

SEPTEMBER 1, 2009 – SPECIAL MEETING

The Board of County Commissioners, Walton County, Florida, held a special meeting on Tuesday, September 1, 2009, at 4:03 p.m., at the South Walton Annex to discuss the Beachview Heights Subdivision MSBU.

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

The following Board members were present: Commissioner Sara Comander, Chairman; Commissioner Scott Brannon, Vice-Chair; Commissioner Kenneth Pridgen; and Commissioner Cecilia Jones. Mr. Ronnie Bell, County Administrator; Mr. Lyle Seigler, Interim County Administrator; and Mr. Mike Burke, County Attorney, were also present.

Attorney Burke presented the D&H Sand settlement agreement to the Board for approval. Approximately one month ago in an Executive Session the Board gave the County Attorney authority to make a final offer to D&H Sand to settle the lawsuit. They accepted that offer with some additional requirements. Attorney Burke briefly explained the additional requirements and requested approval.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the D&H Sand settlement agreement as presented with the additional requirements. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Ms. Marguerite McCauley, Government Services Group (GSG), and Ms. Christy Carey, Nabors Giblin & Nickerson Attorneys at Law, briefly discussed the history, ballot process, and cost of the Beachview Heights MSBU program.

Chairman Comander questioned the cost estimates. Ms. McCauley explained that every property owner that was deemed to benefit from the improvements was sent a first class notice, then based on the amount of units for their parcel they were sent a notice including amounts. The estimated annual cost of the roadway assessment is approximately \$954. As with other assessment programs, the homeowners have the ability to prepay and avoid financing costs associated with the program. The prepayment amount is approximately \$5,259, as opposed to the annual \$954 for ten years. The estimated annual cost for buried utilities is approximately \$539, and the initial prepayment is approximately \$3,205.

Ms. McCauley explained briefly that the amounts in the notices were the maximum rate, they can be lower.

Chairman Comander stated that the additional tax bill will be about \$1400. Ms. McCauley explained that the price includes paving the entire roadway area, not just the two county maintained roads, and to bury the utility lines in the areas that are not currently buried.

Brief discussion ensued regarding which areas already have buried utilities.

Chairman Comander asked Mr. Allen Brown, Deputy Public Works Director, to discuss the current county maintained roads. Mr. Brown stated that Sunset and Breeze are the two roads that are presently on the county maintained road list. He stated that those two roads comprise about 27-28% of the overall project.

Chairman Comander asked for public comment.

Attorney Gary Vorbeck, representative of Mr. Kramer and Ms. Reinhart, discussed the fact that some parcels are charged more than once for the assessment,

current above ground power lines, density determinations, county roadways, and easements.

Mr. David Kramer discussed the state owned property, the importance of a fair and equitable process, easements, and road maintenance.

Mr. Philip Fleet, Beachview Heights resident, provided some clarification for the Board regarding the lots that would benefit from underground and aboveground utilities. He stated that one criteria needs to be used for every lot owner, and the intentions for the state property is for emergency situations only. He discussed and presented several documents to the Board.

Discussion continued regarding advantages and disadvantages of the proposed MSBU.

Mr. Billy Weinstein, Mr. Bill Wyrrough, Ms. Terri Slone, Mr. Sidney Heath, Mr. John Cole, Mr. Mark Robinson, and Mr. Rick Barry spoke in favor of the MSBU.

Ms. Keiran Early expressed several concerns regarding the presented MSBU.

Mr. Tom and Ms. Kay Rickman, Mr. Klaus Driscoll, and Ms. Harriet Driscoll spoke in opposition of the MSBU.

Chairman Comander closed public comment.

Chairman Comander expressed her concern with the statement that the County was going to pave the roads. After speaking with Mr. Brown, he informed her that he did state the County had the possibility to help. Mr. Brown had suggested paving two of the roads with county funds.

Mr. Brown briefly discussed the process in which he became involved with the property owners and the different options available for them. He discussed the county

easements being sought for county maintenance, and explained the contracting prices for similar MSBU's and the services provided. He explained the issues that the County had in entering into the contracting process for the project.

Commissioner Brannon questioned if private contractors are hired they would need a guideline in order to provide prices. Mr. Brown stated that they would have to be provided with a typical road plan and what is envisioned for the area.

Mr. Kramer questioned if culverts were considered as part of the cost, if so how many and for which units.

Mr. Brown stated that 34 existing drive ways were considered. Mr. Kramer questioned that there is no difference in the assessment for the drive ways getting culverts than those that are not. Mr. Brown stated that he had no involvement in the assessment and their estimate was on what currently exists. Brief discussion continued on how many culverts would be at each property, and which properties would be affected.

Ms. McCauley explained that this will be an integrated roadway system. Some properties may have more culverts than others. She also explained what Walton County hired GSG to do and their purpose in this process.

Commissioner C. Jones questioned Attorney Burke if the Peter's easements can be transferred to the county legally. Attorney Burke stated that the judgment states that this is a subdivision. The issue is there was no other reservation or specific grant to those owners and the court agreed that every property owner has ingress and egress. He briefly explained the different options available for Ms. Peters and the property owners.

Commissioner Pridgen stated that a problem could occur when trying to obtain a loan.

Discussion ensued regarding the legal ability to maintain the roadways, legal options for relief, and the allowable limit of County contribution.

The Board expressed several concerns with the safety issues and also the inability for some residents to pay the high fees.

Mr. Bell stated that Sunset Avenue and Breeze Drive are accepted as County maintained roads. He questioned Mr. Brown if the other roads were maintained during his tenure as District 5 Foreman. Mr. Brown stated that they did have an emergency situation once, then more frequently as the area developed.

Mr. Bell stated that if the Board wishes to have additional time to consider the issue, it can go out as a special billing instead of on the tax bill. The reason for the special hearing was to have a determination in order to have time for prepayment because there is a specific period in which that has to be done. Ms. McCauley explained that to make the tax roll they are being statutorily driven by the September 15 deadline. If the tax bill collection method is not used then they can have a separate bill and still give property owners the ability to prepay.

Brief discussion ensued regarding the immediate need to address the safety issues.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to continue the meeting for consideration of implementation of the MSBU, but in the interim to direct staff to stabilize Sandstone Street, Gulf View Drive, Tanglewood, and Grande Avenue for sufficient emergency vehicle access; and then consider the MSBU at a later date. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to adjourn the meeting at 6:35 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