

OCTOBER 26, 2004 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, October 26, 2004 at 8:00 a.m. at the South Walton Courthouse Annex.

The following Board members were present: Larry Jones, Chairman, Tim Pauls, Vice-Chair, 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.

Commissioner Pridgen 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.

I.	Consent Agenda	
a.	EAL Approval	
	General Fund	\$ 1,999,401.75
	County Transportation	\$ 503,885.33
	SHIP	\$ 25,118.21
	Fine & Forfeiture	\$ -
	Debt Service Hospital	\$ -
	Mosq. Control State	\$ -
	Mott Sign Grant	\$ -
	Section 8 Housing	\$ 274.13
	Tourist Dev. Council	\$ 279,676.55
	N.W. Mosquito Control	\$ 1,578.97
	W. Co. Library	\$ 26,503.53
	Recreation Plat Fee	\$ -
	Public Safety- 911	\$ 24,800.60
	Solid Waste Enterprise	\$ 248,234.89
	Mossy Head VFD	\$ 1,803.72
	Glendale VFD	\$ 2,403.49
	Darlington VFD	\$ 522.52
	Red Bay VFD	\$ 30,264.50
	Local Option Gas Tax	\$ -

Special Law Enf. Trust	\$	-
Driftwood Debt Service	\$	-
Criminal Justice Ed Fund	\$	10,000.00
Bldg Dept/Enterp. Fund	\$	21,164.10
Capital Projects Fund	\$	194,164.22
Imperial Lakes MSBU	\$	-
Totals	\$	3,369,796.51

- b. Approve Minutes of July 6, 2004-Land Use Hearing
October 12, 2004-Regular Meeting
- c. Surplus Equipment
- d. Resolution Amending the Budget for Unanticipated Insurance Reimbursement for Damages due to Hurricane Ivan Incurred by Darlington-Gaskin Volunteer Fire Department
- e. Agreement with DCA for Disaster Relief Funding
- f. Amended County Incentive Grant Program Agreement for the Proposed Extension Road from Mack Bayou Road to Church Street

- II. Division Activity Updates
 - a. Public Works/Engineering Updates
 - b. Finance/OMB
 - c. Citizens Services
 - d. Emergency Management
 - e. Construction Manager
 - f. Parks & Recreation
 - g. Human Resources
 - h. Growth Management

Motion by Commissioner Pauls, 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.

Commissioner Cuchens questioned the progress on the Four Mile Road Bridge. Mr. Barry stated that they are waiting for the parts to be delivered. He also questioned progress on Deer Lake and the coastal dune lakes. Mr. Barry stated that they have made the necessary repairs at Deer Lake and are still working with DEP on the permitting process. Commissioner Cuchens commented that some of the lakes have broken open.

Chairman Jones called to order the advertised public hearing to consider the final plats. Chairman Jones recused himself from any action regarding the 1st Addition to Driftwood Estates Subdivision and 2nd Addition to Driftwood Estates Subdivision final plats. Commissioner Pauls accepted the Chair position.

Mrs. Jennifer Christensen, Planning Department, presented the 1st Addition to Driftwood Estates Subdivision final plat for approval. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve 1st Addition to Driftwood Estates Subdivision final plat for recording. Ayes 3, Nays 0. Pridgen Aye, Cuchens Aye, Pauls Aye.

Mrs. Jennifer Christensen presented the 2nd Addition to Driftwood Estates Subdivision final plat for approval. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the 2nd Addition to Driftwood Estates Subdivision final plat for recording. Ayes 3, Nays 0. Pridgen Aye, Cuchens Aye, Pauls Aye.

Chairman Jones accepted the Chair position back.

Mrs. Jennifer Christensen presented Hidden Grove final plat for approval. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Pauls, to approve Hidden Grove final plat for recording. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Jennifer Christensen presented the Genoa final plat for approval. There were no public comments. Genoa is a 62-lot single family subdivision.

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

Mrs. Jennifer Christensen presented the Island Estates final plat for approval. There were no public comments.

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

Mrs. Jennifer Christensen presented the Grayton Bayou Subdivision final plat for approval. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve Grayton Bayou Subdivision final plat for recording. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Jennifer Christensen presented Sandal Beach final plat. Staff recommended that this issue be continued until November 8, 2004 pending outstanding issues.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve to continue the Sandal Beach final plat until November 8, 2004.

Mr. Darrell Barnhill appeared before the Board on behalf of the applicant. He asked the Board to grant approval pending final review. Ms. Christensen stated that the title opinion is wrong. The title opinion was signed by the attorney and stated that there were no mortgages. However, there was a mortgage holder signature on the plat. Commissioner Cuchens questioned if the title problem can be worked out. Jennifer stated that the title has been corrected. It has to be sent back to the surveyor to locate the items

on the plat and will have to be reviewed by Legal Services again. Mr. Barnhill concurred, but stated that it would take very little time to correct. Commissioner Pauls asked if the applicant has fulfilled the requirements. Attorney Vorbeck stated that it was advertised, but was not complete. Jennifer stated that staff has met their deadlines, but there are still outstanding survey issues. Commissioner Cuchens withdrew his motion.

Motion by Commissioner Cuchens to approve Sandal Beach final plat contingent upon the corrections being made and review by Legal Services. The motion died for the lack of a second.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve the continuance of Sandal Beach final plat until November 8, 2004. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Jennifer Christensen presented the Windswept Estates Phase 4 final plat for approval. There were no public comments.

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

Mrs. Jennifer Christensen presented the Cessna Village final plat for approval. Staff recommended approval. She advised the Board that a resolution was previously adopted regarding the abandonment of South Water Street. However, an easement was retained for utilities and drainage. If this plat is approved then it would cause the easement to be vacated. There were no public comments. Mr. Vorbeck advised that the roads have already been vacated.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the Cesna Village final plat for recording. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Jennifer Christensen advised that the Village at Grayton Beach, Phase I, plat had been removed from the agenda.

Chairman Jones called to order the advertised public hearing regarding the Recognition Ordinance. Mr. Gary Mattison presented an amendment to the ordinance pertaining to the relocation expense for managerial staff. He stated that staff's intent is to employ local residents when possible. There were no public comments voiced.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the amendment to the Recognition Ordinance (2004-32). Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Mattison advised that discussion is continuing regarding the revision to the personnel policy relating to holidays for EMS personnel. Chairman Jones thanked Mr. Mattison for including those individuals in that discussion.

Mr. Mattison advised the commissioners that the annual employee luncheon has been tentatively set for December 9th.

Ms. Ingle questioned the status of the health insurance. Mr. Mattison stated that they are continuing to discuss the issue. BC/BS has some amendments that they will be presenting.

Mr. Russ Barry, Public Works Director, presented a request by Mr. Ed Armbruster for Public Works to take over Tchaikovsky Circle and Beethoven Circle for maintenance in Juniper Lake Estate. He stated that the roads did not meet the

requirements of the code. There is a 50' right of way requirement in the Land Development Code. Mr. Barry stated that it would be major work to install drainage.

Mr. Armbruster addressed the commissioners stating that in 1976 the roads were approved and 40 foot was acceptable that that time. There is 10 foot on each side for utilities. In 1976 there were drainage pipes in place that have been displaced by maintenance over the years. Some of the roads were abandoned because of the lack of residents living there. Mr. Armbruster felt that these roads should be grandfathered in. One road is 7/10 of a mile the second one is 3/10 of a mile. Commissioner Cuchens questioned how many years it was maintained. Mr. Armbruster thought it might be for a period of 10 years. Mr. Barry stated that the facts presented seem to be accurate. Chairman Jones asked staff to look at the historical data to determine why some roads were paved and some not. Mr. Bell and Mr. Barry will research this issue further. Commissioner Pauls stated that there are also other subdivisions in this same situation with only 40' roads. He stated that discussion has previously occurred regarding the change that needs to be made from 50' to 40 feet.

Mr. Barry stated that he had been contacted by Regional Utilities with a request for guidance for where to place the water and sewer lines in the Blue Mountain Beach community. The project involves Sand Dunes Road, Sea Grade Road, Gulf Point Road, Blue Lake Road, and Sea Oats Road. These roads have a 50 foot right of way. However Public Works has determined that a 40 foot right of way is adequate to install proper travel lanes and drainage when these roads are paved. Mr. Barry recommended that the utilities be installed at 18 feet and not further than 20 feet from the center lines.

Commissioner Pauls commented that the community had reached a consensus on the 18-20 feet.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve the recommendation of Public Works to install the utilities beginning at 18 feet from the center line of the right of way and extend them not further than 20 feet from the center line of the right of way.

Mr. Barry advised that the vegetation would be disturbed. Commissioner Cuchens questioned about placing the lines down the center line. Commissioner Pauls stated that the Board would have to pay to relocate the lines if they were to be placed down the center line, if the roads were ever paved. The recommendation would be the least expensive way at the present time. He also spoke about using the Gyro tract for minimal destruction of vegetation. Commissioner Cuchens questioned if sewer would be put down the center of the road using manholes. Mr. Barry stated that it does not work well that way. Commissioner Pauls felt that this is the best way.

A vote was called for on the motion. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. George Langstaff, Four Mile Village, appeared before the commissioners regarding their lake system, which includes Fuller Lake, Morris Lake and Campbell Lake. He stated that all 3 lakes are full and still rising. Mr. Langstaff stated that the water has created a mosquito problems and damage to the woodlands. The most serious problem is that there is only one road coming into the Four Mile Village. The water level is 11 inches within the roadway and still rising. He requested help with obtaining an emergency permit to open the lake. He requested authorization for Mr. Barry to take

elevation shots showing the level of the water at Morris Lake and the berm and a second elevation shot of the road level. He stated that they need two shots to form the basis of the emergency to apply for the emergency permit. Mr. Barry stated that his crew can perform the work if granted authorization.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to determine that it is in the best interest of the public for the Public Work's Department to assist with obtaining a transit shot of the lake levels at Four Mile Village. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Ms. Anita Paige appeared before the commissioner regarding the validity to ordinance 2002-16, Ordinance Modifying the Development Requirements within the 30 A Scenic Corridor. She appeared on behalf of the South Walton Community Council. She spoke about Mr. Miller's presentation on September 28th regarding native vegetation. Ms. Paige reminded the commissioners that the ordinance was drafted by the Planning and Zoning Department in 2002. She presented four public notices advertising the meeting. She read F.S. 125.67 Title 11 regarding the title of an ordinance. She questioned the issue of whether the ordinance is in conflict with the comprehensive plan. She stated that policy C3.2.7 is not the correct policy to determine landscape standards along the 30A Corridor. The comp plan has established special rules for properties contiguous to 30A. She felt that Policy L-1.9.3 of the comprehensive plan establishes the policies for the 30A scenic corridor. Ms. Paige stated that Ordinance 2002-16 is a result of that directive, requiring more stringent landscaping requirements. She stated that there is a proper procedure for rescinding the law. She requested that staff be directed to enforce Policy L-9.1.3 of the comp plan.

Attorney George R. Miller responded to Ms. Paige's comments. He reminded the Board that the Land Development Code and the Comprehensive Plan are identical regarding the 2-acre exemption and that is what he requested to be restored. He stated that the law says the comp plan and the LDC must be consistent. The board decided to make the provision legislative with precise details for native vegetation. Mr. Miller stated that Ordinance 2002-16 deletes a portion, which is inconsistent. He asked the board to follow the law and that is what they did. He disagreed regarding the public notice law that Ms. Paige cited. He asked to make the LDC consistent, in that provision, with the comp plan, which is what the board did on September 8th. If the comp plan is inconsistent with the LDC then it will not stand in a court of law.

Ms. Paige stated that Policy C3.2.7 and LDC 4.06.02 are the same.

Mr. Ed Goodwin, affected property owner, was told that his property would not be affected and would strongly oppose any change if his property is going to be affected.

Chairman Jones asked the board if they would consider reviewing the issue further and asked Ms. Paige to present her documentation and argument in written form. Commissioner Cuchens stated that he feels the Board has followed the law and done the right thing. Commissioner Pauls stated that he has been involved for a long time with the issues relating to CR 30A. The task force was not in existence in 2002. He commented that there are areas of the code that are open to interpretation. He stated that the county would soon be going through the EAR process and it needs to be made clear. He stated that the Board has attempted to make the comp plan the controlling document. Commissioner Pauls felt that the Board is attempting to be consistent with the code while accepting staff's recommendations. He felt that there should be a specific set of

guidelines to preserve the vistas and quality of the roadway. He stated that any changes should be part of the EAR process. It was the consensus of the Board that the previous decision should remain.

Ms. Barb Stratton was not present.

Ms. Paula Sorrells, Take Stock in Children Scholarship Program, appeared before the Board asking for support to make it a better program. The program started in 1991 for at risk students in the community. Students may have the educational requirements, but not the financial ability to attend a state university. She spoke about the mentoring program to help those students stay on track. She spoke about the 40 students in Walton County that participate in the program. Ms. Sorrells spoke about the programs success, but also stated that there is a need for additional mentors and asked the commissioners for assistance in recruiting. She stated that they will be adding additional students and therefore need additional mentors. Ms. Ingle stated that Ms. Sorrells has a great program. She spoke about the benefits she reaps from being a mentor.

Mr. Bell stated that the Good New Methodist Church requested approval to place signs at various locations for the Holly Days Craft Show.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the request by Good New Methodist Church to place signs at various locations. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Merlin Allen, Scenic Corridor Association, stated that they are offering assistance by providing a volunteer cleanup effort on November 6th at 8:00 a.m. He requested permission to erect two tents and banners advertising the event. They will be located at the Grand Boulevard and the Spicy Noodle.

Motion by Commissioner Pridgen, second by Commissioner Pauls, to approve the request by the Scenic Corridor Association. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

The commissioners recessed briefly.

Mr. Hugh Marse appeared before the commissioners requesting permission to rebuild the steps at Seahighlands. They are located between lots 3 and 4 and block L of the plat. The steps have been in place since 1962. Chairman Jones stated that there is a letter in support.

Ms. Karen Bennett stated that she also lives in the Seahighlands Subdivision. She stated that Mr. Marse is in violation of the Walton County Code and asked the Board to deny reconstruction of the walkover. She stated that Mr. Morris' property is over 300 feet away from the beach and that there are other beach accesses in closer proximity. She stated that Code Enforcement has prohibited him from rebuilding the walkover.

Mr. Downer Dykes, owner of property in Seahighlands Subdivision, stated that he supports the steps being reconstructed. He also requests permission to reconstruct his steps. The breezeways are part of the subdivision.

Mr. Bell questioned Ms. Kira Coley regarding the breezeway. She stated that it's a matter of getting the county's permission to build. Commissioner Pauls spoke about the liability it would create for the county. He felt that whatever is built should not only be approved, but also maintained by the county. Attorney Vorbeck stated that there is a certain amount of liability to the county and it is up to the Board if they want to grant permission.

Mr. Marse stated that there are 9 walkways and 3 of them on the easements. He stated that Ms. Bennett has rebuilt her stairs and that there has been three other permits issued. He stated that precedence has already been set.

Attorney Colleen Coffield, representing Mr. Marse, stated that a judgment was previously issued in 1989. She stated that the breezeways are only used by the homeowners in the subdivision and not the general public. Commissioner Pauls questioned if the public is excluded from the breezeway. She stated that it does not exclude the public, but they are not on public property and not for public access.

Ms. Bennett stated that the breezeway is concrete. She also said that her access was permitted for reconstruction because it is the public access and no one is being denied. Commissioner Pridgen questioned if it was a problem with the public using the access before Ivan destroyed it. She stated that it is a problem with the public parking on the road and that it blocks emergency access. She also stated that the beach access is very unsafe.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve permitting for reconstruction purposes of all dune walkovers that were destroyed by the 2004 hurricanes to their pre-storm conditions. Ayes 3, Nays 1. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Naye.

Commissioner Pauls felt that the county needs to be consistent and that TDC should maintain all walkovers. Commissioner Cuchens stated that the liability is the same regarding who builds them. The findings of the board are that they are allowing them to build on county property.

Mrs. Virginia Dwyre appeared before the board regarding the Noise Ordinance. She spoke in favor of the noise ordinance and spoke about section 8 regarding the sound levels. She spoke about the noise from a nearby construction project that she has been dealing with on a daily basis. She asked that this section be strengthened for better enforcement. Mr. Bell, along with Code Enforcement, will look into the situation that Mrs. Dwyre is dealing with.

Mr. Danny Glidewell appeared before the Board on behalf of the Sheriff. He stated that Walton County's crime rate is down 6%. The arrests for the first six months are up 29.1%. There are currently 225 inmates in the county jail. The new tent structure will alleviate the overcrowding in the female section. The old jail has severe structural problems that are causing health risks to inmates and staff. The sheriff is requesting immediate relief. Mr. Glidewell presented several solutions for correcting the problems. 1) Erecting of temporary stockade 2) build a 256 bed offsite facility 3) erect portable buildings or 4) house inmates in other facilities. Mr. Glidewell stated that they perform the repairs they can and county staff has provided assistance with the larger tasks.

Mr. Bell stated that he toured the jail and is also researching options and will work with the Sheriff. He said that time is needed to look at various recommendations and costs involved. Mr. Glidewell stated that the tent holds 50 beds. The new temporary structure will house 70. However, they are out of space to locate any more temporary facilities.

Mrs. Kris Titus, Executive Director of the Tourist Development Council, recommended the appointment of John Gillis and Ken Gifford to the TDC Council.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to accept the recommendation and appoint Mr. Gillis and Mr. Gifford to the TDC Council. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mrs. Titus requested that staff develop a letter to DEP requesting an expansion of the permitted area from 13.5 miles to 20 miles and to request a second scraping opportunity. Mr. Bell stated that they are getting close to completing the original scraping and they want to show that the scraping has been done right. Commissioner Cuchens requested that it not be limited to only one additional scraping.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve for staff to submit a letter to DEP requesting additional beach scrapings and an expansion of the area. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Bell presented the agreement between DEP and Walton County for 10-acres located north of Helen McCall Park. The deposit amount is \$13,500.00.

Motion by Commissioner Pauls, second by Commissioner Pridgen, to approve payment in the amount of \$13,500.00 for the 10-acre parcel. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye. Chairman Jones thanked Commissioner Pauls for his efforts in obtaining the parcel of property from DEP.

Mr. Bell requested to adopt a resolution extending the Local State of Emergency relating to Hurricane Ivan until November 9, 2004.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to adopt a resolution (2004-76) extending the Local State of Emergency. Ayes 4, Nays 0. Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Ms. Bonnie McQuiston, President of the Walton County Taxpayers Association, presented information regarding the elimination of the 20 cent toll charges for some areas. This is a major economic benefit to all of south Walton. She recognized Hilton Lawson who requested their association to help getting the tolls eliminated. Attorney General Charlie Crist and Mr. Jack Shreve both assisted in the efforts. She spoke about Mr. Shreve's work on this project along with Charlie Christ and introduced Mr. Jack Shreve to the Board. He congratulated Bonnie on her work and Sprint's work as well. The Board thanked Bonnie and the Tax Payers Association for their work to accomplish this.

Chairman Jones recognized the South Walton Seahawks for their first victory. He also spoke about the recent tragedy with Airheart and the loss of its crew. He commented on the crew members and their outstanding commitment to save lives.

Mr. Bob Hudson questioned the Board about storm cleanup from the hurricane. He felt that Highway 98 and Scenic Highway 30A would be two of the areas that would be targeted first. Mr. Bell stated that Crowder Gulf is working on the clean up process. Mr. Bell stated that cleanup of Highway 98 is being handled by the State. Mr. Hudson also spoke about the resurfacing plan. He stated that he watched the beach scraping process and felt that there has not been much sand moved. Mr. Don Crim also commented on debris not being picked up.

There being no further business, the meeting was adjourned at 10:45 a.m.

APPROVED: _____

Larry D. Jones, Chair

ATTEST: _____

Martha Ingle, Clerk of Court