

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**CONVOCATION OF GOVERNMENTS
VENICE COMMUNITY CENTER
326 SOUTH NOKOMIS AVENUE
VENICE, FLORIDA**

9:30 a.m.

COUNTY OF SARASOTA

Chair David R. Mills, and Commissioners Shannon Staub and Jon Thaxton; County Administrator James Ley; and Deputy Clerks Claudia Goodson and Spring Dickson

SARASOTA COUNTY SCHOOL BOARD

Chair Carol Todd, and Board Members Kathy Kleinlein and John Lewis; Superintendent Gary Norris, and Long Range Planning Director Ken Marsh

CITY OF VENICE

Mayor Fred Hammett, and Council Members John K. Moore, John Simmonds, Rick Tacy, Bill Willson, and Jim Woods; and City Manager Martin Black

CITY OF NORTH PORT

Chair Rue Berryman, Vice Chair Barbara Gross, and Commissioner Fred E. Tower, III; and City Manager Steven Crowell, Jr.

CITY OF SARASOTA

Commissioners Lou Ann Palmer, Mary Anne Servian, and Ken Shelin, and City Manager Michael A. McNees

TOWN OF LONGBOAT KEY

Commissioners Randall T. Clair and Robert Siekmann

6. OTHER BUSINESS

A. BCC/SCHOOLS

School Board Chair Todd called the meeting to order and introduced Chair Mills who presented a ceremonial check to School Board Chair Todd reflecting the proceeds from the City of North Port escheated lot sales for the County Education System.

1. WELCOME AND INTRODUCTIONS

School Board Chair Todd welcomed and introduced the County and City Commissioners and representatives, and the Facilities Strategy Team members present, and noted the objective of the morning session to consider the Grant Agreement for the School Concurrency Pilot Community (SCPC) Program Interlocal Agreement.

2. SCHOOL CONCURRENCY

A. Implications for Using Program Capacity

B. Development Project Example: Assessment of Level of Service (LOS)

C. Long Term Concurrency Management System (CMS)

School Board Long Range Planning Director Ken Marsh commented on the School Concurrency Pilot Community (SCPC) Program and introduced Florida Department of Community Affairs (FDCA) Comprehensive Planning Interim Bureau Chief Mike McDaniel who commented on the status of the SCPC Pilot Programs within the State.

Mr. Marsh gave a PowerPoint presentation on the implications relative to the use of the SCPC Program capacity, proposed LOS standards/assessments, and the long term CMS.

2. SCHOOL CONCURRENCY - Continued

Group discussions were held with Mr. Marsh, Maria Cahill, AICP, of Morris-Depew Associates, Inc., and Mr. McDaniel on the following topics/issues:

- use of school portables
- State regulations/Class Size Amendment relative to the relocating of students
- Booker High School (Performing Arts) as a Special School
- impacts from School choice
- review of vested developmental units/permit issuance in relation to School projections
- concurrency determination on pre-platted residential lots, Section 4.2(e)
Proportionate Share Mitigations of the proposed Interlocal Agreement
- redevelopment enrollment projections
- student generation rates.

(10:21:44)

3. CONTRACTS/COMPREHENSIVE PLAN ELEMENTS**A. Interlocal Agreement****B. Public School Facilities****C. Intergovernmental Coordination****D. Capital Improvements**

School Board Long Range Planning Director Ken Marsh introduced Consultant Charles Gauthier, AICP, of Morris-Depew Associates, Inc., who reviewed the revisions to the proposed Interlocal Agreement and summarized the Public School Facilities Element and the amendments to the Intergovernmental Coordination and Capital Improvements Element.

Following comments, School Board Member Kleinlein noted no school site plan for the property owned by Mr. Rod Kreps (Hamlet development). Subsequent to comments on the School Board's litigation against the County, Commr. Staub commented on a previous Board action to direct County Staff to work with School Board Staff on a negotiation settlement/language revisions to address the location of high schools in conjunction with the Sarasota 2050 Resource Management Area (RMA)/Village development and the Urban Service Boundary.

Group discussion ensued with Florida Department of Community Affairs (FDCA) Comprehensive Planning Interim Bureau Chief Mike McDaniel on the following topics/issues:

- time frame to consider/review the proposed language proffered by the School Board
- previous Board direction regarding Staff's review of proposed language revisions versus re-instating of the original language
- relevance of the School Board's litigation against the County/impact of revised school-related language in the County's Comprehensive Plan to the proposed Interlocal Agreement/Section 3.2(d), Countywide Consistency or School-Related Element Amendments
- municipalities' ability to review the County's Evaluation and Appraisal Report (EAR) based Comprehensive Plan Amendment documents submitted to the FDCA
- impacts of the County/School Board litigation to the municipalities.

Chair Todd noted consensus between the County Commission and the School Board to schedule a meeting to consider a negotiation settlement. Following comments, Commr. Staub requested that County/School Board Staff advise the municipalities of language revisions made during the negotiation settlement, without objection.

(10:41:43)

3. CONTRACTS/COMPREHENSIVE PLAN ELEMENTS - Continued

Mr. Gauthier continued his presentation on the revisions to the proposed Interlocal Agreement and the Public School Facilities Element and the amendments to the Intergovernmental Coordination and Capital Improvements Element. Group discussions were held with Mr. Gauthier, Attorney Susan Trevarthen of Weiss, Serota, Helfman, Pastoriza, Cole, and Boniske, and Mr. Marsh on the following topics/issues:

- basis of the word "should" versus the word "shall" relative to residential development and school capacity in the first sentence, Policy 1.5.2., page 97 of the Public Facilities Element document
- Policy 1.2.6., page 95 of the Public Facilities Element document, regarding the responsibility of sidewalk funding/development versus redevelopment approval process/Safe Ways to School Grant funding
- Statutory provisions for school concurrency/pre-existing platted lots
- consideration to revise the phrase in Policy 1.6.2., page 117 of the Public Facilities Element document as follows (additions shown as underlined text/deletions shown as ~~striketrough~~ text): "The County shall ensure that future development pays a fee proportionate ~~share of~~ to the costs. . .
- Section 4.2(e), Proportionate Share Mitigation regarding the findings of concurrency occurring at final subdivision and site plan approval/reference to the "Orange County Model" (See Item 3 later this meeting.)
- request to add a heading prior to the first complete paragraph on page 21 of the proposed Interlocal Agreement to identify the provisions regarding proportionate share mitigation, without objection
- provisions of a proportionate share agreement/student generation/LOS concurrency/developer payment of cost per student
- suggestion for joint lobbying efforts for Legislative amendments to SB 360.

Following comments by Chair Todd, Chair Mills moved to support the revised draft Public School Facilities Element and amendments to Interlocal Agreement, Intergovernmental Coordination Element, and the Capital Improvements Element, and find that they meet the requirements of the Grant Agreement and Statutes. The motion, seconded by City of North Port Vice Chair Gross, carried without objection.

(11:09:14)

4. DISCUSSION OF ADOPTION SCHEDULE AND THE "ORANGE COUNTY MODEL"

Following comments by School Board Chair Todd, Attorney Susan Trevarthen of Weiss, Serota, Helfman, Pastoriza, Cole, and Boniske noted the adoption schedule and time frame for execution/submittal of the Interlocal Agreement to the Florida Department of Community Affairs (FDCA). Following comments, Chair Todd noted no objection to the Interlocal Agreement adoption schedule.

School Board Long Range Planning Director Ken Marsh reviewed the "Orange County Model" relative to school concurrency and developmental review requirements. Chair Todd noted consensus to add review of the "Orange County Model" to the Working Group's task list. (See Item 2 earlier this meeting and this Item later this meeting.)

(11:14:44)

6. OTHER BUSINESS - Continued**B. ELECTIONS**

City of Sarasota Commissioner Palmer noted the Manasota League of Cities' sponsorship of a Candidate Debate on October 12, 2006, at 9:30 a.m., at the Sarasota City Hall Commission Chambers and requested the attendance and input regarding issues to be addressed by Convocation of Government (COG) members.

6. OTHER BUSINESS - Continued

C. MUNICIPALITIES/BCC/GROWTH MANAGEMENT

City of Venice Councilman Tacy commented on a joint planning meeting scheduled with the City of Venice and the City of North Port and the impacts to municipalities from the Board's recent action relative to annexations. Following comments, Chair Todd noted consideration of the matter in the afternoon session. (See Item 5 later this meeting.)

3. CONTRACTS/COMPREHENSIVE PLAN ELEMENTS - Continued

Chair Todd thanked the County/City Commissioners/Councils and their Staff's for their efforts and participation.

Following comments by City of Venice Councilman Simmonds, Florida Department of Community Affairs (FDCA) Comprehensive Planning Interim Bureau Chief Mike McDaniel addressed funding for future schools and the impacts to future growth/residential developments and school facilities. Individual comments followed.

RECESS: 11:25 a.m. - 12:17 p.m.

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Commissioners Lou Ann Palmer, and Mary Anne Servian and City Manager Michael A. McNees

TOWN OF LONGBOAT KEY

Commissioners Randall T. Clair, Robert Siekmann, and Jeremy Whatmough

5. GROWTH MANAGEMENT

A. Panel Discussion on the Implementation of Senate Bill 360

B. Growth Management Philosophies /Discussion of Comprehensive Plan Objectives

C. Public Safety

Chair Mills gave introductory comments on the objectives of the afternoon session to address Growth Management issues, noted the Open to the Public session at County Commission meetings to address municipality annexation concerns, and introduced Meeting Moderator Herb Marlowe who introduced Panel Discussion members Florida Department of Community Affairs (FDCA) Comprehensive Planning Interim Bureau Chief Mike McDaniel, Florida Department of Transportation (FDOT) Planning Manager Rob Magee, and County Lobbyist Attorney Cari Roth of Bryant, Miller, and Olive, who gave an overview relative to the implementation of Senate Bill (SB) 360.

5. GROWTH MANAGEMENT - Continued

Mr. McDaniel reviewed the Future Land Use Element regarding Capital Improvement Planning in coordination with Comprehensive Plans. Group discussions were held with Mr. McDaniel and Mr. Magee on the following topics/issues:

- projected growth/availability of water/sewer systems
- absence of County/City information regarding State roadway plans
- revisions to County Future Land Use Maps (FLUM)/State penalties for non-compliance
- State infrastructure plans/Level of Service (LOS) on State roads/State versus local government infrastructure funding/Metropolitan Planning Organization (MPO) funding
- SB 360 mandates/absence of funding allocations
- returning of surplus without adequate funding.

(12:57:02)

Mr. Magee reviewed the Growth Management Transportation Proportionate Fair Share provisions of SB 360. Group discussions were held with Mr. Magee on the following topics/issues:

- developer agreements/options for local governments on the placement of projects in Capital Improvement Planning
- developer contributions/five year Capital Improvement Element (CIE) projections
- FDOT work plans/funding reallocations
- growth/development approvals/public safety impacts
- clarification and determination of a proportionate fair share
- Reliever Corridor/absence of State funding for improvements to State roads.

(1:22:24)

Following comments, Attorney Roth reviewed growth management philosophies of the County and the municipalities relative to SB 360 and Legislative efforts. Following comments, Attorney Roth commented on transportation concurrency relative to built-out communities, the inability to expand existing roads expansions, and urban sprawl.

RECESS: 1:38 p.m. - 1:44 p.m.

Chair Mills noted the arrival of Town of Longboat Key Commissioner Whatmough and commented on his appointment to the Governor's Transportation Disadvantaged Commission.

Following comments by Moderator Marlowe on the joint efforts of the County/municipalities to address growth management planning issues, Commr. Staub noted a previous Board action relative to annexation issues and clarified the motion's intent to refer the issue to County Staff to bring back a report, including language for a draft Ordinance, on August 31, 2006, for Board review and to consider scheduling a public hearing on a proposed Ordinance regarding the placement of a referendum on the November 2006 ballot. Group discussion ensued on the following topics/issues:

- impacts to municipality rights/Joint Planning Agreements (JPA)
- building of relationships between the County/municipalities
- intent of the Citizens Group by submitting the proposed annexation language to the Board/inability to obtain the required number of referendum signatures/referendum items

5. GROWTH MANAGEMENT - Continued

- proposed language impacts/elimination of the municipalities "home rule"
- basis for consideration of the annexation proposal by the Board
- State annexations laws
- designation of rural/urban areas under County versus municipality jurisdictions
- basis for requests to annex properties into municipalities
- past efforts to create JPA's between the County and each municipality to address Countywide planning efforts
- consideration/decision of the proposal by the citizens through the voting process
- suggestion to schedule joint meetings to address long range planning issues and to delay the placement of the annexation proposal on the November 2006 ballot
- impacts from County/municipality Comprehensive Plans relative to growth planning/development capacity
- purpose and provisions of JPA's.

Chair Mills thanked all the participants for their input/comments. Following an inquiry, individual comments followed on future consideration by the Board relative to the placement of a referendum on the November 2006 ballot. (See Item 6C earlier this meeting.)

(2:27:27)

Following individual comments, Chair Mills introduced Emergency Services Fire Chief Brian Gorski who gave an overview of public safety issues within the County and the municipalities and commented on impacts from the duplicity of street names and address numbers, inconsistency in the systematic numbering of streets, and structures with an access different than the street address. Upon inquiry, Chief Gorski commented on the number of residences with no identifying address numbers and suggested County/municipality consideration to implement the National Emergency Numbering Association (NENA) system to address new developments and to update existing information.

Following the introduction of the County/Municipality Emergency Fire and Rescue members present, Planning and Development Services Zoning Administrator MaryBeth Humphreys requested County/municipality joint participation to address Countywide street address concerns, without objection. Individual comments followed.

MEETING ADJOURNED: 2:43 p.m.