

**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 H. 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  
Claudia Goodson, Deputy Clerk

**INVOCATION**

Dr. Larry Potts, Venice Christ United Methodist Church

**PLEDGE OF ALLEGIANCE**

Commissioner Mercier

**PRESENTATION OF PROCLAMATIONS:**

Flood Awareness Week - May 29 through June 4, 2006  
National Public Works Week - May 21 through May 27, 2006  
Memorial Day - May 29, 2006

**CONSENT MOTION**

Following comments by Chair Mills on County Administrator James Ley's request to consider Item 9 at a later date, a motion was made by Commr. Staub, seconded by Commr. Mercier, and carried by a 5-0 vote to approve Items 1-15 as follows, with the exception of Items 8, 9, 10, 12, and 13, considered later this meeting.

**1. CONTRACTS**

Approved Contract No. 2006-307, Amendment No. 1 to Contract No. 2005-327, an extension of the Federal Hazard Mitigation Grant Program Agreement, with the Florida Department of Community Affairs (FDCA), for the Hurricane Shelter Retrofit Program at the County Administration Center.

**2. GRANTS/RESOLUTIONS**

- A.** Approved Contract No. 2006-308, a Litter Control and Prevention Grant Award, with the Florida Department of Transportation (FDOT), in the amount of \$19,150.00;
- B.** Adopted Resolution No. 2006-114, approving Budget Amendment No. B2006-058, to appropriate the funding for the Grant Award.

**3. FINANCIAL PLANNING**

Approved payment to Audrey Tresfon for full and final settlement of a bodily injury claim, in the amount of \$5,182.62.

**4. FINANCIAL PLANNING**

Approved payment to Alexander Vlasyuk for full and final settlement of a bodily injury claim, in the amount of \$7,500.00.

**5. GRANTS**

Authorized the Sheriff's Office to apply to the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) for the 2006 COPS Technology Program Grant, in the amount of \$98,723.00.

**6. GRANTS**

Approved the submittal of a Grant Application to the Bureau of Justice Assistance (BJA), in the amount of \$200,000.00 to strengthen and enhance the Voluntary Interim Placement-Enhanced Recovery (VIP-ER) Program and to approve dedicating the required 20 percent local match from the Strategic Initiatives and Opportunities (SIO) Fund, in the amount of \$40,000.00.

**7. CONTRACTS**

Approved Contract No. 2006-309, an Interagency Confidentiality Agreement, with the Florida Department of Juvenile Justice (FDJJ) to share information regarding juveniles in custody.

**8. CONTRACTS**

See consideration of a Contract with the Florida Department of Juvenile Justice (FDJJ) for detention screening, intake services, administration, data collection, and reporting, later this meeting.

**9. CONTRACTS**

Consideration of a Contract, a Lease Agreement, with DA Commerce Center, LLC, for space utilized by the County's Data Center and office space for the Enterprise Information Technology Staff located at 100 Arthur Andersen Boulevard, in the amount of \$232,782.00, was deferred to a later date.

**10. CONTRACTS**

See consideration of a Contract with Gibbs and Register, Inc./Vanasse Hangen Brustlin, Inc., for professional services in preparation of the design and construction of the preliminary phase of the Rails to Trails Project, later this meeting.

**11. CONTRACTS**

Approved the following Contracts related to the functions of the Public Works Business Center for miscellaneous professional architectural services in support of the Emergency Services Business Center for the construction of various fire stations and public safety facilities, in the amount of \$1,500,000.00 each:

- A.** Contract No. 2006-312 with BMK Architects, Inc.;
- B.** Contract No. 2006-313 with TOTeMS Architecture, Inc.;
- C.** Contract No. 2006-314 with PBS&J (Post, Buckley, Schuh and Jernigan) Corporation.

**12. CONTRACTS**

See consideration of a Contract with Jon F. Swift, Inc., for the Venice Train Depot Platform Construction Project, later this meeting.

**13. EASEMENTS**

See consideration to grant a Conservation Easement to Southwest Florida Water Management District (SWFWMD) and the U.S. Army Corp of Engineers for the purpose of establishing the Fox Creek Regional Mitigation Area, later this meeting.

**14. WARRANTS**

Ratified and approved the warrants dated May 1 through May 12, 2006, in the amount of \$26,097,391.52, as detailed in the voucher packages filed in the Finance Department.

**15. MINUTES**

Approved the Minutes of the meetings dated May 1, May 4, May 9 (two sets), May 10, and May 12, 2006.

(9:16:56)

**8. CONTRACTS - Continued**

Commr. Mercier inquired and Health and Human Services Criminal Justice Coordinator General Manager James Schulz commented on the one year versus two year funding agreement with the Florida Department of Juvenile Justice (FDJJ) and funding options to address South County needs.

Commr. Mercier moved to approve Contract No. 2006-310, a Third Party Agreement, with the FDJJ for detention screening, intake services, administration, data collection, and reporting, in the amount of \$420,000.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:18:21)

**10. CONTRACTS - Continued**

Following inquires, Public Works Mobility General Manager Carolyn Eastwood noted the qualifications and prior experience of the firm selected and commented on the design and construction phases of the proposed Contract, the time frame to address the bridge trestle issue, and the placement of asphalt during Phase 2. Following a request by Commr. Staub for an e-mail providing an update on the revenues and costs/expenditures of the Rails to Trails Project, discussion ensued with Public Works Executive Director Jim Harriott and Ms. Eastwood on the cost estimates to replace the trestles/raise the bridges at Dona Bay and Roberts Bay, incentives for timely completion of the design/construction of the Project, and references on the firm selected.

Commr. Thaxton moved to approved Contract No. 2006-311, a Design and Construction Contract, with Gibbs and Register, Inc./Vanasse Hangen Brustlin, Inc., for professional services consisting of surveys, field investigations of the terrain and trestles, and similar activities in preparation of the design and construction of the preliminary phase of the Rails to Trails Project, in the amount of \$347,100.00. The motion was seconded by Commr. Staub. Chair Mills commented on the recent event/opening of the Trail on May 20, 2006, and the money raised for the Child Protection Center, and thanked Staff and the Oscar Scherer Park Rangers for their efforts. The motion carried by a 5-0 vote.

(9:29:04)

**12. CONTRACTS - Continued**

Commr. Mercier inquired and Public Works Facilities Management Project Coordinator Gus Klein commented on the bid process, the cost to construct the Venice Train Depot Platform, and the size of the platform.

Commr. Staub moved to approve Contract No. 2006-315 with Jon F. Swift, Inc., for the Venice Train Depot Platform Construction Project, in the amount of \$243,640.95. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:31:17)

**13. EASEMENTS - Continued**

Commr. Thaxton inquired and Public Works Mobility General Manager Carolyn Eastwood noted agreement to provide a Fox Creek Regional Mitigation Area Master/Management Plan.

Commr. Thaxton moved to grant a Conservation Easement to Southwest Florida Water Management District (SWFWMD) and the U.S. Army Corps of Engineers for the purpose of establishing the Fox Creek Regional Mitigation Area. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

(9:33:15)

**CONSENT MOTION - SARASOTA COUNTY TRANSPORTATION AUTHORITY**

Chair Mills recessed the Board of County Commissioners and convened as the Sarasota County Transportation Authority (SCTA). A motion was made by Commr. Thaxton, seconded by Commr. Staub, and carried by a 5-0 vote to approve/adopt the following Items:

**16. CONTRACTS/RESOLUTIONS**

- A.** Contract No. 2006-316, a Joint Participation Agreement (JPA), with the Florida Department of Transportation (FDOT) for the U.S. 41 Town-to-Town Transit Corridor Project, in the amount of \$226,000.00;
- B.** Resolution No. 2006-115 authorizing execution of the JPA;
- C.** Resolution No. 2006-116, approving Budget Amendment No. B2006-070, to appropriate the funding for the Project.

Chair Mills adjourned the SCTA and reconvened as the Board of County Commissioners.

(9:34:40)

**17. ORDINANCES**

- A.** Public hearing to consider proposed Ordinance No. 2006-042, a petition by Attorney Jeffery Boone, Agent, to amend the Tuscano DOCC (Development Of Critical Concern) to add 33 dwelling units on 42 acres  $\pm$  located between Woodmere Park Boulevard and Rockley Boulevard and north of Manasota Beach Road and 1,700 feet  $\pm$  east of State Road (S.R.) 776; (Planning Commission recommended approval.)
- B.** Public hearing to consider proposed Ordinance No. 2006-039, Rezone Petition No. 05-36, a petition by Attorney Jeffery Boone, Agent, to rezone 42 acres  $\pm$  located between Woodmere Park Boulevard and Rockley Boulevard and north of Manasota Beach Road and 1,700 feet  $\pm$  east of State Road (S.R.) 776 from OUE-1 (Open Use, Estate, 1 unit/5 acres) to OUE-1/CSZ/PUD (Open Use, Estate-1/Conservation Sending Zone/Planned Unit Development) and RE-1/FURRZ/PUD (Residential, Estate-1/Future Urban Residential Receiving Zone/Planned Unit Development) zone districts. (Planning Commission recommended approval.)

Having been duly sworn, Planning and Development Services Development of Regional Impact (DRI) Coordinator Tina Crawford summarized the proposal to rezone the property to construct 33 single family dwelling units and to amend the Tuscano DOCC to add the acreage/dwelling units and noted the Planning Commission's recommendation for approval of the amendments to the Tuscano DOCC with revisions to the Land Use Condition (Exhibit B of the proposed Ordinance) and recommendation for approval of the Rezone Petition with ten stipulations.

**17. ORDINANCES - Continued**

Discussions were held with Ms. Crawford and Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld, duly sworn, on the following topics/issues:

- scrivener's error on page 12, Stipulation No. 2, first line, relative to construction as a collector roadway
- credits for environmental preservation/recent newspaper article in the Miami Herald/reference to the Tuscano Golf Course Development's permission to terminate 260 gopher tortoises for the preservation of 138 acres/location of acreage and development credits received
- Florida Fish and Wildlife Commission's authority to allow the termination of gopher tortoises to receive credit for preservation areas.

(9:44:41)

Attorney Jeffery Boone, duly sworn, introduced members of the presentation team, noted the recent acquisition of the acreage and the request to add the parcel to the Tuscano development, commented on the proposed plans, noted agreement with the recommended stipulations, and supported approval. Mr. Brent Solomon of Biological Research Associates, Inc., duly sworn, commented on the State requirements relative to conservation/preservation areas, the location of the gopher tortoises preserve areas within the Tuscano development, and efforts to relocate the gopher tortoises.

Discussions were held with Mr. Solomon and Attorney Boone on the following topics/issues:

- development unit credits received for the 138 acres preserved
- number of gopher tortoises on the property
- relocation of gopher tortoises/"incidental take"/State policy/criteria
- conservation/preservation areas for the gopher tortoises
- number of gopher tortoises to be terminated/attempts to relocate the tortoises.

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

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

(Note: Technical difficulties occurred from 10:04:44 a.m. to 10:05:18 a.m.)

Discussions were held with Mr. Buck Smolow, duly sworn, commenting on the proposed Ordinance.

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

Commr. Staub moved to adopt Ordinance No. 2006-042, amending the Tuscano DOCC with the revisions to the Land Use Condition (Exhibit B of the proposed Ordinance). The motion was seconded by Commr. Patterson. Following comments, the motion carried by a 5-0 vote.

**17. ORDINANCES - Continued**

Commr. Staub moved to adopt Ordinance No. 2006-039, approving Rezone Petition No. 05-36, with ten stipulations. The motion, seconded by Commr. Mercier, carried by a 5-0 vote. Commr. Thaxton suggested that issues pertaining to protected species and "incidental take" permits be considered during the Land Development Regulations (LDR) review process and County Administrator James Ley commented on the State and Federal policies relative to the matter. Individual comments followed.

(10:15:57)

**18. ORDINANCES**

Public hearing to consider proposed Ordinance No. 2006-019, Rezone Petition No. 05-21, a petition by Sandra Newell, Agent, to rezone 4.9 acres  $\pm$  for property located 350 feet  $\pm$  west of State Road (S.R.) 776 and south of Manasota Beach Road from OUE-2 (Open Use, Estate, 1 unit/2 acres) to RSF-1 (Residential, Single Family, 2.5 units/acre) zone district. (Planning Commission recommended denial.)

Having been duly sworn, Planning and Development Services Interim Principal Planner Crystal Allred presented Staff's report on the request to rezone the parcel to develop a single family subdivision, advised that the Development Concept Plan is non-binding, and noted six stipulations recommended by the Review Agencies and the basis for the Planning Commission's recommendation for denial.

(10:19:42)

Agent Chris Phelps, duly sworn, submitted a copy of her presentation, commented on the proposed plans, and supported approval. Upon inquiry, Ms. Phelps commented on the design modifications relative to density/green space areas.

The following individuals, duly sworn, commented on the proposed Ordinance:

Ms. Marilyn Richter  
Mr. Joseph Rex, Jr.  
Mr. David Evans

Environmental Services Natural Resources Land Management Environmental Specialist III Nancy Edmondson, duly sworn, commented on the proposal and discussion ensued on compatibility of the subject parcel with adjacent properties.

(10:37:31)

Ms. Phelps presented rebuttal to the public testimony addressing concerns on sewer system availability, scrub jay/gopher tortoise sitings, and the existing versus the requested zone district, and supported approval.

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

Commr. Thaxton moved to deny Ordinance No. 2006-019, not approving Rezone Petition No. 05-21 (Resolution No. 2006-127). The motion was seconded by Commr. Staub. Following comments, the motion carried by a 5-0 vote.

**RECESS:** 10:44 a.m. - 10:53 a.m.

**19. ORDINANCES**

Public hearing to consider proposed Ordinance No. 2006-031, Rezone Petition No. 05-35, a petition by Alan Garrett, Agent, to rezone 10.3 acres  $\pm$  located south of East Venice Avenue and 300 feet  $\pm$  east of Fellsmere Road, from OUE-1 (Open Use, Estate, 1 unit/5 acres) to RSF-3 (Residential, Single Family, 4.5 units/acre) zone district. (Planning Commission recommended approval.)

Having been duly sworn, Planning and Development Services Planner Edward Wolfe presented Staff's report on the request to develop the subject parcel as a residential single-family cluster development with 35 dwelling units, noted the proposed development would be incorporated into the previously approved Sable Palms Subdivision, advised that the Development Concept Plan (DCP) is non-binding, and noted the Planning Commission's recommendation for approval with four stipulations. Discussions were held with Mr. Wolfe on roadway cross connection requirements (Stipulation No. 3), need for additional stipulations to address issues not binding in the DCP, and the configuration of the subject parcel/aerial photograph (page 3 of Staff's report).

(10:58:49)

Agent Alan Garrett, duly sworn, commented on the proposed plans, noted agreement with the recommended stipulations with the exception of Stipulation No. 3, and requested to delete the words "as shown on the Development Concept Plan." Commr. Staub moved to delete the words in Stipulation No. 3 as requested by the Applicant. The motion, seconded by Commr. Thaxton, carried without objection.

Following discussion with Mr. Garrett on the proposed landscaping/buffering designs relative to the street frontage, Commr. Staub moved to add Stipulation No. 5 as follows:

The subject parcel shall maintain a ten foot wide landscape buffer along East Venice Avenue and if the structure is placed within the buffer, it will allow for five feet to be on the north side to be landscaped.

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

Following discussion with Mr. Garrett on focal points and the proposed location of the gazebo, Commr. Staub moved to close the public hearing. The motion, seconded by Commr. Thaxton, carried without objection.

Commr. Staub moved to adopt Ordinance No. 2006-031, approving Rezone Petition No. 05-35 with five stipulations, as amended. The motion was seconded by Commr. Mercier. Following comments, the motion carried by a 5-0 vote.

(11:07:29)

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

The Filed for Record List was noted.

**21. COUNTY ADMINISTRATOR'S REPORT - No items were presented.****22. COUNTY ATTORNEY'S REPORT****A. LEGAL**

Commr. Patterson inquired and County Attorney Stephen DeMarsh noted the status of Staff's report on the Shell Road beach access issue.

(11:08:56)

**23. COMMISSION REPORTS****A. ORGANIZATIONS**

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

- attendance at the first Southwest Florida Express Authority meeting  
request to invite Florida Representative Mike Davis to address the Board on Turnpike Authority Legislation and regional transportation issues, without objection
- Southwest Florida Regional Stewardship Alliance/Tampa Bay Partnership relative to regional planning efforts  
request that Staff develop a holistic strategy for interaction with entities/organizations from Tampa Bay to Southwest Florida to determine the County's role in regional issues, without objection.

See Item 23B later this meeting.

(11:18:26)

**B. ORGANIZATIONS/MUNICIPALITIES/SCHOOL BOARD**

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

- Commr. Patterson moved to send correspondence to Florida Governor Jeb Bush supporting the Sarasota Conservation Foundation's application for \$500,000.00 to restore historic buildings in the Bay Preserve in Osprey, Florida. The motion, seconded by Commr. Thaxton, carried without objection.
- Tourist Development Council (TDC) meeting/funding requests regarding a proposed Conference Center, Siesta Key Beach Renourishment Project, stormwater issues on Siesta Key Beach, and Ed Smith Stadium/Complex renovations  
Commr. Patterson moved to direct Staff to investigate the funding mechanism/financial options, as presented at the recent TDC meeting, for a proposed hotel/Conference Center. The motion, seconded by Commr. Staub, carried without objection.
- Metropolitan Planning Organization (MPO) meeting/cost to address the County's top priorities  
Commr. Patterson moved to address the establishment of a joint transit authority at the next joint meeting with Manatee County Commissioners. The motion, seconded by Commr. Thaxton, carried without objection.
- County participation in Regional alliances (See Item 23A earlier this meeting.)
- Driver's Education Program/funding for private driving schools.

(11:36:20)

**C. PUBLIC WORKS/PLANNING AND DEVELOPMENT SERVICES/ADVISORY BOARDS**

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

- overpasses on U.S. 41/County roadways  
Commr. Staub moved to direct Staff to investigate the estimated cost to construct an overpass over a four/six lane highway. The motion, seconded by Commr. Patterson, carried without objection.

**23. COMMISSION REPORTS - Continued****C. PUBLIC WORKS/PLANNING AND DEVELOPMENT SERVICES/ADVISORY BOARDS -  
Continued**

- Knight's Trail issues relative to the landfill access request for an update, by e-mail, on the process/costs/time table for public input relative to the special exception stipulation and that Staff investigate the possibility of a northern access to the landfill and the potential for private funding, without objection
- discussions with Lakewood Ranch developers regarding Village development request a future Board discussion item be scheduled to clarify the Board's intent relative to conservation easements in the Sarasota 2050 Resource Management Area (RMA) Comprehensive Plan Amendment, without objection
- attendance at a joint meeting of local area Planning Commission Chairs/consideration of affordable housing issues/suggestion that a public service announcement be produced and aired on Access 19 to educate the public on housing down payment assistance/rehabilitation programs
- time frame/process for Board consideration of amendments to the Zoning Ordinance  
Planning and Development Services Planning Director Anne McClung commented on the Staff workload/time schedules and noted agreement to provide a list of the proposed amendments for Board review/prioritization.

(11:55:01)

**D. PLANNING AND DEVELOPMENT SERVICES/MUNICIPALITIES/ORGANIZATIONS**

Commr. Thaxton commented on and discussions were held with County Administrator James Ley and County Attorney Stephen DeMarsh on the following topics/issues:

- annexations in the Laurel Road area (Sorrento Ranch Acre property)/zoning districts/land use designations of annexed and adjacent properties  
Commr. Thaxton moved to send correspondence, signed by the Chair, to the Venice City Council stating the Board's concerns with land use compatibility issues with the proposed moderate density residential designation on the pending development of property in the Laurel Road area and to request that the City work with the County to address the matter. The motion was seconded by Commr. Patterson. Following comments on the time frame for consideration by the City of Venice, the motion carried without objection.
- correspondence received regarding concerns with leaf blowers request that Staff review methods to address leaf blowing into the County right-of-ways/stormwater systems/drains, without objection
- correspondence received from the Casey Key Association regarding concerns with the construction of mega structures on Casey Key and their request for Board consideration for the codification of Ordinances to support the Casey Key's Conservation District two-story rule  
suggestion for Staff review of applicable issues and Board consideration during the revisions to the Zoning Code Ordinance/suggestion to establish a building moratorium on Casey Key to allow additional time to address the issues

**23. COMMISSION REPORTS - Continued**

**D. PLANNING AND DEVELOPMENT SERVICES/MUNICIPALITIES/ORGANIZATIONS - Continued**

Following comments on the time frame, Staff workload, and community input, Commr. Thaxton moved to expedite the Zoning Code revisions relative to Casey Key and to direct Staff to contract with a private consultant to address the matter. The motion was seconded by Commr. Staub. Following discussion on County costs, consideration of an Overlay District, coastal/jurisdictional issues, and Board policy issues, the motion carried by 5-0 vote.

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

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

**CERTIFICATE OF RECOGNITION:**

Mr. Don Lewis

**27. EMERGENCY SERVICES**

The Board considered a presentation on Hurricane Shelters.

Community Services Interim Executive Director Dave Harrawood commented on House Bill (H.B.) 737 and the benefits to the County relative to hurricane shelters and disaster preparedness, noted the ability to use local infrastructure surtax funds to partner with private facility owners to retrofit and/or construct shelters, and commented on the possibilities to develop regional shelters. Mr. Harrawood reviewed and submitted a copy of the draft criteria for selecting/funding private hurricane shelter facilities.

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

- investment of public funds
- consideration to increase the minimum 25 year agreement for private facility use
- requirements relative to gated communities/availability for the public.

(1:48:30)

**28. RESOLUTIONS**

The Board considered a proposed Resolution establishing the National Incident Management System (NIMS).

Emergency Services Emergency Management General Manager Ed McCrane presented an overview of Staff's report on a proposed Resolution to establish the NIMS as the County standard for incident management.

Commr. Staub moved to adopt Resolution No. 2006-117 establishing the NIMS. The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 5-0 vote.

(1:53:09)

**29. RESOLUTIONS**

Sitting as the Water and Navigation Control Authority:

Public hearing to consider a proposed Resolution authorizing the Water and Navigation Control Authority (WNCA) Major Work Permit Application No. 2005-441650-RW, submitted by Fisherman's Wharf Marina Park, and represented by The Ecology Group, Inc., for the construction of a 676.45 foot  $\pm$  floating dock facility located at 505 North Tamiami Trail, Venice.

Chair Mills recessed the Board of County Commissioners and convened as the WNCA.

Having been duly sworn, Environmental Services Resource Protection Environmental Supervisor Howard Berna summarized the proposal to construct a 676.45 foot  $\pm$  floating dock facility, provided the WNCA permit and Code Enforcement history for the subject parcel, and submitted additional correspondence and a summary of petitions received on the proposal.

Discussions were held with Mr. Berna and Environmental Services Resource Protection Manager Amy Meese, duly sworn, on the following topics/issues:

- Board options relative to the petition
- last date/time correspondence was received by Staff on the petition
- number of additional boat slips/impacts due to the filling of the basin area and reconfiguration/location of the filled basin area
- location of Markers 4 and 6
- boat size relative to the mooring areas
- Manatee Protection Plan/boat traffic impacts/reconfiguration relative to permit structure changes/permit expiration
- comparison of the current versus the previously approved petition.

Upon inquiry, County Attorney Stephen DeMarsh commented on the Board's consideration of the dock petition and noted the City of Venice's jurisdiction regarding the land use for the upland area.

(2:23:22)

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

- basis for the Applicant's non-completion of the previously approved dock
- clarification of the ownership status of the Crow's Nest Restaurant
- location of the public boat slips
- boat slip lease space for commercial rentals
- transient dockage availability/regulations
- number of public dock slips available prior to the filling of the basin.

(2:41:32)

Attorney Brenda Patten, duly sworn, commented on the proposal, reviewed and submitted documents relative to the County Code, Florida House Bill 955, proposed motions, and correspondence from Bellingham Marine Vice President and General Manager Lee Bazile and Construction Project Manager Cliff North, requested that the Board re-authorize the improvements approved in Resolution No. 2004-145 with a 415-foot  $\pm$  dock and to allow a 264-foot  $\pm$  extension of the floating dock and requested to incorporate by reference the evidence and testimony from the 2004 public hearing. Attorney Patton commented on concerns with the creation of debris pockets from the proposed dock.

**29. RESOLUTIONS - Continued**

(Note: Technical difficulties occurred from 2:47:03 through 2:47:31.)

Attorney Patten commented on the requirements to maintain a clean marina designation and noted the review/approval of the proposal by the U.S. Army Corp of Engineers, the U.S. Coast Guard, and the Florida Department of Environmental Protection (FDEP), referenced the County Code relative to navigational hazards, and advised of the economic impacts relative to the dock length and the Applicant's option to convert to a condominium development with private dock slips.

(2:53:16)

Following comments by Commr. Staub, County Attorney Stephen DeMarsh commented on the Board options relative to Attorney Patten's request regarding the evidence/testimony of the July 2004 public hearing and the new information presented by the Ecology Group, Inc., in Attachment E, page 8 of 12 of Staff's report.

Discussions were held with Attorney Patten and Ms. Zysko on the economic impacts relative to the additional boat length and the absence of revenue/fees for the use of the public dock slips. Upon inquiry, Mr. John Konecnik, duly sworn, commented on the basis for the delay of the construction of the previously approved boat dock and the requests for the extensions.

(3:02:25)

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

- Mr. Ken Simmons
- Mr. Patrick Edward McCarthy (submitted a copy of his presentation)
- Mr. Bryan Graf
- Ms. Jena Howard

(3:12:09)

Upon inquiry, County Attorney DeMarsh noted the City of Venice's jurisdiction relative to the operation of the existing restaurant.

Discussions were held throughout the public testimony of the following individuals, duly sworn, commenting on the proposed Resolution:

- Mr. Dan O'Leary
- Mr. John Patten

**RECESS: 3:23 p.m. - 3:31 p.m.**

Discussions were held throughout the public testimony of the following individuals, duly sworn, commenting on the proposed Resolution:

- Ms. Becky Sands
- Ms. Bonnie Burroughs
- Ms. Georgia Hoepfner
- Ms. Michele Weeks
- Mr. David Monda

(3:45:16)

**29. RESOLUTIONS** - Continued

Following comments by Attorney Patten, Mr. Raymond Bannar, duly sworn, commented on the proposed Resolution. Subsequent to comments by Chair Mills, the following individuals, duly sworn, commented on the proposed Resolution. Discussions were held throughout the public testimony.

Ms. Sandra Kish  
Mr. Paul Marrone  
Mr. Bob Konecnik  
Mr. Dennis Rodgers  
Mr. Steve Gifford  
Mr. Thomas Desmond  
Mr. Herbert Levine  
Mr. Gaylene Pepe  
Mr. Phillip Hughes  
Ms. Kathlee Hughes  
Ms. Connie Parshall  
Mr. Robert Parshall  
Mr. Raymond Cassada  
Ms. Marylee Uggerholt  
Mr. Michael Gaona  
Ms. Kimberly Gaona  
Ms. Jessica Marsicano  
Ms. Harriet Albert  
Mr. Don Augustine  
Mr. Bob Welton (submitted a copy of his presentation)  
Ms. Linda Bolendar (submitted a copy of correspondence from Burkhard Klein of Collier Residential Appraisal, Inc.)  
Ms. Sue Lang  
Ms. Bonnie Graham (submitted a copy of an e-mail from Venice City Fire Marshall Jack Stevenson)  
Ms. Mary Solak (submitted a copy of her presentation)  
Ms. Susie Zavodnyils  
Mr. Bobby Smith  
Ms. Pat McDonald  
Mr. Phil Poe  
Ms. Vera O'Doer Groh  
Ms. Carolyn Welton (submitted a copy her presentation and of correspondence from the U.S. Department of the Interior Fish and Wildlife Service)  
Mr. Irvin Groh  
Ms. Dolores Trower (submitted a copy of a photograph)  
Ms. Virginia Walsh (submitted copies of photographs)  
Mr. Ernest Zavodnvik  
Ms. Alice Ellison  
Mr. Steven Thacker  
Ms. Marie Gaona  
Dr. Brian Garky  
Mr. Kaye Richey  
Mr. William Hettler (submitted correspondence from Mr. Robert Crossley)  
Mr. John Grantham

(5:16:26)

**29. RESOLUTIONS** - Continued

Commr. Mercier inquired and Ms. Zysko noted the length of the proposed dock (676.45 feet). Attorney Patten presented rebuttal to the public testimony addressing concerns on the Venice City Fire Marshall's comments/building review process, economic impacts from the proposed dock, riparian rights, and floating debris, commented on concerns relative to the existing restaurant, and proffered the following language:

"The owner will record a restriction in the public records of Sarasota County guaranteeing that 17 boat slips will be made available to the public and a restaurant will be operated on the adjoining uplands for so long as the 264 feet long dock extension exists."

Following comments by County Attorney DeMarsh, discussion ensued with Mr. Konecnik, Ms. Zysko, and Attorney Patten on the following topics/issues:

- rental of the 17 dock slips/time durations
- number of dock slips available for transient dockage
- public use of the 17 mooring areas included within the 264-foot  $\pm$  extension/fees for overnight dockage
- Owner's option to sell or lease the boat dock slips
- proposed language relative to the existing restaurant's future operations.

(5:34:48)

Following comments by Attorney Patten, County Attorney DeMarsh commented on the intent of the two motions (to re-authorize the improvements approved in Resolution No. 2004-145 with a 415 foot long dock and to allow a 264 foot  $\pm$  extension of the floating dock) requested by Attorney Patten and the Board's options relative to the current and previously approved petitions.

Upon inquiry, Ms. Zysko noted the requested dock length (676.45 feet) for the petition, clarified the fairway design criteria relative to boat size/length, and reviewed an example of a boat marina in Key West, Florida. Discussion ensued with Ms. Zysko on the maximum boat length and fairway widths on page 8 of 12, Attachment E.

(5:44:17)

Upon inquiry, County Attorney DeMarsh commented on the mooring regulations regarding commercial marina facilities and the distance from residential properties. Attorney Patten noted the plans have been reviewed and approved by the U.S. Army Corp of Engineers, U.S. Coast Guard, and the FDEP, and supported approval. Following inquiry, Mr. Konecnik commented on the documentation verifying the U.S. Coast Guard's approval of the dock facility. Upon inquiry, Mr. Berna noted the petition request for a 676.45 foot floating dock facility.

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

Commr. Mercier moved to continue the public hearing to a time certain to allow the City of Venice to review the Board meeting proceedings this date and to provide guidelines on compatibility with the City's Land Development Regulations and to review the proposed dock facility petition. The motion was seconded by Commr. Staub. County Attorney DeMarsh responded to an inquiry on the process to continue the public hearing relative to public testimony, commented on the City of Venice's role/jurisdiction relative to land use decisions, and advised of the Board's consideration of testimony relative to the Ordinance criteria pertinent to the proposed petition. Following comments, the motion failed by a 1-4 vote, with Commrs. Patterson, Thaxton, and Staub, and Chair Mills voting "No."

(5:51:20)

**29. RESOLUTIONS - Continued**

Commr. Thaxton moved to deny WNCA Major Work Permit Application No. 2005-441650-RW for the construction of a 676.45 foot  $\pm$  floating dock facility located at 505 North Tamiami Trail, Venice. The motion was seconded by Commr. Mercier. Following comments, Commr. Patterson moved to amend the motion to approve the WNCA Major Work Permit for the construction of a 415 foot  $\pm$  floating dock facility. Following comments by County Attorney DeMarsh, Commr. Patterson withdrew the amendment to the motion. The motion carried by a 4-1 vote, with Chair Mills voting "No."

(5:58:35)

Commr. Staub moved to approve the WNCA Major Work Permit Application No. 2005-441650-RW for the construction of a 415 foot  $\pm$  floating dock facility. The motion was seconded by Commr. Thaxton. Following discussion with County Attorney DeMarsh, Ms. Meese, and Mr. Berna on the incorporation of the stipulations for the previously approved and the proposed work permit, Commr. Staub clarified that the motion to include all stipulations for the previously approved dock facility as reflected in Resolution No. 2004-145.

Following comments by Mr. Berna and Ms. Meese on stipulations in Resolution No. 2004-145 no longer applicable to the current work permit application and the need to incorporate modifications to accommodate the 415 foot  $\pm$  structure, Commr. Staub restated the motion to adopt Resolution No. 2006-118 approving WNCA Major Work Permit Application No. 2005-441650-RW for the construction of a 415 foot  $\pm$  floating dock facility with the appropriate documentation that reflects and coincides with the 415 foot  $\pm$  dock facility. Following comments, the motion carried by a 5-0 vote.

(6:04:15)

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

**23. COMMISSION REPORTS - Continued**

**24. OUTSTANDING BOARD ASSIGNMENTS**

**25. BOARD CALENDAR**

Chair Mills advised that the Commission Reports, the Outstanding Board Assignments, and the Board meeting schedule would be deferred to the May 24, 2006, meeting.

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