

DECEMBER 8, 2009 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, December 8, 2009, at 4:00 p.m., at the South Walton Annex.

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

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

The following changes were made to the agenda:

Additions to the Consent Agenda: 1) Approve to negotiate fees with Dr. Blackwood for Veterinarian Services (RFP 09-049), 2) Approve acceptance of the Internal Audit of the Department of Corrections Inmate Welfare Program, 3) Approve to obtain State approved appraisals on 240 acres of property located on Williams Road.

Additions for Public Works: 1) Change Order #10 with a deduction in the amount of \$34,970.80 from Gum Creek Farms for the Scenic Gulf Drive Phase II Project, 2) Change Order #1 with an increase of \$21,815.25 from Utility Solution Group for the Lake Jackson Bike Path Project.

Additions for the County Attorney: 1) Non-Exclusive License Agreement and Right of Entry Agreement, Exhibit A Planting Property, Termination Fee Schedule, 2) D&H Sand, Inc. Case – Notice of Breach.

Additions from Mr. Gerry Demers, Development Services Division: 1) Approve an extension to the suspension of Planning Application and Engineering Fees associated

with major developments, minor developments, less-than-minor developments and plat reviews, 2) Discussion of road-side vending. Attorney Burke announced that a request will be made to continue the Driving on the Beach Ordinance to the January 12, 2010 meeting.

Deletions from Development Services: 1) Black Creek Plantation PUD, 2) Villas at Inlet Beach PUD.

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

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 979,712.75
County Transportation	\$ 592,779.08
Fine & Forfeiture	\$ 1,592,926.00
Section 8 Housing	\$ 148,658.78
Tourist Dev. Council	\$ 173,785.60
N.W. Mosquito Control	\$ 866.30
W. Co. Library	\$ 3,168.03
Public Safety- 911	\$ 1,126.00
Solid Waste Enterprise	\$ 490,269.17
Bldg Dept/Enterp. Fund	\$ 638.93
Inmate Canteen Fund	\$ 7,250.62
Capital Projects Fund	\$ 22,127.24
Totals	\$ 4,013,308.50

2. Approve Minutes of November 24, 2009 Regular Meeting
3. Approve a Resolution **(2009-105)** to amend the budget for unanticipated grant revenue from the 2010 E-911 Rural County Grant Program from the Florida Department of Management Services for the Walton County EOC/Sheriff PSAP Consolidation Project in the amount of \$212,235.49
4. Approve a Resolution **(2009-106)** to amend the budget for unanticipated grant revenue from the 2010 E-911 Rural County Grant

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Prepared by: Tina Earley

Program from the Florida Department of Management Services for the 911 Recorder maintenance for the DeFuniak Springs Police Department Project in the amount of \$2,450

5. Approve a Resolution **(2009-107)** to amend the budget for unanticipated grant revenue from the Florida Department of Law Enforcement through the Edward Byrne Memorial Justice Assistance Program for the New General Touch Screen Laptops project in the amount of \$57,319
6. Approve a Resolution **(2009-108)** to amend the budget for fiscal year 2009-2010 to roll forward State Mosquito Control Funds in the amount of \$9,050
7. Approve a Resolution **(2009-109)** to amend the budget for grant funds from FDLE for the Edward Byrne Memorial JAGC Grant for the Walton County Department of Corrections Security and Processing Enhancement Project in the amount of \$19,930
8. Approve a Resolution **(2009-110)** to amend the budget for the State Aid to Library Grant from fiscal year 2008-2009 into fiscal year 2009-2010 in the amount of \$41,432
9. Approve to extend the Ecological Associates, Inc. Agreement for Professional Services to January 2011
10. Approve a Resolution **(2009-111)** to amend the budget for fiscal year 2009-2010 for unanticipated grant revenue from the Northwest Florida Water Management District for the Dead River Landing and River Landing Projects
11. Approve the DEP Easement for Four Mile Creek and Bear Creek Bridges

A plaque and a 50 year pin was presented to Mrs. Mildred Taylor for her 50 years of volunteer service in Walton County with the Home and Community Educators with UF/IFAS Extension. Mr. Ken Little, Ms. Kendra Zamojski, and Mr. Bruce Ward acknowledged the volunteer efforts of Ms. Taylor during the past 50 years.

Mr. Seigler, Interim County Administrator, requested appointment of Mr. Aaron Bradshaw, for replacement of Ms. Joyce Szilvasy, to the Library Advisory Board.

Motion by Commissioner L. Jones, second by Commissioner Comander, to approve appointment of Mr. Bradshaw to the Library Advisory Board. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler presented a request from Public Works to authorize initial negotiations with the top three ranking firms based on the evaluation team's recommendation for RFQ 09-050 – Professional Services. Of the nineteen firms, the top three are: Preble-Rish, PBS&J, and CDG Engineers.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve negotiations for RFQ 09-050 as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler presented a request from Mr. Doug Liles to reroute County stormwater runoff at 240 Osprey Lane. Mr. Liles commented that the stormwater runoff on their lot is dangerous to their family.

After a brief discussion to determine if the County could provide assistance, a motion was made to deny the request.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to deny the request of Mr. Liles to reroute County stormwater runoff at 240 Osprey Lane. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler presented a request by the Leisure Lake Homeowners Association to pursue an MSBU and petition to permanently close that portion of Leisure Lake Road that transits the dam, prior to finalization of dam repair plans.

Motion by Commissioner L. Jones, second by Commissioner Comander, to approve to send out the initial ballots for the MSBU. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested approval of Scenic Gulf Drive Phase II Change Order #10 for a deduction of \$34,970.80. The new contract price will be \$1,236,978.67.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the Scenic Gulf Drive Phase II Change Order #10 for a deduction of \$34,970.80. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler requested approval of the Lake Jackson Bike Path Change Order #1 for an increase of \$21,815.25. The increase is due to multiple items being discovered after the project began. The new total contract price is \$150,889.25

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Lake Jackson Bike Path Change Order #1 for an increase of \$21,815.25. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Seigler presented a request from Mr. Frank Wolfe to include U.S. Highway 331, South of Highway 20 to be designated as a “scenic corridor”. Mr. Wolfe explained that he was not sure this is the correct route to take but he would like to explore avenues to protect the neighborhoods south of Highway 20. Chairman Brannon and Commissioner Comander suggested that Mr. Wolfe meet with the Planning Department to determine what could be done to protect the neighborhoods.

Mr. Sonny Mares, TDC Director, requested approval of a contract with Simpleview, Inc. – Customized Destination Management System that allows website and Outlook integration for the Beaches of South Walton Website and internal communication. The total implementation agreement amount is \$34,000, with an annual support fee of \$15,500.

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

Mr. Mares requested approval of low bidder, J.L. Hartman, LLC, in the amount of \$161,233, for the Bayou Arts Center. He explained the history of this property and the community indicated that they wanted an art teaching facility to be in this location.

Motion by Commissioner C. Jones, second by Commissioner Comander, to award the Bayou Arts Center bid to low bidder, J.L. Hartman, LLC, for the amount of \$161,233. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Attorney Burke requested to advertise for a Public Hearing on January 12, 2010 to consider a Nuisance Abatement Ordinance.

Commissioner Comander stated that the draft is a good start, but felt more information is needed.

Chairman Brannon suggested advertising for the January 26, 2010 meeting due to the length of other items to be held at the January 12, 2010 meeting.

Motion by Commissioner Comander, second by Commissioner Pridgen, to advertise a Public Hearing to consider a Nuisance Abatement Ordinance on January 26, 2010. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Attorney Burke presented the notice of breach for D&H Sand, Inc. He briefly explained the history and Development Order details. He requested to authorize a letter stating a Notice of Breach and give D&H Sand 30 days to cure the breach. If it is not cured within 30 days, the County will motion for enforcement with the Circuit Court.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve sending a letter to D&H Sand stating a Notice of Breach and allow D&H Sand

30 days to cure the breach. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Attorney WC Henry briefly discussed the License Agreement with Seascope Resorts, Inc (SRI) for the Scenic Gulf Drive Phase III Project. This is only a 5 year term, and it is licensed not an easement. He discussed the terms by both parties and explained those conditions for the Board. This agreement is not to the full satisfaction of the County Attorneys but time is of the essence to have the project complete by Spring Break. He recommended approval of the license agreement and to direct staff to obtain the permits to start the process.

Brief discussion continued regarding the payment schedule for the County and the County walk-overs.

Mr. Cliff Knauer briefly explained the public access and involvement of the County right-of-way. The concept of the project is to organize the designated boardwalks and re-stabilize the slope. He explained that there is currently public access and an easement.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the License Agreement with SRI for the Scenic Gulf Drive Phase III Project as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Attorney Burke requested to continue the Public Hearing to consider an Ordinance for Driving on the Beach to the January 12, 2010 meeting.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to continue the Public Hearing to consider an Ordinance for Driving on the Beach to the January 12,

2010 meeting. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye. .

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

Commissioner Comander wished everyone a Merry Christmas.

Chairman Brannon asked for public comment.

Brief comment was made regarding the Driving on the Beach permits. The decision was made to forward comments to the Commissioners so they can be reviewed and included in the drafting process.

Mr. Kramer commented on the approval of the unanticipated grant revenues for the County. The County received about \$300,000 for the tax payers through grant funds. Mr. Kramer requested to continue any decision regarding the Beachview Heights Subdivision MSBU until the January 12, 2010 meeting. Attorney Burke stated that a short hearing will be held on December 22, 2009, but it will be continued to the January 12, 2010 meeting.

Mr. Bob Hudson, Chairman of the South Walton Mosquito Control District (SWMCD), assured the Board that Mr. Liles will be invited back to the SWMCD for any further concerns and briefly explained the responsibility of SWMCD for maintenance on their ditch.

Mr. Phillip Fleet, Beachview Heights, also requested to have the Beachview Heights Subdivision MSBU continued to the January 12, 2010 meeting.

The meeting was recessed at 4:55 p.m. and reconvened at 5:13 p.m.

Mr. Gerry Demers, Development Services Division, requested consideration of an extension to the suspension of Planning Application and Engineering Fees associated with major developments, minor developments, less-than-minor developments, and plat reviews. The extension will be for 6 months, and it will not exempt advertising fees.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve a 6 month extension of the suspension of Planning Application and Engineering Fees as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Demers requested direction to designate Scenic Gulf Drive as a Scenic Highway. He discussed the current code and road-side vending. Commissioner C. Jones commented that the group will be prepared to go before the Planning Commission in January. She commented that they did not want a permit to be issued and the County be tied to that permit for the year. Mr. Demers briefly explained the issuance rules for clarification.

Motion by Commissioner C. Jones, second by Commissioner Comander, to limit permits on Scenic Gulf Drive to 30 days. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander 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.

Ms. Melissa Ward, Planning Department, presented a plat application from Bonezzi Development Company, for the Eagle Bay Phase II First Addition Replat. This application is for the replat of Lot 1, Block J, and associated common area, being on .51 acres with a future land use of TND. The site is located at 306 Bald Eagle Drive.

Chairman Brannon asked for public comment.

There were no public comments.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the application for the Eagle Bay Phase II First Addition replat as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

The Black Creek Plantation PUD major development order application request was removed from the agenda.

The Villas at Inlet Beach PUD major development order application request was removed from the agenda.

Mr. Demers presented the South Walton Fire Training Facility request. The major development order application submitted by Connelly & Wicker, Inc., requests approval for an additional 9,000 square feet of training, office, and maintenance facility on 9.6 acres with a future land use of conservation residential. The site is located at 911 North C.R. 393. He stated that the following conditions are required from the applicant by staff: 1) Provide copy of all applicable state and federal permits, 2) Issuance of development order will be contingent on receiving new land use designation per the EAR based amendments. He recommended approval.

Mr. Tim Martin, Connelly & Wicker, Inc., was available to address any concerns.

Chairman Brannon asked for public comment.

Mr. Kramer expressed his support for the South Walton Fire Training Facility, but did have concerns for the hours of operation and the amount of mitigation property.

Mr. Martin explained that the hours of operation will be 24 hours/7 days a week. There will only be certain occasions of night training. He understands that there is a total of 70 acres and 35 were dedicated by Mr. MC Davis.

Brief discussion ensued regarding the hours of operation.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the South Walton Fire Training Facility development order application with a requirement to restrict night training.

Commissioner L. Jones questioned what would happen to the development order if the land use changes did not occur. Mr. Demers stated that the applicant has to obtain the land use change to put in the facility.

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

Ms. Ward presented the Beach Road Commercial Building f/k/a Beach Road Townhomes request. The major development order application submitted by Connelly & Wicker, consists of 8,984 square feet of general business on .58 acres with a future land use of coastal center. The site is located on the south side of Scenic Gulf Drive, .10 mile from the intersection of U.S. 98 and Scenic Gulf Drive. This modification will make it strictly commercial. The outstanding conditions of the staff report are the only requirements necessary. There is a need for a development agreement with Public Works, and the applicant did meet the minimum buffer requirements.

Mr. Martin was available to address any concerns.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the major development order application for the Beach Road Commercial Building as presented. Ayes 4, Nays 1. Brannon Aye, L. Jones Aye, Comander Nay, Pridgen Aye, C. Jones Aye. (Commissioner Comander voted in opposition due to the lack of applicant's work with the neighborhood.)

There being no further business, the meeting adjourned at 5:33 p.m.

APPROVED _____
Scott Brannon, Chairman

ATTEST _____
Martha Ingle, Clerk of Courts

*** There is no audio recording for this meeting due to mechanical failure. ***