

SEPTEMBER 8, 2009 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, September 8, 2009, at 2:55 p.m., at the South Walton Annex.

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

Attorney Burke announced that the following will be in attendance during the Executive Session regarding Thomas Hicks vs. Walton County: Board of County Commissioners; County Attorney's: Mike Burke, Lynn Hoshihara, and W.C. Henry; Mr. Lyle Seigler; and a court reporter.

The regular meeting was recessed at 2:56 p.m. and an Executive Session was called to order. This meeting was not open to the public pursuant to Florida Statute 286.011(8).

The Executive Session adjourned at 3:27 p.m. and the Regular Meeting reconvened at 4:00 p.m.

Ms. Martha Ingle, Clerk of Court, and Commissioner Kenneth Pridgen were present during the regular meeting.

Mr. Seigler led the invocation followed by the Pledge of Allegiance to the American Flag.

Chairman Comander presented a certificate of appreciation to Mr. Ronnie Bell for his tenure of 32 years with Walton County. Mr. Bell expressed his appreciation and stated it has been a pleasure to serve Walton County.

The following changes have been made to the agenda: add an agreement for TDC, remove Consent Agenda item 9, add an informational item for the Coastal Dune Lakes Tour, removal of the Black Creek PUD, and removal of Gulf Pines Neighborhood Plan.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the changes to the agenda as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

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

1. Approve Expenditure Approval List (EAL)	
General Fund	\$ 731,177.32
County Transportation	\$ 607,503.43
SHIP	\$ 20,035.00
Mosq. Control State	\$ 3,493.60
Section 8 Housing	\$ 775.46
Tourist Dev. Council	\$ 338,409.10
N.W. Mosquito Control	\$ 451.40
W. Co. Library	\$ 10,212.97
Recreation Plat Fee	\$ 11,722.58
Solid Waste Enterprise	\$ 578,848.29
Bldg Dept/Enterp. Fund	\$ 1,222.89
Inmate Canteen Fund	\$ 4,175.96
Capital Projects Fund	\$ 127,264.67
Totals	\$ 2,435,292.67

2. Approve Minutes of August 18, 2009 Special Meeting, August 25, 2009 Regular Meeting
3. Approve a Resolution **(2009-74)** to amend the budget for unanticipated grant revenue for CR 30A Roadway Resurfacing Project funded through the FDOT and the American Recovery and Reinvestment Act of 2009 in the amount of \$925,630
4. Approve a Resolution **(2009-75)** to amend the budget for unanticipated grant revenue for the CR 30A Pedestrian Bridge over Big Red Fish Lake project funded through FDOT and the American Recovery and Reinvestment Act of 2009 in the amount of \$569,900
5. Approve to surplus a computer from the Facilities Maintenance Department

6. Authorize payment of an inmate hospital bill, at negotiated rates, and direct staff to seek reimbursement from the Board's insurer and from the prisoner
7. Approve a budget amendment to the BCC account in the amount of \$12,500 for equipment for the Inmate Crew
8. Accept the Division of Forestry's Annual Report
- ~~9. Renew the Physician Agreement for the Department of Corrections~~
10. Approve and allow the Chairman to sign a Certificate Regarding Matching Funds for the Federal Election Activities Grant from the Supervisor of Elections Office

Mr. Lyle Seigler, Interim County Administrator, presented a request from Citizen Services from Ms. Mary Lou Reed, Workforce Development Board, to approve the Modification to the Workforce Plan to include funding received via the American Recovery and Reinvestment Act (ARRA) of 2009 and approval of the nominations of two Walton County representatives to the Workforce Development Board. Ms. Reed briefly discussed the modifications, Workforce programs, and the nominated representatives.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the modifications to the Workforce Plan as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve Mr. Bill Arnett and Mr. Don Brown as the two nominated representatives for the Workforce Board. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested approval of the 2010 State Aid to Libraries Grant Agreement. He stated that this will provide funding to operate the Library facilities.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the 2010 State Aid to Libraries Grant Agreement as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested approval for the Walton County Health Department and Construction Management to proceed with installation of a 4-chair dental clinic in the new Health Department building.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the request as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler presented a request from Public Works to award bid ITB 09-031 to, Utility Solutions, low bidder, in the amount of \$129,075 for the Lake Jackson Multi-Use Path.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve low bidder, Utility Solutions, for the amount of \$129,075, for the Lake Jackson Multi-Use Path. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested approval of the proposal submitted by Preble Rish, Inc. for the Chat Holley Road Improvements and Multi-Use Path design, in the amount of \$75,800.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the Preble Rish, Inc. proposal, for the amount of \$75,800, for the Chat Holley Road Improvements and Multi-Use Path design.

Mr. Bill Bard questioned to what extent the Multi-Use Path would be in the design and if there was a way to get the paths in the area connected. Brief discussion

ensued regarding the connectivity of the paths. Mr. Seigler stated that as funds become available they can consider a connecting Multi-Use Path on Hwy 393.

Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested approval to enter into an agreement with the Division of Forestry (DOF) for funding and technical assistance in the treatment of Cogongrass along rights-of-way and borrow pits. He recognized Mr. Bruce Smith and Mr. Mike Mathis with the DOF.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the request as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested approval to place 3 acres of the County's Bunker parcel in a conservation easement, instead of the 2.5 acres originally requested, for the construction of Goldsby Road.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the request as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested approval of the right-of-way easement for utility services request from CHELCO for Luke Road.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve the right-of-way easement request as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler presented a request from Emergency Response to rescind the award of ITB 09-025 to Fitco Fitness on August 11, 2009 for the amount of \$62,420 and award to

Fitness Master for the amount of \$63,085.50. Fitness Master is a local company and they fall within the 5% local preference.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to rescind the award to Fitco Fitness for ITB 09-025 and award the bid to Fitness Master, for the amount of \$63,085.50. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler presented from Administration a request to approve the proposal from Preble Rish, Inc., for the amount of \$60,040, for Walton County Sheriff's Administration Building improvements for an evidence room and office expansion with first floor wall relocations.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Preble Rish, Inc. proposal, for the amount of \$60,040, for the Walton County Sheriff's Administrative Building improvements as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler presented Mr. Thomas Hicks request to address the Board regarding the status of his land use change application and consent order for the Rock Hill Road property. Mr. Hicks discussed the issues with the consent order and questioned if the land use change request has been put on hold.

Attorney Burke explained that the 2007 consent agreement was an amendment to the original 2003 agreement. He also explained the procedures for the land use change and that the Board cannot act on that issue until the EAR amendment is complete.

Discussion ensued regarding the process of changing the land use and consent agreement.

Attorney Burke stated that he will meet with Mr. Hicks and Mr. Nolan Baker for clarification on these issues.

Mr. Sonny Mares, TDC Executive Director, requested awarding the Inlet Beach Restroom Facility to Floridian Construction, for the amount of \$183,491.90. Floridian Construction was the second lowest bidder and they did submit the local vendor preference form.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve Floridian Construction, for the amount of \$183,491.90, for the Inlet Beach Restroom Facility. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Mares requested awarding the Ed Walline Lifeguard Storage Facility to low bidder, Baywood Development, for the amount of \$40,275.72. The previous bid was pulled because of the location complaints from the community. Several meetings were held and an alternate site for the storage facility has been made.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve low bidder, Baywood Development, for the amount of \$40,275.72, for the Ed Walline Lifeguard Storage Facility. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Mares presented the contract for professional services requesting approval of a company TIG Global for the development of the new website and interactive marketing services, for the amount of \$207,800. He stated that they have been in negotiation with this company for several months. He requested approval to enter into a one year contract with a renewal option of up to two periods of one year each.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the professional services contract as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Attorney Burke commented that Ms. Karen Sheehan, County Attorney's Office, was able to negotiate the payment for an inmate bill (approved on the Consent Agenda) from approximately \$260,000 to \$38,000. He expressed his appreciation to Ms. Sheehan and the County Attorney's Office for handling that issue.

Chairman Comander called to order the public hearing regarding the Annual Rate Resolution **(2009-77)** for the Walton County Fire Rescue Municipal Service Benefit Unit (MSBU). Mr. Seigler stated that no rate changes have been made.

Chairman Comander asked for public comment.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve Resolution **(2009-77)** as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander called to order the public hearing regarding the Annual Rate Resolution **(2009-78)** for the Imperial Lakes MSBU. Mr. Seigler stated that no rate changes have been made.

Chairman Comander asked for public comment.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve Resolution **(2009-78)** as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander called to order the public hearing regarding the Annual Rate Resolution **(2009-79)** for the Daughette Canal MSBU. Mr. Seigler stated that no rate changes have been made.

Chairman Comander asked for public comment.

There were no public comments.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve Resolution **(2009-79)** as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander called to order the public hearing to consider an Ordinance amending County Ordinance 2003-07, 2005-11, and Section 22-57 of the Walton County Code to clarify the requirement to show proof of address to obtain permits to drive on the beach. Mr. Demers stated that language was added to provide clarity for the Tax Collector when considering proof of eligibility for a permit.

Chairman Comander asked for public comment.

Mr. Grant Blackwell, Grayton Beach Neighborhood Association President, spoke in favor of the changes made and suggested additional language.

Brief discussion ensued regarding the HCP.

Chairman Comander closed public comment.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to continue the proposed Ordinance for permits to drive on the beach to the October 13, 2009 meeting. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander called to order the public hearing to consider an Ordinance **(2009-14)** amending County Ordinance 2008-24 and Section 5-34 of the Walton County

Code to provide clarification of proof of residency to obtain permits to allow dogs on the beach. Mr. Demers stated that there was no request to change the eligibility, but provide clarification of what is used for proof of eligibility.

Chairman Comander asked for public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve Ordinance **(2009-14)** as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Commissioner C. Jones presented information regarding the Coastal Dune Lake Tour by the Coastal Dune Lake Advisory Committee to be held on Wednesday, October 28, 2009 from 9:00 a.m. – 1:00 p.m.

Commissioner Pridgen had no items to present.

Commissioner Brannon had no items to present.

Chairman Comander had no items to present.

Chairman Comander asked for additional public comments.

There were no additional public comments.

The meeting recessed at 5:00 p.m. at reconvened at 5:18 p.m.

Mr. Gerry Demers, Development Services Division Director, presented for approval the Development Order Extension Amendment Ordinance **(2009-15)** to allow an exception that would extend by two years the time in which final orders, minor development orders, and major development orders shall remain valid. He stated that this is the second hearing.

Chairman Comander asked for public comment.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve Ordinance **(2009-15)** as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Mr. Demers requested to continue the Gulf Pine Neighborhood Plan to the November 24, 2009 meeting.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to continue the Gulf Pine Neighborhood Plan to the November 24, 2009 meeting. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

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

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to continue the Black Creek Plantation PUD to the November 10, 2009 meeting. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Ms. Melissa Ward, Planning Department, presented the Paradise Retreat petition for abandonment, submitted by Eddie R. Grant. The petition is to allow the homeowners association to privatize the streets within Paradise Retreat per FS 336.125, more specifically Sandy Cay Drive, Secret Harbor Drive, and Marigot Bay Circle. The subject of the petition is located entirely in southwest Walton County, and includes all roads within the Paradise Retreat subdivision, from the intersection on the south end of Sandy Cay Drive and old U.S. 98 and the intersection on the north end of Sandy Cay Drive and new U.S. 98. The future land use is coastal center. The site is located on the south side of U.S. 98, just east of the Walton County and Okaloosa County line.

Chairman Comander asked for public comment.

Mr. Dean Burgess, Emerald Coast Associates (ECA), briefly explained the engineering of the project and the roadways within the Paradise Retreat Subdivision.

Discussion ensued regarding the roadway abandonment.

Mr. Eddie Grant and Mr. Tony Hendrix spoke in favor of the roadway abandonment and the need to resolve the safety issues.

Mr. Steve Sayler spoke in opposition of the roadway abandonment.

There were no additional public comments.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve Paradise Retreat petition for abandonment as presented in the staff report. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff 1-2, Respondent 3) (Ex Parte: Brannon, Comander, Pridgen, C. Jones)**

Mr. Mac Carpenter, Planning Manager, presented the Villas at Inlet Beach PUD major development application submitted by Century Bank, requesting an amendment to an existing development order. The applicant is requesting to limit height and adjust setbacks. The site is located at 246 Winston Lane.

Mr. Dean Burgess, ECA, briefly discussed the requested PUD revisions. Discussion ensued regarding the conditions of the staff report.

Chairman Comander asked for public comment.

Mr. John Naftel spoke in opposition of the Villas at Inlet Beach PUD amendment. He stated that a settlement needs to be made on the easement.

Mr. Bill McCrabb spoke in favor of the Villas at Inlet Beach PUD amendment.

Attorney W.C. Henry briefly explained the law of easements and stated that a court needs to settle the easement issue.

Ms. Anita Page discussed building setbacks.

After discussing the easements and conditions of the staff report, the Board concurred to allow Attorney Burke to bring back some clarification.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to continue the Villas at Inlet Beach PUD to the November 10, 2009 meeting. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff 1, Respondent 2) (Ex Parte: Brannon)**

Mr. Carpenter presented the Thompson Woods F/K/A Assisi Villas plat application submitted by Assisi Development, LLC and Rosewood Development, LLC, requesting the re-plat of a previously approved development known as Assisi Villas. The re-plat proposes to change the subdivision name from Assisi Villas to Thompson Woods, and to rename a roadway Woodshire Drive. The site is located 1300 feet south of U.S. 98 on Thompson Road.

Chairman Comander asked for public comment.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Thompson Woods F/K/A Assisi Villas re-plat application as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff 1)**

Motion by Commissioner Brannon, second by Commissioner C. Jones, to adjourn the meeting at 6:37 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