

**BOARD OF COUNTY COMMISSIONERS MEETING  
TUESDAY, JUNE 1, 2010 – 9:31 A.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; Mark S. Woodard, Assistant County Administrator; Clarethia N. Harris, Chief Deputy Clerk; and Tammy L. Burgess, Deputy Clerk.

**INVOCATION:** Father Thomas Madden, St. Cecelia Catholic Church, Clearwater.

**PLEDGE OF ALLEGIANCE:** Commissioner Bostock.

**PRESENTATIONS AND AWARDS:**

1. Presentation Recognizing Law Day Poster Exhibition and Contest Winners.
2. Presentation Recognizing Volunteers/Supporters of the 2009-2010 Cold Night Shelter Program.

**All public hearing items have been properly advertised. Affidavits of Publication have been received and are on file in the Board Records Department.**

**SCHEDULED PUBLIC HEARINGS – COUNTYWIDE PLANNING AUTHORITY (CPA)**

- # 1 Ordinance No. 10-31 adopted amending the Rules Concerning the Administration of the Countywide Future Land Use Plan, as amended (Countywide Rules), regarding agricultural and community garden uses. No correspondence has been received. No citizens appeared to be heard.

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

**SCHEDULED PUBLIC HEARINGS – BOARD OF COUNTY COMMISSIONERS (BCC)**

- # 2 Proposed resolution granting petition of the School Board of Pinellas County to vacate an unopened portion of right-of-way on Lots 23 and 24, Pinellas Groves Subdivision, temporarily deferred. 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. Three letters in opposition to the petition have been received (Legislative Hearing).

June 1, 2010

Referring to an aerial photograph, Real Estate Management Director Paul Sacco identified and discussed the subject right-of-way and surrounding properties. He pointed out that a utility easement will remain on the subject right-of-way after it is vacated; that there is currently no County use for the subject right-of-way; and that the vacation may potentially impact approximately seven property owners to the north; whereupon, he related that staff recommends approval of the petition.

Commissioner Latvala indicated that some School Board members have expressed concerns regarding the petition to vacate; and in response to her query, Pinellas County School Board Associate Superintendent Michael Bessette related that the petition will be taken before the School Board for an official vote, if required.

Mr. Bessette provided an overview of the request and discussed the intended use of the subject right-of-way. In response to queries by the members, he pointed out that the aerial photograph is outdated and does not reflect the two-story building constructed at the end of last summer to comply with class size requirements; and identified the location of the two-story building; whereupon, he noted that the additional 22 parking spaces will free up spaces in the front of the school for parents and visitors.

In response to the Chairman's call for persons wishing to be heard in opposition to the petition, the following individuals appeared, expressed their opinions, stated their concerns, and responded to queries by the members:

Stephen D. Dobosz, Largo  
Karen Dobosz, Largo (submitted letter)  
Anthony Llanes, Largo  
Cortney Llanes, Largo (submitted letter)  
Penny Smewing, Largo  
Ronald J. Wlazik, Largo  
Don Sweat, Largo

In response to the Chairman's call for persons wishing to be heard in support of the petition, the following individuals appeared:

Lewis Hill, Seminole  
James Robinson, Esquire, Palm Harbor (School Board General Counsel)

Attorney Robinson indicated that Dr. Julie M. Janssen has the authority to file the petition on behalf of the School Board as the petition does not involve the conveyance of any School Board interest; and referring to the concerns expressed by the surrounding neighbors, he pledged to take the matter before the School Board prior to any properties being impacted.

Alluding to concerns expressed by the objectors, Mr. Bessette displayed a survey of the area and related that there is no intent to remove any trees, noting that the first four properties all conform to their property lines; whereupon, he identified the property lines on each side of the 15-foot easement and responded to queries by Chairman Seel regarding the ingress/egress, the new bus loop, the retention area, portables on the school property, and alternative placement of the parking spaces, noting that the proposed location is the most accessible.

Discussion ensued regarding the normal procedures for vacating rights-of-way and Director of Public Works and Transportation Peter J. Yauch provided input regarding reversionary rights for separate plats, noting that there are two separate plats involved. In response to queries by the members, Mr. Bessette indicated that the additional parking spaces will not only accommodate the increased class sizes, but will help make the parking situation safer; and Attorney Bennett discussed quasi-judicial and legislative vacations, noting that this petition is a legislative vacation; whereupon, he expressed concern regarding the ability of the County to legitimately hold the property for private purposes against the reversionary interest of the School Board and discussed non-conformity and grandfathering of older homes.

Commissioner Latvala requested that the issue go before the School Board for a determination of need of the additional parking spaces; and that staff determine whether a 30-foot easement previously existed and if the homeowners received the 15 feet allowed under the County's normal procedures; and Chairman Seel suggested that it would be appropriate to continue the item until after the School Board has had an opportunity to discuss the issue; whereupon, Commissioner Morrone expressed concern regarding the untimely receipt of information and the lack of opportunity for the public and the Board to thoroughly investigate the issues; whereupon, he moved, seconded by Commissioner Latvala and carried, that the item be continued.

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

Thereupon, Chairman Seel reiterated that the issue will be heard by the School Board prior to the BCC taking any action; and suggested that the School Board meet with the impacted neighbors to ensure there is a clear understanding of the potential impacts to the individual properties should the petition be granted.

**CITIZENS TO BE HEARD**

Loren Knuth, St. Petersburg, re extend hours of operation (submitted petitions with 398 signatures in support).

Lenore Faulkner, Madeira Beach, re Pinellas Park Middle World Class Career and Technology School.

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At this time, 10:45 A.M., Commissioner Bostock left the meeting.

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**CONSENT AGENDA ITEMS NOS. 3 THROUGH 9 – APPROVED.**

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

# 3 Minutes of regular meeting of May 4, 2010, approved.

# 4 Reports received for filing:

- a. Pinellas County Annual Financial Report for the Fiscal Year ended September 30, 2009.
- b. Quarterly Investment Report for the period ended March 31, 2010.
- c. Pinellas County Metropolitan Planning Organization Basic Financial Statements, Supplementary Information and Regulatory Reports for the Fiscal Year ended September 30, 2009.
- d. Dock Fee Report for the month of April 2010.

# 5 Vouchers and Bills Paid – Periods April 26 through April 30, 2010 and May 3 through May 7, 2010.

Payroll Journal Expenditures  
 Payroll Journal page numbers 1 through 2257  
 Payroll checks numbered 567410 through 567573

Imprest Fund Expenditures  
 Manual checks numbered 751660 through 751663  
 System checks numbered 999252 through 1000424

ACH Transfers numbered 5447 through 5612

Wire Transfers numbered 11305 through 11313

- # 6 Miscellaneous items received for filing:
- a. City of Clearwater Public Hearing Notices of Comprehensive Plan, Annexation, Land Use Plan, and Zoning Atlas Amendments regarding Ordinances Nos. 8134-10, 8143-10, 8144-10, 8151-10, 8152-10, and 8171-10 through 8176-10 held May 20, 2010 and to be held June 3, 2010 and June 15, 2010.
  - b. City of Pinellas Park Notices of Public Hearings regarding Ordinances Nos. 3730 and 3731 held May 27, 2010, voluntarily annexing certain property.
  - c. City of Safety Harbor Ordinance No. 2010-06 adopted May 3, 2010, annexing certain property.
  - d. City of Seminole Resolutions Nos. 05-2010 and 06-2010 opposing Florida Constitutional Amendment 4 and supporting the Tampa Bay Regional Planning Council's Project Get Ready Tampa Bay regarding electric vehicles, respectively, adopted April 27, 2010.
  - e. City of Tarpon Springs Resolution No. 2010-19 adopted May 4, 2010, opposing the imposition of fees by the Board of County Commissioners for Fred Howard Park.
  - f. Pinellas Suncoast Transit Authority Resolution No. 10-02 opposing Florida Constitutional Amendment 4 requiring a referendum for voter approval of local Comprehensive Plans and amendments, adopted April 28, 2010.
- # 7 Resolution No. 10-75 adopted appropriating earmarked receipts for a particular purpose (reallocation of Tarpon Springs Fire District's Reserve for Future Years in the amount of \$66,090.00), representing the County's 10.33 percent unincorporated share for the purchase of a replacement ladder engine at Station 69 (Management and Budget).
- # 8 Award of bid to General Elevator Sales and Service, Inc. for modernization of five elevators (Contract No. 090-0268-CP) approved for an estimated total expenditure in the amount of \$279,200.00 on the basis of being the lowest responsive, responsible bid received meeting specifications; Chairman authorized to sign the agreement and the Clerk to attest after proper execution by the contractor and written approval as to form by the Office of the County Attorney (Real Estate Management/Purchasing).
- # 9 Housing Finance Authority Fiscal Year 2010 First Quarter Pinellas Community Housing Trust Fund Report received for filing.

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

#11 Resolution No. 10-76 adopted supporting the dedication of the Pinellas Bayway Bridge (State Road 682) from Gulf Boulevard (State Road 699) to U.S. Highway 19 as the Command Sergeant Major Gary Lee Littrell Medal of Honor Causeway and Bridge. Clerk authorized to record the resolution in the public records of Pinellas County.

Mr. Woodard related that the naming of the bridge is an action taken by the Florida legislature which requires the approval of the local governing authority.

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

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At this time, 10:49 A.M., Commissioner Bostock returned to the meeting.

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#12 Final negotiated contract for treatment services for Adult Drug Court Treatment Pilot Program with Westcare Gulfcoast-Florida, Inc. and Goodwill Industries-Suncoast, Inc. for non-secure residential drug treatment services and Westcare Gulfcoast-Florida, Inc. for transitional housing and re-entry services approved (Contract No. 089-0514-P); total estimated annual expenditure not to exceed \$378,000.00; contracts effective from the date of execution through September 30, 2010 with an additional 12-month extension, subject to written notice of agreement beyond the primary contract period; term extensions will allow for price adjustments (decreases/increases) in an amount not to exceed the average of the Consumer Price Index (CPI) for all Urban Consumers, Not Seasonally Adjusted, U.S. city average. 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. Chairman authorized to sign the agreements and the Clerk to attest after proper execution by the contractors and written approval as to form by the Office of the County Attorney (Justice and Consumer Services/Purchasing).

Motion	-	Commissioner Welch
Second	-	Commissioner Latvala

Responding to queries by Commissioner Latvala and Chairman Seel, Director of Justice and Consumer Services Tim L. Burns related that the funding for these services is part of

an American Recovery and Reinvestment Act grant award; that the County is the fiscal agent for the funds and ensures that the program fits within the drug court; that approximately seven Florida counties are receiving grants of this type; and that it is not a new concept.

Vote - 7 – 0

#13 Resolution No. 10-77 adopted authorizing the County Administrator or his designee to approve and execute a lease of County-owned property at the Criminal Justice Center to the State of Florida, Department of Corrections (Real Estate Management).

Motion - Commissioner Latvala

Second - Commissioner Harris

Vote - 7 – 0

#14 County Deed granting right-of-way to Pasco County as requested by the Pasco County Administrator re properties located in Section 12, Township 24 South, Range 18 East, Pasco County, withdrawn (Real Estate Management/Utilities).

Mr. Woodard related that the item is being withdrawn and will very likely come before the Board for approval at a future meeting.

#15 Other Administrative Matters – None.

#16 Order of succession for the position of County Attorney approved.

Motion - Commissioner Harris

Second - Commissioner Latvala

Vote - 7 – 0

#17 Report – Notice of new lawsuit and defense of the same by the County Attorney in the case of Stephanie Greenwell versus Pinellas Board of County Commissioners – Circuit Civil Case No. 10-007287-CI-020 – Allegations of Personal Injury as a Result of Negligence.

Attorney Bennett advised that the item requires no Board action.

#18 County Attorney Miscellaneous – None.

#19 Purchase of telephone equipment for the Voice Over Internet Protocol Unified Communication project with Siemens Enterprise Communication, Inc. (Siemens) (Contract No. 090-0340-S) based on the prices, terms, and conditions of Florida State

Contract No. 730-000-09-1 approved; total estimated expenditure not to exceed \$2,200,000.00; Chairman authorized to sign Schedule (A) Products Order and Custom Exhibit Agreements and the Clerk to attest.

Responding to queries by the members, Mr. Woodard related that the monies for this project will come from reserve funds which will be supported by non-recurring, one time funds in Fiscal Year 2010; that the funds will be replenished with the dollars saved in Fiscal Year 2011; and that the Business Technology Services Department (BTS) staff has forecast a savings of approximately \$700,000.00 annually against a one-time expenditure of \$2.2 million, resulting in a pay-back in approximately three years. BTS Senior Manager Jeff S. Rohrs provided additional information; whereupon, Commissioner Welch suggested that the term “non-recurring” be used rather than “one-time” in budget discussions, as it is more accurate and would cause less confusion.

Discussion ensued wherein Commissioner Latvala commented that this type of project is a good use of reserve funds; and Commissioner Morroni requested that BTS Director Paul F. Alexander provide an annual update relative to savings. Responding to query by Commissioner Welch, Mr. Alexander indicated that maintenance fee savings in the amount of \$777,000.00 should be realized next year; that the project will save approximately \$3 million in capital over ten years; and that BTS is working with Siemens to have the project up and running by September 30, 2010.

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

#20 County Administrator Reports – None.

#21 County Commission Miscellaneous:

a. Commissioner Harris related that he discussed extending the hours of operation for bars and bingo establishments with the Pinellas County Sheriff and Chief Deputy; and that they have no objections to extending either. Following lengthy discussion, Chairman Seel noted that the consensus of the members is that staff bring the issue back as an item on a future agenda for further discussion; that the cities be contacted re extending the hours for bars and alcohol sales to 3:00 A.M.; and that staff provide the members with details from the existing County ordinance re hours of operation for bingo establishments for discussion at a future meeting.

- b. Commissioner Welch commended Mr. Knuth on his efforts re gathering support for extending the hours of operation for bars.
- c. Commissioner Latvala discussed the PACE program recently approved by the legislation and Attorney Bennett provided input regarding the Board's ability to implement the program, noting that staff will be meeting this afternoon to begin discussions regarding the potential legal and administrative hurdles that need to be overcome; whereupon, the members requested that additional information be provided.
- d. Commissioner Morrioni expressed frustration with the use of outdated photographs for public hearing items and requested that staff ensure that the most updated photographs are provided for future public hearing items, and Chairman Seel concurred.
- e. Commissioner Bostock discussed referring citizens that contact the BCC office to all of the commissioners, not just the at-large commissioner that corresponds to the citizen's residence, and Chairman Seel related that the Board has always operated under the principle that all of the commissioners represent all of the citizens of Pinellas County regardless of how they are elected.

#22 Meeting adjourned at 11:23 A.M.

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Chairman

ATTEST: KEN BURKE, CLERK

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