

**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 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  
Paula Clintsman, Deputy Clerk  
Tricia Granger, Deputy Clerk

**INVOCATION**

Reverend Bob Lew, Center for Positive Living

**PLEDGE OF ALLEGIANCE**

Commissioner Thaxton

**1. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-030, to appropriate funding for the purchase of the Snook Haven property and for the operations and maintenance of the facility for the remainder of Fiscal Year (FY) 2006, in the amount of \$2,950,000.00.

Public Works Transit/Fleet Administrative Manager Michael Perry, duly sworn, presented Staff's report on the proposal for the acquisition of the Snook Haven property. Discussions were held with Community Services Parks and Recreation General Manager John McCarthy on the following topics/issues:

- Request for Proposal (RFP)/inclusion of food services/entertainment/sensitive areas/community benefits/current operations
- revenues/continued operations/expenses/maintenance issues prior to new management/liability/handicapped availability/ADA (Americans with Disabilities Act) enhancements to be addressed.

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

Commr. Staub moved to adopt Resolution No. 2006-034, approving Budget Amendment No. B2006-030, to appropriate funding for the purchase of the Snook Haven property and for the operations and maintenance of the facility, in the amount of \$2,950,000.00. The motion was seconded by Commr. Mercier. Following individual comments, the motion carried by a 4-0 vote, with Commr. Patterson not present.

(9:10:50)

**13. OTHER BUSINESS****A. PLANNING AND DEVELOPMENT SERVICES**

Chair Mills requested an assessment/status report on the Pinecraft Area Project, without objection.

(9:12:20)

**2. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Special Exception Petition No. 1622, a petition by Nancy Cason, Agent, to allow an outdoor recreation and sports facility with accessory indoor uses on a 5.04 acre ± parcel located east of Interstate 75 (I-75), south of Clark Road, and west of Hawkins Road, in an OUE-1 (Open Use, Estate, 1unit/5 acres) zone district. (Planning Commission recommended approval with four stipulations.)

Having been duly sworn, Planning and Development Services Senior Planner Shelley Hamilton presented Staff's report on the request to allow an outdoor recreation and sports facility with accessory uses and noted the Planning Commission's recommendation for approval with four stipulations. Discussion ensued with Ms. Hamilton and Environmental Services Environmental Specialist II Todd Hershfeld, duly sworn, on the following topics/issues:

- existing structure/two story building/buffers in place/industrial use
- existing wetland/preserve area/existing low area
- Comprehensive Plan condition approval/stipulation for a management plan  
Commr. Thaxton moved to include the wetland preservation language utilized in rezone and special exception petitions. Commr. Staub seconded the motion. Following comments regarding the standard language utilized, Chair Mills requested that Staff provide the precise language later this meeting, without objection.
- binding Development Concept Plan
- lot closest to the subject parcel/existing residence
- buffers.

(9:25:22)

Attorney Nancy Cason, duly sworn, and property owner Rick Trautwein, duly sworn, presented an overview of the proposed request, noted agreement with the recommended stipulations, and supported approval. Discussions were held with Attorney Cason, Mr. Trautwein, and Ms. Hamilton on the following topics/issues:

- uses of surrounding properties/after school and summer programs
- current location/demographics of members/interaction with the neighborhood
- adult activities/family programs/night activities
- security lighting  
Commr. Staub moved to amend Stipulation No. 3 as follows (additions shown as underlined text): There shall be no lighting on the subject property after 9:00 p.m. with the exception for security purposes on the building. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote, with Commr. Patterson not present.
- Stipulation No. 4/address prohibition of boom boxes  
Commr. Staub moved to amend Stipulation No. 4 as follows (additions shown as underlined text): There shall be no outdoor speaker system occurring on the subject property after 9:00 p.m., including "boom boxes." The motion, seconded by Commr. Thaxton, carried by a 4-0 vote, with Commr. Patterson not present.

**2. RESOLUTIONS - Continued**

Having been duly sworn, Jeremy Jacobs commented on the proposal.

Discussions were held with Mr. Trautwein, Attorney Cason, and Ms. Hamilton on the following topics/issues:

- landscape buffer (trees to remain on the property/sound impact)
- group size/maximum number of children for outside/indoor activities/noise
- agreement to stipulate a maximum number of children
- location of Mr. Jacobs' property
- structured activities/adequate buffer in conjunction with the proposed uses.

Commr. Thaxton moved to add Stipulation No. 5 to require the preservation of the existing trees and shrubs. The motion, seconded by Commr. Staub, carried by a 4-0 vote, with Commr. Patterson not present.

Commr. Staub moved to amend Stipulation No. 2 as follows (additions shown as underlined text):

There shall be no outdoor activities occurring on the subject property before 7:00 a.m. and after 9:00 p.m.

The motion, seconded by Commr. Thaxton, carried by a 4-0 vote, with Commr. Patterson not present.

Following discussion with Ms. Hamilton, Mr. Hershfeld, and County Attorney Stephen DeMarsh regarding a requirement for Site and Development approval, Commr. Thaxton moved to add Stipulation No. 6 as follows:

The Applicant shall continue to ensure compliance with Policy 5.5.11 of the Environment Chapter of *Apoxsee* requiring that native habitats be set aside in preservation and conservation areas and managed in accordance with a resource management plan which shall be submitted to Resource Protection prior to Certificate of Occupancy. This resource management plan will ensure maintenance of the functions and values of these native habitats and the removal of invasive/nuisance and exotic plant species.

The motion, seconded by Commr. Staub, carried by a 4-0 vote, with Commr. Patterson not present.

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

Commr. Mercier moved to adopt Resolution No. 2006-035, approving Special Exception Petition No. 1622 with six stipulations, as amended. The motion was seconded by Commr. Staub. Following individual comments, the motion carried by a 4-0 vote, with Commr. Patterson not present.

(10:00:42)

**3. ENVIRONMENTAL SERVICES**

The Board considered the Sarasota Bay National Estuary Program (SBNEP) update.

**3. ENVIRONMENTAL SERVICES - Continued**

Environmental Services Water Resources General Manager Theresa Connor introduced Sarasota Bay National Estuary Program Executive Director Mark Alderson who submitted a copy of the presentation and provided an update on the SBNEP. Discussions were held with Mr. Alderson and Mr. Gary Rawlinson, SBNEP Project Scientist, on the following topics/issues:

- nitrogen reduction/pollutant load reduction goal
- Palma Sola Bay/impaired waters in Sarasota Bay
- proposed barrier/expansion of the Bird Island Project
- South Lido Beach Project parameters/North Lido Park maintenance items/habitat restoration
- report of an artificial reef under the new Ringling Bridge/boat damage
- current technical projects/red tide/locations/bloom development/occurrences
- trails
- grants/celebrations/on-going projects
- red tide initiatives/regional coordination/efforts.

Following comments, Chair Mills commended the individuals on the presentation and discussion ensued regarding recruitment of new members and the 12 vacant positions on the Sarasota Bay National Estuary Program Citizens Advisory Committee.

**RECESS:** 10:49 a.m. - 11:01 a.m.

**4. PUBLIC WORKS**

The Board reviewed Ordinance No. 2005-063 relating to the Residential Neighborhood Traffic Management Program.

Public Works Traffic Engineering and Operations Manager Don Galloway presented an overview of Staff's report on the review of the Residential Neighborhood Traffic Management Program. Discussions were held on the following topics/issues:

- review of traffic calming devices/financial contributions by property owners
- number of petitions in different phases/dedicated funds
- status of approved/unapproved projects
- increase in community participation/ownership/contributions
- results/process/"test" pilots/programs
- Tier 1/County contributions/Resolution Nos. 2005-234 and 2005-235
- enforcement/impacts to neighborhoods from citizens/residents in the area/cut-through traffic
- Sheriff/City ownership of machines that reflect vehicle speeds/suggestion to set/placement of a machine/camera on Bahia Vista Street in the Pinecraft area.

Following comments on the advertising requirements, Commr. Staub moved to revise Tier 2 to include speed cushions, "neck outs," speed tables without brick surfaces, and speed tables with imprint, with a cost sharing of 75 (County)/25 (public improvement districts) percent. Commr. Thaxton seconded the motion. Chair Mills inquired and Commr. Staub noted the current Tier 2 becomes Tier 3.

**4. PUBLIC WORKS - Continued**

Following comments, County Attorney Stephen DeMarsh and Mr. Galloway inquired as to the effective date. Following discussion, Chair Mills clarified Staff direction to place the matter on a future Consent Agenda, and to proceed with the four projects previously approved by the Board. Following discussion regarding the projects currently in the process, Chair Mills noted direction to Staff to determine the effective date (fair approach), without objection. The motion carried by a 4-0 vote, with Commr. Patterson not present.

Mr. Galloway provided an update on the Red Light Running Pilot/Project and discussions were held on the following topics/items:

- number and breakdown of the red light runners
- suggestion for placement of a camera at Venice Avenue and Jacaranda Boulevard
- request for a breakdown on the number of red light runners at each location and to identify the camera locations, without objection.

Mr. Galloway responded to inquiries regarding the status and design (citation warning) of the correspondence sent to photographed red light runners.

Commr. Staub noted the basis for the lack of a STAR (Students Taking Active Roles) in Government Representative on the Traffic Advisory Council (TAC) and suggested a later afternoon start time for TAC meetings.

**RECESS:** 11:35 a.m. - 1:30 p.m.

**5. OPEN TO THE PUBLIC - No one appeared at this time.****13. OTHER BUSINESS - Continued****B. SHERIFF**

Chair Mills noted a meeting with Sheriff William Balkwill on the Laurel Community Plan relating to geographic displacement, advised on the results of the meeting, and requested consideration to follow/review the results after three months, without objection.

(1:33:10)

**C. BCC**

Chair Mills noted the absence of Commr. Patterson for the afternoon public hearings and requested that the Petitioner/Applicant advise the Board to proceed or to continue the public hearing prior to the initiation of the hearing. (See Items 6 and 7 later this meeting.)

**6. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Street Vacation Petition No. SV 05-16, a petition by Charles Corneal to vacate, abandon, discontinue, and close a portion of an unimproved and unnamed platted, public, 50-foot wide right-of-way lying between Lots 2 and 3, Sarasota Gardens Subdivision.

Having been duly sworn, Public Works Real Property Manager Lin Kurant summarized the proposal. Discussions were held with Ms. Kurant, Planning and Development Services Senior Planner Shelley Hamilton, duly sworn, and Public Works Transportation Planning General Manager Clarke Davis, duly sworn, on the following topics/issues:

- access to Center Ring Road
- abutting property usage
- location/boundaries of the property

**6. RESOLUTIONS - Continued**

- impact of the Board's decision on Rezone Petition No. 02-11 (see Item 7 later this meeting)
- impact of the Street Vacation on future property development in the area/current internal connectivity and requirements for future shared uses
- existing roadway development/circulation patterns/ingress and egress
- previous right-of-way vacations
- anticipated impact on residential development in the area.

(1:44:03)

Agent Peter Dailey, duly sworn, commented on the proposed plans and collaboration between the Street Vacation Petition and Rezone Petition No. 02-11 (see Item 7 later this meeting) and supported approval.

Commr. Staub moved to close the public hearing. The motion was seconded by Commr. Thaxton. Ms. Kurant noted that no objections were received on the Petition. The motion to close the public hearing carried without objection.

Commr. Staub moved to adopt Resolution No. 2006-036, approving Street Vacation Petition No. SV 05-16. The motion, seconded by Commr. Thaxton, carried by a 4-0 vote.

(1:49:00)

**7. ORDINANCES**

Public hearing to consider proposed Ordinance No. 2006-014, Rezone Petition No. 02-11, a petition by Peter Dailey, Agent, to rezone 3.37 acres  $\pm$  located south of University Parkway and 300 feet  $\pm$  west of Honore Avenue from OUE-2 (Open Use, Estate, 1 unit/2 acres) to CG (Commercial, General). (Planning Commission recommended approval with nine stipulations.)

Having been duly sworn, Planning and Development Services Senior Planner Shelley Hamilton summarized the proposal to rezone the parcel to construct a two-story, 13,000 square foot building and noted the Planning Commission's recommendation for approval with nine stipulations.

(1:52:14)

Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld, duly sworn, commented on the incorporation of environmental requirements in the Land Development Regulations.

Following comments, Commr. Thaxton moved to amend the Development Concept Plan (DCP) to reflect "wetland preserve" in lieu of "wetlands." The motion, seconded by Commr. Staub, carried by a 4-0 vote.

Agent Peter Dailey, duly sworn, presented an overview of the proposed development and commented on the wetland area located on the property. Agent Richard Fischer, duly sworn, commented on access to the parcel and internal connectivity. Mr. Dailey noted agreement with the recommended stipulations and supported approval.

Mr. Steve Grossman, duly sworn, commented on the proposed Ordinance.

Mr. Dailey and Mr. Fischer addressed concerns on construction traffic access.

**7. ORDINANCES - Continued**

Upon inquiry, County Attorney Stephen DeMarsh advised that the Interlocal Agreement with Manatee County would be reviewed to address compliance issues for property access.

Mr. Fischer commented on the construction traffic access. Subsequent to comments, Mr. Grossman noted the volume of current traffic and concerns relating to construction vehicles.

Following comments, Public Works Transportation Planning Manager Clarke Davis confirmed that the Interlocal Agreement will be reviewed for compliance.

(2:05:32)

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

Commr. Thaxton moved to adopt Ordinance No. 2006-014, approving Rezone Petition No. 02-11 with nine stipulations and incorporating the amendment to the DCP. The motion was seconded by Commr. Mercier. Following individual comments, the motion carried by a 4-0 vote.

(2:07:51)

**8. PUBLIC WORKS**

Public Works Real Property Manager Lin Kurant presented Staff's report on advanced right-of-way acquisition. Discussions were held with Ms. Kurant, County Administrator James Ley, and Public Works Executive Director Jim Harriott on the following topics/issues:

- requirements for developer/developments to "set aside" portions of the right-of-way
- consideration of development incentive options
- funding mechanism/options to utilize impact fee funds to reimburse the purchase fund account
- request for funding account information, without objection
- widening requirements/uncertainty of amount of land required for future improvements
- cost for installation/construction of sidewalks and bicycle lanes/public safety concerns
- location of advance purchase sites
- infill area projects
- Florida Department of Transportation Local Agency Program (LAP) certification requirements/process costs.

Individual comments followed commending Staff's efforts.

Upon inquiry, Ms. Kurant commented on Staff's review relating to retention of development rights upon acquisition of the property.

(2:53:05)

**9. HOUSING**

The Board considered authorization for Staff to execute and file application documents, in partnership with the Community Housing Trust (CHT), as required by the City of Sarasota, to allow for the development of community housing units on County property located on Hatton Street, Sarasota.

**9. HOUSING - Continued**

Planning and Development Services Community Housing Manager Wendy Thomas presented an overview of Staff's report on the City of Sarasota's requirements for the development of community housing units on Hatton Street. Discussions were held with Ms. Thomas on the following topics/issues:

- percentile of Adjusted Median Income (AMI) range
- ownership options
- proposed location and number of homes
- previous ownership of the property.

Following comments by County Administrator James Ley, Commr. Staub moved to authorize Staff to execute and file application documents, in partnership with the CHT, as required by the City of Sarasota, to allow for the development of community housing units on County property located on Hatton Street, Sarasota. The motion was seconded by Commr. Mercier.

Planning and Development Services Chief Building Official Paul Radauskas noted Staff's intent to pursue the incorporation of "Green Building" techniques for the housing development and to review the stormwater drainage area to improve the existing conditions relating to safety concerns.

Subsequent to comments by CHT Chief Executive Officer Martina Guilfoil, the motion carried by a 4-0 vote.

**RECESS:** 3:05 p.m. - 3:21 p.m.

**10. EMERGENCY SERVICES**

Emergency Services Fire Chief Brian Gorski presented an update on the fire station construction schedule. Discussions were held with Chief Gorski and County Administrator James Ley on the following topics/issues:

- previous conditions of employment/volunteer services
- age (hours/mileage) of equipment (ambulances) being replaced/manufacture make and model of new vehicles/new safety/medical equipment ordered
- proposed relocation of the downtown fire station equipment/services during the rehabilitation/reconstruction process
- standard construction designs
- proposed installation of a fire pole/safety concerns
- property acquisition/opportunity for co-location with Sheriff's Office facilities/existing Emergency Services maintenance facility location
- construction time frame/staffing additions
- use of Reserve funds (designated versus non-designated)/construction costs.

County Administrator Ley commented on Staff's planning efforts and long range goals and commended the Emergency Services personnel for their dedication and service to the County.

(3:50:08)

**11. PUBLIC WORKS**

Public Works Business Center Operations General Manager Larry Arnold presented an update on the escheated lots sales in North Port. Discussions were held on the following topics/issues:

- time frame for execution of the deeds for lots sold
- escheated lots to County/time frame for property owners to retain ownership prior to a tax sale
- original cost of lots (during tax sales) versus current sales price
- remainder of lots originally offered in Session One Sales
- estimated Buyer's Premium
- estimated net revenue to the County/City of North Port
- consideration of lots removed due to scrub-jay habitat review.

Individual comments followed commending Staff's efforts.

(4:19:04)

**13. OTHER BUSINESS - Continued****D. SPECIAL DISTRICTS**

County Administrator James Ley commented on and submitted proposed language for the proposed West Villages Amendment and Planning and Development Services Long Range Planning Manager Scott Heinig commented on the review of the language by representatives of the West Village Improvement District. Following comments, Commr. Mercier moved to approve the following language:

Prior to exercising any of the District powers, functions, or duties relative to infrastructure planning, programming, or construction within that portion of the District located in unincorporated Sarasota County, the District shall enter into an Interlocal Agreement with Sarasota County specifying the process for the District to coordinate its activities with Sarasota County. The Interlocal Agreement shall include a means to coordinate infrastructure planning and programming.

The motion, seconded by Commr. Staub, carried by a 3-1 vote, with Commr. Thaxton voting "No."

**E. INFORMATION TECHNOLOGY**

Commr. Mercier inquired, and County Administrator James Ley noted the procedure to report e-mail "spam" to the Information Technology office.

**F. PUBLIC WORKS**

Chair Mills requested that Staff review and prepare correspondence for the Chair's signature relating to concerns raised regarding Mandarin Road improvements, without objection.

(4:22:45)

**G. ADVISORY COUNCILS/ORDINANCES**

Commr. Staub commented on the types of petitions being considered by the Board of Zoning Appeals and requested that Staff provide a report on options for Board consideration of the Zoning Administrator's determinations. Chair Mills noted Board consensus on the request.

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

**13. OTHER BUSINESS** - Continued

**H. BCC**

Commr. Thaxton commented on the requirements for 5:01 p.m. public hearings (see Item 12 later this meeting) and Assistant County Attorney Gary Oldehoff commented on consideration of Land Development Regulation Amendments relating to Statutory requirements and options for the Board, by a super majority vote, to dispense with a 5:01 p.m. hearing requirement.

Commr. Thaxton requested that Staff include the information relating to 5:01 p.m. public hearings in future reports.

**RECESS:** 4:28 p.m. - 5:02 p.m.

**12. ORDINANCES**

Public hearing to consider proposed Ordinance No. 2006-017, amending Ordinance No. 2003-052, 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., to July 30, 2007. (Second public hearing to be held on February 21, 2006.)

Having been duly sworn, Planning and Development Services Planning Director Anne McClung noted the intent to extend the sunset date and advised that the second public hearing for final consideration of the Ordinance is scheduled for February 21, 2006, at 1:30 p.m., at the Robert L. Anderson Administration Center in Venice.

Following comments, Commr. Thaxton moved to close the public hearing. The motion, seconded by Commr. Staub, carried without objection.

Commr. Thaxton moved to continue the public hearing to February 21, 2006, at 1:30 p.m., or as soon thereafter as possible, at the Robert L. Anderson Administration Center, 4000 South Tamiami Trail, Venice. The motion, seconded by Commr. Mercier, carried by a 4-0 vote.

**MEETING ADJOURNED:** 5:04 p.m.