

**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 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  
Tricia Granger, Deputy Clerk  
Leah Von Leu, Deputy Clerk

**INVOCATION**

Kelley Everingham, Office of the County Attorney

**PLEDGE OF ALLEGIANCE**

Commissioner Mercier

**RECOGNITIONS**

Presentation to Mr. Charlie Yeagley and Mr. Phil Pifer of Access 19 by Judge Lee Haworth and Chief Judge Robert Bennett

Presentation to the Board of County Commissioners by Sarasota-Manatee Airport Authority Chairman Paul Sharff and Mr. Martin Lang

**PROCLAMATIONS**

Mentoring Month - January 2006  
(9:20:57)

**32. COMMISSION REPORTS**

**A. BCC**

Chair Mills commented on the service of Commr. Mercier and presented him with a plaque and a gavel to commemorate his service as the 2005 Chairman of the Board of County Commissioners.

**CONSENT MOTION**

County Administrator James Ley requested deferral of Items 9 and 15, and following comments, a motion was made by Commr. Staub, seconded by Commr. Thaxton, and carried by a 5-0 vote to approve Items 1-24 as follows, with the exception of Items 2, 6, 10, and 14, considered later this meeting, and Items 9 and 15, deferred from consideration.

**1. PROCLAMATIONS**

Ratified the previously issued Proclamation for the Greater Sarasota Sertoma Club, January 9 through January 15, 2006.

**2. GRANTS**

See consideration on the request to submit the Annette J. Hagens Memorial Foundation Grant Application to assist in supporting the "Adopt-A-Camper" Program, later this meeting.

**3. CONTRACTS**

Approved Contract No. 2006-138 with Gulf Coast Heritage Association, Inc., to provide funding for educational programs at Historic Spanish Point, in the amount of \$40,000.00.

**4. CONTRACTS**

Approved Contract No. 2006-139, a Memorandum of Understanding, with the Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, of the University of Florida for Cooperative Extension Agents to become full-time employees of the University of Florida.

**5. CONTRACTS**

Approved Contract No. 2006-140 with the Sarasota Professional Arts Alliance, Inc., to fund The Performance of Arts Program, in the amount of \$25,000.00.

**6. ENVIRONMENTAL SERVICES**

See consideration on the request to approve 19 positions for the County Water Core Service to operate the Siesta Key Utilities System, later this meeting.

**7. ADVISORY COUNCILS**

Reappointed Sonya Rothstein, David Evans, Michele Mician, and June Rode and appointed Terry Fairchild, Kimberly Davis, and Sally Smith Clemens to serve three-year terms on the Keep Sarasota Beautiful Advisory Board, effective through January 2009.

**8. CONTRACTS**

Approved Contract No. 2006-141, an Assignment and Assumption Agreement, with Meyer and Gabbert Excavating Contractors, Inc., Assignor, and WCA of Florida, Inc., Assignee, for construction and demolition management and recycling services, in accordance with Contract No. 2003-308.

**9. CONTRACTS**

A Contract with Joseph Sassano, D.O., to provide consultative and clinical services for current, prospective, and retired employees, was deferred from consideration.

**10. FINANCIAL PLANNING**

See consideration of the project list and funding recommendations for the organizations requesting Sarasota County Boating Improvement Program (SCBIP) funds for Fiscal Year (FY) 2006, later this meeting.

**11. FINANCIAL PLANNING**

Authorized the disposal of vehicles and off-road equipment.

**12. FINANCIAL PLANNING**

Authorized the conveyance of surplus property items to other governmental agencies and charitable organizations and surplus property items for deletion, auction, and disposal.

**13. CONTRACTS**

Approved Contract No. 2006-142, a Funding Agreement, with the Florida Department of Health for public health services to the citizens of the County for the Fiscal Year (FY) ending September 30, 2006, in the amount of \$3,521,562.00.

**14. RESOLUTIONS**

See consideration to rescind Resolution No. 84-081 dissolving the Advisory Commission on the Status of Women (ACSW), as recommended by the ACSW, later this meeting.

**15. CONTRACTS**

A Contract with the Community Housing Trust of Sarasota County, Inc., for transitional housing, was deferred from consideration.

**16. HOUSING**

- A. Approved the postponement of the allocation of CDBG (Community Development Block Grant) funds for the redevelopment of the Janie Poe Housing Complex from Fiscal Year (FY) 2006 to FY 2007, in the amount of \$350,000.00;
- B. Approved the utilization of the aforementioned CDBG funds to construct water lines in the Laurel Neighborhood.

**17. CONTRACTS**

Approved Contract No. 2006-143, a Subrecipient Agreement, with Suncoast Partnership for the Prevention of Homelessness, Inc., for Continuum of Care Services, in the amount of \$73,000.00.

**18. CONTRACTS/RESOLUTIONS**

- A. Approved Contract No. 2006-144, the Collective Bargaining Agreement, with the Amalgamated Transit Union, Local 1701, for the period of October 1, 2005, through September 30, 2008;
- B. Adopted Resolution No. 2006-001, Budget Amendment No. B2006-022, to appropriate the funding, in the amount of \$241,236.00.

**19. RESOLUTIONS**

Adopted Resolution No. 2006-002 approving the sale of escheated lots in the City of North Port, the form of the real estate sales contract, and the County deed, and delegating signatory authority for the execution.

**20. RESOLUTIONS**

Adopted Resolution No. 2006-003 establishing a time and place for a public hearing to consider Street Vacation Petition No. SV 05-16, to vacate and abandon the County's interest in a portion of a 50-foot wide right-of-way, lying within Sarasota Gardens.

**21. CONTRACTS**

Approved Contract No. 2006-145, Specific Authorization No. 1 to Contract No. 2004-216 with Reynolds, Smith, and Hills CS, Inc., for the McIntosh Road, Phase 2 Project, in the amount of \$566,441.00.

**22. CONTRACTS**

Approved Contract No. 2006-146, a Joint Participation Agreement, with the City of Sarasota for construction of the Bayfront Multi-Use Recreational Trail, in the amount of \$38,500.00.

**23. WARRANTS**

Ratified and approved the warrants dated December 5 through December 30, 2005, in the amount of \$57,466,706.38, as detailed in the voucher packages filed in the Finance Department.

**24. MINUTES**

Approved the Minutes of the meetings dated December 6, December 7, December 9, December 13, and December 14, 2005.

(9:23:513)

**2. GRANTS - Continued**

Following an inquiry, Community Services Parks and Recreation Manager Carolyn Brown reviewed the Adopt-A-Camper Program costs/funding, the amount of the Grant Application, and the number of children to be assisted with funds awarded.

Commr. Patterson moved to approve the Annette J. Hagens Memorial Foundation Grant Application to assist in supporting the Adopt-A-Camper Program and to direct Staff to include the number of campers to be assisted with the Grant Funding. The motion, seconded by Commr. Staub, carried without objection.

(9:26:50)

**6. ENVIRONMENTAL SERVICES - Continued**

Upon inquiry, Environmental Services Administration and Finance Strategic Planning Manager Nancy Fisher noted the current staffing rate for the Siesta Key Utilities, advised that the reduced number of positions resulted from attrition (through retirement), and commented on the current operation of the Siesta Key Utilities billing office and retention of an existing Customer Service Representative in the management of the Siesta Key accounts.

Following comments by County Administrator James Ley on the requirement for approval of the additional employee positions by the Board, Commr. Staub moved to approve 19 positions for the County Water Core Service to operate the Siesta Key Utilities System. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(9:29:45)

**10. FINANCIAL PLANNING - Continued**

Upon inquiry, Financial Planning Budget Analyst Gary Schroeder commented on the funding total and the proposed distribution of the Sarasota County Boating Improvement Program (SCBIP) funds. Discussion ensued with Mr. Schroeder and County Administrator James Ley on the following topics/issues:

- funding allocation for the Dredging and Feasibility Study
- West Coast Inland Navigation District funding contribution/projects
- total award to Mote Marine Laboratory/reporting requirements
- determination of Flotilla awards relating to the funding disparity between organizations/program guidelines.

Commr. Staub moved to approve the project list and funding recommendations for the organizations requesting SCBIP funds for Fiscal Year (FY) 2006 as follows:

- Mote Marine Laboratory, for the Marine Mammal Stranding Investigations Project (MMSIP), in the amount of \$47,766.00;
- Mote Marine Laboratory for the Manatee Program, in the amount of \$21,500.00;
- Venice Youth Boating Association for the purchase of dingies, in the amount of \$15,000.00;

**10. FINANCIAL PLANNING - Continued**

- Flotilla 82, Longboat Key, for safety equipment, in the amount of \$2,115.00;
- Flotilla 86, Venice, for Public Education and Safety, in the amount of \$13,150.00;
- Flotilla 84, Sarasota, for Public Education and Safety, in the amount of \$1,000.00;
- Flotilla 87, Englewood, for Public Education and Safety, in the amount of \$5,162.00;
- Flotilla 92, North Port, for Upgrade of Radio Facility, and Education and Safety Materials, in the amount of \$12,474.00;
- Sarasota County Environmental Services, Dredging Feasibility Studies, in the amount of \$100,000.00.

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

(9:38:25)

**14. RESOLUTIONS - Continued**

Commr. Staub commented on the vote by the Advisory Commission on the Status of Women (ACSW) to dissolve ACSW and the concerns expressed by the STAR (Students Taking Active Roles) in Government Representative May-Elise Martinsen relating to ACSW.

Following comments, Commr. Staub moved to rescind Resolution No. 84-081 dissolving the Advisory Commission on the Status of Women (ACSW), as recommended by the ACSW. The motion, seconded by Commr. Thaxton, carried without objection.

(9:40:27)

**25. ADVISORY COUNCILS**

Solid Waste Management Citizens Advisory Board (SWM CAB) Chair Mary Jelks summarized the Board's activities, concerns, and future projects. Discussions were held with Ms. Jelks on the estimated remaining "life" of the landfill and lack of representation by the City of North Port.

Following comments, Commr. Staub moved to direct Staff to prepare correspondence for the Chair's signature to the City of North Port Commission requesting the appointment of a City of North Port representative to the SWM CAB. The motion, seconded by Commr. Patterson, carried without objection. Discussions continued with Ms. Jelks and Environmental Services Solid Waste Manager Gary Bennett on the following topics/issues:

- options to divert waste from the landfill (commercial recycling/reduction in manufacturer packaging)
- recycling education/enforcement
- recycling services/inspections of commercial entities
- participation by municipalities/School Board in the Recycling Program.

Chairman Mills commended the members of the SWM CAB for their service to the County.

Following comments, Commr. Thaxton requested that correspondence be forwarded to the City of Venice Representative relating to attendance, without objection.

(9:56:02)

**26. ADVISORY COUNCILS**

The Board considered the appointment of one individual to fill an unexpired two-year term on the Seniors Advisory Council, as a 55 and Over Representative, effective through April 2007.

Commr. Staub nominated Mary Rainey.

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

Following comments on the qualifications of all applicants, Chairman Mills noted the appointment of Mary Rainey to fill an unexpired two-year term on the Seniors Advisory Council, as a 55 and Over Representative, effective through April 2007.

(9:57:28)

**27. ORDINANCES/RESOLUTIONS**

- A. Public hearing to consider proposed Ordinance No. 2006-004, amending Ordinance No. 89-075, as amended and codified in Chapter 2, Article V, Section 2-154 of the County Code, to revise the Investment Policy to include the establishment of a Securities Lending Program;
- B. (Not a public hearing.) To consider a proposed Resolution to approve the revised Cash Management and Investment Policy, superseding Resolution No. 95-221.

Clerk of the Circuit Court Finance Director Peter Ramsden, duly sworn, summarized the proposed Ordinance relating to the Investment Policy and the proposed revisions to the Cash Management and Investment Policy. Clerk of the Circuit Court and County Comptroller Karen Rushing noted the benefit to the County in increased earnings and discussions were held with Mr. Ramsden and Clerk Rushing on the recommendation to utilize a two-year versus a 90-day rate.

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

Commr. Mercier moved to adopt Ordinance No. 2006-004, amending Ordinance No. 89-075, as amended and codified in Chapter 2, Article V, Section 2-154 of the County Code, to revise the Investment Policy to include the establishment of a Securities Lending Program. Following individual comments, the motion, seconded by Commr. Patterson, carried by a 5-0 vote.

Commr. Staub moved to adopt Resolution No. 2006-004, approving the revised Cash Management and Investment Policy and superseding Resolution No. 95-221. The motion, seconded by Commr. Thaxton, carried by a 5-0 vote.

(10:06:01)

**28. ORDINANCES**

Public hearing to consider proposed Ordinance No. 2006-001, amending Ordinance No. 2003-092, relating to the collection and disposal of solid waste, yard trash, and recyclables, as codified in Chapter 106, Article II of the County Code.

Having been duly sworn, Environmental Services Solid Waste General Manager Gary Bennett summarized the proposed Ordinance and noted Staff's recommendation for approval.

**28. ORDINANCES - Continued**

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

Commr. Staub moved to adopt Ordinance No. 2006-001, amending Ordinance No. 2003-092, relating to the collection and disposal of solid waste, yard trash, and recyclables, as codified in Chapter 106, Article II of the County Code. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.

(10:08:15)

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

The Filed for Record List was noted.

**30. COUNTY ADMINISTRATOR'S REPORT****A. PLANNING AND DEVELOPMENT SERVICES/PUBLIC WORKS/EMERGENCY SERVICES**

County Administrator James Ley presented and discussed the following items:

- issues discussed at the Florida Association of Counties (FAC) meeting relating to the Florida League of Cities Legislative Program and the retention of an outside lobbyist to challenge Charter County authority pertaining to land use issues within a municipality's jurisdictional boundaries

Subsequent to discussion with County Administrator Ley and County Attorney Stephen DeMarsh, Commr. Staub moved to approve funding participation relating to the engagement of outside council to represent FAC on the home rule issues of Charter Counties, in an amount not to exceed \$5,000.00. The motion was seconded by Commr. Thaxton. Following individual comments, the motion carried by a 5-0 vote.

- U.S. 41/Venice By-Pass funding/CIBR (Community Issue Budget Request) funding/options for consideration of request

Commr. Patterson moved to direct Staff to proceed with the request to the Legislative Delegation and to submit the CIBR funding in the amount of \$52,000,000.00. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

- request for discussion at the end of the meeting this date relating to future fire station planning and Staffing efforts, without objection. (See Item later this meeting.)

(10:25:02)

**31. COUNTY ATTORNEY'S REPORT****A. PLATS**

County Attorney Stephen DeMarsh presented, and Commr. Staub moved to approve the Final Plat of Kenilworth Estates. The motion, seconded by Commr. Mercier, carried by a 5-0 vote.

**B. COUNTY ATTORNEY**

Commr. Mercier noted an oversight on the lack of a six-month and annual review for County Attorney Stephen DeMarsh and requested consideration for Chair Mills to proceed with the process, without objection.

(10:26:55)

**32. COMMISSION REPORTS - Continued****B. MUNICIPALITIES/PLANNING AND DEVELOPMENT SERVICES**

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

- timely scheduling of joint meetings with municipalities
- density incentives offered by the City of Tallahassee
- frequency of meetings between County and municipalities' Planning and Development Staff.

(10:30:10)

**C. ENVIRONMENTAL SERVICES/ORGANIZATIONS/EMERGENCY SERVICES**

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

- Dredging Program/drainage project impacts/effect of waterway silting
- Tiger Bay Program relating to fire service issues and the lack of input/participation by County representatives, restrictions due to firefighters' collective bargaining process/negotiations, and impact of the West Village District approval and retention/options for the fire station in the area.

(10:45:57)

**D. ADVISORY COUNCILS/ORGANIZATIONS/COMMUNITY SERVICES/PUBLIC WORKS**

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

- request from Bicycle/Pedestrian/Trail Committee for a joint meeting with the Board/options to schedule meetings on regular Board meeting dates, without objection
- request for Staff review of correspondence from the Manasota Key Association relating to the feasibility of underground utilities on Manasota Key as a part of the Englewood Community Redevelopment Area (CRA) Plan, without objection
- condition of the playing fields on the Venice Wellfields grounds
- Traffic Calming Program/lack of funding participation by Homeowner Associations

Commr. Staub moved to schedule a discussion item on the Traffic Calming Program relating to neighborhood contributions. The motion was seconded by Commr. Thaxton. Following comments, the motion carried by a 3-2 vote, with Commr. Mercier and Chair Mills voting "No."

- request to refer the Alligator Drive roadway curve issues to the Community Traffic Safety Team for review, without objection.

(10:59:17)

**E. ENVIRONMENTAL SERVICES/STATE AGENCIES/FEDERAL AGENCIES/  
ORDINANCES**

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

- outstanding Board Assignment relating to marina locations/public waterway access/adoption of a Resolution relating to preservation and enhancement of waterway access and forwarding to the State Legislative Delegation  
Commr. Thaxton moved to direct Staff to prepare a Resolution for placement on a future Consent Agenda. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

**32. COMMISSION REPORTS - Continued****E. ENVIRONMENTAL SERVICES/STATE AGENCIES/FEDERAL AGENCIES/  
ORDINANCES -Continued**

- efforts to redesignate Gulf of Mexico water boundaries to Louisiana  
Commr. Thaxton moved to direct Staff to prepare correspondence for the Chair's signature to the appropriate Federal Agency with copies to the Federal Legislative Delegation and Governor Jeb Bush reflecting the County's support to retain the current boundaries and control of the water body by the State of Florida. The motion, seconded by Commr. Patterson, carried by a 5-0 vote.
- status of scheduling the County's Phosphate Initiatives for Board discussion
- proposed location of a sewage facility on River Road on the Thomas Ranch development/impact on residents in the unincorporated area  
Commr. Thaxton moved to direct Staff to prepare correspondence for the Chair's signature and forward to the West Village District developers of Thomas Ranch expressing concern on the proposed general location of sewage facilities. The motion was seconded by Commr. Staub. Following individual comments, the motion carried by a 5-0 vote.
- Myakka Valley Ranches homeowners' concerns relating to home damage/destruction following an involuntary disaster/options to allow temporary housing during reconstruction and/or amendments to the Zoning Code for the OUE (Open Use, Estate), OUR (Open Use, Rural), and OUA (Open Use, Agriculture) zone districts, without objection
- existing Ordinances throughout Florida relating to the regulation of lawn and turf fertilization standards  
Following comments, Commr. Thaxton moved to direct Staff to review the St. Johns County, Florida, Ordinance as to appropriateness for implementation in Sarasota. The motion, seconded by Commr. Staub, carried without objection.
- review/cumulative study of land uses in the Peace River Watershed Area  
Commr. Thaxton moved to direct Staff to prepare correspondence for the Chair's signature to the Florida Department of Environmental Protection (FDEP) to request a Cumulative Impact Study similar to the Peace River Watershed Area Study be conducted for the Myakka River Basin. The motion, seconded by Commr. Staub, carried by a 5-0 vote.

(11:20:39)

**A. PLANNING AND DEVELOPMENT SERVICES/STATE AGENCIES/MUNICIPALITIES**

Chair Mills commented on and discussions were held on the following topics/issues:

- permit requirements for window and door replacements/permit costs/compliance with State Building Codes
- request to reschedule the Joint Meeting with the City of North Port on February 21, 2005, to 6:00 p.m. in North Port City Hall Chambers, without objection (See Item 34 later this meeting.)
- inquiry relating to correspondence received pertaining to the "Flying Bridge" property  
County Attorney Stephen DeMarsh advised that no action was required.

(11:24:09)

**34. BCC**

The Board reviewed the Board of County Commissioners Meeting Schedule.

Following comments on the rescheduling of the Joint Meeting with the City of North Port on February 21, 2006, to 6:00 p.m., discussion ensued on options to reschedule the February 22 or the February 24, 2006, afternoon meeting to February 21, 2006. County Administrator James Ley advised that Staff would review the scheduling options.

See Item 32A earlier and this Item later this meeting.

**33. BCC**

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

- Item No. 05115, ID No. 1
- Item No. 05116, ID No. 2
- Item No. 05120, ID No. 3
- Item No. 01652, ID No. 4

Following discussion on consideration of a MSTU (Municipal Services Taxing Unit) for Sheriff services, Chair Mills noted consensus to schedule the issue as a discussion item on a future Board Agenda.

**34. BCC - Continued**

Commr. Staub inquired, and County Administrator James Ley reviewed the Board's March 2006 calendar relating to the Tallahassee meetings.

**RECESS:** 11:32 a.m. - 1:30 p.m.

**35. OPEN TO THE PUBLIC****A. ELECTIONS**

Ms. Kindra Muntz of the Sarasota Alliance for Fair Elections submitted correspondence and commented on the need for voter verified paper ballots and mandatory audits in the County and expressed concern with the use of touch screen DRE (Direct Record Electronic) voting machines. Ms. Muntz suggested that optical scanners be utilized.

**B. ELECTIONS**

Mr. Clint Curtis defined and demonstrated "flip voting" and commented on the need for audits and paper ballots to prevent voter fraud.

**C. PUBLIC WORKS**

Mr. James Dion commented on a requirement for a sidewalk at the corner of 19<sup>th</sup> Street and Snug Harbor and proffered to fund an extra 100 feet of sidewalk on the other side of the street to provide a continuous sidewalk from 19<sup>th</sup> Street to 17<sup>th</sup> Street.

Upon inquiry, County Administrator James Ley discussed the LDR (Land Development Regulations) requirements for sidewalks, explained the cost and waiver process, and the value of the right-of-way, and offered to provide a report on the matter.

**36. CONTRACTS**

The Board considered a Memorandum of Understanding (MOU) with the Housing Authority of the City of Sarasota (HACS) for the redevelopment of public housing properties in the City of Sarasota and the financial support for HACS's Development Advisor.

**36. CONTRACTS - Continued**

County Administrator James Ley presented an overview of the MOU between HACS, the City of Sarasota, and the Board on the goals and outcomes related to the redevelopment of the HACS housing. Deputy County Administrator Susan Scott summarized the MOU and introduced the members of HACS. Discussions were held with Deputy County Administrator Scott, County Administrator Ley, and William Russell, Executive Director of HACS, regarding the intent and time frame for the redevelopment of four family sites (380 units) into mixed income communities.

Commr. Mercier moved to approve the MOU with the Housing Authority of the City of Sarasota for the redevelopment of public housing properties in the City of Sarasota and the financial obligation of the County in the amount of \$100,000.00. The motion was seconded by Commr. Staub. Following discussion, the motion carried by a 5-0 vote.

(1:56:07)

**37. PERMITS**

Public hearing to consider review of Major Work Permit Application No. 2005-441650-RW, an application by Fisherman's Wharf of Venice, Inc., represented by The Ecology Group, Inc., for a proposed 264.84-foot  $\pm$  dock extension to the 415-foot  $\pm$  dock previously authorized by the Board, pursuant to Resolution No. 2004-145, for the property located at 509 North Tamiami Trail, Venice.

Chair Mills recessed the Board of County Commissioners and convened as the Water and Navigation Control Authority.

Upon inquiry, County Attorney Stephen DeMarsh discussed the procedural matter of *res judicata*, and the process required to allow Staff to review the application for a determination related to the changes and the time frame permitted for review of the additional footage requested.

Following an inquiry, Environmental Services Resource Protection Environmental Supervisor Howard Berna, duly sworn, discussed the previously denied permit and the current application with an explanation of the issues for reconsideration versus consideration, summarized the history of the proposed Major Work Permit, and submitted a copy of correspondence. Discussion ensued with Mr. Berna and County Attorney DeMarsh on the following topics/issues:

- verification of active State and Federal permits
- number of times Major Work Permit Applications were heard/extensions/expiration/date to commence work
- hearing procedure
- justification for extension
- additional footage of dock/public versus private use/revisions to the new proposal.

Agent Dorothy Zysko, duly sworn, introduced Attorney Brenda Patten, duly sworn, who discussed the Major Work Permit application process regarding *res judicata* and the request for a public hearing for reconsideration of the revisions to the dock at Fisherman's Wharf. Discussions were held with County Attorney DeMarsh and Attorney Patten regarding proffered changes not included in the current application.

The following individuals, duly sworn, commented on the proposed Major Work Permit:

Mr. Ernest Zavodnyik  
Mr. Gordon Meyer  
Mr. Robert Welton

**37. PERMITS - Continued**

Ms. Carolyn Welton  
Mr. Bobby Smith  
Mr. Irvin Groh  
Mr. Robert Crossley  
Mr. William Hettler  
Ms. Mary Scannell

(2:49:52)

Attorney Patten presented rebuttal to the public testimony commenting on the issue of *res judicata* versus the public comments pertaining to the substance of the Application, noted the basis for the Application, and conditions in the application to be presented at a public hearing. Upon inquiry, Attorney Patten detailed the seven revisions and conditions of the Application.

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

Commr. Staub moved to deny Major Work Permit Application No. 2005-441650-RW based on the legal principle of administrative *res judicata*. The motion was seconded by Commr. Patterson. Following discussion, the motion failed by a 2-3 vote, with Chair Mills and Commrs. Mercier and Thaxton voting "No."

Commr. Mercier moved to direct Staff to proceed with the review of Major Work Permit Application No. 2005-441650-RW to be scheduled at the Robert L. Anderson Administration Center in the near future. The motion, seconded by Commr. Thaxton, carried by a 3-2 vote, with Commrs. Staub and Patterson voting "No."

**RECESS:** 3:02 p.m. - 3:10 p.m.

**38. RESOLUTIONS**

Sitting as the Water and Navigation Control Authority:

Public hearing to consider a proposed Resolution, Major Work Permit Application No. 2005-429438-RW, an application by Thoroughbred Motors, Inc., represented by Sea Cay Construction, Inc., for the proposed renovation of an existing two-story restaurant and boathouse roof area to create a single-story restaurant over authorized mooring slips located at Hidden Harbor Marina, 7700 South Tamiami Trail, Sarasota.

Having been duly sworn, Environmental Services Resource Protection Environmental Supervisor Howard Berna summarized the proposed Resolution and discussed Major Work Permit Application No. 2005-429438-RW to renovate and reconfigure an existing restaurant and boathouse roof structure at Hidden Harbor Marina. Discussion ensued with Mr. Berna and Environmental Services Resource Protection Manager Amy Meese, duly sworn, on the following topics/issues:

- previous occupant/sewer hookup
- neighborhood notification requirements
- correspondence regarding site and development
- enclosure of dining area/Zoning Ordinance regulations regarding food service/open water
- the number of levels/stairs.

**38. RESOLUTIONS - Continued**

Agent Rodney Dessberg, duly sworn, presented an overview of the proposed site plans and submitted correspondence regarding the petition. Discussions were held on the following topics/issues:

- reconstruction versus rebuilding/remodeling
- available seating/current versus proposed expansion/parking requirements/site limitations
- public access marina/no "dockaminium."

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

Mr. Sandor Genersich

Mr. Randy Rodriguez

(3:41:506)

Mr. Dessberg commented on the public testimony concerning the possible increase in noise and traffic in the neighborhood. Discussion ensued on the following topics/issues:

- location of the Rodriguez home in relation to the proposed boat launch ramp/enclosed restaurant
- hours of operation
- restaurant lease to National tenant
- approved site plan in relation to the location of the boat ramp/approved Land Development Regulations (LDR).

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

Commr. Thaxton moved to adopt Resolution No. 2006-005, approving Major Work Permit Application No. 2005-429438-RW. The motion was seconded by Commr. Staub. Following individual comments, the motion carried by a 5-0 vote.

(3:52:05)

Chair Mills adjourned as the Water and Navigation Control Authority and reconvened as the Board of County Commissioners.

**RECESS:** 3:54 p.m. - 4:00 p.m.

**30. COUNTY ADMINISTRATOR'S REPORT - Continued****A. EMERGENCY SERVICES - Continued**

Chair Mills introduced Emergency Services Fire Chief Brian Gorski, who addressed the number of fire stations. Chief Brian Gorski presented a Level of Service Plan for the Fire and Emergency Medical Services. Discussions were held with Chief Gorski and County Administrator James Ley on the following topics/issues:

- past and future planning
- location of a Trauma Center
- site and set-up of four temporary stations within 36 months
- Palmer Ranch needs/dedicated site
- availability of Federal Emergency Management Agency (FEMA) trailers
- temporary site/south side of Palmer Boulevard (east of Interstate) between Apex and Porter Roads
- request for a copy of the presentation, without objection
- explanation of map markings

**30. COUNTY ADMINISTRATOR'S REPORT - Continued**

**A. EMERGENCY SERVICES - Continued**

- addition of dry hydrants
- fire truck at U.S. 41/ambulance at State Road (S.R.) 681/Nokomis Volunteer Fire Department
- possibility of "tagging along" with future development process
- River Road rest stop as a possible site/entrance at Snook Haven
- Pinkney Avenue as sixth site
- future land acquisition/creating and building mature network for other stations
- coverage comparison/Staff's planning
- former Winn Dixie site as a temporary station
- explanation of move up/move down/management of resources related to emergency calls
- third person added to apparatus
- explanation of Insurance Services Office (ISO) rating/split system/insurance premiums/cancellations
- Emergency Medical Services (EMS)/high call volume/coverage/mobile roving since 2001
- increased staffing on apparatus over ten-year period/prioritize with highest call volume/budget preparation and approval.

Chair Mills and County Administrator Ley commended Chief Gorski for his presentation and commitment and County Administrator Ley commented on the recent issues and concerns regarding Fire and Emergency Medical Services.

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

**MEETING ADJOURNED: 4:58 p.m.**