

September 12, 2006

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

Book 74

Page 455

**SARASOTA COUNTY ADMINISTRATION CENTER
1660 RINGLING BOULEVARD
COUNTY COMMISSION CHAMBER
SARASOTA, FLORIDA**

9:00 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

Also present were:

James Ley, County Administrator
David Bullock, Deputy County Administrator
Stephen DeMarsh, County Attorney
Karen E. Rushing, Clerk of the Circuit Court and County Comptroller
Paula Clintsman, Deputy Clerk
Spring Dickson, Deputy Clerk

INVOCATION

Reverend Dan Prine, Vamo United Methodist Church

PLEDGE OF ALLEGIANCE

Commissioner Mercier

PRESENTATION OF PROCLAMATIONS

U.S. Constitution Week - September 17 through September 23, 2006
Roland Abraham Day - September 12, 2006
Family Day - A Day to Eat Dinner With Your Children - September 25, 2006
Alcohol and Drug Addiction Recovery Month
Pollution Prevention Week - September 18 through September 24, 2006
Careers in Construction Week - September 16 through September 20, 2006
American Business Women's Day - September 12, 2006

RECOGNITIONS

Terry Gilbert, Public Works

CONSENT MOTION

A motion was made by Commr. Staub, seconded by Commr. Thaxton, and carried by a 5-0 vote to approve Items 1-29 as follows, with the exception of Items 1, 3, 4, 9, 11, 13, 14, 16, 19, 20, 22, 23, and 24, considered later this meeting. County Administrator Ley requested and Chair Mills noted withdrawal of Item 4.

1. CONTRACTS

See consideration of the following Items, later this meeting:

- A.** A Contract with the Florida Division of Emergency Management for the funding of two generators and installation for placement at People with Special Needs (PSM) shelters;
- B.** A Resolution, Budget Amendment No. B2006-092.

2. RESOLUTIONS

Adopted Resolution No. 2006-185 to submit a funding request to the Florida Department of Environmental Protection (FDEP) for the South Siesta Key Beach Restoration Project.

3. CONTRACTS

See consideration of a Contract with Coastal Planning and Engineering, Inc., for additional engineering services, later this meeting.

4. CONTRACTS

The Continuing Professional Engineering Services Contracts for Parks and Preserve Design Services with RMPK Group, Inc., Glatting, Jackson, Kercher, Anglin, Lopez and Rhinehart, Inc., King Engineering Associates, Inc., and Kimley-Horn and Associates, Inc., were withdrawn from consideration.

5. CONTRACTS

Approved Contract No. 2006-416 with Vanguard Utility Service, Inc., for the removal and replacement of water meters and backflow prevention assemblies at 19 sites throughout the County Utility System, in the amount of \$209,373.36.

6. CONTRACTS

- A. Approved Contract No. 2006-417 with the Arts Council, Inc., to administer the Cultural Tourism Program for Fiscal Year (FY) 2007, in the amount of \$1,299,598.00;
- B. Approved Contract No. 2006-418 with the Sarasota County Convention and Visitors Bureau (SCVB), to administer the Marketing and Promotion Program for FY 2007, in the amount of \$2,242,371.00.

7. ADVISORY COUNCILS

Appointed Katherine Moulton to serve a four-year term on the Tourist Development Council (TDC), as a Collectors of the Tax Representative, effective through September 2010.

8. ADVISORY COUNCILS

Appointed Joseph O'Hara to serve a three-year term on the Citizen Tax Oversight Committee, as the At-Large Representative, effective through August 2009.

9. CONTRACTS

See consideration of a Contract with Pride Integrated Services, Inc., for Misdemeanor Probation Services, later this meeting.

10. CONTRACTS

- A. Approved Contract No. 2006-420, a Grant Agreement, with the Florida Department of Community Affairs (FDCA), for Community Services Block Grant (CSBG) funding for homelessness prevention services for Fiscal Year (FY) 2007 beginning October 1, 2006, through September 30, 2007, in the amount of \$140,634.00;
- B. Approved Contract No. 2006-421, a Subgrant Agreement, with the Salvation Army for CSBG funded homelessness prevention services for FY 2007 beginning October 1, 2006, through September 30, 2007, in the amount of \$143,447.00.

11. RESOLUTIONS

See consideration of a Resolution implementing the Dori Slosberg Driver Education Safety Act, later this meeting.

12. CONTRACTS

Approved Contract No. 2006-422, Amendment No. 1 to Contract No. 2006-142, a Funding Agreement, with the Florida Department of Health to amend the Fiscal Year (FY) 2005/2006 Budget for Core Services, in the amount of \$3,861,317.00.

13. CONTRACTS

See consideration of a Contract with EDAW Inc., to conduct a Comprehensive Study of designated areas in the County as Major Employment Centers (MEC), later this meeting.

14. ORDINANCES

See consideration of authorization to advertise a proposed Zoning Ordinance, the East Venice Avenue Overlay, later this meeting.

15. CONTRACTS

Approved Contract No. 2006-424, a Memorandum of Understanding, with The Field Club, Inc., for new buildings and repairs to the historic structures located at the Field Club.

16. CONTRACTS

See consideration of a Contract with The ADP Group for the Osprey Library, later this meeting.

17. CONTRACTS

Approved Contract No. 2006-426, Change Order No. 1 to Contract No. 2006-330, with APAC Southeast, Inc., for additional resurfacing work accelerated for completion of the Fiscal Year (FY) 2006 Increment, in the amount of \$771,832.10.

18. CONTRACTS

Approved Contract No. 2006-427, Change Order No. 1 to Contract No. 2005-359, with DeJonge Excavating Contractors, Inc., for the St. Armands Key Stormwater Improvement Project, in the amount of \$60,000.00.

19. CONTRACTS

See consideration of a Contract with Reynolds, Smith, and Hills CS Inc., for construction engineering inspection services for the Bahia Vista Street Project, later this meeting.

20. CONTRACTS

See consideration of the Continuing Professional Commissioning Agent Services Contracts with SSRcx, LLC, and Construction Dynamics Group, Inc., for LEED (Leadership in Energy and Environmental Design)/Green documentation as required, later this meeting.

21. CONTRACTS

- A. Approved Contract No. 2006-431, a Local Agency Program (LAP) Supplemental Agreement, with the Florida Department of Transportation (FDOT), for the construction of Dearborn Street, Capital Improvement Program (CIP) No. 95740;
- B. Adopted Resolution No. 2006-187 authorizing execution of the LAP Supplemental Agreement.

22. CONTRACTS

See consideration of a Contract with PBS&J (Post, Buckley, Schuh, and Jernigan) Corporation, for the design and construction services for Fire Station No. 1, later this meeting.

23. CONTRACTS

See consideration of a Contract with PBS&J (Post, Buckley, Schuh, and Jernigan) Corporation, for the design and construction services for Fire Station No. 10, later this meeting.

24. CONTRACTS

See consideration of a Contract with BMK Architects, Inc., for the design and construction services for Fire Station No. 15, later this meeting.

25. TAX COLLECTOR

Approved the Final Recapitulation of the 2005 Tax Roll.

26. TAX COLLECTOR/PROPERTY APPRAISER

Authorized the Property Appraiser to extend the tax roll prior to the completion of the Value Adjustment Board hearings, pursuant to Florida Statute 197.323.

27. CONTRACTS

Approved Contract No. 2006-435, a License Agreement, with 82 Degrees Tech, Inc., for a Hosted Wireless Network License for a period of three years.

28. WARRANTS

Ratified and approved the warrants dated August 14 through September 1, 2006, in the amount of \$30,320,522.96, as detailed in the voucher packages filed in the Finance Department.

29. MINUTES

Approved the Minutes of the meetings dated August 22, August 23, and August 25, 2006.
(9:40:28)

1. CONTRACTS - Continued

Commr. Mercier inquired and Emergency Services Emergency Management General Manager Ed McCrane commented on the number of generators funded by the State for People with Special Needs (PSN) shelters, the locations of the shelters, and the efforts and continued negotiations to address maintenance issues.

Commr. Mercier moved approval/adoption of the following Items:

- Contract No. 2006-414, a Subgrant Agreement, with the Florida Division of Emergency Management for the funding of two generators and installation for placement at PSM shelters, in the amount of \$1,685,173.00;
- Resolution No. 2006-184, Budget Amendment No. B2006-092, to appropriate the funding.

The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
(9:43:23)

3. CONTRACTS - Continued

Commr. Patterson inquired and Environmental Services Project Scientist Curtis Smith and Public Works Construction Projects Manager Spencer Anderson commented on the status and process to obtain the permits, noted the time frame for construction to commence, and requested to proceed with the Contract. Following comments by County Administrator James Ley regarding the terms of the Contract, discussion ensued regarding the scope of services, performance, the penalties associated with not obtaining the permits, the final plans, the number and status of the property owners needed to secure the remaining easements, and the requirements for Change Orders to the Contract.

3. CONTRACTS - Continued

Commr. Patterson moved to approve Contract No. 2006-415, Amendment No. 3 to Contract No. 2004-100, with Coastal Planning and Engineering, Inc., for additional engineering services, in the amount of \$847,666.25. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(9:55:56)

9. CONTRACTS - Continued

Chair Mills inquired and Health and Human Services Criminal Justice Coordinator General Manager James Schulz noted that the fees are paid by individuals placed on misdemeanor probation with no cost to the County and commented on the efficiencies, scope of services, and Contract terms with Pride Integrated Services, Inc.

Chair Mills moved to approve Contract No. 2006-419, a Professional Services Contract, with Pride Integrated Services, Inc., for Misdemeanor Probation Services. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:58:22)

11. RESOLUTIONS - Continued

Commr. Patterson inquired and Health and Human Services Criminal Justice Coordinator General Manager James Schulz commented on the amount of fees collected for the Dori Slosberg Driver Education Safety Act, the amount disbursed to the Schools, the anticipated collection amount, management of the funds collected, and the eligibility requirements for public and private schools versus private companies.

Commr. Patterson moved to adopt Resolution No. 2006-186 implementing the Dori Slosberg Driver Education Safety Act. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

(10:02:11)

13. CONTRACTS - Continued

Commr. Patterson expressed concern regarding the cost of the Contract and Planning and Development Services Senior Planner Jessica Ritter noted the scope of services and terms of the Contract for the Comprehensive Study of areas in the County designated as Major Employment Centers (MEC). Discussion ensued with Ms. Ritter and County Administrator James Ley on the inventory and the fee schedule. Commr. Thaxton requested gross estimates on future contracts, without objection.

Commr. Patterson moved to approve Contract No. 2006-423 with EDAW Inc., to conduct a Comprehensive Study of designated areas in the County as MEC, in an amount not to exceed \$400,000.00. The motion was seconded by Commr. Staub. Following individual comments, the motion carried by a 5-0 vote.

(10:10:26)

14. ORDINANCES - Continued

Commr. Staub requested to schedule one 5:01 p.m., public hearing regarding the East Venice Avenue Overlay. Following an inquiry, Planning and Development Services Principal Planner Tate Taylor noted the process and requirements for applications pending due to the public hearing schedule.

Commr. Staub moved to authorize advertising of a public hearing to consider a proposed Zoning Ordinance, the East Venice Avenue Overlay, as codified in Appendix A of the County Code and to waive the requirement of an Economic Impact Statement (EIS). The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(10:13:38)

16. CONTRACTS - Continued

Commr. Staub commented on a possible "green" roof for the Osprey Library and noted discussions with FDEP (Florida Department of Environmental Protection) to fund a pilot project for the Library.

Following comments on the percentage of work performed by the subcontractors, discussions were held with Public Works Facilities General Manager Michael Kirk and County Administrator James Ley on the scope, the breakdown of the fees and scope of services/terms with ADP, the expertise in the area of building "green," and general space needs.

Commr. Staub requested that Staff contact Mr. Eric Livingston from FDEP and employ contractors with expertise in the area of building "green," without objection.

Commr. Staub moved to approve Contract No. 2006-425, a Professional Architectural Services Agreement, with The ADP Group for the Osprey Library, in the amount of \$815,250.00, including a written commitment for the construction of a "green" roof. The motion was seconded by Commr. Thaxton. Commr. Thaxton suggested and Mr. Kirk noted coordination efforts with the Stormwater Center at the University of Central Florida.

County Attorney Stephen DeMarsh inquired and Mr. Kirk noted that the Contract terms meet the requirement to coordinate with the landowner on the architectural design of the Library construction. The motion carried by a 5-0 vote.

(10:22:49)

19. CONTRACTS - Continued

Commr. Mercier commented on the engineering services and Public Works Construction Projects Manager Spencer Anderson commented on the construction activities and noted the scope of services and terms of the Contract for monitoring the work.

Commr. Staub moved to approve Contract No. 2006-428, a Professional Services Contract, with Reynolds, Smith, and Hills CS Inc., for construction engineering inspection services for the Bahia Vista Street Project (Cattlemen to McIntosh Roads), in the amount of \$1,296,452.00. The motion, seconded by Commr. Thaxton, carried by a 4-1 vote, with Commr. Mercier voting "No."

(10:25:04)

20. CONTRACTS - Continued

Commr. Staub expressed concern with the fee schedule and the firms already certified as LEED (Leadership in Energy and Environmental Design).

Discussions were held with Public Works Facilities Maintenance Manager William White, Public Works Facilities General Manager Michael Kirk, and County Administrator James Ley regarding monthly status reports, the costs associated with the Contracts, benefits of the Contracts, and a suggestion for training and certified in-house personnel for "green" developments.

Commr. Staub moved to approve the Continuing Professional Commissioning Agent Services Contracts for LEED/Green documentation as required, including a revision of the costs from \$1,500,000.00 to \$500,000.00 each, as follows:

- Contract No. 2006-429 with SSRCx, LLC;
- Contract No. 2006-430 with Construction Dynamics Group, Inc.

20. CONTRACTS - Continued

The motion, seconded by Commr. Thaxton, carried by a 4-1 vote, with Commr. Mercier voting "No."

(10:35:54)

22. CONTRACTS - Continued**23. CONTRACTS - Continued****24. CONTRACTS - Continued**

Commr. Staub inquired regarding the differential costs associated with the construction of the Fire Station Nos. 1, 10, and 15. Public Works Facilities General Manager Michael Kirk and Emergency Services Fire Chief Brian Gorski discussed the "prototypes" for the Fire Stations and advised of the "green" facility.

Commr. Staub moved to approve the following Items:

- Contract No. 2006-432, Specific Authorization No. 1 to Contract No. 2006-314, with PBS&J (Post, Buckley, Schuh, and Jernigan) Corporation, for the design and construction services for Fire Station No. 1, in the amount of \$317,000.00;
- Contract No. 2006-433, Specific Authorization No. 2 to Contract No. 2006-314, with PBS&J Corporation, for the design and construction services for Fire Station No. 10, in the amount of \$199,700.00;
- Contract No. 2006-434, Specific Authorization No. 1 to Contract No. 2006-312, with BMK Architects, Inc., for the design and construction services for Fire Station No. 15, in the amount of \$211,875.00.

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

(10:40:18)

32. ADVISORY COUNCILS

Presentation of the EDC (Economic Development Corporation) Annual Report by President Kathy Baylis.

Financial Planning Fiscal Planning General Manager Jeffrey Seward commented on the projects and introduced EDC President Kathy Baylis who introduced the members of the presentation team and EDC Chairman John Swart provided an overview of the activities and projects conducted by the EDC. Discussions were held on the following topics/issues:

- impacts to the Business Community/Save Our Homes Amendment/Impact Fee factors
- Fiscal Year (FY) 2007/estimates/increase in the Occupational Licenses (Economic Development Funding Sources Chart)
- estimation of the tax impact/conservative approach
- percentage of the job growth/request for the percentage of the 15 percent of the job growth that falls below 100 to 120 percent of the MAI, without objection (from the years 2002 to 2005)
- construction/proactive for solutions in Tallahassee, Florida relative to insurance
- annual average County wage versus the State of Florida.

RECESS: 11:02 a.m. - 11:06 a.m.

31. ADVISORY COUNCILS

Presentation of the Development Services Advisory Committee Annual Report by Chair Jeff Eslinger.

Chair of the Development Services Advisory Committee Jeff Eslinger summarized the Committee's activities, concerns, and future projects. Discussions were held with Planning and Development Services Chief Building Official Paul Radauskas and Mr. Eslinger on the following topics/issues:

- ISO (Insurance Services Office)/rating of the Building Department/top percentile
- green initiative efforts/"cutting edge"
- exotic species/removal
- processing fees based on acreage/open space/calculation/methodology/fee based on the actual (Staff) time/recover the costs/time frame for completion of residential construction (six months for inspection).

Chair Mills commended the members of the Development Services Advisory Committee for their service to the County.

(11:21:18)

30. ADVISORY COUNCILS

The Board considered the appointment of one individual to serve a three-year term on the Metropolitan Planning Organization Citizen Advisory Committee (MPOCAC), as an Unincorporated Area Representative, effective through June 2009.

Chair Mills nominated W.L. Barnett. Commr. Staub nominated Kafi Benz.

Following a vote on the nominations, Chair Mills noted the reappointment of Kafi Benz to serve a three-year term on the MPOCAC, as an Unincorporated Area Representative, effective through June 2009, by a 4-1 vote, with Chair Mills voting "No."

(11:22:33)

33. ORDINANCES

The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, to amend Ordinance No. 2004-010, the Coastal Setback Code.

Environmental Services Coastal Resources Manager Laird Wreford provided background information and summarized the amendments to the Coastal Setback Code. Discussions were held with Mr. Wreford and County Attorney Stephen DeMarsh on the following topics/issues:

- page 14 of the proposed Ordinance/Section 54-724, Variances, (a)(1) regarding the term "unreasonable"
 Commr. Thaxton requested to revise the language in Section 54-724, (a)(3), as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text): ". . . other lands properties which ~~is~~ are . . .," without objection.
 Commr. Thaxton requested to revise the language in Section 54-724, Variances, (a)(4), as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text): "~~Special~~ These conditions and . . .," without objection.
- page 14, Section 54-724, Variances, (a)(8), examples.

33. ORDINANCES - Continued

Discussion ensued regarding the options for accessory structures, possible combination of Options 3 and 4, the siting requirements, and the prohibition of septic tanks, swimming pools, tennis courts, and gazebos.

Mr. Wreford reviewed the proposed amendments for Variances for Shore Protection Structures, page 15 of the proposed Ordinance.

(11:47:45)

Commr. Thaxton referenced page 15, Section 54-724, Variances, (b)(1)(i), and requested to revise the language as follows (additions shown as underlined text): "Shall not adversely impact . . .," throughout the document, without objection.

Commr. Thaxton requested to revise the language in Section 54-724, Variances, (b)(1)(ii), to read as follows (additions shown as underlined text): "Avoid to the maximum extent possible, minimize adverse impacts to coastal systems and processes and avoid adverse impacts to neighboring properties." Following discussion, Commr. Patterson moved to add a new Roman numeral to read as follows: "Shall avoid adverse impacts to neighboring properties." The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 5-0 vote.

(11:54:33)

Commr. Thaxton referenced Section 54-724, Variances, (b)(2) and requested to modify the language to read as follows (additions shown as underlined text), without objection:

The proposed construction shall be approved only when a less structural alternative, such as a strategic withdrawal, . . .

Following discussion with County Attorney DeMarsh regarding the Board's authority relating to construction forward of Gulf Beach Setback Line (GBSL), Commr. Patterson moved to add language as follows:

If applied and approved for a Variance to enlarge a home, add an auxiliary structure, or build a new home or part of an existing home forward of the GBSL, individuals are not eligible to apply for a coastal shore hardening protection variance.

The motion was seconded by Commr. Thaxton. Following comments by County Attorney DeMarsh, Commr. Patterson noted a prospective intent. Following individual comments, the motion carried by a 5-0 vote.

Discussion ensued on Section 54-724, Variances, (1)(iv), regarding the criteria to protect public infrastructure.

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

The Filed for Record List was noted.

33. ORDINANCES - Continued

Commr. Patterson referenced page 7 of the proposed Ordinance relating to the definition of "substantial improvement," and Environmental Services Environmental Specialist II Rachel Herman noted the definition applies to existing foundations. County Attorney DeMarsh recommended not to reference the definition.

33. ORDINANCES - Continued

Chair Mills noted consensus to continue the public hearing following Open to the Public. (See Item later this meeting.)

34. ORDINANCES**A.** (Note: First public hearing was held on July 11, 2006.)

Public hearing continued from August 23, 2006, to consider proposed Ordinance No. 2006-048, amending Ordinance No. 2003-052, as amended and codified, as Appendix A of the County Code, amending the limited use provisions of the Commercial Marine (CM) zone district in Section 5.3.2.j., creating Section 6.11.4., Commercial Marine Planned District, and amending other Sections of the Zoning Ordinance, as needed, to provide clarity and consistency.

B. (Not a public hearing) Land Development Regulation Commission to find proposed Ordinance No. 2006-048 consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)

Having been duly sworn, Planning and Development Services Assistant Zoning Administrator Tina Crawford and Planning and Development Services Zoning Administrator MaryBeth Humphreys, duly sworn, noted Staff's review of the plans and a requirement for a special exception, summarized the proposal, and noted Staff's recommendation for approval.

Commr. Thaxton moved to close the public hearing. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

Chair Mills recessed the Board of County Commissioners and convened as the Land Development Regulation Commission.

Sitting as the Land Development Regulation Commission, Commr. Staub moved to find proposed Ordinance No. 2006-048 consistent with the Sarasota County Comprehensive Plan as recommended by Staff. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Chair Mills adjourned the Land Development Regulation Commission and reconvened as the Board of County Commissioners.

Commr. Staub moved to adopt Ordinance No. 2006-048, amending Ordinance No. 2003-052, amending the limited use provisions of the CM zone district, creating Section 6.11.4., Commercial Marine Planned District, and amending other Sections of the Zoning Ordinance, as needed, to provide clarity and consistency. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

RECESS: 12:18 p.m. - 1:30 p.m.

41. OPEN TO THE PUBLIC - No one appeared at this time.**33. ORDINANCES - Continued**

Mr. Wreford summarized the options for the proposed amendments to the Fees and Code Compliance referenced in Staff's report, page 4. Discussions were held with Mr. Wreford on the removal of structures/disruption to the coastal system and the status of funds collected and utilized for enhanced beach access.

Following discussion, Commr. Mercier moved to direct Staff to endorse Option 2, to create language that would not allow for after-the-fact variance authorization and to require removal of unauthorized construction and restoration. The motion was seconded by Commr. Patterson.

33. ORDINANCES - Continued

Commr. Patterson moved to amend the motion to direct Staff to bring back a proposal for consideration to add a "de minimis" threshold to allow the Board to consider a Coastal Setback Variance Petition, without objection.

The main motion, as amended, carried by a 4-1 vote, with Chair Mills voting "No." Following individual comments, County Attorney DeMarsh recommended that Staff review that matter of construction without application for a variance when preparing the "de minimis" standards.

(1:45:52)

Mr. Wreford summarized the options for propane tanks as outlined in Staff's report, page 4. Chair Mills noted majority consensus to proceed with Option 2, to authorize Staff to administer a WCE (Written Condition Exception) for the installation of underground propane tanks seaward of the GBSL.

Following discussion regarding the provisions for above ground propane tanks seaward of the GBSL, Mr. Wreford summarized the additional recommended revisions as outlined in Staff's report. Discussions were held on the following topics/issues:

- suggestion to modify the language on page 3, Section 54-721, Findings of Fact, (b)(2) and (b)(3), as follows (additions shown as underlined text):
"Reduce and minimize future public expenditures . . ."
Commr. Patterson moved to modify the language. The motion, seconded by Commr. Staub, carried by a 5-0 vote.
- page 4, Section 54-721, Findings of Fact, (b)(7)
Commr. Staub moved to delete Section 54-721, (b)(7). The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
- request to modify the language on page 4, Section 54-721, Findings of Fact, (b)(6), as follows (deletions shown as ~~strike through~~ text): "Protect beaches, beachfront dunes, beachfront bluffs and beachfront vegetation necessary for maintaining shoreline stability and ~~from~~ protecting . . .," without objection.
- request for clarification of Florida Statute 125.69, page 22, Section 54-726, Compliance and Enforcement, (c), without objection
- request to revise the word "Administrator" to the words "Code Administrator" throughout the document, without objection.

Commr. Mercier moved to authorize advertising of a public hearing to consider a proposed Ordinance, as amended, to amend Ordinance No. 2004-010, Coastal Setback Code, as amended. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(1:56:57)

36. COUNTY ADMINISTRATOR'S REPORT**A. GRANTS/HEALTH AND HUMAN SERVICES/BCC/PUBLIC WORKS/LEGAL/SCHOOLS**

County Administrator James Ley presented and discussions were held with Public Works Executive Director Jim Harriott and County Attorney Stephen DeMarsh on the following items:

36. COUNTY ADMINISTRATOR'S REPORT - Continued**A. GRANTS/HEALTH AND HUMAN SERVICES/BCC/PUBLIC WORKS/LEGAL/SCHOOLS - Continued**

- Grant Application to fund the Blackburn Point Park expansion
Commr. Staub moved to authorize the Chair's signature on correspondence to the FCT (Florida Communities Trust) supporting the Grant Application to fund the Blackburn Point Park expansion. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.
- Annual Fiscal Year (FY) 2007 Certified Budget for Mosquito Control
Commr. Staub moved to authorize the Chair's signature on the Annual FY 2007 Certified Budget for Mosquito Control. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
- proposed Board calendar for the upcoming year
- Bougainvillea Street sidewalk issue
Commr. Patterson moved to construct the sidewalk on the north side of Bougainvillea Street and to modify the ditch (narrower and shallower). Following discussion, the motion carried without objection.
- proposed Settlement Agreement with the School Board regarding the challenge to the EAR (Evaluation and Appraisal Report) based Comprehensive Plan Amendment/Staff recommendation to re-instate the previous Comprehensive Plan Amendment Policy language
Commr. Staub moved to schedule a public hearing to consider a proposed Settlement Agreement with the School Board on September 26, 2006, at 9:00 a.m., or as soon thereafter as possible. The motion was seconded by Chair Mills. Following discussion, Chair Mills noted no objection to schedule the public hearing at 8:00 a.m.

(2:31:06)

37. 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 2C. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

B. LEGAL

County Attorney Stephen DeMarsh submitted and reviewed Interoffice Memorandum No. 815, noting the favorable ruling in the Case of Diane Troupe, Personal Representative for the Estate of Ricardo Robinson, deceased v. Sarasota County Sheriff, et al and Leon Waiters, Jr. v. Sarasota County Sheriff, et al.

(2:33:37)

38. COMMISSION REPORTS**A. FEDERAL AGENCIES/ADVISORY COUNCILS/EMERGENCY SERVICES/PLANNING AND DEVELOPMENT SERVICES**

Commr. Staub commented on and discussions were held with County Administrator James Ley on the following topics/issues:

38. COMMISSION REPORTS - Continued**A. FEDERAL AGENCIES/ADVISORY COUNCILS/EMERGENCY SERVICES/
PLANNING AND DEVELOPMENT SERVICES - Continued**

- e-mail received relating the opening of the Stickney Point Bridge
Commr. Patterson moved to direct Staff to draft correspondence to the U.S. Coast Guard for the Chair's signature in support of opening the Stickney Point Bridge every 20 minutes. The motion, seconded by Commr. Staub, carried by a 5-0 vote.
- request by the Fire and Rescue District Advisory Board/Ambulance District Advisory Board to name the Central Sarasota Parkway Fire Station after former Emergency Services Fire Chief John Albritton
Commr. Staub moved to initiate the naming process for the Central Sarasota Parkway Fire Station and to add Chief Albritton's name for consideration. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
- suggestion to require developers to add Covenants and Deed Restrictions to maintain subdivisions as "green"
Commr. Staub moved to direct Staff to review the feasibility of requiring developers to add Covenants and Deed Restrictions to continue the sustainability of the "green" developments. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
- request for a Staff report on Charlotte County's TDU (Transfer of Development Units) Program, without objection.

(2:40:50)

B. PUBLIC WORKS/EMERGENCY SERVICES/ENVIRONMENTAL SERVICES

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

- Commr. Thaxton moved to direct Staff to review the "Bobcat Power Line Project" for optimal sighting. The motion was seconded by Commr. Staub. Following discussion, the motion carried by a 5-0 vote.
- supplemental street name devices and the cost
Commr. Thaxton moved to direct Staff to proceed with an analysis regarding supplemental street name devices. Following comments, the motion, seconded by Commr. Staub, carried by a 5-0 vote.
- new process for a Mosquito Misting System/FDEP (Florida Department of Environmental Protection) concerns/request for a determination of the County's role and referral to the Integrative Pest Management Advisory Board, without objection
- submitted a copy of a Chart regarding the percentage of time that reflects the days Shellfish Harvest areas are closed.

(2:52:10)

C. MUNICIPALITIES/ORGANIZATIONS

Commr. Mercier commented on and discussions were held with County Administrator James Ley on the following topics/issues:

- Joint Meeting in Venice/School Board and Municipalities/Convocation of Governments (COG)/joint efforts with the MPO (Metropolitan Planning Organization relative to future corridors

38. COMMISSION REPORTS - Continued**C. MUNICIPALITIES/ORGANIZATIONS - Continued**

- Florida Association of Counties (FAC) employment of Dr. Henry Fishkind of Fishkind and Associates, Inc., for an analysis and explanation to the Legislature of County Budgets/property taxes
- status of the Agreement with the City of Sarasota regarding the County's financial participation and expansion of a TIF (Tax Increment Financing)
- request for discussion with the City of North Port regarding the (60,000) platted lots/master utility (water and sewer) plans
- FAC discussion regarding a real estate transfer tax.

(3:06:11)

D. COMMUNITY SERVICES/EMERGENCY SERVICES/OFFICE OF ORGANIZATION PERFORMANCE/PUBLIC WORKS

Chair Mills commented on and discussions were held with County Administrator James Ley and Public Works Executive Director Jim Harriott on the following topics/issues:

- suggestion to develop a boat launch (small boats)/park at River Road and Interstate 75 (I-75)/possible trailhead
- Request for Proposal from the Florida Hurricane Relief Fund/Grant fund/recovery needs relating to hardening single family homes/referred to Staff, without objection.
- status of the Citizen Opinion Survey/time frame for the presentation
- status report on the placement of a barrier on Cattleman Road (Webber Road to the Baptist Church south)/Staff recommendation relating to the addition of a wall (McIntosh Road to Cattlemen Road/Bahia Vista Road Project).

(3:18:47)

39. BCC

The Board reviewed the County Commission Outstanding Board Assignments Report dated September 6, 2006. Assignment ID No. 1, Item No. 06106 was discussed.

40. BCC

The Board did not review the Board of County Commissioners Meeting Schedule.

RECESS: 3:20 p.m. - 3:29 p.m.

42. HEALTH AND HUMAN SERVICES

The Board considered the presentation on Avian Influenza (AI).

County Health Department Medical Executive Director Dr. Sandra MacLeod and Emergency Services Emergency Management General Manager Ed McCrane gave an overview on the background and multiple phases of Avian Influenza (AI).

Discussions were held with Dr. MacLeod, Mr. McCrane, and County Administrator James Ley on the following topics/issues:

- influenza/animal to human transfer
- vaccine/development/time frame
- future predictions of a pandemic.

(4:01:12)

43. RESOLUTIONS

Sitting as the Sarasota County Transportation Authority (SCTA):

- A. Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-093, in the amount of \$1,000,000.00 for SCAT (Sarasota County Area Transit) route expansions and enhancements;
- B. To consider authorization for Staff to coordinate with the City of North Port in the location and design of a new SCAT City of North Port Transfer Hub;
- C. To consider authorization for Staff to submit a Letter of Intent to the Federal Transit Administration (FTA) for a Small Starts Program Application;
- D. To consider authorization for Staff to coordinate with the City of Sarasota in the development and submittal of a Small Starts Program Application.

Having been duly sworn, Public Works Transportation Planning Senior Planner Sarah Blanchard presented Staff's report and submitted a copy of the PowerPoint presentation on the proposed Resolution for the SCAT route expansions and enhancements.

Discussions were held with Ms. Blanchard, Public Works Mobility Transit General Manager Anthony Beckford, duly sworn, and County Administrator James Ley on the following topics/issues:

- status of an alternative plan for the Pine View School route
- percentage of the ridership by students
- specialized services/Federal Transit Administration (FTA) regulations/responsibility
- status of discussion with the School Board
 - Commr. Staub moved to send correspondence to the School Board requesting their participation in financing the additional bus service. The motion was seconded by Commr. Thaxton. Following discussion regarding the possible penalties/lawsuits by the Federal Government, Commr. Mills ruled the motion out of order.
- request to send correspondence to the School Board with a recommendation to employ a Crossing Guard at Pine View School, without objection
- time frame for the bus route/service from the City of Palmetto to Downtown Sarasota
- notification to the public/delayed bus service/schedule
- Route 18/Coquina Beach bus route/time frame/hourly service
- bus service status for Venice Island/time frame/fixed/hourly route
- Englewood to the City of Venice route/service/time frame
- City of North Port SCAT Transfer Hub location/land fee/funding costs
- status on the number of the buses/routes for the City of North Port
- initiatives with private bus service
- workforce to support the bus service and maintenance of facilities
- Small Starts Program Grant Fund/Capital Improvements/improved services.

Commr. Staub moved to authorize Staff to submit a Letter of Intent to the FTA for a Small Starts Program Application and to authorize Staff to coordinate with the City of Sarasota in the development and submittal of a Small Starts Program Application. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(4:48:25)

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

43. RESOLUTIONS - Continued

Following comments, Commr. Staub moved to adopt Resolution No. 2006-188, approving Budget Amendment No. B2006-093, in the amount of \$1,000,000.00 for SCAT route expansions and enhancements. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Following discussion with Mr. Beckford, Commr. Staub requested that Staff bring back a report on the estimated time frame, cost, and funding source for a new City of North Port Transfer Hub, without objection.

Commr. Staub moved to authorize Staff to coordinate with the City of North Port regarding the location of a new City of North Port Transfer Hub. The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 5-0 vote.

(4:54:30)

44. PUBLIC WORKS

The Board considered the presentation on the County's Regional Roadway System and factors effecting planning for improvements to the System.

Public Works Transportation Mobility General Manager Clarke Davis presented an overview of Staff's report and submitted a copy of the PowerPoint presentation on Regional Road Pressures. Discussions were held on the following topics/issues:

- University Parkway/U.S. 301 Improvement Project/funding source
- ten million dollars (\$10,000,000.00) funding request/clarify that the County will settle for less funds
- traffic needs on Interstate 75 (I-75)
- provisions for cost feasibility/roads/infrastructures
- receipt of rezone petitions where Staff's report indicated no issues on roads/alternate reports show roads below the adopted Level of Service (LOS)
- MPO (Metropolitan Planning Organization) funds/increased funds in the work program/decreased MPO Priority funds
- development impacts on U.S. 41 and I-75/County input on Municipalities' rezone petitions
- DRI (Development of Regional Impact)/Isles of Athena/Staff input on traffic concurrency
- South County Interchange/cost feasibility
- grid system/City of North Port
- North River Road/Municipality review of concurrency.

(5:28:45)

45. PUBLIC WORKS

The Board considered changes to concurrency regulations and related amendments to the Comprehensive Plan.

Public Works Transportation Mobility General Manager Clarke Davis and Public Works Executive Director Jim Harriott presented an overview of Staff's report and submitted a copy of the PowerPoint presentation on changes to concurrency regulations and related amendments to the Comprehensive Plan.

Discussions were held with Mr. Davis and County Attorney Stephen DeMarsh on the following topics/issues:

45. PUBLIC WORKS Continued

- impact fees versus proportionate fair share mitigation
- Methods of Mitigation Flow Chart/concurrency regulations
- County versus Municipalities' Developer Agreements
- Significant Impact Area Options/Longwood Meadow Boulevard/Staff review of private roadways versus thoroughfares/request for a combination of the Options (page 8 of Staff's PowerPoint presentation), without objection
- explanation of the Significant Impact Area versus the De Minimis Exceptions (page 8 of Staff's PowerPoint presentation)
- De Minimis Limits/definition of a Hurricane Evacuation Route/County options to chose De Minimis Exceptions for roads/segments
- constrained roads/State versus County adopted LOS (Level of Service)/additional grades (F-1, F-2) increments/measurements.

Mr. Davis reviewed Staff's recommendations and time frame for Proportionate Share Regulations, Amendments to the Concurrency Regulations, and Comprehensive Plan Amendments and Reports.

Chair Mills commended Staff's report and efforts.

MEETING ADJOURNED: 6:18 p.m.