

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**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
Susan Scott, Deputy County Administrator
Stephen DeMarsh, County Attorney
Paula Clintsman, Deputy Clerk
Spring Dickson, Deputy Clerk

INVOCATION

Public Works Forestry Manager Demetra McBride

PLEDGE OF ALLEGIANCE

Commissioner Thaxton

PRESENTATIONS:

Outstanding Urban Forestry Program Award
Six Year Substance Abuse and Mental Health Services Administration (SAMHSA) Grant Award

Item submitted: A copy of the PowerPoint presentation

9:27:30 Board Action: Requested to schedule the SAMHSA Grant as a discussion item at the Board's Retreat, and to include the Community Alliance to address future funding. Requested by Staub, without objection.

PUBLIC HEARINGS:

(9:52:14)

1. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-060, amending the Fiscal Year (FY) 2007 Budget and transferring funds for the AMANDA Land Information Management System (LIMS) Project, Phase 3, in the amount of \$480,000.00.

Staff Presenter: Planning and Development Services Chief Building Official Paul Radauskas

9:53:28 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

9:53:51 Board Action: Adopted Resolution No. 2007-155, approving Budget Amendment No. B2007-060. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

DISCUSSION SECTION:

(9:53:58)

2. PUBLIC WORKS

The Board considered the Legacy Trail Operation and Use Policies.

Staff Presenters: Public Works Trails Coordinator Irene Maiolo, County Administrator James Ley, Community Services Parks and Recreation General Manager John McCarthy, and County Attorney Stephen DeMarsh

10:13:54 Board Action: Approved to allow segways on the Trail. Moved by Staub, seconded by Patterson, carried by a 3-2 vote; Barbetta and Thaxton voted "No."

10:21:47 Board Action: Approved "No Smoking" in designated areas of the Trail. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

10:24:28 Board Action: Directed to process the Operation and Use Policies for the Legacy Trail, as discussed this date (to be brought back on a future Consent Agenda for authorization to advertise). Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

RECESS: 10:26 a.m. - 10:44 a.m.

(10:44:32)

3. ENVIRONMENTAL SERVICES

The Board considered the presentation of the Peace River/Manasota Regional Water Supply Authority (PRMRWSA) tentative Budget for Fiscal Year (FY) 2008.

Public Presenters: PRMRWSA Water Resources Division Director Mike Coates and PRMRWSA Finance/Administration Division Director Edward Yates

Item submitted: A copy of the PowerPoint presentation

11:06:54 Board Action: Requested that Mr. Yates provide scenarios on rate impacts for a possible increase this year. Requested by Staub, without objection.

(11:23:17)

4. PUBLIC WORKS

Sitting as the Sarasota County Transit Authority (SCTA):

- A.** The Board considered the annual update of the Fiscal Year (FY) 2007 through FY 2011 SCTA Development Plan and to authorize transmittal to the Florida Department of Transportation (FDOT) by June 30, 2007;
- B.** The Board considered a Letter of Intent to the Florida Commission for Transportation Disadvantaged for a six-month extension of the Agency for Health Care Administration's Medicaid Subcontracted Provider Agreement from July 1, 2007, to December 31, 2007.

Chair Patterson recessed the Board of County Commissioners (BCC) and convened as the SCTA.

Staff Presenters: Public Works Transportation Planning Senior Planner Sarah Blanchard and County Administrator James Ley

4. PUBLIC WORKS - Continued

11:29:30 Board Action: Requested to communicate to homeowner associations to advertise bus routes in their local newsletters. Requested by Staub, without objection.

11:31:17 Board Action: Directed to measure/review (after 16 months) the low performance routes/ridership for neighborhood routes. Requested by Patterson, without objection.

11:33:41 Board Action: Approved the FY 2007 through FY 2011 SCTA Development Plan and authorized transmittal of the Plan to the FDOT by June 30, 2007, and approved a Letter of Intent to the Florida Commission for Transportation Disadvantaged for approval of the six-month extension of the Agency for Health Care Administration's Medicaid Subcontracted Provider Agreement. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

Chair Patterson adjourned the SCTA and reconvened as the BCC.

(11:40:13)

5. PLANNING AND DEVELOPMENT SERVICES

The Board considered a request by Doctors Hospital President and Chief Executive Officer (CEO) Robert Meade to waive the one-year filing requirement established in Sections 3.12.7.a. and 3.12.7.b. (Limitations on the Filing of Rezoning of Property) of the Zoning Ordinance pertaining to Rezone Petition No. 05-25, rezoning 4.11 acres \pm located west of Cattlemen Road and 1,200 feet \pm north of Bee Ridge Road, from OPI/PD (Office, Professional, and Institutional/Planned Development) to OPI/PD zone district.

Staff Presenters: Planning and Development Services Senior Planner Kirk Crane, County Attorney Stephen DeMarsh, and County Administrator James Ley

Public Presenter: Agent James Farr

11:41:20 Board Action: Approved the waiver of the one-year filing requirement for Rezone Petition No. 05-25. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11:43:47 Board Action: Requested the County Administrator to work with the Applicant to expedite the Rezone Petition. Requested by Patterson, without objection.

(11:44:45)

6. PLANNING AND DEVELOPMENT SERVICES

The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 2006-017, as amended and codified in Appendix A of the County Code, to extend the sunset date of the Optional Commercial Redevelopment Regulations contained in Article 6, Section 6.10.5.b.1. of the Zoning Ordinance, until January 31, 2008, and to waive the requirement for an Economic Impact Statement (EIS) and a Planning Commission public hearing.

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

11:44:50 Board Action: Authorized advertising of a proposed Ordinance for the Optional Commercial Redevelopment Regulations and waived the requirement for an EIS and a Planning Commission public hearing, with a correction to extend the sunset date to January 31, 2009. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(11:45:18)

7. PLANNING AND DEVELOPMENT SERVICES

The Board considered a request by Habitat for Humanity, Inc., for a County-initiated Comprehensive Plan Amendment in the 2008-01 Cycle, to amend the Future Land Use Map (FLUM) to redesignate the parcels located on the south side of Myrtle Street and north of Dr. Martin Luther King, Jr. Way and east of the railroad tracks from Medium Density, Residential to Office/Multi-Family Residential with consideration of a Neighborhood Commercial Center located on the south side of Dr. Martin Luther King, Jr. Way.

Staff Presenters: Planning and Development Services Principal Planner Brian Beatty and Planning and Development Services Planning Director Anne McClung

Public Presenters: Zeb Portanova and Mike Jacobson, representatives of Habitat for Humanity, Inc.

Items submitted: Copies of a document entitled "Existing Future Land Use Designations Comprehensive Amendment CPA2006EAR-07," the sign-in sheet from the June 20, 2007, Workshop, and an e-mail from Virginia Cocchi

12:17:34 Board Action: Directed to proceed with the preparation and processing of a County-initiated Comprehensive Plan Amendment in the 2008-01 Cycle, as requested by Habitat for Humanity, Inc., with the geographical area being 32nd Street South and eliminating the area north of 32nd Street and the parcel south of Dr. Martin Luther King, Jr. Way. Moved by Staub, seconded by Thaxton, carried by a 4-1 vote; Mercier voted "No."

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

8. OPEN TO THE PUBLIC

Alfred Haleblian presented a Certificate of Appreciation to the Board relating to Boat Safety.

PUBLIC HEARINGS:

(1:57:30)

9. PUBLIC WORKS

- A.** Public hearing to consider a proposed Resolution, Exchange Petition No. EX 07-04, a petition by Palmer Ranch Holdings, LTD, to exchange County-owned lands for lands owned by the Petitioner for property located adjacent to the easterly right-of-way line of the future Honore Avenue and northwesterly of Isles of Sarasota, Unit 1, to accommodate the construction of Fire Station No. 15;
- B.** (Not a public hearing.) To accept a Warranty Deed from Palmer Ranch Holdings, LTD, Petitioner, conveying a 215.97 foot \pm by 16 foot \pm strip of land along the northeasterly property line of the Fire Station No. 15 site;
- C.** (Not a public hearing.) To grant a Quit Claim Deed of the County's interest in a 176.76 foot \pm by 19.26 foot \pm strip of land along the southeasterly property line of the Fire Station No. 15 site to the Petitioner.

Staff Presenter: Public Works Real Property Manager Lin Kurant

2:00:20 Board Action: Closed the public hearing by Patterson, without objection.

9. PUBLIC WORKS - Continued

2:00:49 Board Action: Adopted Resolution No. 2007-156, approving Exchange Petition No. EX 07-04, accepting the Warranty Deed and granting a Quit Claim Deed. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(2:01:28)

10. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2007-057, Rezone Petition No. 07-01, a County-initiated petition to rezone one acre ± located at the southeast corner of Honore Avenue and Bloomfield Boulevard East, 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 Senior Planner Edward Wolfe, Emergency Services Fire Chief Brian Gorski, and Public Works Transportation Mobility Planning Manager Paula Wiggins

2:07:39 Board Action: Closed the public hearing by Patterson, without objection.

2:07:55 Board Action: Adopted Ordinance No. 2007-057, approving Rezone Petition No. 07-01, with five stipulations. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(2:08:03)

11. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2007-058, Rezone Petition No. 07-02, a County-initiated petition to rezone five acres ± located at the northeast corner of Fruitville Road and Vic Edwards Drive, 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 Jack Wilhelm and Emergency Services Fire Chief Brian Gorski

2:11:40 Board Action: Closed the public hearing by Patterson, without objection.

2:12:16 Board Action: Adopted Ordinance No. 2007-058, approving Rezone Petition No. 07-02, with seven stipulations. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

(2:12:23)

12. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider a proposed Resolution, Special Exception Petition No. 1644, a petition by Mark Lippert, Agent, to allow a community service facility and eliminate a nonconformity of a structure less than 50 feet to a residentially-zoned property in a RE-2 (Residential, Estate/1 unit/acre) zone district for property located 900 feet ± west of U.S. 41 and 900 feet ± north of Oak Street and west of Palmetto Avenue. (Planning Commission recommended approval.)

Staff Presenter: Planning and Development Services Senior Planner Edward Wolfe

12. PLANNING AND DEVELOPMENT SERVICES - Continued

Public Presenters: Agent Albert Joerger, Bruce Franklin, Attorney Jeff Russell, Kathy Coffey, Alan Floyd, and Richard Hays

2:42:50 Board Action: Approved to add Stipulation No. 5 as follows: "Hours of operation shall be one hour prior to sunrise to one hour after sunset, except rowing activities and special events shall be no later than 1:00 a.m." Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

2:42:53 Board Action: Closed the public hearing by Patterson, without objection.

2:43:01 Board Action: Reopened the public hearing by Patterson, without objection.

2:43:38 Board Action: Approved a modification to Stipulation No. 3 as proffered by the Applicant, without objection, as follows (additions shown as underlined text/deletions shown as ~~striketrough~~ text):

"The Applicant shall be required to ~~install~~ maintain a 20-foot wide 0.5 opacity landscape buffer along the south property line."

2:43:40 Board Action: Closed the public hearing by Patterson, without objection.

2:45:08 Board Action: Adopted Resolution No. 2007-157, approving Special Exception Petition No. 1644, with five stipulations, as amended. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 2:45 p.m. - 3:09 p.m.

(3:13:03)

13. PLANNING AND DEVELOPMENT SERVICES

First public hearing to consider the EDAW, Inc., and Economic Research Associates (ERA) Consultant's report on the Major Employment Center Land Use Study. (Second public hearing scheduled September 26, 2007.)

Staff Presenter: Planning and Development Services Senior Planner Christina Kohatsu

Public Presenters: EDAW, Inc., Representative Fredalyn Frasier and ERA Representative Aaron Smith

4:09:50 Board Action: Requested to discuss new ideas for entities/accessories on top of large structures, deferring impact fees, and roles other than those of the Board. Requested by Staub, without objection.

4:12:35 Board Action: Requested to address height, review of MEC land conversions to big box and more specifics on areas for expansion. Requested by Patterson, without objection.

4:13:05 Board Action: Requested that the Consultants/Staff meet with Lakewood Ranch officials regarding their plans/guidance. Requested by Staub, without objection.

4:14:24 Board Action: Requested that the County Attorney's Office work with the Consultants to provide incentives for redevelopment. Requested by Mercier, without objection.

4:14:45 Board Action: Noted the second public hearing scheduled on September 26, 2007. Noted by Patterson, without objection.

Note: Oath/Signature Cards Filed for Record.

DISCUSSION SECTION: (Continued)

(4:47:05)

14. PLANNING AND DEVELOPMENT SERVICES

The Board considered the distribution of Community Housing Funds.

Staff Presenters: Planning and Development Services Interim Community Housing Manager MaryBeth Humphreys, Deputy County Administrator Susan Scott, and County Administrator James Ley

5:30:42 Board Action: Noted majority consensus by Patterson to retain \$5,000,000.00 in Reserve and undesignated for one year.

5:52:07 Board Action: Approved the recommended allocations for the Community Housing Funds, as amended, in the amount of \$17,760,000.00 as follows, authorized the immediate release of the funds allocated to Habitat South, directed the County Administrator to bring back a Board report evaluating the first negotiated \$3,000,000.00 with the parameters for Board consideration regarding the amount of down payment based upon the minimum number of "200" families obtaining assistance, and to involve the Public Works Real Property Staff in obtaining appraisals for the (First Step) property/all properties. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Down Payment Assistance/Community Housing Trust (CHT) Habitat South, in the amount of \$10,000,000.00;

Rehabitat OHCD (Office of Housing and Community Development) Rehabilitation, in the amount \$1,000,000.00;

CHT/Hatton Street, in the amount of \$260,000.00;

CHT/Laurel Street, in the amount of \$350,000.00;

Habitat for Humanity, Inc./Leonard Reid, in the amount of \$5,000,000.00;

First Step/Wood Street/Royal Palm 1, in the amount of \$1,150,000.00.

5:52:07 Board Action: Requested to consider a "soft second" mortgage with no interest. Requested by Patterson and Barbetta, without objection.

15. OTHER BUSINESS

(9:28:52)

A. EMERGENCY SERVICES

Discussions were held with Emergency Services Fire Chief Brian Gorski on the drought index, sale of fireworks, and plans to address the July 4th fireworks.

(9:32:19)

B. PLANNING AND DEVELOPMENT SERVICES

Staff Presenters: Planning and Development Services Long Range Planning Manager Scott Heinig and County Attorney Stephen DeMarsh

9:33:52 Board Action: Invoked the Dispute Resolution provision in the Joint Planning and Interlocal Service Boundary Agreement (JPISBA) with the City of Venice pertaining to the compatibility issue regarding the Bella Citta Project. Moved by Staub and seconded by Barbetta.

9:51:28 Board Action: Tabled the motion. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

B. PLANNING AND DEVELOPMENT SERVICES - Continued

1:48:07 Board Action: Removed the tabled motion to invoke the Dispute Resolution provision in the JPISBA with the City of Venice regarding the compatibility issue with the Bella Citta Project. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

1:48:07 Board Action: Approved to invoke the Dispute Resolution provision in the JPISBA with the City of Venice regarding the Bella Citta Project. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

1:55:30 Board Action: Moved to invite Attorney Jeffery Boone to provide a presentation on the Bella Citta Development/project. Moved by Thaxton, seconded by Staub, failed by a 4-1 vote; Staub, Barbetta, Mercier, and Patterson voted "No."

1:56:10 Board Action: Authorized the Chair to contact the City of Venice Mayor to schedule a joint meeting. Requested by Patterson, without objection.

(4:15:20)

C. ENVIRONMENTAL SERVICES

The Board considered a proposed Resolution to approve the Project Application Requests for Fiscal Year (FY) 2008 from the West Coast Inland Navigation District (WCIND) Waterway Development Program, in the amount of \$1,000,000.00.

Staff Presenters: Environmental Services Coastal Resources Manager Laird Wreford and County Administrator James Ley

Item submitted: A copy of a document entitled "WCIND funding Multi Year Comparison"

4:40:51 Board Action: Requested correspondence be sent to the various organizations regarding the uncertainties of funds available, to strongly encourage the organizations to seek alternative funding sources, and to vote "No" on the Legislation/Amendment. Requested by Barbetta and Staub, without objection.

4:42:30 Board Action: Adopted Resolution No. 2007-158, as amended, approving the Project Application Requests for Fiscal Year (FY) 2008 from the West Coast Inland Navigation District (WCIND) Waterway Development Program, in the amount of \$1,020,000.00. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

(5:49:25)

D. COUNTY ADMINISTRATION

The Board reviewed the County Commission Outstanding Board Assignments dated June 21, 2007.

(5:52:20)

E. COUNTY ADMINISTRATION

The Board reviewed the Board of County Commissioners Meeting schedule.

(5:52:22)

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

MEETING ADJOURNED: 5:52 p.m.

MINUTES APPROVED: _____

Chair