

## AUGUST 10, 2004 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, August 10, 2004 at 5:00 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. Ms. Shirl Williams, Assistant 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	\$ 294,902.35
County Transportation	\$ 282,374.60
SHIP	\$ 7,247.90
Fine & Forfeiture	\$ -
Debt Service Hospital	\$ -
Mosq. Control State	\$ -
Mott Sign Grant	\$ -
Section 8 Housing	\$ 136,311.61
Tourist Dev. Council	\$ 107,716.46
N.W. Mosquito Control	\$ 26,685.59
W. Co. Library	\$ 4,134.12
Recreation Plat Fee	\$ 3,917.75
Public Safety- 911	\$ 1,545.36
Solid Waste Enterprise	\$ 5,186.65
Mossy Head VFD	\$ 1,450.91
Glendale VFD	\$ -

Darlington VFD	\$	1,447.62
Red Bay VFD	\$	460.90
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-
Driftwood Debt Service	\$	-
Criminal Justice Ed Fund	\$	-
Bldg Dept/Enterp. Fund	\$	1,729.40
Capital Projects Fund	\$	52,299.33
Imperial Lakes MSBU	\$	-
Totals	\$	927,410.55

2. Approval of Minutes:
  - July 13, 2004 – Regular Meeting
  - July 27, 2004 – Regular Meeting
3. Accept Monies from the DEP for Solid Waste Grant for Landfill
4. Surplus Equipment
5. Resolution regarding “Choose Life” License Plate Sales

Motion by Commissioner Rees, second by Commissioner Pridgen to approve the consent agenda as presented. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Pauls Aye. Commissioner Cuchens had not arrived.

Mrs. Jennifer Christensen, Planning Department, presented Cottages at Walton Rose for approval. The project is a 5-lot single-family subdivision located south of Walton Rose Lane. Planning staff recommended approval. There were no public comments voiced.

Motion by Commissioner Pridgen, second by Commissioner Pauls to approve the Cottages at Walton Rose final plat for recording. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Pauls Aye.

Ms. Christenson presented the final plat for South Walton Commerce Park, a 35-lot commercial subdivision. Ms. Christenson advised the board that the private roads in

the subdivision would be crossing a right of way owned by Alabama Electric Cooperative and one owned by Gulf Power. Mr. Vorbeck stated that they will remain private roads. Commissioner Pauls stated that the roads do not actually connect and felt that there should not be any situations that arise from this. Staff recommended approval.

Motion by Commissioner Pauls, second by Commissioner Pridgen to approve South Walton Commerce Park. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Pauls Aye.

Ms. Christenson presented Rosemary Beach Phase 4-B, a re-plat of lots 1 & 11 and the common area adjacent thereof, Block 25 and a re-plat of a portion of Town Hall Road and Town Hall Court. The project is located on the south side of CR 30A off of Town Hall Court in Rosemary Beach. Staff recommended approval.

Motion by Commissioner Rees, second by Commissioner Pauls to approve Rosemary Beach Phase 4B. Ayes. 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Pauls Aye.

Ms. Christenson presented the final plat for Tradewinds Estates, a 17-lot single-family subdivision located on the west side of West Hewitt Road. Staff recommended approval.

Motion by Commissioner Pauls, second by Commissioner Pridgen to approve Tradewinds Estates final plat for recording. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Pauls Aye.

Ms. Christenson presented the final plat for Peter's First Addition to Cherokee Subdivision, a re-plat of lots 1, 2 & 3 of Block 4 and Block 6 of Cherokee Subdivision. The project is located at the intersection of Hickory Street and Aspen Street. She stated

that a portion of Spruce Street will be abandoned by this re-plat. Staff recommended approval. There were no public comments voiced.

Motion by Commissioner Pridgen, second by Commissioner Pauls, to approve Peter's First Addition to Cherokee Subdivision for recording.. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Pauls Aye.

Ms. Sandra Golden and Sandy Weimorts, Resources for Human Development, appeared before the commissioners regarding the budget process.

Mr. Dewight Elmore appeared before the commissioners stating that his son has been attending RHD for about 6 years. He stated that he would like to see equal treatment between RHD and ARC regarding their funding level. He stated that he is pleased with the progress his son has made since working with RHD.

Ms. Sandy Morlowski stated that she offers foster care for mentally challenged individuals. She said that client choice is one of the most important aspects. She spoke about the budget process that occurred and the differing amounts given to various organizations. Ms. Morlowski emphasized the need for their clients to be able to choose.

Mr. Bob Campbell addressed the Board on behalf of RHD. He spoke about the service the two organizations provide. He also spoke about the different needs each client has. He felt that it would be a mistake to consolidate the two services.

Ms. Mary Jane Simpler stated that her son attends RHD and feels there should be a freedom of choice. She questioned why one program was given more than their budget request. She asked that both organizations be allowed to operate and not consolidate.

Chairman Jones suggested that RHD submit a revised budget for reconsideration. Commissioner Rees asked that they research other possibilities through private

community organizations. Commissioner Pauls asked staff to comment on the \$1,000 per client. He stated that funding should be applied fairly between both organizations. Chairman Jones recognized the importance of their organization. (Commissioner Cuchens arrived.)

Attorney Clayton Adkinson appeared before the commissioners regarding Inlet Beach Water & Sewer System. He stated that he met with county staff. He presented a map showing the area serviced by IBWS, along with the previous settlement agreement. Mr. Adkinson spoke about the current litigation and felt that an agreement could be worked out. He stated that they are about 40% complete and that the areas south of 98 would all have access to sewer by April 2005. They would like to continue with their plan to place sewer on the north side of 98. The court agreement will allow the county to take over in July 2005 if they do not complete the project by then. He stated that this is contingent upon being able to continue pumping to Regional Utilities plant. Attorney Vorbeck stated that the Board had a written agreement stipulating that Regional Utilities would sewer both the north and south side of Inlet Beach and Inlet Beach would reimburse those costs. However, the agreement Mr. Adkinson referred to would allow Inlet Beach to sewer all of the south side of Highway 98 by April 30, 2005. All of the property north of Highway 98 would be completed by July 31, 2005. This is contingent upon them wholesaling their sewer to Regional Utilities who would then treat it. Mr. Adkinson stated that he feels they will be able to comply with this agreement. Mr. Dewey Wilson stated that they will work at the direction of the Board. If Inlet Beach defaults then Regional Utilities would take over. Mr. Vorbeck stated that some clarification is needed in the agreement. Mr. Adkinson agreed with the changes.

Commissioner Pauls confirmed that this agreement would provide water and sewer for all of Inlet Beach. Mr. Adkinson agreed. He also questioned who would have a right to vote in IBWS. Mr. Adkinson stated that only those who own a water tap could vote.

Mr. Charles Peters, Engineer, stated that anyone who wants water has access. The current tap fee is \$4,500.00. A portion of the tap fee goes to Regional Utilities and part is being placed into an escrow account to help with the costs of the new installation. He stated that they will need a permit from DOT for the force main for the commercial lots along the front.

Commissioner Cuchens questioned the situation regarding a carwash business that was previously not able to obtain water service from Inlet Beach. He also questioned if IBWS has the necessary permits. Mr. Peters stated that they do not have permits for the north side.

Commissioner Rees questioned Mr. Adkinson if he would be willing to provide the Board with updates along the way. Mr. Adkinson stated that he would and it could be placed into the agreement. Mr. Peters stated that they should have a tentative schedule for design completion, permits, and construction timelines, within 60 days. Mr. Peters stated that it is a matter of putting in a pumping station on the north side. Inlet Beach will maintain their own system, but has plans to hire someone with dual qualifications to handle the pumping station. Commissioner Pauls suggested that the litigation be dropped if an agreement could be reached. He also spoke about communicating to the residents that they can apply for development orders and permits based upon concurrency of the water and sewer being met even though it's not in the ground.

Chairman Jones stated that consideration needs to be given to timelines that need to be met. Mr. Peters will draft the timeline. The commissioners agreed that a timeline is needed before signing the agreement.

Ms. Valarie Simmons thanked the BCC for stepping in to take the necessary action for Inlet Beach to obtain sewer. She questioned the commissioners about the \$2.9 million bond that was to go for infrastructure in Inlet Beach. Now they are proposing that the property owners cover the cost, plus an additional impact fee, if someone were to build an additional house on their own property. She also questioned the \$4,500.00 tap fee, which was originally \$2,000.00. Mr. Wilson stated that the bond funds were to be used if Regional Utilities were to install the sewer. The funds will be used to fund other projects in south Walton. Mr. Peters stated that they can work out something for hardship cases.

Mr. Peters will prepare a timeline as quick as possible for review and approval at the meeting on the 24<sup>th</sup> at south Walton.

Mr. Dewey Wilson, President and General Manager of Regional Utilities, appeared before the commissioners and introduced Ms. McLain from the Freeport City Council. He spoke about the workshop that was held regarding sewer for the outlying areas of Freeport. He stated that the residents voiced favor for the City of Freeport to operate the sewer system. He recommended the county assist the City of Freeport through a loan. He stated that Regional Utilities is also willing to work with them. The county would recoup their tap fee monies back. Mr. Wilson also commented on the tax base increasing greatly by adding sewer.

Commissioner Cuchens motioned for Mr. Imfeld to work with the City of Freeport and Regional Utilities to proceed in showing the county's support. Commissioner Pauls thanked Mr. Wilson for his work on this issue. Mr. Wilson stated that he would bring back projected costs at the next meeting. The board concurred with proceeding on working together and the motion was withdrawn.

Mr. Wilson presented information regarding the clearing of right of way in the Blue Mountain Beach area. He stated that the scrub needs to be cleared in order to install utilities. Mr. Wilson stated that they mailed out a questionnaire to all the owners along Blue Mountain Beach. He explained that if the dirt is placed in the road while the clearing is being done, the county will lose the road as a shell road. Commissioner Cuchens stated that he would like to see Mr. Wilson proceed. Commissioner Pauls clarified that he did not write the survey questions, as some people had indicated. He felt that it should go with the majority vote of those people polled.

Mr. Richard Fowlkes stated that a number of people did not receive a ballot. He would like the county to respect the community. He stated that some people would like to pay to have the pipes run under their vegetation. They want to preserve the character of the neighborhood. He commented on the county already clearing his vegetation.

Commissioner Cuchens asked if under-boring is possible. Mr. Wilson stated that under-boring is expensive and would need participation of all property owners to make it cost efficient. Commissioner Pauls asked that Regional Utilities work with public works to determine where the utilities need to be. He stated that there are ways to prevent destruction of the vegetation. He also spoke about the county's obligation to perform the necessary work in its own right of way. Commissioner Cuchens spoke about the



placement of the sewer lines. Mr. Fowlkes asked that the county respect the owners. Commissioner Pauls recommended that Regional Utilities discuss this issue with public works to get the smallest footprint needed to lay the necessary lines.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to allow Regional Utilities to work with public works and stay as close to 40 feet as possible. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Reverend Tyrone Broadus appeared before the Board requesting the Board designate the county's part of South Norwood Road as "Honorary Doctor Martin Luther King, Jr. Avenue".

Motion by Commissioner Cuchens, second by Commissioner Rees to approve the request sending a letter to the City of DeFuniak requesting to designate South Norwood Road as Honorary Doctor Martin Luther King, Jr. Avenue and for the county to prepare the proper signage. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Russ Barry, Public Works Director, presented a request to install additional cross drainage on J.D. Miller Road, as requested by DEP. He explained that the US Army Corps of Engineers has determined that there are insufficient cross drains. The increased cost is approximately \$26,080. Mr. Barry explained that DEP would issue the permits because they requested the additional work.

Motion by Commissioner Pauls, second by Commissioner Cuchens to approve the request to increase the cross drains on J.D. Miller Road. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Barry advised the commissioners that Mr. Arner has obtained the DEP permit for the intersection change at CR 3280 and Highway 331. CW Roberts should begin the project immediately.

Mr. Barry advised that he received five responsive bids for the Eden Drive paving project. The low bid is 45% above the county's estimate. He recommended approval of the low bid from Coastal Material, in the amount of \$544,829.85. He further explained that the costs increased due to increases in material costs.

Motion by Commissioner Rees, second by Commissioner Pridgen to approve the low bid in the amount of \$544,218.95 from Coastal Material. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Barry requested to advertise for bids for the paving of Beach Highlands. He stated that he would also like to perform an analysis to determine the costs for in-house paving.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve to advertise for bids for the paving of Beach Highlands. Commissioner Pauls asked when the project would start. Mr. Barry stated that it would be early fall. Commissioner Cuchens asked to outsource the project. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Barry presented information relating to the Alys Beach right of way agreement. He advised that the owner has requested to postpone discussion of this issue until next meeting. The Board concurred. Mr. Barry also requested to remove his request regarding the soil stabilizer.

Mr. Barry presented change order #2 for Boy Scout Road. He explained that minor springs were located under the road that needed perforated pipe, drain socks, and gravel. The additional materials needed to correct the problems will cost \$27,873.00.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to approve change order #2 for Boy Scout Road. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Barry advised that Mr. Williams, Palm Construction, asked to address the commissioners but was not present. Mr. Williams had requested to open a county easement to access his property. Mr. Barry explained that he had granted the request, but Mr. Williams then asked the county to install a culvert giving him the necessary access to his property. Mr. Barry explained the process to Mr. Williams for obtaining the culvert. Mr. Barry asked the Board to support the county's policy requiring the requestor to purchase the culvert. Chairman Jones explained that the easement is a county easement. Mr. Barry stated that the access leaves the county's right of way and then enters private property. The commissioners agreed that Mr. Williams would need to purchase the culvert.

Mr. Crim asked Mr. Barry about the ditch clearing machine and asked him to clean out the ditch at the Galilean Academy located on Bob Sikes Road.

Mr. Robert Russ appeared before the Board stating that he is attempting to build a home at Pelican Bay. The lot has a 50' buffer zone located in the back. He was told by the county that it only requires a 25' buffer zone. He therefore proceeded with drawings and applied for the necessary permits, which were rejected because of the 50' buffer zone showing on the plat. He was told that he would have to go through the abandonment

process, but feels that he does not have that much time. He asked for a waiver and be allowed to obtain the permit. Mr. Lane stated that he could get started with the footing while going through the abandonment process. Mr. Russ stated that he has begun the abandonment process. Mr. Russ also stated that there is nothing in the covenants and restrictions regarding the buffer zone. Commissioner Pauls explained to Mr. Russ that it could hurt him if the abandonment was not approved and he had already begun the process. He also advised Mr. Russ to speak with his title company. Mr. Vorbeck explained that Mr. Russ is taking a risk if he proceeds without having the abandonment completed first. Mr. Vorbeck stated that other individuals could bring suit against Mr. Russ.

Motion by Commissioner Cuchens, second by Commissioner Rees to approve the waiver and allow Mr. Russ to move forward with the understanding that he is proceeding at his own risk. Ayes 4, Nayes 1. Rees Aye, Pridgen Aye, Jones Naye, Cuchens Aye, Pauls Aye. Commissioner Pauls encouraged Mr. Russ to speak with his lender to ensure that they agree with this process.

Mr. Russ Aldrich questioned if it even has to be abandoned if it is not under F.S. 177. He related it to a FEMA flood zone stating that if FEMA changed the flood zone, the applicant of the lot would not have to adhere to the flood zone that is no longer valid. Mr. Vorbeck explained that if something is designated as a preservation area then every owner in that subdivision has rights.

Mr. Hermon Chrishon, scheduled on the agenda, was not present.

Mr. Rick Millard appeared on behalf of Mr. Marvin Collier, Construction Manager, and presented a contract from Hatch Mott MacDonald for approval. The contract provides for the Threshold Inspector for the courthouse and jail projects.

Motion by Commissioner Rees, second by Commissioner Cuchens to approve the contract with Hatch Mott MacDonald for Threshold Inspector. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Attorney Vorbeck presented the proposed language regarding the MSTU for the ballot. The MSTU would help fund specific infrastructure needs in south Walton. Commissioner Pauls requested that this be withdrawn and not placed on the straw ballot. He felt that there is insufficient time to educate the public as to the purpose of the MSTU.

Motion by Commissioner Pauls, second by Commissioner Pridgen to withdraw the proposed language and not place it on the ballot at this time. The motion was amended to reflect that an MSTU will not be done without a referendum. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Ms. Shirl Williams, Assistant County Administrator, presented the Interlocal agreement between Paxton and Walton County for growth management and animal control services.

Motion by Commissioner Rees, second by Commissioner Pridgen to approve the Interlocal agreement with the City of Paxton. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Ms. Williams presented a request from Tri-Village Fire District to delay their loan payment for one year. The amount of the loan payment is \$37,780.00 and will be paid in FY 05.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to approve the request from Tri-Village Fire District to postpone their loan payment for a period of one year. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Ms. Williams presented a request from the Northwest Florida Health Council that Mr. Rob Neale be reappointed.

Motion by Commissioner Pridgen, second by Commissioner Cuchens to approve the reappointment of Mr. Rob Neale to the Northwest Florida Health Council. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Ms. Williams presented a request form the Shrine Center. They are requesting authorization to conduct their annual paper drive on Saturday, September 4, 2004. The paper drive will occur at the intersection of CR 30A and Highway 98.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to approve for the Shrine Center to hold their annual paper drive at the designated location. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

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

Chairman Jones presented for discussion, the County Administrator's position. He stated that Mr. Bell has been acting in that position and would recommend naming him as the County Administrator on a permanent basis. Chairman Jones stated that Mr. Bell has performed in an outstanding manner.

Motion by Commissioner Pridgen, second by Commissioner Cuchens to approve the appointment of Mr. Bell to the position of County Administrator. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Cuchens did not present any items for discussion.

Commissioner Pauls presented a summary of improvements needed for Legion Park. He requested authorization of expenditures in the amount of \$45,322.00 to be paid from the recreational plat fee funds.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to approve the requested expenditures in the amount of \$45,322.00 from the recreational plat fee funds. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Pauls advised that the building where Code Enforcement is located has a strong mildew odor that needs to be checked out. Ms. Williams stated that she would have someone check into the situation.

Chairman Jones opened the floor for public comments. Mr. Robert Capps asked about enforcement regarding fence regulations. Chairman Jones stated that enforcement was postponed until the Growth Management Department could consider the necessary revisions. Mr. Mike Lane stated that they have not had the opportunity to work on this issue. Ms. Williams stated that they are waiting on Code Enforcement to revise the language. Gary Hulion stated that one case was brought before the board and that numerous other cases were presented. There are too many cases for them to handle. A previous motion was made to defer any enforcement until the language can be rewritten. Commissioner Pauls spoke about the existing problems with fences that are too high. Mr. Hulion stated that they can present some revised language at the next meeting. Commissioner Pauls stated that it needs to be fair and something that can be enforced.

There being no further business, the meeting was adjourned at 7:30 p.m.

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

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