

**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  
Spring Dickson, Deputy Clerk  
Claudia Goodson, Deputy Clerk  
Paula Clintsman, Deputy Clerk

**INVOCATION**

Planning and Development Services Executive Director Rob Lewis

**PLEDGE OF ALLEGIANCE**

Commissioner Thaxton

**4. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-091, amending the Fiscal Year (FY) 2006 Budget and moving appropriations in the General Fund for the Community Reinvestment Program (CRP) to a separate CRP Fund.

**6. ORDINANCES**

Public hearing to consider proposed Ordinance No. 2006-054, providing for the creation of the Forked Creek Neptune Waterway Project Unit, in accordance with the procedures specified in Resolution No. 2003-100, and to waive the requirement for an Economic Impact Statement (EIS).

Chair Mills noted advertising errors and that the public hearings to consider a proposed Resolution, Budget Amendment No. B2006-091, will be continued to September 13, 2006, and for proposed Ordinance No. 2006-054 will be continued to September 26, 2006, without objection.

**1. ORGANIZATIONS**

The Board considered the State of the Bay 2006 Annual Report.

Sarasota Bay National Estuary Program Executive Director Mark Alderson presented an overview of the State of the Bay 2006 Annual Report. Discussions were held on the following topics/issues:

- stormwater retention/amount of run-off in the Bay
- fresh water run-off/quality
- restoration of the water quality of the Bay
- "green" roof construction
- amount of mineral deposits in the Bay
- mangrove trimming regulations.

**1. ORGANIZATIONS - Continued**

Following individual comments, Sarasota Bay National Estuary Program Public Outreach Coordinator Julia Burch noted that copies of the report are available in the lobby of the County Administration Center and advised of a public workshop on the State of the Bay Report on September 9, 2006, at the North Sarasota Library.

(9:22:15)

**2. PUBLIC WORKS**

The Board considered authorization of the Chair's signature on correspondence to the Metropolitan Planning Organization (MPO) requesting a Transportation Improvement Program (TIP) Amendment.

Public Works Transportation Mobility General Manager Clarke Davis commented on the Florida Department of Transportation's (FDOT) funding for the Englewood Interstate Connector (EIC) Project and inconsistencies with the County and MPO policies. Mr. Davis presented an overview of Staff's recommendation to submit correspondence to the MPO requesting a TIP amendment to reallocate Federal High Priority Project (FHPP) funds to the EIC Project and to reallocate Federal Surface Transportation Program (FSTP) funds from the EIC Phase II Project to the U.S. 301 Project.

Discussions were held with Mr. Davis on the following topics/issues:

- status and location of the U.S. 301 Project
- funding for the U.S. 301 and Fruitville Road Intersection Project
- funding for the North River Road/EIC Projects.

Following comments, Commr. Patterson moved to authorize the Chair's signature on correspondence to the MPO requesting a TIP amendment to reallocate FHPP funds from the EIC Project, Phase III Project, to the EIC Project, Phases I and II for design and right-of-way services, and to reallocate FSTP funds from the EIC Project, Phase II, to the U.S. 301 Project. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(9:31:30)

**3. FINANCIAL PLANNING**

The Board considered a proposed joint City of North Port Middle School Library Project.

Public Works Facilities Planning Policy and Project Manager Mary Berkebile and County Administrator James Ley presented an overview of Staff's report on the current planning of library facilities, including two scenarios for the new City of North Port facility and the accelerated development of the Gulf Gate Library. Ms. Berkebile submitted a map of proposed North Port Library locations.

Discussions were held with Ms. Berkible, Fruitville Library Manager Sarabeth Kalajian, Financial Planning Fiscal Planning General Manager Jeffrey Seward, and County Administrator Ley on the following topics/issues:

- location of the proposed joint library in relation to Toledo Blade Boulevard
- City of North Port's involvement
- distance between the Menke property and the proposed joint library location
- library co-locating versus non co-locating
- Menke property donation
- traffic concurrency

**3. FINANCIAL PLANNING - Continued**

- joint participation with the School Board/funding/timing
- library operational costs
- time frame for the completion of the Gulf Gate Library Project
- planning/funding for the proposed joint North Port Library Project/impacts to the Gulf Gate Library
- funding source/use of impact fees versus General Funds
- impacts from the proposed locations of the North Port Libraries
- proposed School Board Interlocal Agreement for the joint North Port Library
- library circulation numbers/increased growth development in the City of North Port.

Following comments by Ms. Kalajian, School Board Long Range Planning Director Ken Marsh commented on the joint venture with the School Board/County for the North Port Middle School Project. Discussions were held with Mr. Marsh on the following topics/issues:

- "green" development for the North Port Middle School Library
- patronage of the existing North Port Library
- alternate library sites
- public access to the North Port Middle School athletic facilities
- future opportunities to partner with the School Board
- request for a report on future school locations, without objection.

Following comments, Commr. Staub moved to direct Staff to not proceed with a joint venture with the School Board for the North Port Middle School Library Project. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote. Individual comments followed.

(10:15:10)

Commr. Staub moved to direct Staff to provide a report on alternate locations, the time frame, and needs for a new City of North Port Library. The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 5-0 vote. County Administrator Ley commented on the joint planning efforts by Staff with the School Board and the City of North Port.

(10:17:57)

**5. RESOLUTIONS**

Public hearing to consider a Resolution, Budget Amendment No. B2006-088, 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 and noted Staff's recommendation for approval. Discussions were held with County Attorney Stephen DeMarsh, County Administrator James Ley, Mr. Horn, Planning and Development Services Land Development General Manager Terry Boswell, duly sworn, Environmental Services Water Operations Manager David Cash, duly sworn, and Environmental Services Principal Budget/Management Analyst John Breaud, duly sworn, on the following topics/issues:

- Item 1b, Fire and Rescue Impact Fees/use of funds for non-capital projects/administrative costs/surcharges

**5. RESOLUTIONS - Continued**

- Item 1a, Transportation Assigned Revenue Funds/right-of-way permits for telecom companies
- Item 5f, Utility System Operation and Maintenance/Carlton Plant water cost
- Item 18f, Transportation Trust Fund/billing process for Capital Improvement Projects.

Commr. Staub moved to adopt Resolution No. 2006-183, approving Budget Amendment No. B2006-088, 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.

**RECESS:** 10:28 a.m. - 10:42 a.m.

**7. ORDINANCES**

Public hearing to consider Ordinance No. 2006-055, Rezone Petition No. 06-13, a petition by Charles D. Bailey, Agent, to rezone .96 acres  $\pm$  located at the south side of Gocio Road, 3,000 feet  $\pm$  east of Lockwood Ridge Road, from RE-2 (Residential, Estate, 1 unit/acre) to RSF-1 (Residential, Single-Family, 2.5 units/acre) zone district. (Planning Commission recommended approval.)

Having been duly sworn, Planning and Development Services Acting Current Planning Manager Crystal Allred summarized the proposal to divide the property into two single-family lots and noted the Planning Commission's recommendation of approval with no stipulations. Upon inquiry, Ms. Allred noted the current construction of a residence on the subject parcel.

Attorney Charles Bailey, duly sworn, commented on the proposed plans and supported approval.

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

Commr. Staub moved to adopt Ordinance No. 2006-055, approving Rezone Petition No. 06-13. The motion, seconded by Commr. Patterson, carried by a 5-0 vote. Individual comments followed.

(10:49:09)

**8. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Budget Amendment No. B2006-089, amending the Fiscal Year (FY) 2006 Budget, appropriating additional funds in the amount of \$871,579.00 from reserves, fund balance, and increased assessment collections for the early repayment of the Series 1999 Stormwater Bonds, in the amount of \$1,900,000.00.

Having been duly sworn, Environmental Services Water Resources General Manager Theresa Connor summarized the proposal and noted Staff's recommendation for approval. Discussions were held with Ms. Connor and Public Works Transit/Fleet Administrative Manager Michael Perry, duly sworn, on the following topics/issues:

- bonds/repayment/refunds
- length of the bond term
- funds for additional Capital Improvement Program (CIP) Projects

**8. RESOLUTION - Continued**

- impact on the property owners paying the assessments
- drainage concerns in the Village Green area.

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. 2006-179, approving Budget Amendment No. B2006-089 and amending the FY 2006 Budget, to appropriate additional funds in the amount of \$871,579.00 from reserves, fund balance, and increased assessment collections for the early repayment of the Series 1999 Stormwater Bonds, in the amount of \$1,900,000.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(10:56:56)

**16. OTHER BUSINESS****A. COUNTY ADMINISTRATOR'S REPORT**

County Administrator James Ley presented and discussions were held on the following items:

- submittal of a copy of an Interoffice Memorandum relative to proposed revisions to the Housing Partnership Program Guidelines;  
Following discussion with City of Sarasota Housing and Community Development Director Donald Hadsell, Commr. Thaxton moved to approve the revisions as recommended by Staff. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.
- County's membership in the Southwest Florida Regional Stewardship Alliance
- City of Sarasota's proposed new Police Station location
- insurance rates/callers directed to contact their local government officials by the State
- funding for Charter Counties/intent of the Florida League of Cities/request to continue to provide funding to protect Charter Counties, without objection.
- public hearing to consider Comprehensive Plan Amendment No. RU-119 (proposed Ordinance No. 2006-040) relative to mixed use development standards, scheduled for August 31, 2006/consideration to continue the public hearing.

(11:23:25)

**B. COUNTY ATTORNEY'S REPORT**

County Attorney Stephen DeMarsh submitted and reviewed the following items:

- Interoffice Memorandum No. 806, noting a tentative settlement in the Case of Judith Jobb v. Sarasota County, Case No. 2005-CA-012018-NC;  
Commr. Staub moved to approve the Settlement Agreement, in the amount of \$50,500.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
- Interoffice Memorandum No. 808, noting the Final Order in the Case of Peace River/Manasota Regional Water Supply Authority v. IMC Phosphates Co., OGC Case Nos. 03-0205 et seq;  
Commr. Thaxton moved to authorize the County Attorney's Office to act in concert with the other parties and to pursue an appeal in support of the other parties, should they decide to appeal. The motion was seconded by Commr. Patterson. Following discussion, the motion carried by a 5-0 vote.

**B. COUNTY ATTORNEY'S REPORT - Continued**

- Interoffice Memorandum No. 809, noting a tentative settlement in the Case of Ann Robinson v. Sarasota County, Case No. 2006-CA-000500-NC;  
Commr. Staub moved to approve the Settlement Agreement, in the amount of \$15,000.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
- Interoffice Memorandum No. 811, noting a tentative settlement in the Workers' Compensation Claim in the Case of Fletcher Purdue v. Sarasota County, OJCC Case No. 06-009873DBB;  
Commr. Staub moved to approve the Settlement Agreement, in the amount of \$61,250.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
- Interoffice Memorandum No. 812, noting the favorable ruling in the Case of Nancy Burns Stratton v. Board of County Commissioners.

(See Item later this meeting.)

(11:33:17)

**C. PLATS**

County Attorney Stephen DeMarsh presented, and Commr. Thaxton moved to approve the Final Plat of Fruitville Park of Commerce. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(11:33:43)

**B. COUNTY ATTORNEY'S REPORT - Continued**

County Attorney Stephen DeMarsh noted that a Notice of Appeal was filed against the Summary Judgment in the Case of Bruce W. Charity and Gabrielle Charity, Marjorie Meffley Coley, James Carson, Jr., and Cheryl Cason, Jack Crawford and Sue Ellen Crawford, and Ellen Naaman v. Sarasota County, Case No. 2005-CA-1119-NC.

(See Item earlier this meeting.)

**D. ORGANIZATIONS/PUBLIC WORKS**

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

- Southwest Regional Planning Council report on House Bill 1363 regarding funding for housing assistance to assist teachers, nurses, and other vital public servants in obtaining affordable housing
- suggestion to schedule a Regional Growth Management meeting
- Criminal Justice Commission's contract with Pride Integrated Services, Inc., for probation services/status of establishing a drug court in South County/impact fees
- Bent Tree Subdivision resident's request for the utilization of golf carts as an alternative mode of transportation to the elementary school  
Commr. Mercier moved to direct Staff to evaluate and to provide a report on alternative modes of transportation. The motion was seconded by Commr. Staub. Following comments, the motion carried by 5-0 vote.
- Kensington Park residents/consideration of a Neighborhood Improvement District/code enforcement
- National Association of Counties/Tax Collector Barbara Ford-Coates appointment as President of the Tax Collectors' Association.

(11:51:35)

**E. PLANNING AND DEVELOPMENT/LEGISLATION/ADVISORY COUNCILS**

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

- absence of Code provisions requiring homeowners to maintain the adjacent right-of-ways  
Commr. Patterson moved to refer the matter to Staff. The motion was seconded by Commr. Staub. Following comments, the motion carried by a 5-0 vote.
- request on the status of Legislation relative to the sale of condominium properties by the owners for redevelopment (Senate Bill 1556), without objection
- time frame for each County Commissioner to appoint one individual as a Representative on the Surtax Advisory Task Force
- memorandum on the City of North Port Transportation Impact Fees.

(12:00:50)

**F. PRESENTATION**

Presentation of a plaque by Public Works Executive Director Jim Harriott from the Sarasota County Area Transit (SCAT) recognizing the Board's commitment to a "green" bus fleet as an integral part of an environmentally sustainable community.

**RECESS:** 12:04 p.m. - 1:30 p.m.

**9. OPEN TO THE PUBLIC**

**A. PLANNING AND DEVELOPMENT SERVICES/ELECTIONS/MUNICIPALITIES**

The following individuals commented on the impacts regarding annexations (Cities of North Port and Venice) and requested adoption of an Ordinance to amend the Charter to allow citizens input on land use regulations/decisions. (See Item later this meeting.)

Mr. William Earl  
Mr. William Zoller

**B. COMMUNITY SERVICES**

Ms. Mary Kasper commented on safety issues relating to the Gulf Breeze RV (Recreational Vehicle) Park.

Chair Mills inquired and Commr. Thaxton suggested a report from the Fire Marshall and Commr. Staub noted previous direction to Staff to review the site size and configuration.

**A. PLANNING AND DEVELOPMENT SERVICES/ELECTIONS/MUNICIPALITIES - Continued**

Mr. Wade Matthews commented on a Charter Amendment relating to annexations. Discussion ensued regarding the process and time frame for placement of the language on the November 2006 Ballot. See Item earlier and later this meeting.

**C. LEGAL/PUBLIC WORKS**

Ms. Timini Cleland submitted photographs and requested the use of golf carts from The Woodlands of Bent Tree Subdivision to Lake View Elementary School.

**9. OPEN TO THE PUBLIC - Continued****C. LEGAL/PUBLIC WORKS**

Commr. Patterson moved to direct Staff to work with the County Attorney's Office to verify the legality of utilizing golf carts as requested by Ms. Cleland. The motion was seconded by Commr. Staub. Following individual comments, the motion carried by a 5-0 vote.

**A. MUNICIPALITIES/PLANNING AND DEVELOPMENT SERVICES - Continued**

Ms. Sue Lang commented on the Goals, Policies, and Objectives of the Comprehensive Plan relating to annexations.

Following individual comments, Commr. Staub moved to direct the County Administrator and the County Attorney to bring back an evaluation of the issue on August 31, 2006, including language for possible Board action (authorization to advertise) for a proposed Ordinance for placement of a referendum on the November 2006 Ballot. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote. (See Item earlier this meeting.)

(2:16:43)

**10. RESOLUTIONS**

Public hearing continued from July 12, 2006, to consider a proposed Resolution, Coastal Setback Variance Petition No. 79-03-06-373, a petition by Stanley and Dolores Vinton, represented by Attorney William Merrill, Agent, to construct a new single-family residential addition and attached garage. All proposed construction will be located 63.8 feet ± seaward of the Gulf Beach Setback Line (GBSL) for property fronting the Gulf of Mexico located at 6260 Manasota Key Road, Manasota Key, Englewood.

Having been duly sworn, Environmental Services Environmental Specialist II Rachel Herman submitted a revised page of the proposed Resolution to correct a scrivener's error, summarized the proposal to construct a second-story single-family residential addition, ground level three-car garage, and paver driveway area. Discussions were held on the following topics/issues:

- location of the tennis court
- authorization of a previously approved Site Plan/deck location
- construction type of the garage/"break-away" structure
- current location of the septic system
- pilings/depth.

Attorney William Merrill, duly sworn, introduced the members of the presentation team, commented on the proposed plans, noted agreement with the recommended stipulations, and supported approval. Discussions were held on the proposed construction/type/"break-away" structure/material and current location of the septic tank.

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

Commr. Staub moved to adopt Resolution No. 2006-180, approving Coastal Setback Variance Petition No. 79-03-06-373. The motion was seconded by Commr. Mercier. Following individual comments, the motion carried by a 4-1 vote, with Commr. Thaxton voting "No."

(2:43:33)

**11. RESOLUTIONS**

Public hearing to consider a proposed Resolution, Coastal Setback Variance Petition No. 79-03-06-374, a petition by the South Venice Beach Endowment Trust, Donald L. Gecks, Trust Chairman represented by LandMark Land Consultants, to construct three beach cabanas. All proposed construction will be located 70.1 feet  $\pm$  seaward of the Gulf Beach Setback Line (GBSL) for property fronting the Gulf of Mexico located at South Venice Beach, Manasota Key, Englewood.

Having been duly sworn, Environmental Services Environmental Specialist II Rachel Herman summarized the proposal to construct three beach cabanas.

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. 2006-181, approving Coastal Setback Variance Petition No. 79-03-06-374. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(2:51:15)

**12. ORDINANCES**

- A. Public hearing to consider proposed Ordinance No. 2006-053, amending Ordinance Nos. 2000-015 and 2000-082, as amended and codified, Article XXIX, Chapter 54, Sections 54-921 through 54-934, of the County Code, relating to landscape watering restrictions;
- B. (Not a public hearing) To consider a proposed Resolution, amending Resolution No. 2001-284, establishing irrigation days and times for lawns and landscaping.

Having been duly sworn, Environmental Services Water Resources General Manager Theresa Connor submitted a copy of the PowerPoint presentation, summarized the revisions to the proposed Ordinance, and noted Staff's recommendation for approval.

Discussions were held with Ms. Connor on the following topics/issues:

- review of the Code Enforcement process/Staff to report back
- warnings versus citations
- fines
- day change/watering days
- request for an effective date for the Resolution this date, without objection.

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

Following an inquiry, Ms. Connor commented on the total funds collected and Staff's initiative relative to penalties. Discussion ensued regarding the fines and revisions relating to the days and time for watering. Commr. Staub requested monitoring of the Sorrento Subdivision, without objection.

Commr. Thaxton moved to adopt Ordinance No. 2006-053, amending Ordinance Nos. 2000-015 and 2000-082, as amended and codified, Article XXIX, Chapter 54, Sections 54-921 through 54-934, of the County Code, relating to landscape watering restrictions. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

**12. ORDINANCES - Continued**

Commr. Thaxton moved to adopt Resolution No. 2006-182, amending Resolution No. 2001-284, establishing irrigation days and times for lawns and landscaping. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

**RECESS:** 3:07 p.m. - 3:20 p.m.

**13. ORDINANCES**

Public hearing to consider Ordinance No. 2006-022, Rezone Petition No. 05-07, a petition by Peter Dailey, Agent, to rezone 268 acres ± located north of Desoto Road, west of Longwood Run Boulevard, and south of University Parkway from RSF-1(Residential, Single-Family, 2.5 units per acre)/PUD (Planned Unit Development Overlay) with stipulations to RSF-1/PUD with amended stipulations. (Planning Commission recommended denial.)

Having been duly sworn, Planning and Development Services Current Planning Manager Crystal Allred commented on previous consideration of the Petition in July 2005, presented an overview of Staff's report on the request to amend the existing Longwood Run PUD Development Concept Plan (DCP) to change the designation of the property from Equestrian Center/Open Space to Residential and to allow the development of 40 single-family residences in two phases, noted nine stipulations requested by the Review Agencies, and the Planning Commission's recommendation of denial.

Discussion ensued with Ms. Allred on the open space calculation and revisions to the amenities to the residential development on the Site Plan.

(3:30:48)

Attorney Ronald Shapo, duly sworn, addressed the open space requirement, the revisions and specific uses for the prior PUD, the original calculations for open space and the equestrian area. Attorney Shapo provided an overview of the proposal and background information on the history of the Longwood Run PUD, noted agreement to file covenants, reviewed the revisions to the roads, noted Board action on the abutting property to Longwood Run, and reviewed the Planning Commission's findings of fact.

Agent Alan Garrett, duly sworn, discussed the history of the property, compatibility issues, presented an overview of the proposed request, proffered a stipulation regarding enhanced landscaping and a six-foot wall/fence along the southern boundary line, and supported approval. Discussion ensued on the following topics/issues:

- location of the 30-acre/equestrian area/current use/treatment facility
- traffic count/report
- number of residential homes.

(4:11:30)

Attorney Shapo proffered the following Stipulations (Nos. 10 through 13):

The developer shall convey to the Community Housing Trust (CHT) six (6) lots, free and clear, for the purpose of residential occupancy by income qualified individuals in accordance with the terms and policies of the Trust. The Trust may hire a contractor other than Developer for development of the lots and/or construction of homes.

Open space for the overall PUD shall be retained in excess of the current 50% as originally approved.

**13. ORDINANCES - Continued**

The Developer will file the documents associated with the Declaration of Master Covenants and Restrictions for the Longwood Run Covenants.

Developer shall construct a six-foot wall along the south boundary of the property abutting the Riviera Club. A landscape buffer will be built along the easterly boundary along Longwood Run Boulevard, and on the north side a landscape buffer will be built which abuts Callista Village.

(4:13:50)

Following comments in support of the proposal, discussion ensued regarding the proffered stipulation relating to the CHT.

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

Ms. Susan Spindler  
Mr. Travis Eckert  
Dr. Catherine Cyrus  
Ms. Kathleen Wozniak  
Ms. Bea Hartman (submitted petitions, a copy of a newspaper article and a pamphlet advertisement)  
Ms. Helen Harvey  
Ms. Ruth Lamb  
Mr. Steven Santangelo  
Mr. Steve Queior  
Mr. Barry Roth  
Ms. Elaine Schwartzman  
Mr. John Files  
Mr. Gary Sacino

(5:02:09)

Commr. Thaxton suggested to identify the revisions by underlined/strikethrough text and label Exhibits A and B (new DCP) in Stipulation No. 1, and that Staff revise the terminology relating to the removal of "exotic vegetation" (Stipulation No. 5). Following discussion with County Attorney Stephen DeMarsh and Ms. Allred regarding the Developer's Agreement relating to restricting development for 99 years (Staff's report on page C-55), Commr. Thaxton noted an intent to add a Stipulation that the open space be preserved in perpetuity. Discussion ensued regarding (Rivera and Callista) developments approved administratively (property to the north).

Attorney Shapo and Mr. Garrett addressed concerns regarding compatibility, proffered stipulations relating to landscape and buffer, open space/recreational space, donation of the exercise equipment, density, and the number of proposed dwelling units.

Following discussion regarding the proffered stipulations, Commr. Mercier moved to amend Stipulation No. 10, to offer the flexibility to the CHT for the affordable units (sell properties and use funds for other projects) and to bring back on a Future Consent Agenda. The motion was seconded by Commr. Thaxton. Following a request on clarification of the motion, Commr. Mercier noted no objection to the intent of the motion that the CHT may sell the six lots and use the proceeds elsewhere in the County for the purpose of residential occupancy by income-qualified individuals in accordance of the terms and policies of the CHT. The motion carried by a 5-0 vote.

(5:28:02)

**13. ORDINANCES - Continued**

Commr. Thaxton moved to amend Stipulation No. 1 to identify (label) Exhibits A and B. The motion, seconded by Commr. Staub, carried without objection.

Commr. Thaxton moved to amend Stipulation No. 2.5. to direct Staff to insert the appropriate language relating to the removal of exotic vegetation, without objection.

Commr. Thaxton moved to include Stipulation Nos. 10 through 13, as amended, and proffered by the Applicant. The motion seconded by Commr. Staub, carried without objection.

Commr. Thaxton moved to add Stipulation No. 14 to identify that the common open space will be preserved in perpetuity. Commr. Patterson seconded the motion. Following discussion regarding the ownership of the property and the binding DCP, County Attorney DeMarsh advised and Chair Mills noted that Stipulation No. 14 will be addressed by Staff, should the Rezone Petition be approved.

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

Commr. Staub moved to adopt Ordinance No. 2006-022, approving Rezone Petition No. 05-07, with 13 stipulations, as amended, and to bring it back on a future Consent Agenda, and to direct Staff to work with the County Attorney's Office regarding the language for Stipulation No. 14. The motion was seconded by Commr. Mercier. Following individual comments, the motion carried by a 5-0 vote.

Commr. Mercier suggested a future Board discussion regarding failing businesses and transfer of density rights.

(5:48:50)

Commr. Thaxton requested information on the history of the Callista Subdivision and the wastewater treatment facility, without objection.

**9. OPEN TO THE PUBLIC - (Continued) - No one appeared at this time.****14. ORDINANCES**

(Note: First public hearing was held on July 11, 2006.)

Public hearing to consider proposed Ordinance No. 2006-047, amending Ordinance No. 2003-052, as amended and codified, as Appendix A of the County Code, amending Sections 4.9.1. and 5.3.3. to delete the Special Exception requirement for medical facilities in the Government Use (GU) zone district.

Planning and Development Services Assistant Zoning Administrator Tina Crawford, duly sworn, reviewed a request by Sarasota Memorial Hospital, reviewed the proposed amendments, noted three parcels owned by the Hospital, and commented on the medical facilities on University Parkway and Tuttle Avenue.

Having been duly sworn, Attorney Dan Bailey, representing Sarasota Memorial Hospital, clarified the location of the parcels associated with the OPI (Office, Professional, Institution) zone district having medical facilities/activities and introduced the members present.

**14. ORDINANCES - Continued**

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

Commr. Staub moved to adopt Ordinance No. 2006-047, amending Ordinance No. 2003-052, to delete the Special Exception requirement for medical facilities in the Government Use (GU) zone district. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(5:52:25)

**15. ORDINANCES**

(Note: First public hearing was held on July 11, 2006.)

Public hearing to consider proposed Ordinance No. 2006-048, amending Ordinance No. 2003-052, as amended and codified, as Appendix A of the County Code, amending the limited use provisions of the Commercial Marine (CM) zone district in Section 5.3.2.j., creating Section 6.11.4., Commercial Marine Planned District, and amending other Sections of the Zoning Ordinance, as needed, to provide clarity and consistency.

Having been duly sworn, Planning and Development Services Assistant Zoning Administrator Tina Crawford summarized the amendments relating to the CM zone district and noted receipt of Site and Development Plans from the Flying Bridge property, requesting to amend the Ordinance to allow an exemption to proceed under the existing Ordinance.

Having been duly sworn, Attorney Charles Bailey noted filing a Site Plan for the Flying Bridge property to include commercial marine services, restaurant, yacht sales, and commercial slips, including 15 transient slips, and requested inclusion of additional language in the Ordinance.

Commr. Patterson noted no conflict of interest.

Attorney Bailey requested additional language in the Ordinance as follows:

Applications for Site and Development Plans for CM-zoned property accepted by the Planning and Development Services Business Center prior to August 23, 2006, shall be processed under the requirements of the Zoning Ordinance in effect at the time of the application. All construction plans and building permits must comply with the approved Site and Development Plans and the Zoning Ordinance applied in the review of such plans.

Following discussion with County Attorney Stephen DeMarsh and Attorney Bailey regarding the proffered language, Commr. Staub moved to direct Staff to amend the proposed Ordinance to allow the Flying Bridge application to proceed and to be exempt from the proposed Ordinance and/or provide a list of the particulars of the Site Plan or a proffered stipulation/correspondence. Commr. Thaxton seconded the motion. Following comments, the motion carried by a 5-0 vote.

Commr. Staub moved to continue the public hearing with the intent for approval of Ordinance No. 2006-048, to September 12, 2006, at 9:00 a.m., or as soon thereafter as possible, amending Ordinance No. 2003-052, amending the limited use provisions of the CM zone district Commercial Marine Planned District, and amending other Sections of the Zoning Ordinance, as needed, to provide clarity and consistency. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(6:15:12)

**16. OTHER BUSINESS - Continued****E. SHERIFF/ENVIRONMENTAL SERVICES - Continued**

Commr. Patterson noted an e-mail sent to the Sheriff and Staff and requested trimming of foliage on Canal Road where transients and vandalism have occurred, without objection.

**G. PLANNING AND DEVELOPMENT SERVICES/ADVISORY COUNCILS/BCC/LEGAL**

Commr. Staub commented on and discussions were held with County Administrator James Ley on the following topics/issues:

- e-mail sent on the tennis courts/RC Race Track at the Englewood Recreation Center/solution
- East Venice Overlay Ordinance/requested a six-month trial period of scheduling Board meetings in South County the last Tuesday and Wednesday of each month
- Home Front Homes Open House/manufacturing plant in Englewood/"green" affordable homes/Staff to schedule a tour/price
- School Board challenge regarding deletion of the word "rural" and the current Countryside Line

Following an explanation by County Administrator James Ley and County Attorney Stephen DeMarsh on the EAR-based Comprehensive Plan Amendment Policy language, Commr. Staub moved to direct the County Attorney's Office and Administration Staff to enter into a settlement process with the School Board and bring back a report to remedy the matter. The motion was seconded by Chair Mills. The motion carried by a 3-2 vote, with Commrs. Thaxton and Patterson voting "No."

(6:31:20)

**H. POLICIES AND PROCEDURES**

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

- request to review the Open to the Public procedure/process, without objection
- sale of environmentally sensitive lands and a suggestion for a Board Policy/Statement to not permit Senior Administration Staff real estate brokerage/indirect fees for the Environmentally Sensitive Lands Program. Discussion ensued on The Nature Conservancy review/role/Contract, concerns of the appraisal, broader scope to include all employees, contracts, disclosure (spouses/relatives), escalating values, and Commissioner's policies relating to e-mails

Commr. Thaxton moved to direct the County Attorney's Office to work with Chair Mills to draft a Board Policy/Statement for Senior Management/relatives to prohibit real estate commissions. Commr. Patterson seconded the motion. Following comments, the motion carried by a 3-2 vote, with Commrs. Mercier and Staub voting "No."

(7:03:06)

**I. PUBLIC WORKS/SCHOOL BOARD/ORGANIZATIONS**

Chair Mills commented on and discussions were held with County Administrator James Ley on the following topics/issues:

- Bougainvillea Street sidewalk issue/cost to enclose the drainage ditch, if feasible/request for a report, without objection

**16. OTHER BUSINESS** - Continued

**I. PUBLIC WORKS/SCHOOL BOARD/ORGANIZATIONS** - Continued

- railroad trail/fences around trussels/installation of railings (short ones) for public use/request for a report for a temporary solution, without objection
- final outcome on the Pine View School bus stop/routes and alternatives/School Board to address the matter
- Conference in Chicago/NACO (National Association of Counties) presentation on a Program that researches contracts issued prior to 1986/exclusions relating to windstorms/flooding
- request to install a guard rail on Cattlemen Road at the location where an accident occurred (truck ran into the bedroom of a residential home), without objection
- request for a status report on the new Police Station, without objection
- voting machines/letters distributed to the County Attorney's Office from the Council of the Blind/disabled voters/direction to the County Attorney's Office to review the matter, without objection.

(7:12:26)

**J. BCC**

The Board reviewed the County Commission Outstanding Board Assignments Report dated August 17, 2006.

**K. BCC**

The Board reviewed the Board of County Commissioners Meeting Schedule.

**MEETING ADJOURNED:** 7:13 p.m.