

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, OCTOBER 21, 2008 – 3:00 P.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.

Others Present: James L. Bennett, County Attorney; Fred E. Marquis, Interim County Administrator; Clareth N. Harris, Chief Deputy Clerk; Tammy L. Burgess and Arlene J. Kennare, Deputy Clerks.

INVOCATION: Reverend Temple Hayes, First Unity Church of St. Petersburg, St. Petersburg.

PLEDGE OF ALLEGIANCE: Commissioner Morroni.

PRESENTATIONS AND AWARDS:

1. 2008 Florida Coalition for the Homeless Outstanding Service to the Homeless Award presented to Commissioner Kenneth T. Welch by James Bennett, Chairman, St. Petersburg City Council.
2. Youth Advisory Committee presentation by Parth Desai, Chairman.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 20 – APPROVED WITH THE EXCEPTION OF ITEMS NOS. 14, 15a, 18, AND 19, WHICH WERE CONSIDERED UNDER ITEM NO. 21.

Mr. Marquis indicated that further negotiations are necessary regarding the attorney fees for Item No. 18; whereupon, Commissioner Harris moved, seconded by Commissioner Duncan, that Consent Agenda Items Nos. 1 through 20 be approved, with the exception of Item No. 18.

At the request of Commissioner Seel, Items Nos. 14, 15a, and 19 were also considered under Item No. 21; whereupon, Commissioner Harris amended his motion, and Commissioner Duncan concurred. Upon call for the vote, the motion carried unanimously.

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

1 Minutes – None.

2 Reports received for filing:

- a. Florida Department of Revenue correspondence regarding Tax Collector's Summary of the 2008-2009 Budget by Appropriation Category, together with Finalized Salaries of Elected County Constitutional Officers and Elected School District Officials for Fiscal Year 2009.
- b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2008-07 dated September 18, 2008 – Audit of Capital Improvement Program Capital Reserves Fund.
- c. Pinellas County License Board for Children's Centers and Family Day Care Homes Resolution No. 08-01 amending the budget for the 2007-2008 Fiscal Year.
- d. City of Oldsmar Ability to Serve Report for the East Lake Annexation Area pursuant to Chapter 171.044, Florida Statutes, dated September 2008.

3 Vouchers and Bills Paid - Period of July 14, 2008 through July 18, 2008:

Imprest Fund Expenditures

System checks numbered 933080 through 933859

ACH Transfers numbered 626 through 672

Wire Transfers numbered 010682 through 010686

Vouchers and Bills Paid - Period of September 1, 2008 through September 19, 2008:

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2507 (period September 15 through 19)

Payroll checks numbered 558828 through 559050 (period September 15 through 19)

Imprest Fund Expenditures

Replacement checks numbered 751513 through 751513

Manual checks numbered 751510 through 751514

System checks numbered 939548 through 941240

ACH Transfers numbered 956 through 1019

Wire Transfers numbered 010728 through 010738

4 Miscellaneous items received for filing:

- a. Resolutions of municipalities agreeing to participate in the negotiation process regarding annexation provided for under Chapter 171, Part II, Florida Statutes, the Interlocal Service Boundary Agreement Act:

- 1. City of Oldsmar No. 2008-21 adopted September 3, 2008.
 - 2. City of Seminole No. 08-2008 adopted September 9, 2008.
 - b. City of Pinellas Park Notice of Public Hearing re Ordinances Nos. 3644 and 3645 held October 9, 2008, annexing certain property.
 - c. Pinellas County School District Five-Year Capital Outlay Plan and Facilities Work Program.
 - d. Florida Department of Environmental Protection Notice of Permit to Pinellas County Utilities, Department of Solid Waste Operations, for Bridgeway Acres Class I Landfill slurry wall segment replacement.
 - e. Tampa Electric Company's Synopsis of Rate Request re its petition to the Florida Public Service Commission to increase base rates and miscellaneous service charges (Docket No. 080317-EI).
- # 5 Resolution No. 08-180 adopted authorizing execution of the Public Transportation Joint Participation Agreement with the State of Florida Department of Transportation (Financial No. 415768-1-94-01, Contract No. AP843) providing for \$403,629.00 in grant funds for security enhancements at the St. Petersburg-Clearwater International Airport; Chairman authorized to execute and the Clerk to attest.
- # 6 Consultant's Competitive Negotiation Act (CCNA) procurement items approved by the County Administrator for quarter ending September 30, 2008 received for filing.

<u>Department</u>	<u>Type</u>	<u>Project</u>	<u>Vendor</u>	<u>Dollar Value</u>	<u>Award Date</u>
Public Works	Options of Renewal for One Year	Agreements for Mechanical/Electrical Professional Engineering Services for the Young-Rainey STAR Center	Hahn Engineering, Inc. Long & Associates Architects/Engineers, Inc. TLC Engineering for Architecture, Inc.	\$166,666 each firm	10/11/08

- # 7 Change Order No. 1 (Final) to the agreement with Clark Hunt Construction, Inc. for relocation of Pump Station No. 344 (Bid No. 067-0738-C; Project No. 1862) approved decreasing the agreement amount by \$6,306.09 (total revised agreement amount, \$463,739.56); contract accepted as complete on August 21, 2008 and retainage released; Chairman authorized to execute and the Clerk to attest.
- # 8 Agreement with the City of Treasure Island for billing services approved (one-time implementation fee paid by City, \$27,000.00; estimated annual revenue, \$10,050.00); three-year term with option to reset the rate for billing services at the end of the third year; Chairman authorized to sign and the Clerk to attest.

9 Amendment No. 2 to the Service Agreement for Sludge Dryer Project between Pinellas County and Synagro-WWT, Inc. (Project No. 1506) allowing for additional services and materials in an amount not to exceed \$49,232.29 approved; Chairman authorized to execute the agreement and the Clerk to attest.

#10a DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR – RECEIVED FOR FILING (COUNTY ADMINISTRATION)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	Specific Performance Agreements (SPAs) with:		9.25.08
	(a) Consumer Credit Counseling Service of Central Florida and the Florida Gulf Coast, Inc. for Housing Counseling Services;	(a) \$50,000.00 State Housing Initiatives Partnership (SHIP) funds;	
	(b) Community Service Foundation, Inc. for Housing Placement Services; and	(b) \$48,000.00 Housing Trust Fund Program (HTF) funds, plus time extension; and	
	(c) Suncoast Center for Community Mental Health, Inc. for Homeless Supportive Services Program	(c) \$150,000.00 Community Development Block Grant (CDBG) funds	
	SPAs with:		9.23.08
	(a) Pinellas Opportunity Council, Inc. (POC) for POC Chore Services;	(a) \$32,500.00 CDBG funds;	
	(b) Tampa Bay Community Development Corporation (TBCDC) for Homebuyers Club of Tampa Bay Project;	(b) \$65,000.00 SHIP funds;	
	(c) Community Service Foundation, Inc. for Central Housing Assistance Services Program;	(c) 51,200.00 SHIP funds;	
	(d) TBCDC for Foreclosure Prevention Program;	(d) \$45,000.00 SHIP funds;	
	(e) TBCDC for Housing Counseling Services;	(e) \$50,000.00 SHIP funds;	

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	(f) Community Service Foundation, Inc. for Housing Counseling Services; and (g) City of Pinellas Park for Construction of New and Replacement Sidewalks	(f) \$50,000.00 SHIP funds; (g) \$150,000.00 CDBG funds	9.23.08
Community Development	SPA and Land Use Restriction Agreement with Palm Lake Village Housing Corporation for Continued Affordability of Magnolia Gardens Assisted Living Facility to Very Low, Low, and Moderate Income Residents.	\$150,000.00 HTF funds	9.15.08
Culture, Education, and Leisure	(a) Agreement with Stages Productions, Inc. for Water Conservation Educations through the Arts Program in Pinellas County Schools; and (b) Fourth Amendment to Grant Funding Agreement with Tierra Verde Recreation Complex, Inc. for Construction of Two Buildings for Bathrooms, Concessions, and Storage	(a) \$55,000.00; and (b) N/A – time only	9.18.08
Culture, Education, and Leisure	Second Amendment to Grant Funding Agreement with Palm Harbor Community Services Agency, Inc. for Hockey Rink Roof Structure Construction – Phase II	N/A – time only	9.12.08
Economic Development	Amendment to Business Assistance Partnership Agreements (BAPAs) for Outreach Efforts to Assist Local Businesses with: (a) Upper Tampa Bay Regional Chamber of Commerce, Inc. and the City of Oldsmar; and (b) Greater Palm Harbor Area Chamber of Commerce, Inc. and the Palm Harbor Community Services Agency, Inc., on Behalf of the Palm Harbor Library (Library)	(a) \$21,000.00, plus equal City of Oldsmar match; and (b) \$17,500.00 per Fiscal Year (FY), plus \$21,000.00 in-kind Library services match	9.26.08

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Economic Development	Amendment to BAPA with Pinellas Park/Gateway Chamber of Commerce, Inc. (PPGCC), f/k/a Pinellas Park/Mid-County Chamber of Commerce, Inc. for a Name Change Amendment to BAPAs for Outreach Efforts to Assist Local Businesses with: (a) St. Petersburg Area Chamber of Commerce, Inc.;	N/A (a) \$21,000.00 per FY;	9.26.08
	(b) Hispanic Business Initiative Fund-West Coast, Inc.; and (c) PPGCC	(b) \$17,500.00 per FY; and (c) \$17,500.00 per FY	9.18.08
Economic Development	(a) Agreement with Florida Agency for Workforce Innovation for State Employment Data; and (b) Boundary Modification Letters of Concurrence for Foreign Trade Zone Boundaries	(a-b) N/A	8.4.08
Emergency Communications	Amendment to Planning Funding Agreement with Nextel Operations, Inc. for Nextel Rebanding Phase 2	N/A	7.31.08
Emergency Management	Approval Memo Granting One-Time Authority for the Department Director to Submit an On-Line Application to the U.S. Department of Homeland Security for Hardening of Supervisor of Elections Facility for Use During and After Disaster Events as an Emergency Operations Center	\$300,000.00 requested funds, plus \$100,000.00 County match	9.25.08
Emergency Medical Services and Fire Administration	Municipal Subscription Plan Agreement with the City of St. Pete Beach for Enrollment of Permanent Residents in the Sunstar Ambulance Membership Plan	\$34,585.00 approximate revenue for FY 2008-2009	9.19.08
Environmental Management	Short-Term License (STL) with Albert J. Gentless for Food Vending for the Month of July at the North East Tip of Shell key Preserve	\$100.00 revenue	6.27.08

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Environmental Management	Short-Term Facility License (STFL) with Don Naumann, Inc. for Art Exhibition at the Brooker Creek Preserve Environmental Education Center (Brooker Creek)	\$100.00 estimated revenue	6.20.08
Environmental Management	STFLs with Scott Willis for Suncoast Earth Force Teacher Workshop at Weedon Island Preserve Cultural and Natural History Center (Weedon Island) in the Month of: (a) August; and (b) June	(a-b) N/A	6.10.08
Environmental Management	STFL with Frank Jackalone for Sierra Club Meeting at Weedon Island	\$150.00 revenue	6.9.08
Environmental Management	STFLs for Photographic Art Displays at Weedon Island with: (a) Chad Anderson; and (b) Christina Evans	(a-b) \$100.00 revenue each	6.5.08
Environmental Management	STL with Albert Gentless for Food Vending for the Month of June at the North East Tip of Shell Key Preserve (Shell Key)	\$100.00 revenue	6.3.08
Environmental Management	STFL with John R. Thompson for St. Petersburg Police Department Team Building Activity at Weedon Island	N/A	5.9.08
Environmental Management	STFL with Dennis Post for Florida Fish and Wildlife Conservation Commission Training Activity at Weedon Island	N/A	4.28.08
Environmental Management	STL with Albert J. Gentless for Food Vending for the Month of May at the North East Tip of Shell Key STFLs with John DeWolf for Use of Brooker Creek for: (a) Florida Division of Forestry Strike Team/Task Force Leader S330 Training; and (b) Wildfire in the Urban Interface S215 Training	\$100.00 revenue (a-b) N/A	4.21.08 4.18.08

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Environmental Management	STFL with Caroline Neikirk for a Wedding Ceremony at Brooker Creek STFL with Lynn Priestley for a Photographic Art Display at Weedon Island	\$520.00 revenue \$100.00 revenue	4.18.08
Environmental Management	STFLs for Use of Weedon Island with: (a) Emma Mason for Florida Master Naturalist Meeting; and (b) Marilyn Ralston for Progress Energy Staff Meeting	(a-b) N/A	4.8.08
Environmental Management	STFLs with: (a) Heather Rodriguez for a Wedding Ceremony at Brooker Creek; and (b) Brenda Hofrieter for a Photographic Art Display at Weedon Island	(a) \$505.00 revenue; and (b) \$100.00 estimated revenue	4.7.08
Health and Human Services	Laboratory Services Agreement with the Pinellas County Health Department for Patients of the Mobile Medical Unit (MMU)	\$100,000.00 for 2-year period	9.26.08
Health and Human Services	(a) First Option of Renewal of Physician Agreement with the Pinellas County Health Department (PCHD) for Health Care Services on the MMU; (b) First and Final Option of Renewal of the Medical Director Quality Assurance Agreement PCHD for Primary Health Care Services to Low Income, Uninsured, Underinsured, and Homeless Citizens; and (c) Amendment No. 1 to the Mobile Medical Unit Physician Agreement with PCHD for Healthcare Services on the MMU	(a) \$154,000.00; (b) \$100,000.00; and (c) \$40,000.00	9.10.08
Health and Human Services	First Amendment to the Interlocal Agreement with the City of St. Petersburg for Overnight Homeless Shelter Services	N/A	9.2.08

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Justice and Consumer Services	(a) Agreement with the Pinellas County Sheriff (Sheriff) and the Town of Indian Shores for Law Enforcement Services; and (b) Contract for Law Enforcement Services with the Sheriff and the Town of North Redington Beach	(a) \$6,650.00 revenue; and (b) \$211,296.16 revenue	9.16.08
Justice and Consumer Services	Renewal of Contractual Agreements for Ex-Offender Reentry Program with: (a) Kids In Need of Families Offering Love, Kindness, and Support, Inc.; (b) Pinellas Ex-Offender Re-Entry Coalition, Inc.; and (c) St. Petersburg Dream Center, Inc.	(a-c) \$90,000.00 each	9.12.08
Justice and Consumer Services	Grant Award and Special Conditions Documents from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for FY 2008 Edward Byrne Memorial Justice Assistance Grant Program	\$160,486.00 grant revenue, no match	9.2.08
Justice and Consumer Services	Subgrant Award and Application with the Florida Department of Law Enforcement for the Pinellas County Criminal Court Complex Perimeter Hardening	\$45,000.00 grant revenue, plus \$5,000.00 County match	8.18.08
Justice and Consumer Services	Data Sharing and Analysis Agreement with the Florida Department of Juvenile Justice for Use of Data Systems and the Development of Methods of Prevention, Intervention, Treatment, and Social Services	N/A	8.4.08
Public Works	Statutory Compliance Contract with the Florida Department of Agriculture and Consumer Services for Mosquito Control	\$39,000.00 revenue	9.29.08
Public Works	Annual Recertification Documentation with the Insurance Services Office, Inc. for the Community Rating System Program	N/A	9.25.08
Public Works	Pinellas County Temporary Waivers for: (a) Witchstock 2008; and (b) Palm Harbor Oktoberfest	(a-b) \$50.00 revenue each, permit fee	9.23.08

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Public Works	Correspondence and Grant Application with the Florida Department of Transportation (FDOT) for the Pinellas County Advanced Traffic Management System/Intelligent Transportation System Regional Fiber Interconnect Project	\$900,000.00 requested funds, plus equal County match	9.12.08
Public Works	Pinellas County Temporary Waiver with the Old Palm Harbor Main Street, Inc. for the 6 th Annual Palm Harbor Fall Bike Fest	\$50.00 revenue, permit fee	9.10.08
Public Works	Local Agency Program Agreement with the FDOT for County Road 611 (McMullen Booth Road) Advance Street Name Sign Safety Project	\$127,300.00 revenue, no match	3.5.07
Real Estate Management	Access License Agreement with the City of Dunedin for Installation of a Water Monitoring Well in the Northwest Corner of Pine Lake	N/A	9.29.08
Real Estate Management	Right-of-Way Easement with Jasmen and Nurul Alam	N/A	8.8.08
Real Estate Management	General Utility Easement with Advanced Horizons V, L.L.C.	N/A	8.5.08
Real Estate Management	Drainage Easement with Harold Der Garabedian, as Trustee of the Harold Der Garabedian Trust Agreement U/A/D February 13, 2004	N/A	8.1.08
Real Estate Management	Drainage Easement with Paul Ramsey and Kathryn Rogerson Ramsey	N/A	7.12.08
Real Estate Management	Drainage Easement with Jeffrey R. and Jennifer B. Wasilewski	N/A	7.11.08
Real Estate Management	(a) Drainage Easement with Florence A. Panteles; and (b) Sidewalk Easement with Colonial Bank, N.A.	(a-b) N/A	7.3.08
Real Estate Management	Sewer Easement with Ronald and Susan C. Kempster	N/A	6.26.08
Real Estate Management	Drainage Easement with Regina M. Roepke, a/k/a Regina M.R. Herbst, and Richard L. Goldschmidt	N/A	6.24.08

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Real Estate Management	Real Property Beneficial Interest Disclosure with Villas of Somerset Woods, C.A.	N/A	6.11.08
Real Estate Management	General Utility Easement with the School Board of Pinellas County	N/A	5.27.08
Real Estate Management	(a) Conservation Easement with Brian L. and Adriana L. Anderson; and (b) Drainage and General Utility Easement with Brian L. and Adriana L. Anderson	(a-b) N/A	4.25.08
Real Estate Management	(a) Conservation Easement with Tyler Homes Development Group, LLC; and (b) Drainage and General Utility Easement with Tyler Homes Development Group, LLC	(a-b) N/A	4.24.08
Real Estate Management	General Utility Easement with Villas of Somerset Woods Condominium Association, Inc.	N/A	4.8.08
Real Estate Management	Sewer Easement with James R. and Roseanne Stagg	N/A	4.4.08
Utilities	Corrective Instrument to Correct the Document Filed as Resolution 93-47	N/A	8.11.08

#10b PROCUREMENT ITEMS APPROVED BY THE COUNTY ADMINISTRATOR FOR THE QUARTER ENDING SEPTEMBER 30, 2008 – RECEIVED FOR FILING (PURCHASING)

<u>CONTRACT NUMBER</u>	<u>ACTION</u>	<u>COMMODITY</u>	<u>DEPT.</u>	<u>VENDOR</u>	<u>DOLLAR VALUE COUNTY CODE</u>	<u>AWARD DATE</u>
067-0161-B (MW)	Corrective Action and Second and Final Renewal	Atlosid Mosquito Control Products	Public Works Operations Division	Clarke Mosquito Control Products, Inc.	187,153.40	09/23/08
056-0978-P (DM)	Name Change and First Renewal	Laboratory Testing Services	Utilities	From Elab, Inc. to Pace Analytical Services, Inc.	100,000.00	09/23/08
056-0267-B (SS)	Third and Final Renewal	Grounds Maintenance	Utilities	NDL LLC, dba Natural Design Landscaping	483,319.15 2-176	09/23/08
056-0507-B (RM)	Change Order	Equipment, E 9-1-1	Emergency	Verizon	N/A	09/22/08

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	No. 4	Plant & Nortel Private Branch Exchange (PBX)	Communications	Services Inc.		
056-0045-B (RM)	First Amendment	Master Lease Agreement – Generator Lease Program	Fleet Management	Suntrust Equipment Finance & Leasing Corp.	4,850,465.76 2-187	09/04/08
056-0763-B (RM)	First and Final Renewal	Contract Staffing Resources for Information Systems	Business Technology Services (BTS)	Applications Consulting Specialists, Inc. Adecco USA, Inc. Apple One Employment Services Computer Aid, Inc. Comsys Services LLC, A Subsidiary of Comsys Information Technology Services, Inc. Envirotemps, Inc., d/b/a ETI Professionals, Inc. Evergreen Solutions, LLC HTC Global Services, Inc. Omni-Source, Inc. Ozona Systems Pomeroy IT Solutions Sales Company, Inc. Salem Associates, Inc. Software	3,000,000.00 2-176	09/04/08

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				Resources, Inc.		
				Triage Partners, L.L.C.		
056-0380-B (SS)	First Renewal	Services Electric Motor Repair & Rewind	Utilities	Beachler Enterprises, Inc., d/b/a Florida Electric Motor Service	150,800.00	09/02/08
				Tampa Armature Works, Inc.		
				Electro Mechanical South, Inc.		
078-0625-S (SG)	Purchase Authorization	Digital Traffic Controllers, Loop Vehicle Detectors, Signal Heads, and Auxiliaries	Public Works Operations Division	Temple, Inc.	220,500.00	08/29/08
				Control Technologies of Central Florida, Inc.		
				Transportation Control Systems		
078-0626-E (LN)	Emergency Purchase	Laser Printing	Emergency Medical Services	Northeast II, Inc., d/b/a TC Specialties Co.	118,000.00	08/28/08
034-364-B (LN)	Name Change	Janitorial Services, Various County Buildings	Various	From Foster & Associates to Foster & Associates Janitorial, Inc.	N/A	08/28/08
078-0456-B (LN)	Rescind of Bid and Re-Award	Veterinary Drugs & Supplies	Animal Services	Shering-Plough Animal Health Corporation	104,814.28	08/27/08
045-770-B (MW)	Second and Final Renewal	Guardrail Repair, Installation and Replacement (Co-Op)	Public Works Operations Division	R.J.P. Enterprises, Inc.	143,975.00	08/25/08
034-598-B (MW)	Increase in Funds for Contract Purchase Order 220783	Electronics Recycling Contract/ Demanufacturing Services	Utilities	Creative Recycling Systems, Inc.	150,000.00	08/25/08
078-0607-N (PF)	Non-Competitive	Corrosion Inhibitor	Utilities	Pristine Water Solutions, Inc.	187,500.00	08/25/08

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	Purchase					
078-0456-B (LN)	Award of Bid	Veterinary Drugs & Supplies	Animal Services	Butler Animal Health Supply LLC Suncoast Surgical & Medical Supply LLC Webster Veterinary Supply, Inc.	107,214.28	08/13/08
078-0361-B (SS)	Rejection of Bids	Flowmeters, Parts, Calibration and Revalidation	Utilities	N/A	N/A	08/13/08
078-0095-P (RM)	Rejection of Proposals	Oracle Financial and Human Resources Implementation Services	N/A	N/A	N/A	08/13/08
078-0319-P (AM)	Approval of Ranking of Firms	Hot Site for Information Technology	BTS	Northwest Regional Data Center	N/A	08/11/08
056-0534-S (CM)	Continued Purchase Authorization	Telecommunications Infrastructure Project Services (TIPS)	Various	Verizon Select Services, Inc.	1,166,000.00 2-185	08/07/08
078-0234-B (RM)	Cancellation of Contract	Oil and Lubricant (Co-Op) Re-bid	Various	Central Oil Co. Inc. J.H. Williams Oil Company, Inc. Newsom Oil Co. Ward Oil Company, Inc.	N/A	08/04/08
078-0523-N (PF)	Used Equipment Purchase	Odor Control System for South Cross Bayou Water Reclamation Facility (WRF)	Utilities	Jacobs Air Water Systems	132,000.00	07/25/08
056-0789-B (LN)	First and Final Renewal	Services Security Guards	Airport	Excelsior Defense, Inc.	224,904.75	07/24/08
078-0420-B (MW)	Award of Bid	Air Handling Units Replacement Project	Department of Real Estate Management STAR Division	Debonair Mechanical, Inc.	188,000.00	07/21/08

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056-0892-B (MW)	First and Final Renewal	Services – Demolition and Abatement (Re-bid)	Various	Cross Construction Services, Inc.	694,096.00 24 month 347,048.00 12 month 2-176	07/21/08
067-0666-C (DM)	First Option of Renewal	Job Order Contracting (JOC) Building Contract	Public Works	Kenyon & Partners, Inc.	1,000,000.00 2-176	07/21/08
078-0537-E (RM)	Emergency Purchase	Telephone Systems, Logging Recorder Upgrade – NICE	Emergency Communications	Nice Systems, Inc.	165,603.00	07/15/08
067-0404-C (DM)	Second and Final Option of Renewal	JOC Building Contract	Public Works	Caladesi Construction Co.	1,000,000.00 2-176	07/14/08
023-465-B (MW)	Increase in Funds for Master Purchase Order 2137434	Exterior and Infrastructure Painting Services	Various	Olympic Painting Contracting, Inc.	248,429.45	07/11/08
067-0381-C (DM)	Change Order No. 1 – Time Only Extension Option of Renewal	Agreement for 2007-2008 Countywide Americans with Disabilities Act (A.D.A.) Ramp, Sidewalk, Drainage and Intersection Improvements	Public Works	Pepper Contracting Services, Inc.	N/A	07/10/08
078-0415-B (SS)	Award of Bid	Locking Device Replacement – Detention	Department of Real Estate Management	Southern Folger Detention Equipment Company, LLC	116,200.00	07/10/08
056-0836-B (MW)	Second and Final Renewal	Roadway Skip Line Marking Replacement (Various Locations)	Public Works Operations Division	Traffic Control Products of Florida, Inc.	236,900.00	07/09/08
078-0380-C (DM)	Rejection of Bids	Reclaimed Water Interrupt Services – Rebid	Utilities	N/A	N/A	07/02/08
067-0013-P (GG)	First and Final Renewal	Drug Court Treatment Services	Justice & Consumer Services	Goodwill Industries-Suncoast, Inc. Operation PAR, Inc. Westcare Gulfcoast-Florida, Inc.	1,336,000.00 24 month 668,000.00 12 month 2-176	07/01/08

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078-0440-B (SS)	Award of Bid	Sewer TV Inspection Truck	Utilities	Elxsi, Inc. d/b/a Cues	160,000.00	07/01/08
067-0666-C (DM)	Option of Renewal	JOC Building Contract	Public Works	Caladesi Construction Co.	1,000,000.00 2-176	06/30/08
056-0374-B (RM)	First and Final Renewal	Directional Bore Services	Public Works Operations Division	Cimarron Construction, Inc.	1,086,000.00 24 month 543,000.00 12 month 2-176	06/27/08
078-0406-B (LN)	Rejection of Bids	Independent Medical Evaluations & Exams	Health & Human Services	N/A	N/A	06/27/08
034-455-B (LN)	Second Renewal	Security Guard Services Countywide	Various	The Budd Group, Inc.	1,267,580.00 2-176	06/27/08
067-0375-B (SS)	Increase in Funds for Master Purchase Order 224296	Concrete, Ready Mix (Co-Op)	Various	Cemex Construction Materials, L.P.	187,803.00	06/27/08
078-0463-B (RM)	Award of Bid	Software License and Maintenance – IBM	BTS	International Business Machines Corporation	101,030.44	06/26/08
034-596-P (SS)	Second and Final Renewal	Federal Governmental Representation	County Administrator	Patton Boggs, LLP	316,800.00 2-176	06/26/08
034-595-P (SS)	Second and Final Renewal	State Governmental Representation	County Administrator	Pennington, Moore, Wilkinson, Bell & Dunbar, P.A.	200,000.00	06/26/08
078-0424-B (SS)	Award of Bid	Fertilizer (Co-Op) Re-Bid	Culture, Education and Leisure	Agro Distribution, LLC, d/b/a Pro Source One Sunniland Corporation John Deere Landscapes, Inc. Garden & Hardware Distributors, Inc.	215,313.14	06/26/08
TOTAL					\$20,846,401.65	

- #11 Acceptance of a grant award from the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment in the amount of \$900,000.00 for the Pinellas County Adult Drug Court Collaboration (Justice and Consumer Services).
- #12 Contract for Law Enforcement Services between the City of Oldsmar, Jim Coats as Sheriff of Pinellas County, and Pinellas County for the period from October 1, 2008 through September 30, 2009, in the amount of \$1,400,405.38 approved, reflecting an approximate increase of 5.73 percent in service costs; Chairman authorized to execute (Justice and Consumer Services).
- #13 Contracts for law enforcement services approved for the period from October 1, 2008 through September 30, 2009 for the following:
 - a. Contract with the City of Safety Harbor in the amount of \$1,334,066.71 reflecting an approximate increase of 4.83 percent in service costs.
 - b. Contract with the City of Clearwater in the amount of \$647,222.00 reflecting a 25.29 percent increase in service costs.Chairman authorized to execute (Justice and Consumer Services).
- #14 See Agenda Item No. 21.
- #15 Receipt and file of quarterly reports (Management and Budget):
 - a. See Agenda Item No. 21.
 - b. Quarterly Report on the Law Enforcement Trust Fund – Payments to the Sheriff for the period July 1, 2008 through September 30, 2008 was filed and made a part of the record.
- #16 Sitting as the Emergency Medical Services (EMS) Authority, the Board adopted Resolution No. 08-181 declaring an EMS Response Vehicle as surplus and granting authority to transfer ownership of the vehicle to the City of Safety Harbor as a donation, as requested by EMS and Fire Administration (Real Estate Management).
- #17 Release of retainage in connection with the contract with Hennessy Construction Services Corp. for the Public Works Emergency Responders Building Project formerly known as Public Works Highway Campus Phase 1/Traffic Operations Centralized Building (TOCB) (PID Nos. 1263 and 1477) in the amount of \$84,465.30 approved (Real Estate Management).
- #18 See Agenda Item No. 21.

- #19 See Agenda Item No. 21.
- #20 Sitting as the Industrial Development Authority, the Board approved for execution the Second Amendment to the Lease Agreement between Pinellas County Industrial Development Authority, d/b/a the Pinellas County Economic Development Authority, and National Information Assurance Corporation adding an additional 137 square feet at the Young-Rainey STAR Center effective October 1, 2008 (total monthly payment including sales tax, \$2,234.10).
- #21 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).
- #14 Fiscal Year 2009 Budget Amendment No. 1 was filed and made a part of the record (Management and Budget).

Responding to query by Commissioner Seel, Mr. Marquis indicated that the re-appropriation of funds is temporary and will not cause any delay; and that the budget and Capital Improvement Project (CIP) will be re-adjusted.

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

- #15 Receipt and file of quarterly reports (Management and Budget):
 - a. Quarterly Report on Administrative Budget Amendments for the period July 1, 2008 through September 30, 2008 was filed and made part of the record.

Responding to query by Commissioner Seel, Mr. Marquis, with input by Assistant County Administrator Mark S. Woodard, described the budget development process and administrative budget amendments to correct deviations thereby bringing them into alignment, and indicated that the reallocation of appropriation will be replaced as Fiscal Year 2009 proceeds.

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

- #18 Contract for Sale and Purchase with Dan and Joann K. Granger, for acquisition of improved real property located at 2690 Keystone Road, Tarpon Springs, Florida (Keystone Road – U.S. Highway 19 to East Lake Road Project) (PID No. 920522) temporarily deferred.

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

#19 Ranking of firms for computer equipment purchase or lease (Contract No. 078-0335-P) approved as follows:

1. Hewlett-Packard Company
2. Dell Marketing L.P. d/b/a Dell Inc.
3. Lenovo Inc. USA
4. Pomeroy IT Solutions, Inc.

Staff authorized to negotiate an agreement for Board approval with the number one ranked firm, Hewlett-Packard Company (preliminary estimated thirty-six month expenditure, \$6,000,000.00).

Responding to queries by Commissioners Seel and Welch, Mr. Marquis, with input by Purchasing Director Joseph Lauro, indicated that Hewlett-Packard Company (HP) was the only company invited to participate in the demonstration as it was the only eligible company, and provided input regarding HP's written proposal.

Following discussion, Commissioner Welch recommended that the matter be revisited later in the meeting when Paul F. Alexander, III, Director of Business Technology Services (BTS), is available for comment.

Later in the meeting, Mr. Alexander appeared and provided input regarding computer equipment purchases versus leases and technology refreshing. He indicated that the agreement provides for computer equipment purchases and leases; and that when the agreement is brought back before the Board, there should be very significant costs savings.

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

#22 Change Order No. 1 to the agreement with Ajax Building Corporation for Airport Terminal Improvement Project – Phase 1 Airport Contract No. AP-64 (Bid No. 067-0744-C) approved increasing the agreement amount by \$957,921.10 (revised total agreement, \$8,282,621.10) and extending the contract by 152 days; Chairman authorized to sign and the Clerk to attest.

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

#23 Amendment No. 3 to the Agreement for Consultant Services with LPA Group Incorporated for the St. Petersburg-Clearwater International Airport Terminal Building schematic design phase (PID No. 674) approved increasing the agreement in the amount of \$375,661.00 (Federal Aviation Authority, \$355,450.00; State of Florida, \$10,105.50; Airport [reserves], \$10,105.50) for a revised total amount of \$2,539,681.50.

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

#24 Authorization granted to advertise a public hearing to be held on November 18, 2008 regarding proposed amendments to the Clearwater-Largo Road Corridor Community Redevelopment Plan for the City of Largo (Planning).

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

#25 Other Administrative Matters:

a. Quarterly report of claim settlements for July 1, 2008 through September 30, 2008 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement area of \$25,001.00 to \$50,000.00 (total claims paid, \$40,000.00), received for filing.

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

b. Mr. Marquis announced a Tax Equity Fiscal Responsibility Act (TEFRA) public hearing on behalf of Menorah Manor Senior Living, LLC to be considered at the Board of County Commissioners meeting on November 4, 2008, at 9:30 A.M.; and no objections were noted.

#26 County Attorney authorized to defend the County's interests:

a. Suntrust Mortgage, Inc. versus Ronald J. Pope, et ux., et al. – Circuit Civil Case No. 08-13525-CI-21 – Mortgage Foreclosure Involving a Community Development Mortgage.

b. Allied Veterans of The World, Inc., Affiliate 47, a Florida Non-Profit Corporation versus County of Pinellas, a Political Subdivision of the State of Florida; Pinellas County Sheriff's Department; and Bernie McCabe, State Attorney, Sixth Judicial Circuit – Circuit Civil Case No. 08-12587-CI-021 – Allegations of Alleged Violation of Florida's Gambling Laws/Unlawful Fundraising.

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

#27 County Attorney authorized to initiate litigation in the cases of:

- a. Ken Burke, Clerk of the Circuit Court versus AmSouth Bank and US Asset Recovery, Corp. – Interpleader Action for Surplus Funds Related to Tax Deed Sale.
- b. Pinellas County versus Reid A. Summers – Negligence in the Operation of a Motor Vehicle.
- c. Pinellas County versus Gary Van Worp – Negligence in the Operation of a County-Owned Golf Cart.

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

#28 Consent for the County Attorney’s Office to represent the Pinellas County License Board for Children’s Centers and Family Day Care Homes (PCLB) withheld effective November 1, 2008, with the understanding that the County Attorney will be available to confer with the new attorney for the PCLB for a transitional period not-to-exceed 90 days; transition plan established to provide financial support in the amount of \$7,500.00 to the PCLB to retain legal representation (transition period ends June 30, 2009).

Attorney Bennett indicated that the Juvenile Welfare Board (JWB) attorney has agreed to provide legal counsel to the PCLB, with the understanding that funding is available to assist with hiring counsel for conflict issues.

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

#29 County Attorney Miscellaneous – None.

#30 Item deleted from agenda.

#31 Change Order No. 1 to contract with Insight Public Sector, Inc. for computer hardware, peripherals, software, and services (Hewlett-Packard Company) (Contract No. 067-0050-B) approved increasing the contract amount by \$600,000.00 to cover the cost of estimated future requirements, for all using departments, through the end of the contract (January 8, 2010) (estimated total expenditure not to exceed \$1,436,972.50).

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

- #32 Purchase authorization with National Center for State Courts as per the General Services Administration Contract GS-10F-0285S for consulting services required for the Court Justice Information Systems Buy Project as requested by the Consolidated Justice Information System (CJIS) Policy Board (Contract No. 089-0002-G) for professional and administrative time, travel, and indirect costs for services, including but not limited to risk analysis, project planning, Request for Proposal review and evaluation, demonstrations, gap analysis, vendor site visits, and contract negotiations in an amount not to exceed \$234,740.00, and for optional tasks including quality assurance review and implementation consulting in an amount not to exceed \$104,581.00 (total estimated expenditure not to exceed \$339,322.00) approved.

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

Justice Consolidated Court Management System Project Sponsor Susan M. Jennings related that the National Center for State Courts will provide consulting services to assist the County in its consideration of an off-the-shelf product which would take the place of CJIS II; and that CJIS II has been rebranded to the Justice Consolidated Court Management System; whereupon, Commissioner Welch noted that an off-the-shelf purchase could result in a substantial savings to the County.

- #33 Sitting as the Emergency Medical Services Authority, the Board approved the appointment of William D. Ward as the St. Petersburg Advanced Life Support Provider representative to the Emergency Medical Services Advisory Council.

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

- #34 Sitting as the Emergency Medical Services Authority, the Board approved for execution the Emergency Medical Services Airmedical Transport Service Agreement between Bayfront Medical Center, d/b/a Bayflite, and Pinellas County in the amount of \$625,000.00 without adjustment for inflation for a five-year term effective October 1, 2008.

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

- #35 Modification to WorkNet Pinellas Two-Year Plan to designate WorkNet Pinellas to serve as the one-stop operator and/or a direct provider of certain components or all components of workforce services if deemed necessary by the WorkNet Pinellas, Inc. Board of Directors, approved.

Motion - Commissioner Harris
 Second - Commissioner Latvala

Responding to queries by Chairman Stewart and Commissioner Seel, WorkNet Pinellas Director of Planning and Development Jerome Salatino related that a recent change in federal law allows WorkNet Pinellas to become a one-stop operator; that the request does not include any financial encumbering from the County; that operating as a one-stop provider will save WorkNet Pinellas money which can be used to provide additional services in the community; and that the plan will allow WorkNet Pinellas to become the only service provider if the Board of Directors so deems.

Vote - 7 – 0

#36 Housing and Economic Recovery Act/Housing Toolbox Update.

Director of Community Development Anthony M. Jones conducted a PowerPoint presentation titled *Housing and Recovery Act of 2008*, a copy of which has been filed and made a part of the record, and presented an overview of the Neighborhood Stabilization Program which will provide funds for the redevelopment and repurposing of abandoned and foreclosed homes in neighborhoods of highest need in order to stabilize those neighborhoods and stem the decline in value of homes located in the area.

Responding to query by Commissioner Welch, Mr. Jones provided information on the Help the Homeowners Program authorized as part of the Housing and Recovery Act of 2008; noted that there is also a counseling program available for foreclosure prevention; and encouraged anyone who is being faced with foreclosure to contact their bank to determine whether an arrangement can be made; and in response to query by Commissioner Latvala, he related that properties purchased under the Neighborhood Stabilization Program must be bank-owned or in the process of being foreclosed, and abandoned for 90 days.

Interim County Administrator Marquis suggested that this program would be a good opportunity to partner with Habitat for Humanity; and Mr. Jones noted that discussions are being conducted with that organization and with Boley Center, Homes for Independence, Tarpon Springs Housing Authority, Catholic Charities and others who have partnered with the County in the past and are able to deliver a superior product. In response to query by Commissioner Seel, Mr. Jones related that, with the approval of the Board, the Housing Finance Authority will be the initial purchaser/owner of any property purchased.

Referring to that portion of the PowerPoint presentation headed *Working Towards Our Mission – 2007/2008*, Mr. Jones provided information with respect to current programs, as follows:

- ▶ Rental Housing Development
- ▶ Owner Housing Development
- ▶ Affordable Housing Incentives
- ▶ Down Payment Assistance
- ▶ Home Repair Loan Programs
- ▶ HFA First Time Homebuyers
- ▶ Housing Services

Responding to queries by Commissioner Welch, Mr. Jones indicated that the information provided on rental units is for the County and the City of Largo only; that 207 of the units are new units this year; that most of the Housing Trust Fund dollars have been spent this year; that in accordance with the ordinance governing Housing Trust Fund, monies must be recirculated; and that the reason funds are not used to purchase land is that those funds cannot be recycled; whereupon, Commissioner Seel commented that this would be an opportunity to do some land banking and that any property purchased could eventually be sold to a developer for an affordable housing project, thus recirculating the funds.

Discussion ensued with Commissioner Latvala providing additional comments and Commission Seel suggesting the ordinance governing the Housing Trust Fund be revised to include the ability to purchase land; and Mr. Jones indicated that staff will provide a draft for the Board's review.

Responding to queries by Commissioner Welch and Chairman Stewart, County Attorney Bennett indicated that the County has been fully validated to use Penny for Pinellas funds to purchase lands for use in affordable housing projects; and Mr. Jones related that the Community Land Trust is now in place and able to financially maintain any lands donated for affordable housing.

In response to query by Commissioner Duncan, Chief Assistant County Attorney Dennis R. Long related that the validation includes properties that used enterprise fund assets; that accounting issues involved with utilizing enterprise fund assets would have to be addressed; and that the enterprise fund would have to be reimbursed for the value of the property.

Responding to query by Commissioner Welch, Mr. Jones described the expedited permitting process; and indicated that it is an important incentive to developers because of the holding cost of their funding; and Mr. Marquis provided additional information.

In response to Chairman Stewart's request for information regarding the value of all incentives available for developers and the percentage of total cost those incentives represent, Mr. Jones indicated that he will provide that data for the Board's review.

#37 County Commission Miscellaneous:

- a. Commissioner Morroni thanked the Board and the citizens of Pinellas County for their support.
- b. Commissioner Welch related that he attended the Foreclosure Prevention Workshop; recognized County employees involved; and welcomed Commissioner Morroni back. Go Rays!
- c. Commissioner Latvala welcomed Commissioner Morroni back. Go Rays!
- d. Commissioner Harris welcomed Commissioner Morroni back; provided water conservation tip. Go Rays!
- e. Chairman Stewart related that following contract negotiations with the incoming County Administrator, the County Attorney's Employment Agreement had been reevaluated; whereupon, following discussion, Commissioner Duncan moved, seconded by Commissioner Latvala, to approve the amended and restated Employment Contract of the County Attorney; and upon call for the vote, the motion carried six to one, with Commissioner Seel dissenting.

welcomed Commissioner Morroni back; noted that the Fred Marquis Pinellas Trail had been inducted into the Rail-Trail Hall of Fame; and recognized Jack Lake, Jim Healey, Bill Bunker, Cecil Engelbert, and Reverend J. W. Cate as having been in the forefront of the leaders responsible for bringing Tropicana Field and the Tampa Bay Rays to Pinellas County. Go Rays!

* * * *

At this time, 4:49 P.M., the meeting was recessed and reconvened at 6:37 P.M. with all Commissioners in attendance except for Commissioner Morroni.

* * * *

All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

Interim County Administrator Fred Marquis presented a brief summary of the items scheduled for public hearing and provided instruction to citizens wishing to provide comments.

COUNTYWIDE PLANNING AUTHORITY (CPA) PUBLIC HEARINGS

- #38 Ordinance No. 08-59 adopted approving Case No. CW 08-31, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Low and Preservation to Residential Low, Residential Low Medium, and Preservation, re 23 acres m.o.l. located east and west of 49th Street North and north and south of 162nd Avenue North (regular amendment). Pinellas Planning Council recommended denial of the proposal; staff recommended approval of the proposal. One e-mail message in objection to the proposal has been received. Earlier correspondence submitted for the Pinellas Planning Council meeting includes three letters in objection to the proposal.

Pinellas Planning Council (PPC) Executive Director David P. Healey noted that there is a proposed change to the development agreement included in the proposal; that the revised agreement has not been reviewed by the PPC; that he will not speak to it; and that the process set forth in a joint PPC/CPA resolution calls for a development agreement in connection with a Countywide Plan Map Amendment to be approved by the local jurisdiction and the property owner-party to the agreement prior to the review of the proposed plan amendment.

Referring to the County's policy in support of providing affordable workforce housing, Mr. Healey noted that while it is a worthwhile objective, in this case it does not comport with the principles of good land use planning under the countywide plans and rules; whereupon, he presented the items considered by the PPC in formulating its recommendation, and provided detailed information with respect to the discussion of each item:

- ▶ Plan does not meet the criteria required for consideration of the Residential Low Medium category.
- ▶ Neighborhood compatibility does not exist within the plan.
- ▶ Natural features of the site are not suited to the proposed project.
- ▶ Access and transportation issues attendant to the plan are poor.
- ▶ Development agreement is flawed.
- ▶ Plan fails the balance of interest test.

Mr. Healey stated that it is the recommendation of the Council to deny the amendment, since he does not believe the project is well-suited for the people it was designed to serve; that although there are potential benefits to the project, it asks the adjoining owners to

bear an inordinate burden; and that there is more potential for the project to do harm than good.

Responding to query by Interim County Administrator Marquis, Mr. Healey related that the Planners Advisory Committee recommended approval of the amendment by a vote of 5 to 4; and that the PPC recommended denial of the amendment by a vote of 6 to 3; whereupon, Chairman Stewart noted that since the PPC recommends denial of the item, approval of the item will require a majority vote plus one, or five votes.

Dennis Ruppel, Johnson, Pope, Bokor, Ruppel & Burns, indicated that he represents the applicant and responding to comments by Mr. Healey, stated that the procedure followed during the application process was appropriate since the development agreement presented to the PPC had been approved by the Board and signed by both parties; and the revised development agreement contains no substantive revisions with regard to the land use changes being requested.

Mr. Ruppel related that the site is zoned RPD, Residential Planned Development, which allows density to be concentrated or clustered and then averaged across the entire project area; that this method is commonly used in mixed-use and multi-family projects throughout the county; that the project meets the requirements for density averaging under both the Countywide Rules and the County Code; and that the proposed development and plan amendment are consistent and compatible with the surrounding properties.

Referring to the revised development agreement, Mr. Ruppel noted that following the PPC hearing, the applicant worked diligently with County staff to address the concerns of the neighbors; that the number of units has been reduced from 219 to 193, with 156 units on the County parcel; that the building height has been reduced to no more than 55 feet and no more than three stories of living units above parking; and that 20 percent of the total units built will be committed to affordable housing.

Robert Pergolizzi, Gulf Coast Consulting, referred to the County's Comprehensive and Countywide Plans, and stated that the proposed project is consistent with the goals, objectives, and policies presented in those plans. Noting that the project will be located in an area which can be characterized as mixed-use, he provided information regarding compatibility, existing uses in the area, and the reduction in living units and building height; and noted that the master plan attached to the revised development agreement addresses the issue of compatibility; that the setbacks have been increased to three or four times those required; that some surface parking has been removed to increase the landscape buffer; and that the master plan addresses the concerns of both the PPC and the neighbors.

Referring to the concerns of the PPC with respect to traffic, Mr. Pergolizzi stated that the revised plan reflects a 15 percent reduction in daily trips as compared with the plan as originally presented; that the overall net density is 9.69 units per acre; that the plan provides adequate buffers to the adjoining property; and that the project satisfies the County's desire for affordable housing close to employment centers.

Interim County Administrator Marquis related that if the proposal is approved, the revised development agreement would be presented to the Local Planning Authority for its review on November 17, 2008 and come before the Board for approval on December 2, 2008; and responding to query by Commissioner Latvala, confirmed that any action taken tonight would be subject to the execution of the development agreement, which would normally run for five years and then convert to a deed restriction.

Responding to the Chairman's request for individuals wishing to be heard in favor of the application, Joe Paige, Clearwater, appeared and indicated his support.

Responding to the Chairman's request for citizens wishing to be heard in objection to the application, the following individuals appeared and expressed their concerns:

David A. Bacon, St. Petersburg
George J. Dimoff, Clearwater
Sheila Gantt, Clearwater
Ken Storozow, Clearwater
David S. Waddell, Clearwater
Susan Stefanski, Clearwater
Richard Shott, Clearwater
Bill Medernach, Clearwater

In response to comments by the objectors, Mr. Ruppel produced a letter from Bank of America, a copy of which has been filed and made a part of the record, indicating that the Bank remains committed to the project. He noted that the DCA does not object to the proposal; that the planned development with density averaging will provide approximately 3.7 acres of green area; that none of the proposed land use amendment includes coastal high hazard area; and that the project will be located outside of the one and one-half miles radius from the congested traffic corridor.

Responding to queries by Commissioner Welch, Mr. Ruppel indicated that while the original development agreement contained restrictions with respect to height, further restrictions are contained in the revised agreement; and that the master plan referred to by Mr. Pergolizzi is attached to the revised development agreement. Mr. Marquis reiterated that any decision made tonight is subject to the execution of the revised development agreement; and that since the revisions contained in that agreement are not substantive in nature, a further review by the PPC is not required. Mr. Pergolizzi provided an overview of the traffic patterns and information with respect to the required traffic improvements;

and responding to query by Commissioner Seel, Mr. Ruppel related that the amenities of canoe and kayak access to the water as part of a passive park to be maintained by the City of Largo had been removed from the plan prior to the original presentation to the Board.

Responding to query by Chairman Stewart, Chief Assistant County Attorney Dennis R. Long related that prior to using surplus lands acquired with infrastructure surtax (Penny for Pinellas) monies, the County and the Housing Finance Authority (HFA) jointly filed a bond validation proceeding which addressed certain collateral issues relating to the use of Penny-acquired surplus lands and any other lands declared surplus by the County in affordable housing projects; that a final judgment was entered in those proceedings on August 28, 2008; and that the appeal process expired 30 days later. He noted that the final judgment is forever conclusive to all matters adjudicated therein; that it provides in part that “the acquisition of real property using the proceeds of the Penny and the contribution to a land trust of both surplus property and other property in furtherance of the County’s Community Housing Program as provided by resolution of the HFA is for proper, legal, and paramount public purpose and is fully authorized by law;” and that the mechanism contemplated in both the original and revised development agreements is legally permissible.

In response to query by Commissioner Seel, Director of Public Works and Transportation Peter J. Yauch related that the primary concern of the Florida Department of Transportation (FDOT) was the capacity of Roosevelt Boulevard, which is part of the strategic intermodal system; that the primary capacity constraints exist at the signalized intersections; that the development agreement calls for improvements which will result in a more efficient traffic flow; that the number of trips has been reduced to 117 during peak hours and will be distributed to the south, west and north; and that the actual impact will be in the noise range of daily variation. He noted that the trip reduction coupled with the traffic improvement in the area addressed FDOT’s concerns; that moving the road improvement project site will eliminate the cut-through traffic; and in response to query by Chairman Stewart, indicated that FDOT has a project in design which would provide a fly-over at 49th Street; that the project is not currently funded; that he estimates that, if funded, it will not be complete for at least six to eight years; and that the County’s consideration was not the fly-over project, but the ramp improvements which would take the traffic away from the interchange. In response to queries by Commissioner Latvala, Mr. Yauch noted that there is a lack of public transportation facilities toward the north of the County; and Mr. Smith provided additional information with respect to public transportation in the area. In response to queries by Commissioner Welch, Mr. Smith stated that the height limitation on the property is 70 feet as required by the zoning designation; that the density of ten units per acre is out of the Storm Area; and that the infrastructure is adequate for the project.

Responding to comments by Chairman Stewart, Mr. Marquis related that the development agreement was revised in response to concerns expressed by the neighbors during the public hearing held by the PPC and previous public hearings; whereupon, Chairman Stewart noted that the lack of review of the revised development agreement by the PPC is cause for concern.

Commission Latvala moved, seconded by Commissioner Duncan, that the item be approved; and Mr. Marquis confirmed that the motion to approve is subject to the approval and execution of the revised development agreement. Responding to query by Commissioner Seel, Mr. Smith related that if the item were deferred until the PPC had had an opportunity to review the revised development agreement, there would be a delay of several months before it could move forward.

Thereupon, upon call for the vote, the motion carried 6 to 0.

SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)

At this time, Mr. Marquis read the following announcement:

Public hearing agenda items Nos. 39(a), 50, 51, and 53 represent amendments to the County's Comprehensive Plan which have been reviewed by the Florida Department of Community Affairs and are now proposed for final adoption.

Public hearing agenda items Nos. 39(h), 41, 42, 43, 44, 45, 47, 48, and 49 represent amendments to the County's Comprehensive Plan which are proposed today for transmittal to the Florida Department of Community Affairs (DCA) for review and comment. The DCA is trying to better inform citizens of its determination regarding whether or not local government comprehensive plans and/or plan amendments are in compliance with State law. Therefore, anyone who wishes to hear directly from the DCA regarding its final compliance determination regarding the Comprehensive Plan amendments can see the Board Reporter and leave their name and address. That person's address will then be forwarded to the DCA, and that person will be notified directly by the DCA as to when, and in what newspaper, the DCA will issue its determination regarding the status of the amendment. You will also be informed at that time that you have 21 days after the DCA publishes this determination if you wish to challenge the DCA's findings.

- #39a Ordinance No. 08-60 adopted granting the application of Bayside Reserves, Inc. and Pinellas County Community Development through Pinellas County Community Development, c/o Anthony Jones, Director, and Roxanne Amoroso, Banc of America Community Development Corp., Representatives, for a change in land use designation from Residential Low and Preservation to Residential Low, Preservation, and Residential Low Medium (Z/LU-3-8-07) with a request for a 50 percent affordable housing density

bonus subject to and conditioned on the approval and execution of an amended development agreement in substantially the same form as attached, re several parcels of land containing approximately 23 acres located on the east and west sides of 49th Street, primarily lying north of 162nd Avenue North. Resolution No. 08-122 adopted July 22, 2008, granting the application for a change in zoning and approving the development agreement. Following its review, concerns of the Department of Community Affairs have been addressed; staff recommended approval of the application; and the Local Planning Agency (LPA) recommended denial of the application. Two letters in objection to the application have been received. Correspondence submitted for the Planning and Zoning Examiner's Hearing, the meeting of the Local Planning Agency, and the July 22, 2008 meeting of the Board of County Commissioners includes two letters and a petition containing 52 signatures, one letter and a petition containing 129 signatures, one letter and a petition containing 325 signatures, and a petition containing 133 signatures in objection to the application.

Responding to query by Chairman Stewart, Interim County Administrator Marquis confirmed that the matter is before the Board for final approval; and Mr. Bennett noted that it would be appropriate to incorporate the comments received during the public hearing held for item No. 38 on the agenda so that the matter is complete, and no objections were noted. Planning Director Brian Smith confirmed that the agenda item does not include a request for change of zoning; and that only a request for a change in land use designation is before the Board at this time.

Responding to the Chairman's request for individuals wishing to be heard, David S. Waddell, Clearwater, appeared, expressed his concerns, and provided comment.

In response to comments by the objector, Commissioner Seel provided information with regard to a telephone call she received from a citizen to discuss this matter; noted that the citizen called her at her home without leaving a specific message and she returned the call; and indicated that she contacted County Attorney Bennett to discuss the ex parte, quasi-judicial implications of the conversation; whereupon, Mr. Bennett indicated that an underlying land use decision is a legislative decision as opposed to a quasi-judicial decision; and that the amended development agreement will come before the Board for review and approval as a separate matter at a later date.

Thereupon, Commissioner Duncan moved, seconded by Commissioner Latvala and carried, that the matter be approved, subject to the approval of the amended development agreement.

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

#39b Resolution No. 08-182 adopted granting the application of Johnston Jewelers, Inc. through Jacob F. Stowers, Representative, for a change in zoning from C-1, Neighborhood Commercial, and R-3, Single-Family Residential to C-2, General Retail Commercial and Limited Services; Ordinance No. 08-61 adopted approving a change in land use designation from Commercial General and Residential Urban to Commercial General (Z/LU-1-6-08), subject to further review and approval by the Pinellas Planning Council and the Countywide Planning Authority, re three parcels of land containing approximately 0.55 acre located on the northeast corner of 104th Avenue North and Seminole Boulevard, Seminole. Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

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

#39c Resolution No. 08-183 adopted granting the application of Mary Kay Rowe, Trustee, through W. Kelly Prior, Jr., in care of Colliers Arnold, Representative, for a change of zoning from A-E, Agricultural Estate Residential, to M-1, Light Manufacturing and Industry (Z-1-7-08),), re two parcels of land containing approximately 1.2 acres located on the west side of U.S. Alternate 19 lying southwest of the Sherwood Forest Travel Trailer Park, Palm Harbor. Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received.

Responding to the Chairman’s request for individuals wishing to be heard, JoAnn Totty, Palm Harbor, appeared and expressed her concerns; and W. Kelly Prior, Jr., Colliers, Arnold Commercial Realty, stated that he represents the seller; and that the purpose of the requested change in zoning is to bring the parcels into conformity with the existing land use.

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

#39d Ordinance No. 08-62 adopted granting the application of TPA Investments, LLC, in care of Grady Pridgen, III, through Steve Kurcan, Representative, for a change in land use designation from Residential Urban, Commercial General, and Preservation to Commercial General (LU-3-7-08) with the condition that the transportation concurrency issues be addressed at the time of site plan review, and subject to further review and approval by the Pinellas Planning Council and the Countywide Planning Authority, re a parcel of land containing approximately 5.6 acres located on the north side of Park Boulevard and lying 650 feet west of 66th Street North, Pinellas Park (street address: 6721 Park Boulevard). Staff recommended approval of the application based on the

Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

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

- #39e Ordinance No. 08-63 adopted granting the application of Penpro, Inc., in care of Christine and Scott Pendleton, for a change in land use designation from Residential/Office-General to Residential/Office/Retail and a variance to allow the existing structure on a lot with 9,240 square feet mol of lot size where 10,000 square feet of lot size is required (LU-4-7-08) subject to further review and approval by the Pinellas Planning Council and the Countywide Planning Authority, re two parcels of land containing approximately 0.1 acre located on the northwest corner of U.S. Alternate 19 and Ulelah Avenue, Palm Harbor (street address: 3111 Alternate 19). Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. Earlier correspondence submitted for the Planning and Zoning Examiner’s Hearing includes a petition containing five signatures in support of the application.

Planning Department Zoning Manager John F. Cueva referred to a land use map, pointed out the subject parcel, and identified land use designations in the surrounding neighborhood. He related that the change in land use will bring the site into conformity; that the applicant wishes to expand the business to include additional seating; that the application includes a variance which will go before the Board of Adjustment and require a full permitting process if the application is approved; that staff recommends approval of the request; and in response to query by Interim County Administrator Marquis, he indicated that the residential property to the west is owned by the applicant.

Responding to the Chairman’s request for individuals wishing to be heard, Beverly D. Hole and Mitzi Dasher, Palm Harbor, appeared and expressed their concerns.

In response to the concerns of the objectors, Mr. Cueva described the retail uses which would be allowed under the requested land use designation; related that the issues of any new business ventures and the need for additional parking will be explored during site plan review; and indicated that the neighbors within a minimum radius of 200 feet would be notified by mail if the applicant were to request a license for beer and wine.

Speaking in rebuttal to the comments of the objectors, Christine Pendleton, Tampa, reiterated that the proposed land use change is being requested in order to bring the property into conformity; and that this will allow the business to be rebuilt in the event that it is destroyed by disaster.

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

#39f Resolution No. 08-184 adopted granting the application of the Pinellas County Planning Director for a change of zoning from RM-7.5, Residential, Multiple Family, 7.5 units per acre to C-2, General Retail Commercial and Limited Services (Z-6-7-08), re a parcel of land containing approximately 0.7 acre located on the west side of U.S. Alternate 19, 180 feet north of Crystal Beach Avenue, Crystal Beach. Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

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

#39g Resolution No. 08-185 adopted granting the application of Bob’s Best Properties, Walker Hauling, Inc., and Best Metal Recycling for a change of zoning from RM-7.5, Residential, Multiple Family, 7.5 Units Per Acre to M-1, Light Manufacturing and Industry; Ordinance No. 08-64 adopted approving a change in land use designation from Residential Urban to Industrial Limited (Z/LU-1-8-08), subject to further review and approval by the Pinellas Planning Council and the Countywide Planning Authority, re four parcels of land containing a total of approximately 1.46 acres located on the east and west side of 63rd Street North, 250 feet north of 150th Avenue North, Clearwater. Staff recommended the approval of the application based on the Local Planning Agency Report. Planning Department authorized to undertake further study of the area to identify additional amendments to the category of Industrial Limited to better recognize the existing land use pattern in the area. No correspondence has been received. No citizens appeared to be heard.

Planning Department Zoning Manager John F. Cueva referred to a zoning and land use map, pointed out the subject parcel, and identified various additional non-conforming uses in the surrounding neighborhood. He related that in the near future, the Planning Department will be examining the non-conforming uses to determine how best to bring them into conformity and avoid any problems that might arise due to destruction of the businesses during a disaster; and Mr. Marquis provided additional information.

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

* * * *

At this time, 9:16 P.M., Commissioner Seel left the meeting.

* * * *

#39h Resolution No. 08-186 adopted denying without prejudice the application of Lake Shore Development, LLP through West Coast Design, Inc., Representative, for a change of zoning from R-6, Mobile Home Parks and Subdivisions, to RM-12.5, Residential, Multiple Family, 12.5 Units Per Acre; Resolution No. 08-187 adopted denying without prejudice a change in land use designation from Residential Urban to Residential Medium; Resolution No. 08-188 adopted approving a change of zoning from R-6, Mobile Home Parks and Subdivisions, to RM-10, Residential, Multiple Family, 10 units Per Acre, as recommended by staff based on the Local Planning Agency report and agreed to by the applicant; Ordinance No. 08-65 adopted approving a change in land use designation from Residential Urban to Residential Low Medium, as recommended by staff based on the Local Planning Agency report and agreed to by the applicant (Z/LU-2-7-08), re a parcel of land containing approximately 3.7 acres of upland acres (4.8 acres total – includes water) located on the east side of Seminole Boulevard lying between Grove Terrace and Valencia Terrace, Seminole. No correspondence has been received. Earlier correspondence submitted for the Planning and Zoning Examiner’s Hearing and the meeting of the Local Planning Agency includes one letter in support of and one letter in objection to the application.

David Littell, West Coast Design, Inc., indicated that he represents the applicant; that the applicant agrees with the alternative recommended by staff; and that he is requesting that the board approve the application, as amended; whereupon, David Middleton, Lake Shore Development, LLP, provided information regarding zoning and land use designations in the area; related that the redevelopment will promote and is consistent with the Seminole Watershed Plan; that at this time there is no planned development on property located within the 100-year flood plain; and that the applicant concurs with staff’s recommendation.

Responding to the Chairman’s request for individuals wishing to be heard, Eleanor Gray and Jerry Snow, Seminole, appeared and expressed their concerns.

In response to the concerns of the objectors, Planning Department Zoning Manager John F. Cueva related that although the applicant has indicated it will erect a wall between the site and the adjoining parcel to its north, there is no development agreement relating to the application and no mechanism exists which would require the applicant to do so; and Interim County Administrator Marquis confirmed that the alternative recommended by staff will reduce the intensity of the requested zoning change.

Motion	-	Commissioner Welch
Second	-	Commissioner Duncan
Vote	-	5 – 0

#39i Resolution No. 08-189 adopted denying the application of the Pinellas County Planning Director for a change in land use designation from Industrial Limited to Industrial General and a development agreement (LU-5-7-08), re two parcels of land containing approximately 9.9 acres located on the west side of Starkey Road, lying 2,600 feet north of Ulmerton Road, Largo. Staff recommended approval of the application based on the Local Planning Agency Report. Two letters, 19 e-mail messages, and a presentation in objection to the application have been received. Earlier correspondence submitted for the Planning and Zoning Examiner’s Hearing and the meeting of the Local Planning Agency includes 21 letters in objection to the application.

Referring to a land use map and aerial photographs, Planning Department Zoning Manager John F. Cueva pointed out the subject parcel, identified zoning and land use designations, and described businesses currently in operation in the surrounding neighborhood. He noted that the property owner is cognizant of the concerns expressed by the neighbors and has revised the development agreement to ensure that no processing of fiberglass products will occur on the site; that the part of the parcel not included in the application may be used for heavy vehicle parking; and that the green area serves as a buffer to the adjacent properties.

* * * *

At this time, 9:31 P.M., Commissioner Seel returned to the meeting.

* * * *

Department of Environmental Management Air Quality Division Director Peter A. Hassling related that the County has been addressing the issue of fugitive dust in the area; and that the dust is caused by a variety of sources. He indicated that approximately 60 complaints related to odors have been received in the last few years; that asphalt odors have only been verified by the County on three occasions; that odors are difficult to substantiate and verify; and that when a source of odor was verified at the subject site, the company took action to remedy the situation.

Responding to query by Commissioner Latvala, Mr. Hassling reiterated that all of the industrial operations in the area are sources of fugitive dust particulates; that the County has been proactive in the control and abatement of the dust; and that the businesses have state air permits and the County inspects the premises at least once each year and does periodic drive-by inspections to ensure that the operations are in compliance; whereupon, Mr. Cueva related that if the proposed development agreement is approved, a deed

restriction would be placed on the property and recorded, limiting conditions that would not expire and which could not be revised without a full public hearing process.

E. D. Armstrong, Johnson, Pope, Bokor, Ruppel & Burns, indicated that he represents the property owner. He stated that the Board's decision on the application should be based on the goals, policies and objectives of the County's Comprehensive Plan; and that the nonconforming asphalt use on the subject site was established in 1955 and has never been abandoned.

Ethel Hammer, Engelhardt, Hammer & Associates, Inc., provided an historical summary of the progression of the area's mixed use status from 1962 to the present, and noted that the changing character of the area has produced problems for industrial land use. She noted that while the City of Largo is opposed to the subject application, it has performance standard zoning which permits different uses to be located adjacent to each other if specific standards are met; and that the green area between the subject site and the adjacent residential site far exceeds the required 50-foot setback.

Ms. Hammer noted that the County's Comprehensive and Countywide Plans, Pinellas By Design, and the recent Land Use Study all focus on the maintenance and encouragement of industrial land use; that the area in question is one of the largest and most intense industrial enclaves in Pinellas County; that this mix of heavy and light industrial uses is not uncommon throughout the County; that the approval of the application will not result in additional adverse impacts to the area; and that the proposed development agreement coupled with the deed restrictions embedded as a condition of the agreement ensures the operation of the asphalt plant operation into the future. She indicated that the application meets the intent statement contained in the Comprehensive Plan and the Countywide Rules for the requested land use category of Industrial General; whereupon, she requested that the documents referred to in her testimony be entered for the record.

Responding to the Chairman's request for citizens wishing to be heard in objection to the application, the following individuals appeared and expressed their concerns:

Marilyn Westropp, Largo
Chris Chrisci, Largo
George Haynor, Largo
Mayor Patricia Gerard, Largo
Community Development Director, Carol Strickland, Largo
City Manager Norton Craig, Largo
James McNally, Largo
Gregory D. Clark, Largo
Lesley Kelly, Largo
Sharon Bobowski, Largo
Michael Marsalek, Largo
Roy Van Nostran, Largo
Samantha Fenges, Largo
Linda M. McKenna, Largo

Barbara Duval, Largo
Satendra P. Singh, Largo
Jimmy J. Smith, Largo
Rob Surette, Largo
Douglas Murrell, Largo

Responding to query by Commissioner Welch, Interim County Administrator Marquis related that the zoning and land use were not matched when the land use plan was put into place; that the error goes back to 1974; that, historically, when an error occurs between the zoning and land use category designation, the Planning Director applies for the correction; and that he instructed staff to proceed in that manner.

County Attorney Bennett provided an explanation of the concept of abandonment and the 90-day rule triggering the termination of a nonconforming use. He noted that in order to protect the rights of grandfathered properties, there must also be a demonstration of intent to abandon; and that a nonconforming use can only be terminated if both the 90-day requirement and a clear demonstration of intent to abandon are present.

Commissioner Seel moved, seconded by Commissioner Welch, that the application be denied; whereupon, Commissioner Latvala stated that the City of Largo allowed residential use abutting the industrial property; that the business has been in this location since 1955; and that she will not support the motion to deny the application. Following additional discussion, the motion carried 4 to 2, with Commissioners Latvala and Duncan dissenting.

Motion - Commissioner Seel
Second - Welch
Vote - 4 – 2 (Commissioners Latvala and Duncan dissenting)

#40 Ordinance No. 08-66 adopted providing that sections 130-106 and 130-107 of the Pinellas County Code be amended to add areas along the shore of Fort DeSoto Park and Sand Key Park as Vessel Exclusion Zones; providing for severability; providing for inclusion in the Pinellas County Code; providing for an effective date; and providing for any modifications that may arise from review of the Ordinance at public hearing. No correspondence has been received. No citizens appeared to be heard.

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

#41 First public hearing held regarding a proposed ordinance to amend the Pinellas County Comprehensive Plan to include the Economic Element goals, objectives, and policies. Staff authorized to transmit proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments

received from the DCA. No correspondence has been received. No citizens appeared to be heard.

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

- #42 First public hearing held regarding a proposed ordinance to amend the Transportation Element, Capital Improvements Element, and the Concurrency Management System section of the Pinellas County Comprehensive Plan. Staff authorized to transmit proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA. No correspondence has been received. No citizens appeared to be heard.

Responding to query by Commissioner Seel, Planning Director Brian K. Smith indicated that due to a change in State law, the limiting of redevelopment and additional trips on a roadway is now maintained by a process termed *proportional share projects*, and the long-term Concurrency Program can no longer be used.

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

- #43 Interim County Administrator Marquis noted that agenda items Nos. 43 through 49 are relative to those portions of the Pinellas County Concurrency Management and Comprehensive Plans pertaining to the Brooker Creek Preserve and the Wilde tract; whereupon, Director of Environmental Management William M. Davis provided a brief overview of the Brooker Creek Preserve Management Plan Update adopted by the Board on August 19, 2008; and noted that the next seven agenda items are the follow-through on that plan which will create and apply the zoning and land use overlays described therein; and Interim County Administrator Marquis noted that both the Friends of Brooker Creek and the Environmental Science Forum concur with the recommendations currently before the Board.

Mr. Davis related that some concerns had been expressed by the Friends of Brooker Creek; that these concerns have been addressed; and that the plan is ready to move forward. Referring to a map of the area, he pointed out the parcels to be rezoned and designated Preservation Resource Management or Preservation.

In response to query by Commissioner Harris, Mr. Davis clarified that the changes were presented to the Board in the Brooker Creek Preserve Management Plan as recommendations; and that they are before the Board for consideration and action at this time.

Referring to agenda item No. 49 wherein action is proposed on the property known as the Wilde tract, Mr. Davis related that the land use designation on 778 acres will be Preservation Resource Management with an overlay which allows well field development, well heads, and horizontal construction; that there is an additional 100 acres which will be the recreational piece; and that there is a Public Utilities Transportation Corridor included in this item; whereupon, Interim County Administrator Marquis noted that items Nos. 43 through 48 address corrections and Comprehensive Plan issues; and that the zoning action with respect to the recreational portion of the Wilde tract will be addressed in item No. 49.

Referring to agenda item No. 43, Mr. Marquis related that the matter before the Board is the authorization to transmit the proposed ordinance to the Department of Community Affairs; and that final action by the Board is expected to occur in January or February 2009.

First public hearing held regarding a proposed ordinance to amend the Housing Element, the Natural Resource Conservation and Management Element, the Potable Water Supply, Wastewater and Reuse Element, and the Public School Facilities Element of the Pinellas County Comprehensive Plan. Staff authorized to transmit proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA. One letter, four telephone calls, and four e-mail messages have been received.

Planning Director Brian K. Smith noted that in order to address a concern expressed by the Friends of Brooker Creek, public hearings will be held regarding the location of the 200 acres to be used for vertical well construction; and responding to query by Commissioner Seel, Mr. Marquis related that references to all but potable water has been eliminated from the ordinance.

In response to the Chairman's request for individuals wishing to be heard, Barbara Hoffman, Tarpon Springs, appeared on behalf of the Friends of Brooker Creek and expressed their support.

Responding to query by Ms. Hoffman with respect to the type of public hearing process to be used when noticing any proposed vertical well activity, Mr. Marquis related that the County will conduct all public hearings in accordance with the requirements of the permitting agency involved; and discussion ensued.

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

#44 First public hearing held regarding a proposed ordinance to amend the Preservation-Resource Management Future Land Use Map Category of the Pinellas County Comprehensive Plan. Staff authorized to transmit the proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA. One letter, four telephone calls, and four e-mail messages in objection to the proposed ordinance have been received. Earlier correspondence submitted for the Planning and Zoning Examiner's Hearing and the meeting of the Local Planning Agency includes three e-mail messages in objection to the proposed ordinance.

Planning Director Brian K. Smith provided a brief description of the purpose of the proposed ordinance; related that the Pinellas Planning Council has recommended the separation of the overlays into two categories to separate the areas bought with Preserve monies and that bought with Utilities monies; and noted that this revision will be made when the item comes back to the Board for approval; and Mr. Marquis provided additional input.

Responding to query by Commissioner Harris, Mr. Smith indicated that the proposed ordinance is merely providing land use control; and that no new water utility will be created; whereupon, Mr. Marquis noted that the proposed ordinance provides definitions of what will be applied as the overlays.

Responding to the Chairman's request for individuals wishing to be heard in favor of the application, Barbara Hoffman, Tarpon Springs, appeared on behalf of the Friends of Brooker Creed and indicated their support.

Responding to the Chairman's request for individuals wishing to be heard in objection to the application, Rick Millian appeared and expressed his concerns.

In response to comments by the objector, Mr. Marquis related that items Nos. 43 through 48 were properly noticed; whereupon, Mr. Smith confirmed that the only item which was incorrectly noticed was agenda item No. 49 in connection with the Wilde tract; and Senior Assistant County Attorney David S. Sadowsky provided input.

Planning Department Section Manager Elizabeth S. Freeman presented specific information with regard to the process used to provide notification of Local Planning Agency (LPA) public hearings; related that the requirements of the Pinellas County Code had been met for the LPA hearing; and indicated that advertisement of an LPA hearing does not legally require the inclusion of a map.

County Attorney Bennett confirmed that the issue at hand for the agenda item currently under consideration is whether to approve the transmittal of the proposed ordinance to the DCA and provided an explanation of the difference between a legally required notice

which appears in a newspaper and a courtesy notice which is mailed by staff, noting that the testimony indicates that the Planning Department made every effort to accommodate the concerns of the citizens and that the legal requirement for notice was satisfied; whereupon, Commissioner Seel stated that the Board set the standard for proper notice, with a map, beyond what is legally required; and requested that the matter be addressed under Item No. 49.

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

- #45 First public hearing held regarding a proposed ordinance to amend the Preservation/Conservation and Preservation-Resource Management Zoning Districts of the Pinellas County Zoning Code. One letter, four telephone calls, and four e-mail messages in objection to the proposed ordinance have been received. Second public hearing to be held in January or February 2009 when the related amendments to the Comprehensive Plan are considered for adoption by the Board.

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

- #46 Resolution No. 08-190 adopted granting the application of the Pinellas County Planning Director through William M. Davis, Pinellas County Department of Environmental Management, Representative, for a change of zoning classification of approximately 5,800 acres located with the Pasco County Line to the north, the Hillsborough County Line to the east, Progress Energy Transmission Lines and abutting Forest Lakes Boulevard to the south, and lying east of East Lake Road (Brooker Creek Preserve) from RPD-0.5-W, RPD-2.5/1.0-W, RPD-1-W, Residential Planned Development, .5, 2.5/1.0, 1 upa, (W) Wellhead Protection Overlay, A-E-W, Agricultural Estate Residential, E-1-W, Estate Residential and M-1-W, Light Manufacturing to P-RM-W, Preservation Resource-Management, W-Wellhead Protection Overlay, P/C-W, Preservation Conservation, and W-Wellhead Protection Overlay (Z-5-9-08). Staff recommended approval of the application based on the Local Planning Agency Report. One letter, four telephone calls, and five e-mail messages in objection to the application have been received. Earlier correspondence submitted for the meeting of the Local Planning Agency includes 23 letters in objection to the application.

Interim County Administrator Marquis noted that the resolution will serve to bring conformity to all parcels which are part of the Brooker Creek Preserve; and Planning Director Brian K. Smith provided additional information.

Responding to the Chairman’s request for individuals wishing to be heard in favor of the application, Barbara Hoffman, Tarpon Springs, appeared and indicated her support.

Responding to the Chairman's request for individuals wishing to be heard in objection to the application, Rick Millian appeared and expressed his concerns.

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

- #47 First public hearing held regarding a proposed ordinance to amend the Pinellas County Future Land Use Map on approximately 16.4 acres within the Brooker Creek Preserve (LU-6-9-08). Staff authorized to transmit the proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from the DCA. One letter, four telephone calls, and four e-mail messages in objection to the proposed ordinance have been received.

Planning Director Brian K. Smith related that the proposed ordinance will provide a land use designation of Preservation and Preservation-Resource Management for parcels within Brooker Creek which currently have no land use designation or a designation of Residential Rural.

Responding to the Chairman's request for individuals wishing to be heard in objection to the application, Rick Millian appeared and expressed his concerns.

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

- #48 First public hearing held regarding a proposed ordinance to amend the Pinellas County Future Land Use Map to apply Potable Water Resource Overlays on certain properties designated as Preservation-Resource Management that are assets of Pinellas Utilities or Tampa Bay Water and located within the Brooker Creek Preserve. Staff authorized to transmit proposed ordinance to the Department of Community Affairs (DCA) for review and comment. Final Board approval contingent upon comments received from DCA. One letter, four telephone calls, and four e-mail messages in objection to the proposed ordinance have been received.

Responding to the Chairman's request for individuals wishing to be heard in favor of the application, Barbara Hoffman, Tarpon Springs, appeared and indicated her support.

Responding to the Chairman's request for individuals wishing to be heard in objection to the application, Rick Millian appeared and expressed his concerns.

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

- #49 First public hearing held regarding a proposed ordinance to amend the Pinellas County Future Land Use Map and the Zoning Atlas relating to the Wilde property. Staff authorized to transmit proposed ordinance to the Department of Community Affairs for review and comment and to the Pinellas Planning Council (PPC) to initiate the Countywide Map Amendment Process. Final action will be taken by the Board after this review and is expected in January or February 2009.

Referring to the land use map, Planning Director Brian K. Smith pointed out the location of the 100-acre site proposed to be designated Preservation Resource Management and noted that there is a wide range of uses which could occur under that land use designation; whereupon, Director of Culture, Education, and Leisure Paul A. Cozzie pointed out the location of the existing East Lake Youth Sports Association (ELYSA) ball fields; noted that there is no firm plan for the building of the new ball fields; and related that the plan is conceptual at this point. He related that ELYSA would like four to five multi-purpose fields and two baseball fields to be built on the site; and that if the land use designation is amended to Recreation/Open Space, the Board of Adjustment grants the required special exception, and the funds are available, the concept plan calls for the ball fields to be built on 25 acres in the northeast corner of the 100-acre site, which is the furthest point from the neighboring residences.

Mr. Cozzie noted that the neighbors have expressed their concerns with respect to an increase in noise, lights, and traffic if the ball fields are constructed, and presented various actions which could be taken to mitigate these issues, including a vegetation buffer, lighting restrictions, and a change in traffic pattern, and Mr. Marquis related that it is the recommendation of staff that the lease of 38 acres of pine forest to ELYSA be cancelled in order to bring that acreage back into the County inventory.

In response to the Chairman's request for citizens wishing to be heard, the following individuals appeared and provided comments in support:

Joe Paige, Clearwater
Rick Watson, Palm Harbor
Barbara Hoffman, Tarpon Springs
Brian Caulfield, Oldsmar

In response to the Chairman's request for citizens wishing to be heard, the following individuals appeared and expressed their concerns:

Rick Millian, Oldsmar
Jeanne Davies, Tarpon Springs
Shirley Muller, Tarpon Springs
F. Douglas Rey, Tarpon Springs
David Jackson, Clearwater
Iris Harbert, Tarpon Springs
Patrick Harbert, Tarpon Springs

Brian DiLenge, Tarpon Springs
Sue DiLenge, Tarpon Springs
Chris Holets, Tarpon Springs
Stefanie Stefanelli, Tarpon Springs
Cathie Foster, Tarpon Springs

Responding to queries by Commissioner Welch and noting that today's discussion is far ahead of the actual process on this item, Mr. Cozzie related that if the County is providing land for recreational facilities, there would be an expectation in the license agreement that the fields would be available for public use; and that the agency maintaining the fields, in this case ELYSA, would have right of first use; but that the land would not be closed off to the public and handed over to ELYSA. Mr. Marquis noted that if the matter is deferred, it cannot be submitted to the DCA until July or August of 2009, which would probably delay any construction of the sports fields for two seasons.

Noting that deferring the matter would cause an unnecessary delay of the project, Commissioner Harris moved, seconded by Commissioner Latvala, that the item be approved.

Mr. Smith confirmed that the next submittal to the DCA will be in April; and that the intended specific use on the property requires a public hearing for a special exception before the Board of Adjustment; whereupon, Mr. Marquis related that the development plan will also require a public hearing before the Commissioners.

County Attorney Bennett provided a detailed explanation of the notice of public hearing requirement, and confirmed that the intent of the Board to ensure community involvement by providing notification in the form of posting a sign on the property and issuing notice to property owners within 200 feet of the site has been satisfied; and Commissioner Seel asked that every effort be made to improve communication and work with the neighbors going forward on this matter.

Thereupon, upon call for the vote, the motion carried 6 to 0.

- #50 Ordinance No. 08-67 adopted amending the Recreation, Open Space, and Culture Element, the Natural Resource Conservation and Management Element, and the Intergovernmental Coordination Element of the Pinellas County Comprehensive Plan to correct certain numbering references in the goals, objectives and policies; in the Transportation Element of the Pinellas County Comprehensive Plan, amending policy 1.8.1., amending Figure 4-1, Pinellas Trail Network, to identify locations of existing trail segments, amending Figure 5-5, Pinellas Transit Authority Bus Routes, to make graphical corrections and to identify additional transfer centers, amending Figure 6-1, Intermodal Facilities and Access Roads, to identify additional transfer centers, and amending Table 1-1, Deficient Road Segments – Existing Conditions, to correct project information references; amending Table 16 of the Capital Improvements Element to update project

costs and project start and completion dates; amending Policy 1.2.9 of the Future Land Use and Quality Communities Element; providing for other modifications that may arise from review of this Ordinance at the public hearing and/or with other responsible parties; providing for severability; providing for location of records; and establishing an effective date. No correspondence has been received. No citizens appeared to be heard.

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

- #51 Ordinance No. 08-68 adopted amending the Future Land Use Map Category Descriptions and Rules of the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan; providing for alternative density and intensity standards for permanent transient accommodation use; providing for requirements to utilize such alternative density and intensity standards; providing for the inclusion of new definitions in support of such alternative density and intensity standards; providing for other modifications that may arise from review of this Ordinance at the public hearing and/or with other responsible parties; providing for severability; providing for location of records; and establishing an effective date. No correspondence has been received. No citizens appeared to be heard.

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

- #52 Ordinance No. 08-69 adopted amending Chapter 138, the Zoning Provisions of the Pinellas County Land Development Code, to create the Transient Accommodation Overlay Zoning District; providing for definition, purpose and intent of the District; providing for density and intensity standards for permanent transient accommodations subject to achieving specific requirements, including approval of a development agreement; providing for amended definitions of “hotel” and “motel;” providing for other modifications that may arise from review of this ordinance at the public hearing and/or with other responsible parties; providing for severability; providing for inclusion in the Pinellas County Land Development Code; and establishing an effective date. No correspondence has been received. No citizens appeared to be heard.

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

- #53 Ordinance No. 08-70 adopted amending the Future Land Use Map Category descriptions and rules for the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan; providing for changes to the mandatory rule on transferable development rights associated with Future Land Use Map Preservation and Open Space categories by amending the definition of Coastal Submerged Lands; providing for other

modifications that may arise from review of this Ordinance at the public hearing and/or with other responsible parties; providing for severability; providing for location of records; and establishing an effective date. No correspondence has been received. No citizens appeared to be heard.

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

CITIZENS TO BE HEARD

JoAnn Totty, Palm Harbor, re Palm Harbor Street Scape.

#54 Meeting adjourned at 1:32 A.M., October 22, 2008.

Chairman

ATTEST: KEN BURKE, CLERK

By: _____
Deputy Clerk