

Clearwater, Florida, August 19, 2003

The Board of County Commissioners in and for the County of Pinellas met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 3:08 P.M. on this date with the following members present: Karen Williams Seel, Chairman; Susan Latvala, Vice-Chairman; Barbara Sheen Todd; Robert B. Stewart; Calvin D. Harris; John Morroni; and Kenneth T. Welch.

Absent: None.

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

Commissioner Stewart pronounced the Invocation, which was followed by the Pledge of Allegiance to the Flag led by Commissioner Latvala.

A G E N D A

A. CONSENT AGENDA

CLERK OF THE CIRCUIT COURT

1. Approval of Minutes – Regular Meeting Held on July 1, 2003.
2. Reports:
 - a. Internal Audit Division, Clerk of the Circuit Court, Report No. 2003-13 Dated July 31, 2003 - Audit of Animal Services Together with The Audit Watch.
3. Other Approvals:
 - a. General:
 1. Recommendation that the Board of County Commissioners Approve Budget Amendment No. CBA-2-03.
 - b. Vouchers and Bills Paid.
4. Miscellaneous Items to be Received for Filing:
 - a. Florida Public Service Commission Notice of Prehearing and Hearing Regarding Application for Rate Increase in Marion, Orange, Pasco, Pinellas and Seminole Counties by Utilities, Inc. of Florida to be Held August 4 and August 20, 2003, Respectively, in Tallahassee.

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- b. Correspondence from the City of Pinellas Park Regarding Four Ordinances Voluntarily Annexing Certain Property, Public Hearings Held August 12, 2003.
- c. Barrier Islands Governmental Council (BIG-C) Minutes of Meeting of June 25, 2003 and Agenda for Meeting of July 30, 2003.
- d. Pinellas Park Water Management District Public Notice Regarding Change in Regular Authority Meeting Date to July 24, 2003.

COUNTY ADMINISTRATOR

Public Works

- 5. Approval to Accept Recorded Easements and Deeds, Release Sureties, and Accept Plats.
- 6. Approval of Awards of Bids:
 - a. Sidewalks, Storm Sewers, and Miscellaneous Incidental Construction on Cinnamon Hill Boulevard from Highland Boulevard North to Alderman Road.
 - b. Sidewalks, Storm Sewers, and Miscellaneous Incidental Construction on the East Side of 68th Street North from 66th Avenue North to 70th Avenue North.
 - c. Fort DeSoto Parking Lot Resurfacing.
 - d. Ridge Road Drainage Improvements.
- 7. Approval of Change Order No. 1 (Final): Part I - 78th Street Pipe Replacement; Part II - Miles Creek Ditch Pavement Restoration.

Utilities

- 8. Approval of Change Order No. 1 (Final) for Pump Station Rehabilitation, Phase 5B and Approval of Release of Retainage.

Other Departments

- 9. Approval of an Award of Bid for the Purchase of Heavy Equipment Original Equipment Manufacturer Parts (General Services).
- 10. Approval of Recommendation to Declare Surplus and Authorize the Donation of Telecommunication Devices for the Deaf (Emergency Communications).
- 11. Adoption of a Resolution for Assessment of Liens against Lands Cleared (Environmental Management).
- 12. Approval of Budget Amendments Nos. 24 - 26 (Management and Budget).

AUTHORITIES

EMERGENCY MEDICAL SERVICES AUTHORITY

13. Approval of the Final Option of Renewal for Contracts for Collection Services.

B. REGULAR AGENDA

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

COUNTY ADMINISTRATOR

Airport

15. Approval of a Lease Agreement with the Transportation Security Administration and Approval of a Second Amendment to the Duty Free Concession Agreement with Stellar Partners.

Public Works

16. Approval of an Award of Bid for Mowing with Landscape Maintenance on Various Roadways and Ponds.
17. Approval of a Sole Source Purchase for Mosquito Control Products.
18. Approval of Authority for Staff to Initiate Negotiations to Finalize Contracts for Ongoing Land Surveying and Mapping Services.
19. Approval to Execute an Agreement with Berryman and Henigar, Inc. to Provide Professional Services for the Cross Bayou Watershed Management Plan Development Project.

Utilities

20. Approval of an Award of Bid for Odor Counteractant Degreaser.
21. Approval of Change Order No. 1 to the 10" Force Main Replacement at 118th Avenue North and 2" Galvanized Water Main Replacement at 118th Avenue North and Stormwater Intake Structure at Pond "A" for the Bridgeway Acres Project.
22. Approval of the Ranking of Firms and Authorization for Staff to Negotiate a Contract with the Number One Ranked Firm for Professional Services for the Supervisory Control and Data Acquisition Instrumentation Control and Monitoring Master Plan.
23. Approval of Amendment No. 2 to the Agreement for Consulting Services for the City of Madeira Beach Reclaimed Water Distribution System.
24. Approval of Authority to Advertise for a Public Hearing and Adoption of a Resolution Establishing a Preliminary Interruptible Reclaimed Water Rate.

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Other Departments

25. Approval of Authority to Advertise for a Public Hearing on a Proposed County Ordinance Amending Portions of the Pinellas County Code (Building).
26. Approval of an Agreement Funding the East Lake Community Library (County Administrator/County Attorney).
27. Approval of Modifications to the Exempt Salary Pay Plan (County Administrator/Personnel).
28. Approval of a Recommendation to Accept the Pinellas Planning Council's Alternative Recommendation on the Change of Land Use Designations for Zoning Case No. Z/LU-1-4-03 (Development Review Services).
29. Approval of a Contract Amendment for Radio/Pager Repair, Air Conditioning and Ground Maintenance Services with Suncoast Communications and Electronics, Inc. (Emergency Communications).
30. Approval of Authority to Advertise for a Public Hearing to Adopt an Ordinance on the 2003 Flood Insurance Rate Maps (Environmental Management).
31. Approval of Authority to Advertise for a Public Hearing Date to Adopt an Ordinance Creating a Vessel Exclusion Zone (Swim Area) in the Waters Surrounding Fort DeSoto Park (Environmental Management).
32. Approval of a Recommendation to Declare Parcels 35/27/15/47376/000/0012, 12/28/15/02857/001/0211, and 11/30/15/93348/004/0091 as Surplus (General Services).
33. Approval of a Recreation License Agreement with Pinellas Equestrian Park, Inc. (General Services).
34. Approval of a Recreation License Agreement with Walsingham Horseman's Association, Inc. (General Services).
35. Adoption of a Resolution Supplementing the FY03 WorkNet Fund Budget (Management and Budget).
36. Approval of an Award of Bid for Nuisance/Exotic Vegetation Removal at Wall Springs Park/McMullen Property (Park).
37. Adoption of a Resolution to Temporarily Waive the Requirements of Section 6-47(A) of the Pinellas County Code for the Old Palm Harbor Main Street to Hold its "Sunsets on Florida Avenue" Event (Planning).
38. Adoption of a Resolution Approving the Tangerine Avenue Community Redevelopment Plan and Delegating Additional Redevelopment Powers to the City of St. Petersburg (Planning).
39. Approval of the Ranking of Firms and Authorization for Staff to Negotiate a Contract with the Number One Ranked Firm for Grant Solicitation for Career Advancement and Retention Challenge III (WorkNet).

40. Other Administrative Matters.

COUNTY ATTORNEY

41. Authority for County Attorney to Defend:
- a. Nationscredit Mortgage Corp. of Florida v. Scott St. John Mcallister, et al - Circuit Civil Case No. 03-3834-CI-13 - Mortgage Foreclosure Involving a Judgment for Fines and Costs.
 - b. Camille Ann Brewer v. Pinellas County Arts Council and Carol Davis, Individually - Circuit Civil Case No. 03-4833-CI-08 – Allegations of Breach of Employment Agreement, Implied Obligation of Good Faith, and Intentional Interference with a Contract against Carol Davis.
 - c. Chase Ostrowski, et al v. Danielle Wilson, et al - Circuit Civil Case No. 03-004779-CI-019 – Allegations of Negligence of Day Care Provider.
 - d. City of Largo, Florida and City of Seminole, Florida v. Pinellas County, Florida - Circuit Civil Case No. 03-005986-CI-7 – Complaint for Declaratory Judgment Involving Voluntary Municipal Annexation.
42. Authority to Secure Special Counsel Services from Squire, Sanders & Dempsey Relating to the Proposed Refunding of the City of St. Petersburg 1993 Excise Tax Refunding Revenue Bonds.
43. Approval of Local Travel Reimbursement – Court Administration.
44. Approval of Addendum No. 1 for Law Enforcement Services for the City of Madeira Beach.
45. Approval of Mediated Settlement Agreement in David Browder, Jr., as Trustee Under Agreement Dated 7/27/88 v. Pinellas County - Circuit Civil Case No. 02-7717-CI-21.
46. Miscellaneous:
- a. Status Report on Alcohol Regulation.

C. AUTHORITIES

COUNTYWIDE PLANNING AUTHORITY

47. Official Acceptance of the 2003 Annual Plan Map Adjustments.
48. Pinellas Planning Council Authority and Role Report.

EMERGENCY MEDICAL SERVICES AUTHORITY

49. Approval of the Director of Risk Management as the Emergency Medical Services Compliance Officer.

D. COUNTY ADMINISTRATOR REPORTS

50. None.

E. COUNTY COMMISSION

51. Approval of Appointment to the Canvassing Board.

52. Miscellaneous.

6:30 P.M.

PRESENTATIONS AND AWARDS

F. CITIZENS TO BE HEARD

Any Person Wishing to Speak at this Time, Excluding Non-Public Hearing Items on the Agenda or Issues Previously Acted on by the Board of County Commissioners, Must Have a Yellow Card Completed and Given to the Board Secretary at the Staff Table Located at the Front of the Board Room. The Chairman will Call Each Speaker, One by One, to the Podium to be Heard. Each Speaker May Speak up to Three (3) Minutes.

G. SCHEDULED PUBLIC HEARINGS

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

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

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COUNTYWIDE PLANNING AUTHORITY

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

SUBTHRESHOLD AMENDMENTS

53. a. Case #CW 03-48 – St. Petersburg
Location – 1.8 Acres Located on the West Side of 64th Street North, between 35th Avenue North and 38th Avenue North. Amendment from Residential Urban to Institutional.
- b. Case #CW 03-49 – St. Petersburg
Location – 5.4 Acres Located on the South Side of 9th Avenue North between the CSX Railroad Line and I-275. Amendment from Industrial General to Industrial Limited.
- c. Case #CW 03-50 – St. Petersburg
Location – 0.4 Acre Located on the Northeast Corner of 35th Street North and Dartmouth Avenue North. Amendment from Residential Medium to Residential/Office General.
- d. Case #CW 03-54 – Oldsmar
Location – 0.4 Acre Located on the South Side of Lexington Street, East Side of East Shore Drive. Amendment from Residential Estate to Residential Urban.
- e. Case #CW 03-55 – Pinellas Park
Location – 13.8 Acres Located on the West Side of the Intersection of U.S. Highway 19 and Mainlands Boulevard. Amendment from Commercial General to Institutional.

REGULAR AMENDMENTS

54. a. Case #CW 03-47 – Pinellas County (To be Continued to 9/23/03)
Location – 13.0 Acres Located on the Northeast Corner of State Road 580 and Summerdale Drive. Amendment from Residential Urban and Transportation/Utility to Commercial General and Transportation/Utility.
- b. Case #CW 03-51 – St. Petersburg
Location – 5.5 Acres Located on the Southwest Corner of Royhanna Drive/62nd Avenue South and 22nd Street South. Amendment from Commercial General to Residential/Office/Retail.
- c. Case #CW 03-52 - Pinellas Park
Location – 1.7 Acres Located Generally 100 Feet East of 68th Street North, between Park Boulevard and 71st Avenue North. Amendment from Residential Low Medium to Commercial General.
- d. Case #CW 03-53 – Dunedin
Location – 3.7 Acres Located Generally 400 Feet South of Main Street and 500 Feet West of Colony Drive. Amendment from Recreation/Open Space to Residential Medium.

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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.

55. Commercial Dock Application CC33117-03, City of St. Petersburg Municipal Marina, 300 - 2nd Avenue Southeast, Tampa Bay, St. Petersburg.
56. Private Dock Application P33090-03, Peter Nemethy, 12802 Harborwood Drive, Clearwater Harbor, Largo.

SCHEDULED PUBLIC HEARINGS - BCC

57. Adoption of an Air Quality Ordinance.
58. Proposed Ordinance Amending Pinellas County Street Lighting Districts.
59. Paving and Drainage Improvements to Harbor View Drive from Lot No. 42 East to 128th Street.
60. Proposed Ordinance to Provide Clearing and Repair of Private Road Rights-of-Way and the Adjacent Real Property.
61. Proposed Ordinance to Amend Section 134 of the County Code Establishing Annual Concurrency Test Statement and Service Level Conditions for Public Services and Facilities.
62. Planning and Zoning Applications Heard by the Examiner:
 - a. Z-3-7-02 (Withdrawn)
Application of David L. Limric, through Kevin Scherer, Florida Coastal Engineering, Representative, for a Change of Zoning from C-3, Commercial, Wholesale, Warehousing and Industrial Support to C-2, General Retail Commercial and Limited Services and a Variance to the Lot Width Requirements on Approximately 0.473 Acre on the North Side of Florida Avenue, West of the Pinellas Trail (Parcel ID No. 01/28/15/88560/088/0300).
 - b. Z-1-7-03
Application of A & C Rentals, Inc., c/o Catharine Hazlitt, President, for a Change of Zoning from R-4, One, Two or Three Family Residential to RM-7.5, Residential Multiple Family - 7.5 Units Per Acre on Approximately 1.309 Acres on the Northeast Corner of State Road 580 and Shore Drive (Parcel ID Nos. 22/28/16/03456/001/0050 and 22/28/16/03456/001/0130).
 - c. Z-2-7-03
Application of Hardy H. and Janet A. Huntley, Trustee, for a Change of Zoning from R-4, One, Two or Three Family Residential to C-2, General Retail Commercial and Limited Services District on Approximately 1.5 Acres, 611 Feet North of Park Boulevard and 671 Feet West of 78th Street North (Parcel ID No. 25/30/15/69678/400/2801).

ADJOURNMENT

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CONSENT AGENDA ITEMS NOS. 1 THROUGH 13 – APPROVED

Upon presentation by Chairman Seel, Commissioner Todd moved, seconded by Commissioner Latvala and carried, that the consent agenda, consisting of items Nos. 1 through 13, be approved as follows:

1 APPROVAL OF MINUTES

Minutes of regular meeting of July 1, 2003.

2 REPORTS RECEIVED FOR FILING

- a. Internal Audit Division, Clerk of the Circuit Court, Report No. 2003-13 dated July 31, 2003 – Audit of Animal Services, together with a copy of *The Audit Watch*.

3 OTHER APPROVALS

a. General

- (1) Budget Amendment No. CBA – 2-03.

b. Vouchers and Bills Paid

- (1) Checks released for the period from July 14, 2003 through August 1, 2003 as follows:

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2696

Payroll checks numbered 506889 through 507426
for the period July 14, 2003 through July 18, 2003

Payroll Journal page numbers 1 through 2702

Payroll checks numbered 507427 through 507963
for the period July 28, 2003 through August 1, 2003

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Imprest Fund Expenditures
Manual checks numbered 686229 through 686275
System checks numbered 692931 through 695697

Wire Transfers numbered 1646 through 1709

4 MISCELLANEOUS ITEMS RECEIVED

- a. Florida Public Service Commission Notice of Prehearing and Hearing re application for rate increase in Marion, Orange, Pasco, Pinellas and Seminole Counties by Utilities, Inc. of Florida to be held August 4 and August 20, 2003, respectively, in Tallahassee.
- b. Correspondence from City of Pinellas Park re four ordinances voluntarily annexing certain property; public hearings held August 12, 2003.
- c. Barrier Islands Governmental Council (BIG-C) minutes of meeting of June 25, 2003 and agenda for meeting of July 30, 2003.
- d. Pinellas Park Water Management District Public Notice re change in regular Authority meeting date to July 24, 2003.

5 RECORDED EASEMENTS, DEEDS, SURETIES AND PLATS

- a. Christopher and Shirley O'Brien
 1. Recorded perpetual grading easement accepted.
- b. Joseph C. Duncanson
 1. Recorded perpetual grading easement accepted.
- c. Bruce A. Tantish, Sr. and Ina M. Tantish
 1. Two recorded warranty deeds accepted.
- d. David Leinaar Rennie
 1. Recorded warranty deed accepted.

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- e. Patricia Susan Yinger Chapman
 - 1. Recorded warranty deed accepted.
- f. Domenick N. Savino, Sr.
 - 1. Recorded warranty deed accepted.
- g. T & B Excavating
 - 1. Release of Completion Bond No. 25264211 in the amount of \$5,000.00 to T & B Excavating, 121 Meadowlark Lane, Clearwater, FL 33756, Attention: Taylor Bingham.
- h. Fairfield Inn – McMullen
 - 1. Release of Maintenance Bond No. 3SM 046 258 00 in the amount of \$1,285.62 to Buffalo-GTB Associates, LLC, 570 Delaware Avenue, Buffalo, NY 14202.
- i. World Savings Bank
 - 1. Release of Letter of Credit No. D98-948-001A in the amount of \$15,000.00 to World Savings Bank, 1901 Harrison Street, Oakland, CA 94612.
- j. Wild Oaks Subdivision
 - 1. Plat approved.
- k. Palm Harbor University High School Replat
 - 1. Plat approved.

6 AWARD OF BIDS

- a. Bid of Kamminga & Roodvoets, Inc. on the basis of being the lowest responsive, responsible bid received meeting specifications for Cinnamon Hill Boulevard from Highland

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Boulevard North to Alderman Road, in the amount of \$248,649.00 (PID No. 922445) (Bid No. 023-698-C); Chairman authorized to sign and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

- b. Bid of R.A.M. Excavating, Inc. on the basis of being the lowest responsive, responsible bid received meeting specifications for 68th Street from 66th Avenue North to 70th Avenue North (east side), in the amount of \$141,308.00 (PID No. 922337) (Bid No. 023-715-C); Chairman authorized to sign and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- c. Bid of R. E. Purcell Construction Company, Inc. on the basis of being the lowest responsive, responsible bid received meeting specifications for Fort DeSoto parking lot resurfacing in the amount of \$207,000.21 (PID No. 000841) (Bid No. 023-472-C); Chairman authorized to sign and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- d. Bid of Steve's Excavating & Paving, Inc. on the basis of being the lowest responsive, responsible bid received meeting specifications for Ridge Road drainage improvements in the amount of \$285,735.00 (PID No. 922523) (Bid No. 023-606-C); Chairman authorized to sign and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

7 CHANGE ORDER NO. 1 (FINAL) TO CONTRACT NO. 000745 WITH ALL AMERICAN CONCRETE, INC. FOR FINAL PART I: 78TH STREET PIPE REPLACEMENT; PART II: MILES CREEK DITCH PAVEMENT RESTORATION (BID NO. 023-17-C)

- a. Change Order No. 1 (Final) decreases the contract amount by \$10,172.58 (new total contract, \$228,494.42).

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- b. Contract accepted as complete as of May 24, 2003.
- c. Chairman authorized to sign and Clerk to attest.

8 CHANGE ORDER NO. 1 (FINAL) TO AGREEMENT WITH KAMMINGA & ROODVOETS, INC. FOR PUMP STATION REHABILITATION, PHASE 5B (PROJECT NO. 754-617114-0830) (BID NO. 012-427-C)

- a. Change Order No. 1 (Final) decreases the agreement amount by \$25,000.00 (total agreement amount, \$388,974.00).
- b. Project substantially complete as of January 7, 2003 (31 day increase in time).
- c. Release of retainage in the amount of \$19,448.70.
- d. Chairman authorized to sign and Clerk to attest.

9 BIDS OF ENVIRONMENTAL PRODUCTS OF FLORIDA, FECON, INC., G S EQUIPMENT, INC., LANDIG TRACTOR COMPANY, INC., LINDER INDUSTRIAL MACHINERY COMPANY, MENZI USA SALES, INC., QUALITY MOWERS, RINGHAVER EQUIPMENT COMPANY, ROCKLAND MANUFACTURING CORPORATION, AND SUNCOAST EQUIPMENT CENTER, INC. FOR HEAVY ORIGINAL EQUIPMENT MANUFACTURER (OEM) PARTS (BID NO. 023-585-B) (GENERAL SERVICES DEPARTMENT)

Bids of Environmental Products of Florida, Fecon, Inc., G S Equipment, Inc., Landig Tractor Company, Inc., Linder Industrial Machinery Company, Menzi USA Sales, Inc., Quality Mowers, Ringhaver Equipment Company, Rockland Manufacturing Corporation, and Suncoast Equipment Center, Inc. on the basis of being responsive, responsible bids received meeting specifications for heavy equipment OEM parts, for a total estimated annual expenditure not to exceed \$245,000.00; 24-month contract with two 12-month options of renewal, subject to availability of funds and County Administrator approval.

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#10 DECLARATION OF SEVEN COUNTY-OWNED TELECOMMUNICATION DEVICES FOR THE DEAF (TDD) AS SURPLUS WITH AUTHORIZATION FOR DONATION OF SAME TO THE CITIES OF PINELLAS PARK AND ST. PETERSBURG AND THE TOWN OF BELLEAIR (EMERGENCY COMMUNICATIONS)

The County-owned equipment as set forth in the attachment to the County Administrator's memorandum dated August 19, 2003.

#11 LOT CLEARING RESOLUTION (ENVIRONMENTAL MANAGEMENT)

Resolution No. 03-146 assessing liens against lands cleared in Pinellas County pursuant to Chapter 78-599, Laws of Florida, and Pinellas County Code Chapter 58, Article IX, Section 338, directing that this resolution be filed in the public records office of the Clerk of the Circuit Court of Pinellas County, Florida.

#12 BUDGET AMENDMENTS NOS. 24 THROUGH 26 (MANAGEMENT AND BUDGET)

Copies of Budget Amendments Nos. 24 through 26 were filed and made a part of the minutes. (See agenda Item No. 14.)

#13 FIRST AND FINAL OPTIONS OF RENEWAL FOR COLLECTION SERVICES, EMS TO CONTRACTS WITH FINANCIAL CREDIT SERVICES AND SUPERIOR ASSET MANAGEMENT, INC. (RFP NO. 990-0984-P) (EMERGENCY MEDICAL SERVICES AUTHORITY)

First and final options of renewal to current contracts for annual requirements of collection services for EMS with Financial Credit Services and Superior Asset Management, Inc. for an additional 24 months at the same unit prices, terms and conditions effective November 30, 2003, for an annual estimated expenditure not to exceed \$225,000.00; Chairman authorized to sign and Clerk to attest agreements after proper execution by the contractors and written approval as to form by the Office of the County Attorney. (See agenda Item No. 14.)

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#14 ITEMS FOR DISCUSSION FROM CONSENT AGENDA (COUNTY ADMINISTRATOR AND CLERK OF CIRCUIT COURT) – ITEMS NOS. 12 AND 13

Chairman Seel referred to consent agenda items Nos. 12 and 13 and requested additional information regarding possible savings and collection experience; whereupon, County Administrator Spratt indicated that staff will provide the information to the members in the near future.

#15 U.S. GOVERNMENT LEASE NO. GS-04B-43801 FOR REAL PROPERTY BETWEEN TRANSPORTATION SECURITY ADMINISTRATION (TSA) AND BOARD OF COUNTY COMMISSIONERS, AND SECOND AMENDMENT TO AIRPORT DUTY FREE CONCESSION AGREEMENT WITH STELLAR PARTNERS, INC. – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of U.S. Government Lease No. GS-04B-43801 for Real Property between the Transportation Security Administration (TSA) and the Board of County Commissioners, and the Second Amendment to Airport Duty Free Concession Agreement with Stellar Partners, Inc., with authorization for the Chairman to execute and the Clerk to attest.

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

#16 BID OF ONESOURCE LANDSCAPE AND GOLF SERVICES, INC. ACCEPTED FOR OPTION NO. 3, MOWING WITH LANDSCAPE MAINTENANCE ON VARIOUS ROADWAYS AND PONDS (BID NO. 023-569-B); CHAIRMAN AUTHORIZED TO SIGN AGREEMENT AFTER PROPER EXECUTION BY THE CONTRACTOR AND WRITTEN APPROVAL AS TO FORM BY THE OFFICE OF THE COUNTY ATTORNEY; BID OF PROFESSIONAL GROUNDS MANAGEMENT - REJECTED

Legal notice having been published and publisher's affidavit filed with the Clerk, County Administrator Stephen M. Spratt recommended that the bid of OneSource Landscape and Golf Services, Inc. be accepted for option No. 3, mowing with landscape maintenance on various roadways and ponds; 24-month contract with two additional 12-month options of renewal allowing for a price adjustment based on the Consumer Price Index, All Urban Consumers, or four percent, whichever is less, subject to availability of funds and approval by the County Administrator (estimated 24-month expenditure not to

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exceed \$801,622.16); and that the Chairman be authorized to sign and the Clerk to attest the agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney; and further recommended that the bid of Professional Grounds Management be rejected on the basis of being nonresponsive.

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

#17 NONCOMPETITIVE SOLE SOURCE PURCHASE OF MOSQUITO CONTROL PRODUCTS, HIGHWAY DEPARTMENT, FROM CLARKE MOSQUITO CONTROL PRODUCTS (CONTRACT NO. 023-778-N)– APPROVED

County Administrator Stephen M. Spratt recommended approval of a noncompetitive sole source purchase of mosquito control products, Highway Department, from Clarke Mosquito Control Products for an estimated annual expenditure not to exceed \$450,490.00.

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

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At this time, Chairman Seel deviated from the agenda and introduced Kimberly Dale, Special Assistant to the Governor, who indicated that her office is located in Tampa; whereupon, she offered her assistance to the members and volunteered to inform them of upcoming events and matters via e-mail.

* * * *

At this time, 3:15 P.M., Commissioner Stewart left the meeting.

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#18 CUMBNEY & FAIR, INC., FLORIDA DESIGN CONSULTANTS, INC., GEORGE F. YOUNG, INC. AND TBE GROUP, INC. SELECTED TO PROVIDE ONGOING LAND SURVEYING AND MAPPING SERVICES; STAFF AUTHORIZED TO INITIATE NEGOTIATIONS WITH SAID FIRMS

County Administrator Stephen M. Spratt recommended that the Board approve the Selection Advisory Committee's recommendation of the firms most qualified to provide ongoing land surveying and mapping services as follows:

Cumbey & Fair, Inc.
Florida Design Consultants, Inc.
George F. Young, Inc.
TBE Group, Inc.

He further recommended that staff be authorized to initiate contract negotiations with the aforementioned firms, and to finalize contracts with said firms for Board approval.

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

#19 AGREEMENT FOR CONSULTANT SERVICES FOR THE DIAGNOSTIC FEASIBILITY STUDY AND DEVELOPMENT OF A WATERSHED MANAGEMENT PLAN FOR THE CROSS BAYOU WATERSHED WITH BERRYMAN AND HENIGAR, INC. (CIP NO. 922271) – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of an agreement for consultant services for the diagnostic feasibility study and development of a Watershed Management Plan for the Cross Bayou Watershed with Berryman and Henigar, Inc., for a not to exceed amount of \$506,261.00 for all required basic services, and a not to exceed amount of \$93,608.00 for certain optional services (total compensation to be paid not to exceed \$599,869.00).

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

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At this time, 3:17 P.M., Commissioner Stewart returned to the meeting.

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#20 BID OF KENNISON KEMICALS ACCEPTED FOR ODOR COUNTERACTANT
DEGREASER (BID NO. 023-555-B); BID OF JERRY'S VACUUM & JANITORIAL
SUPPLY, INC. - REJECTED

Legal notice having been published and publisher's affidavit filed with the Clerk, County Administrator Stephen M. Spratt recommended that the bid of Kennison Kemicals be accepted for odor counteractant degreaser on the basis of being the lowest responsive and responsible bid received meeting specifications, for an estimated annual expenditure (without semiannual adjustment) not to exceed \$58,500.00; 12-month contract with one additional 12-month option of renewal, semiannual price adjustment based on the Consumer Price Index (CPI) or eight percent, whichever is less, and subject to availability of funds and approval by the County Administrator; and further recommended that the bid of Jerry's Vacuum & Janitorial Supply, Inc. be rejected on the basis of being nonresponsive.

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

#21 CHANGE ORDER NO. 1 TO AGREEMENT WITH MTM CONTRACTORS, INC.
FOR TEN-INCH FORCE MAIN REPLACEMENT AT 118TH AVENUE NORTH AND
TWO-INCH GALVANIZED WATER MAIN REPLACEMENT AT 118TH AVENUE
NORTH AND STORMWATER INTAKE STRUCTURE AT POND "A" FOR
BRIDGEWAY ACRES (PROJECTS NOS. 753-961614-1455, 653-901814-1455 AND
819-809914-1398) (BID NO. 023-227-C) – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Change Order No. 1 to the agreement with MTM Contractors, Inc. for ten-inch force main replacement at 118th Avenue North, and two-inch galvanized water main replacement at 118th Avenue North and stormwater intake structure at Pond "A" for Bridgeway Acres, for an increase in the amount of \$76,573.75 (total agreement amount, \$463,885.75), increasing the agreement completion time by 60 days to October 11, 2003.

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

#22 McKIM & CREED, P.A. SELECTED TO PROVIDE CONSULTANT SERVICES FOR SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) INSTRUMENTATION CONTROL & MONITORING MASTER PLAN (PROJECT NO. 774-605911-1528); STAFF AUTHORIZED TO INITIATE NEGOTIATIONS WITH SAID FIRM

County Administrator Stephen M. Spratt recommend that the Board approve the Selection Advisory Committee's ranking of the firms most qualified to provide consultant services for supervisory control and data acquisition (SCADA) instrumentation control and monitoring master plan, as follows:

1. McKim & Creed, P.A.
2. Parsons Engineering Science, Inc.
3. MR Systems/JJG

He further recommended that staff be authorized to initiate contract negotiations with the number one ranked firm, McKim & Creed, P.A., and to finalize a contract with said firm for Board approval.

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

#23 AMENDMENT NO. 2 TO THE AGREEMENT FOR CONSULTING SERVICES FOR CITY OF MADEIRA BEACH RECLAIMED WATER DISTRIBUTION SYSTEM WITH McKIM & CREED, P.A. (PROJECT NO. 733-941814-1123) – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Amendment No. 2 to the agreement for consulting services for the City of Madeira Beach reclaimed water distribution system with McKim & Creed, P.A. in the amount of \$54,100.00 (revised agreement amount, \$751,800.00).

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

#24 RESOLUTION NO. 03-147 ADOPTED ESTABLISHING A PRELIMINARY INTERRUPTIBLE RECLAIMED WATER RATE, SCHEDULING A PUBLIC HEARING ON THE PROPOSED PRELIMINARY RATE, AND AUTHORIZING PUBLICATION OF NOTICE OF SUCH PUBLIC HEARING ON THE PROPOSED PRELIMINARY INTERRUPTIBLE RECLAIMED WATER RATE

County Administrator Stephen M. Spratt recommended adoption of a resolution establishing a preliminary interruptible reclaimed water rate, scheduling a public hearing on the proposed preliminary rate to be held September 9, 2003, and authorizing publication of notice of such public hearing on the proposed preliminary interruptible reclaimed water rate.

Commissioner Latvala moved, seconded by Commissioner Welch, that Resolution No. 03-147 be adopted as recommended by the County Administrator. Following discussion and input from Director of Utilities Pick Talley, upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#25 AUTHORIZATION GRANTED TO ADVERTISE A PUBLIC HEARING RE PROPOSED ORDINANCE AMENDING PORTIONS OF THE PINELLAS COUNTY CODE (BUILDING)

County Administrator Stephen M. Spratt recommended that authorization be granted to advertise a public hearing to be held October 7, 2003 regarding a proposed ordinance which will amend portions of the Pinellas County Code, creating a mechanism allowing property owners the opportunity to properly close out permits that had been previously deemed abandoned due to inactivity, consistent with the Florida Building Code, and additionally deleting other areas of the Pinellas County Code as they are now contained in the administrative chapter of the Florida Building Code.

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

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#26 APPROVAL OF AN AGREEMENT FUNDING THE EAST LAKE COMMUNITY LIBRARY (COUNTY ADMINISTRATOR/COUNTY ATTORNEY) – TEMPORARILY DEFERRED

County Administrator Stephen M. Spratt referred to agenda item No. 26, “Approval of an Agreement Funding the East Lake Community Library” and recommended that the item be continued to no date certain.

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

#27 MODIFICATION TO EXEMPT PAY PLAN (COUNTY ADMINISTRATOR/PERSONNEL) – APPROVED

County Administrator Stephen M. Spratt recommended approval of a modification to the Exempt Pay Plan as outlined in his memorandum to the Board dated August 19, 2003.

Responding to queries by Commissioner Stewart, Mr. Spratt and Director of Personnel David Libby discussed determination of the pay range based on market survey and historical background information related to the salary level of 121.

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

#28 PINELLAS PLANNING COUNCIL’S ALTERNATIVE RECOMMENDATION ON CHANGE OF LAND USE DESIGNATIONS RE Z/LU-1-4-03 (SKYLARK R.O. ASSOCIATION, INC) – ACCEPTED; ADVISORY GUIDELINES FOR THE SITE PLAN AND DEVELOPER’S AGREEMENT TO BE CONSIDERED DURING FINAL ADOPTION HEARING; CHAIRMAN AUTHORIZED TO SIGN NOTIFICATION OF LOCAL GOVERNMENT ACTION ON PINELLAS PLANNING COUNCIL’S ALTERNATIVE RECOMMENDATION FOR COUNTYWIDE FUTURE LAND USE PLAN AMENDMENT (DEVELOPMENT REVIEW SERVICES)

County Administrator Stephen M. Spratt recommended that the Board accept the Pinellas Planning Council’s (PPC) alternative recommendation on change of land use designations re Z/LU-1-4-03 (Skylark R.O. Association, Inc.) as set forth in the agenda memorandum dated August 19, 2003; and that advisory guidelines for the site plan and developer’s agreement be considered during the final adoption hearing; and

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further recommended that the Chairman be authorized to sign the Notification of Local Government Action on the PPC's Alternative Recommendation for the Countywide Future Land Use Plan Amendment.

Commissioner Welch moved, seconded by Commissioner Harris, that the recommendations of the County Administrator be approved. Upon call for the vote, the motion carried 5 to 2, with Commissioners Seel and Latvala dissenting.

- #29 FIRST AMENDMENT TO AGREEMENT FOR RADIO/PAGER REPAIR, AIR CONDITIONING AND GROUND MAINTENANCE SERVICES WITH SUNCOAST COMMUNICATIONS & ELECTRONICS, INC. (CONTRACT NO. 012-797-N) (EMERGENCY COMMUNICATIONS) - APPROVED; CHAIRMAN AUTHORIZED TO SIGN AGREEMENT AFTER PROPER EXECUTION BY CONTRACTOR AND WRITTEN APPROVAL AS TO FORM BY OFFICE OF THE COUNTY ATTORNEY

County Administrator Stephen M. Spratt recommended approval of a first amendment to an agreement for radio/pager repair, air conditioning and ground maintenance services with Suncoast Communications & Electronics, Inc., for an amended amount of \$163,000.00 per year; and further recommended that the Chairman be authorized to sign and the Clerk to attest the agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

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

- #30 AUTHORIZATION GRANTED TO ADVERTISE PUBLIC HEARING RE PROPOSED ORDINANCE ON THE 2003 FLOOD INSURANCE RATE MAPS (FIRMS) (ENVIRONMENTAL MANAGEMENT)

County Administrator Stephen M. Spratt recommended that authorization be granted to advertise a public hearing to be held September 9, 2003 regarding a proposed ordinance to adopt the 2003 Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA).

Commissioner Harris moved, seconded by Commissioner Welch, that the recommendation of the County Administrator be approved. Following discussion and input by Director of Environmental Management William M. Davis and upon call for the vote, the motion carried unanimously.

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- #31 AUTHORIZATION GRANTED TO ADVERTISE PUBLIC HEARING RE PROPOSED ORDINANCE CREATING A VESSEL EXCLUSION ZONE (SWIM AREA) IN THE WATERS SURROUNDING FORT DeSOTO PARK (ENVIRONMENTAL MANAGEMENT)

County Administrator Stephen M. Spratt recommended that authorization be granted to advertise a public hearing to be held September 9, 2003 regarding adoption of a proposed ordinance creating a vessel exclusion zone (swim area) for three areas in the waters surrounding Fort DeSoto Park.

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

- #32 DECLARATION OF PARCELS NOS. 35/27/15/47376/000/0012, 12/28/15/02857/001/0211, AND 11/30/15/93348/004/0091 AS SURPLUS - APPROVED; AUTHORIZATION GRANTED TO DEED EACH PARCEL GRATIS TO AN ADJACENT PROPERTY OWNER AND RELEASE THE MINERAL RIGHTS RESERVATION, AND FOR CHAIRMAN TO EXECUTE AND CLERK TO ATTEST DEEDS (GENERAL SERVICES)

County Administrator Stephen M. Spratt recommended that Parcels Nos. 35/27/15/47376/000/0012, 12/28/15/02857/001/0211, and 11/30/15/93348/004/0091 be declared surplus with authorization to deed each parcel gratis to an adjacent property owner and release the mineral rights reservation, and for the Chairman to execute and Clerk to attest the deeds.

Commissioner Latvala moved, seconded by Commissioner Stewart, that the recommendation of the County Administrator be approved. Following discussion and input by Real Estate Manager Ellyn Kadel and upon call for the vote, the motion carried unanimously.

- #33 RECREATION LICENSE AGREEMENT WITH PINELLAS EQUESTRIAN PARK, INC. (GENERAL SERVICES) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a Recreation License Agreement with Pinellas Equestrian Park, Inc. for a term of five years with five additional one-year terms.

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

#34 RECREATION LICENSE AGREEMENT WITH WALSINGHAM HORSEMAN'S ASSOCIATION, INC. (GENERAL SERVICES) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a Recreation License Agreement with Walsingham Horseman's Association, Inc. for a term of five years with five additional one-year terms.

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

#35 RESOLUTION NO. 03-148 ADOPTED SUPPLEMENTING THE FISCAL YEAR 2003 WORKNET FUND BUDGET (MANAGEMENT AND BUDGET)

County Administrator Stephen M. Spratt recommended approval of a resolution to appropriate earmarked receipts for a particular purpose in the FY 2003 WorkNet Fund as requested by the WorkNet Board.

Commissioner Welch moved, seconded by Commissioner Latvala, that Resolution No. 03-148 be adopted as recommended. Following discussion and upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#36 BID OF EARTHBALANCE FOR NUISANCE/EXOTIC VEGETATION REMOVAL AT WALL SPRINGS PARK/MCMULLEN PROPERTY (BID NO. 023-543-B) (PARK) - APPROVED; CHAIRMAN AUTHORIZED TO SIGN AGREEMENT AFTER PROPER EXECUTION BY THE CONTRACTOR AND WRITTEN APPROVAL AS TO FORM BY THE OFFICE OF THE COUNTY ATTORNEY; BID OF BIOLOGICAL RESEARCH ASSOCIATES, LLC - REJECTED

Legal notice having been published and publisher's affidavit filed with the Clerk, County Administrator Stephen M. Spratt recommended that the bid of EarthBalance be accepted for nuisance/exotic vegetation removal at the Wall Springs

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Park/McMullen property for a 12-month two-phased contract with one additional 12-month option of renewal, subject to availability of funds and County Administrator approval (Phase 1 estimated expenditure not to exceed \$86,563.25; Phase 2 estimated expenditure not to exceed \$35,547.00; total estimated 12-month expenditure not to exceed \$122,110.25); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney; and further recommended that the bid of Biological Research Associates, LLC be rejected on the basis of being non-responsive in failing to submit a bid bond.

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

#37 RESOLUTION NO. 03-149 ADOPTED TO TEMPORARILY WAIVE THE REQUIREMENTS OF PINELLAS COUNTY CODE SECTION 6-47(a) FOR THE OLD PALM HARBOR MAIN STREET TO HOLD ITS "SUNSETS ON FLORIDA AVENUE" EVENT ALONG 250 FEET OF FLORIDA AVENUE, BETWEEN 12TH STREET AND OMAHA STREET (C.R. 1), AND ALONG OMAHA CIRCLE, BETWEEN NEBRASKA AVENUE AND GEORGIA AVENUE FROM 6:30 P.M. TO 9:30 P.M. ON THE FIRST FRIDAY OF EACH MONTH FOR THE NEXT 12 MONTHS STARTING SEPTEMBER 5, 2003

County Administrator Stephen M. Spratt recommended adoption of a resolution authorizing The Old Palm Harbor Main Street to hold its "Sunsets on Florida Avenue" event along 250 feet of Florida Avenue, between 12th Street and Omaha Street (C.R. 1), and along Omaha Circle, between Nebraska Avenue and Georgia Avenue from 6:30 P.M. to 9:30 P.M. on the first Friday of each month for the next 12 months starting September 5, 2003.

Commissioner Latvala moved, seconded by Commissioner Stewart, that Resolution No. 03-149 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.

#38 RESOLUTION NO. 03-150 ADOPTED APPROVING THE TANGERINE AVENUE COMMUNITY REDEVELOPMENT PLAN FOR THE CITY OF ST. PETERSBURG AND DELEGATING ADDITIONAL REDEVELOPMENT POWERS TO THE CITY PURSUANT TO THE COMMUNITY REDEVELOPMENT ACT OF 1969, CHAPTER 163, PART III, FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE

County Administrator Stephen M. Spratt recommended adoption of a resolution approving the Tangerine Avenue Community Redevelopment Plan for the City of St. Petersburg and delegating additional redevelopment powers to the City pursuant to the Community Redevelopment Act of 1969, Chapter 16, Part III, Florida Statutes.

Following discussion, Commissioner Welch moved, seconded by Commissioner Harris, that Resolution No. 03-150 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#39 PINELLAS TECHNICAL EDUCATION CENTERS SELECTED TO PROVIDE PROFESSIONAL SERVICES FOR GRANT SOLICITATION FOR CAREER ADVANCEMENT AND RETENTION CHALLENGE III (RFP NO. 023-746-P) (WORKNET); STAFF AUTHORIZED TO INITIATE CONTRACT NEGOTIATIONS WITH SAID FIRM

County Administrator Stephen M. Spratt recommended that the Board approve the advisory committee's ranking of firms most qualified to provide professional services for grant solicitation for Career Advancement and Retention Challenge III, as follows:

Pinellas Technical Education Centers
Asian Family Empowerment Center
Mt. Zion Human Services, Inc.
Resource Center for Women

He further recommended that staff be authorized to initiate contract negotiations with the number one ranked firm, Pinellas Technical Education Centers, and to finalize a contract with said firm for Board approval.

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Commissioner Harris moved, seconded by Commissioner Welch, that the recommendations of the County Administrator be approved. Following discussion and input by WorkNet Executive Director Edward Peachey, the motion carried unanimously.

#40 OTHER ADMINISTRATIVE MATTERS - NONE

County Administrator Stephen M. Spratt indicated that he has no items to be presented this date under "Other Administrative Matters."

#41 COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST

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

- a. Nationscredit Mortgage Corp. of Florida versus Scott St. John Mcallister, et al., Circuit Civil Case No. 03-3834-CI-13 - Mortgage Foreclosure Involving a Judgment for Fines and Costs.
- b. Camille Ann Brewer versus Pinellas County Arts Council and Carol Davis, Individually, Circuit Civil Case No. 03-4833-CI-08 – Allegations of Breach of Employment Agreement, Implied Obligation of Good Faith, and Intentional Interference with a Contract against Carol Davis.
- c. Chase Ostrowski, et al. versus Danielle Wilson, et al., Circuit Civil Case No. 03-004779-CI-019 – Allegations of Negligence of Day Care Provider.
- d. City of Largo, Florida and City of Seminole, Florida versus Pinellas County, Florida, Circuit Civil Case No. 03-005986-CI-7 – Complaint for Declaratory Judgment Involving Voluntary Municipal Annexation.

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#42 AUTHORIZATION GRANTED TO SECURE SPECIAL COUNSEL SERVICES FROM SQUIRE, SANDERS & DEMPSEY RELATING TO THE PROPOSED REFUNDING OF THE CITY OF ST. PETERSBURG 1993 EXCISE TAX REFUNDING REVENUE BONDS AND TRANSMIT CORRESPONDENCE TO CITY OF ST. PETERSBURG MAYOR

County Attorney Susan H. Churuti recommended that authority be granted to secure special counsel services from Squire, Sanders & Dempsey relating to the proposed refunding of the City of St. Petersburg 1993 Excise Tax Refunding Revenue Bonds.

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

Thereupon, Attorney Churuti informed the Board that pursuant to the request of Commissioner Todd, Alexandra M. MacLennan, Squire, Sanders & Dempsey, has completed an analysis relating to the agreements between the County and the City of St. Petersburg focusing on the City's "remarketing" of the 1993 bonds and the County's obligation to continue to pay the fourth penny of the Tourist Development Tax under the 1996 Interlocal Agreement; that a letter has been drafted to Mayor Baker notifying him of the analysis and inviting him to negotiate an interlocal agreement modification; and that she seeks the Board's authorization to forward the letter.

Following discussion and input by Ms. MacLennan and Assistant County Administrator Mark S. Woodard, Commissioner Todd moved, seconded by Commissioner Latvala and carried, that the County Attorney be authorized to transmit the letter.

#43 LOCAL TRAVEL REIMBURSEMENT FOR COURT ADMINISTRATION - APPROVED

County Attorney Susan H. Churuti recommended that the Board of County Commissioners pay a local travel reimbursement request submitted after the deadline for the month of July 2002 out of the Court Administrator's current budget.

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

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#44 ADDENDUM NO. 1 TO CONTRACT FOR LAW ENFORCEMENT SERVICES FOR THE CITY OF MADEIRA BEACH - APPROVED FOR EXECUTION

County Attorney Susan H. Churuti recommended approval of Addendum No. 1 to the contract for Law Enforcement Services for the City of Madeira Beach, to provide services relating to a special Marine Enforcement Project at a cost of \$4,160.00 (addendum to expire on September 30, 2003).

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

#45 AUTHORIZATION GRANTED FOR SETTLEMENT IN THE CASE OF DAVID BROWDER, JR., AS TRUSTEE UNDER AGREEMENT DATED 7/27/88 VERSUS PINELLAS COUNTY, CIRCUIT CIVIL CASE NO. 02-7717-CI-21

County Attorney Susan H. Churuti recommended settlement of the case of David Browder, Jr., as Trustee under agreement dated 7/27/88 versus Pinellas County, Circuit Civil Case No. 02-7717-C21, as outlined in her confidential memorandum to the Board dated August 19, 2003.

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

#46a STATUS REPORT ON ALCOHOL REGULATION

Chief Assistant County Attorney James L. Bennett referred to his memorandum dated August 19, 2003, which outlines the present status of the discussions and review of various regulations applicable to hours of sale for alcohol, and provides several options for the Board's consideration. He noted that the issues are whether the Board desires to continue to retain countywide preemptive authority over the subject and what hours of sale should apply.

Discussion ensued with input by Chief Deputy James F. Coats, Pinellas County Sheriff's Office. In response to query by Commissioner Harris regarding his specific request, Mr. Bennett indicated that an ordinance amendment can be drafted to provide an exemption for special events. Following further discussion, it was the consensus of the Board to have the Council of Mayors review the issue of countywide alcohol regulation and provide a recommendation.

#47 ANNUAL PLAN MAP ADJUSTMENTS FOR 2003 - ACCEPTED

Noting that the Board is now sitting as the Countywide Planning Authority, County Administrator Stephen M. Spratt recommended official acceptance of the 2003 Annual Plan Map Adjustments to the Countywide Future Land Use Plan.

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

#48 PINELLAS PLANNING COUNCIL (PPC) ROLE AND AUTHORITY REPORT - ACCEPTED

Noting that the Board is now sitting as the Countywide Planning Authority, County Administrator Stephen M. Spratt recommended acceptance of the Pinellas Planning Council (PPC) Role and Authority Report with the understanding that the PPC advisory role with regard to land use and intergovernmental cooperation requires further clarification.

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

#49 APPOINTMENT OF RISK MANAGEMENT DIRECTOR AS EMERGENCY MEDICAL SERVICES (EMS) COMPLIANCE OFFICER - APPROVED

Noting that the Board is now sitting as the Emergency Medical Services Authority, County Administrator Stephen M. Spratt recommended approval of the Risk Management Director as Emergency Medical Services (EMS) Compliance Officer.

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

#50a SEMINOLE YOUTH ATHLETIC ASSOCIATION GRANT UPDATE

County Administrator Stephen M. Spratt briefed the Board on the status of the grant awarded to the Seminole Youth Athletic Association with regard to the potential effect of the Seminole annexation petitions scheduled for referendum, and indicated that

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if all of the annexations proposals passed, he felt there is still a rational basis for providing the original grant to the organization for the current fiscal year.

#50b AIRPORT MEETING UPDATE

County Administrator Stephen M. Spratt referred to the meeting held regarding the proposed rezoning of the Airco property and stated that most of his comments regarding the situation have been conveyed to the Board in the letter he sent to the St. Petersburg Times. He provided a copy of a handout, which has been filed and made a part of the record, that was being circulated which introduced runway extension and other issues unrelated to the zoning matter; and stated that a special meeting regarding the Airport Master Plan will be scheduled. Mr. Spratt indicated that the scheduled rezoning hearing for Airco includes the Turtle Club property as part of the package; and that staff has no objection to deferring the Airco item, but strongly urged proceeding with the Turtle Club portion.

During discussion and input by Interim Airport Director Thomas Jewsbury, it was the consensus of the Board that there needs to be appropriate communication to clear up misinformation; whereupon, Mr. Spratt indicated that follow-up meetings are being scheduled; and that he would advise the Board of the dates.

#51 CANVASSING BOARD

Commissioner Harris moved, seconded by Commissioner Welch and carried, that Commissioner Morroni attend the Canvassing Board meetings on September 10 and September 15, 2003; and that Chairman Seel attend the September 23, 2003 meeting.

#52a COMMISSIONER WELCH RE VARIOUS MATTERS

Commissioner Welch advised that interviews with the final four candidates for the IT Director position will take place on Thursday, August 21, 2003; that the County's agreement to serve as the administrative entity for WorkNet expires on December 31, 2003; and that the WorkNet Board will be deciding whether to internalize

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the administrative entity function or issue a Request for Proposal (RFP) for administrative entity services at its next meeting.

#52b COMMISSIONER TODD RE LEAGUE OF CITIES ANNUAL CONFERENCE

Commissioner Todd reported on the annual conference of the League of Cities.

#52c COMMISSIONER STEWART RE JOB CORPS

Commissioner Stewart provided an update on Job Corps and noted that a meeting is scheduled with the Pinellas Park Chamber of Commerce regarding the center.

#52d CHAIRMAN SEEL RE VARIOUS MATTERS

Chairman Seel noted that she was invited by Mayor Reeder to give a presentation on the Pinellas Assembly process; commented on her attendance at the League of Cities annual conference; proposed a meeting of elected officials to discuss voluntary planning areas; offered a consumer tip regarding hiring contractors; and discussed sign code issues.

* * * *

Upon direction of the Chairman, there being no objection, the meeting was recessed at 5:39 P.M. and reconvened at 6: 34 P.M.

* * * *

PROCLAMATION HONORING REVEREND OTIS AND BARBARA GREEN

Chairman Seel presented a Proclamation recognizing Reverend Otis and Barbara Green as outstanding citizens for their tireless efforts and community service with the Homeless Emergency Project, Inc.

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PUBLIC ACCESS ADVISORY COUNCIL (PAAC) UPDATE

Dr. Jim Olliver, Public Access Advisory Council (PAAC) Chairman, distributed a document and brochure entitled *Public Access Advisory Council Annual Benchmarks 2001 to 2003* and *Public Access Television: A Resource For Pinellas County*, respectively, copies of which have been filed and made a part of the record, provided an update of the PAAC's progress, reported on Public Access programming, and presented a brief informational video; whereupon, past PAAC member Kevin Luce commended the Board of County Commissioners for establishing the Advisory Council.

CITIZENS TO BE HEARD

Peter White, Largo, discussed health care in connection with the recently acquired mobile medical van; and commended the County for providing consumer protection services to the citizens.

Winston Kao, Clearwater, discussed the various types of fluoride and requested that the Commissioners thoroughly research the subject before making a decision to fluoridate.

Evan Johnson, Clearwater, referred to fluoride research obtained on the Internet, copies of which have been filed and made a part of the record, and requested that the Commissioners review the material; whereupon, at the suggestion of Commissioner Todd, a copy of the research will be provided to each Board member.

Thereupon, Commissioner Todd requested a study with regard to the various types of fluoride; and County Administrator Stephen M. Spratt indicated that a report will be forthcoming.

#53a CASE #CW 03-48, PROPOSAL BY THE CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN TO INSTITUTIONAL (SUBTHRESHOLD AMENDMENT) – APPROVED; ORDINANCE NO. 03-59 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 June 29, 2003 issue of the Pinellas edition of The Tampa Tribune as evidenced by publisher's affidavit filed with

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the Clerk, public hearing was held on Case #CW 03-48, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan, re 1.8 acres located on the west side of 64th Street North between 35th Avenue North and 38th Avenue North (subthreshold amendment). Chief Deputy Clerk Clareth N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the 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. 03-59 approving Case #CW 03-48 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#53b CASE #CW 03-49, PROPOSAL BY THE CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM INDUSTRIAL GENERAL TO INDUSTRIAL LIMITED (SUBTHRESHOLD AMENDMENT) – APPROVED; ORDINANCE NO. 03-59 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 June 29, 2003 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 03-49, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan, re 5.4 acres located on the south side of 9th Avenue North between the CSX Railroad Line and I-275 (subthreshold amendment). Chief Deputy Clerk Clareth N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the 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 Welch, that Ordinance No. 03-59 approving Case #CW 03-49 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#53c CASE #CW 03-50, PROPOSAL BY THE CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL MEDIUM TO RESIDENTIAL/OFFICE GENERAL (SUBTHRESHOLD AMENDMENT) – APPROVED; ORDINANCE NO. 03-59 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 June 29, 2003 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 03-50, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan, re 0.4 acre located on the northeast corner of 35th Street North and Dartmouth Avenue North (subthreshold amendment). Chief Deputy Clerk Clareth N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the 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 Welch, that Ordinance No. 03-59 approving Case #CW 03-50 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#53d CASE #CW 03-54, PROPOSAL BY THE CITY OF OLDSMAR TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL ESTATE TO RESIDENTIAL URBAN (SUBTHRESHOLD AMENDMENT) – APPROVED; ORDINANCE NO. 03-60 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 June 29, 2003 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 03-54, a proposal by the City of Oldsmar to amend the land use designation on the Countywide Future Land Use Plan, re 0.4 acre located on the south side of Lexington Street and the east side of East Shore Drive (subthreshold amendment). Chief Deputy Clerk Clareth N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the 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. 03-60 approving Case #CW 03-54 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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#53e CASE #CW 03-55, PROPOSAL BY THE CITY OF PINELLAS PARK TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM COMMERCIAL GENERAL TO INSTITUTIONAL (SUBTHRESHOLD AMENDMENT) – APPROVED; ORDINANCE NO. 03-61 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 June 29, 2003 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 03-55, a proposal by the City of Pinellas Park to amend the land use designation on the Countywide Future Land Use Plan, re 13.8 acres located on the west side of the intersection of U.S. Highway 19 and Mainlands Boulevard (subthreshold amendment). Chief Deputy Clerk Clareth N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the 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. 03-61 approving Case #CW 03-55 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#54a CASE #CW 03-47, PROPOSAL BY PINELLAS COUNTY TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN AND TRANSPORTATION/UTILITY TO COMMERCIAL GENERAL AND TRANSPORTATION/UTILITY (REGULAR AMENDMENT) – TEMPORARILY DEFERRED TO MEETING OF SEPTEMBER 23, 2003

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 June 29, 2003 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 03-47, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan, re 13.0 acres located on the northeast corner of State Road 580 and Summerdale Drive (regular amendment). Chief Deputy Clerk Clarethia N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt indicated that staff recommends a continuance to the Authority meeting of September 23, 2003.

Commissioner Latvala moved, seconded by Commissioner Todd and carried, that Case #CW 03-47 be temporarily deferred to the meeting of September 23, 2003.

#54b CASE #CW 03-51, PROPOSAL BY THE CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM COMMERCIAL GENERAL TO RESIDENTIAL/OFFICE/RETAIL (REGULAR AMENDMENT) – APPROVED, ORDINANCE NO. 03-59 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 June 29, 2003 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 03-51, a proposal by Pinellas County to amend the land use designation on the Countywide Future Land Use Plan, re 5.5 acres located on the southwest corner of Royhanna Drive/62nd Avenue South and 22nd Street South (regular amendment). Chief Deputy Clerk Clarethia N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the 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 Welch moved, seconded by Commissioner Latvala, that Ordinance No. 03-59 approving Case #CW 03-51 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#54c CASE #CW 03-52, PROPOSAL BY THE CITY OF PINELLAS PARK TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL LOW MEDIUM TO COMMERCIAL GENERAL (REGULAR AMENDMENT) – APPROVED, ORDINANCE NO. 03-61 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 June 29, 2003 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 03-52, a proposal by The City of Pinellas Park to amend the land use designation on the Countywide Future Land Use Plan, re 1.7 acres generally located 100 feet east of 68th Street North between Park Boulevard and 71st Avenue North (regular amendment). Chief Deputy Clerk Clareth N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the 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 Welch, that Ordinance No. 03-61 approving Case #CW 03-52 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

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- #54d CASE #CW 03-53, PROPOSAL BY THE CITY OF DUNEDIN TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RECREATION/OPEN SPACE TO RESIDENTIAL MEDIUM (REGULAR AMENDMENT) – APPROVED, ORDINANCE NO. 03-62 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 June 29, 2003 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 03-53, a proposal by the City of Dunedin to amend the land use designation on the Countywide Future Land Use Plan, re 3.7 acres generally located 400 feet south of Main Street and 500 feet west of Colony Drive (regular amendment). Chief Deputy Clerk Clarethia N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the 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 Morroni, that Ordinance No. 03-62 approving Case #CW 03-53 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

- #55 COMMERCIAL DOCK APPLICATION CC33117-03, CITY OF ST. PETERSBURG MUNICIPAL MARINA, 300 2ND AVENUE SOUTHEAST, TAMPA BAY – 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 July 4 and July 11, 2003 issues of the Tampa Bay Review, now known as the Gulf Coast Business Review, as evidenced by

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publisher's affidavit filed with the Clerk, public hearing was held on Commercial Dock Application CC33117-03, City of St. Petersburg Municipal Marina, 300 2nd Avenue Southeast, St. Petersburg, Tampa Bay. Chief Deputy Clerk Claretha N. Harris reported that all interested parties have been notified by mail; that no correspondence relative to the application has been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt indicated that the applicant proposes to construct a new pier with 52 wet slips at the existing marina off of Tampa Bay; that the biological report prepared by the Pinellas County Department of Environmental Management was made available to the public and has been filed and made a part of the record; and that staff recommends approval of the application and execution of the order based upon negative "Findings of Fact," Items 1 through 9, as indicated in his memorandum of August 19, 2003, which has been filed and made a part of the record.

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

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

#56 PRIVATE DOCK APPLICATION P33090-03, PETER NEMETHY, 12802 HARBORWOOD DRIVE, LARGO, 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 July 4 and July 11, 2003 issues of the Tampa Bay Review, now known as Gulf Coast Business Review, as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Private Dock Application P33090-03, Peter Nemethy, 12802 Harborwood Drive, Largo, Clearwater Harbor. Chief Deputy Clerk Claretha N. Harris reported that all interested parties have been notified by mail; that one letter in favor of and one letter 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 construct a single-family dock in the waters of Clearwater Harbor; that the

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City of Largo has reviewed and approved the application; that the biological report prepared by the Pinellas County Department of Environmental Management was made available to the public and has been filed and made a part of the record; and that staff recommends approval of the application and execution of the order based upon negative "Findings of Fact," Items 1 through 9, as indicated in his memorandum of August 19, 2003, which has been filed and made a part of the record, subject to the following conditions:

1. Prior to dock construction, the contractor must contact the Department of Environmental Management at 464-4761 for a field meeting to confirm the location of the dock.
2. It is expected that some mangrove trimming will be necessary during initial installation of the walkout. Mangrove trimming/removal during construction must be limited to the footprint of the structure.
3. Future trimming of mangrove branches which overhang the deck surface and are within eight vertical feet of the deck surface is allowed without further approvals from the County. Trimming beyond this may require permits from the Department of Environmental Management (464-4761).

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

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

#57 ORDINANCE NO. 03-63 ADOPTED PROVIDING THAT THE PINELLAS COUNTY CODE BE AMENDED BY REVISING ALL SECTIONS THAT ADOPT STATE RULES BY CHANGING THE ADOPTION TERM FROM SECTION TO RULE OR SUBPARAGRAPH; REVISING SECTION 58-138 RELATING TO GASOLINE DISPENSING FACILITIES—STAGE I VAPOR RECOVERY; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR AMENDMENTS THAT MAY ARISE AT PUBLIC HEARING

Pursuant to legal notice published in the August 8, 2003 edition 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 and adding two minor amendments as outlined in the attachment to the Board Memorandum dated August 19, 2003, a copy of which has been filed and made a part of the record. Chief Deputy Clerk Clarethia N. Harris reported that no correspondence has been received relative to the proposed ordinance; and that the matter is property before the Board to be heard.

County Administrator Stephen M. Spratt indicated that staff recommends adoption of the proposed ordinance.

County Attorney Susan H. Churuti referred to a document, a copy of which has been filed and made a part of the record, and noted the following corrections to scrivener's errors:

1. Section 58-149 - amend rule citation to subparagraph 62-204.800(10)(b)8;
2. Section 58-187 - amend title to Portland Cement Plants;
3. Section 58-205.2 - amend title to Solvent Metal Cleaning; and
4. Section 58-205.11 - amend title to Primary Lead-Acid Battery Manufacturing Operations.

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

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Commissioner Harris moved, seconded by Commissioner Morroni, that Ordinance No. 03-63 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.

#58 **ORDINANCE NO. 03-64 ADOPTED AMENDING VARIOUS PINELLAS COUNTY ORDINANCES RELATED TO STREET LIGHTING DISTRICTS AS LISTED THEREIN; AMENDING, CLARIFYING AND UPDATING THE LEGAL DESCRIPTIONS COMPRISING THE AREA EMBRACED WITHIN SAID DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

Pursuant to legal notice published in the August 7, 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 various Pinellas County ordinances related to street lighting districts as listed therein; amending, clarifying and updating the legal description listed therein; amending, clarifying and updating the legal descriptions comprising the area embraced within said districts; providing for severability; and providing for an effective date. Chief Deputy Clerk Clarethia N. Harris reported that no correspondence 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 adoption of the proposed ordinance.

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. 03-64 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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#59 PUBLIC HEARING HELD RE FINAL ASSESSMENT ROLL FOR PAVING AND DRAINAGE IMPROVEMENTS TO HARBOR VIEW DRIVE FROM LOT NO. 42 EAST TO 128TH STREET (PUBLIC WORKS) – APPROVED; RESOLUTION NO. 03-151 ADOPTED CONFIRMING FINAL ASSESSMENT ROLL AND ORDERING ASSESSMENT OF PROPERTIES BENEFITED THEREBY

Pursuant to legal notice published in the July 18 and July 25, 2003 issues of the Tampa Bay Review, now known as the Gulf Coast Business Review, as evidenced by publisher's affidavit filed with the Clerk, public hearing was held re the Final Assessment Roll for paving and drainage improvements to Harbor View Drive from Lot No. 42 east to 128th Street. Chief Deputy Clerk Clarethia N. Harris reported that Notice of Hearing has been sent to all property owners listed on the assessment roll; that no correspondence relative to the assessment has been received; and that the matter is properly before the Board to be heard.

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

County Administrator Stephen M. Spratt indicated that staff recommends confirmation and approval of the Final Assessment Roll.

Commissioner Todd moved, seconded by Commissioner Latvala, that the assessment project be approved, and that Resolution No. 03-151 be adopted confirming the Final Assessment Roll and ordering assessment of properties benefited thereby. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

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#60 ORDINANCE NO. 03-65 ADOPTED PROVIDING FOR CLEARING AND REPAIR OF PRIVATE ROAD RIGHTS-OF-WAY OR REAL PROPERTY ADJACENT THERETO OF DANGEROUS CONDITIONS; PROVIDING A PROCEDURE FOR ACCOMPLISHING THIS; PROVIDING FOR IMPOSITION OF COSTS INCLUDING LIENS; PROVIDING FOR HEARING AND APPEAL OF DETERMINATIONS OF A DANGEROUS CONDITION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR OTHER MODIFICATIONS WHICH MAY ARISE FROM REVIEW OF THE ORDINANCE WITH THE RESPONSIBLE AUTHORITIES; PROVIDING FOR AN EFFECTIVE DATE (PUBLIC WORKS)

Pursuant to legal notice published in the August 7, 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 Pinellas County Code to provide for public correction of dangerous conditions on private road rights-of-way or real property adjacent thereto. Chief Deputy Clerk Clareth N. Harris reported that no correspondence has been received relative to the proposed ordinance; and that the matter is properly before the Board to be heard.

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

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

Commissioner Latvala moved, seconded by Commissioner Morrone, that Ordinance No. 03-65 be adopted as recommended. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

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- #61 ORDINANCE NO. 03-66 ADOPTED PROVIDING THAT THE ANNUAL CONCURRENCY TEST STATEMENT BE ESTABLISHED FOR PINELLAS COUNTY BY AMENDING SECTIONS 134-258, 134-259, 134-260 AND 134-261, OF THE PINELLAS COUNTY CODE; AMENDING THE LEVEL OF SERVICE CONDITIONS FOR PUBLIC SERVICES AND FACILITIES; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THIS ORDINANCE AT THE PUBLIC HEARING AND/OR WITH RESPONSIBLE PARTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND ESTABLISHING AN EFFECTIVE DATE

Pursuant to legal notice published in the August 5, 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 providing that the annual concurrency test statement be established for Pinellas County. Chief Deputy Clerk Claretha N. Harris reported that no correspondence 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.

In response to the Chairman's call for persons wishing to be heard, Raymond Thorn, Palm Harbor, appeared and expressed his concerns with regard to the drainage portion of the concurrency statement.

Following input by Planning Director Brian K. Smith, Mr. Spratt indicated that staff will provide Mr. Thorn with additional information; and that the ordinance will be brought back to the Board for approval should amendatory language be required.

Commissioner Latvala moved, seconded by Commissioner Welch, that Ordinance No. 03-66 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.

- #62a APPLICATION OF DAVID L. LIMRIC THROUGH KEVIN SCHERER, FLORIDA COASTAL ENGINEERING, REPRESENTATIVE, FOR A CHANGE OF ZONING FROM C-3 TO C-2 AND A VARIANCE (Z-3-7-02) – DENIED WITHOUT PREJUDICE; RESOLUTION NO. 03-152 ADOPTED

Pursuant to legal notice published in the August 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public

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hearing was held on the application of David L. Limric through Kevin Scherer for a change of zoning from C-3 to C-2 and a variance to the lot width requirements, re approximately 0.473 acre located on the north side of Florida Avenue west of the Pinellas Trail (Z-3-7-02). Chief Deputy Clerk Claretha N. Harris reported that no correspondence relative to the application has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt stated that staff recommends denial of the application without prejudice based upon the Local Planning Agency Report.

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

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

Commissioner Morroni moved, seconded by Commissioner Latvala, that Resolution No. 03-152 be adopted denying the application without prejudice. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#62b APPLICATION OF A&C RENTALS, INC., C/O CATHARINE HAZLITT, PRESIDENT, FOR A CHANGE OF ZONING FROM R-4 TO RM-7.5 (Z-1-7-03) – DENIED WITHOUT PREJUDICE; RESOLUTION NO. 03-153 ADOPTED

Pursuant to legal notice published in the August 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of A&C Rentals, Inc., c/o Catharine Hazlitt, President, for a change of zoning from R-4 to RM-7.5, re approximately 1.309 acres located on the northeast corner of State Road 580 and Shore Drive (Z-1-7-03). Chief Deputy Clerk Claretha N. Harris reported that correspondence from three municipalities, two with no objection and one with objection, and one petition containing 50 signatures in opposition to the application have been received; and that the matter is properly before the Board to be heard.

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County Administrator Stephen M. Spratt indicated that staff recommends denial of the application based upon the Local Planning Agency Report.

The Local Planning Agency/Examiner Findings of Fact and Recommendation for denial of the request for a change of zoning from R-4 to RM-7.5 were filed and made a part of the record.

Director of Development Review Services Paul Cassel referred to an aerial photograph and land use map of the neighborhood, presented an overview of the application, identified the surrounding land uses, and indicated that staff is recommending denial of the application in order to maintain a consistent development pattern in the area.

George Costis, Clearwater, appeared and referring to a survey, pointed out the locations of the proposed units; whereupon, Catharine Hazlitt, Clearwater, appeared and indicated that the rezoning request is due to the unique shape of the parcel; that it is the intent of A&C Rentals, Inc. to develop the land in a manner which would enhance the neighborhood; and that Mr. Costis has been hired to develop the property.

In response to the Chairman's call for persons wishing to be heard in favor of staff's recommendation for denial, the following individuals appeared:

David Berres, Safety Harbor
Joe Turconi, Safety Harbor
Deborah E. Tibbetts, Safety Harbor
Stanley Kinberger, Safety Harbor
Doris Hall, Safety Harbor
Charlene Reeves, Safety Harbor
Theresa Pacurari, Safety Harbor
Sam Pacurari, Safety Harbor

In rebuttal, Ms. Hazlitt indicated that street lighting would be installed; that private roads accessing the proposed buildings would be provided; and that the subject parcel slopes downward enabling drainage to run toward the railroad tracks and away from Shore Drive.

Responding to queries by the Chairman and Commissioner Latvala, Mr. Cassel related that the current zoning allows for development of the parcel; that drainage, wetlands buffers and parking issues would need to be addressed; and that the City of Safety Harbor would restrict development to five units per acre should the parcel be annexed.

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Discussion ensued; whereupon, Commissioner Latvala moved, seconded by Commissioner Stewart, that Resolution No. 03-153 be adopted denying without prejudice zoning application Z-1-7-03. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#62c APPLICATION OF HARDY H. AND JANET A. HUNTLEY, TRUSTEE, FOR A CHANGE OF ZONING FROM R-4 TO C-2 (Z-2-7-03) – APPROVED; RESOLUTION NO. 03-154 ADOPTED

Pursuant to legal notice published in the August 5, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Hardy H. and Janet A. Huntley, Trustee, for a change of zoning from R-4 to C-2, re approximately 1.5 acres located 611 feet north of Park Boulevard and 671 feet west of 78th Street North (Z-2-7-03). Chief Deputy Clerk Clareth N. Harris reported that one letter indicating no objection to the application has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt indicated that staff recommends approval of the application based upon the Local Planning Agency Report.

The Local Planning Agency/Examiner Findings of Fact and Recommendation for approval of the change of zoning from R-4 to C-2 were filed and made a part of the record.

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

Commissioner Latvala moved, seconded by Commissioner Morrioni, that Resolution No. 03-154 be adopted approving zoning application Z-2-7-03. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

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* * * *

Upon direction of the Chairman, there being no objection, the meeting was adjourned at 8:00 P.M.

Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By _____
Deputy Clerk