

SEPTEMBER 26, 2006 – REGULAR MEETING/LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, September 26, 2006, at 4:00 p.m. in Courtroom A of the Walton County Courthouse.

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

Commissioner Jones led with prayer followed by the Pledge of Allegiance to the American flag. Commissioner Pridgen called the meeting to order.

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

1. EAL Approval	
General Fund	\$ 629,898.73
County Transportation	\$ 824,953.75
SHIP	\$ 15,500.00
Fine & Forfeiture	\$ 281.98
Debt Service Hospital	\$ -
Mosq. Control State	\$ -
Mott Sign Grant	\$ -
Section 8 Housing	\$ 942.77
Tourist Dev. Council	\$ 159,300.21
N.W. Mosquito Control	\$ 10,734.97
W. Co. Library	\$ 15,963.19
Tax Deed Surplus Trust	\$ -
Recreation Plat Fee	\$ -
Public Safety- 911	\$ 16,756.38
Solid Waste Enterprise	\$ 327,426.83
Mossy Head VFD	\$ -
Glendale VFD	\$ 1,844.62
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	\$	2,983.10
Capital Projects Fund	\$	401,651.63
Imperial Lakes MSBU	\$	-
Totals		\$2,408,238.16

2. Approve minutes of August 22, 2006 – Regular Meeting
September 11, 2006 – Budget Hearing
September 12, 2006 – Special/Regular Meeting
3. Approve surplus equipment from the Mosquito Control Department
4. Approve a Resolution to amend the budget for unanticipated revenues for the Bayfield Boat Dock FBIP Project (2006-87)
5. Approve contract with State of Florida Department of Health for operation of the Walton County Health Department contract year 2006-2007
6. Approve Records Disposition Request

Attorney George Ralph Miller, representing the applicant for Prominence DRI, requested a continuance for the Development of Regional Impact and Planned Unit Development.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to grant a continuance for Prominence DRI and PUD to the Tuesday, October 10, 2006, BCC meeting to be held at the South Walton Courthouse Annex at 5:00 p.m. or as soon thereafter as may be heard.. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Nicolas Green, Ms. Becki Sydenstricker, Mr. Travis McHenry, and Ms. Emily Hilth, 4-H Council members, requested that the Board adopt a proclamation designating October 1-7, 2006, as “National 4-H Week” in Walton County.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to adopt a proclamation designating October 1-7, 2006, as “National 4-H Week” in Walton County. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Carolyn Hammond, representing the Domestic Violence Coordinating Council of Okaloosa Walton Counties, presented a proposed proclamation to designate October 2006 as “Domestic Violence Awareness Month”.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to adopt a proclamation declaring October 2006 as “Domestic Violence Awareness Month”. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Bill Imfeld, Finance Director, requested approval of a resolution to establish a \$30 million Capital Project credit line with SunTrust Bank. On September 12, 2006, the Board approved to enter into a \$30 million credit line with SunTrust for Capital Project needs. The credit line will be repaid utilizing ½ cent sales tax proceeds.

Motion by Commissioner Jones, second by Commissioner Cuchens, to adopt a resolution (2006-90) to establish a \$30 million credit line with SunTrust Bank for Capital Project needs, to be repaid using ½ cent sales tax proceeds. Ayes 5, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Imfeld requested approval to earmark the roll forward for incomplete Capital Projects and grants for fiscal year 2006-2007. A detailed list will be provided to the Board at the next meeting.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve earmarking the roll forward of incomplete Capital Projects and grants for fiscal year 2006-2007. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Jed Byrd offered to negotiate with the County to sell a parcel of property located on Shelter Road to be used as an alternate site for the Walton County Animal Shelter. He presented information regarding his proposal.

The Board thanked Mr. Byrd for his proposal. They informed him that a decision had already been decided regarding a site for the facility. Therefore, no action was taken.

Mr. Aaron Warren, Assistant County Engineer, informed the Board that Public Works is in the process of developing a new sign policy to identify private roads. The private road signs will be changed from a green backing with white letters to a blue backing with white letters. Public Works feels the change will minimize confusion to the citizens, Public Work employees, and emergency personnel.

Mr. Warren presented photographs of two roads in District 1—Oakcrest Drive and Pinelog Street—which Public Works identified as needing improvements while working on a project in that area. Public Works felt that it was practical to improve and pave the two roads while working in that area to minimize mobilization costs. The cost estimate for paving the two roads is \$40,000. Mr. Warren stated that Public Works had spoken with the Finance Department and funding is available.

Motion by Commissioner Jones, second by Commissioner Cuchens, to authorize the improvements to Oakcrest Drive and Pinelog Street, and add the two roads to the District 1 Road Paving List. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Commissioner Pridgen called to order the second advertised public hearing to discuss the Morrison Springs Land Management Plan.

Mr. Mark Martin, Planner, was present to answer any questions.

There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the Morrison Springs Land Management Plan. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Dale Koblenzer and Mr. James Eaton, Montgomery Road residents, addressed the Board and requested that the item they were scheduled to speak about—DEP request for authorization for completion of permit application file number WL-945 AR ATF—be continued until the next BCC meeting.

Motion by Commissioner Meadows, second by Commissioner Jones, to continue the discussion regarding this item to the October 10 BCC meeting. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Terry Anderson, representing 14 beachfront property owners, presented information regarding seawalls that were constructed after Hurricane Dennis. After the seawalls were constructed, surveys revealed that the walls encroach onto county-owned property. Mr. Anderson requested that the Board allow the seawalls to remain where they are and to issue an acknowledgement letter to the DEP recognizing that the walls were built on county property. Mr. Anderson stated that time was “of the essence” since DEP had issued a 60-day deadline that expires October 13; followed by a DEP Order being issued.

Attorney Hallman stated for the record that Commissioner Cuchens was declaring a conflict of interest and would abstain from any discussion or action regarding this issue. Commissioner Cuchens completed and submitted a voting conflict form into the record.

Attorney Hallman suggested that the Board request an opinion of title be submitted to the county by the property owners to prevent the county from having to bear the expense associated with making an ownership determination.

Attorney Patrick Krechowski with Lewis, Longman, & Walker, was present as representative for Mr. Albert New. He stated that Mr. New was willing to accept responsibility and liability in relation to the seawall while it is located on county property.

Mr. Jonathon Armbruster, Public Engineer, representing Mr. Jim Stevens and seven other Seagrove property owners, presented information including photocopied “before and after” pictures of his clients’ property, a letter from The Title and Closing Professionals and a land survey. He said that their deadline date wasn’t until the end of October.

Commissioner Meadows suggested that the two items be continued to the October 10 meeting to be heard at the same time as the previous issue. This would also allow additional time to further research the issue and obtain a legal opinion. Commissioner Jones concurred with Commissioner Meadows.

Motion by Commissioner Meadows, second by Commissioner Jones, to continue the seawall related items—agenda items G, H, and I—to be further discussed at the October 10 BCC meeting to be held at the South Walton Courthouse Annex. Ayes 3, Nays 0. Jones Aye, Pridgen Aye, and Meadows Aye. Commissioner Cuchens abstained from voting as previously stated.

Mr. Sonny Mares, Interim Director of Administration for the Tourist Development Council, requested the Board’s approval to award Bid #06-037—TDC

Beach and Bay Access Restroom Door Replacement, for the replacement of 15 doors at five TDC Beach and bay access facilities—to Champion Contractors, in the amount of \$45,000.

Motion by Commissioner Jones, second by Commissioner Cuchens, to Bid #06-037 to Floridian Construction, Inc., in the amount of \$45,000. Ayes 5, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Mares requested approval to appoint Mr. Craig Waterman, General Manager of WaterColor, to the Tourist Development Council Board in the replacement of Mr. Randy Bayard.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the appointment of Mr. Craig Waterman to the Tourist Development Council Board. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Mares requested approval to award the bid for RFQ #06-042—legal counsel for the Tourist Development Council—to Burke, Blue, Hutchinson & Walters.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve awarding the bid for legal counsel for TDC to Burke, Blue, Hutchinson & Walters. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Ronnie Bell presented a request from the City of DeFuniak Springs' for authorization to establish a secondary PSAP in order to establish their own dispatch/911 service for the DeFuniak Springs Police Department, to be effective April 1, 2007.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the request from the City of DeFuniak Springs for authorization to establish a secondary PSAP. Ayes 5, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Bell presented for the Board's approval a reimbursement agreement between Okaloosa Gas District and the City of DeFuniak Springs for gas service to the new correctional facility. The cost for labor and materials totals \$41,722.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the reimbursement agreement between Okaloosa Gas District and the City of DeFuniak Springs. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Bell presented an aerial photograph of a four-acre parcel of property on Squirrel Haven Road which was recently offered to the County to purchase for \$200,000. At the time the property was offered to the county, the appraised value was \$36,500. A second appraisal valued the property at \$75,000. Mr. Bell stated that the property owner was willing to sell the property to the County for \$75,000. The purchase would be funded out of the line of credit that was approved earlier by the Board.

After discussion was held, Commissioner Meadows requested that the discussion be continued to the October 10 meeting to obtain additional information regarding the land use designation and ratio of "usable area".

Mr. Bell presented a voucher for reimbursement for 2003-2005 traveling expenses from Mr. Clayton Adkinson, Planning Commission. The total amount for reimbursement was \$612.36. Mr. Adkinson was not aware that he could be reimbursed for his traveling expenses.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve Mr. Adkinson's voucher for reimbursement of traveling expenses in the total amount of \$612.36. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Billy McKee announced that the county had been awarded a grant in the amount of \$446,000 for the Habitat Conservation Plan.

Ms. Pat Blackshear, Growth Management Director, requested authorization to advertise for adoption of a stipulated settlement agreement between DCA and Alan Ficarra vs. Walton County and EBSCO Industries, Inc. The agreement is an attempt to solve issues related to two 2005 Comprehensive Plan amendments (transmittal ordinances 2005-32 and 2005-35) which DCA found not to be in compliance.

Commissioner Meadows recommended that the County attempt to solve the issues in-house before rescinding the text amendments as stated in the agreement.

Attorney Hallman responded that it would be more creditable to address the text amendments during the EAR, allowing time for staff to gather necessary data and analysis. Attorney Hallman added that not proceeding with the agreement, and keeping the case open, could possibly subject the county to being involved in a trial before the additional information can be obtained.

Further discussion ensued. Commissioner Cuchens felt it was better to proceed with the settlement agreement to prevent the County from incurring additional time and expense.

Motion by Commissioner Cuchens, second by Commissioner Jones, to authorize advertising for two public hearings.

Ms. Anita Paige with the South Walton Community Council spoke in support of continuing negotiations with the Department of Community Affairs.

Additional discussion was held regarding the option to request a 60-day extension. Attorney Hallman suggested proceeding with the advertisements for public

hearings; meanwhile he would request the Administrator of Hearings to “abate” the case. Ms. Blackshear will research additional information regarding timeframes and associated costs to present back to the Board.

Mr. Alan Ficarra stated that through communications with DCA, they expressed a willingness to explore similar proposals that have been adopted in other counties.

Commissioner Pridgen called for a vote for the motion on the floor. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Discussion was held regarding possible dates to advertise the public hearings to be held at the South Walton Courthouse Annex.

Commissioner Meadows addressed an action that was taken by the Board at the previous meeting regarding the density within the FEMA flood zone maps. She requested that the Board reconsider the decision that was made, and obtain a legal opinion from the Attorney General.

Motion by Commissioner Meadows to reconsider the action taken by the Board on September 12, 2006, regarding the FEMA flood zone maps; also to obtain an Attorney General opinion before rehearing the issue. Motion died for lack of a second.

Commissioner Jones supported obtaining an Attorney General opinion, but without reversing the action taken at the previous meeting.

Further discussion was held.

Motion by Commissioner Jones, second by Commissioner Meadows, to uphold the decision that was made at the September 12 meeting, but to proceed with obtaining a legal opinion from the Attorney General.

Attorney Hallman offered for the Office of the County Attorney to draft a neutral question to be sent to the Attorney General and present the question to the Board at the next meeting. Commissioner Meadows requested that the Planning staff review the question once it is drafted.

Attorney Gary Vorbeck respectively requested that the Board withhold from obtaining an Attorney General opinion.

Ms. Page supported obtaining a legal opinion from the Attorney General.

Commissioner Meadows called for a vote for the motion on the floor. Ayes 3, Nays 1. Jones Aye, Cuchens Nay, Pridgen Aye, and Meadows Aye.

There being no further public comments, the meeting recessed.

The Board reconvened into the land use portion of the meeting and Attorney Hallman administered the oath to those individuals intending to present testimony during the quasi-judicial proceedings.

Commissioner Pridgen entered ex parte communication disclosure forms into the record.

Mr. Jason Bryan, Planner, presented a request for approval of the expansion of Point Washington United Methodist Church. Point Washington United Methodist Church requested approval to expand the existing church facilities to include a second sanctuary and family life center on 5.48 +/- acres with a future land use designation of NPA/TND. The site is located at 1290 N. Highway 395. Staff finds that the project is consistent with the minimal technical requirements of the Land Development Code and Comprehensive Plan. A staff report was entered into the record (**Exhibit #1**).

Mr. Dave Lovell, representing Point Washington United Methodist Church, was present to answer any questions.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the expansion of Point Washington United Methodist Church. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Melissa Ward, Planning Assistant, presented a request for final plat approval for Beach Nest, a 9-lot single-family subdivision located north of County Road 30-A, on the west side of Satinwood Drive. Staff finds that the proposed plat meets the minimal technical requirements of the Comprehensive Plan and Land Development Code.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the final plat for Beach Nest for recordation. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Mark Martin, Planner, presented a Walton County Petition for Abandonment. Walton County requested the abandonment of county property located in Glendale. The area of abandonment requested is a portion of Railroad Avenue that runs north and south, with a small portion of east and west area between Sullivan and Sherman Streets. This property is located east of State Highway 83 and north of County Road 183b. Mr. Martin submitted a legal description of the property into the record. Staff's recommendation was for approval of this abandonment.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve by resolution the Walton County Petition for Abandonment (2006-91). Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Ward presented a request from the applicant of “Bayou View” that the item be removed from the agenda.

Motion by Commissioner Cuchens, second by Commissioner Jones, to remove “Bayou View” from the agenda. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Jason Bryan presented a request for approval of a major development identified as “Waterfalls by the Bay 2”. J & L Eagle Cove, LLC, requested approval of a proposed project consisting of 21 single-family residential lots on 17.83 +/- acres with a land use designation of Conservation Residential. The project is located at the north end of East Hewitt Road, on the Choctawhatchee Bay. Staff finds that the project is consistent with the minimal technical requirements of the Land Development Code and Comprehensive Plan. A staff report was entered into the record (**Exhibit #1**).

The Planning Commission recommended approval of the project with the following conditions:

- Applicant shall participate in the proportionate fair share contribution;
- Apply for FEMA CLOMR-F;
- Obtain applicable FDEP permits; and
- Contact the Walton County School Board and discuss option to mitigate the project's impact on the school system.

Mr. Scott Jenkins with Jenkins, Stanford & Associates, was present as representative for the applicant.

There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the major development of “Waterfalls by the Bay 2” with the conditions as recommended by the Planning Commission. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Bryan presented a request for approval of a major development identified as “Walton Lakeshore”. Walton Lakeshore Properties, LLC, requested approval to place 20 single-family residents on 2.61 +/- acres with a future land use designation of NPA/Infill. The project is located in the northwest corner of the intersection of Earl Road and N. Walton Lakeshore Drive. Staff finds that the project is consistent with the minimal technical requirements of the Land Development Code and Comprehensive Plan. A staff report was entered into the record (**Exhibit #1**).

The Planning Commission recommended approval of the proposed project contingent upon the following conditions:

- Verification of property deed restrictions for Lots 1 through 6;
- Applicant shall pay all applicable fees, including the preservation buyout;
- Applicant shall obtain applicable FDEP permits; and
- Contact the Walton County School Board and discuss the options to mitigate the project’s impact on the school system.

There was no one present to represent the applicant.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the major development of “Walton Lakeshore 2” with the conditions recommended by the Planning Commission. Ayes 4, Nays 0. Jones Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Bryan presented a request for approval of a major development identified as “Spyglass Hill”. Katsue, LLC, requested approval to install 20 single-family residents on 2.52 acres +/- with a future land use designation of NPA/Infill. The project is located at the corner of Louva Lane and Deno Drive, north of Shadow Pines Subdivision. A staff report was entered into the record (**Exhibit #1**).

The Planning Commission recommended approval of this project contingent upon the following conditions:

- Developer shall commit to building a fence and posting signs, referencing the covenants and restrictions, which will serve to protect the preservation area. The fence and signs are to be substantial enough to last through completion of constructions;
- Such commitment shall be included in the covenants and restrictions or other such plan that staff and applicant can mutually agree upon; and
- Contact the Walton County School Board and discuss options to mitigate the project’s impact on the school system.

Mr. Bryan stated that there were some concerns expressed regarding preservation, but with the conditions above staff finds that the project is consistent with the minimal technical requirements of the Land Development Code and Comprehensive Plan. The concern as stated in the staff report under preservation plan is as follows: “The developer

has been advised to allow 3 feet outside the building footprint to install utilities without disturbing the preservation area. Failure to do so will result in encroachment”.

Mr. Billy McKee, Environmental Planner, said that the concern was how they were going to preserve to the footprint. He felt that some sort of setback was in order, adding that preservation needed to be accounted for somewhere.

Ms. Blackshear stated that this is the type of issue that they are trying to address in the Evaluation Appraisal Report.

Attorney Hallman advised that rather than dictating an additional 3-foot buffer, a more defensible position for the Board would be for the approval to contain as a condition of issuance of the D.O. a request for the developer to provide staff with a plan (acceptable to staff) demonstrating how the developer will protect the preservation area during construction.

Mr. Tim Bowden with Seaside Engineering and Surveying, Inc., representing the applicant, addressed the Board to clarify that the building setbacks as shown were the minimum building setbacks required by the Land Development Code. He said that this didn't mean that the structures would be constructed up to that line or that they would disturb the vegetation inside the preservation area.

Mr. Bob Dobes made public comments.

Attorney Scott Work with Matthews & Hawkins, legal counsel for the developer, addressed the Board, stating that the proposed site plan meets the requirements of the Land Development Code. Mr. Work added that the three-foot buffer as requested by staff was currently not a requirement of the LDC or Comprehensive Plan. Mr. Work submitted a composite exhibit composed of the following items (**Exhibit #2**):

- Memorandum of Law
- Objective C-3.2 and Policy C-3.2.7, Walton County Comprehensive Plan
- Section 4.06.01 and 4.06.02 Walton County LDC
- Resolution 2002-05
- Case Law
- Synopsis

Further discussion ensued.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the major development of “Spyglass Hill” contingent upon staff’s request that the developer allow three feet outside the building footprint to install utilities without disturbing the preservation areas.

Mr. Work stated that the developer was in agreement with the condition recommended by the Planning Commission; however, he felt that the developer would not be willing to create an “artificial setback line” by allowing three feet outside the building footprint.

Additional discussion was held.

Commissioner Pridgen called for a vote for the motion on the floor. Ayes 3, Nays

1. Jones Aye, Cuchens Nay, Pridgen Aye, and Meadows Aye.

There being no further business, the meeting adjourned at 6:25 p.m.

APPROVED: _____
 Scott Brannon, Chairman

ATTEST: _____
 Martha Ingle, Clerk of Court