

REGULAR MEETING – SEPTEMBER 22, 2009

The Board of County Commissioners, Walton County, Florida, held a regular meeting on September 22, 2009 at 4:00 p.m., at the Walton County Courthouse in DeFuniak Springs.

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

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

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the agenda additions and deletions as follows. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

1. Addition to the Consent Agenda – Approve a resolution supporting the Fair Associations facilities improvement project.
2. Addition by Administration – Permission to pursue a rural development agency combination grant loan for construction
3. Addition by the County Attorney – tax certificate sale.
4. Addition by the County Attorney – Holub v. Walton County Settlement Agreement.
5. Addition by the County Attorney – Taylor v. Walton County Settlement Agreement.
6. Deletion by Public Works - Item 3e – Request from Lisa Mitchell.
7. Deletion by Administration - Item 4b – Approve Interlocal Agreement for the Senior Center.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Consent Agenda as follows. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

1. Approve Expenditure Approval List (EAL)		
General Fund	\$	613,474.57
County Transportation	\$	839,792.63
SHIP	\$	15,117.75
Mosq. Control State	\$	211.13
Section 8 Housing	\$	427.00

Tourist Dev. Council	\$ 275,152.17
N.W. Mosquito Control	\$ 1,135.32
W. Co. Library	\$ 6,526.45
Recreation Plat Fee	\$ 5,666.75
Solid Waste Enterprise	\$ 72,537.62
Bldg Dept/Enterp. Fund	\$ 960.60
Imperial Lakes MSBU	\$ 2,765.91
Inmate Canteen Fund	\$ 10,040.87
Capital Projects Fund	\$ 332,348.54
Totals	\$ 2,176,157.31

2. Approve Minutes of September 1, 2009 Special Meeting, September 8, 2009 Regular Meeting, and September 14, 2009 Budget Hearing
3. Renew annual agreement with Latitude Geographics for hosting of internet mapping site
4. Approve surplus of various equipment as requested by the Clerk's Office (Surplus: 1159; 704; 1103; 1102; 1000; 1068; 1098; 1100; 1104; 1105; 1107; Removal from Assets Register: 654; 743; 656; 628; 655; 629; 737; 1025)
5. CDBG ED Grant Agreement for Florida Transformer Inc.
6. Payment of Inmate Physician Bills
7. Appoint Ken Little to Board of Directors for PanCare of Florida, Inc.
8. Approve a **Resolution (2009-82)** amending the budget to transfer the residual equity in the Driftwood MSBU Account in the amount of \$67,719 to the Driftwood Park Account
9. Approve a **Resolution (2009-83)** amending the budget to recognize \$28,593 in revenues and expenditures from the insurance proceeds in the Sheriff's Fund for FY 2008-2009
10. Approve request to surplus various equipment from the Tourist Development Council, Citizen Services Division, Public Works and the Planning Department
11. Approve a letter of support for a grant for the School District
12. Adopt a **Resolution (2009-81)** supporting the Fair Associations facilities improvement project.

Mr. Lyle Seigler, Interim County Administrator, presented the Walton County Health Department Core Contract for FY 2010 and **Resolution (2009-80)** for the 2010 fee schedule for the Health Department. He reported that the fees would remain the same as last year. He stated that the Core Contract and fee resolution is executed yearly and recommended approval.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the Core Contract for FY 2010 and adopt the Fee Schedule **Resolution (2009-80)**. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler announced that there was a vacancy on the Coastal Dune Lakes Advisory Board and requested that Mr. Hal Rhodes be appointed to the position.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to appoint Mr. Hal Rhodes to the Coastal Dune Lakes Advisory Board. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler stated that only one response was received for RFP 09-041 - Veterinarian Services for the Walton County Animal Shelter and recommended rejecting the proposal and re-advertise the RFP.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to reject the proposal for RFP 09-041 and re-advertise the RFP. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler stated that with the motion to reject RFP 09-041 and re-advertise, the request to terminate the contract with Alaqua Animal Refuge and Animal Control of West Florida would be pulled.

Mr. Seigler stated that construction of three retaining walls on the Bay Loop Road Multi-Use path was necessary to improve public safety, and prevent erosion. He requested Board approval for Public Works to work with Finance to advertise Request for Proposals for the construction of the three retaining walls. Chairman Comander questioned whether this project would be funded by grant money. Mr. Seigler stated that it would.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the advertisement for Request for Proposals for the Bay Loop Road Multi-Use path retaining walls. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler requested approval for Public Works to work with the Finance Department to purchase an air compressor for a county service truck (BCC 1903). The current air compressor is faulty and needs replacing. Commissioner Pridgen asked how much the new compressor would cost. Mr. Seigler stated that it would cost around \$2,500.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to direct Public Works staff to work with the Finance Department to purchase an air compressor for BCC 1903. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler requested approval of a change order for Bay Loop Bridge over Four Mile Creek. The water force main located on the existing bridge needs to be relocated. Mr. Ryan Douglas, Assistant Engineering Services Manager, stated that the price of the change order would be \$81,942 and would be funded through the grant program.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve the Bay Loop Bridge over Four Mile Creek change order. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler presented the Coastal Dune Lakes Advisory Board Mission Statement for approval. He stated that the Advisory Board was inviting the Board to participate in a tour of the dune lakes by state and local officials to bring attention to the uniqueness of the lakes.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the Coastal Dune Lakes Advisory Board Mission Statement. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Billy McKee, Environmental Manager, announced that the date of the Dune Lakes Tour would be October 28.

Mr. Seigler presented a grant application request by the Sheriff's Office for consolidation of Walton County's E-911 Public Safety Answering Points (PSAPS) System in the Emergency Management and Public Safety Communications Division.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve the grant application request. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Glenn Stephens, Polyengineering, gave an update on the Wastewater Treatment Plant at Mossy Head Commerce Park. Commissioner Brannon questioned how long it would take to obtain the DEP permit. Mr. Stephens estimated four weeks after application.

Mr. Seigler requested permission to pursue a Rural Development Grant/Loan for construction to be used for the Wastewater Treatment Plant.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the application for a Rural Development Grant/Loan.

Chairman Comander asked when the Board would be notified of the amount to be received. Mr. Stephens said approximately three months.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Sonny Mares, Tourist Development Council Executive Director, requested to extend the contract with Miles Media Group, LLP for an additional year to expire July 8, 2010 for the Beaches of South Walton Official Visitors Guide.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to extend the Miles Media Group, LLP contract to July 8, 2010. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Mares requested approval of a contract renewal with WilsonMiller, Engineering Firm.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the contract renewal with WilsonMiller. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Mares requested approval of a one-year contract with the Howard Group for the kiosk at Grand Boulevard in the amount of \$40,000. This contract will include a \$10,000 increase in funding and 32 staff hours per month for visitor services at the Grand Boulevard Kiosk. He also stated that there has been a decrease in visitor traffic at the Visitors' Center on Highway 331 due to highway construction.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve the one-year contract with Howard Group in the amount of \$40,000. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Mike Burke, County Attorney, discussed the action taken by the Board on September 8, 2009 regarding the intent of abandonment of platted roads within the Paradise Retreat Subdivision. He requested permission to continue drafting the agreements and present them at the November 10, 2009 Board meeting.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to permit the County Attorney to continue drafting the abandonment agreements associated with the Paradise Retreat Subdivision and present them at the November 10, 2009 BCC Meeting. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney W. C. Henry, County Attorney, stated that the property previously used by the Mossy Head/Oakwood Hills Volunteer Fire Department (VFD) was to have been transferred to

the county when the VFD was dissolved. However, deeds were not prepared for certain parcels. One of these parcels is scheduled to be sold at the Walton County Courthouse for tax deficits on October 6, 2009. He said that title to the property is still under the VFD name and that it could be changed by contacting one of the former VFD Board members. He stated that the cost to redeem the parcel would be \$1,341.20. Attorney Henry requested direction whether to redeem the property, or allow it to be auctioned.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to redeem the tax certificate and expend the necessary funds needed to redeem the property. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Burke presented and discussed the settlement agreement for Taylor v. Walton County and Harris Investments, LLC. He recommended approval.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the Taylor v. Walton County Settlement Agreement. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Burke stated that the plaintiffs requested that their mediation cost be paid by the county and Harris Investments, LLC. Harris Investments declined the request. Attorney Burke recommended no action be taken. The Board concurred to take no action.

Attorney Burke presented and discussed the settlement agreement in the case of Holub v. Walton County. He recommended approval of agreement.

Commissioner Brannon asked if the acceptance of this agreement would allow a land use change. Attorney Burke stated that due to the EAR Amendments a land use change could not be considered right now, but a three year compliance period to meet all requirements was included in the agreement.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Holub v. Walton County Settlement Agreement.

Ms. Nina Porter voiced concern that the easement is frequently blocked and suggested that solutions for parking be considered. She voiced objection to the three year compliance period. Attorney Burke stated that the easement would be a civil matter and encouraged the residents to consider that solution.

Commissioner Brannon asked if the parking issue would be addressed through the conforming use process. Attorney Burke stated yes.

Attorney Ashley Rodgers, Attorney for Aldyne Holub, stated that the civil litigation regarding the easement was initiated in December, 2008 and has been settled. She stated that the conditions of both the civil and county agreements have been met. She requested that the Board approve the settlement agreement.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Comander called to order the Public Hearing to consider an **Ordinance (2009-16)** to impose an additional \$15 surcharge for any traffic infraction or criminal violation to fund state court facilities.

There was no public comment.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to adopt an **Ordinance (2009-16)** to impose an additional \$15 surcharge on traffic infractions or criminal violations.

Commissioner L. Jones asked how much funding the additional surcharge would raise. Mr. Bill Imfeld, County Finance Director, stated that \$105,000 was raised during the first three

quarters of the current fiscal year and the additional surcharge would bring in over \$260,000 during the next year. Commissioner C. Jones asked if the money would stay in Walton County. Mr. Imfeld stated that it would and would be used for the maintenance of the courthouse and facilities.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Commissioners C. Jones, L. Jones, Pridgen and Brannon had no items to present.

Chairman Comander requested that a Board member be appointed to the Economic Development Alliance. She announced that she would be stepping down as EDA chair for next year and another Board member would need to be appointed to the EDA Board. The annual meeting will be held on October 15, 2009.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to appoint Commissioner Kenneth Pridgen to the Economic Development Alliance Board. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Comander called for public comment. There was no public comment.

Chairman Comander thanked everyone who participated and assisted with the retirement celebration for Mr. Ronnie Bell.

There being no further items to discuss, the meeting recessed at 4:47 p.m. and reconvened at 5:05 p.m.

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

Mr. Mac Carpenter, Planning Manager, presented the T-Mobile Wireless Telecommunications Facility project.

Mr. Thad Watson, agent for Powertel/Memphis, Inc., d/b/a T-Mobile, stated that this project is a major development application seeking conditional use approval for a 250 foot self-support tower and related telecommunications equipment, within a fenced compound, with landscaping on .23 acres with a future land use of general agriculture. The site is located at 5389 County Road 192. He stated that the tower would increase T-Mobile coverage and enhance the E911 coverage for their carriers.

Commissioner L. Jones asked if any co-location agreements were in place. Mr. Watson stated not at this time. There are three locations within the fenced area for co-locators to house their equipment.

Ms. Leigh Grantham said that she supported the tower, but not in its proposed location. She requested the BCC consider a different location. She said that she did not receive a registered letter announcing the public hearing. Chairman Comander questioned Ms. Grantham if other neighbors were in opposition. Ms. Grantham stated that there were and that some had attended the Planning Commission meeting to discuss the project.

Commissioner Pridgen asked Ms. Grantham if she would approve the tower being relocated to a different portion of the site. Ms. Grantham suggested that the tower be located nearer to Highway 331.

Commissioner Brannon asked that staff address the issues of inadequate notice and signage. Mr. Carpenter stated that adequate notice was given and that the signage was correct. Mr. Watson stated that registered letters were sent to property owners within 300 feet of the property. He also said that the sign listed the Planning Commission meeting at the South Walton Annex and the BCC meeting in DeFuniak Springs.

Mr. Carpenter stated staff found that the project met the minimum technical requirements of the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report.

Attorney Burke stated that should the Board reject the project, Federal legislation would require a statement giving the reason for denial.

Commissioner C. Jones asked if the back portion of the property was considered for tower placement. Mr. Watson stated that the original area to locate the tower was wetland and the tower had to be placed east of that area. Another reason for placing the tower at its proposed location is to lessen the impact of future use by the land owner. He stated that the setbacks could not be met if the tower was placed nearer to Highway 331.

Attorney Burke said that the FCC requirements limit the choice of the Board; however aesthetic restrictions could be placed on the project.

Chairman Comander asked if the wetlands could be mitigated. Mr. Watson stated that mitigation would not move the tower significantly.

Commissioner L. Jones felt that the term “conditional use” allowed the Board to apply conditions as they see fit to meet approval. He said that conditions needed to be attached requiring the tower to be situated in an area that would alleviate some of the problems. He suggested that staff look at what it would take to move the location within the property and consider minimizing the setbacks to allow the tower in a less offensive location. He also suggested that with staff assistance, the surrounding property owners and applicant determine if there is a way to mitigate that which is offensive.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to continue the public hearing to October 27, 2009 for the applicant and staff to present evidence that this is the

best location within the coverage area, and present a design to make the tower more aesthetically pleasing. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. (**Exhibits: Staff - Report 1, Letter of Opposition 2; Ex Parte: Comander**)

There being no other items to present, the meeting was adjourned at 5:30 p.m. on motion by Commissioner Brannon.

APPROVED _____
Sara Comander, Chair

ATTEST _____
Martha Ingle, Clerk of Courts