

September 26, 2006

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

Book 74
Page 498

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

8:00 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

INVOCATION

Pastor Jim McClelland, Fishers of Men Bible Church

PLEDGE OF ALLEGIANCE

Commissioner Staub

Also present were:

James Ley, County Administrator
Stephen DeMarsh, County Attorney
Peter Ramsden, Clerk of Circuit Court Finance Director
Claudia Goodson, Deputy Clerk

1. CONTRACTS

Public hearing to consider a proposed Stipulated Settlement Agreement in the Case of Sarasota County School Board v. Florida Department of Community Affairs and Sarasota County Board of County Commissioners, DOAH Case No. 06-002642GM, DCA Docket No.: 06-2ER-NOI-5801-(A)(I).

Following comments by County Administrator James Ley, Assistant County Attorney Gary Oldehoff summarized the proposed Settlement Agreement and commented on the current versus the original language relative to Future Land Use designations and the location of schools.

Discussions were held with Assistant County Attorney Oldehoff on the following topics/issues:

- planning efforts/impacts to the Interlocal Agreement with the School Board
- provisions of the Comprehensive Plan/location of schools in relation to the Countryside Line
- language submitted with the EAR-based Comprehensive Plan Amendments
- process for future school sitings
- Joint Planning Agreements (JPA) with municipalities
- basis for school sitings outside of the Urban Service Area.

(8:14:15)

Attorney Alan Roddy, duly sworn, commented on the proposed Settlement Agreement.

Upon inquiry, County Attorney Stephen DeMarsh commented on Florida Statutes and noted the advertisement of a public hearing to consider a proposed Ordinance, amending the EAR Comprehensive Plan Amendments on September 27, 2006.

1. CONTRACTS - Continued

School Board Long Range Planning Director Ken Marsh, duly sworn, commented on the proposed Settlement Agreement.

Discussions were held with Mr. Marsh, County Attorney DeMarsh, and Assistant County Attorney Oldehoff on the following topics/issues:

- provisions of the Interlocal Agreement
- school site selection process
- number of projected schools within the next three to four years
- school locations in conjunction with a Village development
- EAR language/Village Master Plan process/depiction of the Countryside Line/Sarasota 2050 Resource Management Area (RMA) maps
- acreage needed for schools
- growth/population impacts/additional school needs
- number of schools built within the last six years/number of projected schools in the City of North Port
- need for schools in the absence of Village development/impacts of the EAR based Comprehensive Plan Amendments.

Commr. Staub moved to approve Contract No. 2006-436, the Stipulated Settlement Agreement in the Case of Sarasota County School Board v. Florida Department of Community Affairs and Sarasota County Board of County Commissioners, DOAH Case No. 06-002642GM, DCA Docket No.: 06-2ER-NOI-5801-(A)(I). The motion was seconded by Chair Mills. Following comments, the motion carried by a 3-2 vote, with Commrs. Thaxton and Patterson voting "No."

(8:40:15)

CONSENT MOTION

A motion was made by Commr. Thaxton, seconded by Commr. Staub, and carried by a 5-0 vote to approve Items 1-22 as follows, with the exception of Items 3, 7, 9, 11, 12, 14, 15, and 20, considered later this meeting. County Administrator James Ley noted distribution of an Interoffice Memorandum regarding a request by the Property Appraiser's Office to add additional surplus items to Item 9.

2. PROCLAMATIONS

Ratified the following previously issued Proclamations:

- A. Native American Day, September 22, 2006;
- B. National Assisted Living Week, September 10 through September 16, 2006.

3. ADVISORY COUNCILS

See consideration of the following Items, later this meeting:

- A. To reappoint Mickalina Novikova to serve a one-year term on the Parks Advisory and Recreation Council (PARC), as the Student Taking Active Roles (STAR) in Government Representative;
- B. To appoint Dawn Stoddart to serve a three-year term on the PARC, as the City of Venice Representative;
- C. To reappoint Mille Small to serve a three-year term on the PARC, as the City of Sarasota Representative;
- D. To appoint two individuals to serve three-year terms on the PARC, as the Neighborhood Interest Representatives.

4. DEEDS

Authorized execution of the Archaeological Protective Covenant, pursuant to Section 66-76(a) of the County Code for the property known as Site No. 8SO1376, Lucke Midden, partially located at 8541 Midnight Pass Road.

5. GRANTS

Authorized submission of a Grant Application to the Florida Division of Library and Information Services for the Fiscal Year (FY) 2007 State Aid Libraries Grant with the County Library System Fiscal Year 2007 Business Plan.

6. CONTRACTS

Approved Contract No. 2006-439, Amendment No. 2 to Contract No. 2002-377, with the Florida Water Pollution Control Financing Corporation to reduce the construction loan for the Bee Ridge Water Reclamation Facility, in the amount of \$2,731,716.00.

7. CONTRACTS

See consideration of the following Items later this meeting:

- A.** A Contract, a Professional Services Contract, with Coastal Planning and Engineering, Inc., for coastal engineering services;
- B.** A Contract, a Professional Services Contract, with Coastal Technology Corporation, for coastal engineering services;
- C.** A Contract, a Professional Services Contract, with Erickson Consulting Engineers, Inc., for coastal engineering services;
- D.** A Contract, a Professional Services Contract, with Post, Buckley, Schuh, and Jernigan (PBS&J), Inc., for coastal engineering services.

8. RESOLUTIONS

Adopted Resolution No. 2006-194, a Rate Resolution, amending the Solid Waste Service District rate schedule for Fiscal Year (FY) 2007 with Waste Management, Inc., of Florida based upon the Consumer Price Index (CPI).

9. FINANCIAL PLANNING

See consideration to authorize the disposal of vehicles and off-road equipment, earlier and later this meeting.

10. CONTRACTS

Approved Contract No. 2006-444 with the Economic Development Corporation of Sarasota County (EDCSC) for implementation services of the County's Economic Development Strategic Plan for Fiscal Year (FY) 2007.

11. CONTRACTS

See consideration of the standardized Tourist Development Cultural/Arts Grant Agreement that will be offered to Fiscal Year (FY) 2007 recipients, later this meeting.

12. RESOLUTIONS

See consideration of a Resolution to allow the County Business Centers to write-off uncollectible accounts receivable, later this meeting.

13. CONTRACTS

Approved Contract No. 2006-445, a Collective Bargaining Agreement with the Citrus, Cannery, Food Processing and Allied Workers, Drivers, Warehousemen, and Helpers, Local Union No. 173, for the period of October 1, 2005, through September 30, 2008.

14. RESOLUTIONS

See consideration of Resolution No. 2006-175 authorizing the expedited processing of County Development Orders in developments incorporating Affordable Housing, later this meeting.

15. CONTRACTS

See consideration of a Contract, a Funding Agreement, with the Community Housing Trust of Sarasota, Inc., for operating funds, later this meeting.

16. CONTRACTS

Approved Contract No. 2006-446, Change Order No. 1 to Contract No. 2006-342, with APAC Southeast, Inc., for the milling and resurfacing of a portion of River Road and increasing existing quantities of asphalt, in the amount of \$334,155.77.

17. RESOLUTIONS

Adopted Resolution No. 2006-196 establishing a time and place for consideration of vacating and abandoning the County's interest in a portion of an unnamed, unimproved public platted 25-foot wide right-of-way located in Tract 33, Palmer Farms, Third Unit.

18. RESOLUTIONS

Adopted Resolution No. 2006-197, a Budget Amendment No. B2006-097, amending the Fiscal Year (FY) 2006 Budget to appropriate Florida Department of Agriculture and Consumer Services Grant funding for the Children's Educational Forestry Website - Forestopia, in the amount of \$10,000.00.

19. RESOLUTIONS

- A.** Approved the funding allocation for participation in the National Child Identification (ID) Program, in the amount of \$20,733.00;
- B.** Adopted Resolution No. 2006-198, Budget Amendment No. B2006-098, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding.

20. CONTRACTS

See consideration of the following Items later this meeting:

- A.** To approve a Contract with Dr. Christopher Swain for obstetric and gynecological services for the Health Department to provide supplemental compensation;
- B.** To approve a Contract with Dr. Ezer Ojeda for obstetric and gynecological services for the Health Department to provide supplemental compensation;
- C.** To approve a Contract with Dr. Evelyn Santiago for obstetric and gynecological services for the Health Department to provide supplemental compensation;
- D.** To approve a Contract with Dr. John Abu for obstetric and gynecological services for the Health Department to provide supplemental compensation.

21. WARRANTS

Ratified and approved the warrants dated September 5 through September 15, 2006, in the amount of \$35,045,427.02, as detailed in the voucher packages filed in the Finance Department.

22. MINUTES

Approved the Minutes of the meetings dated August 31, September 11, September 12, and September 13, 2006.

(8:44:07)

3. ADVISORY COUNCILS - Continued

Commr. Staub inquired and Community Services Parks and Recreation General Manager John McCarthy noted the applications received and the Board's options regarding the appointment of the two individuals to serve as the Neighborhood Interest Representatives on the Parks Advisory and Recreation Council (PARC).

Following comments, Commr. Staub nominated Robert Sisum. Commr. Patterson nominated John Hampshire. Commr. Mercier moved to close the nominations. The motion, seconded by Commr. Thaxton, carried without objection.

Chair Mills noted the appointment of Robert Sisum and John Hampshire to serve three-year terms on the PARC, as the Neighborhood Interest Representatives, effective through September 2009.

Following comments, Commr. Staub moved the following Items:

- Reappointed Mickalina Novikova to serve a one-year term on the PARC, as the Student Taking Active Roles (STAR) in Government Representative, effective through September 2007;
- Appointed Dawn Stoddart to serve a three-year term on the PARC, as the City of Venice Representative, effective through September 2009;
- Reappointed Mille Small to serve a three-year term on the PARC, as the City of Sarasota Representative, effective through September 2009.

The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

(8:50:42)

7. CONTRACTS - Continued

Commr. Mercier inquired and Public Works Construction Projects Manager Spencer Anderson noted the exclusion of the Midnight Pass Project from the professional coastal engineering service Contracts and commented on the use of Erickson Consulting Engineers, Inc., in other County Coastal Projects. Discussion ensued with Mr. Anderson and County Administrator James Ley on the eligibility/exemption of engineering companies to provide services on the Midnight Pass Project.

Following comments, Commr. Mercier moved to approve the following Contracts:

- Contract No. 2006-440, a Professional Services Contract, with Coastal Planning and Engineering, Inc., for coastal engineering services, in the amount of \$1,500,000.00;
- Contract No. 2006-441, a Professional Services Contract, with Coastal Technology Corporation, for coastal engineering services, in the amount of \$1,500,000.00;
- Contract No. 2006-442, a Professional Services Contract, with Erickson Consulting Engineers, Inc., for coastal engineering services, in the amount of \$1,500,000.00;
- Contract No. 2006-443, a Professional Services Contract, with Post, Buckley, Schuh, and Jernigan (PBS&J), Inc., for coastal engineering services, in the amount of \$1,500,000.00.

7. CONTRACTS - Continued

The motion was seconded by Commr. Patterson. Following comments on funds expended toward the Midnight Pass Project, the motion carried by a 5-0 vote.

(8:56:58)

9. FINANCIAL PLANNING - Continued

Commr. Patterson inquired and County Administrator James Ley commented on the process relative to the purchase of County surplus items by the West Coast Inland Navigation District (WCIND) and non-profit entities and noted agreement that Staff would contact WCIND Executive Director Charles Listowski regarding the process.

Commr. Patterson moved to authorize the disposal of vehicles and off-road equipment. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(8:58:54)

11. CONTRACTS - Continued

Commr. Thaxton inquired and County Administrator James Ley commented on the Contract language relative to the tracking of funding allocations and the ability to audit the utilization of the funds for compliance with State Law and the Tourist Development Tax Ordinance and advised that Staff would review the language in future documents for consistency with the enacting Ordinance.

Commr. Thaxton moved to approve the standardized Tourist Development Cultural/Arts Grant Agreement that will be offered to Fiscal Year (FY) 2007 recipients. The motion was seconded by Commr. Staub. Following comments, the motion carried by a 5-0 vote. Chair Mills requested a Staff report on the balance of the TDT Grant Fund, without objection.

12. RESOLUTIONS - Continued

Commr. Patterson inquired and Emergency Services Fire Operations General Manager Assistant Fire Chief Paul Dezzi commented on the collection rate/process and noted agreement to provide an e-mail on the past years' recovery rate.

Following comments, Commr. Staub moved to adopt Resolution No. 2006-195 to allow the County Business Centers to write-off uncollectible accounts receivable, in the amount of \$1,091,668.51. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:04:50)

14. RESOLUTIONS - Continued

Commr. Mercier inquired and Planning and Development Services Community Housing Manager Wendy Thomas commented on the status of the Laurel Street Project. Discussion ensued with Ms. Thomas on the City of Sarasota's Comprehensive Plan Cycle, status of the Hatton Street development, and coordination efforts with the City of Sarasota.

Economic Development Corporation of Sarasota County (EDCSC) President Kathy Baylis noted agreement to bring the matter to the Workforce Housing Coalition to assist in the Community Housing development.

Discussion ensued with Ms. Thomas and Community Housing Trust (CHT) Chief Executive Officer Martina Guilfoil on the time frame/schedule for site development/construction and the Memorandum of Understanding, and the status of the closing of the Habitat Homes in South County.

14. RESOLUTIONS - Continued

Commr. Thaxton moved to adopt Resolution No. 2006-175 authorizing the expedited processing of County Development Orders in developments incorporating Affordable Housing. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(9:18:06)

15. CONTRACTS - Continued

Commr. Staub inquired and Community Housing Trust (CHT) Chief Executive Officer Martina Guilfoil responded to inquiries on the process relative to Exhibit C, Housing Creation Plan, Item 4.a.iii., Equity in exchange for rehabilitating a home, and the role of the CHT regarding rental mobile home parks and cooperative ownership conversions. Discussion ensued on cooperative ownerships, use of public funding to purchase mobile home parks, amount of CHT funding received last year, and rehabilitation funding.

Following an inquiry regarding the monthly payment schedule, Planning and Development Services Community Housing Manager Wendy Thomas noted a correction to Section III. Payment, of the proposed Contract and advised that the payments will not be disbursed on a monthly basis and that the Fund will reimburse the CHT as expenses occur.

Subsequent to discussion with Ms. Thomas, Financial Planning Fiscal Planning General Manager Jeffrey Seward, County Attorney Stephen DeMarsh, and Clerk of the Circuit Court Finance Director Peter Ramsden on the funding disbursement/allocation and revisions to the proposed Contract, Commr. Patterson moved to direct Staff to revise the Funding Agreement, with the Community Housing Trust of Sarasota, Inc., for operating funds, in the amount of \$250,000.00, and to bring back for Board consideration at the September 27, 2006, meeting. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

Upon inquiry, Ms. Thomas noted a future Board discussion on Staff's recommendation regarding the allocation of the proceeds from the City of North escheated lot sales to affordable housing. Discussion ensued with Ms. Thomas and County Administrator James Ley on the process/procedure to disburse/invest the funds and possible creation of an endowment fund/foundation.

(9:36:12)

20. CONTRACTS - Continued

Chair Mills inquired on risks to the County regarding obstetric and gynecological claims and County Attorney Stephen DeMarsh referenced Section VI. of the proposed Contracts relative to the County's sovereign immunity, advised that the practitioners are not County employees, and commented on the County's inability to obtain an indemnity agreement from the State and liability insurance costs.

Health and Human Services Clinical and Community Health Services Division Director Melanie Michael commented on risks to the County in the event of medical claims and advised of the practitioners' membership and coverage through the Neurological Injury Compensation Association (NICA) Fund. Following comments on malpractice insurance coverage and the number of reported injuries within two years, Commr. Mercier requested a Staff report on the type of claims filed, without objection.

County Attorney DeMarsh noted the basis of the proposal relative to Statutory requirements on the salary caps for the practitioners. Discussion ensued on supplemental versus lump sum payments and direct payments to the practitioners.

20. CONTRACTS - Continued

Commr. Staub moved to approve the following Items:

- Contract No. 2006-447 with Dr. Christopher Swain for obstetric and gynecological services for the Health Department to provide supplemental compensation, in the amount of \$40,000.00;
- Contract No. 2006-448 with Dr. Ezer Ojeda for obstetric and gynecological services for the Health Department to provide supplemental compensation, in the amount of \$40,000.00;
- Contract No. 2006-449 with Dr. Evelyn Santiago for obstetric and gynecological services for the Health Department to provide supplemental compensation, in the amount of \$40,000.00;
- Contract No. 2006-450 with Dr. John Abu for obstetric and gynecological services for the Health Department to provide supplemental compensation, in the amount of \$40,000.00.

The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
(9:44:57)

PRESENTATION OF PROCLAMATIONS:

National Estuaries Day - Sarasota Bay, September 30, 2006
National Estuaries Day - Charlotte Harbor, September 30, 2006

23. RESOLUTIONS

The Board considered the following Items:

- A.** Acceptance of a bequest from the Estate of Betty Chellman to be deposited into an Endowment Fund for the Selby Public Library;
- B.** To adopt a proposed Resolution, Budget Amendment No. B2006-096, to appropriate the funding from the bequest.

Community Services Library Manager Sarabeth Kalajian presented an overview on the bequest from the Estate of Betty Chellman, reviewed the disbursement/use of the endowment funding for the Selby Public Library, and introduced Community Services Administrative Coordinator June Pearson who commented on Ms. Chellman's service as a life-long library patron and volunteer.

Discussions were held on the following topics/issues:

- monitoring the fund investments
- amount of the bequest
- direction for the use of the funds.

Following comments, Commr. Staub moved to accept the bequest from the Estate of Betty Chellman to be deposited into an Endowment Fund for the Selby Public Library, in the amount of \$635,000.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Following comments, Commr. Staub moved to adopt Resolution No. 2006-199, approving Budget Amendment No. B2006-096 to appropriate the funding. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

RECESS: 9:54 a.m. - 10:08 a.m.

24. GRANTS/MUNICIPALITIES

The Board considered a Land Use Agreement Term Sheet as part of the City of Sarasota's Spring Training Grant Application for funding in support of the Ed Smith Stadium Redevelopment Project.

Financial Planning Fiscal Planning General Manager Jeffrey Seward presented an overview of Staff's report on the Land Use Agreement Term Sheet recommended by the Florida Sports Foundation to be submitted with the City of Sarasota's Spring Training Grant Application.

Following comments by County Attorney Stephen DeMarsh and County Administrator James Ley on the terms/provisions of the Term Agreement, discussions were held on the following topics/issues:

- description of real estate involved in the transaction/County-owned property for the youth sports facility
- goal and objective/comparison to a Letter of Intent
- Commr. Patterson moved to revise the Use Agreement provision as follows (additions shown as underlined text/deletions shown as ~~striketrough~~ text):
The City will enter into a use agreement with the County giving specifying the terms of the City and County ~~exclusive~~ use of the proposed site during the term." The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 5-0 vote.
- request for documentation regarding the costs/provisions regarding construction on a landfill site, without objection
- suggestion to create a Project Review Committee consisting of City/County Commission Representatives/Administrative Staff/Fair Board Members
- costs to replace the youth sports facilities/alternatives/practice fields for the Cincinnati Reds
- site identification.

(10:26:07)

Sarasota City Sports Facilities Manager Patrick Calhoon commented on the State requirements relative to the Land Use Agreement Term Sheet. Discussion ensued with Mr. Calhoon on the following topics/issues:

- State allocations/local matching funds
- site locations
- use of the existing facility by the Cincinnati Reds/practice fields
- compensation for the County-owned land
- relocation expenses for the Fair
- costs to build the Stadium excluding land costs/construction contract provisions.

Commr. Staub moved to approve the Land Use Agreement Term Sheet, as amended. The motion was seconded by Commr. Mercier. Following clarification of the amended language, the motion carried by a 5-0 vote.

24. GRANTS/MUNICIPALITIES - Continued

Commr. Mercier moved to establish a Project Review Committee, with consent of the Sarasota City Commission, to be composed of a City and County Commissioner, City/County Administration Staff, Fair Board President Rory Martin, and a Fair Board Representative. The motion was seconded by Commr. Staub. Following comments, the motion carried by a 5-0 vote.

Commr. Mercier moved to designate Commr. Staub as the Board's Representative on the Project Review Committee. The motion, seconded by Commr. Thaxton, carried without objection.

(10:40:37)

25. ORDINANCES

The Board considered authorization to advertise a proposed Ordinance, amending Ordinance No. 72-084, as amended and codified in Chapter 54, Article XX of the County Code, to revise the Water and Navigation Control Authority (WNCA) Code to create consistency with the changes as adopted in the Comprehensive Plan and to clarify the language on the application and functions to protect the natural resources, navigation, and private property rights.

Environmental Services Resource Protection Environmental Supervisor Howard Berma commented on the impacts of the previously adopted Evaluation and Appraisal Report (EAR) based Comprehensive Plan Amendments and presented an overview of Staff's report on proposed revisions to the WNCA Code.

Discussions were held with Mr. Berma and Environmental Services Resource Protection Supervisor Matthew Osterhoudt on the following topics/issues:

- options for waterway width criteria/Section 54-65(1)(a)(1), (2), (3), and (4)
- variance caps
- shoreline frontage/Section 54-65(1)(f)
- repair and replacement of existing shoreline structure options/Section 54-653(4)(f)(1)/Minor versus General Work Permit provisions
- request to clarify the language in Section 54-653(4)(g)(9) regarding Government exemption options, without objection/impacts to County Projects
- options for mitigation requirements/new Section 54-656(7)
- process/provisions relative to After-the-Fact petitions
- Contractors/fines/penalties/homeowner responsibilities.

Following comments, Commr. Staub moved to authorize advertisement of a proposed Ordinance, amending Ordinance No. 72-084, to revise the WNCA Code. The motion was seconded by Commr. Thaxton. Mr. Osterhoudt responded to an inquiry regarding previously dredged portions of access channels in Section 54-65(1)(e)(1) and referenced the definition of Maintenance Excavation in Section 54-652, Definitions, relative to the dredging of an existing, functional channel. Following comments, the motion carried by a 5-0 vote.

(11:21:48)

26. RESOLUTIONS

Public hearing to consider a proposed Resolution, Special Exception Petition No. 1629, a petition by Kreg Maheu, Agent, to allow the expansion of an existing House of Worship on five acres \pm located at the northwest corner of East Venice Avenue and North Jackson Road in an OUE-1 (Open Use, Estate, 1 unit/5 acres) zone district. (Planning Commission recommended approval.)

Having been duly sworn, Planning and Development Services Senior Planner Kirk Crane summarized the proposal to allow the expansion of an existing House of Worship in an OUE-1 zone district and noted the Planning Commission's recommendation for approval with five stipulations.

Discussions were held with Mr. Crane and Planning and Development Services Current Planning Manager Crystal Allred, duly sworn, on the following topics/issues:

- conformity with the East Venice Overlay District
- retention of the trees on Venice Avenue
- square footage of the structures
- notification to the City of Venice regarding the petition
- existing right-of-way/dedication provisions.

(11:27:03)

Agent Kreg Maheu, duly sworn, commented on the proposed plans, noted agreement with the recommended stipulations, and supported approval. Upon inquiry, Mr. Maheu noted the total square footage for the proposed structures.

Following comments regarding additional right-of-way needs, determination during site and development review, and the ability to require Developer Agreements, County Attorney Stephen DeMarsh noted a future Staff report on the Board's options relative to obtaining right-of-way.

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

Commr. Staub moved to adopt Resolution No. 2006-200, approving Special Exception Petition No. 1629, with five stipulations. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

(11:30:24)

27. RESOLUTIONS

Public hearing to consider a proposed Resolution, Special Exception Petition No. 1627, a petition by Alan Garrett, Agent, to allow the expansion of an existing House of Worship on 18 acres \pm located at the southwest corner of Ohio Avenue and Old Englewood Road. (Planning Commission recommended approval.)

Having been duly sworn, Planning and Development Services Planner Edward Wolfe summarized the proposal to expand an existing parish hall and add additional parking spaces for an existing House of Worship and noted the Planning Commission's recommendation for approval with seven stipulations.

(11:34:01)

27. RESOLUTIONS - Continued

Agent Alan Garrett, duly sworn, commented on the proposed plans, noted agreement with the recommended stipulations, and supported approval.

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

Commr. Staub moved to adopt Resolution No. 2006-201, approving Special Exception Petition No. 1627 with seven stipulations. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(11:36:31)

28. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-054, providing for the creation of the Forked Creek Neptune Navigable Waterway Project, pursuant to Resolution No. 2003-100.

Having been duly sworn, Environmental Services Waterways Program Administrator Paul Semenek summarized the proposal to create the Municipal Services Benefit Unit (MSBU) for the Forked Creek Neptune Navigable Waterway Project, reviewed the proposed dredging details, estimated Project costs, West Coast Inland Navigation District (WCIND) contributions, and the projected property assessments, and noted Staff's recommendation for approval.

Discussions were held with Mr. Semenek on the location of the proposed dredging and water quality changes.

(11:43:09)

Appraiser Roger Hetteema of Hetteema, Saba, and Walch, duly sworn, commented on the appraised value of the subject property.

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

Commr. Thaxton moved to adopt Ordinance No. 2006-054, creating the Forked Creek Neptune Navigable Waterway Project MSBU. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

29. CLERK'S REPORT

A. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

The Filed for Record List was noted.

(11:47:08)

30. COUNTY ADMINISTRATOR'S REPORT

A. ADMINISTRATION

Following comments by County Administrator James Ley, Commr. Patterson moved to ratify the County Administrator's appointment of Michael Suarez as the Executive Director of the Emergency Services Business Center. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

See Item later this meeting.

(11:49:31)

31. COUNTY ATTORNEY'S REPORT**A. LEGAL**

County Attorney Stephen DeMarsh commented on a beach renourishment issue and requested Board consideration later this meeting.

(11:50:21)

32. COMMISSION REPORTS**A. PUBLIC WORKS/ENVIRONMENTAL SERVICES/ADVISORY BOARDS**

Commr. Staub commented on and discussions were held on the following topics/issues:

- request for a status report on the possible uses/time line for the Venice Train Depot Project, without objection
- Staff memorandum/recommendations relative to construction and demolition debris/recycling
Commr. Staub moved to direct Staff to proceed with the short and long term recommendations relative to construction/demolition debris and recycling plans and to bring back any cost implications to the Board. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
- clarification of previous Board direction regarding Advisory Boards on voting/conflicts of interest/medical leave absences.

(11:57:58)

B. PUBLIC WORKS/LEGISLATION/ORGANIZATIONS

Commr. Thaxton commented on and discussions were held on the following topics/issues:

- correspondence received from the Florida Department of Transportation (FDOT) regarding the Interstate 75 (I-75) Corridor Project located through the northern part of the County/State Road (S.R.) 681 North/confirmation of the submittal of information to FDOT regarding wildlife crossings on Interstates
- State Legislation/time frame for Board consideration of ATV's (All Terrain Vehicles) ridership on roadways
County Administrator James Ley advised the matter would be considered at the September 27, 2006, meeting.
- restaurants allowing outdoor "dog dining"/suggestion to schedule as a future Board discussion
Commr. Staub moved to send correspondence, signed by the Chair, to the local Restaurant Association President requesting an opinion on the potential of adopting an Ordinance to allow outside "doggie dining." The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

RECESS: 12:07 p.m. - 1:35 p.m.

35. OPEN TO THE PUBLIC**A. BUDGETS/PROPERTY APPRAISER**

Mr. Ralph Book commented on Fiscal Year (FY) 2007 Budget public hearing held on September 25, 2006, and noted concerns with the process implemented by the Property Appraiser's Office to determine the eligibility of property owners for the Homestead/Save Our Homes tax exemption.

(1:39:39)

36. ENVIRONMENTAL SERVICES

The Board considered updates on Phosphate Industry issues.

Environmental Services Water Resources General Manager Theresa Connor submitted a copy of Staff's PowerPoint presentation and gave an overview of Staff's report on the status of activities relative to the Phosphate Industry including the Peace River Cumulative Impact Study, potential Legislation, and on-going permitting activity.

Discussions were held with Ms. Connor on the following topics/issues:

- mining in the Myakka River area
- use of small scale mines by the Phosphate Industry
- reduction in the native upland habitat acreage
- impacts from special interests in an Election year
- responsibility shifting from the Bureau of Mine Reclamation versus Florida Department of Environmental Protection (FDEP)
- severance tax allocation.

(2:10:33)

Commr. Staub moved to send correspondence, signed by the Chair, to the Gubernatorial Candidates indicating the process by which a Peace River Special Basin Rule Committee could be formulated and to request their support. The motion, seconded by Commr. Thaxton, carried by 4-0 vote, with Commr. Patterson not present.

(2:15:24)

Note: Commr. Patterson returned to the meeting.

37. ORDINANCES

(Second public hearing will be held on October 24, 2006.)

Public hearing to consider proposed Ordinance No. 2006-066, amending Ordinance No. 2003-052, as amended, and codified in Appendix A of the County Code, to add Section 4.10.7., creating the East Venice Avenue Overlay District.

Having been duly sworn, Planning and Development Services Principal Planner Tate Taylor and Anne Merrill, of AMDS, Inc., duly sworn, summarized the proposal to amend the Zoning Code to create the East Venice Avenue Overlay District. Mr. Taylor noted the Planning Commission's recommendation for approval.

Discussions were held with Mr. Taylor, Ms. Merrill, and Public Works Transportation Mobility Planning Manager Paula Wiggins, duly sworn, on the following topics/issues:

- applicability of the proposed provisions/rezone process/density/site and development
- location of the exempted areas/Planning Commission's recommendation regarding the exemption of additional property
- parking design/requirements
- median openings/access points/platted roads/road maintenance/temporary lanes/Block A/future development/laneway construction/access
- monument sign requirements

37. ORDINANCES - Continued

- neighborhood retail/mixed use development/Staff's recommendation to delete the last sentence in Section 4.10.7.f.11. of the proposed Ordinance, without objection
- notification to the City of Venice of the proposal
- Natural System Features map/review at site and development
- location of retail development/landscaping requirements.

(2:58:06)

The following individuals, duly sworn, commented on the proposed Ordinance. Discussions were held throughout the public testimony.

Ms. Lee-En Chung
Mr. Donald Mackeen
Mr. Brian Lichterman

RECESS: 3:18 p.m. - 3:28 p.m.

The following individuals, duly sworn, commented on the proposed Ordinance. Discussions were held throughout the public testimony.

Mr. Robert Mantrowski
Attorney Michael Furen
Mr. Fabian Bianchi

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

- exemption requests
- landscaping/buffering requirements/Access Management Plan/parking limitations
- location of intense uses adjacent to Industrial, Light Manufacturing, and Warehouse (ILW) and Industrial (I) zoned properties/Jackson and Havana Roads on page 16 of Staff's report, third bullet/top of the page/suggestion to delete the "land use" language in Section 4.10.7.f.8. and "neighborhood retail uses" language in Section 4.10.7.f.11., without objection
- exemption of the Lee-En Chung property, without objection
- clarification of the word "substantial"/buffer widths
- Access Management Plan/future revisions by Resolution.

Chair Mills noted the second public hearing will be readvertised to be held on October 24, 2006. Individual comments followed.

(3:54:06)

38. RESOLUTIONS

Public hearing to consider a proposed Resolution, Special Exception Petition No. 1619, a petition by Attorney Alan Roddy, Agent, to amend the Development Concept Plan for an existing House of Worship on 8.6 acres ± located on the southeast corner of Robbins Road and Albee Farm Road in a RSF-2 (Residential, Single Family, 3.5 dwelling units/acre) zone district. (Planning Commission recommended approval.)

38. RESOLUTIONS - Continued

Planning and Development Services Principal Planner Tate Taylor, duly sworn, summarized the proposal to amend Special Exception Petition No. 1217 to allow ingress and egress from Robbins Road on an existing dirt driveway over a preserve to the Applicant's residence, advised that a Resource Management Plan will be implemented for the parcel, and noted the Planning Commission's recommendation for approval with eight stipulations.

Discussions were held with Mr. Taylor on the following topics/issues:

- prior Board consideration of the petition
- neighborhood notifications
- location of the existing Church
- basis for the Robbins Road access.

(4:00:01)

Attorney Alan Roddy, duly sworn, presented an overview of the proposed request, provided background information on the parcel, noted agreement with the recommended stipulations, and supported approval.

Discussions were held with Attorney Roddy on the following topics/issues:

- retention of the road in its present state
- basis for the proposed request
- existing access
- strikethrough language in Stipulation No. 1 relative to the trimming of vegetation within the Preserve Area
- possibilities to subdivide the property
- driveway layout.

(4:13:05)

Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld, duly sworn, commented on the location of the road in relation to the wetland. Discussion ensued on the removal of the exotic vegetation.

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

Commr. Staub moved to adopt Resolution No. 2006-202, approving Special Exception Petition No. 1619 with eight stipulations. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(4:14:26)

39. RESOLUTIONS

Public hearing to consider a proposed Resolution, Special Exception Petition No. 1636, a petition by Laura Belflower, Agent, to allow a 123-foot telecommunications tower on .15 acres ± located 300 feet ± east of U.S. 41 on Shamrock Boulevard in the OPI (Office, Professional, and Institutional) zone district. (Planning Commission recommended denial.)

Having been duly sworn, Planning and Development Services Senior Planner Todd Dary summarized the proposal to erect a 123-foot telecommunications tower, noted the Planning Commission's recommendation for denial, and submitted additional correspondence received on the petition.

39. RESOLUTIONS - Continued

Discussions were held with Mr. Dary on the following topics/issues:

- demolition of an existing structure to erect a tower
- camouflaging of the pole
- Planning Commission concerns
- adjacent property zoning districts
- location of other towers within the area/buffer radius
- example of a 120-foot range tower.

(4:23:26)

Agent Laura Belflower, duly sworn, commented on the proposed plans, noted agreement with the recommended stipulations, and supported approval. Attorney Alan Roddy, duly sworn, commented on the area Land Use designations and visual impacts to the residential areas from the proposed tower.

Discussions were held with Ms. Belflower and Attorney Roddy on the following topics/issues:

- consideration of property located at Center Road/U.S. 41
- cell phone reception/need for the tower
- co-location on the proposed tower
- commercial conversions
- size of the parcel/tower fall level/design
- tower design/materials.

Attorney Dick Ulrich, duly sworn, commented on the proposal and supported approval.

(4:51:19)

The following individuals, duly sworn, commented on the proposed Resolution. Discussions were held throughout the public testimony.

Mr. Gary Felker
Attorney Julian Broome
Dr. Marty Romanski
Mr. Henry Pope (submitted photographs)
Ms. Rosalie Nolen
Ms. Gail Washock
Ms. Tracey Ganner

(5:13:24)

Attorney Roddy and Ms. Belflower presented rebuttal to the public testimony addressing concerns on the location of the commercial driveways, visual impacts, location of the proposed tower, compatibility issues, and attempts to locate the tower on other area properties and submitted copies of an appraisal and their presentation documents.

Discussions were held with Attorney Roddy and Ms. Belflower on the following topics/issues:

- dimensions of the subject parcel
- ability to place towers on Church steeples
- proposed landscaping/fence height.

(5:22:49)

39. RESOLUTIONS - Continued

Attorney Ulrich commented on adjacent land use designations to the proposed property and area service needs.

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

Commr. Mercier moved to approve Special Exception Petition No. 1636. The motion died for lack of a second.

Commr. Staub moved to deny Special Exception Petition No. 1636, adopting Resolution No. 2006-203. The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 4-1 vote, with Commr. Mercier voting "No."

(5:28:27)

35. OPEN TO THE PUBLIC (Continued) - No one appeared at this time.**32. COMMISSION REPORTS - Continued****C. PUBLIC WORKS/ENVIRONMENTAL SERVICES/ORGANIZATIONS**

Chair Mills commented on and discussions were held on the following topics/issues:

- submittal of a copy of a photograph of a car accident reflecting the impacts to a residence on Cattlemen Road and requested that Staff review and provide a report on the matter, without objection
- citizen complaints with unwanted newspaper deliveries/littering/safety concerns/Board options
- use of energy lights/National Association of Counties (NACO) Compact Florescent Bulb Replacement Program.

(5:34:38)

D. LEGISLATION/PUBLIC WORKS/ENVIRONMENTAL SERVICES/BUDGETS

Commr. Patterson commented on and discussions were held on the following topics/issues:

- e-mails received on the use of solar power (photovoltaic cells/power grids) and electric service credits/request for Staff review of Legislative potential to implement in the State of Florida, without objection
- truck businesses on University Parkway/operational hours/future Staff report on the time frame for the borrow pit permit renewal/asphalt operations/traffic impacts to Lorraine Road
- e-mail received regarding Florida Power and Light (FPL) Company's consideration to erect high power lines across conservation easements/Gum Slough Conservation Area
- Fiscal Year (FY) 2007 Budget/Fund Balance allocations/previous Board adoption of a Reserve Fund Policy.

(5:49:42)

34. BCC

The Board reviewed the Board of County Commissioners Meeting Schedule.

33. BCC

The Board reviewed the County Commission Outstanding Board Assignments Report dated September 19, 2006. The following assignments were noted/discussed:

- Item No. 06116, ID No. 01
- Item No. 06107, ID No. 05
- Item No. 06093, ID No. 03

(5:51:53)

31. COUNTY ATTORNEY'S REPORT - Continued

A. LEGAL

County Attorney Stephen DeMarsh submitted and reviewed the following items:

- Interoffice Memorandum No. 819, Beach Restoration/Erosion Control Line/First District Court of Appeal opinion regarding the Case of Save Our Beaches, Inc., v. Florida Department of Environmental Protection, 31 Fla. L. Weekly D1173 (Fla 1st DCA April 28, 2006).
Commr. Patterson moved to approve Staff's recommendation to file a Legal brief as an "amicus curiae," i.e., friend of the Court, to make known the County's interest and position on beach restoration issues. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

30. COUNTY ADMINISTRATOR'S REPORT - Continued

B. ADMINISTRATION

County Administrator James Ley noted the implementation of an annotated Agenda through the Granicus System to allow public access of the visual/audio recordings of Board meetings through the Internet, commencing with the meeting this date. Individual comments followed.

MEETING ADJOURNED: 5:53 p.m.