

OCTOBER 28, 2008 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on October 28, 2008 at 4:00 p.m., at the Walton County Courthouse in DeFuniak Springs.

The following Board members were present: Commissioner Larry Jones, Chair; Commissioner Sara Comander, Vice-Chair; Commissioner Cindy Meadows; and Commissioner Kenneth Pridgen. Attorney Mike Burke, County Attorney, was also present.

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

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 1,805,799.13
County Transportation	\$ 536,814.39
SHIP	\$ 671.50
Fine & Forfeiture	\$ 1,210,776.66
Section 8 Housing	\$ 131,805.73
Tourist Dev. Council	\$ 245,932.92
N.W. Mosquito Control	\$ 2,812.63
W. Co. Library	\$ 6,835.58
Recreation Plat Fee	\$ 12,985.25
Tax Deed Surplus Trust	\$ 25,586.29
Public Safety- 911	\$ 6,458.75
Solid Waste Enterprise	\$ 13,474.30
Sidewalk Fund	\$ 500.00
Bldg Dept/Enterp. Fund	\$ 1,793.03
Capital Projects Fund	\$ 11,717.40
Totals	\$ 4,013,963.56

2. Approve Minutes of October 14, 2008 Workshop; October 14, 2008 Regular Meeting; and October 17, 2008 Special Meeting

3. Approve Resolution **(2008-98)** to bring contributions from Driftwood Estates residents into the budget for expenditures on Driftwood Park in the amount of \$80,000
4. Approve Resolution **(2008-99)** to amend the budget to award grant funds from the Department of Environmental Protection for the Walton County Oakwood Hills Subdivision Unpaved Road/Stream Crossing Stabilization Initiative in the amount of \$467,627
5. Approve a Resolution **(2008-100)** to amend the budget to roll forward revenues and expenditures for encumbrances, projects and grants from fiscal year 2007-2008 into fiscal year 2008-2009
6. Approve Amendment #3 FEDP Agreement #04WL1 for the Walton County Beach Restoration Project
7. Authorize use of \$25,000 from District 1 Recreational Plat Fee Funds to complete Morrison Springs Park

Commissioner Pridgen presented a plaque to Ms. Mary A. Mathews in celebration of her 100th birthday on November 1, 2008.

Ms. Amanda Wood, The Ferguson Group, presented and discussed an update on the Federal Advocacy Report. Commissioner Comander asked that Ms. Woods pursue funding for a Federal Qualified Health Unit for north Walton County.

Mr. William Imfeld, County Finance Director, requested approval to enter into an interlocal agreement with Escambia County regarding administration of court technology funds for the State Attorney and Public Defender offices. He stated that \$1.00 of the \$2.00 filing fee, which is collected by the Clerk of Court and used solely for court technology related costs, will be sent to Escambia County, District 1 Seat, for administration. This will facilitate the use of these funds by the Sate Attorney and Public Defender Offices.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the interlocal agreement with Escambia County for Court Technology Funds.

Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Mr. Bill Bard, Walton County Animal Control Advisory Committee Chairman, presented and discussed the Chairman's report for the Animal Control Advisory Committee and requested approval of the report.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the Animal Control Advisory Committee report as presented. Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Commissioner Comander thanked the Animal Control Committee for all the hard work that they have done. She asked that County Administration send a letter of thanks to the members.

Ms. Dede Hinote, Assistant to the County Administrator, requested direction for the publication of RFP's for the collection of white goods and furniture, and for the collection of yard trash. She stated that no comments have been received from the Board.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to advertise RFP's for the collection of white goods and furniture, and for the collection of yard trash. Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Commissioner Comander asked when the RFP's would be published. Ms. Hinote stated that it would be within the next two weeks.

Attorney Mike Burke, County Attorney, reported that according to public records that the Flowersview Community property is owned by Mr. William Bradley and Mr. James Peters. Mr. Ronnie Bell, County Administrator, was told by the people in the community that the property may not have been deeded properly. This error would have occurred approximately 50 years ago. He discussed the options for the settlement of the property. Attorney Burke requested that he be allowed time to research the ownership

records and return to the Board with a proposal for the settlement of the property. Commissioner Comander asked if a survey was available, and if not, could one be provided by county surveyors. Attorney Burke stated that he had not seen one and that a survey would not be useful at this point. He said that based on the public record this is the correct property. A survey will be obtained when necessary. Commissioner Meadows asked when he would be able to provide the information. Attorney Burke stated that he would bring it back to the next meeting.

Mr. Allen Osborne asked who had been responsible for paying the taxes on the property for the past 50 years. Attorney Burke stated that a man named Mr. Seymour had bought the tax certificate and thereby obtained the tax deed.

Attorney W. C. Henry, County Attorney, stated that the Walton County Jail had an over-abundance of produce from the garden maintained by the inmates. He was approached as to the legalities in dispensing the overage. He recommended that the vegetables that cannot be reasonably used or processed and stored for future use be declared surplus, delegate authority to Mr. Bell and Major Danny Glidewell to decide the level of usefulness, and arrange to have the food donated to the 501c3 charities in Walton County.

Motion by Commissioner Pridgen, second by Commissioner Comander, to declare the vegetables that cannot be reasonably used or processed and stored for future use be declared surplus, delegate authority to Mr. Bell and Major Glidewell to decide the level of usefulness, and arrange to have the food donated to the 501c3 charities in Walton County. Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Attorney Henry stated that according to Chapter 768 of the Florida Statutes tort liability immunity is given to producers and gleaners.

Commissioner Meadows asked Attorney George Ralph Miller, counsel for Olsen and Associates, the status of the contract he was asked to prepare in regards to Driftwood Estates and if she could be given a copy. Attorney Miller stated that he was in possession of the fully executed agreement. He said that all the Commissioners were welcomed to review the agreement; but he is not authorized to release the agreement upon the request of the principal parties involved who do not want to make the document public record. He stated that approximately one half of the projects requested to be performed have been completed, one is under way, three are near completion, and two will be started in the near future. Commissioner Meadows stated that she understood that Walton County was to be included as a party in this agreement. Attorney Miller stated that it was between Olsen and Associates, the banks and the company performing the repairs.

Commissioner Comander questioned whether the document became public record once it was handed to the Commissioners for review. Attorney Burke stated that since Attorney Miller had not released the document for public review that it would not be considered public record.

The Commissioners agreed to review the agreement during the recess and then return the document to Attorney Miller.

Mr. Osborne felt that the public should know what is in the agreement and what parties are involved.

Chairman Jones and Commissioner Pridgen had no items to present.

Commissioner Comander presented an update on the Walton County Economic Development Alliance, Bay Loop Bike Path, and Villa Tasso drainage project.

Mr. Osborne asked if a bill for legal charges for defending the right-of-way had been sent to Sandestin. Attorney Burke stated that he is still dividing up the charges that are strictly belonging to Sandestin. Mr. Osborne requested a copy of the final bill.

There being no further business, the meeting recessed at 4:34 p.m. and reconvened at 5:00 p.m.

Ms. Pat Blackshear, Planning and Development Director, requested acceptance of right-of-way dedication for a portion of South Geronimo Street from Cox Communication Gulf Coast, LLC.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to accept right-of-way dedication from Cox Communication Gulf Coast, LLC for a portion of South Geronimo Street. Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear requested acceptance of right-of-way dedication for a portion of US Highway 90 from Victory Lighthouse Assembly of God.

Motion by Commissioner Pridgen, second by Commissioner Comander, to accept right-of-way dedication from Victory Lighthouse Assembly of God for a portion of US Highway 90. Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear presented for second public hearing the Beach Highland Neighborhood Plan Ordinance (**2008-35**). This ordinance will amend the Walton County Land Development Code (LDC) to adopt a neighborhood plan for 78 parcels south of

C.R. 30A in a portion of the Beach Highland subdivision; defining the area of coverage; limiting development within the area to single family detached residential structures; prohibiting further subdivision of platted lots; prohibiting specific accessory use listed in these standards; prohibiting lot reconfiguration to eliminate the existing beach access located at Bullard Road and Highland Avenue; prohibiting the use of manufactured homes; establishing a minimum primary residential unit size of 1,700 heated and cooled square feet; and addressing legal nonconformities.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the Beach Highland Neighborhood Plan Ordinance **(2008-35)**. Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear presented for second public hearing the Height Limit Extension Ordinance **(2008-36)**, an ordinance amending Walton County LDC Section 5.00.06 to establish a height limitation for all of Walton County. Language has been added to the effective date clause to provide for automatic repeal by May 27, 2009.

Commissioner Comander questioned whether the two meetings were still scheduled for next week. Ms. Blackshear stated that she had discussed with Mr. Bell about rescheduling those meetings.

Mr. Ed Bradley questioned which Commissioners were favoring the ordinance. Chairman Jones stated that Mr. Bradley could look back at the minutes to see which way each Commissioner voted. Mr. Bradley spoke against the ordinance; he felt that it is taking something away from the citizens of Walton County.

Mr. Waylon Davis spoke against the ordinance. He felt that it causes a devaluing of bay front property.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the Height Limit Extension Ordinance (**2008-36**). Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

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

Commissioner Comander announced that meetings will be scheduled to discuss the height ordinance in Choctaw and Mossy Head.

Ms. Blackshear presented E-Scape Final Plat for approval. This is a preliminary plat application submitted by Emerald Coast Associates, requesting plat approval for a five lot single family subdivision on 1.27 acres with a future land use of NPA/infill. The site is located at 211 Pompano Street. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve E-Scape Final Plat. Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Mr. Darrell Barnhill presented for second public hearing Assisi Villas Affordable Housing SSA 2008-13 (**Ordinance 2008-31**). This is a request to change 5.07 +/- acres from conservation residential 2:1 to small neighborhood, or any less dense or intense category. The parcel located south of the Choctawhatchee Bay on the east side of Thompson Road, approximately 1,400 feet south of US 98. Staff found the project consistent with the Land Development Code and Comprehensive Plan.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve Assisi Villas Affordable Housing SSA 2008-13 (**Ordinance 2008-31**). Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to continue Aldyne Holub SSA 2008-16 to November 25, 2008. Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to continue the HSH Properties, LLP SSA 2008-17 to November 25, 2008. Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Motion by Commissioner Pridgen, second by Commissioner Comander, to continue Black Creek Plantation PUD to November 10, 2008. Ayes 4, Nays 0. Jones Aye, Comander Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear reported that the Planning Commission held their first public hearing on the EAR Based Amendments and was unable to complete the Land Use Element. She requested direction as to whether the Board of County Commissioners' workshop scheduled for October 30, 2008 should be held. Chairman Jones felt that without the Planning Commission's recommendations, there would be nothing to consider and action could not be taken. He asked when the Planning Commission would next meet. Ms. Blackshear stated that a meeting is scheduled for November 5, 2008. She felt that the FLUE would be completed during that meeting.

Discussion ensued regarding the date to reschedule the EAR Amendments Workshop.

Motion by Commissioner Pridgen, second by Commissioner Comander, to cancel the EAR Amendment Workshop on Thursday, October 30, 2008. Ayes 3, Nays 1. Jones Aye, Comander Aye, Meadows Nay, Pridgen Aye.

There being no further business, the meeting adjourned at 5:16 p.m.

APPROVED _____
Larry Jones, Chairman

ATTEST _____
Martha Ingle, Clerk of Courts