

APRIL 22, 2003 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, April 22, 2003 at 8:00 a.m. in the Boardroom of the Walton County Courthouse.

The following Board members were present: Larry Jones, Chair, Tim Pauls, Vice-Chair, Commissioner Lane Rees, Commissioner Kenneth Pridgen, and Commissioner Ro Cuchens. Mr. Michael Underwood, County Administrator, Attorney Gary Vorbeck, Director of Legal Services and Ms. Martha Ingle, Clerk of Courts, were also present.

Chairman Jones led with prayer followed by the pledge of allegiance to the American Flag. The meeting was then called to order.

Chairman Jones presented the consent agenda for approval. In addition, he requested approval of the following minutes contingent upon review and any necessary changes being made. March 31, 2003 – Compatibility/LSA Hearing, April 8, 2003 – Regular Meeting and April 10, 2003 – Joint EDC/BCC Workshop.

Motion by Commissioner Rees, second by Commissioner Pridgen to approve the consent agenda consisting of the following items, contingent upon review of the minutes.

Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

1. EAL Approval	
General Fund	\$ 368,393.68
County Transportation	\$ 60,332.93
Fine & Forfeiture	\$ 1,000.00
Section 8 Housing	\$ 809.64
N.W. Mosquito Control	\$ 2,900.46
W. Co. Library	\$ 4,756.19
Recreation Plat Fee	\$ 105,322.50
Solid Waste Enterprise	\$ 229,122.68
Mossy Head VFD	\$ 969.71

Glendale VFD	\$	61.25
Darlington VFD	\$	754.54
Liberty VFD	\$	-
Red Bay VFD	\$	-
Local Option Gas Tax	\$	-
Capital Projects Fund	\$	4,561.63
SHIP	\$	6,418.55
Tourist Dev. Council	\$	46,399.57
Mott Sign Grant	\$	-
Spec. Law Enforcement	\$	-
Driftwood Debt Serv.	\$	-

2. Minutes of April 1, 2003-Land Use Hearing
 - April 3, 2003-Town Meeting
 - March 31, 2003-Compatibility/LSA Hearing
 - April 8, 2003-Regular Meeting
 - April 10, 2003-Joint EDC/BCC Meeting

3. Records Disposition Request

The Division Director's reports were submitted for review. Commissioner Rees questioned Mr. William Imfeld, Financial Director, about the status of a previous request from the Bruce Community Center for renovations. He also requested information regarding the Flowersview Community Center.

Mr. Imfeld explained that he is working with the people of the Bruce Community Center to obtain a grant. However, they did not want to wait for grant monies, they requested immediate assistance from the county. Mr. Imfeld directed them to the Council on Aging for assistance through a program they offer, but he has not heard back from them. The amount of request was for \$20,000.00. Mr. Ken Little, Citizens Service Director, explained the renovations that are needed and stated that they have \$5,000.00 to install a septic tank and they are still requesting \$4,800.00 from the county.

Commissioner Rees questioned if some form of assistance could be provided due to the facility being a public polling place and community center.

Motion by Commissioner Pridgen, second by Commissioner Rees to approve funding in the amount of \$4,800.00 to the Muskogee Nation of Florida Tribe at Bruce. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye. Mr. Imfeld will work on realigning the budget to determine where the funds will come from.

Mr. Little stated that he is still waiting for the Flowersview Community to reach a consensus regarding the Flowersview Library Building. Commissioner Cuchens suggested allowing 30 days for the residents of Flowersview to make their final decision before proceeding with the request to upgrade that facility. A decision needs to be made between the Flowersview Industrial Inc. and the community. The Board concurred with a 30-day time frame.

Commissioner Pauls questioned Mr. Little about the Highway 98 properties status. Mr. Little advised that the charts for range 21 are almost complete. Mr. Pauls also asked about the zip code addressing and what the commissioners could do to influence the process. Mr. Little agreed to continue working on this issue.

Mr. Pauls commented on the importance of staff, the Planning Commission, the Planning Department, and Public Works working together on the issues being addressed by the Transportation Planning Organization. He suggested that the Citizen's Advisory Committee and Technical Advisory Committee meet in order to prepare a unified approach to the TPO regarding Walton County's plan. He spoke about consolidation of the Pensacola TPO and the Okaloosa-Walton TPO, which would create a very limited membership for Walton County. Commissioner Pauls stated that he is not in favor of the

consolidation. Commissioner Cuchens also pointed out that the West Florida Regional Planning Council is opposed to the expansion since no additional funds would be generated. He questioned if Walton County could lobby for additional funding for an extra seat. Commissioner Pauls agreed that Northwest Florida needs additional monies, not less. Commissioner Cuchens asked Mr. Little to seek additional funding for leverage for a third seat. Commissioner Pauls stated that the number of seats should be based on the census and boundaries.

Commissioner Rees asked for an update on the Strategic Plan. Mr. Little advised that he received an electronic copy yesterday.

Mr. Dewey Wilson, President and General Manager of Florida Community Services, appeared before the Board requesting authorization to submit grant reimbursement request #3 in the amount of \$138,566.92. The funding was for the installation of water and sewer lines in south Walton. Mr. Wilson presented a progress report on the amount of lines currently installed.

Motion by Commissioner Pauls, second by Commissioner Rees to grant Florida Community Services approval for the submission of reimbursement request #3. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Wilson advised that they are making every possible effort to contact property owners regarding low cost hook-ups.

Mr. David Kramer commented that if Walton County has to realign with the TPO that it might be beneficial to realign to the east because of the strengths of the St. Joe Corporation.

Mr. Kramer offered the dedication of an easement on McKinnon Bridge Road to Walton County. He stated that he is willing to dedicate an easement through property he owns, but Walton County would need to have a survey performed and create a deed. Mr. Kramer presented a map depicting the location, which is adjacent to the District One Road Department facility and east of the Foreman property previously dedicated to the county.

Motion by Commissioner Pauls, second by Commissioner Rees to proceed with a survey and prepare to accept the offer of the easement. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Shari Judkins appeared before the commissioners requesting they waive the fees for them to appear before the Board of Adjustments. She explained that the county considers the Wooten building, located on North Holiday Road, as a non-conforming structure and a non-conforming use. Mrs. Judkins stated that Mr. Wooten has performed a lot of improvements on his building. She stated that the code reads that non-conforming uses are to be gradually eliminated and prohibited from being further improved or expanded. She stated that the Wooten's have been making complete restorations to the building. The commissioners were not in favor of waiving the fees. Mr. Judkins questioned what policy stipulates the fines. He questioned what fee would apply to this issue because the only fee designated is for challenging development orders. Mr. Mike Lane, Planning Director, read section 9.03.04 of the Land Development Code regarding the appeal process before the Board of Adjustments. He stated that Ordinance 98-04 sets the fee at \$450.00. Mrs. Judkins stated that there is some confusion between the Planning staff and Code Enforcement regarding the non-conforming use.

Commissioner Pauls stated that the Board has not received any information for review and recommended extending the deadline date. Attorney Vorbeck stated that the Board of Adjustments is an independent board and therefore the commissioners cannot extend the date. The commissioners took no action regarding the Judkins' request.

Mr. Barrett Foster, south Walton business owner, appeared before the Board along with Mr. Dennis Gagnon and Mr. Ed Morrissey. He read a letter on behalf of those business owners adversely affected by the widening of Highway 98. He stated that the business owners are seeking financial help for the losses they have incurred because of the construction. Mr. Foster explained that the entrances to the businesses, located along that portion of highway from Sandestin to Highway 331, are in very poor condition. He also stated that several proprietors have had to relocate because of the poor conditions. Mr. Barrett asked the Board to adopt a resolution of support seeking restitution from the State of Florida DOT. He felt that restitution could come in the form of a tax break, low interest loans, cash, or a combination. He felt that this issue should begin at the local level and then it could possibly become a state issue.

Commissioner Pauls stated that the challenge is to prevent the cost of the highway projects from escalating. He also stated that the challenge is the length of time it takes to complete a project. Commissioner Pauls said that he could support low interest loans, but questioned how the businesses would contribute back for compensation they receive. Mr. Barrett stated that the effects they are feeling has been because of poor project planning.

Mr. Gagnon stated that they are also requesting support for the future for statewide impacts. He felt that contractors should be made to minimize the impacts to

businesses. Mr. Gagnon recommended that contractors should be required to put up an additional project cost to provide for these contingencies.

Commissioner Pauls agrees with opening a dialogue, but does not agree with seeking restitution. He felt that it could create an adversarial position between Walton County and the State. Commissioner Cuchens stated that he was in support of a resolution to insure a mechanism for assisting future businesses.

Motion by Commissioner Cuchens, second by Commissioner Rees for staff to draft a resolution of support to the State for further consideration by the Board. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Rees commented that the business might have a temporary short-term loss, but would receive a greater, more long-term benefit as more people come into the county.

Mr. Gagnon commented that he has also faced this problem in Pensacola and they too are asking the State to look for help with future projects.

Ms. Kris Titus, Executive Director of the South Walton Tourist Development Council, appeared before the Board requesting authorization to award the TDC's exterior paint bid to ESA South in the amount of \$29,842.19. She advised that this project did go through the bid process.

Motion by Commissioner Rees, second by Commissioner Cuchens to award the bid to ESA South in the amount of \$29, 842.19 for the exterior painting of the TDC facility. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Titus presented the 2003-2004 Strategic Plan for the Tourist Development Council for acceptance.

Motion by Commissioner Rees, second by Commissioner Pauls to approve the TDC's 2003-2004 Strategic Plan. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Cuchens questioned Mrs. Titus if there has been any consideration given to the relocation of the TDC building after the widening project is complete. Mrs. Titus stated that they have considered moving the building, but would discuss the issue at a later time. She advised that the number of visitors have dropped 11,000 because of road construction.

Mrs. Titus stated that the TDC has received a request by the Friends of Eden for assistance in the relocation of the Governor Stone schooner. They are asking the TDC to construct a 120 X 40 foot dock. The schooner will be deeded to the Friends of Eden. It is the oldest vessel of the American South afloat and will be used for educational bay tours. Mrs. Titus requested approval to advertise for bids for construction of the dock. She advised that the Friends of Eden would maintain the dock from grant funds.

Motion by Commissioner Rees, second by Commissioner Cuchens to approve for the TDC to advertise for bids for construction of a dock for the Governor Stone schooner and to allow the TDC to transfer funds from the contingency reserve account to cover the related costs. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Wayne Montgomery, President of D/H Oil Company, appeared before the Board to discuss the maturity of the Walton County taxable Transportation Facility Revenue Bonds, which will occur next week. Mr. Montgomery requested consideration and approval of the issuance of \$1.5 million taxable Transportation Facility Revenue

Obligations, Series 2003, Bonds. Since opening, the Lucky 13 has generated approximately \$4.3 million in special fuels tax, of which the county has retained \$2.7 million. He stated that there are no risks to Walton County.

Attorney Vorbeck advised that additional review of the bond information is needed. Mr. Imfeld stated that the truck stop has proved to be positive for Walton County. He also stated that he met with Mr. Roger Wright, owner, who stated that there is a cash flow problem and the bonds would be used for capital improvements. Mr. Imfeld did not feel that the issuance of the bonds would improve their cash flow if they were to be invested into capital improvements.

Mr. Imfeld stated that there are grants and low interest loans that D/H Oil could pursue. He recommended allowing staff the opportunity to work with Mr. Montgomery to determine if these grants could benefit them.

Chairman Jones requested that Legal Services review the bonds further with bond counsel and for Mr. Montgomery to work with Mr. Imfeld. Mr. Montgomery concurred.

The commissioners recessed briefly.

Mr. Michael Underwood, County Administrator, requested the commissioners adopt a resolution designating May as Florida State Park Month.

Motion by Commissioner Pauls, second by Commissioner Pridgen to adopt a resolution (2003-24) designating May as Florida State Park Month. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Underwood requested the Board approve to extend the Co-conflict Attorney Agreement through September 30, 2003 and then advertise for bids. Attorney Billie

Merritt advised that there is legislation that would mandate payment from the State for Co-conflict attorneys if it passes.

Motion by Commissioner Cuchens, second by Commissioner Pauls to extend the Co-conflict Attorneys Agreement until September 30, 2003. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Underwood presented information regarding the Covell property. The property has been surveyed and consists of 746 acres. He advised the Board that there is a 40-acre parcel that lies within the 746-acre tract. Mr. Vorbeck advised that the title insurance has been received and notes several issues. Mr. Underwood advised that there is no identified access to the 40-acre parcel. He stated that an easement would have to be identified for that parcel if the county proceeds with the purchase of the 746 acres. He advised that Mr. Barry is continuing to negotiate with the owner of the 40-acre parcel for its purchase.

Mr. Underwood presented copies showing the issues relating to the mineral rights. The mineral rights are reserved. Attorney Vorbeck advised that mineral rights were stricken from the contract for purchase with the current owner. However, the property is subject to mineral rights outside of this contract. He advised that the documents need to be reviewed further. The board concurred to allow further review.

Mr. Underwood presented the options for the disposal of yard waste. He stated that the service could be discontinued, advertisements for RFP's could be sent out, or the county could provide the services at an estimated annual cost of \$200,000.00. Mr. Underwood recommended option 2 after determining the actual costs for the service. He

advised that pick-up does not occur within Sandestin, but the county could offer them a rebate and allow them to handle their own pick-up.

Commissioner Cuchens suggested breaking down the RFP's for a wider array of alternatives. He stated that he does not support the enormous costs.

Mr. Rory Cassidy, Waste Management, appeared before the Board to answer questions relating to the services his company provides. He stated that he is currently charging the county \$1,515.00 per day.

Commissioner Cuchens again suggested placing roll-off dumpsters in south Walton and assign personnel to oversee it. The dumpsters could be removed each night or placed there only on certain days. The Board members voiced concerns that there might be dumping after hours when the dumpster is removed each evening.

Motion by Commissioner Cuchens, second by Commissioner Pauls to advertise for RFP's for various options for the removal of yard debris. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Discussion followed regarding the scheduling of pick-up and related costs. Commissioner Pauls stated that the challenge for some areas is coordination. Different areas of the county have different needs regarding the number of pick-ups needed per week. Mr. Underwood stated that RFP's could be opened on June 9th and presented to the Board on June 10, 2003.

Motion by Commissioner Pauls to continue allowing Waste Management to provide pick-up for a period of two weeks to provide time for the public to be notified that the services will be discontinued. After further discussion the motion was withdrawn.

Motion by Commissioner Rees, second by Commissioner Pauls to extend Waste Management's contract for a period of two weeks (through May 6, 2003) then allow once per month pick-up for May and June until RFP's are received. Ayes 5, Naves 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Motion by Commissioner Pauls, second by Commissioner Pridgen to appoint Ms. Sue Grill to the Design Review Board in place of Susan Horn and to submit a letter of appreciation to Ms. Horn for serving on the DRB. Ayes 5, Naves 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Pauls recommended holding a public workshop to discuss the road paving priorities and road information. He stated that roads on the list to be completed in 2004 will not be completed based on the information he has reviewed. He also stated that there is confusion regarding zones versus districts. The Board agreed to hold a workshop on Tuesday, May 13 at 2:00 p.m. at the South Walton Courthouse Annex.

Commissioner Pauls advised that the county is in need of an ordinance that prohibits parking on the bike paths and also allows for fines to be issued for offenders. He explained that currently, there is nothing that allows the Sheriff's Department to issue fines.

Motion by Commissioner Pauls, second by Commissioner Rees to direct staff to draft an ordinance prohibiting parking on the bike paths and that allows for the issuance of fines. Ayes 5, Naves 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Pauls stated that the county is in need of long-range planning. He stated that there are significant impacts from the Bay Sector Plan that will affect Walton County. He stated that the Department of Community Affairs and the Bay County

Commissioners have approved the Sector Plan. The Sector Plan takes the place of a DRI. The secretary from DCA recommended that adjacent counties piggyback onto the sector plan. She also felt that Bay County should have zoning. Commissioner Pauls felt that Walton County should task an individual to oversee what affects Walton County will receive from the sector plan. He stated that he is in favor of the plan, but advised that the county needs to remain aware.

Attorney Theriaque requested, pursuant to Section 286.011(8) of the Florida Statutes, that the Walton County Board of County Commissioners adjourn to executive session so that he, attorney of record for Walton County in Walton County v. Okaloosa County, Florida, Case No. 02-227-CAS and 2002-CA-000860, may receive the County Commission's advice regarding the strategy to be used in this case and the type of expenses to be incurred.

Attorney Theriaque identified each person who would be present in the executive session and each commissioner present stated their name. Chairman Jones recessed this portion of the meeting and excused all individuals from the room who were not part of the Executive Session.

The commissioners reconvened into special session to consider the matter before them.

Motion by Commissioner Pauls, second by Commissioner Pridgen for the Walton County Board of Commissioners to endorse the TPO's 20/25 cost feasible long-term transportation plan proposed amendment as written without contingencies. To remove the two projects on SR 123 and add the widening of U.S. Highway 98, from Danny Wuerffel Way to Sandestin. That this proposed amendment be the number one priority of the

Okaloosa-Walton TPO. Upon a successful vote by the Okaloosa-Walton TPO on May 20, 2003, that contains at least three (3) votes from the Okaloosa County Commission members in favor of this proposed amendment, Walton County will drop its litigation regarding the approval of the Destin Commons project within 15 days of that vote. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Cuchens presented discussion regarding building heights and how it will be addressed in the future. Mr. Lane presented a drawing that shows how building height is determined relating to major and minor development. He stated that in the past, the Planning Department has looked at site elevation for the proposed buildings and have required that the average elevation be depicted on the proposed drawings. Mr. Lane explained that a Development Order Inspector is now on staff and able to actually perform an onsite visit. He also advised that they have purchased the necessary equipment for the inspector to determine the average height elevation.

Mr. Underwood questioned what is required by the Planning Department from an individual prior to construction. Mr. Lane stated that they have a checklist that lists each of the requirements. The requirements are only for those projects with three or more stories of habitable living space. Discussion followed regarding building height and beginning elevation.

Commissioner Cuchens questioned what the penalty is for not complying. Commissioner Pauls stated that if an individual is not in compliance they will not receive their certificate of occupancy.

Mr. Richard Fowlkes voiced concern over the height of a building and stated that he is opposed to an individual being allowed to begin construction below the average elevation.

Commissioner Cuchens asked if staff prepared the information he previously requested regarding cost estimates for the boat ramp and dock at the park area on Highway 331 South, north of the bridge. No information was presented and again he requested that staff prepare the information. Mr. Underwood advised that there could be permitting issues that need to be addressed.

Commissioner Cuchens announced that he had attended the National Hurricane Conference and presented an overview of the information he received at the conference. He advised that a five-day tracking forecast would be used during the upcoming hurricane season. He also spoke about sheltering of evacuees and the possibility of a 511 dial up for travel advisories during the storm.

Information was also presented at the conference regarding a design module or design room that would protect residents in their home during a storm.

Chairman Jones requested to revisit the issue regarding alternative sites for an animal control facility. Mr. Collier advised that he reviewed four county sites. He explained what improvements would be needed and he also presented a detailed cost comparison for each site. The possible site locations include the McKinnon Pit, Lang property, Rockhill Pit or the Woodyard Pit. He explained that each site is located on a dirt road off of a paved road. The location of choice would not require a paved road. Mr. Collier recommended the Lang property because of the cost savings due to a house already being located on the property that could be used as office space. Mr. Collier also

said that he evaluated each location compared to its surroundings. Most of the sites would require a well.

Commissioner Pauls commented on the contamination issue that previously existed at the Lang property. Chairman Jones stated that there was uncertainty regarding that issue. Mr. Underwood advised that it could be controlled by using a filtering system.

Commissioner Rees stated that he would still like the opportunity to visit other counties to look at their facilities.

Chairman Jones stepped down and motioned to approve the proposal as presented for the Lang property. Vice-Chairman Pauls called for a second to the motion. There was no second and the motion died.

Motion by Commissioner Cuchens to advertise for RFP's for animal control enforcement and sheltering as a complete package. The motion died for the lack of a second.

Commissioner Pauls stated that he supports Mr. Jones' concept, but would like additional information regarding the location. He spoke about the importance of volunteers who work for animal control and stated that location is a key factor for the placement of a facility.

Commissioner Pridgen did not present any topics for discussion.

Commissioner Rees questioned Mr. Underwood about filling the Growth Management Director's position. Mr. Underwood stated that Mike Lane, Billy Bearden, and Phillip Green are overseeing the functions of that position and seem to be doing well. He recommended allowing it to remain as it is. Commissioner Cuchens supports filling

the position. Mr. Gary Mattison, Human Resource Director, stated that the position has not been formally advertised.

Mr. Johnny Irvine, Humane Society of Walton County, appeared before the commissioners and stated that they are ready and willing to handle animal control for the county. He stated that they are capable and have room for expansion.

Chairman Jones opened the floor for public comments. No one voiced any comments.

There being no further business, the meeting was adjourned at 12:05 p.m.

APPROVED: _____
Larry D. Jones, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court