

JULY 14, 2009 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, July 14, 2009, at 2:30 p.m., at the South Walton Annex.

The Following Board members were present: Commissioner Sara Comander, Chairman; Commissioner Larry Jones; Commissioner Kenneth Pridgen; and Commissioner Cecilia Jones. Mr. Ronnie Bell, County Administrator, and Mr. Mike Burke, County Attorney, were also present.

Attorney Burke stated that the items to be discussed during the Executive Session are as follows: Suzanne Harris vs. Walton County (Case No. 2009-CA-000800); Edgewater Beach Owners Association, Inc. vs. Walton County (Case No. 2008-CA-000006); Stop the Beach Renourishment, Inc. vs. FDEP, et al; D&H Sand vs. Walton County and Walton County vs. D&H Sand (Case Nos. 2009-AP-000001 and 2009-CA-001034). The following would be in attendance: the Walton County Board of Commissioners (Commissioner Brannon was unable to attend); County Administrator; County Attorneys Mike Burke, W.C. Henry, and Lynn Hoshihara; and a certified court reporter.

The Public Meeting was recessed at 2:31 p.m. and an Executive Session was called to order. This meeting was not open to the public pursuant to Florida Statute 286.011(8).

The Executive Session adjourned at 3:25 p.m. and the regular meeting reconvened at 4:00 p.m.

Ms. Martha Ingle, Clerk of Court, and Commissioner Scott Brannon, Vice-Chair, were present at the regular meeting.

Commissioner L. Jones led the invocation followed by the Pledge of Allegiance to the American Flag.

Mr. Ronnie Bell, County Administrator, stated that the following changes have been made to the agenda: Mr. Gerry Demers would like direction to draft an Ordinance to modify the Land Development Code (LDC) to allow a two year extension for development orders and permits expiring between September 1, 2008 and January 1, 2012; Mr. Lyle Seigler would like to address the Board regarding Chat Holly Road improvements. Commissioner Pridgen requested removal of Consent Agenda item 8. The Board concurred to those changes.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve the Consent Agenda as follows with the removal of item 8. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 970,926.31
County Transportation	\$ 935,572.66
SHIP	\$ 22,045.13
Fine & Forfeiture	\$ 1,058,040.57
Debt Service Hospital	\$ 236,500.00
Mosq. Control State	\$ 3,232.00
Section 8 Housing	\$ 976.41
Tourist Dev. Council	\$ 584,844.02
N.W. Mosquito Control	\$ 3,447.39
W. Co. Library	\$ 6,329.39
Recreation Plat Fee	\$ 8,180.55
Public Safety- 911	\$ 98,946.00
Solid Waste Enterprise	\$ 595,082.94
Bldg Dept/Enterp. Fund	\$ 2,625.42
Imperial Lakes MSBU	\$ 2,765.91
Inmate Canteen Fund	\$ 14,535.79
Daughette Subdivision	\$ 11,034.31
Capital Projects Fund	\$ 40,981.73
Totals	\$ 4,596,066.53

2. Approve Minutes of June 30, 2009 Regular Meeting

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Prepared by: Tina Earley

3. Approve a Resolution (**2009-65**) to amend the budget for unanticipated grant funds for the Federal Elections Activities Grant for the Supervisor of Elections in the amount of \$9,740
4. Approval of the division of the 2009 Edward Byrne Memorial Justice Assistance Grant Countywide (JAGC) award between the Walton County Sheriff's Office, Walton County Department of Corrections and the City of DeFuniak Springs Police Department
5. Approval to participate in the FY 2009 Edward Byrne Memorial Justice Assistance Grant (JAG) Countywide Award Program
6. Approve to surplus one computer from the Walton County Clerk of Circuit Court
7. Approve to surplus one computer (BCC 5223) from the Planning Department
8. ~~Reappoint Sara Comander to the Economic Development Alliance~~

Ms. Jane Burns briefly discussed information regarding enhancing the sense of community in Walton County, the 2-1-1 system implementation, and the "Check the Box Program". She requested the support of the Board regarding these matters and stated that she would come back before the Board if a letter of support is needed.

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

Mr. Bell presented from Citizen Services, a request to approve the appointment of Mr. Hal Laird for the District 1 Recreation Board member and Ms. Carla Hunt as the District 3 Library Advisory Board member.

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

Mr. Thom Brooks and Mr. Mike Flynt introduced the newly developed Choctawhatchee Military Council to the Board. Mr. Flynt explained that this strictly civic organization will promote a family friendly atmosphere for Military families in our

region. They intend to raise funds to recognize outstanding airmen, soldiers, and sailors assigned in our region. The organization will also continue the tradition of Military Spouses' Event in the fall.

Mr. Bell presented from Public Works, a request for approval of the dedication of public right-of-way from Bonezzi Development Company. Staff has been working with Mr. Bonezzi and the Legal Department has approved as to form and legal sufficiency. He recommended approval.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the dedication of right-of-way from Bonezzi Development Company as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested approval of the Sand Drift Beach House Condominium Owner's Association Developer's Agreement. This agreement will allow landscaping to be placed in the right-of-way along Scenic Gulf Drive. He explained the provision for any improvements are to be paid by the Association. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Sand Drift Beach House Condominium Owner's Association Developer's Agreement with the provision as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested approval of low bidder, Contech Construction Products, in the amount of \$32,897, for construction of a pedestrian bridge on Bay Loop Road over Bear Creek.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve low bidder, Contech Construction Products, for the amount of \$32,897, for the

construction of a pedestrian bridge on Bay Loop Road. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested approval of the design services contract with PBS&J for the US 331 four lane project. The design contract for the 4.2 mile segment from Owl's Head to Woodlawn has been reduced from \$2,732,600 to \$2,159,773.62. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the design services contract with PBS&J, for the amount of \$2,159,773.62, for the US 331 four lane project. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested acceptance of the easements for Regional Utilities as presented. The two easements will connect to their elevated water tank off Community Way. One easement will come from Hwy 331 and the other will be along Community Way. He briefly discussed the easement impacts to the asphalt road. He recommended approval.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve the two easements for Regional Utilities as requested. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Ms. Sharon Burnett presented the FDOT 5 Year Work Program with the West Florida Regional Planning Council (WFRPC). She briefly explained the process and how important it is for the County to provide feedback by August 17th. She discussed the two potential Small County Outreach Program (SCOP) projects for Walton County and the stimulus listings of projects for Walton County.

Mr. Bell recommended that Mr. Lyle Seigler, Public Works Director, make a list of the areas outside the TPO and send it to Ms. Burnett.

Ms. Burnett recommended public attendance at the workshops and other meetings in the area to have an opportunity to learn about the TPO and transportation planning process.

Mr. Seigler discussed Chat Holly Road improvements. He announced that FDOT has awarded the county with a SCOP Grant, for the amount of \$696,960, for the improvements. He expressed his appreciation to Mr. Imfeld, Ms. Biddle, and other staff members for their assistance in applying for the grant. The agreement will expire on December 31, 2010. Mr. Seigler briefly explained the process of a conducted traffic analysis to install a traffic signal at the intersection of Hwy 331 and Chat Holly Road. He requested to work with the Legal Department to draft a resolution stating the need of a traffic signal.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve drafting a Resolution stating the need for a traffic signal as requested. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Commissioner Brannon questioned if funds were recently put into the Chat Holly account. Mr. Seigler answered that \$100,000 was recently moved to that account. They are evaluating the entire road to look at areas which may need more reconstruction than others. Those funds, in addition to the SCOP grant, will be sufficient to conduct the improvements to Chat Holly Road.

Mr. Bell requested approval of low bidder, Chandler Construction, for the amount of \$312,594.10, for the construction of Walton County Boat Ramps to include Black Creek, Portland Park, and River Road.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve Chandler Construction, in the amount of \$312,594.10, for the construction of the Walton County Boat Ramps. 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 to consider an agreement with Healthmark Regional Hospital for the care of inmates and/or arrested individuals. The County will pay the hospital expenses at a 50% discount. Attorney Burke commented that the outstanding bill for \$48,000 will also be reduced under this agreement.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve the agreement with Healthmark Regional Hospital as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell provided the results of the second ballot for Phase II Beachview Heights Subdivision Roadway Improvements Assessment Program (MSBU). Option 1 for roads and drainage only had 61 maximum eligible votes with 52 received votes, totaling 28 yes and 24 no votes. Option 2 for roads, drainage, and burying utilities had 52 maximum eligible votes with 45 received votes, totaling 28 yes and 17 no votes. The most inclusive project option available had 61 maximum eligible votes with 54 received votes, totaling 34 yes and 20 no votes.

Commissioner L. Jones questioned Option 2 maximum eligible votes being less than the other two options. Mr. Bell answered that some people would not be impacted because they do face Hwy 30A and they were not accessible to some of the internal roads.

Mr. David Kramer requested that no vote be taken until verification of the counted votes to prove no fraudulent information was provided.

Brief discussion continued regarding the validity of the votes. Attorney Burke stated that the Board can proceed with voting and that does not impede Mr. Kramer's right to inspect the votes.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve to proceed with the MSBU.

Commissioner L. Jones commented that he would like to have clarification of the two different numbers for the maximum eligible votes as mentioned.

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

Mr. Bell announced his retirement from Walton County to be effective September 30, 2009. He voiced his appreciation for the opportunity to serve Walton County for over 32 years.

The County Attorney had no items to present at this time.

There were no Public Hearings to be held at this time.

Commissioner C. Jones had no items to present.

Commissioner L. Jones had no items to present.

Commissioner Pridgen commented that the Commissioners should have the opportunity to serve on the Economic Development Alliance (EDA). Brief discussion continued regarding the EDA chairman requirements. The Board concurred to table this issue until the next meeting to review all the requirements.

Commissioner Brannon had no items to present.

Chairman Comander had no items to present.

Chairman Comander asked for public comment.

There were no public comments.

The meeting recessed at 4:40 p.m. and reconvened at 5:00 p.m.

Ms. Pat Blackshear, Planning Division Director, presented the second hearing of the Height Limit Ordinance. She briefly reviewed the changes made.

Commissioner L. Jones expressed concerns regarding the vested language. Attorney Burke commented that items governed by Florida Statute or other law should not be included in this ordinance. DRI's are governed by their own development agreements. He recommended leaving the DRI language out. Commissioner Brannon questioned the existing ordinance for the South Walton area and if it would be an advantage to have two separate ordinances. Attorney Burke commented that the ordinance does have different limitations for different geographical areas.

Chairman Comander asked for public comment.

Several suggestions and concerns regarding the Ordinance, as presented, were voiced by Mr. Wayland Davis, Mr. Ed Bradley, Ms. Anita Page, Mr. David Kramer, Mr. Richard Fowlkes, Attorney Dana Matthews, Attorney Michelle Ankers, Mr. Alan Ficarra, Mr. Wayne McHenry, and Ms. Dotti Nist.

After lengthy discussion regarding the voiced concerns and suggestions, the Board decided it would be prudent to review the suggested changes.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to continue the public hearing regarding the Height Limit Ordinance to the July 28, 2009 meeting. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

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

Mr. Gerry Demers, Development Services Division Director, requested direction to bring back an ordinance for a two year extension for local development orders.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve drafting an Ordinance for review regarding the extension of local Development Orders. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Mac Carpenter, Planning Manager, requested acceptance of the Utility Solutions Group, LLC Consent Agreement. He stated that this will resolve a code enforcement case related to a borrow pit located north of DeFuniak Springs, east of Juniper Lake Road.

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

Mr. Carpenter presented, for the first hearing, the Blue Mountain Beach Neighborhood Plan. (Chairman Comander returned to the meeting.) The Planning Commission directed the two groups (BMB-1 & BMB-2) to attempt mediation to settle differences. He briefly discussed the changes that were made to the plans. The adoption

of this plan would cover the area known as Blue Mountain Subdivision No. 1 and an amendment to the Land Development Code (LDC).

Commissioner Pridgen questioned if the two plans will be combined in one. Mr. Carpenter answered that the plan is a combination and the changes that have been made were to accommodate the Beachfront Ownership Group.

Mr. Demers pointed out that the plan to accept is the result of the last mediation meeting. He stated that the Planning Commission did make two recommendations: 1) to clarify the TDC did not have exclusive rights to the access areas, and 2) remove the language for an amendment to the plan. Staff recommended using the LDC language for the clarification and definitions for discontinued use.

Chairman Comander asked for public comment.

Lengthy discussion continued regarding the Blue Mountain Beach Neighborhood Plan.

Ms. Joan Rickholt, Mr. Richard Fowlkes, Ms. Susan Lucas, and Mr. Leonard Anderson spoke in favor of the plan as presented.

Mr. Rodney Dorand, Mr. Emmett Hildreth, Ms. Sherry Rayborn-Chase, and Ms. Anita Page spoke in opposition of the plan as presented.

Chairman Comander suggested posting the updated draft on the website for review and the neighborhood could then provide suggestions. Mr. Demers commented that he could provide the different drafts for review. Attorney Burke agreed that all the drafts need to be reviewed before making a decision.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to continue the first public hearing for the Blue Mountain Beach Neighborhood Plan until

the July 28, 2009 meeting to review the draft information. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Commissioner L. Jones exited the meeting at 7:56 p.m. and did not return.

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

Ms. Melissa Ward, Planning Technician, presented the Boys & Girls Club Master Plan for approval. The major development order application, submitted by Jenkins Engineering, consists of two phases. The first phase includes 2 buildings totaling 55,000 square feet for civic and recreational purposes, with office spaces included, a swimming pool and deck area, and 3 tennis courts. The second phase includes 3 soccer fields. The site consists of 32.2 acres with a future land use of Town Center 1. The site is located directly adjacent to the South Walton Coastal Branch Library. Ms. Ward presented an updated staff report with a memo from the Environmental Department dated June 11, 2009. She briefly explained the information provided in the updated staff report.

Commissioner Brannon questioned if this project has already been approved. Ms. Ward answered that the Board has approved a developer's agreement with the Boys & Girls Club which has been adopted and recorded at the Clerk of Court.

Chairman Comander asked for public comment.

Mr. Dana Matthews provided an exhibit packet to the Board for the record.

Ms. Susan Paladini objected to this plan because it does not fit within the new Town Master Plan. She expressed concerns for connectivity of the bike paths and sidewalks.

Mr. Scott Jenkins, Project Engineer, briefly explained the sidewalk connectivity plans.

Commissioner Brannon commented that the plan does appear to promote connectivity to the master plan and community development.

There were no further comments.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Boys and Girls Club Master Plan as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff 1-2, Petitioner 3)(Ex Parte Communication: C. Jones)**

Motion by Commissioner Brannon, second by Commissioner Pridgen, to adjourn the meeting at 8:10 p.m. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

APPROVED _____
Sara Comander, Chairman

ATTEST _____
Martha Ingle, Clerk of Courts