

Clearwater, Florida, February 4, 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 9:35 A.M. on this date with the following members present: Karen Williams Seel, Chairman; Susan Latvala, Vice-Chairman; Barbara Sheen Todd; Calvin D. Harris; John Morroni; and Kenneth T. Welch.

Absent: Robert B. Stewart.

Also present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; C. R. Short, Chief Deputy Clerk; and Dawn Rubio, Barbara Harb, and Arlene Smitke, Board Reporters.

County Attorney Susan H. Churuti 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.

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COUNTYWIDE PLANNING AUTHORITY

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

SUBTHRESHOLD AMENDMENTS

1. a. Case #CW 03-3 – Pinellas County.  
Location – 3.66 Acres Located on the Former Seaboard Coastline Railroad Right-of-Way North of the Anclote River and East of U.S. Alternate 19. Amendment from Undesignated to Recreation/Open Space.
- b. Case #CW 03-4 - Pinellas County.  
Location - 2.49 Acres Located Within the Brooker Creek Preserve. Amendment from Residential Estate to Preservation.
- c. Case #CW 03-5 - Pinellas County.  
Location - 1.0 Acre Located on the North Side of Walsingham Road, 429 Feet West of Ridge Road (Pinellas Trail). Amendment from Undesignated to Recreation/Open Space.
- d. Case #CW 03-6 - Pinellas County.  
Location - 0.72 Acre Located on the East Side of 58th Street North and the West Side of George Boulevard, 230 Feet North of Russell Street. Amendment from Public/Semi-Public to Residential Urban.
- e. Case #CW 03-7 - Pinellas County.  
Location - 0.72 Acre Located on the East Side of 58th Street North and the West Side of George Boulevard, 110 Feet North of Russell Street. Amendment from Public/Semi-Public to Residential Urban.
- f. Case #CW 03-8 - Pinellas County.  
Location - 3.34 Acres Located on the North Side of Bay Pines Boulevard, West of Park Street (Pinellas Trail). Amendment from Undesignated to Recreation/Open Space.
- g. Case #CW 03-9 - Pinellas County.  
Location - 10.09 Acres Located within the Brooker Creek Preserve. Amendment from Residential Estate to Preservation.
- h. Case #CW 03-10 - City of Pinellas Park.  
Location - 0.13 Acre Located on the South Side of 94th Avenue North, 250 Feet West of 49th Street North. Amendment from Residential Urban to Residential Low Medium.
- i. Case #CW 03-11 - City of Oldsmar.  
Location - 5.57 Acres Located on the West Side of Shore Drive East at its Intersection with Lafayette Boulevard. Amendment from Residential Low to Recreation/Open Space.

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REGULAR AMENDMENTS

2. a. Case #CW 03-1 – Pinellas County.  
Location - 26.88 Acres Located on the North Side of Gandy Boulevard, 1,555 Feet East of Brighton Bay Boulevard Northeast. Amendment from Commercial Recreation and Residential Low to Residential Low and Preservation.
- b. Case #CW 03-2 – Pinellas County.  
Location - 3.69 Acres Located on the North Side of 102nd Avenue North, 180 Feet West of 66th Street North. Amendment from Commercial General to Industrial Limited.

SCHEDULED PUBLIC HEARINGS – BCC

3. Proposed Ordinance Amending Chapter 134 of the County Land Development Code Regarding Vested Rights.
4. Proposed Ordinance Creating Lealman Heights 2<sup>nd</sup> Section Subdivision Street Lighting District.

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.

5. Multi-Use Dock Application M31380-02, Aloha Towers Condos/George Allen Clouse, 19627 Gulf Boulevard, The Narrows, Indian Shores.

C. CONSENT AGENDA

CLERK OF THE CIRCUIT COURT

6. Approval of Minutes – Regular Meeting of January 7, 2003.
7. Reports:
  - a. Dock Fee Report for the Month of December 2002.
  - b. Quarterly Report of Routine Dock Permits Issued from October 1, 2002 through December 31, 2002.
  - c. Foreign Trade Zone No. 193 Annual Report for the Fiscal Year Ended September 30, 2002.
  - d. Pinellas County, Florida, Planning Council's Comprehensive Annual Financial Report for the Year Ended September 30, 2002.

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- e. Financial Statements of Palm Harbor Special Fire Control and Rescue District for the Year ended September 30, 2002.
8. Other Approvals:
- a. General - None.
  - b. Vouchers and Bills Paid.
9. Miscellaneous Items to Be Received for Filing:
- a. One Item Related to Dock, Pier and Wharf Construction Contract Bonds.
  - b. Town of Belleair Resolution No. 2002-31 Adopted November 19, 2002 Regarding Proposed Sale of Town's Wastewater Collection System.
  - c. City of Clearwater Annexation, Land Use Plan and Zoning Atlas Amendment Notices of Public Hearing Regarding Ordinances Nos. 7093-03 through 7095-03 to be Held February 5, 2003; Ordinances Nos. 7088-03 and 7089-03 to be Held February 20, 2003; and Ordinances Nos. 7076-03 through 7087-03 to be Held March 6, 2003.
  - d. City of Largo Notice of Annexation Hearings Regarding Ordinances Nos. 2003-34 and 2003-35 Held January 21, 2003.
  - e. Correspondence from the City of Pinellas Park Regarding Three Ordinances Voluntarily Annexing Certain Property; Public Hearing Held January 23, 2003.
  - f. City of Seminole Ordinances Nos. 30-2002 and 31-2002 Adopted December 10, 2002, Voluntarily Annexing Certain Property.

COUNTY ADMINISTRATOR

Public Works

- 10. Approval to Release Sureties and Record Plat.
- 11. Approval of Awards of Bid:
  - a. Dansville Redevelopment Area – Phase II.
  - b. Countywide Parks Roof Replacement – Phase II.

Other Departments

- 12. Adoption of a Resolution for Assessment of Liens against Lands Cleared (Environmental Management).

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13. Approval of Budget Amendments for Fiscal Year 2002 (Management and Budget):
  - a. Budget Amendment No. 39.
  - b. Budget Amendment No. 40.
14. Approval of Budget Amendments for Fiscal Year 2003 (Management and Budget):
  - a. Budget Amendment No. 7.
  - b. Budget Amendment No. 8.
15. Receipt and File of Law Enforcement Trust Fund Report for the Period from April 1, 2002 through December 31, 2002 (Management and Budget).
16. Approval of Insurance Premium Payment to Acordia for Underground Storage Tanks (Risk Management).

D. REGULAR AGENDA

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

COUNTY ADMINISTRATOR

Public Works

18. Approval of Emergency Purchase for Fred Howard Park Causeway Repairs.
19. Adoption of a Resolution Authorizing the Installation of a Traffic Control Signal at the Intersection of Starkey Road (CR1) and Bardmoor Boulevard.
20. Approval of Change Order No. 1 – Final – Wall Springs Park Phase II.
21. Approval of Change Order No. 1 – Final – Part I: Construction of Intersection Improvements to 62<sup>nd</sup> Avenue at 22<sup>nd</sup> Street; Part II: Construction of Traffic Safety Improvements to Rainbow Village at Jefferson Circle and Adams Circle.
22. Approval of Award of Contract for Adopt-A-Mile/Adopt-A-Pond Program.
23. Approval of Award of Proposal for Altosid Products and Technical Support.

Utilities

24. Approval of Amendment No. 1 to the Agreement for Consultant Services for the City of Treasure Island Reclaimed Water Distribution System.
25. Approval of Amendment No. 2 to the Agreement for Professional Consulting Services for County/City of Clearwater Reclaimed Water Interconnect.

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26. Approval to Cancel Contract for Meter Boxes (COOP) with Hughes Supply.

Other Departments

27. Approval of First Amendment to the Agreement with Southwest Florida Water Management District for the Brooker Creek Restoration Project – Channel L (Environmental Management).
28. Approval of Partial Termination of a Permanent Utility Easement on the Palace of the Orient Restaurant Property Due to Utility Pipe Relocation (General Services).
29. Approval of a Recommendation to Declare Surplus, and to Authorize the Exchange and Advertisement of, a Portion of Real Property (General Services).
30. Approval of a Recreational License Agreement with East Lake Youth Sports Association, Inc. (General Services).
31. Approval of a Traffic Law Enforcement Agreement with East Lake Woodlands Community Association, Inc. (Justice Coordination).
32. Adoption of Resolution to Appropriate Unanticipated Fund Balance and Grant Proceeds in the Capital Projects Fund and in the Special Assessment Paving Fund for Fiscal Year 2003 (Management and Budget).
33. Adoption of a Resolution to Supplement the Fiscal Year 2003 Social Services General Fund Budget and Appropriate Earmarked Receipts for a Particular Purpose (Management and Budget).
34. Other Administrative Matters.

COUNTY ATTORNEY

35. Authority for County Attorney to Defend:
- a. Lakeith Amir-Sharif v. Pinellas County Jail, et al - Circuit Civil Case No. 02-9530-CI-21 – Allegations of Damages and Recovery of Personal Property; Lakeith Amir-Sharif v. Everett S. Rice, et al - Circuit Civil Case No. 02-9534-CI-21 – Allegations of Damages and Recovery of Additional Personal Property; and Lakeith Amir-Sharif v. Everett S. Rice - Small Claims Case No. 03-0086-SC-NPC – Allegations of Incorrect Commissary Charges.
- b. William Scott Lang v. Pinellas County Jail - Small Claims Case No. 03-0035-SC-NPC – Allegations of Withholding Personal Property.
- c. Donald Metzgar v. Pinellas County Sheriff's Department - Circuit Civil Cases Nos. 02-009335-CI-13, 02-009414-CI-20, 02-009587-CI-13; Donald Metzgar v. State Attorney, et al - Circuit Civil Case No. 02-009711-CI-08; Donald Metzgar v. Pinellas County Board of County Commissioners, et al - Circuit Civil Case No. 03-000105-CI-11; and Donald Metzgar v. Everett S. Rice, et al - Circuit Civil Case No. 03-000248-CI-11 – All Allegations Relate to His Incarceration at the Pinellas County Jail.

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36. Authority for County Attorney to File a Small Claims Action on Behalf of Sunstar Against the Estate of Richard Christenson for Unpaid Ambulance Bills.
37. Authority to Initiate Litigation against Michael and Sahar Andolino for Civil Penalties and Restoration for Violation of the Mangrove Trimming and Preservation Act.
38. Approval of an Extension of Special Counsel Contract with Nabors, Giblin & Nickerson, P.A. for Special Finance and Tax Matters.
39. Approval of an Addition to Exhibit "A" of Special Counsel Contract of Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A. for Legal Services Relating to the South Cross Bayou Water Reclamation Litigation.
40. Approval of the Hiring of Foley and Lardner Law Firm to Assist Pinellas County Government with Compliance of HIPAA Requirements.
41. Approval of a Contract for Law Enforcement for the City of Largo for Latent Fingerprint Services.
42. Approval of a Contract for Law Enforcement for the City of Gulfport for Crime Scene Services and Evidence and Property Storage.
43. Miscellaneous.

E. AUTHORITIES

ECONOMIC DEVELOPMENT AUTHORITY

44. Approval of Amendment of Contract for Grounds Maintenance at Young-Rainey STAR Center.

F. COUNTY ADMINISTRATOR REPORTS

45. Solid Waste Collection and Licensing Report.

G. COUNTY COMMISSION

46. Approval of an Appointment to the Pinellas County Park Board.
47. Miscellaneous.

ADJOURNMENT

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At this time, 9:39 A.M., Commissioner Stewart entered the meeting.

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SAFE DRIVER AWARDS

Chairman Seel presented Safe Driver Awards to the following Pinellas County employees:

Alison M. Growe, Senior Certified Mechanic, 35 years of safe driving  
Richard Dodson, Trade Field Services Supervisor, 25 years of safe driving  
Albert R. Mai, Jr., Senior Equipment Operator Trainer, 25 years of safe driving  
Richard A. Langner, Fleet Operations Manager, 25 years of safe driving  
John Westbrook, Jr., Craftworker II, 25 years of safe driving

CITIZENS TO BE HEARD - NONE

# 1a CASE #CW 03-3, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM UNDESIGNATED TO RECREATION/OPEN SPACE (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-7 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 29, 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 03-3, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from undesignated to recreation/open space, re 3.66 acres located on the former Seaboard Coastline Railroad right-of-way north of the Anclote River and east of Alternate U.S. 19 (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.

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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 Latvala moved, seconded by Commissioner Morroni, that Ordinance No. 03-7 approving Case #CW 03-3 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 1b CASE #CW 03-4, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL ESTATE TO PRESERVATION (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-7 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 29, 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 03-4, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from residential estate to preservation, re 2.49 acres located within the Brooker Creek Preserve (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.

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Commissioner Latvala moved, seconded by Commissioner Morroni, that Ordinance No. 03-7 approving Case #CW 03-4 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 1c CASE #CW 03-5, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM UNDESIGNATED TO RECREATION/OPEN SPACE (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-7 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 29, 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 03-5, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from undesignated to recreation/open space, re one acre located on the north side of Walsingham Road, 429 feet west of Ridge Road (Pinellas Trail) (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 Todd, that Ordinance No. 03-7 approving Case #CW 03-5 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

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# 1d CASE #CW 03-6, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM PUBLIC/SEMI-PUBLIC TO RESIDENTIAL URBAN (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-7 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 29, 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 03-6, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from public/semi-public to residential urban, re .72 acre located on the east side of 58<sup>th</sup> Street North and the west side of George Boulevard, 230 feet north of Russell 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 Harris moved, seconded by Commissioner Welch, that Ordinance No. 03-7 approving Case #CW 03-6 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 1e CASE #CW 03-7, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM PUBLIC/SEMI-PUBLIC TO RESIDENTIAL URBAN (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-7 ADOPTED

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

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Pursuant to legal notice published in the December 29, 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 03-7, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from public/semi-public to residential urban, re .72 acre located on the east side of 58<sup>th</sup> Street North and the west side of George Boulevard, 110 feet north of Russell 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 Latvala moved, seconded by Commissioner Welch, that Ordinance No. 03-7 approving Case #CW 03-7 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 1f CASE #CW 03-8, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM UNDESIGNATED TO RECREATION/OPEN SPACE (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-7 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 29, 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 03-8, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from undesignated to recreation/open space, re 3.34 acres located on the north side of Bay Pines Boulevard, west of Park Street (Pinellas Trail) (subthreshold amendment). Chief

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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 Morroni moved, seconded by Commissioner Welch, that Ordinance No. 03-7 approving Case #CW 03-8 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 1g CASE #CW 03-9, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL ESTATE TO PRESERVATION (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-7 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 29, 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 03-9, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from residential estate to preservation, re 10.09 acres located within the Brooker Creek Preserve (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.

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Commissioner Latvala moved, seconded by Commissioner Harris, that Ordinance No. 03-7 approving Case #CW 03-9 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 1h CASE #CW 03-10, PROPOSAL BY CITY OF PINELLAS PARK TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN TO RESIDENTIAL LOW MEDIUM (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-8 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 29, 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 03-10, a proposal by the City of Pinellas Park to amend the land use designation on the Countywide Future Land Use Plan from residential urban to residential low medium, re .13 acre located on the south side of 94<sup>th</sup> Avenue North, 250 feet west of 49<sup>th</sup> Street North (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 Latvala moved, seconded by Commissioner Welch, that Ordinance No. 03-8 approving Case #CW 03-10 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

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- # li CASE #CW 03-11, PROPOSAL BY CITY OF OLDSMAR TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL LOW TO RECREATION/OPEN SPACE (SUBTHRESHOLD AMENDMENT) - APPROVED; ORDINANCE NO. 03-9 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 29, 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 03-11, a proposal by the City of Oldsmar to amend the land use designation on the Countywide Future Land Use Plan from residential low to recreation/open space, re 5.57 acres located on the west side of Shore Drive East at its intersection with Lafayette Boulevard (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 Latvala moved, seconded by Commissioner Harris, that Ordinance No. 03-9 approving Case #CW 03-11 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

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# 2a CASE #CW 03-1, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL LOW (11.03 ACRES) AND COMMERCIAL RECREATION (15.85 ACRES) TO RESIDENTIAL LOW (14.38 ACRES) AND PRESERVATION (12.5 ACRES) (REGULAR AMENDMENT) - APPROVED; ORDINANCE NO. 03-7 ADOPTED

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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 29, 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 03-1, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from residential low (11.03 acres) and commercial recreation (15.85 acres) to residential low (14.38 acres) and preservation (12.5 acres), re 26.88 acres located on the north side of Gandy Boulevard, 1,555 feet east of Brighton Bay Boulevard (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. 03-7 approving Case #CW 03-1 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

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# 2b CASE #CW 03-2, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM COMMERCIAL GENERAL TO INDUSTRIAL LIMITED (REGULAR AMENDMENT) - APPROVED; ORDINANCE NO. 03-7 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 29, 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 03-2, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan from commercial general to industrial limited, re 3.69 acres located on the north side of 102<sup>nd</sup> Avenue North, 180 feet west of 66<sup>th</sup> Street 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 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 Latvala moved, seconded by Commissioner Harris, that Ordinance No. 03-7 approving Case #CW 03-2 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

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- # 3 PROPOSED ORDINANCE AMENDING PROVISIONS OF CHAPTER 134 OF THE PINELLAS COUNTY LAND DEVELOPMENT CODE; EXPANDING THE SCOPE OF THE ORDINANCE FOR THE ADMINISTRATION OF VESTED RIGHTS TO INCLUDE APPLICATIONS FOR VESTED RIGHTS FROM THE COUNTYWIDE PLAN; PROVIDING FOR INCLUSION OF LOCAL PLAN VESTING CONSIDERATIONS; PROVIDING FOR A HEARING OFFICER AND PROCEDURES FOR UTILIZING SAME; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING OF THE ORDINANCE AND AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONDITIONAL SUNSETTING; PROVIDING FOR A PROTECTION OF RIGHTS OF EXISTING APPLICANTS - WITHDRAWN

Pursuant to legal notice published in the January 25, 2003 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 provisions of Chapter 134 of the Pinellas County Land Development Code regarding vested rights. Chief Deputy Clerk C. R. Short reported that two letters in opposition to the proposed ordinance have been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt stated that staff recommends continuance of the item; whereupon, Chief Assistant County Attorney James L. Bennett indicated that the Pinellas Planning Council (PPC) is developing a vested rights provision of the Countywide Comprehensive Plan; and recommended that the proposed ordinance be withdrawn.

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

Thereupon, Commissioner Latvala moved, seconded by Commissioner Welch and carried, that Item No. 3 be withdrawn.

- # 4 ORDINANCE NO. 03-10 ADOPTED CREATING LEALMAN HEIGHTS 2<sup>ND</sup> SECTION SUBDIVISION STREET LIGHTING DISTRICT

Pursuant to legal notice published in the January 17 and January 24, 2003 issues of the Tampa Bay Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on a proposed ordinance relating to street lighting; providing for the creation of a municipal service taxing unit for street lighting to be

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known as Lealman Heights 2<sup>nd</sup> Section Subdivision Street Lighting District; providing for distinct areas included within said district; designating the Board of County Commissioners of Pinellas County as the governing body of said district; authorizing the governing body to enter into agreements with utility companies supplying electricity and maintenance to said district; providing for the funding of said district through special annual assessments levied on all properties within the district; providing for the filing of the assessment roll; providing for collection and payment of assessments; providing for items to be included in the initial assessment; authorizing the establishment of a revolving fund; providing for the dissolution or transfer of said district resulting from its annexation into a municipality; providing for severability; and providing for effectivity of the ordinance. 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 adoption of the ordinance creating the Lealman Heights 2<sup>nd</sup> Section Subdivision Street Lighting District.

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

Commissioner Morroni moved, seconded by Commissioner Welch, that Ordinance No. 03-10 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 5 MULTI-USE DOCK APPLICATION M31380-02, ALOHA TOWERS  
CONDOS/GEORGE ALLEN CLOUSE, 19627 GULF BOULEVARD, INDIAN  
SHORES, THE NARROWS - CONTINUED

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 December 20 and December 27, 2002 issues of the Tampa Bay Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Multi-use Dock Application M31380-02, Aloha Towers Condos/George Allen Clouse, 19627 Gulf Boulevard, Indian Shores, The Narrows. Chief Deputy Clerk C. R. Short reported that all interested parties have been

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notified by mail; that one letter in favor of and two letters in opposition 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 add a small platform and boat lift to an existing multi-use dock in a narrow canal off of The Narrows to be used by one of the owners of the adjacent condominiums, as indicated in his memorandum of February 4, 2003, which has been filed and made a part of the record; 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 denial of the application and execution of the attached order based upon affirmative "Findings of Fact," Items 1, 2, 7 and 8, and negative "Findings of Fact," Items 10 through 13.

Referring to a map and photographs, Director of Environmental Management William M. Davis indicated that the platform and boat lift, as proposed, will encroach six feet into the navigational waterway; will establish a precedent; and that other options are available.

In response to the Chairman's call for persons in opposition to denial of the application, the following individuals voiced their concerns:

Bruno Trapani, Indian Shores  
Lisa Ryan, Advanced Marine Construction  
George Allen Clouse, Indian Shores

In response to query by Commissioner Stewart, County Attorney Susan H. Churuti indicated that the City of Indian Shores, as the owner of the seawall, is not willing to give assurance that they will prohibit further construction of boat slips in the subject area.

Commissioner Todd moved, seconded by Commissioner Morroni, that staff's recommendation for denial be approved.

Further discussion ensued in which Attorney Churuti indicated that the City of Indian Shores could be approached for an easement or deed to the right-of-way; whereupon, Commissioner Todd offered a substitute motion to continue the application until input can be obtained from the City of Indian Shores; and Commissioner Stewart seconded the motion.

Upon call for the vote, the motion carried unanimously.

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CONSENT AGENDA ITEMS NOS. 6 THROUGH 16 - APPROVED

Upon presentation by Chairman Seel, Commissioner Todd moved, seconded by Commissioner Harris and carried, that the consent agenda, consisting of Items Nos. 6 through 16, be approved as follows:

# 6 APPROVAL OF MINUTES

Minutes of regular meeting of January 7, 2003.

# 7 REPORTS RECEIVED FOR FILING

- a. Dock Fee Report for the month of December 2002.
- b. Quarterly Report of Routine Dock Permits issued from October 1, 2002, through December 31, 2002.
- c. Foreign Trade Zone No. 193 Annual Report for the fiscal year ended September 30, 2002.
- d. Pinellas County Planning Council's Comprehensive Annual Financial Report for the fiscal year ended September 30, 2002.
- e. Palm Harbor Special Fire Control and Rescue District financial statements for the year ended September 30, 2002.

# 8 OTHER APPROVALS

- a. General - None
- b. Vouchers and Bills Paid
  - (1) Checks released for the period from January 6, 2003, through January 10, 2003, as follows:

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Imprest Fund Expenditures  
Manual checks numbered 685890 through 685902  
System checks numbered 665471 through 666420

Wire Transfers numbered 802 through 817

# 9 MISCELLANEOUS ITEMS RECEIVED

- a. One Item Related to Dock, Pier and Wharf Construction Contract Bonds.
- b. Town of Belleair Resolution No. 2002-31 adopted November 19, 2002, re proposed sale of Town's wastewater collection system.
- c. City of Clearwater Annexation, Land Use Plan and Zoning Atlas Amendment Notices of Public Hearing re Ordinances Nos. 7093-03 through 7095-03 to be held February 5, 2003; Ordinances Nos. 7088-03 and 7089-03 to be held February 20, 2003; and Ordinances Nos. 7076-03 through 7087-03 to be held March 6, 2003.
- d. City of Largo Notice of Annexation Hearings re Ordinances Nos. 2003-34 and 2003-35 held January 21, 2003.
- e. Correspondence from the City of Pinellas Park re three ordinances voluntarily annexing certain property; public hearing held January 23, 2003.
- f. City of Seminole Ordinances Nos. 30-2002 and 31-2002 adopted December 10, 2002, voluntarily annexing certain property.

#10 SUBDIVISION PLATS AND SURETIES

- a. Jurg Weiss  
  
Funds in the amount of \$5,412.00 released to Jurg Weiss,  
c/o Lora Strong, Pinellas County Permitting Services.
- b. Bayou Overlook  
  
Plat approved.

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#11 AWARD OF BIDS

- a. Bid of R. E. Purcell Construction Company, Inc. on the basis of being the lowest responsive, responsible bid received that meets specifications for construction of the Dansville Redevelopment Area – Phase II for an estimated total expenditure in the amount of \$939,060.80 (\$691,530.00 for roadway construction, \$224,825.80 for County Utilities, \$22,705.00 for City of Clearwater Gas) (Bid No. 023-150) (PID No. 720); 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 THL Enterprises, Inc. on the basis of being the lowest responsive, responsible bid received that meets specifications for Countywide Parks Roof Replacement – Phase II for an estimated total expenditure in the amount of \$144,633.00 (Bid No. 023-126-C) (PID No. 000813); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

#12 LOT CLEARING RESOLUTION

Resolution No. 03-18 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. 39 AND 40, FY2002

Copies of Budget Amendments Nos. 39 and 40, FY2002, were filed and made a part of the minutes.

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#14 BUDGET AMENDMENTS NOS. 7 AND 8, FY2003

Copies of Budget Amendments Nos. 7 and 8, FY2003, were filed and made a part of the minutes.

#15 QUARTERLY REPORTS ON LAW ENFORCEMENT TRUST FUND PAYMENTS TO THE SHERIFF FOR THE PERIOD FROM APRIL 1 THROUGH DECEMBER 31, 2002, RECEIVED FOR FILING

#16 PAYMENT OF ANNUAL INSURANCE PREMIUM FOR AN EXISTING POLICY IN THE AMOUNT OF \$48,482.38 TO ACORDIA SOUTHEAST FOR PINELLAS COUNTY UNDERGROUND STORAGE TANKS

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

#18 EMERGENCY PURCHASE FROM QRC, INC. FOR FRED HOWARD PARK CAUSEWAY REPAIRS (CONTRACT NO. 023-161-E) - CONFIRMED

County Administrator Stephen M. Spratt recommended that the Board confirm an emergency purchase from QRC, Inc. to replace sanitary sewer force mains and water supply lines on bridges in Fred Howard Park in the amount of \$168,715.82.

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

#19 RESOLUTION NO. 03-19 ADOPTED AUTHORIZING THE INSTALLATION OF A TRAFFIC CONTROL SIGNAL AT THE INTERSECTION OF STARKEY ROAD (C.R. 1) AND BARDMOOR BOULEVARD

County Administrator Stephen M. Spratt recommended adoption of a resolution authorizing the installation of a traffic control signal at the intersection of Starkey Road (CR1) and Bardmoor Boulevard.

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Commissioner Latvala moved, seconded by Commissioner Welch, that Resolution No. 03-19 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

- #20 CONTRACT WITH HENNESSY CONSTRUCTION SERVICES CORP. FOR WALL SPRINGS PARK PHASE II CONSTRUCTION ACCEPTED AS COMPLETE (CONTRACT NO. 000523) (BID NO. 012-6-C); CHANGE ORDER NO. 1 (FINAL) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Change Order No.1 (final) to the contract with Hennessy Construction Services Corp. for Wall Springs Park Phase II construction, increasing the contract amount by \$4,349.56 (total contract amount, \$275,505.60); extending contract completion date to November 4, 2002; waiving assessment of liquidated damages; and correcting a scrivener's error in the contract award amount to read, \$271,156.04.

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

- #21 CONTRACT WITH KLOOTE CONTRACTING, INC. FOR PART I: CONSTRUCTION OF INTERSECTION IMPROVEMENTS TO 62<sup>ND</sup> AVENUE NORTH AT 22<sup>ND</sup> STREET AND PART II: CONSTRUCTION OF TRAFFIC SAFETY IMPROVEMENTS TO RAINBOW VILLAGE AT JEFFERSON CIRCLE AND ADAMS CIRCLE ACCEPTED AS COMPLETE (CONTRACT NO. 000650) (BID NO. 012-657-C); CHANGE ORDER NO. 1 (FINAL) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Change Order No. 1 (final) to the contract with Kloote Contracting, Inc. for Part I: construction of intersection improvements to 62<sup>nd</sup> Avenue North at 22<sup>nd</sup> Street and Part II: construction of traffic safety improvements to Rainbow Village at Jefferson Circle and Adams Circle, decreasing the contract amount by \$22,046.11 (total contract amount, \$173,733.92), and accepting the contract as complete as of October 31, 2002.

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

- #22 BID OF KEEP PINELLAS BEAUTIFUL, INC. FOR THE ADOPT-A-MILE/ADOPT-A-POND PROGRAM (BID NO. 012-956-B) - 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 Keep Pinellas Beautiful, Inc. be accepted for the Adopt-A-Mile/Adopt-A-Pond Program for a 24-month contract with an annual estimated expenditure not to exceed \$36,834.26 (estimated 24-month expenditure not to exceed \$73,668.52) (one additional 24-month renewal period at the same terms, conditions and specifications with an allowance for price adjustments of no more than five percent, subject to availability of funds and County Administrator approval); 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 Latvala moved, seconded by Commissioner Todd, that the recommendations of the County Administrator be approved. Following discussion and input by Director of Public Works J. Keith Wicks and Director of Environmental Management William M. Davis, the motion carried unanimously.

- #23 PROPOSAL OF CLARKE MOSQUITO CONTROL ACCEPTED FOR ALTOSID PRODUCTS AND TECHNICAL SUPPORT (BID NO. 012-918-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

Legal notice having been published and publisher's affidavit filed with the Clerk, County Administrator Stephen M. Spratt recommended that the proposal of Clarke Mosquito Control be accepted for altosid products and technical support for a total estimated 24-month expenditure not to exceed \$272,728.00 (total estimated annual

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expenditure not to exceed \$136,364.00) (24-month contract with two additional 12-month options of renewal at the same terms and conditions; prices subject to manufacturer's price increase/decrease or five percent, whichever is less; and approval by the County Administrator); 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 Welch and carried, that the recommendations of the County Administrator be approved.

#24 AMENDMENT NO. 2 TO THE AGREEMENT WITH KING ENGINEERING ASSOCIATES, INC. FOR CONSULTANT SERVICES FOR THE CITY OF TREASURE ISLAND RECLAIMED WATER DISTRIBUTION SYSTEM (PROJECT NO. 733-941814-1068) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 2 to the agreement with King Engineering Associates, Inc. for consultant services for the City of Treasure Island Reclaimed Water Distribution System in the amount of \$70,423.60 (revised total contract, \$677,463.60).

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

#25 AMENDMENT NO. 2 TO ENGINEERING AGREEMENT WITH McKIM & CREED, P.A. FOR PROFESSIONAL CONSULTING SERVICES FOR THE PINELLAS COUNTY/CITY OF CLEARWATER RECLAIMED WATER INTERCONNECT (PROJECT NO. 763-400513-1265) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 2 to the Engineering Agreement with McKim & Creed, P.A. for professional consulting services for the Pinellas County/City of Clearwater Reclaimed Water Interconnect, authorizing McKim & Creed to self perform the topographic surveying services necessary to complete design services, and providing for compensation to be invoiced as reimbursable.

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

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- #26 CANCELLATION OF CONTRACT WITH HUGHES SUPPLY, INC. FOR METER BOXES (COOP) (CONTRACT NO. 012-411-B) - APPROVED; HUGHES SUPPLY, INC. PROHIBITED FROM BIDDING ON COUNTY REQUIREMENTS FOR METER BOXES FOR A PERIOD OF TWO YEARS

County Administrator Stephen M. Spratt recommended cancellation of the contract with Hughes Supply, Inc. for meter boxes due to poor performance; and further recommended that Hughes Supply, Inc. be debarred from bidding on the County's requirements for meter boxes for a period of two years (estimated expenditure for interim period with Ferguson Underground, \$50,000.00).

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

- #27 FIRST AMENDMENT TO AGREEMENT WITH SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT (SWFWMD) FOR THE BROOKER CREEK RESTORATION PROJECT – CHANNEL L (W729) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of the First Amendment to the agreement with Southwest Florida Water Management District (SWFWMD) for the Brooker Creek Restoration Project - Channel L (W729), increasing the total cost of the project by \$328,101.00 (total cost up to a maximum of \$502,126.00 to be funded by SWFWMD) and extending the expiration date to December 31, 2004.

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

- #28 PARTIAL TERMINATION OF A PERMANENT UTILITY EASEMENT BY GENERAL RELEASE ON THE PALACE OF THE ORIENT RESTAURANT PROPERTY DUE TO UTILITY PIPE RELOCATION - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a partial termination of a permanent utility easement by general release on the Palace of the Orient Restaurant property due to utility pipe relocation.

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

#29 DECLARATION OF A PORTION OF PARCEL NO. 32/28/16/00000/240/0100 AS SURPLUS - APPROVED; AUTHORIZATION GRANTED TO EXCHANGE FOR PARCEL NO. 03/27/16/00000/220/0100 AND ADVERTISE A NOTICE OF INTENT

County Administrator Stephen M. Spratt recommended that the Board declare a portion of Parcel No. 32/28/16/00000/240/0100 as surplus; authorize its exchange for Parcel No. 03/27/16/00000/220/0100, with waiver of mineral rights, for the amount of \$774,500.00 (contingent upon completion of a satisfactory environmental assessment); and grant permission to advertise a Notice of Intent.

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

#30 RECREATION LICENSE AGREEMENT WITH EAST LAKE YOUTH SPORTS ASSOCIATION, INC. - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended that the Board approve a Recreation License Agreement with East Lake Youth Sports Association, Inc. for a term of 30 years at \$1.00 per year, receipt of which is acknowledged.

Following discussion and input by Director of Environmental Management William M. Davis and Director of General Services Carl M. Barron, Commissioner Latvala moved, seconded by Commissioner Harris and carried, that the recommendation of the County Administrator be approved.

#31 TRAFFIC LAW ENFORCEMENT AGREEMENT AMONG EAST LAKE WOODLANDS COMMUNITY ASSOCIATION, INC., PINELLAS COUNTY AND EVERETT S. RICE, SHERIFF - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a Traffic Law Enforcement Agreement among the East Lake Woodlands Community Association, Inc., Pinellas County and Everett S. Rice, Sheriff, to provide County traffic

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jurisdiction over certain private roads (contract expiration date is December 31, 2003, with two one-year renewals).

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

#32 RESOLUTION NO. 03-20 ADOPTED APPROPRIATING UNANTICIPATED FUND BALANCE AND GRANT PROCEEDS IN THE FY03 CAPITAL PROJECTS FUND BUDGET AND UNANTICIPATED FUND BALANCE IN THE FY03 SPECIAL ASSESSMENTS PAVING FUND BUDGET

County Administrator Stephen M. Spratt recommended adoption of a resolution appropriating earmarked receipts for a particular purpose in the FY03 Capital Projects Fund Budget and the FY03 Special Assessments Paving Fund Budget.

Commissioner Todd moved, seconded by Commissioner Welch, that Resolution No. 03-20 be adopted as recommended. Following discussion and input by Assistant County Administrator Mark S. Woodard, the vote was:

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

Nays: None.

Absent and not voting: None.

#33 RESOLUTION NO. 03-21 ADOPTED SUPPLEMENTING THE FY03 GENERAL FUND BUDGET (SOCIAL SERVICES) FOR THE SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION (SAMHSA) FEDERAL GRANT

County Administrator Stephen M. Spratt recommended adoption of a resolution appropriating earmarked receipts for a particular purpose in the FY03 General Fund Budget.

Commissioner Todd moved, seconded by Commissioner Latvala, that Resolution No. 03-21 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

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#34 RESOLUTION NO. 03-22 ADOPTED ACCEPTING THE DONATION OF A 1985 FIRE TRUCK FROM TEN-8 FIRE EQUIPMENT, INC. TO BE DONATED TO THE ISLAND OF ISLA MUJERES, MEXICO (CONTINUED FROM MEETING OF JANUARY 7, 2003)

Noting for the record that the Board is now sitting as the Pinellas County Fire Protection Authority, County Administrator Stephen M. Spratt recommended adoption of a resolution accepting the donation of a 1985 fire truck from Ten-8 Fire Equipment, Inc. which will in turn be donated to the island of Isla Mujeres, Mexico.

Commissioner Todd moved, seconded by Commissioner Welch, that Resolution No. 03-22 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#35 COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST

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

- a. Lakeith Amir-Sharif versus Pinellas County Jail, et al. - Circuit Civil Case No. 02-9530-CI-21 - Allegations of Damages and Recovery of Personal Property; Lakeith Amir-Sharif versus Everett S. Rice, et al. - Circuit Civil Case No. 02-9534-CI-21 - Allegations of Damages and Recovery of Additional Personal Property; and Lakeith Amir-Sharif versus Everett S. Rice - Small Claims Case No. 03-0086-SC-NPC - Allegations of Incorrect Commissary Charges.
- b. William Scott Lang versus Pinellas County Jail - Small Claims Case No. 03-0035-SC-NPC - Allegations of Withholding Personal Property.

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- c. Donald Metzgar versus Pinellas County Sheriff's Department, et al. - Circuit Civil Cases Nos. 02-009335-CI-13, 02-009414-CI-20, 02-009587-CI-13; Donald Metzgar versus State Attorney, et al. - Circuit Civil Case No. 02-009711-CI-08; Donald Metzgar versus Pinellas County Board of County Commissioners, et al. - Circuit Civil Case No. 03-000105-CI-11; and Donald Metzgar versus Everett S. Rice, Sheriff, et al. - Circuit Civil Case No. 03-000248-CI-11 - Allegations Related to Incarceration at Pinellas County Jail.

#36 COUNTY ATTORNEY AUTHORIZED TO FILE A SMALL CLAIMS ACTION ON BEHALF OF SUNSTAR EMERGENCY MEDICAL SERVICES AGAINST THE ESTATE OF RICHARD CHRISTENSON

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Latvala moved, seconded by Commissioner Welch and carried, that the County Attorney be authorized to file a small claims action on behalf of Sunstar Emergency Medical Services against the estate of Richard Christenson for unpaid ambulance bills in the amount of \$1,211.20.

#37 COUNTY ATTORNEY AUTHORIZED TO INITIATE LITIGATION AGAINST MICHAEL AND SAHAR ANDOLINO FOR CIVIL PENALTIES AND RESTORATION FOR VIOLATION OF THE MANGROVE TRIMMING AND PRESERVATION ACT

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Stewart moved, seconded by Commissioner Welch, that the County Attorney be authorized to initiate litigation against Michael and Sahar Andolino for civil penalties and restoration for violation of the Mangrove Trimming and Preservation Act.

In response to query by the members, Director of Environmental Management William M. Davis explained the calculation of fines and presented photographs of the trimmed mangroves; whereupon, Attorney Churuti affirmed that even though the subject mangroves are protected by a state conservation easement, applications for permits to trim must be accepted and subsequently denied.

In response to Mr. Andolino's request to address the Board, Attorney Churuti informed the defendant that public testimony will not be heard at this meeting.

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Following discussion, Commissioner Stewart moved, seconded by Commissioner Welch and carried, that the County Attorney be authorized to initiate litigation as set forth.

#38 EXTENSION OF SPECIAL COUNSEL CONTRACT WITH NABORS, GIBLIN & NICKERSON, P.A., FOR SPECIAL FINANCE AND TAX MATTERS - APPROVED FOR EXECUTION

County Attorney Susan H. Churuti recommended approval of the extension of the Special Counsel Contract with Nabors, Giblin & Nickerson, P.A., for special finance and tax matters.

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

#39 ADDITION TO EXHIBIT "A" TO SPECIAL COUNSEL CONTRACT WITH CARLTON, FIELDS, WARD, EMMANUEL, SMITH & CUTLER, P.A., FOR LEGAL SERVICES RELATING TO THE SOUTH CROSS BAYOU WATER RECLAMATION LITIGATION - APPROVED

County Attorney Susan H. Churuti recommended approval of an addition to Exhibit "A" to the contract with Carlton, Fields, Ward, Emmanuel, Smith & Cutler, P.A., for special counsel services relating to the South Cross Bayou water reclamation litigation.

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

In response to query by the Chairman, Attorney Churuti indicated that she will provide the final documents regarding settlement of the suit.

Upon call for the vote, the motion carried unanimously.

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#40 AUTHORIZATION GRANTED TO HIRE LAW FIRM OF FOLEY & LARDNER TO ASSIST PINELLAS COUNTY GOVERNMENT WITH COMPLIANCE OF THE HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT OF 1986 (HIPAA) REQUIREMENTS

County Attorney Susan H. Churuti recommended that the Board authorize the hiring of the law firm of Foley & Lardner to evaluate and provide deliverables to bring the affected portions of Pinellas County Government into compliance with the Health Insurance Portability and Accountability Act of 1986 (HIPAA) for an estimated cost of \$123,520.00 plus out-of-pocket costs.

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

In response to queries by Commissioners Todd and Stewart, Attorney Churuti related that the new federal law is complicated and involves potential criminal implications for non-compliance; and that compliance is required by April 14, 2003.

Upon call for the vote, the motion carried unanimously.

#41 AGREEMENT FOR LATENT FINGERPRINT SERVICES FOR CITY OF LARGO BY PINELLAS COUNTY SHERIFF'S OFFICE FOR FISCAL YEAR 2002-2003 - APPROVED FOR EXECUTION

County Attorney Susan H. Churuti recommended approval of an agreement for latent fingerprint services for the City of Largo by the Pinellas County Sheriff's Office for fiscal year 2002-2003.

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

#42 AGREEMENT FOR CRIME SCENE SERVICES AND EVIDENCE AND PROPERTY STORAGE FOR CITY OF GULFPORT BY PINELLAS COUNTY SHERIFF'S OFFICE - APPROVED FOR EXECUTION

County Attorney Susan H. Churuti recommended approval of an agreement for crime scene services and evidence and property storage for the City of Gulfport by the Pinellas County Sheriff's Office.

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

#43 COUNTY ATTORNEY MISCELLANEOUS

County Attorney Susan H. Churuti announced that jury selection has been completed for a personal injury trial to begin on February 11, 2003; and that a shadow meeting regarding billboard litigation is scheduled at 2:00 P.M. on this date.

#44 FIRST AMENDMENT TO CONTRACT WITH MEAD ENVIRONMENTAL CARE, INC. D/B/A FLORIDA ENVIRONMENTAL CARE FOR GROUNDS MAINTENANCE AT THE YOUNG-RAINEY STAR CENTER (BID NO. 012-740-B) - APPROVED

Noting for the record that the Board is now sitting as the Pinellas County Industrial Development Authority d/b/a the Economic Development Authority, County Administrator Stephen M. Spratt recommended that the contract for grounds maintenance at the Young-Rainey STAR Center, awarded to Mead Environmental Care, Inc., d/b/a Florida Environmental Care, be amended to include the area on the north side of the facility referred to as the "cattle shoot" and the newly installed flower bed area at the Belcher Road entrance, for an estimated additional expenditure not to exceed \$10,300.00 (revised estimated 24-month expenditure not to exceed \$126,940.00).

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

#45a SOLID WASTE COLLECTION AND LICENSING REPORT

Director of Solid Waste Operations Warren Smith referred to a document titled *Pinellas County Solid Waste Collection Options*, a copy of which has been filed and made a part of the record; and summarized the benefits, costs and issues relating to the licensing of solid waste haulers within the unincorporated areas.

In response to query by Commissioner Todd, County Administrator Stephen M. Spratt related that the purpose of the report is to address concerns raised at

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previous Board work sessions; and that a separate proposal will be submitted for problems in the Lealman area.

Discussion ensued in which the members expressed reservations regarding a Countywide licensing program; whereupon, Mr. Spratt suggested that customized solutions could be worked out for areas having waste collection problems; and agreed to bring back specific solutions for the Lealman area.

#45b WORKNET PINELLAS EXECUTIVE COMMITTEE MEETING

County Administrator Stephen M. Spratt announced that the WorkNet Pinellas Executive Committee will meet on February 5; and that he has recommended that Ed Peachey be appointed Interim Executive Director; whereupon, Commissioner Welch indicated that he concurred with the recommendation.

#45c GULF BOULEVARD BEAUTIFICATION UPDATE

County Administrator Stephen M. Spratt reported that in view of the consultant's restatement of project costs, the Gulf Boulevard Steering Committee had recommended seeking different approaches to the utility undergrounding project; and that the consultant is preparing estimates for the different alternatives.

#45d DISPUTE RESOLUTION PROCESS UPDATE

County Administrator Stephen M. Spratt provided an update on the County's involvement in two dispute resolution processes with the City of Largo, noting that efforts to resolve the issues have not been successful; and that the next step is for the Board to meet with the City's elected officials.

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#46 APPOINTMENT OF HALEY FINK TO PARK BOARD - APPROVED

Upon motion by Commissioner Harris, seconded by Commissioner Latvala and carried, the appointment of Haley Fink to fill the seat previously held by Tim Tracy on the Park Board, said term to expire July 31, 2003, was approved.

#47a CONSIDERATION OF METROPOLITAN PLANNING ORGANIZATION (MPO) RESOLUTION ENDORSING A COUNTYWIDE TRAFFIC SIGNAL SYSTEM

Chairman Seel presented a document entitled *Countywide Traffic Signal System (Draft)*, which has been filed and made a part of the record, and a draft resolution in which the Metropolitan Planning Organization (MPO) would endorse the concept of a Countywide traffic signal system to be operated and maintained by Pinellas County; requested that the Board add its endorsement of the concept; and emphasized the timeliness of such consideration in that the MPO will be seeking bids for an Intelligent Transportation System (ITS) in March; whereupon, County Administrator Stephen M. Spratt reviewed suggested changes to the resolution; and during discussion, Commissioners Latvala and Welch requested a map indicating specific congestion areas that would be affected.

Following discussion, Commissioner Todd moved, seconded by Commissioner Latvala, that the MPO resolution be approved with the suggested changes; and that County staff be authorized to compile data showing financial impact and traffic flow benefits of the proposed traffic system; whereupon, Commissioner Stewart requested that language be included to emphasize the timeliness of the resolution.

Upon call for the vote, the motion carried unanimously.

#47b COMMISSIONER MORRONI RE HAMLIN BOULEVARD IMPROVEMENTS

At Commissioner Morroni's request, Director of Public Works J. Keith Wicks presented an update regarding the roadway and sidewalk improvements in connection with the reclaimed water line project along Hamlin Boulevard; and indicated that the project will be completed within 90 days.

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#47c CHAIRMAN SEEL RE VARIOUS MATTERS

Chairman Seel congratulated the partnership involved with the Mercy Hospital project in St. Petersburg; announced that the Pinellas American Assembly Coordinating Committee will meet on February 6 to finalize the membership of the task forces; and reported that the St. Petersburg Tourism Department and Tampa Bay Beaches Chamber of Commerce had hosted a Russian tourism delegation.

#47d COMMISSIONER STEWART RE TAMPA BAY BUCCANEERS' WORLD CHAMPIONSHIP

Commissioner Stewart spoke on behalf of Pinellas County citizens in celebrating the Tampa Bay Buccaneers' win at Superbowl XXXVII.

#47e COMMISSIONER TODD RE VARIOUS MATTERS

Commissioner Todd announced that a resolution expressing pride in the Tampa Bay Buccaneers will be forthcoming; reported on her attendance at the National Council for Science in the Environment Board of Directors' meeting last week; and reported on recent accomplishments of one of Pinellas County's teen groups.

#47f COMMISSIONER WELCH RE TAMPA BAY BUCCANEERS AND MERCY HOSPITAL PROJECT

Commissioner Welch expressed appreciation for the Tampa Bay Buccaneers; and reported that the Mercy Hospital project will address community health needs and is part of an urban revitalization effort.

#47g CHAIRMAN SEEL RE PUBLIC POLL FOR CLOTHING-OPTIONAL BEACHES

Chairman Seel related that a letter has been received from Tampa Area Naturists, Inc. regarding conducting a public poll to assess citizens' interest in clothing-optional beaches.

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Upon direction of the Chairman, there being no objection, the meeting was adjourned at 12:47 P.M.

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Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

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