

**BOARD OF COUNTY COMMISSIONERS MEETING  
TUESDAY, AUGUST 21, 2007 – 3:00 P.M.  
ASSEMBLY ROOM, FIFTH FLOOR  
315 COURT STREET, CLEARWATER, FLORIDA**

**Members Present:** Ronnie E. Duncan, Chairman; 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:** None.

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

**INVOCATION:** Rabbi Arthur Baseman, Temple B’Nai Israel, Clearwater.

**PLEDGE OF ALLEGIANCE:** Commissioner Latvala.

**PRESENTATION**

Youth Advisory Committee presentation by Christine Ochsner, Chairman; David Trigaux, Vice-Chairman; and Sara Krieg, Secretary.

**CONSENT AGENDA ITEMS NOS. 1 THROUGH 10 – APPROVED, WITH THE EXCEPTION OF ITEM NO. 7a, WHICH WAS CONSIDERED UNDER ITEM NO. 11**

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

# 1 Minutes of regular meeting of July 10, 2007.

# 2 Reports received for filing:

- a. City of South Pasadena Comprehensive Annual Financial Report for the year ended September 30, 2006, together with Auditor’s Letter regarding South Pasadena Fire District.
- b. Intergovernmental Cooperative Agreement – A Contract and By-Laws for Public Risk Management of Florida (PRM) as amended and restated through May 17, 2007, together with an Affidavit of Authenticity, in compliance with Section 163.01, Florida Statutes, for the Town of Belleair, the City of Gulfport, the City of Indian Rocks Beach, the Town of Kenneth City, the City of Safety Harbor, the City of St. Pete Beach, and the City of South Pasadena.
- c. Affidavits of Publication of Legal Notices published in the Gulf Coast Business Review regarding notice of forfeiture of unclaimed money pursuant to Section 116.21, Florida Statutes.

- # 3 Vouchers and Bills Paid - Period of July 9 through July 20, 2007:  
Payroll Journal Expenditures  
Payroll Journal page numbers 1 through 2696  
Payroll checks numbered 550897 through 551182
- Imprest Fund Expenditures  
Manual checks numbered 751406 through 751407  
System checks numbered 887433 through 889186
- Wire Transfers numbered 009197 through 009244
- # 4 Miscellaneous item received for filing as noted on the agenda:  
Pinellas Park Water Management District Minutes of Regular Meeting No. 9, dated June 14, 2007, and financial statement for the month of June 2007.
- # 5 Change Order No. 1 to the agreement with R.E. Purcell Construction Co., Inc. for Florida Avenue and 14<sup>th</sup> Street North to Bee Branch Creek (Bid No. 067-0221-C; PID No. 969) approved decreasing the agreement amount by \$122.46 (total revised agreement amount \$1,855,073.13); Chairman authorized to sign and the Clerk to attest.
- # 6 a. Change Order No. 2 (final) to agreement with Pepper Contracting Services, Inc. for the McMullen Booth Road at State Road 590 Intersection Improvements (re-bid) (PID No. 816, Bid No. 045-340-C) approved decreasing the agreement amount by \$47,872.06 (revised agreement amount \$1,729,192.10); contract accepted as complete as of January 30, 2007, and retainage released; Chairman authorized to sign and the Clerk to attest.
- b. Change Order No. 2 (final) to agreement with Creative Contractors, Inc. for Construction Management Services for the Sheriff's Administrative Support Building Renovation (PID No. 606) approved decreasing the agreement amount by \$468,777.10 (revised agreement amount \$3,429,934.90) and granting a time extension of 57 calendar days; contract accepted as complete and retainage released; Chairman authorized to sign and the Clerk to attest.
- # 7 a. See Item No. 11.
- b. Change Order No. 1 (final) to agreement with Cornerstone Businesses, Inc. for the Welch Causeway (State Road 666) 24-inch and 16-inch subaqueous water main replacements (PID No. 1489, Bid No. 045-727-C) approved decreasing the agreement amount by \$408,040.57 (revised agreement amount \$2,321,641.43); contract increases project by 252 days and accepts it as substantially complete as of January 10, 2007; retainage in the amount of \$115,044.72 and final payment in the amount of \$20,747.07 released; Chairman authorized to sign and the Clerk to attest.

# 8 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR PURSUANT TO ORDINANCE NO. 04-63 AND SECTION 2-62, PINELLAS COUNTY CODE – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Clerk of the Circuit Court	Release of Navigational Dredging Lien with Paul L. Castellano	Lien is paid in full.	7.6.07
Community Development	Neighborhood Enhancement Grant Agreements with:		8.3.07
	(a) Boot Ranch North Association, Inc. for Landscaping Common Area Beautification;	(a) \$7,256.50, plus equal agency match	
	(b) Cobb's Landing Community Association, Inc. for Alderman Road Center Island Landscaping Improvements;	(b) \$10,000.00, plus \$23,743.00 agency match;	
	(c) Fallbrook at Lansbrook Homeowners Association, Inc. for Parkway and Berm Enhancement and Beautification Project;	(c) \$3,175.00, plus \$3,652.00 agency match;	
	(d) ITHOA, Inc. for Signs and Landscaping Project;	(d) \$10,000.00, plus \$11,238.92 agency match;	
	(e) Juniper Bay Homeowners Association, Inc. for Berm Landscape Enhancements;	(e) \$5,300.00, plus equal agency match;	
	(f) Kylemont Homeowners Association, Inc. for Kylemont Revitalization of Four Sections of Berm Way;	(f) \$10,000.00, plus \$12,162.00 agency match;	
	(g) Lansbrook Master Association, Inc. for Roadway Erosion Control and Beautification;	(g) \$8,950.00, plus \$16,507.00 agency match;	
	(h) Myrtle Point Homeowners Association, Inc. for Berm Restoration;	(h) \$9,835.00, plus \$10,519.50 agency match;	
	(i) Patty Ann Acres Homeowners Association, Inc. for Landscaping along Belcher Road Wall;	(i) \$1,798.00, plus \$1,800.00 agency match;	
	(j) President's Landing Homeowner's Association, Inc. for Lakefront Drive Frontage Beautification; and	(j) \$9,970.50, plus equal agency match; and	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Community Development	(k) Tierra Verde Landmark Homeowners Association, Inc. for 2007 Bayway Berm Improvement Project	(k) \$2,642.00, plus equal agency match	8.3.07
	Release of Mortgage with Virginia M. Bowen	Lien is paid in full.	8.3.07 delegated by BCC agenda item No. 32, dated July 10, 2007
County Administrator	Letter to Florida Department of Transportation (FDOT) for Permit Application Delegated Signature Authority	N/A	7.24.07
Culture, Education, and Leisure	Second Amendment Extending Term of Agreement with Stages Productions, Inc. for Performances through December 31, 2007	N/A – time only extension	8.3.07 – retroactive to May 31, 2007
	Termination of Grant Agreement with the Palladium Theater, Inc. for Use of the Palladium Theater by St. Petersburg College;	\$18,043.00 revenue remains in fiscal year 2007 Department Operating Budget;	7.18.07
	Grant Funding Agreements with:		
	(a) Largo For Youth, Inc. for a Football and Cheerleading Scholarship Program; and	(a) \$13,500.00;	7.18.07
(b) YMCA of the Suncoast, Inc. for the Purchase of a Treadmill, Elliptical Trainers, and Stationary Bicycles for the Fitness Center; and Purchase and Installation of Diving Blocks and Cover for the Lap Pool	(b) \$53,069.00; and	7.18.07	
Culture, Education, and Leisure	Memorandum of Understanding with Jim Coats, Sheriff, for Sharing Fort DeSoto Park Traffic Monitoring System	\$50.00 annual electric power supply	7.18.07
Culture, Education, and Leisure	(a) Amendment Extending Term of the Arts Teacher Incentive Grant Program with The School Board of Pinellas County for Classroom/School Arts Projects, Arts Teacher Professional Development, and Professional Artists' Residences for the 2007-2008 School Year; and	(a) \$20,000.00; and	7.17.07

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Culture, Education, and Leisure	(b) Grant Application with the Florida Department of Environmental Protection for the Fort Restoration Project at Fort DeSoto Park	(b) \$500,000.00 requested funds, no anticipated match	7.17.07
Culture, Education, and Leisure	Cooperative Funding Agreement with Southwest Florida Water Management District for Joe's Creek Greenway Park Stormwater Treatment and Wetlands Restoration Phase II	\$212,500.00 grant revenue, plus equal County cash match	6.22.07
Culture, Education, and Leisure	Cooperative Services Agreement with the U.S. Department of Agriculture, Animal and Plant Health Inspection Services, Wildlife Services for Raccoon Population Control at Fort DeSoto Park	\$12,660.00	5.6.07
Emergency Management	Memorandum of Understanding with the Florida Department of Financial Services, Division of State Fire Marshal for Expenditure of Local Government Unit Funding for Florida Regional Hazardous Materials/Weapons Response Teams	\$58,853.91 grant revenue, no County match	2.7.06
Environmental Management	Cooperative Funding Agreement with Department of Homeland Security for a BioWatch Program: Field Operations and Sample Collection Activities	\$148,836.00 annual grant revenue retroactive to July 1, 2007	7.31.07
Environmental Management	Short-Term Facility License Agreement (STFLA) with National Oceanic and Atmospheric Administration Restoration Center for a Pinellas County Environmental Fund Committee Meeting at Weedon Island Preserve Cultural and Natural History Center (Weedon Island)	N/A	7.2.07
Environmental Management	STFLA with Anne Schmidt for Florida Native Plant Society Meeting at Brooker Creek Environmental Education Center (Brooker Creek)	N/A	6.19.07
Environmental Management	STFLAs for Brooker Creek with:		5.16.07
	(a) Webster College for Nursing Pinning Ceremony; and	(a) \$500.00 revenue; and	
	(b) Jackie Trainer for Certified Public Managers Meeting	(b) N/A	

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Environmental Management	STFLAs with:  (a) Joy Schirm for Troop 263 Eagle Scouts Ceremony at Weedon Island; and  (b) Juvenile Justice Probation Department for Staff Enhancement Day at Brooker Creek	(a-b) N/A	5.1.07
Environmental Management	STFLA with Nohl Crest Homes Corporation for a Staff Meeting at Brooker Creek	\$260.00 revenue	4.26.07
Facility Management	Temporary License Agreement with Courtesy Valet Corporation for Valet Parking on First Avenue North in St. Petersburg	\$6,000.00 annual revenue with four 1-year options at 4% increase	7.20.07
Health and Human Services	Letter of Agreement with the State of Florida, Agency for Health Care Administration for Low Income Pool Program Funding	N/A	6.27.07
Health and Human Services	Amendment No. 2 to the 2006-2007 Core Contract Agreement with the State of Florida, Department of Health for Operation of the Pinellas County Health Department	N/A – change in distribution of funds	6.25.07
Justice and Consumer Services	Grant Award with the Florida Department of Law Enforcement for Residential Substance Abuse Treatment Program	\$50,000.00 grant revenue, plus \$26,553.00 Sheriff match	7.25.07
Justice and Consumer Services	Crime Stoppers of Pinellas County Grant Application with Office of the Attorney General for Florida Crime Stopper Trust Fund Grant	\$357,523.00 requested funds, no anticipated match	7.18.07
Justice and Consumer Services	Contract for Law Enforcement Services with the Town of Belleair Shores and the Sheriff for One Deputy with a Patrol Automobile for 24-Consecutive Hours	\$1,700.00 monthly revenue, retroactive from June 1, 2007 to September 30, 2008, with one 3-year option of renewal	7.6.07

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Planning	Florida Local Update of Census Addresses Technical Assistance Grant Application with the Florida Department of Community Affairs	\$30,000.00 requested funds, no anticipated match	7.18.07
Public Works	(a) Interlocal Agreement with the City of Largo for Transfer Maintenance of Roadway and Ditches on 8th Avenue Southeast between Seminole Boulevard and Donegan Road; and  (b) Distribution Easement with Progress Energy Florida, Inc. for Installation, Operation, and Maintenance of Necessary Facilities to Accommodate Current and Future Electrical Services and Communication System Requirements for The Kiwanis Horses for Handicapped Foundation of Pinellas County, Inc.	(a-b) N/A	7.17.07
Utilities	Utility Work Agreement with FDOT for Utility Relocation on State Road 590 (Northeast Coachman Road), from West of Old Coachman Road to West of Coachman Crossing	\$100,000.00 estimated cost	6.27.07
Utilities	Notices of Lien with: Kristi L. Whitford; Edward C. Rollins; Elissa M. Barber; Thomas Dwyer; Jorge L. Cruz; Robert F. Kibler, III; Laurel D. Schaefer; Sarah Ward; and Cheryl Lynne Wehlau	N/A	4.16.07
Utilities	Releases of Lien with: Soda Works LLC; Advanta Inc; George J. Pitino, Estate; Karen and Tommy Thomas; Kelly Hall; and Ozell Redding	All liens are paid in full.	4.13.07
Utilities	Releases of Lien with: Elizabeth M. Szabo (2); Enterprise II of Florida LLC; Paul Kasper; Diane Peek; and 141 175th Ave LLC (2)	All liens are paid in full.	4.10.07
Utilities	Notices of Lien with: 150 175th Avenue LLC; Soda Works LLC; Ialeen Salyer; Kevin Blacklidge; Michael G. Westrope; Summer Boyette; Diane Peek; Frank Lestoric; Valerie Drygal; Amanda Hall; Jeffrey Miller; Roberta and Henry Mardis;	N/A	3.23.07

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Approval Date</u>
Utilities	George G. Hatfield; Toby and Janis Richards; Kevin and Nancy Cornwell; Jean Jacques; Brady Homes LLC; Geo and Ann Papazoglou; Pelican LLC; William M. and Gina Hammesfahr; George G. and Pamela Leszczynski; 151 175th Avenue LLC (2); Merlinda P. Geer; Jaider Vasquez; Stevie L. Walker; 154 175th Avenue LLC; Julio Batista; Bonga Bonga Inc.; 148 175th Avenue LLC; 135 175th Avenue LLC; Avanta Inc.; Lucy Lo Presti; Patchrin and James Lenczyk; Alison Dasilva; Ivy Family Land Trust; Dorothy M. Cyrway; Miranda Wysong; Sandra B. Tallen; Daniel and Sarah Kyburz; Barbara and Donald Casbeer; and Jeffrey S. Hamilton	N/A	3.23.07
Utilities	Releases of Lien with: Thomas McCarthy; Christine Mangels Trustee and Bahama Winds of Seminole; Joe Marsi; Eugene Voshage; Robert Seay; Barry L. Siewert; Land Trust Management Services Trust; Kevin Bobb; Jeffrey Geisinger; and Jeremy G. Palmer	All liens are paid in full.	3.20.07
Utilities	Releases of Lien with: Omar Huerta; Kazi Mamoonul Hassan; Vickie L. Clifton; Louie Polizzi; Connie and Roger Belger; Raymond Jones; and Christopher and Sharon Dietrich	All liens are paid in full.	3.14.07
Utilities	Notice of Lien with: Barry L. Siewert; Eugene Voshage; Joe Marsi; Alan Steele; James Merrill; William M. Ruth; Vicky R. Hill; Amsouth Bank; John R. Barron; Henry Elnora D., Estate; Noreen A. Anderson; William M. Schutt; Patrick Kelly; Baker Lowell T.; Eric M. Parthey; John W. and Kathleen T. Smith; and Robert Seay	N/A	3.1.07
Utilities	Releases of Lien with: Tina and Chris Estey; and Susan Gonzalez	All liens are paid in full.	2.15.07
Utilities	Data Exchange Agreement with United States Postal Services for Electronic Site Access	N/A	1.8.07

- # 9 Fiscal Year 2007 Budget Amendment No. 17 was filed and made a part of the record (Management and Budget).
- #10 Bid in the amount of \$403,000.00 for Compellant Storage Center (Data Replication Storage Area Network) to furnish, install, and maintain awarded to Extensys, Inc. on the basis of being the lowest responsive, responsible bid received that meets specifications (Contract No. 067-0598-B); County Administrator authorized to sign end user software license agreement.
- #11 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court).
  - # 7a. Change Order No. 1 (final) to agreement with Rowe Drilling Company, Inc. for the Lake Tarpon Aquifer Storage and Recovery Test Well System, Phase III (PID No. 1807, Bid No. 056-0664-C) approved decreasing the agreement amount by \$66,970.00 (revised agreement amount \$525,830.00) and granting a time extension of 47 days; contract accepted as substantially complete as of April 12, 2007; retainage released in the amount of \$25,816.50; Chairman authorized to sign and the Clerk to attest.

Utilities Engineering Hydrogeology Manager Dave Slonena presented a brief progress report; and responding to query by Commissioner Seel, indicated that the contract for the next phase of the project should be before the Board for consideration in November or December 2007; and that the contract has not yet been released for bid; and County Administrator Spratt provided input.

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

- #12 First Amendment to Lease Agreement with Renewal Options with PODS Enterprises, Inc. (PODS) approved; inspection period extended to October 19, 2007; date for commencement of construction extended to October 30, 2007; date of rent commencement extended to the earlier of PODS' completion of improvements or 22 months from the original Lease execution date, which shall be October 19, 2008; original lease fair market value of \$0.32 per square foot with approximately \$139,392.00 annual ground lease revenue and current five-year escalation adjustments to remain unchanged.

Motion	-	Commissioner Latvala
Second	-	Commissioner Harris

Responding to queries by the Members, Airport Director Noah Lagos summarized the circumstances surrounding the extension requests; confirmed that a scrivener's error has been corrected to indicate that the date of rent commencement is the earlier of the

completion of improvements on October 19, 2008; explained the default provision contained in the Lease Agreement; and provided an update on the Brookline and Crestwood Suites projects.

Vote - 7 - 0

- #13 Change Order No. 1 to agreement with Bayshore Construction, Inc. for boardwalk construction at various locations (PID Nos. 1269 and 1283; Bid No. 056-0658-C) approved adding PID Nos. 1454, 1473, and 1453, increasing the agreement amount by \$185,016.74 (revised agreement amount \$1,883,273.10), and granting a time extension of 140 consecutive calendar days; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala

Second - Commissioner Welch

Vote - 7 - 0

- #14 Amendment No. 3 to Agreement for Consultant Services for Eagle Lake Park General Development (PID No. 625) with HDR Engineering, Inc. to conduct a limited Phase II archaeological survey to determine the National Register of Historic Places status of the site approved increasing the agreement amount by \$30,037.00 (revised agreement amount of \$850,209.00); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Seel

Second - Commissioner Latvala

Vote - 7 - 0

- #15 First Amendment to the Agreement for Banking Services with Wachovia Bank, N.A. (Contract No. 056-0483-P) approved for a total estimated expenditure increase to the current contract (through August 31, 2010) not to exceed \$37,840.00; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Stewart

Second - Commissioner Harris

Vote - 7 - 0

- #16 Recommendation from the Tourist Development Council for 2008 New Product Development Grants, as amended, in the total amount of \$270,000.00 approved (Albert Whitted Airfest, Inc., \$75,000.00; City of Largo, \$30,000.00; City of Tarpon Springs, \$40,000.00; Italian American Women of Today, \$30,000.00; St. Petersburg/Clearwater Film Society, \$20,000.00; and Atlantic Productions, Inc., \$75,000.00, with conditions) (Convention and Visitors Bureau).

Motion - Commissioner Latvala

Second - Commissioner Morrone

Responding to query by Commissioner Stewart, Managing Assistant County Attorney Dennis R. Long explained the funding process; and Convention and Visitors Bureau Director D.T. Minich and Assistant Director Lee Daniel provided input; whereupon, Commissioner Stewart expressed concern regarding the lack of qualified applicants for these grants.

In response to query by Commissioner Seel, Attorney Long described the rationale for the conditions imposed upon Atlantic Productions, Inc. and the Tarpon Springs Chamber of Commerce; and discussion ensued wherein it was the consensus of the Members that the application of the Tarpon Springs Chamber of Commerce should not be funded.

Following additional discussion, Commissioner Latvala amended her motion to so indicate and Commissioner Morroni concurred.

Vote - 7 - 0

- #17 Resolution No. 07-108 adopted approving Project A7071228129 as a qualified applicant pursuant to Section 288.106, Florida Statutes; and identifying sources of local county financial support of Project A7071228129 as local participation in the Qualified Target Industry (QTI) 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 2009 (total tax refund of \$300,000.00; no more than 25 percent of the total refund to be taken in any single fiscal year; total contribution of Pinellas County for Project A7071228129 will not exceed \$30,000.00) (Economic Development).

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

- #18 Award of Bid to OK's Cascade, Inc. for emergency base camps and services (Contract No. 067-0295-P) on the basis of being the only proposal received; contract effective for 12 months with one additional 12-month option of renewal; option may be exercised only if all terms and conditions remain the same and allowing for potential yearly price adjustments in an amount not to exceed the average of the Consumer Price Index (CPI) for all urban consumers, not seasonally adjusted, for the period of 12 months or three percent, whichever is less, subject to approval of the County Administrator; Chairman authorized to sign and the Clerk to attest (Emergency Management).

Motion - Commissioner Stewart  
Second - Commissioner Welch

Responding to queries by the Members, Interim Director of Emergency Management Sally A. Bishop related that this is a contingency contract with no up-front cost; that signing the contract will afford Pinellas County a higher priority for services than jurisdictions without a contract in place should a catastrophic event occur; and that it is likely that the size and requirements of the contract specifications are responsible for the receipt of only one proposal; and discussion ensued with input provided by Director of Purchasing Joe Lauro and County Administrator Spratt.

Ms. Bishop indicated that she will provide the members with copies of the proposal; and in response to query by Commissioner Morroni, noted that the company has performed extensive work for the State of Florida and comes very highly recommended; confirmed that the company does not have existing contracts with any other Florida counties; and

related that the company has tentative plans to open a warehouse facility in Jacksonville which would reduce the County's potential mobilization costs.

Vote - 7 - 0

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At this time, 4:02 P.M., Commissioner Latvala left the meeting.

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#19 First Amendment to Contract with Knight Facilities Management, Inc. for janitorial services for various County Buildings to allow an hourly rate fee (Contract No. 034-0364-B) approved for an expenditure amount not to exceed \$52,816.64 (revised agreement amount \$4,493,290.58); Chairman authorized to sign and the Clerk to attest (Facilities Management/Purchasing).

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

#20 Disbursement of funds from the Alcohol and Drug Abuse Trust Fund for selected agencies identified in the funding matrix, which has been filed and made part of the record, for fiscal year 2007-2008 in the amount of \$68,660.68 as recommended by the Pinellas County Substance Abuse Advisory Board approved (Justice and Consumer Services).

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

#21 Other Administrative Matters – None.

#22 County Attorney authorized to defend the County's interest in the case of Jonathan M. Ruiz versus the Town of Indian Shores, Florida, the Town of Redington Shores, Florida, Pinellas County Sheriff's Office, Officer John P. Wiseman, individually and in his official capacity, and Deputy Sheriff Nelson H. Whitesell, individually and in his official capacity; Middle District of Florida Case No. 8:07-CV-01233-T-26EAJ – Allegations of injuries and civil rights and State law violations.

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

#23 Authority granted for the County Attorney to initiate litigation in the cases of:  
a. Jim Coats, as Sheriff of Pinellas County versus Justin P. Greene and Jessica Greene – Damages Incurred as the Result of an Accident.  
b. Jim Coats, as Sheriff of Pinellas County versus Natasha Maxwell and Michael L. Odom, Jr. – Damages Incurred as the Result of an Accident.

c. Pinellas County versus Jose Guadalupe Sanchez – Damages Incurred as the Result of an Accident.

d. Pinellas County versus J & J Island Homes, Inc. – Vehicular Damage.

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

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Commissioner Latvala returned to the meeting at 4:03 P.M.

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#24 Contract for Legal Services with Williams, Schifino, Mangione & Steady on behalf of Deputy Michael Peasley in the case of Francesco Mario Provenzano, Pro Se, versus Jim Coats, Sheriff, Michael Peasley, II, and Kenneth S. Kubler, in their individual and official capacities, Case No. 8:06-cv-1303-T-26TBM, retroactive to July 18, 2007, approved for execution.

Motion - Commissioner Welch  
Second - Commissioner Latvala

Responding to query by Commissioner Harris, Chief Assistant County Attorney Bennett explained the rationale for engaging outside counsel in this matter.

Vote - 7 - 0

#25 County Attorney Miscellaneous – None.

#26 Tourism Update:

St. Petersburg/Clearwater Area Convention & Visitors Bureau Executive Director D. T. Minich conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record. He provided statistical information pertaining to the Winter 2007 tourist season and related that current initiatives focus on market research utilizing an online survey, focus groups in key geographic and industry markets, and a website usability study, all of which will result in the complete redesign of the website, a new logo and brand, implementation of a database system, and new advertising campaigns in various traditional media as well as event sponsorship and partnering, and *guerrilla*, or nontraditional, marketing in target areas.

Mr. Minich displayed print advertisements which are part of the current *bridge* campaign; and responding to query by Commissioner Stewart, indicated that German, Spanish, and French language websites will be launched in the near future; that what works in the domestic market does not necessarily work in foreign markets, and that mini-campaigns will be developed using input from existing staff in Germany and the United Kingdom.

#27 Utility Rates Report:

Utilities Finance and Business Support Director Stephen B. Carroll conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record. He reviewed historical information and ongoing initiatives, provided a forecast of revenues and expenses for the Sewer and Water systems through Fiscal Year (FY) 2011/12, and responded to queries by the members.

Mr. Carroll indicated that an April 2007 update had projected rate increases of three percent for Sewer and five percent for Water in fiscal years 2007/08 and 2008/09; that, as a result of budget reductions, the department is currently recommending no Sewer rate increase and only three percent rate increases for Water in fiscal years 2007/08 and 2008/09; and that rates for both Water and Sewer will be re-evaluated in FY 2009/10 when the Asset Management System is completed.

Topics of discussion included proposed bond issues in the amount of \$35.2 million in mid FY 2007/08 for various Sewer projects and \$70.5 million in FY 2008/09 for the Water Blending Facility, as well as the cost of water provided by Tampa Bay Water.

#28 Budget Update:

Mr. Spratt referred to his memorandum dated August 16, 2007 and the attached *Summary of Changes to FY08 Proposed Budget*, a copy of which has been filed and made a part of the record, and noted several key issues that have been identified by the Board and constituents as topics for further consideration.

Following discussion with input by Mr. Spratt, Assistant County Administrator Elithia V. Stanfield, Director of Solid Waste Robert Hauser, and Director of Environmental Management William M. Davis, the Board provided staff direction, as follows:

Legislative Delegation Office – Maintain the Capital Hill Group legislative tracking service contract, at a cost of approximately \$12,000.00 to \$13,000.00 annually. Mr. Spratt indicated that funding could be drawn from the non-departmental allocation for consulting services.

Environmental Lands Unit (LIMA) – Obtain information on possible alternative revenue sources; maintain as many staff positions as possible – Mr. Spratt suggested contacting the Utilities Department and Progress Energy regarding their willingness to contribute toward security of their properties at Brooker Creek and Weedon Island.

Artificial Reef Program – Pending receipt and evaluation of the Reef Management Study report, look toward shedding costs where possible while providing the capability to maintain the existing reefs; consider

using private contractors on a go-forward basis; obtain a more detailed program plan and budget.

DNA Lab – The lab is fully funded under the current budget proposal; any federal funding received will free up general revenue for other programs.

It was the consensus of the Board that any budget modifications resulting in increased costs must be accompanied by an equal cost reduction elsewhere within the budget.

#29 Irving DeToro reappointed to the Pinellas Public Library Cooperative Board of Directors for a three-year term expiring on September 30, 2010.

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

#30 County Commission Miscellaneous:

- a. Commissioner Morroni discussed a request by the Pinellas County License Board for Children’s Center and Family Day Care Homes for continuation of County Attorney services and provision of in-kind support and related his proposed response.
- b. Commissioner Latvala reported on her visit to Tallahassee to request funding for purchase of the Cross Bar/AL BAR Ranch by Pasco County.
- c. Commissioner Welch reminded the Board of the Housing Authority conference re low income housing on Tuesday, August 28, at 2:00 P.M. at the Clearwater Library.
- d. Chairman Duncan congratulated Commissioner Stewart on his appointment by the Governor to the Legislative Committee on Intergovernmental Relations; noted that the Century Commission will be meeting in Pinellas County on August 26 and 27 and offered to provide further information upon request.

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At this time, 6:14 P.M., the meeting was recessed and reconvened at 6:32 P.M.

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**CITIZENS TO BE HEARD**

- Don Cocker, Unincorporated Pinellas County, re motorsports park at Toytown – submitted petition and compact disc.
- Greg Pound, Largo, re Commissioner’s Cooperative Agreement – submitted document.
- Nick Fritsch, Clearwater, re Jim Smith property.
- Mark R. Klutho, Largo, re stupidity, waste.
- W. C. Snipes, Clearwater, re Progress Energy Trail – submitted document.
- David Figueroa, Palm Harbor, re public access.

**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 - WATER AND NAVIGATION AUTHORITY**

#31 Multi-use dock application No. M36929-06/Revised-A, Triangle Old Bay Holdings, LLC, 302-308, 314, 400, and 404 North Osceola Avenue, Clearwater (Clearwater Harbor) approved; no correspondence has 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 condition:

The use of this structure to accommodate the loading or off loading or the mooring of vessels with motors is strictly prohibited.

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

#32 Commercial Dock Application No. CD38235-07 submitted by Carlos Yepes, Belleair Development – St. Petersburg Yacht Club, 1301 Snell Isle Boulevard, St. Petersburg (Tampa Bay), approved; one letter in support of and one letter in objection 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 condition:

A hurricane plan for the marina must be received from the applicant and approved by the County prior to permit issuance.

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

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At this time, 6:57 P.M., Commissioner Latvala left the meeting.

\* \* \* \*

- #33 Dredge and Fill Application No. DF1846-07 submitted by Carlos Yepes, Belleair Development – St. Petersburg Yacht Club, 1301 Snell Isle Boulevard, St. Petersburg (Tampa Bay) approved; one letter in support of the application has been received; the biological report has been filed as part of the record; and approval is subject to the following condition:

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

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

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Commissioner Latvala returned to the meeting at 6:59 P.M.

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- #34 Dredge and Fill Application No. DF1767-06/Revised submitted by the City of St. Petersburg, Grand Canal Bridge between Kansas Avenue Northeast and Iowa Avenue Northeast, St. Petersburg (Canal off Tampa Bay) approved; no correspondence has 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 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.

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

- #35 Commercial Dock Application No. CD38265-07/Revised submitted by Pirates Treasure, Inc., 2400 Bayshore Boulevard, Dunedin (St. Joseph Sound) approved; no correspondence has 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 condition:

The applicant must submit a hurricane plan for the marina to the Department of Environmental Management prior to permit issuance.

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

**SCHEDULED PUBLIC HEARING – COUNTYWIDE PLANNING AUTHORITY**

- #36 Proposed amendment to the Countywide Plan Rules regarding density and intensity standards for temporary lodging use (second public hearing) referred to Pinellas Planning Council (PPC) for review, to be brought back to the Countywide Planning Authority (CPA) for public hearing in October 2007; 28 messages in favor of and 51 messages in opposition to the proposed amendment have been received.

Staff recommended approval of Alternative A, Option 1, with a Development Agreement requiring only local approval, to be received and filed by the PPC and the CPA.

Chief Assistant County Attorney James L. Bennett noted that two of the options being presented today may constitute a material change to the ordinance as advertised; and that the definition of a *material change* is currently being reviewed by the Florida Supreme Court; whereupon, he recommended that, should the Board decide to pursue Alternative A, Option 1 or Alternative A, Option 2, the matter be referred back to the PPC for review and comment and brought back before the CPA for public hearing at its October 2 and October 16 meetings.

Planning Department Director Brian K. Smith displayed a document titled *Comparison Chart (Tourist Density Provisions)*, a copy of which has been filed and made a part of the record, and described the provisions of Alternative A and Alternative B, as advertised and discussed at the August 7, 2007 public hearing; and indicated that the discussion had resulted in Alternative A, Option 1, eliminating PPC and CPA approval of the Development Agreement and providing for its receipt and file only; and Alternative A, Option 2, which would eliminate the Development Agreement altogether.

In response to queries by the members, Mr. Smith and PPC Executive Director David P. Healey provided additional information and clarification regarding various issues.

Responding to the Chairman's call for persons wishing to be heard, the following individuals spoke in support of the proposed amendment:

Sheila Cole, Clearwater, representing the Clearwater Beach Chamber of Commerce  
Bette Woods, St. Pete Beach  
Lorraine Huhn, St. Pete Beach  
Allan J. Halpern, St. Pete Beach  
Rosemary K. Manning, St. Pete Beach  
Paul Pfister, St. Pete Beach, representing the North Beach Civic Association  
Pete Uebelhoer, St. Pete Beach  
Greg Nicklaus, St. Pete Beach  
Helen Maxson, St. Pete Beach  
Tony Satterfield, St. Petersburg, representing the Tampa Bay Beaches Chamber of Commerce.  
Russ Kimball, Clearwater, General Manager, Sheraton Sand Key Resort  
Phil M. Henderson, Jr., Clearwater, President of Starlight Cruises and Board Member, Tourist Development Council  
Claudia Conti, Clearwater

The following individuals spoke in opposition to the proposed amendment:

Karen Laufenburger, Indian Rocks Beach  
R. E. Cummins, Madeira Beach  
Brooke Anderson, St Pete Beach  
James Anderson, St. Pete Beach  
Deb Schechner, St. Pete Beach  
Jack Ohlhaber, St. Pete Beach  
William Pyle, St. Pete Beach, representing Silver Sands Condominiums,  
Building B  
W. C. Snipes, Clearwater – distributed handout  
Michael D. Max, St. Pete Beach

In response to query by Chairman Duncan regarding hotel occupancy rates, St. Petersburg/Clearwater Area Convention & Visitors Bureau Executive Director D. T. Minich related that the rate has remained flat at 75 percent partly due to the fact that the traveling public is demanding a newer-type product, especially for beach vacations; that the county's accommodations have remained fairly stagnant; and that travelers are opting for other destinations in Florida; whereupon, he clarified that the 125 units-per-acre density would be available only in the High End Resort category and only on parcels of three or more acres in size; and that the Ordinance would apply not only to beach or high-end resorts, but throughout the County.

Following discussion with input by Messrs. Smith and Healey, Commissioner Latvala moved approval of Alternative A, Option 1, and Commissioner Stewart seconded.

During continued discussion and responding to concerns of the Commissioners, Mr. Healey addressed the issue of highest-and-best-use property valuation/taxation; and related that the Growth Management Act requires each community to have a concurrency management system in place to address infrastructure provisions.

Attorney Bennett indicated that an appropriate motion would be to remand the matter back to the PPC, for ultimate review and approval by the Board in October, and the maker and seconder concurred; whereupon, in response to query by Commissioner Morroni, Attorney Bennett related that the PPC members would be free to address issues as they see fit, including those raised tonight, and make a recommendation to the CPA. Commissioner Seel requested that information be obtained from Chief Deputy Property Appraiser Pam Dubov regarding the highest-and-best-use issue.

Vote - 6 – 1 (Commissioner Seel dissenting)

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

#37 Ordinance No. 07-37 adopted amending Sections 46-32 and 46-34 of the Pinellas County Code pertaining to court costs and service charges.

Staff recommended approval of the proposed ordinance. No correspondence has been received. No citizens appeared to be heard.

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

- #38 Resolution No. 07-109 adopted granting petition of Contemporary Housing Alternatives of Florida, Inc. to vacate a portion of an alley between Lots 39 through 44 and Lots 62 through 67, Grove Park Vista Annex Replat Subdivision; authority granted for Clerk to record the resolution. 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.

Public Works Real Estate Manager James Meloy displayed an aerial photograph and identified the subject property. He noted that the relevant utilities and County divisions have been contacted and no objection found; that utility easements have been reserved; that the remainder of the easement not being vacated contains encroachments; and that developer will provide needed access, thereby improving the situation.

Responding to the Chairman's call for persons wishing to speak, Aaron King and Leon H. Webster, Jr., St. Petersburg, expressed their concerns regarding the boundary of the area to be vacated; whereupon, Mr. Meloy pointed out the area delineated in red on the aerial photograph, indicating that the property owned by Messrs. Webster and King would not be affected. Mr. Spratt provided a copy of the plat map to Mr. Webster, and in response to query by Commissioner Stewart, indicated that the standard notification letter will be modified to include specific contact information.

Thereupon, Robert Buttermore, St. Petersburg, spoke in opposition to the proposed vacation, noting his concerns regarding the density, infrastructure, and safety of the neighborhood.

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

- #39 Resolution No. 07-110 adopted granting petition of Jane A. Anderson Carr, a/k/a Jane A. Anderson, for an easement on Lot 20, Block A, Homestead Woods Subdivision; authority granted for Clerk to record the resolution. 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. No citizens appeared to be heard.

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

- #40 Resolution No. 07-111 adopted granting petition of Eric J. and Rebecca L. Domanico to vacate a portion of a utility and drainage easement on Lot 21, Block A, Urban Lakes Estates, Second Addition Subdivision; authority granted for Clerk to record the

resolution. 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. No citizens appeared to be heard.

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

\* \* \* \*

At this time, Mr. Spratt read the following announcement:

Public hearing agenda items Nos. 41 and 42 represent amendments to the County’s Comprehensive Plan. The Department of Community Affairs (DCA) is trying to better inform citizens of their determination regarding whether or not local government comprehensive plans, and/or plan amendments, are in compliance with State law. Therefore, if the action taken by the Board of County Commissioners today is to authorize transmittal of these amendments to the Department for review, then anyone who wishes to hear directly from the DCA regarding their compliance determination on this amendment can give the Board Reporter their name and address at this time, or after they speak on the agenda item. That person’s address will then be forwarded to the DCA, and that person will be notified directly by the Department as to when, and in what newspaper, the Department will issue their determination regarding the status of the amendment. You will also be informed at that time that you have 21 days after the Department publishes this determination if you wish to challenge the Department’s findings.

\* \* \* \*

#41 Authorization granted for transmittal of the proposed Public School Facilities Element and associated amendments to the Intergovernmental Coordination and Capital Improvements Elements of the Pinellas County Comprehensive Plan to the Florida Department of Community Affairs for review and comment. No correspondence has been received. No citizens appeared to be heard.

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

#42 Ordinance No. 07-38 adopted rescinding Ordinance No. 06-31, which amended the Future Land Use Map of Pinellas County for the Golden Lantern Mobile Home Park by changing the land use designation of 19.74 acres of land located on the south side of Park Boulevard from Residential Urban to Residential Medium and Residential/Office/Retail; providing for the retention of the Residential Urban land use classification on the subject property; and recognizing the lack of effectiveness of the underlying rezoning and development agreement (second public hearing). Staff recommended approval of the proposed ordinance. No correspondence has been received.

Building and Development Review Services Director Paul Cassel provided a brief overview of the case, noting that the Board had approved zoning and land use changes contingent upon a development agreement which required installation of fill to raise the land elevation, keeping it out of the Coastal High Hazard Area (CHHA); that the Florida Department of Community Affairs (DCA) has refused to approve the land use change; that negotiations with the DCA have been unsuccessful; that the developer has declined to expend further funds or effort to move the case forward; and that the DCA has advised the County to rescind Ordinance No. 06-31.

Responding to the Chairman's call for persons wishing to be heard, the following individuals appeared and expressed their concerns:

Tammy Tucker, Pinellas Park  
Shera Darlington, Pinellas Park  
Pauline Onley, Pinellas Park  
Josephine Peters, Pinellas Park

Senior Assistant County Attorney David S. Sadowsky responded to queries by Ms. Tucker and Commissioner Welch, relating that the DCA has cited a Florida Statute requiring that the County provide emergency shelters to meet a particular level of service (LOS); that the County is financially unable to meet the specified LOS; that the developer is unwilling to contribute a pro-rata portion for the shelters; and that the project was predicated on an agreement with the developer and the Tampa Bay Regional Planning Council to bring the property out of the CHHA, which the DCA will not accept. Mr. Cassel indicated that the DCA is reluctant to increase the CHHA density without the provision of adequate shelter space.

Commissioner Welch addressed the residents, citing the County's efforts to address their concerns, and noting that the County cannot override the authority of the State, nor can it control the actions of the property owner; and a brief discussion followed.

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

- #43a Resolution No. 07-112 adopted granting the application of Shady Lane, LLC, through Steven A. Williamson, Esquire, Representative, for a change of zoning from R-6, Mobile Home Parks and Subdivisions, to P-1, Professional Offices; Ordinance No. 07-39 adopted approving change in land use designation from Residential Low Medium to Residential/Office General (Z/LU-1-6-07), subject to further review and approval by the Pinellas Planning Council and Countywide Planning Authority, re a parcel of land containing approximately 9.3 acres located on the northeast corner of Roosevelt Boulevard and Bolesta Road, Largo. Proposed variance to increase the Floor Area Ratio (FAR) by ten percent denied.

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Staff recommended approval of the zoning and land use changes and denial of the proposed variance based on the Local Planning Agency Report. No correspondence has been received.

Building and Development Review Services Director Paul Cassel displayed an aerial photograph, pointing out the subject property and describing surrounding land uses. He indicated that the property is located at the edge of the Gateway area; that development of an office park would be appropriate; that the applicant has agreed to address traffic concurrency issues; and that staff finds no basis for granting of the FAR variance.

Steven A. Williamson, Esquire, indicated that he represents the property owner and contract purchaser; that all residents and trailers have been removed from the property; that the requested changes are consistent with the *Gateway to the Future* plan previously approved by the Board and the requirements of the Residential/Office General land use category; and that the applicant has met with the homeowners' association of the Shady Lane mobile home park and received support from some of its members; whereupon, Robert Pergolizzi, Gulf Coast Consulting, provided information relative to the proposed transportation management plan and variance; and responded to various queries by the members.

In response to the Chairman's request for persons wishing to speak in opposition to the application, the following individuals appeared and stated their concerns:

Samuel J. Heath, Clearwater  
Elizabeth A. Shea, Clearwater  
Mary Riendeau, Clearwater

Rogers Hayden, Belleair, referred to an aerial photograph and pointed out several properties that he has developed in the area. He indicated that although traffic is congested, especially during peak hours, the proposed development is appropriate for the area; that cut-through traffic in the Shady Lane mobile home park is an enforcement issue and a practice he would encourage his tenants not to do; that he wishes to be a good neighbor and has met with the residents and agreed to provide buffering; and that he believes his request meets all regulations and rules; whereupon, Mr. Pergolizzi provided further information regarding traffic.

During discussion and responding to query by Commissioner Seel, Mr. Cassel related that site ingress and egress will be addressed as part of the site plan review process.

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

\* \* \* \*

At this time, 10:21 P.M., Commissioner Seel left the meeting.

\* \* \* \*

#43b Application of Soda Works, LLC, c/o Joe Burns, through Thomas Osypka, Representative, for a Conditional Use to allow specialized light industrial uses (medical manufacturing of cardiac leads) in a Commercial zoning district (CU-2-6-07) approved, re a parcel of land containing approximately seven acres located on the southwest corner of Klosterman Road and Palm Harbor Boulevard (U.S. Highway Alternate 19), Palm Harbor. Approval is subject to the following conditions:

1. Appropriate site plan review.
2. Days and hours of operation shall be Monday through Friday, 6:00 A.M. to 6:00 P.M.
3. Any additions to the existing structure shall require approval by the Board of County Commissioners via the Conditional Use process.
4. Manufacturing shall only be for cardiac leads as represented in the application.

Staff recommended conditional approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

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

#43c Resolution No. 07-113 adopted approving the application of Remorca, LLC, for a change of zoning from A-E, Agricultural Estate Residential, to IL, Institutional Limited; Ordinance No. 07-40 adopted approving a change in land use designation from Residential Rural to Institutional; and a development agreement, subject to further review and approval by the Pinellas Planning Council and Countywide Planning Authority (Z/LU-3-6-07), re a parcel of land containing approximately four acres located on the west side of East Lake Road, approximately 300 feet south of Kensington Trace, Tarpon Springs.

Staff recommended approval of the application based on the Local Planning Agency Report. Eight letters and a petition with 30 signatures in support of the application have been received. No citizens appeared to be heard.

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

\* \* \* \*

Commissioner Seel returned to the meeting at 10:23 P.M.

\* \* \* \*

#43d Ordinance No. 07-41 adopted approving the application of 1201 N Highland Land Trust, c/o Guardian Trust, LLC, as Trustee, through John Mechas, Representative, for a change in land use designation from Residential/Office General to Commercial General (LU-4-6-07), subject to further review and approval by the Pinellas Planning Council and Countywide Planning Authority, re a parcel of land containing approximately 0.6 acre located on the east side of Highland Avenue at the intersection with Flagler Drive, Clearwater.

Staff recommended approval of the application based on the Local Planning Agency Report. No correspondence has been received. No citizens appeared to be heard.

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

#43e Application of Kenneth and Anita Roesch through Battaglia, Ross, Dicus, & Wein, P.A., c/o Sean McQuaid and Aubrey Dicus, Jr., Esquire, Representatives, to consider an appeal of a denied site plan (Z-6-5-07) denied, re several parcels of land containing approximately 1.8 acres located on the west side of 66<sup>th</sup> Street and east of West Rena Drive, Largo.

Director of Building and Development Review Services Paul Cassel displayed an aerial photograph and zoning map and provided a historical summary of the case. He cited Performance Standard Section 138-1377(b) of the Land Development Code, and noted that a portion of the property had been rezoned to M-1 in 2004, conditional upon the applicant relocating the silo to the east and ceasing to use West Rena Drive for concrete truck traffic; that a site plan had been approved in 2005; and that a second site plan, submitted in late 2006 or early 2007, requested a variance to allow the silo to remain on the west portion of the property and permit truck access from West Rena Drive.

Sean K. McQuaid, Esquire, conducted a PowerPoint presentation, a copy of which has been filed and made a part of the record. He indicated that the concrete business has been operated on the property since 2002; that an air quality permit and occupational license had been obtained; and that the applicant had agreed to the conditions rather than dispute the County in regard to the Performance Standard; whereupon, he quoted Standard 138-1377(b) and stated that the applicant contends that the silo is a storage area; that concrete materials are simply relocated into trucks on the site; and that no industrial process is taking place at the facility. He noted that, after investing thousands of dollars, the applicant found the approved site plan to be unfeasible, conflicting with the house moving business also located on the site; whereupon, as a compromise, he suggested

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erection of a concrete block wall, planting of shrubbery and trees, and installation of increased fencing by the applicant. He related that litigation on the matter is pending, awaiting a decision by the Board.

Responding to the Chairman's call for persons wishing to speak, Patrick C. Signorelli, Seminole, expressed his support; whereupon, the following individuals related their concerns and indicated their concurrence with staff's recommendation for denial.

James Earl Webb, III, Largo  
Richard May, Largo  
Thomas May, Largo – displayed photographs and documents  
Cynthia Long, Largo  
John Cannon, St. Petersburg  
Bob Ortiz, St. Petersburg

In rebuttal, Mr. McQuaid addressed several issues brought up by the objectors. He indicated that the entire matter relates back to the Performance Standard; and that the use of West Rena Drive had not been an issue, but was conceded voluntarily by the applicant.

Thereupon, Mark Roesch, Largo, appeared and stated that he is the owner of both the concrete and house moving businesses; that relocation of the silo would jeopardize the latter; and responding to queries by Commissioner Stewart, related that truck drivers from out of town have occasionally arrived early in the morning, but have been told not to do so; and that his delay in taking action on the matter has been due to drainage issues, which remain unresolved.

In response to queries by Commissioner Seel, Mr. Cassel provided information regarding site plan and permitting issues.

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

Responding to queries by Commissioners Stewart and Seel, Senior Assistant County Attorney David S. Sadowsky related that the County will proceed with the injunction against Rush Concrete; that the judge will provide interpretation of the County Code; and that the matter should proceed quickly; and Attorney Bennett provided input regarding the effects of a possible rescission of the zoning action.

#44 Meeting adjourned at 11:34 P.M.

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Chairman

ATTEST: KEN BURKE, CLERK

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