

**Board of County Commissioners
Regular Board Meeting
Tuesday, April 21, 2009**

The Board of County Commissioners in and for Wakulla County, Florida met for a regular scheduled Board Meeting on Tuesday, April 21, 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 Stewart

Pledge of Allegiance provided by Commissioner Brock

APPROVAL OF AGENDA

(CD6:02) Commissioner Stewart made a motion to approve the Agenda with the following changes:

County Attorney requests a confidential meeting for the May 5, 2009 meeting
Commissioner Artz would like to make an announcement under Awards and Presentations, pull Consent Agenda item (2) minutes from 4/7/09 meeting, discussion regarding Code Enforcement funds

Commissioner Stewart requests to discuss sun setting of platted subdivisions and Eminent Domain on Old Bethel Road

Commissioner Kessler requests to pull his item 13 and for discussion add Old Bethel Road

Second by Commissioner Brock. Motion carried unanimously, 5/0.

PUBLIC HEARING

(CD6:05) 1. Request Board approval to hold a Public Hearing to adopt the Proposed Comprehensive Sewer Ordinance

Commissioner Stewart made a motion to adopt the Comprehensive Sewer Ordinance as amended. Second by Commissioner Brock for discussion. Motion carried unanimously, 5/0.

AWARDS AND PRESENTATIONS

(CD7:30) FACT - Ken Moneghan and Commissioner Chuck Lockey to present the Board with a Member Appreciation Plaque

(CD7:39) Volunteer Wakulla 2nd Annual Make a Difference Day and Proclamation – Scott Jackson

(CD7:42) TCC training on installation of Solar Hot Water Heaters May 11-21, 2009

CONSENT AGENDA

(CD7:44) Commissioner Brock made a motion to approve the Consent Agenda with the exception of item (2) that is pulled for discussion. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

2. Approval of Minutes – April 7, 2009 Regular Meeting

3. Approval of Minutes – April 7, 2009 Workshop for the Proposed Panacea Special Overlay District Ordinances and Code Language

4. Approval of Payment of Bills and Vouchers Submitted for April 2, 2009 – April 15, 2009

5. Request Board approval of a Proclamation Declaring April 25, 2009 as Make a Difference Day in Wakulla County

Consent items pulled for discussion

(CD7:45) Minutes pulled for 4/7/09

Commissioner Artz requested an amendment on item 31 from the April 7, 2009 meeting to reflect that she abstained from the vote; therefore, the motion will be recorded as 4/0. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

CITIZENS TO BE HEARD

(CD7:46) 1. Bob Teal – water flooding his property and requesting assistance from the County

(CD7:52) 2. Lee Vause – County Budget and how the Commission needs to proceed

(CD7:55) 3. Walt Dickson – PAWS Board, Board Meeting Thursday morning to discuss terminating agreement with County on the collection of sewer fees

(CD7:56) 4. Mitch McElroy – Flooding of road in Sopchoppy (Sanders Cemetery Road)

(CD8:01) 5. Martin Carvallo – Requesting lower speed limit on dirt roads in Wakulla Gardens

(CD8:04) 6. Larry Roberts – People with limited resources and paying Ad Valorem Taxes, specifically resents remarks aimed towards him earlier in the meeting concerning taxes

(CD8:05) 7. Dana Peck – 5th grade mathematical error/County spending

GENERAL BUSINESS

(CD8:09) 6. Request for Board approval to Purchase Financial Software

Commissioner Stewart made a motion to approve with noted changes submitted by the Clerk for Purchase of Financial Software, to also include noted concerns stated on record by the County Attorney that are necessary for negotiation purposes, financing for 12 months at a low interest loan and approval to execute the necessary documents. The Sheriff's Department is also a part of the recommendation with their portion coming out of the Housing Trust Fund, subject to approval of purchase by the Sheriff. Second by Commissioner Artz. Motion carried unanimously, 5/0.

(CD8:22) 7. Board directed Staff Report regarding the Hidden Meadows Subdivision
Commissioner Artz made a motion to accept the staff report regarding Hidden Meadows Subdivision and direct the County Attorney to obtain expert analysis and advice (hydrologist, engineer or other professional) on the Hidden Meadows Subdivision, contact the Developer to discuss potential remedies or pursue injunctive or other legal relief as deemed necessary by the Board. Second by Commissioner Brock. Voting for: Kessler, Stewart, and Brock. Opposed: Artz and Green. Motion failed, 2/3.

(CD9:32) 8. Request Board approval for Final Ownership and Acceptance of Maintenance of the Roadway Infrastructure within The Gardens of Saralan Subdivision, Phase I
Commissioner Artz made a motion to approve and accept ownership and maintenance of the roadway infrastructure within The Gardens of Saralan Subdivision, Phase I. Second by Commissioner Brock. Motion carried unanimously, 5/0.

(CD9:36) 9. Request Board consideration and approval of a Resolution to accept the Weatherization Assistance Program (WAP) Contract and Funds for \$51,800.00
Commissioner Brock made a motion to approve the Resolution to accept the contract, funds, and amend the budget for the Weatherization Assistance Program contract and funds for \$51,800.00 and authorize the Chairman to execute the contract. Second by Commissioner Artz. Motion carried unanimously, 5/0.

(CD9:37) 10. Request Board approval of the Architectural and Engineering Services request for proposal and to advertise for quotes to perform preliminary site work – Community Center
Commissioner Brock made a motion to approve the RFQ for Architectural & Engineering Services for this project and approve for staff to bid out the boundary survey, topographical survey and core samplings, not to exceed \$5,000.00 and advertise for quotes with LEED and Energy Star Standards and include in the cost breakdown what this means. Second by Commissioner Green. Motion carried unanimously, 5/0.

(CD9:50) 11. Request Board approval of potential projects to submit to the Florida Communities Trust for consideration of an upcoming grant cycle opportunity
Commissioner Stewart made a motion to move forward with the Medart/US 319 Property for submittal to Florida Communities Trust for consideration of an upcoming grant cycle opportunity. Second by Commissioner Green. Voting for: Brock, Green, Kessler, and Stewart. Abstain: Artz. Motion carried, 4/0.

(CD9:59) 12. Request Board ratification of the Workshop held on April 21, 2009 discussing proposals for the acceptance of the ARRA Funding related to the Weatherization Assistance Program
Commissioner Stewart made a motion to approve ratifying the April 21, 2009 Workshop accepting the American Recovery and Reinvestment Act (ARRA) of 2009 Weatherization Assistance Program (WAP) Grant Funding and approving the following:
(a) Accept the ARRA funding and direct staff to bring forth appropriate documentation for Board ratification once received (b) Request to hire additional staff to provide

increased services to Wakulla to include two Weatherization Program Assistants, one Office Assistant, one State Housing Initiative Partnership (SHIP) Coordinator/Section 8 Inspector, the additional positions within the Housing Division will be filled in Other Personnel Services (OPS) utilizing the ARRA grant funds (c) request to purchase two 4WD pickup trucks for transportation of personnel and equipment utilizing the ARRA grant funds in the form of fee for services from the ARRA in the amount of \$26,000.00 for each vehicle; and to also include a space needs analysis. Second by Commissioner Brock. Motion carried unanimously, 5/0.

(CD10:00) 17. Request Board approval for the WCSO to apply for Grant Assistance from the COPS Hiring Recovery Program for Six Law Enforcement Positions
Commissioner Brock made a motion to approve the WCSO to submit the 2009 COPS Hiring Recovery Program Application. Second by Commissioner Stewart. Voting for: Stewart, Brock, and Artz. Opposed: Kessler and Green. Motion carried, 3/2.

COMMISSIONER AGENDA ITEMS

13. COMMISSIONER KESSLER

a. Letter from the Wakulla County Board of County Commission to Leon County BOCC to be made part of record for the upcoming Workshop addressing Septic/Sewer – pulled at beginning of meeting

14. COMMISSIONER ARTZ

(CD10:10) a. Request Board approval of Amended Action Plans to address the Board's Priorities for 2008/2009

Commissioner Artz made a motion to adopt two amended plans for Water and Energy Quality with some flexibility for revision of completion dates/assignments as is continued to be needed, but replace the existing Energy and Water Quality Plans with some version of what has been put forward tonight as an experiment. Second by Commissioner Brock. Voting for: Kessler, Artz, and Green. Opposed: Stewart and Brock. Motion carried, 3/2.

Gavel passed to Commissioner Green

(CD10:28) Commissioner Kessler made a motion to reconsider the previous motion (CD10:10). Second by Commissioner Stewart. Voting for: Brock, Stewart, Artz, and Kessler. Opposed: Green. Motion carried, 4/1.

Commissioner Stewart made a motion not to approve the Amended Action Plans to address the Board's Priorities for 2008/2009. Second by Commissioner Brock. Voting for: Stewart, Brock and Kessler. Opposed: Green and Artz. Motion carried, 3/2.

Gavel returned to Commissioner Kessler.

15. COMMISSIONER GREEN

(CD10:32) a. Requests Board approval to rescind/reconsider the Adopted Text Changes to Ordinance 06-28

Commissioner Green made a motion to rescind the action taken from the March 17, 2009 Board Meeting regarding the adopted text changes to Ordinance 06-28. Second by Commissioner Stewart. Voting for: Green, Stewart and Brock. Opposed: Kessler and Artz. Motion carried, 3/2.

(CD10:54) Commissioner Stewart made a motion to direct staff to re-advertise the public hearing at a future Board meeting to reconsider or rescind the text changes to Ordinance 06-28. Second by Commissioner Green. Voting for: Stewart, Green and Brock. Opposed: Kessler and Artz. Motion carried, 3/2.

(CD10:54) Commissioner Brock made a motion to extend this meeting to 11:30 p.m. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

COUNTY ATTORNEY

(CD10:55) 1. Confidential Meeting regarding Snyder, 07-70CA
Commissioner Stewart made a motion to schedule a confidential meeting to discuss pending litigation regarding the Snyder case 07-70CA for next Board Meeting. Second by Commissioner Brock. Motion carried unanimously, 5/0.

COUNTY ADMINISTRATOR

(CD10:55) 16. Board update on American Recovery & Reinvestment Act Funding Opportunities

Commissioner Artz made a motion to accept the updated report regarding the American Reinvestment & Recovery Act (ARRA) funding opportunities for Wakulla County projects. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

(CD11:00) 18. Board consideration to direct Staff to amend certain provisions within Chapter 32, of the Wakulla County Code (commonly referred to as the Wetlands Ordinance)

Commissioner Artz made a motion to direct staff to begin research and construct language for the Board's consideration at a Public Hearing for a later date. To clarify that the ordinance applies only to those new clearing activities within the wetlands and the required seventy-five (75) foot buffer areas that occur after the effective date of the ordinance May 1, 2006. Provide that the Board of County Commissioners will either review Conditional Uses approved by the Planning Commission or all Conditional Uses must be approved by the Board of County Commissioners. Establish stronger penalties and increased fines for violation of the Wetlands Ordinance; Exempt Wakulla County activities from the Wetlands Ordinance. Direct Public Works to make an Application for Conditional use for continuing maintenance of all existing rights-of-way and drainage facilities within wetlands and the required seventy-five (75) foot buffer area throughout Wakulla County. Direct the Parks and Recreation Department to make an Application for conditional Use for continued maintenance of all the public park areas within wetlands and the required seventy-five (75) foot buffer area throughout Wakulla County. Second by Commissioner Stewart. Motion carried unanimously, 5/0.

DISCUSSION ISSUES BY COMMISSIONERS

(CD11:07) Commissioner Artz

1. Code Enforcement Funds – OMB is working on this item

(CD11:13) Commissioner Stewart

1. Sun setting of existing platted subdivisions

Commissioner Stewart made a motion to direct staff to work on a policy for Board Review at the May 19, 2009 meeting. Second by Commissioner Brock. Motion carried unanimously, 5/0.

2. Eminent Domain regarding Old Bethel Road – next meeting

3. Board Meetings – suggests setting separate day for land issues or meeting once a week due to the length of time to conduct the meetings

Commissioner Brock

(CD11:21) 1. Expressed appreciation to citizens for staying up and watching the meeting

Commissioner Green – 0

(CD11:22) Commissioner Kessler

1. Wakulla Gardens – lot size, septic tanks and concerns when the roads get paved

2. Closer ties with Universities - Universities are interested in the County using the students on a rotating basis in clerkship positions

There being no further business to come before the Board, Commissioner Brock made a motion to adjourn, second by Commissioner Stewart and the motion carried unanimously, 5/0.

Meeting adjourned at 11:25 p.m.