

NOVEMBER 12, 2002 – SPECIAL/REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Special Meeting on Tuesday, November 12, 2002 at 1:00 p.m. followed by their Regular Meeting at 4:00 p.m. in the Boardroom of the Walton County Courthouse. The special meeting was to consider transmittal of Large Scale Amendment 02-2.

The following Board members were present during the special session: Lane Rees, Chair, Larry D. Jones, Vice-Chair, and Commissioner Tim Pauls. Mr. Michael Underwood, County Administrator, and Attorney Gary Vorbeck, Director of Legal Services were also present.

Commissioner Rees called the meeting to order followed by the pledge of allegiance to the American Flag.

Mr. Tom Blackshear, County Planner, presented the first amendment, 02-2.1.A: **Vegetated Buffer Requirements for Shallow Lots of Record Abutting Environmentally Sensitive Areas.**

Mr. Blackshear presented alternative language that could be adopted. One option would be to provide a 25' setback with 25% clearing within the setback. The second option provides a variable setback depending upon the depth of the lot.

Mr. David Kramer addressed the commissioners regarding the language to make the code more consistent. He requested to change the language in Policy C-3.2.1 (a) to read “within 50” feet of rivers instead of 75 feet. He also requested that the clearing area within the vegetated buffers be 25 percent for consistency.

Attorney Lloyd Blue, Vice-Chair of the Coastal Dune Lake Task Force, spoke about comments previously submitted by Nancy James on behalf of the South Walton

Community Council. The Task Force was in favor of enhancing the buffer where it could be environmentally enhanced to better protect the lake. He commented that there were also those individuals who wanted a fixed 25' buffer for lots of record prior to December 28, 1992. Mr. Blue's opinion was that the buffer should be increased.

Commissioner Pauls questioned if the proposed language would apply to developed or undeveloped lots. Mr. Blue stated that they spoke about reconstruction. Mr. Blue stated that discussion centered on a structure being reconstructed according to the same footprint. Mr. Blue stated that there could be dozens of lots effected, but not hundreds.

Attorney Ken Goldberg stated that a determination should be made as to how many lots will be affected before adopting this language. He encouraged the commissioners to table this issue for further review.

Ms. Nancy James, South Walton Community Council, spoke about the coastal dune lake issue. She agreed with the Coastal Dune Lake Advisory Board and presented additional language that the Council would like to see as part of the amendment.

Commissioner Pauls commented that the policy needs to be clear as to what extent it applies to redevelopment. He also stated that there are problems with defining what is classified as a lake and is governed by this policy. Commissioner Rees stated that there is a list of all lakes classified as a coastal dune lake. Mr. Blackshear stated that there is also language that requires a 50-foot buffer from outfalls. Mr. Blackshear recommended adding the language presented by the South Walton Community Council that states a minimum buffer of 25' or 20 percent of the depth of the lot, whichever is

greater. Commissioner Pauls stated that the language needs to be clear regarding which properties it applies to.

The commissioners agreed to add the following wording: Single-family development on existing lots of record lacking sufficient depth to meet the above listed buffer requirements for inlets, creeks, rivers, canals, coastal dune lakes, Choctawhatchee Bay shall be subject to a minimum buffer of 25' or 20 percent of the depth of the lot, whichever is greater. They also agreed to add a date of December 28, 1992 for lots of record prior to that date. A change was made from 75' of rivers to 50' of rivers.

Motion by Commissioner Pauls, second by Commissioner Jones to approve LSA 02-2.1.A: Vegetated Buffer Requirements for Shallow Lots of Record Abutting Environmentally Sensitive Areas with the amended wording as stated. Ayes 3, Nays 0. Pauls Aye, Jones Aye, Rees Aye.

Mr. Blackshear presented LSA 02.2.1.B: **Neighborhood-Commercial Text Clarification**. He stated that the originally proposed amendment substituted the word “project” for “use.” It also substitutes the date of adoption of the neighborhood-commercial amendment (November 11, 1999) for the word “new.”

Mr. Blue addressed the commissioners regarding vesting issues. He recommended the following changes to the proposed language. These ~~vested~~ historic neighborhood-commercial projects may rebuild to their original foot print height configuration and use if they are destroyed by fire, hurricane, or other catastrophe. The commissioners agreed that the intent is for the structure to be reconstructed to the same character. The following sentence was also amended as follows: Neighborhood-commercial projects that were

~~established~~ constructed prior to ~~Walton County~~ December 1975 ~~having a permitting program~~ are also ~~vested~~ considered historical.

Tiana Larson voiced concerns with the way the language is written and stated that she feels the county will lose the non-conforming status for issues not related to Neighborhood-commercial. She stated that documentation may also be a problem when it comes to making a determination as to when a certain building may have been constructed.

Mr. Blackshear stated that there is proposed development criteria for Neighborhood commercial projects, in a new section of the Land Development Code. If the commissioners agree to transmit this amendment then the LDC language needs to be developed by the time these amendments are ready to be adopted. Mr. Blue stated that 1975 date he referred to was taken from the LDC, which was used to set aside historical plats.

Ms. Cindy Meadows shared comments from the Planning Commission. She stated that they spoke on the importance of keeping the mom and pop places. They also agreed that a definition of the three uses; vested, non-conforming uses, and grand fathered uses, needs to be redeveloped establishing which properties can be vested and how they can be used in the case of a catastrophe.

Mr. Kramer presented recommended language changes to policy 1-1.1B(B)(3)(b) changing “infill parcels” to “individual infill lots of records”. Mr. Kramer also recommended changes to sections *iv* and *xi*.

Mr. Goldberg addressed the language in section (*i*) regarding covenants and restrictions. He felt that the covenants and restrictions would not be applicable if they

expired in the same manner they expire under the Marketable Record Title Act. He feels the term “unexpired” should be used to better define the policy. After further discussion, Commissioner Pauls recommended removing sections *iv* and *xi*. Commissioner Jones agreed.

Motion by Commissioner Jones, second by Commissioner Pauls to approve transmittal of LSA 0-2.2.a.B: Neighborhood-Commercial Text Clarification as amended: remove sections *iv* and *xi*; change *ix* as follows: “...allowed to have ~~one~~ one living units above it.”; section (*i*) was changed to read – Neighborhood-commercial projects that were constructed prior to December 1975 are considered historical. These historic neighborhood-commercial projects may rebuild to their original footprint configuration and use if they are destroyed by fire, hurricane, or other catastrophe. Ayes 3, Nays 0. Pauls Aye, Jones Aye, Rees Aye. The commissioners agreed to allow Mr. Blackshear to verify the December date for accuracy. Mr. Blackshear thought the referenced date might be July.

Mr. Blackshear presented LSA 01-2.2.1C: **Establishing Medium Industrial and Light Industrial Land Use Categories for North Walton County; Deleting Specificity in Existing Comprehensive Plan Text Regarding List of Uses and Location, Lot Coverage, and Buffering Requirements; and Deferring Such Specificity to the Land Development Code.**

Mr. Blackshear stated that a survey needs to be performed of all existing industrial areas. He advised that Light, Medium, and Heavy Industrial categories need to be assigned to areas in the north part of the county.

Commissioner Pauls questioned how new medium industrial uses can be compatible with residential uses. Mr. Tom Powell, Economic Development Council, questioned what the implications of the proposed wording would be regarding compatibility. Commissioner Jones commented that a list of compatible projects might need to be drafted.

Motion by Commissioner Jones, second by Commissioner Pauls to approve to transmit LSA 02-2.2.1C as presented. Ayes 3, Nays 0. Pauls Aye, Jones Aye, Rees Aye.

The commissioners recessed briefly and reconvened at 4:00 p.m. for their regular session. The following Board members were present: Lane Rees, Chair, Larry D. Jones, Vice-Chair, Commissioner Tim Pauls, Commissioner Herman L. Walker, and Commissioner Gene Ryan.

Commissioner Walker led with prayer followed by the Pledge of Allegiance to the American Flag led by Commissioner Ryan.

Commissioner Rees called the meeting to order and recognized his wife and mother-in-law who were present in the audience. He also welcomed Mr. Mark Davis, School Board Member, Mr. Ro Cuchens, and Mr. Kenneth Pridgen, newly elected Commissioners.

Commissioner Rees presented Commissioner Ryan with a plaque for his service as the District 4 County Commissioner. Commissioner Walker was also presented with a plaque for his service as the District 2 County Commissioner and the work he performed on the wetlands issues as well as other issues.

Commissioner Rees accepted a plaque on behalf of the Walton County Commissioners from the Walton Youth Athletic League.

Motion by Commissioner Walker, second by Commissioner Ryan to approve the consent agenda consisting of the following items. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

1. EAL Approval	
General Fund	\$ 543,938.66
County Transportation	\$ 277,903.64
Fine & Forfeiture	\$ 682,306.44
Section 8 Housing	\$ 122,469.14
N.W. Mosquito Control	\$ 314.34
W. Co. Library	\$ 17,261.61
Recreation Plat Fee	\$ 28.00
Solid Waste Enterprise	\$ 183,189.12
Mossy Head VFD	\$ 5,003.33
Glendale VFD	\$ 1,593.78
Darlington VFD	\$ 2,216.07
Liberty VFD	\$ 2,425.84
Red Bay VFD	\$ 97.68
Local Option Gas Tax	\$ 16,992.00
Capital Projects Fund	\$ 82,480.49
SHIP	\$ 7,500.00
Tourist Dev. Council	\$ 115,375.60

2. Approval of Minutes: October 08, 2002 – Regular Meeting  
October 22, 2002 – Regular Meeting
3. Schedule Public Hearing date for December 10, 2002 to consider adopting a resolution re: Notice of Intent to use Uniform Method of Collecting Non-Ad Valorem Assessments
4. Records disposition request
5. Surplus property
6. Approval of Grant-In-Aid Agreement for Child Dependency from the Justice Administration Commission

Mr. Ken Little, Citizens Service Director, appeared before the Board in reference to the Single-family Mortgage Bond Program. Mr. Little stated that Escambia County Housing Finance Authority and Bay County Housing Finance Authority are the only two

firms who responded to the RFP's. Mr. Little stated that a committee reviewed the proposals and recommended Escambia County Housing Finance Authority.

Motion by Commissioner Pauls, second by Commissioner Jones to accept the recommendation and allow Escambia County Housing Finance Authority to continue serving Walton County with the single-family mortgage bond program. Ayes 4, Nays 1. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Naye. Discussion followed regarding the number of lenders participating in the program.

Commissioner Rees called to order the advertised public hearing to consider an amendment to the General Fund for the Stallworth Preserve Purchase.

Mr. William Imfeld, Financial Director, appeared before the Board to present funding information relating to the purchase. He stated that he initially recommended that funding be taken from either Recreational Impact Funds or Reserves. However, the Constitutional Officers have returned funds to the county and he recommended using those funds for this purpose. Mr. Imfeld stated that the purchase of this property would most likely qualify for grant reimbursement. Commissioner Walker stated that he is opposed to using the funds returned from the Tax Collector because it is ad-valorem funding.

Ms. Nancy James stated that she is in favor of using the monies that were returned to the county, because she too felt that the county would be getting reimbursed for this.

Mr. Steve Peterson also spoke in favor of using the returned funds.

Ms. Celeste Cobena, Beach to Bay Connection, stated that in her opinion it would be wise to proceed with the purchase. She felt that the purchase is a good investment for the county.

Mr. Ricky Rookis stated that he is in favor of responsible preservation of land in Walton County, but felt that the county would be paying too much based on the interpretation of the Code. He stated that the property is currently preserved the way it is. He felt that this is not the best way to spend taxpayer dollars and stated that there are other properties that would be a better buy.

Commissioner Pauls read from a copy of an appraisal performed on the Stallworth property. It states that a required setback from a coastal dune lake is 100'. The letter also stated that the county had vested development rights and would be subject to only a 25' setback. The property was appraised for \$2.6 million. He also stated that this is the only site selected by the State of Florida out of 15 sites. He felt that this is an incredible opportunity for the federal government to put up \$2 million and the county to only put up \$450,000 with 90-95% chance of being reimbursed.

Ms. Linda Morse questioned what the commissioner's intend to do with the property. They advised that the property would be for preservation purposes.

Mr. William Lewis stated that this seems to be a fantastic bargain and questioned if funding could be divided between budgets.

Ms. Lorna Patrick, U.S. Fish and Wildlife Services, spoke to the issue of beach accesses and explained where they are located.

Mr. Doodle Harris voiced concern with the lack of access to the property. He also voiced concern with being reimbursed for the \$450,000. He agreed that it is a beautiful parcel of property, but felt that the county should wait for the grant funding first.

Discussion was briefly held regarding making the property ADA compliant. The commissioners advised that there were no plans for improvements on the property, but if it were, it would be improved according to ADA requirements.

Ms. Carolyn Lathem stated that she would like to see the money come from the General Fund for this project.

Commissioner Rees closed the public hearing.

Commissioner Pauls stated that his position would be to use general funds to purchase the property. He stated that the Recreational Impact Fee fund was established to be used in the area where the funds are generated. He also felt that this is a historic opportunity to preserve this property.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve to fund the purchase of the Stallworth Lake property using funding from the General Fund.

Commissioner Jones reiterated the fact that a budget was established and this is not a budgeted item. He stated that he is not in favor of making budget amendments. Commissioner Rees commented that most of the money will be coming from the federal government and the State and felt that this is a positive opportunity. Commissioner Walker stated that he would vote 50% of the funding to come from ad-valorem and 50% from the general fund, but not 100% from ad-valorem.

Commissioner Rees called for a vote on the motion to proceed with the purchase. Ayes 3, Nays 2. Pauls Aye, Jones Naye, Walker Naye, Rees Aye, Ryan Aye.

Mr. Imfeld advised that the current contract with Curt Miller Oil Company has expired. He requested direction as to whether the commissioners want to renew it or advertise for bids. Mr. Imfeld advised that he is not aware of any problems with their

service. The Board directed Mr. Imfeld to go out for bids and to consider extending the contract period for two or three years.

Mr. Russ Barry, Public Works Director, presented a review of the bids received for the CR 30-A bike path extension. Mr. Barry stated that he received only one responsive bid from NWF Contractors in the amount of \$1,336,837.00. He also received one non-responsive bid. He stated that both bids were too high to complete the project. Mr. Barry requested authorization to rebid the project and also requested to include the Dune Lake bike-path extension and the extension on Scenic Highway 98, which are also ready to bid. Mr. Barry's recommendation was to cancel the current solicitation, restructure the bid documents and rebid the entire package.

Motion by Commissioner Ryan, second by Commissioner Pauls to accept Mr. Barry's recommendation and rebid the projects. Commissioner Jones further questioned Mr. Barry's request. Attorney Vorbeck advised that the bids exceeded the budget amount for the project. Commissioner Rees called for the vote. Ayes 3, Nays 2. Pauls Aye, Jones Naye, Walker Naye, Rees Aye, Ryan Aye.

Mr. Underwood presented a request on behalf of the South Walton Fire District. The Fire District Board has adopted a resolution asking the commissioner to look into the possibility of establishing another north/south corridor from CR 30A to Highway 98. Commissioner Walker stated that this issue has been previously reviewed.

Commissioner Pauls stated that one issue is the need for right-of-ways. He also stated that he has not had favorable conversations with the State regarding their giving up property. He commented on the Camp Creek Road becoming a county road in the future.

Mr. Les Hallman, Fire Chief, stated that they just want the commissioners to be aware of the need.

Commissioner Rees called to order the advertise public hearing to consider the adoption of an ordinance requiring that all new or modified traffic signals be equipped with emergency vehicle preemption equipment.

Mr. Bell presented the information relating to the ordinance and stated that the Community Traffic Safety Team supports the ordinance. He explained that the ordinance would require the Department of Transportation to install preemptive equipment into all new traffic lights. DOT would bear the costs of the equipment as new lights are installed. This equipment allows emergency vehicles to preempt the lights for them to proceed. The ordinance was also written to allow school buses on Highway 98 to use the equipment. Commissioner Pauls stated that it is essential for emergency vehicles to be able to override the lights. DOT would be required to abide by the ordinance when installing new lighting. Mr. Don Crim voiced opposition to school buses using the equipment.

Mr. Hallman stated that they discussed this issue with DOT before the Fire Board adopted the ordinance. He advised that the ordinance would make DOT readdress the lighting for intersections already bid out.

Motion by Commissioner Pauls, second by Commissioner Jones to approve adopting the Emergency Vehicle Preemptive Equipment Ordinance (2002-19), removing the portion relating to school buses. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Bell requested approval to purchase three monitor/defibrillators from Medtronic/Physio Control. One unit would be utilized by EMS and the other two units would be utilized by the paramedic/firefighters in Darlington/Gaskin and Red Bay. The monies are in the respective budgets for this purchase.

Motion by Commissioner Walker, second by Commissioner Jones to approve the purchase of three defibrillators from Medtronic/Physio Control. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Bell requested the Board enter into an agreement between the county and Red Bay Volunteer Fire Department. The agreement would allow the county to place a temporary trailer at the Red Bay Fire Station to house the paramedic/firefighter.

Motion by Commissioner Walker, second by Commissioner Jones to accept Mr. Bell's recommendation to approve a Memorandum of Understanding allowing them to proceed with placing a paramedic/firefighter in the Red Bay Community. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Bell presented a letter on behalf of the City of Freeport, requesting that the county assist them with animal control services for the citizens of Freeport on an interim basis. Mr. Bell stated that he would also ask that Legal Services prepare an inter-local agreement to cover the services provided to the City of Freeport, including the reimbursement for the cost of animals picked up and transported to the animal control facility.

Motion by Commissioner Walker, second by Commissioner Ryan to authorize Mr. Bell to work out an agreement to provide assistance to the City of Freeport.

Ms. Linda Morse addressed the commissioners regarding ten animals picked up by the Animal Control Services from the Humane Society. She felt that the Humane Society should pay for these animals to be picked up if Freeport has to pay for theirs to be picked up. Mr. Bell stated that the animals were dropped off at the Humane Society, no fees were collected for them.

Commissioner Rees called for a vote to allow Mr. Bell to continue working with the City of Freeport. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Jerry Flaigler stated that the Humane Society charges and suggested the Board develop a mechanism to determine that there will be no payment from the Humane Society when the animals are dropped off. Mr. Bell commented that he could have them sign an affidavit stating that the animals were dropped off and that no fee was paid.

Mr. Bell advised the Board that bids were received for the erection of the EMS facility behind the Farmers Market in DeFuniak Springs. Mr. Collier advised that quotes were received to pour the slab and erect the building in the amount of \$120,000. He stated that he had estimated the project to cost \$110,000. Mr. Collier stated that he contacted 16 people and there was a lack of interest in the project. He therefore recommended proceeding with the project with the bid submitted.

Motion by Commissioner Jones, second by Commissioner Ryan to allow Mr. Collier to proceed with the erection of the EMS facility behind the Farmers Market at a cost of \$120,000. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Mike Lane, Planning Director, explained that the COPE Center has plans to purchase property for an adolescent group home. According to the Land Development Code a sponsoring agency is required to present the application to the Planning Department, which must then be presented to the Board for notification purposes. The Planning Department makes the determination if it meets the regulations or not. The home will serve boys from the ages of 12 to 17. Mr. Tom Terrell questioned where the boys will come from and who would be responsible for educating them. The commissioners stated that this is not a county facility. The county is merely reviewing the project.

Attorney Vorbeck presented the Final Order for the Sandestin Notice of Proposed Change for the Board's approval. He also presented the final ordinance.

Motion by Commissioner Pauls, second by Commissioner Jones to approve the Final Order for the Sandestin NOPC. Ayes 4, Nayes 1. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Naye.

Mr. Underwood advised that Walton County has two members who serve on the Small County Coalition Board. An appointment needs to be made to replace Commissioner Walker. Commissioner Rees recommended waiting until the new commissioners take office before making an appointment.

Mr. Underwood advised that Mrs. Rackard, executor of the estate of Voncille Anderson, contacted him. Mrs. Rackard has offered to sell the two lots on the corner of Sloss Avenue and 6<sup>th</sup> Street, adjacent to the jail administrative offices, for an amount of \$90,000 for both lots. Commissioner Walker felt strongly in favor of the county obtaining the two lots.

Motion by Commissioner Walker, second by Commissioner Jones to proceed with negotiations for the purchase of the two lots, not to exceed \$90,000. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Underwood advised the commissioners that Mr. James E. Ray has resigned from the Design Review Board and therefore a replacement needs to be made. The commissioners agreed to allow the new commissioners an opportunity to appoint someone.

Mr. Underwood informed the Board that the impact fee committee met and discussed possible uses of impact fees. Possible uses include streets, traffic control facilities, bridges, storm drainage facilities, underground utilities, street lighting, parks and recreational facilities, law enforcement facilities/training and equipment. He stated that the new sector plan, as designed, would cost approximately \$6 million to \$7 million dollars. Mr. Underwood stated that the committee agreed on the need for an impact fee assessment. He stated that additional information would be presented once the new commissioners have taken office. He also recommended using the assistance of Dr. Nichols, who previously gave a presentation on this issue. Mr. Underwood also presented a listing of those individuals who should make up a task force.

Commissioner Jones voiced his appreciation to Commissioner Ryan and Commissioner Walker for their assistance while serving as a commissioner. Commissioner Rees also thanked them.

Attorney Vorbeck advised the Board that a commissioner needs to be appointed to serve in mediation for the Black Creek case.

Motion by Commissioner Walker, second by Commissioner Ryan to appoint Commissioner Jones to represent the Board in mediation of the Black Creek lawsuit. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The commissioners agreed to conduct the December 24, 2002 commissioners meeting on Monday, December 23, 2002 due to the holidays. The meeting will be held from 8:00 a.m. to 10:00 am.

Commissioner Rees opened the floor for public comment.

Ms. Linda Morse addressed the commissioners regarding the Covell land tract. She said that she was informed that the land was sold, however, she since found out that it had not been sold. The Timber Company and Plum Creek has merged. She asked that alternative uses be researched before purchasing the property. Ms. Morse also asked why county trucks are clearing land for a private company on Norwood Road. Commissioner Rees asked Mr. Underwood to look into this matter.

Commissioner Walker recognized Mr. Bill McRae, Paxton City Council, and his wife who were present in the audience.

Mr. Tom Terrell spoke of his admiration for the commissioners and the responsibility they hold in serving the public. He stated that Walton County needs to be thankful for their elected officials.

Mr. Ed Powell, Bass Haven Drive, addressed the commissioners regarding research he has performed on property assessments. He stated that many properties in the county are being improperly assessed. Mr. Powell stated that there are like properties throughout the county that are each being assessed differently. Some individuals are being assessed for fences, swimming pools, buildings or septic tanks when others are not

being assessed for the same types of structure. Commissioner Rees directed Mr. Powell to forward his information to the Department of Revenue for review. Mr. Powell stated that he has already sent the information to DOR and is awaiting a response, but felt that the county should also become involved with the Department of Revenue.

Mr. Rory Cassidy, Waste Management Systems, stated that it has been a pleasure working with the commissioners and thanked Commissioner Walker and Commissioner Ryan for their service.

There being no further business, the meeting was adjourned at 6:10 p.m.

APPROVED: \_\_\_\_\_  
Lane Rees, Chairman

ATTEST: \_\_\_\_\_  
Martha Ingle, Clerk of Court