

OCTOBER 29, 2003-REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Wednesday, October 29, 2003 at 8:00 a.m. at the South Walton Courthouse Annex.

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

Commissioner Pauls 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. Commissioner Pauls commented on the expenditure approval list. He suggested that an ad reflecting the county's financial situation be placed in the DeFuniak Herald, the Walton Sun, and the Daily News. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

1. Expenditure Approval List	
General Fund	\$ 333,966.41
County Transportation	\$ 48,159.48
Fine & Forfeiture	\$ 783,309.00
Section 8 Housing	\$ 147,169.45
N.W. Mosquito Control	\$ 18.64
W. Co. Library	\$ 2,513.70
Recreation Plat Fee	\$ -
Solid Waste Enterprise	\$ 3,189.16
Mossy Head VFD	\$ 1,106.45
Glendale VFD	\$ 7,210.33
Darlington VFD	\$ 218.24

Mrs. Christensen presented the final plat for Watersound Beaches residences at South Bridge and Bridge Lane Phase II. Planning staff recommended approval. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Pauls, to approve the final plat for Watersound Beaches residences at South Bridge and Bridge Lane Phase II for recording. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mrs. Christensen presented the final plat for Watersound Beaches residences at South Bridge and Bridge Lane Phase III for approval. Planning staff's recommendation was for approval. There were no public comments.

Motion by Commissioner Rees, second by Commissioner Pridgen, to approve the final plat for Watersound Beaches residences at South Bridge and Bridge Lane Phase III for recording. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Underwood requested approval of a lease agreement between the county and the state for the Old Blue Mountain Landfill parcel. The term of the lease is for a period of 20 years at the annual fee of \$300.00.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the lease agreement between the county and the state for the Old Blue Mountain Landfill parcel. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Bill Imfeld, Financial Director, expressed his appreciation to the county and to the citizens for their thoughts and prayers during his time of recent illness. He

requested the Board to authorize the Chairman to sign a resolution to amend the budget to roll forward funding, \$30,000.00, to purchase land for the Solid Waste Landfill Fund. The Board approved to bring forward funding to purchase land for the Solid Waste Landfill Fund at the October 14th meeting. The proposed resolution also allows for the use of excess reserves, \$100,000.00, in the Driftwood MSBU fund to be rolled forward for the prepayment of additional principal. In compliance with the contract for the Driftwood MSBU fund, the county must use any excess reserve funds to prepay the outstanding bonds for the Driftwood project.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the resolution (2003-84) amending the budget to roll forward from reserves for unanticipated expenditures for fiscal year 2003-2004 for the prepayment of additional principal in the Driftwood MSBU Fund and the purchase of land in the Solid Waste Enterprise Fund. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Imfeld informed the Board that Walton County would be receiving \$450,000.00 for the reimbursement for the Stallworth property.

Chairman Jones presented a request from the Walton County Fire Board for permission to apply for the FEMA Fire Act Safety Grant.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to allow the Walton County Fire Board to apply for the FEMA Fire Act Safety Grant. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Marvin Collier, Construction Manager, introduced Mr. Greg Smith, representing Southern Company Energy Solutions. Mr. Smith submitted a handout

labeled “A Comprehensive Energy Program for Walton County” and turned the presentation over to Mr. Chad Griffith, Engineer. Mr. Griffith reviewed the information provided in the handout. Mr. Matt Otani, Southern Company Senior Manager, explained the various methods of funding for the projects covered in the handout. Further discussion was held regarding the services provided by Southern Company Energy Solutions.

Mr. Collier requested the Board’s approval of change orders No. 1 and No. 2 to the construction contract for the Walton County EMS facility in Mossy Head. Mr. Collier reviewed the change orders and the costs; the total cost of the contract to date was \$110,880.00.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve change orders No. 1 and No. 2 to the construction contract for the Walton County EMS facility in Mossy Head. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Ken Little, Citizens Services Director, introduced Mr. Ken Thie, Director of the Veterans of Foreign Wars State Service Office. Mr. Thie presented a certificate of recognition and appreciation of outstanding service to the veterans and their families of Walton County to Mr. Phil McMillian and Mr. Raymond Gainey. The Board commended Mr. McMillian and Mr. Gainey for the work that they do in the county.

Mr. Russ Barry, Public Works Director, addressed the Board in regards to an offer the county received in June from Mr. Larry Bell, President of Materials FLA, Inc. The offer was to sell to the county approximately 185 acres of land immediately adjacent to the existing dirt pit at Rock Hill for \$3,500 per acre, at a total cost of approximately

\$646,135.00. At the Board's request, the Engineering Department conducted an analysis of the offer to determine current and future needs for a pit at this location. The results of their analysis indicated that at current rates, the pit that is being used in the Rock Hill area will be depleted within 18 months. They had recommended the purchase, contingent upon a successful Phase I environmental study. The county staff had a Phase I environmental study conducted which indicated that there were no environmental reason to preclude purchasing the acreage proposed by Mr. Bell. An appraisal of the land was also completed by an independent appraiser. The results of the appraisal indicated an approximate value of \$1,800 per acre with a total value of \$332,000. Public Works recommended that the Board authorize staff to contact Mr. Bell and make a counter offer of \$1,800 per acre for the parcel of land. Discussion was held regarding various issues of the property.

Motion by Commissioner Cuchens, second by Commissioner Rees, to allow staff to move forward with the counter offer of \$1,800 per acre for the parcel of land. Ayes 5, Naves 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Barry addressed the issue regarding infrastructure in Walton County as it pertains to collector, connector, and arterial roads. In September, Public Works was asked by the Impact Fee Committee to discuss this issue. Mr. Barry stated that in preparing a briefing to present to the committee, he drove every DOT listed collector and arterial road in the county. As a result of this, he discovered that many of the roads listed as arterials and collectors were beyond their useful life, are dangerously narrow, and were not built to withstand the weights and volume of traffic using them. Mr. Barry presented two major alternatives to this situation and recommended that Public Works be allowed

to devise a blend of the two choices to both continue the current program at a reduced rate and include some of the roads highlighted on the revised list. Further discussion was held regarding the matter. No action was needed at the time.

Mr. Barry updated the Board on the condition of County Road 3280. On October 23rd, Mr. Barry had requested that the speed limit be dropped from 45 mph to 35 mph due to the poor condition of the road. He stated that the road had been remarkably improved and therefore, requested that the speed limit be raised back to 45 mph.

Motion by Commissioner Cuchens, second by Commissioner Pauls, to allow for the speed limit on County Road 3280 to be raised from 35 mph to 45 mph. Discussion was held regarding the weight limit on the road. A vote was called for the motion on the floor. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Barry requested the Board's permission to add Palmetto Avenue of Magnolia Bay Subdivision to the list of county maintained roads. The road was inadvertently left off of the list when the other three roads in the subdivision were added.

Motion by Commissioner Rees, second by Commissioner Cuchens, to approve adding Palmetto Avenue to the list of roads maintained by Walton County. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

The commissioners recessed briefly.

Mr. Rod Kendig, representing Baskerville-Donovan, Inc., stated that the members of their firm appreciated the opportunity to provide a Master Plan Progress Report for the Northwest Florida Commerce Center. Mr. Kendig introduced the members of his team along with Mr. Mark Waterhouse of Garnet Consulting Services, in which they have

teamed with for this project. Mr. Waterhouse addressed the Board to review a power point presentation in regards to the progress report. Mr. Mark Waterhouse spoke about the four major elements of developing a master plan: Market Analysis, Planning & Engineering Analysis, Preliminary Financial Analysis, and the Implementation Plan. Discussion was held regarding various aspects of the progress report. One important aspect that was discussed was the reservation of the proposed names for the “Northwest Florida Commerce Center”, formerly known as the “Mossy Head Commerce Center”.

Motion by Commissioner Rees, second by Commissioner Cuchens, to reserve the name “Northwest Florida Commerce Center”. Commissioner Pauls spoke about the importance of a name and suggested that the name “Mossy Head Commerce Center” also be reserved. Commissioner Rees amended his motion to also reserve the name “Mossy Head Commerce Center”. Commissioner Cuchens second the motion. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Further discussion was held regarding the implementation of the plan. It was the general consensus of the Board to direct Legal Services and staff to review the current contract with the team members of Baskerville-Donovan and Garnet Consulting Services.

Mr. Bill Higgins addressed the Board in regards to advertisement for public meeting notices. Mr. Higgins, on behalf of the South Walton Community Council, recommended that the BCC require that public and legal notices be placed in one specific newspaper, identifying it as the “newspaper of record”. Discussion was held regarding the request made by the South Walton Community Council. The Board felt that it was important to inform the public of the meetings and hearings, but also felt that it was important not to limit the county’s opportunity to meet the statutory requirements set by

Florida Statute. Mrs. Christensen commented that, in the past, the Planning Department has advertised a “courtesy notice” for the public and could continue the practice with every ad placed by the Planning Department. The Board and Mr. Higgins agreed that that would be acceptable.

Lieutenant Bruce Maddox, Walton County Sheriff’s Department, on behalf of Captain Glidewell, requested that the Board authorize the Chairman to sign the certificate of acceptance for the 2004 Bynre Formula Grant.

Motion by Commissioner Rees, second by Commissioner Pridgen, to authorize the Chairman to sign the certificate of acceptance for the 2004 Byrne Formula Grant. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Ms. Kris Titus, Executive Director of the South Walton Tourist Development Council, recommended that the Board reappoint Mr. Van Ness Butler and Ms. Donna Bauer to the Tourist Development Council.

Motion by Commissioner Rees, second by Commissioner Pauls, to reappoint Mr. Van Ness Butler and Ms. Donna Bauer to the Tourist Development Council. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Brad Pickel, TDC Beach Nourishment Manager, submitted a resolution for approval for an Erosion Control Line for the Western Walton County Project. Mr. Pickel reviewed the changes that were made to the resolution that was submitted to the Board.

Ms. Janet Frost questioned the process that would be taken to establish the Erosion Control Line. Mr. Pickel explained that the choice would be left up to the state, not the BCC. The Board would only be making a request.

Motion by Commissioner Rees, second by Commissioner Pauls, to approve resolution (2003-86) as submitted for approval for an Erosion Control Line for the Western Walton County Project. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Pickel updated the commissioners on the results from the RFP's for the experimental project. There was one response received from Benedict Engineering. The TDC recommended that Benedict Engineering be awarded the contract. Funding will be provided through the Nourishment Contingency Fund.

Motion by Commissioner Pridgen, Commissioner Cuchens, to approve awarding the contract to Benedict Engineering. Funding will be provided through the Nourishment Contingency Fund. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Pickel submitted a resolution for approval for an Erosion Control Line for the Eastern Walton County Project.

Motion by Commissioner Pridgen, second by Commissioner Pauls, to approve the resolution (2003-87) as submitted for approval for an Erosion Control Line for the Eastern Walton County Project. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Robert Shelton, Resort Association Manager at TOPS'L Beach Resort, addressed the Board regarding the Solid Waste Landfill Fund. Mr. Shelton questioned how the funds were distributed and how the county distinguishes between Residential and Commercial property. He stated that he had been told that Waste Management makes the determination. Mr. Underwood stated that when the agreement was passed with Waste

Management, it was decided that condominiums would be considered as commercial property because they are provided with a dumpster. Further discussion was held regarding the contract between Walton County and Waste Management. It was the general consensus of the Board to review the contract and address the issue at a later date.

Ms. Lila Norris addressed the Board regarding accessory apartments on single-family lots. She stated that Mr. Flanagan was in violation because Ms. Reed, who lives in his accessory apartment, is not a family member. Ms. Norris stated that she has called Code Enforcement, Planning and Zoning and Mr. Underwood. Ms. Norris stated that she wants Ms. Reed out of the accessory apartment if it is determined that there is a clear violation. Mr. Mike Lane, Planning Director, read from the code stating that it allows the use of accessory housing to meet the housing needs of families. Families are not defined in the Code. Mr. Lane presented to the Board the definition of "family" as taken from the New Illustrated Book of Development Definitions. He stated that there are accessory apartments that are being rented throughout the county.

Mr. Gary Hulion said he refers to Code 6.02.01 stating that he has not pursued the issue further because accessory apartments shall not be available for commercial rentals to any person who is not a family member of the property owner. He stated that he has no proof that the apartment is being rented. Commissioner Pauls said that a dwelling could have several buildings and further explained how an apartment is determined to be an accessory apartment. Commissioner Pauls commented that the language needed to be clarified. And if it is allowed, it needs to be specifically allowed and if it is prohibited, then it needs to be specifically prohibited. It was the general consensus of the Board that they were satisfied with the action taken by Code Enforcement.

Mr. Gary Mattison, Human Resources Director, presented the RFP's for janitorial and grounds service. He stated that he would like to defer this item until next meeting pending additional information.

Mr. Mattison presented information regarding salary recommendations. He stated that the county's Compensation Plan Policy calls for the HR Director to make the recommendation to the Board for those positions reporting to the Board including the Director of Legal Services, TDC Director, and County Administrator. Mr. Mattison explained the current salary for each position and the proposed salary increase of 3%. Commissioner Rees questioned if Mr. Mattison had looked at the goals and objectives established for each of these position. Mr. Mattison commented that it is critical to ensure that goals and objectives are being met, also the Strategic Plan. No action was taken.

Motion by Commissioner Rees, second by Commissioner Pauls to approve the recommendations made by Human Resources. Commissioner Pauls commented on the amount the county pays. One objective he considered was a change in how the county's Legal Services operated. He stated that he is satisfied with their progress. He felt that the TDC Director has done an excellent job in meeting their goals and objectives. He also felt that Mr. Underwood's position is one of the most difficult positions in the county. He spoke in support of the increase. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Gary Hulion, Code Enforcement, stated that he received a letter from Metric Engineers who has been communicating with the Department of Transportation and they want to finalize a portion of Highway 98 from U.S. Highway 331 to west of Mack Bayou. He stated that before they will accept that portion of highway, all temporary signs

must be removed. Mr. Hulion requested direction from the Board whether they want to extend the December deadline for removal of all temporary signs or should it remain. Mr. Underwood stated that DOT has voiced concern about not being able to move forward with the removal of the signs.

Mr. Ed Moresy, affected business owner, requested that the Board extend the deadline until the highway is complete. Commissioner Pauls had asked the Planning Department to prepare a new proposal regarding community signs. Mr. Moresy stated that he has only one sign. Mr. Underwood stated that signs could not be in the DOT right-of-way. Commissioner Cuchens recommended allowing the December 1st deadline to remain in effect and allow businesses to keep signs up until then.

Mr. Charlie Burke, owner of Cherry Peppers, requested that the Board allow the businesses to keep the signs up until Highway 98 is finished.

The Board concurred to stick with the December 1st deadline. He suggested that the county move forward with looking at the community directory sign issue. Commissioner Pauls noted that DOT has the final authority.

Mr. Hulion stated that Code Enforcement and the Planning Department had drafted an ordinance for regulations for fences on small lots. Chairman Jones voiced concern with some of the language regarding property lines. Commissioner Pauls recommended that item C be removed. Commissioner Cuchens requested that this issue be reviewed further. Chairman Jones stated that there were Code Enforcement cases currently awaiting this ordinance. The Board agreed to provide further direction to Code Enforcement regarding the issue.

Mr. Jack Bludworth addressed the Board concerning the YMCA property. He stated that they have had multiple requests from the County Recreational Board regarding their desire to utilize the 10-acres adjacent to the Wee Care Park. He stated that his board voted unanimously to request the Board of County Commissioners to consider paying what has already been invested into the property.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve paying \$37,470.00 for the property adjacent to the Wee Care Park. Chairman Jones questioned where the money would come from. Mr. Imfeld recommended that the money come from contingency funds and not be charged against the Recreation funds. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Attorney Vorbeck updated the commissioners on the Houston Lennard case stating that Mr. Lennard would dismiss the case as long as the county agrees not to take any action against him. Mr. Underwood will sign off on the settlement agreement.

Attorney Vorbeck spoke about the lawsuit against Okaloosa County, regarding Destin Commons, by the county and the Howard Group. Okaloosa County has dismissed their lawsuit, as well as the Howard Group. The individual developments have not dropped their case. Therefore an executive session has been set for 3:00 p.m. on November 4th.

Commissioner Pauls discussed the issue regarding Robert's Rules of Order. Commissioner Rees stated that he remembered previously adopting the rules. Mrs. Kira Coley, Staff Attorney, stated that clarification needed to be made as to which version would be adopted. Discussion followed regarding the importance of following them if

they are adopted. Mr. Vorbeck stated that he would look at procedures used by other counties and the Board could determine which ones they wished to adopt.

Commissioner Pauls stated that he has received numerous comments from the public regarding stop signs on 30-A. He stated that he would like a recommendation from Public Works on what action should be taken. Further discussion was held regarding stop signs and the increase in development. Commissioner Rees asked about using the round a bouts. Commissioner Pauls stated that the county does not have sufficient right-of-way to create proper round a bouts.

Commissioner Pauls provided information about the use of golf carts in South Walton. He felt that the county should move forward with being “golf-cart friendly”. He stated that they produce less pollution and cause less environmental problems.

Commissioner Cuchens read a letter he wrote about the animal control requesting the Board to revisit the Animal Control Ordinance. He stated that he is in favor of caring for the animals within the county. He recommended using an Animal Control Advisory Committee to help see the project through. He stated that the county has sufficient means to build the needed facility. He desires to see a facility that will accommodate the future growth for both small and large animals. He commented that careful consideration should be given as to location so that it would benefit all of Walton County residents. He also felt that the leash law should be countywide. Commissioner Cuchens stated that he has spoke with Regional Utilities and they have property, approximately 12 acres, off of Rock Hill Road/Highway 331. Mr. Wilson has agreed to let the county use the property for as long as they want to. He asked that the Board reconsider the decision made at the last meeting to locate the building at the Emergency Operations Center. Commissioner

Pauls stated that this is a new site that has not previously been given consideration. Chairman Jones stated that it would be two or three months before any activity begins giving the Board plenty of time to review the alternatives. Commissioner Rees asked for additional location information. Commissioner Pauls stated that the proposed site is superior to any others that have been offered and is willing to consider that location. He also agreed that the appointment of a committee is needed as soon as possible. He asked that the Board give their recommendations to Mr. Ken Little. The committee will be made up of seven members consisting of an appointment from each commissioner, a veterinarian, and a member from the municipality of DeFuniak Springs. The Board concurred. Mr. Underwood said that staff could look at the proposed site. Commissioner Cuchens also requested that staff review the Animal Control Ordinance regarding animal cruelty. Commissioner Pauls stated that he would like to see any recommendations be sent to the advisory committee.

Commissioner Rees advised Mr. Russ Barry that the Board would like to see a recommendation regarding stop signs at Rosemary Beach as well as CR 30A. He also asked that Mr. Barry review the costs to acquire right-of-way to keep traffic flowing.

There being no further business, the meeting adjourned at 12:35 p.m.

APPROVED: _____
Larry D. Jones, Chair

ATTEST: _____
Martha Ingle, Clerk of Courts