

May 9, 2006

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

Book 74
Page 247

**BOOKER HIGH SCHOOL
3201 NORTH ORANGE AVENUE
VPA THEATRE
SARASOTA, FLORIDA**

9:00 a.m.

David R. Mills, Chair, District 2
Nora Patterson, Vice Chair, District 4
Paul H. Mercier, District 1
Shannon Staub, District 3
Jon Thaxton, District 5

Also present were:

James Ley, County Administrator
Stephen DeMarsh, County Attorney
Karen E. Rushing, Clerk of the Circuit Court and County Comptroller
Claudia Goodson, Deputy Clerk
Leah Von Leu, Deputy Clerk

INVOCATION

Pastor Rod Myers, Central Church of Christ

PLEDGE OF ALLEGIANCE

Commissioner Staub

PRESENTATION OF PROCLAMATIONS:

Guardian Ad Litem Volunteer Recognition Day - May 9, 2006
Law Enforcement Officers Memorial Week - May 7 through May 13, 2006
National Nurses Week - May 6 through May 12, 2006
Building Safety Week - May 7 through May 13, 2006
National Preservation Month - May 2006

CERTIFICATES OF RECOGNITION:

Jack Conlon - 2006 River of Words International Poetry Finalist
Booker High School Athletes

28. OTHER BUSINESS

A. SCHOOL BOARD/BCC

Following comments by Chair Mills, School Board Superintendent Gary Norris and Booker High School Principal Jill Dorsett welcomed and thanked the Board for recognizing the achievements of the Booker High School students and supporting the School Board's efforts.

(9:36:10)

CONSENT MOTION

A motion was made by Commr. Staub, seconded by Commr. Thaxton, and carried by a 5-0 vote to approve Items 1-12 as follows, with the exception of Items 7 and 12, considered later this meeting.

1. PROCLAMATIONS

Ratified the following previously issued Proclamations:

- A. Beta Sigma Phi Week, April 30 through May 6, 2006;
- B. Global Love Day, May 1, 2006.

2. ADVISORY COUNCILS

Appointed Katie Aldrin to serve a one-year term on the Historical Commission as the STAR (Students Taking Active Roles) in Government Representative, effective through May 2007.

3. CONTRACTS

Approved Contract No. 2006-301, an Interlocal Agreement, with Manatee County, the East Manatee Fire Rescue District, and the Southern Manatee Fire and Rescue District to provide for Emergency Medical Services (EMS) response on University Parkway.

4. DEEDS

Approved a Quit Claim Deed to Donald H. Kimball, property owner of property located at 411 Blackburn Street, Englewood, to relinquish a portion of the existing drainage easement.

5. CONTRACTS/RESOLUTIONS

- A. Adopted Resolution No. 2006-107, Budget Amendment No. B2006-065, to increase the homeowner funds awarded by the Flood Mitigation Assistance Program and the subsequent disbursement to Alain Lacasse, property owner of 661 Dixon Road, Venice, in the amount of \$9,000.00;
- B. Approved Contract No. 2006-302, a Flood Mitigation Assistance Program Subgrant Agreement, with Alain Lacasse, for the property located at 661 Dixon Road, Venice.

6. FINANCIAL PLANNING

Authorized the disposal of vehicles and off-road equipment.

7. CONTRACTS

See consideration of a Contract, a Strategic Initiatives and Opportunities (SIO) Grant Agreement, with First Step of Sarasota, Inc., for the Addiction Receiving Facility (ARF) operations, later this meeting.

8. CONTRACTS

Approved Contract No. 2006-304, an Interlocal Agreement, with the Florida Department of Transportation (FDOT), Manatee County, the Island Transportation Planning Organization (ITPO) representing the Cities of Anna Maria, Bradenton Beach, and Holmes Beach, the Cities of Bradenton, North Port, Palmetto, Sarasota, and Venice, the Town of Longboat Key, and the Sarasota-Manatee Airport Authority for the redesignation of the Sarasota/Manatee Metropolitan Planning Organization (MPO).

9. CONTRACTS

Approved Contract No. 2006-305, Specific Authorization No. 1 to Contract No. 2006-030, with Fleischman and Garcia, Architects and Planners, A.I.A., P.A., for professional architectural and engineering services for the demolition of the existing Fire Station No. 3, located at 47 North Adams Drive, Sarasota, and for the design and construction of a new prototype fire station at the existing site.

10. RESOLUTIONS

Adopted Resolution No. 2006-108 designating four roadways as Canopy Roads, as follows:

Robinson Avenue from Hibiscus Street to 2008 Robinson Avenue;
Huntington Avenue from Webber Road to Hibiscus Street;
Tucker Avenue from Fruitville Road to 117 Tucker Avenue;
Iola Avenue from Bee Ridge Road to Maiden Lane.

11. WARRANTS

Ratified and approved the warrants dated April 17 through April 28, 2006, in the amount of \$21,702,713.75, as detailed in the voucher packages filed in the Finance Department.

12. MINUTES

See consideration of the Minutes of the meetings dated April 25 and April 26, 2006, later this meeting.

(9:36:46)

7. CONTRACTS

Chair Mills inquired and Health and Human Services Social Services General Manager Charles Taylor commented on the funding for the Community Alternatives Residential Treatment (CART) Initiative and allocations for operating expenses for the Addiction Receiving Facility (ARF).

Commr. Staub moved to approve Contract No. 2006-303, a Strategic Initiatives and Opportunities (SIO) Grant Agreement, with First Step of Sarasota, Inc., for the ARF operations, in the amount of \$268,617.00. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:38:24)

12. MINUTES

Commr. Thaxton referenced Book 74, Pages 231 and 232, Item 11, regarding the language revisions to the Resolution to allow a poker/cardroom at the Sarasota Kennel Club and commented on the Board's intent relative to the language revision and impacts from future amendments to the Statute and suggested reconsideration of the language.

Following comments, Commr. Thaxton moved to approve the Minutes of the meetings dated April 25 and April 26, 2006. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

Commr. Thaxton moved to reconsider the Resolution (No. 2006-106) allowing a poker/cardroom at the Sarasota Kennel Club. The motion was seconded by Commr. Staub. Following comments by County Attorney Stephen DeMarsh on the reconsideration process, the motion carried without objection.

Commr. Thaxton moved to revise the language in the Resolution (No. 2006-106) as follows (addition shown as underlined text):

. . . a license to operate a cardroom at its current facility as that term is currently defined in Section 849.086, Florida Statutes on the date hereof.

12. MINUTES - Continued

The motion was seconded by Commr. Staub. Following comments by County Attorney DeMarsh on the previously approved versus the proposed language revision, the motion carried by a 5-0 vote.

(9:45:22)

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. Staub, seconded by Commr. Thaxton, and carried by a 5-0 vote to approve Item 13 as follows:

13. CONTRACTS

Contract No. 2006-306, an Intergovernmental Coordination and Review (ICAR) and Public Transportation Coordination Joint Participation Agreement (JPA), with the Florida Department of Transportation (FDOT), the Sarasota/Manatee Metropolitan Planning Organization (MPO), the Tampa Bay Regional Planning Council (TBRPC), the Southwest Florida Regional Planning Council (SWFRPC), the Manatee County Port Authority, the Sarasota-Manatee Airport Authority, Manatee County, and the Tampa Bay Commuter Transit Authority for the development and preparation of a Unified Planning Work Program, a Transportation Improvement Program, a Long-Range Transportation Plan, and any required corridor/sub-area studies, for a period of five years, renewable in five-year increments.

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

(9:48:35)

14. ADVISORY COUNCILS

Citizens Advisory Committee for Public Transportation (CACPT) Chair Carl Gaites reviewed and submitted copies of the CACPT Annual Report, a concern log, a list of completed items, and a list by the Sarasota County Transportation Authority (SCAT) North County service passengers, and summarized the Committee's activities, concerns, and future projects. Discussions were held on the following topics/issues:

- funding for additional service requests by the existing ridership
- review of Staff's proposals/recommendations from CACPT
- increasing the frequency of services
- consideration of CACPT joint meetings with the Bicycle/Pedestrian/Trail Committee to address mobility issues.

Chair Mills commended the members of the CACPT for their service to the County.

(10:02:11)

15. ADVISORY COUNCILS

Coastal Advisory Committee (CAC) Chair Steven Sauers summarized the Committee's activities, concerns, and future projects. Discussions were held on the following topics/issues:

- CAC member meeting attendance
- CAC recommendations for specific projects
- dredging program/pending permits
- CAC review of the feasibility study regarding the Army Corps of Engineers (ACOE) Spoil Island Restoration Project.

15. ADVISORY COUNCILS - Continued

Chair Mills commended the members of the CAC for their service to the County.
(10:12:08)

16. ADVISORY COUNCILS

Historic Preservation Board (HPB) Chair Doug Driscoll summarized the Council's activities, concerns, and future projects and commented on the number of meetings held and the member meeting attendance percentages. Discussions were held on the following topics/issues:

- de-designation requests/removal of landmark status
- "teardowns"/dialogue with municipalities relative to incentives
- HPB recommendation regarding a de-designation process/eligibility
- advantages/disadvantages of participation in the Historic Preservation Program.

Chair Mills commended the members of the HPB for their service to the County.
(10:22:52)

17. ADVISORY COUNCILS

The Board considered the appointment of one individual to fill an unexpired four-year term on the Historic Preservation Board (HPB), effective through May 2008.

Commr. Patterson nominated Kevin Bruning.

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

Following comments, Chair Mills noted the appointment of Kevin Bruning to fill an unexpired four-year term on the HPB, effective through May 2008, without objection.

RECESS: 10:23 a.m. - 10:34 a.m.

18. CLERK'S REPORT

A. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

The Filed for Record List was noted.

B. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER/SCHOOL BOARD

Clerk of the Circuit Court and County Comptroller Karen Rushing noted her development/implementation of an Internship Program with Booker High School Law Academy students.

(10:35:43)

C. MINUTES

Clerk of the Circuit Court and County Comptroller Karen Rushing referenced an issue to be addressed at the Joint Meeting with the Planning Commission (PC) this date relative to the format of Minutes, noted the Board's previous adoption of a Resolution to follow Robert's Rules of Order, and advised of the Recording Secretary's responsibilities. Clerk Rushing commented on the use/availability of the FTR (For The Record) Gold Recording System, noted personnel costs, and advised of the Clerk's assistance with County Administration's efforts to implement a revised Agenda process.

18. CLERK'S REPORT - Continued**C. MINUTES - Continued**

Discussion ensued with County Attorney Stephen DeMarsh and Clerk Rushing on the following topics/issues:

- Board review of PC minutes relative to land use decisions
- PC use of Robert's Rules of Order/tied votes as failed motions/PC Rules of Procedure
- Board adoption of Robert's Rules of Order/application to County Advisory Boards.

(10:41:11)

19. COUNTY ADMINISTRATOR'S REPORT**A. LEGISLATION/HEALTH AND HUMAN SERVICES**

County Administrator James Ley presented and discussed the following items:

- advised that Administration Intergovernmental Relations Manager Marsha Hosak would provide an update on Legislative actions later this meeting
- County preparations and strategies relative to the bird flu virus/submitted copies of individual/families/business pandemic flu planning checklists and travel advisory information.

(10:50:11)

20. COUNTY ATTORNEY'S REPORT**A. LEGAL**

County Attorney Stephen DeMarsh submitted and reviewed the following items:

- Interoffice Memorandum No. 795, noting a favorable ruling in the Case of James and Margaret McGinnis v. Sarasota County, Case No. 2006-CA-000250.
- Interoffice Memorandum No. 796, noting damage to a County waterline during installation of cable in the right-of-way near the intersection of Colonia Avenue and U.S. 41 in the Case of Sarasota County v. Verizon Florida, Inc., Volt Information Services, Inc., and Utility Services and Associates, Inc., File No. 06-44732

Commr. Staub moved to approve Staff's recommendation to file suit to collect for damages. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Commr. Mercier commented on the Case of James and Margaret McGinnis v. Sarasota County regarding the cutting/trimming of a banyan tree, the amount of the fine, and the permitting process.

(10:53:50)

21. COMMISSION REPORTS**A. PUBLIC WORKS/STATE AGENCIES**

Commr. Patterson commented on a previous request by the Peppertree Bay Condominium Manager for the placement of crosswalks on Midnight Pass Road, Florida Department of Transportation's (FDOT) proposed plan for center islands, and safety issues, and requested that Staff discuss with FDOT the proposed center islands and proposals to address the matter, without objection.

21. COMMISSION REPORTS - Continued**A. PUBLIC WORKS/STATE AGENCIES - Continued**

Following comments on the speed limit on Midnight Pass Road, Commr. Patterson moved to request that FDOT consider reducing the speed limit from 45 to 30 miles per hour on Midnight Pass Road, between the Beach Road/Stickney Point Road intersection. The motion was seconded by Commr. Mercier. Following comments by County Administrator James Ley, the motion carried without objection.

(10:58:35)

**B. STATE AGENCIES/PUBLIC WORKS/PLANNING AND DEVELOPMENT SERVICES/
COMMUNITY SERVICES/HEALTH AND HUMAN SERVICES/LEGISLATION**

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

- Scenic Highway designation
Commr. Staub moved to send correspondence to the appropriate officials supporting the designation of State Road (S.R.) 776 as a Scenic Highway. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.
- Zoning Amendment "Glitch" Ordinance
Commr. Staub moved to schedule a Board discussion item, as part of the Zoning Amendment "Glitch" Ordinance, to review the allowance of walls/fences. The motion was seconded by Commr. Thaxton. Following a request to include the review of the use of opaque materials, without objection, the motion carried by a 5-0 vote.
- remote control cars at the Englewood Recreation Center/petition received on support for the use of the tennis courts
- Englewood Interagency Council plans for the construction of a new Social Services Facility/partnership with Charlotte County relative to the building/services
- request by North Port City Commissioner Vanessa Carusone for Board consideration of granny flat tax exemptions/reduction in property assessments for the addition/remodeling of living quarters for parents/grandparents
- request that Staff arrange/schedule time for the Board to conduct a tour of the County and address County needs/assets with the incoming Florida Speaker of the House, without objection.

(11:12:48)

C. ORGANIZATIONS/ENVIRONMENTAL SERVICES/PLANNING AND DEVELOPMENT SERVICES

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

- concerns regarding the Fairgrounds/Fair Board and Circus Sarasota, Inc., and the leasing of a site for the Circus for next season
- air quality/ozone ratings in Sarasota and Manatee counties
request for a Staff report on the air quality process and monitoring locations, without objection
- prior approval of a wetland preservation/enhancement project during the last Neighborhood Grant Application cycle/funding eligibility
request for clarification of the Land Development Regulations (LDR) relative to the maintenance/restoration of wetlands and that future applicable Neighborhood Grant Applications be reviewed by Environmental Services Resource Protection Staff to ensure that developers/developments have complied with LDR's, without objection.

21. COMMISSION REPORTS - Continued**D. ORGANIZATIONS/FINANCIAL PLANNING**

Chair Mills commented on and discussions were held with County Administrator James Ley, Clerk of the Circuit Court and County Comptroller Karen Rushing, and County Attorney Stephen DeMarsh on the following topics/issues:

- formation of a committee relative to the Film Commission/advertising procedures to establish committees/Tourist and Development Council (TDC) versus Board appointment of an ad hoc committee
- correspondence received from Warren Simmons of Willis Smith Construction regarding concerns with the submittal of financial records/statements in the County's bidding process/Statutory public record requirements.

(11:33:32)

22. BCC

The Board reviewed the County Commission Outstanding Board Assignments Report dated May 4, 2006. The following assignments were noted/discussed:

- Item No. 06008, ID No. 01
- Item No. 06053, ID No. 02.

RECESS: 11:40 a.m. - 1:30 p.m.

24. OPEN TO THE PUBLIC - No one appeared at this time.**25. PLANNING AND DEVELOPMENT SERVICES**

The Board considered authorization to advertise a Special Election relating to the establishment of the Siesta Key Village Beautification Public Improvement District (PID).

Planning and Development Services Neighborhood Services Supervisor Jane Grogg presented an overview of the Siesta Key Village Beautification Project and discussed the proposed sharing of Project costs with the community, including a request by the property owners that a Municipal Services Taxing Unit (MSTU) be used to determine each property owner's proportionate share of the cost. Discussions were held with Ms. Grogg and County Attorney Stephen DeMarsh on the following topics/issues:

- percentage of owners who responded affirmatively/requirements per Statute to hold a referendum vote/process to proceed with the Supervisor of Elections Office
- vote "per parcel basis" versus one person/one vote/type of ballot to be used/time frame for processing/approval of ballot language from State Election Officials.

Following comments regarding the County's contribution, Commr. Patterson moved to approve authorization to advertise a Special Election relating to the establishment of the Siesta Key Village Beautification PID. The motion was seconded by Commr. Staub. Following discussion, the motion carried by a 5-0 vote.

Upon inquiry, Ms. Grogg confirmed that the Florida Power and Light Company (FPL) lines will be underground, and discussion ensued with County Attorney DeMarsh regarding the funding/cost of the project.

(1:40:15)

26. ORDINANCES/RESOLUTIONS

- A.** Public hearing to consider proposed Ordinance No. 2006-027 to establish a Community Reinvestment Program, and Article VIII of Chapter 38 of the County Code;
- B.** (Not a public hearing.) To consider a proposed Resolution establishing the application review process pursuant to the Community Reinvestment Program Ordinance.

Having been duly sworn, Financial Planning Fiscal Budget Management Analyst Lisa Damschroder summarized the components of the proposed Ordinance and Resolution. Discussions were held with Ms. Damschroder, Planning and Development Services Planning Director Anne McClung, and County Administrator James Ley on the following topics/issues:

- comparison to TIF (Tax Increment Financing)/source of funding/specific projects/unincorporated areas/adopted program or plan/eligibility for funding/past community plans/examples of revitalization plans/district assessment/substantial match for grant/criteria for plans.

Mr. John Hawthorne, duly sworn, commented on the proposals.

Upon inquiry regarding clarification of Section 38-188, County Administrator Ley commented on the purpose of the language regarding a Community Reinvestment Project within a TIF District and discussion ensued regarding the negotiation process for Community Redevelopment Areas (CRA).

Following discussion, Commr. Staub moved to amend the language on the proposed Ordinance on page 3 of Section 38-185, "Criteria for Activity/Project Investment," to read as follows, beginning with (a):

- (a) Preserve and strengthen existing communities focusing on a sense of place;
- (b) Promotes one or more of the following smart growth goals:
 - (1) Provide for a variety of land uses and lifestyles to support residents of diverse ages, incomes, and family sizes;
 - (2) Reduce automobile trips;
 - (3) Create efficiency in planning and provision of infrastructure;
 - (4) Conserve water and energy;
 - (5) Encourage green building;
 - (6) Allocate development costs appropriately;
 - (7) Balance jobs with housing;
- (c) Provides a net increase to the tax base;
- (d) Is financially feasible and promotes an optimal return on the County's investment;
- (e) Includes a substantial financial contribution from non-County sources.

The motion was seconded by Commr. Patterson. Following discussion, the motion carried by a 5-0 vote.

(2:06:21)

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

Commr. Staub moved to adopt Ordinance No. 2006-027, as amended, to establish a Community Reinvestment Program and Article VIII of Chapter 38 of the County Code. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

26. ORDINANCES/RESOLUTIONS - Continued

Commr. Staub moved to adopt Resolution No. 2006-109, to establish the application review process, pursuant to the Community Reinvestment Program Ordinance. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(2:08:04)

24. OPEN TO THE PUBLIC (Continued) - No one appeared at this time.**19. COUNTY ADMINISTRATOR'S REPORT - Continued****A. LEGISLATION/HEALTH AND HUMAN SERVICES - Continued**

County Administrator Ley reported on this year's Legislative Session and introduced Intergovernmental Relations Manager Marsha Hosack and Administrative Intergovernmental Relations Manager Dorothy Zech, who presented an overview of the 2006 Legislative Session and submitted a copy of the Preliminary Summary. Discussion ensued on the following topics/issues: (See Item 19A earlier this meeting.)

- veto opportunities of Governor Bush regarding Bills passed by the Legislature
- highest amount awarded for water projects/funding for the Phillippi Creek Septic Tank Replacement Program/request for correspondence to be sent, signed by the Chair, thanking Senator Lisa Carlton, Senator Mike Bennett, and State Representative Nancy Detert for their efforts, without objection
- Transportation Amendments/failed/reconsideration next year
- use of Infrastructure Surtax revenues for emergency purposes/passed
- Spring Training Sports Facilities/funding for five teams/selection of teams/the eligibility process/use of Local Options Sales Tax (L.O.S.T.) funds for infrastructure items/funding allotted for a stadium/number of years authorized
- status of Preemption/failed/League of Cities' involvement/e-mail received from City Sports Facility Manager Patrick Calhoun regarding County/City letters to be sent/strategizing for next year/inclusion of County citizens' involvement in Tallahassee
- commendation of Ms. Hosack/Ms. Zech for their ongoing communication efforts
- work session with other Counties regarding Legislative issues
- status of the Impact Fee Legislation Bill/exclusion of an Affordable Housing provision in the Impact Fee Ordinance/State data/Impact Fee Judicial findings/involvement of Legislature/stand-alone Impact Fee Rule/allowable changes
- status of the Development of Regional Impact (DRI) Bill/existing versus new DRI's
- status of the Coastal High Hazard Area/Hurricane Evacuation Concurrency Bill
- Telecommunications Committee/National Association of Counties (NACO) correspondence received (draft)

Commr. Staub moved to send correspondence, signed by the Chair, regarding the Communications, Consumer's Choice, and Broadband Deployment Act of 2006, to the Chair of the Senate Committee on Commerce, Science, and Transportation (and to the ranking member), regarding non-support, and concern for the Telecommunications Bill pending in Washington, D.C. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

Chair Mills thanked Ms. Hosack and Ms. Zech for the overview.

23. BCC

The Board reviewed the Board of County Commissioners Meeting Schedule. Discussion ensued with County Administrator James Ley regarding the upcoming Budget Workshops.

MEETING ADJOURNED: 2:37 p.m.