

**BOARD OF COUNTY COMMISSIONERS MEETING
TUESDAY, MARCH 16, 2010 – 3:05 P.M.
ASSEMBLY ROOM, FIFTH FLOOR
315 COURT STREET, CLEARWATER, FLORIDA**

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

Others Present: James L. Bennett, County Attorney; Robert S. LaSala, County Administrator; Claretha N. Harris, Chief Deputy Clerk; and Arlene J. Kennare and Michael P. Schmidt, Deputy Clerks.

INVOCATION: Pastor Ahbi Janamanchi, Unitarian Universalists, Clearwater.

PLEDGE OF ALLEGIANCE: Commissioner Morroni.

PRESENTATIONS AND AWARDS:

1. Presentation of Keep America Beautiful Proclamation to Bill Sanders, Director, and staff members of Keep America Beautiful.
2. Presentation of the Youth Advisory Committee.
3. Presentation by Circuit Court Judge Irene Sullivan, Chief Deputy Court Administrator Michelle Ardabily, and Alternative Sanctions Coordinator Michelle Jameson regarding the Juvenile Arrest Avoidance Project.
4. Presentation of the ABC Coalition Final Report by Craig Sher, Committee Member.

CITIZENS TO BE HEARD:

JoAn Totty, Palm Harbor, re Palm Harbor noise. Mr. LaSala indicated that data will be gathered and evaluated; and that appropriate determinations will be made.

Greg Pound, Largo, re families.

CONSENT AGENDA ITEMS NOS. 1 THROUGH 13 – APPROVED.

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

1 Minutes of the regular meeting of February 16, 2010 approved.

2 Reports received for filing:

- a. Pinellas County Statement of County Funded Court-Related Functions, Sections 29.008 and 29.0085, Florida Statutes, for the year ended September 30, 2009.
- b. Pinellas County Quarterly Donation Listing of \$500 and Greater for the period ended December 31, 2009.
- c. Pinellas Planning Council Basic Financial Statements and Regulatory Reports dated September 30, 2009.
- d. Juvenile Welfare Board Financial Statements for the Fiscal Year ended September 30, 2009.
- e. Tampa Bay Water Annual Financial Report and Audited Financial Statements for Fiscal Years ended September 30, 2009 and 2008.

3 Vouchers and Bills Paid – Periods February 1 through February 5, 2010, and February 8 through February 12, 2010.

Payroll Journal Expenditures

Payroll Journal page numbers 1 through 2253

Payroll checks numbered 566376 through 566555

Imprest Fund Expenditures

Manual checks numbered 751651 through 751652

System checks numbered 991546 through 992895

ACH Transfers numbered 4640 through 4738

Wire Transfers numbered 11222 through 11233

4 Miscellaneous items received for filing:

- a. City of Dunedin Resolution No. 10-03 adopted February 4, 2010, opposing approval of offshore oil drilling in state controlled waters off the coastline of Florida and particularly in the Gulf of Mexico in areas other than those already approved for oil leasing and oil exploration.
- b. Florida Public Service Commission Notice of Proposed Agency Action Order approving Progress Energy Florida's new environmental program for cost recovery through the Environmental Cost Recovery Clause.

- # 5a Bids from Wholesale Landscape Supply, Inc., d/b/a Big Earth Landscape Supply, and Big Earth Landscape Supply, d/b/a Wholesale Landscape Supply, Inc., rejected on the basis of being non-responsive for submitting multiple bids from the same principal corporation; Bid for Road and Landscape Materials (Co-Op) (Contract No. 090-0171-B) awarded by line item to the following vendors, as delineated in the agenda memorandum dated March 16, 2010, on the basis of being the lowest responsible, responsive bids received: All About Hauling, Inc.; Angelo's Aggregate Materials, LLC, d/b/a Angelo's Recycled Materials; Conrad Yelvington Distributors, Inc.; Davis Concrete, Inc.; E. R. Jahna Industries, Inc.; Four Boys Landscape Supply Company, Inc., d/b/a Cypress Creek Landscape Supply; Florida Dirt Source, LLC; and Kimmins Contracting Corp. Total estimated annual expenditure not to exceed \$404,187.35; Pinellas County's portion not to exceed \$60,600.15. Bid is for a 12-month contract from the date of contract award with two 12-month term extensions beyond the primary term; term extensions will allow for price adjustments (decreases/increases) in an amount not to exceed the average of the Producers Price Index (PPI) for Nonmetallic mineral products, Item: Construction sand/gravel/crushed stone; Not Seasonally Adjusted for the 12 months prior to extension. The extension shall be exercised only if all terms and conditions remain the same and approval is granted by the County Administrator or the Director of Purchasing.
- #5b Bid for Pipe Lining Services (Project No. 921321; Bid No. 090-0032-CP) awarded to Reynolds Inliner, LLC, on the basis of being the lowest responsive, responsible bid received meeting specifications. Total estimated 24-month expenditure is not to exceed \$752,325.14. Bid is for a 24-month contract from the date of contract award with one 24-month term extension beyond the primary contract term; term extension may be exercised only if all terms and conditions remain the same and the County Administrator grants approval, and will allow for price adjustments (decreases/increases) in an amount not to exceed the Consumer Price Index (CPI) for all Urban Consumers, Not Seasonally Adjusted, for the 12 months prior to extension; 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.

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6 DELEGATED ITEMS APPROVED BY THE COUNTY ADMINISTRATOR – RECEIVED FOR FILING (COUNTY ADMINISTRATOR)

<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Business Technology Services	Memorandum Approving the Use of a Change Order Approval Form and Custom Report Authorization as Master Contract Forms	N/A	2.21.10
Community Development	Land Use Restriction and Specific Performance Agreements (SPA) with Religious Community Services, Inc. for:		2.24.10
	(a) Replacement of Furnaces and Hot Water Heaters with Energy Star Efficient Models in 13 Emergency Housing Apartments; and	(a) \$25,788.00 Community Development Block Grant (CDBG) funds; and	
	(b) Removal and Replacement of a New Front Canopy and Installation of Updated Entrance Doors and Windows	(b) \$45,710.00 CDBG funds	
	SPA with R'Club Child Care, Inc for Renovation of the Existing Rehabilitation Center	\$24,900.00 CDBG funds	
Community Development	(a) Satisfaction of Mortgage (1); and (b) Release of Lien (1)	(a-b) All liens are paid in full.	2.10.10
Community Development	(a) Extension to Specific Performance Agreement with Palm Lake Village Housing Corporation for Continued Affordability of Magnolia Gardens Assisted Living Facility for Very-Low, Low-, and Moderate-Income Residents; (b) Release of Lien (1); and (c) Satisfaction of Mortgage (2)	(a) \$150,000.00, plus time extension (b-c) All liens are paid in full.	2.8.10
County Attorney	Memorandum of Authorization for Stipulated Final Judgment for the Bryan Dairy Road Project in the Case of: (a) Pinellas County v. Sailfish Real Estate, LLC; et al; and (b) Pinellas County v. Morton Plant Mease Health Services, Inc., et al	(a) \$240,000.00; and (b) \$56,000.00	3.2.10
County Attorney	Memorandum of Authorization for Stipulated Final Judgment in the Case of Pinellas County v. C. Robert Canavan; et al for the Keystone Road Project	\$200,000.00	2.17.10
Environmental Management	Intent to Apply for a Grant Internal Notification Form with the U.S. Environmental Protection Agency for the PM 2.5 Air Monitoring Network Program	\$101,029.00 requested funds, no County match	2.26.10

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
Environmental Management	Application for Transfer of Environmental Resource Permit and Notification of Sale of a Facility or Surface Water Management System with the U.S. Army Corps of Engineers for the Sand Key Beach Nourishment Project	N/A	2.21.10
Health and Human Services	Special Circumstance Critical Care Letter of Agreement for Specialized Health Care Services Needed by Clients Enrolled in the Pinellas County Health Plan with: (a) Tampa General Hospital; and (b) University of South Florida Board of Trustees	(a) \$73,704.15; and (b) \$50,000.00	2.17.10
Health and Human Services	Amendment No. 4 to the Agreement with the Area Agency on Aging of Pasco-Pinellas, Inc. for Emergency Home Energy Assistance Program for the Elderly	N/A	2.8.10
Justice and Consumer Services	3-Year Continuation Grant Application with the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment for the Pinellas County Adult Drug Court Collaborative Grant	\$300,000.00 requested funds	3.1.10
Justice and Consumer Services	Letter to Bureau of Justice Assistance Confirming a Proposed Grant Application for Reentry Services to Ex Offenders Being Released into the Community	N/A	2.26.10
Public Works	Agreement with Verizon Florida LLC for Construction Changes to Accommodate Existing Utility Facilities for the Bryan Dairy Road Project from Starkey Road to 72nd Street	\$18,212.00 reimbursement to the County	3.1.10
Public Works	Release of Funds Held as Completion Surety for Clearwater Towing	N/A	2.19.10
Public Works	Subgrant Application for Highway Safety Funds with the State of Florida Department of Transportation for Purchase of Solar Message Board Trailers	\$114,000.00 requested funds, no required County match	11.16.09
Real Estate Management	(a) Third Amendment to Lease Agreement with CTC Tampa Bay Inc. for Space at the Young – Rainey STAR Center; and (b) First Amendment to Lease Agreement with Constellation Technology Corporation for Space at the Young – Rainey STAR Center	(a) \$1,385.69 monthly rental revenue reduction, new monthly rental amount \$11,112.19; and (b) \$504.23 monthly rental revenue increase	3.1.10
Real Estate Management	(a) Utilities, Sidewalk, and Grading Easement with Largo Lakes Property Owners Association, Inc. for the Bryan Dairy Road Project from Starkey Road to 72nd Street North; and	(a) \$76,959.38 total cost; and	2.17.10

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<u>Department</u>	<u>Item</u>	<u>Dollar Value</u>	<u>Date Approved</u>
	(b) Temporary Construction Easement with BP Land Holdings, LLLP for the Bryan Dairy Road Project from Starkey Road to 72nd Street North	(b) \$251,550.00 total cost	
Real Estate Management	First Amendment to License Agreement with Children's Educational Services, Inc., d/b/a The Broach School for Access to the Greenway Park's Boat Ramp to Collect Water Samples for Science Classes in Exchange for Monitoring Area for Trash and Suspicious Activity	N/A	2.10.10
Utilities	Agreement for Professional Consulting Services with Luther J. Koon, LJK Consultants, Inc. for Operation of the Waste-to-Energy Facility	Not-to-Exceed \$220,000.00 total for hourly compensation and reimbursement of out-of-pocket expenses	3.1.10
Utilities	(a) Second Amendment to Agreement with the Southwest Florida Water Management District (SWFWMD) for Pinellas County Spray Nozzle Replacement Project; and (b) First Amendment to Agreement with SWFWMD for Design Construction of Pinellas County North Reclaimed Water Telemetry Control Project	(a) N/A; and (b) \$300,000.00 reduction total project funding	2.10.10
Utilities	Notices of Lien (18)	N/A	1.21.10
Utilities	Notices of Lien (18)	N/A	1.14.10
Utilities	Releases of Lien (17)	All liens are paid in full.	1.11.10
Utilities	Notices of Lien (18)	N/A	12.30.10
Utilities	Releases of Lien (11)	All liens are paid in full.	12.22.10

7 Ranking of firms and authorization for staff to negotiate with the two top-ranked firms to provide Adult Drug Court Treatment Services (Pilot Program) (Contract No. 089-0514-P) approved as follows (Justice and Consumer Services):

Non-Secure Residential Drug Treatment Services:

Westcare Gulfcoast-Florida, Inc.

Goodwill Industries-Suncoast, Inc.

Transitional Housing and Re-Entry Services:

Westcare Gulfcoast-Florida, Inc.

Simply Hope, Inc.

- # 8 Recommendation of the Substance Abuse Advisory Board for the reallocation of \$26,815.00 in Edward Byrne Memorial Justice Assistance Grant, American Recovery and Reinvestment Act of 2009 funds approved providing for distribution to the City of Treasure Island in the amount of \$4,874.00, the City of Pinellas Park in the amount of \$9,870.00, and the Town of Kenneth City in the amount of \$12,071.00, as detailed in the attachment to the Board Memorandum dated March 16, 2010 (Justice and Consumer Services).
 - # 9 Resolution No. 10-51 adopted supplementing the Fiscal Year 2010 General Fund Budget to appropriate earmarked receipts for a particular purpose (unanticipated grant revenues to the Pinellas County Sheriff's Office totaling \$299,410.00) (Management and Budget).
 - #10 Bid for Uniforms and Miscellaneous (Co-Op) Re-Bid (Contract No. 090-0167-B) awarded to Unifirst Corporation, on the basis of being the lowest responsive, responsible bid received meeting specifications. Total estimated annual expenditure not to exceed \$388,511.63; Pinellas County portion not to exceed \$213,511.63. Bid is for a 12-month contract effective April 8, 2010 with two 12-month term extensions beyond the primary contract period and with the same terms, conditions, and specifications; term extensions allow for a price adjustment (decreases/increases) in an amount not to exceed the Consumer Price Index (CPI) for all Urban Consumers, Not Seasonally Adjusted, for the 12 months prior to extension. The extension shall be exercised only if all terms and conditions remain the same and approval is granted by the County Administrator or Director of Purchasing (Purchasing).
- Chairman Seel noted that she has advised Administrator LaSala that uniforms are to be provided only if necessary in order to identify staff members as employees of Pinellas County; and cited Code Enforcement as an example; and no objections were noted.
- #11 Sitting as the Countywide Planning Authority, the Board received and accepted a minor plan change to the Oldsmar Town Center Plan (Case No. CW 97-19, SAP Change No. 1-2010).
 - #12 Sitting as the Countywide Planning Authority, the Board adopted Resolution No. 10-52 approving an updated Determination of Consistency with the Countywide Future Land Use Plan and Rules for Pinellas County.
 - #13 Sitting as the Countywide Planning Authority, the Board officially accepted the proposed Countywide Plan Map Boundary Adjustment submitted by Pinellas County.

#14 Items for discussion from Consent Agenda (County Administrator and Clerk of Circuit Court) – None.

#15 Ground Lease Agreement with Renewal Option and Memorandum of Lease between Pinellas County and Revenge Advanced Composites, LLC temporarily deferred (Real Estate Management).

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At this time, 4:30 P.M., Commissioner Latvala left the meeting.

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#16 Change Order No. 5 to the Agreement with Pepper Contracting Services, Inc. for 2008-2009 Countywide Americans With Disabilities Act Ramp, Sidewalk, Drainage and Intersection Improvements (Bid No. 067-0686-C; PID No. 1654) approved increasing the agreement amount by \$1,175,598.99 (revised total agreement \$12,650,289.60) and extending the contract by 149 days; Chairman authorized to sign and the Clerk to attest after proper execution of the agreement by the contractor and written approval as to form by the Office of the County Attorney.

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

#17 Joseph Saunders and David Libby reappointed to the Public Employee Relations Commission (PERC) for a four-year term (County Administrator).

Motion - Commissioner Welch
Second - Commissioner Bostock

Commissioner Brickfield related that he will be voting against the item since a statewide board exists which performs the same function as PERC.

Vote - 5 – 1 (Commissioner Brickfield dissenting)

Following the vote and in response to queries by Commissioner Bostock, Administrator LaSala related that the costs involved with operating the Public Employee Relations Commission are minimal; that volunteers serve on the committee; and that a small number of staff supports PERC.

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At this time, 4:32 P.M., Commissioner Latvala returned to the meeting.

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#18 Authorization granted to advertise a public hearing to be held on April 20, 2010 to consider proposed amendments to Chapter 134 of the Pinellas County Land Development Code regarding redevelopment (Planning).

Motion - Commissioner Morroni
Second - Commissioner Harris

Commissioner Bostock suggested that as changes are made to the Pinellas County Code, the language should be written in a citizen friendly manner.

Vote - 7 - 0

#19 Other Administrative Matters – None.

#20 County Attorney Miscellaneous – None.

#21 Sitting as the Emergency Medical Services (EMS) Authority, the Board approved the following reappointments to the Pinellas County EMS Advisory Council, each for a two-year term:

- ▶ Lieutenant Sean D. Jowell as Law Enforcement Representative
- ▶ David A. Koperski as At-Large Consumer Representative
- ▶ James B. MacPherson as North County Consumer Representative
- ▶ Doctor Joseph J. Namey, Jr., as Pinellas County Osteopathic Medical Society Representative
- ▶ Division Chief Donald Sayre as Pinellas Advanced Life Support Providers (PALS) Association Representative

Motion - Commissioner Harris
Second - Commissioner Welch

Commissioner Bostock suggested that when appointments and reappointments are made to the various councils and committees within the county, an effort be made to inform the public and engage citizens in the process.

Vote - 7 - 0

#22 County Administrator Reports – None.

#23 County Commission Miscellaneous:

The commissioners extended their thanks to the staff of the Communications Department for their hard work relating to the e-Town Hall meeting and the Budget Information Sessions.

- a. Commissioner Harris reminded citizens to complete census forms and to beware of unofficial census materials that may be arriving in the mail.
- b. Commissioner Brickfield announced that the One Bay Regional Congress will be held on Friday, April 16, 2010, from 8:30 a.m. until 12:00 noon.

suggested that fax machines be removed from county offices in favor of utilizing scanning and emailing as a way of saving money.
- c. Commissioner Welch extended his thanks to the County Attorney for his direction relating to the ABC Coalition issue.

related that the CJIS Board had met on Monday, March 15, 2010, and had voted to submit Tyler Technologies as the CJIS replacement during an April BCC meeting.
- d. Commissioner Latvala requested input from the members regarding how often they desire updates regarding Tampa Bay Water; provided information regarding the desalination plant and the reservoir.

announced that next week is the Florida Association of Counties Legislative Conference and encouraged the members to attend.

e. Commissioner Morroni requested a time frame for selecting appointments to the Joint Land Use Transportation Committee and Commissioner Seel suggested that appointments be made after the next Pinellas Planning Council (PPC) meeting.

+ motion by Commissioner Morroni, seconded by Commissioner Latvala, to reflect that the members have no objection to the state renaming the Bayway Bridge to the Sergeant Major Gary Lee Lattrell Medal of Honor Causeway Bridge in Pinellas, vote, 7 to 0.

f. Commissioner Bostock recommended additional work sessions for commissioners to provide input re the budget.

g. Chairman Seel noted that a Transit Summit will be held on March 22, 2010, from 7:30 a.m. until 10:00 a.m. at the Hilton Carillon, and reminded the members to submit names and contact information for individuals in the business community who may wish to attend.

related that her office is responding to emails relating to Weedon Island, Brooker Creek, and Heritage Village.

+ indicated that Brevard County is requesting support for its Space Program resolution; motion by Commissioner Morroni, seconded by Commissioner Latvala, to adopt Pinellas County Resolution No. 10-53 supporting the Brevard County resolution, vote, 7 to 0.

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At this time, 5:01 P.M., the meeting was recessed and reconvened at 6:32 P.M. with all members present.

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#24 Ordinance No. 10-10 adopted approving Case No. CW 10-01 (Special Area Plan Adoption 2010), the proposal by the City of St. Pete Beach to amend the Countywide Future Land Use Plan from Residential/Office/Retail to Community Redevelopment District in accordance with a Special Area Plan (the Eighth Avenue Commercial District Special Area Plan), re 3.4 acres generally located west of Pass-a-Grille Way, south of 9th Avenue, east of Gulf Way, north of 8th Avenue, and including the lots fronting on and south of 8th Avenue (regular amendment). No correspondence has been received. No citizens appeared to be heard. The Pinellas Planning Council (PPC) recommended approval of the proposed amendment subject to the following conditions, and staff concurred.

1. Permitted densities and intensities be applied without regard to their respective proportionality to the applicable land area.
2. Submission by the City of a monitoring and evaluation report for the Special Area Plan that assesses the status of Special Area Plan implementation progress and measurable impacts to date within five years of the date of approval of the amendment.
3. Submission of the implementing land development regulations to be reviewed for consistency with the Countywide Rules and the Special Area Plan.
4. Submission of any future amendment to the Special Area Plan, for receipt and acceptance, or for consideration as an amendment, as is determined necessary under the Countywide Plan Map amendment process.

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

#25 First public hearing held regarding a proposed Countywide Rule amendment regarding transfer of development rights and density/intensity averaging. Pinellas Planning Council (PPC) recommended approval of the proposal and staff concurred. No correspondence has been received.

PPC Executive Director David P. Healey provided historical background information relative to the proposed Countywide Rule amendment dealing with the transfer of development rights and density/intensity averaging; indicated that there is considerable variation within the rules of the local governments; stated that the proposed amendment establishes a framework in the Countywide Rules for these provisions; and related that there are seven major changes, as follows:

- ▶ Current grandfathering provisions extended to the effective date of the ordinance.
- ▶ Percentage of development rights which can be transferred to the receiving area is extended from 20 to 25 percent.
- ▶ Density/intensity averaging parameters within the same category are established.
- ▶ Development rights may be transferred out of but not to Preservation and Recreation/Open Space.
- ▶ Provisions have been designed for Special Area Plans.
- ▶ Averaging in redevelopment scenarios has been provided for.
- ▶ Definitions have been added or clarified.

In response to the Chairman's call for persons wishing to be heard, City of St. Petersburg Planning and Economic Development Department Manager Rick MacAulay appeared and expressed his concerns regarding the proposed five-acre restriction on the ability to use density averaging when more than one plan category is involved; indicated that the cap removes site plan flexibility that might otherwise be enjoyed; and requested that the amendment be approved minus the five-acre restriction.

Mr. MacAulay related that the City of St. Petersburg is concerned that both the transfer of development rights and the density averaging issues were proposed without the solicitation of input from the private sector development community; and in response to query by Commissioner Welch, described Tortuga Pointe in St. Petersburg as an example of a project that would not have been allowed if the Countywide Rules had been amended as proposed; and discussion ensued wherein Commissioner Morroni related that the proposed amendment was discussed and debated several times by the PPC over the last few months; that there was outreach into the community asking for input on the rules amendment; and that when the development community has input for either the BCC or the PPC, its members appear at the public hearings and express their opinions and concerns.

Responding to comments by Mr. MacAulay, Mr. Healey related that the PPC sought the perspective of the developers; that the development community understands the need to differentiate between the two techniques in a way that is balanced and fair; and that he has spoken with a Board of Realtors representative who commented that the proposed amendment makes perfectly good sense. Mr. Healey indicated that without the establishment of parameters there will be unlimited transfer of development rights; and that there is no five-acre limit if the property remains within a plan category.

In response to query by Commissioner Welch, Mr. Healey stated that to say the Tortuga Pointe Plan could not have gone forward under the proposed amended rules is incorrect; that it could have been approved through a plan amendment process; and that if no cap is imposed, it will render the distinction between the transfer of development rights and density averaging meaningless, allowing density to be moved indiscriminately across plan categories with no relationship to the limits of the categories. He indicated that the five-acre cap is derived from the current standard in the rules where secondary non-typical uses are allowed in a given plan category up to five acres; and that if there is a differential of more than five acres, a plan amendment is necessary; and discussion ensued wherein, responding to a query by Commissioner Bostock, Mr. Healey indicated that he would provide examples of completed projects which would not have been permitted under the proposed rule amendment.

Responding to queries by Commissioners Brickfield and Welch, Mr. Healey related that the transfer of development rights originated in order to provide for environmental, archaeological, and architectural preservation; and that under the proposed amendment, projects similar to Tortuga Pointe would not be approved administratively, but would have a higher level of review; whereupon, Commissioner Welch noted that those who support the concept of “hometown democracy” do not believe that governments perform adequate reviews on those types of developments; and discussion ensued.

Chairman Seel noted that the second public hearing on the item is scheduled for April 6, 2010.

- #26 Ordinance No. 10-11 adopted amending Section 118-31(h) of the Pinellas County Code relating to the costs of administration for tourist development tax collection. No correspondence has been received. No citizens appeared to be heard.

Attorney Bennett advised that pursuant to the ongoing discussions relating to the costs of administration for the collection of tourist development (bed) taxes, the ordinance would revise the cost of collections retained from a flat three percent to the actual cost of administration not to exceed three percent, as well as provide for the annual notification of the costs to the Tourist Development Council beginning with the 2010/2011 county fiscal year.

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

#27a Resolution No. 10-54 adopted approving the application of M J M R B M, LLC, for a change in zoning from C-2, General Retail Commercial and Limited Services, and M-1, Light Manufacturing and Industry, to M-1, Light Manufacturing and Industry; a special exception to allow a restaurant in an M-1 zoning district; and a variance to allow said restaurant to have a maximum seating capacity of up to 150 where a maximum of 75 seats are allowed (Z-1-2-10), re a parcel of land containing approximately 1.23 acres on the west side of 49th Street North, 1,400 feet south of Ulmerton Road (street address: 12924 49th Street North). 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 Welch
Second	-	Commissioner Latvala
Vote	-	7 – 0

#27b Ordinance No. 10-12 adopted approving the application of the Pinellas County Planning Director for a change in land use designation from Preservation to Residential Medium (LU-1-1-08), re a parcel of land containing approximately 0.60 acre located on the north side of 42nd Avenue North, 450 feet east of 28th Street North, St. Petersburg (street address: 4200 26th Street North).

Planning Director Brian K. Smith indicated that the application was originally transmitted to the Department of Community Affairs (DCA) as a small scale amendment due to the site being less than one acre in area; that the DCA determined that because the amendment would allow a density of 15 units per acre, the request qualified as a large scale amendment; that the Board approved the land use plan amendment from Preservation to Residential Medium with the understanding staff would rezone the site to R-4, One, Two, and Three Family Residential, to address neighbors' concerns; and that this is the final hearing to approve the land use plan amendment to Residential Medium. Staff recommended approval of the application. No correspondence has been received. Earlier correspondence and testimony received at the Local Planning Agency hearing included one letter and six citizens in opposition to the proposed ordinance. No citizens appeared to be heard.

In response to queries by Commissioner Seel, Planning Department Zoning Manager John F. Cueva indicated that the rezoning request would be heard at the April LPA meeting.

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

- #27c Ordinance No. 10-13 adopted approving the application of the Pinellas County Planning Director for a change in land use designation from Residential Low and Preservation-Resource Management to Preservation-Resource Management and Recreation/Open Space (LU-2-10-09), re a total of 29 parcels of land containing approximately 101 acres located on the west side of U.S. Alternate Highway 19 and lying within Wall Springs County Park, Palm Harbor.

Planning Director Brian K. Smith indicated that the first public hearing was held November 17, 2009 authorizing transmittal of the proposed ordinance to the Department of Community Affairs (DCA) for review and comment; that following its review, the DCA, in a letter dated January 8, 2010, related that it had no issues or objections; and that staff recommended approval of the application. No correspondence has been received. No citizens appeared to be heard.

Commissioner Seel reported that the county had acquired the approximately 101 acres as separate parcels on separate occasions over the past several years to be permanently set aside as green space; whereupon, she recognized Commissioner Latvala, and related that she had championed the assemblage of the properties located in the northern portion of Wall Springs County Park.

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

- #27d Ordinance No. 10-14 adopted approving the application of Pinellas County through Noah Lagos, Airport Director, Representative, for a change in land use designation from Recreation/Open Space to Commercial General (Z/LU-6-10-09), re a parcel of land containing approximately ten acres located on the northwest corner of Old Roosevelt Boulevard and 34th Street North (Evergreen Avenue), Clearwater.

Planning Director Brian K. Smith indicated that Resolution No. 09-188 was adopted November 17, 2009 granting the application for rezoning; that following its review, the Department of Community Affairs (DCA) had no issues or objections; and that staff recommended approval of the application, after addressing the concerns of the Florida Department of Environmental Protection, the Florida Department of Transportation, and the Florida Department of State. No correspondence has been received. Earlier correspondence and testimony received at the first public hearing and Local Planning Agency hearing included one supporter, 11 citizens with concerns, and a petition of concern with 189 signatures. No citizens appeared to be heard.

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

- #27e Ordinance No. 10-15 adopted approving the application of Pinellas County through Noah Lagos, Airport Director, Representative, for a change in land use designation from Recreation/Open Space to Industrial Limited (Z/LU-7-10-09), re a parcel of land containing approximately 117.81 acres located on the northeast side of Old Roosevelt Boulevard, west of 34th Street North (Evergreen Avenue), and lying 700 feet m.o.l. north of Ulmerton Road, Clearwater.

Planning Director Brian K. Smith indicated that Resolution No. 09-189 was adopted November 17, 2009 granting the application for rezoning; that following its review, the Department of Community Affairs (DCA) had no issues or objections; and that staff recommended approval of the application, after addressing the concerns of the Florida Department of Environmental Protection, the Florida Department of Transportation, and the Florida Department of State. No correspondence has been received. Earlier correspondence and testimony received at the first public hearing and Local Planning Agency hearing included one supporter, 11 citizens with concerns, and a petition of concern with 189 signatures. No citizens appeared to be heard.

Motion	-	Commissioner Latvala
Second	-	Commissioner Harris
Vote	-	6 – 1 (Commissioner Morroni dissenting)

- #28 Ordinance No. 10-16 adopted amending the Quality Communities and Future Land Use Element of the Pinellas County Comprehensive Plan to include policies regarding the development of the Airco property. First public hearing held November 17, 2009 authorizing transmittal of the proposed ordinance to the Department of Community Affairs (DCA) for review and comment.

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Planning Director Brian K. Smith indicated that while comments were received from the Florida Department of Environmental Protection, the Florida Department of Transportation, and the Florida Department of State, those comments pertained more specifically to the Airco-related land use cases, and are addressed with those agenda items. Staff recommended approval of the application. No correspondence has been received.

In response to the Chairman's call for persons wishing to be heard, Michael Schlensker, Clearwater, representing the Feather Sound Alliance, appeared, expressed his concerns, and responded to queries by the members.

In response to the concerns raised by Mr. Schlensker regarding access to the Airco property via Evergreen Avenue, Planning Director Brian K. Smith referred to a map, pointed out the location of the site, and presented background information pertaining to the Transportation Management Plan and the Master Plan; and related that each plan consists of several steps which must be followed prior to the property being developed; whereupon, Mr. Smith, with input by Commissioner Seel, pointed out that completion of a special transportation study is required prior to any decision being made regarding the placement of an entrance to the Airco property; and that the Florida Department of Transportation will provide input and make the final decision regarding transportation issues, and Commissioner Morroni provided input.

In response to queries by Commissioner Seel pertaining to the ten-acre parcel and approval of a Transportation Management Plan, Mr. Smith indicated that County Administrator LaSala will be responsible for approval of the plan; that in the past the site plan process was used; and that Mr. LaSala has the option of reviewing the traffic plan with the members; whereupon, Commissioner Seel stated that given the sensitivity of the subject area, it would be prudent for the Administrator to review the plan with the Board members.

Thereupon, Airport Director Noah Lagos discussed the direction provided to him by the BCC and the County Administrator at the November 17, 2009 BCC public hearing relating to the Airco property. He related that in anticipation of Airport staff meeting with Federal Aviation Administration (FAA) officials, the Airport had hired a consultant to craft a document relating to environmental concerns including archaeological issues, wetlands issues, species issues, and similar topics; and that the document titled *Proposed Buffer Area Technical Memorandum* was presented to the FAA on March 5, 2010, when he, Airport Real Estate Properties Manager Robert G. Humberstone, and the consultant

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traveled to Orlando to obtain feedback from the FAA regarding the flag-shaped property being set aside as a “non-development area.”

Mr. Lagos stated that discussion took place regarding transferring density rights from the 46.5-acre parcel, which has a limited potential for development, to another Airport property; and that the next step is to return to the FAA with an analysis of the value of the density rights which could be transferred to another property.

He related that the FAA has provided no commitment relating to a buffer area and is unable to provide any reassurance to the neighboring community relating to a non-development area. He pointed out that the FAA finds the words “preservation” and “conservation” concerning because those terms seem to indicate the taking of property rights from the Airport; that the FAA’s primary concern is ensuring that the Airport’s aviation needs are provided for well into the future; that the FAA expects the Airport to utilize its property to its highest-and-best use; and that certain types of applications are exempt from concurrency regulations under state law; whereupon, Mr. Smith acknowledged that the FAA’s approval process is separate from the Master Plan.

Commissioner Seel suggested that the members not attempt to legislate at the current time, but that when the Transportation Management Plan is being developed for those ten acres the public be provided the opportunity to discuss the matter in neighborhood meetings and/or public hearings, and Commissioner Latvala concurred.

Thereupon, Commissioner Morroni stated that he will be voting against the item, commenting that the volume of traffic on Ulmerton Road is extreme; that adding any kind of development will only exacerbate the current traffic issues; and that the FAA has provided no oral or written confirmation that the buffer area will remain untouched; whereupon, he offered his assistance to Mr. Schlensker in setting up a meeting with President and Chief Executive Officer Deborah Shade of Neighborly Care Network to resolve issues such as the shading of the parking lot lights.

During further discussion, Commissioner Seel related that the 118-acre portion requires approval of a Master Development Plan by the BCC at a public hearing; and that nothing can happen until the level of service improves on Ulmerton Road; whereupon, Mr. Lagos clarified that the Master Development Plan is attached to the 73 acres but not to the 45 acres of aviation development; and reiterated that state law exempts those acres from concurrency regulations.

Thereupon, Commissioner Latvala moved, seconded by Commissioner Welch, that the agenda item be approved. Discussion ensued with Messrs. LaSala and Smith and Commissioners Bostock, Brickfield, and Welch providing input. Upon call for the vote, the motion carried 6 to 1, with Commissioner Morrone dissenting.

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

Following the vote, Chairman Seel noted the appreciation of the Board for the participation of the Feather Sound community.

- #29 Ordinance No. 10-17 adopted amending Figures 1, 2, 3, and 12 of the Public School Facilities Element of the Pinellas County Comprehensive Plan.

Planning Director Brian K. Smith indicated that the first public hearing was held November 17, 2009 authorizing transmittal of the proposed ordinance to the Department of Community Affairs (DCA) for review and comment; that following its review, the DCA, in a letter dated January 8, 2010, related that it had no issues or objections; and that staff recommended approval of the application. No correspondence has been received. No citizens appeared to be heard.

Referring to Figure 1, *Elementary Schools in Pinellas County 2009-2010 School Year*, Mr. Smith noted that a correction has been made to the map to reflect the recent relocation of two elementary schools, Dunedin and Curtis Fundamental.

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

- #30 Ordinance No. 10-18 adopted amending the Future Land Use Map Category Descriptions and Rules of the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan. No correspondence has been received. No citizens appeared to be heard.

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

#31 Ordinance No. 10-19 adopted amending Policy 1.11.1 of the Intergovernmental Coordination Element of the Pinellas County Comprehensive Plan regarding the dispute resolution process. No correspondence has been received. No citizens appeared to be heard.

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

#32 Ordinance No. 10-20 adopted amending the objectives and policies of the Recreation, Open Space and Culture Element and the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan regarding historic and archaeological preservation and resources. No correspondence has been received. No citizens appeared to be heard.

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

#33 Meeting adjourned at 8:01 P.M.

Chairman

ATTEST: KEN BURKE, CLERK

By _____
Deputy Clerk