

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**SARASOTA COUNTY ADMINISTRATION CENTER
1660 RINGLING BOULEVARD
COUNTY COMMISSION CHAMBER
SARASOTA, FLORIDA**

9:00 a.m.

Nora Patterson, Chair, District 4
Shannon Staub, Vice Chair, District 3
Paul H. Mercier, District 1
Joseph A. Barbetta, District 2
Jon Thaxton, District 5

Also present were:

David Bullock, Deputy County Administrator
Susan Scott, Deputy County Administrator
Rob Lewis, Planning and Development Services Executive Director
Stephen DeMarsh, County Attorney
Gary Oldehoff, Assistant County Attorney
Paula Clintsman, Deputy Clerk
Spring Dickson, Deputy Clerk

INVOCATION

Planning and Development Services Zoning Plans Examiner Donna Thompson

PLEDGE OF ALLEGIANCE

Commissioner Mercier

(9:26:38)

PRESENTATIONS:

Reality Check

PUBLIC HEARINGS:

(9:11:38)

1. FINANCIAL PLANNING

Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-025, amending the Fiscal Year (FY) 2007 Budget to incorporate various supplemental appropriations, revenue adjustments, grants, and transfers.

Staff Presenters: Financial Planning Budget Management Analyst Robert Horn and Planning and Development Services Community Redevelopment Area Coordinator Christine Davis

9:14:28 Board Action: Closed the public hearing, without objection.

9:14:46 Board Action: Adopted Resolution No. 2007-052, approving Budget Amendment No. B2007-025, amending the FY 2007 Budget. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

9:15:31 Board Action: Requested a financial update on the CRA (Community Redevelopment Agency) prior to the Joint CRA Meeting. Requested by Staub, without objection.

9:16:26 Board Action: Requested a summation of the all the funds spent for the CRA. Requested by Patterson, without objection.

1. FINANCIAL PLANNING - Continued

9:17:32 Board Action: Requested that Board members consider future Budget Amendments (this Item) as a Consent Item to reduce Staff time for attendance at Board meetings. Requested by Thaxton, without objection.

Note: Oath/Signature Cards Filed for Record.

DISCUSSION SECTION:

(9:27:54)

2. HEALTH AND HUMAN SERVICES

The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 2003-052, as amended and codified in Appendix A, amending Section 5.3.4. and adding new Subsection 5.3.4.o.10, of the County Code, to allow dogs in designated outdoor portions of public food service establishments, to establish a fee schedule consistent with Florida Statute 509.233, and to waive the requirement for a Planning Commission public hearing.

Staff Presenter: Health and Human Services Environmental Administrator Charles Henry

9:32:50 Board Action: Authorized advertising of a public hearing to consider a proposed Ordinance to allow dogs in designated outdoor portions of public food service establishments, to establish a fee schedule, and waived the requirement for a Planning Commission public hearing. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

PUBLIC HEARINGS: (Continued)

(9:37:40)

3. PLANNING AND DEVELOPMENT SERVICES

- A.** Public hearing to consider proposed Ordinance No. 2007-029, Zoning Ordinance Amendment No. 13, amending Ordinance No. 2003-052, as amended, and codified in Appendix A, Sections 5.1, 5.3, 5.4, and 6.10 of the County Code, relating to permitted uses, the Use Table, and additional development standards for automatic car washes;
- B.** Public hearing to consider proposed Ordinance No. 2007-030, Zoning Ordinance Amendment No. 14, amending Ordinance No. 2003-052, as amended, and codified in Appendix A, Section 7.1. of the County Code, relating to the parking requirements;
- C.** Public hearing to consider proposed Ordinance No. 2007-031, Zoning Ordinance Amendment No. 15, amending Ordinance No. 2003-052, as amended, and codified in Appendix A, Section 7.3. of the County Code, relating to the landscaping and buffering requirements;
- D.** Public hearing to consider proposed Ordinance No. 2007-032, Zoning Ordinance Amendment No. 16, amending Ordinance No. 2003-052, as amended, and codified in Appendix A, Sections 3.6 and 7.4 of the County Code, relating to the Sign Ordinance;
- E.** Public hearing to consider proposed Ordinance No. 2007-034, Zoning Ordinance Amendment No. 18, amending Ordinance No. 2003-052, as amended, and codified in Section 10.2 of the County Code, relating to the definitions. (Second public hearing is scheduled on April 10, 2007, at 5:01 p.m.)

Chair Patterson opened the public hearings simultaneously.

Staff Presenters: Planning and Development Services Interim Zoning Administrator Tina Crawford, Planning and Development Services Zoning Plans Examiner Donna Thompson, Assistant County Attorney Gary Oldehoff, and Planning and Development Services Land Development Planner and Landscape Architect Martha Horton

3. PLANNING AND DEVELOPMENT SERVICES - Continued

Public Presenters: Attorney Jeffrey Boone, Shelley Hamilton of WilsonMiller, Inc., and Attorney Michael Furen

Items submitted: Correspondence received from Shelley Hamilton of WilsonMiller, Inc., to Planning Commission Chairman John Fellin

9:58:15 Board Action: Requested that Attorney Boone work with Staff to draft language relative to crematoriums. Requested by Patterson, without objection.

10:02:10 Board Action: Requested to draft language that sets parameters for smaller versus larger parcels for special events (require detailed lists for smaller/urbanized areas). Requested by Staub, without objection.

10:07:08 Board Action: Requested to include a review of the areas where prior special events occur, including public property, and to set the parameters by Board Policy. Requested by Mercier, without objection.

10:21:59 Board Action: Requested to correct a typographical error on page 13-15, Section 5.4.4.a.4., Accessory Uses in Residential Districts, third line, revising "ten" to "20" feet, without objection.

10:24:54 Board Action: Requested clarification of the language as to whether or not the 35-foot height limitation includes permanent structures (furniture, railings, etc.) on the roof-deck of townhouses, including verification that there is no conflict with the language in the Siesta Key Overlay District (SKOD) Ordinance. Requested by Patterson, without objection.

10:26:40 Board Action: Requested clarification of the language relative to the height limitations for roof-deck townhouses and the inclusion of permanent structures for Manasota Key and Casey Key. Requested by Staub, without objection.

10:36:04 Board Action: Requested to modify the language on page 14-2, Section 7.1.13.c.4., Tandem Parking, with two verbiages: 1) Eliminate the words "without individual lots," and following review of the language by the County Attorney's Office, 2) substitute the words "without individual lots" with the words "where density is not attributable to nonconforming lot status for SKOD." Requested by Patterson, without objection.

RECESS: 10:45 a.m. - 10:59 a.m.

11:13:52 Board Action: Requested language that encourages buffers versus walls. Requested by Staub, without objection.

11:18:22 Board Action: Requested restrictions/limitations on the height of walls/fences. Requested by Patterson, without objection.

11:25:10 Board Action: Requested a modification that provides for buffering along clustered lots. Requested by Patterson, without objection.

11:32:01 Board Action: Requested a ten-year amortization (removal) schedule for Electronic Message Center Signs effective this date (March 14, 2007), with no new signs. Requested by Patterson, without objection.

11:52:24 Board Action: Requested a review of the Right-Of-Way and Subdivision definitions. Requested by Patterson, without objection.

Note: Oath/Signature Cards Filed for Record.

(11:55:04)

4. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2007-033, Zoning Ordinance Amendment No. 17, amending Ordinance No. 2003-052, as amended, and codified in Appendix A, Section 4.12 to allow modifications to site and development standards for properties located in the Planned Industrial Development (PID) zone district. (Second public hearing is scheduled on April 10, 2007, at 5:01 p.m.)

Staff Presenter: Planning and Development Services Zoning Plans Examiner Donna Thompson

11:58:25 Board Action: Directed the County Attorney to modify the language in Section 4.12.5., Planned Industrial Development District (PID), relating to the PID Modification Provision, to preserve the Board's prerogative. Requested by Patterson, without objection.

Note: Oath/Signature Cards Filed for Record.

RECESS: 11:58 p.m. - 1:32 p.m.

5. OPEN TO THE PUBLIC

1:33:05 Board Action: Opened and closed without comment.

(4:57:18)

Otto Rice commented on the scheduled Utility Rate Hearing for the South Gate area.

DISCUSSION SECTION: - Continued

(1:33:08)

6. PUBLIC WORKS

The Board considered the report on the requirements for the County to participate in a multi-County Metropolitan Planning Organization (MPO).

Staff Presenter: Public Works Transportation Mobility General Manager Clarke Davis

PUBLIC HEARINGS:

(1:41:46)

7. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2007-014, Rezone Petition No. 06-35, a petition by Scott Lane, Agent, to rezone 10.2 acres \pm located southeast of South River Road and east of Pine Street in Englewood, from OUE-1 (Open Use, Estate, 1 unit/5 acres) to GU (Government Use) zone district. (Planning Commission recommended approval.)

Staff Presenters: Planning and Development Services Planner Adriana Trujillo, Planning and Development Services Current Planning Manager Crystal Allred, County Attorney Stephen DeMarsh, and Public Works Watershed Management Engineering Section Supervisor Scott Woodman

Public Presenters: Agent Scott Lane and Richard Rollo

7. PLANNING AND DEVELOPMENT SERVICES - Continued

2:01:39 Board Action: Amended Stipulation No. 4 as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text). Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

Outdoor training shall be limited to the hours of ~~9 a.m. to 4 p.m.~~ 8:00 a.m. to 5:00 p.m. Monday through Saturday. ~~Applicant testing may take place on Saturdays, but shall be limited to the hours of 8:00 a.m. to 3:00 p.m.~~ Night drills are permitted, but shall be limited to no more than three night drills per calendar year, which will end by 10 p.m.

2:05:49 Board Action: Added Stipulation No. 5 limiting the parcel to a fire training facility with a tower. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

2:25:20 Board Action: Requested to add Stipulation No. 6 to limit the remainder of the parcel to uses which are consistent with water and sewer systems. Requested by Patterson, without objection.

2:27:05 Board Action: Continued the public hearing to consider proposed Ordinance No. 2007-014 to April 10, 2007, at 1:30 p.m., or as soon thereafter as possible. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

2:28:26 Board Action: Deleted Stipulation No. 1 regarding the travel lanes from the private road of the subject parcel to South River Road. Requested by Patterson, without objection.

Note: Oath/Signature Cards Filed for Record.

(2:29:00)

8. PLANNING AND DEVELOPMENT SERVICES

- A. Public hearing continued from December 19, 2006, and January 23, 2007, to consider proposed Ordinance No. 2006-085, amending Ordinance No. 89-097, as amended and codified in Chapter 70, Article III of the County Code, relating to impact fees for Road Facilities;
- B. Land Development Regulation Commission to find proposed Ordinance No. 2006-085 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)
- C. Public hearing continued from December 19, 2006, and January 23, 2007, to consider proposed Ordinance No. 2006-086, amending Ordinance No. 89-099, as amended and codified in Chapter 70, Article V of the County Code, relating to impact fees for Park Facilities;
- D. Land Development Regulation Commission to find proposed Ordinance No. 2006-086 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)
- E. Public hearing continued from December 19, 2006, and January 23, 2007, to consider proposed Ordinance No. 2006-087, amending Ordinance No. 91-068, as amended and codified in Chapter 70, Article II of the County Code, relating to impact fees for Library Facilities;
- F. Land Development Regulation Commission to find proposed Ordinance No. 2006-087 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)

Chair Patterson opened the public hearings simultaneously.

8. PLANNING AND DEVELOPMENT SERVICES - Continued

Staff Presenters: Public Works Transportation Mobility General Manager Clarke Davis, Planning and Development Services Interim Community Housing Manager MaryBeth Humphreys, Planning and Development Services Community Redevelopment Area (CRA) Coordinator Christine Davis, and County Attorney Stephen DeMarsh

Public Presenters: David Langhout, Dennis Bradford, Michael Simmons, Jay Brady, Steve Queior, Tom Dabney, Joe Hembree, Attorney Dan Lobeck, Troy Syprett, Clancy Mullen, and James Nicholas

Item submitted: A copy of a document entitled "Road Programming Strategies"

RECESS: 3:28 p.m. - 3:41 p.m.

4:29:22 Board Action: Directed the County Administrator to bring back mitigation and deferral proposals regarding non-residential development in the Englewood CRA. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:33:04 Board Action: Directed the County Administrator to schedule a Board discussion before June 2007, regarding mitigation, deferral, or waiver options for impact fees on affordable housing. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:33:30 Board Action: Relocated Medical/Dental Office buildings to the category of General Office buildings with regards to road impact fees. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:34:20 Board Action: Approved the sliding scale schedule for the proposed impact fees regarding residential size. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

4:40:08 Board Action: Approved a two-step increment phase-in regarding impact fees with the first increment on June 18, 2007, and the second increment on June 16, 2008. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

4:40:10 Board Action: Closed the public hearing, without objection.

Chair Patterson recessed the Board of County Commissioners (BCC) and convened as the Land Development Regulation Commission (LDRC).

4:41:52 Board Action: Moved to find proposed Ordinance No. 2006-085, as amended, consistent with the Comprehensive Plan as recommended by Staff. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:41:52 Board Action: Moved to find proposed Ordinance No. 2006-086, as amended, consistent with the Comprehensive Plan as recommended by Staff. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:41:52 Board Action: Moved to find proposed Ordinance No. 2006-087, as amended, consistent with the Comprehensive Plan as recommended by Staff. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Chair Patterson adjourned the LDRC and reconvened as the BCC.

4:46:38 Board Action: Adopted Ordinance No. 2006-085, as amended, amending impact fees for Road Facilities. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

4:48:04 Board Action: Adopted Ordinance No. 2006-086, amending impact fees for Park Facilities. Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

4:49:10 Board Action: Adopted Ordinance No. 2006-087, as amended, amending impact fees for Library Facilities. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(9:03:01)

9. OTHER BUSINESS

A. CHAIR PATTERSON

Chair Patterson commented on and discussions were held on the election results relating to the Charter Amendment regarding land use designations outside the Urban Service Boundary Area.

9:09:17 Board Action: Requested to send correspondence to the Cities of North Port and Venice expressing the Board's intent and dedication to the process. Requested by Staub, without objection.

9:11:28 Board Action: Requested to invite all the municipalities to a reception at the Board's expense. Requested by Thaxton, without objection.

(11:53:52)

B. COMMISSIONER STAUB

11:54:21 Board Action: Requested to resurrect the correspondence supporting the Lemon Bay League. Requested by Staub, without objection.

(4:51:32)

C. COUNTY ATTORNEY

Staff Presenters: Assistant County Attorney Gary Oldehoff and County Attorney Stephen DeMarsh

4:55:12 Board Action: Approved Staff's recommendation (Interoffice Memorandum No. 839) to accept and authorize the Chair to execute the Stipulation and Settlement Agreement in the Case of Sarasota Riverside Development, LLC v. Sarasota County, Case No. 2006-CA-09330-NC. Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote. (Deferred from the March 13, 2007, Board meeting.)

D. FINANCIAL PLANNING

4:58:30 Board Action: Waived the fee regarding a surplus County ambulance for the Venice Explorer Troop. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

4:59:48 Board Action: Waived the fee regarding a surplus vehicle for Terry Redman. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

MEETING ADJOURNED: 5:00 p.m.

MINUTES APPROVED: _____

Chair