

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**SARASOTA COUNTY ADMINISTRATION CENTER
1660 RINGLING BOULEVARD
COUNTY COMMISSION CHAMBER
SARASOTA, FLORIDA**

9:00 a.m.

David R. Mills, Chair, District 2
Nora Patterson, Vice Chair, District 4
Paul H. Mercier, District 1
Shannon Staub, District 3
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator
David Bullock, Deputy County Administrator
Stephen DeMarsh, County Attorney
Claudia Goodson, Deputy Clerk
Spring Dickson, Deputy Clerk

INVOCATION

Pastor Randall Spaulding, Covenant Mennonite Fellowship Church

PLEDGE OF ALLEGIANCE

Commissioner Thaxton

PRESENTATION

International City/County Management Association (ICMA) Center for Performance Measurement (CPM) Certification of Distinction

PUBLIC HEARINGS:

1. FINANCIAL PLANNING

- A.** (Not a public hearing.) To consider a proposed Resolution approving the issuance of non-utilities commercial paper short-term borrowings through the Florida Local Government Finance Commission Tax Exempt Commercial Paper Loan Program for General Government Projects, Draw A-61, in the amount of \$1,575,000.00;
- B.** (Not a public hearing.) To consider a proposed Resolution approving the issuance of non-utilities commercial paper borrowings through the Florida Local Government Finance Commission Tax Exempt Commercial Paper Loan Program for Transportation Projects, Draw A-62, in the amount of \$5,000,000.00;
- C.** (Not a public hearing.) To consider a proposed Resolution approving the issuance of non-utilities commercial paper borrowings through the Florida Local Government Finance Commission Tax Exempt Commercial Paper Loan Program for Transportation Projects, Draw A-63, in the amount of \$1,200,000.00;
- D.** (Not a public hearing.) To consider a proposed Resolution approving the issuance of non-utilities commercial paper borrowings through the Florida Local Government Finance Commission Tax Exempt Commercial Paper Loan Program for Navigable Waterway Projects, Draw A-64, in the amount of \$937,000.00;
- E.** Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-007, to reflect adjustments to the Fiscal Year (FY) 2007 Budget for the commercial paper borrowings, Draws A-61 through A-64.

1. FINANCIAL PLANNING - Continued

Staff: Financial Planning Budget Management Analyst Richard Gleitsman

9:12:29 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

9:13:15 Board Action: Adopted the following Items. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

- Resolution No. 2006-230 approving the issuance of non-utilities commercial paper short-term borrowings for General Government Projects, Draw A-61, in the amount of \$1,575,000.00;
- Resolution No. 2006-231 approving the issuance of non-utilities commercial paper short-term borrowings for Transportation Projects, Draw A-62, in the amount of \$5,000,000.00;
- Resolution No. 2006-232 approving the issuance of non-utilities commercial paper short-term borrowings for Transportation Projects, Draw A-63, in the amount of \$1,200,000.00;
- Resolution No. 2006-233 approving the issuance of non-utilities commercial paper short-term borrowings for Navigable Waterway Projects, Draw A-64, in the amount of \$937,000.00;
- Resolution No. 2006-234, approving Budget Amendment No. B2007-007.

Note: Oath/Signature Cards Filed for Record.

2. PUBLIC WORKS

- A.** Public hearing to consider a proposed Resolution, Exchange Petition No. EX 2006-06, a petition by Lowe's Home Centers, Inc., DMB/Sarasota I., LP, and WHR II, LLC, to exchange County-owned Sarasota Fruitville Drainage District (SFDD) canal rights-of-way, portions of Parcels 19 and 31 lying within Tract 34, Palmer Farms, First Unit, for lands owned by the Petitioners in conjunction with the Cattlemen Road/Fruitville Road Intersection Improvement Project;
- B.** (Not a public hearing.) To Grant a Quit Claim Deed of the County's interest in the SFDD parcels to Lowe's Home Centers, Inc., and WHR II, LLC;
- C.** (Not a public hearing.) To accept Warranty Deeds from Lowe's Home Centers, Inc., and DMB/Sarasota I., LP, Petitioners, providing future rights-of-way for the Cattlemen Road/Fruitville Road Intersection Improvement Project.

Staff: Public Works Real Property Manager Lin Kurant

9:17:29 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

9:18:12 Board Action: Adopted Resolution No. 2006-235, approving Exchange Petition No. EX 2006-06, granting a Quit Claim Deed and accepting Warranty Deeds. Moved by Staub, with no second, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

3. PUBLIC WORKS

Second public hearing to consider a proposed Contract, a Supplemental Agreement to Contract No. 2006-170, with Heritage Development of Central Florida, LLC, for the construction of necessary roadway improvements for the Clark Road/Honore Avenue Intersection Improvement Project. (Note: First public hearing was held on September 27, 2006.)

Staff: Public Works Transportation Planning Policy and Project Manager Tom Polk

3. PUBLIC WORKS - Continued

9:19:47 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

9:20:26 Board Action: Approved Contract No. 2007-034, a Supplemental Agreement to Contract No. 2006-170, with Heritage Development of Central Florida, LLC. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

4. PLANNING AND DEVELOPMENT SERVICES

- A.** Public hearing to consider proposed Ordinance No. 2006-073, Critical Area Plan (CAP) Petition No. 06-01, a petition by James Paulmann, Agent, to define the boundaries of the Bee Ridge Road/Bee Ridge Road Extension Neighborhood Commercial Center (Planning Commission recommended approval.);
- B.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2006-073 consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.);
- C.** Public hearing to consider proposed Ordinance No. 2006-067, Rezone Petition No. 06-19, a petition by James Paulmann, Agent, to rezone 9.95 acres ± located at the southwest quadrant of Bee Ridge Road and Bee Ridge Road Extension, from OUE (Open Use, Estate, 1 unit/5 acres) to CN (Commercial Neighborhood) zone district (No recommendation provided by the Planning Commission.);
- D.** Public hearing to consider a proposed Resolution, Special Exception Petition No. 1634, a petition by James Paulmann, Agent, to allow an individual use to exceed 20,000 square feet in size in a CN (Commercial Neighborhood) zone district on property located at the southwest quadrant of Bee Ridge Road and Bee Ridge Road Extension (No recommendation provided by the Planning Commission.);
- E.** Public hearing to consider a proposed Resolution, Special Exception Petition No. 1635, a petition by James Paulmann, Agent, to allow an off-site stormwater facility in an OUE-1 (Open Use, Estate, 1 unit/5 acres) zone district on property located west of Bee Ridge Road Extension and 750 feet south of Bee Ridge Road (No recommendation provided by the Planning Commission.).

Staff: Planning and Development Services Current Planning Manager Crystal Allred, County Attorney Stephen DeMarsh, and Public Works Transportation Mobility Planning Manager Paula Wiggins

Participants/Presenters: Attorney Dan Bailey and North American Properties Florida Division President Dale Hafele

Items submitted: Additional correspondence received on the Petitions, the Applicant's presentation, documents entitled "Aerial View of the Trade Area," "Close-up Aerial View with Depiction of Development Concept Plan and Conservation Area," "Common Sense Approach to Traffic," "Bee Ridge Neighborhood Center Front Elevation Perspective View," and "Size Comparison with Other Publix-Anchored Centers."

10:09:31 Board Action: Approved the stipulations as recommended by Staff for the proposed petitions. Mercier moved, Mills ruled the motion out of order.

10:12:50 Board Action: Added the following stipulation to Rezone Petition No. 06-19 and to Special Exception Petition No. 1634. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

The Master Surface Water Management Plan shall be consistent with the Cow Pen Slough Basin Master Plan.

4. PLANNING AND DEVELOPMENT SERVICES - Continued

10:17:41 Board Action: Revised Stipulation No. 2 for Special Exception Petition No. 1634 as follows (additions shown as underlined text). Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

The total gross floor area provided within the project shall not exceed 69,000 square feet. Such square footage shall be allocated as follows: (a) the retail space identified as grocery store shall not exceed 40,000 square feet; (b) the uses provided within the remaining retail space shall not cumulatively exceed 19,000 square feet; and (c) the office uses identified as two banks shall not exceed 5,000 square feet each, exclusive of drive-through areas. All references herein are depicted on the Development Concept Plan dated May 23, 2006, and attached thereto as Exhibit "A."

10:19:54 Board Action: Revised Stipulation No. 8 for Special Exception Petition No. 1634 as follows (additions shown as underlined text/deletions shown as ~~strike through~~ text). Moved by Staub, seconded by Thaxton, carried without objection.

The All retail and grocery store space identified on the Development Concept Plan dated stamped May 23, 2006, and attached hereto as Exhibit "A," shall not receive deliveries between 8:00 p.m. and 5:00 a.m.

10:20:44 Board Action: Revised Stipulation No. 9 for Special Exception Petition No. 1634 as follows (deletions shown as ~~strike through~~ text). Moved by Staub, seconded by Thaxton, carried without objection.

No illuminated wall signage on any of the buildings ~~constructed within the site~~ shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m.

10:21:50 Board Action: Revised Stipulation No. 11 for Special Exception Petition No. 1634 as follows (additions shown as underlined text). Moved by Staub, seconded by Thaxton, carried without objection.

The project approved for the site as depicted on the Development Concept Plan date stamped May 23, 2006, and attached hereto as Exhibit "A" shall comply with . . .

10:26:31 Board Action: Deleted Stipulation Nos. 12, 13, and 14 for Special Exception Petition No. 1634. Moved by Staub, seconded by Mercier, carried without objection.

10:27:38 Board Action: Revised the word "bust" to the word "bus" in Stipulation No. 10 for Rezone Petition No. 06-09. Requested by Mills, without objection.

RECESS: 10:29 a.m. - 10:42 a.m.

Public testimony: Cheryl Luehr (submitted a copy of her presentation), Attorney Dan Lobeck (submitted a copy of his presentation), Kenneth Reed, Jack Phillips, Hal Cadle, Angelo Guido, Wayne Kindt, Stephen Hall, Heather Pennington-O'Neill, Robert O'Neill, Eddie Meade, Terry Siemers, Linda Walsh, Micheal Piccione, Ron Collins, Pamela Clements, Susie Shue, Andrew Froman, Arnold Kneitel, Stuart Alexander, Kurt Brown (submitted a copy of a document entitled "Table 6-3: Accident Frequency Data at Intersections - Rates in Crashes Per One Million Entering Vehicles"), John Pecilunas, Alex Morris, Patricia Gillespie, Barbara Skelton, Aida Florsheim, and Gilbert Florsheim (submitted a copy of his presentation).

RECESS: 12:13 p.m. - 12:45 p.m.

4. PLANNING AND DEVELOPMENT SERVICES - Continued

Public testimony: Jack Braman, Kelly Dean, Ewen Fraser, Lee Boatwright, Robert Earhardt, Charles Shenlin, Michelle Stone, Al Webel, Loretta Schellermann (submitted a copy of a petition), Richard Liamari, Nancy Spinks, Vincent McShane (submitted a copy of his presentation), Susan Gregory, Sylvia Hefner, Marcia Yoder, Bruce Covert, and Samuel Luque

2:26:50 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Mercier, without objection.

2:27:28 Board Action: Reopened the public hearing, without objection.

2:30:30 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Mercier, without objection.

Sitting as the Land Development Regulation Commission:

2:32:18 Board Action: , found proposed Ordinance No. 2006-073 consistent with the Sarasota County Comprehensive Plan as recommended by Staff. Moved by Mercier, seconded by Staub, carried by a 3-2 vote; Thaxton and Patterson voted "No."

Sitting as the Board of County Commissioners:

2:34:59 Board Action: Adopted Ordinance No. 2006-073, approving CAP Petition No. 06-01. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

2:43:35 Board Action: Adopted Ordinance No. 2006-067, approving Rezone Petition No. 06-19, with 11 stipulations, as amended. Moved by Mercier, seconded by Staub, carried by a 3-2 vote; Thaxton and Patterson voted "No."

2:47:49 Board Action: Moved to adopt Resolution No. 2006-236, denying Special Exception Petition No. 1634. Moved by Thaxton, seconded by Patterson; no action taken.

2:47:50 Board Action: Reopened the public hearing, without objection.

2:55:50 Board Action: Denied Special Exception Petition No. 1634. Moved by Thaxton, seconded by Patterson, carried by a 3-2 vote; Mills and Staub voted "No."

3:02:00 Board Action: Adopted Resolution No. 2006-237, approving Special Exception Petition No. 1635, with 3 stipulations. Moved by Staub, seconded by Mercier, carried by a 3-2 vote; Thaxton and Patterson voted "No."

3:04:25 Board Action: Reconsidered the vote on Special Exception Petition No. 1634. Moved by Mercier, seconded by Staub, carried by a 3-2 vote; Thaxton and Patterson voted "No."

3:05:07 Board Action: Moved to approve Special Exception Petition No. 1634. Moved by Mercier; died for lack of a second.

3:09:57 Board Action: Adopted Resolution No. 2006-236, approving Special Exception Petition No. 1634, with 12 stipulations, as amended, revising the square footage not to exceed 29,000 square feet. Moved by Staub, seconded by Mercier, carried by a 3-2 vote; Thaxton and Patterson voted "No."

Note: Oath/Signature Cards Filed for Record.

RECESS: 3:10 p.m. - 3:19 p.m.

5. OPEN TO THE PUBLIC

John McGruder commented on the expansion of the Community Redevelopment Area into Newtown and Tax Increment Financing funds.

(3:22:55)

DISCUSSION SECTION:**6. PLANNING AND DEVELOPMENT SERVICES/MUNICIPALITIES**

The Board considered a request by the City of Sarasota for a delegation of authority to expand the City's current Community Redevelopment Area (CRA) to establish the Newtown CRA for 1.5 ± acres, bordered to the north by Myrtle Street, to the east by the Seminole Gulf Railroad right-of-way, to the west by North Tamiami Trail (U.S. 41), and to the south by 17th Street.

Chair Mills recessed the Board of County Commissioners (BCC) and convened as the Community Redevelopment Agency (CRA).

Staff: County Administrator James Ley

Participants/Presenters: Sarasota City Attorney Robert Fournier and Sarasota City Mayor Fredd "Glossie" Atkins

3:49:08 Board Action: Directed Staff to work with City of Sarasota Staff regarding the request to expand the City's CRA, establishing the Newtown CRA. Moved by Patterson, seconded by Mercier, carried by a 5-0 vote.

Chair Mills adjourned as the CRA and reconvened as the BCC.

7. FINANCIAL PLANNING

The Board considered the establishment of the Sarasota County Film and Entertainment Office.

Staff: Financial Planning Administrative Assistant II Terry Colombo

Participants/Presenters: Economic Development Corporation of Sarasota County President Kathy Baylis

3:57:53 Board Action: Approved allocating funding to the Sarasota County Film and Entertainment Office, in the amount of \$60,000.00. Moved by Patterson, seconded by Staub, carried by a 5-0 vote.

8. PLANNING AND DEVELOPMENT SERVICES

The Board considered the following Items:

- A. The Neighborhood Grant Program Contracts, in the amount of \$150,511.00;
- B. A proposed Resolution, Budget Amendment No. B2007-004, to appropriate a contribution from the Gulf Coast Community Foundation of Venice, in the amount of \$24,136.00.

Staff: Planning and Development Services Neighborhood Services Supervisor Jane Grogg, Development Services Neighborhood Services Administrative Assistant II Rochelle Brassard, and County Administrator James Ley

4:19:15 Board Action: Approved the following Neighborhood Grant Applications. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

Contract No. 2007-035 with Arbors Mobile Home Owners Association, in the amount of \$3,012.00;

Contract No. 2007-036 with Arlington Park Neighborhood Association, in the amount of \$12,000.00;

Contract No. 2007-037 with Bayou Oaks Neighborhood Association, in the amount of \$1,075.20;

8. PLANNING AND DEVELOPMENT SERVICES - Continued

- Contract No. 2007-038 with Beneva Ridge Condominium Association, in the amount of \$6,650.52;
- Contract No. 2007-039 with Calusa Lakes Homeowners Association, in the amount of \$4,176.00;
- Contract No. 2007-040 with Country Meadows Homeowners Association, in the amount of \$6,860.76;
- Contract No. 2007-041 with Crescent Arms Condominium Association, in the amount of \$10,818.00;
- Contract No. 2007-042 with Crooked Creek Condominium Association, in the amount of \$11,141.00;
- Contract No. 2007-043 with Duck Key Owners Association, in the amount of \$5,085.75;
- Contract No. 2007-044 with Homeowners Association of Countryplace, in the amount of \$1,627.50;
- Contract No. 2007-045 with Jockey Club of North Port, in the amount of \$8,964.47;
- Contract No. 2007-046 with Lake Sarasota Community Group, in the amount of \$1,823.00;
- Contract No. 2007-047 with Midnight Cove II Condominium Association, in the amount of \$6,627.38;
- Contract No. 2007-048 with Nokomis East Association Inc., in the amount of \$2,123.80;
- Contract No. 2007-049 with Oak Forest Villas Condominium Association, in the amount of \$5,700.00;
- Contract No. 2007-050 with Palm Island Association, in the amount of \$2,728.77;
- Contract No. 2007-051 with Pelican Cove Condominium Association, in the amount of \$12,000.00;
- Contract No. 2007-052 with Phillipi Shores Park Association, in the amount of \$3,706.50;
- Contract No. 2007-053 with Shamrock Park Ad Hoc/Friends of Sarasota County Parks and Friends of Shamrock Park, in the amount of \$9,147.49;
- Contract No. 2007-054 with Sorrento Villas Association Section I, in the amount of \$2,869.00;
- Contract No. 2007-055 with South Gate Community Center, in the amount of \$14,814.86;
- Contract No. 2007-056 with South Venice C.E.R.T. (Community Emergency Response Team), in the amount of \$2,408.29;
- Contract No. 2007-057 with Stonecastle at Southwood, in the amount of \$2,600.69;
- Contract No. 2007-058 with Stoneybrook Golf and Country Club, in the amount of \$949.69;
- Contract No. 2007-059 with Summerside Association, in the amount of \$3,050.00;
- Contract No. 2007-060 with Tregate Manor Condominium Association, in the amount of \$3,047.00;
- Contract No. 2007-061 with Venice Gardens C.E.R.T., in the amount of \$3,613.29;
- Contract No. 2007-062 with Village Oaks Condominium Association, in the amount of \$928.50;
- Contract No. 2007-063 with Westlake Estates Homeowners Association, in the amount of \$4,476.00;
- Contract No. 2007-064 with Woodland Park Preserve Restoration, in the amount of \$6,478.00.

8. PLANNING AND DEVELOPMENT SERVICES - Continued

4:19:48 Board Action: Adopted Resolution No. 2006-238, approving Budget Amendment No. B2007-004, to appropriate a contribution from the Gulf Coast Community Foundation of Venice, in the amount of \$24,136.00. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

9. ADMINISTRATION

The Board considered the 2007 Legislative Program.

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

Items submitted: Draft copy of the County's Top Legislative Priorities

4:35:53 Board Action: Endorsed pages 1 and 2 through the A list in Staff's report. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

4:36:28 Board Action: Approved the 2007 Legislative Program. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

PUBLIC HEARINGS:**10. PUBLIC WORKS/PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider a proposed Resolution, Street Vacation Petition No. 04-23, a petition by Kenneth Kuxhausen to vacate, abandon, discontinue, and close a portion of a 25 foot wide unimproved, unnamed platted right-of-way located in Tract 33, Palmer Farms, Unit 3.

Staff: Public Works Real Property Manager Lin Kurant, Public Works Transportation Mobility Planning Manager Paula Wiggins, and Land Development Services Inspection Services Manager Jim O'Donnell

Participants/Presenters: Agent Steve Greenfield and Petitioner Kenneth Kuxhausen

5:13:25 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

5:14:10 Board Action: Denied Street Vacation Petition No. 04-23. Moved by Patterson, seconded by Thaxton, carried by a 4-1 vote; Mills voted "No."

Note: Oath/Signature Cards Filed for Record.

11. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2006-057, Rezone Petition No. 05-39, a petition by Bruce Franklin, Agent, to rezone 18.45 acres ± located south of Richardson Road and 2,400 feet ± east of Honore Avenue from PCD (Planned Commerce Development) with stipulations, to PCD, with amended stipulations. (Planning Commission recommended approval.)

Staff: Planning and Development Services Current Planning Manager Crystal Allred and Public Works Transportation Mobility Planning Manager Paula Wiggins

Participants/Presenters: Agent Bruce Franklin

Items submitted: Correspondence sent by the Petitioner to the President of the West Richardson Road Neighborhood Association Karen Klein and Community Housing Trust Chief Executive Officer Martina Guilfoil

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11. PLANNING AND DEVELOPMENT SERVICES - Continued

Public testimony: John Krotec (submitted a copy of correspondence and photographs), Ann Krotec, Ed Koburna, and Gary Heffner

6:24:12 Board Action: Closed the public hearing. Moved by Patterson, seconded by Staub, carried without objection.

6:28:40 Board Action: Denied Rezone Petition No. 05-39 (Resolution No. 2006-239), not adopting Ordinance No. 2006-057. Moved by Thaxton, seconded by Staub, carried by a 4-1 vote; Mills voted "No."

Note: Oath/Signature Cards Filed for Record.

12. BOARD OF COUNTY COMMISSIONERS

- A. Presentation to Chair Mills
- B. Election of Officers

6:37:41 Board Action: Appointed Patterson as Chair of the Board of County Commissioners, effective November 8, 2006. Moved by Staub, seconded by Thaxton, without objection.

6:38:22 Board Action: Appointed Staub as Vice Chair of the Board of County Commissioners, effective November 8, 2006. Moved by Patterson, seconded by Thaxton, without objection.

6:38:48 Board Action: Appointed Thaxton as Pro Tem of the Board of County Commissioners, effective November 8, 2006. Moved by Staub, seconded by Patterson, without objection.

MEETING ADJOURNED: 6:39 p.m.

MINUTES APPROVED: _____

Chair