

REGULAR MEETING - FEBRUARY 24, 2009

The Board of County Commissioners, Walton County, Florida, held a regular meeting on February 24, 2009 at 4:00 p.m., at the Walton County Courthouse in DeFuniak Springs.

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

Mr. Lyle Seigler, Public Works Director, led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Comander called the meeting to order.

Mr. Ronnie Bell, County Administrator, clarified with Commissioner Brannon that the amount designated to Morrison Springs, item 10 of the consent agenda, was to be increased up to \$9,000 to insure that last minute items were covered prior to the re-opening of the park. Commissioner Brannon concurred.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the consent agenda as follows with changes to item 10. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 1,293,466.09
County Transportation	\$ 952,252.63
SHIP	\$ 8,150.15
Fine & Forfeiture	\$ 1,065,136.93
Mosq. Control State	\$ 509.00
Section 8 Housing	\$ 137,631.17
Tourist Dev. Council	\$ 253,303.93
N.W. Mosquito Control	\$ 637.53
W. Co. Library	\$ 9,484.05
Recreation Plat Fee	\$ 53,935.83
Tax Deed Surplus Trust	\$ 12,055.00
Public Safety- 911	\$ 1,338.09
Solid Waste Enterprise	\$ 12,333.36
Sidewalk Fund	\$ 74,857.48
Bldg Dept/Enterp. Fund	\$ 670.94
Inmate Canteen Fund	\$ 9,280.43
Capital Projects Fund	\$ 22,744.71
Totals	\$ 3,907,787.32

2. Approve Minutes of February 10, 2009 – Regular Meeting
3. Approve a Resolution **(2009-16)** to amend the budget for the award of grant funds from FDLE for the 2008 Edward Byrne Memorial Assistance Grant-Florida JAG Direct Grant for the Force on Force Training Project.
4. Approve a Resolution **(2009-17)** to amend the budget for the award of grant funds for the EMS County Grant Program from the Department of Health.
5. Approve a Resolution **(2009-18)** to amend the budget for an insurance reimbursement from an accident involving a Health Department vehicle.
6. Approve a Resolution **(2009-19)** to amend the budget for a donation to the Walton County Library.
7. Approve a Resolution **(2009-20)** to amend the budget for deferred FBIP allocation funds for use on the Bayfield Boat Ramp Project.
8. Approval to surplus a Zetron Portable System (Public Safety Answering Point, PSAP).
9. Approve and allow Chair to sign the HUD Depository Agreement.
10. Allocate District one Recreational Plat Fee Funds in the amount of \$4,000 for Morrison Springs and \$10,307 for the Red Bay Park. (Increase up to \$9,000 for Morrison Springs)

Mr. Ken Moneghan, Florida Association of Counties Trust (FACT), and Commissioner Gordon Goodin, Santa Rosa County, presented a plaque to the Walton BCC honoring the FACT 20th anniversary. Both Mr. Moneghan and Commissioner Goodin briefly discussed the FACT program.

Chairman Comander called to order the public hearing to adopt a resolution (2009-21) electing to use the uniform method of collecting non-ad valorem special assessments levied within the unincorporated area of Walton County for capital infrastructure and roadway improvements.

Ms. Marguerite McCauley, CPA, CFE, Government Services Group, Incorporated, presented a brief overview of the resolution. She reported that similar resolutions have been adopted every year. This resolution is non-binding and will allow the Board to utilize tax bills to collect funds for road maintenance in subdivisions requesting improvements. The deadline for adoption is March 1, 2009.

Chairman Comander asked if a specific number is required in a requesting subdivision to begin the MSBU process. Mr. Bell stated that Board policy is for the homeowners association to meet with their district commissioner, GSG, and the County Administrator to discuss and plan the MSBU process and then present the information to the Board for approval. Discussion continued on the specific examples of current MSBU's.

Chairman Comander asked what options would be available if the resolution was not adopted. Ms. McCauley stated that the options included sending separate bills to each homeowner affected by the assessment areas, and the county would be financially responsible for the collection.

The floor was opened to public comment.

Ms. Janet Lowery stated that the public notification was confusing and asked for clarification. Chairman Comander stated that all of the unincorporated areas of the county had to be included to make the MSBU process available to any subdivision requesting

assistance. Ms. Lowery voiced concern that all homeowners in the association may not support a MSBU. Mr. Bell stated that the Board would not approve a MSBU with less than 51% of the homeowners in agreement. He said that this method was the most cost efficient.

There being no further comments a motion was made.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to adopt a resolution (**2009-21**) approving the use the uniform method of collecting non-ad valorem special assessments for capital infrastructure and roadway improvements. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Glenn Stephens, Polyengineering, gave an update on the waste water treatment facility for the Mossy Head Commerce Park. The project has experienced delays due to the pending bio-diesel plant and unexpected soil conditions on the site. Mr. Stephens discussed the directions to be taken to resolve the dilemmas. Plans are 80% complete. Commissioner Brannon asked if the projected timelines would be met for bid advertisement by September and awarding of the contract in November. Mr. Stephens said that all deadlines would be met. He stated that there is a possibility of funding from the economic stimulus package. Commissioner Brannon asked what the projected construction costs were. Mr. Stephens said that it would be approximately \$2.5 million and that he had given that information to Mr. Bell. Chairman Comander expressed her gratitude for the hard work done by Public Works to construct the road to the park.

Mr. Ken Little, Citizen Services Director, reported that the Walton County Heritage Association is seeking to restore the master clock inside the First National Bank and the slave clock located on the corner of 7th Street and Baldwin Avenue in DeFuniak

Springs. They are requesting approval for the use of county resources to perform the restoration and access to the master clock inside the bank building. The refurbishment will be funded by the Heritage Association so there will be no monetary cost to the county. Mr. Terry Dawkins explained the program to be used to raise the money to repair and renovate the master and slave clocks.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the request as presented. Chairman Comander asked Mr. Bell to draft a letter of support.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Rosemary Woods, PBS&J, presented an update on the Project Development and Environment (PD&E) study to realign the intersection of S.R. 20, S.R. 81, and C.R. 3280. Public meetings will be held on March 5 and 9, 2009 to review viable alternatives for this project. She said that they would be coordinating with the Muscogee Nation and Nokuse Plantation to explain the alternatives. The study is expected to be completed in November, 2009.

Mr. David Kramer said that all of the alternatives would affect his property and voiced concerns on how the easements would be obtained. He felt that environmental concerns also needed to be addressed. Ms. Woods stated that the study had not progressed far enough to determine what parcels would be impacted but would address those concerns at the appropriate time.

Mr. Michael J. McCombs, prospective owner of the Lucky 13 Truck Stop, discussed the waste water plant permit and application for the Community Development Block Grant (CDBG). He requested the Board continue to hold the permit for the waste

water plant until the purchase could be completed, and requested assistance in acquiring a CDBG grant for upgrades to the facility and equipment. He said that the purchase should be finalized within 60 days.

Mr. Bell gave an update on the permit issue. The process has begun to bring the facility into compliance, and to abandon the permit at a cost of \$85,153. The process is not complete and could be delayed for a specific time at the direction of the Board. DEP (Department of Environmental Protection) would be notified of the Board action. Commissioner L. Jones asked how far into the process is the project and when it would be completed. Mr. Bell reported that the facility has been pumped out and cleaned up making it compliant. One of the processes of abandonment is to demolish the structure; however, the county does not own the structure or the property, only the permit. Commissioner Brannon asked when the permit would be released. Mr. Bell answered within 45 to 60 days.

Commissioner L. Jones suggested that the process continue as is, and consider holding up the process only when evidence is presented that an individual has the funding to take over the facility.

Mr. McCombs reported that fuel lines and tanks would have to be replaced and grant funding would help with the process. Commissioner Brannon felt that the \$85,000 the county has spent bringing the facility into compliance should be reimbursed. Commissioner L. Jones stated that grant funding is not guaranteed. Chairman Comander felt that lost revenue should also be considered. She also felt that the Board should allow Mr. McCombs to work with Ms. Angie Biddle, Grants Coordinator, to see what would be available. The Board concurred to take no immediate action.

Mr. Allen Osborne felt that precedents should be set holding business owners responsible for DEP fines.

Mr. Bell submitted an email from Ms. Mary Nielson speaking against the project being presented by Mr. Charley Clary.

Mr. Charley Clary, III, FAIA, agent for Mr. Chris Tirico and The Tirico Trust, requested support of an economic development project that will bring approximately 50 jobs during the first phase of development. He briefly described the types of support needed from the county.

Chairman Comander encouraged Mr. Clary to meet with the Economic Development Alliance (EDA) and discuss changes that need to be made to the language in the agreement. Commissioner Brannon suggested that Mr. Clary re-present his information to the Board after meeting with the EDA. Mr. Clary asked that the Board submit a general letter of support that could be used to present to investors.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve a general letter of support. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Leigh Morrison, Life Enrichment Senior Center Director, presented the quarterly report (October-December) for the Senior Center.

Mr. Joel Paul, Jr., Tri-County Community Council, requested the contract with Tri-County, City of DeFuniak and Walton County be extended to September 30 to coincide with the yearly budgets. The present contract expires March 10, 2009. He also requested to be included in the county's budget process. Mr. Bell suggested making the following changes to item 2 of the addendum: change "County and Tri-County" to "Tri-

County” in the first sentence; and change “City may” to “City or County may” in the second sentence.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the contract extension amendment with the recommended changes. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Ronnie Bell, County Administrator, presented the following Board and Committee appointments and reappointments: appointment of Mr. Jerry Long to the Recreation Board, and Ms. Marilyn Louwerens to the Library Advisory Board; reappointment of Ms. Diane Magnuson and Mr. Leonard G. “Andy” Anderson to the Community Development Citizens Advisory Committee, and Ms. Julie King to the Affordable Housing Advisory Committee.

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

Mr. Bell discussed the previously approved 2008/2009 E911 State Grant in the amount of \$617,869. This grant was awarded by the State of Florida for joint use by Walton and Okaloosa Counties to start a regional routing system and to enhance the backup systems for the E911 equipment. An additional \$485,000 should be received between May and June of 2009. He recognized Ms. Michelle Gatlin for the work she performed in obtaining grant funding for E911.

Mr. Bell requested approval to apply for the 2008/2009 E911 Rural County Grant Program (for training and conferences) in the amount of \$6,000.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the 2008/2009 E911 Rural County Grant application in the amount of \$6,000. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested approval to apply for the 2008/2009 E911 Rural County Grant (for system maintenance) in the amount of \$33,330.72 (\$23,707.68 for the County System, and \$9,623.04 for the City of DeFuniak Springs Police Department).

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the 2008/2009 E911 Rural County Grant application in the amount of \$33,330.72. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented the updates to the Corrections Policy Manual for second reading. The Corrections Department is required to update the policy manual annually to reflect changing standards, statutes and operational procedures. He recommended approval.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve to the Department of Corrections 2009 Draft Policy Manual. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented for first reading the following BCC Personnel Policy revisions: Policy 6, "Standard for Conduct and Ethics", Policy 28.10, "Temporary Work at a Higher Classification", Policy 4 "Types of Appointment". The policy revisions will be placed on the March 24, 2009 agenda for consideration.

Mr. Bell requested approval to seek bids to supply a 70' long pedestrian bridge on Bay Loop Road over Bear Creek. The bridge was removed from the Bay Loop contract

by an approved deductive change order. County crews will be utilized in the installation process.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to advertise for bids to supply a 70' long pedestrian bridge on Bay Loop Road over Bear Creek. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested approval of the proposal submitted by Preble-Rish for the construction inspection and contract administration for Scenic Gulf Drive Phase II in the amount of \$54,000. The project is expected to be completed by April 17, 2009.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the proposal submitted by Preble-Rish, Inc. for the construction inspection and contract administration for Scenic Gulf Drive Phase II in the amount of \$54,000. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented for approval the Scenic Gulf Drive Phase III – Parallel Parking Plan proposal submitted by Preble-Rish, Inc. The total cost of Planning (\$4,200), Permitting (\$7,500), Surveying (\$19,300), Engineering and Design (\$39,800) and Contract Administration and Construction Inspection (\$19,200) would be \$90,000. The project is expected to begin in August, 2009.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Preble-Rish proposal for the Scenic Gulf Drive Phase III – Parallel Parking Plan in the total amount of \$90,000. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented for approval the proposal submitted by Preble-Rish, Inc. for the Pompano Road Improvements Contract Administration and Construction Inspection in the amount of \$35,000.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the Preble-Rish proposal for the Pompano Road Improvements Contract Administration and Construction Inspection in the amount of \$35,000. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented the Moll Drive Multi-Use Path Change Order 1. He requested approval of the deductive change order in the amount of \$29,010.24.

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

Mr. Bell presented the Villa Tasso Drainage Improvements Change Order 4. He requested approval of the deductive change order in the amount of \$41,087.70.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the change order as presented.

Chairman Comander stated that the project is near completion and all of the workers have done an outstanding job.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested that the EMS Medical Director Letter of Appointment be renewed for Dr. Paul D. Hart. The agreement will terminate on March 12, 2009. A \$1,500 stipend is included.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the renewal of the EMS Medical Director Letter of Appointment. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented, on behalf of the Florida Commission for the Transportation Disadvantaged, Senate Bill 1048 and House Bill 187 which would support an increase in the fees collected that support the Transportation Disadvantaged Trust Fund. He recommended sending a Resolution of Support **(2009-22)**.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to adopt a Resolution of Support supporting the fee increase as presented **(2009-22)**. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented for adoption a Resolution of Support **(2009-23)** for the increase in cigarette excise tax in Florida, to reduce youth smoking and improve the health of Florida citizens.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to a resolution **(2009-23)** supporting the increase in cigarette excise tax in Florida. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented an amendment to Ordinance 2007-09 for Board review. The change would revise Section 5:14-5 which relates to the county recreational parks and community centers. He requested that changes and comments be submitted to County Administration.

Mr. Bell presented the District Five Commission Office Lease Agreement. He reported that Regional Utilities is still reviewing the agreement. The office is located at 70 Logan Lane in the Grayton Beach Area, and the lease amount is \$12 per square foot

with an expiration date of November 30, 2012. He felt that Regional Utilities would prefer to receive in-kind services rather than monetary payments. He recommended approval contingent upon approval by Regional Utilities.

Motion by Commissioner C. Jones, second by Commissioner L. Jones, to contingently approve the District Five Commission Office lease agreement. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested that the regular meeting to be held on March 10, 2009 be cancelled due to the National Association of Counties being held in Washington, D.C.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the cancellation of the March 10, 2009 regular meeting. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell reported that the Florida Communities Trust (FCT) Parks and Open Space Program will begin the Florida Forever application cycle on February 27, 2009. He stated grant funds are limited and requested an application be made for Padgett Park before the deadline on May 13, 2009.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve Florida Forever Grant application for Padgett Park. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented a letter from the Northwest Florida Transportation Corridor Authority (NFTCA) which discusses the unsolicited proposal submitted to NFTCA by Moving US 331 Forward, LLC. The proposal is to widen US 331 to four lanes from Highway 98 south of the Clyde Wells Bridge to S.R. 20. Also included is a second parallel bridge that will improve safety, evacuation time and promote economic

development. NFTCA can accept advertised bids up to 60 days. Mr. Bell stated that this was for information purposes and no recommendations were to be made at this time. County and public input would be sought.

Mr. M. C. Davis and Mr. Allen Osborne voiced concern over the lack of information on the project. Both men felt that more time is needed to study the project in greater detail, to determine funding sources, and the economic impact it will have on Walton County.

Chairman Comander urged the citizens to contact the Commissioners with their input.

Commissioner L. Jones suggested that a resolution (**2009-24**) be adopted and sent to Governor Charlie Crist and the NFTCA asking that the time frame be lengthened to a six month consideration period.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to adopt a resolution (**2009-24**) to be sent to the Governor and NFTCA asking to lengthen the period of consideration from 60 days to six months. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell reported that the City of DeFuniak Springs is currently experiencing a deficit in the Building Department's certified inspectors. He stated that county inspectors have been assisting with building and site inspections while city personnel are being licensed and certified. The city is reimbursing the county for any inspections performed by county inspectors (\$30 per inspection). An interlocal agreement will be presented at the March 24, 2009 meeting for Board approval.

Attorney Mike Burke, Count Attorney, presented the warranty deed for the private sale with Ms. Karen Hutchinson for the Blue Mountain Beach Road parcel. He recommended acceptance.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to accept the warranty deed for the Blue Mountain Beach Road parcel as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Allen Brown, Public Works, presented an easement request on behalf of Mr. John Law. Mr. Law had communicated with public works staff that acreage belonging to Walton Woodlands Lands, LLC is land locked and access to the property is needed. Mr. Brown reported that a legal description and a statement of understanding will be included in the easement agreement. Attorney Burke stated that the agreement would hold the county harmless from all claims, damages, losses, and expenses.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the easement request. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Commissioner Brannon presented an update on the Red Bay Fire Station project. He reported that the community center was near completion and money has been budgeted for some of the fire station improvements. He requested to go forward with the budgeted amount and begin improvements on the fire station. Mr. Bell stated that Mr. Rick Millard, County Construction Manager, made two recommendations: get Board approval for an engineer to build the slab, and to advertise bids for a metal building package with assembly. County construction will finish it out.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve an engineer to build the slab, and to advertise bids for a metal building package with assembly. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Commissioner Brannon announced that the grand opening of Morrison Springs would be held on March 26, 2009 at 11:00 am.

Commissioners Pridgen and L. Jones had no items to present.

Commissioner C. Jones requested the Board consider amending Ordinance 2008-08 to increase the local vendor preference from 2% to 5% for the remainder of the fiscal year with a cap of \$10,000. Chairman Comander stated that a public hearing would be required.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to set a public hearing to discuss an amendment to Ordinance 2008-08. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Commissioner C. Jones requested to have \$28,000 de-obligated from Cessna Landing-Huettel Property to pave 800 feet on Seahorse Circle and utilize in house paving and stabilization crews.

Motion by Commissioner C. Jones, second by Commissioner L. Jones, to approve the de-obligation of funds as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Commissioner C. Jones announced the unveiling of the scenic corridor signs on February 25 at Topsail at 10:00 am.

Chairman Comander had no items to present.

Mr. David Kramer asked the Board to consider options to not transfer landfill waste to Jackson County but instead utilize the facilities and resources here in Walton County.

Chairman Comander gave a brief update regarding the meeting of the Board and Constitutional Officers. She stated that everyone will be working together to make necessary budget cuts and will present the recommendations for public review.

Mr. Allen Osborne presented an update on the Driftwood Drainage issue and discussed the 2002 Notice of Proposed Change (NOPC).

Mr. Michael Beam also addressed the drainage problems relating to Driftwood Estates. (Commissioner Jones exited the meeting and returned after the recess.) Mr. Beam urged the Board to find a drainage solution prior to further construction.

The meeting recessed at 5:46 p.m. and reconvened at 6:16 p.m.

Ms. Pat Blackshear, Growth Management Director, requested approval of the C. R. 30A Right-of-Way Agreement for improvements to drainage, parking apron, bike path, and sidewalk within the right-of-way. Staff found the project consistent with the Land Development Code and Comprehensive Plan. This agreement was conceptually approved at a previous meeting.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the C.R. 30A Right-of-Way Agreement. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Blackshear requested Board direction to consider waiving Planning and Engineering review fees for one calendar year. Resolution 2008-37 has allowed for review fee relief for development applicants who possess the 501(c) tax exemption status.

The request to waive the fees would expand the relief to for-profit organizations. She suggested only waiving the fees for projects considered major, minor, less than minor, and plat review. Commissioner L. Jones suggested looking at the impact it will have on the budget. Chairman Comander said that the fees requiring the payment for expert review should not be suspended. The Board concurred to direct Ms. Blackshear to bring the budget impact information to the March 24, 2009 meeting.

Ms. Blackshear requested that the collection on the Sundance Subdivision Letter of Credit be removed from the agenda. It has been resolved.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to remove the collection on the Sundance Subdivision Letter of Credit from agenda. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Blackshear stated that a cashier's check was provided to cover the Letter of Credit for Highland Park at Blue Mountain Beach, no action is needed.

Commissioner L. Jones questioned if the cashiers check was for the remaining costs of the Highland Park project and if the project was complete. He voiced concern that with the submission of a cashiers check was for less than the amount of the Letter of Credit, and felt the county would ultimately be held liable to complete the project. Attorney Burke stated that a cashier's check will be held as security until the project is complete. Ms. Blackshear stated that the Letter of Credit/cashiers check is tied to the prepared engineering estimate and covers the itemized list needed to complete the project. Discussion continued on the Letter of Credit process.

Mr. Dean Burgis, P.E., Emerald Coast Associates, stated that the subdivision is nearly complete with only a few items left to be finished. The reason for the extension

was that the contractor was not sure if he would be able to complete the project before the expiration of the Letter of Credit.

Ms. Blackshear requested collection on the following letters of credits which are set to expire prior to the March 24, 2009 meeting: Trout Branch Industrial Park and Juniper Trace Subdivision.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to allow staff to redeem the Letters of Credit for Trout Branch Industrial Park and Juniper Trace Subdivision if not made whole before the expiration date. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Sonny Mares, Tourist Development Council Executive Director, requested a budget transfer of \$125,000 from the printing account to the marketing account for emergency marketing to assist the bed tax collectors in securing increased business for the spring and summer.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the budget transfer of \$125,000 from the TDC printing account to the TDC marketing account. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Blackshear requested that the Blue Mountain Beachfront Neighborhood Plan Ordinance public hearing be continued to April 14, 2009.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to continue the Blue Mountain Beachfront Neighborhood Plan Ordinance public hearing to April 14, 2009. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Blackshear presented the proposed amendments to the future land use element of the Walton County Comprehensive Plan. The mapping cannot be completed without approval of the proposed amendments. She requested to continue this item to March 24, 2009.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to continue the proposed list of future land use categories and their general parameters to March 24, 2009.

Mr. David Kramer and Mr. Alan Ficarra stated that there were errors and changes within the amendments. Mr. Kramer asked that the issue be returned to the Planning Commission for further analysis. Ms. Blackshear stated that it would come back to the Planning Commission for review with the maps once the Board approves the new designations.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Blackshear suggested that Mr. Ficarra and Mr. Kramer meet with the planning staff to discuss the errors and suggested changes.

Mr. Billy McKee, Environmental Department, requested approval of the Wildlife Conservation Ordinance (**2009-03**). The ordinance would amend Chapter 5 of the Walton County Land Development Code to establish a Wildlife Conservation Zone with lighting standards; providing for a purpose and applicability; providing for definitions; providing standards for new construction activities; providing standards for existing exterior lighting; providing for enforcement and penalties; and provide for interpretation. Mr. McKee recommended that “and walkovers providing common beach access for

residential neighborhoods” be added to the last sentences on item 7, page 7 and item 5, page 9. Single family homes must comply by May 1, 2010 and commercial will have a 20 month timeframe.

Commissioner Brannon felt that the language of Section 5.10.06 did not give the County Attorney enough authority in determining the Conflict of Law. Attorney Burke stated that the County Attorney is frequently consulted and applicants are made aware of any conflicts.

Mr. McKee reported that beach surveys would be performed to check for non-compliant properties and the owners will be notified. Code Enforcement will work with owners who are making a good faith attempt to bring their property into compliance.

Staff recommends that the ordinance be adopted as written.

Attorney Burke recommended that December 1, 2010 be inserted as the deadline date for commercial compliance.

The floor was opened for public comment.

Mr. Mares presented a resolution adopted by the TDC that supports a wildlife ordinance but encourages the Board to consider the negative impact this particular ordinance may have on the tourism industry. Since the adoption of the TDC resolution, all the parties involved have come to an agreement as to the language and effects of the ordinance. He spoke with Dr. Robin Trendell, Florida Fish and Wildlife Conservation Commission, and stated that she is waiting for the passage of this ordinance before writing a recommendation to FDEP concerning the county’s permit for eastern Walton County beach nourishment.

Ms. Martha Heller feels that the application for a variance is a loop hole in the ordinance and could easily be taken advantage of by property owners. Mr. McKee stated that strict requirements will be placed on variance applications. He briefly discussed the requirements on existing structures and new construction.

Commissioner Brannon questioned when the compliance survey would be complete and voiced concern that some individuals may not learn of their noncompliance in an adequate amount of time. Mr. McKee stated that Taylor Engineering has already notified many of the establishments and properties that have lighting issues. Attorney Burke stated that the letter of noncompliance from Code Enforcement will give the individual or establishment a specific amount of time to come into compliance. There will be ample time to come into compliance. Discussion continued regarding the notification and education of noncompliance. Ms. Blackshear stated that Mr. Chris Mitchell, Public Information Officer, will assist in getting the information for compliance out to the public.

Mr. Bob Earnest, Ecological Associates, stated that notices are sent out, pre-season, to the property owners within the boundary of the ordinance. He briefly discussed some of the compliance guidelines given to the property owners.

Ms. Mary Neilson suggested inserting informational flyers into the TRIM notices. Ms. Blackshear suggested also working with Regional Utilities and South Walton Utility Company.

Attorney John Connell, representing Community Association Presidents of the Emerald Coast (CAPEC), stated that the organization is in favor of the ordinance as

presented. He suggested grandfathering in existing structures and extending the length of time for condominium associations to comply.

Mr. Robert Shelton, Mr. Richard Fowlkes, and Mr. Robert Camm all urged passage of the ordinance as presented.

There being no further public comment a motion as made.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to adopt the Wildlife Conservation Ordinance (**2009-03**) with the recommended changes. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

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

Chairman Comander exited the meeting. Commissioner Brannon assumed the Chairman position.

Mr. Mac Carpenter, Planning Manager, requested that the re-plat of Island Estates Lot 9 be continued to March 24, 2009.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to continue Island Estates Lot 9 Re-Plat to March 24, 2009. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Blackshear presented for review a proposed ordinance governing mining activities which will go in conjunction with the Future Land Use Categories. The draft ordinance incorporates the best management practices previously adopted by the Board. A presentation of the draft will be made to the Planning Commission for initial public hearing on March 12, 2009. The ordinance will need to move forward with the EAR amendments.

There being no further business, the meeting adjourned at 7:15 p.m.

APPROVED _____
Sara Comander, Chair

ATTEST _____
Martha Ingle, Clerk of Courts