

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

**SARASOTA COUNTY ADMINISTRATION CENTER
NORTH PORT CITY HALL CHAMBER
4970 CITY HALL BOULEVARD
NORTH PORT, FLORIDA**

9:00 a.m.

**JOINT MEETING
WITH THE NORTH PORT CITY COMMISSION**

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

Barbara Gross, Chair
Fred E. Tower, III, Vice Chair
Jim Blucher
Vanessa Carusone
Richard Lockhart

Also present were:

James Ley, County Administrator
Gary Oldehoff, Assistant County Attorney
Claudia Goodson, Deputy Clerk

City Manager Steven Crowell, Jr.
City Attorney Robert Robinson
City Clerk Helen Raimbeau

1. PLANNING AND DEVELOPMENT SERVICES

Discussion of proposed Joint Planning and Interlocal Service Boundary Agreement (JPISBA) between Sarasota County and the City of North Port.

Staff Presenters: Assistant County Attorney Gary Oldehoff and Planning and Development Services Director Anne McClung

Public Presenters: Facilitator, Attorney Linda Shelley of Fowler, White, Boggs, and Banker; North Port City Attorney Robert Robinson, and North Port City Planning Director Sam Jones

Items submitted: A copy of a revised draft of the proposed JPISBA dated January 11, 2007, with City of North Port/Facilitator edits; a copy of a revised draft of the proposed JPISBA dated January 12, 2007, with Staff/County edits; a copy of language proffered by Attorney Shelley for proposed Section E; a copy of the December 15, 2006, JPISBA draft language for Section 3, pages 10 and 11, regarding Potential Annexation Area 1C, with proposed revisions; and a copy of a revised draft of the proposed JPISBA, as amended this date.

9:18:30 Board Action: Recommended that the County Legal Staff review the impacts to the County from the additional language proposed by the City of North Port in Section F, on page 25 of North Port's revised JPISBA draft dated January 11, 2007, relative to the "opt out" provisions for the City of North Port. Recommended by Thaxton, without objection.

9:18:58 Board Action: Recommended consideration to delete the words "proposes, promotes" in the additional language proposed by the City of North Port in line 558, Section F, on page 25 of North Port's revised JPISBA draft dated January 11, 2007. Recommended by Thaxton, without objection.

9:31:04 Board Action: Recommended to revise lines 559 through 561, on page 25 of North Port's revised JPISBA draft dated January 11, 2007, as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text). Recommended by Staub, without objection.

1. PLANNING AND DEVELOPMENT SERVICES - Continued

"If the County proposes, promotes, or adopts ~~any~~ a Charter amendment which concerns ~~Municipal North Port~~ annexation or future land use designations outside the urban service boundary, the City may, at its option, unilaterally terminate within 60 days all or part of the Agreement . . ."

9:34:40 Board Action: Recommended clarification of the word "adopts" relative to the enactment of a Charter Amendment in line 558, on page 25 of North Port's revised JPISBA draft dated January 11, 2007. Recommended by Thaxton, without objection.

9:50:55 Board Action: Recommended consideration to delete the words "all or part of" in line 560, on page 25 of North Port's revised JPISBA draft dated January 11, 2007. Recommended by Thaxton, without objection.

10:22:43 Board Action: Recommended review of revising the language in the proposed Charter Amendment to protect the JPISBA relative to third parties. Recommended by Staub, without objection.

(10:24:46)

Attorney Shelley reviewed the proposed language revisions for Section F, lines 558 through 564, on page 25 of North Port's revised JPISBA draft dated January 11, 2007, as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

~~If the County proposes, promotes, or adopts any~~ a Charter amendment ~~passes and~~ which concerns ~~Municipal North Port~~ annexation or future land use designations outside the urban service boundary, the City may, at its option, within 60 days of the effective date of the Charter Amendment ~~unilaterally terminate all or part of~~ the Agreement by passage of an appropriate ordinance and recording same with the Clerk of the Court for Sarasota County. Any such action by the City shall not constitute a material breach of the Agreement nor a dispute for resolution under paragraph 9.

10:30:26 Board Action: Recommended consideration to add the words "contiguous to North Port" following the phrase "North Port annexation or future land use designations" in Section F, line 559, on page 25 of North Port's revised JPISBA draft dated January 11, 2007. Recommended by Barbetta, without objection.

RECESS: 10:32 a.m. - 10:43 a.m.

10:48:30 Board Action: Approved a Board Policy that if the Charter Amendment referendum passes and no JPISBA is enforced, the Board will present to the City of North Port the JPISBA agreed upon this date. Moved by Staub, seconded by Patterson, carried by a 5-0 vote.

(10:53:17)

North Port City Commissioner Blucher moved to cease the proposed JPISBA discussion. The motion was seconded by North Port City Commissioner Lockhart.

11:02:51 Board Action: Recommended consideration of the U.S. 41 Corridor as a Potential Annexation Area (Area 1C) with the exclusion of enclaves. Recommended by Thaxton, without objection.

1. PLANNING AND DEVELOPMENT SERVICES - Continued

11:06:15 Board Action: Recommended that the City of North Port consider the implementation of pre-annexation agreements to address water/sewer service relative to future commercial development on the U.S. 41 Corridor. Recommended by Patterson, without objection.

(11:11:27)

North Port City Commissioner Blucher withdrew the motion, without objection.

11:11:57 Board Action: Recommended the addition of a provision to reflect that there will be no involuntary annexation of the mobile home parks relative to the U.S. 41 Corridor Potential Annexation Area 1C. Recommended by Staub, without objection.

11:17:38 Board Action: Recommended that the City of North Port schedule a charrette to include area residents/commercial developers to address the future plans for the U.S. 41 Corridor. Recommended by Mercier, without objection.

11:19:35 Board Action: Moved that the U.S. 41 Corridor Potential Annexation Area 1(C) be included in the proposed JPISBA with the inclusion of language that the City of North Port agrees to not initiate involuntary annexations of the mobile home park area. Moved by Staub, seconded by Thaxton.

11:22:50 Board Action: Recommended review of involuntary/voluntary annexation provisions relative to the proposed JPISBA. Recommended by Patterson, without objection.

11:32:38 Board Action: Recommended that the motion reflect the intent of the County to allow potential annexation of the U.S. 41 Corridor with the details to be worked out during the U.S. 41 Corridor Study Plan as to the exact geographical boundaries. Recommended by Staub, without objection.

11:40:13 Board Action: Motion, as amended, carried by a 4-1 vote; Barbetta voted "No."

11:42:32 Board Action: Included the area south of U.S. 41 from the North Port City limits extending down to the Myakka River, connecting the area between Potential Annexation Areas 1A and 1B in the U.S. 41 Corridor Potential Annexation Area 1C. Moved by Staub, seconded by Thaxton, carried by 4-1 vote; Barbetta voted "No."

11:47:31/11:51:04 Board Action: Moved to reconsider the motion to allow voluntary annexation on the lands south of U.S. 41 to the Myakka River. Moved by Thaxton, seconded by Barbetta, failed by a 2-3 vote; Mercier, Staub, and Patterson voted "No."

11:51:34 Board Action: Approved that no consideration of land use designation changes in the U.S. 41 Corridor Area, including on the lands south of U.S. 41 to the Myakka River, by either party will be permitted until the U.S. 41 Corridor Study Plan is completed and mutually agreed upon. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

11:54:42 Board Action: Added language in Section C, line 375, on page 17 of the County's revised JPISBA draft dated January 12, 2007, as follows: "No consideration of land use changes by either party shall occur until the U.S. 41 Corridor Study Plan is completed and mutually agreed upon." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

12:03:42 Board Action: Recommended to continue with the meeting this date and to reschedule the Board's afternoon meeting/workshop to a future date. Recommended by Staub, without objection.

12:08:43 Board Action: Recommended to retain the words "is material inducement to the City to enter into this Agreement" in lines 64 and 65 of the County's revised JPISBA draft dated January 12, 2007. Recommended by Thaxton, without objection.

12:18:19 Board Action: Recommended that County Legal Staff review/clarify the impacts to the County from the addition of the word "adopt" in line 64, on page 3 of North Port's revised JPISBA draft dated January 11, 2007, relative to Charter Amendments initiated by citizens. Recommended by Patterson, without objection.

1. PLANNING AND DEVELOPMENT SERVICES - Continued

12:21:33 Board Action: Revised the language in lines 64 through 67, on page 3 of North Port's revised JPISBA draft dated January 11, 2007, as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text). Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

" . . . promote, propose, ~~or~~ and adopt any Charter amendment of its own that negates ~~or conflicts with~~ the terms and conditions of this Agreement ~~or concerns municipal annexation or future land use designations outside the urban service boundary~~ is a material inducement to the City to enter into this Agreement, and . . . "

12:23:31 Board Action: Deleted the words "Improvement District" following the words "West Villages" in Section e., line 210, on page 9 of the County's revised JPISBA draft dated January 12, 2007. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(12:24:28)

Attorney Shelley noted Group consensus to reinstate the language in the proposed JPISBA for Area 1C U.S. 41 middle area, with the addition of the following sentence: "The City agrees that it will not propose involuntary annexation of adjacent mobile home parks."

(12:35:40)

Attorney Shelley noted Group consensus to revise the words "Exhibit A" to "Exhibit C" in Sections E, F, H, and I of the proposed JPISBA.

12:50:33 Board Action: Recommended to incorporate the first sentence in Section Q, lines 447 through 450, on page 20 of North Port's revised JPISBA draft dated January 11, 2007, in the proposed JPISBA. Recommended by Thaxton, without objection.

12:53:18 Board Action: Revised Section Q of the proposed JPISBA as follows. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

"The lands depicted on Exhibit C as the Thomas Ranch Westerly Five Sections and Easterly Section will be evaluated for inclusion as a Potential Annexation Area no sooner than five (5) years following the execution of this Agreement. If the lands depicted on Exhibit C are included in the Potential Annexation Area by mutual amendment of the agreement, the Parties agree to meet in joint session to consider potential land use changes to these areas. Unless and until the properties are annexed . . . "

(12:57:36)

Assistant County Attorney Gary Oldehoff proffered the following revised language for Section E for the proposed JPISBA (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

"If any County proposed Charter Amendment passes and becomes effective which concerns North Port annexation or restricts North Port's ability to assign future land use map designations to lands it may annex ~~contiguous to North Port but outside the urban service boundaries~~, the City may, at its option, within 60 days of the effective date of the Charter amendment . . . "

1. PLANNING AND DEVELOPMENT SERVICES - Continued

1:09:03 Board Action: Recommended clarification of provisions relative to a citizen-initiated referendum and a super majority vote. Recommended by Thaxton, without objection.

1:16:19 Board Action: Recommended to add the words "County proposed" following the word "any" to the revised language proposed for Section E as proffered by Assistant County Attorney Oldehoff. Recommended by Barbetta, without objection.

RECESS: 1:26 p.m. - 1:37 p.m.

1:40:19 Board Action: Recommended consideration to add language to address the ability of either party to "opt out" of the Agreement within 60 days if there is a Charter amendment initiated and adopted which substantially nullifies the purpose and effect of the JPISBA. Recommended by Patterson, without objection.

1:52:14 Board Action: Recommended consideration to revise and relocate the following sentence in Section 19, lines 576 through 579, on page 25 of North Port's revised JPISBA draft dated January 11, 2007, to Section E of the proposed JPISBA. Recommended by Staub, without objection.

"If a Charter amendment initiated by citizens is adopted which negates one or more of the provisions of this Agreement and which substantially nullifies the purpose and effect of this Agreement, then the Parties shall ~~initiate negotiations to amend~~ opt out of this Agreement within 60 days."

1:53:46 Board Action: Recommended to retain the words "initiate negotiations to amend" in Section E of the proposed JPISBA. Recommended by Patterson, without objection.

1:55:32 Board Action: Recommended clarification of the language to address Charter Amendments that are not initiated by the County in Section E of the proposed JPISBA. Recommended by Staub, without objection.

(2:02:10)

Attorney Shelley noted Group consensus to revise the words "by citizens" to the words "other than the County" following the word "amendment" in Section E of the proposed JPISBA.

2:02:57 Board Action: Recommended to retain the words "concerns North Port annexation or restricts North Port's ability to assign future land use map designations to lands that it may annex" in Section E of the proposed JPISBA. Recommended by Staub, without objection.

2:04:53 Board Action: Recommended clarification of the language relative to the effective date and the 60 day time frame in Section E of the proposed JPISBA. Recommended by Patterson, without objection.

RECESS: 2:06 p.m. - 3:19 p.m.

3:22:15 Board Action: Recommended clarification of the language relative to the location of the mobile home parks in Area 1C in Section (3), line 191, on page 9 of the revised JPISBA, amended this date. Recommended by Thaxton, without objection.

3:23:11 Board Action: Recommended clarification of the language relative to distinguish the location of the Activity Center 1 in relation to the mobile home park areas, south of U.S. 41. Recommended by Patterson, without objection.

3:24:06 Board Action: Recommended to add the word "City" prior to the words "land use" in Section (3), line 191, on page 9 of the revised JPISBA, amended this date. Recommended by Staub, without objection.

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

1. PLANNING AND DEVELOPMENT SERVICES - Continued

3:29:44 Board Action: Recommended clarification of the language in Section (3), line 192, on page 9 of the revised JPISBA, amended this date, to reflect the location of the Activity Center 1 area as depicted in the cross hatched area on Exhibit A-1. Recommended by Patterson, without objection.

(3:45:40)

Attorney Shelley noted Group consensus to add the language, subsequent to the words "the City of North Port," in Section 10C, line 392, on page 17 of the revised JPISBA, amended this date, as follows:

"No consideration of land use changes by either party, unless mutually agreed upon, shall occur until the Corridor study is completed and mutually agreed upon."

3:50:51 Board Action: Approved the proposed JPISBA with the City of North Port, as amended this date, including the additional language in Section 10C with the attachments, for presentation to the City of North Port as the JPISBA accepted by the County. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

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

3. OTHER BUSINESS - No Items were presented.

MEETING ADJOURNED: 3:56 p.m.

MINUTES APPROVED: _____

Chair