

**MINUTES  
BOARD OF COUNTY COMMISSIONERS**

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

9:00 a.m.

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

Also present were:

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

**INVOCATION**

Emergency Services Public Safety Communications General Manager Robert Stuckey

**PLEDGE OF ALLEGIANCE**

Commissioner Barbetta

**PRESENTATION OF AWARD:**

Government Finance Officers Association (GFOA) - Certificate of Excellence Award for  
Financial Reporting to Clerk of the Circuit Court and County Comptroller Karen E. Rushing

**PRESENTATION OF PROCLAMATIONS:**

Flood Awareness Week - March 5 through March 11, 2007

**CONSENT SECTION:**

9:10:48 Board Action: Approved Items 1-19, with separate discussions on Items 3, 15, and 19, as follows. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

**1. ADMINISTRATION**

Ratified the following previously issued Proclamation for Cincinnati Reds Day - February 24, 2007.

**2. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

Authorized execution of the State of Florida Annual Local Government Financial Report for Fiscal Year 2005-2006 in accordance with State Statute 218.32.

**3. COMMUNITY SERVICES**

9:14:34 Board Action: Authorized the execution of the Archaeological Protective Covenant pursuant to Section 66-76 of the County Code for the property located at 705 Bayshore Road, Nokomis; Jeffrey King and Victoria Shattuck, owners. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

**4. EMERGENCY SERVICES**

- A.** Approved Contract No. 2007-246 with Motorola, Inc., to provide reconfiguration planning services to re-tune the County's 800 MHz radio system pursuant to Federal Communications Commission (FCC) orders;
- B.** Approved Contract No. 2007-247 with Nextel Operations, Inc., to pay the costs, on behalf of the County, to Motorola, Inc., for reconfiguration planning services, in the amount of \$141,793.00.

**5. EMERGENCY SERVICES**

Approved Contract No. 2007-248, ratifying the revised Collective Bargaining Agreement with the International Association of Firefighters (IAFF) AFL-CIO Local 2546, for the period of October 1, 2005, through September 30, 2008.

**6. ENVIRONMENTAL SERVICES**

Authorized advertisement of a public hearing to consider a proposed Ordinance providing for the creation of the Lyons Bay - Sunaire Estil Navigable Waterway Project Unit, pursuant to Resolution No. 2003-100, and to waive the requirement for an Economic Impact Statement (EIS).

**7. ENVIRONMENTAL SERVICES**

- A.** Approved Contract No. 2007-249, a Continuing Professional Services Agreement, with Greeley and Hansen, LLC, for wastewater and reuse management planning operations, in the amount of \$1,500,000.00;
- B.** Approved Contract No. 2007-250, Specific Authorization No. 1 to the Continuing Professional Services Agreement, with Greeley and Hansen, LLC, to develop a strategic Wastewater Management Plan to address present and future County needs.

**8. ENVIRONMENTAL SERVICES**

Approved Contracts, for miscellaneous solid waste consulting services, in the amount of \$750,000.00 per Contract, as follows:

- A.** Contract No. 2007-251, with Kessler Consulting, Inc.;
- B.** Contract No. 2007-252, with Midatlantic Solid Waste Consultants, LLC;
- C.** Contract No. 2007-253, with R. W. Beck, Inc.

**9. ENVIRONMENTAL SERVICES**

Approved Contracts, for miscellaneous construction management services, in the amount of \$1,500,000.00 per Contract, as follows:

- A.** Contract No. 2007-254, with Giffels-Webster Engineers, Inc.;
- B.** Contract No. 2007-255, with MWH Americas, Inc.;
- C.** Contract No. 2007-256, with ARCADIS U.S., Inc.;
- D.** Contract No. 2007-257, with Stantec Consulting Services, Inc.

**10. FINANCIAL PLANNING**

Approved payments to Citizens Property Insurance Corporation for full and final settlement of their subrogation claim, in the amount of \$16,297.24, and to ServiceMaster in the amount of \$23,851.22 for full and final settlement of the property damage claim of Robert and Susan Donovan.

**11. FINANCIAL PLANNING**

Adopted Resolution No. 2007-039, amending Resolution No. 2005-270, revising the non-utilities short-term borrowings through the Florida Local Government Finance Commission's Tax Exempt Commercial Paper Loan Program for General Government Projects, Draw A-51 to include the Environmentally Sensitive Lands Protection Program (ESLPP) for the acquisition of the gulf-to-bay waterfront access property on Longboat Key (Contract No. 2007-157) and for the acquisition of environmentally sensitive lands located in Myakka Pines (Contract No. 2007-233).

**12. FINANCIAL PLANNING**

Authorized the County Administrator to produce, publish, and distribute educational materials regarding the March 13, 2007, Charter Amendment Referendum which serves as a valid public purpose in educating the public, in an amount not to exceed \$55,000.00.

**13. FINANCIAL PLANNING**

Referred a conduit financing request by Planned Parenthood of Southwest and Central Florida, Inc., for the design, construction, furnishings, equipment, and landscaping of a medical, education, and administrative office building to the County Health Facilities Authority and Industrial Development Revenue Bond Citizens Advisory Committee for review and recommendation, in an amount not to exceed \$8,000,000.00.

**14. PUBLIC WORKS**

Granted a utility easement to Florida Power and Light Company (FPL) for the construction, operation, and maintenance of a new pad mounted electrical transformer and appurtenant equipment located at Master Lift Station No. 3 in conjunction with the University Parkway/Interstate 75 (I-75) Force Main Project.

**15. PUBLIC WORKS**

9:20:28 Board Action: Deferred consideration of a Contract, a Premium Lighting Agreement, with Florida Power and Light (FPL) Company to install and maintain decorative street lighting for the Pinecraft Neighborhood Improvement Project, in the amount of \$440,419.00, to the February 28, 2007, Board meeting. Requested by Patterson, without objection.

**16. PUBLIC WORKS**

- A. Approved Contract No. 2007-258, with GoodHomes Manasota, Inc., for the sale and purchase of four County-owned residential lots identified as parcels lying within the following: Lot 13, Block D, First Addition to Hillcrest Park; Lot 21, Block 3, Newtown Subdivision; Lot 9, Block D, Newtown Heights; and Lot 23, Block C, Lenray Heights to be used for affordable housing, in the amount of \$200,000.00;
- B. Adopted Resolution No. 2007-040 authorizing the Chair to sign the deed conveying the four County-owned residential lots to GoodHomes Manasota, Inc.

**17. PUBLIC WORKS**

Approved Contracts, for miscellaneous professional architectural services, in the amount of \$1,000,000.00 per Contract, as follows:

- A. Contract No. 2007-262, with Totems Architecture, Inc.;
- B. Contract No. 2007-260, with Paul Jackson Architect, Inc.;
- C. Contract No. 2007-261, with CPH Engineers, Inc.;
- D. Contract No. 2007-259, with Jackson and Hall Architects, P.A.

**18. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

Ratified and approved the warrants dated January 29 through February 16, 2007, in the amount of \$34,833,635.10, as detailed in the voucher packages filed in the Finance Department.

**19. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

9:26:10 Board Action: Approved the Minutes of the meetings dated February 6, as amended; February 13, and February 14, 2007. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

**DISCUSSION SECTION:**

(9:30:20)

**20. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER**

Presentation of the Annual Financial Report for Fiscal Year ended September 30, 2006.

Staff Presenters: Clerk of the Circuit Court and County Comptroller Karen Rushing, Clerk of the Circuit Court Finance Director Peter Ramsden, County Administrator James Ley, and County Attorney Stephen DeMarsh

Items submitted: A copy of the 2006 Consolidated Major Revenue and Debt Report and a copy of the Comprehensive Annual Financial Report

**RECESS:** 10:25 a.m. - 10:38 a.m.

**21. ADMINISTRATION**

Update on the Citizens Oversight Committee on Voting Systems.

Staff Presenters: Deputy County Administrator Susan Scott and County Attorney Stephen DeMarsh

(10:50:40)

**22. PUBLIC WORKS**

The Board considered the Sarasota County Transit Authority's (SCAT) purchase of a new farebox system.

Chair Patterson adjourned as the Board of County Commissioners (BCC) and convened as the SCAT.

Staff Presenters: Public Works Mobility Transit General Manager Anthony Beckford and County Administrator James Ley

11:01:25 Board Action: Approved the purchase of a new farebox system. Moved by Staub, seconded by Thaxton, carried by a 4-1 vote; Mercier voted "No."

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

**REPORTS SECTION:**

(11:06:10)

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

Clerk of the Circuit Court and County Comptroller Karen Rushing presented and discussed the following items: noted the Filed for Record List and advised of the amendment to the Minutes dated February 6, 2007, Book 75, Page 57, Item 2, Board Action time-stamped 3:19:40, revising the words "Requested to expedite a plan for the Land Use Center" to the words "Requested that County Staff stay focused on developing a Concept Plan for the Fruitville Road Corridor Area east of Interstate 75 (I-75)."

(11:07:38)

**24. COUNTY ADMINISTRATOR'S REPORT**

Staff Presenters: Planning and Development Services Executive Director Rob Lewis, County Attorney Stephen DeMarsh, Deputy County Administrator David Bullock, Environmental Services Utilities Planning and Regulatory Manager Jody Kirkman, and Environmental Services Water Resources General Manager Theresa Connor

Items submitted: A copy of draft correspondence regarding the West Villages Improvement District proposed Legislation, a copy of a 2006 Aerial photograph entitled "North Port Orange Hammock," a copy of correspondence from the Charlotte County Board of County Commissioners regarding the County's views on the question of becoming an exclusive provider customer of the Peace River/Manasota Regional Water Supply Authority (PRMRWSA), a copy of a table entitled "Sarasota County Water Demand and Supplies Projections (dated) February 14, 2007," a table entitled "Exhibit C," and a document entitled "Ten Reasons a sales tax increase isn't responsible property tax reform," and a bulleted list regarding the Board's position relative to the March 13, 2007, Special Election Referendum

11:12:15 Board Action: Approved correspondence to the public regarding the Board's position on the Special Election Referendum on the March 13, 2007, proposed Charter Amendment. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11:19:09 Board Action: Approved submittal of correspondence to Florida State Representative Michael Grant regarding the proposed Legislation relative the West Villages Special District. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

11:24:40 Board Action: Directed the County Administrator to draft correspondence, to be brought back for future Board consideration, for submittal to the Legislation Delegation incorporating the comments made this date regarding the proposed legislation relative to the North Port Orange Hammock Improvement District. Requested by Patterson, without objection.

11:35:25 Board Action: Approved Staff's recommendation to draft correspondence to the Charlotte County Board of Commissioners regarding the Board's position on becoming an exclusive provider customer of the Peace River/Manasota Regional Water Supply Authority. Moved by Staub, seconded by Thaxton, carried without objection.

11:55:04 Board Action: Approved the Water Demand and Supply Projections and authorized the County Administrator to bring back the revised Contract amending Exhibit C, for future Board consideration. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11:56:49 Board Action: Directed the County Administrator to post an introductory paragraph and a link to the Florida Housing Coalition's position regarding the Housing Trust Funds on "Your Voice." Requested by Staub, without objection.

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

11:58:03 Board Action: Approved posting the proposed "Ten Reasons a sales tax increase isn't a responsible property tax reform" on "Your Voice." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

11:59:03 Board Action: Requested posting a response from the Board to the proposed utilization of a sales tax increase as a property tax reform on "Your Voice." Requested by Patterson, without objection.

12:00:39 Board Action: Approved the submitted bulleted language, as amended, regarding the Board's position on the March 13, 2007, Special Election Referendum. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

**RECESS:** 12:03 p.m. - 1:30 p.m.

(3:46:54)

**25. COUNTY ATTORNEY REPORT**

Items submitted: Copies of Interoffice Memorandum Nos. 836 and 837

3:46:56 Board Action: Approved the Final Plat of Sarasota National, Phase 1-A. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

3:48:12 Board Action: Approved the settlement in the Workers' Compensation Claim of Jeff Murphy v. Sarasota County, OJCC Case No. 06-025802DBB, in the amount of \$92,500.00. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

3:49:02 Board Action: Approved the waiver of a conflict of interest requested by Bryant, Miller, and Olive, P.A., to permit their representation of the Sarasota-Manatee Jewish Housing Council, Inc., as counsel in a conduit financing proposal. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

**26. COMMISSION/COMMITTEE REPORTS**

(3:49:33)

**A. COMMISSIONER STAUB**

Commr. Staub commented on and discussions were held on the following topics/issues: a request by the Manasota Key Association for the Board to appeal a Court decision regarding the Pearl Motel, a recent meeting of the Peace River/Manasota Regional Water Supply Authority (PRMRWSA), voting results regarding a Lemon Bay Clubhouse expansion, correspondence received regarding the escheated lot auction and deposit refunds, and concerns with letters/columns submitted to area newspapers by Board members being used/converted into newspaper articles.

Item submitted: A copy of a column authored and submitted by Commr. Staub to the North Port Sun Herald as the PRMRWSA Chair

3:51:29 Board Action: Approved travel expenses for Board members attending the Climate Change Conference to be held May 9 through May 11, 2007, in Tampa, Florida. Moved by Staub, seconded by Thaxton, carried by 5-0 vote.

3:52:05 Board Action: Approved travel expenses for Board members attending the National Homebuilders Association Green Build Conference to be held March 25 through March 27, 2007, in St. Louis, Missouri. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

3:53:02 Board Action: Approved travel expenses for Board members attending a Federal Energy Workshop to be held on August 5 through August 8, 2007, in New Orleans, Louisiana. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

**26. COMMISSION/COMMITTEE REPORTS - Continued****A. COMMISSIONER STAUB - Continued**

3:55:33 Board Action: Directed the County Administrator to expedite the land use process for the National Veterans Cemetery located on Clark Road. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

3:59:25 Board Action: Directed the County Administrator to provide a report for a future Board discussion evaluating green building fees or alternatives to promote greater green community building. Moved by Staub, seconded by Thaxton, carried by a 3-2 vote; Mercier and Patterson voted "No."

(4:09:42)

**B. COMMISSIONER BARBETTA**

Commr. Barbetta commented on and discussions were held on the following topics/issues: correspondence received on concerns regarding a grease trap and a pond located behind the Beneva Village Shopping Center, an e-mail received regarding large trucks in neighborhoods and future review of Article 7 of the Zoning Code Ordinance, and correspondence received from Save Our Sands (S.O.S.) Forever, Inc., requesting an early peer review of the Big Pass Inlet Management Plan.

(4:19:26)

**C. COMMISSIONER THAXTON**

Commr. Thaxton commented on and discussions were held on the following topics/issues: a Venice Gondolier newspaper article regarding the legalities of the County's commitment of Tourist Development Tax for the Cincinnati Reds baseball stadium/facilities, County park maintenance costs associated with the Cincinnati Reds baseball stadium/facilities project, Casey Key residents' concerns with Staff not recognizing the Casey Key Conservation District's regulations during the building permit application review process, and the County's denial and the Florida Health Department's approval of a septic tank permit associated with the remodeling of a residence located in the Lyon's Bay area.

4:26:44 Board Action: Approved submittal of correspondence, signed by the Chair, supporting the Laurel Civic Association's submittal of an application to obtain a Florida General Revenue Grant to fund the restoration of the historic Old Johnson Chapel Missionary Baptist Church. Moved by Thaxton, seconded by Patterson, carried by a 5-0 vote.

(4:30:45)

**D. COMMISSIONER MERCIER**

Commr. Mercier commented on and discussions were held on the following topics/issues: discussion at a recent Criminal Justice Commission (CJC) meeting regarding the oversight of the Juvenile Assessment Center (JAC), the Sheriff's involvement in the enforcement of red light running violations, and consideration to schedule future joint meetings with the area municipalities.

4:38:06 Board Action: Directed the County Administrator to provide a report on a Drug Disposal Program to address community needs regarding the disposal of unused prescription drugs/medications. Moved by Mercier, seconded by Staub, carried by a 5-0 vote.

**26. COMMISSION/COMMITTEE REPORTS - Continued**

(4:38:51)

**E. CHAIR PATTERSON**

Chair Patterson commented on and discussions were held on the following topics/issues: discussion at a recent West Coast Inland Navigation District (WCIND) meeting regarding encroachments of hot dog stands on either side of the Venice Jetty, response to correspondence received from the Venice City Mayor requesting consideration of the City's input regarding the architectural design of a potential pedestrian overpass bridge to cross over the Venice Bypass to connect to the Venice Train Depot, Staff's correspondence/response on safety concerns regarding the Beneva Road/Calliandra Drive crossing in the Pinecraft area, and U.S. Congressman Vern Buchanan's attendance at a recent Metropolitan Planning Organization (MPO) meeting and his request for joint efforts by Sarasota and Manatee Counties to identify/prioritize area projects.

(4:52:50)

**27. ADMINISTRATION**

The Board reviewed the County Commission Outstanding Board Assignments Report dated February 21, 2007.

(4:55:26)

**28. ADMINISTRATION**

The Board reviewed the Board of County Commissioners Meeting Schedule.

(1:30:21)

**29. OPEN TO PUBLIC**

Bob Rigby commented on concerns with the repair of a County ditch that encroaches on his property located on Pine Road, Nokomis.

Staff Presenter: County Administrator James Ley

1:39:08 Board Action: Directed the County Administrator to provide a report explaining the situation/history with diagrams regarding a County ditch encroaching on Mr. Rigby's property, including a review of possible illegal septic discharges directly into the ditch. Requested by Patterson, without objection.

**DISCUSSION SECTION - Continued**

(1:43:59)

**30. PLANNING AND DEVELOPMENT SERVICES**

The Board considered the following Items:

- A.** Authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 88-056, as amended and codified in Chapter 110, Article VIII of the County Code, relating to impact fees for Fire/Rescue Facilities;
- B.** Authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 2002-091, as amended and codified in Chapter 110, Article XII of the County Code, relating to impact fees for Emergency Medical Services (EMS) Impact Facilities;
- C.** Authorization to advertise a public hearing to consider a proposed Ordinance creating Chapter 70, Article IX of the County Code relating to impact fees for Law Enforcement;
- D.** Authorization to advertise a public hearing to consider a proposed Ordinance creating Chapter 70, Article X of the County Code relating to impact fees for Justice Facilities;
- E.** Authorization to advertise a public hearing to consider a proposed Ordinance creating Chapter 70, Article XI of the County Code relating to impact fees for General Government.

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

Staff Presenters: Planning and Development Services Senior Planner Gene Engman and Emergency Services Fire Chief Brian Gorski

Public Presenter: Duncan and Associates Director of Infrastructure Financing Clancy Mullen

2:27:44 Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance, amending Ordinance No. 88-056, as amended, relating to impact fees for Fire/Rescue Facilities. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

2:27:44 Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance, amending Ordinance No. 2002-091, as amended, relating to impact fees for Emergency Medical Services (EMS) Impact Facilities. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

2:27:44 Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance creating impact fees for Law Enforcement. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

2:27:44 Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance creating impact fees for Justice Facilities. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

2:27:44 Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance creating impact fees for General Government. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

(2:31:01)

**31. OTHER BUSINESS**

**A. ADMINISTRATION**

Presentation on Global Warming.

Public Presenter: New College of Florida Director of Environmental Initiatives Margaret Lowman

Items submitted: A copy of the PowerPoint presentation

(Note: The Board recessed 3:34 p.m. - 3:46 p.m.)

**MEETING ADJOURNED: 5:00 p.m.**

**MINUTES APPROVED:** \_\_\_\_\_

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Chair