

Clearwater, Florida, November 18, 2003

The Board of County Commissioners in and for the County of Pinellas met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 3:07 P.M. on this date with the following members present: Karen Williams Seel, Chairman; Susan Latvala, Vice-Chairman; Barbara Sheen Todd; Robert B. Stewart; Calvin D. Harris; John Morroni; and Kenneth T. Welch.

Absent: None.

Also present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Cathy Fickley and Arlene Smitke, Board Reporters.

Pastor Joe Glymph from Prince of Peace Lutheran Church, Largo, pronounced the Invocation which was followed by the Pledge of Allegiance to the Flag led by Commissioner Harris.

A G E N D A

A. CONSENT AGENDA

CLERK OF THE CIRCUIT COURT

1. Approval of Minutes of Regular Meeting Held on October 7, 2003.
2. Reports:
 - a. Dock Fee Report for the Month of September 2003.
 - b. Quarterly Report of Routine Dock Permits Issued from July 1, 2003 through September 30, 2003.
 - c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2003-17 Dated October 23, 2003 – Follow-Up Review to Audit of Real Property Records.
 - d. Internal Audit Division, Clerk of the Circuit Court, Report No. 2003-18 Dated October 30, 2003 – Follow-Up Review to Audit of Heritage Village.
 - e. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Clerk of the Circuit Court.
 - f. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Clerk of the Circuit Court Public Records Modernization Trust Fund.

November 18, 2003

- g. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Tax Collector.
 - h. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Sheriff's Office.
 - i. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Property Appraiser.
3. Other Approvals:
- a. General – None.
 - b. Vouchers and Bills Paid.
4. Miscellaneous Items to be Received for Filing:
- a. City of Largo Notice of Public Hearing Held October 21, 2003 Regarding Ordinances Nos. 2004-01 with Notice to Property Owners, and 2004-04 Annexing Certain Property.
 - b. Correspondence from the City of Pinellas Park Regarding Three Ordinances Voluntarily Annexing Certain Property; Public Hearing to be Held November 13, 2003.
 - c. Town of Redington Beach Resolution No. 2003-24 Supporting the Improvement of Gulf Boulevard between Walsingham Road and Park Boulevard, Adopted September 8, 2003.
 - d. Barrier Islands Governmental Council (BIG-C) Minutes of Meeting of September 24, 2003, Together with Agenda for Meeting of October 29, 2003.
 - e. Suwannee County Board of County Commissioners Resolution No. 2004-01 Adopted October 7, 2003 Reaffirming Resolution No. 98-02 Regarding Local Sources First Policy Pertaining to Florida's Water Resources.
 - f. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 12 Dated September 18, 2003; Financial Statement Dated September 2003; and Minutes of Public Trim Hearing 2003-2004, Millage Rate/Budget Held September 25, 2003.
 - g. One Item Related to Dock, Pier and Wharf Construction Contract Bonds.

COUNTY ADMINISTRATOR

Public Works

5. Approval of an Amendment to the Escrow Agreement with Miserere Guild, Inc. d/b/a Calvary Catholic Cemetery.

Utilities

6. Approval of Change Order No. 1 (Final) with Rowland, Inc. and Release of Retainage for the 72nd Avenue North Reclaimed Water Distribution System Project.

November 18, 2003

7. Approval of Change Order No. 3 (Final) with QRC, Inc., for the Annual Water and Reclaimed Main Installation Fiscal Year 2002 Agreement.
8. Approval of Awards of Bids to:
 - a. Bond Engineering, Inc. for Bi-Weekly Preventative Maintenance of Odor Control Units.
 - b. QRC, Inc. for Backflow Prevention Devices Installation.
 - c. Rockdale Pipeline, Inc. for the City of Belleair Beach and Town of Belleair Shore Reclaimed Water System Project.
9. Approval of the Commercial Umbrella and General Liability Insurance Premium Payment at the Resource Recovery Facility.

Other Departments

10. Approval of Receipt and File Report of Items Delegated to the County Administrator for Signature (County Administrator).
11. Adoption of a Resolution Authorizing the Expenditure of Public Funds for Expenses Related to the Recruitment of the Airport Director (County Administrator).
12. Adoption of a Resolution for Assessment of Liens against Lands Cleared (Environmental Management).
13. Approval of a Supplemental Award for Continuing U.S. Environmental Protection Agency PM2.5 Air Monitoring Network Program Grant (Environmental Management).
14. Approval of Budget Amendments Nos. 37-42 for Fiscal Year 2003 (Management and Budget).
15. Approval of an Award of Bid for Paint and Supplies to M.A.B. Paints and Coatings (Purchasing).
16. Approval of the Receipt and File Report of Claim Settlements for the Period of July through September 2003 (Risk Management).

B. AUTHORITIES

EMERGENCY MEDICAL SERVICES AUTHORITY

17. Ratification of the Purchase of a Dry Freight Truck and an Ambulance Truck Wash System.

C. REGULAR AGENDA

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

COUNTY ADMINISTRATOR

Public Works

19. Approval of an Award of Bid of S-I and S-III Asphalt – Pick Up Only (Cooperative) to Suncoast Paving, Inc. for North County Requirements and APAC-Southeast, Inc. for Mid/South County Requirements.
20. Approval of an Award of Bid for Ft. DeSoto Water Circulation Bridges.
21. Approval of an Agreement with Kisinger Campo and Associates Corporation for Professional Engineering Consultant Services for the 20th Avenue Southeast from Lake Avenue to Starkey Road Improvement Project.
22. Approval of Amendment No. 1 to the Agreement for Professional Engineering Consultant Services with URS Corporation Southern for the Park Street/Starkey Road – Tyrone Boulevard to Bryan Dairy Road Project.
23. Approval of the Agreement with H. W. Lochner, Inc. to provide Professional Engineering Services for the Haines Road from U.S. 19 to Interstate 275 Improvement Project.
24. Approval of the Preliminary Engineering Report (Drainage Study) for the Bear Creek Channel Improvements Project.
25. Approval of the Acquisition of Property from the Pinellas Suncoast Transit Authority.

Utilities

26. Approval of Change Order No. 1 (Final) with Clark and Logan, Inc. and Release of Retainage for the Utilities Building Renovations.
27. Approval of the Agreement for Professional Engineering Consultant Services for the Florida Department of Transportation Utility Relocations.

Other Departments

28. Approval of the Master Emergency Broadcast Services Agreement (Communications).
29. Adoption of a Resolution Approving a Transfer of the Verizon Media Ventures Incorporated Cable Franchise to Knology New Media Incorporated (Communications/County Attorney) - To be Continued to 12/2/03 BCC Mtg.
30. Approval of the Agreement Funding the East Lake Community Library (County Administrator/County Attorney).
31. Approval of the Hurricane Shelter Retrofit Agreement with the State of Florida Department of Community Affairs (Emergency Management).
32. Approval of Amendment No. 1 to the Option of Renewal Agreement for Professional Communication Services with Conrod Associates Communications, L.L.C. (Environmental Management).

November 18, 2003

33. Approval of the Lease Agreement for the Sheriff's Office with the City of Dunedin (General Services).
34. Approval of the First Amendment to the Lease for the Tax Collector with K.O.S. Corporation (General Services).
35. Approval of an Assignment and First Amendment to the Property License Agreement with Alliant Integrated Defense Company, LLC, and ATK Missile Systems Company, LLC (General Services).
36. Approval of the Grant Terms and Conditions Agreement with the State of Florida for the Title V Juvenile Justice and Delinquency Prevention Program (Justice and Consumer Services).
37. Approval of the Service Funding Agreement with the YMCA of Greater St. Petersburg, Inc. for the Title V Juvenile Justice and Delinquency Prevention Program (Justice and Consumer Services).
38. Adoption of a Resolution to Appropriate Earmarked Receipts for a Particular Purpose and Supplement the Fiscal Year 2004 General Fund Budget for the Sheriff's COPS Facial Recognition Technology Grant (Management and Budget).
39. Adoption of a Resolution to Appropriate Earmarked Receipts for a Particular Purpose and Supplement the Fiscal Year 2004 General Fund Budget for Various Grants to the Sheriff (Management and Budget).
40. Adoption of a Resolution to Appropriate Earmarked Receipts for a Particular Purpose and Supplement the Fiscal Year 2004 General Fund Budget for the Sheriff with a Fund Balance Associated with Prior Year Grants (Management and Budget).
41. Adoption of a Resolution to Appropriate Earmarked Receipts for a Particular Purpose for the Fiscal Year 2004 Transportation Impact Fee Fund (Management and Budget).
42. Adoption of a Resolution to Appropriate Earmarked Receipts for a Particular Purpose and Supplement the Fiscal Year 2004 Capital Projects Fund for the Space Needs Assessment Project (Management and Budget).
43. Approval of the Grant Agreement with the YMCA of the Suncoast for the Construction of the Palm Harbor Competitive Swimming Pool (Park).
44. Approval of the Authority to Advertise for a Public Hearing on Proposed Revisions to the Purchasing Ordinance Relating to the Debarment of Contractors (Purchasing).
45. Approval of the Purchase Authorization for a Noncompetitive Contract for Benefits Consulting Services (Purchasing/Personnel).
46. Approval of First Amendments to the Agreements with Primary Service Providers (WorkNet).
47. Other Administrative Matters.

November 18, 2003

COUNTY ATTORNEY

48. Authority for the County Attorney to Defend:
- a. Bank of America v. Adelene M. Alford, et al - Circuit Civil Case No. 03-7938-CI-21 - Mortgage Foreclosure Involving a Street Lighting Lien.
 - b. Citimortgage, Inc. v. Margaret D. Hontz, et al - Circuit Civil Case No. 03-7772-CI-8 - Mortgage Foreclosure Involving a Community Development Second Mortgage.
 - c. Mortgage Electronic Registration Systems, Inc. v. James P. Wells, et al - Circuit Civil Case No. 03-8112-CI-7 - Mortgage Foreclosure Involving a Welfare Lien.
 - d. Lakeith Amir-Sharif v. Everett S. Rice, et al - Circuit Civil Case No. 03-5927-CI-7 – Allegations of Damages and Recovery of Personal Property; Lakeith Amir-Sharif v. Everett S. Rice, et al - Small Claims Case No. 03-008374-SC-SPC – Allegations of Damages and Recovery of (Additional and Different) Personal Property; Lakeith Amir-Sharif v. Everett S. Rice, et al - Case No. 03-8065-CO-40 – Allegations of Damages and Recovery of (Additional and Different) Personal Property; and Lakeith Amir-Sharif v. Everett S. Rice, et al – Case No. 03-8066-CO-54 – Recovery of (Additional and Different) Personal Property.
 - e. Robert M. Bradley v. Everett S. Rice, as Sheriff of Pinellas County, Florida, and Pinellas County, Florida, by and through its Board of County Commissioners – Case No. 03-CV-2242, Claim No. 99-64165 – Allegations of Violations of Fourth, Eighth and Fourteenth Amendment Rights.
 - f. Lois Orlando, a/k/a/ Lois Orlando Vaughan v. Pinellas County – Small Claims Case No. 03-9108-SC-NPC – Allegations of Damages During Tree Pruning.
49. Authority for the County Attorney to Initiate Litigation:
- a. Sheriff v. Cameron Smith and Steven Ferguson – Negligence in the Operation of an ATV Involving a Sheriff’s Police Cruiser.
 - b. Estate of Melvin Frederick Glazener – Small Claims Case.
50. Authority for the County Attorney to Pursue an Administrative Appeal of the Revised Final Determination on Audit Findings of the U.S. Department of Labor in the Case of Pinellas Workforce Development Board, Inc., Board of County Commissioners, Pinellas County, Florida v. U.S. Department of Labor.
51. Approval of a Partial Release of Lien against Jon David Anderson – Case No. CRC02-17522CFANO-K.
52. Approval of Releases of Lien against Lloyd Sheffield – Case No. CRC85-02083CFA NO.
53. Request for Reimbursement of Taxable Costs in the Case of State v. Craig Jerome King, Jr. – Case Nos. CRC02-13846CFANO and CRC02-14679CFANO.
54. Approval of Precinct Line Adjustments Submitted by the Supervisor of Elections.

November 18, 2003

- 55. Authority to Advertise for a Public Hearing for the Adoption of a Proposed Ordinance Delegating Authority to the County Administrator to Pay State of Florida Workers' Compensation Assessments.
- 56. Authority to Advertise for a Public Hearing on a Proposed Amending Ordinance Relating to Street Lighting Districts.
- 57. Miscellaneous.

D. AUTHORITIES

ECONOMIC DEVELOPMENT AUTHORITY

- 58. Approval of a Ground Lease Agreement with Renewal Options and a Memorandum of Ground Lease with HP STAR IV, LTD.

FIRE AUTHORITY

- 59. Approval of an Interlocal Agreement with the Lealman Special Fire Control District for Construction of a Fire Station on 54th Avenue North at 43rd Street.

WATER AND NAVIGATION AUTHORITY

- 60. Appeal of Approval of Application P31034-02/Revised-A, Giao Nguyen and Dennis Gulkis, 945 and 941 Bayshore Boulevard, Tampa Bay, Safety Harbor.
- 61. Appeal of Approval of Application P32462-03, Bruce Murphy and Helen Gleason, 951 and 953 Bayshore Boulevard, Tampa Bay, Safety Harbor.

E. COUNTY ADMINISTRATOR REPORTS

- 62. Galvanized Pipe Replacement Program.

F. COUNTY COMMISSION

- 63. Approval of an Appointment to the Youth Advisory Committee.
- 64. Approval of Appointments to the Charter Review Commission.
- 65. Miscellaneous.

6:30 P.M.

PRESENTATIONS AND AWARDS

G. CITIZENS TO BE HEARD

Any Person Wishing to Speak at this Time, Excluding Non-Public Hearing Items on the Agenda or Issues Previously Acted on by the Board of County Commissioners, Must Have a Yellow Card Completed and

November 18, 2003

Given to the Board Secretary at the Staff Table Located at the Front of the Board Room. The Chairman will Call Each Speaker, One by One, to the Podium to be Heard. Each Speaker May Speak up to Three (3) Minutes.

H. SCHEDULED PUBLIC HEARINGS

Any Person Wishing to Speak about a Public Hearing Item Shall Complete a Blue Card and Submit it to the Board Secretary at the Staff Table Located at the Front of the Board Room. The Procedure Used by the Board of County Commissioners in Conducting Public Hearings is to Have a Staff Presentation Followed by the Applicant Presenting the Specific Proposal. The Board Will Then Hear Comments from the Proponents Followed by Comments from the Opponents and a Staff Summary. The Applicant Will Then be Given an Opportunity to Close and the Board of County Commissioners will Decide on the Matter.

1. Any Person Who Has been Authorized to Represent an Organization with Five (5) or More Members or a Group of Five (5) or More Persons Shall Complete a Blue Card, Submit it to the Board Secretary at the Staff Table Located at the Front of the Board Room, and Should Limit Their Presentation to Ten (10) Minutes. It is Expected that Others in the Organization or Group will Waive Their Time.
2. Any Other Person who Wishes to Speak about a Public Hearing Item Shall Complete a Blue Card, Submit it to the Board Secretary at the Staff Table Located at the Front of the Board Room, and May Speak up to Three (3) Minutes. The Chairman will Call Each Speaker, One by One, to the Podium to be Heard.

SCHEDULED PUBLIC HEARINGS

WATER AND NAVIGATION

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

66. Private Dock Application P33371-03 Submitted by John Mark Roesch, 1150 Park Street, Boca Ciega Bay, St. Petersburg.

SCHEDULED PUBLIC HEARINGS - BCC

67. Proposed Ordinance Amending the Pinellas County Code Relating to Construction Contracting and Licensure.
68. TEFRA Hearing on Proposed Issuance of Pinellas County Health Facilities Authority Revenue Bonds for the Oaks of Clearwater Project, Series 2003, in an Amount Not to Exceed \$18,500,000.00.
69. TEFRA Hearing on Proposed Issuance of Pinellas County Educational Facilities Authority Variable Rate Demand Revenue and Revenue Refunding Bonds for The Canterbury School of Florida Project, Series 2003, in an Amount Not to Exceed \$4,700,000.00.

70. Planning and Zoning Applications Heard by the Examiner:
- a. Z-1-10-03.
Application of William R. Zalla for a Change of Zoning from C-2, General Retail Commercial and Limited Services District to C-3, Commercial, Wholesale, Warehousing and Industrial Support on Approximately 2.53 Acres on the West Side of 66th Street North, 775 Feet South of Bryan Dairy Road (Parcel ID No. 18-30-16-69768-400-4806).
 - b. Z-2-10-03.
Application of The Wilder Corporation of Delaware, A Delaware Corporation, through Ross Real Estate Investment Corporation, Thurman J. Ross, III, Representative, for a Change of Zoning from CR, Commercial Recreation to RPD-7.5, Residential Planned Development-7.5 Units per Acre (Uplands) and RPD-1.0, Residential Planned Development-1.0 units per Acre (Wetlands) on Approximately 39.3 Acres on the East Side of U.S. Highway 19 North, 1,440 Feet South of Klosterman Road (Parcel ID No. 19-27-16-00000-430-0400).
 - c. Z-3-10-03.
Application of American Housing Corporation through Stuart A. Cohen, Representative, for a Change of Zoning from R-6, Mobile Home Parks and Subdivisions to R-3, Single Family Residential on Approximately 0.138 Acre on the North Side of 104th Avenue, 423.5 Feet East of 62nd Street North (Parcel ID No. 17-30-16-60835-000-2270).
 - d. Z/LU-4-10-03.
Application of Miserere Guild, Inc. Rev. Norman C. Balthazar, through Joseph A. DiVito, Esquire, Representative, for a Change of Zoning from A-E, Agricultural Estate Residential and C-2, General Retail Commercial and Limited Services District (94.02 Acres) to IL, Institutional Limited and Land Use Change from Industrial Limited and Institutional (51.68 Acres) to Institutional on Approximately 94.02 Acres on the Northeast Corner of U.S. Highway 19 and 118th Avenue North (Parcels ID Nos. 09-30-16-70992-300-0600, 09-30-16-70992-300-0801, 09-30-16-70992-300-0802, 09-30-16-70992-300-1001, 09-30-16-70992-300-0901, 09-30-16-70992-300-1301, 09-30-16-70992-300-1500 and 09-30-16-70992-300-1401).
 - e. Z/LU-5-10-03.
Application of Terra Excavating, Inc. a Florida Corporation, through Timothy A. Johnson, Jr., Esquire, Representative, for a Zoning Change from A-E, Agricultural Estate Residential to RPD-5, Residential Planned Development-5 Units per Acre and Land Use Change from Residential Rural to Residential Low on Approximately 18.43 Acres on the North Side of 134th Avenue North, between Pine Street and Trotter Road (Parcel ID No. 05-30-15-00000-440-0300).
 - f. Z/LU-6-10-03.
Application of Gregory A. and Kimberly A. Meyers for a Zoning Change from R3, Single Family Residential to P-1A, Limited Office and Land Use Change from Residential Low to Residential/Office Limited on Approximately 0.1777 Acre at the Southwest Corner of Belcher Road and 14th Avenue Southeast (Parcel ID No. 01-30-15-86382-000-0050).

- g. Z/LU-8-10-03.
Application of Leisure Lake Partnership through Ted Freed, Zander Corporation, Representative, for a Zoning Change from A-E, Agricultural Estate Residential to R-2, Single Family Residential and Land Use Change from Residential Suburban and Transportation/Utility to Transportation/Utility and Residential Suburban on Approximately 11.9 Acres on the East Side of North Jasmine Avenue, 830 Feet South of Sail Harbor Circle (Parcel ID No. 08-27-16-89406-000-0210).
- h. Z/LU-2-8-03.
Application of Vito Farese for a Change of Zoning from R-3, Single Family Residential to C-2, General Retail Commercial and Limited Services District and C-3, Commercial Wholesale, Warehousing and Industrial Support and a Change of Land Use from Residential Urban to Commercial General per Developer's Agreement and a Variance for a 75-Foot Lot Width Where 80 Feet in Lot Width is Required on Approximately 1.01 Acres on the North Side of Ulmerton Road, 120 Feet West of West Rena Drive (a/k/a 6789 Ulmerton Road) (Parcel ID No. 06-30-16-70938-400-1302).
- i. Z/LU-7-10-03.
Application of Largo Lakes North, LTD, Allen F. Gates Trust (Allen F. and Gretchen H. Gates, Trustees) through Ben Felder, Langford and Hill, P.A., Representative, for a Zoning Change from M-1, Light Manufacturing and Industry to R-3, Single Family Residential and RM-7.5, Residential Multiple Family-7.5 Units per Acre and Land Use Change from Industrial Limited and Preservation to Residential Urban and Preservation on Approximately 14.284 Acres on the South Side of 118th Avenue North, 1,355 Feet East of Starkey Road (Parcels ID Nos. 13-30-15-70560-200-0201, 13-30-15-70560-200-0200, 13-30-15-70560-200-0100 and 13-30-15-70560-200-0101).
- j. Z/LU-9-10-03.
Application of Nireus Corporation through Herbert Elliott, Representative, for a Change of Zoning from C-2, General Retail Commercial and Limited Services District, R-4, One, Two or Three Family Residential and AE, Agricultural Estate Residential to CR, Commercial Recreation and Land Use Change from Residential Suburban, Residential Estate and Commercial Recreation to Commercial Recreation and a Developer's Agreement on Approximately 2.1 Acres on the Westerly Side of Anclote Road, 900 Feet South of the Pasco County Line (Parcels ID Nos. 02-27-15-00954-002-0020 and 02-27-15-00954-002-0021).
- k. Z/LU-1-4-03.
Application of Skylark R.O. Association, Inc. through Ed Armstrong c/o Johnson, Blakely, Pope, Bokor, Ruppel & Burns, Representative, for a Zoning Change from R-6, Mobile Home Parks and Subdivisions to C-2, General Retail Commercial and Limited Services District and Land Use Change from Residential Urban and Transportation/Utility to Commercial General and Transportation/Utility or Such Other Designation as Deemed Appropriate by the Board and a Developer's Agreement on Approximately 13.04 Acres on the Northeast Corner of State Road 580 and Summerdale Drive (Street Address: 2526 State Road 580 East) (Parcel ID No. 30-28-16-82694-000-0002).

ADJOURNMENT

* * * *

CONSENT AGENDA ITEMS NOS. 1 THROUGH 17 – APPROVED

Upon presentation by Chairman Seel, Commissioner Todd moved, seconded by Commissioner Latvala and carried, that the consent agenda, consisting of items Nos. 1 through 17, be approved as follows:

1 APPROVAL OF MINUTES

Minutes of regular meeting of October 7, 2003.

2 REPORTS RECEIVED FOR FILING

- a. Dock Fee Report for month of September 2003.
- b. Quarterly Report of Routine Dock Permits issued from July 1, 2003 through September 30, 2003.
- c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2003-17 dated October 23, 2003 – Follow-Up Review to Audit of Real Property Records.
- d. Internal Audit Division, Clerk of the Circuit Court, Report No. 2003-18 dated October 30, 2003 – Follow-Up Review to Audit of Heritage Village.
- e. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Clerk of the Circuit Court.
- f. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Clerk of the Circuit Court Public Records Modernization Trust Fund.
- g. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Tax Collector.
- h. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Sheriff's Office.
- i. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Property Appraiser.

3 OTHER APPROVALS

- a. General – None.
- b. Vouchers and Bills Paid
 - (1) Checks released for the period from October 20, 2003 through October 31, 2003 as follows:

Imprest Fund Expenditures
Manual Checks numbered 686426 through 686447
System checks numbered 706463 through 708440

Wire Transfers numbered 002113 through 002151
- c. Correction of Vouchers and Bills Paid
 - (1) Amount of \$7,716,147.40 for the period August 25, 2003 through August 29, 2003.

4 MISCELLANEOUS ITEMS RECEIVED

- a. City of Largo Notice of Public Hearing held October 21, 2003 re Ordinances Nos. 2004-01 (along with notice to property owners) and 2004-04 annexing certain property.
- b. Correspondence from City of Pinellas Park re three ordinances voluntarily annexing certain property; public hearing held November 13, 2003.
- c. Town of Redington Beach Resolution No. 2003-24 supporting the improvement of Gulf Boulevard between Walsingham Road and Park Boulevard, adopted September 8, 2003.
- d. Barrier Islands Governmental Council (BIG-C) minutes of meeting of September 24, 2003 and agenda for meeting of October 29, 2003.
- e. Suwannee County Board of County Commissioners Resolution No. 2004-01 adopted October 7, 2003

November 18, 2003

reaffirming Resolution No. 98-02 re Local Sources First policy pertaining to Florida's water resources.

- f. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 12 dated September 18, 2003; Financial Statement dated September 2003; and Minutes of Public Trim Hearing 2003-2004, Millage Rate/Budget held September 25, 2003.
- g. One Item Related to Dock, Pier and Wharf Construction Contract Bonds.

5 CHAIRMAN AUTHORIZED TO EXECUTE AND ACCEPT AMENDMENT TO ESCROW AGREEMENT FROM MISERERE GUILD, INC., D/B/A CALVARY CATHOLIC CEMETERY

The subject amendment is to be held as maintenance surety for the new entry to Calvary Catholic Cemetery located in the southwest quarter of Section 9, Township 30 South, Range 16 East, reducing the amount of the original escrow agreement to \$25,456.30 for maintenance.

6 CHANGE ORDER NO. 1 (FINAL) TO AGREEMENT WITH ROWLAND, INC. FOR THE 72ND AVENUE NORTH RECLAIMED WATER DISTRIBUTION SYSTEM AND RELEASE OF RETAINAGE (PROJECT NO. 734-753314-1495) (BID NO. 012-982-C)

- a. Change Order No. 1 (Final) decreases the contract amount by \$238,118.95 (new total agreement, \$958,031.30).
- b. Contract accepted as substantially complete as of August 14, 2003.
- c. Release of retainage in the amount of \$47,668.07.

7 CHANGE ORDER NO. 3 (FINAL) TO AGREEMENT WITH QRC, INC. FOR ANNUAL WATER AND RECLAIMED MAIN INSTALLATION FY 2002 (PROJECT NOS. 653-930014-1535; 753-753314-1536; 763-710314-1537) (BID NO. 012-200-C)

- a. Change Order No. 3 (Final) decreases the agreement amount by \$44,655.78 (new total agreement, \$1,398,190.72).
- b. Contract accepted as substantially complete as of March 10, 2003.

8 AWARD OF BIDS

- a. Bid of Bond Engineering, Inc. on the basis of being the lowest responsive and responsible bid received meeting specifications for bi-weekly preventative maintenance of odor control units at South Cross Bayou and William E. Dunn facilities and various pump stations, for an estimated annual expenditure not to exceed \$62,516.00 (12-month contract with one 12-month option of renewal at the same prices, terms and conditions subject to availability of funds and County Administrator approval) (Contract No. 023-850-B); Chairman authorized to sign and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- b. Bid of QRC, Inc. on the basis of being the lowest responsive, responsible bid received meeting specifications for backflow prevention devices installation (rebid), for an estimated total expenditure for a two-year term of \$2,998,900.00 (two year contract with an option of renewal for one additional year) (Project No. 653-902414-1632; Bid No. 023-853-C); Chairman authorized to sign and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- c. Bid of Rockdale Pipeline, Inc. on the basis of being the lowest responsive, responsible bid received meeting specifications for the City of Belleair Beach and Town of Belleair Shore reclaimed water system, for an estimated total expenditure of \$4,128,060.30 (Project No. 733-

November 18, 2003

941814-1150; Bid No. 023-901-C); Chairman authorized to sign and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

9 INSURANCE PREMIUM PAYMENT TO ACORDIA SOUTHEAST FOR RENEWAL OF COMMERCIAL UMBRELLA AND GENERAL LIABILITY INSURANCE COVERAGE FOR THE RESOURCE RECOVERY FACILITY

Insurance premium payment to Acordia Southeast for renewal of commercial umbrella insurance coverage in the amount of \$103,180.00 and general liability insurance coverage in the amount of \$142,695.00 (total amount of \$245,875.00) for the Resource Recovery Facility.

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

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Arts Council	Public Art Project Contracts FY 02-03 for the (a) Clearwater Courthouse with Anders Knutsson; (b) Clearwater Courthouse with Robert Calvo; (c) Brooker Creek Preserve with Tim Upham; (d) Criminal Justice Center with Thomas Sayre/Clearscapes Inc.; and (e) Pinellas Trail with Mark Fuller	(a) \$31,000.00 (b) \$31,000.00 (c) \$53,000.00 (d) \$90,000.00 (e) \$100,000.00	10.16.03
Clerk of the Circuit Court	Releases of Lien (Guardianship): Sarah Murray (2)	All liens are paid in full.	11.4.03
Community Development	Satisfactions of Mortgage (Housing): Alberta L. Ford f/k/a Alberta Evans and Charley E. Ford; Harold Vosburgh, Jr.; Ekaterina Apergis; Carol A. Sipos; Release of Lien (Housing): Warren C. Carew	All liens are paid in full.	10.31.03

November 18, 2003

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	Subordination Agreement with David W. and Cathy Stile Price	\$54,800.00	9.18.03
Community Development	Subordination Agreement with Peninsula Inn and Spa	\$381,983.19	9.17.03
Community Development	Subordination Agreement with Robert V. and Elizabeth Baker	\$37,600.00	8.22.03
Community Development	Subordination Agreement with Mark V. and Esterina A. McDonald	\$69,500.00	8.20.03
Community Development	Subordination Agreement with Raul E. and Ligia E. Reyes	\$37,500.00	8.18.03
County Extension	Interlocal Agreement with Tampa Bay Water for the FL Yards and Neighborhoods Program	\$51,500.00	9.19.03
Economic Development	Amendment to the Business Assistance Partnership Agreement with the City of Largo and the Greater Largo/Mid-Pinellas Chamber of Commerce, Inc. f/k/a Greater Largo Chamber of Commerce, Inc.	\$20,000.00	10.29.03
EMS and Fire Administration	Modification to Competitive Grant Agreement with the FL Dept. of Community Affairs	N/A (time extension only)	6.25.03
Environmental Management	Agreement with the Pinellas County School Board to Locate an Air Pollution Monitoring Station at Skyview Elementary School	N/A	10.29.03
Environmental Management	Agreement with the Pinellas County School Board to Locate an Air Pollution Monitoring Station at Tyrone Elementary School	N/A	10.13.03
Environmental Management	Grant Agreement with U.S. Dept. of the Interior Fish and Wildlife Service fore Removal of Exotic Vegetation and Replanting of Native Vegetation on Shell Key Preserve	\$35,000.00	9.23.03
Environmental Management	Sovereign Submerged Lands Easement with the State of FL for the Upham Beach Stabilization Project	N/A	7.21.03
Human Services	Service Agreement with the Pinellas County Health Dept. for Choices for Community Health	\$20,000.00, plus \$2,500.00 for out-of-County travel	10.22.03

November 18, 2003

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Human Services	Agreement with FL Dept. of Health for Provision of Laboratory Services for Mobile Medical Unit Patients	not to exceed \$50,000.00	10.16.03
Human Services	Mobile Medical Unit Quality Assurance Agreement with the Pinellas County Health Dept.	not to exceed \$36,300.00	10.14.03
Human Services	Letter Agreement with Research Triangle Institute for the Bureau for Primary Health Care, Dept. of Health and Human Services, Healthcare for the Homeless User Survey Study	\$420.00	10.13.03
Human Services	Contract Amendment #2 with the FL Dept. of Health for Operation of the Pinellas County Health Dept. FY02-03	None	9.12.03
Justice & Consumer Services	Option of Renewal of Traffic Law Enforcement Agreement with Eastlake Woodlands Community Association, Inc.; Service Funding Agreement with Alpha "A Beginning," Inc.	N/A \$74,679.00	10.29.03
Justice & Consumer Services	Byrne Memorial Grant Certificate of Acceptance for the Community Placement Intake Service Project	\$50,000.00 (plus \$16,756.00 County match)	10.28.03
	Byrne Memorial Grant Application for the Community Placement Intake Service Project		6.10.03
Justice & Consumer Services	Byrne Memorial Grant Certificates of Acceptance for the Geographic Profiling Project 1	\$58,458.00 (plus \$19,486.00 County match)	10.22.03
	Byrne Memorial Grant Application for the Geographic Profiling Project 1		6.10.03
	Byrne Memorial Grant Certificate of Acceptance for Project Alpha: Deeb Horizons 4	\$74,679.00 (plus \$24,893.00 County match)	10.22.03
	Byrne Memorial Grant Application for Project Alpha: Deeb Horizons 4		6.10.03
Justice & Consumer Services	Byrne Memorial Grant Certificate of Acceptance for the Pre-Trial Intensive Supervision 2 Project	\$28,384.00 (plus \$9,462.00 County match)	10.9.03
	Byrne Memorial Grant Application for the Pre-Trial Intensive Supervision 2 Project		6.10.03

November 18, 2003

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Justice & Consumer Services	Byrne Memorial Grant Certificate of Acceptance for the Administrative Grant 6	\$44,403.00 (plus \$14,801.00 County match)	9.30.03
	Byrne Memorial Grant Application the Administrative Grant 6		6.10.03
Park	Agreement for Promotional Services for "Lights Under The Stars" at Lake Seminole Park with Robert E. Newton	Approximately \$25,000.00 revenue	10.14.03
Park	Year 2003 Recreation Grant Funding Agreements with (a) Cross Bayou Little League for Field Maintenance; (b) Palm Harbor Community Services Agency, Inc. (PHCSA) for Field Refurbishment; (c) PHCSA for Field Construction; and (d) PHCSA Construction of a BMX Track	(a) \$50,000.00 (b) \$5,868.00 (c) \$87,750.00 (d) \$19,350.00	10.9.03
Park	Task Assignment Notification Form with EnviroGrades, LLC, for Ft. DeSoto Park Re-Treatment	\$9,130.00	9.30.03
Park	Historic Preservation Grant Award Agreement Amendment Number One to Grant No. F0205 for the Tocobaga Indians, Spanish-American War, and Fort DeSoto Lesson Plans Project	N/A (time extension only)	7.18.03
Public Works	Interlocal Agreement with the City of Safety Harbor for Intersection Improvements at McMullen-Booth Road and State Road 590	\$16,960.00	10.30.03
Public Works	First Amendments to Agreements with Southwest Florida Water Management District (SWFWMD) for Joe's Creek Erosion Control (K664), and the City of Dunedin for Curlew Creek Basin Channel Improvements-Basin Study (K667-1)	N/A (time extension only)	8.11.03
Utilities	Cooperative Funding Agreement with SWFWMD for the On Top of the World Reclaimed Water Storage/ Pumping/ Transmission/Distribution Project (K831)	N/A (pass through, in-kind services)	9.19.03

November 18, 2003

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Utilities	Cooperative Funding Agreement with SWFWMD for Lake Tarpon Aquifer Storage and Recovery Test Well Program – Phase II (K422)	\$28,678.00 (plus \$28,678.00 County match)	7.18.03
Utilities	Amendment to Consent Order No. 92-0094 with FL Dept. of Environmental Protection for the McKay Creek Wastewater Treatment Facility	N/A	6.17.03
Utilities	Second Amendment to Agreement with SWFWMD for North/South Beaches Construction (P776)	N/A (time extension only)	6.13.03
WorkNet	Regional Workforce Board Non-Disclosure and Confidentiality Agreement	N/A	7.6.03
WorkNet	Performance Agreement with the Agency for Workforce Innovation	N/A	6.30.03

#11 RESOLUTION NO. 03-210 ADOPTED AUTHORIZING EXPENDITURE OF PUBLIC FUNDS FOR REIMBURSEMENT OF MEALS, TRAVEL AND RELATED EXPENSES IN CONNECTION WITH THE RECRUITMENT OF THE AIRPORT DIRECTOR IN ACCORDANCE WITH PINELLAS COUNTY CODE SECTION 2-145 (COUNTY ADMINISTRATOR)

Resolution No. 03-210 authorizing the expenditure of public funds for reimbursement of meals, travel and related expenses in connection with the recruitment of the airport director in an amount not to exceed \$7,500.00.

#12 LOT CLEARING RESOLUTION (ENVIRONMENTAL MANAGEMENT)

Resolution No. 03-211 assessing liens against lands cleared in Pinellas County pursuant to Chapter 78-599, Laws of Florida, and Pinellas County Code Chapter 58, Article IX, Section 338, directing that this resolution be filed in the public records office of the Clerk of the Circuit Court of Pinellas County, Florida.

November 18, 2003

- #13 CHAIRMAN AUTHORIZED TO EXECUTE SUPPLEMENTAL AWARD FOR U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) AIR POLLUTION CONTROL (SECTION 103) GRANT FOR PM 2.5 MONITORING NETWORK PROGRAM (GRANT #PM-97476803-1) (ENVIRONMENTAL MANAGEMENT)

Supplemental award for continuing U.S. Environmental Protection Agency (EPA) (Section 103) PM 2.5 Air Monitoring Network Program Grant in the amount of \$68,037.00; County Administrator authorized to sign future award increases.

- #14 BUDGET AMENDMENTS NOS. 37 THROUGH 42 (MANAGEMENT AND BUDGET)

Copies of Budget Amendments Nos. 37 through 42 were filed and made a part of the minutes.

- #15 AWARD OF BID (REBID) (CONTRACT NO. 034-47-B) (PURCHASING)

- a. Bid of M.A.B. Paints and Coatings on the basis of being the lowest responsive and responsible bid received meeting specifications for annual requirements of paint and supplies, for an estimated annual expenditure not to exceed \$322,733.90 (24-month contract with two additional 12-month options of renewal; total estimated 24-month expenditure not to exceed \$645,467.80; price adjustments in an amount not to exceed the Consumer Price Index, All Urban [CPI-U] or five percent, whichever is less, and shall be exercised only if all terms and conditions remain the same, pending availability of funds and County Administrator approval).

- #16 QUARTERLY REPORT OF CLAIM SETTLEMENTS FOR PERIOD FROM JULY 1, 2003 THROUGH SEPTEMBER 30, 2003 - RECEIVED FOR FILING (RISK MANAGEMENT/COUNTY ATTORNEY)

Quarterly Report of Claim Settlements for the period from July 1, 2003 through September 30, 2003 for claims requiring the mutual consent of the County

November 18, 2003

Attorney and Risk Management in the settlement area of \$25,000.00 to \$50,000.00 (total for all claims paid, \$228,970.64).

#17 RATIFICATION OF PURCHASES FOR EMERGENCY MEDICAL SERVICES (EMS)
(CONTRACT NOS. 023-876-S; 023-358-B) – EMERGENCY MEDICAL SERVICES
AUTHORITY

Ratification of the purchase of one dry freight truck from International Truck and Engine Corporation (prices, terms and conditions are based on Florida State Contract 070-700-03-01; expenditure not to exceed \$49,155.00); and an ambulance truck wash from TBW, Inc., on the basis of being the lowest responsive, responsible bid received meeting specifications (contract includes a one-year full service maintenance and warranty, and guaranteed cost of soaps, chemicals and supplies for the first year; expenditure not to exceed \$81,600.00).

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

#19 BIDS OF SUNCOAST PAVING, INC. AND APAC – SOUTHEAST, INC. ACCEPTED
FOR SI AND SIII ASPHALT – PICK UP ONLY (COOP) (CONTRACT NO. 023-765-
B); BID OF AJAX PAVING INDUSTRIES – REJECTED

Legal notice having been published and publisher's affidavit filed with the Clerk, County Administrator Stephen M. Spratt recommended that the bids of Suncoast Paving, Inc. (North County requirements) and APAC – Southeast, Inc. (Mid and South County requirements) be accepted for SI and SIII asphalt, pick up only (COOP), on the basis of being the responsive, responsible bids received meeting specifications, for a total estimated annual County requirement not to exceed \$156,000.00 (total estimated annual cooperative requirements, \$167,025.00); 12-month contract with two additional 12-month options of renewal, subject to the availability of funds and County Administrator approval (contract allows for monthly price adjustments, both increases and decreases, based on the Fuel and Bituminous Price Index as tabulated by Florida Department of Transportation, State Construction Office); and further recommended that the bid of Ajax

November 18, 2003

Paving Industries be rejected on the basis that the company's location is not beneficial to County requirements.

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

#20 BID OF CONE & GRAHAM, INC. ACCEPTED FOR CONSTRUCTION OF FORT DeSOTO WATER CIRCULATION BRIDGES (BASE BID PLUS ALTERNATE 1) (PID NO. 921573) (BID NO. 023-736-C); CHAIRMAN AUTHORIZED TO EXECUTE AGREEMENT AND CLERK TO ATTEST AFTER PROPER EXECUTION BY THE CONTRACTOR AND WRITTEN APPROVAL AS TO FORM BY THE OFFICE OF THE COUNTY ATTORNEY

Legal notice having been published and publisher's affidavit filed with the Clerk, County Administrator Stephen M. Spratt recommended that the bid of Cone & Graham, Inc. be accepted for the Fort DeSoto water circulation bridges (base bid plus Alternate 1), on the basis of being the lowest responsive, responsible bid received that meets specifications; and further recommended that the Chairman be authorized to execute the agreement and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

Commissioner Latvala moved, seconded by Commissioner Welch, that the recommendations of the County Administrator be approved. Following discussion and upon call for the vote, the motion carried unanimously.

#21 AGREEMENT WITH KISINGER CAMPO & ASSOCIATES CORPORATION FOR PROFESSIONAL ENGINEERING SERVICES FOR THE 20TH AVENUE SOUTHEAST (LAKE AVENUE TO STARKEY ROAD) IMPROVEMENT PROJECT (CIP NO. 880) – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a negotiated agreement with Kisinger Campo & Associates Corporation to provide professional engineering services for the 20th Avenue Southeast (Lake Avenue to Starkey Road) improvement project, for a total fee not to exceed \$311,728.00 and a contingency services amount of \$31,100.00 to allow administrative authorization of minor unanticipated services, for a total agreement amount not to exceed \$342,828.00.

November 18, 2003

Commissioner Latvala moved, seconded by Commissioner Welch, that the recommendation of the County Administrator be approved. Following discussion and upon call for the vote, the motion carried unanimously.

#22 AMENDMENT NO. 1 TO AGREEMENT WITH URS CORPORATION SOUTHERN (FORMERLY DAMES & MOORE, INC.) FOR CONSULTANT SERVICES FOR PARK STREET/STARKEY ROAD (C.R. 1) FROM TYRONE BOULEVARD TO BRYAN DAIRY ROAD IMPROVEMENT PROJECT (CIP NOS. 864; 865) – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 1 to the agreement with URS Corporation Southern (formerly Dames & Moore, Inc.) for consultant services for the Park Street/Starkey Road (C.R. 1) from Tyrone Boulevard to Bryan Dairy Road improvement project, increasing the agreement by \$124,092.00 (new agreement total not to exceed \$2,308,557.00).

Commissioner Latvala moved, seconded by Commissioner Todd, that the recommendation of the County Administrator be approved. Following comment by Commissioner Stewart and upon call for the vote, the motion carried unanimously.

#23 AGREEMENT WITH H.W. LOCHNER, INC. FOR PROFESSIONAL ENGINEERING SERVICES FOR THE HAINES ROAD (C.R. 691) FROM U.S. HIGHWAY 19 TO INTERSTATE 275 IMPROVEMENT PROJECT (CIP NO. 922265) – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a negotiated agreement with H.W. Lochner, Inc. to provide professional engineering services for the Haines Road (C.R. 691) from U.S. Highway 19 to Interstate 275 improvement project, for a total fee not to exceed \$529,507.00 and a contingency services amount of \$52,950.00 to allow administrative authorization of minor unanticipated services, for a total agreement amount not to exceed \$582,457.00.

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

November 18, 2003

#24 PRELIMINARY ENGINEERING REPORT (DRAINAGE STUDY) FOR BEAR CREEK CHANNEL IMPROVEMENTS PROJECT (PID NO. 922306) – ACCEPTED; PUBLIC WORKS APPROVED TO PROCEED TO DESIGN PHASE

County Administrator Stephen M. Spratt recommended acceptance of a preliminary engineering report (drainage study) for the Bear Creek Channel improvements project; and further recommended that Public Works be approved to proceed to the design phase.

Director of Public Works Jan Herbst indicated that, at the direction of the Board, voluntary property acquisition has taken place over the last six months; whereupon, Parsons Engineering Science, Inc. Project Manager Susan Gintert conducted a PowerPoint presentation entitled *Bear Creek Channel Improvements Project*, a copy of which has been filed and made a part of the record, and provided an overview of the project to date. She indicated that the implementation of the recommended alternative would necessitate the acquisition of 19 properties and easements at a cost of approximately \$3.9 million; whereupon, Commissioner Welch requested a copy of the PowerPoint presentation.

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

#25 CONTRACT WITH PINELLAS SUNCOAST TRANSIT AUTHORITY (PSTA) FOR PURCHASE OF LAND – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a contract with Pinellas Suncoast Transit Authority (PSTA) for purchase of approximately 8.07 acres of PSTA property located on the west side of 49th Street, adjacent to the Pinellas County Criminal Justice Complex; subject to a due diligence inspection period that expires on December 1, 2004, with a refundable \$10,000.00 deposit; and further recommended that the Chairman be authorized to execute the contract and the Clerk to attest.

Commissioner Latvala moved, seconded by Commissioner Welch, that the recommendations of the County Administrator be approved.

Discussion ensued; whereupon, Assistant County Administrator J. Keith Wicks noted several areas of concern in the purchase contract. During further discussion, Director of General Services Carl M. Barron and PSTA Executive Director Roger C.

November 18, 2003

Sweeney provided input; whereupon, upon call for the vote, the motion carried unanimously.

#26 CHANGE ORDER NO. 1 (FINAL) TO CONTRACT WITH CLARK & LOGAN, INC. FOR UTILITIES BUILDING RENOVATIONS AND RELEASE OF RETAINAGE (PROJECT NO. 642-019910-0863) (BID NO. 023-58-C) – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Change Order No. 1 (final) to the contract with Clark & Logan, Inc. for the Utilities Building renovations, increasing the agreement amount by \$24,757.75 (total agreement amount \$295,744.75); accepting the project as substantially complete as of June 10, 2003; and releasing retainage in the amount of \$13,405.19; and further recommended that the Chairman be authorized to execute the change order.

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

#27 AGREEMENT WITH ASH ENGINEERING, INC. FOR CONSULTANT SERVICES FOR FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) UTILITY RELOCATIONS (PROJECT NOS. 653-992114-1708; 753-992114-1708) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of the agreement with Ash Engineering, Inc. for consultant services for Florida Department of Transportation (FDOT) utility relocations for a total contract amount of \$250,000.00.

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

#28 MASTER EMERGENCY BROADCAST SERVICES AGREEMENT - APPROVED; AUTHORIZATION GRANTED TO COUNTY ADMINISTRATOR TO EXECUTE INDIVIDUAL AGREEMENTS (COMMUNICATIONS)

County Administrator Stephen M. Spratt recommended approval of the Master Emergency Broadcast Services Agreement between Pinellas County and local network news organizations for use of the County Central Production Studios in case of a

November 18, 2003

natural disaster with full compensation to the County for all costs and expenses; and further recommended that the County Administrator be authorized to execute individual agreements with the local network news organizations.

Commissioner Welch moved, seconded by Commissioner Latvala, that the recommendations of the County Administrator be approved. Following discussion and upon call for the vote, the motion carried unanimously.

#29 ADOPTION OF RESOLUTION APPROVING TRANSFER OF VERIZON MEDIA VENTURES INCORPORATED CABLE FRANCHISE TO KNOLOGY NEW MEDIA INCORPORATED – TEMPORARILY DEFERRED TO MEETING OF DECEMBER 2, 2003 (COMMUNICATIONS/COUNTY ATTORNEY)

County Administrator Stephen M. Spratt recommended that agenda Item No. 29 be continued to the meeting of December 2, 2003.

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

#30 AGREEMENT FUNDING EAST LAKE COMMUNITY LIBRARY BY AND BETWEEN PINELLAS PUBLIC LIBRARY COOPERATIVE, INC., PALM HARBOR COMMUNITY SERVICES AGENCY, INC., PINELLAS COUNTY, PALM HARBOR COMMUNITY SERVICES DISTRICT AND EAST LAKE COMMUNITY LIBRARY ADVISORY BOARD, INC. - APPROVED FOR EXECUTION (COUNTY ADMINISTRATOR/COUNTY ATTORNEY)

County Administrator Stephen M. Spratt recommended that the Board in its capacity as the governing body of the Palm Harbor Community Services District approve for execution an agreement funding the East Lake Community Library by and between Pinellas Public Library Cooperative, Inc., Palm Harbor Community Services Agency, Inc., Pinellas County, Palm Harbor Community Services District and East Lake Community Library Advisory Board, Inc.; allowing the East Lake Community Library to continue operating as a unit of the Palm Harbor Library, effective December 1, 2003 until September 30, 2013, unless otherwise terminated (Palm Harbor Community Services Agency may withdraw from the agreement upon 90 days written notice to all parties); and to budget \$200,000.00 annually for expenses, subject to budget approval, for the term of the agreement.

November 18, 2003

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

* * * *

At this time, 3:56 P.M., Commissioner Stewart left the meeting.

* * * *

#31 STATE-FUNDED SUBGRANT AGREEMENT WITH FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS FOR HURRICANE SHELTER RETROFIT - APPROVED FOR EXECUTION (EMERGENCY MANAGEMENT)

County Administrator Stephen M. Spratt recommended approval of the State-Funded Subgrant Agreement with the Florida Department of Community Affairs to receive funding of up to \$286,920.00 for reimbursement of eligible expenses for hurricane shelter retrofit of six schools (agreement to begin upon execution by both parties and end May 31, 2004, unless terminated earlier in accordance with paragraph nine of the agreement).

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

#32 AMENDMENT NO 1 TO AGREEMENT FOR PROFESSIONAL COMMUNICATIONS SERVICES WITH CONROD ASSOCIATES COMMUNICATIONS, L.L.C. (CONTRACT NO. 990-0048-N) – APPROVED FOR EXECUTION (ENVIRONMENTAL MANAGEMENT)

County Administrator Stephen M. Spratt recommended approval of Amendment No. 1 to the agreement for professional communications services with Conrod Associates Communications, L.L.C. revising the work programs for a total cost for year two of the contract (October 1, 2003 through September 30, 2004) not to exceed \$686,000.00.

Commissioner Latvala moved, seconded by Commissioner Todd, that the recommendation of the County Administrator be approved. Following discussion and upon call for the vote, the motion carried unanimously.

November 18, 2003

* * * *

At this time, 4:02 P.M., Commissioner Stewart returned to the meeting, and Commissioner Morroni left the meeting.

* * * *

#33 LEASE AGREEMENT BETWEEN PINELLAS COUNTY AND CITY OF DUNEDIN FOR OFFICE SPACE FOR THE SHERIFF'S OPERATIONS - APPROVED FOR EXECUTION (GENERAL SERVICES)

County Administrator Stephen M. Spratt recommended approval of a lease agreement between Pinellas County and the City of Dunedin for office space located at 737 Loudon Avenue for the Sheriff's operations, effective December 1, 2003 for a term of five years with five one-year automatic renewals, at a rate of \$175,305.00 for the first year (subsequent annual price adjustments based on the Consumer Price Index [CPI], with minimum increase of two percent and maximum increase of six percent); and further recommended that the Chairman be authorized to execute the agreement and the Clerk to attest.

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

* * * *

Later in the meeting, discussion ensued with regard to the terms of the agreement relating to funding; whereupon, Commissioner Latvala moved that the item be deferred; however, the motion died for lack of a second.

Following further discussion and input by Assistant County Administrator Mark Woodard and General Services Director Carl M. Barron, Mr. Spratt suggested that the item be approved; and that a funding analysis report be prepared for the members' review.

Thereupon, noting that the item had been moved and voted upon, the Chairman stated that she wished to change her vote to reflect dissension.

November 18, 2003

* * * *

At this time, 4:03 P.M., Commissioner Morroni returned to the meeting.

* * * *

#34 FIRST AMENDMENT TO LEASE AGREEMENT WITH K.O.S. CORPORATION FOR SPACE LOCATED AT 2465-B McMULLEN BOOTH ROAD, CLEARWATER - APPROVED FOR EXECUTION (GENERAL SERVICES)

County Administrator Stephen M. Spratt recommended approval of the First Amendment to the Lease Agreement with K.O.S. Corporation for space located at 2465-B McMullen Booth Road, Clearwater, extending the current lease by six additional one-month terms, commencing January 1, 2004, at a revised monthly rate of \$17.50 per square foot for a total monthly rental rate of \$4,367.71, to be paid by the Tax Collector for her driver license operations.

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

At this time, discussion of Agenda Item No. 33 resumed; following which the motion made by Commissioner Latvala to approve the recommendation of the County Administrator was carried.

#35 ASSIGNMENT AND FIRST AMENDMENT TO PROPERTY LICENSE AGREEMENT WITH ALLIANT INTEGRATED DEFENSE COMPANY, LLC, AND ATK MISSILE SYSTEMS COMPANY, LLC - APPROVED FOR EXECUTION (GENERAL SERVICES)

County Administrator Stephen M. Spratt recommended approval of the Assignment and First Amendment to the Property License Agreement with Alliant Integrated Defense Company, LLC, and ATK Missile Company, LLC.

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

November 18, 2003

#36 GRANT TERMS AND CONDITIONS AGREEMENT WITH FLORIDA DEPARTMENT OF JUVENILE JUSTICE FOR TITLE V JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM - APPROVED; AUTHORIZATION GRANTED TO COUNTY ADMINISTRATOR TO EXECUTE (JUSTICE AND CONSUMER SERVICES)

County Administrator Stephen M. Spratt recommended approval of the Grant Terms and Conditions Agreement with the Florida Department of Juvenile Justice for receipt of Title V funds for the Juvenile Justice and Delinquency Prevention Program in the amount of \$168,247.00, beginning October 1, 2003 until June 30, 2004; and further recommended that the Board grant authority to the County Administrator to sign the agreement.

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

In response to query by the members, Chief Assistant County Administrator D. Gay Lancaster indicated that the Juvenile Welfare Board is comfortable with the agreement; and that she will provide additional information regarding the City of St. Petersburg's role in the application process.

Upon call for the vote, the motion carried unanimously.

#37 SERVICE FUNDING AGREEMENT WITH YMCA OF GREATER ST. PETERSBURG, INC. FOR TITLE V JUVENILE JUSTICE AND DELINQUENCY PREVENTION PROGRAM - APPROVED FOR EXECUTION (JUSTICE AND CONSUMER SERVICES)

County Administrator Stephen M. Spratt recommended approval of the Service Funding Agreement with the YMCA of Greater St. Petersburg, Inc. for Fiscal Year 2003-2004 in the amount of \$168,247.00 to be administered through the YMCA's Project YES (Youth Enhancement Skills) to enhance literary and life skills for at-risk students enrolled at Meadowlawn and John Hopkins Middle Schools, for a total project amount of \$257,096.00 (\$88,849.00 required matching funds to be secured from Pinellas County School Board, YMCA of Greater St. Petersburg, Inc., City of St. Petersburg and Volunteer Community Members; County reimbursable portion, \$168,247.00).

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

#38 RESOLUTION NO. 03-212 ADOPTED SUPPLEMENTING FY 2004 GENERAL FUND BUDGET - SHERIFF (COPS FACIAL RECOGNITION TECHNOLOGY GRANT)

County Administrator Stephen M. Spratt recommended approval of a resolution to appropriate earmarked receipts for a particular purpose in the FY 2004 General Fund as requested by the Sheriff.

In response to query by Commissioner Harris, Assistant County Administrator Mark S. Woodard indicated that the funds will be used to continue the facial recognition technology at the booking area of the detention center.

Commissioner Latvala moved, seconded by Commissioner Welch, that Resolution No. 03-212 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#39 RESOLUTION NO. 03-213 ADOPTED SUPPLEMENTING FY 2004 GENERAL FUND BUDGET - SHERIFF (VARIOUS EXISTING GRANTS)

County Administrator Stephen M. Spratt recommended approval of a resolution to appropriate earmarked receipts for a particular purpose in the FY 2004 General Fund as requested by the Sheriff.

Commissioner Harris moved, seconded by Commissioner Latvala, that Resolution No. 03-213 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#40 RESOLUTION NO. 03-214 ADOPTED SUPPLEMENTING FY 2004 GENERAL FUND BUDGET - SHERIFF (FUND BALANCE FROM PRIOR YEAR GRANTS)

County Administrator Stephen M. Spratt recommended approval of a resolution to appropriate earmarked receipts for a particular purpose in the FY 2004 General Fund as requested by the Sheriff.

November 18, 2003

Commissioner Harris moved, seconded by Commissioner Welch, that Resolution No. 03-214 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

* * * *

At this time, 4:12 P.M., Commissioner Stewart left the meeting.

* * * *

#41 RESOLUTION NO. 03-215 ADOPTED SUPPLEMENTING FY 2004
TRANSPORTATION IMPACT FEE (TIF) FUND - OFFICE OF MANAGEMENT
AND BUDGET

Administrator Stephen M. Spratt recommended approval of a resolution to appropriate earmarked receipts for a particular purpose in the FY 2004 General Fund as requested by the Office of Management and Budget.

In response to query by Chairman Seel, Assistant County Administrator Mark S. Woodard indicated that the request was reviewed by Development Review Services and the Planning Department; and that the appropriation serves to align the budget.

Commissioner Latvala moved, seconded by Commissioner Welch, that Resolution No. 03-215 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Stewart.

#42 RESOLUTION NO. 03-216 ADOPTED SUPPLEMENTING FY 2004 CAPITAL PROJECTS FUND FOR SPACE NEEDS ASSESSMENT PROJECT - OFFICE OF MANAGEMENT AND BUDGET

County Administrator Stephen M. Spratt recommended approval of a resolution to appropriate earmarked receipts for a particular purpose in the FY 2004 Capital Projects Fund for the Space Needs Assessment Project.

In response to query by Chairman Seel, Mr. Spratt related that he has received a draft report from the consultant; whereupon, Director of General Services Carl M. Barron indicated that the report should be finalized by December 17, 2003.

Commissioner Welch moved, seconded by Commissioner Latvala, that Resolution No. 03-216 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Stewart.

#43 GRANT FUNDING AGREEMENT WITH THE YMCA OF THE SUNCOAST FOR CONSTRUCTION OF PALM HARBOR COMPETITIVE SWIMMING POOL - APPROVED FOR EXECUTION (PARK)

County Administrator Stephen M. Spratt recommended approval of a Grant Agreement with the YMCA of the Suncoast for construction of a competitive swimming pool at 1600 16th Street, Palm Harbor, in an amount not to exceed \$250,000.00.

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

* * * *

At this time, 4:15 P.M., Commissioner Stewart returned to the meeting.

* * * *

November 18, 2003

#44 AUTHORIZATION GRANTED TO ADVERTISE A PUBLIC HEARING ON PROPOSED REVISIONS TO THE PURCHASING ORDINANCE RELATING TO THE DEBARMENT OF CONTRACTORS (PURCHASING)

County Administrator Stephen M. Spratt recommended that authorization be granted to advertise a public hearing to be held on December 2, 2003 on proposed revisions to the purchasing ordinance relating to the debarment of contractors.

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

In response to queries by the members, Mr. Spratt indicated that the proposed revisions will outline specific guidelines relating to debarment and associated penalties; whereupon, Purchasing Director Joseph T. Lauro related that proposed changes include a contractor protest procedure; and that contractors will be notified through professional associations in advance of the public hearing.

County Attorney Susan H. Churuti indicated that the revisions, if approved, will be effective within five to ten days following the public hearing.

Upon call for the vote, the motion carried unanimously.

#45 NONCOMPETITIVE PURCHASE OF BENEFITS CONSULTING SERVICES FROM AON CONSULTING (CONTRACT NO. 034-20-N) (PURCHASING/PERSONNEL) - APPROVED; CHAIRMAN AUTHORIZED TO SIGN AGREEMENT AFTER PROPER EXECUTION BY CONTRACTOR AND WRITTEN APPROVAL AS TO FORM BY OFFICE OF THE COUNTY ATTORNEY

County Administrator Stephen M. Spratt recommended approval of the noncompetitive purchase of benefits consulting services from AON Consulting to provide continuity of service for 24 months, effective January 1, 2004 through December 31, 2006, at an estimated two-year expenditure not to exceed \$379,500.00; and further recommended that the Chairman be authorized to sign the agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

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

November 18, 2003

- #46 FIRST AMENDMENT TO CONTRACTS WITH ST. PETERSBURG COLLEGE IN PARTNERSHIP WITH PINELLAS COUNTY SCHOOL BOARD/PINELLAS TECHNICAL EDUCATION CENTERS (PTEC); FAMILY SERVICE CENTERS, INC.; AND GOODWILL INDUSTRIES - SUNCOAST, INC. FOR PROVISION OF PRIMARY SERVICES THROUGH WORKNET PINELLAS, INC. (CONTRACT NO. 023-339-P) - APPROVED; CHAIRMAN AUTHORIZED TO SIGN AGREEMENTS AFTER PROPER EXECUTION BY CONTRACTORS AND WRITTEN APPROVAL AS TO FORM BY OFFICE OF THE COUNTY ATTORNEY

County Administrator Stephen M. Spratt recommended approval of the first amendments to the contracts with St. Petersburg College (One Stop Centers and Youth Program) in partnership with Pinellas County School Board/Pinellas Technical Education Centers (PTEC); Family Service Centers; and Goodwill Industries - Suncoast, Inc., to increase the allowable and authorized spending funds and to add services to the contracts as required by the Federal Workforce Investment Act (WIA), for a total estimated annual expenditure not to exceed \$9,150,000.00; and further recommended that the Chairman be authorized to sign the agreements after proper execution by the contractors and written approval as to form by the Office of the County Attorney.

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

- #47a CONTRACT FOR SALE AND PURCHASE (CONTINUED FROM MEETING OF NOVEMBER 4, 2003) AND AMENDMENT TO CONTRACT FOR SALE AND PURCHASE WITH ANGELA C. SPENCER AND STEPHEN J. SPENCER FOR VACANT LAND TO BE USED AS AN ADDITION TO SUNSET BEACH PARK - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a Contract for Sale and Purchase and Amendment with Angela C. Spencer and Stephen J. Spencer for vacant waterfront property located at the northwest corner of Gulf Road and Shore Drive (Parcel No. 10/27/15/00000/430/0100) to be used as an addition to Sunset Beach Park, for a purchase price of \$99,000.00 (appraised value \$220,000.00) (closing date extended from November 28, 2003 to December 5, 2003).

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

November 18, 2003

#47b FUNDING OF 2004 FLORIDA AFRICAN AMERICAN HERITAGE CELEBRATION AT PINWOOD CULTURAL PARK - APPROVED (PARK)

County Administrator Stephen M. Spratt recommended funding in an amount not to exceed \$35,000.00 for the Florida African American Heritage Celebration to be held on February 28, 2004 at Pinewood Cultural Park be approved.

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

In response to query by Commissioner Welch, Assistant County Administrator Jacob F. Stowers, III, presented a history of the County's involvement with the celebration; and related that the County's support includes in-kind services in addition to financial contributions; whereupon, Mr. Spratt suggested that a community event grants program be established to receive and evaluate event funding requests.

Upon call for the vote, the motion carried unanimously.

#47c GRANT AWARD FROM U.S. DEPARTMENT OF JUSTICE FOR LAPTOP INTEROPERABILITY PROJECT (JUSTICE AND CONSUMER SERVICES) - ACCEPTED; AUTHORIZATION GRANTED TO COUNTY ADMINISTRATOR TO SIGN AWARD

County Administrator Stephen M. Spratt recommended acceptance of a grant award of \$1,490,250.00 from the U.S. Department of Justice for a Laptop Interoperability Project submitted by the Sheriff's Office; and further recommended that the County Administrator be authorized to sign the award as authorized grantee official.

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

#47d INNISBROOK PARCEL "F" REPORT

County Administrator Stephen M. Spratt indicated that he is seeking direction in anticipation of a site plan request for the development of approximately 400 units in Innisbrook Parcel "F."

Referring to his memorandum dated November 18, 2003, a copy of which has been filed and made a part of the record, James L. Bennett, Chief Assistant County Attorney, contended that the proposed development is inconsistent with the surrounding

November 18, 2003

area and the Countywide Plan. He indicated that clarification is needed from the Executive Director of the Pinellas Planning Council (PPC) before a decision could be made by the Board; that the Board may not have the authority to deny approval of the site plan; and that options include (1) approval of the site plan subject to reconciliation with the Countywide Plan; (2) submission of the application to a hearing master; and (3) amendment of the Countywide Plan.

In response to queries by the members, Mr. Bennett indicated that correction of the 1989 Master Plan could be an option; and that regulations do not allow for a public hearing; whereupon, County Attorney Susan H. Churuti indicated that the Board has no discretion regarding the issue of vested rights for the subject property.

Commissioner Latvala moved, seconded by Commissioner Morroni, that the item be deferred until the PPC can provide the Board with definite opinions outlining its reasons for making its decision.

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

#48 COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST

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

- a. Bank of America versus Adelene M. Alford, et al., Circuit Civil Case No. 03-7938-CI-21 - Mortgage Foreclosure Involving a Street Lighting Lien.
- b. Citimortgage, Inc. versus Margaret D. Hontz, et al., Circuit Civil Case No. 03-7772-CI-8 - Mortgage Foreclosure Involving a Community Development Second Mortgage.
- c. Mortgage Electronic Registration Systems, Inc. versus James P. Wells, et al., Circuit Civil Case No. 03-8112-CI-7 - Mortgage Foreclosure Involving a Welfare Lien.

- d. Lakeith Amir-Sharif versus Everett S. Rice, et al., Circuit Civil Case No. 03-5927-CI-7 - Allegations of Damages and Recovery of Personal Property; Lakeith Amir-Sharif versus Everett S. Rice, et al., Small Claims Case No. 03-008374-SC-SPC - Allegations of Damages and Recovery of (Additional and Different) Personal Property; Lakeith Amir-Sharif versus Everett S. Rice, et al., Case No. 03-8065-CO-40 - Allegations of Damages and Recovery of (Additional and Different) Personal Property; and Lakeith Amir-Sharif versus Everett S. Rice, et al., Case No. 03-8066-CO-54 - Recovery of (Additional and Different) Personal Property.

- e. Robert M. Bradley versus Everett S. Rice, as Sheriff of Pinellas County, Florida, and Pinellas County, Florida, by and through its Board of County Commissioners, Case No. 03-CV-2242, Claim No. 99-64165 - Allegations of Violations of Fourth, Eighth and Fourteenth Amendments Rights.

- f. Lois Orlando, a/k/a Lois Orlando Vaughan, versus Pinellas County, Small Claims Case No. 03-9108-SC-NPC - Allegations of Damages During Tree Pruning.

* * * *

At this time, 5:00 P.M., Commissioner Welch left the meeting.

* * * *

#49 COUNTY ATTORNEY AUTHORIZED TO INITIATE LITIGATION

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Latvala moved, seconded by Commissioner Morroni and carried, that the County Attorney be authorized to initiate litigation against:

- a. Sheriff versus Cameron Smith and Steven Ferguson
- Negligence in the Operation of an ATV Involving
a Sheriff's Police Cruiser.
- b. Estate of Melvin Frederick Glazener - Small Claims
Action on Behalf of Sunstar for Unpaid Ambulance
Bills.

#50 COUNTY ATTORNEY AUTHORIZED TO PURSUE ADMINISTRATIVE APPEAL
OF THE REVISED FINAL DETERMINATION ON AUDIT FINDINGS OF THE U.S.
DEPARTMENT OF LABOR IN THE CASE OF PINELLAS WORKFORCE
DEVELOPMENT BOARD, INC., BOARD OF COUNTY COMMISSIONERS,
PINELLAS COUNTY, FLORIDA VERSUS U.S. DEPARTMENT OF LABOR

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Latvala moved, seconded by Commissioner Harris and carried, that the County Attorney be authorized to pursue an administrative appeal of the Revised Final Determination on audit findings of the U.S. Department of Labor in the case of Pinellas Workforce Development Board, Inc., Board of County Commissioners, Pinellas County, Florida versus U.S. Department of Labor.

#51 PARTIAL RELEASE OF JUDGMENT AGAINST JON DAVID ANDERSON, CASE
NO. CRC02-17522CFANO-K - APPROVED FOR EXECUTION

County Attorney Susan H. Churuti recommended approval of a partial release of lien against Jon David Anderson.

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

* * * *

At this time, 5:02 P.M., Commissioner Welch returned to the meeting.

* * * *

November 18, 2003

#52 RELEASE OF LIEN AGAINST LLOYD SHEFFIELD, CASE NO. CRC85-02083CFANO - APPROVED

County Attorney Susan H. Churuti recommended approval of a release of lien against Lloyd Sheffield.

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

In response to queries by the members, Ms. Churuti recommended release of the lien in the amount of \$15,000.00; indicated that the lien will expire shortly; and that current liens may be invalid following the implementation of Article V revisions after July 1, 2004.

Upon call for the vote, the motion carried 6 to 1, with Commissioner Stewart casting the dissenting vote.

#53 REQUEST FOR REIMBURSEMENT OF TAXABLE COSTS IN CASE OF STATE VERSUS CRAIG JEROME KING, JR., CASES NOS. CRC02-13846CFANO AND CRC02-14679CFANO - APPROVED

County Attorney Susan H. Churuti recommended that the Board approve and certify payment totaling \$817.30 to Craig Jerome King, Jr., for reimbursement of taxable costs incurred in the defense of Cases Nos. CRC02-13846CFANO and CRC02-14679CFANO.

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

#54 RESOLUTION NO. 03-217 ADOPTED AUTHORIZING VOTING PRECINCT CHANGES AS RECOMMENDED BY THE SUPERVISOR OF ELECTIONS

County Attorney Susan H. Churuti recommended adoption of a resolution authorizing voting precinct adjustments as submitted by the Supervisor of Elections.

Senior Assistant County Attorney Betsy M. Steg indicated that the adjustments will have no impact upon representational lines; that the purpose is to combine several precincts in order to reduce election costs and ballot styles within a precinct and to avoid split precincts following annexation; whereupon, in response to query by Commissioner Morroni, Barbara Curtis, Supervisor of Elections Office,

November 18, 2003

explained further that while most of the reductions were made in order to decrease the number of ballot styles, one precinct was reduced in order to avoid making two precincts for that particular area.

Ms. Churuti related that the adjustments will diminish the possibility that voters could receive an incorrect ballot style and vote in the wrong election; and Ms. Curtis confirmed that all Pinellas County voters will receive new voter registration cards.

Commissioner Morroni moved, seconded by Commissioner Latvala, that Resolution No. 03-217 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#55 AUTHORIZATION GRANTED TO ADVERTISE A PUBLIC HEARING FOR ADOPTION OF PROPOSED ORDINANCE DELEGATING AUTHORITY TO THE COUNTY ADMINISTRATOR TO PAY STATE OF FLORIDA WORKERS' COMPENSATION ASSESSMENTS

County Attorney Susan H. Churuti recommended that authorization be granted to advertise a public hearing to be held on December 2, 2003 at 9:30 A.M. for adoption of a proposed ordinance delegating authority to the County Administrator to pay the State of Florida Workers' Compensation assessments related to the Risk Management self-insurance plan for an estimated assessment of \$649,607.03 divided into quarterly payments.

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

In response to query by Chairman Seel, Ms. Churuti explained that the County's self-insured plan saves money; and Assistant County Administrator Mark S. Woodard related that the assessments must be paid regardless of whether or not the County is self-insured; and that the proposed ordinance will enable the payments to be made more quickly, thereby avoiding fines and fees.

Upon call for the vote, the motion carried unanimously.

November 18, 2003

#56 AUTHORIZATION GRANTED TO ADVERTISE A PUBLIC HEARING RE AN AMENDING ORDINANCE RELATING TO STREET LIGHTING DISTRICTS

County Attorney Susan H. Churuti recommended that authorization be granted to advertise a public hearing to be held on December 2, 2003 regarding a proposed amending ordinance relating to street lighting districts; and indicated further that the proposed ordinance will update legal descriptions for the Property Appraiser's tax rolls.

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

#57 COUNTY ATTORNEY MISCELLANEOUS - NONE

County Attorney Susan H. Churuti indicated that there are no miscellaneous matters to be presented this date.

#58 GROUND LEASE AGREEMENT WITH RENEWAL OPTIONS AND MEMORANDUM OF GROUND LEASE BETWEEN PINELLAS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY AND HP STAR IV, LTD. (HARROD PROPERTIES) - APPROVED FOR EXECUTION

Chairman Seel noted for the record that the Board is now sitting as the Industrial Development Authority d/b/a the Economic Development Authority.

County Administrator Stephen M. Spratt recommended approval of a Ground Lease Agreement with Renewal Options and Memorandum of Ground Lease between the Pinellas County Industrial Development Authority and HP STAR IV, LTD. for a term of 65 years with an option to renew for two additional ten-year periods and a lease rate escalation of three percent per year to be applied every five years.

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

In response to query by Commissioner Stewart, Paul S. Sacco, Administrator, Young-Rainey STAR Center, explained that the lessee is exercising its option to lease as contained in the original agreement of May 1999; and that the lease rate of \$1.00 per month for the first six months is made as a concession to the developer for infrastructure improvements and construction of a new building.

November 18, 2003

Responding to query by Chairman Seel, Mr. Sacco related that the lessee notified the County of its intentions before the expiration of the current lease.

Upon call for the vote, the motion carried unanimously.

#59 INTERLOCAL AGREEMENT WITH THE LEALMAN SPECIAL FIRE CONTROL DISTRICT FOR CONSTRUCTION OF FIRE STATION - APPROVED FOR EXECUTION (EMS AND FIRE ADMINISTRATION)

Chairman Seel noted for the record that the Board is now sitting as the Pinellas County Fire Protection Authority.

County Administrator Stephen M. Spratt recommended that the Lealman Special Fire Control District Interlocal Agreement for construction of a fire station to be located at 54th Avenue North and 43rd be approved, replacing the prior contract dated July 15, 2002, and extending the term of the contract through December 31, 2004.

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

In response to query by Commissioner Welch, Chief Assistant County Administrator D. Gay Lancaster noted that the portion of Lealman Park originally slated for the new fire station may instead be used as a County Connection Center and Sheriff's office; whereupon, Dwaine A. Booth, Assistant Director, EMS and Fire Administration, indicated that the new fire station will probably be completed within 12 months.

Upon call for the vote, the motion carried unanimously.

#60 APPEAL TO REHEAR APPROVAL OF PRIVATE DOCK PERMIT APPLICATION NO. P31034-02/REVISED-A, GIAO NGUYEN AND DENNIS GULKIS, 945 AND 941 BAYSHORE BOULEVARD, TAMPA BAY, SAFETY HARBOR - DENIED

Chairman Seel noted for the record that the Board is now sitting as the Water and Navigation Control Authority.

County Administrator Stephen M. Spratt recommended that a petition to rehear the approval of Private Dock Permit Application No. P31034-02/Revised-A, Giao Nguyen and Dennis Gulkis, 945 and 941 Bayshore Boulevard, Tampa Bay, Safety Harbor, be denied, given the absence of new supporting information.

November 18, 2003

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

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

#61 APPEAL TO REHEAR APPROVAL OF PRIVATE DOCK PERMIT APPLICATION NO. P32462-03, BRUCE MURPHY AND HELEN GLEASON, 951 AND 953 BAYSHORE BOULEVARD, TAMPA BAY, SAFETY HARBOR - DENIED

Chairman Seel noted for the record that the Board is now sitting as the Water and Navigation Control Authority.

County Administrator Stephen M. Spratt recommended that a petition to rehear the approval of Private Dock Permit Application No. P32462-03, Bruce Murphy and Helen Gleason, 951 and 953 Bayshore Boulevard, Tampa Bay, Safety Harbor, be denied, given the absence of new supporting information.

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

#62 GALVANIZED PIPE REPLACEMENT PROGRAM UPDATE (UTILITIES)

Barbara Kuhl, Director of Contracts Management and Business Support, reported that the galvanized pipe replacement program is on schedule; whereupon, John Curtiss, Program Manager, CH2M HILL, conducted a computer presentation; and indicated that 64 percent of the projects are either under construction or complete; that the anticipated project completion is October 2004; and that the project will cost less than originally estimated.

In response to query by Commissioner Morroni, Mr. Curtiss indicated that efforts are made to avoid laying pipe at the same time that an area is undergoing reclaimed water line placement.

November 18, 2003

#63 APPOINTMENT OF CHARIS BARNARD TO YOUTH ADVISORY COMMITTEE - APPROVED

Upon presentation by Chairman Seel, Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the appointment of Charis Barnard to the Youth Advisory Committee through July 31, 2004 be approved.

#64 APPOINTMENTS TO CHARTER REVIEW COMMISSION - TEMPORARILY DEFERRED TO MEETING OF DECEMBER 2, 2003

Upon presentation by Chairman Seel, Commissioner Latvala moved, seconded by Commissioner Harris, that the 13 nominees, as submitted, be appointed to the Charter Review Commission.

In dissent, Commissioner Stewart voiced concern regarding the nominations for elected city official and public at large; and suggested that the city official should be a member of the St. Petersburg local government; whereupon, Commissioner Welch suggested that resumes of the nominees be submitted.

Following discussion, Commissioner Stewart moved, seconded by Commissioner Welch and carried, that the nominations be approved with the exception of the elected city official and one nomination for public at large.

Thereupon, Commissioner Stewart further moved, seconded by Commissioner Welch, that nominations for the two positions, including biographical information, be submitted for approval at the meeting on December 2, 2003.

Discussion ensued in which the members agreed to re-open the nominations for the two positions in question at the Board's next meeting.

#65a RESOLUTION REQUESTING CONGRESS TO CONTINUE FINANCIAL SUPPORT OF THE 21ST CENTURY LEARNING CENTERS PROGRAM - TEMPORARILY DEFERRED TO MEETING OF DECEMBER 2, 2003

Chairman Seel recommended approval of a resolution requesting that President Bush include the fully authorized amount of \$2,000,000,000.00 for the 21st Century Learning Centers Program in the fiscal 2005 budget; and further requesting that Congress fund the program in the fiscal 2004 budget at \$2,000,000,000.00 as was previously authorized by the No Child Left Behind Act of 2001.

November 18, 2003

Commissioner Harris stated that he did not receive a copy of the resolution; whereupon, Chairman Seel indicated that she will present the resolution at the December 2, 2003 meeting.

#65b COMMISSIONER MORRONI RE VARIOUS ISSUES

Commissioner Morroni congratulated Commissioner Welch upon his election as Chairman of the Value Adjustment Board; and commented on the success of the opening night of the holiday lights show at Lake Seminole Park.

#65c COMMISSIONER HARRIS RE VARIOUS ISSUES

Commissioner Harris encouraged all to see the holiday lights show at Lake Seminole Park; and offered a water conservation tip regarding thawing of holiday turkeys.

#65d CHAIRMAN SEEL RE VARIOUS ISSUES

Chairman Seel related that she attended the Safety Harbor Commission meeting the previous night; and commented on Feather Sound issues; whereupon, County Administrator Stephen M. Spratt indicated that the Board typically responds to neighborhood issues by providing information and accessibility to the public.

She reported on the construction of the Bayside High School; thanked the Park Department personnel for their initiative and hard work; and suggested that the Board meet with the Pasco County Commission for a ribbon-cutting event at the newly opened Cross Bar Education Center.

#65e COMMISSIONER TODD RE VARIOUS ISSUES

Commissioner Todd reported on the recent meeting of the Regional Planning Council and its upcoming meeting on November 24; noted that the National Council for Science and the Environment is meeting in the Bay area with the United

November 18, 2003

States Science Foundation; and stated that she had participated in the Great American Teach-In at Paul Alexander Elementary School in Tampa.

#65f COMMISSIONER WELCH RE VARIOUS ISSUES

Commissioner Welch announced that he will attend a legislative conference and will not be in attendance at tonight's Board meeting or at the WorkNet Board meeting on November 19; and indicated that the cooperative child care concept will be discussed by the WorkNet Board on December 3.

#65g COMMISSIONER LATVALA RE SPECIAL ASSESSMENT LATE FEES

Commissioner Latvala expressed concern regarding problems associated with the mailing of Special District assessments and resulting late fees; whereupon, County Attorney Susan H. Churuti indicated that she will look into the matter.

* * * *

At the direction of the Chairman, there being no objection, the meeting was recessed at 6:09 P.M. and reconvened at 6:38 P.M.

* * * *

WATER WISE AWARDS PRESENTED TO GULF BEACHES ELEMENTARY SCHOOL, McKENNY PARK, AND PETER THIBAUT

Dale Armstrong, Coordinator, Florida Yards and Neighborhoods, Pinellas County Extension Services, explained that the Water Wise Awards recognize landscapes that demonstrate outdoor water conservation by utilizing Florida Friendly Landscaping design and maintenance practices. Assisted by Vestina Ford, Public Relations Specialist, Pinellas County Utilities, Environmental Education and Outreach, he presented garden stepping stone awards to Gulf Beaches Elementary, in the School category; Mr. Peter Thibault, in the Homeowner category; and a plaque to McKenny Park, St. Pete Beach, in the Governmental category.

November 18, 2003

PROCLAMATION DECLARING NOVEMBER AS RUNAWAY PREVENTION MONTH 2003

Chairman Seel presented a proclamation declaring the month of November as Runaway Prevention Month 2003 to Jane Harper, Chairman and CEO of Family Resources; whereupon, Ms. Harper provided information regarding local runaway prevention and counseling programs.

CITIZENS TO BE HEARD

Wilford O. Perry, Clearwater, referred to an article in the *St. Petersburg Times* regarding problems with the desalination plant and raised questions regarding accountability; whereupon, at the request of Chairman Seel and as a Board member of Tampa Bay Water, Commissioner Stewart responded to his concerns.

Cathy Corry, Clearwater, representing Justice for Kids, commented regarding the House of Representatives Legislative Select Committee on Juvenile Detention Facilities; urged anyone with information about abuse or neglect in state juvenile facilities to contact her organization; and expressed her concern over censorship of public opinion by the Board of County Commissioners; whereupon, Chairman Seel indicated that appointments to various advisory committees are made individually by the Commissioners, not as acts of the Board.

Mark S. Kamleiter, St. Petersburg, spoke regarding citizen participation in government; and referring to the termination of Ms. Ana Van Nahmen from the Parks advisory board, stated that it is the Board's duty to speak to Commissioner Welch on behalf of the citizens; whereupon, Chairman Seel indicated that his comments will be passed on to Commissioner Welch.

#66 PRIVATE DOCK APPLICATION P33371-03, JOHN MARK ROESCH, 1150 PARK STREET, ST. PETERSBURG, BOCA CIEGA BAY - APPROVED

Chairman Seel noted for the record that the Board is now sitting as the Water and Navigation Control Authority.

November 18, 2003

Pursuant to legal notice published in the October 3 and October 10, 2003 issues of the Gulf Coast Business Review, as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Private Dock Application P33371-03, John Mark Roesch, 1150 Park Street, St. Petersburg, Boca Ciega Bay. Chief Deputy Clerk Clareth N. Harris reported that all interested parties have been notified by mail; that no correspondence has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt indicated that the applicant proposes to construct a private dock in the waters of Boca Ciega Bay; that the City of St. Petersburg has reviewed and approved the application; that the biological report prepared by the Pinellas County Department of Environmental Management was made available to the public and has been filed and made a part of the record; and that staff recommends approval of the application and execution of the order based upon negative "Findings of Fact," Items 1 through 9, as indicated in his memorandum of November 18, 2003, which has been filed and made a part of the record

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

Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the application be approved in accordance with the "Findings of Fact."

67 PROPOSED ORDINANCE PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING ARTICLE I, DIVISIONS 1 AND 2 OF CHAPTER 22 AND REPEAL OF ARTICLE III, DIVISIONS 1 AND 3 OF CHAPTER 22 OF SAID CODE RELATING TO CONSTRUCTION CONTRACTING AND LICENSURE – TEMPORARILY DEFERRED TO MEETING OF DECEMBER 2, 2003; AUTHORIZATION GRANTED TO RE-ADVERTISE THE PUBLIC HEARING

Chief Deputy Clerk Clareth N. Harris referred to a proposed ordinance providing that the Pinellas County Code be amended by revising Article I, Divisions 1 and 3 and repealing Article III, Divisions 1 and 3 of Chapter 22 of said Code relating to construction contracting and licensure; recommended that the item be deferred due to improper advertising; and further recommended that authorization be granted to re-advertise the public hearing to be held December 2, 2003.

November 18, 2003

Commissioner Stewart moved, seconded by Commissioner Latvala, that the recommendations of the Chief Deputy Clerk be approved. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Welch.

#68 RESOLUTION NO. 03-218 ADOPTED APPROVING ISSUANCE OF NOT TO EXCEED \$18,500,000.00 PINELLAS COUNTY HEALTH FACILITIES AUTHORITY REVENUE BONDS, SERIES 2003, BEF, INC. (OAKS OF CLEARWATER PROJECT), PURSUANT TO SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

Pursuant to legal notice published in the November 1, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing (TEFRA) was held regarding consideration of the proposed issuance of not to exceed \$18,500,000.00 Pinellas County Health Facilities Authority Revenue Bonds, Series 2003, BEF, Inc. (Oaks of Clearwater Project). Chief Deputy Clerk Clareth N. Harris reported that one letter in support of the bond issuance has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt recommended that the Board approve the issuance of not to exceed \$18,500,000.00 Revenue Bonds, Series 2003, by the Pinellas County Health Facilities Authority.

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

Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the bond issue be approved as recommended by the County Administrator. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Welch.

November 18, 2003

#69 RESOLUTION NO. 03-219 ADOPTED APPROVING ISSUANCE OF NOT TO EXCEED \$4,700,000.00 PINELLAS COUNTY EDUCATIONAL FACILITIES AUTHORITY VARIABLE RATE DEMAND REVENUE AND REVENUE REFUNDING BONDS, SERIES 2003 (THE CANTERBURY SCHOOL OF FLORIDA PROJECT), PURSUANT TO SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

Pursuant to legal notice published in the November 1, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing (TEFRA) was held regarding consideration of the proposed issuance of not to exceed \$4,700,000.00 Pinellas County Educational Facilities Authority Variable Rate Demand Revenue and Revenue Refunding Bonds, Series 2003 (The Canterbury School of Florida Project). Chief Deputy Clerk Clarethia N. Harris reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt recommended that the Board approve the issuance of not to exceed \$4,700,000.00 Variable Rate Demand Revenue and Revenue Refunding Bonds, Series 2003, by the Pinellas County Educational Facilities Authority.

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

Commissioner Latvala moved, seconded by Commissioner Todd and carried, that the bond issue be approved as recommended by the County Administrator. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Welch.

#70a APPLICATION OF WILLIAM R. ZALLA FOR A CHANGE OF ZONING FROM C-2 TO C-3 (Z-1-10-03) - APPROVED; RESOLUTION NO. 03-220 ADOPTED

Pursuant to legal notice published in the November 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of William R. Zalla for a change of zoning from C-2 to C-3, re approximately 2.53 acres located on the west side of 66th Street North, 775 feet

November 18, 2003

south of Bryan Dairy Road (Z-1-10-03). Chief Deputy Clerk Claretha N. Harris reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt indicated that staff recommends approval of the application.

The Local Planning Agency/Examiner Findings of Fact and Recommendation for approval of the change of zoning from C-2 to C-3 were filed and made a part of the record.

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

Commissioner Latvala moved, seconded by Commissioner Harris, that Resolution No. 03-220 be adopted approving zoning application Z1-10-03. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Welch.

#70b APPLICATION OF THE WILDER CORPORATION OF DELAWARE, A DELAWARE CORPORATION, THROUGH THURMAN J. ROSS, III, REPRESENTATIVE, FOR A CHANGE OF ZONING FROM CR TO RPD-7.5 AND RPD-1.0 (Z-2-10-03) – APPROVED; RESOLUTION NO 03-221 ADOPTED

Pursuant to legal notice published in the November 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of The Wilder Corporation of Delaware, a Delaware Corporation, through Thurman J. Ross, III, for a change of zoning from CR to RPD-7.5 (uplands) and RPD-1.0 (wetlands), re approximately 39.3 acres located on the east side of U.S. Highway 19 North, 1,440 feet south of Klosterman Road (Z-2-10-03). Chief Deputy Clerk Claretha N. Harris reported that one message in objection to the application has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt indicated that staff recommends approval of the application.

November 18, 2003

The Local Planning Agency/Examiner Findings of Fact and Recommendation for approval of the change of zoning from CR to RPD-7.5 and RPD-1.0 were filed and made a part of the record.

Director of Development Review Services Paul Cassel referred to an aerial photograph and land use map of the area, identified the surrounding land uses, and noted that the property is currently developed as a recreational vehicle park. He indicated that development to full intensity under the proposed zoning would generate less traffic than development to full intensity of the current park use; and responding to query by Commissioner Todd, confirmed that any development must go through the site plan approval process; and noted that, although RPD zoning allows single or multi-family, the developer is proposing single family homes on the site.

In response to the Chairman's call for persons wishing to be heard, Mr. John Thurmond, Palm Harbor, appeared and voiced his concerns regarding historical Indian marker trees on the property; whereupon, Assistant County Administrator Jacob F. Stowers, III indicated that all trees having special interest will be addressed under the site plan review; and Commissioner Todd requested that Mr. Stowers work with Native Americans to identify and address related issues.

Commissioner Latvala moved, seconded by Commissioner Harris, that Resolution No. 03-221 be adopted approving zoning application Z2-10-03. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Welch.

#70c APPLICATION OF AMERICAN HOUSING CORPORATION THROUGH STUART A. COHEN, REPRESENTATIVE, FOR A CHANGE OF ZONING FROM R-6 TO R-3 - (Z-3-10-03) – APPROVED; RESOLUTION NO 03-222 ADOPTED

Pursuant to legal notice published in the November 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of American Housing Corporation through Stuart A. Cohen for a change of zoning from R-6 to R-3, re approximately 0.138 acre located on the north side of 104th Avenue, 423.5 feet east of 62nd Street North (Z-3-10-03). Chief

November 18, 2003

Deputy Clerk Clareth N. Harris reported that one letter in favor of the application has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt indicated that staff recommends approval of the application.

The Local Planning Agency/Examiner Findings of Fact and Recommendation for approval of the change of zoning from R-6 to R-3 were filed and made a part of the record.

Director of Development Review Services Paul Cassel referred to an aerial photograph and indicated that the property is located within a mobile home subdivision; that the Board has reviewed and approved several similar applications; that lot sizes and setback requirements for R-6 and R-3 are the same; and that staff plans to propose a Code change in the near future to allow either a mobile home or standard constructed house within R-6 zoning.

Stuart Cohen, American Housing, exhibited photographs of a typical home constructed by his company and noted that homes are constructed on a build-to-suit basis; that the company builds a fine product; and that they have been successful in doing so.

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

Bruce W. Smith, Pinellas Park (exhibited photographs)
Charmaine Atkerson, Pinellas Park

Responding to concerns of the objectors and at the request of Chairman Seel, Mr. Cassel confirmed that the rezoning before the Board tonight would not affect any of the neighbors' property; that the proposed Code change would give property owners in the subdivision the option of having a mobile home or a constructed house on their 60- by 100-foot lots; and that there is no intent to remove the mobile home zoning from the neighborhood; whereupon, Mr. Spratt indicated that the Public Works Department will investigate the drainage problem; and Commissioner Todd requested that the Board receive a follow-up report on the same.

Commissioner Latvala moved, seconded by Commissioner Todd, that Resolution No. 03-222 be adopted approving zoning application Z3-10-03. Upon roll call, the vote was:

November 18, 2003

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

Nays: None.

Absent and not voting: Welch.

#70d APPLICATION OF MISERERE GUILD, INC., C/O REVEREND NORMAN C. BALTHAZAR THROUGH JOSEPH A. DiVITO, ESQUIRE, REPRESENTATIVE, FOR A CHANGE OF ZONING FROM A-E AND C-2 TO IL AND A CHANGE IN LAND USE DESIGNATION FROM INDUSTRIAL LIMITED (51.68 ACRES) AND INSTITUTIONAL TO INSTITUTIONAL (Z/LU-4-10-03) – APPROVED; RESOLUTION NO. 03-223 ADOPTED; STAFF AUTHORIZED TO TRANSMIT CHANGE IN LAND USE DESIGNATION TO STATE DEPARTMENT OF COMMUNITY AFFAIRS FOR REVIEW AND COMMENT

Pursuant to legal notice published in the November 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Miserere Guild, Inc., c/o Reverend Norman C. Balthazar through Joseph A. DiVito, Esquire, for a change in zoning from A-E and C-2 to IL and a change in land use designation from industrial limited (51.68 acres) and institutional to institutional, re approximately 94.02 acres located on the northeast corner of U.S. Highway 19 and 118th Avenue North (Z/LU-4-10-03). Chief Deputy Clerk Clareth N. Harris reported that one letter in opposition to the application has been received; and that the matter is properly before the Board to be heard.

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

The Local Planning Agency/Examiner Findings of Fact and Recommendation for approval of the change of zoning from A-E and C-2 to IL and the companion land use change from industrial limited and institutional to institutional were filed and made a part of the record.

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

Commissioner Morroni moved, seconded by Commissioner Harris, that Resolution No. 03-223 be adopted approving the zoning application; and that the

November 18, 2003

requested change in land use designation be approved, with authorization for staff to transmit to the DCA for review and comment.

Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Welch.

#70e APPLICATION OF TERRA EXCAVATING, INC., A FLORIDA CORPORATION, THROUGH TIMOTHY A. JOHNSON, JR., ESQUIRE, REPRESENTATIVE, FOR A CHANGE OF ZONING FROM A-E TO RPD-5 AND A CHANGE IN LAND USE DESIGNATION FROM RESIDENTIAL RURAL TO RESIDENTIAL LOW (Z/LU-5-10-03) – APPROVED; RESOLUTION NO. 03-224 ADOPTED; STAFF AUTHORIZED TO TRANSMIT CHANGE IN LAND USE DESIGNATION TO STATE DEPARTMENT OF COMMUNITY AFFAIRS FOR REVIEW AND COMMENT

Pursuant to legal notice published in the November 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Terra Excavating, Inc., a Florida corporation, through Timothy A. Johnson, Jr., Esquire, for a change of zoning from A-E to RPD-5 and a change in land use designation from residential rural to residential low, re approximately 18.43 acres located on the north side of 134th Avenue North between Pine Street and Trotter Road (Z/LU-5-10-03). Chief Deputy Clerk Clareth N. Harris reported that one letter in opposition to the application has been received; and that the matter is properly before the Board to be heard.

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

The Local Planning Agency/Examiner Findings of Fact and Recommendation for approval of the change of zoning from A-E to RPD-5 and the companion land use change from residential rural to residential low were filed and made a part of the record.

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

November 18, 2003

Commissioner Latvala moved, seconded by Commissioner Morroni, that Resolution No. 03-224 be adopted approving the zoning application; and that the requested change in land use designation be approved, with authorization for staff to transmit to the DCA for review and comment.

Responding to query by Commissioner Harris, Mr. Spratt confirmed that the subject property is the borrow pit previously under consideration for purchase by the County; and indicated that the cost of the land along with the investment necessary to make the land suitable for recreational use was deemed to be prohibitive.

Following discussion and upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Welch.

#70f APPLICATION OF GREGORY A. AND KIMBERLY A. MEYERS FOR A CHANGE OF ZONING FROM R-3 TO P-1A AND A CHANGE IN LAND USE DESIGNATION FROM RESIDENTIAL LOW TO RESIDENTIAL/OFFICE LIMITED (Z/LU-6-10-03) - APPROVED; RESOLUTION NO. 03-225 ADOPTED; ORDINANCE NO. 03-89 ADOPTED APPROVING LAND USE APPLICATION, SUBJECT TO REVIEW AND APPROVAL BY THE COUNTYWIDE PLANNING AUTHORITY

Pursuant to legal notice published in the November 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Gregory A. and Kimberly A. Meyers for a change of zoning from R-3 to P-1A and a change in land use designation from residential low to residential/office limited, re approximately 0.1777 acre located at the southwest corner of Belcher Road and 14th Avenue Southeast (Street address: 1400 Belcher Road) (Z/LU-6-10-03). Chief Deputy Clerk Clareth N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt indicated that staff recommends approval of the application.

The Local Planning Agency/Examiner Findings of Fact and Recommendation for approval of the change of zoning from R-3 to P-1A and the companion land use plan amendment from residential low to residential/office limited were filed and made a part of the record.

November 18, 2003

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

Commissioner Latvala moved, seconded by Commissioner Todd, that Resolution No. 03-225 be adopted approving the zoning application; and that Ordinance No. 03-89 be adopted approving the land use application, subject to review and approval by the Countywide Planning Authority (Z/LU-6-10-03). Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Welch.

#70g APPLICATION OF LEISURE LAKE PARTNERSHIP THROUGH TED FREED, ZANDER CORPORATION, REPRESENTATIVE, FOR A CHANGE OF ZONING FROM A-E TO R-2 AND A CHANGE IN LAND USE DESIGNATION FROM RESIDENTIAL SUBURBAN AND TRANSPORTATION/UTILITY TO TRANSPORTATION/UTILITY AND RESIDENTIAL SUBURBAN (Z/LU-8-10-03) – APPROVED; RESOLUTION NO. 03-226 ADOPTED; ORDINANCE NO. 03-90 ADOPTED APPROVING LAND USE APPLICATION, SUBJECT TO REVIEW AND APPROVAL BY THE COUNTYWIDE PLANNING AUTHORITY

Pursuant to legal notice published in the November 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Leisure Lake Partnership through Ted Freed, Zander Corporation, for a change of zoning from AE to R-2 and a change in land use designation from residential suburban and transportation/utility to transportation/utility and residential suburban, re approximately 11.9 acres located on the east side of North Jasmine Avenue, 830 feet south of Sail Harbor Circle (Z/LU-8-10-03). Chief Deputy Clerk Clarethia N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the Board to be heard.

The Local Planning Agency/Examiner Findings of Fact and Recommendation for approval of the change of zoning from A-E to R-2 and the companion land use change from residential suburban and transportation/utility to transportation/utility and residential suburban and further recommendation that the amendment to the Future Land Use Map not become effective until Pinellas County has received proof that Progress Energy has authorized relocation of the utility lines were filed and made a part of the record.

November 18, 2003

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

Commissioner Harris moved, seconded by Commissioner Latvala, that Resolution No. 03-226 be adopted approving the zoning application; and that Ordinance No. 03-90 be adopted approving the land use application, subject to review and approval by the Countywide Planning Authority (Z/LU-8-10-03). Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Welch.

#70h APPLICATION OF VITO FARESE FOR A CHANGE OF ZONING FROM R-3 TO C-2 AND C-3, A CHANGE IN LAND USE DESIGNATION FROM RESIDENTIAL URBAN TO COMMERCIAL GENERAL PER DEVELOPER AGREEMENT, AND A VARIANCE FOR LOT WIDTH (Z/LU-2-8-03) - DENIED; RESOLUTION NO. 03-227 ADOPTED

Pursuant to legal notice published in the November 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Vito Farese for a change of zoning from R-3 to C-2 and C-3, a change in land use designation from residential urban to commercial general per developer agreement, and a variance for lot width, re approximately 1.01 acre located on the north side of Ulmerton Road, 120 feet west of West Rena Drive (a/k/a: 6789 Ulmerton Road) (Z/LU-2-8-03). Chief Deputy Clerk Clareth N. Harris reported that one letter in favor of the application has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt indicated that staff recommends approval of the application.

The Local Planning Agency/Examiner Findings of Fact and Recommendation for approval of the change of zoning from R3 to C-2 and C-3, the companion land use plan amendment from residential urban to commercial general, the developer agreement, and the width variance were filed and made a part of the record.

Director of Development Review Services Paul Cassel referred to an aerial photograph and land use map of the neighborhood, identified the surrounding land uses, and indicated that the only legal access to the subject parcel is through the commercial property on Ulmerton Road, also owned by the applicant; that operations on the

November 18, 2003

commercial property had spilled over onto the subject parcel resulting in a zoning violation; and that the proposed developer agreement will provide protection to the adjacent residential property owners. Responding to query by Commissioner Todd, he stated that the surrounding residential areas are well established; and that he believes approval of the application will not set a precedent for further commercial development.

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

Charles S. Johnson, Palm Harbor
Marilyn Myers, Largo

In rebuttal, Mr. Farese indicated that Mr. Johnson has proposed the relocation of a drainage canal which would impose a 40-foot easement on his property; that he believes Mr. Johnson wishes to buy his property; that he has no plans to build on the property; and that he only wishes to clean it up and make it functional.

Responding to comments by Mr. Johnson, Chairman Seel indicated that estimated traffic and water usage figures are based on the planning category, rather than the actual property use.

In response to query by Chairman Seel, Mr. Cassel indicated that while there appears to be room to provide access from West Rena Drive, doing so would require the permission of the adjacent property owner.

Following discussion, Commissioner Latvala moved, seconded by Commissioner Stewart, that application Z/LU-2-8-03 be approved as recommended. Upon roll call, the vote was:

Ayes: Latvala and Stewart.

Nays: Seel, Todd, Harris, and Morroni.

Absent and not voting: Welch.

Thereupon, Resolution No. 03-227 was adopted denying the change of zoning, the companion land use plan amendment, and the variance; and Chairman Seel urged that the parties work together to provide alternative access to the site.

November 18, 2003

#70i APPLICATION OF LARGO LAKES NORTH, LTD, ALLEN F. GATES TRUST (ALLEN F. AND GRETCHEN H. GATES, TRUSTEES), THROUGH BEN FELDER, LANGFORD & HILL, P.A., REPRESENTATIVE, FOR A CHANGE OF ZONING FROM M-1 TO R-3 AND RM-7.5 AND A CHANGE IN LAND USE DESIGNATION FROM INDUSTRIAL LIMITED AND PRESERVATION TO RESIDENTIAL URBAN AND PRESERVATION (Z/LU-7-10-03) – DENIED; RESOLUTION NO. 03-228 ADOPTED

Pursuant to legal notice published in the November 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Largo Lakes North, LTD, Allen F. Gates Trust (Allen F. and Gretchen H. Gates, Trustees), through Ben Felder, Langford & Hill, P.A. for a change of zoning from M-1 to R-3 and RM-7.5 and a change in land use designation from industrial limited and preservation to residential urban and preservation, re approximately 14.284 acres located on the south side of 118th Avenue North, 1,355 feet east of Starkey Road (Z/LU-7-10-03). Chief Deputy Clerk Clareth N. Harris reported that one message and two letters in support of and one letter in opposition to the application have been received; and that the matter is properly before the Board to be heard.

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

The Local Planning Agency/Examiner Findings of Fact and Recommendation for denial of the change of zoning from M-1 to R-3 and RM-7.5 and the companion land use change from industrial limited and preservation to residential urban and preservation were filed and made a part of the record.

Director of Development Review Services Paul Cassel referred to an aerial photograph and land use map of the area, identified the surrounding land uses, and indicated that the property is currently vacant; that the applicant has amended the application to exclude the southerly portion of the property; that a previous application for rezoning of a portion of the property had been denied; that there are no changes since the previous denial; and that it is a good practice to retain industrial properties where possible.

November 18, 2003

Charles M. B. Ross, Largo, presented an amended site plan and stated that the site would be a natural extension of the existing residential area to the north; that an existing 75-foot ditch easement and 100-foot railroad right-of-way would provide a logical boundary between the industrial and residential areas; that the previous denial was based on objections from surrounding landowners, one of which sold the land to the applicant; that the land of another objector has since been rezoned and developed by his firm; and that Harrod Properties, Inc., owner of a portion of the subject land, has stated that the land is not suitable for its use. He further indicated that his firm has worked with County staff to address their concerns, hence the downsizing of the request; and that there is a great demand for single family housing south of Ulmerton Road.

In response to the Chairman's call for persons to be heard, Mike Farrell, St. Petersburg, voiced his support of the application; whereupon, Edward J. Lurie, Seminole, indicated that he is in opposition to the proposed changes.

Following discussion, Commissioner Latvala moved, seconded by Commissioner Todd, that Resolution No. 03-228 be adopted denying application Z/LU-7-10-03. Upon roll call, the vote was:

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

Nays: Stewart.

Absent and not voting: Welch.

#70j APPLICATION OF NIREUS CORPORATION THROUGH HERBERT ELLIOTT, REPRESENTATIVE, FOR A CHANGE OF ZONING FROM C-2, R-4, AND A-E TO CR, A CHANGE IN LAND USE DESIGNATION FROM RESIDENTIAL SUBURBAN, RESIDENTIAL ESTATE, AND COMMERCIAL RECREATION TO COMMERCIAL RECREATION, AND A DEVELOPER AGREEMENT (Z/LU-9-10-03) – DENIED; RESOLUTION NO. 03-229 ADOPTED

Pursuant to legal notice published in the November 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Nireus Corporation through Herbert Elliott for a change of zoning from C-2, R-4, and A-E to CR and a change in land use designation from residential suburban, residential estate, and commercial recreation to commercial recreation, and a developer agreement, re approximately 2.1 acres located on the westerly side of Anclote Road, 900 feet south of the Pasco County Line (Z/LU-9-10-03). Chief

November 18, 2003

Deputy Clerk Clareth N. Harris reported that two letters in opposition to the application have been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt indicated that staff recommends denial of the application.

The Local Planning Agency/Examiner Findings of Fact and Recommendations for denial of the change of zoning C-2, R-4, and A-E to CR and the companion land use change from residential suburban, residential estate, and commercial recreation to commercial recreation and for initiation of a Planning Director's Land Use Plan Amendment to correct zoning and land use plan inconsistencies were filed and made a part of the record.

Director of Development Review Services Paul Cassel referred to an aerial photograph and land use map of the area, identified the surrounding land uses, and indicated that the zoning and land use configuration on the property needs correction; that the application was generated by a code violation; that the current use of the property is for a restaurant with a fish camp and marina operation; that the previous co-applicant had withdrawn his portion of the request; that the application was previously denied without prejudice; that a proposal for additional docks is currently under Water and Navigation review; and that, although the current developer agreement imposes several restrictions, staff does not believe it offers adequate protection for the neighbors.

Larry Crow stated that he will be speaking for the applicant at tonight's meeting in the absence of co-counsel Herbert Elliott. He noted that the property has had a variety of uses over the last 50 years; that any use of the property will have some impact on its neighbors; that the property has recently been cleaned up due to the evacuation of a previous tenant; and indicated that operations would be limited to daylight hours; and that no outside music would be permitted.

In response to the Chairman's call for persons to be heard, the following persons appeared and indicated their opposition to the application:

Gene Russelo, Tarpon Springs
Faye Russelo, Tarpon Springs
Brenna Durden, Jacksonville
Ramona Pletcher, Horseshoe Beach
Karen Henderson, Dunedin
Jon Wilson, Tarpon Springs
Matthew Troio, Tarpon Springs
William L. Vinson, Tarpon Springs

November 18, 2003

In rebuttal, Mr. Crow indicated that a beer and wine variance was granted by the County in 1998, so that should not be an issue; that the proposed boat ramp is for private use only; that the 30-seat restaurant is intended to accommodate two to three persons for each of the 12 boat slips, thereby making it incidental to the fish camp; that restrooms are available on site; and that the noise issue will be abated by the restrictions he proposed earlier. He submitted a petition with 136 signatures in support of the application.

Responding to queries by Chairman Seel, Mr. Cassel stated that the beer and wine variance was granted by the Board of Adjustment; that it contains a specific condition that beer and wine sales are for marina patrons; and that there was no intention that a bar and lounge or restaurant be operated on the property.

Commissioner Latvala moved, seconded by Commissioner Todd, that Resolution No. 03-229 be adopted denying application Z/LU-9-10-03. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Welch.

#70k APPLICATION OF SKYLARK R.O. ASSOCIATION, INC., THROUGH E. D. ARMSTRONG, ESQUIRE, JOHNSON, BLAKELY, POPE, BOKOR, RUPPEL AND BURNS, REPRESENTATIVE, FOR A CHANGE OF ZONING FROM R-6 TO C-2, A CHANGE IN LAND USE DESIGNATION FROM RESIDENTIAL URBAN AND TRANSPORTATION/UTILITY TO RESIDENTIAL/OFFICE/RETAIL AND TRANSPORTATION/UTILITY, AND A DEVELOPER AGREEMENT (Z/LU-1-4-03) – APPROVED; RESOLUTION NO. 03-230 ADOPTED; ORDINANCE NO. 03-91 ADOPTED APPROVING LAND USE APPLICATION; STAFF AUTHORIZED TO TRANSMIT CHANGE IN LAND USE DESIGNATION TO STATE DEPARTMENT OF COMMUNITY AFFAIRS

Pursuant to legal notice published in the November 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Skylark R.O. Association, Inc. through E. D. Armstrong, Esquire, for a change of zoning from R-6 to C-2, a change in land use designation from residential urban and transportation/utility to residential/office/retail and transportation/utility, and a developer agreement, re approximately 13.04 acres located on the northeast corner of State Road 580 and Summerdale Drive (Street address: 2526

November 18, 2003

State Road 580 East) (Z/LU-1-4-03). Chief Deputy Clerk Claretha N. Harris reported that 11 letters in support of and 89 letters and three petitions with a total of 232 signatures in opposition to the application have been received; and that the matter is properly before the Board to be heard.

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

The Local Planning Agency/Examiner Findings of Fact and Recommendations for approval of the change of zoning from R-6 to C-2 (as amended), the companion land use change from residential urban and transportation/utility to residential/office/retail (as amended) and transportation/utility, and a developer agreement were filed and made a part of the record.

Director of Development Review Services Paul Cassel noted that this is the adoption hearing for the Land Use Plan amendment, in accordance with Chapter 163 of the Florida Statutes; and summarized the history of the case. He indicated that the requested land use designation has been amended from commercial to residential/office/retail; that the DCA has not reviewed the amended application or the developer agreement; that the new Local Planning Agency report addresses the DCA's concerns regarding neighborhood compatibility and traffic; and that, if the application is approved, the developer agreement must be part of the Comprehensive Plan Amendment submitted back to the DCA. Responding to query by Commissioner Todd, he expressed the opinion that the data and analyses to be submitted to the DCA are adequate to support the request.

Mr. Armstrong indicated that he is representing the applicant; and in acknowledgement of the objectors present at tonight's meeting, noted that approximately 100 proponents of the application had appeared at a previous meeting.

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

Tom Thomasson, Clearwater
Thelma Flemming, Unincorporated
Glenn Wilson, Unincorporated
Mary Wilson, Unincorporated

November 18, 2003

In rebuttal, Mr. Armstrong noted that the initial request for a commercial land use designation has been amended to residential/office/retail; that every professional planner who has made a recommendation to a governing body has found the request to be compatible with the standards of the Land Use Plan; that the installation of a light at the intersection would not violate Department of Transportation (DOT) spacing requirements; and emphasized that the developer agreement provides that the developer will pay for a light and dedicate additional right-of-way to the appropriate jurisdiction.

In response to concerns raised by Commissioner Todd, Mr. Cassel indicated that a traffic light must be approved by the DOT based on the amount of traffic at the intersection; that two years is the time period in which the developer promises to pay for a light if it is approved; that the Board can be of support through its representatives in the Metropolitan Planning Organization (MPO); and that the neighbors' concerns regarding the gas pumps have been addressed by relocating the pumps to the south side of the BJ's building.

Responding to queries by Commissioner Todd, Mr. Armstrong noted that approval of the land use change would increase the likelihood of DOT's approving a light; that the amendment to residential/office/retail would avoid setting a precedent for commercial development on the north side of State Road 580; and that, assuming a worst-case scenario, traffic generated by the development of out parcels would still meet concurrency requirements.

Following comments by Commissioner Latvala, she moved that application Z/LU-1-4-03 be denied. The motion died for lack of a second; whereupon, she moved, seconded by Commissioner Harris, that Resolution No. 03-230 be adopted approving the zoning application; and that Ordinance No. 03-91 be adopted approving the land use application, with authorization for staff to transmit to the DCA. Upon roll call, the vote was:

Ayes: Todd, Stewart, Harris, and Morrioni.

Nays: Seel and Latvala.

Absent and not voting: Welch.

November 18, 2003

* * * *

Upon direction of the Chairman, there being no objection, the meeting was adjourned at 9:40 P.M.

* * * *

Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By _____
Deputy Clerk