

**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
Stephen DeMarsh, County Attorney
Claudia Goodson, Deputy Clerk
Spring Dickson, Deputy Clerk

INVOCATION

Public Works Road Program District Coordinator Irene Maiolo

PLEDGE OF ALLEGIANCE

Commissioner Mercier

PRESENTATION

Stop Red Light Running Coalition

Staff Presenter: County Administrator James Ley

Public Presenters: Manatee County Chamber of Commerce Public Affairs Vice President Neil Spirtas and President of the Stop Red Light Running Coalition Program Melissa Wandall

Item submitted: A copy of the Stop Red Light Running Coalition Program

9:14:14 Board Action: Allocated up to \$5,000.00 to the Stop Red Light Running Coalition Program and requested that the County Lobbyists advocate the Program. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

DISCUSSION SECTION:

1. PLANNING AND DEVELOPMENT SERVICES

The Board considered the appointment of one individual to fill an unexpired three-year term on the Osprey Revitalization Committee (ORC), effective through April 2007.

9:18:18 Board Action: Closed the nominations. Moved by Staub, seconded by Thaxton, without objection.

9:18:44 Board Action: Appointed George Dellos to fill an unexpired three-year term on the ORC, effective through April 2007, without objection.

9:19:25 Board Action: Requested correspondence be sent to ORC Board Member Lonie Buchner regarding the Board's attendance policy for advisory board members. Requested by Staub, without objection.

2. ENVIRONMENTAL SERVICES

The Board considered the following Items:

- A. Authorization to advertise a public hearing to consider a proposed Ordinance to establish the Lake Sarasota Water District;
- B. Authorization to advertise a public hearing to consider a proposed Resolution, a Notice of Intent, to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments to fund water improvements within the Lake Sarasota Water District.

Staff Presenter: Environmental Services Project Controls Program Management Manager
Lori Carroll

Items submitted: A copy of Staff's PowerPoint presentation

9:27:53 Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance to establish the Lake Sarasota Water District. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

9:27:53 Board Action: Authorized advertisement of a public hearing to consider a proposed Resolution, a Notice of Intent, to use the uniform method for the levy, collection, and enforcement of non-ad valorem assessments to fund water improvements within the Lake Sarasota Water District. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

PUBLIC HEARINGS:**3. ENVIRONMENTAL SERVICES**

Sitting as the Water and Navigation Control Authority (WNCA):

Public hearing to consider a proposed Resolution authorizing WNCA Major Work Permit Application No. 2006-139806-RW, submitted by Derby Bay North Condominium Association, Inc., for the modification of an existing multi-family dock facility with no proposed construction, to remove a handrail on the existing northern dock to create a fifth mooring area at property located at Derby Bay North Condominium, Derby Bay Lane, Sarasota.

Staff Presenters: Environmental Services Resource Protection Environmental Supervisor Howard Berna and Environmental Services Resource Protection Supervisor Matthew Osterhoudt

Public Presenters: Roland Marinkovic and James Rohrer

Items submitted: Copies of correspondence on the petition

9:35:21 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Staub, carried without objection.

9:35:34 Board Action: Adopted Resolution No. 2006-261, approving WNCA Major Work Permit Application No. 2006-139806-RW. Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

9:37:01 Board Action: Requested review of the WNCA Code to address the possibility of Staff review/approval of non-construction petitions. Requested by Staub, without objection.

Chair Patterson adjourned the WNCA and reconvened as the Board of County Commissioners.

Note: Oath/Signature Cards Filed for Record.

4. ENVIRONMENTAL SERVICES

Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-012, amending the Fiscal Year (FY) 2007 Budget for the redemption on or before February 28, 2007, of 2010 Sarasota County Florida Utility System Revenue Refunding Bonds, series 1996A maturing on or after October 1, 2010.

Staff Presenter: Environmental Services Operations General Manager George MacFarlane

9:40:18 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

9:40:26 Board Action: Adopted Resolution No. 2006-260, approving Budget Amendment No. B2007-012. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 9:41 a.m. - 9:46 a.m.

5. PUBLIC WORKS

Public hearing to consider proposed Ordinance No. 2006-089, codified as Article XV of Chapter 110 of the County Code, establishing the Siesta Key Village Beautification Public Improvement District (PID).

Staff Presenters: Public Works Road Program District Coordinator Irene Maiolo, County Attorney Stephen DeMarsh, Deputy County Attorney Kathleen Schneider, and County Administrator James Ley

Public Presenters: Brian DeFour, Gerard Ezcurra, Max Nuebler, Jr., Kay Kouvatso, Roz Hyman, Richard Davidson, Mark Smith, Troy Syprett, and John Davidson

10:26:43 Board Action: Requested consideration for the County to fund the Siesta Key Village Beautification Project. Requested by Mercier, without objection.

10:29:44 Board Action: Requested consideration to establish a Board policy regarding the use of the Community Investment Fund for County Beautification Improvement Projects. Requested by Staub, without objection.

10:32:57 Board Action: Requested review of utilizing Tourist Development Tax (TDT) funds for the Siesta Key Village Beautification Project. Requested by Thaxton, without objection.

10:36:33 Board Action: Requested that the Siesta Key Village PID be revised to a Maintenance Taxing District should the County fund the Siesta Key Village Beautification Project. Requested by Barbetta and Thaxton, without objection.

10:56:05 Board Action: Requested consideration to include trash pick-up in the "back areas/streets" (along Canal Road) in the assessment fee for the proposed Maintenance Taxing District. Requested by Patterson, without objection.

10:59:06 Board Action: Requested consideration to include funds for the policing of areas behind the commercial areas in the assessment fee for the proposed Maintenance Taxing District. Requested by Patterson, without objection.

11:10:21 Board Action: Closed the public hearing. Moved by Barbetta, seconded by Mercier, carried without objection.

5. PUBLIC WORKS - Continued

11:12:39 Board Action: Continued the public hearing to January 10, 2006, at 9:00 a.m., or as soon thereafter as possible, requested a revised Municipal Service Taxing Unit (MSTU) as a Maintenance District, with the same boundaries, including funding for the policing of the immediate Siesta Key Village area, and approved the County's funding of the Siesta Key Village Beautification Project. Moved by Staub, seconded by Barbetta, carried by a 4-1 vote; Thaxton voted "No."

11:14:04 Board Action: Requested review of easements issues relative to the Siesta Key Village Beautification Project. Requested by Mercier, without objection.

11:17:18 Board Action: Requested that the proposal contain language to incorporate ideas relative to the potential/future implementation of a trolley system for the Siesta Key area. Requested by Patterson, without objection.

Note: Oath/Signature Cards Filed for Record.

13. OTHER BUSINESS**A. PLANNING AND DEVELOPMENT SERVICES**

Staff Presenter: County Administrator James Ley

11:18:45 Board Action: Authorized the advertisement of a public hearing of a proposed Resolution relative to the establishment of the Myakka Ranch Community Development. Moved by Thaxton, seconded by Staub, carried by 4-0 vote, with Mercier not present.

B. ADMINISTRATION

11:20:06 Board Action: Approved a request by the Metropolitan Planning Organization (MPO) to appropriate funds for a celebration event relative to the Tamiami Trail Scenic Highway, in the amount of \$300.00. Moved by Thaxton, seconded by Staub, carried by a 4-0 vote, with Barbetta not present.

C. PLANNING AND DEVELOPMENT SERVICES

Staff Presenters: Planning and Development Services Executive Director Rob Lewis, Assistant County Attorney Gary Oldehoff, Community Services Interim Executive Director Larry Arnold, County Administrator James Ley, and Planning and Development Services General Manager Anne McClung

Items submitted: A copy of a Staff memorandum entitled "Materials for the Joint Planning Agreement (JPA) between Sarasota County and the City of Venice" and a copy of a document entitled "First Draft copy of the North Port JPA"

11:32:04 Board Action: Requested adoption of the JPA's by Ordinance to address issues relative to JPA amendments by a super majority vote. Requested by Thaxton, without objection.

11:34:25 Board Action: Added a provision in the proposed JPA's to require a super majority vote of the Board to amend or renegotiate the JPA and Interlocal Service Boundary (ISB) Agreements. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

11:52:52 Board Action: Requested review of JPA's during the afternoon session this date. Requested by Staub, without objection.

RECESS: 11:57 a.m. - 1:30 p.m.

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

PUBLIC HEARINGS**7. ENVIRONMENTAL SERVICES**

Public hearing continued from November 15, 2006, to consider a proposed Resolution, Coastal Setback Variance Petition No. 79-03-06-375, a petition by Kenneth Erlick, represented by Attorney William Merrill, Agent, to demolish the existing residence and construct a single-family residence, driveway, and deck. All proposed construction will be a maximum of 199.6 feet seaward of the Gulf Beach Setback Line (GBSL) at property fronting the Gulf of Mexico located at 656 Beach Road, Siesta Key.

Staff Presenter: Environmental Services Environmental Specialist II Rachel Herman

Public Presenters: Attorney William Merrill, Carl Abbott, Attorney Alan Roddy, Attorney Nancy Cason, Mike Lofino, Gordon Hester, and Julian Webb

Items submitted: A copy of correspondence from Attorney Nancy Cason, a copy of a proffered stipulation by the Applicant, photographs of the proposed building model, a copy of a chart entitled "Erlick House Minimum Variance Necessary," and a copy of a Dimensioned Site Plan

3:06:41 Board Action: Approved the additional language to Stipulation No. 4 on page 3 limiting the two parcels to one single-family residence. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

3:08:44 Board Action: Approved the following additional language to Stipulation No. 4 on page 3 (additions shown as underlined text). Moved by Thaxton, seconded by Staub, carried without objection.

Except for the at-grade wooden deck, which shall extend no farther than 194.8 feet seaward of the Gulf Beach Setback Line, no part of the structure shall extend farther than 175.5 feet seaward of the Gulf Beach Setback Line. The plans contained in Exhibit "B" shall be revised as needed to comply with this condition.

3:09:00 Board Action: Closed the public hearing. Moved by Mercier, seconded by Thaxton, carried without objection.

3:17:05 Board Action: Adopted Resolution No. 2006-263, approving Coastal Setback Variance Petition No. 79-03-06-375, as amended. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 3:17 p.m. - 3:29 p.m.

8. PUBLIC WORKS

Public hearing to consider a proposed Resolution, Plat Vacation Petition No. PV05-10, a petition by Brian Frazer, to vacate the County's interest of a portion of a 35-foot wide platted, public drainage easement lying within Lot 5 and the southerly one-half of Lot 4, Nokomis Oaks, to clear a title defect caused by a lanai and pool deck encroachment.

Staff Presenters: Public Works Real Property Manager Lin Kurant and County Attorney Stephen DeMarsh

8. PUBLIC WORKS - Continued

3:35:43 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Staub, carried without objection.

3:41:30 Board Action: Moved denial of Plat Vacation Petition No. PV05-10. Moved by Thaxton, seconded by Mercier, failed by a 2-3 vote; Staub, Thaxton, and Patterson voted "No."

3:44:11 Board Action: Adopted Resolution No. 2006-264, approving Plat Vacation Petition No. PV05-10. Moved by Staub, seconded by Thaxton, carried by a 3-2 vote; Mercier and Barbetta voted "No."

Note: Oath/Signature Cards Filed for Record.

9. PUBLIC WORKS

Public hearing to consider a proposed Resolution, Plat Vacation Petition No. PV05-11, a petition by Nancy Jett Thompson, to vacate the County's interest of a portion of an eight-foot wide platted rear lot line public drainage and utility easement lying within Lot 18, Englewood Golf Course, Unit No. 1, to clear a title defect caused by a pool deck and cage encroachment.

Staff Presenter: Public Works Real Property Manager Lin Kurant

3:46:33 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

3:46:53 Board Action: Adopted Resolution No. 2006-265, approving Plat Vacation Petition No. PV05-11. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

10. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2006-081, Small Area Comprehensive Plan Amendment No. RU-137, a petition by Mark Lippert, Agent, a privately-initiated revision to the Future Land Use Map (FLUM) to change the designation of 1.54 acres ± located on the north side of Palmer Boulevard and east of Honore Avenue from Medium Density Residential (≥5 to ≤9 units/acre) to Neighborhood Commercial Center (NCC). (Planning Commission recommended approval.)

Staff Presenters: Planning and Development Services Senior Planner Kirk Crane, Public Works Transportation Mobility Planning Manager Paula Wiggins, and Planning and Development Services Current Planning Manager Crystal Allred

Public Presenter: Bruce Franklin, Agent

4:22:44 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Mercier, carried without objection.

4:28:41 Board Action: Moved to adopt Ordinance No. 2006-081, approving Small Area Comprehensive Plan Amendment No. RU-137. Moved by Mercier, seconded by Thaxton.

4:29:09 Board Action: Withdrew motion to adopt Ordinance No. 2006-081. Requested by Mercier, without objection.

4:29:43 Board Action: Approved readvertisement and continued the public hearing for proposed Ordinance No. 2006-081 to a date uncertain. Moved by Thaxton, seconded by Staub, carried by 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

11. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2006-088, Rezone Petition No. 06-15, a petition by Alan Garrett, Agent, to rezone 5.2 acres ± located at the southeast corner of 47th Street and Greenwood Stables Road, from OUE-1 (Open Use, Estate, 1 unit/5 acres) to RE-1 (Residential Estate, 1 unit/2 acres) zone district. (Planning Commission recommended approval.)

Staff Presenter: Planning and Development Services Planner Edward Wolfe

Public Presenter: Alan Garrett, Agent

4:34:45 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

4:35:22 Board Action: Adopted Ordinance No. 2006-088, approving Rezone Petition No. 06-15, with one stipulation. Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

12. ENVIRONMENTAL SERVICES

Public hearing to consider proposed Ordinance No. 2006-091, amending Ordinance No. 72-84, as amended and codified in Chapter 54, Article XX of the County Code, the Water and Navigation Control Authority Ordinance, to create consistency with adopted Comprehensive Plan Amendments and to clarify the application and functions of the Code to protect natural resources, navigation, and private property rights.

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

Staff Presenters: Environmental Services Resource Protection Environmental Supervisor Howard Berna, Environmental Services Resource Protection Manager Amy Meese, Environmental Services Resource Protection Supervisor Matthew Osterhoudt, and County Attorney Stephen DeMarsh

Item submitted: A copy of a document entitled "Scrivener Errors"

4:49:40 Board Action: Revised page 27, Section 54-660, Item 1.a., of proposed Ordinance No. 2006-091 as follows (additions shown as underlined text, deletions shown as ~~strikethrough~~ text). Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

However, where unique site-specific conditions as described below occur, the Administrator or Authority has the ~~right~~ authority but not the obligation to grant relief . . .

4:57:39 Board Action: Revised page 14, Section 54-660, Item 9, of proposed Ordinance No. 2006-091 as follows (additions shown as underlined text). Moved by Thaxton, seconded by Patterson, carried by a 5-0 vote.

Projects by municipal governmental agencies other than Sarasota County . . .

5:07:59 Board Action: Approved the scrivener's errors corrections submitted by Staff. Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

12. ENVIRONMENTAL SERVICES - Continued

5:12:16 Board Action: Revised page 33, Section 54-656, Item 7.b.1. of proposed Ordinance No. 2006-091 as follows (additions shown as underlined text, deletions shown as ~~strikethrough~~ text). Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

Docks, Piers, and Similar Structures. All Docks, Piers and similar structures shall to the greatest extent practical avoid all impacts to native habitats. If impacts are unavoidable, the structure shall then minimize impacts by incorporating the designed standards provided in Section 54-656. Within mangrove swamp habitats, direct impacts to mangrove trees shall be avoided and if unavoidable, minimized through site specific design.

5:14:55 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

Chair Patterson recessed the WNCA and convened as the Land Development Regulation Commission (LDRC).

5:15:44 Board Action: Sitting as the Land Development Regulation Commission, found proposed Ordinance No. 2006-091 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.

5:17:38 Board Action: Adopted Ordinance No. 2006-091, amending Ordinance No. 72-84, as amended. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 5:18 p.m. - 5:25 p.m.

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

13. OTHER BUSINESS - Continued

C. PLANNING AND DEVELOPMENT SERVICES - Continued

Staff Presenters: Community Services Interim Executive Director Larry Arnold, County Administrator James Ley, Planning and Development Services Planning Director Anne McClung, Planning and Development Services Executive Director Rob Lewis, County Attorney Stephen DeMarsh, and Environmental Services Resource Protection Manager Amy Meese

Items submitted: A copy of an Interoffice Memorandum entitled "Materials for the Joint Planning Agreement (JPA) between Sarasota County and the City of North Port," a copy of a document entitled "First Draft Copy of the North Port JPA," and a copy of an e-mail from Linda Shelley

5:36:21 Board Action: Deleted paragraph 6 on page 3 of the Joint Planning and Interlocal Service Boundary Agreements (JPISBA) with the Cities of North Port and Venice. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

13. OTHER BUSINESS - Continued**D. PLANNING AND DEVELOPMENT SERVICES - Continued**

5:40:30 Board Action: Requested clarification of the parcels which may be annexed on page 5, Item 3A, of the proposed City of North Port JPISBA. Requested by Thaxton, without objection.

5:42:37 Board Action: Requested a provision that prohibits enclaves without County consent in the proposed City of North Port JPISBA. Requested by Patterson, without objection.

5:44:38 Board Action: Requested to add the words "Exhibit A-1, A-2, and A-3" to Item 5, page 5 of the proposed City of North Port JPISBA. Requested by Thaxton, without objection.

5:57:04 Board Action: Requested that the Potential Annexation Area 1A, U.S. 41 Corridor (from the North Port City limits to the River Road intersection), be deleted from Exhibit A-1 of the proposed City of North Port JPISBA and a joint planning study be implemented with the City of North Port for the area parcels. Requested by Staub, without objection.

5:59:04 Board Action: Requested that the Potential Annexation Area 1B, U.S. 41 Corridor, include the three parcels (identified in white) adjacent to Area 1B (identified in gold) in Exhibit A-1 of the proposed City of North Port JPISBA. Requested by Patterson, without objection.

6:02:34 Board Action: Requested the addition of the words "as long as no enclaves are created" to Item 5, page 5 of the proposed City of North Port JPISBA. Requested by Staub, without objection.

6:13:10 Board Action: Requested that Potential Annexation Area 2A, Thomas Ranch Westerly Five Sections, in Exhibit A-2 of the proposed City of North Port JPISBA be deleted as Potential Annexation Areas, to reference the parcels as Future Development Areas, and that a Joint Planning Agreement be created within five years to address planning, infrastructure, and the potential transfer of development rights of the subject parcels. Requested by Patterson, with majority consensus.

6:29:18 Board Action: Requested that no commercial development be allowed on the parcels adjacent to Potential Annexation Areas 3A, Blackburn Property Settlement, and 3B, Blackburn Road/River Road/Center Road in Exhibit A-3 of the proposed City of North Port JPISBA. Requested by Staub, without objection.

6:48:20 Board Action: Requested that the word "than" be added following the word "later" in Item 8, page 13 of the proposed City of North Port JPISBA. Requested by Barbetta, without objection.

6:54:04 Board Action: Requested clarification of the language in Item 7, page 17 of the proposed City of North Port JPISBA relative to the enforcement of County conditions and the issuance of land use and development permits. Requested by Barbetta and Patterson, without objection.

6:55:04 Board Action: Requested that the word "This" be revised to the word "The" in Item 10J, page 18 of the proposed City of North Port JPISBA. Requested by Thaxton, without objection.

6:56:57 Board Action: Requested review of Item 19, page 23 of the proposed City of North Port JPISBA relative to the future Charter Amendment provision. Requested by Barbetta, without objection.

7:01:38 Board Action: Requested review of Item 20, page 23 of the proposed City of North Port JPISBA relative to subsequent Legislative enactments. Requested by Staub, without objection.

MEETING ADJOURNED: 7:05 p.m.