

May 23, 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
Spring Dickson, Deputy Clerk
Latresea Preston, Deputy Clerk

INVOCATION

Public Works Construction Projects Manager Spencer Anderson

PLEDGE OF ALLEGIANCE

Commissioner Thaxton

CERTIFICATES OF RECOGNITION:

Young Scientists

DISCUSSION SECTION:

(9:29:21)

1. ENVIRONMENTAL SERVICES

The Board considered the Big Pass, New Pass, and Venice Inlet Management Phase II Update.

Staff Presenter: Environmental Services Coastal Resources Manager Laird Wreford

Public Presenter: Dr. Cliff Truitt of Coastal Technology Corporation

Item submitted: A copy of the PowerPoint presentation entitled "Big Pass and New Pass Inlet Management Plan (IMP)"

10:49:24 Board Action: Requested to conduct a Peer Review prior to discussions with the stakeholders. Requested by Patterson, without objection.

10:54:26 Board Action: Requested to bring back a report regarding a Peer Review process. Requested by Patterson, without objection.

RECESS: 11:01 a.m. - 11:12 a.m.

(11:12:47)

2. PUBLIC WORKS

The Board considered a Roundabout as an alternative intersection improvement at Venice Avenue and Jacaranda Boulevard.

2. PUBLIC WORKS - Continued

Staff Presenters: Public Works Executive Director Jim Harriott, Public Works Transportation Planning Policy and Project Manager Tom Polk, and County Attorney Stephen DeMarsh

Public Presenter: Michael Wallwork of Alternate Street Design

12:15:30 Board Action: Requested to proceed with an expedited Development Agreement, to address scheduling public hearings to revise Condition No. 24 in Ordinance No. 2003-037 and Condition No. 3 in Ordinance No. 2005-035, and to expedite construction of a roundabout. Moved by Staub, seconded Mercier, carried by a 5-0 vote.

(1:33:56)

3. PUBLIC WORKS

The Board considered retaining the designation of Honore Avenue as a four-lane road between Bee Ridge Road to Fruitville Road.

Staff Presenters: Public Works Executive Director Jim Harriott and County Attorney Stephen DeMarsh

Item submitted: A copy of the PowerPoint presentation

1:55:20 Board Action: Moved to retain the designation of Honore Avenue as a four-lane road between Bee Ridge Road to Fruitville Road and the plan to build a two-lane road, saving the trees, acquiring the right-of-way, not elevating the floodplain, and to bring back as a future Board discussion. Moved by Staub, seconded by Patterson.

2:00:38 Board Action: Requested to divide the question. Requested by Barbetta, without objection.

2:01:14 Board Action: Approved the plan to build Honore Avenue as a two-lane road between Bee Ridge Road to Fruitville Road, not elevating the floodplain. Carried by a 5-0 vote.

2:01:34 Board Action: Moved to approve retaining the designation of Honore Avenue as a four-lane road between Bee Ridge Road to Fruitville Road in the Comprehensive Plan. Failed by a 2-3 vote; Mercier, Barbetta, and Thaxton voted "No."

2:03:52 Board Action: Directed the County Administrator to review/proceed with a Comprehensive Plan Amendment changing the designation of Honore Avenue between Bee Ridge Road to Fruitville Road to a two-lane road. Moved by Mercier, seconded by Thaxton, carried by a 3-2 vote; Staub and Patterson voted "No."

PUBLIC HEARINGS:

(12:15:49)

4. FINANCIAL PLANNING

- A.** Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-044, to appropriate the funding for Grants-In-Aid to the General Fund;
- B.** (Not a public hearing.) To consider a Contract, an Interlocal Agreement, with the City of North Port to disburse a one-time payment to the City of North Port for enhancements to the U.S. 41 corridor, in the amount of \$500,000.00.

Staff Presenter: Financial Planning Fiscal Budget Management Analyst Elizabeth Damschroder

Public Presenter: City of North Port Planning Director Sam Jones

4. FINANCIAL PLANNING - Continued

12:21:31 Board Action: Adopted Resolution No. 2007-111, approving Budget Amendment No. B2007-044. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

12:21:31 Board Action: Approved Contract No. 2007-347, an Interlocal Agreement with the City of North Port, in the amount of \$500,000.00. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 12:21 p.m. - 1:33 p.m.

(2:04:20)

5. PUBLIC WORKS

- A. Public hearing to consider a proposed Resolution, Exchange Petition No. EX06-07, a petition by 10th Street Properties, LLC, to exchange a portion of a County-owned Sarasota Fruitville Drainage District (SFDD) canal right-of-way, Parcel 388 lying on the north property line;
- B. (Not a public hearing.) To accept a permanent drainage easement from 10th Street Properties, LLC, conveying a 52-foot wide drainage easement lying along the north property line;
- C. (Not a public hearing.) To grant a Quit Claim Deed to convey the County's interest in the 52-foot wide SFDD canal right-of-way, located in Parcel 388.

Staff Presenters: Public Works Real Property Manager Lin Kurant, County Attorney Stephen DeMarsh, and County Administrator James Ley

2:09:12 Board Action: Closed the public hearing by Patterson, without objection.

2:09:42 Board Action: Directed the County Administrator to renegotiate Exchange Petition No. EX06-07. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(2:09:49)

6. OPEN TO THE PUBLIC

George Taylor commented on energy conservation; Attorney Dan Lobeck commented on a City of Venice Rezone Petition abutting Sorrento Ranches; and Carol Nikla, Richard Myerson, Kindra Muntz, Susette Bryan, and Elaine Stein commented on voting machines.

Staff Presenter: County Administrator James Ley

Items submitted: Copies of photographs, a copy of correspondence from Venice City Mayor Fred Hammett, and a copy of an editorial entitled "A Paper Trail for Electronic Voting"

2:23:45 Board Action: Requested the County Administrator to review/outline provisions allowing Staff to determine the consistency of land use compatibility principles in rezone petitions in the annexed areas pursuant to the County Code and the provisions set forth in the Joint Planning Interlocal Service Boundary Agreement (JPISBA). Requested by Thaxton, without objection.

2:26:00 Board Action: Directed the County Administrator to draft correspondence for the Chair's signature to the Venice City Council reiterating concern with the proposed density relative to a Rezone Petition abutting Sorrento Ranches that appears incompatible with the land use principles pursuant to the County Code and the provisions set forth in the JPISBA, and that the County Administrator meet with Venice City Manager Martin Black to review/discuss the concerns. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

DISCUSSION SECTION: (Continued)

(2:41:02)

7. ADMINISTRATION

The Board considered a presentation by the Citizens Oversight Advisory Committee (COAC) on Voting Systems.

Staff Presenters: Deputy County Administrator Susan Scott and Deputy County Attorney Kathleen Schneider

Public Presenters: COAC Chair Jono Miller; COAC Members Yvette Robison and Vincente Medina; and Elaine Stein

2:58:18 Board Action: Directed the County Attorney to draft correspondence for the Chair's signature to the Florida Division of Elections requesting clarification of the information relative to the costs of the voting machines. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(3:00:50)

8. PLANNING AND DEVELOPMENT SERVICES

The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 2004-028, as amended and codified in Chapter 70, Article VIII of the County Code, relating to Impact fees for Educational Systems.

Staff Presenters: Planning and Development Services Senior Planner Gene Engman and County Administrator James Ley

Public Presenter: Attorney Alan Roddy

3:01:29 Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance, amending Ordinance No. 2004-028, relating to Impact fees for Educational Systems. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

PUBLIC HEARINGS: (Continued)

(3:08:20)

9. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2007-052, Rezone Petition No. 06-36, a petition by Bruce Franklin, Agent, to rezone 61.03 acres ± located west of McIntosh Road and 600 feet ± south of Clark Road from PID (Planned, Industrial, and Development) and I (Industrial) with stipulations to PID (Planned Industrial Development) and I (Industrial) zone district, with amended stipulations and an amended Development Concept Plan. (Planning Commission recommended approval.)

Staff Presenters: Planning and Development Services Principal Planner Tate Taylor, Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld, and County Attorney Stephen DeMarsh

Public Presenters: Agent Bruce Franklin and Attorney Michael Furen

3:22:12 Board Action: Amended Stipulation No. 4 to add the words "in accordance with the Tree Protection Code Section 54-587" after the word "trees." Moved by Barbetta, seconded by Staub, carried by a 5-0 vote.

3:36:40 Board Action: Closed the public hearing by Patterson, without objection.

9. PLANNING AND DEVELOPMENT SERVICES - Continued

3:37:37 Board Action: Adopted Ordinance No. 2007-052, as amended, approving Rezone Petition No. 06-36 with nine stipulations. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 3:37 p.m. - 3:51 p.m.

10. HEALTH AND HUMAN SERVICES

Public hearing to consider proposed Ordinance No. 2007-015, creating Article IV, Sections 6-126 through 6-133 of Chapter VI of the County Code, relating to the prohibition of minors under the age of 21 from entering or remaining in alcoholic beverage establishments and to waive the requirement for an Economic Impact Statement (EIS).

Staff Presenters: Health and Human Services Criminal Justice Coordinator General Manager James Schulz, County Attorney Stephen DeMarsh, and Assistant County Attorney Maria Korn

Public Presenters: Attorney Stephen Rees, Jr., Ellen Snelling, Matthew Bower, and Jorge Abraham

Item submitted: A copy of a map entitled "Prevalence of Past 30-day alcohol use by County, 2006 FYSAS"

4:26:30 Board Action: Requested to amend the first sentence in Section 6-128 of the proposed Ordinance to read as follows: As used in this Section, the term alcoholic beverage establishment is defined as: regardless of the incidental consumption of alcohol, if any premises devoted during any time of operation predominantly or totally serving alcoholic beverages. Requested by Staub, without objection.

4:30:31 Board Action: Continued and closed the public hearing for consideration later this date. Moved by Barbetta, seconded by Staub, carried without objection.

5:47:43 Board Action: Reopened the public hearing. Moved by Barbetta, seconded by Staub, carried without objection.

5:49:52 Board Action: Adopted Ordinance No. 2007-015, creating Article IV, Sections 6-126 through 6-133 of Chapter VI of the County Code, relating to the prohibition of minors under the age of 21 from entering or remaining in alcoholic beverage establishments and waived the requirement for an EIS. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

11. OTHER BUSINESS

(4:30:40)

A. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Chair Patterson noted the Filed for Record List.

(4:31:16)

B. COUNTY ADMINISTRATOR'S REPORT

County Administrator James Ley commented on and discussed the process/schedule for the Budget Workshops.

11. OTHER BUSINESS - Continued

(4:39:34)

C. COUNTY ATTORNEY'S REPORT

Item submitted: Interoffice Memorandum Nos. 856 and 857

4:40:30 Board Action: Approved the Final Plat of the Sarasota International Trade Center-North, Phase 2A. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:41:28 Board Action: Approved the settlement in the amount of \$67,300.27 in the Case of Patrick Kilduff v. Sarasota County (Interoffice Memorandum No. 856). Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

4:42:38 Board Action: Approved outside legal counsel to represent the law enforcement officials in the Case of John Coffin and Cynthia Coffin v. Stacey Brandau f/k/a Stacy Ferris, individually, and James Lutz, individually (Interoffice Memorandum No. 857). Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

(4:42:42)

D. COMMISSIONER MERCIER

Commr. Mercier commented on and discussions were held on the Southwest Florida Regional Planning Council report regarding a future sprawl survey and his resignation from the Criminal Justice Commission.

4:48:00 Board Action: Appointed Commr. Staub to replace Commr. Mercier on the Criminal Justice Commission. Moved by Barbetta, seconded by Mercier, carried by a 5-0 vote.

(4:48:30)

E. COMMISSIONER BARBETTA

Commr. Barbetta commented on and discussions were held on the following topics/issues: the Community Housing Fund (CHF) proposals, correspondence from the Southgate Community Association regarding the conversion of a residential lot to be utilized as parking, the Hammocks regarding the stormwater/wall issues, and the parking lot at Riverview High School.

(4:55:41)

F. COMMISSIONER STAUB

Commr. Staub commented on and discussions were held on the Enclaves of Venice subdivision relative to landscaping a wall pursuant to County Code.

4:58:32 Board Action: Requested to re-examine the S.R. 776 Corridor Plan. Requested by Staub, without objection.

5:06:02 Board Action: Requested to meet with developers to discuss the use of water cisterns. Requested by Staub, without objection.

5:07:19 Board Action: Requested to provide a copy of the water cistern brochure to the Board. Requested by Staub, without objection.

(5:07:52)

G. COMMISSIONER THAXTON

Commr. Thaxton commented on and discussions were held on the following topics/issues: the policies regarding tree/canopy clearing, update on the Reality Check meeting held in Tampa, Florida, and the special exception petition requirements for affordable housing/mixed-use development relative to Ron Burke's Property.

11. OTHER BUSINESS - Continued

G. COMMISSIONER THAXTON - Continued

5:13:21 Board Action: Approved the Staff recommendations in the memorandum dated May 15, 2007, regarding the "Hold Your Butts" Campaign. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

5:30:18 Board Action: Requested to review/outline provisions relative to workforce housing surrounding mixed-use development in a future Zoning Code Amendment. Moved by Thaxton, seconded by Barbetta, carried by a 4-1 vote; Mercier voted "No."

5:32:18 Board Action: Moved to expedite the Special Exception Petition for the Englewood Interagency Council. Moved by Thaxton, died for lack of a second.

5:35:09 Board Action: Directed the County Administrator to draft correspondence for the Chair's signature endorsing the nomination of Commr. Thaxton as the County Government Representative on the Florida Fertilizer Task Force Board. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

(5:35:27)

H. CHAIR PATTERSON

Chair Patterson commented on and discussions were held on the Conference Committee Meeting in Tallahassee, Florida, and her meeting with Senator Lisa Carlton.

5:38:21 Board Action: Requested to charter a plane for the Commissioners to attend the Conference Committee Meeting in Tallahassee, Florida, on June 4, 2007. Requested by Patterson, without objection.

(5:44:47)

I. ADMINISTRATION

The Board reviewed the County Commission Outstanding Board Assignments Report dated May 16, 2007.

5:47:07 Board Action: Removed Item No. 5. (Drug Disposal) from the Commission Outstanding Board Assignments Report. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

(5:44:34)

J. ADMINISTRATION

The Board reviewed the Board of County Commissioners Meeting Schedule.

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

MEETING ADJOURNED: 5:50 p.m.

MINUTES APPROVED: _____

Chair