

June 18, 2007

Approved 08/06/2007

**Board of County Commissioners  
Regular Board Meeting  
Monday, June 18, 2007**

The Board of County Commissioners of Wakulla County, Florida met in regular session on Monday, June 18, 2007 at 6:00 p.m. with Chairman Brian Langston presiding. Present were Commissioners Howard Kessler, Ed Brimmer, George Green and Maxie Lawhon. Also present were County Attorney Ron Mowrey, County Administrator Ben Pingree and Deputy Clerk Evelyn Evans.

**Invocation and Pledge of Allegiance**

The invocation was provided by Commissioner Brimmer who then led in the Pledge of Allegiance to the Flag.

**APPROVAL OF AGENDA**

Commissioner Lawhon made a motion to approve the Agenda with the following changes, under General Business continue item (17) Joe Blanchard's retirement discrepancy, move item (27) Confirmation of Cooperative Extension Director to top of General Business, under County Administrator add (1) 4- cent local option gas tax emergency ordinance, under Awards and Presentations add Wilderness Coast Library and Sopchoppy 4<sup>th</sup> of July Parade, under County Attorney add Request for Confidential Meeting to discuss class action lawsuit/MSBU. Second by Commissioner Kessler. All for. Motion Carried. 5-0

**(CD 6:04) PUBLIC HEARING**

1. Municipal Services Tax Unit (MSTU) for Fire Protection Services Ordinance
2. Municipal Services Tax Unit (MSTU) for Law Enforcement Services Ordinance
3. Municipal Services Tax Unit (MSTU) for Recreation Services and Facilities Ordinance  
\*\*Mr. Pingree provided information that any monies generated from MSTU's would require an equivalent reduction in ad valorem revenues. Dies for lack of motion.

**AWARDS AND PRESENTATIONS**

(CD 6:07) 4. FDOT/ARPC Joint Liaison Project, Five-Year Work Program Presentation  
Bruce Ballister, Small Counties FDOT Liaison, ARPC

(CD6:23) 4A. Wilderness Coast Library – presentation

(CD6:28) 4B. Sopchoppy 4<sup>th</sup> of July Parade

**(CD6:31) CONSENT AGENDA**

5. Approval of June 4, 2007 Regular Board Minutes
6. Approval of Payment of bills and Vouchers Submitted for May 31-June 13, 2007
7. Approval to accept grant award for Automatic External Defibrillators (AED's)  
The grant is \$63,539.00, which has a 75/25 match that will be \$21,179.00.
8. Approval of Courthouse Facilities Grant-in-Aid Agreement
9. Request to schedule a Workshop on Development Agreements and the best Practices for Planning and Community Development.
10. Ratification of Bid Process for Playground Equipment for Medart Park Improvements Project, FRDAP Agreement F50298
11. Request for Board Authorization to inform the Florida Association of Counties Trust that Wakulla County may pursue other insurance options.
12. Acceptance of Status Report on US319 Alternative Corridors Study
13. Confirmation of the Appointment of Lindsay Stevens for the Director of the Department of Planning and Community Development.

Commissioner Brimner made a motion to approve the Consent Agenda with the exception of items 8, 9, 10, 11, 12 and check numbers 118128, 117959, 118102, 118036. Second by Commissioner Kessler. All for. Motion Carried. 5-0

**(CD6:31) CONSENT AGENDA ITEMS PULLED FOR DISCUSSION**

Check 118128 – check in the amount of \$900.00 to the Madigan Law Firm for review of the County Attorney Contract.

Commissioner Brimner made a motion to approve check number 118128 to the Madigan Law Firm with a request to receive a work product from that firm to support the issuance of the \$900.00 check. Second by Commissioner Green. All for. Motion Carried. 5-0

(CD6:39) Check 117959 & 118102– Board Travel Reimbursement local \$772.59

(CD6:45) Check 118036 for \$14,844.45 – Mowrey & Mitchell re: DCA v Wakulla, MSBU & Sprayfield

Commissioner Kessler made a motion to pay checks 117959, 118102 and 118036. Second by Commissioner Brimner. All for. Motion Carried. 5-0

(CD6:55) Item 8 – Approval of Courthouse Facilities Grant in Aid Agreement

Commissioner Kessler made a motion to approve the Courthouse Facilities Grant in Aid Agreement. Second by Commissioner Brimner. All for. Motion Carried. 5-0

(CD6:58) Item 9 – Workshop on Development Agreements and the Best Practices for Planning and Community Development

Commissioner Brimmer made a motion for approval to hold a Workshop on Monday, October 1, 2007 at 5:00p.m. Second by Commissioner Kessler. All for. Motion Carried. 5-0

(CD7:00) Item 10 – Ratification of Bid Process for Playground Equipment for Medart Park Improvements Project, FRDAP Agreement F50298

Commissioner Brimmer made a motion for Ratification of Bid Process for Playground Equipment for Medart Park Improvements Project, FRDAP Agreement F50298. Second by Commissioner Lawhon. All for. Motion Carried. 5-0

(CD7:02) Item 11 – Request for Board Authorization to Inform the Florida Association of Counties Trust that Wakulla County may pursue other insurance options.

Commissioner Kessler made a motion to approve the County Administrator informing the Florida Association of Counties Trust that Wakulla County may pursue other insurance options. Second by Commissioner Green. All for. Motion Carried. 5-0

(CD7:10) Item 12 – Acceptance of Status Report on US319 Alternative Corridors Study

Commissioner Brimmer made a motion for acceptance of Status Report on US319 Alternative Corridors Study. Second by Commissioner Lawhon. All for. Motion Carried. 5-0

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

(CD7:14) 1. Jack Rudloe – Development and cutting of trees

(CD7:18) 2. John Trice – MSTU, Freedom of Press and reporting correctly, Audit

(CD7:19) 3. Larry Roberts – No vote on MSTU

(CD7:20) 4. Hugh Taylor – Free Speech Resolution, Benefit that will be held on 7/3/07, Agenda policies and procedures, work products

#### **PLANNING AND ZONING**

(CD7:39) 14. Wetlands Setback Variance, V07-09

Request for wetland setback variance to build within the 75-foot setback. This property is located on Block A Lot 4 of River Plantation Subdivision. Stephan and Necia Koury are the applicants.

Commissioner Brimmer made a motion to approve Wetlands Setback Variance V07-09. Second by Commissioner Kessler. All for. Motion Carried. 5-0

(CD7:41) 15. Family Enclave Agreement

Request to approve a Family Enclave Agreement between the Board of County Commissioners and Gary M. & Dawn Brown, due to their family member's financial difficulties. This property is located at 55 Ring Around Lane, north of Ace High Stables Road. Gary M. & Dawn Brown are the applicants.

Commissioner Lawhon made a motion to approve the Family Enclave Agreement for Gary M. & Dawn Brown. Second by Commissioner Green. All for. Motion Carried. 5-0

(CD7:47) 16. Site Plan Application, SP07-08

Request for site plan approval to construct a 20,000 square foot addition to the existing Gulf Coast Lumber site. This property is located behind the existing Gulf Coast Lumber. Lewis Properties, LLC, are the applicants.

Commissioner Kessler made a motion to approve Site Plan Application SP07-08 with the stipulation of the application of the Landscape Ordinance by staff to the North and East boundaries and leave that in the staff's hands. Second by Commissioner Lawhon. All for. Motion Carried. 5-0

### **GENERAL BUSINESS**

17. Consideration of Joe Blanchard's Retirement Discrepancy – continued to next meeting

(CD8:02) 17A. Emergency Ordinance regarding local option 4- cent gas tax

Commissioner Kessler made a motion to adopt an Emergency Ordinance regarding the local option 4-cent gas tax, declaring that an emergency exists, and waiving the advertising requirements, with an effective date of January 1, 2008 through December 31, 2012. Second by Commissioner Lawhon. All for. Motion Carried. 4-0 \*\*amends ordinance 03-13

\*\*Commissioner Lawhon left the meeting at this time.

(CD8:11) 18. Settlement Agreement with Brown & Brown, Inc.

Commissioner Brimner made a motion to approve the Settlement Agreement with Brown & Brown, Inc in the amount of \$1,102.68. Second by Commissioner Kessler. All for. Motion Carried. 4-0 \*\*this is a penalty paid by Brown & Brown, Inc.

(CD8:13) 19. Request for Board Appointments to the Citizen's Advisory Committee for Infrastructure Development – members to come back with appointments.

(CD8:23) 20. Approval of Contract with Kimley-Horn and Associates, Inc. for EAR

Commissioner Brimner made a motion to approve the contract for Kimley-Horn to complete the EAR and authorize staff to take appropriate budget action to transfer the necessary funding from the General Administrative Reserve Fund, pending legal review by the County Attorney. Second by Commissioner Kessler. All for. Motion Carried. 4-0

(CD8:23) 21. Approval of Contract with Kimley-Horn and Associates, Inc. for CMS

Commissioner Brimner made a motion to approve the contract for Kimley-Horn to complete the CMS (Concurrency Management System) and authorize staff to take appropriate budget action to transfer the necessary funding from the General Reserve Fund, pending legal review by County Attorney. Second by Commissioner Kessler. All for. Motion Carried. 4-0

(CD8:28) 22. Request for Board Approval of Eight Recommendations as Presented by Eutaw Consultants during the June 4, 2007 Sewer Billing Study and Workshop.

Commissioner Kessler made a motion to approve option #1, to include (1) Direct Administrator to contract with Eutaw Utilities to identify (and begin the billing of) all current sewer customers within Wakulla County to occur within the remainder of 2007, (2) Collect all applicable sewer connection fees as required by law, (3) direct staff to negotiate with water utility providers

(Talquin and PAWS) to tie billing and collection of sewer services to water utility providers' bills, (4) improve the Building Department's notification process to water utility providers (5) enforce and or fully implement ordinance 06-31, (6) pursue amendment to monthly rates for sewer (current rates are from 1997), (7) enforce and or fully implement ordinance 95-21, (8) direct staff to prepare agenda item for "Readiness-to-Serve" fees for sewer. Second by Commissioner Brimmer. All for. Motion Carried. 4-0

(CD8:29) 23. Approval of Appointments to the Parks and Recreation Board - tabled

(CD8:31) 24. Update on Wastewater Improvements Project and Request to Adopt Resolution to Escrow State Funding Received for this Project

Commissioner Brimmer made a motion to adopt a Resolution of Wakulla County relating to wastewater collection and treatment; making findings; noting finance sources; designating an authorized representative; and providing for an effective date. Second by Commissioner Green. All for. Motion Carried. 4-0

(CD8:42) 25. Request for Authorization of Ambulance Conversion from Re-chassis to Full-Service Ambulance

Commissioner Kessler made a motion to approve option 1, authorizing staff to convert re-chassis to full-service ambulance. Second by Commissioner Brimmer. All for. Motion Carried. 4-0

(CD8:43) 26. Approval of the New Non-Profit Policies and Procedures and Application Form

Commissioner Brimmer made a motion to approve the new Non-Profit Policies and Procedures and Application Form. Second by Commissioner Green. All for. Motion Carried. 4-0

(CD8:07) 27. Confirmation of Wakulla County Cooperative Extension Director Appointment

Commissioner Brimmer made a motion to confirm the appointment of Scott Jackson as the new Wakulla County Cooperative Extension Director, effective on August 3, 2007. Second by Commissioner Kessler. Motion Carried. 4-0

(CD8:47) 28. Approval of WORKFORCE *plus* Board Member

Commissioner Kessler made a motion to approve Don Prout as the Workforce plus Board Member. Second by Commissioner Green. All for. Motion Carried. 4-0

(CD8:48) 29. Appeal of Board of County Commission Decision regarding Larry Hess Certificate of Occupancy

Commissioner Brimmer made a motion for the County Attorney to draft an Agreement with Mr. Hess that protects the Board and authorizes the County Administrator to sign the agreement stating in consideration of the County for issuing the CO, not just in 6 months will he have the site drawn out, but he will have the job completed, failing which, if he is not in compliance he understands it will be torn down, by default, and he will waive the constitutional protection for the extent of the assessment to the County in tearing it down. Second by Commissioner Kessler. All for. Motion Carried. 4-0

(CD8:59) 30. Consideration of Property Location for the Crawfordville Community Center

Commissioner Kessler made a motion to approve negotiations for Priority 1, Wakulla Expo Property, as the location for the Crawfordville Community Center, if staff cannot negotiate terms by July 15, 2007, then staff will be directed to address priority 2, which is the Horne Property adjacent to the Medart Rec Park. Second by Commissioner Brimmer. All for. Motion Carried. 4-0

## **COMMISSIONER AGENDA ITEMS**

### **COMMISSIONER BRIMNER**

(CD9:02) 31. Operational Audit of Legal Services

Commissioner Brimmer made a motion to advertise an RFP for an Operational Audit of Legal Services. Second by Commissioner Green. Voting for: Brimmer. Opposed: Langston, Kessler and Green. Motion Failed. 1-3

### **COMMISSIONER KESSLER**

(CD9:13) 32. Freedom of Speech Day in Wakulla County

Commissioner Kessler made a motion to adopt a Freedom of Speech Day Resolution in Wakulla County. Second by Commissioner Green. Voting for: Kessler and Green. Opposed: Langston and Brimmer. Motion Failed 2-2

### **COUNTY ATTORNEY**

(CD9:20) Attorney/Client Meeting

Commissioner Kessler made a motion to advertise for an Attorney/Client Confidential Meeting that will be held at 6:00 p.m. during the second meeting in July; the regular meeting will start at 6:00 and immediately adjourn for the confidential meeting; therefore, the public will not have to be here until 6:30 p.m. Second by Commissioner Brimmer. All for. Motion Carried. 4-0

### **COUNTY ADMINISTRATOR**

(CD9:22) 1. Budget Workshop for next Monday – put date

(CD9:23) 2. Sprayfield Workshop on June 20, 2007 in Tallahassee

### **Discussion Issues by Commissioners**

(CD9:24) Commissioner Green – no items

(CD9:24) Commissioner Langston – dump free day, staff direction to bring back to next meeting, & bio mass plant which was for information.

(CD9:30) Commissioner Kessler – Rules of Procedures for Board Meeting, Bills and Vouchers simplified staff recommendation for long meetings as to snacks or breaks, chairs for the boardroom.

(CD9:34) Commissioner Brimmer – closed caption from Comcast

Commissioner Kessler made a motion to adjourn. Second by Commissioner Brimmer. All for. Motion Carried. 4-0

9:37 p.m. Meeting adjourned.