

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, OCTOBER 6, 2009 – 9:29 A.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

Members Present: Calvin D. Harris, Chairman; Karen Williams Seel, Vice-Chairman; Susan Latvala; John Morroni; Kenneth T. Welch; Nancy Bostock; and Neil Brickfield.

Others Present: James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Arlene Smitke, Deputy Clerk.

INVOCATION: Attorney Bennett.

PLEDGE OF ALLEGIANCE: Commissioner Brickfield.

PRESENTATIONS AND AWARDS:

Presentation of the Annual Community Water-Wise Awards.

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 – BOARD OF COUNTY COMMISSIONERS (BCC)

1 Resolution No. 09-137 adopted granting the petition of Stephen C. Ruhl and Patricia D. Ruhl, and Gerry Rizzo and Maria R. Rizzo to vacate an unopened portion of Pine Street, between Island Avenue and Bates Street, Seminole Estates Subdivision (File No. 1337), and reserving a drainage and general utility easement over the vacated area. Authorization 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.

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

2 Resolution No. 09-138 adopted granting the petition of Jon E. Johnston and Emmy L. Johnston to vacate a portion of a utility easement on Lot 66, East Lake Woodlands

Cluster Homes Units Four – B, C & D Subdivision (File No. 1344). Authorization 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

- # 3 Resolution No. 09-139 adopted granting the petition of Scott L. Gore and Jeanette M. Gore to vacate a portion of a maintenance easement on Lot 89, Blue Jay Woodlands – Phase 2 Subdivision (File No. 1354). Authorization 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

- # 4 Dredge and Fill Application No. DF2025-09 submitted by William Shakespeare / Embree Marine, 201 16th Avenue South, St. Petersburg (Salt Creek) 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 maintained throughout dredging. In the event of turbidity problems outside of the immediate work area, the applicant or contractor must take immediate corrective action.

Referring to maps and photographs of the area, Director of Environmental Management William M. Davis stated that the applicant is proposing a maintenance dredge to remove approximately 600 cubic yards of material at a commercial marine facility to restore a depth of approximately five feet mean sea level; whereupon, responding to query by Commissioner Welch, he indicated that the City of St. Petersburg has reviewed the application, but no public hearing was held.

John B. Adams, Adams Design, St. Petersburg, indicated that he is the engineer of record; and that he is in support of the application.

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

5 Ordinance No. 09-50 adopted creating the Madison Avenue Street Lighting District. Staff recommended approval of the proposed ordinance. No correspondence has been received; no citizens appeared to be heard.

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

6 Ordinance No. 09-51 adopted creating the Thunderbird Hill Subdivision Street Lighting District. Staff recommended approval of the proposed ordinance. One telephone call in support of the ordinance has been received.

Responding to the Chairman’s call for citizens wishing to be heard, John H. Rapp and Randolph H. Malsch, St. Petersburg, appeared and spoke in opposition to the proposed ordinance; whereupon, alluding to comments by the objectors, Chairman Harris explained that the residents, not the taxpayers, pay for the lighting; that 100 percent of the property owners in the subdivision were notified of the petition to create the district; and that 63 percent agreed with the petition. Commissioner Latvala noted for the record that creation of the lighting district does not increase the County’s ad valorem tax base.

In response to queries by the members, Director of Public Works and Transportation Peter J. Yauch related that the County is required to use petitions that are one year old or less; that there is a process to dissolve a district, although he is not aware of any that have been dissolved; that petitions are initiated by a resident or group of residents who coordinate the process and contact neighbors regarding the petition; that the County notifies property owners by certified mail, if necessary; that Progress Energy designs the lighting according to its standards; that funds collected by the County are passed through to Progress Energy; and that LED technology is not currently suitable for use in street lighting.

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

7 Resolution No. 09-140 adopted stating the intent to utilize the Uniform Method of Collecting Non-Ad Valorem Assessments for the servicing of the Madison Avenue Street

Lighting District as permitted by Section 197.3632, Florida Statutes. No correspondence has been received. No citizens appeared to be heard.

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

- # 8 Resolution No. 09-141 adopted stating the intent to utilize the Uniform Method of Collecting Non-Ad Valorem Assessments for the servicing of the Thunderbird Hill Subdivision Street Lighting District as permitted by Section 197.3632, Florida Statutes. No correspondence has been received. No citizens appeared to be heard.

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

CITIZENS TO BE HEARD

Lenore Faulkner, Madeira Beach, re Pinellas County Schools.
Chief Judge J. Thomas McGrady, Clearwater, re Item No. 33, St. Petersburg Courthouse.
Mark Klutho, Largo, re stupidity, waste.

CONSENT AGENDA ITEMS NOS. 9 THROUGH 22 – APPROVED, WITH THE EXCEPTION OF ITEMS NOS. 10a AND 21, WHICH WERE CONSIDERED UNDER ITEM NO. 23.

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

- # 9 Approval of Minutes – None.

- #10 Reports received for filing:

- a. See Item No. 23.
- b. Dock Fee Report for the month of August 2009.

- #11 Vouchers and Bills Paid – Periods August 24 through August 31, 2009 and September 2 through September 4, 2009.

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2356

Payroll checks numbered 564158 through 564353

Imprest Fund Expenditures

System checks numbered 976353 through 977828

ACH Transfers numbered 3209 through 3324

Wire Transfers numbered 11063 through 11079

- #12 Miscellaneous items received for filing:

- a. City of Clearwater Resolution No. 09-33 adopted August 6, 2009 recommending that the Board of County Commissioners increase the millage rate for Clearwater Fire and Rescue, together with Notices of Public Hearings regarding Ordinances Nos. 8090-09 through 8095-09 and No. 8098-09 amending the Annexation, Land Use Plan, Zoning Atlas, and the Community Development Code. Public hearings held October 1, 2009 and to be held November 5, 2009.
- b. City of Largo Notices of Public Hearings regarding Ordinances Nos. 2009-44 and 2009-45 and 2009-53 through 2009-56 held September 15, 2009, annexing certain property.
- c. City of Pinellas Park Notices of Public Hearings regarding Ordinances Nos. 3696, 3698 and 3700 held September 10 and 24, 2009 and to be held October 8, 2009, annexing certain property.
- d. City of Oldsmar Notice of Public Hearings regarding Ordinances Nos. 2009-15 and 2009-16 to be held October 6, 2009, annexing certain property.
- e. City of Seminole Ordinances Nos. 23-2009 through 26-2009 adopted August 25, 2009, annexing certain property.
- f. City of Tarpon Springs Resolution No. 2009-39 adopted September 1, 2009, expressing significant concerns that the Pasco County Harvey/Madison Large Scale Comprehensive Plan Amendment will adversely impact the Anclote River and the City.

- g. Southwest Florida Water Management District's Fiscal Year 2010 Board Meeting Calendar and a map depicting the District's boundaries as required by Florida Statute Chapter 189.417.
 - h. Pinellas Park Water Management District minutes of Regular Authority Meeting No. 10 dated July 16, 2009.
- #13 Installation of one multi-way stop condition at Illinois Avenue and 12th Street, between Alternate U.S. Highway 19 and Omaha Street approved in accordance with the Residential Traffic Management program adopted pursuant to Resolution No. 97-291 dated October 14, 1997, and revised June 4, 2002 and June 7, 2005.
- #14 Installation of two speed humps to be located on 113th Avenue North between Bella Loma Drive and 131st Street North approved in accordance with the Residential Traffic Management program adopted pursuant to Resolution No. 97-291 dated October 14, 1997, and revised June 4, 2002 and June 7, 2005.
- #15 Joint Project Agreement with the City of Tarpon Springs for Utility Installation by Roadway Contractor for Keystone Road from U.S. Highway 19 to East Lake Road (PID No. 920522) approved in the amount of \$915,907.86 (no cost to County); Chairman authorized to sign the agreement and the Clerk to attest.
- #16a County Incentive Grant Program Agreement with the Florida Department of Transportation (FDOT) for improvements to the westbound approach of the Keene Road/Belleair Road intersection (PID Nos. 922147 and 1938) approved; total anticipated project cost, \$1,322,000.00; maximum FDOT participation, \$508,414.00; estimated County funding, \$823,586.00; Resolution No. 09-142 adopted authorizing the Chairman to sign the agreement and the Clerk to attest.
- #16b County Incentive Grant Program Agreement with the Florida Department of Transportation (FDOT) for East Bay Drive/Roosevelt Boulevard (State Road 686) Advanced Traffic Management System/Intelligent Transportation System from Ulmerton Road (State Road 688) to Alternate U.S. Highway 19 (PID No. 2023) approved; estimated total project cost, \$4,443,700.00; maximum FDOT participation, \$2,221,850.00; estimated County funding, \$2,221,850.00; Resolution No. 09-143 adopted authorizing the Chairman to sign the agreement and the Clerk to attest.
- #17 Contract for Law Enforcement Services between the City of Indian Rocks Beach, Jim Coats as Sheriff of Pinellas County, and Pinellas County for the period from October 1,

2009 through September 30, 2010, in the amount of \$827,598.03 approved, reflecting a 2.98 percent increase in service costs compared to last year; Chairman authorized to execute the contract (Justice and Consumer Services).

#18 Contracts for law enforcement services approved for the period from October 1, 2009 through September 30, 2010 for the following:

- a. Contract with the City of Safety Harbor in the amount of \$1,228,589.25 reflecting an approximate decrease of 7.91 percent in service costs.
- b. Contract with the City of Clearwater in the amount of \$583,270.50 reflecting a 9.8 percent decrease in service costs.

Chairman authorized to execute (Justice and Consumer Services).

#19a Resolution No. 09-144 adopted supplementing the Fiscal Year 2010 General Fund Budget (unanticipated grant funds in the amount of \$500,000.00) to appropriate earmarked receipts for a particular purpose as requested by the Department of Justice and Consumer Services (Management and Budget).

#19b Resolution No. 09-145 adopted supplementing the Fiscal Year 2010 General Fund Budget (unanticipated grant funds in the amount of \$1,237,470.00) to appropriate earmarked receipts for a particular purpose as requested by the Department of Health and Human Services (Management and Budget).

#20 Resolution No. 09-146 adopted declaring personal property as surplus and transferring same by donation to the University of Florida, Florida Museum of Natural History, as requested by the Culture, Education and Leisure Department (Real Estate Management/Culture, Education and Leisure).

#21 See Item No. 23.

#22 Sitting as the Countywide Planning Authority, the Board adopted Resolutions Nos. 09-147, 09-148, 09-149 and 09-150 approving updated Determinations of Consistency with the Countywide Future Land Use Plan and Rules for the municipalities of Belleair Bluffs, Belleair Shore, Indian Rocks Beach, and Indian Shores, respectively.

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

#10 Reports received for filing:

- a. Tampa Bay Water Fiscal Year 2010 Annual Budget, together with the board meeting schedule.

Commissioner Welch requested that the Tampa Bay Water budget document be added to the County web site in its entirety.

Responding to queries by Commissioners Welch and Brickfield, Commissioners Latvala and Seel indicated that the budget contains the Fiscal Year 2010 water rates; that unknown costs for chemicals, electricity, and the reservoir will affect Fiscal Year 2011 water rates; and that the budgets are adopted in June to provide timely information to the local governments; whereupon, they gave a brief update on the status of reservoir litigation and repairs.

#21 Award of bid to Banker Lopez Gassler, P.A. for lease of office space at 501 1st Avenue North, Suites 800 and 900, St. Petersburg (Contract No. 089-0324-R) approved on the basis of being the only responsive, responsible bid received meeting specifications; three-year lease commencing on October 1, 2009 and ending September 30, 2012, with two additional three-year options of renewal; annual rental rate is subject to a redetermination based upon a 3.5-percent increase each calendar year on October 1, based upon the prior year rental rate; total initial annual lease revenue, \$331,800.00. Chairman authorized to sign the agreement and the Clerk to attest. Additional staff recommendations Nos. 1 through 4 affirmed, as per agenda memorandum dated October 6, 2009, a copy of which has been filed and made a part of the record (Real Estate Management).

Responding to query by Commissioner Seel, Chief Assistant County Attorney Dennis R. Long indicated that the waiver under Recommendation No. 1 pertains to the Administrator bringing the matter to the Board prior to advertising; whereupon, he clarified that availability of the property was advertised, with a full request for proposal (RFP); that the lease rates are at fair market value; and that all requirements of the current real estate policies have been met.

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

- #24 Amendment No. 2 to the cooperative funding agreement (No. 06C00000022) with Southwest Florida Water Management District (SWFWMD) for Curlew Creek Channel “A” Improvements from Republic Drive to Belcher Road (L380) approved reflecting a decrease in Penny for Pinellas funding to \$3,862,500.00 (approximately 50 percent of the revised construction estimate of not to exceed \$7,725,000.00) and revising the project schedule, showing construction commencing by June 15, 2011 and being completed by November 30, 2012 (PID No. 1124); Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Latvala
Second - Commissioner Welch

Responding to comments, concerns, and queries by Commissioners Seel and Brickfield, Director of Public Works and Transportation Peter J. Yauch indicated that the project has been delayed due to cash flow issues within the Capital Improvement Program, noting that the project is under the pay-as-you-go scenario; and that inflationary issues, escalating contract prices, and items added by the permitting authorities have increased the scope, total cost, and schedule of the project. Commissioner Seel related that the project is located entirely within the County; and that there is a private sewer plant in the area that has been an ongoing problem. Mr. Yauch related that the residents in the area have not yet been informed of the delay; and Chairman Harris stated that the normal notification process will be followed.

Vote - 6 – 1 (Commissioner Seel dissenting)

- #25 Facility Encroachment Agreement with CSX Transportation, Inc. for the Belcher Road Advanced Traffic Management System/Intelligent Transportation System (ATMS/ITS) project (PID No. 1626) approved; Chairman authorized to sign and the Clerk to attest.

Motion - Commissioner Welch
Second - Commissioner Latvala

Responding to query by Commissioner Morrone, Director of Public Works and Transportation Peter J. Yauch indicated that the delay in bringing the agreement before the Board was caused by issues with the language in the indemnity clause required by CSX, Transportation, Inc.

Vote - 7 – 0

#26 Recommendations from the Cultural Tourism Grants Panel approved for Fiscal Year 2010 Cultural Tourism Grants to 13 arts and cultural organizations as delineated in the document titled *FY 2010 Cultural Tourism Grant Recommendations*, a copy of which has been filed and made a part of the record, in the total amount of \$350,000.00 (Culture, Education, and Leisure).

Motion - Commissioner Seel
Second - Commissioner Latvala

Responding to comments and queries by Commissioner Brickfield, Director of Cultural Affairs Judith Powers discussed how the organizations were ranked and agreed to provide a document reflecting each organization's level of eligibility.

In response to comments and queries by Commissioner Welch, Chairman Harris, with input by Chief Assistant County Attorney Dennis R. Long, indicated that the Tourist Development Council (TDC) has not discussed restoring funding for the program when revenues return to normal; that the recommendations made create more out-of-county visits with the available revenue; that there is a separate special events budget that was not funded this year, noting that the TDC did fund \$600,000.00 in sponsorship or elite events; and that a listing of the events will be provided to the members; whereupon, in response to comments by Commissioner Seel, Attorney Long indicated that the current grant agreement is being revised to address outcomes and results as part of the reporting process.

Vote - 7 - 0

#27a Resolution No. 09-151 adopted approving Project A9080628064 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry (QTI) Tax Refund Program (total contribution of Pinellas County will not exceed \$36,000.00 to be paid over a series of fiscal years as determined by the State) (Economic Development).

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

#27b Resolution No. 09-152 adopted approving Project A5072251616 as a qualified applicant pursuant to Section 288.106, Florida Statutes, and identifying sources of local county financial support as local participation in the Qualified Target Industry (QTI) Tax Refund Program (total contribution of Pinellas County will not exceed \$12,000.00 to be paid over a series of fiscal years as determined by the State) (Economic Development).

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

- #28 Resolution No. 09-153 adopted authorizing an Economic Development Grant for facility expansion costs for Project A9080628064 in the amount of \$20,000.00, pursuant to Florida Statute 125.045, and providing for equal annual payments over a five-year period, subject to conditions contained therein (Economic Development).

Motion - Commissioner Latvala
Second - Commissioner Welch

At the request of Commissioner Welch and in response to query by Commissioner Seel, Economic Development Director Mike Meidel discussed the meaning of the commitment and indicated that the resolution provides local matching funds for the State of Florida Governor’s Quick Action Closing Fund; and that the City of Pinellas Park will provide up to \$61,417.00 of the local match in the form of waivers of impact and connection fees paid by the City.

Vote - 7 – 0

- #29 Contract with Pinellas County Sheriff Jim Coats for Law Enforcement Services – Environmental Lands Unit approved for Fiscal Year 2009/10, in the amount of \$551,886.85, representing an increase of \$10,731.70 approved; Chairman authorized to execute and the Clerk to attest (Environmental Management).

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

- #30 Authorization granted to advertise a public hearing to be held on October 20, 2009 to consider proposed amendments to Ordinance No. 07-43, Pinellas County Code, Section 42-441, increasing the fee for medical examiner cremation approval services (Justice and Consumer Services).

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

- #31 Interlocal Agreement between Pinellas County and the Pinellas County Sheriff’s Office, Pinellas County Sheriff Jim Coats, for the Day Reporting Program approved for a period of one year from the date of execution; Chairman authorized to execute (Justice and Consumer Services).

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

#32 Authorization granted to advertise two public hearings to be held on December 1, 2009 and December 15, 2009 to amend Chapter 138, the Zoning Provisions, of the Pinellas County Land Development Code to create the Facility-Based Recreation Zoning District and the Resource-Based Recreation Zoning District (Planning).

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

#33 Agreement with Ajax Building Corporation for Construction Management at Risk Services for St. Petersburg Judicial Tower Renovation, Phase 3 (PID No. 831) in an amount not to exceed \$94,239.00 approved; Chairman authorized to sign and the Clerk to attest (Real Estate Management).

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| Motion | - | Commissioner Latvala |
| Second | - | Commissioner Morrone |

Commissioner Seel disclosed that she must abstain from voting on this matter due to a conflict of interest, and in accordance with the provisions of the Standards of Conduct Law, submitted a Memorandum of Voting Conflict, which has been filed and made a part of the record.

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| Vote | - | 6 – 0 (Commissioner Seel abstaining) |
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Responding to queries by Commissioners Welch and Brickfield, Director of Real Estate Management Paul Sacco indicated that the project is funded by Penny for Pinellas dollars and is expected to be complete by late calendar year 2010.

#34 Other Administrative Matters – None.

#35a Amendment to Administrative Services Agreement with Hartford Life Insurance Company for the Hartford §457 Deferred Compensation Plan regarding processing of hardship withdrawals approved; Chairman authorized to sign the amendment and the Clerk to attest after written approval as to form by the Office of the County Attorney.

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

#35b Letter amendment to Administrative Services Agreement with International City/County Management Association Retirement Corporation (ICMA-RC) for the §457 Deferred Compensation Plan and Trust and attached Loan Guidelines Agreement (replacing previously adopted guidelines approved on October 7, 2008) regarding processing of hardship withdrawals approved; Chairman authorized to sign the amendment letter and loan guidelines and the Clerk to attest after written approval as to form by the Office of the County Attorney.

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

#35c Addendum to Service Provider Agreement with VALIC Retirement Services Company (VRSC) for the Pinellas County Board of County Commissioners VRSC Deferred Compensation Plan and attached guidelines regarding processing of unforeseeable emergency withdrawals approved; Chairman authorized to sign the addendum and the Clerk to attest after written approval as to form by the Office of the County Attorney.

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

#36 Special counsel contract with Nabors Giblin & Nickerson, P.A. for legal services relating to the recovery of tourist development taxes from online travel companies approved.

County Attorney James L. Bennett outlined the reasons for retaining the firm and discussed a recent ruling by the Georgia Supreme Court favoring the attempt to recover taxes. In response to comments and queries by Commissioner Morroni, Chief Assistant County Attorney Dennis R. Long provided input regarding the Tourist Development Council's (TDC) position on pursuing the collection of the taxes, noting that the TDC did not want to be one of the only counties litigating the matter.

Robert L. Nabors, Nabors Giblin & Nickerson, P.A., discussed the firm's proposed approach to the litigation and legislative efforts at the state and federal levels. He indicated that the firm intends to file litigation on behalf of numerous counties for purposes of economy of argument and strength in consolidation; that almost every large county is proceeding in one form or another; and that it is difficult to predict the amount of anticipated recovery for each county, noting that the litigation will clarify the proper way to calculate the tax.

During discussion and in response to comments and queries by the members, Mr. Nabors provided detailed information regarding the contingency fee for representation and Attorney Bennett indicated that the same basic contract is being used for all counties represented by the firm.

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

#37 County Attorney Miscellaneous – None.

#38 Final negotiated contract with Rand Imaginit Technologies, Inc., D/B/A Imaginit Technologies, for software services – computer-aided design and drafting (CADD) upgrade Autodesk products (total estimated thirty-six month contract, \$299,000.00) approved (Contract No. 089-0252-P); Chairman authorized to sign and the Clerk to attest; County Administrator authorized to amend contract and approve change orders during contract term.

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| Motion | - | Commissioner Latvala |
| Second | - | Commissioner Bostock |
| Vote | - | 7 – 0 |

#39 County Administrator Reports – None.

#40 Appointment of Ryan Gordon to the Youth Advisory Committee (term of October 6, 2009 through July 31, 2010) approved.

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

#41 County Commission Miscellaneous:

a. Commissioner Morrone

- (1) requested an update on the St. Nicholas Orthodox Christian School situation and indicated that he has received numerous e-mail messages stating concerns re provision of a left-turn lane or median opening on Keystone Road in Tarpon Springs. Director of Public Works and Transportation Peter J. Yauch provided an overview of the situation, discussed the options considered, and pointed out that during the site plan review process, the institution on the north side was informed that they would not have a median opening; that staff suggested that they work with the institution to the south to align their respective driveways to allow for a single median opening, but that no negotiations or discussions took

place between the two organizations; and that the organization knew it would be an issue and chose not to pursue the remedy made available to them at the time, thereby helping to create the problem; whereupon, in response to Commissioner Seel, he indicated that the expense related to the proposed alignment of the driveways at that time would have been approximately one-third of the cost currently anticipated.

In response to comments and queries by the members, Mr. Yauch indicated that the County is legally responsible for providing access management to property owners via a right-in, right-out, not a full median opening; that the design provides for median openings at intervals to allow for U-turns; and that the design was complete before the institution to the north was permitted.

Mr. Yauch related that an Order of Taking hearing for right-of-way acquisition related to the church school is scheduled for tomorrow; that the right-of-way acquisition is separate from the access issue; that moving forward with the right-of-way acquisition will have no adverse impact on the access issue or the properties involved; and that the right-of-way acquisition will come before the Board at a later date. Managing Assistant County Attorney Barbara S. Oklesen provided input, noting that a Motion for Continuance is currently being heard; and that she will keep the Board informed of the outcome.

Discussion ensued wherein several members expressed their preferences regarding ongoing negotiations with the church school and their concerns regarding the approval of the site plan when there was knowledge of the impending access issue and the potential unsafe situation.

During discussion, Chairman Harris suggested that further discussions be held with the institutions and the citizens; Commissioner Latvala related that a response to the emails needs to include copies of the site plan approval reflecting the recommendation made at the time so that everyone understands what transpired several years ago, and Mr. LaSala provided input; whereupon, Chairman Harris requested that Mr. Yauch inform him of the next meeting, noting that he will make every effort to attend; and in response to query by Commissioner Seel, indicated that he will continue to work with Mr. Yauch to respond to the emails.

Thereupon, Attorney Oklesen indicated that the Motion for Continuance held earlier today was denied; and that the Order of Taking hearing will occur tomorrow.

- (2) spoke in support of breast cancer awareness.

b. Chairman Harris

- (1) proposed that the application period for appointees to the Tourist Development Council be extended by three weeks to encourage additional applicants, noting that those who have already applied would remain eligible; whereupon, Commissioner Seel moved, seconded by Commissioner Latvala, to extend the application period for three weeks and the term of the existing members for one month; upon call for the vote, the motion carried 7 to 0.
- (2) offered a water conservation tip.

#42 Meeting adjourned at 11:19 A.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk