

**MINUTES  
BOARD OF COUNTY COMMISSIONERS**

**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  
Paula Clintsman, Deputy Clerk  
Spring Dickson, Deputy Clerk

**INVOCATION**

Pastor Ron Kutinsky, Victory Christian Family Center

**PLEDGE OF ALLEGIANCE**

Commissioner Thaxton

**15. OTHER BUSINESS**

**A. CONTRACTS**

Following comments by County Administrator James Ley noting the continuation of the Contract, Item 15, from the September 26, 2006, Board meeting, Commr. Staub moved to approve Contract No. 2006-451, a Funding Agreement, with the Community Housing Trust of Sarasota, Inc., for operating funds, in the amount of \$250,000.00, as amended. The motion was seconded by Commr. Thaxton.

Following a summation of the revisions by Planning and Development Services Community Housing Manager Wendy Thomas, the motion carried by a 5-0 vote.

(9:07:13)

**1. ORDINANCES**

Public hearing to consider proposed Ordinance No. 2006-070, amending Ordinance No. 2006-029, the Evaluation and Appraisal Report (EAR) based Amendments to the Comprehensive Plan, pursuant to the Stipulated Settlement Agreement, approved by the Board on September 26, 2006, in the Case of Sarasota County School Board v. Florida Department of Community Affairs and Sarasota County Board of County Commissioners, DOAH Case No. 06-002642GM, DCA Docket No.: 06-2ER-NOI-5801-(A)(I).

Having been duly sworn, Planning and Development Services Planning Director Anne McClung summarized the proposal.

The following individuals, duly sworn, commented on the proposed Ordinance. Discussions were held throughout the public testimony.

**1. ORDINANCES - Continued**

School Board Long Range Planning Director Ken Marsh  
Attorney Dan Lobeck

(9:16:55)

Discussions were held with County Attorney Stephen DeMarsh, Ms. McClung, and Attorney Lobeck on the School Board Agreement/language and the requirements for Neighborhood Centers relating to size and population.

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

Commr. Staub moved to adopt Ordinance No. 2006-070, amending Ordinance No. 2006-029, the EAR based Comprehensive Plan Amendments. The motion, seconded by Commr. Mercier, carried by a 3-2 vote, with Commrs. Thaxton and Patterson voting "No."

(9:24:54)

**2. ENVIRONMENTAL SERVICES**

The Board considered a presentation by the Florida Department of Environmental Protection (FDEP) on the Continuing Evolution of Stormwater and Watershed Management in Florida - Incorporating Low Impact Design Standards.

Following opening comments by Environmental Services Water Resources Planning and Regulatory Manager Jack Merriam and submittal of a PowerPoint presentation, FDEP Bureau Chief of Watershed Management Jack Livingston presented an overview on the evolution of Stormwater and Watershed Management and low impact design standards. Discussions were held on the following topics/issues:

- pervious asphalt/concrete/maintenance problems
- low impact conservation design principles
- FDOT (Florida Department of Transportation)/need for stormwater ponds/highway medians
- effects from stormwater vaults/impacts from fill/acceptance by the SWFWMD (South West Florida Water Management District)/coordination/participation
- "green"/"flat" roofs/longevity/design/single-family versus commercial "green" roofs/incentives/irrigation
- stormwater impacts/curbings
- request for review of "bio-retention" in the downtown Englewood area, without objection.

Chair Mills commended the efforts of Mr. Livingston.

(10:08:01)

**3. PUBLIC WORKS**

The Board considered funding options for the Siesta Key Village Beautification Project.

Public Works Design Project Manager Jeff Roberts submitted a copy of the PowerPoint presentation and a map of the Siesta Key Village Neighborhood Beautification Plan, and gave an overview of Staff's report on the establishment of the Siesta Key Village Beautification Public Improvement District (PID).

**3. PUBLIC WORKS - Continued**

Discussions were held with Mr. Roberts, Architect Mark Smith, and Public Works Road Program District Coordinator Irene Maiolo on the following topics/issues:

- utility relocation process/time frame/travel lane closures
- addition of a public restroom/locations
- "drop tolerant" plants/irrigation
- annual maintenance cost/options/Level Of Service (LOS)
- establishment of the PID/process/background information for a Board initiated PID/petition-initiated PID/demonstration for support.

Following comments, Commr. Patterson moved to direct Staff to draft an Ordinance to establish a Siesta Key Village Beautification PID. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Commr. Patterson moved to approve that the County provide maintenance at a cost not to exceed/establish a LOS of \$75,000.00 with a CIP (Capital Improvement Program) adjustment, including maintenance of specialized non-paving features. The motion was seconded by Commr. Staub. Following individual comments, the motion carried by a 5-0 vote.

**RECESS:** 10:45 a.m. - 10:57 a.m.

**4. BUDGETS**

The Board considered the Capital Improvement Program (CIP) for Fiscal Year (FY) 2006 Third Quarter Status Report and the Environmentally Sensitive Lands Report.

Chief Financial Planning Officer Gail Miller noted the utilization of the new performance management software entitled Primavera Systems, Inc., for implementation and presentation of the FY 2006 Third Quarter Status Report and the Environmentally Sensitive Lands Report. Discussions were held with Ms. Miller and County Administrator James Ley on the availability of the Report on the Intranet site and the capabilities, benefits, and users of the Primavera Systems software.

Commr. Staub requested different colors/shades for future reports, without objection. Following submittal of a copy of a document entitled "Capital Improvement Program Update," Commr. Staub requested and County Administrator James Ley advised to schedule a discussion item on Park Projects including the projection and time frame for construction to commence.

(11:04:51)

**5. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-094, amending the Fiscal Year (FY) 2006 Budget to incorporate various supplemental appropriations, revenue adjustments, grants, and transfers.

Having been duly sworn, Financial Planning Budget Management Analyst Robert Horn summarized the proposal and noted Staff's recommendation for approval.

Discussions were held with Emergency Services Aquatics Safety Manager Scott Montgomery, duly sworn, Planning and Development Services Land Development General Manager Terry Boswell, duly sworn, Planning and Development Services Chief Building Official Paul Radauskas, duly sworn, Chief Financial Planning Officer Gail Miller, duly sworn, and County Administrator James Ley on the following topics/issues:

**5. RESOLUTIONS - Continued**

- Item 3(d), clarification/explanation of the EMPG (Emergency Management Performance Grant)/grant purpose
- Item 2(f), increase of the Land Development Regulations Reserves Fund/ customers
- Item 5(f), Increase of the Development Services Fund from Building Permits for Operating Expenditures/permits/fees/credit card fees/fee study/proposed fee increases and recovery fees/Planning Department
- Item 8(f), funds relating to the AMANDA Computer System.

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

Commr. Staub moved to adopt Resolution No. 2006-204, approving Budget Amendment No. B2006-094. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(11:17:09)

**6. ENVIRONMENTAL SERVICES**

Public hearing to consider the naming of an Environmentally Sensitive Lands Protection Program (ESLPP) site located along the shoreline of Dona Bay northeast of the intersection of U.S. 41 and Pocono Trail as the Pocono Trail Preserve.

Having been duly sworn, Environmental Services Environmental Services Specialist III Jeff Weber summarized the proposal and commented on the public input for the proposed recommendation for naming of the property.

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

Commr. Thaxton moved to approve naming the site located along the shoreline of Dona Bay northeast of the intersection of U.S. 41 and Pocono Trail as the Pocono Trail Preserve. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(11:19:28)

**7. ORDINANCES**

Public hearing to consider proposed Ordinance No. 2006-064, a petition by Lennar Homes, Inc., to establish the Stoneybrook at Venice Community Development District (CDD) on 559.3 ± acres located within the boundaries on the north by Blackburn Canal, the east by River Road, the south by Center Road, and west by a Florida Power and Light (FPL) Company easement.

Having been duly sworn, Planning and Development Services Land Development General Manager Terry Boswell summarized the proposal and discussions were held with County Attorney Stephen DeMarsh on Legal recourse and the process for appeals.

Vice President of Lennar Homes, Inc., Ken Stokes, duly sworn, introduced the presentation team, and Attorney Ken Van Assenderp, duly sworn, who gave background information on the establishment of the Stoneybrook at Venice CDD, commented on the proposed plans, and supported approval.

**7. ORDINANCES - Continued**

Discussions were held with Attorney Van Assenderp on the number of homes previously constructed and the solution and the approach to retrofit the payment for the community infrastructure, services, and facilities, including operations and maintenance.

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

Mr. Gary Natis  
Mr. Steven Eisen  
Ms. Jennifer Schmidt  
Ms. Kimberly Chmielewski

Following discussion regarding the time frame and continuance of the public hearing, Commr. Patterson moved to continue the public hearing on proposed Ordinance No. 2006-064, establishing the Stoneybrook at Venice CDD, to January 23, 2007, at 1:30 p.m., or as soon thereafter as possible at the Robert L. Anderson Administration Center, Venice. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

**RECESS:** 12:21 p.m. - 1:30 p.m.

**8. OPEN TO THE PUBLIC****A. ENVIRONMENTAL SERVICES**

The following individuals commented on the proposed construction of a Florida Power and Light (FPL) transmission line through the Gum Slough Conservation Area. Discussions were held throughout the public comments.

Mr. Robert Hueter (submitted a copy of his presentation)  
Ms. Mary Clark

Commr Staub moved to draft correspondence for the Chair's signature to FPL in support of alternative routes for the power line and to inform FPL that the Gum Slough Conservation Area is designated as environmentally sensitive land. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(1:46:32)

**9. ORDINANCES**

The Board considered authorization to advertise a proposed Ordinance providing for the addition of Article XV of Chapter 110 of the County Code to establish the South Siesta Key Beach Restoration District.

Environmental Services Project Scientist Curtis Smith submitted a copy of the PowerPoint presentation and provided an overview of Staff's report on the proposed Ordinance establishing the South Siesta Key Beach Restoration District.

Following submittal of a copy of the South Siesta Key Beach Renourishment Project proposed Municipal Services Benefit Unit (MSBU) Assessment discussions were held with Mr. Curtis and Environmental Services Operations General Manager George MacFarlane on the following topics/issues:

- recommended motion/MSBU
- cost modifications/expansions
- Bayside versus Gulfside property owner assessment cost

**9. ORDINANCES - Continued**

- status of neighborhood approval for a Restoration District
- percentage/property owners/granted easement
- public's cost percentage
- present versus future sand quality of Turtle Beach.

Following comments, Commr. Patterson moved to authorize advertisement of a proposed Ordinance, establishing the South Siesta Key Beach Restoration District. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(2:08:03)

**10. PLANNING AND DEVELOPMENT SERVICES**

The Board considered Staff's report on the Sarasota 2050 Resource Management Area (RMA) Conservation Easement.

Planning and Development Services Planning Director Anne McClung, Frances Chandler-Marino of Glatting, Jackson, Kercher, Anglin, Lopez, and Rinehart, Inc. (Glatting-Jackson), and Tim Jackson, Vice President of Glatting-Jackson presented an overview of Staff's report on the Sarasota 2050 RMA Conservation Easement.

Discussions were held with Ms. Chandler-Marino, Mr. Jackson, Ms. McClung, and County Attorney Stephen DeMarsh on the following topics/issues:

- flexibility of conservation easements
- up front surveying/development rights pertaining to conservation easements/  
flexible boundaries
- time frame for recording easements
- completed versus a partial village/dedication of conservation easement
- settlement provisions
- Board options regarding conservation easements/record in detail up  
front(status quo)/flexible conservation easement/flexible filing
- flexible easement versus flexible filing
- legal perspective/ranking of the three options.

(2:44:01)

The following individuals commented on the Sarasota 2050 RMA Conservation Easement. Discussions were held throughout the public comments.

Attorney Michael Furen  
Mr. Todd Pokrywa

Discussion ensued with Mr. Jackson on the following topics/issues:

- alternate communities with upfront conservation easements
- allowance of mining/open space
- time frame for development rights.

Commr. Mercier moved to endorse the flexible filing option. The motion was seconded by Commr. Staub. Following comments, the motion carried by a 3-2 vote, with Commrs. Thaxton and Patterson voting "No."

**RECESS:** 3:20 p.m. - 3:28 p.m.

**11. PERMITS/APPEALS**

Public hearing to consider an appeal by Evan Duke and Pamela Stevens of the denial of Water and Navigation Control Authority (WNCA) General Permit No. 2005-446692-RW relative to the installation of a boat lift and design inconsistency with the technical standards in Section 54-669 of the WNCA Code. The subject parcel is located along the shoreline of a man-made canal system congruous to Lyons Bay at 711 Channel Acres Drive, Nokomis.

Chair Mills recessed the Board of County Commissioners and convened as the Water and Navigation Authority (WNCA).

Having been duly sworn, Environmental Services Resource Protection Environmental Supervisor Howard Berna summarized Staff's recommendation to deny General Permit No. 2005-446692-RW and discussed the Board's options to affirm, remand, reverse, or modify the Administrative denial recommendation.

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

- proposed Code revisions versus existing Code rule
- lift mechanism footage
- affected parcels
- number of boats allowed
- limits/impacts to the waterway/canal
- Code standards/flexibility for parcels at the end of the canal
- notification of adjoining property owners
- status of the boat lift
- appeal rights/Code Regulations/25 percent of the width of the waterway/  
Section 54-668(e).

Agent Michael Friday, duly sworn, commented on the proposed plans and supported reversal of the Administrative denial recommendation.

Discussions were held with Mr. Friday and Mr. Berna on a Major Work Permit versus an Appeal Application and the Board's authority to overturn the 25 percent Regulation.

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

Commr. Thaxton moved to overturn the Administrative denial recommendation and to approve the General Permit No. 2005-446692-RW. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Chair Mills adjourned the WNCA and reconvened as the Board of County Commissioners.  
(3:56:00)

**12. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Coastal Setback Variance Petition No. 79-03-05-369, a petition by Frederic and Sally Rose, represented by Attorney Robert Moore, to install a new septic system and relocate native vegetation. All proposed construction will be located a maximum of 28.4 feet seaward of the Gulf Beach Setback Line (GBSL) at the property fronting the Gulf of Mexico located at 749 North Manasota Key Road, Manasota Key.

Having been duly sworn, Environmental Services Environmental Specialist II Rachel Herman summarized the proposal to install a new septic system and relocate native vegetation seaward of the GBSL. Discussions were held with Ms. Herman on the option of placing the septic system landward of the GBSL.

Attorney Robert Moore, duly sworn, introduced the presentation team, commented on the proposed plans, and supported approval.

Discussions were held with Attorney Moore, Mr. James Markqua of Environmental Design, duly sworn, County Attorney Stephen DeMarsh, and Ms. Herman on the following topics/issues:

- footage from the Bay/Gulf for the septic system
- location of the 75-foot setback line
- alternate locations for the septic system
- above ground versus underground septic systems
- protection of the septic system due to erosion
- effect of a storm surge on the septic system
- setback allowance
- square footage/septic system drainfield
- FDEP (Florida Department of Environmental Protection) appeal process
- time frame/GBSL review process.

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

Commr. Staub moved to adopt Resolution No. 2006-205, approving Coastal Setback Variance Petition No. 79-03-05-369. The motion was seconded by Commr. Thaxton. Following individual comments, the motion carried by a 3-2 vote, with Comms. Mercier and Thaxton voting "No."

(4:25:03)

**13. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Coastal Setback Variance Petition No. 79-03-06-372, a petition by Mayer and Samira Saad, represented by Attorney William Merrill, to construct a pile-supported, single-family residence, swimming pool, pool deck, driveway, and septic system. All proposed construction will be located a maximum of 84 feet seaward of the Gulf Beach Setback Line (GBSL) at the property fronting the Gulf of Mexico located at 3625 Casey Key Road, Sarasota.

Having been duly sworn, Environmental Services Environmental Specialist II Rachel Herman summarized the proposal to construct a pile-supported, single-family residence, swimming pool, pool deck, driveway, and septic system. Discussions were held with Ms. Herman on the following topics/issues:

**13. RESOLUTIONS - Continued**

- impacted areas
- square footage of the proposed residence
- success of mitigation projects
- setback requirements/Casey Key Road
- encroachment/10-foot easement.

Attorney William Merrill, duly sworn, introduced the presentation team and commented on the proposed plans, submitted additional correspondence, photographs, and copies of the sunlight charts, and supported approval. Discussions were held with Attorney Merrill on the following topics/issues:

- status of the structure
- square footage/location/previous structure
- removal of the "red hatched" dune area
- Australian pines versus the residential structure regarding the sunlight affecting the dune vegetation.

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

Mr. Hank Tafaro  
Mr. Joe Watson, (submitted a copy of his presentation)  
Ms. Antionette Layton  
Mr. Sidney Holec  
Mr. Richard Davis  
Ms. Constance Davis

Dr. Mayer Saad, duly sworn, and Attorney Merrill commented on the public testimony addressing concerns relating to the Casey Key Road 25 foot setback line, the size of the residence, and the encroachment of the easement during construction.

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

Commr. Mercier moved to adopt Resolution No. 2006-206, denying Coastal Setback Variance Petition No. 79-03-06-372. The motion was seconded by Commr. Thaxton. Following individual comments, the motion carried by a 5-0 vote.

(5:41:43)

**14. CONTRACTS**

Public hearing to consider a proposed Contract, a Supplemental Agreement to Contract No. 2006-170, with Heritage Development of Central Florida, LLC, for the construction of necessary roadway improvements for the Clark Road/Honore Avenue Intersection Improvement Project.

Having been duly sworn, Public Works Transportation Planning Policy and Project Manager Tom Polk summarized the proposed Contract and noted Staff's recommendation for approval. Discussions were held with Mr. Polk on the amenities which will be purchased from the Supplemental Agreement.

**14. CONTRACTS - Continued**

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

Following comments by Mr. Polk, Chair Mills noted the two public hearings requirement, with no action to be taken this date and advised that the second public hearing is scheduled for October 25, 2006. Individual comments followed.

(5:46:57)

**15. OTHER BUSINESS**

**B. ORDINANCES**

The Board considered authorization to advertise a proposed Ordinance exempting the County from Section 316.2123, Florida Statutes, which permits operation of All-Terrain Vehicles (ATV's) during the daytime on unpaved roadways where the posted speed limit is less than 35 miles per hour.

Following discussion, Commr. Staub moved to authorize advertisement of a proposed Ordinance exempting the County from Section 316.2123, Florida Statutes, which permits operation of ATV's during the daytime on unpaved roadways where the posted speed limit is less than 35 miles per hour. The motion was seconded by Commr. Thaxton. Following individual comments, the motion carried by a 5-0 vote.

(5:48:57)

**C. OFFICE OF ORGINAZATION PERFORMANCE**

County Administrator James Ley presented a status report on the ICMA VantageCare Program for County Employees and noted the risk factors.

**D. ENVIRONMENTAL SERVICES**

County Administrator James Ley discussed the County's participation in the NACO (National Association of Counties) Energy Star Change A Light Bulb Program.

**MEETING ADJOURNED:** 5:53 p.m.