

June 3, 2008

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, JUNE 3, 2008 – 9:30 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Robert B. Stewart, Chairman; Karen Williams Seel; Susan Latvala; John Morrone; Kenneth T. Welch; and Ronnie E. Duncan.

Members Absent: Calvin D. Harris.

Members Late: None.

Members Excused: None.

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

INVOCATION: Interim County Administrator Fred E. Marquis.

PLEDGE OF ALLEGIANCE: Assistant County Administrator Elizabeth A. Warren.

PRESENTATIONS AND AWARDS

1. Presentation of a Proclamation to Frances L. Stavros in recognition of outstanding community service.
2. Presentation of the Guardian ad Litem Volunteers of Pinellas County Day Proclamation to Fran Naumann, Volunteer, Guardian ad Litem Program.

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. 08-76 adopted granting petition of Mark Ginn and Stephanie Ginn to vacate a portion of a drainage easement on Lot 269, Ridgewood Groves Unit Nine 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. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Morrone
Second - Commissioner Duncan
Vote - 6 – 0

2 Resolution No. 08-77 adopted granting petition of Knute E. Cover to vacate a portion of a utility easement on Lot 18R, Block G, Yacht Club Estates, Unit 3 Partial Replat 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. No correspondence has been received. Brian Johnson, representative for the applicant, appeared and provided background information regarding the request. No citizens appeared to be heard.

Motion - Commissioner Duncan
Second - Commissioner Welch
Vote - 6 – 0

3 Resolution No. 08-78 adopted to correct an error in Resolution No. 08-24, Petition to Vacate in the names of Stephen and Janet O’Harrow; authority granted for Clerk to record the resolution. Interested property owners were notified as to the date of the public hearing. Staff recommended adoption of the corrected resolution. No correspondence has been received.

Responding to the Chairman’s call for persons wishing to be heard, Nolley T. Nance, Palm Harbor, appeared and expressed his concerns.

In response to the concerns of Mr. Nance and at the request of Chairman Stewart, Director of Public Works and Transportation Peter J. Yauch referred to a map and provided historical background information; and indicated that the proposed resolution would correct the legal description of the area vacated.

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

WATER AND NAVIGATION CONTROL AUTHORITY PUBLIC HEARINGS

4a Dredge and Fill Application No. DF1917-08/Revised submitted by Orange Street Property Management, LLC, 105 Orange Street, Ozona (Smith 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 maintained throughout dredging. In the event of turbidity problems outside of the immediate work area, the applicant or contractor must take immediate corrective action.

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

- # 4b Commercial dock application No. CD39031-08 submitted by John Lesousky, Pinnacle Construction of Fort Lauderdale also known as Boca Ciega Resort and Marina Condo, 8800 Bay Pines Boulevard, St. Petersburg (Boca Ciega Bay) approved; no correspondence has been received; no citizens appeared to be heard; the biological report has been filed as part of the record; and approval is subject to the following condition:

There shall be no personal watercraft/jet ski rentals from this site.

In response to query by Commissioner Welch, Mr. Marquis indicated that the county has a no live-aboard policy regarding watercraft.

Motion	-	Commissioner Duncan
Second	-	Commissioner Welch
Vote	-	6 – 0

CITIZENS TO BE HEARD

- Nick Fritsch, Clearwater, re widening of 102nd Avenue.
- Hamilton Hanson, St. Petersburg, re Rays Stadium.
- Jimmy Dean, Largo, re Rays.
- Mark Klutho, Largo, re stupidity, waste.
- Greg Pound, Largo, re Pinellas County family.

CONSENT AGENDA ITEMS NOS. 5 THROUGH 19 – APPROVED.

Motion	-	Commissioner Morroni
Second	-	Commissioner Welch
Vote	-	6 – 0

- # 5 Minutes of regular meeting of April 22, 2008. At the request of Chairman Stewart, the absence of Commissioner Morroni was amended to “Excused” due to a death in his family.

- # 6 Reports received for filing:
 - a. Report of Expenses Incurred Under Incentives, Awards, and Recruitment Ordinance for the Quarter Ended March 31, 2008.
 - b. Continuing Bond Disclosure Report dated April 30, 2008 pursuant to Rule 15c2-12 of the Securities and Exchange Commission for:
 1. \$104,795,000 Sewer Revenue and Revenue Refunding Bonds, Series 1998
 2. \$86,580,000 Sewer Revenue Bonds, Series 2003
 3. \$25,205,000 Sewer Revenue Refunding Bonds, Series 2006
 4. \$155,520,000 Capital Improvement Revenue Bonds, Series 2000
 5. \$26,620,000 Capital Improvement Revenue Bonds, Series 2002

- c. Office of the Clerk of the Circuit Court budget request for non-court related expenditures for the Fiscal Year 2008-2009.
 - d. City of Tarpon Springs, Florida, Comprehensive Annual Financial Report for the Fiscal Year ended September 30, 2007.
 - e. Dock Fee Report for the month of April 2008.
- # 7 Vouchers and Bills Paid – Period of April 21 through April 25, 2008:
- Imprest Fund Expenditures
System checks numbered 923577 through 924384
- ACH Transfers numbered 192 through 214
- Wire Transfers numbered 010609 through 010611
- # 8 Miscellaneous items received for filing:
- a. Pinellas Suncoast Fire and Rescue District Resolution No. 2008-05 adopted March 18, 2008, amending the 2007/2008 budget.
 - b. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 6 dated March 20, 2008, and financial statement for the month of February 2008.
- # 9a Plats, Guaranties, Sureties, and Agreements:
Sutherland Sound Estates – plat accepted and approved for recording.
- # 9b Plats, Guaranties, Sureties, and Agreements:
Hodges Corner – plat accepted and approved for recording.
Hidden Bayou Townhomes Block 40 Replat – plat accepted and approved for recording.
- #10 Cooperative Funding Agreement between the Southwest Florida Water Management District (SWFWMD) and Pinellas County for Pinellas County Ultra Low Flow Toilet Rebate Program (L876) (Contract No. 08C00000077) approved for execution; total estimated cost is \$1,096,000.00, with anticipated reimbursement of \$548,000.00 from SWFWMD (Utilities).
- #11 Resolution No. 08-79 adopted authorizing the expenditure of public funds for interview and moving expenses related to the position of Building and Development Review Services Director under the provisions of Pinellas County Ordinance Number 00-16, in an amount not to exceed \$15,000.00 (County Administrator).

June 3, 2008

- #12 Interlocal Agreement between Pinellas County and Pinellas County School Board for local emergency management approved; agreement is for a term of five years with automatic renewals for successive five-year terms unless either party terminates agreement (Emergency Management).
- #13 Amendment No. 5 to the Contract for Law Enforcement Services between the City of Dunedin, Jim Coats as Sheriff of Pinellas County, and Pinellas County for the period from October 1, 2007 through September 30, 2008 in the amount of \$3,913,232.55 representing an increase of approximately 3.7 percent approved; Chairman authorized to execute the amendment (Justice and Consumer Services).
- #14 Amendment No. 1 to Contract for Law Enforcement Services between the City of Indian Rocks Beach, Jim Coats as Sheriff of Pinellas County, and Pinellas County, for the period of October 1, 2007 through September 30, 2008 approved in the amount of \$804,354.04, as the result of a mileage study and subsequent change to the Sheriff's vehicle cost formula, decreasing the original approved contract by \$2,867.47; Chairman authorized to execute (Justice and Consumer Services).
- #15 Resolution No. 08-80 adopted supplementing the Fiscal Year 2008 General Fund budget (State of Florida Law Enforcement Terrorism Prevention Grant in the amount of \$45,000.00 awarded to the Pinellas County Sheriff's Office) to appropriate earmarked receipts for a particular purpose (Management and Budget).
- #16 Resolutions Nos. 08-81, 08-82, 08-83, 08-84, 08-85, 08-86, 08-87, 08-88, and 08-89 adopted granting ad valorem tax exemptions for historic properties located in the City of St. Petersburg (Snell Arcade Residential Condominiums, 405 Central Avenue – Units Nos. 200, 210, 220, and 250; Wilhelm-Thurston Funeral Home/Dupont Building, 145, 147, 151, and 155 8th Street North; and Wilhelm-Thurston Funeral Home/Dupont Building, 786 2nd Avenue North); Chairman authorized to sign the Historic Preservation Property Tax Exemption Covenants for the subject properties (Planning).
- #17 Quit Claim Deed with Easement Reservation from Florida Power Corporation doing business as Progress Energy Florida, Inc. for conveyance of a sidewalk accepted (Real Estate Management).
- #18 Award of contract and a Lease Agreement with Eric Bennett for a studio apartment located at 113 110th Avenue, St. Pete Beach (Contract No. 078-0449-A; Bid No. 078-0291-R) approved. Agreement is for a term of one year, commencing on July 1, 2008, and ending on June 30, 2009, and will automatically renew for four successive, additional one-year terms; rental rate for first year term is \$625.00 per month (total annual lease revenue, \$7,500.00); rental rate is subject to annual rental increases of five percent; either party may terminate prior to the end of any term with 30 days notice. Chairman is authorized to sign the agreement and the Clerk to attest (Real Estate Management).

- #19 Consent to Release of Land from Restrictive Covenant in favor of Hubbard Properties, LLC for two parcels of land located in the City of Madeira Beach approved; Chairman authorized to execute and the Clerk to attest (Real Estate Management).
- #20 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None.
- #21 Interlocal Agreement with the School Board of Pinellas County for the construction of joint-use recreation facilities on the southeast corner of Keystone Road and East Lake Road approved (Culture, Education, and Leisure).
 - Motion - Commissioner Latvala
 - Second - Commissioner Welch

Responding to comments and queries by Chairman Stewart, Director of Culture, Education, and Leisure Paul A. Cozzie, with input by Mr. Marquis, indicated that \$16,000,000.00 in Penny for Pinellas funds have been earmarked for community parks and sports facilities, of which \$12,000,000.00 have been allocated for the North County area which will provide ample funding for the joint-use facilities as well as the Countryside and Joe DiMaggio projects.

Chairman Stewart expressed his concerns as to whether the County would be reimbursed by the School Board should the temporary facilities be eliminated and whether the County would be credited for the permanent fields that would remain a part of the school system; whereupon, Mr. Cozzie, with input by Mr. Marquis, indicated that the School Board will be financially responsible for converting the temporary facilities to permanent facilities if the need arises to build a school; that it is a 30-year agreement with a 10-year option; and that a design build contract is being prepared for engineering, design, and construction of the facility and will be addressed at the June 17, 2008 meeting.

In response to query by Commissioner Seel, Mr. Cozzie indicated that the four soccer fields will be located in the southeast section of the property as originally proposed; that it is anticipated that a cheaper solution for fill costs will be achieved through mitigation and the design build process; and that the design has been reconfigured to reduce costs. He confirmed that the agreement with the School Board holds the County accountable for operation and maintenance (O&M), noting that the fields will bring additional revenue to the East Lake Youth Sports Association (ELYSA) and ELYSA's responsibilities, including O&M, will be delineated in the joint usage agreement to be brought before the Board later this year.

Commissioner Latvala noted that the Southwest Florida Water Management District (SWFWMD) has expressed major concerns regarding the project, but has agreed to work closely with the County to expedite the process.

Vote - 6 – 0

- #22 Resolution No. 08-90 adopted approving a consent order between Pinellas County and Linger Longer Mobile H.P. LLC as final settlement of Enforcement Case No. A08-025 (Environmental Management).

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

- #23 Second Amendment to the Cooperative Funding Agreement between the Southwest Florida Water Management District (SWFWMD), Pinellas County, and the City of Oldsmar for the Mobbly Bayou Wilderness Preserve Habitat Restoration Project - Design (W329) approved increasing the agreement by \$750,000.00 for construction, and extending the contract period to December 31, 2010; SWFWMD to reimburse the County \$350,000.00 (City of Oldsmar has contributed \$50,000.00) (Environmental Management).

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

- #24 Amendment No. 1 to the Agreement for Consultant Engineering Services for the Sand Key Beach Renourishment Project (PID No. 921055) with Coastal Planning & Engineering, Inc. approved, increasing the agreement by \$52,160.00 for a total revised agreement amount of \$598,160.00 (Environmental Management).

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

- #25 Other Administrative Matters – None.

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

- a. Colonial Bank, N.A. versus Atlantis West Development, LLC – Circuit Civil Case No. 08-6208-CI-07 – Mortgage Foreclosure Involving Utility Liens.

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

- b. County Attorney Bennett indicated that the request for authority to defend the County's interest in the Beaver K. Gamble Appeal from a Determination Denying Unemployment Compensation, Case No. 2008-27904U, has been withdrawn as

the seven-day timeline for unemployment compensation appeals does not permit ample time for the County Attorney's office to bring the matter before the Board for approval to defend.

- #27 County Attorney authorized to initiate litigation in the case of Ken Burke, Clerk of the Circuit Court versus Benjamin Burch – Counterfeit Check.

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

- #28 Authorization to advertise a public hearing regarding the proposed ordinance amending the Pinellas County Human Rights Ordinance, codified at Chapter 70 of the Pinellas County Code, to include certain exclusions by religious organizations and prohibitions against discrimination on the basis of gender identity and gender expression denied.

Attorney Bennett provided a brief history of the amendments to the ordinance previously approved by the Board and an overview of the findings supporting the language in the proposed ordinance, and identified communities with similar protections. During discussion and in response to comments and queries by the members, Attorney Bennett discussed actions that would be necessary to educate business owners regarding compliance with the proposed amendment.

Commissioner Latvala moved, seconded by Commissioner Duncan, that the public hearing be advertised; whereupon, Chairman Stewart related that a majority vote is required to move the matter forward.

Motion - Commissioner Latvala
Second - Commissioner Duncan

Upon call for the vote, the motion died for lack of a majority.

Vote - 3 – 3 (Stewart, Seel, and Morroni dissenting)

- #29 Settlement approved in the case of Joan Harris versus Pinellas County Government – Workers' Compensation Date of Accident – February 1, 2000 in accordance with the confidential memorandum from County Attorney James L. Bennett dated June 3, 2008.

Motion - Commissioner Welch
Second - Commissioner Duncan
Vote - 6 – 0

- #30 County Attorney Miscellaneous – None.

#31 County Administrator Reports

At the request of Chairman Stewart, Mr. Marquis provided an update on the search for a County Administrator, noting that the process is on target with the projected timeline.

#32 Appointment of Lounell C. Britt to the WorkNet Pinellas Board of Directors approved for the term of June 1, 2008 through June 30, 2010.

Motion	-	Commissioner Duncan
Second	-	Commissioner Welch
Vote	-	6 – 0

#33 County Commission Miscellaneous:

- a. Commissioner Seel congratulated Communications staff on the hurricane guide; thanked Representative Rick Kriseman and Senator Mike Fasano for their success in establishing stricter crosswalk legislation. Mr. Marquis provided an update on the impacts of the State budget on the district.
- b. Commissioner Morroni William M. Davis, Director of Environmental Management, provided an update regarding the Manatee Protection Act and agreed to bring the matter before the Board as soon as possible; and provided information on Memorial Day weekend at Shell Key.
- c. Commissioner Welch reported on his attendance at the May 30, 2008, Raytheon public hearing; and provided information on the May 29, 2008, Consolidated Justice Information System (CJIS) User Policy Board meeting, noting that in-house development of the CJIS II system has been halted as an off-the-shelf product is being considered.
- d. Commissioner Stewart commented that “Doctor Beach” ranked Caladesi Island as the nation’s top beach; reported that he observed the Drug Court Program participant graduation; and provided dates regarding upcoming meetings.

June 3, 2008

#34 Meeting adjourned at 11:24 A.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk