

January 10, 2007

**MINUTES  
BOARD OF COUNTY COMMISSIONERS**

Book 75

Page 17

**SARASOTA COUNTY ADMINISTRATION CENTER  
1660 RINGLING BOULEVARD  
COUNTY COMMISSION CHAMBER  
SARASOTA, 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  
Susan Scott, Deputy County Administrator  
David Bullock, Deputy County Administrator  
Stephen DeMarsh, County Attorney  
Latressa Preston, Deputy Clerk  
Claudia Goodson, Deputy Clerk

**INVOCATION**

Public Works Mobility Administrative Assistant II Kim Stafford

**PLEDGE OF ALLEGIANCE**

Commissioner Thaxton

**DISCUSSION SECTION:**

**1. PUBLIC WORKS**

Sitting as the Sarasota County Transportation Authority (SCTA);  
To consider a proposed Resolution, approving the SCTA Affirmative Action and Workforce Diversity Plan for 2006 through 2010.

Chair Patterson recessed the Board of County Commissioners (BCC) and convened as the SCTA.

Staff Presenters: Public Works Mobility Transit General Manager Anthony Beckford and Public Works Mobility Transit Administrative Assistant IV Dave Bailey

9:06:58 Board Action: Adopted Resolution No. 2007-010, approving the SCTA Affirmative Action and Workforce Diversity Plan for 2006 through 2010. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

Chair Patterson adjourned as the SCTA and reconvened as the BCC.

**PUBLIC HEARINGS:**

**2. PUBLIC WORKS**

Public hearing continued from December 13, 2006, to consider proposed Ordinance No. 2006-089, codified in Article XV of Chapter 110 of the County Code, establishing the Siesta Key Village Beautification Public Improvement District (PID).

**2. PUBLIC WORKS - Continued**

Staff Presenters: Public Works Road Program District Coordinator Irene Maiolo, County Attorney Stephen DeMarsh, County Administrator James Ley, Financial Planning Budget Process Supervisor Bill Horiszny, and Public Works Mobility Senior Technical Specialist Jeff Roberts

Public Presenters: Troy Sypret, Mark Smith, and Rosalind Hyman

9:14:55 Board Action: Requested to calculate the costs of the Project maintenance and have costs charged back to the PID. Requested by Barbetta, without objection.

9:19:48 Board Action: Requested an annual report relative to the Project maintenance and the Level of Service (LOS). Requested by Staub, without objection.

9:40:51 Board Action: Amended the language to restructure the costs relative to County standards with the exception of the costs for normal roadway maintenance in Section 110-611, (2) a., on page 9 of the proposed Ordinance. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

9:44:22 Board Action: Approved to review/outline provisions relative to an annual report of the monitored activities in Section 110-611, (2), Project Maintenance, on page 9 of the proposed Ordinance. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

9:46:38 Board Action: Requested to add language relative to any additional maintenance that may conform to the LOS standards at the end of the last sentence in Section 110-603, (12), on page 4 of the proposed Ordinance. Requested by Staub, without objection.

9:57:27 Board Action: Continued the public hearing to February 13, 2007, at 1:30 p.m., or as soon thereafter as possible. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

(9:59:20)

**3. FINANCIAL PLANNING**

Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-019, amending the Fiscal Year (FY) 2007 Budget to incorporate various supplemental appropriations, revenue adjustments, grants, and transfers.

Staff Presenters: Financial Planning Budget Management Analyst Robert Horn, Planning and Development Services Long Range Planning Manager Scott Heinig, Planning and Development Services Principal Planner Matthew Lewis, and County Administrator James Ley

Items submitted: A revised copy of the proposed Budget Amendment No. B2007-019 and a copy of the revised Memorandum dated January 10, 2007

10:01:33 Board Action: Requested to rename the "2050 Boot Camp" to "2050 Training" in Item No. 2(b) of Staff's report. Requested by Thaxton, without objection.

10:08:20 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

10:09:21 Board Action: Adopted Resolution No. 2007-011, approving Budget Amendment No. B2007-019. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

**4. ENVIRONMENTAL SERVICES**

Public hearing to consider proposed Ordinance No. 2007-007, codified in Article XX of Chapter 54 of the County Code, providing for the creation of the Sea Plume Way Navigable Waterway Maintenance Project Unit, pursuant to Resolution No. 2003-100.

**4. ENVIRONMENTAL SERVICES - Continued**

Staff Presenters: Environmental Services Waterways Program Administrator Paul Semenech and County Attorney Stephen DeMarsh

Public Presenters: Roger Hettema and Scott Duink

10:19:14 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

10:21:48 Board Action: Adopted Ordinance No. 2007-007, approving the creation of the Sea Plume Way Navigable Waterway Maintenance Project Unit. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

**RECESS:** 10:22 a.m. - 10:31 a.m.

**5. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider proposed Ordinance No. 2007-002, Rezone Petition No. 05-03, a petition by John Beiler, Agent, to rezone 2.62 acres  $\pm$  located south of Palmer Boulevard and west of Cattlemen Road on Coleman Avenue and Jakl Avenue, from RSF-3 (Residential, Single-Family, 4.5 units/1 acre), CI (Commercial Intensive), and I (Industrial) to ILW (Industrial, Light Manufacturing, and Warehousing) zone district. (Planning Commission recommended approval.)

Staff Presenters: Planning and Development Services Planner Beth Wasson and Planning and Development Services Current Planning Manager Crystal Allred

Public Presenter: Agent John Beiler

10:38:56 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

10:39:33 Board Action: Adopted Ordinance No. 2007-002, approving Rezone Petition No. 05-03 with four stipulations. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

**6. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider proposed Ordinance No. 2007-003, Rezone Petition No. 05-25, a petition by James Farr, Agent, to rezone 4.11 acres  $\pm$  located west of Cattlemen Road and 1,200 feet  $\pm$  north of Bee Ridge Road, from OPI/PD (Office, Professional, and Institutional, Planned Development) to OPI/PD zone district, with amended stipulations. (Planning Commission recommended approval.)

Staff Presenters: Planning and Development Services Senior Planner Ed Wolfe, Public Works Transportation Mobility Planning Manager Paula Wiggins, Environmental Services Water Planning and Regulatory Engineer Nanette Scott, and County Attorney Stephen DeMarsh

Public Presenters: Agent James Farr, Chief Executive Officer of Doctor's Hospital of Sarasota Robert Meade, and John Massey of Construction-Administration, Engineering, Surveying, and Planning (CESP)

**6. PLANNING AND DEVELOPMENT SERVICES - Continued**

Item submitted: A copy of the amended language to Stipulation No. 8

10:42:27 Board Action: Requested to amend the colors on the map legend to distinguish the areas of consideration. Requested by Patterson, without objection.

11:35:18 Board Action: Amended Stipulation No. 8 as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text). Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

Prior to construction authorization, the connection of Honore Avenue from Bee Ridge Road to Fruitville Road shall ~~meet criteria to find~~ be the subject of a binding executed construction Contract; and it shall be demonstrated that the improvement has available transportation facility capacity consistent with the concurrency management regulations (Chapter 94, Article VII, Exhibit A, Sarasota County Code).

11:36:19 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Staub, carried without objection.

11:39:47 Board Action: Adopted Ordinance No. 2007-003, approving Rezone Petition No. 05-25 with eleven stipulations, as amended. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

**7. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider proposed Ordinance No. 2007-016, as amended and codified in Chapter 38, Article IX of the County Code, establishing the Community Housing Fund (CHF) Program, setting guidelines, and establishing a Program to allocate funding and related resources from the CHF.

Staff Presenter: Planning and Development Services Community Housing Manager Wendy Thomas

Public Presenter: Chairman of Community Housing Trust Brian Meurs

11:53:00 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

11:54:29 Board Action: Adopted Ordinance No. 2007-016, approving the establishment of the CHF Program. Moved by Barbetta, seconded by Staub, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

**RECESS:** 11:54 a.m. - 1:32 p.m.

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

**DISCUSSION SECTION:** (Continued)

**9. PLANNING AND DEVELOPMENT SERVICES**

The Board considered the following Items:

- A. Contractual conditions associated with the deeding of surplus escheated lots to GoodHomes/Community Housing Trust (CHT) and Habitat for Humanity, Inc.;
- B. A policy to address the disposition of surplus property designated for the development of affordable housing.

**9. PLANNING AND DEVELOPMENT SERVICES - Continued**

Staff Presenter: Planning and Development Services Community Housing Manager Wendy Thomas

Public Presenters: Community Housing Trust Chief Executive Officer Martina Guilfoil

1:38:32 Board Action: Requested clarification of provisions regarding contiguous properties. Requested by Mercier, without objection.

1:54:18 Board Action: Noted the approval of the contractual conditions associated with the deeding of surplus escheated lots to GoodHomes/CHT and Habitat for Humanity, Inc., with approval of the Contracts on a future Consent Agenda. Noted by Patterson, without objection.

1:54:25 Board Action: Requested the addition of Habitat for Humanity, Inc.'s, 20-year Program Policy regarding the period of affordability to the proposed Contract. Requested by Staub, without objection.

1:55:16 Board Action: Noted approval to continue with the Policy set in the Community Housing Fund to address the disposition of surplus property designated for the development of affordable housing. Noted by Patterson, without objection.

(1:57:02)

**PUBLIC HEARINGS:**

**10. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider a proposed Resolution to consent or object to the granting of a petition by the Florida Land and Water Adjudicatory Commission (FLWAC) to establish the Myakka Ranch Community Development District (CDD).

Staff Presenters: Planning and Development Services Land Development General Manager Terry Boswell and County Attorney Stephen DeMarsh

Public Presenters: Attorney Kevin Hennessy, Pat Neal of Neal Communities, Inc., Leisa Weintraub of Neal Communities, Inc., and Dale Weidemiller of Neal Communities, Inc.

Items submitted: Copies of proposed Myakka Ranch CDD brochures, copies of a notice of public hearing on the proposed Myakka Ranch CDD, Resolution No. 2005-042, and documents entitled "Proposed Facilities and Services Myakka Ranch CDD," "Lot Purchase and Home Construction Agreement," and "Offering Circular for Forest Creek Phases 1 & 11"

2:00:40 Board Action: Requested clarification on the Board's options relative to the establishment of the Myakka Ranch CDD in the absence of site and development plans. Requested by Patterson, without objection.

2:29:05 Board Action: Closed the public hearing. Moved by Barbetta, seconded by Thaxton, carried without objection.

2:29:27 Action: Adopted Resolution No. 2007-012, granting the petition by the FLWAC to establish the Myakka Ranch CDD. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

(2:33:29)

**11. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider proposed Ordinance No. 2007-001, Rezone Petition No. 06-14, a petition by Alan Garrett, Agent, to rezone 1.25 acres  $\pm$  located east of Tree Road and 230 feet  $\pm$  south of Fruitville Road, from RSF-3 (Residential, Single-Family, 4.5 units/1 acre) to OPI (Office, Professional, and Institutional) zone district. (Planning Commission recommended approval.)

Staff Presenters: Planning and Development Services Current Planning Manager Crystal Allred and Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld

Public Presenter: Agent Alan Garrett

2:36:42 Board Action: Requested review of the parking configuration to minimize impervious surface and the impacts to the Grand Tree. Requested by Thaxton, without objection.

2:40:32 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

2:40:42 Board Action: Adopted Ordinance No. 2007-001, approving Rezone Petition No. 06-14, with three stipulations. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

(2:43:28)

**12. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider proposed Ordinance No. 2007-008, Rezone Petition No. 07-08, a petition by Attorney William Merrill, Agent, to rezone 100.21 acres  $\pm$  known as the Forest Lakes Country Club, located east and west of Beneva Road and north of Webber Street, from RSF-3/PUD (Residential Single Family, 4.5 units/acre/Planned Unit Development Overlay) with stipulations to RSF-3/PUD (Residential Single Family, 4.5 units/acre/Planned Unit Development Overlay) zone district. (Planning Commission recommended approval.)

Staff Presenter: Planning and Development Services Current Planning Manager Crystal Allred

Public Presenters: Attorney William Merrill, James Crain, John Lewis, and Laura Odley

Items submitted: A copy of a corrected Exhibit A to the proposed Ordinance and copies of photographs

3:01:35 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

3:01:44 Board Action: Adopted Ordinance No. 2007-008, approving Rezone Petition No. 07-08, as amended, to include the corrected/substituted Exhibit A, page D-20, as submitted by Staff, and with four stipulations. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

**RECESS:** 3:04 p.m. - 3:12 p.m.

**13. PLANNING AND DEVELOPMENT SERVICES**

- A.** Public hearing to consider proposed Ordinance No. 2007-010, amending Ordinance No. 2001-082, as amended and codified in Chapter 38, Article VI, of the County Code, providing for an update to the County/City of Sarasota Enterprise Zone and the Enterprise Zone Development Agency (EZDA) to conform with new State Legislation;
- B.** (Not a public hearing) To consider a proposed Contract, Amendment No. 3 to Contract No. 2002-045, an Interlocal Agreement, with the City of Sarasota regarding the Sarasota Enterprise Zone and the EZDA.

Staff Presenter: Planning and Development Services Planner Adriana Trujillo-Villa

Public Presenter: City of Sarasota Planning and Redevelopment Economic Development Coordinator Dru Jones

3:14:52 Board Action: Closed the public hearing. Moved by Mercier, seconded by Staub, carried without objection.

3:15:14 Board Action: Adopted Ordinance No. 2007-010, providing for an update to the County/City of Sarasota Enterprise Zone and the EZDA to conform with new State Legislation. Moved by Mercier, seconded by Barbetta, carried by a 5-0 vote.

3:15:14 Board Action: Approved Contract No. 2007-181, an Interlocal Agreement, with the City of Sarasota regarding the Sarasota Enterprise Zone and the EZDA. Moved by Mercier, seconded by Barbetta, carried by a 5-0 vote.

**Note: Oath/Signature Cards Filed for Record.**

(3:16:46)

**14. ENVIRONMENTAL SERVICES**

Public hearing to consider a proposed Resolution, Coastal Setback Variance Petition No. 79-03-06-378, requested by Mayer and Samira Saad, represented by Attorney William Merrill, Agent, to construct a pile-supported, single-family residence, swimming pool, pool deck, driveway, and septic system. All proposed construction will be located a maximum of 70.0 feet seaward of the Gulf Beach Setback Line (GBSL) at the property located at 3625 Casey Key Road.

Staff Presenter: Environmental Services Environmental Specialist II Rachel Herman

Public Presenters: Attorney William Merrill, Anita Holec, and Attorney Tom Luzier

Items submitted: Copies of correspondence received on the petition, a copy of a document entitled "The Sudd House Minimum Variance Necessary," copies of photographs, and copies of a Site Plan Buildable Area and a Dimensioned Site Plan

4:14:26 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

4:15:50 Board Action: Moved to adopt Resolution No. 2007-013, approving Coastal Setback Variance Petition No. 79-03-06-378. Moved by Mercier, seconded by Staub.

4:27:36 Board Action: Restated the motion by Patterson, without objection.

4:27:38 Board Action: Adopted Resolution No. 2007-013, approving Coastal Setback Variance Petition No. 79-03-06-378. Carried by a 3-2 vote; Thaxton and Barbetta voted "No."

4:28:41 Board Action: Requested an update on a pending Staff report regarding variance petitions and seawalls/revetments. Requested by Patterson, without objection.

**Note: Oath/Signature Cards Filed for Record.**

**RECESS:** 4:29 p.m. - 4:36 p.m.

**15. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider proposed Ordinance No. 2007-011, Comprehensive Plan Amendment No. RU-139, a petition by Joel Freedman, Agent, a privately-initiated amendment to the Future Land Use Map (FLUM) to change the designation of a 7.6 acre ± parcel located east of Lockwood Ridge Road and 300 feet ± north of DeSoto Road from MODR (Moderate Density Residential, ≥2 and <5 dwelling units/acre) to MEDR (Medium Density Residential, ≥5 and ≤9 dwelling units/acre) zone district. (Planning Commission recommended denial.)

Staff Presenters: Planning and Development Services Senior Planner Laura Semenech, County Attorney Stephen DeMarsh, Public Works Transportation Mobility Planning Manager Paula Wiggins, Planning and Development Services Current Planning Manager Crystal Allred, and County Administrator James Ley

Public Presenters: Attorney Michael Furen, Agent Joel Freedman, Bill Oliver of Tindale-Oliver and Associates, James Gladstone, Porter Shellhammer, Sam Miller, and Brian Meurs

Items submitted: Copies of correspondence received on the petition, a copy of an e-mail to the Board from Public Works Executive Director Jim Harriott, and a copy of the Applicant's proffered statement relative to the petition and affordable housing

5:20:11 Board Action: Requested that the proposal provide connectivity to adjacent developments. Requested by Mercier, without objection.

5:27:26 Board Action: Requested clarification of the Board's options on the Applicant's proffered affordable housing language relative to the proposed Comprehensive Plan Amendment. Requested by Patterson, without objection.

6:06:33 Board Action: Closed the public hearing. Moved by Staub, seconded by Mercier, carried without objection.

6:06:45 Board Action: Moved to adopt Ordinance No. 2007-011, approving Comprehensive Plan Amendment No. RU-139. Moved by Staub, seconded by Patterson, failed by a 1-4 vote; Mercier, Barbetta, Thaxton, and Patterson voted "No."

6:15:46 Board Action: Reopened the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

6:16:09 Board Action: Continued the public hearing to March 13, 2007, at 1:30 p.m., or as soon thereafter as possible. Moved by Staub, seconded by Thaxton, carried by a 3-2 vote; Barbetta and Patterson voted "No."

**Note: Oath/Signature Cards Filed for Record.**

**8. OPEN TO PUBLIC - (Continued) - Opened and closed without comment.**  
(2:41:32)

**16. OTHER BUSINESS**

Staff Presenter: County Administrator James Ley

Item submitted: A copy of an e-mail from Environmental Services Natural Resources Project Scientist Brooke Elias

**16. OTHER BUSINESS - Continued**

2:43:28 Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance, amending Ordinance No. 99-004, the Environmentally Sensitive Lands Purchase Program (ESLPP)/Environmentally Sensitive Lands Oversight Committee (ESLOC) Ordinance, to incorporate the Board's Policy revisions relative to advisory boards and to extend the sunset date. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

**MEETING ADJOURNED:** 6:21 p.m.