

Clearwater, Florida, January 8, 2002

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 9:33 A.M. on this date with the following members present: Barbara Sheen Todd, Chairman; Karen Williams Seel, Vice-Chairman; Robert B. Stewart; Calvin D. Harris; Susan Latvala; John Morroni; and Kenneth T. Welch.

Absent: None.

Also Present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; C. R. Short, Chief Deputy Clerk; and MaryAnn Penhale, Board Reporter.

Reverend Curtis Hess, St. Petersburg, pronounced the Invocation which was followed by the Pledge of Allegiance to the Flag led by Commissioner Seel.

## A G E N D A

### INVOCATION

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

### PRESENTATIONS & AWARDS

#### A. CITIZENS TO BE HEARD

Any Person Wishing to Speak at this Time (Excluding Issues on the Agenda or Previously Acted on by the BCC) Must Have a Card Filled Out and Turned in to Staff at the Administrative Table Located at the Front of the Board Room.

#### B. CONSENT AGENDA

##### CLERK OF CIRCUIT COURT

1. Approval of Minutes - Regular Meetings Held on December 4, 2001 and December 11, 2001, and Special Session Held on December 11, 2001.
2. Reports:
  - a. Pinellas County, Florida Court Improvement Account Report.
  - b. Pinellas County, Florida Court Facility Fee and Court Improvement Account.
3. Other Approvals:

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- a. General - None.
  - b. Satisfactions of Judgments and Liens.
  - c. Vouchers and Bills Paid.
4. Miscellaneous Items to be Received for Filing:
- a. City of Gulfport Ordinances Nos. 2001-11 and 2001-16 Voluntarily Annexing Certain Property Adopted November 6 and December 4, 2001, Respectively.
  - b. Town of Redington Beach Resolution No. 20-01 Adopted November 13, 2001 Requesting the County Purchase a Beach Cleaner Surf Rake and Tractor for Removing Rocks and Debris from the Town's Public Beaches.
  - c. City of Tarpon Springs Resolution No. 2001-68 Adopted November 20, 2001 Opposing the County's Attempt to Regulate Annexation by Referendum.
  - d. Pinellas Park Water Management District Public Notice Regarding Change of Meeting Date.
  - e. Official Traffic Regulations Submitted by the County Traffic Engineer.

COUNTY ADMINISTRATOR

Budget and Finance

5. Budget Amendment: None.
6. Adoption of a Resolution Supplementing the FY02 General Fund Budget for the Sheriff's Law Enforcement Trust Fund and Federal Equitable Sharing Trust Fund.

Public Works

7. Approval of Award of Bids:
  - a. 52nd Avenue at 108th Way Drainage Improvements, Part I and Feather Sound Structure Replacement, Part II.
  - b. Turner Creek Maintenance Dredging from 4th Street North to 1st Street North.
8. Approval of Change Order No. 1 (Final) for the Construction of the Walsingham Park Entrance Wall, Gates and Pedestrian Bridge.

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9. Approval of Subdivision Plats and Related Items - None.

Utilities

10. Approval of Award of Bids:
- a. Grounds Maintenance.
  - b. Seminole Lakes Golf and Country Club Estates Reclaimed Water Distribution System.
11. Approval of a Name Change from Schlumberger Resource Management Services, Inc. to Neptune Technology Group, Inc., Provider of Water Meters.
12. Approval of a Utility Work Agreement between Pinellas County and the Florida Department of Transportation - Tyrone Boulevard from 5th Avenue to Park Street.

General

13. Approval of a Name Change from Century Rain Aid to John Deere Landscapes for Irrigation Supplies Used by Various County Departments.
14. Approval of Option of Renewal for Annual Requirements of Ford Original Equipment Manufacturer Parts for Cars, Light and Medium Duty Trucks.
15. Approval to Declare Surplus and Authorize the Transfer of Miscellaneous County Owned Equipment.
16. Approval of a Request for Proposal for Hydrogeological Services for a Groundwater Nutrient Study at Lake Tarpon.
17. Approval and Authorization of Final Payment and Release of Retainage, General Construction Contract - St. Petersburg Judicial Building Air Handler Replacement Project.
18. Adoption of a Resolution for Assessment of Liens against Lands Cleared.

COUNTYWIDE PLANNING AUTHORITY

19. Receipt of the Redevelopment Issues and Strategies Report (Scheduled for Discussion and Review at February 4, 2002 BCC Work Session).

C. REGULAR AGENDA

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

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COUNTY ADMINISTRATOR

Public Works

21. Approval of an Acquisition of Portions of Tracts 51, 52, 55, 56, 58 and 64 and Parcels Numbers 37, 39, 40, 42, 43, 80 and E203, for the Klosterman Road Project.

Utilities

22. Approval of Change Order No. 1 (Final) for a 24" Water Main Construction at Gulf Boulevard.
23. Approval of Insurance Premium Payment for Commercial Property and Builders Risk Policy Covering South Cross Phase IIB Project.
24. Approval of an Agreement for Professional Engineering Services for the Design of a Reclaimed Water Distribution System for the Beacon Groves and Orange Pointe Subdivisions.
25. Approval of an Agreement for Professional Consulting Services with LJK Consultants, Inc.

General

26. Approval of the Second Amendment to the Amended and Restated Lease Agreement with the Northern Pinellas Community Action Council, Inc. - Palm Harbor Senior Activity Center and a Senior Day Care Center Located at 1500 - 16th Street, Palm Harbor.
27. Approval of Change Order No. 2 to the Design/Build Agreement for the Northwest Clearwater Parking Garage.
28. Approval of Amendment No. 2 to the Construction Management Agreement to Establish a Guaranteed Maximum Price (GMP) for the Jail Booking and Administrative Areas A-Wing, Part 2.
29. Approval of Amendment No. 3 to the Professional Architectural Services Agreement for the St. Petersburg Judicial Building Plaza Deck Renovations.
30. Approval of an Agreement between Pinellas County and Tampa Bay Water for the Florida Yards and Neighborhood Program.
31. Approval of an Agreement between Pinellas County and the Juvenile Welfare Board for the Youth as Resources Program.
32. Approval of an Agreement between Pinellas County and the Juvenile Welfare Board for the Community Youth Mapping Initiative Program.

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33. Other Administrative Matters.

COUNTY ATTORNEY

34. Authority for County Attorney to Defend:

- a. ABNAMRO Mortgage Group, Inc. v. Robert R. Perkins - Circuit Civil Case No. 01-9080-CI-7 - Mortgage Foreclosure Involving a Judgment for Fines and Costs.
- b. U.S. Bank National Association v. Gary K. Shaw, et al - Circuit Civil Case No. 01-3608-CI-21 - Mortgage Foreclosure Involving a Judgment for Fines and Costs and a Judgment for Attorneys Fees and Costs.
- c. U.S. Bank National Association v. Tina M. Smith, et al - Circuit Civil Case No. 01-6618-CI-15 - Mortgage Foreclosure Involving Judgements for Fines and Costs and Judgments for Attorneys Fees and Costs.
- d. Irwin Mortgage v. Adolphus Berrian, et al - Circuit Civil Case No.01-9044-CI-21 - Mortgage Foreclosure Involving Judgments for Fines and Costs, Judgments for Attorneys Fees and Costs and a Street Lighting Lien.
- e. ABNAMRO Mortgage Group, Inc. v. Brown, Leon J., et al - Circuit Civil Case No. 01-8864-CI-15 - Mortgage Foreclosure Involving a Street Lighting Lien and a Judgment for Attorneys Fees and Costs.
- f. Bank of America, N.A. v. Diane L. Foss - Circuit Civil Case No. 01-9168-CI-13 – Mortgage Foreclosure Involving a Community Development Mortgage.
- g. United Bank and Trust v. Belleair Group, Inc., et al - Circuit Civil Case No. 01-8860-CI-8 - Mortgage Foreclosure Involving a Street Lighting Lien.
- h. Countrywide Home Loans v. Deborah Anne Anderson, et al - Circuit Civil Case No. 01-9072-CI-20 - Mortgage Foreclosure Involving Judgments for Attorneys Fees and Costs.
- i. ACS State and Local Solutions, Inc., f/k/a/ Lockheed Martin IMS Corporation v. the Pinellas WAGES Coalition, et al - Circuit Civil Case No. 01-009324-CI-21.

35. Authorization of Carlton, Fields, Ward, Emmanuel, Smith and Cutler to Employ Additional Experts in the Great Monument Construction Company v. Pinellas County Litigation - Circuit Civil Case No. 95-1881-CI-007.

36. Payment of Past Due Indemnity Benefits.

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37. Authorization of the Chairman or Vice Chairman of the Board of County Commissioners to Execute and the Clerk to Attest an Amendment to Consent Order 92-0094 with the Florida Department of Environmental Protection for the McKay Creek Wastewater Treatment Facility.
38. Miscellaneous.

SCHEDULED PUBLIC HEARINGS  
PUBLIC HEARINGS WILL BEGIN AT 10:30 A.M.

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. Please Refer to the Back of Your Agenda Copy for More Details on Guidelines for Time Limitations and Opportunities to Speak.

COUNTYWIDE PLANNING AUTHORITY

Consideration of the Following Proposals to Amend the Adopted Countywide Future Land Use Plan:

SUBTHRESHOLD AMENDMENTS

39. a. Case #CW 01-61 - Pinellas County  
Location - 4.2 Acres Located on the West End of Willard and Grove Streets; South Side of Willard Street, 180 Feet East of Grove Street. Amendment from Residential Low to Recreation/Open Space.
- b. Case #CW 01-62 - Clearwater  
Location - 7.96 Acres Located on the North Side of Woodlawn Street at the North End of Tilly Avenue; West Side of Prospect Avenue, 250 Feet South of Woodlawn Avenue. Amendment from Residential Urban and Residential Medium to Institutional.

REGULAR AMENDMENTS

40. a. Case #CW 01-60 - St. Petersburg  
Location - 21.9 Acres Located on the East Side of 9th Street North, 590 Feet North of Gandy Boulevard. Amendment from Residential/Office General to Industrial Limited.

SCHEDULED PUBLIC HEARINGS - BCC

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41. Planning and Zoning Applications Heard by the Examiner:
  - a. ZLU-1-10-01  
Application of Hardy H. Huntley through Peter E. Creighton, Representative, for a Change of Zoning from RM-5, Residential, Multiple Family to C-2, General Retail Commercial and Limited Services and a Change of Land Use from Residential Low to Commercial General and a Partial Abandonment of the Previously Approved Developer's Agreement on Approximately 3.681 Acres at the Northwest Corner of Bryan Dairy Road and Starkey Road. (Parcel ID No. 14/30/15/84739/001/0010). (Continued from December 18, 2001 BCC Meeting).
42. Petition to Vacate Submitted by Richard A. Caito and Sherill M. Caito for a Portion of a 20.0 Foot Drainage and Utility Easement on Lot 11, Shadowlake Village at Woodfield, Located in the Southeast ¼ of Section 15, Township 27 South, Range 16 East.
43. Petition to Vacate Submitted by Lawrence Dolan and Allison Dolan for a Portion of a 15.0 Foot Drainage and Utility Easement on Lot 9, Pine Valley, Located in the Southwest ¼ of Section 29, Township 30 South, Range 15 East.
44. Proposed Ordinance Relating to Pinellas County Exempt Employee Bonuses.
45. Proposed Ordinance Regulating Activities within Pinellas County Environmental Lands.
46. Proposed Ordinance to Amend the Pinellas County Parks Ordinance.
47. Proposed "Planning to Stay" Element of the Pinellas County Comprehensive Plan. (Continued to February 4, 2002 Work Session).

#### 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.

48. Private Dock Application P30691-01, Gary Boesch, 424 St. Andrews Drive, Clearwater Harbor, Belleair.
49. Commercial Dock Application CD30578-01, Kitsos Land Corporation (Formerly Known as Petra, Ltd.), 510 Dodecanese Boulevard, Anclote River, Tarpon Springs.

#### D. COUNTY ADMINISTRATOR REPORTS

50. New Pinellas 18 Webcasting Feature.

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E. COUNTY COMMISSION

51. Approval of Appointment to the St. Petersburg/Clearwater Economic Development Council.
52. Approval of Appointment of a Youth Advisory Committee Member to the Pinellas County Park Board.
53. Miscellaneous.

ADJOURNMENT

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PLAQUE PRESENTED TO COMMISSIONER HARRIS IN APPRECIATION OF LEADERSHIP AS CHAIRMAN

Chairman Todd presented a plaque on behalf of the Board to Commissioner Harris in appreciation of his outstanding leadership as Chairman over the past year.

PLAQUE PRESENTED TO D. GAY LANCASTER IN APPRECIATION OF LEADERSHIP AND SERVICE AS INTERIM COUNTY ADMINISTRATOR

Chairman Todd presented a plaque on behalf of the Board to Assistant County Administrator D. Gay Lancaster in appreciation of her leadership and service as the former Interim County Administrator.

CERTIFICATE OF APPRECIATION PRESENTED TO CHARLES F. CURTIS II FOR SERVICE ON PINELLAS COUNTY SWIMMING POOL BOARD FOR EXAMINING, ADJUSTMENTS AND APPEALS

Chairman Todd presented a certificate of appreciation on behalf of the Board to Charles F. Curtis II for his many years of service on the Pinellas County Swimming Pool Board for Examining, Adjustments and Appeals.

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CITIZENS TO BE HEARD

Robert Lowry, Largo, expressed his concerns regarding health care.

Marcie Lauster, Lealman Community Association, expressed her concerns regarding annexation boundaries and proposed parcels for annexation by the Cities of Pinellas Park and St. Petersburg.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 19 - APPROVED

Upon presentation by Chairman Todd, Commissioner Seel moved, seconded by Commissioner Welch and carried, that the Consent Agenda, consisting of items Nos. 1 through 19, be approved as follows:

# 1 APPROVAL OF MINUTES

Minutes of regular meetings of December 4 and 11, 2001 and special session of December 11, 2001.

# 2 REPORTS RECEIVED FOR FILING

- a. Pinellas County, Florida Court Improvement Account Report.
- b. Pinellas County, Florida Court Facility Fee and Court Improvement Account.

# 3 OTHER APPROVALS

- a. General - None.

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b. Satisfactions of Judgments and Liens

- (1) Satisfactions of various judgements for attorney fees and costs which have been paid in full.
- (2) Release of Public Defender Liens as listed on BCC Finance Receivables System Report, pursuant to Florida Statute 27.56, Statute of Limitations.

c. Vouchers and Bills Paid

- (1) Checks released for the period from December 17, 2001 to December 21, 2001 as follows:

Payroll Journal Expenditures

Payroll Journal pages numbered 1 through 2669

Payroll checks numbered 482226 through 482890

Imprest Fund Expenditures

Manual checks numbered 605038 through 605049

System checks numbered 612419 through 613328

#4 MISCELLANEOUS ITEMS RECEIVED

- a. City of Gulfport Ordinances Nos. 2001-11 and 2001-16 voluntarily annexing certain property adopted November 6 and December 4, 2001, respectively.
- b. See agenda item No. 20.
- c. City of Tarpon Springs Resolution No. 2001-68 adopted November 20, 2001 opposing the County's attempt to regulate annexation by referendum.

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- d. Pinellas Park Water Management District Public Notice regarding change of meeting date.
- e. Official traffic regulations submitted by the County Traffic Engineer.

#5 BUDGET AMENDMENTS - NONE

# 6 RESOLUTION NO. 02-01 SUPPLEMENTING THE FY 2002 GENERAL FUND BUDGET (SHERIFF'S LAW ENFORCEMENT TRUST FUND)

Resolution No. 02-01 appropriating earmarked receipts for a particular purpose in the FY 2002 General Fund as requested by the Sheriff.

# 7 AWARD OF BIDS

- a. Bid of Castco Construction, Inc. for an estimated total expenditure in the amount of \$242,285.82 for Part I - 52nd Avenue at 108th Way drainage improvement and Part II - Feather Sound structure replacement (Bid No. 012-118-C); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- b. Bid of Speeler Enterprises, Inc. for an estimated total expenditure in the amount of \$126,560.00 (Option I) for Turner Creek maintenance dredging from 4th Street North to 1st Street North (Bid No. 001-1124-C); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

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# 8 CHANGE ORDER NO. 1 (FINAL) TO CONTRACT NO. 921092 WITH DAVIS CONSTRUCTION ENTERPRISES, INC. FOR WALSINGHAM PARK ENTRANCE WALL, GATES AND PEDESTRIAN BRIDGE (BID NO. 001-0410-C)

- a. Change Order No. (Final) decreases the contract by \$2,909.03 (final total contract, \$273,842.33).
- b. Contract accepted as complete as of November 7, 2001.
- c. Chairman authorized to sign and Clerk to attest.

# 9 SUBDIVISION PLATS AND RELATED ITEMS - NONE

#10 AWARD OF BIDS

- a. Bid of Luke Brothers, Inc. for an estimated annual expenditure not to exceed \$189,213.36 (Bid No. 012-80-B); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- b. Bid of Mastec North America, Inc. for an estimated total expenditure in the amount of \$2,163,173.59 (Bid No. 012-108-C); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

#11 ACKNOWLEDGMENT OF NAME CHANGE FROM SCHLUMBERGER RESOURCE MANAGEMENT SERVICES, INC. TO NEPTUNE TECHNOLOGY GROUP, INC. EFFECTIVE NOVEMBER 1, 2001 (BID NO. 990-0497-B)

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Neptune Technology Group, Inc. has agreed to continue the existing contract at the same prices, terms and conditions.

- #12 UTILITY WORK AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION (DOT) FOR TYRONE BOULEVARD FROM 5th AVENUE TO PARK STREET, DOT FINANCIAL PROJECT ID NO. 257126-1-52-01, WORK PROGRAM ITEM NO. 7117214, PROJECT NO. 753-996919-1437

Agreement is for the protection and adjustment of existing appurtenances within the limits of Tyrone Boulevard (S.R. 595) from 5th Avenue to Park Street in the amount of \$50,000.00; Chairman authorized to sign agreement.

- #13 ACKNOWLEDGMENT OF NAME CHANGE FROM CENTURY RAIN AID TO JOHN DEERE LANDSCAPES EFFECTIVE NOVEMBER 2, 2001 (BID NO. 989-0874-B)

John Deere Landscapes has agreed to continue the terms of the original agreement.

- #14 OPTION OF RENEWAL WITH WALKER FORD, INC. FOR FORD ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS FOR CARS, LIGHT AND MEDIUM DUTY TRUCKS (BID NO. 990-0435-B)

Option of renewal is exercised for an additional 12 months at the same prices, terms and conditions as stated in the contract for a total annual estimated expenditure not to exceed \$30,000.00 (first of three 12-month options of renewal; current contract expires March 20, 2002); County Administrator authorized to renew contract after first 12-month renewal period has been completed per County Code 2-176(F).

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#15 DECLARATION OF CERTAIN MISCELLANEOUS COUNTY-OWNED EQUIPMENT AS SURPLUS AND AUTHORIZATION FOR TRANSFER OF SAME TO PINELLAS COUNTY SHERIFF'S DEPARTMENT

#16 RANKING OF PROPOSALS OF (1) LEGGETTE, BRASHERES AND GRAHAM, INC., (2) ENVIRONMENTAL CONSULTING & TECHNOLOGY, INC., AND (3) ENVIRONMENTAL SOLUTIONS, INC. FOR HYDROGEOLOGICAL SERVICES FOR GROUNDWATER NUTRIENT STUDY AT LAKE TARPON (RFP NO. 012-33-P); AUTHORIZATION FOR STAFF TO NEGOTIATE WITH NUMBER ONE RANKED FIRM, LEGGETT, BRASHERES AND GRAHAM, INC.

#17 FINAL ACCEPTANCE OF GENERAL CONSTRUCTION CONTRACT NO. 001-0933-C WITH ROYAL LAIRE MECHANICAL, INC. FOR ST. PETERSBURG JUDICIAL BUILDING AIR HANDLER REPLACEMENT

- a. Contract accepted as complete.
- b. Final payment authorized in the amount of \$39,330.00.
- c. Retainage released in the amount of \$4,370.00.

#18 LOT CLEARING RESOLUTION

Resolution No. 02-02 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.

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#19 RECEIPT OF REDEVELOPMENT ISSUES AND STRATEGIES FOR PINELLAS COUNTY, REVISED FINAL DRAFT REPORT

Revised final draft report received for consideration at work session of February 4, 2002.

#20 ITEMS FOR DISCUSSION FROM CONSENT AGENDA (COUNTY ADMINISTRATOR AND CLERK OF CIRCUIT COURT) - ITEM NO. 4b - MISCELLANEOUS ITEMS TO BE RECEIVED FOR FILING

Commissioner Morroni referred to agenda item No. 4b and requested that the item be amended to read, "Town of Redington Shores Resolution No. 20-01."

#21 AGREEMENT WITH DISTRICT BOARD OF TRUSTEES OF ST. PETERSBURG COLLEGE FOR ACQUISITION OF PORTIONS OF TRACTS 51, 52, 55, 56, 58 AND 64, PARCEL NOS. 37, 39, 40, 42, 43, 80 AND E203, FOR THE KLOSTERMAN ROAD PROJECT (PID NO. 920515) - APPROVED FOR EXECUTION WITH AUTHORIZATION FOR ISSUANCE OF NECESSARY CHECKS

County Administrator Stephen M. Spratt recommended approval of an agreement with District Board of Trustees of St. Petersburg College for acquisition of portions of tracts 51, 52, 55, 56, 58 and 64, Parcel Nos. 37, 39, 40, 42, 43, 80 and E203 (property address: 600 East Klosterman Road, Tarpon Springs), for the Klosterman Road Project from U.S. Alternate 19 to U.S. 19 North in the Tampa and Tarpon Springs Land Company Subdivision in Section 19, Township 27 South, Range 16 East, with authorization for the issuance of a check to the District Board of Trustees of St. Petersburg College in the amount of \$683,315.00 in payment thereof, together with a check payable to Somers Title Company in the amount of \$3,631.25.

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

#22 CONTRACT WITH HEUER UTILITY CONTRACTORS, INC. FOR 24-INCH WATER MAIN CONSTRUCTION AT GULF BOULEVARD FROM S. R. 699 TO 90TH AVENUE ACCEPTED AS COMPLETE; CHANGE ORDER NO. 1 (FINAL) (PROJECT NO. 653-991714-0910) (BID NO. 001-0382-C) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended that the contract with Heuer Utility Contractors, Inc. for 24-inch water main construction at Gulf Boulevard from S.R. 699 to 90th Avenue be accepted as complete as of August 21, 2001; and further recommended approval of Change Order No. 1 (Final) increasing the contract by the amount of \$46,771.85 (final total contract, \$238,094.85).

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

#23 AUTHORIZATION GRANTED FOR PAYMENT OF INSURANCE PREMIUM TO ACORDIA SOUTHEAST, INC. FOR RENEWAL OF COMMERCIAL PROPERTY AND BUILDERS RISK POLICY COVERING SOUTH CROSS BAYOU PHASE IIB PROJECT

County Administrator Stephen M. Spratt recommended that authorization be granted for payment of an insurance premium to Acordia Southeast, Inc. in the amount of \$97,868.00 for renewal of the Commercial Property and Builders Risk Policy covering the South Cross Bayou Phase IIB project.

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

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#24 AGREEMENT WITH ADVANCED ENGINEERING & DESIGN, INC. TO PROVIDE CONSULTANT SERVICES FOR BEACON GROVES AND ORANGE POINTE RECLAIMED WATER DISTRIBUTION SYSTEM (PROJECT NO. 763-711313-1464) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended that the Board approve the agreement with Advanced Engineering & Design, Inc. to provide professional engineering services for the design of a reclaimed water distribution system in the Beacon Groves and Orange Pointe Subdivisions in an amount not to exceed \$117,649.00.

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

#25 NONCOMPETITIVE AGREEMENT WITH LJK CONSULTANTS, INC. FOR PROFESSIONAL CONSULTING SERVICES - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a noncompetitive agreement with LJK Consultants, Inc. for professional consulting services (Utilities' large facility construction projects) in an amount not to exceed \$170,000.00 per annum.

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

#26 SECOND AMENDMENT TO THE AMENDED AND RESTATED LEASE AGREEMENT WITH NORTHERN PINELLAS COMMUNITY ACTION COUNCIL, INC. - APPROVED FOR EXECUTION

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County Administrator Stephen M. Spratt recommended approval of the Second Amendment to the Amended and Restated Lease Agreement with Northern Pinellas Community Action Council, Inc.

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

#27 CHANGE ORDER NO. 2 TO DESIGN/BUILD AGREEMENT WITH BILL HARBERT CONSTRUCTION, INC. FOR NORTHWEST CLEARWATER PARKING GARAGE PROJECT (143) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Change Order No. 2 to the Design/Build Agreement with Bill Harbert Construction, Inc. for renovations and additions to the Northwest Clearwater Parking Garage Project (143), increasing the project schedule by 126 calendar days and the agreement amount by \$42,490.00 (total contract amount, \$4,014,067.00).

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

#28 AMENDMENT NO. 2 TO CONSTRUCTION MANAGEMENT AGREEMENT WITH CREATIVE CONTRACTORS, INC. TO ESTABLISH GUARANTEED MAXIMUM PRICE (GMP) FOR JAIL BOOKING AND ADMINISTRATIVE AREAS A-WING (PART 2) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 2 to the Construction Management Agreement with Creative Contractors, Inc., for Jail Booking and Administrative Areas A-Wing (Part 2) for the guaranteed maximum price (GMP) of \$1,046,968.00.

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

- #29 AMENDMENT NO. 3 TO AGREEMENT DATED DECEMBER 24, 1997 WITH MASON BLAU & ASSOCIATES, INC. FOR PROFESSIONAL ARCHITECTURAL SERVICES FOR THE ST. PETERSBURG JUDICIAL BUILDING PLAZA LEVEL DECK - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 3 to an agreement dated December 24, 1997 with Mason Blau & Associates, Inc. for professional architectural services for the St. Petersburg Judicial Building Plaza Level Deck, for a maximum fee of \$13,576.00 (total agreement amount, \$461,937.00).

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

- #30 INTERLOCAL AGREEMENT WITH TAMPA BAY WATER FOR FLORIDA YARDS AND NEIGHBORHOODS PROGRAM FOR FY 2001-2002 (COOPERATIVE EXTENSION) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of an Interlocal Agreement with Tampa Bay Water for the continuance of the Florida Yards and Neighborhoods Program for FY 2001-2002 (Cooperative Extension).

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

- #31 AGREEMENT WITH JUVENILE WELFARE BOARD FOR YOUTH AS RESOURCES (YAR) PROGRAM, FY 2001-2002 (COOPERATIVE EXTENSION) - APPROVED FOR EXECUTION

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County Administrator Stephen M. Spratt recommended approval of an agreement with the Juvenile Welfare Board for the Youth as Resources (YAR) Program, FY 2001-2002 (Cooperative Extension).

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

#32 AGREEMENT WITH JUVENILE WELFARE BOARD FOR COMMUNITY YOUTH MAPPING INITIATIVE PROGRAM, FY 2001-2002 (COOPERATIVE EXTENSION) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of an agreement with the Juvenile Welfare Board for the Community Youth Mapping Initiative Program, FY 2001-2002 (Cooperative Extension).

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

#33a RESOLUTION NO. 02-03 ADOPTED AUTHORIZING A DEFERRED COMPENSATION CONTRIBUTION TO THE INTERIM COUNTY ADMINISTRATOR, D. GAY LANCASTER

County Administrator Stephen M. Spratt recommended adoption of a resolution authorizing a deferred compensation contribution to the Interim County Administrator, D. Gay Lancaster, in the amount of \$8,500.00.

Commissioner Latvala moved, seconded by Commissioner Welch, that Resolution No. 02-03 be adopted as recommended by the County Administrator. Upon roll call, the vote was:

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

Nays: None.

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Absent and not voting: None.

#33b UPDATE OF AMERICAN ASSEMBLY PROCESS

County Administrator Stephen M. Spratt reported on the organizational meeting of the American Assembly Process, the intent to schedule the assembly process over a three-day period in May prior to which an interlocal agreement between the participating municipalities and an engagement letter with Florida State University (FSU) and Florida Atlantic University (FAU) must be executed, and requested the Board's assistance in overcoming the City of Pinellas Park's reluctance to take part in the process.

#33c UPDATE RE MEDIATION BETWEEN CITIES OF LARGO AND PINELLAS PARK

County Administrator Stephen M. Spratt informed the Board of the recent arbitration hearing before a retired judge; that he was asked to meet with the Largo City Manager in order to resolve issues with regard to alleged violations of a building permit/sewer connection interlocal agreement; and that a second hearing is scheduled for later this month.

#34a COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE ABN AMRO MORTGAGE GROUP, INC. VERSUS ROBERT R. PERKINS, CIRCUIT CIVIL CASE NO. 01-9080-CI-7 - MORTGAGE FORECLOSURE INVOLVING A JUDGMENT FOR FINES AND COSTS

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 suit re ABN Amro Mortgage Group, Inc. versus Robert R. Perkins, Circuit Civil Case No. 01-9080-CI-7 - Mortgage Foreclosure Involving a Judgment for Fines and Costs.

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- #34b COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE U.S. BANK NATIONAL ASSOCIATION VERSUS GARY K. SHAW, ET AL, CIRCUIT CIVIL CASE NO. 01-3608-CI-21 - MORTGAGE FORECLOSURE INVOLVING JUDGMENTS FOR FINES AND COSTS AND ATTORNEY FEES AND COSTS

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 suit re U.S. Bank National Association versus Gary K. Shaw, et al, Circuit Civil Case No. 01-3608-CI-21 - Mortgage Foreclosure Involving Judgments for Fines and Costs and Attorney Fees and Costs.

- #34c COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE U.S. BANK NATIONAL ASSOCIATION VERSUS TINA M. SMITH, ET AL, CIRCUIT CIVIL CASE NO. 01-6618-CI-15 - MORTGAGE FORECLOSURE INVOLVING JUDGMENTS FOR FINES AND COSTS AND ATTORNEY FEES AND COSTS

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 suit re U.S. Bank National Association versus Tina M. Smith, et al, Circuit Civil Case No. 01-6618-CI-15 - Mortgage Foreclosure Involving Judgments for Fines and Costs and Attorney Fees and Costs.

- #34d COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE IRWIN MORTGAGE VERSUS ADOLPHUS BERRIAN, ET AL, CIRCUIT CIVIL CASE NO. 01-9044-CI-21 - MORTGAGE FORECLOSURE INVOLVING JUDGMENTS FOR FINES AND COSTS, ATTORNEY FEES AND COSTS AND A STREET LIGHTING LIEN

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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 suit re Irwin Mortgage versus Adolphus Berrian, et al, Circuit Civil Case No. 01-9044-CI-21 - Mortgage Foreclosure Involving Judgments for Fines and Costs, Attorney Fees and Costs and a Street Lighting Lien.

#34e COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE ABN AMRO MORTGAGE GROUP, INC. VERSUS LEON J. BROWN, ET AL, CIRCUIT CIVIL CASE NO. 01-8864-CI-15 - MORTGAGE FORECLOSURE INVOLVING A STREET LIGHTING LIEN AND A JUDGMENT FOR ATTORNEY FEES AND COSTS

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 suit re ABN Amro Mortgage Group, Inc. versus Leon J. Brown, et al, Circuit Civil Case No. 01-8864-CI-15 - Mortgage Foreclosure Involving a Street Lighting Lien and a Judgment for Attorney Fees and Costs.

#34f COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE BANK OF AMERICA, N.A. VERSUS DIANE L. FOSS, CIRCUIT CIVIL CASE NO. 01-9168-CI-13 - MORTGAGE FORECLOSURE INVOLVING A COMMUNITY DEVELOPMENT MORTGAGE

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 suit re Bank of America, N.A. versus Diane L. Foss, Circuit Civil Case No. 01-9168-CI-13 - Mortgage Foreclosure Involving a Community Development Mortgage.

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#34g COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE UNITED BANK AND TRUST VERSUS BELLEAIR GROUP, INC., ET AL, CIRCUIT CIVIL CASE NO. 01-8860-CI-8 - MORTGAGE FORECLOSURE INVOLVING A STREET LIGHTING LIEN

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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 suit re United Bank and Trust versus Belleair Group, Inc., et al, Circuit Civil Case No. 01-8860-CI-8 - Mortgage Foreclosure Involving a Street Lighting Lien.

#34h COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE COUNTRYWIDE HOME LOANS VERSUS DEBORAH ANNE ANDERSON, ET AL, CIRCUIT CIVIL CASE NO. 01-9072-CI-20 - MORTGAGE FORECLOSURE INVOLVING JUDGMENTS FOR ATTORNEY FEES AND COSTS

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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 suit re Countrywide Home Loans versus Deborah Anne Anderson, et al, Circuit Civil Case No. 01-9072-CI-20 - Mortgage Foreclosure Involving Judgments for Attorney Fees and Costs.

#34i COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE ACS STATE AND LOCAL SOLUTIONS, INC. F/K/A LOCKHEED MARTIN IMS CORPORATION VERSUS THE PINELLAS WAGES COALITION, ET AL, CIRCUIT CIVIL CASE NO. 01-009324-CI-21

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Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Harris moved, seconded by Commissioner Latvala, that the County Attorney be authorized to defend the County's interest in the suit re ACS State and Local Solutions, Inc. f/k/a Lockheed

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Martin IMS Corporation versus the Pinellas WAGES Coalition, et al, Circuit Civil Case No. 01-009324-CI-21, for payments allegedly owed under contracts providing services for the former Pinellas Workforce Development Board, Inc. and the Pinellas WAGES Coalition.

During discussion, Attorney Churuti indicated that an outside counsel contract and a request for a shadow meeting will be presented for the Board's consideration at the meeting of January 15, 2002; and responding to queries by the members, Senior Assistant County Attorney Julia Scales provided background information relative to the litigation process and correspondence received from Fowler White Boggs Banker, P.A.

Upon call for the vote, the motion carried unanimously.

#35 AUTHORIZATION GRANTED FOR FIRM OF CARLTON, FIELDS, WARD, EMMANUEL, SMITH & CUTLER, P.A. TO EMPLOY ADDITIONAL EXPERTS IN THE GREAT MONUMENT CONSTRUCTION COMPANY VERSUS PINELLAS COUNTY LITIGATION, CASE NO. 95-1881-CI-007

County Attorney Susan H. Churuti recommended that authorization be granted for the firm of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A. to continue to employ Jury Selection, Inc. for the Great Monument Construction Company versus Pinellas County litigation, and to approve new rates effective January 1, 2002 as outlined in "Exhibit A," continuing to limit total fees to the amount of \$100,000.00.

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

#36 PAYMENT OF PAST DUE WORKERS' COMPENSATION INDEMNITY BENEFITS RE DANIEL FERNANDEZ

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County Attorney Susan H. Churuti recommended approval of payment of past due Workers' Compensation indemnity benefits totaling \$114,220.88 to Daniel Fernandez, as outlined in her memorandum dated January 8, 2002.

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

#37 AMENDMENT TO CONSENT ORDER NO. 92-0094 WITH STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR MCKAY CREEK WASTEWATER TREATMENT FACILITY - APPROVED FOR EXECUTION

County Attorney Susan H. Churuti recommended approval of an Amendment to Consent Order No. 92-0094 with the State of Florida Department of Environmental Protection for the McKay Creek Wastewater Treatment Facility.

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

#38 COUNTY ATTORNEY MISCELLANEOUS - NONE

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

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Chairman Todd deviated from the agenda and directed, there being no objection, that inasmuch as the public hearings have been scheduled for 10:30 A.M., the Board will address agenda item No. 50 as time permits.

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#50 NEW PINELLAS 18 WEBCASTING FEATURE

Director of Public Affairs Ronnie Goodstein introduced Michael Roiland, Department of Public Affairs web master, and conducted a demonstration of the new Pinellas 18 webcasting feature by accessing the Pinellas County homepage and clicking on the appropriate links to view today's meeting live. She indicated that the Board of County Commissioners meetings will be archived, as well as other government meetings which are televised; and demonstrated use of the menu driven system which will enable persons to view individual agenda items. During discussion, Mr. Roiland explained the time frame necessary for indexing meetings in preparation for the webcasting; Ms. Goodstein described the cost savings which have been realized by accomplishing the project in-house; and Director of BCC Information Systems Don Lord added that waiting for the appropriate technology has resulted in improved functionality and cost effectiveness.

#39a CASE #CW 01-61, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL LOW TO RECREATION/OPEN SPACE (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 02-1 ADOPTED

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

Pursuant to legal notice published in the December 1, 2001 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Case #CW 01-61, a proposal by Pinellas County to amend the land use

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designation on the Countywide Future Land Use Plan from residential low to recreation/open space, re 4.2 acres located on the west end of Willard and Grove Streets, south side of Willard Street, 180 feet east of Grove Street (subthreshold amendment). Chief Deputy Clerk C. R. Short reported that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt stated that the Pinellas Planning Council (PPC) recommends approval of the proposal; and that staff concurs with the PPC recommendation.

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

Commissioner Stewart moved, seconded by Commissioner Morroni, that Ordinance No. 02-1 approving Case #CW 01-61 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#39b **CASE #CW 01-62, PROPOSAL BY THE CITY OF CLEARWATER TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN AND RESIDENTIAL MEDIUM TO INSTITUTIONAL (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 02-2 ADOPTED**

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

Pursuant to legal notice published in the December 1, 2001 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Case #CW 01-62, a proposal by the City of Clearwater to amend the land use designation on the Countywide Future Land Use Plan from residential urban and residential medium to institutional, re 7.96 acres located on the north side of Woodlawn Street at the north

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end of Tilly Avenue, west side of Prospect Avenue, 250 feet south of Woodlawn Avenue (subthreshold amendment). Chief Deputy Clerk C. R. Short reported that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt stated that the Pinellas Planning Council (PPC) recommends approval of the proposal; and that staff concurs with the PPC recommendation.

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

Commissioner Harris moved, seconded by Commissioner Latvala, that Ordinance No. 02-2 approving Case #CW 01-62 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#40a CASE #CW 01-60, PROPOSAL BY CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL/OFFICE GENERAL TO INDUSTRIAL LIMITED (REGULAR AMENDMENT) - APPROVED; ORDINANCE NO. 02-3 ADOPTED

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

Pursuant to legal notice published in the December 1, 2001 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Case #CW 01-60, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan from residential/office general to industrial limited, re 21.9 acres located on the east side of 9th Street North, 590 feet north of Gandy Boulevard (regular amendment). Chief Deputy Clerk C. R. Short reported that no

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correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt stated that the Pinellas Planning Council (PPC) recommends approval of the proposal; and that staff concurs with the PPC recommendation.

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

Commissioner Stewart moved, seconded by Commissioner Latvala, that Ordinance No. 02-3 approving Case #CW 01-60 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#41a APPLICATION OF HARDY H. HUNTLEY THROUGH PETER E. CREIGHTON, REPRESENTATIVE, FOR A CHANGE OF ZONING FROM RM-5 TO C-2, A CHANGE OF LAND USE FROM RESIDENTIAL LOW TO COMMERCIAL GENERAL AND A PARTIAL ABANDONMENT OF THE PREVIOUSLY APPROVED DEVELOPER'S AGREEMENT (Z/LU-1-10-01) (CONTINUED FROM MEETING OF DECEMBER 18, 2001) - APPROVED; RESOLUTION NO. 02-04 ADOPTED; ORDINANCE NO. 02-4 ADOPTED APPROVING LAND USE APPLICATION, SUBJECT TO REVIEW AND APPROVAL BY THE PINELLAS PLANNING COUNCIL AND THE COUNTYWIDE PLANNING AUTHORITY; AMENDMENT TO DEVELOPMENT AGREEMENT - APPROVED AS AMENDED; CHAIRMAN AUTHORIZED TO SIGN AGREEMENT AFTER PROPER EXECUTION BY CONTRACTOR AND WRITTEN APPROVAL AS TO FORM BY OFFICE OF THE COUNTY ATTORNEY

Pursuant to legal notice published in the December 7, 2001 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Hardy H. Huntley through Peter E. Creighton, Representative, for a change of zoning from RM-5 to C-2, a change in land use designation from residential low to commercial

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general and a partial abandonment of the previously approved developer's agreement, re approximately 3.681 acres at the northwest corner of Bryan Dairy Road and Starkey Road (Z/LU-1-10-01). Chief Deputy Clerk C. R. Short 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 stated that staff recommends approval of the application and the amendment to the development agreement.

The Local Planning Agency/Examiner Findings of Fact and Recommendation for approval of the requested change of zoning from RM-5 to C-2, the companion land use amendment from residential low to commercial general and the developer's agreement 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 Harris moved, seconded by Commissioner Latvala, that Resolution No. 02-04 be adopted approving the zoning application, that Ordinance No. 02-4 be adopted approving the land use application, subject to review and approval by the Pinellas Planning Council and the Countywide Planning Authority (Z/LU-1-10-01); and that the Amendment to the Development Agreement be approved.

Chief Assistant County Attorney James L. Bennett stated that the originally listed owner of the property, BMO Realty, has sold the parcel; and that the Board's approval of the Amendment to the Development Agreement should be subject to review by the Office of the County Attorney and proper execution, including substitution of the name of the proper owner on the agreement.

Thereupon, Commissioner Harris amended his motion to incorporate Attorney Bennett's request; and the seconder concurred. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

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#42 PETITION OF RICHARD A. CAITO AND SHERILL M. CAITO TO VACATE A PORTION OF A 20.0-FOOT DRAINAGE AND UTILITY EASEMENT ON LOT 11, SHADOWLAKE VILLAGE AT WOODFIELD, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 15, TOWNSHIP 27 SOUTH, RANGE 16 EAST - GRANTED; RESOLUTION NO. 02-05 ADOPTED

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Pursuant to legal notice published in the December 21, 2001 issue of the Tampa Bay Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the petition of Richard A. Caito and Sherill M. Caito to vacate a portion of a 20.0-foot drainage and utility easement on Lot 11, Shadowlake Village at Woodfield, as recorded in Plat Book 94, Pages 46 through 54, located in the southeast quarter of Section 15, Township 27 South, Range 16 East.

Chief Deputy Clerk C. R. Short reported that letters of no objection have been received from the following:

Pinellas County Utilities  
Woodfield Community Association  
Southwest Florida Water Management District  
Florida Power Corporation  
Verizon Florida, Inc.  
Verizon Media Ventures, Inc.  
Time Warner Communications

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

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County Administrator Stephen M. Spratt stated that staff recommends the vacation be granted.

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

Commissioner Latvala moved, seconded by Commissioner Welch, that the petition to vacate be granted; and that Resolution No. 02-05 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#43 PETITION OF LAWRENCE DOLAN AND ALLISON DOLAN TO VACATE A PORTION OF A 15.0-FOOT DRAINAGE AND UTILITY EASEMENT ON LOT 9, PINE VALLEY, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 30 SOUTH, RANGE 15 EAST - GRANTED; RESOLUTION NO. 02-06 ADOPTED

Pursuant to legal notice published in the December 21, 2001 issue of the Tampa Bay Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the petition of Lawrence Dolan and Allison Dolan to vacate a portion of a 15.0- foot drainage and utility easement on Lot 9, Pine Valley, as recorded in Plat Book 71, Page 62, located in the southwest quarter of Section 29, Township 30 South, Range 15 East.

Chief Deputy Clerk C. R. Short reported that letters of no objection have been received from the following:

Pinellas County Utilities  
Florida Power Corporation

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Verizon Florida, Inc.  
Verizon Media Ventures, Inc.  
Time Warner Communications

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

County Administrator Stephen M. Spratt stated that staff recommends the vacation be granted.

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

Commissioner Morroni moved, seconded by Commissioner Latvala, that the petition to vacate be granted; and that Resolution No. 02-06 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#44 ORDINANCE NO. 02-5 ADOPTED RELATING TO EXEMPT EMPLOYEE BONUSES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING AN EFFECTIVE DATE

Pursuant to legal notice published in the December 21, 2001 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on a proposed ordinance relating to exempt employee bonuses; providing for severability; providing for inclusion in the Code; providing for an effective date. Chief Deputy Clerk C. R. Short reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

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County Administrator Stephen M. Spratt stated that staff recommends approval of the proposed ordinance.

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

Commissioner Latvala moved, seconded by Commissioner Welch, that Ordinance No. 02-5 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#45 ORDINANCE NO. 02-6 ADOPTED PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY CHANGING ARTICLE II, CHAPTER 90 OF SAID CODE; PROVIDING FOR RULES AND REGULATIONS CONTROLLING THE PUBLIC'S USAGE OF COUNTY PRESERVES AND MANAGEMENT AREAS; PROVIDING A LEGISLATIVE PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR VEHICLE AND TRAFFIC CONTROL; PROVIDING FOR THE PROTECTION OF ENVIRONMENTAL LANDS PROPERTIES; PROVIDING FOR THE REGULATION OF ACTIVITIES WITHIN ENVIRONMENTAL LANDS; PROVIDING PERMIT REQUIREMENTS FOR CERTAIN ACTIVITIES; PROVIDING FOR RESIDENT PERSONNEL; PROVIDING EXEMPTIONS; PROVIDING MISCELLANEOUS GUIDELINES; PROVIDING FOR ENFORCEMENT AND PENALTIES FOR VIOLATIONS OF RULES AND REGULATIONS; PROVIDING FOR TERRITORY EMBRACED; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE

Pursuant to legal notice published in the December 21, 2001 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held

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on a proposed ordinance providing that the Pinellas County Code be amended by changing Article II, Chapter 90 of said Code; providing for rules and regulations controlling the public's usage of County preserves and management areas; providing a legislative purpose; providing for definitions; providing for vehicle and traffic control; providing for the protection of environmental lands properties; providing for the regulation of activities within environmental lands; providing permit requirements for certain activities; providing for resident personnel; providing exemptions; providing miscellaneous guidelines; providing for enforcement and penalties for violations of rules and regulations; providing for territory embraced; providing for severability; providing for an effective date; providing for inclusion in the Code. Chief Deputy Clerk C. R. Short reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt stated that staff recommends approval of the proposed ordinance.

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

Following discussion and input by Director of Environmental Management William M. Davis, Commissioner Stewart added that public hearing is scheduled for January 28, 2002 at 5:30 P.M. regarding the Weedon Island Preserve Management Plan.

Thereupon, Commissioner Latvala moved, seconded by Commissioner Welch, that Ordinance No. 02-6 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#46 ORDINANCE NO. 02-7 ADOPTED PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REPEALING EXISTING CHAPTER 90 ARTICLE I, AND ENACTING A NEW CHAPTER 90 ARTICLE I; PROVIDING FOR A PARKS ADVISORY BOARD; PROVIDING FOR DEFINITIONS; PROVIDING FOR AREAS EMBRACED; PROVIDING FOR PARK HOURS, PROVIDING FOR PRESERVATION OF PROPERTY; PROVIDING

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FOR PROTECTION AND PRESERVATION OF WILDLIFE; PROVIDING PROPER USE AND PROHIBITED ACTIVITIES; PROVIDING FOR BATHING AND SWIMMING; PROVIDING PICNIC AREAS AND USE; PROVIDING FOR TRAFFIC LAWS/PROHIBITIONS; PROVIDING FOR TRUCKS AND OTHER VEHICLES; PROVIDING FOR SOLICITING RIDES OR FARES; PROVIDING FOR MOTORCYCLES, SCOOTERS, BICYCLES; PROVIDING FOR PARKING; PROVIDING FOR USE OF VEHICLES; PROVIDING FOR FISHING REGULATIONS; PROVIDING FOR HUNTING AND WEAPONS REGULATION; PROVIDING FOR TOY FIREARMS, FIREWORKS, AND EXPLOSIVES REGULATIONS; PROVIDING FOR HORSEBACK RIDING; PROVIDING FOR PETS; PROVIDING FOR REGULATION OF POLLUTION OF WATERS; PROVIDING FOR REGULATING REFUSE AND TRASH; PROVIDING FOR REGULATION OF GAMBLING; PROVIDING FOR REGULATION OF NOISE; PROVIDING FOR REGULATION OF MERCHANDISING, VENDING, PEDDLING, AND FORTUNETELLING; PROVIDING FOR ADVERTISING, PUBLICITY AND SIGNS; PROVIDING FOR GROUP GATHERINGS, PERFORMANCES AND SPEECHES; PROVIDING FOR REGULATION OF ALCOHOL; PROVIDING FOR BOATING; PROVIDING FOR DOCKS AND LAUNCHING RAMPS, VESSELS FOR PRIVATE USE; PROVIDING FOR REGULATION OF AIRCRAFT; PROVIDING FOR CAMPING; PROVIDING FOR PHOTOGRAPHY; PROVIDING FOR SPECIAL PERMITS; PROVIDING FOR ENFORCEMENT OF REGULATIONS AND PERMITS; PROVIDING FOR CONTINUATION OF TERMS OF INCUMBENT PARK BOARD MEMBERS; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING AN EFFECTIVE DATE

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Pursuant to legal notice published in the December 21, 2001 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on a proposed ordinance providing that the Pinellas County Code be amended by repealing existing Chapter 90 Article I, and enacting a new Chapter 90 Article I; providing for a Parks Advisory Board; providing for definitions; providing for areas embraced; providing for park hours, providing for preservation of property; providing for protection and preservation of wildlife; providing proper use and prohibited activities; providing for bathing and swimming; providing picnic areas and use; providing for traffic laws/prohibitions; providing for trucks and other vehicles; providing for soliciting rides or fares; providing for motorcycles, scooters, bicycles; providing for

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parking; providing for use of vehicles; providing for fishing regulations; providing for hunting and weapons regulation; providing for toy firearms, fireworks, and explosives regulations; providing for horseback riding; providing for pets; providing for regulation of pollution of waters; providing for regulating refuse and trash; providing for regulation of gambling; providing for regulation of noise; providing for regulation of merchandising, vending, peddling, and fortunetelling; providing for advertising, publicity and signs; providing for group gatherings, performances and speeches; providing for regulation of alcohol; providing for boating; providing for docks and launching ramps, vessels for private use; providing for regulation of aircraft; providing for camping; providing for photography; providing for special permits; providing for enforcement of regulations and permits; providing for continuation of terms of incumbent Park Board members; providing for inclusion in the Pinellas County Code; providing an effective date. Chief Deputy Clerk C. R. Short reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt stated that staff recommends approval of the proposed ordinance.

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

Commissioner Stewart moved, seconded by Commissioner Seel, that Ordinance No. 02-7 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#47 PROPOSED "PLANNING TO STAY" ELEMENT OF THE PINELLAS COUNTY COMPREHENSIVE PLAN (CONTINUED FROM MEETING OF DECEMBER 18, 2001) - TEMPORARILY DEFERRED

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Pursuant to legal notice published in the December 7, 2001 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held re consideration of a proposed "Planning to Stay" element of the Pinellas County Comprehensive Plan as set forth in the attachment to the agenda memorandum. Chief Deputy Clerk C. R. Short 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 defer action on the proposed element until after the work session of February 4, 2002.

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

Commissioner Welch moved, seconded by Commissioner Harris and carried, that the recommendation of the County Administrator be approved and that the item be temporarily deferred until after the work session of February 4, 2002.

#48 PRIVATE DOCK APPLICATION P30691-01, GARY BOESCH, 424 SAINT ANDREWS DRIVE, BELLEAIR, CLEARWATER HARBOR - APPROVED

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

Pursuant to legal notice published in the November 23 and November 30, 2001 issues of the Tampa Bay Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Private Dock Application P30691-01, Gary Boesch, 424 Saint Andrews Drive, Belleair, Clearwater Harbor. Chief Deputy Clerk C. R. Short reported that all interested parties have been notified by mail; that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt indicated that the applicant proposes to construct a private dock in the waters of Clearwater Harbor, as outlined in his memorandum of January 8, 2002; that the biological report prepared by the Pinellas County Department of

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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 associated order based upon negative "Findings of Fact," Items Nos. 1 through 9, which has been filed and made a part of the record, with the condition that the boats must be moored with the bows facing the shoreline in order to prevent prop damage to the seagrass bed.

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

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

#49 COMMERCIAL DOCK APPLICATION CD30578-01, KITSOS LAND CORPORATION (FORMERLY KNOWN AS PETRA, LTD.), 510 DODECANESE BOULEVARD, TARPON SPRINGS, ANCLOTE RIVER - APPROVED

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

Pursuant to legal notice published in the November 23 and November 30, 2001 issues of the Tampa Bay Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Commercial Dock Application CD30578-01, Kitsos Land Corporation (formerly known as Petra, Ltd.), 510 Dodecanese Boulevard, Tarpon Springs, Anclote River. Chief Deputy Clerk C. R. Short reported that all interested parties have been notified by mail; that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt indicated that the applicant proposes to construct a commercial dock in the waters of the Anclote River; that the Pinellas County Department of Environmental Management has reviewed the application and finds it to be consistent with the Water and Navigation Control Authority criteria of the Pinellas County Code; that there are no environmental or navigational concerns with the proposed project; and that staff

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recommends approval of the commercial dock application and execution of the associated order based on negative "Findings of Fact," Items 1 through 9, as 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 Welch and carried, that the application be approved in accordance with the "Findings of Fact."

#51 APPOINTMENT OF DAVE ELDRIDGE TO ST. PETERSBURG/CLEARWATER ECONOMIC DEVELOPMENT COUNCIL - APPROVED

Upon presentation by Chairman Todd, Commissioner Morroni moved, seconded by Commissioner Seel and carried, that the appointment of Dave Eldrige to the St. Petersburg/Clearwater Economic Development Council be approved.

#52 APPOINTMENT OF YOUTH ADVISORY COMMITTEE MEMBER BRIAN SEEL TO PINELLAS COUNTY PARK BOARD - APPROVED

Upon presentation by Chairman Todd, Commissioner Latvala moved, seconded by Commissioner Morroni and carried, that the appointment of Youth Advisory Committee member Brian Seel to the Pinellas County Park Board be approved.

#53a COMMISSIONER STEWART RE JOB CORPS AND GULF BOULEVARD PROJECT

Commissioner Stewart presented brief updates regarding Job Corps and the Gulf Boulevard Project.

#53b COMMISSIONER MORRONI RE YOUR PENNY'S WORTH REPORT

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Commissioner Morroni presented a Your Penny's Worth report regarding the preservation of the historic White Chapel located in Palm Harbor.

#53c COMMISSIONER SEEL RE VARIOUS MATTERS

Commissioner Seel related that a workshop conducted by the Florida Botanical Gardens will be held on January 12, 2002 regarding water conservation through landscaping; and that the Florida African-American Heritage Celebration will be held at Heritage Village in Pinewood Cultural Park on Saturday, February 23, 2002.

#53d COMMISSIONER WELCH RE HEALTH CARE DISPARITIES AND PROPOSED REDEVELOPMENT OF MERCY HOSPITAL SITE IN CITY OF ST. PETERSBURG

Commissioner Welch commented regarding health care disparities and the proposed redevelopment of the Mercy Hospital site in the City of St. Petersburg. He recognized Congressman C. W. "Bill" Young as well as City of St. Petersburg Mayor Rick Baker and the City Council for their efforts in this regard.

#53e COMMISSIONER HARRIS RE VARIOUS MATTERS

Commissioner Harris thanked the members for the plaque; indicated that Commissioner Welch is to serve as Chairman of the Florida African-American Heritage Celebration; and commented regarding expansion of the trolley service throughout the County.

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#53f CHAIRMAN TODD THANKS MEMBERS FOR PRIVILEGE OF SERVING AS  
CHAIRMAN FOR 2002

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Chairman Todd thanked the members for the privilege of serving as Chairman for the current year.

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Upon direction of the Chairman, there being no objection, the meeting was adjourned at 11:08 A.M.

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Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By \_\_\_\_\_  
Deputy Clerk