

MARCH 24, 2009 – REGULAR MEETING

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

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

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

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

1. Expenditure Approval List (EAL)

General Fund	\$ 2,290,253.22
County Transportation	\$ 1,261,276.69
SHIP	\$ 18,030.50
Fine & Forfeiture	\$ 109,268.44
Debt Service Hospital	\$ 530.00
Mosq. Control State	\$ 750.00
Section 8 Housing	\$ 136,037.37
Tourist Dev. Council	\$ 1,659,215.60
N.W. Mosquito Control	\$ 1,253.53
W. Co. Library	\$ 18,411.71
Recreation Plat Fee	\$ 13,177.91
Tax Deed Surplus Trust	\$ 16,286.83
Public Safety- 911	\$ 17,539.41
Solid Waste Enterprise	\$ 479,771.18
Sidewalk Fund	\$ 228,566.51
Bldg Dept/Enterp. Fund	\$ 3,841.63
Imperial Lakes MSBU	\$ 1,000.00
Inmate Canteen Fund	\$ 23,064.52
Daughette Subdivision	\$ 1,250.00
Capital Projects Fund	\$ 356,471.24

Totals

\$ 6,635,996.29

2. Approve Minutes of February 24, 2009 – Workshop and Regular Meetings and March 11, 2009 – Legislative Delegation Meetings
3. Approve request to surplus one printer from the Walton County Clerk of Circuit Court
4. Approve a Resolution (2009-25) to amend the budget for an unanticipated donation to Driftwood Estates Park in the amount of \$3,000
5. Approve a Resolution (2009-26) to amend the budget for unanticipated revenue from the Hutchison Property for the in-house road materials in the amount of \$15,000 and for the Public Works Fund in the amount of \$15,000
6. Approve a Resolution (2009-27) to amend the budget to roll forward reserves and expenditures that have previously been earmarked for the Scenic Gulf Drive Phase III Project in the amount of \$90,000
7. Approve a Resolution (2009-28) to amend the budget for the award of grant funds for the Roadside Beautification Assistance Program for the median improvement project on US 98 in the amount of \$100,000
8. Approve to submit the Florida Forever Grant applications to FCT and DEP for the Natural Bridge Project
9. Request to surplus and remove from inventory one 2004 Dell computer Optiplex GX620 (BCC 5358) from the GIS Department
10. Approve 2009 Agreement between Walton County and the Walton County Economic Development Alliance, Inc.
11. Request to surplus on computer and monitor (BCC 3902) from the Planning Department

Attorney Burke requested to add the following case in the executive session:
Sherry Rayburn vs. Walton County and the Department of Community Affairs.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to add the requested case for discussion in the executive session. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Commissioner L. Jones presented a letter to the Board notifying them of his job offer for an executive position with Waste Management and his employment agreement. He clarified that his position does not include any representation of Waste Management for Walton County.

March 24, 2009 - Regular Meeting
Prepared by: Tina Earley

Mr. Ken Little, Citizen Services Director, requested approval of Resolution **(2009-29)** proclaiming April 5, 2009 as Parent and Children's Day for the Early Learning Coalition (ELC) of Okaloosa and Walton County. Ms. Gloria Mayo, Executive Director of ELC, introduced the members who represent Walton County: Mr. Terry Pilcher, Mr. Paul Sirmans, and Ms. Myra Shaw. She expressed their appreciation of the support for the working and economically challenged families in Walton County.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to adopt Resolution **(2009-29)** as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander called the public hearing to order to consider Ordinance **(2009-05)** amending to the Purchasing Policies and Procedures Ordinance (2008-08).

Attorney Henry, County Attorney, stated the amendment to Ordinance 2008-08 would increase the local preference. Mr. Bell clarified that the amended increase would be from 2% to 5%, and the temporary increase would sunset on September 30, 2009.

Chairman Comander asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt the proposed amendment Ordinance **(2009-05)** as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to temporarily change the Purchasing Policies and Procedures Manual. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Robert Benning requested closing the boat ramp in the Dogwood Terrace Subdivision. He provided information regarding the different instances and activities that have occurred during the day and night. He expressed concerns for the children playing on the boat ramp and potential lawsuits from injuries.

Chairman Comander read aloud the information provided by Attorney Burke and Attorney Hoshihara regarding ownership of the boat ramp. Their research indicated that the ramp is not County owned, but possibly owned by the original subdivision, developer, or lot owners of Dogwood Terrace Subdivision. Chairman Comander suggested contacting Sheriff Adkinson to address the issues in the area and seek legal advice to demolish the boat ramp.

Mr. Thomas Waldrop, Jr. requested the display of outdoor merchandise within the Scenic Corridor area during actual business hours (Chapter 13 – US 98 Scenic Corridor). He recently opened a new business on Hwy 30A, and while unloading the products their neighbor informed them they could not display the items in front of the store. He was not told of this regulation when he called for his business license or by the landlord. In early March he was issued a warning by Code Enforcement. He reviewed Chapter 13 of the US 98 Scenic Corridor code and briefly discussed the language of the code. Mr. Waldrop encouraged the Board to think of the current economic state, look at that section to provide better definitions and add a minimum allowance of items displayed during business hours, and see if the code is currently enforceable.

Commissioner Brannon questioned if there is a distinction of merchandise that is allowed to be displayed in the code. Attorney Burke stated that very limited items are allowed. Commissioner Brannon questioned if Mr. Waldrop could file for a variance.

Attorney Burke answered that he could file for a variance and that would go before the Board of Adjustment. Chairman Comander questioned if during this hardship this code should be readdressed and possibly display items at certain times of the month. She questioned Ms. Blackshear if it would be beneficial for the Planning Department to meet with the Scenic Corridor Association. Ms. Blackshear stated that they will approach this subject with the Scenic Corridor Association, the working group, and the Design Review Board. Chairman Comander asked for that information to be provided to the Board.

Brief discussion continued regarding the current merchandise and signs on Hwy 98.

Mr. Sonny Mares, TDC Executive Director, requested approval for Taylor Engineering to conduct the Scope of Work for the 2009 Western Walton County Beach Monitoring project for the amount of \$102,213.84.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve Taylor Engineering, for the amount of \$102,213.84, to conduct the Scope of Work for the 2009 Western Walton County Beach Monitoring project. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Mares requested approval to issue a task order to WilsonMiller for engineering, environmental, and survey services in regard to plans to create additional 100+ public parking spaces in the right-of-way along Santa Clara Street and Willow Street for an amount of \$31,200. Each parking space gives the county a \$20,000 nourishment credit toward the future nourishment project, resulting in a \$2 million benefit.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve WilsonMiller for the engineering, environmental, and survey to create additional parking spaces along Santa Clara Street and Willow Street for an amount of \$31,200. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Mares requested approval to request a task order from WilsonMiller to redesign plans for the construction of the restroom facility at Inlet Beach, for an amount of \$39,982.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve WilsonMiller to redesign plans for the construction of the restroom facility at Inlet Beach, for an amount of \$39,982. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Mares presented the TDC Council's recommendation to provide funding for Top Sail Hill Preserve State Park to purchase a tram system, for the amount of \$54,027. The TDC Council believes that this would be a great improvement to attract more tourism to the State Park beach area as well as the lakes. Mr. Tony Tindle, Top Sail Hill Preserve Park Manager, commented that they already operate one tram system and the new construction will require an additional tram. The additional tram would be a great benefit for the park and the county.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the purchase of a tram system for Top Sail Hill Preserve State Park for an amount of \$54,027. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Mares requested approval of the Miramar Regional Beach Access change order #2, for the amount of \$105,214.52, to add three stairway accesses from the new parking deck to the beach.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Miramar Regional Beach Access change order #2 for an amount of \$105,214.52. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Mares requested approval of a contract, for the amount of \$80,000, to South Walton Turtle Watch, Inc. for sea turtle monitoring in non-state park beaches in Walton County. The contract is for a three year period.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the contract to South Walton Turtle Watch, Inc. for sea turtle monitoring in non-state park beaches for an amount of \$80,000. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Alan Osborne, Driftwood resident, briefly discussed the MSBU for Driftwood Estates and the Sandestin DRI land use change to the public school site. He discussed the 2002 NOPC for non compliance of Intrawest, Ordinance 2002-18, and the Sandestin DRI Notice of Proposed Change. He stated that the County should not be paying for these issues to be fixed. He submitted a proposed letter to send to Intrawest on behalf of the county, asking Intrawest to produce the proof of their actions and prove they followed the rules.

Brief discussion continued regarding the MSBU for Driftwood Estates.

Attorney Burke stated that he would meet with Ms. Blackshear to review the information submitted by Mr. Osborne to determine why the process would have been permitted and report back to the Board.

Ms. Doris Beam, Driftwood resident, spoke about the Driftwood drainage issues and asked the Board to answer DCA's questions so those issues can be resolved.

Mr. Paul Sirmans, Driftwood resident, expressed his appreciation to the Board for dealing with the difficult issues and all their support.

Mr. Michael Smith, Driftwood resident, encouraged the Board to visit the neighborhood after a rain to see the affects on the community and requested their help.

Mr. Bell stated that Mr. Alan Brown and Mr. Greg Graham from Public Works have been working on the drainage issues that Ms. Beam addressed. Hopefully that information will be provided at the April 14, 2009 meeting with recommendations and alternatives to consider for the first phase.

Mr. Chris Mitchell, Public Information Officer, gave a brief demonstration of the County's new website and provided background information regarding the site.

The meeting recessed at 5:02 p.m. and reconvened at 5:14 p.m.

Mr. Ronnie Bell, County Administrator, presented from Citizen Services, a request for approval of the Affordable Housing Advisory Committee recommendations pertaining to the SHIP Program. The recommendation for the Rental Development Strategy Proposal is to allocate an additional \$40,000 to the Arbors at Shoemaker Place Project, and the Contractor Local Preference recommendation to use the Local Preference Policy in awarding bids for Substantial Rehabilitation Projects.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the two recommendations from the Affordable Housing Advisory Committee as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested removing from the agenda, the approval for subordination of SHIP mortgages in refinancing actions where the client is receiving no cash out of the transaction. This item will be presented at a future date.

Mr. Bell requested approval of the recommended reappointment of Mr. Bill Smith to the Design Review Board.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve reappointment of Mr. Bill Smith to the Design Review Board. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested approval to close applications for HUD Section 8 Voucher Assistance. Mr. Little stated that we are only receiving 90% of the allocation that we had expected to get this year. We are at capacity and there is a waiting list that exceeds the number of people that are currently being helped. The Jacksonville Regional Office said we need to stop receiving applications at this time.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve closing the acceptance of applications for the HUD Section 8 Voucher Assistance. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell presented, from Emergency Response Division, a request to approve an Interlocal Agreement between South Walton Fire District and Walton County Emergency Response Division.

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

Mr. Bell requested approval for Walton County Animal Control to apply for the 2009 Florida Animal Friend Grant for \$25,000 to help start a Spay and Neuter Program within Animal Control.

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

Mr. Bell requested to review the updated Cost Recovery Fee section of the Walton County Code of Ordinance Chapter 10 and schedule for a maximum cost recovery fee. A decision to set a public hearing will be decided at the next meeting.

Mr. Bell requested adoption of Resolution **(2009-32)** declaring the week of April 12-18, 2009 as E911 Telecommunicator Week.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve Resolution **(2009-32)** as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell presented, from Human Resources, a request to approve the recommended changes of the BCC Personnel Policies and Procedures, Policy 6, "Standards for Conduct and Ethics".

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

Mr. Bell requested approval of changes to the BCC Personnel Policies and Procedures, Policy 28.10, "Temporary Work at a Higher Classification".

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the request as presented.

Commissioner L. Jones recommended adding to the language: "at the discretion of the Division Director or County Administrator".

Commissioner C. Jones amended her motion to approve the request as presented with the addition of the new language, second by Commissioner Pridgen. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested approval of changes to the BCC Personnel Policies and Procedures, Policy 4, "Types of Appointment".

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

Mr. Bell requested approval of changes to the BCC Personnel Policies and Procedures, Policy 16.14, "Contribution of Sick Leave Hours". Mr. Gary Mattison, Human Resource Director, commented that the request for approval of the BCC Personnel Policies and Procedures Policy 16.14, "Contribution of Sick Leave Hours" and Policy 15.7, "Retirement Pay and Drop Participation" would be tabled until the April meeting due to more changes.

Mr. Mattison commented that the time has approached to advertise and accept applications for the Summer Youth Program. He stated that the program is a \$125,000

program and at this time Human Resources would like to suspend the program for the 2008-2009 budget year due to budget constraints.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve suspension of the Summer Youth Program for the 2008-2009 budget year. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell presented, from Facilities Maintenance, a request to approve the change order on the new Animal Shelter. The changes are for a sprinkler system, an upgradeable water line, a water line from the Animal Shelter to Hwy 83, and the contract cost totaling \$139,348. Mr. Rick Millard, Construction Manager, has worked with Dooley-Mack on the deductive changes, remaining charges due, and estimated savings from Direct Purchase, resulting in a negative deduct of \$5,347.

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

Mr. Bell presented, from Public Works, a request to award ITB 09-013 CR 192 Widening and Overlay to low bidder, Anderson Columbia, for the amount of \$999,998.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve low bidder, Anderson Columbia, for an amount of \$999,998, for ITB 09-013. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested approval to enter into an agreement with Sand Prints Drainage to resolve the street flooding located at this development. This is located in District 5 and the Home Owners Group is willing to pay half of the County's cost, totaling \$8,446.

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

Mr. Bell requested approval to enter into a cooperative agreement with Mr. John King to connect Goldsby Road to Los Robles Grande Drive. Mr. King has agreed to pay for materials not to exceed \$3,000.

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

Mr. Bell requested approval to purchase a Finn B 70 Straw Blower. He stated that the unit is currently rented and the \$36,000 budgeted to rent the machine will go towards the purchase. They recommend purchasing the machine for a total cost of \$7,270 from Vermeer Southeast.

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

Mr. Bell presented, from the Administration Department, a request for approval to submit the candidate projects for the 2009-2010 FBIP Grant Cycle to the FWCC for possible grant funding.

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

Mr. Bell presented a request from Okaloosa County Commission Chairman Bill Roberts, to join a proclamation in support of the F-35 Joint Strike Fighter and the Joint Integrated Training Center at Eglin AFB.

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

Mr. Bell requested approval of the Garbage Franchise Agreement renewal with DAYCO. He discussed the DAYCO Summary and rate differences. Mr. Bell recommended approval of the increased rates as submitted and combine the different rates into one charge of \$10.34 per household per month. This rate would include all the different types of garbage coverage. He also requested to include a CPI, as in other franchise agreements, so the issue does not come up every year for rate increases, and allow the contract to be effective through 2015.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the request as presented.

Mr. David Kramer raised concern regarding the definition of white goods and the premium prices of recycled materials.

Mr. Bud Day clarified that they have tried selling the scrap metal in the past. The white goods now go to the County Landfill for disposal.

Mr. Alan Ficarra questioned the total percentage of increase. Mr. Bell answered that they are currently receiving \$8.30 per household. Mr. Ficarra questioned if the service was only for the north end of the county. Mr. Bell stated that they are looking to

negotiate with Waste Management to provide a similar service for the south end. Mr. Ficarra also suggested re-bidding.

Ms. Linda Hildreth questioned if they could give the reusable items to organizations such as the Caring and Sharing or Habitat for Humanity. Chairman Comander commented that the items are compacted when they are put on the truck.

Mr. Bell clarified that the county does sell the scrap metal.

Mr. Bill Bard recommended automatic pickups with covers on the containers to keep the animals out and questioned if that could be a possible process in the future. Mr. Bell stated that they could consider that suggestion in the future for commercial and residential covers.

Commissioner Brannon commented that the current agreement has not expired. Mr. Bell clarified that it has not expired. The recommendation from the evaluation team was to reject all bids from the RFP. The Board requested renegotiating with DAYCO and Waste Management to provide those services.

Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye. (Commissioner L. Jones abstained from voting due to his employment at Waste Management.)

Mr. Bell presented a request from the Darlington Community Center Board, for Walton County to take ownership of the center and continue to provide the facility as a meeting place for the community. They also requested to have a reverter clause in the deed so that in the future if the County could not maintain the facility, then it would be returned back to the community. The community has maintained, repaired and tried to operate the building since 1983.

Commissioner Brannon questioned if the building is currently a polling precinct. Mr. Bell answered that it is not, but that could be looked at.

Commissioner Pridgen stated that this is a great opportunity to preserve part of the heritage in that community.

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

Mr. Bell requested reviewing an amendment to the Recreational Parks and Community Centers Ordinance and Fee Resolution. There is one item in the resolution that had an error in the community center fees. The recommended increase is \$50 from \$25 for less than four hours with a refund of \$25 if cleaned, not a refund of \$50. A decision to advertise a public hearing will be made at the April 14, 2009 meeting.

Mr. Bell requested to advertise for an RFP for a company to provide collection services for delinquent fees for County Probation. Chairman Comander questioned Mr. Robert Bowers, County Probation Manager, how much revenue is lost yearly due to lack of fee collection. Mr. Bowers stated that they do not have that information at this time, but this would benefit the county.

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

Commissioner Brannon briefly exited the meeting.

Mr. Bell presented a request from Regional Utilities to declare five well sites surplus and allow Regional Utilities to advertise these parcels for sale, take bids, and bring those bids to the Board for approval.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the request as presented. Ayes 4, Nays 0. Comander Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Commissioner Brannon returned to the meeting.

Mr. Bell presented a request from the Scenic Corridor Association/Foundation for funds donated to be utilized for landscape architecture and permitting services for future beautification project grants that we paid through the Scenic Corridor Association/Foundation. The grant specifically states that we are not allowed to use the grant funds for the landscape architect to do design permitting, etc. He requested the cash money that has been raised on the other projects be given back to the Scenic Corridor Association, and contract with the landscape architect but be allowed to use the funds to keep adding. They have also applied for additional median beautification grants. He recommended approval for an amount of \$29,415.

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

Mr. Bell requested approval for an appraisal on the old Health Department in conjunction with a lease or purchase agreement with the City of DeFuniak Springs. He stated that they did consider, at one time, leasing the building to the City in exchange for future considerations on impact fees for water and sewer as we expand our facilities. In

discussion it was recommended that the county consider selling or deeding the property to the City. The appraisal will be jointly paid by the County and the City of DeFuniak.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve to go forward with the appraisal and bring the results back to the Board and the City Council. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell notified the Board of a letter he received from Mr. Dave Wallace, Waste Management, stating that he is the contact for Walton County concerning Waste Management issues.

Mr. Bell briefly gave an update on the meetings with Senators and Congressmen in Washington, D.C. The meetings were very beneficial. We have received \$237,500 for the widening of Hwy 331 and \$95,000 for the bridge. These funds will go to DOT and cannot be used for any projects other than Hwy 331.

Discussion continued regarding the lobbying services, the Reauthorization Transportation Bill, and stimulus funds.

Attorney Henry, County Attorney, stated that Kenneth and Elieen White took out a SHIP mortgage in 2001 for about \$3,800 to aid in getting a \$64,000 first mortgage. They are now trying to refinance the first mortgage and the bank has demanded a subordination agreement from the County. The West Florida Regional Planning Council sent a draft agreement for execution, but it was wrong. He requested drafting a subordination agreement and authorize Mr. Ken Little to sign the agreement.

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

Attorney Burke requested consideration of a proposed county-wide Noise Ordinance and schedule a Public Hearing Date. He stated that the Grayton Beach Ordinance has been effective and requested adopting that ordinance as a county-wide ordinance. Brief discussion continued regarding how noise is measured and to what extent it is too much. A request to set a public hearing will be set at a future date.

Commissioner Brannon had no items to present.

Commissioner Pridgen had no items to present.

Commissioner L. Jones had no items to present.

Commissioner C. Jones had no items to present.

Chairman Comander stated that the Okaloosa Walton TPO is lacking one member from Walton County. Commissioner Pridgen and Chairman Comander are currently members.

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

Chairman Comander stated that in 2004 the Board adopted rules of order. She stated that the rules are not being followed and questioned if the Board would like to follow the rules or negate them. She requested to work with Attorney Burke to make sure the rules are up-to-date, correct, and bring them back for approval. The Board concurred.

Chairman Comander stated that she was asked to write a letter to the Northwest Florida Transportation Corridor Authority (NFTCA) requesting 6 months to review the projects submitted for the Hwy 331 Bridge. She then wrote a follow up letter asking for the NFTCA to meet with the Board. She stated that there are still many questions and she is unsure of the process. Chairman Comander suggested: sending a formal request to not advertise a 60 day limited time period for proposals, adopt a resolution requesting removal of the 60 day limitation for unsolicited proposals, adopt a resolution opposing any roads or bridges in Walton County to be tolled, adopt a resolution requesting Walton County to have the authority to determine how a new bridge would be built and how it would be paid for, and ask the County Attorney to review the legal challenges available in the event the authority continues the 60 day limit.

Brief discussion continued regarding the 60 day limitation, the effect a tolling facility would have on the citizens, and the ability to create a Walton County Bridge Authority.

Chairman Comander stepped down. Vice-Chair Commissioner Brannon assumed the chair position.

Motion by Commissioner Comander, second by Commissioner Pridgen, to adopt Resolution **(2009-34)** eliminating the 60 day limitation and extend to 6 months, ask the legislature not to change the legislation to allow tolling of existing facilities, and ask the legislature to create a Walton County Bridge Authority to deal specifically with the Hwy 331 Bridge. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander assumed the chair position and asked for additional public comments.

Ms. Hildreth commented that, if given a choice, she would choose to have a toll on four lanes or three lanes with no toll.

The Public Meeting was recessed at 6:20 p.m. and an Executive Session was called to order to discuss Jolly Bay, LLC. vs. Walton County and Sherry Rayborn vs. Walton County and the Department of Community Affairs. This meeting was not open to the public pursuant to Florida Statute 286.011(8).

Attorney Burke stated, for the record, that the Board of County Commissioners will enter into an Executive Session in two lawsuits filed Jolly Bay, LLC vs. Walton County. The County Attorney has requested the Executive Session to discuss a litigation strategy. This case discussion should take approximately 30-60 minutes. In attendance will be the Board of County Commissioners; the County Administrator; Attorneys: Mike Burke, William C. Henry, Lynn Hoshihara; and Tim Warner (FACT). An additional Executive Session has been requested on Rayborn vs. Walton County. This case discussion should take approximately 10 minutes. The same people will be in attendance for this meeting with the exception of Mr. Warner.

The meeting reconvened at 7:25 p.m.

Ms. Pat Blackshear requested continuing the Walton County Apartment PUD to the April 14, 2009 meeting.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve continuing the Walton County Apartments PUD to the April 14, 2009 meeting. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Ms. Blackshear commented that the Ear-Based amendment Future Land Use Element was continued from February 24, 2009 and Chairman Comander suggested having a workshop on April 7, 2009 at 8:30 a.m. at the South Walton Annex. Chairman Comander stated that there have been so many revisions and people still want to comment on the amendments.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve continuing the Ear-Based Amendment to the Future Land Use Element to a workshop on April 7, 2009 at 8:30 a.m. at the South Walton Annex.

Chairman Comander asked for public comment.

Ms. Sherry Chase commented on the issues and presented information to the Board regarding Policy L-1.14.1. She requested that either the existing language in the current comprehensive plan be retained or no definition of the boundaries be defined in Neighborhood Planning.

Commissioner L. Jones suggested seeing what comes from the workshop before having a public hearing so that the comments are on the updated edition.

Ms. Blackshear questioned if the Board wanted to receive/give comments from the draft provided or the updated edition. Chairman Comander stated that the workshop should discuss the updated edition.

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

Brief discussion continued regarding the draft to be discussed at the workshop.

Ms. Blackshear stated that the Mining Ordinance comments need to be evaluated at the technical level before moving forward. She requested continuing the ordinance to the April 14, 2009 meeting.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve continuing the Mining Ordinance to the April 14, 2009 meeting. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Ms. Pat Blackshear, Planning and Development Director, requested to accept a dedication of right-of-way from Bayport Business Complex owners, Mr. Antonio and Ms. Carlene Barbosa, to Walton County in lieu of payment for their proportional fair share amount of \$115,390 for traffic impacts on U.S. 331 and CR 3280.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to accept the right-of-way dedication from Bayport Business Complex. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the proportionate fair share credits, totaling an amount of \$115,390, for Bayport Business Complex. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Ms. Blackshear requested temporary suspension of the Planning and Engineering review fees associated with major developments, minor developments, less-than-minor developments, and plat reviews until January 1, 2010. The report also included the cost of advertising, so if the fees are waived then the applicant could pay the advertising cost.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the request as presented with the applicant's responsibility for advertising cost. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Ms. Blackshear requested direction on amending the Walton County Alcohol Beverage Ordinance (2004-26) to permit Charter Schools to grant distance requirement waivers to bars and restaurants in close proximity to the school site. Chairman Comander clarified that there is a school that would like to locate in an area where there is an establishment that serves alcohol.

Commissioner Brannon questioned the current distance. Ms. Blackshear answered that the current distance is 1,320 feet. Commissioner Brannon clarified that the distance would be reduced to 500 feet.

Commissioner L. Jones commented that if a school/church wants to locate in an area where there is already an alcohol establishment that is their prerogative. The established businesses should not be penalized.

Discussion continued regarding a variance procedure.

Ms. Blackshear clarified that the Board agreed to draft an amendment to provide additional language and bring that back for approval.

Chairman Comander asked for public comment.

Mr. David Kramer commented that the ordinance is outdated. He stated that this is a great opportunity to take a comprehensive look at the ordinance.

Commissioner Brannon suggested looking at how other counties handle the situation. Chairman Comander requested to include Superintendent Anderson's

comments. Commissioner C. Jones commented that the school may choose to have a waiver, but the parents must agree also.

Mr. Robert Shaffer commented that drunk drivers are a major concern in a school area.

Ms. Blackshear presented a Recreation Fees Ordinance amending the Walton County Land Development Code section 11.03.03 to establish a procedure for valuing platted land for the purpose of calculating recreation impact fees for subdivisions.

Chairman Comander called to order, the first public hearing of the Recreation Fees Ordinance.

Ms. Blackshear clarified for Commissioner Brannon that this is the method for anyone to record their plat. Five percent of the unimproved value of the land must be paid. They have worked with the Legal Department and Mr. Watson, requestor, to determine the appraisal language.

Chairman Comander asked for public comment.

Ms. Jennifer Christensen commented that there should be an option to use the assessed value and only require an appraisal if the assessed value is in question. She stated that the county would be responsible for the second appraisal and commented that the additional costs would be left on the tax payers. Attorney Burke clarified that a second appraisal would only be needed if the county challenges the first appraisal. Ms. Christensen commented that the burden should be on the developer if the appraisal is questionable.

Brief discussion continued regarding the assessed value and the purpose of the appraisals.

Mr. Alan Ficarra commented that the chance of the county requesting another appraisal is unlikely.

Mr. David Kramer agreed with Ms. Christensen.

Chairman Comander stated that the Recreation Fees Ordinance will be brought back to the Board for a second hearing on April 14, 2009.

Ms. Blackshear presented a Preservation Buy-Out Fee Ordinance amending the Walton County Land Development Code section 4.06.02 to establish a procedure for valuing land area for the purpose of calculating preservation buy out fees for subdivisions.

Chairman Comander called to order, the first public hearing of the Preservation Buy-Out Fee Ordinance.

Chairman Comander asked for public comment.

Ms. Christensen and Mr. Kramer expressed the same concerns regarding this ordinance as the Recreation Fees Ordinance.

Chairman Comander stated that the second public hearing for the Preservation Buy-Out Fees Ordinance will be on April 14, 2009.

Ms. Blackshear presented a Development Order Extension Ordinance amending sections 11.01.05.b and 11.01.06.c of the Walton County Land Development Code to extend the time in which minor and major development orders shall remain valid by one year. There is a proposed legislation that could affect this Ordinance and extend all development orders for three years. If the legislation does not pass then local action will be needed by the Board. She commented that this is the first public hearing and the legislation should have a determination before the second public hearing.

Chairman Comander asked for public comment.

Mr. Kramer suggested adding a caveat as number three to state: "The above amendments unless sooner reenacted shall automatically expire on March 1, 2010 provided that the applicant/developer shows and holds a valid bond, letter of credit, or other accepted surety." Attorney Burke commented that there would not be a valid DO if all the other items were not in place. An extension cannot be issued if you are currently in default. Chairman Comander commented that a surety should be proven to be in place when an extension is filed.

Attorney Burke explained the extension process and what is needed in order to get an extension.

Ms. Christensen spoke in favor of the ordinance and Mr. Kramer's comment adding "if required" to the end of his suggestion.

Chairman Comander commented that in one of these ordinances there needs to be a requirement for people to get dirt from properly permitted pits in Walton County. People using illegal pits are undercutting the people who have spent the money to do it right. There needs to be some kind of punishment for using illegal pits. Attorney Burke stated that this would be the right opportunity to address that issue. He also stated that "spoil areas" need to be addressed somehow, but the spoil areas do not fit in with mining or borrow pits.

Discussion continued regarding the operation and requirements of spoil areas, and the need to handle the issues separately.

Brief discussion continued regarding the process of illegal mining and the responsibility of the home owners.

Mr. Bill Bard, Ms. Christensen, and Mr. Kramer agreed that the contractor should be held responsible for obtaining their dirt from legal pits.

Ms. Blackshear commented that she and Attorney Burke will work on some alternatives for this Ordinance.

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

Ms. Blackshear requested approval of a final plat for Island Estates Lot 9, consisting of lot 9 and adjacent common area on 0.318 acres with a future land use of coastal center. The site is located south of U.S. 98 on Portside Terrace.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve with conditions, the staff report.

Chairman Comander asked for public comment.

There was no public comment.

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

Ms. Blackshear presented the Cassine Villas Plat application submitted by Emerald Coast Associates, requesting final plat approval for 3 single-family lots on +/- 0.49 acres with a future land use of RPA. The site is located off Cassine Circle, north of C.R. 30A.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve the presented request.

Chairman Comander asked for public comment.

There was no public comment.

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

Ms. Misty Ferrell, Planning Department Technician, presented a major development order application submitted by Barnhill, Barnhill, and Barnhill, requesting master plan approval for a three-phase development of the Justice Building. This development consists of 4 buildings totaling 20,000 square feet on approximately 2.56 acres with a future land use of commercial. The site is located at the intersection of U.S. 331 south and Jolly Bay Road. She stated that Mr. Barnhill is not requesting deviation to the land development code, but to build in phases.

Commissioner Brannon questioned what the Justice Building will be. Ms. Ferrell answered that it is a mini storage building with office space.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the request as presented with the conditions of the staff report.

Chairman Comander asked for public comment.

Discussion continued regarding the conditions of the staff report, the different phases of the project, and DOT requirements for connection to Hwy 331.

Ms. Christensen expressed concern regarding the ERP for erosion control and storm water. Ms. Blackshear explained that Mr. Barnhill cannot fill without having a DO.

Commissioner Pridgen amended his motion.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the first phase of the Justice Building. Ayes 4, Nays 1. Comander Aye, Brannon Nay, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Ms. Melissa Ward, Planning Department Technician, presented an abandonment application submitted by Robert Somerville for the Cyboney RV Park. The association for the Cyboney RV Park is requesting the abandonment of a 33 foot easement traveling east/west at the end of Payne Street, bisecting the Cyboney RV Park development. The proposed abandonment area is located within the Cyboney RV Park, north of Cyboney Condominiums, access off Scenic Gulf Drive, adjacent to Crystal Village Condominiums.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the abandonment as presented.

Chairman Comander asked for public comment.

There was no public comment.

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

Ms. Ward presented an abandonment application submitted by Walton County for the Plantation Subdivision easement recorded in official records book 203, page 564. The proposed abandonment area is located north of DeFuniak Springs, off of First Street. She clarified that the only part to be abandoned is the 25 feet that was deeded and the platted subdivision easement or right-of-ways will continue to exist.

Chairman Comander asked for public comment.

There was no public comment.

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

Ms. Blackshear commented that about 60 days ago the Board was asked for support in submitting a protest for the FEMA map. They have since met with the Waste Management District and asked them to scrub the concerned areas. The Waste Management District has addressed those areas and they are going back to the consultants to correct the maps. Chairman Comander questioned when the new maps will be available. Ms. Blackshear stated they would know soon.

Attorney Burke clarified that the request of Ms. Pam Shaprio is to have a rehearing on the vesting of the Seabreeze Villas project or consider additional comments.

Attorney Scott Work, representative of Ms. Shaprio, commented that all the information discovered was not presented when the vesting determination was made. He requested to have a rehearing of the vesting determination or have a continuance of the project to make the case and allow the information to be found true or false.

Chairman Comander stated that the first request is to set aside the March 6, 2009 order and rehear the JR Investments Vesting Determination.

Attorney Rick Peterman, representative of developer Mr. Jonathan Roberts, stated that at the February 10, 2009 meeting a significant number of Seabreeze residents were present. Documents were presented for the Board to ratify the vesting determination that was made in 1997. He stated that he is not aware of a provision in the code that allows the rehearing of a Quasi Judicial hearing, but there are remedies available. Attorney Burke clarified that there is not a current provision to rehear the hearing.

Brief discussion continued regarding the procedure for a rehearing and the availability of the new information.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to deny rehearing the vesting determination rights of the project and honor the previous decision. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander stated that the next request is for continuance of the Seabreeze Villas project.

After lengthy discussion and information/testimonies presented from many audience members, the Board decided to deny continuing the project.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve Seabreeze Villas based on staff recommendations. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to adjourn the meeting at 10:02 p.m. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

There being no further business, the meeting was adjourned at 10:02 p.m.

APPROVED _____
Sara Comander, Chairman

ATTEST _____
Martha Ingle, Clerk of Courts