

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, AUGUST 24, 2004 – 3:06 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Susan Latvala, Chairman; John Morroni, Vice-Chairman; Robert B. Stewart; Calvin D. Harris; Karen Williams Seel; and Kenneth T. Welch.

Members Absent: None.

Members Late: Barbara Sheen Todd.

Members Excused: None.

Others Present: Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Arlene Smitke and Carol Jones, Board Reporters.

INVOCATION: Commissioner David Baxendale,
The Salvation Army

PLEDGE OF ALLEGIANCE: Commissioner Stewart

PRESENTATIONS

1. Youth Advisory Committee Chairman Monica Beyrouiti gave an update on activities and goals of the Committee for the coming year.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 11 – APPROVED

Motion	-	Commissioner Welch
Second	-	Commissioner Morroni
Vote	-	6 – 0

1 Minutes of the regular meeting of July 27, 2004.

2 Reports received for filing:

- a. Internal Audit Division, Clerk of the Circuit Court, Report No. 2004-11 dated July 29, 2004 – Follow-Up Review to Audit of Airco Golf Course Operations.
- b. Housing Finance Authority of Pinellas County, Fiscal Year 2004/2005 Budget, adopted July 13, 2004.

3 Approvals received for filing:

- a. General – Write-off of uncollectible dial-up service accounts.

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- b. Vouchers and Bills Paid – Period of July 26 through August 6, 2004.
 - Payroll Journal Expenditures
 - Payroll Journal page numbers 1 through 2713
 - Payroll checks numbered 523000 through 523430

 - Imprest Fund Expenditures
 - Replacement checks numbered 686724 through 686738 and 686740 through 686759
 - Manual checks numbered 686723 and 686739
 - System checks numbered 747379 through 749433

 - Wire Transfers numbered 003505 through 003602

4 Miscellaneous items received for filing as noted on agenda:

- a. Affidavit of publication of legal notice published in the Gulf Coast Business Review re Notice of Forfeiture of Unclaimed Money pursuant to Section 116.21, Florida Statutes.
- b. City of Clearwater Public Hearing Notices of Annexation, Land Use Plan, and Zoning Atlas Amendments re Ordinances Nos. 7326-04 through 7331-04 to be held September 16, 2004.
- c. City of Largo Notice of Public Hearing re Ordinances Nos. 2004-61 and 2004-65 annexing certain property; public hearing held July 20, 2004.
- d. City of Safety Harbor Ordinance No. 2004-09 annexing certain property adopted July 19, 2004.
- e. City of St. Petersburg Ordinance No. 671-G, effective July 15, 2004, annexing certain property.
- f. City of Indian Rocks Beach Resolution No. 2004-74 adopted June 22, 2004 pertaining to the Pinellas Suncoast Fire and Rescue District assessment increases; and correspondence requesting establishment of an Oversight Review Process.
- g. Eastlake Oaks Community Development District minutes of meetings held February 19, April 15, and May 6, 2004.
- h. Barrier Islands Governmental Council (Big C) minutes of meeting held June 30, 2004.
- i. Pinellas Park Water Management District Financial Statement dated June 2004.

5 Change Order No. 1 (final) to Contract No. 922523 with Steve's Excavating and Paving, Inc. for construction of Ridge Road drainage improvements (Bid No. 023-606-C) approved for execution, decreasing the contract by \$7,202.27 for a revised total of \$278,532.73; contract completed as of April 22, 2004

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- # 6 Bid of Volt Telecommunications Group, Inc. awarded for George Street water main replacement and sanitary sewer construction (Projects Nos. 653-901814-0978 and 763-977441-1095, Bid No. 034-691-C) for an expenditure in the amount of \$400,898.50; Chairman authorized to sign the agreement and Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney.

- # 7 Change Order No. 1 (final) to Project No. 733-753314-1410 with Cornerstone Businesses, Inc. for Old Oakhurst Road/Seminole Area Reclaimed Water Distribution System, Phase 1A (Bid No. 012-852-C) approved for execution, decreasing the contract by \$77,329.29 for a revised total of \$2,685,328.71; project substantially complete as of February 26, 2004; time extension of 30 days granted; authorization for release of retainage in the amount of \$125,080.85.

- # 8 Change Order No. 2 (final) to the agreement with MTM Contractors, Inc. for ten-inch force main replacement at 118th Avenue North, two-inch galvanized water main replacement at 118th Avenue North, and stormwater intake structure at Pond "A" for Bridgeway Acres (Projects Nos. 753-961614-1455, 653-901814-1455, and 819-809914-1398; Bid No. 023-227-C) approved for execution, decreasing the contract by \$50,887.39 for a revised total of \$412,998.36; project complete as of April 15, 2004; authorization for release of retainage in the amount of \$20,221.42.

- # 9 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR PURSUANT TO ORDINANCE NO. 02-44 – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Clerk of the Circuit Court	Releases of Lien (Paving): James S. and Christina L. Winger; J.B. Grammatico; Robert and Margie Fortunato (2); Ronald E. and Eleanor N. Dunn; William K. and Edith J. McElhaney; Eric S. and Michelle D. Blair; John G. Wright (2); Florida Fashion Homes, Inc.; Timothy and Jill Krausman; E.C. and Mary A. Jeanette; Ralph A. and Maria J. Ovalle; Winfred M. Cooper; Regina I. Richardson; Treva L. McDonald; Farrell Homes, Inc. (2); Release of Lien (Drainage): George and Theresa Ruiz; Release of Lien (Sewer): Frank Filiciotto; Please see attached list Releases of Street Lighting.	All liens are paid in full.	7.23.04
Communications	Option of Renewal with Pinellas Suncoast Transit Authority for the Sale of Bicycle Permit Cards	\$2.00 per permit	8.8.04

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	Neighborhood Enhancement Grant Agreements with (a) Crystal Beach Community Association; (b) Old Palm Harbor Partnership, Inc.; (c) Windmill Pointe Homeowners Association, Inc.	(a) \$10,000.00 (b) \$1,950.00 (c) \$4,851.00	8.10.04
Community Development	Satisfactions of Mortgage (Housing): Betty J. Horsley; Carlton Bennett, Jr.; Lori J. Ryder; Susan E. Coolidge; Kathie P. Young, a/k/a Kathie P. Young Wellington. Releases of Lien (Housing): Mike G. Krousos; Cancellation of Deferred Payment Loan Agreement (Housing): Ruby Mitchell; Janie Gooden.	All liens are paid in full.	7.30.04
Community Development	Satisfactions of Mortgage (Housing): John C. and Vicki Lynn Rebeck Gille; Neighborhood Homes of West Florida, Inc. and the Housing Authority of Tarpon Springs; Dean M. Puerling; Miguel A. and Milagros Calixto; Charles M. Russell; Karen L. Gerth; Leroy C. and Mary Beth Lopez; Donna M. Barrett; Shirley A. Cocks.	All liens are paid in full.	7.22.04
Community Development	Right-of-Way Access Easement Agreement with Hidden Lake Homeowners Association of Pinellas, Inc.	N/A	7.21.04
Culture, Education and Leisure	Grant Funding Agreements with Palm Harbor Community Services Agency, Inc. for (a) Replacement of Baseball Field Fencing, Netting, and Skim Fields at Sunderman Complex; (b) Construction of a new Fitness Trail; (c) Football Field Enhancements.	(a) \$38,430.00 (b) \$26,444.00 (c) \$67,756.00	8.4.04
Culture, Education and Leisure	Volunteer Program Service Project at Florida Botanical Gardens with The Church of Jesus Christ of Latter-Day Saints	N/A	7.29.04
Culture, Education and Leisure	Grant Funding Agreement with Tierra Verde Community Association, Inc. for Tennis Complex	\$100,000.00	7.21.04

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Environmental Management	Interlocal Agreement for Construction of Dune Walkovers at Public Beach Access Sites with the City of Indian Rocks Beach	\$50,000.00 maximum	8.4.04
<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Environmental Management	U.S. Environmental Protection Agency Cooperative Agreement for Air Monitoring Program	\$78,796.00 additional grant funds (\$72,196 cash, \$6,600 in-kind; \$214,293 total grant)	7.1.04
Environmental Management	Interlocal Agreement with the City of Tarpon Springs for Kreamer and Whitcomb Bayou Shoreline Stabilization Feasibility Study	\$62,500.00	4.27.04
General Services	Third Amendment to Agreement Granting Cross Licenses to Use Land with the First Calvary Baptist Church	N/A	7.16.04
Human Services	(a) Service Funding Agreement for the Compassionate Drug Program with Suncoast Health Council, Inc. (b) Mobile Medical Unit Mental Health Services Agreement with Suncoast Center for Community Mental Health, Inc. for Enhancement of the Provision of Health Care Services to the Indigent; (c) Mobile Medical Unit Mental Health Services Agreement with Directions for Mental Health, Inc. for Provision of Mental Health Services to the Indigent; (d) Service Funding Agreement with Healthy Kids of Pinellas County, Inc. to Provide Health Insurance to the Children of Economically Deprived Families	(a) \$64,000.00 (b) \$50,000.00 (c) \$50,000.00 (d) \$76,000.00	8.10.04
Human Services	(a) Letter Agreement with Gulfcoast Legal Services for the Provision of Legal Services to the Homeless; (b) Option of Renewal with PM Medical Personnel, Inc. for Temporary Licensed Practical Nurse Services	(a) \$15,000.00 (b) \$50,000.00	7.23.04
Justice and Consumer Services	Grant Application with the Florida Department of Law Enforcement for Intoxilyzer 8000 – Phase II for the Sheriff	\$94,000.00	8.2.04

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Justice and Consumer Services	Certificates of Acceptance of Byrne Formula Grant Program Subgrant Awards with the Florida Department of Law Enforcement for: (a) Geographic Profiling Project 2 (duplicate acceptance); (b) Pre-Trial Intensive Supervision 3 (duplicate acceptance); and (c) IMPACT – InMate Participation and Accountability for Community Transition 2	(a) \$63,541.00 plus \$21,181.00 match (duplicate) (b) \$56,156.00 plus \$18,719.00 match (duplicate) (c) \$71,441.00 plus \$23,814.00 match	8.2.04
Justice and Consumer Services	Certificates of Acceptance of Byrne Formula Grant Program Subgrant Award with the Florida Department of Law Enforcement for (a) Geographic Profiling Project 2; (b) Pre-Trial Intensive Supervision 3	(a) \$63,541.00 plus \$21,181.00 match (b) \$56,156.00 plus \$18,719.00 match	7.23.04
Justice and Consumer Services	Applications for Funding Assistance for Byrne Formula Grants with Florida Department of Law Enforcement for (a) Geographic Profiling Project 2; (b) Pre-Trial Intensive Supervision 3	(a) \$63,541.00 plus \$21,181.00 match (b) \$56,156.00 plus \$18,719.00 match	6.2.04
Public Works	General Utility Easement Agreement with Kampgrounds of America, Inc. for the 95 th Street Reclaimed Water Easement Project for Bay Pines Veterans Hospital.	\$10,000.00	8.9.04
Public Works	Distribution Agreement with Progress Energy Florida, Inc. for a New Fire Training Facility on 126 th Avenue North	N/A	8.6.04

#10 Bid of TMT Asphalt Services awarded to reseal and re-stripe county parking lots (Coop) for an estimated 24-month cooperative expenditure not to exceed \$158,341.00; Pinellas County's estimated 24-month expenditure not to exceed \$150,316.00 (24-month contract with one additional 24-month option of renewal at the same prices, terms and conditions, subject to availability of funds and County Administrator approval) (Contract No. 034-558-B); Chairman authorized to sign agreement and Clerk to attest after proper execution

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by the contractor and written approval as to form by the Office of the County Attorney (General Services).

#11 Budget amendments Nos. 25 through 30 were filed and made a part of the record (Management and Budget).

#12 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court)

a. In reference to Agenda Item No. 3a, Commissioner Seel called attention to an item on the uncollectible list in the amount of \$327.10; and noting that the policy is to pursue delinquent accounts in excess of \$250.00, requested that staff check into the matter.

b. Referring to Agenda Item No. 4, Commissioner Seel requested that information be provided regarding the impact of annexations on the County's ad valorem taxes.

c. Responding to query by Commissioner Morroni regarding Agenda Item No. 4e, Mr. Spratt indicated that the legal descriptions for the roadways appear to be correct.

#13 Bid of Caladesi Construction Company awarded for construction and erection of a Transportation Security Administration (TSA) baggage inspection facility at the St. Petersburg-Clearwater International Airport (Contract No. 034-771-C, Airport Contract No. AP-58) for a total estimated expenditure, including bonus, not to exceed \$793,180.00 (cost without bonus not to exceed \$745,180.00); 50 percent to be funded by a grant from the Florida Department of Transportation; 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.

Motion	-	Commissioner Welch
Second	-	Commissioner Morroni
Vote	-	6 – 0

#14 Resolution No. 04-140 adopted dedicating and accepting certain portions of county-owned property as public road rights-of-way in Section 2, Township 31 South, Range 16 East; Clerk authorized to record.

Motion	-	Commissioner Welch
Second	-	Commissioner Morroni
Vote	-	6 – 0

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- #15 First Amendment to the Cooperative Funding Agreement between the Southwest Florida Water Management District (SWFWMD) and Pinellas County for Cross Bayou Canal Watershed Management Plan Phase I (K659) (Agreement No. 02CON000073, PID No. 922271) in the amount of \$404,869.00 (Pinellas County's share, \$204,879.00; revised total project cost, \$599,869.00) approved for execution.

Motion - Commissioner Morroni
Second - Commissioner Harris
Vote - 6 – 0

- #16 Amendment No. 1 to the Cooperative Funding Agreement with the Florida Department of Environmental Protection (FDEP) for the Lake Seminole stormwater treatment project (Agreement No. G0052, PID No. 829) approved for execution changing the completion date of the Agreement from May 31, 2004 to December 31, 2006 at no additional cost.

In response to query by Commissioner Stewart, Director of Public Works Jan R. Herbst indicated that a spoil site has not been identified; and that coordination meetings must be held with various municipalities; whereupon, Commissioner Stewart requested that the Board be kept apprised of the project's status.

Motion - Commissioner Morroni
Second - Commissioner Welch
Vote - 6 – 0

- #17 Amendment No. 1 to the agreement with Glatting Jackson Kercher Anglin Lopez Rinehart, Inc. for parks planning services for the Pinellas County Parks System Master Plan (PID No. 922) approved for execution, increasing the agreement by \$55,000.00 (revised agreement amount, \$639,100.00).

Responding to query by Commissioner Seel, Heritage Village Director Jan Luth indicated that the scope of services has been expanded to review the programming and physical needs of Heritage Village in relation to other operations at Pinewood Cultural Center.

Motion - Commissioner Welch
Second - Commissioner Seel
Vote - 6 – 0

- #18 Proposal of Kessler Consulting, Inc. awarded for solid waste consulting services (Contract No. 034-520-P) for an estimated 36-month expenditure in the amount of \$200,000.00 (36-month contract with one 24-month option of renewal at the same prices, terms, and conditions, subject to availability of funds and County Administrator approval); Chairman authorized to sign the 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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In response to query by Commissioner Seel, Director of Utilities Pick Talley indicated that the refuse-to-energy plant is operating just below its 3,000-ton-per day capacity; that the amount of solid waste at the facility will continue to increase unless per-capita use can be arrested; that the consultant will assist the efforts of existing staff; and that recycling advice and programs will benefit all the municipalities and the county.

Noting that only one proposal was received, Commissioner Stewart requested information regarding distribution of the request for proposals (RFP); whereupon, Director of Purchasing Joseph Lauro indicated that the RFP was issued in accordance with the standard purchasing policy; that approximately 30 people had expressed interest; that the RFP was sent to nine or ten firms; that other companies he had spoken with do not provide the type of services needed; and that Kessler Consulting has previously provided expertise to the county.

Motion	-	Commissioner Morrone
Second	-	Commissioner Welch
Vote	-	5 – 1 (Commissioner Seel dissenting)

- #19 Co-Funding Agreement between the American Water Works Association Research Foundation (AwwaRF) and Pinellas County for determining the effect of corrosion inhibitors on water quality in the county's distribution system (Project 2702) approved for execution (total project budget, \$1,668,548.00; Pinellas County commitment, \$150,000.00 cash expenditure and \$101,400.00 in in-kind services).

Responding to queries by Commissioners Seel and Welch regarding Pinellas County's proportion of the total funding, Director of Utilities Pick Talley indicated that all members of Tampa Bay Water will benefit from the project and had been asked to provide support; that Hillsborough County and Tampa Bay Water have committed to the extent allowed by their budgets; and that Pinellas County will benefit by not having to provide total funding. In response to query by Commissioner Harris, he noted that a previous project studied the corrosiveness of water and its impact on the distribution system; and that this project relates to how best to inhibit that corrosion.

Motion	-	Commissioner Welch
Second	-	Commissioner Morrone
Vote	-	6 – 0

- #20 Recommendation from the Tourist Development Council (TDC) for 2005 New Product Development Grants in the total amount of \$200,000.00 approved (Salvador Dali Museum, \$100,000.00; Museum of Fine Arts, \$50,000.00; Florida International Museum, \$35,000.00; and Beach Charities, Inc., \$15,000.00) (Convention and Visitor's Bureau).

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Commissioner Stewart noted that the Board had discussed increasing the amount of New Product Development Grant funding in the future; whereupon, Chairman Latvala stated that the Board will meet with the TDC during its budget cycle to discuss future funding.

Following discussion with input by Convention and Visitors Bureau Assistant Director Lee Daniel, Commissioner Stewart disclosed that he must abstain from voting on this matter due to a conflict of interest, and in accordance with the provisions of the Standards of Conduct Law, submitted a Memorandum of Voting Conflict, which has been filed and made a part of the record.

Motion	-	Commissioner Harris
Second	-	Commissioner Morrone
Vote	-	5 – 0 (Commissioner Stewart abstaining)

#21 Employment contract between the Pinellas County Construction Licensing Board and Rodney S. Fischer, Executive Director, ratified (contract is for the period of July 1, 2004 through June 30, 2005 with an annual salary in the amount of \$93,492.00).

Motion	-	Commissioner Morrone
Second	-	Commissioner Seel
Vote	-	6 – 0

#22 Authorization granted to advertise a public hearing re a proposed ordinance amending Section 2-62 of the Pinellas County Code relating to the approval authority of the County Administrator (County Administrator).

Motion	-	Commissioner Morrone
Second	-	Commissioner Harris
Vote	-	6 - 0

#23 Agreement with the Pinellas County Historical Society, Inc., a 501(c)(3) organization, providing for the responsibilities of the Historical Society and the County (replaces previous Non-Exclusive Use Agreement) approved for execution; whereupon, Commissioner Seel requested a copy of the audit or budget of the Historical Society (Culture, Education, and Leisure).

Motion	-	Commissioner Harris
Second	-	Commissioner Welch
Vote	-	6 - 0

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At this time, 3:42 P.M., Commissioner Todd entered the meeting.

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- #24 Final negotiated contract with Brandano Displays, Inc. for holiday light display and sponsorship at Lake Seminole Park (Contract No. 034-472-P) approved; Chairman authorized to sign after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney (Culture, Education, and Leisure).

In response to query by Commissioner Stewart, Leah Hoffman, Culture, Education, and Leisure, described the revenue percentage split, the potential for increased sponsorship, revenues received last year, and projected proceeds for this year's event; whereupon, Administrator Spratt commented on in-house capability for sponsorship services, and outlined two media proposals that have been received. During further discussion with input by Attorney Churuti and Liz Warren, Culture, Education, and Leisure Director, the issues of approval of sponsorship lists, the county's expenses, naming rights, and underwriting were addressed.

Motion	-	Commissioner Harris
Second	-	Commissioner Welch
Vote	-	7 - 0

- #25 Resolution No. 04-141 adopted finding that Project 99083051638 be approved as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support of Project 99083051638 as local participation in the Qualified Target Industry Tax Refund Program for fiscal years 2006-2010 (total contribution of Pinellas County not to exceed \$13,500.00) (Economic Development).

Motion	-	Commissioner Welch
Second	-	Commissioner Seel
Vote	-	7 - 0

- #26 Grant award for funding, submitted by the Sheriff's Office, from the Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention for an amount of \$247,363.00 (no match or county funds required) approved; County Administrator authorized to sign agreement (Justice and Consumer Services).

Motion	-	Commissioner Morroni
Second	-	Commissioner Welch
Vote	-	7 - 0

- #27 Resolution No. 04-142 adopted supplementing the fiscal year 2004 General Fund Budget (Continuity of Operations Planning Grant - Department of Emergency Management) to appropriate earmarked receipts for a particular purpose (Management and Budget). County Administrator Stephen M. Spratt noted a scrivener's error on the agenda, listing the department as Environmental Management.

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Motion - Commissioner Todd
Second - Commissioner Welch
Vote - 7 - 0

#28 Authorization granted to advertise a public hearing to be held September 21, 2004 re a proposed ordinance amending Section 2-156 et seq. of the Pinellas County Code relating to Purchasing (Purchasing).

Motion - Commissioner Stewart
Second - Commissioner Welch
Vote - 7 - 0

#29a Bid of Hydraulital, Inc. for construction of Geotextile T-head Groin Fields at Upham Beach and Blind Pass South jetty enhancement accepted in the amount of \$1,543,825.00 (cost share is 50 percent state and 50 percent county) (Project No. 166; Bid No. 034-773-C); Chairman authorized to sign after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney (Environmental Management/Public Works).

Motion - Commissioner Morroni
Second - Commissioner Welch
Vote - 7 - 0

At the request of Commissioner Morroni, Nicole Elko, Coastal Coordinator, provided a brief overview of the project; whereupon, in response to query by Commissioner Stewart, she explained why the bid received was higher than the engineer's cost estimate.

#30 County Attorney authorized to defend the County's interest:

- a. Wells Fargo versus John Carlevale, et al - Circuit Civil Case No. 04-5376-CI-13 - Mortgage Foreclosure Involving a Notice of Lien for Sewer, Water or Reclaimed Water Services; Notice of Lien for Street Lighting and a Securing Lien.
- b. Patricia Scorgia, et al, versus Pinellas County - Circuit Civil Case No. 04-5084-CI-20 – Allegations of Negligence Resulting in Personal Injuries as a Result of a Trip and Fall Incident.
- c. Timothy John Suggs versus Pinellas County, Florida - Circuit Court Case No. 04-4744-CI-19 – Allegations of Civil and Constitutional Rights Violations.

Motion - Commissioner Morroni
Second - Commissioner Harris
Vote - 7 - 0

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#31 Addendum No. 1 to Contract for Law Enforcement Records Management Services for the City of Belleair Beach for fiscal years 2003-2004 and 2004-2005, adding the Board of County Commissioners as a party to the agreement, approved for execution.

Motion - Commissioner Morrone
Second - Commissioner Seel
Vote - 7 - 0

#32 Authorization granted to advertise a public hearing to be held September 7, 2004 re a proposed ordinance amending the Tourist Development Tax Ordinance No. 78-20, as amended and codified in Sections 118-31 et seq., Pinellas County Code.

Motion - Commissioner Seel
Second - Commissioner Welch
Vote - 7 - 0

#33 Contract for Legal Services with the firm of Carlton Fields, P.A., as Special Counsel for services involving the County's waste-to-energy facility contract, and procurement issues surrounding that contract, approved for execution.

Motion - Commissioner Welch
Second - Commissioner Harris
Vote - 7 - 0

#34 Authorization granted for final settlement in the case of Public Citizen et al, versus Pinellas County, 8:01-CV-943-T-23TGW.

Motion - Commissioner Morrone
Second - Commissioner Welch
Vote - 7 - 0

#35 Authorization granted for settlement of claim of Antwuan Flemmings versus Pinellas County Government, Workers' Compensation OJCC #02-000966SPT.

Motion - Commissioner Seel
Second - Commissioner Harris
Vote - 7 - 0

#36 Authorization granted for settlement of claim of Ronald Gonzalez versus Pinellas County Workers' Compensation case.

Motion - Commissioner Welch
Second - Commissioner Morrone
Vote - 7 - 0

#37 County Attorney Miscellaneous - None.

- #38 Planning Director Brian K. Smith conducted a brief presentation summarizing the provisions of the draft criteria for evaluating proposed voluntary annexations. With the aid of graphics and maps, he referred to the definitions of "contiguity," "compactness," and the creation of "pockets"; whereupon, Administrator Spratt indicated that the purpose of the criteria is to remove some of the subjectivity from each individual application; and that he has discussed with David Healey, Executive Director of the Pinellas Planning Council (PPC), the establishing of standards in the interest of avoiding the conflict that arises by interpretation.

During discussion, Attorney Churuti and Chief Assistant County Attorney James L. Bennett responded to queries by the members with regard to the county's ability to set its own criteria, and the authority provided by the County Charter to circumvent statewide definitions relative to voluntary annexations only. Following discussion, Commissioner Morroni moved that the draft criteria be forwarded to the PPC for its review and comment prior to final action by the Countywide Planning Authority.

Motion	-	Commissioner Morroni
Second	-	Commissioner Welch
Vote	-	6- 1 with Commissioner Seel casting the dissenting vote

- #39 First Amendment to Lease Agreement between the Industrial Development Authority d/b/a the Economic Development Authority and Pace Technology, Inc., as outlined in the County Administrator's memorandum dated August 24, 2004, approved for execution. In response to query by Commissioner Seel, Paul Sacco, Administrator of the Young-Rainey STAR Center, explained the reason for the retroactive rent credit to the lessee.

Motion	-	Commissioner Harris
Second	-	Commissioner Morroni
Vote	-	7 - 0

- #40 Second Amendment to Lease Agreement between the Industrial Development Authority d/b/a the Economic Development Authority and St. Petersburg College, changing the term to a month-to-month lease (effective August 1, 2004 the monthly rent payment will be \$5,217.77, which includes the annual three percent rent increase) approved for execution. Commissioner Stewart requested an update on the Icot-Epicenter transition; whereupon, Administrator Spratt indicated that he would provide the information at the next board meeting.

Motion	-	Commissioner Seel
Second	-	Commissioner Welch
Vote	-	7 - 0

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#41a Assistant County Administrator Elithia V. Stanfield reviewed a proposed amendment to the consultant contract of Kurt Spitzer and Associates; and provided an update regarding the Charter Review Commission (CRC) activities; whereupon, in response to query by Commissioners Stewart and Welch, Ms. Stanfield indicated that \$100,000.00 was budgeted for the CRC; that there are sufficient funds remaining to cover expenses for the education aspect relative to the CRC recommendations via pamphlets, brochures, and mailings; and that the insertion of information into utility bills has not been pursued.

Thereupon, Commissioner Welch moved that the implementation plan be approved.

Motion	-	Commissioner Welch
Second	-	Commissioner Morrone
Vote	-	7 - 0

41b Director of Emergency Management Gary W. Vickers and Director of Emergency Communications Dick Williams gave a brief presentation relative to the damages to the areas affected by Hurricane Charley, and the mutual aid efforts being provided.

#42a Resolution No. 04-143 adopted re the holding of the "Sunsets of Florida Avenue" event by the Old Palm Harbor Partnership, designating the dates, hours, and duration of activities; waiving the restrictions on the possession and/or consumption of alcoholic beverages within certain boundaries.

Motion	-	Commissioner Seel
Second	-	Commissioner Morrone
Vote	-	7 - 0

#42b County Commission Miscellaneous
Commissioner Welch

Reported that WorkNet Audit Committee will select outside auditor; announced early voting locations.

Commissioner Seel

Commented on the St. Petersburg Chamber Pinellas County Business Women's Hall of Fame luncheon.

Commissioner Harris

Introduced Keti Krekovic, student intern from Gibbs High School; presented water conservation tip.

Commissioner Todd

Expressed appreciation to Gary Vickers and staff for assistance to Hurricane Charley victims; commented on luncheon at the St. Petersburg Chamber of Commerce.

Commissioner Morrone

Expressed appreciation to volunteers who staffed telephone center during hurricane; reported on meeting with St. Pete Beach Mayor Ward

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Chairman Latvala

Friszolowski; announced opening of the Tierra Verde fire station on August 25 at 10:00 A.M. Reported she will be sending thank you letters to Hurricane Charley volunteers; sought and received consensus from Board not to respond with regard to the Patriot Act issue.

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Upon direction of the Chairman, the meeting was recessed at 4:53 P.M. and reconvened at 6:39 P.M. with Commissioner Seel not in attendance.

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At this time, 6:41 P.M., Commissioner Seel entered the meeting.

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CITIZENS TO BE HEARD

The following individuals expressed concerns with regard to the boat ramp fee:

1. Herb Stephen, Palm Harbor
2. Michael Bard, Palm Harbor
3. Sam Ackley, unincorporated County
4. Everett Hulvey, St. Petersburg
5. Jerry Kennedy, Dunedin
6. Dwight Lawton, St. Petersburg, re adoption of resolution urging Congress to monitor Patriot Act
7. Charles Pedrick, St. Petersburg, re Sons of Confederate Veterans
8. Louis Horton, St. Petersburg, re umbrellas on docks
9. Jo-An Totty, Palm Harbor, re right-of-way road and Sheriff

Following an update on the status of the boat ramp fee by Culture, Education & Leisure Director Liz Warren, the Board members requested that Administrator Spratt bring back recommendations with regard to the concerns expressed by the citizens and the Commission.

All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.

SCHEDULED PUBLIC HEARINGS – COUNTYWIDE PLANNING AUTHORITY

#43 Administrator Spratt referred to agenda Item No. 43, Proposed Planning Area Boundary Amendment to the Future Land Use Map (VA No. 03-214 – St. Petersburg), re 15.0 acres located on the northwest corner of 40th Avenue North and 79th Street North, an amendment to planning areas delineating eligibility for annexation; and requested that the item be temporarily deferred to a date to be determined later and which will be appropriately advertised at that time. One letter in support of and nine telephone calls, three letters and one petition containing 107 signatures in opposition to the proposed ordinance have been received. No citizens appeared to be heard.

Motion - Commissioner Seel
Second - Commissioner Morrone
Vote - 7 - 0

SCHEDULED PUBLIC HEARINGS – BCC

#44 Resolution No. 04-144 adopted revising wholesale sewer rate for Pinellas County Sewer System. Staff recommended approval. No correspondence has been received. No citizens appeared to be heard. At the request of Commissioner Stewart, Director of Utilities Pick Talley provided information with regard to the increase and its necessity.

Motion - Commissioner Morrone
Second - Commissioner Welch
Vote - 7 - 0

#45 Resolution No. 04-145 adopted granting petition of Norman G. Cullen and Anne M. Morris to vacate that portion of Hillsborough Street lying northwest of the northeasterly extension of the east line of Lot 7, Block 7, Wall Springs Subdivision, located in the southwest quarter of Section 26, Township 27 South, Range 15 East. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. Staff recommended the vacation be granted. No correspondence has been received. Clerk authorized to record. No citizens appeared to be heard.

Motion - Commissioner Morrone
Second - Commissioner Welch
Vote - 7 - 0

#46 Resolution No. 04-146 adopted granting petition of David A. and Joni Bowen to vacate a portion of a drainage and utility easement being further described as the west 20 feet of

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the east 44 feet of the north four feet of the south 30 feet of Lot 20, Seminole Forest, located in the southwest quarter of Section 15, Township 30 South, Range 15 East. Letters of no objection received from all appropriate parties. Interested property owners were notified as to the date of the public hearing. No correspondence has been received. Staff recommended that the vacation be granted. Clerk authorized to record. No citizens appeared to be heard.

Motion - Commissioner Morrone
Second - Commissioner Todd
Vote - 7 - 0

- #47 County Administrator Stephen M. Spratt referred to agenda Item No. 47, a proposed ordinance amending Chapter 138, Sections 1007, 1009, 1010, 1015, and 1016 of the Pinellas County Land Development Code relating to the Old Palm Harbor-Downtown Zoning District, and amending Chapter 138, Section 1332 of the Code pertaining to alcoholic beverages, and requested that the item be temporarily deferred. No correspondence has been received. No citizens appeared to be heard.

Planning Director Brian K. Smith related that additional time is being sought in order to meet with the community to receive comment with regard to permitting first floor office uses in the Old Palm Harbor-Downtown zoning district; whereupon, alluding to comments by Commissioner Todd, Chairman Latvala indicated that further discussion will take place pertaining to the revised proposal.

Motion - Commissioner Morrone
Second - Commissioner Seel
Vote - 7 - 0

- #48 Ordinance No. 04-60 adopted amending Chapter 146 of the County Land Development Code relating to Historical Preservation by revising Section 146-5 concerning the issuance of certificates of appropriateness. Staff recommended approval of the proposed ordinance. No correspondence has been received. Comments expressed by Jo-An Totty, Palm Harbor, were noted.

Motion - Commissioner Harris
Second - Commissioner Morrone
Vote - 7 - 0

- #49 Ordinance No. 04-61 adopted amending the Water and Navigation Control Authority Ordinance relating to contractors' insurance requirements. Staff recommended approval of the proposed ordinance. No correspondence has been received.

Senior Assistant County Attorney Jewel White Cole presented an overview of the proposed ordinance, a copy of which has been filed and made a part of the record,

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wherein she pointed out two changes that were made to the ordinance since it was last heard by the Board in July 2003, that pertain to finding an individual in violation of the code; and stated that enforcement would be best served during the permitting process.

Responding to queries by the board members, Attorney Cole related that it would be the responsibility of the insurance agents to monitor the amount of insurance a contractor would be required to maintain; and that there is no exemption under the law for this insurance coverage; whereupon, Director of Environmental Management William M. Davis suggested that if the ordinance is approved, the effective date afford the uninsured contractor time to obtain insurance and adjust proposal costs. In response to query by Commissioner Welch, Attorney Cole indicated that a survey of other counties has not been conducted; and that she surmises that the increased costs will be passed onto the homeowners.

In response to the Chairman's call for persons wishing to be heard, Tim McGurk, St. Petersburg, addressed the board, following which Bill Jansen, Largo and Doug Speeler, spoke in support of and Larry Fisk, Clearwater; Myron Gibson, Dunedin; Pete Holland, Indian Shores; Denny Walker, St. Petersburg; and Gary DeBaylo, St. Petersburg, spoke in opposition to the proposal.

Responding to queries by the board members, Mr. Davis indicated that the Pinellas County Construction Licensing Board would be responsible for the enforcement of the code. Following discussion and additional input from Attorney Cole, Commissioner Morrone moved that the ordinance be approved with an effective date of January 1, 2005 and include the wording clarifications as set forth by Attorney Cole.

Motion	-	Commissioner Morrone
Second	-	Commissioner Stewart
Vote	-	6 – 1 (Commissioner Seel dissenting)

* * * *

At this time, 8:05 P.M., Commissioner Todd left the meeting.

* * * *

#50a Application of PJW Properties, LLC, through Pressman and Associates, Inc., Todd Pressman, Representative, for a zoning change from R-2 to CP-1 and land use change from residential urban to residential/office/retail (Z/LU-2-6-04) denied without prejudice; Resolution No. 04-147 adopted. Two letters in opposition to the application have been received. No one appeared to be heard.

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Director of Development Review Services Paul Cassel indicated that the applicant will submit a revised proposal to the Examiner.

Motion - Commissioner Morrone
Second - Commissioner Seel
Vote - 6 - 0

#50b Resolution No. 04-148 adopted granting the application of Jennifer and Daniel Zane for a change of zoning from R-4 to C-2, re approximately 0.1894 acre located on the north side of 48th Avenue North, 960 feet west of 80th Street North. No correspondence has been received. Staff recommended approval of the application based upon the Local Planning Agency Report. No citizens appeared to be heard.

Motion - Commissioner Morrone
Second - Commissioner Welch
Vote - 6 - 0

#50c Resolution No. 04-149 adopted granting the application of Coy Bentley for a change of zoning from C-1 to R-4 (Z-4-7-04), re approximately 0.6887 acre located on the northeast corner of 62nd Avenue North and 28th Street North. No correspondence has been received. Staff recommended approval of the application based upon the Local Planning Agency Report. No citizens appeared to be heard.

Motion - Commissioner Harris
Second - Commissioner Morrone
Vote - 6 - 0

#51 Meeting adjourned at 8:08 P.M.

Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By: _____
Deputy Clerk