

**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  
Kathleen Schneider, Deputy County Attorney  
Gary Oldehoff, Assistant County Attorney  
Claudia Goodson, Deputy Clerk  
Leah Von Leu, Deputy Clerk

**INVOCATION**

Pastor Matt Culbertson, Sarasota Baptist Church

**PLEDGE OF ALLEGIANCE**

Commissioner Thaxton

**PRESENTATION OF PROCLAMATIONS:**

Public Safety Telecommunications Week in Sarasota County - April 9 through 15, 2006

**12. OTHER BUSINESS**

**A. ORGANIZATIONS**

Following comments by Chair Mills, the Founders Garden Club of Sarasota presented the Garden Club of America Conservation Certificate of Acknowledgment to Commr. Thaxton and the Garden Club of America Civic Improvement Certificate to the Florida House Learning Center.

**11. ORDINANCES**

Public hearing to consider proposed Ordinance No. 2006-022, Rezone Petition No. 05-07, a petition by Peter Dailey, Agent, to amend the Longwood Run Planned Unit Development (PUD) approved Master Plan to allow the development of 40 single-family residences, previously designated for an Equestrian Area and Village Center, on 10.7 acres  $\pm$  located south of University Parkway, north and south of DeSoto Road, and east of The Tabernacle Church and Private School. The Longwood Run PUD contains 268 acres  $\pm$  and is zoned RSF-1/PUD (Residential, Single-Family, 2.5 dwelling units per acre/Planned Unit Development). (Planning Commission recommended denial.) (See Item later this meeting.)

Following comments by County Administrator James Ley, Chair Mills noted no objection to the Petitioner's request to remove the petition from Board consideration this date.

**1. CONTRACTS/RESOLUTIONS**

The Board considered the following Items:

- A.** Approval of the Grant Applications and related Neighborhood Grant Program Contracts, in the amount of \$179,513.00;

**1. CONTRACTS/RESOLUTIONS - Continued**

- B.** A proposed Resolution, Budget Amendment No. B2006-050, to transfer the funds to the Neighborhood Initiative Account, in the amount of \$168,512.00;
- C.** A proposed Resolution, Budget Amendment No. B2006-051, to appropriate a contribution from the Gulf Coast Community Foundation of Venice, in the amount of \$11,001.00.

Planning and Development Services Neighborhood Services Supervisor Jane Grogg presented an overview of the Neighborhood Grant Program accomplishments, reviewed the proposed Contracts and Budget Resolutions, noted Staff's objection to the Leisure Villas West Grant Application (No. 13) to resurface/repair a private street, advised of the inclusion of a matching fund by the Gulf Coast Community Foundation of Venice to the Overbrook Gardens Association and Children's Haven and Adult Community Services, Inc., Grant Application (No. 17), and commented on the Grant Application review process.

Discussions were held with Ms. Grogg, Planning and Development Services Neighborhood Services Administrative Assistant II Rochelle Brassard, and County Administrator James Ley on the following topics/issues:

- Castel Del Mare Condominium Association Grant Application (No. 5) regarding the request to improve the bus stop/extension of the front entry wall
- La Siesta Condominium Association, Grant Application (No. 12) regarding the replacement of a chain link fence
- Oak Forest Homeowners Association Grant Application (No. 15)/developer landscaping obligations
- request that Staff work with the community/homeowner associations/area nurseries regarding the Landscape Ordinance planting requirements, without objection
- distribution to the Board copies of reports/photographs associated with Commr. Staub's Condominium Association's previously approved Grant Application
- Westlake Estates Homeowners Association Grant Application (No. 24)/basis for the request to remove the palm trees
- Willowbend Community Association Grant Application (No. 25) regarding the request for the development of a website.

(9:40:42)

Upon inquiry, Ms. Grogg noted the proposed revisions to the Grant Application funding amount to \$170,013.00 and to the funds transferred to the Neighborhood Initiative Account (Budget Amendment No. B2006-050) to \$159,012.00, with the deletion of the Leisure Villas West, Grant Application No. 13. Commr. Staub moved to approve Neighborhood Grant Application Nos. 1 through 12 and 14 through 25, in the amount of \$170,013.00, as follows:

- Contract No. 2006-262 with Arbors Mobile Home Owners Association, in the amount of \$8,296.00;
- Contract No. 2006-263 with Bay Oaks Homeowners Association, in the amount of \$2,776.00;
- Contract No. 2006-264 with Beneva Ridge Condominium Association, in the amount of \$7,967.50;
- Contract No. 2006-265 with Calusa Lakes Homeowners Association, in the amount of \$10,120.34;
- Contract No. 2006-266 with Castel Del Mare Condominium Association, in the amount of \$4,874.00;

**1. CONTRACTS/RESOLUTIONS - Continued**

- Contract No. 2006-267 with Coral Cove Civic Association, in the amount of \$12,000.00;
- Contract No. 2006-268 with Country Meadows Homeowners Association, in the amount of \$5,115.00;
- Contract No. 2006-269 with Homeowners Association of Country Place, Inc., in the amount of \$4,959.00;
- Contract No. 2006-270 with Deerfield Property Owners Association, in the amount of \$4,165.20;
- Contract No. 2006-271 with Duck Key Owners Association, in the amount of \$1,796.52;
- Contract No. 2006-272 with Indian Beach Neighborhood, in the amount of \$11,855.67;
- Contract No. 2006-273 with La Siesta Condominium Association, in the amount of \$3,387.13;
- Contract No. 2006-274 with Midnight Cove II Condominium Association, in the amount of \$12,000.00;
- Contract No. 2006-275 with Oak Forest Homeowners Association, in the amount of \$2,384.43;
- Contract No. 2006-276 with Original Gillespie Park Neighborhood, in the amount of \$2,788.40;
- Contract No. 2006-277 with Overbrook Gardens Association and the Children's Haven and Adult Community Services, Inc., in the amount of \$11,000.15;
- Contract No. 2006-278 with Rivendell Community Association, Inc., in the amount of \$10,876.00;
- Contract No. 2006-279 with Sawgrass/Turtleback Group, in the amount of \$2,962.50;
- Contract No. 2006-280 with South Gate Community Association, Inc., in the amount of \$12,000.00;
- Contract No. 2006-281 with Stonebridge Community Association, Inc., in the amount of \$7,260.75;
- Contract No. 2006-282 with Waterford Master Owners Association, in the amount of \$11,926.72;
- Contract No. 2006-283 with Waterside at Bird Bay Village, in the amount of \$6,973.00;
- Contract No. 2006-284 with Westlake Estates Homeowners Association, in the amount of \$1,000.00;
- Contract No. 2006-285 with Willowbend Community Association, in the amount of \$700.00.

The motion, seconded by Commr. Thaxton, carried without objection.

Commr. Staub moved to adopt Resolution No. 2006-080, approving Budget Amendment No. B2006-050, as amended, to transfer the funds to the Neighborhood Initiative Account, in the amount of \$159,012.00. The motion, seconded by Commr. Thaxton, carried without objection.

Commr. Staub moved to adopt Resolution No. 2006-081, approving Budget Amendment No. B2006-051, to appropriate a contribution from the Gulf Coast Community Foundation of Venice, in the amount of \$11,001.00. The motion, seconded by Commr. Thaxton, carried without objection.

(9:42:48)

**2. ADVISORY COUNCILS**

The Board considered the appointment of one individual to serve a three-year term on the Public Facilities Financing Advisory Board (PFFAB) as the Public Facilities/Civic Organization Community of Interest Representative, effective through January 2009.

Commr. Staub nominated Sam George. Commr. Thaxton nominated Charles Senf.

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 Mr. Sam George to serve a three-year term on the PFFAB as the Public Facilities/Civic Organization Community of Interest Representative, effective through January 2009. Individual comments followed on advisory board meeting attendance.

(9:45:54)

**3. ORDINANCES**

Public hearing to consider proposed Ordinance No. 2006-026, amending Ordinance No. 99-005, as amended and codified in Chapter 118, Article III, of the County Code, relating to the regulation of cable systems operating within the unincorporated portions of the County.

Having been duly sworn, Financial Planning Office of Special Initiatives Manager William Brown summarized the proposal and reviewed and submitted a copy of recommended revisions to the proposed Ordinance.

Following comments, Commr. Staub moved that Section 118-87(o) be moved to Section 118-91 as Sub-section (h)(5). The motion, seconded by Commr. Patterson, carried without objection.

Commr. Staub moved to delete the last sentence of Section 118-91(h)(1) and to insert the language "The County shall consider reasonable exceptions to the following Build-out requirements." as the last sentence in Section 118-91(h), Service. The motion, seconded by Commr. Thaxton, carried without objection.

Subsequent to comments by Mr. Brown, Commr. Staub moved to delete the words "and/or local origination channels" from Section 118-90, Sub-sections (f)(1) and (f)(2). The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Discussions were held with Mr. Brown and County Administrator James Ley on the following topics/issues:

- Section 118-75(c), Approval Process, regarding the minimum size/subdivision area and a five year build-out plan
- Section 118-75(a), Statement of Policy, regarding avoidance of socio-economic exclusivity
- capability of cable vendors to include/exclude specific franchise areas/future service impacts
- Section 118-75(c)(2) regarding the Board's review of franchise area expansion applications
- future technology/service impacts.

(10:04:36)

**3. ORDINANCES - Continued**

Having been duly sworn, Mr. Larry Manion, representing Verizon, Inc., commented on the proposed Ordinance and requested that the time frame for cable system interconnections to education/government Access Channels be revised. Following discussion, Commr. Staub moved to revise the words "sixty (60) days" to the words "ninety (90) days" in Section 118-90(f)(2). The motion was seconded by Commr. Patterson. Following comments by Commr. Mercier noting concerns with Verizon "by-passing" local governments to the State level regarding cable franchises, the motion carried by a 5-0 vote.

Mr. Manion requested additional language be added to Section 118-92(a) regarding the location/relocation of customer service facilities. Following discussion with Deputy County Attorney Kathleen Schneider and Mr. Manion regarding final Board approval and review of customer use of the facilities, Commr. Staub moved to add the following language to Section 118-92(a):

During the term of the Franchise Agreement, should the Franchisee and the County Administrator believe that County subscribers are not sufficiently utilizing the Franchisee's business office or like facility to return equipment or make bill payments, then a Franchisee and the County Administrator may agree upon an alternative mechanism by which the Franchisee may meet these Subscriber's needs subject to the final approval by the Board of County Commissioners.

The motion was seconded by Commr. Thaxton. Following discussion with Mr. Manion and Deputy County Attorney Schneider on the use of customer facilities for bill payments and the ability of customers to return equipment, Commr. Patterson moved to amend the motion to add the words "or meet other Subscriber needs" following the words "bill payments." The motion, seconded by Commr. Thaxton, carried without objection. The main motion, as amended, carried by a 5-0 vote.

(10:21:20)

Attorney Gregory Porges, representing Bright House Networks, duly sworn, noted support of the proposed Ordinance and agreement with the revisions made this date.

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

Commr. Staub moved to adopt Ordinance No. 2006-026, amending Ordinance No. 99-005, as amended and codified in Chapter 118, Article III, of the County Code, relating to the regulation of cable systems operating within the unincorporated portions of the County, as amended. The motion was seconded by Commr. Thaxton. Following comments commending Mr. Brown, Deputy County Attorney Schneider, and the cable providers on their efforts, the motion carried by a 5-0 vote.

**RECESS:** 10:23 a.m. - 10:36 a.m.

**4. ORDINANCES**

Second public hearing to consider the Evaluation and Appraisal Report (EAR) Based Comprehensive Plan Amendments (Ordinance No. 2006-029) and to receive public comments relating to EAR changes. (Note: First public hearing was held on April 11, 2006.)

**4. ORDINANCES - Continued**

Following comments by Chair Mills, Planning and Development Services Planning Director Anne McClung, duly sworn, noted Staff's review of the proposed responses to the objections by the Florida Department of Community Affairs (FDCA) during the public hearing on April 11, 2006, commented on items to be considered during the April 26, 2006, public hearing, and suggested to continue Board discussions regarding affordable housing related policies this date.

Discussion ensued with Ms. McClung on prior Board direction to revise the word "shall" to "may" in Chapter 9, Future Land Use, Policy 3.1.3., relative to the Inclusionary Zoning Policy and Staff review of revisions ("shall" to "may") to the applicable policies/sections throughout the document to allow Board consideration of inclusionary zoning issues. Ms. McClung requested clarification regarding the Board's direction on the percentages indicated in Chapter 9, Future Land Use, Policy 3.1.9., (page 19 of Staff's Response Document).

(10:42:33)

Planning and Development Services Community Housing Manager Wendy Thomas, duly sworn, reviewed and submitted copies of proposed revisions to Chapter 9, Future Land Use, Policies 3.1.2. and 3.1.3., and Chapter 7, Housing, Policies 1.2.2., 1.2.4., and 1.2.5.

Subsequent to discussion with County Attorney Stephen DeMarsh on the Board's options to revise or delete Policy 3.1.3. as a result of the revisions to Policy 3.1.2. regarding the Board's discretion for an inclusionary zoning policy, Commr. Staub moved to adopt the language as presented for Policy 3.1.2. and to delete Policy 3.1.3. The motion was seconded by Commr. Mercier. Following discussion with County Attorney DeMarsh on the Board's option to mandate versus encourage an inclusionary zoning policy and the use of incentives/bonuses, the motion carried by a 5-0 vote.

(10:52:05)

Following comments, Commr. Staub moved to approve the language revisions for Chapter 7, Housing, as follows:

- delete the words "an inclusionary" and add the words "Community Housing amendment to the" in Policy 1.2.2.
- delete Policy 1.2.4.
- add the words "a Community and Affordable Housing incentive program based on" in the first sentence in Policy 1.2.5.

The motion was seconded by Commr. Mercier. Following discussion with County Attorney DeMarsh on the language in Policy 1.2.5. regarding mandated requirements for financial incentives, Commr. Patterson moved to amend the motion to revise the word "and" to the word "or" prior to the words "other means" on the third line of Policy 1.2.5., without objection. The main motion, as amended, carried by a 5-0 vote.

(10:55:07)

Following review of proposed revisions to the definition of affordable housing by Ms. Thomas, Commr. Staub moved to revise the words "30 percent" to "35 percent" on page 7-4, Chapter 7, Housing. The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 5-0 vote.

**4. ORDINANCES - Continued**

Ms. Thomas reviewed proposed revisions to Policy 3.1.9. regarding the percentages of affordable housing units and submitted a copy of a map identifying Sarasota County Area Transit (SCAT) fixed route transit services for 2004/2005. Discussion ensued with Ms. Thomas and Ms. McClung on the following topics/issues:

- future revisions to fixed route transit services
- definition/location/Future Land Use designations of Commercial Corridors
- preservation of the affordability of the units in perpetuity (second bullet, page 20 of Staff's Response Document)/review of criteria during Comprehensive Plan cycles.

Following comments, Commr. Mercier moved to approve Staff's recommendation of the following language for Policy 3.1.9., bullet 1:

"30 percent of the units qualify as affordable housing (those making less than 100 percent of Area Median Income (AMI) as calibrated for family size) and no less than 10 percent of the total units shall be affordable to those making less than 80 percent of AMI (as calibrated for family size).

The motion was seconded by Commr. Staub. Following comments on findings from a recent Affordable Housing Charrette, preservation of the affordable housing units in perpetuity, and policy direction relative to Commercial Corridors and Major Employment Centers (MEC) land designation areas, the motion carried by a 3-2 vote, with Commrs. Patterson and Thaxton voting "No."

Commr. Patterson moved to delete the words "Light Office" from the fifth bullet in Policy 3.1.9. The motion was seconded by Commr. Thaxton. Following discussion with Ms. McClung and Planning and Development Services Principal Planner Crystal Allred, duly sworn, on the location of Light Office areas and land use conversions, the motion carried by a 3-2 vote, with Commr. Mercier and Chair Mills voting "No."

(11:15:23)

Discussions were held throughout the public testimony with the following individuals, duly sworn, commenting on the proposal:

Mr. Henry Rodriguez

Attorney Robert Lincoln (submitted a copy of his presentation)

Following discussion with County Attorney DeMarsh and Attorney Lincoln on the conversion of multi-family rental properties to market-based owner housing/condominiums relative to inclusionary zoning, Board options/ability to review/consider conversions, and permit applications for building remodeling, Commr. Patterson moved to delete Policy 1.2.8. in Chapter 7, Housing. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(11:31:18)

Upon inquiry, Attorney Lincoln commented on the basis for his objections to Policy 1.2.4., Chapter 7, Housing, and continued his public testimony regarding the proposal. Commr. Mercier commented on concerns with the time frame for Board review of requested revisions and Commr. Staub submitted a copy of correspondence from Attorney Brenda Patten regarding the proposal.

**4. ORDINANCES - Continued**

Mr. Robert Medred, duly sworn, commented on the proposal and reviewed and submitted a copy of proposed revisions to Policy 3.1.8., Chapter 9, Future Land Use, a copy of market rate/family size statistics relative to affordable housing ratios, and a copy of a Staff brochure entitled "Housing in Sarasota County." Discussion ensued with Mr. Medred and Ms. Thomas on the following topics/issues:

- method to calculate AMI/family size
- workforce eligibility relative to participation in the Community Housing Trust (CHT) Program
- suggestion to revise the affordable housing percentages in Policy 3.1.8., second bullet
- resale of affordable units/option to participate in the CHT Program/perpetuity provisions.

Commr. Staub requested that Staff provide data on employee wages and Ms. Thomas commented on the time frame to update the Housing brochure.

(Note: Chair Mills passed the gavel to Vice Chair Patterson and left the meeting at 11:59 a.m.)

The following individuals, duly sworn, commented on the proposal:

Mr. Steve Queior, representing the Greater Sarasota Chamber of Commerce  
(submitted a copy of his presentation)

Mr. Jay Brady, representing the Gulf Coast Builders Exchange

Attorney Dan Lobeck, representing Control Growth Now (submitted copies of e-mails)

Following comments by Commr. Mercier, Attorney Lobeck commented on a proposed revision to the County Charter regarding the appointment versus the election of Charter Review Board members.

(12:10:43)

Discussion ensued with Ms. Thomas on the following topics/issues:

- CHT provisions regarding owner occupancy requirements/application in the proposed Ordinance
- policy regarding the resale of affordable housing units
- size of affordable housing units
- implementing regulations relative to inclusionary zoning.

Following comments by Ms. McClung, Commr. Staub moved to continue the public hearing to April 26, 2006, at 9:00 a.m., or as soon thereafter as possible. The motion, seconded by Commr. Thaxton, carried without objection.

**RECESS:** 12:16 p.m. - 1:30 p.m.

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

**11. ORDINANCES - Continued**

Public hearing to consider proposed Ordinance No. 2006-022, Rezone Petition No. 05-07, a petition by Peter Dailey, Agent, to amend the Longwood Run Planned Unit Development (PUD) approved Master Plan to allow the development of 40 single-family residences, previously designated for an Equestrian Area and Village Center, on 10.7 acres  $\pm$  located south of University Parkway, north and south of DeSoto Road, and east of The Tabernacle Church and Private School. The Longwood Run PUD contains 268 acres  $\pm$  and is zoned RSF-1/PUD (Residential, Single-Family, 2.5 dwelling units per acre/Planned Unit Development). (Planning Commission recommended denial.)

Chair Mills announced the deferral of Item 11. Planning and Development Services Planning Director Anne McClung, duly sworn, noted that the Item will be readvertised to a date not yet determined. (See Item earlier this meeting.)

(1:32:10)

**6. PLANNING AND DEVELOPMENT SERVICES**

The Board considered a presentation on the Sarasota 2050 Resource Management Area (RMA) Comprehensive Plan Amendment by Tim Jackson of Glatting, Jackson, Kercher, Anglin, Lopez, and Rinehart, Inc. (Glatting-Jackson).

Planning and Development Services Planning Director Anne McClung introduced Tim Jackson of Glatting-Jackson who presented an overview of the Sarasota 2050 RMA Comprehensive Plan Amendment. Discussions were held with Mr. Jackson, County Attorney Stephen DeMarsh, Ms. McClung, and Planning and Development Services Principal Planner Matthew Lewis on the following topics/issues:

- additional developed land use
- designation of the area between Fruitville Road, Palmer Road, and east of Interstate 75 (I-75)/Rural Heritage
- definition of countryside line/location on map
- open spaces in Villages and Hamlets/percentage of open space
- countryside to east/rural uses
- provisions for Middle and High Schools
- urban versus rural
- assigned acreage values to various uses/list
- upper northeastern part of the County/oilfields/private green space/consideration of rights in the formula/City/development potential from parcels transferred to Village open space/Hamlet designations
- public green space/well fields
- rights of property owners
- future land use designation/Government Use (GU)
- development rights to sell or transfer property/open space
- issue of prior notice/reverter clause
- selling of development rights if County purchased
- location of schools/policy decision/suggestion to put in Village
- size of acreage needed for school sites/edge of Village/use of athletic fields
- employment in Villages/light manufacturing
- retail possibility into Rural Heritage to expand Major Employment Center (MEC)/land use/industrial uses in the Villages/commercial use/residents' needs

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

- definition of density/changes to the Comprehensive Plan
- location of Hamlet areas
- population in a Village/units projected into population
- Conservation Subdivisions/location in South/incentives to rezone to Conservation Subdivision
- request for a copy of the PowerPoint presentation, without objection
- Zoning Amendment/changes/input from the community
- inquiry as to fiscal neutrality as a requirement of the Settlement Area
- proposed changes/alternatives regarding the Sarasota RMA 2050 Comprehensive Plan Amendment.

Chair Mills commended Mr. Jackson on the presentation.  
(2:48:52)

**7. PLANNING AND DEVELOPMENT SERVICES**

The Board considered the necessity of a public hearing to be held after 5:00 p.m. on a Zoning Ordinance Amendment to implement Comprehensive Plan Amendment No. RU-119 regarding mixed use regulations.

Planning and Development Services Planning Director Anne McClung presented an overview of Staff's report on the necessity of a 5:01 p.m. public hearing and discussions were held on the procedural matters and options for consideration regarding the determination of a time frame for the public hearing.

Following discussion, Chair Mills noted consensus to schedule two public hearings on Comprehensive Plan Amendment No. RU-119, one during a regular Board meeting and one to commence at 5:01 p.m.

**8. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Plat Vacation Petition No. 05-20, a petition by Halliwell Group, Inc., to vacate the County's interest in a portion of a 15-foot wide platted, private rear lot line drainage easement lying within Lot 8, Sunrise Village (6273/6377 Draw Lane), to eliminate a residential structure encroachment.

Having been duly sworn, Public Works Real Property Manager Lin Kurant summarized the proposal and discussed the property survey. County Attorney Stephen DeMarsh recommended authorization of the easement returning to the County.

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

Commr. Thaxton moved to adopt Resolution No. 2006-082, as amended, approving Plat Vacation Petition No. 05-20, conditional upon the easement returning to the County. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(2:55:26)

**9. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Plat Vacation Petition No. 06-03, a petition by Robert and Mary Ann Fisher, to vacate the County's interest in a portion of a ten-foot wide platted, private rear lot line drainage and utility easement lying within Lot 120, the Oaks Subdivision, 389 Sugar Mill Drive, Osprey, to eliminate a pool, pool deck, and pool cage encroachment.

**9. RESOLUTIONS - Continued**

Having been duly sworn, Public Works Real Property Manager Lin Kurant summarized the proposal and discussed the property survey. Discussion ensued with Ms. Kurant and Public Works Real Property Right-of-Way Acquisition Agent Shirlee Cash, duly sworn, regarding the setback requirement for the subject property and the Homeowner Association's approval of the request.

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 Resolution No. 2006-083, approving Plat Vacation Petition No. 06-03. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

**RECESS:** 3:00 p.m. - 3:10 p.m.

**10. ENVIRONMENTAL SERVICES**

Public hearing to determine the Water and Sewer Rate Policy for customers currently served by the Siesta Key Utilities Authority (SKUA), Inc.

Having been duly sworn, Environmental Services Operations General Manager George MacFarlane summarized the proposal, submitted a copy of the presentation and a copy of proposed utility rates, and discussed the effective date of the transfer of the SKUA rates, noting Staff's recommendation that the sewer rates be effective on the transfer date and the water rates be phased in over a one-year period. Discussion ensued with Mr. MacFarlane and Environmental Services Water Operations Manager David Cash, duly sworn, on the following topics/issues:

- County's guarantee of bonds
- SKUA/credit for use of bonds/savings in the past forty years
- replacement of the water main between Casey Key and Siesta Key/water flow
- time frame for upgrades/improvements
- outstanding debt/debt-free
- consumption/conservation rates
- number of customers/single family residents/condominiums/total users
- rate increase after title transfer/request for copies of the rate increases to be distributed to the audience, without objection
- irrigation/percentage of increase reflected on bill/total rate increase over a two-year period/full implementation (page 12)/comparison of the time frame with other rate increases.

Mr. Robert Perricone, duly sworn, commented on the proposal.

Mr. MacFarlane commented on concerns regarding simultaneous water and sewer rate increases and the projected time frame for the rate increase. Discussion ensued with Mr. MacFarlane on the following topics/issues:

- rate differential/relief with three-year phase-in
- future of the Utility regarding improvements/assessment/funds needed/Florida Department of Environmental Protection (FDEP)/renewal of permit
- removal/replacement of the plant
- FDEP/Advanced Wastewater Treatment (AWT) processing/land plans
- date of SKUA incorporation/revenue/water consumption
- phasing time frame for water rates/one-year revenue reduction.

**10. ENVIRONMENTAL SERVICES - Continued**

Subsequent to discussion, Commr. Patterson moved to direct Staff to implement a three-year "phase-in" of the water and sewer rates. The motion was seconded by Commr. Thaxton. Following comments, the motion failed by a 2-3 vote, with Chair Mills and Commrs. Mercier and Staub voting "No."

Commr. Mercier moved to approve Staff's recommendation that the sewer rates be effective on the transfer date and the water rates be phased in over a one-year period of time with a one-year phase-in resulting in a one-year revenue reduction to Sarasota County Utilities of approximately \$475,000.00. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(3:57:11)

**12. OTHER BUSINESS - Continued****B. PLATS**

County Attorney Stephen DeMarsh presented and Commr. Thaxton moved to approve the Final Plat of Red Hawk Preserve, Phase II. The motion, seconded by Commr. Staub, carried by a 5-0 vote. Discussion ensued regarding the location of Red Hawk.

**C. PLATS**

County Attorney Stephen DeMarsh presented and Commr. Patterson moved to approve the Final Plat of Osprey Woods. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

**D. LEGAL**

County Attorney Stephen DeMarsh submitted and reviewed the following items:

- Interoffice Memorandum No. 787, Karl Stebbins, as personal representative of the Estate of Elizabeth Stebbins v. City of Venice, Florida, et al, Case No. 8:04-cv-1988-T-30Map.

Commr. Mercier moved to approve the settlement amount of \$60,000.00. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

- Interoffice Memorandum No. 788, Sarasota County v. Gregory P. Volak, Case No. 2005 IN 000488 NC.

- Interoffice Memorandum No. 790, Charity, et. al. v. Sarasota County

Commr. Staub moved to deny the settlement proposal to allow plaintiffs to obtain title to the land along the edge of the water on Avenida del Norte on Siesta Key. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

- correspondence from Attorney Alan Roddy regarding Board of County Commissioners v. Board of Zoning Appeals; re: Flying Bridge Site, Case No. 2005-CA-010079 NC.

Subsequent to discussion regarding the Zoning Ordinance, Commr. Patterson moved to direct Staff to review and clarify the Zoning Ordinance relating to limited upper story residential in the Commercial Marine (CM) Zone District. The motion was seconded by Commr. Thaxton. Following discussion with Assistant County Attorney Gary Oldehoff, the motion carried by a 5-0 vote.

(4:12:37)

**12. OTHER BUSINESS - Continued****E. ENVIRONMENTAL SERVICES/ADVISORY COUNCILS/SHERIFF**

Commr. Thaxton commented on and discussions were held on the following topics/issues:

- request for Staff to look at options to curtail ATV's, dirt bikes, and trucks from damaging the celery fields/trespassing/environmental impact, without objection
- proposal for independent study/impacts on water quality from phosphate mining/Peace River watersheds/Charlotte Harbor/split funds from various agencies/State and Counties' review of cumulative impacts of phosphate mining to Charlotte Harbor and watersheds

Commr. Thaxton moved to authorize the County's participation in an independent study that would measure the cumulative impacts of water quality and quantity in the Peace River watersheds over the life of phosphate mining, dependent upon participation of other agencies. The motion was seconded by Commr. Patterson. Following discussion, the motion carried by a 5-0 vote.

- Animal Welfare Advisory Committee/annual report/Sheriff's Department/structure for reporting/conduit for citizens  
Following discussion with County Administrator James Ley, Commr. Thaxton moved to direct Staff to bring back a proposal for Board consideration to memorialize, codify, and institutionalize the Animal Welfare Advisory Committee and how they report to the Sheriff's Office and to the Board. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(4:30:08)

**F. PLANNING AND DEVELOPMENT SERVICES/PERMITS/LIBRARIES/ADVISORY COUNCILS/ORDINANCES**

Commr. Patterson commented on and discussions were held on the following topics/issues:

- photo submitted regarding signage/Code Enforcement input/Crescent Beach  
Commr. Patterson moved to direct Staff to review and report on the legality of the public's right to traverse upon dry sand beach historically used by the public. The motion, seconded by Commr. Staub, carried by a 5-0 vote. Discussion followed with County Attorney Stephen DeMarsh regarding the Public Trust Doctrine.
- Siesta Key towing/Siesta Key Village Association/signage in right-of-way
- Board of Zoning Appeals (BZA) agenda/web site posting  
Commr. Patterson moved to direct Staff to post the BZA agenda on the County's web site. The motion, seconded by Commr. Staub, carried by a 5-0 vote.
- photos of Recreational Vehicle (RV's)/Siesta Key public parking lot/overnight parking  
Commr. Patterson moved to direct Staff to review the legality of RV's parking overnight in the Siesta Key public parking lot. The motion, seconded by Commr. Staub, carried by a 5-0 vote.
- library system/reciprocal borrowing
- Daylight Plane Ordinance/Island Circle permit/BZA review/variance on the setbacks.

**12. OTHER BUSINESS - Continued****G. ORDINANCES/MUNICIPALITIES/ORGANIZATIONS/CONTRACTS/REZONE  
PETITIONS/PUBLIC WORKS**

Commr. Staub commented on and discussions were held on the following topics/issues:

- Concurrency Ordinance/schedule the item for discussion  
Commr. Staub moved to direct Staff to schedule a discussion regarding the Concurrency Ordinance. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.
- continue with the Joint Planning Agreement with the City of Venice  
Commr. Staub moved to direct Staff to contact the City of Venice Staff to offer the opportunity to develop a Joint Planning Agreement. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
- request Staff to provide a report on the process for Rezone Petitions to run concurrently with the Comprehensive Plan Amendment, without objection  
Commr. Thaxton moved to direct Staff to provide a report on the concurrent processing of the Comprehensive Plan Amendments and Rezone Petitions. The motion was seconded by Commr. Staub. Following discussion with County Attorney Stephen DeMarsh regarding the necessity of two public hearings on Rezone Petitions, the motion carried by a 5-0 vote.
- Manasota Key Road/stormwater drainage/Tom Adams Bridge to be closed for repairs/backup plan/temporary plan
- candidates for Board of County Commissioners/debates/accurate information  
Commr. Staub moved to direct Staff to schedule a symposium educating all candidates on County Government. The motion was seconded by Commr. Mercier. Following discussion, the motion carried by a 5-0 vote.
- Comprehensive Plan Amendment RU-119/Redevelopment under ten acres/Lockwood Ridge Road/Affordable Housing
- Southwest Regional Planning Council (SWRPC)/Babcock Preservation Partnership/conflicts of interest  
Commr. Staub moved to direct Commr. Mercier to address conflicts of interest with the SWRPC. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.
- Verizon conduit pipe/sleeve/under U.S. 41 bridge/options/costs to raise/replace  
Following discussion with County Administrator James Ley and County Attorney DeMarsh regarding the benefits to property owners, Commr. Staub moved to direct correspondence from the County Administrator to the President of the Nokomis Area Civic Association (NACA) listing the choices presented and the feasibility to work with property owners to determine assessment. The motion carried without objection.
- Joint Meeting with the City of Sarasota/plans for Fairgrounds/Fair Board conversation/plan/process/County Administrator meeting with the City Manager and the Fair Board President prior to the next Fair Board meeting.

(5:09:48)

**12. OTHER BUSINESS - Continued****H. PUBLIC WORKS/ENVIRONMENTAL SERVICES/ADMINISTRATION/ MUNICIPALITIES/  
ORGANIZATIONS**

Commr. Mercier commented on and discussions were held on the following topics/issues:

- State Road (S.R.) 776 Corridor Plan/site and development incentives for a mixed development/process status
- removal of Grand Trees/incentives to save trees/review of existing zoning/allowances by Southwest Florida Water Management District (SWFWMD) regarding trees saved/meetings with SWFWMD before removal/examples of clear cutting/tree protection Ordinance from City of Sarasota  
Commr. Staub moved to direct Staff to review and provide a report regarding regulations and incentives regarding clear-cutting and unnecessary tree removal. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.
- Lobbyist reports/schedule/method/location  
Commr. Patterson moved to direct Staff to create an agenda item twice a month during the State Legislative Session for Lobbyists to report. The motion was seconded by Commr. Mercier. Following discussion, the motion carried by a 5-0 vote.
- Wal-Mart development on the Dr. Martin Luther King, Jr. Way site/improvements to the area/City impacts
- Pearl Motel correspondence regarding permitting/time frame/expiration/inquiry regarding Kiwanis' involvement/public input.

(5:23:37)

**I. ORGANIZATIONS/PLANNING AND DEVELOPMENT SERVICES**

Chair Mills commented on and discussions were held on the following topics/issues:

- Metropolitan Planning Organization (MPO)/parking/lighting project/safety concerns
- status of the Community Housing Trust (CHT)/Affordable Housing/funding/Internal Revenue Service (IRS) Section 501(c)(3) application for submittal to the IRS for tax exempt designation funds for operating expenses
- Veteran's Affairs/consideration to rename the existing committee to "Veterans Advisory Council"
- Rails-to-Trails 5K Run and one-mile Fun Walk/Run scheduled for May 20, 2006
- community event/Relay for Life Walk fund raiser/Sarasota High School/amount raised.

(5:31:46)

**G. LEGISLATION - Continued**

Commr. Staub commented on the e-mail received regarding phosphate mining and the Legislative bill relating to all DRI's (Development of Regional Impacts) and the substantial deviation from five to ten percent. Upon inquiry whether to oppose, County Administrator David Bullock discussed the proposed change in language and the recommendation of a "no-object stance."

**12. OTHER BUSINESS** - Continued

**J. BCC**

The Board reviewed the County Commission Outstanding Board Assignments Report dated April 10, 2006.

**K. BCC**

The Board reviewed the Board of County Commissioners Meeting Schedule.

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

**MEETING ADJOURNED:** 5:36 p.m.