

Clearwater, Florida, October 22, 1985

The Board of County Commissioners in and for the County of Pinellas met in regular session at the Courthouse, Clearwater, Florida, at 6:37 P.M. on this date with the following members present: Bruce Tyndall, Chairman; Charles E. Rainey, Vice-Chairman; Barbara Sheen Todd; and George Greer.

Absent: John Chesnut, Jr.

Also present: Fred E. Marquis, County Administrator; Van B. Cook, County Attorney; Gene E. Jordan, Director of Public Works and Utilities; C. R. Short, Deputy Clerk; and Farley Mitchell, Sr. Board Reporter.

The Reverend Doyce Wise, Faith United Church of Christ, Clearwater, pronounced the Invocation which was followed by the Pledge of Allegiance to the Flag led by Commissioner Rainey.

A G E N D A

INVOCATION

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

A. CONSENT AGENDA

CLERK OF CIRCUIT COURT

1. Approval of Minutes - Regular Meetings of September 24 and October 1, 1985.
2. Reports - The Tourist/Visitor Profile of Pinellas County, dated August, 1985, prepared by Research Data Services, Inc.

FINANCIAL

3. Budget Amendments - 255 through 261 - Old Year.
4 and 5 - New Year.
4. Approval of Vouchers and Bills.
5. Other Approvals:
 - a. General:
 - (1) Execution of License Renewal Agreement for software maintenance covering the 1985-86 Fiscal Year.
 - (2) Authorization for the Finance Department to write off nine checks totaling \$589.59 as being uncollectible.
 - (3) Approval of Interfund Loans to EMS and Special Fire Protection Districts.

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- (4) Application for duplicate of lost Tax Certificate No. 2745, Sale of 1985, and Tax Certificate No. 261, Sale of 1983.
- (5) Florida Department of Transportation Right-of-Way Resolution re Section 15645-2602, Patricia Avenue and Union Street. Map of Survey and Location to be executed and recorded.
- (6) Authorization for Trustee, NCMB of Florida and Chemical Bank of New York, to pay Coupon No. 9, due October 1, 1984, on Bond No. 25096.

b. Satisfaction of Judgements & Liens.

c. Request Update of Zoning Maps.

6. Miscellaneous Items to be Received for Filing:

- a. Resolution No. 85-1001 from Mayor's Council of Pinellas County, requesting beach renourishment assistance from the State of Florida.
- b. Resolution No. 6-85 from the Town of Redington Shores, Florida, adopting the 1985-86 Annual Fiscal Year Budget.
- c. Resolution No. 7-85 from the Town of Redington Shores, Florida, imposing a 1.20 mill ad valorem tax on real and personal property, and providing an effective date.
- d. Resolution No. 85-R-238 from the Board of County Commissioners of Seminole County, Florida, requesting that the Florida Legislature not amend the Marketable Record Title Act.
- e. Tampa Bay Regional Planning Council Regional Accommodation Hurricane Elena Response, commending the citizens of Tampa Bay Region.
- f. Pinellas Planning Council actions concerning the Comprehensive Land Use Plan.
- g. Statement of Revenues, Expenditures and Changes in Fund Balance-Budget and Actual, submitted by the Pinellas County Tax Collector and the Pinellas County Property Appraiser.
- h. Letter from the Greater Seminole Area Special Recreation District with certified copy of resolution adopting the District's Budget for Fiscal Year 1986.
- i. Schedule of meeting dates for the 1985-86 Fiscal Year from the Housing Finance Authority.
- j. Quarterly Report of Forfeited Property for the period of July 1, 1985 through September 30, 1985, submitted by the Pinellas County Sheriff.

CLERK OF CIRCUIT COURT - WATER & NAVIGATION CONTROL AUTHORITY

- 7. Approval of Minutes - Regular Meetings of September 10 and 17, and October 1, 1985.
- 8. Reports - None.
- 9. Miscellaneous Items to be Received for Filing - Two Items.

COUNTY ADMINISTRATOR

Public Works and Utilities

- 10. Receipt and File of Plans and Specifications for the Construction of Phase III (F-Wing) Maximum Security Detention Facility - Contract No. 2359.
- 11. Receipt and File of Plans and Specifications for the Construction of the Sheriff's Administration Building Addition - Contract No. 2363.
- 12. Receipt and File of Plans and Specifications for the Reconstruction of Intersection Improvements to Belleair Road and Lake Avenue - Contract No. 2331.

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13. Receipt and File of Plans and Specifications for the Construction of Paving Improvements at Rollen Road from Fairmont Street to Overlea Street, and Woodbine Street from Betty Lane to Rollen Road - Contract No. 2310.
14. Receipt and File of Plans and Specifications for the Construction of Paving Improvements at Georgia Avenue from Mayo Street to the West Dead End - Contract No. 2307.
15. Adoption of Resolution requesting the release of State Funds for the construction of Second Annual Renourishment and Breakwater Structure at Long Key.
16. Approval of Grant Application for FY 1985-86 to the Florida Department of Natural Resources, Bureau of Marine Resource Regulation and Development, for the Artificial Fishing Reef Program.
17. Schedule of Bills for Board approval for Goods and Services for Solid Waste Resource Recovery Facility for submission to Trustee for payment.
18. Approval of subdivision plats and related items.

Purchasing

19. Award of Bids - Budgeted Requirements:
 - a. Construction of Paving Improvements at Georgia Avenue from Mayo Street to the West Dead End.
 - b. Advertising - Delinquent Tax List.
 - c. Construction of Sheriff's Administration Building Addition.
 - d. Construction of Paving and Drainage Improvements to Island Avenue from Anciole Road South to the Dead End.
 - e. Construction of Intersection Improvements to Belleair Road at Lake Avenue.
 - f. Annual Water Main Installations.

Airport

20. Final Acceptance and approval of Change Order No. 2 (Final) to Contract No. AP-2 for construction of additional parking and related work at the Airport.

Sewer System

21. Approval of Agreement for Sewers with Francis M. Lott.

General

22. Lot Clearing Resolutions.
23. Adoption of Resolution approving Amendment to the 1985-86 Final Statement of Community Development Objectives and Projected Use of Funds for submission to the U.S. Department of Housing and Urban Development.

B. REGULAR AGENDA

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

COUNTY ADMINISTRATOR

Public Works and Utilities

25. Approval of Change Order No. 3 to Contract No. 2293 - Construction of the addition to the Medical Examiner's Building.
26. Approval of Change Order No. 2 to Contract No. 2350 - Construction of Drainage Improvements at Stevenson Creek and Belleair Road.
27. Approval of Change Order No. 2 to Consultant Agreement with the firm of URS/Coverdale & Colpitts, for the Pinellas Bayway Traffic, Revenue and Financial Feasibility Study.

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28. Approval of Agreement for right-of-way on C-593/McMullen-Booth Road, SR 60 to Sunset Point Road (C-588) - Parcel No. 136.
29. Approval of Agreement for acquisition of right-of-way for 118th Avenue North, from 66th Street to 68th Street in Section 18, Township 30 South, Range 16 East - Parcel No. 100.
30. Adoption of Resolution granting preliminary approval of the proposed Rustic Oaks Second Addition Subdivision Street Lighting District as requested in petition, and calling for a public hearing.
31. Adoption of Resolution granting preliminary approval of the proposed Spring Run Subdivision Street Lighting District as requested in petition, and calling for a public hearing.
32. Approval of Amendment No. 3 to the contract with Environmental Sciences and Engineering, Inc. for the continuation of ongoing monitoring programs for the Solid Waste System, required by the Department of Environmental Regulation under the Power Plant Siting Certification and Landfill Permits.
33. Approval of Change Order No. 3 and Amendment No. 1 to UOP, Inc. Addition Construction Agreement, and approval of Amendment No. 1 to UOP, Amendment to Management Agreement, Part B, for the construction and ongoing operation and maintenance of additional fire protection equipment.
34. Adoption of Resolution authorizing the installation of a traffic control signal at the intersection of 58th Street North and Roosevelt Boulevard (SR-686).
35. Adoption of Resolution prohibiting left turns from Dodge Street onto Roosevelt Boulevard (SR-686).

Purchasing

36. Purchase of a Central Processing Unit and Related Equipment for the Pinellas County Data Center.

Sewer System

37. Approval of Change Order No. 1 to Contract with West Coast Utility Construction Company, Inc. for the 1985 Sanitary Sewer Extensions (North and South Pinellas County Service Area) Phase II Project.

General

38. Approval of Satisfaction of Welfare Liens in the names of Alberta and John Clark and "No Property" Lien in the name of Sympathy Clark.
39. Approval of Release of Lien (Housing) to Curtis D. and Carla W. Kerns.
40. Authorization for appraisal and sale of 12 County-owned lots in Chautauqua Subdivision, Lots 1-5 and 26-32.
41. Approval of Annual Plan for Alcohol, Drug Abuse and Mental Health for FY 1985-86 in concept only.
42. Adoption of Resolution providing for the assignment of responsibility for the Workers' Compensation accounts of the Risk Financing Service Fund to the Personnel Department.
43. Adoption of Resolution Accepting Devise of Real Property to Pinellas County by Robert Leach, Jr. for Park Purposes.
44. Approval of Contract with Dorothy D. Bergmann, as Hearing Officer for the Support Enforcement Division of the Clerk of the Circuit Court.
45. Authorization for Claims Payment for property damage to property owned by Ross Car Rental & Leasing, Inc.
46. Confirmation of appointment to the exempt position of Assistant Director of Highway Division.

47. Other Administrative Matters.

C. COUNTY ATTORNEY

48. Authority for County Attorney to defend:

- a. Robert G. Bamond v. Billy Williams, et al. - Circuit Civil No. 85-13429-19 - Mortgage Foreclosure Involving a Welfare Lien.
- b. Everett C. Rulison v. Barry L. Brooks, et al. - Circuit Civil No. 85-13958-15 - Mortgage Foreclosure Involving a Welfare Lien.
- c. Cheryl Breon, et al. - v. County of Pinellas, et al. - Circuit Civil No. 85-13922-19 - Action for Damages (Negligence/Sheriff's Department).
- d. Aaron Bernard Fields v. Sheriff Gerry Coleman, et al. - Circuit Civil No. 85-13928-16 - Action for Damages (False Arrest).

49. Authority to initiate litigation against Royal Coach Lines, Inc. to recover monies due and owing St. Petersburg-Clearwater Airport.

50. Resolutions Cancelling Taxes on Property Acquired by:

- a. Pinellas County, Florida (public purposes).
- b. City of Seminole, Florida (park purposes).

51. Miscellaneous.

D. COUNTY COMMISSION

52. Miscellaneous.

E. WATER AND NAVIGATION

53. Appeal of Plymouth Development Corporation re Dredge and Fill Application DF-627, denied at meeting of September 10, 1985, with request that Authority set a new hearing date.

F. 6:45 P.M. - SCHEDULED PUBLIC HEARINGS

- 54. (Z-3465) and (L.U. 13-9-85) Applications of Community Bible Church of Seminole through Tom Cathey for a change of zoning from R-3 to RM-7.5, Residential, Multiple Family, 7.5 units/acre, and land use change from Low Density Residential to Urban Low Density Residential on 7 acres located on the west side of 113th Street North, approximately 1,000 feet north of 86th Avenue North (deferred at meeting of September 24, 1985).
- 55. (CU-74) Application of Community Bible Church of Seminole, Inc. through Tom Cathey for a conditional use to permit a 120-bed nursing home on 7 acres located on the west side of 113th Street North, approximately 1,000 feet north of 86th Avenue North (deferred at meeting of September 24, 1985).
- 56. (L.U. 6-8-85) Application of Maurice Rothman a land use change from ROR, Residential/Office/Retail, to General Commercial on 26.3 acres located on the west side of U.S. Highway 19 north of Drew Street (deferred at meeting of September 24, 1985).
- 57. Consideration of Development Order for proposed Carillon Development of Regional Impact (deferred at meetings of July 23, August 6, September 10, September 24 and October 8, 1985).
- 58. Consideration of Binding Letter pursuant to Florida Statutes, Chapter 171.062, re MLU/Z #7-10-85, City of Safety Harbor (owner: Dana A. Graves), for an increase or decrease in density from existing County regulations.
- 59. Consideration of Binding Letter pursuant to Florida Statutes, Chapter 171.062, re MLU/Z #8-10-85, City of Safety Harbor (owner: Lancaster & York, Inc.), for an increase or decrease in density from existing County regulations.

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60. Planning and Zoning applications and Land Use applications heard by the Examiner, as follows:

- a. (Z-3454)
FRED B. BULLARD, JR. THROUGH BATTAGLIA, HASTINGS AND ERVIN
Location - 252.05 acres lying south of Ulmerton Road, west of I-275 and north of Roosevelt Boulevard. Zone Change from A-E to IPD.
- b. (Z-3455)
PINELLAS COUNTY PLANNING DIRECTOR (OWNERS: ALBERT AND CARLA GEISLER (LOT 5) AND CLAUDE AND BIRUTIE POMPUTIS (LOT 1, 2, 3 and 4))
Location - 1.4 acres located 250 feet south of 110th Avenue North, lying between Oak Street and Locust Street. Zone Change from C-2 to M-1.
- c. (Z-3460)
HARMACE CORPORATION THROUGH A. MENNA
Location - A 2.3 acre triangular parcel located on the east side of U.S. Highway 19, approximately 350 feet south of 115th Avenue North. Zone Change from C-2 and M-1 to C-3.
- d. (Z-3466)
PHILLIP E. AND NANCY M. TEASDALE
Location - 0.25 acre located on the north side of 58th Avenue North, east of 67th Street North. Zone Change from R-6 to R-3.
- e. (CU-72)
BRUCE N. SMEAD AND ELEANOR T. SMEAD
Location - A five acre tract containing a single family dwelling located on the east side of the Lake Seminole outfall canal, about 700 feet south of 94th Avenue North. Conditional Use to permit wholesale nursery in an A-E, agricultural Estate Residential zoning district.
- f. (CU-71)
HARMON CARROLL
Location - Approximately 5 acres located on the south side of 150th Avenue North, 850 feet west of Sunset Street. Conditional Use to permit a wholesale nursery in an A-E, Agricultural Estate Residential zoning district.
- g. (Z-3456)
PINELLAS COUNTY PLANNING DIRECTOR (OWNER: LOUISE AUKER)
Location - A 16,000 square foot parcel containing a beauty shop located on the south side of 54th Avenue North, approximately 120 feet east of 55th Street North. Zone Change from C-2 to R-4.
- h. (Z-3457)
PINELLAS COUNTY PLANNING DIRECTOR (OWNER: C.E. PIERCE CONSTRUCTION CO., INC.)
Location - Approximately 2.4 acres containing Pierce Construction Co., Inc. located 150 feet south of 74th Avenue North approximately 150 feet east of 68th Street North. Zone Change from C-3 to RM-7.5.
- i. (CU-73)
PET HOSPITALS, INC., A FLORIDA CORPORATION THROUGH JOHN E. HODGES
Location - A 5 acre tract containing a single family dwelling located on the east side of CR 70 (21st Street), approximately 650 feet north of SR 584-A. Conditional Use to permit Veterinary Kennel & Boarding (Hospital) facilities in an A-E, Agricultural Estate Residential district.

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- j. (Z-3467)
PINELLAS COUNTY PLANNING DIRECTOR (OWNER: SEMINOLE LAKE GOLF COURSE, INC.)
Location - The Seminole Lake Golf Course located south of SR 694, east
of Long Bayou. Zone Change from R-2 to A-E.
- k. (Z-3468)
PINELLAS COUNTY PLANNING DIRECTOR (OWNER: SHERATON SHORES, INC.)
Location - The Tide Country Club Golf Course south of Exeter Street
and east of Charter Oak Avenue. Zone Change from R-1 and R-2 to
A-E and AL.

ADJOURNMENT

* * * *

CONSENT AGENDA (ITEMS NOS. 1 THROUGH 23) - APPROVED

Upon presentation by Chairman Tyndall, Commissioner Todd moved, seconded by Commissioner Rainey and carried, that the Consent Agenda consisting of Items Nos. 1 through 23, be approved as follows (see Water and Navigation Control Authority minutes for items 7 through 9):

#1 APPROVAL OF MINUTES

Minutes of the regular meetings of September 24, and October 1, 1985.

#2 REPORTS RECEIVED

- a. The Tourist/Visitor Profile of Pinellas County, prepared by Research Data Services, Inc. dated August, 1985.

#3 BUDGET AMENDMENTS NOS. 255 THROUGH 261 (FY 1984-85) AND 4 AND 5 (FY 1985-86)

A listing of Budget Amendments Nos. 255 through 261 (FY 1984-85) and 4 and 5 (FY 1985-86) was filed and made a part of the minutes.

#4 VOUCHERS FOR PERIOD FROM OCTOBER 7, 1985 THROUGH OCTOBER 18, 1985

Non-Imprest Fund Checks numbered 1002 and 10541 through 10556

Payroll Journal pages numbered 1 through 460

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Checks numbered 274049 through 276335

Imprest Fund Expenditure
 Manual checks numbered 2077 through 2133
 System checks numbered 73182 through 74946

#4a INVOICES

<u>PAYEE</u>	<u>PROJECT</u>	<u>AMOUNT</u>
MacFarlane, Ferguson, Allison & Kelly	Fee for services rendered re: Martin bankruptcies	\$ 1,806.30
Alexander Grant & Co.	Services rendered June & July in connection with Sewer Refunding	24,916.17

#4b INVOICES IN CONNECTION WITH TOURIST DEVELOPMENT DEPARTMENT

<u>PAYEE</u>	<u>PROJECT</u>	<u>AMOUNT</u>
Louis Benito Advertising	Media advertising & service fee for September, 1985	\$ 278,821.07
Automated Office Systems	Office supplies	90.60
Eckerd College	Computer service for September	77.00
Network Express	Delivery service	166.30
Discover Florida's Suncoast	Payroll for period ending 10/18/85, storage, registration for show in 1986, local travel	5,301.51
William F. "Bill" Sheeley	Local travel	37.20
Karleen F. De Blaker	Printshop billing for September, 1985	262.27
Amy Boyle Word Processing Services	Services performed in U.K.	180.10
Modern Graphic Arts	Freight & delivery charges	500.06
Stuffit	Mailing services	8.40
Day Timers, Inc.	Office supplies	10.43
Trade Tourism Marketing, Inc.	Pinellas Suncoast U.K. office & services rendered for August	2,912.50
Union Pen Co.	Promotional items	450.45
Florida Power	Electric service 9/5/85 thru 10/4/85	304.58
Microage Computer Service	Diskette file & multimate template	36.20
The Gulf Beaches Chamber of Commerce	Consumer inquiry responses	60.00

Madeira Beach Chamber of Commerce	Consumer inquiry responses	9.00
Tarpon Springs Chamber of Commerce	Consumer inquiry responses	3.00
Pinellas County Review	1-year subscription	25.00
Research Data Services, Inc.	Research Data Report for October, 1985	9,626.42
Better Business Forms	Pressure sensitive labels	60.00

#5 OTHER APPROVALS

a. General:

- (1) Execution of License Renewal Agreement with Management Science America, Inc. for software maintenance for Fiscal Year 1985-86.
- (2) Authorization for the Finance Department to write off nine uncollectible checks totaling \$589.59.
- (3) Interfund Loans to EMS and Special Fire Protection Districts.
- (4) Application for duplicate of lost Tax Certificate No. 2745, Sale of 1985, and Tax Certificate No. 261, Sale of 1983.
- (5) Florida Department of Transportation Right-of-Way Resolution re Patricia Avenue and Union Street, Section 15645-2602. Map of Survey and Location to be executed and recorded.
- (6) Authorization for Trustee, NCNB of Florida and Chemical Bank of New York to pay Coupon No. 9, due October 1, 1984, on Bond No. 25096.

b. Satisfactions of Judgements and Liens:

- (1) Judgements for Attorney Fees and Costs:

<u>NAME</u>	<u>AMOUNT</u>
Robert Lee Mier	\$ 323.00
Harry Powell	100.00
Irvin Ramey	204.45
Robin Lee Rifking	100.00
Willie Mae Robinson	150.00
James J. Stark	150.00
Ruby Turner	150.00

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David L. Ward	175.00
Charles K. weinel	100.00
Gary David Bergeron	100.00
Mary Davis	125.00
Kenneth W. Demons	150.00
Theresa Duminuco	270.00
Vicki Evans	150.00
Emery A. Farkas	150.00
Eddie G. Hughley	220.00
William David Haas	250.00
Gerald Edwin Bobo	250.00

(2) Releases of Public Defender Liens

<u>NAME</u>	<u>AMOUNT</u>
David Raymond Stetzel	\$ 75.00
David Raymond Stetzel	400.00

(3) Releases of Paving Assessment Liens

<u>NAME</u>	<u>AMOUNT</u>
Michele & Rita A. Savarese	\$1,687.90
Concept, Inc.	4,877.33
Concept, Inc.	6,890.65
Concept, Inc.	1,277.48
Concept, Inc.	790.34
Thomas M. & Dorothy V. Adcock	1,153.39
Raymond & Carolyn Long	336.90
J. R. & Alice K. Huntzberry	366.27
John A. Miotke	354.06
David W. & Patricia J. Pulver	235.91
Francis C. & Marion I Bassett	333.11

Raymond L. & Sharon L.
Scott

397.20

c. Revised Zoning Maps adopted:

- (1) Pages 49, 50, 68, 70, 75, 76, 97, 99, 118, 194, 196, 226, 265, 272, 291, 501, 502, 503, 504, 505, 507, 512, 521, 522, 523, 527, 528, 534, 544, 545, 546, 549, 550, 551, 552, 553, 571, 579, 591, 622, 624, 627, 629, 630, 634, 641, 659, 707, 718, 725, 739, 740, 748, 750, 753, 764, 782, 1003, 1004, 1011, 1012, 1013, 1014, 1017, 1018, 1019, 1020, and 1029 which incorporate corrections.
- (2) Pages 1, 74, 75, 95, 119, 252, 299, 300, 511, 583, 631, 682, 703, 707, 720, 784, and 793 which incorporate rezonings.
- (3) Pages 23, 146, 165, 168, 654, 656, 658, 734, and 747 which incorporate annexations.

#6 MISCELLANEOUS ITEMS RECEIVED FOR FILING

- a. Resolution No. 85-1001 adopted by the Mayor's Council of Pinellas County requesting beach renourishment assistance from the State of Florida.
- b. Resolution No. 6-85 adopted by the Town of Redington Shores, Florida adopting the 1985-86 Annual Fiscal Year Budget.
- c. Resolution No. 7-85 adopted by the Town of Redington Shores, Florida imposing a 1.20 mill ad valorem tax on real and personal property, and providing an effective date.
- d. Resolution No. 85-R-238 adopted by the Board of County Commissioners of Seminole County, Florida requesting that the Florida Legislature not amend the Marketable Record Title Act.
- e. "Regional Accommodation" adopted by the Tampa Bay Regional Planning Council commending the citizens of the Tampa Bay Region for their timely evacuation response and cooperative spirit throughout the threat from Hurricane Elena.
- f. Actions taken by the Pinellas Planning Council concerning the Comprehensive Land Use Plan.
- g. Statement of Revenues, Expenditures and Changes in Fund Balancing-Budget and Actual, submitted by the Pinellas County Tax Collector.
- h. Statement of Revenues, Expenditures and Changes in Fund Balancing-Budget and Actual, submitted by the Pinellas County Property Appraiser.

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- i. Letter from the Greater Seminole Area Special Recreation District with a certified copy of resolution adopting its budget for Fiscal Year 1985 and Certificate of Compliance with Florida Statutes.
- j. Housing Finance Authority's schedule of meeting dates for FY 1985-86.
- k. Quarterly Report of Forfeited Property for the period July 1, 1985 through September 30, 1985, submitted by the Pinellas County Sheriff.

#10 RECEIPT OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF PHASE III (F-WING) MAXIMUM SECURITY DETENTION FACILITY, CONTRACT NO. 2359

Construction documents prepared by Watson and Company.

#11 RECEIPT OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF SHERIFF'S ADMINISTRATION BUILDING ADDITION, CONTRACT NO. 2363

Construction documents prepared by Fesko and Willingham, A.I.A, Architects.

#12 RECEIPT OF PLANS AND SPECIFICATIONS FOR RECONSTRUCTION OF INTERSECTION IMPROVEMENTS TO BELLEAIR ROAD AND LAKE AVENUE, CONTRACT NO. 2331

Construction documents prepared by George F. Young, Inc.

#13 RECEIPT OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF PAVING IMPROVEMENTS AT ROLLEN ROAD FROM FAIRMONT STREET TO OVERLEA STREET, AND WOODBINE STREET FROM BETTY LANE TO ROLLEN ROAD, CONTRACT NO. 2310

Construction documents prepared by Kisinger Campo and Associates Corporation.

#14 RECEIPT OF PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF PAVING IMPROVEMENTS AT GEORGIA AVENUE FROM MAYO STREET TO THE WEST DEAD END, CONTRACT NO. 2307

Construction documents prepared by the Pinellas County Engineering Department.

- #15 RESOLUTION NO. 85-649 ADOPTED REQUESTING THE DIVISION OF BEACHES AND SHORES, FLORIDA DEPARTMENT OF NATURAL RESOURCES TO APPROVE THE RELEASE OF \$314,750 FROM THE EROSION CONTROL TRUST FUND FOR THE CONSTRUCTION OF SECOND ANNUAL RENOURISHMENT AND BREAKWATER STRUCTURE AT LONG KEY

Subject resolution required by the State of Florida prior to the release of any State funds that are to be utilized in the cost share of an erosion control project.

- #16 GRANT APPLICATION FOR FY 1985-86 TO FLORIDA DEPARTMENT OF NATURAL RESOURCES, BUREAU OF MARINE RESOURCE REGULATION AND DEVELOPMENT, FOR THE ARTIFICIAL FISHING REEF PROGRAM

Said grant is in the amount of \$20,000.

- #17 SCHEDULE OF BILLS FOR GOODS AND SERVICES FOR SOLID WASTE RESOURCE RECOVERY FACILITY FOR SUBMISSION TO TRUSTEE FOR PAYMENT

A listing of bills in the total amount of \$46,634.16 was filed and made a part of the minutes.

- #18 SUBDIVISION PLATS AND RELATED ITEMS

a. Barrington Oaks West

- (1) Amendment accepted to Irrevocable Letter of Credit No. SB 709 in the amount of \$27,208.20 extending the expiration date to April 30, 1986.

b. Tall Pines Estates Unit II

- (1) Release of Maintenance Bond in the amount of \$9,514.44 to Sound Builders, Inc., 3170 South Pines Drive, Largo, Florida 33541.

c. The Hammocks Phase II

- (1) Release of Irrevocable Letter of Credit in the amount of \$12,751.58 to Pioneer Service Corp., P.O. Box 4608, Clearwater, Florida 33518.

d. Arbor Glen Phase One

- (1) Release of Irrevocable Letter of Credit No. 6144 in the amount of \$24,101.31 to Sand Grove Development, Inc., c/o Wilma SE, Inc., 4600 West Cypress Street, Suite 400, Tampa, Florida 33607.

e. Arbor Glen Phase Two

- (1) Release of Irrevocable Letter of Credit No. 6143 in the amount of \$12,210.25 to Sand Grove Development, Inc., c/o Wilma SE, Inc., 4600 West Cypress Street, Suite 400, Tampa, Florida 33607.

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1. Crystal Beach Estates

- (1) Quit Claim Deed accepted for recording by the Right-of-Way Section of the Engineering Department for 10 additional rights-of-way for U.S. Alternate Highway 19.
- (2) Plat approved.
- (3) Subdividers Completion Bond accepted in the amount of \$23,500.00.
- (4) Sidewalk Guarantee accepted.

#19 AWARD OF BIDS

- a. Bid of Overstreet Paving Co. in the total amount of \$24,445.60 for construction of paving improvements at Georgia Avenue from Mayo Street to the west dead end (Contract No. 2307).
- b. Bid of the Evening Independent rejected on the basis of not meeting specifications. Bid of Pinellas County Review in the total amount of \$56,309.00 (for two years) for advertising - Delinquent Tax List.
- c. Bid of Creative Contractors, Inc. in the total amount of \$1,178,900.00 for construction of Sheriff's Administration Building addition (Contract No. 2363).
- d. Bid of Golden Triangle Asphalt Paving Co. in the total amount of \$257,614.50 for construction of paving and drainage improvements to Island Avenue from Anclote Road South to the dead end (Contract No. 2352).
- e. Bid of Howard Brothers Excavating, Inc. in the total amount of \$90,746.20 for construction of intersection improvements to Belleair Road at Lake Avenue (Contract No. 2331).
- f. Bid of Jack Laurance Contractor, Inc. in the total amount of \$636,290.00 for annual water main installations (WE 8601).

#20 FINAL ACCEPTANCE AND CHANGE ORDER NO. 2 (FINAL) TO CONTRACT NO. AP-2 WITH OVERSTREET PAVING COMPANY FOR CONSTRUCTION OF ADDITIONAL PARKING AND RELATED WORK AT ST. PETERSBURG-CLEARWATER INTERNATIONAL AIRPORT

Contract accepted as complete as of October 1, 1985; Change Order No. 2 decreasing contract by \$104.53 (new contract total, \$22,530.74).

October 22, 1985

#21 AGREEMENT FOR SEWERS WITH FRANCIS M. LOTT

Agreement concerns a commercial development to be known as Ark Self Storage Facility.

#22 LOT CLEARING RESOLUTION

Resolution No. 85-650 authorizing the Department of Environmental Management to clear properties in the unincorporated area of Pinellas County, Florida.

#23 RESOLUTION NO. 85-651 ADOPTED APPROVING AMENDMENT TO THE 1985-86 FINAL STATEMENT OF COMMUNITY DEVELOPMENT OBJECTIVES AND PROJECTED USE OF FUNDS FOR SUBMISSION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

A new multi-year project is proposed to be added to the 1985-86 Community Development Block Grant Program, therefore requiring an amendment to the 1985-86 Final Statement.

#24 ITEMS FOR DISCUSSION FROM CONSENT AGENDA (COUNTY ADMINISTRATOR AND CLERK OF CIRCUIT COURT) - NONE#25 CHANGE ORDER NO. 3 TO CONTRACT NO. 2293 WITH BANKSTON CONSTRUCTION COMPANY FOR CONSTRUCTION OF ADDITION TO MEDICAL EXAMINER'S BUILDING - APPROVED FOR EXECUTION

County Administrator Fred E. Marquis recommended approval of Change Order No. 3 to Contract No. 2293 with Bankston Construction Company for construction of the addition to the Medical Examiner's building, increasing the contract by \$5,602.40 (new contract total \$762,168.11).

Commissioner Greer moved, seconded by Commissioner Rainey and carried, that the Change Order be approved for execution.

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#25 CHANGE ORDER NO. 2 TO CONTRACT NO. 2350 WITH RAFT ENGINEERING AND CONSTRUCTION, INC. FOR CONSTRUCTION OF DRAINAGE IMPROVEMENTS AT STEVENSON CREEK AND BELLEAIR ROAD - APPROVED FOR EXECUTION

County Administrator Fred E. Marquis recommended approval of Change Order No. 2 to Contract No. 2350 with Raft Engineering and Construction, Inc. for construction of drainage improvements at Stevenson Creek, increasing the contract by \$1,750.00 (new contract total \$118,242.00).

Commissioner Rainey moved, seconded by Commissioner Greer and carried, that the Change Order be approved for execution.

#27 CHANGE ORDER NO. 2 TO CONSULTANT AGREEMENT WITH URS/COVERDALE & COLPITTS FOR THE PINELLAS BAYWAY TRAFFIC, REVENUE AND FINANCIAL FEASIBILITY STUDY - APPROVED FOR EXECUTION

County Administrator Fred E. Marquis recommended approval of Change Order No. 2 to Consultant Agreement with URS/Coverdale & Colpitts for the Pinellas Bayway Traffic, Revenue and Financial Feasibility study, increasing the agreement by \$33,500.00 (new maximum fee total \$78,042.00).

Commissioner Greer moved, seconded by Commissioner Rainey and carried, that the Change Order be approved for execution.

#28 AGREEMENT WITH JOHN B. DUTRA AND DIANE M. YOMNICK RE ACQUISITION OF RIGHT-OF-WAY PARCEL NO. 136 FOR IMPROVEMENT OF McMULLEN BOOTH ROAD FROM S.R. 60 TO SUNSET POINT ROAD - APPROVED FOR EXECUTION WITH AUTHORITY TO ISSUE NECESSARY CHECKS

County Administrator Fred E. Marquis recommended approval of an agreement with John B. Dutra and Diane M. Yomnick for the acquisition of right-of-way Parcel No. 136 required for the improvement of McMullen Booth Road from S.R. 60 to Sunset Point Road, with authority for the issuance of checks in the amounts of \$10,000 (for closing) and \$525 (for holdback).

Commissioner Todd moved, seconded by Commissioner Greer and carried, that the agreement be approved for execution as recommended by the County Administrator.

#29 AGREEMENT WITH TREVOR A. JONES AND VIRGINIA JONES RE ACQUISITION OF RIGHT-OF-WAY PARCEL NO. 100 FOR IMPROVEMENT OF 118TH AVENUE NORTH FROM 66TH STREET NORTH TO 68TH STREET NORTH - APPROVED FOR EXECUTION WITH AUTHORITY TO ISSUE NECESSARY CHECKS

County Administrator Fred E. Marquis recommended approval of an agreement with Trevor A. Jones and Virginia Jones for the acquisition of right-of-way Parcel No. 100 required for the improvement of 118th Avenue North from 66th Street North to 68th Street North, with authority for the issuance of a check in the amount of \$2,770.

Commissioner Todd moved, seconded by Commissioner Greer and carried, that the agreement be approved for execution as recommended by the County Administrator.

#30 RESOLUTION NO. 85-652 ADOPTED GRANTING PRELIMINARY APPROVAL OF RUSTIC OAKS SECOND ADDITION SUBDIVISION STREET LIGHTING DISTRICT AS REQUESTED IN PETITION; AUTHORIZING ADVERTISEMENT OF A PUBLIC HEARING FOR DECEMBER 3, 1985 RE CONSIDERATION OF PROPOSED ORDINANCE CREATING SAID DISTRICT; AND AUTHORIZING FUNDS FOR ADMINISTRATIVE EXPENSES DIRECTLY INCIDENT TO SAME

County Administrator Fred E. Marquis recommended that a resolution be adopted granting preliminary approval of a petition proposing the Rustic Oaks Second Addition Subdivision Street Lighting District, and authorizing the advertisement of a public hearing for December 3, 1985 re consideration of a proposed ordinance creating said district, and further authorizing funds for administrative expenses directly incident to same.

Commissioner Rainey moved, seconded by Commissioner Todd, that Resolution No. 85-652 be adopted as recommended by the County Administrator. Upon roll call, the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

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- #31 RESOLUTION NO. 85-653 ADOPTED GRANTING PRELIMINARY APPROVAL OF SPRING RUN SUBDIVISION STREET LIGHTING DISTRICT AS REQUESTED IN PETITION; AUTHORIZING ADVERTISEMENT OF A PUBLIC HEARING FOR DECEMBER 3, 1985 RE CONSIDERATION OF PROPOSED ORDINANCE CREATING SAID DISTRICT; AND AUTHORIZING FUNDS FOR ADMINISTRATIVE EXPENSES DIRECTLY INCIDENT TO SAME
-

County Administrator Fred E. Marquis recommended that a resolution be adopted granting preliminary approval of a petition proposing the Spring Run Subdivision Street Lighting District, and authorizing the advertisement of a public hearing for December 3, 1985 re consideration of a proposed ordinance creating said district, and further authorizing funds for administrative expenses directly incident to same.

Commissioner Todd moved, seconded by Commissioner Greer, that Resolution No. 85-653 be adopted as recommended by the County Administrator. Upon roll call, the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

- #32 AMENDMENT NO. 3 TO CONTRACT WITH ENVIRONMENTAL SCIENCES & ENGINEERING, INC. FOR WATER MONITORING AT BRIDGEWAY ACRES LANDFILL (SOLID WASTE MANAGEMENT) - APPROVED FOR EXECUTION
-

County Administrator Fred E. Marquis recommended approval of Change Order No. 2 to contract with Environmental Sciences & Engineering, Inc. for the continuation of ongoing monitoring programs at the Bridgeway Acres Landfill for the Solid Waste System required by the Department of Environmental Regulation under the Power Plant Siting Certification and Landfill Permits, increasing the contract by an amount not to exceed \$124,324.

Commissioner Rainey moved, seconded by Commissioner Todd and carried, that the Change Order be approved for execution.

#33 CHANGE ORDER NO. 3 AND AMENDMENT NO. 1 TO ADDITION CONSTRUCTION AGREEMENT WITH UOP, INC. AND AMENDMENT NO. 1 TO MANAGEMENT AGREEMENT NO. 1, PART B, WITH UOP, INC. FOR CONSTRUCTION AND ONGOING OPERATION AND MAINTENANCE OF ADDITIONAL FIRE PROTECTION EQUIPMENT - APPROVED FOR EXECUTION

County Administrator Fred E. Marquis recommended approval of Change Order No. 3 and Amendment No. 1 to Addition Construction Agreement with UOP, Inc. and Amendment No. 1 to Management Agreement No. 1, Part B, with UOP, Inc. for construction and ongoing operation and maintenance of additional fire protection equipment.

In his memorandum of October 22, 1985, Mr. Marquis indicated, in part, that Change Order No. 3 to the Addition Construction Agreement increases the cost by \$1,474,080 and is not subject to escalation; and that Amendment No. 1 to the Amendment to Management Agreement, Part B, increases the operating fee in the approximate amount of \$17,000.

Replying to questions by Commissioner Todd, Mr. Marquis explained that the \$1,474,080 cost is for new fire protection facilities which are listed in the attachment to his memorandum and which are a requirement of the insurance underwriters in order to retain insurance coverage; and that the tipping fee will be increased by 10 cents per ton.

Commissioner Greer moved, seconded by Commissioner Todd and carried, that the Change Order be approved for execution.

#34 RESOLUTION NO. 85-654 ADOPTED AUTHORIZING THE INSTALLATION OF A TRAFFIC CONTROL SIGNAL ON ROOSEVELT BOULEVARD (S.R. 686) AT 58TH STREET NORTH

Pursuant to recommendation by County Administrator Fred E. Marquis, Commissioner Greer moved, seconded by Commissioner Rainey that Resolution No. 85-654 authorizing the installation of a traffic control signal on Roosevelt Boulevard (S.R. 686) at 58th Street North be adopted. Upon roll call, the vote was:

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Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

#35 AGENDA ITEM NO. 35 "ADOPTION OF RESOLUTION PROHIBITING LEFT TURNS FROM DODGE STREET ONTO ROOSEVELT BOULEVARD (S.R. 686)" - DELETED

Referring to Agenda Item No. 35 "Adoption of Resolution Prohibiting Left Turns from Dodge Street onto Roosevelt Boulevard (S.R. 686)," County Administrator Fred E. Marquis requested that the item be deleted. He advised that additional monitoring of actual traffic patterns in the area is needed prior to making further changes.

There being no objection, the Chairman directed that Agenda Item No. 35 be deleted.

#36 PURCHASE OF CENTRAL PROCESSING UNIT AND RELATED EQUIPMENT FOR THE PINELLAS COUNTY DATA CENTER FROM AMDAHL CORPORATION - APPROVED

County Administrator Fred E. Marquis recommended that the proposal (Alternate 1) from Amdahl Corporation for the purchase of a central processing unit and related equipment for the Pinellas County Data Center be accepted in an amount not to exceed \$1,719,706 including maintenance through September 1990 on the basis of being the lowest and best proposal meeting specifications, and further recommended that the AS 5000 C.P.U. currently installed be declared surplus with authorization for its removal by Amdahl Corporation.

In his memorandum of October 22, 1985, Mr. Marquis indicated, in part, that request for proposals (RFP) had been advertised and forwarded to 65 prospective bidders resulting in the receipt of proposals from five companies; that the RFP required companies to submit proposals and prices for a central processing unit (CPU) and related equipment to satisfy the County's projected mainframe requirements for the next five years; and that the proposed purchase has been reviewed and approved by the Data Processing Board.

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Chairman Tyndall referred to County Attorney Van B. Cook's involvement as Project Manager for the process and said that he did an outstanding job in overseeing the matter.

Commissioner Rainey moved, seconded by Commissioner Greer and carried, that the recommendation of the County Administrator be approved.

#37 CHANGE ORDER NO. 1 TO CONTRACT WITH WEST COAST UTILITY CONSTRUCTION COMPANY, INC. FOR 1985 SANITARY SEWER EXTENSIONS (NORTH AND SOUTH PINELLAS COUNTY SERVICE AREA) PHASE II PROJECT AND FOR REHABILITATION OF BOCA CIEGA PUMP STATION NO. 7 - APPROVED FOR EXECUTION

County Administrator Fred E. Marquis recommended approval of Change Order No. 1 to the contract with West Coast Utility Construction Company, Inc. for the 1985 sanitary sewer extensions (North and South Pinellas County Service Area) Phase II project and for the rehabilitation of Boca Ciega Pump Station No.7, increasing the contract by \$55,807.50 (new contract total \$746,176.50).

Commissioner Todd moved, seconded by Commissioner Greer and carried, that the Change Order be approved for execution.

#38 SATISFACTIONS OF WELFARE LIENS IN THE NAMES OF ALBERTA AND JOHN CLARK AND "NO PROPERTY" LIEN IN THE NAME OF SYMPATHY CLARK - APPROVED FOR EXECUTION

County Administrator Fred E. Marquis recommended approval of Satisfactions of Welfare Liens in the names of Alberta and John Clark whose property at Box 592 Butler Street, Safety Harbor, is legally described as Lots 7 and 8, Block 2, Brooklyn 34 28 16, as per Plat Book 4, Page 9, Public Records of Pinellas County, Florida and the "no property" lien in the name of Sympathy Clark.

In his memorandum of October 16, 1985, Mr. Marquis indicated, in part, that the subject property had been inherited by the Clarks' son and daughter upon the death of John Clark in 1979; that the son's lot had been auctioned for delinquent taxes by the Clerk in January, 1985; that the County received \$169.34 towards the

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original welfare lien of the Clarks from the tax deed sale which reduced the lien from \$6,069.13 to \$5,999.79; that the Clarks' daughter Sympathy wants to sell her lot which is worth about \$5,000, and she has offered \$2,500 from the anticipated proceeds to remove the welfare lien; that she is the sole support of her family and has not received welfare assistance since 1982; and that the offer is a fair resolution of the predicament caused by the earlier tax deed sale which left the balance of the existing welfare lien of the parents solely against her lot and constitutes a repayment of 82% of the welfare services claimed by the client as her responsibility.

Commissioner Rainey moved, seconded by Commissioner Todd and carried, that the Satisfactions of Welfare Liens be approved for execution.

#39 RELEASE OF HOUSING LIEN TO CURTIS D. AND CARLA W. KERNS - APPROVED FOR EXECUTION

County Administrator Fred E. Marquis recommended approval of a Release of Housing Lien to Curtis D. and Carla W. Kerns whose property at 1025 - 11th Avenue North, Largo, is legally described as Lot 21, Block C, Alta Vista, as per Plat Book 12, Page 76, Public Records of Pinellas County, Florida.

In his memorandum of October 22, 1985, Mr. Marquis indicated, in part, that Community Development has requested a release of the lien inasmuch as the Kerns have vacated the property and are therefore in default; and that the lien had been derived from the Deferred Payment Loan Agreement and its release would enable an interest bearing note to be attached to the subject property.

Commissioner Rainey moved, seconded by Commissioner Todd and carried, that the Satisfaction of Welfare Lien be approved for execution.

#40 COUNTY-OWNED PROPERTY IN CHAUTAUQUA SUBDIVISION (LOTS 1-5 AND 26-32)
DECLARED SURPLUS; CHAIRMAN AUTHORIZED TO SELECT APPRAISER TO ESTABLISH
MARKET VALUE

County Administrator Fred E. Marquis recommended that County-owned property in Chautauqua Subdivision (Lots 1-5 and 26-32) be declared surplus and offered for sale, and further recommended that the Chairman be authorized to select an appraiser to establish the market value of the property.

In his memorandum of October 3, 1985, Mr. Marquis indicated, in part, that the County has had extensive land holdings in Chautauqua, acquired by tax default, and has sold all but the subject property; and that the County has no purpose or need for the property.

Commissioner Greer moved, seconded by Commissioner Rainey and carried, that the recommendations of the County Administrator be approved.

#41 PASCO-PINELLAS ANNUAL PLAN FOR ALCOHOL, DRUG ABUSE AND MENTAL HEALTH
FOR FY 1985-86 - APPROVED IN CONCEPT

County Administrator Fred E. Marquis recommended that the Board conceptually approve the Pasco-Pinellas annual plan for alcohol, drug abuse and mental health for FY 1985-86.

In his memorandum of September 24, 1985, Mr. Marquis indicated, in part, that Florida Statutes require Board approval of the District Plan/Plan Update; and that since the funding for mental health/alcohol programs is approved in the regular budget approval process, the requested approval deals with programmatic issues and does not include approval of any of the "local" dollar amounts included in the Plan.

Commissioner Todd moved, seconded by Commissioner Greer and carried, that the subject plan be approved in concept.

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#42

RESOLUTION NO. 85-655 ADOPTED PROVIDING FOR THE ASSIGNMENT OF RESPONSIBILITY FOR THE WORKERS' COMPENSATION ACCOUNTS OF THE RISK FINANCING SERVICE FUND TO THE PERSONNEL DEPARTMENT OF THE PINELLAS COUNTY UNIFIED PERSONNEL SYSTEM; AUTHORIZING THE DIRECTOR OF THE PERSONNEL DEPARTMENT TO EVALUATE AND RECOMMEND SETTLEMENT AND PAYMENT OF WORKERS' COMPENSATION CLAIMS AND RELATED EXPENSES; PROVIDING AN EFFECTIVE DATE; COUNTY ADMINISTRATOR AUTHORIZED TO TRANSFER THE TOTAL ADMINISTRATION AND FINANCIAL MANAGEMENT OF THE WORKERS' COMPENSATION PROGRAM TO THE DEPARTMENT OF RISK MANAGEMENT DURING FY 1985-86

County Administrator Fred E. Marquis presented for the Board's consideration a resolution providing for the assignment of responsibility for the Workers' Compensation accounts of the Risk Financing Service Fund to the Personnel Department of the Pinellas County Unified Personnel System; authorizing the Director of the Personnel Department to evaluate and recommend settlement and payment of Workers' Compensation claims and related expenses; providing an effective date, and recommended its adoption. He further recommended that the Board authorize the County Administrator to transfer the total administration and financial management of the workers' compensation program to the Department of Risk Management during FY 1985-86.

In his memorandum of October 9, 1985, Mr. Marquis indicated, in part, that the County's Workers' Compensation Program is a legal liability mandated by State law and is not a fringe benefit; that experience indicates that it is awkward to separate the financial accountability from the administration and management of the program as has been the practice in the past; that the Insurance Task Force has recommended that the program administration which has been handled by the Personnel Department and financial management and accountability which has been lodged in Risk Management be combined; and that the County Attorney's office, the Clerk of the Circuit Court, the Director of BCC Finance and Records and he concur in the recommendation.

Commissioner Todd moved, seconded by Commissioner Rainey, that the recommendations of the County administrator be approved, and that Resolution No. 85-655 be adopted. Upon roll call, the vote was:

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Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

#43 RESOLUTION NO. 85-656 ACCEPTING DEVISE OF REAL PROPERTY TO PINELLAS COUNTY BY ROBERT LEACH, JR. TO BE USED FOR PARK PURPOSES AS INDICATED IN HIS LAST WILL AND TESTAMENT - ADOPTED; COUNTY ADMINISTRATOR DIRECTED TO APPROPRIATELY EXPRESS BOARD'S APPRECIATION TO MR. LEACH'S SURVIVING FAMILY

County Administrator Fred E. Marquis recommended that the Board adopt a resolution to accept the devised land of Robert Leach, Jr. and record same to be used for park purposes as indicated in Mr. Leach's Last Will and Testament.

In his memorandum of October 8, 1985, Mr. Marquis indicated, in part, that the devised land is comprised of two parcels and contains 20 acres MOL.

Upon the members' comments of appreciation, Commissioner Rainey suggested that it would be appropriate to do "a little bit more than say thanks," because it is not too often someone gives the County "something like this."

Following discussion, it was the consensus that the County Administrator appropriately express the Board's appreciation to Mr. Leach's surviving family.

Commissioner Todd moved, seconded by Commissioner Greer, that Resolution No. 85-656 accepting devise of real property to Pinellas County by Robert Leach, Jr. be adopted as recommended by the County Administrator. Upon roll call, the vote was;

Ayes; Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

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#44 CONTRACT WITH DOROTHY D. BERGMANN AS HEARING OFFICER FOR THE SUPPORT ENFORCEMENT DIVISION OF THE CLERK OF THE CIRCUIT COURT - APPROVED FOR EXECUTION

County Administrator Fred E. Marquis recommended that a contract with Dorothy D. Bergmann as Hearing Officer for the Support Enforcement Division of the Clerk of the Circuit Court be approved.

In his memorandum of October 22, 1985, Mr. Marquis indicated, in part, that Ms. Bergmann has been selected by Chief Judge Patterson to serve as Hearing Officer; and that the contract includes a rate of pay of \$15 per hour.

Commissioner Todd moved, seconded by Commissioner Greer and carried that the recommendation of the County Administrator be approved.

#45 AUTHORIZATION GIVEN FOR CLAIMS PAYMENT FOR PROPERTY DAMAGE TO PROPERTY OWNED BY ROSS CAR RENTAL AND LEASING, INC. AND LEASED TO THE SHERIFF

County Administrator Fred E. Marquis recommended that authorization be given for a payment in the amount of \$5,762.82 to Ross Car Rental and Leasing, Inc. for damage to its 1983 Buick Regal which had been leased to the Sheriff.

In his memorandum of October 16, 1985, Mr. Marquis indicated, in part, that a Sheriff's employee who was operating the automobile during the course of his duties, had been involved in an accident; that since the vehicle had been totaled, the Sheriff will obtain title and have additional recovery from the salvage value; and that, in addition, subrogation will be made against the adverse party for recovery of remaining damages.

Commissioner Rainey moved, seconded by Commissioner Todd and carried, that the recommendation of the County Administrator be approved.

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#46 APPOINTMENT OF GERALD J. DeCARO TO EXEMPT POSITION OF ASSISTANT
DIRECTOR OF HIGHWAY DIVISION AT ANNUAL SALARY OF \$26,910 EFFECTIVE
OCTOBER 27, 1985 - CONFIRMED

Pursuant to recommendation by County Administrator Fred E. Marquis, Commissioner Todd moved, seconded by Commissioner Greer and carried, that the appointment of Gerald J. DeCaro to the exempt position of Assistant Director of Highway Division at an annual salary of \$26,910 effective October 27, 1985 be confirmed.

#47 MEETINGS OF DECEMBER 24 AND DECEMBER 31, 1985 - CANCELLED

Pursuant to the recommendation of County Administrator Fred E. Marquis, Commissioner Todd moved, seconded by Commissioner Rainey and carried, that the meetings of December 24 and December 31, 1985 be cancelled.

#48a COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE ROBERT G.
BAMOND VERSUS BILLY WILLIAMS, ET AL. - CIRCUIT CIVIL NO. 85-13429-19 -
MORTGAGE FORECLOSURE INVOLVING A WELFARE LIEN

Pursuant to the request of County Attorney Van B. Cook, Commissioner Rainey moved, seconded by Commissioner Todd and carried, that the County Attorney be authorized to defend the County's interest in the suit re Robert G. Bamond versus Billy Williams, et al. - Circuit Civil No. 85-13429-19 - Mortgage Foreclosure Involving a Welfare Lien.

#48b COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE EVERETT C.
RULISON VERSUS BARRY L. BROOKS, ET AL. - CIRCUIT CIVIL NO. 85-13958-15
- MORTGAGE FORECLOSURE INVOLVING A WELFARE LIEN

Pursuant to the request of County Attorney Van B. Cook, Commissioner Rainey moved, seconded by Commissioner Todd and carried, that the County Attorney be authorized to defend the County's interest in the suit re Everett C. Rulison versus Barry L. Brooks, et al. - Circuit Civil No. 85-13958-15 - Mortgage Foreclosure Involving a Welfare Lien.

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#48c COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE CHERYL BREON, ET AL. VERSUS COUNTY OF PINELLAS, ET AL. - CIRCUIT CIVIL NO. 85-13922-19 - ACTION FOR DAMAGES (NEGLIGENCE/SHERIFF'S DEPARTMENT)

Pursuant to the request of County Attorney Van B. Cook, Commissioner Rainey moved, seconded by Commissioner Todd and carried, that the County Attorney be authorized to defend the County's interest in the suit re Cheryl Breon, et al. versus County of Pinellas, et al. - Circuit Civil No. 85-13922-19 - Action for Damages (Negligence/ Sheriff's Department).

#48d COUNTY ATTORNEY AUTHORIZED TO DEFEND COUNTY'S INTEREST RE AARON BERNARD FIELDS VERSUS SHERIFF GERRY COLEMAN, ET AL. - CIRCUIT CIVIL NO. 85-13928-16 - ACTION FOR DAMAGES (FALSE ARREST)

Pursuant to the request of County Attorney Van B. Cook, Commissioner Rainey moved, seconded by Commissioner Todd and carried, that the County Attorney be authorized to defend the County's interest in the suit re Aaron Bernard Fields versus Sheriff Gerry Coleman, et al. - Circuit Civil No. 85-13928-16 - Action for Damages (False Arrest).

#49 COUNTY ATTORNEY AUTHORIZED TO INITIATE LITIGATION AGAINST ROYAL COACH LINES, INC. TO RECOVER MONIES DUE AND OWING ST. PETERSBURG-CLEARWATER INTERNATIONAL AIRPORT

Pursuant to the request of County Attorney Van B. Cook, Commissioner Todd moved, seconded by Commissioner Greer and carried, that the County Attorney be authorized to initiate litigation against Royal Coach Lines, Inc. to recover monies due and owing St. Petersburg-Clearwater International Airport.

#50a RESOLUTION NO. 85-657 ADOPTED CANCELLING TAXES ON PROPERTY ACQUIRED BY PINELLAS COUNTY, FOR THE USE AND BENEFIT OF PINELLAS COUNTY, AND DECLARING SUCH PROPERTY TO BE EXEMPT FROM TAXATION

Pursuant to presentation by County Attorney Van B. Cook, Commissioner Greer moved, seconded by Commissioner Todd, that Resolution No. 85-657 be adopted cancelling taxes on property acquired by

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Pinellas County, for the use and benefit of Pinellas County, and declaring such property to be exempt from taxation (public purposes).

Upon roll call, the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

#50b RESOLUTION NO. 85-658 ADOPTED CANCELLING TAXES ON PROPERTY ACQUIRED BY THE CITY OF SEMINOLE, FOR THE USE AND BENEFIT OF THE CITY OF SEMINOLE, AND DECLARING SUCH PROPERTY TO BE EXEMPT FROM TAXATION

Pursuant to presentation by County Attorney Van B. Cook, Commissioner Greer moved, seconded by Commissioner Todd, that Resolution No. 85-658 be adopted cancelling taxes on property acquired by the City of Seminole, for the use and benefit of the City of Seminole, and declaring such property to be exempt from taxation (park purposes). Upon roll call, the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

#51 COUNTY ATTORNEY MISCELLANEOUS - NONE

County Attorney Van B. Cook indicated that there are no miscellaneous matters to be presented this date.

#52a COMMISSIONER RAINEY REQUESTS CONSIDERATION RE A POSSIBLE REDUCTION IN SPEED LIMIT ON PINELLAS BAYWAY

Referring to the Pinellas Bayway, Commissioner Rainey said that he favors a reduction in the existing 55 mile per hour speed limit, especially in the area of the park.

County Administrator Fred E. Marquis indicated that he would "coordinate" the possible reduction as requested.

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#52b COMMISSIONER TODD REQUESTS BOARD SUPPORT THE CITY OF LARGO'S APPLICATION FOR STATE FUNDS FOR IMPROVEMENTS TO THE NARROWS

Commissioner Todd referred to a letter which she had received from the Mayor, City of Largo, requesting the Board's financial support for improvements to the Narrows. She suggested that the Board support the City's application to the Department of Natural Resources and requested that the County Administrator determine other suggestions which could be made in the matter.

* * * *

Upon direction of the Chairman, there being no objection, the meeting was recessed at 6:59 P.M. for the Board to meet as the Water and Navigation Control Authority, and was reconvened as the Board of County Commissioners at 7:05 P.M.

* * * *

#54 & APPLICATIONS OF COMMUNITY BIBLE CHURCH OF SEMINOLE THROUGH TOM CATHEY FOR CHANGE OF ZONING FROM R-3 TO RM-7.5 (Z-3465) AND FOR A CHANGE IN LAND USE DESIGNATION FROM LOW DENSITY RESIDENTIAL TO URBAN LOW DENSITY RESIDENTIAL ON SEVEN ACRES LOCATED ON THE WEST SIDE OF 113TH STREET NORTH, APPROXIMATELY 1,000 FEET NORTH OF 86TH AVENUE NORTH (L.U. 13-9-85) (DEFERRED AT MEETING OF SEPTEMBER 24, 1985) - DENIED; RESOLUTIONS NO. 85-659 AND NO. 85-660 ADOPTED

-and-

#55 APPLICATION OF COMMUNITY BIBLE CHURCH OF SEMINOLE, INC. THROUGH TOM CATHEY FOR CONDITIONAL USE TO PERMIT A 120-BED NURSING HOME ON SEVEN ACRES LOCATED ON THE WEST SIDE OF 113TH STREET NORTH, APPROXIMATELY 1,000 FEET NORTH OF 86TH AVENUE NORTH (CU-74) (DEFERRED AT MEETING OF SEPTEMBER 24, 1985) - DENIED

Referring to the applications of Community Bible Church of Seminole through Tom Cathey for a change of zoning from R-3 to RM-7.5 (Z-3465), for a change in land use designation from low density residential to urban low density residential (L.U. 13-9-85), and for a conditional use to permit a 120-bed nursing home (CU-74) on seven acres located on the west side of 113th Street North, approximately 1,000 feet north of 66th Avenue North (L.U. 13-9-85), Deputy Clerk C. R. Short reported that the matter had been deferred at the meeting of September 24, 1985 in order to allow staff to prepare a Director's application for RM-5 rezoning of an additional two acres, however, it

was readvertised under the subject zoning and land use cases in the October 8, 1985 issue of the Evening Independent as evidenced by publisher's affidavit filed with the Clerk; that one letter in opposition to and 74 letters in favor of the applications have been received subsequent to the last hearing; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis recalled that staff had recommended denial of the original applications and additionally had recommended RM-5 zoning; and that the cases had been continued so that the applicant could work with the nursing home developer and provide additional land. He indicated that with the additional acreage included in the applications, staff recommends approval of RM-5 zoning and the conditional use to build a 120-bed nursing home; and that the applicant concurs with the staff recommendation.

Upon the Chairman's call for the applicant, Mr. Tom Cathey appeared and stated that the applicant concurs with the staff recommendation.

In response to Chairman Tyndall's call for objectors, Attorney Brian Johnson appeared and said that he represents the surrounding residents; that at the last hearing he had thoroughly covered the reasons for the opposition; that the issue "comes down to a very basic thing" and that is profitability; that 10 years ago the residents had purchased a piece of property overlooking a lake with a forest on the other side and understood that the forest would also be for residential homes; that subsequently the forest had been purchased and the zoning had been changed to allow the church development; that five years ago the church's request for another adjustment had been approved in order that it could build a school; that the church is now making another request in order to allow a nursing home on the site; that the profitability of the residents' property has dropped; and that the "bottom line" is the profitability of the church in selling off acreage as compared to the profitability of the 124 residents who have signed a petition in objection to the applications.

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No one else appeared in response to the Chairman's call for persons wishing to be heard.

In his closing remarks, Mr. Cathey related that a nursing home is a much needed facility and would beautify the area; that the two existing nursing homes in the area are full; and that the proposed use would be the best use of the property for the "community's sake."

Mr. Marquis pointed out that the conditional use application meets the criteria set by the Board in that the location is on a major arterial roadway, it is completely buffered from the existing residential subdivision by the lake, and there is no direct connection from the site to the surrounding subdivision.

Replying to the Chairman's questions, Mr. Cathey advised that the proposed nursing home would be a "for profit" facility and would not be associated with the church.

During discussion, Commissioner Rainey commented that he has a problem with allowing a commercial venture on a scenic corridor. He questioned how a nursing home compares to a hospital and what protection there would be in the future from allowing a doctors' professional building on a scenic corridor. Mr. Marquis explained that historically the Board has considered nursing homes as a residential category rather than a commercial use; that the Board had approved nursing homes on the McMullen Booth corridor in residential zones; that the residential zoning does not permit doctors' offices or clinics; and that there is an existing nursing home north of the subject site.

In answer to queries by the Chairman, Mr. Marquis advised that the proposed density is somewhat less than the adjacent single family subdivision; that the conversion factor for nursing homes is 2.5 beds per unit; and that the acreage involved would allow a 120-bed facility.

Responding to additional question by Chairman Tyndall, Attorney Jim Stack appeared and said that he represents National Health Corporation; and that the proposed structure would be one story.

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In reply to query by Commissioner Greer, Mr. Stack confirmed that he would not be in objection to adding a condition that the structure not be greater than one story; and that his client does have a Certificate of Need for the facility.

During the ensuing discussion, Commissioner Greer remarked that the fact that a nursing home operates for profit is no different than making money on the rental of homes; that it is not commercial from a zoning or land use perspective; that, in his opinion, a nursing home is not a bad use on a scenic corridor, and it is more scenic to have a one-story structure than to have the grid pattern of a subdivision; and that a properly buffered one-story structure would enhance the value of the neighborhood more than a high school, which could be permitted under the Board of Adjustment.

Chairman Tyndall recalled that several years ago there had been a trend toward placing congregate care facilities and nursing homes in single family subdivisions; that the Board had reviewed its plan in an attempt to find an area which would be less objectionable to the neighbors; and that it had been determined that they would be permitted in areas of multifamily or higher densities. Mr. Marquis added that pursuant to the Board's request, staff had created a matrix and the intensity determines whether said facilities would be a permitted use or a conditional use; that nursing homes are permitted as a conditional use in multifamily residential zones but are not permitted in single family residential districts; and that the State Department of Health and Rehabilitative Services (HRS) and "some of the other agencies" had strongly disagreed and had said that the Board's restrictions are too severe, however, the Board felt it had the reasonable assurances which it needed.

Commissioner Rainey reiterated that his argument is for the dignity of the scenic corridor.

The Chairman related that if the proposed building would be "3 or 4 or 5" stories, he could understand the opponents' concern that it would reduce their land values; and that he is sympathetic toward

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the applications because of the surrounding lake and buffering, and the fact that nursing homes are needed, however, he can also sympathize with the opponents if they perceive that the project will lower the value of their land.

Commissioner Todd expressed concern that approval of the applications would set a precedent for introducing multifamily zoning into residential areas.

Following discussion, Commissioner Greer moved that zoning application Z-3465 be approved, as amended, for RM-5; that land use application L.U. 13-9-85 be approved; that conditional use application CU-74 be approved subject to the conditions outlined in the Findings of Fact with additional conditions that (1) the structure not exceed onestory, and (2) the building permit shall be secured within 6 months or the conditional use shall terminate and the Administrator will be directed to submit a Director's application to rezone the parcel to R-3.

Commissioner Rainey seconded the motion for purposes of discussion, and said that although he intends to vote against it, "that's the only way we're going to get it out on the floor."

Chairman Tyndall reiterated that he has mixed emotions concerning the matter; that there is a need for nursing homes; and that the subject site is buffered by the lake. He commented that the church could sell the parcel for use as a single family development and still make a very profitable venture; and that some nursing homes have been good neighbors and others have not.

Commissioner Todd indicated that she intends to vote against the motion because the land use and the zoning are single family residential "all around it" irregardless of the lake, and the conditional use has "conditions upon conditions."

Upon call for the question, the motion failed 1 to 3, with Commissioner Greer casting the affirmative vote.

Thereupon, Commissioner Rainey moved, seconded by Commissioner Todd, that Resolutions No. 85-659 denying zoning application

Z-3465 and No. 85-660 denying land use application L.U. 13-9-85 be adopted, and that conditional use application CU-74 be denied. Upon roll call the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

#56 APPLICATION OF MAURICE ROTHMAN FOR A CHANGE IN LAND USE DESIGNATION FROM RESIDENTIAL/OFFICE/RETAIL TO GENERAL COMMERCIAL ON 26.3 ACRES LOCATED ON THE WEST SIDE OF U.S. HIGHWAY 19 NORTH OF DREW STREET (L.U. 6-8-85) (DEFERRED AT MEETING OF SEPTEMBER 24, 1985) - APPROVED; RESOLUTION NO. 85-661 ADOPTED

Referring to the application of Maurice Rothman for a change in land use designation from residential/office/retail to general commercial on 26.3 acres located on the west side of U. S. Highway 19 north of Drew Street (L.U. 6-8-85), Deputy Clerk C. R. Short indicated that the matter had been deferred at the meeting of September 24, 1985 in order to allow staff to straighten out certain technicalities connected with the City of Clearwater; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis said that subsequent to the previous hearing, staff had received a letter from the City of Clearwater indicating that the property is in the process of being annexed and it supports the application; and that staff recommends approval of the requested land use change based upon clarification in the City's letter.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Greer moved seconded by Commissioner Todd, that Resolution No. 85-661 approving land use application L.U. 6-8-85 be adopted. Upon roll call, the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

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#57 PUBLIC HEARING RE DEVELOPMENT ORDER FOR PROPOSED CARILLON DEVELOPMENT OF REGIONAL IMPACT (DEFERRED AT MEETING OF OCTOBER 8, 1985) - TEMPORARILY DEFERRED TO NOVEMBER 5, 1985

Referring to Agenda Item No. 57, "Development Order for Proposed Carillon Development of Regional Impact," Deputy Clerk C. R. Short reported that the matter had been deferred at the meeting of October 8, 1985 at the request of the developer; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis said that he has received a request from the applicant to defer the matter to November 5, 1985 which staff supports; that staff is working with the Department of Community Affairs and the Regional Planning Council concerning the transportation requirements in the DRI which could set a precedent for all DRI's in the State; and that the requested deferral will ensure that staff, the Region, the State and the applicant "are all going forward at the same time."

Replying to Commissioner Rainey's question, Mr. Marquis indicated that the State, and the Region, "all sign off" on Development Orders so there is no conflict.

No one appeared in response to the Chairman's call for persons wishing to be heard in objection to the matter being deferred.

Commissioner Rainey moved, seconded by Commissioner Greer and carried, that the Development Order for proposed Carillon Development of Regional Impact be temporarily deferred to November 5, 1985.

#58 AGENDA ITEM NO. 58 "CONSIDERATION OF BINDING LETTER PURSUANT TO FLORIDA STATUTES, CHAPTER 171.062, RE MLU/Z 7-10-85, CITY OF SAFETY HARBOR (OWNER: DANA A. GROVES), FOR AN INCREASE OR DECREASE IN DENSITY FROM EXISTING COUNTY REGULATIONS" - WITHDRAWN

Referring to Agenda Item No. 58 "Consideration of Binding Letter pursuant to Florida Statutes, Chapter 171.062, re MLU/Z 7-10-85, City of Safety Harbor (owner: Dana A. Groves), for an increase or decrease in density from existing County Regulations,"

County Administrator Fred E. Marquis advised that in accordance with the new land use regulations effective October 1, 1985, the Board is no longer required to take action on Binding Letters inasmuch as it does not have the authority to address annexation issues.

Following discussion, the Chairman directed, there being no objection, that the item be withdrawn.

#59 AGENDA ITEM NO. 59 "CONSIDERATION OF BINDING LETTER PURSUANT TO FLORIDA STATUTES, CHAPTER 171.062, RE MLU/Z 8-10-85, CITY OF SAFETY HARBOR (OWNER: LANCASTER & YORK, INC.), FOR AN INCREASE OR DECREASE IN DENSITY FROM EXISTING COUNTY REGULATIONS" - WITHDRAWN

Referring to Agenda Item No. 58 "Consideration of Binding Letter pursuant to Florida Statutes, Chapter 171.062, re MLU/Z 8-10-85, City of Safety Harbor (owner: Lancaster & York, Inc.), for an increase or decrease in density from existing County Regulations," County Administrator Fred E. Marquis advised that in accordance with the new land use regulations effective October 1, 1985, the Board is no longer required to take action on Binding Letters inasmuch as it does not have the authority to address annexation issues.

Following discussion, the Chairman directed, there being no objection, that the item be withdrawn.

#60a APPLICATION OF FRED B. BULLARD, JR. THROUGH BATTAGLIA, HASTINGS AND ERVIN FOR CHANGE OF ZONING FROM A-E TO IPD ON 252.05 ACRES LYING SOUTH OF ULMERTON ROAD, WEST OF I-275 AND NORTH OF ROOSEVELT BOULEVARD (Z-3454) - TEMPORARILY DEFERRED TO NOVEMBER 5, 1985

Pursuant to legal notice published in the October 8, 1985 issue of the Evening Independent as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Fred B. Bullard, Jr. through Battaglia, Hastings and Ervin for a change of zoning from A-E to IPD on 252.05 acres lying south of Ulmerton Road, west of I-275 and north of Roosevelt Boulevard (Z-3454). Deputy Clerk C. R. Short reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

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County Administrator Fred E. Marquis stated that the subject parcel is directly related to the property under Agenda Item 57, which the Board deferred to November 5, 1985; that staff recommends the subject application also be deferred so that the Development Order and the zoning can be addressed at the same time; and that the applicant does not object to the matter being deferred.

No one appeared in response to the Chairman's call for persons wishing to be heard in opposition to the application being deferred.

Commissioner Todd moved, seconded by Commissioner Rainey and carried, that zoning application Z-3454 be temporarily deferred to November 5, 1985.

#60b APPLICATION OF PINELLAS COUNTY PLANNING DIRECTOR (OWNERS: ALBERT AND CARLA GEISLER [LOT 5] AND CLAUDE AND BIRUTIE POMPUTIS [LOTS 1, 2, 3, AND 4]) FOR CHANGE OF ZONING FROM C-2 TO M-1 ON 1.4 ACRES LOCATED 250 FEET SOUTH OF 110TH AVENUE NORTH, LYING BETWEEN OAK STREET AND LOCUST STREET (Z-3455) - APPROVED; RESOLUTION NO. 85-662 ADOPTED

Pursuant to legal notice published in the October 8, 1985 issue of the Evening Independent as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of the Pinellas County Planning Director (owners: Albert and Carla Geisler [Lot 5] and Claude and Birutie Pomputis [Lots 1, 2, 3, and 4] for a change of zoning from C-2 to M-1 on 1.4 acres located 250 feet south of 110th Avenue North, lying between Oak Street and Locust Street (Z-3455). Deputy Clerk C. R. Short reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis stated that staff recommends approval of the application; that the property is totally surrounded by M-1 zoning; that approval of the rezoning would bring the property into conformance with the land use plan; and that it could resolve some of the disagreements between the neighbors in the area.

The Planning Department Findings of Fact and Recommendation for approval of the requested change in zoning from C-2 to M-1 were filed and made a part of the record.

Upon the Chairman's call for persons wishing to be heard, Mr. Albert Geisler, 10875 Oak Street Northeast, appeared and said that the rezoning would resolve only half of his problem; and that he needs a variance or a conditional use in order to sell his property. He referred to other issues involved with the property which he indicated are causing problems in its sale.

Mr. Marquis explained that before the property owner can apply to the Board of Adjustment for a variance, the zoning and land use on the parcel have to be compatible; that the matter before the Board is the first step in that direction; and that the Commission cannot address the other issues Mr. Geisler had listed.

No one else appeared in response to the Chairman's call for persons wishing to be heard.

Following discussion, Commissioner Rainey moved, seconded by Commissioner Greer, that Resolution No. 85-662 approving zoning application Z-3455 be adopted. Upon roll call, the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

#60c APPLICATION OF HARMACE CORPORATION THROUGH A. MENNA FOR CHANGE OF ZONING FROM C-2 AND M-1 TO C-3 ON A 2.3 ACRE TRIANGULAR PARCEL LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 19, APPROXIMATELY 350 FEET SOUTH OF 115TH AVENUE NORTH (Z-3460) - APPROVED; RESOLUTION NO. 85-663 ADOPTED

Pursuant to legal notice published in the October 8, 1985 issue of the Evening Independent as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Harmace Corporation through A. Menna for a change of zoning from C-2 and M-1 to C-3 on a 2.3 acre triangular parcel located on the east side of U.S. Highway 19, approximately 350 feet south of 115th Avenue North (Z-3460). Deputy Clerk C. R. Short reported that no correspon-

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dence has been received; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis stated that staff recommends approval of the application.

The Planning Department Findings of Fact and Recommendation for approval of the requested change in zoning from C-2 and M-1 to C-3 were filed and made a part of the record.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Todd moved, seconded by Commissioner Greer, that Resolution No. 85-663 approving zoning application Z-3460 be adopted. Upon roll call, the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

#60d APPLICATION OF PHILLIP E. AND NANCY M. TEASDALE FOR CHANGE OF ZONING FROM R-6 TO R-3 ON .25 ACRE LOCATED ON THE NORTH SIDE OF 58TH AVENUE NORTH, EAST OF 67TH STREET NORTH (Z-3466) - APPROVED; RESOLUTION NO. 85-664 ADOPTED

Pursuant to legal notice published in the October 8, 1985 issue of the Evening Independent as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Phillip and Nancy M. Teasdale for a change of zoning from R-6 to R-3 on .25 acre located on the north side of 58th Avenue North, east of 67th Street North (Z-3466). Deputy Clerk C. R. Short reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis stated that staff recommends approval of the application.

The Planning Department Findings of Fact and Recommendation for approval of the requested change in zoning from R-6 to R-3 were filed and made a part of the record.

No one appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Todd moved, seconded by Commissioner Greer, that Resolution No. 85-664 approving zoning application 2-3466 be adopted. Upon roll call, the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

#60e APPLICATION OF BRUCE N. SMEAD AND ELEANOR T. SMEAD FOR CONDITIONAL USE TO PERMIT A WHOLESALE NURSERY IN AN AGRICULTURAL ESTATE RESIDENTIAL ZONE ON A FIVE ACRE TRACT CONTAINING A SINGLE FAMILY DWELLING LOCATED ON THE EAST SIDE OF THE LAKE SEMINOLE OUTFALL CANAL, ABOUT 700 FEET SOUTH OF 94TH AVENUE NORTH (CU-72) - APPROVED WITH CONDITIONS

Pursuant to legal notice published in the October 8, 1985 issue of the Evening Independent as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Bruce N. Smead and Eleanor T. Smead for a conditional use to permit a wholesale nursery in an agricultural estate residential zone on a five acre tract containing a single family dwelling located on the east side of the Lake Seminole outfall canal, about 700 feet south of 94th Avenue North (CU-72). Deputy Clerk C. R. Short reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis stated that staff has reviewed the application and recommends that the request be approved with conditions.

The Planning Department Findings of Fact and Recommendation for approval of the requested conditional use to permit a wholesale nursery in an agricultural estate residential zone with the following conditions were filed and made a part of the Board minutes:

1. Access to the wholesale nursery is restricted to 94th Avenue North and the right-of-way running parallel to the canal (as described by the applicant during the Examiner's Hearing).
2. Truck traffic is limited to one ton rated capacity vehicles (or less), with no transport

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services to occur on Saturdays or Sundays.
Hours of operation on weekdays shall be limited
from 8:00 A.M. to 5:30 P.M.

3. A vegetative buffer (i.e. a 45-foot strip of planted trees as indicated on the plot plan submitted by the applicant) shall be provided for both the south and east sides of the subject parcel.
4. The owner shall be required to submit a formal site plan to the County for review and compliance with all necessary codes and ordinances. The applicant shall also be required to comply with landscaping provisions deemed necessary by Environmental Management.
5. Expansion of the project, other than as identified by the applicant in the submitted plot plan, shall require consideration and action by the BCC (through the Conditional Use application process).

No one appeared in response to the Chairman's call for persons wishing to be heard in opposition to the application.

Commissioner Todd moved, seconded by Commissioner Greer for the purpose of discussion, that conditional use application CU-72 be approved with the stipulated conditions.

Replying to question by Commissioner Greer, Mr. Marquis advised that he assumes the applicant concurs with the listed conditions. He recalled that the matter had originally been before the Board for rezoning of the property to AG-5 and had subsequently been denied; and that staff had been directed to amend the code to allow nursery type operations in the A-E zone with conditions. Mr. Marquis further advised that the subject conditions are basically the same as those which the applicant had indicated at the rezoning hearing would meet his requirements.

Mr. Bruce N. Smead appeared and in response to his query, Mr. Marquis explained that condition number two applies to all truck traffic; that the only access to the parcel is through residential areas and staff is concerned that there would be large transport vehicles delivering large trees, fertilizer and other related items; and that the applicant had previously indicated that he would not retail from the site but would raise plants and move them to another site himself.

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* * * * *
At this time 8:15 P.M., Commissioner Rainey left the meeting.

* * * * *
In answer to comments by Mr. Smead, Mr. Marquis indicated that if a truck came to the site periodically, and there were no neighborhood complaints, it probably would not cause a problem.

Following discussion, and upon call for the vote, the motion carried unanimously.

#60f APPLICATION OF HARMON CARROLL FOR CONDITIONAL USE TO PERMIT A WHOLESALE NURSERY IN AN AGRICULTURAL ESTATE RESIDENTIAL ZONE ON APPROXIMATELY FIVE ACRES LOCATED ON THE SOUTH SIDE OF 150TH AVENUE NORTH, 850 FEET WEST OF SUNSET STREET (CU-71) - APPROVED WITH CONDITIONS

Pursuant to legal notice published in the October 8, 1985 issue of the Clearwater Sun as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Harmon Carroll for a conditional use to permit a wholesale nursery in an agricultural estate residential zone on approximately five acres located on the south side of 150th Avenue North, 850 feet west of Sunset Street (CU-71). Deputy Clerk C. R. Short reported that no correspondence has been received; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis stated that staff has reviewed the application and recommends that the request be approved with conditions.

The Planning Department Findings of Fact and Recommendation for approval of the requested conditional use to permit a wholesale nursery in an agricultural estate residential zone with the following conditions were filed and made a part of the Board minutes.

1. Owner shall provide a fence or vegetative screening, as deemed appropriate by the BCC, along the east property line to buffer adjacent residential properties.
2. Hours of operation shall be limited to Monday through Friday, 8:00 A.M. to 5:30 P.M.

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3. The owner shall be required to submit a formal site plan to the County for review in compliance with all necessary codes and ordinances. The applicant shall also be required to comply with landscaping provisions deemed necessary by Environmental Management.
4. Expansion of the project, other than as identified by the applicant in the submitted plot plan, shall require consideration and action by the BCC (through the Conditional Use application process).

No one appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Todd moved, seconded by Commissioner Greer and carried, that conditional use application CU-71 be approved with the stipulated conditions.

#60g APPLICATION OF PINELLAS COUNTY PLANNING DIRECTOR (OWNER: LOUISE AUKER) FOR CHANGE OF ZONING FROM C-2 TO R-4 ON A 16,000 SQUARE FOOT PARCEL CONTAINING A BEAUTY SHOP LOCATED ON THE SOUTH SIDE OF 54TH AVENUE NORTH, APPROXIMATELY 120 FEET EAST OF 55TH STREET NORTH (Z-3456) - APPROVED; RESOLUTION NO. 85-665 ADOPTED

Pursuant to legal notice published in the October 8, 1985 issue of the Evening Independent as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of the Pinellas County Planning Director (Owner: Louise Auker) for a change of zoning from C-2 to R-4 on a 16,000 square foot parcel containing a beauty shop located on the south side of 54th Avenue North, approximately 120 feet east of 55th Street North (Z-3456). Deputy Clerk C. R. Short reported that one letter and a petition containing 110 signatures in objection to the application have been received; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis stated that staff recommends approval of the application. He recalled that an application had been filed to change the land use on the adjacent parcel from residential to commercial, which the Board had denied; and that staff had been directed to submit the subject application with the existing use being grandfathered in.

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The Planning Department Findings of Fact and Recommendation for approval of the requested change in zoning from C-2 to R-4 were filed and made a part of the record.

Replying to the Chairman's question, County Attorney Van B. Cook advised that the existing facility is a beauty shop; and that the entire gist of the objection is the concern that the rezoning would cause a relocation of the shop, which it would not.

Thereupon, Chairman Tyndall explained that the rezoning will bring the property into conformance with the land use plan; and that if sometime in the future the beauty shop is no longer in operation the neighborhood would not be faced with the possibility of a service station or other commercial venture being developed on the site.

Upon the Chairman's call, Ms. Erlene Kapiton appeared and indicated that her initial understanding had been that she would be required to relocate her business.

In answer to Ms. Kapiton's question, Mr. Marquis advised that in the event her business is destroyed by more than 50%, it would have to be rebuilt in conformance with R-4 zoning.

No one else appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Todd moved, seconded by Commissioner Greer, that Resolution No. 85-665 approving zoning application Z-3456 be adopted. Upon roll call, the vote was:

Ayes: Tyndall, Todd and Greer.

Nays: None.

Absent and not voting: Rainey and Chesnut.

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#806 APPLICATION OF PINELLAS COUNTY PLANNING DIRECTOR (OWNER: C. E. PIERCE CONSTRUCTION COMPANY, INC.) FOR CHANGE OF ZONING FROM C-3 TO RM-7.5 ON APPROXIMATELY 2.4 ACRES CONTAINING PIERCE CONSTRUCTION COMPANY, INC. LOCATED 150 FEET SOUTH OF 74TH AVENUE NORTH APPROXIMATELY 150 FEET EAST OF 68TH STREET NORTH (Z-3457) - APPROVED; RESOLUTION NO. 85-666 ADOPTED

Pursuant to legal notice published in the October 8, 1985 issue of the Evening Independent as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of the Pinellas County Planning Director (Owner: C. E. Pierce Construction Company, Inc.) for a change of zoning from C-3 to RM-7.5 on approximately 2.4 acres containing Pierce Construction Company, Inc. located 150 feet south of 74th Avenue North approximately 150 feet east of 68th Street North (Z-3457). Deputy Clerk C. R. Short reported that a petition containing 18 signatures in objection to the application has been received; and that the matter is properly before the Board to be heard.

* * * *

At this time, 8:25 P.M., Commissioner Rainey returned to the meeting.

* * * *

County Administrator Fred E. Marquis stated that staff recommends approval of the application. He recalled that an application had been filed to change the land use from low density residential to commercial, which the Board had denied; and that staff had been directed to submit the subject application in order that the zoning will be compatible with the surrounding area and the land use plan.

The Planning Department Findings of Fact and Recommendation for approval of the requested change in zoning from C-3 to RM-7.5 were filed and made a part of the record.

Commissioner Todd referred to the petition which has been received by the Clerk and pointed out that the concerns stated by the signers indicate that they are in favor of the application.

Upon the Chairman's call, Ms. Sandra Killian appeared and said that she represents the owner of the property; that commercial zoning should be allowed on a depth of at least 340 feet; that the parcel is 606 feet deep; and that it is a landlocked parcel, therefore, the requested commercial depth with the balance of the property designated as professional office should be considered.

Ms. Betty Stebler appeared and indicated that the area residents are in favor of the property being zoned residential.

Ms. Carol Dirksmire appeared and related that she wants to clarify Commissioner Todd's observation concerning the petition; and that it was intended to indicate that the signers are in favor of the staff recommendation.

No one else appeared in response to the Chairman's call for persons wishing to be heard.

Commissioner Rainey moved, seconded by Commissioner Todd, that Resolution No. 85-666 approving zoning application Z-3457 be adopted. Upon roll call, the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

#601 APPLICATION OF PET HOSPITALS, INC., A FLORIDA CORPORATION THROUGH JOHN E. HODGES FOR CONDITIONAL USE TO PERMIT VETERINARY KENNEL AND BOARDING (HOSPITAL) FACILITIES IN AN AGRICULTURAL ESTATE RESIDENTIAL ZONE ON A FIVE ACRE TRACT CONTAINING A SINGLE FAMILY DWELLING LOCATED ON THE EAST SIDE OF C.R. 70 (21ST STREET), APPROXIMATELY 650 FEET NORTH OF S.R. 584A (CU-73) - DENIED

Pursuant to legal notice published in the October 8, 1985 issue of the Clearwater Sun as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of Pet Hospitals, Inc., a Florida Corporation through John E. Hodges for a conditional use to permit a veterinary kennel and boarding (hospital) facilities in an agricultural estate residential zone on a five acre tract containing a single family dwelling located on the east side of C.R. 70 (21st Street), approximately 650 feet north of S.R.

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584A (CU-73). Deputy Clerk C. R. Short reported that two letters including one with 8 signatures have been received; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis stated that staff has reviewed the application and recommends that the request be approved with conditions.

The Planning Department Findings of Fact and Recommendation for approval of the requested conditional use to permit a veterinary kennel and boarding (hospital) facilities in an agricultural estate residential zone with the following conditions were filed and made a part of the Board minutes:

1. The boarding of horses is limited to a maximum of 15 horses (three horses per acre).
2. Applicant must construct a solid six foot fence or vegetative buffer, as deemed appropriate by the BCC, on the southern property line adjacent to the proposed parking area and kennel building in order to buffer residents from these uses.
3. Boarding kennel must be completely indoor, air conditioned and sound proofed with no outdoor runs.
4. Hours of operation for the veterinary hospital shall be limited to Monday through Friday, 8:00 A.M. to 5:30 P.M., except for emergency service.
5. The owner shall be required to submit a site plan to the County for review and compliance with necessary codes and ordinances.
6. The owner shall also be responsible to comply with landscaping provisions deemed appropriate by the Environmental Management Department.
7. Expansions or additions, other than those identified on the plot plan submitted by the applicant, shall be subject to BCC action (through the Conditional Use application process).

Upon the Chairman's call, Dr. John Hodges appeared and said that he wants to change the location of a building which had been indicated on the plot plan for the southwest section of the parcel, to which Mr. Marquis advised that the plot plan submitted is not binding, rather its purpose is to give staff an idea of the property outline.

Continuing, Dr. Hodges referred to the condition regarding the hours of operation and pointed out that veterinary hospitals

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normally operate on Saturdays from 8:00 A.M. to noon in order to accommodate clients who work and cannot come in during the week. He requested that consideration be given to allow operation of the facility on Saturday mornings.

Mr. Marquis explained that staff is making a concession in considering a kennel in the area and it also has to make a concession to the residents, who are home on weekends, that they not be disturbed, therefore, he cannot support the request for the Saturday operation.

Replying to query by Commissioner Rainey, Mr. Marquis advised that the conditions would be controlled based upon complaints; and that an occasional animal pickup other than during the stipulated hours probably would not cause complaints, however, if the applicant started opening on Saturdays and the traffic began to increase, and the residents complained, he would be in violation of the conditional use.

Dr. Hodges remarked that if staff cannot support his request for Saturday hours he will probably not build the facility because "20 to 25 percent of your weekly business will come in Saturday morning."

Upon the Chairman's call for persons wishing to be heard in opposition to the application, Mr. Mason Dearman appeared and related that he resides immediately north of the subject tract; that it is a residential neighborhood and most of the residents are retirees and object to the proposed kennel; that the applicant has about three dozen chickens running loose all the time even though he had requested that they be penned; and that next to residences is not the proper place for the facility.

No one else appeared in response to the Chairman's call for persons wishing to be heard.

In answer to Commissioner Rainey's request for clarification, Dr. Hodges confirmed that if the Board cannot consider his request for Saturday morning operations, then he cannot "live with the restriction" of being open five days a week.

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Following discussion, Commissioner Rainey moved, seconded by Commissioner Todd and carried, that conditional use application CU-73 be denied.

#60] APPLICATION OF PINELLAS COUNTY PLANNING DIRECTOR (OWNER: SEMINOLE LAKE GOLF COURSE, INC.) FOR CHANGE OF ZONING FROM R-2 TO A-E ON THE SEMINOLE LAKE GOLF COURSE LOCATED SOUTH OF S.R. 694, EAST OF LONG BAYOU (Z-3467) - APPROVED; RESOLUTION NO. 85-667 ADOPTED

Pursuant to legal notice published in the October 8, 1985 issue of the Evening Independent as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of the Pinellas County Planning Director (Owner: Seminole Lake Golf Course, Inc.) for a change of zoning from R-2 to A-E on the Seminole Lake Golf Course located south of S.R. 694, east of Long Bayou (Z-3467). Deputy Clerk C. R. Short reported that one letter in objection to, and 21 letters and a petition containing 386 signatures in favor of the application have been received; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis stated that staff recommends approval of the application; and that the request is pursuant to the Board's direction that staff review the existing golf courses in the County which are currently indicated as preservation, open space, and/or recreation on the land use plan, and which have zoning that would allow them to be developed.

With the aid of illuminated slides, Interim Zoning Administrator Paul Cassel identified the location of the property and described the zoning and usage of the surrounding tracts.

The Planning Department Findings of Fact and Recommendation for approval of the requested change in zoning from R-2 to A-E were filed and made a part of the record.

In answer to Commissioner Greer's question, Mr. Marquis explained that the property had originally been zoned A-E, however, it had been presented to the Board as a golf course community at the time it had been rezoned to R-2.

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Chairman Tyndall commented that obviously everyone who buys on a golf course anticipates that golf course being there forever. He questioned whether there could be any control on the development of future golf courses to assure that they remain open space in the future, to which Mr. Marquis answered in the affirmative.

Upon the Chairman's call for persons in favor of the application, Mr. Samuel C. Scimp, Jr. appeared and said that he is President of the Seminole Lake Country Club Estates Homeowners Association; and that he wants to submit a letter from the Bay Wood Park Homeowners Association which has 80 members and is in favor of the application.

Mr. Michael Hastings, Seminole Lake Country Club Estates, appeared and related that the tract is land use planned as open space; that, in his opinion, the integrity of the land use plan "is what the Legislature of Florida is talking about in 1985 when it says" the land use plan can only be changed twice a year unless it is a DRI; and that since there are no vested rights in the zoning and the parcel has been a golf course for over 10 years, the land use should prevail and the current use as a golf course should remain.

Mr. Harry Schindel, Seminole Lake Country Club Estates, appeared and remarked that he is Secretary of the Homeowners Association; and that he has an additional petition containing 12 signatures in favor of the application.

Attorney Adrian Bacon appeared in response to the Chairman's call for persons in objection to the application, and indicated that he represents the owners of the golf course; that the property has been zoned single family residential for many years and there has not been any change in conditions in the area to justify a rezoning; that the only reason given by the staff is that the zoning should be brought into conformance with the land use plan so as to eliminate a conflict between the two; that the owners have no intention of using the parcel for anything other than a golf course at the present time; that the legal question is whether the County can by utilization of

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the land use plan and by zoning require that the owners keep their property for the use and benefit of other people who have no ownership rights, either by way of dedication, contract, deed, "or otherwise"; that A-E zoning is as much in conflict with the land use plan as R-1 or R-2 zoning because "you can build homes except you build them on 2 acres instead of a smaller lot size"; that the A-E zone allows six grazing animals which would be totally contradictory to the adjacent single family zoning; and that although the owners have no intentions of changing the golf course use, circumstances could dictate the need for a change and they should be allowed a reasonable use of the property.

During the ensuing discussion, and in reply to additional comments made by Mr. Bacon, Mr. Marquis pointed out that the law basically dictates that the land use plan controls and all local governments must bring the zoning into compliance with the land use plan; and that if the property owner wants to utilize the golf course for some other use, then an applications for a change in zoning and an amendment to the land use plan could be submitted to be heard by the Board.

In rebuttal, Mr. Bacon said that R-1 and R-2 zoning are compatible and consistent with the land use plan, and Mr. Marquis replied that they are not; that the land use plan is open space; and that A-E is the zoning category which applies to open space.

Following discussion, Commissioner Greer related that the one point which has been overlooked, and "we have heard it time and time again in this area," is traffic; and that whether it is developed as A-E or is left as open space, the impact upon the residential streets would not be as great as it would be with an R-2 development.

Commissioner Rainey commented that the people who sold the property sold it for a much higher price because of the open space; and that the residents had paid for that open space when they had purchased their lots.

Responding to the Chairman's question, Mr. Marquis advised that the A-E zone as defined is for those properties which are considered open space, preservation, et cetera, in addition to other uses.

Following further discussion, Commissioner Rainey moved, seconded by Commissioner Todd, that Resolution No. 85-667 approving zoning application Z-3467 be adopted. Upon roll call, the vote was:

Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

#60k APPLICATION OF PINELLAS COUNTY PLANNING DIRECTOR (OWNER: SHERATON SHORES, INC.) FOR CHANGE OF ZONING FROM R-1 AND R-2 TO A-E AND AL ON THE TIDE COUNTRY CLUB GOLF COURSE SOUTH OF EXETER STREET AND EAST OF CHARTER OAK AVENUE (Z-3468) - APPROVED; RESOLUTION NO. 85-668 ADOPTED

Pursuant to legal notice published in the October 8, 1985 issue of the Evening Independent as evidenced by publisher's affidavit filed with the Clerk, public hearing was held on the application of the Pinellas County Planning Director (Owner: Sheraton Shores, Inc.) for a change of zoning from R-1 and R-2 to A-E and AL on the Tide Country Club Golf Course located south of Exeter Street and east of Charter Oak Avenue (Z-3468). Deputy Clerk C. R. Short reported that fifteen letters, including one with 5 signatures, and four petitions containing a total of 912 signatures in favor of the application have been received; and that the matter is properly before the Board to be heard.

County Administrator Fred E. Marquis stated that staff recommends approval of the application; that it is basically the same situation as the prior case; that the requested change to A-E is for the uplands; and that the rezoning to AL is for the submerged or wetlands.

With the aid of illuminated slides, Interim Zoning Administrator Paul Cassel identified the location of the property and described the zoning and usage of the surrounding tracts.

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The Planning Department Findings of Fact and Recommendation for approval of the requested change in zoning from R-1 and R-2 to A-E and AL were filed and made a part of the record.

Upon the Chairman's call for persons wishing to be heard in favor of the application, Mr. Argel Jordan appeared and said that he is President of the Canterbury Chase Homeowners Association; and that the residents would rather have one home on 2 1/2 acres than to have 5 or 6 homes on an acre. He referred to a letter sent to the residents by management which has "approximately 8 falsehoods in it" and questioned why management is protesting the proposed rezoning if it intends that the property remain as a golf course. In conclusion, Mr. Jordan indicated that he had purchased his property because he viewed the golf course as a buffer against having a high density area.

Mr. Michael Reynolds appeared and related that he lives on the golf course; that one of the reasons he had purchased his home is because of the open space, for which he paid a premium; and that he would like to see it maintained as open space now and in the future.

Mr. Bill Culper appeared and indicated that he concurs with the statements made by the previous two speakers.

Attorney Adrian Bacon appeared in response to the Chairman's call for persons wishing to speak in opposition to the application and said that he represents the owners of the subject property; that the golf course had been built for the benefit of the Tides Hotel; that his client had not developed the land and therefore, had not benefited from any price paid by the residents for their properties; that there had not been any implication given to the residents at the time the golf course had been built that it would remain as such because it had been built for the Country Club; and that the subject application is a totally different situation from the previous case. In conclusion, Mr. Bacon referred to the proposed AL zoning and indicated that "there is an island or two in there" that are uplands; and that if staff proceeds with the rezoning it "would be very carefully done" so that the owner is not further jeopardized by zoning.

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Replying to Commissioner Greer's question, Mr. Marquis advised that the referenced islands are included in the area proposed for rezoning to AL. He added that if the property owner wants to utilize it for some other purpose, he always has the right to request a zone change for the appropriate purpose.

Following discussion concerning the areas considered as aquatic lands, Commissioner Greer questioned whether the published notice was legally sufficient to identify the uplands, to which County Attorney Van B. Cook answered in the affirmative.

Thereupon, Commissioner Rainey moved, seconded by Commissioner Todd, that Resolution No. 85-668 approving zoning application Z-3468 be adopted. Upon roll call, the vote was:


Ayes: Tyndall, Rainey, Todd and Greer.

Nays: None.

Absent and not voting: Chesnut.

* * * *

Upon direction of the Chairman, there being no objection, the meeting was adjourned at 9:47 P.M.



Chairman

ATTEST: KARLEEN F. De BLAKER, CLERK

By 

Deputy Clerk