

DECEMBER 18, 2012 – SPECIAL MEETING

The Board of County Commissioners, Walton County, Florida, held a Special Meeting on December 18, 2012 at 9:00 a.m. at the Walton County Courthouse in DeFuniak Springs, Florida.

The following Board members were present: Commissioner Kenneth Pridgen, Chairman; Commissioner Sara Comander, Vice Chairman; Commissioner Bill Imfeld; and Commissioner Cindy Meadows. Mr. Gerry Demers, Interim County Administrator; Attorney Toni Craig, County Attorney; and Ms. Martha Ingle, Clerk of Courts; were also present. Commissioner Chapman was not present.

Chairman Pridgen called the meeting to order. Mr. Gerry Demers, Interim County Administrator, led the invocation and the pledge to the American flag.

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

1. Addition: Administration Item 3-Board direction regarding Agreement for Professional Lobbying Services (current agreement with Heffley & Associates, Inc. expires January 7, 2013)
2. Addition: Administration Item 4-Board Motion to appoint members to the TDC Advisory Council
3. Addition: Administration Item 5-Board Motion to appoint Commissioner Cindy Meadows as TDC Chairperson

Mr. Demers reported that Planning and Development would be requesting items to be continued to January 8, 2013 (Planning Items 3 and 4), and to February 12, 2013 (Planning Items 2, 9, and 10). Motions for continuance will be made during the Planning portion of the meeting.

Motion by Commissioner Imfeld, second by Commissioner Comander, to approve the Consent Agenda as follows. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

Commissioner select Mr. Demers as one of the seven applicants to be interviewed. Ms. McGinnis asked that each Board member list their top seven candidates to proceed to the interview process. The lists were then submitted to the Clerk for final tally. In his absence, Ms. McGinnis submitted Commissioner Chapman's selection.

Mr. Louis Svehla, Public Information Manager, briefly discussed the updating of the county's website. The new website will launch January 4, 2013. He also discussed the features that will be available on the new site.

Mr. Demers requested Board direction regarding the Agreement for Professional Lobbying Services with Heffley & Associates, Inc. He reported that the agreement was extended last year beyond the three years stated in the original contract. Should the Board decide to extend the agreement for another year, the rate would remain the same. Commissioner Meadows and Imfeld voiced that they would like more information on the success rate of Heffley & Associates, Inc. The Board concurred to hear the information from Heffley & Associates, Inc. at the January 8, 2013 Regular Meeting.

Mr. Demers reported that motions were not made appointing the TDC Advisory Council and TDC Advisory Council Chairperson at the December 11, 2012 Regular Meeting.

Motion by Commissioner Comander, second by Commissioner Imfeld, to appoint the following individuals to the TDC Advisory Council Seats: Tim Norris-Seat 3; Amy Wise-Coble-Seat 4; Scott Russell-Seat 7; and Pam Avera-Seat 9. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

Motion by Commissioner Imfeld, second by Commissioner Comander, to appoint Commissioner Cindy Meadows as TDC Advisory Council Chairperson. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

Attorney Toni Craig, County Attorney, presented an update on the release of lien on Lot 6 Eagles Landing at Inlet Beach. She stated that the Code Enforcement Board (CEB) fine totals \$59,600, including the administrative costs. A conditional release would release the total lien against lot 6 with the exception of \$1,500 which is the administrative costs for staff time to date, and require the new owner to bring the lot into compliance. She reported that lots 2, 3, and 4, have the same situation as lot 6, and that lots 2 and 4 have sales pending. The current tax value on lot 6 is \$21,000, with mortgages outstanding. The CEB recommended approval of the conditional release. Commissioners Comander and Meadows discussed the devaluation of the properties in south Walton County and the need to enforce the fees. Commissioner Meadows voiced that a policy needed to be developed to address these types of situations.

Motion by Commissioner Meadows, second by Commissioner Comander, to authorize the Chairman to execute the Conditional Release of Lien on Lot 6 Eagles Landing at Inlet Beach. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

Commissioner Meadows discussed the need for improved security for the south Walton Courthouse Annex. Commissioner Comander stated that the Sheriff's Department has been looking into possible improvements. Mr. Demers stated that the Sheriff was looking at the costs of securing the entire building versus securing only the meeting room. Commissioner Meadows and Comander felt that the entire building should be made safer. Major Joe Preston, Sheriff's Department, stated that the metal detector currently at the annex is irreparable, and that he would bring back more information on the costs at the January 8, 2013 Regular Meeting.

Commissioner Comander stated that she would like the opportunity to apply for an officer's position on the Gulf Consortium Board. She requested approval to submit an Officers Application for the position of secretary/treasurer of the consortium.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to approve Commissioner Sara Comander's application as Secretary/Treasurer to the Gulf Consortium Board. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

Commissioner Comander briefly discussed the current meeting of the eight disproportionate counties, and presented the Joint Resolution for Disproportionately Affected Counties Under the Federal RESTORE Act. (**Resolution 2012-83**) This is a resolution between the eight counties, and establishes and agrees to a formula for allocating among the counties certain funds provided to disproportionately affected counties pursuant to the RESTORE Act.

Motion by Commissioner Comander, second by Commissioner Imfeld, to approve **Resolution 2012-83** the Joint Resolution for Disproportionately Affected Counties Under the Federal RESTORE Act. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

Commissioner Imfeld discussed the meeting held in Washington D.C. regarding beach re-nourishment, and thanked the TDC staff and representatives for their hard work.

Commissioner Comander also expressed her gratitude to the TDC staff and representatives as well.

Chairman Pridgen had no items to present.

Attorney Craig requested an Executive Session be scheduled to discuss *Kebby Hall v. Walton County* (Case No.: 3:12cv338-MCR/EMT). Mr. Demers stated that there is a Federal Court deadline for the mediation, and felt that January 8, 2013 would be a sufficient date to hold the Executive Session.

Motion by Commissioner Comander, second by Commissioner Imfeld, to approve to schedule an Executive Session to discuss *Kebby Hall v. Walton County* (Case No.: 3:12cv338-

MCR/EMT) to be held on January 8, 2012 at 3:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

Ms. Martha Ingle, Clerk of Courts, stated that there were two ties in the County Administrator interview selection, and presented the following eight candidates to be interviewed (alphabetical order): Mr. George Barwick, Mr. Lyndon Bonner, Mr. Gerry Demers, Mr. Cory Godwin, Mr. Robert Halfhill, Mr. Steve Howard, Mr. Larry Jones, Mr. Ted Lakey.

Ms. McGinnis suggested solutions to narrow the choices down to seven. The Board concurred to accept the top eight candidates.

Commissioner Meadows asked how and where the interviews will be held, and suggested that the candidates meet in south Walton County. Ms. Dede Hinote, Assistant County Administrator, stated that Administration and Human Resources would arrange the interviews.

Mr. Demers presented a letter from Walton County to Mr. Kenneth Pye, Field Operations Supervisor, regarding the U.S. 98 Scenic Corridor-Community Directory Signs. He requested approval for chairman signature. A brief discussion was held regarding typographical corrections. Commissioner Imfeld asked for a definition of the visibility triangle. Mr. Demers stated that it is an area designated by FDOT and CEB to keep visibility clear at intersections. The Board concurred to approve the letter with corrections.

Ms. Dawn Moliterno, TDC Executive Director, discussed the contract with Heffley & Associates, and reminded the Board that the TDC scope of work is also included in the contract. She requested that should the county decide to seek an RFP that the TDC scope of work be included. She reported that the TDC contract with Heffley & Associates (in the amount of \$20,000) was attached to the county's agreement. Ms. Moliterno stated that the TDC is not allowed by State Statute to have access to Bed Tax Collector information.

Ms. Moliterno discussed the Washington D.C. beach re-nourishment meeting, and reported that a presentation is being prepared for public review on the TDC partner site. She also stated that TDC Council meetings will begin bi-monthly meetings on February 19, 2013. The meeting schedule and information has been uploaded to the partner site.

There was no public comment.

Mr. Mac Carpenter, Interim Planning Manager, presented Windsor Estates Developer Agreement for Sidewalk Installation. Mr. Bruce Houle and DR Horton are requesting approval of a Developer Agreement for the installation of sidewalks on all remaining lots by DR Horton in Windsor Estates Subdivision. This will be on a lot-by-lot basis. Mr. Houle has sold his interest in the property, but maintains the Letter of Credit for security for installing the sidewalks. He requested the authority to work with the County Attorney and the developer to draft appropriate legal documents, and authorize the Chairman to execute the agreement as a replacement for the Letter of Credit prior to the extended Letter of Credit expiring on December 27, 2012. Commissioner Meadows asked what the county's leverage would be if the sidewalks were not completed. Mr. Carpenter responded that the agreement, which is memorialized in the covenants, is that each builder will construct the sidewalk prior to receiving the Certificate of Occupancy (CO).

Commissioner Meadows asked that Attorney Craig give a legal recommendation. Attorney Craig stated a letter from DR Horton had been received, and all that needed to be done is to draft a legal document for all the parties to sign. Commissioner Comander asked if a motion was needed to draft the agreement. Attorney Craig stated that staff recommendation would be sufficient. Commissioner Meadows asked if one of the options would be to extend the Letter of Credit until the sidewalks are completed. Mr. Demers stated that that would be an option;

however Mr. Houle no longer has an interest in the property. Commissioner Meadows asked if DR Horton could take out a Letter of Credit. Attorney Craig stated that according to their letter they would not take out a new Letter of Credit. Commissioner Meadows discussed the issues with releasing Letters of Credit.

Mr. Bruce Houle stated that there were 16 lots with sidewalks installed, and 23 lots in various stages of construction. He said that DR Horton will not be able to get a CO until the sidewalks are installed, the Home Owners' Association required the builders to install the sidewalks, and that a letter has been submitted stating that the sidewalks would be installed. Mr. Houle also stated that the homes could not be sold without the CO. Commissioner Meadows discussed the concerns with uncollected Letters of Credit, and felt that the letters should not be released. Mr. Houle stated that the bank will not issue him a Letter of Credit since he no longer owns the property.

Motion by Commissioner Meadows, second by Commissioner Comander, to instruct DR Horton to provide the money to complete the sidewalk installations, and then release the Letters of Credit upon completion of the homes. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

Attorney Craig stated that staff recommendation would need approval. Chairman Pridgen stated that it was denied. Commissioner Comander suggested that staff bring the issue back to the January 8, 2013 Regular Meeting. Mr. Carpenter stated that he would inform DR Horton of the Board's direction.

Mr. Carpenter requested to continue the transmittal hearing for LSA 12-01.04 to February 12, 2013, to be held at the Walton County Courthouse Annex in Santa Rosa Beach, at 5:00 p.m. or soon thereafter.

Motion by Commissioner Comander, second by Commissioner Meadows, to continue the transmittal hearing for LSA 12-01.04 to February 12, 2013, to be held at the Walton County Courthouse Annex in Santa Rosa Beach, at 5:00 p.m. or soon thereafter. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

Mr. Carpenter requested to continue the adoption hearing for LSA 12-01.05 to January 8, 2013, to be held at the Walton County Courthouse Annex in Santa Rosa Beach, at 5:00 p.m. or soon thereafter.

Motion by Commissioner Comander, second by Commissioner Meadows, to continue LSA 12-01.05 to January 8, 2013, to be held at the Walton County Courthouse Annex in Santa Rosa Beach, at 5:00 p.m. or soon thereafter. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

Mr. Carpenter requested to continue LSA 12-01.06 to January 8, 2013, to be held at the Walton County Courthouse Annex in Santa Rosa Beach, at 5:00 p.m. or soon thereafter.

Motion by Commissioner Meadows, second by Commissioner Comander, to continue LSA 12-01.06 to January 8, 2013, to be held at the Walton County Courthouse Annex in Santa Rosa Beach, at 5:00 p.m. or soon thereafter. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

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

Mr. Carpenter presented Gulfview at Watersound Beach Phase I, a plat application submitted by The St. Joe Company, Inc., consisting of four single family lots in Phase I on 0.6359 acres. The project is located south of C. R. 30-A onto Boat Wright Road, Compass Way between Salt Box and Boat Wright Way. He reported that there will be a total of six Gulfview at

Watersound Beach Phases with Phases I and II being presented at this meeting. Staff found that the requested plat meets the requirements of Florida State (F.S.) Chapter 177 and the Walton County Land Development Code and recommended approval.

Commissioner Imfeld noted that the Letter of Credit expires in two weeks. Mr. Carpenter replied that a condition will be included requiring that the plat not be recorded until a revised Letter of Credit has been received. The applicant has submitted a request for a revised Letter of Credit extending the deadline past December 31, 2012.

Commissioner Meadows discussed the transportation concurrency review. She stated that the review referred to 170 trips left in the county concurrency system. Mr. Carpenter stated that the 170 trips referenced were for the entire PUD and not the county system. Commissioner Meadows requested that the language be clarified. Commissioner Imfeld asked if the six phases combined would leave 170 trips available. Mr. Carpenter stated that Phase I and II were originally presented as one project that had to be split due to the platting requirements. He said that after Phases I and II there would be 170 trips remaining.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to approve Gulfview at Watersound Beach Phase I subject to conditions as stated. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)**

Mr. Carpenter presented Gulfview at Watersound Beach Phase II a plat application submitted by The St. Joe Company, Inc., consisting of three single family lots in Phase II on 1.27 acres with a future land use of court Ordered Overlay/Coastal Village One within the WaterSound Beach PUD. The project is located south off of C. R. 30-A onto Boat Wright Road, Compass Way between Salt Box and Boat Wright Way. The same platting condition applies as

in Phase I. Staff found that the requested plat meets the requirements of Florida State (F.S.) Chapter 177 and the Walton County Land Development Code and recommended approval.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve Gulfview at Watersound Beach Phase II with conditions as stated. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)**

Mr. Carpenter presented Oaks at Eden Plat, an application submitted by CRB Landco, LLC (Mr. Bruce Houle), requesting approval of a 19 unit single family subdivision consisting of 4.55 acres with a future land use of NPA-Traditional Neighborhood Development. The project is located north of Highway 395 and Highway 98 intersection. He stated that the development order has been revised to show a lot reduction from 25 to 19. The staff found the project to be consistent with the Comprehensive Plan and Land Development Code. He recommended approval.

Commissioner Meadows voiced concern that a revised plat was not available for review. She asked what the platting process was to reduce the number of lots in a subdivision. Mr. Carpenter stated that the process depended upon the deviation. This particular project was considered a minor development order. Discussion continued regarding deviations and project reductions. Commissioner Imfeld stated that there were citizens who voiced concern about the trees, and asked how the issue was resolved. Mr. Carpenter reported that the revision will allow additional trees to remain on the lots.

Mr. Carpenter presented a revised plat for the Commissioner's review. The Commissioners expressed concern with the size of lot 8.

Mr. Frank Day, Historic Point Washington Association, after being sworn in, stated that the association approved the revisions, and encouraged the developer to preserve as many of the old oaks as possible.

Mr. Bruce Houle stated that there were no trees on lot 8.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve Oaks at Eden Plat. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye.

(Exhibits: Staff Report-1)

Mr. Carpenter presented Plantation at Santa Rosa Plat Configuration, a plat application submitted by Plantation at Santa Rosa consisting of a change from lots, 1, 33, and 34 to a common area. The project is located within the Plantation at Santa Rosa Development. Staff found the plat meets the requirements of F.S. Chapter 177, Comprehensive Plan, and the Land Development Code. He submitted an addendum to the Staff Report. The Staff Report Addendum incorrectly states that the request was approved by the Planning Commission on December 18, 2012. The actual date of the Planning Commission meeting was December 13, 2012.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve Santa Rosa Plat Configuration. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1; Staff Report Addendum-2)**

Mr. Carpenter requested to continue SSA 2012-11 (Michael O'Donnell) to February 12, 2013, to be held at the Walton County Courthouse in Santa Rosa Beach, at 5:00 p.m. or soon thereafter.

Motion by Commissioner Comander, second by Commissioner Meadows, to continue SSA 2012-11 to February 12, 2013, to be held at the Walton County Courthouse Annex in Santa

Rosa Beach at 5:00 p.m. or soon thereafter. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1; Ex Parte: Pridgen)**

Mr. Carpenter requested to continue SSA 2012-12 (Gilbert Ziel) to February 12, 2013, to be held at the Walton County Courthouse Annex in Santa Rosa Beach, at 5:00 p.m. or soon thereafter.

Motion by Commissioner Comander, second by Commissioner Meadows, to continue SSA 2012-12 Gilbert Ziel to February 12, 2013, to be held at the Walton County Courthouse Annex in Santa Rosa Beach at 5:00 p.m. or soon thereafter. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1; Ex Parte: Pridgen)**

Mr. Carpenter presented White's Gulfview Estates Petition for Abandonment submitted by Classic Builders, concerning the following ingress/egress and utility easement to wit: The Northern 15 feet of Lot 5, Block B, White's Gulfview Estates, 1st Addition, according to the plat thereof as recorded in Plat Book 12, Page 4A, in the Office of the Clerk of the Circuit Court, Walton County, FL. The request is to replace two 15 foot easements to two 7 ½ foot easements. He submitted an addendum to the Staff Report. An error was found in the Staff Report Addendum submission; the date of the Planning Commission meeting was December 13, 2012 not December 18, 2012 as stated. The Planning Commission recommended approval subject to a legal instrument being recorded by equal amounts of 7 ½ foot on north and south of Lot 5 Block B.

Commissioner Meadows asked if this was a drainage easement, and whether Public Works approved. Mr. Carpenter stated that it was a drainage easement, and that Public Works standard response is to recommended denial to any abandonments.

Commissioner Imfeld asked if this request was an abandonment or a substitution. Mr. Carpenter stated that it was both.

Mr. Dean Burgis, Emerald Coast Associates, after being sworn in, briefly discussed the abandonment of the easements. He stated that this is a private easement; and the Homeowners' Association has agreed to the request. Commissioner Imfeld asked if the adjacent property easements were 7 ½ feet or 15 feet. Mr. Burgis stated that there are no easements on the adjacent properties.

Ms. Anita Page, after being sworn in, asked why the abandonment is being presented to the Board when it is a privately held easement. Mr. Burgis stated that the county reviews privately owned drainage systems within subdivisions. Mr. Carpenter agreed with Mr. Burgis. Commissioner Imfeld asked if Board action was necessary. Attorney Craig stated that the easement was included in a plat and requires Board action as required in F.S. Chapter 177.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to approve the Whites' Gulfview Estates Abandonment Petition (**Resolution 2012-82**). Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Meadows Aye. (**Exhibits: Staff Report-1; Staff Report Addendum-2**)

There being no further items to present, the meeting was adjourned at 10:14 a.m.

Kenneth Pridgen, Chairman

Alex Alford, Clerk of Court