

JANUARY 22, 2008 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, January 22, 2008 at 4:00 p.m. in Courtroom A of the Walton County Courthouse.

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

Mr. Lyle Siegler led the invocation followed by the pledge of allegiance to the American Flag led by Commissioner Meadows. Chairperson Comander called the meeting to order.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the consent agenda as follows: Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

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| 1. Approve Expenditure Approval List (EAL) | | |
| General Fund | \$ | 619,229.60 |
| County Transportation | \$ | 81,477.98 |
| SHIP | \$ | - |
| Fine & Forfeiture | \$ | 103,944.00 |
| Debt Service Hospital | \$ | - |
| Mosq. Control State | \$ | - |
| Mott Sign Grant | \$ | - |
| Section 8 Housing | \$ | - |
| Tourist Dev. Council | \$ | 100,019.39 |
| N.W. Mosquito Control | \$ | 232.29 |
| W. Co. Library | \$ | 3,740.94 |
| Tax Deed Surplus | \$ | - |
| Trust | | |
| Recreation Plat Fee | \$ | 150.00 |
| Public Safety- 911 | \$ | - |
| Solid Waste Enterprise | \$ | 136,506.71 |
| Mossy Head VFD | \$ | - |

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| Glendale VFD | \$ | - |
| Darlington VFD | \$ | - |
| Red Bay VFD | \$ | - |
| Preservation | \$ | - |
| Sidewalk Fund | \$ | - |
| Local Option Gas Tax | \$ | - |
| Special Law Enf. Trust | \$ | - |
| Driftwood Debt Service | \$ | - |
| Criminal Justice Ed Fund | \$ | - |
| Bldg Dept/Enterp. Fund | \$ | 1,075.33 |
| Capital Projects Fund | \$ | 1,402,936.65 |
| Imperial Lakes MSBU | \$ | - |
| Inmate Canteen Fund | \$ | - |
| Totals | \$ | 2,529,977.04 |

2. Approve Minutes: January 8, 2008 – Regular Meeting
3. Approve a Resolution **(2008-09)** to amend the budget for the unanticipated award of the Walton County Beach Restoration Grant from the Department of Environmental Protection
4. Approve a Resolution **(2008-10)** to amend the budget for the unanticipated award of grant funds from the Department of Justice for the SWAT Team/Surveillance Team Communications/office Safety Project
5. Approve a Resolution **(2008-11)** to amend the budget for the unanticipated award of grant funds for the Roadside Beautification Assistance Program from the Department of Transportation
6. Approve a Resolution **(2008-12)** to amend the budget for the Residential Construction Mitigation Program Grant in the SHIP Fund
7. Approve to set a “Cap” for the District 1 Recreational Plat Fees for the Red Bay Community Center improvements
8. Approve to move monies from the Recreation Plat Fee Funds from District 5 to the Capital Projects Fund to complete payment for the acquisition of the Staples Property
9. Approve Resolution **(2008-13)** supporting proposed projects by the Choctawhatchee Basin Alliance to use Florida Forever and Boating Improvement grant monies to improve the boat ramp and Storm water conditions at the Choctaw Beach park and to research and correct sedimentation problems there and at the outlet of Mullet Creek in to the Choctawhatchee Bay
10. Approve Investment Resolution **(2008-14)**
11. Approve Individual License Agreements

Ms. Helen Rigdon, Representing Congressman Jeff Miller, recognized Commissioner Pridgen with a Congressional Record for his being awarded the “Outstanding Farm Family of the Year” plaque. Congressman Miller read the

accomplishments on the House floor and into the Library of Congress. Commissioner Pridgen thanked them for the plaque and spoke about the importance of agriculture.

Sheriff Johnson withdrew his items from the agenda.

Mr. Dewayne Youngblood, EDC President, appeared before the Board regarding the loss of funding and presented their plans for reorganization. Mr. Youngblood gave an overview of their proposed operational plan and their continued support to the community through various avenues. They will be conducting a review of their membership policy and will present it back to the Board at a later time this year. He stated that the EDC will not ask for funding at this time, but asked the commissioners to continue partnering with the EDC when infrastructure needs or other improvements are necessary at the Freeport Industrial Park. The ultimate goal of the EDC is to continue responsible economic growth in Walton County.

Mr. Ed Armbruster appeared before the Board regarding Juniper Lake Estates Subdivision. The subdivision was platted in 1975 and amended in 1976. The subdivision has more than 49 lots and must be approved by the county commission and State. He explained that the county changed the name of the road from Juniper Lake Road to Oakwood Road. The county then paved the main road from Highway 331 into the area called Granger Bruner and into Wildwood, an unrecorded plat. They maintained and paved a 40' roadway and then changed the names to Beethoven Circle, Mozart, and Verdie. Then the road was paved all the way to Sunrise Road which is not a 40' right of way. Mr. Armbruster stated that they have asked since 2003 for additional roads to be paved and Public Works agreed, but then stated that they cannot because of the lack of proper right of ways. He stated that this subdivision is grandfathered and the 50' right of

way rule changed after that; therefore he requested the Board accept the roads for maintenance. He spoke about the amount of taxes being paid by the homeowners in that subdivision.

Commissioner Pridgen stated that the county has policy and they must abide by that policy when selecting which roads to pave.

Mr. Allen Brown, Public Works, stated that Walton County dedicated roads to the public in various subdivisions by way of the developer recording the plat. Florida Statute 177 stipulates voluntary action for the county to accept maintenance. He stated that the county has paved roads on less than 40 feet in the past; however, current policy requires a 50' right of way before the county can accept or pave. Commissioner Pridgen recommended an MSBU be considered for this area. Mr. Brown further clarified that the county could accept the roads once they have the 50' right of way, are paved according to county standards, and have passed the three year warranty period. Commissioner Brannon questioned if the roads being maintained by the county were dedicated. Mr. Brown explained the procedure for accepting roads stating that the roads would be built to county specifications with the minimum right of way requirements, storm water, and asphalt surface. Once the road passed the three year warranty period, the county would inspect them and present a recommendation to the Board on acceptance into the maintenance program. However, this process was not followed in the 70's.

Mr. Armbruster spoke about case number 82-97-CA relating to units 1-4 and further stated that they are going to organize a home owners association. Commissioner Meadows suggested that the Board meet with the property owners in that area to see if

they want an MSBU. Commissioner Comander suggested developing a HOA to begin this process.

Ms. Tina Gagnard, Tchaikovsky Circle, stated that the roads are in poor shape and they need help now due to emergency personnel, school buses, and mail delivery. Mr. Brown spoke about the pay-to-grade program for \$50 for up to one hour of grading, which does not allow for any materials.

Mr. Max Gagnard stated that there is no road base and a clay base is needed. He stated that the roads will soon become impassible.

Commissioner Pridgen stated that the community needs to decide if they would like to have Ms. Camille Tharpe address the people regarding the implementation of an MSBU, which he feels would provide the fastest relief.

Discussion followed regarding emergency maintenance on the roads. Attorney Burke advised the Board that if emergency repair work is performed, the county would be accepting those roads and cautioned them on what action they might take.

Mr. Kevin Chilcutt stated that some roads are impassible and the homeowners will soon have no access to their own property.

Commissioner Brannon stated that additional materials are needed to make the necessary repairs. Attorney Burke clarified that the property owners can pay for the service according to policy. Mr. Brown stated that the property owners would need to purchase the materials themselves and the county can spread it and grade the road.

Mr. Thomas Piggott, Daughette Subdivision, felt that the MSBU process would be the fastest process for the community and recommended they begin by developing a HOA. Commissioner Brannon stated that they should start the HOA immediately.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve beginning the MSBU process for Juniper Lake Estates. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Discussion followed regarding the need to hold a workshop to discuss the issue of accepting roads, especially in the older platted subdivisions.

Mr. Mark Alford commented on the need for a plan to be established in the comprehensive plan to deal with these types of issues stating that large tracts of land inherited by a greater number of people will have private roads and without HOA's it will be difficult to resolve the issues.

Ms. Kriss Titus, Executive Director of the TDC, presented her recommendation to award the Planning and Engineering Consulting Services contract to WilsonMiller for a one year period with the option for three additional one year extensions.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the recommendation and award the Planning and Engineering Consulting Services contract to WilsonMiller as presented. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Ms. Titus presented a recommendation that Bohan be awarded the contract for advertising services for a period of one year with the option for three additional one year extensions.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the recommendation and award the contract to Bohan as presented. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Ms. Titus presented a request on behalf of the TDC to reappoint Mr. Don McQuade to the TDC Board in the category of Owner/Tax Collector for a term to expire November 20, 2011.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the appointment of Mr. McQuade to the TDC Board as stated. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Gary Mattison, Human Resource Director, presented a letter of resignation to the Board on behalf of Ms. Titus, effective February 15, 2008, and regretfully asked the Board to accept. The Board accepted the resignation and wished her well in her future endeavors. Ms. Titus stated that her past nine years with Walton County has been fantastic. Furthermore, Mr. Mattison presented a recommendation to appoint Mr. Sonny Mares as the Interim Executive Director of the TDC. Mr. Mares accepted the position.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to accept Ms. Titus' resignation and approve the appointment of Mr. Sonny Mares as the Interim Executive Director of the TDC. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye. Mr. Mattison will proceed with advertising in order to fill the position.

Chairperson Comander questioned Ms. Titus regarding signage. Ms. Titus stated that they are looking at a landscaping program and height of the signs. They are about 80% complete. She also commented that Alys Beach has not requested to be part of the marketing program. Discussion followed regarding the "Welcome to Walton County" signs.

A public hearing was called to order to consider a Fire Services Assessment Resolution. Mr. Bell explained that the resolution remains the same as the previous seven years.

No public comment was voiced.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the Fire Services Assessment Resolution **(2008-17)** as presented. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

A public hearing was called to order to consider the Road Maintenance Resolution.

No public comment was voiced.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Road Maintenance Resolution **(2008-18)** Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell presented the committee appointment recommendations on behalf of Mr. Ken Little, Citizen Services Division. He advised that Ms. Pat Braunstein was not able to accept the position as listed.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the committee appointments with the exception of Ms. Braunstein. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell presented a resolution for consideration requesting to make a draw in the amount of \$9,798,875 from SunTrust Bank. This funding is for the previously approved landfill facility. He estimated that the landfill project will cost \$5 million.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve a resolution (**2008-15**) authorizing a draw from SunTrust Bank in the amount of \$9,798,875. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell presented a resolution for consideration amending the budget in the amount of \$5 million for capital projects.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve a resolution (**2008-16**) amending the budget in the amount of \$5 million for capital projects for the landfill facilities. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell presented the first reading for a revision to BCC Personnel Policies and Procedures, Policy 18, Disciplinary Actions; Policy 20, Grievance Procedures; and Policy 6, Standards for Conduct and Ethics. He asked the commissioners to review the information and present any comments to Mr. Mattison.

Mr. Bell presented the first reading for a revision to the BCC Personnel Policies and Procedures, Policy 17, Other Leave (paid and unpaid).

Mr. Bell presented the first reading for revisions and additions to BCC Policies and Procedures, Policy 8, Supervisor/Division Director Management. The revision pertains to a Federal change in the collection and use of social security numbers.

Mr. Bell presented a request for approval of the FY 2009 Federal Agenda according to the criteria the Board has set. The county lobbyist has requested that any changes be submitted allowing them to proceed. He stated that the list remains the same as last year.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve the FY 2009 Federal Agenda as presented with no changes. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell explained that the Board previously adopted a resolution allowing the county to proceed with an MSBU for the Daughette Subdivision. He stated that Government Services Group (GSG) is charging \$32,000 for the administration and implementation of the MSBU. He asked if the county is willing to front the money and incorporate it into the MSBU thereby being reimbursed over a period of time. Mr. Bell explained that this was also done when the Fire MSBU was enacted. He further explained that the county would pay GSG on an hourly basis in the event the MSBU did not pass, which would relate to minimal costs. Commissioner Brannon pointed out that this is for a dredging project, not road grading.

Mr. Thomas Piggotte, Daughette Subdivision resident, felt that the bank will loan the money to the homeowners association against the MSBU.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to advise GSG that the Daughette Subdivision HOA will borrow the money from a lending company to pay the \$32,000 once the MSBU has been approved. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell presented a recommendation to reject the bids for Micro-surfacing. He stated that they would like to re-bid the project due to the specifications and a lack of responsive bidders.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to accept the recommendation and reject all bids for the Micro-surfacing project as stated. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell presented a recommendation to award the bid for the Overlay Maintenance Contract to C.W. Roberts in the amount of \$426,594.60, low bidder.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to award Bid #07-047 Overlay Maintenance Contract to C.W. Roberts in the amount of \$426,594.60, low bidder. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell presented a request to approve the negotiated contract price with Sign-Tek for the Timpooshee Trail Signs. Mr. Lyle Siegler stated that the amount budgeted was \$150,000; the proposal was \$202,000. After negotiations, Sign-Tek has agreed to provide the installation of all the signs and 20 hours of construction oversight. He stated that this will allow the project to be completed two months early. Mr. Siegler stated that the contract amount is \$164,800 including the bonding option. The county has the option of waiving the bond and allowing a letter of credit to be submitted.

Commissioner Meadows thanked Mr. Siegler for his effort in working with Sign-Tek in an effort to reduce the contract amount. She also stated that Mr. Sonny Mares had more money budgeted than initially thought and will assist with funding in the amount of \$14,000.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the newly budgeted amount of \$164,800 authorizing Sign-Tek to provide a letter

of credit in place of the bond. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell presented information relating to Bid 08-009 and 08-010, bridge material on Machine Branch and Mill Creek on Williams Road. Mr. Siegler stated that the bids were received on January 10, 2008. Only one bid was submitted for each project. The Mill Creek bid amount was \$32,482 and the bid amount for Machine Branch was \$25,514. Both bids for the projects were within the budgeted amount, therefore requesting to proceed.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the bid amounts and award the bids as stated to Conecuh Bridge and Engineering for Machine Branch and Mill Creek on Williams Road. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Bell presented a request from Seaside Neighborhood School regarding their 5K Marathon fund-raiser, which is held each year. Due to the large number of participants they have requested the county approve closure of a one mile section of roadway located one mile east of Gulf Place between 8:20 a.m. and 9:20 a.m. to allow the necessary space for the run. The sheriff's department has agreed to assist with safety issues. Mr. Bell recommended approval.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve the request as presented by Seaside Neighborhood School for the road closing. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Siegler advised the commissioners that application has been made to the Department of Environmental Protection for the central landfill permit renewal. He

requested authorization to respond with additional information regarding a topography survey on the 120 active acres and a location survey. He requested that Preble-Rish and Brown, Burdine & Associates be allowed to proceed with performing the surveys and the re-submittal in the amount of \$33,500. The costs would be paid from the Landfill Operating Fund.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve proceeding with the surveys and re-submittal of the central landfill permit. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Meadows presented information relating to the Miramar Beach Parking Lot and the need to pave it. She advised that the TDC will be rebuilding the Miramar Regional parking area during the summer and there will be the need for additional parking. She requested that public works look into the situation with the possibility of the county making the necessary repairs along with TDC. She recommended adding additional spaces and an infiltration system. Mr. Ryan Douglass, Staff Engineer, stated that he is reviewing the information and the design is currently at 70% completion. He will update the commissioners upon completion of the design plans and obtaining related costs.

Commissioner Meadows advised the Board that the Blue Bag Recycling Program is not working as planned and requested that an online survey be conducted regarding the recycling program and the possibility of using curbside pickup for a small fee. She stated that the survey would be made available to the public through the media and other sources. Commissioner Pridgen suggested looking at other counties to determine what is

making their program successful. The Board concurred to allow Commissioner Meadows to proceed with the survey and to gather additional information.

Mr. Douglass presented an update on Morrison Springs stating that the clearing is about 95% complete. The retaining walls have been installed and the project is progressing ahead of schedule. He presented a request to expand the original areas for clearing while the contractors are on-site with their equipment. The additional clearing would cost \$6,500. Mr. Douglass requested permission to move forward with the change order.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the change order in the amount of \$6,500 for clearing the additional right-of-way on Morrison Springs Road to be paid from District 1 Recreational Plat Fees. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Pridgen presented Mr. Joel Paul Jr., Executive Director of the Tri-County Community Council. Mr. Paul stated that the Governor appointed them to oversee three additional counties; Okaloosa, Santa Rosa, and Jackson, for a total of eight counties. He also commented on managing the Walton County's Life Enrichment Senior Center. He introduced Ms. Lee Morrison, Manager, who has a medical background and will work as the Director at the senior center. Ms. Morrison stated that she has visited other centers to gather ideas and bring the best ideas to Walton County.

Commissioner Pridgen requested to disband the committee relating to the senior center and send them a letter of appreciation for their work.

Motion by Commissioner Pridgen, second by Commissioner Meadows, approving to disband the committee and send a letter of appreciation to each one for their work. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Attorney Mike Burke, Interim County Attorney, requested the Board enter into Executive Session to discuss litigation strategy in the matter of Roessler Properties, Inc., vs. Walton County, case #07-CA-000891. He advised that those attending would be the Board of County Commissioners, the County Administrator, County Attorneys, and a certified court reporter.

There being no further agenda items, the Board recessed and entered into Executive Session.

The Commissioners reconvened to consider the Legislative and Quasi-judicial issues.

Mr. Mark Martin, Local Mitigation Strategy Chair for 2007, requested approval of the updated LMS Plan and Project List. It has been presented to the cities of Freeport and DeFuniak Springs and will be presented to the City of Paxton in the near future. Once approved by all four entities, by resolution, the plan and project list will be sent to DCA for approval.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to adopt a resolution (**2008-19**) approving the LMS Plan and Project List as presented. Ayes 3, Nays 0. Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Meadows returned after the break.

Ms. Pat Blackshear, Planning and Development Director, presented Stables at Sandy Pines Cross Easement Agreement for acceptance.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve Stables at Sandy Pines Cross Easement Agreement for acceptance. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Ms. Blackshear presented Mead/Andrews/Clements (Marathon Village) dedication of public right of way for approval. She stated that the dedication is in lieu of the proportionate fair share and requested the Board accept it for recording.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the dedication of right of way for recording as presented. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Ms. Blackshear presented a request to waive fees for a church/nonprofit organization, on behalf of Mr. Barnhill. She stated that they have had several requests of this nature and there is currently no formal policy. She asked if the Board wished to develop a policy. Mr. Gerry Demers advised caution when waiving the building fee due to it being an enterprise fund. Ms. Blackshear stated that the requirement for building fee is specific in the statutes for how to levy the fee and its expenditure. She recommended allowing Mr. Burke to review the issue and present a recommendation at a later date. Commissioner Meadows commented on the State funding cuts and stated that the waiver of fees should be considered just beyond churches and therefore recommended not waiving fees at this time. Commissioner Brannon asked how many requests have been presented in the past. Ms. Blackshear stated that there had only been one or two. She felt consideration also needs to be made if the building additions are for commercial use. Commissioner Meadows voiced her opposition to waiving fees for churches. Ms. Blackshear commented that the county currently has no fees for DRI's, which also needs

to be considered. Commissioner Brannon suggested allowing each individual to come to the Board to ask for the waiver like others have done. Commissioner Comander suggested adopting policy as to not to be selective in who is granted the waiver. Attorney Burke and the Planning Department will meet to discuss the criteria that must be met for a waiver to be granted.

Motion by Commissioner Brannon to waive the fees for the New Harmony Baptist Church consistent with past actions.

Attorney W.C. Henry stated that building fees are set by ordinance and the planning department fees are set by resolution. He explained that the Attorney General states that counties have no authority to waive fees already established. However, that was later changed under the Home Rule Authority. He explained that when the previous requests were approved, the church agreed to allow the facility to be used by the public in the event of an emergency. The county would need to establish criteria within the ordinance or resolution as to why the fees are being waived.

Commissioner Brannon withdrew his motion. Attorney Burke will work on the policy and procedures and present it back to the Board at a later date.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to continue discussion of the ordinance amending Section 13.02.00 of the Walton County Land Development Code, the Route 30A Scenic Corridor, until the February 26, 2008 meeting. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Ms. Blackshear presented the IDDE Ordinance for its second reading. A provision was requested regarding exemptions for agriculture operations. The proposed ordinance

amends the Walton County Land Development Code creating Chapter 15, “Detection and elimination of inappropriate discharges into the storm water system;” establishing regulations for contributions of pollutants through storm water discharge by any users; prohibiting inappropriate connections to the municipal separate storm sewer system; and resolving conflicting provision.

Mr. Billy McKee, Planning Department, stated that language was added clarifying that this ordinance is not directed to agriculture. He further stated that he found information from the National Corn Growers Association relating to the Clean Water Act, which exempts some activities from the mandatory MPDES requirements that may contribute to pollutant runoff. He stated that farming operations are exempt unless there are specific situations such as a direct contribution of cattle discharge into a creek. This ordinance is not intended to burden or hamper normal agriculture activities which are consistent with the best management practices as recommended by the USDA Natural Resource Conservation Service.

There were no public comments voiced.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to adopt the IDDE Ordinance **(2008-06)** with the amended language. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Chairperson Comander called the Quasi-Judicial hearing to order and Attorney Burke administered the oath to those intending on speaking.

Mr. Jason Bryan, Planning Department, stated that neighbors near the Sawyer Commercial PUD project voiced concerns at the Planning Commission Meeting and asked to remove the item from agenda.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to accept the recommendation and remove Sawyer Commercial PUD from the agenda. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Dean Burgiss, Emerald Coast Associates, appeared as the developer's agent and engineer of record for Bayport Business Complex, f.k.a. Bayport Estates, a major development consisting of 21 office/warehouse buildings and 5 storage buildings. The project proposes a total of 326,825 square feet of commercial development on 13 acres with a future land use of rural village/commercial. This site is located at 187 CR 3280. He stated that the project meets the conditions and requirements of the Land Development Code and Comprehensive Plan. He also stated that they have accepted the conditions as stated at the Planning Commission Meeting. Mr. Burgiss stated that they agreed to provide an additional 25' space where no other buildings will be located. Commissioner Meadows spoke about the conservation area on the plan. Mr. Burgiss stated that he would need to discuss the issue further with the environmental consultant, but the county would not be able to use it as long as it is a conservation easement.

Ms. Lois La-Seur stated that the project is partly commercial node and partly rural village, which does not allow light industrial uses. The applicant has committed that he would not have light industrial uses at this location. There would not be any manufacturing allowed on this property. She advised that an additional 10 foot setback was requested so the building would not be on the right of way in the event the 25 feet ever became county right of way. The 10 foot setback remains unresolved. The Planning Commission suggested that the applicant continue to work with them on this issue. Ms. La-Seur stated that CR 3280 will need to be four-laned in the future.

Mr. George Newman, Planning Department, appeared before the Board to answer questions. Commissioner Brannon spoke about the need for additional right of way and the county's consistency in working with other developments to maintain adequate right of way along CR 3280 since it was designated as an evacuation route. He questioned if the county would be creating a non-conforming use if the development did not abide by the setback. Mr. Newman stated that if the development had doors or electrical meters on the back of building it would pose a problem if they did not have the additional 10 feet.

Commissioner Meadows asked about the conservation area location. Mr. Burgiss said it is the Army Corp of Engineers. He also said that the code does not currently have any requirements on hurricane evacuation and all dedications in past have been voluntary when cost effective. However, this development has reviewed that information and feels it is not cost effective to offset proportionate fair share to the amount of land he would give the county. He requested that the issue be separate from the development order. The developer is willing to discuss this issue further with the county.

Mr. Greg Graham, Engineering Manager, stated that the Proportionate Fair Share Program is to get roadway improvements in place for the future. He stated that it does not make good sense to not work with the developer in an attempt to get the proper right of way. Mr. Graham stated that if right of way is not obtained ahead of time, the county will be purchasing buildings in the future. The county is attempting to gain the right of way necessary for future improvements in lieu of offsetting the prop fair share payment. He wants to see it become a condition of the DO.

Commissioner Meadows stated that the county has the public safety and welfare to look after. Mr. Burgiss stated that the developer agreed to provide the requested 25'

right of way and to not locate any other obstructions in the back of the building. Commissioner Brannon stated that the current plan does not reflect that. Mr. Burgiss agreed to those stipulations on the record and will make those changes on final documents. Planning staff stated that the additional 10 feet is still needed.

Motion by Commissioner Meadows to bring the revised plan for Bayport Business Complex back for a second public hearing along with the agreement for dedication of right of way for the additional 10 feet.

The floor was opened for public comments.

Mr. Antonio Barbosa, owner of the property for the proposed project, stated that there is nothing on books showing that CR 3280 will be widened. They agreed to the 25' even though only 20' is required. He stated that he will not give up the additional property as requested. He agreed to pay his fair share for the traffic concurrency.

Mr. Newman stated that there are plans to widen the road and some prop fair share funds have already been collected. He stated that they are working with other property owners to obtain right of way. Mr. Barbosa stated that he has already given several acres to other agencies.

Commissioner Brannon stated this Board has worked hard lobbying the State for funding to purchase right of way on US Highway 331, which did not go very far. This Board is trying to be pro-active to keep the county from being in the same position again.

Ms. Jennifer Christensen voiced concern with the prop share discussion stating that this project does meet concurrency, but without the ability to four-lane CR 3280 she voiced concern about them being able to meet concurrency. She also felt that it would be standard practice to set back at least 10' if not the standard setback requirement. She also

questioned the project size of 99,000 square feet versus the 326,000 square feet as listed on the agenda. It was clarified that the project is only 99,900 square feet. Ms. Christensen voiced concerns with parking and the land use, which is predominantly rural use.

Mr. Graham reiterated that the concurrency management system identifies the need to four-lane CR 3280. They have collected prop fair share, however, procedure does allow offsetting the cost of the right of way through the prop fair share. He stated that the recommendation is in line with what has been done in the past for others relating to roadway improvements.

Ms. La-Seur stated that they will research the issue of general commercial being allowed in rural village.

Public comment was closed.

Commissioner Brannon seconded the motion to bring the revised plan for Bayport Business Complex back for a second public hearing on February 12, 2008. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye. **(Bayport Business Complex Exhibits: 1-staff report/site plans)**

Mr. Mark Signer, Choctaw Engineer, presented Rosa Del Mar PUD on behalf of the applicant. This is a major development order application consisting of 9 buildings having a total of 264,000 square feet on 9.83 acres with a future land use of VMU/infill. The project will include a parking garage, retail, office, hotel, and residential spaces. The site is located on the south side of US 98, approximately 3.5 miles west of US Highway 331. The wetland permits have been received and they are going through DOT and DEP for water/sewer and driveway connections which will be conditions of DO. The Planning Commission recommends approval. He stated that they concur with the staff report.

Mr. Bryan stated that they have addressed the prop fair share concerns. Mr. Newman said that they did not address traffic at the master plan stage, but will address it at the technical review, so there is no vesting of traffic for this project.

There was no public comment voiced.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve Rosa Del Mar PUD as outlined by staff. Ayes 4, Nays 0. Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye. **(Rosa Del Mar PUD-exhibits: 1-staff report/site plans; 2-amended staff report)**

Attorney Burke reminded the Board of his conflicts relating to Toscana and advised that Staff Attorney Lynn Hoshihara was present to answer questions.

Toscana f.k.a. Sienna Place is a major development order application submitted by Emerald Coast Associates, Inc. consisting of a 4 lot single family subdivision on 1.27 +/- acres with a future land use of NPA/infill. The site is located on the south side of CR 30A and Eastern Lake Road intersection.

Attorney Gary Vorbeck, representing Toscana, appeared before the commissioners and stated that the developer downsized the project, which now consists of a four-unit subdivision residential single-family subdivision. The project has a positive staff report.

Mr. Dean Burgiss, Emerald Coast Associates, engineer of record and developer's agent gave an overview of the project, which has now been reduced to 4 units due to compatibility concerns. The project meets all the standard setbacks and requirements of the LDC. A compatibility analysis has been conducted; storm water is being handled through an exfiltration system.

Mr. Buddy Pager, Percussion Growth Management Service, spoke about compatibility stating that the project has been revised to four units. The project is compatible and consistent with the comp plan and LDC. He stated that the new design is compatible with the surrounding area.

Mr. John La-Plant, Developer, stated that the project is now four residential lots and has been converted to a straight forward project.

Mr. Bryan stated that the plan now meets the standards of the LDC and comp plan. The staff report provides amendments that remove condition 6 and 7. They need to provide their DEP permits, CCO permits and pay their prop share. He stated that they meet the minimum standards.

Commissioner Meadows questioned if the surrounding homes have any height limits. Mr. Bryan stated that they are limited only by covenants and restrictions placed by their homeowners association.

The floor was opened for public comments.

Mr. Dennis Riddle stated that the entire issues centers on compatibility and height. He submitted a copy of the covenants and restrictions of the property located to the east, which limits a height of 38', which are self-imposed. Mr. Riddle requested the Toscana project be limited to 38'.

Ms. Blackshear did not feel they can request this project be restricted because of another one having self-imposed restrictions.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve Toscana with the conditions listed in the staff report. Ayes 4, Nays 0. Meadows Aye,

Pridgen Aye, Brannon Aye, and Comander Aye. (**Toscana Exhibits: 1-staff report/site plan; 2-covenant/restrictions; 3-envir. review; 4-eng. Tech. review**)

Commissioners Comander, Brannon, and Pridgen each submitted Ex Parte communication forms.

There being no further business, the meeting was adjourned at 7:20 p.m.

APPROVED: _____
Larry D. Jones, Chair

ATTEST: _____
Martha Ingle, Clerk of Court