

May 10, 2006

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

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

9:00 a.m.

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
Stephen DeMarsh, County Attorney
Paula Clintsman, Deputy Clerk
Claudia Goodson, Deputy Clerk

INVOCATION

Reverend L. Truitt, St. Paul Lutheran Church

PLEDGE OF ALLEGIANCE

Commissioner Thaxton

PERFORMANCE RECOGNIZED AS OUTSTANDING (PRO) AWARDS:

Public Works Team Merit Award: Phuoc M. Hoang and Gene Riggs

RECOGNITION OF RETIREMENTS:

William T. Marshall, III, Emergency Services, 31 years

11. OTHER BUSINESS

A. LIBRARIES/OFFICE OF ORGANIZATION PERFORMANCE

County Administrator James Ley noted that Community Services Executive Director Shirley Amore has taken a position as City Librarian with the City of Denver and individual comments followed on her accomplishments and efforts.

(9:12:43)

1. RESOLUTIONS

Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-047, to appropriate adjustments to the Fiscal Year (FY) 2006 Budget resulting from the Securities Lending Program, approved by the Board on January 10, 2006.

Having been duly sworn, Clerk of the Circuit Court and County Comptroller Finance Treasury Management Officer Jeff Kern summarized the proposed Budget Amendment resulting from the Securities Lending Program.

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

Commr. Staub moved to adopt Resolution No. 2006-110, approving Budget Amendment No. B2006-047. The motion, seconded by Commr. Mercier, carried by a 4-0 vote, with Chair Mills not present.

(9:15:29)

2. HOUSING

- A.** The Board considered authorization to advertise the 2006-2007 Action Plan for public comment;
- B.** The Board considered revisions to the State Housing Initiatives Partnership Program (SHIP) Local Housing Assistance Plan to be consistent with the funding recommendations in the 2006-2007 Action Plan.

Planning and Development Services Housing and Community Development Services General Manager Donald Hadsell presented an overview of Staff's report on the 2006-2007 Action Plan, summarized the requirements and the revisions to the SHIP Local Housing Assistance Plan recommendations. Discussions were held on the following topics/issues:

- shortfalls/reductions/CDBG (Community Development Block Grant) funds/2008 State Budget cuts/housing opportunities/assistance programs/anticipated/additional allocation of funds/consolidated plan
- request for the number of new housing units constructed/down payment assistance and the rehabilitation funds/income level/price ranges included in Staff's report, without objection
- total funds received for rehabilitation/homes.

Commr. Staub moved to authorize advertising of the 2006-2007 Action Plan for public comment. The motion was seconded by Commr. Thaxton. Following a request for a Staff report on the Housing Department's merging/taking-over of the Community Action Agency's role/responsibility relating to the grant/funds (\$120,000.00) and review the mechanism to assist people to retain their homes, without objection, the motion carried by a 5-0 vote.

Commr. Patterson moved to revise the SHIP Local Housing Assistance Plan to be consistent with the funding recommendations in the 2006-2007 Action Plan. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:25:30)

3. ENVIRONMENTAL SERVICES

The Board considered adoption of the Water Supply Master Plan as a guiding document for Staff to utilize in developing the Five-Year Capital Improvement Program (CIP) each budget year and in further discussions with regional partners.

Environmental Services Water Resources General Manager Theresa Connor introduced Southwest Florida Water Management District (SWFWMD) Executive Director David Moore who provided an overview on the status of SWFWMD's funding policies for cooperative projects and the Regional Water Supply Plan Update. Discussions were held with Mr. Moore, County Administrator James Ley, and Ms. Connor on the following topics/issues:

- time frame/cost factors for commencement of a desalinization plant
- policy/prohibition of SWFWMD returning funds to Counties based on the requirement to partner with the Regional Authority/water management, growth, and environmental policies versus personal views/values/future projections/demand charts/population projections/forecast for water supply/sources/regional approach/incentive approach/vision

3. ENVIRONMENTAL SERVICES - Continued

- regional planning/assistance with policies/regulations/responsibilities of neighbors relating to reuse/double piping/new construction/higher grade water/xeriscaping/annexation/well drilling permits/stormwater
- growth management/planning/regional versus jurisdictional/suggestion for the Plan to reflect planning issues that influence water demand and the allocation of funds/request for a discussion/workshop, without objection
- homeowner association documents/regulations/working in contradiction of water supply/drought issues/suggestion to propose legislation relating to Florida "friendly landscaping"
- entities working together on growth/request for SWFWMD to require Master Plans to 2050, conservation plans to be submitted with each application for cooperative funding relative to conservation and reclaimed water, and that SWFWMD provide mandates for local jurisdictions' authority to force planning, without objection
- additional regional authority/interlocal agreements/challenges/other regional options
- regional decision-making/goals/issues/local versus regional/advantages
- Commr. Staub requested to provide copies of the Landscape and Golf Course Ordinances to Mr. Moore for use as examples for other jurisdictions, without objection.

(10:17:50)

Ms. Connor submitted a copy the PowerPoint presentation and Projection of Water Demands and Supply Charts. Discussions were held with Ms. Connor, Environmental Services Water Operations Manager David Cash, Environmental Services Program Management General Manager Roger Rasbury, Environmental Services Operations General Manager George MacFarlane, and Mr. Moore on the following topics/issues:

- status of the infrastructure/water treatment plants/needed changes/piping reconfiguration
- demand/population projections/Englewood Water District/municipalities/Charlotte County participation/inclusion/planning/meeting relating to projections
- calculation/inclusion of water conservation as a future water supply/resource/use for natural systems/most cost efficient
- water conservation efforts utilized by SWFWMD
- usage/conservation measures/impact on conservation efforts for demand/options for utilization of new styles/types of appliances
- timeline/Carlton Reserve on-line/status
- Ten-Year CIP/status/time frame/costs of infrastructure/improvements/water supply/outside sources/regional implications/contingency/catastrophe plan
- 2050 Needs for the Region/Regional Sources/Interface
- use of phosphate/pits/water resource/opportunities
- projection of water demands and supply/water cost/cost variation/comparison with and without grant funding/request to reflect the tax amount collected from the unincorporated area of the County and sent to SWFWMD, without objection/regional growth planning/program/control/Board review of projects/local versus regional projects/set guidelines/regulations.

3. ENVIRONMENTAL SERVICES - Continued

Commr. Staub requested to schedule a convocation/meeting in the first quarter of next year following completion of the Peace River/Manasota Regional Water Supply Authority's (PRMRWSA) Master Plan, including all elected officials from the member governments and the City of North Port, without objection.

Following comments, discussions continued on trust/control issues (historic trends), a review of the individual supply and demand charts for the various entities, and the relationships and goals of SWFWMD.

(11:53:58)

Following comments, Commr. Staub moved to direct Staff to proceed with utilizing the Draft Water Supply Master Plan as the guideline for developing budget considerations in the (pumps and pipes) CIP, and that the Budget presentation reflect with and without cooperative funding. The motion was seconded by Commr. Mercier. Following comments and clarification of the motion, the motion carried by a 5-0 vote.

(11:59:34)

4. ENVIRONMENTAL SERVICES

The Board considered proposed amendments relating to watering restrictions.

Environmental Services Water Resources General Manager Theresa Connor noted the Board assignment to address amendments to the watering restrictions, revising the odd number houses (Sunday to Thursday), and the request for authorization to advertise the proposed Ordinance (Fall of 2006) will follow after a public education campaign. Consultant Mike Holsinger presented an overview of proposed amendments to the watering restrictions and discussions were held with Mr. Holsinger on the following topics/issues:

- one day revision/Tuesdays and Thursdays
- number of hardship cases
- Code Enforcement/penalties.

Chair Mills noted Board consensus to direct Staff to proceed with the option to revise the odd number houses watering day from Sunday to Thursday.

Health and Human Services Environmental Administrator Charles Henry reported on the number of non-functioning wells/repairs County-wide and discussion ensued regarding the following topics/issues:

- number of private wells/drinking source versus irrigation use
- permits/capacity/plan on how to increase capacity to meet demand
- written report to be provided to the Board.

RECESS: 12:08 p.m. - 1:30 p.m.

5. OPEN TO THE PUBLIC**A. PUBLIC WORKS**

Ms. Ann Walker and Mr. Johannes Werner noted concerns with the existing bus routes and requested implementation of a bus route dedicated to U.S. 41. Upon inquiry, Mr. Werner commented on a possible bus route location from the Palmetto area to Vamo Road or the Venice area. (See Item 8 later this meeting.)

5. OPEN TO THE PUBLIC - Continued**B. SPECIAL EXCEPTIONS**

Mr. Rick Trautwein noted the Board's previous approval of Special Exception Petition No. 1622 and commented on concerns with project cost impacts/delays due to Staff turnovers and inconsistencies in Staff's determination regarding the petition being subject to the site and development process.

Following comments by Chair Mills, County Administrator James Ley noted direction to Planning and Development Services Executive Director Rob Lewis to oversee the project's implementation/completion and commented on fee adjustments to offset Mr. Trautwein's costs.

(1:46:16)

6. ADVISORY COUNCILS

The Board considered alternatives to the Board of Zoning Appeals (BZA) jurisdiction.

Following comments by Planning and Development Services Zoning Administrator MaryBeth Humphreys on Staff's recommendations for potential alternatives to the BZA, discussions were held with Ms. Humphreys and County Attorney Stephen DeMarsh on the following topics/issues:

- options/alternatives used by other Florida counties
- suggestion to create a panel consisting of the Director of the Business Center, the Planning Director, and the County Attorney to review the Zoning Administrator's decisions (page 2, bullet 3, of Staff's report)
- Flying Bridge's appeal to the BZA
- appeals of Board versus BZA decisions
- alternative regarding the assignment of variances/administrative appeals to a Hearing Examiner with appeals to the Circuit Court (page 2, bullet 5, of Staff's report)
- number of administrative adjustments
- number of administrative appeals since 2001
- use of an external component in the administrative appeal process
- BZA review standards for administrative appeals versus variances
- need for clarification of the Zoning Code
- City of Sarasota's employment of an attorney as the City's Zoning Administrator
- suggestion for Legal Staff representation of the County's position on administrative appeals
- Hearing Examiner qualifications regarding land use matters
- consideration to abolish the BZA
- hiring of outside Legal Counsel to defend the County's position
- process to address/revise the BZA
- suggestion to revise the number and qualifications of the BZA members.

Commr. Patterson moved to leave the BZA in its current form and to direct the County Attorney's Office to provide an attorney to represent the County and assist the Zoning Administrator at BZA appeals and to evaluate the necessity of providing Legal services to the BZA. The motion, seconded by Commr. Mercier, carried by a 4-1 vote, with Commr. Staub voting "No." Discussion ensued with County Attorney DeMarsh on the intent of the motion and Staff's determination on the necessity of providing Legal services to the BZA.

(2:07:41)

7. ORDINANCES/RESOLUTIONS

- A. Public hearing to consider proposed Ordinance No. 2006-035, amending Ordinance No. 2001-045, as amended and codified in Chapter 98, Article 1, Section 98-14, of the County Code, relating to the Residential Neighborhood Traffic Management Program (RNTMP);
- B. (Not a public hearing.) To consider a proposed Resolution to establish an Educational Process to maximize public involvement and awareness of the RNTMP;
- C. (Not a public hearing.) To consider a proposed Resolution establishing the Funding Policy for the construction of RNTMP devices and repealing Resolution No. 2005-235;
- D. (Not a public hearing.) To consider approval of grandfathering the Shade/Riverwood District, the Siesta Drive/South Gate District, and the Jacaranda West District to be funded 100 percent by the County, pursuant to Resolution No. 2005-235.

Having been duly sworn, Public Works Traffic Engineering and Operations Manager Donald Galloway summarized the proposal for the RNTMP, discussed the establishment of an education process and funding policy, commented on the basis for the grandfathering of the Shade/Riverwood, Siesta Drive/South Gate, and Jacaranda West Districts, and noted Staff's recommendation for approval.

Discussions were held with Mr. Galloway and Public Works Road Program District Coordinator Irene Maiolo, duly sworn, on the following topics/issues:

- clarification of the three-tiered system
- forwarding of the minutes of the Educational information meeting to the Board (Section 1 of the proposed Educational Resolution)
- basis for the least number the homes able to request traffic management
Commr. Staub moved to revise the number of homes from five to ten in Section 2.(f)(1)(a.) of the proposed Ordinance. The motion, seconded by Commr. Patterson, carried by a 4-1 vote, with Chair Mills voting "No."
- tiered funding/number of speed devices/filing fee costs
- total costs/status of the proposed traffic calming projects to be grandfathered/approved versus pending projects/review of the design details by the neighborhoods
- time frame for Board consideration of the design plans for the South Gate/Siesta Drive Traffic Calming Project
- status of the Jacaranda West Traffic Calming Project/survey process/Project costs
- public awareness of the location of speed tables
- status of the Kensington Park Subdivision traffic calming request.

(2:27:44)

Discussions were held with the following individuals, duly sworn, commenting on the proposals:

Mr. Richard Gamec
Ms. Cynthia Crowe

Discussion ensued with Ms. Maiolo on the following topics/issues:

- Jacaranda West Traffic Calming Project/location and number of traffic calming devices/plan modification process/voting percentages and process
- number and maximum distances between speed tables
- status of the Kensington Park Subdivision's traffic calming request versus the Jacaranda West Traffic Calming Project.

7. ORDINANCES/RESOLUTIONS - Continued

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

Commr. Thaxton moved to adopt Ordinance No. 2006-035, amending Ordinance No. 2001-045, as amended and codified in Chapter 98, Article 1, Section 98-14, of the County Code, relating to the RNTMP, as amended. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Commr. Thaxton moved to adopt Resolution No. 2006-111 to establish an Educational Process to maximize public involvement and awareness of the RNTMP. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Commr. Thaxton moved to adopt Resolution No. 2006-112 establishing the Funding Policy for the construction of RNTMP devices and repealing Resolution No. 2005-235. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Commr. Thaxton moved to approve the grandfathering of the Shade/Riverwood District, the Siesta Drive/South Gate District, and the Jacaranda West District to be funded 100 percent by the County, pursuant to Resolution No. 2005-235. The motion was seconded by Commr. Patterson. Following discussion with Ms. Maiolo on the time frame for a determination regarding the number of speed devices for the Jacaranda West Traffic Calming Project and the process/procedure relative to the districts to be grandfathered, the motion carried by a 5-0 vote.

(2:43:16)

8. RESOLUTIONS

Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-069, amending the Fiscal Year (FY) 2006 Budget for the Sarasota County Area Transit (SCAT) route expansion and enhancement.

Following comments by Public Works Transportation Planning Senior Planner Sarah Blanchard, duly sworn, Public Works Mobility Transit General Manager Anthony Beckford, duly sworn, introduced Chad Ingle as the new Public Works Mobility Transit Maintenance Manager. Ms. Blanchard submitted a copy of Staff's PowerPoint presentation, summarized the proposal, discussed the process/costs to implement transit route expansions/services, and noted Staff's recommendation for approval.

Discussions were held with Ms. Blanchard and Mr. Beckford on the following topics/issues:

- previous public comments relative to requests for express bus service on U.S. 41 (See Item 5A earlier this meeting.)
- Grant funding applications/impacts to future project funding
- status/funding for the proposed 30 minute service for Routes 17 and 99
- requests for a dedicated bus route on U.S. 41 (from the Palmetto area to Vamo Road)/costs/number of buses needed
- number of buses on Route 17
- ADA (Americans with Disabilities Act) impacts to the North Port/Englewood/Route 18 bus routes (page 2 of Staff's report).

(2:55:47)

8. RESOLUTIONS - Continued

Mr. Beckford reviewed the public partnerships relative to funding for the Fruitville Road Corridor Plan and the ridership needs of Sarasota Memorial Hospital, commented on funding options to build the transit system, and reviewed the proposed and future service enhancement routes/costs. Discussion ensued with Mr. Beckford and Ms. Blanchard on the following topics/issues:

- future service enhancements/15 minute peak service
- Sunday service/partnerships with employers to assist with funding for employee transportation needs
- total route enhancement costs
- funding to address Sunday service/extended hours/review during the Budget process
- identification of South Venice as a demand area/surveys completed/buses in neighborhood areas
- time frame to determine the success/benefit of a route
- neighborhood versus fixed route buses.

(3:13:13)

Discussions were held with Mr. Richard Thomas, duly sworn, following his comments on the proposed Resolution.

Upon inquiry, Public Works Executive Director Jim Harriott, duly sworn, commented on the feasibility of Staff's versus Mr. Thomas's proposal relative to bus service/route on U.S. 41.

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

Commr. Staub moved to adopt Resolution No. 2006-113, approving Budget Amendment No. B2006-069, amending the FY 2006 Budget for the SCAT route expansion and enhancement. The motion was seconded by Commr. Thaxton. Following comments by Chair Mills on the condition of the bus stop areas on McIntosh Road, Ms. Blanchard commented on the status of the Bus Stop Improvement Program and noted the number of projects pending and under construction. Following comments on the prioritization of bus stop shelter improvements based on ridership and improvements to the transit services by the County, the motion carried by a 5-0 vote.

Commr. Patterson requested that Staff provide a status report on the Bus Stop Improvement Program, without objection, and commented on a prior request to display the bus routes/times. Upon inquiry, Ms. Blanchard commented on a prior trolley service in downtown Sarasota and noted coordination efforts with the City of Sarasota to address transit services.

Following comments by Ms. Blanchard, Commr. Staub moved to direct Staff to pursue/submit applications for any and all Federal and State Transit Grant Funding. The motion, seconded by Commr. Thaxton, carried without objection.

RECESS: 3:33 p.m. - 3:42 p.m.

9. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-033, Small Area Comprehensive Plan Amendment No. RU-132, a privately-initiated revision to the Future Land Use Map to change the designation of a 6.19 acre \pm parcel located on the west end of Callista Lane and 1,100 feet \pm west of Longwood Run Boulevard from Low Density Residential (<2 dwelling units/acre) to Moderate Density Residential (\geq 2 to <5 dwelling units/acre). (Planning Commission recommended approval.)

Having been duly sworn, Planning and Development Services Senior Planner Kirk Crane presented Staff's report on the Small Area Comprehensive Plan Amendment and noted the Planning Commission's recommendation for approval. Upon inquiry, Mr. Crane noted a pending rezone petition in the area.

Discussions were held with Public Works Mobility Engineering Section Supervisor Paula Wiggins, duly sworn, on the following topics/issues:

- clarification of pages 1, 9, and 12 of Staff's report regarding the existing and long-range transportation network's ability to support adopted and proposed future land use changes
- capacity/intensity of long-range plans/impacts to future rezone petitions
- Level of Service (LOS) on Longwood Run Boulevard/DeSoto Road/University Parkway
- University Parkway (Longwood Run Boulevard to Honore Avenue) LOS/Capital Improvement Projects for University Parkway
- trip generation analysis regarding existing versus proposed land use designations (page 11 of Staff's report)/suggestion for right turn-lanes at Longwood Run Boulevard and University Parkway.

(4:00:01)

Agent Mark Lippert, duly sworn, introduced members of the presentation team, commented on the future plans to construct a single-family residential cluster development, noted agreement with the recommended stipulations, and supported approval. Upon inquiry, Mr. Lippert commented on the number of proposed dwelling units, the flood plain area, and the design of the cluster development.

Discussions were held with the following individuals, duly sworn, commenting on the proposed Ordinance:

- Mr. Jim Winding (submitted a copy of his presentation)
- Mr. Bo Medred, representing The Tabernacle Church

(4:10:02)

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

Commr. Patterson moved to adopt Ordinance No. 2006-033, approving Small Area Comprehensive Plan Amendment No. RU-132. The motion was seconded by Commr. Staub. Following comments on traffic issues in the area, the motion carried by a 4-1 vote, with Commr. Thaxton voting "No."

(4:15:41)

10. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-034, Rezone Petition No. 05-26, a petition by Barbara Zeagler, Agent, to rezone 12.9 acres \pm located southeast of Fruitville Road and west of Myakka State Park from OUR (Open Use, Rural, 1 unit/10 acres) to OUE (Open Use, Estate, 1 unit/5 acres)/CS (Conservation Subdivision). (Planning Commission recommended approval.)

Having been duly sworn, Planning and Development Services Senior Planner Carolyn Keber summarized the proposal to rezone the subject parcel to divide the property into two, single-family lots and noted the Planning Commission's recommendation for approval. Discussions were held with Ms. Keber on the following topics/issues:

- location of the easement/access to the rear parcel
- Sarasota 2050 Resource Management Area (RMA) regulations relative to Conservation Subdivision (CS), Policy TDR 2.2., Zoning Ordinance/Land Development Regulations (LDR)/density/open space requirements
- location of the conservation area/existing house/proposed second property lot line (Appendix F of Staff's report)
- location (west versus east side) of the conservation area/zone districts of adjacent properties/location of the wetland on the subject parcel
- CS concepts relative to connectivity/dividing ten acre parcels/concerns with future area petitions.

Upon inquiry, Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld, duly sworn, commented on the location of the wetland relative to connectivity to adjacent parcels, the property access, and the conservation easement. Individual comments followed on future requests for CS in the area.

(4:36:19)

Agent Barbara Zeagler, duly sworn, commented on the proposed plans and supported approval.

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

Commr. Thaxton moved to adopt Ordinance No. 2006-034, approving Rezone Petition No. 05-26. The motion was seconded by Commr. Staub. Following comments and discussion with County Attorney Stephen DeMarsh on the impacts to future petitions and the location of conservation easements, the motion carried by a 3-2 vote, with Commrs. Patterson and Mercier voting "No."

(4:40:49)

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

11. OTHER BUSINESS - Continued

B. BCC

Chair Mills noted the joint meeting with the School Board on May 12, 2006, at 9:00 a.m., at the Venice Community Center.

11. OTHER BUSINESS - Continued

C. BCC

Commr. Staub commended Chair Mills for arranging the Board meeting (morning session) on May 9, 2006, at Booker High School. Following individual comments, Chair Mills noted that he would send correspondence, on behalf of the Board, commending the Booker High School students.

MEETING ADJOURNED: 4:42 p.m.