

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**SARASOTA COUNTY ADMINISTRATION CENTER
1660 RINGLING BOULEVARD
COUNTY COMMISSION CHAMBER
SARASOTA, FLORIDA**

1:30 p.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
Susan Scott, Deputy County Administrator
Stephen DeMarsh, County Attorney
Gary Oldehoff, Assistant County Attorney
Leah Von Leu, Deputy Clerk

INVOCATION

Pastor Daniel Nawara, Living Sanctuary

PLEDGE OF ALLEGIANCE

Commissioner Mercier

PRESENTATION OF PROCLAMATIONS:

Sarasota Season of Sculpture
2006 Inaugural Sarasota Marathon Grouper Run - March 5, 2006
Engineer's Week - February 19 through February 25, 2006

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

5. **RESOLUTIONS**

Upon inquiry, County Administrator James Ley noted an advertising error for the public hearing for Coastal Setback Variance Petition No. 79-03-05-367.

Having been duly sworn, Environmental Services Environmental Specialist II Rachel Herman advised that the advertising error was due to the inaccuracy of a survey and noted the need to readvertise the public hearing to a date yet to be determined.

(1:51:00)

2. **PUBLIC PROPERTY**

The Board considered an update regarding the Child Protection Center and the Community Housing Trust on the Laurel Street Property.

Public Works Facilities Services General Manager Michael Kirk presented an overview of the Child Protection Center (CPC) and the Community Housing Trust (CHT) partnership to construct a consolidated Child Advocacy Center on the Laurel Street property. Discussions were held with Mr. Kirk and County Administrator James Ley on the following topics/issues:

- time frame for partnership/goals
- number of affordable housing units
- size of the parcel in relation to the number of units

2. PUBLIC PROPERTY - Continued

- final plans/preliminary architectural drawings
- condominium units/lease agreement/CPC.

Following comments, Commr. Staub moved to direct Staff to enter into lease negotiations with the CPC for the Laurel Street property for construction of a consolidated Child Advocacy Center and in partnership with the CHT for the creation of a reasonable number of affordable housing units on the site. The motion was seconded by Commr. Thaxton. Following discussion with County Administrator Ley regarding "green building" construction, County ownership of the land, the long-term lease, and the location of the Child Advocacy Center, the motion carried by a 5-0 vote.

(2:01:32)

3. RESOLUTIONS

Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-026, amending the Fiscal Year (FY) 2006 Budget to incorporate various supplemental appropriations, revenue adjustments, grants, and transfers.

Having been duly sworn, Financial Planning Budget Management Analyst Robert Horn summarized the Proposal. Discussion ensued with Mr. Horn and Emergency Services Fire Chief Brian Gorski, duly sworn, on Item #3(c), page 2 of the memorandum, regarding the amount of acreage and land acquisition costs for the Fire District Site located on Fruitville and Verna Roads. Upon inquiry regarding the location of the quadrant, Staff was directed to find and provide it later, without objection.

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

Commr. Staub moved to adopt Resolution No. 2006-044, approving Budget Amendment No. B2006-026, amending the FY 2006 Budget to incorporate various supplemental appropriations, revenue adjustments, grants, and transfers. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(2:05:56)

4. ORDINANCES/RESOLUTIONS

- A.** Public hearing to consider a proposed Resolution authorizing transmittal of Comprehensive Plan Amendment No. RU-130 to the Florida Department of Community Affairs (FDCA), a privately-initiated petition by James Paulmann, Agent, to revise the Future Land Use Map to change the designation of a 20.1 acre \pm parcel located at the southeast corner of Sawyer Loop and Northridge Roads from Major Employment Center (MEC) to Medium Density Residential (>5 and <9 dwelling units/acre). (Planning Commission recommended denial.)
- B.** Public hearing to consider proposed Ordinance No. 2006-020, Notice of Proposed Change (NOPC) No. 06-01, a petition by James Paulmann, Agent, to amend the previously approved Palmer Ranch Development of Regional Impact (DRI) Master Development Order (MDO) and Ordinance No. 2006-012 to amend the previously approved Increment IV Development Order. These amendments will designate the 20.1 acres \pm at the southeast corner of Sawyer Loop and Northridge Roads to allow 180 multi-family residential dwelling units on the adopted Development Concept Plan and modify the text of the Increment IV Development Order. (Planning Commission recommended denial.)

4. ORDINANCES/RESOLUTIONS - Continued

- C.** Public hearing to consider proposed Ordinance No. 2006-010, Rezone Petition No. 06-03, a petition by James Paulmann, Agent, to amend previously approved Rezone Petition No. 97-03 (Ordinance No. 97-027) to PCD/ILW (Planned Commerce Development/Industrial, Light Manufacturing, and Warehousing) zone district, with stipulations, revising the legal description to remove the 20.1 acres ± located at the southeast corner of Northridge and Sawyer Loop Roads. (Planning Commission recommended denial.)
- D.** Public hearing to consider proposed Ordinance No. 2006-011, Rezone Petition No. 06-04, a petition by James Paulmann, Agent, to rezone 20.1 acres ± located at the southeast corner of Northridge and Sawyer Loop Roads, from PCD/ILW (Planned Commerce Development/Industrial, Light Manufacturing, and Warehousing) to RMF-2/PUD (Residential, Multi-Family/Planned Unit Development, 9 units/acre) zone district. (Planning Commission recommended denial.)

Chair Mills opened the public hearings simultaneously.

Having been duly sworn, Planning and Development Services DRI Coordinator Tina Crawford summarized the proposed Comprehensive Plan Amendment and Rezone Petitions and commented on the one action required by the Board (Comprehensive Plan Amendment RU-130). Discussion ensued with Assistant County Attorney Gary Oldehoff, Planning and Development Services Planning Director Anne McClung, duly sworn, and Planning and Development Services Land Development Planner and Landscape Architect Martha Horton, duly sworn, on the following topics/issues:

- Planning Commission recommendation/attendance/vacancy
- explanation of the public hearing proceeding/consideration of rezone petitions/ transmittal/deferred action/second public hearing
- Comprehensive Plan Amendment uses for the location/MEC Zone District
- Map 3/location of housing/property lines/barrier distance
- identification of the parcel on the map/previous parcel application/"piecemeal" planning/residential location to the wetlands/vegetation/trees/height allowance for buildings
- visual buffer for PCD/ILW zone districts/height of buffer/density of buffer/capacity percentage proposed/space between properties/percentage of MEC vacant land including subject property/concern with "stepdown"/property to the east/undeveloped land/proximity to condominiums/industrial use/designated wetlands
- aerial view/impact/height of the Serenade condominiums (formerly known as the Savoy condominiums) overlooking homes on Buckingham Street.

Agent James Paulmann, duly sworn, presented an overview of the proposed plan to redesignate Parcel A-7 of Palmer Ranch Increment IV for multi-family use. Discussions were held with Mr. Paulmann and Mr. Matt Brandman, representing Beazer Homes, duly sworn, on the following topics/issues:

- map/previous versus current boundary to the east of the subject parcel/location of the retention pond
- rezoning/acreage increase
- amount of vacant acreage
- map/Commercial, General (CG) zone district/location of the Winn Dixie facility
- height comparison to the Serenade condominiums/homes within the Wellington Chase Subdivision

(2:54:45)

4. ORDINANCES/RESOLUTIONS - Continued

- consideration of residents' views
- site photo of the area
- acreage of the wetland preservation area
- review of the stipulations relative to the petitions/agreement.

Upon inquiry, Ms. McClung commented on the requirements for the parameter buffer and wetlands designation and submitted correspondence from the current residents.

The following individuals, duly sworn, commented on the proposed Resolution and Ordinances:

Ms. Tricia Richardson
Mr. Dutch Richardson
Mr. Stanley Goldsmith
Ms. Theresa Samuels

Ms. McClung discussed the inventory of existing and potential future needs for MEC lands and the long-term (outside) study required for analysis and policy decision, and noted Staff's recommendation for approval. Upon inquiry, Public Works Transportation Planning Manager Clarke Davis, duly sworn, discussed the impacts from traffic generated from the proposed and existing development.

(3:45:50)

Attorney Charles Bailey, duly sworn, presented rebuttal to the public testimony regarding public facilities, traffic impacts, allowable building height, and distance between multi-family buildings to single-family homes. Upon inquiry, Mr. Scott Buttari, representing WilsonMiller, Inc., duly sworn, discussed the buffer strategy, opacity, and appearance of the berm.

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

Upon inquiry, Assistant County Attorney Oldehoff commented on the procedure relative to Board action on Comprehensive Plan Amendment No. RU-130 and the deferral of action on the NOPC and the rezone petitions pending the renotification/readvertising of an adoption hearing.

Following comments, Commr. Mercier moved to adopt Resolution No. 2006-045, authorizing transmittal of Comprehensive Plan Amendment No. RU-130 to the FDCA to revise the Future Land Use Map to change the designation of a 20.1 acre ± parcel located at the southeast corner of Sawyer Loop and Northridge Roads from MEC to Medium Density Residential. The motion was seconded by Commr. Staub. Following individual comments, the motion carried by a 5-0 vote.

(4:02:54)

Commr. Staub moved to defer action on proposed Ordinance No. 2006-020, NOPC No. 06-01, to amend the previously approved Palmer Ranch DRI MDO and Ordinance No. 2006-012 to amend the previously approved Increment IV Development Order until the adoption hearing has been scheduled (renoticed and readvertised) for the Comprehensive Plan Amendment. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(4:03:42)

4. ORDINANCES/RESOLUTIONS - Continued

Commr. Staub moved to defer action on proposed Ordinance No. 2006-010, Rezone Petition No. 06-03, to amend previously approved Rezone Petition No. 97-03 (Ordinance No. 97-027) to PCD/ILW zone district, with stipulations, until the adoption hearing has been scheduled (renoticed and readvertised) for the Comprehensive Plan Amendment. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Commr. Staub moved to defer action on proposed Ordinance No. 2006-011, Rezone Petition No. 06-04, until the adoption hearing has been scheduled (renoticed and readvertised) for the Comprehensive Plan Amendment. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

7. OTHER BUSINESS**A. EMERGENCY SERVICES**

Commr. Staub moved to authorize submittal of correspondence, under the Chair's signature, to be sent to Ms. Cathy Furr with DeSoto County Emergency Management regarding support for the Hurricane/Storm Mitigation Project. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

RECESS: 4:05 p.m. - 4:13 p.m.

6. COUNTY ATTORNEY

Following comments by Chair Mills regarding County Attorney Stephen DeMarsh's Annual Evaluation and Report, County Attorney DeMarsh presented the 2005 Annual Report from the Office of the County Attorney, gave a brief overview of the past year's performance, activities, and future concerns, commended the efforts from Staff, and noted personal contribution and experience. Discussion ensued with County Attorney DeMarsh on the following topics/issues:

- relationships with Constitutional Officers
- contract date
- County vehicle/evaluation/allowance/lease terms
- policy regarding outside communication/personal philosophy/legal obligation/interpretations.

Following individual comments commending County Attorney DeMarsh and discussion concerning the compensation package, Commr. Mercier moved to approve the recommendation for the increase in salary compensation for County Attorney DeMarsh from \$165,000.00 to \$180,000.00, including an annual \$12,000.00 vehicle allowance, with all terms and conditions of the compensation package remaining the same. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote. Individual comments followed commending the County Attorney's Office and discussion ensued regarding Staff responsibilities.

(4:43:50)

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

MEETING ADJOURNED: 4:45 p.m.