

**BOARD OF COUNTY COMMISSIONERS MEETING  
TUESDAY, OCTOBER 5, 2004 – 9:33 A.M.  
ASSEMBLY ROOM, FIFTH FLOOR  
315 COURT STREET, CLEARWATER, FLORIDA**

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

**Members Absent:** None.

**Members Late:** None.

**Members Excused:** None.

**Others Present:** James L. Bennett, Chief Assistant County Attorney; Stephen M. Spratt, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Arlene Smitke, Board Reporter.

**INVOCATION:** Commissioner Welch

**PLEDGE OF ALLEGIANCE:** Commissioner Harris

**PRESENTATIONS**

1. Director of Emergency Communications Dick Williams presented the Board with a plaque recognizing the Emergency Communications/9-1-1 Department's outstanding service to the citizens of Pinellas County. The plaque was received at an event held by the Sheriff on September 11, 2004.
2. Walk Our Children to School Day Proclamation presented by Chairman Latvala.
3. Customer Service Week Proclamation presented to Cynthia Pierce, Utilities Customer Service Manager and Chairman, Customer Service Week Committee.
4. Human Services National Association of Counties (NACo) Achievement Award presented to Evelyn R. Bethell, Director, Human Services, for the Alternative Benefits Program.

**CITIZENS TO BE HEARD**

1. JoAn Totty, Palm Harbor, re Palm Harbor
2. Bill Reed, St. Petersburg, re resolution on the Patriot Act – Pinellas Safe & Free
3. Dwight Lawton, St. Petersburg, re resolution on the Patriot Act – Pinellas Safe & Free

**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**

# 1a Ordinance No. 04-66 adopted approving Case No. CW 04-41, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from commercial recreation to commercial general, re 0.9 acre generally located on the south side of Gandy Boulevard, 1,544 feet east of San Fernando Boulevard North (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Stewart  
Second - Commissioner Seel  
Vote - 7 – 0

# 1b Ordinance No. 04-67 adopted approving Case No. CW 04-46, the proposal by the Town of Redington Shores to amend the Countywide Future Land Use Plan from residential high to residential/office/retail, re 0.2 acre located at 17720 Gulf Boulevard (f/k/a the Suncoaster Motel) on the west side of Gulf Boulevard, midway between 177th Terrace West and 177th Avenue West (subthreshold amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received.

Al Cowan displayed a picture of the proposed building to be constructed on the site and indicated that it will contain approximately 3,000 square feet of commercial office space.

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

#2a Ordinance No. 04-68 adopted approving Case No. CW 04-40, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from residential low to residential urban, re 18.4 acres generally located at the northeast corner of 134th Avenue North and Pine Street (regular amendment). Pinellas Planning Council (PPC) recommended approval of the proposal with the supplemental notation that any affordable housing bonus to be applied consistent with the Countywide Rules requires that the local jurisdiction file its affordable housing plan and corresponding land development regulations with the PPC. Staff recommended continuance to allow comments to be received from the Department of Community Affairs (DCA). No correspondence has been received.

Timothy A. Johnson, Jr., Esquire, Clearwater, indicated that he represents the property owner and requested that the matter be heard as advertised; whereupon, following discussion, it was the consensus of the Board to proceed with the hearing.

In response to query by Commissioner Stewart, Planning Department Director Brian Smith confirmed that the Board is sitting as the Countywide Planning Authority; and that

regardless of action taken at today’s meeting, the Board will have final approval of the development as the Local Planning Agency at its December 21, 2004, meeting.

Pinellas Planning Council Executive Director David Healey provided an overview of the case; whereupon, Mr. Johnson indicated that Terra Excavating has a contract to sell the property; that closing is scheduled for Friday, October 8; and that the buyer intends to enter into a funding agreement with the County’s Community Development Department calling for development of 207 resident-owned townhomes, 42 of which will be designated as affordable housing. In response to query by Commissioner Welch, he confirmed that the developer agreement allows for construction of rental units and a minimum of 20 percent affordable housing.

In response to the Chairman’s call for citizens wishing to be heard, Marva Perry, Largo, appeared and stated her opposition to the possibility of rental housing on the property.

Following a lengthy discussion with input by Chief Assistant County Attorney James L. Bennett and Cheryl Reed, Community Development, Commissioner Todd moved that Case No. CW 04-40 be approved; whereupon, Attorney Bennett clarified that approval is contingent upon the Board’s final approval after receiving comments from the DCA, and no objections were noted.

Motion	-	Commissioner Todd
Second	-	Commissioner Harris
Vote	-	7 – 0

- #2b Ordinance No. 04-66 adopted approving Case No. CW 04-42, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from commercial general to residential medium, re 5.2 acres located on the east side of 66th Street, 180 feet north of 126th Avenue North (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred. No correspondence has been received. No citizens appeared to be heard.

At the request of Chairman Latvala, Pinellas Planning Council Executive Director David Healey provided an overview of the case.

Motion	-	Commissioner Seel
Second	-	Commissioner Morroni
Vote	-	7 – 0

- #2c Ordinance No. 04-69 adopted approving Case No. CW 04-43, the proposal by the City of Pinellas Park to amend the Countywide Future Land Use Plan from residential medium to residential/office general, re 5.8 acres generally located on the west side of U.S. Highway 19 North, approximately 950 feet north of 110th Avenue North (regular amendment). Pinellas Planning Council recommended approval of the proposal, with the additional recommendation that the City evaluate the traffic impacts and limit the intensity of use

through the City’s concurrency management system; and staff concurred. No correspondence has been received. No citizens appeared to be heard.

Motion - Commissioner Morroni  
Second - Commissioner Stewart  
Vote - 7 – 0

#2d Ordinance No. 04-70 adopted approving Case No. CW 04-44, the proposal by the City of Seminole to amend the Countywide Future Land Use Plan from commercial general to residential medium, re 0.7 acre located on the north side of Bay Pines Boulevard, approximately 1,100 feet west of 100th Way North (regular amendment). Pinellas Planning Council recommended approval of the proposal with the further recommendation that the City of Seminole give special consideration to the buffering and landscaping guidelines in the Scenic Noncommercial Master Plan; and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

**SCHEDULED PUBLIC HEARINGS – WATER AND NAVIGATION AUTHORITY**

# 3 Multi-use dock application No. M34321-04/revised, H. Gregg Nicklaus, Florida Inc., (Boca Sands Condominiums), 5301 and 5351 Gulf Boulevard, St. Pete Beach (Boca Ciega Bay) approved; 14 letters in support of and six letters in opposition to the application have been received; the biological report has been filed as part of the record; and approval is subject to the following conditions:

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973 and the Florida Manatee Sanctuary Act.
3. Siltation barriers (if used) shall be made of material in which manatees cannot become entangled, are properly secured and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

4. All vessels associated with the construction project shall operate at “no wake/idle” speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
5. If manatee(s) are seen within 100 yards of the active daily construction operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet to a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
6. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580).
7. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least three feet by four feet which reads Caution: Manatee Area will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction and should be placed visible to the vessel operator. The second sign should be at least 8-1/2 inches by 11 inches which reads Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shut down if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580).

Motion	-	Commissioner Stewart
Second	-	Commissioner Harris
Vote	-	7 – 0

and

# 4 Multi-use dock application No. M34172 – 04/revised, Kevin Bessolo, AIA - Bella Grande, LLC, 5353 Gulf Boulevard, St. Pete Beach (Boca Ciega Bay) approved; six letters in opposition to the application have been received; biological report has been filed as part of the record; and approval is subject to the following conditions:

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing or killing manatees which are protected under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973 and the Florida Manatee Sanctuary Act.
3. Siltation barriers (if used) shall be made of material in which manatees cannot become entangled, are properly secured and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.
4. All vessels associated with the construction project shall operate at “no wake/idle” speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
5. If manatee(s) are seen within 100 yards of the active daily construction operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee. These precautions shall include the operation of all moving equipment no closer than 50 feet to a manatee. Operation of any equipment closer than 50 feet to a manatee shall necessitate immediate shutdown of that equipment. Activities will not resume until the manatee(s) has departed the project area of its own volition.
6. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580).

7. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least three feet by four feet which reads Caution: Manatee Area will be posted in a location prominently visible to water related construction crews. A second sign should be posted if vessels are associated with the construction and should be placed visible to the vessel operator. The second sign should be at least 8-1/2 inches by 11 inches which reads Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shut down if a manatee comes within 50 feet of operation. Any collision with and/or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. The U.S. Fish and Wildlife Service should also be contacted in Jacksonville (1-904-232-2580).

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

Director of Environmental Management William M. Davis noted that Items Nos. 3 and 4 concern multi-use dock applications located next to each other; whereupon, with the permission of Chairman Latvala, he displayed an aerial photograph and presented a summary of both applications.

E. D. Armstrong, III, Esquire, Clearwater, indicated that he represents both applicants; whereupon, he discussed the applications and noted that they had been approved by the City of St. Pete Beach following public hearings. Referring to concerns expressed at the public hearings, he noted that the U.S. Fish and Wildlife Service has issued four biological opinions in recent months which concluded that the subject boating area is in an area of adequate protection for manatees and other wildlife. Responding to queries by Commissioner Stewart, he stated that the proposed docks are located at least one mile from the causeway bridge and indicated the anticipated traffic pattern on a map.

Responding to the Chairman's call for persons wishing to be heard, William Moore, Tierra Verde, commented in support of the applications and responded to queries by Commissioner Stewart; whereupon, Linda Chaney, St. Pete Beach, indicated that she represents approximately 35 individuals who oppose the applications and requested that the public hearing be delayed.

In response to allegations made by Ms. Chaney, Mr. Davis indicated that Ms. Chaney had requested a copy of the County's recommendations at the Administrative Hearing on August 30; that she was told the information would be available in about two weeks and

October 5, 2004

that she should call at that time to request a copy; that the information had not been requested until 5:00 P.M. on October 4; and for the record, that he has no knowledge of any member of his staff accepting gifts.

Following further comments by Ms. Chaney and responding to query by Commissioner Seel, Mr. Davis provided information regarding the number of allowable boat slips and water depths; whereupon, Environmental Program Manager David L. Walker indicated for the record that he denies taking any gifts and has no knowledge regarding the accusation; and Mr. Spratt suggested that the matter be taken to the appropriate authorities.

Following discussion and rebuttal by Mr. Armstrong, Commissioner Stewart expressed concern that the efforts of various local law enforcement agencies to ensure water safety may be inadequate.

#### **SCHEDULED PUBLIC HEARINGS - BCC**

- # 5 Proposed resolution ordering the completion of construction plans and improvements for 20th Avenue Southeast from Lake Avenue to Starkey Road (PID No. 880), establishing a maximum assessment to be charged to each benefited property owner, approving the original assessment roll, and authorizing the recording of a “notice of pending lien” deferred to meeting of November 2, 2004 (previously deferred at meetings of May 25 and August 10, 2004).

County Administrator Stephen M. Spratt presented a summary of the project’s history and current status and indicated that central issues relate to the extent the benefiting property owners should bear the cost of the improvement and the extent the public will benefit from the roadway. He noted that a petition supporting the improvement signed by 64.9 percent of the property owners was submitted in July, 2003; that the petitioners have since requested a 50-50 split of costs, as opposed to the approximately 70-30 split proposed by the County; that a 50-50 split would require an additional \$806,000 in County funding; and that the possibility of restricting access to the road is under consideration. Discussion ensued and Public Works Engineering Director Charles Norwood and Director of Transportation Peter J. Yauch provided input.

In response to the Chairman’s call for persons wishing to be heard, the following persons appeared and stated their concerns:

Rick Cashman, representing Florida Forest Products  
Jim Helinger, Jr., Clearwater, representing Space Center, Inc.  
Doug Baskin, Daytona Beach, representing Tampa Terminal Properties, LLC  
Don Mastry, St. Petersburg, representing CNF Realty and Frank Reinke

During discussion, Commissioner Seel moved, seconded by Commissioner Todd, that the item be deferred for two weeks to allow staff to meet with the property owner group in a final attempt to reach agreement on the issues. She suggested that staff pursue an economic development grant and any other reasonable means to provide additional financing for the project.

Responding to queries by Commissioner Welch, Mr. Spratt indicated that the 70-30 split is the County's standard formula for funding of similar improvements; and that the potential economic development benefit could be a basis for modification of that formula.

Following a request by Mr. Helinger, Chairman Latvala directed that the matter be deferred for four weeks, and no objections were noted.

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

#28 Deviating from the agenda, and in response to a proposed resolution regarding repeal of certain provisions of the USA Patriot Act as submitted by a citizen, Chairman Latvala related that the board had previously discussed the issue but had not taken a vote; whereupon, she proposed that a motion be made that the board will not take a position regarding federal and state issues.

In response to query by Commissioner Morroni, Chief Assistant County Attorney James L. Bennett indicated that the board usually does not act upon matters that are federal in scope and responsibility; whereupon, Commissioner Welch related that he is somewhat concerned with some of the Act's provisions but cannot support the resolution as submitted; whereupon, Commissioner Seel moved, seconded by Commissioner Morroni and carried, that the board will not take a position on the issue.

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

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Upon direction of the Chairman, there being no objection, the meeting was recessed at 12:20 P.M. and reconvened at 1:27 P.M. with Commissioner Todd not in attendance.

\* \* \* \*

**CONSENT AGENDA ITEMS NOS. 6 THROUGH 12 APPROVED WITH THE EXCEPTION OF ITEM NO. 11, WHICH WAS ACTED UPON SEPARATELY (SEE ITEM NO. 13)**

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

# 6 Approval of Minutes:

- a. Minutes of the regular meeting of September 7, 2004 and special emergency session of September 10, 2004.
- b. Correction to minutes of August 24, 2004 – Under item No. 9, Justice and Consumer Services, the amount of the grant application with the Florida Department of Law Enforcement for Intoxilyzer 8000, Phase II, for the Sheriff, should be \$94,500.00.

# 7 Reports received for filing:

- a. Clerk of the Circuit Court’s Budget for Fiscal Year 2004-05 (Florida Statute 218.35).
- b. Investment Report for the quarter ended June 30, 2004.

# 8 Approvals received for filing:

- a. General – none.
- b. Vouchers and Bills Paid – Period of September 2 through September 17, 2004.  
Payroll Journal Expenditures  
Payroll Journal page numbers 1 through 2653  
Payroll checks numbered 523861 through 524737  
  
Imprest Fund Expenditures  
Replacement checks numbered 686797, 704423, 750979, 750985 through 750989, and 750991  
Manual checks numbered 686791 through 686800, 750980 through 750984, and 750990  
System checks numbered 754041 through 756010  
  
Wire Transfers numbered 3678 through 3784

# 9 Miscellaneous items received for filing as noted on agenda.

- a. Pinellas County Arts Council proposed budget for fiscal year 2005 dated August 17, 2004.

October 5, 2004

- b. Two items related to Dock, Pier and Wharf Construction Contract Bonds.
  - c. Correspondence from City of Pinellas Park re two ordinances voluntarily annexing certain property; public hearing held September 23, 2004.
  - d. Correspondence from Town of Redington Shores re one ordinance voluntarily annexing certain property; public hearing to be held October 7, 2004.
- #10 Bid of Brandes Design-Build, Inc. accepted for Logan Station water storage tank modifications for an estimated expenditure in the amount of \$672,000.00 (Project No. 611-106113-1609-E; Bid No. 034-821-C); Chairman authorized to sign agreement after proper execution by the contractor and written approval as to form by the Office of the County Attorney.
- #11 See Item No. 13.
- #12 Budget amendments Nos. 37 through 41 were filed and made a part of the record (Management and Budget).
- #13 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court)
- a. Referring to Agenda Item No. 10, Commissioner Seel asked that a running tally be kept of the cost for the changes made to the pipe system.
  - b. Agenda Item No. 11 - Proposal of Yesawich, Pepperdine, Brown & Russell (YPB&R) awarded for advertising and promotional services (Contract No. 034-573-P) in the amount of 13.5 percent of the advertising and promotion budget as approved by the Tourist Development Council (TDC) and Board of County Commissioners (FY 05 fee, \$602,057.88); 24-month contract with two additional 12-month renewals at the same prices/discounts, terms, and conditions subject to availability of funding and approval by the County Administrator; Chairman authorized to sign and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Convention and Visitors Bureau).

In response to query by Commissioner Seel, Chairman Latvala confirmed that the TDC has unanimously approved the agreement.

Responding to queries by the members, Convention and Visitors Bureau Executive Director Carole Ketterhagen indicated that the fee has decreased from the previous contract, which was at 15 percent; that the 13.5 percent rate applies to the entire term of the contract; and that the actual fee will fluctuate with the amount of the advertising budget; whereupon, Director of Purchasing Joseph Lauro indicated that the renewal process includes review of the vendor's

performance as well as approval by the County Administrator; and that any Pinellas County department may utilize the services of the vendor under the same contract terms and conditions.

\* \* \* \*

At this time, 1:36 P.M., Commissioner Todd entered the meeting.

\* \* \* \*

Following further discussion and the introduction of YPB&R representatives, Commissioner Seel moved that the proposal be approved.

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

- #14 Resolution No. 04-189 adopted dedicating certain portions of county-owned property in Section 6, Township 28 South, Range 16 East, as public road right-of-way for Belcher Road and Nebraska Avenue; Clerk authorized to record.

Responding to query by Commissioner Seel, Public Works Engineering Director Charles Norwood explained that the intent is to consolidate the title on various portions of rights-of-way in preparation for declaration and sale of the property as surplus.

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

- #15 Amendment No. 1 to the agreement with Camp Dresser & McKee, Inc. (CDM) for consultant services for the Town of Belleair wastewater system acquisition (Project No. 734-613313-1673) approved for execution, increasing the agreement by \$247,066.00 (revised agreement amount, \$1,708,506.00).

Motion	-	Commissioner Harris
Second	-	Commissioner Todd
Vote	-	7 – 0

- #16 Agreement with SCS Engineers, Inc. for independent consulting engineering services for solid waste landfill and other related ancillary facilities for a period of five years (Project No. 999-999999-1749) approved for execution in the amount of \$1,600,000.00; work to be performed shall be on a negotiated, written, assignment-by-assignment basis and shall include a “not to exceed” budget amount for the assignment.

In response to queries by Commissioner Seel, County Administrator Stephen M. Spratt indicated that he will provide the names of the selection advisory committee members; and that he is initiating a process to rotate departmental representatives within the

Consultant's Competitive Negotiation Act (CCNA) process; and Director of Utilities Pick Talley stated that the vendor has been providing services to the County for at least five years.

Motion - Commissioner Todd  
Second - Commissioner Welch  
Vote - 6 – 1 (Commissioner Seel dissenting)

- #17 Agreement with Annie Robinson Henderson, personal representative for the estate of Clemmie Robinson, for the purchase of an improved parcel lying within the Dansville Redevelopment Area (Parcel No. 08/30/15/70470/100/1704) in the amount of \$51,000.00 approved for execution (Community Development).

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

- #18 Social Action Funding Board recommendations for funding to local service agencies and Master Homeless Initiative Funding Program Agreement approved with authorization for execution of individual agreements pursuant to funding matrix which has been filed and made a part of the record, for a total recommended distribution to local agencies in the amount of \$250,000.00 (Human Services).

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

- #19 Social Action Funding Advisory Board recommendations for funding to local service agencies and Master Social Action Funding Agreement approved with authorization for execution of individual agreements pursuant to funding matrix which has been filed and made a part of the record, for a total recommended distribution to local agencies in the amount of \$950,000.00 (Human Services).

Commissioner Seel requested information on new agencies to be funded; and suggested that the various agencies be kept apprised of the status of the social services needs assessment and funding assessment.

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

- #20 Social Action Funding Board recommendations for funding Emergency Shelter Grant (ESG) projects approved with authorization for execution of individual agreements with project awardees in accordance with the Memorandum of Understanding between Pinellas County Community Development and the Human Services Department executed August 11, 2003 and amended April 28, 2004 and pursuant to funding matrix, which has been filed and made a part of the record, for a total recommended distribution to local

agencies in the amount of \$132,678.00, to be funded through a federal grant (Human Services).

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

- #21 First Amendment to Lease Agreement with I & S Associates, LLC, d/b/a Plaza 300 Associates, LLC, for the Sheriff's Child Protection Investigation Division, extending the term on a month-to-month basis for up to six months and adding notification time for lease termination, approved for execution with authorization for the Clerk to attest (previously deferred at meeting of September 21, 2004) (General Services).

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

- #22 Report and recommendation from the Metropolitan Planning Organization (MPO) concerning update of the transportation impact fee ordinance, including the proposed removal of the "no-fee zone" provisions on October 29, 2004; report received; recommendation approved (Planning).

Referring to the livable community concept, County Administrator Stephen M. Spratt clarified that the proposed ordinance amendment would provide for credits toward impact fees, not improvements in lieu of the fees; and that the proposed fee increase will be an across-the-board average of 13 percent.

Commissioner Seel noted that the MPO had extended the three existing no-fee zones, which are now due to expire on October 29, 2004; and that cities can apply separately for a downtown zone designation to qualify for credit.

In response to query by Commissioner Stewart, Chief Assistant County Attorney James L. Bennett indicated that plans are to incorporate the livable communities concept into the transportation impact fee; that transportation impact fees are rigorously analyzed to ensure that they are held to be constitutional and not a tax; and that a study must be done to determine whether livable communities have reduced traffic impacts and what characteristics lead to reduced impact; whereupon, Director of Planning Brian K. Smith noted that the MPO will contract with the Center for Urban Transportation Research (CUTR) to conduct the study; and that the MPO will submit a recommendation based on the study to the Board of County Commissioners for consideration to amend the current ordinance at an April 2005 Board meeting.

During discussion and responding to query by Commissioner Welch, Mr. Smith stated that the proposed 13 percent fee increase would go into effect upon Board action on the

amendment in April; that the last increase was approximately two years ago in the amount of 18 percent over a two-year period, after ten years without an increase; and that the Board has the authority to change the transportation impact fee ordinance.

Motion	-	Commissioner Seel
Second	-	Commissioner Stewart
Vote	-	7 – 0

- #23 Proposed membership of the Pinellas Suncoast Transit Authority (PSTA) referred back to Transit Governance Task Force for prioritization of issues (Planning Department).

Referring to a chart regarding Alternative 1 (membership to consist of the Metropolitan Planning Organization’s [MPO] original proposal of 13 elected officials) and Alternative 2 (membership to consist of PSTA’s proposal of 13 elected officials and two citizens), Director of Planning Brian K. Smith compared the existing membership and the two proposals.

Commissioner Stewart related that a new countywide transit authority would have potential powers with regard to other means of revenue, including millage rates; and he questioned the appropriateness of citizens serving on the board; whereupon, Commissioner Harris noted that the PSTA desires citizen input.

In response to query by Commissioners Welch and Stewart, Mr. Smith indicated that citizens serve on the PSTA Transit Advisory Committee; and that other revenue sources would be available to the new countywide authority such as increasing the millage rate and a referendum-approved transit surtax; whereupon, County Administrator Stephen M. Spratt added the BCC could impose a local option gas tax (LOGT) for mass transit.

Commissioner Stewart suggested that the issue be referred back to the Transit Governance Task Force; whereupon, Commissioner Morroni cautioned that there may not be enough time to get the input of the MPO and the PSTA before referring it to the Legislative Delegation for action, and Assistant County Administrator Elithia V. Stanfield indicated that the delegation will discuss legislative matters in November and take official action at its December meeting.

Commissioner Seel requested that information regarding taxing authority be sent out to the local governments.

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

- #24 Bid of Golf Ventures for fertilizer items Nos. 7 and 8 (Bid No. 034-780-B) rejected on the basis of being non-responsive and not meeting bid specifications; bids of BWI Companies, Inc. for items Nos. 1 and 3; Diamond R. Fertilizer Co., Inc. for items Nos. 5,

6 and 14; N.P.K. Plus, Inc., for items Nos. 2, 4 and 9; Agronomic Resources, Inc. for items Nos. 7 and 13; Garden and Hardware Distributors, Inc., for items Nos. 8, 10 and 11; and Lesco, Inc., for item No. 12 accepted at unit prices for the annual requirements of fertilizer on the basis of being the lowest responsive, responsible bids received meeting specifications, for a 12-month contract with two additional 12-month options of renewal for an annual expenditure not to exceed \$44,540.40. Contract renewals will allow for price adjustments in an amount not to exceed five percent or that indicated by the prevailing Consumer Price Index-All Urban (CPI-U), upon renewal, whichever is less, at the same terms and conditions, subject to availability of funds and County Administrator approval.

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

#25a Home Depot Largo Plat approved for recording and Special Warranty Deed from Home Depot U.S.A., Inc. for right-of-way for 21<sup>st</sup> Avenue Southeast accepted.

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

#25b Contract for purchase and sale of property from Pinellas Suncoast Transit Authority (PSTA) approved for execution; contract for the proposed acquisition provides for the county to acquire an 8.08-acre portion at a cost of \$3,300,000.00 or all of the 13.08 acres of PSTA property on 49<sup>th</sup> Street North at a cost of \$5,000,000.00.

County Administrator Stephen M. Spratt related that the board has approved the purchase of the eight-acre southerly portion of the parcel; that the City of Largo has agreed to purchase the northerly five-acre portion; and that PSTA has requested a contingency revision to the purchase/sale agreement whereby if the city fails to exercise its option to purchase and the county fails to commit to purchase the entire parcel, PSTA may terminate the purchase agreement and return the deposit to the county.

Commissioner Seel expressed concern that the price is too high and that the Jumbo Sports property has not been sold.

In response to query by Commissioner Stewart, Mr. Spratt identified potential uses of the PSTA property by the Clerk, Criminal Justice Center, Jail, and the Supervisor of Elections; and indicated that the sale proceeds of the Jumbo Sports property should be enough to purchase the property.

In response to query by Commissioners Morroni and Seel, Assistant County Administrator Mark S. Woodard related that the Jumbo Sports property has generated considerable interest in the market; and Charles R. Norwood, Public Works, indicated

that assets as well as land value were factored into the purchase price; and that the garage on the eight-acre portion is well-built and has substantial potential.

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

- 25c Resolution No. 04-187 adopted waiving Pinellas County building permit fees for the repair of hurricane-related damage extended through October 29, 2004.

Commissioner Seel expressed concern that the waiver of fees might need to be extended even longer; whereupon, County Administrator Stephen M. Spratt indicated that the Building Department will inform the county of further need.

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

- #25d Ranking of firms to provide consulting services for the development of the Strategic Plan (Bid No. 034-670-P) as follows:

1. Arrington Marlowe, LLC
2. Balanced Scorecard Institute

Staff authorized to negotiate a contract for board approval with the Selection Advisory Committee's number one ranked firm (Purchasing).

In response to query by Commissioners Seel and Stewart, Director of Purchasing Joseph Lauro indicated that he will furnish the names of the principals of Balanced Scorecard Institute; that only bidders who score above 80 percent in the evaluation process are considered; that only two of the five responding firms scored above 80 percent; that references for both firms were checked; and that proposal documents were sent to approximately one dozen companies.

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

- #25e Resolution No. 04-188 adopted waiving the provisions of the Pinellas County Purchasing Ordinance to secure media sponsorships for the Holiday Lights Program.

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

- #25f Office furniture declared as surplus; authorization granted to sell the furniture to Commissioner Barbara Sheen Todd for a lump sum of \$216.75 (items consisting of a U-shaped desk, three chairs, a sofa, a credenza, bookshelves, a corner wall unit and a coffee table presently being used by Mrs. Todd; furniture is 11 years old and is no longer listed

as having value to the county; estimated value by Bay Area Auction Services, Inc., is \$216.75) (Purchasing).

Following discussion, Commissioner Todd indicated that she 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 Seel
Vote	-	6 - 0 (Commissioner Todd abstaining)

- #25g Open burning for disposal of hurricane debris at the county debris sites (Pinellas County Code 58-215), as recommended by the East Lake fire marshal, approved (Utilities/Solid Waste).

In response to query by Chairman Latvala, Director of Utilities Pick Talley indicated that gated communities have their own landscape care companies; that the county may make a decision to use highway crews to collect the leftover debris in those communities; that he will personally inquire about the communities that haven't been served; that 40 hauling trucks are being used; that the county may be able to find 20 more trucks; and that the county will continue to work with the fire marshal regarding air curtain incinerators if they are still needed.

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

- #25h Interlocal agreement with City of Largo, effective October 5, 2004, relating to intergovernmental cooperation for effective post-disaster debris management and debris site monitoring approved; Chairman authorized to execute and Clerk to attest after approval as to form by the County Attorney's office (Utilities).

In response to query by Commissioner Stewart, County Administrator Stephen M. Spratt indicated that the countywide debris management program was initiated before the storm season; and that the agreement already in place with the City of Dunedin has enabled the county and city to work together faster; whereupon, in response to comment by Chairman Latvala, Mr. Spratt related that the intergovernmental agreement is more cost effective than having separate agreements with all the local governments.

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

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

- a. CitiMortgage, Inc. versus Rick B. Bellis, et al., Circuit Civil Case No. 04-5090-CI-08 - Mortgage Foreclosure Involving a Community Development Mortgage.
- b. Mortgage Electronic Registration Systems, Inc. versus Brian L. Cservak, Sr., et al., Circuit Civil Case No. 04-6392-CI-15 - Mortgage Foreclosure Involving Judgment for Fine and Costs and Judgment for Attorney Fees and Costs.
- c. Dresden versus Pinellas County, Florida, Circuit Civil Case No. 04-006506-CI-021 - Revocation of Flood Variance in Accordance with Federal Emergency Management Agency (FEMA) Regulations.
- d. Robert T. Wagner versus Pinellas County, Circuit Civil Case No. 04-5892-CI-19 - Allegations of Interference with Docking and Transportation Contract.
  - Motion - Commissioner Morrioni
  - Second - Commissioner Seel
  - Vote - 7 - 0

#27 County Attorney authorized to initiate litigation:

- a. On behalf of Mr. Harold A. Adams, III in the Claim of Adams versus Skolte - PCO No.: PC-04-021; HUD No.: 04-04-0732-8 - Allegations of Housing Discrimination.
- b. Against Sharon Petanowick and Stephen Petanowick - Money Owed in Imminent Destruction Appeal.
- c. Against St. Pete Iguana, Inc. and Chesapeake Bay Holding Company, Inc., Pinellas County Case No. 04-007144CO-042 - Building Permit and Certificate of Occupancy Violations, and to file a Complaint for Injunctive Relief.
  - Motion - Commissioner Morrioni
  - Second - Commissioner Seel
  - Vote - 7 - 0

#29 Interlocal Agreement with the Sheriff for the Day Reporting Program approved for execution.

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

#30 Addendum No. 1 to Agreement for Law Enforcement Services for the Town of Redington Beach for fiscal year 2004-2005 at a cost of \$171,198.67 approved for execution.

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

#31 Contract for Law Enforcement Services with the City of Seminole for fiscal year 2004-2005 at a cost of \$1,233,946.14 approved for execution.

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

#32 Revised Final Settlement Agreement with the State of Florida, Agency for Workforce Innovation (AWI) (DOAH Case No. 03-0220; AWI Case No. 03-01-115) of a claim for disallowed costs arising from Workforce Investment Act (WIA) and Temporary Assistance to Needy Families (TANF) grant programs for \$37,667.65 approved for execution.

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

#33 Request to release liens attaching to homestead property owned by Barbie Olson approved.

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

#34a County Attorney authorized to initiate litigation against Nicholas Kekllas - Complaint for Emergency Injunctive Relief - Dangerous Dog Classification.

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

#34b Withholding of October 2004 payment to Department of Juvenile Justice (DJJ) as recommended by the Florida Association of Counties (FAC) approved.

Chief Assistant County Attorney James L. Bennett related that the county is seeking an injunction to challenge the constitutionality of Section 985.21551, Florida Statutes and an injunction against the Florida Chief Financial Officer (CFO) from withholding state funds in the event that the county does not pay the fees. He indicated that the board has three options as follows:

1. Withhold the payment of funds;
2. Pay the funds under protest thereby reserving certain rights;  
or
3. Pay the October billing.

Discussion ensued in which Mr. Bennett outlined the risks associated with each of the options.

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

#35 Sitting as the Industrial Development Authority d/b/a the Economic Development Authority, the board approved for execution the Third Amendment to Lease Agreement between the Pinellas County Economic Development Authority and Specialized Information Management Associates, Inc. (SIMA) at the Young-Rainey STAR Center, extending the lease for a one-year period commencing on October 1, 2004 at the same terms and conditions, for a new monthly payment of \$786.45, including sales tax, for 784 square feet of space (Department of Economic Development).

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

#36 Sitting as the Industrial Development Authority d/b/a the Economic Development Authority, the board approved for execution a Ground Lease Agreement with Renewal Options and a Memorandum of Ground Lease between the Economic Development Authority and Harrod Properties, Inc. at the Young-Rainey STAR Center; Ground Lease Agreement with Renewal Options is for 65 years with two additional ten-year lease options as specified in the Option to Lease Agreement signed October 10, 2001 (Department of Economic Development).

Total payments due for the first year result in a credit: \$1.00 per month times six months plus \$41,673.20 equals \$41,679.20 minus \$54,356.35, minus \$2,644.19 equals credit of \$15,321.34. The following year annual lease payments will total \$83,346.40 minus \$15,321.34 equals \$68,025.06. Per the Lease Agreement, the lease escalation rate will be three percent per year compounded annually, but applied every five years.

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

#37a John Curtiss, Program Manager, CH2M Hill, conducted an electronic presentation titled *Pinellas County Pipe Replacement Program Substantial Completion Report*, a copy of which has been filed and made a part of the record; and indicated that the project is substantially complete, that the 18-month accelerated schedule has been met, and that the project is finishing under budget.

In response to query by Commissioner Stewart, Director of Utilities Pick Talley indicated that if the project had taken six years, as originally planned, the cost would have been higher due to inflation, and the project could have been managed in-house thereby saving the program management cost, but would probably have cost about the same.

- #37b Nicole Elko, Environmental Management, presented an update regarding post-hurricane conditions of Pinellas County beaches; and reported that beach erosion was already bad before Hurricane Jeanne; whereupon, she displayed photographs showing beach conditions following the hurricane. She related that collaborative efforts by Congressman Young's and Senator Jones' offices, the Army Corps of Engineers, and the Florida Department of Environmental Protection will result in federal emergency funding to renourish the beaches; and that coastal fund reserves will be approximately \$4,900,000.00 in fiscal year 2005.
- #37c County Administrator Stephen M. Spratt reported that William Bruckner, Florida Aerial Advertising, is disputing the enforceability of Pinellas County Resolution 01-45 which prohibits banner towing operations at the St. Petersburg-Clearwater International Airport; whereupon, following input by Commissioner Seel and Assistant County Administrator J. Keith Wicks, Mr. Spratt indicated that the resolution will continue to be honored.
- #38 Reappointment of Michael S. Farrell to the Pinellas Park Water Management District Board of Directors approved for a three-year term beginning November 1, 2004.
- |        |   |                      |
|--------|---|----------------------|
| Motion | - | Commissioner Harris  |
| Second | - | Commissioner Morrone |
| Vote   | - | 7 - 0                |
- #39 Appointments of Keti Krekovic and Stephanie Parrish to the Youth Advisory Committee approved for the term of October 1, 2004 through July 31, 2005.
- |        |   |                     |
|--------|---|---------------------|
| Motion | - | Commissioner Harris |
| Second | - | Commissioner Welch  |
| Vote   | - | 7 - 0               |
- #40 Appointment of Mike Meidel to the WorkNet Pinellas Board of Directors as representative for the Pinellas County Economic Development Department approved.
- |        |   |                    |
|--------|---|--------------------|
| Motion | - | Commissioner Seel  |
| Second | - | Commissioner Welch |
| Vote   | - | 7 - 0              |
- #41 County Commission Miscellaneous
- a. Commissioner Todd Congratulated Commissioner Morrone on his appointment to the NACo Steering Committee for Finance in Intergovernmental Affairs.
  - b. Commissioner Seel Related that Mr. Spratt is working on solutions to the tiki hut issue brought up by a citizen; and that she and Representative Farkas are discussing health issues pertaining to indigent and uninsured citizens.

- c. Commissioner Welch      Noted for the record that the revised Patriot Act resolution e-mailed by Dwight Lawton was received by the county but was filtered out by anti-spam software; and called attention to the interactive maps on the county website.
- d. Chairman Latvala        Related that work session re taxi ordinance has been proposed; noted that work sessions will continue to be held on Tuesdays in 2005.

#42 Meeting adjourned at 3:39 P.M.

\_\_\_\_\_

Chairman

ATTEST:    KARLEEN F. De BLAKER, CLERK

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