

**MINUTES  
BOARD OF COUNTY COMMISSIONERS**

**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  
Stephen DeMarsh, County Attorney  
Gary Oldehoff, Assistant County Attorney  
Spring Dickson, Deputy Clerk  
Paula Clintsman, Deputy Clerk

**INVOCATION**

Shirley Wittine, Administration Operations Manager

**PLEDGE OF ALLEGIANCE**

Commissioner Mercier

**14. PUBLIC WORKS**

- A.** The Board considered a Contract with Gilbert Brothers, Inc., for the construction of Courtroom Additions at the Judicial Center, in the amount of \$824,776.00. (Deferred from the February 13, 2007, Board meeting.)

Staff Presenters: Public Works Facilities General Manager Michael Kirk, Financial Planning Safety and Risk Management Claims Adjuster Anne Howard, and Financial Planning Asset General Manager Dale Roberts

9:06:10 Board Action: Moved to deny the proposed Contract with Gilbert Brothers, Inc., for the construction of Courtroom Additions at the Judicial Center. Moved by Mercier, seconded by Staub.

9:10:09 Board Action: Requested to withdraw the motion by Mercier, without objection.

9:11:00 Board Action: Deferred consideration of the proposed Contract to a future date. Moved by Staub, seconded by Barbetta, carried by a 5-0 vote.

**PUBLIC HEARINGS:**

(9:11:07)

**1. ENVIRONMENTAL SERVICES**

- A.** Public hearing to consider a proposed Contract, a Purchase and Sale Agreement, with the Beekman Place Utility Corporation for the acquisition of the wastewater collection system assets, in the amount of \$510,000.00;

1. **ENVIRONMENTAL SERVICES** - Continued
- B. Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-028, amending the Fiscal Year (FY) 2007 Budget to appropriate the funding.

Staff Presenters: Environmental Services Operations General Manager George MacFarlane and County Attorney Stephen DeMarsh

9:24:25 Board Action: Closed the public hearing. Moved by Thaxton, seconded by Staub, carried without objection.

9:25:18 Board Action: Determined that the purchase of the wastewater collection system assets of Beekman Place Utility Corporation is in the public's interest. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

9:26:09 Board Action: Adopted Resolution No. 2007-036, approving Budget Amendment No. B2007-028, amending the FY 2007 Budget to appropriate funds, in the amount of \$510,000.00. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

9:26:09 Board Action: Approved Contract No. 2007-244, with Beekman Place Utility Corporation, for the acquisition of the wastewater collection system assets, in the amount of \$510,000.00. Moved by Thaxton, seconded by Staub, carried by a 5-0 vote.

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

(9:26:51)

2. **FINANCIAL PLANNING**

Public hearing to consider a proposed Resolution, Budget Amendment No. B2007-023, amending the Fiscal Year (FY) 2007 Budget to appropriate funding for the March 13, 2007, Special Election for a proposed Charter Amendment regarding land use designations for parcels outside the Urban Service Boundary, in the amount of \$313,000.00.

Staff Presenters: Financial Planning Budget Analyst Gary Schroeder and County Administrator James Ley

9:27:42 Board Action: Requested policy clarification regarding the cost for the Special Election. Requested by Patterson, without objection.

9:30:17 Board Action: Continued consideration of the proposed Resolution to the afternoon session this date. Requested by Patterson, without objection.

(1:35:43)

1:35:53 Board Action: Reopened the public hearing, without objection.

1:36:55 Board Action: Authorized the County Administrator to prepare correspondence for the Chair's signature to be sent to the Sarasota City Commission on the Board's Policy relative to the expenditure of County funds for the March 13, 2007, Special Election. Requested by Patterson, without objection

1:37:22 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

1:37:48 Board Action: Adopted Resolution No. 2007-037, Budget Amendment No. B2007-023, amending the FY 2007 Budget to appropriate funds in the amount of \$313,000.00. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

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

(9:30:31)

**3. ENVIRONMENTAL SERVICES**

Sitting as the Water and Navigation Control Authority (WNCA):

Public hearing to consider a proposed Resolution authorizing WNCA Major Work Permit Application No. 2006-138255-RW submitted by Denis Lambillotte, Consultant, on behalf of Snavely Siesta Association, LLC, for the dredging of a basin to the 5.0-foot contour (as measured at mean low water) adjacent to the Intracoastal Waterway, installation of a rock rip-rap at a culvert outfall, and construction of a multi-slip dock facility to accommodate nine mooring areas for property located at Summer Cove Condominium, 6101 Midnight Pass Road, Siesta Key.

Staff Presenters: Environmental Services Resource Protection Environmental Supervisor Howard Berna and County Attorney Stephen DeMarsh

Public Presenters: Attorney Jeffery Steinsnyder, Consultant Dennis Lambillotte, David Green, Thomas Fastiggi, and Bryan Nichols of Snavely Siesta Association, LLC

Items submitted: Copies of the Corps Dredge Permit, an e-mail from Lourdes Ramirez, and correspondence from David and Theodora Green

**RECESS:** 10:10 a.m. - 10:28 a.m.

11:09:55 Board Action: Requested to add language that prohibits the boats from backing or turning around into the sea grass area. Requested by Thaxton, without objection.

11:13:51 Board Action: Closed the public hearing. Moved by Mercier, seconded by Thaxton, carried without objection.

11:14:26 Board Action: Moved to delete Boat Slip No. 9 from WNCA Major Work Permit Application No. 2006-138255-RW. Moved by Mercier.

11:14:59 Board Action: Requested to withdraw the motion to delete Boat Slip No. 9. Requested by Mercier, without objection.

11:15:04 Board Action: Reopened the public hearing by Patterson, without objection.

11:23:22 Board Action: Moved deny WNCA Major Work Permit Application No. 2006-138255-RW. Moved by Barbetta, seconded by Staub, failed by a 2-3 vote; Mercier, Thaxton, and Patterson voted "No."

11:25:20 Board Action: Continued the public hearing to consider WNCA Major Work Permit Application No. 2006-138255-RW to April 11, 2007, at 1:30 p.m. or as soon thereafter as possible. Moved by Thaxton, seconded by Mercier, carried by a 3-2 vote; Barbetta and Staub voted "No."

Chair Patterson adjourned the WNCA and reconvened as the Board of County Commissioners.

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

**DISCUSSION SECTION:**

(11:25:23)

**4. PLANNING AND DEVELOPMENT SERVICES**

Affordable Housing Update.

Staff Presenters: Deputy County Administrator Susan Scott and Planning and Development Services Interim Community Housing Manager MaryBeth Humphreys

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

Public Presenter: Community Housing Trust Chief Executive Officer Martina Guilfoil

Items submitted: A copy of a document entitled "Community Housing" and a copy of a matrix entitled "Encouraging the development of quality affordable housing to accommodate the needs and financial capabilities of current and future residents"

11:59:42 Board Action: Requested a report regarding a Floating Accessory Dwelling Unit (ADU) Overlay District relative to granny flats with limitations pertaining to size, number, percentages, and criteria for neighborhood approval. Requested by Thaxton, without objection.

12:02:50 Board Action: Requested to allocate \$10,000,000.00 to the Community Housing Trust and to bring back a report on or before April 10, 2007, on the options to utilize the funding. Requested by Patterson, without objection.

**RECESS:** 12:05 p.m. - 1:30 p.m.

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

**DISCUSSION SECTION:** - Continued

(1:31:52)

**6. ENVIRONMENTAL SERVICES**

The Board considered the appointment of two individuals to serve four-year terms on the Waterways Advisory Council, effective through February 2011.

Staff Presenter: Environmental Services Waterways Program Administrator Paul Semenec

1:33:30 Board Action: Closed the nominations, without objection.

1:33:42 Board Action: Appointed Charles Gentsch and Peter Smith to serve four-year terms, effective through February 2011, without objection.

1:33:44 Board Action: Requested to authorize telephone conferencing for absentee members. Requested by Staub, without objection.

1:35:28 Board Action: Requested to limit telephone conferences to the Waterways Advisory Council meetings and that the attendance records reflect telephone conferences. Requested by Thaxton, without objection.

(1:38:05)

**7. COMMUNITY SERVICES**

The Board considered the Neighborhood Parkland Acquisition Program Work Plan of five parcels (1.85 acres  $\pm$  of upland and 0.5 acres  $\pm$  of submerged lands in Lemon Bay) in the vicinity of West Perry Street and Southwind Drive in Englewood, to enhance public bay access and expand recreation and open space.

Staff Presenter: Community Services Parks and Recreation General Manager John McCarthy

1:44:15 Board Action: Requested amendments to the Neighborhood Parkland Acquisition Ordinance relating to the disclosure and ability/options relating to the negotiations for the acquisition of sites. Requested by Staub, without objection.

**7. COMMUNITY SERVICES - Continued**

1:54:31 Board Action: Requested to inform Board members of the sales price. Requested by Thaxton, without objection.

1:57:27 Board Action: Approved the Work Plan for the Neighborhood Parkland Acquisition Program for five parcels of waterfront tract of submerged lands in Lemon Bay, and to direct negotiations for the acquisition of the property, pursue inclusion of two-thirds CRA (Community Redevelopment Agency) and one-third Neighborhood Parkland funding, and to bring back a report to the Board. Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

1:56:55 Board Action: Requested a collaborative effort with the Englewood CRA. Requested by Staub, without objection.

(1:57:44)

**8. ENVIRONMENTAL SERVICES**

The Board considered authorization to advertise a public hearing to consider a proposed Ordinance establishing the Oak Ford Wastewater District and to waive the requirement for an Economic Impact Statement (EIS).

Staff Presenter: Environmental Services Operations General Manager George MacFarlane

2:01:16 Board Action: Authorized Advertising of a public hearing to consider a proposed Ordinance establishing the Oak Ford Wastewater District and waived the requirement for an EIS. Moved by Mercier, seconded by Thaxton, carried by a 5-0 vote.

**PUBLIC HEARINGS:**

(2:01:51)

**9. PUBLIC WORKS**

**A.** Public hearing continued from December 13, 2006, and January 10, 2007, 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) as a Municipal Services Taxing Unit;

**B.** (Not a public hearing.) To authorize the Chair to execute the Siesta Key Village Grant Application requesting funding from the Community Reinvestment Program.

Staff Presenters: Public Works Road Program District Coordinator Irene Maiolo and Public Works Mobility Senior Technical Specialist Jeff Roberts

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

2:15:14 Board Action: Closed the public hearing, without objection.

2:16:19 Board Action: Passed the gavel to Vice Chair Staub, without objection.

2:16:59 Board Action: Adopted Ordinance No. 2006-089, establishing the Siesta Key Village Beautification PID as a Municipal Services Taxing Unit. Moved by Patterson, seconded by Barbetta, carried by a 5-0 vote.

2:16:59 Board Action: Authorized the Chair to execute the Loan/Grant Application for the Community Reinvestment Program. Moved by Patterson, seconded by Barbetta, carried by a 5-0 vote.

2:17:05 Board Action: Passed the gavel to Chair Patterson, without objection.

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

(2:17:15)

**10. PUBLIC WORKS**

Second public hearing to consider a proposed Contract, a Supplemental Agreement, Amendment No. 2 to Contract No. 2006-170, with Clark Station Retail Sarasota, LLLP, for the construction of necessary roadway improvements for the Clark Road/Honore Avenue Intersection Improvement Project. (First public hearing occurred on January 24, 2007.)

Staff Presenter: Public Works Transportation Planning Policy and Project Manager Tom Polk

2:19:34 Board Action: Closed the public hearing. Moved by Staub, seconded by Thaxton, carried without objection.

2:20:05 Board Action: Approved Contract No. 2007-245 with Clark Station Retail Sarasota, LLLP, for the construction of necessary roadway improvements for the Clark Road/Honore Avenue Intersection Improvement Project. Moved by Staub, seconded by Thaxton, carried by a 4-0 vote; Barbetta not present.

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

(2:20:30)

**11. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider a proposed Resolution, Special Exception Petition No. 1631, a petition by Peter Dailey, Agent, to allow the continuation and expansion of a farm/produce stand on 29.3 acres ± located south of Fruitville Road and 700 feet ± east of East Road in the OUE-1 (Open Use Estate, 1 unit/5acres) zone district. (Planning Commission recommended approval with six stipulations.)

Staff Presenters: Planning and Development Services Senior Planner Kirk Crane, Public Works Transportation Mobility Planning Manager Paula Wiggins, Planning and Development Services Interim Community Housing Manager MaryBeth Humphreys, and Environmental Services Resource Protection Environmental Specialist III Todd Hershfeld

**RECESS:** 2:55 p.m. - 3:10 p.m.

Public Presenters: Agent Peter Dailey and Attorney William Moore

3:12:35 Board Action: Added a Stipulation (No. 7), as follows: "Retail sales shall be limited to and shall only occur in the structure as shown on the Concept Plan as farm store and farm store expansion. Retail sales may be allowed in other locations only if allowed in accordance with a temporary use permit." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

3:12:48 Board Action: Closed the public hearing. Moved by Thaxton, without objection.

3:15:29 Board Action: Adopted Resolution No. 2007-038, approving Special Exception Petition No. 1631 with seven stipulations, as amended. Moved by Thaxton, seconded by Mercier, carried by a 5-0 vote.

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

(3:15:57)

**12. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider proposed Ordinance No. 2007-006, Rezone Petition No. 06-27, a petition by Alan Garrett, Agent, to rezone 4.21 acres ± located on the north side of DeSoto Road and the east side of Honore Avenue from OUE-2 (Open Use Estate, 2 units/5 acres) to RSF-4 (Residential Single Family, 5.5 units/acre) zone district. (Planning Commission recommended approval with six stipulations.)

Staff Presenters: Planning and Development Services Senior Planner Kirk Crane, Planning and Development Services Current Planning Manager Crystal Allred, and Public Works Transportation Mobility Planning Manager Paula Wiggins

Public Presenter: Agent Alan Garrett

3:31:44 Board Action: Closed the public hearing, without objection.

3:31:27 Board Action: Revised Stipulation No. 2 to read as follows: "Shared access to Honore Avenue shall be in combination with the property to the north." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

3:32:31 Board Action: Adopted Ordinance No. 2007-006, approving Rezone Petition No. 06-27 with six stipulations, as amended. Moved by Staub, seconded by Mercier, carried by a 5-0 vote.

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

(3:32:39)

**13. PLANNING AND DEVELOPMENT SERVICES**

Public hearing to consider proposed Ordinance No. 2007-017, Rezone Petition No. 06-28, a petition by Alan Garrett, Agent, to rezone 1.68 acres ± located west of Cattlemen Road and 300 feet ± south of Bahia Vista Street, from RSF-2 (Residential, Single Family, 3.5 units/acre) to OPI (Office, Professional, Institutional) zone district. (Planning Commission recommended approval with six stipulations.)

Staff Presenters: Planning and Development Services Senior Planner Edward Wolfe and Environmental Services Water Planning and Regulatory Engineer Nanette Scott

Public Presenters: Agent Alan Garrett

Items submitted: Copies of e-mails from Ed Gable and Susan Golisch

3:37:50 Board Action: Revised Stipulation No. 5 to delete the words "within 100 feet of the south property line . . ." Moved by Staub, seconded by Thaxton, carried by a 5-0 vote.

3:51:11 Board Action: Closed the public hearing, without objection.

3:52:20 Board Action: Adopted Ordinance No. 2007-017, approving Rezone Petition No. 06-28 with six stipulations, as amended. Moved by Thaxton, seconded by Barbetta, carried by a 5-0 vote.

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

**14. OTHER BUSINESS**

(3:52:34)

**A. CHAIR PATTERSON**

3:54:13 Board Action: Requested to identify/install signage for the public beach access parking space located at Givens Street (stub-end) crossing Ocean Boulevard. Requested by Patterson, without objection.

3:55:51 Board Action: Requested to limit being copied on e-mails among Board members to substantive issues. Requested by Patterson, without objection.

**B. COMMISSIONER STAUB**

3:56:42 Board Action: Requested the County Administrator to advise Staff to install "No Parking" signs on Fruitville Road at the Farm/Produce Stand. Moved by Staub, seconded by Patterson, and carried by a 4-1 vote; Mercier voted "No."

**5. OPEN TO THE PUBLIC** - (Continued) - Opened and closed without comment.

**MEETING ADJOURNED:** 4:56 p.m.

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

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Chair