

FEBRUARY 25, 2014 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, February 25, 2014, at 9:00 a.m., at the Walton County Courthouse in DeFuniak Springs.

The following Board members were present: Commissioner W.N. “Bill” Chapman, Chairman; Commissioner Cindy Meadows, Vice-Chairman; Commissioner Kenneth Pridgen; Commissioner Sara Comander; and Commissioner Bill Imfeld. Mr. Mark Davis, County Attorney; Mr. Larry Jones, County Administrator; Ms. Dede Hinote, Deputy County Administrator; Mr. Stan Sunday, Deputy County Administrator; and Mr. Alex Alford, Clerk of Courts and County Comptroller, were also present.

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

Chairman Chapman presented Mr. Stan Sunday, Deputy County Administrator, with a plaque for 25 years of service with the County in Law Enforcement and the Department of Corrections.

Mr. Larry Jones, County Administrator, presented the following changes to the agenda for approval:

DELETIONS:

1. Commissioner Comander – Nigerian Legislators
2. Consent Agenda Administrative Item 4 (move to Administration Item 1d) – Approve request from the Howard Group to allow Walton County staff to assist in applying for grants relating to the East CR 30A and US 98 Corridor Beautification Project
3. Public Works Item 2b – Request to approve the Right-of-Way Agreement with Southlake Properties, LLC

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

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

Clerk's Items:

1. Approve Expenditure Approval List (EAL)

General Fund	\$	410,323.40
County Transportation	\$	385,495.65
SHIP	\$	68,900.00
Mosq. Control State	\$	125.00
Section 8 Housing	\$	120,508.03
Tourist Dev. Council	\$	220,971.53
N.W. Mosquito Control	\$	864.95
Solid Waste Enterprise	\$	454,535.29
Bldg Dept/Enterp. Fund	\$	60,093.96
Imperial Lakes MSBU	\$	4,517.66
Inmate Canteen Fund	\$	17,482.84
Daughette Subdivision	\$	2,500.00
Four Mile Village	\$	1,750.00
<b>Totals</b>	\$	<b>1,748,068.31</b>

2. Approve Minutes of February 11, 2014 Regular Meeting

Administrative Items:

1. Approve to advertise for a Public Hearing to be held March 11, 2014 to bring forward \$135,911.00 in Landfill Reserves and transfer these Reserves to Public Works to manage and replant timber at the Landfill property
2. Approve a Resolution **(2014-15)** to accompany the approved Maintenance Agreement with FDOT for the Davis Drive at SR 83 Project
3. Approve a Resolution **(2014-16)** supporting the widening of US 98 from four lanes to six lanes as requested by the Howard Group
- ~~4. Approve request from the Howard Group to allow Walton County staff to assist in applying for grants relating to the East CR 30A and US 98 Corridor Beautification Project~~
5. Approve to modify the SHIP Program Strategy to commit \$125,000.00 in SHIP funds to provide additional leverage for the Town of Paxton's CDBG Grant Application

6. Approve a Resolution **(2014-17)** honoring local chefs on Chef's Appreciation Day, August 16, 2014
7. Approve Resolution **(2014-14)** opposing SB 314 and HB 4005 relating to Fireworks

Budget Amendment Resolutions/Transfers:

1. Approve a Resolution **(2014-18)** amending the budget for unanticipated grant revenues in the General Fund and to correct the budget transfer of the Emergency Management from the Sheriff's Office to the BCC
2. Approve a Resolution **(2014-19)** to amend the FY 2013-2014 Tourist Development Council Budget to carry forward \$174,000.00 in Emergency Market Reserve Funds (Budget Amendment was approved 2/11/2014)
3. Approve to advertise for a Public Hearing to be held March 11, 2014 to bring forward \$380,809.00 from Highway 98 Proportionate Fair Share Funding to construct Northbound, Westbound and Eastbound turn lanes at the Hwy 98 and Geronimo Street intersection
4. Approve a Budget Amendment transferring funding for the Department of Corrections and Animal Control to the Walton County Sheriff's Office

Agreements/Contracts

1. Approve Termination of Agreement between Walton County and Freeport Industries, Inc. for property located in Freeport, FL
2. Approve Employment Agreement for Mark Davis, County Attorney

Chairman Chapman asked for public comments regarding the agenda items.

Ms. Mary Neilson asked for an explanation of why the public comments have been moved to the beginning of the agenda and elimination of discussion as each item is presented. Chairman Chapman explained that public comments are allowed during the discussion of each item. Ms. Neilson also discussed the Brigman contract and felt that the offered price is not adequate and a counter offer should be made, and a policy should be created regarding real estate commissions. She also felt that statistics should be provided to review how many civil citations have been issued, what it was issued for, and how much was collected in order to determine which fees should be increased.

Mr. Jones requested to consider an offer from Mr. Brian Brigman to purchase 10 acres in the Mossy Head Industrial Park. The original offer was increased to \$20,000/acre, less a 6% commission. The Board was not inclined to pay a commission so another offer was made of \$18,800/acre. He explained that after further discussion more detailed information was requested as to what the facility would look like before continuing with the offer.

Commissioner Comander felt that a minimum of \$20,000/acre is acceptable, commissions should not be paid by the County, and more detailed plans for the project are needed before moving forward.

Commissioner Imfeld felt that infrastructure and time frames are important information to review.

Commissioner Pridgen felt that negotiations should be finished with Empire Truck Sales before considering other offers. Mr. Jones explained they have had discussion with Empire Truck Sales but a proposal has not been submitted at this time.

Brief discussion ensued regarding the process to clear the property sites and the need to complete negotiations with Empire Truck Sales before moving forward.

Chairman Chapman felt that Empire Truck Sales should have a timeline to determine their needs and to allow Mr. Brigman to move forward with a property purchase. Commissioner Comander agreed and felt that a decision should be made by the March 11, 2014 meeting.

Commissioner Meadows questioned if discussion is needed to determine the appropriate purchase price for the property. The Board agreed that \$20,000/acre should be the minimum purchase price and no commissions should be paid by the County.

Commissioner Meadows expressed concern limiting the ability for the County to pay commissions for future clients and the need to provide flexibility. Commissioner Comander agreed and stated at this time commissions should not be paid.

Mr. Jones requested to consider the offer by Love's Travel Stop to purchase 7 acres in the Mossy Head Industrial Park at \$20,000/acre. The intended use of this property is to locate a hotel and a restaurant.

Motion by Commissioner Imfeld, second by Commissioner Meadow, to approve the offer by Love's Travel Stop contingent upon County compliance to F.S. Chapter 125. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

Mr. Jones announced that there is another group interested in a 60 acre tract in the Mossy Head Industrial Park and more information will be provided in the future.

Mr. Jones requested acceptance of the Walton County Economic Development Alliance quarterly report submitted by Mr. Steve Jaeger, Economic Development Executive Director.

Motion by Commissioner Pridgen, second by Commissioner Comander, to accept the Walton County Economic Development Alliance quarterly report as presented. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

Commissioner Meadows questioned the status of a website for the Walton County Economic Development Alliance. Mr. Jaeger stated that they have encountered many technical issues in launching the website but felt that the website should be functioning no later than next week.

Commissioner Comander recognized Mr. Rick Wilson for assisting in this process.

Mr. Jones presented the request from the Howard Group to allow staff to assist in applying for grants relating to the East CR 30A and US Hwy 98 Corridor Beautification project.

He stated that a source of funding needs to be identified not only for construction, but maintenance of the corridor. He explained that the County will not be the recipient of the grant, or be the applicant.

Ms. Leigh Moore, Howard Group, explained that they are still early in the process gathering information, and an estimated cost has not been determined. She stated they are trying to complete the preliminary work so that more information is available in the future.

Commissioner Comander suggested using Xeriscaping on the project. Ms. Moore stated that they have reviewed that option and have been looking at other native landscaping to reduce the maintenance costs.

Motion by Commissioner Pridgen, second by Commissioner Imfeld, to approve the request from the Howard Group to allow staff to assist in applying for grants relating to the East CR 30A and US Hwy 98 Corridor Beautification project. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

Commissioner Imfeld asked to have an update at the March 11, 2014 meeting regarding the Beaver Lake Community on the status of their DEP permit.

Mr. Jones requested to advertise for construction bids for the widening and resurfacing of CR 183 South from south of I-10 to SR 81. This is a SCOP program that was approved in April 2013.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to advertise for construction bids for the widening and resurfacing of CR 183 South from I-10 to SR 81 as requested. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

The request to approve the Right-of-Way Agreement with Southlake Properties, LLC was removed from the agenda.

Mr. Jones requested to award RFP 014-005 for Gasoline and Diesel Fuel Supply to low bidder, Mansfield Oil Company. A secondary supplier will be considered at the next meeting.

Motion by Commissioner Meadows, second by Commissioner Comander, to award RFP 014-005 for Gasoline and Diesel Fuel Supply to low bidder, Mansfield Oil Company, as requested. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

Mr. Jones requested to advertise for bids to replant trees at the Landfill. In January 2013 the Board approved to harvest the timber and set aside any funds in excess of \$200,000 for replanting. The total amount received from harvesting the timber was \$335,911. Staff recommended replanting the trees not to exceed \$135,911.

Motion by Commissioner Pridgen, second by Commissioner Comander, to advertise for bids to replant trees at the Landfill not to exceed \$135,911 as requested. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

Mr. Jones requested approval of the Local RESTORE Act Committee's recommendations to approve and adopt the comprehensive plan to restore the ecosystems and economy as presented.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the Local RESTORE Act Committee's recommendations as presented. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

Mr. Dyess, Planning and Development Services Director, requested to approve a Resolution **(2014-20)** amending the Civil Citations Fees. This document will correct some issues

found in the original document to match the Ordinance and to include penalties for second and third offenses.

Mr. Jones stated that the concerns previously stated by Ms. Neilson would be reviewed.

Chairman Chapman felt that compliance will not be made until those fees are increased, as Ms. Neilson stated. He also felt that enforcement should be reviewed.

Commissioner Comander agreed and questioned if they are limited to the amount that they can set the fines. Mr. Dyess was not aware of a limited fine amount and stated that the initial fines have not been changed since the original adoption, but those could be increased and brought back for consideration. Commissioner Comander also felt that the amount currently levied and actually collected should be reviewed.

Motion by Commissioner Comander, second by Commissioner Meadows, to adopt the Civil Citations Fees Resolution **(2014-20)** as presented with the caveat that another fee schedule is brought back for consideration within a month.

Mr. Dyess explained that there are some final orders that the Code Enforcement Board has adopted but there is currently not a mechanism in place to collect those at this time, and Code Enforcement staff cannot do a foreclosure notice. Attorney Davis stated that they would have to foreclose the Code Enforcement lien and that is not practical many times, but they are looking at other options.

Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

Mr. Jim Bagby, Tourist Development Council Executive Director, requested to award the contract for Research Services to Kerr and Downs, for the amount of \$155,000.

Motion by Commissioner Comander, second by Commissioner Imfeld, to award the contract for Research Services to Kerr and Downs, for the amount of \$155,000, as requested. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

Mr. Bagby requested to award Bid 014-006 for the 2014 TDC Exterior Restroom Painting to Bayside Coatings, for the amount of \$26,595.

Motion by Commissioner Comander, second by Commissioner Meadows, to award Bid 014-006 for the 2014 TDC Exterior Restroom Painting to Bayside Coatings, for the amount of \$26,595, as requested. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

Mr. Bagby requested to appoint a Board member to the TDC screening committee for March 6, 2014.

Chairman Chapman appointed Commissioner Meadows to the TDC screening committee.

Motion by Commissioner Pridgen, second by Commissioner Comander, to appoint Commissioner Meadows to the TDC screening committee. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

Mr. Bagby presented the following TDC updates: South Walton Mosquito Control District appointed Commissioner Tim Morris to the TDC screening committee, introduced Ms. Sharon Santurri the new TDC Director of Administration, and announced that each Board member will be contacted within a week for an interview for the TDC Strategic Planning Process.

Ms. Santurri expressed her appreciation to work with the TDC and felt that her experience will greatly impact the TDC.

Attorney Davis announced that the Noise Ordinance will be provided for review in the near future.

Commissioner Meadows discussed the need to place off-duty deputies at the intersections, such as CR 395 and CR 30A, during the spring break season and holidays to help with the traffic congestion since the intersection improvements will not be complete by this summer. She presented costs, provided by the Sheriff's Office, of \$25/hour during summer for check in/out day (Saturdays), \$600 during the holidays (Memorial Day, July 4<sup>th</sup>, and Labor Day weekends), and \$1,800 for Spring Break (9 days).

Sheriff Mike Adkinson explained another option to consider would be the Sheriff's posse, which could reduce the costs.

Brief discussion ensued regarding the ability to utilize the Sheriff's posse and the need to place off-duty deputies at the intersections to help with traffic congestion.

Motion by Commissioner Meadows, second by Commissioner Comander, to place off-duty deputies at the CR 395 and CR 30A intersection during Spring Break and summer holidays, for a price of approximately \$2,400.

Commissioner Comander questioned if other areas could also receive some assistance during the heavy congestion. Sheriff Adkinson stated that would be a staffing issue, but would certainly make an effort to provide deputies in those areas. Commissioner Meadows suggested monitoring those problem areas to provide assistance next year.

Commissioner Meadows amended her motion to accept help from the Sheriff's posse as well. Commissioner Comander seconded the motion.

Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye.

Commissioners' Comander and Imfeld exited the meeting.

Commissioner Meadows discussed the E2 change previously approved for Osprey Pointe and the fact that a minor development order has been issued. She explained that the only approval made was the E2 change and acreage change, not to allow development orders to be issued. She felt that the minor development order that was issued after the meeting for the E2 change on January 28, 2014 should be rescinded.

Commissioner Comander returned to the meeting.

Mr. Alan Osborne discussed the history of the E2 change request for Osprey Pointe and requested to suspend issuing permits for the project until the compliance hearing is held.

Attorney Davis requested to reschedule the compliance hearing set for May 13, 2014 because the hearing will last longer than the anticipated hour that was previously scheduled.

Motion by Commissioner Comander, second by Commissioner Meadows, to reschedule the compliance hearing from May 13, 2014 to May 15, 2014 from 9 a.m. – 5 p.m.

Commissioner Meadows asked for an orderly meeting and for an agenda to be prepared prior to the compliance hearing. Attorney Davis stated that a pre-hearing agreement will be prepared.

Ayes 4, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye. **(FORM 8B - Imfeld)**

Mr. Osborne requested the Board address the issuance of permits in Osprey Pointe.

Attorney Greg Stewart explained that the Planning Director has the ability to determine the administrative process that a particular application within a DRI would follow. The courts decided that all developments within the DRI would be treated as minor development approvals. After reviewing this process and working with staff they felt that the policy was not appropriate

and recommended that staff change the process. Mr. Dyess has since determined that developments within the DRI will be handled under the process as any other development within the Land Development Code, if it was considered a major development outside of a DRI then it would also be a major development within a DRI. He felt it would not be appropriate to change that process at the time because several applications had already been filed.

Attorney Stewart explained the basis of why the Planning Department issued the development order for Osprey Pointe because of a mediation agreement between the Sandestin HOA and Sandestin Investments. The HOA withdrew any objection to the approval of Osprey Pointe with that mediation agreement.

Commissioner Meadows explained it was her understanding that no development orders would be issued for Osprey Pointe until after the compliance hearing was held.

Discussion ensued regarding the process of issuing development orders for minor developments.

Attorney Davis suggested placing the request to suspend issuing building permits for the Osprey Pointe project on the next agenda for consideration. The Board concurred.

Commissioner Imfeld returned to the meeting.

The item to discuss the Nigerian Legislators was removed from the agenda.

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

Chairman Chapman asked for additional public comments.

There were no additional public comments made.

The meeting recessed at 10:23 a.m. and reconvened at 10:32 a.m.

Chairman Chapman stated that he failed to see a public comment by Mr. Herbert "Kuntry" Carter prior to the recess.

Mr. Carter discussed and requested for the Board to recognize a new concept of music, entitled "Dixie Phonics." He stated that they plan to develop a tour along US Hwy 90 and connect with US Hwy 98 in Mobile and continue to the east coast. He asked to recognize the music through a proclamation to provide the platform for aspiring musicians, writers, and singers.

Commissioner Comander questioned if the request needed to be advertised on the agenda. Mr. Jones stated that they could unanimously move the request to the next agenda.

Commissioner Imfeld stated that this was previously on an agenda, but removed. He tried to research the type of music but was unable to locate any song samples. He felt that the music should be heard before approving the proclamation.

After a brief discussion Mr. Carter stated that he would provide a CD for the Board to review prior to their meeting on March 11, 2014 for consideration.

Mr. Tim Brown, Planning and Development Services, presented the Land Development Code Land Uses Ordinance **(2014-07)** amending the Walton County Land Development Code Chapter 2.01.02 and 2.01.03 to provide for the provision of new land use districts of General Commercial (GC), Industrial (ID), Black Creek Neighborhood Planning Area (BC/NPA), Neighborhood Commercial (NC), Low Density Residential (LDR), Development of Regional Impact – Mixed Use (DRI-MU), Extractive Uses (EU), The Second Town Center (TC2) and Resort (R); deleting land use districts of Commercial (CM), Industrial (I), Private Conservation (PC) and Medium Industrial (MI); providing for allowable uses and density allocations. He explained that the Ordinance will bring the Land Development Code and the Comprehensive Plan into compliance in terms of land uses and to make them consistent.

Motion by Commissioner Comander, second by Commissioner Pridgen, to adopt the Land Development Code Uses Ordinance **(2014-07)** as presented. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld 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 advertisement notices.

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

Mr. Dyess presented the request by the applicant to continue the Peach Creek Phase 2A plat application submitted by Innerlight Engineering Corporation to the March 11, 2014 meeting.

Motion by Commissioner Comander, second by Commissioner Pridgen, to continue the Peach Creek Phase 2A Plat application to the March 11, 2014 meeting as requested. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye. **(Exhibits: Staff 1-2)**

Mr. Dyess presented the Alys Beach Phase 2A-U plat application submitted by Innerlight Engineering Corporation, requesting to re-plat 5 existing lots, consisting of 0.40 +/- acres with a future land use of Traditional Neighborhood Development. The project is located at the corner of Castle Harbor Drive and Nonesuch Way.

Chairman Chapman asked for public comment.

There were no public comments made.

Motion by Commissioner Pridgen, second by Commissioner Imfeld, to approve the Alys Beach Phase 2A-U plat application as presented. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye. **(Exhibits: Staff 1-2)**

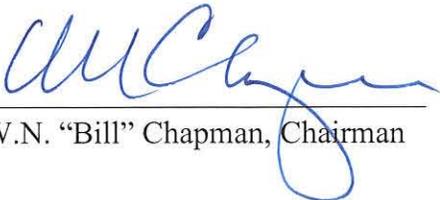
Mr. Dyess presented the request by Attorney Davis to continue the Walton County CR395/30A Abandonment submitted by Walton County to the March 25, 2014 meeting.

Attorney Davis announced that there were some transmittal issues with Attorney Gary Vorbeck and issues raised by Regional Utilities regarding the easement for utilities.

Motion by Commissioner Pridgen, second by Commissioner Comander, to continue the Walton County CR395/30A Abandonment request to the March 25, 2014 meeting. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Pridgen Aye, Comander Aye, Imfeld Aye. **(Exhibits: Staff 1-2)**

There being no further business, the meeting adjourned at 10:42 a.m.

ATTEST   
Alex Alford, Clerk of Courts  
and County Comptroller

APPROVED   
W.N. "Bill" Chapman, Chairman