

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

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

2:00 p.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
Stephen DeMarsh, County Attorney
Paula Clintsman, Deputy Clerk

PLEDGE OF ALLEGIANCE

Chair Mills

1. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-062, Calling for a Special Election to consider a proposed Amendment to the County Charter providing for County pre-emption over Municipal Land Use designations outside the Urban Service Area.

Having been duly sworn, Planning and Development Services Planning Director Anne McClung submitted additional correspondence received on the proposal and summarized the historical annexation patterns by the Cities of Venice and North Port.

Discussions were held with Ms. McClung and Public Works Executive Director James Harriott, duly sworn, on the following topics/issues:

- trips per day/traffic volume on a roadway network/U.S. 41
- geographic boundaries and total annexation acreage by the City of Venice
- residential units per acre/density comparisons of the County versus the City of North Port
- zoning districts/categories
- annexation impacts/comparisons for trip and water calculations
- submittal of Staff's PowerPoint presentation
- history of annexations/voluntary annexations/boundaries
- Interlocal Agreement with the City of Venice/annexation of enclaves.

(2:20:12)

County Attorney Stephen DeMarsh referenced Memorandum No. 816 of Staff's report and provided an overview of Versions I, II, and III of the proposed ballot language and recommended that the Board approve Version II or III for consideration.

Following comments, Commr. Staub moved to consider Version III of the proposed ballot language that includes Version II and adds additional language at the end of Section 3.3B(1) as follows: "Provided, however, if the County and municipality have entered into a Joint Planning Agreement (JPA) with respect to lands lying outside the Urban Service Area, that Agreement shall control with respect to those lands." The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(2:25:17)

1. ORDINANCES - Continued

Discussions were held with County Administrator James Ley and County Attorney DeMarsh regarding the requests by the Cities of Venice and North Port to allow certain parcels to proceed with Comprehensive Plan Amendments (Future Land Use designations)/annexation petitions.

(2:32:26)

Venice City Manager Martin Black, duly sworn, submitted a copy of his resume, requested a delay for a Special Election, and noted agreement for a moratorium on accepting or further processing any annexation applications and Comprehensive Plan Amendments for properties lying outside the Urban Service Area. Venice City Manager Black identified and requested that the County allow the City of Venice to proceed with processing the following petitions:

- Gene Green Road/Cement Plant Relocation Area
- The Bridges Area
- Future Industrial Area
- Jacaranda Boulevard Extension Area.

Discussions were held with Venice City Manager Black and Venice City Mayor Fred Hammett, duly sworn, on the following topics/issues:

- Comprehensive Plan/annexation petitions versus the parcels identified to be held in abeyance
- submittal of a copy of the Annexation/Comprehensive Plan Moratorium Terms document/suggestion to delete the language in Item No. 5, relating to the County's agreement to not object/comment on processing petitions already filed and under review by the City of Venice and deletion of the word "associated" in Item No. 1
- status of the Nokomis Groves, Jacaranda Extension, Laurel Park North and South, Laurel Lakes/Hurt/Knights Trail Park properties/areas/total acreage/units.

(2:53:40)

North Port City Manager Steve Crowell, duly sworn, and North Port City Planning Director Samuel Jones, duly sworn, submitted copies of documents entitled "County Annexation Referendum" and "Proposed Annexation/Comprehensive Plan Moratorium Terms," and provided background information on the growth and potential annexation areas.

Discussions were held with North Port City Planning Director Jones, North Port City Commissioner Fred Tower, III, duly sworn, and County Attorney DeMarsh on the following topics/issues:

- exemption of the River Road Office Park property
- conservation easements areas/map
- Walton/Longino properties/access/Toledo Blade Boulevard
- prior JPA
- Proposed Annexation/Comprehensive Plan Moratorium Terms/language for both Cities of Venice and North Port
- annexation petitions/Blackburn property/River Road/time period
- position statement approved by the City of North Port/request to amend the language relating to the term "associated"/add State Law language, without objection.

1. ORDINANCES - Continued

- properties annexed/acceleration/term "obligation"/scheduling of the public hearing/Isles of Athena (IOA)
- submittal of the Proposed Annexation/Comprehensive Plan Moratorium Terms document by the City of North Port.

RECESS: 3:36 p.m. - 3:52 p.m.

The following individuals, duly sworn, commented on the proposed Charter Amendment. Discussions were held throughout the public testimony.

Mr. John Ryan
Sarasota City Commissioner Lou Ann Palmer
Mr. Don O'Connell
Mr. Robert Crossley (submitted written comments)
Mr. Tom Slaughter
Attorney Alan Roddy
Mr. Brian Tuttle
Ms. Ann Murdock
Ms. Janis Fawn
Mr. Frederick Cass
Mr. Neil Bass
Ms. Kathleen Weeden
Mr. John Yrosko
Venice City Council Member John Moore
Ms. Rita Sakowicz
Attorney Jeff Russell
Ms. Nancy Woodley
Dr. Barri Burrus
Ms. Pat Hodgkins
Mr. Pat Neal
Mr. Dale Weidemiller

RECESS: 5:02 p.m. - 5:14 p.m.

The public testimony continued with the following individuals, duly sworn, commenting on the proposed Charter Amendment:

Mr. Michael Johnson
Ms. Edith Alexander
Mr. John Fournier
Mr. Bill Moore
Mr. Teri Hansen
Mr. Buster Longino
Mr. Costa Xistris
Mr. Lee Brown (submitted written comments)
Mr. Herb Levine
Mr. Dick Sheldon
Ms. Barbara Tisdale
Ms. Gerry Swarmstedt
Dr. Robert Burrus
Mr. Ernest Zavodnyik

1. ORDINANCES - Continued

Ms. Sue Lang
Mr. Bill Newnam
Mr. Donald Chaney
Ms. Rosemary Vauzanges
Mr. Steve Trombeta
Mr. Richard Walker
Mr. William Callan, Jr.
Attorney Jeffery Boone
Mr. Eugene Matthews
Mr. Tom Dabney
Mr. Bill Zoeller
Mr. John Patten
Mr. C.J. Fishman

(6:40:33)

Commr. Patterson moved to close the public hearing. The motion was seconded by Commr. Thaxton. Following comments, Chair Mills noted Board consensus to keep the public hearing open.

Following comments, Commr. Patterson moved that the four properties listed in the Venice Proposed Annexation/Comprehensive Plan Moratorium Terms document (Gene Green Road/Cement Plant Relocation Area, The Bridges Area, Future Industrial Area, and the Jacaranda Boulevard Extension Area) be exempt from the Moratorium and be excluded from the Annexation Agreement. The motion, seconded by Commr. Staub, carried without objection.

Following comments, Commr. Patterson moved to delete the word "associated" in Item No.1, and to delete the clause in Item No. 5, as outlined in the City of Venice Proposed Annexation/Comprehensive Plan Moratorium Terms document, as follows (deletions shown as ~~strikethrough~~ text):

" . . . ~~any annexation and Comprehensive Plan petitions within the Urban Service Area during the period of the above described moratorium and to not to object . . .~~"

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

(6:47:40)

Venice City Manager Black noted agreement with the revisions and County Attorney DeMarsh recommended that revisions be drafted by the Cities of North Port and Venice and be submitted to the County Administrator and the County Attorney for review.

Discussion ensued with County Attorney DeMarsh and County Administrator Ley on the following topics/issues:

- authorization and/or reaffirmation by each Municipality on the proposed revisions
- timeline for submittal of the ballot language to the Supervisor of Elections
- time frame for presentation of the final Agreement
- time frame for placement of the Charter Amendment on the ballot.

1. ORDINANCES - Continued

Following discussion, Commr. Staub moved to revise Item Nos. 1 and 2 for the City of Venice's Proposed Annexation/Comprehensive Plan Moratorium Terms document to read as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

1. ". . . to commence on September ~~45~~ 13, 2006, and expire on March ~~45~~, 13, 2007."
2. During the period of the above described Moratorium, the County Commission agrees not to hold a Special Election prior to March 12, 2007 ~~adopt an Ordinance placing the subject Charter Amendment on the ballot for a referendum vote.~~

The motion was seconded by Commr. Thaxton. Following discussion regarding identical language revisions to the City of North Port's Proposed Annexation/Comprehensive Plan Moratorium Terms document, the motion carried by a 5-0 vote.

Commr. Staub moved to revise Item Nos. 1 and 2 for the City of North Port's Proposed Annexation/Comprehensive Plan Moratorium Terms document to read as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

1. ". . . to commence on September ~~45~~ 13, 2006, and expire on March ~~45~~, 13, 2007."
2. During the period of the above described Moratorium, the County Commission agrees not to hold a Special Election prior to March 12, 2007 ~~adopt an Ordinance placing the subject Charter Amendment on the ballot for a referendum vote.~~

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

(7:13:11)

Following clarification of the City of North Port properties requested to be exempt by North Port City Planning Director Jones, Commr. Staub moved to exempt the River Road Office Park property, the Hospital property adjacent to MCC (Manatee Community College), and the H.M.T.A. (Village Area) property located in the northeast quadrant of Interstate 75 (I-75) and Toledo Blade Boulevard. The motion was seconded by Commr. Patterson. Following discussion with Mr. Jones and Attorney Boone on the location and acreage of the H.M.T.A. property, the motion carried by a 5-0 vote.

Discussion ensued with North Port City Planning Director Jones regarding the following topics/issues:

- status of the Blackburn property
- pending annexation applications
- the effective date of the Moratorium
- authority and time frame for the City of North to revise the Proposed Annexation/Comprehensive Plan Moratorium Terms document
- properties requested to be held in abeyance
- IOA/scheduling the public hearing during the period of the Moratorium.

(7:24:15)

1. ORDINANCES - Continued

Following a request for grammatical corrections (he/his/pronouns), Commr. Thaxton moved to revise Item No. 4 of the City of North Port's Proposed Annexation/ Comprehensive Plan Moratorium Terms document as follows (deletions shown as ~~strikethrough~~ text):

“ . . . agencies ~~that submitted questions for the first sufficiency review~~ within the required . . . ”

The motion, seconded by Commr. Staub, carried by a 5-0 vote.
(7:26:18)

Commr. Thaxton moved to add the following language to Item No. 4, last paragraph, to read as follows (additions shown as underlined text):

“All other lands, other than the IOA, in the City of North Port are presently subject to the . . . ”

The motion was seconded by Commr. Staub. Following discussion, the motion carried by a 5-0 vote.

City of North Port Acting City Attorney Jack Kracht, duly sworn, advised that the City of North Port Commission will require a meeting to review/ratify/approve the revisions to the Proposed Annexation/Comprehensive Plan Moratorium Terms document.

Discussion ensued with County Administrator Ley, County Attorney DeMarsh, and North Port City Commissioner Barbara Gross, duly sworn, regarding advertising, scheduling joint meetings with municipalities, and the time frame to continue the public hearing.

Commr. Staub moved to continue the public hearing to September 18, 2006, at 12:00 p.m., or as soon thereafter as possible, in the First Floor Commission Chamber, 1660 Ringling Boulevard, Sarasota. The motion was seconded by Commr. Thaxton. Following individual comments, the motion carried by a 5-0 vote.

2. OTHER BUSINESS - No other items were presented.

MEETING ADJOURNED: 7:35 p.m.