Revised 7/14/11 Board of County Commissioners

Wakulla County, Florida

Agenda

Regular Public Meeting
Monday, July 18, 2011

Invocation

Pledge of Allegiance
Commissioner Stewart

Approval of Agenda:
(The Chairman and members of the Board will approve and/or modify the official agenda at this time).

Public Hearing
(Public Hearings are held as required to receive public comments on matters of special importance or as prescribed by law. Public Hearings shall be heard at 5:00pm, or soon thereafter. Individual speakers are encouraged to adhere to a three (3) minute time limit. The Chairman has the discretion to either extend or reduce time limits, based on the number of speakers).

1. Request Board Approval to Conduct the Public Hearing on the Advisability of the County Providing Solid Waste Collection Services within the County and Adopt a Resolution Electing to Authorize the Same
   (Cleve Fleming, Public Works Director)

2. Request Board Approval to Conduct a Public Hearing and Consider Adopting an Ordinance Amending the Comprehensive Golf Cart Community Ordinance
   (Heather Encinosa, County Attorney)

3. Request Board Approval to Conduct the Public Hearing and Consider Adoption of an Ordinance Regulating the Use and Licensing of Simulated Gambling Devices and Facilities
   (Heather Encinosa, County Attorney)

4. Request Board Approval to Conduct the Public Hearing and Consider Adopting an Ordinance Amending Section 2.169 of the Wakulla County Code of Ordinances, As Transferred Pursuant to County Ordinance No. 2011-02
   (Jaime Baze, Code Enforcement)

5. First Public Hearing Pursuant to the Federal CDBG Program in Preparation to Submit a Small Cities Community Development Block Grant (CDBG) Application for the 2011 Grant Cycle
   (Sonora Walker, Meridian Community Services Group/Housing Administrator)

Awards and Presentations

(Members of the Board will have the opportunity to acknowledge members of the community or commendable efforts at this time. Presentations will be made from individuals concerning issue of importance).

Presentation by Ron Piasecki, Friends of Wakulla Springs Regarding Proposal to Expand Family Camping in Wakulla Springs

(To ensure fairness and encourage participation, citizens who would like to speak on any item will need to fill out a speaker's card and turn in to Ms. Welch prior to the beginning of discussion on that particular item. Citizens are allowed a maximum of 3 minutes to speak.

Citizens to be Heard

(Citizens will be heard between 6:30p.m. and 7:00p.m., or if the meeting concludes prior to 6:30p.m. or 7:00p.m. citizens will then be heard at the end of the meeting where applicable. Three (3) minute time limit; non-discussion by Commission; there shall be no debate and no action by the Commission).

Consent

(All items contained herein may be voted on with one motion. Consent items are considered to be routine in nature, are typically non-controversial and do not deviate from past Board direction or policy. However, any Commissioner, the County Administrator, or the County Attorney may withdraw an item from the consent agenda, either in writing prior to the meeting, or at the beginning of the meeting and it shall then be voted on individually. Every effort shall be made to provide such a request to the Chairman at least 24 hours before the meeting).

6. Approval of Minutes – June 9, 2011 Workshop Regarding the Community Center Conceptual Master Plan
(Brent X. Thurmond, Clerk of Court)

7. Approval of Minutes – June 9, 2011 Workshop Regarding Amending the Comp Plan Related to Wetlands and Treatment of Sanitary Sewer
(Brent X. Thurmond, Clerk of Court)

8. Approval of Minutes – June 21, 2011 Regular Board Meeting
(Brent X. Thurmond, Clerk of Court)

9. Approval of Minutes – June 23, 2011 Workshop Regarding 3rd Budget Development for FY2011/12
(Brent X. Thurmond, Clerk of Court)

10. Approval of Payment of Bills and Vouchers Submitted for June 16, 2011 – July 13, 2011
(Brent X. Thurmond, Clerk of Court)

11. Request Board Approval to Apply for a FEMA Pre-Disaster Mitigation Grant for Up to $3M for Wakulla Gardens Stormwater Infrastructure Improvements
(Jennifer Langston, Special Projects Coordinator)

12. Request Board Acceptance of the La Florida, Land of Flowers Community Grant of $500.00 for Wildflower Seeds
(Jennifer Langston, Special Projects Coordinator)

13. Request Board Approval to Schedule and Advertise a Public Hearing to Consider Adopting an Ordinance Increasing the Tourist Development Tax Rate
(Pam Portwood, TDC Director)

14. Request Board Approval to Accept the Consolidated Small County Solid Waste Grant for $70,588 and Extend KWCB's Contract with Wakulla County
(Cleve Fleming, Public Works Director)

15. Request Board Ratification of Midway Auction Consignment Agreement and Approval of Form Bill of Sale for Two John Deere Graders
(Cleve Fleming, Public Works Director)

16. Request Board Approval to Adopt a Resolution Appointing the Members of the Wakulla County Citizens Advisory Task Force for the Purpose of Small Cities Community Development Block Grant Requirements
(Melissa Corbett, Planner II)

17. Request Board Approval of Wakulla County Housing Authority's Annual PHA Plan, Annual Certification and Resolution
(Sonora Walker, Meridian Community Services Group/Housing Administrator)

18. Request Board Approval of Proposed Resolution Appointing a Representative to the Industrial Development Authority
(Jennifer Langston, Special Projects Coordinator)

19. Request Board Approval of Wakulla County's Natural Resource Damage Assessment (NRDA) Projects for Submittal to FDEP
(Jennifer Langston, Special Projects Coordinator)

Consent Items Pulled for Discussion

(Members requesting further information on items placed under "Consent Agenda," may withdraw those items and place them here, for further discussion).

Planning and Zoning

(*Members will be provided with planning and zoning amendment requests five (5) business days prior to the scheduled meeting. To the maximum extent possible, all support information and documentation for P&Z items shall be made available through a variety of means including the County website that will provide the public with the greatest opportunity to review documentation at the date of advertisement pursuant to Resolution No. 04-43. "In accordance with Sec. 24.01 of County Code, for all quasi-judicial proceedings each Commission member must disclose all contact received from interested parties and/or their representatives, lobbyists, or any other third parties concerning any application and any personal investigation or knowledge being relied upon during the consideration of any quasi-judicial planning and zoning matters".)*

20. Application For Change of Zoning R11-01
(Bob and Angela Nichols, Owners)

21. Application for Change of Zoning R11-02
(Randy Smith, Owner)

22. Application For Comprehensive Plan Map Amendment CP11-01
(Mark and Lynn Hinrichs, Owners; Bruce I. Wiener, Agent)

23. Application for Variance V10-06
(Randall and Eva Pelt, Owner; Edwin Brown and Associates, Agent)

General Business

(General Business items are items of a general nature that require Board directions or pertain to Board policy

24. Request Board Approval of Change Order #2 for the Wakulla County Force Main Project
(Lane Lucas, Eutaw Utilities)

25. Request Board Consideration and Approval of Solid Waste Revenue Enhancements
(Cleve Fleming, Public Works Director)

26. Request Board Authorization to Advertise for a Director of Planning and Community Development
(Debbie DuBose, OMB Coordinator)

Commissioner Agenda Items

(Items with supporting documentation shall be provided by a Commissioner to the County Administrator three (3) business days prior to the scheduled meeting. Items that are agendaed by Commissioners and fail to gain approval may not be replaced on the agenda by a Commissioner on the non-prevailing side for a period of six (6) months without approval of the Chairman unless there is substantive new information to present).

27. Commissioner Stewart –
    a. Request Board Consideration and Approval of Salary and Benefit Package of Newly Appointed County Administrator, Mr. David Edwards
    b. Request Board to Appoint a Member to the Capital Area Community Action Agency Board of Directors
    c. Request Board Approval to Schedule a Workshop Regarding FGUA to Present on Utility (Sewer) Ownership

28. Commissioner Merritt –
    a. Request Approval to Direct Staff to Amend the County Code to Allow Accessory Structure on Vacant Parcels

29. Commissioner Brock –
    a. Removing Library Furloughs to Save Reduction of Future State Aid to Libraries Funding

30. Commissioner Moore –
    a. Request Board Approval to Hire David Edwards as County Administrator Prior to October 1, 2011
    b. Direct Staff to Remove the Outhouse Facility on Levy Road

34. Commissioner Artz –
    a. Request Board Approval of a Resolution Concerning Campgrounds at Wakulla Springs State Park

County Attorney

(County Attorney items are items of a legal nature that require Board direction or represent general information to Board Members, staff or the public).

31. Request Board Approval of Extension of the Agreement for County Attorney Services

32. Information on Emergency Medical Services Tax Assessment

County Administrator

(County Administrator items are items that require Board direction or represent general information to Board Members, staff or the public).

33. Update Regarding ITB #2011-17 (OBBT Phase I) Protest

Discussion Issues by Commissioners

(The purpose of this section is for Commissioners to request staff action on various issues, including scheduling of a future agenda item for later Board action, based on the approval of a majority of the Board. No assignments or request for agenda items shall be given to the County Administrator or County Attorney without the express approval of the majority of the Board. The Board shall take no policy action without an agenda item unless such is accomplished through a unanimous vote of the Board. The remarks of each Commissioner during his or her "discussion items" shall adhere to Robert Rules of Order, for proper decorum and civility as enforced by the Chairman.

Adjourn

(Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the members of the Commission present at the meeting).

The next Board of County Commissioners Meeting is scheduled for
Monday, August 1, 2011 at 5:00 p.m.

Regular Board Meeting and Holiday Schedule
January 2011 – December 2011

January 2011

S	M	T	W	Th	F	Sa
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February 2011

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April 2011

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May 2011

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August 2011

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September 2011

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November 2011

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December 2011

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Regular Board Meeting
Special Meeting
Holiday
Workshops
Office Closure (Furlough Days)

PUBLIC NOTICE

2011 Tentative Schedule

All Workshops, Meetings, and Public Hearings are subject to change

All sessions are held in the Commission Chambers, 29 Arran Road, Suite 101, Crawfordville, FL.
Workshops are scheduled as needed.

Month	Day	Time	Meeting Type
July 2011	Monday, 18	5:00 P.M.	Regular Board Meeting
August 2011	Monday, 1	5:00 P.M.	Regular Board Meeting
	Thursday, 4	5:00 P.M.	Workshop(s): ▪ 4th FY2011/12 Budget Development Workshop ▪ To Discuss Implementing a Blue Print 2000 Type Effort in Wakulla County
	Monday, 15	5:00 P.M.	Regular Board Meeting
September 2011	Tuesday, 6	5:00 P.M.	Regular Board Meeting
	Thursday, 8	5:00 P.M.	Workshop(s): ▪ To Discuss Options Regarding Subdivision Road Acceptance
	Monday, 19	5:00 P.M.	Regular Board Meeting
October 2011	Monday, 3	5:00 P.M.	Regular Board Meeting
	Monday, 17	5:00 P.M.	Regular Board Meeting
November 2011	Monday, 7	5:00 P.M.	Regular Board Meeting
	Monday, 21	5:00 P.M.	Regular Board Meeting

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Heather J. Encinosa, County Attorney Tim Barden, Interim County Administrator Cleve Fleming, Public Works Director
Subject:	Request Board Approval to Conduct the Public Hearing on the Advisability of the County Providing Solid Waste Collection Services within the County and Adopt a Resolution Electing to Authorize The Same

Statement of Issue:
This agenda item requests Board approval to conduct the public hearing on the advisability of the County providing Solid Waste Collection Services within the County and adopt a Resolution electing to authorize one or more exclusive franchises within the County for the provision of Solid Waste Services or to provide such services itself or through other local governments on or before August 1, 2014.

Background:
The Board previously directed staff to prepare and issue a Request For Proposals for Solid Waste Collection and Disposal Services.

In accordance with Section 403.70605, Florida Statutes, prior to approving any franchise agreement with a private hauler, the County must hold at least one public hearing on the advisability of the local government or combination of local governments providing the service. This public hearing must be noticed in the newspaper and written notice must be sent to all private haulers operating within the County.

Written notice of this public hearing was sent by first class mail to all haulers on or before June 2, 2011. A newspaper notice of this public hearing was published in the Wakulla News on June 30, 2011 (Attachment #1).

Analysis:
If the County desires to authorize one or more exclusive franchises within the County for the provision of solid waste services or to provide such services itself or through other local governments on or before August 1, 2014, it must hold this public hearing to consider the pros and cons of this potential action. If the County elects to proceed with franchising, then all haulers must receive an additional notice of the Board's decision. The Board can then either wait three years before enacting a franchise or, alternatively, it may pay a displaced hauler an amount equal to the company's preceding 15 months' gross receipts for the displaced service in the County.

In the event the County awards a franchise at the conclusion of its currently pending RFP, the successful hauler would be required to make the displaced hauler payments. In the event the Board elects not to proceed with a franchise at this time, it is still recommended to hold the public hearing and adopt the proposed resolution so that the three-year notice period begins to run. This will provide the County with needed flexibility to determine the best way to handle solid waste services in the future.

Budgetary Impact:

Options:

1. Conduct the Public Hearing on the Advisability of the County Providing Solid Waste Collection Services within the County and Adopt the Resolution Electing to Authorize The Same.
2. Do Not Conduct the Public Hearing on the Advisability of the County Providing Solid Waste Collection Services within the County and Do Not Adopt a Resolution Electing to Authorize The Same.
3. Board Direction.

Recommendation

Option #1

Attachments:

1. Proof of Advertisement
2. Proposed Resolution

Wakulla County

NOTICE OF PUBLIC HEARING

The Wakulla County Board of County Commissioners will hold a Public Hearing on July 18, 2011 at 5:00p.m. in the Commission Chambers, 29 Arran Rd., Crawfordville, FL 32327 to Consider:

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, ELECTING TO AUTHORIZE ONE OR MORE EXCLUSIVE FRANCHISES FOR THE PROVISION OF SOLID WASTE SERVICES TO RESIDENTIAL AND NON-RESIDENTIAL PROPERTY OR TO PROVIDE SUCH SERVICES ITSELF OR THROUGH ANOTHER LOCAL GOVERNMENT OR COMBINATION OF LOCAL GOVERNMENTS TO TAKE EFFECT ON OR BEFORE AUGUST 1, 2014; PROVIDING FOR NOTICE; PROVIDING AN EFFECTIVE DATE.

A copy of this resolution shall be available for inspection by the public at 3093 Crawfordville Highway, Crawfordville, FL 32327. Interested parties may appear at the Public Hearing or submit comments and be heard with respect to the proposed resolution. If a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any handicapped, visually or hearing impaired person or any non-English speaking person needing special assistance should contact the Wakulla County Board of County Commissioners' Office at (850) 926-0919 or TDD (850) 926-1201.

JUNE 30, 2011

RESOLUTION 11-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, ELECTING TO AUTHORIZE ONE OR MORE EXCLUSIVE FRANCHISES FOR THE PROVISION OF SOLID WASTE SERVICES TO RESIDENTIAL AND NON-RESIDENTIAL PROPERTY OR TO PROVIDE SUCH SERVICES ITSELF OR THROUGH ANOTHER LOCAL GOVERNMENT OR COMBINATION OF LOCAL GOVERNMENTS TO TAKE EFFECT ON OR BEFORE AUGUST 1, 2014; PROVIDING FOR NOTICE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Wakulla County, Florida (hereinafter, the "Board"), finds that the proper collection, disposal, recycling and management of solid waste is necessary for the health, safety, and welfare of the citizens of Wakulla County, Florida; and,

WHEREAS, Chapter 403.70605, Florida Statutes, the Wakulla County Charter, Section 125.01, Florida Statutes, and other applicable provisions of law authorize Wakulla County to provide for the proper collection, disposal, recycling, and management of solid waste generated within the County; and,

WHEREAS, Wakulla County has, pursuant to Section 403.70605, Florida Statutes, timely mailed notice of the public hearing to those solid waste haulers doing business in Wakulla County; and,

WHEREAS, in accordance with the provisions of Section 403.70605, Florida Statutes, notice was given by newspaper publication, and Proof of Publication is attached hereto as Exhibit A; and,

WHEREAS, a public hearing was held on July 18, 2011, and comments and objections of all interested persons have been heard and considered by the Board as required by Section 403.70605, Florida Statutes;

WHEREAS, after hearing all comments on the advisability of the County providing for the collection, disposal, recycling, and management of Solid Waste generated within the County through the provision of one or more exclusive franchises or through another local government or combination of local governments, the Board has determined that it is in the best interests of the citizens of Wakulla County to authorize the same.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA:

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. AUTHORIZATION OF SOLID WASTE FRANCHISES. In accordance with Section 403.70605(3), Florida Statutes, the Wakulla County Board of County Commissioners finds and directs that it may authorize one or more exclusive franchises for the provision of solid waste services to residential and non-residential properties or provide such services itself or through another local government or combination of local governments on or before August 1, 2014.

SECTION 3. NOTICE. The County Administrator is hereby directed to provide notice to all solid waste haulers operating within the County that the County may authorize one or more exclusive franchises for the provision of solid waste services to residential and non-residential properties or provide such services itself or through another local government or combination of local governments on or before August 1, 2014. Said notice shall be sent on or before July 29, 2011.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its adoption.

DULY ADOPTED in regular session, this ___ day of _____, A.D., 2011.

BOARD OF COUNTY COMMISSIONERS OF

WAKULLA COUNTY, FLORIDA

By: _____
Mike Stewart, Chairman

ATTEST:

_____
Brent X. Thurmond, Clerk

(SEAL)

APPROVED AS TO FORM AND CONTENT:

_____
Heather J. Encinosa, County Attorney

EXHIBIT A
Proof of Publication

(to be provided)

Board of County Commissioners
Agenda Request

Date of Meeting: July 18, 2011

Date Submitted: June 30, 2011

To: Honorable Chairman and Members of the Board

From: Timothy Barden, Interim County Administrator
Heather Encinosa, County Attorney

Subject: Request Board Approval to Conduct a Public Hearing and Consider Adopting an Ordinance Amending the Comprehensive Golf Cart Community Ordinance

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Statement of Issue:
This agenda item requests Board approval to conduct a public hearing and consider adopting an Ordinance amending the Wakulla County Comprehensive Golf Cart Community Ordinance (Attachment #1).

Background:
On September 15, 2010, a letter was sent to the Community Traffic Safety Team ("CTST") Chairman, Captain William Jones, from the Panacea Waterfronts Florida Partnership authored by Walt Dixon. The letter discusses a request made in March 2010, for the "CTST to consider seeking an official designation of a golf cart community in the Panacea area. Specifically, the designation would include easterly and westerly areas of U.S. Highway 98 such as the area on the west side of U.S. Highway 98 and Bottoms road, and potentially the Otter lake road area to Chattahoochee Street."

In addition to the letter requesting the development of a golf cart ordinance, they also included copies of a petition that circulated throughout the Panacea Area signed by 230 people and stating, "We the residents of Panacea, Florida, request an ordinance be written to allow the use of golf carts under certain conditions and restrictions on the east and west side of Coastal Highway (U.S. Highway 98). This petition is sponsored by the Panacea Waterfronts Florida Partnership."

On October 6, 2010, Sheriff David Harvey crafted a letter of support for the Panacea Golf Cart Community Request, specifically expressing, "It is my opinion that the golf cart community designation would enhance safety and traffic activity in Panacea." On October 6, 2010, Capt. William Jones also sent a letter on behalf of the CTST, which also requested that speed limits be lowered to 20-25 mph in this area.

On December 6, 2010, the BOCC authorized staff and the County Attorney to draft a Comprehensive County-Wide Golf Cart Community Ordinance, to Include Establishing Two Golf Cart Communities in the Panacea Area. The BOCC's authorization directed that the ordinance

include standards for golf cart safety, inspections and permitting by the Wakulla County Sheriff's Office, fees for inspection and permitting, and other appropriate community safety requirements.

Prior to developing the ordinance, all of the stakeholder communities were contacted by staff and represented at a meeting held on December 21, 2010 to discuss the draft ordinance development. The representatives present were Mr. Lamarche, who worked to establish the Shell Point Golf Cart Community Ordinance, Sherrie Posey, who represented the Panacea Waterfront Organization, Captain William Jones, Leader of the Wakulla County Sheriff's Traffic Unit and Chairman of the Wakulla County Community Traffic Safety Team, in addition to staff and representation from the County Attorney's office.

On February 28, 2011, the BOCC approved an agenda item requesting that a public hearing be scheduled and advertised for consideration of the proposed ordinance.

On April 4, 2011, the BOCC approved the Comprehensive Golf Cart Community Ordinance at a public hearing. Subsequently on June 6, 2011, it was requested by the BOCC that modifications be made to the ordinance to: (1) reduce the acceptable age of operation of golf carts on designated roads to age 14, (2) provide for night-time operation of golf carts on designated roads, and (3) eliminate the inspection and registration requirement.

Analysis:
Section 316.212, Florida Statutes, provides that a golf cart may be operated upon a County road that has been designated for golf cart use by the County. Prior to making any such designation regarding a particular road, the BOCC must first determine that golf carts may safely travel on or across the public road. The BOCC previously made the necessary determinations in the Comprehensive Golf Cart Community Ordinance.

The relevant Florida Statute, s. 316.212, authorizes a local government to allow golf carts to be operated at night, so long as the golf carts are equipped with headlights, brake lights, turn signals, and a windshield. It also authorizes operation of golf carts by any person who is at least 14 years of age. This amendment of the ordinance permits such night time operation of a golf cart so long as it is equipped with the above safety features. It also reduces the allowable age for operating golf carts from 15 years of age to 14 years of age. Lastly, this amendment of the ordinance eliminates the registration and inspection requirements included in the original ordinance in order to reduce the administrative burden associated with enforcing the ordinance, as well as the permitting cost for residents within the golf cart communities.

Budget Impact:
The only budgetary impact with adopting the proposed Ordinance will be to update the County Code through Municode which is $19.50 per page.

Options:

1. Conduct the Public Hearing and Adopt the Proposed Ordinance Amending the Comprehensive Golf Cart Community Ordinance.
2. Do Not Conduct the Public Hearing and Do Not Adopt the Proposed Ordinance Amending the Comprehensive Golf Cart Community Ordinance.
3. Board direction.

Recommendation:
Option #1

Attachments:
1. Proposed Draft Ordinance

WAKULLA COUNTY
ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, AMENDING ORDINANCE NO. 11-09 PERTAINING TO OPERATION OF GOLF CARTS ON DESIGNATED COUNTY ROADS; AMENDING ARTICLE II, SECTION 4 OF ORDINANCE NO. 11-09, PERTAINING TO STANDARDS FOR GOLF CARTS AND GOLF CART OPERATION; DELETING IN ITS ENTIRETY ARTICLE II, SECTION 5 OF ORDINANCE NO. 11-09, PERTAINING TO GOLF CART INSPECTIONS AND REGISTRATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners of Wakulla County, Florida (the "Board"), previously adopted Wakulla County Ordinance No. 11-09, the Wakulla County Comprehensive Golf Cart Community Ordinance; and

WHEREAS, the Board now determines that it is appropriate for Golf Carts to be operated between the hours of sunset and sunrise so long as they are equipped with necessary safety features; and

WHEREAS, the Board further determines that Golf Carts may be safely operated within the Designated Golf Cart Communities by any person at least fourteen (14) years of age; and

WHEREAS, amendment of the Comprehensive Golf Cart Community Ordinance serves the public welfare of the citizens of Wakulla County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA:

SECTION 1. AMENDMENT OF ARTICLE II, SECTION 4 OF THE WAKULLA COUNTY COMPREHENSIVE GOLF CART COMMUNITY ORDINANCE. Article II,

Section 4 of the Wakulla County Comprehensive Golf Cart Community Ordinance is hereby amended as follows (underlined words are added, ~~stricken~~ words are deleted):

Section 4. Standards for Golf Carts and Golf Cart Operation on Designated County Roads.

(A) A Golf Cart shall not be operated on any County Road, except a Designated County Road.

~~(B) A Golf Cart may be operated on a Designated County Road only between sunrise and sunset.~~

(B)~~(C)~~ All Golf Carts being operated on Designated County Roads shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, red reflectorized warning devices on both the front and rear of the Golf Cart, and a neon flag, a minimum of 5 feet in height, to be permanently mounted, displayed, and maintained in good condition at all times when the Golf Cart is in operation or otherwise not stored on the owners private property. In addition, Golf Carts being operated between the hours of sunset and sunrise shall be equipped with headlights, brake lights, turn signals, and a windshield.

~~(D) All operators of Golf Carts on Designated County Roads shall either: (1) have a valid driver's license, or (2) have a valid learner's driver's license and be accompanied by a licensed driver.~~

(C) Persons operating Golf Carts on Designated County Roads must be fourteen (14) years of age or older.

(D)~~(E)~~ No Golf Cart operated on a Designated County Road shall carry more passengers than the number that the Golf Cart was designed to carry.

(E)~~(F)~~ Persons operating Golf Carts on Designated County Roads shall comply with and remain subject to the Florida Uniform Traffic Control Law, where applicable.

(F)~~(J)~~ Any Person operating a Golf Cart on Designated County Roads does so at his or her own risk and must operate such vehicle with regard for the safety and convenience of other motor vehicles, bicyclists, and pedestrians. All Persons operating Golf Carts shall assume sole liability for operation of the vehicle on Designated County Roads and do hereby agree to defend, release, indemnify, and hold harmless Wakulla County, its officials and employees for any and all claims, suits, demands, or damages of any nature arising from operation of a Golf Cart on a Designated County Road.

SECTION 2. DELETION OF ARTICLE II, SECTION 5 OF THE WAKULLA COUNTY COMPREHENSIVE GOLF CART COMMUNITY ORDINANCE. Article II, Section 5 of the Wakulla County Comprehensive Golf Cart Community Ordinance, pertaining to Golf Cart registration and inspections is hereby deleted in its entirety.

SECTION 3. SEVERABILITY. The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect ten (10) days after its passage and adoption.

PASSED AND DULY ADOPTED this 18th day of July, 2011.

BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

By:_____
MIKE STEWART, Chair

ATTEST:

_____
BRENT X. THURMOND, Ex Officio
Clerk to the Board

APPROVED AS TO FORM:

_____
Heather Encinosa, Esq.
County Attorney

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Heather J. Encinosa, County Attorney
Subject:	Request Board Approval to Conduct the Public Hearing and Consider Adoption of an Ordinance Regulating the Use and Licensing of Simulated Gambling Devices and Facilities

Statement of Issue:
This agenda item requests Board approval to conduct the public hearing and consider adopting the proposed ordinance regulating the use and licensing of simulated gambling devices and facilities (Attachment #1).

Background:
Recently counties all across the state of Florida have seen a proliferation of "Internet Cafes" or other establishments offering sale of a consumer product (typically phone cards or timed internet access) and an associated game promotion or sweepstakes utilizing a computer or other electronic device to reveal contest results or prizes. These establishments allegedly operate pursuant to sections 849.0935 and 849.094, Florida Statutes, which authorize drawings by chance and game promotion sweepstakes, but they have nonetheless created problematic issues for local law enforcement authorities, complicated by limitations of resources and difficulty of enforcement of state law.

Confusion has existed for some years as to the interpretation and enforcement of these statutes as applied to game promotions utilizing a computer or other electronic device to reveal contest results or prizes, and which grant an exemption from the statutory framework prohibiting illegal gambling activities. Additionally, it also recognizes that establishments that offer these types of game promotions can deceive members of the public, including the elderly, the economically disadvantaged, and children, into believing that they are engaging in a lawfully permitted gaming activity.

The Board previously directed the County Attorney to examine this issue and bring back an ordinance to regulate these establishments and help recover some of the costs of regulation and the additional law enforcement costs associated therewith. On June 21, 2011, the Board authorized staff to advertise and schedule the public hearing to consider adoption of a proposed ordinance.

Analysis:

The proposed ordinance prohibits any Simulated Gambling Facilities (Internet Cafes) from operating in the County without a permit and outlines the application requirements, eligibility, and fees necessary to be issued a County permit. The total number of Simulated Gambling Facilities authorized in the County is capped at ten.

The annual fees associated with the original grant of a permit and any renewal are as follows:

(1) 1 to 20 Simulated Gambling Devices - $2,500.00;

(2) 21 to 40 Simulated Gambling Devices - $5,000.00;

(3) 41 to 60 Simulated Gambling Devices - $7,500.00;

(4) 61 to 80 Simulated Gambling Devices - $10,000.00;

(5) 81 to 100 Simulated Gambling Devices - $12,500.00.

Additionally, there is a $50 annual inspection fee per device. These fees are sized to help recover the costs associated with the regulation by the County, inspection of the premises, and the defray some of the additional costs on law enforcement as a result of these activities.

The ordinance includes location restrictions relating to child care facilities, schools, parks, churches, senior citizen centers, and distancing requirements from other simulated gambling facilities. Signage requirements are included. These businesses are prohibited from serving or allowing alcohol and from allowing minors on the premises. The hours of operation are limited to 7 a.m. to 2 a.m., and other reasonable restrictions are included.

The proposed ordinance also prescribed safety and security measures, including video surveillance, a drop safe, silent alarms, security personnel at certain times, and a cash limiting policy. The ordinance provides for certain exemptions, enforcement, and penalties.

Budgetary Impact:

It is anticipated that the permit fees will recover the costs associated with regulation by the County. The only budgetary impact with adopting the proposed Ordinance should be updating the County Code through Municode which is $19.50 per page.

Options:

1. Conduct the Public Hearing and Adopt the Proposed Ordinance Regulating the Use and Licensing of Simulated Gambling Devices and Facilities.
2. Do not conduct the Public Hearing and do not adopt the Proposed Ordinance Regulating the Use and Licensing of Simulated Gambling Devices and Facilities Board Direction.
3. Board direction.

Recommendation

Option #1

Attachments:

1. Proposed Ordinance

ORDINANCE NO. 2011-___

AN ORDINANCE REGULATING THE USE AND LICENSING OF SIMULATED GAMBLING DEVICES; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR LEGISLATIVE AUTHORIZATION; PROVIDING CERTAIN DEFINITIONS; DEFINING THE AREA OF ENFORCEMENT AS THE ENTIRE UNINCORPORATED AREA OF THE COUNTY; PROHIBITING USE OF SIMULATED GAMBLING DEVICES EXCEPT AS PROVIDED IN THIS ORDINANCE; PROVIDING REGULATIONS FOR PERMITTING AND FEES, INSPECTIONS, LOCATION OF FACILITIES, SIGNAGE REQUIREMENTS, LIMITATIONS ON THE OPERATIONS OF THE BUSINESSES, SAFETY AND SECURITY REQUIREMENTS; PROVIDING CERTAIN EXEMPTIONS; PROVIDING FOR ENFORCEMENT, PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICT WITH STATE LAW;PROVIDING SEVERABLITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, in the last decade, establishments allegedly operated pursuant to sections 849.0935 and 849.094, Florida Statutes, have created problematic issues for local law enforcement authorities, complicated by limitations of resources and difficulty of enforcement of state law; and

WHEREAS, sections 849.0935 and 849.094, Florida Statutes, authorize drawings by chance and game promotions (also known as sweepstakes); and

WHEREAS, confusion has existed for some years as to the interpretation and enforcement of these statutes as applied to game promotions utilizing a computer or other electronic device to reveal contest results or prizes, and which grant an exemption from the statutory framework prohibiting illegal gambling activities; and

WHEREAS, computer or video displays of spinning reels or other simulations of a game or games ordinarily played on a Slot Machine, or in a casino or otherwise in connection with gambling and which show the results of raffles, sweepstakes, contests or other promotions (hereinafter collectively referred to in these recitals as "Simulated Gambling Devices") were not among the types of pari-mutuel pools authorized by law as of the effective date of the 1968 Florida Constitution; and

WHEREAS, there is presently in Wakulla County an increasing proliferation of establishments that utilize Simulated Gambling Devices for commercial gain; and

WHEREAS, local law enforcement authorities have limited resources with which to monitor this industry, and a regulatory fee will better fund enforcement efforts and ensure compliance with the law; and

WHEREAS, the County has evaluated and estimated the costs of permitting and enforcement, and has determined that the permitting fees and revenues will not exceed such costs; and

WHEREAS, an ordinance regulating the use of Simulated Gambling Devices in the conduct of drawings by chance and game promotions will protect the public welfare; and

WHEREAS, pursuant to Section 125.01, Florida Statutes, and the Wakulla County Code of Ordinances (the "Wakulla County Code"), and as a Charter County, the County may regulate this activity for the health, safety, and welfare of the community; and

WHEREAS, the Board of County Commissioners of Wakulla County, Florida (the "Board"), desiring to protect individual rights, while at the same time affording opportunity for the fullest development of the individual, and promoting the health, safety, education, and welfare of the people, including the elderly and economically disadvantaged, and the children of Wakulla County who are our most precious and valuable resource, finds that Wakulla County has a compelling interest in protecting its citizens, and in particular its elderly, economically disadvantaged, and children from certain activities and influences which can result in irreparable harm, including Simulated Gambling Devices; and

WHEREAS, the Board recognizes that while the State of Florida has authorized Slot Machine gambling at licensed facilities in certain areas outside of Wakulla County, it also recognizes that establishments that utilize Simulated Gambling Devices, including but not limited to devices that simulate Slot Machines, can deceive members of the public, including the elderly, the economically disadvantaged, and children, into believing that they are engaging in a lawfully permitted gaming activity; and

WHEREAS, some operations display images of gambling or Slot Machines in their advertisements and signage suggesting the presence of illegal activity, and those activities should be controlled and regulated; and

WHEREAS, it is necessary and in the public interest to ensure that businesses portray themselves in a manner not likely to mislead the public; and

WHEREAS, the Board is also charged with the responsibility of protecting and assisting its citizens who suffer from compulsive or problem gambling behavior; and

WHEREAS, there is a direct relationship between these establishments that utilize Simulated Gambling Devices and disturbances of the peace and good order of the community, and the concurrence of these activities is hazardous to the health and safety of the Persons in attendance; and

WHEREAS, in order to ensure the uniform enforcement of existing laws, to preserve the public peace and good order, and to safeguard the health, safety, morals and welfare of the community and citizens thereof, it is necessary and advisable to regulate the use of Simulated Gambling Devices; and

WHEREAS, in terms of the negative impact recited herein, there is little or no material difference between the effect of allowing Slot Machines and allowing the use of Simulated Gambling Devices.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS. The Board finds as follows:

(A) The above recitals are true and correct and hereby incorporated herein by reference.

(B) Desiring to protect individual rights, while at the same time affording opportunity for the fullest development of the individual, and promoting the health, safety, education, and welfare of the people, the Board has a compelling interest in protecting its citizens from certain activities and influences which can result in irreparable harm if left unregulated.

(C) The Board has a legitimate interest in protecting its citizens from unethical business practices, ensuring Operators of regulated establishments are of good moral character, providing safe locations for people to congregate, and protecting the quality and well-being of its neighborhoods.

(D) It is necessary and in the public interest to ensure that businesses portray themselves in a manner not likely to mislead the public.

(E) The imposition of a regulatory scheme for activities conducted pursuant to sections 849.0935 and 849.094, Florida Statutes, bears a rational relationship to its interests.

(F) While the State of Florida authorizes drawings by chance and game promotions., the Board further recognizes that establishments that utilize Simulated Gambling Devices to display the results of drawings by chance and game promotions by simulating a game or games ordinarily played on a Slot Machine can deceive members of the public into believing that they are engaging in a licensed gambling activity if left unregulated.

(G) The Board has an obligation and responsibility to protect its citizens from the use of deceptive practices.

(H) In order to ensure the uniform enforcement of existing laws, to preserve the public peace and good order, and to safeguard the health, safety, morals and welfare of the community and citizens thereof, it is necessary and advisable to provide greater regulation of the use of Simulated Gambling Devices to display the results of drawings by chance and game promotions.

SECTION 2. LEGISLATIVE AUTHORIZATION. This Ordinance is enacted in the interest of the public health, peace, safety, morals, and general welfare of the citizens and inhabitants of Wakulla County, Florida, pursuant to Article VIII, section 1(g), Florida Constitution, section 125.01, Florida Statutes, and the Wakulla County Home Rule Charter. It is

established to regulate the use of Simulated Gambling Devices to effect giveaways through drawings by chance, sweepstakes, or game promotions that do not otherwise violate Florida law.

SECTION 3. DEFINITIONS. As used in this Ordinance, the following terms shall have the following meanings unless the context clearly otherwise requires:

"Applicant" means the Operator for whom a permit application is submitted and in the name of whom, if the permit is granted, the drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion shall be conducted.

"Conviction" means a determination of guilt in a criminal case by a court of competent jurisdiction, regardless of whether the defendant pled guilty, no contest, or *nolo contendere*, or was found guilty by a judge or jury.

"County Administrator" shall mean the Wakulla County Administrator or his or her designee.

"De Minimis Activity Facility" means a Facility operated by an organization exempt from federal taxation under Section 501(c) of the Internal Revenue Code and with five (5) or fewer electronic or mechanical devices that are used to conduct a drawing by chance, sweepstakes or game promotion utilizing those electronic or mechanical devices, all of which devices were in operation before the passage of this Ordinance at that Facility.

"Minor" means any Person under the age of eighteen (18) years.

"Operator" means any Person in whose name a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotion that utilizes Simulated Gambling Devices is conducted.

"Permit Holder" means the Operator in whose name the County Administrator has issued a permit under this Ordinance.

"Person" means an individual, association, partnership, joint venture, corporation, limited liability company, not-for-profit entity, or entity of any kind authorized to engage in business in Florida or any other type of organization, whether conducted for profit or not, or a director, executive officer or manager of an association, partnership, joint venture, corporation or other organization.

"Rules" means the restrictions and covenants governing the operation of the drawing by chance, sweepstakes, or game promotion.

"Security Personnel" includes any Person who either is a sheriff, deputy sheriff, marshal, deputy marshal, or a police office or other Person authorized by law and who is hired to provide security for the Simulated Gambling Facility.

"Senior Citizen's Center" means any public or private center, that is organized and operated exclusively to provide recreational or social services for Persons who are fifty-five years of age or older.

"Simulated Gambling Device" means any device that, upon connection with an object, is available to play or operate a computer simulation of any game, and which may deliver or entitle the Person or Persons playing or operating the device to a payoff. The following Rules of construction apply to this definition of "Simulated Gambling Device";

(1) The term "Device" means any mechanical or electrical contrivance, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer or other device or equipment. The term "Device" also includes any associated equipment necessary to conduct the operation of the Device.

(2) The term "upon connection with" means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device.

(3) The term "object" means a coin, bill, ticket, token, card or similar object, obtained as a bonus or supplement to another transaction involving the payment of consideration.

(4) The terms "play or operate" or "play or operation" includes the use of skill, the application of the element of chance, or both.

(5) The term "compute simulation" incudes simulation by means of a computer, computer system, video display, video system or any other form of electronic video presentation.

(6) The term "game" includes Slot Machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstake, drawing, contest or other promotion, lotto, sweepstake, and any other game associated with gambling or which could be associated with gambling, but the term "game" does not necessarily imply gambling as that term may be defined elsewhere.

(7) The term "payoff" means cash, monetary or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually.

(8) The use of the word "gambling" in the term "Simulated Gambling Device" is for convenience of reference only. The term "Simulated Gambling Device" as used in this Ordinance is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

"Simulated Gambling Facility" or **"Facility"** means the house, building, edifice, or location, along with its grounds in which Simulated Gambling Devices are used, operated, or stored.

"Slot Machine" has the same meaning as specified in Section 551.102, Florida Statutes, or as amended from time to time.

SECTION 4. AREA OF ENFORCEMENT. The Board is acting herein as the governing body for Wakulla County, Florida, and this Article shall be effective within the unincorporated areas of Wakulla County, Florida.

SECTION 5. GENERAL PROHIBITION. Except as expressly regulated and permitted by this Ordinance, no Person, other than a De Minimis Activity Facility as defined herein, shall conduct a drawing by chance pursuant to s. 849.0935, Florida Statutes, sweepstakes, or game promotion pursuant to s. 849.094, Florida Statutes, or any other game of chance on any Simulated Gambling Device provided by an Operator of the game of chance which displays the result by simulating a game or games ordinarily played on a Slot Machine.

SECTION 6. PERMITTING AND FEES.

(A) *Permit Required*. No Person shall conduct or operate any Simulated Gambling Device without having first obtained a permit from the County Administrator for each Simulated Gambling Facility. Each permit is valid only for the Operator and the Simulated Gambling Facility named in the permit. Each permit is valid for one year.

(B) *Initial Permits*. Within sixty (60) days of enactment of this Ordinance, all current Operators that have been operating a Simulated Gambling Facility on July 20, 2011, and which are subject to this Ordinance, and which apply for, facially qualify for, and pay required fees for a permit, shall be granted a permit for the Facility as provided for in this section. Each such Operator shall, in addition to the requirements set forth herein as part of the application, provide proof satisfactory to the County Administrator that the Operator was lawfully operating a Simulated Gambling Facility, as of July 20, 2011, which such evidence may include a current and valid lease, rental agreement, purchase and sale contract, bill of sale or receipt indicating the purchase, lease or use of Simulated Gambling Devices for the Facility, or other certificates, permits, licenses, receipts or filings issued by the Federal, State or local government indicating proof of the uses contemplated by this Ordinance.

(C) *Permits Limited*. Unless greater than ten (10) permits have been issued as provided for in subsection (B) above, the County Administrator shall limit the total number of permits issued pursuant to this section to ten (10). After the permits authorized by subsection (B) are issued, no permits for new businesses shall be issued unless the issuance of the permit will not cause the total number of permits issued to exceed ten (10) permits. All qualifying Operators who receive an initial permit as provided for in subsection (B) shall be entitled to renew their permit if they otherwise qualify and pay required fees.

(D) *Application Materials Required for Permit*.

(1) Applicant shall file with the County Administrator the following materials:

(i) a copy of Applicant's proposed Rules governing the drawing by chance, sweepstakes or game promotion which includes the odds of winning and the prize table;

(ii) for a sweepstakes or game promotion operating pursuant to Section 849.094, Florida Statutes, a copy of Applicant's certification of a bond or trust account provided to the Florida Department of Agriculture and Consumer Services, regardless of aggregate prize amount; non-profit organizations operating pursuant to Section 849.0935, Florida Statutes, are exempt from this provision;

(iii) a complete list of all products and services offered and the prices charged therefor;

(iv) verification that the prices charged for the products and services constitute a reasonable market value;

(v) for every principal, officer, shareholder, and director of the Operator, a fingerprint card and letter certifying the results of a criminal background check generated by the Wakulla County Sheriff's Office or Florida Department of Law Enforcement; and

(vi) A certification that the computer software that is used by the Operator to conduct a drawing by chance or game promotion in connection with the sale of a consumer product or service has been tested by an independent testing laboratory that has verified that it is not a Slot Machine as defined by Florida law.

(2) Applicant shall provide a sworn affidavit to the County Administrator containing the following:

(i) the identity of the Applicant and if the Applicant is:

a. an individual: his name, residence address, and date of birth; or

b. an unincorporated organization: the names, dates of birth, and residence addresses of its principals; or

c. a corporation: the corporate name, state of incorporation and the names, dates of birth, and residence addresses of its principal officers, directors, and shareholders; or

d. a limited liability company: the company name, state of incorporation and the names, dates of birth, and residence addresses of its members and managers;

(ii) a description, including the number, of Simulated Gambling Devices;

(iii) a statement of whether any of the individuals listed has, within the five-year period immediately preceding the date of the application, been Convicted of any felony under the laws of Florida, the United States, or any other state, and, if so, the particular criminal act involved and the place of Conviction;

(iv) the street address of the Simulated Gambling Facility;

(v) if the Applicant is a branch, chapter, lodge, or other local unit of a charitable organization or corporation: the name of the primary organization and the street address of its principal office;

(vi) the name and address of an individual in Wakulla County who is authorized to receive notices from the County; and

(vii) a statement certifying that all information on the application and any attachments thereto is true and that the Applicant understands that any misstatement of material fact in the application will result in the denial of the permit or, if it has been issued, in the suspension or revocation of the permit.

(E) *Application Fee*. Each Applicant shall remit a non-refundable application fee of $500.00 with the application. This fee shall pay for the time and expense of the County Administrator in enforcing the provisions herein, reviewing and ruling on the application, and issuing the Permit.

(F) *Review of Application*.

(1) Duration of Review. Within sixty (60) days of receipt of an Applicant's completed permit application, the County Administrator shall grant or deny the application. If any principal, officer, shareholder or director of the Operator has a pending criminal case for an enumerated crime the County Administrator may delay its grant or denial of the permit until sixty (60) days after the final determination on that matter.

(2) Eligibility of Applicant. An Applicant is ineligible for a permit if:

(i) within five years of the date of the application, Applicant has been Convicted of any felony under the laws of Florida, the United States, or any other state unless said violation would not constitute a crime in Florida;

(ii) within three years of the date of the application, Applicant has had a permit under this Ordinance revoked or been convicted for a violation of this Ordinance;

(iii) the prices to be charged for the product(s) or service(s) offered, as listed on the permit application, do not constitute a reasonable market value; or

(iv) the application materials are incomplete or untruthful.

The County Administrator shall deny the permit for any of the above reasons. If an Applicant satisfies all permit filing requirements and is not ineligible, the County Administrator shall approve the application.

(G) *Denial of Permit*. An Applicant whose permit application is denied may reapply at any time by completing all steps of the application procedure, including payment of a new application fee.

(H) *Permit fees*. The permit fee for a Simulated Gambling Facility shall be in accordance with the following schedule:

(1) 1 to 20 Simulated Gambling Devices - $2,500.00;

(2) 21 to 40 Simulated Gambling Devices - $5,000.00;

(3) 41 to 60 Simulated Gambling Devices - $7,500.00;

(4) 61 to 80 Simulated Gambling Devices - $10,000.00;

(5) 81 to 100 Simulated Gambling Devices - $12,500.00.

This fee is due upon receipt of the permit or any permit renewal. If an eligible Applicant fails to pay this fee on or before the thirtieth (30th) day after approval and notice of the permit authorization, the permit or permit renewal application shall be deemed denied.

(I) *Inspection fee.* $50.00 per Simulated Gambling Device will be accessed annually and is due upon receipt of the permit or any permit renewal. If an eligible Applicant fails to pay this fee on or before the thirtieth (30th) day after approval and notice of the permit authorization, the permit or permit renewal application shall be deemed denied.

(J) *Renewal of Existing Permit*. Existing permits shall be renewed upon compliance with this Ordinance, notwithstanding the total number of permits issued. The Permit Holder shall apply for the renewal permit no later than sixty (60) days and no sooner than one-hundred twenty (120) days before the expiration of the current permit. The renewal permit application shall include all the materials and the application fee required for the issuance of an original permit, and shall include evidence of current lawfully existing operations consistent with the requirements of this Ordinance. Renewal permit applications shall be processed using the same procedure and standards as required for review of an original permit application but shall be processed within 30 days. Upon approval, renewal permit Applicants shall pay the same fees as set forth in subsections (H) and (I) above and said renewals shall be deemed denied if an eligible Applicant fails to pay these fees on or before the thirtieth (30th) day after approval and notice of the permit authorization.

(K) *Transfers of Permits*.

(1) Transfer to Another Entity. Permits may be transferred no more than one time, to another entity, upon submittal of a transfer application by the proposed transferee to the County Administrator. There shall be a transfer fee of $500.00. Any change in a majority or controlling interest in any Permit Holder shall be deemed a transfer of the permit. The transferee Applicant must meet all the requirements and qualifications of this Ordinance and provide all documents and materials required for application for a permit.

(2) Transfer to Another Simulated Gambling Facility. Permits may be transferred to another location upon application and the payment of a $150.00 transfer fee. The transferred location shall be approved within thirty (30) days of submittal of a transfer application (including all required supplemental information, including but not limited to any required certified maps depicting applicable locations and distances), if such use is a permitted use in an approved zoning district, or if the transferee obtains County approval of a special use permit if the zoning district allows the same, and in all other applicable provisions of the Wakulla County Code. Otherwise, the application shall be denied.

(L) *Revocation of Permit*. The County Administrator may revoke a permit for violation of any provision of this Ordinance or due to a Permit Holder's cessation of the use of Simulated Gambling Devices during its normal business hours for at least fourteen (14) consecutive days. Prior to revocation, the County Administrator shall provide to the Permit Holder, through their individual in Wakulla County authorized to accept notices from the County, the following:

(1) A written notice of intent to revoke the permit,

(2) A fourteen (14) calendar day opportunity to cure the alleged violation, and

(3) An opportunity to be heard prior to revocation.

Revocation shall not take place before twenty one (21) days after receipt of a notice of revocation is delivered to the Permit Holder and opportunities to cure and to be heard are provided. The decision to revoke a permit shall be subject to review by the Board of County Commissioners. The decision of the Board shall be final. Any appeal of a revocation decision made by the County Administrator shall be made within fifteen (15) calendar days of receipt of a notice of revocation by filing a written notice of appeal with the County, along with an appeal fee of $150.00. Failure to file written notice of appeal and appeal fee within the prescribed time period constitutes a waiver of the right to appeal.

SECTION 7. LOCATION. All Simulated Gambling Facilities shall be located in appropriate commercial zoning districts, but in no event may such a Simulated Gambling Facility be located within 1,000 feet of any real property comprising a child care Facility as defined in Section 402.302, Florida Statutes, or as may be amended from time to time, or a public or private elementary, middle, secondary school, or any private or public college, university, or other post-secondary educational institution, or within 1,000 feet of real property comprising a church, a

county park, a community center, a Senior Citizen's Center, or publicly owned recreational Facility, nor may such a Simulated Gambling Facility be closer than 2,500 feet from another such Simulated Gambling Facility. The distance measurements shall be from the point of edge of property to the next closest edge of property.

SECTION 8. INSPECTION OF SIMULATED GAMBLING FACILITY. During business hours, the County Administrator, the Wakulla County Sheriff's Office, or their agents may enter the Facility for purposes of inspecting all areas of the Facility to ensure compliance with the provisions of this Ordinance or any other ordinances within their authority, including but not limited to the right to enter the Facility and to select and remove any Simulated Gambling Devices to inspect, test and/or have tested to determine compliance with this Ordinance.

SECTION 9. SIGNAGE REQUIREMENTS.

(A) *Exterior of Simulated Gambling Facility*. Exterior signage shall be limited to the advertisement of the consumer product and/or service sold at the Facility. No signs shall be posted on the exterior of the Simulated Gambling Facility that suggest gambling takes place on the premises or display any image commonly associated with Slot Machines. All signage shall be further subject to all applicable Wakulla County Code regulations regarding signs.

(B) *Interior of Simulated Gambling Facility*. The Permit Holder shall conspicuously post the name of the Permit Holder, a description of all products and services sold, and the complete Rules for all game promotions at the Simulated Gambling Facility's front or main counter. The Rules shall include the following language in at least 26-point font: "State and local law prohibits this establishment from requiring an entry fee, payment, or proof of purchase as a condition of participating. No donation or contribution is required. You may obtain free entries upon request from any employee on the premises." The Permit Holder shall also post a sign which shall include the following language in at least 26-point type: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries." The Permit Holder shall affix signage that shall include the following language in at least 10 point type on each Simulated Gambling Device: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries." A complete copy of the Rules, prize tables, and odds of winning shall be made available on request without cost. Any consumer product or service offered for sale shall be identified by description and price by conspicuous posting. A copy of the permit shall be posted conspicuously at the main counter or at the entrance.

SECTION 10. LIMITATIONS ON OPERATION OF BUSINESS.

(A) *Alcoholic Beverages.* Permit Holders shall not sell or permit any individual to consume or possess any alcoholic beverages on the Simulated Gambling Facility.

(B) *Minors*. Permit Holders shall not permit Minors to enter any Simulated Gambling Facility or to participate in the game promotion or drawing by chance. It is the responsibility of the Owner and Operator of the Simulated Gambling Facility to ensure that no Minors are present

within the Facility. A Person's ignorance of the Minor's age, a Minor's misrepresentation of his or her age, or a bona fide belief of a Minor's age may not be raised as a defense for violation of this Section.

(C) *Conditions of Alternative Means of Entry.* Entries that are available without purchase or financial donations shall be made available on request. The Permit Holder shall not impose any condition on the provision of such entries other than proof of identity by government issued identification from any state. The Permit Holder shall not limit the number of such entries offered per day per individual to less than the equivalent amount of entries that Permit Holder provides to individuals who make a donation, or purchase of a product or service valued at least $1.00.

(D) *Limitation on Simulated Gambling Devices*. Permit Holders shall not operate more than one-hundred (100) Simulated Gambling Devices at any Simulated Gambling Facility except that Permit Holders operating Simulated Gambling Devices on or before July 20, 2011 in Wakulla County may not operate more Simulated Gambling Devices than were in operation on July 20, 2011, and any reduction following the enactment of this Ordinance in Simulated Gambling Devices by such Permit Holders shall be permanent. Replacing an existing Simulated Gambling Device due to a defect or upgrade shall not be deemed a reduction pursuant to this subsection, provided that such replacement occurs within thirty (30) days.

(E) No Simulated Gambling Facility shall open before 7:00 a.m. and shall not remain open after 2:00 a.m.

(F) *Additional Restrictions.* No Operator of a Simulated Gambling Facility shall:

(1) design, engage in, promote, or conduct a game wherein the winner may be predetermined or the game may be manipulated or rigged; or

(2) arbitrarily remove, disqualify, disallow or reject any entry; or

(3) fail to award any prize offered; or

(4) print, publish, or circulate literature or advertising material which is false, deceptive or misleading; or

(5) require an entry fee, payment or proof of purchase as a condition of entering; or

(6) cover Facility windows with opaque or reflective window tinting.

(G) *Additional Requirements.* An Operator of a Simulated Gambling Facility shall:

(1) maintain a list of the names and addresses of all Persons who have won prizes which have a value of more than $25.00, the value of such prizes, and the dates when the prizes were won and keep the list at the Simulated Gambling Facility for one (1) year; and

(2) maintain a trust account or bond in an amount equal to the total announced value of the prizes offered or $50,000.00, whichever is less; and

(3) display in a conspicuous place for the public at the point of sale information related to gambling addiction treatment. Such information shall include a visible sign and fliers, pamphlets or leaflets that contain a current list of names, addresses and phone numbers for gambling addiction services.

(H) *No Felony Convictions.* No Person who has at any time in the previous five (5) years been convicted of, or is currently under indictment or information for, any felony, shall be eligible to operate or manage a Simulated Gambling Facility.

SECTION 11. SAFETY AND SECURITY REQUIREMENTS. At the Simulated Gambling Facility, the Permit Holder shall maintain the following security devices and standards:

(A) a video surveillance system for both the entrance and parking area to the Facility and for the cashier area of the Simulated Gambling Facility as well as the interior of the Simulated Gambling Facility. The video surveillance system shall be maintained and kept in working order at all times. The video surveillance system recordings, whether by film or digital, shall be kept for a period no less than fourteen (14) days and shall be open and accessible to representatives of Wakulla County, including the Wakulla County Sheriff's Office, at all times upon reasonable notice, a security camera system capable of recording and retrieving an identifiable image; and

(B) a drop safe or cash management device for restricted access to cash receipts; and

(C) at all public entrances to the Simulated Gambling Facility, a conspicuous notice stating each cash register contains a limited amount of cash; and

(D) a cash management policy limiting cash on hand; and

(E) a silent alarm system capable of notifying law enforcement; and

(F) Monday through Friday during the hours of 5 p.m. to close and during the entire business day on Saturday and Sunday, maintain at least one licensed, armed security guard holding a Class "G" license issued by the Florida Department of Agriculture & Consumer Services; and

(G) maintain reasonable safety standards, including but not limited to, lighted parking areas; and

(H) may not cover Facility windows with opaque or reflective window tinting, posters, flyers or anything else that obstructs the exterior view into the interior of the Facility.

SECTION 12. EXEMPTIONS.

(A) This Ordinance does not prohibit an individual's Personal, recreational, and non-commercial ownership, possession, play, operation or use of a device which could be construed to be a Simulated Gambling Device.

(B) This Ordinance does not prohibit the ownership, possession, play, operation or use of any device expressly permitted by the Florida Statutes and not otherwise prohibited by the Florida Constitution, except that devices permitted by Article X, Section 23 of the Florida Constitution, and Chapter 551, Florida Statutes, in Broward and Miami-Dade County only are not permitted by this Part.

(C) This Ordinance does not prohibit a religious or charitable organization from conducting a fund raising activity involving gaming, providing the religious or charitable organization does not conduct the activity more than twice in one (1) calendar year, the organization provides advance written notice to the Wakulla County Sheriff of the date, time, place, and nature of such activity and who will be conducting it, and the activity is not otherwise unlawful.

SECTION 13. ENFORCEMENT; PENALTIES.

(A) Violation of this Ordinance by a Simulated Gambling Facility or an Owner, Operator, or employee thereof, or any unpermitted Person, company or entity shall be punishable by imposition of a civil penalty not to exceed $500.00. Each day the violation exists shall constitute a separate violation for the purposes of this Ordinance and shall be punishable as such.

(B) Wakulla County shall have the right to pursue all legal and equitable remedies necessary to ensure full compliance with this Ordinance, including but not limited to injunctive relief.

(C) Permittees shall have a private right of action to pursue all legal and equitable remedies necessary to ensure full compliance with this Ordinance against any other permittee, including but not limited to injunctive relief.

SECTION 14. CONFLICT WITH STATE LAW. Nothing in this Ordinance is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, concerning gambling. In the event of a direct and express conflict between this Ordinance and either the Florida Constitution or Chapter 849, Florida Statutes, then the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as applicable, control.

SECTION 15. SEVERABILITY. If any provision of this Ordinance or the application thereof is finally determined by a court of competent jurisdiction to be illegal, invalid or unenforceable, such provision shall be deemed to be severable and the remaining provisions shall continue in full force and effect provided that the illegal, invalid, or unenforceable provision is not material to the logical and intended interpretation of this Ordinance.

SECTION 16. EFFECTIVE DATE. A certified copy of this Ordinance shall be filed in the Department of State within ten (10) days after enactment by the Board and the Ordinance shall take effect as provided by law.

ADOPTED by the Board of County Commissioners of Wakulla County, Florida, this _____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

By: _____
Mike Stewart, Chairman
Board of County Commissioners

ATTESTED TO BY:
BRENT X. THURMOND, CLERK OF THE COURT
WAKULLA COUNTY

By:_____
Brent X. Thurmond, Clerk of Court
Wakulla County, Florida

APPROVED AS TO FORM AND CONTENT:

By:_____
Heather Encinosa, Esq.
County Attorney

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy Barden, Interim County Administrator Heather J. Encinosa, County Attorney Frank Baxter – Building Official Jaime Baze, Code Enforcement
Subject:	Request Board Approval to Conduct the Public Hearing and Consider Adopting an Ordinance Amending Section 2.169 of the Wakulla County Code of Ordinances, As Transferred Pursuant to County Ordinance No. 2011-02

Statement of Issue:
This agenda item requests Board approval to conduct the public hearing and consider adopting an Ordinance amending the standard of proof provision found in section 2.169 of the Wakulla County Code of Ordinances, as transferred pursuant to County Ordinance No. 2011-02 (Attachment #1).

Background:
Currently the County's Code Enforcement Ordinance provides that at hearings of the Code Enforcement Board, that County staff must show by a preponderance of the evidence that a violation of a County Ordinance exists. The Florida Statutes do not specifically prescribe the evidentiary standard that should be applied, and the proposed ordinance is seeking to modify the County's Ordinance to ensure that the standard of proof provision in the County code matches the similar provision provided in Section 162.07, Florida Statutes.

This modification to the ordinance is being requested in light of the recent order issued by the First District Court of Appeal in Wakulla County v. Log Creek, L.L.C., denying the County's Petition for Writ of Certiorari and refusing to hear the case. The Petition for Writ of Certiorari requested that the Court reverse the trial court's decision in that case, which held that the County should have applied a different standard of proof than that included within the County's current ordinance.

At the June 21, 2011 meeting, the Board approved staff to schedule and advertise this public hearing to consider adopting the proposed Ordinance.

Analysis:
The proposed ordinance (Attachment #1) provides for an amendment to section 2.169 of the Wakulla County Code of Ordinances, as transferred to a new section in County Ordinance No. 2011-02, to ensure that the County's standard of proof in Code Enforcement Cases matches the language in the Florida Statutes.

Budgetary Impact:
The only budgetary impact with adopting the proposed Ordinance will be to update the County Code through Municode which is $19.50 per page.

Options
1. Conduct the Public Hearing and Adopt the Proposed Ordinance Amending Section 2.169 of the Wakulla County Code of Ordinances, as transferred pursuant to County Ordinance No. 2011-02.
2. Do Not Conduct the Public Hearing and Do Not Adopt the Proposed Ordinance Amending Section 2.169 of the Wakulla County Code of Ordinances, as transferred pursuant to County Ordinance No. 2011-02.
3. Board Direction.

Recommendation
Option #1

Attachments:
1. Proposed Ordinance

ORDINANCE NO. 2011-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA AMENDING SECTION 2.169 OF THE WAKULLA COUNTY CODE OF ORDINANCES PERTAINING TO CODE ENFORCEMENT BOARD HEARINGS, AS TRANSFERRED PURSUANT TO WAKULLA COUNTY ORDINANCE NO. 2011-02; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, the Board of County Commissioners desires to enact an ordinance amending section 2.169 of the Wakulla County Code of Ordinances, relating to the conduct of Wakulla County Code Enforcement Board public hearings;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA:

SECTION 1. AMENDMENT OF SECTION 2.169, WAKULLA COUNTY CODE OF ORDINANCES. Section 2.167, Wakulla County Code of Ordinances, titled "Hearings," as transferred to a new section pursuant to Wakulla County Ordinance No. 2011-02, Article I, Section 1.02, is hereby amended to read as follows (<u>underlined</u> words are added, ~~stricken~~ words are deleted):

(a) The chairperson of the board may call hearings of the board, and hearings may also be called by written notice signed by at least three members of the board. The board at any hearing may set a future hearing date.

(b) Upon scheduling the board shall cause notice thereof to be furnished to the alleged violator by certified mail, return receipt requested, or by

personal service. Said notice of hearing shall state the nature of the violation and reference to the appropriate code or ordinance.

~~(c) At the hearing, the burden of proof shall be upon the county to show, by the preponderance of the evidence, that a violation does exist.~~

(c)~~(d)~~ Assuming proper notice of the hearing has been provided to the alleged violator as provided above, a hearing may proceed in the absence of the alleged violator.

(d)~~(e)~~ Each case before the board shall be presented by a representative of the county.

(e)~~(f)~~ All testimony shall be under oath and shall be recorded. The board shall take testimony from the code inspector and alleged violator and from such other witnesses as may be called by the respective sides. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings.

(f)~~(g)~~ Irrelevant, immaterial, or unduly repetitious evidence shall be excluded, but all other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of the state.

(g)~~(h)~~ Any member of the board, or an attorney appointed to represent the county, may inquire of any witness before the board. The alleged violator, or his attorney, the code inspector, county attorney, or other designee of the county, shall be permitted to inquire of any witness before the board and shall be permitted to present brief opening and closing statements.

(h)~~(i)~~ At the conclusion of the hearing, the board shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with F.S. ch. 162. The finding shall be by motion approved by a majority of those members present and voting, except that at least four must vote in order for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed. Under the conditions specified in F.S. § 62.09(1), the cost of repairs may be included along with the fine, if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

(i)~~(j)~~ If the county prevails in prosecuting a case before the board, it shall be entitled to recover all costs incurred in prosecuting the case before the board.

SECTION 2. SEVERABILITY. The provisions of this Ordinance are severable; and if any section, subsection, sentence, clause or provision is held invalid by any court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby.

SECTION 3. EFFECTIVE DATE. This Ordinance shall take effect ten (10) days after its passage and adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2011.

BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

By:_____
MIKE STEWART, Chair

ATTEST:

_____
BRENT X. THURMOND, Ex Officio
Clerk to the Board

APPROVED AS TO FORM:

_____
Heather Encinosa, Esq.
County Attorney

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Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy P. Barden, Interim County Administrator Melissa Corbett, Planner II Sonora Walker, Meridian Community Services Group/Housing Administrator Esrone McDaniels, Meridian Community Services Group/Housing Administrator
Subject:	First Public Hearing Pursuant to the Federal CDBG Program in Preparation to Submit a Small Cities Community Development Block Grant (CDBG) Application for the 2011 Grant Cycle and Request Board Approval of Community Development Plan Resolution

Statement of Issue:
This agenda item requests Board approval to conduct the first of two public hearings as a part of the CDBG statutory process in order to submit an application for funding through the state of Florida's Small Cities Community Development Block Grant (CDBG) Program funded through the Florida Department of Community Affairs and requests Board approval of a Resolution (Attachment #1) adopting the County's Comprehensive Plan as its Community Development Plan.

Background:
The Community Development Block Grant Program (CDBG) is a federal program that provides funding for housing and community development. In 1974, Congress created the program by passing the Housing and Community Development Act, Title I. The national objectives of the program are to:

1. Benefit low- and moderate-income persons
2. Prevent or eliminate slum or blight
3. Address urgent community development needs

The program, administered and funded by the United States Department of Housing and Urban Development, consists of two components:

1. Entitlement - provides funds directly to urban areas
2. Small Cities - provides funds to the states for distribution to rural areas

The Florida Department of Community Affairs (Florida DCA) administers Florida's Small Cities Community Development Block Grant Program. This is a competitive grant program that awards funds to rural areas. Each year since 1983, Florida has received between 18 and 35 million dollars.

Wakulla County is considered a non-entitlement area and is therefore eligible for CDBG funding only through the Florida DCA. Pursuant to Small Cities CDBG program requirements, Wakulla County is eligible for a $750,000 CDBG grant.

Analysis:
At the June 21, 2011 meeting, the BOCC authorized the preparation of an application to be submitted to DCA for a Small Cities CDBG Grant under the Housing category. As a part of the federal statutory guidelines governing the CDBG participation, Citizen's participation must be a part of the initial process prior to solidifying the details of the grant application. DCA requires as a part of Rule 9B-43, Florida Administrative Code, that two public hearings be conducted prior to submission of the application for funding.

In order to meet the timetable established by DCA, the County must conduct the first of two public hearings at the July 18, 2011 Board Meeting; followed by a second public hearing which is anticipated to be conducted at the August 1, 2011 meeting in order to meet the application deadline.

Additionally, DCA requires as a part of the CDBG application process for each applicant to have a Community Development Plan in place that details affordable housing and economic development priorities of the County. The County has already captured these priorities within its Comprehensive Plan. Since the Comprehensive Plan encapsulates the housing and economic development priorities of the County, DCA allows the Comprehensive Plan to serve as the County's Community Development Plan so that efforts will not be duplicated. The BOCC must authorize this designation via Resolution in order for this change to be accepted by DCA.

Budgetary Impact:
There is no budgetary impact related with this public hearing. Meridian paid for the public hearing advertisements in the Wakulla News and Tallahassee Democrat.

Options:
1. Conduct the first of two public hearings per the federal and state Citizens Participation requirements for the CDBG Grant program and approve the Resolution to adopt the County's Comprehensive Plan as the Community Development Plan.
2. Do not conduct the first of two public hearings per the federal and state Citizens Participation requirements for the CDBG Grant program and deny approval of the Resolution to adopt the County's Comprehensive Plan as the Community Development Plan.
3. Board direction.

Recommendation:
Option #1

Attachments:
1. Proposed Resolution

RESOLUTION NO: _____

RESOLUTION ADOPTING THE COMPREHENSIVE PLAN
AS THE COMMUNITY DEVELOPMENT PLAN

WHEREAS, on November 30, 1995, Wakulla County (County) adopted a Comprehensive Plan dated November 30, 1995, and as amended on June 6, 2011;

WHEREAS, the Comprehensive Plan is designed to guide orderly community and economic development in the County; and

WHEREAS, the County has a part of its Comprehensive Plan community and economic development initiatives designed to create affordable housing options for low to moderate income households and to stimulate the local economy through the creation of jobs; and

WHEREAS, it is the intent of the County to the greatest extent feasible to fully implement its Comprehensive Plan inclusive of community development initiatives to address long and short term housing, community and economic development objectives; and

WHEREAS, the County recognizes the need to adopt the Comprehensive Plan to serve as its Community Development Plan to address long and short term housing, community and economic development objectives;

NOW, THERFORE, BE IT RESOLVED THAT THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA hereby adopts the Comprehensive Plan as its Community Development Plan.

RESOLVED, FURTHER, that this Resolution shall become effective immediately upon adoption.

ADOPTED AND PASSED THIS _____ DAY OF _____ 2011.

_____
Mike Stewart, Chairman of the Board

ATTEST:

_____
Brent X. Thurmond, County Clerk

APPROVED AS TO FORM:

_____
Heather J. Encinosa, Esq. County Attorney

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Brent X. Thurmond, Clerk of Court
Subject:	Approval of Minutes from the June 9, 2011 Workshop Regarding the Community Center Conceptual Master Plan

Statement of Issue:
This agenda item requests Board review and approval of the minutes of the June 9, 2011 Workshop Regarding the Community Center Conceptual Master Plan (Attachment #1).

Options:
1. Approve the minutes of the June 9, 2011 Workshop Regarding the Community Center Conceptual Master Plan.
2. Do not approve minutes.
3. Board direction.

Recommendation:
Option #1

Attachment(s)
1. Draft of Minutes – June 9, 2011 Workshop Regarding the Community Center Conceptual Master Plan.

BOARD OF COUNTY COMMISSIONERS
WORKSHOP: On Community Center
Conceptual Master Plan
THURSDAY, JUNE 9, 2011

The Board of County Commissioners in and for Wakulla County met for a Workshop on Thursday, June 9, 2011 with Chairman Mike Stewart presiding. Present were Commissioners Alan Brock, Lynn Artz, Randy Merritt, and Jerry Moore. Also, present were Interim County Administrator Tim Barden, County Attorney Heather Encinosa and Deputy Clerk Evelyn Evans.

5:00 p.m. The Workshop was called to order and will update the Board regarding Community Center planning and seeks (1) Board input regarding a draft conceptual master plan for the Community Center site, and (2) Board direction regarding priorities for facility construction/renovation and site development.

In the spring of 2010, the County Commission purchased the 22-acre site on Shadeville Road for use of a Community Center.

There are three planning efforts going on simultaneously:
1. Long-range planning through the development of a conceptual master plan for the site, what does the Board want to see on this 22 acre site.
2. Mid-range planning for selected facility construction and renovation using a legislative appropriation and other funds.
3. Near-term planning to begin offering programs and activities at the site using the existing facilities.

Wakulla County received a $392,000 legislative appropriation to construct a Community Center, and the funds must be expended by September of 2013. In order to meet this deadline a RFP for construction should be issued and awarded by the end of the 2011 calendar year. In addition, the County has $150,000 for public facilities from the one-cent sales tax and $175,000 from Park & Recreation Impact Fees that could be applied to the construction of new facilities and/or the renovation of the existing facilities at the Community Center site.

Data was collected from surveys and the top interest was for a swimming pool at 83%, playground 79%, gymnasium/exercise trail 67%, and basketball court 59%.

The Board was able to review the Conceptual Plan and provide feedback so that the conceptual plan can be revised.

Board direction: Open up the former church building as a multi-use room by taking everything out but the restrooms and a storage room. See if the stage can be used at one end for a performance area. A Kids Zone is necessary in the other building as well as a storage room. Take some of the office space and open it up for a group fitness area, and

depending on the room situation and money at this point, look at either a commercial kitchen for this building or at IFAS. Check into Solar PV for both of the buildings. Mr. Barden will try to get more specifics from the Federal Government as to what they will accept. There are low cost items that can be done quickly that include a playground, walking trail and the gardens. Maximize the $392,000 and bring a proposal back to the Board.

There being no further business to come before the Board, the meeting was adjourned by order of the Chair at 6:30 p.m.

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Brent X. Thurmond, Clerk of Court
Subject:	Approval of Minutes from the June 9, 2011 Workshop Regarding Amending the Comp Plan Related to Wetlands and Treatment of Sanitary Sewer

Statement of Issue:
This agenda item requests Board review and approval of the minutes of the June 9, 2011 Workshop Regarding Amending the Comp Plan Related to Wetlands and Treatment of Sanitary Sewer (Attachment #1).

Options:
1. Approve the minutes of the June 9, 2011 Workshop Regarding Amending the Comp Plan Related to Wetlands and Treatment of Sanitary Sewer.
2. Do not approve minutes.
3. Board direction.

Recommendation:
Option #1

Attachment(s)
1. Draft of Minutes – June 9, 2011 Workshop Regarding Amending the Comp Plan Related to Wetlands and Treatment of Sanitary Sewer.

BOARD OF COUNTY COMMISSIONERS
WORKSHOP: To Discuss Amending the Comp Plan
Related to Wetlands and Treatment of Sanitary Sewer
THURSDAY, JUNE 9, 2011

The Board of County Commissioners in and for Wakulla County met for a Workshop on Thursday, June 9, 2011 with Chairman Mike Stewart presiding. Present were Commissioners Alan Brock, Lynn Artz, Randy Merritt, and Jerry Moore. Also, present were Interim County Administrator Tim Barden, County Attorney Heather Encinosa and Deputy Clerk Evelyn Evans.

6:30 p.m. The workshop is to allow discussion regarding amending requirements and restrictions from the Comp Plan related to Wetlands and Treatment of Sanitary Sewage.

The County adopted changes to the Comp Plan that required all new onsite sewage disposal systems to be performance based and that all wastewater treatment facilities treat sewage to an extremely high level. In addition, the Conservation Element of the Comp Plan dictates very specific setback requirements for development activities that affect wetlands.

Recently the state rules changed giving the North West Florida Water Management District jurisdiction over isolated wetlands. Commissioner Merritt believes that the comp plan should be revised to remove the specific wetland setback requirements and protection measures and be replaced with language that requires Wakulla County to implement policies that all new development comply with state and federal wetland regulations.

Commissioner Merritt would like to see the Environmental Resource Permit Application from the Water Management District be adopted as the County policy and then follow state regulations.

There is a study that will soon be available on better implementation of ground water protection measures as related to onsite wastewater treatment systems as well as central wastewater treatment facilities. Commissioner Merritt believes that the specific requirements for performance based treatment systems, as well as the specific requirements for treatment levels for central wastewater treatment should be removed from the comp plan be implemented via land development instead.

Direction (1) Take both of the languages out of the Comp Plan. Address the Wetlands Ordinance later as it will still be in effect. Commissioner Merritt would like to see some changes in the ordinance to see if some of the redundancy can be eliminated. (2) See the Comp Plan revised taking the language that he has stricken out, related to performance-based systems and advanced waste treatment systems out and have the County start preparing an ordinance addressing those issues. (The study will have to be received before the ordinance can be drafted) There will be no lapse in time where the Comp Plan

is not in effect, or where you do not need, a performance based system because there is no rule to govern it.

There being no further business to come before the Board, the meeting was adjourned by order of the Chair at 7:47 p.m.

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Brent X. Thurmond, Clerk of Court
Subject:	Approval of Minutes from the June 21, 2011 Regular Board Meeting

Statement of Issue:
This agenda item requests Board review and approval of the minutes of the June 21, 2011 Regular Board Meeting (Attachment #1).

Options:
1. Approve the minutes of the June 21, 2011 Regular Board Meeting.
2. Do not approve minutes.
3. Board direction.

Recommendation:
Option #1

Attachment(s)
1. Draft of Minutes – June 21, 2011 Regular Board Meeting.

Draft
Board of County Commissioners
Regular Board Meeting
Tuesday, June 21, 2011

The Board of County Commissioners in and for Wakulla County met for a Regular Scheduled Board Meeting on Tuesday, June 21, 2011 with Chairman Mike Stewart presiding. Present were Commissioners Alan Brock, Lynn Artz, Randy Merritt, and Jerry Moore. Also, present were Interim County Administrator Tim Barden, County Attorney Heather Encinosa and Deputy Clerk Evelyn Evans.

Invocation and Pledge of Allegiance led by Commissioner Stewart.

APPROVAL OF AGENDA

(CD4:58) Commissioner Merritt moved to approve the Agenda with the following changes/modifications:
Commissioner Moore requested to move item #19 ahead of item #16, second by Commissioner Merritt, with Commissioner Moore and Merritt in favor, Commissioners Stewart, Artz, and Brock opposed, the motion failed, 2/3.
Commissioner Brock requested that item #19 follow item #16, second by Commissioner Artz and the motion carried, 5/0.
Commissioner Moore requests to pull item #8 from the Consent Agenda
Commissioner Brock requests to pull item #9 from the Consent Agenda
County Administrator requests to add CDBG Grant and Approval to waive Purchasing Policy to dispose of two graders under General Business
Commissioner Stewart – requests to add Line of Credit under his items and then under his discussion items add Letter from Congressmen Steve Southerland and Attorney fee reduction
Commissioner Brock – requests to add two discussion items
Second by Commissioner Brock and the motion carried unanimously, 5/0.

PUBLIC HEARING

(CD5:04) 1. Request Board Approval to Conduct the Public Hearing and Consider Placement of Traffic Calming Devices on Pixie Circle in FY2011/2012 Budget
Commissioner Artz moved to conduct the Public Hearing and approve placement of traffic calming devices on Pixie Circle in FY2011/2012 Budget. Second by Commissioner Brock and the motion carried unanimously, 5/0.

(CD5:06) 2. Request Board Approval to Conduct the Public Hearing and Consider Adopting an Ordinance Imposing a Public Service Tax on Every Purchase of Electricity, Metered or Bottled Gas, Fuel Oils and Water
Commissioner Merritt moved to approve to conduct the Public Hearing and Adopt the Proposed Ordinance to Impose a 10% Public Service Tax (PST), with an exemption on the first 500 kilowatt hours of electricity for residential. Second by Commissioner Artz, with Commissioners Stewart, Brock, Merritt, and Artz in favor, Commissioner Moore opposed, the motion carried, 4/1.

(CD5:47) 3. Request Board Approval to Conduct the Public Hearing and Consider Adopting the Proposed Ordinance to Increase the Communications Services Tax (CST)
Commissioner Merritt moved to approve to conduct the public hearing and adopt the Proposed Ordinance to increase the Communications Services Tax (CST) to 5.22%. Second by Commissioner Brock, with

Commissioners Stewart, Brock, Merritt, and Artz in favor, Commissioner Moore opposed, the motion carried, 4/1.

AWARDS AND PRESENTATIONS

Presentation by Opportunity Florida – Rick Marcum, Executive Director, and Johnny Eubanks, Chairman
This presentation has been tabled to a future Board Meeting

(CD5:56) Presentation by Billy Hattaway - VHB on the Woodville Highway Corridor Study

(CD6:14) Presentation of Financial Audit – Powell & Jones

(CD6:58) Line of Credit
Commissioner Merritt moved to authorize the Clerk and Staff to move forward with the process of soliciting for a Line of Credit. Second by Commissioner Artz, with Commissioners Stewart, Artz, Brock, and Merritt in favor, Commissioner Moore opposed, the motion carried, 4/1.

(CD7:02) Requisitions assigned to one Employee
Commissioner Brock moved for staff to bring an Agenda item back at next meeting implementing the process for one staff person to control requisitions. Second by Commissioner Artz and the motion carried unanimously, 5/0.

CITIZENS TO BE HEARD

(CD7:02) W. D. Lansford – The Constitution and restricting freedom of speech
(CD7:06) Howard Kessler of CCOW – July 21, 2011 meeting will feature Linda Young as the speaker starting at 7:00 p.m.
(CD7:07) Chuck Hickman – Line of Credit, Landfill taking yard trash and a need for composting, citizens and issues of public policy
(CD7:10) Larry Roberts – Policy on exchange of comments on Agenda items, and after hearing the Auditor speak, the Board needs to see if the County Administrator in Columbia County is available for hire
(CD7:11) Renee Calhoun – limiting freedom of speech
(CD7:13) Hugh Taylor – written statements by Commissioner Moore and requesting copies of the statements

(CD7:22) Commissioner Brock moved to amend the Agenda to pull item #22 from the Consent Agenda for discussion. Second by Commissioner Merritt and the motion carried unanimously, 5/0.

CONSENT AGENDA

(CD7:23) Commissioner Merritt moved to approve the Consent Agenda minus items #8, #9 and #22 that are pulled for discussion. Second by Commissioner Brock and the motion carried unanimously, 5/0.

4. Approval of Minutes – June 6, 2011 Regular Board Meeting
Approve

5. Approval of Minutes – May 26, 2011 Workshop to Provide VFD Chiefs, Firefighters, EMT's, Paramedics, and Animal Control Officers an Opportunity to Provide Information about their Services
Approve

6. Approval of Payment of Bills and Vouchers Submitted for June 2, 2011 – June 15, 2011
Approve

7. Request Board Approval to Schedule a Public Hearing to Consider a Proposed Ordinance Regulating the Use and Licensing of Simulated Gambling Devices and Facilities
Approve – to advertise and schedule a Public Hearing to consider adopting an Ordinance Regulating the Use and Licensing of Simulated Gambling Devices and Facilities

10. Request Board Approval to Advertise and Schedule a Public Hearing to Consider an Ordinance Amending Section 2.169 of the Wakulla County Code of Ordinances, as transferred pursuant to County Ordinance No. 2011-02
Approve – to advertise and schedule a Public Hearing to consider the Proposed Ordinance amending Section 2.169 of the Wakulla County Code of Ordinances, as transferred pursuant to County Ordinance No. 2011-02

21. Request Board Ratification of Pre-existing Audit Committee and Approve a Resolution Re-appointing Current Members
Approve – to ratify the pre-existing Audit Committee and approve the Resolution re-appointing the same members

CONSENT ITEMS PULLED FOR DISCUSSION

(CD7:23) 8. Request Board Approval to Award Bid #2011-17 for OBBT Phase 1 to the Selected Contractor and Authorize the Chairman to Execute the Contract
Commissioner Brock moved to approve to Award ITB #2011-17 for Phase I of the Ochlockonee Bay Bicycle Trail to the lowest qualified bidder, C. W. Roberts and authorize the Chairman to execute the Contract. Second by Commissioner Merritt and the motion carried unanimously, 5/0.

(CD7:44) Commissioner Brock moved to authorize staff to come back at a future meeting with an analysis showing the pros and cons of changing or keeping the language as it is in the policy for purchasing, pertaining to contractors and subcontractors on contracts. Second by Commissioner Artz and the motion carried unanimously, 5/0.

(CD7:47) 9. Request Board Approval to Award RFP #2011-15 for the Bicycle and Pedestrian Facilities Master Plan to the Selected Vendor and Authorize the Chairman to Execute the Contract
Commissioner Artz moved to award RFP #2011-15 for the Bicycle and Pedestrian Facilities Master Plan to Kimley-Horn & Associates and Authorize the Chairman to execute the Contract. Second by Commissioner Brock and the motion carried unanimously, 5/0.

(CD7:54) 22. Request for Approval of Big Bend Scenic Byway Funds Administered through FDOT Local Agency Partner Agreement
Commissioner Artz moved to approve Wakulla County as grantee and Wakulla County TDC as administrator of the 2010-11 National Scenic Byway Program Funding through an FDOT LAP Agreement; and authorize the Chairman to sign the LAP Agreement and Resolution upon receipt of by the County and review by the County Attorney. Second by Commissioner Brock and the motion carried unanimously, 5/0.

GENERAL BUSINESS

(CD7:57) 11. Request Board Approval for the Sheriff's Office to Spend Funds from the Housing Trust Fund for Replacement of the Jail Door Control and Intercom System
Commissioner Brock moved to approve ratification of the $65,000 emergency purchase from the Wakulla County housing Trust Fund for replacement of door controls and intercom system in the jail facility. Second by Commissioner Merritt and the motion carried unanimously, 5/0.

(CD7:58) 23. Request Board Approval of the Department of Agriculture and Consumer Services Grant Funds and Authorize the Chairman to Execute the Documents
Commissioner Brock moved to approve to accept the DACS Mosquito Control Grant funds of $18,396.11 and approve a County match of $18, 396.11. Second by Commissioner Artz, with Commissioners Stewart, Brock, Artz, and Merritt in favor, Commissioner Moore opposed, the motion carried, 4/1. (FY11-12)

(CD8:06) 12. Request Board Approval of an Application for Reduction or Forgiveness of Code Enforcement Lien CEB #LR-001
Commissioner Brock moved to approve the Application for Reduction of Code Enforcement Lien CEB #LR-001. Second by Commissioner Moore, with Commissioners Stewart, Brock and Moore in favor, Commissioner Artz opposed, the motion carried, 4/0. (Commissioner Merritt abstains and filed Form 8A)

(CD8:18) 13. Information Regarding the County's Options on Subdivision Road Acceptance
Commissioner Artz moved to accept information regarding the County's options and direct the County Attorney and staff to develop a policy and rate resolution to institute MSBU's as part of accepting a road, alternative 3. Motion dies for lack of second.

(CD8:22) Commissioner Moore moved to stay with section 742 as it stands. Motion dies for lack of a second.

(CD8:27) Commissioner Merritt moved to adopt alternative #2. Second by Commissioner Brock with the motion and second subsequently withdrawn.

(CD8:47) Commissioner Moore moved to approve alternative #4. Motion dies for lack of second

(CD8:47) Commissioner Brock moved to hold a Workshop regarding a New Policy for Roads and accept the report. Second by Commissioner Moore and the motion carried unanimously, 5/0.

(CD8:48) 14. Request Board Approval of Final Ownership and Acceptance for Maintenance of the Roadway Infrastructure within "The Flowers Subdivision", Phase 1
Commissioner Brock moved to approve and accept ownership and maintenance of the roadway infrastructure within "The Flowers Subdivision". Second by Commissioner Merritt, with Commissioners Stewart, Brock, Merritt, and Moore in favor, Commissioner Artz opposed, the motion carried, 4/1.

(CD8:49) 15. Request Board Approval of Final Ownership and Acceptance for Maintenance of the Roadway Infrastructure within "The Hammocks Subdivision", Phase 1
Commissioner Brock moved to approve and accept ownership and maintenance of the roadway infrastructure within "The Hammocks Subdivision", Phase 1. Second by Commissioner Merritt, with Commissioners Stewart, Brock, Merritt, and Moore in favor, Commissioner Artz opposed, the motion carried, 4/1.

(CD8:49) 16. Request Board Direction Regarding the County Administrator Hiring Process
Commissioner Artz moved to approve the FAC (Florida Association of Counties) assisted process for the Administrator's search. Second by Commissioner Brock, with Commissioners Artz and Stewart in favor, Commissioners Brock, Merritt and Moore opposed, the motion failed, 3/2.

(CD9:24) 19. **COMMISSIONER MOORE**
a. Request Board Approval to Renew the Approval of the Top Ranked Candidate for County Administrator, Authorize the Chairman to Negotiate a Contract, and Rescind the Previous Direction to Staff to Reinitiate the County Administrator Search Process

Commissioner Moore moved to renew approval of the top ranked candidate for County Administrator that is David Edwards with a hire date of October, authorize the Chairman to negotiate a contract, and rescind previous direction to staff to reinitiate the County Administrator search process. Second by Commissioner Brock, with Commissioners Moore, Merritt and Brock in favor, Commissioners Stewart and Artz opposed, the motion carried, 3/2.

17. Request Board Approval to Apply for a FEMA Pre-Disaster Mitigation Grant for Up to $3M for Wakulla Gardens Stormwater Infrastructure Improvements – This item has been tabled to July 18, 2011

(CD9:26) 18. Request Board Approval to Execute a MOA & Effectuate Commitments with the Office of Tourism Trade and Economic Development (OTTED) to Solidify RACEC Designation
Commissioner Brock moved to authorize the Chairman to execute MOA with OTTED, appoint Commissioner Brock as the Board Representative, and Paul Johnson, EDC Non-profit Representative as alternate. Second by Commissioner Merritt and the motion carried unanimously, 5/0.

(CD9:27) Request Board Approval to Commence the Process of preparing a Small Cities Community Development Block Grant (CDBG) Housing Application funded through the Florida Department of Community Affairs in the amount of $750,000
Commissioner Merritt moved to approve the recommendation to move forward with the preparation of a Small Cities Community Development Block Grant (CDBG) Housing application funded through the Florida Department of Community Affairs. Second by Commissioner Brock and the motion carried unanimously, 5/0.

(CD9:28) Request Board approval to waive the Purchasing Policy for Disposal of Two Graders and direct OMB to coordinate disposal with County Attorney's Office subject to Board Ratification
Commissioner Brock moved to approve waiving the purchasing policy to dispose of two graders, and direct OMB to coordinate disposal with the County Attorney's Office and Midway Machinery, subject to Board Ratification and exceeding cost of the buy back. Second by Commissioner Merritt and the motion carried unanimously, 5/0.

COMMISSIONER AGENDA ITEMS – addressed earlier in the Agenda

COUNTY ATTORNEY
20. Update to the Board Regarding the Log Creek Code Enforcement Board Certiorari Petition
This item is the same as Tab #10 on the Consent Agenda

COUNTY ADMINISTRATOR
(CD9:30) 1. IFAS Director
Commissioner Brock moved that the Board prefers to see the last candidate and authorizes the Chairman to sign the letter. Second by Commissioner Merritt and the motion carried unanimously, 5/0.

(CD9:32) 2. Resignation of Lindsay Stephens, Assistant County Administrator and Planning Director with an effective date of July 1, 2011
Commissioner Brock moved to advertise for a replacement for Lindsay Stephens with the job description that is on file. Second by Commissioner Artz, with Commissioners Brock and Artz in favor, Commissioners Stewart, Moore and Merritt opposed, motion failed, 2/3.

(CD9:36) Commissioner Brock moved to bring the Planning Director position back to next meeting with a job description. Second by Commissioner Merritt and the motion carried unanimously, 5/0.

DISCUSSION ISSUES BY COMMISSIONERS

COMMISSIONER STEWART

(CD9:36) 1. Letter from Congressman Southerland in support of Wakulla County's application for FEMA Pre-Disaster Mitigation Funding.

(CD9:37) 2. Expressed gratitude to the County Attorney for donating her retainer of just under $10,000.00 back to the County for the month of July, and the Chairman has negotiated some other legal fees with her

(CD9:37) 3. Request for the County Attorney to set up a meeting regarding the sewer – looking at options to sell the sewer to someone that can operate it for profit

COMMISSIONER BROCK

(CD9:38) 1. A million dollar shortfall in the solid waste fund

Commissioner Brock moved for public works to bring an Agenda item to next meeting regarding action and costs that can be changed immediately for not losing money at the landfill. Second by Commissioner Merritt and the motion carried unanimously, 5/0.

(CD9:40) 2. Library funding – Agenda item for next meeting regarding furloughs at the library

COMMISSIONER MERRITT

(CD9:42) 1. Mash Island Road area where DEP has jurisdiction – There is a meeting coming up with DEP and he would like to see this area cleaned up for walking or throwing a cast net

(CD9:42) 2. Agenda item next meeting regarding accessory use on vacant lots

There being no further business to come before the County, Commissioner Merritt moved to adjourn; second by Commissioner Artz and the meeting adjourned by unanimous vote at 9:47 p.m.

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Brent X. Thurmond, Clerk of Court
Subject:	Approval of Minutes from the June 23, 2011 Workshop Regarding 3rd Budget Development for FY2011/12

Statement of Issue:
This agenda item requests Board review and approval of the minutes of the June 23, 2011 Workshop Regarding 3rd Budget Development for FY2011/12 (Attachment #1).

Options:
1. Approve the minutes of the June 23, 2011 Workshop Regarding 3rd Budget Development for FY2011/12.
2. Do not approve minutes.
3. Board direction.

Recommendation:
Option #1

Attachment(s)
1. Draft of Minutes – June 23, 2011 Workshop Regarding 3rd Budget Development for FY2011/12.

Board of County Commissioners
Workshop: Third Budget Regarding the
Development of the FY2011/12 Budget
June 23, 2011

The Board of County Commissioners in and for Wakulla County met for a Workshop on Thursday, June 23, 2011 with Chairman Mike Stewart presiding. Present were Commissioners Alan Brock, Lynn Artz, Randy Merritt, and Jerry Moore. Also, present were Interim County Administrator Tim Barden, County Attorney Heather Encinosa and Deputy Clerk Evelyn Evans.

Chairman Mike Stewart called the workshop regarding development of the FY2011/2012 budget to order at 5:00 p.m.

This is the third workshop in the development of the FY2011/2012 Budget where the Board will provide direction for preparation of the budget. This is the last opportunity for the Board to provide input as the Tentative Budget is due on July 15, 2011.

Based on the Property Appraiser's June estimate there is a 9.5 reduction in Ad Valorem based on a millage rate of 8.75 mills and equates to a total decrease in ad valorem revenue of $949,053.

There is no cash forward this year and the Jail Bed Revenue is deducted by 10% in order to build the Rainy Day Fund back up at the Sheriff's Department.

Planning and Zoning fees are not coming in due to slowdown in the building sector. Planning and Zoning related revenue have been reduced by approximately 20% based on current receipts and anticipated revenue for FY2011/2012.

Fiscally constrained funding from the Legislative Off-set of Amendment 1 – Legislature did not touch this.

State Revenue – not all of the state revenue estimates have been received and it is estimated that there will be a decrease in all of them for FY2011/2012

General Fund increases – The General Administration budget has increased by 23%. This is directly related to funding County reserves in total at $500,000, which is $370,000 about the previous year. There is a slight increase of $5,701 in the Supervisor of Election budget to account for this additional election cycle in FY2011/2012. A department has been set up for the Community Center and $25,000 has been allocated. There will be operational costs even if the building is empty.

General Fund decreases – The General Fund budget is 3.5% lower than FY2010/2011. The County Administrator's budget has decreased by 9.32% due to the County Administrator position not being filled. The Sheriff's Department has eliminated seven full time positions for a 3.8% decrease. The Clerk of Court budget decreased by 5%, Tax Collector budget decreased by 2% and the Property Appraiser budget decreased by 3%. Planning and Zoning budget decreased by 25%, Facilities Management decreased by 17%, Office of Budget and Management decreased by 32%. The Library has a reduction of $40,533 to the overall budget and a reduction of $33,875 to the local library budget. Parks and Recreation combined budget reduced by $43,839, Emergency Medical Services budget decreased by $318,839 and Animal Control decreased by $15,970.

In total, General Fund expenditures have decreased by $1,073,952 or 3.5% for FY2011/201212. The Board of County Commission decreases equal $617,152 or 8.58% reduction over the previous fiscal year. The Constitutional Officers contributed an additional $456,801 in reductions or 3.57% decrease in expenditures of the previous fiscal year. There is still a funding gap of $409,629 that will have to be filled.

Any employee that may be in jeopardy of losing their job will be alerted by July 15, 2011 as that is the date that the Tentative Budget is due.

Flex Plan cut back to $2,500 and employees will absorb any increase in health insurance.

Fire Services MSBU – In order to avoid re-noticing all affected households any new rate would have to be equal to or less than the $75.00 rate.

Solid Waste Assessment – Build the budget with the tentative $112.00 assessment in place.

Fire/EMS Surtax – This surtax requires a referendum and the citizens would have to decide if they want a new tax. Therefore, this will not be available for this fiscal year.

Line item funding for Outside Agencies – The Board went through all of the line item funding for outside agencies and cut numerous dollars. Staff will check to see if any of the cuts are state mandated and if so, they will be added back into the budget.

Staff furloughs – One day a week furloughs will start on July 1 and run through the end of September with each furlough day saving the County approximately $8,000.

The consensus of the Board is for the Millage Rate to remain at 8.75 mills and the below option for cuts was agreed upon by Board members. There needs to be a total cut of 5.57 with the following option for applying additional cuts to the amounts that the Constitutionals have already made:
County Administration – additional cut of zero
Sheriff – additional cut of 1.7
Property Appraiser – additional cut of 2.67
Tax Collector – additional cut of 3.97

Supervisor of Elections – additional cut of 5.57
Clerk of Court – additional cut of .57

There was a lengthy discussion regarding the above option and the necessary cuts that have to be made. There remains a funding gap of approximately $409,629 between estimated revenues and requested expenditures in the General Fund. The direction for the County Administrator is to make additional Board cuts of $150,000 and that will leave a $259,000 shortage. This additional cut will lessen the burden on the Constitutional Officers. Staff will run the new percentages and email them to each Constitutional Officer in order for them to make the additional cuts as requested to help in eliminating the shortage.

The Public Service Tax and Communications Tax Ordinances were approved at Public Hearings by the Board on June 21, 2011 and will bring additional revenue into the County.

There being no further business to come before the Board, the meeting was adjourned by order of the Chair at 6:55 p.m.

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Brent X. Thurmond, Clerk of Court
Subject:	Approval for Payment of Bills and Vouchers Submitted for June 16, 2011 – July 13, 2011

Statement of Issue:
This agenda item requests Board approval for payment of bills and vouchers submitted for June 16, 2011 – July 13, 2011.

Background:
It is the policy of the Board to pre-approve payment of bills and vouchers prior to the actual release of funds.

Options:
1. Approve payment of bills and vouchers submitted for June 16, 2011 – July 13, 2011.
2. Do not approve payment of bills and vouchers.
3. Board direction.

Recommendation:
Option #1

Attachment(s)
1. Statement of bills and vouchers submitted for June 16, 2011 – July 13, 2011.

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy P. Barden, Interim County Administrator Jennifer Langston, Special Projects Coordinator
Subject:	Request Board Approval to Apply for a Grant through the Federal Emergency Management Agency Pre-Disaster Mitigation Grant

Statement of Issue:
This agenda item requests Board approval to apply for a grant through the Federal Emergency Management Agency Pre-disaster Mitigation Grant for infrastructure improvements in Wakulla Gardens including land acquisition, construction of road side swales, construction of stormwater pipes and inlets, and stormwater retention facilities.

Background:
The Pre-Disaster Mitigation (PDM) program through FEMA provides funds to states, territories, Indian tribal governments, communities, and universities for hazard mitigation planning and the implementation of mitigation projects prior to a disaster event. Funding these plans and projects reduces overall risks to the population and structures, while also reducing reliance on funding from actual disaster declarations. PDM grants are to be awarded on a competitive basis and without reference to state allocations, quotas, or other formula-based allocation of funds. The application period opened on June 1, 2011.

Analysis
This agenda item seeks Board approval to apply for funds to perform the infrastructure improvements described above. The County applied for this grant last year and has revised the scope due to the completion of Construction Plans and Flood Study. Staff is seeking Board approval to apply for the 2012 application cycle (Attachment #1). As mentioned at the June 21, 2011 Board meeting, a letter of support has been received from Congressman Southerland in support of the project and application (Attachment #2).

Among other appropriate qualities, this project is eligible since it is an Infrastructure Protection Measure. This project would alleviate the issue of emergency vehicles being unable to use the roads within Wakulla Gardens during storm events due to the severe flooding. The project is also listed in the County's Local Mitigation Strategy (LMS) and solves an on-going problem that the County has been dealing with in this subdivision. The lots that would be purchased could be used as storm water retention areas to mitigate storm water flooding that occurs during storm events.

Budgetary Impact:
The County estimated match requirement for a project of $3,000,000 would be 10% or $300,000. There is potential for funding from the Northwest Florida Water Management District to be used toward the match as well as in-kind funding for this project. Match funding not realized by an outside source or in-kind can be identified in the future should grant funds be awarded to the County.

Options:
1. Authorize staff to apply for a Federal Emergency Management Agency Pre-disaster Mitigation Grant for infrastructure improvements in Wakulla Gardens.
2. Do Not Authorize staff to apply for a Federal Emergency Management Agency Pre-disaster Mitigation Grant for infrastructure improvements in Wakulla Gardens.
3. Board Direction.

Recommendation:
Option #1

Attachment(s):
1. Letter of Support from Congressman Southerland.

STEVE SOUTHERLAND, II
2ND DISTRICT, FLORIDA

COMMITTEE ON AGRICULTURE
COMMITTEE ON NATURAL RESOURCES
COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, DC 20515–0902

June 14, 2011

Miles Anderson
Mitigation Bureau Chief
Florida Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Dear Mr. Anderson:
Please accept this letter as an expression of my support of Wakulla County's application for FEMA Pre-Disaster Mitigation Funding. Wakulla is one of several rural counties in my district, and I am terribly concerned about their ability to address important challenges with limited resources. This grant would enable Wakulla County to do just that.

Wakulla Gardens is a densely populated subdivision platted prior to the implementation of local development and design standards. It provides affordable workforce housing for the citizens of Wakulla County. Unfortunately, however, its lack of proper infrastructure causes residents to experience inundation of floodwaters and drinking water contamination which affect their health, safety, and welfare. In addition, these deficiencies adversely affect the water quality of nearby Wakulla Springs.

Several state agencies have noted the concerns about Wakulla Gardens, and the County has worked diligently in partnership with them to address these issues. In 2009 the Northwest Florida Water Management District awarded Wakulla County a grant for the purpose of conducting a Floodplain Study and a Stormwater Study. These studies were used to prepare stormwater construction plans for priority basins within Wakulla Gardens which are most densely populated and experience the greatest number of flooding issues. These construction plans are designed to provide stormwater retention for seven of the forty-three flood basins located in Wakulla Gardens. The estimated cost to construct stormwater facilities within these seven priority basins is greater than two million dollars.

3116 CAPITAL CIRCLE NE
SUITE #9
TALLAHASSEE, FL 32308
(850) 561-3979

1229 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-5235

840 WEST 11TH STREET
SUITE 2250
PANAMA CITY, FL 32401
(850) 785-0812

PRINTED ON RECYCLED PAPER

STEVE SOUTHERLAND, II
2ND DISTRICT, FLORIDA

COMMITTEE ON AGRICULTURE
COMMITTEE ON NATURAL RESOURCES
COMMITTEE ON
TRANSPORTATION AND INFRASTRUCTURE

Congress of the United States
House of Representatives
Washington, DC 20515–0902

Wakulla County's current PDM Grant request would allow the County to address this critical need for stormwater management improvements in Wakulla Gardens by turning these plans into reality. This is a shovel-ready project that will provide a higher level of protection against flooding and roadway damage. The proposed improvements will reduce the flood elevations by up to 18"—a significant improvement for residents concerned with inundation of their homes.

It is also important to note that these issues are not of the County's own making as the subdivision was platted in the 1960s. Wakulla County officials are gravely concerned about the risks to health and property associated with the poor planning that occurred well before they came to office.

I encourage your careful consideration of Wakulla County's proposal. Should you have any questions, please do not hesitate to contact my office.

With warm regards,

Steve Southerland, II
United States Representative

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Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy P. Barden, Interim County Administrator Jennifer Langston, Special Projects Director
Subject:	Request Board Approval to Accept $500.00 in Grant Funds for Wildflower Seeds, Authorize the Chairman to Execute Grant Documents, and Request Board Approval of Resolution and Budget Amendment

Statement of Issue:
This agenda item requests Board approval to accept $500.00 in grant funds and to authorize the Chairman to execute the grant documents for wildflowers (Attachment #1). Additionally it requests Board approval of a Resolution (Attachment #2) and Budget Amendment (Attachment #3) to increase the budget accordingly and establish proper accounts within the Clerk's Office.

Background:
On May 2, 2011, the Board approved to submit an application to the La Florida, Land of Flowers community Grant Program to obtain wildflower seeds to be planted at sites along the Big Bend Scenic Byway (e.g., the Welcome Center), and other sites in Wakulla County. The goals of the grant program included: Increasing visibility and knowledge of Florida's native wildflower species, increasing awareness of environmental, historical and cultural significance of Florida's native flora, Demonstrate landscape use of native wildflowers and native plants in general, and Enhancing aesthetics of public places by creating a sense of place unique to Florida. The grant application was submitted on May 13, 2011 which included the support of many local partners. *(Commissioner Artz, ESG, VolunteerWakulla, Big Bend Scenic Byway Corridor Management Entity, Tourist Development Council, Purple Martin Nurseries, Wakulla Welcome Center, KWCB, Florida Green Guide Association, Iris Garden Club, Sarracenia Chapter of the Florida Native Plant Society, Extension Office, Melton-Smith Garden Arts, Just Fruits & Exotics, Wakulla News, Wakulla.com, and FDOT*).

The County was notified of the $500.00 grant award on June 9, 2011 where the County was instructed to complete a letter of agreement to forward to the granting agency to solidify acceptance which was done.

Analysis:
This grant award includes the following:

- ✓ Restores and increases native wildflowers in the right-of-way along the coastal segment of the Big Bend Scenic Byway
- ✓ Creates new wildflower plantings in highly visible locations in the County.

- ✓ Plantings at (3) traffic triangles between Wakulla Station and Wakulla Springs State Park, as well as, the Wakulla Welcome Center.

Budgetary Impact:
This is a matching grant program. No County funds are utilized as a part of the match requirements. The match is being met by many of the local partners. The $500.00 match will be in kind or monetary and will be met through the planting labor supplied by community volunteers and additional seed purchases by partners. The partner's support includes $3,300.00 of in-kind match and at least 35 pounds of seeds valued at more than $1,600.00. Additionally, plant labor valued at a minimum of $1,000.00 and $750.00 in photography services was committed all together.

Funds are awarded in the form of a $500.00 certificate to purchase Florida native wildflower seeds from Florida's Wildflower Seed-Co-op.

Options:
1. Accept $500.00 in grant funds, authorize the Chairman to execute grant documents, and approve the Resolution and Budget Amendment.
2. Do not accept $500.00 in grant funds and do not authorize the Chairman to execute related documents.
3. Board Direction.

Recommendation:
Option #1.

Attachment(s):
1. Grant Documents
2. Resolution
3. Budget Amendment

FLORIDA
WILDFLOWER
FOUNDATION

La Florida Planting Grant: Seed Purchase Voucher

INSTRUCTIONS

All seeds must be Florida natives purchased no later than Nov. 15, 2011, from the Florida Wildflower Seed and Plant Growers Association (www.FloridaWildflowers.com; FWSPGA). Purchases made after Nov. 15, 2011 will not be reimbursed. Seeds will be paid for by the Florida Wildflower Foundation, a 501(c)(3) nonprofit organization, upon submittal by the FWSPGA of this voucher and an invoice listing all seeds purchased. A maximum of $500 total per project (as defined by Project Code; see **GRANTEE**) is granted for the purchase of seeds. La Florida grantees are responsible for providing this voucher to the FWSPGA, purchasing seeds in accordance with these instructions and the objectives of the La Florida grant, and managing the $500 purchase budget. Charges exceeding $500 are the responsibility of the grantee.

- The FWSPGA is responsible for billing the Florida Wildflower Foundation in accordance with these instructions. Payment is guaranteed and should not affect provision or delivery of seeds.
- Florida Wildflower Foundation will pay the FWSPGA within 30 days of receipt of voucher + invoice.

GRANTEE

Grantee: complete fields below and provide this voucher to the FWSPGA for submission with invoice.

Project Code:

Representative:

Phone:

Email:

FLORIDA WILDFLOWER SEED AND PLANT GROWERS ASSOCIATION

FWSPGA: attach invoice listing seeds and charges, and mail to the Florida Wildflower Foundation for payment. See contact information below.

By Nov. 30, 2011, submit by mail this voucher and the payable invoice listing all seeds purchased.

Lisa Roberts, Executive Director
Florida Wildflower Foundation
PO Box 941066
Maitland FL 32794

WAKULLA COUNTY
RESOLUTION #_____

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS BY THE WAKULLA COUNTY BOARD OF COUNTY COMMISSIONERS FROM THE THE FLORIDA WILDFLOWER FOUNDATION, UNDER THE LA FLORIDA, LAND OF FLOWERS GRANT PROGRAM FOR WILDFLOWERS IN WAKULLA COUNTY.

WHEREAS, Wakulla County submitted an application to the Florida Wildflower Foundation's La Florida, Land of Flowers Community Grant Program for grant funding for wildflowers.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Wakulla County as follows:

1. That Wakulla County hereby accepts the award of grant funds in the amount of $500.00 from the Florida Wildflower Foundation and approves a budget amendment to increase the County budget and to establish the necessary revenue and expenditure accounts.

IN WITNESS WHEREOF, **I do hereby set my hand and cause the Seal of Wakulla County to be affixed this ____day of _____, 2011**.

Wakulla County, Florida
For 2010-2011 budget year

WAKULLA COUNTY
BOARD OF COMMISSIONERS

_____
Mike Stewart, Chairman

ATTEST:

_____
Brent X. Thurmond, Ex-Officio Clerk

APPROVE TO FORM:

_____
Heather Encinosa, County Attorney

BUDGET AMENDMENT

Date: 7/18/2011 **Budget Amendment** _____

Department: Office of Management and Budget

Account #	Description	Beginning Budget	Increase	Decrease	Ending Budget
300-FWF-01.2500.000.366010	La Florida Wildflower Grant	0.00	500.00		500.00
300-FWF-01.2500.513.5520	La Florida Wildflower Grant	0.00	500.00		500.00
	Total:	0.00	1,000.00	0.00	0.00

Justification: New grant funding awarded by the Florida Wildflower Foundation for wildflower plantings along the Big Bend Scenic Byway

Date of BOCC Action: 7/18/2011

Department Authorization: _____

Date: _____

OMB Authorization: _____

Document Prepared By: *Jennifer Langston*

Date: 7/1/2011

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Pam Portwood, Tourist Development Council Director
Subject:	Request Board Approval to Schedule and Advertise a Public Hearing to Consider Adopting an Ordinance Increasing the Tourist Development Tax Rate

Statement of Issue:
This agenda item requests Board approval to schedule and advertise a public hearing to consider adopting an Ordinance increasing the tourist development tax rate.

Background:
On June 6, 2011 the Board of County Commissioners approved a request from the Tourist Development Council to begin the process to increase the tourist development tax (TDT) rate. In accordance with Florida Statutes, the TDT is established by ordinance of the local governing board.

Analysis:
The proposed Ordinance (Attachment #1) provides for the levying of an additional one percent (1%) tourist development tax as authorized by Section 125.0104(3)(d), Florida Statutes effective on the first day of the second month following approval of the ordinance, thereby increasing the TDT from the current two percent (2%) rate to three percent (3%). Additionally, the proposed Ordinance provides for the levying of an additional one percent (1%) TDT as authorized by Section 125.0104(3)(l), Florida Statutes effective on the first day of the sixth month following approval of the ordinance, thereby increasing the TDT from three percent (3%) rate to four percent (4%).

If approved, the additional TDT revenues will be used for increased support and promotion of local events that bring visitors to our area; increase our social marketing efforts; increase production of promotional items such as tear-off maps and videos; increase attendance at travel shows with extended regional and national audiences, improve our website, provide stipends for student internships to maximize contractual service dollars, increase Tourist Development Council Director hours to develop and implement marketing campaigns, and continue the most effective ad campaigns started with prior years grant funding.

Budgetary Impact:

The budgetary impact of the requested increase to the tourist development tax can only be estimated at this time. Based on current collections, 1% of tourist development tax provides approximately $20,000 in annual revenue. Therefore, the increases as proposed could generate an additional $20,000 the first year and $40,000 additional the years following. Also, the increased marketing and promotion produced by the funding will increase taxable sales in all tourist and travel-related businesses which will increase overall sales tax collected by the county.

Options:

1. Approve to Schedule and Advertise a Public Hearing to Consider Adopting an Ordinance to Increase the Tourist Development Tax Rate.
2. Do not approve to Schedule and Advertise a Public Hearing to Consider Adopting an Ordinance to Increase the Tourist Development Tax Rate.
3. Board Direction.

Recommendation:

Option #1

Attachment

1. Proposed Ordinance

/pp

ORDINANCE NO. 2011-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA INCREASING THE TOURIST DEVELOPMENT TAX RATE; LEVYING THE ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX AUTHORIZED BY SECTION 125.0104(3)(d), FLORIDA STATUTES; LEVYING THE ADDITIONAL ONE PERCENT (1%) TOURIST DEVELOPMENT TAX AUTHORIZED BY SECTION 125.0104(3)(l), FLORIDA STATUTES; AMENDING SECTION 29.045 OF THE WAKULLA COUNTY CODE TO LEVY THE INCREASED TOURIST DEVELOPMENT TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR REPEAL OF CONFLICTING PROVISIONS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.0104, Florida Statutes, commonly known as the "Local Option Tourist Development Act," authorizes counties to levy certain taxes on properties rented or leased for periods of six (6) months or less; and

WHEREAS, pursuant to Ordinance No. 94-46, adopted on December 19, 1994 and amended by Ordinance No.s 96-4, 96-12, 96-26, and 09-10, the Board of County Commissioners of Wakulla County, Florida, adopted a Tourist Development Tax rate of two percent (2%), which has been levied for more than three (3) years; and

WHEREAS, the ordinances relating to the Tourist Development Tax have been codified in Article III of Chapter 29 of the Wakulla Code of Ordinances; and

WHEREAS, Section 125.0104, Florida Statutes, authorizes Wakulla County to levy, by ordinance, up to an additional two percent (2%) Tourist Development Tax; and

WHEREAS, it is the intent of the Board of County Commissioners of Wakulla County, Florida to increase its Tourist Development Tax rate from two percent (2%) to three percent (3%) pursuant to Section 125.0104(3)(d), Florida Statutes, and ultimately

from three percent (3%) to four percent (4%) pursuant to Section 125.0104(3)(l), Florida Statutes; and

WHEREAS, the Board of County Commissioners of Wakulla County, Florida, specifically finds that said increase in the Tourist Development Tax is in the best interest of Wakulla County, Florida and its citizens and is necessary to implement the County's adopted plan of tourist development.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. ADOPTION OF A NEW TOURIST DEVELOPMENT TAX RATE. Section 29.045 of the Wakulla County Code is hereby amended to increase the rate of the Tourist Development Tax in accordance with Sections 125.0104(3)(d) and (3)(l), Florida Statutes, as follows:

(A) Effective on first day of the second month following approval of this Ordinance, the Tourist Development Tax rate in Section 29.045 of the County Code shall be increased from two percent (2%) to three percent (3%).

(B) Effective on the first day of the sixth month following approval of this Ordinance, the Tourist Development Tax rate in Section 29.045 of the County Code shall be increased an additional one percent (1%) from the three percent (3%) approved in paragraph (A) above to four percent (4%).

SECTION 2. NOTICE TO THE DEPARTMENT OF REVENUE. The Clerk of the Circuit Court shall submit a copy of this Ordinance within ten (10) days of its adoption to the Florida Department of Revenue and the Wakulla County Tax Collector.

SECTION 3. REPEAL OF CONFLICTING ORDINANCES. All ordinances, or parts of ordinances, in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 4. SEVERABILITY OF PROVISIONS. If any subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and the unconstitutional, invalid or void provisions shall be deemed to have been severed herefrom, and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be valid, as if such part or parts has not been included herein. If this Ordinance or any provisions hereof shall be held inapplicable to any person, group or persons, property, or kind of property, circumstances, or set of circumstances, such holding shall not affect the application hereof to any other person, property, or circumstances.

SECTION 5. INCLUSION IN THE WAKULLA COUNTY CODE. It is the intention of the Board of County Commissioners and is hereby ordained that the provisions of this ordinance shall become and be made a part of the Wakulla County Code of Ordinances, and the sections of this ordinance may be renumbered to accomplish said intention.

SECTION 6. EFFECTIVE DATE OF ORDINANCE. This Ordinance shall take effect immediately upon its passage by the extraordinary vote of the Board of County Commissioners of Wakulla County, after due notice and publication, in regular meeting, and upon filing with the Florida Department of State.

PASSED AND DULY ENACTED by the Board of County Commissioners of Wakulla County, Florida in regular session, this ____ day of _____, 2011.

WAKULLA COUNTY
BOARD OF COUNTY COMMISSIONERS

_____
Mike Stewart, Chairman

ATTEST:

Brent X. Thurmond
Clerk of Court

APPROVED AS TO FORM AND CONTENT:

_____
Heather J. Encinosa
County Attorney

F:\General Data\WPDATA\PROJECTS\AA-WakullaCounty\09117 - General Counsel\Ordinances\Increase TDT Ordinance_06 23 11.doc

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy Barden, Interim County Administrator Cleve Fleming, Public Works Director
Subject:	Request Board Approval to Accept the Consolidated Small County Solid Waste Grant for $70,588 and Extend KWCB's Contract with Wakulla County

Statement of Issue:
This agenda item requests Board approval to accept the Consolidated Small County Solid Waste Grant from the Florida Department of Environmental Protection in the amount of $70,588 and approval to extend KWCB's Contract with Wakulla County for an additional 12 months.

Background:
The County has been receiving grant monies from DEP for Solid Waste for over ten years. It originally came in four smaller grants called the Recycling and Education Grant, a Small County Grant, a Waste Tire Grant, and a Litter Control Grant (that was always given to Keep Wakulla County Beautiful). In 2003, DEP grouped these together into the Consolidated Solid Waste Grant.

Analysis:
While in past years these grant funds were used primarily toward repair and maintenance items, waste tire costs, and litter control projects - this year, in order to meet the requirements of the grant, the funds must be dedicated before the grant will be awarded. The Public Works Department recommends dedicating the grant funds as follows:

- $48,000 toward tipping fees (68%)
- $7,600 toward fuel expenses for hauling trash to Leon County (11%)
- $14,988 toward KWCB (21%)

Approval of this grant and dedicating the funds as recommended will help sustain the landfill until the Solid Waste Assessment is passed and revenues are collected from it.

In addition, this item requests approval to extend KWCB's Contract for an additional 12 month period. On January 24, 2011 Wakulla County entered into a contract with KWCB, per requirements mandated by DEP. The terms of the agreement will expire on October 31, 2011 but may be extended for two 12 month terms upon approval of the Board and KWCB.

Budgetary Impact:
Approval of this agenda item will allow the County to continue to receive needed grant funds from DEP. This is a non matching grant with no County funds being spent.

Options:
1. Accept the Consolidated Small County Solid Waste Grant in the Amount of $70, 588 and approve to extend KWCB's Contract for 12 months.
2. Do not accept the Consolidated Small County Solid Waste Grant in the Amount of $70, 588 and do not approve to extend KWCB's Contract for 12 months.
3. Board Direction.

Recommendation:
Option #1

Attachments:
1. KWCB Contract Extension

EXTENSION OF SERVICE AGREEMENT WITH KEEP WAKULLA COUNTY BEAUTIFUL FOR FISCAL YEAR 2011-2012

THIS AGREEMENT is entered into this _____ day of _____, 2011, by and between WAKULLA COUNTY, a political subdivision of the State of Florida, by and through its Board of County Commissioners, situated at 3093 Crawfordville Hwy, Crawfordville FL 32327, hereinafter referred to as COUNTY, and KEEP WAKULLA COUNTY BEAUTIFUL, INC., a Florida not for profit corporation, headquartered at 15 Oak Street, Crawfordville, FL 32327, hereinafter referred to as KWCB, which hereby state as follows:

WHEREAS, COUNTY has been awarded a Consolidated Small County Solid Waste Management Grant (the "Grant") from the Florida Department of Environmental Protection ("DEP") for the purposes of managing solid waste related activities, including recycling demonstration and educational projects; and

WHEREAS, the parties desire for KWCB continue to provide certain educational and cleanup related activities and services including recycling demonstration projects on behalf of the COUNTY in exchange for reimbursement of grant-eligible expenditures under the Grant through extension of the existing service agreement between KWCB and COUNTY entered into on January 24, 2011 ("Service Agreement"); and

WHEREAS, the Service Agreement provided for extension for two additional 12-month terms upon approval of the COUNTY and KWCB.

NOW, THEREFORE, in consideration of the promises contained herein, the parties hereto agree as follows:

1. The above recitals are incorporated herein and made a part of this Agreement.

2. COUNTY and KWCB agree that the Service Agreement shall be extended for one 12-month term beginning November 1, 2011, and ending October 31, 2012 ("extension term").

3. COUNTY shall reimburse KWCB for grant-eligible expenditures as approved by the Florida Department of Environmental Protection in an amount not to exceed $14,988.00 from the total grant funds made available to the County during the extension term.

4. COUNTY and KWCB agree that all terms and provisions of the Service Agreement shall remain in effect during the extension term and that each party shall continue to perform all tasks required under the Service Agreement during the extension term.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date and year first above written.

Attest:

Clerk of the Board

WAKULLA COUNTY,
a political subdivision
of the State of Florida

By:_____
Brent X. Thurmond, Clerk

By:_____
Mike Stewart, Chairman

Review as to form and legal sufficiency

By:_____
Heather Encinosa, County Attorney

Attest:

KEEP WAKULLA COUNTY BEAUTIFUL
a Florida not-for-profit Corporation

By:_____
Corporate Secretary

By:_____

_____
[Print Name]

_____
[Print Name]

DATE:_____

_____
[Title]

DATE:_____

SEAL

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	July 12, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy Barden, Interim County Administrator Cleve Fleming, Public Works Director
Subject:	Request Board Ratification of Midway Auction Consignment Agreement and Approval of Form Bill of Sale for Two John Deere Graders

Statement of Issue:
This agenda item requests Board ratification of the Auction Consignment Agreement (Attachment #1) entered into between the County and Midway Machinery & Auction, LLC, and requests approval of the form Bill of Sale (Attachment #2) for the two John Deere Graders, so long as the necessary minimum bid is reached at the auction scheduled for July 23, 2011 in Bay County.

Background:
In January of 2010, the BOCC released Bid #2009-022 for the purchase of five new graders. John Deere/Flint Equipment Company was awarded the bid and the contract was signed May 10, 2010. One component of the Bid Price was a "Guaranteed Buy Back Price." Under this portion of the Bid Price, the Flint Equipment Company agreed that at the end of five years, under certain conditions, the company would buy back the graders for $105,000 each. Monies received from the buyback of the previous five graders were used as the down payment on the new graders of $500,000.00. They were financed for four years. The County also purchased a five-year maintenance plan for each grader.

Cost Per Grader	$158,000.00	x 5	= $790,000.00
Plus Maint Contract	$ 19,094.30	x 5	= $ 95,471.50
Less Down Pymnt	$100,000.00	x 5	= $500,000.00
Balance	$ 77,094.30	x 5	= $385,471.50

The balance plus finance charges are payable in yearly installments of $101,921.09 for four years. The first installment was made in October of 2010.

At the request of County Administration, ESG considered options that could allow the County to reduce costs due to the drastic fall in ad valorem revenues. One option recommended by ESG to the BOCC was that the BOCC either sell back to John Deere or auction two of the five graders, generating revenue from the sale and reducing ongoing maintenance costs of those machines.

At the June 21, 2011, Meeting, ESG staff presented the Board with an option to include the two graders in an auction scheduled to be held by Midway Machinery & Auction, LLC on July 23, 2011. Midway Machinery expressed an interest in including the machines in the auction and agreed to auction them subject to a minimum bid of $125,000. The BOCC waived its purchasing policy and approved going forward with this means of selling the equipment subject to County Attorney approval of an Agreement with Midway Machinery and subsequent ratification of the agreement by the BOCC. The BOCC also authorized the Chairman to execute the Agreement once approved by the County Attorney so as to enable staff and the County to move forward with inclusion of the graders in the auction. Since the June 21, 2011 meeting, ESG staff, the County Attorney's Office and Midway Machinery staff have finalized the Agreement, had it executed, and have provided it to Midway Machinery. A fully executed copy of the Agreement is attached hereto as Attachment #1.

In addition, as authorized by the BOCC, the two graders have been transported to Midway Machinery for inclusion of the auction on July 23, 2011. (See Attachment #2 for auction information).

Analysis:

This item requests ratification of the Chairman's execution of the Auction Consignment Agreement. Pursuant to this Agreement, the County agrees to include for sale, two graders identified therein in the auction being held in Bay County on July 23, 2011, subject to a minimum bid of $125,000 being obtained on each grader. It further acknowledges that the County will pay to Midway Machinery 5% of the final sales price of the graders, if sold, as an auction fee. If the County chooses not to ratify the Agreement and decides not to sell the graders in this manner, the County will be responsible for payment of a penalty in the amount of 5% of the minimum bid price, or $6,250.

In addition, this item requests Board approval of the form Bill of Sale (Attachment #3) for transfer of ownership of the graders to the winning bidder if the minimum bid is reached and seeks authorization for the Chairman to execute the final Bills of Sale once the winning bidder is identified.

Budgetary Impact:

The minimum bid for each grader is $125,000 which will allow the County to pay the balance of the graders to Flint Equipment thus resulting in a costs savings to the County.

Options:

1. Ratify the Midway Auction Consignment Agreement, Approve the form of the Bill of Sale, and authorize the Chairman to execute the Bill of Sale once the purchaser is identified.
2. Do not ratify the Midway Auction Consignment Agreement, do not approve the form of the Bill of Sale, and do not authorize the Chairman to execute the Bill of Sale once the purchaser is identified.
3. Board Direction.

Recommendation:
Option #1

Attachments:
1. Midway Auction Consignment Agreement
2. Auction flyer/information
3. Form Bill of Sale

MIDWAY MACHINERY & AUCTION, LLC

MIDWAY MACHINERY & AUCTION, LLC

31805 BLUE STAR HWY MIDWAY, FL 32343 AB2960 GANR
(850)576-5500 FAX (850)576-5505

AUCTION CONSIGNMENT AGREEMENT

CONSIGNOR Wakulla County Bocc ID____ Date_____

ADDRESS 340 TRICE LANE CRAWFORDVILLE, FL 32327

Contact Cleve Fleming Phone 850/926/7616 Fax/email 850/926-2890

ITEM DESCRIPTION MILES/HRS COLOR	SERIAL/VIN
JD 670G MotorGRADER	1DW670GXPA0629127
JD 670G MotorGRADER	1DW670GXHA0629011

IF ADDITIONAL ITEMS, PLEASE USE AN ATTACHED SHEET

AUCTION (Bay County) July 23 2011

FEES 5% of Final Bid Amount

THE UNDERSIGNED CONSIGNOR AGREES TO SELL THE ABOVE LISTED ITEMS AT THE STATED AUCTION, SUBJECT TO THESE TERMS: 1)Consignor represents that all items being sold are free of any liens or encumbrances, and have no hidden defects (except those stated at auction), misrepresentations may result in voiding of sales; 2)Auctioneer is not responsible for loss, damage, or mechanical failure to any items while in Auctioneer's possession; and 3)Removal by the Consignor of any items listed in this agreement will result in payment to Auctioneer of a full commission fee based on the fair market value of that item. Consignor warrants that they fully understand the terms of this agreement, and this constitutes the entire agreement. FULL PAYMENT WILL BE MADE TO CONSIGNOR WITHIN TEN WORKING DAYS OF THE AUCTION.

CONSIGNOR [signature]

AUCTIONEER [signature]

Fair market value is $125,000.00.

Consignor [signature]
Auctioneer _____

MIDWAY
MACHINERY
& AUCTION, LLC

July 07, 2011

Cleve Fleming
Wakulla County, FL

This is to inform whom ever concerned that Midway Machinery & Auction LLC agrees to sell two 670G Motor Graders belonging to Wakulla County at auction for a minimum of $125,000 per machine.

Thanks for your Business

Greg Russell

CC: Bethany Burgess

Ms. Burgess
Changes to
agreement okay -
Anne

Government
AUCTION

By order of Bay County, FL BOCC & City of Springfield

Surplus trucks, vehicles, equipment, and misc. Also units from Wakulla County, Leon County, Wakulla Schools, Okaloosa Sheriff and several area lenders.

Saturday, July 23: 9:00 AM CDST
Bay County Road Dept. yard: Majette Tower Road

MIDWAY MACHINERY
& AUCTION, LLC

31805 Blue Star Hwy.
Midway, Florida 32343
(850) 576-5500
Fax (850) 576-5505

Live Internet Bidding with Proxibid®

www.midwaymachineryandauction.com

AB2960

Government AUC

By order of Bay County BC
Also items from: Wakulla County
Okaloosa Sheriff

Surplus trucks, vehicle
Saturday, July 23

EQUIPMENT

- (2) 2010 John Deere 670G graders: county owned s/n's 629011 & 629127 1500± hrs.
- John Deere 670B grader
- John Deere 650H LGP dozier; cab & air.
- John Deere 450H LGP dozier; s/n 918164
- Ford 555E 4x4 backhoe/ldr; 7576 hrs s/n 31001150.
- Massey Ferguson 240 tractor w/bushhog.
- Grove Crane truck.
- Komatsu 300 excavator.
- John Deere 300D backhoe/ldr s/n 794146 1385 hrs.

MISCELLANEOUS

- (2) Police "Segues" • Dirt Bike • Mowers & Weedeaters
- Camper shells • Animal Control Box • A/C Units
- Miller Welders •Pressure Washer • Wire Rolls
- Numerous other items

BOATS

- 1990 Baja w/trailer
- McKee Craft

BUSES FROM (2) AREA SCHOOL

- 2003 and (2) 2002 Ford E450 14 passenger transit b
- (2) 2001 Freightliner/Thomas 65 passenger.
- (2) 2000 Thomas "D" 84 passenger.
- (3) 1997 International/Thomas 65 passenger.

Live Internet bidd

NOTE: Some items will be added
some items will be deleted. Please
changes: www.midwaym

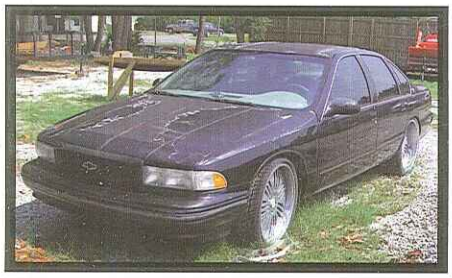
(850) 576-5500 F

Please join us
Preview items on Friday, July

TION

CC and City of Springfield.
Leon County, Wakulla Schools,
and area lenders.

s, equipment and misc.
d, 9:00 AM CDST



TRUCKS/TRAILERS

- 2006 28' Aluminum dump trailer
- 1999 28' Aluminum dump trailer
- Enclosed trailer
- 1996 Ford F-350 w/Altec bucket
- 1988 Ford bucket
- 1994 International 4700 w/Lightning loader.

PICKUPS/UTILITIES

- 2001 Ford F150
- (2) 2000 Dodge Ram
- 1999 Chevy 3500 Utility
- 1998 Ford F250
- 1998 Chevy 1500
- 1997 Chevy 1500 Utility
- 1994 Ford Superduty Utility

CARS/SUVS/VANS

- 2005 Ford Explorer (Bad engine)
- (3) 2000 - 2002 Ford Crown Vics
- 2000 Dodge Stratus
- 1999 Ford Explorer
- 1997 Chevy Van
- 1995 Chevy Impala
- 1994 Chevy Cavalier
- 1994 Lincoln Town Car
- 1992 - 1994 Ford Taurus & Bronco

ISTRICTS; AND AREA COUNTY

usses.

- (3) 1996 International/Thomas 65 passenger.
- 1994 & 1990 International/Thomas 65 passenger.
- 1994 International/Thomas 16 passenger w/lift.
- (2) 1992 International/Thomas 65 passenger.

ing with Proxibid®

after publication, and it is possible
check our website for any possible
achineryandauction.com

ax (850) 576-5505

for this event!

22nd from 9:00 AM - 4:00 PM.

Terms and Conditions

- All items are sold "AS IS, WHERE IS," and without warranty. The brochure is a guide only, and all items are available for inspection on July 22. NOTE: Some pieces will be added after publication of the brochure, and it is possible some units may be deleted. Please call Auctioneers for details.
- Payments will be made in full on auction day. Payment may be made by cash, cashier check or credit card (3% added). Personal or corporate checks are accepted only when accompanied with a current Bank Letter of Guarantee (dated for this auction). NO EXCEPTIONS!
- A five (5%) buyer premium will be added to the final bid price on each item sold.
- All purchases are subject to sales tax unless valid proof of exemption is provided. DEALERS PLEASE BRING CURRENT COPY OF AUTO DEALER LICENSE AND TAX RESALE CERTIFICATE.

Removal of Items

All items must be removed from the auction lot by 5:00, Thursday, July 28th. Removal hours: 9:00 am - 5:00 pm on Monday - Thursday.

Directions to Auction Site

From US 231, turn at Star Avenue, then immediate left on John Pitts Road. Go approximately 3 miles, and right on Majette Tower Road.

Lodging Accommodations

Howard Johnson (850) 872-8585 **LaQuinta Inn** (850) 914-0022.

All information is based on reliable sources, but not guaranteed.

AB2960

Surplus trucks, vehicles, equipment from Bay County, City of Springfield and other area governments.

Government Auction

(850) 576-5500

Midway, Florida 32343

31805 Blue Star Hwy.

MIDWAY MACHINERY & AUCTION, LLC

BILL OF SALE

BE IT KNOWN that the **BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA**, a political subdivision of the State of Florida, located at 3093 Crawfordville Highway, Crawfordville, Florida 32327 (the **"Seller"**), for and in consideration of the sum of _____ dollars ($_____), paid by _____, located at _____ (the **"Buyer"**) to Midway Machinery & Auction, LLC (**"Midway"**), pursuant to that Auction Consignment Agreement entered into between Seller and Midway, the receipt of which is hereby acknowledged by Seller, hereby grant, sell, assign, and convey to Buyer all of Seller's right, title, and interest in and to the following equipment:

MAKE: _____

MODEL: _____

YEAR:_____ VIN:_____

COLOR: _____ TYPE: _____

OF HOURS:_____

Seller represents and warrants that it is providing all of its ownership interest in and to the above-referenced equipment and has removed or provided for the removal of all liens, security interests, or encumbrances. Seller makes no representation as to the condition of the equipment.

IN WITNESS WHEREOF, this instrument shall be effective as of the ___ day of _____, 2011.

WITNESSED:

_____
Print Name: _____

_____
Print Name: _____

BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA

By: _____
Mike Stewart, Chairman

WITNESSED:

_____
Print Name: _____

_____
Print Name: _____

BUYER

By: _____
Print Name:_____

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	July 12, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy P. Barden, Interim County Administrator Melissa Coleman Corbett, Planner II
Subject:	Request Board Approval to Adopt a Resolution Appointing the Members of the Wakulla County Citizens Advisory Task Force for the Purpose of Small Cities Community Development Block Grant Requirements

Statement of Issue:
This agenda item requests Board Approval to Adopt a Resolution Appointing the Members of the Wakulla County Citizens Advisory Task Force for the Purpose of Small Cities Community Development Block Grant Requirements.

Background:
At the June 21, 2011 Board meeting, the BOCC authorized the preparation of an application for the Small Cities Community Development Block Grant (CDBG) for the 2011 Grant Cycle under the Housing category. As part of this application process, certain citizen participation requirements must be met. A Citizens Advisory Task Force (CATF) must be established to provide input on all phases of the project process.

Analysis:
The members of the CATF are required to meet twice, once to discuss the proposed CDBG application and give a recommendation on it to the BOCC and then later in regard to the ranking of homeowners who will receive grant funded improvements. The CATF is composed of three County residents and one County government employee. The proposed CATF members are as follows:

- R.H. Carter
- Ralph Thomas
- Angelique Hutchins
- Melissa Corbett, BOCC employee

Budgetary Impact:
At this time, there is not an impact to the budget. However, meetings of the CATF will require, at a minimum, staff time for conducting said meetings.

Options:

1. Adopt the Resolution Appointing Members of the Small Cities Community Development Block Grant Citizens Advisory Task Force.
2. Do Not Adopt the Resolution Appointing Members of the Small Cities Community Development Block Grant Citizens Advisory Task Force.
3. Board Direction.

Recommendation:

Option #1

Attachment(s):

1. Proposed Resolution

RESOLUTION#_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, ESTABLISHING THE COMPOSITION OF THE WAKULLA COUNTY CITIZENS ADVISORY TASK FORCE FOR THE PURPOSE OF SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT REQUIREMENTS; ESTABLISHING THE MEMBERSHIP THEREOF; ESTABLISHING THE RESPONSIBILITIES AND DUTIES THEREOF; DEFINING AFFORDABLE HOUSING; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners, hereinafter referred to as the "County" desires to apply for a Small Cities Community Development Block Grant funded through the Florida Department of Community Affairs; and

WHEREAS, the County desires to establish the Wakulla County Affordable Housing Citizen's Advisory Task Force (CATF), hereinafter referred to as the "Task Force," as required by Rule 9B-43.0041, Florida Administrative Code, hereinafter referred to as "the Rule", Sections 104(a)(1) and (2) and 106(d)(5)(C) of Title 1 of the Housing and Community Development Act of 1974 and Section 290.046(5), Fla. Stat.; and

WHEREAS, the Rule states the purpose of the Task Force shall be to provide input on all phases of the Small Cities Community Development Block Grant process; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA:

1. Pursuant to the Rule, the Task Force is hereby created and shall be composed of four (4) members. The Task Force membership shall include the following:

   (a) Three residents of Wakulla County, none of which shall be elected officials; and

   (b) One employee of the Wakulla County Board of County Commissioners;

2. The Task Force members shall serve a term of two (2) years and shall be eligible for reappointment. The initial members of the Task Force as required by Section 1(a) and (b) above, shall be:

   R.H. Carter
   Ralph Thomas
   Angelique Hutchins
   Melissa Corbett, Wakulla County Planning

3. The responsibilities and duties of the Task Force shall be:

(a) Conduct at least one public meeting to discuss the proposed application before the second public hearing notice is published, and

(b) Provide recommendations to the local government for all aspects of the local CDBG program.

4. The definition of Affordable Housing applicable to Wakulla County and consistent with the adopted Wakulla County Comprehensive Plan is as follows: A housing unit would be considered affordable if the monthly rent or mortgage payment (including principal, interest, taxes, and insurance) of the housing unit would cost no more than 30 percent of the household's monthly income.

5. This Task Force shall conduct meetings and operate under the following provisions and such other provisions as the County may deem appropriate:

(a) Members of the Task Force shall receive no compensation for the performance of their duties hereunder.

(b) All recommendations of the Task Force will be reduced to writing and will be forwarded to the Board of County Commissioners.

(c) The Task force shall comply with Sections 286.011 and 119.011, Florida Statutes.

(d) The Task Force shall elect a chairperson and vice chairperson at its initial meeting. These officers shall serve for a one (1) year period and shall be eligible for re-election. The chairperson shall serve as the presiding officer at all meetings. It shall be the duty of the chairperson to sign correspondence and other documents as required. From time-to-time, the chairperson may be required communicate the Task Force's recommendations to the County and the general public. The vice chairperson shall fulfill the chairperson's powers and duties in the event the chairperson is absent or otherwise unable to act.

(e) The Task Force shall hold its first meeting as required by Section 3(a) above and may establish its own meeting schedule as needed to fulfill its duties. Special meetings may be called at any time by the chairperson or at the request of a majority of the Task Force members.

(f) A quorum of the Task Force shall consist of three (3) members for the transaction of all business.

6. This resolution shall become effective immediately upon its adoption.

DONE AND ADOPTED this 18th day of July, 2011.

Wakulla County Board of Commissioners

_____
Mike Stewart, Chairman

ATTEST:

_____
Brent X. Thurmond, Ex-Officio Clerk

APROVED AS TO FORM:

_____
Heather Encinosa, County Attorney

ATTACHMENT "A" TO RESOLUTION _____

WAKULLA COUNTY
AFFORDABLE HOUSING CITIZENS ADVISORY TASK FORCE

4 members

	Names	Categories
1.	R.H. Carter	Resident of Wakulla County
2.	Ralph Thomas	Resident of Wakulla County
3.	Angelique Hutchins	Resident of Wakulla County
4.	Melissa Corbett	Employee of Wakulla County Board Of County Commissioners

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy P. Barden, Interim County Administrator Melissa Corbett, Planner II Sonora Walker, Meridian Community Services Group/Housing Administrator Esrone McDaniels, Meridian Community Services Group/Housing Administrator
Subject:	Request Board Approval of the Wakulla County Housing Authority's Annual PHA Plan, Annual Certification and Resolution

Statement of Issue:
This agenda item requests Board approval of the Wakulla County Housing Authority's PHA Plan, Annual Certification and Resolution.

Background:
The PHA Plan is a comprehensive guide to public housing agency (PHA) policies, programs, operations, and strategies for meeting local housing needs and goals. There are two parts to the PHA Plan: the Five-Year Plan, which each PHA submits to HUD once every fifth PHA fiscal year, and the Annual Plan, which is submitted to HUD every year. It is through the Annual Plan that a PHA receives capital funding and/or Public Housing Drug Elimination Program (PHDEP) funding.

Any local, regional or State agency that receives funds to operate Federal public housing or Section 8 tenant-based assistance (Housing Choice Vouchers) programs must submit a PHA Plan. The PHA Plan essentially walks the PHA through the strategic planning process and reflects an organizational planning process such as the following:

- The PHA assesses the housing needs of the community;
- The PHA identifies the financial and other resources available to the PHA to help address those needs;
- The PHA establishes goals and strategies for addressing the needs identified; and
- The PHA translates these strategies into policies and programs.

Analysis:
The Wakulla County Housing Authority administers the Housing Choice Voucher Program to serve very low to low income households to obtain rental subsidy throughout the County. The program utilizes funding from the U.S. Department of Housing and Urban Development and is operated in accordance with Federal laws and regulations. The goal of this plan is to provide clear identifiable

source by which participants and other members of the general public may have access to the Wakulla County Housing Authority policies, rules and requirements concerning the operation of the program.

Wakulla County Housing Authority will work to identify housing needs, available financial resources and extend outreach for landlord participation. In addition, the Housing Authority will work towards improving the Section 8 Management Assessment Program (SEMAP) score to become more efficient to meet the needs of program participants with the anticipation to improve all indicators of the SEMAP scoring system excluding Family Self Sufficiency prior to September 30, 2012.

Budgetary Impact:
None.

Options:
1. Approve the Wakulla County Housing Authority PHA Plan, Annual Certification and Resolution.
2. Do not approve the Wakulla County Housing Authority PHA Plan, Annual Certification and Resolution.
3. Board Direction.

Recommendation:
Option #1

Attachments:
1. PHA Plan
2. Annual Certification and Resolution

PHA 5-Year and Annual Plan	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires 4/30/2011

1.0 PHA Information

PHA Name: Wakulla County Housing Authority PHA Code: FL096

PHA Type: ☐ Small ☐ High Performing ☐ Standard ☒ HCV (Section 8)

PHA Fiscal Year Beginning: (MM/YYYY): 10/2011

2.0 Inventory (based on ACC units at time of FY beginning in 1.0 above)

Number of PH units: _____ Number of HCV units: 250

3.0 Submission Type

☐ 5-Year and Annual Plan ☒ Annual Plan Only ☐ 5-Year Plan Only

4.0 PHA Consortia ☐ PHA Consortia: (Check box if submitting a joint Plan and complete table below.)

Participating PHAs	PHA Code	Program(s) Included in the Consortia	Programs Not in the Consortia	No. of Units in Each Program	
				PH	HCV
PHA 1:					
PHA 2:					
PHA 3:					

5.0 5-Year Plan. Complete items 5.1 and 5.2 only at 5-Year Plan update.

5.1 Mission. State the PHA's Mission for serving the needs of low-income, very low-income, and extremely low income families in the PHA's jurisdiction for the next five years: **Wakulla County Housing Authority is committed to providing improved living conditions for extremely low, very low and low income families while maintaining rental payments at an affordable level. Additionally, Wakulla County Housing Authority is tasked to promote fair housing and to provide safe, decent, and sanitary housing.**

5.2 Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low-income and very low-income, and extremely low-income families for the next five years. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.

Goal (1). To Maximize the number of affordable housing units

Objective: To maintain the Section 8 lease up rates by establishing payments that will enable families to rent throughout the jurisdiction and to market owners outside areas of minority and poverty concentration. apply for additional rental vouchers that includes the implementation of the voucher homeownership program

Goal (2). Increase the number of affordable housing units

Objective: To apply for additional rental vouchers.

Goal (3). Promote self-sufficiency

Objective: Attract and promote supportive services to improve the percentage of employed persons by adopting rent policies that encourage work and developing admission preferences aimed at families who are working.

Goal (4). Promote available assistance to the elderly and families with disabilities

Objective: Develop partnerships and referral system with existing assisted living facilities in the jurisdiction. Market to local non-profit agencies that assist families with disabilities.

Goal (5). Ensure Equal Opportunity in Housing

Objective: Conduct a fair housing workshop annually to the public. Additionally, undertake affirmative measures to provide suitable living environment regardless of race, color, religion national origin, sex, familial status and disability.

Goal (6). Achieve Standard Performance or higher status on the Section 8 Management Assessment Program (SEMAP)

Objective: Maintain at least 95% PIC utilization rate for all assisted vouchers within the budget authority and establish quality control measures to ensure that the scoring for SEMAP will produce standard performer or higher prior to September 30, 2012.

6.0

PHA Plan Update

(a) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:

Wakulla County Housing Authority (WCHA) is designated as Troubled Agency and is working toward improving the SEMAP score to eliminate the "Troubled" status. The following are PHA Plan Revisions:

- **Revise Administrative Plan and update the plan throughout the year to incorporate changes in policies and procedures.**
- **Revise Administrative Plan to include Violence Against Women Act (VAWA). Please see attached.**
- **Revise Administrative Plan to address program deficiencies noted with Corrective Action Plan and the SEMAP indicators such as the following:**
  - **Selection from Waiting List-the WCHA will ensure that the waiting list is properly organized and applicant families are maintained in proper order according policy, ensure all applicants are selected from the waiting list according to policy, and develop a tracking log for random file selection quality control review regarding applicant selection on a quarterly basis.**
  - **Rent Reasonableness- the WCHA will develop a written policy and procedure that describes a method that determines reasonable rent that considers location, size, type, quality and age of the units and the amentias, housing services and maintenance and utility provided by the owners on the unassisted market.**
  - **Determination of Adjusted Income- WCHA will establish polices and procedures for obtaining third party verification of 1. Family annual income 2. Value of assets totaling more than $5000.00 3. Expenses relate to allowable deductions from annual income 4. Factors that affect the determination of adjusted income**
  - **Utility Allowance Schedule-WCHA will adopt policies for establishing the appropriate utility allowances and any revisions for all tenant paid utilities by soliciting a contractor to conduct a survey and a comprehensive analysis on the cost of utilities from the area providers on an annual basis.**
  - **Housing Quality Standards (HQS)Quality Control-WCHA will develop policies and procedures for conducting Quality Control HQS inspection to comply with the agency policy and federal requirements by selecting a supervisor or qualified person to conduct Quality Control inspections on previously inspected units by implementing a tracking system to track the Quality Controlled inspections on an annual basis.**
  - **HQS Enforcement-WCHA will develop policies and procedures regarding conducting HQS inspections that include the requirement of 982.401, criteria establishing life-threatening HQS deficiencies and correction within 24 hours and non life-threatening HQS deficiencies within 30 days or extensions as applicable. The policy and procedures will include but not limited to abatement and termination procedures for HAP in the event the HQS deficiencies are not corrected within the specified timeframes.**
  - **Expanding Housing Opportunities-WCHA will implement a written policy to encourage participation by owners of units located outside areas of poverty or minority concentration by informing voucher holders the full range of areas where they may lease units both inside and outside Wakulla County's jurisdiction. In addition, WCHA will supply a list of landlords or other parties who are willing to lease units to help families find units located outside areas of poverty or minority concentration. This information will be given to voucher holder in their admission or moving packet.**
  - **Payment Standards-WCHA will adopt a payment standard schedule that establishes voucher payment standards amounts by unit size for each Fair Market Rent (FMR) in the WCHA's jurisdiction that does not exceed 110 percent of the current applicable published FMR's and which are not less than 90 percent of the current applicable published FMR's unless a lower or higher payment standard amount is approved by HUD.**
  - **Annual Reexaminations- WCHA will conduct annual recertifications that will include at the minimum timelines for initiation of the recertification process which is approximately 90 days in advance to ensure the annual recertification completion dates are within 12 months of the anniversary date and that the information is correctly recorded on the HUD form 50058.**
  - **Correct Tenant Rent- WCHA will implement policies and procedures on the calculation of family share of rent to owner to include but not limited to the appropriate utility allowances, adopted payment standard, and household income and deductions.**
  - **Pre-Contract HQS-WCHA will ensure initial HQS inspections are conducted and properly recorded before the effective date of assisted leases and HAP contracts.**
  - **Annual HQS- WCHA will conduct annual HQS inspection that include the requirements of CFR 982.401 by notifying the participants and the owners 90 days prior to the anniversary of the annual recertification process. Each HQS inspection will take into consideration the 13 HQS performance requirements such as 1.Sanitary facilities 2. Food preparation and refuse disposal 3. Space and security 4. Thermal environment 5. Illuminatin and electricity 6. Structure and materials 7. Interior air quality 8. Water supply 9. Lead-based paint 10. Access 11. Site and neighborhood 12. Sanitary condition and 13. Smoke Detectors**
  - **Lease-up- WCHA will review and determine annual budget authority and compare to actual utilization for each month to determine whether there are adequate numbers of applicant families to achieve a lease up rate of 98%**
  - **Family Self-Sufficiency-Not applicable to WCHA**

(b) Identify the specific location(s) where the public may obtain copies of the 5-Year and Annual PHA Plan. For a complete list of PHA Plan elements, see Section 6.0 of the instructions. **Plans may be viewed at the following location:**

Wakulla County Housing Authority
15 B Crescent Way
Crawfordville, Florida 32327

7.0

Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers. *Include statements related to these programs as applicable.*

Not Applicable to Wakulla County Housing Authority

8.0	**Capital Improvements.** Please complete Parts 8.1 through 8.3, as applicable. **Not Applicable to Wakulla County Housing Authority. Wakulla County Housing Authority is a Section 8 Housing Choice Voucher Program Only.**
8.1	**Capital Fund Program Annual Statement/Performance and Evaluation Report.** As part of the PHA 5-Year and Annual Plan, annually complete and submit **t**he *Capital Fund Program Annual Statement/Performance and Evaluation Report,* form HUD-50075.1, for each current and open CFP grant and CFFP financing. **Not Applicable to Wakulla County Housing Authority. Wakulla County Housing Authority is a Section 8 Housing Choice Voucher Program Only.**
8.2	**Capital Fund Program Five-Year Action Plan.** As part of the submission of the Annual Plan, PHAs must complete and submit the *Capital Fund Program Five-Year Action Plan,* form HUD-50075.2, and subsequent annual updates (on a rolling basis, e.g., drop current year, and add latest year for a five year period). Large capital items must be included in the Five-Year Action Plan. **Not Applicable to Wakulla County Housing Authority. Wakulla County Housing Authority is a Section 8 Housing Choice Voucher Program Only.**
8.3	**Capital Fund Financing Program (CFFP).** ☐ Check if the PHA proposes to use any portion of its Capital Fund Program (CFP)/Replacement Housing Factor (RHF) to repay debt incurred to finance capital improvements. **Not Applicable to Wakulla County Housing Authority. Wakulla County Housing Authority is a Section 8 Housing Choice Voucher Program Only.**
9.0	**Housing Needs**. Based on information provided by the applicable Consolidated Plan, information provided by HUD, and other generally available data, make a reasonable effort to identify the housing needs of the low-income, very low-income, and extremely low-income families who reside in the jurisdiction served by the PHA, including elderly families, families with disabilities, and households of various races and ethnic groups, and other families who are on the public housing and Section 8 tenant-based assistance waiting lists. The identification of housing needs must address issues of affordability, supply, quality, accessibility, size of units, and location. **Wakulla County Housing Authority currently assists low-income, very low-income, and extremely low-income families, including elderly families, families with disabilities, and households of various races and ethnic groups. Wakulla County Housing Authority waiting list is currently closed. The housing authority does not anticipate opening the waiting list.**

9.1	**Strategy for Addressing Housing Needs**. Provide a brief description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **Note: Small, Section 8 only, and High Performing PHAs complete only for Annual Plan submission with the 5-Year Plan.** **Not Applicable to Wakulla County Housing Authority**
10.0	**Additional Information**. Describe the following, as well as any additional information HUD has requested. (a) Progress in Meeting Mission and Goals. Provide a brief statement of the PHA's progress in meeting the mission and goals described in the 5-Year Plan. (b) Significant Amendment and Substantial Deviation/Modification. Provide the PHA's definition of "significant amendment" and "substantial deviation/modification" **Not Applicable to Wakulla County Housing Authority**

11.0	**Required Submission for HUD Field Office Review**. In addition to the PHA Plan template (HUD-50075), PHAs must submit the following documents. Items (a) through (g) may be submitted with signature by mail or electronically with scanned signatures, but electronic submission is encouraged. Items (h) through (i) must be attached electronically with the PHA Plan. **Note:** Faxed copies of these documents will not be accepted by the Field Office. (a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations* (which includes all certifications relating to Civil Rights) (b) Form HUD-50070, *Certification for a Drug-Free Workplace* (PHAs receiving CFP grants only) (c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* (PHAs receiving CFP grants only) (d) Form SF-LLL, *Disclosure of Lobbying Activities* (PHAs receiving CFP grants only) (e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* (PHAs receiving CFP grants only) (f) Resident Advisory Board (RAB) comments. Comments received from the RAB must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations. (g) Challenged Elements (h) Form HUD-50075.1, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (PHAs receiving CFP grants only) (i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* (PHAs receiving CFP grants only)

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced 5-Year and Annual PHA Plans. The 5-Year and Annual PHA plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA's operations, programs, and services, and informs HUD, families served by the PHA, and members of the public of the PHA's mission and strategies for serving the needs of low-income and very low-income families. This form is to be used by all PHA types for submission of the 5-Year and Annual Plans to HUD. Public reporting burden for this information collection is estimated to average 12.68 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Privacy Act Notice. The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality

Instructions form HUD-50075

Applicability. This form is to be used by all Public Housing Agencies (PHAs) with Fiscal Year beginning April 1, 2008 for the submission of their 5-Year and Annual Plan in accordance with 24 CFR Part 903. The previous version may be used only through April 30, 2008.

1.0 PHA Information
Include the full PHA name, PHA code, PHA type, and PHA Fiscal Year Beginning (MM/YYYY).

2.0 Inventory
Under each program, enter the number of Annual Contributions Contract (ACC) Public Housing (PH) and Section 8 units (HCV).

3.0 Submission Type
Indicate whether this submission is for an Annual and Five Year Plan, Annual Plan only, or 5-Year Plan only.

4.0 PHA Consortia
Check box if submitting a Joint PHA Plan and complete the table.

5.0 Five-Year Plan
Identify the PHA's Mission, Goals and/or Objectives (24 CFR 903.6). Complete only at 5-Year update.

5.1 Mission. A statement of the mission of the public housing agency for serving the needs of low-income, very low-income, and extremely low-income families in the jurisdiction of the PHA during the years covered under the plan**.**

5.2 Goals and Objectives. Identify quantifiable goals and objectives that will enable the PHA to serve the needs of low income, very low-income, and extremely low-income families.

6.0 PHA Plan Update. In addition to the items captured in the Plan template, PHAs must have the elements listed below readily available to the public. Additionally, a PHA must:

(a) Identify specifically which plan elements have been revised since the PHA's prior plan submission.

(b) Identify where the 5-Year and Annual Plan may be obtained by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central off ice of the PHA. PHAs are strongly encouraged to post complete PHA Plans on its official website. PHAs are also encouraged to provide each resident council a copy of its 5-Year and Annual Plan.

PHA Plan Elements. (24 CFR 903.7)

1. **Eligibility, Selection and Admissions Policies, including Deconcentration and Wait List Procedures.** Describe the PHA's policies that govern resident or tenant eligibility, selection and admission including admission preferences for both public housing and HCV and unit assignment policies for public housing; and procedures for maintaining waiting lists for admission to public housing and address any site-based waiting lists.

2. **Financial Resources.** A statement of financial resources, including a listing by general categories, of the PHA's anticipated resources, such as PHA Operating, Capital and other anticipated Federal resources available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each Federal program, and state the planned use for the resources.

3. **Rent Determination.** A statement of the policies of the PHA governing rents charged for public housing and HCV dwelling units.

4. **Operation and Management.** A statement of the rules, standards, and policies of the PHA governing maintenance management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including cockroaches), and management of the PHA and programs of the PHA.

5. **Grievance Procedures.** A description of the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants.

6. **Designated Housing for Elderly and Disabled Families.** With respect to public housing projects owned, assisted, or operated by the PHA, describe any projects (or portions thereof), in the upcoming fiscal year, that the PHA has designated or will apply for designation for occupancy by elderly and disabled families. The description shall include the following information: **1**) development name and number; **2**) designation type; **3**) application status; **4**) date the designation was approved, submitted, or planned for submission, and; **5**) the number of units affected.

7. **Community Service and Self-Sufficiency.** A description of: **(1)** Any programs relating to services and amenities provided or offered to assisted families; **(2)** Any policies or programs of the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs under Section 3 and FSS; **(3)** How the PHA will comply with the requirements of community service and treatment of income changes resulting from welfare program requirements. **(Note: applies to only public housing).**

8. **Safety and Crime Prevention.** For public housing only, describe the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents. The statement must include: (i) A description of the need for measures to ensure the safety of public housing residents; (ii) A description of any crime prevention activities conducted or to be conducted by the PHA; and (iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities.

9. **Pets.** A statement describing the PHAs policies and requirements pertaining to the ownership of pets in public housing.

10. **Civil Rights Certification.** A PHA will be considered in compliance with the Civil Rights and AFFH Certification if: it can document that it examines its programs and proposed programs to identify any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with the local jurisdiction to implement any of the jurisdiction's initiatives to affirmatively further fair housing; and assures that the annual plan is consistent with any applicable Consolidated Plan for its jurisdiction.

11. **Fiscal Year Audit.** The results of the most recent fiscal year audit for the PHA.

12. **Asset Management.** A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

13. **Violence Against Women Act (VAWA).** A description of: **1)** Any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking; **2)** Any activities, services, or programs provided or offered by a PHA that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and **3)** Any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in assisted families.

7.0 Hope VI, Mixed Finance Modernization or Development, Demolition and/or Disposition, Conversion of Public Housing, Homeownership Programs, and Project-based Vouchers

(a) Hope VI or Mixed Finance Modernization or Development. **1)** A description of any housing (including project number (if known) and unit count) for which the PHA will apply for HOPE VI or Mixed Finance Modernization or Development; and **2)** A timetable for the submission of applications or proposals. The application and approval process for Hope VI, Mixed Finance Modernization or Development, is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/programs/ph/hope6/index.cfm

(b) Demolition and/or Disposition. With respect to public housing projects owned by the PHA and subject to ACCs under the Act: **(1)** A description of any housing (including project number and unit numbers [or addresses]), and the number of affected units along with their sizes and accessibility features) for which the PHA will apply or is currently pending for demolition or disposition; and **(2)** A timetable for the demolition or disposition. The application and approval process for demolition and/or disposition is a separate process. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/demo_dispo/index.cfm
Note: This statement must be submitted to the extent **that approved and/or pending** demolition and/or disposition has changed.

(c) Conversion of Public Housing. With respect to public housing owned by a PHA: **1)** A description of any building or buildings (including project number and unit count) that the PHA is required to convert to tenant-based assistance or that the public housing agency plans to voluntarily convert; **2)** An analysis of the projects or buildings required to be converted; and **3)** A statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. See guidance on HUD's website at: http://www.hud.gov/offices/pih/centers/sac/conversion.cfm

(d) Homeownership. A description of any homeownership (including project number and unit count) administered by the agency or for which the PHA has applied or will apply for approval.

(e) Project-based Vouchers. If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan.

8.0 Capital Improvements. This section provides information on a PHA's Capital Fund Program. With respect to public housing projects owned, assisted, or operated by the public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects must be completed along with the required forms. Items identified in 8.1 through 8.3, must be signed where directed and transmitted electronically along with the PHA's Annual Plan submission.

8.1 Capital Fund Program Annual Statement/Performance and Evaluation Report. PHAs must complete the *Capital Fund Program Annual Statement/Performance and Evaluation Report* (form HUD-50075.1), for each Capital Fund Program (CFP) to be undertaken with the current year's CFP funds or with CFFP proceeds. Additionally, the form shall be used for the following purposes:

(a) To submit the initial budget for a new grant or CFFP;

(b) To report on the Performance and Evaluation Report progress on any open grants previously funded or CFFP; and

(c) To record a budget revision on a previously approved open grant or CFFP, e.g., additions or deletions of work items, modification of budgeted amounts that have been undertaken since the submission of the last Annual Plan. The Capital Fund Program Annual Statement/Performance and Evaluation Report must be submitted annually.

Additionally, PHAs shall complete the Performance and Evaluation Report section (see footnote 2) of the *Capital Fund Program Annual Statement/Performance and Evaluation* (form HUD-50075.1), at the following times:

1. At the end of the program year; until the program is completed or all funds are expended;

2. When revisions to the Annual Statement are made, which do not require prior HUD approval, (e.g., expenditures for emergency work, revisions resulting from the PHAs application of fungibility); and

3. Upon completion or termination of the activities funded in a specific capital fund program year.

8.2 Capital Fund Program Five-Year Action Plan

PHAs must submit the *Capital Fund Program Five-Year Action Plan* (form HUD-50075.2) for the entire PHA portfolio for the first year of participation in the CFP and annual update thereafter to eliminate the previous year and to add a new fifth year (rolling basis) so that the form always covers the present five-year period beginning with the current year.

8.3 Capital Fund Financing Program (CFFP). Separate, written HUD approval is required if the PHA proposes to pledge any

portion of its CFP/RHF funds to repay debt incurred to finance capital improvements. The PHA must identify in its Annual and 5-year capital plans the amount of the annual payments required to service the debt. The PHA must also submit an annual statement detailing the use of the CFFP proceeds. See guidance on HUD's website at: http://www.hud.gov/offices/pih/programs/ph/capfund/cffp.cfm

9.0 Housing Needs. Provide a statement of the housing needs of families residing in the jurisdiction served by the PHA and the means by which the PHA intends, to the maximum extent practicable, to address those needs. **(Note:** Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

9.1 Strategy for Addressing Housing Needs. Provide a description of the PHA's strategy for addressing the housing needs of families in the jurisdiction and on the waiting list in the upcoming year. **(Note:** Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).

10.0 Additional Information. Describe the following, as well as any additional information requested by HUD:

(a) Progress in Meeting Mission and Goals. PHAs must include (i) a statement of the PHAs progress in meeting the mission and goals described in the 5-Year Plan; (ii) the basic criteria the PHA will use for determining a significant amendment from its 5-year Plan; and a significant amendment or modification to its 5-Year Plan and Annual Plan**. (Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan).**

(b) Significant Amendment and Substantial Deviation/Modification. PHA must provide the definition of "significant amendment" and "substantial deviation/modification". **(Note: Standard and Troubled PHAs complete annually; Small and High Performers complete only for Annual Plan submitted with the 5-Year Plan.)**

(c) PHAs must include or reference any applicable memorandum of agreement with HUD or any plan to improve performance. **(Note: Standard and Troubled PHAs complete annually).**

11.0 Required Submission for HUD Field Office Review. In order to be a complete package, PHAs must submit items (a) through (g), with signature by mail or electronically with scanned signatures. Items (h) and (i) shall be submitted electronically as an attachment to the PHA Plan.

(a) Form HUD-50077, *PHA Certifications of Compliance with the PHA Plans and Related Regulations*

(b) Form HUD-50070, *Certification for a Drug-Free Workplace* **(PHAs receiving CFP grants only)**

(c) Form HUD-50071, *Certification of Payments to Influence Federal Transactions* **(PHAs receiving CFP grants only)**

(d) Form SF-LLL, *Disclosure of Lobbying Activities* **(PHAs receiving CFP grants only)**

(e) Form SF-LLL-A, *Disclosure of Lobbying Activities Continuation Sheet* **(PHAs receiving CFP grants only)**

(f) Resident Advisory Board (RAB) comments.

(g) Challenged Elements. Include any element(s) of the PHA Plan that is challenged.

(h) Form HUD-50075.1**, *Capital Fund Program Annual Statement/Performance and Evaluation Report* (Must be attached electronically for PHAs receiving CFP grants only).** See instructions in 8.1.

(i) Form HUD-50075.2, *Capital Fund Program Five-Year Action Plan* **(Must be attached electronically for PHAs receiving CFP grants only).** See instructions in 8.2.

Violence Against Women Act (VAWA)

Title VI of the Violence Against Women Act (VAWA) adds a new housing provision that establishes several categories of protected individuals. The Violence Against Women and Justice Department Reauthorization Act of 2005 protects tenant and family members of tenants who are victims of domestic violence, dating violence, or stalking from being evicted or terminated from housing assistance based on acts of such violence against them. These provisions apply both to public housing agencies administering public housing and Section 8 programs and to owners renting to families under Section 8 rental assistance programs.

In general, the law provides in part that criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse. The law also provides that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as serious or repeated violations of the lease by the victim or threatened victim of that violence and will not be "good cause" for termination of the assistance, tenancy, or occupancy rights of a victim of such violence.

Implementation

The goal and purpose of this policy enables WCHA to serve the needs of adult and child victims of domestic violence, dating violence, sexual assault or stalking to enhance safety under the Housing Choice Voucher program. First, the Agency will not deny admission to an applicant who has been a victim of domestic violence, dating violence, or stalking. The applicant must comply with all other admission requirements. Also, the Agency will not terminate the assistance to a victim of domestic violence, dating violence, or stalking based solely on an incident or threat of such activity. The Agency still retains the right to terminate assistance for other criminal activity or good cause. All information provided by an applicant or tenant regarding VAWA will be held in strict confidence and will not be shared with any other parties, unless required by law. At this time, the Agency does not intend to put a victim of domestic violence admissions preference in place. The Executive Director will periodically review the need for such preference and may add an admissions preference for victim of domestic violence if a need is determined. To make sure all applicants are aware of the Violence Against Women Act, the Agency notifies all applicants of the information included in the Act during the application process.

PHA Certifications of Compliance with PHA Plans and Related Regulations	U.S. Department of Housing and Urban Development Office of Public and Indian Housing Expires 4/30/2011

PHA Certifications of Compliance with the PHA Plans and Related Regulations: Board Resolution to Accompany the PHA 5-*Year and Annual* PHA Plan

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairman or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the___ 5-Year and/or_X_ Annual PHA Plan for the PHA fiscal year beginning 2011 *, hereinafter referred to as" the Plan", of which this document is a part and make the following certifications and agreements with the Department of Housing and Urban Development (HUD) in connection with the submission of the Plan and implementation thereof:*

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located.
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments to Fair Housing Choice, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan.
3. The PHA certifies that there has been no change, significant or otherwise, to the Capital Fund Program (and Capital Fund Program/Replacement Housing Factor) Annual Statement(s), since submission of its last approved Annual Plan. The Capital Fund Program Annual Statement/Annual Statement/Performance and Evaluation Report must be submitted annually even if there is no change.
4. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Board or Boards in developing the Plan, and considered the recommendations of the Board or Boards (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the Plan in conformity with Title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990.
7. The PHA will affirmatively further fair housing by examining their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement and maintain records reflecting these analyses and actions.
8. For PHA Plan that includes a policy for site based waiting lists:
   - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2006-24);
   - The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
   - Adoption of site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
   - The PHA shall take reasonable measures to assure that such waiting list is consistent with affirmatively furthering fair housing;
   - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR part 903.7(c)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
10. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
11. The PHA will comply with the requirements of section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.

12. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
13. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
14. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
15. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
16. The PHA will keep records in accordance with 24 CFR 85.20 and facilitate an effective audit to determine compliance with program requirements.
17. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act**,** the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
18. The PHA will comply with the policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles for State, Local and Indian Tribal Governments), 2 CFR Part 225, and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
19. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
20. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
21. The PHA provides assurance as part of this certification that:
    (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
    (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
    (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
22. The PHA certifies that it is in compliance with all applicable Federal statutory and regulatory requirements.

Wakulla County Housing Authority
PHA Name

FL096
PHA Number/HA Code

_____ 5-Year PHA Plan for Fiscal Years 20____ - 20____

__X__ Annual PHA Plan for Fiscal Years 20 11 - 20 12

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official	Title
Mike Stewart	Chairman of the Board
Signature	Date
	7-18-2011

Board of County Commissioners
Agenda Request

Date of Meeting: July 18, 2011

Date Submitted: July 1, 2011

To: Honorable Chairman and Members of the Board

From: Timothy Barden, Interim County Administrator
Jennifer Langston, Special Projects Director

Subject: Requests Board Approval to Appoint a Representative to the Industrial Development Authority.

Statement of Issue:
This agenda item seeks Board Approval to Appoint a Representative to the Industrial Development Authority.

Background:
On November 16, 2009, the Board formed the Wakulla County Industrial Development Authority, by approving Ordinance #09-14, Resolution #09-55, and Resolution #10-03. The appointments were as follows:

Appointee	Category	Term Expiration
Amy Geiger	Officer of a major, local, financial institution	2-10-2011
Leon Jacobs-Chair	Attorney	2-10-2012
Ted Gaupin-Vice Chair	Developer or officer of a development company of industrial sites, or a commercial contractor or officer of a commercial building company	2-10-2013
Jack Rudloe	Citizen At Large	4-14-2014
Joe Hope	Engineer	2-10-2014
Steve Fults	Officer of a local manufacturing firm, or officer of a business who has experience with industrial revenue bonds.	2-10-2014
Cynthia Paulson	Nature-or Heritage based tourism industry representative	2-10-2014
Traci Cash	Certified Public Accountant	2-10-2014
Tom Harrington	Sustainability, renewable energy, or natural resources industry representative	2-10-2014

As noted above, Mrs. Geiger's term expired February 10th, 2011. Mrs. Geiger recently notified the County of her inability to serve an additional term on the IDA due to various commitments and has been serving as the officer of a major, local, financial institution.

Analysis:
This agenda item seeks Board approval of a Resolution appointing Scott Gaby to serve as a member of the IDA, as the officer of a major, local, financial institution in compliance with the establishing documents.

Budgetary Impact:
No financial impact associated with this agenda item.

Options:
1. Adopt the Resolution and appoint Scott Gaby to serve as the IDA officer of a major, local, financial institution, representative.
2. Do Not Adopt the Resolution and Do Not appoint Scott Gaby to serve as the IDA officer of a major, local, financial institution representative.
3. Board Direction.

Recommendation:
Option #1.

Attachment(s):
1. Proposed Resolution

RESOLUTION No._____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, RELATING TO THE INDUSTRIAL DEVELOPMENT AUTHORITY FOR WAKULLA COUNTY; APPOINTING A NEW MEMBER TO THE GOVERNING BOARD OF THE AUTHORITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 159.45, Florida Statutes, authorizes the Board of County Commissioners of Wakulla County (the "Board") to create an Industrial Development Authority as a separate public body corporate and politic upon a finding of the need for the development and financing of industry or projects in the County ; and

WHEREAS, the Board enacted Ordinance No. 09-14 , which created the Wakulla County Industrial Development Authority (the "Authority"), and adopted Resolution No. 09-55, which confirmed the creation of the Industrial Development Authority and provided for the appointment of certain board members to the Authority; and

WHEREAS, due to an expired term the Board now desires to appoint a new board member to the Authority's board to serve in the capacity as an officer of a major, local, financial institution.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Wakulla County, Florida, that:

SECTION 1. RECITALS. The above recitals are true and correct and are hereby incorporated herein by reference.

SECTION 2. APPOINTMENT OF AUTHORITY MEMBER. The Board hereby appoints Scott Gaby, as an officer of a major, local, financial institution, to serve a term ending in February 2015.

SECTION 3. EFFECTIVE DATE. This Resolution shall become effective on July 18, 2011.

DONE AND ADOPTED in Wakulla County, Florida, by a vote of _____ to ____ this 18th day of July, 2011.

BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

_____
MIKE STEWART, Chairman

ATTEST:

_____
BRENT X. THURMOND, Ex Officio
Clerk to the Board

APPROVED AS TO FORM:

_____
Heather J. Encinosa, Esq.
County Attorney

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	July 1, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy P. Barden, Interim County Administrator Jennifer Langston, Special Projects Director
Subject:	Request Board Approval of Wakulla County's Natural Resource Damage Assessment (NRDA) projects for submittal to FDEP.

Statement of Issue:
This agenda item seeks Board approval of Wakulla County's Natural Resource Damage Assessment (NRDA) projects for submittal to the Florida Department of Environmental Protection (FDEP) for potential funding.

Background:
Natural Resource Damage Assessment
Under OPA, BP, the responsible party, is liable to the public and the environment for damages caused by the oil spill and the cost of removal. The NRDA process gives the Responsible party an option to cooperate with the trustee council to assist with response and restoration instead of pursuing costly litigation. Cooperation with the responsible party allows the trustees to focus on response and restoration efforts. Natural Resource Damage Assessment (NRDA) Process is the process to evaluate the impacts to natural resources and lost use of those resources by humans. The purpose of this NRDA process is to quantify injuries to our natural resources, the subsequent loss of the resource services, and the time for the natural resources to recover as a result from the Deepwater Horizon oil spill. The outcome of the NRDA process is a restoration plan or series of plans that will compensate the public for natural resource injuries and lost use of those resources (loss of use includes use by other natural resources and by people). Projects submitted for evaluation are required to be directly tied to an injury suffered.

What is early restoration?
According to FDEP early restoration projects are those that can be implemented prior to the completion of the process where injuries to natural resources are known, ongoing or believed to have occurred. Early restoration projects are utilized when the trustees and those responsible for a spill can agree to initiate some restoration work without having to wait for the results of the NRDA and resolution of the claim. The decision to undertake early restoration does not mean that no other restoration will take place or that the responsible parties are absolved of liability. Because the early restoration is expected to compensate for only part of the injuries caused by the spill, additional restoration planning, implementation and monitoring will occur following the traditional NRDA restoration process.

Deepwater Horizon Oil Spill Trustee Council

The Deepwater Horizon Oil Spill Trustee Council is authorized by the Oil Pollution Act of 1990 (OPA). The council is comprised of federal and state agencies, known as trustees, to evaluate the impacts of the Deepwater Horizon oil spill on natural resources. The trustees represent the public interest and work together to assess the injury to natural resources and develop plans to restore the injured resources through the Natural Resource Damage Assessment (NRDA) process. DEP serves as the trustee agency for the State of Florida, along with co-trustee agency, the Florida Fish and Wildlife Conservation Commission (FWC). Other trustee agencies include the U.S. Department of the Interior (DOI), National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (USFWS) and trustees from each of the other affected Gulf States - Alabama, Mississippi, Louisiana and Texas.

Actions to date

In February, Wakulla County received notice from FDEP of soliciting potential NRDA projects for consideration from affected counties. Staff, including Emergency Management and theExtension Office, reviewed the criteria and determined that impacts were insignificant as far as endangered habits were concerned. It was noted that Wakulla County experienced minor damages to sea grass beds from the Vessels of Opportunity process and was communicated with FDEP.

$1 Billion Agreement to Fund Early Gulf Coast Restoration Projects

On April 21, 2011 an agreement was announced by the Natural Resource Trustees for the Deepwater Horizon oil spill (Trustees), BP agreed to provide $1 billion toward early restoration projects in the Gulf of Mexico to address injuries to natural resources caused by the spill. The selection of early restoration projects for all Gulf States will follow a public process, and will be overseen by the Deepwater Horizon Trustee Council. Trustees will determine projects that qualify under the Oil Pollution Act. Trustees will use the money to fund projects such as, but not limited to, the rebuilding of coastal marshes, replenishment of damaged beaches, conservation of sensitive areas for ocean habitat for injured wildlife and restoration of barrier islands and wetlands that provide natural protection from storms.

On June 17, 2011 the Tourist Development Council Director and staff attended a meeting with the 8 affected gulf counties where the Special Advisor to the FDEP Secretary presented information related to the NRDA and the Framework Agreement for Early Restoration projects (Attachment #1). Additionally, the draft list of Florida's early restoration projects were reviewed which contained 180 projects totaling $2.2 billion in estimated costs. Wakulla County projects included: Restoration of Oyster habitat, Shell Point Beach Restoration, Mashes Sands Beach Restoration. After having clarification of project criteria, staff is recommending that Wakulla County submit additional appropriate projects for consideration of early restoration project funding at this time.

Projects will be reviewed by FDEP and FWC staff in accordance with the framework and NRDA criteria, as well as, reviewed by Independent consultants. The final projects are made by the State Trustee on projects to move forward to the Trustee Council as described above. Once selected, the full council reviews and must be approved by the majority, then to BP for review and approval.

Analysis:
This agenda item seeks Board approval of Wakulla County's Natural Resource Damage Assessment (NRDA) projects for submittal to FDEP for potential funding. Staff has identified 5 potential projects for consideration. The Board approving these projects will represent the county's priorities moving forward to restore public natural resources as a result of the Deepwater Horizon Oil Spill. Staff is finalizing the actual funding request amounts at this time. Following approval of the identified project ideas, staff will be meeting with FDEP, Sopchoppy, and St. Marks to further vet them moving forward. As of June 24, 2011, 187 Florida projects have been submitted to DEP.

Proposed Projects
1. Mashes Sands Re-nourishment and Recreation Project
2. St. Marks Public Boat Ramp Recreation Projects
3. Rock Landing Public Boat Ramp Recreation Projects
4. Shell Point Beach Re-nourishment Project
5. Big Bend Maritime Center Project
6. Big Bend Scenic Byway Wayshowing & Interpretation Project

Budgetary Impact:
No budget impact associated with this agenda item, only should projects be funded would there be a budget impact. Should projects be funded, additional information will come before the Board for consideration.

Options:
1. Approve Recommended NRDA Projects to FDEP.
2. Do Not Approve recommended NRDA projects to FDEP.
3. Board Direction.

Recommendation:
Option #1.

Attachment(s):
1. NRDA powerpoint presentation by FDEP

Natural Resource Damage Assessment (NRDA)

Framework Agreement Early Restoration Projects

Why are we here?

- Since the April 20, 2010, explosion of the Deepwater Horizon offshore drilling platform the focus has been on response and recovery.
- We are now ready to move to the next phase – restoration – through the Oil Pollution Act of 1990 and the Natural Resource Damage Assessment.
- The restoration process is long-term, but today we will be focusing on early restoration as it relates to the Framework Agreement signed by the Trustees and BP.

Oil Protection Act of 1990

- Under OPA, natural resource damage must be addressed by responsible party(ies) according to the Natural Resource Damage Assessment process.
- Managed by the Deepwater Horizon Oil Spill Trustee Council (Trustees)
  - Trustees are: Texas, Louisiana, Mississippi, Alabama, Florida, DOI and NOAA
  - DEP is the lead trustee agency for Florida, represented by Mimi Drew. FWC is the co-trustee agency, represented by Nick Wiley.

What is NRDA?

- Legal process to determine the type and amount of restoration needed to compensate the public for:
  - harm to **natural resources**
  - or loss of human uses of those **natural resources**

- Specifically addresses injuries that occurred as a result of the spill, response activities and lingering effects.

- Economic damages are NOT natural resource damages and are handled through processes separate from the NRDA process.

Framework Agreement

- On April 21, 2011 the Framework Agreement was signed by the Trustees and BP to provide $1 billion for early restoration projects.

- This represents a down payment by BP, but does not affect their overall ultimate liability for natural resource or other damages.

- The Trustees' goal is to complete project selection and negotiations with BP to have the first $500 million committed to viable projects by October 2011.

Early Restoration Projects

- Nearly 180 potential Florida restoration projects have been submitted totaling $2.2 billion in estimated costs.

- Projects will continue to be accepted throughout the NRDA process.

Early Restoration Project Criteria

Oil Pollution Act & Framework Agreement require that projects address ALL of the following:

1. Contribute to making the environment and the public whole by restoring, rehabilitating, replacing, or acquiring the equivalent of natural resources or services injured as a result of the Deepwater Horizon Oil Spill or response (collectively, "incident"), or compensating for interim losses resulting from the incident;

Early Restoration Project Criteria

2. Address one or more specific injuries to natural resources or services associated with the incident;

3. Seek to restore natural resources, habitats or natural resource services of the same type, quality, and of comparable ecological and/or human use value to compensate for identified resource and service losses resulting from the incident;

Early Restoration Project Criteria

4. Are not inconsistent with the anticipated long-term restoration needs and anticipated final restoration plan;

5. Are feasible and cost effective.

Early Restoration Review Process

- DEP and FWC staff review all projects against framework/NRDA criteria.

- Independent consultant reviews again to ensure best fit.

- Final decision by State Trustee on projects to move forward immediately to the Trustee Council.

Early Restoration Review Process

- Once set of projects selected, Trustee takes to Trustee Council.
- Full Council reviews and majority must approve.
- Projects then go to BP for review and approval.
- Negotiations begin with BP to determine credit.

Public Input

- Public comment will be accepted throughout the process on projects meeting the criteria.

- Public Meeting – July 12 - 5:30 p.m. to 8 p.m. (Central)

  - Escambia County Central Office Complex
  - Get public input on projects selected for consideration.

Project Submissions

- To submit a project visit: www.gulfspillrestoration.noaa.gov/restoration/give-us-your-ideas

- In addition, please send to Rebecca Wintering at Rebecca.Wintering@dep.state.fl.us

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy Barden, Interim County Administrator Melissa Corbett, Planner II
Subject:	Application For Change of Zoning R11-01 (Bob and Angela Nichols, owners)

Statement of Issue:
This agenda item provides the Board with an Application for a Change of Zoning from AG (Agriculture) to RR-2 (Rural Residential), on a parcel located on Otter Creek Road.

Background:
This application requests a Change of Zoning from the existing AG (Agriculture) zoning district to the RR-2 (Rural Residential) zoning district on a 2.0+/- acre parcel on the east side of Otter Creek Road. The Subject Property is located just south of the intersection of Otter Creek Road and Cruse Road. (Attachment 1)

Technical Review Committee (TRC): On May 19, 2011, the Application was reviewed and it was noted that the Certified Mail Notices to surrounding property owners needed to be sent out and the signature of Mr. Nichols was required on the Application. The Property Owners subsequently provided the Certified Mail Notice receipts to staff and completed the required signature on the Application.

Planning Commission: The Planning Commission held a public hearing on June 13, 2011 to consider the Application. No citizens spoke on the Application and at the conclusion of the hearing the Planning Commission voted unanimously to recommend approval of the Application.

Analysis:

Comprehensive Plan: The Future Land Use Map (FLUM) designation for the Subject Property is Rural 2. Rural 2 allows for 5.0 acre residential lots when served by private wells and 2.0 acre residential lots when served by a central water system. In addition, limited commercial uses are permissible within this designation. (Attachment 2).

Land Development Code:

The current zoning district for the Subject Property is AG. The AG zoning district allows for mobile homes, single-family residential dwellings and agricultural activities. This district allows one home per 5.0 acres, but has a special requirement that AG zoned lots not be divided into less than 10 acre tracts. The proposed zoning district is RR-2, which allows for mobile homes, single-family residential dwellings and livestock. Neither of these districts allow for commercial development. (Attachment 3)

Site Conditions:

The FEMA flood zone designation for the property is zone "C". Zone "C" is an area of minimal flooding, and does not require flood protection measures be taken in building construction.

Staff completed a site visit on May 24, 2011. Currently, the Subject Property is vacant and lightly wooded. No environmentally sensitive features, such as karst are known to be located on the Subject Property. Additionally, no wetlands appear to be present on the site. (Attachment 4)

Adjacent Parcels:

Adjoining parcels are designated RR-1 and AG. The RR-1, Semi-Rural Residential, zoning district allows for the construction of site-built, single family homes and the installation of mobile homes. This district allows for a density of 1 dwelling unit per acre of land and does not allow for commercial development. The AG zoning district allows for residential uses, silviculture and other agricultural activities. It also does not allow commercial. AG allows 1 dwelling unit per 5 acres, but as noted above also has a special requirement that when divided lots must meet a 10 acre lot size minimum. (Attachments 5 and 6)

Compatibility:

The proposed RR-2 zoning district is an allowable district within the Rural 2 land use designation. The Subject Property meets the Rural 2 designation's 2.0 acre minimum lot size and central water is available to serve the site from the City of Sopchoppy. In addition, the proposed zoning district is generally compatible with the existing AG zoning district as both districts, AG and RR-2, allow residential and agricultural uses. The adjoining RR-1 zoning district would also be compatible with the proposed district as they both allow residential uses on similarly sized properties.

Public Notification: This request has been noticed and advertised in accordance with the provisions of the Wakulla County Land Development Code. To date, the Planning Department has not received any written responses to the advertisement. The Planning Department also posted appropriate signage on the property indicating the Change of Zoning request.

The advertisement for this public hearing appeared in The Wakulla News on May 26, 2011. (Attachment 7)

Additional Issues: The Subject Property is not located within the Wakulla Springs Special Planning Area or any area noted for a Special Overlay to be developed in the future.

The 2.0+/- acre Subject Property was recently separated from a larger tract belonging to the Property Owners' family member. The Subject Property was separated with the intent of securing a mortgage and constructing a new residence on the 2.0+/- acres. In order for a dwelling unit to be permissible on the Subject Property the Change of Zoning Application would need to be approved by the Board of County Commissioners since the existing AG zoning district requires a 10 acre lot size minimum. The proposed RR-2 zoning district allows a 2 acre lot size minimum.

It is important to note that the remaining portion of the family tract contains 12.88 acres and a 1.00 acre tract had been previously divided from it. The 12.88 acre and 1.00 acre tract are both zoned AG and allow one home per five acres or if a property is divided, require a minimum of 10.00 acres to be eligible for a building permit. Therefore, the 1.00 acre tract is currently ineligible for a building permit and the 12.88 acre tract would be eligible for two residential units, if the property remains intact.

Options:

1. Conduct the second of two public hearings and vote to adopt the proposed Ordinance amending the official zoning atlas, amending the zoning district from AG (Agriculture) to RR-2 (Rural Residential), 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.

2. Conduct the second of two public hearings and vote not to adopt the proposed Ordinance amending the official zoning atlas, retaining the existing AG (Agriculture) zoning district based upon the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.

3. Board Direction

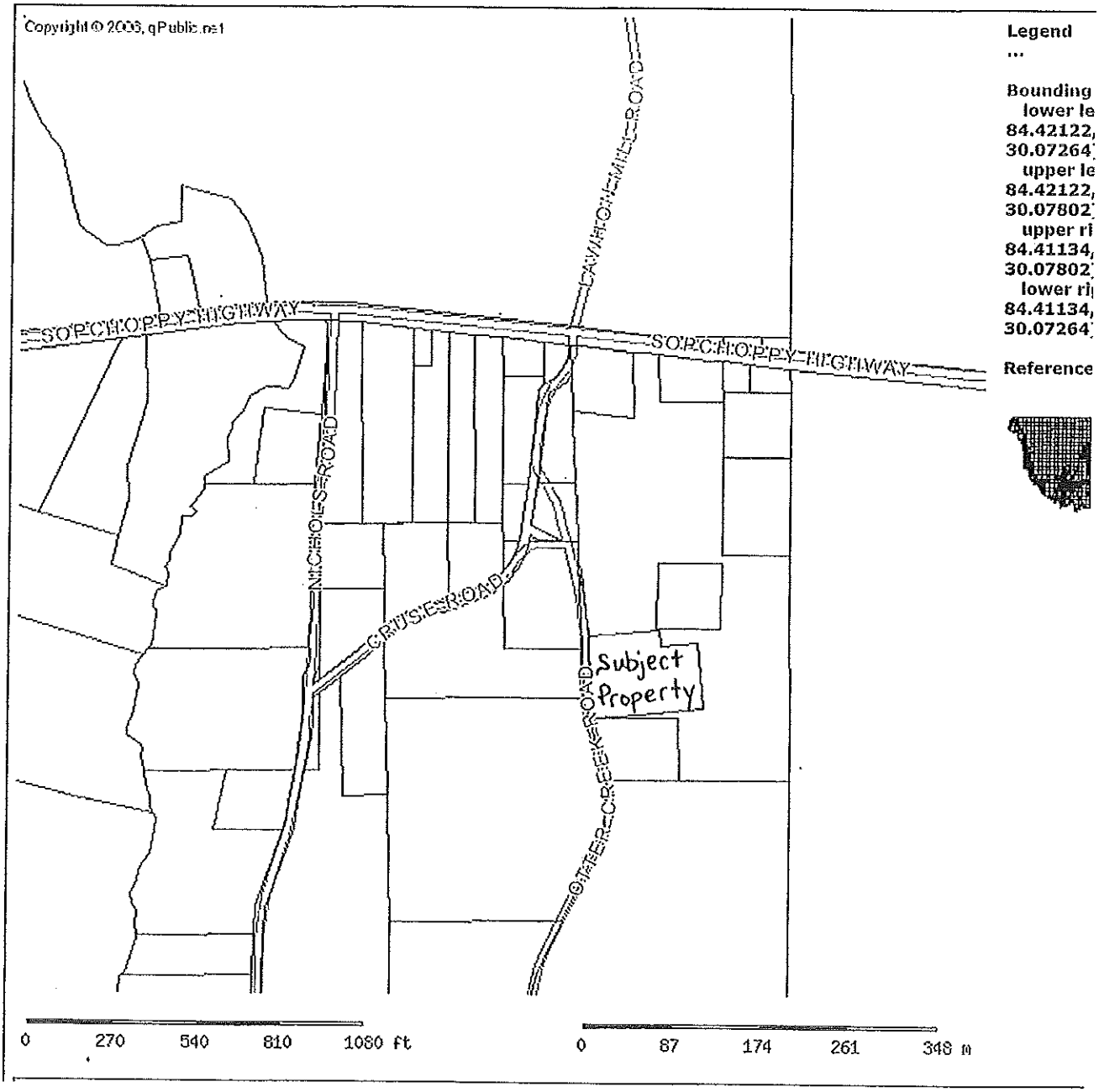
Recommendation:

Option #1. The Planning Commission, in their role as the Local Planning Agency pursuant to Section 24.037, Wakulla County Code and Section 163.3174, Florida Statutes, recommended approval of the Change of Zoning as it was found to meet all applicable requirements set forth in the Wakulla County Code and Comprehensive Plan.

Attachment(s):

1. Location Map
2. FLUM Policy 1.2.4
3. Sections 5-25 and 5-34, LDC
4. Site Photos
5. Sections 5-27 and 5-25, LDC
6. Zoning Map
7. Advertisement
8. Draft Ordinance

ATTACHMENT PAGE 1 OF 1



ATTACHMENT 2
PAGE 1 OF 2

1.2.4. *Rural-2.*

(1) *Description.* This designation provides for development of rural areas near emerging urban areas with a range of agricultural, residential, and supporting limited commercial activities. In addition, this classification includes some existing subdivisions. Specific areas for residential and commercial development in this designation are not shown on the map but are governed by the policies in this section which include criteria for the different kinds of development. The Rural-2 land use designation also identifies existing rural enclaves that are isolated from traditional rural or urban services such as central water and sewer service. A rural enclave consists of one (1) or more future land use designations, zoning districts, existing land uses, or historical communities. A rural enclave designation does not guarantee increased density or intensity, but recognizes development trends of the past.

(2) *Permitted/Prohibited Uses.*

(a) General agriculture and forestry activities shall be permitted, along with accessory uses.

(b) Residential development shall be permitted.

(c) Commercial development shall be permitted along arterial and collector roads but only where the access requirements set forth below are met.

(d) Public land uses including schools may be permitted within this land use designation subject to staff review, public hearing, and approval process if compatible and consistent with the land use designation and established as a Conditional Use in the Wakulla County Land Development Code, Section 3-21, (Code dated July 23, 1985, as amended).

(e) Industrial uses are not permitted.

(3) *Density/Intensity Limitations.*

(a) Non-residential uses shall not exceed a floor-area ratio (F.A.R.) of 0. 15 and individual activities shall not exceed fifteen thousand (15,000) square feet in floor area.

(b) Non-residential development shall be located on lots of at least one (1) acre.

(c) Residential development may be permitted at densities up to one (1) unit per two (2) acres with central water service or one (1) dwelling unit per five (5) acres without. The actual density permitted shall be based on access, as follows:

1. Where average lot sizes (exclusive of open space in cluster or PUD developments) are less than five (5) acres, each lot shall have frontage on a paved public road or on a private road maintained by an owners association and meeting the standards of Traffic Circulation Element Policy 2.3.

2. Where average lot sizes (exclusive of open space in cluster or PUD developments) are greater than five (5) acres but less than ten (10) acres, each lot shall have frontage on a public road or on a private road meeting the standards of Traffic Circulation Element Policy 2.3.

3. Where average lot sizes (exclusive of open space in cluster or PUD developments) are ten (10) acres or more, access shall be provided.

(d) In calculating residential density, areas which are habitats for threatened or endangered species, the density shall be maintained at the residential land use density for that land use designation. Actual development shall be addressed by transfer of density in the Land Development Code.

(e) In calculating residential density, areas which are wetlands the density shall be permitted at an overall density of one (1) unit per twenty (20) acres.

(4) *Special Development Standards.*

(a) Commercial development may be permitted only where the parcel has access to an arterial or collector road. Access to roads should be from frontage or side roads rather than directly. Access to commercial areas located along principal arterials shall be set back sufficiently to accommodate future right-of-way as identified in the Traffic Circulation Element.

(b) Where permitted, new commercial developments shall be located in clusters with no more than four (4) individual establishments totaling not more than fifteen thousand (15,000) square feet in floor area. Where permitted by Plan, proposed new commercial rezonings shall be permitted only within one-quarter (1/4) mile of an intersection of two (2) arterial roads, or an arterial and collector roads. There shall be a limit of one (1) cluster within each intersection quadrant. Non-residential land uses shall also provide a landscape and design plan at the development review stage that clearly indicates how each site will meet the land development code's open space and landscape provisions. It is the intent of this requirement to promote the use of native vegetation to the

fullest extent possible.

(c) Non-residential development in structures over five thousand (5,000) gross square feet in area shall have public water service and fire protection consistent with Land Development Code requirements.

(d) Schools, nursing facilities and all activities used by over fifty (50) persons at one time shall have central sewer facilities (including package plants).

ATTACHMENT 3
PAGE 1 OF 2

Sec. 5-25. - AG Agricultural District regulations.

(1) *District intent.* The provisions of this district are primarily intended to protect areas that are suitable for agricultural operations, to prevent the misuse of prime agricultural lands and to accommodate nonagricultural uses that do not conflict with or limit the primary intent of this district. This zoning district is consistent with the agricultural land use category identified in the comprehensive plan.

(2) *Special requirements.* Property zoned agricultural (AG) is not permitted to be subdivided into lots less than ten acres in size.

(3) *Principal uses.*

1. Agricultural production, crops and livestock.
2. Crop services.
3. Fishing, hunting and trapping.
4. Forestry.
5. Foster homes.
6. Landscape and horticultural services.
7. Livestock and agricultural equipment barns.
8. Mobile homes.
9. Single-family dwellings.
10. Soil preparation services.

(4) *Conditional uses.*

1. Airports and airstrips.
2. Borrow pits.
3. Cemeteries.
4. Churches.
5. Pet kennels.
6. Public and private recreation facilities.
7. Sanitary landfill.
8. Schools.
9. Veterinary clinics or hospitals.

(5) *Development standards.*

(a) *Minimum lot size.*

(1) Area: five acres.
(2) Width: 150 feet.
(3) Depth: N/A.

(b) *Minimum building setbacks.*

(1) Applicable side.

(i) Front: 50 feet.
(ii) Rear: 40 feet.
(iii) Side: 15 feet.
(iv) Side street: 20 feet.

(2) Building setbacks for residential use on platted lots (recorded or unrecorded subdivisions). Residential dwellings proposed on agriculture zoned lots may be reviewed by the zoning official for a determination of applicable setback standards. Where platted lots (recorded or unrecorded subdivisions) exist within agriculture zoning districts are proposed for residential development, the zoning official may determine that the minimum residential setbacks of front 25 feet, rear 15 feet, side eight feet, and side street 20 feet, may be applied from the property lines. In the course of review, the zoning official shall use best available information to determine compatibility and consistency with existing development trends and the character and nature of an area's uses, and other pertinent information relevant to a development permit application that is otherwise consistent with the county comprehensive plan and land development codes. An appeal of a zoning official's determination shall be pursuant to section 3-23 of this LDC.

(3) Additional setback standards when adjacent to water bodies in section 6-16 of this LDC.

(c) *Maximum building restrictions.*

(1) Coverage: N/A.
(2) Height: 35 feet.
(3) Density*: one per five acres.

*Note—Dwelling units per acre.

ATTACHMENT 3
PAGE 2 OF 7

Sec. 5-34. - RR-2 Rural Residential District regulations.

(1) *District intent.* The provisions of this district are to establish areas where very low residential densities may be maintained and where investment in homes will be protected from the adverse effects sometimes found in agricultural districts. This zoning district is permissible in the rural residential, semi-rural residential, semi-urban residential and urban residential land use categories as designated in the comprehensive plan.

(2) *Special requirements.* None.

(3) *Principal uses.*

1. Emergency shelter homes.
2. Family care homes.
3. Foster homes.
4. Livestock and agricultural equipment barns.
5. Mobile homes.
6. Single-family dwellings.

(4) *Conditional uses.*

1. Cemeteries.
2. Churches.
3. Public and private recreation facilities.
4. Schools.

(5) *Development standards.*

(a) *Minimum lot size.*

(1) Area: two acres.
(2) Width: 150 feet.
(3) Depth: N/A.

(b) *Minimum building setbacks.*

(1) Front: 25 feet.
(2) Rear: 15 feet.
(3) Side: eight feet.

(c) *Maximum building restrictions.*

(1) Coverage: N/A.
(2) Height: 35 feet.
(3) Density: one dwelling unit per two acres.

(Ord. No. 85-4, 7-23-1985; Ord. No. 87-10, 8-17-1987)

Editor's note— *Ordinance No. 87-10 added a § 5-35 to the land development code. Former § 5-34 has been renumbered by the editor as § 5-43 and the provisions enacted by Ordinance No. 87-10 have been added as a new § 5-34*

926-3695

ATTACHMENT 5
PAGE 1 OF 2

Sec. 5-27. - RR-1 Semi-Rural Residential District regulations.

(1) *District intent.* The provisions of this district are to establish areas where low residential densities may be maintained and to provide a transition between very low-density rural residential areas and more densely developed urban residential areas. This zoning district is compatible with the semi-rural, semi-urban and urban residential land use categories designated in the comprehensive plan.

(2) *Special requirements.* None.

(3) *Principal uses.*

1. Emergency shelter homes.
2. Family care homes.
3. Foster homes.
4. Mobile homes.
5. Single-family dwellings.

(4) *Conditional uses.*

1. Cemeteries.
2. Churches.
3. Public and private recreation facilities.
4. Schools.

(5) *Development standards.*

(a) *Minimum lot size.*

(1) Area: one acre.
(2) Width: 150 feet.
(3) Depth: N/A.

(b) *Minimum building setbacks.*

(1) Front: 25 feet.
(2) Rear: 15 feet.
(3) Side: eight feet.

(c) *Maximum building restrictions.*

(1) Coverage: N/A.
(2) Height: 35 feet.
(3) Density*: one dwelling unit per acre.

*Note—*Dwelling units per acre.*

(Ord. No. 85-4, 7-23-1985)

Sec. 5-25. - AG Agricultural District regulations.

(1) *District intent.* The provisions of this district are primarily intended to protect areas that are suitable for agricultural operations, to prevent the misuse of prime agricultural lands and to accommodate nonagricultural uses that do not conflict with or limit the primary intent of this district. This zoning district is consistent with the agricultural land use category identified in the comprehensive plan.

(2) *Special requirements.* Property zoned agricultural (AG) is not permitted to be subdivided into lots less than ten acres in size.

(3) *Principal uses.*

1. Agricultural production, crops and livestock.
2. Crop services.
3. Fishing, hunting and trapping.
4. Forestry.
5. Foster homes.
6. Landscape and horticultural services.
7. Livestock and agricultural equipment barns.
8. Mobile homes.
9. Single-family dwellings.
10. Soil preparation services.

(4) *Conditional uses.*

1. Airports and airstrips.
2. Borrow pits.
3. Cemeteries.
4. Churches.
5. Pet kennels.
6. Public and private recreation facilities.
7. Sanitary landfill.
8. Schools.
9. Veterinary clinics or hospitals.

(5) *Development standards.*

(a) *Minimum lot size.*

(1) Area: five acres.
(2) Width: 150 feet.
(3) Depth: N/A.

(b) *Minimum building setbacks.*

(1) Applicable side.

(i) Front: 50 feet.
(ii) Rear: 40 feet.
(iii) Side: 15 feet.
(iv) Side street: 20 feet.

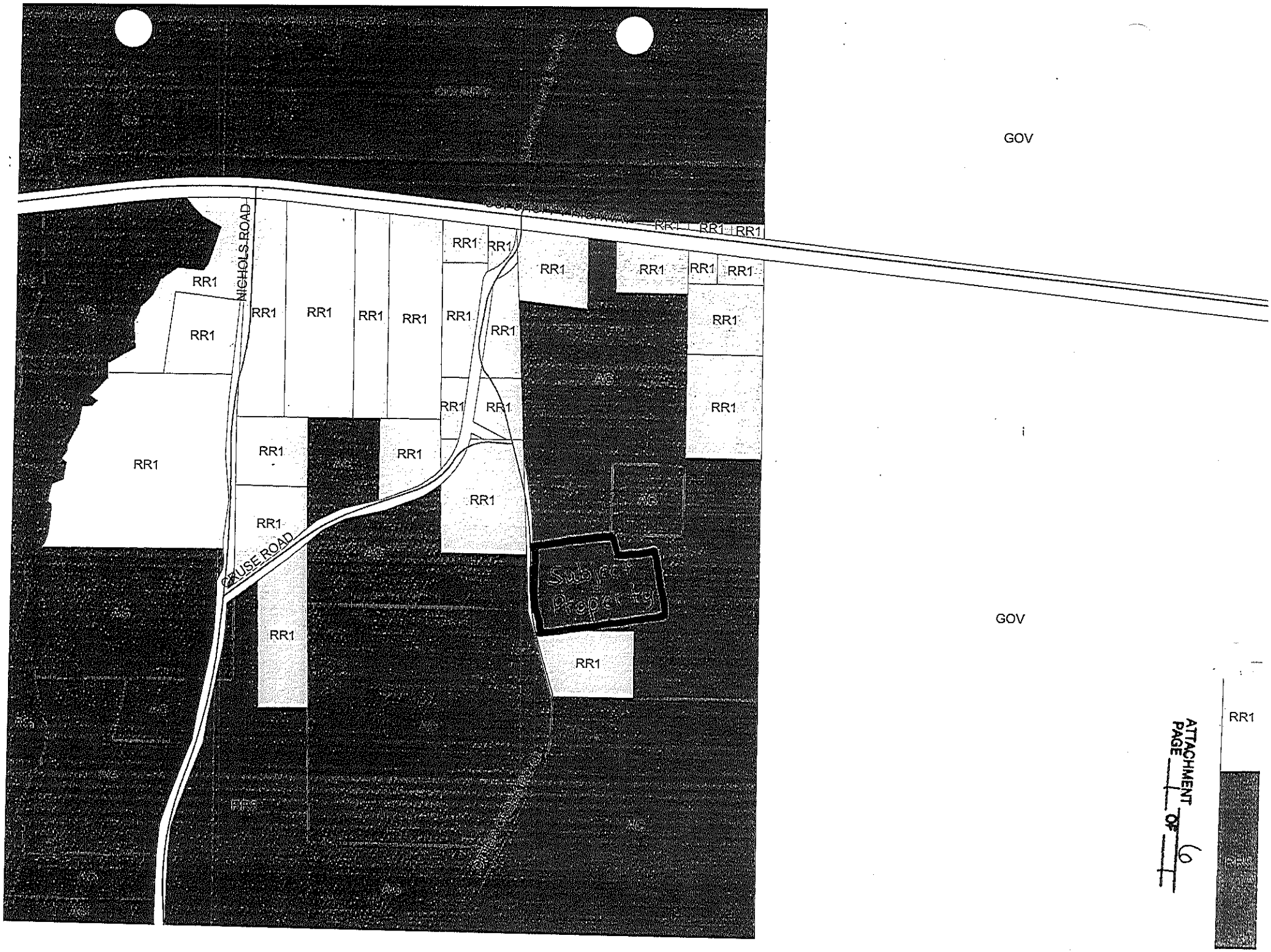
(2) Building setbacks for residential use on platted lots (recorded or unrecorded subdivisions). Residential dwellings proposed on agriculture zoned lots may be reviewed by the zoning official for a determination of applicable setback standards. Where platted lots (recorded or unrecorded subdivisions) exist within agriculture zoning districts are proposed for residential development, the zoning official may determine that the minimum residential setbacks of front 25 feet, rear 15 feet, side eight feet, and side street 20 feet, may be applied from the property lines. In the course of review, the zoning official shall use best available information to determine compatibility and consistency with existing development trends and the character and nature of an area's uses, and other pertinent information relevant to a development permit application that is otherwise consistent with the county comprehensive plan and land development codes. An appeal of a zoning official's determination shall be pursuant to section 3-23 of this LDC.

(3) Additional setback standards when adjacent to water bodies in section 6-16 of this LDC.

(c) *Maximum building restrictions.*

(1) Coverage: N/A.
(2) Height: 35 feet.
(3) Density*: one per five acres.

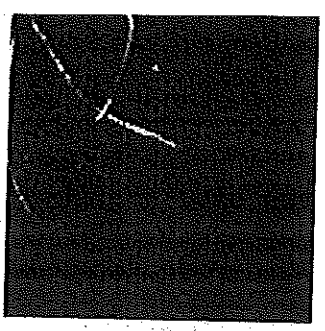
*Note—Dwelling units per acre.



ATTACHMENT
PAGE 6 OF 6

All Workshops, Public Hearings and Commission Meetings are open to the public. Wakulla County does not discriminate on the basis of race, color, national origin, sex, religion, age or handicapped status in employment or the provision of services. Handicapped individuals may receive special accommodations with one working day's notice as per section 286.011(6) F.S. If special accommodations are required, please call Lara Beck-Edwards, Executive Assistant to the County Administrator at (850) 926-0919, Ext. 401.

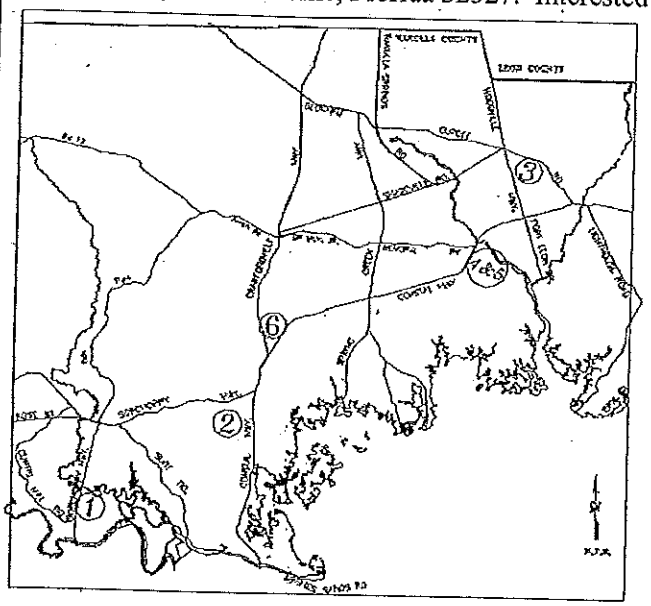
May 19, 2011



Wakulla County

NOTICE OF LAND USE CHANGE AND PUBLIC HEARINGS

The Wakulla County Board of County Commissioners proposes to consider the following applications and/or adopt the following by ordinance and has scheduled Public Hearings regarding the following before the **Wakulla County Planning Commission on Monday, June 13, 2011, beginning at 7:00 PM** and before the **Wakulla County Board of County Commissioners on Monday, July 18, 2011 at 5:00 PM and Monday, August 1, 2011, beginning at 7:00 PM, unless otherwise noted below or as time permits.** All public hearings are held at the County Commission Chambers located west of the County Courthouse at 29 Arran Road, Crawfordville, Florida 32327. Interested parties are invited to attend and present testimony.



1. Application for Conditional Use: CU11-03

Applicant:	Verion Johnson
Agent:	Progress Energy and Tower Engineering Professionals
Proposal:	construct communication tower
Tax ID Number:	26-5s-03w-000-01184-000
Existing FLU Map:	Rural 1 (FLUE Policy 1.2.3)
Existing Zoning:	RR-2 (Section 5-34, LDC)
FEMA Flood Info:	"A15" zone on Panel 0350-B
Parcel Size:	12.34+/- acres
Location:	east side of Sopchoppy Highway, north of Ochlocknee State Park and Curtis Mill Road
Hearings Required:	**Planning Commission: Monday, June 13, 2011 at 7:00 PM**

2. Application for Rezoning: R11-01

Applicant:	Bob and Angela Nichols
Proposal:	rezone to rural residential
Tax ID Number:	03-5s-02w-000-02500-003
Existing FLU Map:	Rural 2 (FLUE Policy 1.2.2)
Existing Zoning:	AG (Section 5-25, LDC)
Proposed Zoning:	RR-2 (Section 5-34, LDC)
FEMA Flood Info:	"C" zone on Panel 0360-B
Parcel Size:	2.0+/- acres
Location:	Otter Creek Road
Hearings Required:	**Planning Commission: Monday, June 13, 2011 at 7:00 P.M.**

Board of County Commissioners: Monday, July 18, 2011 at 5:00 P.M.

3. Application for Rezoning: R11-02

Applicant:	Randy Smith
Proposal:	rezone to rural residential
Tax ID Number:	15-3s-01e-000-05199-000
Existing FLU Map:	Rural 2 (FLUE Policy 1.2.2)
Existing Zoning:	AG (Section 5-25, LDC)
Proposed Zoning:	RR-5 (Section 5-26, LDC)
FEMA Flood Info:	"C" zone on Panel 0275-B
Parcel Size:	17.76+/- acres
Location:	12 Card Lane
Hearings Required:	**Planning Commission: Monday, June 13, 2011 at 7:00 PM**

Board of County Commissioners: Monday, July 18, 2011 at 5:00 PM and Monday, August 1, 2011 at 5:00 PM

4. Application for Conditional Use: CU10-07

Applicant:	Randall and Eva Pelt
Proposal:	construct driveway, boardwalk and dock within wetlands
Tax ID Number:	00-00-005-000-06199-000
Existing FLU Map:	Rural 1 (FLUE Policy 1.2.3)
Existing Zoning:	AG & RR-5 (Section 5-25 & 5-26, LDC)
FEMA Flood Info:	"A15" zone on Panel 0250-B
Parcel Size:	12.04+/- acres
Location:	southeast of Coastal Hwy and the Wakulla River
Hearings Required:	**Planning Commission: Monday, June 13, 2011 at 7:00PM**

5. Application for Variance: V10-01

Applicant:	Randall Pelt and Eva Pelt
Proposal:	construct single family dwelling within wetland buffer
Tax ID Number:	00-00-005-000-06199-000
Existing FLU Map:	Rural 1 (FLUE Policy 1.2.3)
Existing Zoning:	AG & RR-5 (Section 5-25 & 5-26, LDC)
FEMA Flood Info:	"A15" zone on Panel 0250-B
Parcel Size:	12.04+/- acres
Location:	southeast of Coastal Hwy and the Wakulla River
Hearings Required:	**Planning Commission: Monday, June 13, 2011 at 7:00PM**
County Commission:	**Monday, July 18, 2011 at 5:00 PM**

6. Application for Conditional Use: CU11-02

Applicant:	Michael Lee Yohem
Agent:	William Frank
Proposal:	change of use to automotive and tractor repair
Tax ID Number:	24-4s-02w-171-02078-D11
Existing FLU Map:	Rural 2 (FLUE Policy 1.2.2)
Existing Zoning:	C-2 (Section 5-38, LDC)
FEMA Flood Info:	"C" zone on Panel 0360-B
Parcel Size:	1.0 +/- acres
Location:	4379 Crawfordville Highway (old Wakulla Lumber and Truss building)
Hearings Required:	**Planning Commission: Monday, June 13, 2011 at 7:00 PM**

Copies of applications, draft ordinances, and any related public record files may be viewed at the County Planning Department located at 3095 Crawfordville Highway, Crawfordville, FL 32327, 8 AM to 4:30 PM M/F; Phone (850) 926-3695. Any person desiring to appeal a decision of a County Board must ensure a verbatim transcript or copy is made of the testimony and exhibits presented at said hearings. Persons needing special access considerations should call the Board Office at least 48 hours before the date for scheduling purposes. The Board Office may be contacted at (850) 926-0919 or TDD 926-7962.

MAY 26, 2011

WAKULLA COUNTY ZONING ORDINANCE
NUMBER: 2011-___

AN ORDINANCE AMENDING THE WAKULLA COUNTY LAND DEVELOPMENT CODE, ORDINANCE NO. 85-4, AS AMENDED; CHANGING THE ZONING DISTRICT CLASSIFICATION AND OFFICIAL ZONING ATLAS FROM AG TO RR-2 FOR THE TWO ACRES OF THE PROPERTY DESCRIBED AS ATTACHED EXHIBIT "A" TO THE ORDINANCE; REPEALING ALL ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA:

SECTION 1: This Ordinance shall be referred to as to Rezoning 11-01 which changes the zoning classification of two acres of real property owned by Bob Nelson Nichols and Angela Denise Nichols, Property ID Number 03-5s-02w-000-02500-003, more particularly depicted on Exhibit "A" attached hereto.

SECTION 2: The Official Zoning Atlas, as adopted in Section Two of Ordinance Number 85-4, in conjunction with Chapter Five of the Wakulla County Land Development Code, is hereby amended or revised, in whole or in part, to change that two acres of property situated in Wakulla County from AG to RR-2. Said property more particularly depicted as Exhibit "A", attached hereto which as a result of this Ordinance is now zoned RR-2.

SECTION 3: Should any portion of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then the part so held shall be severed from this Ordinance and the remainder shall remain in full force and effect. All Ordinances or parts of Ordinances in conflict herewith shall be hereby repealed or changed to be consistent therein.

SECTION 4: This Ordinance shall become effective as provided by Law.

DULY PASSED AND ADOPTED in regular session this 18th day of July, 2011.

BOARD OF COUNTY
COMMISSIONERS OF WAKULLA
COUNTY, FLORIDA

_____
Mike Stewart
Chairman of the Board

ATTEST:

_____
Brent X. Thurmond,
Clerk of the Circuit Court

APPROVED AS TO FORM:

_____
Heather J. Encinosa,
Wakulla County Attorney

Exhibit A

ATTACHMENT 8
PAGE 3 OF 3

Thurman Roddenberry and Associates, Inc.
Professional Surveyors and Mappers

PO Box 100
125 Sheldon Street
Sopchoppy, Florida 32358
USA

Phone: 850-962-2538
Fax: 850-962-1103

May 3, 2011

Legal Description of a 2.00 Acre Tract
Certified To: Bob Nichols and Angela Nichols,
Americas Home Place,
Town Square Mortgage,
Advantage Title Group, Westcor Land Title Insurance Company

I hereby certify that this is a true and correct representation of the following described property and that this description meets the minimum technical standards for land surveying (Chapter 61G17-6, Florida Administrative Code).

Commence at the Northeast corner of the Southeast quarter of Section 3, Township 5 South, Range 2 West, Wakulla County, Florida and thence run North 89 degrees 48 minutes 25 seconds West 219.92 feet, thence run South 00 degrees 16 minutes 13 seconds East 209.30 feet, thence continue South 00 degrees 16 minutes 13 seconds East 517.55 feet, thence run North 89 degrees 27 minutes 13 seconds East 221.34 feet to the East boundary of the Southeast quarter of said Section 3, thence run South 00 degrees 34 minutes 42 seconds East along said East boundary 665.68 feet, thence leaving said East boundary run South 85 degrees 01 minutes 54 seconds West 371.99 feet, thence run North 04 degrees 53 minutes 15 seconds West 200.00 feet to an iron rod and cap (marked #6475), thence run South 85 degrees 06 minutes 20 seconds West 100.00 feet to an iron rod and cap (marked #7160) marking the POINT OF BEGINNING. From said POINT OF BEGINNING run South 85 degrees 06 minutes 19 seconds West 144.71 feet to an iron rod and cap (marked #6475) lying on the Easterly maintained right-of-way boundary of Otter Creek Road, thence run North 09 degrees 05 minutes 28 seconds West along said maintained right-of-way boundary 101.44 feet to a concrete monument (marked #2919), thence run North 02 degrees 19 minutes 24 seconds West along said right-of-way boundary 161.55 feet to an iron rod and cap (marked #7160), thence leaving said right-of-way boundary run North 85 degrees 06 minutes 07 seconds East 229.90 feet to an iron rod and cap (marked #7160), thence run South 04 degrees 53 minutes 40 seconds East 53.86 feet to an iron rod and cap (marked #7160), thence run North 85 degrees 06 minutes 20 seconds East 123.70 feet to an iron rod and cap (marked #7160), thence run South 04 degrees 53 minutes 40 seconds East 208.71 feet to an iron rod and cap (marked #7160), thence run South 85 degrees 06 minutes 20 seconds West 208.71 feet to the POINT OF BEGINNING containing 2.00 acres more or less.

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

James T. Roddenberry
Surveyor and Mapper
Florida Certificate No: 4261

07-087c

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy Barden, Interim County Administrator Melissa Corbett, Planner II Somer Strickland, Planner
Subject:	Application for Change of Zoning R11-02 Randy Smith, Owner

Statement of Issue:
This agenda item provides the Board with an Application for a Change of Zoning from AG (Agriculture) to RR-5 (Rural Residential).

Background:
This application requests approval for a Change of Zoning from AG (Agriculture) to RR-5 (Rural Residential). The Subject Property currently contains 17.76+/- and is located at 12 Card Lane, south of Bloxham Cutoff and east of Woodville Highway (Attachment 1).

Technical Review Committee (TRC): On May 19, 2011, the request was reviewed by the Technical Review Committee. The owner was notified that copies of the certified mail receipts to adjacent property owners within 500 feet were required to complete the file. This was submitted to the file prior to the deadline.

Planning Commission: On June 13, 2011, the Planning Commission reviewed the item and voted unanimously to recommend approval.

Analysis:

Comprehensive Plan: The Future Land Use Map (FLUM) designation for the property is Rural 2. Rural 2 allows for a density of 1 dwelling unit per 5 acres of land without central water connection (Attachment 2).

Land Development Code: The current zoning district for the property is AG (Agriculture). This zoning district allows for residential density of 1 dwelling unit per 5 acres of land; however this zoning district has a special requirement which states "*Property zoned agricultural (AG) is not permitted to be subdivided into lots less than ten (10) acres in size.*" The AG zoning

district permits the construction of site-built, single-family dwellings, the installation of mobile homes and various agricultural production activities (Attachment 3).

The proposed zoning district is RR-5 (Rural Residential). The RR-5 zoning district allows for residential density of 1 dwelling unit per 5 acres of land and permits the construction of site-built, single-family dwellings, the installation of mobile homes and also allows for agricultural production activities (Attachment 4).

Site Conditions: The FEMA flood zone designation for the property is "C". Zone "C" is an area within the limits of the 500-year floodplain and typically does not require flood insurance by a mortgage lender.

Currently, the site contains a mobile home. Wetlands may exist on the southernmost portion of the Subject Property. The property owner is currently working to have this area evaluated and delineated in preparation for future building permits.

Staff completed a site visit on May 20, 2011 (Attachment 5).

Adjacent Parcels: Adjacent parcels are zoned AG (Agricultural), RR-5 (Rural Residential) and RR-1 (Rural Residential) (Attachment 6).

Compatibility: The proposed RR-5 zoning district is consistent with the Comprehensive Plan's Future Land Use Map designation and some surrounding parcels.

Public Notification: The advertisement for this public hearing appeared in The Wakulla News on May 26, 2011 (Attachment 7).

This request has been noticed and advertised in accordance with the provisions of the Wakulla County Code. The Planning and Community Development Department also posted a sign on the property indicating the rezoning request. To date, the Planning Department has not received any written responses to the notice.

Additional Issues: The property owner plans to construct a second home on the Subject Property and have the option to divide it in the future. The approval of this Application for Change for Zoning will enable the property owner to proceed.

It should also be noted that this application is required to have two Public Hearings before the Board of County Commissioner because the Subject Property is over 10 acres in size, pursuant to Section 3-2 of the Land Development Code.

Options:

1. Conduct the first of two Public Hearings and consider the Application for Change of Zoning R11-02, based upon staff recommendations, 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.

2. Do not conduct the first of two Public Hearings and do not consider the Application for Change of Zoning R11-02, based on the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.

3. Board Direction.

Recommendation:

Option #1. Staff recommends consideration of the Application for Change of Zoning R11-02.

Attachment(s):

1. Location Map
2. FLUE Policy 1.2.4
3. Section 5-25, LDC
4. Section 5-26, LDC
5. Site Photos
6. Zoning Map
7. Advertisement
8. Draft Ordinance

ATTACHMENT 1
PAGE 1 OF 1

1.2.4. *Rural-2.*

(1) *Description.* This designation provides for development of rural areas near emerging urban areas with a range of agricultural, residential, and supporting limited commercial activities. In addition, this classification includes some existing subdivisions. Specific areas for residential and commercial development in this designation are not shown on the map but are governed by the policies in this section which include criteria for the different kinds of development. The Rural-2 land use designation also identifies existing rural enclaves that are isolated from traditional rural or urban services such as central water and sewer service. A rural enclave consists of one (1) or more future land use designations, zoning districts, existing land uses, or historical communities. A rural enclave designation does not guarantee increased density or intensity, but recognizes development trends of the past.

(2) *Permitted/Prohibited Uses.*

(a) General agriculture and forestry activities shall be permitted, along with accessory uses.

(b) Residential development shall be permitted.

(c) Commercial development shall be permitted along arterial and collector roads but only where the access requirements set forth below are met.

(d) Public land uses including schools may be permitted within this land use designation subject to staff review, public hearing, and approval process if compatible and consistent with the land use designation and established as a Conditional Use in the Wakulla County Land Development Code, Section 3-21, (Code dated July 23, 1985, as amended).

(e) Industrial uses are not permitted.

(3) *Density/Intensity Limitations.*

(a) Non-residential uses shall not exceed a floor-area ratio (F.A.R.) of 0. 15 and individual activities shall not exceed fifteen thousand (15,000) square feet in floor area.

(b) Non-residential development shall be located on lots of at least one (1) acre.

(c) Residential development may be permitted at densities up to one (1) unit per two (2) acres with central water service or one (1) dwelling unit per five (5) acres without. The actual density permitted shall be based on access, as follows:

1. Where average lot sizes (exclusive of open space in cluster or PUD developments) are less than five (5) acres, each lot shall have frontage on a paved public road or on a private road maintained by an owners association and meeting the standards of Traffic Circulation Element Policy 2.3.

2. Where average lot sizes (exclusive of open space in cluster or PUD developments) are greater than five (5) acres but less than ten (10) acres, each lot shall have frontage on a public road or on a private road meeting the standards of Traffic Circulation Element Policy 2.3.

3. Where average lot sizes (exclusive of open space in cluster or PUD developments) are ten (10) acres or more, access shall be provided.

(d) In calculating residential density, areas which are habitats for threatened or endangered species, the density shall be maintained at the residential land use density for that land use designation. Actual development shall be addressed by transfer of density in the Land Development Code.

(e) In calculating residential density, areas which are wetlands the density shall be permitted at an overall density of one (1) unit per twenty (20) acres.

(4) *Special Development Standards.*

(a) Commercial development may be permitted only where the parcel has access to an arterial or collector road. Access to roads should be from frontage or side roads rather

than directly. Access to commercial areas located along principal arterials shall be set back sufficiently to accommodate future right-of-way as identified in the Traffic Circulation Element.

(b) Where permitted, new commercial developments shall be located in clusters with no more than four (4) individual establishments totaling not more than fifteen thousand (15,000) square feet in floor area. Where permitted by Plan, proposed new commercial rezonings shall be permitted only within one-quarter (1/4) mile of an intersection of two (2) arterial roads, or an arterial and collector roads. There shall be a limit of one (1) cluster within each intersection quadrant. Non-residential land uses shall also provide a landscape and design plan at the development review stage that clearly indicates how each site will meet the land development code's open space and landscape provisions. It is the intent of this requirement to promote the use of native vegetation to the fullest extent possible.

(c) Non-residential development in structures over five thousand (5,000) gross square feet in area shall have public water service and fire protection consistent with Land Development Code requirements.

(d) Schools, nursing facilities and all activities used by over fifty (50) persons at one time shall have central sewer facilities (including package plants).

Sec. 5-25. AG Agricultural district regulations.

(1) *District intent.* The provisions of this district are primarily intended to protect areas that are suitable for agricultural operations, to prevent the misuse of prime agricultural lands and to accommodate nonagricultural uses that do not conflict with or limit the primary intent of this district. This zoning district is consistent with the agricultural land use category identified in the comprehensive plan.

(2) *Special requirements.* Property zoned agricultural (AG) is not permitted to be subdivided into lots less than ten (10) acres in size.

(3) *Principal uses:*

1. Agricultural production--crops and livestock
2. Crop services
3. Fishing, hunting and trapping
4. Forestry
5. Foster homes
6. Landscape and horticultural services
7. Livestock and agricultural equipment barns
8. Mobile homes
9. Single-family dwellings
10. Soil preparation services

(4) *Conditional uses:*

1. Airports and airstrips
2. Borrow pits
3. Cemeteries
4. Churches
5. Pet kennels
6. Public and private recreation facilities
7. Sanitary landfill
8. Schools
9. Veterinary clinics or hospitals

(5) *Development standards:*

(a) Minimum lot size:

Area: 5 acres
Width: 150 feet
Depth: NA

(b) Minimum building setbacks:

(1) *Front:* 50 feet
Rear: 40 feet
Side: 15 feet
Sice Street: 20 feet

(2) Building setbacks for residential use on platted lots (recorded or unrecorded subdivisions). Residential dwellings proposed on agriculture zoned lots may be reviewed by the Zoning Official for a determination of applicable setback standards. Where platted lots (recorded or unrecorded subdivisions) exist within agriculture zoning districts are proposed for residential development, the Zoning Official may determine that the minimum residential setbacks of "Front 25 feet, Rear 15 feet, Side 8 feet, and Side street

20 feet," may be applied from the property lines. In the course of review, the Zoning Official shall use best available information to determine compatibility and consistency with existing development trends and the character and nature of an area's uses, and other pertinent information relevant to a development permit application that is otherwise consistent with the County Comprehensive Plan and Land Development Codes. An appeal of a Zoning Official's determination shall be pursuant to Section 3-23, LDC.
(3) Note: additional setback standards when adjacent to water bodies in Section 6-16, LDC.
(c) Maximum building restrictions:
Coverage: NA
Height: 35 feet
Density:* 1 per 5 acres
*Dwelling units per acre
(Ord. No. 85-4, 7-23-85; Ord. No. 93-25, 11-15-93; Ord. No. 2000-34, § 1(a), 11-20-00)
Cross references: Roadside stand in AG district, § 6-1(5).

Sec. 5-26. RR-5 rural residential district regulations.

(1) *District intent.* The provisions of this district are to establish areas where very low residential densities may be maintained and where investment in homes will be protected from the adverse effects sometimes found in agricultural districts. This zoning district is permissible in the rural residential, semi-rural residential, semi-urban residential and urban residential land use categories as designated in the comprehensive plan.

(2) *Special requirements.* None.

(3) *Principal uses:*

1. Emergency shelter homes
2. Family care homes
3. Foster homes
4. Livestock and agricultural equipment barns
5. Mobile homes
6. Single-family dwellings

(4) *Conditional uses:*

1. Cemeteries
2. Churches
3. Public and private recreation facilities
4. Schools

(5) *Development standards:*

(a) Minimum lot size:

Area: 5 acre
Width: 150 feet
Depth: NA

(b) Minimum building setbacks:

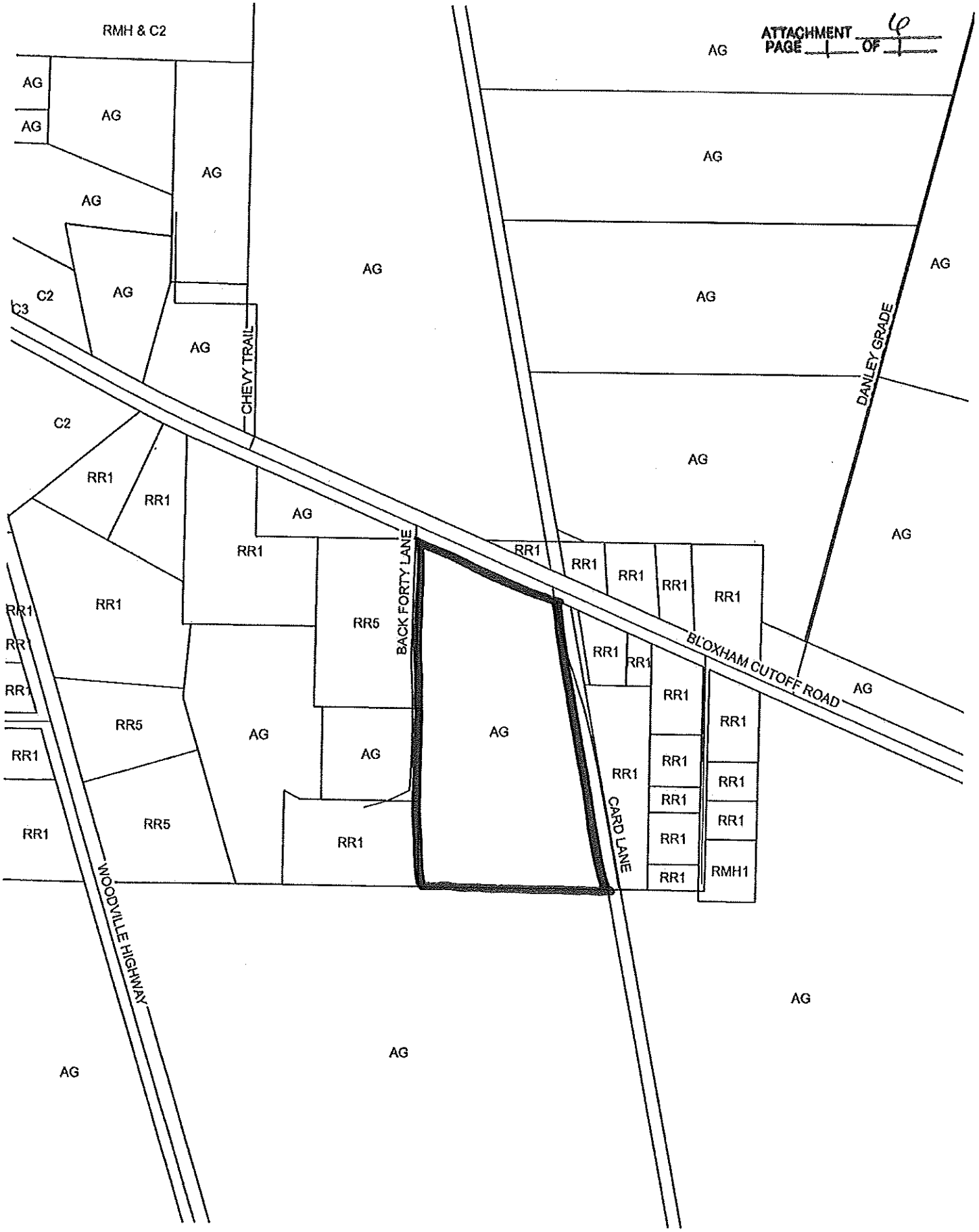
Front: 25 feet
Rear: 15 feet
Side: 8 feet

(c) Maximum building restrictions:

Coverage: NA
Height: 35 feet
Density:* 1 per 5 acres

*Dwelling units per acre

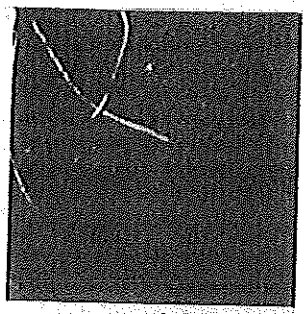
(Ord. No. 85-4, 7-23-85)


ATTACHMENT 6
PAGE 1 OF 1
RMH & C2
AG
C2
C3
RR1
RR5
RMH1
CHEVY TRAIL
BACK FORTY LANE
CARD LANE
BLOXHAM CUTOFF ROAD
DANLEY GRADE
WOODVILLE HIGHWAY

August 15, 2011 Regular Board Meeting 5:00 P.M.

All Workshops, Public Hearings and Commission Meetings are open to the public. Wakulla County does not discriminate on the basis of race, color, national origin, sex, religion, age or handicapped status in employment or the provision of services. Handicapped individuals may receive special accommodations with one working day's notice as per section 286.011(6) F.S. If special accommodations are required, please call Lara Beck-Edwards, Executive Assistant to the County Administrator at (850) 926-0919, Ext. 401.

May 19, 2011

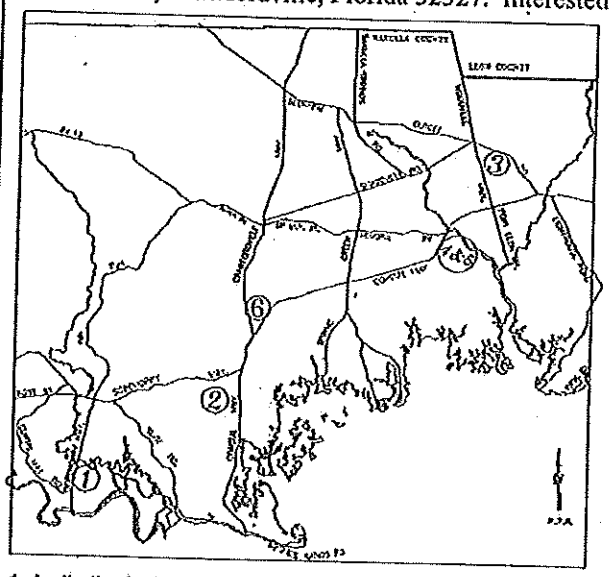


ATTACHMENT PAGE 1 OF 7

Wakulla County

NOTICE OF LAND USE CHANGE AND PUBLIC HEARINGS

The Wakulla County Board of County Commissioners proposes to consider the following applications and/or adopt the following by ordinance and has scheduled Public Hearings regarding the following before the **Wakulla County Planning Commission on Monday, June 13, 2011, beginning at 7:00 PM** and before the **Wakulla County Board of County Commissioners on Monday, July 18, 2011 at 5:00 PM and Monday, August 1, 2011, beginning at 7:00 PM, unless otherwise noted below or as time permits.** All public hearings are held at the County Commission Chambers located west of the County Courthouse at 29 Arran Road, Crawfordville, Florida 32327. Interested parties are invited to attend and present testimony.



1. Application for Conditional Use: CU11-03
Applicant: Verlon Johnson
Agent: Progress Energy and Tower Engineering Professionals
Proposal: construct communication tower
Tax ID Number: 26-5s-03w-000-01184-000
Existing FLU Map: Rural 1 (FLUE Policy 1.2.3)
Existing Zoning: RR-2 (Section 5-34, LDC)
FEMA Flood Info: "A15" zone on Panel 0350-B
Parcel Size: 12.34+/- acres
Location: east side of Sopchoppy Highway, north of Ochlocknee State Park and Curtis Mill Road
Hearings Required: Planning Commission: Monday, June 13, 2011 at 7:00 PM

2. Application for Rezoning: R11-01
Applicant: Bob and Angela Nichols
Proposal: rezone to rural residential
Tax ID Number: 03-5s-02w-000-02500-003
Existing FLU Map: Rural 2 (FLUE Policy 1.2.2)
Existing Zoning: AG (Section 5-25, LDC)
Proposed Zoning: RR-2 (Section 5-34, LDC)
FEMA Flood Info: "C" zone on Panel 0360-B
Parcel Size: 2.0+/- acres
Location: Otter Creek Road
Hearings Required: Planning Commission: Monday, June 13, 2011 at 7:00 PM.
Board of County Commissioners: Monday, July 18, 2011 at 5:00 PM.

3. Application for Rezoning: R11-02
Applicant: Randy Smith
Proposal: rezone to rural residential
Tax ID Number: 15-3s-01e-000-05199-000
Existing FLU Map: Rural 2 (FLUE Policy 1.2.2)
Existing Zoning: AG (Section 5-25, LDC)
Proposed Zoning: RR-5 (Section 5-26, LDC)
FEMA Flood Info: "C" zone on Panel 0275-B
Parcel Size: 17.76+/- acres
Location: 12 Card Lane
Hearings Required: Planning Commission: Monday, June 13, 2011 at 7:00 PM
Board of County Commissioners: Monday, July 18, 2011 at 5:00 PM and Monday, August 1, 2011 at 5:00 PM

4. Application for Conditional Use: CU10-07
Applicant: Randall and Eva Pelt
Proposal: construct driveway, boardwalk and dock within wetlands
Tax ID Number: 00-00-005-000-06199-000
Existing FLU Map: Rural 1 (FLUE Policy 1.2.3)
Existing Zoning: AG & RR-5 (Section 5-25 & 5-26, LDC)
FEMA Flood Info: "A15" zone on Panel 0250-B
Parcel Size: 12.04+/- acres
Location: southeast of Coastal Hwy and the Wakulla River
Hearings Required: Planning Commission: Monday, June 13, 2011 at 7:00PM

5. Application for Variance: V10-01
Applicant: Randall Pelt and Eva Pelt
Proposal: construct single family dwelling within wetland buffer
Tax ID Number: 00-00-005-000-06199-000
Existing FLU Map: Rural 1 (FLUE Policy 1.2.3)
Existing Zoning: AG & RR-5 (Section 5-25 & 5-26, LDC)
FEMA Flood Info: "A15" zone on Panel 0250-B
Parcel Size: 12.04+/- acres
Location: southeast of Coastal Hwy and the Wakulla River
Hearings Required: Planning Commission: Monday, June 13, 2011 at 7:00PM
County Commission: Monday, July 18, 2011 at 5:00 PM

6. Application for Conditional Use: CU11-02
Applicant: Michael Lee Yohem
Agent: William Frank
Proposal: change of use to automotive and tractor repair
Tax ID Number: 24-4s-02w-171-02078-D11
Existing FLU Map: Rural 2 (FLUE Policy 1.2.2)
Existing Zoning: C-2 (Section 5-38, LDC)
FEMA Flood Info: "C" zone on Panel 0360-B
Parcel Size: 1.0 +/- acres
Location: 4379 Crawfordville Highway (old Wakulla Lumber and Truss building)
Hearings Required: Planning Commission: Monday, June 13, 2011 at 7:00 PM

Copies of applications, draft ordinances, and any related public record files may be viewed at the County Planning Department located at 3095 Crawfordville Highway, Crawfordville, FL 32327, 8 AM to 4:30 PM M/F; Phone (850) 926-3695. Any person desiring to appeal a decision of a County Board must ensure a verbatim transcript or copy is made of the testimony and exhibits presented at said hearings. Persons needing special access considerations should call the Board Office at least 48 hours before the date for scheduling purposes. The Board Office may be contacted at (850) 926-0919 or TDD 926-7962.

MAY 26, 2011

WAKULLA COUNTY ZONING ORDINANCE
NUMBER: 20011-___

AN ORDINANCE AMENDING THE WAKULLA COUNTY LAND DEVELOPMENT CODE, ORDINANCE NO. 85-4, AS AMENDED; CHANGING THE ZONING DISTRICT CLASSIFICATION AND OFFICIAL ZONING ATLAS FROM AG TO RR-5 FOR PROPERTY DESCRIBED AS ATTACHED EXHIBIT "A" TO THE ORDINANCE; REPEALING ALL ORDINANCES, OR PORTIONS THEREOF, IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA:

SECTION 1: This Ordinance shall be referred to as to Rezoning R11-02 which changes the zoning classification of a certain parcel of real property owned by Randy Smith, Property ID Numbers 15-3s-01e-000-05199-000, more particularly depicted on Exhibit "A" attached hereto.

SECTION 2: The Official Zoning Atlas, as adopted in Section Two of Ordinance Number 85-4, in conjunction with Chapter Five of the Wakulla County Land Development Code, is hereby amended or revised, in whole or in part, to change that certain parcel of property situated in Wakulla County from AG to RR-5. Said property more particularly depicted as Exhibit "A", attached hereto.

SECTION 3: Should any portion of this Ordinance be held by a court of competent jurisdiction to be illegal, void, unenforceable, or unconstitutional, then the part so held shall be severed from this Ordinance and the remainder shall remain in full force and effect. All Ordinances or parts of Ordinances in conflict herewith shall be hereby repealed or changed to be consistent therein.

SECTION 4: This Ordinance shall become effective as provided by Law.

DULY PASSED AND ADOPTED in regular session this _____day of _____, _____.

BOARD OF COUNTY
COMMISSIONERS OF WAKULLA
COUNTY, FLORIDA

_____
Mike Stewart,
Chairman of the Board

ATTEST:

Brent X. Thurmond,
Clerk of the Circuit Court

APPROVED AS TO FORM:

_____
Heather J. Encinosa,
Wakulla County Attorney

DRAFT

Exhibit "A"

Commence at a concrete monument marking the Southwest corner of the Northeast quarter of the Northwest quarter of Section 15, Township 3 South, Range 1 East, Wakulla County, Florida. From said Point of Beginning run North 00 degrees 16 minutes 26 seconds West 329.98 feet to a concrete monument, thence run North 00 degrees 17 minutes 03 seconds West 342.08 feet to an iron pipe, thence run North 00 degrees 21 minutes 03 seconds West 645.75 feet to a concrete monument lying on the Southwesterly right-of-way boundary of State Road No. 267 (Bloxham Cut-off), thence run South 67 degrees 13 minutes 49 seconds East along said right-of-way boundary 596.40 feet to a concrete monument (marked # 2919), thence leaving said right-of-way boundary run South 11 degrees 17 minutes 50 seconds East 408.44 feet to an iron rod and cap (marked # 7160), thence run West 759.84 feet to the Point of Beginning.

Subject to a 100.00 foot wide powerline Easement lying over and across the easterly 50.00 feet thereof.

Subject to a graded road over and across the Northeasterly boundary thereof.

UNOFFICIAL COPY

Inst:0800205609 Date:12/17/2003 Time:14:59
Doc Stamp-Deed : 525.00
DC, Brent Thurmond, WAKULLA County B:517 P:239

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	July 12, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy Barden, Interim County Administrator Melissa Corbett, Planner II
Subject:	Application For Comprehensive Plan Map Amendment CP11-01 (Mark and Lynn Hinrichs, Owners; Bruce I. Wiener, Agent)

Statement of Issue:
This agenda item provides the Board with an Application for a Small Scale Comprehensive Plan Map Amendment from Agriculture (Primary Agriculture) to Rural 1 (Agriculture/Rural Fringe) on a parcel located south of 221 Tiger Hammock Road.

Background:
This Application requests a Map Amendment from the existing Agriculture (Primary Agriculture) to a Rural 1 (Agriculture/Rural Fringe) land use. This property is a 6.04+/- acre parcel located on the east side of Tiger Hammock Road. The Subject Property is also located north of the Mysterious Waters subdivision. (Attachment 1)

This Application was previously considered last year and earlier this year as Comprehensive Plan Map Amendment CP10-02. On November 18, 2010, the Application was reviewed by the Technical Review Committee and all required items were submitted. Planning Commission considered this item at their March 14, 2011 public hearing and unanimously recommended approval of the Application. Then on April 4, 2011 the Board held a public hearing on this item and voted to adopt the Map Amendment. The Application was subsequently forwarded to DCA along with three other adjoining properties small scale map amendments.

After the State's review, DCA determined this property and the adjoining lot, which was adopted as Small Scale Comprehensive Plan Map Amendment CP10-03 at the April 4, 2011 public hearing, to be under the same ownership. As such, they stated this property failed to qualify as a small scale amendment. The owners of this lot are Mark and Lynn Hinrichs and the owner of CP10-03 is Lynn Hinrichs. Florida Statutes Section 163.3187(1)(c)1.c. states a small scale amendment is allowed given the following:

c. The proposed amendment does not involve the same owner's property within 200 feet of property granted a change within the prior 12 months.

DCA determined that the two properties owned by the Hinrichs fell into the category prohibited by the aforementioned section. However, later through the 2011 Legislative Session this Florida Statutes section was removed and restrictions on property ownership for small scale map amendments have ceased. Thus, the Applicants are again seeking a small scale map amendment on this property since this restriction has been lifted.

Since the former small scale map amendment adoption was found inconsistent by DCA, the proposed Ordinance (Attachment 8) for this Application includes the revocation of Ordinance 2011-05 by which the Board adopted the Map Amendment at their April 4, 2011 hearing. The attached draft Ordinance also includes the adoption of the Small Scale Map Amendment.

The Planning Commission considered this item at their July 11, 2011 public hearing. No citizens spoke on the item and at the conclusion of the public hearing, the Commission voted unanimously to recommend approval of the Application.

Analysis:

Comprehensive Plan: The Future Land Use Map (FLUM) designation for the property is Agriculture. The Agriculture land use allows for very low density residential, silviculture and farming activities, but disallows commercial activities. Residential dwellings are allowed at a density of one dwelling unit per twenty acres of land. Like the Agriculture designation the proposed designation, Rural 1, allows very low density residential and agriculture activities and disallows commercial zoning districts. Within this designation, residential density is allowed at one dwelling unit per ten acres with a dirt road access and one unit per five acres with a paved road access. (Attachment 2)

Land Development Code: The current zoning district for the property is AG. The AG zoning district allows for the construction of site-built, single family homes and the installation of mobile homes. This district allows for a density of 1 dwelling unit per five acres of land. It does not allow for any commercial development. (Attachment 3).

Site Conditions: The FEMA flood zone designations for the property are zones "A and C". Zone A is part of the one hundred year flood zone and where property owners have a one percent chance in any given year of experiencing the one hundred year flood. Zone "C" is an area of minimal flooding, and usually does not require flood insurance by mortgage lenders.

Staff completed a site visit on February 9, 2011. Currently, the site is heavily wooded and does not contain any structures. No environmentally sensitive features, such as wetlands, karst features or endangered species are known to be located on the Subject Property. (Attachment 4)

Adjacent Parcels: Abutting parcels are designated with the Agriculture land use. The Agriculture land use allows for residential, silviculture and farming activities, but disallows commercial activities. Rural 1 and Rural 2 land uses are also in the vicinity. The Rural 1 land use allows residential and agricultural activities but does not allow for commercial activities. Rural 2 allows for limited commercial zoning districts and several residential zoning districts. Additionally, it is important to note that many parcels in the area are zoned for single-family residential units and are of similar acreage. (Attachment 5)

Compatibility: The proposed Rural 1 designation would be compatible with parcels in the area to the north and south of the Subject Property, that are already designated Rural 1. It is interesting to note that across the Wakulla River from this property the Future Land Use is Rural 2, which allows for one dwelling unit per two acres of land, which is a more intense use than the proposed FLUM designation. This is the River Plantation Estates Subdivision. This property's current Agriculture zoning is consistent with the existing Agriculture FLUM land use requirements, and is also compatible with the proposed Rural 1 FLUM land use.

The Subject Property's current size of 6.04 acres would be compatible with the Rural 1 land use's allowable density of one dwelling unit per five acres.

Public Notification: This request has been noticed and advertised in accordance with the provisions of the Wakulla County Land Development Code. To date, the Planning Department has not received any written responses to the advertisement. The Planning Department also posted appropriate signage on the property indicating the Map Amendment request.

The advertisement for this public hearing appeared in The Wakulla News on June 23, 2011 (Attachment 6).

Additional Issues:

A narrative, in conjunction with the Transportation Concurrency Application, has been provided by the Applicant to support their request. The narrative provides details on all aspects of the Subject Property and the impacts the proposal will have. In addition, the Transportation Concurrency Application has been completed to show that no adverse or significant impacts to the roadways surrounding the project will result from the proposed change. (Attachment 7)

Within the narrative, the history of the Subject Property's creation is discussed. In 2005, Wakulla County acknowledged the creation of this 6.04 acre tract through an administrative division approval, also known as a Subdivision Determination Letter (SDL). This SDL approved the division of two 12 acre tracts into four 6.04 acre tracts. However, due to the fact that the Subject Property's Future Land Use designation of Agriculture allows a density of one dwelling unit per twenty acres of land, this parcel was subsequently found to be ineligible for a residential unit in 2010 due to inadequate acreage. Staff discussed the options of applying for either a large scale (encompassing more than 10 acres) Future Land Use Map Amendment for the entire property encompassed in the SDL (the two 12 acre tracts) or individual small scale (encompassing 10 acres or less) Future Land Use Map Amendments for the properties. The Applicant and the other owners of the properties encompassed in the SDL submitted requests for small scale Future Land Use Map Amendments to make the previously recognized lots consistent with their Future Land Use designation. These three other Map Amendments were adopted by the Board on April 4, 2011 and subsequently accepted by DCA.

The Subject Property is not located within the Wakulla Springs Special Planning Area or any area previously noted as a potential Overlay district.

Options:

1. Conduct the second of two public hearings and vote to adopt the proposed Ordinance revoking Ordinance 2011-05 and amending the Comprehensive Plan Future Land Use Map, amending the Future Land Use Map designation from Agriculture (Primary Agriculture) land use to Rural 1 (Agriculture/Rural Fringe) 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.

2. Conduct the second of two public hearings and vote to deny the proposed Ordinance revoking Ordinance 2011-05 and amending the Comprehensive Plan Future Land Use Map, retaining the existing Agriculture (Primary Agriculture) land use designation based upon the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.
3. Board Direction.

Recommendation:

Option #1. The Planning Commission, as the Local Planning Agency pursuant to Section 24.037, Wakulla County Code and Section 163.3174, Florida Statutes recommended approval of the proposed Application and Ordinance.

Attachment(s):

1. Location Map
2. FLUM Policy 1.2.2 and 1.2.3
3. Section 5-25, LDC
4. Site Photos
5. FLUM Policy 1.2.2, 1.2.3 and 1.2.4
6. Advertisement
7. Narrative
8. Draft Ordinance

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy Barden, Interim County Administrator Melissa Corbett, Planner II Somer Strickland, Planner
Subject:	Application for Variance V10-06 Randall and Eva Pelt, Owners/Edwin Brown and Associates, Agent

Statement of Issue:
This agenda item provides the Board with an Application for Variance to construct a single-family dwelling within the seventy-five foot wetland buffer.

Background:
This application requests approval for a Variance to construct a single-family dwelling within the seventy-five wetland buffer. The Subject Property currently contains 12.97+/- and is located southeast of Coastal Highway and the Wakulla River (Attachment 1).

Technical Review Committee (TRC): On December 20, 2010, the request was reviewed by the Technical Review Committee. The Agent was notified that a statement of impact to the adjoining property owners was required to complete the file. As of the date of this Agenda Request, all required permits have been submitted to the file.

Planning Commission: On June 13, 2011, the Planning Commission reviewed this item and voted unanimously to recommend approval. It should also be noted that on June 13, 2011 the Planning Commission also unanimously approved the construction of a single-family access driveway through wetlands in accordance with the "Wetlands Protection Ordinance."

Analysis:

Comprehensive Plan: The Future Land Use Map (FLUM) designation for the property is Rural 1. Rural 1 allows for a density of 1 dwelling unit per 5 acres of land with access from paved county or state maintained roadways and 1 dwelling unit 20 acres of land for areas which are wetlands (Attachment 2).

Land Development The zoning district for the property is RR-5 (Rural Residential). This

Code: zoning district allows for the construction of single-family, site-built homes and mobile homes. The RR-5 zoning district allows for a density of 1 dwelling unit per 5 acres of land (Attachment 3).

Site Conditions: The FEMA flood zone designation for the property is "A15". Zone "A15" is an area within the limits of the 100-year floodplain.

Currently, the site is vacant. Jurisdictional wetlands make up 12.01+/-acres of the Subject Property, while approximately 0.96+/- acres of uplands exists.

The proposed single-family dwelling will be serviced by a private well and performance based septic system.

Staff completed a site visit on May 20, 2011 (Attachment 4).

Adjacent Parcels: Adjacent parcels are zoned AG (Agricultural) and RR-1 (Rural Residential) (Attachment 5).

Compatibility: The RR-5 zoning district is consistent with the Comprehensive Plan's Future Land Use Map designation.

The proposed single-family dwelling complies with the Comprehensive Plan's policy which requires a thirty-five foot no development zone and the Buffer Zone Two requirements provided by Section 9(A)(1) of the "Wetlands Protection Ordinance" (Attachment 6).

Public Notification: The advertisement for this public hearing appeared in The Wakulla News on May 26, 2011 (Attachment 7).

This request has been noticed and advertised in accordance with the provisions of the Wakulla County Code. The Planning and Community Development Department also posted a sign on the property indicating the variance request. To date, the Planning Department has not received any written responses to the notice.

Additional Issues: It should be noted, that prior to the purchase of the Subject Property by the Pelts, the previous owners faced issues regarding the ownership of a 1.26+/- acre portion of the Subject Property. An adjoining property owner claimed that the 1.26+/- belonged to her, while the previous property owners claimed ownership. After court

proceedings the claims were thrown out. Legal counsel has sought to review the court documents to verify that the issue was resolved adversely to the adjoining property owner but as of the time for submittal of the Agenda, that information has not been received. It is anticipated that a review of this information will be completed prior to the Planning Commission meeting on this item. Deeds, a title opinion and title insurance on the Subject Property determines that the 1.26+/- of the Subject Property is rightfully owned by Mr. and Mrs. Pelt.

Options:

1. Conduct the final Public Hearing and approve the Application for Variance V10-06 the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.

2. Conduct the final Public Hearing and approve the Application for Variance V10-06 with conditions, based upon the staff 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.

3. Conduct the final Public Hearing and deny the Application for Variance V10-06, based on the findings of fact and conclusions of law made by the Board and any evidence submitted at the Hearing hereon.

4. Board Direction.

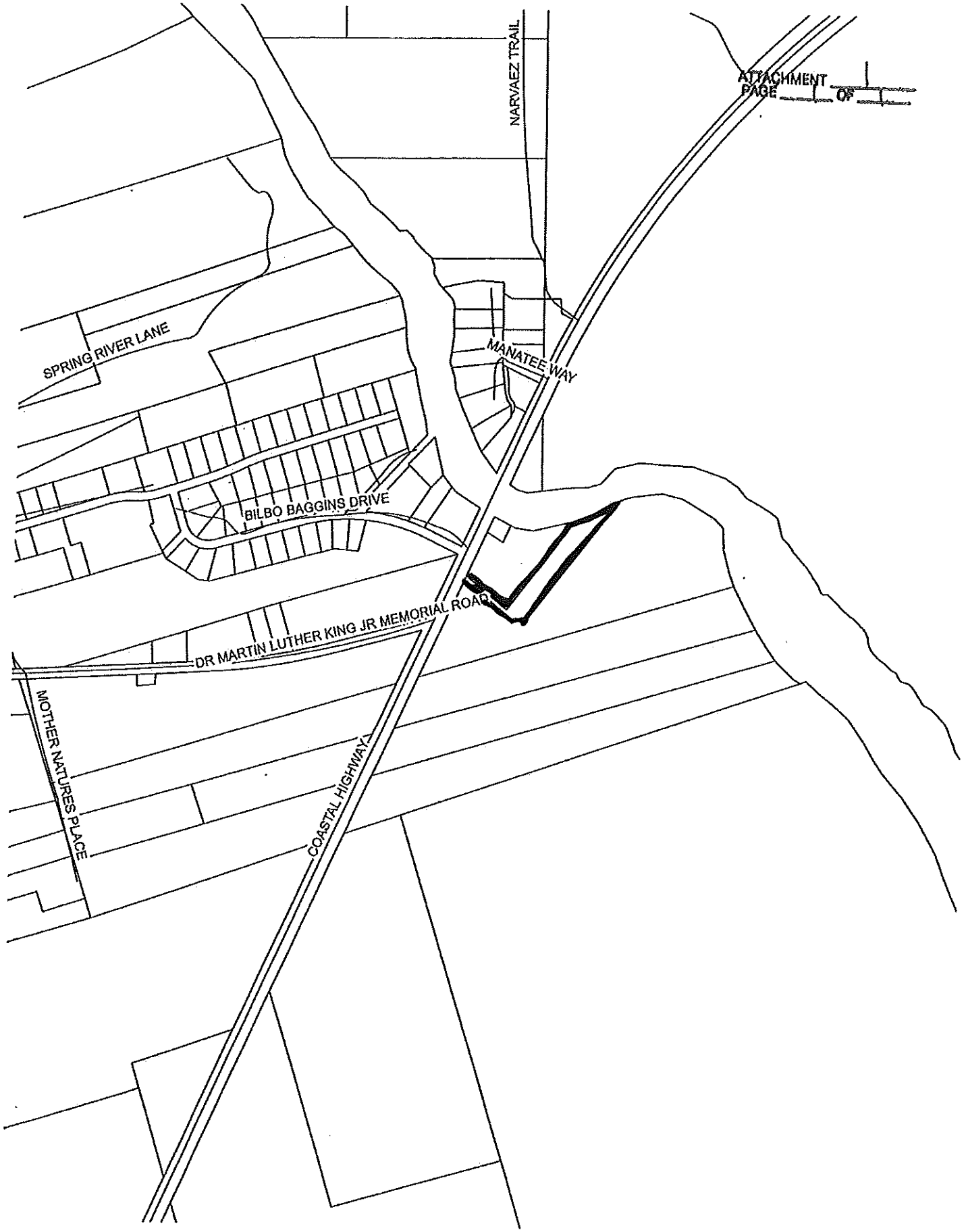
Recommendation:

Option #2. Staff recommends approval of the Application for Variance V10-06, with the following conditions:

- The variance will expire 2 years from the date of approval and grant the Planning Department the authority to extend the variance at the end of the 2 year period, if necessary.
- Utilizing Best Management Practices for the protection of wetlands during the construction of the dwelling.

Attachment(s):

1. Location Map
2. FLUE Policy 1.2.3
3. Section 5-26, LDC
4. Site Photos
5. Zoning Map
6. Site Plan
7. Advertisement



ATTACHMENT
PAGE 1 OF 1

1.2.3. *Rural-1 (Agriculture/Rural Fringe).*

(1) *Description.* This is a more conventional agriculture and low density residential designation designed to provide for general agricultural and forestry activities along with limited residential and non-residential use or service uses in the outlying areas which are not expected to become urban during the planning period.

(2) *Permitted/Prohibited Uses.*

(a) Agricultural and forestry activities, along with accessory uses, shall be permitted.

(b) Residential development at very low densities shall be permitted and shall be limited to development not relying on future extension of urban services.

(c) Public uses including schools shall be permitted in this designation. Public land uses may be permitted within this land use designation subject to staff review, public hearing, and approval process if compatible and consistent with the land use designation and established as a Conditional Use in the Wakulla County Land Development Code, Section 3-21, (Code dated July 23, 1985, as amended).

(3) *Density/Intensity Limitations.*

(a) Non-residential uses shall not exceed a floor-area ratio (FAR) of 0.05.

(b) Overall residential density may be permitted at densities up to one unit per five (5) acres on paved County or state roadways, or one (1) dwelling unit to ten (10) acres on unpaved roadways. The actual density permitted shall be based on access, as follows:

Where average lot sizes (exclusive of open space in cluster of PUD developments) are greater than five (5) acres but less than ten (10) acres, each lot shall have frontage on a paved road or on a private road meeting the standards of the Traffic Circulation Element Policy 2.3.

Where average lot size (exclusive of open space in cluster or PUD developments) are ten (10) acres or more, access shall be provided.

(c) In calculating residential density, areas which are habitats for threatened or endangered species, the density shall be maintained at the residential land use density for that land use classification. Actual development shall be addressed by transfer of density in the Land Development Code.

(d) In calculating residential density, areas which are in wetlands, the density shall be permitted at an overall density of one unit per twenty (20) acres.

(e) In all cases, the gross density of a subdivision shall not exceed one (1) dwelling unit to five (5) acres.

(4) *Special Development Standards.*

(a) While residential development may be permitted at a density greater than one dwelling unit per ten (10) acres, any such development shall be arranged so as to utilize a limited number of access points from any arterial or collector road and so as to reduce the visibility of the development from such road to the maximum extent possible.

(b) Where permitted by the Plan, commercial development may be located in clusters of four (4) buildings or less with no more than 15,000 square feet of floor

area, at an intersection of two (2) arterial roads or an arterial and collector road. Such non-residential development may be allowed within one-quarter mile of the intersection. Non-residential land uses shall also provide a landscape and design plan at the development review stage that clearly indicates how each site will meet the land development code's open space and landscape provisions. It is the intent of this requirement to promote the use of native vegetation to the fullest extent possible.

(5) *For Subdivisions up to Forty (40) Acres in Area Containing up to Eight (8) Lots:*

(a) Individual lots shall be five (5) acres in size or greater unless the lots are clustered to provide common open space for the subdivision. Lots shall not be less than one (1) acre in are if clustered. The following provisions in (7) and (8)(a) may also be applied to subdivisions of forty (40) acres or less.

(6) *For Subdivisions Greater Than Forty (40) Acres But One Hundred Sixty (160) Acres in Size or Less Containing up to Thirty-Two (32) Lots:*

(a) Individual lots shall be five (5) acres in size or larger and the subdivision shall have direct access to a paved arterial or collector roadway and internal local roads within the subdivision shall be paved to County standards; or

(b) Lots must be at least one (1) acre in size and the lots shall be clustered in order to provide eighty (80) percent of the land area in open space.

(7) *The Following in (a) below, May Be Applied to Subdivisions of Greater Than Forty (40) Acres, and Equal to or Less Than One Hundred Sixty (160) Acres in Size:*

(a) Subdivisions larger than one hundred sixty (160) acres: all lots shall be clustered on twenty (20) percent of the site with the remaining site acreage maintained as open space. Lot size shall be one (1) acre or greater. The subdivision shall have paved access to a paved arterial or collector roadway. All internal local roads within the subdivision shall be paved to County standards.

(b) Open space, as applied in this policy, means either allowing the land and vegetative cover to remain in its natural state or in an agricultural or silvicultural related land use. Passive recreational activities including hunting, fishing, hiking, and other activities which do not significantly modify the landscape are consistent with the definition of open space uses.

(8) The County will ensure through this policy, its land development regulations, and development orders and permits, that the open space provided through this open space/clustering option is maintained over time. Such open space shall not be developed except through the application of a Plan amendment determined to be in compliance by the Florida Department of Community Affairs.

(9) The aggregation of contiguous parcels of land for proposed development which do not meet the standards listed above for the larger parcels, once aggregated, shall be prohibited. The addition of parcels to expand previously developed areas shall meet the standards established for the total size of the aggregated parcel.

(10) Development in the Rural-1 use designation may occur at a density of one (1) dwelling unit per ten (10) acres or a lesser density without the above clustering/open space or roadway paving requirements.

(11) Development of new parcels resulting from the subdivision of land after these policies are effective shall meet the lot size, clustering/open space, and roadway paving requirements for development of the parent parcel based on the size of the parent parcel at the time the policies are effective. The size of this parent parcel shall be based on the combination of adjacent undeveloped parcels under single ownership.

Sec. 5-26. RR-5 rural residential district regulations.

(1) *District intent.* The provisions of this district are to establish areas where very low residential densities may be maintained and where investment in homes will be protected from the adverse effects sometimes found in agricultural districts. This zoning district is permissible in the rural residential, semi-rural residential, semi-urban residential and urban residential land use categories as designated in the comprehensive plan.

(2) *Special requirements.* None.

(3) *Principal uses:*

1. Emergency shelter homes
2. Family care homes
3. Foster homes
4. Livestock and agricultural equipment barns
5. Mobile homes
6. Single-family dwellings

(4) *Conditional uses:*

1. Cemeteries
2. Churches
3. Public and private recreation facilities
4. Schools

(5) *Development standards:*

(a) Minimum lot size:

Area: 5 acre
Width: 150 feet
Depth: NA

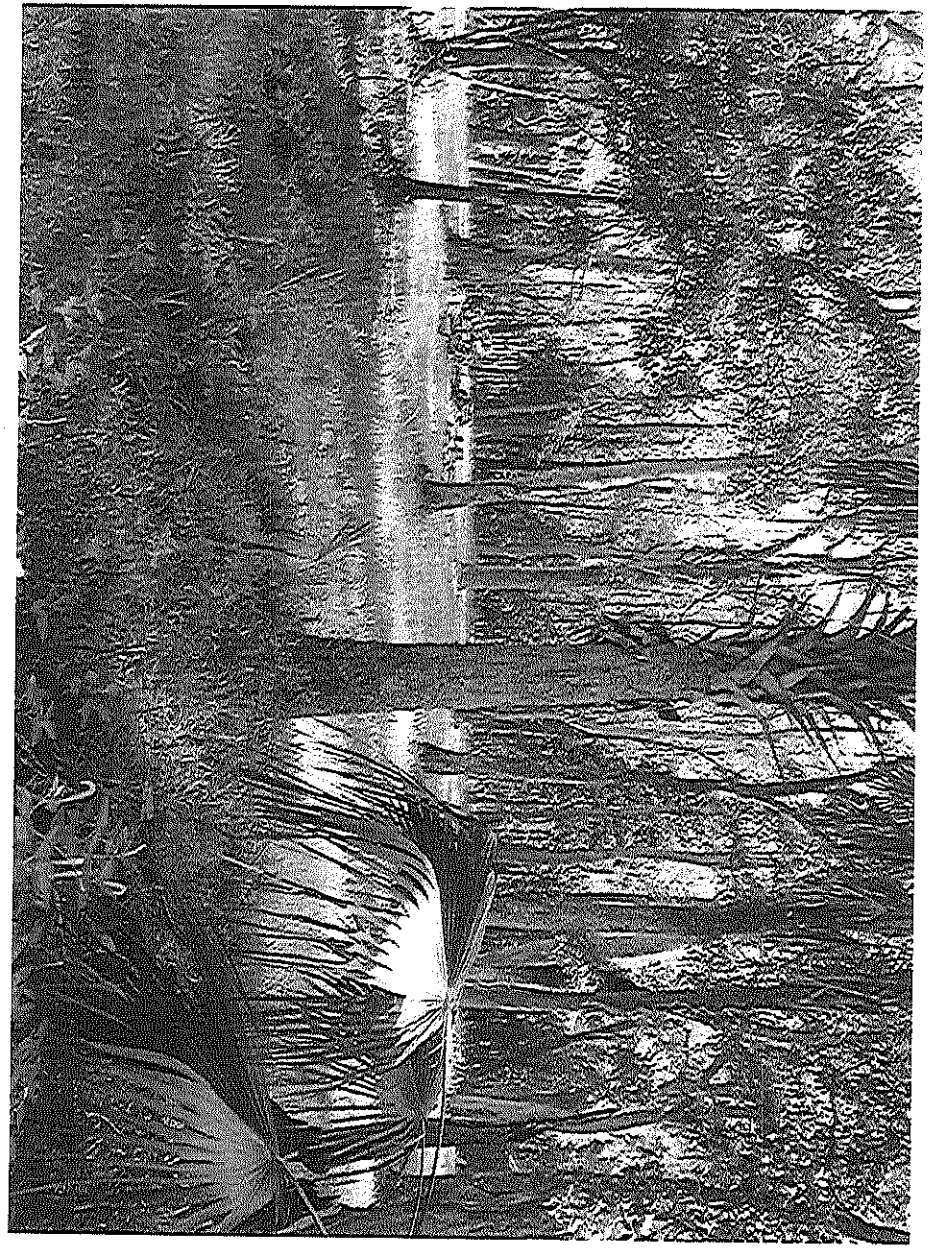
(b) Minimum building setbacks:

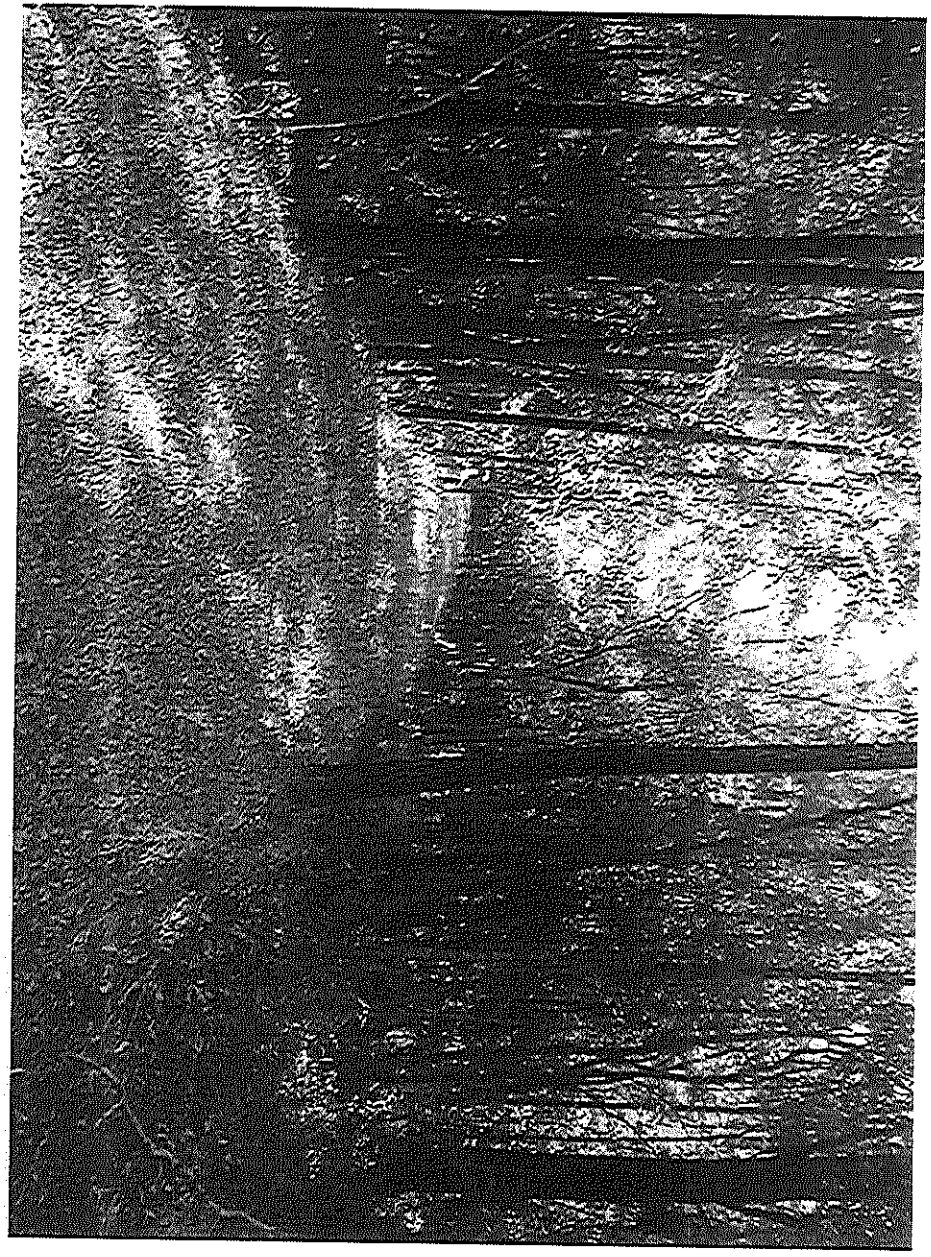
Front: 25 feet
Rear: 15 feet
Side: 8 feet

(c) Maximum building restrictions:

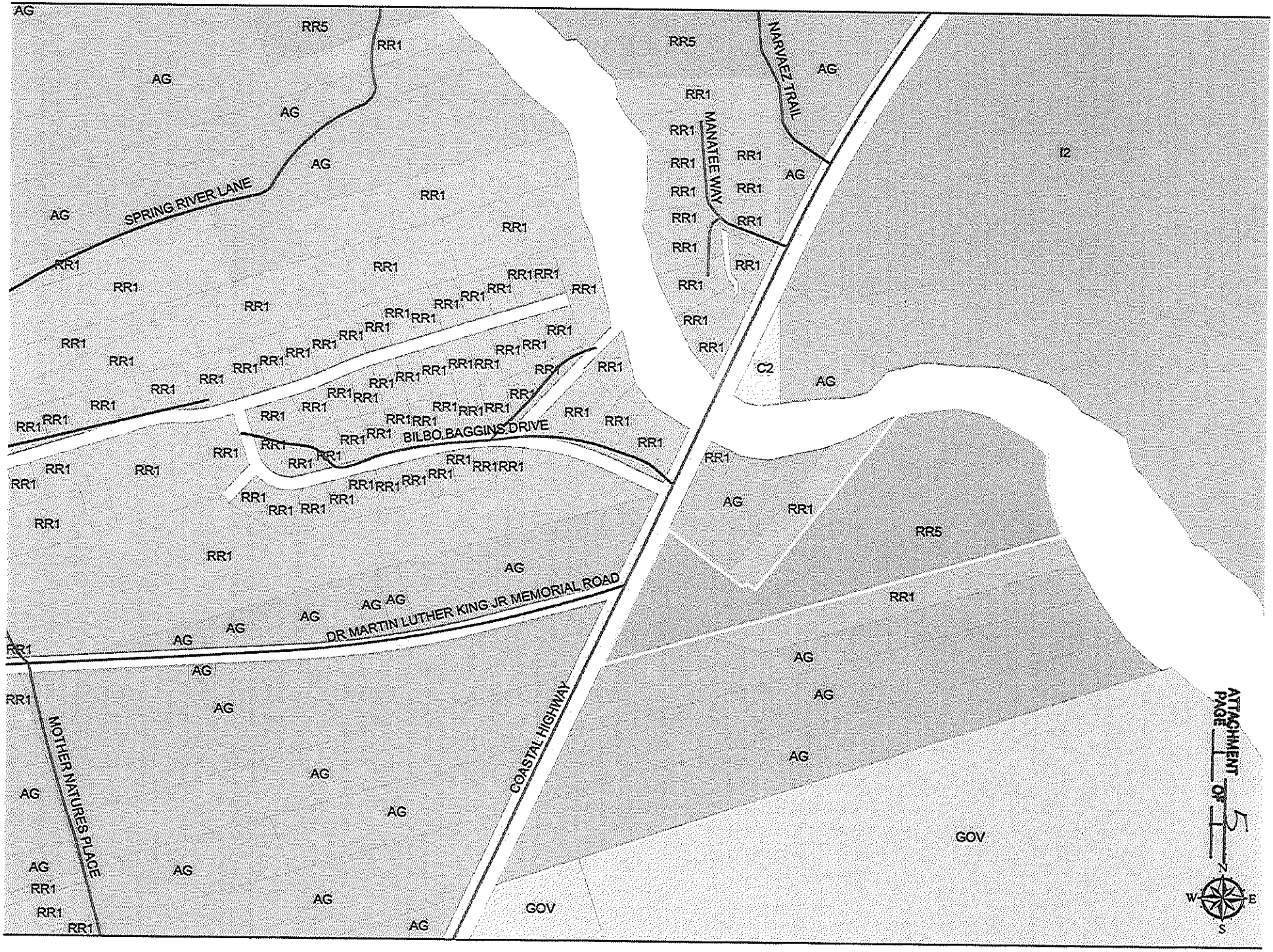
Coverage: NA
Height: 35 feet
Density:* 1 per 5 acres
*Dwelling units per acre

(Ord. No. 85-4, 7-23-85)



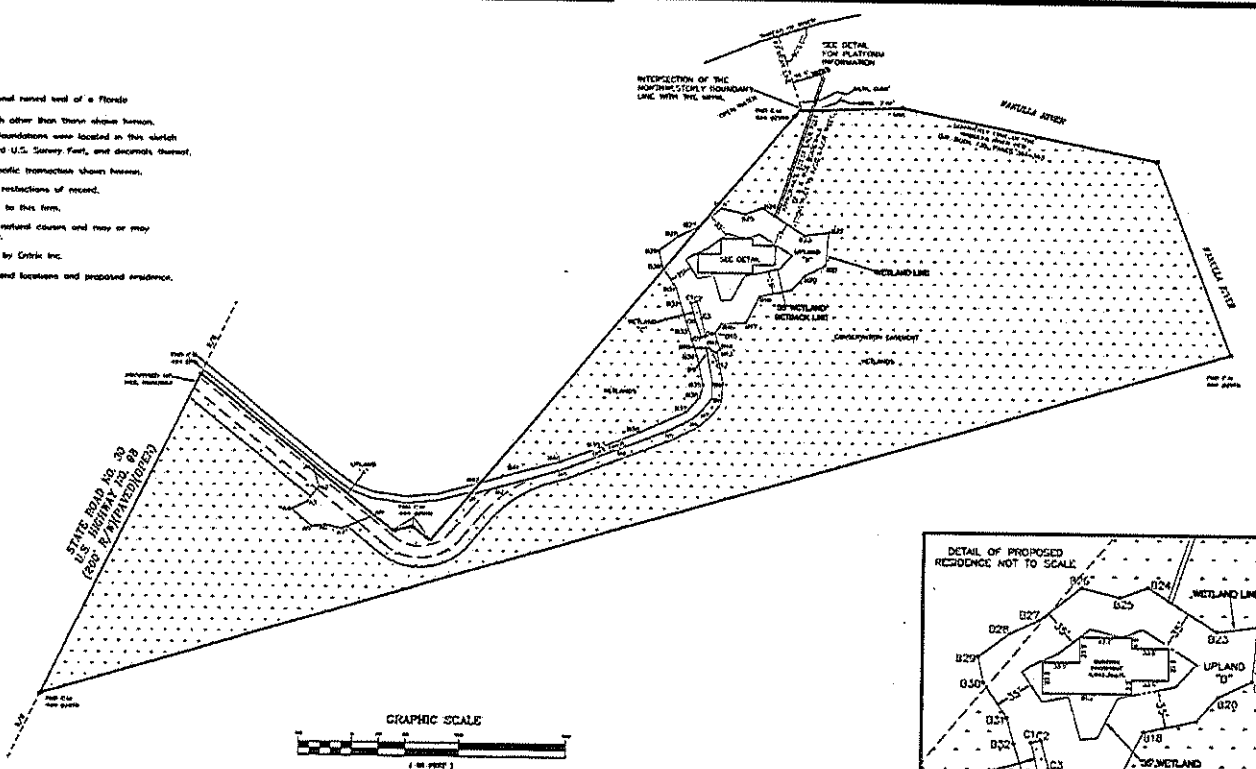


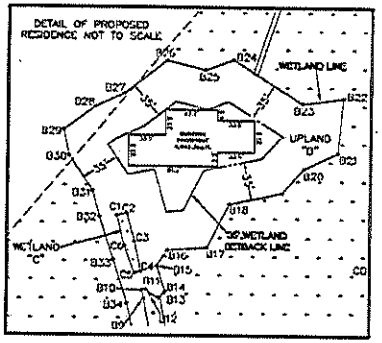
ATTACHMENT 4
PAGE 1 OF 1


SPRING RIVER LANE
BILBO BAGGINS DRIVE
DR MARTIN LUTHER KING JR MEMORIAL ROAD
MOTHER NATURES PLACE
COASTAL HIGHWAY
MANATEE WAY
NARVAEZ TRAIL
ATTACHMENT
PAGE 5 OF 7
N
W
E
S

NOTES:

1. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
2. No improvements were located in this sketch other than those shown hereon.
3. No underground encroachments, utilities or foundations were located in this sketch.
4. All measurements shown hereon are Standard U.S. Survey Feet, and decimals thereof.
5. The use of this sketch is limited to the specific transaction shown hereon.
6. Subject to zoning setbacks, easements and restrictions of record.
7. Adjoining deeds of record were not provided to this firm.
8. Water boundary is subject to change due to natural courses and may or may not represent actual location of limit of title.
9. Wetland lines shown hereon were delineated by Entrix Inc.
10. Plat of specific purpose to show wetland/upland locations and proposed ingress/egress.





EDWIN BROWN & ASSOCIATES

SURVEYORS * MAPPERS * ENGINEERS

(850) 926-3016 (850)-433-6436 FAX (850) 926-9110

P.O. Box 625 2913 Crawfordville Hwy. Crawfordville, FL 32326

I hereby certify that this is a true and correct representation of the property shown hereon and that this survey substantially meets the minimum technical standards for land surveying (Chapter 61G17, Florida Administrative Code.)

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

WADE C. BROWN
Surveyor & Mapper
Florida Certificate No. 5959
(LB# 6475)

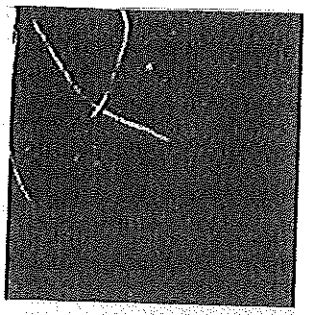
LEGEND

PMD = PERMANENT REFERENCE MONUMENT
FND = FOUND
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PCC = POINT OF COMPOUND CURVATURE
PRC = POINT OF REVERSE CURVATURE
POT = POINT OF TERMINUS
PLS = PROFESSIONAL LAND SURVEYOR
CM = CONCRETE MONUMENT
FIR = FOUND IRON ROD
FIP = FOUND IRON PIPE
FNAIL = FOUND NAIL
FNAIL&D = FOUND NAIL AND DISK
FCM = FOUND CONCRETE MONUMENT
FPK = FOUND PARKER KALON NAIL
SIR = SET 1/2" IRON ROD & CAP #6475
SNAIL = SET NAIL & DISK #6475
SCM = SET 4x4 CONCRETE MONUMENT (#6475)
PK = PARKER KALON NAIL
CAP = CAP
DISK = DISK
BM = BENCHMARK
CB = CONCRETE BLOCK
PP = POWER POLE
LP = LIGHT POLE
WM = WATER METER
WV = WATER VALVE
MH = MANHOLE
SIGN = SIGN
FH = FIRE HYDRANT
MB = MAILBOX
TP = TELEPHONE PEDESTAL
CATV = CABLE TV PEDESTAL
EOP = EDGE OF PAVEMENT
CL = CENTERLINE
CONC = CONCRETE
ASPH = ASPHALT
GravRd = GRAVEL ROAD
DIRT = DIRT ROAD
OHW = OVERHEAD WIRES
WF = WOOD FENCE
CLF = CHAIN LINK FENCE
BF = BARBED WIRE FENCE
IF = IRON FENCE
VF = VINYL FENCE
PF = PICKET FENCE
RF = RAIL FENCE
SW = SILT FENCE
CRF = CROSS FENCE
GF = GUARD FENCE
SF = SPLIT RAIL FENCE
TF = TEMPORARY FENCE
WALL = RETAINING WALL
BLDG = BUILDING
CONC = CONCRETE
ENCL = ENCLOSURE
COVD = COVERED
SHED = SHED
GAZ = GAZEBO
POOL = SWIMMING POOL
SPA = SPA
DECK = DECK
PAT = PATIO
PORCH = PORCH
CAGE = CAGE
GAR = GARAGE
CARP = CARPORT
AC = AIR CONDITIONER
TANK = TANK

August 15, 2011 Regular Board Meeting 5:00 P.M.

All Workshops, Public Hearings and Commission Meetings are open to the public. Wakulla County does not discriminate on the basis of race, color, national origin, sex, religion, age or handicapped status in employment or the provision of services. Handicapped individuals may receive special accommodations with one working day's notice as per section 286.011(6) F.S. If special accommodations are required, please call Lara Beck-Edwards, Executive Assistant to the County Administrator at (850) 926-0919, Ext. 401.

May 19, 2011

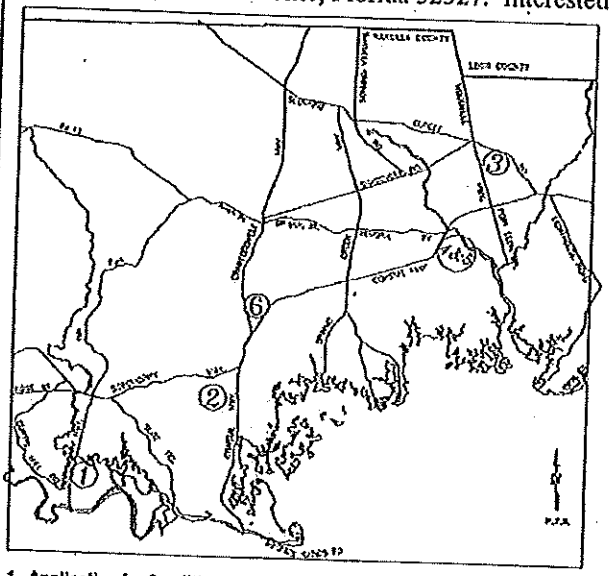


ATTACHMENT PAGE 7 OF 11

Wakulla County

NOTICE OF LAND USE CHANGE AND PUBLIC HEARINGS

The Wakulla County Board of County Commissioners proposes to consider the following applications and/or adopt the following by ordinance and has scheduled Public Hearings regarding the following before the **Wakulla County Planning Commission on Monday, June 13, 2011, beginning at 7:00 PM** and before the **Wakulla County Board of County Commissioners on Monday, July 18, 2011 at 5:00 PM and Monday, August 1, 2011, beginning at 7:00 PM, unless otherwise noted below or as time permits.** All public hearings are held at the County Commission Chambers located west of the County Courthouse at 29 Arran Road, Crawfordville, Florida 32327. Interested parties are invited to attend and present testimony.



1. Application for Conditional Use: CU11-03

Applicant:	Verion Johnson
Agent:	Progress Energy and Tower Engineering Professionals
Proposal:	construct communication tower
Tax ID Number:	26-5s-03w-000-01184-000
Existing FLU Map:	Rural 1 (FLUE Policy 1.2.3)
Existing Zoning:	RR-2 (Section 5-34, LDC)
FEMA Flood Info:	"A15" zone on Panel 0350-B
Parcel Size:	12.34+/- acres
Location:	east side of Sopchoppy Highway, north of Ochlocknee State Park and Curtis Mill Road
Hearings Required:	Planning Commission: Monday, June 13, 2011 at 7:00 PM

2. Application for Rezoning: R11-01

Applicant:	Bob and Angela Nichols
Proposal:	rezone to rural residential
Tax ID Number:	03-5s-02w-000-02500-003
Existing FLU Map:	Rural 2 (FLUE Policy 1.2.2)
Existing Zoning:	AG (Section 5-25, LDC)
Proposed Zoning:	RR-2 (Section 5-34, LDC)
FEMA Flood Info:	"C" zone on Panel 0360-B
Parcel Size:	2.0+/- acres
Location:	Otter Creek Road
Hearings Required:	Planning Commission: Monday, June 13, 2011 at 7:00 PM.

Board of County Commissioners: Monday, July 18, 2011 at 5:00 PM.

3. Application for Rezoning: R11-02

Applicant:	Randy Smith
Proposal:	rezone to rural residential
Tax ID Number:	15-3s-01e-000-05199-000
Existing FLU Map:	Rural 2 (FLUE Policy 1.2.2)
Existing Zoning:	AG (Section 5-25, LDC)
Proposed Zoning:	RR-5 (Section 5-26, LDC)
FEMA Flood Info:	"C" zone on Panel 0275-B
Parcel Size:	17.76+/- acres
Location:	12 Card Lane
Hearings Required:	Planning Commission: Monday, June 13, 2011 at 7:00 PM

Board of County Commissioners: Monday, July 18, 2011 at 5:00 PM and Monday, August 1, 2011 at 5:00 PM

4. Application for Conditional Use: CU10-07

Applicant:	Randall and Eva Pelt
Proposal:	construct driveway, boardwalk and dock within wetlands
Tax ID Number:	00-00-005-000-06199-000
Existing FLU Map:	Rural 1 (FLUE Policy 1.2.3)
Existing Zoning:	AG & RR-5 (Section 5-25 & 5-26, LDC)
FEMA Flood Info:	"A15" zone on Panel 0250-B
Parcel Size:	12.04+/- acres
Location:	southeast of Coastal Hwy and the Wakulla River
Hearings Required:	Planning Commission: Monday, June 13, 2011 at 7:00PM

5. Application for Variance: V10-01

Applicant:	Randall Pelt and Eva Pelt
Proposal:	construct single family dwelling within wetland buffer
Tax ID Number:	00-00-005-000-06199-000
Existing FLU Map:	Rural 1 (FLUE Policy 1.2.3)
Existing Zoning:	AG & RR-5 (Section 5-25 & 5-26, LDC)
FEMA Flood Info:	"A15" zone on Panel 0250-B
Parcel Size:	12.04+/- acres
Location:	southeast of Coastal Hwy and the Wakulla River
Hearings Required:	Planning Commission: Monday, June 13, 2011 at 7:00PM

County Commission: Monday, July 18, 2011 at 5:00 PM

6. Application for Conditional Use: CU11-02

Applicant:	Michael Lee Yohem
Agent:	William Frank
Proposal:	change of use to automotive and tractor repair
Tax ID Number:	24-4s-02w-171-02078-D11
Existing FLU Map:	Rural 2 (FLUE Policy 1.2.2)
Existing Zoning:	C-2 (Section 5-38, LDC)
FEMA Flood Info:	"C" zone on Panel 0360-B
Parcel Size:	1.0 +/- acres
Location:	4379 Crawfordville Highway (old Wakulla Lumber and Truss building)
Hearings Required:	Planning Commission: Monday, June 13, 2011 at 7:00 PM

Copies of applications, draft ordinances, and any related public record files may be viewed at the County Planning Department located at 3095 Crawfordville Highway, Crawfordville, FL 32327, 8 AM to 4:30 PM M/F; Phone (850) 926-3695. Any person desiring to appeal a decision of a County Board must ensure a verbatim transcript or copy is made of the testimony and exhibits presented at said hearings. Persons needing special access considerations should call the Board Office at least 48 hours before the date for scheduling purposes. The Board Office may be contacted at (850) 926-0919 or TDD 926-7962.

MAY 26, 2011

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy Barden, Interim County Administrator Cleve Fleming, Public Works Director Lane Lucas, Eutaw Utilities
Subject:	Request Board Approval of Change Order #2 for the Wakulla County Force Main Project

Statement of Issue:
This agenda item requests Board approval of Change Order #2 for the Wakulla County Force Main Project. Change Order #2 combines Change Order Requests #2, #3 and #4 from Allen's Excavation, and would increase the contract value by $26,406.71, to a total of $628,662.56.

Background:
Construction of the Force Main began on May 16, 2011 and is on schedule for completion in August 2011. Since construction began, several issues have arisen which will cause an increase in contract value. These issues are broken down in the contractor's Change Order Requests (Attachment #1) and as listed below:

Change Order Request #2:

During construction, Wakulla County asked that provisions be made for a future connection for Wakulla Middle School. This Change Order Request reflects the cost for additional tee fitting, gate valve, and appurtenances and labor to facilitate the future connection. The total cost for Change Order Request #2 is $1,451.23.

Change Order Request #3:

This change reflects the additional cost of the fiberglass wet well structure due to a change in project specifications. The change in specifications will ensure a higher quality product that will resist the corrosive gases anticipated in the lift station. The total cost for Change Order Request #3 is $22,677.79.

Change Order Request #4:

Field conditions necessitated a change in the way that the new 8" force main connects to the existing 12" force main near the US 98/US 319 intersection. Additional fittings and appurtenances were required to make the connection. The total cost for Change Order Request #4 is $2,277.69

Analysis:
This change order will increase the contract value to $628,662.56. No additional contract time is being requested. The requested changes reflect actual working conditions discovered after construction began, and a change in specifications to ensure a high quality wet well structure. Eutaw feels that these changes are necessary and beneficial to Wakulla County.

Budgetary Impact:
The additional costs associated with these project changes are within the contingency amount of the existing loan agreement and will not result in any out-of-pocket expense to Wakulla County.

Options:
1. Approve Change Order #2 in the amount of $26,406.71 for the Wakulla County Force Main Project.
2. Do Not Approve Change Order #2 in the amount of $26,406.71 for the Wakulla County Force Main Project.
3. Board direction.

Recommendation:
Option #1

Attachments:
1. Proposed Change Order #2

EUTAW UTILITIES, INC.

Project Development...Concept to Completion

EUI

Date: **June 22, 2011**

To: **File**

From: **Lane P. Lucas** LPL

RE: **Wakulla County**
Sanitary Force Main Project

Change Order #2 for the above referenced project has been issued. The change order was required to address actual field conditions encountered during the progression of the work. The project modifications include three (3) separate change order requests from Allen's Excavation. The three items are described below:

1. During construction, Wakulla County requested that we make provision for the future connection of the Wakulla Middle School to the forcemain. The provisions include a tee, valves and miscellaneous appurtenances to facilitate this future connection. The cost of this change is $1,451.23.
2. Due to changes in the final contract plans and specifications, the cost of the fiberglass structure has increased. The cost of this change is an increase of $22,677.79.
3. During construction, it was determined that the existing utility locations differed from the anticipated location. At the Jack and Bore under US 319, the existing forcemain was located much closer to the existing roadway than anticipated. As a result, additional fittings and appurtenances were required to make the required connection to the existing forcemain. The cost of this change is an increase of $2,277.69.

The total project increase from Change Order #2 is $26,406.71.

Change Order No. 2

Date of Issuance: June 22, 2011 Effective Date: June 22, 2011

Project:	Owner:	Owner's Contract No.:
Wakulla County Forcemain	**Wakulla County, Florida**	
Contract:		Date of Contract:
Wakulla County Forcemain		**April 13, 2011**
Contractor: **Allen's Excavation, Inc.**		Engineer's Project No.:

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

Project Modifications to include additional valves for Wakulla Middle School future connection upgrading lift station to a fiberglass structure in lieu of concrete, and additional work required for the Jack and Bore operation at US 319.

Attachments: (List documents supporting change):

Change Order Summary dated 6/22/11 and Contractor's Change Order Requests (Contractor Change Orders No. 2, 3 and 4.)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price:	Original Contract ☐ Working X Calendar days
	Substantial completion (days or date): 300
$ 2,285,387.25	Ready for final payment (days or date): 360
[Decrease] from previously approved Change Orders No. 1	[Increase] [Decrease] from previously approved Change Orders
	Substantial completion (days):
$ (1,683,131.40)	Ready for final payment (days):
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
	Substantial completion (days or date): 300
$ 602,255.85	Ready for final payment (days or date): 360
[Increase] of this Change Order:	[Increase] [Decrease] of this Change Order:
	Substantial completion (days or date):
$ 26,406.71	Ready for final payment (days or date):
Contract Price incorporating this Change	Contract Times with all approved Change Orders:
	Substantial completion (days or date): 300
$ 628,662.56	Ready for final payment (days or date): 360

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____	By: _____	By: _____
Engineer (Authorized Signature)	Owner (Authorized Signature)	Contractor (Authorized Signature)
Date: 6/22/11	Date:	Date:
Approved by Funding Agency (if applicable):		Date:

Wakulla County
Sanitary Forcemain Project
Change Order #2 Summary

22-Jun-11

	DESCRIPTION	UNIT	ADD	DEDUCT
1	**Additional Valves and Appurtenances for future Wakulla Middle School Connection**			
	See Allen's Excavation C.O. Request #2 for Itemized Costs	LS	$ 1,451.23	
2	**Replace concrete lift station structure with Fiberglass Structure**			
	See Allen's Excavation C.O. Request #3 for Itemized Costs	LS	$ 22,677.79	
3	**Project Modifications to fit existing forcemain location at Jack and Bore**			
	See Allen's Excavation C.O. Request #4 for Itemized Costs	LS	$ 2,277.69	
4	**Subtotal**		**$ 26,406.71**	$ -
5	**Net Change Order**		**$ 26,406.71**	

6/23/11

ALLEN'S EXCAVATION, INC.
SITEWORK PREPARATION

6403 Woodville Highway • Tallahassee, FL 32305 • Phone: 850.421.6872 • Fax: 850.421.2391

Change Order Request #2

Job: Wakulla Force Main Project

Owner: Wakulla Board of County Commissioners

Engineer: Eutah Utilities Inc.

As per work change directive #1 dated June 13, 2011 we propose to install a 8"X 4" MJ Tee and 4" Gate Valve plus accessories onto the 8" Force main we are currently installing for the price of One Thousand Four Hundred Fifty One dollars and Twenty Three Cents.
This work must be performed as we are constructing the force main in this area.

Add Tee and 4" Gate Valve					
Materials	Unit Cost	Quantity	Total	Taxes	Total
4" Gate Valve	$370.00	1	$370.00	$22.20	$392.20
8' X 4" Tee	$533.60	1	$533.60	$32.02	$565.62
8" Mega Lug Kit	$54.70	1	$54.70	$3.28	$57.98
4" WDG Rest Gland Kit	$32.43	1	$32.43	$1.95	$34.38
Valve Box and Lid	$38.00	1	$38.00	$2.28	$40.28
Concrete cover	$16.00	1	$16.00	$0.96	$16.96
Installation	$200.00				$200.00
Total Cost					**$1,307.41**
Bond Cost	13.07				
Over Head & Profit	$130.74				
Total Change Order Amount	**$1,451.23**				

If you have any questions please call.

J. David Edwards
Project Manager
Allen's Excavation

ALLEN'S EXCAVATION INC
SITEWORK PREPARATION

6403 Woodville Highway • Tallahassee, FL 32305 • Phone: 850.421.6872 • Fax: 850.421.2391

Change Order Request #3

Job: Wakulla Force Main Project

Owner: Wakulla Board of County Commissioners

Engineer: Eutah Utilities Inc.

As per Eutah Utilities request we submit change order #3 for the change in the lift station type and size. The amount shown reflects the difference between the cost of the Pump & Process lift station and the lift station originally quoted.

Change Order 3					
Materials	Unit Cost	QTY	Total	Taxes	Total
10' X 14' Deep Wet Well Difference	$19,274.00	1	$19,274.00	$1,156.44	$20,430.44
Total Cost					**$20,430.44**
Bond Cost	204.30				
Over Head & Profit	$2,043.04				
Total Change Order Amount	**$22,677.79**				

If you have any questions please call.

J. David Edwards

Project Manager
Allen's Excavation

ALLEN'S EXCAVATION, INC.
SITEWORK PREPARATION

6403 Woodville Highway • Tallahassee, FL 32305 • Phone: 850.421.6872 • Fax: 850.421.2391

Change Order Request #4

Job: Wakulla Force Main Project

Owner: Wakulla Board of County Commissioners

Engineer: Eutah Utilities Inc.

As per Eutah Utilities request we submit change order #4 for the additional fittings that were required to be installed due to the planned Jack & Bore not having sufficient cover as per FDOT therefore resulting in the Jack & Bore being deeper than plan and required us to back tap and route the FM on the back side of the main.

Change Order 4			12.46		
Materials	Unit Cost	QTY	Total	Taxes	Total
8" MJ Epoxy Coated Elbows	$207.69	~~1~~ 3	~~$623.07~~	~~$37.38~~	~~$660.45~~
8" MJ Epoxy Coated 45 degree elbow	$207.69	2	$415.38	$24.92	$440.30
8" Mega Lug Kit	$54.70	~~10~~ 6	~~$547.00~~	~~$32.82~~	$579.82
8" Gland Kit	$6.86	~~10~~ 6	~~$68.60~~	~~$4.12~~	$72.72
Installation	$1,000.00				$1,000.00
Total Cost					~~$2,753.29~~
Bond Cost	~~27.53~~	20.52			
Over Head & Profit	~~$275.33~~	205.20			
Total Change Order Amount	~~$3,056.16~~				

$2,277.69

If you have any questions please call.

J. David Edwards

Project Manager
Allen's Excavation

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	July 12, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy Barden, Interim County Administrator Cleve Fleming, Public Works Director
Subject:	Request Board Consideration and Approval of Solid Waste Revenue Enhancements

Statement of Issue:
This agenda item requests Board consideration and approval of Public Work's recommendations on Solid Waste revenue enhancements.

Background:
At the June 20, 2011, Commissioner Brock requested Public Works to come up with some possible solutions to bridge the gap between revenue and expenses and the Wakulla County Lower Bridge Landfill. Revenue has been down due to the collapse of the building industry and garbage haulers carrying their garbage to neighboring counties with lower tipping fees.

Analysis:
The Department of Public Works recommends the following measures to reduce the gap between revenue and expenses in the Solid Waste Department.

- Begin weighing each vehicle that brings residential or commercial garbage into the landfill and charge the current rate of $85/ton. In January, 2006, the Board approved tipping fees to be increased from $35/ton to $85/ton. This was due to our landfill being closed (at capacity), and we would then have to start transporting all garbage to another location outside of the County. There was no increase at that time, nor any time since of a per bag fee. Instituting this increase will help offset not only the transport and tipping fees but will also help in the groundwater monitoring, maintenance, and long term closure of the landfill. (Note that IF the Commissioners pass the Solid Waste Assessment or move forward on curbside pickup, this will be null and void.)
- Stop accepting glass for *free* as a recycling item. Citizens and haulers alike have been dumping glass for free, and the County has been absorbing the transfer and disposal fees. Recycled Fibers of Tallahassee has agreed to accept glass from the County for $30/ton. Glass will continue to have its own bin, but citizens will have to pay the normal tipping fees of $85/ton for transport and disposal fees.
- Discontinue operating and/or accepting garbage at the County's two satellite locations that are open on Saturdays (Otter Creek and Smith Creek). The County has no provisions for weighing the garbage that is brought there. The County Landfill is in operation five days a

week, 45 hours a week. By doing this, the County will save in fuel costs associated with transferring boxes to these locations as well as see an increase in tipping fees.

- Staff also requests permission from the Board to work directly with businesses, schools, and organizations that the County has recycling containers at their sites, and when, after several attempts, they cannot protect their recycling containers from being comingled, that Public Works has the authority to "pull" that container and move it to a safer location.

Budgetary Impact:

- Because bagged garbage has not been being weighed, estimates on the increase in revenues can only be predicted to cause a fairly significant increase.
- Estimated revenue enhancement from termination of glass accepted for free: $746.51 per month (based on average glass dumped for recycling 8.7825 tons @ $85/ton.

Options:

1. Approve the recommendations for Solid Waste Revenue Enhancements.
2. Do not approve the recommendations for Solid Waste Revenue Enhancements.
3. Board direction.

Recommendation:

Option #1

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	July 6, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy P. Barden, Interim County Administrator Deborah DuBose, OMB Coordinator
Subject:	Request Board Authorization to Advertise for a Director of Planning and Community Development

Statement of Issue:
This agenda item requests Board Authorization to advertise for a Director of Planning and Community Development.

Background:
As the Board is likely aware, the County Administrator is responsible for administration of all departments. In accordance with Section 125.74(k), Florida Statutes, the administrator has the responsibility to select, employ and supervise all personnel and to fill all vacancies, positions for employment under the jurisdiction of the Board. However, the employment of all department heads shall require confirmation by the Board of County Commissioners.

During the past 4 years the County has been well served in the Department of Planning & Community Development with the employment of Lindsay Stevens. As you are aware, Ms. Stevens was initially hired in June of 2007 as the Director of Planning & Community Development which included Planning & Zoning, the Building Department, Code Enforcement and Housing Division. In May 2008, then Deputy County Administrator Andrea Simpson resigned and a departmental reorganization was implemented which eliminated the Deputy County Administrator position and created two Assistant County Administrators. At that time, Ms. Stevens was offered and accepted the position of Assistant County Administrator which also included oversight of the Department of Public Safety (including EMS, Fire, Department of Health, Mosquito Control and Emergency Management).

On June 20, 2011 Ms. Stevens resigned her position as Assistant County Administrator effective Friday, July 1, 2011 leaving this vital position vacant.

Analysis:
Given the current budget situation, staff is recommending that this position be reclassified back to its original classification as the Director of Planning & Community Development, pay grade 119, with a salary range of $50,175 to $82,790. Once this reclassification has been established, staff is recommending a holistic marketing and outreach campaign within the state's planning community

given the Board's high expectations, ongoing growth management, improvement initiatives, etc. Normal advertising procedures would require that this position be advertised for a minimum of 2 weeks; however, staff recommends that this be extended to 3 weeks so that ads can be placed on the County's website, the local newspaper, Tallahassee Democrat and electronic advertisements with FACT and the American Institute of Planners.

Additionally, staff recommends a start date of October 1, 2011 for budgetary purposes. Upon conclusion of the vetting process staff will bring a recommendation for hire back to the Board for consideration.

Budgetary Impact:
Advertising expenditures = $1850.00 (estimated)
Anticipate hiring at minimum = $50,175 base salary + benefits = $63,722

Options:
1. Authorize staff to reclassify and advertise position as Director of Planning & Community Development.
2. Do Not Authorize staff to reclassify and advertise position as Director of Planning & Community Development.
3. Board Direction.

Recommendation:
Option #1.

Attachment:
1. Position Description for Director, Planning and Community Development.

WAKULLA COUNTY

JOB DESCRIPTION

JOB TITLE: DIRECTOR, PLANNING AND COMMUNITY DEVELOPMENT

DEPARTMENT: PLANNING AND COMMUNITY DEVELOPMENT DEPT/

GENERAL DESCRIPTION:

This is a Department-head position reporting to the County Administrator. This position is responsible for the daily operation of the Planning and Community Development Department, which include the following divisions: Planning & Zoning, Housing and Building.

ESSENTIAL JOB FUNCTIONS:

1. Represents the Planning and Community Development Department at all meetings, including the Planning Commission and the BOCC.

2. Works with other agencies and groups on community planning, housing and building issues.

3. Assists the public and Board of County Commissioners by providing technical information regarding various planning, zoning, or code compliance issues; including interpretation and implementation of the Land Development Code, Comprehensive Plan and the BOCC policies

4. Holds pre-application conferences and reviews planning and zoning applications.

5. Responsible for coordinating the Planning and Community Development Department's budget. Directly responsible for the Division of Planning and Zoning's budget.

6. Manages and directs Department staff.

7. Administers the policy provision adopted by the Board of County Commissioners.

8. Assists in strategic planning.

9. Fills in for the County Administrator in his/her absence.

10. Attends meetings with the public, BOCC, department heads, etc. on behalf of the County Administrator and/or Board of County Commissioners.

11. Serve as liaison with State and Federal Agencies as it relates to Housing Programs.

12. Serve as liaison with contract entities as it relates to the various Housing Programs (e.g., LIHEAP, Weatherization, Section 8, etc.).

13. Work with the Chief Building Official as needed regarding Code Enforcement, Building Code requirements, etc.

Other related duties will be required and/or to perform other job related marginal duties as required.)

MINIMUM QUALIFICATIONS:

KNOWLEDGE, SKILLS AND ABILITIES:

(Note: The knowledge, skills and abilities identified in this class specification represent those needed to perform the duties of this class. Additional knowledge, skills and abilities may be applicable for individual positions.)

- Knowledge of modern office practices, procedures, equipment and public record keeping.
- Knowledge of state and federal planning and zoning ordinances, rules, regulations, and practices.
- Knowledge of budget preparation and control.
- Knowledge of strategic planning.
- Thorough knowledge of public administration principles and practices.
- Ability to communicate effectively.
- Ability to explain the various rules, regulations, and procedures to be followed, and to use tact and understanding, with impartiality, in public contacts.
- Ability to ascertain types of permits required along with the costs and fees pertaining to them and to exercise good judgment in the interpretation of the County's requirements.
- Ability to communicate effectively.

EDUCATION AND EXPERIENCE:

Bachelor’s Degree required. Master’s and AICP certification or its equivalent preferred. Five (5) years of progressively responsible, independent office work with planning & zoning experience with three (3) years of supervisory experience. Must possess a valid Florida driver’s license.

Additional qualifying education and/or experience which provide the necessary knowledge, skills and abilities may be substituted one for the other on a year for year basis.

ENVIRONMENTAL CONDITIONS:

- This is a mainly sedentary position.

(Reasonable accommodation will be made for otherwise qualified individuals with a disability.)

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	July 11, 2011 REVISED AGENDA REQUEST
To:	Honorable Chairman and Members of the Board
From:	Commissioner Mike Stewart
Subject:	Request Board Consideration and Approval of Salary and Benefit Package of Newly Appointed County Administrator, Mr. David Edwards

Statement of Issue:
This agenda item requests Board consideration and approval of the salary and benefit package for our newly appointed county administrator, Mr. David Edwards. This salary and benefit package would take effect on October 1, 2011.

Background:
On June 21, 2011 the Board approved the selection of David Edwards as the new Wakulla County Administrator and asked the chairman to meet with Mr. Edwards and report back to the BoCC on his requested contract terms.

On June 23, 2011, Chairman Stewart and the County Attorney met with Mr. Edwards to discuss his proposed contract terms.

Section 3.2 of the County Charter provides that "The Board of County Commissioners shall establish the salary for the County Administrator at a level that is commensurate with the requirements of the position and shall at least annually review the performance and salary. Terms and conditions of compensation and employment shall be set forth in a contract."

Analysis:
Mr. Edwards has requested the following for the BoCC's consideration:

Salary:	$82,825 (min. established salary of $75,300 for County Administrator + 10%)
Benefits:	same as other county employees
Start Date:	October 1, 2011
Additional:	family insurance, short-term disability insurance, county cell phone, county vehicle or vehicle allowance, agreement for county to defend Mr. Edwards for any actions that may arise out of his official duties

As a regular employee under the above terms, Mr. Edwards' first year total including salary, family

insurance, FRS and the short term disability policy would be $112,566.

Options:

1. Accept Chairman's Report and Authorize County Attorney to Draft Contract in Accordance with these Terms.
2. Do not Accept Chairman's Report and Do Not Authorize County Attorney to Draft Contract in Accordance with these Terms.
3. Board direction.

Recommendation:

Option #1

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Commissioner Mike Stewart
Subject:	Request Board Appointment of a Member to the Capital Area Community Action Agency Board of Directors

Statement of Issue:
This agenda item requests Board appointment of a member to the Capital Area Community Action Agency Board of Directors.

Background:
In April 2011, the Department of Community Affairs transferred the Weatherization and Low Income Home Energy Assistance Program to the Capital Area Community Action Agency.

Analysis:
On June 7, 2011, Dorothy Inman-Johnson requested that the Board appointment a public sector member to the Capital Area Community Action Agency Board of Directors (Attachment #1). The public sector representative can either be a member of the Wakulla County Board of County Commissioners or a community representative.

The public sector representative will sit on the CACAA Board of Directors and provide input on decisions impacting the residents of Wakulla County. The appointment is for a three year term, with annual confirmation by letter from the County Commission. CACAA Board Members are only permitted to serve two consecutive terms.

The first meeting is scheduled to occur on July 26, 2011, in the CACAA conference room. Meetings are held every other month, or six meetings per year. Dinner is provided by CACAA, and a reimbursement for mileage at a rate of .445 cents per mile is also provided.

Budgetary Impact:
No budgetary impact.

Options:
1. Appoint a public sector member to the Capital Area Community Action Agency Board of Directors, and the Board should name the appointee.
2. Do not appoint a member to the Capital Area Community Action Agency Board of Directors.
3. Board direction.

Recommendation:
Option #1

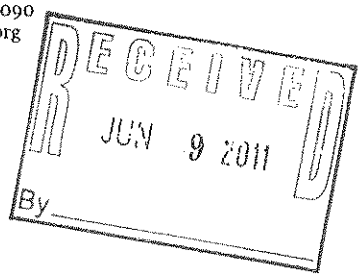
Attachment(s):
1. Letter from CACAA Requesting Appointee to the Board of Directors.

Capital Area Community Action Agency, Inc.

Dorothy J. Inman-Johnson
Executive Director

309 Office Plaza Drive
Tallahassee, Florida 32301
Phone: (850) 222-2043
Fax: (850) 942-2090
www.cacaainc.org

Thomas Thompson
Board Chairman



June 7, 2011

Mr. Mike Stewart - Chairman
Wakulla County Board of County Commissioners
PO Box 1263
Crawfordville, FL 32326

Re: Request an appointment to Capital Area Community Action Agency Board of Directors

Dear Chairman Stewart:

We are sending this letter as a request for the Wakulla County Commission to appoint a Public Sector Representative to our Board of Directors. The Capital Area Community Action Agency Board of Directors is the governing, policy-making body for the organization; and, therefore, is very important to the agency's smooth operations and quality delivery of services to the counties and communities we serve. As a new provider Agency for Wakulla County, we are required to add a representative from your county to our Board of Directors. The representative can be a county commissioner or a community representative appointed by the Commission as your representative to our Board of Directors. It is a requirement of our funders that all counties served by our agency must have a representative. It is also important to the Agency that each county served has an opportunity to participate in decisions impacting residents of the county.

We are hopeful that this action item will be placed on the agenda for your next County Commission meeting. Having a full Board of Directors is very important for our agency in establishing quorums and in transacting important business. We would like to welcome your new board representative at our **July 26, 2010 meeting.** .

Each Board member is appointed to a three-year term. However, Public Sector representatives must be confirmed annually with a letter from the County Commission. Board members are allowed to serve no more than two consecutive terms. Meetings are held every other month for six meetings a year. The meetings are held in our conference room, with dinner served. In recognition of the high costs of gas and the travel required for board members, the Agency reimburses travel costs at the rate of .445 cents per mile to attend meetings.

We look forward to hearing from you soon. Please feel free to contact me at (850) 222-2043, if you have any questions concerning this matter.

Sincerely,

Dorothy Inman-Johnson
Executive Director

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	July 11, 2011
To:	Honorable Chairman and Members of the Board
From:	Commissioner Mike Stewart
Subject:	Request Board Approval to Schedule a Workshop on August 4, 2011 to Discuss Utility (Sewer) Ownership

Statement of Issue:
This agenda item requests Board approval to schedule a Workshop on August 4, 2011 to allow the Florida Governmental Utility Authority (FGUA) to provide a presentation regarding utility ownership.

Background:
At the June 21, 2011 Board Meeting, I mentioned bringing back an agenda item regarding sewer and options to sell the sewer to someone that can operate it for profit.

On Wednesday, June 29th, myself, along with the Interim County Administrator and the County Attorney met with a representative of the Florida Governmental Utility Authority (FGUA) to discuss options for the County's sewer system.

Analysis:
The Florida Governmental Utility Authority (FGUA) is a multi-jurisdictional entity for utility ownership, operation and management. The County can have FGUA perform preliminary due diligence (financial, operations, infrastructure and environmental). Some of the advantages of a GUA include:

- FGUA has a team of acquisition specialists with a proven track record
- County sits on FGUA Board as host government and provides policy guidance regarding how system operates
- County has zero financial, operational or environmental liability for utility
- At some future date County can re-acquire utility

This Workshop will allow the Board to hear a presentation by the FGUA and to further consider options to best operate the County's sewer system.

Budgetary Impact:
There is no budget impact associated with conducting this workshop.

Options:

1. Approve to Schedule a Workshop on August 4, 2011 to allow FGUA to provide a Presentation regarding Utility Ownership.
2. Do Not Approve to Schedule a Workshop on August 4, 2011 to allow FGUA to provide a Presentation regarding Utility Ownership.
3. Board direction.

Recommendation:
Option #1

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	July 13, 2011
To:	Honorable Chairman and Members of the Board
From:	Randy Merritt, County Commissioner, District 2
Subject:	Direction to Staff to Revise the Land Development Code Related to Accessory Uses and Advertise a Public Hearing to Consider Adopting

Statement of Issue:
This agenda item requests Board approval to direct staff to revise the Wakulla County Land Development regulations to allow accessory uses on certain vacant lots (Attachment #1) and advertise a public hearing to consider adopting the revisions.

Background:
Wakulla County regulations do not allow any accessory uses on any vacant parcel without the presence of primary structure (home, etc.).

Analysis:
This proposed change would allow limited accessory structures on vacant parcels of land that meet certain requirements. These changes would allow property owners to utilize the property they own without causing negative impacts on surrounding property owners.

Budgetary Impact:
There is no a budgetary impact other than the fee to advertise the public hearing.

Options:
1. Direct staff to revise the Land Development Code to allow certain accessory uses on vacant parcels and advertise a public hearing to consider adopting.
2. Do not direct staff to revise the Land Development Code to allow certain accessory uses on vacant parcels and do not advertise a public hearing to consider adopting.
3. Board direction.

Recommendation:
Option #1

Attachments:
1. Proposed Revisions

(2)

Accessory buildings and uses: A structure or portion of a main building, the use of which is incidental to that of the dominant use of the main building or land. An accessory use is one that is incidental to the main use of the premises. (See: *Supplemental regulations*.)

Deleted: subordinate building

Deleted: , including accessory signs, bona fide servants' quarters and greenhouses operated on a nonprofit basis

(1)

In general. Accessory uses and structures are permitted in any zoning district where such uses or structures are allowed within the district in question, or as provided in the regulations for a district. Accessory structures are allowed in residential districts where the accessory structure is located on property that is contiguous with the property on which the primary use is located. Accessory structures which are intended for water access or marine use are allowed in residential districts on properties that have no primary structure. No accessory structure shall be allowed to install a separate electric meter to service the accessory structure.

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Alan Brock, County Commissioner District 1
Subject:	Removing Library Furloughs to Save Reduction of Future State Aid to Libraries Funding

Statement of Issue:
This agenda item requests Board approval to remove the furlough hours from the Wakulla County Public Library's (WCPL) schedule. These furlough hours will result in future reductions in funding from the State Aid to Libraries Grant Program. The amount of State Aid WCPL receives is directly proportional to its funding from local sources.

Background:
The purpose of the State Aid Program is to encourage local governments to establish and continue development of free library service to all residents of Florida. The Wakulla County Publc Library has received State Aid to Libraries Grant Awards since the inception of the program in the 1980's. This year the library received a State Aid Award of $89.019, and is estimated to receive an award of $89,201 for FY 2011-2012 (Attachment #1). As this program is based upon how much Wakulla County provides in local expenditures in library services, any reduction in local spending will also adversely affect the amount that the Library receives from the State Aid Program. This would essentially amount to the Library taking not just one but two financial hits as a result of the assigned furloughs.

Analysis:
State Aid to Libraries is a valuable component of the library's annual budget. State Aid provides funding for the Library's Children's Coordinator, computer classes for the citizens of Wakulla County, office and operating supplies, as well as the Library's books and materials, along with other Library expenditures that because of this program are not paid for by local tax dollars. The current primary use of ad volorum funding, which determines how much State Aid the Library ultimately receives, is to pay for the salary and benefits of all 5 full time library staff positions. The furloughs will significantly reduce the local ad volorum expenditures from which future State Aid awards will be determined. Reduction in the amounts received from the State Aid to Libraries program will result in funding for the positions and programs supported by State Aid, being absorbed by ad valorem funding, taken over by the Friends of the Wakulla County Public Library (who have a limited budget of their own), or done away with.

The Library benefits from two grants from the State Aid program an equalization grant and an operating grant. The Library received $89,019 this year. There is no time limit on the expenditure of the funds and they can be used for any library expenditure with the exception of fixed capital outlay.

The Library's current local budget is 11% below FY 2009-2010's amount (Attachment #2) and the draft budget for FY 2011-2012 turned into the county's Office of Management & Budget, contains at least an additional 6% decrease due to the elimination of one staff position (Public Services Director/Library Director Doug Jones). The additional cut in budget from staff furlough's will further decrease local expenditures from the current year even further which will result in a reduced amount in State Aid funding FY 2012-2013.

In addition to the reduction in funding due to furloughs there will also be an adverse affect on the Library's ability to serve it's over 15,000 registered patrons at the level to which they are accustomed. Last year WCPL provided service to nearly 50,000 people, who checked out over 100,000 items from its collection, and used free access to computers and high speed internet which many in this county either can't afford or physically don't have access to. With many job applications, and government aid forms available online providing this service has become essential to the community of Wakulla. The Library also had an estimated 150 children's programs last year with a total attendance of over 9,000 children and adults. Free access to computer classes and meeting space provided by WCPL allows the citizens of Wakulla the ability to educate themselves while getting involved in their community. All of this will be (and currently is with the exception of our Summer Programs for the children of the county) sharply curtailed by the furlough hours and the potential reduction in State Aid funding that will result from them.

Budgetary Impact:

Keeping the Library under the current furlough schedule will reduce the Library's local budget by approximately 20% during the furlough period due to the reduction in salaries, benefits, and utilities. Continuing Library furloughs will have the effect of also lowering the Library's total budget in FY 2012-13 with the potential resulting reduction in State Aid to Libraries program funding. An exact amount of the reduction to WCPL's budget is not available as the State Aid program is dependent on Legislative funding and the amounts spent on public libraries by their respective counties statewide. Neither amount is currently available at this time. However, as state aid presently (and historically) constitutes over 27% of the county's total library budget, proactive actions taken to protect that state-based funding stream are expected to reduce pressure to tax citizens locally (through property taxes) to support this important county service. Accordingly, Board consideration of this proposal to protect that state support is being recommended through this agenda item. Moving reoccurring cost on to non-reoccurring dollars will result in future short falls and reductions in service at the library.

Options:

1. Approve the Wakulla County Public Library to resume regular hours and no longer be under the furlough restrictions.
2. Keep the Wakulla County Public Library under the current furlough schedule but reallocate furloughed money to be spent on materials to keep matching funds coming to Wakulla at the same levels.
3. Keep the Wakulla County Public Library under the current furlough schedule and reduce county funds towards the library therefore lowering expected matching funds in the future.
4. Board direction.

Recommendation:

Option #1

Attachment(s):

1. FY 2010-2011 & 2011-2012 State Aid to Libraries grant amounts.
2. Wakulla County Public Library's budgets from FY08-FY11

FY2011-2012
State Aid Estimates

	2010-2011 Final Grants Appropriation of $21,253,978			2011-2012 Estimated Grants Appropriation of $21,300,000		
	OPERATING GRANT	EQUALIZATION GRANT	TOTAL GRANT: OPERATING AND EQUALIZATION	OPERATING GRANT	EQUALIZATION GRANT	TOTAL GRANT: OPERATING AND EQUALIZATION
ALACHUA	328,880	0	328,880	384,708	0	384,708
BAKER	3,202	45,663	48,865	3,502	45,907	49,408
BAY	47,877	0	47,877	53,124	0	53,124
BRADFORD	10,341	294,407	304,748	11,526	301,668	313,194
BREVARD	426,486	0	426,486	346,547	0	346,547
BROWARD	1,473,369	0	1,473,369	1,491,288	0	1,491,288
CALHOUN	4,434	127,652	132,086	5,650	149,535	155,185
CHARLOTTE	76,085	0	76,085	77,638	0	77,638
CITRUS	75,739	0	75,739	92,652	0	92,652
CLAY	72,489	456,648	529,137	65,469	0	65,469
COLLIER	204,627	0	204,627	187,396	0	187,396
COLUMBIA	21,386	572,676	594,063	18,909	238,055	256,965
DESOTO	4,431	62,093	66,524	6,985	89,990	96,975
DIXIE	3,117	44,697	47,814	3,823	50,407	54,231
DUVAL	834,493	0	834,493	1,035,657	0	1,035,657
ESCAMBIA	112,873	0	112,873	119,823	0	119,823
FLAGLER	24,918	0	24,918	26,408	0	26,408
FRANKLIN	4,215	57,574	61,789	4,151	52,122	56,273
GADSDEN	10,316	289,769	300,085	11,377	293,794	305,171
GILCHRIST	2,387	34,126	36,513	2,848	37,435	40,282
GLADES	1,683	24,104	25,787	1,579	20,785	22,364
GULF	3,199	44,517	47,716	3,283	42,003	45,286
HAMILTON	5,996	171,261	177,257	6,988	183,489	190,477
HARDEE	2,851	39,918	42,770	3,771	48,537	52,309
HENDRY	8,954	123,714	132,668	7,880	100,092	107,972
HERNANDO	55,701	572,676	628,377	47,695	512,385	560,080
HIGHLANDS	21,710	277,832	299,543	18,220	214,359	232,579
HILLSBOROUGH	1,022,250	0	1,022,250	947,788	0	947,788
HOLMES	2,348	33,766	36,115	2,854	37,732	40,587
INDIAN RIVER	118,924	0	118,924	111,272	0	111,272
JACKSON	9,239	129,688	138,928	7,520	97,035	104,554
JEFFERSON	4,526	129,786	134,312	4,289	113,063	117,352
LAFAYETTE	1,162	16,788	17,950	3,695	98,127	101,822
LAKE	177,047	0	177,047	179,171	0	179,171
LEE	588,346	0	588,346	592,802	0	592,802
LEON	134,266	0	134,266	149,389	0	149,389
LEVY	5,233	72,808	78,041	6,003	76,790	82,794
LIBERTY	1,643	47,471	49,114	1,789	47,530	49,320
MADISON	8,277	236,697	244,974	7,621	200,357	207,978
MANATEE	167,602	0	167,602	166,280	0	166,280
MARION	154,156	0	154,156	175,673	0	175,673
MARTIN	69,825	0	69,825	78,494	0	78,494
MIAMI-DADE	1,655,349	0	1,655,349	1,950,791	0	1,950,791
MONROE	52,536	0	52,536	61,207	0	61,207
NASSAU	20,454	104,143	124,597	26,377	0	26,377
OKALOOSA	75,571	0	75,571	85,635	0	85,635
OKEECHOBEE	8,422	116,944	125,366	9,112	116,324	125,436
ORANGE	817,196	0	817,196	845,329	0	845,329
OSCEOLA	183,242	0	183,242	201,803	0	201,803
PALM BEACH	860,305	0	860,305	1,004,453	0	1,004,453
PASCO	149,611	0	149,611	153,810	0	153,810

FY2011-2012
State Aid Estimates

	2010-2011 Final Grants Appropriation of $21,253,978			2011-2012 Estimated Grants Appropriation of $21,300,000		
	OPERATING GRANT	EQUALIZATION GRANT	TOTAL GRANT: OPERATING AND EQUALIZATION	OPERATING GRANT	EQUALIZATION GRANT	TOTAL GRANT: OPERATING AND EQUALIZATION
PINELLAS	640,008	0	640,008	688,539	0	688,539
POLK	217,328	0	217,328	251,713	0	251,713
PUTNAM	12,410	164,507	176,917	14,109	171,943	186,052
SAINT JOHNS	111,640	0	111,640	113,738	0	113,738
SAINT LUCIE	95,771	0	95,771	93,233	0	93,233
SANTA ROSA	29,500	349,940	379,499	35,779	389,399	425,178
SARASOTA	214,129	0	214,129	234,055	0	234,055
SEMINOLE	133,669	0	133,669	146,217	0	146,217
SUMTER	32,913	413,528	446,441	35,462	409,615	445,077
SUWANNEE	19,383	543,147	562,530	23,683	590,893	614,576
TAYLOR	5,530	77,953	83,483	5,077	65,800	70,878
UNION	3,367	68,093	70,451	3,283	87,179	90,462
VOLUSIA	343,105	0	343,103	384,434	0	384,434
WAKULLA	5,904	83,115	89,019	6,398	82,803	89,201
WALTON	8,874	0	8,674	17,537	0	17,537
WASHINGTON	4,820	68,461	73,281	5,842	76,293	82,135
ALTAMONTE SPRINGS	7,630		7,630	8,579		8,579
BOYNTON BEACH	54,902		54,902	56,431		56,431
DELRAY BEACH	43,640		43,640	48,886		48,886
FORT MYERS BEACH	15,220		15,220	18,151		18,151
HIALEAH	39,049		39,049	39,143		39,143
INDIAN ROCKS BEACH	1,956		1,956	1,913		1,913
LAKE PARK	7,501		7,501	7,167		7,167
LAKE WORTH	12,069		12,069	13,080		13,080
LANTANA	3,815		3,815	4,144		4,144
LIGHTHOUSE POINT	8,175		8,175	9,641		9,641
MAITLAND	15,382		15,382	15,583		15,583
NEW PORT RICHEY	17,483		17,483	18,886		18,886
NORTH MIAMI	28,295		28,295	30,144		30,144
NORTH MIAMI BEACH	15,999		15,999	17,226		17,226
NORTH PALM BEACH	16,594		16,594	15,900		15,900
OAKLAND PARK	13,321		13,321	11,955		11,955
PALM SPRINGS	13,734		13,734	15,851		15,851
RIVIERA BEACH	11,690		11,690	14,070		14,070
SANIBEL	36,512		36,512	38,427		38,427
WEST PALM BEACH	105,489		105,489	118,350		118,350
WILTON MANORS	11,808		11,808	12,870		12,870
WINTER PARK	60,738		60,738	65,024		65,024
Subtotal	12,[illegible]	5,896,166	18,[illegible]	13,452,576	5,041,450	18,494,025

FY2011-2012
State Aid Estimates

	2010-2011 Final Grants Appropriation of $21,253,978			2011-2012 Estimated Grants Appropriation of $21,300,000		
	OPERATING GRANT	EQUALIZATION GRANT	TOTAL GRANT: OPERATING AND EQUALIZATION	OPERATING GRANT	EQUALIZATION GRANT	TOTAL GRANT: OPERATING AND EQUALIZATION
Multicounty						
HEARTLAND	450,000			450,000		
NEW RIVER	323,415			323,415		
NORTHWEST REGIONAL	350,000			350,000		
PAL PUBLIC LIBRARY COOPERATIVE	350,000			350,000		
PANHANDLE PUBLIC LIBRARY COOPERATIVE	381,507			381,507		
SUWANNEE RIVER REGIONAL	350,000			350,000		
THREE RIVERS REGIONAL	291,563			291,563		
WILDERNESS COAST	309,489			309,489		
Subtotal	2,805,975			2,805,975		
Total	21,253,978			21,300,000		

The FY 2011-2012 estimates were based on local expenditures for FY 2009-2010 provided in the December 2010 State Aid application.

Grant amounts and eligibility for Equalization grants **will change** after the certified expenditures are received in October 2011.

In FY 2011-2012, two libraries will have completed their phase-out of Equalization grant program. The determination of whether any additional libraries will enter the phase-out period will be made after October 2011.

WAKULLA COUNTY
FISCAL YEAR 2010-11 FINAL
BUDGET BY FUND

Public Library-001

Acct Description		FY08 Actual	FY09 Actual	FY10 Budget	FY10 Actual 3/31/10	FY11 Budget	Variance
FRIENDS OF THE LIBRARY							
Contracted Service		496	0	4,300	0	5,000	16%
Travel			216	500	111	1,000	100%
Telephone		0	0	0	330	0	-
Office Supplies		10,897	9,753	10,000	988	10,000	-
Book, Subscriptions & Memb.		83	135	200	100	200	-
Capital Outlay		0	4,530	0	0	0	-
Capital Outlay-Equipment(<$5000)		0	0	6,000	0	0	-
Capital Outlay Library Books And Materials		1,249	2,441	5,000	512	7,500	50%
	Total	12,725	17,075	26,000	2,040	23,700	-9%
LIBRARY - Local							
Salaries		163,874	156,580	156,494	29,075	156,494	-
OPS Salaries		0	300	0	50,517	0	-
FICA Tax		12,612	11,430	11,972	5,966	11,972	-
Retirement Benefits		16,372	16,319	17,677	8,720	18,963	7%
Health Insurance		27,443	19,234	32,712	18,569	37,210	14%
Workers Compensation		0	0	923	-2	923	0%
Contracted Service		1,750	14,092	13,400	1,594	0	-
Telephone		6,256	0	4,310	416	0	-
Electric		13,171	17,793	16,226	8,906	5,605	-65%
Water		0	0	0	0	950	
Maintenance And Repair		3,342	1,718	1,000	663	0	-
Office Supplies		7,798	3,229	3,000	697	0	-
Postage		492	0	0	0	0	-
Operating Supplies		1,959	1,572	2,000	865	0	-
Books, Subscriptions & Memb.		964	0	0	35	0	-
Capital Outlay Machinery and Equip.		10,943	0	0	119	0	-
Capital Outlay Library Books And Materials		6,523	0	0	0	0	-
WILD Bookmobile Funding		18,000	0	0	0	0	-
Reserve		0	0	0	0	0	-
	Total	291,504	242,266	259,714	126,141	232,117	-11%
LIBRARY - State							
Salaries		10,443	27,999	34,325	15,855	35,946	5%
Salaries-OPS		6,843	7,102	5,410	1,652	5,410	-
FICA Tax		1,322	2,676	3,040	1,327	2,750	-10%
Retirement Benefits		1,029	2,892	3,463	1,560	3,871	12%
Health Insurance		0	9,617	5,096	2,157	5,300	4%
Workers Compensation		0	0	234	2	212	-10%
Contracted Service		19,025	18,175	10,000	1,088	5,000	-50%
Travel		1,088	1,256	1,000	499	1,000	-
Telephone		330	6,586	4,030	3,017	8,340	107%
Utilities - Electric		0	0	0	0	9,395	-
Maintenance And Repair		0	0	0	0	1,000	-
Office Supplies		3,847	5,965	8,000	2,393	4,000	-50%
Operating Supplies		0	0	0	0	1,500	-
Books, Subscriptions & Memb.		0	898	0	2,030	0	-
Capital Outlay Machinery and Equip.		0	3,190	4,000	620	0	-
Capital Outlay Library Books And Materials		26,422	25,985	15,440	7,145	12,000	-22%
Capital Outlay Intangiables		0	0	0	189	0	-
	Total	70,349	112,346	94,038	39,534.19	95,724	2%
	TOTAL EXPENDITURES	374,579	371,686	379,752	167,715	351,541	-7%

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Commissioner Jerry Moore
Subject:	Request Board Approval to Move David Edwards Start Date Prior to October 1, 2011

Statement of Issue:
This agenda item requests Board approval to move David Edwards' start date as County Administrator up so that he begins his tenure prior to October 1st.

Background:
At the June 21, 2011 Board meeting, the Board approved the selection of David Edwards as the new County Administrator and authorized the chairman to meet with Mr. Edwards and report back to the Board on terms of his employment contract.

At the June 6, 2011 Board meeting, the Board considered and approved certain budget reduction items for the current year budget. One of the items that were approved was to delay hiring of the new county administrator until October 1, 2011 to save the current years' salary.

Analysis:
I would like to bring David Edwards on as county administrator as soon as his contract can be negotiated and approved by the Board so that he will have an opportunity to assist and add value to the budget adoption process and can immediately begin addressing other pressing County issues.

Options:
1. Approve Moving David Edwards Start Date Prior to October 1, 2011.
2. Do Not Approve Moving David Edwards Start Date Prior to October 1, 2011.
3. Board Direction.

Recommendation
Option #1

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Commissioner Jerry Moore
Subject:	Request Board Approval to Direct Staff to Remove the County Outhouse on Levy Road

Statement of Issue:
This agenda item requests Board approval to direct staff to remove the County outhouse on Levy Road.

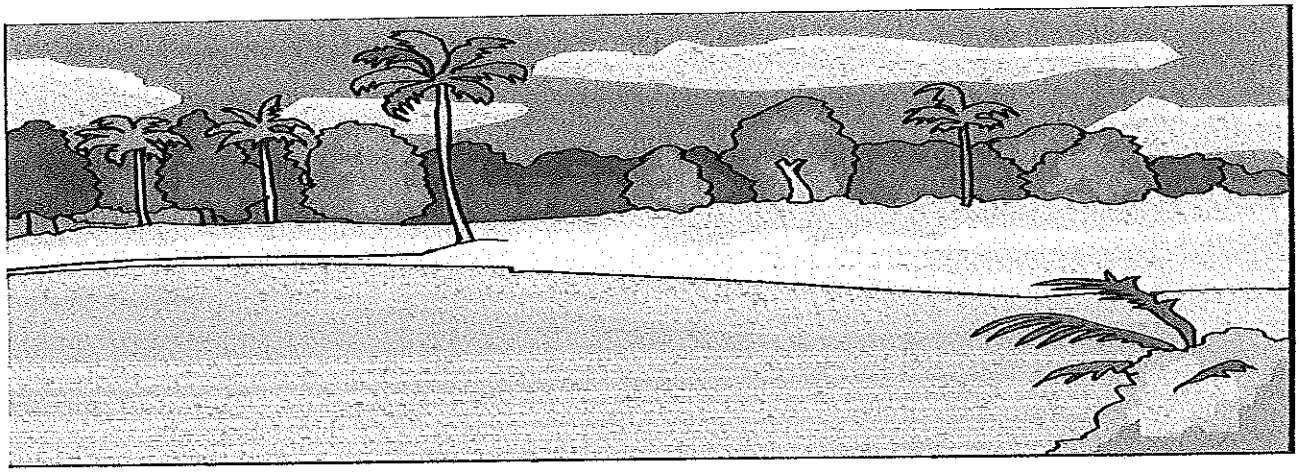
Background:
A County outhouse facility is currently located at the end of Levy Road by the Bay. Pictures are attached as Attachment #1.

Analysis:
The County outhouse at the end of Levy Road is unattractive and a potential safety hazard. It has been repeatedly vandalized and I would like to direct staff to have it removed.

Options:
1. Approve to Direct Staff to Remove the County Outhouse on Levy Road.
2. Do Not Approve to Direct Staff to Remove the County Outhouse on Levy Road.
3. Board Direction.

Recommendation
Option #1

Attachments:
1, Pictures



Panacea Waterfront 20-20 Community

April 1, 2011

Jerry Moore
Wakulla County Commissioner, District 4
Administrative Building
Crawfordville, FL 32327

Re: Toilet Facility (Outhouse), Levy Bay Road Boat Ramp

Dear Commissioner Moore:

At the Panacea Waterfront meeting on March 8, 2011, the subject of the toilet facility on Levy Bay Road was brought up for discussion by members. The majority of the membership present questioned why the County would spend taxpayers money for such a ridiculous building that is not being used. The majority of the Panacea Waterfront committee is requesting that the County remove the toilet facility in question.

Thank you for looking into this matter.

Sincerely,

Walter B. Dickson

WALTER B. DICKSON
Chairman
Panacea Waterfront 20-20

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	June 30, 2011
To:	Honorable Chairman and Members of the Board
From:	Heather J. Encinosa, County Attorney
Subject:	Request Board Approval of Extension of the Agreement for County Attorney Services

Statement of Issue:
This agenda item requests Board approval to extend the term of the Agreement for County Attorney Services with Nabors, Giblin & Nickerson, P.A. for an additional three-year period.

Background:
In 2009 the Wakulla County Board of County Commissioners, selected Nabors, Giblin & Nickerson, P.A. to serve as the County Attorney as a result of County RFP No. 2009-011. On July 21, 2009, the Board and Nabors, Giblin & Nickerson, P.A. entered into an Agreement for County Attorney Services, which is attached hereto as Attachment #1. Section 8 of this agreement provides "The term of this Agreement shall be from October 1, 2009 through September 30, 2011. At the County's option, this Agreement may be extended for two (2) additional one (1) year terms or any other extension agreed to by the parties."

Analysis:
Because the original contract termination date is approaching, the County Attorney is requesting that the Board extend the service agreement for an additional 3-year period from October 1, 2011 through September 30, 2014. A three-year extension allows both parties to plan and staff accordingly to meet the County's needs. At this time, the County Attorney is not requesting any additional changes to the terms of the agreement. We hope to have the opportunity to continue to serve the County in the future.

Options:
1. Approve 3-Year Extension of the Agreement for County Attorney Services.
2. Do Not Approve 3-Year Extension of the Agreement for County Attorney Services.
3. Board Direction.

Recommendation
Option #1

Attachments:
1. Agreement for County Attorney Services
2. Proposed Extension to the Agreement for County Attorney Services

Agreement for County Attorney Services

This agreement is made and entered into this 21st day of July, 2009, by and between **BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA,** hereinafter referred to as "Board" and the law firm of **NABORS, GIBLIN & NICKERSON, P.A.** (hereinafter referred to as the "NG&N").

-WITNESSETH-

WHEREAS, the Board has selected NG&N to provide legal services to Wakulla County (the "County") as a result of County RFP No. 2009-011; and

WHEREAS, such legal services shall include acting as county attorney to the County and the Board as further described herein; and

WHEREAS, NG&N represents that is has the ability to render the services as required by the Board as set forth herein; and

WHEREAS, in accordance with Section 4.1 of the Wakulla County Charter, the Board and NG&N desire to provide herein for the terms and conditions upon which NG&N will serve as county attorney to the County.

NOW, THEREFORE, it is agreed as follows:

SECTION 1. APPOINTMENT OF COUNTY ATTORNEY. The County hereby appoints NG&N as County Attorney and general counsel for the County. This agreement shall hereafter provide the terms and conditions for such engagement. Accordingly, one or more of Firm's duly authorized attorneys is authorized to act and sign papers as the "County Attorney." As required, the Board, County Administrator, County Planning Commission, the County Code Enforcement Board, and staff are directed and authorized to use and consult with NG&N as general counsel.

SECTION 2. GENERAL COUNSEL SERVICES. NG&N shall serve as the county attorney for the County and shall provide all routine legal services required by the County, which shall include:

(A) Attending all regular meetings of the Board, the County Planning Commission, and the County Code Enforcement Board;

(B) Attending all Board workshops and other special meetings, as requested by the Board Chairman or the County Administrator;

(C) Attending and providing individual briefings with Board members, as needed and requested;

(D) Preparing and reviewing routine ordinances, contracts, resolutions, agreements, leases, interlocal agreements, special election ballots, procurement documents, and other legal documents to be enacted by the County, to which the County is a party or to which the County otherwise has an interest;

(E) Reviewing all agenda items for all meetings and workshops of the Board, the County Planning Commission, and the County Code Enforcement Board;

(F) Providing general legal advice to the Board, Board members in their official capacities, County staff, and the County Planning Commission, and County Code Enforcement Board in person, by telephone, or e-mail on legal matters affecting the County;

(G) Researching and rendering properly qualified legal opinions, analyses, and memoranda as required by the Board, County staff, the County Planning Commission and the County Code Enforcement Board;

(H) Representing the County in all negotiations with third parties and in the

acquisition and disposition of real property rights and interests, including accepting or obtaining right-of-way, easements, and other conveyances from third parties;

(I) Providing administration and periodic oversight and review of all outside counsel engaged by the County; and

(J) Providing such other legal services as the Board may from time-to-time direct.

SECTION 3. SPECIAL COUNSEL SERVICES. NG&N shall also provide all special counsel services required by the County, which shall include:

(A) Prosecuting or defending litigation involving the County. For the purposes of this agreement litigation is defined as those matters for which NG&N serves as counsel of record for the County that are initiated by a filing in an administrative tribunal or a state or federal court and shall also include all arbitrations and mediations;

(B) Providing legislative consulting services, if requested by the County;

(C) Representing the County with respect to the issuance of bonds, notes, or other obligations of the County;

(D) Issuing title insurance commitments and policies, if requested by the County;

(E) Preparing and reviewing such ordinances, contracts, resolutions, agreements, leases, interlocal agreements, special election ballots, procurement documents, and other legal documents on behalf of the County that are reasonably expected to require more than ten (10) hours of attorney time;

(F) Representing the County in all negotiations with third parties and in the acquisition and disposition of real property rights and interests, including accepting or

obtaining right-of-way, easements, and other conveyances from third parties that are reasonably expected to require more than ten (10) hours of attorney time.

SECTION 4. DESIGNATED PERSONNEL. Services provided by NG&N to the County shall be rendered by Heather J. Encinosa, who shall be designated as the primary attorney, Crystalyn R. Carey, Robert L. Nabors and Gregory T. Stewart, who shall be designated as assistant attorneys, and such other attorneys employed by NG&N as may be assigned to assist the County on an as-needed basis.

SECTION 5. COMPENSATION FOR GENERAL COUNSEL SERVICES.

(A) NG&N shall be compensated for the General Counsel services provided in Section 2 of this agreement at the annual lump sum amount of $115,000 per year, payable in monthly installments of $9,583.33, which shall be due on or before the last business day of each month.

(B) To provide heightened accountability, NG&N agrees to provide reports to the County documenting the time and resources spent upon General Counsel services. NG&N and the County agree to jointly review such general counsel reports or invoices no later than September 15, 2010 for purposes of promoting transparency and determining value, efficacy and equity of the current compensation arrangement. As a result of this review, it is understood between the parties, that this agreement may be amended to provide for alternative compensation terms.

(C) At the beginning of each fiscal year commencing October 1, 2011, the foregoing annual lump sum amount shall be increased (rounded up to the nearest whole dollar) by the percentage change in the Consumer Price Index ("CPI") for all urban consumers in the Tallahassee metropolitan area (or the Tampa metropolitan area, if

such statistics for Tallahassee are not routinely made available by the U. S. Department of Labor, Bureau of Labor Statistics) over the most recently reported annual period prior to such fiscal year, and be similarly increased in each subsequent year thereafter.

SECTION 6. COMPENSATION FOR SPECIAL COUNSEL SERVICES.

(A) Except as provided in paragraph (B) below, NG&N shall be compensated for the Special Counsel services provided in Section 3 of this agreement on an hourly basis at the following rates to be billed in 6 minute increments:

$175 per hour	Firm Shareholders and "Of Counsel" attorneys
$150 per hour	Firm Associates
$50 per hour	Firm Law Clerks

Alternatively, NG&N may be compensated for Special Counsel services provided in Section 3 of this agreement in accordance with a lump sum fee arrangement when mutually agreed to by the County and NGN.

(B) NG&N shall be compensated for Special Counsel services related to the issuance of bonds, notes, or other obligations of the County in accordance with a lump sum fee arrangement mutually agreed to by the County and NGN.

(C) NG&N shall notify the County Administrator in writing when it reasonably appears that NG&N will be performing Special Counsel services provided in Section 3 of this agreement.

(D) NG&N shall bill the County periodically for special counsel work, but not more often than monthly, and provide an itemized statement of fees for services provided and costs incurred to date. All invoices shall include documentation for costs and be submitted to, approved and processed for payment by the County Administrator.

(E) At the beginning of each fiscal year commencing October 1, 2011, the foregoing hourly rates shall be increased (rounded up to the nearest whole dollar) by the percentage change in the Consumer Price Index ("CPI") for all urban consumers in the Tallahassee metropolitan area (or the Tampa metropolitan area, if such statistics for Tallahassee are not routinely made available by the U. S. Department of Labor, Bureau of Labor Statistics) over the most recently reported annual period prior to such fiscal year, and be similarly increased in each subsequent year thereafter.

SECTION 7. REIMBURSEMENT OF COSTS. NG&N shall not charge the County for electronic legal research services (Lexis or Westlaw), photocopies, long distance telephone charges, postage, overnight delivery charges, travel time or travel-related costs from Tallahassee to the County, but shall be reimbursed for actual costs incurred on all other travel performed for the County (in accordance with section 112.061, Florida Statutes), and other actual charges incurred in providing services to the County.

SECTION 8. TERM AND TERMINATION.

(A) The term of this Agreement shall be from October 1, 2009 through September 30, 2011. At the County's option, this agreement may be extended for two (2) additional one (1) year terms or any other extension agreed to by the parties.

(B) In accordance with Section 4.1 of the Wakulla County Charter, the county attorney serves at the pleasure of the Board. Accordingly, this agreement may be terminated at any time by either party upon sixty (60) days written notice to the other party. Upon such notification of termination, the parties shall cooperate to provide for an orderly transfer of responsibilities from NG&N to its successor. Provided however,

the County shall not be required to give such sixty (60) day written notice if, in the opinion of the Board, NG&N is unable to perform its obligations hereunder, or if in the Board's opinion, the services being provided are not satisfactory. In such case, the County may immediately terminate this agreement by mailing a notice of termination to NG&N. In the event of termination, with or without cause, NG&N shall be compensated in accordance herewith for approved time and expenses expended prior to the date of termination.

(C) For two (2) years after the termination of this agreement, NG&N shall not represent another person or entity for compensation in matters before the Board, the County Planning Commission, or the County Code Enforcement Board.

SECTION 9. OUTSIDE COUNSEL AND EXPERTS. From time to time, the Board may encounter issues which require retention of outside counsel or other experts with a specialized knowledge in a particular area. Subject to the approval of the Board, if time permits, or, alternatively, upon the concurrence or recommendation of the County Administrator, NG&N shall have the authority to use or retain on behalf of the County such additional experts or counsel that it deems necessary to implement the related objectives and programs of the County. Such approval shall be first requested in writing and shall include a scope of services and method of compensation for each additional expert or counsel requested. Statements for fees and costs incurred by any approved consultant, expert or counsel, shall be first reviewed by NG&N and, upon approval, submitted to the County Administrator and/or the Board for payment.

SECTION 10. CONTRACT ADMINISTRATION.

(A) NG&N shall accept direction from the Board; however, for ease and convenience of administration, the Board hereby also designates its County Administrator to provide policy direction and instructions to NG&N in the administration of its duties hereunder in those instances where NG&N cannot obtain timely direction from the Board.

(B) NG&N shall be entitled to reasonably rely upon direction received from the County Administrator.

SECTION 11. GENERAL PROVISIONS.

(A) NG&N shall comply with the provisions of Chapter 119, Florida Statutes in the provision of the services provided herein to the County.

(B) NG&N shall maintain during the term of this agreement standard Professional Liability Insurance with the minimal amount of coverage of $1,000,000.00 per occurrence and $3,000,000.00 in aggregate.

(C) NG&N represents that it presently has no interest and shall acquire no interest, either direct or indirect, which would conflict in any manner with the performance of this legal services provided herein, as provided in the standards set forth in Part III of Chapter 112, Florida Statutes.

(D) NG&N shall promptly notify the County in writing of any circumstance or representation that may create a conflict of interest or other circumstance which may influence or appear to influence the county attorney's judgment or quality of service. NG&N Attorneys shall abide by The Florida Bar's ethics rules and applicable provisions in Chapter 112, Florida Statutes, in the provision of the services provided herein.

(E) NG&N is, and shall be, in the performance of the services provided herein

an independent contractor and not an employee of the County. All persons engaged in the services provided herein shall at all times, and in all places, be subject to the NG&N's sole discretion, supervision, and control. NG&N does not have the power or authority to bind the County in any promise, agreement or representation other than as specifically provided for herein.

(F) This agreement shall be governed by the laws of the State of Florida. Venue for all legal actions necessary to enforce this agreement shall be in Wakulla County, Florida.

(G) The foregoing terms and conditions constitute the entire agreement between the parties hereto and any representation not contained herein shall be null and void and of no force or effect. This agreement supersedes all prior and contemporaneous agreements, understandings, negotiations, and discussions of the parties, whether oral or written, pertaining to the subject matter hereof.

(H) No amendment, supplement, modification or waiver of this agreement shall be binding unless executed in writing by both parties hereto. No waiver of any of the provisions of this agreement shall be deemed or shall constitute a waiver of any other provision of this agreement, whether or not similar, unless otherwise expressly provided.

(I) All notices, certificates or other communications hereunder shall be sufficiently given and shall be deemed given when hand delivered or mailed by registered or certified mail, postage prepaid, to the parties at the following addresses:

County: Wakulla County Florida
Office of the County Administrator
3093 Crawfordville Hwy
Crawfordville FL 32327

County Attorney: Nabors, Giblin & Nickerson, P.A.
Attn: Heather Encinosa
1500 Mahan Drive, Suite 200
Tallahassee, FL 32308

Either party may, by written notice given to the other party, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent. Any notice shall be deemed given on the date such notice is delivered by hand or three days after the date mailed.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first written above.

BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

By: Howard Kessler
Howard Kessler, Chairman

Attest: Deputy Clerk
Clerk

NABORS, GIBLIN & NICKERSON, P.A.

By:
Heather J. Encinosa, Shareholder

Amendment No. 1 to Agreement for County Attorney Services

This Amendment No. 1 to the Agreement for County Attorney Services is made and entered into this 18th day of July, 2011, by and between the **BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA**, hereinafter referred to as "Board" and the law firm of **NABORS, GIBLIN, & NICKERSON, P.A.,** hereinafter referred to as "NG&N."

-WITNESSETH-

WHEREAS, the Board previously selected NG&N to provide legal services to Wakulla County (the "County") as a result of County RFP No. 2009-011; and

WHEREAS, on or about July 18, 2009, the Board and NG&N entered into that certain Agreement for County Attorney Services to document the terms and conditions of NG&N's service to the County as County Attorney; and

WHEREAS, Section 8 of the Agreement for County Attorney Services authorizes the parties to extend the contract's term as mutually agreed to by the parties; and

WHEREAS, the Board and NG&N now desire to extend the term of the Agreement for County Attorney Services until September 30, 2014.

NOW, THEREFORE, it is agreed as follows:

SECTION 1. EXTENSION OF TERM. The term of the current Agreement for County Attorney Services is hereby extended through and including September 30, 2014.

SECTION 2. ORIGINAL TERMS. All other terms and conditions of the Agreement for County Attorney Services not amended herein shall remain unchanged.

SECTION 3. MISCELLEANOUS TERMS.

(A) This Amendment No. 1 to the Agreement for County Attorney Services shall be governed by the laws of the State of Florida. Venue for all legal actions necessary to enforce this agreement shall be in Wakulla County, Florida.

(B) No amendment, supplement, modification or waiver of this Amendment No. 1 to the Agreement for County Attorney Services shall be binding unless executed in writing by both parties hereto. No waiver of any of the provisions of this agreement shall be deemed or shall constitute a waiver of any other provision of this agreement, whether or not similar, unless otherwise expressly provided.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment No. 1 to the Agreement for County Attorney Services on the day and year first written above.

BOARD OF COUNTY COMMISSIONERS
OF WAKULLA COUNTY, FLORIDA

By:_____
Mike Stewart, Chairman

Attest:

By:_____
Brent X. Thurmond, Clerk

NABORS, GIBLIN & NICKERSON, P.A.

By:_____
Heather J. Encinosa, Shareholder

Board of County Commissioners
Agenda Request

Date of Meeting: July 18, 2011

Date Submitted: June 30, 2011

To: Honorable Chairman and Members of the Board

From: Heather J. Encinosa, County Attorney

Subject: Information on Emergency Medical Services Tax Assessment

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Statement of Issue:
This agenda item provides requested information to the Board on Emergency Medical Services Tax Assessments authorized in Section 125.271, Florida Statutes.

Background:
On May 5, 2011, Governor Rick Scott signed Executive Order #11-103 to include Wakulla County within the Northwest Florida Rural Area of Critical Economic Concern. On or about June 21, 2011, the Board approved the Memorandum of Agreement with the Office of Tourism Trade and Economic Development to formalize the County's RACEC designation.

As a result of this RACEC designation, the County is eligible to fund the costs of emergency medical services through the levy of a special assessment that apportions the cost among the properties based on a reasonable methodology that charges a parcel in proportion to its benefits in accordance with Section 125.271, Florida Statutes.

Analysis:
Certain statutorily described counties, including Wakulla County, may levy a tax to fund emergency medical services ("EMS") in accordance with Section 125.271, Florida Statutes. The eligible counties include a county within a rural area of critical economic concern, a county with a population of 75,000 or fewer on the effective date of the section becoming a law (April 16, 2002) and which levied at least 10 mills of ad valorem tax for the previous year, or a county that adopted an ordinance authorizing the imposition of an assessment for EMS prior to January 1, 2002. The tax base is described as follows: the levy of a special assessment that apportions the cost among the property based on a reasonable methodology that charges a parcel in proportion to its benefits." The statute specifically provides that the EMS charge "shall be construed to be general law authorization pursuant to ss. 1 and 9 of Art. VII of the State Constitution."

Although legally a tax, this revenue sources functions much like a typical special assessment (MSBU) for benefits in that properties are charged in accordance with a methodology that apportions the costs among all properties based upon the amount of benefit received. In other words, if the County moved to an EMS Tax Assessment all properties would pay something for EMS Services (typical ad valorem tax exemptions would not necessarily apply) and the charges would not be based on value, but most likely on a methodology similar to the County's existing fire assessment MSBU.

In accordance with Section 197.3632, Florida Statutes, the EMS Tax Assessment could be collected on the annual tax bill pursuant to the Uniform Assessment Collection Act for future years if the County satisfies the procedures steps in this statute, which requires that the County adopt a resolution of intent to use the tax bill prior to January 1 of the year the County desires to impose the charge. To use the November 2011 tax bill, the County would have needed to adopt this resolution of intent prior to January 1, 2011. Because the County just recently became eligible to utilize the EMS Tax Assessment, this was not done for 2011. However, if the Board desires to implement an EMS Tax Assessment for the Fiscal Year 2011-12, the County could elect to collect this charge off the roll for the initial year by sending separate bills to property owners. This would result in a lower collection rate than the tax bill and that lower collection rate should be taken into account in the County's budgeting. Any delinquencies for this first year could be included on the tax roll for next year once the procedural steps are satisfied.

If the Board elects to proceed with an EMS Tax Assessment program, I recommend the County put out an RFP to select a rate consultant who will develop the apportionment methodology for the County based upon local data.

Options:
Informational Item.

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	July 11, 2011
To:	Honorable Chairman and Members of the Board
From:	Timothy P. Barden, Interim County Administrator
Subject:	Request Board Acceptance of the Determination Regarding Bid Protest by Ben Withers, Inc.

Statement of Issue:
This agenda item requests Board acceptance of the determination regarding the OBBT Bid Protest by Ben Withers, Inc.

Background:
On June 29, 2011, the County received a formal bid challenge from Ben Withers, Inc. with regard to the OBBT FPID: 416272-2-58-01.

Analysis:
Upon review and investigation, I find that the Ben Withers, Inc. bid was properly rejected as non-compliant and non-responsive for failure to attach a copy of the required FDOT Qualifications Letter for the four required pre-qualifications as required by Section 00420 of the ITB.

Per Section 5.16 of the County Purchasing Policy: The County Administrator shall, within ten (10) working days of receipt of the formal written challenge, cause the challenge to be investigated. In the event the challenge is not resolved, the Board shall, within a reasonable time, be presented with the written challenge and the County Administrator's decision to the challenge prior to award of the bid. The procurement, which is the subject of the protest, shall not proceed until a final decision has been made, unless the Board makes a determination that the contract must proceed without delay to protect substantial interest of the County.

On July 12, 2011 a letter was sent to the representative of Ben Withers, Inc. to inform them of the County Administrator's determination (Attachment #1).

Options:
1. Accept the County Administrator's Determination regarding the OBBT Bid Protest by Ben Withers, Inc.
2. Do not accept the County Administrator's Determination regarding the OBBT Bid Protest by Ben Withers, Inc.
3. Board direction.

Recommendation:

Option #1

Attachments:

1. County Administrator Determination Letter & Corresponding Attachments.

Wakulla County

July 12, 2011

Via Electronic Mail

Ben Withers, Inc.
c/o Nicholas Yonclas
P.O. Box 386
Eastpoint, FL 32328

Re: Ochlockonee Bay Trail FPID: 416272-2-58-01 – Bid Protest by Ben Withers, Inc.

Dear Mr. Yonclas:

This letter is being directed to you as the representative of Ben Withers, Inc. On June 29, 2011, Wakulla County received a formal bid challenge from Ben Withers, Inc. with regard to the above bid and in that letter Mr. Withers directed future correspondence to you.

Upon review and investigation, I find that the Ben Withers, Inc. bid ("Withers bid") was properly rejected as non-compliant and non-responsive for failure to attach a copy of the required FDOT Qualifications Letter for the four required pre-qualifications as required by Section 00420 of the ITB. This section states "General Contractors proposing to be qualified to perform the Work are advised that they must address each item of this sheet, giving full descriptions of the material and equipment that they propose to furnish. Any information omitted will be sufficient reason for refusal to qualify." Please see attachment #1. This section goes on to require that the contractors hold current FDOT qualifications in the following four areas: (1) Drainage; (2) Flexible Paving; (3) Grading; and (4) Hot Plant-Mixed Bitumen Courses. Further, the bid specifically states that "A copy of the Contractor's Qualifications Letter must be attached to the bid. Failure to do so may result in the Board deeming the bid non-compliant, subjecting it to disqualification."

Although the Withers bid asserted that Ben Withers Inc. held the required four pre-qualifications, the required FDOT letter contradicted that assertion and stated that Ben Withers Inc. only held three of the four mandatory pre-qualifications. Please see attachments #2 and #3. The Withers bid did not contain any evidence of qualification with regard to the Hot Plant-Mixed Bitumen Courses. When Mr. Withers received notice that his bid had been deemed non-responsive for failure to include evidence that he satisfied the pre-qualification requirements, he faxed the County information that demonstrated his proposed subcontractor, Peavy & Son Construction Co., Inc., held the required FDOT qualification in Hot Plant-Mixed Bitumen Courses. This information was not provided to the County until June 20, 2011, which was well past the bid opening. Please see

BOARD OF COUNTY COMMISSIONERS

Alan Brock
Vice-Chairman, District 1

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District 2

Mike Stewart
Chairman, District 3

Jerry Moore
District 4

Lynn Artz
District 5

Timothy R. Barden
Interim County Administrator

Heather J. Encinosa
County Attorney
(850) 224-4070

Office of Management and Budget
Post Office Box 309
Crawfordville, FL 32326
(850) 926-9500
(850) 926-9006 FAX

attachment #4.

Not only was this faxed information regarding the Peavy & Son qualification untimely, but it was also insufficient to meet the requirements of Section 00420 of the ITB. Section 00420 of the ITB requires that Withers, as the prime contractor, satisfy the four mandatory FDOT qualification requirements. The fact is that Ben Withers, Inc. does not hold the required FDOT qualification in Hot Plant-Mixed Bitumen Courses as is required by the ITB. The ITB did not allow prime contractors to use subcontractors' qualifications in meeting the ITB's qualification requirements. The policy reason for requiring the prime contractor to hold all the required FDOT qualifications is that the County needs to be in privity of contract with the qualified contractor. Without this contractual relationship, the County has no means to enforce performance against a subcontractor and if the qualified subcontractor did not ultimately perform under the subcontractor agreement, the County would be left without a qualified vendor to perform its work.

The fact that the County expected the prime contractor to hold the four FDOT qualifications as specified in Section 00420 of the ITB is supported by the ITB itself and the County's course of conduct in interpreting the bid documents. In numerous places in the ITB itself the term "Contractor" is used to refer to the prime contractor such that any other interpretation of this term would be absurd. For example, in Section 00410 – Bid Schedule, it clearly states that "The Contractor shall perform with his own organization, work amounting to not less than fifty percent (50%) of the total contract amount..." Similarly, Section 00500 – Construction Agreement clearly indicates that the term "Contractor" applies to the prime contractor on the bid as the entity that would be contracting with the County. See also Section 00700- General Conditions where the term "Contractor" is also used to refer to the prime contractor. Additionally, in numerous places in the ITB, the term "subcontractor" is used where appropriate. For example, in the Bid Proposal and in the Withers Bid (page 2 of 5 of the Bid Proposal), the term "subcontractor" is clearly used to denote those entities that will be working under the prime contractor. Any interpretation of the term "Contractor" to apply equally to the prime and any subcontractors is inconsistent with a reasonable interpretation of the terms of the entire ITB package.

Additionally, any interpretation of the term "Contractor" to apply equally to the prime and any subcontractors is likewise inconsistent with the County's course of conduct in interpreting the ITB documents. Mr. George Roland of Kimley-Horn and Associates, Inc., the County's engineer on this project, announced at the pre-bid meeting that the prime contractor was required to hold all four mandatory FDOT qualifications and that these prequalifications could not be met through subcontractors. Further, by way of information and belief, the County is aware of potentially interested contractors who did not respond to the ITB because they were informed that the prime contractor was required to hold all four FDOT qualifications. To change this direction now would violate fundamental principles of equity and consistency in this public procurement process.

Accordingly, it is my determination that the County properly disqualified the Withers bid as non-responsive and non-compliant with the terms of the ITB.

Very truly yours,

Timothy Barden
Interim County Administrator

Cc: Ben Withers, Ben Withers, Inc. (w/attachments)
Heather Encinosa, County Attorney (w/attachments)

SECTION 00420 – BIDDER'S QUALIFICATION STATEMENT

BIDDER'S QUALIFICATION STATEMENT

The undersigned guarantees the truth and accuracy of all statements and answers herein contained. Include additional sheets if necessary. Print in ink or type all answers.

General CONTRACTORS proposing to be qualified to perform the Work are advised that they must address each item of this sheet, giving full descriptions of the material and equipment that they propose to furnish. Any information omitted will be sufficient reason for refusal to qualify.

General CONTRACTOR's License No._____ (attach copy).

All Contractors shall be prequalified with FDOT in the following work groups:

- DRAINAGE
- FLEXIBLE PAVING
- GRADING
- HOT PLANT-MIXED BITUMEN COURSES

A copy of the Contractor's Qualifications Letter must be attached to the bid. Failure to do so may result in the Board deeming the bid non-compliant, subjecting it to disqualification.

STATEMENT OF EXPERIENCE OF BIDDER

The Bidder is required to state below what work of similar magnitude is a judge of his experience, skill and business standing and of his ability to conduct the work as completely and as rapidly as required under the terms of the contract.

	Project and Location	Reference
1.	_____	_____
	_____	_____
2.	_____	_____
	_____	_____
3.	_____	_____
	_____	_____
4.	_____	_____
	_____	_____

5._____ _____

_____ _____

Dated _____ Bidder _____

By _____

Experience

1. How many years has your organization been in business as a general contractor?

_____
_____
_____

2. Have you ever failed to complete the work awarded to you within the specified contract time in the last five (5) years? If so, where, when, and why? Attach sheet, if necessary.

_____
_____
_____
_____
_____

3. Give names, addresses, and telephone numbers of three (3) individuals or corporations for which you have performed work and that can be contacted as a reference. Attach sheet, if necessary.

_____
_____
_____
_____

4. Complete the table below as fully as possible, describing projects similar in character and scope to the Work specified herein and which have been successfully completed during the past three (3) years.

Location and Type of Work	OWNER Name/City	Consulting Engineer	Year Completed	Contract Price

General

5. Describe your present workload. Do you have project underway which might interfere with the start of this Work and completion on schedule?

_____
_____
_____
_____
_____

6. List all past litigations or arbitrations for the past five (5) years and final outcome. Fully describe the circumstances (use additional sheets if necessary).

_____
_____
_____
_____
_____

7. Are you presently involved in any litigations or arbitration? If so, describe fully the circumstances and dollar amounts associated with litigation. Attach sheet, if necessary.

_____
_____
_____
_____
_____
_____

8. Use the following space to give a summary of the Financial Statement of your organization. (List assets and liabilities for the past five (5) years, and use additional sheet if necessary):

_____
_____
_____
_____
_____

9. Has your corporation(s) been declared insolvent and/or had the bond pulled on a project?

_____
_____
_____
_____
_____

10. State the true and exact, correct, and complete name under which you do business.
BIDDER
IS:_____

_____
(Signature)

_____
(Name)

_____
(Title)

_____
(Company)

_____
(Date)

SECTION 00420 – BIDDER'S QUALIFICATION STATEMENT

BIDDER'S QUALIFICATION STATEMENT

The undersigned guarantees the truth and accuracy of all statements and answers herein contained. Include additional sheets if necessary. Print in ink or type all answers.

General CONTRACTORS proposing to be qualified to perform the Work are advised that they must address each item of this sheet, giving full descriptions of the material and equipment that they propose to furnish. Any information omitted will be sufficient reason for refusal to qualify.

General CONTRACTOR's License No. RG0055056 (attach copy).

All Contractors shall be prequalified with FDOT in the following work groups:

- ☒ DRAINAGE
- ☒ FLEXIBLE PAVING
- ☒ GRADING
- ☒ HOT PLANT-MIXED BITUMEN COURSES

A copy of the Contractor's Qualifications Letter must be attached to the bid. Failure to do so may result in the Board deeming the bid non-compliant, subjecting it to disqualification.

STATEMENT OF EXPERIENCE OF BIDDER

The Bidder is required to state below what work of similar magnitude is a judge of his experience, skill and business standing and of his ability to conduct the work as completely and as rapidly as required under the terms of the contract.

	Project and Location	Reference
1.	Ochlockonee Bay Bridge Ochlockonee, FL	Tony Waters (850)922-1939 FDOT Project Administrator
2.	Buckhorn Creek Bridge Sopchoppy, FL	Cleve Fleming (850) 926-7616 Wakulla County Public Works
3.	Wildlife Refuge Fishing Pier St Marks, FL	Andrea Brzoska (404) 679-7293 U.S. Fish and Wildlife
4.	Bald Point State Park Alligator Point, FL	Fred Hand (850) 488-5372 FL Dept of Environmental Protection

5. Wooley Park/Mashes Sand Ray Gray (850) 926-5769

Panacea, FL Wakulla Co. Parks and REcreaction

Dated June 13, 2001 Bidder Ben Withers, Inc.

By _____

Ben Withers, President

Experience

1. How many years has your organization been in business as a general contractor?
22 years

2. Have you ever failed to complete the work awarded to you within the specified contract time in the last five (5) years? If so, where, when, and why? Attach sheet, if necessary.
No

3. Give names, addresses, and telephone numbers of three (3) individuals or corporations for which you have performed work and that can be contacted as a reference. Attach sheet, if necessary.
Cleve Fleming, ESG (850)926-7616
Joe Hope, Hydra Engineering, (850) 926-6275
Chris Webber, St Marks National Wildlife Refuge (~~350~~) 925-9638

4. Complete the table below as fully as possible, describing projects similar in character and scope to the Work specified herein and which have been successfully completed during the past three (3) years.

Location and Type of Work	OWNER Name/City	Consulting Engineer	Year Completed	Contract Price
(See attachment)				

General

5. Describe your present workload. Do you have project underway which might interfere with the start of this Work and completion on schedule?

No.

6. List all past litigations or arbitrations for the past five (5) years and final outcome. Fully describe the circumstances (use additional sheets if necessary).

None

7. Are you presently involved in any litigations or arbitration? If so, describe fully the circumstances and dollar amounts associated with litigation. Attach sheet, if necessary.

No

8. Use the following space to give a summary of the Financial Statement of your organization. (List assets and liabilities for the past five (5) years, and use additional sheet if necessary):

See attached financial statement

9. Has your corporation(s) been declared insolvent and/or had the bond pulled on a project?

No

10. State the true and exact, correct, and complete name under which you do business.

BIDDER IS: Ben Withers, Inc.

(Signature)

Ben Withers, President
(Name)

President
(Title)

Ben Withers, Inc.
(Company)

June 13, 2011
(Date)

Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

May 18, 2011

BEN WITHERS, INC.
886 COASTAL HWY
PANACEA FL 32346

RE: CERTIFICATE OF QUALIFICATION

Dear Sir/Madam:

The Department of Transportation has qualified your company for the amount and the type of work indicated below. Unless your company is notified otherwise, this rating will expire 6/30/2012. However, the new application is due 4/30/2012.

In accordance with S.337.14 (1) F.S. your next application must be filed within (4) months of the ending date of the applicant's audited annual financial statements and, if applicable, the audited interim financial statements. Section 337.14 (4) F.S. provides that your certificate will be valid for 18 months after your financial statement date. This gives a two month period to allow you to bid on jobs as we process your new application for qualification. To remain qualified with the Department, a new application must be submitted subsequent to any significant change in the financial position or the structure of your firm as described in Section 14-22.005(3), Florida Administrative Code.

Your company's maximum capacity rating has been established. To access it, please log into the Contractor Prequalification Application System via the following link:
https://www3.dot.state.fl.us/ContractorPreQualification/

Once logged in, select "View" for the most recently approved application, and then click the "Manage" and "Application Summary" tabs.

FDOT APPROVED WORK CLASSES:
DEBRIS REMOVAL (EMERGENCY), DRAINAGE, FENCING, FLEXIBLE PAVING, GRADING, GRASSING, SEEDING AND SODDING

FDOT APPROVED SPECIALITY CLASSES OF WORK:
NONE

Peavy and Son Construction
RECEIVED
MAY 16 2011

Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

May 12, 2011

PEAVY & SON CONSTRUCTION CO., INC.
39 SCHWALL ROAD
HAVANA FL 32333

RE: CERTIFICATE OF QUALIFICATION

Dear Sir/Madam:

The Department of Transportation has qualified your company for the amount and the type of work indicated below. Unless your company is notified otherwise, this rating will expire 6/30/2012. However, the new application is due 4/30/2012.

In accordance with S.337.14 (1) F.S. your next application must be filed within (4) months of the ending date of the applicant's audited annual financial statements and, if applicable, the audited interim financial statements. Section 337.14 (4) F.S. provides that your certificate will be valid for 18 months after your financial statement date. This gives a two month period to allow you to bid on jobs as we process your new application for qualification. To remain qualified with the Department, a new application must be submitted subsequent to any significant change in the financial position or the structure of your firm as described in Section 14-22.005(3), Florida Administrative Code.

Your company's maximum capacity rating has been established. To access it, please log into the Contractor Prequalification Application System via the following link:
https://www3.dot.state.fl.us/ContractorPreQualification/

Once logged in, select "View" for the most recently approved application, and then click the "Manage" and "Application Summary" tabs.

FDOT APPROVED WORK CLASSES:
DEBRIS REMOVAL (EMERGENCY), DRAINAGE, FENCING, FLEXIBLE PAVING, GRADING, GRASSING, SEEDING AND SODDING, GUARDRAIL, HOT PLANT-MIXED BITUM. COURSES, INTERMEDIATE BRIDGES, MINOR BRIDGES, ROADWAY SIGNING

FDOT APPROVED SPECIALITY CLASSES OF WORK:
BRICK PAVERS AND STREET PRINT.

Board of County Commissioners
Agenda Request

Date of Meeting:	July 18, 2011
Date Submitted:	July 13, 2011
To:	Honorable Chairman and Members of the Board
From:	Lynn Artz, County Commissioner, District 5
Subject:	Request Board Approval of a Resolution Concerning Campgrounds at Wakulla Springs State Park

Statement of Issue:
This agenda item requests Board approval of a Resolution concerning recently announced plans for campgrounds at Wakulla Springs State Park.

Background/Description:
In June of 2011, the Florida Department of Environmental Protection (FDEP) announced plans to amend the Land Management Plan for Wakulla Springs State Park and establish 2 large, privately-run campgrounds near Cherokee Sink. (See attached Amendment.) This proposal was made with minimal consideration of possible negative impacts and with minimal local and public input. Further, the decision seemed to be on a fast track for approval and implementation.

Analysis
A more thorough analysis of the potential impacts of the proposed Land Management Plan Amendment should be conducted before approval. This analysis should include an evaluation of the carrying capacity of the Park's natural water and cave features and an evaluation of the impacts on water quality that the proposed Amendment will have. Further, additional public comment from the citizens and political representatives of Wakulla County should be obtained prior to approval of the Amendment to ensure that any plan for camping and additional recreational activities at Wakulla County is in the best interest of the people who live within the County.

The proposed Resolution requests that FDEP conduct a more detailed analysis of the potential impacts the proposed Management Plan Amendment Wakulla Springs State Park and that upon any additional studies, that FDEP modify the Plan Amendment so as to reduce the impacts the Plan Amendment will have on Wakulla Springs. Additionally, the proposed Resolution requests that prior to obtaining final approval of the proposed Plan Amendment that FDEP conduct additional public input meetings to obtain additional public comment from citizens and political representatives of Wakulla County.

Budget Impact
None.

Options:
1. Approve the Resolution concerning campgrounds at Wakulla Springs State Park.
2. Do not approve the resolution concerning campgrounds at Wakulla Springs State Park.
3. Board direction.

Recommendation:
Option #1

Attachments:
1. Resolution
2. FDEP Land Management Plan Amendment for Wakulla Springs State Park

RESOLUTION #_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA, REQUESTING THAT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CONDUCT A STUDY REGARDING CAMPING AT WAKULLA SPRINGS STATE PARK; REQUESTING THAT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION MODIFY ITS PROPOSED PLAN AMENDMENT FOR CAMPING AT WAKULLA SPRINGS STATE PARK BASED ON RESULTS OF STUDY; REQUESTING THAT THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION CONDUCT ADDITIONAL PUBLIC INPUT MEETINGS WITH INTERESTED PARTIES IN WAKULLA COUNTY PRIOR TO FINALIZING ANY PLAN AMENDMENT FOR CAMPING AT WAKULLA SPRINGS STATE PARK; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Wakulla County, Florida ("Board"), and the citizens of Wakulla County have concerns regarding the proposed Land Management Plan Amendment (the "Plan Amendment") for family and equestrian camping at Edward Ball Wakulla Springs State Park ("Wakulla Springs"); and

WHEREAS, the Plan Amendment for family and equestrian camping at Wakulla Springs issued by the Florida Department of Environmental Protection ("FDEP") would involve significant impacts through development of two proposed campsites above and within close proximity to underground caves and sinkholes; and

WHEREAS, the Plan Amendment provides a brief evaluation of potential impacts to certain vegetation and animals within Wakulla Springs, it fails to fully evaluate potential impacts to Wakulla Spring's underground cave system, springs, and sinkholes, which such impacts remain unknown and require further investigation; and

WHEREAS, Wakulla Springs is an important natural resource of the State of Florida, Wakulla County, and the citizens of the State and County, and the FDEP Plan Amendment to allow family and/or equestrian camping should be fully considered and discussed at additional public input meetings before approval and execution; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WAKULLA COUNTY, FLORIDA:

1. The Board hereby respectfully requests that FDEP conduct a more detailed analysis of the potential impacts the proposed Management Plan Amendment for Edward Ball Wakulla Springs State Park to introduce family camping, equestrian camping, additional swimming and other recreational activities into Wakulla Springs which includes an evaluation of the carrying capacity of the Park's natural water and cave features, including Wakulla Springs and Cherokee Sinkhole and an evaluation of the water quality impacts the proposed uses will

have on such features. Attached hereto as Appendix "A" is the FDEP Land Management Plan Amendment, dated June, 2011.

2. In addition, the Board requests that upon completion of any additional studies, that FDEP modify the Plan Amendment in such a manner so as to reduce the impacts the Plan Amendment will have on Wakulla Springs.

3. The Board further requests that prior to obtaining final approval for the proposed Plan Amendment that FDEP conduct additional public input meetings to obtain additional public comment from the citizens and political representatives of Wakulla County to ensure that any plan for camping and additional recreational activities at Wakulla County is in the best interest of the people who live within the County.

4. This resolution shall become effective immediately upon its adoption.

DONE AND ADOPTED this 18th day of July, 2011.

Wakulla County Board of Commissioners

_____
Mike Stewart, Chairman

ATTEST:

_____
Brent X. Thurmond, Ex-Officio Clerk

APROVED AS TO FORM AND CONTENT:

_____
Heather Encinosa, County Attorney

Florida Department of Environmental Protection
Division of Recreation and Parks

Land Management Plan Amendment
Edward Ball Wakulla Springs State Park
June, 2011

Introduction

Edward Ball Wakulla Springs State Park is a 6,055.2-acre public outdoor recreation and conservation area located in Wakulla County, about ten miles south of Tallahassee. The park is comprised of multiple parcels. The original parcel purchased in 1986 to create the park is located between State Road 267 and State Road 61. The Cherokee Sink parcel is located to the southwest across State Road 61, and three additional parcels referred to as the River Sinks and Turner Sinks parcels are located to the northwest along the Leon and Wakulla county line adjacent to the Apalachicola National Forest. The main park entrance is located on State Road 267 (see Vicinity Map).

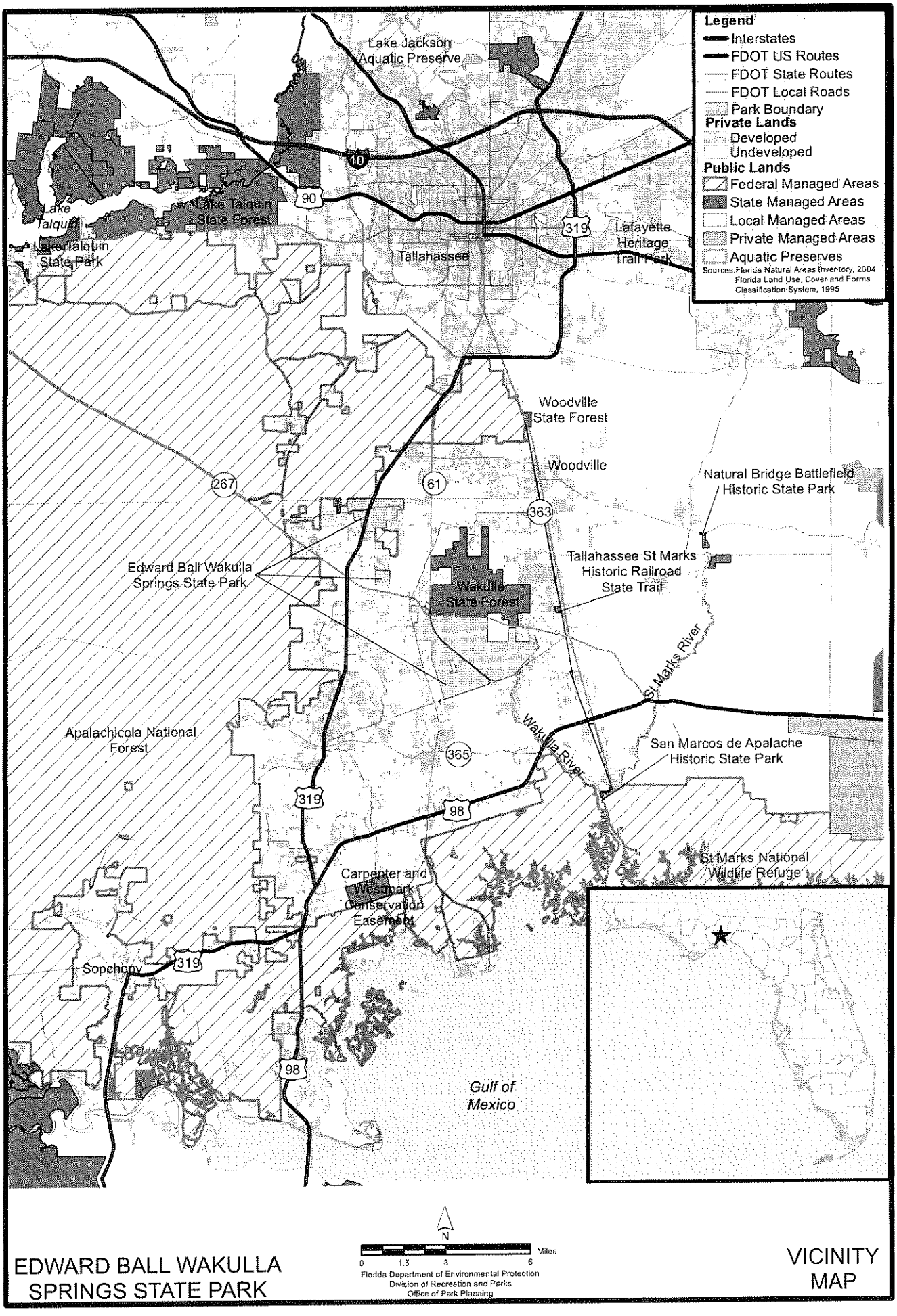
This management plan amendment was prepared as part of an effort to expand family camping opportunities in the state park system. It amends the current management for the Edward Ball Wakulla Springs State Park that was approved on December 14, 2007. That document can be found at:
http://www.dep.state.fl.us/parks/planning/parkplans/EdwardBallWakullaSpringsStatePark.pdf.

The amendment presents a proposal to provide new family camping facilities in the state park. The Department has analyzed the proposed new facilities from the standpoint of their potential impacts on the park's natural and cultural resources, public recreational uses and park operations. Consideration has also been given to the public benefits that family camping at the park will provide. The Department has determined that the new facilities described in this plan amendment will be compatible with the park's outdoor recreation and conservation purposes and compliment the park's existing recreational opportunities and operational programs.

Natural Resource Inventory and Assessment

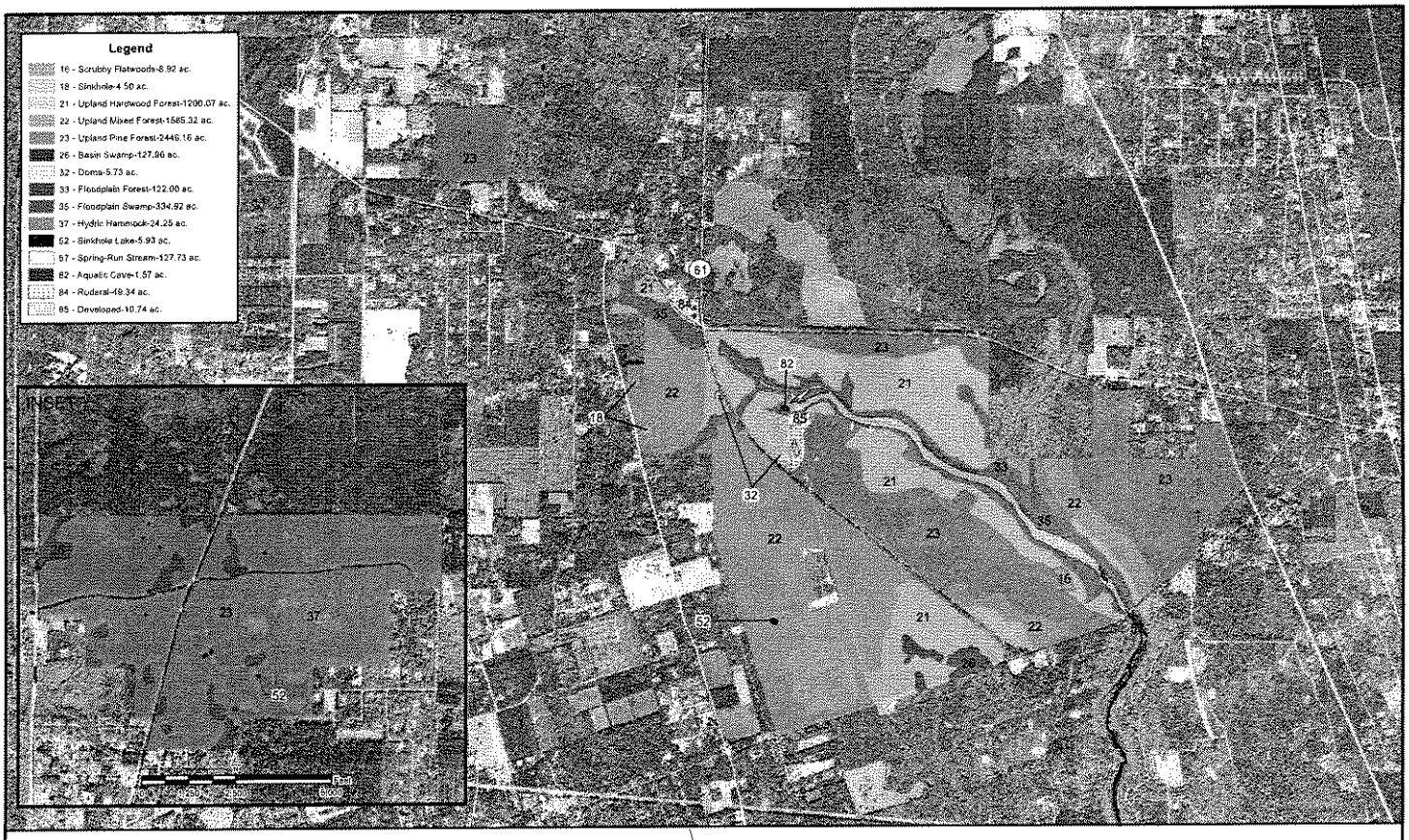
Edward Ball Wakulla Springs State Park contains 13 distinct natural communities (see Natural Communities Map). The principal hydrological feature of the park is Wakulla Spring and a three-mile portion of its spring run, the Wakulla River. A vast aquatic cave system is associated with the spring, extending at least 12 miles from the spring and reaching depths of 300 feet. Both the Wakulla Spring and the Wakulla River are designated National Natural Landmarks.

The park's upland hardwood forests contain some of the oldest and most beautiful American beech-southern magnolia climax forest found in the South including nine



EDWARD BALL WAKULLA SPRINGS STATE PARK

VICINITY MAP



EDWARD BALL WAKULLA SPRINGS STATE PARK

NATURAL COMMUNITIES MAP

state champion trees and two national champion trees. The pristine floodplain swamp along the Wakulla River is perhaps the most visible and familiar natural community to most visitors. Bald cypresses growing on natural mid-channel islands give the feeling of being surrounded by a primeval, towering forest.

The proposed family camping area is located within an area of upland mixed forest where prescribed fire is being introduced. The area was clear cut of most of its mature timber in 1987-1988 while under private ownership. The forest has since been allowed to grow back naturally. This natural growth has resulted in a mixed stand of longleaf and slash pines and hardwood species such as laurel oak, dogwood, black cherry, crabapple and hawthorn. An evaluation of the site determined that a low level of impacts to natural communities would result from development.

The state park has recorded the presence of 43 imperiled species of plants, fish, reptiles, birds, mammals and arthropods. Most of the bird species and arthropods are associated with the springs, river, floodplain swamp and floodplain forest. Additional imperiled animal species include the gopher tortoise, Southeastern fox squirrel, Suwannee cooter and Florida manatee. Imperiled plant species include the endangered sweetshrub, Eastern purple coneflower, endangered green adders' mouth orchid and the endangered little club-spur orchid. No threatened or endangered plant and animal species were identified within or adjacent to the proposed family camping area.

Cultural Resource Inventory and Assessment

Humans have occupied and used the lands surrounding Wakulla Springs for nearly 12,000 years. At least 70 distinct cultural sites have been recorded within the park boundary. The park contains archaeological sites dating from Paleo-Indian through the Spanish mission and Creek and Seminole periods. Late 19th and early 20th century uses included heavy timbering, farming and naval stores, and the development of tourism facilities. Edward Ball acquired the main spring and the surrounding lands in 1934 and developed the area as an attraction that focused on the preservation of wildlife and the conservation of natural features. The Wakulla Springs Lodge is an excellent example of early 20th century Mediterranean Revival architecture. Edward Ball Wakulla Springs State Park was placed on the National Register of Historic Places as an archaeological and historic district in 1992.

The proposed area is not located in the National Register listed district. In addition, there are no known cultural sites within or adjacent to the proposed location for the family camping area. It is not anticipated that the project will have any adverse impacts on known cultural resources.

Public Access and Outdoor Recreation

Edward Ball Wakulla Springs State Park provides resource-based public outdoor recreation of a quality and diversity that is unique in the state park system. The park's exceptional natural features, wildlife, archaeological sites and cultural resources combine to make it one of the finest public outdoor recreation areas in Florida. Its proximity to thousands of acres of public lands managed by other state, federal and local agencies make it ideally situated to provide access to recreational opportunities throughout the Big Bend region.

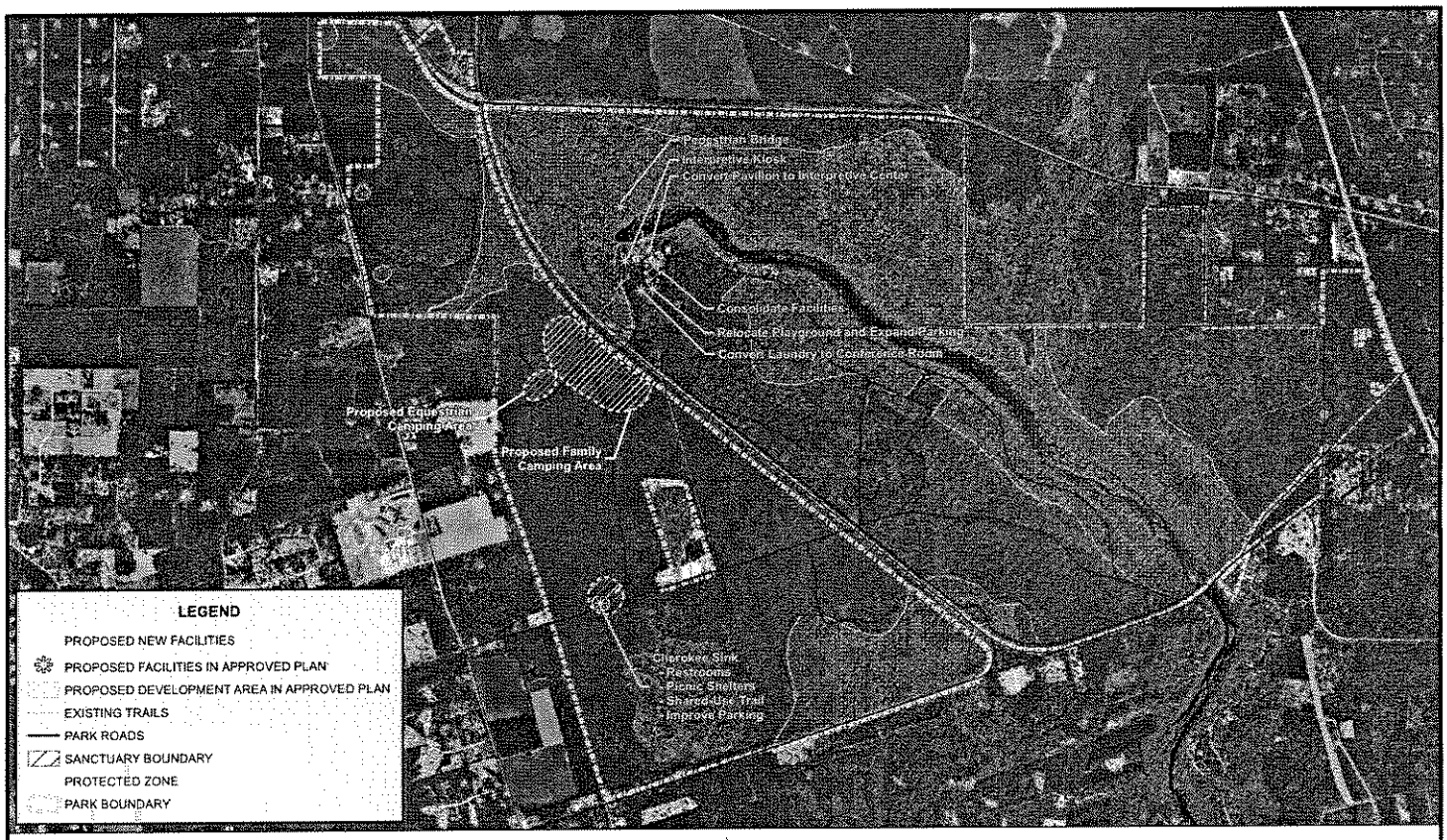
The area immediately surrounding Wakulla Spring and Lodge is the focal point of recreation at the park. A designated swimming area and guided boat tours provide controlled access to the spring basin and river. The park's picnic area has pavilions and scattered tables, and is a popular area for groups of all sizes. The park currently maintains approximately 13.5 miles of nature, hiking and shared-use trails. A small parking area and trailhead provides access to observation platforms at Cherokee Sink via a walking trail.

The Wakulla Springs Lodge complex provides 27 guest rooms for overnight accommodations, as well as dining and meeting space. The park's annual attendance in FY 2009/2010 was 177,119 visitors, of whom 10,902 were overnight visitors. The park's recreational carrying capacity is currently estimated at 1,910 visitors per day.

Description of the Proposed Facilities

The proposed family camping area is approximately 60 acres in size and located just to the southwest of the park's main recreation area in the Cherokee Sink parcel (see Amended Conceptual Land Use Plan). As noted, this site was previously disturbed by past logging activities and a dense stand of young pine and hardwoods now occurs on the site. The site is within a short walk or bicycle ride to the lodge and swimming area. It also allows ready trail access to Cherokee Sink, where the park's approved management plan recommends the development of a swimming area with restrooms.

Campers will enter the new family camping area from Wakulla Springs Road (State Road 61) at a point directly across from the former entrance to the park. An appropriate contact point may be required for greeting and registering campers. A marked or signaled crossing of Wakulla Springs Road may be needed for public safety. A paved or stabilized pedestrian pathway may also be provided to connect the camping area with the lodge and swimming area.



EDWARD BALL WAKULLA SPRINGS STATE PARK

AMENDED CONCEPTUAL LAND USE PLAN

Up to 120 campsites designed to accommodate recreational vehicles, pop-up campers and tents are proposed. The camping area will include paved or stabilized roads, stabilized camping pads, bathhouses or restrooms, picnic tables and grills, and connections for water and electric service and wastewater disposal. Other amenities such as playgrounds and interpretive facilities may also be included. A residence and small shop area will be required to provide security and operational support. The design of the family camping area and amenities will be consistent with the universal access requirements of the Americans with Disabilities Act.

An equestrian camping area adjacent to the new camping area is also proposed. The equestrian area will consist of a central stable or paddock area, with sites for up to 12 camping rigs and horse trailers. Like the family camping area, the equestrian camping area will provide a bathhouse or restroom and connections for water, electric and waste disposal at each site. The area will connect to existing and future shared-use trails in the park outlined in the park's approved management plan.

Both of the proposed new facilities are located immediately adjacent to existing sanitary sewer and electrical lines. This avoids the need to install septic tanks and drain fields in this sensitive area for the springs. A high degree of visual screening between campsites will be possible because of the dense vegetation that exists on the site. Impacts to large or significant trees will be avoided.

Potential Impacts of the Proposed Facilities and Use

The proposed family camping area is expected to have a minimal impact on the park's natural and cultural resources. Impacts of the proposed development will include vegetation removal, ground disturbance and the addition of impervious surfaces to the site. This will result in an increase in surface water runoff and minor disturbance of wildlife activity on the site and in adjacent areas. Additional impacts to the area are also possible depending on the design and construction of required stormwater treatment systems.

During the design phase of the project, surveys will be conducted to locate any imperiled plant and animal species within the project area, and measures to avoid or mitigate potential impacts will be incorporated in the development project. The U.S. Fish and Wildlife Service, the Florida Fish and Wildlife Conservation Commission and the Florida Department of Agriculture and Consumer Services will be consulted on management of potential impacts.

The location of the proposed family camping area is such that the park's current resource management programs will not be impeded. Management activities will be

necessary, including regular monitoring of adjacent resources during construction and responding to potential impacts both during and after construction. All facilities in the family camping area will be designed to be "firewise." This will be particularly important as the reintroduction of prescribed fire continues on the Cherokee Sink parcel.

Upland exotic plants are present in the park but for the most part, their impacts are minor and are dealt with on a routine basis. No upland exotic plant species were observed in the area of the proposed family camping area, but any invasive exotic plants that are found during construction will be removed or treated. New landscape planting will be limited to native species that are associated with the adjacent natural communities. Native plants from seed or stock plants from sources within 50 miles of the park will be provided if possible. The Department staff will review and approve all proposed plant lists used in the project.

The Department of State, Division of Historical Resources (DHR) will review the project during the design phase. Actions necessary to protect cultural resources, as prescribed by DHR, will be incorporated into the design of all facilities and guide the construction phase of the project. Archaeological investigation by a professional archaeologist or monitoring of the work by a certified archaeological resource monitor will be conducted, as directed by DHR.

The proposed camping areas will be constructed in areas that avoid encroachment on other recreation activities and the experiences of other park visitors. Swimming recreation at Wakulla Spring draws capacity crowds on summer holidays and many summer weekends and occasionally on summer days when public schools are out of session. The addition of camping visitors to the existing swimming activity may increase the number of days when capacity use of the swimming area occurs. However, it has been observed that some recreational activities in state parks are self-regulating to a degree. When visitors are in the park for multi-day stays in campsites or cabins, they tend to make use of the park's recreational opportunities during the off-hours before or after times of peak use. When developed, the proposed new camping areas will increase the park's daily carrying capacity by a maximum of 1008 visitors, as shown in Table 1.

The Department will have control over all aspects of planning, design, construction and operation of the facilities to ensure consistency with the mission and quality standards of the state park system. The camping area will be designed and operated in a manner that is consistent with the standards and criteria that apply to all state park camping facilities.

Table 1--Existing Use and Recreational Carrying Capacity						
	Existing Capacity		Proposed Additional Capacity		Estimated Recreational Capacity	
Activity/Facility	One Time	Daily	One Time	Daily	One Time	Daily
Lodging/Meeting Space	152	152	50	50	202	202
Picnic Area/Waterfront	545	1,090			545	1090
Trails	95	190	100	200	195	390
Cherokee Sink	106	212			106	212
Family Camping Area*			960	960	960	960
Equestrian Camping Area*			48	48	48	48
Emerald Sink (diving)			8	16	8	16
TOTAL	898	1,644	1,166	1,274	2,064	2,918
* Additional carrying capacity proposed by this amendment.						

The following guidelines will be applied for to all park development:

1. All natural and cultural resources, including imperiled species, historic structures and historic or prehistoric archaeological sites, will be protected where possible and any unavoidable impacts will be mitigated.
2. Facilities will be located and designed so that the park's resource management activities are not interrupted, where possible.
3. All stormwater management and other environmental regulations will be satisfied by the design and construction of the facilities.
4. Camping areas will be located, construction activities will be staged and managed, and the completed facilities will be operated to avoid encroachment on the recreational experiences available to other park visitors, to the greatest extent possible.
5. Existing park support facilities such as roads and utilities will be used, where feasible, to minimize the impact of new development in the park.
6. Impacts to park land or other resources that cannot be avoided during construction of the facilities will be restored or offset within the park.

7. Operational reviews of new camping areas and programs will occur on a regular schedule.

Potential Benefits of the Proposed Facilities and Use

The purposes of this initiative are to expand the recreational opportunities that are provided by Florida's state parks, enhance the beneficial economic impacts of state parks, stimulate the creation of new employment opportunities, and move the state park system closer to its goal of economic self-sufficiency.

Development of a family campground at Wakulla Springs State Park will benefit residents and visitors of Florida by increasing opportunities for recreation at the park and in the surrounding area. Ideally situated in the Big Bend region, the park can serve as an access point for nature-based and heritage based recreation. The family camping area will provide overnight accommodations in close proximity to other public conservation lands, including the Apalachicola National Forest, St. Marks National Wildlife Refuge, San Marcos de Apalache Historic State Park and Natural Bridge Battlefield Historic State Park. Camping opportunities will help contribute to the economically viability of the state park, and campground visitors will benefit the local economy by patronizing area businesses, including restaurants, stores, and attractions.