

Board of County Commissioners

Date: Thursday, May 24, 2007
To: Honorable Chairman and Members of the Board
From: Benjamin H. Pingree, County Administrator
Subject: Follow-up to County Commission Meeting May 21, 2007

Invocation and Pledge of Allegiance

Commissioner Ed Brimmer

Approval of Agenda

The Board Approved the Addition of the Following Item under General Business:

Update on the Skipper Bay Bridge.

The Board Pulled the Following Items from the Agenda:

Item 6. Request to Advertise Public Hearing for “Awards and Presentations” Ordinance.

Item 7. Update on Purchase of Fire Chief’s Vehicle.

Item 8. Approval of Resolution to Re-establish the Wakulla County Citizens Advisory Committee for Infrastructure Development.

The Board Moved the Following Consent Item to General Business:

Item 9. Request for Board Direction on Acceptance and Implementation of Impact Fee Study

The Board Approved the Revised Agenda 5-0

Public Hearings

None.

Awards and Presentations

Commissioner Kessler’s 3rd Town Hall meeting will be on Tuesday, May 29, 2007 at 7:00 p.m. at the Wakulla Station Firehouse.

Chairman Langston thanked the Volunteer Firefighters for their hard work and extraordinary hours of service.

Consent

Commissioner Kessler made a motion, seconded by Commissioner Green, to approve the Consent Agenda less items #6 - #8.

This motion passed 5 – 0.

1. Approval of Minutes: May 7, 2007 Regular Meeting
(Clerk of Courts – Brent Thurmond)

The Board Approved Option #1: Approval of Minutes for May 7, 2007 meeting.

2. Approval of Payment of Bills and Vouchers Submitted for May 3, 2007 - May 16, 2007
(Clerk of Courts – Brent X. Thurmond)
The Board Approved Option #1: Approval of Payment of Bills and Vouchers for May 3, 2007 – May 16, 2007.
3. Request for Workshop on June 18, 2007 at 5:00 p.m. on the Board Meeting Procedures
(Deputy County Administrator – Andrea Simpson)
The Board Approved Option #1: Schedule a workshop on Board Meeting Procedures for June 18, 2007 at 5:00 p.m.
4. Request for Workshop on July 16, 2007 at 5:00 p.m. to Review/Discuss Draft Wakulla County Economic Development Plan
(Director, Office of Special Projects – Pam Portwood)
The Board Approved Option #1: Approve the request for a workshop on July 16, 2007 at 5:00 p.m. to Review/Discuss Draft Wakulla County Economic Development Plan.
5. Approval to Waive Solid Waste Fees for the 2007 “Panacea Clean-Up”
(Deputy County Administrator – Andrea Simpson)
The Board Approved Option #1: Approve the waiver of relevant Solid Waste Fees for the 2007 “Panacea Clean-Up.”
6. Request to Advertise Public Hearing for “Awards and Presentations” Ordinance
(Director, Office of Special Projects – Pam Portwood)
This item was pulled for discussion.
7. Update on Purchase of Fire Chief’s Vehicle
(Fire Chief – Jason Honeybone)
This item was pulled for discussion.
8. Approval of Resolution to Re-establish the Wakulla County Citizens Advisory Committee for Infrastructure Development.
(Director, Office of Special Projects – Pam Portwood)
This item was pulled for discussion.
9. Request for Board Direction on Acceptance and Implementation of Impact Fee Study
(Director, Office of Management and Budget – Tim Barden)
This item was moved to General Business.
10. Approval of Award to Rexel Southern for Purchase of Sporting Lights.
(Director, Parks and Recreation Department – Ray Gray/Deputy County Administrator – Andrea Simpson)
The Board Approved Option #1: Award the sporting lights project bid to Rexel Southern in the amount of \$10,000.

Consent Items Pulled for Discussion

6. Request to Advertise Public Hearing for “Awards and Presentations” Ordinance
(Director, Office of Special Projects – Pam Portwood)

Commissioner Kessler requested this item to be pulled for discussion. Commission Kessler questioned the wisdom of pursuing this Ordinance in light of budget uncertainty.

Speaker: Victor Lambou, representing Concerned Citizens of Wakulla, stated his opposition to the Ordinance. County Administrator Pingree explained that there are three outstanding invoices that will not be paid by the Clerk's Office without some direction from the Board.

Commissioner Kessler made a motion, seconded by Commissioner Green, to table this ordinance until there was more information regarding the future budget and property tax reform legislation.

This motion failed 2 – 3 (Commissioners Langston, Lawhon and Brimmer in dissent).

Commissioner Brimmer made a motion, seconded by Commissioner Lawhon, to approve Option #1: Approve request to advertise a public hearing for adoption of the draft Ordinance for Awards and Presentations.

This motion passed 3 – 2 (Commissioners Green and Kessler in dissent).

7. Update on Purchase of Fire Chief's Vehicle
(Fire Chief – Jason Honeybone)

Commissioner Kessler requested this item to be pulled for discussion. Commission Kessler questioned whether the State Contract price is always the most competitive pricing. He suggested that as standard practice, staff should check prices. **Commissioner Kessler made a motion, seconded by Commissioner Lawhon, to Approve purchase of the 2007 Ford Expedition with required add-on options.** This motion passed 5-0.

8. Approval of Resolution to Re-establish the Wakulla County Citizens Advisory Committee for Infrastructure Development.

(Director, Office of Special Projects – Pam Portwood)

Commissioner Kessler requested this item to be pulled for discussion. **Commission Kessler made a motion, seconded by Commissioner Green, to approve the Resolution with the elimination of item #2 which states: "Members shall include county employees as assigned by the County Administrator."**

The County Administrator stated that County employees will staff the committee and that the elimination of the above statement was satisfactory.

Speakers: Lambou, representing CCOW, asked about sunset date of the Committee, and how the Chairman will be elected.

Ron Piasecki stated his support of the Resolution and stated the first task of the Committee should be the establishment of By-Laws, and project identification.

Commissioner Kessler stated that the Board may wish to approve this Committee's By-Laws at a future meeting.

Commissioner Lawhon requested that the Advisory Board include representatives from St. Marks and Sopchoppy City Governments. Commissioner Kessler accepted this amendment into his original motion. This motion passed 5-0.

Citizens to be Heard

Victor Lambou – Spoke about a Federal report regarding global warming and its effects on coastal areas.

John Trice – Stated concern about roads needing repair and that at the last meeting, the Chairman cut Ms. Doyle’s speaking time short.

Suzanne Smith – Stated concern about Commissioner Lawhon’s sidebar comments to his uncles at the May 7, 2007 meeting and requested that the Commission take action against Commissioner Lawhon.

Al Shylkofski – Thanked Commissioner Kessler for his townhall meetings and stated concerns over Ben Boynton and the developer agreement recently passed by the Board.

Hugh Taylor – Stated his opinion that there is a loophole in the wetland’s Ordinance that “extraordinary circumstances” are not measurable.

Larry Roberts – Spoke regarding his opinion of Ray Gray’s lack of culpability in the Medart Park/Beer Property issue.

Planning and Zoning

None.

General Business

9. Request for Board Direction on Acceptance and Implementation of Impact Fee Study
(Director, Office of Management and Budget – Tim Barden)

Commissioner Kessler made a motion, seconded by Commissioner Green to Approve Option #1: Accept Impact Fee Study as presented and direct staff to draft Ordinance(s) and schedule appropriate public hearings for implementation of the recommendations in the Impact Fee Study.

Speakers:

Jay Cully – Spoke about the different ways to calculate impact fees. Asked Board to not implement the General Government Impact Fee, implement the impact fees in phases, allow for payment at Certificate of Occupancy phase, and protect low-income residents by using a deferral system.

Larry Roberts – Urged passage of the impact fees.

Further discussion of the Board clarified that they would have an opportunity to choose between the various impact fee options during the public hearings.

This motion passed 5-0.

11. Status Report on Larry Hess Temporary Certificate of Occupancy.
(Interim Director, Community Development Department – Jaime Baze)

Commissioner Kessler made a motion, seconded by Commissioner Green, to issue the permanent Certificate of Occupancy on Mr. Hess’s home and address the garage separately.

Speakers:

Suzanne Smith – Urged support for the motion and stated from her experience that the damage to Mr. Hess’s home during Hurricane Dennis was terrible.

Jimmie Doyle – Urged Board to give the Certificate of Occupancy for Mr. Hess’s home.

Larry Hess – Feels County is “dumping on him”. Trying to figure out what he did wrong throughout process, but cannot find anything.

John Ross, the Building Official gave a report on what occurred regarding Mr. Hess’s property and stated Mr. Hess could replace the posts in the ground of his carport and meet the intent of the code. Attorney Mowrey reviewed FEMA’s position on this situation and stated that Board cannot legally treat the carport and house structures separately.

This motion failed 2 – 3 (Commissioners Langston, Lawhon and Brimmer in dissent).

There was further discussion on this matter, however, the Board took no further action.

12. Consideration of Participation in an Energy Accounting/Bill Auditing Program
(Deputy County Administrator – Andrea Simpson)

Commissioner Green made a motion, seconded by Commissioner Kessler, to approve Option #1: Consent to participate in Cost Control Associate’s Energy Accounting/Bill Auditing Program and direct the County Attorney to review proposed Agreement.

Speaker: James Smathers, representing Cost Control Associates gave a brief presentation of the services the company provides to government entities.

This motion passed 5 – 0.

13. Request for Board Direction Regarding Appointment of Wakulla County Representative on the Big Bend Health Council Board of Directors
(Director, Office of Special Projects – Pam Portwood)

Commissioner Brimmer made a motion, seconded by Commissioner Kessler, to appoint Marlon Hunter, Administrator of the Wakulla County Health Department, to the Big Bend Health Council Board of Directors.

Speaker: Lynn Artz – urged support of Mr. Hunter to the Board.

This motion passed 5 – 0.

14. Request for Board Direction on Approval of Payment to Paul G. Johnson & Associates
(Director, Office of Special Projects – Pam Portwood)

Commissioner Kessler made a motion, seconded by Commissioner Green, to table this item to the June 18, 2007 meeting in order for staff to review work products of consultant.

There was considerable discussion regarding the verbal agreement the Board has with Mr. Johnson for his work on the Sprayfield Litigation, as well as the hard work of everyone who had been involved.

This motion failed 2 – 3 (Commissioners Langston, Lawhon and Brimmer in dissent).

Commissioner Lawhon made a motion, seconded by Commissioner Brimmer, to approve Option #1: Approve payment of the attached invoice from Paul G. Johnson and Associates, Inc. in the amount of \$5,479.50 and sever the verbal agreement and establish a written contract with Mr. Johnson, should any further work be required.

This motion passed 3 – 2 (Commissioners Green and Kessler in dissent).

15. Approval of Wakulla County Fire/Rescue Work Schedule
(Fire Chief – Jason Honeybone)

Commissioner Kessler made a motion, seconded by Commissioner Brimmer, to Approve Option #1: Approve the proposed 24-hour work schedule for paid firefighters.

Attorney Mowrey asked about the Fair Labor Standards Act implications of such a work schedule. Chief Honeybone indicated that there were no adverse implications as this is a standard work schedule in firefighting.

This motion passed 5 – 0.

16. Update on Report on Finding and Recommendations regarding Medart Recreation Park/Beers Property Issue
(County Attorney – Ron Mowrey/County Administrator – Ben Pingree)

Attorney Mowrey gave a presentation on his finding regarding the Medart Recreation Park/Beers Property Issue and report. He stated that, according to his legal research, surveyors can be liable for their work, however there were disclaimers on the surveys. He suggested arguments for and against pursuing a lawsuit against Mr. Roddenberry.

Commissioner Brimmer made a motion, seconded by Commissioner Lawhon, to not pursue legal action against Mr. Roddenberry, do not put a letter of reprimand in Ray Gray's file, and accept all the other findings and recommendations of the May 7, 2007 Report on Findings and Recommendations regarding Medart Recreation Park/Beers Property Issue.

Speakers:

John Trice – Stated there is no excuse for giving away taxpayer money.

Larry Roberts – Roddenberry should reimburse County \$150,000 and waive any future legal fees.

Jimmie Doyle – Stated she spoke to Mrs. Beers. Believes Roddenberry is at fault and the County needs to recoup some money from him.

Commissioner Kessler stated his belief that Ray Gray was not culpable. He also stated that after talking with Mrs. Beers, he questioned why the County Attorney recommended a lawyer for Mrs. Beers. County Attorney Mowrey refuted this statement.

This motion passed 3 – 2 (Commissioners Green and Kessler in dissent).

17. Consideration of Agreement with Madigan Law Firm to Perform Review of County Attorney's Contract

(Commissioner Kessler/County Administrator – Ben Pingree)

Commissioner Kessler made a motion, seconded by Commissioner Green to approve Option #1: Approve the proposed agreement with the Madigan Law Firm to perform a legal review of the County Attorney's existing contract, as stated in Attachment #1.

County Administrator Pingree corrected a misstatement in the item – the League of Cities recommended a lawfirm, not the Florida Bar Association. There was much Board discussion regarding the appropriateness of such a review, and the means by which the Madigan Law Firm was selected.

This motion failed 2 – 3 (Commissioners Langston, Lawhon and Brimner in dissent).

There was no further action taken on this item.

Add On Item: Request for Emergency Ordinance on Implementing County-wide Burn Ban.

Commissioner Brimner made a motion, seconded by Commissioner Lawhon to 1) declare that an emergency exists, waive advertising of the Ordinance and Adopt the Ordinance Implementing a 30-day County-wide Burn Ban.

This motion passed 5 – 0.

Add On Item: Update on Skipper Bay Bridge.

Cleve Fleming, Director of Public Works, gave an overview of the status of the replacement of Skipper Bay Bridge, the FEMA funding available and the options available to the Board regarding the project. Mr. Fleming will look into the permitting process for the bridge, and seek an extension from FEMA on the \$30,000 funding.

No Board action was taken.

Commissioner Agenda Items

Commissioner Kessler –

18. Request to Direct Staff to Draft an Amendment to Ordinance 05-65 Allowing for Addition of Certain County Roads

Commissioner Kessler made a motion, seconded by Commissioner Lawhon to approve Option #1: Direct staff to write an amendment to Ordinance 05-65 allowing for the addition of Gator Trail, Blue Dolphin, Oyster Bay Drive and Gulf Breeze Court Roads.

This motion passed 5 – 0.

Commissioner Kessler –

19. Request to Direct Staff to Investigate Various Issues of Government Waste and Report Findings Back to Board

Commissioner Kessler made a motion, seconded by Commissioner Green to direct staff to investigate three checks that were made out to a County employee (Colleen Skipper).

This motion failed 2 – 3 (Commissioners Langston, Lawhon and Brimmer in dissent).

Commissioner Kessler spoke about the need for a policy on spending County funds on special interest groups (i.e., Senior Center, Chamber of Commerce, etc.). The County Administrator stated that this item was previously assigned to staff by the Board and will be coming before the Board at their next meeting.

Commissioner Kessler began a powerpoint presentation on the Ben Boynton Sewer Agreement.

The Chairman called for a recess. After a five-minute recess, the Board reconvened.

There was a motion and a second to adjourn the meeting.

This motion passed 3 – 2 (Commissioners Green and Kessler in dissent).

Commissioner Kessler –

20. Request to Direct Staff to Review the Last Variance Issued and Bring Recommendations to the Board of How This Process Can Be Improved
This item was not discussed.

County Attorney

None.

County Administrator

21. Request for Board Direction of the Wetlands Setback Variance V07-02
This item was not discussed.

Discussion Issues by Commissioners

None.

Adjourn

The meeting adjourned at 10:02 p.m.

*The next Board of County Commissioners Meeting is scheduled for
Monday, June 4, 2007 at 6:00 p.m.*

Regular Board Meeting and Holiday Schedule

January 2007 - December 2007

January 2007 1						
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
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 Regular Board Meeting and/or Workshop

 Holiday

PUBLIC NOTICE
2007 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. Workshops are scheduled as needed.

Month	Day	Time	Meeting Type
May 2007	Monday 21	5:00 P.M.	Workshop: Communication Tower at Sheriff's Office
	Monday 21	6:00 P.M.	Regular Board
June 2007	Monday 4	5:00 P.M.	Workshop: Utility Services Billing Study
	Monday 4	6:00 P.M.	Regular Board
	Tues. 12 - Fri. 15	8:00 A.M.	FAC Annual Conference
	Monday 18	5:00 P.M.	Workshop: Board Meeting Procedures
	Monday 18	6:00 P.M.	Regular Board
	Monday 25	5:00 P.M.	Workshop: Draft Tentative Budget
	July 2007	Fri. 13 – Tues. 17	8:00 A.M.
Monday 16		5:00 P.M.	Workshop: Draft Wakulla County Economic Development Plan
Monday 16		6:00 P.M.	Regular Board
August 2007	Monday 6	6:00 P.M.	Regular Board
	Monday 20	6:00 P.M.	Regular Board
September 2007	Tuesday 4	6:00 P.M.	Regular Board
	Monday 17	6:00 P.M.	Regular Board
October 2007	Monday 1	6:00 P.M.	Regular Board
	Monday 15	6:00 P.M.	Regular Board
November	Monday 5	6:00 P.M.	Regular Board
	Tues. 13 – Fri. 19	8:00 A.M.	FAC Legislative Conference St. Johns County
	Monday 19	6:00 P.M.	Regular Board
December 2007	Monday 3	6:00 P.M.	Regular Board