

July 8, 2008

**MINUTES
BOARD OF COUNTY COMMISSIONERS**

9:00 a.m.

**SARASOTA COUNTY ADMINISTRATION CENTER
1660 RINGLING BOULEVARD
COMMISSION CHAMBER
SARASOTA, FLORIDA**

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

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
Spring Dickson, Deputy Clerk

(09:01 a.m.)

INVOCATION

Reverend Timothy Solomon

(09:01 a.m.)

PLEDGE OF ALLEGIANCE

Commissioner Thaxton

(09:02 a.m.)

PROCLAMATIONS

Apollo Sunguard Recognition - July 8, 2008
Key Breeze Educational Sailing Vessel - July 8, 2008
Parks and Recreation Month - July 2008
Therapeutic Recreation Week - July 13 through July 19, 2008

(09:20 a.m.)

CONSENT SECTION:

9:21 a.m. Board Action: Approved Items 1-29, with separate discussions on Items 7, 9, 17, 19, 20, and 27, as follows. Moved by Barbetta, seconded by Mercier, carried by a 5-0 vote.

1. COMMUNITY SERVICES

- A.** Adopted Resolution No. 2008-126 to find that approximately 143 square feet of office space within the History Center located at 6020 Porter Way, Sarasota, is not

currently needed for County purposes and to lease said property, pursuant to Section 125.38, Florida Statutes, to the Florida Department of Education, Division of Workforce Education, Bureau of Career and Technical Program, Apprenticeship Program, for the best interest of the community;

- B. Approved Contract No. 2008-355, a Lease Agreement, with the Florida Department of Education, Division of Workforce Education, Bureau of Career and Technical Program, Apprenticeship Program, to lease approximately 143 square feet of office space within the History Center located at 6020 Porter Way, Sarasota.

2. ADMINISTRATION

Approved Contract No. 2008-356 with the Ashley Subdivision Homeowners Association, Inc., for the patrol of Ashley Parkway and Ashley Court, two roads privately-owned and controlled by the Ashley Subdivision Homeowners Association.

3. ENVIRONMENTAL SERVICES

- A. Adopted Resolution No. 2008-127, Budget Amendment No. B2008-056, amending the Fiscal Year (FY) 2008 Budget to appropriate the funding for the North American Vertical Datum of 1988 (NAVD88) Control Densification (L868) Project;
- B. Approved Contract No. 2008-357, a Cooperative Funding Agreement, with the Southwest Florida Water Management District (SWFWMD) for the NAVD88 Control Densification (L868) Project to assist in creating digital Flood Insurance Rate Maps, in the amount of \$100,000.00.

4. ENVIRONMENTAL SERVICES

Adopted Resolution No. 2008-128, Budget Amendment No. B2008-059, amending the Fiscal Year (FY) 2008 Budget to appropriate the funding for the Florida Scrub-jay Habitat Restoration Project, in the amount of \$9,020.00.

5. FINANCIAL PLANNING

Adopted Resolution No. 2008-129 declaring the results of the Special Bond Referendum Election held on May 6, 2008, authorizing the issuance of bonds payable from the proceeds of the voter-approved Infrastructure Surtax Projects, in an amount not to exceed \$300,000,000.00.

6. FINANCIAL PLANNING

Adopted Resolution No. 2008-130 authorizing the issuance of Industrial Development Revenue Bonds by the Florida Development Finance Corporation for the Out-of-Door Academy of Sarasota, Inc., to fund the cost of the construction, renovation, and rehabilitation of a new Performing Arts Center, athletic facility, classrooms, and related facilities, in an amount not to exceed \$13,500,000.00.

(09:22 a.m.)

7. FINANCIAL PLANNING

[Authorized the removal of inventory items identified as lost and unaccounted for during Fiscal Year \(FY\) 2007, from the County Fixed Asset Detail Inventory System, pursuant to Florida Statute 274.07.](#)

9:24 a.m. Board Action: Authorized the removal of inventory items identified as

lost and unaccounted for during Fiscal Year (FY) 2007 from the County Fixed Asset Detail Inventory System. Moved by Patterson, seconded by Thaxton, carried by a 5-0 vote.

8. FINANCIAL PLANNING

Authorized the conveyance of surplus property to other governmental agencies and charitable organizations, removal of property from the Fixed and Movable Asset Detail Inventory System, and surplus/obsolete property for auction.

(09:25 a.m.)

9. FINANCIAL PLANNING

Authorized advertisement of a public hearing to consider a proposed Ordinance, amending Ordinance No. 2004-103 as codified in Chapter 38, Article VII, Section 38-170(b) of the County Code, relating to all interest earned on the proceeds of escheated lots and property.

9:25 a.m. Board Action: Directed the County Administrator to schedule a discussion item at an upcoming Board Workshop regarding a future Board Policy relative to escheated lots and property revenues. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

9:29 a.m. Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance relating to all interest earned on the proceeds of escheated lots and property, as amended, permitting the current transfer of the interest earned to the General Fund and establishing a Board Policy providing for the consideration of future allocations annually by the Board during Budget meetings. Moved by Patterson, seconded by Thaxton, carried by a 5-0 vote.

10. HEALTH AND HUMAN SERVICES

Appointed Sean McCartney, Eboni Stephens, and Barbara Benson to serve three-year terms on the Community Action Agency Board (CAAB), as the Low-Income Population Representatives, effective through July 2011.

11. HEALTH AND HUMAN SERVICES

Authorized execution and submittal of the Mosquito Management Services Fiscal Year (FY) 2009 Detailed Work Plan Budget to the Florida Department of Agriculture and Consumer Services, Bureau of Entomology and Pest Control, pursuant to Florida Statutes, Chapter 388, and the Florida Administrative Code, Chapter 5E-13.

12. HEALTH AND HUMAN SERVICES

Approved Contract No. 2008-358 with Legal Aid of Manasota, Inc., for pro bono legal services for the indigent for Fiscal Year (FY) 2008, in the amount of \$67,192.00.

13. HEALTH AND HUMAN SERVICES

Authorized submittal of a Grant Application to the Florida Department of Transportation for the National Highway Traffic Safety Administration State and Community Highway Safety Grant for the continued operation of the DUI Court in the County for Fiscal Year 2009.

14. PLANNING AND DEVELOPMENT SERVICES

Appointed Kathy Keh to serve a three-year term on the General Contractors Licensing and Examining Board, as the Citizen/Consumer Representative, effective through July 2011.

15. PLANNING AND DEVELOPMENT SERVICES

- A. Approved the 2008-2009 Action Plan and authorized submittal to the U. S. Department of Housing and Urban Development (HUD);
- B. Authorized Staff to make any minor technical modifications to the 2006-2007 Action Plan, as required by HUD for approval of the 2008-2009 Action Plan.

16. PLANNING AND DEVELOPMENT SERVICES

Approved Contract No. 2008-359, a License Agreement, with the Waterside East Neighborhood Association, Inc., to install a subdivision entry sign within the public right-of-way.

(09:29 a.m.)

17. PLANNING AND DEVELOPMENT SERVICES

Deferred consideration of Ordinance No. 2007-073, Rezone Petition No. 07-11, a petition by Robert Medred, Agent, to rezone approximately 412 acres located south of Fruitville Road and east of the Palmer Boulevard and Iona Road intersection from OUR (Open Use, Rural, 1 unit/10 acres) to RSF-1/PUD (Residential, Single-Family, 2.5 units/1 acre, Planned Unit Development Overlay) zone district, as approved by the Board on May 28, 2008, by a 3-2 vote, with Commrs. Barbetta and Thaxton voting "No."

Item submitted: A copy of a document entitled "Revised Stipulation No. 19"

9:33 a.m. Board Action: Revised Stipulation No. 19 as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text): "The Applicant shall dedicate a 144-foot wide right-of-way for Iona Road at no cost to the County within the Palmer Place development as depicted on the Development Concept Plan. The cross-sections, final alignment, and Access Management Plan for this segment of Iona Road shall be reviewed and approved by Public Works prior to site and development or preliminary subdivision plan approval. The Applicant shall construct ~~only that portion~~ two lanes of Iona Road from Palmer Boulevard to Webber Road, at minimum, and such additional portions of Iona Road as is are necessary to serve the Palmer Place development consistent with the County's Land Development Regulations." Moved by Patterson, seconded by Thaxton, carried by a 5-0 vote.

9:36 a.m. Board Action: Requested clarification of Stipulation No. 16 relative to the widening of Palmer Boulevard regarding the Developer's and the County's financial obligations, cost to pave the shoulders, and the time frame for the road improvements. Requested by Patterson, without objection.

9:59 a.m. Board Action: Deferred consideration of Ordinance No. 2007-073 to a future Consent Agenda and directed Staff to clarify Stipulation No. 16 regarding the four-foot paved shoulders, including the method and time frame for the

completion of Palmer Boulevard. Moved by Patterson, seconded by Staub, carried by a 4-1 vote; Mercier voted "No."

18. PUBLIC WORKS

Approved Contract No. 2008-360, Amendment No. 1 to Contract No. 2006-172, an Economic Development Trust Fund Agreement, with the Florida Office of Tourism, Trade and Economic Development (FOTTED) for the Laurel Road/Knights Trail Project.

(10:02 a.m.)

19. PUBLIC WORKS

[Approved Contract No. 2008-361, a Concession Agreement, with Mancini Diners, Inc., for cafeteria services located at the County Administration Center, 1660 Ringling Boulevard, Sarasota, and the Historic Courthouse, 2000 Main Street, Sarasota, for a term of five years with an option for renewal of an additional five-year term and with a percentage based payment schedule.](#)

10:03 a.m. Board Action: Directed the County Administrator to schedule a discussion item at a future Board Workshop or Meeting to consider a Board Policy relative to Workers' Compensation and employee leasing. Moved by Mercier, seconded by Patterson, carried by a 5-0 vote.

10:04 a.m. Board Action: Approved Contract No. 2008-361. Moved by Thaxton, seconded by Barbetta, carried by a 4-1 vote; Mercier voted "No."

(10:04 a.m.)

20. PUBLIC WORKS

[Adopted Resolution No. 2008-131 providing consent regarding the sale and conveyance of fee simple land owned by Fourth Quarter Properties XXXVI, LLC, to the West Villages Improvement District located within the unincorporated portion of the County near the intersection of U.S. 41 and River Road.](#)

10:11 a.m. Board Action: Adopted Resolution No. 2008-131. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

21. PUBLIC WORKS

Adopted Resolution No. 2008-132 to install a four-way stop traffic control at the following intersections, as recommended by the Traffic Advisory Council:
on 27th Parkway and Randa Boulevard
on Dudley Place and Monica Parkway.

22. PUBLIC WORKS

Adopted Resolution No. 2008-133 to lower the speed limit from 45 miles per hour to 35 miles per hour on Cattlemen Road between Center Pointe Drive and Proctor Road, as recommended by the Traffic Advisory Council.

23. PUBLIC WORKS

Adopted Resolution No. 2008-134 to prohibit parking on Upper Beechwood Avenue along the frontage of the 7-Eleven Convenience Store, as recommended by the Traffic Advisory Council.

24. PUBLIC WORKS

- A. Adopted Resolution No. 2008-135, Exchange Petition No. EX 08-06, a petition by Edward E. Konz, Barbara Konz, and James J. Konz to exchange lands owned by the Petitioners located on the west side of Sawyer Road and north of the intersection of Proctor Road (Parcel 0071-14-0122) for County-owned lands located at the southeast corner of Gantt Avenue and Bahia Vista Street (Parcel 0049-02-0026);
- B. Approved Contract No. 2008-362, a Settlement Agreement, with Edward E. Konz, Barbara Konz, and James J. Konz for the acquisition and exchange of real property, Parcels 0049-02-0026 and 0071-14-0122, and estimated closing costs and attorney fees, in the amount of \$12,000.00;
- C. Granted and authorized execution of a Quit Claim Deed to convey the County's interest in Parcel 0049-02-0026 to Edward E. Konz, Barbara Konz, and James J. Konz.

25. PUBLIC WORKS

Approved Contract No. 2008-363, Amendment No. 1 to Contract No. 2008-267, with Magnum Builders of Sarasota, Inc., for the replacement of the Fire Station No. 3 Project, Bid No. 8640JW, located at North Adams Drive.

26. PUBLIC WORKS

Appointed Hugo Mazzoli to serve a three-year term on the Sarasota-Manatee Metropolitan Planning Organization's U.S. 41 Scenic Highway Corridor Management Entity as the County's Citizen Representative, effective through July 2011.

(10:11 a.m.)

27. TALENT AND PERFORMANCE MANAGEMENT

Approved Contract No. 2008-364 with Ad-Vance Personnel Services, Inc., for a Recruitment Management System, in the amount of \$11,600.00 for a one-time implementation and set-up fee for Fiscal Year (FY) 2008, and in the amount of \$76,200.00 annually, contingent upon the adoption of the Fiscal Year (FY) 2009 Budget.

10:15 a.m. Board Action: Approved Contract No. 2008-364. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

28. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Ratified and approved the warrants dated June 2 through June 27, 2008, in the amount of \$47,955,572.91, as detailed in the voucher packages filed in the Finance Department.

29. CLERK OF THE CIRCUIT COURT AND COUNTY COMPTROLLER

Approved the Minutes of the meetings dated June 10, June 11, June 13 (two sets), June 17, June 18, and June 20, 2008.

(10:15 a.m.)

SARASOTA COUNTY TRANSPORTATION AUTHORITY - CONSENT SECTION

Chair Staub recessed the Board of County Commissioners (BCC) and convened as the Sarasota County Transportation Authority (SCTA).

(10:15 a.m.)

30. PUBLIC WORKS

[Adopted Resolution No. 2008-136 authorizing the execution and submittal of a Memorandum of Agreement \(Contract No. 2008-365\) with the Florida Commission for the Transportation Disadvantaged designating the Sarasota County Transportation Authority \(SCTA\) as the Community Transportation Coordinator for the County from July 1, 2008, through June 30, 2013.](#)

10:15 a.m. Board Action: Adopted Resolution No. 2008-136 authorizing the execution and submittal of a Memorandum of Agreement (Contract No. 2008-365) with the Florida Commission for the Transportation Disadvantaged. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

31. PUBLIC WORKS

Approved Contract No. 2008-366, Amendment No. 1 to Contract No. 2007-326, with Schreckenghaust, Michel, and Pack, Inc., d/b/a The Ride, for modified insurance requirements and to reduce the number of leased paratransit vehicles for the Transportation Disadvantaged Services from nine to six.

10:15 a.m. Board Action: Approved Contract No. 2008-366. Moved by Barbetta, seconded by Thaxton, carried by a 5-0 vote.

Chair Staub adjourned the SCTA and reconvened as the BCC.

DISCUSSION SECTION:

(10:16 a.m.)

32. PLANNING AND DEVELOPMENT SERVICES

[The Board considered the presentation of the General Contractors Licensing and Examining Board \(GCLEB\) Annual Report.](#)

Public Presenter: GCLEB Chairman Anthony Catalano

(10:21 a.m.)

33. PLANNING AND DEVELOPMENT SERVICES

[The Board considered the presentation of the Mechanical Contractors Licensing and Examining Board \(MCLEB\) Annual Report.](#)

Public Presenter: MCLEB Member Joe Dalton

(10:25 a.m.)

34. COMMUNITY SERVICES

- A. The Board considered the appointment of one individual to fill an unexpired three-year term on the Library Advisory Board (LAB), effective through May 2010;
- B. The Board considered the appointment of two individuals to serve three-year terms on the LAB, effective through May 2011.

10:28 a.m. Board Action: Noted majority consensus by Staub to appoint William Kegel to fill an unexpired three-year term, effective through May 2010, and to appoint Barbara MacMillan and Lizabeth Sarles to serve three-year terms, effective through May 2011.

RECESS: 10:29 a.m. - 10:40 a.m.

PUBLIC HEARINGS:

(10:42 a.m.)

35. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2008-084, amending Ordinance No. 92-055 and Article XVI, Chapter 54, of the County Code, as amended, relating to land development and building construction requirements in flood-prone areas.

Staff Presenters: Planning and Development Services Chief Building Official Paul Radauskas and County Attorney Stephen DeMarsh

Item submitted: A copy of a document entitled "Coastal Barrier Resource System Map Panel Information"

10:48 a.m. Board Action: Requested clarification on phasing and intent regarding multiple permits and intentional and unintentional improvements relative to historic structures on page 12 of the proposed Ordinance. Requested by Patterson, without objection.

10:53 a.m. Board Action: Requested clarification relative to parcels with dual classifications in the A and V Zones. Requested by Thaxton, without objection.

10:57 a.m. Board Action: Requested clarification regarding the 100-year storm elevation determined by the Florida Department of Environmental Protection (FDEP) in Section 54-513.(b)(5) on page 5 of the proposed Ordinance. Requested by Patterson, without objection.

10:58 a.m. Board Action: Requested clarification regarding the date (June 15, 1971) in No. 15 on page 5 and No. 37 on page 10 of the proposed Ordinance. Requested by Patterson, without objection.

11:00 a.m. Board Action: Requested clarification regarding guest house elevations, common walls, and structural connections in Section 54-516.(a)(1) on page 15 of the proposed Ordinance. Requested by Patterson, without objection.

11:11 a.m. Board Action: Revised the last sentence in Section 54-516.(b)(3)b. on page 19 of the proposed Ordinance as follows (additions shown as underlined text/deletions shown as ~~strikerough~~ text): "The interior portion of such enclosed area shall not be partitioned into separate rooms, or but may be temperature controlled ~~by ambient air descending into enclosure from area above the lowest floor.~~ Moved by Patterson, seconded by Mercier, carried by a 5-0 vote.

11:15 a.m. Board Action: Closed the public hearing. Closed by Staub, without

objection.

11:15 a.m. Board Action: Adopted Ordinance No. 2008-084, as amended this date. Moved by Thaxton, seconded by Mercier, carried by a 4-1 vote; Patterson voted "No."

Note: Oath/Signature Cards Filed for Record.

REPORTS SECTION:

(11:20 a.m.)

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

The Filed for Record List was noted.

(11:20 a.m.)

37. COUNTY ADMINISTRATOR'S REPORT

11:21 a.m. Board Action: Requested that the County Administrator send a copy of the correspondence, to be signed by the Chair, by e-mail to the Board for review/input prior to submittal to North Port City Commission Chair Fred Tower regarding impact fees. Requested by Staub, without objection.

11:22 a.m. Board Action: Noted majority consensus by Staub to nominate Commr. Mercier as a Florida Association of Counties Representative for participation in the Florida Department of Transportation (FDOT) and the Florida Department of Community Affairs (FDCA) Airport Compatabile Land Use Study.

11:23 a.m. Board Action: Approved the County's participation with the Florida Association of Counties as a named party in the litigation to challenge the constitutionality of the "Conflict Counsel" Legislation and authorized funds, in an amount not to exceed \$5,000.00, for the effort. Moved by Patterson, seconded by Thaxton, carried by a 5-0 vote.

(11:26 a.m.)

38. COUNTY ATTORNEY'S REPORT

County Attorney Stephen DeMarsh presented the following items: Interoffice Memorandum No. 948 regarding the Case of Todd J. McNally v. Mark Eve and William Balkwill, et al., Case No. 8:06-cv-02310-EAJ and Interoffice Memorandum No. 947 regarding the Case of Water Equipment Services, Inc. v. Baskerville-Donovan, Inc., Kurt Jensen, and Sarasota County, Case No. 2006-CA-004911 NC.

Items submitted: Copies of Interoffice Memorandum Nos. 948 and 947

(11:34 a.m.)

39. COMMISSION AND COMMITTEE REPORTS

A. COMMISSIONER THAXTON

11:35 a.m. Board Action: Approved the funding for the construction of a sidewalk gap located on Central Sarasota Parkway adjacent to the future Lowe's Home Centers, Inc., Project, in the amount of \$6,000.00. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

B. COMMISSIONER PATTERSON

Commr. Patterson commented on and discussions were held on the following topics/issues: recent Metropolitan Planning Organization (MPO) meeting regarding TRIP (Transportation Regional Incentive Program) Negotiating Committee recommendations and Regional Priority Projects.

11:39 a.m. Board Action: Noted no objection by Staub to direct the County Administrator to place the proposed revisions to the governing Resolution for the Bicycle, Pedestrian, and Trails Advisory Committee on a future Consent Agenda.

C. COMMISSIONER MERCIER

Staff Presenters: Assistant County Attorney David Pearce and Environmental Services Executive Director Theresa Connor

11:57 a.m. Board Action: Noted majority consensus by Staub to approve Staff's attendance at a technical meeting on July 30, 2008, in Bradenton, Florida, with Mosaic Fertilizer, LLC, to review and provide input regarding the Peace River Stewardship Program.

D. COMMISSIONER BARBETTA

Commr. Barbetta commented on and discussions were held on the following topics/issues: Habitat for Humanity's first "green" home property, the Fair Board/Fairground property, the Suncoast Workforce Development Board update, low impact development, and an e-mail received regarding Curry Creek/Roberts Bay dredging.

4:43 p.m. Board Action: Requested that the County Administrator meet with Sarasota City Manager Robert Bartolotta regarding an update on the negotiations with the Boston Red Sox. Requested by Staub, without objection.

4:35 p.m. Board Action: Authorized Barbetta to sign the amended Suncoast Workforce Development Board Business Plan. Moved by Patterson, seconded by Mercier, carried by a 5-0 vote.

4:36 p.m. Board Action: Requested an update on the Industrial Development Authority (IDA) process. Requested by Barbetta, without objection.

E. CHAIR STAUB

Chair Staub commented on and discussions were held on the following topics/issues: the County's receipt of a rebate from the Florida Association of Counties (FAC) local government finance program and e-mail accounts for Advisory/Elected Board Members.

Items submitted: A copy of a document entitled "Royal Pal Marina 779 W.

Wentworth St. Englewood, FL 34223" and a copy of a document entitled "Shady Haven/715 Wentworth/Marina Parcels"

11:51 a.m. Board Action: Requested that the County Administrator provide a report on the request to amend the Zoning Ordinance to allow Charter Schools in PID (Planned Industrial Development) zone districts. Requested by Staub, without objection.

4:45 p.m. Board Action: Noted majority consensus by Staub to authorize her to continue opposition of the proposed Resolution regarding revision of the definition of "waterways" for the Clean Water Act.

4:47 p.m. Board Action: Directed the County Administrator to review the possibility of utilizing non-environmentally sensitive portions of Environmentally Sensitive Lands acquisitions for public education, as requested by People for Trees. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

4:50 p.m. Board Action: Requested the County Administrator to review the possibility of shortening the time frame for the October 29, 2008, Board Meeting. Requested by Staub, without objection.

5:02 p.m. Board Action: Requested the County Administrator to review the possibility of purchasing the Shady Haven/Royal Palms Marina parcels. Requested by Staub, without objection.

RECESS: 12:03 p.m. - 1:33 p.m.

(05:04 p.m.)

40. ADMINISTRATION

The Board reviewed the Outstanding Board Assignments Report dated July 1, 2008.

(05:05 p.m.)

41. ADMINISTRATION

The Board reviewed the Board Meeting Schedule.

(01:32 p.m.)

42. OPEN TO THE PUBLIC

Calvin LeBuffe commented on the placement of a sand trap and a proposed saltwater catch basin at Midnight Pass.

DISCUSSION SECTION:

(01:35 p.m.)

43. ENVIRONMENTAL SERVICES

- A.** The Board considered a proposed Resolution approving the Project Application requests for Fiscal Year (FY) 2009 from the West Coast Inland Navigation District (WCIND) Waterway Development Program, in the amount of \$1,273,431.00;

- B.** The Board considered authorization to submit County Navigation Improvement Fund (CNIF) requests to the WCIND for the Town of Longboat Key Police Marine Patrol, in the amount of \$111,000.00, and for the Town of Longboat Key Marine Fire Patrol, in the amount of \$35,000.00.

Staff Presenters: Environmental Services Coastal Resources Manager Laird Wreford, County Administrator James Ley, and Chief Financial Planning Officer Jeffrey Seward

Public Presenters: City of Venice Police Marine Patrol Officer Phillip Phillips and Town of Longboat Key Police Chief Albert Hogle

2:06 p.m. Board Action: Adopted Resolution No. 2008-137 approving the Project Application requests for FY 2009 from the WCIND Waterway Development Program. Moved by Mercier, seconded by Barbetta, carried by a 5-0 vote.

2:06 p.m. Board Action: Authorized the submittal of CNIF requests to the WCIND for the Town of Longboat Key Police Marine Patrol, in the amount of \$111,000.00, and for the Town of Longboat Key Marine Fire Patrol, in the amount of \$35,000.00. Moved by Mercier, seconded by Barbetta, carried by a 5-0 vote.

2:11 p.m. Board Action: Noted majority consensus by Staub that a discussion item be scheduled for a future joint meeting with the municipalities regarding formulating WCIND funds allocation guidelines/policies.

(02:12 p.m.)

44. PLANNING AND DEVELOPMENT SERVICES

- A.** The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 89-97, as amended and codified in Chapter 70, Article III of the County Code, relating to impact fees for Road Facilities and to waive the requirement for an Economic Impact Statement (EIS).
- B.** The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 89-99, as amended and codified in Chapter 70, Article V of the County Code, relating to impact fees for Park Facilities and to waive the requirement for an EIS.
- C.** The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 91-068, as amended and codified in Chapter 70, Article II of the County Code, relating to impact fees for Library Facilities and to waive the requirement for an EIS.
- D.** The Board considered 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 and to waive the requirement for an EIS.
- E.** The Board considered 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) Facilities and to waive the requirement for an EIS.
- F.** The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 2007-038, as amended and codified in Chapter 70, Article IX of the County Code, relating to impact fees for

- Law Enforcement and to waive the requirement for an EIS.
- G. The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 2007-039, as amended and codified in Chapter 70, Article X of the County Code, relating to impact fees for Justice Facilities and to waive the requirement for an EIS.
 - H. The Board considered authorization to advertise a public hearing to consider a proposed Ordinance, amending Ordinance No. 2007-040, as amended and codified in Chapter 70, Article XI of the County Code, relating to impact fees for General Government and to waive the requirement for an EIS.

Staff Presenter: Planning and Development Services Senior Planner Gene Engman

2:15 p.m. Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance relating to impact fees for Road Facilities and waived the requirement for an EIS. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

2:15 p.m. Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance relating to impact fees for Park Facilities and waived the requirement for an EIS. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

2:15 p.m. Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance relating to impact fees for Library Facilities and waived the requirement for an EIS. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

2:15 p.m. Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance relating to impact fees for Fire/Rescue Facilities and waived the requirement for an EIS. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

2:15 p.m. Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance relating to impact fees for EMS Facilities and waived the requirement for an EIS. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

2:15 p.m. Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance relating to impact fees for Law Enforcement and waived the requirement for an EIS. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

2:15 p.m. Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance relating to impact fees for Justice Facilities and waived the requirement for an EIS. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

2:15 p.m. Board Action: Authorized advertisement of a public hearing to consider a proposed Ordinance relating to impact fees for General Government and waived the requirement for an EIS. Moved by Thaxton, seconded by Barbetta, carried by

a 5-0 vote.

PUBLIC HEARINGS:

(02:16 p.m.)

45. PUBLIC WORKS

Public hearing to consider a proposed Resolution, Budget Amendment No. B2008-057, amending the Fiscal Year (FY) 2008 Budget, to increase the Fleet Services FY 2008 Fund Operating Expenditures required for fuel purchases, in the amount of \$1,100,000.00 from the Budgetary Fund Balance and Reserves.

Staff Presenters: Planning and Development Services Financial Services Supervisor Lou Mikos and County Administrator James Ley

2:18 p.m. Board Action: Closed the public hearing. Closed by Staub, without objection.

2:18 p.m. Board Action: Adopted Resolution No. 2008-138, approving Budget Amendment No. B2008-057. Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(02:18 p.m.)

46. HEALTH AND HUMAN SERVICES

- A.** Public hearing to consider proposed Ordinance No. 2008-083, amending Ordinance No. 72-078, as amended, and codified in Article IV of Chapter 62 of the County Code, amending Section 62-93 of the Code, relating to the duties of the County Medical Examiner and establishing a fee for cremation approvals provided by the Medical Examiner;
- B.** (Not a public hearing.) To Board considered a proposed Resolution establishing the fee for cremation approvals provided by the County Medical Examiner, in the amount of \$35.00, pursuant to Ordinance No. 2008-083.

Staff Presenters: Financial Planning Accountant Kimberly Pfeil and County Attorney Stephen DeMarsh

Public Presenter: Chief Medical Examiner Dr. Russell Vega

2:27 p.m. Board Action: Requested to send correspondence to the Chairs of all District 12 County Commissions requesting the possible implementation of unified cremation fees. Requested by Staub, without objection.

2:27 p.m. Board Action: Closed the public hearing. Closed by Staub, without objection.

2:27 p.m. Board Action: Adopted Ordinance No. 2008-083. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

2:28 p.m. Board Action: Adopted Resolution No. 2008-139. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(02:28 p.m.)

47. ENVIRONMENTAL SERVICES

Public hearing to consider proposed Ordinance No. 2008-087, amending Ordinance No. 88-002, as amended and codified in Chapter 98, Article III, Section 98-91 of the County Code, relating to Street Tree Protection to extend the sunset date to September 11, 2009.

Staff Presenter: Public Works Forestry Program Specialist Demetra McBride

2:29 p.m. Board Action: Closed the public hearing. Closed by Staub, without objection.

2:29 p.m. Board Action: Adopted Ordinance No. 2008-087. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(02:30 p.m.)

48. PLANNING AND DEVELOPMENT SERVICES

Public hearing to consider proposed Ordinance No. 2007-099, Rezone Petition No. 07-16, a petition by Brian Lichterman, Agent, to rezone approximately 4.1 acres located east of Honore Avenue and north of Proctor Road from OUE-1 (Open Use, Estate, 1 units/5 acres) to RSF-3 (Residential, Single-Family, 4.5 dwelling units/1 acre) zone district. (Planning Commission recommended denial.)

Staff Presenters: Planning and Development Services Senior Planner Kirk Crane, Planning and Development Services Current Planning Manager Crystal Allred, Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld, Environmental Services Water Planning and Regulatory Engineer Nanette Scott, and County Attorney Stephen DeMarsh

Public Presenters: Attorney Michael Furen, Agent Brian Lichterman, John Henslick, Nick Melone, and Stephen Walker

Items submitted: A copy of correspondence regarding Applicant proffered stipulations and a document entitled "Rezone Petition No. 07-16, Stipulation No. 3," copies of Brian Lichterman, John Henslick, and Attorney Michael Furen's resumes, and a copy of a Water Planning and Regulatory floodplain information map

3:26 p.m. Board Action: Revised Stipulation No. 3 as follows (additions shown as underlined text/deletions shown as ~~strikethrough~~ text):

3. Landscape buffers shall be provided as follows:

a. The north property line landscape buffer shall be 50 percent or greater Opacity and 25-foot wide, and maintained in a natural state, with the exception of adding supplemental native species, if necessary, to ensure 50 percent or greater Opacity

is maintained.

b. The east property line landscape buffer shall be 50 percent or greater Opacity and 45 25-foot wide, next to the developed portion of the site, and maintained in a natural state, with the exception of adding supplemental native species, if necessary, to ensure 50 percent or greater opacity is maintained.

Moved by Patterson, seconded by Thaxton, carried by a 5-0 vote.

3:43 p.m. Board Action: Added Stipulation Nos. 5, 6, and 7 as follows:

5. The property shall be developed as a cluster subdivision but shall not include stacked townhouses, an otherwise permitted housing type in the RSF-3 zoning district.

6. No homes shall exceed 30 feet in height as measured to the midpoint of the roof.

7. No more than 12 dwelling units shall be constructed on the subject parcel.

Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

3:43 p.m. Board Action: Directed to provide language for Stipulation No. 8 regarding the inclusion of the proffered binding site plan with the deletion of the two units closest to the northeast property boundary and allowing eight units in the northern portion and four units in the southern portion of the subject property.

Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

3:44 p.m. Board Action: Requested a copy of the Water Planning and Regulatory Floodplain Information Map. Requested by Thaxton, without objection.

3:47 p.m. Board Action: Closed the public hearing. Closed by Staub, without objection.

3:54 p.m. Board Action: Moved to adopt Ordinance No. 2007-099, approving Rezone Petition No. 07-16, as amended. Moved by Mercier, the motion failed due to lack of a second.

4:03 p.m. Board Action: Reopened the public hearing. Reopened by Staub, without objection.

4:15 p.m. Board Action: Continued the public hearing to September 10, 2008, at 9:00 a.m., or as soon thereafter as possible. Moved by Thaxton, seconded by Patterson, carried by a 5-0 vote.

Note: Oath/Signature Cards Filed for Record.

(04:16 p.m.)

49. OTHER BUSINESS - No Items were presented.

(05:09 p.m.)

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

RECESS: 5:14 p.m. - 6:05 p.m.

**SARASOTA COUNTY ADMINISTRATION CENTER
1660 RINGLING BOULEVARD
THINK TANK, THIRD FLOOR
SARASOTA, FLORIDA**

**JOINT MEETING
WITH THE PLANNING COMMISSION**

Sarasota County Commission: Chair Shannon Staub, Vice Chair Jon Thaxton, Commrs. Paul H. Mercier, Joseph A. Barbetta, and Nora Patterson; County Administrator James Ley, County Attorney Stephen DeMarsh, and Deputy Clerk Spring Dickson

Sarasota County Planning Commission: Chairman Robert Tripp, Vice Chairman Jody Hudgins, Commission Members John J. Fellin, Joseph Gruters, Roland Piccone, Marianne Reilly, Christine Robinson, and Laurel Schiller

(06:05 p.m.)

51. PLANNING AND DEVELOPMENT SERVICES

The Board considered the roles, responsibilities, and shared expectations of the Planning Commission.

Staff Presenters: Planning and Development Services Current Planning Manager Crystal Allred and Planning and Development Services Acting Planning Director Tom Polk

(06:44 p.m.)

52. PLANNING AND DEVELOPMENT SERVICES

The Board considered the Planning Commission's input on Neighborhood Workshop requirements for land use petitions.

Staff Presenters: Planning and Development Services Current Planning Manager Crystal Allred, Planning and Development Services Acting Planning Director Tom Polk, and Planning and Development Services Neighborhood Services Manager Jane Grogg

6:49 p.m. Board Action: Requested the possibility of utilizing an educational video during Neighborhood Workshops to inform the neighborhood of the petition process/Applicant's responsibility. Requested by Staub, without objection.

Planning Commission Members suggested consideration of the possibility of informing the neighborhood by placing a video and site plan regarding the proposed project on the County's "FTP" website, to increase the notification area, recording of accurate Neighborhood Workshop minutes at the Developer's expense, and a pamphlet instead of a postcard to educate the neighborhood on the process, without objection.

7:01 p.m. Board Action: Requested the consideration of the presence of Staff at the Neighborhood Workshops. Requested by Barbetta, without objection.

7:07 p.m. Board Action: Requested the requirement of audio recordings and the

utilization of a standardized agenda/minutes format for Neighborhood Workshops. Requested by Staub, without objection.

7:22 p.m. Board Action: Noted consensus by Staub to request the Planning Commission to review options for resolving the issues pertaining to Neighborhood Workshops and to bring back for future Board review.

(07:22 p.m.)

53. PLANNING AND DEVELOPMENT SERVICES

The Board considered the Planning Commission's input on Development Concept Plans (DCP).

Staff Presenters: County Attorney Stephen DeMarsh and County Administrator James Ley

7:30 p.m. Board Action: Requested consideration to require the utilization of "bubble plans" for all rezone petitions. Requested by Staub, without objection.

Vice Chairman Hudgins suggested a Neighborhood Workshop sign-in sheet for attendees to provide their names and addresses and to request the Petitioner send a copy of the minutes and along with the Petitioner's e-mail address within ten days of the workshop to all attendees for comments/corrections, without objection.

7:39 p.m. Board Action: Noted majority consensus by Staub to direct the Planning Commission to develop parameters/guidelines for a statistical report to determine the amount, direction, and type of development needed and to provide a report back the the Board.

MEETING ADJOURNED: 7:59 p.m.

MINUTES APPROVED: _____

Chair