

**Board of County Commissioners  
Regular Board Meeting  
Monday, November 17, 2008**

The Board of County Commissioners in and for Wakulla County, Florida met in regular session on Monday, November 17, 2008 with Chairman Ed Brimner presiding. Present were Commissioners George Green, Howard Kessler, Brian Langston and Maxie Lawhon. Also present were County Attorney Ron Mowrey, County Administrator Ben Pingree and Deputy Clerk Evelyn Evans.

Invocation provided by Commissioner Green

Pledge of Allegiance provided by Commissioner Langston

**(CD5:54) APPROVAL OF AGENDA**

Commissioner Langston made a motion to approve the Agenda with the exception of Consent Agenda item 7 pulled for discussion. Second by Commissioner Kessler. Motion carried unanimously, 5/0.

**PUBLIC HEARING**

1. Request Board approval to hold a Public Hearing to adopt the proposed ordinance amending Florida Municipal Code Chapter 23 Parks and Recreation Ordinance for Wakulla County.

Commissioner Kessler made a motion to continue the Public Hearing for the proposed ordinance amending Florida Municipal Code Chapter 23 Parks and Recreation Ordinance for Wakulla County to January 5, 2009. Second by Commissioner Langston. Motion carried unanimously, 5/0.

2. Land Development Code Text Amendment: TA08-01

Conduct a Public Hearing to amend text within Section 5-7 of the Wakulla County Land Development Code, which addresses the approval process of certain Temporary Uses in Wakulla County.

Commissioner Kessler made a motion to adopt an Ordinance amending the Land Development Code Part 1, Section 5-7 providing for temporary uses and adding limiting temporary use for commercial properties to a total of 80 days per calendar year. Second by Commissioner Lawhon. Motion carried unanimously, 5/0.

**AWARDS AND PRESENTATIONS**

(CD6:01) Presentation of Plaque to Jim Card, Stop-N-Save Owner

(CD6:04) Presentation by Benjamin Pingree, County Administrator to outgoing Commissioners  
Presentation of Plaque to Commissioner Lawhon for 12 years of service to Wakulla County.  
Presentation of Plaque to Commissioner Langston for 4 years of service to Wakulla County.  
Presentation of Plaque to Commissioner Brimner for 4 years of service to Wakulla County.

(CD6:16) ***CONSENT AGENDA***

Commissioner Kessler made a motion to approve the Consent Agenda with the exception of item 7 that is moved to Consent Agenda items for discussion. Second by Commissioner Langston. Motion carried unanimously, 5/0.

3. Approval of Minutes – October 20, 2008 Regular Meeting  
\*Approved
4. Approval of Payment of Bills and Vouchers Submitted for October 16, 2008 – November 12, 2008  
\*Approved
5. Request Board approval for a Resolution to apply for the State of Florida EMS County Grant  
\*Approved for adoption of a Resolution to apply for the State of Florida EMS County Grant.
6. Acceptance of Status Report on 2008 Board Retreat Priorities  
\*Approved
7. Board review and acceptance of the US 319 Operations Assessment  
\*pulled for discussion, see below.
8. Request Board approval to schedule Workshops for newly elected Commissioners on December 2-5, 2008  
\*Approved
9. Request Board approval to schedule Workshop on January 5, 2009 at 5:00p.m. to establish the 2009 State & Federal Legislative Priorities  
\*Approved
10. Request Board approval of a Proclamation declaring November 20, 2008 “Betty Green Appreciation Day”  
\*Approved – Proclaiming November 20, 2008 as “Betty Green Appreciation Day”.
11. Request Board approval for a Resolution in support of the Small County Coalition, and to seek full funding of Amendment 1 offset for fiscally constrained Counties

Approved – Adopted a Resolution of Wakulla County requesting full funding of Amendment 1 offset for fiscally constrained counties.

### **CONSENT ITEMS PULLED FOR DISCUSSION**

(CD6:16) Item 7 – Board review and acceptance of Highway 319 Operations Assessment

Commissioner Kessler made a motion to accept the US 319 Operations Assessment and the staff recommendation of the Signalization Study. Second by Commissioner Langston. Motion carried unanimously, 5/0.

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

(CD6:30) 1. Dana Peck – Agenda requests and decisions made by the Board

(CD6:33) 2. Larry Roberts – The Election and people handling ballots, Attorney conflict of interest

(CD6:35) 3. Hugh Taylor – Gotcha politics

### ***PLANNING AND ZONING***

(CD6:39) 12. Application for Change of Zoning and Preliminary Plat: R08-07 & PP08-02

Second of two Public Hearings to request a rezoning on a 586.45+/- acre parcel from AG (Agriculture), RR-1 (Semi- Rural Residential) and PUD (Planned Unit Development) to PUD (Planned Unit Development). This property is located on the north and south side of Commerce Boulevard, west of Woodville Highway. The owners are N. G. Wade Investment Company, Winco Utilities, Inc., and Wakulla County BOCC. The agent is Robert Routa.

Commissioner Lawhon made a motion to adopt the proposed Ordinance amending the Official Zoning Map, amending the Official Zoning from AG (Agriculture), RR-1 (Semi-Rural Residential) and PUD (Planned Unit Development) zoning district to PUD (Planned Unit Development) zoning district with the following conditions: Approval of realignment of Commerce Boulevard by the Department of Transportation and the State of Florida, prior to the Final Plat or any site plan approvals within the subject property. The Applicant shall make a contribution in the amount of \$35,000.00 to CRTPA specifically to be used for the Woodville Corridor Study, within 60 days from the date of this approval. The Woodville Corridor Study being performed by CRTPA fulfills the Long Range Transportation Plan requirements of the Interlocal Agreement. The Applicant shall prepare the following reports to be submitted to the Wakulla County Planning and Community Development Department, and any additional agencies specified below, measuring the following: Once development activities commence on the Subject Property, an annual monitoring report regarding the internal vehicle capture rate. Should internal capture rate fall below 15% or 10% with the provision of a comprehensive system of interconnected pedestrian and bicycle ways, during two consecutive measurement periods, Development within Longleaf Plantation shall be stayed for a period not to exceed twelve months, pursuant to the requirements of Policy 1.2.9.1, Wakulla County Comprehensive Plan Future Land Use Element. Once

development activities commence on the Subject Property, an annual report illustrating the manner in which Transportation Demand Management (TDM) is being fulfilled by and within the Longleaf development. Once development activities commence on the Subject Property, an annual report showing the phasing of the development activities and monitoring of the area roadways utilized by the Longleaf development to ensure compliance with the adopted roadway levels of service as implemented through the Wakulla County concurrency management process. General annual report, once development activity commences on the Subject Property, as set forth in Policy 1.2.9(6), Wakulla County Comprehensive Plan Future Land Use Element. A minimum of four groundwater monitoring wells shall be established within this Sustainable Community to document groundwater trends and impacts, and to ensure that best management practices being used are protecting groundwater resources. Two wells should be installed up gradient and two wells down gradient. Prior to any on-site development activities (including grading and movement of the soils), the developer must gather samples to establish pre-development (background) water quality conditions. Sampling shall be performed semi-annually and the results provided to the Northwest Florida Water Management District, Department of Environmental Protection and Department of Community Affairs as well as the County within 30 days of sampling. Sampling parameters shall include but not be limited to nitrogen and phosphorus series and total suspended solids. If the monitoring indicates degradation in water quality based on the established statistical criteria as directed by Northwest Florida Water Management District and DEP, no further development shall be permitted until the developer implements corrective actions that alleviate the identified water quality issue(s). For those reports required to be submitted on an annual basis, and this goes for all reports previously stated, the required date for submittal of such report is December 1 of each year. Receipt of final Stormwater Permit from Northwest Florida Water Management District. Should the Water Management District permit change any provisions contained within the plat, including but not limited to lot layout or street location, the Longleaf PUD and related Preliminary Plat must return to both the Wakulla County Planning Commission and the Board of County Commissioners for review and approval. E911 approval for all road names by the Wakulla County Sheriff's Department. The Applicant provide assistance to Wakulla County, monetary or otherwise, for provision of the required annual Florida Yards and Neighborhoods Program Education Workshops and supporting materials as set forth in the land use designation of the Comprehensive Plan. Specific details of this assistance should be addressed at the time of the Application for Final Plat for this development. Second by Commissioner Langston. Voting for: Lawhon, Brimmer, Langston, and Green. Opposed: Kessler. Motion carried, 4/1.

(CD7:08) 13. Application for Change of Zoning and Preliminary Plat: R08-01 & PP07-06

First of two Public Hearings to request a rezoning on two parcels containing 28.65+/- acre parcels from AG (Agriculture) and RR-1 (Semi-Rural Residential) to PUD (Planned Unit Development) and create a 52 lot subdivision. This property is located on the north side of Arran Road and south of Wakulla-Arran Road. The property owner is Muir Woods, LLC and the agent is Thurman Roddenberry.

\*\*No action tonight

(CD7:50) 14. Application for Change of Zoning: R08-13

Second of two Public Hearings to request a rezoning on a 36.69+/- acre parcel from AG (Agriculture) to C-2 (General Commercial) and R-3 (Multi-Family Residential). This property is located on the east side of Crawfordville Highway, south of Hamacknockers Restaurant. The owner is Thurman Roddenberry. This application requests rezoning of 5.68+/- acres located in the western portion of the property, fronting Crawfordville Highway. The remaining 31.01+/- acres is located immediately to the east of the aforementioned area of proposed commercial rezoning and is proposed for rezoning to R-3 (Multi-Family Residential)

Commissioner Lawhon made a motion to approve rezoning of 36.69+/- acre parcel from AG (Agriculture) to C-2 (General Commercial) and R-3 (Multi-Family Residential), with a condition that the applicant constructs a road connecting Tafflinger with Council Moore Road at the time of residential development. Second by Commissioner Green. Voting for: Lawhon, Langston, Brimmer and Green. Opposed: Kessler. Motion carried, 4/1.

(CD8:03) 15. Application for Change of Zoning: R08-15

Request to rezone a 3.46+/- acre portion of a 7.69+/- acre parcel from RR-1 (Semi-Rural Residential) to C-2 (General Commercial). This property is located at the southwest corner of the intersection of Coastal Highway and Jack Crum Road. The property owner is WRJ Sales, Inc. and the agent is GPI Southeast, Inc.

Commissioner Lawhon made a motion to approve rezoning request for 3.46+/- portion of 7.69+/- acre parcel from RR-1 (Semi-Rural Residential) to C-2 (General Commercial) with the following conditions: The Applicant needs to provide at minimum a 30' setback including those shared with the parcel to the west containing a residential zoning district and maintain the landscape buffer. Driveway off Coastal Highway to be discontinued and not used. Second by Commissioner Langston. Motion carried unanimously, 5/0.

(CD8:18) 16. Application for Site Plan: SP08-15

Request for a commercial site plan to expand an existing mobile home sales center. This parcel is a 4.45+/- acre portion of a 7.69+/- acre parcel. This property is located at the southwest corner of the intersection of Coastal Highway and Jack Crum Road. The property owner is WRJ Sales, Inc. and the agent is GPI Southeast, Inc.

Commissioner Kessler made a motion to approve Site Plan Application SP08-15 with conditions that will also include the total closing of the driveway on Coastal Highway/98 and no temporary or full time storage of used or new mobile homes, only displayed models. Second by Commissioner Langston. Motion carried unanimously, 5/0. \*\*the acreage is different because this includes a previously approved small-scale site plan.

(CD8:20) 17. Application for Change of Zoning: R08-16

Request to rezone a 9.8+/- acre portion of a 19.25+/- acre parcel from AG (Agriculture) to C-2 (General Commercial). This property is located on the west side of Crawfordville Highway, south of North Point Center. The property owner is Richard Gowdy and the agent is Edwin Brown and Associates.

Commissioner Kessler made a motion to approve rezoning of a 9.8+/- acre portion of a 19.25+/- acre parcel from AG (Agriculture) to C-2 (General Commercial). Second by Commissioner Green. Motion carried unanimously, 5/0.

(CD8:24) 18. Application for Appeal to the Board of Adjustment: BOA08-02

Appeal the Planning Department's decision to deny a request for a Subdivision Determination Letter (SDL) to divide a 20.0+/- acre parcel located at 90 Acorn Trail. The property owners are Jon G. & Donna L. Shierling.

\*\*This is a Board of Adjustment Hearing.

Commissioner Kessler made a motion to conduct the final public hearing and reverse the original denial of Subdivision Development Letter 08-14, based upon the findings of fact and conclusions of law. Second by Commissioner Green. Motion carried unanimously, 5/0.

(CD8:28) 19. Application for Site Plan: SP07-08

Request to amend the landscape plan of a previously approved commercial site plan. This is a 5.0+/- acre parcel located on the east side of Crawfordville Highway and south of Council Moore Road. The property owner is Lewis Properties, LLC and the agents are Dorman and Lee Lewis.

Commissioner Kessler made a motion to approve the Application for Site Plan SP07-08, with the condition that all plantings be installed within 3 months from the date of this approval and, the plantings must be maintained in a healthy state to insure survival or be replaced pursuant to the Landscape Ordinance. Second by Commissioner Lawhon. Motion carried unanimously, 5/0.

(CD8:34) 20. Application for Wetland Setback Variance: V08-16

Request for a wetland setback variance and mitigate impacts to the karst feature, buffer requirements to construct a site-built, single-family dwelling. This 2.0+/- acre lot is located on the west side of River Plantation Road, within the River Plantation Estates Subdivision.

Commissioner Kessler made a motion to approve Wetland Setback Variance V08-16, with conditions and this variance will expire two years from the date of approval. Second by Commissioner Langston. Motion carried unanimously, 5/0.

\*\*Items 21-24 were all related and it was requested by the Board to be heard together. Ms. Stevens stated the cause for record for each individual request.

(CD8:37) 21. Application for Wetland Setback Variance: V08-17

Request for a variance to construct a pool, clubhouse and bathroom facility within the required 75' wetland setback. This is an 11.68+/- acre parcel located on Harbor Point Drive. The owner is William T. Gaupin and the agent is Vernon Hope.

(CD10:46) Commissioner Lawhon made a motion to extend the meeting until 1:00 A.M. Second by Commissioner Green. Voting for: Brimmer, Green and Lawhon. Opposed: Kessler and Langston. Motion carried, 3/2. After review of F.S. 100.041(2) (a) it was

determined that, the meeting with this Board would have to conclude at midnight due to three new Board Members taking office at 12:01 A.M.

(CD10:54) Commissioner Lawhon made a motion to approve Application for Variance V08-17. Motion dies for lack of second.

(CD8:37) 22. Application for Mean High Water Line Variance: V08-20  
Request for a variance to construct a pool, clubhouse, and bathroom facility within the required 50' setback from the established Mean High Water Line. This is an 11.68+/- acre parcel located on Harbor Point Drive. The owner is William T. Gaupin and the agent is Vernon Hope.

\*\*No vote due to V08-17 failing.

(CD8:37) 23. Application for Flood Variance: FV08-01  
Request for a variance to the elevation requirements to construct bathroom facilities at ground level verses pilings. This is an 11.68+/- acre parcel located on Harbor Point Drive. The owner is William T. Gaupin and the agent is Vernon Hope.

\*\*No vote due to V08-17 failing.

(CD8:37) 24. Application for Site Plan: SP08-16  
Request for a commercial site plan to construct a pool, clubhouse, and bathroom facility. This is an 11.68+/- acre parcel located on Harbor Point Drive. The owner is William T. Gaupin and the agent is Vernon Hope.

\*\*No vote due to V08-17 failing.

(CD11:16) 25. Application for Short Form Subdivision: SF08-07  
Request for Final Plat approval to create a 13-lot short form subdivision. This parcel is 313.85+/- acres and is located on the south side of Bloxham Cutoff, east of Woodville Highway and the City of Tallahassee power line. The property owner is G & A Lloyd, LLC and the agent is Edwin Brown and Associates.  
Commissioner Lawhon made a motion for approval of Short Form Subdivision SF08-07. Second by Commissioner Langston. Motion carried unanimously, 5/0.

(CD11:18) 26. Application for Final Plat: FP08-04  
Request for Final Plat approval to re-plat lots 21 and 22 of Commodore Commons, creating a 6-lot subdivision, to be known as the Coup D' Ville Subdivision. These lots make up 1.70+/- acres and are located on the north side of Country Way, south of Taff Drive. The property owner is Wakulla Bank and the agent is Thurman Roddenberry.  
Commissioner Lawhon made a motion to approve Application for Final Plat FP08-04. Second by Commissioner Kessler. Motion carried unanimously, 5/0.

(CD11:19) 27. Application for Final Plat: FP08-05  
Request for Final Plat approval to create a 6-lot subdivision on a 32.98+/- acre parcel, to be known as Rehwinkel Meadows. This property is located on the south side of J.K. Moore Road. The property owners are Parrish & Suzanne Barwick, Ferrell Barwick, Ben Withers and Steven & Kimberly Morgan.

Commissioner Kessler made a motion to approve Application for Final Plat FP08-05, with conditions. Providing a title opinion as required by Section 7-22.1(k) of the Code before the signing and recordation of the final plat mylar. The Final Plat must contain a note that the wetland area and 75' setback are a conservation area and is protected from development. Submission of an erosion control plan for each home being constructed as part of the Development Permit Application process. Second by Commissioner Green. Motion carried unanimously, 5/0.

(CD11:26) 28. Application for Comprehensive Plan Text Amendment:  
CP08-01

Request to remove Policy 1.3.3 of the Future Land Use Element of the Wakulla County Comprehensive Plan, which pertains to density allowable on contiguous lots under the same ownership. The applicant is Wakulla County.

Commissioner Green made a motion to adopt the proposed Text Amendment CP08-01 to the Future Land Use Element of the Comprehensive Plan. Second by Commissioner Langston. Motion carried unanimously, 4/0.

\*Commissioner Kessler abstains.

### ***GENERAL BUSINESS***

(CD11:27) 29. Request Board approval for Emergency Medical Services (EMS) and the Wakulla County Sheriff's Office to exchange vehicles.

Commissioner Kessler made a motion to approve Emergency Medical Services (EMS) and the Wakulla County Sheriff's Office exchanging vehicles. Second by Commissioner Lawhon. Motion carried unanimously, 5/0.

(CD11:28) 30. Request Board approval to award Bid #2008-18 to HD Supply for reconstruction of the Skipper Bay Box Culverts.

Commissioner Lawhon made a motion for approval to award Bid #2008-18 to HD Supply for reconstruction of the Skipper Bay Box Culverts. Second by Commissioner Kessler. Motion carried unanimously, 5/0.

(CD11:28) 31. Request Board approval to accept the low bidder on the Mashers Sands Paving (SCRAP) Project-Mashers Sands Road Improvements (Bid #2008-020) to C. W. Roberts.

Commissioner Lawhon made a motion for approval to accept the low bidder on the Mashers Sands Paving (SCRAP) Project, Mashers Sands Road Improvements bid 2008-020 to C. W. Roberts. Second by Commissioner Kessler. Motion carried unanimously, 5/0.

(CD11:00) 32. Request Board acceptance of the evaluation team ranking of the respondents to the request for qualifications for State Lobbying Services for the 2009 Legislative Session and Board approval to select firm, and authorize Chairman to execute an Agreement for Service.

Commissioner Kessler made a motion to approve Governance Services for State Lobbying Services for the 2009 Legislative Session with direction for staff and attorney to negotiate a contract with said firm and authorize the Chairman to execute the

Agreement for Services. Second by Commissioner Green. Motion carried unanimously, 5/0.

(CD11:29) Authorize County staff to schedule a Public Hearing to adopt an Ordinance clarifying that citizens who install and maintain a performance based septic system will not be required to hook onto the sewer (as authorized under state law).

Commissioner Green made a motion to advertise for a public hearing to adopt an Ordinance clarifying that citizens who install and maintain a performance based septic system will not be required to hook onto the Wakulla County Sewer System, when that system is made available to them (as authorized under state law). Second by Commissioner Lawhon. Motion carried unanimously, 5/0.

Commissioner Agenda Items

Commissioner Kessler – Town Hall Meeting on November 25, 2008.

County Attorney - 0

County Administrator - 0

There being no further business to come before the board, the meeting was adjourned at 11:42 p.m.

Reminder: Swearing-In Ceremony on Tuesday, November 18, 2008 starting at 12:00 p.m. at The Old Courthouse for incoming Commissioners Mike Stewart, Alan Brock and Lynn Artz.