

June 28, 2005 – Regular Meeting

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, June 28, 2005 at 8:00 a.m. at the South Walton Courthouse Annex.

The following Board members were present: Commissioner Kenneth Pridgen, Chairman, Commissioner Scott Brannon, Vice-Chairman, Commissioner Larry Jones, Commissioner Cindy Meadows, and Commissioner Rosier Cuchens. Mr. Ronnie Bell, County Administrator, Attorney David Hallman, Legal Services Director, and Ms. Martha Ingle, Clerk of Courts, were also present.

Commissioner Jones led with prayer followed by the pledge of allegiance to the American Flag. Chairman Pridgen called the meeting to order.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the consent agenda consisting of the following items. Ayes 4, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Meadows Aye.

1. EAL Approval

General Fund	\$ 267,402.13
County Transportation	\$ 634,678.09
SHIP	\$ 4,267.00
Fine & Forfeiture	\$ 874,846.00
Debt Service Hospital	\$ -
Mosq. Control State	\$ -
Mott Sign Grant	\$ -
Section 8 Housing	\$ 107,569.45
Tourist Dev. Council	\$ 375,595.64
N.W. Mosquito Control	\$ 269.97
W. Co. Library	\$ 886.21
Recreation Plat Fee	\$ -
Public Safety- 911	\$ 1,972.98
Solid Waste Enterprise	\$ 978.42
Mossy Head VFD	\$ (991.61)
Glendale VFD	\$ 30,730.09

Darlington VFD	\$	116.74
Red Bay VFD	\$	171.36
Sidewalk Fund	\$	34,900.00
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-
Driftwood Debt Service	\$	-
Criminal Justice Ed Fund	\$	-
Bldg Dept/Enterp. Fund	\$	904.89
Capital Projects Fund	\$	714,321.64
Imperial Lakes MSBU	\$	-
Totals	\$	3,048,619.00

2. Approve Minutes of June 7, 2005 – Land Use Meeting
 - June 16, 2005 – Workshop
 - June 16, 2005 – Senior Leadership Briefing
 - June 16, 2005 – Regular Meeting
3. Approve Resolution to Amend the Budget for Unanticipated Grant Revenues from the Florida Department of Transportation
4. Approve Resolution to Amend the Budget for Unanticipated Grant Revenues from the Florida Counties Foundation
5. Approve Interlocal Agreement for Joint Aerial Photography Project
6. Approve Five Year and 2005 Annual Plan for Walton County Housing

The Division Activities update was presented for review. Mr. Rick Millard, Construction Manager, presented the Board with an update regarding the architectural, structural, and electrical changes being made to the new courthouse in the amount of \$35,000.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the proposal from Hatch Mott McDonald in the amount of \$35,000.00 for the requested change orders. Ayes 4, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Meadows Aye.

Chairman Pridgen called to order the public hearing to consider the adoption of an ordinance establishing the Naturewalk Community Development District.

Mr. Brain Crumbaker, Law Firm of Hopping Green and Sams, came before the Board regarding the ordinance to establish the Naturewalk Community Development District. He discussed the purpose of the Community Development District regarding

infrastructure, stormwater management, water-sewer facilities, and landscaping. The project is located off of CR 395. Mr. Crumbaker informed the Board that the current estimated cost for the improvements of this project totaled at \$10,000,000.00. He stated that the district would issue tax exempt debts in order to support the financing for the improvements. Mr. Crumbaker submitted the petition for the Naturewalk Community Development District and the prefiled testimony, including affidavits supporting the testimony into the record. He listed the names of the individuals who submitted testimony regarding this proposed community development district. In addition, Mr. Crumbaker stated that he had a copy of the affidavit publication, but that he did not have the original in his possession. He requested that the Board allow him the opportunity to supplement the records until the original is received. Attorney Hallman informed the Board that legal services had reviewed the information and recommended that the Board receive the items submitted by Mr. Crumbaker for the record, subject to receipt of the original affidavit of publication.

Motion by Commissioner Meadows, second by Commissioner Brannon, to accept the items submitted by Mr. Crumbaker for the record, subject to the receipt of the original affidavit of publication. Ayes 4, Nays 0. Pridgen Aye, Brannon Aye, Jones, Meadows Aye. (Commissioner Cuchens arrived)

Attorney Hallman recommended that the Board adopt the ordinance establishing the Naturewalk Community Development District. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to adopt an Ordinance (2005-23) establishing the Naturewalk Community Development District. Ayes 5, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Cuchens Aye, Meadows Aye.

Chairman Pridgen called to order the continued public hearing to consider the adoption of an ordinance amending the Walton County Land Development Code providing for a White Sand Protection Zone.

Mr. Greg Scoville, Planning Department, came before the Board regarding the proposed ordinance amending the Walton County Land Development Code providing for a White Sand Protection Zone. He presented updated information from what was submitted in the Board's package. Meetings were held on May 5, 2005 and May 24, 2005 to obtain public comments. Mr. Scoville stated that the comments received were incorporated into the final draft of the ordinance. He presented the Board with the following recommended changes that were incorporated into the draft of the ordinance:

- 1) the definition of "Approved Materials" was changed to specify the 2000 Edition of the Munsell Color Chart, including the deletion of the reference to chroma less than (1) one,
- 2) the 2.5 y chromo scale was added, including the addition of "or other approved materials" to the list of materials,
- 3) the definition of "Prohibited Material" was modified to be consistent with the requirements of approved materials and it clarifies materials "imported or transferred to a site",
- 4) the definition for "Supplier" was added,
- 5) "Walton County Beaches" were redefined and clarified,
- 6) the term "Removal of Prohibited Materials" was revised to change the approved exemptions from the Board of County Commissioners to the Board of Adjustment,
- 7) in section 4.07.08: Exemptions, a paragraph was added to address exemptions for beach restoration projects, and
- 8) the "Sand Sample Approval Letter" was modified to reference a specific location or project and the requirement for applicable local or state permits required for the placement of fill or grading of any material.

Mr. Scoville submitted comments from the Fish and Wild Life Service, including additional comments from individuals regarding the proposed ordinance for the Board's consideration. He recommended to the Board that the boundaries of the district or zone be clarified to include Old US 98 as the boundary, and to include a paragraph under "Exemptions" that states remedial work after a storm in placement of material may be approved by the county engineer, the plans review engineer, or their designees that are applicable, that such approved replacement material shall be of like grain, size, and color as the surrounding areas.

Commissioner Meadows requested that the term "storm" in the recommended addition be defined. Commissioner Brannon questioned Mr. Scoville on the submitted comments that expressed concern regarding the exemption of Walton County from the ordinance in case of renourishment and storm activities, and asked if that subject was included in the additional language that was incorporated into the ordinance. Mr. Scoville stated that the language included the subject of beach and dune restoration projects including the exemption of Walton County from the ordinance.

Mr. Jim Bagby, resident of Rosemary Beach, requested that the Board consider the addition of language into the ordinance defining and clarifying the standard size of sand grains that will be permitted to be used on Walton County Beaches for beach and dune restoration.

Mr. Morris expressed his concern regarding the white sand protection zone encompassing a larger amount of areas than Walton County Beaches. He suggested that the area be described as the beaches of Walton County, in order to give a clear description of the areas being discussed. Mr. Scoville addressed Mr. Morris's concerns

stating that he would be happy to include additional items that the Board requests into the ordinance.

Commissioner Cuchens expressed his concern regarding the requested changes being made to the ordinance. Ms. Blackshear addressed Commissioner Cuchens concern stating that the requested changes would be carefully considered before being included in the ordinance. She suggested adding language that is used by the DEP regarding the use of similar grains of sand and materials for beach and dune restoration. Commissioner Brannon expressed his concern regarding the impact of this ordinance on the DOT right-of-ways. Mr. Scoville stated that the county engineer is allowed to recommend the use of additional materials, and that the areas that are impacted by the ordinance do not include DOT maintained roads. Commissioner Brannon expressed the importance of clarifying the intent of the ordinance for Walton County citizens. Ms. Blackshear suggested that the Board allow staff to make the recommended changes and return a clean draft of the ordinance to the Board for their consideration. Ms. Blackshear stated that a decision was needed concerning clarifying the boundary on the western end of old US 98.

Motion by Commissioner Meadows, second by Commissioner Jones, to adopt the ordinance amending the Walton County Land Development Code providing for a White Sand Protection Zone, subject to the following language changes: 1) change the definition of US Highway 98 to be clarified as Old US Highway 98, 2) to change the language included in Section 4.07.08 Exemptions to include a remedial work exemption after a storm stating that the replacement of material may be approved by the County Engineer or the Planning Review Engineer as applicable and such approved replacement material shall be of like grain size and color as the surrounding environments.

Attorney Hallman recommended a clean draft be brought back to the Board.

Chairman Pridgen called to order the public hearing to consider the following final plats: Chateaux de Paris and Bungalos at Sandestin Phase 2.

Ms. Pat Blackshear, Planning Director, presented the final plat for Chateau de Paris, a seven (7) lot residential subdivision located on the north side of CR 30A. She stated that the final plat met the minimum requirements of the Land Development Code and Comprehensive Plan, and that staff recommended approval. There were no public comments voiced.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the Chateau de Paris's final plat for recording. Ayes 5, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Cuchens Aye, Meadows Aye.

Ms. Blackshear presented the final plat for Bungalos at Sandestin Phase 2, a replat of Tract A and Tract B of Bungalos at Sandestin located off Mack Bayou Road. She stated that the plat currently met the minimum requirements of the Walton County Land Development Code and Comprehensive plan, and that staff recommended approval. She informed the Board that changes were made to the plat that was previously approved by the Board of County Commissioners before it was recorded. Ms. Blackshear requested that the Board rescind their prior approval of this final plat, and requested that the Board approve this final plat that included the changes.

Motion by Commissioner Brannon, second by Commissioner Jones, to rescind the prior approval of the final plat, and to approve the revised Bungalos at Sandestin Phase 2 final plat for recording. Ayes 5, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Cuchens Aye, Meadows Aye.

Mr. Phillip Ellis presented the Board with a proposal from NPDES for the Choctawhatchee Basin Alliance. He requested that the county enter into a cooperative agreement with the Choctawhatchee Basin Alliance for the amount of \$125,000.00, which is on an annual basis for the next four (4) years.

Mr. Imfeld questioned Mr. Ellis regarding the amount of funds that would be contributed from the additional partners involved in this venture. Mr. Ellis explained to the Board how the funds would be allocated from the additional partners including the Cities of Fort Walton Beach, Destin, and Niceville. He stated that they would do everything that they could to bring everyone involved in this partnership together. Commissioner Brannon questioned Mr. Ellis on whether Okaloosa County was being asked to allocate the same amount of funds that was being requested from Walton County. Discussion was held regarding the amount of funds being requested from other areas. Mr. Imfeld requested that this matter be delayed until after the Budget Workshop, scheduled for July 7, 2005, to allow ample time to gather information regarding this request. Mr. Bell requested that Attorney Hallman be directed to draft a contract to be presented to the Board for their consideration at the next scheduled meeting.

Mr. Johnson presented the Board with a change order for the Collinsworth project in the amount of \$26,288.00, from Gum Creek Farms, for additional crossdrains and the removal of unsuitable materials. He stated that the new contract price would be in the amount of \$1,534,380.00.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the change order for the Collinsworth project in the amount of \$26,288.00. Ayes 5, Nayes 0. Pridgen Aye, Brannon Aye, Jones Aye, Cuchens Aye, Meadows Aye.

Mr. Johnson presented the Board with a change order for the Laird Road Project for the amount of \$171,228.00, for APAC to add the Harbuck Road improvement to the contract in the amount of \$131,852.00 to include additional driveway connectors. He stated that the new contract price totaled an amount of \$1,886,091.00.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the change order for the Laird Road Project in the amount of \$171,228.00. Ayes 5, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Cuchens Aye, Meadows Aye.

Mr. Eddie Rivers and Mr. Ed Baltzley came before the Board regarding the Walton County Fire Rescue Six Year Plan. Mr. Baltzley stated that this is a plan to guide Fire Rescue Services in Walton County for the next six years, and requested the Board's approval. The Board thanked Mr. Rivers and Mr. Baltzley for their hard work towards developing this six year plan.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the Walton County Fire Rescue Six Year Plan. Ayes 5, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Cuchens Aye, Meadows Aye.

Ms. Blackshear came before the Board regarding the Gulf Trace Septic Tanks. She stated that because of repeated exposure of existing septic tanks from hurricanes and other like storms, resulting in the release of raw sewage from the septic tanks and drain fields, the exposure to the public of the raw sewage creates a risk to public health, safety, and welfare. Ms. Blackshear requested that the Board require Gulf Trace to connect to the Regional Utilities sewer system. She informed the Board that the homes that sustained the damage had to be condemned until this issue could be resolved, and she expressed her concern regarding the damage that could occur from another storm.

Commissioner Cuchens questioned Ms. Blackshear on the total number of homes that are currently located in Gulf Trace. Ms. Blackshear stated that currently there are seventy-five (75) homes located in Gulf Trace, and that nineteen (19) of the residents desired the services of the regional sewer system. Discussion was held regarding requiring the entire subdivision of Gulf Trace to connect to Regional Utilities sewer system. Chairman Pridgen discussed the right-of-ways in the area, and questioned Ms. Blackshear on whether Regional Utilities would have to obtain permission regarding the right-of-ways. Ms. Blackshear stated that Regional Utilities would have to acquire the easements for their water and sewer mains from the property owners of Gulf Trace. Discussion was held regarding who would be responsible for the costs of the repair work, due to the damage being sustained from a storm. Ms. Blackshear stated that currently the approximate cost for the installation of the water and sewer mains would be \$400,000.00, not including any costs to upgrade existing facilities to accept the additional flows. Commissioner Cuchens expressed his concern regarding requiring private property owners to connect to the sewer system. Commissioner Meadows stated that because this damage is affecting the health and safety of the public, it is the county's responsibility to do what is necessary to encourage the owners of the Gulf Trace subdivision to connect to the sewer system. Commissioner Jones stated that the Board would like to encourage the residents of Gulf Trace to connect to the regional sewer system. He requested that Mr. Mike Standley investigate this matter to explore all options that are available regarding this issue. Mr. Standley stated that he would be willing to investigate this matter, including the availability of funds to finance this project. Commissioner Meadows requested that Regional Utilities work with the county regarding this matter. Mr. Bell

suggested that the Board allow himself and Mr. Imfeld to work together with Regional Utilities to set up a loan program and to draft a payment plan to help the homeowners being affected by this matter.

Mr. James Earl Ray, resident of Gulf Trace, informed the Board that there is adequate room for a septic tank system on the three properties being discussed. He expressed his concern regarding the proposed requirement to connect to Regional Utilities, stating that it will be difficult for the residents of Gulf Trace to fund the sewer project. Mr. Ray discussed the tests that were performed on the water in that area, stating that the test determined that the water was clean. Commissioner Cuchens requested that the results of the test done on the water around this area be submitted for the record. Ms. Crystal Steel, a representative of the Walton County Health Department, stated that the results of the water test determined that the water was clean.

Mr. Rick Roger, resident of Gulf Trace, informed the Board that he had installed a new septic tank last year and did not receive any damage to his property. He stated that he did all that was required to install the new septic and he disagreed with the county requiring the residents of Gulf Trace to connect to the regional sewer systems. He encouraged the Board to investigate all options that are available before requiring the residents of Gulf Trace to connect to the regional sewer system. Mr. Bernie McHugh, resident of Gulf Trace, addressed the Board regarding the requirement to connect to the regional sewer system. He stated that he disagreed with the county requiring the homeowners in Gulf Trace to connect to the regional sewer system. Ms. Marian Perry, resident of Gulf Trace, stated that she is in support of requiring the homeowners of Gulf

Trace to connect to the regional sewer system. She also stated that there were other residents in Gulf Trace that were also in support of the requirement.

Commissioner Brannon stated that he is in support of getting the regional sewer system constructed, but that he is concerned about requiring private property owners to connect to a sewer system. He also stated that he supported having Mr. Imfeld and Mr. Bell work with Regional Utilities to establish a viable plan that works with both the county and the residents of Gulf Trace. The Board agreed to allow Mr. Bell and Mr. Imfeld to work with Regional Utilities to establish a plan that will resolve this issue.

The Board recessed briefly.

Ms. Jayne Edmonds addressed the Board regarding the flooding occurring in the areas of Buck Road and Driftwood Estates. She submitted a letter to the Board from herself and her husband regarding this issue. Chairman Pridgen informed Ms. Edmonds that he had gone out to her property, as well as Driftwood Estates to see for himself the events taking place.

Mr. Dan Arner came before the Board regarding Ms. Edmonds presentation. He stated that he disagreed with Ms. Edmonds regarding the blockage of the natural outfall taking place due to the dam that was erected on the Edmonds property. Mr. Arner stated that the blockage of the natural outfall has a significant impact on the stormwater issues occurring in Driftwood Estates. He stated that a significant portion of Buck Road and the area north of Buck Road has been blocked and unable to drain naturally. Due to this blockage, high ground water has occurred with no means of draining out of the area.

Commissioner Meadows questioned Mr. Arner on whether the Edmonds had been sited by the DEP for the dam that they erected on their property to block the natural

outfall of water. Mr. Arner stated that the DEP has been hesitant to site the Edmunds. Mr. Arner discussed the post stormwater plan, stating that the portion of the design regarding the post development runoff cannot exceed the pre-development runoff. Attorney Hallman stated that since the previous meeting, legal staff had met with Ms. Blackshear, Mr. Arner, Mr. Johnson, and others regarding this issue. He stated that Mr. Arner had photographs illustrating the natural outfall of water through the Edmunds property, along with current photographs illustrating the blocked natural outfall caused by the dam that the Edmunds erected on their property. Attorney Hallman informed the Board that according to Florida Law the Edmunds do not have the authority to erect a dam that blocks the natural outfalls. He advised the Board that they have the authority to direct legal services to take necessary action, including going to court, to remove the dam from the Edmunds property.

Mr. David Campbell, Engineer of Record for Driftwood Subdivision Phase 2, presented the Board with plans illustrating the platted lots of Driftwood Estates. The illustrated plans included the natural outfalls that flowed to the west, east, and south. He stated that when the construction in Driftwood Estates was completed, the outfalls would not impact Buck Road.

Ms. Walden, resident of Buck Road, addressed the Board regarding the flooding occurring in the Buck Road and Driftwood Estate areas. She expressed her frustration to the Board regarding this situation, stating that the dam on the Edmunds property is not the cause. Mr. Walden urged the Board to fully investigate this matter to determine the cause of the flooding occurring in the Buck Road and Driftwood Estate areas.

Mr. Allen Osborne came before the Board regarding the Driftwood Estates drainage, DRI, and concurrency issues. He commented on the plans that were submitted by Mr. Campbell regarding the natural outfalls. Mr. Osborne stated that the outfalls illustrated on the plans are not working to remove the water that is flooding the areas of Buck Road and Driftwood Estates.

Attorney Lane Smith, Travel Attorney and representative of Mr. Osborne, Mr. Kish, and the additional residents of Driftwood Estates, came before the Board regarding the issues surrounding Driftwood Estates. He stated that every effort is being made to obtain any available information regarding Driftwood Estates. A public records request has been submitted to obtain the history of this development with the county. Attorney Smith discussed the following changes that occurred in this development when ownership changed from Sandestin: 1) twenty-eight (28) acres of lakes were reduced to seventeen (17) acres of lakes, 2) the terrain had been altered to drive water into areas that cannot support the flooding, and 3) the density shifted from 180 lots in the interior to 463 lots in the interior. Attorney Smith stated that he witnessed water being pumped from the interior lots of this subdivision to the exterior lots, which greatly devalues the homes located in the exterior lots. He also stated that because the density changes were not approved, the roads were built at the approved lower density and are sustaining additional damage from the construction trucks traveling inside the subdivision. Attorney Smith discussed the fact that the master DRI has not been found as of yet and he requested that the Board approve a stop work order on all construction, deforesting, and pouring of the concrete slabs until a decision can be made regarding these issues. He also requested that the Board require all open ditches located in the Driftwood Estates subdivision be

supplied with adequate piping for drainage, have lift systems inserted, and be covered for safety.

Attorney Hallman informed the Board that the county has a certification in their records from Campbell Engineering that stated that the roadways, curves, gutters, stormwater management system, and other items associated in the permitting drawings for the project have been built in accordance with the permit provisions, stormwater retention areas, and storm piping network. It also stated that these items are operating as the plans intended.

Commissioner Cuchens questioned staff regarding obtaining a copy of the original plans for Driftwood Estates. Ms. Blackshear informed the Board that currently staff is researching to locate the original approved plans and any additional information that is found regarding Driftwood Estates. Attorney Hallman stated that a memo had been sent to the Commissioners from legal services, staff, and Ms. Blackshear regarding the issues that have been brought forth, including recommendations to the Board regarding how to resolve this matter. Chairman Pridgen requested that a representative from Adams Homes come before the Board regarding this matter.

Mr. Duncan Hudnall, Regional Manager for Adams Homes of Northwest Florida, came before the Board regarding Driftwood Estates. Mr. Huddanal explained that Adams Homes buys lots, obtains building permits, builds according to the county building codes, has inspections performed, and obtains certificates of occupancy from the county when the home is completed. This same method was used in purchasing the lots and building the homes inside of Driftwood Estates. Mr. Huddanal stated that the drainage plan that was submitted to Adams Homes from Walton County illustrated a sway drainage plan on

the perimeter lots. He also stated that when Adams Homes entered into the contract with Olsen Association, Adams Homes purchased existing lots ready to be built on, and also bought the contract to purchase to-be-developed lots which are currently being developed. Mr. Huddanal stated that the contract called for Adams Homes to purchase the lots once they were completed and accepted by the county. He also stated that Adams Homes was willing to do what they could to resolve the issues affecting Driftwood Estates regarding the drainage system. Mr. Huddanal stated that the stop permitting order has affected the phase of homes that is not contributing to the flooding problems. He requested that the Board remove the stop permitting order and allow Adams Homes to pull the building permits for the homes that have been purchased and are not contributing to the flooding problems. Discussion was held regarding who is responsible for resolving the drainage difficulty. Mr. Huddanal stated that because Adams Homes purchased the property involved in this matter from Olsen and Associates, they are not responsible for the drainage system not functioning properly. He also stated that Olsen and Associates needed to be contacted regarding the drainage system difficulties in order to resolve the issues affecting Driftwood Estates.

Commissioner Meadows stated that there was discussion with Adams Homes regarding the ditches Adams Homes had installed at an incorrect elevation. Mr. Dick Gothrey, with Adams Homes, came before the Board regarding the ditches that were built at the wrong elevation. He stated that Adams Homes agreed to have a surveying crew survey the elevations of the ditches in Driftwood Estates to determine whether the elevations were incorrect. Mr. Gothrey stated that Mr. Arner also had a surveying crew survey the elevations of the ditches. He stated that he would be happy to meet with Mr.

Arner to compare their elevation surveys with the survey done by Mr. Arner. Commissioner Meadows stated that although Adams Homes was not the primary developer of Driftwood Estates, Adams Homes was responsible for installing a portion of the infrastructure. Due to the discussion regarding the incorrect elevations of the ditches installed by Adams Homes, Adams Homes has a responsibility to help resolve the drainage issues affecting Driftwood Estates. Commissioner Meadows stressed that many strides have been taken by the county to help resolve the issues affecting Driftwood Estates.

Attorney Hallman referred to the joint memo that was drafted by planning, public works, and legal staff, stating that the Board has banned the issuance of building permits to this development until outstanding issues are resolved. At this time, Olsen and Associates and Adams Homes are cooperating to address the drainage issues. Attorney Hallman informed the Board that the deadline for compliance is July 11, 2005, and staff expects to reevaluate this situation at the time of the deadline. At that time the Board will receive a recommendation to either lift the ban on the building permits, or to advise legal staff to move forward with legal action.

Chairman Pridgen recommended that Adams Homes and Olsen and Associates schedule a meeting with the residents of Driftwood Estates to discuss ways to resolve the difficulties taking place before the deadline of July 11, 2005. A representative for Olsen and Associates stated that they would be willing to meet with the residents of Driftwood Estates regarding the issues being discussed. Mr. Osborne requested that a Commissioner attend the meeting in order to have on record what is agreed to in the meeting. Commissioner Meadows stated that she would be willing to attend the meeting with

Olsen Associates, Adams Homes, and the residents of Driftwood Estates. She also stated that necessary information is still needed in order to fully address the complaints from the residents of Driftwood Estates. Ms. Blackshear stated that staff is researching to locate the information, and that a copy of the DRI documents could be obtained.

Mr. Shannon Howell, representative of Olsen and Associates, came before the Board regarding this matter stating that Olsen and Associates is willing to do what they can to resolve this issue. He stated that the drainage system that was approved does work, does meet the standards of Walton County, and will continue to work when additional homes are constructed in Driftwood Estates. Mr. Howell stated that Olsen and Associates are willing to meet with all parties involved in this matter, and will provide any needed information to help resolve this matter.

Residents of Driftwood Estates, Phase 1, came before the Board regarding the ineffective drainage systems. They expressed their concern and frustration regarding the flooding that has occurred since the construction in Driftwood began. They also expressed their frustration with being unable to speak with anyone that is claiming responsibility for the problems that are occurring in Driftwood Estates. Commissioner Meadows stated that the purpose of the meeting being scheduled is to address their complaints, and she encouraged the residents addressing the Board to attend the meeting in order to voice their concerns. Commissioner Brannon requested that the Board allow Attorney Hallman to begin dialogue with the Edmunds and/or their representative to bring a solution to the outflow issue. He also requested that the county investigate the allegation that the county did not properly maintain the infrastructure of Driftwood Estates.

Commissioner Jones informed the Board that due to his affiliation with Adams Homes, the construction company involved, he was abstaining from any discussion on this issue. He also stated for the record that his affiliation with Adams Homes has nothing to do with Driftwood Estates and never has.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to authorize Attorney Hallman to being dialogue with the Edmunds and/or their representative to bring a solution to the outflow issue. Ayes 4, Naves 0. Pridgen Aye, Brannon Aye, Cuchens Aye, Meadows Aye.

Attorney Hallman informed the Board that Mr. Burke is currently involved in litigation against the county regarding the sign ordinance. Mr. Charles Reid requested that his item be taken off the agenda because the county is working with him regarding the sign ordinance. Mr. Burke requested that the Board entertain discussion regarding his issue. The Board agreed to postpone this issue until the current litigation was resolved.

Attorney Hallman presented information regarding the Legal Services of Northwest Florida. He requested that the Board entertain a motion to approve the renewal agreement for the distribution of court fees.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the renewal agreement with Legal Services of Northwest Florida for the distribution of court fees. Ayes 5, Naves 0. Pridgen Aye, Brannon Aye, Jones Aye, Cuchens Aye, Meadows Aye.

Attorney Hallman requested that the Board entertain a motion to approve a Right-of-Way Agreement between the county and St. Joe to provide St. Joe with the authority to begin a beautification project on the County Road 30A rights-of-way.

Motion Commissioner Meadows, second by Commissioner Brannon, to approve the Right-of-way Agreement between the county and St. Joe for the beautification of the County Road 30A rights-of-way. Ayes 5, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Cuchens Aye, Meadows Aye.

Attorney Hallman informed the Board the County's Emergency Services Professionals voted to associate themselves with local 440-4413 of the International Association of Fire Fighters. He stated that they asked that the union be designated as their exclusive bargaining representative with the county for the purposes of conditions of employment and salary. Attorney Hallman stated that due to the vote to approve the union as the exclusive bargaining representative, he cautioned the Board to exercise care during their interactions with those emergency services personnel that have associated themselves with the union. He informed the Board that they can no longer interact with employees involved in the union, but advised them to refer the employees back to their union representatives. Attorney Hallman stated that due to the employees being involved in the union, the Board can no longer discuss or negotiate directly or individually with the members of this bargaining unit. Instead, the Board must have their representatives exclusively deal with representatives of the union. Commissioner Brannon questioned Attorney Hallman how this new union would impact this budget cycle. Attorney Hallman stated that it would be the responsibility of the union to contact the County's representatives for any requests. Attorney Hallman stated that a list could be provided to the Board that contained the names of the employees involved in the union.

Attorney Hallman requested the Boards' permission to submit a request for proposals to have online an expert who could assist the county in analyzing construction

schedules and/or any construction claims that might be presented; including the ability to have sub-consultants for architectural review issues or accounting issues.

Motion by Commissioner Meadows, second by Commissioner Brannon, to authorize Attorney Hallman to submit a request for proposals to have online an expert who could assist the county in analyzing construction schedules and/or any construction claims. Ayes 5, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Cuchens Aye, Meadows Aye.

Mr. Bell came before the Board regarding the appraisal of 5.5 acres of property located at Toledo Avenue, DeFuniak Springs, Florida. He stated that Mr. Robert Barley, the owner of the property, did not approve of the appraisal amount of \$360,000.00. Mr. Barley stated that he submitted the Board with a proposal that included prices that the county paid for surrounding properties. He stated that the asking price that he submitted was based on comparable 2002 sales around the area. Mr. Barley stated that the price that was submitted previously, \$697,500.00, was fair and requested that amount for his property. Discussion was held regarding the cost per square foot for this property. Mr. Bell stated that if the Board was interested in purchasing this property, he could submit the needed information at the next meeting. The Board agreed to postpone this issue until the next meeting to gather the needed information for the Board's review.

Mr. Bell requested that the Board allow the Planning Department to draft an Irrigation Efficiency and Xeriscape Ordinance from Regional Utilities for the Board's review and adoption.

Motion by Commissioner Meadows, second by Commissioner Cuchens, to allow the Planning Department to draft an Irrigation Efficiency and Xeriscape Ordinance from

Regional Utilities. Ayes 5, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Meadows Aye, Cuchens Aye.

Mr. Bell presented a recommendation to the Board from the Recreation Board regarding the DeFuniak Springs Armory and a recommendation regarding the Boys and Girls Club, no action is needed and he asked to get the recommendations from the Board back.

Mr. Bell informed the Board that a Budget Workshop is schedule for July 7, 2005 at 9:00 a.m., and requested that an additional Budget Workshop be scheduled for July 8, 2005 at 9:00 a.m. to analyze the budget for the Sheriff's Department.

Commissioner Meadows introduced Ms. Janet Evans, a representative of Whisker's Friends, who presented the Board with a presentation regarding the Feral Cat Issue.

Ms. Janet Evans addressed the Board to discuss the issue of feral cats. She stated that Whisker's Friends, Feline Friends, and other animal programs have been working towards resolving the feral cat and stray cat problem in South Walton County. She discussed the national averages of female cats that are reproducing per year, including the averages of cats that are being spayed and neutered per year. Ms. Evans stated that out of 550 cats, on average fifty percent (50%) of that population will be female. Those 275 cats, in one (1) years time, can produce 2,455 kittens. Ms. Evans stated that her group works primarily along County Road 30A and Inlet Beach in South Walton County. She also stated that Feline Friends primarily works from the Walton-Okaloosa County's line through Sandestin to Mack Bayou Road. She discussed her plans for the future to expand their project to additional areas. Ms. Evans stated that this program is designed to allow

citizens and communities to take responsibility for the animals that are found in their community and are spayed and released. She requested that the Board consider the spay and release program as part of the animal control ordinance that currently is being drafted.

Commissioner Meadows requested clarification on the process of the Ms. Evans program. Ms. Evans stated that her program traps the animals, has them spayed or neutered, provides all the necessary vaccinations, has them de-wormed, and releases them into the areas where they were captured. She stated that then they become the responsibility of the citizens of the community where they are released where feeding stations are provided. Commissioner Cuchens questioned Ms. Evans about who currently funds her program. Ms. Evans stated that her current funding source comes from private donations, and that she averages about \$20,000.00 of donations per year. Discussion was held regarding the cost of this program per year. Chairman Pridgen suggested that Ms. Evans and the representative from the additional animal programs meet with the Commissioners individually to discuss this program in detail. Chairman Pridgen also suggested that Ms. Evans meet with Attorney Hallman and Mr. Bell regarding this program.

Commissioner Brannon presented the Board with an update regarding the Louis Bear Distribution Facility. He reported that he had successful dialogue with the Distribution Company, and that he enclosed in the package a letter of intent along with pictures of the facility that was recently constructed. Commissioner Brannon stated that the current facility located in DeFuniak Springs is limited by its size and structure to expand. He requested that the Board approach the Economic Development Council to

request that they provide twenty (20) acres of land inside the Freeport Industrial Park for the construction of a new Louis Bear Distribution Facility. The new facility will consist of a one hundred thousand square foot structure along with a community meeting room. Commissioner Brannon stated that this facility accomplishes the Board's goal on economic development and our parks. He requested the Board's support, including having a letter of support drafted, signed by the Chairman, and submitted to the Economic Development Council.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to have a letter of support drafted, signed by Chairman Pridgen, and submitted to the Economic Development Council regarding the request for twenty (20) acres of land in the Freeport Industrial Park for the expansion of the Louis Bear Distribution Facility. Ayes 5, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Cuchens Aye, Meadows Aye.

Chairman Pridgen called to order the continued public hearing to consider the adoption of an ordinance amending the Walton County Land Development Code providing for a White Sand Protection Zone.

Mr. Scoville read the following changes into the record for the Ordinance amending the Walton County Land Development Code providing for a White Sand Protection Zone: (1) 4.0702: the White Sand Protection Zone was clarified to say that these restrictions shall apply to the area located south of Scenic Gulf Drive or Old Highway 98 eastward from the Okaloosa County line to its intersection with U.S. Highway 98, then along U.S. Highway 98 to County Road 30A, then south of County Road 30A eastward to the juncture of U.S. Highway 98 and the Bay County line. The restricted area shall also include any lakes adjoining land surrounding said lake when said

lake abuts to County Road 30A, (2) the word storm was given the definition of tropical depression, tropical storm, or hurricane, and (3) 4.0708: Exemptions: language was added to state that remedial work after a storm is defined in Chapter 4.0703 in placement of approved material may be approved by the county engineer, plans review engineer, or their designee as applicable. Such approved materials shall be sand that is similar to the pre-storm beach sand in both coloration and grain size. The sand will also be free of debris, clay, rock, and other foreign matter. He stated that those were the changes made to the ordinance and requested the Board's approval.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the ordinance (2005-24) amending the Walton County Land Development Code providing for a White Sand Protection Zone, as amended with the changes that Mr. Scoville submitted. Ayes 5, Nays 0. Pridgen Aye, Brannon Aye, Jones Aye, Meadows Aye, Cuchens Aye.

There being no other business, the meeting adjourned.

APPROVED: _____
Kenneth Pridgen, Chair

ATTEST: _____
Martha Ingle, Clerk of Court