

10/6/09

Board of County Commissioners
Regular Public Meeting
Tuesday, October 6, 2009

The Board of County Commissioners in and for Wakulla County met for a regular scheduled board meeting on Tuesday, October 6, 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 Heather Encinosa and Deputy Clerk Evelyn Evans.

Invocation by Commissioner Stewart

Pledge of Allegiance - Commissioner Kessler

Approval of Agenda

(CD5:00) Commissioner Stewart made a motion to approve the Agenda with the following changes/additions:

Commissioner Artz – Hazardous Waste Day under Awards and Presentations

Commissioner Kessler – for discussion (3 items), pull item 6 on the Consent Agenda

County Administrator – pull item 7 on the Consent Agenda

Second by Commissioner Brock and the motion carried unanimously, 5/0.

Public Hearing

(CD5:02) 1. Application to Close/Abandon a portion of Oak Street in Spring Creek

(Harry F. and Frances Hermann, Applicant)

Commissioner Artz moved to conduct the Public Hearing and approve the closing/abandonment of a portion of Oak Street in Spring Creek. Second by Commissioner Brock and the motion carried unanimously, 5/0.

(CD5:06) 2. Request Board Approval to Conduct the Public Hearing and Re-Adopt an Ordinance of Wakulla County, Florida Providing for the Protection of Wetlands Within the Unincorporated Area of Wakulla County; Establishing Application and Processing Procedures; Providing Design Standards and Administration Procedures; Establishing Fines and Penalties; and Providing for an Effective Date

Commissioner Artz moved to conduct the Public Hearing and re-adopt an ordinance of Wakulla County, Florida providing for the protection of wetlands within the unincorporated area of Wakulla County; establishing application and processing procedures; providing design standards and administration procedures; establishing fines and penalties; providing for an effective date. Second by Commissioner Brock with Commissioners Kessler, Artz, Brock and Green in favor and Commissioner Stewart opposed. Motion Failed, 4/1. Pursuant to section 1-7 of the existing Land Development Regulations, this item came before the Board without a favorable recommendation from the Planning Commission and required a unanimous vote for passage.

Awards and Presentations

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(CD5:28) Presentation by Lynn Reynolds regarding St. Marks Refuge Butterfly Garden Project/WHS Environmental Class Partnership

(CD5:31) October 8, 2009 Event: "SMART LIVING -- Save Energy, Save Money"

(CD5:36) Announcement of Public Transit Work Group Meeting - Lynn Artz
The first Organizational Meeting will be held in the County Commission Chambers on October 19, 2009 at 6:00 p.m.

(CD5:36) Hazardous Waste Day on October 17, 2009 from 8:00 a.m. to 1:00 p.m. at the Public Works Building on Trice Lane

(CD5:38) Announcement by Commissioner Kessler regarding Capital City to the Sea Loop – presentation by Jena Brooks, Director of Office of Greenways & Trails at Department of Environmental Protection

Consent Agenda

Commissioner Brock made a motion to approve the Consent Agenda with the exception of items 6 & 7 pulled for discussion. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

3. Approval of Minutes – September 22, 2009 Regular Board Meeting
Approve

4. Approval of Payment of Bills and Vouchers submitted for September 17, 2009 – September 30, 2009
Approve

5. Request Board approval of a Dual Certification in order to prepare Tax Bills
Approve – Resolution of Wakulla County, Florida providing for the extension of the 2009 Assessment Rolls pursuant to sections 197.323 and 193.122, Florida Statutes; and providing for an effective date.

8. Update to the Board regarding the Value Adjustment Board Organizational Meeting
Approve – the update to the Board regarding the Value Adjustment Board Organizational Meeting

9. Request Board approval to Award Bid for the Road Striping RFP #2009-015 for the projects funded by the American Recovery & Reinvestment Act and authorize the County Administrator to Execute Agreement
Approve – Award the bid and authorize the chairman to execute agreement with Roadscape North Florida

10. Request Board approval to schedule and advertise a Public Hearing to approve placement of Traffic Calming Devices for Mt. Zion Rd.

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Approve – schedule and advertise a Public Hearing on November 17, 2009 to approve placement of traffic calming devices on Zion Hill Road.

Consent Items Pulled for Discussion

(CD5:55) 6. Request Board approval of the 2010 Board Meeting Calendar

Commissioner Artz made a motion to direct staff to develop a proposal for alternate Board Meeting dates and bring the proposal back to the Board for approval. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

(CD6:03) 7. Request Board approval to: Award Bid to the Lowest Bidder for Construction of a Reuse Force Main Pipe; Authorize Chairman to Execute Contract; Approve Work Authorization with Eutaw Utilities, Inc. for Technical Services during Construction

Commissioner Green moved to award the bid to Dowdy Plumbing Corporation and authorize Chairman to execute contract and the work authorization in the amount of \$13,000.00 with Eutaw Utilities, Inc., contingent on agreed changes to the Grant Agreement with Northwest Florida Water Management District. Second by Commissioner Brock and the motion carried unanimously, 5/0.

Planning and Zoning

(CD6:08) 11. Application for Comprehensive Plan Map Amendment CP09-01

(Presbytery of Florida, Inc. successor in interest to Wakulla Presbyterian Church, Inc., owner; Robert Routa, agent)

Commissioner Stewart moved to conduct the second of two public hearings and vote to adopt the proposed Ordinance amending the Comprehensive Plan Future Land use Map, amending the Future Land Use Map designation from Agriculture (Primary Agriculture) land use to Commercial (Non-Urban) land use, based upon the Planning Commission'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 Brock with Commissioners Stewart, Kessler and Brock in favor and Commissioners Artz and Green opposed, motion carried, 3/2.

(CD7:15) 12. Application for Change of Zoning R09-03

(Presbytery of Florida, Inc. successor in interest to Wakulla Presbyterian Church, Inc., owner; Robert Routa, agent)

Commissioner Stewart made a motion to conduct the second of two public hearings and vote to adopt the proposed Ordinance amending the official zoning, atlas, amending the zoning district from RR-5 (Rural Residential) to C-2 (General Commercial), based upon 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. Second by Commissioner Brock and the motion carried unanimously, 5/0.

General Business

(CD7:47) 13. Request Board consideration and approval to hire counsel to represent County Code Enforcement and Planning Staff during Code Enforcement and Planning Board Hearings on an as-needed basis

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Commissioner Brock made a motion to approve Ard, Shirley & Randolph, P.A. to provide legal services to County Code Enforcement and Planning Staff on an as-needed basis and authorize the County Attorney to execute a subcontract with Ard, Shirley & Randolph that is consistent with the submitted proposal. Second by Commissioner Artz and the motion carried unanimously, 5/0.

Citizens to be Heard

(CD7:57) 1. Jack Rudloe – Wetlands

(CD8:00) 2. Rusty McKeithen – Roofing Contractor and bid on Property Appraiser/Supervisor of Elections Office. The low bidder was allowed to change price after the bids were received.

(CD8:05) 3. Richard VanMunster – Commercial Fishermen and fishing with net over 2” mesh net and due process. He is asking for a Resolution from the Board in support of fishermen.

(CD8:09) 4. Dave Lansford – Migrating sand out of stormwater facility at Rock Landing Dock.

Commissioner Agenda Items

Commissioner Kessler

(CD8:13) 14a. Capital to the Sea Loop

Commissioner Artz made a motion to approve the Resolution supporting the concept of the Capital to the Sea Loop. Second by Commissioner Brock and the motion carried unanimously, 5/0.

(CD8:40) Commissioner Brock made a motion to start the process of scheduling a Workshop predicated on the availability of the National Forest Service and other interested parties regarding the Capital to the Sea Loop. Second by Commissioner Green and the motion carried unanimously, 5/0.

(CD8:41) 14b. Forest Highway 13/Forest Road 13

Commissioner Artz made a motion to direct staff to start the process of scheduling a Workshop with the timing of the National Forest Services availability to discuss the possibility of paving Forest Road 13 and other alternatives. The Staff will determine other appropriate parties such as D.O.T. for attendance at the workshop to outline some of the steps that would be needed in this process. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

15. Commissioner Brock

(CD9:06) 15a. Request Board Clarification Regarding Old Courthouse Contractual Agreement
Commissioner Brock made a motion to direct staff to set a Workshop for discussion on a Management Agreement with the Chamber of Commerce regarding the Historic Courthouse. Second by Commissioner Artz and the motion carried unanimously, 5/0.

County Attorney

(CD9:17) 16. Request authorization to develop a County Policy regarding defense of civil actions against Public Officer, Employees, or Agents in accordance with Section 111.07, Florida Statutes

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Commissioner Artz moved to authorize the provision of a defense for Chairman Kessler in Log Creek, LLC et al. v. Howard Kessler, et al, Case No. 09-397CA, filed on September 26, 2009 in the Second Judicial Circuit. Second by Commissioner Green and the motion carried unanimously, 4/0. (Commissioner Kessler abstained and filed Form 8A with the Clerk)

Commissioner Artz move to authorize the County Attorney to develop a County Policy regarding defense of civil actions against Public Officer, Employees, or Agents in accordance with Section 111.07, Florida Statutes. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

(CD9:25) 17. Request Board approval of an amendment to Resolution 09-30 for the DEP State Revolving Loan Fund Program for the Wakulla County Sewer Project
Commissioner Brock made a motion to approve the amendment to Resolution 09-30 for the DEP State Revolving Loan Fund Program for the Wakulla County Sewer Project. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

The following items were on the Agenda for discussion only:

Sunshine and Public Records Training Session

Ethics Training Session

Ex Parte Communications Ordinance

Quasi Judicial Hearing Process

County Administrator

(CD9:29) Workshops starting at 4:00 p.m. on Thursday, October 15, 2009 regarding Establishing Industrial Development Authority and Review of the Proposed Revisions to the Comp Plan from 5:00 p.m. to 9:00 p.m.

Welcome to the new County Attorney Heather Encinosa

Discussion Issues by Commissioners

(CD9:30) Commissioner Kessler

a. Florida Association of Counties – Oil drilling in Florida

b. Water Quality Protection

c. Workshop regarding future development/land quality

(CD9:31) Commissioner Brock

a. Commercial/Residential needs analysis

Commissioner Brock made a motion to direct staff to bring back an Agenda item regarding a Commercial/Residential Needs Analysis. Second by Commissioner Stewart and the motion carried unanimously, 5/0.

There being no further business to come before the Board, the meeting adjourned at 9:35 p.m.