

Clearwater, Florida, November 4, 2003

The Board of County Commissioners in and for the County of Pinellas met in regular session in the County Commission Assembly Room, Pinellas County Courthouse, 315 Court Street, Clearwater, Florida, at 10:04 A.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 MaryAnn Penhale, Board Reporter.

Reverend David Landers, Heritage United Methodist Church, Clearwater, pronounced the Invocation which was followed by the Pledge of Allegiance to the Flag led by Commissioner Welch.

## A G E N D A

### INVOCATION

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

### PRESENTATIONS & AWARDS

#### A. CITIZENS TO BE HEARD

Any Person Wishing to Speak at this Time, Excluding 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.

#### B. 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.

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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.

#### PUBLIC HEARINGS - COUNTYWIDE PLANNING AUTHORITY

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

##### SUBTHRESHOLD AMENDMENTS

1. a. Case #CW 03-63 – St. Petersburg.  
Location – 0.2 Acre Located 300 Feet North of 50<sup>th</sup> Avenue North and 125 Feet West of 4<sup>th</sup> Street North; Amendment from Residential Medium to Residential/Office/Retail.
- b. Case #CW 03-64 – St. Petersburg.  
Location – 0.5 Acre Located on the Southwest Corner of Emerson Avenue South and 31<sup>st</sup> Street South; Amendment from Residential Urban and Industrial General to Residential Medium.
- c. Case #CW 03-65 – St. Petersburg.  
Location – 0.4 Acre Located on the Southeast Corner of Dr. M.L. King Jr. Street North and 72<sup>nd</sup> Avenue North; Amendment from Residential Urban to Residential/Office General.
- d. Case #CW 03-68 – Dunedin.  
Location – 1.0 Acre Located on the South Side of San Christopher Drive and 350 Feet East of Richland Avenue; Amendment from Residential Medium to Commercial Limited.
- e. Case #CW 03-69 – Largo.  
Location – 0.8 Acre Located on the Northwest Corner of Seminole Boulevard and 124<sup>th</sup> Avenue North; Amendment from Residential/Office General and Residential Low to Commercial General.

##### REGULAR AMENDMENTS

2. a. Case #CW 03-66 – St. Petersburg.  
Location – 40.0 Acres Located as the Area Bounded by Dr. M.L. King Jr. Street North, Gandy Boulevard, and Roosevelt Boulevard (Area includes Case #CW 03-67); Amendment from Industrial Limited; Commercial General; and Residential/Office General to Industrial Limited; Commercial General; Residential/Office General; and Activity Center-Primary Overlay.

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- b. Case #CW 03-67 – St. Petersburg.  
Location – 21.5 Acres Located on the Northwest Corner of Gandy Boulevard and Roosevelt Boulevard; and the East Side of Dr. M.L. King Jr. Street North (Area is Part of Case #CW 03-66); Amendment from Industrial Limited to Residential/Office/Retail.
- c. DOAH Case No. 03-1500/Case #CW 03-22/#CW 02-39 – City of Clearwater.  
Location – 23.0 Acres Located on the East Side of Chautauqua Avenue, from 103 Feet South of 2<sup>nd</sup> Avenue North to 2<sup>nd</sup> Avenue South; Amendment from Residential Suburban; Preservation; and Water/Drainage Feature to Residential Low; Preservation; and Water/Drainage Feature.

SCHEDULED PUBLIC HEARINGS – BCC

- 3. TEFRA Hearing on Proposed Issuance of Pinellas County Industrial Development Authority, d/b/a Pinellas County Economic Development Authority, Industrial Development Revenue Bonds (RAMA Holdings, LLC, Project), Series 2003, in an Amount Not to Exceed \$2,000,000.00.
- 4. Proposed Amendment to Article VIII, Chapter 42 of the Pinellas County Code, Pertaining to the Charitable Solicitations Ordinance.
- 5. Proposed Amendment to Article VIII, Chapter 26 of the Pinellas County Code, Pertaining to the Fortunetelling Ordinance.
- 6. Proposed Amendment to Article I, Chapter 6 of the Pinellas County Code, Pertaining to the Alcohol and Nudity Ordinance.
- 7. Proposed Amendment to Article III, Chapter 10 of the Pinellas County Code, Pertaining to the Bingo Ordinance.

WATER AND NAVIGATION

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

- 8. Dredge and Fill Application D/F-1449 for the City of St. Petersburg, Arrowhead Bayou, Tampa Bay, St. Petersburg.
- 9. Dredge and Fill Application D/F-1434 for the City of St. Petersburg, Canals1 – 10, Venetian Isles, Tampa Bay, St. Petersburg.
- 10. Dredge and Fill Application D/F-1428 for The Canterbury School/Ellen Welsh, Head of School, 901 58<sup>th</sup> Avenue Northeast, Placido Bayou, St. Petersburg.

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C. CONSENT AGENDA

CLERK OF THE CIRCUIT COURT

11. Approval of Minutes of the Regular Meeting Held on September 23, 2003.
12. Reports:
  - a. Southwest Florida Water Management District Budget in Brief, Fiscal Year 2004 Annual Service Budget from October 1, 2003 through September 30, 2004.
  - b. Property Appraiser's Summary of 2003-04 Budget by Appropriation Category Accepted by the Florida Department of Revenue Pursuant to Section 195.087 (1)(b), Florida Statutes.
  - c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2003-16 Dated October 9, 2003, Follow-Up Review to Audit of South County Branch Office.
  - d. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Supervisor of Elections.
13. Other Approvals:
  - a. General – Recommendation that the Board of County Commissioners Approve Budget Amendment No. CBA-5-03.
  - b. Vouchers and Bills Paid.
14. Miscellaneous Items to be Received for Filing:
  - a. City of Clearwater Public Hearing Notices of Annexation, Land Use Plan, Rezoning and Zoning Atlas Amendments Regarding Ordinances Nos. 7198-03 through 7200-03 to be Held November 20, 2003; and Ordinances Nos. 7195-03 through 7197-03 and 7201-03 through 7208-03 to be Held December 4, 2003.
  - b. Correspondence from the City of Oldsmar Regarding Ordinance No. 2003-26, Voluntarily Annexing Certain Property; Public Hearing Held October 21, 2003.
  - c. Correspondence from the City of Pinellas Park Regarding One Ordinance Voluntarily Annexing Certain Property; Public Hearing Held October 23, 2003.
  - d. Pinellas Park Water Management District TRIM Package for Fiscal Year 2003-2004, Together with Minutes of Public Hearing 2003-2004, Millage Rate/Budget Dated September 18, 2003.
  - e. City of Dunedin Ordinance No. 03-01, Creating Chapter 111 and Amending Chapter 134 of the Uniform Development Code to Provide for Historic Preservation and a Historic Preservation Overlay Zoning District, Respectively.

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- f. Resolutions Supporting Continued Inclusion of Local Sources First Policy Pertaining to Florida's Water Resources:
  - 1. Columbia County Board of County Commissioners, No. 2003R-39, Adopted September 18, 2003.
  - 2. Dixie County Board of County Commissioners, No. 03-30, Adopted September 4, 2003.
  - 3. Marion County Board of County Commissioners, No. 03-R-264, Adopted September 16, 2003.
  - 4. Washington County Board of County Commissioners, Adopted September 18, 2003.
  - 5. Jacksonville City Council, No. 2003-1122-A, Adopted September 9, 2003.

COUNTY ADMINISTRATOR

Public Works

- 15. Approval of an Award of Bid to Oakhurst Construction Company, Inc. for the Construction of Philippe Park Maintenance Building.

Utilities

- 16. Approval of an Award of Bid for the Indian Shores and Indian Rocks Beach Reclaimed Water System Project.
- 17. Approval of the Rankings of Firms and Authorization for Staff to Negotiate with the Number One Ranked Firms Regarding Professional Consulting Services for:
  - a. Subaqueous Crossings Projects.
  - b. Addition of Fluoride to the Pinellas County Drinking Water Supply.
  - c. Engineering Services for the Study and Design for the Replacement/Rehabilitation of the Redington Beach Pump Station Nos. 76, 77, and 78.

Other Departments

- 18. Adoption of a Resolution for Assessment of Liens against Lands Cleared (Environmental Management).
- 19. Approval of an Award of Bid to Stan Cisilski, Inc. for Lot Maintenance and Debris Removal (Environmental Management).
- 20. Approval of Budget Amendment No. 36 (Management and Budget).

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D. AUTHORITIES

EMERGENCY MEDICAL SERVICES AUTHORITY

21. Approval of an Award of Bid to Pride Enterprises for Laser Printing/Direct Mail.

E. REGULAR AGENDA

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

COUNTY ADMINISTRATOR

Airport

23. Approval of Addendum No. 8 to the Interlocal Agreement with the Pinellas County Sheriff for the Annual Renewal of Law Enforcement Services.
24. Approval of Change Order No. 2 (Final) with Ajax Paving Industries, Inc. for Overlay and Strengthening of the Terminal Apron.

Public Works

25. Approval of the Local Agency Program Agreement with the State of Florida Department of Transportation for the Design and Construction of the Walsingham Road Sidewalk Project from 119<sup>th</sup> Street North to Seminole Boulevard.
26. Approval of the Agreement with HDR Engineering, Inc. for Professional Services for the Eagle Lake Park Development Project.
27. Approval of the Agreement with Glatting Jackson Kercher Anglin Lopez Rinehart, Inc. for the Parks System Master Planning Project.
28. Approval of Change Order No. 2 and Authorization to Reduce Retainage Monies on the Construction Management Agreement with Skanska USA Building, Inc. for the New Medical Examiner's Facility and Forensic Center.
29. Approval of the Purchase of Vacant Property Located at the Northwest Corner of Gulf Road and Shore Drive, Sunset Beach Park Site.

Utilities

30. Approval of the Ranking of Firms and Authorization for Staff to Negotiate Agreements with Both Firms to be Used on an As-Needed Basis for Geotechnical Engineering Services for Miscellaneous Projects.
31. Approval of the First Option of Renewal of Contracts with Various Vendors for the Annual Requirements of Water and Sewer Materials.
32. Approval of an Award of Bid for Water Meters (Cooperative) 2003-2004.

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Other Departments

33. Approval of the Authorization to Demolish Unsafe Structures and Clear the Property at 5027 Betty Street North, Unincorporated St. Petersburg (Environmental Management).
34. Approval of the Authorization to Demolish Unsafe Structures and Clear the Property at 3068 55<sup>th</sup> Avenue North, Unincorporated St. Petersburg (Environmental Management).
35. Approval of a Grant Agreement with the State of Florida Department of Environmental Protection for the Honeymoon Island State Park Amenities Project (Environmental Management).
36. Adoption of a Resolution to Temporarily Waive the Requirements of Section 6-47(a) of the County Code for the Friends of Brooker Creek Preserve, Inc. to Hold a Fundraising Event at the Brooker Creek Preserve Environmental Education Center (Environmental Management).
37. Approval of the Nineteenth Lease Amendment to the Revised and Restated Lease Agreement with Community Service Foundation, Inc. (General Services).
38. Approval of a License Agreement with Young Life, Inc. for Use of a County-Owned Lot in the Dansville Redevelopment Area (General Services).
39. Approval of the Contract and Addendum to the Contract with the State of Florida Department of Health for the Operation of the Pinellas County Health Department (Human Services).
40. Approval of the Letter of Agreement with the State of Florida through its Agency for Health Care Administration Regarding the Upper Payment Limit Program for the Provision of Additional Funding for Indigent Health Care (Human Services).
41. Approval of the Florida Medicaid Upper Payment Limit Agreement with Bayfront Medical Center (Human Services).
42. Approval of the Master Hospital Uncompensated and Emergency Care Service Agreement with Local Hospitals, and Authorization to Execute Individual Agreements Pursuant to the Funding Allocation Chart (Human Services).
43. Approval of the Authority to Execute the Master Social Action Funding Agreement, the Master Funding for Local Social Service Agencies Agreement, and their Individual Agreements (Human Services).
44. Adoption of a Resolution to Appropriate Unanticipated Grant and Donation Proceeds in the Capital Projects Fund for the Brooker Creek Preserve Environmental Education Center Exhibits Project (Management and Budget).
45. Approval of a Donation of the Former Gulf of Mexico Sponge Company Warehouse Building to Heritage Village (Park).
46. Adoption of a Resolution to Temporarily Waive the Requirements of Section 6-47(a) of the County Code for the Old Palm Harbor Partnership to Hold its Fundraising Event (Planning).

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47. Adoption of a Resolution to Support the Current Membership Composition of the Metropolitan Planning Organization (Planning).
48. Approval to Declare Miscellaneous County-Owned Equipment as Surplus and Authorize its Sale as Scrap Material, and Remove Stolen Items from County Fixed Asset Inventory (Purchasing).
49. Other Administrative Matters.

COUNTY ATTORNEY

50. Authority for the County Attorney to Defend the Case of Green Tree Servicing v. Allan Johnson, et al - Circuit Civil Case No. 03-7532-CI-15 - Mortgage Foreclosure Involving a Judgment for Attorney Fees and Costs.
51. Authority to Initiate Litigation Regarding Pinellas County Board of County Commissioners v. Audrey Ludwig and Lawrence Ludwig – Risk Claim No. VA-02-69782 – Alleged Negligence in the Operation of a Motor Vehicle Resulting in Damage to a Pinellas County Sheriff’s Vehicle.
52. Adoption of a Resolution Authorizing Default Judgments on Inferior Liens in Mortgage Foreclosures.
53. Approval of Contracts for Law Enforcement Services for:
  - a. City of Belleair Bluffs.
  - b. Town of North Redington Beach.
  - c. City of Oldsmar.
  - d. City of Safety Harbor.
  - e. City of South Pasadena.
54. Approval of the Recommendation of Settlement in the Case of Pinellas County v. Menios Papas, et al - Circuit Civil Case No. 01-008225-CI-015, Parcel No. 027 (Fee Simple).
55. Miscellaneous.

F. AUTHORITIES

EMERGENCY MEDICAL SERVICES AUTHORITY

56. Approval of the Airmedical Transport Service Agreement with Bayfront Medical Center, Inc. d/b/a Bayflite.

INDUSTRIAL DEVELOPMENT AUTHORITY

57. Adoption of a Resolution Authorizing the Issuance of Not to Exceed \$2,000,000.00 in Industrial Development Revenue Bonds (RAMA Holdings, LLC, Project), Series 2003.

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G. COUNTY ADMINISTRATOR REPORTS

58. None.

H. COUNTY COMMISSION

59. Approval of an Appointment to the Downtown Palm Harbor Review Committee.

60. Approval of Appointments to the Pinellas County Charter Review Commission.

61. Approval of an Appointment to the Pinellas Public Library Cooperative Board of Directors.

62. Approval of an Appointment to the WorkNet Pinellas Board of Directors.

63. Election of 2004 Chairman and Vice-Chairman.

64. Miscellaneous.

ADJOURNMENT

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“MY BOSS IS A PATRIOT” CERTIFICATE OF APPRECIATION FROM OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE PRESENTED TO DR. KENNY MITCHELL, DIRECTOR, DEPARTMENT OF ANIMAL SERVICES

Chairman Seel presented a surprise “My Boss is a Patriot” Certificate of Appreciation from the Office of the Assistant Secretary of Defense to Dr. Kenny Mitchell, Director, Department of Animal Services.

2003 AWARD OF MERIT PRESENTED TO BOARD OF COUNTY COMMISSIONERS FOR FLORIDA BOTANICAL GARDENS FROM FLORIDA CHAPTER OF AMERICAN SOCIETY OF LANDSCAPE ARCHITECTS

David Larsen, landscape architect, Post Buckley, Schuh & Jernigan congratulated the Board of County Commissioners and Judy Yates, Executive Director, Florida Botanical Gardens and Cooperative Extension, for receipt of the Society’s 2003 Award of Merit.

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AWARD OF EXCELLENCE PRESENTED TO BOARD OF COUNTY COMMISSIONERS FOR FLORIDA BOTANICAL GARDENS FROM FLORIDA NURSERYMEN AND GROWERS ASSOCIATION

Richard Carroll, Carroll's Nursery, presented an Outstanding Landscape Award of Excellence to the members on behalf of the Florida Nurserymen and Growers Association.

CITIZENS TO BE HEARD

Debra Shade, Neighborly Care Network, St. Petersburg, thanked the members for their support of the organization, which was formerly known as Neighborly Senior Services, and commented briefly regarding some of the services offered to senior citizens.

- # 1a CASE #CW 03-63, 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/RETAIL (SUBTHRESHOLD AMENDMENT) – APPROVED; ORDINANCE NO. 03-82 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 October 19, 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 03-63, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan from residential medium to residential/office/retail, re 0.2 acre located 300 feet north of 50<sup>th</sup> Avenue North and 125 feet west of 4<sup>th</sup> Street North (subthreshold 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.

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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. 03-82 approving Case #CW 03-63 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 1b **CASE #CW 03-64, PROPOSAL BY THE CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN AND INDUSTRIAL GENERAL TO RESIDENTIAL MEDIUM (SUBTHRESHOLD AMENDMENT) – APPROVED; ORDINANCE NO. 03-82 ADOPTED**

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

Pursuant to legal notice published in the October 19, 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 03-64, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan from residential urban and industrial general to residential medium, re 0.5 acre located on the southwest corner of Emerson Avenue South and 31st Street South (subthreshold 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 Latvala moved, seconded by Commissioner Welch, that Ordinance No. 03-82 approving Case #CW 03-64 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 1c CASE #CW 03-65, PROPOSAL BY THE CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL URBAN TO RESIDENTIAL/OFFICE GENERAL (SUBTHRESHOLD AMENDMENT) – APPROVED; ORDINANCE NO. 03-82 ADOPTED

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

Pursuant to legal notice published in the October 19, 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 03-65, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan from residential urban to residential/office general, re 0.4 acre located on the southeast corner of Dr. M. L. King Jr. Street North and 72<sup>nd</sup> 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. 03-82 approving Case #CW 03-65 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 1d CASE NO. 03-68, PROPOSAL BY THE CITY OF DUNEDIN TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL MEDIUM TO COMMERCIAL LIMITED (SUBTHRESHOLD AMENDMENT) – APPROVED; ORDINANCE NO. 03-83 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 October 19, 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 03-68, a proposal by the City of Dunedin to amend the land use designation on the Countywide Future Land Use Plan from residential medium to commercial limited, re 1.0 acre located on the south side of San Christopher Drive and 350 feet east of Richland Avenue (subthreshold 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 Latvala moved, seconded by Commissioner Welch, that Ordinance No. 03-83 be adopted approving Case #CW 03-68. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 1e **CASE #CW 03-69, PROPOSAL BY THE CITY OF LARGO TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL/OFFICE GENERAL AND RESIDENTIAL LOW TO COMMERCIAL GENERAL (SUBTHRESHOLD AMENDMENT) – APPROVED; ORDINANCE NO 03-84 ADOPTED**

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

Pursuant to legal notice published in the October 19, 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 03-69, a proposal by the City of Largo to amend the land use designation on the Countywide Future Land Use Plan from residential/office general and residential low to commercial general, re 0.8 acre located on the northwest corner of Seminole Boulevard and 124<sup>th</sup> 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. 03-84 approving Case #CW 03-69 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 2a CASE #CW 03-66, PROPOSAL BY THE CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM INDUSTRIAL LIMITED TO INDUSTRIAL LIMITED AND ACTIVITY CENTER-PRIMARY OVERLAY (REGULAR AMENDMENT) – APPROVED; ORDINANCE NO. 03-82 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 October 19, 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 03-66, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan, re 21.5 acres (as revised) located within the area bounded by Dr. M. L. King Jr. Street North, Gandy Boulevard and Roosevelt Boulevard (same area as for Case #CW 03-67) (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.

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Commissioner Welch moved, seconded by Commissioner Morroni, that Ordinance No. 03-82 approving case #CW 03-66 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 2b CASE #CW 03-67, PROPOSAL BY THE CITY OF ST. PETERSBURG TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM INDUSTRIAL LIMITED AND ACTIVITY CENTER/PRIMARY OVERLAY TO RESIDENTIAL/OFFICE/RETAIL AND ACTIVITY CENTER/PRIMARY OVERLAY (REGULAR AMENDMENT) – APPROVED; ORDINANCE NO. 03-82 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 October 19, 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 03-67, a proposal by the City of St. Petersburg to amend the land use designation on the Countywide Future Land Use Plan, re 21.5 acres located on the northwest corner of Gandy Boulevard and Roosevelt Boulevard and the east side of Dr. M. L. King Jr. Street North (same area as for Case #CW 03-66) (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.

November 4, 2003

Commissioner Latvala moved, seconded by Commissioner Welch, that Ordinance No. 03-82 approving Case #CW 03-67 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 2c DOAH CASE NO. 03-1500/CASE #CW 03-22/#CW 02-39, PROPOSAL BY THE CITY OF CLEARWATER TO AMEND LAND USE DESIGNATION ON THE COUNTYWIDE FUTURE LAND USE PLAN FROM RESIDENTIAL SUBURBAN, PRESERVATION AND WATER/DRAINAGE FEATURE TO RESIDENTIAL LOW, PRESERVATION AND WATER/DRAINAGE FEATURE (REGULAR AMENDMENT) – DENIED; RESOLUTION NO. 03-199 ADOPTED; FINAL ORDER APPROVED FOR EXECUTION

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

Pursuant to legal notice published in the October 19, 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 DOAH Case No. 03-1500/Case #CW 03-22/#CW 02-39, a proposal by the City of Clearwater to amend the land use designation of the Countywide Future Land Use Plan, re 22.18 acres located on the east side of Chautauqua Avenue from 103 feet south of 2<sup>nd</sup> Avenue North to 2<sup>nd</sup> Avenue 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 indicated that the administrative hearing officer review requested by the applicant has been completed; that the hearing officer has recommended denial of the proposed amendment; that it would be appropriate for the Board to approve the proposed resolution approving the final order denying the amendment; and that the final order be approved for execution.

In response to the Chairman's call for persons wishing to be heard, David P. Healey, Executive Director, Pinellas Planning Council (PPC), provided historical background information regarding the proposed amendment.

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Commissioner Latvala moved, seconded by Commissioner Welch, that Resolution No. 03-199 approving the final order denying Case #CW 03/22/#CW 02-39 be adopted. Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

# 3 RESOLUTION NO. 03-200 ADOPTED APPROVING ISSUANCE OF NOT TO EXCEED \$2,000,000.00 PINELLAS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY INDUSTRIAL DEVELOPMENT REVENUE BONDS (RAMA HOLDINGS, LLC PROJECT), SERIES 2003 PURSUANT TO SECTION 147(f) OF THE INTERNAL REVENUE CODE OF 1986; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

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Pursuant to legal notice published in the October 18, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing (TEFRA) was held regarding consideration of the proposed issuance of not to exceed \$2,000,000.00 Pinellas County Development Authority Industrial Development Revenue Bonds (RAMA Holdings, LLC Project), Series 2003. Chief Deputy Clerk Claretha N. Harris reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt recommended that a resolution be adopted approving issuance of not to exceed \$2,000,000.00 revenue bonds, Series 2003, by the Industrial Development Authority d/b/a the Pinellas County Economic Development Authority (RAMA Holdings, LLC Project).

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

Commissioner Welch moved, seconded by Commissioner Harris, that Resolution No. 03-200 be adopted as recommended by the County Administrator. 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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- # 4 ORDINANCE NO. 03-85 ADOPTED AMENDING THE PINELLAS COUNTY CODE BY REVISING ARTICLE VII, CHAPTER 42 OF THE CODE PROVIDING AN AMENDMENT TO THE ADMINISTRATIVE APPEAL PROVISION; DELETING THE TERM "COMMERCIAL CO-VENTURER"; DELETING OBSOLETE PROVISIONS; PROVIDING AMENDMENTS ALLOWING THE DIRECTOR TO DESIGNATE A SURROGATE FOR CERTAIN DIRECTOR FUNCTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MODIFICATIONS WHICH MAY ARISE FROM REVIEW OF THE ORDINANCE WITH RESPONSIBLE AUTHORITIES

Pursuant to legal notice published in the October 25, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on a proposed ordinance amending Article VII, Chapter 42, Sections 42-292(a)(5)(6) and (7), deleting subparagraphs f. and g. from Section (12) of Section 42-292(a), and amending Section 42-293, and sections 42-296(d) and (e), Section 42-321(b) and (c), and Section 42-325 of the Pinellas County Code, and changing the words "Department of Consumer Protection" to "Department of Justice and Consumer Services" wherever referenced in Chapter 42, pertaining to the charitable solicitations ordinance. Chief Deputy Clerk Claretha N. Harris reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt recommended adoption of the ordinance to amend portions of the Pinellas County Code.

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. 03-85 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.

- # 5 **ORDINANCE NO. 03-86 ADOPTED AMENDING THE PINELLAS COUNTY CODE BY REVISING ARTICLE VIII, CHAPTER 26 OF THE CODE PROVIDING AN AMENDMENT TO THE ADMINISTRATIVE APPEAL PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MODIFICATIONS WHICH MAY ARISE FROM REVIEW OF THE ORDINANCE WITH RESPONSIBLE AUTHORITIES**
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Pursuant to legal notice published in the October 25, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on a proposed ordinance amending Article VIII, Chapter 26, Sections 26-241 and 26-259(a) of the Pinellas County Code pertaining to the fortunetelling ordinance. Chief Deputy Clerk Clareth N. Harris reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt recommended adoption of the ordinance to amend portions of the Pinellas County Code.

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. 03-86 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.

- # 6 **ORDINANCE NO. 03-87 ADOPTED AMENDING THE PINELLAS COUNTY CODE BY REVISING ARTICLE I OF CHAPTER 6 OF SAID CODE; PROVIDING EXCEPTIONS FOR THE PENALTY PROVISION OF THE ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR INCORPORATION INTO THE PINELLAS COUNTY CODE; AND PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARINGS AND WITH OTHER RESPONSIBLE AUTHORITIES**
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Pursuant to legal notice published in the October 25, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on a proposed ordinance amending Article I, Chapter 6, Section 6-2(e)

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of the Pinellas County Code, pertaining to the alcohol and nudity ordinance. Chief Deputy Clerk Clarethia N. Harris reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt recommended adoption of the ordinance to amend portions of the Pinellas County Code.

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. 03-87 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.

# 7 ORDINANCE NO. 03-88 ADOPTED AMENDING THE PINELLAS COUNTY CODE BY REVISING ARTICLE III, CHAPTER 10 OF THE CODE PROVIDING AN AMENDMENT TO THE ADMINISTRATIVE APPEAL PROVISION; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PINELLAS COUNTY CODE; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR OTHER MODIFICATIONS WHICH MAY ARISE FROM REVIEW OF THE ORDINANCE WITH RESPONSIBLE AUTHORITIES

Pursuant to legal notice published in the October 25, 2003 issue of the St. Petersburg Times as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on a proposed ordinance amending Article III, Chapter 10, Sections 10-61, 10-76 and 10-80(12) of the Pinellas County Code pertaining to the bingo ordinance. Chief Deputy Clerk Clarethia N. Harris reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Stephen M. Spratt recommended adoption of the ordinance to amend portions of the Pinellas County Code.

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

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Commissioner Morroni moved, seconded by Commissioner Welch, that Ordinance No. 03-88 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.

# 8 DREDGE AND FILL APPLICATION D/F-1449, CITY OF ST. PETERSBURG, ARROWHEAD BAYOU MAINTENANCE DREDGE, ST. PETERSBURG, TAMPA BAY – APPROVED

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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 September 19 and 26, 2003 issues of Gulf Coast Business Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Dredge and Fill Application D/F-1449, City of St. Petersburg, Arrowhead Bayou Maintenance Dredge, St. Petersburg, Tampa Bay. Chief Deputy Clerk Clarethia 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 maintenance dredge a residential canal in Arrowhead Bayou 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 based upon negative "Findings of Fact," Items 1 through 9, and affirmative "Findings of Fact," Items 10, 12 and 14, subject to the following condition:

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

Referring to an aerial map, Director of Environmental Management William M. Davis pointed out the location of the proposed maintenance dredging in the Shore Acres area, reviewed background information related to the application, and

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indicated that staff has found no environmental or navigational concerns regarding the proposed project and recommends approval of the application.

Responding to queries by Commissioners Stewart and Welch, Mr. Davis and G. Jeffrey Churchill, President, Environmental Analysis & Permitting, Inc., discussed the spoil to be transported to the City's spoil site near Lake Maggiore.

In response to the Chairman's call for persons wishing to be heard, Gregory Baden, St. Petersburg, stated that it is somewhat early for him to have an opinion due to a lack of sufficient information regarding the matter.

Responding to query by Commissioner Stewart, Mr. Davis discussed the assessment process and indicated that the proposed application was initiated by the residents who will be affected by it.

Responding to the Chairman's call for persons wishing to be heard, Warren DeBord, St. Petersburg, stated that he initiated the request for dredging; and Sonny Friedman, St. Petersburg, offered his comments and expressed his concerns.

At the request of Chairman Seel, Mr. Churchill discussed the assessment process, cost estimates and notification procedures; whereupon, Chairman Seel suggested that the residents discuss their concerns with Mr. Churchill.

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

# 9 DREDGE AND FILL APPLICATION D/F-1434, CITY OF ST. PETERSBURG, CANALS 1-10, VENETIAN ISLES, ST. PETERSBURG, 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 September 19 and 26, 2003 issues of Gulf Coast Business Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Dredge and Fill Application D/F-1434, City of St. Petersburg, Canals 1-10, Venetian Isles, St. Petersburg, Tampa Bay. Chief Deputy Clerk Claretha N. Harris reported that all interested parties have been notified by mail; that four letters in opposition to the application have been received; and that the matter is properly before the Authority to be heard.

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County Administrator Stephen M. Spratt indicated that the applicant proposes to maintenance dredge residential canals off of Tampa Bay in Venetian Isles; 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 based upon negative "Findings of Fact," Items 1 through 9, and affirmative "Findings of Fact," Items 10, 12 and 14, subject to the following condition:

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

Referring to an aerial map, Director of Environmental Management William M. Davis pointed out the location of the residential canals, reviewed background information related to the application, and indicated that staff has found no environmental or navigational objections regarding the proposed project and recommends approval of the application. Responding to queries by Commissioner Stewart, G. Jeffrey Churchill, President, Environmental Analysis & Permitting, Inc., discussed the petition and assessment processes.

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

Linda Testa, St. Petersburg  
Bob Johnson, St. Petersburg, President, Venetian Isles Homeowners Association  
J. C. Lewis, III, St. Petersburg

In response to the Chairman's call for objectors to the application, the following individuals appeared and expressed their concerns:

Arthur McClelland, St. Petersburg  
Sally Nahas, St. Petersburg

At the request of Chairman Seel and in response to the concerns expressed by the objectors, Mr. Churchill discussed the issue of overdredging and the bridge between Kansas and Iowa Avenues.

Thereupon, Commissioner Welch moved, seconded by Commissioner Todd, that the application be approved with the aforementioned condition and in

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accordance with the "Findings of Fact." Following discussion and upon call for the vote, the motion carried unanimously.

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At this time, 11:15 A.M., Commissioner Morroni left the meeting.

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#10 DREDGE AND FILL APPLICATION D/F-1428, THE CANTERBURY SCHOOL/ELLEN WELSH, HEAD OF SCHOOL, 901 58<sup>TH</sup> AVENUE NORTHEAST, ST. PETERSBURG, PLACIDO BAYOU – 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 September 19 and 26, 2003 issues of Gulf Coast Business Review as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on Dredge and Fill Application D/F-1428, The Canterbury School/Ellen Welsh, Head of School, 901 58<sup>th</sup> Avenue Northeast, St. Petersburg, Placido Bayou. Chief Deputy Clerk Clarethia N. Harris reported that all interested parties have been notified by mail; that three letters in opposition to the application have been received; and that the matter is properly before the Authority to be heard.

County Administrator Stephen M. Spratt indicated that the applicant proposes to place 11,710 cubic yards of fill within the jurisdiction of the Authority near Placido Bayou; that the biological report prepared by the Pinellas County Department of Environmental Management was made available to the public and has been filed and made a part of the record; and that staff recommends approval of the application and execution of the order based upon negative "Findings of Fact," Items 1 through 9, and affirmative "Findings of Fact," Items 12 and 13, as indicated in his memorandum of November 4, 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 Latvala moved, seconded by Commissioner Welch and carried, that the application be approved in accordance with the "Findings of Fact."

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At this time, 11:16 A.M., Commissioners Latvala and Stewart left the meeting.

\* \* \* \*

CONSENT AGENDA ITEMS NOS. 11 THROUGH 21 - APPROVED

Upon presentation by Chairman Seel, Commissioner Welch moved, seconded by Commissioner Harris and carried, that the consent agenda, consisting of items Nos. 11 through 21, be approved as follows:

#11 APPROVAL OF MINUTES

Minutes of regular meeting of September 23, 2003.

#12 REPORTS RECEIVED FOR FILING

- a. Southwest Florida Water Management District Budget in Brief, Fiscal Year 2004 Annual Service Budget, October 1, 2003 through September 30, 2004.
- b. Property Appraiser's Summary of 2003-04 Budget by Appropriation Category accepted by the Florida Department of Revenue pursuant to Section 195.087(1)(b), Florida Statutes.
- c. Internal Audit Division, Clerk of the Circuit Court, Report No. 2003-16 dated October 9, 2003 – Follow-Up Review to Audit of South County Branch Office.
- d. State of Florida Constitutional Officer Financial Report for 2002-2003 – Pinellas County Supervisor of Elections.

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#13 OTHER APPROVALS

a. General

- (1) Budget Amendment CBA-5-03.

b. Vouchers and Bills Paid

- (1) Checks released for the period from October 6, 2003 through October 17, 2003 as follows:

Payroll Journal Expenditures

Payroll Journal pages numbers 1 through 2708

Payroll checks numbered 510051 through 510564

for the period October 6, 2003 through October 10, 2003

Imprest Fund Expenditures

Manual checks numbered 686395 through 686425

System checks numbered 704450 through 706462

Wire Transfers numbered 002047 through 002112

#14 MISCELLANEOUS ITEMS RECEIVED

- a. City of Clearwater Public Hearing Notices of Annexation, Land Use Plan, Rezoning, and Zoning Atlas Amendments re Ordinances Nos. 7198-03 through 7200-03 to be held November 20, 2003; and Ordinances Nos. 7195-03 through 7197-03 and 7201-03 through 7208-03 to be held December 4, 2003.
- b. Correspondence from City of Oldsmar re Ordinance No. 2003-26 voluntarily annexing certain property; public hearing held October 21, 2003.
- c. Correspondence from City of Pinellas Park re one ordinance voluntarily annexing certain property; public hearing held October 23, 2003.

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- d. Pinellas Park Water Management District TRIM package for Fiscal Year 2003-2004, together with minutes of Public Hearing 2003/2004 – Millage Rate/Budget dated September 18, 2003.
- e. City of Dunedin Ordinance No. 03-01 creating Chapter 111 and amending Chapter 134 of the Uniform Development Code to provide for historic preservation and an historic preservation overlay zoning district, respectively.
- f. Resolutions supporting continued inclusion of Local Sources First policy pertaining to Florida’s water resources:
  - 1. Columbia County Board of County Commissioners, No. 2003R-39, adopted September 18, 2003.
  - 2. Dixie County Board of County Commissioners, No. 03-30, adopted September 4, 2003.
  - 3. Marion County Board of County Commissioners, No. 03-R-264, adopted September 16, 2003.
  - 4. Washington County Board of County Commissioners, adopted September 18, 2003.
  - 5. Jacksonville City Council, No. 2003-1122-A, adopted September 9, 2003.

#15 BID OF OAKHURST CONSTRUCTION COMPANY, INC. FOR PHILIPPE PARK MAINTENANCE BUILDING, PID NO. 000721 (BID NO. 023-896-C)

Bid of Oakhurst Construction Company, Inc. on the basis of being the lowest responsible bid received meeting specifications in the amount of \$214,940.50; Chairman authorized to sign agreement and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

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#16 **BID OF KAMMINGA & ROODVOETS, INC. FOR INDIAN SHORES AND INDIAN ROCKS BEACH RECLAIMED WATER SYSTEM (PROJECT NO. 733-941814-1149) (BID NO. 023-776-C)**

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Bid of Kamminga & Roodvoets, Inc. on the basis of being the lowest responsive, responsible bid received meeting specifications for an estimated total expenditure in the amount of \$10,072,250.00; Chairman authorized to sign agreement and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney. (See agenda Item No. 22.)

#17a **SELECTION OF PBS&J TO PROVIDE AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES FOR SUBAQUEOUS CROSSINGS (PROJECTS NOS. 653-901010-1447 AND 753-901010-1448); AUTHORIZATION FOR STAFF TO INITIATE CONTRACT NEGOTIATIONS WITH SAID FIRM**

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Selection Advisory Committee's ranking of the firms most qualified to provide professional consulting services as follows:

1. PBS&J
2. McKim & Creed

Authorization for staff to initiate contract negotiations with the number one ranked firm, PBS&J, and to finalize a contract with said firm for Board approval.

#17b **SELECTION OF KING ENGINEERING ASSOCIATES, INC. FOR AGREEMENT FOR PROFESSIONAL CONSULTING SERVICES FOR THE ADDITION OF FLUORIDE TO THE PINELLAS COUNTY DRINKING WATER SUPPLY (PROJECT NO. 614-116317-1712); AUTHORIZATION FOR STAFF TO INITIATE CONTRACT NEGOTIATIONS WITH SAID FIRM**

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Selection Advisory Committee's ranking of the firms most qualified to provide professional consulting services as follows:

1. King Engineering Associates, Inc.
2. McKim & Creed
3. CDM

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Authorization for staff to initiate contract negotiations with the number one ranked firm, King Engineering Associates, Inc., and to finalize a contract with said firm for Board approval.

#17c SELECTION OF KING ENGINEERING ASSOCIATES, INC. TO PROVIDE AGREEMENT FOR ENGINEERING SERVICES FOR THE STUDY AND DESIGN FOR THE REPLACEMENT/REHABILITATION OF PINELLAS COUNTY UTILITIES REDINGTON BEACH PUMP STATIONS NOS. 76, 77 AND 78 (PROJECT NO. 754-617114-1613)

Selection Advisory Committee's ranking of the firms most qualified to provide professional engineering services as follows:

1. King Engineering Associates, Inc.
2. McKim & Creed
3. TBE Group

Authorization for staff to initiate contract negotiations with the number one ranked firm, King Engineering Associates, Inc., and to finalize a contract with said firm for Board approval.

#18 LOT CLEARING RESOLUTION (ENVIRONMENTAL MANAGEMENT)

Resolution No. 03-201 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.

#19 BID OF STAN CISILSKI, INC. FOR LOT MAINTENANCE AND DEBRIS REMOVAL FOR ENVIRONMENTAL MANAGEMENT (CONTRACT NO. 023-614-B) (ENVIRONMENTAL MANAGEMENT)

Bid of Stan Cisilski, Inc. on the basis of being the lowest responsive and responsible bid received meeting specifications for lot maintenance and debris removal

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for Environmental Management for a total estimated 24-month expenditure not to exceed \$138,680.00 (24-month contract with one additional 12-month option of renewal allowing for a price adjustment in an amount not to exceed the Consumer Price Index, All Urban Consumers, or five percent, whichever is less, contingent upon availability of funds and County Administrator approval); Chairman authorized to sign agreement and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

#20 BUDGET AMENDMENT NO. 36 (MANAGEMENT AND BUDGET)

Copy of Budget Amendment No. 36 was filed and made a part of the minutes.

#21 BID OF PRIDE ENTERPRISES FOR LASER PRINTING/DIRECT MAIL – EMERGENCY MEDICAL SERVICES (EMS) (CONTRACT NO. 023-906-B) (EMERGENCY MEDICAL SERVICES AUTHORITY)

Bid of Pride Enterprises on the basis of being the lowest responsive, responsible bid received meeting specifications for an estimated annual expenditure not to exceed \$50,000.00 (total estimated 36-month expenditure not to exceed \$150,000.00), for an initial period of 36 months with one additional 36-month option of renewal which shall be exercised only if all prices, terms and conditions remain the same, pending availability of funds and County Administrator approval; Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

#22 ITEMS FOR DISCUSSION FROM CONSENT AGENDA (COUNTY ADMINISTRATOR AND CLERK OF THE CIRCUIT COURT) – AGENDA ITEM NO. 16

Responding to query by Chairman Seel regarding agenda item No. 16, “Approval of an Award of Bid for the Indian Shores and Indian Rocks Beach Reclaimed

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Water System Project,” Director of Utilities Pick Talley indicated that the project will not affect a proposed road improvement project.

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Deviating from the agenda, County Administrator Stephen M. Spratt indicated that agenda Items Nos. 29 and 49 will be heard at this time.

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#29 CONTRACT WITH STEPHEN J. AND ANGELA C. SPENCER FOR SALE AND PURCHASE OF VACANT WATERFRONT PROPERTY AT THE NORTHWEST CORNER OF GULF ROAD AND SHORE DRIVE (PARCEL NO. 10/27/15/00000/430/0100) (PID NO. 154) – TEMPORARILY DEFERRED TO NOVEMBER 18, 2003

County Administrator Stephen M. Spratt referred to agenda Item No. 29, “Approval of the Purchase of Vacant Property Located at the Northwest Corner of Gulf Road and Shore Drive, Sunset Beach Park Site,” and requested that the item be continued to the November 18, 2003 meeting.

Commissioner Welch moved, seconded by Commissioner Todd and carried, that the item be temporarily deferred to the meeting of November 18, 2003.

#49 AMENDMENT NO. 1 TO AGREEMENT FOR PROFESSIONAL COMMUNICATIONS SERVICES WITH CONROD ASSOCIATES COMMUNICATIONS, L.L.C. (PURCHASING AND ENVIRONMENTAL MANAGEMENT) (TEMPORARILY DEFERRED FROM MEETING OF OCTOBER 7, 2003) – TEMPORARILY DEFERRED TO MEETING OF NOVEMBER 18, 2003

Referring to Amendment No. 1 to Agreement for Professional Communications Services with Conrod Associates Communications, L.L.C., County Administrator Stephen M. Spratt recommended that the item be temporarily deferred to the meeting of November 18, 2003.

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

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At this time, 11:17 A.M., Commissioner Morroni returned to the meeting.

\* \* \* \*

At this time, 11:20 A.M., Commissioners Latvala and Stewart returned to the meeting.

\* \* \* \*

#23 ADDENDUM NO. 8 TO INTERLOCAL AGREEMENT WITH EVERETT S. RICE, SHERIFF OF PINELLAS COUNTY, FOR LAW ENFORCEMENT SERVICES AT ST. PETERSBURG-CLEARWATER INTERNATIONAL AIRPORT – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Addendum No. 8 to the Interlocal Agreement with Everett S. Rice, Sheriff of Pinellas County, for law enforcement services at the St. Petersburg-Clearwater International Airport, for the fiscal year 2003-2004 in the amount of \$493,387.54, which reflects an increase of \$63,227.69, effective October 1, 2003 through September 30, 2004.

Following input by Airport Interim Director Thomas R. Jewsbury, Commissioner Harris moved, seconded by Commissioner Welch and carried, that the recommendation of the County Administrator be approved.

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#24 CHANGE ORDER NO. 2 (FINAL) TO CONTRACT WITH AJAX PAVING INDUSTRIES, INC. FOR OVERLAY AND STRENGTHENING OF TERMINAL APRON AT ST. PETERSBURG-CLEARWATER INTERNATIONAL AIRPORT (BID NO. 012-838-C) (CONTRACT NO. AP-55) - APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of Change Order No. 2 (final) to the contract with Ajax Paving Industries, Inc., for overlay and strengthening of the terminal apron at St. Petersburg-Clearwater International Airport, increasing the contract by \$34,161.23 (revised total contract, \$1,709,307.71); and extending the contract to the substantial completion date of July 21, 2003; and further recommended that the Chairman be authorized to execute the change order and the Clerk to attest.

Commissioner Latvala moved, seconded by Commissioner Welch, that the recommendations of the County Administrator be approved. Following input by Airport Interim Director Thomas R. Jewsbury, upon call for the vote, the motion carried unanimously.

#25 LOCAL AGENCY PROGRAM (LAP) AGREEMENT BETWEEN STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) AND PINELLAS COUNTY FOR WALSHINGHAM ROAD SIDEWALK IMPROVEMENT PROJECT – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a Local Agency Program (LAP) Agreement between the Florida Department of Transportation (FDOT) and Pinellas County providing funding for the Walsingham Road Sidewalk Improvement project from 119<sup>th</sup> Street North to Seminole Boulevard.

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

#26 AGREEMENT WITH HDR ENGINEERING, INC. FOR PROFESSIONAL SERVICES FOR EAGLE LAKE PARK DEVELOPMENT PROJECT (CIP NO. 625) – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a negotiated agreement with HDR Engineering, Inc. to provide professional services for the

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Eagle Lake Park Development Project for a total fee not to exceed \$484,170.00 and a contingency services amount of \$48,400.00 to allow administrative authorization of minor unanticipated services, for a total agreement amount not to exceed \$532,570.00.

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

In response to queries by the Chairman, Rudy Garcia, Public Works Engineering Division, indicated that the park would be open to the public in approximately 18 months; and that no commitment has been made with regard to architectural treatment of the buildings; whereupon, responding to query by Commissioner Welch, Park Department Director Elizabeth Warren related that the park's annual operating and maintenance costs would be approximately \$250,000.00.

Thereupon, upon call for the vote, the motion carried unanimously.

#27 AGREEMENT WITH GLATTING JACKSON KERCHER ANGLIN LOPEZ RINEHART, INC. FOR PROFESSIONAL SERVICES FOR THE PARKS SYSTEM MASTER PLAN PROJECT (CIP NO. 922) – APPROVED FOR EXECUTION

County Administrator Stephen M. Spratt recommended approval of a negotiated agreement with Glattig Jackson Kercher Anglin Lopez Rinehart, Inc. to provide professional services necessary for planning services leading to the development of a Countywide Parks System Master Plan for a fee not to exceed \$531,000.00 and a contingency services amount of \$53,100.00 to allow administrative authorization of minor unanticipated services, for a total agreement amount not to exceed \$584,100.00.

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

#28 CHANGE ORDER NO. 2 TO CONSTRUCTION MANAGEMENT AGREEMENT WITH SKANSKA USA BUILDING, INC. FOR THE NEW MEDICAL EXAMINER'S FACILITY AND FORENSIC CENTER – APPROVED FOR EXECUTION; AUTHORIZATION GRANTED FOR REDUCTION OF RETAINAGE MONIES

County Administrator Stephen M. Spratt recommended approval of Change Order No. 2 to the Construction Management Agreement with Skanska USA

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Building, Inc. for the new Medical Examiner's Facility and Forensic Center, decreasing the Guaranteed Maximum Price (GMP) by \$470,998.70 (revised total GMP amount, \$8,687,889.33); extending the project completion date by 40 days to September 25, 2003; and reducing retainage from ten to five percent or \$384,041.68; and further recommended that the Chairman be authorized to execute the agreement and the Clerk to attest.

Commissioner Latvala moved, seconded by Commissioner Welch, that the recommendations of the County Administrator be approved. Following input by John A. Houck, Design and Construction Administrator, General Services Department, upon call for the vote, the motion carried unanimously.

#30 WILLIAMS EARTH SCIENCES, INC. AND NODARSE AND ASSOCIATES, INC. SELECTED TO PROVIDE GEOTECHNICAL ENGINEERING SERVICES FOR MISCELLANEOUS UTILITIES PROJECTS (PROJECT NOS. 999-999999-1710) – STAFF AUTHORIZED TO INITIATE CONTRACT NEGOTIATIONS WITH BOTH FIRMS

County Administrator Stephen M. Spratt recommended that the Board approve the advisory committee's ranking of firms most qualified to provide geotechnical engineering services related to construction testing for miscellaneous Utilities projects on an as needed basis, as follows:

Williams Earth Sciences, Inc.  
Nodarse and Associates, Inc.

He further recommended that staff be authorized to initiate contract negotiations with both firms, and to finalize a contract with both firms for Board approval.

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

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#31 FIRST OPTION OF RENEWAL AND AMENDMENT TO CONTRACT WITH VARIOUS VENDORS FOR WATER AND SEWER MATERIALS (2002-2004) (CONTRACT NO. 012-902-B) – APPROVED

County Administrator Stephen M. Spratt recommended approval of the first option of renewal for the existing contract for the annual requirements of water and sewer materials with Ferguson Waterworks, National Waterworks, Mueller Company and Florida Industrial Products for an additional 12 months at the same terms and conditions as stated in the contract, effective November 5, 2003 (first of two 12-month options of renewal; estimated annual expenditure not to exceed \$1,400,000.00) (in accordance with bid terms and conditions, Florida Industrial Products has chosen to exercise the option to increase its group prices by six percent; all other companies are renewing at the same unit prices originally bid); and further recommended that the Board amend the contract to award the groups previously awarded to Hughes Supply, Inc. who has declined the opportunity to renew, to the second lowest bidders, at unit prices, as follows:

Company	Groups	Amount
Ferguson Waterworks	4701, 4703A, 4705 4720, 4724, 4806	\$275,805.75
National Waterworks	4731	4,177.85
Mueller Company	4708	<u>39,819.40</u>
Total		\$319,803.00

Commissioner Harris moved, seconded by Commissioner Latvala, that the recommendations of the County Administrator be approved. In response to query by the Chairman, Director of Purchasing Joseph Lauro indicated that he would provide a copy of the correspondence from Florida Industrial Products; whereupon, upon call for the vote, the motion carried unanimously.

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#32 BIDS OF BADGER METER, INC. FOR GROUPS IC, III AND VI; FERGUSON WATERWORKS FOR GROUPS II AND IIA; AND NEPTUNE TECHNOLOGY GROUP, INC. FOR GROUPS I, IA, IB, V AND VII ACCEPTED FOR WATER METERS - COOPERATIVE, 2003-2004; BIDS OF FERGUSON WATERWORKS FOR GROUPS 1A AND 1C REJECTED; NEPTUNE TECHNOLOGY GROUP, INC. ACCEPTED FOR GROUP IV RESULTING FROM PUBLIC DRAWING CONDUCTED BY THE BOARD TO DETERMINE AWARD OF TWO TIE BIDS IN ACCORDANCE WITH COUNTY CODE NO. 98-16 (BID NO. 023-801-B)

Legal notice having been published, publisher's affidavit filed with the Clerk, County Administrator Stephen M. Spratt recommended that the bids of Badger Meter, Inc., Ferguson Waterworks and Neptune Technology Group, Inc. be accepted for the items indicated in the attachment to his agenda memorandum dated November 4, 2003, which has been filed and made a part of the record, on the basis of being the lowest, responsive and responsible bids received meeting specifications, for a total cooperative annual estimated expenditure of \$1,428,010.00 (Pinellas County annual estimated expenditure to be \$730,317.00), for a 24-month contract (one 24-month option for renewal to be exercised only if all prices, terms and conditions remain the same and approval is granted by the County Administrator); and also recommended that the bids from Ferguson Waterworks for Groups IA and IC be rejected on the basis of being non-responsive in not meeting approved product specifications; and further recommended that the Board conduct a public drawing to determine award of two tie bids for Group IV in accordance with County Code 98-16; whereupon, a drawing was conducted by Chairman Seel resulting in the selection of Neptune Technology Group, Inc.

Commissioner Latvala moved, seconded by Commissioner Morroni and carried, that the bids of the aforesaid companies be accepted as recommended by the County Administrator; and that award of the tie bids determined by the public drawing be approved.

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#33 RESOLUTION NO. 03-202 ADOPTED AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DEMOLISH UNSAFE BUILDINGS WITHIN THE LEGAL BOUNDARIES OF PINELLAS COUNTY, FLORIDA (ENVIRONMENTAL MANAGEMENT)

County Administrator Stephen M. Spratt recommended adoption of a resolution authorizing the Department of Environmental Management to demolish unsafe buildings within the legal boundaries of Pinellas County, Florida, regarding an unsafe single family dwelling and accessory structures, and removal of all other attractive nuisances from the property located at 5027 Betty Street North, unincorporated St. Petersburg, Florida.

Commissioner Harris moved, seconded by Commissioner Welch and carried, that Resolution No. 03-202 be adopted as recommended.

Upon roll call, the vote was:

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

Nays: None.

Absent and not voting: None.

#34 RESOLUTION NO. 03-203 ADOPTED AUTHORIZING THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT TO DEMOLISH UNSAFE BUILDINGS WITHIN THE LEGAL BOUNDARIES OF PINELLAS COUNTY, FLORIDA (ENVIRONMENTAL MANAGEMENT)

County Administrator Stephen M. Spratt recommended adoption of a resolution authorizing the Department of Environmental Management to demolish unsafe buildings within the legal boundaries of Pinellas County, Florida, regarding an unsafe single family dwelling, accessory structures and removal of all other attractive nuisances from the property located at 3068 55<sup>th</sup> Avenue North, unincorporated St. Petersburg, Florida.

Commissioner Welch moved, seconded by Commissioner Latvala and carried, that Resolution No. 03-203 be adopted as recommended.

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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#35 GRANT AGREEMENT WITH FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION (FDEP), BUREAU OF DESIGN AND RECREATION SERVICES FOR HONEYMOON ISLAND BEACH RESTORATION PROJECT (FDEP CONTRACT NO. DC371) – APPROVED (ENVIRONMENTAL MANAGEMENT)

County Administrator Stephen M. Spratt recommended approval of a contract with the Florida Department of Environmental Protection (FDEP), Bureau of Design and Recreation Services for the construction of a groin/fishing pier at the south end of the Honeymoon Island Beach Restoration Project (100 percent State funded).

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

#36 RESOLUTION NO. 03-204 ADOPTED TO TEMPORARILY WAIVE THE REQUIREMENTS OF PINELLAS COUNTY CODE SECTION 6-47(a) FOR THE FRIENDS OF BROOKER CREEK PRESERVE, INC. TO HOLD ITS FIRST INVESTING IN OUR WILDEST PLACE FUND-RAISING EVENT AT THE BROOKER CREEK PRESERVE ENVIRONMENTAL EDUCATION CENTER AT 3840 KEYSTONE ROAD IN TARPON SPRINGS ON NOVEMBER 22, 2003 FROM 6:00 P.M. TO 10:00 P.M. (ENVIRONMENTAL MANAGEMENT)

County Administrator Stephen M. Spratt recommended adoption of a resolution to temporarily waive the requirements of Section 6-47(a) of the Pinellas County Code for the Friends of Brooker Creek Preserve, Inc. to hold its first Investing in Our Wildest Place fund-raising event at the Brooker Creek Environmental Education Center at 3840 Keystone Road in Tarpon Springs on November 22, 2003 from 6:00 P.M. to 10:00 P.M.

Commissioner Latvala moved, seconded by Commissioner Todd and carried, that Resolution No. 03-204 be adopted as recommended.

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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- #37 NINETEENTH AMENDMENT TO REVISED AND RESTATED LEASE AGREEMENT WITH COMMUNITY SERVICE FOUNDATION INCORPORATED TO ADD ONE PROPERTY – APPROVED FOR EXECUTION (GENERAL SERVICES)

County Administrator Stephen M. Spratt recommended approval of the Nineteenth Amendment to the Revised and Restated Lease Agreement with Community Service Foundation Incorporated to add one property; and further recommended that the Chairman be authorized to execute the agreement and the Clerk to attest.

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

- #38 LICENSE AGREEMENT WITH YOUNG LIFE, INC. FOR USE OF COUNTY-OWNED VACANT LAND FOR AFTER SCHOOL PROGRAM (PARCEL NO. 08/30/15/70470/100/1506) – APPROVED FOR EXECUTION (GENERAL SERVICES)

County Administrator Stephen M. Spratt recommended approval of a Lease Agreement with Young Life, Inc. for the use of County-owned vacant land located in the Dansville area to be utilized for an after school program (license period is for one year at a rate of \$1.00 per year, receipt of which is acknowledged, with five one-year automatic renewals); Young Life, Inc. to be responsible for all maintenance of the fence and vacant land; and further recommended that the Chairman be authorized to execute the agreement and the Clerk to attest.

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.

- #39 CONTRACT AND ADDENDUM TO CONTRACT (ATTACHMENT IV) WITH STATE OF FLORIDA DEPARTMENT OF HEALTH FOR OPERATION OF PINELLAS COUNTY HEALTH DEPARTMENT FOR CONTRACT YEAR 2003-2004 – APPROVED FOR EXECUTION (HUMAN SERVICES)

County Administrator Stephen M. Spratt recommended approval and execution of a contract in the amount of \$3,157,000.00 and an addendum to the contract

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with the State of Florida Department of Health for the operation of the Pinellas County Health Department for the contract year 2003-2004.

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

#40 LETTER OF AGREEMENT BETWEEN AGENCY FOR HEALTH CARE ADMINISTRATION (AHCA), UPPER PAYMENT LIMIT PROGRAM (UPL) AND PINELLAS COUNTY – APPROVED (HUMAN SERVICES)

County Administrator Stephen M. Spratt recommended approval and execution of a Letter of Agreement between the Agency for Health Care Administration (AHCA), Upper Payment Limit Program (UPL) and Pinellas County for the provision of additional funding for indigent health care services, for the period of July 1, 2003 through June 30, 2004.

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

#41 FLORIDA MEDICAID UPPER PAYMENT LIMIT (UPL) AGREEMENT BETWEEN PINELLAS COUNTY AND BAYFRONT MEDICAL CENTER – APPROVED FOR EXECUTION (HUMAN SERVICES)

County Administrator Stephen M. Spratt recommended approval of a Florida Medicaid Upper Payment Limit Agreement (UPL) between Pinellas County and Bayfront Medical Center for the administration of Upper Payment Limit (UPL) Program funds, effective upon execution of all parties, through September 30, 2004 (total amount of agreement is \$16,267,745.75).

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

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#42 MASTER HOSPITAL UNCOMPENSATED AND EMERGENCY CARE SERVICE AGREEMENT BETWEEN PINELLAS COUNTY AND HOSPITAL – APPROVED; AUTHORIZATION GRANTED TO EXECUTE INDIVIDUAL AGREEMENTS (HUMAN SERVICES)

County Administrator Stephen M. Spratt recommended approval of a Master Hospital Uncompensated Care Service Agreement between Pinellas County and local County hospitals for the provision of inpatient care to indigent citizens, effective upon execution of all parties, through September 30, 2004 (total amount of agreement is \$5,604,750.00); with authorization to execute individual agreements.

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

#43 AUTHORIZATION FOR CHAIRMAN TO EXECUTE INDIVIDUAL SOCIAL ACTION FUNDING AGREEMENT AND LOCAL SOCIAL SERVICES AGENCIES AGREEMENT - APPROVED (HUMAN SERVICES)

County Administrator Stephen M. Spratt recommended that the Chairman be authorized to execute the Master Social Action Funding Agreement and the Master Funding for Local Social Services Agencies Agreement and to execute individual agreements pursuant to the funding level matrixes attached to his agenda memorandum dated September 23, 2003.

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

#44 RESOLUTION NO. 03-205 ADOPTED APPROPRIATING UNANTICIPATED GRANT AND DONATION PROCEEDS IN THE FISCAL YEAR 2004 CAPITAL PROJECTS FUND BUDGET (MANAGEMENT AND BUDGET)

County Administrator Stephen M. Spratt recommended approval of a resolution appropriating earmarked receipts for a particular purpose in the FY 2004 Capital Projects Fund Budget.

Commissioner Latvala moved, seconded by Commissioner Todd, that Resolution No. 03-205 be adopted as recommended. Responding to query by the

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Chairman, Environmental Management Director William M. Davis indicated that approximately \$1.7 million is being expended for exhibits; and that the exhibit center is fully funded.

Upon roll call, the vote was:

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

Nays: None.

Absent and not Voting: None.

#45 DONATION BY MICHAEL KOUSALEOS FAMILY OF THE FORMER GULF OF MEXICO SPONGE COMPANY WAREHOUSE BUILDING TO PINELLAS COUNTY HERITAGE VILLAGE – ACCEPTED (PARK)

County Administrator Stephen M. Spratt recommended acceptance of the donation by the Michael Kousaleos family of the former Gulf of Mexico Sponge Company Warehouse Building to Pinellas County Heritage Village.

Following comments by Mr. Kousaleos, Commissioner Harris moved, seconded by Commissioner Latvala and carried, that the recommendation of the County Administrator be approved; whereupon, the members expressed appreciation to Mr. Kousaleos and his family for the generous donation.

#46 RESOLUTION NO. 03-206 ADOPTED TO TEMPORARILY WAIVE THE REQUIREMENTS OF PINELLAS COUNTY CODE SECTION 6-47(A) FOR THE OLD PALM HARBOR PARTNERSHIP TO HOLD ITS FIRST BIKE NIGHT FUNDRAISING EVENT ON FLORIDA AVENUE, BETWEEN OMAHA STREET (COUNTY ROAD 1) AND 11<sup>TH</sup> STREET AND ON 12<sup>TH</sup> STREET AND OMAHA CIRCLE, BETWEEN NEBRASKA AVENUE AND GEORGIA AVENUE, ON NOVEMBER 22, 2003 FROM 3:00 P.M. TO 11:00 P.M. IN HISTORIC DOWNTOWN PALM HARBOR (PLANNING)

County Administrator Stephen M. Spratt recommended adoption of a resolution temporarily waiving the requirements of Pinellas County Code Section 6-47(A) for the Old Palm Harbor Partnership to hold its first bike night fundraising event on November 22, 2003 from 3:00 P.M. to 11:00 P.M. in Historic Downtown Palm Harbor.

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Commissioner Latvala moved, seconded by Commissioner Todd, that Resolution No. 03-206 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.

#47 RESOLUTION NO. 03-207 ADOPTED APPROVING A MEMBERSHIP REAPPORTIONMENT PLAN FOR THE PINELLAS COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) (PLANNING)

County Administrator Stephen M. Spratt recommended adoption of a resolution in support of the current membership composition of the Pinellas County MPO.

Commissioner Todd moved, seconded by Commissioner Morroni, that Resolution No. 03-207 be adopted as recommended.

Following discussion and input by Director of Planning Brian K. Smith with regard to Commissioner Harris' inquiries pertaining to representation of the beach communities by the MPO, upon roll call, the vote was:

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

Nays: Harris and Welch.

Absent and not voting: None.

#48 DECLARATION OF MISCELLANEOUS COUNTY-OWNED EQUIPMENT AS SURPLUS WITH AUTHORIZATION FOR LIQUIDATION OF SAME THROUGH SALES CONDUCTED BY TRADE MARK METALS RECYCLING WITH CONFIRMATION OF ITEMS TRADED, SCRAPPED/JUNKED, CANNIBALIZED OR UTILIZED TO REPAIR OTHER EQUIPMENT AND REMOVAL OF STOLEN ITEMS FROM COUNTY FIXED ASSET INVENTORY – APPROVED (PURCHASING)

County Administrator Stephen M. Spratt recommended that certain miscellaneous County-owned equipment as set forth in the attachment in his memorandum of November 4, 2003, a copy of which has been filed and made a part of the record, be declared surplus with authorization for liquidation of same through sales conducted by Trade Mark Metals Recycling with confirmation of items traded,

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scrapped/junked, cannibalized or utilized to repair other equipment and removal of stolen items from County fixed asset inventory.

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

#50 COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE GREEN TREE SERVICING VERSUS ALLAN JOHNSON, ET AL., CIRCUIT CIVIL CASE NO. 03-7532-CI-15 – MORTGAGE FORECLOSURE INVOLVING A JUDGMENT FOR ATTORNEY FEES AND COSTS

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Latvala moved, seconded by Commissioner Welch and carried, that the County Attorney be authorized to defend the County's interest in the suit re Green Tree Servicing versus Allan Johnson, et al., Circuit Civil Case No. 03-7532-CI-15 – Mortgage Foreclosure Involving a Judgment for Attorney Fees and Costs.

#51 COUNTY ATTORNEY AUTHORIZED TO INITIATE LITIGATION IN THE CASE OF PINELLAS COUNTY BOARD OF COUNTY COMMISSIONERS VERSUS AUDREY LUDWIG AND LAWRENCE LUDWIG, RISK CLAIM NO. VA-02-69782 – ALLEGED NEGLIGENCE IN THE OPERATION OF A MOTOR VEHICLE RESULTING IN DAMAGE TO A PINELLAS COUNTY SHERIFF'S VEHICLE

Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Latvala moved, seconded by Commissioner Welch and carried, that the County Attorney be authorized to initiate litigation in the case of Pinellas County Board of County Commissioners versus Audrey Ludwig and Lawrence Ludwig, Risk Claim No. VA-02-69782 – Alleged Negligence in the Operation of a Motor Vehicle Resulting in Damage to a Pinellas County Sheriff's Vehicle.

#52 RESOLUTION NO. 03-208 ADOPTED AUTHORIZING PINELLAS COUNTY TO ALLOW A DEFAULT JUDGMENT TO BE TAKEN AGAINST IT IN CERTAIN MORTGAGE FORECLOSURE ACTIONS WHERE PINELLAS COUNTY IS NAMED AS A DEFENDANT AND HAS AN INFERIOR INTEREST BY VIRTUE OF ITS LIEN

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County Attorney Susan H. Churuti recommended adoption of a resolution authorizing Pinellas County to allow a default judgment to be taken against it in certain mortgage foreclosure actions where Pinellas County is named as a defendant and has an inferior interest by virtue of its lien.

Commissioner Morroni moved, seconded by Commissioner Latvala, that Resolution No. 03-208 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.

#53 CONTRACTS FOR PROVISION OF LAW ENFORCEMENT SERVICES BY PINELLAS COUNTY SHERIFF'S OFFICE FOR FISCAL YEAR 2003-2004 – APPROVED FOR EXECUTION

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Pursuant to the request of County Attorney Susan H. Churuti, Commissioner Todd moved, seconded by Commissioner Harris, that the following contracts for the fiscal year 2003-2004 be approved:

- a. City of Belleair Bluffs
- b. Town of North Redington Beach
- c. City of Oldsmar
- d. City of Safety Harbor
- e. City of South Pasadena

In response to query by Chairman Seel, Mrs. Churuti indicated that the increases in the contracts are reflected in the Sheriff's budget.

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

#54 AUTHORIZATION GRANTED FOR SETTLEMENT IN CASE OF PINELLAS COUNTY VERSUS MENIOS PAPAS, ET AL., CIRCUIT CIVIL CASE NO. 01-008225-CI-015, PARCEL NO. 027 (FEE SIMPLE)

County Attorney Susan H. Churuti recommended that authorization be granted for settlement in the case of Pinellas County versus Menios Papas, et al., Circuit Civil Case No. 01-008225-CI-015, Parcel No. 027 (Fee Simple), as outlined in her confidential memorandum to the Board dated November 4, 2003.

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

#55a AUTHORITY TO PROSECUTE RE CITY OF LARGO PROPOSED VOLUNTARY ANNEXATION – DENIED

County Attorney Susan H. Churuti recommended that the Board consider whether to contest the Wild Acres/Wrens Way Annexation at the City of Largo's second reading and public hearing on Ordinance No. 2003-77 on the evening of November 4, 2003.

Director of Planning Brian K. Smith referred to an aerial map and pointed out the location of the parcels and in response to query by Commissioner Stewart, Chief Assistant County Attorney James L. Bennett provided background information and specific details with regard to State law and annexation by referendum.

Following discussion, Commissioner Stewart moved to not contest the subject annexation and following additional discussion, the motion was seconded by Commissioner Welch. Upon call for the vote, the motion carried 4 to 3 with Commissioners Latvala, Morroni and Todd casting the dissenting votes.

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#55b MEETING TO BE SCHEDULED WITH CITY OF LARGO COUNCILMEMBERS

Vice-Chairman Latvala expressed concern with regard to the ongoing issue of annexation as it relates to the City of Largo and suggested that the Board meet with the City Councilmembers to discuss the possibility of establishing additional criteria in regard to annexation; whereupon, she moved, seconded by Commissioner Morroni, that the aforesaid meeting be approved.

In response to queries by the members, County Attorney Susan H. Churuti indicated that the subject of the meeting would need to be separated from the current litigation process.

Following discussion, Chairman Seel indicated that she would work with the County Administrator to establish an agenda for the upcoming meeting. Upon call for the vote, the motion carried unanimously.

#56 AIRMEDICAL TRANSPORT SERVICE AGREEMENT BETWEEN BAYFRONT MEDICAL CENTER D/B/A BAYFLITE AND PINELLAS COUNTY SITTING AS THE EMERGENCY MEDICAL SERVICES AUTHORITY – APPROVED FOR EXECUTION

Noting for the record that the Board is now sitting as the Emergency Medical Services (EMS) Authority, County Administrator Stephen M. Spratt recommended approval of an Airmedical Transport Service Agreement between Bayfront Medical Center d/b/a Bayflite and Pinellas County, effective October 1, 2003 through September 30, 2008.

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

In response to query by the Chairman, Director of Emergency Medical Services and Fire Administration C. T. Kearns provided background information with regard to the performance-based contract.

Upon call for the vote, the motion carried unanimously.

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#57 RESOLUTION NO. 03-209 OF THE PINELLAS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY, DOING BUSINESS AS THE PINELLAS COUNTY ECONOMIC DEVELOPMENT AUTHORITY, PERTAINING TO THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT REVENUE BONDS (RAMA HOLDINGS, LLC PROJECT), SERIES 2003, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$2,000,000, FOR THE PURPOSE OF MAKING A LOAN OF FUNDS TO RAMA HOLDINGS, LLC IN ORDER TO FINANCE THE ACQUISITION AND RENOVATION OF AN EXISTING BUILDING AND PROPERTY TO BE USED IN THE MANUFACTURE OF ITS PRODUCTS, INCLUDING FINANCING CERTAIN COSTS OF ISSUANCE OF THE BONDS; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MEMORANDUM OF AGREEMENT WITH RAMA HOLDINGS LLC; AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT TO PROVIDE SECURITY FOR SUCH BONDS; APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE BETWEEN THE AUTHORITY AND THE BANK OF NEW YORK TRUST COMPANY OF FLORIDA, N.A., AS TRUSTEE, APPROVING AND AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN OTHER DOCUMENTS REQUIRED IN CONNECTION WITH THE FOREGOING; AUTHORIZING THE CHAIRMAN OR VICE CHAIRMAN OF THE AUTHORITY TO PLACE THE BONDS WITH AMSOUTH CAPITAL MARKETS AND APPROVING THE CONDITIONS OF SUCH PLACEMENT; MAKING CERTAIN OTHER APPOINTMENTS; AND PROVIDING CERTAIN OTHER DETAILS IN CONNECTION THEREWITH

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Noting for the record that the Board is now sitting as the Pinellas County Industrial Development Authority d/b/a the Pinellas County Economic Development Authority, County Administrator Stephen M. Spratt recommended adoption of a resolution pertaining to the issuance of Pinellas County Industrial Development Authority Industrial Development Revenue Bonds, Series 2003 (RAMA Holdings, LLC Project), to finance the acquisition and renovation of a 53,000-square foot building, together with land and improvements located at 2800 Anvil Street North, St. Petersburg, Florida (within the limits of Pinellas County).

Commissioner Harris moved, seconded by Commissioner Latvala, that Resolution No. 03-209 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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#58 COUNTY ADMINISTRATOR REPORTS – NONE

#59 DOWNTOWN PALM HARBOR REVIEW COMMITTEE APPOINTMENT – APPROVED

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Upon motion by Commissioner Latvala, seconded by Commissioner Harris and carried, that the appointment of Ms. Dala Zinober to the Downtown Palm Harbor Review Committee (District 4) for a term effective through December 31, 2004 (appointments to be considered annually thereafter), was approved.

#60 APPOINTMENTS TO THE CHARTER REVIEW COMMISSION – TEMPORARILY DEFERRED TO MEETING OF NOVEMBER 18, 2003

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Chairman Seel indicated that agenda Item No. 60 “Appointments to the Charter Review Commission,” would be temporarily deferred to the meeting of November 18, 2003, and no objections were noted.

#61 APPOINTMENT OF DR. KATHRYN J. WATSON TO PINELLAS PUBLIC LIBRARY COOPERATIVE BOARD OF DIRECTORS – APPROVED

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Upon motion by Commissioner Harris, seconded by Commissioner Latvala and carried, the appointment of Dr. Kathryn J. Watson to fill the At-Large District 3 seat effective through September 30, 2006, was approved.

#62 APPOINTMENT OF DEVERON M. GIBBONS TO WORKNET PINELLAS BOARD OF DIRECTORS – APPROVED

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Upon motion by Commissioner Harris, seconded by Commissioner Stewart and carried, the appointment of Deveron M. Gibbons, Holland & Knight, LLP, to the WorkNet Pinellas Board of Directors under the category of businesses, was approved.

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#63 COMMISSIONER SUSAN LATVALA ELECTED CHAIRMAN AND COMMISSIONER JOHN MORRONI ELECTED VICE-CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS FOR THE YEAR 2004

Chairman Seel indicated that the floor is open for nominations for Chairman and Vice-Chairman of the Board of County Commissioners for the calendar year 2004. Commissioner Todd nominated Vice-Chairman Susan Latvala for the Chairmanship, which was seconded by Commissioner Harris and carried; whereupon, Commissioner Welch nominated Commissioner John Morroni as Vice-Chairman, which was seconded by Commissioner Todd and carried.

#64a COMMISSIONER HARRIS OFFERS CONGRATULATIONS AND WATER CONSERVATION TIP

Commissioner Harris congratulated the incoming Chairman and Vice-Chairman, commended Chairman Seel's leadership; and offered a water conservation tip with regard to watering houseplants.

#64b VICE-CHAIRMAN LATVALA RE OUTGOING CHAIRMAN

Vice-Chairman Latvala expressed appreciation to the members for her election as Chairman of the Board of County Commissioners for 2004; and commended Chairman Seel for the hard work and commitment exhibited during the past year.

#64c COMMISSIONER TODD RE VARIOUS ISSUES

Commissioner Todd offered congratulations to Vice-Chairman Latvala and Commissioner Morroni; indicated her pleasure with the recent award ceremony recognizing the Botanical Gardens; and noted her presentation of the Sierra Club Black Bear Award to Pinellas County Brooker Creek Preserve Manager Craig Huegel.

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#64d COMMISSIONER WELCH RE VARIOUS ISSUES

Commissioner Welch offered congratulations to the officers elect; and reminded City of St. Petersburg residents to get out and register their vote.

#64e CHAIRMAN SEEL RE NEW OFFICERS AND TAMPA BAY WATER DESALINATION PLANT

Chairman Seel offered congratulations to the newly elected officers; whereupon, at her request, Commissioner Stewart provided an update on the matter of the Tampa Bay Water desalination plant.

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Upon direction of the Chairman, there being no objection, the meeting was adjourned at 12:35 P.M.

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Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

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