

May 9, 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
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator
Stephen DeMarsh, County Attorney
Gary Oldehoff, Assistant County Attorney
Spring Dickson, Deputy Clerk
Paula Clintsman, Deputy Clerk

INVOCATION

Environmental Services Solid Waste General Manager Gary Bennett

PLEDGE OF ALLEGIANCE

Commissioner Mercier

PRESENTATION OF PROCLAMATIONS:

Emergency Medical Services Week - May 20 through May 26, 2007

National Nurses Week - May 6 through May 12, 2007

National Beach Safety Week - May 21 through May 28, 2007

Hearing Loss Awareness Month - May 2007

Law Enforcement Officers Memorial Week - May 6 through May 12, 2007

DISCUSSION SECTION:

(9:19:36)

1. ADMINISTRATION

The Board considered the United Way Annual Report.

Public Presenters: United Way Representatives Nancy Ostrander and Chuck Roskovich

(9:22:01)

2. PUBLIC WORKS

The Board considered the Sarasota Tree Advisory Council (STAC) Annual Report and presented a Certificate of Appreciation to STAC Chair John Whelan.

Public Presenter: STAC Chair John Whelan

9:37:15 Board Action: Requested recommendations from Staff and the Advisory Councils in future Agenda reports. Requested by Thaxton, without objection.

9:41:40 Board Action: Requested to draft correspondence for the Chair's signature to all Advisory Council Chairs regarding Advisory Council reports being transmitted directly to the Board. Requested by Staub, without objection.

(9:55:30)

3. ENVIRONMENTAL SERVICES

The Board considered the Solid Waste Management Citizens Advisory Board (SWM CAB) Annual Report.

Staff Presenter: Environmental Services Solid Waste General Manager Gary Bennett

Public Presenter: SWMCAB Chair Mary Jelks

(10:05:36)

PUBLIC HEARINGS:**4. FINANCIAL PLANNING**

- A.** (Not a public hearing) To consider a proposed Resolution approving the issuance of \$19,210,000.00 in non-utilities short-term borrowing through the Florida Local Government Finance Commission's Tax Exempt Commercial Paper Loan Program for the Environmentally Sensitive Lands Protection Program/Parklands Program (Draw A-65);
- B.** (Not a public hearing) To consider a proposed Resolution approving the issuance of \$3,050,000.00 in non-utilities short-term borrowing through the Florida Local Government Finance Commission's Tax Exempt Commercial Paper Loan Program for transportation-related projects (Draw A-66);
- C.** (Not a public hearing) To consider a proposed Resolution approving the issuance of \$3,799,000.00 in non-utilities short-term borrowing through the Florida Local Government Finance Commission's Tax Exempt Commercial Paper Loan Program for transportation-related projects (Draw A-67);
- D.** (Not a public hearing) To consider a proposed Resolution approving the issuance of \$865,000.00 in non-utilities short-term borrowing through the Florida Local Government Finance Commission's Tax Exempt Commercial Paper Loan Program for certain Navigable Waterway Projects (Draw A-68);
- E.** Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-036, amending the Fiscal Year (FY) 2007 Budget to reflect the borrowing through the Florida Local Government Commission Tax-Exempt Commercial Paper Loan Program, Draws A-65 through A-68.

Staff Presenters: County Administrator James Ley, County Attorney Stephen DeMarsh, Financial Planning Budget Management Analyst Richard Gleitsman, and Public Works Transportation Planning Policy and Project Manager Tom Polk

Item submitted: A copy of revised Resolution for Budget Amendment No. B2007-036

10:10:58 Board Action: Noted withdrawal of Board consideration of a proposed Resolution approving the issuance of \$19,210,000.00 in non-utilities short-term borrowing through the Florida Local Government Finance Commission's Tax Exempt Commercial Paper Loan Program for the Environmentally Sensitive Lands Protection Program/Parklands Program (Draw A-65), as requested by Staff. Noted by Patterson, without objection.

10:11:50 Board Action: Requested an update regarding the Road Resurfacing Program through an e-mail. Requested by Staub, without objection.

10:22:23 Board Action: Adopted Resolution No. 2007-107, approving the issuance of \$3,050,000.00 for transportation-related projects (Draw A-66). Moved by Staub, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

4. FINANCIAL PLANNING - Continued

10:22:23 Board Action: Adopted Resolution No. 2007-108, approving the issuance of \$3,799,000.00 for transportation-related projects (Draw A-67). Moved by Staub, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

10:22:23 Board Action: Adopted Resolution No. 2007-109, approving the issuance of \$865,000.00 for certain Navigable Waterway Projects (Draw A-68). Moved by Staub, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

10:22:23 Board Action: Adopted Resolution No. 2007-110, as amended, approving Budget Amendment No. B2007-036, Draws A-66 through A-68. Moved by Staub, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

Note: Oath/Signature Cards Filed for Record.

DISCUSSION SECTION: (Continued)**5. EMERGENCY SERVICES**

- A. The Board considered the appointment of Venice City Fire Chief John Reed to serve a three-year term on the Emergency Medical Services District Advisory Board (EMSDAB), effective through April 2010;
- B. The Board considered the appointment of one individual to serve a three-year term on the EMSDAB, as a General Representative, effective through April 2010.

10:25:40 Board Action: Appointed Venice City Fire Chief John Reed to the EMSDAB, effective through April 2010. Moved by Mercier, seconded by Thaxton, carried by a 4-0 vote; Barbetta not present.

10:26:00 Board Action: Closed the nominations. Moved by Mercier, without objection.

10:26:19 Board Action: Appointed Jack Erkilla as the General Representative to the EMSDAB, effective through April 2010, without objection.

6. PLANNING AND DEVELOPMENT SERVICES

The Board considered the appointment of one individual to serve a four-year term on the Planning Commission, effective through April 2011.

10:26:59 Board Action: Closed the nominations by Patterson, without objection.

10:27:10 Board Action: Reappointed Joseph Gruters, effective through April 2011. Moved by Mercier, carried by a 4-0 vote; Barbetta not present. (There was no second to the motion.)

(10:27:38)

7. PLANNING AND DEVELOPMENT SERVICES

- A. The Board considered the appointment of Wayne Farrell to fill an unexpired three-year term on the General Contractors Licensing and Examining Board, as the General Contractor Representative, effective through September 2007;
- B. The Board considered the appointment of one individual to serve a three-year term on the General Contractors Licensing and Examining Board, as the Citizen/Consumer Representative, effective through April 2010.

10:28:25 Board Action: Appointed Wayne Farrell to serve as the General Contractor Representative, effective through September 2007. Moved by Staub, seconded by Thaxton, carried by a 4-0 vote; Barbetta not present.

10:28:47 Board Action: Closed the nominations by Patterson, without objection.

10:29:03 Board Action: Appointed Walter Morey to serve as the Citizen/Consumer Representative, effective through April 2010, without objection.

RECESS: 10:29 a.m. - 10:40 a.m.

PUBLIC HEARINGS: (Continued)

(10:40:22)

8. COMMUNITY SERVICES

Public hearing to consider the naming of the Rails to Trails Corridor site located from the Venice Train Depot to a point south of Clark Road, Sarasota, as the "Rail Trail."

Staff Presenters: Community Services Parks and Recreation General Manager John McCarthy and County Administrator James Ley

Public Presenter: Michael Gippert

10:42:00 Board Action: Requested the County Administrator to bring back the Ordinance regarding the process for naming County-owned properties and facilities on a future Board Agenda. Requested by Patterson, without objection.

10:53:54 Board Action: Approved naming the Rails to Trails Corridor as the "Legacy Trail." Moved by Staub, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

10:54:38 Board Action: Requested a Certificate of Recognition be sent to the widow of Rollins Coakley acknowledging his contribution to the Venice Train Depot. Requested by Staub, without objection.

Note: Oath/Signature Cards Filed for Record.

(10:58:30)

9. PLANNING AND DEVELOPMENT SERVICES

- A.** Second public hearing to consider proposed Ordinance No. 2007-047, Zoning Ordinance Amendment No. 22, 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 for mixed use projects which are part of a Development of Regional Impact (DRI). (First public hearing was held on April 24, 2007.)
- B.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-047 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)

Staff Presenter: Planning and Development Services Current Planning Manager Crystal Allred

11:01:20 Board Action: Closed the public hearing by Patterson, without objection.

Chair Patterson recessed the Board of County Commissioners (BCC) and convened as the Land Development Regulation Commission (LDRC).

11:02:05 Board Action Moved to find proposed Ordinance No. 2007-047 consistent with the Sarasota County Comprehensive Plan as recommended by Staff. Moved by Thaxton, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

Chair Patterson adjourned the LDRC and reconvened as the BCC.

9. PLANNING AND DEVELOPMENT SERVICES - Continued

11:03:00 Board Action: Adopted Ordinance No. 2007-047, approving Zoning Ordinance Amendment No. 22. Moved by Thaxton, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

Note: Oath/Signature Cards Filed for Record.

DISCUSSION SECTION: (Continued)

(11:03:10)

10. PUBLIC WORKS

The Board considered the Siesta Key Village Beautification Project Report.

Staff Presenter: Public Works Mobility Senior Technical Specialist Jeff Roberts

Public Presenter: Mark Smith

11:11:00 Board Action: Extended the deadline for easement donations to June 30, 2007. Moved by Staub, seconded by Thaxton/Mercier, carried by a 4-0 vote; Barbetta not present.

(11:11:04)

11. COMMUNITY SERVICES

The Board considered a review/update of the escheated lots in the City of North Port.

Staff Presenters: Community Services Executive Director Larry Arnold, Public Works Mobility Land Acquisition Manager John Herli, County Attorney Stephen DeMarsh, and County Administrator James Ley

11:58:21 Board Action: Directed the County Administrator to bring back the proposed Amendment to Contract No. 2006-032, with Fisher Auction Co., Inc., to modify Attachment B-2 to increase the Real Estate Auction Services Total Marketing and Advertising Campaign Budget from \$209,950.00 to \$216,947.94, on a future Consent Agenda. Moved by Staub, seconded Mercier, carried by a 4-0 vote; Barbetta not present.

11:58:21 Board Action: Directed the County Administrator to bring back proposed Budget Amendment No. B2007-050, transferring funds for the reimbursement of expenses and costs incurred and payment of payment of a modified Incentive Payment to Fisher Auction Co., Inc., in the amount of \$130,025.00, on a future Consent Agenda. Moved by Staub, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

11:58:21 Board Action: Directed the County Administrator to bring back the proposed Amendment to Contract No. 2006-032, with Fisher Auction Co., Inc., to modify Attachment B-1 to revise Incentive Payment criteria, on a future Board Agenda. Moved by Staub, seconded by Mercier, carried by 4-0 vote; Barbetta not present.

11:45:12 Board Action: Authorized the County Administrator or designee to issue Letters of Demand to the individuals who are in default of contracts for the purchase of 63 escheated lots. Moved by Staub, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

1:43:20 Board Action: Adopted Resolution No. 2007-112, conveying eight escheated lots to the Sarasota County School Board for a future school site, pursuant to Section 125.38, Florida Statutes. Moved by Staub, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

11. COMMUNITY SERVICES - Continued

11:43:20 Board Action: Adopted Resolution No. 2007-113, conveying 112 escheated lots to the City of North Port pursuant to the Interlocal Agreement in the Settlement of Case, dated December 7, 2004, Contract No. 2005-261, and pursuant to Section 125.38, Florida Statutes. Moved by Staub, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

11:43:20 Board Action: Adopted Resolution No. 2007-114, declaring 24 escheated lots be preserved for the purposes of protecting seven environmental sites and 17 archaeological sites, pursuant to the Interlocal Agreement in the Settlement of Case, dated December 7, 2004, Contract No. 2005-261. Moved by Staub, seconded by Mercier, carried by 4-0 vote; Barbetta not present.

RECESS: 11:58 a.m. - 1:31 p.m.

(1:32:09)

12. OPEN TO THE PUBLIC

Scott Rushing commented on traffic, parking, and lighting issues at Riverview High School.

1:42:50 Board Action: Requested the County Administrator to schedule a discussion item on the traffic, access, and parking lot issues at Riverview High School and to contact the School Board regarding the issues, including a suggestion for traffic calming measures. Requested by Patterson and Staub, without objection.

DISCUSSION SECTION: (Continued)

(1:43:39)

13. PLANNING AND DEVELOPMENT SERVICES

The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, amending Zoning Ordinance No. 2003-052, as amended and codified in Appendix A of the County Code, creating a new Article to establish a Form Based Code for a Planned Mixed Use Infill Development District and to waive the requirement for an Economic Impact Statement (EIS).

Staff Presenters: Planning and Development Services Principal Planner Matthew Lewis and Planning and Development Services Planning Director Anne McClung

2:29:33 Board Action: Authorized advertising of a public hearing to consider a proposed Ordinance to establish a Form Based Code and waived the requirement for an EIS and to schedule a workshop following the Planning Commission public hearing. Moved by Mercier, seconded by Thaxton, carried by a 4-0 vote; Barbetta not present.

2:30:07 Board Action: Requested a document of the Planning Commission revisions and a copy of the Planning Commission public hearing video. Requested by Staub and Patterson, without objection.

(2:31:52)

14. PLANNING AND DEVELOPMENT SERVICES

The Board considered a proposed Resolution establishing a pre-application process for large scale development projects for presentation to the Board of County Commissioners prior to filing an application.

14. PLANNING AND DEVELOPMENT SERVICES - Continued

Staff Presenters: Planning and Development Services Planning Director Anne McClung and County Attorney Stephen DeMarsh

Item submitted: A copy of correspondence from Neal Communities dated May 7, 2007

2:39:08 Board Action: Adopted Resolution No. 2007-115, approving the establishment of a pre-application process for large scale development projects, and authorized the correction of scrivener errors. Moved by Staub, seconded by Mercier, carried by a 4-0 vote; Barbetta not present.

RECESS: 2:40 p.m. - 2:53 p.m.

(2:53:09)

15. ENVIRONMENTAL SERVICES

The Board considered funding sources for boating and waterway activities.

Staff Presenter: Environmental Services Coastal Resources Manager Laird Wreford

3:12:39 Board Action: Approved Option 2, to fund initiatives including Mote Marine Laboratory activities, contingent upon the Budget cuts/Board Budget Workshops; a shift of all funding out of the General Fund; to add \$149,000.00 to the WCIND (West Coast Inland Navigation District); and authorized the County Administrator to prepare correspondence for the Chair's signature to Mote Marine Laboratory stating the possible Budget cuts, including information on the State Legislature's action and contact information. Moved by Staub, seconded by Thaxton, carried by a 4-0 vote; Barbetta not present.

PUBLIC HEARINGS: (Continued)

(3:13:50)

16. ENVIRONMENTAL SERVICES

Public hearing to consider a proposed Resolution, Coastal Setback Variance Petition No. 79-03-06-371, requested by Cynthia Schalk, represented by Attorney William Merrill, Agent, to construct a swimming pool and a pool deck. All proposed construction will be located a maximum of 30 feet seaward of the Gulf Beach Setback Line (GBSL) at the property located at 463 Beach Road, Sarasota.

Staff Presenters: Environmental Services Environmental Specialist II Rachel Herman and Assistant County Attorney Gary Oldehoff

Public Presenters: Attorney William Merrill and Agent Peter Dailey

Items submitted: Revised approval and denial Resolutions and correspondence received on the Petition

3:59:34 Board Action: Closed the public hearing by Patterson, without objection.

4:04:09 Board Action: Approved Coastal Setback Variance Petition No. 79-03-06-371, as amended, and to bring it back on a Consent Agenda for final action. Moved by Staub, seconded by Mercier, carried by a 3-1 vote; Patterson voted "No;" Barbetta not present.

Note: Oath/Signature Cards Filed for Record.

(4:04:22)

17. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2007-048, Comprehensive Plan Amendment No. RU-140, a petition by Don Neu, Agent, to amend the Future Land Use Map (FLUM) to change the designation of 5.02 acres \pm located west of Gantt Road and 600 feet \pm north of Clark Road from MODR (Moderate Density Residential, ≥ 2 and ≤ 5 dwelling units/acre) to MEDR (Medium Density Residential, > 5 and < 9 dwelling units/acre) designation. (Planning Commission recommended approval.)

18. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2007-045, Rezone Petition No. 06-37, a petition by Don Neu, Agent, to rezone 5.02 acres \pm located west of Gantt Road and 600 feet \pm north of Clark Road from OUE-1 (Open Use, Estate, 1 unit/5 acres) to RMF-2 (Residential, Multi-Family, 9 units/1 acre) zone district. (Planning Commission recommended denial.)

Chair Patterson opened the public hearings simultaneously.

Staff Presenters: Planning and Development Services Current Planning Manager Crystal Allred, Planning and Development Services Senior Planner Laura Semenek, Public Works Transportation Mobility Planning Manager Paula Wiggins, and Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld

Public Presenters: Attorney Charles Bailey, WilsonMiller, Inc., Project Planner Courtney Craker, Agent Don Neu, Bill Wozniak, Sal Naimo, Lowell Hockett, Walter Lovett, Jackie Follmer, and Frank Domingo of WilsonMiller, Inc.

Items submitted: Correspondence received on the petitions, a copy of the Traffic Table, and a letter from WilsonMiller, Inc., proffering proposed amendments and new stipulations for Rezone Petition No. 06-37

5:32:25 Board Action: Closed the public hearings. Moved by Staub, seconded by Thaxton, carried without objection.

5:37:08 Board Action: Adopted Ordinance No. 2007-048, approving Comprehensive Plan Amendment No. RU-140. Moved by Staub, seconded by Mercier, carried by a 3-1 vote; Thaxton voted "No;" Barbetta not present.

5:41:35 Board Action: Reopened the public hearing on proposed Ordinance No. 2007-045 by Patterson, without objection.

5:42:10 Board Action: Closed the public hearing by Patterson, without objection.

5:43:56 Board Action: Adopted Ordinance No. 2007-045, approving Rezone Petition No. 06-37 with a RMF-1 zone district, to be brought back on a future Consent Agenda for final action by the Board with eight stipulations, as amended, as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text). Moved by Mercier and seconded by Staub.

5. No buildings or portions of buildings within 40 feet of the east project property boundary shall exceed 35 feet in height. The maximum height . . .
6. The buffer along the east project property boundary along Gantt Road shall be a minimum of 15 feet wide and have a minimum .3 opacity as defined by the Sarasota County Zoning Ordinance.
7. Ten percent of the total number of residential units constructed on the property shall be affordable to buyers of 100 percent Area Median Income (AMI) or less as qualified by the Community Housing Trust with a maximum of four units.

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BOARD OF COUNTY COMMISSIONERS**

17. PLANNING AND DEVELOPMENT SERVICES - Continued

18. PLANNING AND DEVELOPMENT SERVICES - Continued

8. The project residential buildings shall be constructed using green building principles, consistent with the Standards of the Sarasota County Green Building Program as outlined in Sarasota County Resolution No. 2005-048 as in effect on May 9, 2007.

5:46:54 Board Action: Reopened the public hearing on proposed Ordinance No. 2007-045 by Patterson, without objection.

5:47:38 Board Action: Closed the public hearing by Patterson, without objection.

5:54:16 Board Action: Motion carried by a 3-1 vote; Thaxton voted "No;" Barbetta not present.

Note: Oath/Signature Cards Filed for Record.

(5:54:25)

19. ADMINISTRATION

5:54:24 Board Action: Deferred the presentation on the 2007 Florida Legislative Session to a later date by Patterson, without objection.

(5:54:46)

20. OTHER BUSINESS

A. CHAIR PATTERSON

Chair Patterson noted that the City of North Port Commission revoked the Joint Planning Interlocal Service Boundary Agreement (JPISBA) and has requested to renegotiate the Contract.

5:56:57 Board Action: Requested that the City of North provide the Board with specific issues relative to the JPISBA. Requested by Mercier, without objection.

(5:54:29)

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

MEETING ADJOURNED: 5:57 p.m.

MINUTES APPROVED: _____

Chair