

**BOARD OF COUNTY COMMISSIONERS MEETING  
TUESDAY, MARCH 13, 2007 – 9:33 A.M.  
ASSEMBLY ROOM, FIFTH FLOOR  
315 COURT STREET, CLEARWATER, FLORIDA**

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

**Members Absent:** None.

**Members Late:** None.

**Members Excused:** Ronnie E. Duncan, Chairman.

**Others Present:** Susan H. Churuti, County Attorney; Stephen M. Spratt, County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and MaryAnn Penhale, Deputy Clerk.

**INVOCATION:** Pastor Peyton Johnson, Lakeside Presbyterian Church, Tarpon Springs.

**PLEDGE OF ALLEGIANCE:** Commissioner Welch.

**PROCLAMATIONS AND AWARDS**

1. Grant Award Check Presentation by Al Taylor, Operations Vice-President of Gulfstream Natural Gas System, L.L.C., to E. Howard Rutherford, President of Friends of Weedon Island, Inc., for the “Cultural and Environmental Resource Center” at Weedon Island Preserve Cultural and Natural History Center.
2. Thanks to long-time friend of Weedon Island, Margaret Walsh, who passed away recently.
3. Service award and pin presented to Assistant County Administrator Keith Wicks, who is retiring after 35 years of service to Pinellas County.

**CITIZENS TO BE HEARD**

JoAn Totty, Palm Harbor, re Palm Harbor.  
Ray Brooks, Clearwater, Pennies for Pinellas.  
Mark Klutho, Largo, re stupidity, waste.

**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**

- # 1 Ordinance No. 07-13 adopted amending the Countywide Future Land Use Plan Rules to clarify the requirements for submitting map amendments and several procedures

regarding how proposed map amendments are considered through the countywide process. No correspondence has been received. No citizens appeared to be heard.

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

- # 2a Ordinance No. 07-14 adopted approving Case No. CW 07-06, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Low to Industrial Limited, re 0.1 acre located on the north side of 143<sup>rd</sup> Avenue, approximately 50 feet east of 63<sup>rd</sup> Street 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 Morroni  
Second - Commissioner Welch  
Vote - 6 - 0

- # 2b Ordinance No. 07-15 adopted approving Case No. CW 07-07, the proposal by the City of Oldsmar to amend the Countywide Future Land Use Plan from Residential Medium, Residential Medium with Water/Drainage Feature, Residential Medium with Transportation/Utility Overlay, Transportation/Utility, Transportation/Utility with Water/Drainage Feature and Water with Water/Drainage Feature to Institutional, Institutional with Water/Drainage Feature, Institutional with Transportation/Utility Overlay, and Water with Water/Drainage Feature, re 9.7 acres located on the north side of Douglas Road, east of Hayes Road and west of Commerce Boulevard (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 Welch  
Second - Commissioner Morroni  
Vote - 6 - 0

- # 3a Ordinance No. 07-16 adopted approving Case CW 06-52, the proposal by the City of Tarpon Springs to amend the Countywide Future Land Use Plan from Residential Low and Preservation to Residential Urban and Preservation, re 9.0 acres located at 625 and 631 North Jasmine Avenue (regular 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 Latvala  
Second - Commissioner Welch  
Vote - 6 - 0

- # 3b Ordinance No. 07-16 adopted approving Case No. CW 06-53, the proposal by the City of Tarpon Springs to amend the Countywide Future Land Use Plan from Industrial Limited to Residential Urban, Residential Urban with Transportation/Utility Overlay, Preservation, and Preservation with Transportation/Utility Overlay, re 6.9 acres located at

615 North Jasmine Avenue (regular 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 Morroni  
Second - Commissioner Harris  
Vote - 6 - 0

- # 3c Ordinance No. 07-14 adopted approving Case No. CW 07-04, the proposal by Pinellas County to amend the Countywide Future Land Use Plan from Residential Low and Preservation to Residential/Office Limited and Preservation, re 0.6 acre located on the northeast corner of Nebraska Avenue and Belcher Road (regular 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 Harris  
Second - Commissioner Seel  
Vote - 6 - 0

- # 3d Ordinance No. 07-17 adopted approving Case No. CW 07-08, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Residential Suburban to Institutional, re 2.1 acres located at 2295 McMullen Booth Road (regular amendment). Pinellas Planning Council recommended approval of the proposal together with a supplemental recommendation that the City give special consideration to improvement of the site with respect to the buffering and landscaping guidelines of the Scenic Non-Commercial Corridor Master Plan and staff concurred. No correspondence has been received. No citizens appeared to be heard.

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

- # 3e Ordinance No. 07-17 adopted approving Case CW 07-09, the proposal by the City of Clearwater to amend the Countywide Future Land Use Plan from Institutional to Residential Medium and Residential Medium with the Transportation/Utility Overlay and the Water/Drainage Feature Overlay to recognize the existing drainage and Progress Energy easements on the site, subject to certain conditions as specified in the attached documentation in Exhibit A, re 2.2 acres located on the west side of Kings Highway, 130 feet south of Woodlawn Terrace (regular amendment). Pinellas Planning Council recommended approval of the proposal and staff concurred, with the additional stipulation that the city notify the Countywide Planning Authority when it has completed its amendments to its local plan and provide documentation of these actions. Mr. Spratt noted that because of the additional stipulation, a super-majority vote of the entire CPA would be required for approval. No correspondence has been received. No citizens appeared to be heard.

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

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Deviating from the agenda, Administrator Spratt indicated that Item No. 48 will be addressed at this time.

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#48 Sitting as the Countywide Planning Authority, the Board approved and accepted the proposed minor changes to the Beach By Design Special Area Plan - Case MPC No. 07-01.

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

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

# 4 Dredge and fill application No. DF1799-06, Santa Madeira Investment Partners LLC, Lots 11-14 American Legion Drive, Madeira Beach (Boca Ciega Bay) approved subject to the following condition:

Turbidity control devices must be properly installed prior to commencing and maintained throughout dredging. In the event of turbidity problems outside of the immediate work area, the applicant or contractor must take immediate corrective action.

No correspondence has been received; and the biological report has been filed as part of the record.

Director of Environmental Management William M. Davis referred to an aerial map and photographs, pointed out the location of the site, and noted that the proposed dredge is associated with the following agenda item for a multi-use dock application; whereupon, he indicated that the purpose of the application is to provide boat access to the seawall; that no variances are required; that the application is before the Authority inasmuch as it exceeds the threshold for administrative approval; and that the project will improve navigation for boats to the docks.

In response to the Vice-Chairman’s call for individuals wishing to speak in opposition to the application, Ray Skursky, Madeira Beach, representing Sea Towers, expressed his concerns, and responded to queries by the members.

Responding to queries and comments by Mr. Skursky, Mr. Davis indicated that the applicant will restore a depth of minus five feet below mean sea level; that the work will be done using an excavator on a barge; and that after spoil material is placed on the development site and allowed to dry, it will either be used on the site or removed by truck. Responding to query by Commissioner Welch, Mr. Davis stated that the project had been approved by the City of Madeira Beach; whereupon, he clarified that the same criteria apply for dredge and fill applications regardless of whether depth is being restored or created.

Dianne Magee, Dunedin, Woods Consulting, stated that the applicant is requesting a maintenance dredge; that soil probes have been done; that core borings have been done to justify the site as a maintenance dredge; and that the applicant is requesting to go minus five feet below mean sea level.

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

- # 5 Multi-use dock application No. M37044-06/Revised, Santa Madeira Investment Partners LLC, 601 American Legion Drive and Lots 11-14 American Legion Drive, Madeira Beach (Boca Ciega Bay) approved; one letter in opposition to and one letter of concern regarding the application have been received; and the biological report has been filed as part of the record.

Director of Environmental Management William M. Davis referred to an aerial map and stated that the applicant intends to create a 43-slip docking facility for use by an 88-unit condominium resort development; that there will be three multi-slip docks, two with boat lifts and one with no boat lifts that will parallel the seawall; that the total length of the facility is approximately 743 feet; that there are no variances requested; that staff sees no significant navigational concerns; and that the application meets criteria.

In response to the Vice-Chairman's call for individuals wishing to speak in opposition to the application, Ray Skursky, Madeira Beach, representing Sea Towers, expressed his concerns and responded to queries by the members.

Referring to Mr. Skursky's concerns, Mr. Davis stated that the matter of the sign-off regarding setbacks is a City of Madeira Beach issue; that staff believes the channel will provide adequate depth to allow boat access and will not cause navigational problems; and that it is not conceivable that boats will parallel park next to the seawall. Responding to queries by the members, he discussed the width of the channel, the ability of boats to maneuver through the channel after the project is completed, and the size of boats that would be limited by the depth of the channel.

Dianne Magee, Dunedin, Woods Consulting, discussed the location of the tie poles and stated that there will be 54 feet available for navigation; and that the application is within

regulations. Responding to query by the Vice-Chairman, she stated that the applicant had obtained letters of no objection from adjacent property owners to the east and west of the project.

Motion	-	Commissioner Latvala
Second	-	Commissioner Welch
Vote	-	4 - 2 (Commissioners Stewart and Seel dissenting)

# 6 Dredge and fill application No. DF1758-06, Baywood Drive North Dredge/John Imperato, 532 through 594 Baywood Drive North and 433 through 527 South Paula Drive, Dunedin (Canal off St. Joseph Sound) approved; one letter in support of and one letter in opposition to the application have been received; no citizens appeared to be heard; the biological report has been filed as part of the record; and approval is subject to the following conditions:

1. Weighted turbidity curtains must be used at the mouth of the canal to contain suspended sediment.
2. The applicant or contractor must take immediate corrective action in the event of turbidity problems outside of the dredge area.

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

# 7 Multi-use dock application No. M37266-06/Revised-A, Blind Pass Lagoons/Gary Morris, 9805 Harrell Avenue, Treasure Island (Blind Pass) approved; one letter in opposition to the application has been received; no citizens appeared to be heard; and the biological report has been filed as part of the record.

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

**SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS**

# 8 Ordinance No. 07-18 adopted amending the Pinellas County Land Development Code regarding mosquito control. Staff recommended approval of the proposed ordinance. No correspondence has been received. No citizens appeared to be heard.

Commissioner Harris expressed concerns regarding the proposed ordinance; whereupon, Mr. Spratt explained the utilization of fines as an effective tool based upon repeated attempts to resolve mosquito breeding problems; and Attorney Churuti provided additional input regarding the matter.

Motion	-	Commissioner Latvala
Second	-	Commissioner Seel
Vote	-	5 - 1 (Commissioner Harris dissenting)

March 13, 2007

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At this time, 10:49 A.M., Commissioner Latvala left the meeting.

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**CONSENT AGENDA ITEMS NOS. 9 THROUGH 22 – APPROVED, WITH THE EXCEPTION OF AGENDA ITEMS NOS. 16 AND 21, WHICH WERE CONSIDERED AND APPROVED UNDER ITEM NO. 23.**

Motion - Commissioner Welch  
Second - Commissioner Seel  
Vote - 5 - 0

# 9 Minutes of regular meeting of January 23, 2007.

#10 Reports received for filing:

- a. Pinellas County, Florida, Statement of County Funded Court-Related Functions, Sections 29.008 and 29.0085, Florida Statutes, for the year ended September 30, 2006 (with Independent Auditors' Report Thereon).
- b. Juvenile Welfare Board of Pinellas County Interim Financial Reports (Unaudited) dated December 31, 2006.
- c. Foreign Trade Zone 193 Annual Report for the period October 1, 2005 – September 30, 2006.
- d. Quarterly Report of Routine Dock Permits issued from October 1, 2006 through December 31, 2006.
- e. Dock Fee Report for the month of January 2007.

#11 a. Other approvals – None.

- b. Vouchers and Bills Paid – Period of January 22 through February 9, 2007  
Payroll Journal page numbers 1 through 2116 for the period of January 22, through January 26, 2007  
Payroll checks numbered 547233 through 547561

Payroll Journal page numbers 1 through 2658 for the period of February 5 through February 9, 2007  
Payroll checks numbered 547562 through 547858

Imprest Fund Expenditures  
Manual checks numbered 751339 through 751346  
System checks numbered 865832 through 868850

Wire Transfers numbered 008258 through 008384

- #12 Miscellaneous items received for filing as noted on agenda:
- a. Florida Public Service Commission Notice of Proposed Agency Action Order approving an increase in wastewater rates in Pinellas County by Tierra Verde Utilities, Inc.
  - b. Florida Public Service Commission Notice of Prehearing and Hearing regarding petition by Tampa Electric Company for approval of a new environmental program for cost recovery through the environmental cost recovery clause held February 22, 2007 and March 5, 2007, respectively, in Tallahassee.
  - c. City of Safety Harbor Ordinance No. 2007-02 adopted February 5, 2007, annexing certain property.
  - d. Resolutions opposing the Pinellas County Board of County Commissioners changing the water and sewer system flow of funds system:
    1. City of Indian Rocks Beach Resolution No. 2007-13 adopted January 23, 2007.
    2. City of Seminole Resolution No. 01-2007 adopted January 23, 2007.
- #13 Plats, Guaranties, Sureties, and Agreements:
- a. West Ridge, Capstone Property Development, LLC – plat accepted and approved for recording.
- #14 Partial release of completion surety funds in the amount of \$24,841.08 for Anona Commons Office Park, located in Section 7, Township 30 South, Range 15 East, to Weatherstone Development Corp. approved (remaining \$6,210.27 held at developer's request as maintenance surety for the project).
- #15 Base bid, plus option one, in the amount of \$1,855,195.59 for Florida Avenue and 14<sup>th</sup> Street North to Bee Branch Creek awarded to R. E. Purcell Construction Co., Inc. (Purcell), a prequalified contractor, on the basis of being the lowest responsive, responsible bid received that meets specifications (PID No. 969; Bid No. 067-0221-C); 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.
- #16 See Agenda Item No. 23.
- #17 Change Order No. 1 (Final) to agreement with Oakhurst Construction Co., Inc. for the South Cross Storage Facility (final agreement amount, \$297,734.00) (PID No. 734-612119-1547A) (Bid No. 034-919-C); retainage released in the amount of \$14,886.70; contract accepted as complete as of March 14, 2006; time extension of 248 days granted; Chairman authorized to sign and the Clerk to attest.
- #18 Bid for methanol fuel for a total estimated annual expenditure not to exceed \$312,075.00 awarded to Weatherford Engineered Chemistry on the basis of being the only responsible, responsive bid received (Contract No. 067-0214-B); 12-month contract with

adjustable pricing at three-month intervals after the date of award for the life of the contract, based on the Producers Price Index (PPI) – Fuels and Related Products and Power, Other Petroleum and Coal Products, or ten percent in any six-month period, whichever is less; three additional 12-month renewal options at the same terms and conditions, pending availability of funds and approval by the County Administrator.

#19 Ranking of firms to provide professional services for the Lake Seminole dredging project (Contract No. 067-0064-P) as follows:

1. Hayes-Bosworth Corporation
2. Conestoga-Rovers & Associates, Inc.
3. Jahna Dredging, Inc.
4. Ashbritt Inc.

Staff authorized to negotiate a contract for Board approval with the number one ranked firm, Hayes-Bosworth Corporation (Environmental Management).

#20a Fiscal Year 2006 Budget Amendment No. 42 was filed and made a part of the record (Management and Budget).

#20b Fiscal Year 2007 Budget Amendment No. 10 was filed and made a part of the record (Management and Budget).

#21 See Agenda Item No. 23.

#22 Quarterly report of claim settlements for the fourth quarter of 2006 for claims requiring the mutual consent of the County Attorney and Risk Management in the settlement area of \$25,000.00 to \$50,000.00 (total claims paid, \$112,667.40) (Risk Management/County Attorney).

## **REGULAR AGENDA**

#23 Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court)

#16 Base bid, plus alternates one and two in the amount of \$314,681.00 for extension building roof and HVAC replacement awarded to Southern Roofing Company, Inc. (Southern), a prequalified contractor, on the basis of being the lowest responsive, responsible bid received that meets specifications (PID No. 1121, Bid No. 067-0222-C); 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.

Responding to queries by Commissioner Seel, Tom Borawski, Senior Registered Architect, Public Works, provided input regarding the roof warranty and eventual replacement of the building.

Motion - Commissioner Morroni  
Second - Commissioner Welch  
Vote - 4 – 1 (Commissioner Seel dissenting)

- #21 Declaration of miscellaneous County-owned equipment as surplus and authorization for liquidation of same through sale from County fixed asset inventory as set forth in memorandum dated March 13, 2007; approval of distribution of proceeds from vehicles sold from Governmental Funds to the Fleet Internal Service Fund to offset the replacement cost of future vehicles (Purchasing).

Commissioner Seel referred to a request for a van received from Family Resources and requested that staff contact the organization with regard to an item on the surplus list; whereupon, Commissioner Harris and Mr. Spratt discussed procedures related to the matter; and Commissioner Welch requested that staff address the procedural issues.

Motion - Commissioner Seel  
Second - Commissioner Welch  
Vote - 5 - 0

- #24 Installation of three speed humps located on 82<sup>nd</sup> Avenue North between Oakhurst Road and 131<sup>st</sup> Street North at the specific locations enumerated in the agenda memorandum dated March 13, 2007, which has been filed and made a part of the record, approved in accordance with the Residential Traffic Management (RTM) program adopted pursuant to Resolution No. 97-291 dated October 14, 1997, and revised June 4, 2002 and June 7, 2005.

Motion - Commissioner Welch  
Second - Commissioner Seel  
Vote - 4 – 1 (Commissioner Morroni dissenting)

- #25 Installation of four multi-way stop conditions and three speed humps located on 49<sup>th</sup> Avenue North between 71<sup>st</sup> Street North and 66<sup>th</sup> Street North at the specific locations enumerated in the agenda memorandum dated March 13, 2007, which has been filed and made a part of the record, approved in accordance with the Residential Traffic Management (RTM) program adopted pursuant to Resolution No. 97-291 dated October 14, 1997, and revised June 4, 2002 and June 7, 2005.

Motion - Commissioner Welch  
Second - Commissioner Morroni  
Vote - 5 - 0

- #26 Amendment No. 1 to Agreement with Parsons Engineering Science, Inc. for Consultant Services for Bear Creek Channel Improvements in the amount of \$327,455.00 (revised agreement amount, \$421,777.00) (PID No. 922306) approved.

Motion - Commissioner Welch  
Second - Commissioner Seel

Commissioner Seel requested that staff address procedural matters related to bidding out various phases of this and similar projects.

Vote - 5 - 0

- #27 Resolution No. 07-27 adopted ordering drainage improvements to The Glades Phases I and II and Catalina Cove, Unit 5, Lots 1 through 4, ordering assessment of the properties benefited thereby and authorizing Director of Public Works to begin plans preparation, and develop an estimate of cost (PID No. 1615); petition signed by the owners of approximately 77 percent of the benefiting properties received for filing.

Motion - Commissioner Welch

Responding to queries by Commissioner Welch, Robert C. Meador, Public Works Transportation, provided input regarding costs and other matters related to the project and confirmed that a public hearing will be held at a later date.

Second - Commissioner Seel  
Vote - 5 - 0

- #28 Amendment No. 1 to the Agreement for Consultant Services for Capri Isle 16-inch and 24-inch water main replacements with Ash Engineering, Inc. (Project No. 623-909514-1498) approved, increasing the agreement amount by \$24,363.70 (revised agreement amount of \$152,473.70).

Motion - Commissioner Welch  
Second - Commissioner Seel  
Vote - 5 - 0

- #29 Agreement for Waste-to-Energy (WTE) Consulting Services with Camp Dresser & McKee Inc. (CDM) in the amount of \$4,600,000.00 approved. Professional services to be performed on an assignment-to-assignment basis as authorized by the Director of Solid Waste Operations; agreement to be for a period of four years with a one-year option of renewal; Chairman authorized to execute and the Clerk to attest.

In response to queries by the members, Director of Utilities Pick Talley described the Waste-to-Energy Consulting Services Agreement; stated that it is necessary; and that any increase exceeding \$4,600,000.00 will require Board approval.

Motion - Commissioner Morrone  
Second - Commissioner Seel  
Vote - 5 - 0

- #30 Adoption of the 2007-08 Federal Legislative Program approved (County Administrator).

Assistant County Administrator Elithia V. Stanfield reviewed a document titled *2007-08 Federal Legislative Program*, a copy of which has been filed and made a part of the record.

During discussion and in response to queries by the members, Ms. Stanfield indicated that she would ascertain if Pasco County is including the Forensic Laboratory as one of its priorities; that the Florida Department of Transportation (FDOT) has already determined its schedule of construction of County bridges; that other transportation projects took precedence over U.S. Highway 19; and that she will report to the Board at a later date regarding creation of a Pinellas County Wireless Network.

Motion	-	Commissioner Morroni
Second	-	Commissioner Seel
Vote	-	5 – 0

- #31 Resolution No. 07-28 adopted temporarily waiving the requirements of Pinellas County Code Section 6-47(a) for the Golden Retriever Rescue of Mid-Florida to hold its Second Annual St. Patrick's Day festival on 11th Street between Nebraska Avenue and Georgia Avenue and Florida Avenue between Alternate U.S. Highway 19 and 11th Street from 12:00 P.M. on March 17, 2007 to 12:00 A.M. on March 18, 2007 in Historic Downtown Palm Harbor (Community Development).

Motion	-	Commissioner Welch
Second	-	Commissioner Seel

Following discussion, Commissioner Stewart requested that staff prepare an amendment to the delegation ordinance allowing the County Administrator to handle resolutions waiving the requirements of Section 6-47(a) of the Pinellas County Code, and report to the Board waivers that were authorized, and no objections were noted; and Commissioner Seel requested that staff provide a twice-yearly Downtown Palm Harbor schedule of events.

Vote	-	5 – 0
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- #32 Resolution No. 07-29 adopted approving Project A5092141472 as a qualified applicant pursuant to Section 288.106, Florida Statutes; and identifying sources of local county financial support of Project A5092141472 as local participation in the Qualified Target Industry Tax Refund Program; tax refund to be paid over a series of fiscal years as determined by the State, with the first payment expected to be requested in fiscal year 2008 (total tax refund of \$111,000.00; no more than 25 percent of the total refund to be taken in any single fiscal year; total contribution of Pinellas County for Project A5092141472 will not exceed \$11,100.00) (Economic Development).

Motion	-	Commissioner Welch
Second	-	Commissioner Morroni
Vote	-	5 – 0

- #33 Resolution No. 07-30 adopted approving Project A6120140339 as a qualified applicant pursuant to Section 288.106, Florida Statutes; and identifying sources of local county financial support of Project A6120140339 as local participation in the Qualified Target Industry Tax Refund Program; tax refund to be paid over a series of fiscal years as determined by the State, with the first payment expected to be requested in fiscal year 2008 (total tax refund of \$900,000.00; no more than 25 percent of the total refund to be taken in any single fiscal year; total contribution of Pinellas County for Project A6120140339 will not exceed \$90,000.00) (Economic Development).

Motion - Commissioner Welch  
Second - Commissioner Harris  
Vote - 5 – 0

- #34 Resolution No. 07-31 adopted approving Project A5072733330 as a qualified applicant pursuant to Section 288.106, Florida Statutes; and identifying sources of local county financial support of Project A5072733330 as local participation in the Qualified Target Industry Tax Refund Program; tax refund to be paid over a series of fiscal years as determined by the State, with the first payment expected to be requested in fiscal year 2008 (total tax refund of \$72,000.00; no more than 25 percent of the total refund to be taken in any single fiscal year; total contribution of Pinellas County for Project A5072733330 will not exceed \$7,200.00) (Economic Development).

Motion - Commissioner Morrone  
Second - Commissioner Welch  
Vote - 5 – 0

- #35 Resolution No. 07-32 adopted regarding regulation of expressive activities on County-owned and County-leased facilities (Facility Management).

Attorney Churuti provided background information regarding the regulation of time, place, and manner of speech under the constitutions of Florida and the United States; whereupon, in response to query by Commissioner Welch, she indicated that a variety of issues have previously arisen; and that the resolution clarifies guidelines and rules concerning expressive activities on County property.

Motion - Commissioner Harris  
Second - Commissioner Seel  
Vote - 5 – 0

- #36 County Administrator authorized to cancel the Lease Agreement between Pinellas County and the City of Belleair Bluffs and to send the required notice to the tenant following the County's issuance of a Notice to Proceed to the contractor to begin the Belleair Causeway Bridge replacement project (Facility Management).

In response to queries by Commissioner Seel, Mr. Spratt indicated that the City is agreeable to the cancellation of the Lease Agreement; and Jorge Quintas, Public Works

Department, added that the City has expressed an interest in entering into a new lease with the County upon completion of the project.

Motion - Commissioner Welch  
Second - Commissioner Harris  
Vote - 5 – 0

#37 First Amendment to Lease Agreement with Demko Vending, Inc. to modify the monthly rent due date to include the vending machine sales as part of the gross monthly revenues derived from the food service operation and to add food services to the Emergency Operations Center for the Emergency Management Department (Contract No. 045-409-P) approved; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Morrone  
Second - Commissioner Harris  
Vote - 5 – 0

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At this time, 11:30 A.M., Commissioner Seel left the meeting.

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#38 Authorization granted to purchase vehicles from Alan Jay Pontiac-Buick-GMC, Inc., Cindy Chevrolet, Inc., Don Reid Ford, Inc., Duval Ford, and Garber Chevrolet-Buick-Pontiac-GMC Truck, Inc., for Vehicles and Equipment 2007 – Florida Sheriffs Association, Florida Association of Counties, and Florida Fire Chiefs’ Association Contract No. 06-14-0821 (Contract No. 067-0291-PB) (Fleet Management/Purchasing).

Motion - Commissioner Morrone  
Second - Commissioner Welch  
Vote - 4 – 0

#39 Resolution No. 07-33 adopted supplementing the fiscal year 2007 Capital Projects Fund Budget to appropriate earmarked receipts for a particular purpose (Department of Environmental Management, Pinellas County Dune Construction and Walkovers Project Grant) (Management and Budget).

Motion - Commissioner Harris  
Second - Commissioner Morrone  
Vote - 4 – 0

#40 Resolution No. 07-34 adopted supplementing the fiscal year 2007 STAR Center Fund Budget to appropriate earmarked receipts for a particular purpose from unanticipated grant revenues and deferred grant revenues and reallocation of reserves for various capital projects (Management and Budget).

Motion - Commissioner Welch  
Second - Commissioner Harris  
Vote - 4 – 0

- #41 Resolution No. 07-35 adopted supplementing the fiscal year 2007 General Fund budget (unanticipated grant funding from the Domestic Marijuana Eradication Program [DME], Organized Crime Drug Enforcement Task Force [OCDETF], Law Enforcement Aggressive Driving Program [LEAD], and U.S. Department of Justice, Drug Enforcement Administration [DEA] Task Force Grants in the amount of \$110,500.00) to appropriate earmarked receipts for a particular purpose and transfer to the Sheriff (Management and Budget).

Motion - Commissioner Harris  
Second - Commissioner Morrone  
Vote - 4 – 0

- #42 Resolution No. 07-36 adopted supporting the application by the City of Tarpon Springs to the Florida Department of Community Affairs (DCA) for designation of the Tarpon Springs Waterfront as a Waterfronts Florida Partnership Community (Planning).

Motion - Commissioner Morrone  
Second - Commissioner Harris  
Vote - 4 – 0

- #43a County Administrator Spratt announced that staff plans to publish a notice regarding a Tax Equity Fiscal Responsibility Act (TEFRA) public hearing to be considered at the Board of County Commissioners meeting on March 20, 2007 at 6:30 P.M., regarding Admiral Farragut Academy South; and no objections were noted.

- #44 County Attorney authorized to defend the County's interest:

- a. Branch Banking and Trust Company versus Dennis Lucas, et al. – Circuit Civil Case No. 07-1343-CI-08 – Mortgage Foreclosure involving a Community Development Mortgage.
- b. Linda Bernard versus Pinellas County Emergency Medical Services (EMS) – County Court Case No. 07-000988-SC-SPC – Small Claims Action – Withdrawn.
- c. Ken O'Keefe versus Pinellas County Animal Services – Circuit Civil Case No. 07-1390-CI-15 – Challenges to the Pinellas County Animal Control Ordinance.
- d. Gregory Pesa versus Tarpon Springs Hospital Foundation, Inc., et al. – Circuit Civil Case No. 07-1455-CI-20 – Interpleader Action.

Motion - Commissioner Harris  
Second - Commissioner Morrone  
Vote - 4 – 0

- #45 Authorization granted to serve an Offer of Judgment to the owners of Parcel P001-R1 in the case of Pinellas County versus Patricia S. Humberstone, as trustee, Circuit Civil Case

No. 06-2019-CI-21, as outlined in the confidential memorandum from County Attorney Susan H. Churuti dated March 13, 2007.

Motion	-	Commissioner Welch
Second	-	Commissioner Harris
Vote	-	4 – 0

#46 Authorization granted for a mediated settlement agreement in the case of Stephen and Angela Spencer versus Pinellas County, et al., Circuit Civil Case No. 03-1349-CI-21, as outlined in the confidential memorandum from County Attorney Susan H. Churuti dated March 13, 2007.

Motion	-	Commissioner Harris
Second	-	Commissioner Welch
Vote	-	4 – 0

#47 County Attorney Miscellaneous:

- a. Attorney Churuti presented an update regarding the Charter Review Commission litigation resolution.
- b. Attorney Churuti advised the Board regarding the fines for mosquito control violations.

#49 County Administrator Reports:

- a. At County Administrator Spratt's direction, Assistant County Administrator Elithia V. Stanfield presented the legislative update and summarized highlights regarding property tax reform and how it may affect Pinellas County.

During discussion and in response to queries by the members, Ms. Stanfield reported that the tax reform proposal presented by the Governor had addressed homestead portability; and that, at this time, the House and Senate had not initiated dialogue regarding that topic. In response to queries by Commissioners Welch and Morroni, Ms. Stanfield indicated that the legislature had not reviewed the impact an increased sales tax would have upon the state; and that she would have staff schedule appointments for the Commission members to meet with legislative representatives.

- b. Administrator Spratt distributed a memorandum titled *East Lake Road Wells Water Use Permit* and provided background information regarding the dormant wells in the Brooker Creek Preserve boundary; whereupon, he recommended that the Pinellas County Waters Use Application be withdrawn from further consideration by the Southwest Florida Water Management District (SWFWMD) regarding the aforementioned wells, and no objections were noted.

\* \* \* \*

At this time, 11:46 A.M., Commissioner Seel returned to the meeting.

\* \* \* \*

#50 Appointments of James S. Bennett and Bonnie M. Loughlin to the WorkNet Pinellas Board of Directors (nominees to serve the remainder of a two-year term from March 13, 2007 through June 30, 2008) approved.

Motion - Commissioner Harris  
Second - Commissioner Morrone  
Vote - 5 – 0

#51 Virginia Littrell appointed to the Pinellas County Park Advisory Board to fill the vacancy created by the resignation of Darden Rice; term will expire on December 31, 2007.

Motion - Commissioner Welch  
Second - Commissioner Harris  
Vote - 5 – 0

#52 Appointment of Irv DeToro to the Pinellas Public Library Cooperative Board of Directors to serve the remainder of a three-year term that expires September 30, 2007 approved.

Motion - Commissioner Morrone  
Second - Commissioner Welch  
Vote - 5 – 0

#53 County Commission Miscellaneous:

- a. Commissioner Harris expressed thanks to Elithia V. Stanfield for her assistance in Tallahassee; offered a water conservation tip re irrigation systems; and offered a consumer tip re the purchase of a used car.
- b. Commissioner Seel provided information re “Move It, Move It” challenge.
- c. Commissioner Welch reported on Faith and Action through Strength Together (FAST) meeting.
- d. Commissioner Stewart noted that Keith Wicks is retiring, and expressed appreciation for his 35 years of service to the County citizens as an exemplary public servant.

March 13, 2007

#54 Meeting adjourned at 12:04 P.M.

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Vice-Chairman

ATTEST: KEN BURKE, CLERK

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