

**MINUTES  
BOARD OF COUNTY COMMISSIONERS**

**VENICE COMMUNITY CENTER  
326 SOUTH NOKOMIS AVENUE  
VENICE, FLORIDA**

2:00 p.m.

**JOINT MEETING  
WITH THE NORTH PORT CITY COMMISSION  
AND THE VENICE CITY COUNCIL**

**COUNTY OF SARASOTA**

Chair Nora Patterson, Vice Chair Shannon Staub, and Commissioners Paul H. Mercier, Jon Thaxton, and Joseph A. Barbetta; County Administrator James Ley, Deputy County Administrator David Bullock, and Deputy County Administrator Susan Scott; County Attorney Stephen DeMarsh and Assistant County Attorney Gary Oldehoff; Deputy Clerk Claudia Goodson and Deputy Clerk Spring Dickson

**CITY OF VENICE**

Mayor Fred Hammett and Council Members John K. Moore, John Simmonds, Bill Willson, and Jim Woods; City Manager Marty Black; City Attorney Robert Anderson; City Clerk Lori Seltzer; and Recording Secretary Judy Gamel

**CITY OF NORTH PORT**

Chair Barbara Gross, Vice Chair Fred E. Tower, III, and Commissioners Jim Bulcher, Vanessa Carusone, and Richard Lockhart; City Manager Steven Crowell, Jr.; City Attorney Robert Robinson; and City Clerk Helen Raimbeau

**1. OPENING COMMENTS**

Public Presenter: Facilitator, Attorney Linda Shelley of Fowler, White, Boggs, and Banker (2:07:01)

**2. PLANNING AND DEVELOPMENT SERVICES**

- A.** Public hearing to consider proposed Ordinance No. 2007-012, approving and establishing the Joint Planning and Interlocal Service Boundary Agreement (JPISBA) with the City of Venice.
- B. Staff Presentations**
- C. Public Comment**
- D. Board Discussion**
- E. Board Action**
  - a.** City of Venice Resolution No. 2007-05, inviting Sarasota County to enter into the JPISBA
  - b.** Sarasota County Ordinance No. 2007-012, approving and adopting the JPISBA
  - c.** First Reading of City of Venice Ordinance No. 2007-06, approving and adopting the JPISBA

Staff Presenter: County Attorney Stephen DeMarsh

Public Presenters: Facilitator, Attorney Linda Shelley of Fowler, White, Boggs, and Banker; Venice City Manager Marty Black; and Bryan Beles

**2. PLANNING AND DEVELOPMENT SERVICES - Continued**

Item submitted: A copy of an Interoffice Memorandum entitled "Joint Planning and Interlocal Service Boundary Agreement; Supplemental Information and proposed Resolution"

Venice City Councilman Moore moved to adopt City of Venice Resolution No. 2007-05, inviting Sarasota County to enter into the JPISBA. The motion, seconded by City Councilman Willson, carried by a 5-0 roll call vote.

Venice City Councilman Willson moved to approve the First Reading of City of Venice Ordinance No. 2007-06, approving and adopting the JPISBA. The motion, seconded by Venice City Councilman Woods, carried by 5-0 roll call vote.

2:11:14 Board Action: Opened the public hearing by Chair Patterson, without objection.

2:12:32 Board Action: Adopted Resolution No. 2007-002, accepting the City of Venice's invitation to enter into the JPISBA. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

2:20:11 Board Action: Adopted Ordinance No. 2007-012, approving, establishing, and authorizing the execution of the JPISBA (Contract No. 2007-158) with the City of Venice. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

2:25:33 Board Action: Closed the public hearing by Chair Patterson, without objection.

**Note: Oath/Signature Cards Filed for Record.**

**RECESS:** 2:25 p.m. - 2:30 p.m.

**3. PLANNING AND DEVELOPMENT SERVICES**

- A.** Public hearing to consider proposed Ordinance No. 2007-013, approving and establishing the Joint Planning and Interlocal Service Boundary Agreement (JPISBA) with the City of North Port.
- B.** Public hearing to consider the City of North Port's first reading of proposed Ordinance No. 2007-07, approving and establishing a JPISBA with Sarasota County.
- C. Staff Presentations**
- D. Public Comment**
- E. Board Discussion**
- F. Board Action**

Staff Presenters: County Administrator James Ley and Planning and Development Services Planning Director Anne McClung

Public Presenters: Facilitator, Attorney Linda Shelley of Fowler, White, Boggs, and Banker; and North Port City Attorney Robert Robinson

3:02:44 Board Action: Recommended continued joint efforts to establish a JPISBA if consensus has not occurred by the January 12, 2007, referendum deadline. Recommended by Patterson, without objection.

3:14:31 Board Action: Recommended consideration of the nine areas of concern as referenced by North Port City Commissioner Carusone. Recommended by Thaxton, without objection.

3:31:31 Board Action: Recommended that the City of North Port refrain from annexations and agree to an area joint planning study for the U.S. 41 Corridor. Recommended by Patterson, without objection.

**3. PLANNING AND DEVELOPMENT SERVICES - Continued**

3:39:54 Board Action: Recommended clarification regarding procedural issues relative to the two required public hearings by the City of North Port prior to the referendum deadline. Recommended by Staub, without objection.

**RECESS:** 3:55 p.m. - 4:04 p.m.

Attorney Shelley noted Group consensus to retain the words "provided no enclaves are created," to delete the words "consistent with State law as amended," and to add the sentence "For purposes of this agreement the definition of enclaves shall be as defined in Chapter 171, Part 1, Florida Statutes" to lines 127 and 128, on page 6 of the proposed JPISBA, and advised of the North Port City Commission's consensus to delete Section C(3), Area 1-A, U.S. 41 Corridor Middle Area and Mobile Home Parks, lines 210 through 233, on pages 10 and 11 of the proposed JPISBA.

4:07:32 Board Action Recommended a review of the provisions relative to the time frame of the proposed U.S. 41 Corridor joint planning study. Recommended by Staub, without objection.

4:19:03 Board Action: Recommended to remove Potential Annexation Areas 2A, Thomas Ranch Westerly Five Sections, and 2B, Thomas Ranch Easterly Section, and to retain the City of North Port's existing boundaries, with no future annexations. Recommended by Thaxton, without objection.

4:20:54 Board Action: Recommended clarification of the term "veto" versus the "meaning of a Contract." Recommended by Patterson, without objection.

4:33:40 Board Action: Moved to add the following language as proffered by Attorney Shelley to Section Q on pages 25 and 26 of the proposed JPISBA: "Prior to the expiration of the five year period, the parties shall complete a Lemon Bay Watershed Study to determine the appropriate density, intensity, carrying capacity, and location of development on parcels designated as Thomas Ranch Westerly Five Sections and the Easterly Section." Moved by Mercier, died for lack of a second.

4:41:50 Board Action: Recommended to delete Potential Annexation Areas 2A, Thomas Ranch Westerly Five Sections, and 2B, Thomas Ranch Easterly Section due to hurricanes and flooding issues. Recommended by Thaxton and Staub, without objection.

4:42:54 Board Action: Recommended to retain Sections Q and R on pages 25 and 26 of the proposed JPISBA. Recommended by Barbetta, without objection.

(4:46:34)

Attorney Shelley restated the proposed language for Section Q on pages 25 and 26 of the proposed JPISBA as follows: "Prior to the expiration of the five year period, the parties shall complete a Lemon Bay Watershed Study to determine the carrying capacity of the property and the appropriate density, intensity, and location of development on parcels designated as Thomas Ranch Westerly Five Sections and the Easterly Section, if the properties are annexed" and proposed the revision of the phrase "must be agreed to by both Parties" to the phrase "must be consistent with the recommendations of the study" in line 570, Section Q.

4:57:30 Board Action: Moved to table the Potential Annexation Areas 2A and 2B for a period of five years, to implement a Lemon Bay Watershed Study, paid by uncertain means, to determine the development carrying capacity. Moved by Mercier, seconded by Thaxton.

5:00:34 Board Action: Amended the motion to limit the Lemon Bay Watershed Study to the area encompassing the West Villages and the immediate surrounding areas. Moved by Thaxton, seconded by Mercier, carried without objection.

**3. PLANNING AND DEVELOPMENT SERVICES - Continued**

5:04:38 Board Action: Main motion failed by a 3-2 vote; Staub, Barbeta, and Patterson voted "No."

5:12:23 Board Action: Recommended consideration of additional language to Section Q of the proposed JPISBA to reflect that before a discussion of increased density, over and above the Comprehensive Plan designation, a Lemon Bay Watershed Study be implemented and paid by the developer. Recommended by Patterson, without objection.

5:15:29 Board Action: Recommended that County/City Staff provide language for Section Q of the proposed JPISBA to address the provisions for a Lemon Bay Watershed Study relative to density issues and payment by developers for Potential Annexation Areas 2A and 2B. Recommended by Thaxton, without objection.

5:17:59 Board Action: Recommended language clarification on options relative to the results from a Lemon Bay Watershed Study. Recommended by Staub, without objection.

5:28:34/5:31:35 Board Action: Recommended to proceed with the referendum for the proposed Charter Amendment and to continue with the proposed JPISBA. Recommended by Mercier and Patterson, without objection.

**RECESS:** 5:33 p.m. - 5:44 p.m.

5:53:54 Board Action: Recommended that the commercial square footage language in Section (c), lines 273 and 274, page 12 of the proposed JPISBA reflect that "no one facility will exceed more than a specific square footage" for Potential Annexation Areas 3A, Blackburn Property Settlement and 3B, Blackburn River Road/Center Road. Recommended by Thaxton and Staub, without objection.

5:53:54 Board Action: Recommended to retain Section (b), lines 271 and 272, regarding development conformity to the Land Use Principles in Exhibit B. Recommended by Barbeta, without objection.

5:57:18 Board Action: Recommended that no commercial development be allowed to front Center Road and River Road. Recommended by Staub, without objection.

5:59:56 Board Action: Recommended that no commercial development be allowed in Potential Annexation Area 3B. Recommended by Staub, without objection.

6:01:44 Board Action: Recommended consideration to allow/not allow commercial development off Center Road, and if allowed, to determine the distance/location of commercial development from Center Road. Recommended by Thaxton, without objection.

(6:01:59)

Attorney Shelley noted no objection by the North Port City Commission to the deletion of commercial development in Potential Annexation Area 3B.

6:02:58 Board Action: Recommended to limit the commercial development by adding language to reflect that "no one facility will exceed more than 30,000 square feet in Potential Annexation Area 3A." Recommended by Thaxton, without objection.

6:05:56 Board Action: Recommended to revise the words "one-half (1/2) mile" to the words "no more than a quarter (1/4) mile" in Section (d), line 277, on page 13 of the proposed JPISBA. Recommended by Patterson, without objection.

6:16:44 Board Action: Recommended consideration for interconnectivity of area roads in relation to the North Port West Village development plans. Recommended by Patterson, without objection.

(6:20:45)

**3. PLANNING AND DEVELOPMENT SERVICES - Continued**

Attorney Shelley noted Group consensus on the following provisions for Potential Annexation Area 3B, on pages 12, 13, and 14 of the proposed JPISBA: to retain Sections (a) and (b); to add the words "with no single building exceeding 30,000 square feet" in Section (c); to delete the words "centrally and" in Section (d), line 276; to revise the words "one-half (1/2) mile" to the words "no more than a quarter-mile off" in Section (d), line 277; to revise the language to "The parties will use best efforts to create opportunities for connections to the West Villages development" in Section (e); and, to delete the last sentence in Section (7), lines 299 through 301.

6:25:30 Board Action: Recommended clarification of the word "written" versus the words "having knowledge of" regarding the alternative dispute resolution notification process in Section 9A, line 399, on page 18 of the proposed JPISBA. Recommended by Staub, without objection.

6:31:02 Board Action: Recommended clarification of the commencement time frame of the 90 day period relative to the alternative dispute resolution notification requirements. Recommended by Patterson, without objection.

(6:34:16)

Attorney Shelley noted Group consensus to revise Section 9A, line 399, on page 18 of the proposed JPISBA as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text): . . ."within 90 days of the party having ~~knowledge of a dispute~~ received notice of the action pursuant to paragraph 12."

Attorney Shelley noted Group consensus to revise the language on lines 488 through 490 on page 22 of the proposed JPISBA to reflect the failure to complete the U.S. 41 Corridor joint planning study within the 12 month time frame will not negate the JPISBA.

6:44:34 Board Action: Recommended clarification of the added/strikethrough language proffered by the North Port City Commission in lines 68, 69, and 70 on page 3 relative to the January 12, 2007, referendum deadline and the proposed Charter Amendment. Recommended by Staub, without objection.

6:49:22 Board Action: Recommended to retain the original language for lines 68, 69, and 70 on page 3 of the proposed JPISBA to reflect the language as stated in the City of Venice JPISBA. Recommended by Barbetta, without objection.

6:51:18 Board Action: Recommended the deletion of the word "refrain" in line 68 and the deletion of the words "conflicts with" in line 70, on page 3 of the proposed JPISBA. Recommended by Patterson, without objection.

Attorney Shelley advised that County/City Staff would provide a revised draft copy of the proposed JPISBA to reflect the changes made this date for review/consideration at a potential/future joint meeting.

6:56:08 Board Action: Recommended to review the Board's and the North Port Commission's proposed JPISBA revisions prior to future consideration. Recommended by Patterson, without objection.

**Note: Oath/Signature Cards Filed for Record.**

**4. OPEN TO THE PUBLIC - Opened and closed without comment.**

**5. OTHER BUSINESS - No Items were presented.**

**MEETING ADJOURNED:** 7:05 p.m.

**MINUTES APPROVED:** \_\_\_\_\_

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Chair