

Clearwater, Florida, January 7, 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 9:36 A.M. on this date with the following members present: Karen Williams Seel, Chairman; Barbara Sheen Todd; Robert B. Stewart; Calvin D. Harris; and John Morroni.

Absent: Susan Latvala, Vice-Chairman, and Kenneth T. Welch.

Also present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; C. R. Short, Chief Deputy Clerk; and Carol J. Jones and Arlene Smitke, Board Reporters.

Reverend Curt Hess (retired) pronounced the Invocation which was followed by the Pledge of Allegiance to the Flag, led by Commissioner Harris.

## 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. SCHEDULED PUBLIC HEARINGS

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:

#### REGULAR AMENDMENTS

1. a. Case #CW 02-56 – St. Petersburg  
Location – 1.62 Acres Located on the Southwest Corner of Ulmerton Road and Fountain Parkway. Amendment from Preservation and Activity Center/Primary to Residential/Office/Retail and Activity Center/Primary.

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- b. Case #CW 02-57 – Pinellas County  
Location – 6.74 acres Located on the West Side of 34th Street North, 225 Feet South of 44th Avenue North. Amendment from Industrial Limited to Commercial General.

SCHEDULED PUBLIC HEARINGS – BCC

- 2. Re-Adoption of an Air Quality Ordinance.
- 3. Proposed Amendments to the Noise Ordinance.

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.

- 4. Dredge and Fill Application D/F 1355, City of Clearwater, 25 Causeway Boulevard, Clearwater Harbor, Clearwater.

C. CONSENT AGENDA

CLERK OF THE CIRCUIT COURT

- 5. Approval of Minutes – Regular Meeting of November 19 and Special Session of December 3, 2002.
- 6. Reports:
  - a. Report No. 03-086 of the State of Florida Office of the Auditor General, on Audit of the Financial Statement of the District Board of Trustees, St. Petersburg College for the Fiscal Year Ending June 30, 2002.
  - b. Internal Audit Division, Clerk of the Circuit Court, Report No. 2002-28 Dated December 5, 2002 – Audit of the Board of County Commissioners Consumer Protection Department.
  - c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2002-29 Dated December 19, 2002 – Audit of the Finance Division Electronic Funds Transfer Controls.
  - d. Final Actuarial Analysis of Self-Insured Workers Compensation Program as of September 30, 2002. Submitted by Mercer Risk, Finance and Insurance Consulting, Dated December 20, 2002.
- 7. Other Approvals:
  - a. General - None.
  - b. Vouchers and Bills Paid.
- 8. Miscellaneous Items to be Received for Filing:
  - a. Florida Public Service Commission Notice of Cancellation of Evidentiary Hearing Regarding Docket No. 020006-WS Scheduled December 6, 2002, in Tallahassee.

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- b. Correspondence from the Juvenile Welfare Board of Pinellas County Regarding FY 2002-2003 Middle School-Aged Summer Scholarship Funding.
- c. Eastlake Oaks Community Development District Minutes of Meetings Held October 2 and November 6, 2002.
- d. Pinellas Park Water Management District Financial Statement Dated November 2002.
- e. Correspondence from the City of Dunedin Regarding Voluntary Annexation of Certain Property.
- f. City of Oldsmar Resolution No. 2002-34 Adopted November 19, 2002, Requesting that Pinellas County Install a Traffic Signal at the Intersection of Pine Avenue and Forest Lakes Boulevard.
- g. Correspondence from the City of Pinellas Park Regarding One Ordinance Voluntarily Annexing Certain Property, Public Hearing to be Held January 9, 2003.

COUNTY ADMINISTRATOR

Public Works

- 9. Approval of a Plat and Acceptance and/or Release of Sureties.
- 10. Approval of Award of Bids:
  - a. Part I - 78th Street Pipe Replacement and Part II - Miles Creek Ditch Pavement Restoration.
  - b. Pipe-Reinforced Concrete.
- 11. Approval of Change Order No. 1 (Final) - Ft. DeSoto Gulf and Bay Pier Repairs.

Other Departments

- 12. Adoption of a Resolution for Assessment of Liens against Lands Cleared (Environmental Management).
- 13. Approval of Budget Amendments Nos. 2 - 3 (Management and Budget).
- 14. Approval of Award of Bid for Electrical Supplies, Square D (Purchasing).
- 15. Approval of Recommendations to Declare Surplus and Authorize the Sale of Miscellaneous County Owned Equipment (Purchasing).

D. REGULAR AGENDA

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

COUNTY ADMINISTRATOR

Airport

- 17. Approval of Change Order No. 1 (Final) - Airport Parking Lot Construction.
- 18. Approval of an Airlines Operation Agreement with Air Transat A.T., Inc.

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Public Works

19. Approval of Award of Bid - Part I - Hamlin Boulevard Sidewalk from Walsingham Road to 102nd Avenue North and Part II - 128th Street Sidewalk from 175 Feet South of 88th Avenue North to 90th Avenue North.
20. Approval of the Installation of Eleven Speed Humps on Orchid Drive, Rose Terrace North and 91st Terrace North Located East of Starkey Road and South of 94th Avenue North.
21. Adoption of a Resolution Granting Preliminary Approval of the Proposed Lealman Heights Second Section Subdivision Street Lighting District as Requested in a Petition and Authority to Advertise for a Public Hearing.
22. Approval of a Grant Agreement with the Florida Department of Environmental Protection for Past and Future Phases of the Upham Beach Renourishment Program.
23. Approval of a Grant Agreement with the Florida Department of Environmental Protection for Development of Upham Beach Erosion Control Groins.
24. Approval of Amendment No. 1 to the Grant Agreement with the Florida Department of Environmental Protection for the Treasure Island Terminal Groin and Beach Nourishment Project.

Utilities

25. Approval of a Joint Funding Agreement with U.S. Geological Survey for a Water Resources Project to Assess the Short-Term and Long-Term Effects of Groundwater Augmentation.
26. Adoption of a Resolution Reallocating Funds from Reserves in the FY2002 Solid Waste Debt Service Fund Budget.
27. Adoption of a Resolution to Appropriate Unanticipated Sewer Construction - Fund Balance for the South Cross Bayou Phase II B Construction Project.

Other Departments

28. Adoption of a Resolution Authorizing the Expenditure of Funds for the Grand Opening of the County Connection Centers (Community Development).
29. Approval to Accept the six-month report on the Small Business Assistance Program (Economic Development).
30. Approval of an Agreement for Design Professional Consulting Services for the Jail Expansion, Phase II Health Care Facility (General Services).
31. Approval of an Agreement for Construction Management Services for the Jail Expansion, Phase II Health Care Facility (General Services).
32. Adoption of a Resolution to Appropriate Unanticipated Fund Balance for a Particular Purpose in the FY2003 General Fund Budget for the Circuit Court - Criminal Drug Court (Management and Budget).
33. Approval of a Joint Participation Agreement Associated with Countywide Land Use Plan Case #CW 00-42, City of Clearwater and Calvary Baptist Church (Planning Department).

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34. Approval of Recommendation to Cancel the Contract for Groups 3 and 11 for Hardware Supply and Re-Award the Contract to the Next Lowest Responsive and Responsible Bidder Meeting Specifications (Purchasing).
35. Approval of Award of Proposal for the Non-Custodial Parent Employment Program (WorkNet Pinellas).
36. Other Administrative Matters.

COUNTY ATTORNEY

37. Request Authority for County Attorney to Defend:
  - a. Countywide Home Loans, Inc. v. Daniel S. Eckley, et al – Circuit Civil Case No. 02-8881-CI-11 – Mortgage Foreclosure Involving a Subordinate Mortgage.
  - b. JP Morgan Chase Bank v. Stacey L. Patterson et al – Circuit Civil Case No. 02-9362-CI-8 – Mortgage Foreclosure Involving a Judgment for Attorney’s Fees and Costs.
  - c. Mortgage Electronic Registration Systems v. Robin L. Phythian, et al – Circuit Case No. 02-9655-CI-21 – Mortgage Foreclosure Involving a Subordinate Mortgage.
  - d. Washington Mutual Bank v. Robert A. Sauer, et al – Circuit Civil Case No. 02-9850-CI-20 – Mortgage Foreclosure Involving Judgments for Attorney’s Fees and Costs and a Judgment for Fine and Costs.
  - e. Washington Mutual Bank v. Toby A. Wiley, et al – Circuit Civil Case No. 02-9431-CI-7 – Mortgage Foreclosure Involving a Judgment for Attorney’s Fees and Costs.
  - f. Wells Fargo Home Mortgage v. Sandra L. Donofrio, et al – Circuit Civil Case No. 02-9566-CI-19 – Mortgage Foreclosure Involving a Subordinate Mortgage.
  - g. Wells Fargo Bank v. Mary A. Lewis, et al – Circuit Civil Case No. 02-9691-CI-21 – Mortgage Foreclosure Involving a Street Lighting Lien.
  - h. Earl Hatcher v. Pinellas County Sheriff’s Office – Circuit Civil Case No. 02-9016-CI-7 – Allegations of Injuries by Virtue of Avoidance of Collision.
  - i. Mid-County Services, Inc. v. Pinellas County – Circuit Civil Case No. 02-8916-CI-21 – Allegations of Improper Support of Sewer Main.
  - j. Douglas Scott v. Karleen F. DeBlaker – Circuit Civil Case No. 01-8224-CI-20 – Allegations of Wrongful Arrest and Incarceration.
38. Rejection of Settlement Offer from ACS State and Local Solutions, Inc., f/k/a Lockheed Martin IMS Corporation v. The Pinellas Wages Coalition, et al – Circuit Civil Case No. 01-9324-CI-21. (Continued from the December 17, 2002 BCC Meeting.)
39. Miscellaneous.

E. AUTHORITIES

40. Approval to Accept the Donation of a 1985 Fire Truck.

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F. COUNTY ADMINISTRATOR REPORTS

41. None.

G. COUNTY COMMISSION

42. Approval of Appointment to the School Readiness Coalition.

43. Approval of Appointments to Various Boards and Committees by Individual Commissioners.

44. Approval of a Re -Appointment to the Pinellas County Housing Finance Authority.

45. Approval of Recommendation to Remove Certain Members from the Pinellas County Youth Advisory Committee.

46. Miscellaneous.

PLAQUE PRESENTED TO COMMISSIONER TODD IN APPRECIATION OF LEADERSHIP AS 2002 CHAIRMAN

Chairman Seel presented a plaque to Commissioner Todd in appreciation for outstanding leadership and dedicated service to the citizens of Pinellas County as Chairman of the County Commission for the year 2002.

BRIAN LANDRY, GENERAL SERVICES DEPARTMENT, PRESENTED WITH PLAQUE BY THE CITY OF CLEARWATER DOWNTOWN DEVELOPMENT BOARD

Chairman Seel presented a plaque on behalf of the City of Clearwater Downtown Development Board to Brian Landry, Facility Administrator, General Services Department, in recognition of the General Services Facility Management Division's efforts in maintaining the buildings and grounds within the downtown Clearwater Campus in a high quality manner.

PRESENTATION OF SAFE DRIVER AWARDS TO ROBERT GORGEN, LARRY ROBINSON, MICHAEL A. LOMBARDO, AND THEODORE ROSS NORCROSS

Chairman Seel presented Safe Driver Awards to employees with safe driving records:

Robert Gorgen, Public Works Department, 43 years  
Larry Robinson, General Services Department, 35 plus years  
Michael A. Lombardo, Public Works Department, 30 years  
Theodore Ross Norcross, Fleet Management, 25 years

CITIZENS TO BE HEARD

Thomas DeCesare, Largo, expressed his views with regard to building codes and inspections by the Pinellas County Building Department.

- # 1a CASE #CW 02-56, PROPOSAL BY CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM PRESERVATION AND ACTIVITY CENTER/PRIMARY TO RESIDENTIAL/OFFICE/RETAIL AND ACTIVITY CENTER/PRIMARY (REGULAR AMENDMENT) - APPROVED; ORDINANCE NO. 03-1 ADOPTED

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

Pursuant to legal notice published in the December 8, 2002 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 02-56, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan from preservation and activity center/primary to residential/office/retail and activity center/primary, re 1.62 acres located on the southwest corner of Ulmerton Road and Fountain Parkway (regular 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 Todd moved, seconded by Commissioner Morroni, that Ordinance No. 03-1 approving Case #CW 02-56 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Latvala and Welch.

# 1b CASE #CW 02-57, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM INDUSTRIAL LIMITED TO COMMERCIAL GENERAL (REGULAR AMENDMENT) - DENIED; RESOLUTION NO. 03-01 ADOPTED

Chairman Seel noted for the record that the Board is now sitting as the Countywide Planning Authority (CPA).

Pursuant to legal notice published in the December 8, 2002 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 02-57, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from industrial limited to commercial general, re 6.74 acres located on the west side of 34<sup>th</sup> Street North, 225 feet south of 44<sup>th</sup> Avenue North (regular 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 denial of the proposal; whereupon, County Attorney Susan H. Churuti advised that an override of the PPC recommendation will take a unanimous vote by the Board.

Director of Development Review Services (DRS) Paul Cassel provided background information as to the history of the application; and indicated that the property is constructed with a warehouse containing several different non-conforming uses including a boxing club that has applied to the DRS for an alcoholic beverage license; and that the industrial zoning precludes the approval of the license. He noted that the Local Planning Agency and the Examiner had recommended denial of the request; and that the Board overturned the recommendation and approved the application at its November 19 public hearing, consequently resulting in its being heard by the CPA.

Pinellas Planning Council Executive Director David P. Healey reviewed the impact of the proposed plan amendment on the six relevant Countywide considerations and indicated that the Council had found the commercial general category not consistent with the surrounding uses and character of the area, and added that increasing traffic on a level of service "F" highway was not desirable.

Sue Murphy, Senior Land Planner, Ruden, McClosky, Smith, Schuster & Russell, P.A., Tampa, referred to an aerial map and pointed out several miles of commercial general uses within or adjacent to an industrial area; and indicated that no impacts are anticipated with regard to traffic or to the City of St. Petersburg. Responding to queries by Commissioner Stewart, she related that the club is located in a bay which has been vested as

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a non-conforming C-2 use since 1996 that does allow the sale of beverages; and that the club provides training as well as exhibition boxing.

At the request of Commissioner Stewart, Dave Goodwin, Assistant Director, City of St. Petersburg Development Services Department, related that the City had not voted for the amendment in its capacity as a member of the Planners Advisory Committee or the PPC, and that the traffic impacts and preservation of industrial land had been instrumental in the City's support of the PPC recommendation for denial.

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

Commissioner Harris moved, seconded by Commissioner Todd, that Resolution No. 03-01 denying Case #CW 02-57 be approved. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Latvala and Welch.

# 2 **ORDINANCE NO. 03-2 ADOPTED PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING SECTIONS 58-149 RELATING TO NATIONAL EMISSION STANDARD FOR ASBESTOS; REVISING SECTION 58-205.27 RELATING TO STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES AND EMISSION GUIDELINES; REVISING SECTION 58-205.28 RELATING TO NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP)--PART 61; REVISING SECTION 58-205.29 RELATING TO NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP)--PART 63; CREATING SECTION 58-205.30 RELATING TO NATIONAL VOLATILE ORGANIC COMPOUND EMISSION STANDARDS FOR CONSUMER AND COMMERCIAL PRODUCTS; REVISING SECTION 58-205.44 RELATING TO SUPPLEMENTARY TEST PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AMENDMENTS THAT MAY ARISE AT PUBLIC HEARING**

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Pursuant to legal notice published in the December 20, 2002 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on a proposed ordinance amending the Pinellas County Code by adopting an updated air quality ordinance. Chief Deputy Clerk C. R. Short reported that one letter from the Department of Environmental Protection has been received relative to the proposed ordinance; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt indicated 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 Todd moved, seconded by Commissioner Stewart, that Ordinance No. 03-2 approving the updated Comprehensive Air Quality Ordinance relating to air pollution management in Pinellas County be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Latvala and Welch.

- # 3 ORDINANCE NO. 03-3 ADOPTED AMENDING THE PINELLAS COUNTY CODE RELATING TO NOISE, AMENDING SECTION 58-441 RELATING TO DEFINITIONS; AMENDING SECTION 58-444 RELATING TO GENERAL PROHIBITIONS; PROVIDING FOR SPECIFIC ACTS CONSIDERED TO BE UNREASONABLY LOUD AND RAUCOUS NOISE; PROVIDING FOR NOISE COMPLAINTS; RENUMBERING AND AMENDING SECTION 58-448 RELATING TO MAXIMUM ALLOWABLE INDUSTRIAL OR COMMERCIAL NOISE; RENUMBERING AND AMENDING SECTION 58-449 RELATING TO MAXIMUM ALLOWABLE NOISE CREATED WITHIN RESIDENTIAL ZONES; RENUMBERING AND AMENDING SECTION 58-450 RELATING TO NOISE EMANATING FROM BOATS OR BARGES ON WATER AREAS ADJOINING RESIDENTIAL ZONES; RENUMBERING VARIOUS SECTIONS CONTAINED WITHIN ARTICLE XII, CHAPTER 58; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AMENDMENTS THAT MAY ARISE AT PUBLIC HEARING

Pursuant to legal notice published in the December 20, 2002 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on proposed amendments to the Pinellas County Code relating to noise. Chief Deputy Clerk C. R. Short reported that six letters in favor of and five letters and two telephone calls in opposition to the ordinance have 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 proposed ordinance.

Senior Assistant County Attorney Jewel White Cole provided an overview of the proposed noise ordinance, and responding to queries by the members, Director of Environmental Management William M. Davis advised that decibel limits have been consistently set at a limit of 55 for quiet time; and that the new major standard of "loud and raucous" is the genesis of the changes in the ordinance. In response to additional queries by the members, Ms. Cole indicated that fireworks have been addressed in the proposed

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ordinance under acts that are presumed “loud and raucous” at the request of one of the board members; that an exception could be included in the ordinance to recognize the holidays of July 4 and New Year’s Eve; and that the only change in decibels applies to boats pursuant to a uniform standard imposed by the State of Florida for intercoastal waterways and roadways.

Alluding to comments by the board members, County Attorney Susan H. Churuti indicated that the State noise ordinance precludes the County from imposing stricter regulations; and that the new decibel regulations imposed on watercraft afford an effective tool for law enforcement.

Responding to additional queries by the members, Ms. Cole stated that the word “private” in reference to citizens on page seven, paragraph A, Section 58-446 could be stricken; that the ordinance has been written to affect unincorporated areas; and that it offers the cities the opportunity to opt out and enact their own noise ordinance.

In response to Chairman Seel’s call for proponents to the ordinance, the following individuals appeared and expressed their views:

Todd Pressman, Clearwater, representing the fireworks industry  
Jo-An Totty, Palm Harbor

In response to the Chairman’s call for opponents to the ordinance, Don Cocker, unincorporated Pinellas County, appeared and expressed his concerns.

Alluding to Mr. Cocker’s comments with regard to the imposed quiet-time hours in the ordinance of 9:00 P.M. until 7:00 A.M., Commissioner Morroni moved, seconded by Commissioner Harris, that Ordinance No. 03-3 be adopted approving the noise ordinance with an amendment that the quiet-time period be changed to 11:00 P.M. until 7:00 A.M. Following discussion by the members with regard to Commissioner Stewart’s query as to the condition sought by the fireworks’ industry, presented by Mr. Pressman, to incorporate a five-day window before and after the holidays of July 4 and New Year’s Eve into the ordinance, Commissioner Morroni amended his motion to include a waiver period for the aforesaid holidays plus one-day before and one-day after, a change in the quiet time to 11:00 P.M. until 7:00 A.M., and that the word “private” be stricken on page seven and the seconder concurred. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Latvala and Welch.

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At this time, 11:05 A.M., Commissioner Morroni left the meeting.

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# 4 DREDGE AND FILL APPLICATION D/F-1355, CITY OF CLEARWATER, 25 CAUSEWAY BOULEVARD, CLEARWATER, CLEARWATER HARBOR - APPROVED

Chairman Seel 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 22 and November 29, 2002 issues of the Tampa Bay Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Dredge and Fill Application D/F-1355, City of Clearwater, 25 Causeway Boulevard, Clearwater, Clearwater Harbor. Chief Deputy Clerk C. R. Short reported that all interested parties have been notified by mail; that no letters in objection to the application have 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 maintenance dredge within its municipal marina in the waters of Clearwater Harbor; that the proposed project involves the dredging of approximately 15,500 cubic yards of sand via clam shell dredge to return portions of the marina basin to a depth of eight feet below mean sea level; 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, and affirmative "Findings of Fact," Items 10, 12, and 14, as indicated in his memorandum of January 7, 2003, which has been filed and made a part of the record, subject to the following condition:

The applicant or contractor must take immediate corrective action should turbidity problems occur outside of the dredge or spoil area.

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

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

CONSENT AGENDA ITEMS NOS. 5 THROUGH 15 - APPROVED

Upon presentation by Chairman Seel, Commissioner Harris moved, seconded by Commissioner Todd and carried, that the Consent Agenda, consisting of Items Nos. 5 through 15 be approved as follows:

#5 APPROVAL OF MINUTES

Minutes of regular meeting of November 19 and special session of December 3, 2002.

#6 REPORTS RECEIVED FOR FILING

- a. State of Florida Auditor General Report No. 03-086 regarding St. Petersburg College Board of Trustees Financial Statement Audit for Fiscal Year Ended June 30, 2002.
- b. Internal Audit Report No. 2002-28, dated December 5, 2002 – Audit of the Board of County Commissioners Consumer Protection Department, prepared by Internal Audit Division, Clerk of the Circuit Court.
- c. Internal Audit Report No. 2002-29, dated December 19, 2002 – Audit of Finance Division Electronic Funds Transfer Controls, prepared by Internal Audit Division, Clerk of the Circuit Court.
- d. Final Actuarial Analysis of Self-Insured Workers Compensation Program as of September 30, 2002, submitted by Mercer Risk, Finance & Insurance Consulting, dated December 20, 2002.

#7 OTHER APPROVALS

- a. General - None
- b. Vouchers and Bills Paid
  - (1) Checks released for the period from December 1, 2002, through December 27, 2002, as follows:

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Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2713 for the period December 1, 2002, through December 6, 2002

Payroll Journal page numbers 1 through 2718 for the period December 16, 2002, through December 20, 2002

Payroll Checks numbered 497952 through 499103

Imprest Fund Expenditures

Manual checks numbered 685845 through 685878

System checks numbered 661076 through 664587

Wire Transfers numbered 650 through 748

#8 MISCELLANEOUS ITEMS TO BE RECEIVED FOR FILING:

- a. Florida Public Service Commission Notice of Cancellation of Evidentiary Hearing re Docket No. 020006-WS scheduled for December 6, 2002, in Tallahassee.
- b. Correspondence from the Juvenile Welfare Board of Pinellas County re FY 2002-2003 Middle School-aged Summer Scholarship Funding program.
- c. Eastlake Oaks Community Development District minutes of meetings held October 2 and November 6, 2002.
- d. Pinellas Park Water Management District Financial Statement dated November 2002.
- e. Correspondence from City of Dunedin re petition for voluntary annexation of certain property.
- f. City of Oldsmar Resolution No. 2002-34 adopted November 19, 2002, requesting that Pinellas County install a traffic signal at the intersection of Pine Avenue and Forest Lakes Boulevard.
- g. Correspondence from City of Pinellas Park re one ordinance voluntarily annexing certain property, public hearing to be held January 9, 2003.

# 9 SUBDIVISION PLATS AND SURETIES

a. Summerdale Townhomes

Completion Bond No. 929198352 released in the amount of \$39,387.10 to Rottlund Homes of Florida, Inc., 2623 McCormick Drive, Suite 102, Clearwater, FL 33759.

b. Lakeside Christian Chapel

Completion Bond No. 5883664 released in the amount of \$4,736.60 to Scherer Construction & Engineering of West Florida, LLC, 2152 14th Circle North, St. Petersburg, FL 33713.

c. Budget Mini Storage/Drew Street

Maintenance surety funds released in the amount of \$3,390.00 to Drew Street Storage Co., LLC, c/o Budget Management, 2106 Bispham Road, Suite B, Sarasota, FL 34231, Attention: Richard Bennett.

d. B & B Professional Plumbing

Completion Bond No. 786832 released in the amount of \$6,807.00 to B & B Professional Plumbing, Inc., 707 Belleair Road, Clearwater, FL 33756.

e. Holly at Bardmore Townhomes

Plat approved.

#10 AWARD OF BIDS

a. Bid of All American Concrete, Inc. on the basis of being the lowest responsive, responsible bid received meeting specifications for Part I - 78th Street Pipe Replacement and Part II - Miles Creek Ditch Pavement Restoration, for an estimated total expenditure in the amount of \$238,667.00 (Bid No. 023-17-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 Hanson Pipe & Product, Incorporated on the basis of being the lowest responsive, responsible bid received meeting specifications for pipe-reinforced concrete, for an estimated annual expenditure in the amount of \$44,268.10 for a contract period of 12 months with two

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additional 12-month options of renewal, subject to approval by the County Administrator, with allowance for price adjustments not to exceed the Consumer Price Index - All Urban or five percent, whichever is lower (Contract No. 023-44-B).

#11 CHANGE ORDER NO. 1 (FINAL) TO CONTRACT WITH JOHNSON BROS. CORPORATION FOR FT. DESOTO GULF AND BAY PIER REPAIRS (BID NO.001-0746-C)

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- a. Change Order No. 1 decreases the contract by \$53,545.57 (final total contract, \$1,967,367.53).
- b. Contract accepted as complete as of December 12, 2001, (Bay Pier) and August 16, 2002 (Gulf Pier) with assessment of liquidated damages waived.
- c. Chairman authorized to sign and the Clerk to attest.

#12 LOT CLEARING RESOLUTION

Resolution No. 03-02 assessing liens against lands cleared in Pinellas County pursuant to Chapter 78-599, Laws of Florida, and Pinellas County Code Chapter 58-338 directing that this resolution be filed in the public records office of the Clerk of the Circuit Court in Pinellas County, Florida.

#13 BUDGET AMENDMENTS NOS. 2 AND 3

Copies of Budget Amendments Nos. 2 and 3 were filed and made a part of the minutes.

#14 BID OF CED/RAYBRO FOR ELECTRICAL SUPPLIES, SQUARE D (BID NO. 023-15-B)

Bid is for an estimated annual expenditure in the amount of \$220,341.51, with an additional 12-month option of renewal at the same unit prices, terms and conditions (prices firm for 24 months at an estimated 24-month expenditure not to exceed \$440,683.02), subject to availability of funds and County Administrator's approval.

- #15 DECLARATION OF MISCELLANEOUS COUNTY-OWNED EQUIPMENT AS SURPLUS WITH AUTHORIZATION FOR LIQUIDATION OF SAME THROUGH PUBLIC AUCTIONS CONDUCTED BY GOVDEALS.COM AND TAMPA MACHINERY AUCTION, INC. AND FOR DISTRIBUTION OF PROCEEDS FROM SALE OF SURPLUS VEHICLES WITHIN THE GOVERNMENTAL FUNDS TO FLEET INTERNAL SERVICE FUND IN ORDER TO OFFSET THE REPLACEMENT COST OF FUTURE VEHICLES

The County-owned equipment is set forth in the attachment to the County Administrator's memorandum dated January 7, 2003.

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

- #17 CHANGE ORDER NO. 1 (FINAL) TO CONTRACT WITH DAVID NELSON CONSTRUCTION COMPANY FOR AIRPORT PARKING LOT CONSTRUCTION MODIFICATIONS (BID NO. 012-522-C) (CONTRACT NO. AP-53) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Change Order No. 1 (final) to the contract with David Nelson Construction Company for airport parking lot construction modifications at the St. Petersburg-Clearwater International Airport in the amount of \$24,052.65 (total revised contract amount, \$609,932.65).

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

\* \* \* \*

At this time, 11:09 A.M., Commissioner Morroni returned to the meeting.

\* \* \* \*

- #18 AIRLINES OPERATIONS AGREEMENT WITH AIR TRANSAT A.T., INC. - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of an airlines operations agreement with Air Transat A.T., Inc. for commercial air service at the St. Petersburg-Clearwater International Airport.

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

- #19 BID OF CENTRAL FLORIDA CONTRACTORS, INC. FOR PART I - HAMLIN BOULEVARD SIDEWALK FROM WALSINGHAM ROAD (S.R. 688) TO 102<sup>ND</sup> AVENUE NORTH AND PART II - 128<sup>TH</sup> STREET SIDEWALK FROM 175 FEET SOUTH OF 88<sup>TH</sup> AVENUE NORTH TO 90<sup>TH</sup> AVENUE NORTH (BID NO. 023-124-C) (PID NO. 886) - ACCEPTED; CHAIRMAN AUTHORIZED TO SIGN AGREEMENT 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 Central Florida Contractors, Inc. be accepted for Part I - Hamlin Boulevard sidewalk from Walsingham Road to 102<sup>nd</sup> Avenue North and Part II - 128<sup>th</sup> Street sidewalk from 175 feet south of 88<sup>th</sup> Avenue North to 90<sup>th</sup> Avenue North, in the amount of \$101,386.30; 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 Todd moved, seconded by Commissioner Harris and carried, that the recommendations of the County Administrator be approved.

- #20 INSTALLATION OF ELEVEN SPEED HUMPS ON ORCHARD DRIVE, ROSE TERRACE NORTH AND 91<sup>ST</sup> TERRACE NORTH LOCATED EAST OF STARKEY ROAD AND SOUTH OF 94<sup>TH</sup> AVENUE NORTH RE RESIDENTIAL TRAFFIC MANAGEMENT PROGRAM - APPROVED

County Administrator Stephen M. Spratt recommended approval of the installation of 11 speed humps on Orchard Drive, Rose Terrace North and 91<sup>st</sup> Terrace North located east of Starkey Road and south of 94<sup>th</sup> Avenue North in accordance with the Residential Traffic Management Program adopted pursuant to Resolution No. 97-297, dated October 14, 1997 and revised June 4, 2002.

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

- #21 RESOLUTION NO. 03-03 ADOPTED GRANTING PRELIMINARY APPROVAL OF THE PROPOSED LEALMAN HEIGHTS SECOND SECTION SUBDIVISION STREET LIGHTING DISTRICT AND REQUESTING THE COUNTY ADMINISTRATOR TO CALL FOR A PUBLIC HEARING FOR FEBRUARY 4, 2003 FOR PROPOSED ORDINANCE CREATING SAID DISTRICT; AND AUTHORIZING FUNDS FOR ADMINISTRATIVE EXPENSES DIRECTLY INCIDENT TO CREATING SAID DISTRICT

County Administrator Stephen M. Spratt recommended adoption of a resolution granting preliminary approval of the proposed Lealman Heights Second Section Subdivision Street Lighting District as requested in a petition signed by owners of 63 percent of the private land area comprising the district; authorizing the advertisement of a public hearing for February 4, 2003 re proposed ordinance creating said district; and authorizing funds for administrative expenses.

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

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

Nays: None.

Absent and not voting: Latvala and Welch

- #22 GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR PAST AND FUTURE PHASES OF THE UPHAM BEACH RENOURISHMENT PROGRAM (AGREEMENT NO. 02PI1) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a grant agreement with the Florida Department of Environmental Protection (FDEP) for past and future phases of the Upham Beach renourishment program in the amount of \$900,000.00 for future phase of nourishment scheduled for mid-2003, and \$700,000.00 to reimburse the County for the most recent phase of nourishment completed in June 2000.

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

- #23 GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR DEVELOPMENT OF UPHAM BEACH EROSION CONTROL GROINS (AGREEMENT NO. 02PI2) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a grant agreement with the Florida Department of Environmental Protection (FDEP) for

development of Upham Beach erosion control groins in the amount of \$758,500.00 (County cost, \$488,500.00; total cost, \$1,247,000.00).

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

#24 AMENDMENT NO. 1 TO THE GRANT AGREEMENT WITH THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP) FOR THE TREASURE ISLAND TERMINAL GROIN AND BEACH NOURISHMENT PROJECT (AGREEMENT NO. 98PI1) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 1 to the grant agreement with the Florida Department of Environmental Protection (FDEP) for the Treasure Island Terminal Groin and Beach Nourishment Project to reimburse the County for previous expenditures in the amount of \$521,650.00.

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

#25 JOINT FUNDING AGREEMENT WITH U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, FOR "EFFECTS OF AUGMENTATION ON HYDROLOGY, WATER QUALITY, AND ECOLOGY OF SELECTED WETLANDS IN THE NORTHERN TAMPA BAY AREA" (PROJECT NO. 611-298911-1304) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a Joint Funding Agreement with U.S. Geological Survey, United States Department of the Interior, for the project entitled "Effects of Augmentation on Hydrology, Water Quality, and Ecology of Selected Wetlands in the Northern Tampa Bay Area" (Project No. 611-28911-1304) for funding the fourth year of the wetlands augmentation program (project cost of \$173,000.00 of which County's contribution is \$100,000.00).

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

#26 RESOLUTION NO. 03-04 ADOPTED REALLOCATING FUNDS FROM RESERVES IN THE FY2002 SOLID WASTE DEBT SERVICE FUND BUDGET

County Administrator Stephen M. Spratt recommended adoption of a resolution reallocating funds from reserves for a particular purpose in the FY2002 Solid Waste Debt Service Fund Budget.

Commissioner Todd moved, seconded by Commissioner Morroni, that Resolution No. 03-04 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Latvala and Welch.

#27 RESOLUTION NO. 03-05 ADOPTED APPROPRIATING UNANTICIPATED SEWER CONSTRUCTION FUND - FUND BALANCE IN THE FY2003 SEWER CONSTRUCTION FUND BUDGET

County Administrator Stephen M. Spratt recommended adoption of a resolution appropriating unanticipated sewer construction fund - fund balance for a particular purpose in the FY2003 Sewer Construction Fund Budget.

Commissioner Todd moved, seconded by Commissioner Morroni, that Resolution No. 03-05 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Latvala and Welch.

#28 RESOLUTION NO. 03-06 ADOPTED AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE GRAND OPENING OF THE COUNTY CONNECTION CENTERS

County Administrator Stephen M. Spratt recommended adoption of a resolution authorizing expenditure of funds for refreshments and promotional souvenirs for the grand opening of the County Connection Centers.

Commissioner Harris moved, seconded by Commissioner Todd, that Resolution No. 03-06 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Latvala and Welch.

#29 SIX MONTH REPORT ON THE SMALL BUSINESS ASSISTANCE PROGRAM (SBAP) - ACCEPTED

County Administrator Stephen M. Spratt recommended acceptance of the six-month report on the progress of the Small Business Assistance Program (SBAP).

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

#30 AGREEMENT WITH L. ROBERT KIMBALL & ASSOCIATES, INC. FOR DESIGN PROFESSIONAL CONSULTING SERVICES, JAIL EXPANSION PHASE II HEALTH CARE FACILITY - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of an agreement with L. Robert Kimball & Associates, Inc. for design professional consulting services for the Jail Expansion Phase II Health Care Facility in an amount not to exceed \$1,550,000.00 (basic services fee not to exceed \$1,390,000.00; contingency services in the amount of \$50,000.00; reimbursable expenses in the amount of \$110,000.00).

Following discussion and input by General Services Director Carl Barron relative to Commissioner Harris' query concerning citizen input on large projects, Commissioner Todd moved, seconded by Commissioner Harris and carried, that the recommendation of the County Administrator be approved.

#31 AGREEMENT WITH BEERS SKANSKA, INC. FOR CONSTRUCTION MANAGEMENT SERVICES, JAIL EXPANSION PHASE II HEALTH CARE FACILITY - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of an agreement with Beers Skanska, Inc. for construction management services for the Jail Expansion Phase II Health Care Facility in the amount of \$2,555,183.00.

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

#32 RESOLUTION NO. 03-07 ADOPTED APPROPRIATING UNANTICIPATED FUND BALANCE IN THE FY2003 GENERAL FUND BUDGET FOR THE CIRCUIT COURT - CRIMINAL DRUG COURT

County Administrator Stephen M. Spratt recommended adoption of a resolution appropriating unanticipated fund balance for a particular purpose in the FY2003 General Fund Budget as requested by the Judiciary.

Commissioner Todd moved, seconded by Commissioner Stewart, that Resolution No. 03-07 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Latvala and Welch.

#33 JOINT PARTICIPATION AGREEMENT WITH THE CITY OF CLEARWATER AND CALVARY BAPTIST CHURCH ASSOCIATED WITH COUNTYWIDE LAND USE PLAN CASE NO. CW 00-42 - APPROVED AND RATIFIED

County Administrator Stephen M. Spratt recommended approval and ratification of the previous Chairman's signature on the Joint Participation Agreement with the City of Clearwater and Calvary Baptist Church associated with Countywide Land Use Plan Case No. CW 00-42.

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

#34 CONTRACT WITH RUFF'S SAW AND TOOLS FOR GROUPS 3 AND 11 - HARDWARE SUPPLY CANCELLED; GROUP 3 RE-AWARDED TO BERT LOWE SUPPLY COMPANY (CONTRACT NO. 001-811-B)

County Administrator Stephen M. Spratt recommended cancellation of the contract with Ruff's Saw and Tools for Group 3 and 11 - hardware supply; re-award of the contract to Bert Lowe Supply Company for Group 3, hardware and garden tools, at an estimated eight-month expenditure not to exceed \$21,265.44 (annual estimated 24-month expenditure not to exceed \$110,784.04; total adjusted expenditure through August 12, 2003 not to exceed \$132,049.48); and further recommended that no award be made for Group 11 since the items can be purchased through an existing contract.

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

#35 PROPOSAL OF GULF COAST JEWISH FAMILY SERVICES, INC. D/B/A GULF COAST COMMUNITY CARE ACCEPTED FOR THE NON-CUSTODIAL PARENT EMPLOYMENT PROGRAM (BID NO. 012-970-P); 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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Legal notice having been published and publisher's affidavit filed with the Clerk, County Administrator Stephen M. Spratt recommended that the proposal of Gulf Coast Jewish Family Services, Inc. d/b/a Gulf Coast Community Care be accepted for a Non-Custodial Parent Employment Program for an estimated six-month expenditure not to exceed \$147,896.00 (six-month contract with two 12-month options of renewal at the same prices, terms and conditions and an estimated annual expenditure not to exceed \$295,792.00, pending availability of funds and approval by the County Administrator).

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

#36a GRANT CONTRACT WITH FLORIDA COMMUNITIES TRUST (FCT) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a grant contract with Florida Communities Trust (FCT) for Florida Forever matching grant funds up to the amount of \$6,600,000.00 for the purchase of land within the Wall Springs project area.

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

#36b RESOLUTION NO. 03-08 ADOPTED RESPONDING TO PROPOSED MANATEE PROTECTION MEASURES OF THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, RECOGNIZING THE IMPORTANCE OF MANATEE PROTECTION, AND ALSO RECOGNIZING THE ECONOMIC AND SOCIAL SIGNIFICANCE OF PUBLIC USES OF THE WATERWAYS

County Administrator Stephen M. Spratt recommended approval of a resolution responding to proposed United States Environmental Protection Agency (USEPA) manatee protection measures; whereupon, Assistant County Administrator Jacob F. Stowers gave background information relative to the USEPA's proposed regulations; presented a document entitled "Manatee Protection in Pinellas County," a copy of which has been filed and made a part of the record, which outlines the Board's various policies and measures aimed at protecting manatees; and advised that comments to the USEPA are due by January 10, 2003.

Commissioner Harris moved, seconded by Commissioner Todd, that Resolution No. 03-08 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: Latvala and Welch.

#37 COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST

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

- a. Countrywide Home Loans, Inc. versus Daniel S. Eckley, et al., Circuit Civil Case No. 02-8881-CI-11 – Mortgage Foreclosure Involving a Subordinate Mortgage.
- b. JP Morgan Chase Bank versus Stacey L. Patterson, et al., Circuit Civil Case No. 02-9362-CI-8 – Mortgage Foreclosure Involving a Judgment for Attorney Fees and Costs.
- c. Mortgage Electronic Registration Systems versus Robin L. Phythian, et al., Circuit Civil Case No. 02-9655-CI-21 – Mortgage Foreclosure Involving a Subordinate Mortgage.
- d. Washington Mutual Bank versus Robert A. Sauer, et al., Circuit Civil Case No. 02-9850-CI-20 – Mortgage Foreclosure Involving Judgments for Attorney Fees and Costs and Fine and Costs.
- e. Washington Mutual Bank versus Toby A. Wiley, et al., Circuit Civil Case No. 02-9431-CI-7 – Mortgage Foreclosure Involving a Judgment for Attorney Fees and Costs.
- f. Wells Fargo Home Mortgage versus Sandra L. Donofrio, et al., Circuit Civil Case No. 02-9566-CI-19 – Mortgage Foreclosure Involving a Subordinate Mortgage.
- g. Wells Fargo Bank versus Mary A. Lewis, et al., Circuit Civil Case No. 02-9691-CI-21 – Mortgage Foreclosure Involving a Street Lighting Lien.
- h. Earl Hatcher versus Pinellas County Sheriff's Office, Circuit Civil Case No. 02-9016-CI-7 – Allegations of Injuries by Virtue of Avoidance of Collision.
- i. Mid-County Services, Inc. versus Pinellas County, Circuit Civil Case No. 02-8916-CI-21 – Allegations of Improper Support of Sewer Main.

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- j. Douglas Scott versus Karleen F. DeBlaker, Circuit Civil Case No. 01-8224-CI-20 – Allegations of Wrongful Arrest and Incarceration.

#38 SETTLEMENT OFFER FROM ACS STATE & LOCAL SOLUTIONS, INC., F/K/A LOCKHEED MARTIN IMS CORPORATION VERSUS THE PINELLAS WAGES COALITION, ET AL., CASE NO. 01-9324-CI-21 (CONTINUED FROM THE DECEMBER 17, 2002 MEETING) - REJECTED

County Attorney Susan H. Churuti recommended rejection of the proposed settlement in ACS State & Local Solutions, Inc., f/k/a Lockheed Martin IMS Corporation versus the Pinellas Wages Coalition, et al., Case No. 01-9324-CI-21.

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

#39 COUNTY ATTORNEY MISCELLANEOUS - REPORT ON APPEAL OF PHILIPPE POINT SUBDIVISION

County Attorney Susan H. Churuti reported that a three-judge panel of circuit judges has sustained the Board's power to have a local rule; and that the ongoing appeal may be taken to the Second District Court of Appeal, at which the Florida Department of Environmental Protection has agreed to file an amicus brief on behalf of the Board.

#40 APPROVAL TO ACCEPT THE DONATION OF A 1985 FIRE TRUCK - TEMPORARILY DEFERRED

County Administrator Stephen M. Spratt recommended that Agenda Item No. 40, "Approval to accept the donation of a 1985 fire truck," be temporarily deferred; and no objections were noted.

#41 COVE CAY COMMUNITY MEETING UPDATE

County Administrator Stephen M. Spratt reported on the January 6, 2003 meeting attended by Chairman Seel and himself, and indicated that information with regard to the County and the Sheriff's Office serving the community as its municipal service provider was very well received. He noted that many of the attendees expressed a concern

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with registered voters who vote on annexation but do not own property in the area that is to be annexed.

Chairman Seel indicated that many of the residents of the Cove Cay community are seasonal owners and are not registered to vote; and suggested that the Board may wish to consider adding the issue to the legislative agenda.

#42 COMMISSIONER TODD APPOINTED TO THE SCHOOL READINESS COALITION

Upon motion by Commissioner Harris, seconded by Commissioner Stewart and carried, Commissioner Todd was appointed to replace Commissioner Latvala on the School Readiness Coalition for a term expiring December 31, 2003.

#43 REAPPOINTMENTS TO COMMITTEE/BOARD VACANCIES FOR 2003 - APPROVED

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Commissioner Harris moved, seconded by Commissioner Todd and carried, that reappointments to Committee/Board vacancies for 2003 be approved.

#44 REAPPOINTMENT OF NORRIS E. COUNTS TO PINELLAS COUNTY HOUSING FINANCE AUTHORITY - APPROVED

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Commissioner Stewart moved, seconded by Commissioner Morroni and carried, that Norris E. Counts be reappointed to the Pinellas County Housing Finance Authority for a four-year term.

#45 RECOMMENDATION TO REMOVE CERTAIN MEMBERS FROM THE PINELLAS COUNTY YOUTH ADVISORY COMMITTEE (YAC) - APPROVED

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Commissioner Harris moved, seconded by Commissioner Morroni and carried, that YAC members Rita Lima, Danielle Massaro, Luis Zamot, and Layla Hall be removed from the committee; whereupon, Commissioner Harris noted that the first three individuals had moved from the area; and that the fourth individual, Layla Hall, resigned due to her high school athletics' schedule.

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#46a COMMISSIONER HARRIS RE WATER CONSERVATION

Commissioner Harris offered a water conservation tip re a water audit.

#46b COMMISSIONER STEWART RE JOB CORP SITE

Commissioner Stewart reported on recent actions concerning the selection of a Job Corp facility site and indicated that Pinellas County has made the top four list.

#46c COMMISSIONER TODD RE COUNTYWIDE HOMELESS INITIATIVE

Commissioner Todd noted that a task force is being formed by Assistant County Administrator D. Gay Lancaster to address the homeless issue on a Countywide basis; and that any suggestions or recommendations as to agencies or individuals that may be of assistance should be forwarded to either Mrs. Lancaster or herself.

At the request of the Chairman, County Administrator Stephen M. Spratt related that Metro-Dade County had been recognized by the United States Department of Housing and Urban Development (HUD) as a model program with regard to its Homeless Trust; whereupon, Chairman Seel indicated that with the Board's concurrence, Mr. Spratt will invite the Executive Director of the Metro-Dade County Homeless Trust to meet with the Board to share information.

#46d CHAIRMAN SEEL RE VARIOUS ISSUES

Chairman Seel presented an update on the Pinellas County community access number 2-1-1; and indicated that the Board members will be receiving the latest edition of the number one citizen-backed logo; that nominees for the Pinellas Assembly Task Force are due by January 10 so that a decision can be made at the Board's January 14 visioning session; that an update on the 2002 Strategic Planning Session is scheduled for March 14; that a Pinellas Folk Festival will be held at Heritage Village on January 25 from 10:00 A.M. until 4:00 P.M.; and that a local builder, Peter Brown Construction, has been recognized in Coastal Living Magazine for having built the HG-TV dream home of the year in Mexico Beach, Florida.

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Upon direction of the Chairman, there being no objection, the meeting was adjourned at 11:45 A.M.

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Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

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