

March 21, 2006

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

Book 74
Page 135

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

9:00 a.m.

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

Also present were:

James Ley, County Administrator
Stephen DeMarsh, County Attorney
Karen E. Rushing, Clerk of the Circuit Court and County Comptroller
Peter Ramsden, Clerk of the Circuit Court Finance Director
Leah Von Leu, Deputy Clerk
Paula Clintsman, Deputy Clerk

INVOCATION

Pastor Larry Franck, Cornerstone Baptist Church

PLEDGE OF ALLEGIANCE

Commissioner Patterson

PRESENTATION OF PROCLAMATIONS:

Red Hat Day in Englewood - April 25, 2006
One Book, One Community Month - April 2006
Public Health Week - April 3 through 9, 2006

CERTIFICATE OF RECOGNITION:

Giovanna Deveny

CONSENT MOTION

A motion was made by Commr. Thaxton, seconded by Commr. Staub, and carried by a 5-0 vote to approve Items 1-21 as follows, with the exception of Items 7, 8, 10, 13, 14, 18, and 19, considered later this meeting.

1. PROCLAMATIONS

Ratified the previously issued Proclamation for Juvenile Justice Week - March 13 through March 17, 2006.

2. RESOLUTIONS

- A.** Adopted Resolution No. 2006-056, expressing interest in the purchase of surplus State land, a .175 acre ± undeveloped parcel located adjacent to Lemon Bay Park, Englewood;
- B.** Authorized the Community Services Parks and Recreation Manager to sign and submit the Application, purchase commitment letter, subsequent agreement(s), or other conformance documents as required by the State of Florida.

3. CONTRACTS

Approved Contract No. 2006-222, a Mutual Aid and Automatic Aid Interlocal Agreement, with the City of North Port for Fire and Emergency Medical Services.

4. CONTRACTS

Approved Contract No. 2006-223 with the Sarasota County Public Hospital Board for morgue services, in an amount not to exceed \$592,950.00.

5. CONTRACTS

Approved Contract No. 2006-224, a Community Training Center Agreement, with the American Heart Association, Inc., for the purpose of becoming a training site to conduct Basic Life Support and Advance Life Support Provider and Instructor courses.

6. CONTRACTS/RESOLUTIONS

- A.** Approved Contract No. 2006-225, a Memorandum of Understanding, with the Florida Department of Financial Services, Division of State Fire Marshal, for the Florida Regional Hazardous Materials/Weapons of Mass Destruction Response Teams, for the purchase of specialized decontamination equipment, in the amount of \$7,595.00;
- B.** Adopted Resolution No. 2006-057, Budget Amendment No. B2006-040, appropriating the funding.

7. CONTRACTS/RESOLUTIONS

See consideration of the following Items, later this meeting:

- A.** A Contract, with the Florida Department of Financial Services, Division of State Fire Marshal, for the continuous sustainment of existing equipment and the purchase of additional equipment and training.
- B.** A Resolution, Budget Amendment No. B2006-041, to appropriate the funding.

8. ORDINANCES

See consideration to authorize advertising of a public hearing to consider an amendment to the Cable Communications Ordinance and to waive the requirement for an Economic Impact Statement (EIS), later this meeting.

9. CONTRACTS/RESOLUTIONS

- A.** Approved Contract No. 2006-227, a Cooperative Funding Agreement, with the Southwest Florida Water Management District (SWFWMD) for the Dona Bay Watershed Management Plan, in the amount of \$500,000.00;
- B.** Adopted Resolution No. 2006-059, Budget Amendment No. B2006-044, amending the Fiscal Year (FY) 2006 Budget to appropriate \$250,000.00 of the SWFWMD Grant funding for the Dona Bay Watershed Management Plan.

10. CONTRACTS

See consideration of the following Items, later this meeting:

- A.** A Contract with the West Coast Inland Navigation District (WCIND) for the purpose of utilizing WCIND property for Debris Management Sites;
- B.** A Contract with the WCIND for the purpose of utilizing WCIND property for a Debris Management Site.

11. CONTRACTS/RESOLUTIONS

- A.** Approved Contract No. 2006-230, an Assignment of Option to Purchase, with The Nature Conservancy to authorize acquisition of Lot 11, Block H, Warm Mineral Springs Subdivision, from Helen Fiedosewicz;
- B.** Adopted Resolution No 2006-060 authorizing the County Administrator to exercise the Option to Purchase Lot 11, Block H, Warm Mineral Springs Subdivision, upon completion of all due diligence involved in the acquisition.

12. CONTRACTS/RESOLUTIONS

- A.** Approved Contract No. 2006-231, an Interlocal Agreement, with the City of Venice for continuous monitoring of tributaries and monthly estuarine monitoring, in the amount of \$9,126.00;
- B.** Approved Contract No. 2006-232, an Interlocal Agreement, with the Town of Longboat Key for continuous monitoring of tributaries and monthly estuarine monitoring, in the amount of \$2,535.00;
- C.** Adopted Resolution No. 2006-061, Budget Amendment No. B2006-049, amending the Fiscal Year (FY) 2006 Budget to appropriate funds, in the amount of \$11,661.00.

13. CONTRACTS

See consideration of the following Items, later this meeting:

- A.** A Contract with Charlotte County for the purchase of 2.0 million gallons per day (mgd) from the Peace River/Manasota Regional Water Supply Authority;
- B.** To authorize payment of the settlement after receipt of the executed Contract.

14. FINANCIAL PLANNING

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

15. CONTRACTS

Approved Contract No. 2006-234, a Medical Oversight Services Agreement, with U.S. HealthWorks Medical Group of Florida, Inc., to provide consultative and clinical services in partnership with County Staff for current, prospective, and retired County employees.

16. CONTRACTS

Approved Contract No. 2006-235, a Professional Services Agreement, with the University of South Florida Board of Trustees for Substance Abuse and Mental Health Services Administration (SAMHSA) Project evaluation services, in the amount of \$126,365.00.

17. ADVISORY COUNCILS

Appointed the following individuals to serve three-year terms on the Human Services Advisory Council (HSAC), effective through March 2009:

- A.** Ken Alexander as the Licensed Psychiatrist, Psychologist, Social Worker Representative;
- B.** Elmer Berkel as a Consumer Client Advocate Representative;
- C.** Jay Berman as a Citizen-At-Large Representative;
- D.** Paula Dumas as a Business/Financial Community Representative;
- E.** Dr. Kay Glasser as a Consumer Client Advocate Representative;
- F.** Sarah Gorman as a Citizen-At-Large Representative;
- G.** Harold McFarland as the Certified Public Accountant Representative;
- H.** Dr. Carol Todd as the School Board Representative;
- I.** William Young as a Business/Financial Community Representative.

18. CONTRACTS

See consideration of a Contract with E.T. MacKenzie of Florida, Inc., for the construction of Colonia Lane Improvements, later this meeting.

19. CONTRACTS

See consideration of a Contract with Wilbur Smith Associates for the final design of the Honore Avenue/Pinebrook Road Extension Project, later this meeting.

20. RESOLUTIONS

- A. Approved a Local Law Enforcement Trust Fund spending request by the Sheriff's Office to purchase digital cameras and related equipment for the Forensics Services;
- B. Adopted Resolution No. 2006-062, Budget Amendment No. B2006-048, amending the Fiscal Year (FY) 2006 Budget, and appropriating \$97,097.00 to the Sheriff's Office.

21. WARRANTS

Ratified and approved the warrants dated March 6 through March 10, 2006, in the amount of \$16,473,278.57, as detailed in the voucher packages filed in the Finance Department.

7. CONTRACTS/RESOLUTIONS - Continued

Upon inquiry, Emergency Services Fire Chief Brian Gorski commented on the disbursement of Federal and State funds to the Florida Regional Hazardous Materials/Weapons of Mass Destruction Response Team.

Commr. Patterson moved to approve Contract No. 2006-226, a Memorandum of Understanding, with the Florida Department of Financial Services, Division of State Fire Marshal, for the Florida Regional Hazardous Materials/Weapons of Mass Destruction Response Teams, for the continuous sustainment of existing equipment and the purchase of additional equipment and training in accordance with the State's Homeland Security Strategies Plan, in the amount of \$76,277.00, and to adopt Resolution No. 2006-058, approving Budget Amendment No. B2006-041, to appropriate the funding. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

8. ORDINANCES - Continued

Following comments commending Financial Planning Office of Special Initiatives Manager William Brown and Deputy County Attorney Kathleen Schneider on their efforts related to the Cable Communication Ordinance, Commr. Staub inquired regarding expansion to contiguous parcels of land and expressed concern with the unincorporated area (South County) as one of Verizon's expansion areas.

Discussion ensued with Mr. Brown, County Attorney Stephen DeMarsh, and County Administrator James Ley on the following issues/topics:

- Verizon build-outs/wire centers
- outline of the boundaries/map coverage
- possible alternatives
- public hearing alternatives/City of North Port approval
- more versus less restrictive Ordinance provision
- additional expansion into South County areas
- avoidance of "cherry picking"/zone skipping
- wire center providers/public interest in cable competition
- discretion of the Board versus mandated action.

Commr. Staub moved to direct Staff to revise the Ordinance language to reflect contiguous parcels or to require full build-out of the wire center. The motion was seconded by Commr. Mercier. Following discussion with County Attorney DeMarsh, County Administrator Ley, and Mr. Brown regarding clarification of the motion and the five-year build-out schedule provision on page 12 of the draft Ordinance, Chair Mills ruled the motion out of order.

8. ORDINANCES - Continued

Commr. Staub moved to delete the requirement for contiguous parcels of land. The motion was seconded by Commr. Patterson. Following discussion, Commr. Patterson withdrew her second to the motion.

Subsequent to discussion regarding service and wire centers, Commr. Staub moved to add additional language that if the wire center franchise area expansion is not contiguous, a five-year build-out for the full wire center be required. The motion was seconded by Commr. Patterson. Following discussion with Mr. Brown regarding the term "wire center," County Administrator Ley advised that Staff will refine the language and bring back the Item later this meeting. The motion carried by a 5-0 vote. Discussion ensued regarding the language to be utilized for advertising. (See Item later this meeting.)

(9:42:26)

10. CONTRACTS - Continued

Upon inquiry, Environmental Services Solid Waste General Manager Gary Bennett outlined the location of the two sites (four parcels) used for Debris Management.

Commr. Staub moved to approve Contract No. 2006-228, a License Agreement, with West Coast Inland Navigation District (WCIND) for the purpose of utilizing WCIND property (Parcel Identification Nos. 0451-04-0001, 0434-12-0001, and 0434-12-0002) for Debris Management Sites in the event of a natural or man-made disaster. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Commr. Staub moved to approve Contract No. 2006-229, a License Agreement, with WCIND for the purpose of utilizing WCIND property (Parcel Identification No. 0427-08-0002) for a Debris Management Site in the event of a natural or man-made disaster. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Discussion ensued regarding the policy for debris removal for barrier islands and the back-up plan in the event of a major storm.

(9:45:40)

13. CONTRACTS - Continued

Upon inquiry, Environmental Services Operations General Manager George MacFarlane provided an explanation and assurance for consideration of the Contract with the Peace River/Manasota Regional Water Supply Authority (PRMRWSA) for the purchase of the water.

Commr. Thaxton moved to approve Contract No. 2006-233, a Settlement and Release Agreement, with Charlotte County for the purchase of 2.0 million gallons per day (mgd) of Charlotte County's Peace River Option (PRO) water allocation from the PRMRWSA through September 30, 2006, in the amount of \$305,874.69, and to authorize payment of the Settlement no later than 30 days after receipt of the fully executed Contract. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

14. FINANCIAL PLANNING - Continued

Upon inquiry, Financial Planning General Services Capital Assets Manager Terri Hooper, via teleconferencing, reviewed the estimated sales price and variables considered for determining the listed values for vehicles to be disposed.

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

18. CONTRACTS - Continued

Upon inquiry, Public Works Mobility General Manager Carolyn Eastwood discussed the expenditure of funds based on the early completion incentive related to the Project. Discussion ensued with Ms. Eastwood and County Administrator James Ley on the Fiscal Year (FY) 2006-2007 versus FY 2007-2008 Budget. Following an inquiry, County Administrator Ley noted FY 2007-2008 as a scrivener's error.

Commr. Mercier moved to approve Contract No. 2006-236 with E.T. MacKenzie of Florida, Inc., for the construction of Colonia Lane Improvements, in a base amount of \$5,508,337.59, and a contingent early completion incentive, in an amount not to exceed \$223,800.00, subject to Board approval of the Fiscal Year (FY) 2006-2007 Budget (as amended). The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(9:54:00)

19. CONTRACTS - Continued

Upon inquiry, Public Works Mobility General Manager Carolyn Eastwood discussed the time frame regarding construction and date of completion of the Honore Avenue/Pinebrook Road Extension Project, the funding to finance the Project, and the design phase incorporating a portion of the existing lanes.

Commr. Mercier moved to approve Contract No. 2006-237, a Professional Services Agreement, with Wilbur Smith Associates for the final design of the Honore Avenue/Pinebrook Road (from Laurel Road to State Road 681) Extension Project, in the amount of \$3,064,661.36. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(10:00:25)

8. ORDINANCES - Continued

County Attorney Stephen DeMarsh submitted substitute language for Section 118-75(a) of the proposed amendments to the Cable Communications Ordinance for Board review.

Following discussion with County Attorney DeMarsh and Mr. Brown on the language revision, Commr. Patterson moved to replace the language on page 12, Section 7, Sec. 118-75(a) as follows:

"It is the general policy of the Board to allow for expansion of Franchise areas in such a manner as to provide cable competition for all areas of unincorporated Sarasota County and to avoid socio-economic exclusivity while minimizing disruption of County infrastructure."

The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 5-0 vote.

Commr. Staub moved to authorize advertising of a public hearing to consider a proposed Ordinance, amending Ordinance No. 99-005, the Cable Communications Ordinance, as amended, and codified in Article III, Chapter 118 of the County Code. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Following discussion, Commr. Mercier moved to waive the requirement for an EIS (Economic Impact Statement). The motion, seconded by Commr. Staub, carried by a 5-0 vote. (See Item earlier this meeting.)

(10:06:54)

CONSENT MOTION - SARASOTA COUNTY TRANSPORTATION AUTHORITY

Chair Mills recessed the Board of County Commissioners and convened as the Sarasota County Transportation Authority (SCTA). A motion was made by Commr. Staub, seconded by Commr. Thaxton, and carried by a 5-0 vote to approve Item 22 as follows:

22. RESOLUTIONS

Adopted Resolution No. 2006-063 authorizing execution and submission of an Application to the Florida Commission for the Transportation Disadvantaged (FCTD) for the Rural Capital Assistance Support Grant. (See Item later this meeting.)

(10:07:55)

23. ADVISORY COUNCILS

- A.** The Board considered the reappointment of Tom Minnich to serve a three-year term on the Neighborhood Initiative Grant Advisory Committee (NIGAC), as the District 3 Representative, effective through March 2009;
- B.** The Board considered the appointment of one individual to serve a three-year term on the NIGAC, as the District 2 Representative, effective through March 2009.

Following comments, Commr. Staub moved to reappoint Tom Minnich to serve a three-year term on the NIGAC as the District 3 Representative, effective through March 2009. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Following comments regarding nominations to committees and district requirements, Commr. Staub nominated Delmer Macaulay. Chair Mills nominated William Winston Clodfelter.

Chair Mills closed the nominations, without objection.

Following a vote on the nominations, Chair Mills noted the appointment of Delmer Macaulay to serve a three-year term on the NIGAC, as the District 2 Representative, effective through March 2009. Discussion ensued regarding the quality of the Board copies of the applications.

(10:10:13)

24. ADVISORY COUNCILS

The Board considered the appointment of one individual to fill an unexpired four-year term on the Traffic Advisory Council (TAC), effective through December 2007.

Commr. Thaxton nominated Francisco Domingo. Chair Mills nominated Harry Glaze. Commr. Patterson nominated Hope Byrnes.

Commr. Thaxton moved, and Chair Mills closed the nominations without objection.

Following a vote on the nominations, Chair Mills noted the appointment of Francisco Domingo to fill an unexpired four-year term on the TAC, effective through December 2007.

Commr. Staub requested Staff schedule the TAC meetings earlier (or later) in the day to enable STAR (Students Taking Active Roles in Government) Representatives to attend, without objection.

25. PUBLIC WORKS

The Board considered Gondola Drive and Sklar Drive alternatives relative to the Garden Elementary Sidewalk Project.

Public Works Mobility Engineering Section Supervisor Paula Wiggins introduced Staff members present, submitted correspondence, and gave an overview of Staff's report on the Garden Elementary Sidewalk Project. Discussions were held with Ms. Wiggins, Public Works Mobility General Manager Carolyn Eastwood, and County Attorney Stephen DeMarsh on the following topics/issues:

- map of the area
- alternative route/school connectivity
- right-of-way for sidewalks/location
- total cost of the Project/funds expended
- bonded Sidewalk Project/option to shift funds to other projects
- number of students served by the Gondola Drive/Sklar Drive Project
- rating system/number of children affected/final decision regarding funding.

Following comments, Commr. Staub moved to remove the design construction of the Gondola Drive and Sklar Drive sidewalk segments from the Garden Elementary Sidewalk Project. The motion was seconded by Commr. Thaxton. Following individual comments, the motion carried by a 5-0 vote. Discussion ensued with County Administrator James Ley regarding speed tables in the area.

(10:38:05)

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

The Filed for Record List was noted.

RECESS: 10:39 a.m. - 10:49 a.m.

22. RESOLUTIONS - Continued

Chair Mills adjourned the Sarasota County Transportation Authority and reconvened as the Board of County Commissioners. (See Item earlier this meeting.)

32.

JOINT MEETING
WITH ENGLEWOOD COMMUNITY REDEVELOPMENT AREA (CRA)
ADVISORY BOARD

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

Board Member Mary Ellen Diez, Chair
Board Member John Fellin, Vice Chair
Board Member Robert Collins
Board Member Richard Howell
Board Member David Senkpiel
Board Member Lise Yust
Board Member John Radkins

A. ADVISORY COUNCILS

Following individual introductions by the CRA members, Englewood CRA Chair Mary Ellen Diez discussed the history, accomplishments, goals, and future projects. Discussion ensued with Chair Diez and Englewood CRA Vice Chair John Fellin on Board direction regarding future projects.

32. ENGLEWOOD CRA ADVISORY BOARD JOINT MEETING - Continued**B. CURRENT PROJECTS**

Englewood CRA Chair Mary Ellen Diez noted the current Projects for consideration by the Board and Planning and Development Services CRA Project Coordinator Christine Davis summarized the components of the Projects. Discussions were held with Ms. Davis and CRA members on the following topics/issues:

(11:00:01)

- suggestion to incorporate the Artist Community and Art Alliance/Ferry/options to accomplish and fund the Retail Market Analysis
- development of the CRA Marketing Plan/suggestion to outsource the expertise without using volunteers/incentive programs to accomplish the goals/aggressive marketing campaign/sidewalks/lighting/direct grants to individual businesses/"hardscaping"/courtyard/stormwater/City of Venice as an example/identify and address "Park and Ride"/need to set land aside/curb appeal/improvements/develop landscaping district/remove light poles/financial forecast/projects that can be bonded/stormwater/lighting alternatives/nighttime parking/decorative lighting/infrastructure/bonding package/land for parking/relocation of the Lemon Bay Playhouse/maintain control of parking/financial projections
- expansion of the renovation of the Chamber of Commerce building/use of structures at the Environmental Learning Center during displacement/creation of a Visitor Center
- development of the parking plan and the acquisition of property
- installation/purchase of bicycle racks/option to do "as art"/CRA authority to proceed without Board approval/discretionary limit within approved budget/CRA's authority/discretion to expend funds if changes occur/request for Staff to place the agenda item on fast track, without objection
- Dearborn Street and Pine Street improvements/completion time frame
- facilities at Kiwanis Park (Environmental Learning Center) and Buchan Airfield
- request for a timeline via e-mail regarding readiness of the structures for occupancy by the Chamber of Commerce, without objection
- stormwater planning (see Item 33B later this meeting)
- gateway signs/Florida Department of Transportation (FDOT) approval for a "Welcome to Englewood" sign.

(11:28:48)

C. FUTURE PROJECTS/PLANS

Englewood CRA Chair Mary Ellen Diez summarized the future Project plans and discussions were held with Planning and Development Services CRA Project Coordinator Christine Davis, Public Works Mobility Engineering Section Supervisor Paula Wiggins, and County Attorney Stephen DeMarsh on the following topics/issues:

- develop an Incentive Program (Stormwater, Parking, Utilities, Impact Fees mitigation)/lack of impact fees
- create waterfront development/develop a plan
- suggestions for waterfront/hiring firm for development/securing waterfront property at the foot of Dearborn Street/location of the Ferry Staff/consideration of waterfront land

32. ENGLEWOOD CRA ADVISORY BOARD JOINT MEETING - Continued**C. FUTURE PROJECTS/PLANS - Continued**

- additional signage/request to address "way finding" signs/logo/modify Town Center Plan to allow additional signage/uniformity/signage developed in Charlotte County/similar signs in other locations
- Architectural Design Guidelines/Board consensus for basic for mandatory guidelines/architectural individuality for building design
- suggestion for a public workshop to address standards/height/County regulation control/uniformity/fast-tracking Dearborn Street/residences situated above the first floor/national practice/mega-houses/City of Sarasota Ordinance/mega-houses within flood zones/credit from Federal Emergency Management Agency (FEMA)
- development of a Veteran's Memorial Garden/location consideration/time frame for presentation to the Board
- recreational needs in the Community/commendation of the Englewood Sports Complex/access/functions of Lemon Bay and Indian Mound Parks/weekdays versus weekend use
- sidewalks/need/identification of funding source/CRA funds utilization/design phase/funds available for design/amending the CRA Plan/budget/estimated sidewalk costs.

(11:57:50)

D. FINANCIAL REVIEW

Englewood CRA Vice Chair John Fellin reviewed the current and future financial projections. Discussion ensued with Mr. Fellin, Englewood CRA Chair Mary Ellen Diez, and Planning and Development Services CRA Project Coordinator Christine Davis on the following topics/issues:

- plans/options for publicly-owned properties/relocation of the Lemon Bay Playhouse/entertainment "draw"/parking/financing/fund raising/selling property
- CRA planning input
- Art Alliance/use of the Quonset hut/inquiry regarding condition of building/support for the Englewood museum/long-range plans
- CRA incentives/priorities/development/"domino effect"/Item to be revised and brought back.

RECESS: 12:10 p.m. - 1:30 p.m.**PRESENTATION OF PROCLAMATIONS:**

Mr. Steve Minnis - Past Service, Southwest Florida Water Management District (SWFWMD)

33. OPEN TO THE PUBLIC**A. CONTRACTS**

Mr. Ralph Book, Jr., inquired regarding responsibilities of bridge tenders and commented on the concern with the low pay.

33. OPEN TO THE PUBLIC - Continued**B. ADVISORY COUNCILS**

Mr. Sean Brown with Suncoast Architect, Inc., commented on stormwater management on Dearborn Street and submitted correspondence. (See Item 32 earlier this meeting.)

34. PLANNING AND DEVELOPMENT SERVICES

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

Having been duly sworn, Planning and Development Services Principal Planner Tate Taylor gave an overview and submitted correspondence received on the Plan, and introduced Ms. Anne Merrill of AMDS, Inc.

Chair Mills noted that this is the first of two public hearings with no action to be taken this date and advised that the second public hearing is scheduled for April 11, 2006, at 5:01 p.m. for final action.

Discussion ensued with Ms. Merrill, duly sworn, Planning and Development Services Planning Director Anne McClung, duly sworn, Public Works Transportation Planning Manager Clarke Davis, duly sworn, and Mr. Taylor on the following topics/issues:

- request for a copy of the presentation, without objection
- Major Employment Center (MEC) boundary on the map/industry types
- location of the landfill
- inclusion of owners/correspondence/definition of "block plan" on the map/size and number of individual properties
- review/evaluation of the concurrency management area
- sentiment of the workshop/Planning Commission meeting attendees
- distinction of pink areas on the map/non-residential use
- Lee Wetherington/Ventura/J&J/Venice Center developments on the map/
description of rezoned properties north of Venice Avenue
- zoning of the Lee Wetherington development/previous Board approval
- definition of RE-1 (Residential, Estate) on the map
- outline of the "Nolan" District/Blackburn Canal area
- connectivity/grid system
- "fiscal neutrality"/one-time infrastructure.

The following individuals, duly sworn, commented on the proposed Plan:

Mr. Robert Melsom
Attorney William Merrill, III (submitted a copy of a site plan)
Attorney Michael Furen (submitted copy of a site plan)
Mr. Bill Hager
Mr. Ron Thomas
Mr. Stephen Hazeltine
Mr. Fabian Bianchi

34. PLANNING & DEVELOPMENT SERVICES - Continued

Upon inquiry, Ms. Merrill discussed the guidelines, principles, and criteria to be applied regarding the Plan and commented on the public testimony and addressed concerns on the areas that require master planning.

Discussion ensued with Ms. Merrill, Mr. Taylor, Ms. McClung, and Mr. Davis on the following topics/issues:

- input from the homeowners at the next public hearing
- decision regarding exemption of pending parcels
- review/recommendation from the Planning Commission
- notice provided/response received from the City of Venice regarding the proposal
- grid system/interconnection between parcels/platted roads
- commercial neighborhoods/input
- exceptions to the access plan
- request for clearer copies of the map prior to the next public hearing, without objection
- individual standards for Ordinance development
- clear land/fill/tree cutting
- consensus of prior Board approval to exempt pending parcels.

Following comments, Commr. Staub moved to direct the exemption of the northeast quadrant at Jacaranda Boulevard and Venice Avenue, the two parcels "in the pipeline," and the two, five-acre parcels on the west side of Fellsmere Road. The motion was seconded by Commr. Patterson. Following discussion, the motion carried by a 5-0 vote.

(4:04:11)

Commr. Staub moved to exempt the northeast quadrant, with Lee Road being the westerly boundary, north of East Venice Avenue. Following discussion, the motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(4:06:04)

Discussion ensued with Ms. Merrill regarding clarification of the properties under development south of East Venice Avenue and the time frame for the Plan. County Attorney Stephen DeMarsh discussed the procedure on implementing regulations for approved Ordinances.

Ms. Lee-En Chung, duly sworn, commented on the proposed Plan.

Chair Mills closed the public hearing and noted the second public hearing is scheduled for April 11, 2006, at 5:01 p.m.

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

27. COUNTY ADMINISTRATOR'S REPORT**A. LEGISLATION/CONTRACTS/ENVIRONMENTAL SERVICES/MUNICIPALITIES**

County Administrator James Ley presented and discussed the following items:

- request for authorization to forward correspondence relating to House Bill (HB)

27. COUNTY ADMINISTRATOR'S REPORT - Continued**A. LEGISLATION/CONTRACTS/ENVIRONMENTAL SERVICES/MUNICIPALITIES -
Continued**

Commr. Staub moved to authorize Staff to forward correspondence with the Chair's signature to Chairman Ken Sorensen of the Local Government Council, noting the Board's position on HB 949 relating to Municipalities/Authority Limitation. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

- request for Contract approval relating to the Siesta Key Village Neighborhood Beautification Project

Following comments, Commr. Staub moved to approve Contract No. 2006-238, Specific Authorization No. 1 to Contract No. 2004-362, with WilsonMiller, Inc., for engineering design services related to the Siesta Key Village Neighborhood Beautification Project, in the amount of \$341,367.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

- request for a water/wastewater summit at the Staff level

Commr. Mercier requested specific numbers regarding municipalities and population projections, without objection.

(4:20:57)

28. COUNTY ATTORNEY'S REPORT**A. PLATS**

County Attorney Stephen DeMarsh presented and Commr. Staub moved to approve the Final Plat of the Isles of Sarasota, Unit 2A. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

B. PLATS

County Attorney Stephen DeMarsh presented and Commr. Staub moved to approve the Final Plat of Regent Lake. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

C. LEGAL

County Attorney Stephen DeMarsh requested to retain Christopher B. Hanback, Esquire, and Lynn Calkins, Esquire, with Holland & Knight, LLP, as Special Counsel in the investigation of Sarasota County's zoning practices with regard to community residential homes on Sevilla Street in Warm Mineral Springs and in defense of the Tracey P. Renaissance Manor, Inc. et al. v. Sarasota County and Joseph and Maria Serna lawsuit, M.D. Fla. Case No. 8:05-CV-927-T-27EAJ.

Following comments, Commr. Mercier moved to retain Christopher B. Hanback, Esquire, and Lynn Calkins, Esquire, with Holland & Knight, LLP, as Special Counsel in the investigation of the County's zoning practices and in defense of the lawsuit. The motion was seconded by Commr. Staub. Following discussion with County Attorney DeMarsh regarding shade meetings, the motion carried by a 5-0 vote.

29. COMMISSION REPORTS**A. ORGANIZATIONS/EMERGENCY SERVICES/PUBLIC WORKS**

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

29. COMMISSION REPORTS - Continued**A. ORGANIZATIONS/EMERGENCY SERVICES/PUBLIC WORKS - Continued**

- correspondence from START (Solutions To Avoid Red Tide)/State funding/correspondence sent/application support/Mote Marine involvement/request for Staff to review if support previously given, without objection
- The Fountains/County changed mailing/delivery address/directional confusion/request for signs/return to original address/Emergency Services
- crosswalks on Midnight Pass/FDOT (Florida Department of Transportation) analysis/enhancement project/scheduled discussion.

(4:32:39)

B. MUNICIPALITIES/ENVIRONMENTAL SERVICES/PLANNING AND DEVELOPMENT SERVICES

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

- City of Venice participation/Venice Avenue Corridor Plan/request for Staff to initiate correspondence to City Representatives regarding the April 11, 2006, meeting, without objection (see Item 34 earlier this meeting)
- State Road (SR) 776 Corridor Plan/request for Staff to expedite the process for amending the Plan for compliance with current rezone petitions or Site and Development Plans, without objection
- request for Staff review of revisions to the Green Incentives Resolution to expedite rezone and special exception petitions, if initially stipulated as a "green" development, without objection.

(4:37:15)

C. ELECTIONS/PUBLIC WORKS/ORGANIZATIONS/STATE AGENCIES

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

- Charter Review Board/appointed versus elected officials
- meeting with Manatee County/University Parkway Extension Project/citizen pressure/State Road (S.R.) 72/Toledo Blade Boulevard schedule/workshop/Metropolitan Planning Organization (MPO)/Florida Department of Community Affairs (FDCA) level.

Commr. Mercier moved to direct Staff to schedule a workshop regarding road impacts on S.R. 72, Toledo Blade Boulevard, and the University Parkway Extension Project. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

D. ENVIRONMENTAL SERVICES/LEGISLATION/PLANNING AND DEVELOPMENT SERVICES

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

- meeting at Charlotte Harbor/document from City of Sanibel/proactive literature to cleanup estuaries/detachable pullout card to be sent to Governor Jeb Bush
- correspondence from District 69 House Representative/displaced mobile home owners/expanded legislation for apartment owners/cap removed from Sadowski funds/recovering funds
- Caloosahatchee River/pullout card/correspondence to support restoration of hydro regimes to the Caloosahatchee River/Ding Darling National Wildlife Refuge/Park considered a national treasure.

29. COMMISSION REPORTS - Continued**D. ENVIRONMENTAL SERVICES/LEGISLATION/PLANNING AND DEVELOPMENT SERVICES - Continued**

Commr. Patterson moved to direct Staff to send correspondence under the Chair's signature to Governor Jeb Bush indicating support for the restoration of the hydro regime in the Caloosahatchee River and to reverse the degradation of Ding Darling National Wildlife Refuge with copies to the Legislative Delegates and the Southwest Florida Water Management District (SWFWMD). The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

- correspondence regarding the Pearl Beach Motel/request for Staff to e-mail status/response letter regarding the loss of non-conforming status, without objection
- *The Sarasota Observer* article on the Child Development Center and Affordable Housing initiative/clarification and message conveyed to the City of Sarasota Commissioners/City Planning Board.

(4:55:57)

E. LEGISLATION/ORGANIZATIONS/PUBLIC WORKS

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

- concern with rising gas prices
- restoration meeting in New Orleans/International City/County Management Association (ICMA) sponsorship/Staff involvement/Board member attendance/Staff preparation of presentation
Commr. Staub moved to approve expenses for interested Board members to attend the ICMA Conference on May 16 and 17, 2006, in New Orleans. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
- U.S. 41 lighting Project/light pollution/contact with FDOT (Florida Department of Transportation)/possible solution.

B. PLANNING AND DEVELOPMENT SERVICES - Continued

Commr. Staub requested Staff to convey a request for the CRA (Community Redevelopment Area) Committee to review the possibility of having developments "build green" in the CRA as part of the Plan, without objection. (See Item 32 earlier this meeting.)

30. BCC

The Board reviewed the County Commission Outstanding Board Assignments Report dated March 17, 2006. The following assignments were noted:

- Item No. 06015, ID No. 02
- Item No. 06026, ID No. 01
- Item No. 06025, ID No. 03.

31. BCC

The Board reviewed the Board of County Commissioners Meeting Schedule.

MEETING ADJOURNED: 5:00 p.m.