

FEBRUARY 10, 2009 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, February 10, 2009, at 4:00 p.m., at the South Walton Annex.

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. Ronnie Bell, County Administrator; Mr. Mike Burke, County Attorney; and Ms. Martha Ingle, Clerk of Courts, 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 L. Jones, second by Commissioner Pridgen, to approve the Consent Agenda as follows. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

1. Expenditure Approval List (EAL)

General Fund	\$ 940,548.64
County Transportation	\$ 633,931.74
SHIP	\$ 12,530.00
Fine & Forfeiture	\$ 903,564.00
Mosq. Control State	\$ 2,638.20
Section 8 Housing	\$ 225.01
Tourist Dev. Council	\$ 1,692,532.22
N.W. Mosquito Control	\$ 1,485.52
W. Co. Library	\$ 16,319.68
Recreation Plat Fee	\$ 409.28
Public Safety- 911	\$ 38,807.72
Solid Waste Enterprise	\$ 392,135.90
Sidewalk Fund	\$ 36,810.00
Bldg Dept/Enterp. Fund	\$ 5,283.61
Inmate Canteen Fund	\$ 5,257.90
Driftwood Debt Service	\$ 3,550.00
Capital Projects Fund	\$ 177,588.33
<b>Totals</b>	<b>\$ 4,863,617.75</b>

2. Approve Minutes of January 20, 2009 Audit Selection Committee Meeting and Minutes of January 27, 2009 Regular Meeting
3. Approve a Resolution **(2009-14)** to amend the budget from the 2008-09 E-911 State Grant for FY 2009-09 from the Florida 911 Board, Florida Department of Management Services
4. Approve to surplus two computers from the Clerk's Office
5. Approve offer from Premier of 30A, LLC's code violation and acceptance of \$5,000 to resolve outstanding violation
6. Approve the 2009 JPA Beautification Grant and Resolution **(2009-15)**
7. Approve Amendment #7 for the Oyster Lake Restoration Project Contract #04-055
8. Approve to utilize Recreational Plat Fee funds from District 1 as follows: Red Bay Park \$5,000 for playground equipment, swings and tables; Morrison Springs \$4,000 for bronze plaque, tree replacements, plants and shrubbery; and Pitts Bay Shore \$1,500 for garbage can, bench, table; and Douglass Crossroads walking path in the amount of \$3,000

Mr. William Peake requested grandfathering the lifetime membership cards for the Walton County Library into the enacted policy. He stated that the rate schedule and lifetime membership card requirements have been ignored. He expressed his disappointment of the unfair treatment for the "snowbirds". He suggested presenting the lifetime membership cards to the library every year to renew the card.

Commissioner C. Jones clarified that the Coastal Branch Library issued the lifetime membership cards prior to County sponsorship. The county is trying to bring in money for the library during these economic times. Mr. Peake said that contracts with corporations that are bought out are still honored by the new owners. He stated that the County is not going to generate the anticipated amount of funds for the library by changing the rate schedule.

Mr. Ken Little, Citizen Services Director, stated that a possible compromise could be an annual re-registration to continue the lifetime cards and those that do not re-register

will have to pay the \$35 annual fee. He discussed the intentions of the new fees to help fund the library.

The Board decided to take no action at this time.

Mr. Leonard Anderson, Ms. Diane Lickety, Ms. Roberta Turner, and Mr. Bob Foreman spoke in favor of Mr. Peake's request.

Mr. Dale Foster, Walton County Library Advisory Board (WCLAB) Chairman, stated that there is confusion among the audience. He said the WCLAB discussed the non-resident fee and recommended if the \$35 fee was approved to have two provisions: an option of a \$20 fee for short term visitors or grandfather the lifetime membership cards. He discussed the economic times and the rate change for the library.

Mr. Little suggested adding a yearly recertification for the lifetime membership cards to remain valid and if the card is not presented every year the annual \$35 fee will be charged.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to honor the lifetime membership cards as long as they are presented each year to the library. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bud Day requested approval of the Dayco Franchise Agreement submitted January 27, 2009. He stated that renewal of the current contract is not due until November, but the costs have increased. Mr. Bell suggested meeting with Mr. Day and the Legal Department to renew the contract early and incorporate the presented information into the renewal.

Mr. Ronnie Bell, County Administrator, presented the first reading of the revised Corrections Policy Manual. The Corrections Department is required to update the policy manual annually to reflect changing standards, statutes, and operational procedures.

Mr. Bell presented, from the Facilities Maintenance Department, a request to release the \$150,000 letter of credit for the Crystal Beach Development-Freeport Park project.

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. Bell presented, from the Public Works Department, a request to award ITB 09-004 to the only bidder, Cowin Equipment, for the amount of \$29,562.63.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve low bidder, Cowin Equipment, for the amount of \$29,562.63, for ITB 09-004. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested awarding RFP 09-003 to low bidder, Joe Money Machinery, for the amount of \$112,981.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve low bidder, Joe Money Machinery, for the amount of \$112,981, for RFP 09-003. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell stated that the US 331 Bayfield Boat Ramps project consists of six ramps. The low bidder was Decks-n-Such for the amount of \$135,953. Grant funding along with FBIP funds total \$107,470.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve low bidder, Decks-n-Such, for the amount of \$135,953, for the US 331 Bayfield Boat Ramps. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell recommended approval to utilize \$19,604 from District 1 Recreational Plat Fees and \$8,881 from District 4 Recreational Plat Fees to fund the Bayfield Boat Ramps project.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve utilizing \$19,604 from District 1 Recreational Plat Fees and \$8,881 from District 4 Recreational Plat Fees to fund the Bayfield Boat Ramps project. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested rejection of all bids and re-bid for proposals on the Four Mile Creek Bridge on Bay Loop. He stated that the bids are about \$255,000 over budget. Attorney Burke said that there is the option to find the money in the budget, or reject the bids. Commissioner Brannon questioned if re-bidding the project could get better pricing. Mr. Bell commented that it could. Commissioner Brannon questioned if the grant funding would be jeopardized because of re-bidding. Mr. Bell said that a recommendation should be back to the Board within 60 days. Mr. Bill Imfeld, Finance Director, stated that they have until the end of the calendar year to use the grant funding.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to reject the bids and RFP for the Four Mile Creek Bridge. Ayes 3, Nays 2. Comander Aye, Brannon Nay, L. Jones Aye, Pridgen Aye, C. Jones Nay.

Commissioner L. Jones exited the meeting.

Mr. Bell presented, from Central Purchasing, a request to stay with the existing company, Dayco, for the collection of white goods and furniture services and not award RFP 09-006. He recommended handling the needs for the south end of the County on a case by case basis.

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

Mr. Bell stated that Waste Management is currently providing the collection of yard trash service to the south of the Bay and along a narrow corridor north of the Bay near Villa Tasso, and Dayco has been handling the rest. He recommended staying with the existing companies and not award RFP 09-007.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the request as presented.

Mr. Alan Ficarra questioned if the proposals were for pickup or resident disposal of white goods and yard trash. Mr. Bell clarified that the bids were for pickup. Mr. Ficarra expressed concerns about not having an available facility closer to the south end to take the items, and questioned the ability to have a closer option for the residents. Brief discussion continued on the clean up days and improving the amount of those days.

Mr. Aaron Warren, assistant County Engineer, stated that they have looked into an RFP to find out the best option for the county.

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

Mr. Bell requested direction to interview the seven firms that put in a bid on RFQ 09-001 for Professional Services for Solid Waste Management. Chairman Comander suggested interviewing all seven firms.

Commissioner L. Jones returned to the meeting.

Mr. Bell presented, from the Administration Department, a request to create a Municipal Service Benefit Unit (MSBU) for Four Mile Village Development in Santa Rosa Beach to look at burying their utilities (electrical power and cable). Mr. Bell stated that no action is needed at this time. Staff will meet with the residents and bring a proposal to the Board in the future.

Mr. Bell stated that after assessing the Kellogg Property building and land make up for Commissioner C. Jones' new office, they discovered some environmental issues. They have since talked with Regional Utilities about leasing their old facility on Hwy 283. Commissioner C. Jones and Mr. Bell looked at the property and recommend the Board approve entering into a lease agreement with Regional Utilities to lease the facility. Mr. Bell stated that they can lease the facility at no cost to the county because they are quasi governmental, but the county would have to do upkeep on the building. He requested approval to allow them to move forward relocating Commissioner C. Jones while the Legal Department drafts the lease agreement.

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

Mr. Bell gave an update on the traffic concurrency proportionate fair share and the suspension to help Walton County. He stated that there is a proposed legislation from

DCA that ties to population per square mile. The proposal would not assist Walton County, particularly Hwy 331, because we do not have the population per square mile. He stated that Senator Gaetz proposed an amendment which would allow a county to opt in by a majority vote of the Commission, that way the traffic concurrency proportionate fair share could be suspended. He stated that there are different ways to take the financial burden off local businesses, new businesses, or expansions. Brief discussion continued regarding exempt counties.

Mr. Bell stated that after some counties wanted to purchase an asphalt plant and enter into the asphalt business, a bill was proposed by the senators and representatives to exempt counties from such purchases and limit in house paving. He informed the Board that the language did not pass last year, but the language has been changed and will come back this year.

Commissioner Brannon stated that if we are exempted from the traffic concurrency proportionate fair share, the Board will need some direction on what to do with the monies that have been collected from proportionate fair share. Chairman Comander questioned if that would be the time to spread out the concurrency so that everyone pays a certain amount. Mr. Bell stated that would be a good time to address that issue. Commissioner Brannon suggested joining those counties that seem to already be exempt from this.

Attorney Mike Burke, County Attorney, presented a litigation update on the Greater Driftwood Estates Homeowners' Association, Inc. and Samuel Osborne v. Walton County Board of Commissioners and Sandestin Owners Association, Inc. He stated that Judge LaPorte ruled in favor of the county in both of the cases on a summary

judgment motion. He expects that there will be an appeal on the case, and within 6-12 weeks he expects to receive a written opinion from the First District Court of Appeal on the first Driftwood case.

Attorney Burke stated that a litigation strategy will be held on Stevenson Brook vs. Walton County and Seagrove Beach, LLC, also known as the Nature Walk case, in the executive session.

Commissioner C. Jones clarified that the additional funds from the \$15,000 sale for the cul-de-sac improvements on the Blue Mountain Road property will be used in the Blue Mountain Subdivision. She stated that she will meet with the citizens and bring a plan of action back to the Board on how the community would like to use the money. Mr. Bell requested a motion to allow Mr. Imfeld to put the remaining money from the cul-de-sac improvements into that account.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the remainder of the \$15,000 from the Blue Mountain Road cul-de-sac improvements to be used in the Blue Mountain Subdivision. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Commissioner L. Jones had no items to present.

Commissioner Pridgen had no items to present.

Commissioner Brannon had no items to present.

Chairman Comander requested approval of Commissioner C. Jones to take her place as the Communities for a Lifetime Committee Chairman.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve Commissioner C. Jones to replace Chairman Comander as the Communities for a

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

Chairman Comander asked for additional public comments.

Mr. Leonard Anderson questioned if the Board approved of the organization providing cable services to Walton County. Chairman Comander stated that the County used to but they no longer do.

Mr. David Hackett stated that he has been trying for two years to get an illegal gate removed from the county right-of-way on Padgett Road, and questioned why the issue had not been taken care. Commissioner Pridgen stated that he would get Public Works to look at the gate and talk with Mr. Alan Brown to see what can be done. Mr. Hackett stated that the person responsible for the gate is going to request the County abandon that portion of the road. Commissioner Pridgen stated that he will also call Code Enforcement and get the issue resolved.

There were no additional public comments.

The Public Meeting was recessed at 5:00 p.m. and an Executive Session was called to order to discuss Edgewater Beach Owners Association v. Walton County, and Stevenson Brook vs. Walton County and Seagrove Beach, LLC. This meeting was not open to the public pursuant to Florida Statute 286.011(8).

The meeting reconvened at 5:53 p.m.

Commissioner L. Jones did not return to the meeting.

Mr. Bell stated that DOT has requested that the Board take action to terminate the TRIP funds because that money would be redirected to the four-lane project on Hwy 331 from Owl's Head to Edgewood Circle instead of the passing lanes. Mr. Seigler stated that

DOT will then match those funds dollar for dollar in the upcoming fiscal year starting July 1. Mr. Seigler stated that they could start the design immediately.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve termination of the TRIP funds as requested by DOT. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Attorney Burke stated that the County Attorney is not required to sign off on plats per Florida Statute. He requested that the County Attorney not be required to sign off on plats.

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

Ms. Blackshear requested continuing the approval of right-of-way agreement for Seaside Town Center 30A Improvements.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve continuing the right-of-way agreement for Seaside Town Center 30A Improvements. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

Ms. Blackshear stated that due to budget cuts, the state has slated Deer Lake State Park for closure. The Coastal Dune Lake Advisory Board (CDLAB) would like to recommend the Board consider alternatives to keep the park open to allow for public access to the beach and the coastal dune lake. Ms. Marsha Anderson, CDLAB Chairman, requested the county get in contact with the state to discuss the feasibility of Walton County taking over management of Deer Lake State Park. She stated that the cost of the park is minimal. Chairman Comander stated that an estimated annual cost for the park is

under \$6,000 and recommended using prison labor to help maintain and clean the park. She stated that they should also find out if the park will be leased from the state or if the state is giving up the park, and who would be in charge of insurance. She asked Ms. Blackshear to bring back a recommendation. Ms. Blackshear recommended working with Mr. Bell and the appropriate county departments to bring back a recommendation. Commissioner Brannon suggested involving TDC as well.

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

Mr. Bill Pope presented a major development order application submitted by Connelly & Wicker, Inc. for the Walton County Apartments PUD, requesting conceptual approval of 261 multifamily rental units within 9 buildings and 7,700 square feet for office/bank use on 46.27 +/- acres with a future land use of small neighborhood. The site is located on the east side of U.S. 331, approximately 1,600 feet south of Chat Holly Road. Mr. Pope discussed the property location, properties surrounding the site, buffer areas, greenway corridor plans, easements, and sample project/unit designs that would be developed.

Chairman Comander requested finding additional parking so there would not be vehicles parked in the streets. Mr. Pope stated that they are obligated for about 450 spaces and will look into more. Commissioner Brannon questioned the density bonus points and the wetlands. Mr. Jason Bryan, Planner, stated that the FDA program allows density bonus points for the improvement for dedication of wetlands and the greenway corridor. He felt the developer has taken advantage of that and Ordinance 2007-26 to share density within the planned unit development. Commissioner Brannon questioned if

the dedication of the greenway had trails or recreational components. Mr. Bryan stated that they have conceptually said that they would put in a boardwalk or trail system that would connect to greenway plan. Mr. Bryan stated that this is still a conceptual approval so there are many details that have not been determined. Mr. Pope stated that this property is such an amenity because they are adjacent to the state park. They have had discussions with the park about the connection to the park trails from their property. Ms. Blackshear clarified to Mr. Pope that the public easements would be open to the public. He confirmed that the developer does understand that. Brief discussion continued regarding the public access to the trails. Ms. Blackshear stated that a provision would need to be included in the final order.

Chairman Comander asked for public comment.

Mr. David Kramer, Ms. Jody Anthony, and Mr. Victor Bowman spoke against the Walton County Apartments PUD request. Discussion continued regarding the ability to go forward without all of the proper documentation.

Ms. Blackshear suggested continuing the item so the documentation can be submitted, and for Mr. Pope to provide more detail on the greenway corridor connection for the neighborhood.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to continue the Walton County Apartments PUD to 5:00 p.m. on March 10, 2009. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff 1, Respondent 2-3) (Ex Parte: C. Jones)**

Motion by Commissioner Pridgen, second by Commissioner Brannon, to remove the Blackcreek Plantation PUD from the agenda. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff 1) (Ex Parte: Brannon)**

Mr. Rick Peterman, representative of Mr. Jonathan Roberts, the developer of Seabreeze Villas PUD, stated the recommendation from the County Attorney was to get the Board to ratify the vesting of the development rights on the project. He stated that they are vested and have been since the county made the determination many years ago. He stated that staff and the county attorney believe they are vested. He briefly explained the history to the Board to help them determine the vesting rights.

Mr. Van Ness Butler confirmed for the Board that the information provided by Mr. Peterman was correct. He stated that the property was developed over a 25 year period and they cooperated fully with the Planning Department. He stated that there was an issue that arose and everyone that had a development in the pipeline had to come in to the Planning Department to prove that they were vested. He took all of his documents to the Planning Department, the documents were reviewed, and Ms. Shirl Williams gave him a vesting letter.

Mr. Peterman questioned Mr. Butler that he has recently signed an affidavit explaining that the vesting letter was intended to apply to the entire PUD. Mr. Butler clarified that all the documents were reviewed, not just the Seabreeze East documents.

Chairman Comander questioned that Mr. Roberts will go through the planning process to get the condominiums approved. Ms. Blackshear confirmed and stated that Mr. Roberts is in the major application process and understands that it will come before the Board as a separate item. Ms. Blackshear stated that they have found the PUD to be

vested and Ms. Williams said the intent was to be vested. They did agree, because of their concerns with the stormwater, that the project should be treated as a major project.

Mr. Jeff Csire, Mr. Bob Mazur, Mr. Ed O'Neill, and Ms. Pauline Sutcliffe spoke in opposition of the vesting rights of Seabreeze Villas and discussion continued.

Mr. John Stark stated that the intent of the developer in Seabreeze Phase Two was clearly communicated.

Mr. Mac Carpenter, Project Manager, provided information regarding the concerns of the audience.

Mr. Jonathan Roberts briefly explained the different phases of the Seabreeze PUD developments.

Chairman Comander closed public comment.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the request as presented. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye. Chairman Comander stated that the Seabreeze Villas PUD would go before the Planning Department before coming back to the Board. **(Exhibits: Staff 1-3, Respondent 4-5) (Ex Parte: Comander, Brannon, Pridgen, C. Jones)**

Ms. Blackshear presented information to the Board regarding the David Theriaque letter regarding the Sandestin Development of Regional Impact Grand Boulevard Hotel development order. Mr. Theriaque was hired to look into the matter and question the approval of the Grand Boulevard Hotel. She stated that all of the information that the Department of Community Affairs required has been provided. She presented a letter dated Feb 6, 2009, from the Department of Community Affairs, agreeing that the

Walton County Planning Department staff did review the materials and enforce the development order correctly.

Ms. Blackshear stated that Mr. Darrell Barnhill, School Board Member, asked if the Board was going to waive any additional fees. She presented a copy of the School Board action item regarding the school review fees for school concurrency. She reminded the Board of their recent decisions for non-profit organizations, sidewalk construction, and building permit fees. She stated that there are two land development code amendments that will go before the Planning Commission regarding methodology for recording fees for preservation buyout and recreation. Brief discussion continued regarding school concurrency and suggested action. Commissioner Brannon suggested reviewing the information before giving direction.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to adjourn the meeting at 7:39 p.m. Ayes 4, Nays 0. Comander Aye, Brannon Aye, Pridgen Aye, C. Jones Aye.

There being no further business, the meeting was adjourned at 7:39 p.m.

APPROVED \_\_\_\_\_  
Sara Comander, Chairman

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