

**MINUTES  
BOARD OF COUNTY COMMISSIONERS**

**ROBERT L. ANDERSON ADMINISTRATION CENTER  
4000 SOUTH TAMiami TRAIL  
COUNTY COMMISSION CHAMBER  
VENICE, FLORIDA**

9:00 a.m.

David R. Mills, Chair, District 2  
Nora Patterson, Vice Chair, District 4  
Paul 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

**INVOCATION**

Rabbi Ann White, Jewish Community Center of Venice

**PLEDGE OF ALLEGIANCE**

Commissioner Patterson

**PRESENTATION OF PROCLAMATIONS:**

Lemon Bay Fest: Englewood History with Zest - February 4 through February 11, 2006

**CONSENT MOTION**

A motion was made by Commr. Thaxton, seconded by Commr. Mercier, and carried by a 5-0 vote to approve Items 1-15 as follows, with the exception of Items 2 and 15 considered later this meeting.

**1. PROCLAMATIONS**

Ratified the following previously issued Proclamations:

- A.** Greater Sarasota Sertoma Club Week, January 9 through 15, 2006;
- B.** Dr. Martin Luther King, Jr., Day, January 16, 2006;
- C.** Commendation for State Commander of the Disabled American Veterans David Stone;
- D.** Desoto Beach Club Retirement Community Grand Opening, January 15, 2006;
- E.** 50<sup>th</sup> Anniversary of the Casey Key Association.

**2. RESOLUTIONS**

See consideration of a Resolution endorsing the School District referendum on March 14, 2006, requesting voters to approve the continuation of the one mill property millage rate increase, later this meeting.

**3. COMMUNITY SERVICES**

Authorized advertising of a Notice of Intent to Name a County Park located on the southwest corner of Bee Ridge Road and Honore Avenue.

**4. COMMUNITY SERVICES**

Authorized advertising of a Notice of Intent to Name a County Park located in South Venice on the east side of the Intracoastal Waterway on Scenic Drive.

**5. CONTRACTS**

Approved Contract No. 2006-159, a Park Maintenance Agreement, with the Special Athlete Boosters, Inc., to provide routine maintenance tasks at ten pilot park sites utilizing adult employees with disabilities.

**6. CONTRACTS**

Approved Contract No. 2006-160, an Interlocal Agreement, with Manatee County to provide talking book services to visually impaired citizens for Fiscal Year 2006, in the amount of \$96,375.00.

**7. CONTRACTS**

Approved Contract No. 2006-161, an Interlocal Agreement, with the School Board for the upgrade of selected District schools for use as "Persons with Special Needs" shelters, in the amount of \$2,000,000.00.

**8. CONTRACTS**

Approved Contract No. 2006-162, Specific Authorization No. 1 to Contract No. 2005-436, with McKim and Creed, P.A., for engineering services for improvements to the Geographic Information System (GIS), in the amount of \$442,893.00.

**9. CONTRACTS**

Approved Contract No. 2006-163 with David Cannon Well Drilling, Inc., for the rehabilitation of Carlton Production Well No. 24, in the amount of \$125,160.00.

**10. CONTRACTS**

Approved Contract No. 2006-164, Amendment No. 1 to Contract No. 2003-094, with Veolia Water North America Operating Services, LLC, for operation and maintenance services of the Gulf Gate and South Gate Water Reclamation Facilities to increase the annual Contract, in an amount not to exceed \$1,600,000.00.

**11. CONTRACTS/RESOLUTIONS**

- A.** Approved Contract No. 2006-165, a Grant Agreement, with the Florida Department of Environmental Protection (FDEP) for the Baffle Box Treatment Effectiveness Monitoring Program (BBTEMP) relating to FDEP Agreement No. S0236;
- B.** Approved Contract No. 2006-166, Specific Authorization No. 1 to Contract No. 2005-432, with Berryman and Henigar, Inc., for engineering services related to the BBTEMP process, in the amount of \$279,272.00;
- C.** Adopted Resolution No. 2006-010, Budget Amendment No. B2006-029, to amend the Fiscal Year (FY) 2006 Budget to appropriate funding from the FDEP for the BBTEMP, in the amount of \$347,272.00.

**12. CONTRACTS**

Approved Contract No. 2006-167, Amendment No. 1 to Contract No. 2004-154, with American Water Services Underground Infrastructure, Inc., for the construction of storm sewer lining, in the amount of \$52,500.00.

**13. CONTRACTS/RESOLUTIONS**

- A.** Approved Contract No. 2006-168, a Memorandum of Agreement, with the Florida Department of Agriculture and Consumer Services (FDACS) for a Hurricane Supplemental Grant, in the amount of \$46,281.00;
- B.** Adopted Resolution No. 2006-011, Budget Amendment No. B2006-023, to appropriate funds from the FDACS, in the amount of \$46,281.00.

**14. WARRANTS**

Ratified and approved the warrants dated January 2 through January 13, 2006, in the amount of \$42,231,717.85, as detailed in the voucher packages filed in the Finance Department.

**15. MINUTES**

See consideration of the Minutes later this meeting.

(9:06:41)

**2. RESOLUTIONS - Continued**

Commr. Staub commented on the support of the proposed School Board referendum and Commr. Thaxton suggested that future Resolutions relative to the Board's endorsement be scheduled as a Board discussion versus a Consent Agenda Item.

Following comments, Commr. Staub moved to adopt Resolution No. 2006-009 endorsing the School District referendum on March 14, 2006, requesting voters to approve the continuation of the one mill property millage rate increase. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(9:11:23)

**15. MINUTES - Continued**

Following comments by Chair Mills noting the Board's adjournment as the Water and Navigation Control Authority (WCNA) and reconvenement as the Board of County Commissioners in Book 74, Page 17, Commr. Staub moved to approve the Minutes of the meetings dated January 6, January 10, and January 11, 2006. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:12:13)

**CONSENT MOTION - SARASOTA COUNTY TRANSPORTATION AUTHORITY**

Chair Mills recessed the Board of County Commissioners and convened as the Sarasota County Transportation Authority (SCTA). A motion was made by Commr. Staub, seconded by Commr. Patterson, and carried by a 5-0 vote to approve Items 16 and 17 as follows:

**16. CONTRACTS**

Approved Contract No. 2006-169, Amendment No. 1 to Contract No. 2005-111, with the Florida Commission for Transportation Disadvantaged (FCTD) for Medicaid Non-Emergency Transportation (NET) Program funding to extend the Contract date through June 2006.

**17. RESOLUTIONS**

- A.** Adopted Resolution No. 2006-012 authorizing the SCTA to apply to the Florida Department of Transportation (FDOT) for the Federal Transportation Administration (FTA) Section 5310 Capital Equipment Grant;
- B.** Adopted Resolution No. 2006-013 authorizing the SCTA to apply to the FDOT for the FTA Section 5311 Non-Urbanized Grant.

(9:13:12)

Chair Mills adjourned the SCTA and reconvened as the Board of County Commissioners.

**18. ADVISORY COUNCILS**

Traffic Advisory Council (TAC) Chair Frank Moore summarized the Council's activities, concerns, and future projects. Discussions were held on the following topics/issues:

- member attendance
- STAR (Students Taking Active Roles) in Government Representative participation
- North/South County meeting locations
- proposed School zone policy
- suggestion for TAC research on nationwide/municipality Traffic Calming Programs.

Chair Mills commended Mr. Moore for his presentation.

(9:23:51)

**19. ADVISORY COUNCILS**

Keep Sarasota Beautiful Advisory Board Chair Betty Ethal summarized the Council's activities, concerns, and future projects. Discussions were held on the following topics/issues:

- percentage of schools involved in the Adopt Your School Program
- volunteer participation
- suggestion to submit the Adopt Your School Program to the National Association of Counties for recognition/award.

Individual comments followed commending the members of the Keep Sarasota Beautiful Advisory Board for their service to the County and as an award recipient at the Keep Florida Beautiful Conference.

(9:35:08)

**20. ADVISORY COUNCILS**

The Board considered the appointment of one individual to fill an unexpired four-year term on the Planning Commission, effective through April 2007.

Commr. Thaxton nominated Christopher King. Commr. Mercier nominated Joe Gruters. Commr. Patterson nominated Charles Cooper. Commr. Staub nominated Adam Miller.

Commr. Thaxton moved, and Chair Mills closed the nominations without objection.

Following a vote on the nominations, Chair Mills noted the appointment of Mr. Joe Gruters to fill an unexpired four-year term on the Planning Commission, effective through April 2007.

Commr. Thaxton acknowledged the efforts and service of former Planning Commission member Joseph Barbetta. Individual comments followed.

(9:41:28)

**21. ORGANIZATIONS**

Following comments by Lemon Bay League (LBL) Member Tom Minnich on the role of the LBL, and introduction of members present, LBL Member Steve Suau presented an overview of a proposed partnership plan to the Lemon Bay Watershed.

Discussions were held with County Administrator James Ley and Mr. Suau on the following topics/issues:

- coordination efforts with Charlotte County and the LBL

**21. ORGANIZATIONS - Continued**

- updating of the Englewood Community Redevelopment Agency (CRA) Plan
- use of Tax Increment Fund (TIF) funds for a Lemon Bay Study
- use of CRA funds/County versus Charlotte County proposed budget amounts/  
additional funding sources
- previously budgeted CRA funds allocated/funding availability for other CRA  
Projects.

Commr. Staub moved to support a County partnership with LBL, allowing County funds dedicated to the planning process to be a part of LBL's initiatives to raise additional funding from outside sources, and for County/LBL joint participation in the Englewood CRA Plan update. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Following comments, Commr. Thaxton acknowledged the presence of Planning Commission members Roland Piccone and John Fellin, and Planning and Development Services General Manager Anne McClung commented on Staff coordination efforts with the LBL.

(10:10:20)

**22. RESOLUTIONS**

Sitting as the Water and Navigation Control Authority:

Public hearing continued from December 13, 2005, to consider a proposed Resolution, Water and Navigation Control Authority (WNCA) Major Work Permit No. NAT2003-00656, requested by Brian and Laura Scanlan, represented by EarthBalance, for the proposed filling of 1,360 square feet  $\pm$  of a waterway to comply with the required setbacks for the construction of a single-family residence on the vacant property located at 8215 Manasota Key Road, Englewood.

Having been duly sworn, Environmental Services Resource Protection Environmental Supervisor Howard Berna summarized the proposal to fill an existing waterway to meet the setback requirements for the construction of a single-family residence on the vacant property. Discussions were held with Mr. Berna on the following topics/issues:

- division of the parcels/location of the proposed filled area
- zoning for the parcels/portion of submerged lands in relation to lot size
- determination of minimum square footage relative to setback requirements
- amount of land acreage/use of septic systems on Manasota Key
- septic tank location/setback requirements
- open water/mangrove impacts
- tidal influenced waterway/creation by man-made dredging/absence of seagrass  
beds
- Petitioner's obligation relative to future channel/mangrove maintenance
- elevation of the mitigation area/Conservation Easement requirements regarding  
eradication of nuisance exotics
- dock setback/permit requirements.

**RECESS:** 10:31 a.m. - 10:41 a.m.

Mr. Berna noted the inclusion of mitigation stipulations (page 5 of the proposed Resolution) and the exclusion of regulations in the Conservation Easement (Exhibit B) regarding the removal of nuisance/invasive species and commented on the submerged lands and the minimum setback requirements for waterfront property.

**22. RESOLUTIONS - Continued**

Agent Gary Wilson, duly sworn, introduced members of the presentation team and discussions were held with Mr. Dean Martin of TDM Consulting, Inc., duly sworn, Ms. Carrie Allison of EarthBalance, duly sworn, Mr. Ed Festa of Eco-Pure, duly sworn, and Mr. Wilson on the following topics/issues:

- setback requirements relative to the septic system's location/distance from the waterfront (Attachment F, page 6 of Staff's report)
- fill impacts to the adjacent marine environment
- impacts of septic systems to waterways
- type/size/permitting of the proposed septic system
- amount of the fill requested
- basis of the request relative to the septic system versus the house size.

(11:04:04)

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

Mr. Howie Foote  
Mr. Franklin Clement  
Mr. Howie Foote  
Mr. Trevor Bulley  
Mr. David Winans  
Mr. John Robinson

(11:17:34)

Discussions were held with Mr. Berna, Mr. Steve Ford of ABS and Associates, Inc., duly sworn, County Attorney Stephen DeMarsh, Environmental Services Resource Protection Manager Amy Meese, duly sworn, and Mr. Martin on the following topics/issues:

- location of the property relative to the Gulf Beach Setback Line (GBSL)/Coastal Construction Control Line (CCCL)
- basin as a man-made structure
- previous area dredging/absence of seagrasses/oyster bars in the proposed fill area (page 2 of Staff's report)/ecological impacts
- location of the septic system in relation to the road/right-of-way (Attachment F, page 6 of Staff's report)
- size/dimensions of the subject parcel/amount of submerged and buildable land
- inability to locate septic systems in right-of-ways
- location of the lot lines (Attachment F, pages 6 and 7 of Staff's report)
- parcel survey in Attachment B, page 23 versus the sketch in Exhibit A of the Conservation Easement, page 8 of Exhibit B of Staff's report
- location of the septic system in relation to the property line.

(11:37:32)

Ms. Allison commented on the environmental improvements of the proposal and supported approval.

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

**22. RESOLUTIONS - Continued**

Commr. Staub moved to adopt Resolution No. 2006-014, denying Water and Navigation Control Authority (WNCA) Major Work Permit No. NAT2003-00656. The motion, was seconded by Commr. Thaxton. Following comments, the motion carried by a 5-0 vote.

Chair Mills adjourned the Water and Navigation Control Authority and reconvened as the Board of County Commissioners.

(11:44:06)

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

The Filed for Record List was noted.

**24. COUNTY ADMINISTRATOR'S REPORT****A. STATE AGENCIES/ENVIRONMENTAL SERVICES**

County Administrator James Ley presented and discussed the following items:

- submittal of correspondence by the Florida Department of Juvenile Justice (FDJJ) requesting a County Official's participation in a Round Table Committee to address FDJJ management concerns

Commr. Patterson moved to endorse Commr. Mercier as a participant on the FDJJ Round Table Committee. The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 5-0 vote.

- submittal of correspondence by the Florida Department of Environmental Protection (FDEP) regarding State Representative Donna Clarke's request for an investigation of the Phillippi Creek Septic Tank Replacement Project

Following discussion on the response to correspondence received by the Chair from Representative Clarke's Secretary requesting information on the Project, Commr. Thaxton requested a hard-copy of FDEP's correspondence.

(11:50:10)

**25. COUNTY ATTORNEY'S REPORT****A. PLATS**

County Attorney Stephen DeMarsh presented, and Commr. Staub moved to approve the Final Plats of Riverwood Park and Oak Vistas. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

**26. COMMISSION REPORTS****A. ORGANIZATIONS/BCC/PROCLAMATIONS/ENVIRONMENTAL SERVICES**

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

- acknowledgement of Mr. Steve Minnis' past service to the County as a member of the Southwest Florida Water Management District (SWFWMD)  
Commr. Thaxton moved to recognize the efforts of Mr. Minnis. The motion, seconded by Commr. Staub, carried without objection.
- request for a Memorial recognition and/or to submit correspondence signed by the Chair to the parents of Kyle Jackson on the death of their son and recognizing his military service to the Country, without objection.
- recent news article/editorial regarding the Warm Mineral Springs property purchased by the County relative to the protection of manatees.

(11:56:46)

**26. COMMISSION REPORTS - Continued****B. ORGANIZATIONS/BCC/ADVISORY COUNCILS/ENVIRONMENTAL SERVICES**

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

- prior Board approval of the partnership with the University of Florida and New College of Florida regarding the integrative land use area  
Commr. Staub moved to approve travel expenses for Commr. Thaxton to represent the County in Tallahassee, Florida, on February 16, 2006, relative to fund leverages and the integrative land use issue. The motion, seconded by Commr. Patterson, carried without objection.
- request to schedule joint meetings with the Englewood Community Redevelopment Agency (CRA) Advisory Board and the Planning Commission, without objection
- consideration of joint meetings with the Manatee Board of County Commissioners and the City of Sarasota Commission
- items for discussion/consideration at a joint meeting with the Coastal Advisory Committee (CAC)
- East Venice Avenue Corridor workshop/citizens' concerns relative to the Curry Creek Improvement District utility assessments  
Commr. Staub moved to direct Staff to evaluate the assessments of the Curry Creek Improvement District. Following discussion on the assessment process and location of the existing utility lines, Chair Mills requested that Staff provide a memorandum to the Board on the matter, without objection.

(12:04:51)

**C. PUBLIC WORKS/ORGANIZATIONS/LEGISLATION/GRANTS/MUNICIPALITIES**

Chair Mills commented on and discussions were held on the following topics/issues:

- submitted a copy of a newspaper article regarding a traffic study on the number of accidents on Interstate 75 (I-75)
- preliminary review/draft report by the Impact Fee Task Committee
- receipt of an Economic Development Grant for the Laurel Road/Knight's Trail improvements/cost and funding for the Project
- records request from the City of Venice relative to annexation issues
- Community Development Block Grant (CDBG)/future Board consideration of updates to the CDBG Program.

**RECESS:** 12:12 p.m. - 1:32 p.m.

**29. OPEN TO THE PUBLIC****A. ELECTIONS**

Ms. Stephanie Harrison, Mr. Daniel Devine, Mr. Bill Didycz (submitted a copy of a petition to amend the County Charter), Mr. James Smith, and Ms. Madeline Havlick commented on concerns with the lack of a paper trail and the need/support for a verified voting system. Individual comments followed regarding the current election process, the voting machines/system currently in use, and the future use of certified mechanisms.

(1:51:14)

**30. ORDINANCES**

The Board considered the following items:

- A.** Authorization to advertise a proposed Ordinance, amending Ordinance No. 2004-053, as amended and codified in Appendix A of the County Code to extend the sunset date of the Optional Commercial Redevelopment Regulations contained in Article 6, Section 6.10.5.b.1., to a date of July 30, 2007;
- B.** A waiver of the requirement for the preparation of an Economic Impact Statement (EIS);
- C.** A waiver of the review by the Planning Commission, pursuant to Section 3.13.1.b. of the Zoning Ordinance.

Planning and Development Services Zoning Administrator MaryBeth Humphreys presented an overview of Staff's report on a proposed amendment to extend the sunset date of the Optional Commercial Redevelopment Regulations of the County Code.

Following comments, Commr. Staub moved to authorize advertisement of a proposed Ordinance, amending Ordinance No. 2004-053, as amended and codified in Appendix A of the County Code to extend the sunset date of the Optional Commercial Redevelopment Regulations contained in Article 6, Section 6.10.5.b.1., to a date of July 30, 2007; to waive the requirement for the preparation of an EIS; and to waive the review by the Planning Commission, pursuant to Section 3.13.1.b. of the Zoning Ordinance. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(1:54:05)

**31. SPECIAL DISTRICTS**

The Board considered an amendment to the West Villages Improvement District Special Act.

Planning and Development Services Planning Director Anne McClung and Planning and Development Services Long Range Planning Manager Scott Heinig presented an overview of Staff's report on the West Villages Improvement District's proposed Legislation to expand its boundaries outside of the incorporated City of North Port and into the unincorporated County.

Discussions were held with Ms. McClung, Mr. Heinig, County Attorney Stephen DeMarsh, and County Administrator James Ley on the following topics/issues:

- comparison to the Lakewood Ranch Stewardship District/requirement for Interlocal Agreements
- location of the proposed expansion area and currently approved boundaries
- Interlocal Agreement provisions relative to Special Districts/absence of land use authority by the Special Districts
- consideration of discussions with the West Villages Improvement District representatives regarding implementation of Interlocal Agreements
- prior request during the EAR (Evaluation and Appraisal Report) process to relocate the Urban Service Boundary/community input
- Legislative determination relative to the proposed expansion/request by the local Legislative Delegation for the County's input
- proposed expansion consistency with the County's Comprehensive Plan and Zoning regulations
- infrastructure needs/impacts to the City of North Port and the unincorporated area.

**31. SPECIAL DISTRICTS - Continued**

Following comments, Commr. Staub moved to direct Staff to work with the West Villages Improvement District representatives to bring forward a plan emulating provisions comparable to the Lakewood Ranch Stewardship District. The motion was seconded by Commr. Patterson. Following comments, the motion carried by a 3-2 vote, with Commrs. Thaxton and Patterson voting "No." Individual comments followed.

(2:14:33)

**32. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Special Exception Petition No. 1618, a petition by Alan Garrett, Agent, to expand the existing Nokomis Motor Inn, located west of U.S. 41 and approximately 200 feet  $\pm$  north of Albee Road, to allow transient accommodations in a CG (Commercial, General) zone district. (Planning Commission recommended approval with five stipulations.)

Having been duly sworn, Planning and Development Services Senior Planner Edward Wolfe summarized the proposal to expand the existing transient accommodations (Nokomis Motor Inn) to add 27 rooms and a commercial/office area, noted the Planning Commission's recommendation for approval with five stipulations, discussed Stipulation No. 4 relative to the use of a well versus a central water system, and submitted additional correspondence received on the petition.

Discussions were held with Mr. Wolfe, Health Department Environmental Specialist Michael Berry, duly sworn, Environmental Services Customer Service Manager Tony Gipe, duly sworn, and Environmental Services Utility Project Manager Michael Mehan, duly sworn, on the following topics/issues:

- availability of area water lines
- Stipulation No. 4 relative to the development's water source
- Land Development Regulations (LDR) relative to the use of wells
- costs to construct/hook-up to the central water/sewer system
- requirements for hook-up to the central sewer system
- use of the well for irrigation/sprinkler purposes
- fire safety concerns/requirements
- retention pond use.

Commr. Mercier moved to add the word "County" prior to the words "central water source" in Stipulation No. 4. The motion was seconded by Commr. Thaxton. Following comments by County Attorney Stephen DeMarsh on Board options relative to mandatory hook-ups, the motion carried by a 5-0 vote.

(2:29:23)

Agent Alan Garrett, duly sworn, commented on the proposed plans, noted agreement with the stipulations as recommended by the Planning Commission, commented on the Petitioner's proposal to use the existing well system and impacts/costs to use the County's central water system, and supported approval. Discussions were held with Mr. Garrett on the following topics/issues:

- Applicant's request for the option to use the existing well versus the central water system
- Fire Marshall's role in the review/permitting process
- economic impacts to hook-up to the County's central water system

**32. RESOLUTIONS - Continued**

- water volume/pressure to address fire safety concerns
- Zoning requirements regarding the number of kitchens (Stipulation No. 1)
- permitting requirements.

Commr. Staub moved to delete the word "County" in Stipulation No. 4. The motion was seconded by Commr. Thaxton. Following comments, the motion failed by a 1-4 vote, with Commrs. Patterson, Mercier, and Thaxton and Chair Mills voting "No."

(2:49:21)

Mr. Dan Dragesh, duly sworn, commented on the installation versus the on-going costs to hook-up to the County's central water system and requested the option to use the existing well.

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

Commr. Staub moved to adopt Resolution No. 2006-015, approving Special Exception Petition No. 1618 with five stipulations, as amended. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

**RECESS:** 2:53 p.m. - 3:04 p.m.

**33. PUBLIC WORKS**

Sitting as the Sarasota County Transportation Authority (SCTA) the Board considered the following items:

- A. Authorization to implement transit system improvements for the Sarasota County Area Transit (SCAT) system, commencing March 2006;
- B. Authorization to initiate planning for new transit service options to be incorporated in the proposed Transit Development Plan (TDP) Minor Update.

Following comments, Public Works Interim Executive Director Jim Harriott introduced Consultant Alan Hoffman of the Mission Group who presented an overview on the implementation of the SCAT transit system improvements. Discussions were held with Mr. Hoffman on the following topics/issues:

- daily on/off transit trips per segment
- City of North Port routes
- possible future locations of transfer centers
- downtown/hospital generated trips
- methods to retrofit to implement "T-Ways"
- queuing lanes for buses.

(3:36:47)

Public Works Transportation Planning Senior Planner Sarah Blanchard summarized the proposed 2006 Transit Improvements and the options to be incorporated in the proposed TDP Minor Update and reviewed Exhibit A, Recommended SCAT Service Changes and Exhibit B, New Service Options. Public Works Mobility Transit General Manager Anthony Beckford commented on Exhibit B, New Service Options regarding the 2006 SCAT Planning Phases.

**33. PUBLIC WORKS - Continued**

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

- use of half-hour and fifteen minute service during peak hours
- review of bus stop locations and hospital service hours
- future Board review of existing/additional services to address the City of North Port's needs
- municipality support/contributions.

Commr. Patterson moved to authorize Staff to implement transit system improvements for the SCAT system, commencing March 2006, as identified in Exhibit A of Staff's report, and to initiate planning for new transit service options to be incorporated in the proposed TDP Minor Update as identified in Exhibit B of Staff's report. The motion was seconded by Commr. Staub. Following comments, the motion carried by a 5-0 vote.

Individual comments followed on coordination of services with area Merchant Associations/Chambers of Commerce and consideration of grant funding to provide free transit services.

Chair Mills adjourned the SCTA and reconvened as the Board of County Commissioners.

(3:54:41)

**34. ORDINANCES/RESOLUTIONS**

- A.** Public hearing to consider proposed Ordinance No. 2005-056, Rezone Petition No. 04-11, a petition by Stephen Rees, Agent, to rezone 11.2 acres  $\pm$  located east of U.S. 41 and north of Silver Spray Lane from CI (Commercial, Intensive) and RMF-1 (Residential, Multi-Family, 6 units/acre) with stipulations and a binding Development Concept Plan (DCP) to CI and RMF-1 with amended stipulations and a substitute binding DCP. (Planning Commission recommended approval.)
- B.** Public hearing to consider a proposed Resolution, Special Exception Petition No. 1594, a petition by Stephen Rees, Agent, to allow a stormwater facility in a different zoning district other than the principal use on the adjacent 9.8 acres  $\pm$  located east of U.S. 41 and south of Silver Spray Lane in a RMF-1 zone district. (Planning Commission recommended approval.)

Chair Mills opened the public hearings simultaneously.

Following comments on previous consideration of the petition, Planning and Development Services Senior Planner Shelley Hamilton, duly sworn, summarized the proposal to amend the stipulations and Development Concept Plan to permit a stormwater facility in a different zoning district other than the principal use, noted the Planning Commission's recommendation for approval of Rezone Petition No. 04-11 with 11 stipulations and for Special Exception Petition No. 1594 with two stipulations, and commented on the revised DCP, noting the reconfiguration of the proposed stormwater pond within the RMF-1 parcel to comply with Stipulation No. 5 regarding the impacts to the on-site mesic hammock habitat.

Discussions were held with Ms. Hamilton, Planning and Development Services Current Planning Manager Henry Epstein, duly sworn, and Community Services History Center Archaeologist Dan Hughes, duly sworn, on the following topics/issues:

- prior code enforcement issues
- location of the car wash
- identification of the buildings' uses on the DCP

**34. ORDINANCES/RESOLUTIONS - Continued**

- future Board consideration of the Archaeological Resource Protective Covenant Agreement (Appendix D of Staff's report)/impacts of the pending agreement to the petitions
- Planning Commission recommendation for neighborhood meetings prior to Board consideration/meetings held with the Nokomis Center Revitalization Advisory Committee (NCRAC) and Nokomis Area Civic Association (NACA)/submittal of a copy of a document noting the attendants at a neighborhood meeting held August 31, 2005
- protective services provisions of the Archaeological Resource Protective Covenant Agreement/area of applicability/impacts to the mesic hammock habitat.

(4:12:59)

Attorney Stephen Rees, duly sworn, introduced members of the presentation team, commented on the proposed plans, submitted and reviewed a copy of correspondence regarding the revisions to the DCP relative to the impacts to the on-site mesic hammock habitat (Stipulation No. 5), commented on meetings with the NCRAC and NACA prior to the Planning Commission meeting, and noted agreement with the recommended stipulations. Attorney Rees discussed and submitted a copy of an e-mail regarding proposed revisions to the Archaeological Resource Protective Covenant, commented on contributions to the community by the Matthews-Currie Ford Dealership, and supported approval.

Discussions were held with Attorney Rees, Project Engineer Marla Hough of Hough Engineering, Inc., duly sworn, and Les Craft of Suncoast Autobuilders, duly sworn, on the following topics/issues:

- location of the car wash/adjacent RMF-1 zoned property
- absence of meetings with the NACA/NCRAC following the Planning Commission meeting and before Board consideration
- consideration of the Nokomis Revitalization Plan/buffering on U.S. 41
- location and number of car display platforms/request to label/identify on the DCP, without objection
- request to label/identify the landscaping area between the car display platforms on the DCP, without objection
- ownership of the property adjacent to the right-of-way.

(4:44:36)

Upon inquiry, County Attorney Stephen DeMarsh commented on revisions to the DCP and requested that the Applicant make the DCP a recordable instrument, reference the date of the correct DCP, and include a sketch of the protected area relative to the Archaeological Resource Protective Covenant Agreement. Attorney Rees commented on adjustments during the construction permitting process, requested to retain the design as presented, and noted agreement with the County Attorney's requests.

(4:46:57)

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

Commr. Mercier moved to adopt Ordinance No. 2005-056, approving Rezone Petition No. 04-11 with 11 stipulations and including a substitute binding DCP. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

**34. ORDINANCES/RESOLUTIONS - Continued**

Commr. Mercier moved to adopt Resolution No. 2006-016, approving Special Exception Petition No. 1594 with two stipulations. The motion was seconded by Commr. Patterson. Following comments regarding the binding DCP attached to Rezone Petition No. 04-11, Attorney Rees noted agreement to update the DCP to reflect the Board's direction this date. The motion carried by a 5-0 vote.

(4:50:08)

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

**26. COMMISSION REPORTS - Continued**

**D. ORGANIZATIONS/STATE AGENCIES/PUBLIC WORKS**

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

- recent Metropolitan Planning Organization (MPO) meeting regarding funding deficits and the Florida Department of Transportation's (FDOT) Five Year Work Program  
Commr. Patterson moved to send correspondence, signed by the Chair, to the Governor and the Legislative Delegation requesting use of the State's surplus to fund FDOT's Five Year Work Program. The motion was seconded by Commr. Staub. Following comments on requests by the MPO, the Southwest Florida Regional Planning Council (SWFRPC), and the Impact Fee Task Force to use State surplus funds to address State needs/issues, the motion carried without objection.
- Florida Association of Counties (FAC) Committee regarding proposed Legislation relative to the expansion of the Save Our Homes initiative/impacts to the County
- request for Staff review of trolley service to the Town of Longboat Key on a smaller scale, without objection.

(4:58:49)

**E. PUBLIC WORKS/MUNICIPALITIES/ORDINANCES**

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

- correspondence received by Mr. James Dion regarding a sidewalk issue and future Board consideration
- Act of Military Combat Duty Grant enacted by Hillsborough County regarding ad valorem tax credit to citizens serving in a combat area  
Commr. Mercier moved to authorize Staff to provide a report on the duplication/enhancement of Hillsborough County's Act of Military Combat Duty Grant Ordinance and estimates of the financial impacts. The motion was seconded by Chair Mills. Following comments, the motion failed by a 2-3 vote, with Commrs. Patterson, Staub, and Thaxton voting "No."

(5:03:09)

**24. COUNTY ADMINISTRATOR'S REPORT - Continued**

**B. LEGISLATION**

County Administrator James Ley reviewed and submitted a copy of talking points and correspondence in response to State Representative Donna Clarke's request for the Board's input regarding proposed Legislation (House Bill 343) for the creation of a Special District to provide funding through an ad valorem tax for services to seniors throughout the County.

Following comments, Commr. Staub moved to send correspondence, signed by the Chair, to State Representative Clarke not supporting the proposed Legislation (House Bill 343). The motion was seconded by Commr. Patterson. Following comments, the motion carried by a 5-0 vote.

(5:05:51)

**26. COMMISSION REPORTS - Continued**

**B. MUNICIPALITIES/PLANNING AND DEVELOPMENT SERVICES/LEGAL - Continued**

Commr. Staub inquired and County Attorney Stephen DeMarsh commented on the review of the City of Venice annexation issue by County Legal Staff. Discussion ensued regarding previously submitted correspondence by Staff on the annexation issue and legal challenges.

**27. BCC**

The Board reviewed the County Commission Outstanding Board Assignments Report dated January 19, 2006. The following assignments were noted/discussed:

- Item No. 06004, ID No. 05
- Item No. 06001, ID No. 04
- Item No. 05124, ID No. 03
- Item No. 05125, ID No. 01
- Item No. 05126, ID No. 02.

**28. BCC**

The Board reviewed the Board of County Commissioners Meeting Schedule.

**MEETING ADJOURNED:** 5:09 p.m.