

April 11, 2007

**MINUTES  
BOARD OF COUNTY COMMISSIONERS**

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**SARASOTA COUNTY ADMINISTRATION CENTER  
1660 RINGLING BOULEVARD  
COUNTY COMMISSION CHAMBER  
SARASOTA, 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  
Stephen DeMarsh, County Attorney  
Kathleen Schneider, Deputy County Attorney  
Claudia Goodson, Deputy Clerk  
Latressa Preston, Deputy Clerk

**INVOCATION**

Environmental Services Project Scientist Rachel Herman

**PLEDGE OF ALLEGIANCE**

Commissioner Mercier

**PRESENTATION OF PROCLAMATIONS:**

National Volunteer Appreciation Week in Sarasota County - April 15 through April 21, 2007  
Guardian Ad Litem Volunteer Recognition Day in Sarasota County - April 11, 2007  
Public Safety Telecommunications Week in Sarasota County - April 8 through April 14, 2007  
Child Abuse Prevention Month - April 2007  
National Public Works Week - May 20 through May 26, 2007

**DISCUSSION SECTION:**

(9:29:03)

**1. FINANCIAL PLANNING**

The Board considered a proposed Resolution authorizing the issuance of County Variable Rate Demand Revenue Bonds requested by Planned Parenthood of Southwest and Central Florida, Inc., for the design, construction, furnishings, equipment, and landscaping of a 22,795 square foot ± health facility consisting of a medical, education, and administrative office building located at 736 Central Avenue, Sarasota, in an amount not to exceed \$8,000,000.00, providing that such revenue bonds do not constitute a debt, liability, or other obligation of the County or the State of Florida; and approving the form, execution, and delivery of various documents required in conjunction with the proposed conduit financing transaction.

Staff Presenter: Financial Planning Budget Management Analyst Richard Gleitsman

9:38:03 Board Action: Adopted Resolution No. 2007-079 authorizing the issuance of County Variable Rate Demand Revenue Bonds requested by Planned Parenthood of Southwest and Central Florida, Inc. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

**PUBLIC HEARINGS:**

(9:39:17)

**2. PUBLIC WORKS**

Second public hearing to consider a proposed Contract, a Supplemental Agreement, Amendment No. 3 to Contract No. 2006-170, with Alert Core Drilling, Inc., for the construction of necessary roadway improvements for the Clark Road/Honore Avenue Intersection Improvement Project. (Note: First public hearing was held on March 21, 2007.)

Staff Presenter: Public Works Transportation Planning Policy and Project Manager Tom Polk

Public Presenter: Attorney Jeffrey Steinsayder

9:41:06 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Staub, carried without objection.

9:41:14 Board Action: Approved Contract No. 2007-298 with Alert Core Drilling, Inc., for the construction of necessary roadway improvements for the Clark Road/Honore Avenue Intersection Improvement Project. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

(9:41:58)

**3. ENVIRONMENTAL SERVICES**

Public hearing to consider a proposed Resolution, an After-the-Fact Coastal Setback Variance Petition No. 79-03-06-380, a petition by Eric Taylor, Registered Agent for On the Beach, LLC, represented by Attorney Alan Roddy, to obtain authorization for the enclosure of the ground floor residence and the hard surface paving of the area beneath the residence. All after-the-fact construction is located a maximum of 161.3 feet seaward of the Gulf Beach Setback Line (GBSL) at the property located at 660 Beach Road, Siesta Key.

Staff Presenters: Environmental Services Project Scientist Rachel Herman, Planning and Development Services Chief Building Official Paul Radauskas, and County Attorney Stephen DeMarsh

Public Presenter: Attorney Alan Roddy

10:08:14 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

10:08:24 Board Action: Moved to adopt Resolution No. 2007-080, approving After-the-Fact Coastal Setback Variance Petition No. 79-03-06-380. Moved by Staub, seconded by Thaxton.

10:11:22 Board Action: Reopened the public hearing by Patterson, without objection.

10:11:22 Board Action: Amended the motion adding the following stipulation to the proposed Resolution: The exterior breakaway wall panels shall not be replaced with breakaway panels if they are dislodged by a storm event. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

10:15:40 Board Action: Main motion, as amended, carried by a 5-0 vote.

10:15:50 Board Action: Moved to direct the County Administrator to contact the Commonwealth of the State of Massachusetts to verify if Robert McKnight is licensed as a Contractor in Massachusetts and to advise of his possible violation of the County's Building Code. Moved by Mercier, seconded by Thaxton, ruled out of order by Patterson.

**Note: Oath/Signature Cards Filed for Record.**

**RECESS:** 10:17 a.m. - 10:30 a.m.

(10:30:52)

**4. ENVIRONMENTAL SERVICES**

Public hearing to consider a proposed Resolution, Coastal Setback Variance Petition No. 79-03-06-379, a petition by Duane DuCharme, President of Paradise Yacht Club, Inc., represented by Attorney William Merrill, Agent, for the demolition of an existing, on-grade, single-family residential structure and associated structures and construction of a swimming pool, pool deck, spa, and portions of a pile-supported, single-family residence. All proposed construction will be located a maximum of 36 feet seaward of the Gulf Beach Setback Line (GBSL) at the property fronting the Gulf of Mexico located at 3917 Casey Key Road, Nokomis.

Staff Presenters: Environmental Services Project Scientist Rachel Herman and County Attorney Stephen DeMarsh

Public Presenters: Attorney William Merrill and Casey Key Association President Richard Davis

Items submitted: A copy of a document entitled "Paradise Yacht Club Minimum Variance Necessary" and a copy of a Dimensioned Site Plan

11:07:24 Board Action: Inserted the words "North Casey Key Conservation District," and the appropriate Act No. to be provided by the Office of the County Attorney, following the words "Sarasota County laws," in Condition No. 9, Section 2, of the proposed Resolution. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11:10:14 Board Action: Requested to include language requiring compliance with the North Casey Key Conservation District and the Siesta Key Overlay District (SKOD) regulations on future Coastal Variance Petitions in the Casey Key/Siesta Key areas. Requested by Thaxton, without objection.

11:15:01 Board Action: Closed the public hearing by Patterson, without objection.

11:15:26 Board Action: Adopted Resolution No. 2007-081, as amended, approving Coastal Setback Variance Petition No. 79-03-06-379. Moved by Mercier, seconded by Thaxton, carried by a 4-1 vote; Barbetta voted "No."

**Note: Oath/Signature Cards Filed for Record.**

**RECESS:** 11:28 p.m. - 1:33 p.m.

**5. OPEN TO THE PUBLIC**

Dell Jones commented on Sustainability Programs offered to the County.

**DISCUSSION SECTION:** - (Continued)

(1:35:40)

**6. PLANNING AND DEVELOPMENT SERVICES**

The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, Zoning Ordinance Amendment No. 19, amending Ordinance No. 2003-052, as amended, and codified in Appendix A of the County Code, creating Section 6.10.9., Reductions in front, side, and rear yards and front, side, and rear landscape buffers in the Commercial General (CG) zone district by Special Exception and to waive the requirements for an Economic Impact Statement (EIS) and a Planning Commission public hearing.

**6. PLANNING AND DEVELOPMENT SERVICES - Continued**

Staff Presenters: Planning and Development Services Current Planning Manager Crystal Allred and County Attorney Stephen DeMarsh

1:40:09 Board Action: Requested clarification of "standards" in Item No. 4 of Section 6.10.9.a., of the proposed Ordinance. Requested by Patterson, without objection.

1:42:40 Board Action: Directed the County Administrator to include copies of the Zoning Code referenced in Staff's report in future Board packets. Requested by Patterson, without objection.

1:44:31 Board Action: Noted a scrivener's error and to replace "Zoning Amendment No. 19" with "Zoning Amendment No. 22" throughout the proposed Ordinance. Noted by Patterson, without objection.

1:46:06 Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance, Zoning Ordinance Amendment No. 22, and waived the requirement for an EIS and a Planning Commission public hearing. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(1:46:15)

**7. ENVIRONMENTAL SERVICES**

The Board discussed the "Roadmap to Sustainability."

Staff Presenters: County Administrator James Ley, Environmental Services Resource Protection Manager Amy Meese, and Environmental Services Water Resources General Manager Theresa Connor

Public Presenter: Health and Human Services Environmental Administrator Charles Henry

Item submitted: A copy of the PowerPoint presentation

2:31:00 Board Action: Requested to coordinate/educate sustainability planning and programming with the citizens of the community. Requested by Barbetta, without objection.

2:37:21 Board Action: Requested to educate the business community regarding sustainability planning. Requested by Staub, without objection.

2:38:14 Board Action: Requested to educate/train the developers on the products utilized for sustainability. Requested by Staub, without objection.

**PUBLIC HEARINGS: - (Continued)**

(2:40:36)

**8. FINANCIAL PLANNING**

**A.** Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-035, to reimburse funds to the City of North Port from the City of North Port's Parks and Recreation Capital Improvement Program, in the amount of \$353,035.00;

**B.** (Not a public hearing.) The Board considered a proposed Resolution authorizing the use of the reimbursed funds, as defined in Section 70-175 of the County Code, solely to fund Park Facility Projects located within the City of North Port, pursuant to the 1993 Interlocal Agreement (Contract No. 93-314).

Staff Presenter: Financial Planning Fiscal Planning General Manager Jeffrey Seward

**8. FINANCIAL PLANNING - Continued**

2:44:09 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

2:44:43 Board Action: Adopted Resolution No. 2007-082, approving Budget Amendment No. B2007-035. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

2:45:20 Board Action: Adopted Resolution No. 2007-083, authorizing the use of the reimbursed funds. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

(2:45:44)

**9. FINANCIAL PLANNING**

Public hearing to consider proposed Ordinance No. 2007-042, repealing and replacing Ordinance No. 77-042, the Florida Power and Light Company Franchise Ordinance.

Staff Presenters: Financial Planning Office of Special Initiatives Manager William Brown and Deputy County Attorney Kathleen Schneider

Public Presenters: Raymond Kaiser, Dell Jones, Rod Krebs, Lea Hall, Sigi Moriece, Klaus Obermeit, and Mel Klein representing Florida Power and Light (FPL) Company

Item submitted: A copy of an e-mail from George Cavros

2:55:45 Board Action: Requested to review/outline provisions to permit the implementation of new energy sources for County facilities and the community. Requested by Thaxton, without objection.

3:41:35 Board Action: Requested to consider Contracts with shorter terms. Requested by Barbetta, without objection.

3:50:36 Board Action: Continued the public hearing to May 1, 2007, at 9:00 a.m., or as soon thereafter as possible. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

**RECESS:** 3:51 p.m. - 4:03 p.m.

**10. ENVIRONMENTAL SERVICES**

Public hearing continued from February 14, 2007, to consider a proposed Resolution authorizing WNCA Major Work Permit Application No. 2006-138255-RW submitted by Denis Lambillotte, Consultant, on behalf of Snavelly Siesta Association, LLC, for the dredging of a basin to the -5.0-foot contour (as measured at mean low water) adjacent to the Intracoastal Waterway, installation of a rock rip-rap at a culvert outfall, and construction of a multi-slip dock facility to accommodate seven mooring areas for the property located at Summer Cove Condominium, 6101 Midnight Pass Road, Siesta Key.

Chair Patterson recessed the Board of County Commissioners (BCC) and convened as the Water and Navigation Control Authority (WNCA).

Staff Presenter: Environmental Services Resource Protection Environmental Supervisor Howard Berna

Public Presenters: Attorney Jeffrey Steinsnyder and Gary Comp, representing Snavelly Siesta Association, LLC, and Thomas Fastiggi

**10. ENVIRONMENTAL SERVICES - Continued**

Items submitted: Copies of a photograph, a recorded Conservation Easement, and e-mails from Stephen and Carol Schwalbe and Stephen Douglas Barnett

4:09:24 Board Action: Requested clarification of the "pier kayak launch." Requested by Patterson, without objection.

4:35:24 Board Action: Closed the public hearing by Patterson, without objection.

4:37:16 Board Action: Adopted Resolution No. 2007-084, denying WNCA Major Work Permit Application No. 2006-138255-RW. Moved by Barbetta, seconded by Staub, carried by a 5-0 vote.

Chair Patterson adjourned the WNCA and reconvened as the BCC.

**Note: Oath/Signature Cards Filed for Record.**

**11. OTHER BUSINESS**

(11:20:47)

**A. ADMINISTRATION**

The Board reviewed the Board of County Commissioners Meeting Schedule deferred from the April 10, 2007, meeting.

11:24:45 Board Action: Requested that the County Administrator designate a member of Staff to represent the Board at Community Alliance meetings, with Commrs. Staub and Barbetta rotating their attendance when possible. Requested by Patterson, without objection.

11:25:42 Board Action: Requested that the County Administrator provide a report to the Board regarding the Early Learning Coalition meetings. Requested by Patterson, without objection.

(11:26:10)

**B. ADMINISTRATION**

The Board reviewed the County Commission Outstanding Board Assignments Report dated April 5, 2007, deferred from the April 10, 2007, meeting.

**12. OPEN TO THE PUBLIC - Opened and closed without comment.**

**MEETING ADJOURNED:** 4:37 p.m.

**MINUTES APPROVED:** \_\_\_\_\_

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Chair