

**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:

James Ley, County Administrator
Kathleen Schneider, Deputy County Attorney
Gary Oldehoff, Assistant County Attorney
Paula Clintsman, Deputy Clerk
Latressa Preston, Deputy Clerk

INVOCATION

Community Services Parks and Recreation Administrative Assistant III Kim Lance

PLEDGE OF ALLEGIANCE

Commissioner Thaxton

RECOGNITION:

Berryman "Buster" Longino

DISCUSSION SECTION:

(9:18:37)

1. PUBLIC WORKS

The Board considered the addition of multi-way stop traffic control signs on Center Gate Boulevard.

Staff Presenter: Public Works Traffic Engineering and Operations Manager Donald Galloway

Public Presenter: Attorney William Drumm

9:39:54 Board Action: Approved the addition of a stop sign at Boulder Boulevard and Center Gate Boulevard (Resolution No. 2007-044). Moved by Staub and seconded by Patterson.

9:41:48 Board Action: Approved a substitute motion to install a multi-way stop traffic control sign at Center Gate Boulevard and Creekwood Drive. Moved by Staub, seconded by Patterson, carried by a 4-1 vote; Mercier voted "No."

(9:43:01)

2. COMMUNITY SERVICES

The Board considered a status report on the Community Services Parks and Recreation Capital Improvement Program (CIP) Projects.

Staff Presenters: Community Services Parks and Recreation General Manager John McCarthy and Community Services Parks and Recreation Parks Development Manager Jerry Moore

2. COMMUNITY SERVICES - Continued

10:19:57 Board Action: Requested copies of the Caspersen Beach Report. Requested by Staub, without objection.

10:25:47 Board Action: Requested to investigate opportunities for additional Paw Parks. Requested by Patterson, without objection.

RECESS: 10:33 a.m. - 10:41 a.m.

(10:43:00)

3. COMMUNITY SERVICES

The Board considered proposed amendments to Ordinance No. 2005-062, as codified in Article III in Chapter 90 of the County Code, relating to the acquisition of Neighborhood Parkland, amending Sections 90-67(d), (e), and (f), to permit preliminary negotiations prior to Board action on specific proposed sites.

Staff Presenters: Community Services Parks and Recreation General Manager John McCarthy and Community Services Parks and Recreation Park Acquisition and Development Coordinator Kim Heuberger

11:06:19 Board Action: Authorized amendments to the acquisition of the Neighborhood Parkland Ordinance. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

11:08:50 Board Action: Authorized advertising of a public hearing to consider a proposed Ordinance, amending Ordinance No. 2005-062, as amended, relating to the acquisition of Neighborhood Parkland. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(11:09:28)

4. COMMUNITY SERVICES

The Board considered the Neighborhood Parkland Program Work Plan for four parcels (three acres \pm) of beachfront property located north of Siesta Key Beach Access No. 7 along the right-of-way of Calle de Siesta, to enhance the public beach access and parking opportunities and to expand the recreation and open space adjacent to an existing public beach access.

Staff Presenter: Community Services Parks and Recreation General Manager John McCarthy

11:13:40 Board Action: Passed the gavel to Vice Chair Staub and approved the Work Plan for four parcels of beachfront property located north of Siesta Key Beach Access No. 7. Moved by Patterson, seconded by Barbetta, carried by a 5-0 vote.

PUBLIC HEARINGS:

(11:14:15)

5. COMMUNITY SERVICES

A. (Not a public hearing.) The Board considered the Community Services Parks and Recreation proposed Plans for the utilization of the \$3,500,000.00 Reserve Fund designated during the Fiscal Year (FY) 2007 Budget process to address maintenance needs and growth within the County's Parks and Recreation Program;

B. Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-032, amending the Fiscal Year (FY) 2007 Budget, to appropriate funding to implement maintenance initiatives for parks, in the amount of \$1,500,000.00.

5. COMMUNITY SERVICES - Continued

Staff Presenter: Community Services Parks and Recreation General Manager John McCarthy and Community Services Parks and Recreation Centers/Events and Program Manager Carolyn Brown

Public Presenters: Millie Small and Dennis Pine

Item submitted: A brochure entitled "Parks Guide and Map"

11:34:59 Board Action: Closed the public hearing, without objection.

11:36:30 Board Action: Adopted Resolution No. 2007-041, approving Budget Amendment No. B2007-032. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

RECESS: 11:43 a.m. - 1:29 p.m.

6. OPEN TO THE PUBLIC - Opened and closed without comment.

DISCUSSION SECTION: - Continued

(1:30:04)

7. PLANNING AND DEVELOPMENT SERVICES

The Board considered the following Items:

- A.** A proposed Resolution approving the Old Miakka Neighborhood Plan;
- B.** Authorization of the expenditure of \$62,000.00 from the Neighborhood Initiative Program to fund projects within the Old Miakka Neighborhood Plan.

Staff Presenters: Planning and Development Services Neighborhood Services Supervisor Jane Grogg, County Administrator James Ley, and Assistant County Attorney Gary Oldehoff

Public Presenters: Rod Krebs, Brad Gandbouche, and Becky Ayech

Item submitted: A copy of the Transcript of Proceedings of the case of Manasota 88, Inc; Glenn Compton; and Becky Ayech v. Department of Community Affairs and Sarasota County

1:49:50 Board Action: Requested to review/outline the provisions of the Sarasota 2050 Resource Management Area (RMA) Comprehensive Plan Amendment relative to land use, transportation, public/private facilities, and protection of the rural character, and the findings be included in the proposed Resolution. Requested by Thaxton, without objection.

2:20:09 Board Action: Moved to adopt the Resolution approving the Old Miakka Neighborhood Plan. Moved by Mercier, seconded by Staub.

2:21:28 Board Action: Requested to divide the question to consider accepting the Old Miakka Neighborhood Plan rather than approving the proposed Resolution. Requested by Staub.

2:23:26 Board Action: Withdrew the second to the motion, by Staub.

2:23:29 Board Action: Seconded the motion, by Patterson.

2:26:54 Board Action: Added Condition No. 2 to read as follows, and renumbered the remaining Conditions: "The Board finds that Policy RHE 1.1. of the Sarasota County 2050 has been satisfied." Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

2:30:45 Board Action: Adopted Resolution No. 2007-042, as amended, accepting the Old Miakka Neighborhood Plan. Carried by a 5-0 vote.

7. PLANNING AND DEVELOPMENT SERVICES - Continued

2:31:22 Board Action: Authorized the expenditure of \$62,000.00 from the Neighborhood Initiative Program to fund projects within the Old Miakka Neighborhood Plan. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

2:31:37 Board Action: Requested consideration of a future Board meeting with the Old Miakka Community in the Old Miakka Neighborhood. Requested by Mercier, without objection.

(2:33:51)

8. PLANNING AND DEVELOPMENT SERVICES

The Board considered a request by Peter Dailey, Agent, to waive the one-year filing requirement established in Sections 3.12.7.a. and 3.12.7.b. (Limitations on the Filing of Rezoning of Property) of the Zoning Ordinance pertaining to Rezone Petition No. 05-14 (Ordinance No. 2006-056) to rezone 4.9 acres \pm located on the east side of Beneva Road, 680 feet \pm north of Bahia Vista Street from OUE-2 (Open Use, Estate, 1 unit/2 acres) to OPI/PD (Office, Professional, and Institutional with a Planned Development) zone district.

Staff Presenter: Planning and Development Services Senior Planner Kirk Crane

Public Presenters: Agent Peter Dailey and Brian Lichterman

Item submitted: A copy of a document entitled "Material Changes"

2:54:56 Board Action: Denied the request to waive the one-year filing requirement pertaining to Rezone Petition No. 05-14 (Ordinance No. 2006-056). Moved by Staub, seconded by Thaxton, carried by a 4-1 vote; Mercier voted "No."

PUBLIC HEARINGS: - Continued

(2:55:40)

9. HEALTH AND HUMAN SERVICES

Public hearing to consider proposed Ordinance No. 2007-015, creating Article IV, Sections 6-126 through 6-133 of Chapter VI of the County Code, relating to the prohibition of minors under the age of 21 from entering and remaining in alcoholic beverage establishments during established hours.

Staff Presenters: Health and Human Services Criminal Justice Coordinator General Manager James Schulz, and Assistant County Attorneys Gary Oldehoff and Maria Korn

Item submitted: A copy of the PowerPoint presentation

RECESS: 3:14 p.m. - 3:29 p.m.

Public Presenters: Don Murray, Attorney Stephen Rees, Jr., Matthew Bower, Jorge Abraham, James Golm, Attorney Michael Furen, Karen Hernandez, and Diego Asenoio

4:14:00 Board Action: Closed the public hearing by Patterson, without objection.

4:28:12 Board Action: Requested the Office of the County Attorney to review/outline provisions clarifying the definition/criteria of alcoholic beverage establishments with consideration of Board recommendations/comments made this date and to bring back for Board consideration on a future Consent Agenda. Requested by Staub, without objection.

4:34:26 Board Action: Revised the time from "9:00 p.m." to "11:00 p.m." in Section 6-127 of the proposed Ordinance. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(4:35:03)

10. ENVIRONMENTAL SERVICES

- A. Public hearing to consider a proposed Ordinance No. 2007-027, to be codified as Article XVI of Chapter 110 of the County Code, establishing the Oak Ford Wastewater District;
- B. Public hearing to consider proposed Resolution No. 2007-028, a Notice of Intent, to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments to fund wastewater facilities within the Oak Ford Wastewater District.

Staff Presenter: Environmental Services Operations General Manager George MacFarlane

4:37:32 Board Action: Closed the public hearing by Patterson, without objection.

4:38:12 Board Action: Adopted Ordinance No. 2007-027 approving the establishment of the Oak Ford Wastewater District. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:38:12 Board Action: Adopted Resolution No. 2007-028, approving a Notice of Intent to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments to fund wastewater facilities within the Oak Ford Wastewater District. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(4:38:19)

11. PLANNING AND DEVELOPMENT SERVICES

- A. Public hearing to consider proposed Ordinance No. 2007-028, Zoning Ordinance Amendment No. 12, amending Ordinance No. 2003-052, as amended, and codified as Appendix A of the County Code, amending Section 4.6 relating to Residential District Intent Statements, amending Section 4.10 relating to Special Purpose Overlay Districts, amending Section 5.3 relating to Limited and Special Exception Use Standards, amending Section 5.4 relating to Accessory Uses and Structures, amending Section 6.2 relating to Measurement of Standards, amending Section 6.7 relating to Housing Types, amending Section 7.2 relating to Access and Circulation, and amending Section 7.6 relating to Outdoor Display and Storage, to correct typographical errors, and to clarify existing language;
- B. (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-028 consistent with the Sarasota County Comprehensive Plan.

Staff Presenters: Planning and Development Services Interim Zoning Administrator Tina Crawford and Assistant County Attorney Gary Oldehoff

4:47:29 Board Action: Requested to revise language as follows, in Subsection 4.10.4.j., Minimum Yard Requirements (additions shown as underlined text/deletions shown as ~~strikethrough~~ text). Requested by Patterson, without objection.

The replacement of existing mechanical equipment is exempt from the minimum side yard setback provided that the existing encroachment is not increased by the new mechanical equipment ~~does not encroach any further than the existing equipment for single family structures.~~

4:49:18 Board Action: Requested review of the lot line provisions relative to daylight planes, setbacks, and non conforming lots as reflected in Subsection 6.2.2.a., Daylight Plane, of the proposed Ordinance. Requested by Patterson, without objection.

4:50:56 Board Action: Requested to add the words "and specifically as" before the word "required" on the second line in Subsection 6.2.4.d.1., on page 6 of the proposed Ordinance. Requested by Patterson, without objection.

11. PLANNING AND DEVELOPMENT SERVICES - Continued

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

4:56:19 Board Action: Found proposed Ordinance No. 2007-028, as amended, consistent with the Sarasota County Comprehensive Plan as recommended by Staff. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Chair Patterson recessed the LDRC and reconvened as the BCC.

4:56:42 Board Action: Closed the public hearing by Patterson, without objection.

4:57:18 Board Action: Adopted Ordinance No. 2007-028, as amended, approving Zoning Ordinance Amendment No. 12, amending Ordinance No. 2003-052, as amended. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(4:58:18)

12. ENVIRONMENTAL SERVICES

Public hearing to consider a proposed Resolution authorizing Water and Navigation Control Authority (WNCA) Major Work Permit Application No. NAT2004-01605, submitted by The Tignor Group, P.A., on behalf of The Field Club, Inc., for the construction of a 918 foot \pm four slip docking facility to provide mooring access to the upland restaurant and yacht club and the installation of 22 "bay balls" beneath the existing fuel dock at the property located at The Field Club, 1400 Field Road, Sarasota.

Chair Patterson recessed the Board of County Commissioners (BCC) and convened as the WNCA.

Staff Presenter: Environmental Services Resource Protection Environmental Supervisor Howard Berna

Public Presenters: Kristina Tignor, Attorney William Merrill, and Frank Heider

Items submitted: A copy of a letter from Richard and Rosemary Heller and Frank and Christine Heider, a copy of a letter from Greg Wall, and an aerial photograph

5:22:30 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

5:23:40 Board Action: Adopted Resolution No. 2007-043, authorizing WNCA Major Work Permit Application No. NAT2004-01605, as amended, with the deletion of references relative to "reef balls" throughout the Resolution. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Chair Patterson recessed the WNCA and reconvened as the BCC.

13. OTHER BUSINESS

(9:13:35)

A. PUBLIC WORKS

Staff Presenter: Public Works Mobility General Manager Carolyn Eastwood

9:18:29 Board Action: Approved Contract No. 2007-263, a Premium Lighting Agreement, with Florida Power and Light (FPL) Company to install and maintain decorative street lighting for the Pinecraft Neighborhood Improvement Project, in the amount of \$440,419.00. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

13. OTHER BUSINESS - Continued

(11:37:00)

B. CHAIR PATTERSON

Chair Patterson presented and discussions were held on the following items/topics: the City of Sarasota's discussion regarding renegotiation of the Interlocal Agreement relating to parks and the contact/assignment of Sarasota City Commissioner Ken Shelin and the Tampa City Council's request to consider support of a Legislative Bill to amend Florida Statutes relating to the Safety Belt Law (secondary action).

(5:23:45)

C ADMINISTRATION

5:26:24 Board Action: Requested the County Administrator to schedule a future joint meeting with the City of Venice. Requested by Patterson, without objection.

MEETING ADJOURNED: 5:27 p.m.

MINUTES APPROVED: _____

Chair