

AGENDA – Regular Public Meeting

3:00 p.m.

Pinellas County

Board of County Commissioners (BCC)

October 26, 2010

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 Staff at the 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 September 21, 2010

2. Reports

a. Pinellas Planning Council Fiscal Year 2010-2011 Budget, Along with the Board of County Commissioners Resolutions Nos. 10-161 and 10-162 adopting the Council's Final Millage and Budgets, Respectively

b. Florida Botanical Gardens Foundation, Inc., Fiscal Year 2010 Annual Report, Fiscal Year 2011 Work Plan, and Financial Statements with Accountants' Review Report for the Year Ended September 30, 2009

3. Vouchers and Bills Paid

4. Miscellaneous Items Received for Filing

a. Correspondence from the Florida Department of Revenue Regarding Elected County Constitutional Officers Salaries for Fiscal Year 2010-2011

1. Dated September 21, 2010, Along with a Budget Amendment/Transfer Reflecting Necessary Adjustments (Property Appraiser)

2. Dated September 30, 2010, Along with a Summary of the Fiscal Year 2010-2011 Budget by Appropriation Category (Tax Collector)
- b. [City of Clearwater](#) Notice of Comprehensive Plan Amendment; Public Hearing to be Held November 16, 2010
- c. [Correspondence from the City of Clearwater](#) Dated September 14 and 30, 2010 Regarding Proposed Changes to Regulations Affecting Digital Billboards
- d. [Resolutions Opposing Brighthouse Networks](#) Relocation of Governmental Access Channels:
 1. Mayors Council of Pinellas County, Inc. No. 10-01 Adopted September 1, 2010
 2. Florida League of Cities, Inc. Adopted August 21, 2010
 3. City of Pinellas Park No. 10-16 Adopted July 22, 2010
 4. City of South Pasadena No. 2010-10 Adopted August 31, 2010
 5. City of Madeira Beach No. 10-14 Adopted August 10, 2010
 6. Town of Indian Shores No. 11-2010 Adopted August 10, 2010
- e. [Pinellas Park Water Management District](#) Minutes of Regular Authority Meeting No. 11 Dated August 19, 2010
- f. [Florida Public Service Commission](#) Notice of Proposed Agency Action Order Granting the Request of Utilities, Inc. of Florida for a Rate Increase in Marion, Orange, Pasco, Pinellas, and Seminole Counties and a Final Order Finding an Interim Refund is Required and Approving a Four-Year Rate Reduction
- g. [Florida Public Service Commission](#) Notice of Proposed Agency Action Order Establishing a Funds Used During Construction Rate for Progress Energy Florida, Inc.

COUNTY ADMINISTRATOR

Justice and Consumer Services

5. **Approval of Ratification of Acceptance** of Grant Award from the U.S. Department of Justice for the Pinellas County At-Risk Youth Diversion Prevention Program
6. **Approval of Ratification of Grant Award** from the U.S. Department of Justice for the Community Care Chronic Minor Offender Program
7. **Approval of Ratification of Grant Award** from the U.S. Department of Justice for the Pinellas County Forensic Laboratory DNA Backlog Reduction Program
8. **Approval of Ratification of Grant Award** from the U.S. Department of Justice for the Pinellas Re-Entry Court

Management and Budget

9. **Adoption of Board Budget Amendment** Number 12 Realigning Appropriation Between Public Defender Cost Centers
10. **Adoption of a Resolution** Supplementing the Fiscal Year 2011 General Fund Budget for American Recovery and Reinvestment Act (ARRA) Grants to the Department of Health and Human Services in the General Fund as a Sub-Grantee of the City of St. Petersburg
11. Approval of Receipt and File Reports from July 1, 2010 to September 30, 2010 for:
 - a. **Administrative Budget Amendments**
 - b. **Law Enforcement Trust**

Public Works

12. **Approval of Ranking of Consultant Selection** for Roadways, Drainage, Structural, Civil and Traffic Engineering Consulting Services
13. **Approval of Second Amendment** to Agreement for Consultant Services for Haines Road Project

Other Departments

14. [Approval of the Receipt and File Report](#) of Items Approved by the County Administrator for Procurement Items for the Quarter Ending September 30, 2010
15. [Approval of the Master Advanced Life Support \(ALS\)](#) First Responder Agreement with the City of St. Petersburg (Public Safety Services)
16. [Approval of Quarterly Receipt](#) and File Report of Claims Settlements for the Period July 1 Through September 30, 2010 (Risk Management/County Attorney)

REPORTS:

COUNTY ADMINISTRATOR

17. [Capital Improvements Update](#) (Public Works)

COUNTY ATTORNEY

18. [Notice of Petition for Writ of Certiorari](#) and Defense of Same by the County Attorney in the Case of Richard Schneider v. Pinellas County – Circuit Civil Case No. 10-000047AP – Challenge to a Personnel Board Action Upholding Employee Termination
19. [Notice of a New Lawsuit](#) and Defense of the Same by the County Attorney in the Case of Karen Weiss v. Pinellas County – Circuit Civil Case No. 10-14211-CI-19 - Allegations of Negligence Resulting in Personal Injuries

C. REGULAR AGENDA

20. [Items for Discussion](#) from Consent Agenda (County Administrator, County Attorney, and Clerk of Circuit Court)

COUNTY ADMINISTRATOR

Management and Budget

21. [Adoption of a Resolution](#) Supplementing the Fiscal Year (FY) 2011 Business Technologies Fund Budget for Geographical Information Systems Aerial Imagery Project and Appropriation of Reserve for Contingencies in the FY11 General Fund Budget

22. [Adoption of a Resolution](#) Transferring the County’s Recovery Zone Economic Development Bonds Allocation to the City of St. Petersburg (Management and Budget)

Other Departments

23. [Approval of Contract Amendment](#) and Change Order No. 1 for Software Implementation (Health and Human Services)
24. [Approval of Response to Request](#) from Belleair Beach to Perform a Formal Oversight Review of the Pinellas Suncoast Fire & Rescue District (Public Safety Services)
25. [Approval of Declaration of Real Property](#) as Surplus, Establishing New Base Bids, and Authorizing Advertisement and Sale (Real Estate Management)

COUNTY ATTORNEY

26. [Approve Authority for the County Attorney](#) to Initiate Litigation in the Case of Pinellas County v. Verizon Florida, LLC – Failure to Use Reasonable Care While Performing Boring Operations
27. [Approve Authority to Advertise Public Hearing](#) on a Proposed Ordinance Amending Chapter 118 of the Pinellas Code Relating to the Administration of Tourist Tax Collections and the Issuance of Permits and Approvals by the St. Petersburg/Clearwater Convention and Visitors Bureau
28. [Miscellaneous](#)

D. COUNTY ADMINISTRATOR REPORTS

29. [Miscellaneous](#)

E. COUNTY COMMISSION

30. [Adoption of Resolution](#) in Support of the Recommendations of the Joint Land Use and Transportation Committee Including Amendment to the Pinellas Planning Council’s Special Act
31. [Miscellaneous](#)

6:30 P.M.

F. SCHEDULED PUBLIC HEARINGS

Any Person Wishing to Speak about a Public Hearing Item Shall Complete a Blue Card and Submit it to Staff at the 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 Staff at the 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 Staff at the 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

- 32. Planning and Zoning Applications And Amendments to the Comprehensive Plan Heard by the Local Planning Agency (Quasi-Judicial Hearings are Noted with a “Q” Prefix):**
 - a. [Z/LU-4-7-09](#)
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 ft. north of 132nd Avenue North, Largo (street address being: 13224 125th Street North) located in Section 08, Township 30, Range 15, from Residential Low & Institutional to Institutional, Providing for the repeal of Ordinance Nos. 09-55 & 10-35; 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 Department,

b. [Z/LU-5-7-09](#)

An Ordinance amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use designation of a parcel containing approximately 0.60 acre located on the northeast corner of Pine Street SW & 132nd Avenue North, Largo (street address being: 13207 Pine Street North) located in Section 08, Township 30, Range 15; from Residential Low & Institutional to Institutional; providing for the repeal of Ordinance Nos. 09-56 & 10-36; 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 Department, c/o Brian Smith, Director.

c. [Z/LU-7-7-09](#)

An Ordinance amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use designation on a 0.17 acre lot located on the east side of 119th Street North lying 50 ft. north of Oak Street, Largo (street address being: 2253 119th Street North) located in Section 04, Township 30, Range 15; from Residential Low & Institutional to Institutional; providing for the repeal of Ordinance Nos. 09-57 & 10-37; 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 Department, c/o Brian Smith, Director.

d. [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 ft. east of Whitney Drive, Largo located in Section 32, Township 29, Range 16 from Transportation/Utility to Institutional; providing for the repeal of Ordinance Nos. 09-58 & 10-38; 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 Department, c/o Brian Smith, Director

- e. [\(Q\) Z-1-9-10](#)
Resolution changing the Zoning classification of four parcels of land containing approximately 0.50 acre located on the west side of 33rd Street South of 64th Avenue North; Page 785 of the Zoning Atlas, as being in Section 35, Township 30, Range 16; from R-4, One, Two & Three Family Residential to C-2, General Retail Commercial & Limited Services; upon application of Goldston Family Trust through Richard T. Goldston, Representative.
- f. [\(Q\) Z-2-9-10](#)
Resolution changing the Zoning classification of approximately 0.16 acre located on the east side of Madison Avenue 115 ft. south of Ulmerton Road, Largo; Page 241 of the Zoning Atlas, as being in Section 11, Township 30, Range 15; from R-4, One, Two & Three Family Residential to CP-1, Commercial Parkway; upon application of Jafar & Farideh Alipour through Perry Rouhani, Representative.
- g. [\(Q\) Z/LU-3-9-10](#)
Resolution changing the Zoning classification of two parcels of Land containing approximately 0.13 acre located on the south side of 54th Avenue North, approximately 200 ft. east of 28th Street North, St. Petersburg; Page 791 of the Zoning Atlas, as being in Section 02, Township 31, Range 16; from R-4, One, Two & Three Family Residential to P-1, General Professional Office; upon application of All Phase Investments, Inc. through Keith Lilly, All Phase Security, Inc., Representative and An Ordinance amending the Future Land Use Map of Pinellas County, Florida by changing the Land Use designation of two parcels of land containing approximately 0.13 acre located on the south side of 54th Avenue North, approximately 200 ft. east of 28th Street North, St. Petersburg Located in Section 02, Township 31, Range 16, from Residential Low Medium to Residential/Office-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.
- h. [\(Q\) CU-4-9-10](#)
A conditional use to allow an outdoor solid waste facility (vegetative) in a C-3 zoning district on three parcels containing approximately 5.09 acres located on the west side of US Highway 19 at the intersection with Whitney Road (street address being

16604 US 19 North, Clearwater); upon application of Berati # 2, LLC through Housh Ghovae, Northside Engineering Services, Inc., Representative.

- i. [\(Q\) Z-5-9-10](#)
Resolution changing the Zoning classification of approximately 14.9 acres located on the east side of East Lake Road at the southern terminus of Lesley Lane, Palm Harbor; Page 589 of the Zoning Atlas, as being in Section 09, Township 28, Range 16; from A-E-W, Agricultural Estate Residential-Wellhead Protection to RPD-2.5-W, Residential Planned Development, 2.5 units per acre-Wellhead Protection & RPD-1.0-W, Residential Planned Development, 1.0 units per acre-Wellhead Protection and for the following variances: Reduction of side setbacks from 7.5 ft. to 5 ft., reduction of minimum distance between structures from 15 ft. to 10 ft., reduction of front yard setback along south side of Lot 3 from 25 ft. to 10 ft. and from the required 35 ft. edge of pavement to 20 ft., and reduction of front yard setback along north side of Lot 7 from 25 ft. to 10 ft. and from the required 35 ft. edge of pavement to 20 ft.; upon application of Maaser ELWI, LLP through Housh Ghovae, Northside Engineering Services, Inc., Representative.
- j. [Adoption of an Ordinance](#) Amending the Capital Improvements Element of the Pinellas County Comprehensive Plan
- k. [Adoption of an Ordinance](#) Amending the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan to Provide for Transit Oriented Development (Second Hearing)
- l. [Adoption of an Ordinance](#) Amending the Future Land Use and Quality Communities Element; Transportation Element; Natural Resource Conservation and Management Element; Coastal Management Element; Housing Element; Recreation, Open Space and Culture Element; Surface Water Management Element and Capital Improvements Element of the Pinellas County Comprehensive Plan (Second Hearing)
- m. [Adoption of an Ordinance](#) Amending the Future Land Use and Quality Communities Element of the Pinellas County Comprehensive Plan to Adopt the Ozona Community Overlay

COUNTYWIDE PLANNING AUTHORITY (CPA) PUBLIC HEARING

- 33. [Adoption of a Countywide Plan Amendment](#) Regarding Transit Oriented Development Map Category (Second Public Hearing, Sitting as Countywide Planning Authority) (Planning)

OTHER HEARINGS

- 34. [Adoption of Amendments/Additions to Section 138.1334](#), Signs, of the Pinellas County Land Development Regulations Pertaining to Electronic Changeable Messages on Off-Premises Signs (First Public Hearing)(Planning)
- 35. [Adoption of an Ordinance](#) Amending Section 82-2 of the Pinellas County Code Relating to Year-Round Water Conservation Measures (Utilities)

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.**