

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**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

INVOCATION

Pastor Michael Landry, Sarasota Baptist Church

PLEDGE OF ALLEGIANCE

Commissioner Mercier

Also present were:

James Ley, County Administrator
Stephen DeMarsh, County Attorney
Spring Dickson, Deputy Clerk
Latresea Preston, Deputy Clerk

DISCUSSION SECTION:

1. ADMINISTRATION

The Board considered the presentation of the Innovation41 Project by Dr. Larry Thompson.

Public Presenter: Dr. Larry Thompson, President of Ringling School of Art and Design
(9:24:20)

2. COMMUNITY SERVICES

The Board considered the appointment of two individuals to serve three-year terms on the Historic Preservation Board, effective through December 2009.

9:25:33 Board Action: Closed the nominations, without objection.

9:26:35 Board Action: Reappointed Debra Flynt-Garrett and Douglas Driscoll, without objection.

3. COMMUNITY SERVICES

The Board considered authorization to proceed with the closing and the purchase of four boat slip lots located at the Nokomis-Riverview Park.

Staff Presenter: Community Services Parks and Recreation General Manager John McCarthy

9:31:21 Board Action: Approved authorization to proceed with the closing and purchase of four boat slip lots owned by Sean Patrick Hill. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

4. COMMUNITY SERVICES

To consider a Contract, a Purchase and Sale Agreement with John M. and John B. Albritton, and Gloria Albritton for 3.9 acres \pm , consisting of four parcels located within the Town of Longboat Key, to provide public beach and bay access and to expand recreation and open space adjacent to the existing Bayfront Park Recreation Center, in the amount of \$7,950,000.00.

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

Public Presenters: Town of Longboat Key Mayor Joan Webster, Town of Longboat Key Vice Mayor Lee Rothenberg, and Town of Longboat Key Commissioners George Spoll and Jeremy Whatmough

9:47:15 Board Action: Approved Contract 2007-157, a Purchase and Sale Agreement, with John M. and John B. Albritton, and Gloria Albritton, for 3.9 acres \pm located within the Town of Longboat Key. Moved by Barbetta, seconded by Staub, carried by a 5-0 vote.

5. COMMUNITY SERVICES

The Board considered the Parks and Recreation Capital Improvement Project (CIP) Parks Project Update.

9:04:45 Board Action: Deferred consideration of the Parks and Recreation CIP. Requested by Patterson, without objection.

RECESS: 9:48 a.m. - 10:00 a.m.

6. PUBLIC WORKS

The Board considered the current status of mobility projects within the current Five-Year Capital Improvement Program (CIP).

Staff Presenters: Public Works Mobility General Manager Carolyn Eastwood, Public Works Real Property Manager Lin Kurant, Public Works Mobility Road Program Design Manager Thai Tran, Public Works Mobility Senior Technical Specialist Jeff Roberts, Public Works Transportation Mobility Planning Manager Paula Wiggins, County Attorney Stephen DeMarsh, and County Administrator James Ley

Items submitted: A copy of the PowerPoint presentation

10:26:53 Board Action: Requested a future Agenda Item for Board discussion on the County's Bidding Policy versus long-term Contracts. Requested by Mercier, without objection.

(11:00:02)

PUBLIC HEARINGS:

7. EMERGENCY SERVICES

Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-013, appropriating \$2,179,516.00 to fund the purchase of Mobile Data Terminals.

Staff Presenter: Emergency Services Fire Chief Brian Gorski

11:10:15 Board Action: Closed the public hearing, without objection.

7. EMERGENCY SERVICES - Continued

11:11:05 Board Action: Adopted Resolution No. 2006-273, approving Budget Amendment No. B2007-013. Moved by Barbetta, seconded by Mercier, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 11:11 a.m. - 11:18 a.m.

8. OPEN TO THE PUBLIC

David Mills and Rory Martin commented on and discussions were held on traffic control/enforcement in the Pinecraft Improvement Project area, and clarification of the Sarasota County Agricultural Fair Association perception regarding the location of the Baseball Stadium/Sports Complex.

1:34:16 Board Action: Requested the County Administrator contact the Sheriff to increase traffic control and enforcement in the Pinecraft Subdivision. Requested by Thaxton, without objection.

(1:46:41)

DISCUSSION SECTION:**9. ENVIRONMENTAL SERVICES**

- A. The Board considered the implementation schedule for the Phillippi Creek Septic System Replacement Program (PCSSRP);
- B. The Board considered an update regarding the Englewood Water District's (EWD) interest in water and sewer service for the South Venice Subdivision.

Staff Presenters: Environmental Services Water Resources General Manager Theresa Connor, Environmental Services Operations General Manager George MacFarlane, Environmental Services Wastewater Collection and Water Distribution Program Manager Brenda Bair, Environmental Services Water Resources Planning and Regulatory Manager Jack Merriam, Environmental Services Water Resources Technical Manager Jody Kirkman, and County Attorney Stephen DeMarsh

Public Presenter: Richard Rollo of the EWD

Items submitted: A copy of the PowerPoint presentation entitled "Neighborhood Water and Sewer Line Extension Policy Discussion" and a copy of a survey

3:17:24 Board Action: Requested to review/construct a partnership with a financial institution and the South Venice Subdivision homeowners to set up marketing strategies that support the EWD water quality system and to establish home equity loans for payment of the water and sewer service. Requested by Barbetta, without objection.

3:44:41 Board Action: Requested a report reflecting the costs of the EWD water and sewer service within a year. Requested by Staub, without objection.

3:50:19 Board Action: Directed the County Administrator to report on the Total Minimum Demand Load (TMDL) information, financial packages, to continue negotiations with EWD, to review the timeline to initiate discussion with the Municipal Service Benefit Unit (MSBU) in December 2008 for the northern section of the South Venice Subdivision, and to begin a education program for the public. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

(3:50:25)

RECESS: 3:50 p.m. - 4:02 p.m.

PUBLIC HEARINGS:

10. ENVIRONMENTAL SERVICES

Public hearing to consider a proposed Resolution, Coastal Setback Variance Petition No. 79-03-06-376, requested by the Community Services Parks and Recreation Business Center, represented by Seibert Architects, P.A., to relocate and restore the existing beach cottage and to construct a new wood deck. All proposed construction will be located a maximum of 120.0 feet seaward of the Gulf Beach Setback Line (GBSL) at the property located at 6725 Manasota Key Road, Englewood.

Staff Presenter: Environmental Services Environmental Specialist II Rachel Herman

Public Presenters: Bruce Rodgers and Doug Driscoll

4:11:33 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

4:13:24 Board Action: Adopted Resolution No. 2006-274, approving Coastal Setback Variance Petition No. 79-03-06-376. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

11. PLANNING AND DEVELOPMENT SERVICES

Public hearing continued from November 14, 2006, and December 4, 2006, to consider a proposed Resolution, authorizing the transmittal of Comprehensive Plan Amendment No. RU-136, to the Florida Department of Community Affairs (FDCA) for review and comment, and to defer transmittal until action has been taken on all amendments in the Comprehensive Plan Amendment Cycle 2007-01, a County-initiated petition to amend the Future Land Use (FLU) Chapter policies to provide clarity regarding development rights of Residential Multi-Family (RMF) zoned parcels to the Florida Department of Community Affairs (FDCA) for their review and comment. (Planning Commission recommended approval.)

Staff Presenters: Planning and Development Services Planning Director Anne McClung, Assistant County Attorney Gary Oldehoff, Planning and Development Services Land Development General Manager Terry Boswell, and County Attorney Stephen DeMarsh

Public Presenters: Attorney Robert Lincoln, Sandra McCourtney, Attorney Cathleen O'Dowd, and Bill Burns

Items submitted: A copy of recommended language from the Office of the County Attorney, and a copy of an e-mail dated December 20, 2006

4:15:41 Board Action: Closed the public hearing, without objection.

4:18:01 Board Action: Reopened the public hearing, without objection.

4:20:27 Board Action: Approved to add the date "March 13" before the year "1989" in Policy 1.1.2. Moved by Staub, seconded by Patterson, carried by a 5-0 vote.

4:23:09 Board Action: Approved to add the words "in accordance with Policy 1.1.2." in Policy 1.1.4. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11. PLANNING AND DEVELOPMENT SERVICES - Continued

4:26:55 Board Action: Approved the residential density for the Barrier Islands to be in accordance with Policies 1.1.2., 1.1.4., and 3.1.1. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:42:04 Board Action: Approved to amend the last sentence of the fourth and fifth paragraphs of Policy 3.1.1., as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text). Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

This exception shall ~~not~~ apply only, ~~however, if the lot of record is assembled for use with any other land~~ for development on an entire platted lot of record as platted.

4:45:38 Board Action: Added the words "and shall not exceed the maximum gross density zoning requirements existing as of March 13, 1989" after the words "Policy 1.1.4." in Policy 3.1.1. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:55:36 Board Action: Directed the Office of the County Attorney to review/outline provisions that will ensure that legal duplexes are not constrained from rebuilding. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:55:38 Board Action: Requested to have the option to adopt the size parameters previously drafted. Requested by Patterson, without objection.

5:28:22 Board Action: Closed the public hearing, without objection.

5:47:12 Board Action: Reopened the public hearing, without objection.

5:49:41 Board Action: Amended the language in Policy 1.1.2., as follows (additions shown as underlined text). Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

The intensity and density of future development on the Barrier Islands of Sarasota shall not exceed that allowed by zoning ordinances and regulations existing as of March 13, 1989, except that with respect to lands zoned RMF as of that date and consistently so thereafter, a non-conforming duplex whose density exceeds the density restrictions of the zoning ordinances and restrictions may be rebuilt within the footprint of the structure, or a non-conforming multi-family structure may be demolished and a duplex rebuilt in its place within the prior footprint of the multi-family structure without violating this policy.

5:56:48 Board Action: Directed the Office of the County Attorney to review/outline provisions regarding the size of duplexes without affecting approved Board decisions. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

5:58:03 Board Action: Adopted Resolution No. 2006-275, approving authorization to transmit Comprehensive Plan Amendment No. RU-136 to the FDCA for review and comment, and to defer transmittal until action has been taken on all amendments in the Comprehensive Plan Amendment Cycle 2007-01, as amended. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

5:58:33 Board Action: Reopened the public hearing for Comprehensive Plan Amendment No. RU-134. Moved by Thaxton, seconded by Mercier, carried by 4-0 vote, with Barbetta not present.

6:06:43 Board Action: Reconsidered denial of Comprehensive Plan Amendment No. RU-134. Moved by Thaxton, seconded by Mercier, carried by a 3-2 vote; Patterson and Barbetta voted "No."

6:07:32 Board Action: Moved to approve Comprehensive Plan Amendment No. RU-134. Moved by Thaxton, seconded by Mercier, failed by a 2-3 vote; Staub, Patterson, and Barbetta voted "No."

11. PLANNING AND DEVELOPMENT SERVICES - Continued

6:08:18 Board Action: Authorized transmittal of Comprehensive Plan Amendment Nos. RU-135, RU-136, and RU-138 to the FDCA for review and comment. Moved by Staub, seconded by Patterson, carried by a 5-0 vote.

6:09:16 Board Action: Requested mapping of the parcel sizes. Requested by Staub, without objection.

6:09:43 Board Action: Requested Zoning Code Amendments to match policy direction for the Barrier Islands. Requested by Patterson, without objection.

6:10:02 Board Action: Requested a report/options regarding the duplex footprint requirements. Requested by Patterson, without objection.

Note: Oath/Signature Cards Filed for Record.

12. OTHER BUSINESS**A. PLANNING AND DEVELOPMENT SERVICES**

The Board considered the City of North Port Joint Planning and Interlocal Service Boundary Agreement (JPISBA)

Staff Presenters: Community Services Interim Executive Director Larry Arnold, Planning and Development Services Planning Director Anne McClung, County Administrator James Ley, County Attorney Stephen DeMarsh, Assistant County Attorney Gary Oldehoff, Environmental Services Water Resources General Manager Theresa Connor, and Environmental Services Resource Protection Manager Amy Meese

Items submitted: A copy of a document entitled "Exhibit F, Potential Annexation," and a copy of a document entitled "Modifications to 2A and 2B", a copy of a floodplain map, and a copy of a hurricane storm surge map

11:26:50 Board Action: Added language in the proposed City of North Port JPISBA stating that "any commercial parcels in Exhibit F, Area 3A, be a minimum of a half mile from Center Road and River Road and not to be located in Area 3B, with connectivity with the West Villages District." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11:34:58 Board Action: Requested clarification of the last sentence in paragraph 10, Item Q of the proposed City of North Port JPISBA regarding land use changes. Requested by Patterson, without objection.

11:36:42 Board Action: Requested the title of paragraph 7 be referenced in paragraph 10, Item Q. Requested by Patterson, without objection.

11:42:57 Board Action: Requested revisions to the language on page 8, paragraph 6, Item C(2) regarding the City of North Port architectural standards. Requested by Staub, without objection.

11:51:30 Board Action: Requested a paragraph be drafted into the City of North Port JPISBA regarding the County's willingness to consider further annexation along U.S. 41 other than the parcels depicted on the map, provided that residential properties to the south are included without creating an enclave. Requested by Patterson, without objection.

12:03:45 Board Action: Moved to revise page 8, paragraph 6, Item C(2) regarding maximum dwelling units per acre within the Myakka River 100-year flood plain. Moved by Thaxton, seconded by Mercier. Following a request for a copy of the 100-year floodplain map, Patterson tabled the motion.

12:05:05 Board Action: Requested to add the words "Exhibit C" to pages 17 and 18, paragraph 10, Items E, F, G, and I after the words "Exhibit A." Requested by Thaxton, without objection.

12. OTHER BUSINESS - Continued**A. PLANNING AND DEVELOPMENT SERVICES - Continued**

12:05:46 Board Action: Requested to revise page 19, paragraph 10, Item O as follows (additions shown as underlined text). Requested by Thaxton, without objection.

The Parties agree to support the public acquisition of lands and the public acquisition or transfer of development rights identified on Exhibit D.

RECESS: 12:06 p.m. - 1:31 p.m.

1:55:09 Board Action: Requested the maximum density requirements in the pink area (Category A of the floodplain map) to be five units per acre. Requested by Patterson, without objection.

2:01:08 Board Action: Approved to delineate the hurricane storm surge map as an Exhibit in the North Port JPISBA and to indicate that the areas in pink (Category A) shall have a maximum residential density requirement of five units per acre. Moved by Staub, seconded by Mercier, carried by a 4-1 vote; Thaxton voted "No."

2:01:18 Board Action: Requested to present concerns of 15 units per acre in the blue area (Category B of the hurricane storm surge map) to the City of North Port. Requested by Patterson, without objection.

2:06:26 Board Action: Requested the Office of the County Attorney to review/outline provisions relative to the definition/time frame of the alternative dispute resolution process. Requested by Staub, without objection.

2:10:17 Board Action: Approved to add the language recommended by the Office of the County Attorney as the first sentence on line 313, and to delete the underlined language on lines 316 and 317, in Section 9., Alternative Dispute Resolution, paragraph A, of the proposed North Port JPISBA, as follows (additions shown as underlined text/deletions shown as ~~strike through~~ text). Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

The Parties agree to notify one another as soon as they believe there is a matter of dispute and to endeavor in good faith to resolve that dispute as expeditiously as possible. The Parties agree to resolve any dispute related to the interpretation or performance of this Agreement in the manner described in this Section. Either Party may initiate the dispute resolution process by providing written notice to the other Party ~~within 60 days of the party having knowledge of a dispute. Failure to raise the dispute within 60 days shall constitute a waiver of said dispute.~~ Initiation of the dispute resolution process shall operate as a stay of the action which is the subject of the dispute.

2:14:14 Board Action: Requested to delete the words "Potential Annexation Areas" and to add the words "Joint Planning Areas" on lines 407 and 408, page 18 of the proposed North Port JPISBA. Requested by Patterson, without objection.

2:14:54 Board Action: Requested to delete the words "the Joint Planning Areas set forth" and add the words "Areas of Development Review Coordination or Joint Planning Areas as set forth" before the words "in Exhibit A" throughout Section 10, Agreement on Additional Substantive Standards and Issues, of the proposed North Port JPISBA. Requested by Thaxton, without objection.

2:22:19 Board Action: Requested to develop a paragraph requesting the City of North Port to consider adopting/applying the County's wildlife corridor standards to already annexed areas and extra jurisdictional impact areas. Requested by Patterson, without objection.

12. OTHER BUSINESS - Continued**A. PLANNING AND DEVELOPMENT SERVICES - Continued**

2:28:10 Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance on January 4, 2007, and to transmit the North Port JPISBA, as amended, to the City of North Port. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

2:28:30 Board Action: Requested a new draft of the North Port JPISBA, as amended. Requested by Thaxton, without objection.

(2:29:25)

B. COMMISSIONER MERCIER

Commr. Mercier commented on and discussions were held on the following topics/issues: Florida Power and Light (FPL) Company's power lines in the Gum Slough Conservation Area, traffic impacts on Lorraine Road and the effect on the Lakewood Ranch Village.

4:17:20 Board Action: Requested re-examination of the approval for FPL to erect high power lines across conservation easements in the Gum Slough Conservation Area. Requested by Mercier, without objection.

(4:18:00)

C. COUNTY ADMINISTRATOR'S REPORT

County Administrator James Ley presented and discussions were held on the following items: City of North Port regarding connection of the gas station for relief of the mobile home park, water and sewer line warranty issues, Verizon's cutting water/sewer lines, use of the right-of-way permitting process to improve quality control, and monitoring/metering permits for improvement of customer service.

(5:30:40)

D. COMMISSIONER THAXTON

5:31:20 Board Action: Requested a future discussion/report on an update on the Parkland Acquisition Program, the application, and the application process. Requested by Thaxton, without objection.

5:32:08 Board Action: Requested to include the Parkland Acquisition Program report with the future Parks and Receptions budget report. Requested by Patterson, without objection.

(5:32:19)

E. COMMISSIONER BARBETTA

5:33:00 Board Action: Requested correspondence be sent to the Superintendent of the School Board to schedule a future Board discussion regarding Riverview High School construction. Requested by Barbetta, without objection.

5:45:51 Board Action: Directed the County Administrator to contact the Superintendent of the School Board to schedule a joint meeting with the School Board as soon as possible. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

5:46:49 Board Action: Requested a future board discussion on the Centergate Abatement request. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

F. COMMISSIONER STAUB

Commr. Staub commented on and discussions were held regarding Zoning Code updates.

Item submitted: A copy of an Interoffice Memorandum dated November 28, 2006

12. OTHER BUSINESS - Continued**F. COMMISSIONER STAUB - Continued**

6:12:51 Board Action: Approved a discussion on wall versus berm setbacks during phase one of the Zoning Code update. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

6:14:00 Board Action: Removed Lori Benson and Sophia Williams from the Community Action Agency Board (CAAB). Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

6:14:28 Board Action: Requested the County Administrator to review/draft correspondence to be sent to the City of Venice and the West Coast Inland Navigation District (WCIND) regarding the deed with the Army Corps of Engineers and the use of the South Venice Jetty. Requested by Staub, without objection.

6:20:33 Board Action: Requested the Office of the County Attorney/County Administrator to review the LaCasa Mobile Home Park access issue. Requested by Patterson, without objection.

6:23:40 Board Action: Requested the County Administrator to display maps on Access 19 for public viewing. Requested by Staub, without objection.

(6:24:19)

G. CHAIR PATTERSON

Chair Patterson commented on and discussions were held regarding Pasco County's request for sink holes to be redefined to lower property insurance rates.

Item submitted: A copy of a list of the Election Committee

6:26:40 Board Action: Approved the Election Committee list as presented. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

6:27:04 Board Action: Requested the County Administrator to review/coordinate a location for a large community garden. Requested by Patterson, without objection.

6:34:05 Board Action: Requested the County Administrator to review/report on the Board meeting schedule for August 2007. Requested by Staub, without objection.

(6:35:31)

H. COUNTY ATTORNEY'S REPORT

6:37:35 Board Action: Approved the submittal of the letters from Eye Health Vision Center and Wheeler Real Estate of Venice, Inc., to supplement the record for Item 39 (Special Exception Petition No. 1636) of the Board Meeting held on September 26, 2006. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

6:45:32 Board Action: Authorized advertisement of a public hearing on the proposed Version IV of the Charter Amendment on a date compliant with the County Charter. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

I. ADMINISTRATION

The Board reviewed the Outstanding Board Assignments.

(6:46:13)

J. ADMINISTRATION

The Board reviewed the Board Meeting Schedule.

8. OPEN TO THE PUBLIC - Continued - Opened and closed without comment.

MEETING ADJOURNED: 6:47 p.m.