

April 10, 2007

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

Book 75
Page 137

**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
Gary Oldehoff, Assistant County Attorney
Peter Ramsden, Clerk of the Circuit Court Finance Director
Spring Dickson, Deputy Clerk
Paula Clintsman, Deputy Clerk

INVOCATION

Venice Library Librarian Susan Cortright

PLEDGE OF ALLEGIANCE

Commissioner Staub

PRESENTATION OF PROCLAMATIONS:

Community Development Week - April 9 through April 15, 2007
No Child Left Indoors - Earth Week - April 15 through April 22, 2007
Step It Up Day - April 14, 2007
AARP (American Association of Retired Persons) Tax-Aide Volunteer Appreciation Week - April 16 through April 20, 2007
Sahib Shrine Circus Days - April 19 and April 20, 2007
National Safe Boating Week - May 19 through May 25, 2007

RECOGNITIONS:

Suncoast Spartans U-13 Boys Soccer Team - May 17 through May 21, 2007
Introduction of the CYD (Community Youth Development)/Star Students

CONSENT SECTION:

9:42:21 Board Action: Approved Items 1-25, with separate discussions on Items 6, 9, 14, and 19. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

1. ADMINISTRATION

Ratified the previously issued Proclamation for Children's Week - March 26 through March 30, 2007.

2. COMMUNITY SERVICES

Approved Contract No. 2007-281, with the United States Department of Agriculture, Natural Resource Conservation Service to provide technical assistance with the County Soil and Water Conservation Programs, in the amount of \$30,000.00.

3. COMMUNITY SERVICES

Approved Contract No. 2007-282, a Contributory Agreement, with the United States Department of Agriculture, Natural Resource Conservation Service for the County's pro-rata cost for the office space located at 6942 Professional Parkway East, Sarasota, in the amount of \$10,333.00.

4. COMMUNITY SERVICES

- A.** Approved Contract No. 2007-283, a Memorandum of Agreement, with the Florida Department of Health to establish a Community Health Improvement Partnership (CHIP) Information Center at the Frances T. Bourne Jacaranda Library, in the amount of \$3,500.00;
- B.** Approved Contract No. 2007-284, a Memorandum of Agreement, with the Florida Department of Health to establish a CHIP Information Center at the Venice Public Library, in the amount of \$3,500.00;
- C.** Adopted Resolution No. 2007-064, Budget Amendment No. B2007-030, amending the Fiscal Year (FY) 2007 Budget, to accept funding for the CHIP Information Centers, in the amount of \$7,000.00.

5. COMMUNITY SERVICES

- A.** Approved Contract No. 2007-285, a Lease Agreement, with the Laurel Civic Association, Inc., for the use of the Sandra Sims Terry Community Center for community programs and activities, in the amount of \$10.00 per year;
- B.** Adopted Resolution No. 2007-065, authorizing execution of the Lease Agreement with the Laurel Civic Association, Inc.

6. ENVIRONMENTAL SERVICES

- A.** 9:48:40 Board Action: Adopted Resolution No. 2007-071, Budget Amendment No. B2007-038, for the receipt and disbursement of increased funds awarded by Federal Emergency Management Agency (FEMA) through the Flood Mitigation Assistance Program Grant to Zacharia Musallam and Phillip Vets, property owners in the Lower Myakka River Watershed, in the amount of \$23,059.00. Moved by Staub, seconded by Mercier, carried by a 4-1 vote; Thaxton voted "No."
- B.** 9:48:40 Board Action: Approved Contract No. 2007-290, Modification No. 1 to Contract No. 2006-065, a Subgrant Agreement, with the Florida Department of Community Affairs (FDCA) for Federal Emergency Management Agency (FEMA) for the increased project costs. Moved by Staub, seconded by Mercier, carried by a 4-1 vote; Thaxton voted "No."

7. ENVIRONMENTAL SERVICES

Approved Contract No. 2007-286, Amendment No. 1 to Contract No. 2007-249, with Greeley and Hansen, LLC, amending the hourly rate schedule (Exhibit B) for continuing professional services for wastewater and reuse management planning operations, in the amount of \$1,500,000.00.

8. ENVIRONMENTAL SERVICES

Approved Contract No. 2007-287, with Marine Contracting Group, Inc., for the Matheny Creek Navigable Waterway Maintenance Project, in the amount of \$283,775.00.

9. ENVIRONMENTAL SERVICES

9:58:00 Board Action: Approved Contracts providing miscellaneous professional engineering solid waste consulting services, in the amount of \$1,500,000.00 per Contract, as follows. Moved by Staub, seconded by Thaxton, carried by a 4-1 vote; Patterson voted "No."

9. ENVIRONMENTAL SERVICES - Continued

- A. Contract No. 2007-291, with HDR Engineering, Inc;
- B. Contract No. 2007-292, with Post, Buckley, Schuh, and Jernigan (PBS&J), Inc;
- C. Contract No. 2007-293, with Jones Edmunds and Associates, Inc.

10:00:09 Board Action: Directed the County Administrator to send the Board an e-mail report regarding continuing Contract expenditures, length of time, and the reduction of expenditures prior to Board consent. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

10. FINANCIAL PLANNING

Authorized disposal of vehicles and off-road equipment.

11. FINANCIAL PLANNING

Referred a conduit financing request by the Sarasota-Manatee Jewish Housing Council (Kobernick House) for the refunding of its existing Series 2005 variable rate bonds, plus borrowing additional funds for new capital improvements to the County Health Facilities Authority and Industrial Development Revenue Bond Citizens Advisory Committee for review and recommendation, in an amount not to exceed \$38,000,000.00.

12. HEALTH AND HUMAN SERVICES

Appointed Dr. Gail Quinn to serve a three-year term on the Community Action Agency Board, as the City of North Port Low-Income Population Representative, effective through March 2010.

13. HEALTH AND HUMAN SERVICES

- A. Approved Contract No. 2007-288, Modification No. 1 to Contract No. 2006-420, a Grant Agreement with the Florida Department of Community Affairs (FDCA), for Community Services Block Grant (CSBG) funding for homelessness prevention services for Fiscal Year (FY) 2007 beginning October 1, 2006, through September 30, 2007, revising the spending authority to the amount of \$144,320.00;
- B. Approved Contract No. 2007-289, Modification No. 1 to Contract No. 2006-421, a Subgrant Agreement, with the Salvation Army for CSBG funded homelessness prevention services for FY 2007 beginning October 1, 2006, through September 30, 2007, revising the spending authority to the amount of \$147,207.00.

14. HEALTH AND HUMAN SERVICES

10:12:59 Board Action: Authorized re-advertisement of a public hearing for May 2007 to consider proposed Ordinance No. 2007-015, creating Article IV, Sections 6-126 through 6-133 of Chapter VI of the County Code, relating to the prohibition of minors under the age of 21 from entering and remaining in alcoholic beverage establishments, deleting time limit and revising the first time offense fine to \$1,000.00 or the maximum allowable by State Statute. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

15. PLANNING AND DEVELOPMENT SERVICES

Adopted Resolution No. 2007-066, recognizing April 2007 as National Fair Housing Month in Sarasota County.

16. PLANNING AND DEVELOPMENT SERVICES

Approved an amendment to the 2006-2007 Action Plan to transfer Community Development Block Grant (CDBG) funds from public housing redevelopment to housing rehabilitation, in the amount of \$550,428.00.

17. PLANNING AND DEVELOPMENT SERVICES

Appointed Gwen Calloway to fill an unexpired three-year term on the Public Facilities Financing Advisory Board (PFFAB), as the Financial Professional Representative, effective through January 2009.

18. PUBLIC WORKS

Granted a permanent utility easement to Verizon Florida, Inc., for the construction, operation, and maintenance of telecommunication equipment on the property located at 5301 Bahia Vista Street, Sarasota.

19. PUBLIC WORKS

10:15:02 Board Action: Approved Contract No. 2007-294, with Lovin Construction, Inc., for construction services for the Kensington Park Neighborhood Enhancement Project, in the amount of \$499,080.75. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

20. PUBLIC WORKS

Adopted Resolution No. 2007-067, approving the installation of a four-way stop traffic control at the intersection of Avenue A and Baywood Drive, Sarasota.

21. PUBLIC WORKS

Adopted Resolution No. 2007-068, to prohibit parking on Fruitville Road in front of the Fruitville Groves Farm and Produce Stand.

22. PUBLIC WORKS

Adopted Resolution No. 2007-069, to lower the speed limit on Restful Lane and Restful Way from 30 miles per hour to 25 miles per hour, as recommended by the Traffic Advisory Council.

23. PUBLIC WORKS

Adopted Resolution No. 2007-070, to lower the speed limit in the Englewood Isles area from 30 miles per hour to 25 miles per hour, as recommended by the Traffic Advisory Council.

24. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Ratified and approved the warrants dated March 12 through March 30, 2007, in the amount of \$51,228,656.13, as detailed in the voucher packages filed in the Finance Department.

25. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Approved the Minutes of the meetings dated March 13, March 14, March 20, and March 21, 2007 (two sets).

SARASOTA COUNTY TRANSPORTATION AUTHORITY CONSENT SECTION

Chair Patterson recessed the Board of County Commissioners (BCC) and convened as the Sarasota County Transportation Authority (SCTA) to consider Items 26 and 27 as follows:

(10:15:03)

26. PUBLIC WORKS - Continued

10:17:38 Board Action: Adopted Resolution No. 2007-072 authorizing the SCTA Chair to execute and file Grant applications with the Federal Transit Administration (FTA) and authorized the designation of the execution of certifications and assurances and Grants and Cooperative Agreements. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

27. PUBLIC WORKS

10:17:38 Board Action: Adopted Resolution No. 2007-073 authorizing the execution and submittal of a Shirley Conroy Rural Capital Assistance Support Grant Application to the Federal Commission for the Transportation Disadvantaged for a paratransit vehicle to provide services to Transportation Disadvantaged persons in the non-urbanized North Port area. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Chair Patterson adjourned the SCTA and reconvened as the BCC.

DISCUSSION SECTION:

(10:22:18)

28. PLANNING AND DEVELOPMENT SERVICES

Presentation of the General Contractors Licensing and Examining Board (GCLEB) Report.

Public Presenter: GCLEB Chairman Anthony Catalano

(10:30:25)

29. PLANNING AND DEVELOPMENT SERVICES

Presentation of the Mechanical Contractors Licensing and Examining Board (MCLEB) Report.

Public Presenter: MCLEB Chair Jerome Greenstein

(10:36:51)

30. ENVIRONMENTAL SERVICES

The Board considered a Contract with RTD Construction, Inc., for construction services for the Central County Water Reclamation Facility (CCWRF) Expansion Project, Phase 2, in the amount of \$11,904,795.00.

Staff Presenter: Environmental Services Utilities Engineering Manager Gregory Rouse

10:40:31 Board Action: Approved Contract No. 2007-295, with RTD Construction, Inc. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

RECESS: 10:40 a.m. - 10:53 a.m.

31. ENVIRONMENTAL SERVICES

The Board considered a Contract with Volt Information Sciences, Inc., for construction of the Laurel Community Development Block Grant Water Mains Project, in the amount of \$565,325.25.

Staff Presenter: Environmental Services Wastewater Collection and Water Distribution Program Manager Brenda Bair

11:04:20 Board Action: Approved Contract No. 2007-296, with Volt Information Sciences, Inc. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

(11:04:41)

32. PUBLIC WORKS

The Board considered a Contract with Superior Asphalt, Inc., for construction services for the Fruitville Road East/Verna Road Improvement Project, in the amount of \$8,611,323.11.

Staff Presenters: Public Works Mobility General Manager Carolyn Eastwood and Public Works Road Program Manager Gary Downing

Item submitted: A copy of the PowerPoint Presentation

11:12:15 Board Action: Approved Contract No. 2007-297, with Superior Asphalt, Inc. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

(11:14:25)

33. PUBLIC WORKS

The Board considered the County's Right-of-Way Maintenance Program and to authorize the drafting of a proposed Ordinance requiring property owners located west of the Urban Service Boundary (USB) to maintain the right-of-way adjacent to their properties.

Staff Presenters: Public Works Fiscal Supervisor Bruce Begany, Public Works Road and Bridge Manager Gary Spraggins, and Public Works Administration Operations and Maintenance General Manager Tom Maroney

11:29:20 Board Action: Requested a report on County maintained versus non-maintained right-of-ways in the USB Area Requested by Thaxton, without objection.

(11:29:49)

34. PUBLIC WORKS

The Board considered a proposed Resolution to lower the speed limit on River Road from 55 miles per hour to 45 miles per hour between U.S. 41 and Interstate 75 (I-75).

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

11:38:25 Board Action: Moved to direct the County Administrator to conduct a speed count study on River Road and to bring back data for discussion in nine months. Moved by Staub.

11:39:48 Board Action: Amended the motion to direct the County Administrator to conduct a three-month speed count study on River Road and to bring back data for future Board discussion. Moved by Barbetta, seconded by Thaxton, carried by a 4-1 vote; Staub voted "No."

11:40:07 Board Action: Main motion, as amended, carried by a 5-0 vote.

11:42:30 Board Action: Requested a blinking traffic light at Venice Avenue and River Road. Requested by Staub, without objection.

REPORTS SECTION:

(11:43:39)

35. 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.

(11:44:10)

36. COUNTY ADMINISTRATOR'S REPORT

Staff Presenters: County Administrator James Ley and Administration Intergovernmental Relations Manager Marsha Hosack

Items submitted: Two Resolutions pertaining to proposed legislation, a Resolution pertaining to water supply emergency, and a copy of the 2007 Florida Legislative Mid-Session Report dated April 9, 2007

11:45:24 Board Action: Adopted Resolution No. 2007-075, urging the Florida Legislature to defeat legislation that would pre-empt local regulation of limerock mining. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11:45:24 Board Action: Adopted Resolution No. 2007-076, urging the Florida Legislature to defeat legislation that would pre-empt local regulation of wetlands. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(3:58:24)

36. COUNTY ADMINISTRATOR'S REPORT

4:01:16 Board Action: Adopted Resolution No. 2007-078, declaring a water supply emergency. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(4:01:23)

37. COUNTY ATTORNEY'S REPORT

County Attorney Stephen DeMarsh submitted and reviewed the following Items: Interoffice Memorandum No. 847 regarding the Case of Silver Palm Villas, LLC. v. Sarasota County.

Items submitted: Interoffice Memorandum Nos. 847, 848, 849, and 850

4:02:48 Board Action: Approved the settlement in the Workers' Compensation Claim of John M. Kenney v. Sarasota County, in the amount of \$48,500.00 (Interoffice Memorandum No. 848). Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

4:03:31 Board Action: Approved the settlement in the case of Barbara Drymon v. William Balkwill of Sarasota County, in the amount of \$70,000.00 (Interoffice Memorandum No. 849). Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

4:04:06 Board Action: Approved the settlement in the Workers' Compensation Claim of Diane Sawyer v. Sarasota County, in the amount of \$55,000.00 (Interoffice Memorandum No. 850). Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(4:05:17)

38. COMMISSION AND COMMITTEE REPORTS**A. COMMISSIONER BARBETTA**

Commr. Barbetta commented on and discussions were held on the following topics/issues: proposed Legislation regarding wetlands and e-mails received regarding the "drum circle" on Siesta Key and damage to the dunes and illegal drug use.

4:19:05 Board Action: Directed revisions to the Concurrency Management Ordinance that regulate changes in Development Concept Plans, including how commercial trips are vested and maintained for concurrency for nonresidential properties/industrial areas for a future Board discussion. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

4:21:02 Board Action: Requested to address infrastructure issues in the area. Requested by Mercier, without objection.

RECESS: 4:21 p.m. - 4:45 p.m.

38. COMMISSION AND COMMITTEE REPORTS - Continued

(4:46:10)

B. COMMISSIONER MERCIER

Commr. Mercier commented on and discussions were held on the following topics/issues: Habitat for Humanity, Inc.'s presentation at a homeowner association meeting regarding the plans for Leonard Reid Avenue, a report on the implications and the costs associated with the discussion at the Board Workshop relative to affordable housing, and the timeline for the Comprehensive Plan Amendment Cycle (April 25, 2007).

4:49:07 Board Action: Approved a warrant study to be completed at Conservatory Way and University Parkway. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

4:55:10 Board Action: Requested clarification on the Affordable Housing/Community Housing Trust's role relative to the preservation of affordable housing. Requested by Mercier, without objection.

(4:57:24)

C. COMMISSIONER THAXTON

4:59:09 Board Action: Directed the County Administrator to provide a report on the impacts of constructing two versus four lanes on Proctor Road. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

(5:01:05)

D. CHAIR PATTERSON

Chair Patterson commented on and discussions were held on the following topics/issues: attendance at the "Reality Check" function in Tampa, the vote taken by the WCIND (West Coast Inland Navigation District) to expend funds to dredge the Intercoastal Waterway at Jew Fish Key and to obtain costs to investigate the illegal dredge off the "Key."

5:09:02 Board Action: Approved direction to the County Administrator to re-examine the regulations pertaining to parking "box" trucks in residential neighborhoods, with strict limitations. Moved by Mercier, seconded by Barbetta, carried by a 4-1 vote; Staub voted "No."

5:19:08 Board Action: Directed Chair Patterson to vote against WCIND's participation in the Skyway Bridge Boat Ramp Parking Facility Project. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(5:19:26)

39. ADMINISTRATION

5:19:26 Board Action: Deferred the County Commission Outstanding Board Assignments Report to April 11, 2007, by Patterson, without objection.

(5:19:26)

40. ADMINISTRATION

5:19:26 Board Action: Deferred the Board of County Commissioners Meeting Schedule Report to April 11, 2007, by Patterson, without objection.

RECESS: 12:21 p.m. - 1:30 p.m.

(1:30:45)

41. OPEN TO THE PUBLIC

Dr. Gwyn McClellan commented on a Code Enforcement case relative to a lien on her property.

1:37:51 Board Action: Requested the County Administrator to follow up on the action of Planning and Development Services Staff. Requested by Thaxton, without objection.

DISCUSSION SECTION: (Continued)

(1:41:27)

42. COMMUNITY SERVICES

The Board considered the Neighborhood Parkland Program Work Plan for a ten acre ± parcel located at 939 East Bay Street, Osprey, to enhance recreational opportunities and provide public access to the Rails to Trails Project.

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

1:43:16 Board Action: Approved the Neighborhood Parkland Program Work Plan for the property located at 939 East Bay Street, Osprey. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

(1:43:22)

43. PLANNING AND DEVELOPMENT SERVICES

The Board considered a report on the Animal Welfare Advisory Committee (AWAC).

Staff Presenters: Planning and Development Services Executive Director Rob Lewis, County Administrator James Ley, and County Attorney Stephen DeMarsh

Public Presenters: Chairman of the AWAC James Kurzydlo, D.V.M., and Sheriff's Office Lieutenant Charlie Kaspar

2:05:56 Board Action: Directed an improved reporting process on a more frequent basis if deemed important. Moved by Barbetta and seconded by Thaxton.

2:06:24 Board Action: Ruled the motion out of order by Patterson, without objection.

2:11:18 Board Action: Directed that the AWAC report through the Sheriff's Office to the Board and that the By-Laws be reviewed to conform with the other County Committees, and that the AWAC report to the Board at least once a year and has the ability to communicate with the Board on any issues. Moved by Staub. The motion died for lack of a second.

2:13:14 Board Action: Directed that the guidelines of the AWAC set forth in Resolution No. 92-263 be followed, including review of the By-Laws for consistency with other County Committees, with Staff remaining with the Sheriff's Office, including an annual report to the Board or as deemed appropriate, and distribution of the AWAC Minutes to the Board members. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

(2:14:00)

44. HEALTH AND HUMAN SERVICES

The Board considered the recommendations by the Human Services Advisory Council (HSAC) for the following Items:

- A. Fiscal Year (FY) 2010 Community Outcome Targets of the Human Services Policy Framework;
- B. FY 2008 prioritization of funding allocations for the Contracted Human Services Program;
- C. Allocation of FY 2008 Contracted Human Service funds for the Early Learning Coalition, in the amount of \$475,000.00, for match funding of the Scholarship Child Care Program (\$200,000.00) and for the Child Care Extension Partnership Program (\$275,000.00).

Staff Presenter: Health and Human Services Social Services General Manager Charles Taylor

44. HEALTH AND HUMAN SERVICES - Continued

Public Presenters: HSAC member Janice Mee, HSAC Chairman Jay Berman, and HSAC member Andrew Clayton

2:30:14 Board Action: Requested information/target "suspensions" versus "in and out of school suspensions." Requested by Patterson, without objection.

2:30:45 Board Action: Requested information/target "repeat offenses." Requested by Patterson, without objection.

2:31:48 Board Action: Requested information on middle school data on students bordering on suspension, without degrees of severity. Requested by Staub, without objection.

2:39:12 Board Action: Adopted the FY 2010 Community Outcome Targets of the Human Services Policy Framework, as recommended by the HSAC. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

3:10:47 Board Action: Adopted the prioritization of allocations for the Contracted Human Services Program's FY 2008 funding cycle including the redistribution of 20 percent of the funds from the six lowest-ranked priority outcome sub-areas and ten percent of the funds from the five middle-ranked priority outcome sub-areas to the six highest-ranked priority outcome sub-areas, as recommended by the HSAC. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

3:12:53 Board Action: Approved the allocation of FY 2008 Contracted Human Service funds for the Early Learning Coalition, in the amount of \$475,000.00. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

RECESS: 3:13 p.m. - 3:31 p.m.

(3:32:04)

45. ENVIRONMENTAL SERVICES

The Board considered the establishment of a Neighborhood-Initiated Water and Sewer Line Extension Program.

Staff Presenters: Environmental Services Planning and Regulatory Technical Manager Jody Kirkman, Environmental Services Operations General Manager George MacFarlane, and County Administrator James Ley

Item submitted: A copy of the PowerPoint presentation

3:43:46 Board Action: Approved a combination of Options 2 and 3, for a Priority-based extension of central water and/or sewer service dependent upon defined criteria that will be outlined in the Wastewater Management Plan, a Neighborhood-Initiated petition process for extension of central water and/or sewer service, including direction to draft an Ordinance establishing policy for a Neighborhood-Initiated Water and/or Sewer Line Extension Program. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

PUBLIC HEARINGS:

(3:44:27)

46. FINANCIAL PLANNING

Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-043, amending the Fiscal Year (FY) 2007 Budget, increasing the Utility Revenue Bond Series 2007 Fund by \$48,000,000.00, increasing the Utility System Operating and Maintenance Fund by \$28,825,200.00, and increasing the Utility Water Capacity Fee Fund 409 by \$8,000,000.00.

46. FINANCIAL PLANNING - Continued

Staff Presenter: Financial Planning Budget Management Analyst Richard Gleitsman

3:47:37 Board Action: Closed the public hearing. Moved by Barbetta, seconded by Thaxton, carried without objection.

3:48:26 Board Action: Adopted Resolution No. 2007-077, approving Budget Amendment B2007-043. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(3:48:33)

47. PLANNING AND DEVELOPMENT SERVICES

Public hearing continued from March 14, 2007, to consider proposed Ordinance No. 2007-014, Rezone Petition No. 06-35, a petition by Scott Lane, Agent, to rezone 10.2 acres ± located on the southeast side of South River Road and 1,900 feet ± east of Pine Street in Englewood, from OUE-1 (Open Use, Estate, 1 unit/5 acres) to GU (Government Use) zone district. (Planning Commission recommended approval.)

Staff Presenters: Planning and Development Services Planner Adriana Trujillo and Public Works Transportation Mobility Planning Manager Paula Wiggins

Public Presenter: Agent Scott Lane

3:54:36 Board Action: Amended Stipulation No. 2 as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text): "The maximum height of any structure shall not exceed ~~35~~ 40 feet." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

3:55:57 Board Action: Amended Stipulation No. 4 as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text): ". . . be limited to no more than ~~three ten~~ ten . . ." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

3:57:30 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

3:58:05 Board Action: Adopted Ordinance No. 2007-014, approving Rezone Petition No. 06-35, with seven stipulations, as amended. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(5:19:30)

48. OTHER BUSINESS - No Items were presented.

(5:19:30)

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

PUBLIC HEARINGS: (Continued)

(5:19:35)

50. PLANNING AND DEVELOPMENT SERVICES

- A.** Second public hearing to consider proposed Ordinance No. 2007-029, Zoning Ordinance Amendment No. 13, amending Ordinance No. 2003-052, as amended, and codified in Appendix A, Sections 5.1, 5.3, 5.4, and 6.10 of the County Code, relating to permitted uses, the Use Table, and additional development standards for automatic car washes;

50. PLANNING AND DEVELOPMENT SERVICES - Continued

- B.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-029 consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)
- C.** Second public hearing to consider proposed Ordinance No. 2007-030, Zoning Ordinance Amendment No. 14, amending Ordinance No. 2003-052, as amended, and codified in Appendix A, Section 7.1. of the County Code, relating to the parking requirements;
- D.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-030 consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)
- E.** Second public hearing to consider proposed Ordinance No. 2007-031, Zoning Ordinance Amendment No. 15, amending Ordinance No. 2003-052, as amended, and codified in Appendix A, Section 7.3. of the County Code, relating to the landscaping and buffering requirements;
- F.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-031 consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)
- G.** Second public hearing to consider proposed Ordinance No. 2007-032, Zoning Ordinance Amendment No. 16, amending Ordinance No. 2003-052, as amended, and codified in Appendix A, Sections 3.6 and 7.4 of the County Code, relating to the Sign Ordinance;
- H.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-032 consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)
- I.** Second public hearing to consider proposed Ordinance No. 2007-034, Zoning Ordinance Amendment No. 18, amending Ordinance No. 2003-052, as amended, and codified in Section 10.2 of the County Code, relating to the definitions.
- J.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2007-034 consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)
(Note: First public hearings were held on March 14, 2007.)

Chairman Patterson opened the public hearings simultaneously.

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

Public Presenters: Shelley Hamilton and Attorney Michael Furen

Items submitted: Documents entitled "Suggested Revision To Section 7.4.9.h. on page 16-7" and "Suggested Revision to Section 3.6.2.b. on page 16-2"

5:22:25 Board Action: Noted a correction to the Use Chart, revising "5.3.4.z" to "5.3.5.e." of proposed Ordinance No. 2007-029. Noted by Patterson, without objection.

5:24:11 Board Action: Requested to change the word "for" to the word "of" in Section 5.3.5.e., last sentence of proposed Ordinance No. 2007-029. Requested by Patterson, without objection.

5:28:58 Board Action: Requested to delete the language ". . . or are part of the Sarasota County Park system," in Section 5.3.4.y.1., first sentence of proposed Ordinance No. 2007-029. Requested by Patterson, without objection.

50. PLANNING AND DEVELOPMENT SERVICES - Continued

5:46:07 Board Action: Substituted the language in Section 5.3.4.y.4. of proposed Ordinance No. 2007-029 as follows: "If approved, the special exception shall be required to give an annual report to the Board of County Commissioners regarding the continued operation of the special exception. It is the discretion of the Board of County Commissioners whether to allow the special exception to continue or to rescind the special exception. Moved by Staub, seconded by Patterson; Patterson ruled the motion out of order.

5:47:06 Board Action: Requested the County Attorney's Office and Staff to work on introducing a conditional use permit concept for three years and to determine a non-bureaucratic process to renew a conditional use permit, if conditions are met. Moved by Staub. Motion died for lack of a second.

5:51:40 Board Action: Revised the word "identify" to the word "describe" in Section 5.3.4.y.2., first sentence of proposed Ordinance No. 2007-029. Moved by Staub. Motion died for lack of a second.

5:52:53 Board Action: Revised the language in Section 5.3.4.y.2., first sentence of proposed Ordinance No. 2007-029, as follows (additions shown as underlined text/deletions shown as ~~striketrough~~ text): "The special exception application shall ~~identify the events~~ include the general activities to be allowed under the special exception . . ." Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

5:54:18 Board Action: Revised the language in Section 5.3.4.y.2., first sentence of proposed Ordinance No. 2007-029, as follows (additions shown as underlined text/deletions shown as ~~striketrough~~ text): ". . . ~~maximum~~ approximate duration of the events, and an ~~maximum~~ approximate number of special events per year . . ." Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

5:55:53 Board Action: Revised the language in Section 5.3.4.y.4., second sentence of proposed Ordinance No. 2007-029 as follows (additions shown as underlined text/deletions shown as ~~striketrough~~ text): "The extension request shall be heard ~~using the special exception~~ at a public hearing process but will not require additional fees." Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

6:00:53 Board Action: Revised the language in Section 7.4.9.h., of proposed Ordinance No. 2007-032 as follows (additions shown as underlined text/deletions shown as ~~striketrough~~ text): "A Development of Regional Impact (DRI) may request approval by the Board of County Commissioners of a master site sign plan that ~~requests~~ requires modifications to ~~any of the~~ sign regulations contained within this Section ~~when approved by the Board of County Commissioners~~ as part of the DRI Application for Development Approval for the DRI and/or the subsequent DRI amendment processes. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

6:02:15 Board Action: Revised language in Section 3.6.2.b. of proposed Ordinance No. 2007-032, as follows (additions shown as underlined text): ". . . with all other permitting requirements unless the Board of County Commissioners has approved modifications as part of the DRI or PUD review and approval process." Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

6:10:48 Board Action: Added language in Section 5.3.4.y.4. of proposed Ordinance No. 2007-029, as follows: "The Board of County Commissioners may extend, modify, or deny the request for extension based on the standards in 3.16.7. of these Zoning Regulations and the history of the special exception use under the previously approved special exception." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

6:14:43 Board Action: Added an asterisk below the Table, in the last sentence before the words "See Section 6.5.4. for cluster subdivision buffers" in Ordinance No. 2007-031. Noted Board consensus by Patterson.

50. PLANNING AND DEVELOPMENT SERVICES - Continued

6:16:39 Board Action: Requested to add language in the next phase of Zoning Ordinance Amendments to regulate the height of fences in conjunction with the height of walls. Requested by Patterson, without objection.

6:17:12 Board Action: Requested to add language in the next phase of Zoning Ordinance Amendments that allow portions of walls to be broken up with landscaping. Requested by Staub, without objection.

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

6:19:43 Board Action: Moved to find proposed Ordinance No. 2007-029 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

6:19:43 Board Action: Moved to find proposed Ordinance No. 2007-030 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

6:19:43 Board Action: Moved to find proposed Ordinance No. 2007-031 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

6:19:43 Board Action: Moved to find proposed Ordinance No. 2007-032 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

6:19:43 Board Action: Moved to find proposed Ordinance No. 2007-034 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

Chair Patterson adjourned the LDRC and reconvened as the BCC.

6:21:38 Board Action: Closed the public hearings. Moved by Thaxton, seconded by Patterson, carried without objection.

6:21:18 Board Action: Adopted Ordinance No. 2007-029, approving Zoning Ordinance Amendment No. 13, as amended. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

6:21:18 Board Action: Adopted Ordinance No. 2007-030, approving Zoning Ordinance Amendment No. 14. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

6:21:18 Board Action: Adopted Ordinance No. 2007-031, approving Zoning Ordinance Amendment No. 15, as amended. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

6:21:18 Board Action: Adopted Ordinance No. 2007-032, approving Zoning Ordinance Amendment No. 16, as amended. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

6:21:18 Board Action: Adopted Ordinance No. 2007-034, approving Zoning Ordinance Amendment No. 18. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(6:21:44)

51. PLANNING AND DEVELOPMENT SERVICES

- A.** Second public hearing to consider proposed Ordinance No. 2007-033, Zoning Ordinance Amendment No. 17, amending Ordinance No. 2003-052, as amended, and codified in Appendix A, Section 4.12 to allow modifications to site and development standards for properties located in the Planned Industrial Development (PID) zone district. (Note: First public hearing was held on March 14, 2007.)

51. PLANNING AND DEVELOPMENT SERVICES - Continued

- B.** (Not a public hearing.) Land Development Regulation Commission (LDRC) to find proposed Ordinance No. 2007-033 consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)

Staff Presenter: Planning and Development Services Zoning Plans Examiner Donna Thompson

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

6:23:44 Board Action: Moved to find proposed Ordinance No. 2007-033 consistent with the Sarasota County Comprehensive Plan, as recommended by Staff. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

Chair Patterson adjourned the LDRC and reconvened as the BCC.

6:23:55 Board Action: Closed the public hearing by Patterson, without objection.

6:24:18 Board Action: Adopted Ordinance No. 2007-033, approving Zoning Ordinance Amendment No. 17. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(6:24:24)

52. PLANNING AND DEVELOPMENT SERVICES

First public hearing to consider proposed Ordinance No. 2006-050, Zoning Ordinance Amendment No. 6, a County-initiated petition to clarify Section 6.6.1. of the County Zoning Regulations regarding density as it applies to duplex development on non-conforming Residential, Multi-Family (RMF) lots of record. Applicable RMF-zoned non-conforming lots of record are proposed to be exempt from the maximum gross densities of the zoning district and to clarify the development and redevelopment standards for duplex structures on non-conforming RMF zoned parcels on the Barrier Islands and the Mainland areas. Proposed changes include the creation of Section 8.4.5, Requirements for Non-conforming Lots on Barrier Islands, which address the development and redevelopment standards along with other revisions to provide appropriate cross-referencing to the new section. (Second public hearing scheduled for April 25, 2007.)

Staff Presenters: Planning and Development Services Interim Zoning Administrator Tina Crawford and Planning and Development Services Zoning Plans Examiner Donna Thompson

Public Presenters: Cliff Scholz, Attorney Robert Lincoln, and Rick Alvis

6:44:54 Board Action: Requested to move the "asterisk" language into the Chart on the top of page 5, Section 6.6.1. of proposed Ordinance No. 2006-050. Requested by Thaxton, without objection.

6:47:50 Board Action: Requested to delete the underline from the text on page 8 of 16, Section 6.7.8.a. Noted by Patterson, without objection.

6:51:36 Board Action: Requested to work on the language with the County Attorney's Office in Subsection 8.4.3, relating to substandard language. Requested by Patterson, without objection.

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

52. PLANNING AND DEVELOPMENT SERVICES - Continued

6:53:23 Board Action: Requested to modify Subsection 8.4.3., as follows (deletions shown as ~~strikethrough~~ text): "One single-family detached structure may be constructed on a non-conforming lot of record, unless a ~~single-family detached structure or a two-family structure~~ is allowed . . ." and to correct the numbering of Subsection 8.4.3. on page 10 of 16. Requested by Thaxton and Patterson, without objection.

7:04:03 Board Action: Requested data/to identify the areas on the map of the effected parcels located near the municipal boundary, east of Lockwood Ridge Road, and Palmer Boulevard relating to the RMF Zoning on the Mainland. Requested by Thaxton, without objection.

7:06:06 Board Action: Requested a definition/description of "Metes and Bounds." Requested by Thaxton, without objection.

7:08:59 Board Action: Requested additional clarification of Section 8.4.5.b.4., Permitted Housing Types. Requested by Thaxton, without objection.

7:10:39 Board Action: Requested clarification of the language relating to "Two-family structures and lot line houses are not allowed." Requested by Patterson, without objection.

7:12:33 Board Action: Requested to identify the square footage allowed for each RMF zone district. Requested by Patterson, without objection.

7:12:56 Board Action: Requested to identify "duplexes" in the Housing Types. Requested by Thaxton, without objection.

7:18:19 Board Action: Requested to add language that the Residential Single Family (RSF) standards apply to single family homes. Requested by Patterson, without objection.

7:19:26 Board Action: Requested to add language in Section 8.4.5.d.1.ii., on page 13 of 16, to allow reconstruction of a one-story structure at the FEMA (Federal Emergency Management Agency) level and reconstruction of a two-story structure, with more restrictive standards. Requested by Patterson, without objection.

7:22:17 Board Action: Requested to bring back information on the Multi-Family setbacks for a small lot, referenced on page 14 of 16, Section 8.4.5.e., Minimum Lot and Yard Requirements. Requested by Patterson, without objection.

7:28:44 Board Action: Requested to duplicate the standards from the SKOD (Siesta Key Overlay District) Ordinance to Section 8.4.5.h., Maximum Height of Structures. Requested by Patterson, without objection.

7:35:55 Board Action: Requested to draft language to address the height of chimneys in the next phase of the Zoning Ordinance Amendment. Requested by Patterson, without objection.

7:57:48 Board Action: Noted the second public hearing scheduled for April 24, 2007, at 1:30 p.m., or as soon thereafter as possible. Noted by Patterson, without objection.

Note: Oath/Signature Cards Filed for Record.

MEETING ADJOURNED: 7:58 p.m.

MINUTES APPROVED: _____

_____ Chair