

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

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

Members Absent: None.

Members Late: None.

Members Excused: None.

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

INVOCATION: Reverend Paul Pecchie, St. Patrick’s Catholic Church, Largo.

PLEDGE OF ALLEGIANCE: Managing Assistant County Attorney Dennis R. Long.

PRESENTATIONS AND AWARDS

Presentation of a plaque by Judge George Greer to the Board of County Commissioners in recognition of the 20th Anniversary of Sunstar Paramedics.

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 – COUNTYWIDE PLANNING AUTHORITY

1 Ordinance No. 08-40 adopted approving Case No. CW 08-27, the proposal by the City of Dunedin to amend the Countywide Future Land Use Plan from Residential Medium to Residential Low Medium, re 3.0 acres m.o.l. located at 1142 Martin Luther King Jr. Boulevard (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

2a Ordinance No. 08-41 adopted approving Case No. CW 08-28, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Urban and Commercial General to Commercial General, re 3.0 acres m.o.l. located at the southwest corner of North Pinellas Avenue (Alternate U.S. Highway 19) and Anclote Road (regular

amendment). The Pinellas Planning Council recommended approval of the proposed amendment subject to the following conditions, and staff concurred.

1. The accompanying development agreement.
2. Pinellas County shall evaluate the traffic impacts and limit the intensity of the use on the site pursuant to the County's Concurrency Management System.

No correspondence has been received. No citizens appeared to be heard.

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

2b Ordinance No. 08-42 adopted approving Case No. CW 08-26, the proposal by the City of St. Pete Beach to amend the Countywide Future Land Use Plan from Residential Urban, Residential Low Medium, Residential Medium, Residential Low Medium with Resort Facilities Overlay, Residential High, Residential/Office General with Resort Facilities Overlay, Residential/Office/Retail, Resort Facilities Medium, Commercial General, Preservation, Recreation/Open Space, Institutional, and Transportation/Utility to Community Redevelopment District (CRD) in accordance with a Special Area Plan (the *St. Pete Beach Community Redevelopment Plan*), re approximately 229.1 acres comprising the Gulf Boulevard Redevelopment District, located along the corridor of Gulf Boulevard north of the Pinellas Bayway and south of 64th Avenue, and comprising the Downtown Redevelopment District centered along Corey Avenue, Blind Pass Road, and Gulf Boulevard (regular amendment). The Pinellas Planning Council recommended approval of the proposed amendment subject to the following conditions, and staff concurred.

1. The area adjacent to the Gulf of Mexico and currently designated as Preservation on both the City and Countywide Plan maps remain so designated and not be included in the area to be re-designated CRD.
2. Permitted densities and intensities be applied based on their respective proportion to the total land area, unless specifically noted otherwise in the Special Area Plan.
3. Identification of specific implementation steps within one year of the date of approval of this amendment, and submission by the City of a monitoring and evaluation report for the Special Area Plan that assesses the status of the Special Area Plan implementation progress and measurable impacts to date within five years of the date of approval of this amendment.
4. Submission of the implementing land development regulations to be reviewed for consistency with the Countywide Rules and the Special Area Plan.

- 5. Submission of any future amendment to the Special Area Plan for receipt and acceptance, or for consideration as an amendment, as is determined necessary under the Countywide Plan Map amendment process.

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

Tom Bogott, St. Petersburg
 Deborah L. Martohue, St. Pete Beach
 Lorraine Huhn, St. Pete Beach

One letter in support of the amendment has been received.

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

- # 3 First public hearing held regarding a proposed ordinance to amend the Countywide Rules to update the traffic generation characteristic trip rates for certain Countywide Plan Map categories.

Responding to the Chairman’s call for persons wishing to be heard, Robert T. Loos, Tarpon Springs, expressed his concerns; whereupon, Mr. Marquis explained that the trip rates are used to determine impact fees to be charged to developers; that the rates are updated periodically; and that they have nothing to do with zoning classifications or land use density.

In response to queries by Commissioner Welch, Pinellas Planning Council Executive Director David P. Healey indicated that the rates are based on traffic analyses conducted by the Metropolitan Planning Organization and information published by the Institute of Transportation Engineers; and that he will provide a detailed report to the members; whereupon, Chairman Stewart noted that the second public hearing will be held on August 19, 2008.

No correspondence has been received.

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

BOARD OF COUNTY COMMISSIONERS PUBLIC HEARINGS

- # 4 Tax Equity Fiscal Responsibility Act (TEFRA) public hearing held and Resolution No. 08-123 adopted approving issuance of not to exceed \$5,300,000.00 Pinellas County Industrial Development Authority Industrial Development Variable Rate Revenue Bonds,

Series 2008, on behalf of Neighborly Care Network, Inc. pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended. No correspondence has been received. No citizens appeared to be heard.

Responding to queries by Commissioner Morroni, Neighborly Care Network, Inc. President and Chief Executive Officer Debra Shade provided a brief report regarding plans for a new building; and indicated that she will work with him to address concerns expressed by individuals in the neighborhood.

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

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Deviating from the agenda, Mr. Marquis suggested that companion Item No. 35 be addressed at this time, and no objections were noted.

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#35 Sitting as the Pinellas County Industrial Development Authority doing business as the Pinellas County Economic Development Authority, the Board adopted Resolution No. 08-124 approving issuance of not-to-exceed \$5,300,000.00 Pinellas County Industrial Development Authority Revenue Bonds (Neighborly Care Network, Inc. Project), Series 2008, setting forth the terms and conditions of the financing, and approving all documents.

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

5 Petition of Glenn Bergoffen and Leah Bergoffen to vacate a portion of public right-of-way located on South Gulf Drive in Crystal Beach Subdivision denied without prejudice. Letters of no objection received from all appropriate parties. Interested property owners were notified of the date of the public hearing. Staff recommended the vacation be granted. Two letters and a petition with 260 signatures in favor of and letters and messages from 214 parties in opposition to the petition have been received.

Director of Public Works and Transportation Peter J. Yauch pointed out the subject area on an aerial photograph and indicated that the right-of-way extends from the applicant's property line to the mean high water line; that the applicant wishes to construct a dock; that permitting requires that the dock landing be on private property that is connected to the applicant's property; and that the applicant has requested vacation of a portion of the right-of-way to allow for the dock landing.

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Referring to a map of the area and sketch of the proposed dock, Mr. Yauch indicated that an easement would be granted to the County to allow continued public access to the entire area with the exception of the portion containing the dock landing; and that the easement would address concerns expressed by Pinellas County Utilities and other County departments regarding access.

In response to query by Commissioner Duncan, Mr. Yauch showed the location of the existing footpath; and Mr. Marquis related that because of the easement, the vacation would have no effect on the users of the footpath; that the purpose of the request is to meet the permitting requirements; and that the same situation exists with two other docks in the area that were permitted before the requirements were in place.

Responding to query by Chairman Stewart, Mr. Marquis stated that if the petition to vacate were approved at today's meeting, the dock permit would come before the Board as a Water and Navigation item at its October 7 meeting.

Messrs. Yauch and Marquis, Director of Environmental Management William M. Davis, and Attorney Bennett responded to additional queries by the members, indicating that the proposed dock landing is four feet wide, with the dock extending 299 feet from the landing out into the water; that there are two existing docks along the Gulf Drive right-of-way for which permits were issued in 1957 and 1975; that it appears the developer of the community conveyed riparian rights to the owners of the existing docks; that photographs and pilings indicate the existence of a previous dock at the subject location, but there is no evidence of a permit being issued; and that no other parties would gain ownership as a result of the vacation.

Applicant Glenn Bergoffen indicated that he had held a community meeting at his home to dispel misinformation regarding his intentions; that many individuals had signed a petition of opposition prior to that meeting; that it was never his intention to block the pathway; that he mistakenly believed there would be no problem with building a new dock to replace the one that previously existed; and that there are only nine homes on Gulf Drive that do not have docks.

Thereupon, Bill Woods, Woods Consulting, displayed an aerial photograph and pointed out the applicant's property, noting that Mr. Bergoffen owns the lot to the south of his home, which will remain vacant; and that he maintains the County right-of-way in front of the two lots; whereupon, he provided specifications of the proposed dock, citing requirements of regulatory agencies pertaining to docks constructed in environmentally sensitive areas. Referring to the County's request for input from community organizations, Mr. Woods noted that the Crystal Beach Community Association had submitted a letter indicating that the Board and its membership have no objection to the proposed vacation; and that approximately half of the 40 to 45 persons attending Mr. Bergoffen's meeting were in support of his request.

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Responding to the Chairman's request for persons wishing to speak in favor of the petition, the following individuals appeared and indicated their support:

Neil Valk, Crystal Beach
Leah Bergoffen, Crystal Beach
Paul Scagnelli, Crystal Beach
Dennis Falzon, Crystal Beach
Rick Barasso, Crystal Beach

Responding to the Chairman's request for persons wishing to speak in objection to the petition, the following individuals appeared and expressed their concerns:

Jane Charland, Crystal Beach
Michael Burke, Crystal Beach
Calvin Smith, Crystal Beach
Barbara Witlin, Crystal Beach
Susan Smith, Crystal Beach
Leslie Young, Crystal Beach
Bill Carey, Crystal Beach
Linda Creighton, Crystal Beach
William Steigerwald, Ozona
Reggie Hall, Ozona
Donna Sharpless, Crystal Beach
Susanne Ball, Crystal Beach
Adrienne Sentowski, Crystal Beach
Pat Edmond, Largo
Virginia P. Gardner, Crystal Beach
Richard Tracy, Crystal Beach
Barbara Howell Micromanolis, Crystal Beach
Lisa V. Roe, Crystal Beach
Jim Swinehart, Crystal Beach
Dianne Fecteau, Crystal Beach
Jo An Totty, Palm Harbor
Daniel Foreit, Crystal Beach
Gary Cradick, Crystal Beach
Lucy Butcher, Crystal Beach
William Lapcevic, Crystal Beach
Donna Lapcevic, Crystal Beach
Cynthia Balikowski-Lis, Crystal Beach
Sue Conlon, Crystal Beach

In response to comments by the objectors, Mr. Bergoffen displayed a copy of the original plat of Crystal Beach, noting that the public dock was located at the end of Crystal Beach Avenue, not near his house; and stated that he is very concerned about the environment; that he had purchased the house to the north of his to help the owner who was having financial problems; that he has ordered mangroves to be planted there to replace those that had been removed; and that the house is for sale.

Mr. Woods indicated that the area is located within an aquatic preserve and is subject to stringent environmental requirements, accounting for the length of the proposed dock; that many existing docks were built prior to such regulations; that the owners of the nine lots may not all wish to build docks; and that each dock application would have to stand on its own merit.

Chairman Stewart closed the public hearing and discussion ensued.

- Mr. Marquis confirmed that similar requests have been approved, but noted that, in those cases, riparian rights had been granted to the petitioners by plat; and stated that continued public access to the area would be guaranteed by a recorded easement.
- Attorney Bennett discussed the statutory basis for the Board’s consideration of the request; and advised that the petitioner would have liability for the dock.
- Mr. Davis provided information regarding the previous dock; confirmed that the owners of both existing docks were granted riparian rights; and discussed precedent considerations, noting the potential for 14 additional docks along the Gulf Drive right-of-way and expressing concern regarding the cumulative environmental impact. Other topics addressed by Mr. Davis include criteria for approval of dock permits, mangrove trimming regulations, acceptable environmental impact, and policy considerations relative to giving up public land for private ownership. In response to query by Mr. Marquis, he indicated that he would not recommend this area as a potential location for a mooring field.

Commissioner Welch moved, seconded by Commissioner Duncan, that the petition to vacate be denied. Commissioner Seel indicated that she would be amenable to construction of a pier to be granted to the County for public use; whereupon, Commissioner Welch withdrew his motion and Commissioner Seel moved, seconded by Commissioner Latvala, that the petition be denied without prejudice in order that the matter be given further consideration. Responding to query by Chairman Stewart, Attorney Bennett advised that the *without prejudice* designation has no legal significance in a vacation, as there is no time limit associated with the filing of a revised petition; and that it would serve only as an invitation to pursue an alternative proposal.

Vote - 7 – 0

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The meeting was recessed at 12:05 P.M. and reconvened at 12:19 P.M. with all members present with the exception of Commissioner Seel.

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6 First public hearing held regarding a proposed ordinance amending Section 138-1286 of the Pinellas County Land Development Code regarding dumpsters in Commercial and Industrial zoning districts; second public hearing to be held on August 19, 2008. No correspondence has been received. No citizens appeared to be heard.

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

7 First public hearing held regarding a proposed ordinance amending Section 138-1(b) of the Pinellas County Land Development Code regarding recreational vehicles; second public hearing to be held on August 19, 2008. No correspondence has been received.

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Commissioner Seel returned to the meeting at 12:22 P.M.

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Responding to the Chairman’s call for persons wishing to be heard, JoAn Y. Totty, Palm Harbor, spoke in opposition to the proposed ordinance; whereupon, Chairman Stewart, Commissioner Harris, Mr. Marquis, and Building and Development Review Services Director Paul Cassel explained that the Florida Department of Transportation currently permits a maximum vehicle width of eight and one-half feet and a length of 40 feet; that the County’s restrictions of eight feet in width and 35 feet in length have been in place for a long period of time; that industry size standards have increased; that the matter is being reviewed in response to citizens’ requests; that vehicles will not be allowed to block sidewalks; that the changes only affect the definition of a recreational vehicle; and that deed restrictions and municipal requirements will remain the same; whereupon, in response to query by Commissioner Welch, Mr. Cassel indicated that size restrictions are a matter of municipal policy; that some communities within Pinellas County are more restrictive; and that additional information will be provided to the members prior to the second public hearing.

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

8 Public hearing held regarding a proposed ordinance adding Article II, Section 2.08 to the Pinellas County Charter relating to environmental lands and scheduling a referendum on a proposed Charter amendment; matter temporarily deferred to the meeting of August 19, 2008, to allow for public advertising of proposed revisions to the ordinance. Two letters in favor of and ten letters in opposition to the proposed ordinance have been received.

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Mr. Marquis indicated that, subsequent to the Board's granting of authority to advertise today's public hearing, discussions with various stakeholder groups have resulted in revisions to the proposed ordinance to address concerns regarding the lease or license of environmental lands.

At the request of Chairman Stewart, Managing Assistant County Attorney Dennis R. Long reviewed the proposed ordinance, pointing out a new provision requiring referendum approval to lease or license any interest in designated County-owned environmental lands, as set forth in companion Agenda Item No. 9, for a period longer than ten years. Noting that the revisions constitute a substantive change from the ordinance as advertised, Attorney Long recommended that the matter be continued and re-advertised for public hearing on August 19, 2008; whereupon, he indicated that time is of the essence in order that ballot language be provided to the Supervisor of Elections; and Mr. Marquis added that, failing its approval on August 19, the Charter amendment would be delayed until the year 2010.

Discussion ensued wherein Commissioner Latvala expressed concern regarding clarity of the ballot language; and Messrs. Long and Marquis responded to queries by the members, explaining that new leases/licenses and renewals over ten years in length must be approved by the Board; that the ten-year threshold for referendum approval refers to the total lease/license period, including renewals; that *fee simple* refers to all rights and obligations that go with real estate for an unlimited term; and that additional environmental lands can be designated by amending the ordinance, without further revision of the Charter.

In response to the Chairman's call for persons wishing to be heard, the following individuals spoke in support of the proposed ordinance and noted additional concerns:

Lorraine Margeson, St. Petersburg
Thomas W. Reese, St. Petersburg, representing Friends of Brooker Creek Preserve
Attilio Corbo, Palm Harbor
Betty Bootier, Unincorporated Pinellas County
Ken Rowe, Palm Harbor
Mike MacDonald, Clearwater
John Miolla, Tarpon Springs, representing the Council of North County Neighborhoods
R. Terry Haas, Tarpon Springs
Darden Rice, St. Petersburg
Reggie Hall, Ozona
JoAn Y. Totty, Palm Harbor
(Bob Kersteen, President, submitted letter of support from Friends of Weedon Island)

Commissioner Latvala expressed her appreciation to everyone who has participated in the process leading to the ordinance and moved its approval, and Commissioner Duncan seconded. In response to query by Commissioner Seel, Attorney Long confirmed that the wording encompasses all means of conveyance including exchange, transfer, donation,

grant, and assignment; whereupon, he reiterated that the item must be re-advertised because of the revisions and cannot be approved at today's meeting.

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

- # 9 Public hearing held regarding a proposed ordinance amending Sections 90-102 and 90-112 of the Pinellas County Code defining *environmental lands* and designating County-owned environmental lands that will be subject to limitations under a proposed Charter amendment; matter temporarily deferred to the meeting of August 19, 2008. Correspondence received for Agenda Item No. 8 also applies to this companion item.

Managing Assistant County Attorney Dennis R. Long recommended that the matter be continued to the August 19 meeting in order that the ordinance be approved in tandem with the Charter amendment ordinance discussed under Agenda Item No. 8.

Responding to the Chairman's call for persons wishing to be heard, Ken Rowe, Palm Harbor, spoke in support of the proposed ordinance.

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

WATER AND NAVIGATION CONTROL AUTHORITY PUBLIC HEARINGS

- #10a Private dock Application No. P39053-08/Revised submitted by Harold D. Collins and Diana M. Duncan, 1506 and 1492 Sea Gull Drive South, St. Petersburg (Boca Ciega Bay) approved; one letter and a memorandum with eight signatures in support of and one letter with ten signatures in opposition to the application have been received; and the biological report has been filed as part of the record. Staff recommended approval of the application.

Director of Environmental Management William M. Davis displayed a plat and an aerial photograph of the subject property and indicated that the permit request is for a shared private dock between two lot owners with a single boat lift; and that the existing dock will be removed; whereupon, he described the location and size of the proposed dock, noting that a 6.8-foot variance is requested for the dock length; and that the neighbors have expressed concern regarding blockage of their view.

Responding to queries by Commissioner Duncan pertaining to ownership of the dock, Mr. Davis indicated that there would likely be an agreement between the two private parties; and that, for purposes of the application, the dock is viewed as a single structure that services two lots. He noted that there are existing docks to either side of the

applicants, and that all three docks required a variance, which is typical in a corner-dock situation.

Harold D. Collins, St. Petersburg, displayed an aerial photograph taken before he purchased the property and pointed out the existing dock and a floating dock, which has been removed. Referring to the proposed variance, he indicated that the 25-foot length is a compromise to his request for a 35-foot dock; and that hardships include loss of depth of the boat slip due to curvature of the seawall, and shallow water depths containing oysters and silt. He stated that neighbors Dellane and Ramos had obtained permission for their variances from the adjoining property owners; that they have refused to grant permission for his application; that the proposed dock will be within the area of deeded submerged land on which he pays taxes; and that Mr. Dellane frequently has more than one boat parked at his dock.

In response to the Chairman's call for persons wishing to be heard, the following individuals appeared and stated their objection to the application:

Ken Dellane, St. Petersburg
Gary Ramos, St. Petersburg
David A. Bacon, St. Petersburg

Responding to comments by the objectors, Mr. Collins noted that all four properties are located at the end of a canal and view each others' properties; that the neighbors wish to view the water over submerged land which he owns and pays taxes on; that the value of the Dellane and Ramos properties was increased due to the willingness of their neighbors to sign their dock applications; that all four owners knew they would have an obstructed view when they purchased their homes; that the proportions in Mr. Bacon's drawing were distorted; that, using the 50 percent rule, the combined frontage of his and Ms. Duncan's lots would allow for a dock 36 feet in length; and that County staff suggested the compromise to 25 feet.

Responding to queries by Commissioner Seel, Environmental Program Manager David Walker indicated that the Code addresses the permitting of docks, but does not regulate the parking of vessels at docks.

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

- #10b Dredge and Fill Application No. DF1946-08 submitted by the City of St. Petersburg, Admiral Farragut Yacht Basin, 501 Park Street North, 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:

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 - 7 – 0

#10c Private dock Application No. P39068-08/Revised submitted by Steven Miller, 104 9th Street East, Tierra Verde (Boca Ciega Bay) approved; no correspondence has been received; no citizens appeared to be heard; and the biological report has been filed as part of the record.

Motion - Commissioner Welch
Second - Commissioner Duncan
Vote - 6 – 1 (Commissioner Seel dissenting)

#10d Commercial dock Application No. CC38505-07/Revised submitted by the City of Gulfport, 5500 Shore Boulevard, Gulfport (Boca Ciega Bay) for a mooring field approved; 30 letters in support of and eight letters and a petition with 201 names in opposition to the application have been received; and the biological report has been filed as part of the record. Approval is subject to the following conditions:

1. The hurricane plan for the City marina must be updated to include the mooring field and submitted to the Pinellas County Department of Environmental Management prior to operation of the mooring field.
2. The Harbor Management Plan for the proposed mooring field as presented to the Pinellas County Department of Environmental Management must be adopted in final form prior to operation of the mooring field.

Director of Environmental Management William M. Davis noted that this is the County's first mooring field application; and that the County Attorney's Office has advised that the Board has jurisdictional authority in the matter, due to navigational implications and the anchors to be installed in submerged land.

Mr. Davis displayed a map of the area and related that the City is seeking approval of a 100-slip mooring field to be built in two phases; and that the field will be serviced by the City's municipal marina; whereupon, he described the location of the proposed field and existing marina and indicated that water depth in the area is adequate; that there are no significant environmental or navigational impacts; and that the permit will be conditional to the City's Harbor Management and Hurricane Plans. Mr. Davis stated that the City hopes to address the issue of random boat anchoring in the area, noting that aerial photographs show an increasing number of vessels from the year 2000 to the present; and

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that the owners of two of the three nearest properties have indicated that they have no objection to the application. Responding to query by Commissioner Duncan regarding project phasing, Mr. Davis opined that the City wishes to gauge the success of a 50-slip field before committing to the full 100 slips.

Referring to a PowerPoint presentation, City of Gulfport City Manager Tom Brobeil provided an overview of the project, indicating that the effort began five years ago in an attempt to solve an environmental problem; that the project failed to receive public support; and that it was resurrected one and one-half years later in response to citizens' requests. Mr. Brobeil related that current efforts have been based on a public participation process; that the City Council has granted authority to proceed with environmental studies, preliminary design, and permitting; and that the project will be reviewed by four additional regulatory agencies. Referring to Commissioner Duncan's earlier query regarding phasing, he related that the City is requesting approval for the entire project at this time for budgetary reasons, because the cost of environmental studies will be twice the cost of constructing the improvements.

Continuing his presentation, Mr. Brobeil pointed out the project area on a map and aerial photograph; and provided additional information regarding the location, specifications, and environmental impact of the proposed mooring field, noting that additional detailed information is contained in the Harbor Management Plan; whereupon, he stated that, following the opening of Phase I, staff would assess the need and either allow the permit to lapse or conduct public hearings to request approval for an additional 50 slips.

Responding to the Chairman's call for persons wishing to speak, the following individuals appeared and indicated their support of the application:

Michael Krassner, South Pasadena
Bill Esielionis, Gulfport
Donald. N. Rogers, Jr., St. Petersburg
Larry Fiorenza, South Pasadena
Cindy Davis, Gulfport – submitted petition with 213 names
Al Davis, Gulfport
Janet Terrell, Clearwater
Christine Brown, Gulfport
Robert E. Worthington, City of Gulfport Councilmember
Robert Newcomb, Gulfport
Douglas Fuller, St. Petersburg

Responding to the Chairman's call for persons in opposition to the proposed mooring field, the following individuals appeared and stated their concerns:

Rebecca McCoy, Gulfport
Lisa McLaughlin, Gulfport
Fran McLaughlin, Gulfport
Jim Newman, Gulfport

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John Freiburger, Gulfport
David P. Steinke, Gulfport
Courtland Yarborough, Gulfport

Responding to comments by the objectors, Mr. Brobeil stated that no taxpayer dollars have been spent on the project, which has been supported by user fees from the marina enterprise fund; that the mooring field will be self supporting; and that a financial report is included in the Management Plan. He further indicated that the mooring field will be located in a no-discharge zone, as specified in the Management Plan.

In response to queries by the members, Mr. Brobeil indicated that live-aboard vessels will be allowed at the mooring field under certain circumstances and for an indefinite period of time; and that a pump-out boat will collect wastewater from the vessels; whereupon, he provided additional information regarding rule enforcement, the anticipated customer base, and storage of vehicles and dinghies.

Motion - Commissioner Welch
Second - Commissioner Duncan

Referring to comments by an objector, Commissioner Latvala related that she had chaired a task force pertaining to preserving water access; and that one recommendation was to create mooring fields; whereupon, she clarified that there was never a suggestion to install mooring fields up and down the coast; and indicated that there are only a few places where it would be appropriate to do so.

Vote - 7 - 0

CITIZENS TO BE HEARD

Richard N. Shott, Clearwater, re Comprehensive Plan – Bayside Reserves Project, Z/LU-3-8-07.
JoAn Y. Totty, Palm Harbor, re Palm Harbor.
Greg Pound, Largo, re Pinellas Families.

CONSENT AGENDA ITEMS NOS. 11 THROUGH 21 - APPROVED.

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

#11 Approval of Minutes – None.

#12 Reports received for filing:

- a. Dock Fee Report for the month of June 2008.
- b. Quarterly Report of Routine Dock Permits issued from April 1, 2008 through June 30, 2008.

#13 Vouchers and Bills Paid - Period of June 23, 2008 through July 7, 2008:

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2229

Payroll checks numbered 557440 through 557678

Imprest Fund Expenditures

Manual checks numbered 751497 through 751499

System checks numbered 930706 through 932471

ACH Transfers numbered 497 through 617

Wire Transfers numbered 010659 through 010676

#14 Miscellaneous items received for filing:

- a. City of Clearwater Notices of Public Hearings regarding Ordinances Nos. 7917-08, 7920-08 through 7926-08, 7942-08 through 7944-08, and 7958-08 through 7963-08 amending the Annexation, Land Use Plan, Zoning Atlas, Comprehensive Plan, Clearwater Community Development Code, and Beach by Design; and No. 7941-08 rescinding Ordinances Nos. 7405-05 and 7406-05; public hearings held July 17, 2008, and to be held August 7, 2008.
- b. City of Seminole Notices of Public Hearings to be held August 12, 2008, regarding Ordinances Nos. 18-2008 through 21-2008, voluntarily annexing certain property.
- c. City of Largo Notices of Public Hearings regarding Ordinances Nos. 2008-56 and 2008-57 held July 15 and August 5, 2008, respectively, annexing certain property.
- d. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 8 dated May 15, 2008, and financial statement for the Month of April 2008.

#15 Bid of The Duffy & Lee Carpet Company for Airport Terminal Improvement Project – Phase I, Carpet and Installation (Bid No. 078-0337-B) in the amount of \$387,036.73 accepted on the basis of submitting a responsive, responsible bid meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor.

#16 Bid of T.L.C. Diversified, Inc., a prequalified contractor, for Pump Station Replace and Rehab, Group 2 – Pump Stations Nos. 001, 002, and 003 (Project No. 1912-B, Bid No. 078-0485-C) in the amount of \$814,900.00 accepted on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

- #17 Second Amendment to Agreement between the Southwest Florida Water Management District (SWFWMD) and Pinellas County for the Lake Seminole Watershed Stormwater Pollution Reduction Project (P902) approved increasing the amount of SWFWMD funding by \$890,000.00 for the construction of Phase I (total reimbursement grant, \$3,210,000.00) and extending the agreement to December 31, 2011; Chairman authorized to sign and the Clerk to attest (Environmental Management).
- #18 Legal Aid Services Agreement (Renewal No. 2) between Pinellas County and Gulfcoast Legal Services, Inc. for legal aid to indigent County residents approved in the estimated amount of \$352,184.70 effective October 1, 2008 through September 30, 2009, with one year optional renewal (Justice and Consumer Services).
- #19a Termination of a portion of a drainage easement by general release with Joyce B. Forlizzo for property located on Lot No. 14 of the Villas at Lakepoint Subdivision approved; Chairman authorized to sign and the Clerk to attest (Real Estate Management).
- #19b Termination of a portion of a drainage and utility easement by general release with Brian P. Mullin and Teresa J. Mullin for vacant property located adjacent to Lots Nos. 1 and 2, Block No. 6 of the Town of Bay View Subdivision approved; Chairman authorized to sign and the Clerk to attest (Real Estate Management).
- #20 Sitting as the Countywide Planning Authority, the Board officially accepted three 2008 Countywide Plan Map Adjustments.
- #21 Amendment to Administrative Services Agreement with United HealthCare Insurance Company (UHC) approved (Contract No. 056-0247-P); Chairman authorized to sign and the Clerk to attest; extension of the stop loss insurance policy with UHC approved (Contract No. 056-0324-P).
- #22 Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None.

REGULAR AGENDA

- #23 Amendment No. 1 to Contract for Airport Terminal Improvements Phase I with Ajax Building Corporation approved providing authorization for the County Administrator to approve unspecified work as a change order in an amount not to exceed five percent of the total contract price or \$250,000.00, whichever is less; Chairman authorized to sign and the Clerk to attest.
 - Motion - Commissioner Welch
 - Second - Commissioner Latvala
 - Vote - 7 – 0

- #24 Amendment No. 2 to the agreement with AgileAssets, Inc. for a Computerized Maintenance Management System for Highway approved for an estimated expenditure increase in the amount of \$16,000.00 (new approved contract total estimated expenditure, \$744,000.00) providing for a time extension of 182 calendar days through March 19, 2009 and providing for offsite storage services and emergency application hosting services (Contract No. 045-410-P); Chairman authorized to sign and the Clerk to attest.

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

- #25 Resolution No. 08-125 adopted designating the area known as the Largo Community Redevelopment Districts as a Brownfield Area pursuant to Chapter 376, Florida Statutes, and identifying the person responsible for Brownfield site rehabilitation; authorizing the County Administrator to notify the Florida Department of Environmental Protection (FDEP) of said designation; and providing an effective date (Economic Development).

Motion - Commissioner Harris
Second - Commissioner Duncan

Responding to query by Commissioner Seel, Business Development Manager Teri M. Hasbrouck referred to a map and pointed out the location of the old landfill area near the Largo Nature Preserve.

Vote - 7 - 0

- #26 Change Order No. 3 to contract with Verizon Select Services Inc. for equipment, E 9-1-1 Plant and Nortel Private Branch Exchange (PBX) approved (Contract No. 056-0507-B) (Change Order No. 3 increase, \$755,459.92; estimated 36-month expenditure not to exceed \$3,257,396.22); Chairman authorized to sign and the Clerk to attest (Emergency Communications).

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

- #27 Interlocal Agreement for Administration of the Pinellas County Substance Abuse Treatment Funding Renewal between Pinellas County and the Sixth Judicial Circuit approved for an estimated expenditure in the amount of \$758,000.00 (Justice and Consumer Services).

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

- #28 Resolution No. 08-126 adopted providing for the designation of the Dunedin Causeway as a significant Pinellas County Greenway (Planning).

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

#29 Contract for Sale and Purchase with The Upper Pinellas Association for Retarded Citizens, Inc. for acquisition of improved real property located at 3001 Cedar Trace, Tarpon Springs (Keystone Road – U.S. Highway 19 to East Lake Road Project) (PID No. 920522) approved; authorization granted for issuance of a check in the amount of \$1,306.72 to American Government Services Corporation (purchase price, \$1,100.00; title insurance and closing costs, \$206.72); Chairman authorized to sign and the Clerk to attest (Real Estate Management).

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

#30 Contract for Sale and Purchase with Stephen W. Shutt for acquisition of improved real property located at 2482 Keystone Road, Tarpon Springs (Keystone Road – U.S. Highway 19 to East Lake Road Project) (PID No. 920522) approved; authorization granted for issuance of a check in the amount of \$23,219.85 to American Government Services Corporation (purchase price, \$22,900.00, which includes \$4,400.00 for a value adjustment over the appraised value to reach a negotiated agreement with the seller; title insurance and closing costs, \$319.85); Chairman authorized to sign and the Clerk to attest (Real Estate Management).

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

#31 Other Administrative Matters – None.

#32 Authorization granted to advertise a public hearing to be held on October 7, 2008, regarding a proposed ordinance amending Section 118-32(1)(a) of the Pinellas County Code relating to the Tourist Development Plan authorizing the expenditure of tourist development taxes for promotional and operating support for exhibits and programs provided by museums that are owned and operated by not-for-profit organizations and open to the public.

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

#33 Settlement approved in the claim of Rick Fullmer – Claim No. 0897510 in accordance with the confidential memorandum from Beth Wininger, Director of Risk Management.

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

#34 County Attorney Miscellaneous:

- a. Authorization granted to participate as a plaintiff in bond validation litigation styled Pinellas County, Florida and the Housing Finance Authority of Pinellas County versus State of Florida.

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

- b. Overview of restrictions associated with quasi-judicial designations presented by Attorney Bennett, including avoidance of ex parte contacts; Attorney Bennett to provide checklist for use by commissioner's assistants; procedures regarding emails were discussed.

#36 Pinellas Hope Preliminary Report

Assistant County Administrator Elithia V. Stanfield referred to the county's participation in the Pinellas Hope project last year; whereupon, Health and Human Services Bureau Director Maureen A. Freaney stated that the Board has received a request to fund the project on an annual basis; that the Board has been waiting for information regarding contributions by the cities; that the University of South Florida study has not yet been completed; that numerous statistics are available; and that the full report will probably be completed this month; whereupon, she conducted a PowerPoint presentation titled *Pinellas Hope, Presentation to Board of County Commissioners, August 5, 2008*, a copy of which has been filed and made a part of the record, and responded to queries by the members, with additional input provided by Catholic Charities President Frank Murphy.

Following discussion, Commissioner Welch moved, seconded by Commissioner Seel, that \$770,000.00 be allocated from the \$5,000,000.00 Fiscal Year 2009 Housing Trust Fund; and that the Chairman send letters formally requesting contributions from those cities that have not contributed to the project.

Motion - Commissioner Welch
Second - Commissioner Seel

Responding to queries by Commissioner Latvala, Ms. Stanfield suggested that the amount of the allocation be stated as *up to* \$770,000.00; whereupon, Commissioner Welch amended his motion to reflect an amount of up to \$770,000.00; and the seconder concurred.

Vote - 7 - 0

Chairman Stewart referred to the issue of affordable housing and the possibility that the need for affordable housing is diminishing; whereupon, discussion ensued regarding the matter, with input provided by Mr. Marquis and Commissioners Duncan and Harris.

#37 Appointments and reappointments to the Youth Advisory Council approved.

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

#38 County Commission Miscellaneous:

- a. Commissioner Duncan reminded the Board of the second workshop regarding the Tampa Bay Area Regional Transit Authority Master Plan on August 7 at 5:30 P.M. at the Largo Cultural Center.
- b. Commissioner Seel inquired re the process for making a citizen appointment to the Value Adjustment Board; commissioners to submit their nominations to the Chairman's Office.
- c. Commissioner Latvala requested an update regarding the proposed Manatee Protection Plan; and Mr. Marquis provided a brief report, with further information to be provided next week.
- d. Chairman Stewart proposed that the swearing of new commissioners, seating of the new County Administrator, and election of 2009 officers take place at the November 18 meeting; and the members concurred.

#39 Meeting adjourned at 5:10 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk