

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**VENICE CITY HALL
401 WEST VENICE AVENUE
VENICE, FLORIDA**

9:00 a.m.

Nora Patterson, Chair, District 4
Shannon Staub, Vice Chair, District 3
Paul H. Mercier, District 1
Joseph A. Barbetta, District 2
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator
Stephen DeMarsh, County Attorney
Peter Ramsden, Clerk of Circuit Court Finance Director
Latressa Preston, Deputy Clerk
Paula Clintsman, Deputy Clerk

INVOCATION

Planning and Development Services Executive Director Rob Lewis

PLEDGE OF ALLEGIANCE

Commissioner Barbetta

PUBLIC HEARINGS:

1. PLANNING AND DEVELOPMENT SERVICES

- A.** Public hearing to consider proposed Ordinance No. 2006-085, amending Ordinance No. 89-097, as amended and codified in Chapter 70, Article III of the County Code, relating to impact fees for Road Facilities;
- B.** Land Development Regulation Commission to find proposed Ordinance No. 2000-085 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)
- C.** Public hearing to consider proposed Ordinance No. 2006-086, amending Ordinance No. 89-099, as amended and codified in Chapter 70, Article V of the County Code, relating to impact fees for Park Facilities;
- D.** Land Development Regulation Commission to find proposed Ordinance No. 2000-086 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)
- E.** Public hearing to consider proposed Ordinance No. 2006-087, amending Ordinance No. 91-068, as amended and codified in Chapter 70, Article II of the County Code, relating to impact fees for Library Facilities;
- F.** Land Development Regulation Commission to find proposed Ordinance No. 2000-087 to be consistent with the Sarasota County Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)

Staff Presenters: Planning and Development Services Senior Planner Gene Engman, County Administrator James Ley, and County Attorney Stephen DeMarsh

1. PLANNING AND DEVELOPMENT SERVICES - Continued

Public Presenters: Clancy Mullen of Duncan Associates, Dr. James Nicholas; John Harshman, Chair of the Public Facilities Financing Advisory Board (PFFAB); Dr. Hal Hedley, Joe Hembree, Attorney Deborah Martohue, Jay Brady, Bob Meade, David Langhout, Trent Cullen, Dan McLeroy, Jr., Tom Dabney, Craig Colburn, Attorney Dan Lobeck, Tim Clarke, Steve Anderson, and Sue Lang

Items submitted: A copy of the document entitled "Roads: Cum. Effect of PFFAB Recs," a copy of a packet from Attorney Deborah Martohue, a copy of a PowerPoint presentation (Exhibit 1), a copy of the Fiscal Year (FY) 2007 Mobility Core Service Capital Budgetary Summary (Exhibit 2), a copy of the Problem/Solution for Proposed Impact Fee Method for State Road Capacity (Exhibit 3), and a copy of slide presentation entitled "Business Climate: Will Higher Fees and Rising Costs Hurt our Economy?"

9:22:09 Board Action: Requested a report on the effect on impact fees if a system-wide Level of Service (LOS) C or D is utilized. Requested by Staub, without objection.

9:26:40 Board Action: Requested a report separating the costs of reconstruction with versus without amenities. Requested by Patterson, without objection.

10:03:16 Board Action: Requested a report on the costs of future library construction. Requested by Staub, without objection.

10:04:28 Board Action: Requested a report on the one cent sales tax funding for the last three versus the last twenty years. Requested by Staub, without objection.

10:10:02 Board Action: Requested a future Board workshop on aggressive/competitive economic growth/development. Requested by Mercier, without objection.

10:33:58 Board Action: Requested to dedicate a funding source that does not impact affordable housing. Requested by Thaxton, without objection.

RECESS: 10:12 a.m. - 10:26 a.m.

12:21:40 Board Action: Requested a report on the State road funding. Requested by Patterson, without objection.

12:22:18 Board Action: Requested to re-evaluate the conservative estimates provided in the report as follows: credit given for a dedicated non-impact fee source, LOS, amortization created on the surtax, capacity versus demand ratios, exclusion of Interstate 75 (I-75) from the Vehicles Miles Traveled (VMT) calculations, credit not given for State/Federal grants, the consumption of conventional versus local travel considerations, exclusion of the environmentally sensitive lands from the park impact fees, land costs for park acquisitions, and credit for capacity of any improvements that carries existing efficiencies. Requested by Thaxton, without objection.

12:23:27 Board Action: Requested that the Office of the County Attorney review/report on the legality issues. Requested by Staub, without objection.

12:23:43 Board Action: Requested a report on the funding/revenues for the U.S. 301/University Parkway Intersection Improvement Project. Requested by Mercier, without objection.

12:25:29 Board Action: Continued the public hearing to January 23, 2007, at 1:30 p.m. or as soon thereafter as possible. Moved by Barbetta, seconded by Staub, carried without objection.

12:28:09 Board Action: Closed the public input portion of the public hearing. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 12:28 p.m. - 1:34 p.m.

**ROBERT L. ANDERSON ADMINISTRATION CENTER
4000 SOUTH TAMiami TRAIL
COUNTY COMMISSION CHAMBER
VENICE, FLORIDA**

2. **OPEN TO THE PUBLIC** - Opened and closed without comment.

CONSENT SECTION:

1:37:02 Board Action: Approved Items 1-19, with separate discussions on Items 8, 10, 12, 16, and 17, submitted a revised Exhibit A for Item 6, and deferred Item 7. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

3. **ADMINISTRATION**

Ratified the previously issued Proclamation for Alice Faye Jones - December 9, 2006.

4. **ADMINISTRATION**

Approved Contract No. 2007-145, an Engagement as Counsel Agreement, with Holland and Knight, LLP, for Legislative representation for Calendar Year 2007, in the amount of \$102,000.00.

5. **ADMINISTRATION**

Appointed John Hendricks and Rod Warner as the At-Large Representatives, and Pamela Dorwarth as the ADA (Americans with Disabilities Act) Representative, to serve three-year terms on the Metropolitan Planning Organization Citizen Advisory Committee, effective through December 2009.

6. **COMMUNITY SERVICES**

1:35:57 Board Action: Approved Contract No. 2007-146, Amendment No. 1 to Contract No. 2006-139, with the Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, adding "Exhibit A" for invoicing, beginning and ending dates, and sub-category funding amounts. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

7. **COMMUNITY SERVICES**

Deferred consideration of the adoption of Budget Amendment No. B2007-016 to January 9, 2007.

8. **COMMUNITY SERVICES**

- A. 1:40:02 Board Action: Approved Contract No. 2007-148, a Sub-Lease Agreement, with the Sarasota Convention and Visitors Bureau to use a portion of the Chidsey Building as a Visitor Center, in the amount of \$20,000.00. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.
- B. 1:40:02 Board Action: Adopted Resolution No. 2006-267, Budget Amendment No. B2007-015, to appropriate the funding. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

9. **PLANNING AND DEVELOPMENT SERVICES**

Approved Contract No. 2007-149, a Subrecipient Agreement, with Suncoast Partnership to End Homelessness, Inc., for Continuum of Care Services, in the amount of \$73,000.00.

10. **PUBLIC WORKS**

1:42:02 Board Action: Approved Contract No. 2007-150, a Lease Agreement, with Sarasota R.V. Center, Inc., for the McIntosh Road Phase I Project located at 4379 Clark Road, Sarasota, in the amount of \$1,500.00 per month. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11. PUBLIC WORKS

Approved Contract No. 2007-151, a Lease Agreement, with District 69 State Representative Keith Fitzgerald for office space located at 1660 Ringling Boulevard, Sarasota, for a period of two years, in the amount of \$900.00 per month, and adopted Resolution No. 2006-272, approving Budget Amendment No. B2007-018.

12. PUBLIC WORKS

1:45:43 Board Action: Approved Contract No. 2007-152 with Kelly Brothers, Inc., for the Lemon Bay Preserve Boardwalk Construction Project, in the amount of \$414,477.00. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

13. PUBLIC WORKS

- A.** Approved Contract No. 2007-153, a Funding Agreement, with the Florida Department of Transportation (FDOT) for the construction of additional concrete pavement on the U.S. 41 Bypass from Bird Bay Drive to the Rails to Trails Corridor, in the amount of \$14,536.25;
- B.** Adopted Resolution No. 2006-268 authorizing execution of the Agreement with the FDOT.

14. PUBLIC WORKS

Adopted Resolution No. 2006-269 to lower the speed limit on Brink Avenue between Webber Street and Hyde Park Street from 30 miles per hour to 25 miles per hour, as recommended by the Traffic Advisory Council.

15. PUBLIC WORKS

Adopted Resolution No. 2006-270 to lower the speed limit on Porter Road from West Leewynn Drive to Palmer Boulevard from 40 miles per hour to 30 miles per hour, as recommended by the Traffic Advisory Council.

16. PUBLIC WORKS

1:46:28 Board Action: Approved Contract No. 2007-138 with Paleo Park of Commerce Owners' Association, Inc., for the execution of the Maintenance for Decorative Traffic Control Sign Posts and Signs. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

17. PUBLIC WORKS

1:49:11 Board Action: Adopted Resolution No. 2006-271 establishing a time and place for consideration of vacating and abandoning the County's interest in a portion of a 33 foot \pm wide platted, public, unimproved right-of-way known as Lee Road, lying within the North Venice Farms Subdivision. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

18. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Ratified and approved the warrants dated December 4 through December 8, 2006, in the amount of \$20,608,431.67, as detailed in the voucher packages filed in the Finance Department.

19. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Approved the Minutes of the meetings dated December 8 and December 11, 2006.

REPORTS SECTION:**20. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER'S REPORT**

Clerk of the Circuit Court Finance Director Peter Ramsden noted the Filed for Record List. (2:13:10)

21. COUNTY ADMINISTRATOR'S REPORT

1:56:02 Board Action: Approved Contract No. 2007-156, with Gibbs and Register, Inc., for Professional and Construction Services for final design and construction of the Rails to Trails Project, in the amount of \$14,698,455.00. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Item submitted: Memorandum regarding the Rails to Trails Final Design and Construction (Design/Build) Contract

(1:57:24)

Staff Presenters: County Administrator James Ley, Planning and Development Services Executive Director Rob Lewis, Community Services Interim Executive Director Larry Arnold, and Planning and Development Services Planning Director Anne McClung

Items submitted: A copy of "Fourth Draft, Joint Planning and Interlocal Service Boundary Agreement between the City of Venice and Sarasota County," a Memorandum dated December 18, 2006, a copy of the "North Port Joint Planning Agreement - Supplemental Information," and a copy of the "Draft City Changes"

6:09:02 Board Action: Authorized advertising of the proposed Fourth Draft Joint Planning Agreement and Interlocal Service Boundary Agreement with the City of Venice, dated December 17, 2006. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

6:18:30 Board Action: Recommended a charette approach to the planning study. Recommended by Mercier, without objection.

6:19:39 Board Action: Requested to review the planning study dates to maintain the integrity and validity of the document in the event the planning study dates are not met. Requested by Thaxton, without objection.

6:48:06 Board Action: Removed Areas 2a and 2b from the map (red and yellow areas) and added verbiage that allows both parties to discuss, in five years, the potential additions to the map, and if added, both parties must agree to the land use/ change in status. Moved by Staub, seconded by Thaxton, carried without objection.

6:50:53 Board Action: Added language in the "City Changes Draft" document as follows: If a landowner applies for a Comprehensive Plan Amendment during the five year period, the County will process the Comprehensive Plan Amendment and request input from the City of North Port, with the County maintaining jurisdiction. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

7:01:31 Board Action: Added language in the "City Changes Draft" document that no commercial development in Area 3b, and Area 3a would remain as potential annexation areas and that the commercial development shall not be less than a mile from Center Road. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

7:03:50 Board Action: Added language on page 6 of 27, end of paragraph 5, in the "City Changes Draft" document to read as follows: ". . . and provided that no enclaves are created." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

7:05:40 Board Action: Requested review of the language on lines 66 and 67 in the "City Changes Draft" document. Requested by Staub, without objection.

7:15:40 Board Action: Requested to modify/add language relating to the City's request to utilize the City of North Port's design standards (County adoption of an Ordinance or "not subject to the City's design standards") on page 8, in the "City Changes Draft" document. Requested by Patterson, without objection.

7:16:31 Board Action: Requested that the Board members review the City of North Port's "City Changes Draft" document for review on December 20, 2006, without objection.

22. COUNTY ATTORNEY'S REPORT

5:41:40 Board Action: Deferred the County Attorney's Report to December 20, 2006, without objection.

23. COMMISSION AND COMMITTEE REPORTS

5:41:40 Board Action: Requested to defer the Commission and Committee Reports to December 20, 2006. Requested by Patterson, without objection.

24. ADMINISTRATION

5:41:40 Board Action: Deferred the County Commission Outstanding Board Assignments Report dated December 14, 2006, to December 20, 2006, without objection.

25. ADMINISTRATION

5:41:40 Board Action: Deferred the Board of County Commissioners Meeting Schedule to December 20, 2006, without objection.

DISCUSSION SECTION:**26. ENVIRONMENTAL SERVICES**

The Board considered authorization for the County Attorney's Office, through Bond Counsel, to obtain a private letter ruling from the Internal Revenue Service (IRS) providing for a force majeure exception to the IRS variable/fixed fee ratio requirements for management contracts when landfill volume is skewed by a major storm event.

Staff Presenter: Environmental Services Solid Waste General Manager Gary Bennett

2:15:30 Board Action: Authorized the County Attorney's Office, through Bond Counsel, to obtain a private letter ruling from the IRS. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

27. COMMUNITY SERVICES

The Board considered the County's role relative to golf facilities.

Staff Presenters: Community Services Parks and Recreation General Manager John McCarthy and Community Services Parks and Recreation Park Development Manager Jerry Moore

2:19:50 Board Action: Accepted the report on golf facilities. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

28. COMMUNITY SERVICES

The Board considered acceptance and authorization to execute the Conservation Easement, Parcel B10, a donation from Palmer Ranch Holdings, Ltd.

Staff Presenter: Community Services Parks and Recreation General Manager John McCarthy

Public Presenters: Hugh Culverhouse, Jr., and Carl Weinrich

2:02:30 Board Action: Authorized the expenditure for the survey and appraisal of the property. Moved by Barbetta, seconded by Staub, carried by a 5-0 vote.

2:11:06 Board Action: Accepted and authorized execution of the Conservation Easement from Palmer Ranch Holdings, Ltd. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

(2:12:36)

29. FINANCIAL SERVICES

The Board considered a proposed Contract, Amendment No. 1 to Contract No. 2006-418, with the Sarasota Convention and Visitors Bureau for Fiscal Year (FY) 2007.

Staff Presenter: Chief Financial Planning Officer Gail Miller

Public Presenter: Sarasota Convention and Visitors Bureau Executive Director Virginia Haley

2:22:41 Board Action: Requested information on the dates that the Sarasota Convention and Visitors Bureau will host the International Travel Buyers function and a schedule of upcoming events. Requested by Staub, without objection.

2:24:32 Board Action: Approved Contract No. 2007-155, Amendment No. 1 to Contract No. 2006-418, with the Sarasota Convention and Visitors Bureau for FY 2007, incorporating the 2006 expenditures. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

30. PUBLIC WORKS

Sitting as the Sarasota County Transportation Authority (SCTA);

The Board considered the financial participation of the Longboat Key Trolley Service, proposed by Manatee County Area Transit (MCAT) with the Florida Department of Transportation (FDOT) Service Development Grant.

Staff Presenters: Public Works Transportation Planning Senior Planner Sarah Blanchard, Public Works Mobility Transit General Manager Anthony Beckford, and County Administrator James Ley

Item Presented: A copy of the PowerPoint presentation

2:42:30 Board Action: Recommended bus service by SCAT (Sarasota County Area Transit) from downtown Sarasota to the end of Longboat Key, to apply the grant to fund the route, and to proportion out Sarasota County's share, with the option that MCAT receive the entire grant and run the service to downtown Sarasota. Recommended by Patterson, without objection.

2:44:33 Board Action: Referred the matter of financial participation of the Longboat Key Trolley Service to the County Administrator to work with the Manatee County Administrator to review the recommendations discussed this date and other alternatives. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

2:45:41 Board Action: Requested a report/presentation at the next MPO (Metropolitan Planning Organization) meeting. Requested by Patterson, without objection.

PUBLIC HEARINGS:**31. PUBLIC WORKS**

- A. Public hearing continued from November 28, 2006, to consider proposed Ordinance No. 2006-090, a Proportionate Fair Share, amending Ordinance No. 89-103, as amended and codified in Chapter 94, Article VII of the County Code, relating to Concurrency Management Regulations, pursuant to Senate Bill 360.
- B. (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2006-090 consistent with the Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)

31. PUBLIC WORKS - Continued

Staff Presenters: Public Works Transportation Planning General Manager Clarke Davis and County Attorney Stephen DeMarsh

2:54:22 Board Action: Requested a discussion item on a possible Board policy relating to right-of-way calculations, including development rights and density computations. Requested by Mercier, without objection.

2:56:26 Board Action: Requested review of the eligibility issue (mitigation for economic development) for potential office buildings/headquarters not located in a MEC (Major Employment Center). Requested by Staub, without objection.

2:59:35 Board Action: Requested to draft a Code Amendment/provide options on right-of-way acquisitions relative to TDR (Transfer of Development Rights); payment of the full value of the right-of-way without use of development rights; market the development rights with an active TDR Program; and/or utilize the development rights on the remainder of the parcel with the County paying a reduced amount for the right-of-way. Requested by Mercier and Patterson, without objection.

3:06:32 Board Action: Requested the County Attorney to draft language relative to unsafe conditions for inclusion in the proposed Ordinance. Requested by Thaxton and Patterson, without objection.

3:14:35 Board Action: Added language in Section 3.d.(1), Proportionate Fair-Share Mitigation, new (c) as follows: "The proposed development will not create an unsafe condition on the transportation network." Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

3:17:06 Board Action: Recessed the Board of County Commissioners (BCC) and convened as the Land Development Regulation Commission to find proposed Ordinance No. 2006-090 consistent with the Comprehensive Plan. Moved by Mercier, seconded by Staub, failed by a 1-4 vote; Staub, Thaxton, Barbetta, and Patterson voted "No."

3:17:20 Board Action: Recessed the Land Development Regulation Commission and reconvened as the BCC. Requested by Patterson, without objection.

3:20:34 Board Action: Moved to adopt Ordinance No. 2006-090, a Proportionate Fair Share Mitigation, as amended, and amending Ordinance No. 89-103, relating to Concurrency Management Regulations, "under protest." Moved by Staub and seconded by Thaxton.

3:19:00 Board Action: Amended the motion to include correspondence to the Legislative Delegation opposing the State Statute. Moved by Staub, carried without objection.

3:20:34 Board Action: Adopted Ordinance No. 2006-090, as amended. Carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

RECESS: 3:20 p.m. - 3:34 p.m.

32. PLANNING AND DEVELOPMENT SERVICES

- A.** Public hearing continued from November 15, 2006, to consider proposed Ordinance No. 2006-078, amending Ordinance No. 2003-052, the Zoning Ordinance, as amended and codified, as Appendix A of the County Code, adding Article 12, Community Housing Development (CHD) to establish the Affordable Housing Overlay District (AHOD). (No recommendation provided by the Planning Commission.) (Note: First public hearing was held on October 24, 2006.)
- B.** (Not a public hearing.) Land Development Regulation Commission to find proposed Ordinance No. 2006-078 consistent with the Comprehensive Plan. (Must be done prior to final adoption of the Ordinance.)

32. PLANNING AND DEVELOPMENT SERVICES - Continued

Staff Presenters: Planning and Development Services Community Housing Manager Wendy Thomas and County Attorney Stephen DeMarsh

Public Presenters: Martina Guilfoil, Robert Medred, Attorney Dan Bailey, Carol Morris, Alexander Morris, John Pecilunas, and Ronald Collins

Items submitted: Copies of documents entitled "Profiles of Three Families Receiving DPA (Down Payment) Assistance to Purchase Homes in 2006;" "Maximum Sale Price for Low Income Units;" "Maximum Sale Price for Moderate Income Units;" "Maximum Sale Price for Middle Income Units;" recommended language revisions for Sections 12.1.1.d.1., Sales and Rental Rates" and 12.1.1.e.5., Unit Specification;" a copy of "Proposed Changes to Ordinance No. 2006-078;" written comments from Carol Morris and Alexander Morris; written comments entitled "Bee Ridge Neighborhoods Committee Public Comments December 19, 2006, to BCC (Board of County Commissioners) Affordable Housing Ordinance regarding Sales Price;" and copies of documents entitled "Price Point Scheme Adjusted for Family Size;" "Price Point Scheme Calibrated for a Family of Four;" "Sales Price Adjusted to Family Size Scheme;" and copies of internet documents entitled "Down Payment Assistance Program," and "Florida Housing Down Payment Assistance"

5:19:11 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

5:23:56 Board Action: Revised the language on page C-5, 12.1.1.d.1., Financial, Sales and Rental Rates, to read as follows: "Community and Affordable Housing Units shall be leased at restricted rental rates or initial sale prices which correspond to rates set annually by the Board of County Commissioners, based on annual Area Median Income data as calibrated for household size and/or appropriate unit size, prevailing fixed rate 30 year mortgage rates, taxes, and insurance costs." Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

5:25:09 Board Action: Reopened the public hearing, without objection.

5:25:50 Board Action: Added language on page C-6, Section 12.1.1.e.3., Timing, (additions shown as underlined text): ". . . Market Rate Units, unless otherwise approved by the Board of County Commissioners." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

5:25:52 Board Action: Closed the public hearing, without objection.

5:26:56 Board Action: Revised Section 12.1.1.e.7.iii, Implementation, as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text): "The ~~recorded~~ agreement shall be ~~part of any submittal for~~ recorded prior to approval of a preliminary plat or site and development approval plan." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

5:27:43 Board Action: Deleted the language on pages C-8 and C-9, Section 12.1.3., Definitions, as follows: "as calibrated for a family of four" in the Affordable Housing Unit, Community Housing Unit, and Workforce Housing definitions. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

5:28:28 Board Action: Added the words "low income" in the definition of Affordable Housing Unit, Section 12.1.3., Definitions. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

5:33:30 Board Action: Recessed the Board of County Commissioners and convened as the Land Development Regulation Commission, and found proposed Ordinance No. 2006-078 consistent with the Comprehensive Plan. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

5:33:43 Board Action: Adjourned the Land Development Regulation Commission and reconvened as the BCC, without objection.

32. PLANNING AND DEVELOPMENT SERVICES - Continued

5:41:15 Board Action: Adopted Ordinance No. 2006-078, amending Ordinance No. 2003-052, the Zoning Ordinance, as amended, establishing the AHOD, as amended. Moved by Mercier, seconded by Staub, carried by a 4-1 vote; Barbetta voted "No."

Note: Oath/Signature Cards Filed for Record.

2. OPEN TO THE PUBLIC - (Continued) - Opened and closed without comment.