

MARCH 12, 2013 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting March 12, 2013 at 4:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following Board members were present: Commissioner Sara Comander, Vice-Chairman; Commissioner Bill Chapman; and Commissioner Cindy Meadows. Mr. Bob Halfhill, County Administrator; Attorney Mark Davis, Interim County Attorney; and Mr. Alex Alford, Clerk of Courts; were also present.

Vice-Chairman Comander led the invocation and the pledge to the American flag then called the meeting to order.

Mr. Halfhill presented the following agenda additions and deletions.

1. Addition: Consent Agenda-Approve to end the Local State of Emergency declared by Resolution 2013-07
2. Addition: Public Works-Approve to hear brief presentations from the top three firms as ranked by the Review Committee at the March 26th Meeting for CEI Services for Construction of C. R. 2 Paved Shoulder Project (RFQ 013-007)
3. Deletion: County Attorney-Request to withdraw proposed Ordinance amending Chapter 20, Section 20.5 of the Walton County Code to amend the definition of bicycle

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve the agenda additions and deletions as presented.

Commissioner Chapman asked if closing the Declaration of Emergency would affect the repair process of damaged roadways. Attorney Davis stated that there would not be an issue as long as the Declaration of Emergency was in effect when the damage occurred. Mr. Halfhill stated that Declarations of Emergency generally expire after seven days, but Resolution 2013-07 did not address the timeframe.

Ayes 3, Nays 0. Comander Aye, Chapman Aye, Meadows Aye.

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve the Consent Agenda as follows. Ayes 3, Nays 0. Comander Aye, Chapman Aye, Meadows Aye.

1. Approve the minutes of February 26, 2013-Regular Meeting, including Emergency Meeting, February 26, 2013 Workshop
2. Approve the Expenditure Approval List (EAL)

General Fund	\$	446,387.56
County Transportation	\$	570,077.44
Fine & Forfeiture	\$	1,424,125.00
Mosq. Control State	\$	2,006.00
Section 8 Housing	\$	775.30
Tourist Dev. Council	\$	367,125.61
N.W. Mosquito Control	\$	322.68
Recreation Plat Fee	\$	6,980.00
Solid Waste Enterprise	\$	50,401.08
Bldg Dept/Enterp. Fund	\$	607.79
Inmate Canteen Fund	\$	9,332.84
Capital Projects Fund	\$	527,624.97
Totals	\$	3,405,766.27

3. Approve to surplus/dispose of three computers and to remove them from the asset inventory list as requested by the Office of Management and Budget (7400; 7460; 5595)
4. Approve to end the Local State of Emergency declared by Resolution 2013-07

Mr. Rick Helfand, Seaside School, made a presentation to the Board in appreciation of the support that has been given for the 11th Annual Seaside School Half Marathon and 5K Run. He requested permission to begin the process for the 2014 Race. The Board concurred to approve the beginning of the process.

Mr. Halfhill requested to collect on the Letter of Credit for Windsor Estates Sidewalk Surety if an extension or final inspection memo has not been received prior to March 21, 2013. BAH DEV, LLC named Walton County Board of County Commissioners beneficiary on a Letter

of Credit in the amount of \$53,588.15 in lieu of completion of the infrastructure improvements. Due to partial completion, the amount was reduced to \$31,603.62.

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve the collection of the Letter of Credit for Windsor Estates Sidewalk Surety if an extension or final inspection memo has not been received prior to March 21, 2013. Ayes 3, Nays 0. Comander Aye, Chapman Aye, Meadows Aye.

Mr. Halfhill requested to hear brief presentations from the top three firms as ranked by the Review Committee at the March 26th Meeting for CEI Services for Construction of C. R. 2 Paved Shoulder Project (RFQ 013-007). He stated that there would be three presenters with a time limit of five minutes each. The Board concurred to hear the presentations at the March 26, 2013 Regular Meeting.

Attorney Davis stated that due to advertising issues, he was requesting to withdraw the proposed ordinance amending Chapter 20, Section 205 of the Walton County Code to amend the definition of bicycle. Commissioner Chapman stated that he had researched the Statutes and understands that the proposed ordinance would disallow the use of motor propelled bicycles on multi-use paths. Attorney Davis suggested that a workshop be held to discuss the issue. Commissioner Meadows said that this is a safety issue and felt that motorized vehicles should not be allowed on multi-use paths.

Commissioner Chapman had no items to present.

Commissioner Meadows requested approval to use recreational plat fees to install signage at Helen McCall Park. She said the amount would not exceed \$3,500. She briefly discussed the details and design of the signage.

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve the use of recreational plat fees for signage installation for Helen McCall Park in an amount not to exceed \$3,500. Ayes 3, Nays 0. Comander Aye, Chapman Aye, Meadows Aye.

Commissioner Meadows discussed the Gulf Trace Owners Association (GTOA) request for a letter of support to build sand dunes at Gulf Trace. She reported that the GTOA has prepared a claim application to be submitted to BP under the DEP pot of money and that a letter of support would be beneficial.

Mr. Carl Valentino discussed the application request and the projects that GTOA is wishing to accomplish.

Mr. Robert Harrell discussed the effects of the BP Oil spill on the area and the efforts to remediate the Gulf Trace area.

Commissioner Chapman questioned whether any comparative assessments were done on the number of turtle nests before and after the 2010 disaster. Mr. Harrell stated that there were very few turtle nests in the Gulf Trace Beach area, but there were numerous nests in Grayton Beach Park which is located on both sides of Gulf Trace. He felt that the lights on the residences were the reason for the fewer numbers in Gulf Trace. Commissioner Chapman asked if funding this project would affect future funds from the RESTORE Act funds. Mr. Harrell stated that he did not think that it would. Discussion continued on the effects of the restoration plans for the beach.

Vice-Chairman Comander discussed an email submitted by Mr. Jim Perry who spoke in objection to the request and questioned if this issue should be presented and discussed with a full Board. Commissioner Meadows asked if there was a time requirement on the application. Mr.

Harrell felt that the application should be submitted as soon as possible and stated that hatching season begins in May.

Ms. Anita Page discussed the NRDA process and projects. She suggested reviewing and refining the current Walton County NRDA list.

Vice-Chairman Comander asked if the Gulf Trace project will affect any of the projects the county has already submitted in the NRDA process. Ms. Page stated that this was the reason that a review is needed. Commissioner Meadows felt that any projects selected, whether submitted by the county or an individual applicant, would be beneficial to the entire County. Commissioner Chapman voiced concern that BP would not respond before the hatching season. Mr. Billy McKee, Environmental Manager, stated that Gulf Trace is a NRDA project and said that applications are being vetted by trustees and BP. He advised having all the needed documents to begin work on the project so that if funding is awarded work can begin immediately. Vice-Chairman Comander voiced concern that the negotiations between the Justice Department and BP will affect the project selection process. Mr. McKee stated that the county could co-sponsor any project being submitted in the NRDA process and agreed with the re-evaluation of the county's NRDA list. Commissioner Meadows suggested that the issue be presented on March 26, 2013 for discussion and decision. The Board concurred.

Commissioner Meadows and Vice-Chairman Comander discussed Spring Break issues. Commissioner Comander commended Major Stan Sunday, Walton County Correctional Facility, and the Walton County Sheriff's Office (WCSO) with the recent Spring Break related arrests. She discussed using the south Walton Sheriff's Substation for bookings and stated that work will continue with the WCSO to process arrests in south Walton. Commissioner Meadows asked why the booking area of the substation was closed in 2009. Vice-Chairman Comander stated that in

2009 the substation was under the control of the WCSO and the jail was returned to the control of the county. Commissioner Chapman added that the area was closed at that time primarily due to staffing issues and became the 911 and communications systems area for the county. Vice-Chairman Comander stated that most of the equipment needed for bookings were installed at the substation during the accreditation process. Major A. J. Smith and Capt. Brian Shultz spoke regarding the issues facing the WCSO during Spring Break and the recent arrests. Discussion continued on the charges placed on the offenders, damage done to the property, and the costs of staffing the substation.

Mr. Mike Judkins discussed Judicial Orders directing the types of businesses allowed in the Coastal Center Land Use Category. He reported that two businesses were in violation of these orders and asked if the orders would be followed. Mr. Judkins relayed that one of the businesses has expanded to houseboat, golf cart and motorcycle rentals. Commissioner Meadows discussed the 2001 Judicial Order which disallowed the sales, rent or repair of vehicles, motorcycles, boats, etc. in the Coastal Center Land Use Category and felt that the orders should be upheld. Attorney Davis stated that the order was issued in accordance with the Code at that time. He said that it was interpreted that the Comprehensive Plan did not allow for retail boat sales, showroom and service facilities in Coastal Center Land Use Category. Commissioner Meadows stated that this is being re-addressed due to motorcycle repair and sales. Attorney Davis reported that in 2010 Mr. Gerry Demers, Planning and Development Director at that time, made an administrative decision which held that there was a difference between boat retail sales and repairs, and motor scooter sales, rentals, and repairs. Mr. Judkins stated that Mr. Wayne Dyess, Planning and Development Director, has made the motorcycle repair, rental and sales an allowable use and that a series of appeals to the Zoning Board of Adjustments (ZBA) will have

to be submitted in an attempt to overturn the administrative decision. Attorney Davis said that the ZBA met on December 16, 2010 and upheld Mr. Demers' decision.

Vice-Chairman Comander asked if Florida law defined the difference between a motor scooter and a motorcycle. Attorney Davis stated he was not sure. Discussion ensued on motor vehicle definition, and sales, rentals, and repairs of motorized vehicles and boats. Commissioner Meadows felt that the boat issue should be upheld while the issues regarding other motorized vehicles should be appealed. Attorney Davis suggested that Mr. Judkins file a new appeal with specifics regarding the boat sales, rentals, and repairs. Discussion ensued on the intent of the land use to determine what is allowable, Certificate of Intent, and the need for a mechanism to register businesses.

The meeting recessed at 4:57 p.m. and reconvened at 5:08 p.m.

Motion by Commissioner Chapman, second by Commissioner Meadows, to open the Public Hearing to consider an Ordinance **(2013-09)** amending the Walton County Land Development Code (LDC) Section 9.04.05.A regarding the general functions, powers and duties of the Walton County Planning Commission to remove requirement to review and make recommendations on proposed subdivision plats. Ayes 3, Nays 0. Comander Aye, Chapman Aye, Meadows Aye.

There were no objections to the advertisement of the Public Hearing.

Mr. Mac Carpenter, Planning and Development Services, presented the Walton County Planning Commission General Functions, Powers, and Duties Ordinance-an ordinance amending the LDC Section 9.04.05.A regarding the General functions, powers and duties of the Walton County Planning Commission to remove requirement to review and make recommendations on

proposed subdivision plats. He reported that only three words would be removed “subdivision plats or.”

There was no public comment.

Motion by Commissioner Chapman, second by Commissioner Meadows, to close the Public Hearing. Ayes 3, Nays 0. Comander Aye, Chapman Aye, Meadows Aye.

Motion by Commissioner Chapman, second by Commissioner Meadows, to adopt **Ordinance 2013-09** amending the LDC Section 9.04.05.A regarding the General functions, powers and duties of the Walton County Planning Commission to remove requirement to review and make recommendations on proposed subdivision plats. Ayes 3, Nays 0. Comander Aye, Chapman Aye, Meadows Aye.

Motion by Commissioner Chapman, second by Commissioner Meadows, to continue Inn at the Gulf to March 26, 2013 at 9:00 a.m. or soon thereafter at the Walton County Courthouse in DeFuniak Springs, Florida. Ayes 3, Nays 0. Comander Aye, Chapman Aye, Meadows Aye.

Motion by Commissioner Chapman, second by Commissioner Meadows, to continue SSA 2012-11: Michael O’Donnell to April 9, 2013 at 5:00 p.m. or soon thereafter at the Walton County Courthouse Annex in Santa Rosa Beach, Florida upon condition of the submittal of the applicant requested modification to an alternate FLUM category by March 15, 2013. Ayes 3, Nays 0. Comander Aye, Chapman Aye, Meadows Aye.

Motion by Commissioner Chapman, second by Commissioner Meadows, to continue SSA 2012-12: Gilbert Ziel to April 9, 2013 at 5:00 p.m. or soon thereafter at the Walton County Courthouse Annex in Santa Rosa Beach, Florida upon condition of the submittal of the applicant requested modification to an alternate FLUM category by March 15, 2013. Ayes 3, Nays 0. Comander Aye, Chapman Aye, Meadows Aye.

Commissioner Meadows stated that she had received a letter addressing and opposing the consolidation of the Okaloosa Bay Regional Toll Authority and the Mid-Bay Bridge Authority. She requested that this item be placed on a future agenda for discussion.

There being no further items to present, the meeting was adjourned at 5:15 p.m.



Alex Alford, Clerk of Court and County Comptroller



Kenneth Pridgen, Chairman