

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

INVOCATION

John McCarthy, Community Services Parks and Recreation General Manager

PLEDGE OF ALLEGIANCE

Commissioner Mercier

PRESENTATIONS:

Leadership Class Graduation
Citizens' Academy Graduation

PERFORMANCE RECOGNIZED AS OUTSTANDING (PRO) AWARDS:

Daniel Dahlberg, Emergency Services - Exceptional Customer Service

PRESENTATION OF PROCLAMATIONS:

Code Enforcement Officers' Appreciation Week - June 5 through June 9, 2006
Sons of the American Revolution Day - June 9, 2006

CONSENT SECTION:

A motion was made by Commr. Thaxton, seconded by Commr. Staub, and carried by a 5-0 vote to approve Items 1-20 as follows, with the exception of Items 6, 7, 11, 16, 17, and 18, considered later this meeting.

1. PROCLAMATIONS

Ratified a previously issued Proclamation for National Association of Insurance Week, May 21 through May 27, 2006.

2. CONTRACTS

Approved Contract No. 2006-318, Specific Authorization No. 1 to Contract No. 2005-115, with HDR Engineers, Inc., for continuing engineering services for the Phase II Cell Construction of the Class I Landfill at the Central County Solid Waste Disposal Complex, in an amount not to exceed \$489,000.00.

3. CONTRACTS

Approved Contract No. 2006-319, a Professional Services Agreement, with Jones, Edmunds, and Associates, Inc., to develop a verified and calibrated pollutant load model, in the amount of \$863,814.00.

4. CONTRACTS

Approved Contract No. 2006-320, an Agreement for Disaster Debris Services, with Crowder-Gulf Joint Venture, Inc., for the purpose of debris removal, reduction, and disposal services for storm generated debris for a period of three-years. (See Item later this meeting.)

5. CONTRACTS

Approved Contract No. 2006-321, an Agreement for Disaster Debris Services, with Phillips and Jordan, Inc., for the purpose of debris removal, reduction, and disposal services for storm generated debris for a period of three-years. (See Item 4 earlier and later this meeting.)

6. CONTRACTS

See consideration of a Contract with Giffels-Webster Engineers, Inc., for the design of Area N of the Phillippi Creek Septic System Replacement Program (PCSSRP), later this meeting.

7. ADVISORY COUNCILS

See consideration of the following Items later this meeting:

- A.** Appointment of James McManemon to fill an unexpired four-year term on the Tourist Development Council (TDC), effective through September 2007;
- B.** Confirmation of the appointment of Commissioner Lou Ann Palmer to serve a two-year term on the TDC, effective through May 2008.

8. ADVISORY COUNCILS

- A.** Appointed Dan Miller to serve a four-year term on the Tourism and Economic Development Board (TEDB), as a Business Cluster Representative, effective through May 2010;
- B.** Confirmed the appointment of Commissioner Jeremy Whatmough to fill an unexpired four-year term on the TEDB, as the Town of Longboat Key Representative, effective through May 2009.

9. CONTRACTS

Approved Contract No. 2006-323, an Emergency Relief Program Agreement, with the Florida Department of Transportation (FDOT) for the Federal Highway Administration (FHWA) Emergency Relief Program for emergency repairs associated with Hurricanes Frances and Jeanne, in the amount of \$236,000.00.

10. CONTRACTS

Approved Contract No. 2006-324, a Subgrant Agreement, with Coastal Behavioral Healthcare, Inc., for the Juvenile Assessment Center (JAC) Services, in the amount of \$420,000.00.

11. CONTRACTS

See consideration of a Contract with Monroe County, Florida, for the GovMax Hosted Application Service, later this meeting.

12. CONTRACTS

Approved Contract No. 2006-326, Amendment No. 3 to Contract No. 2005-123, with the School Board providing for the sharing of the administrative services of Chief Information Officer Robert Hanson to extend the time period of services from June 1, 2006, through June 30, 2007.

13. CONTRACTS

Approved Contract No. 2006-327, Amendment No. 1 to Contract No. 2004-172, with Wells Operating Partnership, L.C., for use and operation of the UPS (Uninterruptible Power Supply) equipment and generators to service the Suncoast Technology Datacenter for Fiscal Year (FY) 2006 in the amount of \$19,807.77, and FY 2007 in the amount of \$20,402.00.

14. ADVISORY COUNCILS

Appointed Peter Price to fill an unexpired three-year term on the Neighborhood Initiative Grant Advisory Committee, as the District 5 Representative, effective through June 2008.

15. CONTRACTS

- A. Approved Contract No. 2006-328, Amendment No. 1 to Contract No. 2005-304, with Kings Gate Club, Inc., to extend the completion date of the Neighborhood Grant Program Funding Agreement to October 12, 2006;
- B. Approved Contract No. 2006-329, Amendment No. 1 to Contract No. 2005-306, with Sorrento South Property Owners, Inc., to extend the completion date of the Neighborhood Grant Program Funding Agreement to October 12, 2006.

16. CONTRACTS

See consideration of a Contract with APAC-Southeast, Inc., for the completion of the First Increment of Fiscal Year (FY) 2006 County Resurfacing Program, later this meeting.

17. EASEMENTS

See consideration of a Non-Exclusive Ingress/Egress Easement to Robert Davidson, later this meeting.

18. CONTRACTS/RESOLUTIONS

See consideration of the following Items later this meeting:

- A. A Contract with the Florida Housing Finance Corporation for tenant based assistance, in the amount of \$550,000.00;
- B. A Resolution, Budget Amendment No. B2006-071, to amend the Fiscal Year (FY) 2006 Budget to appropriate the funding.

19. WARRANTS

Ratified and approved the warrants dated May 15 through May 19, 2006, in the amount of \$17,264,274.23, as detailed in the voucher packages filed in the Finance Department.

20. MINUTES

Approved the Minutes of the meetings dated May 23 and May 24, 2006.

4. CONTRACTS - Continued

County Administrator James Ley responded to an inquiry regarding the requirement and number of Contracts to be executed for Disaster Debris Services (Contract No. 2006-320 with Crowder-Gulf Joint Venture, Inc.) and advised that a total of four Vendors will be considered.

4. CONTRACTS - Continued

Following an inquiry, Environmental Services Solid Waste Manager Lois Rose noted the status and the Contractors associated with the Disaster Debris Agreements and that two future Contracts (DRC Emergency Services, LLC, and AshBritt Environmental) will be considered by the Board in the near future. (See Items 4 and 5 earlier this meeting.)

(9:28:30)

6. CONTRACTS - Continued

Commr. Mercier inquired regarding the status and boundary changes for the design of the Phillippi Creek Septic System Replacement Program (PCSSRP) Project. Environmental Services Utilities Engineering Manager Gregory Rouse discussed the status, the selection process, and the number of engineers for the design services.

Discussions were held with County Administrator James Ley, Environmental Services Program Management General Manager Roger Rasbury, and Mr. Rouse on the following topics/issues:

- status of the Contractor and the insurance/surety company/contract renegotiations/emergency basis
- Project boundaries/revisions/Areas A and N
- cost/upgrades to the System/review of larger lots.

Commr. Staub moved to approve Contract No. 2006-322, a Professional Services Agreement, with Giffels-Webster Engineers, Inc., for the design of Area N of the PCSSRP, in the amount of \$1,862,038.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:37:08)

7. ADVISORY COUNCILS - Continued

Chair Mills commented on the process and requested that Staff provide an adequate number of applicants and/or note the number of applications received in Staff's report relating to Consent Agenda appointments to Advisory Councils. Discussions were held with Financial Planning Administrative Assistant II Terry Colombo on the following topics/issues:

- process for appointments
- governmental appointments
- time frame the position was advertised
- current appointment of Mr. McManemon
- lack of response for the vacancy.

Commr. Patterson moved to appoint the following:

- James McManemon to fill an unexpired four-year term on the Tourist Development Council (TDC), as a Representative Directly Involved in the Operation of a Business Subject to the Tax, effective through September 2007;
- Commissioner Lou Ann Palmer to serve a two-year term on the TDC, as the City of Sarasota Representative, effective through May 2008.

The motion, seconded by Commr. Thaxton, carried by a 5-0 vote. (See Item earlier and later this meeting.)

(9:42:55)

11. CONTRACTS - Continued

Financial Planning Process Coordinator Jim Ferguson responded to an inquiry regarding the cost/amount of the Contract with Monroe County for the GovMax Hosted Application Services. (See Item earlier and Item 29A, later this meeting.)

Commr. Patterson moved to approve Contract No. 2006-325, Amendment No. 1 to Contract No. 2003-282, with Monroe County, Florida, for the GovMax Hosted Application Service, extending the Contract for one year, effective through May 31, 2007. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:44:30)

16. CONTRACTS - Continued

Commr. Staub commented on the escalating costs for road projects and inquired about securing phases/increments earlier in the process. Public Works Road Program Manager Gary Downing noted, via teleconferencing, Staff's review of the phases/increments for the County Resurfacing Program, advised that the Projects will run concurrently, and commented on the cost of the asphalt and the bid process (competition) for future projects.

Commr. Staub moved to approve Contract No. 2006-330 with APAC-Southeast, Inc., for the completion of the First Increment of Fiscal Year (FY) 2006 County Resurfacing Program, in the amount of \$1,767,672.38. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:47:26)

7. ADVISORY COUNCILS - Continued

Commr. Patterson inquired regarding Staff's report relating to the appointments to the Tourist Development Council (TDC) and Financial Planning Administrative Assistant II Terry Colombo noted a correction to Staff's memorandum. (See Item earlier this meeting.)

(9:47:41)

17. EASEMENTS - Continued

Chair Mills inquired and Public Works Real Property Manager Lin Kurant commented on the ownership and the shared right-of-way relating to the access easement and Emergency Services Fire Chief Brian Gorski noted favorable access for emergency vehicles and the location and property boundaries.

Commr. Staub moved to grant and authorize execution of a Non-Exclusive Ingress/Egress Easement to Robert Davidson to provide access rights over lands subject to the County acquiring the property from Mr. Davidson. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:51:20)

18. CONTRACTS/RESOLUTIONS - Continued

Commr. Patterson inquired and Planning and Development Services Housing and Community Development Services General Manager Donald Hadsell commented on the costs and State requirements for the number of individuals (45) allowed for rental assistance, and funding (two-year roll-over), noted no requirement for individuals to be employed, and commented on the waiting list and the time frame for accepting new applications. Chair Mills requested that Staff draft correspondence for the Chair's signature to send to State Senators/Congressmen regarding the issues raised relating to the limitations on the number of applicants, without objection.

Commr. Staub moved to approve/adopt the following Items:

18. CONTRACTS/RESOLUTIONS - Continued

- A. Contract No. 2006-331 with the Florida Housing Finance Corporation for tenant based assistance, in the amount of \$550,000.00;
- B. Resolution No. 2006-128, Budget Amendment No. B2006-071, to amend the Fiscal Year (FY) 2006 Budget to appropriate the funding.

The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
(10:00:02)

CONSENT MOTION - SARASOTA COUNTY TRANSPORTATION AUTHORITY

Chair Mills recessed the Board of County Commissioners and convened as the Sarasota County Transportation Authority (SCTA). A motion was made by Commr. Staub and seconded by Commr. Thaxton to approve/adopt the following:

21. GRANTS/RESOLUTIONS

- A. Contract No. 2006-332, the 2006/2007 Trip and Equipment Grant Application for Non-Sponsored Trips and/or Capital Equipment to the Florida Commission for the Transportation Disadvantaged (FCTD), in the amount of \$516,144.00;
- B. Resolution No. 2006-129, authorizing the execution of the Grant Application to the FCTD.

Chair Mills inquired and Public Works Mobility Transit General Manager Anthony Beckford provided a comparison of the previous versus current year funding.

The motion carried without objection.

Chair Mills adjourned the SCTA and reconvened as the Board of County Commissioners.
(10:02:42)

22. ADVISORY BOARDS

The Board considered the appointment of one individual to serve a four-year term on the Tourism and Economic Development Board (TEDB), as the At-Large Representative, effective through May 2010.

Commr. Staub nominated Jean Trammell. Chair Mills nominated Alan Quinby. Commr. Thaxton nominated Laura Bauman. Commr. Patterson nominated George Minnitti, Jr.

Commr. Mercier moved to close the nominations. The motion, seconded by Commr. Thaxton, carried without objection.

Following a vote on the nominations, Chair Mills noted the unanimous appointment of Jean Trammell to serve a four-year term on the TEDB, as the At-Large Representative, effective through May 2010.

Following discussion with Financial Planning Administrative Assistant II Terry Colombo on the percentages and attendance rate, Commr. Patterson noted requests for waiver of the attendance requirements and Chair Mills noted a Board discussion scheduled for June 7, 2006.

(10:09:28)

23. ADVISORY BOARDS

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

Commr. Mercier nominated Toddington Tracy. Commr. Staub nominated Harry Colburn, Jr.

Commr. Staub moved to close the nominations. The motion, seconded by Commr. Thaxton, carried without objection.

Following a vote on the nominations, Chair Mills noted the appointment of Harry Colburn, Jr., to fill an unexpired four-year term on the Englewood CRA Advisory Board, effective through July 2008.

(10:52:56)

24. HEALTH AND HUMAN SERVICES

Health and Human Services Supervisor Nancy DeLoach requested to address the following Items later this meeting:

- A. The renaming of the Grants-In-Aid Program to the Contracted Human Services Program;
- B. The creation of two components (Strategic Opportunities and Operations and Infrastructure) within the Strategic Initiatives and Opportunities (SIO) Fund to accurately reflect the utilization of the fund;
- C. The establishment of a contingency/reserve component within the SIO Fund to provide funding availability for unforeseen situations that may arise within the currently funded programs;
- D. The Fiscal Year (FY) 2007 continuation funding from the SIO Fund, Strategic Opportunities component for the Out of School Time Project, the Adult Addictions Receiving Facility, the VIP-ER (Voluntary Interim Placement-Enhanced Recovery) Program, and the CART (Community Alternatives Residential Treatment) Initiative Evaluation;
- E. The FY 2007 continuation funding from the SIO Fund, Operations and Infrastructure component, for the Law Library, and for Legal Aid;
- F. The FY 2007 funding from the SIO Fund, Operations and Infrastructure component, for the Juvenile Assessment Center (JAC).

(10:12:10)

25. ENVIRONMENTAL SERVICES

- A. The Board reviewed the Environmentally Sensitive Lands Protection Program (ESLPP) Annual Status Report;
- B. The Board reviewed the Neighborhood Parkland Acquisition Program and the Parks Advisory and Recreation Council (PARC) update.

26. ENVIRONMENTAL SERVICES

Presentation of the Environmentally Sensitive Lands Oversight Committee (ESLOC) Annual Report by Chair Jono Miller.

Environmental Services Natural Resources Project Scientist Brooke Elias provided background information on the ESLPP and the Neighborhood Parkland Acquisition Program and responded to an inquiry regarding the total protected acreage for the ESLPP. Ms. Elias noted the order of review for the Board's consideration.

Chair Jono Miller summarized the ESLOC Committee's activities, concerns, and future projects. Discussions were held on the following topics/issues:

25. ENVIRONMENTAL SERVICES - Continued**26. ENVIRONMENTAL SERVICES - Continued**

- definition of ranch reserve protection/eastern ranch land/Longino and Carlton property/easement areas protected
- acreage owned/percentage of environmentally sensitive land/percentage of potential acreage/lands to be acquired/review of a second criteria to obtain sites/maximize the cost.

(10:35:45)

Ms. Elias gave an overview of the status, the number of the protected priority sites, successes, partnerships, and land acquisition highlights for the ESLOC/ESLPP. Discussions were held with Ms. Elias on the status of the acquisition of the O'Neil property.

RECESS: 10:46 a.m. - 11:00 a.m.

25. ENVIRONMENTAL SERVICES - Continued**26. ENVIRONMENTAL SERVICES - Continued**

Environmental Services Operations General Manager George MacFarlane submitted a copy and provided an overview of the Projected ESLPP Revenue and Debt Analysis. Discussions were held on the following topics/issues:

- pay-off time frame for commercial paper
- request to Staff for a memorandum highlighting the ESLOC/Neighborhood Parkland borrowing capacity, without objection
- explanation of the Chart in Staff's report (68 million dollars) for the ESLLP.

(11:07:55)

Community Services Parks and Recreation General Manager John McCarthy provided an update on the Parkland Advisory Committee applicants/positions and the time frame for appointments (July 12, 2006) and commented on the meeting locations and training needs. Discussions were held with Mr. McCarthy on the following topics/issues:

- number of parcels suggested for review/request to meet individually with Board members to discuss parcels
- status for appointments for consideration/criteria/request to schedule the appointments to the Neighborhood Parkland Advisory Committee earlier, without objection.

Commr. Staub requested a copy of the PowerPoint presentation, without objection.

(11:14:03)

24. HEALTH AND HUMAN SERVICES - Continued

Health and Human Services Social Services General Manager Charles Taylor submitted a revised memorandum and presented an overview of Staff's report. (See Item earlier this meeting). Discussions were held with Mr. Taylor on the following topics/issues:

- funding criteria/Chief Executive Officers' (CEO) salaries
- 2005 versus 2006 JAC (Juvenile Assessment Center) grants/funding
- request to fund Programs/Projects/Facilities that may become self-sufficient
- CART (Community Alternatives Residential Treatment) Initiative/Evaluation status report/annual evaluation/in-house

24. HEALTH AND HUMAN SERVICES - Continued

- SIO (Strategic Initiatives Opportunities) length of time/guideline for the maximum amount of time for a program to be considered as a Strategic Opportunity
- shift of services to private sector/funding/impact fees/infrastructure
- Law Library/request for data/utilization of the Law Library, without objection/resident use of libraries
- BJA (Bureau of Justice Assistance) Grant match
- funds available in the VIP-ER and Adult Addictions Programs.

Commr. Staub moved to approve the following:

- renaming the Grants-In-Aid Program to the Contracted Human Services Program;
- creation of two components (Strategic Opportunities and Operations and Infrastructure) within the SIO Fund to accurately reflect the utilization of the fund;
- establishment of a contingency/reserve component within the SIO Fund to provide funding availability for unforeseen situations that may arise within the currently funded programs (ten percent or \$240,206.00 for Fiscal Year (FY) 2007);
- FY 2007 continuation funding from the SIO Fund, Strategic Opportunities component, as follows: the Out of School Time Project, in the amount of \$74,905.00; the Adult Addictions Receiving Facility, in the amount of \$980,338.00; the VIP-ER Program, in the amount of \$696,533.00; and the CART Initiative Evaluation, in the amount of \$50,000.00;
- FY 2007 continuation funding from the SIO Fund, Operations and Infrastructure component, for the Law Library, in the amount of \$257,500.00, and for Legal Aid, in the amount of \$82,711.00;
- FY 2007 funding from the SIO Fund, Operations and Infrastructure component, for the Juvenile Assessment Center, in the amount of \$262,071.00.

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

(11:37:43)

27. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-038, Rezone Petition No. 03-48, a petition by John Osborne, Agent, to rezone 2 acres \pm , located at the southwest corner of University Parkway and Tuttle Avenue from RE-1 (Residential, Estate, 1 unit/2 acres) to OPI/PD (Office, Professional, Institutional/Planned District) zone district. (No recommendation provided by Planning Commission.)

Having been duly sworn, Planning and Development Services Acting Current Planning Manager Crystal Allred presented Staff's report on the request to develop the parcel with a 23,250 square foot \pm , two-story office building, with parking, and noted six stipulations recommended by the Review Agencies. Ms. Allred noted the Planning Commission's concerns regarding the existing lake and traffic intrusion/widening of Tuttle Avenue.

Discussions were held with Ms. Allred, Public Works Transportation Mobility Planning Manager Paula Wiggins, duly sworn, and County Attorney Stephen DeMarsh on the following topics/issues:

- Planning Commission concerns/right-of-way acquisition/landscape buffer

27. ORDINANCES - Continued

- options to modify the Development Concept Plan (DCP)/suggestion to add a stipulation to reflect the landscape buffer
- request for final consideration on a future Consent Agenda reflecting a modified DCP, without objection
- Shade Avenue right-of-way/inclusion in Staff's report
- suggestion to add a stipulation/existing trees to be maintained in the parking lot/Tree Ordinance.

Commr. Thaxton moved to add Stipulation No. 7 as follows:

To the maximum extent practicable, parking will be designed to keep the existing trees and this may require retaining walls and changing the location of the parking lot islands.

The motion, seconded by Commr. Staub, carried by a 4-1 vote, with Commr. Mercier voting "No."

(11:54:21)

Ms. Allred noted Stormwater Staff's request for an additional Stipulation (No. 8) and discussion ensued regarding a letter referenced in Staff's report relating to an adjacent property owner's request for a joint stormwater facility.

Commr. Staub moved to add Stipulation No. 8 and directed Staff to refine the language reflecting if the vault system is not approved that there will be alternatives to use the existing lake and/or any shared stormwater facility that is available.

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

Ms. Allred recommended and following discussion, Commr. Staub moved to amend Stipulation No. 6, changing the date stamp and to add the language "except as necessary to comply with the stipulations herein." The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(11:59:58)

Agent John Osborne, duly sworn, presented an overview of the proposed request, noted agreement with the Stipulations, as amended, and commented on the trees on the subject parcel.

Mr. Sam Miller, duly sworn, commented on the proposal.

Upon inquiry, Mr. Osborne noted that the construction is not "green."

Commr. Thaxton moved to continue the public hearing to July 11, 2006, at 9:00 a.m., or as soon thereafter as possible. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(12:09:25)

28. CLERK'S REPORT

A. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

The Filed for Record List was noted.

RECESS: 12:09 p.m. - 1:30 p.m.

34. OPEN TO THE PUBLIC

A. ADVISORY COUNCILS

Ms. Mary Ciner thanked the Board regarding her appointment to the General Contractors Licensing and Examining Board.

(1:33:00)

35. ADVISORY COUNCILS

The Board considered the appointment of one individual to fill an unexpired three-year term on the Nokomis Center Revitalization Advisory Committee, effective through September 2009.

Commr. Mercier nominated Jesus Cabalo. Commr. Thaxton nominated Judy King-Bechdolt.

Commr. Staub moved to close the nominations. The motion, seconded by Commr. Thaxton, carried without objection.

Following a vote on the nominations, Vice Chair Patterson noted the appointment of Jesus Cabalo to fill an unexpired plus three-year term on the Nokomis Center Revitalization Advisory Committee, effective through September 2009.

(1:34:21)

36. ADVISORY COUNCILS

- A.** To appoint two individuals to serve three-year terms on the Library Advisory Board, effective through May 2009;
- B.** To appoint one individual to fill an unexpired three-year term on the Library Advisory Board, effective through May 2008;
- C.** To appoint Peter Einisman to serve a one-year term on the Library Advisory Board, as the STAR (Students Taking Active Roles) in Government Representative, effective through May 2007.

Commr. Staub moved to reappoint Constance Davis and Pattie Lanier to serve three-year terms on the Library Advisory Board, effective through May 2009. The motion, seconded by Commr. Thaxton, carried without objection.

Commr. Staub noted the unavailability of the STAR Representative and requested to defer the appointment of Peter Einisman to serve a one-year term on the Library Advisory Board, as the STAR in Government Representative, without objection.

Commr. Thaxton nominated Kay Karioth. Commr. Staub moved to appoint Kay Karioth to fill an unexpired three-year term on the Library Advisory Board, effective through May 2008, without objection. The motion, seconded by Commr. Thaxton, carried without objection.

(1:36:50)

37. ENVIRONMENTAL SERVICES

The Board considered the status of the Manasota Key Beach Nourishment Project.

Environmental Services Coastal Resources Manager Laird Wreford submitted copies of the survey, survey results, and two e-mails, provided background on the Manasota Key Beach Nourishment Project, and summarized the results of the survey relating to support/opposition to the Manasota Key Beach Nourishment Project. Discussions were held with Mr. Wreford on the following topics/issues:

- survey results/advertisement
- location of the Project/Blind Pass Park/North Beach/properties included
- length of the entire segment/ten to 11 miles/length of the Siesta Key Project
- location of the most eroded areas/identification of Segment 3
- level of support/rock revetment areas/positive impact
- update results table/beachfront versus non-beachfront properties
- easement ownership
- review of the Project area/option to explore an initial design for more than one project/updated surveys/updated shoreline surveys/natural design concept
- prior Board denial of a seawall/priority given to the area/projection of cost increase/fair assessment in the District/7930 through 8520 Manasota Key Road
- fee/formula/funding source/infrastructure/needs.

(2:21:58)

Commr. Staub moved to direct Staff to proceed with the survey update for the Manasota Key Beach Nourishment Project for the properties located at 7930 through 8520 Manasota Key Road (public beach south to the Pearl Motel) and to review the feasibility of a funding mechanism from the General Fund tied to the amount of public beach frontage. The motion was seconded by Commr. Mercier.

Commr. Thaxton moved to divide the question, without objection. Following discussion regarding options for funding mechanisms/sources, Commr. Patterson moved to amend the motion to include the entire beach area for the properties located at 722 Manasota Key Road to the County line. The motion, as amended, was seconded by Commr. Staub, and carried by a 5-0 vote.

Chair Mills noted agreement by Commr. Staub to amend the motion to direct Staff to review all revenue/funding sources for the Project versus review the funding mechanism from the General Fund. Following individual comments, the motion carried by a 5-0 vote.

(2:28:57)

38. ENVIRONMENTAL SERVICES

Environmental Services Coastal Resources Manager Laird Wreford summarized the alternatives for the Turtle Beach Lagoon Channel Dredging Project.

Commr. Patterson moved to direct Staff to proceed with maintenance dredging of the Turtle Beach Lagoon Channel Dredging Project utilizing WCIND (West Coast Inland Navigation District) funds. The motion was seconded by Commr. Staub. Following individual comments, the motion carried by a 4-1 vote, with Commr. Thaxton voting "No."

(2:33:56)

39. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-041, Rezone Petition No. 05-31, a petition by Alan Garrett, Agent, to rezone 32.55 acres ± located at the northeast corner of Cattlemen Road and Proctor Road, from RMH (Residential, Mobile Home) and OUE-1 (Open Use, Estate, 1 unit/5 acres) to RMF-3 (Residential, Multi-Family, 13 units/acre) zone district. (Planning Commission recommended approval.)

Having been duly sworn, Planning and Development Services Acting Current Planning Manager Crystal Allred submitted and reviewed the corrected memorandum dated June 6, 2006, and presented Staff's report on the request to develop the parcel with a maximum of 423 multi-family units with an associated recreation area, noted the Planning Commission's recommendation of approval with nine stipulations, and reviewed additional modifications to Stipulation Nos. 3 and 5 since the Planning Commission public hearing.

Discussions were held with Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld, duly sworn, Environmental Services Resource Protection Manager Amy Meese, duly sworn, County Attorney Stephen DeMarsh, and Public Works Transportation Mobility Planning Manager Paula Wiggins, duly sworn, on the following topics/issues:

- clarification/intent of Stipulation No. 5 relative to hardwood habitat/open space/existing Home Depot Area utilization of the mitigation preserve area/Staff clarification of the Code/LDR (Land Development Regulations) regarding the prohibition for the use of open space not previously used
- page 2 of Staff's report/relating to the asterisk (*) Level Of Service (LOS) Existing
- definition of Community Housing/enforcement/no regulation to impose the Stipulation (No. 9)/must be voluntary/proffered.

(2:50:32)

Agent Alan Garrett, duly sworn, introduced members of the presentation team, presented an overview of the proposed request, and commented on (three) alternative language/amendments to Stipulation No. 3, and proffered the following language (option 2) (additions shown as underlined text):

Prior to construction authorization for the 279th dwelling unit, the connection of Honore Avenue from Bee Ridge Road to Fruitville Road shall be found to have available transportation facility capacity consistent with the Concurrency Management Regulations (Chapter 94, Article VII, Exhibit A, Sarasota County Code).

Discussions were held with Mr. Garrett and Attorney John Meshad (property owner), duly sworn, on the following topics/issues:

- options/versions of Stipulation No. 3/preference for option 2
- future plans of the remaining property/connection to Wilkinson Road
- market/rate/height allowance/garage with upper stories
- agreement for an affordable/community housing stipulation/number of homes
- height of community housing request/agreement to not exceed three stories on the frontage of Cattlemen Road (Stipulation No. 9).

(3:25:26)

39. ORDINANCES - Continued

Following discussion regarding modifications and options available, Commr. Staub moved to replace Stipulation No. 9 as follows:

Any unit constructed over 278 units will provide 50 percent of the overage designated as Community Housing.

The motion was seconded by Commr. Patterson. Following individual comments, Planning and Development Services Community Housing Manager Wendy Thomas, duly sworn, commented on the affordable housing income range. The motion carried by a 5-0 vote.

(3:36:17)

Ms. Wiggins discussed the inconsistencies of the Applicant's proffered alternative language for Stipulation No. 3 and referenced the Sections of the Concurrency Management Regulations, outlined on page iii, of Staff's report. Discussion ensued with Ms. Wiggins and County Attorney DeMarsh on the option/process for a Developer Agreement, waiver from the Concurrency Management Regulations, and the Planning Commission's modification to Stipulation No. 3.

Commr. Mercier moved to modify Stipulation No. 3, as proffered by the Applicant, as follows:

Prior to construction authorization for the 279th dwelling unit, the connection of Honore Avenue from Bee Ridge Road to Fruitville Road shall be found to have available transportation facility capacity consistent with the Concurrency Management Regulations (Chapter 94, Article VII, Exhibit A, Sarasota County Code).

Chair Mills seconded the motion. Following discussion with Public Works Transportation Mobility General Manager Clarke Davis, duly sworn, and County Attorney DeMarsh regarding the modified language for Stipulation No. 3, option for an additional stipulation for a Developer Agreement, and the budget year for full funding of Honore Avenue, County Attorney DeMarsh recommended the following substitute language for Stipulation No. 3:

Prior to construction authorization for the 279th dwelling unit, the developer/owner shall enter into a Developer Agreement with the County that shall provide for the funding of the Project to connect Honore Avenue from Bee Ridge Road to Fruitville Road such that the Project will be found to have available transportation facility capacity consistent with the Concurrency Management Regulations (Chapter 94, Article VII, Exhibit A, Sarasota County Code).

Chair Mills ruled Commr. Mercier's motion out of order. Commr. Patterson moved to approve the County Attorney's recommended language for Stipulation No. 3. The motion was seconded by Commr. Thaxton. Following discussion on the implications of the language, Attorney Meshad objected to the substitute language for Stipulation No. 3 and provided additional options/alternatives. (See Item later this meeting.)

RECESS: 4:09 p.m. - 4:19 p.m.

30. COUNTY ATTORNEY'S REPORT - No Items were presented.

32. BCC

The Board reviewed the County Commission Outstanding Board Assignments Report dated May 31, 2006. The following assignments were noted/discussed:

- Item No. 06058, ID No. 1
- Item No. 06050, ID No. 2
- Item No. 06046, ID No. 3
- Item No. 06049, ID No. 4.

33. BCC

The Board reviewed the Board of County Commissioners Meeting Schedule. Commr. Staub noted an Economic Development yearly event scheduled on June 26 and June 27, 2006, and moved to authorize travel expenses for Commissioners to attend the event in Orlando, Florida. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Discussion ensued regarding the June 16, 2006, Budget Workshop, the TDC (Tourist Development Council) and the Southwest Florida Regional Planning Council (SWFRPC) meetings.

(4:26:17)

39. ORDINANCES - Continued

Mr. Garrett and County Administrator Ley noted agreement with the following substitute language for Stipulation No. 3:

Should the developer seek authorization for construction of more than 278 dwelling units, the developer may seek to enter into a Developer Agreement with Sarasota County if it can be found that the connection of Honore Avenue from Bee Ridge Road to Fruitville Road provides available transportation facility capacity consistent with the Concurrency Management Regulations (Chapter 94, Article VII, Exhibit A, Sarasota County Code).

Commr. Patterson moved to approve the substitute language as recommended by Staff. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(4:28:15)

Mr. Garrett requested and Commr. Thaxton moved to approve the revised language for Stipulation No. 5, as follows and recommended by Staff:

To the extent that native habitat is required to be utilized to comply with the open space requirement of the zoning district, then the native hardwood Conifer Mixed Habitat located adjacent to the wetland should be used to fulfill this requirement.

The motion, seconded by Commr. Patterson, carried by a 5-0 vote. Ms. Meese confirmed the modified language for Stipulation No. 5.

Commr. Staub moved to close the public hearing. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Commr. Thaxton moved to adopt Ordinance No. 2006-041, approving Rezone Petition No. 05-31 with nine stipulations, as amended. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

39. ORDINANCES - Continued

Commr. Thaxton moved to direct Staff to schedule a discussion item regarding the use of offsite habitat mitigation, flood plain, and stormwater requirements to meet open space requirements. The motion, seconded by Commr. Mercier, carried by a 3-2 vote, with Chair Mills and Commr. Staub voting "No."

(4:33:11)

29. COUNTY ADMINISTRATOR'S REPORT**A. ORGANIZATIONS**

County Administrator James Ley noted the County's recognition by the Innovations Group for outstanding achievement in local Government for Govmax. (See Item 11 earlier this meeting.)

31. COMMISSION REPORTS**A. ORGANIZATIONS**

Commr. Patterson noted a Head Start Program award to Children First, Inc., and moved to send correspondence of congratulations. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

B. ORGANIZATIONS/ADVISORY COUNCILS/PLANNING AND DEVELOPMENT SERVICES

Commr. Staub commented on and discussions were held with County Administrator James Ley and County Attorney Stephen DeMarsh on the following topics/issues:

- meeting with a high school student regarding candy-flavored tobacco products targeted to nine-year olds and requested Board support in opposition to the marketing and sale of the products/propose Legislation
Commr. Staub moved to direct Staff to send correspondence to the Legislature supporting the opposition of the sale and marketing of candy-flavored tobacco products in the State of Florida. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.
- receipt of an email from Planning Commission Chairman Roland Piccone requesting to review the delineation of the LPA (Local Planning Agency) and the Planning Commission and noted that she would meet with the County Attorney's office
- elderly Englewood residents/request to build an additional home on their property/under two acres/rezone (RSF-4, Residential, Single Family versus RE-1, Residential, Estate)/consideration of a floating zone/cause for a non-conforming use/option to revert the property back to the original zone district/time limit/death of property owner/ conditions/stipulations
Commr. Staub moved to direct Staff to review the concept of a floating zone with strict parameters as discussed this date. The motion was seconded by Commr. Mercier. Following individual comments, the motion carried by a 5-0 vote.
- meeting with an elderly resident/impact fees/suggestion for a credit percentage for every decade that a lot/home is owned/suggestion to refer to Duncan and Associates/mitigation

(4:48:01)

C. PLANNING AND DEVELOPMENT SERVICES

Commr. Mercier commented on and discussions were held with Planning and Development Services Planning Director Anne McClung and County Administrator James Ley on the dialogue regarding a detention area/minimum security facility and the process/requirements for the transfer of development rights.

31. COMMISSION REPORTS - Continued**C. PLANNING AND DEVELOPMENT SERVICES - Continued**

Commr. Mercier noted to discuss the matter with Staff and discussion ensued regarding lowering density on barrier islands prior to hurricanes and the issue of the interpretation of the Land Development Regulations/Code relating to buildable partial lots/size limits/eligibility for duplexes.

(4:54:22)

D. PERMITS/STATE AGENCIES/FEDERAL AGENCIES/ORDINANCES/ENVIRONMENTAL SERVICES/EMERGENCY SERVICES

Commr. Thaxton commented on and discussions were held with Environmental Services Resource Protection Manager Amy Meese on the following topics/issues:

- earthmoving permits

Commr. Thaxton moved to direct Staff to request wildlife and habitat surveys and to coordinate with State/Federal Agencies, when necessary, as a requirement for the earthmoving permit process. The motion was seconded by Commr. Staub. Following clarification, the motion carried by a 5-0 vote. Following an inquiry, Chair Mills noted the effective date after this date for the requirement for the surveys, without objection.

- South Venice residents/permit applications for development of single family homes on single family lots where Scrub-jays are an issue

Commr. Thaxton moved to send correspondence with the Chair's signature to the U.S. Fish and Wildlife Service expressing concern relative to the length of time for processing permits. The motion, seconded by Commr. Staub, carried without objection.

- request for a report on enforcement of watering restrictions, without objection/correction to the Ordinance relating to the issue of unenforceable County regulations due to SWFWMD's (Southwest Florida Water Management District) designation/declaration of droughts

- fire coverage/protection/North Casey Key area/options to address homeowner insurance premiums/companies/Automatic Aid Agreement/First Responder/service contract/Nokomis Volunteer Fire Department

Commr. Thaxton moved to direct Staff to draft an Automatic Aid Agreement with the County acting as the First Responder. The motion, seconded by Commr. Staub, carried without objection. Commr. Thaxton moved to direct Staff to begin dialogue with the Nokomis Volunteer Fire Department for a service agreement/other agreement to enhance fire protection in the Casey Key area. The motion was seconded by Commr. Staub. Following discussion, the motion carried by a 5-0 vote.

(5:13:08)

E. PUBLIC WORKS/ORGANIZATIONS - Continued

Chair Mills commented on and discussions were held with County Administrator James Ley on the following topics/issues:

- request for a bicycle and pedestrian coordinator position

Commr. Thaxton moved to consider a Full Time Employee (FTE) individual for a bicycle and pedestrian coordinator position for consideration at the Budget Workshops.

31. COMMISSION REPORTS - Continued**E. PUBLIC WORKS/ORGANIZATIONS - Continued**

Commr. Staub noted to discuss the matter next week/options/initiative by the MPO (Metropolitan Planning Organization). Chair Mills noted consensus to defer the matter to next week.

- safety ranking/Sarasota/fifth most dangerous area for bicycle riders in the State of Florida
- receipt of correspondence from Mike Howell from the MPO (Metropolitan Planning Organization), requesting funding in the amount of \$1,000.00 for utilization of State and Federal transportation education activities and \$250.00 for meetings and refreshments.
Commr. Staub moved to approve the request. The motion, seconded by Commr. Mercier, carried without objection.
- NACO (National Association of Counties) Conference/prescription discount card/"live meeting format"/June 22, 2006/savings
Chair Mills requested County attendance/participation, without objection.
- completion of the credentials request for the County's right to vote at the annual conference/alternate/membership must be paid for the annual conference
- American Trails Magazine/universal trails assessment/learning opportunities/benefits/training/workshops/grants/State contribution of two miles for Oscar Scherer State Park

(5:19:53)

34. OPEN TO THE PUBLIC (Continued) - No one appeared at this time.**40. ORDINANCES**

- A.** Public hearing to consider proposed Ordinance No. 2006-040, amending Zoning Ordinance No. 2003-052, as amended and codified as Appendix A to the County Code, to amend Section 6 relating to optional Mixed Use Development Standards and to add Article 12, Section 12.1.1., relating to optional Mixed Use Development Community Housing Standards;
- B.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2006-040 consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)

Planning and Development Services Long Range Planning Manager Henry Epstein, duly sworn, noted the second public hearing scheduled for June 21, 2006, submitted copies of Future Land Use Designation Maps (North and South) and a Legend depicting Commercial Centers, introduced the Work Group members present, noted the Planning Commission's recommendation for approval, and provided an overview of Staff's report on the review and consideration of Zoning Ordinance Amendment No. 5. Discussions were held with Mr. Epstein and Planning and Development Services Planning Director Anne McClung, duly sworn, on the following topics/issues:

- Comprehensive Plan initiatives/CG (Commercial, General) primary implementing district/parcels/Comprehensive Plan Amendment No. RU-119 /commercial corridors
- properties included/ten acres or larger
- expansion to CI (Commercial, Intensive) zone district/intensity/mixed uses allowed
- process/rezone petition/Board consideration.

(5:42:00)

40. ORDINANCES - Continued

Mr. Epstein introduced Work Group member, ADP Group President Bruce Franklin, duly sworn, who discussed community efforts in the review of the draft regulations and gave a slide presentation on examples of projects occurring in the country. Commr. Staub requested an aerial of the proposed projects reflecting the surrounding area/buffers, without objection. Discussion ensued with Mr. Franklin and Ms. McClung regarding the maximum height and the intent relative to the setback requirements and the recommended regulations regarding the percentages for conversion of properties for residential versus commercial designations.

(5:56:20)

Discussions were held with Mr. Epstein, Planning and Development Services Community Housing Manager Wendy Thomas, duly sworn, Mr. Franklin, Ms. McClung, Work Group member Attorney William Merrill, duly sworn, and Assistant County Attorney Gary Oldehoff on Article 6, District Development Standards, regarding the following topics/issues:

- page A-2, consideration to add language relative to hurricane evacuation zones/Category 4 or 5 zones/request for review, without objection
- page A-2, Section 6.10.6.a.3., request to correct the word "mixes" to "mix," without objection
- page A-3, Section 6.10.6.c.1., authority in determining compatibility of design to adjoining land uses
- page A-4, Section 6.10.6.c.2.xi., explanation of the Signage Program
- page A-4, Section 6.10.6.d.2., community versus affordable housing/reference on page A-12, Community Housing Regulations, Section 12.1.1.c.1., Table, 15 versus 25 percent/language in Section 6.10.6.d.2., Table governs the number of units/Staff review/reconsideration of the Table and language/adjust percentages, without objection
- page A-4, Section 6.10.6.e.2., transient accommodations/kitchens/number of units/review of percentages/density/request for the definition of kitchen and Staff review of alternative language, without objection
- page A-5, Section 6.10.6.h.2., Permitted Accessory Uses and Structures, internal versus external uses/structures
- page A-6, Section 6.10.6.i.1., Mix of Uses, range of mixed uses/reasonable percentages/request to set a minimum percentage other than five percent, without objection
- page A-6, Section 6.10.6.j.5., Building Height, request for clarification of 45 feet within 50 feet of residentially zoned property and for a community graphic/Phillippi Landings (property boundary) and multiple examples, without objection
- page A-7, Section 6.10.6.k.1.vi, rooftop gardens/request to add "green" roofs, without objection/Section 6.10.6.k.1.vii, intention of the language "stormwater mitigation for addressing stormwater treatment"
- page A-7, Section 6.10.6.l.1., Minimum Yard Requirements, request to review the language (incomplete sentence) and add "internal streets," without objection
- page A-7, Section 6.10.6.l.1. and Section 6.10.6.l.2.i., request to correct the cross reference language (k.2. below and 6.10.6.n. below), without objection

40. ORDINANCES - Continued

- page A-8, Section 6.10.6.n.1.i, request to add language "and ingress and egress to the site," without objection
- page A-8, Section 6.10.6.n.4.iii, under Customer Parking, request to add motorcycles, without objection
- page A-8, Section 6.10.6.n.6., explanation of the language relating to loading spaces, eliminated or reduced
- page A-9, Section 6.10.6.o.3., Landscaping and Buffering, request to address the width of sidewalks, without objection
- page A-9, Section 6.10.6.o.3., request to delete the words "existing and new" before the word "building," without objection
- page A-10, Section 6.10.6.o.9., stormwater relative to vegetation/request for Staff clarification, without objection
- page A-10, Section 6.10.6.o.10., request to modify the language (additions shown as underlined text/deletions shown as ~~strikethrough~~ text): "A minimum six foot high wall or fence ~~shall be provided~~ may be required . . .," without objection
- page A-10, Section 6.10.6.p.1., request to insert the words "this Section" versus Section 6.10.6.," throughout the document, without objection
- page A-6, Section 6.10.6.j.4., clarification of the Zoning Ordinance reference
- page A-11, Article 12, Community Housing Regulations, request for consistent language relating to "Community Housing" versus Affordable Housing," without objection
- page A-11, Section 12.1.1.c.1., request to revise the language "Economic Redevelopment RMA" to "Economic Development RMA," without objection.

Vice Chair Patterson noted the second public hearing to be held on June 21, 2006, at 1:30 p.m., or as soon thereafter as possible at 1660 Ringling Boulevard, County Commission Chamber, Sarasota.

MEETING ADJOURNED: 7:06 p.m.