

OCTOBER 12, 2004 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, October 12, 2004 at 4:00 p.m. in Courtroom B of the Walton County Courthouse.

The following Board members were present: Larry Jones, Chairman, Tim Pauls, Vice-Chair, Commissioner Lane Rees, Commissioner Kenneth Pridgen, and Commissioner Rosier Cuchens. Mr. Ronnie Bell, County Administrator, Gary Vorbeck, Director of Legal Services, and Ms. Martha Ingle, Clerk of Court, 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 Rees, second by Pridgen to approve the consent agenda consisting of the following items. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Consent Agenda

1. EAL Approval
2. Approve Minutes of September 07, 2004-Land Use Hearing
September 13, 2004-Budget Hearing
September 13, 2004-Emergency Mtg.
September 18, 2004-Special Meeting
September 20, 2004-Final Budget Mtg.
September 20, 2004-Emergency Mtg.
September 23, 2004-Special Meeting
September 28, 2004-Regular Meeting
September 29, 2004-VAB
October 04, 2004-VAB
3. Surplus Equipment
4. FY 2005 Byrne State and Local Law Enforcement Formula Grant
Certificate of Acceptance
5. Disaster Relief Funding Agreement for Tropical Storm
Bonnie/Hurricane Charley
6. Amendment to Workfare Agreement

Chairman Jones called to order the advertised public hearing to consider budget amendment #1 regarding the Morrow property acquisition. Mr. Imfeld appeared before the commissioners to present the amendment. He stated that funds have previously been set aside for this purchase. He requested to transfer \$100,000.00 from the Landfill Reserve account into the current budget. There were no public comments voiced.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to adopt a resolution (2004-72) approving a budget transfer in the amount of \$100,000.00 for the Morrow property purchase. Ayes 5, Nays 0. Jones Aye, Rees Aye, Pauls Aye, Cuchens Aye, and Pridgen Aye.

Attorney Vorbeck stated that a letter has been sent to the owner's attorney accepting the offer and stating the county's desire to have a phase I environmental study performed and a current survey. He explained that the attorney is located in Milton and received damage from the hurricane. Therefore, there will be a delay in completing this transaction.

Mr. Imfeld requested the adoption of a resolution amending \$22,565.00 for Mosquito Control and \$42,816.00 for the Byrne Grant, into the 2005 budget.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to adopt a resolution (2004-74) amending the funds into the 2005 budget as stated. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Imfeld presented a list of incomplete items and requested to roll forward the remaining funds into the 2005 budget as previously designated expenditures. The total amount of funds requested to roll forward is \$27,320,092.00.

Motion by Commissioner Cuchens, second by Commissioner Rees, to adopt a resolution (2004-73) amending the budget to roll forward revenues and expenditures for incomplete construction. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Imfeld presented a resolution for correction regarding the aggregate millage rate, which should be 5.1134. He stated that the change has no impact on the county.

Motion by Commissioner Rees, second by Commissioner Pauls, to adopt a resolution (2004-75) correcting the aggregate millage rate to reflect 5.1134. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Imfeld presented the bids relating to beach scraping. Mr. Bell advised that the county received the permit to perform scraping on 13.5 miles of Walton County Beaches. The following four bids were advertised for the beach sand replacement project: 05-004-Western Walton County, 05-005-Eastern Boundary, 05-006-Seacrest, and 05-007-Beach Highlands. Mr. Brad Pickles, Walton County Tourist Development Council, addressed the commissioners stating that 6.5 miles are not going to be scraped. He explained those areas that were permitted for scraping. He stated that an aerial photograph was provided to each contractor. Commissioner Cuchens questioned why some areas were left out. Mr. Pickles stated that some areas were omitted because DEP did not classify them as critical or individuals were already working to make repairs. Mr. Bell stated that Brad did an excellent job in presenting the case to DEP. However, DEP did not allow scraping to areas they felt are not in imminent danger. Chairman Jones stated that the commissioners need to make it clear to DEP that they will continue expressing the need to scrape the entire beach. Mr. Pickle also stated that DEP is willing

to do a repeat scraping of the same areas once the initial scraping is performed in a suitable manner.

Mr. Bell presented the low bids for each project. Commissioner Pauls questioned the low bid presented by Ammons Construction because of it being so much lower than the other bids. Mr. Pickle explained that the firm was contacted and they were secure in their bid.

Motion by Commissioner Rees, to approve the low bid on each of the four bids. The motion died for the lack of a second. Commissioner Cuchens stated that the work should be able to be performed for less.

Mr. Pickle stated that each contractor is required to attend a pre-construction meeting and they will use monitors to assess the progress. Commissioner Pauls questioned if discussion has occurred regarding property deeds and ownership of what is being moved. Mr. Bell stated that about five individuals have been contacted to determine if they are interested in beach scraping. If not, their property will not be scraped.

Mr. Imfeld explained that FEMA will not reimburse for a time and materials contract for this project. Mr. Pickles stated that he is attempting to get clarification from FEMA for the level of sand being brought in.

The average for beach scraping is \$5.00 per cubic yard. Commissioner Pauls stated that the challenge is time and the amount that can be reimbursed. Mr. Imfeld stated that these bids qualify for the 90% reimbursement by FEMA and 5% from the State of Florida. Commissioner Pauls questioned if work would be done on private property since public funds were being used. Again, Mr. Imfeld stated that the information was

presented to FEMA and was given approval. Chairman Jones questioned if there is another method to determine the average and if these bids should be denied pending further information. Commissioner Cuchens agreed that time is of the essence, but agreed to proceed.

Motion by Commissioner Rees, second by Commissioner Pauls, to approve the four lowest bids for the beach scraping project and address different options at a later time. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell presented a letter from the Southern Restaurant Group regarding restoration of the Miramar Beach Access. Mr. Comer indicates in his letter that they are willing to take the necessary action for reconstruction of the parking lot at the Miramar Beach Access. They have agreed to hire a contractor, oversee the project, and pay for the project pending reimbursement from the county for its portion.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the request by Mr. John Comer and the Southern Restaurant Group to allow them to oversee the reconstruction of the Miramar Beach Access pending reimbursement by the county for its share of expenses. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye. This concept was approved by FEMA and Mr. Pickle will oversee the project. Commissioner Pauls also recommended that Pompano Joe's obtain bids and present them to staff for review. Mr. Bell will review the bids and present them to the Board if necessary.

Mr. Imfeld stated that the bids were advertised for debris removal from the Coastal Dune Lakes. Only one bid was received and was too high for FEMA approval. They asked that the county engineer prepare an estimate of the total amount of debris at

which time FEMA would reconsider the bid. The bid received was \$150.00 per cubic yard.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to reject the bid for debris removal from the Coastal Dune Lakes due to the bids being too high. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Russ Barry, Public Works Director, presented an estimate by CW Roberts for leveling and resurfacing of all the roads within the Santa Rosa Ridge Subdivision. The bid amount was \$244,530.00. He explained that this is an addition to the contract due to the work currently being performed by CW Roberts in that area.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the estimate from CW Roberts in the amount of \$244,530.00. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Barry presented an addendum to the Prison Crew Contract in the amount of \$3,768.00 for radio equipment. Mr. Imfeld stated that there are adequate funds in the Parks and Recreation Budget to cover the costs.

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

Mr. Adam Shiland appeared before the Board regarding “All That Jazz, Wine & Art Festival”. He requested permission to erect a temporary tent and signage in the Grand Boulevard parking area during the event from November 12-14.

Motion by Commissioner Rees, second by Commissioner Pridgen to approve the request for the placement of a temporary tent during the festival. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Gary Mattison, Human Resource Director, presented the revised Holiday Policy for review and requested to table the issue pending further review. Chairman Jones thanked Gary for allowing the employees to have a part in the discussion.

Mr. Mattison commended the commissioners and staff for their hard work in reducing the amount of claims relating to the worker's compensation insurance. The reduction results in a savings to the county in the amount of \$103,622.00.

Mr. Mattison commended the Jobs Plus Program and stated that there are currently nine employees working for the county through that program. There is no cost to the Board.

Mr. Mattison announced that RFP's for health insurance have been advertised and are expected back for review and a recommendation very soon.

Mr. Rick Millard, Construction Supervisor, appeared before the commissioners and introduced the construction managers for both the jail and courthouse projects.

Mr. David Zawicky, Project Administrator, informed the Board that they are about 2 weeks from completion on the maintenance facility at the jail. They are currently in the process of establishing utilities to begin work on the jail. The project is moving forward. He stated that they are about two weeks behind due to the storm.

Mr. J.J. Spencer, Hatch-Mott McDonald, updated the commissioners on the progress of the courthouse. He stated that they are about one week ahead of schedule and below budget. They are 12% complete on the actual courthouse.

Mr. Tarrell Bramlet announced to the commissioners that he has been selected to represent Walton County at the TourneySport USA in Hawaii. He requested assistance from the Board in the amount of \$1,870.00 to help sponsor his trip.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve to pay one-half of the funding request and challenge the Walton County School Board to pay the remaining amount. Commissioner Pauls commented that the Recreation Board could also assist with funds from their discretionary account. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye. The board congratulated Terrell for being chosen.

Attorney Allen Ramey appeared before the board on behalf of Larry Pentel. He explained that Mr. Pentel is the owner of 5 lots in Beach Highlands Subdivision. He stated that the county built a bike path and a large bridge expanding approximately 300' in length and 10' wide encompassing lots 8,9,10 and some of lot 11. Lot 7 is the only lot not blocked by the bridge. Mr. Ramey stated that the situation is creating an adverse condemnation. There is a right to be reimbursed when adverse condemnation occurs. There are three lots where there is no access to his property and one with reduced access. He stated that they have spoken with an expert who feels the action has caused the property value to decrease by $\frac{3}{4}$ of the value. He presented information for nearby lots that have recently sold to show the value of the property. They estimated a loss of \$1.5 million to Mr. Pentel. Mr. Ramey stated that they met with Legal Services and staff who recommended that Mr. Pentel engage an engineer to make a proposal to the county on how to correct the problem.

Commissioner Pauls asked if the bike path has cause the decrease in value. Mr. Pentel stated that the bridge has blocked the property. Commissioner Pauls questioned Mr. Pentel if he feels that it is the bike path that caused the decrease in value. Mr. Pentel stated that it is hindering him from constructing the service road to the lots as planned.

Mr. Benghuzzi, Department of Transportation, spoke about his qualifications. He has been asked by Mr. Pentel to do the engineering proposal for this bike path project. Mr. Benghuzzi presented a slide show presentation explaining the location of the project. He stated that they are proposing a 5' utility easement and an 8' bike path with an additional 5' for safety. He also spoke about the cross section of the roadway, safety of the cyclists. He stated that the site distance is 350'. The estimated cost is \$63,190.50. Mr. Ramey stated that this is not an unreasonable request and asked the board to consider this matter.

Mr. Cliff Knauer stated that this is a county road and that the bike path was built according to county standards, not state requirements. He also stated that Mr. Pentel's property has not been touched in any way. When the project was beginning he spoke with Mr. Pentel and as a result of the meeting the bridge was moved back 40' to accommodate his access. Also, they specially built Mr. Pentel's driveway 26' wide unlike other driveways. They also filled 4-7 feet of incline with fill material to provide him with the driveway. Mr. Knauer stated that Mr. Pentel was given access to his lots through lot 11 as agreed upon.

Chairman Jones asked Mr. Ramey if his client would settle for the \$63,190.50 as stated. Mr. Pentel agreed.

Motion by Commissioner Cuchens, second by Commissioner Rees, to approve for Attorney Allen Ramey and Mr. Vorbeck to draft an agreement to be presented back to the commissioners for final approval that includes the following action: Mr. Pentel will be responsible for all engineering, necessary permitting, and construction of the new bike path; payment by the Walton County Board of County Commissioners in the amount of \$63,190.50 will be made to Mr. Pentel upon completion; the plans must be approved by the County's Public Works Department. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Knauer advised that the bridge currently in place can be disassembled and used at a different location in the county.

Mr. Edwin Baltzley, Emergency Management Director, presented that the annual Emergency Management Preparedness and Assistance (EMPA) Base Grant Contract for approval. The grant is for the amount of \$105,806.00 less the amount for satellite communication services of \$2,847.00. Mr. Baltzley recommended approval of the contract and acceptance of the funds.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the EMPA Grant Contract and accept the funds as stated. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell presented the GIS Agreement, which is between the county and the Property Appraiser, for the GIS Department. Mr. Bell recommended approval.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to accept the recommendation and approve the GIS Agreement with the Walton County Property

Appraiser. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Attorney Vorbeck requested to appoint Commissioner Cuchens as representative to the mediation in the Hemby matter. Commissioner Cuchens agreed to serve.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve the appointment of Commissioner Cuchens to serve as representative in the Hemby matter. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Vorbeck spoke about the injunction the county applied for regarding the Department of Juvenile Justice. The courts did not grant the injunction and wants 30 days to decide the case. He recommended that payment not be made until the matter is cleared in court.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve not to make any payment until further notice. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Vorbeck presented the settlement agreement regarding the Louva Lane Small-scale Amendment. He stated that the settlement has been reached and agreed to by all parties. Ms. Anita Paige was present regarding the agreement and was in agreement to the change made.

Motion by Commissioner Pauls, second by Commissioner Cuchens, to approve the settlement agreement regarding the Louva Lane Small-scale Amendment. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Vorbeck advised that he is involved in administrative litigation regarding the beach renourishment on the west end of the county. He has retained an expert in this field and presented a list of the issues for review.

Mr. Bell presented the bids regarding the easement on German Club Road. He stated that one bid was received by Ms. Pat Carter in the amount of \$110.00. Mr. Bell recommended approval.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to award the bid to Ms. Pat Carter in the amount of \$110.00 for the easement on German Club Road. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell presented the deed for the 20 acre parcel that will be used for the animal shelter. He requested the Board accept the deed.

Motion by Commissioner Rees, second by Commissioner Cuchens, to accept the deed from Mr. Sam Shine for the Rock Hill property. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell asked to proceed with the design of animal shelter facility.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve to proceed with the design of the animal shelter. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell requested to extend the emergency resolution regarding Hurricane Ivan.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve extending the Local State of Emergency Resolution (2004-76) for Hurricane Ivan an additional seven (7) days. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell recommended extending the paving contract of CW Roberts to include the paving of Site C6 Road.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve extending the contract with CW Roberts for the paving of Site C6 Road. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell presented a letter from Mary Roberts, Veteran's of Foreign Wars and Ladies Auxiliary, who requested to set up at the courthouse during the Veteran's Day events to raise funds.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve for the Ladies Auxiliary to set up tables at the courthouse on November 10, 2004. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell updated the commissioners on septic tanks at Gulf Trace. He presented an email by Dr. Turner. He advised that they are currently working on this issue. He also stated that the county may have to pay for the sewer hookup for some people at Turquoise Beach.

The commissioners did not present any further items for discussion and the floor was opened for public comments.

Ms. Anita Paige requested clarification of the issue presented at the last meeting (Ordinance 2002-16) by Attorney George R. Miller regarding vegetative retention requirements on property less than 2 acres. She questioned the directive given to staff to follow the Comprehensive Plan. She asked if the county will force the landscape provisions of the ordinance.

Mr. Mike Lane stated that it was his understanding that staff is to apply the native vegetation requirements of the Comp Plan for 2 acres or more for areas along CR 30A. She stated that she would like to address the issue further at the next meeting. Mr. Lane reminded the Board that the advertisement was incorrect and not advertised correctly. Commissioner Pauls stated that the argument was that the Comp Plan was never changed.

Mr. Bill McRae, City of Paxton, addressed the Board and introduced Mr. Mark Warren, the new Mayor of Paxton.

There being no further business, the meeting was adjourned at 5.45 p.m.

APPROVED: _____
Larry D. Jones, Chair

ATTEST: _____
Martha Ingle, Clerk of Court