

AGENDA – Regular Public Meeting

3:00 p.m.

Pinellas County

Board of County Commissioners (BCC)

October 20, 2009

INVOCATION

PLEDGE OF ALLEGIANCE to the Flag of the United States of America

PRESENTATIONS and AWARDS

A. CITIZENS TO BE HEARD

Any Person Wishing to Speak at This Time, Excluding Public Hearing Items, Must Have a Yellow Card Completed and Given to the Agenda Coordinator at the Staff Table Located at the Front of the Board Room. The Chair Will Call Each Speaker, One by One, to the Podium to be Heard. Each Speaker May Speak up to Three (3) Minutes.

B. CONSENT AGENDA

CLERK OF THE CIRCUIT COURT

- 1. Approval of Minutes of the Regular Meeting of September 8, 2009**
- 2. Reports – None**
- 3. Vouchers and Bills Paid**
- 4. Miscellaneous Items to be Received for Filing:**
 - a. City of Clearwater Ordinance No. 8081-09 Adopted September 3, 2009, Annexing Certain Property**
 - b. Pinellas Park Water Management District Minutes of Regular Authority Meeting No. 11, Dated August 20, 2009, and the Calendar of Regular Authority Meetings for Fiscal Year (FY) 2009-2010**
 - c. Pinellas County License Board for Children’s Centers and Family Day Care Homes Resolutions Nos. 09-02, Effective September 11, 2009, and 09-03 Effective October 1, 2009, Amending the Budgets for FY 2008-2009 and 2009-2010, Respectively**

4. d. **Pinellas Suncoast Fire & Rescue District Resolutions Nos. 2009-05 Adopted September 17, 2009, Superseding Resolution No. 1996-08, Adopting a Fee Schedule for Additional Services Relating to Public Assembly, Providing for Resident and Non-Resident Rates, and Providing for Waiver of Fees; and 2009-06 Adopted September 1, 2009, Adopting the 2009-2010 Preliminary Budget, Adopting Rates of Assessments, and Establishing Pay Raises for Administrative Staff/Personnel**
- e. **Public Risk Management of Florida Intergovernmental Cooperative Agreement for the City of Madeira Beach as Amended and Restated through October 15, 2004, for the Provision of Insurance, Together with an Affidavit of Authenticity**
- f. **Southwest Florida Water Management District Notice of Public Meetings Held in Various Locations on October 6 and 8, 2009, Regarding the Establishment of Minimum Flows and Levels**

COUNTY ADMINISTRATOR

Public Works

5. **Approval of the Receipt and File Report of Consultant Competitive Negotiation Act Items Delegated to the County Administrator for the Quarter Ending September 30, 2009**
6. **Approval of an Award of Bid to:**
 - a. **David Nelson Construction Co. for Safe Route to School Infrastructure Projects**
 - b. **Ajax Paving Industries of Florida LLC for Pinellas Trail Rehab – 113th Street North/Ponce De Leon Boulevard**

Other Departments

7. **Approval of the County Administrator Receipt and File Report of:**
(County Administrator)
 - a. **Non-Procurement Delegated Items**
 - b. **Procurement Delegated Items for the Quarter Ending September 30, 2009**

8. **Approval of the Ratification of Application with the U.S. Department of Justice, Office of Community Oriented Policing Services, Pinellas County Sheriff's Office (Sheriff) for Counterterrorism Test Bed Project (Justice and Consumer Services)**
9. **Approval of the Ratification of Grant Award with: (Justice and Consumer Services)**
 - a. **Florida Office of the Attorney General and the Sheriff's Office for the Crime Stoppers of Pinellas Program**
 - b. **United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance and the Sheriff's Office for the Edward Byrne Memorial Justice Assistance Grant Formula Program Award**
10. **Approval of the Receipt and File Reports from July 1, 2009 through September 30, 2009 for: (Management and Budget)**
 - a. **Administrative Budget Amendments**
 - b. **Law Enforcement Trust Fund**
11. **Adoption of a Resolution Appropriating Earmarked Receipts for a Particular Purpose in the FY 2010 General Fund Budget for: (Management and Budget)**
 - a. **American Recovery and Reinvestment Act Grant to the Department of Health and Human Services as a Subgrantee of the City of St. Petersburg**
 - b. **Federal Grant with Pinellas County Department of Justice and Consumer Services and the U.S. Department of Justice, Office of Justice Program**
12. **Approval to Declare Surplus and Authorize the Sale of Miscellaneous County-Wide Equipment (Real Estate Management)**
13. **Approval of an Award of Bid to Waste Services of Florida, Inc. for Garbage/Trash Collection Services (Real Estate Management)**

C. REGULAR AGENDA

14. **Items for Discussion from Consent Agenda (County Administrator and Clerk of Circuit Court)**

COUNTY ADMINISTRATOR

Utilities

15. **Approval of an Interlocal Agreement with the City of Safety Harbor for Sale and Purchase of Potable Water**
16. **Adoption of a Resolution Revising the Fee Schedule Relating to Activities, Services and Charges at the Solid Waste Disposal Facility**

Other Departments

17. **Approval of Amendment No. 2 to the Contract with the State of Florida Department of Environmental Protection and Humiston & Moore Engineers for Professional Services for the Honeymoon Island Beach Restoration Project (Environmental Management)**
18. **Other Administrative Matters**
 - a. **Tax Equity Fiscal Responsibility Act (TEFRA) Announcement**

COUNTY ATTORNEY

19. **Approval of Authority for the County Attorney to Initiate Litigation in the Cases of:**
 - a. **Pinellas County v. Timothy D. Aldrich - Negligence in the Operation of an Airco Golf Cart**
 - b. **Pinellas County v. Simon Miksis – Negligence in the Operation of a Motor Vehicle**
20. **Approval of a Recommendation of Settlement in Sonya Campbell v. Pinellas County Government - Workers' Compensation Case**
21. **Miscellaneous**

D. AUTHORITIES, BOARDS, AND COUNCILS

ECONOMIC DEVELOPMENT COUNCIL

- 22. Approval of Appointments and Reappointments to the Pinellas County Economic Development Council**

EMERGENCY MEDICAL SERVICES (EMS) AUTHORITY

- 23. Approval of Reappointments to the Pinellas County EMS Advisory Council**

FIRE PROTECTION AUTHORITY

- 24. Approval of an Expansion of Fire Protection Services Agreement with the City of Largo to Cover the Belleair Bluffs Dependent District**

E. COUNTY ADMINISTRATOR REPORTS

- 25. Proposed 2010 State Legislative Program**

F. COUNTY COMMISSION

- 26. Approval of an Appointment to the Youth Advisory Committee**
- 27. Miscellaneous**

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PLEASE SEE NEXT PAGE FOR EVENING PORTION OF THE REGULAR PUBLIC MEETING AGENDA (PUBLIC HEARINGS AND CITIZENS TO BE HEARD).

6:30 P.M.

G. SCHEDULED PUBLIC HEARINGS

Any Person Wishing to Speak about a Public Hearing Item Shall Complete a Blue Card and Submit it to the Agenda Coordinator at the Staff Table Located at the Front of the Board Room. The Procedure Used by the BCC in Conducting Public Hearings is to Have a Staff Presentation Followed by the Applicant Presenting the Specific Proposal. The BCC Will Then Hear Comments from the Proponents Followed by Comments from the Opponents and a Staff Summary. The Applicant Will Then be Given an Opportunity to Close and the BCC Will Decide on the Matter. Please Refer to the Back of Your Agenda Copy for More Details on Guidelines for Time Limitations and Opportunities to Speak.

- 1. Any Person Who Has Been Authorized to Represent an Organization with Five (5) or More Members or a Group of Five (5) or More Persons Shall Complete a Blue Card, Submit it to the Agenda Coordinator at the Staff Table Located at the Front of the Board Room, and Should Limit Their Presentation to Ten (10) Minutes. It is Expected that Others in the Organization or Group Will Waive Their Time.**
- 2. Any Other Person Who Wishes to Speak about a Public Hearing Item Shall Complete a Blue Card, Submit it to the Agenda Coordinator at the Staff Table Located at the Front of the Board Room, and May Speak up to Three (3) Minutes. The Chair Will Call Each Speaker, One by One, to the Podium to be Heard.**

SCHEDULED PUBLIC HEARINGS – BCC

- 28. Proposed Ordinance Establishing a Fee Providing Examinations and Investigations Relating to Cremation, Dissection, and Burial at Sea**
- 29. Proposed Ordinance Amending the Transportation Element of the Pinellas County Comprehensive Plan**
- 30. Proposed Resolution Approving Amendments to the 49th Street Corridor Community Redevelopment Plan for the City of Gulfport**
- 31. Proposed Resolution Approving Amendments to the Waterfront Area Redevelopment Plan for the City of Gulfport**

SCHEDULED BCC PUBLIC HEARINGS – CONTINUED

32. **Proposed Resolution Noticing Intent to Provide Residential Solid Waste Collection through an Exclusive Franchise(s) Under a Municipal Services Benefit Unit in the Unincorporated Area of Pinellas County**
33. **Planning and Zoning Applications Heard by the Examiner (Quasi-Judicial Hearings are Noted with a “Q” Prefix):**
 - a. **Q Z/LU-1-10-07 (Deferred from August 18, 2009, BCC Meeting)
Resolution Modifying a Previously Approved Development Agreement in Z/LU-1-10-07 to Allow an Increase in the Number of Beds from 32 to 34, and a Variance to Allow 9 Parking Spaces Where 34 are Required in a Building Not-to-Exceed 50 Feet in Height, on a Parcel of Land Containing Approximately 1.56 Acres Located on the Southwest Corner of Park Boulevard and 128th Street, Seminole (Street Address: 7770 128th Street North), Page 282 of the Zoning Atlas, as Being in Section 29, Township 30, Range 15; upon Application of GIB Properties, LLC through Steven A. Williamson, Esquire, Johnson, Pope, Boker, Ruppel & Burns, Representative**
 - b. **Q CU-1-7-09 (Deferred from August 18, 2009, BCC Meeting)
A Conditional Use to Allow a Wholesale Plant Nursery as an Agricultural Use in an A-E Zoning District on Two Parcels of Land Containing Approximately 2.1 Acres Located on the South Side of 46th Avenue North and North of 44th Avenue North and Lying 135 Feet West of 79th Way North, St. Petersburg, upon Application of Glenn and Joanne Duncan through Dean Hall, Representative**
 - c. **Q Z-2-7-09 (Deferred from August 18, 2009, BCC Meeting)
Resolution Changing the Zoning Classification of Three Parcels of Land Containing Approximately .084 Acre Located on the East Side of Faxton Street and Lying 700 Feet South of Ulmerton Road, Clearwater, Page 731 of the Zoning Atlas, as Being in Section 08, Township 30, Range 16; from R-3, Single Family Residential to M-1, Light Manufacturing and Industry, upon Application of Gerald C., Gerald B. and Stella Hubbell**

SCHEDULED BCC PUBLIC HEARINGS – CONTINUED

33. d. **Q Z/LU-3-7-09 (Deferred from August 18, 2009, BCC Meeting)**
Resolution Changing the Zoning Classification of Nine Parcels of Land Totaling Approximately 0.90 Acre Located on the Southwest Corner of Ulmerton Road and 119th Street North, Largo, Page 237 of the Zoning Atlas, as Being in Section 09, Township 30, Range 15; from C-1, Neighborhood Commercial and RM-15, Residential, Multiple-Family, 15 Units per Acre to A-E, Agricultural Estate Residential, upon Application of Pinellas County BCC, in Care of Community Development and an Ordinance Amending the Future Land Use Map of Pinellas County, Florida by Changing the Land Use Designation of Nine Parcels of Land Totaling Approximately 0.90 Acre Located on the Southwest Corner of Ulmerton Road and 119th Street North, Largo, Located in Section 09, Township 30, Range 15; from Commercial General to Recreation/Open Space, Providing for Other Modifications that May Arise from Review of This Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date
- e. **Q Z/LU-4-7-09 (Deferred from August 18, 2009, BCC Meeting)**
Resolution Changing the Zoning Classification of a Zone Change on a Parcel Totaling Approximately 0.46 Acre Located on the West Side of Jackson Street, 100 Feet North of 132nd Avenue North, Largo (Street Address: 13224 125th Street North), Page 235 of the Zoning Atlas, as Being in Section 08, Township 30, Range 15; from R-4, One, Two and Three Family Residential to R-3, Single Family Residential, upon Application of Pinellas County BCC, in Care of Community Development and an Ordinance Amending the Future Land Use Map of Pinellas County, Florida by Changing the Land Use Designation on a Portion of the Parcel Totaling Approximately 0.16 Acre Located on the West Side of Jackson Street, 100 Feet North of 132nd Avenue North, Largo (Street Address: 13224 125th Street North) Located in Section 08, Township 30, Range 15; from Residential Low and Institutional to Institutional, Providing for Other Modifications that May Arise from Review of This Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date

SCHEDULED BCC PUBLIC HEARINGS – CONTINUED

33. f. **Q Z/LU-5-7-09 (Deferred from August 18, 2009, BCC Meeting)**
Resolution Changing the Zoning Classification of a Change of Zoning on a Parcel Containing Approximately 1.14 Acre Located on the Northeast Corner of Pine Street Southwest and 132nd Avenue North, Largo (Street Address: 13207 Pine Street North), Page 235 of the Zoning Atlas, as Being in Section 08, Township 30, Range 15; from R-4, One, Two and Three Family Residential to R-3, Single Family Residential, upon Application of Pinellas County BCC, in Care of Community Development and an Ordinance Amending the Future Land Use Map of Pinellas County, Florida by Changing the Land Use Designation of a Land Use Change on a Parcel Containing Approximately 0.60 Acre Located on the Northeast Corner of Pine Street Southwest and 132nd Avenue North, Largo (Street Address: 13207 Pine Street North) Located in Section 08, Township 30, Range 15; from Residential Low and Institutional to Institutional, Providing for Other Modifications that May Arise from Review of this Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date
- g. **Q Z-6-7-09 (Deferred from August 18, 2009, BCC Meeting)**
Resolution Changing the Zoning Classification of a Zone Change on a 0.08 Acre Portion of a 0.6 Acre Parcel Located on the Southwest Corner of Crosby Street and 12th Street Southwest, Largo (Street Address: 2104 12th Street Southwest), Page 224 of the Zoning Atlas, as Being in Section 04, Township 30, Range 15; from R-3, Single Family Residential and C-2, General Retail Commercial and Limited Services to R-3, Single Family Residential, upon Application of Pinellas County BCC, in Care of Community Development

SCHEDULED BCC PUBLIC HEARINGS – CONTINUED

33. h. **Q Z/LU-7-7-09 (Deferred from August 18, 2009, BCC Meeting)**
Resolution Changing the Zoning Classification of a Zone Change on Two Lots (0.24 Acre and 0.17 Acre) Totaling Approximately 0.41 Acre Located on the East Side of 119th Street North Lying 50 Feet North of Oak Street, Largo (Street Address: 2253 119th Street North), Page 224 of the Zoning Atlas, as Being in Section 04, Township 30, Range 15; from C-2, General Retail Commercial and Limited Services and R-4, One, Two and Three Family to R-3, Single Family Residential, upon Application of Pinellas County BCC, in Care of Community Development and an Ordinance Amending the Future Land Use Map of Pinellas County, Florida by Changing the Land Use Designation a Land Use Change on a 0.17 Acre Lot Located on the East Side of 119th Street North Lying 50 Feet North of Oak Street, Largo (Street Address: 2253 119th Street North), Located in Section 04, Township 30, Range 15; from Residential Low and Institutional to Institutional, Providing for Other Modifications that May Arise from Review of this Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date
- i. **Q CU-8-7-09 (Deferred from August 18, 2009, BCC Meeting)**
A Conditional Use to Allow a Full Service Equine Facility to Include Boarding, Raising, Breeding, Training, Selling, and Riding Lessons on a 2.39 Acre Parcel of Land Located on the West Side of Donegan Road Lying North of 16th Avenue Southeast, Largo (Street Address: 1200 Donegan Road), upon Application of Eddie and Annette Bie
- j. **Q LU-2-8-09**
An Ordinance Amending the Future Land Use Map of Pinellas County, Florida by Changing the Land Use Designation of a Parcel of Land Containing Approximately 3.20 Acres Located on the South Side of Whitney Road, Lying 145 Feet East of Whitney Drive, Largo Located in Section 32, Township 29, Range 16; from Transportation/Utility to Institutional, Providing for Other Modifications that May Arise from Review of This Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date, upon Application of Pinellas County Planning Director

SCHEDULED BCC PUBLIC HEARINGS – CONTINUED

33. k. **Q Z-3-8-09**
Resolution Changing the Zoning Classification of a Parcel of Land Containing Approximately 3.60 Acres Located on the Southeast Corner of 42nd Avenue North and 45th Street North, St. Petersburg, Page 794 of the Zoning Atlas, as Being in Section 03, Township 31, Range 16; from P-1, General Professional Offices to RM-12.5, Residential, Multiple Family, 12.5 Units Per Acre and a Special Exception to Allow a 50 Percent Density Bonus for Affordable Housing Units and a Parking Variance to Allow 52 Parking Spaces Where 68 are Required for a Senior Living Facility, upon Application of Diocese of St. Petersburg through John Hazelroth, JPH & Associates, Representative
- I. **Q Z/LU-1-9-09**
Resolution Changing the Zoning Classification of a Parcel of Land Containing Approximately 0.46 Acre Located on the Southwest Corner of Grove Park Avenue North and Haines Road (Street Address: 2568 Grove Park Avenue North and 5208 Haines Road, St. Petersburg), Page 791 of the Zoning Atlas, as Being in Section 02, Township 31, Range 16; from R-4, One, Two and Three Family Residential and C-2, General Retail Commercial and Limited Services to C-2, General Retail Commercial and Limited Services with a Development Agreement and a Variance to Allow the Proposed One-Story Building Not-to-Exceed 50 Feet in Height with a 0 Foot Setback from the Southwest Property Line Where a 20 Foot Setback is Required, upon Application of Curt Steinbach through Katherine E. Cole, Esquire, Johnson, Pope, Bokor, Ruppel & Burns, LLP, Representative, and an Ordinance Amending the Future Land Use Map of Pinellas County, Florida by Changing the Land Use Designation of a Parcel of Land Containing Approximately 0.17 Acre Portion of the Site Which is Located on the Southwest Corner of Grove Park Avenue North and Haines Road (Street Address: 2568 Grove Park Avenue North and 5208 Haines Road, St. Petersburg), Located in Section 02, Township 31, Range 16; from Residential Low Medium to Commercial General, Providing for Other Modifications that May Arise from Review of this Ordinance at the Public Hearing and/or with Other Responsible Parties, and Providing an Effective Date

SCHEDULED BCC PUBLIC HEARINGS – CONTINUED

- 33. m. **Q Z-3-9-09**
Resolution Changing the Zoning Classification of a Parcel of Land Containing Approximately 2.4 Acres Located on the East Side of Oakhurst Road and Lying 300 Feet North of Park Boulevard, Seminole (Street Address: 7975 137th Street North/Oakhurst Road), Page 281 of the Zoning Atlas, as Being in Section 29, Township 30, Range 15; from R-2, Single Family Residential to R-R, Rural Residential, upon Application of Lloyd and Pamela O'Bannon

- n. **Q Z-4-9-09**
Resolution Changing the Zoning Classification of a Parcel of Land Containing Approximately 2.5 Acres Located on the East Side of 71st Street North and Lying 1000 Feet North of 142nd Avenue North, Largo (Street Address: 14555 71st Street North), Page 727 of the Zoning Atlas, as Being in Section 06, Township 30, Range 16; from C-3, Commercial, Wholesale, Warehousing and Industry to R-6, Mobile Home Parks and Subdivisions; upon Application of Janet L. Berry – Stoneburg

- o. **Q DA-5-9-09**
Resolution Adopting a Development Agreement for a Parcel of Land Containing Approximately 2.8 Acres Located on the Northwest Corner of 54th Avenue North and 28th Street North, St. Petersburg (Street Address: 2805 54th Avenue North), Page 786 of the Zoning Atlas, as Being in Section 35, Township 30, Range 16; Which Proposes Limited Access to 55th Avenue North; which Will Comply with the Building Intensities, Densities, Height Restrictions, and Proposed Uses in the C-2, General Retail Commercial and Limited Services Zoning District, upon Application of Jamilou T. Rosenkrans, Trustee through Elizabeth J. Daniels, Esquire, Representative

ADJOURNMENT

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Persons are advised that, if they decide to appeal any decision made at this meeting/hearing, they will need a record of the proceedings, and, for such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. WITHIN TWO (2) WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE, PLEASE CONTACT THE OFFICE OF HUMAN RIGHTS, 400 S. FT. HARRISON AVE., SUITE 500, CLEARWATER, FL 33756. (727) 464-4062 (V/TDDO).

PUBLIC HEARING PROCEDURES

Public Hearings before the BCC are governed by the provisions of Section 134-14 of the Pinellas County Land Development Code. That code provides that at the conclusion of each person's presentation, any speaker may seek the Chair's permission to ask questions of staff. Specifically:

1. At the conclusion of the presentations by the applicant and any proponents, all affected parties may seek the Chair's permission to ask questions of or seek clarification from the applicant and/or the proponents.
2. At the conclusion of the presentation by the opponents, all affected parties may seek the Chair's permission to ask questions of or seek clarification from any opponent.

The applicant's closing comments will address testimony subsequent to their presentation. Continuing rebuttal of other than directly preceding testimony will not be allowed.

Because much testimony has already been submitted in writing, the following guidelines are expected to be sufficient to accommodate efficient presentations:

1. The applicant should present his or her entire case in twenty (20) minutes.