

June 20, 2006

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

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**NORTH PORT CITY HALL CHAMBER
4970 CITY HALL BOULEVARD
NORTH PORT, 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
Peter Ramsden, Clerk of the Circuit Court Finance Director
Claudia Goodson, Deputy Clerk
Spring Dickson, Deputy Clerk

INVOCATION

Pastor Dell Shiell, Living Waters Lutheran Church

PLEDGE OF ALLEGIANCE

Commissioner Thaxton

PRESENTATION OF PROCLAMATIONS:

National Clean Beaches Week - June 29 through July 5, 2006
Aquarian Quest's Tall Ship Daniel Webster Clements Recognition - June 20, 2006

RECOGNITIONS:

All America County Hand-in-Hand Community Builders

PRESENTATION:

Florida Representative Nancy Detert

CONSENT AGENDA SECTION:

Following comments by Chair Mills, County Administrator James Ley requested to review Item 17. A motion was made by Commr. Staub, seconded by Commr. Patterson, and carried by a 5-0 vote to approve Items 1-22 as follows, with the exception of Items 7, 17, and 18 considered later this meeting.

1. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Approved the Florida Revenue Sharing Application for State Fiscal Year (FY) 2006/2007.

2. CONTRACTS

Approved Contract No. 2006-335, Amendment No. 1 to Contract No. 2004-309, with the South County Family YMCA, Inc., for the reimbursement of skate park equipment, in the amount of \$72,150.00.

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.

3. ADVISORY COUNCILS

- A. Reappointed Vincent Campbell, Charles Boyd, and Michael Walsh to serve three-year terms on the Fire-Rescue District Advisory Board, effective through May 2009;
- B. Appointed Patrick Sanders and Harold Joslin to serve three-year terms on the Fire-Rescue District Advisory Board, effective through May 2009.

4. ADVISORY COUNCILS

- A. Reappointed Earl Midlam, Joseph Graber, and Mike Johnson to serve three-year terms on the Emergency Services Medical Services District Advisory Board, effective through May 2009;
- B. Appointed Margaret Sisek and Emilio Carlesimo to serve three-year terms on the Emergency Services Medical Services District Advisory Board, effective through May 2009.

5. CONTRACTS

Approved Contract No. 2006-336 with IT Convergence, Inc., for database administration and services, in the amount of \$141,210.00.

6. CONTRACTS

- A. Approved Contract No. 2006-337, an Interlocal Agreement, with the City of Sarasota to allow use of County-operated disaster debris sites for the purpose of debris storage, volume reduction, and disposal in the event of a hurricane and/or natural disaster;
- B. Approved Contract No. 2006-338, an Interlocal Agreement, with the Town of Longboat Key to allow use of County-operated disaster debris sites for the purpose of debris storage, volume reduction, and disposal in the event of a hurricane and/or natural disaster;
- C. Approved Contract No. 2006-339, an Interlocal Agreement, with the City of Venice to allow the use of County-operated disaster debris sites for the purpose of debris storage, volume reduction, and disposal in the event of a hurricane and/or natural disaster.

7. RESOLUTIONS

See consideration of a Resolution, Budget Amendment No. B2006-072, to increase and disperse the funds awarded by the Flood Mitigation Assistance Program (FMAP), later this meeting.

8. ORDINANCES

Authorized advertisement of a public hearing to consider a proposed Ordinance, amending Ordinance No. 2000-015, as amended and codified in Sections 54-921 through 54-934 of the County Code, relating to landscape water restrictions and to waive the requirement for an Economic Impact Statement (EIS).

9. FINANCIAL PLANNING

Approved full and final payment to Judith Ward and Farrow and Pulice, P.A., for settlement of a bodily injury claim, in the amount of \$25,000.00.

10. FINANCIAL PLANNING

- A. Approved full and final payment to Summit Claims for a workers' compensation subrogation claim on behalf of Tampa Pathology, in the amount of \$7,500.00;
- B. Approved full and final payment to Auto Owner's Insurance for a property damage subrogation claim, in the amount of \$1,033.56.

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.

11. ADVISORY COUNCILS

- A. Reappointed Pete Strohminger to serve a one-year term on the Human Services Advisory Council, as the STAR (Student Taking Active Roles) in Government Representative, effective through May 2007;
- B. Appointed Steven Connell to fill an unexpired three-year term on the Human Services Advisory Council, as the Youth Representative, effective through March 2007.

12. GRANTS

Approved the appropriations of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds for Fiscal Year (FY) 2007 with Coastal Behavioral Healthcare, Inc., for the operation of the Mental Health Court, in the amount of \$143,265.00.

13. ADVISORY COUNCILS

Appointed Keith Newell and Bryan Zapf to serve four-year terms on the Building Code Board of Adjustments and Appeals, as Building/Construction Representatives, effective through June 2010.

14. ORDINANCES

Authorized execution of Substitute Ordinance No. 2006-023 (adopted by the Board on March 15, 2006, by a 5-0 vote), Comprehensive Plan Amendment No. RU-129, to correct a scrivener's error.

15. CONTRACTS

- A. Approved Contract No. 2006-340, an Interlocal Agreement, with the City of Sarasota and the City of Venice for distribution of a six-cent per gallon Local Option Fuel Tax revenue, effective September, 2006;
- B. Approved Contract No. 2006-341, an Interlocal Agreement, with the City of Sarasota and the City of Venice for distribution of a five-cent per gallon Local Option Fuel Tax revenue, effective September, 2006.

16. CONTRACTS

Approved Contract No. 2006-342 with APAC-Southeast, Inc., for the construction and completion of the Second Increment of the Fiscal Year (FY) 2006 County Resurfacing Program, in the amount of \$935,106.01.

17. ORDINANCES/RESOLUTIONS

See consideration of the following Items later this meeting:

- A. Advertisement of a public hearing to consider a proposed Ordinance to expand the South Laurel Special Lighting District;
- B. A Resolution declaring the Board's intent to use the Uniform Method of Levy, Collection, and Enforcement of non-ad valorem assessments within the South Laurel Special Lighting District.

18. CONTRACTS

See consideration of a Contract with BMK Architects, Inc., for professional architecture services for the West Jail Sally Port and Booking Area Renovation Project, later this meeting.

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.

19. CONTRACTS/RESOLUTIONS

- A. Approved Contract No. 2006-345, a Highway Landscaping Installation and Maintenance Agreement, with the Florida Department of Transportation (FDOT) for reimbursement of project costs to design, plant, and establish the U.S. 41 (State Road 45) from Laurel Road to the Venice/Nokomis Bypass, medians only with no irrigation, in the amount of \$278,060.00;
- B. Adopted Resolution No. 2006-139 authorizing execution of the Highway Landscaping Installation and Maintenance Agreement with the FDOT;
- C. Adopted Resolution No. 2006-140, Budget Amendment B2006-074, to appropriate the funding.

20. CONTRACTS

Approved Contract No. 2006-345, a Memorandum Agreement, with the County Health Department for the recruitment and payment of personnel associated with the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Grant (SAMHSA).

21. WARRANTS

Ratified and approved the warrants dated May 22 through June 9, 2006, in the amount of \$53,661,819.60 as detailed in the voucher packages filed in the Finance Department.

22. MINUTES

Approved the Minutes of the meetings dated June 6 and June 7, 2006. (See Item later this meeting.)

(8:38:23 re-recorded time)

7. RESOLUTIONS - Continued

Commr. Patterson commented on the Federal Emergency Management Agency (FEMA) Flood Mitigation Assistance Program (FMAP) regarding damage awards to flood-prone properties and noted concerns with the use of public funds for private beachfront homes and affluent residential properties. Following a suggestion for a future Board discussion item on the FMAP process and comments by Environmental Services Water Resources General Manager Theresa Connor, Public Works Stormwater Community Rating System Coordinator Desiree Companion reviewed the FMAP funding process and the proposed applications.

Following discussion with Ms. Companion on the County's role/involvement in the FMAP process, homeowner's costs/local share costs, and Federal/State costs, Commr. Staub moved to adopt Resolution No. 2006-138, approving Budget Amendment No. B2006-072, to increase and disperse the funds awarded by FMAP to FEMA to select property owners in the Little Sarasota Bay Watershed, in the amount of \$72,924.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Commr. Mercier moved to direct Staff to provide a report on the FMAP relative to County impacts/options regarding FEMA reimbursements and to include a cost benefit analysis. The motion was seconded by Commr. Patterson. Following comments, Commr. Patterson requested a review of other similar Programs be included in Staff's report, without objection. The motion carried by a 5-0 vote.

(8:50:40 re-recorded time)

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.

17. ORDINANCES/RESOLUTIONS - Continued

Following comments by County Administrator James Ley noting that the proposed Resolution requires a public hearing prior to adoption, Commr. Thaxton moved to authorize advertisement of public hearings to consider a proposed Ordinance, amending Ordinance No. 85-132, as amended, to expand the South Laurel Special Lighting District and for the proposed Resolution declaring the Board's intent to use the Uniform Method of Levy, Collection, and Enforcement of non-ad valorem assessments within the South Laurel Special Lighting District. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(8:51:40 re-recorded time)

18. CONTRACTS - Continued

Following comments by Commr. Mercier on concerns with the previous Consultant hired for professional jail architecture services, County Administrator James Ley and Public Works Facilities Services General Manager Michael Kirk commented on meetings with the Sheriff's Office to obtain their input regarding the West Jail Sally Port and Booking Area Renovation Project.

Commr. Mercier moved to approve Contract No. 2006-344 with BMK Architects, Inc., for professional architecture services for the West Jail Sally Port and Booking Area Renovation Project, in the amount of \$591,675.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

22. MINUTES - Continued

Following comments on land use issues in the Minutes of the meetings dated June 6 and June 7, 2006, and discussion with County Attorney Stephen DeMarsh regarding review/interpretation by the County Attorney's Office, Commr. Thaxton requested that the County Attorney's Office review land use issues in future Minutes and Commr. Patterson requested that Staff review/ensure that Code revisions coincide with the motions reflected in the Minutes, without objection. (See Item earlier this meeting.)

(8:57:14 re-recorded time)

23. ADVISORY COUNCILS/ORDINANCES/RESOLUTIONS

The Board considered the following Items:

- A.** Annual Advisory Board Report;
- B.** Authorization to advertise a proposed Ordinance, amending Ordinance No. 99-004, as amended and codified, in Article IV, Chapter 54, Section 54-86 of the County Code to eliminate the exclusion of Elected Officials as members of the Environmentally Sensitive Lands Oversight Committee (ESLOC) and to waive the requirement for an Economic Impact Statement (EIS);
- C.** Authorization to advertise a proposed Ordinance, amending Ordinance No. 2001-099, as amended and codified, in Article XXX, Chapter 54, Section 54-961(B) of the County Code to eliminate the exclusion of Elected Officials as members of the Waterways Advisory Council (WAC) and to waive the requirement for an EIS;
- D.** A proposed Resolution to eliminate the exclusion of Elected Officials as members of the Citizens Advisory Committee for Public Transportation (CACPT) and to repeal Resolution No. 2001-175;
- E.** A proposed Resolution to eliminate the exclusion of Elected Officials as members of the Coastal Advisory Committee (CAC) and to repeal Resolution No. 2004-060;

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23. ADVISORY COUNCILS/ORDINANCES/RESOLUTIONS - Continued

- F.** A proposed Resolution to eliminate the exclusion of Elected Officials as members of the Library Advisory Board (LAB) and to repeal Resolution No. 2000-209;
- G.** A proposed Resolution to eliminate the exclusion of Elected Officials as members of the Neighborhood Initiative Grant Advisory Board (NIGAB), and to repeal Resolution No. 2003-014;
- H.** A proposed Resolution to eliminate the exclusion of Elected Officials as members of the Nokomis Center Revitalization Advisory Committee (NCRAC) and to repeal Resolution No. 2004-228;
- I.** A proposed Resolution to eliminate the exclusion of Elected Officials as members of the Osprey Revitalization Committee (ORC), and to repeal Resolution No. 2004-075;
- J.** A proposed Resolution to eliminate the exclusion of Elected Officials as members of the Public Facilities Financing Advisory Board (PFFAB), and to repeal Resolution No. 2002-285;
- K.** A proposed Resolution to eliminate the exclusion of Elected Officials as members of the Water and Sewer Advisory Committee (WSAC), and to repeal Resolution No. 2001-177.

Following an inquiry, County Administrator James Ley commented on the basis for the revisions to the proposed Ordinances/Resolutions to eliminate the exclusion of Elected Officials as members of Advisory Boards. Following discussion with Administration Operations Manager Shirley Wittine on identifying specific Elected Official positions/Advisory Boards and the absence of language to address Elected Officials in the Traffic Advisory Council (TAC) Resolution, Chair Mills noted consensus to retain the existing Board policy relative to the service of Elected Officials on Advisory Boards.

Subsequent to discussion with Ms. Wittine and County Administrator Ley on the exclusion of non-resident applicants on the CAC, the Integrated Pest Management Advisory Board (IPMAB), and the Well Drilling Advisory Board (WDAB), member qualifications, and future Board review of the IPMAB, Chair Mills noted consensus to retain the existing policy relative to the exclusion of non-resident applicants on Advisory Boards.

(9:10:57 re-recorded time)

Following comments, Commr. Staub moved to revise the Advisory Board Procedures to include language to allow an Advisory Board member to request a leave of absence for medical reasons not to exceed 90 days, with requests considered on a case-by-case basis by the Board. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Following comments, Commr. Patterson moved to sunset the Air and Water Quality Protection Advisory Board (AWQPAB). The motion was seconded by Commr. Thaxton. Following comments by County Attorney Stephen DeMarsh and Environmental Services Water Resources General Manager Theresa Connor on advertising requirements for a proposed Ordinance to sunset the AWQPAB, the motion carried by a 5-0 vote.

Following discussion with Ms. Connor, Commr. Staub moved to direct Staff to review and provide a recommendation on the possibilities to integrate Air and Water Quality issues into an existing Advisory Board. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

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23. ADVISORY COUNCILS/ORDINANCES/RESOLUTIONS - Continued

Commr. Staub moved to set three, three year term limits (nine years) for Advisory Board members. The motion was seconded by Commr. Patterson. Following comments on the time frame for reapplication by former Advisory Board members, Commr. Thaxton amended the motion to revise the Advisory Board members' term limits to four, three year terms (12 years). The motion, seconded by Commr. Patterson, carried without objection. The main motion, as amended, carried by a 4-1 vote, with Commr. Thaxton voting "No."

(9:19:38 re-recorded time)

Ms. Wittine reviewed the proposed revisions to the Advisory Board Procedures and applications. Following discussion on Advisory Board input independent of Staff recommendations, Commr. Staub moved to revise the language in A. Definitions and General Responsibilities, 1., as follows (additions shown as underlined text):

Advisory Council or Advisory Board - a group of citizens of Sarasota County, appointed by the Board of County Commissioners (BCC), to act in an advisory capacity and report directly to the BCC. Advisory Council members work with the Business Center Staff to accomplish their mission, but do not direct the activities of the Business Center or Staff. The Staff role is to support, but not direct, the activities of the Advisory Board.

The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:26:07 re-recorded time)

Discussion ensued on the following topics/issues relative to the Advisory Board Procedures:

- use of specific/individual Staff names in Section B.1.
- Board consideration of Advisory Board vacancies as discussion versus consent items in Section B.8.
- request to delete the words "for discussion" in the second sentence of Section G., Leave of Absence Requests, without objection
- delivery time frame limitations (15 minutes) in Section J., BCC Annual Updates
- STAR (Students Taking Active Roles) in Government Representatives/suggestion that Advisory Board meeting schedules be reviewed to accommodate student schedules whenever possible, without objection
- conflict of interest concerns/recommendations by Advisory Board members serving on multiple Advisory Boards
Commr. Staub moved that Advisory Board members with dual membership or membership in multiple organizations having a subsequent vote on another Advisory Board should abstain from discussions and voting on the initial recommending Advisory Board. The motion was seconded by Commr. Patterson. Following comments, the motion carried without objection.
- scrivener's error/revise the word "nor" to the word "not" in Section Five, f., of the WSAC Resolution

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23. ADVISORY COUNCILS/ORDINANCES/RESOLUTIONS - Continued

- Advisory Board member resignations/filing as a candidate for political office
Following discussion with County Attorney Stephen DeMarsh on Ordinance provisions relative to the Planning Commission members and the resignation time frame requirements, policy applicability to all Advisory Boards, and revisions of Ordinances versus Advisory Board Rules of Procedure, Commr. Patterson moved to direct Staff to prepare Ordinances/Resolutions relative to Advisory Board member resignations upon filing as candidates for political office. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

RECESS: 10: 28 a.m. - 10:39 a.m. (9:41 a.m. - 9:43 a.m. re-recorded time)

24. COMMUNITY SERVICES

Community Services Parks and Recreation Beaches Supervisor Rob LaDue presented an overview of Staff's report on the practice of fish "clean up" on the Barrier Islands and Community Services Parks Naturalist Jerris Foote reviewed the land stewardship practices relative to natural debris.

Discussions were held with Mr. LaDue, Ms. Foote, and Community Services Parks and Recreation General Manager John McCarthy on the following topics/issues:

- policy for the removal/disposal of dead fish
- increased quantities of seaweed
- tons of seaweed removed/future re-utilization
- Manasota Key Beach grooming methods
- benefits to retain seaweed in beach areas
- request to add the Siesta Key Association, Casey Key Association, Manasota (North/South) Key Associations, and representatives from area municipalities to the group of technical advisors, without objection.

Chair Mills noted that Staff will provide a draft Policy for a future Board discussion within 150 days.

(10:10:31 re-recorded time)

25. ADVISORY COUNCILS

The Board considered the appointments of four individuals to serve three-year terms on the Sarasota Tree Advisory Council (STAC), effective through July 2009.

Upon inquiry, Public Works Forestry Manager Dimetra McBride commented on STAC members' attendance records and noted the prior service of Jack Gurney and Laurel Schiller on the STAC.

Commr. Patterson nominated Michelle van Deventer. Commr. Thaxton nominated Jack Gurney. Commr. Staub nominated Gayle Wardner. Commr. Mercier nominated Robert A. Morris, III. Commr. Patterson nominated Laurel Schiller.

Chair Mills closed the nominations, without objection.

Following a vote on the nominations, Chair Mills noted the appointments of Michelle van Deventer, Jack Gurney, Robert A. Morris, III, and Laurel Schiller to serve three-year terms on the Sarasota Tree Advisory Council (STAC), effective through July 2009.

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25. ADVISORY COUNCILS - Continued

Ms. McBride presented the Board with a plaque recognizing the County as the recipient of the Florida Tree City of the Year Award.

(10:18:09 re-recorded time)

26. CLERK'S REPORT**A. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

The Filed for Record List was noted.

27. COUNTY ADMINISTRATOR'S REPORT - No items were presented.**28. COUNTY ATTORNEY'S REPORT****A. PLATS**

County Attorney Stephen DeMarsh presented, and Commr. Staub moved to approve the Final Plat of Stone Walk Subdivision. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

B. LEGAL

County Attorney Stephen DeMarsh submitted and reviewed the following items:

- Interoffice Memorandum No. 798, relative to the Case of Cassandra Emmett, et al. v. General Motors Corporation, et al., Case No. 2002 CA 006950 NC, File No. 02-41047.
Commr. Staub moved to approve Staff's recommendation to file a Proposal of Settlement/Offer of Judgment to Ms. Cassandra Emmett, in the amount of \$7,500.00 and to Lawrence Emmett, in the amount of \$7,500.00. The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 5-0 vote.
- Interoffice Memorandum No. 799, noting a Summary Judgment in the Case of Bruce W. Charity and Gabrielle Charity, Marjorie Meffley Coley, James Carson, Jr., and Cheryl Cason, Jack Crawford and Sue Ellen Crawford, and Ellen Naaman v. Sarasota County, Case No. 2005-CA-1119-NC.
- role/jurisdiction of the Board of Zoning Appeals (BZA)
Commr. Patterson moved to approve Staff's recommendation to hire outside Counsel (Attorney David Persson) to attend BZA hearings and to assist/advise the Zoning Administrator with appeals of determination. The motion was seconded by Commr. Mercier. Following comments, the motion carried by a 5-0 vote.
- Interoffice Memorandum No. 800, regarding legal options relative to public use of the Shell Beach area/Board's options to regulate public use of sandy beach areas (paragraph three, page 7 of Staff's report)
Commr. Patterson moved to direct Staff to draft an Ordinance relative to public access on sandy beach areas for placement on the July 11, 2006, Consent Agenda. The motion was seconded by Commr. Mercier. Following discussion on the Board's review of Staff's memorandum, review of other Counties and State regulations, County versus State regulatory authority, and customary beach uses, Chair Mills noted consensus to schedule a Board discussion on the matter during the June 21, 2006, meeting. Commr. Patterson withdrew the motion.

(10:36:47 re-recorded time)

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.

29. COMMISSION REPORTS**A. ORGANIZATIONS/PUBLIC WORKS/SHERIFF/ENVIRONMENTAL SERVICES**

Commr. Patterson commented on and discussions were held on the following topics/issues:

- Tourist Development Council (TDC) actions/funding for the Ed Smith Stadium renovations and advertising to promote tourism
Commr. Patterson moved to direct Staff to schedule a future Board discussion relative to the Tourist Development Tax, pending confirmation of the State's approval of funding for renovations to the Ed Smith Stadium. The motion was seconded by Commr. Staub. Following comments on County contributions and benefits, the funding "gap," and the City of Sarasota's negotiations with the Cincinnati Reds, the motion carried by a 5-0 vote.
- TDC concerns regarding financial impacts from the County's Reserve Policy/TDC's request to postpone implementation of the reserve policy until next year/funding for Arts Grants
- Metropolitan Planning Organization (MPO) annual negotiations on Transportation Regional Incentive Program (TRIP) funding/Charlotte County versus Manatee County versus Sarasota County funding requests/shared contributions/Regional needs
- correspondence received regarding a request by the Sheriff's Office for an Indemnification Agreement relative to the patrolling of a public street in the Meadows Subdivision/public versus private streets
Administration Operations Manager Shirley Wittine noted future Board consideration pending return of Indemnification Agreements by the applicable communities/homeowners' associations.
- Siesta Key Lighting District/extension of the improvements/Lighting District area
- increased efforts relative to tree canopies
Commr. Thaxton moved to schedule a future Board discussion in August/September 2006 to consider Staff's recommendations to enhance the Tree Ordinance. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

See Item later this meeting.

(11:03:39 re-recorded time)

B. PLANNING AND DEVELOPMENT SERVICES

Commr. Staub commented on and discussions were held with County Attorney Stephen DeMarsh on the following topics/issues:

- Zoning Code regulations regarding changeable word signs/concerns with color and lighting
Commr. Staub moved to review the changeable word signs regulations during the Board's consideration of amendments to the Zoning Ordinance ("Glitch Bill"). The motion was seconded by Commr. Thaxton. Following comments, Commr. Staub moved to amend the motion to review all Zoning Codes relative to signage. The motion, seconded by Commr. Thaxton, carried without objection. The main motion, as amended, carried by a 5-0 vote.

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.

29. COMMISSION REPORTS - Continued**B. PLANNING AND DEVELOPMENT SERVICES - Continued**

- signs posted in rights-of-way
 - suggestion to implement a Pilot Project using volunteers to remove signs in rights-of-way or to have signs removed by Code Enforcement Officers and to charge fees for the sign removal during a specified time frame/Code Enforcement process/violation fees/citation issuance/request for a Staff report on recommendations/solutions regarding signs posted in rights-of-way, without objection.

See Item later this meeting.

RECESS: 12:15 p.m. - 1:30 p.m. (11:17 a.m. - 11:30 a.m. re-recorded time)

32. OPEN TO THE PUBLIC - No one appeared at this time.**33. ENVIRONMENTAL SERVICES**

The Board considered the following Items:

- A.** Allocation of projected additional surtax revenues to fund approximately 25 percent of the estimated cost for waterline extensions located on Shore Road, Bay Point, and Colonia Lane and Non-Colonia Lane in the Nokomis area, in the amount of \$3,602,750.00;
- B.** Allocation of projected additional surtax revenues to fund 100 percent of the cost of constructing the waterline extensions through 2009, concurrently with the installation of wastewater lines in Areas A, C, D, K, I, J, and N of the Phillippi Creek Septic System Replacement Program (PCSSRP), in the amount of \$4,585,800.00;
- C.** A formalized petition process to establish the criteria, including customer payment options, to proceed with a neighborhood-initiated waterline extension project.

Following comments and submittal of the PowerPoint presentation by Environmental Services Program Management General Manager Roger Rasbury, Environmental Services Operations General Manager George MacFarlane presented an overview of Staff's report on the allocation of projected additional surtax revenues to fund the installation of waterlines in the Nokomis area in conjunction with the PCSSRP and discussed Staff's recommendation to establish criteria for a formalized petition process relative to neighborhood-initiated waterline extension projects.

Discussions were held with Mr. MacFarlane and Mr. Rasbury on the following topics/issues:

- Policy relative to the installation of waterlines/availability of surtax funds/revenue sources
- Southwest Florida Water Management District (SWFWMD) funding policy/criteria
- additional surtax revenue options/allocations for waterline installations
- absence of hook-ups in areas with waterlines installed/income subsidies/Loan Program for citizens with limited resources
- waterlines installed in PCSSRP areas/revenue source for Area A
- rate payments/basis for the creation of a Municipal Services Benefit Unit (MSBU)
- absence of accuracy regarding waterline installation cost estimates.

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.

33. ENVIRONMENTAL SERVICES - Continued

Following comments, Commr. Staub moved to allocate projected additional surtax revenues to fund approximately 25 percent of the estimated cost for waterline extensions located on Shore Road, Bay Point, and Colonia Lane and Non-Colonia Lane in the Nokomis area, in the amount of \$3,602,750.00. The motion, seconded by Commr. Thaxton carried by a 4-1 vote, with Commr. Mercier voting "No."

Commr. Patterson moved to allocate projected additional surtax revenues to fund 100 percent of the cost of constructing the waterline extensions through 2009, concurrently with the installation of wastewater lines in Areas A, C, D, K, I, J, and N of the PCSSRP, in the amount of \$4,585,800.00. The motion was seconded by Commr. Staub. Following comments, the motion carried by a 4-1 vote, with Commr. Mercier voting "No."

Commr. Staub moved to direct Staff to bring back a formalized petition process to establish the criteria, including customer payment options, to proceed with a neighborhood-initiated waterline extension project, and including information on a Loan Program for financing opportunities. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(11:57:05 re-recorded time)

Mr. Rasbury commented on the water well locations within the PCSSRP area and discussion ensued with Mr. Rasbury, Mr. MacFarlane, and County Administrator James Ley on the following topics/issues:

- policy to mandate water connections for properties with previously installed waterlines
- impacts to citizens in the PCSSRP Area A
- funding sources/costs to plug/cap wells
- well use for irrigation purposes/regulations relative to well locations to sewer lines
- installation of waterlines simultaneously with sewerline installations
- safety issues
- well maintenance costs/benefits to connect to the County water system
- engineering costs in Area A/inspections/cost recovery options
- funding concerns with the waterline installation in the PCSSRP, Area A.

(12:12:09 re-recorded time)

34. ORDINANCES

Planning and Development Services Community Housing Manager Wendy Thomas presented an overview of Staff's report/recommendation regarding the implementation of an incentive-based Community/Affordable Housing Program. Discussions were held with Ms. Thomas on the following topics/issues:

- need for public input on a proposed Ordinance
- density bonuses/regulatory barrier reduction
- expedited processing and impact fee relief
- degrees of implementation
- concerns with linkage fees
- Board options (Chart on pages 1 and 2 of Staff's report).

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.

34. ORDINANCES - Continued

Following comments, Chair Mills noted consensus to direct Staff to bring back a proposed Ordinance for an incentive based Community/Affordable Housing Program.

(12:25:03 re-recorded time)

35. RESOLUTIONS

Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-075, amending the Fiscal Year (FY) 2006 Budget to appropriate funds to the Utility System Budget for the Phillippi Creek Septic System Replacement Program (PCSSRP), Area A, in the amount of \$1,500,000.00.

Having been duly sworn, Environmental Services Operations General Manager George MacFarlane summarized the proposal and noted Staff's recommendation for approval. Upon inquiry, Mr. MacFarlane commented on the funding breakdown, the Project's bid process, and the original Contract cost.

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

Commr. Thaxton moved to adopt Resolution No. 2006-141, approving Budget Amendment No. B2006-075. The motion, seconded by Commr. Staub, carried by a 5-0 vote. Individual comments followed.

(12:29:43 re-recorded time)

36. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-045, Rezone Petition No. 05-33, a petition by Attorney Charles D. Bailey, III, Agent, to rezone 18.14 acres ± located at the southeast corner of Center Road and Rockley Boulevard from RSF-2/PUD (Residential, Single-Family, 3.5 units/acre Planned Unit Development), with stipulations, to RSF-2/PUD zone district with an amended Development Concept Plan and stipulations. (Planning Commission recommended approval with seven stipulations.)

Having been duly sworn, Planning and Development Services Senior Planner Kirk Crane summarized the proposal to develop the parcel with 152 multi-family units, noted the Planning Commission's recommendation for approval with seven stipulations, commented on a scrivener's error regarding the date stamp on the Development Concept Plan (page 1-A of Staff's report), advised of the correct date stamp reflected in Stipulation No. 1, and submitted a revised copy of Exhibit A to the proposed Ordinance and additional correspondence received on the Petition. Upon inquiry, Mr. Crane commented on the projected versus actual build-out in relation to residential capacity.

(12:37:28 re-recorded time)

Attorney Charles D. Bailey, III, duly sworn, commented on the proposed plans, noted agreement with the recommended stipulations, and supported approval. Upon inquiry, Attorney Bailey commented on the proposed mixed use design for the development.

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

Attorney Dick Ulrich
Mr. Richard Buehler

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.

36. ORDINANCES - Continued

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

Commr. Thaxton moved to adopt Ordinance No. 2006-045, approving Rezone Petition No. 05-33, with seven stipulations and the revisions to Exhibit A. The motion was seconded by Commr. Patterson. Following comments, the motion carried by a 5-0 vote.

RECESS: 2:51 p.m. - 3:01 p.m. (12:47 p.m. - 12:58 p.m. re-recorded time)

37. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-015, Rezone Petition No. 05-38, a petition by Alan Garrett, Agent to rezone 9.1 acres \pm located south of Spencer Avenue and 560 feet \pm east of U.S. 41, from RMF-1 (Residential, Multi-Family, 6 units/acre) to RMF-2 (Residential, Multi-Family, 9 units/acre.) (Planning Commission recommended approval with seven stipulations.)

Having been duly sworn, Planning and Development Services Acting Current Planning Manager Crystal Allred summarized the proposal to develop the subject parcel with 80 multi-family units in eight buildings, advised of a non-binding Development Concept Plan (DCP), and noted the Planning Commission's recommendation for approval with seven stipulations.

Discussions were held with Ms. Allred on the following topics/issues:

- inclusion of the subject property in the Nokomis Area Revitalization Plan versus the Laurel Community Plan
- structure heights
Commr. Staub moved to amend Stipulation No. 6 as follows (additions shown as underlined text): No structures shall exceed 35 feet in height inclusive of in-structure parking. The motion was seconded by Commr. Thaxton. Following discussion with County Attorney Stephen DeMarsh regarding the total building heights, the motion carried by a 5-0 vote.
- area compatibility concerns
- proposed parking
- Fire Department concerns on the conceptual design (page 7 of Staff's report)
- Land Development Regulations (LDR) relative to setbacks and the widening of Spencer Avenue.

(1:12:25 re-recorded time)

Agent Alan Garrett, duly sworn, commented on the proposed plans, noted agreement with the recommended stipulations, and supported approval. Discussions were held with Mr. Garrett on the following topics/issues:

- number of Grand Trees on the subject parcel
- basis for the request for additional density
- average price range of the proposed dwelling units
- trip generation analysis (page 12 of Staff's report)
- option to build "certified green"
- square footage of the proposed dwelling units.

(1:28:53 re-recorded time)

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.

37. ORDINANCES - Continued

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

- Ms. Doris Dean
- Ms. Sandra Terry, representing the Laurel Civic Association
- Mr. Alan Hawkins
- Mr. Joel Greifzu

Upon inquiry, Ms. Allred commented on the increased density request in relation to the maximum height requirements and submitted additional e-mails received on the petition.

Mr. Garrett presented rebuttal to the public testimony addressing concerns on compatibility issues and noted agreement with the stipulations, as amended.

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

Commr. Mercier moved to adopt Ordinance No. 2006-015, approving Rezone Petition No. 05-38, with seven stipulations, as amended. The motion was seconded by Commr. Patterson. Following comments, the motion carried by a 5-0 vote.

(1:53:57 re-recorded time)

29. COMMISSION REPORTS - Continued**C. PLANNING AND DEVELOPMENT SERVICES/ENVIRONMENTAL SERVICES/
ORGANIZATIONS**

Commr. Thaxton commented on and discussions were held on the following topics/issues:

- Staff memorandum dated May 25, 2006, from Planning and Development Services Executive Director Rob Lewis on potential Zoning Code revisions to protect neighborhoods relative to site clearing without development occurring/request for a future Board discussion on the matter, without objection
- Staff memorandum dated May 25, 2006, from Environmental Services Staff regarding the summaries/findings of fact relative to wildlife protection/resource protection regulations and the Sierra Club's recommendations/request that Staff redistribute the memorandum to the Board and to bring back Staff's recommendations on a future Consent Agenda
- receipt of correspondence dated June 9, 2006, from Mr. John Neuenfeldt regarding drainage concerns in the Village Green area
- submittal of a copy of a publication produced by the Sarasota Bay Estuary Program entitled "State of the Bay 2006."

(2:05:37 re-recorded time)

**D. ENVIRONMENTAL SERVICES/PLANNING AND DEVELOPMENT SERVICES/
STATE AGENCIES/AIRPORTS**

Chair Mills commented on and discussions were held with County Administrator James Ley on the following topics/issues:

- Automated Garbage Collection Pilot Program (AGCPP)/size of garbage receptacles/cans/request for a status report on the AGCPP, without objection

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.

29. COMMISSION REPORTS - Continued**D. ENVIRONMENTAL SERVICES/PLANNING AND DEVELOPMENT SERVICES/
STATE AGENCIES/AIRPORTS - Continued**

- Development Services Review report/Staff turnovers and the need for additional personnel
- receipt of correspondence from Florida Department of Transportation (FDOT) District One Secretary Stanley Cann advising that the speed limit would not be lowered on Midnight Pass Road and referencing methods to address fire/emergency responses
- receipt of correspondence from Sarasota-Bradenton International Airport (SBIA) President and Chief Executive Officer (CEO) Fred Piccolo thanking the Board for supporting the U.S. Airways slot exemption regarding the direct flight service from the Sarasota-Bradenton International Airport to the Ronald Reagan Washington National Airport.

(2:13:03 re-recorded time)

B. PUBLIC WORKS - Continued

Commr. Staub commented on concerns with a newspaper article in the Venice Gondolier and requested confirmation that the Sarasota County Transit Authority's (SCTA) SCAT-About service will not be eliminated on the Isle of Venice and that Staff contact the Venice Gondolier requesting publication of correct information regarding the SCAT-About service, without objection.

A. PLANNING AND DEVELOPMENT SERVICES - Continued

Following comments, Commr. Patterson requested a Staff report by e-mail on Code regulations relative to the maintenance of rights-of-way adjacent to residences, without objection.

30. BCC

The Board reviewed the County Commission Outstanding Board Assignments Report dated June 14, 2006. The following assignments were noted/discussed:

- Item No. 06058, ID No. 01
- Item No. 06046, ID No. 02
- Item No. 06074, ID No. 03
- Item No. 06068, ID No. 04
- Item No. 06081, ID No. 06
- Item No. 06069, ID No. 07
- Item No. 06064, ID No. 25.

31. BCC

The Board reviewed the Board of County Commissioners Meeting Schedule. Commr. Staub moved to authorize payment of travel expenses for any Commissioner who attends the Southeastern Builders Annual Conference in Orlando, Florida in August 2006. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

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

MEETING ADJOURNED: 4:29 p.m. (2:22 p.m. re-recorded time)

Note: Due to technical difficulties, this meeting was re-recorded on June 23, 2006, with a start time of 8:14 a.m. and a finish time of 2:29 p.m.