

Draft

**Board of County Commissioners
Regular Board Meeting
Tuesday, May 5, 2009**

The Board of County Commissioners in and for Wakulla County, Florida met for a regular scheduled Board Meeting on Tuesday, May 5, 2009 with Chairman Howard Kessler presiding. Present were Commissioners George Green, Lynn Artz, Alan Brock, and Mike Stewart. Also present were County Administrator Ben Pingree, County Attorney Ron Mowrey, and Deputy Clerk Evelyn Evans.

Invocation provided by Commissioner Kessler

Pledge of Allegiance by Commissioner Green

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 May 5, 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, 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

APPROVAL OF AGENDA

(CD6:01) Commissioner Stewart made a motion to approve the Agenda with the following changes:

County Attorney requests to add (1) Tar Pine Homeowner's Association and (2) Amendments to Wetlands Ordinance for consideration to advertise on next meeting agenda

Presentation add (4) Swine Flu

Commissioner Artz requests to move Planning and Zoning item (13) to be heard between items (10) & (11); pull item (23) and reschedule it for May 19, 2009; under Commissioner Discussion items add Letter of Support regarding Heritage Park Grant

Commissioner Stewart requests to add Update on Highway 319 and Mosquito Control under Commissioner Discussion items
Commissioner Kessler requests moving items (6) and (24) ahead of Planning and Zoning items
Commissioner Green request to add Ordinance 06-28 under Commissioner Discussion items
Second by Commissioner Green. Motion carried unanimously, 5/0.

(CD6:06) Board held confidential meeting pursuant to F. S. 286.011(8) at this time

(CD6:43) Meeting re-convened

AWARDS AND PRESENTATIONS

(CD6:44) Red-Cockaded Woodpecker, Banding Expedition, May 16, 2009 at 8:30am, CCOW Field Trip
led by Chuck Hess, Wildlife Biologist – free trip in the National Forest send e-mail

(CD6:46) Solar Thermal Course – Commissioner Artz
36-hour course at a cost of \$159.00 at TCC Wakulla Center starting on May 11, 2009

(CD6:55) Boating Safety Month – Chuck Hickman, Coast Guard Auxiliary

(CD7:00) H1N1 Virus - update

CONSENT AGENDA

Commissioner Brock made a motion to approve the Consent Agenda with the exception of item 2 that is pulled for discussion. Second by Commissioner Green. Motion carried unanimously, 5/0.

1. Approval of Minutes – April 21, 2009 Regular Meeting
3. Approval of Minutes – April 21, 2009 Workshop to Discuss a Proposal for the Acceptance of the American Recovery & Reinvestment Act of 2009 Weatherization Assistance Program Grant Funding
4. Approval of Payment of Bills and Vouchers submitted for April 16, 2009 – April 29, 2009
5. Request retroactive approval of the 2009-10 VISIT FLORIDA Grant Application by the Tourist Development Council
7. Request Board approval of a Proclamation declaring May 2009 as Boating Safety Month in Wakulla County

Consent Items Pulled for Discussion

(CD7:08) 2. Approval of Minutes – April 20, 2009 Educational Workshop on Sewer/Septic

Commissioner Artz made a motion to add to the minutes that the Board was receptive to her ideas on alternative solutions and suggested that perhaps some of those ideas could be implemented in the other units of Wakulla Gardens. In addition, she will bring some information back to the Board to look at for a possible mailing with the Trim Notices. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

CITIZENS TO BE HEARD

(CD7:10) 1. Vic Lambou – Comprehensive Plan tells what this County is going to do and he is concerned about the four Large Scale Amendments on the Agenda tonight

(CD7:13) 2. Billy Pigott – Acquisition of land for boat ramp at the Upper Bridge on the Wakulla River

(CD7:17) 3. Hugh Taylor – Transparency and political contributions

(CD7:20) 4. Larry Roberts – Development means demand for services with more traffic on the roads; concerned about the Planning and Zoning items and are they in the best interest of the county; campaign contributions

General Business item (6)

(CD7:21) 6. Request Board approval of the 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Formula Program: Local Solicitation and Approval to Use the Grant Funds to Purchase Patrol Vehicles

Commissioner Brock made a motion to approve using the Edward Byrne Memorial Justice Assistance Grant (JAG) Program to purchase patrol vehicles. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

CD7:24) 24. **Commissioner Kessler**

a. Request Board approval of speed reductions and the placement of signage in Unit 2 of Wakulla Gardens

Commissioner Stewart made a motion to approve reducing the speed limit in Unit 2 of Wakulla Gardens to 15mph and the placement of new signs designating the new speed limit of 15mph. Second by Commissioner Artz. Motion carried unanimously, 5/0.

PLANNING AND ZONING

(CD7:27) 8. Application for Change of Zoning R09-01 and Application for Preliminary Plat PP09-01

Request to rezone a 0.93+/- acre parcel from R-3 (Multi Family Residential) to PUD (Planned Unit Development) and create an 8- lot residential subdivision, to be known as Dispenette Village. This parcel is located on the northeast corner of Dispenette Drive and Shadeville Road. The property owners are Pam and Terry Hodges and the Agent is Edwin Brown and Associates.

Commissioner Brock made a motion to conduct the final public hearing and approve the Application for Change of Zoning R09-01 and Application for Preliminary Plat PP09-01,

based upon the recommendation of the Planning Department, the Planning Commission and the findings of fact and conclusion of law made by the Board and any evidence submitted at the hearing heron with an amendment to add landscape amenities with Planning and Zoning. Second by Commissioner Stewart. Second withdrawn by Commissioner Stewart. Commission Artz made a motion for a second to the amended motion. Voting for: Kessler, Artz, Brock, and Green. Opposed: Stewart. Motion carried, 4/1.

(CD7:35) 9. Application for Final Plat FP09-01

Request for final plat approval to finalize an 8-lot residential subdivision, known as Dispenette Village. This parcel is located on the northeast corner of Dispenette Drive and Shadeville Road. The property owner is Pam and Terry Hodges and the Agent is Edwin Brown and Associates.

Commissioner Brock made a motion to conduct the final Public Hearing and approve the Application for Final Plat FP09-01, based upon the recommendation of the Planning Department, the Planning Commission and the findings of fact and conclusions of law made by the board and any evidence submitted at the Hearing hereon, with a stipulation that the Final Plat will not be signed until the trees are planted. Second by Commissioner Artz. Voting for: Brock, Kessler, Green and Artz. Opposed: Stewart. Motion carried, 4/1. **One or two trees planted on the southern part.

(CD7:41) 10. Application for Final Plat FP09-02

Request for final plat approval to finalize a 46 lot residential subdivision, known as Magnolia Park. This property is located on the south side of Harvey Mill Road, west of Cynthia Street. The property owner is Citizens' Bank-Wakulla d/b/a Ameris Bank and the Agent is Moore Bass.

Commissioner Stewart made a motion to conduct the final public hearing and approve the Application for Final Plat FP09-02, based upon the recommendation of the Planning Department and 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. Motion carried unanimously, 5/0.

(CD7:54) 11. Adoption of Comprehensive Plan Map Amendment CP07-11

This agenda item provides the Board with an Application for a Large Scale Comprehensive Plan Map Amendment from Rural 2 to Commercial and Rural 3, on a parcel located at 3771 Crawfordville Highway. The property owner is Big Bend, LLC and the Agent is Robert Routa.

Commissioner Brock made a motion to conduct the Public Hearing and vote to adopt the proposed Comprehensive Plan Amendment, amending the Future Land Use Map designation from Rural 2 land use to Commercial (Non-Urban) and rural 3 (Rural Residential), 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. Voting for: Brock and Stewart. Opposed: Green, Kessler and Artz. Motion Fails, 2/3.

(CD8:34) 12. Adoption of Comprehensive Plan Map and Text Amendment CP07-12

This agenda item provides the Board with an Application for a Large Scale Comprehensive Plan Map Amendment from Agriculture to Rural 1, on a parcel located on Sand Lake Road. In addition, the Application contains a Comprehensive Plan Text Amendment to FLUE Policy 1.2.3, Rural 1 Land Use, which restricts the number of residential homes allowed on the property and requires that all of these homes be energy efficient. The Property Owner is Spring Creek Farms, LLC and the Agent is Robert Rounta.

Commissioner Brock made a motion to conduct a Public Hearing and vote to adopt the proposed Comprehensive Plan Amendment, amending the Future Land Use Map designation for Agriculture (Primary Agriculture) land use to Rural 1 (Agriculture/Rural Fringe) land use and adopting the proposed Text Amendment to FLUE Policy 1.2.3, 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. Voting for: Brock. Opposed: Stewart, Kessler, Green, and Artz. Motion fails, 1/4.

(CD7:46) 13. Adoption of Comprehensive Plan Map Amendment CP07-13

This agenda item provides the Board with an Application for a Large Scale Comprehensive Plan Map Amendment from Agriculture to Rural 1, on a parcel located at 196 Thornwood Road. The property owners are John and Janna Richardson and the Agent is Robert Rounta.

Commissioner Brock made a motion to conduct a Public Hearing and vote to adopt the proposed Comprehensive Plan Amendment, amending the Future Land Use Map designation from Agriculture (Primary Agriculture) land use to Rural 1 (Agriculture/Rural Fringe) land use, 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 Artz. Motion carried unanimously, 5/0.

(CD8:59) 14. Adoption of Comprehensive Plan Map and Text Amendment CP07-17

This agenda item provides the Board with an Application for a Large Scale Comprehensive Plan Map Amendment from Rural 1 and Rural 2 to Commercial and Rural 3, on a parcel located off Crawfordville Highway. In addition, the Application contains a Comprehensive Plan Text Amendment to FLUE Policy 1.2.7, Commercial Land Use, to place a maximum commercial square footage on the property. The property owners are S.A. and Linda Coxwell and the Agent is Robert Rounta.

Commissioner Stewart made a motion to conduct a Public hearing and vote to adopt the proposed Comprehensive Plan Amendment, amending the Future Land Use Map designation from Rural 1 (Agriculture/Rural Fringe) and Rural 2 land use to Rural 3 (Rural Residential) and Commercial (Non-Urban) land use and adopting the proposed Text Amendment to FLUE Policy 1.2.7, 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 Brock. Voting for: Brock, Green and Stewart. Opposed: Kessler and Artz. Motion carried, 3/2.

GENERAL BUSINESS

(CD9:44) 15. Request Ratification of Board Actions from the April 7, 2009 Workshop on the Proposed Panacea Special Overlay District Ordinances and Code Language
Commissioner Stewart made a motion to ratify the Board actions from the Workshop and direct staff to maintain the standards set forth in the existing draft Ordinances and LDC Text. In addition, the Voluntary Review Board Membership would be to maintain the current makeup of the Voluntary Review Board with 2 residential property owners from the District and 3 commercial property owners from the District. Nomination of Voluntary Review Board Members should come from the Panacea Waterfronts Florida Committee and other people in the Overlay District and approved by the Board of County Commissioners. Height Restriction is to direct staff to include a prohibition on administrative variances for height restrictions, there are no additional architectural design guidelines or landscape requirements. Second by Commissioner Brock. Voting for: Kessler, Brock, Green, and Stewart. Opposed: Artz. Motion carried 4/1.

(CD10:03) 16. Request Board consideration and approval of a scope of work and related Grant Agreement with the Northwest Florida Water Management District to perform a Stormwater Study within the five units of the Wakulla Gardens Subdivision
Commissioner Brock made a motion to approve the Grant Agreement between Wakulla County and Northwest Florida Water Management District, authorize the Chairman to execute said Grant Agreement, direct staff to negotiate a Task Order with a consultant for the Scope of Work not to exceed the amount of the NFWFMD grant and further direct the County Attorney to draft a Resolution adopting a construction moratorium with Wakulla Gardens for consideration at a future Board meeting. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

(CD10:05) 17. Request for extension to the Community Development Block Grant Contract and Modification of Participating Party Agreement for the Med System Ready Pharmacy
Commissioner Brock made a motion to approve and authorize the Chairman to execute Modification #4 documents and letter of Justification to the Florida Department of Community Affairs. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

(CD10:08) 18. Request Board approval of Resolution(s) required by the Florida Wildlife Conservation (FWC) for Grant Applications
Commissioner Stewart made a motion to approve the Resolution authorizing that the Project Manager has the authority to apply for and administer the grant on behalf of the County. Second by Commissioner Brock. Motion carried unanimously, 5/0.

(CD10:10) 19. Request Board authorization to advertise an RFP for County Rural Road Safety Improvements & Markings
Commissioner Artz made a motion to approve the four eligible roads that are in need of re-striping to include Curtis Mills, Railroad Avenue, Oak Park and Persimmon Road. Second by Commissioner Brock. Motion carried unanimously, 5/0.

(CD10:11) 20. Request Board acceptance of Status Report on 2009 Board Retreat Priorities & provide the Board with an update on current staff taskings directed by the Board

Commissioner Stewart made a motion to accept the status report on the 2009 Board Retreat Priorities. Beginning in June all Workshops are going to be scheduled for the third Thursday of each month beginning at 4:00 p.m.; Regular Scheduled Board Meetings will begin at 5:00 p.m. with the Citizens to be heard item moving to later in the Agenda so that Citizens will have time to get to the meetings to participate. Second by Commissioner Artz. Motion carried unanimously, 5/0.

(CD10:25) 21. Request Board approval to re-schedule the Workshop to discuss the Proposal for a Faith-Based Publicly Funded Project by the Leon-Wakulla Development Corporation

Commissioner Brock made a motion to re-schedule the workshop to discuss the proposal for a Faith-Based Publicly Funded Project by the Leon-Wakulla Development Corporation to a June date. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

COMMISSIONER AGENDA ITEMS

(CD10:27) 22. **Commissioner Green**

Request Board approval of a Proclamation Declaring May 9-17, 2009 as National Tourism Week in Wakulla County

Commissioner Green made a motion to approve a Proclamation declaring May 9-17, 2009 as National tourism Week in Wakulla County. Second by Commissioner Brock. Motion carried unanimously, 5/0.

(CD10:29) 23. **Commissioner Artz**

a. Request Board approval to form a Public Transit Work Group – pulled at the beginning of the meeting and to be on a future agenda

COUNTY ATTORNEY

(CD10:32) a. Easement at Tarpine – resolved

(CD10:32) b. Proposed Ordinance regarding the Wetlands for next agenda

COUNTY ADMINISTRATOR

(CD10:32) a. Audit – ready in June

(CD10:32) b. Water and Sewer Status – For a future agenda

DISCUSSION ISSUES BY COMMISSIONERS

(CD10:34) **Commissioner Stewart**

a. Mosquito Control is under the Health Department and with positions being cut they are using only one truck and there is an immediate need for spraying of mosquitoes– Commissioner Stewart made a motion for staff direction to try to arrange scheduling with additional staff from present resources over to the Health Department to address this immediate issue. Second by Commissioner Green. Motion carried unanimously, 5/0.

b. Highway 319 Update – The meeting in Chipley went very well and this will come up on next agenda

(CD10:42) **Commissioner Green**

a. Ordinance 06-28 rescinding language – advertised for next meeting to consider repealing 09-05.

(CD10:45) **Commissioner Kessler**

a. Mobile Kitchen Units – retro fitting with fire suppression units
This Building Department is working on this item

(CD10:46) **Commissioner Artz**

a. Heritage Park Grant – a letter of support will be prepared with the Chairman's signature

Commissioner Stewart made a motion to adjourn, seconded by Commissioner Brock and the motion carried unanimously, 5/0.

10:50 p.m.

Adjourn