

## OCTOBER 10, 2006 - REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting at 4:00 p.m. on Tuesday, October 10, 2006, at the South Walton Annex.

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, Mr. David Hallman, County Attorney, and Ms. Martha Ingle, Clerk of Courts, were also present.

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

Motion by Commissioner Meadows, second by Commissioner Pridgen, 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	\$ 75,100.76
County Transportation	\$ 16,166.75
SHIP	\$ 40,193.50
Fine & Forfeiture	
Debt Service Hospital	
Mosq. Control State	
Mott Sign Grant	
Section 8 Housing	\$ 221.94
Tourist Dev. Council	\$ 210.71
N.W. Mosquito Control	\$ 2,494.20
W. Co. Library	\$ 13,847.76
Tax Deed Surplus Trust	
Recreation Plat Fee	\$ 306.00
Public Safety- 911	\$ 550.50
Solid Waste Enterprise	\$ 269,976.25
Mossy Head VFD	\$ 2,136.00
Glendale VFD	\$ 502.10
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	\$ 2,440.45
Capital Projects Fund	\$1,491,070.42
Imperial Lakes MSBU	

**Totals** \$2,015,217.34

2. Approve Minutes of September 26, 2006— Special Meeting & Value Adjustment Board Organizational Meeting
3. Approve request to surplus various equipment from the Emergency Services Division and Walton County Property Appraiser’s Office
4. Approve Resolution to amend the budget for unanticipated private donation for the Animal Control Department (**2006-92**)
5. Approve Resolution to amend the budget to roll forward monies for uncompleted Construction Projects, Encumbrances, Capital Expenses, Grants and Road Projects (**2006-95**)
6. Approve Annual Report of Activities related to the Division of Forestry Fire Control Program for fiscal year July 1, 2005- June 30, 2006

Attorney George Ralph Miller, representative for Deer Lake Development Company, LLC, requested a 30-day extension for major development proposal, Prominence DRI, so that issues regarding vegetation and buffers can be resolved. A memo was submitted from staff regarding the request for continuance.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to continue major development proposal, Prominence DRI, until the November 14, 2006, BCC Meeting to be held at the South Walton Annex at or after 5:00 p.m. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Cory Godwin, Chief Deputy Tax Collector, discussed recent Legislative changes regarding the Value Adjustment Board which have impacted the scheduled issuance of tax notices. He requested that the Board adopt a proposed resolution to provide for the extension of the 2006 Tax Roll. He submitted information regarding the request.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the resolution providing for the extension of the 2006 Tax Roll pursuant with Florida Statute 197.323 (**2006-94**). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and

Cuchens Aye.

Mr. Greg Garrett and Mr. Ernest Lankinny, PBS&J, requested approval of the South Walton New Access Road PD&E Study. Mr. Garret reported that public response was in concurrence with Commissioner Meadows's previously stated opinion that other projects are of higher priority.

Motion by Commissioner Meadows, second by Commissioner Cuchens, to approve and accept the study but not to proceed with the project. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Cuchens requested that Mr. Garrett provide the total costs for right-of-way acquisition on state lands.

Mr. Bill Imfeld, Finance Director, requested approval to pay to the Walton County School District its relevant share of Racing Commission proceeds that were omitted from the budgets of 2001 through the current fiscal year. The total amount is \$61,500.00.

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

Mr. Ryan Douglass, Staff Engineer, requested that the bid for the County Road 393 Bike Path be awarded to the low bidder, Crestview Site and Underground, Inc., for a total of \$129,800.00.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to award the bid to Crestview Site and Underground as presented by Mr. Douglass. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Douglass presented Change Order #2, representing an increase of \$89,260.00, for the

CR 3280 and US Highway 331 Intersection Improvements. He explained that the changes are due to FDOT requirements and that the county has requested reimbursement. He also requested approval of an \$85,000.00 deductive change order (Change Order #1) which the Board previously requested. The total project cost is \$942,560.00.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve Change Orders #1 & #2 as presented by Mr. Douglass. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Attorney Hallman introduced several agenda items regarding requests by property owners who are in the process of applying for FDEP permits to allow their armoring structures to remain permanent. The structures encroach upon county property; therefore, the FDEP is requiring that the property owners seek authorization from the county before the permit applications are considered. He further explained that the Board has the discretion to approve or deny each petitioner's request for authorization but has no authority to permit or allow permanent armoring structures. Attorney Hallman added that the Florida Fish & Wildlife Services has agreed to apply for and grant itself an Incidental Take Permit for permanent armoring and develop a Habitat Conservation Plan which individual homeowners can utilize.

Commissioner Cuchens stated that he would abstain from all discussion regarding armoring or seawalls due to a conflict of interest. A voting conflict form was submitted.

Mr. Patrick Krechowski, Mr. Terry Anderson, Mr. Dale Koblenzer, and Mr. Jonathan Armbruster were each on the agenda to represent several homeowners who were requesting the county's authorization as discussed by Attorney Hallman. Mr. Krechowski, Mr. Anderson, and Mr. Armbruster each briefly discussed their clients' requests. Each maintained that the walls were placed as close as possible to the dwellings and that their clients were unaware of the

encroachment issues at the time of construction.

Commissioner Meadows questioned the amount of and reason for encroachment. She was not in support of the request or the use of seawalls. She feels that seawalls are a taking of public property and questioned the future liability.

Commissioner Jones asked if staff's reports that the FDEP will extend the application time frame for armoring structures were true. He stated that he would need compelling evidence that the requests are in the best interest of all Walton County citizens before supporting the requests before the Board. Commissioner Jones also questioned when homeowners became aware of the encroachment issue.

Motion by Commissioner Jones, second by Commissioner Pridgen, to direct staff to draft a letter to the Florida Department of Environmental Protection stating that the Board has asked individual property owners to file for an extension and request that the FDEP provide the county with information regarding the number of permits pending due to the encroachment issue and to determine how many are likely to be approved based on technical and environmental reviews and to have staff report their findings back to the Board.

The floor was opened to public comments.

Mr. Jim Tyson, Seagrove Beach, spoke in opposition to seawalls and felt that the Board should actively work with FDEP to ensure that they are not permitted for construction on Walton County beaches. He submitted a letter echoing his statements.

Mr. Emmitt Hildreth supported the Board's previous action regarding temporary armoring permits.

Ms. Alise Freeman represented her father Mr. Joe Taylor and stated that the area in question was previously covered in vegetation; therefore, never usable by the public.

(Commissioner Jones stepped out 5:15 p.m. and returned at 5:20 p.m.)

Mr. Gary Appleson, Sea Turtle Survival League and Caribbean Conservation Corporation, spoke in opposition to seawalls and ProTec Tubes®. He also felt that the county needs to develop a Habitat Conservation Plan. He suggested that the Board request information regarding the encroachment of the ProTec Tubes® onto county property. He submitted photos of areas where ProTec Tubes® were installed.

Commissioner Jones amended his motion and Commissioner Pridgen amended his second to the following: to direct staff to draft a letter to the Florida Department of Environmental Protection stating that the Board has asked individual property owners to file for an extension and request that the FDEP provide the county with information regarding the number of permits pending due to the encroachment issue, including those for ProTec Tubes®, and to determine how many are likely to be approved based on technical and environmental reviews and to have staff report those findings back to the Board. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, and Brannon Aye. Commissioner Cuchens abstained from the vote as previously noted.

Attorney Dana Mathews, on behalf of 30-A LLC, Charleston II Builders, Inc., and Mr. James Redfield, presented a request to have Walton County send a letter to the FDEP stating that their request to install an armoring structure does not violate the county's LDC, Comprehensive Plan or setback requirements. He submitted a letter written to the FDEP by Mr. Billy McKee, Environmental Manager, which states otherwise. Attorney Matthews felt that the county had responded differently to his clients' request than to any other property owner with the same request. He stated that a public records request was made for all of the county's correspondence with the FDEP regarding beach restoration and armoring permits and discussed those 225 letters.

Mr. Matthews requested that staff send his clients the same letter as was sent to the other property owners. A memo was submitted which classified all of the letters and cited Walton County Comp Plan L-1.5.

Chairman Brannon clarified that the permit application referred to by Mr. Matthews was not the result of the emergency action taken by the Board. Mr. Matthews argued that not all of the other applications were submitted in accordance with that action. (Commissioner Pridgen stepped out 5:30 p.m. returned 5:35 p.m.)

Commissioner Meadows requested clarification regarding the intentions of Attorney Matthew's clients. Mr. Matthews demonstrated the structure by photo and on a site plan. He added that the structure will not be constructed in the Coastal Protection Zone (CPZ).

The Board entered into discussion regarding their authority to deny the request based on translation of the LDC and Comprehensive Plan. The Planning staff maintains that the proposed structure violates the LDC and Comprehensive Plan and is not consistent with the emergency action taken by the Board.

Commissioner Brannon questioned the county's authority to make that decision when it cannot permit a permanent armoring structure. He felt that the decision to approve or deny is the FDEP's and that the board should not prohibit Mr. Matthews's clients from applying for the permit.

Mr. Matthews requested clarification regarding staff's assessment that the structure does not meet the LDC requirements. Mr. McKee responded that the CPZ extends to the high mean water line and added that there is dual-jurisdiction in that area. He cited LDC policy 4.02.02. Mr. McKee added that the Board has the authority to make determinations regarding structures landward of the CPZ. Attorney Matthews and Mr. McKee disagreed regarding the jurisdiction of

the county and location of the CPZ.

Ms. Blackshear stated that the FDEP's authorization surpasses the county's. She added that a Comprehensive Plan amendment would be needed if the Board feels that the Comprehensive Plan should allow for seawalls.

Commissioner Brannon questioned whether the FDEP had ever approved a structure which was in violation of the LDC or Comprehensive Plan. Mr. McKee replied that it had not.

Commissioner Jones asked if the letters referred to by Mr. Matthews were related to the emergency action taken by the Board. Mr. McKee responded "yes" and Attorney Matthews disagreed.

Mr. Gerry Demers, Deputy Building Official, cited Florida Statute 161, which states that armoring is only allowed in the state to protect structure and infrastructure. He added that one of the lots in Mr. Matthews's request is vacant.

Commissioner Brannon reiterated that he is not comfortable denying a request for which the county has no authority.

Commissioner Meadows felt that the Board should not send the letter requested by Mr. Matthews, or any one else, when staff finds the request in violation with the LDC and Comprehensive Plan.

Commissioner Jones felt that the Board's decision should be based on the county's LDC and Comprehensive Plan, not the FDEP's potential approval or denial. He added that Mr. McKee should clarify and expand upon staff's position and issue another letter to the FDEP.

Motion by Commissioner Meadows, second by Commissioner Jones, to authorize staff to reiterate their stand on the issue and to uphold staff's findings. Ayes 3, Nays 1. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Nay. (Commissioner Cuchens abstained from the vote as

previously noted.)

The Board recessed briefly at 6:15 p.m. and reconvened at 6:30 p.m.

Mr. Bell presented a request from the Children's Home Community Center for assistance. He stated that he will meet with representatives to discuss the scope of the request.

Mr. Bell presented a request from City of Freeport to utilize the remaining \$400,000.00 in the Economic Development budget for fiscal year 2005-2006 for the bulk heading of the Interacoastal Waterway along Four Mile Creek. Mr. Imfeld explained that the monies were rolled into the general fund reserve as of Sept 30, 2006, and that a budget transfer will be necessary if the Board approves the request.

Commissioner Meadows questioned the public benefit and felt that the money could be better used to fund projects which were recently cut from the budget.

Mr. Imfeld stated that the money is not currently earmarked for economic development, but can be transferred by resolution if used for that purpose.

The Board directed Mr. Imfeld to draft the necessary resolution and to have the Chairman meet with Mayor Marse regarding the request.

Mr. Bell reported that PBS&J ranked the highest among the firms who submitted bids for the Archaeological Survey Services RFP for the Morrison Springs project. He recommended that the Board award the bid to PBS&J.

Motion by Commissioner Jones, second by Commissioner Pridgen, to move forward with the survey to be provided by PBS&J. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell stated that Ecological Associates, Inc., ranked highest among the four firms who submitted bids for the Habitat Conservation Plan. He requested the Board's authorization to

request a sealed proposal from Ecological Associates, Inc. to include a project approach, detailed scope of work, timeline of scheduled events, and estimated cost - all to be negotiated by the Board.

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

Mr. Bell read a letter from the FDEP announcing a Public Workshop for Topsail Hill Preserve Park to be held November 8, 2006, at 7:00 p.m. and a DEP Advisory Meeting to be held on November 9, 2006, at 9:00 a.m. The location for both meetings is the Walton County Public Library in Santa Rosa Beach.

Mr. Bell stated that Mr. Driver withdrew his offer to sell the county the four acres behind Public Works for the appraised value of \$75,000.00.

Mr. Bell announced that the Board scored the federal lobbyist firms as follows:

1. The Ferguson Group, LLC
2. Marlowe & Company
3. Tew Cardenas, LLC
4. Greenburg Traurig
5. Van Scoyoc
6. Alcaulde & Fay

He stated that he will work with the County Attorney to draft a scope of work and begin negotiations with the top ranked firm, The Ferguson Group, LLC.

Commissioner Meadows and Mr. Kevin Chilcutt, Chairman, Community Traffic Safety Team, requested that the Board ask the FDOT to conduct a traffic study of the intersection at Geronimo Street and US Highway 98.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to send a letter to the FDOT requesting the safety study as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye,

Pridgen Aye, Brannon Aye, and Cuchens Aye.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to move forward with an appraisal of ten acres for sale west of Helen McCall Park on Moll Drive. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to move forth with an appraisal of property for sale at Hogtown Bayou. Ayes 4, Nays 1. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Nay.

Commissioner Meadows reported that the county was ranked 35 of the 110 requests for park grant monies. She added that 1-24 were funded and that more funds will be rolled over for additional funding meaning that Walton County could be chosen in the next round.

Commissioner Cuchens discussed the public's recent reaction regarding the new Code Enforcement vehicles. He stated that the objections seem to be in regards to the vehicles' appearances and accessories. He asked if the Board should consider sell and replacement of those vehicles with standard models.

The Board directed Ms. Blackshear to report to the Board the justification for the vehicles and accessories.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve a proposed resolution to deem December 5<sup>th</sup> 2006, as Military Spouses Day **(2006-96)**. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve a proposed resolution requesting that the Legislature address the insurance crisis in Florida **(2006-97)**. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Brannon stated that Oakcrest and Pinelog Streets are currently being

resurfaced. He stated that the resurfacing of Palmetto Road can be added for a cost of \$10,500.00. Chairman Brannon requested that the Board approve the addition of Palmetto Road.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the addition of Palmetto Road as presented by Chairman Brannon. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

The floor was opened to public comments.

Mr. Steve Landry requested that the Board investigate reports of violations regarding zoning and occupancy. He offered his services regarding studies.

The Board directed Ms. Blackshear to look into the matter and report back.

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. Blackshear presented a request for final plat approval of Windsor Court, which consists of an eight-lot single-family subdivision on 1.0± acres with land use designation of Neighborhood Planning Area (NPA)/Infill. The site is located on the south side of East Mack Bayou Drive, east of Mack Bayou Road. Staff found the project consistent with the LDC and Comprehensive Plan. The applicant is EGH Investments, LLC.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Pridgen, to approve the recordation of the final plat of Windsor Court as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented a request for final plat approval of Captiva at Tops'1, Phase 2, a replat of Captiva at Tops'1, which consists of a six-lot subdivision on ± 0.72 acre with a land use

of Coastal Center. The site is located off of US Highway 98 West, left on Tops'1 Beach Blvd., on the southern portion of Captiva Circle. Staff found the project consistent with LDC and Comprehensive Plan. The applicant is Lanscot Development at Tops'1, LTD.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve the recordation of the final plat of Captiva at Tops'1 Phase 2. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented a request for continuance of Magnolia Cottages by the Sea, Phase II due to issues with the letter of credit. The applicant is Mr. Jon Flaig.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to continue Magnolia Cottages by the Sea Phase II until the October 24, 2006, BCC Meeting to be held at or after 5:00 p.m. at the DeFuniak Springs Courthouse. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented a request for a one-year maximum extension of the final order issued by the BCC for Laurel Woods on January 10, 2006. The project is a major development proposal by applicant, MTC Holdings, LLC, which consists of 33 single-family residential lots on 9.94 acres with a future land use designation of NPA/Infill. The site is located on the west side of Harstvedt Road, north of Chat Holley Road. The applicant requested the extension because the environmental permits have not been received. Ms. Balckshear stated that the Development Order has not been executed. A staff report was submitted (**Exhibit #1**).

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve the

maximum one-year extension as presented by Ms. Blackshear. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Janice McDonald, Planner, presented a first reading of Walton County's request to adopt a South Walton New Town Master Plan of Development, TC-1 Overlay District ordinance implementing the master plan, and Land Development Code Amendments. The densities and intensities of land use within the TC-1 area shall be as stated in the master plan, and shall be subject to all provisions, classifications, and criteria set forth therein in the Overlay District and Land Development Code Amendments, general criteria for a detailed plan for the TC-1 land use shall meet the Special Regulations and Requirements of Policy L1.1.1.6.d. of the Walton County Comprehensive Plan. Staff found the project consistent with the LDC and Comprehensive Plan contingent upon the final recommendations of the Planning Commission, which have been met. Those conditions were read into the record. She stated that the only opposition received was from a property owner who does not wish to be included and that a grandfathering provision was included to allow for such exclusions. The second reading is scheduled for November 14, 2006, at the South Walton Annex, at or after 5:00 p.m. A staff report and copy of the Planning Commissions final recommendations were submitted (**Exhibits #1 & #2**).

There were no public comments.

There being no further business to come before the Board, the meeting adjourned at 7:10 p.m.

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

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