Lawrence H. Dimmitt, III, and Lawrence H. Dimmitt, Jr., as Trustee Under Amended Revocable Living Trust Agreement Dated December 1, 1998 versus Pinellas County Board of County Commissioners, as Countywide Planning Authority, DOAH Case No. (to be assigned) - Appeal of Earlier CPA Decision.

In response to queries by the members, the County Attorney explained the administrative hearing process.

Upon call for the vote, the motion carried unanimously.

#40b-e COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Morroni moved, seconded by Commissioner Latvala and carried, that the County Attorney be authorized to defend the County's interest in the following suits:

- b. City of Largo, Florida versus Jim Smith, Pinellas County Property Appraiser, Diane Nelson, Pinellas County Tax Collector, and Pinellas County, et al., Circuit Civil Case No. 03-0032-01-CI-15 - Allegations that Property Appraiser Changed His Policy for Processing Annexations Commencing Within the 2002 Tax Year.

- c. Barbara Dawn Hall versus Everett Rice, as Sheriff of Pinellas County, Florida, and Donald Rogers Individually and in His Official Capacity as Deputy Sheriff of Pinellas County, Florida, Case No. 8:03-CV-685-T-17MAP - Allegations of False Arrest and Unreasonable Force.
- d. Lisa M. Leccese versus Sheriff Everett S. Rice, Pinellas County Sheriff, Circuit Civil Case No. 03-2898-CI-21 - Allegations of Negligence in the Operation of a Sheriff's Cruiser.
- e. Linda Mancini-Taylor versus Pinellas County Board of County Commissioners, Office of the Medical Director, Appeal from a Denial of Paramedic Credentials by the Office of the Medical Director.

#40f COUNTY ATTORNEY AUTHORIZED TO INVESTIGATE AND DEFEND ANTICIPATED LITIGATION IN MATTER OF NATURE'S WATCH AND EAGLE'S RESERVE CLAIMS

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Morrioni moved, seconded by Commissioner Latvala and carried, that the County Attorney be authorized to investigate and defend anticipated litigation in the matter of Nature's Watch and Eagle's Reserve claims.

#41 COUNTY ATTORNEY AUTHORIZED TO FILE SMALL CLAIMS ACTION ON BEHALF OF SUNSTAR FOR UNPAID AMBULANCE BILLS

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Latvala moved, seconded by Commissioner Morrioni and carried, that the County Attorney be authorized to file a small claims action on behalf of Sunstar for unpaid ambulance bills against the estate of Arleen F. Stevenson in the amount of \$780.60.

#42 REVISED EXHIBIT "A" TO SPECIAL COUNSEL CONTRACT WITH FIRM OF FOLEY & LARDNER FOR MEDICARE REIMBURSEMENT MATTERS FOR THE COUNTY - APPROVED

County Attorney Susan H. Churuti recommended approval of revised Exhibit "A" to the special counsel contract with the firm of Foley & Lardner for matters related to Medicare reimbursement issues, retroactive to April 1, 2003.

Commissioner Morroni moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Attorney be approved.

#43 ADDENDUM NO. 1 TO LAW ENFORCEMENT SERVICES CONTRACT FOR CITY OF SEMINOLE - APPROVED FOR EXECUTION

County Attorney Susan H. Churuti recommended approval of Addendum No. 1 for law enforcement services for the City of Seminole beginning May 2003 for fiscal year 2003, in the amount of \$39,384.94 (revised total contract amount, \$960,886.08).

Commissioner Latvala moved, seconded by Commissioner Welch and carried, that the recommendation of the County Attorney be approved.

#44 SETTLEMENT OFFER OF JOHN AND GERALD SACHS IN THE MATTER OF JOHN AND GERALD SACHS VERSUS ROGER B. BRODERICK, JOHNSON, BLAKLEY, POPE, BOKOR, RUPPEL & BURNS, P.A., ET AL. - CIRCUIT CIVIL CASE NO. 96-6199-CI-11 - REJECTED

County Attorney Susan H. Churuti recommended rejection of the proposed settlement offer of John and Gerald Sachs in the Matter of John and Gerald Sachs versus Roger B. Broderick, Johnson, Blakley, Pope, Bokor, Ruppel & Burns, P.A., et al., Circuit Case No. 96-6199-CI-11.

Commissioner Latvala moved, seconded by Commissioner Welch and carried, that the recommendation of the County Attorney be approved.

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#45 AUTHORIZATION GRANTED FOR SETTLEMENT IN CLAIM OF JOSEPH LAURINO VERSUS PINELLAS COUNTY GOVERNMENT - WORKERS' COMPENSATION OJCC NO. 91-005153SPT

County Attorney Susan H. Churuti recommended that authorization be granted for settlement in the claim of Joseph Laurino versus Pinellas County Government, Workers Compensation OJCC No. 91-005153SPT, as outlined in her confidential memorandum to the Board dated May 20, 2003.

Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Attorney be approved.

#46 COUNTY ATTORNEY MISCELLANEOUS

County Attorney Susan H. Churuti announced that the law firm Rochelle Daniels will advise the Board regarding the U.S. Department of Labor audit; and notified the Board of impending litigation regarding the solid waste facility.

#47 LEASE AGREEMENT BETWEEN PINELLAS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY D/B/A ECONOMIC DEVELOPMENT AUTHORITY AND CTC TAMPA BAY, INC. AT THE YOUNG-RAINEY STAR CENTER - APPROVED FOR EXECUTION

Noting for the record that the Board is now sitting as the Pinellas County Industrial Development Authority d/b/a Pinellas County Economic Development Authority, County Administrator Stephen M. Spratt recommended approval of a Lease Agreement with CTC Tampa Bay, Inc. at the Young-Rainey STAR Center for an initial term of five years with two one-year renewal option periods commencing on June 1, 2003 and ending May 31, 2008, for 20,000 square feet of space at an annual rent in the amount of \$1.00 and reimbursement to the lessor for utility services consumed in excess of \$65,000.00 per year; and providing for termination of lease by either party without cause with 90 days' written notice.

Commissioner Latvala moved, seconded by Commissioner Morroni and carried, that the recommendation of the County Administrator be approved.

#48a LEGISLATIVE UPDATE

Citing a report from Assistant County Administrator Elithia V. Stanfield, County Administrator Stephen M. Spratt presented an update regarding Article V, Revision 7, including redirection of revenue sharing and the estimated impact to county governments.

#48b JOINT STATEMENT RE UPCOMING MEDIATION SESSION

County Administrator Stephen M. Spratt announced that he and Chief Assistant County Attorney James L. Bennett have issued a joint statement outlining recommendations with respect to planning area boundaries in preparation for the mediation session scheduled on June 4, 2003.

#48c CITY OF LARGO ANNEXATION PROPOSAL

County Administrator Stephen M. Spratt reported that he has sent comments to the Pinellas Planning Council (PPC) regarding proposed annexation in the High Point area by the City of Largo; whereupon, Assistant County Administrator Jacob F. Stowers, III, indicated that annexation is scheduled for today; and that staff is in disagreement with the City regarding compactness.

#48d GAS TAX AND GULF BOULEVARD UPDATE

County Administrator Stephen M. Spratt reported that he has received favorable feedback from several beach community officials regarding implementation of a gas tax to generate additional revenue for the Gulf Boulevard beautification and other projects; and asked for direction regarding bringing forth a proposal in June; whereupon, Commissioner Stewart indicated that many projects require a new source of revenue; that the projects need to be identified along with associated costs; and that more time is needed for discussion with municipalities and the private sector.

Chairman Seel suggested a special meeting to decide which projects merit a gas tax, with the results being presented for additional feedback at the transportation summit in August; and Commissioner Stewart requested that the County Administrator schedule a special work session to discuss the gas tax option.

#49 APPOINTMENTS AND REAPPOINTMENTS TO THE PINELLAS COUNTY YOUTH ADVISORY COMMITTEE - APPROVED

Commissioner Harris moved, seconded by Commissioner Todd and carried, that appointments and reappointments to the Pinellas County Youth Advisory Committee, for a one-year term beginning August 1, 2003 through July 31, 2004, be approved.

#50a COMMISSIONER WELCH RE ST. PETERSBURG DEVELOPMENT CODES

Commissioner Welch reported that the City of St. Petersburg is rewriting its land use and zoning codes with a view toward redevelopment.

#50b COMMISSIONER STEWART RE HOUSE BILL 105A AND DECORUM RULES

Commissioner Stewart thanked his colleagues for contacting legislators to express their opposition to House Bill 105A.

He suggested that the Board's recently adopted rules of decorum be re-addressed; whereupon, following discussion, Commissioner Stewart moved, seconded by Commissioner Morroni and carried, that the rules be brought back for reconsideration.

Upon the Chairman's request for guidance regarding the rules of decorum for the remainder of the meeting, Commissioner Stewart moved, seconded by Commissioner Welch and carried, that the rules be suspended for today's meeting.

#50c CHAIRMAN SEEL RE TOURISM ADVERTISING PLAN

Chairman Seel presented a request from the Tourist Development Council (TDC) to take \$330,000.00 from the Convention and Visitors Bureau's contingency reserve account to use to develop an advertising plan to increase late spring and summer visitation to Pinellas County.

Commissioner Todd moved, seconded by Commissioner Welch, that the request be approved; whereupon, County Administrator Stephen M. Spratt indicated that tourism development funds could be obtained from the refinancing of Tropicana Field if the issue with the City of St. Petersburg can be resolved.

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Following discussion and upon call for the vote, the motion carried unanimously.

#50d CHAIRMAN SEEL RE PUBLIC HEARING FOR PROPOSED REPEAL AND AMENDMENT OF SECTION 2-441 OF THE PINELLAS COUNTY CODE

Chairman Seel requested authority to advertise a public hearing to be held on June 10, 2003 for the repeal and subsequent amendment of Section 2-441 of the Pinellas County Code pertaining to the Economic Development Council; and announced her intention to form an economic advisory council comprised of business leaders to be known as the Chairman's Council; whereupon, Commissioner Todd distributed a memorandum containing her suggestions, a copy of which has been filed and made a part of the record.

In response to query by Commissioner Morroni, Chairman Seel suggested that the members submit additional names for appointment to the advisory council by May 22; and following discussion, County Attorney Susan H. Churuti indicated that the draft ordinance will be amended before the public hearing to include the members' suggestions.

#50e COMMISSIONER HARRIS RE YOUTH ADVISORY COMMITTEE AND WATER CONSERVATION TIP

Commissioner Harris reported on the Youth Advisory Committee's legislature subcommittee accomplishments; and offered a water conservation tip regarding quick showers.

#50f COMMISSIONER MORRONI RE LAW ENFORCEMENT DINNER

Commissioner Morroni presented an update of the annual Law Enforcement Dinner.

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Upon direction of the Chairman, there being no objection, the meeting was recessed at 5:39 P.M., and reconvened at 6:36 P.M.

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PROCLAMATION DECLARING MONTH OF MAY 2003 AS PINELLAS COUNTY GOVERNMENT APPRECIATION MONTH

City of Clearwater Vice-Mayor Hoyt Hamilton presented a Proclamation declaring the month of May 2003 as Pinellas County Government Appreciation Month.

DRINKING WATER WEEK T-SHIRT AND POSTER CONTEST AWARDS; TALLY'S PICK AWARD

In celebration of the nationally proclaimed Drinking Water Week which is May 4 through 10, 2003, Chairman Seel presented awards to the winners of the Drinking Water Week T-Shirt and Poster Contest, and the first annual Tally's Pick award.

PROCLAMATION DECLARING JUNE 7, 2003 AS NATIONAL TRAILS DAY

Chairman Seel presented a Proclamation declaring June 7, 2003 as National Trails Day to Park Department Director Elizabeth Warren.

YOUTH ADVISORY COMMITTEE PRESENTATION

Aaron Connelly, Chairman of the Youth Advisory Committee (YAC), related that YAC officers were elected at the last meeting; that the Committee has discussed several ways to raise revenue for the enhancement of the leisure services segment of the Park Department; that the Committee's position with regard to the fireworks ordinance is that the issue should be handled at the State level; that the YAC visited Tallahassee in an attempt to have the legislature pass a youth voter education and registration effort which is currently in the Elections Committee; and that the YAC recommends that the proposed mangrove ordinance be approved without amendments.

CITIZENS TO BE HEARD

Loren Westenberger, Clearwater, expressed concern with regard to the loss of an oak tree valued at \$25,000 on a developed County-owned green space in Gulfport.

David Plyer, Clearwater, discussed freedom of speech.

Cathy Corry, Clearwater, discussed decorum rules and commended the Commission for suspending the rules for the evening.

H. Patrick Wheeler commented on the arrogance of office.

- #51 CASE #CW 03-31, PROPOSAL BY THE CITY OF DUNEDIN TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL LOW MEDIUM, PRESERVATION, RESORT FACILITIES OVERLAY, AND UNDESIGNATED TO RESIDENTIAL LOW, RESIDENTIAL LOW MEDIUM, RESIDENTIAL/OFFICE GENERAL, AND PRESERVATION (REGULAR AMENDMENT) – APPROVED; ORDINANCE NO. 03-39 ADOPTED

Chairman Seel noted for the record that the Board is now sitting as the Countywide Planning Authority.

Pursuant to legal notice published in the March 30, 2003 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Case #CW 03-31, a proposal by the City of Dunedin to amend the land use designation on the Countywide Future Land Use Plan, re 17.1 acres located on the west side of U.S. Highway 19 and south side of Congress Avenue (regular amendment). Deputy Clerk Linda R. Reed reported that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt stated that the Pinellas Planning Council (PPC) recommends that the case be approved with the understanding that the long-term concurrency policies for U.S. Highway 19 will apply to this application; and that staff concurs with the PPC recommendation.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Following discussion and input by General Planning Administrator Gordon R. Beardslee, Commissioner Todd moved, seconded by Commissioner Welch,

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that Ordinance No. 03-39 approving Case #CW 03-31 be adopted. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

#52 PETITION OF JOHN M. WOLFE, III AND BRENDA WEST WOLFE TO VACATE A 3.5-FOOT BY 46.5-FOOT PORTION OF A 10.0-FOOT UTILITY EASEMENT ON LOT 81, ORANGEPOINTE UNIT II, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 31, TOWNSHIP 27 SOUTH, RANGE 16 EAST – GRANTED; RESOLUTION NO. 03-101 ADOPTED WITH AUTHORIZATION FOR CLERK TO RECORD

Pursuant to legal notice published in the May 2, 2003 issue of the Tampa Bay Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the petition of John M. Wolfe, III and Brenda West Wolfe to vacate a 3.5-foot by 46.5-foot portion of a 10.0-foot utility easement on Lot 81, Orangeporte Unit II, as recorded in Plat Book 73, Page 35, located in the southwest quarter of Section 31, Township 27 South, Range 16 East.

Deputy Clerk Linda R. Reed reported that letters of no objection have been received from the following:

Pinellas County Utilities
Florida Power Corporation
Verizon Florida, Inc.
Verizon Media Ventures, Inc.
Time Warner Communications

She indicated that all interested property owners have been notified as to the date of the public hearing; that no correspondence in objection to the petition has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt stated that staff recommends the vacation be granted and the Clerk authorized to record.

No one appeared in response to the Chairman's call for persons wishing to be heard.

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Commissioner Todd moved, seconded by Commissioner Morroni, that the petition to vacate be granted; and that Resolution No. 03-101 be adopted as recommended with authority for the Clerk to record. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

- #53 APPLICATION OF SKYLARK R.O. ASSOCIATION, INC., THROUGH ED ARMSTRONG, ESQUIRE, JOHNSON, BLAKELY, POPE, BOKOR, RUPPEL AND BURNS, REPRESENTATIVE, FOR A CHANGE OF ZONING FROM R-6 TO C-2, A CHANGE IN LAND USE DESIGNATION FROM RESIDENTIAL URBAN AND TRANSPORTATION/UTILITY TO COMMERCIAL GENERAL AND TRANSPORTATION/UTILITY, AND A DEVELOPER AGREEMENT (Z/LU-1-4-03) – APPROVED; RESOLUTION NO. 03-102 ADOPTED; STAFF AUTHORIZED TO TRANSMIT CHANGE IN LAND USE DESIGNATION TO STATE DEPARTMENT OF COMMUNITY AFFAIRS FOR REVIEW AND COMMENT
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Pursuant to legal notice published in the April 25, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Skylark R.O. Association, Inc., through Ed Armstrong, Esquire, for a change of zoning from R-6 to C-2, a change in land use designation from residential urban and transportation/utility to commercial general and transportation/utility, and a developer agreement, re approximately 13.04 acres located on the northeast corner of State Road 580 and Summerdale Drive (street address: 2526 State Road 580 East) (Z/LU-1-4-03). Deputy Clerk Linda R. Reed stated that ten letters in favor of and 90 letters and four petitions containing 232 signatures in opposition to the application have been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt advised that if the Board recommends approval of the application, interested citizens may be contacted directly by the Department of Community Affairs (DCA) with regard to its compliance determination of the amendment; and further related that staff recommends denial of the application based upon the Local Planning Agency report.

The Local Planning Agency/Examiner Findings of Fact and Recommendation for denial of the change of zoning from R-6 to C-2, the companion land

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use change from residential urban and transportation/utility to commercial general and transportation/utility, and a developer agreement were filed and made a part of the record.

Development Review Services Director Paul Cassel referred to an aerial photograph and a zoning and land use map and presented an overview of the application, identified the surrounding land uses, discussed several of the developer agreement restrictions, and noted that the applicants have requested a suspension of the relocation parameters normally required in mobile home park rezoning cases; whereupon, he indicated that staff has recommended denial of the application as it is inconsistent with the objectives and policies of the Pinellas County Comprehensive Plan.

Discussion ensued with regard to the various levels of commercial zoning in the surrounding unincorporated area; whereupon, in response to queries by Commissioners Stewart and Welch, Mr. Cassel indicated that the proposed development would increase traffic by approximately 4,800 new trips per day; and that the applicant has approached the Florida Department of Transportation (FDOT) with regard to the installation of a traffic signal at the subject site, but FDOT has concluded that a signal is not warranted at this time.

Ed Armstrong, Esquire, Clearwater, pointed out the concessions made in the developer agreement; and indicated that the original plan presented at the Examiner's Hearing has been withdrawn in order to accommodate concerns voiced by staff and the surrounding neighbors; that the application meets the standards of the concurrency management ordinance; and that the developer agreement would obligate the developer to pay the cost for signalization at the intersection of the proposed site should it subsequently be approved by FDOT.

Following discussion, Chief Assistant County Attorney James L. Bennett distributed the Local Planning Agency Reports, and noted that a correction has been made to page No. 3 of the developer agreement.

Responding to query by Commissioner Todd, Mr. Cassel compared the General Retail Commercial (C-2) and Neighborhood Commercial (C-1) zoning categories.

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared:

Thelma Flemming, Unincorporated
Tom Thomasson, Clearwater
Matthew Borland, Unincorporated
Nancy Borland, Unincorporated
Mary Ellen Skutack, Unincorporated

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Mary Wilson, Unincorporated
Glenn Wilson, Unincorporated
Charles Nead, Unincorporated
Marian Jones, Unincorporated
David Rabih, Unincorporated
Lenny Greenhut, Unincorporated
Tracy Reed, Unincorporated
Sabrina Godwin, Unincorporated
Ernie Kopasz, Unincorporated
James Mazzey, Unincorporated
Toni DeFrancesco, Unincorporated
Joseph Kahl, Clearwater
David G. Hamilton, Unincorporated
Claire Elizabeth Hamilton, Unincorporated
William Ciuros, Jr., Clearwater
Jackie Brownhill, Dunedin
J. R. Cafazzo, Unincorporated
Barbara Massey, Unincorporated
Phyllis Hopka, Clearwater
Lisa Gentry, Clearwater
Kathy Gaudet
James McKinnon, Unincorporated

No one else appeared in response to the Chairman's call for persons wishing to be heard; whereupon, she directed the public hearing be closed.

In rebuttal, Mr. Armstrong indicated that the applicant would donate the right-of-way necessary to effectuate the signalization of the intersection should it be approved by FDOT; discussed traffic impacts; and reiterated the self-imposed restrictions in the developer agreement which limit the impacts of the proposed development.

Following further discussion and input by Mr. Cassel, Commissioner Stewart moved, seconded by Commissioner Harris, that Resolution No. 03-102 be adopted approving the zoning application; and that the requested change in land use designation be approved, with authorization for staff to transmit to the DCA for review and comment. Upon roll call, the vote was:

Ayes: Stewart, Harris, Morroni and Welch.

Nays: Seel, Todd and Latvala.

Absent and not voting: None.

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At the direction of Chairman Seel, there being no objection, the meeting was recessed at 9:50 P.M. and reconvened at 10:02 P.M.

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#54 **ORDINANCE NO. 03-40 ADOPTED RELATING TO MANGROVE TRIMMING AND PRESERVATION AND PROVIDING THAT THE PINELLAS COUNTY LAND DEVELOPMENT CODE BE AMENDED BY REPLACING IN ITS ENTIRETY CHAPTER 166, DIVISION 3; PROVIDING FOR FINDINGS; PROVIDING FOR INTENT; PROVIDING AUTHORITY; PROVIDING FOR TERRITORY EMBRACED; PROVIDING DEFINITIONS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR REGULATION OF TRIMMING OF MANGROVES AND REQUIRING A PERMIT THEREFORE; PROVIDING FOR REGULATION OF ALTERATION OF MANGROVES AND REQUIRING A PERMIT THEREFORE; PROVIDING FOR REGULATION OF PROFESSIONAL MANGROVE TRIMMERS; PROVIDING FOR MITIGATION AND ENFORCEMENT; PROVIDING FOR VARIANCE RELIEF; PROVIDING FOR APPEALS; PROVIDING FOR NOTICE OF PUBLIC HEARING; PROVIDING FOR FEES; PROVIDING FOR ADMINISTRATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AMENDMENTS THAT MAY ARISE AT PUBLIC HEARING**

Pursuant to legal notice published in the May 10, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the proposed ordinance regarding mangrove trimming and preservation, replacing Chapter 166, Division 3, of the County Land Development Code. Deputy Clerk Linda R. Reed reported that 48 letters and eight telephone calls in support of and 18 letters, two telephone calls and one petition containing 106 signatures in opposition to the ordinance have been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt noted for the record that the ordinance was incorrectly placed on the agenda under Water and Navigation and should be reviewed by the Board as a regular hearing item; and further stated that staff recommends approval of the proposed ordinance.

Director of Environmental Management William M. Davis identified the Mangrove Committee members, and related that the Board had directed the members to

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provide recommendations for simplifying the Mangrove Ordinance; whereupon, he distributed a document titled *Summary of Proposed Mangrove Ordinance Changes*, a copy of which has been filed and made a part of the record. Referring to the Summary and photographs, he provided a review of various sections of the proposed ordinance, pointing out committee recommendations. Responding to queries by the members, Mr. Davis described the penalties set by the State; related how staff would handle enforcement of the ordinance; explained trimming limitations in conservation easements; and discussed the permitting process.

In response to the Chairman's call for persons wishing to comment on the proposed ordinance, the following individuals appeared:

Holly Greening, St. Petersburg
Loren Westenberger, Clearwater
Michael Miller, Clearwater
Bonnie Ormerod, Crystal Beach
Catherine D. Lanshe, Tarpon Springs
Diane Cleveland, Safety Harbor
Joan DeGuire, St. Petersburg
Rebecca Falkenberry, St. Petersburg
Catherine Harrelson, St. Petersburg
David Raudman, Safety Harbor
Bill Stokes, St. Petersburg
Doris Perkins, Dunedin
Bill Reed St. Petersburg
Joyce King, Largo
Tom Pickard, Dunedin
Thomas P. Banas, Dunedin
Zora Reece, Dunedin
Colleen Glass, Crystal Beach
Early Sorenson, Dunedin
Randall Luttenberg, St. Petersburg
Heidi Lovett, St. Petersburg

No one else appeared in response to the Chairman's call for persons wishing to be heard; whereupon, she directed the public hearing be closed.

Thereupon, Commissioner Latvala moved, seconded by Commissioner Harris, that Ordinance No. 03-40 be adopted as recommended. Upon roll call, the vote was:

Ayes: Seel, Latvala, Todd, Stewart, Harris, Morroni and Welch.

Nays: None.

Absent and not voting: None.

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Upon direction of the Chairman, there being no objection, the meeting was adjourned at 11:40 P.M.

Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By _____
Deputy Clerk