

JANUARY 27, 2009 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on January 27, 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. Ronnie Bell, County Administrator; and Attorney Mike Burke, County Attorney were also present.

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

Motion by Commissioner L. Jones, 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	\$ 788,963.13
County Transportation	\$ 205,158.98
SHIP	\$ 20,138.80
Fine & Forfeiture	\$ 114,455.71
Debt Service Hospital	\$ 11,500.00
Mosq. Control State	\$ 584.20
Section 8 Housing	\$ 139,332.21
Tourist Dev. Council	\$ 871,462.39
N.W. Mosquito Control	\$ 1,099.83
W. Co. Library	\$ 7,055.62
Recreation Plat Fee	\$ 3,966.00
Public Safety- 911	\$ 23,669.13
Solid Waste Enterprise	\$ 144,254.59
Sidewalk Fund	\$ 1,500.00
Bldg Dept/Enterp. Fund	\$ 1,404.89
Imperial Lakes MSBU	\$ 2,765.91
Inmate Canteen Fund	\$ 6,017.41
Capital Projects Fund	\$ 43,946.25
Totals	\$ 2,387,275.05

2. Approve Minutes of January 13, 2009 Regular Meeting

3. Approve FEMA/State PA Funding Agreement (Tropical Storm Fay)
4. Approval of Amendment 1 to Habitat Conservation Plan Grant Agreement 06185
5. Approve resolution **(2009-05)** to amend the budget to recognize unanticipated revenue from FEMA Public Assistance for Hurricane Dennis for the Pompano Road Project in the amount of \$520,635
6. Approve resolution **(2009-06)** to amend the budget to recognize \$20,000 in revenues and expenditures for Escada B Home Owners Association
7. Approve a resolution **(2009-07)** to amend the budget to recognize \$29,690 in revenue and expenditures from the sale of surplus vehicles in the Sheriff's fund.
8. Approve surplussing on Digital Voice Recorder from Emergency Response, one computer from Walton County Housing Agency, and one computer from Walton County Telecommunications

Chairman Comander presented a plaque to Commissioner Larry Jones for his service as Board Chairman during the 2007-2008 year.

Chairman Comander presented a plaque to Ms. Dianne Ramey and the Walton County Board of Adjustments in memory of the late Mr. Allan Ramey who served as attorney for the Board of Adjustments. The plaque will be placed in the South Walton Courthouse Annex.

Chairman Comander called to order the public hearing to approve a resolution **(2009-08)** to bring forward \$26,058 from reserves into the Sheriff's budget. Mr. William Imfeld, County Finance Director, reported that this money was a component of the Compensated Absences Liability Account, a part of the restricted reserves, and will not impact the General Fund reserves. There was no public comment.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to adopt a resolution **(2009-08)** to bring forward \$26,058 from reserves into the Sheriff's budget. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Comander called to order the second public hearing to consider a resolution **(2009-09)** expanding the county seat to include an area of unincorporated

Walton County where the county jail and Sheriff's office are located. Attorney W. C. Henry, County Attorney, stated that this is a second public hearing. There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt the resolution (2009-09) expanding the county seat to include the county jail and Sheriff's Office. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Tom Nestor, Florida Gas Transmission Company, gave a presentation on the Phase VIII Expansion Project in Walton County. He stated that the target in-service date was Spring 2011. Approximately 10-11 miles of 36 inch diameter pipeline is to be constructed through Walton County and will be parallel with adjacent existing pipelines.

Ms. J. Lorraine Bytell, Attorney, requested approval of a resolution (2009-10) approving the decision of the elected board of the South Walton Mosquito Control District (SWMCD) to increase the number of its commissioners from three to five. Since the SWMCD was enacted by the Board of County Commissioners (BCC) in 1964, a resolution adopted by the BCC is required to increase the number of members on the SWMCD Board. There is an additional process to follow with the Special Districts.

Commissioner Brannon questioned whether there were separate districts inside the main district. Attorney Bytell stated that the Mosquito Control District is defined by certain boundaries. The SWMCD commissioners must live inside their designated district.

Chairman Commander instructed Attorney Bytell to explain why an increase was being sought. Attorney Bytell stated that the requested increase was to insure that every

meeting would have a quorum, and that the issues presented would have a majority vote. She said that the increase would not require a monetary contribution from the county.

Ms. Bonnie McQuiston stated that she understood that the SWMCB was voted on by the citizens of Walton County. She questioned why five members were needed when three has been sufficient. Attorney Bytell responded that a charter was not required when the Mosquito Control District (MCD) was formed. A request, in the form of a resolution, to increase the number is required to be presented to the BCC for approval. The approval will allow for a voters' referendum to enact the MCD. She stated that with the recent dismissal of one of the members, the board was brought to a standstill and decisions could not be made. Attorney Bytell said that several steps had to be taken in order to receive final approval. She urged the Board to approve the resolution.

Commissioner C. Jones asked if a special election would be held. Attorney Bytell stated that it would run through the normal election cycle.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to adopt a resolution (2009-10) approving the decision of the elected board of the South Walton County Mosquito District to increase its number of commissioners from three to five. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Commissioner L. Jones exited the meeting.

Mr. Alex Kish, Driftwood resident, briefly discussed the Driftwood drainage problems. He distributed photos of water standing in the ditches. He feels that the standing water is a safety and health hazard. He urged the Board to enact the original Tetra Tech drainage plan and to consider an MSBU process for Phase II to fund repairs.

Commissioner L. Jones returned to the meeting.

Mr. Greg Graham, P.E., Planning Department, stated he was not involved with design of the stormwater drainage plan and that any specific questions regarding the engineering should be directed to Tetra Tech, the engineer of record. He said that the opening of the Edmonds outfall would relieve the back up in the ditches. Mr. Graham distributed and briefly discussed an update of the Driftwood drainage improvements that have been completed.

Chairman Comander questioned if there was anything else that remained to be done. Mr. Graham stated that a waste water certification needed to be obtained before he could sign off on the project.

Attorney Mike Burke, County Attorney, stated that the litigation over the Edmonds outfall was near an end. The closing package is nearly complete and would be sent to Mr. and Mrs. Edmonds by January 30. Attorney Burke is hoping that the closing documents would be executed and the issued resolved before the February 10, 2009 Board meeting.

Chairman Comander asked Mr. Allen Brown, Public Works, to explain what results would could be expected with the opening of the outfall. Mr. Brown stated that due to the outfall being closed, the water is unable to flow and remains contained in the ditches. He was told by Tetra Tech that the opening of the Edmonds outfall is vital to removing the water from the ditches. Mr. Brown stated that there are some minor issues with some deeper ditches. Public Works is working with the private landowners to see what additional steps can be taken. He feels that Mr. Kish will not be affected by the opening of the Edmonds outfall.

Mr. Ronnie Bell, County Administrator, asked if the drainage work on the original Driftwood had been completed by the contractor. Mr. Brown said he understands that it has been completed and punch listed. He reviewed the project with Mr. Ryan Douglass, Walton County Staff Engineer, and found that there are still some problem areas to be addressed. Mr. Bell asked if it had been built to the engineered plans designed by Tetra Tech. Mr. Brown stated that he had not reviewed the details of those plans. He said that a meeting will be held with Tetra Tech to make sure that the construction was done according to plan.

Ms. Sherry King, Driftwood resident, submitted pictures showing water damage to her yard. She said that she had no problems with water retention in her yard until after the county repaired the drainage ditches. She urged the Board to return her yard to its original state.

Mr. Brown stated that the opening of the Edmonds outfall would address the water in ditches. The depth of the ditches would have to be reassessed. Discussion continued on the affect the Edmonds outfall has on the drainage.

Mr. Alan Osborne, Driftwood resident, stated that the contractors couldn't afford the drainage pipes so the driveways were cut down several times to allow the water to flow over as a drainage solution. Commissioner Pridgen asked who had been cutting the driveways down. Mr. Osborne stated that it was the contractors hired by Tetra Tech.

Mr. Osborne said that according to an ordinance adopted by the Board, the county has the ability to implement a drainage fix. He joined Mr. Kish in urging the Board to enact a MSBU for Phase II to obtain funds for drainage repair.

Mr. Osborne stated that he also came to discuss the public abandonment and his private easement. He had previously applied for a demolition permit to remove encumbrances from his private easement. He reported that his permit had been voided even though he had met all the requirements. He felt that even if the county is correct on its position regarding the public abandonment of the road, he still has a private easement. He plans to submit a second demolition permit application with all the documents required. Granting the permit will make the issue a private matter.

Commissioner Pridgen asked how the county became involved in a private issue. Attorney Burke stated that the issue started four years ago.

Chairman Comander stated that the discussion should be taken back to the original issue, the drainage problems presented by Mr. Kish; and then the matter of the abandonment would be discussed. She asked what direction the Board wished to take regarding the items that were first mentioned.

Commissioner Brannon felt that getting the Edmonds outfall opened is vital to completing the improvements and recommended that the current course of action be continued. The Board concurred to stay on course with the opening of the Edmonds outfall; instruct Mr. Brown and Mr. Graham to continue working with the ditches that are too deep, and meet on site with Tetra Tech.

Mr. Kish felt that the depth of the ditches could not be changed. Discussion continued on the depth of the ditches and the opening of the Edmonds outfall.

Ms. King urged the Board to have the ditches in her area filled in.

Mr. Osborne urged the Board and Attorney Burke to look into enacting a MSBU.

Attorney Burke returned to the discussion regarding the abandonment. He stated that when Mr. Osborne came in 2006 with a demolition permit application, the Building Department was prepared to approve the permit. The Board was advised by Attorney Hallman, then County Attorney, to deny the permit. Attorney Burke told Mr. Osborne to bring the documents for the Board to review. He said that the Board abandoned the right of the public to use that road and that Mr. Osborne may have a private right. He advised the Building Department not to issue the permit immediately, and that he would send a letter to the appropriate parties advising them of the demolition permit application thereby putting the responsibility on the private owners to settle the matter. Mr. Osborne stated that he would re-apply.

Mr. Sonny Mares, Tourist Development Council Executive Director, discussed the construction of the VanNess Butler Regional Handicap Ramp. An expanded easement has been allowed by the St. Joe Company for construction of the ramp. Mr. Dave Sell, Beach Maintenance, discussed the qualifications of Backwood Bridges, the low bidder in the amount of \$102,601.15. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to award the VanNess Butler Regional handicap ramp construction to Backwood Bridges, as low bidder in the amount of \$102,601.15. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Mares reported that some beach front property owners have been attempting to prohibit people from certain areas of the beach. This action affects tourism. He read into the record the motion made by the TDC at its January 14, 2009 meeting. He requested the Board investigate and determine the customary uses, then amend the Beach

Activities Ordinance (2008-25) and the Comprehensive Plan to recognize the public's right to the beaches. Commissioner L. Jones stated that this is an important issue that needs to be addressed. He said that the appropriate action would be to begin the investigative process to determine if there is enough evidence to substantiate Board action. Attorney Burke stated that this is a two step request: first to investigate, and second to amend the ordinance and comprehensive plan. Chairman Comander suggested that the first step be taken tonight.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to allow staff to work with the TDC and any other interested parties to determine what evidence exists to substantiate the claim of customary use. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Emmett Hildreth, Blue Mountain Beach resident, spoke against the investigation of customary use and feels that customary use takes away private property rights. Commissioner L. Jones stated that the doctrine of customary use does not remove property rights.

Mr. Mares presented information on the building of the restroom at Inlet Beach. He said that some property owners in the south Inlet Beach area have voiced complaints regarding the building. He briefly reviewed the different designs presented to the public during advertised meetings. He said that the Beach Management Committee agreed to review the design, and Wilson/Miller agreed that the structure could be redesigned. The TDC feels that the structure is needed due to projected growth in Walton County and surrounding areas.

Chairman Comander said that some constituents had voiced concerns regarding the height of the building. Mr. Mares stated that roof line could be lowered. Mr. Sell said that Wilson/Miller was instructed to lower the roof line as low as possible and still be able to utilize solar panels.

Chairman Comander asked Mr. Mares if he felt that the meetings were properly advertised. Mr. Mares felt that everything short of building the structure has been properly done. He said that the TDC has budgeted for the restroom facility and will contact legal and purchasing to advertise for bids.

There was no public comment.

Chairman Comander recognized Sheriff Adkinson. Sheriff Adkinson stated that he, or a representative from the Sheriff's office, would be in attendance at all of the Board meetings.

Officer Danny Glidewell, Department of Corrections Director, presented a report on the garden project at the Walton Correctional Institute (WCI). WCI provides the inmate labor and the Walton County Department of Corrections (WCDOC) provides the seed, fertilizer and other costs. In 2008, the WCDOC received 20,000 pounds in greens and 2,500 pounds in squash. The total amount saved in food costs is approximately \$16,700. Potatoes are currently being planted with future plans for beans, corn, peas and tomatoes for spring and summer.

Officer Glidewell presented an update on the Inmate Labor Program. During the first quarter of the 2008-2009 Fiscal Year the total benefit derived from inmate labor was \$467,096.52; the total benefit to outside entities was \$189,812.48; and the total benefit to the DOC was \$277,284.04. He reported that the estimated benefits for 2008-2009 were:

all sources \$2,282,903.04; outside entities \$1,011,331.20; DOC \$1,271,571.84. Some of the jobs included, but were not limited to, cleaning county buildings, car wash service, various Public Works projects, and in-house DOC projects. Officer Glidewell said that 25% of the inmates participated in the program with one third volunteering to work. He noted that the estimated cost to DOC for the program was \$175,000. This included officers' salaries, fuel, and equipment.

Mr. Bell asked if the GED program would continue. Officer Glidewell stated that it would and that early indications show that those participating have a lower rate of return.

Commissioner L. Jones stated that these inmates will be looking for jobs upon release and suggested that documentation showing the work performed be provided to them to assist them in obtaining outside work. Officer Glidewell stated that the documentation is being presented on a case by case basis.

Mr. Ronnie Bell, County Administrator, recommended appointing Mr. Richard Bryan, and reappointing Ms. Jeannie Wilson to the Coastal Dune Lake Advisory Board.

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

Mr. Bell provided an update to the Library non-resident fee issue. He said that the Walton County Library Board and the Library Director recommended leaving the \$35.00 fee in effect. He stated that no action was needed if the Board concurred to accept the recommendation. The Board concurred to accept. There was no public comment.

Mr. Bell requested to update the Walton County Code of Ordinance, Chapter 10, Fire Prevention and Protection, Article III, Cost Recovery Fee. He asked to work with Legal and OMB to prepare a draft ordinance to present for Board consideration. The Board concurred.

Mr. Bell recommended adoption of a resolution (**2009-11**) approving the Fiscal Year 2008 Assistance to Firefighters Grant in the amount of \$133,758 with a county match of \$7,040. These monies will assist in providing hiring physicals for new firefighters and periodic health checks for current firefighters. This will also bring the physical requirements into compliance with Florida Statute and help provide fitness equipment at each of the stations.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to adopt a resolution (**2009-11**) for unanticipated grant revenue in the amount of \$133,758. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested application be made for a State EMS Matching Grant for new cardiac monitors. The grant would be \$179,362 with a \$59,788 county match. Trading in the old monitors will cover the monies needed for the match. He recommended approval.

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

Mr. Bell requested application be made for a Homeland Security Federal Grant for emergency operations centers. It is a competitive grant and is date sensitive. Walton County is eligible for \$1 million for construction projects, and \$250,000 for renovation projects. He asked to work with Ms. Angie Biddle, Grants Coordinator, to apply for a

Renovation Grant for the roofing and inside renovations at the Emergency Operations Center.

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

Mr. Bell instructed Mr. Allen Brown to present an update on the Blue Mountain Beach Cul-de-sac issue. Mr. Brown stated that Public Works reviewed the cul-de-sac to see what solutions were available. He said that the best solution is a hammerhead turn around that would accommodate vehicles up to 8' wide and 30' long, however it will not accommodate a fire ladder truck.

Mr. Richard Fowlkes, Blue Mountain Beach Association, asked that the Board not make a decision without neighborhood input. He stated that he had discussed the solution with Waste Management and it met their approval. He also reported that the Blue Mountain Beach Association Board was supportive of the solution.

Attorney Burke stated that if the Board approved the plan recommended by Public Works, the offer made by Ms. Hutcheson must also be considered. The Board would have to authorize the conduct of a private sale for that parcel. There have been discussions regarding Ms. Hutcheson contributing to the improvements to be made at that end of the right of way. The total package would mean \$30,000 to the county, \$15,000 for the sale of the property and \$15,000 for improvements.

Commissioner L. Jones asked if the other offer made at the January 13, 2009 meeting was considered. Attorney Burked consulted Nabors, Giblin and Nickerson and

was given the opinion that the offer was made outside the scope of the statute and would not prevent the Board from conducting a private sale.

Chairman Comander stated that it was clear that once the safety issue was addressed, the Board would move forward with the solution.

Mr. Fowlkes felt that the value of the property was too low and that the county should be compensated appropriately. Attorney Burke stated that the value was originally determined by the Property Appraiser to be \$15,000. If it is determined that there is no use for property, due to size and shape, there is no restriction for the \$15,000. He said the county would not make the necessary improvements to the area without compensation and the additional \$15,000 would cover that. Discussion continued on the appraisal value and the sale of the parcel.

Mr. Fowlkes asked the Board not to make a decision without the community having first reviewed Public Works determination.

Motion by Commissioner Brannon, second by Commissioner L. Jones, to conduct the private sale, the value of the property be \$15,000, in addition that Ms. Hutcheson contribute \$15,000 toward the improvements to remedy the turn around.

Chairman Comander said that there is no practical use for the property. Mr. Fowlkes stated that it was about value and how much it is worth to Ms. Hutcheson.

Mr. Bill Bard felt that the county should obtain a third party evaluation and seek a larger amount for the property.

Ayes 4, Nays 1. Comander Nay, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested that ITB 09-005, Four Mile Creek Bridge on Bay Loop, be pulled from the agenda.

Mr. Aaron Warren, Assistant County Engineer, presented an update on the transfer station at the Solid Waste Facility (landfill). He said that the majority of the design has been completed, a gross maximum price has been obtained, and the construction phase is ready to proceed.

Mr. Matt Liner, PBS&J, Project Architect, briefly reviewed the details of the project and the work done thus far.

Mr. Brad Laray, PBS&J Construction, said that he is prepared to begin construction immediately. He reported that Peter R. Brown Construction merged with PBS&J Construction (n/k/a Peter Brown Construction), and is committed to getting the project done.

Mr. Warren stated that the project is within budget, and requested that the Board ratify this amount, to proceed with the construction of the transfer station. Mr. Bell said that guaranteed maximum price was \$4,455,571 and upon ratification, legal would draw up the necessary contracts to move forward with construction.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve to ratify the amount and proceed with construction of the transfer station. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented the 2009 Maintenance Overlay Road list. The resurfacing project would be a total of 9.15 miles. Some of the resurfacing will be done in house and some will be contracted. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the 2009 Maintenance Overlay Road List. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested the Chairman's signature on a letter to FDOT to perform a traffic signal warrant analysis at the intersection of Moll Drive/S. Church Street and U.S. Highway 98. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve a letter to FDOT and the Chairman's signature. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented the appraisal report for the Natural Bridge Property. The appraised value was \$863,000. He requested the Board approve the appraisal value and contact the property owner with that amount for purchase. He also requested that upon acceptance of the offer by the property owner that a grant application be submitted for funding.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the appraisal, contact the property owner, and submit the grant application. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested that grant application be made for three National Scenic By-Way grants for C.R. 30A. The three applications would include: a Corridor Coordinator Position \$25,000 (maximum amount allowed with match funds of volunteer hours from corridor association members); an Interpretive Center \$100,000 (maximum amount with the match being the value of the building being donated by a private entity); and a Corridor Master Plan \$650,000 (match funds would be local government funds, property,

and services in kind). He requested for Board approval to apply for all three grants. The deadline to apply is January 28, 2009.

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

Mr. Bell presented possible funding sources for the Economic Development Alliance. The amount needed for 2009-2010 is \$162,341.36. He recommended the Board de-obligate \$80,000 from the Bay Flats Recreation area, and obtain the \$82,341.36 from BCC contingency funds. The funding for the second year will be reviewed during the budget process beginning in May, 2009.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the funding of the Economic Development Alliance as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented a letter from Congressman Allen Boyd requesting to reappoint Mr. Gary Mattison, Human Resource Director, to the Second Congressional District's Healthcare Council.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to reappoint Mr. Mattison to the Second Congressional District's Healthcare Council. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell stated that Congressman Boyd has requested that each county develop a Healthcare Earmark Request. He recommended the amount of the Federal request of \$1 million for the upgrade of the Walton County Health Department. This would provide

additional services and enhance the primary care. Mr. Mattison would present this request at the next meeting of the Health Care Council.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Healthcare Earmark Request as presented and allow Mr. Mattison to present said request to the Health Care Council. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented ITB 09-012 Pompano Street Improvements. He said this was a part of the Pompano Street project approved in the Consent Agenda. This will repair the road that has been washed out several times due to past hurricanes. The urgency in approving this bid is that turtle nesting season begins April 30. He recommend approval of CW Roberts, as low bidder, in the amount of \$525,604.75 with no alternates.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to award ITB 09-012 to CW Roberts as low bidder in the amount of \$525,604.75. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Burke combined his two requests dealing with Recreational Plat Fees and Proportional Fair Share Fees. He stated that a resolution (**2009-04**) adopted at the January 13, 2009 meeting was presented to the State Legislature to consider suspending Proportional Fair Share Fees during the economic down time. Currently there are ordinances that are associated with the Recreational Plat Fees and the Proportional Fair Share Fees. Action that can be taken by the Board is either deferring the payments until the Legislature takes action, or until there is a more stable economy in which to collect those fees. To allow the Board to take action, the ordinances must be amended. He requested authority to begin the process.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to begin the process to amend the current ordinances. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

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

Commissioner C. Jones requested to move a house on pilings, from the Kellogg property to county owned property in Cessna Park, to house the District 5 office, and incorporate the Scenic Corridor Grant to fund the move.

Motion by Commissioner C. Jones, second by Commissioner L. Jones, to approve moving a house from the Kellogg property to Cessna Park to house the District 5 Office and use monies from the Scenic Corridor Grant to fund the move. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Comander requested that the use of Coastal Branch Library Meeting Room Policy be amended to allow its use by political parties.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve amending the Coastal Branch Library Meeting Room policy as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Comander requested approval of a resolution **(2009-12)** to support placing restrictions on unfunded mandates. She reported that the State of Florida is cutting its budget which is severely affecting the Counties State wide.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to adopt a resolution **(2009-12)** supporting the placement of restrictions on unfunded mandates. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Comander requested that Ms. Pat Blackshear, Growth Management Director, and the planning staff review the policies and make recommendations for the provision of drive through restaurants. This will provide services for visitors, and families that are making South Walton their home.

There were no additional public comments.

The meeting recessed at 6:50 p.m. and reconvened at 7:11 p.m.

Ms. Blackshear asked to remove the following items: 4. Point Washington Ordinance; 5. Blue Mountain Beachfront Neighborhood Plan; and 3. Collection of Village at Grayton Beach Phase I Letter of Credit.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to remove The Point Washington Ordinance from the agenda. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to remove The Blue Mountain Beach Neighborhood Plan from the agenda and continue to the February 24, 2009 meeting. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to remove the collection of Village at Grayton Beach Phase I Letter of Credit from the agenda. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Blackshear requested direction regarding the extension of the Development Order Extension Ordinance for one more year. The ordinance will expire March 1, 2009.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the request to advertise for public hearings for the extension of the Development Order Extension Ordinance for one more year.

Chairman Comander stated that some developers wanted to move forward with their projects, but could not because of concurrency. She is hoping that Resolution 2009-04 will aid in resolving the issue on the State level. Ms. Blackshear stated that there are several solutions being considered. She felt that any effort on the part of the county to help stabilize the economy would be appreciated. Chairman Comander asked that Ms. Blackshear discuss with Regional Utilities the tap fees for apartments.

Mr. David Kramer asked that this item be continued to allow for advertisement and public comment. He felt that it would prohibit new developers from coming to the county and stated that there are many factors causing current developers to not complete the projects.

Chairman Comander stated that she had asked the Planning Staff to research the number of projects that were extended during 2007-2008. Staff found that 10 major projects had been extended. She questioned how many of these projects would proceed. Commissioner L. Jones said that it was a certainty if the Development Orders (DO) were pulled; then the projects could not go forward. Ms. Blackshear reported that letters had been sent to the owners of record and had only received a few responses. She felt that the best policy would be to not pull the DO on any projects.

Mr. Don Rutland reported that not many new developers are coming into the county and that the extension would be beneficial to the current developers. Chairman

Comander felt that the Board and county are going to great lengths to protect the developers.

Mr. Kramer suggested that equity surety bonds not be continued and only extend the DO for those developers whose bonds are current.

Attorney Burke clarified that the request of the Planning Department was for permission to advertise, and that public hearings would be held.

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

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

Ms. Blackshear asked to add Seaside Town Center at the end of the agenda. Commissioner L. Jones questioned whether this issued needed to be advertised. Ms. Blackshear said that the portion being presented was to address the right-of-way permit and did not need advertising.

Ms. Melissa Ward, Planning Department, presented the Egret's Watch DO extension. Mr. Jim Paxton, member of Mini-Storage Partners, LLC, requested a one (1) year extension of the major development order 04-000-00230 and subsequent amendment of 07-013-00018, as prescribed in the Walton County Land Development Code section 11.01.06 (C). She distributed the DO which was not included in the Board packet. This is the first DO extension requested by the applicant. Staff found the project consistent with the Land Development Code and Comprehensive Plan.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve the Egret's Watch DO extension.

Mr. Bard questioned if the surety bond was current. Ms. Ward stated that the developer had not platted therefore a surety bond is not required.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibits: Staff Report 1, Staff Report 2)**

Mr. John Johnson, Johnson Surveying and Engineering, presented the Glendale Presbyterian Church, a major development order application requesting approval to relocate an existing 1,634 square foot church building, and build a 15,200 square feet new building on 28.25 acres with a future land use of general agriculture. The site is at the northwest corner of the intersection of Highway 83 North and C.R. 1084 in Glendale. Staff found the project meets the minimum technical requirements of the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report. There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve Glendale Presbyterian Church application. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibit: Staff Report 1)**

Attorney Gary Vorbeck, Representative for Alys Beach, presented the Alys Beach PUD Amendment, a major development order application submitted by Moore Bass Consulting, requesting an amendment to a previously approved planned unit development. This amendment will increase the number of residential units by 300 and the amount of retail by 10,000 square feet on +/- 158.49 acres with a future land use of NPA/TND. The site is approximately 1 mile west of the eastern intersection of U.S. 98 and C.R. 30A.

Commissioner L. Jones questioned whether the traffic concurrency was satisfied. He said that the two paragraphs under the traffic concurrency section were conflicting. Ms. Blackshear said that it would satisfy if the proportional fair share was paid, or if an agreement was made to do infrastructure improvements. The Legislature may change this requirement.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve Alys Beach PUD. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibits: Staff: Report 1; Petitioner: PUD Application 2, Affidavits 3, Staff Report with attachments 4)**

Mr. William Pope, Connelly & Wicker, presented the Walton County Apartments PUD., a major development order application requesting conceptual approval of 261 multifamily rental units within 9 buildings and 7,700 square feet of office/bank use on 46.27 +/- acres with a future land use of small neighborhood. The site is on the east side of U.S. 331, approximately 1,600 feet south of Chat Holly Road. He introduced the team of Connelly & Wicker and briefly discussed the projects built by the company.

Mr. Jason Bryan, Planning Department, stated that there are two issues of concern. The first issue is the notification letter that was sent to the adjacent property owners stated that the meeting would be held at the South Walton Courthouse Annex. However, the posted sign and the newspaper advertisement were correct. The second issue raised was the clarification of ownership.

Commissioner Brannon felt that the notification by mail was the most vital. Commissioner L. Jones asked if staff felt that the notification was not sufficient to meet

code. Mr. Bryan stated that staff's position was the applicant had the right date but the wrong location.

Mr. Pope reported that all the people receiving notifications were called and told of the error. A sign was posted on the Annex building at 4:30 p.m. telling of the location change. An employee was also available at the Annex from 4:30 p.m. to 6:30 p.m. to direct people of the location change.

Ms. Colleen Sachs, Chesser and Barr, stated that there was a defect in the mailed notification, the other notices were correct. She said that great lengths were taken to correct the error. Commissioner L. Jones asked if they felt the notice was legally sufficient. Ms. Sax stated that it was.

Chairman Comander asked if the Board desired to hear the presentation or to continue to a time that can be advertised properly. Commissioner Brannon stated that it would be unfair to go forward if there was opposition. Ms. Blackshear suggested continuing to March 10, 2009, at the South Walton Annex. She felt the 14 day notice requirement could not be met for the February 10, 2009 meeting.

Motion by Commissioner Brannon to continue to the March 10, 2009 meeting.

Mr. Bryan said that if a letter was mailed out January 28, 2009 it would give ample notification. Mr. Pope stated that there would be no problem in meeting that requirement.

Commissioner Brannon amended his motion, second by Commissioner Pridgen, to continue Walton Apartments PUD to February 10, 2009 at the South Walton Courthouse Annex. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibits: Staff Report 1; Ex Parte: C. Jones)**

Ms. Blackshear clarified that the Seaside Town Center was being brought because it is a work in the right-of-way. It was advertised to be handled as a less than minor project, but was taken to the Technical Review Committee as a minor project. Due to the restructuring of parking it is considered full scope.

Mr. Greg Graham presented Seaside Town Center 30A Improvements. He stated that the developer is trying to get this improvement project completed during the off season. Typically this would come before the Board in the form of a Developer's Agreement, but staff, engineering, and legal, has not had time to review the agreement. The project has been approved in concept.

Ms. Blackshear said that the basic request is for development in the right-of-way. Mr. Graham stated that pavers and landscaping will be installed. He said that a developer's agreement would be brought back to the Board. The developer is asking for Board approval contingent upon working with engineering on the outstanding comments.

Commissioner L. Jones asked if work had begun. Mr. Graham said that it had not. Commissioner L. Jones then asked if the developer was willing to start work contingent on a developer's agreement that may not be approved. Mr. Graham said that the intent was to go over proposed improvements so that the Board would be comfortable with the right-of-way improvements.

Chairman Comander noted that there were 19 issues that had to be met. Mr. Graham said that the Developer was agreeable to address those issues.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve Seaside Town Center 30A Improvements. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Commissioner L. Jones addressed the situation of drawing on expiring letters of credit. He questioned if the improvements have not been completed when the draw on the letter of credit is made, is the County responsible for completing those improvements. Commissioner L. Jones clarified that the letter of credit is to insure that the work is completed.

Ms. Blackshear stated that Mr. Graham and his staff have done a tremendous job in reviewing the engineering estimates to ensure that the letters of credit were sufficient to cover the improvements.

Mr. Thomas Stein, Code Enforcement Board (CEB), said that a \$250 per day fine has been levied against the developers whose letters of credit are not maintained. If the improvements are made within a set time, the fine would be waived. If the fine remains, then the County has a lien against the property whether the letter of credit is taken or not. This puts the responsibility on the homeowners to complete the infrastructure.

There being no further business, the meeting adjourned at 7:52 p.m.

APPROVED \_\_\_\_\_  
Sara Comander, Chair

ATTEST \_\_\_\_\_  
Martha Ingle, Clerk of Courts