

## JULY 9, 2013 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, July 9, 2013, at 4:00 p.m., at the South Walton Courthouse Annex.

The following Board members were present: Commissioner Kenneth Pridgen, Chairman; Commissioner Sara Comander, Vice-Chair; Commissioner Bill Imfeld; Commissioner Bill Chapman; and Commissioner Cindy Meadows. Mr. Mark Davis, Interim County Attorney; Mr. Gerry Demers, Interim County Administrator; and Mr. Alex Alford, Clerk of Court and County Comptroller, were also present.

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

Mr. Gerry Demers, Interim County Administrator, presented the following changes to the agenda for approval:

### DELETIONS:

1. Administration Item 3f – Request direction regarding acquisition of Angelos Property
2. County Attorney Item 3 – Request to approve the revised Employment Agreement for Mr. James “Jim” Bagby as the TDC Executive Director

Motion by Commissioner Comander, second by Commissioner Chapman, to approve the changes to the agenda as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Motion by Commissioner Comander, second by Commissioner Meadows, to accept the agenda. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Motion by Commissioner Chapman, second by Commissioner Comander, to approve the consent agenda as follows. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

1. Approve Minutes of the June 24, 2013 Workshop and Regular Meeting
2. Expenditure Approval List (EAL)
3. Approve a budget transfer pursuant to the Inmate Welfare Committee's recommendation in the amount of \$10,000 to complete the HVAC, electrical and shelving in the new storage building for inmate supplies
4. Request to surplus/dispose of several computers from the MIS Department
5. Approve request from Walton Okaloosa Council on Aging to receive donated computers, printers and chairs
6. Approve to designate Vessel Registration Fees in the amount of \$9,747 to the removal of derelict vessels located in the Choctawhatchee Bay and Lafayette Creek
7. Approve Resolution **(2013-39)** to amend the budget for the Debt Service Fund for FY 2012-2013 to account for unanticipated reimbursement in the amount of \$50,000.00
8. Approve request from the TDC to purchase a high temperature pressure washer to wash vehicles that are used on the beach in the amount of \$5,500
9. Request to advertise a Public Hearing to be held July 23, 2013 for a budget amendment to bring funds from the HUD reserves into the HUD current budget

Chairman Pridgen introduced and recognized the DeFuniak Springs and Walton County Queens: Alisha Scott, Miss DeFuniak Springs; Jasmyn Gomez, Little Miss DeFuniak Springs; Cianna Cosson, Teen Miss DeFuniak Springs; Paige Howell, Junior Miss DeFuniak Springs; Brynlee Pitman; Future Little Miss DeFuniak Springs; Aba Fountain, Tiny Miss DeFuniak Springs; Chelsea Martin, Miss Walton County; Raleigh Reed, Little Miss Walton County; and Chloe Alford, Junior Miss Walton County.

Ms. Martin, Miss Walton County, and Ms. Scott, Miss DeFuniak Springs, expressed their appreciation to represent Walton County and look forward to providing more community service efforts.

Mr. Mike Diehl, SunTrust Bank, provided information on the restructure of the \$75 million notes for the Choctawhatchee Bridge. He stated that several scenarios have been considered and suggested restructuring the debt to a new note for a shorter term and a much lower interest rate.

Ms. Wanda Quimby, Finance Director, recommended the third option provided for a payoff date of April 1, 2018, with the ability to make prepayments up to 15 percent.

Mr. Diehl briefly discussed how the loan would be refinanced.

Commissioner Comander questioned if it would be beneficial to hold the money in the bank until October to accrue interest and apply that interest to the loan. Mr. Diehl explained that there is no particular advantage to hold the money in the bank.

Motion by Commissioner Imfeld, second by Commissioner Comander, to approve the recommendation by Ms. Quimby for the third option provided and to begin the restructure as soon as possible. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman, Meadows Aye.

Mr. Stan Sunday, Department of Corrections, requested to award RFP 013-019 for Pharmacy Services to Diamond Drugs as recommended by the Evaluation Team.

Motion by Commissioner Chapman, second by Commissioner Meadows, to award RFP 013-019 for Pharmacy Services to Diamond Drugs as requested. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Larry Jones, Special Projects Coordinator, requested approval to allow staff to hold a public workshop on July 22, 2013 at 5:00 p.m. at the South Walton Annex to receive input and discuss the south Walton Sports Complex.

Motion by Commissioner Comander, second by Commissioner Imfeld, to approve a public workshop to be held on July 22, 2013 at 5:00 p.m. at the south Walton Annex to discuss the south Walton Sports Complex. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Jones requested to amend the covenants, conditions and restrictions for the Mossy Head Industrial Park. On pages 5 and 6 there is language to allow some leeway in granting variances in the sign provisions of the document for tenants on those parcels abutting SR 285 and I-10. There are some perspective tenants and some interest in the retail commercial industry that would require less restrictive sign provisions. He stated that they do not want to change the provisions, but allow the opportunity to review proposals from the perspective tenants.

Motion by Commissioner Imfeld, second by Commissioner Comander, to amend the covenants, conditions and restrictions for the Mossy Head Industrial Park as requested. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Jones requested to fund infrastructure improvements in the Mossy Head Industrial Park for a total amount of \$368,626.72. He felt that it would be prudent to proceed with stormwater and roadway for Zone 3, the parcel just east of SR 285. The funds would also extend power across the railroad tracks for the east and west entrances to the park. He stated that they do have a meeting with CHELCO in the near future to try to reduce their price. Mr. Jones recommended utilizing the Small County Surtax a/k/a Landfill Reserves, which are allowed pursuant to Ordinance 2002-12 to be used for economic development infrastructure incentives.

Commissioner Meadows explained that she is in favor of the park moving forward but was opposed to using the Small County Surtax funds for the infrastructure improvements. She

felt that the outstanding garbage collection issues should be resolved before using those funds on other projects.

Motion by Commissioner Imfeld, second by Commissioner Comander, to approve the recommendation to fund infrastructure improvements in the Mossy Head Industrial Park as requested.

Commissioner Meadows spoke in opposition. Commissioner Imfeld felt that the request is consistent with the current ordinance.

Ayes 4, Nays 1. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Nay.

Mr. Jones requested to hold a public hearing on July 23, 2013 at 9:00 a.m. in DeFuniak Springs to request those funds be transferred to fund infrastructure improvements in the Mossy Head Industrial Park.

Motion by Commissioner Comander, second by Commissioner Imfeld, to hold a public hearing on July 23, 2013 at 9:00 a.m. in DeFuniak Springs to consider transferring funds for infrastructure improvements in the Mossy Head Industrial Park as requested. Ayes 4, Nays 1. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Nay.

Mr. Demers requested approval and payment of the beach cleaning invoices from Sandman, LLC. The negotiated agreement was for the property owner to pay 50%, TDC to pay 25%, and the BCC to pay 25%.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve payment of the beach cleaning invoices from Sandman, LLC as requested. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

The request for direction regarding the Angelos Property land acquisition was removed from the agenda.

Ms. Sandi Melgarejo, Government Services Group, requested approval of the Daughette Canal Maintenance Services Assessment Program Preliminary Rate Resolution **(2013-40)**. She explained that there are two components and this would not affect the capital component. The change will only affect the maintenance assessment portion to allow additional boat slips on certain parcels. The rate will remain the same.

Motion by Commissioner Comander, second by Commissioner Meadows, to adopt the Daughette Canal Maintenance Services Assessment Program Preliminary Rate Resolution **(2013-40)** as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Jim Bagby, Tourist Development Council Executive Director, presented the following updates: appreciation to the owners of Seascape for their assistance with payment of the Sandman, LLC beach clean-up invoices, information about the current and year-to-date bed tax collections, and announced the beach vendors meeting will be held on July 24, 2013 at 9:00 a.m. at the south Walton Annex.

Attorney Mark Davis, Interim County Attorney, requested direction for the Kenneth W. Cox, Jr. vs. Walton County, Case No. 08-CA-529, real property acquisition and settlement.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve the Kenneth W. Cox, Jr. vs. Walton County, Case No. 08-CA-529, real property acquisition and settlement as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Attorney Davis announced that four applications were received for the Land Use Attorney. He stated that all four applicants were interviewed and requested to negotiate an independent agreement with Attorney Greg Stewart, Nabors, Giblin and Nickerson, as the Land Use Attorney.

Motion by Commissioner Imfeld, second by Commissioner Comander, to allow Attorney Davis to negotiate an agreement with Attorney Greg Stewart, Nabors, Giblin and Nickerson, as the Land Use Attorney. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

The request to approve the revised Employment Agreement for Mr. James "Jim" B. Bagby as the TDC Executive Director was removed from the agenda.

Ms. Kellie Jo Kilberg, Walton Area Chamber of Commerce President, requested support to proceed with the Defense Reinvestment Grant application to develop a countywide strategic plan and marketing for economic development as a defense dependent community.

Motion by Commissioner Meadows, second by Commissioner Comander, to support the Walton Area Chamber of Commerce to proceed with the Defense Reinvestment Grant application as requested. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Bob Hudson, Walton County Taxpayers Association Executive Director, discussed the waste removal policies and procedures relating to residential pick-up and the discrimination against residents who live in a complex containing 5 or more units. He urged the Board to hold a workshop to allow Waste Management to explain if there are sufficient funds being generated. He also suggested having a blended system for the residential areas and the 30A area.

Commissioner Comander agreed that the garbage collection issues need to be addressed. Commissioner Meadows expressed concern labeling rentals as a commercial use. Chairman Pridgen suggested allowing Mr. Jones to review the garbage collection issues to determine a solution.

Chairman Pridgen called to order the public hearing to consider an amended and restated Final Assessment Resolution for Fire Rescue Services.

Motion by Commissioner Comander, second by Commissioner Chapman, to open the public hearing. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Commissioner Comander suggested holding a second public hearing in DeFuniak Springs to allow those residents an opportunity to provide their input.

Motion by Commissioner Comander, second by Commissioner Chapman, to continue the public hearing to consider an amended and restated Final Assessment Resolution for Fire Rescue Services to the July 16, 2013 meeting at 5:00 p.m. in DeFuniak Springs. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Ms. Melgarejo briefly discussed the history of the rate and the potential increase. One change was made to the conservation land rates for a 12 cent reduction. She stated that there is also an option to consider for contiguous land to allow those parcels to be treated as one. The current rates have not changed since 1997.

Commissioner Imfeld questioned the final date for determination. Ms. Melgarejo stated that the roll needs to be certified by September 13<sup>th</sup>.

Chairman Pridgen asked for public comment.

Several audience members spoke in opposition of the fire services rate increase as presented.

The public hearing will be continued to the July 16, 2013 meeting.

The meeting recessed at 6:17 p.m. and reconvened at 6:34 p.m.

Commissioner Meadows requested to advertise a public hearing to discuss the proposed Ferris Wheel at Sandestin. She explained that the project would have a great impact on the surrounding residential areas and felt that the project is a major development. She recommended that the Board conduct the hearings and determine approval or denial rather than the Planning Department.

Commissioner Imfeld submitted Form 8B, Voting Conflict Form, and exited the meeting at 6:35 p.m.

Attorney Davis was not able to provide guidance to the Board due to a conflict of interest.

Commissioner Comander questioned the legal ability to eliminate the Planning Department's recommendation.

Mr. Dyess briefly discussed the major development process and the ability to consider the project a public safety threat in the Chapter 11 provision of the Land Development Code.

Chairman Pridgen asked for public comment.

Attorney Lynn Hoshihara, Nabors, Giblin & Nickerson, explained that the Planning Director has the authority to require a certain project to go through the major development review process.

Ms. Ina Barfield, Village of Baytowne Warf resident, spoke in opposition of the proposed Ferris Wheel at Sandestin.

Attorney Gary Vorbeck, Sandestin Homeowners Association representative, explained that the Planning Director does have the authority to determine if a project is a major development. The Technical Review Committee (TRC) make recommendations, they are not the decision making body. He explained the TRC process and the determination to go into a Quasi-Judicial Hearing.

Mr. David Milem, Mr. Bill Godwin, Ms. Lynn Richardson, Ms. Tania Alini and Mr. Hollis Risley spoke in opposition of the proposed Ferris Wheel and the need to hold a public hearing.

Attorney Hoshihara cautioned the precedent that could be caused by allowing the Planning Director to deem this project a major development.

Motion by Commissioner Meadows, second by Commissioner Chapman, to have the Planning Director deem the Ferris Wheel at Sandestin as a major development and follow the major development process due to the public safety issues.

Mr. Dean Burgis, applicant representative, expressed concern in the lack of notification to the applicant and representatives and explained that the project is clearly a minor development and should follow the minor development process.

Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Meadows Aye.

Commissioner Imfeld returned to the meeting at 7:09 p.m.

Commissioner Meadows asked Mr. Michael Hatcher, Senior at South Walton High School, to provide a presentation on beach clean-up. Mr. Hatcher discussed concerns with the toxins and pollution to the Gulf of Mexico. He suggested adopting beach programs for the clean-up process, recycling programs, and encouraged community involvement.

Mr. Hatcher discussed the presentation and the tourism ...he provided concerning statistics for the littering and marine pollution. He suggested an adopt a beach programs for the cleanup process, recycling programs, and school and community involvement.

Commissioners Comander, Imfeld, Chapman, and Pridgen had no items to present.

Mr. Wayne Dyess, Planning and Development Services Director, requested to appoint Mr. Russell Beaty to the Affordable Housing Advisory Committee.

Motion by Commissioner Comander, second by Commissioner Imfeld, to appoint Mr. Russell Beaty to the Affordable Housing Advisory Committee as requested. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Dyess requested approval of the Walton County SHIP Program 2013-2014 Funding Certification.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the Walton County SHIP Program 2013-2014 Funding Certification as requested. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

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

There were no objections made to the advertisements as published.

Mr. Wayne Dyess, Planning and Development Services Director, requested to continue the Winter Garden at Water Sound Phase 3 Plat application and the Winter Garden at Water Sound Phase 4 Plat application to the August 13, 2013 meeting at 5:00 p.m. at the south Walton Annex.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to continue the Winter Garden at Water Sound Phase 3 Plat application to the August 13, 2013 meeting at 5:00

p.m. at the south Walton Courthouse Annex. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye. **(Exhibits: Staff 1)**

Motion by Commissioner Comander, second by Commissioner Chapman, to continue the Winter Garden at Water Sound Phase 4 Plat application to the August 13, 2013 meeting at 5:00 p.m. at the south Walton Annex. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye. **(Exhibits: Staff 1)**

Ms. Renee Bradley, Planning and Development Services, presented the US 98/30A Telecommunications Facility major development order application submitted by Baker, Donelson, Berman, Caldwell & Berkowitz, P.C., for approval to construct a 180 foot monopole telecommunications facility and will initially lease space on the tower to AT&T and other cell phone carriers, with a future land use of Neighborhood Infill. The project is located at 695 Goldsby Road. The project is consistent with the Land Development Code and Comprehensive Plan.

Mr. Andy Rotenstreich, representative, briefly discussed the project and the need to continue the AT&T coverage to the area due to the removal of the current tower located at Sacred Heart.

Chairman Pridgen asked for public comment.

There were no public comments.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve the US98/30A Telecommunications Facility major development order application submitted by Baker, Donelson, Bearman, Caldwell and Berkowitz, P.C., as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye. **(Exhibits: Staff 1)**

Mr. Brian Underwood, Planning and Development Services, presented the 30 Avenue major development order application submitted by McNeil Carroll Engineering, Inc., for approval to construct a commercial retail center to own and lease, containing approximately 134,080 square feet within a total of eleven (11) buildings, on 16.47 acres, with a future land use of Village Mixed Use and Neighborhood Infill. The project is located on the north side of the intersection of CR 30A and US Hwy 98 bound by North Wall Street to the east and West Pinewood Lane to the north. The project will be consistent with the Land Development Code and Comprehensive Plan upon meeting conditions set forth in the staff report.

Commissioner Meadows questioned the large empty space to the northwest. Mr. Underwood explained that the land was submitted with the application but there are no plans for that area at this time. Commissioner Meadows felt that inner connecting roads were needed and questioned the number of curb cuts on Hwy 98.

Mr. Chance Powell, engineer, explained that the curb cuts are regulated by DOT and the county also has provisions to follow.

Mr. Robert Carroll, applicant, briefly discussed the project.

Chairman Pridgen asked for public comment.

Mr. David Kramer explained that the Planning Commission had a very lengthy discussion about the project and the fact that the intersection is a very busy location. He provided two options for consideration to address the intersection safety issues.

Mr. Brent Chandler, owner of the Donut Hole, spoke in favor of the project and recommended a requirement for cross access points.

Brief discussion ensued regarding the safety issues and the need for cross access points.

Commissioner Chapman asked the developer if he would be willing to provide cross access points. Mr. Bryan Corr, owner and developer, explained that they would not be willing to change the plans for cross access points and felt that the safety issues would increase with those changes.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve the 30A major development order application submitted by McNeil Carroll Engineering, Inc., with conditions set forth in the staff report. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye. **(Exhibits: Staff 1, Respondent 2) (Ex Parte: Comander)**

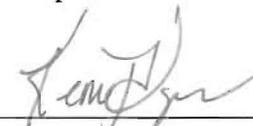
There being no further business, the meeting adjourned at 8:07 p.m.

ATTEST



Alex Alford, Clerk of Court  
and County Comptroller

APPROVED



Kenneth Pridgen, Chairman