

**BOARD OF COUNTY COMMISSIONERS
REGULAR BOARD MEETING
TUESDAY, MARCH 3, 2009**

The Board of County Commissioners in and for Wakulla County, Florida met for a Board Meeting on Tuesday, March 3, 2009 with Chairman Howard Kessler presiding. Present were Commissioners George Green, Lyn Artz, Alan Brock and Mike Stewart. Also present were County Attorney Ron Mowery, County Administrator Ben Pingree and Deputy Clerk Evelyn Evans.

Invocation provided by Commissioner Kessler

Pledge of Allegiance by Commissioner Green

1. 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 March 3, 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 and Stephen E. Mitchell of Mowrey & Mitchell, P.A., 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
**at 6:30 this meeting was rescheduled to the next board meeting

APPROVAL OF AGENDA

(CD6:03) Commissioner Stewart made a motion to approve the Agenda with the following changes; Item 12 is pulled for a presentation purpose, under Commissioner Discussion items add Rec Park Board Workshop for Commissioner Stewart, Citizens to be heard is moved to the beginning of the Agenda. Second by Commissioner Green. Motion carried unanimously, 5/0.

CITIZENS TO BE HEARD

(CD6:30) 1. Billy Pigott – Support of Sheriff Harvey

(CD6:33) 2. Larry Roberts – Support of Commissioner Kessler

(CD6:35) 3. Steve Brown – Support of Sheriff

(CD6:36) 4. Ben Withers – Spoke of the tension and hatred that has evolved since the Sheriff's accident

March 3, 2009

(CD6:38) 5. Stan Deszypolski – Shell Point Boat Ramp closing and the need for a Parking Ordinance

(CD6:40) 6. Mary Ann Taylor – Support of Sheriff

(CD6:41) 7. Allen Lamarche – Spoke regarding the petitions on line regarding the Sheriff

(CD6:45) 8. Vic Lambou – Citizen Participation and Commissioner Kessler’s letter to the Governor

(CD6:46) 9. Al Shylkofski – The need of a FDLE Investigation into the Sheriff’s accident

PUBLIC HEARING

(CD7:01) 2. Board Approval to Adopt an Ordinance clarifying those citizens who install and maintain a Performance Based Septic System will not be required to hook onto sewer
Commissioner Green made a motion to conduct the public hearing and adopt the proposed Ordinance clarifying that citizens who install and maintain a performance based septic system will not be required to hook onto sewer. Second by Commissioner Artz. Motion carried unanimously, 5/0.

(CD7:09) 3. Board Approval to adopt an Ordinance establishing the Wakulla County Administrative Code as directed in the County Charter Ordinance No. 2008-14
Commissioner Brock made a motion to conduct the Public Hearing to adopt an Ordinance and Resolution establishing the Wakulla County Administrative Code and adopt a Resolution setting forth the departments, offices, and divisions of the County. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

AWARDS AND PRESENTATIONS

(CD7:12) American Red Cross – Debara Jump, Regional Development Director
Proclamation declaring March as Red Cross Month

Commissioner Stewart made a motion to approve a Proclamation declaring March as Red Cross Month. Second by Commissioner Artz. Motion carried unanimously, 5/0.

CONSENT AGENDA

Commissioner Stewart made a motion to approve the Consent Agenda with the exception of item (12) that is pulled for discussion. Second by Commissioner Green. Motion carried unanimously, 5/0.

4. Approval of Minutes – February 10, 2009 Workshop on Impact Fees

5. Approval of Minutes – February 17, 2009 Regular Meeting

6. Approval of Minutes – February 17, 2009 1st Budget Development Workshop

7. Approval of Minutes – February 17, 2009 Workshop to Discuss Ways to Increase Citizen Information, Input, & Involvement in County Government

8. Approval of Payment of Bills and Vouchers submitted for February 12, 2009 – February 25, 2009

March 3, 2009

9. Request Board approval to re-schedule the Workshop presentation from the Tourist Development Council and Economic Development Council to April 27, 2009 at 5:00pm – 7:00pm
10. Request Board approval to schedule a Workshop for the Proposed Panacea Special Overlay District Ordinances and Code Language for April 7, 2009 at 5:00P.M.
11. Request Board approval to schedule a Workshop on June 2, 2009 at 5:00pm to discuss Hurricane Preparedness
12. Request Board consideration and acceptance of the Wakulla County Health Department's Quarterly Update – pulled for discussion
13. Request Board consideration and acceptance of the Health Care Task Force Quarterly Report
14. Request Board ratification of actions taken at the February 3, 2009 Workshop on Commissioner Travel Budgets
29. Request Board approval to schedule a Workshop on March 16, 2009 at 5:00 p.m. – 7:00 p.m. to discuss the Comprehensive Sewer Ordinance

CONSENT ITEMS PULLED FOR DISCUSSION

(CD7:14) 12. Request Board consideration and acceptance of the Wakulla County Health Department's quarterly update
Commissioner Artz made a motion to accept the Wakulla County Health Departments quarterly update. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

PLANNING AND ZONING

(CD7:22) 15. Application for Site Plan: SP08-21

A request for commercial site plan approval to construct a 4,000 square foot office building at the existing River of Life Church. This property is located in the northwest corner of the intersection of Donaldson Williams Road and Crawfordville Highway. The Property Owner is River of Life Church, Inc. and the agent is Adam Hill.

Commissioner Brock made a motion to conduct a Public hearing and approve the Application for Site Plan SP08-21, 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 Artz. Motion carried unanimously, 5/0.

(CD7:32) 16. Application for Site Plan: SP08-19

A request for a commercial site plan approval to construct a 3000 square foot administration building, associated parking area, sewer lift station and force main connection, and connection to existing water main at the existing Progress Energy Site. This property is located at 23 Millender Lane, an off street of Crawfordville Highway, located adjacent to the Lake Ellen Baptist Church. The property owner is Florida Power, and the agent is David H. Melvin, Inc.

March 3, 2009

Commissioner Brock made a motion to conduct the second of two public hearings and approve the Application for Site Plan SP08-19, based upon the Planning Department's recommendation, the Planning Commissions recommendation, and the findings of fact and conclusions of law made by the Board and any evidence submitted at the hearing hereon with a condition of a swale being added and landscape buffer consisting of shrubbery that will run the length of the fence line. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

GENERAL BUSINESS

(CD7:57) 28. Board review of Animal Control legal cases related to fees and costs

Commissioner Brock made a motion to accept the update by the County Attorney regarding legal fees in Animal Control cases, pay the bill of \$19,117.80 and move forward with the Bailey case. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

(CD8:21) 17. Request Board approval for the Chairman to execute an Employment Contract for the Executive Director of Tourist Development Council

Commissioner Brock made a motion to authorize the Chairman to execute an agreement between Wakulla County and Executive Director of the Tourist Development Council. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

(CD8:33) 18. Staff update to the Board on the Enforcement of the Short Term Sign Provisions contained within the Wakulla County Sign Ordinance (Section 6-18, Wakulla County Code)

Commissioner Brock made a motion to accept the staff update on the enforcement of Section 6-18, Wakulla County Code and direct staff to proceed with the enforcement of the current provisions of Section 6-18, Wakulla County Code, including requiring permits for temporary portable signs with the County. Second by Commissioner Stewart. Voting for: Brock, Green, Kessler and Stewart. Opposed: Artz. Motion carried 4/1.

(CD8:43) 19. Request Board consideration of Sunset Date Extension for the Citizen's Advisory Committee for Infrastructure Development

Commissioner Stewart made a motion to adopt a Resolution authorizing an extension of the sunset date of the Wakulla County Citizen's Advisory Committee for Infrastructure Development to September 30, 2011 and the Board recommended Commissioner Stewart be appointed to that board. Second by Commissioner Artz. Motion carried unanimously, 5/0.

Commissioner Stewart made a motion for the Citizen's Advisory Committee for Infrastructure Development to make Septic Tank Management and the County becoming a Public Utility as their top priorities. Second by Commissioner Artz. Motion carried unanimously, 5/0.

(CD9:18) 20. Request Board approval of a Budget Amendment moving funds from "Road Paving Various" and "Old Shell Point Road" accounts to the current year's paving projects
Commissioner Brock made a motion to approve the budget amendment moving funds from Road Paving Budgets to Current Year Paving Budgets. Second by Commissioner Green. Motion carried unanimously, 5/0.

(CD9:20) 21. Request Board approval to award the Low Bid for Bid #2009-005 Concrete Forming and Pouring

March 3, 2009

Commissioner Brock made a motion to award the low bid for Bid #2009-005 Concrete Forming and Pouring to Mike Turner Construction for \$7,490.00. Second by Commissioner Stewart. Motion carried unanimously, 5/0. **2 year contract

(CD9:20) 22. Request Board approval to Award Bid #2009-006 to Gilbert Pump and Mechanical, Inc. for the purchase of an Odor Control System

Commissioner Brock made a motion to award the low bid for Bid #2009-006 to Gilbert Pump and Mechanical, Inc. for the purchase of an Odor Control System for \$22,700.00. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

(CD9:21) 23. Request Board approval to award Contract for the Construction of Rock Landing Dock and Boat Ramp per bids received February 27, 2009

Commissioner Brock made a motion for approval to accept the lowest bidder and to award the contract in the amount of \$436,877.00 for the construction of Rock Landing Dock and Boat Ramp to Ben Withers. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

Commissioner Brock made a motion to accept the 4.75 elevation for the Rock Landing Dock. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

(CD9:40) 24. Request Board approval to apply for the Florida Boating Improvement Grant Program

Commissioner Stewart made a motion to authorize staff to pursue submission of an application with multiple sites that include priorities that include Newport Ramp Extension, Waterway Regulatory Signs, Rock Landing Boom/Lift Hoists, and Lower Bridge Road Ramp & Dock Improvements, to the FWC and to apply for a total funding level of \$200,000.00. Second by Commissioner Green. Motion carried unanimously, 5/0.

Commissioner Artz made a motion to direct staff to explore different working relationships with Mr. George Heaton in order to establish a County boat ramp as soon as possible. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

(CD9:49) 25. Request for ratification of Board Actions taken at the February 10, 2009 Impact Fee Workshop

Commissioner Brock made a motion to ratify steps 1, 2, and 3 as outlined and schedule a public hearing to adopt the Impact Fee Ordinance with an Affordable Housing Deferral section and an Economic Development section. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

1. Re-examine the new proposed impact fee rates to ensure that they are based on the most current and up to date data.
2. All impact fee rates including impact rates updated as a result of #1 are to be incorporated into the draft ordinance by recommended percentages.
3. Prepare a draft impact fee ordinance that will contain an Affordable Housing Deferral Section and an Economic Development Section to take effect on September 10, 2009, to coincide with the expiration of the 365-day impact fee moratorium.

March 3, 2009

COMMISSIONER AGENDA ITEMS

26. Commissioner Kessler

(CD9:53) a. Request Board approval to establish by Resolution a committee to formulate a “Roads Clean Action Plan” (RCAP) for Wakulla Public Roads

Commissioner Artz made a motion to adopt a Resolution of Wakulla County, Florida establishing a committee to formulate a “Roads Clean Action Plan” (RCAP) for Wakulla Public Roads. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

(CD9:57) b. Request Board consideration of Letter in Support of a Feasibility Study on Restoring Sunset Limited Service between New Orleans and Sanford

Commissioner Stewart made a motion to send a letter in support with the chairman’s signature, regarding a feasibility study on restoring sunset limited service (Amtrak) between New Orleans and Sanford. Second by Commissioner Artz. Motion carried unanimously, 5/0.

27. Commissioner Artz

(CD9:59) a. Request Board approval of a Resolution to reduce smoking among youth by supporting an increase in the State Excise Tax on cigarettes

Commissioner Artz made a motion to adopt a Resolution to reduce youth smoking and improve the health of citizens in Florida. Second by Commissioner Brock. Motion carried unanimously, 5/0.

COUNTY ATTORNEY - 0

COUNTY ADMINISTRATOR - 0

DISCUSSION ISSUES BY COMMISSIONER

(CD10:03) Commissioner Stewart

a. Request Rec Board Workshop – Date to come back on a future agenda

b. Letters sent by Commissioner Kessler on County letterhead – policy to be established

(CD10:13) Commissioner Brock

a. Workshop on Thursday, March 12, 2009 from 5:00 p.m. to 6:30 p.m. at the First Baptist Church in Crawfordville with Florida Department of Transportation regarding the widening of Highway 319

(CD10:17) Commissioner Green made a motion to adjourn. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

The meeting concluded at 10:17 p.m.