

JULY 13, 2004 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, July 13, 2004 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 Rosier Cuchens, Commissioner Lane Rees, and Commissioners Kenneth Pridgen. Mr. Ronnie Bell, Interim County Administrator, Attorney Gary Vorbeck, Legal Services Director, 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. Chairman Jones called the meeting to order.

The consent agenda was presented consisting of the following items:

1. EAL Approval	
General Fund	\$ 745,971.42
County Transportation	\$ 245,324.32
SHIP	\$ 14,400.00
Fine & Forfeiture	\$ 772,859.00
Debt Service Hospital	\$ -
Mosq. Control State	\$ -
Mott Sign Grant	\$ -
Section 8 Housing	\$ 115,909.86
Tourist Dev. Council	\$ 145,715.03
N.W. Mosquito Control	\$ 825.20
W. Co. Library	\$ 10,459.24
Recreation Plat Fee	\$ -
Public Safety- 911	\$ 13,004.90
Solid Waste Enterprise	\$ 207,096.63
Mossy Head VFD	\$ 495.58
Glendale VFD	\$ 68,520.37
Darlington VFD	\$ 1,279.85
Red Bay VFD	\$ 162.02

Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-
Driftwood Debt Service	\$	-
Criminal Justice Ed Fund	\$	-
Bldg Dept/Enterp. Fund	\$	1,750.59
Capital Projects Fund	\$	728,894.42
Imperial Lakes MSBU	\$	-
Totals	\$	3,072,668.43

2. Approve Minutes of June 01, 2004-Land Use Hearing  
June 03, 2004-Public Hearing  
June 10, 2004-Town Hall Meeting  
June 15, 2004-Joint Meeting
3. Surplus Equipment

Motion by Commissioner Rees, second by Commissioner Pridgen to approve the consent agenda as presented. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Chairman Jones called to order the advertised public hearing to consider budget amendment #7.

Mr. William Imfeld, Finance Director, presented the proposed budget amendment request to transfer \$129,000 to fund the Supervisor of Elections voting equipment. There were no public comments voiced.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to adopt a resolution (2004-46) approving the transfer of \$129,000 from General Funds Reserves to the Supervisor of Elections. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Imfeld presented a request to cancel the RFP's for a \$7.5 million bank loan for the TDC. He also requested authorization to notify those banks responding to the RFP's when it is readvertised.

Motion by Commissioner Rees, second by Commissioner Pridgen to approve the request to cancel the RFP's and to readvertise at a later date. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Imfeld also requested approval for the Chair to sign a memorandum of understanding with Okaloosa County for the Workfare Program grant funds.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to approve the Chair's signature on the MOU. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Chairman Jones called to order the public hearing to consider final plat approval for Cottages at Inlet Beach and Draper Lake.

Mrs. Jennifer Christensen, Planning Department, presented Cottages at Inlet Beach final plat. Staff recommended approval. There were no public comments voiced.

Motion by Commissioner Rees, second by Commissioner Pauls to approve Cottages at Inlet Beach final plat for recording. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Jennifer Christensen, Planning Department, presented the Draper Lake final plat for approval. Draper Lake LLC is proposing a 95 lot single-family subdivision located off of CR 30A adjacent to Gulfview Heights. Staff recommended approval subject to the plat and the letter of credit being reviewed and approved by Legal Services. She also requested to withhold the Chair's signature until it has been reviewed. She stated that she would meet with Legal Services regarding this issue. There were no public comments from the public.

Motion by Commissioner Pauls, second by Commissioner Rees to accept staff's recommendation and approve Draper Lake final plat contingent upon review by Legal Services. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Ken Little, Citizens Services, presented the HUD Annual Housing Plan for 2004-2008. He requested approval of the plan and the Chair's signature. Commissioner Pauls questioned Mr. Little regarding the waiting list. Mr. Little explained the procedure stating that it is normal to have a waiting list.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to approve the annual HUD Housing Plan. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Little presented the resignation of Ms. Bell from the District 2 seat of the Zoning Board of Adjustments.

Motion by Commissioner Pridgen, second by Commissioner Rees to approve the appointment of Mr. Kevin Wilkerson to the Zoning Board of Adjustments. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Little also advised that Ms. Marsha Anderson, Library Advisory Board, has agreed to continue serving.

Motion by Commissioner Rees, second by Commissioner Cuchens to approve the reappointment of Ms. Marsha Anderson. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Malcom Jones, St. Joe Company, appeared before the commissioners requesting approval of a temporary sign permit. He explained that the signs are to

identify the 2004 Showcase of Homes. Commissioner Pauls requested that the signs be placed in a location that will not create a visibility problem.

Motion by Commissioner Rees, second by Commissioner Pauls to approve the request for a temporary sign permit by St. Joe Company. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Ed Baltzley, Emergency Response Director, requested approval to seek for shelter retrofit grants for the following locations: South Walton High School-\$203,600; Freeport High School-\$203,600; OWCC Chautauqua Center-\$58,820.94; and Walton Middle School-\$88,225.08. Retrofitting these buildings would provide 5,936 spaces for shelter during emergencies.

Motion by Commissioner Cuchens, second by Commissioner Pauls to approve the request to seek for grants. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Baltzley recognized Mr. Douglass and presented him with an award for his work at the EMS Council. Mr. Douglass also received a second award from the Department of Health for his four years of service to the council.

Chairman Jones called to order the advertised public hearing to consider amending section 3-1 of the Walton County Code providing for churches to consent to a waiver of the location of vendors closer than 500 feet. Staff Attorney, Kira Coley presented proposed language submitted by Mr. Ken Goldberg. She advised that the language Mr. Goldberg was not part of the advertised public hearing.

Attorney Ken Goldberg, EPSCO, appeared before the commissioners regarding the alcohol ordinance. He explained the language that was not advertised as part of the

public hearing. Commissioner Pauls explained the situation relating to Gulf Place. Chairman Jones opened the floor for public comments. Mr. Ray Anchorman addressed the commissioners regarding problems associated with the current ordinance.

Motion by Commissioner Pauls, second by Commissioner Rees to adopt an ordinance (2004-26) approving the revised language to the Alcohol Ordinance as advertised. Ayes 3, Nays 2. Rees Aye, Pridgen Aye, Jones Naye, Cuchens Naye, Pauls Aye. Motion passed.

Mr. Tom Powell, Economic Development Council, requested the Board adopt a resolution regarding Smith Aviation Inc. in an attempt to locate their firm in Walton County. This company can qualify for refunds up to \$6,000 per job paid out over 4 years. He stated that 20%, which is \$30,000, would be paid out by local government. He felt that it would be appropriate for Walton County to permit refunds totaling up to \$16,800 and the City of DeFuniak Springs to permit refunds totaling up to \$13,200. Mr. Powell stated that the city adopted a resolution in favor of this.

Motion by Commissioner Cuchens, second by Commissioner Pauls to adopt a resolution (2004-47) supporting Mr. Powell's request. Commissioner Rees thanked Mr. Powell for the work he has done to help the displaced workers from Perdue.

Chairman Jones called to order the advertised public hearing to consider additional language to the Beach Activity Ordinance relating to surfers. There were no public comments voiced.

Motion by Commissioner Rees, second by Commissioner Pauls to adopt an ordinance (2004-27) providing additional language relating to surfers. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Barry presented the proposed dirt road paving plan for consideration by the commissioners. He asked for comments and stated that he would present it back at the next meeting for adoption. Commissioner Pauls stated that right of way is the concern. Mr. Barry stated that he would come back to the board in September after the roads have been ranked. Commissioner Pauls voiced concern regarding safety. The county needs a method by which the public can have input. Chairman Jones felt that the commissioners should provide input to Mr. Barry for how the roads are evaluated. Another issue is how extensive the list would become. Commissioner Cuchens stated that a road does not need to go onto the paving list until it is ready to pave. Commissioner Pauls commented on having sufficient right of way. The county needs a definition of "sufficient". Discussion occurred regarding the right of way varying in each case. Chairman Jones spoke about an inadequate right of way being obtained and the need to return a road to a committee to work on. Commissioner Rees stated that he would like to see a set of expectations. He spoke about the need for communications and spoke about the program that was performed in Duvall County. He felt that communicating with the public enhances accountability by the county.

Mr. Barry withdrew item numbers 2 & 3.

Mr. Barry presented information regarding the pavers on Liveoak Street. He presented a recommendation relating to the two issues of concern. The first issue is if there is a way to change the current traffic patterns to allow more narrow streets. He felt that there is possibly a way after speaking with a traffic engineer. The second issue is what to do with the brick pavers currently there. He recommended removing them and storing them until a decision can be made. Commissioner Cuchens asked if there is a

method of sweeping the pavers to keep from removing them. Commissioner Pauls suggested posting a lower speed for safety and would like to see the county find a plan to deal with the issue. Mr. Barry stated that he could do that, however, there are obstructions close to the edge of the pavement. The pavers have defined a roadway, which is what has created the issues.

Mr. Bob White, Canal Street, felt that there are some creative things that can be done to preserve the neighborhood. The citizens are willing to work with the county to address the county's concerns.

Mr. Bob Dobes was in favor of one way streets. He asked what the citizens can do in order to help, while still abiding by the law. He stated that he does not want the trees removed.

Mr. Thomas Allen, Dogwood Street, asked who would enforce the speed limit. The commissioners stated that the removal of trees is not an issue.

Commissioner Pauls stated that the county needs to obtain a survey, draft a preliminary design regarding one way streets, and hold a community meeting. He suggested a speed limit of 5 mph as an interim solution to the pavers currently in place. Mr. Barry said it would take 3 to 4 weeks to complete the survey.

Mr. Steve Burhman questioned how the liability has changed with the brick pavers. He also questioned if the residents could complete the project. Mr. Vorbeck stated that the pavers create more liability. Commissioner Pauls recommended not completing the second part of the road; he recommended opening that part.

Mr. Dale Finley requested to implement the 5mph speed limit stating that the current situation is not safe.



Commissioner Pauls motioned to establish a temporary 5mph speed limit on Liveoak until the County comes up with a plan for improvements. Commissioner Pridgen seconded the motion. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Mr. Barry spoke about the HTE computer system and county maintained roads. He stated that the system calculates the maintenance cost from work orders. However, it also automatically removes all roads that are not on the county maintained list. He requested to have the EOC add the roads back to the list of county maintained roads. These roads are currently being maintained by Public Works. The following is a list of the roads in Zone 1: Lake Rosemary Court, Lake Rosemary Circle, and Murl Place. The roads in Zone 3 are: Taurus Drive, San Jose Drive, East Bradley Street, West Bradley Street, Joan Circle, Wood Beach Drive, Chanel Court, Chrystal Court, and Taylor Court.

Motion by Commissioner Cuchens, second by Commissioner Pauls to approve adding the roads back to the county maintained road list. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Barry advised the commissioners of an area located in District 4 - Zone 2, Choctaw Drive that the county has been maintaining in excess of seven years. He requested that he be allowed to record the map and legal description for that portion.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to approve the recording of the map and legal description for Choctaw Drive. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Barry presented a proposal to make Plans Review a fee based position and allowing for developers to pay for review of their plans. He presented the proposed fee

schedule and the amount of revenue it would generate. It would allow an increase of two engineers to help with the workload. He requested approval to implement this effective October 1 as a fee based position. Mr. Vorbeck stated that this process was previously followed and was recently changed and therefore an ordinance is not necessary. Commissioner Pauls stated that he wants assurance that the fees are justified and used for the purpose collected. Mr. Bell recommended that the Plan Review position go under Growth Management. Discussion occurred regarding providing proper notice to the public. The Board concurred to consider adopting this by resolution at the first meeting in August and to be effective October 1. Mr. Barry stated that it can be evaluated after the first year.

Mr. Barry presented a letter from Paxton High School who requested the county's old bridge timbers that the county no longer uses. Mr. Barry recommended approval.

Motion by Commissioner Rees, second by Commissioner Cuchens to approve the letter of request from the Paxton High School. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Barry stated that a correction needs to be made to the professional services contract. The correct firms for Civil/General Engineering should be Jenkins, Stanford & Associates and Connelly & Wicker. The correct Traffic Engineering firms should be HDR Engineering and PBS & J. Mr. Barry requested to conclude the continuing services contracts with the firms listed.

Motion by Commissioner Pauls, second by Commissioner Pridgen to approve the correction as stated. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Jim Armour, Liveoak Street, questioned the 5mph speed limit. The pavers will remain in place at the present time. The commissioners asked that no additional pavers be put down.

Mr. O'Neal and Mr. Chrishon, who were scheduled on the agenda, cancelled.

Mr. David Chairman Jones, Walton County Fire Board, appeared before the commissioners to present the Walton County Fire Board's Needs Assessment. The study was performed by the GSG. He stated that the Board appointed a committee to draft an alternative report. He gave an overview of the recommendations in the report. Mr. Chairman Jones spoke about the need for a Fire Coordinator. Commissioner Pridgen asked about calling the position a Fire Manager rather than the Fire Coordinator.

Mr. David Kramer addressed the commissioners regarding the surplusing of a non-buildable lot in the Saddlebrook Downs Subdivision. He presented a copy of a survey. The property was purchased by Regional Utilities and given to the county. Mr. Kramer stated that the county could retain any of the items on the property or he would be willing to dispose of them. Mr. Kramer stated that they are willing to pay up to \$3,000 for the lot or a reasonable price set by the board.

Motion by Commissioner Cuchens second by Commissioner Pauls to surplus the property and allow Regional Utilities to sell it. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Ms. Mary Dekle was not present.

Ms. Ingle requested that three commissioners be appointed to serve on the Value Adjustment Board. Commissioner Cuchens volunteered to serve. Commissioner Pridgen and Commissioner Rees will also serve.

M. Mary Dekle, Legal Services of North Florida, Inc., presented information regarding Article V changes and legislative requirements to fund the local legal aid program. She explained their services and the required increase in staffing. She stated that they use a formula by determining the number of poverty level individuals to show what the anticipated civil legal needs for poverty level would be for one year. Mr. Vorbeck stated that he needs to discuss this issue with the judges and Okaloosa County.

Chairman Jones recognized Mayor Thomas Haywood of Paxton.

Mr. Bell requested to remove his first item from discussion.

Mr. Bell presented a letter from TPO regarding the resolution recently adopted by their board relating to sidewalks and bike paths.

Mr. Bell presented the updated appraisal for the Lang Property, which is valued at \$147,000. Mr. Bell reminded the Board that the sheriff had requested use of the property. Commissioner Cuchens questioned why the appraisal was so costly. Mr. Bell advised that the county requested a quick response. Commissioner Pauls stated that a lease agreement is needed defining the terms of use. The Board agreed to work with the sheriff and draft a lease agreement.

Mr. Bell presented the draft language regarding the nonbinding straw ballot relating to the noise ordinance for areas north of the Choctawhatchee Bay. Mr. Crim commented that a distinction should not be made between the north and south parts of the county.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to adopt a resolution (2004-48) approving the proposed language and instruct staff to place this item

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

Attorney Vorbeck reminded the board that he is awaiting their input for the straw ballot language relating to the MSTU for areas south of the bay.

Mr. Bell presented information from Attorney Angus Andrews relating to a segment of Dead River Road. Mr. Bell spoke about the statute that was adopted allowing someone to claim interest in a roadway by filing a lawsuit from July 1, 2003 until July 14, 2004. Mr. Bell stated that Mr. Andrews owns approximately 4/10 mile of road. Mr. Andrews has requested a written agreement recognizing that he is the owner of the 4/10 mile that goes over the dam and that he could revoke the public's, or county's, privilege from crossing over his road. Mr. Bell stated that the issue is construction of the road, not maintenance.

Mr. Andrews appeared before the commissioners and stated that there was a change that added a provision in the law (FS. 95.361). Mr. Andrews stated that the road must be constructed by the county, maintained and repaired for a period of four years without interruption. Then the road shall be deemed to be dedicated to the county. He stated that if a road has been constructed by a non-governmental entity or private individual or if it is not currently being maintained and repaired by the entity who constructed it, then it cannot be designated as a county road. He stated that if it cannot be determined if the county built the road then it cannot be designated as a county road. Commissioner Pauls asked if the county would continue to maintain the roadway and culverts. Mr. Andrews stated that the county would continue to maintain the road, but he could revoke it at any time. He advised that he would file a lawsuit tomorrow if the

county does not agree. Commissioner Rees asked if there would be any reason Mr. Andrews would revoke the agreement. Mr. Andrews stated that it would be for privacy. Attorney Vorbeck stated that if the county can prove they constructed the road, the county would prevail.

Mr. Barry stated that he spoke with the road foreman and he has maintained it, but does not have anyone currently on staff that can say that the county built it. Commissioner Pauls felt that the agreement should be accepted and the county could seek a permanent access or easement if necessary.

Motion by Commissioner Pauls, second by Commissioner Rees to enter into a licensed agreement between Walton County and Mr. Angus Andrews regarding Dead River Road. Attorney Vorbeck reminded the Board that according to the agreement, the road could be closed by Mr. Andrews at any time. Discussion was held regarding the county's ability to prove they constructed the road. Ayes 3, Nays 2. Jones Aye, Rees Aye, Pauls Aye, Cuchens Naye, and Pridgen Naye.

Mr. Bell presented a request from a Sheriff's Department in Georgia regarding the training of 12 of their officers for the search and rescue team. They have provided a copy of their liability coverage.

Motion by Commissioner Pridgen, second by Commissioner Rees to approve the request by the Lowndes County Sheriff's Department. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell requested direction relating to the action involving the D.J.J. He stated that there is another concern relating to the additional \$25,000 homestead exemption. The amount assessed against the county is \$2,757 and \$331 for the D.J.J. Chairman Jones felt

that it would hurt many counties and agreed with slowing it down or moving it to a local option. The Board directed Mr. Bell to proceed with action relating to the additional homestead exemption.

Commissioner Pridgen requested that Mr. Hulion look at the fence ordinance further. Mr. Hulion stated that there are 22 pending cases relating to fence violations. He stated that this department does not have the necessary resources to handle the load.

Motion by Commissioner Pridgen, second by Commissioner Cuchens to direct staff to suspend any further action relating to this portion of the fence ordinance until this issue can be addressed further. Ayes 4, Nays 1. Jones Naye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye. Mr. Vorbeck stated that it is an enforcement issue.

Commissioner Cuchens spoke about the first amnesty day in Villa Tasso. Mr. Hulion stated that it was done in an effort to provide a way for clean up. He stated that they collected 17 tons of waste. Staff will hold another amnesty day on July 31 in Choctaw Beach. The Board thanked staff for their work.

Commissioner Pauls advised that he previously requested \$5,000.00 for the work at Seagrove. He stated that additional work is needed and is estimated at \$12,000.00. Mr. Bell stated that he can sign off on the necessary expenditures for the additional work.

Chairman Jones opened the floor for public comments.

Mr. Don Crim spoke about the resolution adopted by the TPO regarding sidewalks. Mr. Crim questioned if sidewalks could be offset from the highway. Commissioner Pauls stated that the TPO agrees, but DOT is responsible for the design. He asked why subdivisions are not required to have sidewalks and curbs. Commissioner

Pauls stated that the county does have requirements. Many PUD applicants can vary from the requirements of the code that require sidewalks.

Commissioner Rees stated that staff will be looking at the county buildings to address concerns previously raised by Mr. Crim regarding ADA requirements.

There being no further business the meeting was adjourned at 6:45 p.m.

APPROVED: \_\_\_\_\_  
Larry D. Jones, Chair

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