

April 11, 2006

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

Book 74
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**ROBERT L. ANDERSON ADMINISTRATION CENTER
4000 SOUTH TAMiami TRAIL
COUNTY COMMISSION CHAMBER
VENICE, FLORIDA**

9:00 a.m.

David R. Mills, Chair, District 2
Nora Patterson, Vice Chair, District 4
Paul H. Mercier, District 1
Shannon Staub, District 3
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator
Stephen DeMarsh, County Attorney
Gary Oldehoff, Assistant County Attorney
Karen E. Rushing, Clerk of the Circuit Court and County Comptroller
Peter Ramsden, Clerk of the Circuit Court Finance Director
Tricia Granger, Deputy Clerk

INVOCATION

Pastor Rick McGowan, Temple Baptist Church

PLEDGE OF ALLEGIANCE

Commissioner Staub

PRESENTATION OF PROCLAMATIONS:

National Volunteer Week in Sarasota County - April 23 through April 29, 2006
Child Abuse Prevention Month - April 2006

CONSENT MOTION

A motion was made by Commr. Thaxton, seconded by Commr. Staub, and carried by a 5-0 vote to approve Items 1-33 as follows, with the exception of Items 8, 9, 11, 12, 20, 23, 26, 27, and 28, considered later this meeting.

1. PROCLAMATIONS

Ratified the following previously issued Proclamations:

- A.** Fred Frank Day, March 29, 2006;
- B.** Karen Bagues/Community Youth Development Program 10th Anniversary, April 6, 2006.

2. ADVISORY COUNCILS

Appointed Johnny Hunter, Sr., to serve a three-year term on the Metropolitan Planning Organization Citizen Advisory Committee (MPOCAC) as a Minority Representative, effective through April 2009.

3. ORGANIZATIONS

Delegated signature authority for the Hazard Mitigation Grant Program (HMGP) for hurricane protection retrofit grants to Sarasota Memorial Hospital Chief Executive Officer Gwen MacKenzie.

4. CONTRACTS

- A.** Approved Contract No. 2006-241, a License Agreement, with Hi-Hat Ranch, LLLP, for ground space for a radio equipment building, in the amount of \$600.00 per month;
- B.** Approved Contract No. 2006-242, an Antenna Site License Agreement, with Nextel South Corporation for tower space to locate radio antennas, in the amount of \$100.00 per month;
- C.** Approved Contract No. 2006-243, a Telecommunication Services Agreement, with Motorola, Inc., for the purchase and installation of ten radio channels, in the amount of \$1,100,000.00.

5. CONTRACTS

Approved Contract No. 2006-244, an Affiliation Agreement, with the School Board for the purpose of allowing students of the Health Science Program to ride in ambulances for the clinical portion of the EMT (Emergency Medical Technician) and Paramedic Training Programs.

6. CONTRACTS/RESOLUTIONS

- A.** Approved Contract No. 2006-245, a Memorandum of Understanding (MOU), with the Florida Department of Community Affairs (FDCA) for equipment for the Hazardous Materials/Weapons of Mass Destruction Incident Response Teams, in the amount of \$19,824.00;
- B.** Adopted Resolution No. 2006-068, Budget Amendment No. B2006-042, to appropriate funding for the MOU.

7. CONTRACTS

Approved Contract No. 2006-246, Amendment No. 2 to Contract No. 2004-205, with the Southwest Florida Water Management District (SWFWMD) for the County Watershed Monitoring Program to extend the Contract period for one calendar year.

8. CONTRACTS

See consideration of a Contract with MWH Americas, Inc., for the University/Interstate 75 (I-75) Force Main, Phase II Project, later this meeting.

9. CONTRACTS

See consideration of a Contract with Cornerstone Businesses, Inc., for the Bahia Vista Street Force Main Project, later this meeting.

10. CONTRACTS

Approved Contract No. 2006-249, Amendment No. 1 to Contract No. 2004-328, with Carollo Engineers for the design modifications for the Phase 2 expansion and the design of the Phase 3 expansion to the Central County Water Reclamation Facility, in an amount not to exceed \$489,653.00.

11. CONTRACTS

See consideration of a Contract with the Southwest Florida Water Management District (SWFWMD) for the Deer Prairie Creek Project, later this meeting.

12. CONTRACTS/RESOLUTIONS

See consideration of the following Items later this meeting:

- A.** A Resolution to authorize the leasing of approximately one acre of County-owned land located within Rothenbach Park;
- B.** A Contract with PVONE, LLC, for the installation, construction, operation, and maintenance of a photovoltaic energy system under the Florida Power and Light Company's (FPL) Sunshine Energy Program.

13. CONTRACTS/RESOLUTIONS

- A.** Approved Contract No. 2006-252, a Cooperative Funding Agreement, with the Southwest Florida Water Management District (SWFWMD) for the Update of Watershed Management Plans (L019), in the amount of \$356,666.00;
- B.** Approved Contract No. 2006-253, Amendment No. 1 to Contract No. 2005-483, with Kimley-Horn and Associates, Inc., for the Dona Bay Watershed Management Plan Project, in the amount of \$546,681.00;
- C.** Approved Contract No. 2006-254, Specific Authorization No. 2 to Contract No. 2003-297, with WilsonMiller, Inc., for the Little Sarasota Bay Coastal Basin Update (Vamo Road), in the amount of \$211,779.00;
- D.** Adopted Resolution No. 2006-070, Budget Amendment No. B2006-055, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding from SWFWMD for the Update of Watershed Management Plans (L019), in the amount of \$356,666.00.

14. RESOLUTIONS

Adopted Resolution No. 2006-071 establishing the 2006 Price Index for franchise water and wastewater utilities.

15. FINANCIAL PLANNING

Authorized the disposal of vehicles and off-road equipment.

16. FINANCIAL PLANNING

Authorized payment to Krista Swinehart for full and final settlement of a bodily injury claim, in the amount of \$50,000.00.

17. RESOLUTIONS

Adopted Resolution No. 2006-072 to provide for the Board of County Commissioners' monthly mileage reimbursement, pursuant to Section 112.061(7)(f), Florida Statutes.

18. RESOLUTIONS

Adopted Resolution No. 2006-073 approving the issuance of Industrial Development Revenue Bonds by the Florida Development Finance Corporation for a manufacturing facility for the benefit of Serbin Printing Company, located at 1500 North Washington Boulevard, Sarasota, for the acquisition of a new printing press, bindery equipment, ancillary production equipment, and bond costs, in an amount not to exceed \$2,000,000.00.

19. CONTRACTS

Approved Contract No. 2006-255, a Lease Agreement, with the Florida Center for Child and Family Development, Inc., for the lease of office space at 4630 17th Street, Sarasota, for the Early Childhood Mental Health Partnership Project, in the amount of \$39,600.00. (See Item 20 later this meeting.)

20. CONTRACTS

See consideration of a Contract with the Florida Center for Child and Family Development, Inc., for the Early Childhood Mental Health Partnership Project, later this meeting.

21. ADVISORY COUNCILS

Appointed Ryan Spencer Clausen to serve a one-year term on the Development Services Advisory Committee, as the STAR (Students Taking Active Roles) in Government Representative, effective through April 2007.

22. HOUSING

Approved the Transitional Housing Rental Assistance Program Policy Guidelines.

23. CONTRACTS

See consideration of a Contract with HDR Construction Control Corporation for the Colonia Lane Improvements Project, later this meeting.

24. CONTRACTS

Approved Contract No. 2006-258 with Reppard and Jennifer Little for the purchase of a residential lot to protect a significant archaeological site lying within the City of North Port, in the amount of \$50,000.00.

25. ORDINANCES

Authorized advertising of a public hearing to consider a proposed Ordinance to amend Ordinance No. 84-045, as amended and codified in Chapter 110, Article IV, Section 110-98 of the County Code, relating to the establishment of Public Improvement Districts.

26. RESOLUTIONS

See consideration of a Resolution to approve a Maintained Right-Of-Way Map for West Crest Drive, later this meeting.

27. RESOLUTIONS

See consideration of a Resolution to approve a Maintained Right-Of-Way Map for Lychee Road, later this meeting.

28. CONTRACTS

See consideration of a Contract with South Venice Beach Endowment Trust for an 8.0 acre \pm parcel to provide coastal access, later this meeting.

29. GRANTS/RESOLUTIONS

- A.** Authorized execution and submission of the Florida Department of Health, Bureau of Emergency Medical Services, Grant Application for the purpose of improvement and/or expansion of Emergency Medical Services (EMS) in the County and the Grant distribution requests, in the amount of \$100,979.00;
- B.** Adopted Resolution No. 2006-076, Budget Amendment No. B2006-052, to appropriate the balance of awarded Grant funds;
- C.** Adopted Resolution No. 2006-077 affirming that the funds received from the Florida Emergency Medical Services Program will be utilized for the existing pre-hospital emergency medical services system, in accordance with Chapter 64E-2, Florida Administrative Code.

30. GRANTS

Authorized submission of a 2006 Urban and Community Forestry Grant Program application to support the development and creation of "MeTreepolis," a fully animated, interactive children's website for urban forestry and related earth science issues, in the amount of \$10,000.00, and to authorize the County Administrator to execute the Grant application and related Grant documents.

31. GRANTS

Authorized submission of a Grant application to the Florida Department of Agriculture and Consumer Services for the purpose of hosting an Arbor Day/Earth Sciences and Jobs of Tomorrow Fair, in the amount of \$10,000.00, and to authorize the County Administrator to execute the Grant application and related Grant documents.

32. WARRANTS

Ratified and approved the warrants dated March 13 through March 31, 2006, in the amount of \$37,569,459.94, as detailed in the voucher packages filed in the Finance Department.

33. MINUTES

Approved the Minutes of the meetings dated March 13, March 14, March 15, March 21, March 22, and March 24, 2006 (two sets).

(9:15:30)

8. CONTRACTS - Continued

Upon inquiry, Environmental Services Utilities Engineering Manager Gregory Rouse noted the original Design Engineer did not participate in the bid process for construction management services and options to consider design/build bidding processes on future projects.

Commr. Mercier moved to approve Contract No. 2006-247, a Professional Services Agreement, with MWH Americas, Inc., for construction management services for the University/Interstate 75 (I-75) Force Main, Phase II Project, in the amount of \$1,020,706.00. The motion, seconded by Commr. Staub, carried without objection.

(9:18:04)

9. CONTRACTS - Continued

Commr. Mercier commented on the bid submitted by a local company and moved to approve Contract No. 2006-248 with Cornerstone Businesses, Inc., for the Bahia Vista Street Force Main (Hines Avenue to Phillippi Creek) Project, in the amount of \$2,265,691.05. The motion, seconded by Commr. Staub, carried without objection.

(9:19:25)

11. CONTRACTS - Continued

Upon inquiry, Environmental Services Resource Management Manager Belinda Perry noted participation by the Southwest Florida Water Management District (SWFWMD) in the acquisition of the property, management of the property by the County, and development of a management plan/determination of public access on the parcel.

Following comments, Commr. Patterson moved to approve Contract No. 2006-250, a Management Agreement, with SWFWMD for the Deer Prairie Creek Project. The motion was seconded by Commr. Thaxton. Subsequent to comments on the Contract time period, the motion carried without objection.

(9:22:36)

12. CONTRACTS/RESOLUTIONS - Continued

Following an inquiry, Public Works Facilities Services Energy Coordinator Gary Patton commented on the Contract terms for a solar energy site lease and the time frame for the installation of the equipment, advised of and submitted a revision to Exhibit D of the Contract to reflect a 250-kilowatt rating, reviewed the Contract provisions, and noted the "Get EmPOWERED! Energy Festival" to be held on April 29, 2006, at the G.Wiz facility in Sarasota.

Discussion ensued with Florida Power and Light Company (FPL) Account Manager Russ Chamberlin and FPL Area Manager Mel Kline on the equipment to be utilized, the Sunshine Energy Program available for public participation, and the time frame for future availability of the Program.

12. CONTRACTS/RESOLUTIONS - Continued

Following comments by Commr. Thaxton on voluntary participation in the Sunshine Energy Program and Mr. Kline on the County's participation in energy saving programs, Commr. Staub moved to adopt Resolution No. 2006-069 to authorize the leasing of approximately one acre of County-owned land located within Rothenbach Park for the purpose of installation, construction, operation, and maintenance of a photovoltaic energy system under the FPL Sunshine Energy Program. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Commr. Staub moved to approve Contract No. 2006-251, a Solar Energy Site Lease, with PVONE, LLC, for the installation, construction, operation, and maintenance of a photovoltaic energy system under the FPL Sunshine Energy Program. The motion, seconded by Commr. Patterson, carried without objection.

(9:32:34)

20. CONTRACTS - Continued

Upon inquiry, Health and Human Services Social Services General Manager Charles Taylor reviewed, via teleconferencing, the Early Childhood Mental Health Partnership Project and the impact/benefit to the Grant Program, the time frame for the provision of services, and the funding for the lease/square footage for office space to administer the Program. (See Item 19 earlier this meeting.)

Following comments, Commr. Mercier moved to approve Contract No. 2006-256 with the Florida Center for Child and Family Development, Inc., for the Early Childhood Mental Health Partnership Project, in the amount of \$286,471.00. The motion, seconded by Commr. Staub, carried without objection.

(9:37:22)

23. CONTRACTS - Continued

Following inquiry on the design and project supervision of the Colonia Lane Improvement Project and the location of the home office of the Vendor, Commr. Staub requested consideration to schedule a discussion item on the design/build bidding process, without objection.

Commr. Staub moved to approve Contract No. 2006-257, Specific Authorization No. 2 to Contract No. 2004-214, with HDR Construction Control Corporation for construction engineering and inspection services for the Colonia Lane Improvement Project, in the amount of \$618,142.50. The motion, seconded by Commr. Thaxton, carried by a 4-1 vote, with Commr. Mercier voting "No."

(9:40:37)

26. RESOLUTIONS - Continued**27. RESOLUTIONS - Continued**

Upon inquiry, Public Works Real Property Manager Lin Kurant commented on Statutory requirements relating to building and maintaining private roads and discussed the segments of the roads to be maintained.

Commr. Patterson moved to adopt Resolution No. 2006-074 for the purpose of filing and approving a Maintained Right-Of-Way Map for West Crest Drive, from Keyway Road to the Overbrook Gardens Subdivision, pursuant to Florida Statutes, Section 95.361. The motion, seconded by Commr. Mercier, carried without objection.

26. RESOLUTIONS - Continued**27. RESOLUTIONS - Continued**

Following comments on the length of the road and Staff confirmation to provide additional information relating to the original roadway construction, Commr. Patterson moved to adopt Resolution No. 2006-075 for the purpose of filing and approving a Maintained Right-Of-Way Map for Lychee Road, from Lychee Lane to Goya Drive, lying between Tamiami Trail and Palmetto Street, pursuant to Florida Statutes, Section 95.361. The motion, seconded by Commr. Mercier, carried without objection.

(9:44:22)

28. CONTRACTS - Continued

Upon inquiry, Community Services Parks and Recreation General Manager John McCarthy reviewed the location of the parcel under consideration and proximity to Shamrock Park. Discussions were held with Mr. McCarthy on the following topics/issues:

- Contract terms to guarantee access easement to the parcel/rights to be acquired
- ownership of abutting parcels
- existing drainage easement within the boundaries of Shamrock Park
- current zoning of the parcel
- benefits of the purchase.

Commr. Staub moved to approve Contract No. 2006-259, a Purchase and Sale Agreement, with the South Venice Beach Endowment Trust for an 8.0 acre \pm tract of land to provide coastal access, in the amount of \$550,000.00. The motion, seconded by Commr. Thaxton, carried without objection.

RECESS: 9:53 a.m. - 9:58 a.m.**34. STATE AGENCIES/PUBLIC WORKS**

Presentation by the Florida Department of Transportation (FDOT) on the U.S. 41 Bypass Project.

Following comments by Public Works Transportation Mobility General Manager Clarke Davis, FDOT Project Manager Chris Piazza and Senior Vice President Jeffrey Trim of WadeTrim, Inc., gave a PowerPoint presentation on the U.S. 41 Bypass Project design change proposals. Discussions were held with Mr. Piazza and Mr. Trim on the following topics/issues:

- previous design proposals for three segments
- updated costs/number of properties impacted
- design changes to incorporate previous Segments 1 and 2 as Alternative 1, Segment 1
- design revisions to reduce right-of-way requirements/median reduction options/width of turn lanes
- minimum median and traffic separator widths/standards/requirements
- estimated current versus previous project costs
- options to delete bicycle lanes in Alternative 2, Segment 1
- proposed location of a bicycle trail in the area
- options for shared use of sidewalks by bicycle traffic
- estimated costs for Alternative 1 versus Alternative 2
- FDOT design standards
- safety considerations for pedestrian traffic
- impact of right-of-way acquisition costs
- options for additional travel lanes.

(10:38:50)

34. STATE AGENCIES/PUBLIC WORKS - Continued

Commr. Thaxton moved to recommend approval of Design Alternative 1, Segment 1, as the preferred Alternative. The motion was seconded by Commr. Staub.

Following individual comments on the cost of Design Alternative 1 versus Design Alternative 2 and the synchronization of traffic lights, Mr. Piazza noted a presentation to the City of Venice later this date to receive their input on the project. Upon inquiry, Mr. Davis commented on options for U.S. 41 improvements.

Subsequent to comments, the motion failed by a 2-3 vote, with Commrs. Mercier and Patterson, and Chair Mills voting "No."

Commr. Staub moved to approve Design Alternative 2A, Segment 1. The motion was seconded by Commr. Patterson. Following comments on the width of the travel lanes, the motion carried by a 3-2 vote, with Commrs. Mercier and Thaxton voting "No."

Commr. Staub requested consideration to place guard rails in the median of Interstate 75, without objection, and County Administrator James Ley commented on previous Board direction relating to the U.S. 41 Bypass Project and Chair Mills noted Board action this date supersedes previous Board direction on the issue.

Individual comments followed on roadway construction, maintenance, and improvements throughout the County.

RECESS: 10:56 a.m. - 11:03 a.m.

35. CONTRACTS/RESOLUTIONS

The Board considered the ratification of the Collective Bargaining Agreement with the International Association of Firefighters (IAFF) Local No. 2546.

Emergency Services Fire Chief Brian Gorski noted consideration to ratify the IAFF Collective Bargaining Agreement effective from October 1, 2005, through September 30, 2008, summarized the benefits incorporated in the Agreement, and noted the requirement for adoption of a Budget Amendment to appropriate the funding. Discussions were held with Chief Gorski and Attorney Karen Morinelli with Ruden, McCloskey, Smith, Schuster, and Russell, on the following topics/issues:

- percentage of pay raises/pay scale/pay plan
- number of impacted employees/positions
- ranks/pay grades impacted.

Following comments by County Administrator James Ley on the collective bargaining process, Commr. Staub moved to approve Contract No. 2006-260, ratifying the Collective Bargaining Agreement with the International Association of Firefighters Local No. 2546. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Commr. Staub moved to adopt Resolution No. 2006-078, approving Budget Amendment No. B2006-059, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Chair Mills commended Staff's efforts to resolve the Contract issues.

35. CONTRACTS/RESOLUTIONS - Continued

Commr. Thaxton commented on the lack of Level of Service (LOS) requirements for public safety and fire services in the Comprehensive Plan and moved to direct Staff to begin the process for development of LOS criteria for public safety/fire services. The motion was seconded by Commr. Staub.

Following comments, Commr. Thaxton clarified the motion advising that it includes direction for the development of Goals, Objectives, and Policies, without objection. The motion carried by a 5-0 vote.

Commr. Staub commented on the impact of retiring personnel and recruitment/mobility plans for future staffing needs, and Commr. Patterson requested that Staff provide periodic reports on the facilities planning status and an analysis relating to average response times.

(11:19:03)

36. ORDINANCES

The Board considered authorization to advertise a public hearing to amend Well Drilling Ordinance No. 2003-080, as amended and codified in Chapter 54, Article XIII, Section 381-395, of the County Code, and to waive the requirement for an Economic Impact Statement (EIS).

Health and Human Services Health Department Engineer IV Robert Bolesta commented on the proposed amendments to Well Drilling Ordinance No. 2003-080.

Commr. Mercier moved to authorize advertising of a public hearing to amend Well Drilling Ordinance No. 2003-080, as amended and codified in Chapter 54, Article XIII, Section 381-395, of the County Code. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Commr. Mercier moved to waive the requirement for an EIS. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

Mr. Bolesta noted that amendments to the Well Drillers Advisory Board membership requirements would be addressed during the public hearing.

(11:22:00)

37. ADVISORY COUNCILS

Englewood Area Planning Advisory Board (EAPAB) Chairman Steven Samuels summarized the Board's activities, concerns, and future projects. Discussions were held with Chairman Samuels on the coordination of jurisdictional agency presentations and consideration of sales tax referendum issues.

Chair Mills commended the members of the EAPAB for their service to the County.

(11:29:58)

38. CONTRACTS/RESOLUTIONS

- A.** Public hearing continued from February 7, 2006, to consider a proposed Resolution, Budget Amendment No. B2006-020, to amend the Fiscal Year (FY) 2006 Budget to appropriate funding in the Utility System Budget for the Shore Road Water Distribution System, in the amount of \$900,000.00;

38. CONTRACTS/RESOLUTIONS - Continued

- B.** (Not a public hearing.) To consider a Contract with Westra Construction Corporation for the construction of water distribution lines for Shore Road, in the amount of \$1,647,200.63.

Having been duly sworn, Environmental Services Utilities Engineering Manager Gregory Rouse summarized the Board's previous consideration of the proposed Shore Road Water Distribution System Project, noted surveys completed, and distributed a copy of the survey results by the Shore Road residents.

Commr. Staub moved to close the public hearing. The motion, seconded by Commr. Mercier, carried without objection.

Commr. Thaxton moved to adopt Resolution No. 2006-079, approving Budget Amendment No. B2006-020, to amend the FY 2006 Budget to appropriate funding in the Utility System Budget for the Shore Road Water Distribution System, in the amount of \$900,000.00. Following comments on the time frame for the construction of the Project by Mr. Rouse, the motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Commr. Thaxton moved to approve Contract No. 2006-261 with Westra Construction Corporation for the construction of water distribution lines for Shore Road, in the amount of \$1,647,200.63. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

(11:36:52)

39. RESOLUTIONS/CONTRACTS

- A.** (Not a public hearing.) To ratify approval of Contract No. 2006-174, a Presuit Contract for Sale and Purchase in Lieu of Condemnation, with Alice Blackburn for the purchase of a 28.09 acre \pm parcel of land located at the southeast corner of River Road and Venice Avenue, in the amount of \$2,800,000.00;
- B.** Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-056, amending the Fiscal Year (FY) 2006 Budget to appropriate funding for the purchase and closing costs of the Blackburn property.

Having been duly sworn, Public Works Real Property Manager Lin Kurant presented an overview of the previous Board action on the purchase of a 28.09 acre \pm parcel, noting the results of the appraisals received and requested Board direction on the ratification of the Contract. Discussions were held with Ms. Kurant on the following topics/issues:

- cost per acre for the property
- existing back-up offer on the property
- options to select an alternative site for a fire station
- Contract contingency on appraisal reports/results
- determination of property values
- alternative locations for County facilities.

Commr. Mercier moved to ratify approval of Contract No. 2006-174. The motion was seconded by Commr. Thaxton.

Commr. Mercier moved to approve Budget Amendment No. B2006-056, amending the FY 2006 Budget to appropriate funding for the purchase and closing costs of the Blackburn property. The motion was seconded by Commr. Thaxton.

39. RESOLUTIONS/CONTRACTS - Continued

County Administrator James Ley discussed the availability of Emergency Services and Public Works Staff to address options for alternative site locations and anticipated costs for separate facility land costs. Upon inquiry, Community Services Principal Budget Management Analyst Natalie Hinger, duly sworn, reviewed the funding allocations for the property purchase.

Commr. Staub moved to close the public hearing. The motion, seconded by Commr. Mercier, carried without objection.

Following individual comments, the motions to ratify approval of Contract No. 2006-174 and to approve Budget Amendment No. B2006-056 failed by a 2-3 vote, with Commrs. Patterson, Staub, and Thaxton voting "No."

(11:59:40)

40. CLERK'S REPORT**A. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

The Filed for Record List was noted.

41. COUNTY ADMINISTRATOR'S REPORT**A. ADMINISTRATION/SPECIAL DISTRICTS/LEGISLATION/ORGANIZATIONS**

County Administrator James Ley presented and discussed the following items:

- requested the ratification of Organization and Employee Development Program Administrator Sue Marcinko as the Human Resources Director
Commr. Patterson moved to ratify the appointment of Ms. Marcinko as the Human Resources Director. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.
- reviewed and submitted language modifications for the West Village District relating to infrastructure planning conflicts
Commr. Mercier moved to approve language modifications as submitted. The motion was seconded by Commr. Staub. Following comments by County Attorney Stephen DeMarsh relating to approval of the language by West Village District Representatives and the position of Florida Representative Ron Reagan, the motion carried by a 5-0 vote.
- request for authorization to forward correspondence regarding House Bill 1199 relating to the cable franchise legislation
Commr. Staub moved to authorize correspondence for the Chair's signature noting the Board's position on the legislation. The motion, seconded by Commr. Thaxton, carried without objection.
- correspondence received relating to the design of Center Road
Public Works Executive Director James Harriott provided an overview of the design/construction schedule related to the design modifications requested and the requirement to amend the existing Special Exception for the House of Worship to modify transportation stipulations. Following comments, Chair Mills noted Board consensus to maintain the existing design for Center Road.

RECESS: 12:12 p.m. - 1:32 p.m.

46. OPEN TO THE PUBLIC**A. PLANNING AND DEVELOPMENT SERVICES**

Mr. John Minder commented on the re-roofing permit process in the County. Following comments on Staff review of the permitting process, County Administrator James Ley noted an on-going civil matter involving Mr. Minder, discussed the County's permitting process, and noted that Staff will review the status of permits for the project in Mr. Minder's development and provide information on the requirements relating to re-roofing activities.

(1:44:45)

47. PLANNING AND DEVELOPMENT SERVICES

The Board considered the following Items:

- A.** Authorization to proceed with two publicly-initiated Comprehensive Plan Amendments as part of the 2007-01 Cycle of Amendments to include: (a) an amendment to the Annual Five-Year Schedule of Capital Improvements Program (CIP) Appropriations Plan, and (b) an amendment to the Future Land Use Chapter to provide clarification regarding the development rights of RMF (Residential Multi-Family) zoned parcels;
- B.** Authorization for Zoning Ordinance amendments to provide clarity regarding the development rights of RMF zoned parcels, to be processed concurrently with the 2007-01 Cycle of Comprehensive Plan Amendments.

Planning and Development Services Principal Planner Crystal Allred presented an overview of the proposed publicly-initiated Comprehensive Plan Amendments and Planning and Development Services Planning Director Anne McClung submitted revisions to pages C-3/C-4 and C-19/C-20. Discussions were held with Ms. Allred, Ms. McClung, Planning and Development Services Zoning Administrator MaryBeth Humphreys, Assistant County Attorney Gary Oldehoff, and Environmental Services Coastal Resources Manager Laird Wreford on the following topics/issues:

- proposed Comprehensive Plan Amendment Ordinance (labeled as Ordinance 1)
- process for publicly-initiated amendments/time frame for consideration of privately-initiated amendments
- request for a waiver of the requirement for an Economic Impact Statement (EIS), without objection
- submission of revisions to pages C-3, C-4, C-19, and C-20
- previous Board action relating to two-family structures permitted (identified on pages C-3 and C-19 revisions)
- Policy 1.1.4., Exhibit A, second bullet (page A-1), relating to clarification on building duplexes on RMF lots/rebuilding provisions/lot size/options for cross-reference to Zoning Regulations, without objection
- distinction of a Coastal High Hazard Area versus the Gulf Beach Setback Line
- Policy 1.1.4., third bullet, relating to the Transfer of Development Rights (TDR) terminology "encouraging" versus "requiring" utilization of the TDR concept
- TDR sending/receiving zone qualifications
- status of the Post Disaster Planning Process
- review for compliance with Comprehensive Plan Amendments and the Zoning Ordinance
- options for inclusion/clarification of requirements/TDR density "caps" in the proposed Ordinance, without objection.

(2:13:10)

47. PLANNING AND DEVELOPMENT SERVICES - Continued

Commr. Staub moved to authorize Staff to proceed with a publicly-initiated Comprehensive Plan Amendment as part of the 2007-01 Cycle of Amendments to amend the Annual Five-Year Schedule of Capital Improvements Program Appropriations Plan. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Commr. Staub moved to authorize Staff to proceed with a publicly-initiated Comprehensive Plan Amendment as part of the 2007-01 Cycle of Amendments to amend the Future Land Use Chapter to provide clarification regarding the development rights of RMF zoned parcels as outlined in Exhibit "A" of Staff's report, as amended. The motion was seconded by Commr. Mercier. Following clarification on the intent/required Board action, the motion carried by a 3-2 vote, with Commrs. Patterson and Thaxton voting "No."
(2:17:10)

Discussions were held with Ms. Humphreys, Assistant County Attorney Oldehoff, and Ms. McClung on the following topics/issues:

- revised page C-3, clarification of Section 6.6.1., Development Intensity Table, relating to the maximum density residential/identification of Barrier Islands/additional language
- lot/parcel size square footage pertaining to maximum densities
- lack of Medium Density Residential land use designations on Barrier Islands
- clarification to identify the Barrier Island versus Mainland density tables, without objection
- inclusion in the Zoning Ordinance Amendment
- Comprehensive Plan versus Zoning Ordinance Amendments
- consideration of Amendments by the Florida Department of Community Affairs (FDCA) relating to storm/hurricane preparation.

(2:28:51)

Commr. Staub moved to authorize Exhibit C, Ordinance No. 1, as amended, to be processed concurrently with the 2007-01 Cycle of Comprehensive Plan Amendments. The motion was seconded by Commr. Mercier. Following comments by Ms. McClung on the process and time frame for consideration of the Comprehensive Plan Amendments, the motion carried by a 3-2 vote, with Commrs. Patterson and Thaxton voting "No."

(2:32:45)

Following comments by Assistant County Attorney Oldehoff, Ms. Humphreys reviewed Exhibit C, Ordinance No. 2, relating to amendments to Zoning Ordinance No. 2003-052, as amended. Discussions were held with Ms. Humphreys, Assistant County Attorney Oldehoff, and Planning and Development Services Development of Regional Impact (DRI) Coordinator Tina Crawford on the following topics/issues:

- impact of amendments to Section 8.4.5., Requirements for Non-Conforming Lots on Barrier Islands (page C-18)
- removal of the Table on page C-18
- "call-out" subsection on page C-18
- utilization of actual square footage for parcel sizes
- Section 8.4.5.e.2. relating to setback standards/lot coverage
- definition of "all other structures" reflected in the fourth "bubble" (page C-19)
- Section 8.4.5.f. relating to maximum building coverage (page C-19)

(2:53:20)

47. PLANNING AND DEVELOPMENT SERVICES - Continued

Commr. Staub moved to incorporate that the duplex maximum building coverage be 30 percent in Section 8.4.5.f. The motion was seconded by Commr. Mercier. Following a request for clarification, Commr. Staub restated the motion, without objection, as follows (additions shown as underlined text/deletions shown as ~~striketrough~~ text):

The maximum building ~~lot~~ coverage shall be 30 ~~35~~ percent of the area of a lot or parcel less than 15,000 square feet.

The motion, as amended, carried by a 5-0 vote.

Discussions continued with Ms. Humphreys on the following topics/issues:

- inclusion of Maximum Impervious Coverage on a Lot, Section 8.4.5.g. (page C-19), on RMF lots
- Maximum Height of Structures, Section 8.4.5.h. (page C-19), relating to duplexes only or inclusion of single family development on non-conforming lots
- determination of structure height of 30 feet.

(2:57:47)

Commr. Patterson moved to incorporate a limitation of 30 feet as the maximum height of the structure on non-conforming lots of record. The motion was seconded by Commr. Staub. Following clarification, the motion carried by a 4-1 vote, with Chair Mills voting "No."

Discussion continued with Ms. Humphreys, Ms. McClung, and Assistant County Attorney Oldehoff on the following topics/issues:

- limitation on height for in-structure parking/30 foot maximum
- definition of "minimum floor elevation"
- inclusion of reference to Section 8.4.5.
- protection/infringement on property/development rights for common property ownership/accumulation of lots by a developer/Code restrictions relating to the combination/re-combination of non-conforming lots on Barrier Islands.

Commr. Mercier moved to direct Staff to review the legality relating to the accumulation of ownership of non-conforming, contiguous lots. The motion was seconded by Commr. Patterson. Following individual comments, the motion carried by a 5-0 vote.

(3:16:44)

Ms. McClung requested clarification, and following comments, Commr. Patterson moved to direct Staff to review the Daylight Plane Ordinance relating to Barrier Islands. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(3:18:27)

Upon inquiry, Ms. McClung reviewed the amendments to the proposed Ordinance as directed by the Board. Following comments, Commr. Staub moved to include "parking" in the title block (page C-5) of the proposed Ordinance to provide options to consider parking restrictions, without objection.

47. PLANNING AND DEVELOPMENT SERVICES - Continued

Commr. Mercier moved to authorize advertising of a public hearing to consider a proposed Ordinance (identified as Ordinance No. 2 in Staff's report), as amended, to amend Ordinance No. 2003-052, as amended and codified as Appendix A of the County Code, and to waive the requirement for an EIS. The motion, seconded by Commr. Staub, carried by a 3-2 vote, with Commrs. Patterson and Thaxton voting "No."

Ms. McClung requested and Chair Mills noted Board consensus to waive the requirement for an EIS on both Ordinances. Individual comments followed.

RECESS: 3:24 p.m. - 3:35 p.m.

48. ORDINANCES

Public hearing to consider a proposed Ordinance (No. 2006-029), the Evaluation and Appraisal Report (EAR) based Comprehensive Plan Amendments, and to receive public comments relating to EAR revisions. (Note: Second public hearing scheduled on April 12, 2006.)

Having been duly sworn, Planning and Development Services Planning Director Anne McClung provided an overview of the ORC (Objections, Recommendations, and Comments) Report from the Florida Department of Community Affairs (FDCA) and noted the hearing schedule for the EAR based Comprehensive Plan Amendments. Discussions were held with Ms. McClung, Planning and Development Services Principal Planner Brian Beatty, duly sworn, and Planning and Development Services Principal Planner Matthew Lewis, duly sworn, on the following topics/issues:

- Affordable Housing incentives
- restriction on school development in rural designations/rural versus semi-rural designations
- identification of areas identified in Policy 3.5.3. relating to roadway segments/networks
- proposed locations of middle and high schools relating to Village development.

School Board Long Range Planning Director Ken Marsh, duly sworn, commented on the proposed language relating to middle and high school locations. Discussion ensued with Mr. Marsh on options to locate schools on open space areas, acreage requirements for schools, and options/process for school sites/locations.

(4:18:50)

Ms. McClung noted the process for review of the FDCA comments and County Attorney Stephen DeMarsh noted Board options to act on items this date to allow for public comment. Commr. Thaxton requested consideration to limit the "Public/Civic" use to schools only. Discussion ensued on options for school locations.

Subsequent to comments, Commr. Patterson moved to direct Staff to provide an additional alternative to provide locational areas for schools in proximity to Village areas. Following discussion on the intent, Commr. Patterson moved a substitute motion to insert the countryside line as the easterly boundary and as identified on the Future Land Use Map in lieu of "Roadway B." The motion was seconded by Commr. Staub. Commr. Thaxton requested that Staff review the issue with the School Board, without objection. The motion carried by a 5-0 vote.

(4:28:14)

48. ORDINANCES - Continued

Commr. Mercier requested clarification on the intent to utilize open space areas for school uses. Following individual comments, Commr. Mercier moved to direct Staff to explore options for open space credits for utilization as school sites. The motion was seconded by Commr. Patterson. Subsequent to individual comments, Commr. Thaxton moved to amend the motion to allow only those school uses that meet the definition for open space be allowed credit for open space. The motion was seconded by Commr. Staub.

Following discussions with Ms. McClung and Mr. Lewis on VOS Policy 4.3. (page 9-RMA-39) relating to the definition/allowable open space uses, the amendment to the motion failed by a 2-3 vote, with Chair Mills and Commrs. Mercier and Patterson voting "No." The main motion carried by a 3-2 vote, with Commrs. Staub and Thaxton voting "No."

(4:34:32)

Planning and Development Services Community Housing Manager Wendy Thomas, duly sworn, commented on affordable rental housing within the community (FDCA Group 3, Objection 4). Commr. Patterson moved to amend Policy 1.2.7., Chapter 7, Housing, as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

By 2008, the County shall put into place ~~investigate~~ opportunities for ~~encouraging~~ implementing affordable rental housing in the community, including use of the Housing Fund as a potential funding source.

Commr. Mercier moved to amend the date from 2008 to 2007, without objection, and seconded the motion. Following discussion on alternative Policy language, the motion carried by a 5-0 vote.

(4:39:10)

Mr. Beatty reviewed the FDCA Group 4, Objections 5 and 6, relating to the Future Land Use redesignation of properties along the east side of State Road (S.R.) 776. Upon inquiry, Ms. McClung commented on the "squaring off" of parcels in the Corridor Plan, Staff's recommendation for no amendments, and the intent to provide additional information on the S.R. 776 Corridor Plan to the FDCA.

Following comments by Mr. Beatty on revisions to Chapter 2, Environment, Policies 5.1.1. and 5.1.3., to provide clarification with Hurricane Vulnerability Zone references, Ms. Thomas submitted and reviewed recommended revisions to Policy 3.1.9. Discussions were held with Ms. Thomas, Public Works Business Operations General Manager Larry Arnold, duly sworn, and Ms. McClung on the following topics/issues:

- recommended affordable housing percentages/density bonuses
- integration of transit route requirements
- definition/defining of the phrase "Neighborhood Based Mobility strategy."

(4:51:46)

Mr. Beatty reviewed additional proposed revisions to Chapter 7, Housing, Policy 1.3.7. (page 20) and Chapter 2, Environment, Policy 4.6.1. (page 21) of Staff's report.

Discussion ensued on the schedule for review of the remaining items/issues to be discussed on April 12, 2006. Subsequent to comments, Commr. Staub moved to amend Chapter 9, Future Land Use, Policy 3.1.3., first sentence, substituting the word "may" for the word "shall." The motion was seconded by Commr. Mercier. Following individual comments, the motion carried by a 5-0 vote.

48. ORDINANCES - Continued

Following comments on additional editing by Staff, County Attorney Stephen DeMarsh noted and Commr. Staub moved to continue the public hearing to April 12, 2006, at 9:00 a.m., or as soon thereafter as possible. The motion, seconded by Commr. Thaxton, carried without objection.

RECESS: 5:03 p.m. - 5:14 p.m.

49. PLANNING AND DEVELOPMENT SERVICES

Second public hearing to consider the East Venice Avenue Plan to provide a framework for the preservation, planning, and development of properties within the East Venice Avenue area. The East Venice Avenue planning area includes properties along the south side of Venice Avenue and north to Interstate 75 (I-75) with North River Road as the eastern boundary and Jacaranda Boulevard as the western boundary. The Board imposed a temporary moratorium on the future zoning changes in the planning area pending completion of the Plan. (Planning Commission recommended approval.) (Note: The first public hearing was held on March 21, 2006.)

Having been duly sworn, Planning and Development Services Planning Director Anne McClung commented on previous consideration and Board direction on the East Venice Avenue Plan.

Planning and Development Services Principal Planner Tate Taylor, duly sworn, and Ms. Anne Merrill of AMDS, Inc., duly sworn, commented on the Ownership and Preference Map and reviewed the Map legend. Discussions were held with Mr. Taylor and Ms. Merrill on the following topics/issues:

- residential parcels in the rezoning process (exempt from the moratorium)
- options for exclusion of properties currently rezoned or under development
- "Ivey" property classification
- connectivity/access/block planning options
- lack of response from the City of Venice
- preservation of the rural character of the area.

(5:33:10)

The following individuals, duly sworn, commented on the East Venice Avenue Plan:

Mr. Mark Graham
Ms. Susan Graham
Mr. Ron Lambert
Ms. Lean Chung
Mr. Ron Thomas
Attorney Michael Furen
Mr. Robert Mankowski

(6:03:02)

Discussions were held with Mr. Taylor, Ms. Merrill, and Ms. McClung on the following topics/issues:

- impact of the moratorium/expiration on April 14, 2006
- consideration of pending rezone petitions in the area
- options to provide/require parcel connectivity stipulations for development.

49. PLANNING AND DEVELOPMENT SERVICES - Continued

Commr. Staub moved to close the public hearing. The motion, seconded by Commr. Thaxton, carried without objection.

Discussion ensued on options/procedure for amendments to the existing zoning districts. Following comments by County Attorney Stephen DeMarsh on the land use process to be utilized based on anticipated density in the area, Commr. Mercier moved to reopen the public hearing, without objection.

(6:27:46)

Mr. Taylor commented on the proposed consideration of the East Venice Avenue Plan, requirements for additional review to process a large area Comprehensive Plan Amendment including concurrency requirements, and existing utility facilities.

Chair Mills closed the public hearing, without objection.

(6:31:50)

Commr. Staub moved to direct Staff to draft an Ordinance to address a Management Access Plan for Venice Avenue relating to connectivity for parcels fronting Venice Avenue to utilize north/south roads and to include signage options, restrictions prohibiting walls, and providing incentives to encourage block planning on both the north and south sides of Venice Avenue. The motion was seconded by Commr. Patterson.

Following individual comments, Commr. Mercier requested inclusion of Staff review/report on options to establish a Public Improvement District, without objection. Subsequent to comments by County Attorney DeMarsh on the procedure for implementation of the East Venice Avenue Plan, the motion carried by a 5-0 vote.

46. OPEN TO THE PUBLIC (Continued) - No one appeared at this time.

42. COUNTY ATTORNEY'S REPORT

A. LEGAL

Chair Mills noted deferral of the County Attorney's Report to the April 12, 2006, Board meeting.

43. COMMISSION REPORTS

A. BCC

Chair Mills noted deferral of Commission Reports to the April 12, 2006, Board meeting.

44. BCC

Chair Mills noted deferral of the County Commission Outstanding Board Assignments Report to the April 12, 2006, Board meeting.

45. BCC

Chair Mills noted deferral of the Board of County Commissioners Meeting Schedule to the April 12, 2006, Board meeting.

MEETING ADJOURNED: 6:39 p.m.