

NOVEMBER 6, 2003 – REGULAR MEETING

The Board of County Commissioners, Walton County Florida, held a Regular Meeting on Thursday, November 06, 2003 at 4:00 p.m. at the South Walton Courthouse Annex.

The following Board members were present: Larry Jones, Chair, Tim Pauls, Vice-Chair, Commission Lane Rees, Commissioner Rosier Cuchens, and Commissioner Kenneth Pridgen. Mr. Michael Underwood, County Administrator, and Staff Attorney, Kira Coley were also present.

Chairman Jones 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 Rees to approve the consent agenda consisting of the following items. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Pauls Aye.

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| 1. EAL Approval | |
| General Fund | \$ 233,969.55 |
| County Transportation | \$ 73,809.07 |
| Fine & Forfeiture | \$ - |
| Section 8 Housing | \$ - |
| N.W. Mosquito Control | \$ 257.08 |
| W. Co. Library | \$ 5,108.20 |
| Recreation Plat Fee | \$ - |
| Solid Waste Enterprise | \$ 182,082.44 |
| Mossy Head VFD | \$ 246.72 |
| Glendale VFD | \$ 50.23 |
| Darlington VFD | \$ 408.37 |
| Liberty VFD | \$ - |
| Red Bay VFD | \$ - |
| Local Option Gas Tax | \$ - |
| Capital Projects Fund | \$ 266.09 |

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| SHIP | \$ | - |
| Tourist Dev. Council | \$ | 9,845.44 |
| Mott Sign Grant | \$ | - |
| Debt Service Hospital | | |
| Spec. Law Enforcement | \$ | - |
| Driftwood Debt Service | \$ | - |
| Bldg Dept/Enterp. Fund | \$ | 1,191.68 |
| Imperial Lakes MSBU | \$ | - |
| Public Safety- 911 | \$ | 11,132.47 |
| Total | \$ | 518,367.34 |

2. Approve Minutes of October 23, 2003-Joint BCC/School Board Mtg.

Commissioner Cuchens arrived.

Mr. Brad Pickles, Walton County Tourist Development Council, appeared before the Board to present information about the beach renourishment at Four Mile Village. Mr. Pickle explained that there was a large constituency that does not want to be part of the beach renourishment program. However, there is one property owner who does and their property is adjacent to Tops'1 Resort. Therefore, he requested to extend the erosion control line an additional 500' and to amend the resolution to include the one additional property at a cost of about \$50,000.00.

Motion by Commissioner Rees, second by Commissioner Pauls to approve adding the one additional property in the beach renourishment plan and additional cost of approximately \$50,000.00. Ayes 5, Nayas 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Russ Barry, Public Works Director, advised the Board that North Walton Mosquito Control District has a contract with Florida A&M University to monitor mosquito and wild bird populations. He explained that a vehicle is needed for the FAMU

employee to drive while monitoring the traps, some of which are located in Washington County in a joint program.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to approve the use of a Public Works vehicle out of the county only at those times required to provide service to the mosquito and bird traps located in Washington County. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Mike Lane, Planning Director, addressed the board regarding the Master Plan contract with PBS& J, the addendum to the original scope of services for the Mack Bayou Master Plan. He has met with PBS&J to discuss expanding the future land use map, which would help the Planning Department on a daily basis. Mr. Lane recommended approval. He explained that the GIS is one of the foremost needed tools. The bridge and roadway preliminary engineering design and final engineering design is not included as part of the addendum. Mike Underwood stated that this is allowed for in the scope of work in order to help expand the new GIS services to develop the future land use map.

Mr. David Haight, PBS&J, stated that this is a tool that Planning can use. The changes were put in GIS format allowing citizens to be able to view maps on the web site.

Motion by Commissioner Pauls, second by Commissioner Cuchens to approve the addendum to the PBS&J contract. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Mike Lane asked for guidance regarding the 30-A preservation issue. In September 2002 the Board adopted an ordinance amending the scenic corridor language.

He presented a proposal that would amend this language allowing an exception of the construction of a single-family residential dwelling unit and accessory structures on a single parcel of land. He stated that he would like to bring this back for consideration after proper advertisement. This policy change will require construction of single-family dwellings to have to adhere to this policy regardless of size. Commissioner Pauls stated that there are no exceptions in the current language. The previous language applies to two acres or more, whereas this language will apply to all parcels.

Mr. Richard Fowlkes stated that it would apply to residential as well as commercial. He felt it should remain as it has been since last September. Commissioner Pauls stated that if there is a problem with enforcement and it is recommended for change, then it should be discussed further. Mr. David Kramer stated that precedence has already been set. He felt this issue should be reviewed further. Mr. Fowlkes spoke about the percentages and the buy out clause regarding vegetation. The Board concurred to allow this issue to be reviewed further and brought back for discussion.

Mr. Lane stated that he has been requested by a developer to seek guidance from the Board regarding the buffers policy L 1.7.2. The Comprehensive Plan eludes that state forests are primary uses allowed under Conservation. The developments within State forest areas shall be limited to publicly owned lands utilized for natural and wildlife resource management. Staff requires a 25' buffer between or along the edge of developments that are adjacent to State properties. He asked for guidance to determine if this is the appropriate interpretation by staff or should they not require the 25' setback.

Celeste Cobina presented information regarding the long leaf pine forests in south Walton, which is public owned lands. It is wildlife habitat and important to maintain a

25' buffer. Also, one of the most important things is the burning of the forests. Providing the buffer protects the wildlife, property, and citizens when fires get out of control. She agrees with staff that 25' buffers are needed.

Mr. Dean Burgis asked for a code interpretation of Policy L-1.7.2 regarding environmentally sensitive areas. He is asking that buffers be required if that area is shown to have an area that needs to be preserved. If it is not considered a sensitive area, then he feels that the developer should not be required to provide a 25' buffer.

David Kramer stated that he owns property that abuts State lands. He disagreed with Celeste that buffers will help with fire protection. Celeste Cobina stated that the 25' buffer can be used as an additional buffer beyond a fire lane.

Mr. Lloyd Blue commented that buffering, as a fixed rule is wrong. Buffers should be considered in sensitive areas. Mr. Richard Fowlkes questioned what are environmentally sensitive areas and who makes that determination.

Commissioner Pauls commented that the code is speaking of environmentally sensitive areas. He stated that if an applicant can show that the property they border is not environmentally sensitive, then they should be able to have a hearing. He felt that a parcel abutting another parcel containing a 40' clear-cut buffer should not be required to provide another 25 feet.

Commissioner Pauls stated that it would be up to the applicant to prove they are not in an environmentally sensitive area.

Jennifer Christensen presented the final plan for Cypress Dunes (F.K.A. Noble Dunes) Dunes 30 A, LLC is proposing a 164-lot single-family residential subdivision

with common areas. The property is located on Noble Dune Drive. Staff recommended approval. There were no public comments voiced.

Motion by Commissioner Pauls, second by Commissioner Pridgen to approve Cypress Dunes final plat for recording. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Christensen presented Seacrest Beach, Phase 6A final plat for approval. Mr. Gary Brandon Enterprises, Inc. is proposing a 15-lot single-family residential subdivision with common areas on the west side of Blue Crab Loop south of Seacrest Beach Phase 6. Staff recommended approval. There were no public comments voiced.

Motion by Commissioner Rees, second by Commissioner Cuchens to approve Seacrest Beach Phase 6A final plat for recording. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Christensen advised that the final plat for Dalton Place at Seagrove has been continued until December 9.

Mr. Tom McGee and Mr. Georgiades, appeared before the Board regarding Yianni's Grill in Seagrove Beach. He is attempting to obtain a liquor license, but can't because Ordinance 81-8 opposes an alcoholic beverage license within 1320 feet of a church or school. Mr. McGee explained that the liquor sales would only be approximately 10% of his business. He also stated that paragraph (3) would allow the sale of alcohol if it is not consumed on the premises. He suggested either modifying the distance within the ordinance or change it to state that beer or wine can be sold on the premises if it is only within a certain percentage of the revenues.

Mrs. Coley stated that the ordinance is 22 years old. After research, she felt that much of its intent is the secondary effects in the neighborhood such as noise and crime that is associated with adult businesses. She stated that she would like to keep the distances similar between this ordinance and the adult business ordinance whatever that might be.

Commissioner Cuchens stated that he is not in favor of changing the current distance of 1320 feet, but is willing to help Mr. Georgiades in some manner. Commissioner Pauls agreed that it is a challenge to find a solution. He did agree with reviewing the ordinance to discuss alternatives. Commissioner Rees agreed addressing this issue further. He commented that there is no grievance process for Mr. Georgiana to go through.

Mr. Ronnie Bell presented a memorandum of understanding between Argyle Fire District and Walton County EMS. Mr. Bell recommended approval.

Motion by Commissioner Rees, second by Commissioner Pauls to approve the Memorandum of Understanding between Argyle Fire District and Walton County EMS. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell presented a Memorandum of Understanding between Red Bay Volunteer Fire Department and Walton County for the location of the paramedic/firefighter at the Red Bay Fire Station. Hartman & Associates is applying for DEP permits for the construction of the new station in the Red Bay Fire District. Mr. Bell also advised that the Fire Board Committee is reviewing all capital improvement needs. Mr. Bell recommended approval.

Motion by Commissioner Rees, second by Commissioner Pridgen to extend the current agreement for an additional year. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell stated that the results from the evaluation team for the Medical Director's position. Dr. Pablo and Dr. Garcia were the only two who responded to the RFP's. The committee recommended Dr. Pablo as EMS Director for Walton County. They were ranked and Dr. Pablo ranked higher because of his certifications. Commissioner Rees commented on both of them being a fine physician.

Motion by Commissioner Pridgen, second by Commissioner Pauls to approve the committee's recommendation to accept Dr. Pablo as Walton County's Medical Director. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Joseph LaSalla, Jr. appeared before the Board regarding his property on Hillcrest. He stated that there is about 22 feet from the edge of pavement to the property line, which he is currently maintaining. He asked to be able to fence the backside of his property line. He stated that the property is not currently be utilized, but would like to use part of the road and would provide a safe distance from the roadway. Mr. Barry stated that Engineers have looked at it and they do not support the request. He does not want any other items put in the county's right of way. Also, it might be needed for utilities. He felt that it should remain clear. It could also block the view from Hillcrest. Mr. LaSalla stated that he is not asking for the entire 22 feet and is willing to remove the fence if necessary. He stated that he would continue to maintain the right of way. Commissioner Pauls stated that language in Chapter 13 encourages people to provide landscaping on the public right of way. He said that if an applicant can present a landscape concept to Public

Works, which would not be a safety factor, then that is right-of-way that Public Works would not have to maintain. Commissioner Pauls advised that he previously owned this property, but has never met Mr. LaSalla. He stated that this would not benefit him in any way. He felt this should be discussed further in an attempt to allow Mr. LaSalla to proceed with his request.

Motion by Commissioner Pauls, second by Commissioner Rees to allow Mr. LaSalla to go through the process regarding right-of-ways along CR 30A as allowed in Chapter 13. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Ms. Lila Norris addressed the Board regarding the availability of inexpensive housing. She read her statement quoting from the LDC about accessory housing. She requested clarification of the Code relating to the definition of “family”. The commissioners felt this issue needs to be clarified. The Board directed staff to develop language to clarify the intent of the ordinance.

The commissioners recessed briefly.

Ms. Janet Westgard appeared before the Board regarding the proposed bike path at the Dune-Allen Subdivision and presented a map of the area. Ms. Westgard presented the history of the property and how it was passed down from previous generations. She spoke about the negative impacts the bike path would have on her family. She stated that the bike-path would be a hindrance to the front entrance of her property, garbage pick-up, and would also hinder the quality use of their property. She suggested several alternatives.

Commissioner Pauls stated that they did consider many options, but did the best to construct the bike path on county property.

Mr. Barry stated that they reviewed many options and gave much consideration to the best alternatives. He spoke about safety issues that were considered. He offered to change the driveway entrance at Ms. Westgard's home to provide safety. He also offered to erect a privacy fence along the north/south access.

Mr. Cliff Knauer, Preble-Rish, appeared before the Board to explain the bike paths design. He stated that many public meetings were held to offer a time for public discussion. Safety was one of the foremost issues. The Allen-Loop section has a lot of wetlands, on both sides of the road in some places. He stated that DEP requires minimizing the impact on wetlands in order to obtain a dredge and fill permit. The edge of the bike path is proposed to be 12' off of the edge of the pavement. He stated that he met with Ms. Westgate in December of 2002 to explain the plans for the bike path. They currently have DEP permits and dredge and fill permits. He spoke about building her a new driveway. Ms. Westgate asked that the path be moved closer to the street to move it away from her home.

Commissioner Pauls stated that if such agreements existed to only use it for the widening of 30A then the Board has not seen them. He recommended to continue moving forward with the project and continue to offer the property owner the fence and moving of the driveway. The Board concurred to move forward.

Mr. Mike and Shari Judkins appeared before the Board asking for help with enforcement of the county's code regarding a non-conforming use. He read the code regarding non-conforming uses. He stated that his neighbor has probably spent

\$50,000.00 in remodeling his building, changed and expanded his uses. He stated that his neighbor does not have sufficient parking and is using private driveways to turn around. He asked that the Board instruct staff to declare him in non-compliance. Commissioner Cuchens asked for evidence showing his non-compliance. Mrs. Judkins stated that they have pictures in addition to other documents showing the problems.

Mr. Gary Hulion, Code Enforcement Officer, stated that he has investigated the problems as they are called in. He said that they have not seen the semis illegally parked. He presented the conclusions of the investigation, which was conducted in May 2002. It was Mr. Hulion's opinion that the investigation should stand.

Mr. Judkins disagreed with the findings and further stated that Mr. Wooten is no longer in compliance with the code because of recent actions. He asked to meet with county staff to further discuss this issue to resolve the matter. Mrs. Judkins spoke about the building never being "legally" put on the books until 1986. She stated that according to the code Mr. Wooten is not suppose to be allowed to pull permits since he is grandfathered. Mrs. Judkins stated that Mr. Wooten has invested a great amount of money and continuing to reconstruct the building.

Mike Underwood stated that this is the same issue that was discussed in March 2002. After that the investigation was performed. Chairman Jones stated that the Board needs to decide which direction to go. Underwood suggested contacting Mr. Arrant to provide an updated investigation. Mr. Cuchens disagreed because staff has done their own investigation. Commissioner Rees agreed with Mr. Arrant performing an updated investigation or to have staff meet to further review the issue. The Board concurred to allow staff to review the issue and to allow Mr. Arrant to perform an updated

investigation if they feel that it is necessary. Commissioner Pauls spoke about the signature on the permit. He stated that he has also spoken with Mr. Wooten and that the Board needs to hear his view of the situation. Mr. Underwood will address this issue with staff.

Mayor Mickey Marse appeared before the Board. Chairman Jones stated that Freeport was announced as the community of the year and presented Mayor Marse with a plaque of appreciation on behalf of the Walton County Board of County Commissioners.

Mr. Marse advised the Board that he has come in \$400,000.00 over budget on the fire hydrant project. He asked if the county would be willing to assist in paying half of cost for the 60 fire hydrants, which amounts to \$1,853.00 per hydrant. This is in the Choctaw Beach and Villa Tasso area. Mr. Imfeld recommended allowing the use of contingency funds.

Motion by Commissioner Cuchens, second by Commissioner Rees to approve the use of contingency funds to help fund the purchase of 60 fire hydrants for the City of Freeport. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Coley spoke about Robert's Rule of Order, which was previously adopted by a former Board. Mrs. Coley advised that she has obtained several different procedures being used by various counties around the state. She asked for direction and asked to designate a commissioner to search out which procedures this Board would like to utilize. Commissioner Rees volunteered to help research the issue further. Commissioner Pauls stated that protocol is needed to be able to follow.

Mr. Underwood asked for a motion to continue the Mosquito Control agreement with the City of DeFuniak Springs.

Motion by Commissioner Rees, second by Commissioner Pridgen to approve the Mosquito Control Agreement with the City of DeFuniak Springs. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Underwood stated that Tri-County Community Council has asked for a representative to serve on the Local Emergency Food and Shelter Board in Walton County. Commissioner Cuchens volunteered to serve on this board.

Motion by Commissioner Pauls, second by Commissioner Rees approve for Commissioner Cuchens to serve on the Tri-County Community Council's Board. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Underwood advised that Seaside has given notice that they will host the half marathon and 5k road race and is asking the county to approve closing the east bound lane of CR 30A on March 7, 2004 and to waive the county fees associated with the event.

Motion by Commissioner Rees to approve the request with the stipulation that they are working with the sheriff's department and Mr. Bell for emergency services. Second by Commissioner Pauls. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Underwood noted that the appointment of an Animal Control Advisory Board was discussed at a previous meeting, which he needs the nominations. The following nominations were presented: Commissioner Rees-Brandi Baker; Commissioner Pridgen-Donna Andrews; Chairman Jones-Melissa Forberg; Commissioner Pauls-Alice Becker, with her consent; Commissioner Cuchens-Dr. Gerri Bar or John Irvine. A representative is still needed from the City of DeFuniak Springs. Mr. Underwood will ask for Mike Standley to make that appointment.

Mike Underwood reviewed the operations of the Planning Department regarding the Director. He recommended allowing a promotion from within. He presented an organization chart for the Planning and Development Division, which includes the Building Department, Code Enforcement, and Planning, all of which could be overseen through one director. He also presented a list of objectives that Mike Lane felt could be accomplished within six months. He asked to appoint Mike Lane as the Planning and Development Director. Mr. Underwood stated that the Beach Activities could be moved under the Director of Parks and Recreation Division. Interviews will be conducted for the Parks Director on November 13th. Commissioner Rees commented on the cost savings by utilizing current staff to handle the position.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to approve Mr. Underwood's recommendation to appoint Mike Lane as the Planning/Development Director. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Rees recognized those veterans present in the audience. He spoke about the importance of recognizing those veterans still alive. He requested that a monument be constructed to recognize surviving veterans. He asked that Ken Little research the costs and where it could be located. The Board concurred to direct Mr. Little to do so.

Commissioner Pridgen did not have any topics for discussion

Chairman Jones advised that he received a letter from the Mayor of Pensacola advising that a U.S. Carrier would be sunk for an artificial reef. The Mayor requested a letter of support that the carrier be sunk off the Coast of Escambia County. Commissioner Pauls requested additional information regarding Okaloosa County's desire to also have

the Carrier sunk off of Okaloosa County and whether or not this is the same carrier the Board previously supported for Okaloosa County.

Motion by Commissioner Pauls, second by Commissioner Cuchens to support a resolution in favor of the Carrier being sunk off the Coast of Escambia County, contingent upon contacting Okaloosa County first. He would support Okaloosa County's desire to have the reef. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Cuchens stated that citizens have requested that the county's Noise Ordinance be passed county wide and asked if this could be placed on a referendum for the people to decide. This will be brought back at a later time for consideration.

Commissioner Pauls congratulated Okaloosa County for the grand opening of Destin Commons. He spoke about the problems that were resolved between Okaloosa and Walton Counties and the widening of Highway 98. Commissioner Pauls stated that Senator Clary is confident that Walton County should see the appropriations in the next two to three years in the amount of about \$45-60 million.

Chairman Jones opened the floor for public comments.

Mr. Sonny Heath addressed the Board along with several members of the VFW Post. He opened by thanking those veterans in the audience for their service to our country. He asked that Mr. Little be directed to work on a problem relating to the road leading to the dump and it being called WWII Veterans Lane. Mr. Miller, a WWII Veteran, stated that the veterans are opposed to the road name because it leads to the County's Landfill and the state prison. He felt it is not much of an honor for his service to

our country. Mr. Heath requested that the county rename that road and designate a different road with the name “WWII Veterans Lane”.

Commissioner Cuchens stated that while previously serving on the Board a committee came before the Board and specifically asked for that road to be given that name. He stated that he is not opposed to the requested change. Commissioner Pauls supported the request and asked which road they would want to be given that name. Mr. Underwood will contact Mr. Bell.

Mr. David Kramer asked if a citizen complaint could be brought before the Code Enforcement Board rather than the Board of County Commissioners, referring to a case such as the Judkins.

Mr. Don Crim felt that it is time to appoint a committee to review all the ordinances.

There being no further business, the meeting was adjourned at 7:10 p.m.

APPROVED: _____
Larry D. Jones, Chair

ATTEST: _____
Martha Ingle, Clerk of Court