

AUGUST 11, 2009 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, August 11, 2009, at 4:00 p.m., at the South Walton Annex.

Chairman Comander requested a moment of silence in memory of Ms. Catherine King, who recently passed.

Mr. Lyle Seigler 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 Larry Jones; Commissioner Kenneth Pridgen; and Commissioner Cecilia Jones. Mr. Lyle Seigler, Interim County Administrator, and Mr. Mike Burke, County Attorney, were also present.

Chairman Comander presented the following changes to be made to the agenda: remove items 2C and 4A, and continue the Black Creek Plantation PUD to the September 8, 2009 meeting.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the changes to the agenda as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

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, Pridgen Aye, C. Jones Aye.

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 821,936.37
County Transportation	\$ 481,060.39
SHIP	\$ 124.75
Fine & Forfeiture	\$ 123,865.90
Section 8 Housing	\$ 2,114.81
Tourist Dev. Council	\$ 260,679.03

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N.W. Mosquito Control	\$	9,223.02
W. Co. Library	\$	4,680.21
Recreation Plat Fee	\$	3,319.34
Tax Deed Surplus Trust	\$	168.76
Solid Waste Enterprise	\$	648,473.67
Sidewalk Fund	\$	250.00
Bldg Dept/Enterp. Fund	\$	60.00
Imperial Lakes MSBU	\$	2,765.91
Inmate Canteen Fund	\$	14,129.61
Capital Projects Fund	\$	174,007.05
Totals		\$ 2,546,858.82

2. Approve minutes of July 28, 2009 Regular Meeting
3. Approve request to surplus seven computers from the Tourist Development Office, two computers from the Code Enforcement Office, various items from the Landfill, one computer from the District 4 Office, one printer from the Public Works Department and several items from the Library
4. Approve the Investment Report for Quarter Ended June 20, 2009 from the Clerk's Office
5. Approve the Interlocal Agreement with the City of Paxton for a CDBG Grant to improve the water lines outside the city limits, but within jurisdiction of the City of Paxton
6. Approve the SCOP Grant Contract for the widening and resurfacing of Chat Holly Road and Approve the Resolution **(2009-71)** to authorize the execution of the Small County Outreach Program Agreement with Florida Department of Transportation for resurfacing and improvements on Chat Holly Road
7. Approve the Participating Party Agreement for CDBG for Florida Transformer, Inc.
8. Approve the FDEP Beach Funding Resolution **(2009-70)** for 2009 for beach nourishment

Mr. Ronnie Bell, County Administrator, requested approval to deed the old Health Department Building to the City of DeFuniak Springs and for Walton County to receive up to \$145,000 in water or wastewater capacity credit. The appraised value for the County's portion of the building was \$90,000 and the parking lot area to the north was valued at \$55,000. He asked that the County Attorney deed the facility to the City of DeFuniak Springs as soon as possible to begin maintenance.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve deeding the old Health Department to the City of DeFuniak Springs in exchange for a \$145,000 credit. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Lyle Seigler, Interim County Administrator, presented a request from Citizen Services to approve the following Board and Committee Appointments: Ms. Barbara Chilcutt, Value Adjustment Board Citizen Member; Mr. James Hagan, Alternate Value Adjustment Board Citizen Member; Mr. Tom Patton, Planning Commission; and Mr. Steve Mitchell, District 5 Planning Commission.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the recommended Committee Appointments as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested approval to expend required fees, and Chairman's signature on the Notice of Application for Tax Deed for 32 properties that meet the criteria in statute. Florida Statute requires the county make application for tax deeds on all certificates for properties valued at \$5,000 or above.

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

Mr. Seigler announced that Mr. Starsky Harrell has been appointed as the Interim Public Works Director.

Mr. Seigler presented a request from Public Works to transfer funds from the Operating Account to Capital Outlay to purchase two new spray trucks for Mosquito Control.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve transferring funds from the Operating Account to Capital Outlay to purchase two new spray trucks for Mosquito Control. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested permission to request bids on GPS tracking software and equipment for seven spray trucks for Mosquito Control. This software will allow data to be collected from each truck to identify and map “no spray” areas and the amount of chemical to be used at each location.

Commissioner Brannon commented on an issue in his district where there was a “no spray” area that the substitute driver was not aware of.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve requesting bids on GPS tracking software and equipment for seven trucks for Mosquito Control. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

The request to include feeder roads: 1st Street, 2nd Street, and East Russell Avenue, in paving of Chat Holly Road; and action to remove sunken boats was removed from the agenda.

Mr. Seigler presented a request from Emergency Response to reject the proposal submitted by Dogwood Acres for RFP 09-027 (Operations of Animal Shelter) due to

estimated proposed cost to operate and run the shelter. He stated that the proposal is now for the County to run and operate the facility.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve rejecting the proposal submitted by Dogwood Acres for RFP 09-027 as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler stated that they need to proceed with an RFP for Veterinary Services as a result of rejection of the proposal submitted by Dogwood Acres for Operation of the Animal Shelter.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to proceed with an RFP for Veterinary Services for the Animal Shelter. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested approval to purchase animal cages from Shor-Line at the cost of \$62,509.44. Shor-Line was the only vendor to provide the items needed in the time frame provided.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve purchasing animal cages from Shor-Line, in the amount of \$62,509.44. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested awarding low bidder, Fitco Fitness Center, for the amount of \$62,420, for ITB 09-025 Fitness Equipment for Fire & Rescue. This is funded through the Fire Act Grant.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve low bidder, Fitco Fitness Center, in the amount of \$62,420, for ITB 09-025. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

The request from Administration to RFQ for Architect Services to refurbish the Sheriff's Administration Office for the housing of Emergency Operations and E-911 was removed from the agenda.

Attorney Mike Burke, County Attorney, presented a request from Attorney George Ralph Miller to adopt a Resolution to correct a "scrivener's error" to the Seagrove Villas' future land use map classification as NPA rather than Commercial. Attorney Miller clarified that the request is to publish notice to adopt the resolution. He stated that the proposed resolution would change the land use to commercial, because that is its past and current use. He briefly discussed the future land use map and the land use classification.

Attorney Gary Vorbeck briefly explained why this land use should not be changed.

Discussion continued regarding the need to change this land use from nonconforming to conforming.

Motion by Commissioner Brannon, second by Commissioner L. Jones, to advertise a public hearing to be held on September 22, 2009 in DeFuniak Springs to discuss a Resolution to correct a "scrivener's error" to the Seagrove Villas' future land use map, and have the requesting party pay for advertising costs.

Brief discussion continued regarding the appropriate manner to correct the "scrivener's error".

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

Chairman Comander called to order the public hearing to consider an Ordinance **(2009-11)** imposing and levying an additional half percent Tourist Development Tax (1/2 Cent Tax) in the existing South Walton Sub-County Special Tax District.

Mr. Sonny Mares, TDC Director, requested that the Board adopt the Ordinance as presented. Commissioner L. Jones clarified that this Ordinance is the same as the Resolution (2009-54) that was approved in May. Mr. Mares confirmed.

Chairman Comander asked for public comment.

Mr. Bob Hudson, Walton County Tax Payer's Association, expressed concerns regarding the Ordinance. He questioned why an airline has not been announced. Ms. Dawn Moliterno, Walton Area Chamber President and CEO, commented that the negotiations with the airlines are confidential, but several airlines are interested. She stated that their arrival to the area will be based on their timeliness, not Walton County's. Mr. Hudson questioned if the available funds in the TDC operating budget could pay for this instead of increasing the tax at this time. Brief discussion continued regarding the fact that the funds in reserve are for emergency situations.

Mr. Bill Bard questioned how this is attracting a low cost airline and how the money will be spent. Ms. Moliterno clarified that money will not be given directly to the airline, but the funds will be used on marketing plans and advertising in new markets that we currently do not have.

Ms. Suzanne Harris, Edgewater Beach Condominiums, questioned how much money the TDC spent after Hurricane Ivan and Dennis. Mr. Mares did not have that information. She expressed concerns with collecting more money from tourists in order to have more in savings/reserves.

Chairman Comander closed public comment.

Motion by Commissioner Brannon, second by Commissioner L. Jones, to approve Ordinance (2009-11) as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander called to order the public hearing to consider an Ordinance repealing Ordinances 1996-15, 1997-30, and 2003-09 relating to the control and abatement of excessive noise.

Attorney Burke stated that this is a continued public hearing on the Noise Ordinance. He briefly discussed the difficulty to enforce the Noise Ordinance from the Code Enforcement perspective and the process of a Nuisance Abatement Program as recommended by Sheriff Mike Adkinson.

Brief discussion continued regarding the ability to have the Sheriff's Office reports to create an effective attempt to involve the BCC to solve the nuisance issues by using a Nuisance Abatement Program.

Chairman Comander suggested allowing the Sheriff to continue to work with the current nuisance operations and ask Attorney Burke to pull some draft Ordinances on Nuisance Abatement Programs. She stated that the Noise Abatement Ordinance could cover a number of other things besides noise. Commissioner L. Jones commented that the key component is the ability to enforce it.

Chairman Comander asked for public comment.

Ms. Tammy Reinhart spoke in favor of not having a Noise Ordinance.

Mr. Lloyd Blue commented that the Grayton Beach Noise Ordinance needs to be repealed and a time limit needs to be set for outdoor music unless a special event permit is issued.

Ms. Mary Nielson believed that the Grayton Beach Noise Ordinance should not be carried into a county-wide Ordinance. She believed that the Nuisance Abatement Ordinance could solve a number of issues that the county is having.

Attorney Daniel Uhlfelder encouraged the Board not to adopt the Noise Ordinance as presented nor repeal the current Grayton Beach Noise Ordinance that is in place.

Chairman Comander closed public comment.

Commissioner Brannon stated that the Noise Ordinance would require Code Enforcement to be on call 24 hours a day. He stated that the Sheriff does not need an ordinance to handle breach of peace violations. Commissioner L. Jones stated that he would like to know the ramifications, if any, of having no Noise Ordinance. Attorney Burke stated that the Noise Ordinance as written would address several aspects of noise levels. He suggested coming back with a more comprehensive and enforceable ordinance for noise and nuisance issues.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, not to adopt the Noise Ordinance as presented but allow the County Attorney to bring back a Nuisance Abatement Program as suggested by the Sheriff for review. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Commissioner C. Jones had no items to present.

Commissioner L. Jones had no items to present.

Commissioner Pridgen had no items to present.

Motion by Commissioner Brannon, second by Commissioner L. Jones, to request financial assistance from Northwest Florida Water Management District (NFWFMD) for Dead River Landing Improvements and Morrison Springs Phase 2 Educational Pavilion. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander discussed the Economic Development Alliance (EDA) Board and stated that she would be past-Chair on October 22, 2009, and will continue to serve as a private individual. This will allow other Commissioners to serve on the EDA Board as well.

Chairman Comander discussed F.S. 318.17 regarding an increase in traffic surcharges. She stated that Walton County collected approximately \$150,000 in 2008 and if doubled we could collect approximately \$300,000. She stated that Okaloosa County, along with Sarasota County, have increased their charges. The money would be used for improvements of Justice Facilities such as the Courthouse and South Walton Annex.

Commissioner Brannon questioned the current surcharge amount per ticket. Chairman Comander answered that surcharge is \$15 and can be increased to \$30. Commissioner Brannon stated that this should be considered during these budgetary times.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve bringing back a draft Ordinance to increase traffic infractions. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander asked for additional public comments.

Mr. Bill Bard urged more enforcement of speeding infractions.

Commissioner Brannon questioned how the municipalities would be affected by the increase in traffic infractions. Attorney Burke stated that information would be brought back for the Board.

The meeting recessed at 5:30 p.m. and reconvened at 5:45 p.m.

Ms. Pat Blackshear, Planning Division Director, presented the proposed Height Limit Ordinance **(2009-10)** for adoption.

Attorney Burke stated that Attorney Matthews represents the Jolly Bay developer and he has expressed concerns if their lawsuit is remanded if his client would be subject to the Height Ordinance that is currently in effect. Attorney Burke explained to Attorney Matthews that his client would have to comply with the ordinance in effect at the time of their original application. They would have to comply with the other requirements of the Land Development Code (LDC), but not the 50 foot height limit.

Brief discussion ensued regarding the need to have an affirmation determining which ordinance Jolly Bay would have to comply with.

Ms. Blackshear commented that the public hearing was closed at the last hearing and staff has incorporated the suggested changes from the Board into the proposed Ordinance. Mr. Ken Goldberg did submit a suggestion after the last meeting, but was advised his concerns would be addressed when the whole LDC is rewritten.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt Ordinance **(2009-10)** as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Gerry Demers, Development Services Division Director, requested permission to advertise for a Public Hearing to consider an amendment to the Walton County Code of Ordinances Section 22-57 to clarify the requirement to show proof of address to obtain permits to drive on the beach.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve advertising a Public Hearing to be held on September 8, 2009 regarding an Ordinance for permits to drive on the beach. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Demers requested permission to advertise for a Public Hearing to consider an amendment to the Walton County Code of Ordinances Section 5-34 to provide clarification of proof of residency to obtain permits to allow dogs on the beach.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve advertising a Public Hearing for September 8, 2009 regarding an Ordinance to allow dogs on the beach.

Chairman Comander suggested a temporary "Pooch Pass" be issued weekly for tourists. Instead of visitors breaking the law this could be a way to raise revenue for the County.

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

Mr. Mac Carpenter, Planning Manager, presented an Ordinance **(2009-12)** amending Section 2.03.02 of the Walton County Land Development Code to adopt the Blue Mountain Beach Neighborhood Plan (NP.BMB) as an overlay district. He

commented that there have been no changes made to this Ordinance since the last meeting.

Chairman Comander asked for public comment.

Ms. Linda Hildreth and Mr. Emmett Hildreth expressed concerns about the Ordinance language as presented and the need to include language to protect the Blue Mountain Beach Subdivision #1 residents.

Mr. Dan Mueller, Ms. Susan Lucas, Mr. Richard Stein, Ms. Anita Page, and Mr. Richard Fowlkes spoke in favor of the Ordinance as presented, stating that removal of some language will prevent conflict and provide clarity.

Discussion ensued regarding the language for the Ordinance as presented.

Chairman Comander closed public comment.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Blue Mountain Beach Neighborhood Plan Ordinance **(2009-12)** as presented. Ayes 3, Nays 2. Comander Nay, Brannon Aye, L. Jones Nay, 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 L. Jones, second by Commissioner Pridgen, to continue the request for the Black Creek Plantation PUD to the September 8, 2009 meeting. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Commissioner Brannon exited the meeting.

Mr. Bill Pope, RoseStar, LLC representative, presented a major development order application submitted by Connelly & Wicker, Inc., for the Walton County Apartments PUD, requesting conceptual approval of 261 multi-family rental units within

9 buildings and 7,700 square feet for office/bank use on 46.8 acres with future land uses of NPA/small neighborhood, residential preservation, and infill. The site is located on the east side of U.S. 331, approximately 1,600 feet south of Chat Holly Road. He stated that the questions that arose during their previous meeting have been resolved and satisfied. He stated that they have, at this point, complied with all the recommendations and requests of the Planning Staff.

Mr. Carpenter commented that there are a number of conditions on the staff report that have to be met. Subject to those conditions, staff finds the project consistent with the Comprehensive Plan and the Land Development Code.

Chairman Comander asked for public comment.

There was no public comment.

Commissioner Brannon returned to the meeting. Commissioner L. Jones exited the meeting.

Mr. Carpenter stated that this project will employ the PUD overlay which will require a separate ordinance to implement the spreading of density and intensity across the multiple land uses inside this development. Chairman Comander clarified that was one of the conditions of the staff report. Mr. Carpenter confirmed and stated that the ordinance will come before the Board once the details of the project are finalized.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the Walton County Apartments PUD with conditions as presented. 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 6:50 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