

**MINUTES  
BOARD OF COUNTY COMMISSIONERS**

**ROBERT L. ANDERSON ADMINISTRATION CENTER  
4000 SOUTH TAMiami TRAIL  
COUNTY COMMISSION CHAMBER  
VENICE, FLORIDA**

9:00 a.m.

Nora Patterson, Chair, District 4  
Shannon Staub, Vice Chair, District 3  
Paul H. Mercier, District 1  
Joseph A. Barbetta, District 2  
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator  
Stephen DeMarsh, County Attorney  
Karen E. Rushing, Clerk of the Circuit Court and County Comptroller  
Latressa Preston, Deputy Clerk  
Paula Clintsman, Deputy Clerk

**INVOCATION**

Environmental Services Natural Resources Project Scientist Brooke Elias

**PLEDGE OF ALLEGIANCE**

Commissioner Barbetta

**PRESENTATION OF PROCLAMATIONS:**

Beyond the Book Day - March 23, 2007  
National Surveyors Week - March 18 through March 24, 2007  
Water Conservation Month - April 2007

**CONSENT SECTION:**

9:11:32 Board Action: Approved Items 1-17, with separate discussions on Items 7, 12, and 16, as follows. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

**1. ADMINISTRATION**

Ratified the previously issued Proclamation for Howard University Day - March 18, 2007.

**2. ADMINISTRATION**

Approved Contract No. 2007-271, with Sarasota County Openly Plans for Excellence (SCOPE) for Fiscal Year (FY) 2007, in the amount of \$165,440.00.

**3. COMMUNITY SERVICES**

Authorized submittal of a Grant Application (Resolution No. 2007-053) to the Florida Department of State, Division of Library and Information Services, to obtain funding for the construction of the Mid-County Public Library to be located at 4001 East Bay Street, Osprey.

**4. COMMUNITY SERVICES**

**A.** Approved Contract No. 2007-272, a Lease Agreement, with ResortQuest Southwest Florida, LLC, for the commercial office building located at 4016 Gulf of Mexico Drive, Longboat Key, in the amount of \$1,700.00 per month plus sales tax;

**B.** Adopted Resolution No. 2007-054, Budget Amendment No. B2007-034, amending the Fiscal Year (FY) 2007 Budget appropriating the funds from the lease of the Longboat Key commercial office building, in the amount of \$10,200.00.

**5. EMERGENCY SERVICES**

Approved Contract No. 2007-273, Amendment No. 1 to Contract No. 2007-065, with Sarasota K-9 Search and Rescue, Inc., to correct the reimbursement of volunteer hours.

**6. ENVIRONMENTAL SERVICES**

Authorized advertisement of a Notice of Intent and a public hearing to name an Environmentally Sensitive Land Protection Program (ESLPP) site located along the Myakka River between Interstate 75 (I-75) and U.S. 41.

**7. ENVIRONMENTAL SERVICES**

9:19:38 Board Action: Approved the Land Management Plan for the Deer Prairie Creek Preserve, pursuant to Contract No. 2006-250, a Management Agreement with the Southwest Florida Water Management District (SWFWMD) for the Deer Prairie Creek Project. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

9:14:00 Board Action: Requested to consider trails/access for horseback riding. Requested by Patterson, without objection.

**8. ENVIRONMENTAL SERVICES**

Approved Contract No. 2007-274, Specific Authorization No. 2 to Contract No. 2004-134, with Mote Marine Laboratory for ecological monitoring and reporting services, in the amount of \$135,540.36.

**9. ENVIRONMENTAL SERVICES**

- A.** Approved Contract No. 2007-275, an Assignment of Option to Purchase, from the Sarasota Conservation Foundation and The Nature Conservancy authorizing acquisition of 0.23 acres  $\pm$  from Lorena Dailey for property located within the Warm Mineral Springs Creek Protection Priority Site, Lots 15 and 16, Block C, Unit 55, in the amount of \$49,153.00;
- B.** Adopted Resolution No. 2007-055, authorizing the County Administrator, or designee, to exercise the Option to Purchase the Dailey property upon completion of all due diligence involved in the acquisition.

**10. FINANCIAL PLANNING**

Approved payment to Shelly McKay, P.A., IOTA Trust Account for full and final settlement of the subrogation claim to Allstate Insurance as subrogee of Kathleen Hanson, in the amount of \$5,258.85.

**11. FINANCIAL PLANNING**

Authorized the disposal of vehicles and off-road equipment.

**12. FINANCIAL PLANNING**

- A.** 9:20:38 Board Action: Adopted Resolution No. 2007-056, authorizing execution of the Agreement for the expansion of the existing cable television franchise service area. Moved by Mercier, seconded by Thaxton, carried by 5-0 vote;
- B.** 9:20:38 Board Action: Approved Contract No. 2007-276, Amendment No. 1 to Contract No. 2007-377, with Verizon Florida, LLC, to expand the initial cable television service area to include 5,900 households in an area north and east of the City of Venice. Moved by Mercier, seconded by Thaxton, carried by 5-0 vote.

**13. FINANCIAL PLANNING**

Authorized advertisement of a public hearing to consider a proposed Ordinance, repealing and replacing Ordinance No. 77-42, the Florida Power and Light Franchise Ordinance, and to waive the requirement for an Economic Impact Statement (EIS).

**14. HEALTH AND HUMAN SERVICES**

Approved Contract No. 2007-277, with the University of South Florida (USF) Board of Trustees for Substance Abuse and Mental Health Services Administration (SAMHSA) evaluation services, in the amount of \$229,488.00.

**15. PUBLIC WORKS**

Authorized the replacement of Attachment B to Contract No. 2007-118, a Maintenance Agreement with the Florida Department of Transportation (FDOT) approved by the Board on December 12, 2006, and authorized by Resolution No. 2006-258, to include the specifications for edging and sweeping.

**16. PUBLIC WORKS**

- A.** 9:29:22 Board Action: Approved Contract No. 2007-278, with Habitat for Humanity, Sarasota, Inc., for the sale and purchase of four County-owned residential lots lying within property described as Parcel Identification Numbers (PID) 2024-01-0008, 0028-05-0039, 0028-05-0040, and 0028-12-0046, to be used for affordable housing, in the amount of \$100.00. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.
- B.** 9:29:22 Board Action: Adopted Resolution No. 2007-057, authorizing the Chair to sign the deeds conveying the four County-owned residential lots to Habitat for Humanity, Sarasota, Inc., and to release the County's interest in and title to phosphate, minerals, metals, and petroleum relative to the four parcels. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

9:29:32 Board Action: Requested the County Administrator to review and provide a comparison report on other Counties' property taxes for Habitat for Humanity homes. Requested by Patterson, without objection.

**17. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

Ratified and approved the warrants dated March 5 through March 9, 2007, in the amount of \$23,635,545.92, as detailed in the voucher packages filed in the Finance Department.

**DISCUSSION SECTION:**

(9:31:10)

**18. ENVIRONMENTAL SERVICES**

The Board considered the appointment of one individual to serve a four-year term on the Stormwater Environmental Utility Advisory Committee (SEUAC), as the General Representative, effective through March 2011.

9:31:50 Board Action: Appointed Molly Williams to serve a four-year term on the SEUAC, as the General Representative, effective through March 2011, without objection.

(9:32:29)

**19. PLANNING AND DEVELOPMENT SERVICES**

Sitting as the Community Redevelopment Agency (CRA):

- A.** The Board considered authorization of the CRA Chair to execute the Promissory Note with the County for the acquisition of the Cooper Holdings, LP, property located at 800 West Perry Street, Englewood, and for improvements to the site to be repaid over a five-year period with interest, in the amount of \$2,295,000.00;
- B.** The Board considered the purchase of the Cooper Holdings, LP, property in the amount of \$2,195,000.00 plus closing costs estimated at \$25,000.00 and \$75,000.00 to make site improvements utilizing funds borrowed on a short-term loan with the County, in the amount of \$2,295,000.00;

**19. PLANNING AND DEVELOPMENT SERVICES - Continued**

Sitting as the Board of County Commissioners (BCC):

- C. (Not a public hearing.) The Board considered a proposed Resolution approving an Interfund Loan to the Englewood Community Redevelopment Agency and authorizing the execution of a Promissory Note in favor of the County, in the amount of \$2,295,000.00 for the acquisition of the Cooper Holdings, LP, property located at 800 West Perry Street, Englewood, and for site improvements to be repaid over a five-year period with interest;
- D. (Not a public hearing.) The Board considered the execution of the Purchase Contract and to authorize Staff to secure all necessary documents for the acquisition of the Cooper Holdings, LP, property located at 800 West Perry Street, Englewood, in the amount of \$2,195,000.00 plus closing costs estimated at \$25,000.00 for a total of \$2,220,000.00, with the remaining funding to be used for site improvements.

Chair Patterson recessed as the BCC and convened as the CRA.

Staff Presenters: Planning and Development Services Community Redevelopment Area Coordinator Chris Davis and Community Services Parks and Recreation General Manager John McCarthy

9:39:13 Board Action: Authorized the CRA Chair to execute the Promissory Note for the acquisition of the Cooper Holdings, LP, property located at 800 West Perry Street, Englewood, and for improvements to the site to be repaid over a five-year period with interest in the amount of \$2,295,000.00. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

9:40:02 Board Action: Approved the purchase of the Cooper Holdings, LP, property in the amount of \$2,195,000.00 plus closing costs estimated at \$25,000.00, and \$75,000.00 to make site improvements utilizing funds borrowed on a short-term loan with the County in the amount of \$2,295,000.00. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

Chair Patterson adjourned the CRA and reconvened as the BCC.

9:41:46 Board Action: Requested to schedule lunch at the subject property during a future Board meeting held in South County. Requested by Staub, without objection.

9:42:46 Board Action: Adopted Resolution No. 2007-058, approving an Interfund Loan to the Englewood CRA and authorizing the execution of a Promissory Note in favor of the County, in the amount of \$2,295,000.00 for the acquisition of the Cooper Holdings, LP, property located at 800 West Perry Street, Englewood, and for site improvements to be repaid over a five-year period with interest. Moved by Staub seconded by Barbetta, carried by a 5-0 vote.

9:42:46 Board Action: Approved Contract No. 2007-279, the Purchase Contract and authorized Staff to secure all necessary documents for the acquisition of the Cooper Holdings, LP, property located at 800 West Perry Street, Englewood, in the amount of \$2,195,000.00 plus closing costs estimated at \$25,000.00, and \$75,000.00 to make site improvements utilizing funds borrowed on a short-term loan with the County in the amount of \$2,295,000.00. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

(9:43:00)

**20. FINANCIAL PLANNING**

The Board considered the Surtax Advisory Task Force (SATF) Report.

Staff Presenters: SATF Chairman Brian Meurs and County Administrator James Ley

**20. FINANCIAL PLANNING - Continued**

9:47:40 Board Action: Requested the County Administrator to provide a prioritized list of the community needs for discussion during a Board meeting in May 2007. Requested by Staub, without objection.

9:48:14 Board Action: Requested the County Administrator to schedule sufficient time allotted for the future Board meeting relative to surtax. Requested by Patterson, without objection.

9:50:10 Board Action: Requested to consider collaboration with the private sector to form a "challenge grant" as a fund raiser. Requested by Staub, without objection.

**PUBLIC HEARINGS:**

(9:55:16)

**21. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider a proposed Resolution, Variance Petition Nos. LDS 2000-00544 and LDS 2001-00779, a petition by Howard Horton, represented by Attorney William Dooley, to reinstate construction authorization for the Bee Ridge Park of Commerce Subdivision and the Bee Ridge Park of Commerce Tracts A-H for a two-year extension, pursuant to the Land Development Regulations.

Staff Presenters: Planning and Development Services Land Development General Manager Terry Boswell, Environmental Services Resource Protection Manager Matthew Osterhoudt, Planning and Development Services Land Development Engineering Section Supervisor Isaac Brownman, County Attorney Stephen DeMarsh, and Planning and Development Services Office Operations Supervisor Mary Stephens

Public Presenters: Attorney William Dooley, Brian Lichterman, and Richard Fischer

Item submitted: A document entitled "Timelines of Permit Activity Associated with The Bee Ridge Park of Commerce"

**RECESS:** 10:54 a.m. - 11:11 a.m.

12:00:29 Board Action: Closed the public hearing. Moved by Staub, seconded by Mercier, carried without objection.

12:07:36 Board Action: Adopted Resolution No. 2007-059, approving Variance Petition Nos. LDS 2000-00544 and LDS 2001-00779, as amended, with an extension period of one year from this date. Moved by Staub, seconded by Patterson, carried by a 4-1 vote; Barbetta voted "No."

**Note: Oath/Signature Cards Filed for Record.**

**REPORTS SECTION:**

(6:03:37)

**22. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER'S REPORT**

Chair Patterson referenced that Clerk of the Circuit Court and County Comptroller Karen Rushing noted the Filed for Record List.

(6:03:34)

**23. COUNTY ADMINISTRATOR'S REPORT**

Chair Patterson deferred the County Administrator's Report to March 21, 2007, without objection.

(6:03:34)

**24. COUNTY ATTORNEY'S REPORT**

Chair Patterson deferred the County Attorney's Report to March 21, 2007, without objection.

(6:03:34)

**25. COMMISSION AND COMMITTEE REPORTS**

Chair Patterson deferred the Commission and Committee Reports to March 21, 2007, without objection.

(6:03:34)

**26. ADMINISTRATION**

Chair Patterson deferred the County Commission Outstanding Board Assignments Report dated March 14, 2007, to March 21, 2007, without objection.

(6:03:34)

**27. ADMINISTRATION**

Chair Patterson deferred the Board of County Commissioners Meeting Schedule Report to March 21, 2007, without objection.

(12:11:53)

**28. PLANNING AND DEVELOPMENT SERVICES**

**JOINT MEETING WITH THE  
ENGLEWOOD COMMUNITY REDEVELOPMENT AREA (CRA)  
ADVISORY BOARD**

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

Board Member John Radkins, Chair  
Board Member Harry Colburn, Vice Chair  
Board Member Norman Caldwell  
Board Member John Davison  
Board Member Mary Ellen Diez  
Board Member John Mead  
Board Member Todd Tracy

- A. Presentation of the Englewood CRA Advisory Annual Report by Chair John Radkins
- B. Update to the Englewood Redevelopment Plan by Ted Brovitz of Stantec Consulting Services
  - 1. Overall CRA Plan with Land Use Management Districts
  - 2. Preliminary Concept Plans for Existing and Proposed Projects
  - 3. Preliminary Project List and Action Plan

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

Staff Presenters: Planning and Development Services Community Redevelopment Area Coordinator Chris Davis and County Administrator James Ley

Public Presenters: Ted Brovitz and Vivian Roe, representing Stantec Consulting Services

12:32:55 Board Action: Requested to coordinate with Public Works Forestry Manager Demetra McBride to find alternatives to save the trees as identified on page 8 of the Dearborn Street Concept Plan. Requested by Barbetta, without objection.

12:43:51 Board Action: Requested to consider the addition of a Park and Ride facility. Requested by Mercier, without objection.

**28. PLANNING AND DEVELOPMENT SERVICES - Continued**

12:50:18 Board Action: Requested to review/outline height requirements relative to the Federal Emergency Management Agency (FEMA) guidelines. Requested by Staub, without objection.

12:54:09 Board Action: Requested to review/outline provisions for architectural guidelines and an Architectural Review Board. Requested by Patterson, without objection.

12:58:09 Board Action: Requested that the County Administrator proceed with discussions with the Lemon Bay Playhouse members relative to the relocation process. Requested by Staub, without objection.

12:59:25 Board Action: Requested that the County Administrator review and bring back guidelines to preserve the character of the roadways in historic/heritage areas. Requested by Staub, without objection.

1:03:12 Board Action: Approved conceptually the relocation of the Performing Arts Center (Lemon Bay Playhouse) to the Green Street property under a long-term lease with the County subject to review and approval by the Board. Moved by Staub, seconded by Mercier, carried by 5-0 vote.

1:03:17 Board Action: Requested to review the site plans of the Veterans Memorial Park and to authorize the formation of a steering committee. Requested by Staub, without objection.

1:08:09 Board Action: Requested to proceed with the rezoning of public lands to the Government Use (GU) zone district. Requested by Staub, without objection.

Chair Patterson adjourned the CRA and reconvened as the BCC.

(1:20:40)

**29. COUNTY ATTORNEY**

The County Attorney noted an Executive Session on this date at 1:00 p.m., or as soon thereafter as possible, with the Board of County Commissioners in accordance with Florida Statute §286.011(8) to discuss Tracey P., Ric Z., Richard A., Gerard O., and Renaissance Manor, Inc., v. Sarasota County and Joseph and Maria Serna, U.S. District Court Case No. 8:05-CV-927-T-27EAJ and United States of America and Coastal Behavioral Health Care, Inc., v. Sarasota County, U.S. District Court Case No. 8:06-CV-1221-JDW-EAJ.

(**Note:** Attending the meeting will be the members of the Board of County Commissioners: Chair Nora Patterson, Vice Chair Shannon Staub, Commrs. Joseph A. Barbetta, Paul H. Mercier, and Jon Thaxton; County Administrator James Ley; County Attorney Stephen DeMarsh; Assistant County Attorney Gary Oldehoff; Attorney Christopher Hanback, Attorney Lynn Calkins, and Attorney Kelli Edson, of Holland and Knight; and a Court Reporter.)

**RECESS:** 1:21 p.m. - 2:51 p.m.

(2:52:50)

**30. OPEN TO THE PUBLIC - Opened and closed without comment.**

**DISCUSSION SECTION:** - (Continued)

(2:53:01)

**31. PUBLIC WORKS**

The Board considered a Road Impact Fee Appeal for Permit No. 05-441985 BC, a petition by Bernard Whitman on behalf of the Englewood Art Center located at 350 South McCall Road, Englewood.

**31. PUBLIC WORKS - Continued**

Staff Presenters: Public Works Transportation Mobility General Manager Clarke Davis, Planning and Development Services Inspection Services Manager Greg Yantorno, and County Attorney Stephen DeMarsh

Public Presenters: Bernard Whitman and Rachel Parios, representing the Englewood Arts Center, and James Battaglia

3:24:21 Board Action: Requested to calculate/estimate the amount of the impact fees for placement on the AMANDA System earlier in the process or provide correspondence. Requested by Staub, without objection.

3:28:41 Board Action: Chair Patterson passed the gavel and denied the Road Impact Fee Appeal for Permit No. 05-441985 BC. Moved by Patterson, seconded by Thaxton, carried by a 5-0 vote.

Vice Chair Staub passed the gavel to Chair Patterson.

(3:29:09)

**32. PUBLIC WORKS**

The Board considered a proposed Resolution establishing a new process for Plat Vacation Petitions.

Staff Presenters: Public Works Real Property Manager Lin Kurant and County Administrator James Ley

3:34:44 Board Action: Amended the Resolution to require notification to adjacent property owners/individuals that border the property. Requested by Thaxton, without objection.

3:37:34 Board Action: Continued the matter to the earliest possible Consent Agenda. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

**PUBLIC HEARINGS: - (Continued)**

(3:38:55)

**33. ENVIRONMENTAL SERVICES**

- A. Public hearing to consider proposed Ordinance No. 2007-023, amending Ordinance No. 79-03, the Gulf Beach Setback Line (GBSL) Code, as amended and codified in Chapter 54, Article XXII, of the County Code, to provide consistency with the Comprehensive Plan Amendments adopted during the Evaluation and Appraisal Report (EAR) process;
- B. Land Development Regulation Commission to find proposed Ordinance No. 2007-023 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)

Staff Presenters: Environmental Services Coastal Resources Manager Laird Wreford and County Attorney Stephen DeMarsh

Public Presenters: Ralph Heath, Fremont Thompson, Attorney Michael Furen, Richard Davis, Richard Boote, and Peter Matson

**RECESS:** 4:49 p.m. - 5:01 p.m.

Public Presenters - (Continued): Joyce Colmar, Nelda Thompson, Attorney William Merrill, and Walton Beacham

**33. ENVIRONMENTAL SERVICES - Continued**

Items submitted: Revised pages 19 through 22 of the proposed Ordinance, a copy of a document entitled "Analysis of Major Public Comments Recently Received," and additional correspondence received on the proposed Ordinance

3:53:58 Board Action: Requested that the Office of the County Attorney review/revise the words "reciprocal enforcement" to the words "uniform" or "enforcement for reciprocal benefits of all parties," on page 4, Section 2.(b),(7). Requested by Patterson, without objection.

5:27:34 Board Action: Requested to conduct the next public hearing in a workshop format. Requested by Thaxton, without objection.

5:33:22 Board Action: Requested to revise the language to a simplified notification to the neighbors/homeowners association within five lots north and south/east and west. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

5:40:50 Board Action: Continued the public hearing to September 25, 2007, at 9:00 a.m., or as soon thereafter as possible. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

5:41:28 Board Action: Requested that Board members meet with Staff on the subject. Requested by Patterson, without objection.

**Note: Oath/Signature Cards Filed for Record.**

(5:41:40)

**34. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider a proposed Resolution, Special Exception Petition No. 1633, a petition by Sam Bohl, Agent, to allow the expansion of a place of worship and child care center on 2.2 acres ± located at the northeast corner of Woodmere Road and Orange Road. (Planning Commission recommended approval with five stipulations.)

Staff Presenters: Public Works Planner Beth Wasson and Planning and Development Services Planning Director Anne McClung

Public Presenters: Agent Sam Bohl and Carol Long

6:01:44 Board Action: Added Stipulation No. 6 as follows: "A 15 foot wide landscape buffer shall be installed along the north property line. That portion of the buffer from Seaboard Avenue to the proposed stormwater retention area, as marked on Exhibit A, shall be planted at 0.5 opacity, with the plantings listed in Alternative 1, listed in Section 7.3.8 of the Zoning Ordinance. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

6:01:50 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

6:02:58 Board Action: Adopted Resolution No. 2007-060, approving Special Exception Petition No. 1633, with six stipulations, as amended. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

(6:03:38)

**35. OTHER BUSINESS - No Items were presented.**

March 20, 2007

**MINUTES  
BOARD OF COUNTY COMMISSIONERS**

Book 75  
Page 123

**MEETING ADJOURNED:** 6:04 p.m.

**MINUTES APPROVED:** \_\_\_\_\_

\_\_\_\_\_

Chair