

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**ROBERT L. ANDERSON ADMINISTRATION CENTER
4000 SOUTH TAMiami TRAIL
COUNTY COMMISSION CHAMBER
VENICE, FLORIDA**

9:00 a.m.

Nora Patterson, Chair, District 4
Shannon Staub, Vice Chair, District 3
Paul H. Mercier, District 1
Joseph A. Barbetta, District 2
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator
David Bullock, Deputy County Administrator
Stephen DeMarsh, County Attorney
Janet Cantees, Chief Deputy Clerk of the Circuit Court and County Comptroller
Paula Clintsman, Deputy Clerk
Claudia Goodson, Deputy Clerk

INVOCATION

Planning and Development Services Neighborhood Services Manager Jane Grogg

PLEDGE OF ALLEGIANCE

Commissioner Barbetta

PRESENTATION OF PROCLAMATIONS:

Memorial Day in Sarasota County - May 28, 2007

CONSENT SECTION:

9:08:07 Board Action: Approved Items 1-21, with separate discussions on Items 11, 13, 14, 15, 16, 18, and 19, as follows. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

1. ADMINISTRATION

Ratified the previously issued Proclamation for the Florida Shrine Association Convention Days - May 3 through May 5, 2007.

2. COMMUNITY SERVICES

Appointed William Gibson to serve a three-year term on the Parks Advisory and Recreation Council (PARC), as the City of North Port Representative, effective through June 2010.

3. COMMUNITY SERVICES

A. Approved Contract No. 2007-330, Amendment No. 1 to Contract No. 2006-032, with Fisher Auction Company, Inc., to increase the Real Estate Auction Services Total Marketing and Advertising Campaign Budget for additional expenses and cost, in the amount of \$6,998.00;

B. Adopted Resolution No. 2007-116, Budget Amendment No. B2007-050, amending the Fiscal Year (FY) 2007 Budget to appropriate the funding.

4. EMERGENCY SERVICES

Approved Contract No. 2007-331, Amendment No. 1 to Contract Nos. 2006-225 and 2006-226, a Memorandum of Understanding with the Florida Department of Financial Services, Division of State Fire Marshal for the expenditure of Local Government Unit Funding for Florida Regional Hazardous/Weapons of Mass Destruction Teams from the 2005 Domestic Preparedness Grant State Homeland Security Grant Program, to extend the Grant period to December 31, 2007.

5. EMERGENCY SERVICES

Approved Contract No. 2007-332, Amendment No. 1 to Contract No. 2006-223, with the Sarasota County Public Hospital Board for an annual increase for morgue services, in an amount not to exceed the Consumer Price Index.

6. EMERGENCY SERVICES

- A. Approved Contract No. 2007-333, a Federally Funded Sub-Grant Agreement, with the Florida Department of Financial Services for Hazardous Materials/Weapons of Mass Destruction Operations, in the amount of \$38,412.00;
- B. Adopted Resolution No. 2007-117, Budget Amendment No. B2007-051, amending the Fiscal Year (FY) 2007 Budget to appropriate the Grant funding.

7. ENVIRONMENTAL SERVICES

Approved Contract No. 2007-334, Amendment No. 1 to Contract No. 2006-194, with Southwest Florida Water Management District (SWFWMD) to extend the Pollutant Loading Model Development, and to extend the Project schedule to December 31, 2008.

8. ENVIRONMENTAL SERVICES

Approved Contract No. 2007-335 with the Florida Department of Environmental Protection (FDEP) to participate in a reimbursable Grant that includes funding of projects that evaluate and demonstrate Low Impact Design of Best Management Practices (BMP), stormwater nutrient loads associated with Subdivisions, water quality in impaired waters, and develop and implement Basin Management Action Plans.

9. ENVIRONMENTAL SERVICES

Approved Contract No. 2007-336 with Giffels-Webster Engineers, Inc., for the construction, engineering and inspection services related to the Phillippi Creek Septic System Replacement Program, Area K East and West, in the amount of \$1,475,000.00.

10. FINANCIAL PLANNING

Approved Contract No. 2007-337, a Professional Services Contract, with First Southwest Company for financial advisory services, in the amount of \$30,000.00.

11. HEALTH AND HUMAN SERVICES

9:09:58 Board Action: Approved Contract No. 2007-338 with Clarke Environmental Mosquito Management, Inc., for Aerial and Ground Insecticide Application Services, in an amount not to exceed \$700,000.00 in any one-year period, with the total amount for the three-year term of the Contract not to exceed \$2,100,000.00. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

12. HEALTH AND HUMAN SERVICES

Approved Contract No. 2007-339, a Cooperative Funding Agreement, with the Florida Healthy Kids Corporation for the State Fiscal Year (FY) 2006-2007 for Healthy Kids Cash Match, in an amount not to exceed \$100,425.44.

13. HEALTH AND HUMAN SERVICES

- A.** 9:08:07 Board Action: Deferred consideration of a Contract, Amendment No. 1 to Contract No. 2007-033, with First Step of Sarasota, Inc., for the enhancement of services to the VIP-ER (Voluntary Interim Placement-Enhanced Recovery) Program, in the amount of \$241,556.00 for a total amount of \$1,918,427.00;
- B.** 9:08:07 Board Action: Deferred consideration of a Contract with Transitional Resources, Inc., for six units of sober housing for Fiscal Year (FY) 2007, in the amount of \$16,500.00.

(9:08:07/3:48:32)

14. PLANNING AND DEVELOPMENT SERVICES

- A.** To waive the Statutory prohibition against an advisory board member selling realty to the political subdivision which the member serves;
- B.** To approve a Contract, a Purchase and Sales Agreement, with John Davison for the acquisition of the eastern half-acre of land located at 55 Cedar Street, Englewood, for the purposes of community redevelopment and a stormwater project, in the amount of \$96,000.00; and to authorize Staff to complete all necessary due diligence as a condition precedent to closing.

Staff Presenters: County Administrator James Ley, Planning and Development Services Neighborhood Services Manager Jane Grogg, County Attorney Stephen DeMarsh, and Community Services Parks and Recreation General Manager John McCarthy

9:08:07 Board Action: Deferred Item 14 for simultaneous consideration with Item 37, by Patterson, without objection.

4:11:57 Board Action: Waived the Statutory prohibition against an advisory board member selling realty to the political subdivision which the member serves. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:11:57 Board Action: Approved Contract No. 2007-346, a Purchase and Sales Agreement, with John Davison for the acquisition of the eastern half-acre of land located at 55 Cedar Street, Englewood, for the purposes of community redevelopment and a stormwater project, in the amount of \$96,000.00; and authorized Staff to complete all necessary due diligence as a condition precedent to closing. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

15. PUBLIC WORKS

9:13:49 Board Action: Adopted Resolution No. 2007-118 for the acquisition of a Permanent Utility Easement Interest to reduce the pollution in Phillippi Creek contributed by septic systems and small package wastewater treatment plants in the Phillippi Creek Watershed. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

16. PUBLIC WORKS

9:18:43 Board Action: Approved Contract No. 2007-340, Supplemental Agreement No. 4 to Contract No. 2002-234, with Boyle Engineering Corporation for additional work during the construction phase of the Bahia Vista Roadway Improvement Project, in the amount of \$130,000.00. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

17. PUBLIC WORKS

Deleted the Porter Road Realignment Project from the Traffic Circulation Capital Improvement Program (CIP).

18. PUBLIC WORKS

- A.** 9:21:42 Board Action: Approved Contract No. 2007-341, a Local Agency Program (LAP) Agreement, with the Florida Department of Transportation (FDOT) for the Alligator Creek Trail Phase I Project for the design and construction of 1.2 miles \pm of a 12-foot wide paved multi-purpose, non-motorized trail located along the south side of Alligator Creek between Jacaranda Boulevard and U.S. 41 South, in the amount of \$300,000.00. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.
- B.** 9:21:42 Board Action: Adopted Resolution No. 2007-119, authorizing the execution of the LAP Agreement. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.
- C.** 9:21:42 Board Action: Adopted Resolution No. 2007-120, Budget Amendment No. B2007-029. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.
9:20:39 Board Action: Requested that individual notices regarding the construction of the Trail be mailed to the residents along the Trail. Requested by Staub, without objection.

19. PUBLIC WORKS

9:23:34 Board Action: Approved Contract No. 2007-342, Supplemental Agreement No. 1 to Contract No. 2006-071, with the Florida Department of Transportation (FDOT) to delete the reference to State Road (S.R.) 780 (Fruitville Road from Honore Avenue west to McIntosh Road) for street tree landscaping in medians and sides of roadways in various locations. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

20. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Ratified and approved the warrants dated April 30, 2007, through May 11, 2007, in the amount of \$28,294,889.45, as detailed in the voucher packages filed in the Finance Department.

21. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

- A.** Approved the Minutes of the meetings dated April 30, May 1, May 7, May 8, and May 9, 2007;
- B.** Approved the revision to Item 6.A. of the April 25, 2007, Minutes (Book 75, Page 173).

SARASOTA COUNTY TRANSPORTATION AUTHORITY - CONSENT SECTION

Chair Patterson recessed the Board of County Commissioners (BCC) and convened as the Sarasota County Transportation Authority (SCTA).

22. PUBLIC WORKS

9:24:24 Board Action: Adopted Resolution No. 2007-121, authorizing the execution and submission of the 2007/2008 Transportation Disadvantaged Trust Fund Grant Application. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

Chair Patterson adjourned the SCTA and reconvened as the BCC.

DISCUSSION SECTION:

(9:26:21)

23. TALENT AND PERFORMANCE MANAGEMENT

The Board considered a proposed Resolution, approving the Sarasota County Affirmative Action and Workforce Diversity Plan for Fiscal Years (FY) 2007 through 2010.

Staff Presenter: Talent and Performance Management Professional Advisor II Diane Brookins

9:31:31 Board Action: Adopted Resolution No. 2007-122, approving the Sarasota County Affirmative Action and Workforce Diversity Plan for FY 2007 through 2010. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

(9:31:43)

24. PUBLIC WORKS

The Board considered a Contract, a Professional Services Agreement, with Liebert and Associates for planning and design consulting services for the new County Detention Facility, in the amount of \$209,100.00.

Staff Presenters: Health and Human Services Social Services General Manager Charles Taylor and County Administrator James Ley

9:44:11 Board Action: Requested e-mail notification of the Policy Committee meetings for the County Detention Facility, including copies of the audio recordings, and an e-mail report every three and six months. Requested by Staub, without objection.

9:44:57 Board Action: Requested to discuss reassignment of Board members to the Criminal Justice Commission at a later date. Requested by Mercier, without objection.

9:50:40 Board Action: Moved to approve the Contract, a Professional Services Agreement, with Liebert and Associates for planning and design consulting services for the new County Detention Facility, in the amount of \$68,200.00 for Tasks 1 and 2, contingent upon the Consultant's approval. Moved by Staub and seconded by Barbetta.

10:15:25 Board Action: Moved a substitute motion to approve Contract No. 2007-343, a Professional Services Agreement, with Liebert and Associates for planning and design consulting services for the new County Detention Facility, in the amount of \$209,100.00, with the condition that reports be brought back following completion of Tasks 2, 5, and 6 for Board discussion and decision on continuation of the Contract. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

PUBLIC HEARINGS:

(11:50:48/2:09:51)

25. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider a proposed Resolution to provide for the Planning and Development Services Fee Schedule for costs associated with Staff development and permitting activities.

Staff Presenters: Planning and Development Services Chief Building Official Paul Radauskas, Planning and Development Services Land Development General Manager Terry Boswell, and County Administrator James Ley

Public Presenters: Rod Krebs and Jay Brady

25. PLANNING AND DEVELOPMENT SERVICES - Continued

Items submitted: Revised pages of Exhibit A of the proposed Resolution

2:16:53 Board Action: Continued the public hearing to September 11, 2007, at 1:30 p.m., or as soon thereafter as possible. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(10:16:38)

26. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider a proposed Resolution, Special Exception Petition No. 1649, a petition by Lauralee Westine, Agent, to allow a 190 foot ± alternative tower structure on property located north of Laurel Road between U.S. 41 and Interstate 75 (I-75), in the OUE-1 (Open Use, Estate, 1 unit/5acres) zone district. (Planning Commission recommended approval.)

Staff Presenters: County Administrator James Ley, County Attorney Stephen DeMarsh, and Planning and Development Services Planner Todd Dary

RECESS: 10:29 a.m. - 10:50 a.m.

Public Presenters: Agent Lauralee Westine, Bryon Elkins, Richard Sorace, and Robert Felman, M.D.

Items submitted: Copies of petitions

11:50:32 Board Action: Continued the public hearing on Special Exception Petition No. 1649 to June 26, 2007, at 9:00 a.m., or as soon thereafter as possible. Moved by Staub, seconded by Thaxton, carried by a 4-1 vote; Mercier voted "No."

Note: Oath/Signature Cards Filed for Record.

RECESS: 12:17 p.m. - 1:30 p.m.

(6:55:15)

27. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER'S REPORT

6:55:15 Board Action: Deferred the Clerk's Report and the Filed for Record List to the May 23, 2007, meeting by Patterson, without objection.

(6:54:09)

28. COUNTY ADMINISTRATOR'S REPORT

6:54:14 Board Action: Confirmed Jeffrey Seward as the Chief Financial Planning Officer. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

(6:55:15)

29. COUNTY ATTORNEY'S REPORT

6:55:15 Board Action: Deferred the County Attorney's Report to the May 23, 2007, meeting by Patterson, without objection.

(6:55:15)

30. COMMISSION AND COMMITTEE REPORTS

6:55:15 Board Action: Deferred the County Commission and Committee Reports to the May 23, 2007, meeting by Patterson, without objection.

(6:55:15)

31. ADMINISTRATION

6:55:15 Board Action: Deferred the County Commission Outstanding Board Assignments Report to the May 23, 2007, meeting by Patterson, without objection.

(6:55:15)

32. ADMINISTRATION

6:55:15 Board Action: Deferred the Board of County Commissioners Meeting Schedule to the May 23, 2007, meeting by Patterson, without objection.

RECESS: 12:20 p.m. - 1:30 p.m.

(1:33:42)

33. OPEN TO THE PUBLIC

Marianna Jankowska, Richard Figurniak, Anna Kaplan, and Elizabeth Nazarian commented on zoning regulations relative to short term rentals in the Warm Mineral Springs area and Steve Facine of Primerica Group One commented on concerns with the design and engineering costs for a proposed roundabout relative to the Jacaranda Boulevard and Venice Avenue Intersection Improvement Project.

Items submitted: Copies of petitions regarding short term rentals in the Warm Mineral Springs area

1:54:20 Board Action: Directed the County Administrator to review the circumstances, define the scope, and advise of alternatives/remedies for Board consideration regarding short-term rentals in the Warm Mineral Springs duplex/multi-family vicinity. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

DISCUSSION SECTION: (Continued)

(2:17:44)

34. ENVIRONMENTAL SERVICES

The Board considered a presentation on the Habitat Conservation Plan (HCP) Modeling Report for the Florida Scrub-Jay.

Staff Presenters: Environmental Services Resource Protection Manager Amy Meese, Environmental Services Resource Protection Manager Matthew Osterhoudt, and County Administrator James Ley

Public Presenter: Dr. John Fitzpatrick of Cornell University's Laboratory of Ornithology

3:18:21 Board Action: Requested that the County Administrator provide, by e-mail, a "to do list" regarding the time frame to restore habitat areas. Requested by Staub, without objection.

34. ENVIRONMENTAL SERVICES - Continued

3:20:52 Board Action: Requested that the County Administrator inform the area municipalities of the scientific Scrub-Jay data and convey the need for a County-wide HCP. Requested by Thaxton, without objection.

3:24:57 Board Action: Requested that the County Administrator draft correspondence for the Chair's signature, including a DVD copy of the Florida Scrub-Jay HCP Modeling Report/Presentation, for submittal to the area municipalities' Commissioners/City Managers with specific information conveyed to the City of Venice Mayor relative to the proposed development of the Venice Airport area. Requested by Staub and Mercier, without objection.

RECESS: 3:28 p.m. - 3:37 p.m.

(3:37:43)

35. PUBLIC WORKS

The Board considered the following Items:

- A. A proposed Resolution authorizing the execution of the Transportation Regional Incentive Program (TRIP) Agreement with the Florida Department of Transportation (FDOT);
- B. A proposed Contract with FDOT for the implementation of the Advance Traffic Management System (ATMS) on regional roads in the County, in the amount of \$7,500,000.00;
- C. A proposed Resolution, Budget Amendment No. B2007-053, amending the Fiscal Year (FY) 2007 Budget to appropriate the funding.

Staff Presenter: Public Works Executive Director Jim Harriott

3:45:54 Board Action: Adopted Resolution No. 2007-123 authorizing the execution of the TRIP Agreement with FDOT. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

3:45:54 Board Action: Approved Contract No. 2007-344 with FDOT for the implementation of the ATMS on regional roads in the County, in the amount of \$7,500,000.00. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

3:45:54 Board Action: Adopted Resolution No. 2007-124, approving Budget Amendment No. B2007-053. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(3:46:16)

36. ENVIRONMENTAL SERVICES

The Board considered a proposed Contract with E.T. MacKenzie of Florida, Inc., for the construction of the Phillippi Creek Septic System Replacement Program, Area K East and the Webber Street Phase II Sidewalk Improvement Projects, in the amount of \$12,015,127.01.

Staff Presenter: Environmental Services Utilities Engineering Manager Gregory Rouse

3:46:53 Board Action: Approved Contract No. 2007-345 with E.T. MacKenzie of Florida, Inc., for the construction of the Phillippi Creek Septic System Replacement Program, Area K East and the Webber Street Phase II Sidewalk Improvement Projects, in the amount of \$12,015,127.01. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(3:47:49)

37. PLANNING AND DEVELOPMENT SERVICES

The Board considered a proposed Resolution, amending Resolution No. 2005-270, authorizing the borrowing of an amount not to exceed \$9,528,000.00 from the Pooled Commercial Paper Loan Program of the Florida Local Government Finance Commission Tax-Exempt Commercial Paper Loan Program, Draw A-51 to add the acquisition of 800 West Perry Street, Englewood, Community Redevelopment Agency (CRA) Project, in the amount of \$2,295,000.00.

Staff Presenters: County Administrator James Ley, Planning and Development Services Neighborhood Services Manager Jane Grogg, County Attorney Stephen DeMarsh, and Community Services Parks and Recreation General Manager John McCarthy

(4:20:25)

Public Presenter: Earl Smithern

4:01:30 Board Action: Adopted Resolution No. 2007-125, amending Resolution No. 2005-270, to authorize the borrowing of an amount not to exceed \$9,528,000.00 from the Pooled Commercial Paper Loan Program of the Florida Local Government Finance Commission Tax-Exempt Commercial Paper Loan Program, Draw A-51 to add the acquisition of 800 West Perry Street, Englewood, CRA Project, in the amount of \$2,295,000.00. Moved by Staub, seconded by Mercier, carried by a 4-1 vote; Patterson voted "No."

4:12:36 Board Action: Passed the gavel and directed the County Administrator to review and bring back a report to the Board regarding the finances of the CRA relative to loan repayment capabilities, fund balances, and a repayment program. Moved by Patterson, seconded by Barbetta, carried by a 5-0 vote.

(4:16:57)

PUBLIC HEARINGS:

(4:17:52)

38. ENVIRONMENTAL SERVICES

Public hearing to consider a proposed Resolution ratifying water, wastewater, and reuse rates, fees, and charges for the County Utilities System, including the former Beekman Place Utility Corporation service area.

Staff Presenter: Environmental Services Operations General Manager George MacFarlane

4:23:08 Board Action: Closed the public hearing. Moved by Staub, seconded by Mercier, carried without objection.

4:23:33 Board Action: Adopted Resolution No. 2007-126, ratifying water, wastewater, and reuse rates, fees, and charges for the County Utilities System, including the former Beekman Place Utility Corporation service area. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(4:23:52)

39. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2007-019, Rezone Petition No. 06-30, a petition by Brian Lichterman, Agent, to rezone 1.01 acres ± located at the southeast corner of Manasota Beach Road and State Road 776, from OUE-2 (Open Use, Estate, 1 unit/2 acres) to CN (Commercial Neighborhood) zone district. (Planning Commission recommended approval.)

Staff Presenters: Planning and Development Services Current Planning Manager Crystal Allred, County Attorney Stephen DeMarsh, and Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld

Public Presenters: Agent Brian Lichterman, Jeff Kern, Christi Phelps, Joyce Colmar, Thomas Caputi, Lynford Nehzl, Joan Harms, Garrett Snodgrass, Kevin Bassetti, Deborah Reynolds, Mary Woods, and Sabra Liedtke

Items submitted: Copies of petitions on the proposal

5:29:58 Board Action: Closed the public hearing by Patterson, without objection.

5:30:19 Board Action: Moved to adopt Ordinance No. 2007-019, approving Rezone Petition No. 06-30. Moved by Mercier, died for lack of a second.

5:30:53 Board Action: Moved to deny Rezone Petition No. 06-30 to rezone the subject parcel to CN zone district. Moved by Staub and seconded by Barbetta.

5:35:30 Board Action: Reopened the public hearing by Patterson, without objection.

5:36:35 Board Action: Closed the public hearing by Patterson, without objection.

5:36:42 Board Action: Denied Rezone Petition No. 06-30 to rezone the subject parcel to CN zone district. Carried by a 4-1 vote; Mercier voted "No."

5:37:13 Board Action: Reopened the public hearing by Patterson, without objection.

5:38:48 Board Action: Closed the public hearing by Patterson, without objection.

5:38:56 Board Action: Reopened the public hearing by Patterson, without objection.

5:40:11 Board Action: Closed the public hearing by Patterson, without objection.

5:40:17 Board Action: Adopted Ordinance No. 2007-019, as amended, approving Rezone Petition No. 06-30, with an OPI (Office, Professional, and Institutional) zone district with four stipulations, including the addition of a stipulation prohibiting drive-thrus. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(5:43:06)

40. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2007-005, Rezone Petition No. 06-29, a petition by Alan Garrett, Agent, to rezone 4.66 acres ± located west of State Road (S.R.) 776 (Englewood Road) and south of Shane Road, from OUE-2 (Open Use, Estate, 1 unit/2 acres) to RMF-3/PUD (Residential, Multi-family, 13 units/1 acre, with a Planned Unit Development) zone district. (Planning Commission recommended approval.)

Staff Presenters: Planning and Development Services Senior Planner Kirk Crane, Planning and Development Services Current Planning Manager Crystal Allred, and County Attorney Stephen DeMarsh

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

40. PLANNING AND DEVELOPMENT SERVICES - Continued

Public Presenters: Attorney Thomas Luzier, Agent Alan Garrett, Jeff Kern, Lynford Nehzl, Joan Harms, Garrett Snodgrass, Kevin Bassetti, Deborah Reynolds, Mary Woods, Michael Arce, John Spencer, Richard Fuerst, and Sabra Liedtke

Items submitted: A copy of an e-mail on the petition, a copy of a newspaper article, copies of photographs and correspondence from Eldred Paufve, Bernhard Neumann, and Marcia Arnold, and a copy of a Warranty Deed

6:42:15 Board Action: Closed the public hearing by Patterson, without objection.

6:42:22 Board Action: Reopened the public hearing by Patterson, without objection.

6:43:30 Board Action: Closed the public hearing by Patterson, without objection.

6:43:49 Board Action: Moved to approve Rezone Petition No. 06-29 with a RMF-2 (Residential, Multiple Family, 9 units/acre) zone district with limitations to seven units/acre, with 11 stipulations, as amended, including a 35-foot maximum structure height and prohibiting commercial development. Moved by Mercier, seconded by Thaxton, failed by a 1-4 vote; Thaxton, Staub, Barbetta and Patterson voted "No."

6:49:45 Board Action: Reopened the public hearing by Patterson, without objection.

6:52:54 Board Action: Adopted Ordinance No. 2007-005, as amended, approving Rezone Petition No. 06-29 with a RMF-1 (Residential, Multi-Family, 6 units/acre) zone district with ten stipulations, deleting Stipulation No. 1, retaining the 35-foot maximum structure height, and prohibiting commercial development. Moved by Barbetta, seconded by Thaxton, carried by a 4-1 vote; Staub voted "No."

Note: Oath/Signature Cards Filed for Record.

(6:55:15)

41. OTHER BUSINESS - No Items were presented.

(6:53:54)

42. OPEN TO THE PUBLIC - Opened and closed without comment.

MEETING ADJOURNED: 6:55 p.m.

MINUTES APPROVED: _____

Chair