

**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
David Bullock, Deputy County Administrator
Stephen DeMarsh, County Attorney
Gary Oldehoff, Assistant County Attorney
Latressa Preston, Deputy Clerk
Claudia Goodson, Deputy Clerk

INVOCATION

Planning and Development Services Senior Planner Kirk Crane

PLEDGE OF ALLEGIANCE

Commissioner Mercier

1. ADMINISTRATION

Following comments by Planning and Development Services Communications Manager Warren Richardson, Chair Mills advised that due to the technical difficulty, the 2006 Citizens Opinion Survey presentation will be deferred to later this meeting. (See Item later this meeting.)

(9:05:09)

2. ORDINANCES

NOTE: Sworn Statements Filed in Record

Public hearing to consider proposed Ordinance No. 2006-071, Rezone Petition No. 06-02, a petition by Attorney Charles D. Bailey, III, Agent, to rezone 9.08 acres \pm located on the west side of Honore Avenue and the south side of 59th Street from OUE-2 (Open Use, Estate, 1 unit/2 acres) to RMF-2 (Residential, Multi-Family, 9 units/acre) zone district. (Planning Commission recommended approval.)

Planning and Development Services Senior Planner Kirk Crane submitted a revised copy of the Ordinance eliminating the Development Concept Plan (DCP) and including the University Parkway Corridor Plan East as Exhibit A, summarized the proposal to rezone the subject parcel for the construction of an 81-unit condominium development (Honore Gardens Condominiums), advised that the DCP is non-binding, and noted the Planning Commission's recommendation for approval with seven stipulations.

Following an inquiry, Attorney Charles D. Bailey, III, and Agent Robert Medred, commented on binding site plans relative to the Ordinance and gave an overview of the proposed Future Land Use designations and the DCP.

2. ORDINANCES - Continued

Discussions were held with Attorney Bailey and Mr. Medred on the following topics/issues:

- height requirements
- compatibility/location of the wetlands areas/location of the buildings/height stipulations
- DCP/changes/compliance with stipulations
- proffered stipulations/height/page C-3 of Staff's report.

(9:23:35)

Commr. Staub moved to amend Stipulation No. 5 as follows (additions shown as underlined text):

The maximum height of all buildings located within 280 feet of the west property line shall be 35 feet as measured from the finished grade. All other buildings on site shall have a maximum height of 47 feet as measured from finished grade.

The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:24:01)

Following comments, Commr. Mercier moved to add Stipulation No. 8 to require that contracts for the sale of residential units within the Project shall include a statement notifying prospective purchasers of the future four-laning of Honore Avenue. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(9:25:20)

Following an inquiry regarding the basis for Stipulation No. 7, Mr. Medred commented on the neighborhood residents' desire to prohibit direct vehicular access to the site from 59th Street. Attorney Bailey noted agreement with the recommended stipulations, as amended, and supported approval.

(9:30:58)

Ms. Alice Womble commented on the proposed Ordinance.

Attorney Bailey commented on the public testimony addressing concerns on height stipulations/requirements.

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

(9:35:35)

Commr. Staub moved to adopt Ordinance No. 2006-071, approving Rezone Petition No. 06-02, with eight stipulations, as amended. The motion was seconded by Commr. Mercier. Following comments, the motion carried by a 5-0 vote.

(9:39:19)

1. ADMINISTRATION - Continued

Following an introduction by Chair Mills, University of South Florida - Florida Institute of Government Project Director Dr. Susan MacManus presented an overview of the 2006 Citizens Opinion Survey and noted the University of South Florida's student involvement.

Discussions were held throughout the presentation with Dr. MacManus and County Administrator James Ley on the following topics/issues:

- shift in percent of respondents/last year versus the current year
- number of residents migrating to/from Florida/net gain
- responsiveness on tax dollars/comparisons to other Municipalities
- prompted/listed responses/open versus closed-ended questions
- citizens' knowledge of Elected Officials
- activities of other Municipalities/separation
- page 69, Figure V-3/options/citizens' interests
- breakdown of Municipalities/Volume II/breakdown by demographics
- page 95, Figure VI-7, Charter Amendment/breakdown by Municipalities/page 96, Table VI-5/request to add a chart reflecting the breakdown of the support for the Charter Amendment by Municipalities accessible for the public, without objection
- page 97, third paragraph, second line, request to delete "s" from the word "County's," without objection
- request for a copy of the PowerPoint presentation, without objection.

See Item earlier this meeting.

RECESS: 10:24 a.m. - 10:36 a.m.

3. ORDINANCES**NOTE: Sworn Statements Filed in Record**

Public hearing to consider proposed Ordinance No. 2006-072, Rezone Petition No. 06-16, a petition by Mark Lippert, Agent, to rezone 6.19 acres \pm located at the west end of Callista Lane, 1,100 feet \pm west of Longwood Run Boulevard from RE-2 (Residential, Estate, 1 unit/2 acres) to RSF-2 (Residential, Single Family, 3.5 units/acre) zone district. (Planning Commission recommended approval.)

Planning and Development Services Senior Planner Kirk Crane summarized the proposal to rezone the subject parcel for the development of a 21-single family residential cluster development (Callista II), advised that the Development Concept Plan (DCP) is non-binding, and noted the Planning Commission's recommendation for approval with one stipulation. Discussion ensued with Mr. Crane on the clarification of RE-2 zoning districts regarding the number of units per dwelling acre and the number of units on the existing Callista Lane.

(10:39:32)

Agent Bruce Franklin submitted correspondence from The Tabernacle Church, presented an overview of the proposed plans, noted agreement with the recommended stipulation, and supported approval. Discussions were held with Mr. Franklin on the Tabernacle Church support and clarification of the Board's action on the Comprehensive Plan Amendment.

3. ORDINANCES - Continued

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

(10:41:32)

Commr. Thaxton moved to adopt Ordinance No. 2006-072, approving Rezone Petition No. 06-16, to rezone 6.19 acres ± located at the west end of Callista Lane, 1,100 feet ± west of Longwood Run Boulevard from RE-2 (Residential, Estate, 1 unit/2 acres) to RSF-2 (Residential, Single Family, 3.5 units/acre) zone district, with one stipulation. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(10:42:06)

4. ORDINANCES**NOTE: Sworn Statements Filed in Record**

Public hearing to consider proposed Ordinance No. 2006-052, Rezone Petition No. 05-27, a petition by Peter Dailey, Agent, to rezone .459 acres ± located west of U.S. 41 and south of Worrington Street, from OPI (Office, Professional and Institutional) to CG (Commercial, General) zone district. (Planning Commission recommended approval.)

Following an inquiry, Planning and Development Services Planner Edward Wolfe commented on the existing vacant office building on the subject property and the permitted land uses and reviewed and submitted a copy of OPI versus CG zoning district land uses and the "CG Stipulation."

Commr. Mercier moved to add Stipulation No. 3 proffered by Staff as follows:

Any development or redevelopment, shall take place in substantial accordance with the Development Concept Plan dated January 10, 2006, and attached hereto as Exhibit "A." This does not imply or confer any variances from applicable zoning or land development regulations.

The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(10:44:09)

Mr. Wolfe presented an overview of the request to rezone the subject parcel to the CG zone district, commented on a binding DCP, and noted the Planning Commission's recommendation for approval. Discussion ensued with Mr. Wolfe on the location of the proposed solid waste pad.

Agent Peter Dailey commented on the proposed plans, noted agreement with the recommended stipulations, and supported approval.

(10:49:58)

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

(10:50:16)

Commr. Staub moved to adopt Ordinance No. 2006-052, approving Rezone Petition No. 05-27, with three stipulations. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(10:50:44)

5. ORDINANCES**NOTE: Sworn Statements Filed in Record**

Public hearing to consider proposed Ordinance No. 2006-068, Rezone Petition No. 06-09, a petition by Attorney Brenda Patten, Agent, to rezone 18.27 acres \pm located at the southwest corner of U.S. 41 and South Holiday Drive lying westerly of Tamiami Trail/U.S. 41 from RSF-2 (Residential, Single Family, 3.5 units/1 acre) to CG (Commercial, General) zone district. (Planning Commission recommended approval.)

Planning and Development Services Current Planning Manager Crystal Allred summarized the proposal to rezone the subject parcel to construct a mixed use development (Shoppes at Grande Bay) consisting of 210,000 square feet \pm of retail/office uses and 68 attached live-work and multi-family residential units, advised that the Development Concept Plan (DCP) is binding, and noted the Planning Commission's recommendation for approval with ten stipulations. Discussion ensued with Ms. Allred on the following topics/issues:

- number of dwelling units
- relationship between the Applicant and the Holiday Harbor Homeowners Association, Inc.
- number of affordable dwelling units/minimum versus maximum units
- basis for the CG zone district/number of units per acre
- page iii of Staff's report/allowed/provided units per acre
- binding DCP/clarification of the maximum number of units/conflict with Stipulation No. 9
- page iii of Staff's report/request to add the word "range" before the word "live-work," without objection.

(11:03:51)

Following comments by Assistant County Attorney Gary Oldehoff, Commr. Staub moved to delete the words "proposed" throughout the DCP, Shoppes at Grande Bay Binding Development Concept Plan (2 of 2). The motion was seconded by Commr. Thaxton. Following comments by Ms. Allred regarding the number of minimum and maximum dwelling units and the process/procedure required to amend the number of units for affordable housing, the motion carried by a 5-0 vote.

(11:06:43)

Ms. Allred gave an overview of Stipulation No. 10 proffered by the Applicant, noted Staff's objection to the Stipulation, and submitted additional correspondence received on the Petition.

Discussions were held with Ms. Allred, Public Works Transportation Mobility Planning Manager Paula Wiggins, and Assistant County Attorney Oldehoff on the following topics/issues:

- private party agreements/regulation of uses/limitation of the building square footage/ transmission tower
- request to review Stipulation No. 10, including the possibility of a Zoning Ordinance Amendment, and to bring back to the Board for future consideration, without objection
- legality of the Stipulation No. 10/recommendation of the County Attorney
- final location of the buildings/site and development review/basis for the wall/gated private pedestrian access/modifications

5. ORDINANCES - Continued

- "bubble" DCP/binding/building standards/flexibility
- pedestrian walkway
- location of the parking garage/Federal Emergency Management Agency (FEMA) mandates/height requirements/distance
- access/traffic flow/location of access points/impacts/Florida Department of Transportation (FDOT)/requirements/standards/traffic analysis/number of u-turns/traffic signal/volumes/page 17 of Staff's report/trip generations/ daily trips
- Level of Service (LOS)/long-term impacts/LOS forecasted for the Year 2020
- request for a Staff report on the LOS at U.S. 41 and Bay Street (Wal-Mart, Osprey)/U.S. 41 and Jacaranda Boulevard, without objection.

(11:36:18)

Following comments, Attorney Brenda Patten, Agent, Kimley-Horn and Associates, Inc. Transportation Engineer Bob Agrusa, and Biological Research and Associates, Inc. Senior Ecologist Ray Loraine submitted a copies of resumes of the presentation team, documents entitled "Brief Summary of Neighbor Agreements/Concessions," and "2008 P.M. Peak-Hour Total Traffic Volumes," commented on the proposed plans, addressed traffic concerns, noted agreement with the recommended stipulations, and supported approval.

Discussions were held Attorney Patten, Mr. Agrusa, and Mr. Loraine on the following topics/issues:

- revised trip generation chart
- clarification of trip generations relative to zoning districts/proposed uses
- access/length of the turn lane/distance from the main entrance
- bus pull-off/FDOT recommendations
- concentration of mixed use/transportation limitations/transit friendly
- Leadership in Energy and Environmental Design (LEED) standards/ requirements/scoring process/criteria/green building certification/designs.

Mr. Curt Grothman commented on the proposed Ordinance.

Discussion ensued with Attorney Patten on the following topics/issues:

- average housing price
- page iii of Staff's report/gross leasable area/request to limit the building square footage for retail/commercial development, without objection.

RECESS: 12:14 p.m. - 12:50 p.m.

The following individuals commented on the proposed Ordinance. Discussions were held throughout the public testimony.

Ms. Susanne Stepek
Mr. Christopher Torres
Attorney Dan Lobeck
Mr. Murray Sherry (submitted a copy of correspondence from Bay Village of Sarasota and petitions)

Upon inquiry, Attorney Patten noted that the Developer has no first right of refusal or contractual relationship regarding a purchase of 70 acres ± located adjacent to the Pelican Cove Subdivision.

5. ORDINANCES - Continued

The following individuals commented on the proposed Ordinance. Discussions were held throughout the public testimony.

Ms. Virginia Tashian (submitted a copy of her presentation)
Ms. Marilyn Harwell (submitted a copy of her presentation)
Mr. Earl Kaplan (submitted a copy of his presentation)
Ms. Emily Carrier (submitted a copy of her presentation)
Ms. Maryanne Kennedy (submitted a copy of her presentation)
Mr. Dan Alger (submitted a copy of his presentation)
Mr. John Piane
Mr. Larry Tracy
Mr. Chan Sweetser
Mr. Guy Spencer (submitted a copy of his presentation, maps, and area commercial
MLS (Multiple Listing Service) listings)
Mr. Jim Schoener (submitted a copy of his presentation)
Mr. Hans Jensen
Mr. Jim Pratt (submitted a copy of correspondence from the Presbyterian Church of
the Covenant)
Mr. David McJuakin
Dr. Frederick Hummel

(2:20:28)

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

- Staff's recommendation relative to a "bubble" versus detailed DCP
- site and development review process
- Florida Department of Transportation (FDOT) regulations/traffic analysis/FDOT's comments relative to the proposal
- concurrency analysis/LOS (page 18 of Staff's report)
- FDOT signal warrant analysis relative to the installment of a traffic signal
- submittal of a document entitled "Sarasota County 2005 Generalized Level of Service Analysis"
- traffic counts on U.S. 41/Jacaranda Boulevard to Woodmere Park Boulevard and U.S. 41/Bay Street to Bay Acres
- traffic warrants for the traffic light located at The Oaks Subdivision
- consideration of a stipulation to address future traffic warrants/time frame
- percentage of open space (page 2 of the DCP)
- protection of the adjacent environmentally sensitive County-owned property
Commr. Thaxton moved to add Stipulation No. 11 to require a Notice of Proximity document to potential buyers/users of the property, advising of the location of an adjacent County-owned environmentally sensitive parcel and implementing the Best Management Practice language as noted in the Comprehensive Plan. The motion was seconded by Commr. Staub. Following comments on the County-owned property regarding historical/archaeological features, access, and impacts to the wetlands from the stormwater run-off, the motion carried by a 5-0 vote.
- commencement date for Staff's review of the proposal
- notifications to the Pelican Cove Subdivision residents/time frame of the neighborhood and Planning Commission meetings.

(2:49:48)

5. ORDINANCES - Continued

Attorney Patten presented rebuttal to the public testimony addressing concerns on the Developer's proposed first right-of-refusal to purchase property abutting the Pelican Cove Subdivision and reviewed and submitted a copy of correspondence submitted to Pelican Cove owners and Residents. Upon inquiry by Assistant County Attorney Oldehoff, Attorney Patten commented on the submittal and the Board's review of the Area Traffic Study prepared by Kimley-Horn and Associates, Inc. (See Item 6 later this meeting.)

Attorney Patten reviewed and submitted a copy of the Florida Third District Court of Appeal's ruling for the Case of Cheryl L. Debes, as Trustee, Petitioner, v. The City of Key West, Respondent, No. 96-2451 regarding rezone petitions and consideration of traffic assessments/impacts, and commented on buffer requirements for properties located adjacent to environmentally sensitive lands.

Discussions were held with Attorney Patten, Assistant County Attorney Oldehoff, and Ms. Allred on the following topics/issues:

- purchase/leasing of commercial property
- area bus pull-offs

Commr. Patterson moved to approve the language proffered by Attorney Patten for Stipulation No. 12 as follows: "The owner will construct a bus pull-off area, adjacent to the site along U.S. 41, provided the Florida Department of Transportation and the Sarasota County Area Transit (SCAT) agree to and issue permits for such a pull-off." The motion, seconded by Commr. Staub, carried by 5-0 vote.

- request that Staff/Applicant create language (Stipulation No. 13) to address warrants for an area traffic light/developer financial obligations, without objection
- limitations to the retail square footage/market determination of mixed use retail space

Commr. Patterson moved to add Stipulation No. 14 as follows: "The amount of retail space shall not exceed 110,000 square feet." The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(3:06:26)

Following comments by Attorney Patten, Assistant County Attorney Oldehoff commented on the Board's options regarding permitted use provisions and square footage limitations. Ms. Allred proffered substitute language for Stipulation No. 10 as follows:

No single retail user shall occupy more than 50,000 square feet of gross floor area in a single building.

Following discussion on air conditioned versus gross floor area space, revisions to outdoor dining hours, and limitations to outdoor speakers, Commr. Patterson moved to revise the proposed language for Stipulation No. 10 as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

No single retail user shall occupy more than 50,000 square feet of ~~gross floor area~~ air conditioned interior space ~~in a single building~~.

(3:12:49)

5. ORDINANCES - Continued

Assistant County Attorney Oldehoff stated the Zoning Code's definition of "gross floor area." Following discussion with Attorney Patten and Christopher Ladd of Cubellis Associates, Inc., on the applicability of the gross floor area to circulation aspects, Commr. Patterson restated the motion to revise Stipulation No. 10 as follows:

No single retail user shall occupy more than 50,000 square feet of gross floor area in a single building.

The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(3:16:20)

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

Commr. Mercier moved to deny Rezone Petition No. 06-09. The motion was seconded by Commr. Thaxton. Following comments, the motion failed by a 2-3 vote, with Commrs. Staub and Patterson and Chair Mills voting "No."

(3:28:01)

Commr. Staub moved to approve Ordinance No. 2006-068, approving Rezone Petition No. 06-09, with 14 stipulations, as amended, and to direct Staff to bring back for final adoption on a future Consent Agenda. The motion was seconded by Commr. Patterson. Following comments, the motion carried by a 3-2 vote, with Commrs. Mercier and Thaxton voting "No."

RECESS: 3:30 p.m. - 3:40 p.m.

6. ORDINANCES**NOTE: Sworn Statements Filed in Record**

Public hearing to consider proposed Ordinance No. 2006-069, Rezone Petition No. 06-10, a petition by Attorney Brenda Patten, Agent, to rezone 13 acres \pm located south of the terminus of South Holiday Drive, lying westerly of Tamiami Trail/U.S. 41 from OUA (Open Use, Agriculture, 1 unit/160 acres) to RMF-3 (Residential, Multi-Family, 13 units/1 acre) zone district. (Planning Commission recommended approval.)

Planning and Development Services Current Planning Manager Crystal Allred summarized the proposal to construct a 152-unit condominium development (Bayonne Estates Residential Development) consisting of one main building with three wings extending westward to the Bay, advised that Applicant is stipulating the Development Concept Plan (DCP) as binding (Stipulation No. 8), commented on a scrivener's error on page 2 advising that there is no access to South Holiday Drive, noted the Planning Commission's recommendation for approval with eight stipulations, submitted additional correspondence received on the petition, and commented on the Applicant's revision to the DCP relative to the location of the lift station.

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

- setback requirements/overstory parking height regulations
- location/access of the northwestern corner of the County-owned parcel in relation to the subject parcel
- parcel access.

6. ORDINANCES - Continued

Commr. Thaxton moved to add Stipulation No. 9 to require a Notice of Proximity document to potential buyers/users of the property, advising of the location of an adjacent County-owned environmentally sensitive parcel and implementing the Best Management Practice language as noted in the Comprehensive Plan. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

(3:52:18)

Discussion ensued with Ms. Allred, Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld, Christopher Ladd of Cubellis Associates, Inc., and Attorney Brenda Patten on the following topics/issues:

- density/number of units per acre
- developmental impacts to the eagles/nesting area
- location/maximum height of the three/four stories over parking structures
- Zoning Code regulations regarding RMF-3 waterfront setbacks/building heights with in-structure parking (Areas A, B, and C) versus the language reflected on the DCP

Commr. Staub moved to revise the DCP to reflect the Zoning Code regulations in height, not in floors, to reflect that the three floor structures will not exceed 45 feet above FEMA (Federal Emergency Management Agency), including one level in-structure parking and to revise the four floor structures. Commr. Staub clarified the motion to amend the DCP by adding labels indicating the categories Areas A and B to refer to the Zoning Code height regulations for the three and four story structures depicted on the DCP. The motion, seconded by Commr. Thaxton, carried without objection.

(4:09:14)

Discussion ensued with Tim Johnson of Atwell-Hicks Engineering on the location of the existing drainage areas/pages ii versus iii of the DCP and the drainage flow into a treatment facility, the wetlands, and Little Sarasota Bay.

Attorney Patten commented on the proposed plans, submitted a copy of a document entitled "Brief Summary of Neighbor Agreements/Concessions," and supported approval. Upon inquiry, Assistant County Attorney Gary Oldehoff commented on the previous submittal of an Area Traffic Study by the Applicant in relation to the proposed petition and Rezone Petition No. 06-09. (See Item 5 earlier this meeting.)

Following discussion with Attorney Patten on the roof height limitations, Ray Lorraine of Biological Research Associates commented on the proposed plan. Discussions were held with Mr. Lorraine, Attorney Patten, Assistant County Attorney Oldehoff, and Mr. Hershfield on the following topics/issues:

- existing drainage flow/stormwater treatment process
- acreage of the natural wetland
- promotions regarding proposed boat slips
- signs posted on the subject parcel prior to Board consideration

6. ORDINANCES - Continued

- location/heights of the mangroves/policies relative to the protection of mangroves/trimming

Commr. Thaxton moved that the designated mangrove fringe shall not be trimmed or pruned. The motion was seconded by Commr. Patterson. Following comments on clarification of the location of the designated mangrove area, discussion ensued with Mr. Lorraine and Attorney Patten on the proffered Stipulation and State requirements relative to the trimming of mangroves, and the location/height of the existing mangroves. Chair Mills noted consensus that the Applicant and Staff develop stipulation language to address the Board's intent/concerns.

(4:49:31)

The following individuals commented on the proposed Ordinance:

Mr. Brendan Rowe
Ms. Suzanne Stepek
Mr. Christopher Torres
Mr. Hans Jensen

Discussions were held with Attorney Patten, Mr. Ladd, and Assistant County Attorney Oldehoff on the following topics/issues:

- clarification of the guard house/gated entrance area/absence of outdoor speakers/process to address visits by non-property owners
- Commr. Staub moved to delete the words "proposed" on the DCP. The motion, seconded by Commr. Mercier, carried without objection.
- location of the gate to the nearest residence/consideration of the adjacent wetland
- Board options relative to enforcement of private party agreement provisions.

(5:14:53)

Attorney Patten noted joint efforts with Staff and proffered language to address the mangrove area (Stipulation No. 10) as follows:

The Applicant and County Resource Protection Staff shall create a Management Plan for the mangrove fringe on the property which allows the removal of dead wood and exotics and allows limited trimming to provide for shoreline recreational activities as approved by Resource Protection Services, provided the height of the mangrove fringe shall not be reduced below 18 feet.

Commr. Patterson submitted language proffered by Environmental Services Resource Protection Supervisor Matthew Osterhoudt as follows:

All mangrove areas shall be preserved. Management activities within the mangroves areas may be approved under a County-approved Resource Management Plan. The trimming of mangroves for landscaping or viewshed purposes shall not be allowed. Any alteration of the shoreline area such as a fishing pier requires approval from the Sarasota County Water and Navigation Control Authority (WNCA).

6. ORDINANCES - Continued

Following comments by Attorney Patten regarding concerns with the language proffered by Mr. Osterhoudt, Assistant County Attorney Oldehoff commented on the proffered language versions and suggested to include the language in Stipulation No. 10 as follows:

Any access related alteration of the shoreline shall require approval from the Sarasota County Water and Navigation Control Authority.

Following discussion with Assistant County Attorney Oldehoff and Mr. Hershfield on water access, WCNA minor work permit requirements, and compatibility with the WNCA Ordinance, Attorney Patten requested that Stipulation No. 10 be revised as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

All mangrove areas shall be preserved. Management activities within the mangroves areas may be approved under a County-approved Resource Management Plan. The trimming of mangroves for landscaping or viewshed purposes shall not be allowed. Any access related alteration of the shoreline area ~~such as a fishing pier~~ shall requires approval pursuant to ~~from~~ the Sarasota County Water and Navigation Control Authority (WNCA) Ordinance.

(5:20:59)

Commr. Thaxton moved to approve the revised language as proffered by Attorney Patten for Stipulation No. 10. The motion was seconded by Commr. Patterson.

Attorney Patten requested to revise the third sentence in Stipulation No. 10 as follows (additions shown as underlined text):

The trimming of mangroves for landscaping or viewshed purposes shall not be allowed provided that they are not reduced below 18 feet.

Discussion ensued with Assistant County Attorney Oldehoff, Attorney Patten, and Mr. Hershfield on the inconsistency of the revised language with the Comprehensive Plan, Statutory requirements, provisions in Resource Management Plans, and standards to address the removal of dead wood and exotic vegetation.

The motion carried by a 5-0 vote.

(5:28:50)

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

(5:29:09)

Commr. Staub moved to approve Ordinance No. 2006-069, approving Rezone Petition No. 06-10, with ten stipulations, as amended, and to direct Staff to bring back for final adoption on a future Consent Agenda. The motion was seconded by Commr. Patterson. Following comments, the motion carried by a 3-2 vote, with Commrs. Thaxton and Mercier voting "No."

(5:33:13)

9. ORDINANCES

To consider updates to Ordinance No. 2003-052, the Zoning Code, as amended and codified, as Appendix A of the County Code, amending Sections of the Zoning Ordinance, as needed, to provide clarity and consistency.

Following a request by Commr. Staub, Chair Mills noted no objection to reschedule the Board's consideration of updates/amendments to the Zoning Code to October 23, 2006, at 1:30 p.m., or as soon thereafter as possible.

(5:34:53)

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

8. ORDINANCES**NOTE: Sworn Statements Filed in Record**

Public hearing to consider proposed Ordinance No. 2006-076 providing for the addition of Article XV of Chapter 110 of the County Code to establish the South Siesta Key Beach Restoration District.

Following submittal of Staff's PowerPoint presentation, correspondence from Appraiser Roger Hetteema, and a document entitled "South Siesta Key Beach Renourishment Project Proposed MSBU Assessments," Environmental Services Project Scientist Curtis Smith, and Environmental Services Operations General Manager George MacFarlane summarized the proposal to establish the South Siesta Key Beach Restoration District, discussed the creation of a Municipal Services Benefit Unit (MSBU) to contribute to the Project's funding, and introduced Appraiser Hetteema who commented on the impact of the Beach Renourishment Project to the area property values.

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

(5:46:54)

Commr. Patterson moved to adopt Ordinance No. 2006-076 establishing the South Siesta Key Beach Restoration District. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote. Discussions were held with County Attorney Stephen DeMarsh on the County's obligations relative to disclaimers on property tax notices.

(5:49:50)

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

10. OTHER BUSINESS**A. MUNICIPALITIES/PUBLIC WORKS**

Commr. Patterson moved to revise the County's contribution to the Town of Longboat Key for a traffic study to \$7,500.00. The motion was seconded by Commr. Thaxton. Following comments by County Administrator James Ley, the motion carried by a 5-0 vote.

(5:51:57)

B. RESOLUTIONS

Chair Mills commented on a proposed Resolution regarding the Board's policy pertaining to real estate commissions and requested that the matter be scheduled as an Agenda Item for the October 23, 2006, meeting, without objection.

10. OTHER BUSINESS - Continued

C. CONTRACTS

Commr. Staub commented on a request by County Administrator James Ley to provide feedback on the Joint Planning Agreements (JPA) with the Cities of Venice and North Port.

MEETING ADJOURNED: 5:53 p.m.