

JUNE 10, 2003 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, June 10, 2003 at 4:00 p.m. in Courtroom B 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.

Commissioner Pridgen led with prayer followed by the pledge of allegiance to the American Flag. Chairman Jones called the meeting to order.

Motion by Commissioner Pridgen, second by Commissioner Cuchens to approve the consent agenda consisting of the following items. Ayes 5, Nayes 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

1. EAL Approval	
General Fund	\$ 416,259.27
County Transportation	\$ 664,670.53
Fine & Forfeiture	\$ 709,640.00
Section 8 Housing	\$ 13,257.00
N.W. Mosquito Control	\$ 1,871.82
W. Co. Library	\$ 23,714.98
Recreation Plat Fee	\$ 95,273.33
Solid Waste Enterprise	\$ 129,672.31
Mossy Head VFD	\$ 6,393.60
Glendale VFD	\$ 386.40
Darlington VFD	\$ 1,617.93
Liberty VFD	\$ 449.97
Red Bay VFD	\$ 48.70
Local Option Gas Tax	\$ -
Capital Projects Fund	\$ 402.80

SHIP	\$	4,588.00
Tourist Dev. Council	\$	663,662.67
Mott Sign Grant	\$	-
Debt Service Hospital	\$	-
Spec. Law Enforcement	\$	-
Driftwood Debt Service	\$	-

2. Approve Minutes of May 19, 2003-Special Meeting
3. Resolution Amending the Budget for Unanticipated Grant Revenues (Resolution 2003-38)
4. Records Disposition Request

Ms. Kris Titus, Executive Director of the South Walton Tourist Development Council, appeared before the Board regarding the federal shore funding process. She requested that the Board submit a letter of intent demonstrating Walton County’s desire to secure federal shore protection funds for future beach nourishment projects.

Motion by Commissioner Rees, second by Commissioner Cuchens to approve the request supporting TDC in their attempt to secure federal shore protection funding. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

Ms. Titus also requested the Board approve a contract with Wilson Miller for Planning and Engineering services.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to approve the Chair’s signature on a continuing contract with Wilson Miller for Planning and Engineering services. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

Ms. Titus advised the commissioners that the TDC held an Arts and Cultural workshop presented by Dr. Dreeszen. She stated that they were asked to make recommendations for the Advisory Committee to assist the Board of County Commissioners in the appointment process. The following individuals were

recommended to serve on the committee: Susan Lucas, Mary Damroth, Johnnie Riley-White, Katy Syko, Joann Saucier, Mike Richards, Diana Huggins, Pam Selton, Kathy Harrah, Jack Abbit, Becky Buxton, John Graham, Mary Vinson, Winnie Steadley-Campbell, Barbara McClellan, Ben Ramey, Bob Dobes, Rick Thomason, Carey McWhorter, and Zera Denson. There are also ten alternates who have agreed to serve.

Motion by Commissioner Cuchens, second by Commissioner Rees to approve the appointments to the Walton County Cultural Plan Advisory Committee as recommended. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye. The individuals appointed are based on the positions they hold such as the Chamber of Commerce, TDC or EDC Board Member.

Mr. Al Thomason appeared before the Board on behalf of his father Roy Thomason. Mr. Thomason explained that they are preparing to develop some property known as the Walton Heights Subdivision in the Freeport area. The property was platted and accepted by the county in 1926. He requested assistance from the county in opening the roads as platted. Mr. Thomason stated that Lafayette Street is the main street that needs to be opened to grant access to the property.

Commissioner Pauls arrived.

A response prepared by Mr. Dan Arner, County Engineer, was read into the record. Mr. Arner stated that the area would require design and permitting, bridges and/or culverts. In addition, wetland mitigation may also be required. He recommended that the applicant be allowed to design, permit, mitigate, and construct the streets on the county right-of-way, after complying with the requirements of the Land Development Code for road construction. Mr. Arner stated that a survey is needed.

Motion by Commissioner Cuchens, second by Commissioner Rees to accept the recommendation allowing Mr. Thomason to allow the applicant to use the existing right-of-way to design, permit, mitigate, and construct Lafayette Street and Main Street and to insure that any public opposition is resolved prior to construction. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye. Mr. Thomason stated that he would work closely with the Public Works Department regarding the survey and any opposition.

Mr. Joel Paul Jr., Executive Director of the Tri-County Community Council, appeared before the Board stating that they have been tentatively approved for a DOT Service Development Transportation Grant in the amount of \$216,000.00. He explained that the funding normally passes through the county who then retains one-percent for administrative costs. Mr. Imfeld recommended approval and further requested that the one-percent administration fee be waived allowing 100% of the grant to be given to the Tri-County Community Council.

Motion by Commissioner Pauls, second by Commissioner Pridgen to approve administering the DOT Service Development Transportation Grant funds for Tri-County Community Council at 100%. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Paul spoke on behalf of the Juvenile Justice Council who requested that the Board take formal action to retain the structures and property at the old North American Family Institute facility on Gene Hurley Road. The Juvenile Justice Council would like to pursue grants for possibly an educational facility for juveniles.

Motion by Commissioner Cuchens, second by Commissioner Pauls to proceed with research and take any necessary action to retain the NAFI facility. Ayes 5, Nayes 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Dan Arner presented a request for the county to accept White Oak Lane in Freeport for county maintenance. Public Works recommended acceptance of the road.

Motion by Commissioner Cuchens, second by Commissioner Rees to accept White Oak Lane for maintenance. Ayes 5, Nayes 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Arner advised the commissioners that Mr. Larry Bell, President of Materials FLA, Inc. has offered to sell 185 acres of land to the county at \$3,500.00 per acre. The property is adjacent to the Rock Hill Pit. Mr. Arner stated that the Engineering Department is conducting an analysis to determine the current and future needs for a pit at this location and the usability of the land. Public Works will report back to the Board at the conclusion of the study. Commissioner Cuchens stated that additional land is needed because of the limited resources at the current pit. He also requested that Public Works look into restructuring the current pit to provide drainage in order to continue excavating the dirt. Commissioner Pauls commented that a plan needs to be developed for the use of the pit for when the county is completed with it.

Mr. Arner advised the commissioners that the following two bids have been received for the bridge on the bike path over Draper Lake: 1.) Steadfast Bridges, Inc. - \$80,729.00 and 2.) Continental Bridge, Inc. - \$115,000.00. He stated that there are sufficient funds in the grant for this purchase.

Motion by Commissioner Pauls, second by Commissioner Cuchens to award the bid to Steadfast Bridges, Inc. in the amount of \$80,729.00, low bid. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Underwood advised that Mr. Gary Mattison, Human Resources Director, requested that the information regarding the pension program be removed from the agenda at this time. The uniform usage policy was presented for review.

Attorney Gary Vorbeck, Legal Services Director, presented a draft of the TOPS'L amended DRI Development Order for review.

Mr. Underwood requested on behalf of John P. Kuder, Chief Judge, that Attorney Gary Vorbeck be appointed to the Conflict Committee.

Motion by Commissioner Cuchens, second by Commissioner Rees to adopt a resolution (2003-37) appointing Gary Vorbeck to the Conflict Committee. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Underwood presented a draft of a school interlocal agreement. A committee comprised of Mike Lane, Kira Honse, Shirl Williams, a school district representative and a representative of each of the 3 cities, met to draft the agreement. Mr. Vorbeck explained that the school board approved the draft with the deletion of the last sentence on page 11 of 16.

Motion by Commissioner Cuchens, second by Commissioner Pauls to approve the agreement with the recommended change in language and submit it to the Department of Community Affairs for the review. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye. Commissioner Pauls stated that a joint meeting needs to be held with the school board to further discuss the school board's responsibility in complying

with the county's Comprehensive Plan. The school board agreed to meet with the county after the summer.

Motion by Commissioner Pauls, second by Commissioner Rees to approve a budget transfer in the amount of \$11,698.00 from Salaries into Promotional within the Public Information Officer's budget to cover expenditures for the All-American Cities trip and other promotional activities. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Motion by Commissioner Pauls, second by Commissioner Pridgen to enter into a contract with Champion Contractors, Inc. for additions and construction of the Portland Community Center. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to enter into a contract with Kinetic Builders, Inc. in the amount of \$608,150.00 to construct the facility at the Emergency Operations Center for EOC/EMS. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Collier informed the commissioners that the Council on Aging Board has advised against constructing an assisted living facility at the old hospital. They do not feel that they would have an adequate number of clients to provide the necessary funding without requiring assistance from the county. He stated that they are still considering using it as a senior center or as additional storage space. Mr. Collier stated that he would provide additional details at the next meeting.

Mr. Underwood spoke about the tragic accidents that occurred over the weekend resulting in several drownings. He stated that several emergency agencies met to discuss

what could be done to improve the situation. Emergency personnel felt that they are doing all that they can to provide a safe environment. The county has proper signage at each beach access explaining the flag system and safety information. They are checked on a daily basis to insure that they are in place; a number of flags are flown along the beaches. Mr. Underwood stated that red flags were flying warning people of the impending danger. The personnel felt the best way to address the situation would be to better educate people. He stated that the county will work to provide additional information to the public through the web site, vendors, condominium associations and the business communities.

Chairman Jones stepped out to assist in counting ballots at the Supervisor of Elections Office for the special election. He turned the chair over to the Vice-Chair, Tim Pauls.

Commissioner Pauls asked that people would continue praying for those families who lost a family member due to the drownings and for those still in the hospitals. He further stated that the county would continue working to educate the people and to make people aware of the dangers. He also commented on the safety of emergency personnel who have to rescue those individuals.

Mr. Richard Whitaker felt that people should be issued a fine when swimming while the red flags are flying. He urged the commissioners to do whatever it takes to keep people safe.

Mrs. Shari Judkins commented about the flag system and suggested that additional information be given to tourists by the rental offices. She further suggested

that additional, and larger, signs be placed on the beach and possibly even billboards. Mr. Judkins suggested placing lifeguards on the beach.

Mr. Judkins addressed the commissioners regarding the cabinet shop that is operating in his neighborhood. He stated that Mike Lane declared the cabinet shop as artisanal, which Mr. Judkins did not agree with and therefore filed a complaint with the Board of Adjustments. He said that the Board of Adjustments agreed that the cabinet shop was not artisanal, but they voted against the Judkins' complaint anyway. Mr. Judkins stated that the business is light industrial and does not belong in a Coastal Center zoning. He asked the commissioners to review and overturn the Board of Adjustment's decision. Commissioner Pauls advised Mr. Judkins that they need to review the information presented to the Board of Adjustments and their minutes. Attorney Vorbeck stated that an appeal to the Board of Adjustments decision would have to be taken to Circuit Court. He stated that the commissioners cannot overrule that Board's decision.

Mrs. Judkins addressed the Board regarding a complaint she filed in April against the Wooten property. She stated that she has not yet received a response. She also advised the commissioners that Mr. Wooten is using three semi-trailers as storage facilities and one of them is partially on the county's right-of-way. She voiced concern regarding safety stating that the semi is blocking the view and creating a hazardous situation. Mr. Gary Houlian, Code Enforcement Officer, advised that the Sheriff's Department visited the site regarding the complaint. Commissioner Pauls stated that the county needs a copy of the written report.

Mrs. Lynn Downham appeared before the commissioners regarding a motocross track on U.S. Highway 331 South in the Woodlawn area. She read her statement into the

record regarding her complaints against the motocross track. She explained that they are operating in violation and expressed concern with a decrease in her property values. Mrs. Downham also informed the commissioners that she works from her home and explained how intrusive the noise is and stated that it is impossible to work around. She also voiced concerns regarding emergency services, increased traffic and the potential for vandalism. Mrs. Downham advised the commissioners that the property owners were told they could use the property for family only, but she feels that there are too many users to only be family members. Mrs. Downham voiced her disappointment that the noise ordinance was adopted for areas south of the Bay only. Mrs. Downham closed by asking the commissioners to close the park down.

Mr. Underwood commented that if the property is being used as a means of income then they are clearly in violation. Mrs. Downham requested that the code be enforced on this property owner. Commissioner Pauls agreed that the issues go beyond code enforcement and could be a civil issue. Mr. Gary Houlian gave the ownership history of the property and stated that it is now owned by D.D. J. Motocross Track L.L.C. Mr. Houlian stated that there is electricity and water on site.

Commissioner Pauls asked Mr. Houlian to continue communicating with Commissioner Cuchens and the property owners as he investigates this code violation.

Ms. Pat Rice also addressed the commissioners regarding the motocross park. She stated that the park was designed to be a business in the beginning with a \$10.00 entrance fee. Ms. Rice spoke about the close proximity of the pit to her back door. She spoke about the excessive noise and how it interferes with her daily life. Ms. Rice also stated that the number of people using the track is more than any one family. She presented a

petition from the neighbors opposed to the track. The Board asked Ms. Rice to communicate her issues with Mr. Houlian.

Mr. Johnny Irvin announced that the Humane Society of Walton County would be closing their doors as of Friday due to the lack of financial assistance. He asked the county for help in placing the remaining animals that are not adopted out. The commissioners agreed to support the Humane Society in the placement of animals. Mr. Irvin also presented additional signatures of individuals supporting the Humane Society. Ms. Lynda Morse commented that the Humane Society was probably paid to take those animals and she felt that the county should not be responsible for them. The commissioners agreed to cooperate for the sake of the animals.

The commissioners recessed briefly.

Commissioner Pauls stated that he would like the Board to submit a letter to the Department of Transportation and to Metric Engineering, along with pictures, voicing the county's concerns for safety during the ongoing construction on U.S. Highway 98. He stated that the old lane markings need to be removed to make the lanes more clear. Mr. Underwood advised that he visited Secretary Prescott's office and presented him with pictures. Mr. Prescott is working to make the necessary adjustments.

Commissioner Pauls spoke about the Coastal Center land category, which is primarily residential. He suggested moving forward with zoning within the land use categories for better land use control. Commissioner Pauls asked that the Planning Department make a recommendation regarding this issue and suggested a study be done of the area from Mack Bayou Road to the Okaloosa County line. Commissioner Cuchens felt that zoning would be good for the entire county and recommended that Kimley-Horn

be involved with preparing some recommendations. Commissioner Pauls advised that Kimely-Horn will be discussing the zoning issue during the future land use element.

Commissioner Pauls addressed the problems with parking in the right-of-way. He stated that this issue is being addressed and that an improvement plan has been developed and approved by the TDC in their strategic plan, which was approved by the county. Scott Jenkins, County Engineer, is reviewing the locations to determine which of them are allowable parking areas. Attorney Vorbeck reminded the Board that an ordinance is being drafted regarding parking in the right-of-ways.

Commissioner Pauls stated that he would address the agenda item relating to scenic corridor applications at a later date.

Commissioner Pauls requested to appoint Ross Hamilton and Lloyd Blue to participate in the South Walton Area Mitigation Planning on behalf of the Wetlands Work Group.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to approve the appointment of Ross Hamilton and Lloyd Blue to the South Walton Area Mitigation Planning. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye.

Commissioner Pauls requested to proceed with researching the possible purchase of property located on SR 83 known as the old Blue Mt. Beach dumpsite and the 10-acre parcel located north of Helen McCall Park. The property has been designated as surplus property by the Forestry Department and they want to know if the county is interested in buying the property. Commissioner Pauls stated that both sites would be very beneficial to the county.

Motion by Commissioner Rees, second by Commissioner Pridgen to pursue the purchase of the two parcels of property from the Forestry Department and to allow Mr. Dan Arner to evaluate the possible uses of the Blue Mt. Site and for Mr. Markey to evaluate the site near the Helen McCall Park. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye.

Commissioner Cuchens and Commissioner Pridgen did not present any items for discussion.

Commissioner Rees recognized Mr. Ken Wilde who spoke about the Inlet Beach access. He stated that he received calls from neighbors who are in favor of closing the beach access beyond the 66' easement. Mr. Crim commented on the number of beach access already closed and Mr. Terry Garner spoke about the number of residents who are in favor of closing the access.

Motion by Commissioner Rees, second by Commissioner Cuchens to approve temporarily closing the 600' beach access to vehicular traffic at Inlet Beach extending from the East boundary line from Lakeshore Drive eastward for a distance of 600 feet and leaving the 66' easement open to the public for boat launching. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Cuchens Aye, Pauls Aye.

Mr. Wilde addressed the issue of contractors pumping water from the beach. He stated that DEP guidelines do not allow pumping from the Gulf of Mexico at anytime during turtle season. Mr. Richard Fowlkes presented information he received from DEP regarding the standard permitting conditions. He said that there is no operation of equipment allowed on the beaches between May 1 and October 31. He feels that contractors can find alternate methods to complete their jobs. Commissioner Rees wanted

assurance that the county is complying with all regulations while still protecting the beaches. Mr. Underwood requested that Mr. Wilde follow up with DEP regarding this issue. Commissioner Pauls stated that he would like to see language stating that Walton County expects all contractors/owners to comply with DEP regulations.

Commissioner Rees spoke about Economic Development related to relocating businesses, leadership and accomplishments as highlighted in the Forbes Magazine. He stated that it's important to know what accomplishments have been made and the history of the county. Mr. Tom Powell, Economic Development Council, spoke on the importance of making it easy for a business to relocate here. He also said that it is important to provide infrastructure and other items that meet the needs of a new business.

Vice-Chairman Pauls opened the floor for public comments. Mr. Don Crim presented a list of roads that were approved in the year 2000 for paving, but are no longer on the list. He also questioned the issuance of beach permits regarding additional drivers for handicap permits. He voiced opposition to handicap permits only being allowed one additional driver when other permits are allowed four additional drivers. He also questioned if permits can be issued prior to June 1 for renewals. The Board requested that Mr. Underwood research these issues further.

There being no further business, the meeting was adjourned.

APPROVED: _____
Larry D. Jones, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court