

12/08/09

draft

Board of County Commissioners  
Regular Board Meeting  
Tuesday, December 8, 2009

Invocation led by Commissioner Kessler

Pledge of Allegiance led by Commissioner Stewart

Swearing-In Ceremony for the 2009/2010 Chairman Kessler and Vice-Chairman Stewart by Brent X. Thurmond, Clerk of Court

***APPROVAL OF AGENDA***

(CD5:04) Commissioner Stewart moved to approve the Agenda with the following modifications:

Heather Encinosa requests that the County Attorney item be pulled from the Agenda

Item 20 pulled completely from the Agenda

Item 10 pulled from Consent Agenda and will come back on a January Agenda

Commissioner Stewart requests that item 19 be pulled for discussion

Commissioner Artz requests that item 18 be pulled for discussion and will make an Announcement

Commissioner Kessler requesting to make some announcements under Awards & Presentations

Second by Commissioner Green and the motion carried unanimously, 5/0.

(CD5:06) Historical Society has Open House at the Old Jail from 6:00-8:00 p.m. this evening

***PUBLIC HEARING***

(CD5:07) 1. Request Board approval to hold the Public Hearing and consider adopting the new Comprehensive Impact Fee Ordinance

Commissioner Stewart moved to hold the Public Hearing and adopt the new proposed Comprehensive Impact Fee Ordinance. Second by Commissioner Artz and the motion carried unanimously, 5/0.

(CD5:18) 2. Request Board approval to hold the Public Hearing and consider adopting an ordinance amending Section 1-7 of the Wakulla County Land Development Code concerning the procedure for amendments

Commissioner Artz moved to hold the Public Hearing and adopt an Ordinance amending Section 1-7 of the Wakulla County Land Development Code. Second by Commissioner Green with Commissioners Kessler, Green and Artz voting in favor, Commissioners Stewart and Brock in opposition and the motion carried, 3/2.

(CD5:31) 3. Request Board approval to hold the Public Hearing to adopt a Resolution of Intent to use the Uniform Method of Collection for Assessments to Fund Solid Waste Disposal Services, Facilities, and Programs

Commissioner Artz moved to hold the Public Hearing and adopt a Resolution of Intent to Use the Uniform Method of Collection for Assessments to fund Solid Waste Disposal Services, Facilities, and Programs. Second by Commissioner Brock with Commissioners Artz, Kessler and Green voting in favor, Commissioners Brock and Stewart in opposition and the motion carried, 3/2.

(CD5:40) 4. Request Board approval to hold the Public Hearing and consider adopting an ordinance amending Sections 24.053 and 24.055 of the Wakulla County Code concerning the Planning Commission  
Commissioner Artz moved to hold the Public Hearing and adopt an Ordinance amending Sections 24.053 and 24.055 of the Wakulla County Code. Second by Commissioner Green with Commissioners Kessler, Artz, Green in favor, Commissioners Stewart and Brock in opposition and the motion carried, 3/2.

(CD6:09) 5. Request Board approval to hold the Public Hearing and adopt an ordinance amending Ordinance #04-33 increasing the Surcharge from \$15 to \$30 for non-criminal traffic cases and criminal violations of Section 318.17, Florida Statutes  
Commissioner Artz moved to hold the public hearing and adopt the Ordinance amending Ordinance 04-33 increasing the surcharge from \$15.00 to \$30.00. Second by Commissioner Green and the motion carried unanimously, 5/0.

#### ***AWARDS AND PRESENTATIONS***

(CD6:13) Announcement of Camp Gordon Johnston receiving First Place in the Veterans Day Parade 2009 Float Contest - J. D. Johnson, Veteran's Service Director

(CD6:18) Presentation of the WWII Monument in Tallahassee – Cynthia Thomas  
Photo presented to the BOCC

(CD6:19) Announcement of Marj Law Appreciation  
Commissioner Brock presented a plaque of appreciation

(CD6:23) Announcement of Airport Manager – Doug Jones, Public Services Director  
Rick Thornburg appointed as new Airport Manager

(CD6:25) Sopchoppy and St. Marks will be holding Christmas Celebrations this weekend

(CD6:26) Census is having a tough time filling jobs for Franklin and Wakulla Counties

#### ***CONSENT AGENDA***

(CD6:26) Commissioner Brock moved to approve the Consent Agenda with the exception of items, 10, 18, and 19 pulled for discussion. Second by Commissioner Green and the motion carried unanimously, 5/0.

6. Approval of Minutes – November 16, 2009 Regular Board Meeting  
Approve

7. Approval of Minutes – November 19, 2009 Workshop held to discuss the Paving of Forest Road 13 and other possible alternatives to assist with Emergency Medical Services to Smith Creek Residents  
Approve

8. Approval of Minutes – November 19, 2009 Workshop held to discuss the concept of the “Capital City to the Sea Loop” Bicycle/Pedestrian Trail  
Approve

9. Approval of Payment of Bills and Vouchers submitted for November 12, 2009 – December 2, 2009  
Approve

11. Request Board consideration to apply for the All America City Award

Approve to apply for the all America City Award

12. Request Board approval of final ownership and Acceptance of Maintenance of the Roadway Infrastructure within Springbrook Farms Subdivision

Approve and accept ownership and maintenance of the roadway infrastructure with Springbrook Farms.

13. Request Board approval to advertise an 'Invitation to Bid' for the purchase of Five New Graders under the Total Cost Program

Approve to advertise an Invitation to Bid for the purchase of (5) new graders under the Total Cost Guarantee Program.

14. Request Board review and acceptance of a report regarding the investigation of the Formal Protest Petition filed by Childers Construction Company for the Construction Management At-Risk Services for the Wakulla County Community Center Contract (RFP 2009-12)

Approve – accept the report regarding the Investigation of the Formal Protest Petition filed by Childers Construction Company for the Construction Management at-risk services for the Wakulla County Community Center Contract (RFP2009-12)

15. Request Board approval to accept the Public Housing Agency (PHA) 2009 Annual Plan, Resolution and Certifications

Approve the 2009 Annual PHA Plan, Resolution and Certification

16. Request acceptance of Staff Report on the status of the Oyster Bay Property for development of a public boating facility

Accept staff's report on the Oyster Bay Ramp Property

17. Request Board approval of a Budget Amendment and Resolution establishing revenue and expense accounts for the DEP-State Revolving Loan Fund Program for the Wakulla County Sewer Project

Approve the Budget Amendment and Resolution establishing revenue and expense account for the DEP-SRF for the Wakulla County Sewer Project

20. Request Board approval to negotiate a lease agreement between the Board of County Commissioners and Steve Fults for the Pan"Sea"ers 4-H Club – pulled from the Agenda

***CONSENT ITEMS PULLED FOR DISCUSSION***

(CD6:27) 10. Request Board approval to transfer funds to purchase the software & hardware necessary to execute the Paperless Agenda System – rescheduled for the next Board Meeting

(CD6:28) 18. Request Board approval to hold an amnesty period at the Wakulla County Public Library from December 8, 2009 – December 31, 2009

Commissioner Artz moved to approve an amnesty period at the Library from December 8, 2009 through December 31, 2009 and approve waiving the fines on overdue materials. Second by Commissioner Brock and the motion carried unanimously, 5/0.

(CD6:30) 19. Request Board approval to schedule and advertise a Public Hearing to consider an ordinance on Florida-friendly fertilizer use on urban landscapes as a mechanism for protecting local surface water and groundwater quality

Commissioner Brock moved to advertise a Public Hearing to consider an Ordinance on Florida-Friendly Fertilizer Use on Urban Landscapes as a Mechanism for Protecting Local Surface Water and Groundwater Quality. Second by Commissioner Artz and the motion carried unanimously, 5/0.

**PLANNING AND ZONING**

(CD6:33) 22. Application for Change of Zoning R09-04

Final Public Hearing to request an amendment to the Official Zoning Atlas, amending the official zoning district from AG (Agriculture) to RR-5 (Rural Residential) on a 20.26+/- acre parcel located at 112 G.F. McKenzie Road, on the east side of Lawhon Mill Road.

Commissioner Brock moved to conduct the final Public Hearing and adopt the proposed Ordinance amending the Official Zoning Map, amending the Official Zoning from AG (Agriculture) zoning district to RR-5(Rural Residential) zoning district, based upon the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

(CD6:44) 23. Request for approval to file an application to close/abandon a portion of Hardee Avenue in Panacea (Russell Taylor, applicant)

Commissioner Brock moved to approve the filing of an application to close/abandon a portion of Hardee Avenue in Panacea and approval to advertise for a public hearing. Second by Commissioner Stewart with Commissioners Kessler, Green, Stewart, and Brock voting in favor, Commissioner Artz voting in opposition, and the motion carried, 4/1.

(CD7:05) 24. Application for Comprehensive Plan Text Amendment CP09-02 Wakulla County, Applicant/Kimley-Horn and Associates, Inc., Agent

Commissioner Stewart moved to conduct the second of two Public Hearings and transmit the proposed EAR-based Text Amendment to the Future Land Use Element of the Comprehensive Plan, based upon the Planning Commission's recommendation and the findings of facts and conclusions of law made by the Board and any evidence submitted at the Hearing hereon. Second by Commissioner Artz and the motion carried unanimously, 5/0.

(CD7:57) 25. Application for Comprehensive Plan Text Amendment CP09-03 Wakulla County, Applicant/Kimley-Horn and Associates, Inc., Agent

Commissioner Brock moved to conduct the second of two Public hearings and transmit the proposed EAR based Text Amendment to the Capital Improvements Element and the Infrastructure Element of the Comprehensive Plan, based upon the Planning Commission's recommendation and the findings of facts and conclusions of law made by the Board and any evidence submitted at the hearing hereon. Second by Commissioner Artz and the motion carried unanimously, 5/0.

(CD7:58) 26. Application for Comprehensive Plan Text Amendment CP09-04 Wakulla County, Applicant/Kimley-Horn and Associates, Inc., Agent

Commissioner Brock moved to conduct the second of two Public Hearings and transmit the proposed EAR based Text Amendments to the Intergovernmental Coordination Element and the Public School Facilities Element of the Comprehensive Plan, based upon the Planning Commission's recommendation and the findings of facts and conclusions of law made by the Board and any evidence submitted at the hearing hereon. Second by Commissioner Artz and the motion carried unanimously, 5/0.

(CD8:00) 27. Application for Comprehensive Plan Text Amendment CP09-05 Wakulla County, Applicant/Kimley-Horn and Associates, Inc., Agent

Commissioner Artz moved to conduct the second of two Public Hearings and transmit the proposed EAR based Text Amendment to the Conservation Element of the Comprehensive Plan, based upon the Planning Commission's recommendation and the findings of facts and conclusions of law made by the Board and any evidence submitted at the hearing hereon. Second by Commissioner Stewart with Commissioners Kessler, Artz, Green, and Brock in favor, Commissioner Stewart voting in opposition and the motion carried, 4/1.

(CD8:06) 28. Application for Comprehensive Plan Text Amendment CP09-06 Wakulla County, Applicant/Kimley-Horn and Associates, Inc., Agent

Commissioner Artz moved to conduct the second of two Public Hearings and transmit the proposed EAR based Text Amendments to the Concurrency Management System Element and the Traffic Element of the Comprehensive Plan, based upon the findings of facts and conclusions of law made by the Board and any evidence submitted at the hearing hereon. Second by Commissioner Green and the motion carried unanimously, 5/0.

(CD8:27) 29. Application for Comprehensive Plan Text Amendment CP09-07 Wakulla County, Applicant/Kimley-Horn and Associates, Inc., Agent

Commissioner Brock moved to conduct the second of two Public Hearings and transmit the proposed EAR based Text Amendments to the Housing Element and the Economic Development Element of the Comprehensive Plan, based upon the Planning Commission's recommendation and the findings of facts and conclusions of law made by the Board and any evidence submitted at the hearing hereon. Second by Commissioner Artz and the motion carried unanimously, 5/0.

30. Application for Comprehensive Plan Text Amendment CP09-08 Wakulla County, Applicant/Kimley-Horn and Associates, Inc., Agent

Commissioner Brock moved to conduct the second of two Public Hearings and transmit the proposed EAR based Text Amendments to the Coastal Management Element and the Recreation and Open Space Element of the Comprehensive Plan, based upon the Planning Commission's recommendation and the findings of facts and conclusions of law made by the Board and any evidence submitted at the hearing hereon. Second by Commissioner Artz and the motion carried unanimously, 5/0.

### **GENERAL BUSINESS**

(CD8:32) 31. Request Board consideration of enlisting State-Lobbying Services for 2010

Commissioner Brock moved to direct staff to issue an RFP for State Lobbying Services, determine an amount of funding and identify a funding source at this time. Second by Commissioner Artz who subsequently withdrew the second. The motion died due to lack of a second to the motion.

(CD8:46) 32. Request Board direction and approval of 2010 Board of County Commissioner meeting dates  
Commissioner Stewart moved to hold Board Meetings on the 1<sup>st</sup> and 3<sup>rd</sup> Monday's of the month, contingent upon Comcast availability and if they are not available, the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday, with the 1<sup>st</sup> Thursday for Workshops. Second by Commissioner Brock and the motion carried unanimously, 5/0.

\*\*There is an exception for January and the meetings are set for January 11 and 25<sup>th</sup>.

(CD9:01) 33. Request Board consideration of agreement for bulk wastewater services between Wakulla County and Talquin – verbal report from the County Attorney

(CD9:04) 34. Request Board approval of a cash match for the Historical Society's Application to the Bureau of Historic Preservation

Commissioner Artz moved to approve a \$10,000.00 cash match as requested by the Historical Society. Second by Commissioner Brock and the motion carried unanimously, 5/0. \*\*The cash match to come out of Reserve monies and will only be used if the grant application for \$50,000 is funded by DOHP.

(CD9:05) 21. Request Board consideration and approval to apply for U.S. Department of Homeland Security Staffing for Adequate Fire and Emergency Response Program (SAFER) Grant for additional staffing within the Wakulla County Fire Rescue Division

Commissioner Brock moved to approve applying for the 2009 U. S. Department of Homeland Security Staffing for adequate Fire and Emergency Response Program (SAFER) Grant. Second by Commissioner Artz with Commissioners Kessler, Artz, Green, and Brock in favor, Commissioner Stewart in opposition and the motion carried, 4/1.

### ***CITIZENS TO BE HEARD***

(CD9:21) 1. Luther Council – Expressed that the County has a good staff and that he enjoyed working with them for the past 2 years; local services tax on his phone bill; expressed his gratitude to the Board for their taking time to speak with him in the situation that he is enduring.

### ***COMMISSIONER AGENDA ITEMS***

#### **35. COMMISSIONER KESSLER**

(CD9:24) a. Request Board approval to direct staff to take actions regarding the Wakulla County Airport  
Commissioner Artz moved to approve direction to the staff as follows: Review the recent incident at the Wakulla County Airport; perform a review and create a timeline pertaining to County Activities relating to 2JO over the last 4 years; identify funding opportunities (cycles) that have lapsed and explanations of why the County was not able to take advantage of them; define what funding opportunities are presently being sought and the time frame for such; define what improvements are presently being considered and bring this item back on a future agenda. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

(CD9:28) b. Request Board consideration of County Commissioner appointments to represent various committees, councils, etc. on behalf of Wakulla County

Commissioner Brock moved to approve the recommended Board Appointments for representation on the various committees/councils for 2009/2010 and set a cap of \$3,000.00 for a CPA to review the County Policies with reference to Accounting Practices. Second by Commissioner Green and the motion carried unanimously, 5/0.

#### **36. COMMISSIONER BROCK**

(CD9:37) a. Request Board approval to direct staff to request an extension to hold a Public Hearing to adopt a Resolution of intent to use the uniform method of collection for neighborhood improvements  
Commissioner Brock moved to approve directing staff and County Attorney reaching out to the Tax Collector and Property Appraiser to obtain an extension; direct staff to schedule a workshop on the MSBU concept, advertise and schedule the public hearing before March 1, 2010. Second by Commissioner Artz and the motion carried unanimously, 5/0.

### ***COUNTY ATTORNEY***

Discussion item on agreement for expansion of sewer force main and related matters - pulled

### ***COUNTY ADMINISTRATOR***

(CD9:44) Board Retreat is Thursday, December 10, 2009 at the Library

***DISCUSSION ISSUES BY COMMISSIONERS***

(CD9:45) Commissioner Artz – The City of Tallahassee is in the process of changing their wastewater treatment plans and a presentation will come before this Board in January. In addition, she is requesting an update on the feasibility study. The County Administrator will send a memo to all of the Board before the New Year regarding this issue.

(CD9:49) Commissioner Green

Requesting staff direction to draft preliminary plans for improving the unpaved extension of Lonnie Raker Lane with #57 limestone at a cost of approximately \$10,000.00. – Direction for staff to proceed with all in agreement

(CD9:51) Commissioner Kessler

Concerns about future budgets and expressed his gratitude to the Board members for working so well together.

There being no further business to come before the Board, the meeting adjourned at 9:55 p.m.