

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**ROBERT L. ANDERSON ADMINISTRATION CENTER
4000 SOUTH TAMiami TRAIL
COUNTY COMMISSION CHAMBER
VENICE, 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
Karen E. Rushing, Clerk of the Circuit Court and County Comptroller
Tricia Granger, Deputy Clerk

INVOCATION

Reverend David Stone, First Brethren Church of Sarasota

PLEDGE OF ALLEGIANCE

Commissioner Patterson

PRESENTATION OF AWARDS:

Government Finance Officers Association Award to Clerk of the Circuit Court and County Comptroller Karen E. Rushing by Gibson Mitchell

PRESENTATION OF PROCLAMATIONS:

5,000 Friends of Florida Families

CONSENT MOTION

A motion was made by Commr. Thaxton, seconded by Commr. Mercier, and carried by a 5-0 vote to approve Items 1-27 as follows, with the exception of Items 2, 11, 12, 13, 15, 20, 25, and 27, considered later this meeting.

1. PROCLAMATIONS

Ratified the previously issued Proclamation for Girls Incorporated of Sarasota County Day, February 3, 2006.

2. CONTRACTS

See consideration of a Contract with Seibert Architects, P.A. for the design and restoration of the Wilson House located at the Bee Ridge/Honore Park Site, later this meeting.

3. CONTRACTS

Approved Contract No. 2006-190, a Working Agreement, with the United States Department of Agriculture, Natural Resources Conservation Service for technical assistance, in the amount of \$30,000.00.

4. CONTRACTS

Approved Contract No. 2006-191, a Contributory Agreement, with the United States Department of Agriculture, Natural Resources Conservation Service for the County's pro-rata cost for office space located at 6942 Professional Parkway East, in the amount of \$10,032.00.

5. CONTRACTS

Approved Contract No. 2006-192, Addendum No. 2 to Contract No. 95-368, a Lease Agreement, with The Sarasota R/C Squadron for the operation of a model airplane flying on 6.18 acres ± at the County-owned Bee Ridge Landfill.

6. ENVIRONMENTAL SERVICES

Authorized the County Administrator to appoint a Hearing Examiner to conduct the required public hearing to consider the request of Aqua Utilities Florida for a Limited Proceeding rate increase.

7. CONTRACTS

Approved Contract No. 2006-193, Specific Authorization No. 1 to Contract No. 2002-420, with Carollo Engineers for Construction Management Services for various Utility Projects, in the amount of \$206,457.00.

8. CONTRACTS/RESOLUTIONS

- A. Approved Contract No. 2006-194, a Cooperative Funding Agreement, with Southwest Florida Water Management District (SWFWMD) for a Pollutant Loading Model Development, in the amount of \$863,814.00;
- B. Adopted Resolution No. 2006-037, approving Budget Amendment No. B2006-031, amending the Fiscal Year (FY) 2006 Budget to increase the appropriations, in the amount of \$431,907.00.

9. CONTRACTS/RESOLUTIONS

- A. Approved Contract No. 2006-195, an Assignment of Option to Purchase, with The Nature Conservancy for the acquisition of 22 acres ± located on the south side of 17th Street and west of the 17th Street Park from Stephen and Eva Berkes for property within the Circus Hammock Protection Priority Site, in the amount of \$3,474,170.00;
- B. Adopted Resolution No. 2006-038 authorizing the County Administrator to exercise the Option to Purchase the property upon completion of all due diligence involved in the acquisition.

10. CONTRACTS

Approved Contract No. 2006-196, Specific Authorization No. 1 to Contract No. 2003-298, with Jones Edmunds and Associates, Inc., for a Drainage Data Geodatabase Assessment and Data Collection Needs Assessment, in the amount of \$177,959.00.

11. RESOLUTIONS

See consideration of a Resolution to retroactively revise Cafeteria Plan Document Exhibits B and C and to delegate authority to the Plan Administrator for future amendments to the Cafeteria Plan Document, later this meeting.

12. GRANTS

See consideration for Staff authorization to apply for the United States Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant, later this meeting.

13. FINANCIAL PLANNING

See consideration of a payment to Wingate Tractor Service, Inc., for a property damage claim, later this meeting.

14. FINANCIAL PLANNING

Approved payment to USAA, as subrogee of Paul Stevens, for full and final settlement of the property damage claim, in the amount of \$6,152.65.

15. HEALTH AND HUMAN SERVICES

See consideration on the nomination of Dr. Kay E. Glasser for the Purpose Prize, later this meeting.

16. CONTRACTS

Approved Contract No. 2006-197, Amendment No. 1 to Contract No. 2005-332, with the South County Resource Center Condominium Association for space currently occupied by the County Health Department.

17. HOUSING

Amended the Down Payment Assistance Program Guidelines to enable the Program assistance to be in the form of a third mortgage and waived the limit on origination, points, and discount fees for applicants participating in the State or Regional Bond Program.

18. RESOLUTIONS/CONTRACTS

- A.** Adopted Resolution No. 2006-040 authorizing participation in the 2006 Housing Finance Authority of Lee County Single Family Bond Program;
- B.** Approved Contract No. 2006-198, an Interlocal Agreement, with the Housing Finance Authority of Lee County to operate a Single Family Mortgage Bond Program within the jurisdiction of the County.

19. DEEDS

Approved a Quit Claim Deed requested by Gladstone Park, L.L.C., Petitioner, to correct an erroneous legal description in connection with the Beneva Road Improvement Project and accepted a Quit Claim Deed from the Petitioner for the 25-foot wide construction easement lying adjacent to the west right-of-way line of Beneva Road.

20. CONTRACTS

See consideration of a Contract with Infrastructure Corporation of America for the operation and maintenance of the County's four movable bridges, later this meeting.

21. CONTRACTS

Approved Contract No. 2006-200, an Indemnification Agreement, with the City of North Port regarding the Escheated Lot Sale pertaining to the Interlocal Agreement (Contract No. 2005-261) to provide for the indemnification and insurance coverage in the Contract between the County and Fisher Auction Company, Inc., (Contract No. 2006-032) as well as the Purchase and Sales Agreements.

22. CONTRACTS

Approved Contract No. 2006-201, Amendment No. 2 to Contract No. 2003-318, with the Southwest Florida Water Management District (SWFWMD) for the Lemon Bay Habitat Restoration Project, Phase I, extending the Contract expiration date to December 31, 2006, and replacing the Project Manager.

23. ORDINANCES

Authorized execution of Substitute Ordinance No. 2004-025 (adopted by the Board on July 28, 2004, by a 5-0 vote), Rezone Petition No. 02-53, to incorporate the amended Development Concept Plan.

24. ORDINANCES

Authorized execution of Substitute Ordinance No. 2005-065 (adopted by the Board on December 7, 2005, by a 5-0 vote), Rezone Petition No. 05-05, to correct discrepancies in the legal description.

25. CONTRACTS

See consideration of a Contract with Cattleridge Partners, LLC, for an additional five-year lease period, later this meeting.

26. WARRANTS

Ratified and approved the warrants dated January 30 through February 10, 2006, in the amount of \$29,900,627.52, as detailed in the voucher packages filed in the Finance Department.

27. MINUTES

See consideration of the Minutes of the meetings dated February 7 and February 8, 2006, later this meeting.

(9:12:34)

12. GRANTS - Continued

Following an inquiry on the required action by the Board relating to the Edward Byrne Memorial Justice Assistance Grant, County Administrator James Ley noted technical difficulties with the remote conferencing and advised that the funding has been allocated pending Board action on the Item.

Commr. Staub moved to authorize Staff to apply for the United States Department of Justice, Office of Justice Programs, Edward Byrne Memorial Justice Assistance Grant (JAG) 2006, to designate funds for the continuation of the Crisis Intervention Training. The motion, seconded by Commr. Thaxton, carried without objection.

(9:15:18)

2. CONTRACTS - Continued

Upon inquiry, Community Services Parks and Recreation General Manager John McCarthy presented an overview on the status and time frame for the design and restoration of the Wilson House/park development, engineering design, and construction of the facility, and confirmed that Staff would provide an estimated completion date via e-mail to Board members.

County Administrator James Ley discussed options for including penalty clauses in future Professional Services contracts. Following comments, Mr. McCarthy advised that the structure on the property has been secured on a foundation.

Commr. Patterson moved to approve Contract No. 2006-189, a Professional Services Contract, with Seibert Architects, P.A. for the design and restoration of the Wilson House located at the Bee Ridge/Honore Park Site, in the amount of \$50,000.00. The motion, seconded by Commr. Staub, carried without objection.

(9:19:13)

11. RESOLUTIONS - Continued

Following comments by Chair Mills, Office of Organization Performance Employee Benefits and Wellness Manager Steven Marcinko discussed the proposed revisions to the Cafeteria Plan Documents relating to benefits offered by the Sheriff's Office.

11. RESOLUTIONS - Continued

Commr. Staub moved to adopt Resolution No. 2006-039 to retroactively revise Cafeteria Plan Document Exhibits B and C (the list of products and premiums included in the Cafeteria Plan), to include several voluntary Colonial Insurance products offered by the Sheriff's Office on a pre-tax basis beginning January 1, 2005, and to delegate authority to the Plan Administrator to make future amendments to the Cafeteria Plan Document due to product additions or deletions. The motion, seconded by Commr. Thaxton, carried without objection.

(9:21:55)

13. FINANCIAL PLANNING - Continued

Following comments on the number of accidents recorded against the employee, Financial Planning Safety and Risk Management Claims Adjuster Anne Howard reviewed the accidents charged to the employee and noted the circumstances relating to the previous incidents.

Commr. Mercier moved to approve payment to Wingate Tractor Service, Inc., for full and final settlement of the property damage claim, in the amount of \$13,070.00. The motion was seconded by Commr. Thaxton. Following individual comments, the motion carried without objection.

(9:24:01)

15. HEALTH AND HUMAN SERVICES - Continued

Health and Human Services Social Services General Manager Charles Taylor reviewed the Purpose Prize and the contributions of Dr. Kay E. Glasser to the community.

Dr. Glasser commented on the contribution/services provided by the Glasser-Schoenbaum Human Services Center and the benefits to the community of receiving the monetary award and provided Board members with a copy of her book entitled "Jumping Hurdles."

Following individual comments on an upcoming fund raiser for the Glasser-Schoenbaum Human Services Center, Commr. Staub moved to approve the nomination of Dr. Kay E. Glasser for the Purpose Prize. The motion, seconded by Commr. Thaxton, carried without objection.

(9:32:02)

20. CONTRACTS - Continued

Following an inquiry on the Contract costs over a three-year period, County Administrator James Ley and Public Works Administration Operations and Maintenance General Manager Tom Maroney reviewed the contractor requirements for maintenance and personnel costs for the functions and repair of the structures and termination options included in the Contract.

Commr. Staub moved to approve Contract No. 2006-199 with Infrastructure Corporation of America for the operation and maintenance of the County's four movable bridges, subject to budget approval for Fiscal Years (FY) 2007, 2008, and 2009, for a period not to exceed 36 months. The motion, seconded by Commr. Thaxton, carried without objection.

(9:34:30)

25. CONTRACTS - Continued

Subsequent to comments on the availability of existing facilities, County Administrator James Ley and Environmental Services Operations General Manager George MacFarlane reviewed the contract and lease expenses, relocation of services within County-owned facilities, and the development/finalization of a Facilities Plan for services provided.

25. CONTRACTS - Continued

Commr. Thaxton moved to approve Contract No. 2006-202, Amendment No. 1 to Contract No. 2001-011, a Professional Office Lease with Cattleridge Partners, LLC, for an additional five year period with two, one-year option periods for the property located at 2817 Cattlemen Road. The motion, seconded by Commr. Staub, carried without objection.

(9:37:22)

27. MINUTES - Continued

Chair Mills noted the Minutes should reflect that Mr. Rick Trautwein is the property owner in lieu of "Agent" on Page 70, Book 74, and requested the addition of a reference to the Geographic Displacement Program being utilized by the Sheriff's Office on Page 73, Book 74, without objection. Commr. Staub requested that the Minutes reflect a three month re-evaluation time period relating to the enforcement results on Page 73, Book 74, without objection.

Commr. Staub moved to approve the Minutes of the meetings dated February 7 and February 8, 2006, as amended. The motion, seconded by Commr. Thaxton, carried without objection.

(9:40:15)

28. ADVISORY COUNCILS

Englewood Community Redevelopment Agency (CRA) Advisory Board Chair Mary Ellen Diez summarized the Board's activities, concerns, and future projects. Discussions were held with Ms. Diez, County Administrator James Ley, and Planning and Development Services CRA Coordinator Christine Davis on the following topics/issues:

- plan update/joint meeting with the Board
- market analysis data/financial incentives/recommendation for the expenditure of funds for private property improvements/direct incentives (monetary)/options for impact fee credits
- public expenditures for parking areas
- stormwater requirements
- a request for correspondence to be sent to an Advisory Board member relating to attendance requirements, without objection
- invitation to Board members to visit County-owned properties in the CRA area.

(9:58:18)

29. COMMUNITY SERVICES/ENVIRONMENTAL SERVICES

The Board considered an update on the Neighborhood Parkland Acquisition Program and the establishment of a Land Acquisition Advisory Committee for environmentally sensitive lands and neighborhood parklands.

Community Services Parks and Recreation General Manager John McCarthy and Environmental Services Natural Resources Project Scientist Brooke Elias presented an overview on the Neighborhood Parkland Acquisition Program and noted Staff's request for consideration to establish a Land Acquisition Advisory Committee for environmentally sensitive lands and neighborhood parklands. Discussions were held with Mr. McCarthy and Ms. Elias on the following topics/issues:

- Request For Proposal (RFP) for acquisition agents/time frame for RFP
- establishment of a new advisory committee/impact on the existing Environmentally Sensitive Lands Advisory Committee (ESLAC)/options for utilization of the Parks Advisory and Recreation Council (PARC) versus a new committee

29. COMMUNITY SERVICES/ENVIRONMENTAL SERVICES - Continued

- coordination of planning with municipalities for parkland
- utilization/continuation of The Nature Conservancy services
- input by neighborhood organizations/boards
- development of new versus existing committee.

(10:18:27)

Commr. Staub moved to direct Staff to draft a Resolution expanding the current Parks Advisory and Recreation Council to incorporate the Neighborhood Parklands Initiative and to provide for three additional at-large members. The motion was seconded by Commr. Patterson. Following comments on the preferred experience/background of the additional members, the motion carried by a 5-0 vote.

(10:19:44)

30. RESOLUTIONS/CONTRACTS

- A.** Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-025, to amend the Fiscal Year (FY) 2006 Budget to appropriate \$525,000.00 in the Utility System Budget for the Bay Point Water Distribution System;
- B.** (Not a public hearing.) To consider a Contract with Cornerstone Business, Inc., for the Bay Point Water Distribution System Project, in the amount of \$2,075,212.65.

Having been duly sworn, Environmental Services Utilities Engineering Manager Gregory Rouse submitted a copy of Staff's PowerPoint presentation. Following comments, discussions were held with Mr. Rouse and Environmental Services Operations General Manager George MacFarlane, duly sworn, on the following topics/issues:

- previous consideration of contract services
- funding options
- additional survey work/notification to impacted residents
- "open cut" versus "directional bore."

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

Commr. Thaxton moved to adopt Resolution No. 2006-041, approving Budget Amendment No. B2006-025, to amend the FY 2006 Budget to appropriate \$525,000.00 in the Utility System Budget for the Bay Point Water Distribution System. Upon inquiry, County Attorney Stephen DeMarsh commented on contract obligations. Following individual comments, the motion, seconded by Commr. Staub, carried by a 5-0 vote.

Commr. Thaxton moved to approve Contract No. 2006-203 with Cornerstone Business, Inc., for the Bay Point Water Distribution System Project, in the amount of \$2,075,212.65. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(10:29:40)

31. RESOLUTIONS/CONTRACTS

- A.** Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-019, to amend the Fiscal Year (FY) 2006 Budget to appropriate \$5,100,000.00 in the Utility System Budget for the University/Interstate 75 (I-75) Force Main, Phase II, Project;
- B.** (Not a public hearing.) To consider a Contract with Westra Construction Corporation for the University/I-75 Force Main, Phase II, Project, in the amount of \$13,185,542.74.

31. RESOLUTIONS/CONTRACTS - Continued

Having been duly sworn, Environmental Services Water Utilities Engineering Manager Gregory Rouse submitted a copy of Staff's PowerPoint presentation. Following comments, discussions were held with Mr. Rouse and Environmental Services Operations General Manager George MacFarlane, duly sworn, on the following topics/issues:

- construction time frame
- impact on Tatum Ridge Road residents
- Oversize Agreement with Lakewood Ranch/Developer's financial obligations
- estimated new capacity to be gained by the Project.

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

Commr. Staub moved to adopt Resolution No. 2006-042, approving Budget Amendment No. B2006-019, to amend the FY 2006 Budget to appropriate \$5,100,000.00 in the Utility System Budget for the University/I-75 Force Main, Phase II, Project. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

Commr. Staub moved to approve Contract No. 2006-204 with Westra Construction Corporation for the University/I-75 Force Main, Phase II, Project, in the amount of \$13,185,542.74. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

RECESS: 10:40 a.m. - 10:51 a.m.

32. RESOLUTIONS

Public hearing to consider a proposed Resolution, Special Exception Petition No. 1624, a petition by Scott Lincoln, Agent, to amend Resolution No. 2003-309, to allow a fast food restaurant with outdoor dining and extended hours of operation in a CG (Commercial General) zone district, to revise the Development Concept Plan by adjusting the east property line to reduce the size of the parcel to 0.79 acres \pm , and to revise the legal description for the subject parcel located south of U.S. 41 and east of Jacaranda Boulevard. (Planning Commission recommended approval.)

Having been duly sworn, Planning and Development Services Senior Planner Shelley Hamilton summarized the proposal, discussed the existing project and location of the stormwater drainage area, and noted the Planning Commission's recommendation for approval. Discussions were held with Ms. Hamilton on the following topics/issues:

- development of surrounding parcels
- hours of operation (unchanged)
- requirement for additional buffering/location and removal of the existing wall
- type of facility on the abutting property
- correspondence received in opposition to the proposal included in Staff's report.

(10:59:50)

Agent Scott Lincoln, duly sworn, commented on the proposed plans, the removal of the wall, and the additional tree plantings, noted agreement with the recommended stipulations, and supported approval. Upon inquiry, Mr. Lincoln noted the proposed development of a retail center on the abutting property.

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

32. RESOLUTIONS - Continued

Commr. Staub moved to adopt Resolution No. 2006-043, approving Special Exception Petition No. 1624 and amending Resolution No. 2003-309. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

(11:03:30)

33. ORDINANCES

Public hearing to consider proposed Ordinance No. 2006-005, Rezone Petition No. 05-22, a petition by Sandra Newell, Agent, to rezone 5.932 acres ± located southeast of South River Road and 2,000 feet ± southwest of the entrance to the Englewood Sports Complex from OUE-1 (Open Use, Estate, 1 unit/5 acres) to RMF-3 (Residential, Multi-Family, 13 units/acre) zone district. (Planning Commission recommended approval.)

Having been duly sworn, Planning and Development Services Senior Planner Shelley Hamilton submitted additional correspondence received on the Petition and a proffered Stipulation by the Developer relating to affordable housing units, summarized the proposal, and noted the Planning Commission's recommendation for approval. Discussions were held with Ms. Hamilton, Public Works Planning General Manager Clarke Davis, duly sworn, and County Attorney Stephen DeMarsh on the following topics/issues:

- proposed amount of commercial development/height of the units
- sidewalk construction requirements
- right-of-way acquisition/options to require a Development Agreement
- legal constraints relating to right-of-way acquisition/requirement to dedicate land
- existing Level of Service (LOS)/turn lane requirements
- maximum allowable height of structures.

(11:21:49)

Attorney Dan Bailey, duly sworn, introduced members of the presentation team, presented an overview of the proposed development, noted agreement to a height restriction of 57 feet, commented on the sidewalk construction, advised that the Petitioner will stipulate to right-of-way dedication to the County with consideration/review of impact fee credits, and proffered a Stipulation as follows:

Fifteen percent of the residential units within the development shall be sold to households with incomes of 100 percent of the area median income or less, as adjusted for family size. The developer shall partner with the Community Housing Trust to ensure that units are sold to income qualified individuals who have received homebuyer education.

Attorney Bailey discussed options to retain the affordable housing component upon sale of the units and language to address the right-of-way donation.

(11:30:04)

Mr. Brian Lichterman, President of Vision Planning and duly sworn, commented on the Sector Plan in the area. Discussions were held with Mr. Lichterman on the following topics/issues:

- future connectivity options for the parcel
- smart growth benefits provided by the development
- designated future commercial/mixed use development
- existing Interstate Industrial Park
- proposed/approved development in the area.

33. ORDINANCES - Continued

Commr. Staub requested a copy of approved development in the area and that Staff ensure that information relating to the Interstate Industrial Park project is provided for the MEC (Major Employment Center) Study being conducted, without objection.

(11:44:30)

Agent Sandra Newell, duly sworn, commented on the proposed plans, noted agreement with the recommended stipulations, and supported approval. Discussions were held with Ms. Newell and Attorney Bailey on the following topics/issues:

- turn lane requirements
- habitable floor elevation
- non-age restricted community
- building height stipulation proffered.

Following comments by Attorney Bailey on options for additional language relating to proposed Stipulation No. 6 to retain the affordable housing component of the development, Commr. Staub moved to incorporate Stipulation No. 6, as follows:

Fifteen percent of the residential units within the development shall be sold to households with incomes of 100 percent of the Area Median Income or less, as adjusted for family size. The developer shall partner with the Community Housing Trust to ensure that units are sold to income qualified individuals who have received homebuyer education and to ensure long-term affordability.

The motion was seconded by Commr. Thaxton. Subsequent to comments, the motion carried by a 5-0 vote.

(11:54:56)

Commr. Patterson moved to incorporate the addition of Stipulation No. 7 relating to the dedication of 42 feet of right-of-way at no cost to the County. The motion was seconded by Commr. Thaxton.

Subsequent to comments, Mr. Davis confirmed that the right-of-way footage noted is in compliance with Land Development Regulations (LDR) requirements. Attorney Bailey proffered the following language as Stipulation No. 7:

Development shall occur in substantial accordance with the Development Concept Plan date stamped May 30, 2005, and attached hereto as Exhibit "A," strictly as it applies to the dedication of 42 feet of right-of-way for South River Road, at no cost to Sarasota County. This does not imply or confer any other variances from applicable zoning or Land Development Regulations.

The motion carried by a 5-0 vote.

Commr. Staub moved to incorporate the addition of Stipulation No. 8, as follows:

The height of the proposed structures shall be limited to a maximum of 57 feet above construction grade.

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

Mr. Don Schilke, duly sworn, commented on the proposed Ordinance.

(12:03:12)

33. ORDINANCES - Continued

Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld, duly sworn, commented on the development review relating to connectivity, management of the environmental features, and required compliance with existing regulations. Mr. Davis commented on the access to the property (right-in, right-out) and proposed daily trip calculations relating to anticipated U-turns to gain entry to the property.

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

Commr. Thaxton moved to adopt Ordinance No. 2006-005, approving Rezone Petition No. 05-22, as amended, with eight stipulations. Following individual comments, the motion, seconded by Commr. Staub, carried by a 4-1 vote, with Commr. Mercier voting "No."

(12:13:41)

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

The Filed for Record List was noted.

B. BUDGETS

Following comments on the time frame for consideration of the Annual Financial Report for Fiscal Year Ended September 30, 2005, Clerk of the Circuit Court and County Comptroller Karen Rushing noted agreement to defer the presentation to the March 14, 2006, Board meeting.

RECESS: 12:14 p.m. - 1:30 p.m.

40. OPEN TO THE PUBLIC**A. PLANNING AND DEVELOPMENT SERVICES**

Following comments by Chair Mills on the time allotted for public comments, the following individuals commented on the Residential Commercial Transition Overlay District in Englewood (see Item 41 later this meeting):

Ms. Corie Haring
Mr. Bill Tryder

B. PUBLIC WORKS

The following individuals commented on the construction of sidewalks on Gondola Drive. Discussions were held throughout the speaker comments.

Ms. Cynthia Crowe, representing the Jacaranda West Homeowners Association, Units 31 and 32
Mr. Rick Gamel, submitted copies of an Interoffice Memorandum dated January 23, 2006, a copy of a newspaper article, traffic counts, a copy of MapQuest directions to Home Depot on Jacaranda Boulevard, and maps of the area
Mr. Donald Paull
Mr. Thomas Kilkenny, submitted written comments from Paul and Amy Cernansky, Connie and Glenn Douthert, Joanne Eisenhower, and Edward and Elsbeth Connors
Mr. William Jaeck

40. OPEN TO THE PUBLIC - Continued**B. PUBLIC WORKS - Continued**

Mr. Bruce Dold
Mr. Art Sahr
Mr. John Harrison
Mr. Mark Hyland

(2:11:24)

Commr. Thaxton moved to direct Staff to report on projects currently under consideration ("in the pipeline") for the Neighborhood Traffic Calming Project prior to consideration of the Gondola Drive Project. The motion was seconded by Commr. Patterson. Following clarification on the projects to be considered (Staff presentations made to neighborhoods/associations), the motion carried without objection. (See Item later this meeting.)

(2:18:14)

41. PLANNING AND DEVELOPMENT SERVICES

The Board considered the Englewood Residential Commercial Transition Overlay District (RCTOD) and possible amendments to the Englewood Town Center Plan.

Planning and Development Services Community Redevelopment Area (CRA) Coordinator Christine Davis presented an overview of Staff's report on the RCTOD and proposed amendments to the Englewood Town Center Plan. Discussions were held with Ms. Davis and Planning and Development Services Planning Director Anne McClung on the following topics/issues:

- process for RCTOD designation (rezoning)
- time frame/interest in implementation of the RCTOD
- options for utilization of existing versus RCTOD zoning district
- rezoning option for multiple property owners/option to retain original zoning ("opt out")/implementation and expansion of the proposed RCTOD
- proposed prohibited uses in the RCTOD/retention of the residential zoning (live/work) options
- location of proposed boundary extension/process and schedule for consideration.

Following comments, Commr. Staub moved to authorize Staff to proceed with the process for the RCTOD as presented/outlined in Staff's report. The motion was seconded by Commr. Patterson.

(2:31:25)

The following individuals commented on the RCTOD:

Mr. John Davison
Mr. Tommy Kester
Mr. Taylor Meals
Ms. Barbara Matson
Mr. Gene McCall
Mr. John Fellin

The motion carried by a 5-0 vote.

(2:49:52)

42. PLANNING AND DEVELOPMENT SERVICES

The Board considered Englewood Community Redevelopment Agency (CRA) Projects.

Planning and Development Services Neighborhood Services Supervisor Jane Grogg and Planning and Development Services CRA Coordinator Christine Davis presented an overview of Staff's report on the CRA Projects in Englewood.

Public Works Watershed Management Engineering Section Supervisor Scott Woodman commented on the review of the stormwater drainage options for the area. Discussions were held with Mr. Woodman, Environmental Services Water Resources General Manager Theresa Connor, and Ms. Davis on the following topics/issues:

- time frame for stormwater project review/options for regional improvements
- options for private stormwater vault systems
- parking requirements
- utilization of public owned versus private property for the Gauguin Museum
- design standards/architectural guidelines
- consideration of height restrictions at the joint meeting with the Englewood CRA Advisory Board.

(3:11:10)

43. ORDINANCES

- A.** 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. (First public hearing was held on February 8, 2006.)
- B.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2006-017 consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)

Having been duly sworn, Planning and Development Services Planning Director Anne McClung noted the first public hearing held on February 8, 2006, and advised that the proposed amendment is to extend the sunset date for the Optional Commercial Redevelopment Regulations.

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

Chair Mills recessed the Board of County Commissioners and convened as the Land Development Regulation Commission.

Sitting as the Land Development Regulation Commission, Commr. Thaxton moved to find proposed Ordinance No. 2006-017 consistent with the Sarasota County Comprehensive Plan, as outlined in Staff's report. The motion, seconded by Commr. Staub, carried without objection.

Chair Mills adjourned the Land Development Regulation Commission and reconvened as the Board of County Commissioners.

Commr. Thaxton moved to adopt 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. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(3:14:07)

44. IMPACT FEES

The Board considered the Enterprise Zone Impact Fees.

Planning and Development Services Senior Planner Todd Dary presented an overview of Staff's report on the economic benefits to the Enterprise Zone abatement strategies. Discussions were held with Mr. Dary, Planning and Development Services Long Range Planning Manager Scott Heinig, and City of Sarasota Planning and Redevelopment Economic Development Coordinator Dru Jones on the following topics/issues:

- estimated impact fee waiver amounts
- options to consider the size of a facility/benefits to be gained relating to credits to be issued
- consideration of impact fee waivers by the Sarasota City Commission
- impact of Florida Department of Transportation's (FDOT) position on improvements to U.S. 301/impact of development/concurrency review and requirements
- environmental clean-up of the proposed Wal-Mart site within the City of Sarasota limits/costs to citizens
- intent to encourage small business growth opportunities/options to cap the impact fee abatement for larger developments
- large versus small business incentives/benefits/costs
- consideration of the impact fee waiver issue at a joint meeting with the Sarasota City Commission.

Commr. Staub requested that Staff's report be presented to the Sarasota City Commission for their consideration/feedback, without objection.

(3:33:32)

40. OPEN TO THE PUBLIC - Continued**B. PUBLIC WORKS - Continued**

The following individuals commented on the construction of sidewalks on Gondola Drive:

Mr. Newt Miller
Ms. Jacque Ring

Commr. Staub requested that an updated traffic count be conducted in the area prior to the scheduled March discussion of the sidewalk issue, without objection. (See Item earlier this meeting.)

(3:43:39)

35. COUNTY ADMINISTRATOR'S REPORT**A. CONTRACTS**

County Administrator James Ley submitted an Interoffice Memorandum dated February 21, 2006, relating to the termination of Contract No. 2004-250 with Water Equipment Services (WES), Inc., pertaining to the Phillippi Creek Septic System Replacement Program, Area "A" Project, noted previous discussion with the Board regarding a Takeover Agreement with Cincinnati Insurance Company (the bonding company for the Project), and recommended approval of the proposed Agreement.

Commr. Thaxton moved to approve Contract No. 2006-188, with Cincinnati Insurance Company for the completion of construction of the Phillippi Creek Septic System Replacement Program, Area "A" Project and to ratify the termination of Contract No. 2004-250, dated April 13, 2004, with WES, Inc. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(3:46:29)

36. COUNTY ATTORNEY'S REPORT**A. COUNTY ATTORNEY**

Chair Mills commented on his meeting with County Attorney Stephen DeMarsh, advised of a presentation by County Attorney DeMarsh on February 22, 2006, and advised that the Board will consider the County Attorney's recommended compensation package following the presentation.

(3:46:39)

37. COMMISSION REPORTS**A. PLANNING AND DEVELOPMENT SERVICES/ORGANIZATIONS/MUNICIPALITIES**

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

- request for inclusion of hurricane surge zones in Staff reports for land use items, without objection
- "worker flow" data (workforce commuting percentages)
- review/results of meeting with Florida Governor Jeb Bush relating to the Florida Institute for Integrated Land Use/recommended Project title revision
- request for Staff review and comment on the proposed development of property in Manatee County outside of the Myakka River Protection Zone, without objection.

(3:57:51)

B. PLANNING AND DEVELOPMENT SERVICES/MUNICIPALITIES/ADVISORY COUNCILS

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

- request for review of Zoning Regulations during the "glitch bill" process relating to restrictions on the size of guest houses in rural areas, without objection
- participation and monetary contribution request from the City of Sarasota Staff (Van Wezel) to assess the needs for a regional Performing Arts Center
- Nokomis area projects/options for dedicated funding
Commr. Staub moved to direct Staff to review funding options for the Nokomis Area Revitalization Plan. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
Commr. Thaxton requested Staff's review for a possible Zoning Overlay District for the revitalization area, without objection.

(4:16:07)

**C. PLANNING AND DEVELOPMENT SERVICES/ORGANIZATIONS/LEGISLATION/
PUBLIC WORKS**

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

- letter from the School Board to the Florida Department of Community Affairs (FDCA) relating to the Evaluation and Appraisal Report (EAR) based Comprehensive Plan Amendments. Following individual comments, Planning and Development Services Planning Manager Anne McClung advised that the issues raised by the School Board could be addressed during the public hearing adoption process. County Administrator James Ley commented on the process utilized by the School Board Representatives.

37. COMMISSION REPORTS - Continued**C. PLANNING AND DEVELOPMENT SERVICES/ORGANIZATIONS/LEGISLATION/
PUBLIC WORKS - Continued**

- participation on an ad-hoc committee for the Florida Association of Counties (FAC) relating to the Save Our Homes legislation and efforts expended relating to retention of public access to waterfront property
 Commr. Patterson requested Staff's review of Osceola County's Ordinance relating to public access to waterfront property, without objection.
- status of sidewalk construction in the area of Richardson Road between Cattlemen Road and Honore Avenue and construction options for the Siesta Key sidewalks.

(4:29:36)

D. HOUSING/ORGANIZATIONS

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

- items discussed/actions taken at the Southwest Florida Regional Planning Council meeting relating to affordable housing
- e-mail received relating to the deportation of individuals who reported a kidnapping
- request for alternate representation on March 29, 2006, to meet with the Florida League of Cities.

(4:33:44)

E. PLANNING AND DEVELOPMENT SERVICES

Chair Mills commented on and discussions were held with Planning and Development Services Planning Director Anne McClung and County Administrator James Ley on the following topics/issues:

- status of a Lockwood Ridge Road Study relating to a Commercial Corridor Plan and the time frame for the development of initiatives resulting from action taken during the public hearings on the Evaluation and Appraisal Report (EAR) based Comprehensive Plan Amendments and finalization of the EAR process.
- time frame for consideration of land use petitions filed with the County
- escheated lots and the parks and recreation services to be discussed at the Joint Meeting with the North Port City Commission later this date
- vacancy on the Manasota Basin Board
- proposed septic tank legislation
 Commr. Patterson moved to direct Staff to draft correspondence for the Chair's signature relating to the Board's position on House Bill (HB) 749. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.
- correspondence relating to watering restrictions and conflicts with homeowners associations' requirements for maintaining private property/request for status of Board action relating to enforcement of watering restrictions, without objection.

(4:49:09)

38. BCC

The Board reviewed the County Commission Outstanding Board Assignments Report dated February 15, 2006. The following assignments were noted/discussed:

- Item No. 06020, ID No. 1
- Item No. 05120, ID No. 2
- Item No. 06021, ID No. 3
- Item No. 06022, ID No. 4

39. BCC

The Board reviewed the Board of County Commissioners Meeting Schedule.

MEETING ADJOURNED: 4:51 p.m.