

Draft

**BOARD OF COUNTY COMMISSIONERS
REGULAR BOARD MEETING
MONDAY, JUNE 7, 2010**

The Board of County Commissioners in and for Wakulla County met for a Regular Scheduled Board Meeting on Monday, June 7, 2010 with Chairman Howard Kessler presiding. Present were Commissioners Mike Stewart, Lynn Artz, Alan Brock and George Green. Also, present were County Administrator Ben Pingree, County Attorney Heather Encinosa and Deputy Clerk Evelyn Evans.

Invocation led by Commissioner Green

Pledge of Allegiance led by Commissioner Kessler

APPROVAL OF AGENDA

(CD5:00) Commissioner Brock moved to approve the Agenda with the following modifications:

County Administrator – adds Oil Spill update under Awards and Presentations, pull item (20) from the Agenda and item (18) to be continued

County Attorney – Request for an Attorney-Client Executive Session

Commissioner Stewart – add The Park Subdivision

Commissioner Artz – adds (1) announcement under Awards and Presentations and several items under her discussion items

Commissioner Kessler – adds (2) announcements under Awards and Presentations (Florida Wild Mammal and CRTPA)

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

AWARDS AND PRESENTATIONS

(CD5:03) Announcement of First Responder Graduates – Scott McDermid, Public Safety Director

(CD5:08) Oil Spill Update – Scott Nelson, Emergency Management Director

(CD5:31) Wakulla Fire-EMS Integration - A Citizen approach for more “bang for the buck” - Chief Russell

(CD5:29) Wild Mammal Association and Oil Spill – Commissioner Kessler

Requesting donations and help for a workday on Saturday, June 12 from 9:00 – 4:00 p.m.

(CD5:26) Announcement of a CRTPA Regional Mobility Plan Public Meeting on June 8, 2010 from 5:00p.m.to 7:00p.m. in the BOCC Chambers – Lindsay Stevens

(CD5:24) Announcement of Mosquito Control Information – Padraic Juarez, DOH Environmental Administrator – new phone number to request spraying at citizens homes 926-0410

(CD5:40) Announcement of 200 jobs available for unemployed workers and the contact is WorkForce Plus. There are various jobs available related to the Oil Spill – Commissioner Artz

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(CD5:41) Mimosa Tree – a very invasive tree that needs to be cut down and the remainder of the stump painted with a brush killer to keep it from re-growing – Commissioner Artz

CONSENT AGENDA

(CD5:44) Commissioner Brock moved to approve the Consent Agenda with the exception of item (7) that is pulled for discussion. Second by Commissioner Green and the motion carried unanimously, 5/0.

1. Approval of Minutes – May 17, 2010 Regular Board Meeting

Approved

2. Approval of Minutes – May 10, 2010 Special Board Meeting

Approved

3. Approval of Minutes – May 6, 2010 Workshop regarding the Second Budget Development regarding Mid-Year Report and Legislative Update

Approved

4. Approval of Minutes – May 6, 2010 Workshop regarding the Solid Waste Special Assessment Project

Approved

5. Approval of Minutes – May 6, 2010 Workshop to Discuss the Proposed Draft Wetlands and Other Surface Waters

Approved

6. Approval of Payment of Bills and Vouchers Submitted for May 13, 2010 – June 2, 2010

Approved

8. Request Board approval of a Letter Agreement with Flint Equipment concerning Bid #2009-022 for Five Motor Graders

Approve – a Letter Agreement with Flint Equipment concerning Bid #2009-022 for Five Motor Graders

9. Request Board approval to conduct a Surplus Auction

Approve – to conduct a County Surplus Auction and approve the list of property to be auctioned during the auction period of Monday, June 21, 2010 at 8:00 a.m. through Saturday, June 26, 2010 at 11:00 a.m.

10. Request Board approval of a Resolution ratifying three Re-Appointments to the Code Enforcement Board and approving the Appointment of a new Code Enforcement Board Member

Approve – the proposed Resolution ratifying three Code Enforcement board Members re-appointment and approving the new Board Member appointment of Russell McKeithen

11. Request Board approval of the 2010 End of Session Legislative Report

Approve – the 2010 Legislative Session Update

12. Request Board approval of a Resolution to continue the partnership with the North Florida Broadband Authority (NFBA) and approval of Wakulla County in-kind assets

Approve

13. Request Board approval of a Resolution to accept \$8,331 in additional funds from the Small County Outreach Paving (SCOP) Grant for the Live Oak Island Road Project

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Approve – the Resolution to accept the additional SCOP funds of \$8,331.00 for the Live Oak Island Road project

14. Request Board approval to schedule and advertise two Board Directed Workshops for June 15, 2010, regarding the Proposed Ordinance Requiring Licensing for Kennels Operating in Wakulla County and the Proposed Fire Inspection Ordinance

Approve – to schedule a Workshop regarding the proposed Ordinance Requiring Licensing for Kennels Operating in Wakulla County on July 22, 2010 at 6:00 p.m. and to schedule a Workshop regarding the proposed Fire Inspection Ordinance on July 22, 2010 at 7:00 p.m.

15. Request Board approval to apply for a Kodak Conservation Grant for Trails Design at the Wakulla County Welcome Center

Approve – staff to submit a grant application to the Eastman Kodak Company

30. Request Board approval to submit a Grant Application to the National Oceanic and Atmospheric – Fish America Foundation

Approve – staff to make application to the National Oceanic and Atmospheric Administration, Fish America Foundation (NOAA-FAF) Grant Program

31. Request Board consideration of Change Order #3 from Dowdy Plumbing regarding the Reuse Transmission Line

Approve – Change Order #3 from Dowdy Plumbing

CONSENT ITEMS PULLED FOR DISCUSSION

(CD5:45) 7. Request Board Approval to schedule and advertise a Public Hearing to consider adopting an Ordinance Amending Ordinance #2008-16, relating to the Purchasing Policy

Commissioner Artz moved to approve with the recommended change, schedule and advertise a Public Hearing to consider adopting an Ordinance amending Ordinance no. 2008-16, relating to the Wakulla County Purchasing Policy. Second by Commissioner Brock and the motion carried unanimously, 5/0.

(CD5:47) Commissioner Kessler announced the County Surplus Auction that is taking place this month and two workshops scheduled for July 22, 2010. Further information is in the Consent Agenda items.

PLANNING AND ZONING

(CD5:55) 16. Application for Short Form Subdivision SF09-01

Request to subdivide a 122.110+/- acre parcel into a six lot residential subdivision. The property is located on the southeast side of River Plantation Subdivision, immediately north of the Hardwood Hammocks Subdivision and east of the Hunter's Glenn Plantation Subdivision. The property owners are Walter and Joicelyn Powers and the Agent is Jake Kiker, III.

Commissioner Brock moved to conduct the final public hearing and approve the Short Form Subdivision SF09-01, based upon the Planning Department's recommendation and 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

(CD6:20) 17. Application for Change of Zoning R10-01

Request to change zoning on a 2.0+/- acre parcel, from RR-5(Rural Residential) to Restricted C-2 (General Commercial) zoning district. The property is located on the north side of Shadeville Road, immediately west of Hale's Small Engine. The property owner is Lucy Ward and the agent is Hydra Engineering, LLC.

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Commissioner Stewart moved to conduct the final Public Hearing and adopt the proposed Ordinance amending the Official Zoning Map, amending the Official Zoning from RR-5 (Rural Residential) zoning district to C-2 Restricted (General Commercial) zoning district, based upon the Planning Department's recommendation, the recommendation of the Planning Commission and the findings of fact and conclusions of law made by the Board and any evidence submitted at the hearing hereon. Second by Commissioner Green with Commissioners Brock, Green, Kessler, and Stewart in favor and Commissioner Artz in opposition, motion carried, 4/1.

(CD6:57) 18. Application for Site Plan SP10-03

Request to construct a 5,000 square foot day care facility on a 2.0+/- acre parcel located on the north side of Shadeville Road, immediately west of Hale's Small Engine. The property owner is Lucy Ward and the agent is Hydra Engineering, LLC.

Commissioner Stewart moved to continue this item to 5:00 p.m. on July 19, 2010. Second by Commissioner Brock and the motion carried unanimously, 5/0.

CITIZENS TO BE HEARD

(CD7:10) 1. D'Arcy Brazier – Concerns regarding the fire departments

(CD7:15) 2. Clay Kuersteiner – Support of Chief Russell and his proposal regarding Fire/EMS integration

(CD7:17) 3. Stan Derzypolski – Amendment 4 on the ballot this year; Oyster Bay Boat Ramp and keeping the ramp open to the public

(CD7:19) 4. William Manning – Last Commission Meeting regarding out of town Contractors and researching material before bringing it to the Board

(CD7:21) 5. Thomas Wright – Support of Chief Russell and his proposal regarding Fire/EMS integration

(CD7:22) 6. Randy Nelson – Weatherization Emergency and the process used in handling the emergency as 15 homes were completed in one week

(CD7:26) 7. Renee Calhoun – County Administrator and misleading the Board Members in the Weatherization Program

(CD7:30) 8. Robert Taylor – Contractor working with Weatherization, bidding process, payment of invoices

(CD7:34) 9. Bill Russell – MSBU and salaries for paid firefighters

(CD7:36) 10. Larry Roberts – Support of Chief Russell and his proposal regarding Fire/EMS integration

(CD7:38) 11. Steve Fultz – Weatherization Program and support of Chief Russell and his proposal regarding Fire/EMS integration

(CD7:43) 12. Chief Raymond Love – Paying firefighters out of MSBU funds

(CD7:45) 13. George Nelson – Problems in the Weatherization Program

GENERAL BUSINESS

(CD5:49) 32. Request Board approval of a Resolution ratifying the Chairman's execution of a Memorandum of Understanding between Florida Division of Emergency Management and Wakulla County and approving the execution of additional Grant Awards, approve Budget Amendment and Resolution to accept \$50,000 from FDEM; and approve emergency purchase for Video Production Services

Commissioner Stewart moved to approve the Resolution ratifying the Chairman's execution of a Memorandum of Understanding between Florida Division of Emergency Management and Wakulla County, approving the execution of additional Grant Awards, accepting the Grant Award, and approving a Budget Amendment; and Emergency Purchase for Video Production Services. Second by Commissioner Green and the motion carried unanimously, 5/0.

(CD7:48) 28. Update regarding recent activities to maintain the Wakulla County Courthouse Facility and requests Board approval of actions to approve Loan Choice and Authorization to commence work on Phase One Renovations

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Commissioner Artz moved to approve the proposal from Hancock Bank and authorize the Chairman to execute the commitment letter accepting terms from Hancock Bank and approval to authorize the Chairman to execute the Notice to Proceed. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

(CD8:03) 19. Request Board approval of a Resolution providing for Reimbursement of Certain Costs and Expenditures relating to the Courthouse Renovations

Commissioner Brock moved approval for adoption of a Resolution providing for reimbursement of certain costs and expenditures relating to the Courthouse Renovation. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

20. Request Board consideration and approval to expend Budgeted Capital Improvement Plan Funds to purchase a Grapple Truck for County Wide Debris Removal and Storm Cleanup - withdrawn

(CD8:04) 21. Request Board consideration of Planning Commission's Recommendation to reduce Speed Zones in front of Daycare Facilities along County Roadways

Commissioner Brock moved to direct staff to coordinate with the Wakulla County Community Traffic Safety Team to investigate the feasibility of reducing the speed limit in certain areas fronting future daycare facilities and update the board of the status at a future meeting, to include looking at caution lights. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

(CD8:22) 22. Request Board approval of the Rock Landing Boat Slip Lease Agreement and the Rules and Regulations

Commissioner Brock moved to approve the Rock Landing Commercial Fishing Dock Boat Slip Lease Agreement and the Commercial Fishing Dock Rules and Regulations and Waitlist Policy. Second by Commissioner Artz and the motion carried unanimously, 5/0.

(CD8:07) 23. Request Board approval of Right-of-Way Map for Mt. Beasor Road

Commissioner Brock moved to approve the Resolution and certify the attached Survey of a portion of Mt. Beasor Road that depicts road and road right-of-way dedicated to Wakulla County pursuant to section 95.361(2), Florida Statutes. Second by Commissioner Stewart with the motion and second subsequently withdrawn.

Commissioner Stewart moved to table this item to the next Board Meeting with both sides proceeding in a good faith effort to resolve the Mt. Beasor road issue, with authorization for Commissioner Artz to work with the County Attorney, Mr. Webster, Mr. Sites and ESG to see if they can come to an agreeable solution to the situation. Second by Commissioner Green and the motion carried unanimously, 5/0.

COMMISSIONER AGENDA ITEMS

24. COMMISSIONER KESSLER

(CD8:48) A. Request Board approval to Change the Rules of Procedure for Meetings of the Wakulla County Board of County Commissioners, Policy No. 07-01

Commissioner Stewart moved to change the policy to eliminate the time limitation of Commissioners under V., P., of Policy 07-01. Second by Commissioner Brock and the motion carried unanimously, 5/0.

(CD8:50) B. Request Board Adopt a Resolution Opposing Oil Drilling and Supporting the Legislature to Place the Issue on the November 2010 Ballot

Commissioner Artz moved to adopt the Resolution opposing Oil Drilling and supporting the Legislature to place the issue on the November 2010 Ballot. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

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(CD8:52) C. Wakulla County Housing Department

Commissioner Green moved to hire an independent group to come in and investigate the Housing Department procedures. Second by Commissioner Artz with the second subsequently withdrawn and the motion died for lack of a second.

Commissioner Artz moved for the County Attorney to come forth with recommendations of firms that would have the expertise to do a review/investigation and include the scope of work and associated fees and that the team that has been formed to complete their work. Second by Commissioner Green with Commissioners Artz, Brock, Green, and Kessler in favor and Commissioner Stewart in opposition, motion carried, 4/1.

(CD9:39) D. Exploration of County Litigation against BP (Deepwater Horizons Oil Spill)

Commissioner Brock moved to direct the County Attorney to explore the issue of Wakulla County suing BP and report back to the Board in a timely manner. Second by Commissioner Green and the motion carried unanimously, 5/0.

25. COMMISSIONER ARTZ

(CD9:42) A. Sopchoppy Analysis

Commissioner Artz moved to approve directing staff to analyze the financing and expenditures of road and swale maintenance in Sopchoppy. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

(CD9:45) B. Tree Ordinances and Incentives

Commissioner Artz moved to direct the County Attorney and Planning Staff, at their convenience, to propose revisions to the County's current Tree and Landscape Ordinance and propose additional tree ordinances and incentives. Second by Commissioner Green with Commissioners Artz, Brock, Green, and Kessler in favor and Commissioner Stewart in opposition, motion carried, 4/1.

29. COMMISSIONER STEWART

(CD9:49) A. Request Board consideration and approval of Rezoning Request Change of Herron property

Commissioner Stewart moved to approve waiving the rezoning fees and allow the temporary placement of the family home on the site with occupancy after rezoning has occurred. Second by Commissioner Brock and the motion carried unanimously, 5/0.

COUNTY ATTORNEY

(CD9:58) 26. Update on Legal Analysis of Oyster Bay Boat Ramp

Commissioner Artz moved to accept the update regarding the Oyster Bay Boat Ramp and encourage the County Attorney to continue negotiations with Mr. Kornegay. Second by Commissioner Green and the motion carried unanimously, 5/0.

(CD10:07) 27. Request Board approval of a proposed Settlement Agreement in the matter of Andrews v. Leon County, Wakulla County et al., Case No. 4:10-cv-51-RH-WCS

Commissioner Stewart moved to approve the proposed Settlement Agreement in the matter of Andrews v. Leon County, Wakulla County et al. Second by Commissioner Artz and the motion carried unanimously, 5/0.

**amount of \$6,125.00 is going to be paid by FACT

(CD10:08) Request for an Attorney-client Executive Session

There will be an Attorney/Client confidential meeting on Wednesday, June 9, 2010 at 6:00 p.m. in the Conference Room of the County Commission Office Complex, relating to litigation expenditures in the matter of: Leon County, et al. v. Northwest Florida Water Management district, et al., DOAH Case No. 10-1688.

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COUNTY ADMINISTRATOR – 0

DISCUSSION ISSUES BY COMMISSIONERS

(CD10:13) Commissioner Stewart – The Park Subdivision and numerous items of concern at this subdivision Encouraging each Commissioner to go to The Park Subdivision and look at the sinkhole situation. This item will come back on a future Agenda.

(CD10:18) Commissioner Artz – Rural Business Opportunity Grant – support by the Board Members to continue the process

Citizens replacement needed on the Capital Regional Transportation Planning Agency (CRTPA) with a recommendation to come back to the Board at a future date

Wakulla County Elected Official’s Award – Elected Officials can donate monies to this fund for high school scholarship awards

There being no further business to come before the Board, Commissioner Brock moved to adjourn the meeting; second by Commissioner Green and the motion carried unanimously, 5/0.

10:30 p.m. adjourned.