

JUNE 11, 2007 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Monday, June 11, 2007, at 4:00 p.m. at the South Walton Annex.

The following Board members were present: Kenneth Pridgen, Chair, Cindy Meadows, Vice-Chair, Commissioner Scott Brannon, and Commissioner Sara Comander. Mr. Ronnie Bell, County Administrator, Mr. Mike Burke, Interim County Attorney, and Ms. Martha Ingle, Clerk of Courts, were also present.

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

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

1. Approve Expenditure Approval List (EAL)		
General Fund	\$	1,913,419.85
County Transportation	\$	922,153.55
SHIP	\$	37,985.44
Fine & Forfeiture	\$	370.55
Debt Service Hospital	\$	-
Mosq. Control State	\$	588.73
Mott Sign Grant	\$	-
Section 8 Housing	\$	644.26
Tourist Dev. Council	\$	550,875.11
N.W. Mosquito Control	\$	2,635.00
W. Co. Library	\$	18,064.64
Tax Deed Surplus Trust	\$	5,073.25
Recreation Plat Fee	\$	34,076.49
Public Safety- 911	\$	29,682.62
Solid Waste Enterprise	\$	446,527.09
Mossy Head VFD	\$	-
Glendale VFD	\$	14,822.71
Darlington VFD	\$	-
Red Bay VFD	\$	-
Preservation	\$	-
Sidewalk Fund	\$	-
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-

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| Driftwood Debt Service | \$ | 3,213.76 |
| Criminal Justice Ed Fund | \$ | - |
| Bldg Dept/Enterp. Fund | \$ | 3,536.78 |
| Capital Projects Fund | \$ | 1,389,850.24 |
| Imperial Lakes MSBU | \$ | 2,765.91 |
| Totals | \$ | 5,376,285.98 |
2. Approve Minutes: March 22, 2007 – Regular Meeting
 3. Approve Resolution to amend the budget to bring forward reserves to fund the Inmate Canteen Fund **(2007-45)**
 4. Approve Amendment #1 FDEP Agreement #04WL1 for the Western Walton County Beach restoration Project
 5. Approve the TDC 2007-2008 Strategic plan
 6. Approve Addendum number 3 to Agreement with Florida Community Services Corporation
 7. Approve Proclamation for National Clean Beaches Week beginning June 29, 2007
 8. Approve Workfare Contract M8003
 9. Approve SCOP JPA for Walton Road **(2007-48)**
 10. Approve SCOP JPA for CR 192 **(2007-47)**
 11. Ratification for YMCA Renewal Contract

On behalf of the parents, coaches, and players who will utilize the facility, Mr. Dave Lovell and Mr. Bo Rutledge, Parks & Recreation Board, presented the Board and various staff members with plaques of appreciation for their efforts in completing the Helen McCall Park, Phase 1, Baseball Complex.

Commissioner Pridgen called to order a public hearing to consider amending Ordinance 2003-07 as it relates to the vehicle access at Inlet Beach. Mr. Bell explained that the proposed amendment defines the Inlet Beach Access as follows: “Inlet Beach: An area extending from the east boundary line of Lakeshore Drive eastward for a distance of 66 feet.”

Commissioner Comander clarified that the change will still allow a boat to be launched from the beach.

Mr. Chris Robbins spoke in support of restricting vehicular activity due to safety concerns.

Mr. Robert Clark spoke in support of restricting vehicular activity. He suggested that the Board direct visitors to park vehicles at a nearby county park.

Mr. Jim Bishop, Seagrove Beach, spoke in support of allowing vehicular activity. He felt that residents have taken efforts to restrict parking.

Ms. Valerie Simmons spoke in support of allowing vehicular activity. She submitted photos depicting vegetation and “No Parking” signs which she felt were unauthorized and placed in the right-of-way to interfere with parking.

(Commissioner Jones arrived at 4:20 p.m.)

Sergeant Ryan Brown, Walton County Sheriff’s Department, felt that allowing vehicles to travel east and west from the 66 ft. access at Lakeshore Drive creates safety concerns. He added that regulations and utilization of off-the-beach parking can help control the traffic issues.

Commissioner Brannon recommended that the proposed ordinance be revised to preserve the use of the boat ramp, to designate parking at the nearby county-owned park, and to restrict all parking on the beach.

Commissioner Comander stated that handicapped visitors can pull down to the beach to unload their vehicles and then move their vehicles to off-site parking. She questioned who authorized the vegetation and “No Parking” signs discussed by Ms. Simmons.

Mr. Bell recommended placing signage to direct traffic to the designated parking area.

Sergeant Brown stated that handicapped visitors can contact Code Enforcement prior to arriving at the beach to request a variance.

Commissioner Comander felt that the Board should ensure that parking is available at public beach accesses.

Mr. Gerry Lagomarsino, Inlet Beach, requested clarification regarding Mr. Brannon’s recommendation. Mr. Brannon explained that parking is to be off-site.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the ordinance as presented with the understanding that Public Works will provide signage to direct people to park at the designated off-site county park.

Mr. David Kramer stated that the ordinance reads 66 ft. east of the east boundary, which actually provides for 132 ft. of access. He felt that, if the intention is to restrict the area to 66 ft., the ordinance should read 66 ft. east of the west boundary.

Mr. Burke stated that the intent of the Board is to contain the access within the 66 ft. right-of-way. He stated that his office will amend the language.

Commissioner Brannon amended his motion and Commissioner Meadows amended her second to approve the ordinance with the language revision discussed by Mr. Burke and with the understanding that Public Works will provide signage to direct people to park at the designated off-site county park (**2007-08**). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bill Imfeld, Finance Director, requested that the Board accept the recommendation from the Evaluation Team to award RFP # 07-031, Freeport Park, to the lowest bidder, Crystal Beach Development. However, he explained that Crystal Beach Development submitted a bid in the amount of \$5,408,997, which is over the \$5.4 million budget. \$5 million was budgeted by the Board and an additional \$400,000 in FRDAP grants were awarded to the City of Freeport. He requested that Mr. Bell be authorized to negotiate cost reductions on behalf of the Board. Information regarding the bids was submitted.

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

Mr. Imfeld presented a proposed resolution for the lease of two new fire trucks, one each for the Tri-Village and Gaskin Volunteer Fire Departments. He stated that the resolution is required by the financial institution.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve the resolution as presented (**2007-46**). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Imfeld requested that the Board allow staff to transfer funds from the Personnel Comp Budget into the Capital Improvements Budget to replace a damaged GIS vehicle.

Commissioner Comander asked if the Board has any surplus vehicles. Mr. Imfeld replied that all surplus vehicles were auctioned in May.

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

Ms. Meg Nelson was present to give an update on the Biophilia Center at the Nokuse Plantation. Mr. M.C. Davis and Mr. Cormick Fallon, architect for the center, were also present. Aerials and conceptual plans were submitted. Mr. Davis spoke regarding the plans for the educational facilities. Ms. Nelson estimated that an outdoor classroom will be ready by fall 2007.

Mr. Allen Osborne was present to discuss Driftwood Estates. He requested that the Board issue a permit to allow the removal of a 20 ft. section of wall blocking an access to Baytowne Avenue and enact a moratorium on building in Driftwood Estates Phase II and Phase IIC, Driftwood Trails. He discussed the Board's previous actions and questioned whether actions taken by the county and/or developer were in compliance with the Development Order issued by the Board or with the San Destin DRI. Mr. Osborne felt that the number of homes to be built in

Driftwood Estates is too great for one access, which he stated has been found to be subject to flooding in normal rain events. He referred to a map of Driftwood Estates Phase IIC which depicts Driftwood Drive and an access into Baytowne Avenue. Mr. Osborne felt that the blocked access, drainage issues, and condition of the access currently being used pose threats to public safety. He felt that the Board should require the developer(s) to take responsibility for the drainage issues. He submitted a copy of a letter from the DCA and information detailing his request.

Mr. Burke advised the Board to consider the pending litigation when commenting on the issues discussed by Mr. Osborne.

Commissioner Brannon questioned the total remaining homes to be built. Mr. Osborne replied approximately 400.

Mr. Osborne stated that no permit was obtained to construct the wall.

Commissioner Comander questioned an agreement not to impose a moratorium. Mr. Burke stated that such agreement is in place.

Commissioner Meadows stated that the agreement was based on an erroneous quote for repairs from Mr. John Johnson, former Public Works Director. She felt that the Board should reinstate the moratorium on building permits until the two parties involved reach an agreement and address the drainage issues with the developer(s).

Commissioner Brannon discussed the letter from DCA submitted by Mr. Osborne. He felt that the state is investigating the compliance issues and that the county should allow for the completion of that process before taking action.

Commissioner Comander questioned how the Board can legally enact a moratorium.

Mr. Burke requested that the Board allow him time to review the information, including the impending litigation, and report back to the Board.

Commissioner Brannon asked if the DCA's Letter of Indemnity specifically addressed the drainage issues. Mr. Burke stated that he did not recall and again asked for more time to review the issue.

Mr. Alex Kish felt that the prejudice has been given to San Destin and the Driftwood developers.

Mr. Osborne stated that the indemnity agreement supersedes all other agreements and is recorded and binding.

Commissioner Meadows requested that Mr. Osborne allow the Board two weeks to meet with Nabors, Giblin, & Nickerson regarding the county's legal position.

Mr. Osborne felt that the issue is one of public safety and that the Board should take immediate action regarding the moratorium.

Commissioner Meadows felt that the Board should adopt a 120 day moratorium on building permits in Driftwood Estates Phase II and IIC. Mr. Osborne requested the moratorium be enacted until an agreement is reached.

Motion by Commissioner Meadows, second by Commissioner Comander, to enact a moratorium on all building in Driftwood Trails and Driftwood Estates Phase II until November 30, 2007 due to public safety and citizen welfare and for the Board to look into the issue again at that time. No action is to be taken on the requested permit to remove the wall due to litigation.

Mr. Burke advised that the Board not enact a moratorium until legal staff can present the Board with a review of the legal evidence.

Ms. Blackshear requested that all affected phases be specifically named in any motion made. Mr. Osborne felt that all phases adopted and approved after 1980 and the balance of lots in Driftwood Phase IIA and Driftwood Trails should be included.

Commissioner Comander withdrew her second. The motion died for lack of a second.

(Commissioner Jones stepped out at 5:30 p.m.)

Motion by Commissioner Comander, second by Commissioner Brannon, to suspend the issuance of all building permits for 15 days in Driftwood Estates Phase IB and Phase IIC, Driftwood Trails and for the Board to revisit the issue at the June 26, 2007 Board meeting at the Walton County Courthouse in DeFuniak Springs.

Mr. Osborne requested that the moratorium be enacted until the July 10, 2007 meeting which is to be held at the South Walton Annex. He invited the Board and county staff to visit Driftwood Estates and to meet with him regarding the issues.

Mr. Bell stated that a special meeting can be scheduled at 5:00 p.m. on Thursday, June 28, 2007 at the South Walton Annex.

Commissioner Comander amended her motion and Commissioner Brannon amended his second to enact a moratorium on all building permits in Driftwood Estates Phase IB and IIC, Driftwood Trails, until June 28, 2007 and to schedule a special meeting regarding the issue at 5:00 p.m. on June 28, 2007 at the South Walton Annex. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Pridgen called to order a public hearing to consider the proposed parking facility plan of reconstruction as part of Phase II of the Beautification Project for Scenic Gulf Drive.

The Board recessed briefly at 5:40 p.m. and reconvened at 5:50 p.m.

Attorney Mike Chesser, Chesser and Barr, PA, stated that he was asked by citizens opposed to the proposed parking structure to investigate the chain of title for the property on Scenic Gulf Drive. He felt that the controlling document is a Deed of Scenic and Open Space Easement which conveys a negative easement and that the owner, SRI, can do nothing that precludes citizens from being able to view the ocean. He added that the title search has not been completed. Mr. Chesser stated a 200 ft. piece of property was given to the Seascape Home Owners' Association by SRI and has been used for unauthorized public parking.

Mr. Cliff Knauer, Prebble-Rish, Inc., gave a Power Point presentation regarding options for the Scenic Gulf Drive right-of-way improvements. He presented four options and discussed each, including re-vegetation and storm water retention plans. Option 1 includes plans for a timber, pedestrian boardwalk connecting to the dune crossovers and will provide 96 parking spaces and eight handicapped spaces on a concrete pad. The estimated cost is \$825,000. Option 2 includes plans for an elevated, concrete parking deck and six-foot timber boardwalk for access to the beach crossovers and will provide 131 parking spaces and seven handicapped spaces. The parking deck will be within the county's right-of-way, but the boardwalk will require an easement from Seascape. The estimated cost is \$4,125,000. Option 3 includes plans for a timber boardwalk leading to the dune crossovers and will provide 114 parking spaces and eight handicapped spaces on an asphalt pad with a lime rock base. This option will require relocation of the bike path to the north side of the parking area and will require an easement from Seascape. The estimated cost is \$925,000. Option 4 is the same as Option 2 except the existing travel lane will be shifted 12 ft. north and will provide 131 parking spaces and seven handicapped spaces. The estimated cost is \$4,725,000. Mr. Knauer explained that the county is obligated to provide at least 100 spaces in the area as a result of the beach re-nourishment.

Mr. Bill White spoke in objection to constructing parking lots on the beach. He submitted petitions and emails in objection to the parking plans.

Commissioner Meadows questioned if those in objection to the parking lot are aware that the proposal is to construct parking spaces in the county right-of-way.

Chairman Brannon commented that a distinction should be made between constructing a parking lot in the county's right-of-way and constructing a parking lot on the beach.

Mr. Bob Girandin discussed damage to the right-of-way at Pompano Joe's. He felt that all of the proposals will attribute to loss of the beach, are not in the interest of the citizens, and defeat the goals of the Walton County Comprehensive Plan. Mr. Girandin felt that Mr. Chesser had given a legal opinion regarding the deed.

Commissioner Jones stated that Mr. Chesser did not give a legal opinion and had stated that he had not completed the title search and did not know what the results of that search would be.

Commissioner Meadows requested the public's opinion regarding parking options. Mr. White stated that he would like the Board to enact a parking restriction along the beach.

Mr. Lewis Long, Chesser and Barr, P.A., stated that the 1800 ft. east of Whale's Tail is owned by SRI. He elaborated on Mr. Chesser's comments regarding the title and easement.

Commissioner Jones asked Mr. Long if the document submitted by Mr. Chesser has any bearing on the county right-of-way. Mr. Long acknowledged that it does not, but added that any structure built on SRI property will require an easement.

Commissioner Meadows requested whether the beach owned by SRI has public access. Mr. Long replied that he has not seen any document conveying public access.

Mr. White stated that, of the 1800 ft. owned by SRI, 200 ft. was deeded to the Seascape Master Association and gives Majestic Sun, Seascape, and Eerie Dunes deeded access to the beach; another 50 ft. x 70 ft. section is privately owned; and the balance is owned by SRI.

Commissioner Meadows asked if the public has been allowed to use the beach. Mr. White replied that it is being done, but that he is not aware if it is legal.

Ms. Susan Harris discussed the threat of litigation which may result if a parking lot is constructed that allows the public to access a private beach. Commissioner Meadows asked why SRI does not ask unauthorized visitors to leave. Ms. Harris replied that people access all beaches regardless of the status. She asked Commissioner Meadows if the Board intends for the public to utilize the parking spaces. She added that the county previously placed "No Parking" signs in the area but recently removed them. Based on the proposals discussed by Mr. Knauer, she calculated the least expensive option at \$7,000 per parking space.

Mr. Bobby Frye, President, Empress Board of Directors, discussed issues with people parking at the Empress on the north and south sides of the road. He stated that residents of the Empress were surveyed and that an overwhelming majority are in favor of Option 1. Mr. Frye added that the residents will not support any option which involves moving the road.

Mr. Don Williams, President, Majestic Sun Homeowners' Association, asked Mr. Knauer to explain a photo of Option 2 which he felt shows the parking plan encroaching over the right-of-way line. Mr. Knauer stated that the revised plan shows a 2 ft. reduction in size and that there is no encroachment.

Mr. Knauer explained that the only fill to be used is for the re-nourishment of the sea oats.

Commissioner Meadows questioned the parties included in the document submitted by Mr. Chesser. Mr. Burke read portions of the deed into the record. He felt that the purpose of the easement is public use.

Mr. Long stated that SRI owns the easement and requested that the Board consider the amount of money proposed to provide parking for what he feels is private parking.

Commissioner Brannon asked if Mr. Long represents SRI. Mr. Long replied that he represents Majestic Sun.

Commissioner Jones asked Mr. Long whether he was certain that there is no public beach access. Mr. Long could not verify the existence or lack thereof a public access and acknowledged that the title work is not complete.

Mr. White read from sections one, four, and eight of the deed submitted by Mr. Chesser.

Ms. Joan Lee spoke in opposition to the parking proposal and read a prepared statement into the record.

Commissioner Meadows felt that the Board should continue the discussion until the July 10, 2007 Board meeting to allow staff to research the issue.

Mr. Brad Pickel spoke on behalf of the TDC. He stated that the county was given credit for 3,380 feet of beach at a rate of construction cost at \$730 per foot, which totaled \$2.4 million. Mr. Pickel explained that the state paid 50% of that cost, which will have to be reimbursed if a proposal is not approved, and that the area will no longer be eligible for state or federal funding.

Mr. Bob Hudson requested that the Board provide the public cost benefit for each project.

Ms. Velma Jones was in opposition to the parking plan and discussed the association fees charged by Seascape.

Ms. Barbara Gramaldi spoke in objection to the parking structure.

Motion by Commissioner Meadows, second by Commissioner Brannon, to eliminate Options 2 and 4 and to consider Options 1 and 3 at the July 10, 2007 Board meeting.

Mr. Richard Dickerson suggested fencing the area and planting vegetation to eliminate all parking.

Commissioner Meadows questioned where the local people are to park when visiting that area of the beach.

A vote was called for the motion on the floor. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

The Board recessed at 7:15 p.m. and reconvened at 7:30 p.m.

Mr. Allen Brown, Deputy Public Works Director, requested the Board's approval of a Scenic Gulf Drive deductive change order in the amount of \$175,472.62. The new project total is \$1,458,370.38.

Motion by Commissioner Brannon, second by Commissioner Jones, to approve the change order as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Brown requested that ITB # 07-034, Bridge Materials for Narrows Creek, be awarded to the lowest bidder, Hanson Pipe, in the amount of \$47,871.05.

Motion by Commissioner Jones, second by Commissioner Comander, to award the bid to Hanson Pipe as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Burke presented a draft of an agreement between Walton County and the US Environmental Protection Agency regarding the EPA's allegation that the county, without authorization, discharged, dredged, and/or placed fill into wetlands in the area of Old Blue

Mountain Beach Road in September 2005. He stated that the county does not admit or deny any of the allegations, but recommended settlement to avoid litigation. Mr. Burke added that the county agreed to complete a Nature Walk in Gaskin Park and to hold a Public Works training day in lieu of paying \$28,000 in fines.

Motion by Commissioner Comander, second by Commissioner Brannon, to approve the agreement as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Brown requested that RFP # 07-032, Gaskin Playground and Nature Walk, be awarded to the lowest bidder, Decks-n-Such Marine, Inc., for 1275 linear feet of walkway. The bid was awarded based on the firm that could provide the most linear feet of deck for the amount of money the county is required to spend.

Motion by Commissioner Jones, second by Commissioner Meadows, to award the bid as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Ed Baltzley, Emergency Response Director, requested approval of the renewal of the US Department of Interior US Geological Survey Joint Funding Agreement for hydrologic data collection.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the agreement renewal as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Ms. Karyn Norton gave an update regarding Walton County's participation in the Escambia County Housing Finance Authority's 2004, 2006, 2007A and 2007B First Time

Homebuyer Program. She stated that 14 loans totaling approximately \$1.8 million have been awarded since 2004. She submitted a chart and brochures.

On behalf of Marshall Adkinson, Lieutenant Michael Barker presented a request for assistance funding 14 radar units at \$3095 each for the DeFuniak Springs Police Department. He stated that 1000 tickets have been written in 2007 and discussed the portion of those fines which go to the Board. Information was submitted.

Commissioner Meadows questioned what portion the county retains. Ms. Ingle replied that the county receives \$19.50, with \$15 remaining in the county and \$4.50 going to law education in the Sheriff's Department budget. She stated that the funds are earmarked. Lt. Barker added that the Board receives \$65 from criminal traffic fines.

Commissioner Pridgen felt that Lt. Barker should work with Mr. Imfeld regarding budgeting. He also discussed impending budget cuts.

Commissioner Meadows and Commissioner Jones also commented on the budget cuts and felt that the Board should be hesitant in granting the request.

The Board concurred that no action should be taken until decisions regarding the budget are made.

Captain Danny Glidewell, Department of Corrections, requested that the Board approve a Protective Custody Without Consent Affidavit to offer the county protection when enforcing the Marchman Act, which is a state statute allowing those who are impaired and/or have drug and/or alcohol addition problems to be taken into custody and detained at the county jail or delivered to a detoxification center or hospital.

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

Mr. Lloyd Blue, Regional Utilities, stated that property deeded to Regional Utilities by the county contains an erroneous legal description. He requested that legal staff review the survey so that the description can be changed.

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

Mr. Ken Little, Citizens Services Director, requested approval of the following appointments: Mr. James McLeod, District 1, Recreation Board, and Mr. Kevin Wilkerson, District 2, Zoning Board of Adjustments.

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

Mr. Rick Millard, Construction Manager, presented several change orders for the new courthouse representing an increase of \$32,663.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the change orders as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Burke requested that the Board approve two settlement agreements in the appeals to litigation with Dave's Glass and Mirror and Footprints Gifts. The agreement involves the county waiving all previously assessed fines once compliance with the Land Development Code is

verified. Dave's Glass and Mirror is to remove their signage and erect and maintain new signage in compliance with Chapter 13 of the Land Development Code. Once the fines are waived they are to file a Motion to Dismiss with Prejudice. Footprints Gifts is to submit a plan to bring their facility into compliance, including a plan to screen the outdoor merchandise, by June 18, 2007. Mr. Kevin Hargett, Code Enforcement, is to meet with Footprints Gifts within ten days of submittal to determine compliancy. If an agreement is not reached by June 30, 2007, the settlement agreement will be deemed null and void. If an agreement is reached, the county will issue a letter of approval and Footprints Gifts will have 60 days to bring the facility into compliance. Both parties are responsible for their respective legal costs. Mr. Burke explained that approximately \$167,000 in fines are to be waived; however, will not be if the parties do not uphold their responsibilities as stated in the settlement agreements. He recommended the settlement agreement due to the cost of litigating the appeal. Information was submitted.

Ms. Blackshear explained that staff from the Planning and Environmental Departments will review the plans to determine compliancy.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the settlement agreements as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell reported that the appraised value of the GEC Park on JD Miller Road is \$1.75 million.

Commissioner Meadows explained that a grant application was submitted for the purchase of the property. If approved, the county will be required to provide a 20% match of \$360,000. She requested that the Board enter into a contract for purchase at the appraised price with a \$360,000 down payment. If the grant funds are received, the remainder will be

reimbursed, if not it will be paid using the SunTrust Bank Line of Credit and Recreational Plat Fees.

Motion by Commissioner Meadows, second by Commissioner Comander, to move forth with the contract with a down payment of \$360,000. If the grant is received, 80% of the \$1.75 million purchase price will be recouped, if not the balance of the payment is to be made using Recreational Plat Fees and the SunTrust Bank Line of Credit.

Commissioner Comander questioned the amount of funds remaining in the SunTrust Bank Line of Credit. Mr. Bell replied that approximately \$800,000 remains in the portion allocated to purchase recreational sites in south Walton County.

Commissioner Brannon questioned when the grants are to be awarded. Mr. Bell replied September or October 2007.

Commissioner Meadows stated that the plans include a community building, two tennis courts, and a nature walk.

Commissioner Comander asked if grants can be obtained to build the buildings and tennis courts. Mr. Bell replied that those grants can be applied for once the county owns the property.

Ms. Nelson spoke in favor of purchasing the property.

A vote was called for the motion on the floor. Ayes 3, Nays 2. Jones Nay, Meadows Aye, Pridgen Nay, Brannon Aye, and Comander Aye.

Mr. Bell presented an offer from Mr. Bill Head for the county to purchase Lot 25 adjacent to the Eastern Lake outfall. He added that Mr. Head has agreed to accept a reduced price once the appraisals are received. He recommended that the Board move forth with an appraisal.

Mr. Knauer stated that the lot is directly west of the TDC's 33 ft. easement which runs north/south to the Gulf of Mexico. He stated that it is unknown whether obtaining this property will provide a long-term solution to the drainage issues.

Motion by Commissioner Meadows, second by Commissioner Comander, to move forth with the appraisal. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell requested that the Board allow Mr. Knauer to apply for an emergency DEP permit to open the Eastern Lake outfall.

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

Mr. Bell presented a Letter of Interest from Mr. Bart A. Begley, President and CEO, Emerald Waste Services, regarding the possible sale or managed lease of the Walton County Central Landfill. Attorney George Ralph Miller was present to represent Mr. Begley.

Commissioner Meadows requested an overview of the financial advantages and/or disadvantages.

Commissioner Comander requested that the landfill employees be made aware of the discussion.

(Commissioner Jones exited briefly at 8:20 p.m. and returned 8:21 p.m. Commissioner Brannon exited at 8:22 p.m.)

Mr. Bell presented a request from Ms. Bonnie McQuiston, Workforce Housing Board, to temporarily appoint an employee to fill Mr. Gary Mattison's seat. Mr. Linda Robinson, Interim Human Director, was offered the appointment, but declined due to work constraints.

Motion by Commissioner Jones, second by Commissioner Comander, to authorize Mr. Bell to make the appointment. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, and Comander Aye.

Mr. Bell presented a proposal for Connelly Wicker, Inc., to oversee the Construction Administration of Freeport Park Phase I at a cost of \$55,000. He explained that these funds will be paid from the \$5 million the Board budgeted for the project.

Commissioner Comander suggested waiting until the budget process is complete to take action on the proposal.

Commissioner Jones asked if this project is part of the Crystal Beach development. Mr. Bell replied no and added that this proposal is for the engineer who will sign off on the plans and apply for the necessary permits. He added that Connelly Wicker, Inc., drew the plans.

Commissioner Meadows questioned if the proposal should be subject to the bid process. Mr. Bell replied that the Board has Connelly Wicker, Inc., under contract.

Motion by Commissioner Comander, second by Commissioner Jones, to approve the request as presented with the understanding that the total cost is not to exceed the \$5 million budgeted for the project. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, and Comander Aye.

Mr. Bell presented a map of the county-owned property adjacent the Newbould Property on Triple G Road and of possible uses for the Newbould property. He stated that Mr. Bob Newbould has agreed to accept \$75,000 for the property. Mr. Bell stated that one suggested use for the property is an inmate garden which will reduce the jail's budget.

(Commissioner Brannon returned at 8:29 p.m.)

Commissioner Comander was in favor of an inmate garden but questioned other possible locations.

Motion by Commissioner Jones, second by Commissioner Comander, to reject the offer and to convey to Mr. Newbould that the Board may be interested in the future. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell requested approval to place off-duty deputies at Morrison Springs on weekends through Labor Day 2007 at an estimated cost of \$25 per hour. He estimated a total cost of \$6000-\$8000 for the entire season.

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

Mr. Bell presented a proposal from Mr. Charles Moll for the county to purchase 5.8 acres adjacent Helen McCall Park for \$1.5 million. Due to budget restraints, the Board directed Mr. Bell to refuse the offer.

Mr. Bell presented a request from Mr. Robert Nelson, Code Enforcement Board, to be reimbursed \$335.90 for attending Code Enforcement Board Meetings for fiscal years 2005 and 2006.

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

Mr. Bell stated that he will contact Mr. Bob Smith, Economic Development Council, regarding the scheduling of a joint meeting with the BCC and Economic Development Council.

Mr. Bell stated that the employees of the Walton Correctional Institute requested that a resolution be drafted to thank Mr. Carl Kirkland for his 42 years of service. He stated that a retirement ceremony will be held June 15, 2007, at the DeFuniak Springs Civic Center.

Motion by Commissioner Jones, second by Commissioner Comander, to have staff draft the resolution as requested (2007-49). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Attorney Chris Cadenhead stated that his clients, Mr. and Ms. Thomas and Aurora Birch, own a parcel in the Mack Bayou area which is landlocked and that he has requested as easement across state land. He requested that the Board authorize Commissioner Pridgen to sign a letter to the state indicating that the easement will be beneficial to Walton County and consistent with the Comprehensive Plan. A copy of the letter and supporting information was submitted.

Mr. Bell submitted an alternate letter in support of the application for easement.

Commissioner Brannon questioned the length of the road. Mr. Cadenhead replied 250 ft.

Mr. Cadenhead clarified that the letter does not constitute any commitment by the county.

Commissioner Meadows questioned possible improvements to Goldsby Road. Mr. Cadenhead stated that a portion of the dirt road at the end of Goldsby Road will need improvements.

(Commissioner Jones exited at 8:47 p.m.)

Motion by Commissioner Meadows, second by Commissioner Brannon, to allow Commissioner Pridgen to sign the letter submitted by Mr. Bell. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Motion by Commissioner Meadows, second by Commissioner Brannon, to expand the median maintenance contract to include an additional .7 miles of median on US Highway 98 contingent upon the grant for landscaping being awarded.

Commissioner Comander questioned the maintenance contract. Commissioner Meadows explained that the Board agreed to provide maintenance when the grant application was submitted by the Scenic Corridor Association.

Commissioner Meadows stated that the current maintenance contract includes 26 miles of bike paths, CR 395, CR 393, CR 283, the Coastal Annex Library and GEC grounds at a cost of \$20,000 per month. Mr. Imfeld added that the RFP was recently renewed and that the bids are higher.

Commissioner Comander suggested allowing county crews to do the maintenance. Commissioner Meadows replied that the suggestion can be considered during the budget process.

A vote was called for the motion of the floor. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

(Commissioner Jones returned at 8:53 p.m.)

Commissioner Meadows requested information regarding uses of the Preservation Buy-Out Fund and requested that a policy be drafted to collect and designate funds by district as are the Recreational Plat Fees.

Mr. Imfeld stated that \$625,000 is available.

Ms. Anita Page stated that the fund was established by Resolution 2002-05 and that the intentions are for the “restoration of native vegetation on public lands as the public need shall justify”.

Commissioner Meadows felt that clarification is necessary since the term restoration implies that there was a taking. She stated that she was not aware of that happening on public lands. Ms. Page gave examples such as Cessna Landing and Legions Park.

Commissioner Meadows also questioned who would approve usage of the funds and on which projects.

Mr. Burke stated that legal staff will work with the Planning Department to draft a policy which is in compliance with the Land Development Code and Comprehensive Plan.

Motion by Commissioner Meadows, second by Commissioner Brannon, to utilize the Sidewalk Funds to design, permit, and construct an eight-foot sidewalk onto the west side of Moll Drive connecting to Helen McCall Park. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Motion by Commissioner Meadows, second by Commissioner Comander, to utilize the sidewalk funds to design, permit, and construct an eight-foot sidewalk on Mack Bayou Road if the right-of-way is available. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Meadows requested that ADA funds be used to pay for the construction and installation of two memorial signs for the late Mr. Don Crim at the Santa Clara Beach Access at a cost of \$850. Information was submitted.

Mr. Kevin Chilcutt, ADA Committee, stated that a committee member suggested a revision to the proposed language. He added that there may only be a need for one sign.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve the request as presented and to use ADA funds. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Crim's family was present and expressed their gratitude for the Board's recognition.

Motion by Commissioner Meadows, second by Commissioner Comander, to adopt a resolution declaring June as recycling month (**2007-50**). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Meadows requested approval of a lease agreement for vacant property at the intersection of CR 393 and CR 30A from June 15, 2007 to September 4, 2007 at a cost of \$10,000 and from March 1, 2008 to September 2008 at a cost of \$16,050. If approved, the property will be used as a parking lot for Ed Walline Park and the cost will be divided equally between the Board and the TDC.

Mr. Kramer stated that his client would prefer to negotiate a separate lease next year.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the lease agreement from June 15, 2007 to September 4, 2007 at a cost of \$10,000 to be divided equally by the Board and TDC. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Motion by Commissioner Meadows, second by Commissioner Jones, to advertise for RFQ's for design services for the master plan of Helen McCall Park, including the children's park, to be paid for using Recreational Plat Fees. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Jones stated that various companies have expressed interest in locating to the Mossy Head Industrial Park. He requested that Mr. Bell be designated to negotiate with the interested parties and to act as the liaison for the Board.

Motion by Commissioner Jones, second by Commissioner Comander, to designate Mr. Bell to negotiate with individuals regarding the Mossy Head Industrial Park. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Pridgen reported that the Chairman of the Okaloosa County Board of County Commissioners requested that the Board delay scheduling a joint meeting until after the budget process is complete. He added that it was requested that representatives from Santa Rosa County be included.

(The Board recessed briefly at 9:15 p.m. and reconvened at 9:21 p.m.)

Ms. Pat Blackshear, Planning and Development Director, requested that the Board rescind action taken at the April 24, 2007 Board Meeting to approve Santiago Diner structure even though it had been denied by the Design Review Board. She stated that all approvals are to remain in place with the exception of the structure's external appearance and added that the applicant can apply for a variance.

Mr. William C. Horne, Engineer, was present to represent the applicant, Mr. and Mrs. Victor and Maria Santiago. He stated that his clients would like the Board to uphold their previous decision.

Commissioner Meadows stated that the diner sat empty for almost one year without complaint. She felt that staff should advise applicants of what will and will not be approved before projects come before the Board. Commissioner Meadows stated that she would like the applicant to be scheduled at the next Board of Adjustments hearing, for the fees to be waived, and for staff to work with the applicants to get the project approved.

Ms. Blackshear stated that staff will work with the applicants.

Motion by Commissioner Meadows, second by Commissioner Jones, to rescind the Board's previous approval as it relates to structure approval and to schedule the project at the next Board of Adjustments hearing, waive the fees, and for staff to work with the applicants to get the project approved. Ayes 4, Nays 1. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Nay, and Comander Aye.

Ms. Blackshear requested that the Board accept two 10 ft. drainage easements, one each from Ms. Sharon Cruit and Ms. Dorcas Beckstrom.

Motion by Commissioner Jones, second by Commissioner Brannon, to accept and execute the deeds for recordation. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Ms. Blackshear presented the first reading of the proposed Proportionate Fair Share Ordinance to amend Chapter III and Appendix C-3 of the Walton County Land Development Code to provide for the expiration of certificates of concurrency and to adjust the methodology for determining the roads impacted by development; providing for severability; providing for repeal of conflicting provisions, and providing an effective date. She explained that an amended technical appendix has been attached. Ms. Blackshear requested that a second hearing date be set.

Commissioner Comander questioned the expiration of new and existing final orders and of language regarding "timely completion of a site's infrastructure". Mr. Ken Goldberg, an attorney representing the Planning Department, explained that the main purpose is to "free-up traffic from stale development orders".

(Commissioner Meadows exited briefly at 9:35 p.m. returned at 9:37 p.m.)

Mr. Lamar Conerly, investor and founder, Community Bank of Florida, stated that he and his partners were interested in locating a branch in Walton County; however, due to the ambiguity in proportionate fair share calculation methods, they located the branch in Okaloosa County. He requested that a method be employed so that they may move forward with locating a facility in Walton County.

Mr. Kramer requested clarification regarding existing development orders and pre-existing final orders. Ms. Blackshear stated that it refers to any final orders which have not received a development order at the time of adoption. He also questioned whether language addressing “de minimis” impacts on designated hurricane evacuation routes refers to county, state, or federal designation. Ms. Blackshear stated that the language in the ordinance is in compliance with Florida Statute 163.

Mr. Blue questioned the possibility of impact fees. He stated that the burden of paying for new roads should not fall on the last developers in an area.

Commissioner Comander expressed concern over the impact of the ordinance on small developers.

Mr. Donald Rutland echoed the concerns of Mr. Blue.

Mr. Goldberg stated that there are a few discrepancies which staff will need to correct before the second reading.

Mr. Allen Ficarra spoke in favor of impact fees.

Ms. Page also spoke in favor of impact fees and questioned the relationship between impact fees and the Proportionate Fair Share Ordinance. Ms. Blackshear explained that proportionate fare share is applicable when a project is out of concurrency while impact fees are based on a “needs plan” which will have to pass a rational nexus test.

Ms. Piper Gaffrey requested clarification regarding redevelopment and questioned the existence of the county's five-year plan. Ms. Blackshear explained that if the net change is zero, no proportionate fair share is assessed. She urged Ms. Gaffrey to speak with staff.

Motion by Commissioner Meadows, second by Commissioner Comander, to schedule a second public hearing to consider the proposed Proportionate Fair Share Ordinance. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Ms. Blackshear presented the second reading of the proposed ordinance to amend the Walton County Land Development Code section 2.01.03(M) regulating drive-through facilities in Coastal Center land use district; providing for severability, repealing all provisions in conflict herewith and providing for an effective date. She reviewed previously expressed concerns over limiting the ordinance to one type of use, accessing from US Highway 98 or US Highway 331, and the location of the actual drive-through. Staff found the ordinance consistent with the Land Development Code and Comprehensive Plan.

Mr. Kramer spoke in objection to restricting the ordinance to financial institutions and of limiting it to those with access on US Highway 331 and US Highway 98.

Mr. Conerly discussed the steps taken in trying to locate a branch of the Community Bank of Florida to Walton County. He submitted a memo and map with information regarding all facilities with drive-through windows in areas zoned Coastal Center. Mr. Conerly asked that his project be given fair consideration.

Commissioner Comander questioned if the purpose is to limit fast food restaurants. Ms. Blackshear stated that the main concern is accessing through residential streets. She added that staff felt that drive-through restaurants and financial institutions have differing impacts on residential areas and that those issues need to be addressed through an amendment.

Motion by Commissioner Meadows, second by Commissioner Brannon, to adopt the proposed ordinance as written and presented by staff.

Commissioner Jones felt that all aspects of drive-through facilities should be addressed in lieu of limiting the ordinance to one specific type of facility.

Mr. Kramer again requested that changes be made regarding the allowable accesses.

A vote was called for the motion on the floor (**2007-07**). Ayes 3, Nays 2. Jones Nay, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Nay.

Ms. Blackshear requested that the proposed ordinance to amend Chapter 13 of the Walton County Land Development Code section 13.02.00, the Route 30A scenic corridor be continued to the June 26, 2007 Board meeting.

Motion by Commissioner Jones, second by Commissioner Meadows, to continue the public hearing to the June 26, 2007 Board meeting. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Ms. Blackshear presented the second reading of a proposed ordinance to amend Chapter IV of the Walton County Land Development Code section 4.01.03, restrictions on development; providing for intent and purpose; enforcement and penalties; interpretation, authority; severability; and effective date. She stated that language regarding a 5000 sq. ft. minimal lot size and treatment of the preservation area. Staff found the ordinance consistent with the Land Development Code and Comprehensive Plan.

(Commissioner Brannon exited briefly at 10:22 p.m. and returned at 10:23 p.m.)

Mr. Kramer requested clarification regarding impacts.

Ms. Page spoke in support of the ordinance.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the ordinance as written and presented by staff (2007-06). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Burke 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 Topsail Walk, which consists of 24 single-family lots and parcel "B" on 9.73 +/- acres with a future land use designation of Neighborhood Planning Area/Infill. The site is located approximately 1.3 miles north of the intersection of U S Highway 98 and East Hewitt Road. Staff found the project consistent with the Land Development Code and Comprehensive Plan.

Mr. Shannon Clatchey was present to represent the applicant BDR Development.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the final plat of Topsail Walk for recordation as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Ms. Blackshear presented a request by applicant, Mary Robin Jurkiewicz, for an extension of the Quattour Development Order. The Board previously approved the major development order for a 4-lot single family subdivision on 1.14 acres with a future land use of Infill. The site is located at 10942 County Highway 30A East. Staff found the project consistent with the Land Development Code and Comprehensive Plan.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the one-year extension of the Quattour Development Order as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Meadows and Commissioner Comander each submitted an ex parte communication form regarding Santiago Diner.

There being no further business to come before the Board, the meeting adjourned at 10:30 p.m.

APPROVED: _____
Kenneth Pridgen, Chair

ATTEST: _____
Martha Ingle, Clerk of Court