

**MINUTES  
BOARD OF COUNTY COMMISSIONERS**

**ROBERT L. ANDERSON ADMINISTRATION CENTER  
4000 SOUTH TAMiami TRAIL  
COUNTY COMMISSION CHAMBER  
VENICE, 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  
David Bullock, Deputy County Administrator  
Stephen DeMarsh, County Attorney  
Peter Ramsden, Clerk of the Circuit Court Finance Director  
Paula Clintsman, Deputy Clerk  
Latressa Preston, Deputy Clerk

**INVOCATION**

Brenda Bair, Environmental Services Wastewater Collection and Water Distribution Program Manager

**PLEDGE OF ALLEGIANCE**

Commissioner Barbetta

**PRESENTATION OF PROCLAMATIONS:**

Lemon Bay Fest: Englewood History with Zest - February 3 through February 10, 2007

**CONSENT SECTION:**

9:08:31 Board Action: Approved Items 1-20, with separate discussions on Items 6, 9, and 10. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

**1. ADMINISTRATION**

Ratified the previously issued Proclamation for the Tamiami Trail Scenic Highway Day - December 13, 2006.

**2. COMMUNITY SERVICES**

Approved Contract No. 2007-215, an Interlocal Agreement, with Manatee County to provide Talking Book Services to visually impaired citizens for Fiscal Year (FY) 2007, in the amount of \$105,453.00.

**3. EMERGENCY SERVICES**

Approved Contract No. 2007-216, Amendment No. 1 to Contract Nos. 2006-225 and 2006-226, a Memorandum of Understanding, with the Florida Department of Financial Services, Division of State Fire Marshal, for expenditure of Local Government Unit Funding for the Florida Regional Hazardous/Weapons of Mass Destruction Teams 2005 Domestic Preparedness State Homeland Security Grant Program to extend the Grant period to February 28, 2007.

**4. EMERGENCY SERVICES**

Approved Contract No. 2007-217, with Motorola, Inc., for the purchase of a Mobile Data Terminal/Automatic Vehicle Location system for the Fire Department, in an amount not to exceed \$1,849,066.00.

**5. ENVIRONMENTAL SERVICES**

- A.** Approved Contract No. 2007-218, Funding Agreement No. S0317, with the Florida Department of Environmental Protection (FDEP) for the construction of the Celery Fields Regional Stormwater Facility Phase 3 Expansion Project, in the amount of \$10,079,880.00;
- B.** Adopted Resolution No. 2007-014, Budget Amendment No. B2007-024, amending the Fiscal Year (FY) 2007 Budget to appropriate the Grant funding.

**6. ENVIRONMENTAL SERVICES**

9:11:19 Board Action: Approved Contract No. 2007-219, a Cooperative Funding Agreement, with the Southwest Florida Water Management District (SWFWMD), for the North American Vertical Datum of 1988 (NAVD88) Control Densification (L617) to assist in creating digital Flood Insurance Rate Maps, in the amount of \$100,000.00. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

**7. ENVIRONMENTAL SERVICES**

Approved Contract No. 2007-220, a Professional Services Contract, with Giffels-Webster Engineers, Inc., for construction, engineering, and inspection services for the Phillippi Creek Septic System Replacement Program (PCSSRP), Area C, Phases 1 and 2, in the amount of \$431,500.00.

**8. ENVIRONMENTAL SERVICES**

Appointed Bert Fivelson to fill an unexpired four-year term on the Solid Waste Management Citizens Advisory Board (SWM CAB), as a Citizen-at-Large Representative, effective through February 2009.

**9. HEALTH AND HUMAN SERVICES**

Deferred the Contract with Liebert and Associates, for the planning and design consulting services for a new County detention facility, in the amount of \$209,100.00.

9:17:16 Board Action: Requested that prior reports on the jail studies be provided to Commr. Barbetta. Requested by Thaxton, without objection.

9:21:22 Board Action: Requested review of a "green," sustainable facility. Requested by Staub, without objection.

9:22:50 Board Action: Requested an analysis on the type of facility needed with consideration/orientation toward a work release type program. Requested by Patterson, without objection.

9:24:28 Board Action: Requested to postpone approval of the Contract to address the Board's concerns. Requested by Thaxton, without objection

9:30:39 Board Action: Approved an analysis of a regional facility with a study of the existing facility by utilizing work release type programs and defining what a new facility will accomplish, including a public demonstration for the need of a new facility. Requested by Patterson, without objection.

9:30:10 Board Action: Approved the Contract with Liebert and Associates for the planning and design consulting services for a new County detention facility, extending the period of the Contract by nine months and to bring back as a discussion item. Moved by Mercier; died for lack of a second.

9. **HEALTH AND HUMAN SERVICES - Continued**  
9:33:24 Board Action: Approved the County Administrator to explore a possible regional facility, including an analysis on how to better utilize the existing facility, to demonstrate the need, including the type of facility needed and possible educational programs. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.
10. **FINANCIAL PLANNING**  
9:37:35 Board Action: Authorized the disposal of vehicles and off-road equipment. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.
11. **FINANCIAL PLANNING**  
Approved payment to First Floridian Insurance Company as subrogee of Paul Smith, for full and final settlement of a property damage subrogation claim, in the amount of \$15,454.95.
12. **PLANNING AND DEVELOPMENT SERVICES**  
Appointed Paul Phillips to serve a four-year term on the Englewood Area Planning Advisory Board (EAPAB), effective through August 2010.
13. **PLANNING AND DEVELOPMENT SERVICES**  
Adopted Resolution No. 2007-015, a Substitute Resolution for Resolution No. 2006-200, to correct a scrivener's error relating to a Special Exception use.
14. **PUBLIC WORKS**  
Adopted Resolution No. 2007-016 to lower the speed limit from 30 miles per hour to 25 miles per hour in the area north of Webber Street, south of Hyde Park Street, east of Tuttle Avenue, and west of Phillippi Creek, as recommended by the Traffic Advisory Council.
15. **PUBLIC WORKS**  
Appointed Jordan Wenck to serve a one-year term on the Traffic Advisory Council, as the Students Taking Active Roles (STAR) in Government Representative, effective through December 2007.
16. **PUBLIC WORKS**  
Adopted Resolution No. 2007-017 to install a three-way stop traffic control at the intersection of Mauna Loa Boulevard and Luawana Drive, and adopted Resolution No. 2007-018 to install a three-way stop traffic control at the intersection of Mauna Loa Boulevard and Lago Way, as recommended by the Traffic Advisory Council.
17. **PUBLIC WORKS**  
Approved Contract No. 2007-221, a Sale and Purchase Agreement, with Oswald Henry and Hazarene Henry for the purchase of a vacant lot in order to protect a significant archaeological site lying within the City of North Port, in the amount of \$50,000.00.
18. **SHERIFF**  
Authorized the Sheriff's Office to apply to the Middle District of Florida for Grant funding and participation in the Project Safe Neighborhoods and Anti-Gang Initiative.
19. **CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**  
Ratified and approved the warrants dated January 2 through January 12, 2007, in the amount of \$31,738,093.40, as detailed in the voucher packages filed in the Finance Department.

**20. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

Approved the Minutes of the meetings dated January 4, January 9, January 10, and January 12, 2007.

**DISCUSSION SECTION:****21. PLANNING AND DEVELOPMENT SERVICES**

The Board considered the appointment of one individual to serve an unexpired four-year term on the Englewood Area Community Redevelopment Agency (CRA) Advisory Board, effective through July 2008.

Staff Presenters: Planning and Development Services Executive Director Rob Lewis and Administration Operations Manager Shirley Wittine

9:40:50 Board Action: Requested that applicants not selected be contacted and that applications remain on file for a period of one year and that the procedure is followed for all advisory boards. Requested by Staub, without objection.

9:42:25 Board Action: Requested to list applicant's occupation. Requested by Staub, without objection.

9:44:38 Board Action: Appointed Toddington Tracy to serve an unexpired term, effective through July 2008, carried unanimously; including direction to contact Peter Laurin to provide him a current advisory boards' vacancy listing.

**22. ENVIRONMENTAL SERVICES**

The Board considered the appointment of six individuals to serve two-year terms on the Water and Sewer Advisory Board, as General Representatives, effective through January 2009.

Staff Presenter: Environmental Services Water Operations Manager David Cash

9:50:42 Board Action: Appointed Robert Fedel, Judith Johnson, Mike Pender, Len Smally, Vicki Nighswander, and Clay Tappan to serve two-year terms, effective through January 2009. Noted by Patterson, without objection.

**PUBLIC HEARINGS:****23. PLANNING AND DEVELOPMENT SERVICES**

- A.** Public hearing continued from November 15, 2006, and January 12, 2007, to consider a proposed Resolution, Comprehensive Plan Amendment No. RU-131, a petition by Judson Pankey, Agent, a privately-initiated revision to the Future Land Use Map (FLUM) to change the designation of a 276.32 acre  $\pm$  parcel located at the southwest corner of University Parkway and Interstate 75 (I-75) from CHI (Commercial Highway Interchange), Major Employment Center (MEC)/Interstate Regional Office Park (IROP), ½ Village I Commercial Center, High Density Residential (>9 and <13 units/acre), to Regional Commercial Center, Village II Commercial Center and High Density Residential (>9 and <13 units/acre).
- B.** Public hearing continued from November 15, 2006, and January 12, 2007, to consider proposed Ordinance No. 2006-080, a petition by Judson Pankey, Agent, a privately-initiated Substantial Deviation to a previously approved Development of Regional Impact (DRI), Sarasota Interstate Park of Commerce (SIPOC), a 276.32 acre  $\pm$  parcel located on the southwest quadrant of University Parkway and Interstate 75 (I-75).

**23. PLANNING AND DEVELOPMENT SERVICES - Continued**

- C.** Public hearing continued from November 15, 2006, and January 12, 2007, to consider proposed Ordinance No. 2006-079, Rezone Petition No. 06-12, a petition by Judson Pankey, Agent, to rezone 276.32 acres ± located on the southwest quadrant of University Parkway and Interstate 75 (I-75), from CHI (Commercial, Highway Interchange), CG (Commercial General), PCD (Planned Commerce Development), and PID (Planned Industrial District) to CG and RMF-3/PUD (Residential, Multi-Family, 13 units/1 acre/Planned Unit Development) zone districts with Special Exceptions.
- D.** Public hearing continued from November 15, 2006, and January 12, 2007, to consider a proposed Resolution, Special Exception Petition No. 1640, a petition by Judson Pankey, Agent, to allow six zone district modifications to the Development Concept Plan under CG (Commercial General), for the property located at the southwest corner of University Parkway and Interstate 75 (I-75).

Staff Presenters: Planning and Development Services Current Planning Manager Crystal Allred, Public Works Planning Policy and Project Manager Tom Polk, Community Services Parks and Recreation Senior Planner William Wisniewski, Planning and Development Services Planning Director Anne McClung, County Administrator James Ley, and County Attorney Stephen DeMarsh

Items submitted: A copy of an e-mail from Bob Waechter and a binder from Christopher Torres representing Westfield Sarasota Square Mall's objection to the Petitions

**RECESS:** 10:43 a.m. - 10:55 a.m.

Public Presenters: Randy Benderson, Director of Benderson Development, Inc.; Stefanos Polyzoides; Jim Daisa of Kimley-Horn and Associates; Nathan Forbes; Frank Reuss, Donald Bevins, Beth Leipold, Steven Nadeau, Henry Rodriguez, Christopher Torres, James Landis, Virginia Haley, Kerry Kirschner, Steve Queior, Dr. Henry Fishkind, and Ed Vogler

12:17:22 Board Action: Continued the public hearings to later this meeting. Requested by Patterson, without objection.

**RECESS:** 12:17 p.m. - 1:30 p.m.

1:41:25 Board Action: Closed the public hearings. Moved by Thaxton, seconded by Staub, carried without objection.

1:55:07 Board Action: Adopted Resolution No. 2007-019, authorizing transmittal of Comprehensive Plan Amendment No. RU-131 to the Florida Department of Community Affairs (FDCA) for review and comment. Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

1:56:18 Board Action: Approved conceptually with a non-binding element, proposed Ordinance No. 2006-080, Substantial Deviation to a previously approved DRI, SIPOC; proposed Ordinance No. 2006-079, Rezone Petition No. 06-12; and a proposed Resolution, Special Exception Petition No. 1640. Moved by Staub, seconded by Mercier.

1:57:42 Board Action: Amended the motion to approve conceptually with a non-binding element proposed Ordinance No. 2006-080, Substantial Deviation to a previously approved DRI, SIPOC; and to defer proposed Ordinance No. 2006-079, Rezone Petition No. 06-12; and a proposed Resolution, Special Exception Petition No. 1640 until Comprehensive Plan Amendment No. RU-131 has been reviewed by the FDCA. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

**23. PLANNING AND DEVELOPMENT SERVICES - Continued**

1:59:50 Board Action: Directed the County Administrator to review/outline the necessary restrictive modifications to address the setback and height issues for mixed use projects. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(2:01:47)

**Note: Oath/Signature Cards Filed for Record.**

**RECESS:** 2:02 p.m. - 2:05 p.m.

**REPORTS SECTION:**

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

Clerk of the Circuit Court Finance Director Peter Ramsden noted the Filed for Record List.

(5:54:14)

**25. COUNTY ADMINISTRATOR'S REPORT**

5:54:21 Board Action: Deferred the County Administrator's Report to January 24, 2007, without objection.

**26. COUNTY ATTORNEY'S REPORT**

5:54:21 Board Action: Deferred the County Attorney's Report to January 24, 2007, without objection.

**27. COMMISSION AND COMMITTEE REPORTS**

5:54:21 Board Action: Requested to defer the Commission and Committee Reports to January 24, 2007. Requested by Patterson, without objection.

**28. ADMINISTRATION**

5:54:21 Board Action: Deferred the County Commission Outstanding Board Assignments Report dated January 17, 2007, to January 24, 2007, without objection.

**29. ADMINISTRATION**

5:54:21 Board Action: Deferred the Board of County Commissioners Meeting Schedule to January 24, 2007, without objection.

**30. OPEN TO THE PUBLIC - Opened and closed without comment.**

**PUBLIC HEARINGS: - Continued**

**31. PLANNING AND DEVELOPMENT SERVICES**

Public hearing continued from September 27, 2006, to consider proposed Ordinance No. 2006-064, a petition by Lennar Homes, Inc., to establish the Stoneybrook at Venice Community Development District (CDD) on 559.3 ± acres located within the boundaries on the north by Blackburn Canal, the east by River Road, the south by Center Road, and west by a Florida Power and Light (FPL) Company easement.

Staff Presenters: Planning and Development Services Land Development General Manager Terry Boswell and County Attorney Stephen DeMarsh

**31. PLANNING AND DEVELOPMENT SERVICES - Continued**

Public Presenters: Attorney Dan Bailey, Gary Natiss, Steven Eisen, Lou Russini, George Natkonetschny, William Hardman, Brian Schmidt, and Jennifer Behrens Schmidt

3:15:15 Board Action: Closed the public hearing. Moved by Mercier, seconded by Staub, carried without objection.

3:30:01 Board Action: Moved to deny Ordinance No. 2006-064, not approving the establishment of the Stoneybrook at Venice CDD. Moved by Thaxton, seconded by Barbetta, failed by a 2-3 vote; Staub, Mercier, and Patterson voted "No."

3:31:32 Board Action: Adopted Ordinance No. 2006-064, approving the establishment of the Stoneybrook at Venice CDD. Moved by Staub, seconded by Mercier, carried by a 3-2 vote; Thaxton and Barbetta voted "No."

**Note: Oath/Signature Cards Filed for Record.**

**RECESS:** 3:32 p.m. - 3:44 p.m.

**32. PLANNING AND DEVELOPMENT SERVICES**

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

Chair Patterson opened the public hearings simultaneously.

Staff Presenters: Public Works Executive Director Jim Harriott, Public Works Transportation Mobility General Manager Clarke Davis, County Administrator James Ley, and County Attorney Stephen DeMarsh

Public Presenters: Clancy Mullen of Duncan Associates, Dr. James Nicholas, Pam Johnson, Drake Bailey, Attorney Deborah Martohue, Jay Brady, Marjorie Floyd, Joe Hembree, and John McGruder

Items submitted: A copy of a document entitled "Commission Address," a copy of the "Analysis and Objections to Sarasota County Impact Fees" booklet, a copy of a chart entitled "Projected Revenue Growth by Category," and an e-mail relative to the Collier County Impact Fee Ordinance

**32. PLANNING AND DEVELOPMENT SERVICES - Continued**

3:53:04 Board Action: Requested a Board discussion relative to generating revenues through the purchase of development rights. Requested by Mercier, without objection.

4:00:02 Board Action: Requested a copy of the PowerPoint presentation be sent to the Board. Requested by Barbetta, without objection.

4:02:05 Board Action: Requested clarification of the costs for the "Moving Forward - Priorities Committed List" in Staff's presentation. Requested by Thaxton, without objection.

4:36:37 Board Action: Requested a report on the costs of office buildings utilizing a graduated scale. Requested by Staub, without objection.

5:22:42 Board Action: Requested copies of the e-mail regarding Collier County's Impact Fee Ordinance be sent to the Board. Requested by Patterson, without objection.

5:40:38 Board Action: Requested that the County Administrator review/outline parameters regarding the legality of utilizing the Englewood Community Redevelopment Area (CRA) funds to mitigate impact fees. Requested by Staub, without objection.

5:40:54 Board Action: Requested that the County Administrator review and report on the economic development funds relative the mitigation of impact fees. Requested by Staub, without objection.

5:49:00 Board Action: Requested that the County Administrator review/outline mechanisms for mitigating affordable housing with graduated caps. Requested by Patterson, without objection.

5:50:19 Board Action: Requested that any supportive material be sent to Sarasota Coalition of Business Associations (COBA) in a timely manner for their review/comment. Requested by Patterson, without objection.

5:53:45 Board Action: Continued the public hearings to March 14, 2007, at 1:30 p.m., or as soon thereafter as possible. Moved by Barbetta, seconded by Staub, carried by a 5-0 vote.

(5:54:10)

**Note: Oath/Signature Cards Filed for Record.**

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

**MEETING ADJOURNED:** 5:54 p.m.

**MINUTES APPROVED:** \_\_\_\_\_

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Chair