

**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 H. Mercier, District 1
Shannon Staub, District 3
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator
David Bullock, Deputy County Administrator
Kathleen Schneider, Deputy County Attorney
Karen E. Rushing, Clerk of the Circuit Court and County Comptroller
Paula Clintsman, Deputy Clerk

INVOCATION

Reverend Patricia Reiter, Unity Church of Venice

PLEDGE OF ALLEGIANCE

Commissioner Paul Mercier

CERTIFICATES OF RECOGNITION:

Florida Governor's Points of Light Award - Phyllis Wiedewitsch
Dean Calamaras, Venice City Mayor

CONSENT SECTION:

A motion was made by Commr. Thaxton, seconded by Commr. Staub, and carried by a 5-0 vote to approve Items 1-27 as follows, with the exception of Items 2, 9, 10, 11, 13, 14, 15, 17, 21, 24, and 25, considered later this meeting.

1. PROCLAMATIONS

Ratified a previously issued Proclamation for National Arbor Day - April 25, 2006.

2. RESOLUTIONS

See consideration of a Resolution to support the Community Services Parks and Recreation Department's application for a Florida Communities Trust (FCT) Grant, later this meeting.

3. RESOLUTIONS

Adopted Resolution No. 2006-085 to support the expansion of the Parks Advisory and Recreation Council to oversee the new Neighborhood Parkland Referendum Land Acquisition Program.

4. CONTRACTS/RESOLUTIONS

A. Approved Contract No. 2006-287, a Subgrant Agreement, with the Florida Department of Community Affairs (FDCA), Office of Domestic Preparedness (ODP), for the State Homeland Security Grant Program (SHSGP) award;

B. Adopted Resolution No. 2006-086, Budget Amendment No. B2006-039, appropriating \$57,375.00 for the ODP SHSGP Agreement.

5. ADVISORY COUNCILS

- A. Appointed Juliana Bellia to serve a four-year term on the Solid Waste Management Citizens Advisory Board, as the City of North Port Representative, effective through April 2010;
- B. Appointed Todd Kucharski to fill an unexpired four-year term on the Solid Waste Management Citizens Advisory Board, as the City of Sarasota Representative, effective through January 2007.

6. CONTRACTS/RESOLUTIONS

- A. Approved Contract No. 2006-288, an Interlocal Agreement, with the Florida Department of Transportation (FDOT) for continuous monitoring of tributaries and monthly estuarine monitoring, in the amount of \$5,000.00;
- B. Adopted Resolution No. 2006-087, Budget Amendment No. B2006-054, amending the Fiscal Year (FY) 2006 Budget, to increase the appropriations, in the amount of \$5,000.00.

7. CONTRACTS

Approved Contract No. 2006-289 with E.T. MacKenzie of Florida, Inc., for construction of a force main and pump station to allow leachate to be transmitted to the Venice Eastside Plant, in the amount of \$563,152.80.

8. CONTRACTS/RESOLUTIONS

- A. Approved Contract No. 2006-290, an Assignment of Option to Purchase, with The Nature Conservancy to authorize acquisition of 129.5 acres \pm located within the Old Miakka Protection Priority Site, from James and Stacie O'Neil (1/2 interest); and Edward O'Neil, Jr., as Trustee of the Edward O'Neil, Jr., Revocable Trust dated December 2, 1993 (1/2 interest), in the amount of \$4,121,688.00;
- B. Adopted Resolution No. 2006-088 authorizing the County Administrator to exercise the Option to Purchase the O'Neil property upon completion of all due diligence involved in the acquisition.

9. RESOLUTIONS

See consideration of the following Items, later this meeting:

- A. An expenditure to purchase equipment for the North County Corrections Facility;
- B. A Resolution, Budget Amendment No. B2006-061, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding to the Sheriff's Office.

10. RESOLUTIONS

See consideration of the following Items, later this meeting:

- A. An expenditure to purchase UltraLite-ALS equipment for the Forensics Services Unit;
- B. A Resolution, Budget Amendment No. B2006-062, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding to the Sheriff's Office.

11. RESOLUTIONS

See consideration of the following Items, later this meeting:

- A. An expenditure to purchase Krimesite Imager equipment for the Forensics Services Unit;
- B. A Resolution, Budget Amendment No. B2006-063, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding to the Sheriff's Office.

12. FINANCIAL PLANNING

Approved payment to Laura Robertson for full and final settlement of the property damage claim, in the amount of \$4,912.83. (See Item later this meeting.)

13. CONTRACTS

See consideration of a Contract with First Step of Sarasota, Inc., for the operation of the VIP-ER (Phase 2 of the Community Alternatives Residential Treatment Initiative) to adjust the per unit rates, later this meeting.

14. ADVISORY COUNCILS

See consideration of the appointments on the Community Action Agency Board, later this meeting.

15. HEALTH AND HUMAN SERVICES

See consideration of the allocation of Fiscal Year (FY) 2007 Grants-In-Aid funds for the Early Learning Coalition for the Scholarship Child Care and Child Care Executive Partnership Programs, later this meeting.

16. EASEMENTS

Granted a permanent utility easement to Florida Power and Light (FPL) Company for constructing, operating, and maintaining buried electrical service and for constructing a new pad mounted electrical transformer at the Wastewater Pump Station No. 25 site.

17. RESOLUTIONS

See consideration of a Resolution to prohibit turn arounds and through commercial trucks with more than six wheels on Church Street, Suncrest Drive, Wanda Place, and Roberts Bay Drive, later this meeting.

18. RESOLUTIONS

Adopted Resolution No. 2006-093 to lower the speed limit from 30 miles per hour to 25 miles per hour on Church Street, Suncrest Drive, Wanda Place, Roberts Bay Drive, and Perkins Lane, as recommended by the Traffic Advisory Council.

19. RESOLUTIONS

Adopted Resolution No. 2006-094 to permit golf cart usage on County roads within the Harbor Cove Community, as recommended by the Traffic Advisory Council.

20. RESOLUTIONS

Adopted Resolution No. 2006-095 to prohibit stopping, standing, or parking during school hours (8:00 a.m. to 3:15 p.m.) along the west side of School Avenue between Proctor Road and Fiesta Drive, as recommended by the Traffic Advisory Council.

21. RESOLUTIONS

See consideration of a Resolution to approve the transfer of funds from Fiscal Year (FY) 2006 Contingency Fund 101 to operating Transportation Trust Fund 101, later this meeting.

22. CONTRACTS

Approved Contract No. 2006-292, Amendment No. 1 to Contract No. 2005-281, with Frederick Derr and Company, Inc., to amend Article IV to waive the Performance and Payment Bond requirement.

23. CONTRACTS/RESOLUTIONS

- A. Approved Contract No. 2006-293, the Local Agency Program (LAP) Agreement, with the Florida Department of Transportation (FDOT) for the design and construction of sidewalks at various locations, in the amount of \$150,000.00;
- B. Adopted Resolution No. 2006-097 authorizing execution of the LAP Agreement;

23. CONTRACTS/RESOLUTIONS - Continued

- C. Adopted Resolution No. 2006-098, Budget Amendment No. B2006-060, amending the Fiscal Year (FY) 2006 Budget, to increase the appropriations in the Capital Improvement Program (CIP) #95793, in the amount of \$150,000.00.

24. CONTRACTS/RESOLUTIONS

See consideration of the following Items, later this meeting:

- A. A Contract with the Florida Department of Environmental Protection (FDEP) for the St. Armands Stormwater Improvement Project;
- B. A Resolution, Budget Amendment No. B2006-057, to increase the Project funding.

25. ORDINANCES/RESOLUTIONS

See consideration of the following Items, later this meeting:

- A. Authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 2001-045, relating to the establishment of the Residential Neighborhood Traffic Management Program, and to waive the requirement for an Economic Impact Statement (EIS);
- B. A Resolution regarding the funding policy for the construction of Residential Neighborhood Traffic Management devices;
- C. Proposed districts to be funded 100 percent by the County: Shade/Riverwood District, Siesta Drive/South Gate District, and Jacaranda West District.

26. WARRANTS

Ratified and approved the warrants dated April 3 through April 14, 2006, in the amount of \$24,844,874.40, as detailed in the voucher packages filed in the Finance Department.

27. MINUTES

Approved the Minutes of the meetings dated April 6, April 11, and April 12, 2006.

2. RESOLUTIONS - Continued

Commr. Patterson noted that the Item was pulled in error and moved to adopt Resolution No. 2006-084 to support the Community Services Parks and Recreation Department's application for a Florida Communities Trust (FCT) Grant to recover partial expenses associated with the acquisition of property located at 477 Blackburn Point Road, Sarasota. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

9. RESOLUTIONS - Continued

Commr. Mercier requested consideration of Items 9, 10, and 11 simultaneously as follows:

- A. An expenditure to purchase equipment for the North County Corrections Facility, in the amount of \$35,000.00;
- B. A Resolution, Budget Amendment No. B2006-061, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding to the Sheriff's Office.

10. RESOLUTIONS - Continued

- A. An expenditure to purchase UltraLite-ALS equipment for the Forensics Services Unit, in the amount of \$16,000.00;
- B. A Resolution, Budget Amendment No. B2006-062, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding to the Sheriff's Office.

11. RESOLUTIONS - Continued

- A. An expenditure to purchase Krimesite Imager equipment for the Forensics Services Unit, in the amount of \$14,950.00;

11. RESOLUTIONS - Continued

- B.** A Resolution, Budget Amendment No. B2006-063, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding to the Sheriff's Office.

Following comments on the cost/Sheriff's Office Budget, Sheriff's Office Forensics Services Lieutenant Bruce Whitehead noted a reduction in next year's Budget to offset the costs for the purchase of the equipment.

Commr. Mercier moved to approve/adopt the following Items:

- The expenditure to purchase equipment for the North County Corrections Facility, in the amount of \$35,000.00;
- Resolution No. 2006-089, Budget Amendment No. B2006-061, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding to the Sheriff's Office;
- The expenditure to purchase UltraLite-ALS equipment for the Forensics Services Unit, in the amount of \$16,000.00;
- Resolution No. 2006-090, Budget Amendment No. B2006-062, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding to the Sheriff's Office;
- The expenditure to purchase Krimesite Imager equipment for the Forensics Services Unit, in the amount of \$14,950.00;
- Resolution No. 2006-091, Budget Amendment No. B2006-063, amending the Fiscal Year (FY) 2006 Budget to appropriate the funding to the Sheriff's Office.

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

(9:17:20)

12. FINANCIAL PLANNING - Continued

Commr. Mercier referenced the property damage claim involving a Sheriff's Office employee and expressed concern with the contributing cause of careless driving with no disciplinary action taken.

Financial Planning Safety and Risk Management Claims Adjuster Anne Howard advised of notification from the Sheriff's Office regarding the disciplinary action taken/documented. (See Item earlier this meeting.)

(9:19:06)

13. CONTRACTS - Continued

Following inquiries, Health and Human Services Social Services General Manager Charles Taylor, via teleconferencing, explained the basis for the projection rate being too high (dropouts from the Program/beds remain unfilled) and the increase versus decrease in the per diem rate, and commented on the variable costs and the status/progress of the third Phase of the Contract pertaining to provisions for transitional housing.

Commr. Staub moved to approve Contract No. 2006-291, Amendment No. 1 to Contract No. 2005-494, with First Step of Sarasota, Inc., for the operation of the VIP-ER (Phase 2 of the Community Alternatives Residential Treatment Initiative) to adjust the per unit rates from \$76.53 to \$99.08. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

County Administrator James Ley commented on the implementation of work programs to address jail (capacity) issues.

(9:28:27)

14. ADVISORY COUNCILS - Continued

Following an inquiry, Commr. Mercier noted the duties and mission of the Community Action Agency Board.

Commr. Patterson moved to appoint Natalie Allgeier and Charles Senf and to reappoint Divina Westerfield to serve three-year terms on the Community Action Agency Board as the Business, Industry, Labor, Religious, Welfare, Education, or Other Major Group/Interest Representatives, effective through April 2008. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

Commr. Staub referenced the attendance rate of individuals and Commr. Mercier noted the basis for the absenteeism at the Community Action Agency Board meetings.

(9:31:36)

15. HEALTH AND HUMAN SERVICES - Continued

Commr. Patterson noted concern with the increase in the numbers and the ability to request additional money in the Grants-In-Aid process. Health and Human Services Social Services General Manager Charles Taylor and Health and Human Services Grants-In-Aid Program Supervisor Nancy DeLoach, via teleconferencing, noted the request for additional funding in the amount of \$50,000.00, and the status of the "waiting" list/recruitment efforts.

Commr. Mercier moved to approve the allocation of Fiscal Year (FY) 2007 Grants-In-Aid funds for the Early Learning Coalition to match funds for the Scholarship Child Care and Child Care Executive Partnership Programs, in the amount of \$425,000.00. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(9:37:12)

17. RESOLUTIONS - Continued

Commr. Staub noted receipt of correspondence and the traffic study reflecting a low volume of truck traffic and inquired regarding signage to lower the speed limit versus the signage that prohibits turn arounds and commercial truck traffic.

Following comments by Public Works Traffic Engineering and Operations Manager Donald Galloway, via teleconferencing, on the traffic volume, Commr. Thaxton noted the numerous complaints, and following discussion, moved to adopt Resolution No. 2006-092 to prohibit turn arounds and through commercial trucks with more than six wheels on Church Street, Suncrest Drive, Wanda Place, and Roberts Bay Drive, as recommended by the Traffic Advisory Council. The motion was seconded by Commr. Patterson. Following discussion on enforcement issues, the motion carried by a 3-2 vote, with Commr. Staub and Chair Mills voting "No."

(9:43:11)

21. RESOLUTIONS - Continued

Following an inquiry, Public Works Executive Director Jim Harriott noted the amount of the reserve in the Contingency Fund and noted the basis for the creation/use of the funds.

Commr. Mercier moved to adopt Resolution No. 2006-096, Budget Amendment No. B2006-064, to approve the transfer of \$1,239,013.00 from Fiscal Year (FY) 2006 Contingency Fund 101 to the Transportation Trust Fund 101. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(9:45:54)

24. CONTRACTS/RESOLUTIONS - Continued

Commr. Mercier requested and Public Works Construction Projects Manager Spencer Anderson, via teleconferencing, clarified that the Budget Amendment reflects the addition of \$60,000.00 to the existing Grant for the Project.

Commr. Mercier moved to approve/adopt the following Items;

- Contract No. 2006-294, Amendment No. 1 to Contract No. 2005-357, with the Florida Department of Environmental Protection (FDEP) for the St. Armands Stormwater Improvement Project, in the amount of \$504,804.00;
- Resolution No. 2006-099, Budget Amendment No. B2006-057, to increase funding for the Project by \$60,000.00 from FDEP grant revenues.

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

(9:47:41)

25. ORDINANCES/RESOLUTIONS - Continued

Following comments by Chair Mills, Deputy County Attorney Kathleen Schneider noted deferral of Items 25B and 25C and advised that the Items should be considered at the time of the public hearing relating to the proposed Ordinance for the establishment of the Residential Neighborhood Traffic Management Program.

Following an inquiry, Public Works Traffic Engineering and Operations Manager Donald Galloway, via teleconferencing, and County Administrator James Ley requested that Staff investigate inclusion of grandfathering the Gondola Drive Project (Item 25C).

Following comments by Deputy County Attorney Schneider, Commr. Mercier moved to authorize advertising of a public hearing to consider a proposed Ordinance, amending Ordinance No. 2001-045, as amended and codified in Section 98-14 of the County Code, relating to the establishment of the Residential Neighborhood Traffic Management Program, and to waive the requirement for an Economic Impact Statement (EIS). The motion was seconded by Commr. Patterson.

Commr. Staub suggested that residents who request traffic calming measures be required to sign pledges/commitment not to exceed the speed limit and to schedule a homeowners meeting with minutes sent to the Board.

Following comments by Mr. Galloway on the current process, Commr. Staub moved to amend the motion to add language in the proposed Ordinance to require an educational component for residents (neighborhoods) applying for traffic calming measures. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

The main motion, as amended, carried by a 5-0 vote.

(10:00:49)

28. ADVISORY COUNCILS

The Board considered authorization for the Nokomis Center Revitalization Advisory Committee (NCRAC) to discuss and to schedule a public workshop on proposed changes to the Nokomis Center Revitalization Plan.

Planning and Development Services Neighborhood Services Manager Jane Grogg summarized and introduced NCRAC Chairman Bruce Dillon who provided an overview of the Committee's activities, goals, and future projects/opportunities. Discussions were held with Mr. Dillon on the review of design standards (height)/"green" and redevelopment plans/"walkable" community.

28. ADVISORY COUNCILS - Continued

Commr. Thaxton moved to authorize the NCRAC to discuss and to schedule a public workshop on proposed changes to the Nokomis Center Revitalization Plan. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

Commr. Staub requested that Staff work with SCAT (Sarasota County Area Transit) Staff regarding public transportation in the (Albee Farm Road) area during construction, without objection. Ms. Grogg noted a Staff assignment included in the report reflecting an update on the projects related to the Nokomis Center Revitalization Plan.

Commr. Thaxton requested an e-mail on the status of the underpass/"walk-under" for the (Dona Bay) Bridge, without objection. County Administrator James Ley noted to provide a report (e-mail) on FDOT's (Florida Department of Transportation) schedule/status of the stormwater pipes (located in business fronts) in the area, without objection.

(10:17:13)

29. ADVISORY COUNCILS

The Board considered the appointment of three individuals on the Environmentally Sensitive Lands Oversight Committee (ESLOC), as follows:

- A.** One individual to serve a three-year term, as the Environmental Interest Representative, effective through April 2009;
- B.** One individual to serve a three-year term, as the Business/Development Interest Representative, effective through April 2009;
- C.** One individual to serve a three-year term, as the Citizen At-Large Representative, effective through April 2009.

Environmental Services Natural Resources Project Scientist Brooke Elias responded to an inquiry regarding the residency requirement (applicant's home address in Lakewood Ranch) and advised of Mr. Gladding being ineligible to serve on the Committee. Commr. Staub commented on advertisements for advisory board vacancies and requested that Staff review the matter (correct telephone/fax numbers/font size).

Commr. Thaxton nominated Sydney Crampton as the Environmental Interest Representative. Commr. Staub moved to close the nominations. The motion, seconded by Commr. Thaxton, carried without objection.

Following comments, Chair Mills noted the reappointment of Sydney Crampton to serve a three-year term on the ESLOC, as the Environmental Interest Representative, effective through April 2009.

Commr. Thaxton nominated Jennifer Shafter to serve as the Business/Development Interest Representative. Commr. Staub nominated Helen Jelks King.

Following a vote on the nominations, Chair Mills noted the appointment of Jennifer Shafter to serve a three-year term on the ESLOC, as the Business/Development Interest Representative, effective through April 2009.

Commr. Patterson nominated Helen Jelks King as the Citizen At-Large Representative. Commr. Thaxton moved to close the nominations. The motion, seconded by Commr. Staub, carried without objection.

Chair Mills noted the reappointment of Helen Jelks King to serve a three-year term on the ESLOC, as the At-Large Representative, effective through April 2009.

(10:25:25)

30. EMERGENCY SERVICES/RESOLUTIONS

- A.** To consider approval of 17 new positions for Emergency Services;
- B.** To consider a proposed Resolution, Budget Amendment No. B2006-038, to appropriate \$973,674.00 to fund the new Firemedic positions and two Rescue positions and to establish a temporary Fire Station in the Palmer Ranch area.

Emergency Services Fire Chief Brian Gorski summarized Staff's proposal on the 17 new positions and the establishment of a temporary Fire Station in the Palmer Ranch area. Discussions were held with Fire Chief Gorski and County Administrator James Ley on the following topics/issues:

- immediate commencement/recruitment/vacancies
- funding source/no increase in rates/fire services
- mapping/staffing/systems
- financial component to the year 2016/projected revenue.

Following comments on the manufacturer of the new fleet, Commr. Staub moved to approve 17 new positions for Emergency Services. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Commr. Staub moved to adopt Resolution No. 2006-100, approving Budget Amendment No. B2006-038, to appropriate \$973,674.00 to fund the new Firemedic positions and two Rescue positions and to establish a temporary Fire Station in the Palmer Ranch area. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

RECESS: 10:34 a.m. - 10:43 a.m.

31. PLANNING AND DEVELOPMENT SERVICES

The Board considered the Retail Market Analysis Report by Consultant Robert Gray, AICP, Chairman and CEO of Strategic Planning Group, Inc.

Planning and Development Services Community Redevelopment Area Coordinator Christine Davis introduced Consultant Robert Gray who summarized the results of the Retail Market Analysis for the Englewood Community Redevelopment Area (CRA) Advisory Board. Discussions were held with Ms. Davis and Mr. Gray on the following topics/discussions:

- square footage of commercial area needed/specific location (walking distance from the water)
- "ring" models/drive time included
- connectivity to the beach access/ferry/electric ferry/TIF (Tax Increment Financing) fund/cable car (over the bay)
- time frames to commence/begin goals/mission
- immediate need for directional and ground signs
- stormwater requirements/mitigation/regional system.

(11:02:22)

Following comments, Commr. Staub moved to direct Staff and the Englewood CRA Advisory Board to bring back information on the stormwater issue/requirements and to proceed, in conjunction with the amendment to the Town Center Plan (Artists Overlay), ground level retail, and height (determination of a height), to begin discussions with the Lemon Bay Playhouse relating to relocation/parking/impacts, and to create the Request for Proposal (RFP) for the Englewood CRA Master Plan Update for review by the Board. The motion was seconded by Commr. Thaxton. Following discussion relating to the Lemon Bay Playhouse, the motion carried by a 5-0 vote.

31. PLANNING AND DEVELOPMENT SERVICES - Continued

Commr. Staub moved to direct Staff and the Englewood CRA Advisory Board to prepare a report on the financial impacts and timeline for projects that require substantial financial commitments such as the underground utility issue, ferry, cable car, and the stormwater issue and to report back to the Board. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Commr. Thaxton commended the efforts of Staff and the report.

(11:10:51)

32. IMPACT FEES

The Board considered the Impact Fee Methodology by Clancy Mullen, Director of Infrastructure Finance with Duncan and Associates, Inc.

Planning and Development Services Senior Planner Gene Engman introduced Clancy Mullen, Director of Infrastructure Finance with Duncan and Associates, Inc. Mr. Mullen summarized the scope of services/terms of the Contract, provided an overview of the time line/schedule for consideration, and alternative methodologies for consideration of impact fees.

Commr. Thaxton commented on concerns with the time frame for review of the administrative/judicial impact fees. Following comments, Commr. Patterson moved to direct Staff to work with the Consultant and bring back a proposal implementing impact fees for courts, jail, and other public facilities as expeditiously as possible. Commr. Staub seconded the motion. Following comments by County Administrator James Ley on the need for an amendment to the Contract, the motion carried by a 5-0 vote. Mr. Mullen noted the time frame to update impact fees and advised to accelerate the schedule to update impact fees (roads, parks, and libraries).

Mr. Mullen summarized the impact fee principles, revenue credits, and Legislature review, and provided alternatives to the County's current methodologies for road and park impact fees. Discussions were held on the following topics/issues:

- methodologies (consumption-based approach)/collection should meet capital improvement needs/recommendation to cross-check the methodology utilized, without objection
- "catch-up"/fairness issues/parks and libraries not increased/growth driven
- revenue credits/sources/requirements/legal constraints/legislation to address the credit issue/base fees on future Level Of Service (LOS) (parks)/revenue implications
- analysis on variable rates/single-family/bedroom/square footage/review areas relating to the distance of service availability
- road methodology/travel demand factor/national data/cost to reconstruct existing lanes/roads/suggestion to review the CIP (Capital Improvement Program)/widening project calculations/State road costs/calculations
- park methodology/LOS/value of beach/access/identification of beach parking/access.

Mr. Cullen reviewed the recommendations as follows:

- use modified consumption-based approach/calibrate national travel demand factors by total observed local travel
- include lane reconstruction costs

32. IMPACT FEES - Continued

- include State road project costs
- provide credit for capacity share of gas tax
- base park impact fees on future LOS/use marginal beach land cost only for beach access/parking sites
- provide deficiency credit for dedicated funding.

Following comments regarding review of property acquisitions and the cost per acre for beach access, Commr. Staub suggested to include State road projects/request for the most accurate impact fee/fair/equitable, and commented on surrounding Counties charging higher impact fees. (See Item 40B later this meeting.)

(12:07:50)

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

The Filed for Record List was noted.

B. BUDGETS

Clerk of the Circuit Court and County Comptroller Karen Rushing submitted a copy of the 2005 Arbitrage Report (Brochure), responded to an inquiry regarding the totals for Payment/Liability categories, and commented on the improvements made in the area of spending, regulations, and the payments/calculations to the Internal Revenue Service.

RECESS: 12:11 p.m. - 1:30 p.m.

40. OPEN TO THE PUBLIC**A. PLANNING AND DEVELOPMENT SERVICES**

Ms. Barbara Nichols commented on State Road (S.R.) 776 Corridor Plan concerns regarding development and the lack of trail/green space/buffering/landscaping (walls) plans, and tree removal, and requested immediate buffering/landscaping in the area.

Commr. Staub noted direction to Staff to address an amendment to the S.R. 776 Corridor Plan relating to the "loophole" in the Rezone and Special Exception Petitions process/standards.

B. IMPACT FEES

Mr. Jay Brady referenced the impact fee discussion held earlier this meeting and requested consideration of excluding State Road project costs from the formula/methodology, suggested consideration of modifying County road costs, noted the Board's policy relating to the issue of the cost of reconstruction of existing lanes and a fair approach, and commented on the modified consumption-based approach/method. (See Item 32 earlier this meeting.)

(1:40:02)

44. ORDINANCES

Note: Applicant is requesting a continuance to August 22, 2006.

Public hearing to consider proposed Ordinance No. 2006-007, Rezone Petition No. 05-30, a petition by Don Neu, Agent, to rezone 9.55 acres \pm located south of East Venice Avenue and 630 feet \pm east of Lee Road from OUE-1 (Open Use, Estate, 1 unit/5 acres) to RSF-3 (Residential, Single Family, 4.5 units/acre) zone district. (Planning Commission recommended denial.)

45. ORDINANCES

Note: Applicant is requesting a continuance to August 22, 2006.

Public hearing to consider proposed Ordinance No. 2006-006, Rezone Petition No. 05-29, a petition by Don Neu, Agent, to rezone 9.55 acres \pm located at the southeast corner of East Venice Avenue and Morgan Road from OUE-1 (Open Use, Estate, 1 unit/5 acres) to RSF-3 (Residential, Single Family, 4.5 units/acre) zone district. (Planning Commission recommended denial.)

Having been duly sworn, Agent Don Neu noted the basis for the request of a continuance to August 22, 2006. Following comments, Commr. Mercier moved to continue the public hearings on proposed Ordinance Nos. 2006-007 and 2006-006 to August 22, 2006, at 1:30 p.m., or as soon thereafter as possible. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(1:42:45)

33. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-030, amending Ordinance No. 84-045, relating to the establishment of Public Improvement Districts (PID), as amended and codified in Chapter 110, Article IV, of the County Code.

Having been duly sworn, Public Works Road Program District Coordinator Irene Maiolo summarized the proposal, noted Staff's recommendation for approval, and summarized the revisions to the proposed Ordinance (residency requirement in the area and dissolution of the Advisory Board).

Commr. Staub moved to close the public hearing. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Commr. Staub moved to adopt Ordinance No. 2006-030, amending Ordinance No. 84-045, relating to the establishment of PID, as amended. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(1:48:57)

41. COMMUNITY SERVICES

The Board considered the Integrated Pest Management (IPM) Program Update.

Public Works Mosquito Management Services IPM Coordinator Dr. Fred Santana provided an overview on the history and an update on the current and future of the IPM Program. Discussions were held on the following topics/issues:

- Advisory Board recommendation on the guidelines/process/responsibilities/distribution/request for a copy of the internal administrative procedures manual, without objection
- agents for weed control/choices
- record keeping/use of pesticides by the public versus the County/monitoring
- reduction in the use of pesticides in the County.

Dr. Mary Jelks, Chairman of the IPM Advisory Board, commented on the need for further research on herbicides and public education.

(2:24:43)

42. CONTRACTS/RESOLUTIONS**Sitting as the Community Redevelopment Agency (CRA) to consider the following:**

- A.** (Not a public hearing.) To authorize the Chair to execute a promissory note for the waterfront acquisition and improvements located at 10 Harbor Lane to be repaid over a three-year period with interest, in the amount of \$1,300,000.00;
- B.** (Not a public hearing.) To approve the purchase of the property located at 10 Harbor Lane utilizing funds borrowed on a short term loan from the County, in the amount of \$1,300,000.00;

Sitting as the Board of County Commissioners to consider the following:

- C.** Public hearing to adopt a proposed Resolution, Budget Amendment No. B2006-053, to appropriate the funds for the acquisition and improvements of the property located at 10 Harbor Lane;
- D.** (Not a public hearing.) A Contract, a Purchase and Sale Agreement, to authorize the Chair to execute the Contract and to authorize Staff to secure the necessary documents for the acquisition of the property located at 10 Harbor Lane, in the amount of \$1,300,000.00.

Chairman Mills recessed the Board of County Commissioners and convened as the CRA Board.

Having been duly sworn, Planning and Development Services CRA Coordinator Christine Davis summarized the proposed promissory note for the acquisition and improvements for the property located at 10 Harbor Lane and noted Staff's recommendation for approval.

Discussions were held on the following topics/issues:

- waterfront and deep water access/location of the property
- improvements (landscaping/investigation of the dock/neighboring residential property adjacent to the subject parcel)
- land use request for the property/use
- existing lease of neighboring property (north).

Sitting as the CRA, Commr. Staub moved to authorize the Chair to execute a promissory note for the waterfront acquisition and improvements located at 10 Harbor Lane to be repaid over a three-year period with interest, in the amount of \$1,300,000.00. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Sitting as the CRA, Commr. Staub moved to approve the purchase of the property located at 10 Harbor Lane utilizing funds borrowed on a short term loan from the County, in the amount of \$1,300,000.00. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Following comments, Chair Mills adjourned the CRA and reconvened as the Board of County Commissioners.

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

Commr. Staub moved to adopt Resolution No. 2006-101, approving Budget Amendment No. B2005-053, appropriating funding for the acquisition and improvements of the property located at 10 Harbor Lane. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

42. CONTRACTS/RESOLUTIONS - Continued

Commr. Staub moved to approve Contract No. 2006-295, a Purchase and Sale Agreement, and authorized the Chair to execute the Contract and authorized Staff to secure the necessary documents for the acquisition of the property located at 10 Harbor Lane, in the amount of \$1,300,000.00. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

(2:37:30)

43. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-013, Rezone Petition No. 05-32, a petition by Sandra Newell, Agent, to rezone 7.36 acres \pm located south of Dearborn Street and east of Oxford Drive from RE-2 (Residential, Estate, 1 unit/acre) to RMF-3 (Residential, Multi-Family, 13 units/acre) zone district. (Planning Commission recommended denial.)

Having been duly sworn, Planning and Development Services Principal Planner Crystal Allred presented Staff's report on the request to rezone the parcel to develop the site with 98 multi-family units in eight buildings, responded to inquiries regarding the approximate date of the zoning designations, urban designation, maximum density, the approximate acreage, surrounding zoning/designations, and examples of "step-down" zoning. Ms. Allred noted the Planning Commission's recommendation of denial, reviewed the stipulations proffered at the Planning Commission meeting, including a new Development Concept Plan, and submitted additional correspondence received on the petition. Ms. Allred noted the building height requirements and density ranges for the RMF-1, RMF-2, RFM-3, and RSF-4 zone districts and FEMA (Federal Emergency Management Agency) regulations.

Attorney Dan Bailey, duly sworn, introduced members of the presentation team, provided an overview of the proposed request, and discussed the access and interconnections to adjacent parcels.

RECESS: 2:57 p.m. - 3:05 p.m.

Following an inquiry, Attorney Bailey addressed the location of Pine Street access/entrance and Agent Sandra Newell, duly sworn, responded to an inquiry regarding adequacy of the width of the access, summarized the stipulations with additional language to the Stipulation (No. 9) relating to affordable housing as follows: ". . . and to ensure long term affordability."

Mr. Brian Lichterman, President of Vision Planning and Design, Inc., duly sworn, discussed the Sector Plan, the planning analysis/process, and higher density land use, submitted a copy and reviewed the Health Growth Calculator from the Sierra Club website, and commented on the growth in the Englewood area. Attorney Bailey commented on the urban design.

The following individuals, duly sworn, commented on the proposal:

Ms. Barbara Nichols
Ms. Kathleen Riggs
Mr. John Davis
Ms. Carolyn Schoner
Mr. Robert Forrester
Ms. Ann Rhode
Mr. Richard Williams
Mr. Douglas Kastner

43. ORDINANCES - Continued

Mr. David Spencer
Mr. Dave Kukula
Ms. Mary Kastner
Mr. Mark Hicks
Mr. Robert Seal
Ms. Kathy Cevoli
Mr. Gary Gray
Mr. John Taylor
Mr. Barry Kivell
Ms. Joanne Davis

(4:43:45)

Attorney Bailey addressed concerns regarding stormwater, traffic, delayed timing on the construction of Dearborn Street, sidewalk installation, hurricane/evacuation issues, compatibility, landscaping, setbacks, and affordable housing.

Public Works Mobility Engineering Section Supervisor Paula Wiggins, duly sworn, noted no adverse impacts from the widening of Dearborn Street and commented on the construction and design plans.

Commr. Patterson moved to close the public hearing. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(4:54:41)

Commr. Staub moved to amend/incorporate the following Stipulations:

Stipulation No. 8 (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

Outdoor recreation areas shall be illuminated from 10:00 p.m. to 7:00 a.m., Sunday through Thursday, and from 10:00 p.m. to 7:00 ~~p.m.~~ a.m., Friday and Saturday.

Stipulation No. 3 (additions shown as underlined text/substitutions shown in *italics*):

Vehicular access/egress via Oxford Drive shall be limited to emergency vehicles only, and this restriction shall be incorporated into any condominium documents. Secondary non-emergency vehicular access/egress shall be permitted easterly to Pine Street via the 30-foot ingress/egress easement required in Stipulation No. 4 of Ordinance No. 2002-042, if and when that easement becomes available and pedestrian bicycle access and cross access to the east and northeast parcels.

Stipulation No. 9 (additions shown as underlined text):

Fifteen percent of the residential units within the development shall be sold to households with incomes of 100 percent of the Area Median Income or less, as adjusted for family size. The developer shall partner with the Community Housing Trust to ensure that units are sold to income qualified individuals who have received homebuyer education and to ensure long term affordability.

43. ORDINANCES - Continued

Stipulation No. 10 (added):

Building heights shall not exceed 50 feet (three habitable floors over one level of parking). As an additional restriction, the height of an individual building shall not exceed the distance between the building and South Oxford Street, or lands which are designated as Low Density Residential in the Comprehensive Plan.

Stipulation No. 11 (added):

A 0.70 opacity buffer shall be provided along the southern boundary of the development adjacent to areas designated as Low Density Residential in the Comprehensive Plan.

Stipulation No. 12 (added):

There would be no Certificate of Occupancy issued for the subject parcel sooner than the earlier of the completion of the widening of Dearborn Street or two years for 50 percent of the dwelling units and three years for the balance.

The motion, seconded by Commr. Patterson, carried without objection.

Commr. Thaxton moved to amend Stipulation No. 9 as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

~~Fifteen~~ Twenty-five (25) percent of the residential units within the development shall be sold to households with incomes of 100 percent of the Area Median Income or less, . . .

The motion died for lack of a second.

Commr. Staub moved to deny Rezone Petition No. 05-32, not adopting Ordinance No. 2006-013. The motion was seconded by Commr. Patterson. Following individual comments, the motion carried by a 5-0 vote.

(5:05:41)

37. COMMISSION REPORTS

A. OFFICE OF ORGANIZATION PERFORMANCE

Chair Mills requested that Staff address the microphone issue in the South County Commission Chamber.

46. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-028, Rezone Petition No. 05-17, a petition by Scott Rudacille, Agent, to rezone 0.298 acres ± for the property located on the east side of Bayshore Road, 150 feet ± north of Indiana Avenue from RSF-1 (Residential, Single Family, 2.5 units/acre) to RSF-2 (Residential, Single Family, 3.5 units/acre) zone district. (Planning Commission recommended approval.)

Having been duly sworn, Planning and Development Services Senior Planner Kirk Crane summarized the proposal and noted the Planning Commission's recommendation for approval with no stipulations.

46. ORDINANCES - Continued

Commr. Thaxton moved to close the public hearing. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

Commr. Patterson moved to adopt Ordinance No. 2006-028, approving Rezone Petition No. 05-017. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Commr. Thaxton requested a time line on the process/fees on the Petition.

(5:12:28)

40. OPEN TO THE PUBLIC (Continued) - No one appeared at this time.**35. COUNTY ADMINISTRATOR'S REPORT****A. LEGISLATION**

County Administrator James Ley presented and discussed the following items:

- Tampa Bay Commuter Transit/Transportation Authority/House and Senate Bill/membership appointments/expansion/restructure of the Transit Authority/funding options/Manatee County seeking three amendments to the Legislation (House Bill)

Commr. Patterson suggested a requirement of two votes (one elected official for each County)/to support the Galvano Bill, without objection.

(5:27:12)

36. COUNTY ATTORNEY'S REPORT**A. LEGAL**

Deputy County Attorney Kathleen Schneider submitted and reviewed the following items:

- Interoffice Memorandum No. 791, noting the favorable ruling in the Case of Accela, Inc., and CRW Systems, Inc., v. Sarasota County.
- Interoffice Memorandum No. 792, noting a proposed settlement in the Case of Kevin and Syretha Elliot v. Sarasota County, Case No. 2004 CA 011777 NC.

Commr. Thaxton moved to approve the settlement agreement in the amount of \$15,000.00. The motion was seconded by Commr. Staub. Following a request for information on the accident location, without objection, the motion carried by a 5-0 vote.

B. PLATS

Deputy County Attorney Kathleen Schneider presented and Commr. Staub moved to approve the Final Plat of Stillwater, Unit 3. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(5:30:06)

37. COMMISSION REPORTS - Continued**A. BCC - Continued**

Chair Mills deferred the remaining Commission Reports to April 26, 2006.

38. BCC

The Board reviewed the County Commission Outstanding Board Assignments Report dated April 19, 2006. County Administrator James Ley noted the due date of Item No. 1, ID No. 06036.

39. BCC

The Board reviewed the Board of County Commissioners Meeting Schedule. Following discussion on the School Concurrency meeting (May 12, 2006) and the Turnpike Authority meeting (May 18, 2006), Chair Mills noted his absence at the Joint Meeting with the City of North Port on May 1, 2006.

MEETING ADJOURNED: 5:33 p.m.