

April 25, 2007

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

Book 75

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

9:00 a.m.

Nora Patterson, Chair, District 4
Shannon Staub, Vice Chair, District 3
Paul H. Mercier, District 1
Joseph A. Barbetta, District 2
Jon Thaxton, District 5

Also present were:

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

INVOCATION

Planning and Development Services Administrative Assistant II Judy Adams

PLEDGE OF ALLEGIANCE

Commissioner Thaxton

DISCUSSION SECTION:

(9:13:52)

1. PLANNING AND DEVELOPMENT SERVICES

Presentation of the Public Facilities Financing Advisory Board (PFFAB) Annual Report.

Staff Presenter: Planning and Development Services Senior Planner Gene Engman

Public Presenter: PFFAB Chairman John Harshman

(9:20:49)

PUBLIC HEARINGS:

(9:05:57)

2. ENVIRONMENTAL SERVICES

Public hearing to consider the naming of an Environmentally Sensitive Land Protection Program (ESLPP) site located southeast of the intersection of Fruitville and Verna Roads known as the O'Neil parcel as the "Old Miakka Preserve" and a planned loop trail within the Old Miakka site as the "Tim Cash Trail."

Staff Presenters: Environmental Services Resource Protection Manager Amy Meese and Environmental Services Natural Resources Project Scientist Brooke Elias

Public Presenter: Laurel Schiller

2. ENVIRONMENTAL SERVICES - Continued

9:11:47 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

9:13:41 Board Action: Approved naming the ESLPP site as the "Old Miakka Preserve" and a planned loop trail within the Old Miakka site as the "Tim Cash Trail." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(9:22:15)

3. PLANNING AND DEVELOPMENT SERVICES

- A.** Public hearing to consider proposed Ordinance No. 2007-036, amending Ordinance No. 88-056, as amended and codified in Chapter 110, Article VIII of the County Code, relating to impact fees for Fire/Rescue Facilities;
- B.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-036 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption.)
- C.** Public hearing to consider proposed Ordinance No. 2007-037, amending Ordinance No. 2002-091, as amended and codified in Chapter 110, Article XII of the County Code, relating to impact fees for Emergency Medical Services (EMS) Impact Facilities;
- D.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-037 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption.)
- E.** Public hearing to consider proposed Ordinance No. 2007-038, creating Chapter 70, Article IX of the County Code relating to impact fees for Law Enforcement;
- F.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-038 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption.)
- G.** Public hearing to consider proposed Ordinance No. 2007-039, creating Chapter 70, Article X of the County Code relating to impact fees for Justice Facilities;
- H.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-039 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption.)
- I.** Public hearing to consider proposed Ordinance No. 2007-040, creating Chapter 70, Article XI of the County Code relating to impact fees for General Government.
- J.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-040 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption.)

Chair Patterson opened the public hearings simultaneously.

Staff Presenters: Planning and Development Services Senior Planner Gene Engman and County Attorney Stephen DeMarsh

Public Presenters: Duncan and Associates Director of Infrastructure Financing Clancy Mullen, Dr. James Nicholas, Jay Brady, and Attorney Dan Lobeck

Item submitted: A copy of a document entitled "Sarasota County Building Permits (Unincorporated) - Single Family"

10:02:48 Board Action: Directed the County Administrator to schedule a meeting with Dr. Henry Fishkind regarding (commercial) impact fees on May 17, 2007, including an invitation to the municipalities. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

3. PLANNING AND DEVELOPMENT SERVICES - Continued

Chair Patterson adjourned the BCC and convened as the LDRC.

10:35:15 Board Action: Moved to find proposed Ordinance No. 2007-036 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Barbetta and seconded by Staub.

Chair Patterson adjourned the LDRC and reconvened as the BCC.

10:37:00 Board Action: Approved to implement a tiered fee schedule (based on square footage) for all Impact Fee Ordinances considered this date. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

Chair Patterson adjourned the BCC and reconvened as the LDRC.

10:38:06 Board Action: Moved to find proposed Ordinance No. 2007-036 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Barbetta, seconded by Staub, carried by a 5-0 vote.

10:38:06 Board Action: Moved to find proposed Ordinance No. 2007-037 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

10:38:06 Board Action: Moved to find proposed Ordinance No. 2007-038 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Barbetta, seconded by Staub, carried by a 5-0 vote.

10:38:06 Board Action: Moved to find proposed Ordinance No. 2007-039 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

10:38:06 Board Action: Moved to find proposed Ordinance No. 2007-040 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

Chair Patterson adjourned the LDRC and reconvened as the BCC.

10:39:02 Board Action: Moved to adopt Ordinance No. 2007-036, amending Ordinance No. 88-056, as amended, relating to impact fees for Fire/Rescue Facilities. Moved by Barbetta and seconded by Thaxton.

10:39:59 Board Action: Moved to amend the motion to utilize a "phased-in" approach as previously approved by the Board. Moved by Thaxton; died for lack of a second.

10:44:01 Board Action: Main motion carried by a 4-1 vote; Mercier voted "No."

10:44:33 Board Action: Moved to adopt Ordinance No. 2007-037, amending Ordinance No. 2002-091, as amended, relating to impact fees for EMS Impact Facilities. Moved by Barbetta and seconded by Staub.

10:45:54 Board Action: Moved to amend the motion to utilize a "phased-in" approach as previously approved by the Board. Moved by Thaxton; died for lack of a second.

10:46:10 Board Action: Main motion carried by a 4-1 vote; Mercier voted "No."

10:46:54 Board Action: Moved to adopt Ordinance No. 2007-039, as amended, relating to impact fees for Justice Facilities. Moved by Staub, seconded by Thaxton.

3. PLANNING AND DEVELOPMENT SERVICES - Continued

10:47:02 Board Action: Moved to amend the motion to utilize a "phased-in" approach as previously approved by the Board. Moved by Thaxton; died for lack of a second.

10:47:11 Board Action: Main motion carried by a 5-0 vote.

10:50:38 Board Action: Moved to adopt Ordinance No. 2007-038, as amended, relating to impact fees for Law Enforcement. Moved by Staub and seconded by Thaxton.

10:50:38 Board Action: Moved to amend the motion to utilize a "phased-in" approach as previously approved by the Board. Moved by Thaxton; died for lack of a second.

10:50:38 Board Action: Main motion carried by a 4-1 vote; Mercier voted "No."

10:51:00 Board Action: Moved to adopt Ordinance No. 2007-040, as amended, relating to impact fees for General Government. Moved by Staub and seconded by Thaxton.

10:51:07 Board Action: Moved to amend the motion to utilize a "phased-in" approach as previously approved by the Board. Moved by Thaxton; died for lack of a second.

10:51:18 Board Action: Main motion carried by a 3-2; Patterson and Mercier voted "No."

10:55:18 Board Action: Directed the County Administrator to prepare correspondence for the Chair's signature to the School Board requesting an annual report and an update on School impact fees. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 12:40 p.m. - 1:30 p.m.

4. OPEN TO THE PUBLIC

Andrew Grzybowski, Luis Rios, and Elizabeth Jones commented on the McLeod Land Services' Code Enforcement violations.

1:49:12 Board Action: Requested a report from the County Administrator and the County Attorney regarding Code Enforcement violations by McLeod Land Services. Requested by Patterson, without objection.

DISCUSSION SECTION: (Continued)

(1:50:55)

5. HEALTH AND HUMAN SERVICES

The Board considered the appointments to the Human Services Advisory Council (HSAC) as follows:

- A.** To reappoint Lieutenant Tim Enos to serve a three-year term, as the Sheriff's Representative, effective through March 2010;
- B.** To reappoint Janice Mee to serve a three-year term, as the Sarasota County Openly Plans for Excellence (SCOPE) Representative, effective through March 2010;
- C.** To reappoint Pete Strohming to serve a three-year term, as the Youth Representative, effective through March 2010;
- D.** To appoint Sarah Junke to serve a three-year term, as the Local Grantor (South County) Representative, effective through March 2010;
- E.** To appoint Gabriel Bidot to serve a one-year term, as the Students Taking Active Roles (STAR) in Government Representative, effective through May 2008;
- F.** To appoint two individuals to serve three-year terms, as the Citizen-At-Large Representatives, effective through March 2010;
- G.** To appoint one individual to serve a three-year term, as the Consumer Client Advocate Representative, effective through March 2010.

5. HEALTH AND HUMAN SERVICES - Continued

Staff Presenter: Health and Human Services Grants-In-Aid Program Supervisor Nancy DeLoach

1:52:47 Board Action: Reappointed Lieutenant Tim Enos as the Sheriff's Representative, Janice Mee to serve as the SCOPE Representative, and Pete Strohninger to serve as the Youth Representative to serve three-year terms, effective through March 2010. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

1:52:47 Board Action: Appointed Sarah Junke to serve a three-year term, as the Local Grantor (South County) Representative, effective through 2010. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

1:52:47 Board Action: Appointed Gabriel Bidot to serve a one-year term, as the STAR Representative, effective through May 2008. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

1:54:28 Board Action: Closed the nominations. Moved by Barbetta, seconded by Thaxton, carried without objection.

1:54:45 Board Action: Appointed Roy McBean and Vicki Nighswander to serve three-year terms, as the Citizen-At-Large Representatives, effective through March 2010, without objection

1:53:20 Board Action: Closed the nominations by Patterson, without objection.

1:53:30 Board Action: Appointed Lieutenant Sherri Reynolds to serve a three-year term, as the Consumer Client Advocate Representative, effective through March 2010. Moved by Thaxton, carried without objection.

(1:55:03)

6. PLANNING AND DEVELOPMENT SERVICES

- A.** The Board considered authorizing the community building efforts in the Kensington Park, Overbrook Gardens, and the Fruitville 210 Communities;
- B.** The Board considered the approval of the Grant Applications and related Neighborhood Grant Program Contracts, in the amount of \$74,154.28.

Staff Presenters: Planning and Development Services Neighborhood Services Supervisor Jane Grogg and Planning and Development Services Neighborhood Initiatives Program Senior Planner Debbie Marks

Public Presenters: Tom Matrullo, Dawn Steele, and Laura Mathis

2:13:39 Board Action: Requested the County Administrator to forward the e-mail addresses for Governor Charlie Crist and Senator Ken Pruitt to Laura Mathis of the Lake Sarasota Neighborhood Association. Requested by Patterson, without objection.

2:17:59 Board Action: Directed the County Administrator to begin community building efforts in Kensington Park, Overbrook Gardens, and the Fruitville 210 Communities, to authorize the establishment of administrative accounts not to exceed \$10,000.00, and to provide the Board with an update prior to commencing with the neighborhood plan. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

2:19:50 Board Action: Approved the following Neighborhood Grant Applications. Moved by Barbetta, seconded by Staub, carried by a 5-0 vote.

Contract No. 2007-306 with Bayou Oaks Neighborhood Association, in the amount of \$2,652.50;

Contract No. 2007-307 with Calusa Lakes Homeowners Association, in the amount of \$12,000.00;

6. PLANNING AND DEVELOPMENT SERVICES - Continued

- Contract No. 2007-308 with Casey Key Homeowners Association, in the amount of \$818.00;
- Contract No. 2007-309 with Castel Del Mare Condominium Association, in the amount of \$7,452.74;
- Contract No. 2007-310 with Forest Oaks Homeowners Association, in the amount of \$1,992.50;
- Contract No. 2007-311 with Highlands Park Condominium Association, in the amount of \$1,358.36;
- Contract No. 2007-312 with Oakleaf Homeowners Association, in the amount of \$12,000.00;
- Contract No. 2007-313 with Old Miakka Community Club, in the amount of \$6,375.42;
- Contract No. 2007-314 with San Remo Estate Association, in the amount of \$12,000.00;
- Contract No. 2007-315 with Shenandoah Homeowners Association, in the amount of \$4,912.25;
- Contract No. 2007-316 with South Venice Beach Endowment Trust, in the amount of \$1,497.00;
- Contract No. 2007-317 with Woodmere Lakes Homeowners Association, in the amount of \$11,068.00.

(2:20:12)

7. PLANNING AND DEVELOPMENT SERVICES

The Board considered authorization to proceed with the processing of proposed County-initiated Comprehensive Plan Amendments in Amendment Cycle 2008-01.

Staff Presenters: Planning and Development Services Planning Director Anne McClung, Planning and Development Services Senior Planner Brian Beatty, and County Attorney Stephen DeMarsh

Public Presenters: Dennis Wonn and Will Cox

Items submitted: Copies of e-mails from Attorney Charles Bailey, III, and John Ask requesting withdrawal of Item H in Staff's report, a request for a publicly-initiated Comprehensive Plan Amendment regarding property on Medical Boulevard, Englewood.

2:52:38 Board Action: Requested to schedule an additional neighborhood workshop regarding Page 2, Item G of Staff's report at the Newtown Community Center in the evening. Requested by Mercier, without objection.

2:52:45 Board Action: Authorized the County Administrator to proceed with Page 2, Item G of Staff's report, a publicly-initiated Comprehensive Plan Amendment pertaining to a Future Land Use Map designation on parcels located on the south side of Myrtle Street to Dr. Martin Luther King, Jr. Way. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

3:10:36 Board Action: Authorized the County Administrator to proceed with Page 3, Item I, of Staff's report, a proposed publicly-initiated Comprehensive Plan Amendment to the 2025 Future Thoroughfare Plan to reclassify the roadway segment of McIntosh Road between Fruitville Road and Bahia Vista Street from a four-lane, minor arterial facility to a two-lane, major collector facility. Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

7. PLANNING AND DEVELOPMENT SERVICES - Continued

3:11:33 Board Action: Authorized the County Administrator to proceed with Pages 1 and 2, Items A through F of Staff's report, as publicly-initiated Comprehensive Plan Amendments. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

RECESS: 3:11 p.m. - 3:23 p.m.

PUBLIC HEARINGS:

8. ENVIRONMENTAL SERVICES

Deliberative Rate Session to consider the application for a limited proceeding adjustment of water service rates, fees, and charges filed by South Gate Utilities, Inc., as follows:

- A.** To adopt the Hearing Examiner's Recommended Order establishing wastewater service rates and Allowance for Funds Prudently Invested (AFPI) wastewater service charges for South Gate Utilities, Inc., and incorporating the Stipulation Agreement;
- B.** To adopt a Resolution authorizing the rates, fees, charges, and related procedures.

Staff Presenter: Environmental Services Natural Resources Franchise Utility Coordinator
Kathy Colombo

3:26:57 Board Action: Closed the public hearing by Patterson, without objection

3:27:16 Board Action: Adopted Resolution No. 2007-094, for adjustments of rates, fees, and changes for South Gate Utilities, Inc., approving the Hearing Examiner's recommended Order and incorporating the Stipulation Agreement. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(3:27:20)

9. COMMUNITY SERVICES

- A.** Public hearing to consider the historic designation of the South Gate Community House, pursuant to Article IV, Chapter 66 of the County Code;
- B.** (Not a public hearing.) To consider a proposed Resolution historically designating the South Gate Community House, located at 3145 South Gate Circle, Sarasota.

Staff Presenter: Community Services History Center Historical Resources Specialist
Lorrie Muldowney

Public Presenter: Delmar McCaulay

3:31:30 Board Action: Closed the public hearing. Moved by Staub, seconded by Barbetta, carried without objection.

3:32:03 Board Action: Adopted Resolution No. 2007-095, approving the historical designation of the South Gate Community House. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(3:33:16)

10. PLANNING AND DEVELOPMENT SERVICES

- A.** Public hearing to consider proposed Ordinance No. 2007-049, Comprehensive Plan Amendment No. RU-135, a County-initiated petition to amend the Capital Improvements Element (CIE), revising Table 10-3: Five-Year Schedule of Capital Improvement Components of the Comprehensive Plan, to be consistent with the Fiscal Year (FY) 07-FY 11 Capital Improvements Program (CIP) and to defer transmittal to the Florida Department of Community Affairs (FDCA) for their review and comment until action has been taken on all amendments in Comprehensive Plan Amendment Cycle 2007-01.
- B.** Public hearing to consider proposed Ordinance No. 2007-050, Comprehensive Plan Amendment No. RU-136, 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 and to defer transmittal to the FDCA for their review and comment until action has been taken on all amendments in Comprehensive Plan Amendment Cycle 2007-01.
- C.** Public hearing to consider proposed Ordinance No. 2007-051, Comprehensive Plan Amendment No. RU-138, a County-initiated petition to amend Chapter 7, Housing, of the Comprehensive Plan to provide a definition of Affordable Housing and to defer transmittal to the FDCA for their review and comment until action has been taken on all amendments in Comprehensive Plan Amendment Cycle 2007-01.

Staff Presenters: Planning and Development Services Senior Planner Brian Beatty, Planning and Development Services Planning Director Anne McClung Public Works Transportation Mobility General Manager Clarke Davis, and Assistant County Attorney Gary Oldehoff

Public Presenters: Will Cox and Scott Nielsen, Attorney Robert Lincoln, Paul Taylor, Leslie Allen, Steven Wieder, Bill Burns, and Lourdes Ramirez

Items submitted: A copy of suggested motions for proposed Comprehensive Plan Amendments on Cycle 2007-01, an Interoffice Memorandum from Environmental Services Enterprise Operations General Manager George MacFarlane, a copy of suggested revisions to FLU Policy 1.1.2. in the Comprehensive Plan and a revised copy of suggested changes to Policy 1.1.2.

3:50:10 Board Action: Directed the County Attorney to contact the Jewish Federation regarding the land-use designation on the property located at McIntosh Road (Jewish Community Center.) Requested by Patterson, without objection.

3:58:51 Board Action: Closed the public hearing for Ordinance No. 2007-049 by Patterson, without objection.

4:03:52 Board Action: Adopted Ordinance No. 2007-049, approving Comprehensive Plan Amendment No. RU-135, and deferred transmittal to the FDCA for their review and comment until action has been taken on all amendments in Comprehensive Plan Amendment Cycle 2007-01. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:05:09 Board Action: Closed the public hearing for proposed Ordinance No. 2007-051 by Patterson, without objection.

4:05:46 Board Action: Adopted Ordinance No. 2007-051, approving Comprehensive Plan Amendment No. RU-138, and deferred transmittal to the FDCA for their review and comment until action has been taken on all amendments in Comprehensive Plan Amendment Cycle 2007-01. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

10. PLANNING AND DEVELOPMENT SERVICES - Continued

4:45:41 Board Action: Closed the public hearing for proposed Ordinance No. 2007-050 by Patterson, without objection.

4:45:43 Board Action: Deferred to later this meeting. Requested by Patterson, without objection.

6:40:33 Board Action: Adopted Ordinance No. 2007-050, as amended, approving Comprehensive Plan Amendment No. RU-136, and deferred transmittal to the FDCA for their review and comment until action has been taken on all amendments in Comprehensive Plan Amendment Cycle 2007-01. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

6:41:04 Board Action: Authorized the Chair's signature on all Ordinances transmitting amendments in the Comprehensive Plan Amendment Cycle 2007-01 to the FDCA for review and comment. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(4:46:24)

11. PLANNING AND DEVELOPMENT SERVICES

- A.** Second public hearing to consider proposed Ordinance No. 2006-050, Zoning Ordinance Amendment No. 6, a County-initiated petition to clarify Section 6.6.1. of the County Zoning Regulations regarding density as it applies to duplex development on non-conforming Residential, Multi-Family (RMF) lots of record. Applicable RMF-zoned non-conforming lots of record are proposed to be exempt from the maximum gross densities of the zoning district and to clarify the development and redevelopment standards for duplex structures on non-conforming RMF zoned parcels on the Barrier Islands and the Mainland areas. Proposed changes include the creation of Section 8.4.5., Requirements for Non-conforming Lots on Barrier Islands, which addresses the development and redevelopment standards along with other revisions to provide appropriate cross-referencing to the new section. (First public hearing was held on April 10, 2007.)
- B.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2006-050 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption.)

Staff Presenters: Planning and Development Services Interim Zoning Administrator Tina Crawford and Planning and Development Services Zoning Plans Examiner Donna Thompson

Public Presenters: Lourdes Ramirez, Steve Wieder, Sandra McCourtney, Paige Hartmann, and Attorney Robert Lincoln

Items submitted: A copy of a document entitled "RMF Discussion Items," copies of maps for "RMF Zoning on the Mainland for North and South County, parcels less than 14,520 square feet . . .," and correspondence from Attorney Lincoln entitled "Suggested Amendments to Proposed Ordinance No. 2006-050."

4:50:15 Board Action: Requested to add language in Section 8.4.5.a., of proposed Ordinance No. 2006-050 to read as follows: "Parcels that have had a reduction in lot area due to a dedication or condemnation by a government agency for a right-of-way are also qualify as a nonconforming lot of record." before the words "Additionally, any reference . . ." Requested by Patterson, without objection.

11. PLANNING AND DEVELOPMENT SERVICES - Continued

4:51:40 Board Action: Requested to revise language in Section 8.4.5.a. of proposed Ordinance No. 2006-050 from "are also qualify" to "qualify." Requested by Patterson, without objection.

4:54:40 Board Action: Requested to add language allowing chimneys in the Siesta Key Overlay District (SKOD) as long as the height does not exceed what is legally required plus six inches. Requested by Patterson, without objection.

5:05:22 Board Action: Added a minimum lot size of 5,000 square feet for building a two-family structure on a vacant nonconforming lot of record on the mainland. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

5:06:00 Board Action: Requested to add a reference to Section 8.4.5. relative to existing short-term room rental conversions. Requested by Patterson, without objection.

5:23:38 Board Action: Requested to add the words "and multi-family" after the word "districts" on page 3, line 45 of the proposed Ordinance. Requested by Patterson, without objection.

5:24:14 Board Action: Requested to add the words "Residential Districts including but not limited to" after the word "any" on page 3, line 1 of the proposed Ordinance. Requested by Patterson, without objection.

5:25:20 Board Action: Requested to add language on page 4, line 28 of proposed Ordinance No. 2006-050 to read as follows: "Densities for nonconforming lots of record designated Barrier Islands on the Future Land Use Map shall comply with the requirements above except as provided for in Section 8.4.5." after the words "Section 8.4.5." Requested by Patterson, without objection.

5:28:31 Board Action: Requested to revise the language on page 5, lines 1 through 4, of proposed Ordinance No. 2006-050 to read as follows: "Single-family detached uses on lots of record shall comply with the RSF-4 setbacks." Requested by Patterson, without objection.

5:31:30 Board Action: Requested to revise the language on page 8, after the asterisk in proposed Ordinance No. 2006-050, to read as follows: "See Sections 8.4.5.b. and 8.4.5.c." Requested by Patterson, without objection.

5:34:25 Board Action: Requested to add a comma after the word "description" on page 11, line 42 of proposed Ordinance No. 2006-050. Requested by Patterson, without objection.

5:35:16 Board Action: Requested to delete the words "or more" on page 12, line 13 of proposed Ordinance No. 2006-050. Requested by Patterson, without objection.

5:36:22 Board Action: Requested to add the words "and restrictions" after the word "exception" on Page 14, Line 26 of proposed Ordinance No. 2006-050. Requested by Patterson, without objection.

6:06:11 Board Action: Requested language be drafted regarding building footprint size and percentage of lot coverage. Requested by Patterson, without objection.

6:08:10 Board Action: Requested a definition of "footprint" as it pertains to proposed Ordinance No. 2006-050. Requested by Patterson, without objection.

6:31:55 Board Action: Directed the County Attorney to review the issues brought up by Attorney Robert Lincoln regarding proposed Ordinance No. 2006-050. Requested by Patterson, without objection.

6:38:43 Board Action: Continued the public hearing to consider proposed Ordinance No. 2006-050, as amended, to May 7, 2007, at 9:00 a.m. or as soon thereafter as possible. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

12. OTHER BUSINESS

(9:03:44)

A. COUNTY ADMINISTRATOR'S REPORT

County Administrator James Ley presented and discussed proposed Legislation relating to First Responders and fertilizer use, plans by the City of Sarasota regarding expansion of the Police Station, and Tax Reform.

Items submitted: Copies of correspondence dated April 19 and April 24, 2007, to Honorable Michael J. Grant for the Chair's signature

9:05:12 Board Action: Approved to send correspondence to Florida State Representative Grant relating to proposed Legislation on First Responders. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

RECESS: 10:59 a.m. - 11:16 a.m.

11:16:56 Board Action: Approved to send correspondence to Florida State Representative Grant relating to proposed Legislation on fertilizer use. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11:24:01 Board Action: Authorized the County Administrator and the Office of the County Attorney to prepare an Emergency Ordinance relating to the use of fertilizer, utilizing the Santa Belle Ordinance as a model to address, but not limited to, a setback from water bodies (25 feet), deflector shields on applicators, training and certification, timing of the application and watering during the dry season, including quick-release, for consideration by May 1, 2007. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

(11:48:11)

B. COUNTY ATTORNEY'S REPORT

County Attorney Stephen DeMarsh submitted and reviewed the following items: Interoffice Memorandum No. 854 regarding the favorable ruling in the Case of Silver Palm Villas, LLC v. Sarasota County, Case No. 2006-CA-011292-NC.

Items submitted: Interoffice Memorandum Nos. 853, 854, and 855

11:48:48 Board Action: Approved the settlement in the workers' compensation claim of Ronald Burkhardt v. Sarasota County, in the amount of \$107,500.00 (Interoffice Memorandum No. 853). Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

11:57:02 Board Action: Authorized the County Attorney to appeal the Circuit Court decision in the Case of Bow Point on the Gulf Condominium Developers, LLC v. Sarasota County, Case No. 2006-CA-6106 NC (Interoffice Memorandum No. 855). Moved by Staub, seconded by Patterson, carried by a 5-0 vote.

(11:57:38)

C. COMMISSIONER MERCIER

11:59:37 Board Action: Requested to review the Board's calendar to attend Legislative sessions in Tallahassee, Florida and to discuss the matter at the Board's Retreat. Requested by Mercier, without objection.

12:02:48 Board Action: Authorized the County Administrator to schedule a discussion with an Englewood Marina property owner regarding possible acquisition. Moved by Mercier; died for lack of a second.

12. OTHER BUSINESS - Continued

(12:03:24)

D. COMMISSIONER THAXTON

Commr. Thaxton commented on and discussions were held on the following topics/issues: a request by the Senior Friendship Center for Community Investment Program funds to pipe a ditch.

12:12:51 Board Action: Authorized the County Administrator to review the concept of a proposal relating to utilization of landfill materials/land to produce potential fuel. Moved by Thaxton, seconded by Barbetta, carried by a 4-1 vote; Mercier voted "No."

(12:12:59)

E. COMMISSIONER STAUB

Commr. Staub commented on and discussions were held on the following topics/issues: correspondence sent and received by the City of North Port regarding a Joint Meeting relative to the Joint Participation Interlocal Service Boundary Agreement and receipt of the traffic study completed by the Sheriff's Office regarding River Road.

12:25:25 Board Action: Requested that a high-ranking Sheriff's Office Representative attend the future Board discussion regarding the traffic study on River Road. Requested by Staub, without objection.

(12:25:49)

F. COMMISSIONER BARBETTA

Commr. Barbetta commented on and discussions were held on the following topics/issues: the status of the Riverview High School parking lot issue and an e-mail from Julia Burch of Sarasota Bay Estuary Program relating to mowing.

12:29:50 Board Action: Requested to contact the Florida Department of Transportation to inquire/review the County's participation in the Roadside Wildflower Seeding Program. Requested by Barbetta, without objection.

(12:30:20)

G. CHAIR PATTERSON

12:32:02 Board Action: Approved travel expenses for Board members that attend the Medicaid Reform Conference. Moved by Staub, seconded by Barbetta, carried without objection.

12:39:20 Board Action: Requested that the County Administrator expedite/review the process regarding the concurrency matter relative to Doctor's Hospital, including a Proportionate Fair Share/Developers Agreement. Requested by Patterson, without objection.

(6:41:50).

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

MEETING ADJOURNED: 6:41 p.m.