

## SEPTEMBER 12, 2006 –SPECIAL/REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Special Meeting at 3:00 p.m. followed by a Regular Meeting at the South Walton Annex on Tuesday, September 12, 2006. The purpose of the Special Meeting was to discuss the Proportionate Fair Share Ordinance as it relates to the updated Capital Improvements Plan.

The following Board members were present: Scott Brannon, Chairman, Kenneth Pridgen, Vice-Chairman, Commissioner Larry Jones, Commissioner Cindy Meadows, and Commissioner Rosier Cuchens. Mr. Ronnie Bell, County Administrator, and Mr. David Hallman, County Attorney, were also present.

Commissioner Jones opened with prayer followed by the Pledge of Allegiance to the American Flag. Chairman Brannon called the meeting to order.

Ms. Blackshear updated the Board regarding the Proportionate Fair Share Ordinance and projects in the CIP. Staff submitted a document entitled *Proportionate Fair Share White Paper* and information regarding the positions of the Planning Department and County Attorney in reference to acceptance of proportionate fair share contributions. Ms. Blackshear also discussed the FDOT's interpretation of Florida Statute Chapter 163, which includes attributing 100% of the improvements to the developer. She felt that legislative action would be required to change that contribution percentage.

Mr. Bell stated that the Board would need to take action regarding the differences in the positions of the Planning Department and County Attorney. The following positions were read into the record:

**Option 1- Planning Staff:** “Should the BCC approve a development order and accept a proportionate fair share payment for a development project where the Board has adopted

an ordinance that provides for inclusion of transportation (capacity) project in the next scheduled amendment to the CIE Table of Projects?”

**Option 2- County Attorney:** “For developments approved for which a proportionate share is required to meet concurrency, should the Board:

1) condition its approval (after the required public hearing on the CIE amendment) of the development upon the addition of the construction project to the county’s CIE Schedule of Projects; and

2) defer the issuance of the development order (which vests traffic) until its certain that the updated CIE will be found in compliance by the Department of Community Affairs?”

Commissioner Jones asked if contributions made according to FDOT requirements could be rectified if the legislature determined that the percentage should be lower. Ms. Blackshear felt that the county would need to be prepared to refund any overages. Commissioner Jones felt that the county should take the position that there are no guarantees regarding changes made to proposed contribution amounts.

Commissioner Cuchens asked what formula is being used to calculate proportionate fair share. Mr. Greg Graham, Staff Engineer, briefly explained the method for calculating trips and impacts generated by developments.

Commissioner Meadows questioned how revisions to the CIP will be handled after proportionate fair share contributions are paid and how improvements to roads not on the CIP will be affected. Ms. Blackshear stated that the Public Works staff feels that they will not be able to handle the additional work load and that consultants will be needed for road design and construction. She stated that the Board will also need to decide whether to forward the contributions to the FDOT or to keep them in the county for the Finance Department to manage.

Her opinion was that the contributions should be forwarded to the FDOT. Ms. Blackshear stated that the county can currently collect proportionate fair share contributions for county road projects and that projects will need to be scheduled based on growth rates and coordination with the FDOT.

Commissioner Meadows questioned the ability to earn interest on monies forwarded to the FDOT. She felt that the money should be handled by the county's Finance Department and asked Mr. Bill Imfeld, Finance Director, to comment. Mr. Imfeld agreed with Ms. Blackshear.

Commissioner Pridgen asked how the county would get the money back from the FDOT. Ms. Blackshear replied that a three-party agreement will be needed.

Commissioner Cuchens asked if contributed funds will be solely committed to the projects contributed toward. Ms. Blackshear replied yes, unless the FDOT approves improvements to an alternate road.

Chairman Brannon and Commissioner Jones questioned the time limit for completing projects once contributions are made. Ms. Blackshear stated that there is no limit pending the project remains in the CIP.

Attorney Hallman stated that DCA's interpretation is that the "safe harbor provision" only applies to updates to a five-year schedule. He advised the Board that taking contributions for roadway improvements could create a scenario in which the DCA requires the county to move forth with projects within a specified time frame, regardless of the county's ability to fund the balance of the project. Attorney Hallman was in favor of issuing development orders for projects with proportionate share payments only after DCA approves updates to the county CIE. Chairman Brannon and Ms. Blackshear felt that the DCA would not become involved in transportation issues.

Mr. Bob Hudson agreed with Attorney Hallman regarding the DCA.

Commissioner Cuchens questioned which other counties have implemented proportionate fair share policies. Ms. Blackshear replied that Lee County has. Attorney Hallman added that every Florida County must provide for the option by December 1, 2006.

Motion by Commissioner Meadows, second by Commissioner Jones, to support staff's recommendation (option 1) to accept fair share contributions and to adopt an ordinance to add the improvement to the next annual CIP update at that time; in addition, a lobbyist firm will be utilized to seek clarification of the legislative policy regarding proportionate fair share. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

The Board recessed briefly at 4:05 p.m. and reconvened at 4:15 p.m. into the Regular Meeting.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the consent agenda consisting of the items below. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

1. EAL Approval

General Fund	\$ 1,402,349.60
County Transportation	\$ 491,208.84
SHIP	\$ 20,669.38
Fine & Forfeiture	\$ 1,186,548.00
Debt Service Hospital	\$ -
Mosq. Control State	\$ -
Mott Sign Grant	\$ -
Section 8 Housing	\$ 114,650.99
Tourist Dev. Council	\$ 522,463.36
N.W. Mosquito Control	\$ 2,566.44
W. Co. Library	\$ 16,077.22
Tax Deed Surplus Trust	\$ -
Recreation Plat Fee	\$ 750.00
Public Safety- 911	\$ 20,113.24
Solid Waste Enterprise	\$ 272,021.60
Mossy Head VFD	\$ -
Glendale VFD	\$ 144.95
Darlington VFD	\$ -
Red Bay VFD	\$ -

Preservation	\$	-
Sidewalk Fund	\$	-
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-
Driftwood Debt Service	\$	-
Criminal Justice Ed Fund	\$	-
Bldg Dept/Enterp. Fund	\$	5,284.40
Capital Projects Fund	\$	1,882,891.59
Imperial Lakes MSBU	\$	-
<b>Totals</b>	\$	<b>5,937,739.61</b>

2. Approve Minutes of July 26, 2006 - Regular Meeting; August 22, 2006 - Workshop; August 29, 2006 - Workshop
3. Approval to surplus various computer equipment from the Clerk of Court
4. Approve a Resolution to amend the budget to account for additional grant funds for the Byrne Grant (2006-82)
5. SHIP Program Annual Report for FY 2003-2004 and 2005-2006
6. Surplus stretchers and donate to the Gulf Breeze United Methodist Church to help with their work in Honduras
7. Bay Loop Road Storm Water Restoration DEP Grant Agreement
8. Emergency Management Preparedness and Assistance Base Grant for FY 2007

Mr. Imfeld discussed Capital Project Funding. He stated that RFPs were reviewed from Hancock Bank, Amsouth Bank, and Suntrust Bank, and briefly discussed each proposals. He recommended that the Board approve opening a \$30 million line of credit with Suntrust Bank. He advised that the Board can pledge the ½ cent sales tax revenues for repayment of the debt to be replenished with Local Option Sales Tax revenues. A memo summarizing and comparing the options and chart of “major capital projects” were submitted. Attorney Hallman stated that he had reviewed the proposal.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve Mr. Imfeld’s recommendation and to have staff bring the appropriate resolution to the next Board meeting. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Dewey Wilson, CEO, Regional Utilities, discussed the recent workforce housing proposal and requested approval of the interlocal agreement and recommended appointees to the Workforce Housing Board. He submitted an interlocal agreement draft.

Commissioner Meadows posed constituent questions regarding the county's sponsorship and funding. Attorney Hallman explained the county's role as a sponsor. Mr. Wilson stated that private donations have been received, grant funding is possible, and that ad valorem taxes from the sale of the homes in the workforce housing development will be utilized.

Commissioner Meadows felt that a member of the County Commission should be on the Workforce Housing Board. Attorney Hallman felt that an employee delegate would be more appropriate due to the issue of dual-office holding.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the interlocal agreement and recommended appointees to the Workforce Housing Board. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

At 4:40 p.m., the Board entered into a Public Hearing to discuss the proposed resolution for the Imperial Lakes MSBU. Ms. Melissa Proctor, Government Services Group, briefly explained the MSBU process and stated that the homeowners have chosen a bond financing program.

Mr. Jack Dennison felt that his MSBU assessment was incorrect. Chairman Brannon directed him to speak with Ms. Proctor.

Motion by Commissioner Jones, second by Commissioner Pridgen, to approve the Imperial Lake MSBU final resolution (**2006-81**). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Dawn Moliterno, President and CEO, Walton County Chamber of Commerce, and

Mr. Rick Severance, Chairman, Walton County Chamber of Commerce, discussed the workforce housing public/private partnership established by the Chamber. Ms. Moliterno stated that the Chamber would like to establish a center to address the needs of those interested in workforce housing. She requested \$75,000.00 from the county to assist in staffing costs. Mr. Severance explained that the Chamber will assume all overhead costs and private donations will also be accepted. Ms. Moliterno added that the DeFuniak Springs City Council has pledged \$18,750.00 and that the proposal is scheduled to go before the Freeport City Council in October.

Commissioner Meadows requested additional information regarding budget and staff.

Mr. Bell presented a request from the Walton County Chamber of Commerce for IT assistance, not to exceed 10 hours weekly. Mr. Alex Alford, MIS Director, explained that internet access through the T1 line would be not be possible due to the sensitivity of the information being passed through that line, but that other alternatives can be arranged. He clarified that responsibilities to the Board will be priority.

Mr. J.B. Hillard was opposed to the Board supporting a private entity. He requested that action be delayed pending a detailed estimate of cost to the tax payers.

Ms. Moliterno clarified that the Chamber will pay for the internet service and that the request is for in-kind IT support. Mr. Alford stated that the recurring costs will be minimal. He added that he can provide a manpower cost estimate if necessary.

Motion by Commissioner Jones, second by Commissioner Pridgen, to approve the Chamber's request for the use of in-kind IT services for start-up and maintenance. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Allen Brown, Interim Public Works Director, requested that the Birding Trail Maintenance Agreement be pulled from the agenda. Commissioner Meadows stated that she

would like to be involved in the project.

Mr. Brown discussed issues regarding the use of all-terrain vehicles in Walton County. He presented a copy of Walton County ordinance 1998-19 and photos of ATV damage to a dirt road. Mr. Brown explained that recently passed legislation will allow use of ATVs on county dirt roads with a speed limit of less than 35 mph. He stated that the Board can opt out of the legislation by majority vote and resolution.

Mr. Alan Facerra asked if the county can add restrictions or must it opt out/abide by the legislation as established. Attorney Hallman stated that the Board can choose to opt out or participate in all or partial areas of the county.

Commissioner Jones felt that the legislation is faulty and opens the county to liability. Commissioner Meadows also supported opting out.

Commissioner Cuchens questioned the legislative definition of "ATV". He was in support of the legislation.

Mr. David Kramer spoke in support of the legislation.

Chairman Brannon stated that he will meet with the Walton County Sheriff's office to discuss their views and will report back at the September 26, 2006 Regular Meeting.

Mr. Brown requested permission to install street lights at a dangerous curve approximately ½ mile east of the Black Creek Bridge on CR 3280.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve Mr. Brown's request. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Brown stated that center line reflectors can be added to applicable roads for approximately \$3000 per mile. He requested the Board's direction regarding addition of the

reflectors. Chairman Brannon questioned if the reflectors are currently included in RFPs. Mr. Brown replied that they are generally included when FDOT compliance is necessary. Mr. Cliff Knauer, Prebble Rish, stated that the reflectors are included on most Prebble-Rish contracts.

The Board concurred that no action would be required due to the public safety concern and directed staff to include them in future RFPs.

Attorney Gary Vorbeck discussed the 100 Year Flood Plain. He requested that the Board approve use of the FEMA flood plain maps which were in effect in 1996 when determining density in the flood plains. He submitted a copy of the LDC policy C-3.2.3.

Attorney Hallman advised the Board that an amendment to the LDC would be necessary to use maps which were made effective post 1996.

Commissioner Meadows felt that the amended FEMA maps should be used.

Ms. Blackshear submitted information from FEMA regarding the Flood Insurance Study and Flood Insurance Rate Map. She clarified that Attorney Vorbeck's request applies only to density and that construction standards will not be affected. Ms. Blackshear stated that staff felt the change could eliminate the need for CLOMAs. She added that language should be added to require minimal fill and the use of pilings.

Motion by Commissioner Cuchens, second by Commissioner Jones, to direct staff to use the flood plain maps which were in effect in 1996 when determining flood plain density standards.

Mr. Facerra questioned the differences in the maps. Ms. Blackshear stated that the base flood elevation and spatial area of the A zone line were changed on the new maps.

Mr. Bob Dobes questioned who Mr. Vorbeck represented.

Ms. Anita Page requested clarification of the request and future handling of density in the

100 Year Flood Plain.

Commissioner Meadows felt that the Board has set precedence by using the year 2000 maps.

Mr. Kramer spoke in support of Attorney Vorbeck's request.

Ayes 4, Nays 1. Jones Aye, Meadows Nay, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Motion by Commissioner Meadows, second by Commissioner Jones, to amend LDC 9J5 through the EAR based amendments to reflect use of the FEMA maps adopted on March 7, 2000, when determining density. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to require the use of pilings in the flood plain areas designated on the 1996 and 2000 FEMA flood plain maps until LDC 9J5 is amended. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, and Brannon Aye. Commissioner Cuchens recused himself from the vote and submitted a voting conflict form. (Commissioner Jones and Chairman Brannon exited at 6:05 p.m. Commissioner Jones returned at 6:10 p.m. and Chairman Brannon returned at 6:15 p.m.)

Mr. Greg Garrett and Ms. Rosemary Woods, PBS&J, gave a brief slide presentation regarding the South Walton County New Access Road, East and West. She invited the Board to a public hearing to discuss the proposed project in greater detail on September 14, 2006, at 6:00 p.m. at the South Walton Public Library. Mr. Garrett discussed the three project alternatives and made a recommendation. The total cost projection is \$275.3 million. They will report back to the Board at the September 26, 2006, Board meeting. (Commissioner Cuchens stepped out at 6:20 p.m. and returned at 6:25 p.m.)

Commissioner Meadows was not in support of this project and felt that the Board's top priorities are the US Highway 331, including the US Highway 331 Bridge, and Chat Holley Road, including its north/south connector roads.

Mr. Rande Kessler, Advanced Coastal Technologies, requested that the Board apply for an Innovative Technology Funds Assistance Grant through FDEP to install a ProTec Tube® on Walton County land at West Park Place Avenue. He requested that he be allowed to work with staff and submitted a typical cross-section diagram.

Ms. Angie Biddel, Grants Coordinator, stated that she questioned grant, matching funds, long-term costs, and liability. She stated that Mr. Brad Pickel, Director of Beach Management, is not in favor of placing the device on the beach.

The Board directed staff review the proposal and make a recommendation to the Board.

Mr. Knauer gave an update on the Eastern Lake outfall. He stated that an FDEP permit application has been submitted and that an encouraging RAI was received. Mr. Knauer submitted a photo of the outfall in its current state, a rendering as it should look and a letter from Darryl Garland, Permit Processor, FDEP.

Mr. Rick Millard, Construction Manager, discussed the bid results for the US Highway 331 Bayfield Park Boat Dock (RFP 06-043). He recommended approval of the low bidder, Key Rental of Florida, for a cost of \$67,750.00. District 4 Recreational Plat Fees will be utilized as a supplementation to the available budget for this project. Copies of the bid tabulations were submitted. (Commissioner Meadows stepped out briefly at 6:35 p.m.)

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to award RFP 06-043 to Key Rental of Florida with use of District 4 recreational plat fees. Ayes 4, Nays 0. Jones Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Kriss Titus, TDC Executive Director, requested approval of a proposed resolution for the 2007-2008 request for Florida Department of Environmental Protection Grant Funding.

Motion by Commissioner Jones, second by Commissioner Cuchens, to adopt the resolution as presented (**2006-84**). Ayes 4, Nays 0. Jones Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Titus gave a brief update on the Western Walton County Beach Restoration Project. She stated that the Army Corp of Engineers permit was reissued and that staff is negotiating a new start date and working out the applicable issues. (Commissioner Meadows returned at 6:45 p.m.)

Mr. Dan Arner, P.E., Applied Engineering & Surveying, Inc., requested that the Board draft a letter documenting their permission to place approved sand seaward of a seawall permitted to be constructed at Beach Highlands. Attorney Hallman recommended that approval be conditioned upon the county not being required to apply for an Incidental Take Permit. Mr. Arner submitted a letter from FDEP and photos of the area.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve Mr. Arner's request contingent upon the county not being required to apply for an Incidental Take Permit. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Gary Mattison, Human Resource Director, presented a second reading of a proposed revision to Policy 15.2 and 15.8 of the Pension Program. He explained that the proposed changes address employee classification and the health insurance subsidy.

Commissioner Meadows questioned the long-term financial impacts.

Mr. Bob Hudson, Tax Payers Association, spoke in support of the proposed change.

Mr. Imfeld stated that section 15.8 of the Board's material includes an error and should read: "Upon retirement from employment with Walton County, each retired employee will receive from the County \$5.00 per month for each year of credible service with the County."

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the request as presented by Mr. Mattison with the correction mentioned by Mr. Imfeld. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Mattison requested that the discussion of the Long Term Disability Plan be pulled in light of efforts to reduce the county's budget.

Attorney Hallman discussed a complaint by Mr. M. W. Reith, citizen, that he did not receive notice of abandonment in 2004 due to a vague legal description in the advertisement. He briefly discussed the position of Mr. Reith and added that the county may have inadvertently abandoned a portion of a county owned intersection. He requested that he be allowed to meet with Mr. Reith and the homeowners association to resolve the issue. Mr. Reith further discussed the effects of the road abandonment.

Motion by Commissioner Jones, second by Commissioner Meadows, to allow staff to meet with the parties involved to resolve the issues as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Attorney Hallman requested that the Board discuss the option of utilizing specialized legal counsel for the Planning Department. Commissioner Jones read a proposal into the record.

Commissioner Pridgen requested that Dr. Beamen meet with the Board and the staffs of the County Attorney's Office and the Planning Department to determine their needs.

Commissioner Meadows felt that legal opinions should not be given to citizens. She also suggested that the Board consider having an attorney on retainer versus a full-time employee.

The Board directed Mr. Bell to contact Dr. Beamen and schedule the meetings. Mr. Bell stated that Dr. Beamon is currently under contract with the Board and that no action was required.

Ms. Barbara Jones, Okaloosa-Walton College, stated that Walton and Okaloosa Counties have an opportunity to apply for a Disaster Mitigation and Response Project utilizing 15 full-time Americorp members. She stated that the president of the college has committed to a cash match of \$30,700.00 and requested that the county provide a \$15,000.00 match. The program will focus on serving the elderly, disabled, and those with English as a second language; as well as, county disaster mitigation projects. Ms. Jones stated that the college will give up-front Emergency Administration and Management Training to the members. The grant is competitive with only three being awarded in Florida. If approved and selected, the program will begin January 2007.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the request for a \$15,000.00 match as presented by Ms. Jones. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell discussed the RFQs for Federal Lobbying Services. He requested direction from the Board regarding the scheduling of presentations.

Chairman Brannon recommended meeting with only the top six firms who scored above 80. The Board will hear presentations from those firms beginning at 2:30 p.m. prior to the September 26, 2006, Regular Meeting.

Mr. Bell presented a proposed draft of the five-year South Walton Fire District Emergency Medical Services Interlocal Agreement. He stated that the requested subsidy is \$579,637.00 in year one with a 3% increase each year thereafter.

Mr. Hudson requested that the Board delay action and allow the Taxpayers Association time to review the proposed budget.

Motion by Commissioner Meadows, second by Commissioner Jones, to finalize the interlocal agreement as presented.

Commissioner Jones requested that staff meet with the SWFD regarding possible reduction of the proposed increase.

Chief Hallman reminded the Board that an internal review by the county revealed that the county cannot provide the services for the subsidized amount. He stated that 18 fire fighters/paramedics are being added to the current staff.

Mr. Hudson stated that the SWFD is a separate taxing authority which operated with a surplus during the last budget year.

Chief Hallman explained that review of the budget was held-up due to late labor negotiations.

Chairman Brannon spoke in support of delaying action.

Commissioner Meadows amended her motion and Commissioner Jones amended his second to include approval of the agreement with the subsidy not to exceed \$579,637.00 for year one and review of SWFD's budget to seek possible reductions.

Commissioner Meadows withdrew her motion and Commissioner Jones withdrew his second.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the interlocal agreement as submitted and to request as a separate matter that the SWFD review their proposed budget to see if it and their millage rate can be reduced.

Mr. Ed Baltzley, Emergency Response Director, verified that the county cannot provide

like services at the cost of proposed subsidy.

Chairman Brannon clarified that Mr. Hudson's concern was not the cost of providing the services, but to have SWFD contribute more of their budget to operations and receive less of a subsidy from the county.

Mr. Kramer spoke in support of delaying approval of the interlocal agreement until after the SWFD budget hearing.

Mr. Hudson questioned when the county will discontinue its subsidy to the SWFD.

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

Mr. Bell discussed a request by Mr. Daryl Kirby and Mr. Rick Livoni for the county to surplus three parcels. He stated that the parcels may serve future county use. No action was taken.

Mr. Bell stated that the City of DeFuniak Springs has decided to provide its own dispatching services and will not require assistance from the county. He stated that the Sheriff has agreed to continue providing the services until March 31, 2007.

Mr. Bell submitted and discussed a proposed resolution to add the Lake Jackson Bike Path to the upcoming CIP in order to apply for a FRDAP grant.

Motion by Commissioner Pridgen, second by Commissioner Jones, to approve the proposed resolution as submitted (**2006-83**). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell stated that the City of Freeport is applying for a FRDAP grant for a park in Hammock Bay. A request was made for the Board to pledge in-kind land-clearing and maintenance services which will amount to approximately 10 percent of the total cost.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the request and to have Mr. Bell draft the appropriate letter for the City of Freeport. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackbear requested permission to purchase two color photocopiers for a cost of \$21,000.00. She stated that the items are in the existing budget, but that a budget transfer will be needed.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the request and budget transfer as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Meadows requested that the Board have an appraisal of 10 acres on Moll Drive near Helen McCall Park. She stated that the parcel could be used for park expansion.

Motion by Commissioner Meadows, second by Commissioner Jones, to move forward with the appraisal as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Meadows requested that county's grapple truck be utilized to pick-up white goods on a more consistent basis. Mr. Douglass stated that he will work with Mr. Ken Little, Citizen Services Director, to advertise a quarterly and by request pick-up schedule.

Commissioner Meadows presented a request to implement a MSBU to pave the roads in the Beachview Heights Subdivision.

Mr. Kramer stated that this is not a formal platted subdivision and questioned how the MSBU will be implemented.

Motion by Commissioner Meadows, second by Commissioner Jones, to begin the MSBU process. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens

Aye.

Mr. Knauer discussed the request for a bike path on Big Redfish Lake Bridge. He stated that approximate cost is \$475,000.00. He briefly discussed the construction plans.

Mr. Imfeld stated that \$250,000.00 is budgeted for the project. The bid process has not begun.

Commissioner Meadows requested figures to determine if Recreational Plat Fees can be used. Mr. Bell stated that he will report the findings at the next Board meeting.

Commissioner Meadows requested the establishment and implementation of DRI review fees.

Ms. Blackshear submitted documentation of 12 proposed DRIs for which the county currently receives no review fees. She stated that staff will develop a proposed fee schedule for the Board's review at the September 26, 2006, Regular Meeting.

Commissioner Meadows presented proposed language changes to Land Development Code 4.06.02 for vegetative preservation requirements. She suggested implementation of fines and repercussions for disturbed natural vegetation.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to advertise for two public hearings to amend the LDC and to send the proposal to the Planning Commission for review. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Cuchens stated that FDOT has approved for the City of DeFuniak Springs to install a traffic light at the intersection of US Highway 331 and Bruce Avenue. He recommended that the Board lend the necessary funds to the City of DeFuniak or for the county to install the light and be re-paid when FDOT funds are available.

Mr. Bell stated that the City of DeFuniak will look into a JPA with FDOT which will allow the county to be repaid by FDOT.

Motion by Commissioner Cuchens, second by Commissioner Jones, to install the traffic light for which the City of DeFuniak or the FDOT will repay the county when funds become available. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Cuchens pulled the discussion of bridge and waterway names.

Motion by Commissioner Cuchens, second by Commissioner Jones, to appoint Commissioner Meadows to the Canvassing Board. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Pridgen presented a request to apply for a historical marker at the Alford's Mill Community Historic Site in the Darlington Community. He stated that an archeological survey will be needed.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the request as submitted and to move forth with the archeological survey. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

In honor of the Muscogee Nation, Chairman Brannon presented a proposed resolution to establish September 22nd as Walton County's Native American Day.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the proposed resolution as submitted (**2006-80**). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

The floor was opened to public comments.

Ms. Martha Howard, ADA Committee, discussed a complaint by a disabled voter that a

poling place in the Rosemary Beach area did not meet ADA standards. She stated that she visited the site and discussed the insufficiencies.

Mr. Bell stated that staff will look into the matter and report back to the Board.

There were no additional public comments.

At 8:30 p.m. the Board moved into a Public Hearing to discuss final plats and major developments. Attorney Hallman administered the oath to all who intended to present testimony regarding the quasi-judicial items.

Ms. Lois La-Seur, Planning Manager, presented a request for final plat approval of Royal Palms Subdivision, which consists of 13 single-family lots on approximately 6.5 acres with a land use designation of Conservation Residential 2:1. The site is located on east side of East Hewitt Road, north of US Highway 98. Staff found the project consistent with the LDC and Comprehensive Plan.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve for recordation the final plat of Royal Palms Subdivision as presented by staff. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. La-Seur presented a request for final plat approval of Gulf Cove of Seagrove PUD, which consists of 19 single-family lots and a pool amenity area on approximately 2.43 +/- acres with a land use designation of Neighborhood Planning Area (NPA)/Infill. The project is located on the East side of Sugar Sand Lane, approximately 0.15 mile north of CR 30-A. Staff found the project consistent with the LDC and Comprehensive Plan.

Mr. Shannon Clatchey, Rare Earth Surveying and Mapping, was present to represent the applicant.

There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve for recordation the final plat of Gulf Cove of Seagrove PUD as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Brian Martinez, Planner, presented the Walton County Animal Shelter, a major development proposal which consists of approximately 15,000 sq. ft. in total size of floor area. He stated that due to the concerns of neighboring property owners, staff has recommended that an alternative site be investigated. One suggestion was a parcel north of the new jail site. A staff report and addendum were submitted (**Exhibits #1 & #2**).

Commissioner Meadows requested that staff seek input from the neighboring property owners of the alternative sites. Mr. Martinez stated that staff will prepare a letter to send to those owners. Ms. Blackshear explained that the majority of the neighboring properties are accessed through State Highway 83 while this project would be accessed through Triple G Road.

Mr. Bell stated that Mr. Albert Paris, Planning Commission, had erroneously stated that he was involved in obtaining the Rock Hill Road site when the parcel was actually deeded to the county for use as an animal shelter. Mr. Bell added that he will contact the grantors of the parcel and request that the county be allowed to use the parcel as a possible recreational site. Chairman Brannon directed Attorney Hallman to look into the matter regarding Mr. Paris and report any conflict of interest to the Board.

The floor was opened to public comments.

Mr. Mark Madamba spoke in support of utilizing the site for a nature reserve.

Motion by Commissioner Cuchens, second by Commissioner Jones, to deny the proposal to utilize the Rock Hill Road site for the animal shelter and to investigate alternative sites,

including the site north of the new jail site. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Renee Bradley, Planner, presented Sawmill Court, a major development proposal which consists of a 91-lot single-family residential subdivision on 55.65 acres with a future land use designation of Rural Village. The site is located north of CR 183 on Sue Lane. She reported that the land dispute between the applicant and neighboring property owners has been settled. Mr. Rick Took, County Surveyor, briefly explained that situation and resolution. Staff found the project consistent with the LDC and Comprehensive Plan. A staff report and memo from Mr. Took were submitted (**Exhibits #1& #2**).

Mr. Scott Jenkins, Jenkins, Sanford & Associates, was present to represent the applicant, Mr. Wayne Bunch. He demonstrated the area in question on the map and stated that a corrective deed will be used to quit claim the property back to the Mannings. He requested conditional approval pending the signing and submission of the quit claim deed.

The floor was opened to public comments.

Ms. Gudrun Manning stated that she is in support of the project pending receipt of a signed and recorded deed. She added that her son, Mr. David Manning of Memphis, Tennessee, will also need to sign the deed.

Commissioner Jones, second by Commissioner Pridgen, to approve Sawmill Court as presented with the deed condition stated by Mr. Jenkins. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented Bay Breeze Cottages, a major development proposal which consists of a 36-lot single-family residential subdivision on 5.04 acres with a land use designation of NPA/Infill. The site is located along the south side of Crest Drive, approximately

1/2 mile west of the intersection of Ponce de Leon Drive and Crest Drive. She stated that there are issues within the area which staff is committed to addressing. Staff found the project consistent with the LDC and Comprehensive Plan. A staff report was submitted (**Exhibit #1**).

Attorney Dana Matthews was present to represent the applicant, Crest Bay Development, LLC. He submitted a transcript of the August 8, 2006 testimony and copies of a compatibility report and site plan (**Exhibits #2, #3, & #4**). Attorney Matthews discussed the Planning Commission conditions. He stated that the developer has reduced the proposal by three lots and discussed the changes to compatibility since the last BCC meeting. Attorney Matthews discussed the Board's previous decision to continue the project due to density and compatibility and the developer's meetings with neighboring property owners. He also discussed staff's review of the project and Ms. Blackshear's request to have an additional engineer review the drainage.

Mr. George Newman, Plans Review Engineer, discussed the additional review of the drainage plans and stated that the stormwater plans meet the requirements of the LDC and Comprehensive Plan. He stated that there are outstanding drainage issues and added that a project for the area has been added to the local mitigation project list. Mr. Newman stated that the proposed development will not add to and may even help the existing drainage issues.

Attorney Matthews asked Mr. Newman if the county is currently working on a drainage project at Legion Park. Mr. Newman replied that he is not aware of that project. Commissioner Meadows added that a project is underway at Holiday Shores.

Mr. Greg Graham, Staff Engineer, further discussed the Legion Park project and concurred that the current proposed development will not add to the existing drainage problems. He added that Crest Drive is in poor condition and could use an overlay of asphalt, but that the right-of-way proposed by the applicant meets county standards.

Attorney Matthews discussed maintenance of an obstructed FDOT ditch. He stated that county staff committed to the neighbors to contact the mosquito control district and the FDOT regarding that ditch. He added that grant funds may be available to improve the outflow into the bay. Mr. Matthews then discussed density and compatibility. He discussed concessions and revisions made by the developer and the density of surrounding developments. The overall reduction for the proposed development is to 6.6 units per acre within the Infill category. He also noted that the developer has agreed to double the required LDC landscaping buffer, install a sidewalk in the eight foot right-of-way directly across from the proposed project, make a fair share contribution and enter into a developer's agreement regarding construction of a deceleration lane off of US Highway 98 onto Ponce de Leon Drive, temporarily stage construction equipment on the northeasterly corner lot of the development as to eliminate blockage of Crest Drive; as well as, the conditions of the Planning Commission.

The floor was opened to public comments.

Mr. Jack Arthur, PE, AICP, was present to represent Mr. Hugh Caffey and other unnamed homeowners on Crest Drive and in Bayside Subdivision. He discussed the action taken at the previous Board Meeting and felt that meetings with staff and the developer have produced no substantial changes. According to Mr. Arthur the deficits include roadways, compatibility, and stormwater management. He expanded upon each complaint. Mr. Arthur felt that downstream conveyance cannot be speculated and instead needs to be demonstrated based on calculations. (Commissioner Meadows exited at 9:25 p.m. and returned at 9:35 p.m. Commissioner Cuchens exited at 9:40 p.m. and returned at 9:45 p.m.)

Commissioner Meadows discussed typical site elevation, water tables and soils. She questioned the landuse and project proposal for the parcel immediately to the west of Bay Breeze

Cottages Subdivision.

Attorney Matthews questioned Mr. Arthur's credentials.

Mr. Kurt Scholemburger, Bayside Subdivision, felt that the Bayside Subdivision Homeowners Association has an "exclusive obligation" to pay for damages in the conservation easement. He submitted a copy of the conservation easement (**Exhibit #5**). Mr. Scholemburger also discussed the drainage issues.

Mr. James Eiler, Bayside Subdivision, discussed potential effects of drainage to Bayside Subdivision.

Ms. Beth Fink, Bayside Subdivision, asked if the developer has intentions of "cutting through" Crest Drive into Bayside Subdivision. Attorney Matthews replied no and stated that he will send a letter of documentation.

Mr. Caffey discussed the capacity of Crest Drive and the additional traffic proposed by the development. He requested that the project be denied.

Attorney Matthews addressed Commissioner Meadows's previous questions. He stated that the developer has an additional subdivision proposal to the west of Bay Breeze Cottages Subdivision. He briefly discussed the project.

Mr. Don Brock, Regional Engineering, discussed the soil study, water table elevation, existing elevation, and the proposed elevation. He added that 2-3 ft. of fill will be used to obtain adequate percolation and that a retaining wall will be used for additional storage. Mr. Brock reported that all necessary permits have been obtained.

Commissioner Meadows questioned the compatibility analysis created by Ms. Peggy Fowler. Ms. Fowler discussed the methodology for composing a compatibility analysis and the compatibility analysis submitted by the developer.

Mr. Caffey questioned the absence of photos of the homes on Crest Drive which are adjacent to and abutting the proposed development. He also questioned the language included in the compatibility analysis.

Commissioner Jones questioned Mr. Scholemburger's testimony regarding the conservation easement.

Attorney Matthews discussed the conservation easement submitted by Mr. Scholemburger. He stated that the easement is in favor of the FDEP. Attorney Matthews discussed the Development Order, recording, and bonding processes.

Commissioner Meadows felt that this development will pose the same situation created by Driftwood Estates.

The floor was closed to public comments.

Motion by Commissioner Meadows to approve Bay Breeze Cottages Subdivision contingent upon the following: 4 units per acre, lots on Crest Drive must be the same size as lots across the street from Crest Drive, stormwater must be piped to an on-site retention pond in lieu of an infiltration system, and the provision of additional right-of-way on Crest Drive from the subdivision's entrance to the east side of the property. Motion died due to lack of a second.

Attorney Hallman stated that Commissioner Meadows's motion amounted to the denial of the project. Commissioner Meadows stated that the Board can apply conditions when in the best interest of the citizens.

Attorney Hallman asked if staff's recommendation for approval included the conditions of the Planning Commission. Ms. Blackshear replied yes, with a two-story height restriction and changes to the site plan discussed by Attorney Matthews.

Attorney Matthews recited the additional conditions agreed to by the applicant.

Ms. Blackshear added that all necessary permits were received by staff.

Motion by Commissioner Cuchens to approve Bay Breeze Cottages as presented by staff contingent upon all of the conditions set forth by the Planning Commission and the additional conditions listed by staff and Attorney Matthews. Chairman Brannon stepped down as Chairman and seconded the motion. Ayes 3, Nays 2. Jones Nay, Meadows Nay, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Chairman Brannon and Commissioner Pridgen submitted ex parte communications forms regarding the animal shelter. Commissioner Pridgen also submitted forms regarding Sawmill Court.

There being no additional business to come before the Board, the meeting adjourned at 10:35 p.m.

APPROVED: \_\_\_\_\_  
Scott Brannon, Chair

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