

August 14, 2007-Regular Meeting

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, August 14, 2007 at 4:00 p.m., at the South Walton Courthouse Annex.

The following Board members were present: Commissioner Kenneth Pridgen, Chairman; Commissioner Cindy Meadows, Vice-Chair; Commissioner Larry Jones, 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 Jones led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Pridgen called the meeting to order.

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 1,776,129.27
County Transportation	\$ 627,453.41
SHIP	\$ 14,576.60
Fine & Forfeiture	\$ 951,429.00
Debt Service Hospital	\$ -
Mosq. Control State	\$ -
Mott Sign Grant	\$ -
Section 8 Housing	\$ 128,175.49
Tourist Dev. Council	\$ 281,122.56
N.W. Mosquito Control	\$ 60,572.52
W. Co. Library	\$ 15,551.74
Tax Deed Surplus Trust	\$ -
Recreation Plat Fee	\$ 4,800.00
Public Safety- 911	\$ 34,905.72
Solid Waste Enterprise	\$ 324,233.31
Mossy Head VFD	\$ -
Glendale VFD	\$ 3,957.96
Darlington VFD	\$ -
Red Bay VFD	\$ -
Preservation	\$ -
Sidewalk Fund	\$ -
Local Option Gas Tax	\$ -
Special Law Enf. Trust	\$ -
Driftwood Debt Service	\$ -

Criminal Justice Ed Fund	\$	10,000.00
Bldg Dept/Enterp. Fund	\$	4,743.46
Capital Projects Fund	\$	115,605.11
Imperial Lakes MSBU	\$	2,765.91
Inmate Canteen Fund	\$	4,217.99
Totals		\$ 4,360,240.05

2. Approve Minutes: July 10, 2007 Special and Regular Meetings and July 24, 2007 Regular Meeting
3. Approve Resolution to amend the budget to roll forward EMS County Grant Funds
4. Approve Resolution to amend the budget for the Bank Funding of Fire Truck Leases
5. Request to surplus equipment and furniture from the old jail
6. Approve Investment Report for quarter ended June 30, 2007
7. Byrne Grant for the Sheriff's Office
8. Approve Resolution 2007-72 honoring Mr. Don Crim
9. Approve Small County Solid Waste Grant Agreements
10. Approve FY 08 Hazards Analysis Update Contract
11. Approval to utilize District 5 Plat Fees to purchase swings and basketball goals for Legion Park

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

The Board of Commissioners presented to the family of Mr. Don Crim a plaque and Resolution declaring August 14, 2007 as Don Crim Day. This presentation was made in honor and appreciation of Mr. Crim and the work that he performed on behalf of the Walton County ADA and Disabled Americans. Mr. Ronnie Bell announced a ceremony will be held on August 25, 2007 at 10:00 a.m. at the Santa Clara Beach Access on Scenic 30A in Seagrove Beach to dedicate the access in memory of Mr. Crim.

Mr. Aaron Warren, Public Works Department, presented information regarding the installation of a fence on Watson Road. The County has been maintaining Watson Road for the last seven years. He presented a survey for the Commissioners signature and recordation.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the Chairman's signature and recording of the survey. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Officer Danny Glidewell, Walton County Department of Corrections, requested the Board approve a contract with Calhoun County to house inmates in the Walton County Jail. He stated the price per inmate is still in negotiations. The offer of \$50 per day per inmate was made to Calhoun County and their counter offer was \$40. The cost of adding additional inmates is \$10 per day. He asked that the Board approve the \$40 per day cost. Officer Glidewell stated the agreement provides for up to 30 inmates per day.

Commissioner Jones asked if the time frame of the contract was open ended. Officer Glidewell stated that it was.

Commissioner Comander asked if a written notice was required to end the contract and how long before all the pods are filled. Officer Glidewell stated that it would be several years before all the spaces would be filled. He also said the second pod would not be used without an agreement from the Federal Government for more inmates. The first unit has the capacity to house 328 inmates. He stated, with the help of the county attorney, a written notice clause would be added to the agreement.

Commissioner Jones suggested a 90 days written notice provision be added to the agreement and the contract be renegotiated after 12 months.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the contract with the changes as discussed. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Officer Glidewell stated that Calhoun County is responsible for the medicine and the insurance liability.

Officer Glidewell presented the new Inmate Handbook to the Board for approval. He stated the new handbook works jointly with the current operations of the new jail.

Commissioner Comander noted that the handbook had been printed in English and Spanish. She asked if the Spanish speaking inmates were being taught English. Officer Glidewell stated that Rev. Gene Williams was teaching an English class after the scheduled Sunday night church services. He stated this service was provided at no expense to the county.

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

Mr. Rick Millard, Construction Manager, presented the Animal Shelter design and bid. He asked for permission to proceed with in-house construction management. He stated that money was saved by waiting the past few months. The cost to build is now \$2.5 million and he is hoping to save another \$250,000 with the changes listed in Section 01230 Alternates. He asked for the Board's approval to seek proposals for a total cost to complete. Bids from the contractors will be taken based on documents submitted and allow them to value engineer some deductions from their side as well. He said this would do away with change orders.

Mr. Millard stated that some inmate labor would be used, however, liability issues must be considered.

Mr. Ronnie Bell, County Administrator, stated inmates could not be used on the construction sight, but instead for landscaping and working with the facility once it is operational.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the design and approve to advertise for bids for the Walton County Animal Shelter. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Millard presented the South Walton Educational Complex design, drawing status and construction cost. He said with the budget cuts and changes in tax laws, \$20 million is more than what the county could afford. The architects revised the plans and were able to submit a new plan at a cost of \$9.5 million. Mr. Millard stated because of the tax cuts and changes, the project funds have now been allocated to other areas.

Mr. Bell asked Mr. Bill Imfeld, Walton County Finance Director, to explain how the money may be available in the 2008-09 budget. Mr. Imfeld stated that should the Sales Tax Revenues vote pass, Walton County would be required to cut an additional \$3.9 million. He stated that no money has been designated for this project in the next year's budget in hopes that funds would be available during the 2008-09 budget. Mr. Imfeld said that if the constitutional amendment passes, then the funds would not be available for two years.

Commissioner Jones stated that the shortage in the sales tax revenue is separate from the reduction of the ad valorem taxes. Mr. Imfeld agreed and stated that Walton County is required to repay the current debt service of \$1.7 million.

Commissioner Brannon asked if information was available regarding the money to be received from sales tax. Mr. Imfeld stated that Walton County is down only 1.2 %, the State is down 10%.

Commissioner Comander stated that the Planning Department needs more room. She suggested scheduling all court proceedings at the north end and use the court designated offices in the south end for the Planning Department.

Mr. Millard stated that a second option contained 42,500 square feet and the original plan held 66,000 square feet. He stated that more money may be spent to construct the building according to the Walton County code.

Commissioner Meadows asked Mr. Imfeld if money had been budgeted earlier for this project. Mr. Imfeld stated the money was designated for the design cost only.

Commissioner Meadows asked for the figures in sales tax revenue to help determine an avenue of funding. Mr. Imfeld stated that as of June 30, taxes were down 1.2%. Commissioner Meadows asked what the projected amount was for next year. Mr. Imfeld stated that it would be the same level or less.

Commissioner Brannon asked what the time frame would be in getting the information from the sales tax special sessions. Mr. Imfeld stated the next State meeting would be September 18, 2007.

Mr. Bell asked Mr. Millard to provide to the Commissioners the plans and drawing revisions. Mr. Millard stated that he would provide the information.

Commissioner Pridgen suggested stopping the design and planning until funding is available.

Motion by Commissioner Jones, second by Commissioner Comander, to cease further work on this project until funds are made available. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye. 38:10

Mr. Millard presented updates for the new Walton County Courthouse in DeFuniak Springs. He said the final touches have been made and the parking lot is underway. The moving date has been set for September 28. Mr. Millard said the renovation to the older part of the courthouse would take 90 days.

Mr. Millard presented an update on the Huettel Property. All areas have been completed with the exception of the ADA ramps which should be finished within two weeks. He stated that even though the building is operational; it would not be feasible to allow school groups to visit until the outdoor bathrooms are built.

Mr. Millard announced that the Walton County Jail is now complete.

Ms. Dawn Moliterno, Walton County Chamber Of Commerce, gave an update on the Center for Attainable Housing. She gave a brief update of the year to date functions of the housing program and the transitions it will make within the next year.

Mr. Lloyd Blue, Walton County Workforce Housing Chairman, praised the work that Ms. Moliterno and the Chamber have put into the housing program.

Mr. Jim Anders, Walton County's representative on the Northwest Florida Transportation Corridor Authority, gave a brief history of the authority. He stated that Walton County was one of eight that was represented along the U.S. 98 Corridor. He then introduced Mr. Ray Reissener, Engineer with HDR.

Mr. Reissener, presented the 2007 Master Plan recently adopted by the Northwest Florida Transportation Corridor Authority. Mr. Reissener stated that the authority will

prioritize the projects into three groups according to greatest need. He stated that U.S. 331 is one the top priority transportation thoroughfares.

Mr. Perry Wooten, C & J Land Company President, appeared before the Board to discuss the code enforcement issues regarding North Holiday Road zoning. He listed the history of the problems, the procedures and the effects of litigation. Mr. Wooten stated that he had sought the County's advice when developing his property. He also stated his property is in compliance and he asked the Board to take action against Mr. Judkins who has built an out building which he feels is out of compliance.

Commissioner Comander left the meeting at 5:10.

Ms. Pat Blackshear, Walton County Growth Management Director, stated that Mr. Wooten had been cooperative with staff. She stated that the staff investigation report had not yet been drafted but would be ready for the August 28 Board meeting. The goal of the county is to make the roadway safer in front the businesses.

Commissioner Pridgen stated that the Board was unable to take any action and suggested he give all his information to Ms. Blackshear. Ms. Blackshear stated that staff is trying to determine whether there is an actual code violation. She stated the Code Enforcement Board would be the entity to handle the procedures if either one of the businesses is in violation.

Commissioner Jones exited the meeting at 5:20 p.m.

Chairman Pridgen called to order the second public hearing to discuss an Ordinance (2007-38) placing a moratorium on new construction in Driftwood Estates.

Mr. Mike Burke, Interim County Attorney, reminded the Board that Commissioner Meadows had suggested that Hardship Relief (Section 3) and Vested

Rights (Section 4) be removed. The removal of these two sections would mean the removal of Appeals (Section 5) as well.

Commissioner Comander returned to the meeting at 5:21 p.m.

Attorney George Ralph Miller, representing Olsen and Associates, stated that a moratorium will stop his client from building or selling the 200+ lots in Driftwood Estates. He asked the Board to proceed carefully and cautiously stating that passing the moratorium would be detrimental to his client. He reminded the Board that the County has viewed and approved the phases on three separate occasions. He stated that Mr. David Campbell, Olsen and Associates Engineer, was present to answer any questions from the Board.

Commissioner Meadows stated that the moratorium affects not only Mr. Olsen, but the entire arrowhead. She stated that she felt that the area south of Buck Road should be excluded since it is not a part of Driftwood Estates. She said the reason the moratorium is being considered is due to problems of flooding at the entrance to Driftwood Estates. Commissioner Meadows again proposed changing the termination date of the moratorium to November 30. She asked that part of the Hardship Relief section remain to cover true hardship cases. She also stated that the County has made plans that will relieve some of the flooding during rain events. Commissioner Meadows stated that the preliminary work for the repair is to start within two weeks.

Mr. Miller asked how Mr. Olsen's purchase of permits and building on these lots interfered with the proposed drainage work. Commissioner Meadows stated that anymore construction would cause a safety hazard to the entrance road.

Commissioner Comander stated that since Driftwood Estates is situated on a peninsula it is surrounded on three sides by water; normal rain events are not what should be the greatest concern, hurricanes should be.

Mr. Warren stated there is more than one issue involved and that Public Works has looked at the drainage around the perimeter. He stated the department has considered every avenue possible to repair the drainage including a design for an in-ground cover closed system. However with the impending budget cuts, the in-ground system far exceeded the funds available. He stated the current plan is to re-grade, maintain the current system, level up culverts and re-align the existing drainage system. Mr. Warren stated that the ditches altered by the homeowners were adding to the drainage problem. He said that the department is prepared to put out a bid for this project.

Discussion continued on the different methods to alleviate the drainage problem.

Ms. Marie Baretta, Driftwood Estates Resident, voiced her concern regarding the ditches for the new developments and the drainage flowing into the Choctawhatchee Bay.

Mr. Allen Osborne, Greater Driftwood Estates Board Member, stated that most homeowners have not altered ditches and that the problem was in the design.

Commissioner Brannon asked if the entrance road has ever become impassable. Mr. Osborne stated that it did.

Commissioner Pridgen asked how high the water got during flooding. Mr. Osborne stated 18 inches. He cautioned against the current drainage solution presented by Mr. Warren. He stated there were too many issues to be solved that would take more than what the county is offering as a solution.

Motion by Commissioner Meadows to approve Ordinance (2007-38) placing a moratorium on new construction in Driftwood Estates with the changes as follows: the exclusion of area east of Harborview Road and south of Buck Road, termination date changed to November 30, 2007, striking Section 4 and leaving Section 3 as is. Motion died for lack of second.

Commissioner Comander asked Mr. Warren how soon the county could begin work. Mr. Warren stated within the month. He stated that a meeting with a Driftwood Estates representative and their engineer is being scheduled to discuss the drainage issue.

Commissioner Pridgen asked that Mr. Burke meet with the Edmunds attorney to discuss a resolution to opening the outfall. Commissioner Meadows suggested that the Edmunds be given a time frame to accept the County's offer.

Mr. Burke recommended an offer be made to the Edmunds that included an easement to install a pipe under the property, a plan to maintain and repair the seawall, to conduct continuous water quality monitoring and to maintain the topography of that section of the bayou. He stated that the Edmunds's asked for a monetary amount to be paid, and he would not extend that offer without the permission of the Board.

Commissioner Meadows stated that if the Edmunds's did not respond to the offer within an allotted amount of time, then negotiations should cease and the Board would consider another alternative.

Mr. Burke stated he would rescind the previous offer and give them 30 days to respond. He stated should there be no response within the 30 days; the Board will take legal action to install and open up the drainage area.

Motion by Commissioner Meadows, second by Commissioner Comander, to present a 30 day offer to the Edmunds. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Mr. Shaun McBride, Driftwood resident, voiced opposition to the drainage solution proposed by Public Works.

Commissioner Jones entered at 5:14 p.m.

Ms. Tiffany McCaskill, Walton County Tourist Development Council, requested the Board accept the Scope of Services for a facilitator for the visioning of the Kellogg and Hogtown Bayou (Bayou Arts and Antiques) properties.

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

Ms. McCaskill, requested the Board award to NW Sign Industries, Inc. the bid to produce gateway and community signs. The bid is for 10 gateway signs, 23 community identification signs and 13 community connector signs. NW Sign Industries, Inc. bid of \$260,000 was the second lowest bid. The lowest bidder did not submit a bid bond and was thereby disqualified.

Motion by Commissioner Jones, second by Commissioner Meadows, to award NW Sign Industries, Inc. the bid to produce gateway and community signs. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Frank Wolfe, resident and representative of Waterside Lane, petitioned the Board to address the need for restrictions regarding businesses being run as yard sales in residential areas. He stated that Mr. Jim Horn's business, Cedar Jim's, 18596 Highway

331 S. has been causing traffic and safety problems. He urged the Board to establish yard sale restrictions stating that Mr. Horn had been advertising his business as a “yard sale” but operating throughout the year.

Commissioner Pridgen asked if there was a code enforcement case against Mr. Horn. Ms. Blackshear stated that there was a case and Mr. Horn had been issued a roadside vendors permit. She stated that it was explained to Mr. Horn not to set up shop year round and he was shut down temporarily. Ms. Blackshear assumed that Mr. Horn would be selling his wares at a flea market. She stated that the construction of products and selling them on site is not allowed and she understood that he had been shut down.

Commissioner Jones stated that someone needed to look into a code amendment addressing yard sale issues. Ms. Blackshear asked the Board to authorize staff to check into this and return with amendments to the code.

Ms. Ramona Lambert, Waterside Lane Resident, stated that Mr. Horn was manufacturing products, spraying chemicals, and having employees come to work at night. She feels that he should be issued a manufacturers license and made to comply with county regulations.

Commissioner Brannon asked if the residents had issue with the traffic or the manufacturing. Mr. Wolfe stated both.

Commissioner Comander asked Ms. Blackshear to look into code violation and investigate what other communities are doing about yard sales.

Ms. Ramona Lambert and Ms. Barbara S. Lambert, residents and representatives of Waterside Lane, petitioned the Board to pave Waterside Lane. They stated with increased traffic to the business owned by Mr. Horn the dust from the road is causing

problems for the families who live in the area. She also asked that a fire hydrant be installed.

Commissioner Comander stated that the city of Freeport would be responsible for hydrants. She said that the County has been grading the road trying to improve the conditions. She also stated that Public Works had informed her that DEP would regulate the improvements on the road. She stated that at least 50 feet of right-of-way would be needed to be able to pave the road. Mr. Randy Lindfelt, Road Foreman for District 4, polled the people about giving up land for the road project and four people told him no. Commissioner Comander stated that the road cannot be paved until everyone is willing to give up some property for right of way. She suggested the petitioners consult with Mr. Lyle Seigler and Mr. Aaron Warren of Public Works to see what could be done.

Mr. Steve Price, resident, asked that Code Enforcement also address the signage along the roadway placed by Mr. Horn.

The two items to be presented by Mr. Mike Burke, Interim County Attorney; agreement for Alan Ficarra vs. Walton County, et al. was pulled from the agenda.

Mr. Burke requested the Board approve the Walton County Surplus Property Donation Agreement to be used when property is donated to other agencies. He stated this agreement will protect the county from possible liabilities.

Commissioner Jones asked that the Board be notified if the property is to be transferred to another agency and be given the opportunity to regain the property.

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

Mr. Bell presented a Resolution adopted by the City of Freeport asking the FDOT to consider renaming the portion of US 331 north of Highway 20 as 331 Business. The city has asked the county adopt a similar resolution.

Motion by Commissioner Comander, second by Commissioner Meadows, to adopt a resolution (2007-74) requesting the FDOT consider renaming a portion of US 331 to 331 Business. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Bell presented a letter from the Florida Department of Agriculture and Consumer Services granting permission to the Bureau of Entomology and Pest Control to operate an aircraft over the congested areas within the specified boundaries to control pestiferous insects.

Mr. John Magee, South Walton Mosquito Control District, gave a brief history of the SWMCD. He stated the Dog Fly poses no health issues to humans or other animals. He stated the letter was to give permission to the Florida Department of Agriculture to spray only when the dog flies were causing a problem.

Ms. Gayle Powell and Ms. Susanne Marone, Coalition for a Non Toxic Environment, urged the Board to vote against the fly over stating the chemicals used are toxic to other animals and humans.

Mr. Burke asked the Department of Agriculture representative why the county is required to sign the fly over permission letter when the Mosquito Control District has that authority. Mr. Steven Sickerman stated it was to fulfill a requirement of the Federal Aviation Administration to fly under 1000 feet in congested areas. Mr. Burke asked if the type of chemicals would be left up to county officials.

Commissioner Meadows stated that the dog fly was not as dangerous as a plane flying under 1000 feet.

Commissioner Jones agreed with Commissioner Meadows and asked why the county was required to take any action. Mr. Magee stated the spraying was done over the water and the wind drifts were used to spread the spray. He suggested that the plane fly earlier in the morning when there are fewer tourists on the beach. Mr. Magee stated this was not a health issue but an economic issue, making sure tourist enjoy their stay while in Florida.

Commissioner Comander stated that if the spray was designed for tourism purposes, why spray when tourism season is nearly over. She also asked why the spray was needed when there has been no outbreak. She stated that she was more concerned about the affects of the toxins on children than the bite of the dog fly.

Mr. Sickerman stated that the dog flies migrate during the fall and the spraying is not done over the water, but up wind. He stated the EPA is not allowed to say that a pesticide is safe or non toxic.

Ms. Linda Craft, resident, spoke in opposition of the spray.

Ms. Meg Nelson, representative of MC Davis and Nokuse Plantation, voiced opposition to the spray because of the affects it has on other animals.

Motion by Commissioner Meadows, second by Commissioner Jones, to not sign the letter approving a fly over. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Bell requested the Board adopt a MSBU Preliminary Rate Resolution (2007-78) to establish a preliminary fire protection assessment rate. He stated this was the rate

that would be adopted during the upcoming year which excludes the cities of Freeport and DeFuniak Springs. The rate is \$25.00 per residential, \$.04 per square foot for commercial, \$.01 per square foot for industrial and \$.05 per square foot for institutional. He recommended that the Board approve the preliminary rate resolution with a public hearing on September 11, 2007 at 5:30 p.m.

Motion by Commissioner Jones, second by Commissioner Brannon, to adopt the preliminary rate resolution (2007-78) as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Bell requested the Board adopt a resolution (2007-77) granting utility and access easements to the Walton County School District.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve resolution (2007-77) as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Bell requested the Board's approval of a letter prepared by the engineering staff to FDOT regarding the access management around the Governmental Education Center. The letter recommends a full median opening with a south bound right hand turn lane which would require the county to give approximately 10 feet by 300 feet long right-of-way.

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

Mr. Bell stated the Fire Impact Fee Study and Fire Rescue Assessment Workshops would be scheduled for sometime in October with the times tentatively set at 2:00 p.m. and 3:00 p.m.

Commissioner Jones stated he had been contacted by constituents regarding dogs being tied instead of in a pen. He wanted the staff to look at the ordinance that addressed the provisions to address this situation.

Commissioner Brannon requested the Board adopt a resolution (2007-74) requesting the FDOT to place signs on state highways designating the named waterways, streams, branches and bayous.

Motion by Commissioner Comander, second by Commissioner Meadows, to adopt resolution 2007-74 as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Martha Ingle, Clerk of the Court, thanked Mr. Ken Little for the work he has done in helping to prepare the citizens report.

The Board recessed at 7:14 and reconvened at 7:32.

Ms. Pat Blackshear, Growth Management Director, presented the Transportation Proportionate Fair Share Agreement between Walton County and FDOT. She stated that Attachment A is a draft long term Capital Improvements Plan that will need to be brought before the Board as an advertised public hearing for adoption. She asked the Board to authorize the Chairman to execute the agreement with the understanding that the amendment will come back to the Board as a Comprehensive Plan Amendment.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the Chairman's signature on the Proportionate Fair Share Agreement. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. George Newman, Project Manager, presented six TRIP grants to be approved by the Board for application for the 2008-09 FDOT TRIP Grant Program. He requested the allocation of funds to be used against the proposed TRIP grants. Ms. Blackshear stated that even though six applications will be submitted, there is a possibility that some of the bids may not be awarded.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the Chairman's signature and submit the six project applications to the 2008-2009 TRIP Grant Program. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Blackshear presented an ordinance amending Chapter 9 and Chapter 11 of the Walton County Land Development Code to incorporate as a duty of the Board of Adjustments to hear and act upon applications for special exceptions; establishing standards and procedures for special exceptions; providing for severability; providing an effective date; and repealing all ordinances in conflict herewith. This is a second hearing for the ordinance. She stated this ordinance allows for borrow pits as a special exception in the LDC.

Commissioner Meadows asked where the changes would be located within the code. Ms. Blackshear stated Chapter 11.05.00 would be a created for this issue.

Mr. Mike Judkins spoke in opposition of the changes to the wording of the Comprehensive Plan. He feels that the changes will open the door for other allowances.

Ms. Blackshear stated the wording for special exception was specifically for borrow pits and agriculture only.

Motion by Commissioner Jones, second by Commissioner Brannon, to adopt Ordinance 2007-21 as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Blackshear presented an amended Final Order for Bear Creek Planned Unit Development. She stated the applicant requested a change to the final order. Staff supports the changes; however, Section 10.03.02 of the LDC states Quasi Judicial items must be properly advertised therefore this is for information only. She stated that the Public Hearing would be held on August 28, 2007 at the Walton County Courthouse in DeFuniak Springs at 5:00 or soon thereafter.

Ms. Blackshear presented Walton County Settlement Agreement which is a stipulated settlement between the State of Florida, Department of Community Affairs, Walton County and interveners Alan Ficarra, and EBSCO Industries, Inc. regarding Comprehensive Plan Text Amendments LSA 2005-32 and LSA 2005-34. She stated that the DCA has asked that the Transportation Relief be left in the title even though the text within the body had changed. Ms. Blackshear asked that the Board accept the settlement agreement that has the title requested by the DCA. She also stated that the ordinances deal with density policies within the regulated flood plains. Ms. Blackshear asked the Board approve that the Chairman execute the settlement agreement.

Mr. David Kramer objected to the proposed language amendment in the settlement agreement stating the public had no prior opportunity to review the changes.

Ms. Blackshear stated that these changes had been in negotiation for 2 years and the new language was meant to clarify policy.

Mr. Dean Burgis suggested changing the criteria of the agreement to address additional storage as referenced on page 2, item E. He also suggested the re-wording of section C-4.2.2 to allow for improvements to county roads.

Commissioner Meadows asked Ms. Blackshear why EBSCO intervened in this case. Ms. Blackshear stated that EBSCO was concerned about the V Zone policies.

Motion by Commissioner Jones, second by Commissioner Comander, to preliminarily approve the Chairman executing the Walton County Settlement Agreement as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Blackshear presented LSA 2005-32 Ordinance amending the Walton County Comprehensive Plan to provide for protection of flood-prone areas; setting standards for development in the special flood hazard areas; providing for mitigation; providing for severability; and providing for an effective date.

Mr. Kramer asked whether the Board was planning to consider Mr. Burgis' suggestion. Ms. Blackshear stated the intent of the policy was not against public infrastructure.

Motion by Commissioner Comander, second by Commissioner Meadows, to preliminarily adopt LSA 2005-32 Ordinance Amendment as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

The second hearing will be held on August 28, 2007 at 5:00 at the Walton County Courthouse in DeFuniak Springs.

Ms. Blackshear presented LSA 2005-34 Ordinance amending the Walton County comprehensive Plan to establish a work force housing program and to provide incentives for workforce housing development; providing for severability, and providing for an effective date.

The second hearing will be held on August 28, 2007 at 5:00 at the Walton County Courthouse in DeFuniak Springs.

The Quasi Judicial hearing was called to order and Mr. Burke administered the oath to those intending on speaking.

Mr. Burke reminded the Board and audience that the public comment portion of the Angelos Project hearing is closed.

Ex parte forms were submitted for the Angelos Project.

Mr. Charlie Clary, presented Angelos (project number 06-001-00079) a major development order application submitted by Emerald Coast Associates, consisting of 24 multi-family units of 3.57 acres with a future land use of NPA/infill. The site is located on the west side of Beachside Drive south of San Roy Road (parcel number 19-3S-18-16080-000-0162) (Angelos Exhibit #16). He also presented a current survey executed by Emerald Coast Associates. Mr. Clary stated that the largest concerns had been the 95% vegetation and the preservation of the current dune system. He stated the Angelos staff worked on changes to make this plan compliant with the code. The changes included a reduction of units from 24 to 13; a 37% reduction in building size and a 9% reduction in building width. He stated that efforts have been made to hear the concerns of the Board and residents of Walton County. He asked that feed back be given regarding the changes and an opportunity be given to sit and discuss the changes with the County Staff.

Commissioner Pridgen asked for a response from Ms. Blackshear. Ms. Blackshear stated that these changes were what the Staff had requested. She asked that the issue to be continued to give staff time to review these changes.

Mr. Jessie Rigby, Project Attorney, Clark, Partington, Hart, Larry, Bond & Stackhouse, emphasized the need to continue the proceeding for review. He stated that he feels there is no need to take the changes back to the planning board. He asked that no decision be made at this meeting, but to give staff time to review the changes.

Ms. Blackshear asked Mr. Burke if a community meeting would be required since the area is located in Infill. Mr. Burke stated that it is appropriate for the Board to continue with this matter as suggested by Mr. Rigby and the public would have the opportunity to voice their opinions.

Commissioner Jones stated since the conditions were met, staff should consider the changes instead of looking at it as a new project.

Mr. Dean Burgis, Project Engineer of Emerald Coast Associates, stated the drainage plans would have the same concept as the original plans but would be modified to suit the new dimensions.

Commissioner Jones suggested that the public hearing be set for September 11, 2007.

Ms. Blackshear appeared before the Board asking for time to review the project changes made by the Angelos staff. She stated two weeks was not sufficient. Commissioner Comander suggested the September 25, 2007 meeting as the continuance date.

Motion by Commissioner Jones, second by Commissioner Brannon, to continue the Angelos project until September 25, 2007 to allow Staff time to review the changes presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Virginia Wilson, resident, asked if the hearing would be advertised or would the residents within 300 feet be notified of the changes. Commissioner Meadows suggested that the residents within 300 feet be notified and the sign on the property be changed to advertise the hearing date.

Mr. David Thornton, Moore Bass Consultants, presented Alys Beach Phase 2A-1Q (project number 07-003-00014) a plat application submitted by Moore Bass Consulting consisting of a replat of Alys Beach Phase 2A-1, lots 7, 14 and 15, Block Q, on .271 acres with a future land use of NPA/TND. The site is located within Alys Beach Development Phase 2A, on Caliza Lane. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

Motion by Commissioner Comander, second by Commissioner Brannon, to approve the re-plat of Alys Beach Phase 2A-1Q as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Mr. Wes Barnhill, Barnhill and Barnhill, presented Rivard SSA 2007-09 a request to change .16 +/- acres from NPA/residential preservation to village mixed use, capped at 10 units per acre, or any less dense or intense category. The parcel is located south of Choctawhatchee Bay at 2 Magnolia Street, Grayton Beach. Staff found the project

consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

Ms. Angeline Sprott, resident, voiced opposition to the change. She feels that in the future others may want to change their property use.

Commissioner Meadows asked if the report verified that this lot was part of the covenant restriction. Ms. Blackshear stated that it was but the covenant restriction had expired. She stated that with the size of this lot, a larger business would not be able to operate in that area. She also stated that if the business was destroyed by fire or other catastrophe, it could not be restored as a larger business or size.

Commissioner Brannon asked if a compatibility analysis would have to be done before changing the land use. Ms. Blackshear stated that if an area is designated as Infill, a compatibility analysis would be required.

Commissioner Meadows asked if restrictions could be placed on the property. Ms. Blackshear stated that the applicant is asking to continue his existing business.

Mr. Richard Beldman, property owner, stated he had no intention of changing its use; it would strictly be used as a retail shop.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve Rivard SSA 2007-09 as presented. Ayes 5, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Ms. Blackshear stated that staff had presented their comments regarding Reinhart during the last meeting.

Mr. David Kramer presented Reinhart SSA 2007-10 a request to change 10 +/- acres from state land/undesigned to coastal center, or any less dense or intense

category. The parcel is located south of Choctawhatchee Bay within the Point Washington State Forest, approximately 1,000 feet north of Gulf Hill Estates unrecorded subdivision in Blue Mountain Beach. **(Exhibits # 8, 9, 10 and 11)** Staff determined that a future land use designation of Conservation Residential either 1:2.5 or 2:1 would be consistent with the Walton County Comprehensive Plan.

Commissioner Meadows exited the meeting at 8:42 p.m.

Mr. Kramer stated the staff's recommendation would require a 90% conservation of vegetation and thereby would not give the 30 feet of defensible space to protect homes from potential forest fires. He stated this was the reason the applicant applied for Coastal Center/Infill. He felt that conservation only would present a fire hazard.

Mr. Stacy Golden, President GiroTrack and conservationist, stated that a fire hazard is possible with the designation as presented by staff. He stated that everything would be done to prevent possible fires to homes.

Mr. Kramer felt that the designation as requested by the applicant meets the compatibility analysis, meets the requirements of the comprehensive plan, and meets the requirements of the LDC's definition of Infill. He stated that the uses planned for this property would be beneficial for the public as well as the county.

Commissioner Jones exited the meeting at 9:01 p.m.

Ms. Blackshear stated that the staff report reflects that Infill is not appropriate for this parcel. She stated that the Cattle Dipping Vat (CDV) was still an environmental issue that needed to be dealt with.

Commissioner Jones entered the meeting at 9:08 p.m.

Mr. Kramer stated that the CDV was a hog vat and used different chemicals. Ms. Blackshear stated that the environmental assessments will tell what type of vat and chemicals were once there.

Commissioner Brannon asked if the property to the south was undesignated. Ms. Blackshear stated it was. She stated that these were the only two parcels surrounded by State Forest. Mr. Kramer stated the applicant's position is that the parcel was zoned as development in 1992 and the designation has not been changed. Ms. Lois La-Seur, Growth Management, stated that the parcel may have been erroneously designated as State land. Mr. Kramer asked that the application fee to correct the error be reimbursed to the applicant.

Commissioner Brannon asked if there were any objections from the property owner to the south. Ms. Blackshear stated the opposition relates to the property being designated as something other than conservation/residential and the CDV. Mr. Kramer stated that Staff Report did not show public comment against the project.

Mr. Carl Hammonds, Walton County Planning Department, stated that at both the July 12 Planning Commission Meeting and July 24 BCC meeting public comment was made against the proposed land use change unless the environmental issues were properly addressed. Mr. Kramer stated that he had attended the meeting with the Forestry Department. He stated that Forestry provided no evidence.

Commissioner Pridgen stepped down as Chairman to make the motion.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the land use change to Conservation/Residential, 2:1 with conditions that future

development proposal would require a Phase II Environmental assessment due to a recently removed cattle dipping vat.

Mr. Kramer withdrew the application.

Mr. Jack Rhodes, agent for A&A Properties, presented in a second hearing SSA 2007-12 which is a request to change 5.44 +/- acres from Estate Residential to Commercial, or any less dense or intense category. The parcel is located north of Choctawhatchee Bay on the south side of Forest Oak Road and the west side of U.S. 331. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

Mr. Rhodes stated he had met with Ms. Victoria Hughes to discuss the drainage issues she raised at the July 24, 2007 hearing. He stated an agreement had been reached.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve A&A Properties SSA 2007-12 as presented. Ayes 4, Nays 0, Pridgen Aye, Jones Aye, Brannon Aye, Comander Aye.

Commissioner Comander exited the meeting at 9:17 p.m.

Mr. Ono Horn, Aquarian Development, presented South Haven II, Phase 1 a major development order application submitted by Aquarian Development, consisting of a 7,600 square foot church on .95 +/- acres with a future land use of village mixed use. The site is located at 4955 W. U.S. Highway 98. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

Motion by Commissioner Brannon, second by Commissioner Jones, to approve South Haven II, Phase 1 as presented. Ayes 3, Nays 0, Pridgen Aye, Jones Aye, Brannon Aye.

Ms. Stacy Lee Webb, owner, presented a request for an extension on Grand Ridge Development Order an 18 lot single family subdivision on 2.52 acres with a future land use of infill. The project is located in the Inlet Beach area. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the extension of Grand Ridge Development Order. Ayes 3, Nays 0, Pridgen Aye, Jones Aye, Brannon Aye.

Ms. Blackshear presented a request for extension for The Courtyard at Seagrove PUD Development Order an approved major development order for a mixed use development consisting of 35 single family residential lots, 13 townhome units, 7 live/work units, and 7,875 square feet of retail space on 4.743 acres with a future land use of village mixed use. The site is located on the north side of C.R. 30A east of Cypress Grove lane and west of May Drive. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve extension of The Courtyard at Seagrove. Ayes 3, Nays 0, Pridgen Aye, Jones Aye, Brannon Aye.

There being no further business, the meeting was adjourned at 9:19p.m.

APPROVED _____
Kenneth Pridgen, Chair

ATTEST _____
Martha Ingle, Clerk of Court