

# Board of County Commissioners

**Date:** Friday, March 6, 2009  
**To:** Honorable Chairman and Members of the Board  
**From:** Benjamin H. Pingree, County Administrator  
**Subject:** Follow-up to County Commission Meeting February 3, 2009

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## **Invocation**

Commissioner Kessler

## **Pledge of Allegiance**

Commissioner Green

## **1. CONFIDENTIAL COUNTY ATTORNEY-CLIENT MEETING**

In accordance with Chapter 286.011(8), Florida Statutes, the Board of County Commissioners will hold a confidential meeting commencing at approximately 6:00 p.m. on March 3, 2009 for approximately thirty (30) minutes, to discuss the below described pending litigation. Those in attendance will be each member of the Board of County Commissioners, Chairman Howard Kessler, Vice Chairman George Green, Commissioner Lynn Artz, Commissioner Mike Stewart, Commissioner Alan Brock, County Attorney Ronald A. Mowrey and Stephen E. Mitchell of Mowrey & Mitchell, P.A., County Administrator Ben Pingree and an official Court Reporter.

**Wakulla County Circuit Court Case #07-70-CA; *ROBERT D. SNYDER, M.D., P.A., Plaintiff, v. WAKULLA COUNTY, FLORIDA (a political subdivision of the State of Florida), Defendant***

**This meeting was rescheduled to the March 17, 2009 Board Meeting.**

**Approval of Agenda:**

*(The Chairman and members of the Board will approve and/or modify the official agenda at this time).*

**Commissioner Stewart made a motion to approve the Agenda with the following changes and add-ons; Commissioner Green seconded and the motion passed 5/0.**

- **Commissioner Stewart has an add-on under his discussion items regarding scheduling a workshop with the Parks & Recreation Board.**
- **Commissioner Kessler requested to move the Citizens To Be Heard section of the agenda before the Public Hearings.**

**Citizens to be Heard**

*(Three (3) minute limit; non-discussion by Commission; there shall be no debate and no action by the Commission).*

**Billy Pigott addressed the Board to show support for Sheriff Harvey.**

**Larry Roberts commended Commissioner Kessler for the way he handled the accident in which Sheriff Harvey was involved.**

**Steve Brown addressed the Board to show support for Sheriff Harvey.**

**Ben Withers addressed the Board regarding the tension and hatred in the County that has escalated since Sheriff Harvey's accident.**

**Stan Deszypolski addressed the Board regarding the Shell Point Boat Ramp closing and the need for a Parking Ordinance.**

**Mary Ann Taylor addressed the Board to show support for Sheriff Harvey.**

**Allan Lamarche addressed the Board regarding the petitions that were posted online regarding Sheriff Harvey.**

**Vic Lambou addressed the Board regarding citizen participation and Commissioner Kessler's letter to the Governor.**

**Al Shylkofski addressed the Board regarding the Sheriff's accident and the need for an FDLE Investigation.**

**Public Hearing**

*(Public Hearings are held as required to receive public comments on matters of special importance or as prescribed by law. Public Hearings shall be heard at 6:00pm, or soon thereafter. Individual speakers are encouraged to adhere to a three (3) minute time limit. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers).*

2. Board Approval to Adopt an Ordinance Clarifying that Citizens Who Install and Maintain a Performance Based Septic System Will Not Be Required to Hook Onto Sewer  
(Dale Dransfield, Eutaw Consultant)

**Commissioner Green made a motion to conduct the public hearing and adopt the proposed Ordinance clarifying that citizens who install and maintain a performance**

**based septic system will not be required to hook onto sewer; Commissioner Artz seconded and the motion passed 5/0.**

3. Board Approval to Adopt an Ordinance Establishing the Wakulla County Administrative Code as Directed in the County Charter Ordinance No. 2008-14  
(Jennifer Langston, Special Projects Coordinator)  
**Commissioner Brock made a motion to conduct the public hearing and adopt the Ordinance establishing the Wakulla County Administrative Code as directed in the County Charter and approve the Resolution setting forth the departments, offices, and divisions of the County; Commissioner Stewart seconded and the motion passed 5/0.**

### **Awards and Presentations**

*(Members of the Board will have the opportunity to acknowledge members of the community or commendable efforts at this time. Presentations will be made from individuals concerning issue of importance).*

American Red Cross – David Chayer, Regional CEO  
Proclamation Declaring March as Red Cross Month

**David Chayer, Regional CEO of the American Red Cross presented to the Board a Proclamation declaring March as Red Cross Month in Wakulla County. The Capital Area Chapter provides critical disaster preparedness education to children, families, businesses and faith-based organizations, including more than 2,500 people in Wakulla County last year. Commissioner Stewart made a motion to approve the Proclamation declaring March as Red Cross Month in Wakulla County; Commissioner Artz seconded and the motion passed 5/0.**

(To ensure fairness and encourage participation, citizens who would like to speak on any item will need to fill out a speaker's card and turn in to Ms. Welch prior to the beginning of discussion on that particular item. Citizens are allowed a maximum of 3 minutes to speak.)

### **Consent**

*(All items contained herein may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past Board direction or policy. However, any Commissioner, the County Administrator, or the County Attorney may withdraw an item from the consent agenda, either in writing prior to the meeting, or at the beginning of the meeting and it shall then be voted on individually. Every effort shall be made to provide such a request to the Chairman at least 24 hours before the meeting).*

**Commissioner Stewart made a motion to approve the Consent Agenda with Tab #12 being pulled for discussion; Commissioner Artz seconded and the motion passed 5/0.**

4. Approval of Minutes – February 10, 2009 Workshop on Impact Fees  
(Brent X. Thurmond, Clerk of Court)  
**The Board approved Option #1 – Approve the February 10, 2009 Workshop minutes on Impact Fees.**
5. Approval of Minutes – February 17, 2009 Regular Meeting  
(Brent X. Thurmond, Clerk of Court)  
**The Board approved Option #1 – Approve the February 17, 2009 Regular Board Meeting Minutes.**

6. Approval of Minutes – February 17, 2009 1<sup>st</sup> Budget Development Workshop  
(Brent X. Thurmond, Clerk of Court)  
**The Board approved Option #1 – Approve the February 17, 2009 Workshop minutes regarding the 1<sup>st</sup> Budget Development Workshop.**
7. Approval of Minutes – February 17, 2009 Workshop to Discuss Ways to Increase Citizen Information, Input, & Involvement in County Government  
(Brent X. Thurmond, Clerk of Court)  
**The Board approved Option #1 – Approve the February 17, 2009 Workshop minutes to discuss ways to increase citizen information, input & involvement in County Government.**
8. Approval of Payment of Bills and Vouchers Submitted for February 12, 2009 – February 25, 2009  
(Brent X. Thurmond, Clerk of Court)  
**The Board approved Option #1 – Approve the payment of bills and vouchers submitted for February 12, 2009 – February 25, 2009.**
9. Request Board Approval to Re-Schedule the Workshop Presentation from the Tourist Development Council and Economic Development Council to April 27, 2009 at 5:00pm – 7:00pm  
(Jessica Welch, Policy & Public Information Coordinator)  
**The Board approved Option #1 – Approve to re-schedule the Workshop presentation from the Tourist Development Council and Economic Development Council to April 27, 2009 at 5:00pm – 7:00pm in the Commission Chambers.**
10. Request Board Approval to Schedule a Workshop for the Proposed Panacea Special Overlay District Ordinances and Code Language for April 7, 2009 at 5:00P.M.  
(Melissa Corbett, Planner 2)  
**The Board approved Option #1 – Approve to schedule a Workshop on April 7, 2009 at 5:00pm in the Commission Chambers regarding the Proposed Panacea Special Overlay District Ordinances and Code Language**
11. Request Board Approval to Schedule a Workshop on June 2, 2009 at 5:00pm to Discuss Hurricane Preparedness  
(Scott Nelson, Wakulla County Emergency Management Director)  
**The Board approved Option #1 – Approve to schedule a Workshop on June 2, 2009 at 5:00pm to discuss Hurricane Preparedness.**
13. Request Board Consideration and Acceptance of the Health Care Task Force Quarterly Report  
(Joe Sharp, Chairman, Wakulla County Health Care Task Force)  
**The Board approved Option #1 – Accept the Wakulla County Health Care Task Force’s Quarterly Report.**
14. Request Board Ratification of Actions Taken at the February 3, 2009 Workshop on Commissioner Travel Budgets  
(Tim Barden, Assistant County Administrator)  
**The Board approved Option #1 – Ratify Board actions taken at the February 3, 2009 Workshop on Commissioner Travel Budgets.**

29. Request Board Approval to Schedule a Workshop on March 16, 2009 at 5:00pm-7:00pm to Discuss the Comprehensive Sewer Ordinance  
(Dale Dransfield, Eutaw Consultant)  
**The Board approved Option #1 – Approve to schedule a Workshop on March 16, 2009 at 5:00pm – 7:00pm to discuss the Comprehensive Sewer Ordinance.**

**Consent Items Pulled for Discussion**

*(Members requesting further information on items placed under “Consent Agenda,” may withdraw those items and place them here, for further discussion).*

12. Request Board Consideration and Acceptance of the Wakulla County Health Department’s Quarterly Update  
(Jody Smith, DOH Director)  
**Jody Smith presented a quarterly update to the Board of the Wakulla County Health Department. Mr. Smith advised the Board of the employee cuts and the loss of 10% of County funding from the State. Commissioner Artz made a motion to accept the Wakulla County Health Department’s Quarterly Update; Commissioner Stewart seconded and the motion passed 5/0.**

**Planning and Zoning**

*(Members will be provided with planning and zoning amendment requests five (5) business days prior to the scheduled meeting. To the maximum extent possible, all support information and documentation for P&Z items shall be made available through a variety of means including the County website that will provide the public with the greatest opportunity to review documentation at the date of advertisement pursuant to Resolution No. 04-43).*

15. Application for Site Plan: SP08-21  
A request for commercial site plan approval to construct a 4,000 square foot office building at the existing River of Life Church. This property is located in the northwest corner of the intersection of Donaldson Williams Road and Crawfordville Highway. The Property Owner is River of Life Church, Inc. and the agent is Adam Hill.  
**Commissioner Brock made a motion to conduct the final public hearing and approve the Application for Site Plan SP08-21; Commissioner Artz seconded and the motion passed 5/0.**
16. Application for Site Plan: SP08-19  
A request for a commercial site plan approval to construct a 3000 square foot administration building, associated parking area, sewer lift station and force main connection, and connection to existing water main at the existing Progress Energy Site. This property is located at 23 Millender Lane, an off street of Crawfordville Highway, located adjacent to the Lake Ellen Baptist Church. The property owner is Florida Power, and the agent is David H. Melvin, Inc.  
**Commissioner Brock made a motion to conduct the second of two public hearings and approve the Application for Site Plan SP08-19 with a condition that the applicant put a landscape buffer (along the fence) to be approved by the Planning and Community Development Department, and swale in place on the Subject Property; Commissioner Stewart seconded and the motion passed 5/0.**

**General Business**

*(General Business items are items of a general nature that require Board directions or pertain to Board policy).*

28. Board Review of Animal Control Legal Cases Related to Fees and Costs  
(Ron Mowrey, County Attorney)  
**The County Attorney updated the Board on the ongoing animal control legal case. Commissioner Brock made a motion to accept the update by the County Attorney regarding legal fees in animal control cases, pay the bill of \$19,117.80 and authorize the County Attorney to move forward with the Bailey case; Commissioner Stewart seconded and the motion passed 5/0.**
  
17. Request Board Approval for the Chairman to Execute an Employment Contract for the Executive Director of Tourist Development Council  
(Jennifer Langston, Special Projects Coordinator)  
**Commissioner Brock made a motion to authorize the Chairman to execute an agreement between Wakulla County and Executive Director of the Tourist Development Council; Commissioner Stewart seconded and the motion passed 5/0.**
  
18. Staff Update to the Board on the Enforcement of the Short Term Sign Provisions Contained Within the Wakulla County Sign Ordinance (Section 6-18, Wakulla County Code)  
(Jaime Baze, Code Enforcement)  
**Commissioner Brock made a motion to accept the staff update on the enforcement of Section 6-18, Wakulla County Code and directed staff to proceed with the enforcement of the current provisions of Section 6-18, Wakulla County Code, including requiring permits for temporary portable signs within the County; Commissioner Stewart seconded and the motion passed 4/1. (Jaime Baze, Code Enforcement)**
  
19. Request Board Consideration of Sunset Date Extension for the Citizen's Advisory Committee for Infrastructure Development  
(Melissa Corbett, Planner 2)  
**Commissioner Stewart made a motion to approve the sunset date of September 30, 2011 for the Citizen's Advisory Committee for Infrastructure Development and Commissioner Stewart will serve on the Infrastructure Committee; Commissioner Artz seconded and the motion passed 5/0. In addition, the Board set two priorities/taskings for the Committee to focus on which included Septic System Management and the County forming a Public Utility.**
  
20. Request Board Approval of a Budget Amendment Moving Funds from "Road Paving Various" and "Old Shell Point Road" Accounts to the Current Year's Paving Projects  
(Cleve Fleming, Public Works Director)  
**Commissioner Brock made a motion to approve the Budget Amendment moving funds from "Road Paving Various" and "Old Shell Point Road" Accounts to the current year's paving projects; Commissioner Green seconded and the motion passed 5/0.**

21. Request Board Approval to Award the Low Bid for Bid #2009-005 Concrete Forming and Pouring (Cleve Fleming, Public Works Director)  
**Commissioner Brock made a motion to award the low bid to Michael Turner Construction for the County Concrete Forming and Pouring Contract; Commissioner Stewart seconded and the motion passed 5/0.**
22. Request Board Approval to Award Bid #2009-006 to Gilbert Pump and Mechanical, Inc. for the Purchase of an Odor Control System (Cleve Fleming, Public Works Director)  
**Commissioner Brock made a motion to award the low bid to Gilbert Pump and Mechanical, Inc. for the purchase of an odor control air scrubber system; Commissioner Stewart seconded and the motion passed 5/0.**
23. Request Board Approval to Award Contract for the Construction of Rock Landing Dock and Boat Ramp Per Bids Received February 27, 2009 (Ray Gray, Parks & Recreation Director)  
**Commissioner Brock made a motion to award the low bid to Ben Withers Construction for \$436,877 for the Construction of Rock Landing Dock and Boat Ramp Contract; Commissioner Stewart seconded and the motion passed 5/0. Subsequently, Commissioner Brock made a motion to accept the 4.75 elevation for the Rock Landing Dock; Commissioner Stewart seconded and the motion passed 5/0. In addition, other issues were discussed regarding the contract, being that no change orders will be allowed for this amount and staff will be bringing back an agenda item requesting approval of a budget amendment for an additional \$9,000 for permitting and adjustments.**  
*(Tim Barden, Assistant County Administrator)*  
*(Ray Gray, Parks & Recreation Director)*
24. Request Board Approval to Apply for a Florida Boating Improvement Program (FBIP) Grant Through the Florida Fish and Wildlife Conservation Commission (FWC) (Tim Barden, Assistant County Administrator)  
**Commissioner Stewart made a motion to authorize staff to pursue submission of an grant application to the Florida Fish and Wildlife Conservation Commission and to apply for a total funding level of \$200,000 with multiple sites that include the following:**
- **Newport Ramp Extension;**
  - **Waterway Regulatory Signs (Idle Speed/No Wake Signs) for 67 signs;**
  - **Rock Landing Boom/Lift Hoists;**
  - **Lower Bridge Road Ramp & Dock Improvements**
- Commissioner Green seconded and the motion passed 5/0. In addition, Commissioner Artz made a motion to direct staff to explore possibilities of partnering with the owner of property in Shell Point at the existing boat ramp to establish a Public County Boat Ramp; Commissioner Stewart seconded and the motion passed 5/0.**  
*(Tim Barden, Assistant County Administrator)*  
*(Ray Gray, Parks & Recreation Director)*

25. Request for Ratification of Board Actions Taken at the February 10, 2009 Impact Fee Workshop (Tim Barden, Assistant County Administrator)  
**Commissioner Brock made a motion to ratify Board actions taken at the February 10, 2009 Impact Fee Workshop which includes the following:**
- **Re-Examine the new proposed impact fee rates to ensure that they are based on the most current and up-to-date data;**
  - **All impact fee rates, including impact rates updated, are to be incorporated into the draft ordinance by the recommended percentages of Roads 50%, Law Enforcement 25%, Fire Protection 100%, EMS 100%, Public Library 25%, Parks & Recreation 25%, Correctional Facilities 25% and General Government 0%;**
  - **Prepare a draft Impact Fee Ordinance that will contain an Affordable Housing Deferral Section and an Economic Development Section to take effect on September 10, 2009, to coincide with the expiration of the 365-day impact fee moratorium.**
- Commissioner Stewart seconded and the motion passed 5/0. In addition, the Board approved staff to schedule a public hearing to adopt the Impact Fee Ordinance with an Affordable Housing Deferral Section and an Economic Development Section.**  
*(Tim Barden, Assistant County Administrator)*  
*(Lindsay Stevens, Assistant County Administrator)*

### **Commissioner Agenda Items**

*(Items with supporting documentation shall be provided by a Commissioner to the County Administrator three (3) business days prior to the scheduled meeting. Items that are agendaed by Commissioners and fail to gain approval may not be replaced on the agenda by a Commissioner on the non-prevailing side for a period of six (6) months without approval of the Chairman unless there is substantive new information to present).*

26. Commissioner Kessler
- a. Request Board Approval to Establish by Resolution a Committee to Formulate a “Roads Clean Action Plan” (RCAP) for Wakulla Public Roads  
**Commissioner Artz made a motion to authorize by Resolution the formation of a Roads Clean Action Plan (RCAP) Committee for Wakulla public roads; Commissioner Stewart seconded and the motion passed 5/0.**
  - b. Request Board Consideration of Letter in Support of a Feasibility Study on Restoring Sunset Limited Service Between New Orleans and Sanford  
**Commissioner Stewart made a motion to approve a letter of support regarding the provision of the feasibility study on restoring Sunset Limited service between New Orleans and Sanford; Commissioner Artz seconded and the motion passed 5/0.**
27. Commissioner Artz
- a. Request Board Approval of a Resolution to Reduce Smoking among Youth by Supporting an Increase in the State Excise Tax on Cigarettes  
**Commissioner Artz made a motion to approve the Resolution to reduce smoking by youth; Commissioner Brock seconded and the motion passed 5/0.**

### **County Attorney**

*(County Attorney items are items of a legal nature that require Board direction or represent general information to Board Members, staff or the public).*

**County Administrator**

*(County Administrator items are items that require Board direction or represent general information to Board Members, staff or the public).*

**Discussion Issues by Commissioners**

*(The purpose of this section is for Commissioners to request staff action on various issues, including scheduling of a future agenda item for later Board action, based on the approval of a majority of the Board. No assignments or request for agenda items shall be given to the County Administrator or County Attorney without the express approval of the majority of the Board. The Board shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the Board. The remarks of each Commissioner during his or her "discussion items" time shall be limited to no more than three (3) minutes, unless the Chairman extends the time, and all comments shall adhere to Robert Rules of Order, for proper decorum and civility as enforced by the Chairman.*

**Commissioner Stewart directed staff to schedule a Workshop to facilitate discussion with the Parks & Recreation Board and bring back an agenda item with date and time of proposed Workshop.**

*(Tim Barden, Assistant County Administrator)*

*(Ray Gray, Parks & Recreation Director)*

**Commissioner Stewart directed staff to look into establishing a policy regarding the use of County Letterhead.**

*(Jennifer Langston, Special Projects Coordinator)*

*(Jessica Welch, Policy & Public Information Coordinator)*

**Commissioner Brock advised the Board and citizens of an upcoming public meeting hosted by the Florida Department of Transportation on Thursday, March 12, 2009 at 6:30p.m. at the First Baptist Church of Crawfordville, regarding improvement to US Hwy. 319 (Crawfordville Highway).**

**Adjourn**

*(Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the members of the Commission present at the meeting).*

**The meeting adjourned at 10:15p.m.**

*The next Board of County Commissioners Meeting is scheduled for  
Tuesday, March 17, 2009 at 6:00 p.m.*

Regular Board Meeting and Holiday Schedule  
 January 2009 – December 2009

January 2009						
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February 2009						
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June 2009						
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July 2009						
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November 2009						
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December 2009						
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 Regular Board Meeting and/or Workshop  
 Special Meeting  
 Holiday

**PUBLIC NOTICE**  
**2009 Tentative Schedule**

**All Workshops, Meetings, and Public Hearings are subject to change**

All sessions are held in the Commission Chambers, 29 Arran Road, Suite 101, Crawfordville, FL.

Workshops are scheduled as needed.

Month	Day	Time	Meeting Type
<b>March 2009</b>	Tuesday 3	5:00 P.M.	Workshop - To Discuss Forming and Staffing Additional Citizen Advisory Committees or Working Groups
	Tuesday 3	6:00 P.M.	Regular Board
	Tuesday 3	6:00 P.M.	Public Hearing: To Adopt an Ordinance Establishing the Wakulla County Administrative Code as Directed in the County Charter Ordinance
	Tuesday 3	6:00 P.M.	Public Hearing – To Adopt an Ordinance Clarifying that Citizens Who Install & Maintain a Performance Based Septic System Will Not Be Required to Hook Onto Sewer
	Monday 16	5:00 P.M. – 7:00 P.M.	Workshop: To Discuss the Comprehensive Sewer Ordinance
	Tuesday 17	5:00 P.M.	Workshop – To Discuss the Proposal for a Faith-Based Publicly Funded Project (Leon-Wakulla Development Corp)
	Tuesday 17	6:00 P.M.	Regular Board
	Tuesday 17	6:00 P.M.	Public Hearing: To Adopt Amended Changes to Ordinance 06-28, which Establishes & Amends Flood Hazard Areas in Certain Subdivisions, Establishes Building Elevations in Specific Flood Hazard Areas, & Regulates Fill in Specific Flood Hazard Areas
	Wednesday 25	6:00 P.M. – 7:00 P.M.	Town Hall Meeting – Wakulla Springs Lodge
<b>April 2009</b>	Tuesday 7	5:00 P.M.	Workshop: For the Proposed Panacea Special Overlay District Ordinances and Code Language
	Tuesday 7	6:00 P.M.	Regular Board
	Tuesday 21	6:00 P.M.	Regular Board
	Monday 27	5:00 P.M. – 7:00 P.M.	Workshop with the EDC & TDC
<b>May 2009</b>	Tuesday 5	6:00 P.M.	Regular Board
	Tuesday 19	6:00 P.M.	Regular Board
	Wednesday 27	6:00 P.M. – 7:00 P.M.	Town Hall Meeting – Old Courthouse/Chamber