

JANUARY 13, 2009 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, January 13, 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 C. Jones led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Comander called the meeting to order.

Chairman Comander recognized Mayor Carpenter's presence at the meeting.

Motion by Commissioner Brannon, 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. Approve Expenditure Approval List (EAL)

General Fund	\$ 2,436,643.87
County Transportation	\$ 1,376,167.61
SHIP	\$ 13,570.10
Fine & Forfeiture	\$ 2,868,264.58
Section 8 Housing	\$ 137,573.59
Tourist Dev. Council	\$ 627,234.57
N.W. Mosquito Control	\$ 1,196.17
W. Co. Library	\$ 16,747.92
Recreation Plat Fee	\$ 1,833.32
Tax Deed Surplus Trust	\$ 14,261.51
Public Safety- 911	\$ 13,928.67
Solid Waste Enterprise	\$ 399,567.07
Sidewalk Fund	\$ 8,870.00
Bldg Dept/Enterp. Fund	\$ 6,263.56
Inmate Canteen Fund	\$ 1,712.09
Capital Projects Fund	\$ 126,833.13
Totals	\$ 8,050,667.76

2. Approve Minutes of December 9, 2008 Regular Meeting
3. Approve to move \$20,000 from contingencies to the account for remodeling the old Sheriff's Administration Office
4. Approve to move \$40,000 from the budgeted line item for Farmer's Market repairs to a new account for repairing the roof of the old Property Appraiser's Office and for some additional remodeling
5. Approve to surplus old computer equipment from the Health Department and GIS
6. Approve to utilize \$13,820 of District 5 Recreational Plat Fees to pay for topographic survey for Helen McCall Park
7. Approve Resolution **(2009-03)** to adopt \$17,727 into the Sheriff's Budget for Edward Byrne Memorial Grant Funds
8. Approve Records Disposition Request from the County Administrator's Office
9. Approve request to surplus a color printer from the Emergency Response Department
10. Approve to utilize no more than \$5,000 from District 4 Recreational Plat Fee Funds to install equipment at the Villa Tasso Park
11. Approve Deed from Florida Community Services Corp

Ms. Dawn Moliterno, Walton Area Chamber President and CEO, presented a Walton County Economic Development Alliance (WCEDA) report to the Board. She stated that Walton County, the City of Paxton, the City of Freeport, the City of DeFuniak Springs, and the private sector representation through the Chamber of Commerce have all come together to focus on a place to grow businesses, attract new investments, and create quality jobs. She stated that economic development is critical and cannot be ignored. She briefly discussed the strategic plan and supporting documentation provided to the Board. She requested final approval of the strategic plan, funding mechanisms, and the official birthing of the WCEDA.

Chairman Comander stated that it is her honor to be the WCEDA Chairman. She stated that she will not receive any personal gain and therefore would be able to vote on the matters that come before the Board.

Brief discussion continued regarding the employees and funding of the WCEDA.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the WCEDA strategic plan to move forward. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye. A recommendation on how to fund the plan will be presented at a later date.

Chairman Comander expressed her appreciation to those involved for their support and determination for this project. Commissioner Brannon questioned if the EDC park in Freeport would work with this group. Mr. Dewayne Youngblood, EDC Representative, stated that the EDC Board has made a decision to support the EDA and with projects like this they consider joining forces. Commissioner Brannon encouraged the EDC to engage this new group in decisions on how to use the land and work together.

Chairman Comander called the public hearing to order regarding consideration of a resolution expanding the County Seat to include an area of unincorporated Walton County where the new County Jail and Sheriff's new office building are located.

Attorney Henry, County Attorney, stated that Florida Statute requires all constitutional officers to maintain primary offices and records within the county seat. The new Sheriff's office complex and the Jail are located north of DeFuniak Springs, outside of the city limits. He stated that under the statute, the Board has the ability to expand the county seat without changing the boundaries of DeFuniak Springs or annexation. He stated that the proposed expansion goes up Hwy 83 to Hwy 1883 to Triple G Road, encompassing all parcels now owned by Walton County that touch Triple G Road. Attorney Henry requested to have a second public hearing to consider adoption of the resolution on January 27, 2009.

Chairman Comander asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve a second public hearing on January 27, 2009 for the resolution expanding the County Seat. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Attorney Henry requested reopening the public hearing for the multi-use path Ordinance **(2009-02)**. In September the ordinance was not adopted as believed and he requested adoption of the ordinance with suggested changes. He suggested adding section C4 on the last page to reflect the intent of the Board in September, adding paragraph four to state “All users will conduct themselves in a reasonable and safe manner”; and in paragraph E change section 20-10 to 20-11.

Chairman Comander called the public hearing to order regarding consideration of an Ordinance repealing section 4 of Walton County Ordinance 2003-15 prohibiting motor vehicles from traveling or parking on bike paths; providing for definitions; establishing new regulations for the use of multi-use paths; codifying the new regulations as section 20-5 of the Walton County code; and providing an effective date.

Chairman Comander asked for public comment.

Ms. Mary Nielson stated that a change should be made to the rehabilitation vehicles and requested the language reflect the more modern vehicles.

Attorney Henry suggested adding language to section B3 to state “powered and non-powered wheelchairs”.

Mr. Fred Betts commented that the utility and landscape workers create an unsafe passageway with their equipment, trucks, and trailers. He stated that the families and tourist that enjoy the path should be protected.

Chairman Comander closed the public hearing.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to adopt Ordinance **(2009-02)** with the three suggested changes. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Lamar Sikes request to work and traverse County beaches was pulled from discussion.

Mr. Calvin Roberts, Beachside Massage Therapy, requested approval of massage therapy as a permitted beach vendor. He stated that massage therapy can help with economic development, provide jobs for numerous massage therapists in the area, and it provides a reasonable competing use of the beach. He stated that massage therapy does enhance the quality of life and it is a pleasant, safe, clean, and wholesome recreation. Mr. Roberts briefly explained the logistics and requirements of beach massage therapy.

Chairman Comander questioned Mr. Bell if this issue should be brought before the Planning Department. Mr. Bell stated that the issue has been before the Planning Department, which did not believe it was part of the ordinance. Chairman Comander clarified that the ordinance pertains to recreational activities on the beach.

Discussion continued regarding what recreational activities are allowed and other requirements of massage therapy on the beach.

The Board decided not to take action at this time.

The Hutcheson cul-de-sac issue and proposal was brought before the Board. Attorney Burke brought to the Board's attention that, because he received a letter from a client of his firm, he would have conflict or perceived conflict on the issue and it would be better for him not to represent the Board on the matter. He requested tabling the issue and allow Attorney Greg Stewart to represent the Board in Attorney Burke's absence. Attorney Miller opposed the delay and stated all parties have known of the issue and the County Attorney has nothing else to do at this time. His client has a claim on the 30-foot and continues to try acquiring the 20-feet on each side. Attorney Burke's previous recommendation was for the County to proceed with deeding the entire 70X85 foot strip. Ms. Hutcheson has agreed to put in a cul-de-sac at her expense, but Mr. Howard has complained about not being able to back out of his driveway. She is willing to add pavement on the north side of the county right-of-way which would give more area as the county advised. Attorney Miller stated that Ms. Hutcheson has been paying taxes on the property since 1970.

Attorney Burke stated that if the Board acknowledges that he has a client of the firm that posed an objection to the Board that they can waive the objection or potential conflict. Commissioner Brannon questioned if he had any conflict in this specific matter. Attorney Burke stated that his concern is not a conflict of interest, but not acknowledging the fact when it was a potential conflict. Attorney Burke stated that he has had no personal dealings with Mr. Howard.

Commissioner L. Jones asked Attorney Miller to acknowledge that it is not an issue to himself or Ms. Hutcheson for Attorney Burke to represent the Board. Attorney Miller confirmed that it was not an issue.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to allow Attorney Burke to represent the Board regarding the Hutcheson cul-de-sac issue. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Commissioner L. Jones questioned the fact that Ms. Hutcheson paid taxes on the property since 1970 and if it was the property portion being sought or the remaining portion. Attorney Miller stated that she has paid taxes on the 30-foot parcel only. Chairman Comander questioned the fact that Ms. Hutcheson was willing at one time to pay \$10,000 for the property but it has now decreased to \$3,794. Attorney Miller stated that they used a figure from the Property Appraiser and if the Board insists on \$10,000 Ms. Hutcheson will pay it.

Chairman Comander asked for public comment.

Discussion ensued regarding the abandonment of the cul-de-sac and possible turn around plans that suit the neighborhood. Mr. Richard Folks, Ms. Miffy Holiday, Mr. William Pratt and Mr. Rob Blue spoke against this proposal and stated that safety is the issue that needs to be addressed.

Mr. Allen Brown stated that part of the right-of-way must be used to help solve this problem. There is 35-foot on each side of the center line.

Ms. Anita Page commented that the lake is a Coastal Dune Lake and stated that preservation set backs need to be considered before paving into the lake access.

Mr. Ty Nunn clarified that all the projects for Ms. Hutcheson did have permits.

Attorney Burke suggested having one more chance to review the sale portion before making a decision.

Mr. Billy McKee stated that the constructed drainage feature may be in violation of the MPDS Ordinance. He said that they would have to look at the structure again to determine if any violation exists.

Brief discussion continued regarding staff orders.

Chairman Comander directed Mr. Bell to look at using public access, flagging the entire right-of-way to see how much and what encroachments are there, and determine how to use that to accomplish safety in the community.

Ms. Karen Hutcheson, Property Owner, stated that she has a potential buyer and she would pay the original amount offered for the land if desired by the Board.

Brief discussion continued regarding the private sale issues and concerns.

Commissioner Brannon suggested to table the issue until the January 27, 2009 meeting for Mr. Brown to gather information on the available options for the cul-de-sac.

The meeting recessed at 5:50 p.m. and reconvened at 6:00 p.m.

Mr. Ronnie E. Bell, County Administrator, presented a request from the Citizen Services Department for approval of the Board and Committee appointment/reappointment recommendations.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Board and Committee appointment/reappointment recommendations as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested approval of the SHIP Local Housing Assistance Plan amendment and adoption of Resolution **(2009-01)**. He stated that the adopted recommendations from October were incorporated into the plan.

Motion by Commissioner Brannon, second by Commissioner L. Jones, to approve the SHIP Local Housing Assistance Plan amendment 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 adopt Resolution **(2009-01)** as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell presented, from the Administration Department, a request to ratify the award of the Paxton Batting Cage bid to the low bidder Decks-N-Such, in the amount of \$12,573.02.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the low bidder, Decks-N-Such, in the amount of \$12,573.02, for the Paxton Batting Cages.

Mr. Osborne asked the Board to give Mr. Bell the authority, after the batting cages are installed, to do a performance check for safety issues. Mr. Bell stated that they will assess the other three batting cages in DeFuniak Springs, south Walton, and Freeport at the same time to check for issues. The Board concurred.

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

Mr. Bell presented a letter from Ms. Maria Sassano requesting the Board look into possible designation of Scenic Gulf Drive as a Scenic Corridor similar to CR 30A. Ms. Sassano stated that very little money is spent in the area. She requested that the Board help to beautify the area and preserve the natural resources. She stated that the county

needs to consider allocating more money in the area because a lot of money is generated there. She briefly discussed the safety, erosion, vending and signage issues in the area.

Chairman Comander suggested that Commissioner C. Jones, Mr. Bell, Ms. Leigh Moore, and the 30A Scenic Corridor work with Ms. Sassano on these issues. She also asked for Mr. Cliff Knauer to give an update on the current work on Scenic Gulf Drive.

Mr. Knauer stated that the Scenic Gulf Drive phase two should be complete in about 65-70 days, and phase three for parking is under design and hopefully start construction in August.

Ms. Sassano also expressed concern about the power lines and requested some funds to burry them.

Mr. Bell stated that they can look for designation and an MSBU for the owners through the area for burial of the power lines. He stated that about three years ago the price estimate from Gulf Power to burry the power lines was approximately \$16 million.

Brief discussion continued regarding funds for the Miramar Beach area.

Mr. Bell requested approval to apply for a Land and Water Conservation Fund Grant for Padgett Park, for a total amount of \$200,000.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve application for Land and Water Conservation Fund grant for Padgett Park. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested approval to award the Highway 98 Median Beautification bid to low bidder, Shipes Landscaping, for the amount of \$516,237.59. He stated that if they were able to get both grants totaling \$600,000 they could possibly do the maintenance for the first year with the extra money and then develop a plan for maintenance in the future.

Chairman Comander expressed concern on how to maintain all the projects and where the funds will come from in the future. Commissioner Brannon questioned the amount for annual maintenance. Mr. Bell stated that the first year would be about \$83,000. Chairman Comander questioned if businesses in the area could possibly help with the maintenance cost. Mr. Bell stated that is a possibility and they will be working on alternatives with the Scenic Corridor Association.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve the Highway 98 Median Beautification bid to low bidder, Shipes Landscaping, for the amount of \$516,237.59. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell presented a letter from Attorney Clayton Adkinson, representing Mr. William Bradley and Mr. Greg Peters, owners of the Flowersview Community Property, requesting the Board to consider an offer to purchase one acre of land and building for the amount of \$10,000.00. He stated that the five acres around this piece of property are owned by the Flowersview Industrial Board. Mr. Tyrone Broadus stated that Mr. Bradley and Mr. Peters have never owned the property and never paid taxes on the property. The property was never up for sale for taxes because it was exempt. Mr. Bell stated that there was probably a mix up and questioned if they had an official deed for the ownership. Ms. Maria Milton stated that there is a deed recorded at the courthouse where the building and the land associated with it was deeded to the Flowersview Community. She stated that they have not violated the terms of the deed so they still own it.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to advise Attorney Adkinson that the Board is not interested in proceeding with any action

regarding the Flowersview Community property. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell requested approval of Fiscal Year 2010 Federal Agenda Appropriations and Priorities.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve the Fiscal Year 2010 Federal Agenda Appropriations and Priorities as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell presented a request from Regional Utilities, who wishes to acquire a 1.5 acre parcel of land for a water storage tank located behind the south Walton Courthouse Annex in return for a \$100,000 contribution to the county.

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

Mr. Bell requested rejection of bids on the EOC re-roof project due to bids not meeting specifications and being over on the budget amount.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve rejection of bids on the EOC re-roof project. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye. This project will be re-bid.

Mr. Bell requested approval of low bidder, I-C Contractors, for the Cowford base bid of \$135,000 and the Cedar Log Boat Ramp base bid for \$290,502.50. He recommended proceeding with the base bids and the alternates.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve low bidder, I-C Contractor, for the Cowford and Cedar Log Boat Ramp base bids and the

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

Mr. Bell requested approval to transfer \$23,000 from the Cowford BCC account to the Cedar Log Boat Ramp BCC account to cover the total bid.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve a transfer of \$23,000 from the Cowford BCC account to the Cedar Log Boat Ramp BCC account to cover the total bid. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell presented the results from the Beachview Heights Subdivision MSBU survey. He stated that 56 ballots were sent out to the property owners and a total of 33 ballots were received. Option 1 for roads and drainage without burying all utility lines received 25 “yes” votes and 6 “no” votes. Option 2 for roads and drainage burying all utility lines received 21 “yes” votes and 8 “no” votes. He stated that they will hold a meeting with the homeowners to explain the next step and then come back with a recommendation to the Board.

Mr. David Kramer suggested getting the state or an MSBU to help with funding and commented on the ballot process and deriving at an accurate percentage.

Mr. Bell requested adoption of Resolution **(2009-02)** recognizing January 16, 2009 as Site C-6 Day.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to adopt Resolution **(2009-02)** as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Bell stated that for the past 6-7 months they have been working on improving safety along the segment from Owl's Head north to Edgewood Circle on Hwy 331. He stated that over a year ago the Board applied for and received TRIP funding to do two, one-mile, three-lane passing lanes along the 4.2 mile segment. After the kick off meeting they met with DOT and suggested four-laning the segment. A total of \$24.4 million was needed for the construction but because of the budget cuts and short falls of DOT there was a \$4.6 million shortage. In the meeting with District Secretary Kelley they decided to move forward and complete as much as possible with the \$19.5 million they have. He stated that there is \$2.7 million for the design and engineering. DOT is looking at ways to get money shifted to Walton County. The county would be in charge of the engineering, design, overseeing the project, bidding out the project, and hopefully get the whole segment four-laned, plus resurface Business 331 (Old 331). DOT did request that Walton County accept Business 331 as a county road. He stated if the Board does accept this, the governor will have to approve redirecting the TRIP funds from the three-lane passing lane project to a four-lane project. Mr. Bell recognized those who have helped with this process. He stated that money will be programmed in 2010 for DOT. Mr. M.C. Davis was willing to donate a large amount of right-of-way along this segment. He stated that around \$5 million of right-of-way has been donated and now those funds can be converted to construction. Mr. Davis was concerned about animal crossings and requested some box culverts and smaller culverts to protect the animals.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve for DOT to present a request to the governor to redirect the TRIP funds from the three-

laning project to the four-laning project and County acceptance of Business 331. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Commissioner Brannon briefly exited the meeting.

Camping on the Gulf's Bert J. Harris claim was pulled from the agenda.

Attorney Henry, County Attorney, presented a request that the BCC find that an emergency exists concerning completion of the Pompano Street Improvements, which requires a waiver of part of the County Purchasing Policy setting pre-bid meetings 30 days after advertising for bids, and bid openings 14 days thereafter. The DEP permit requires that all work seaward of the dune crest be completed prior to May 1 due to turtle nesting season. The cause for the emergency was that the County did not receive the FEMA Grant until December 4, 2008. He asked Mr. Knauer how long it would take for a contractor to do the work seaward of the dune crest and he was told about 75 days. So in order to complete the contract and allow sufficient time after the notice to proceed, the contract needs to be awarded at the January 27, 2009 meeting. Attorney Henry stated that the pre-bid meeting will be held January 15, 2009 and the bid opening will be January 22, 2009.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to declare an emergency to get the Pompano Street Improvements complete, waive the normal procedures because of the emergency, have the pre-bid meeting on January 15, 2009, and bid opening on January 22, 2009. Ayes 4, Nays 0. Comander Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to direct negotiation of right-of-way entry permits, conservation, and right-of-way easements with

the effective land owners. Ayes 4, Nays 0. Comander Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Commissioner Brannon returned to the meeting.

Attorney Henry requested action on the SignTek Wayfinding Sign contract. SignTek was supposed to fabricate 117 signs to the County and only 40 signs have been delivered to date. He stated that the contract was only for 120 days and ended in July. On January 8, 2009 the owner of SignTek emailed Mr. Ryan Douglass stating that the company was closing and the county should deal with J&J Architectural, Inc., the actual sign fabricator. The Board waived the performance of payment bonds as part of the contract. He stated that the county has already installed the bases for the signs and would like to move forward as soon as possible.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to direct staff to notify SignTek they are in breach of their contract, withhold any future payments, and direct staff to negotiate directly with J&J Architectural, Inc. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. Jerry Malstrom briefly presented information from Resynd Technology, LLC for a proposal to build and operate a waste-to-hydrocarbon processing facility in Mossy Head. He discussed the negotiation plan with the county and the processes of the facility.

Mr. Alan Osborne questioned Commissioner L. Jones if this plan fits with his industrial plan for Mossy Head. Commissioner L. Jones confirmed that it does.

Commissioner C. Jones had no items to present.

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 a meeting with the Constitutional Officers before the February 24, 2009 meeting to share ideas regarding upcoming budgets and how to work together to save money.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve a meeting with the Constitutional Officers before the February 24, 2009 meeting. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander stated that businesses in the County are closing down and businesses cannot build because of money restrictions. She requested to send a resolution to the state and ask them to suspend or waive the prop share fees for the next 12 months in order to stimulate the economy. Ms. Pat Blackshear stated that they are looking at alternatives to replace proportional fair share fees.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve sending Resolution **(2009-04)** to state requesting suspension or waiving the prop. share fees for the next 12 months. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Chairman Comander asked for additional public comment.

Mr. Bill Peak stated that the Coastal Branch Library has revoked the lifetime membership cards and replaced the cards with an annual \$35 fee. He requested that the Board grandfather the lifetime membership cards into the current ordinance. He suggested establishing a prorated status for the short term “snowbirds”. He stated that the lifetime cards should be honored.

Mr. Vince Gallardo requested prorating the library fees and stated that prorated fees would be more reasonable.

Mr. Ken Little, Citizen Services, stated that the circulation policy of the library was brought before the Board to increase the \$8 one time lifetime fee to an annual \$35 renewable fee. He stated that a modified scheme could be made if directed by the Board. Chairman Comander stated that the libraries will be cut severely in this budget. She questioned the amount of lifetime cards that were issued. Mr. Little stated that is unknown because those were issued before the county entered into the library business. Chairman Comander questioned the possibility of a time frame to bring the lifetime cards in but after that time frame the regular fee would be charged. Mr. Bell stated that the ordinance would have to be changed because it currently has no language for the lifetime membership.

Discussion continued regarding the membership fees and the lifetime cards.

Chairman Comander requested Mr. Little to revisit the fee schedule, bring back a recommendation at the next meeting, and try to identify the amount of lifetime memberships issued.

Mr. Osborne presented pictures of the drainage issues in the Driftwood Subdivision to the Board. He stated that Mr. M.C. Davis should be recognized for the help he has provided to the county for the four-laning of Hwy 331 in this economic time.

Chairman Comander questioned Attorney Burke on the Edmunds issue. Attorney Burke stated that they have finally agreed to follow the county conditions and hope to have a package to close the deal in the near future.

There were no further public comments.

The meeting recessed at 7:30 p.m. and reconvened at 7:45 p.m.

Ms. Pat Blackshear, Planning and Development Director, requested approval of an Ordinance **(2009-01)** to replace Ordinance 93-12 and sections 6-66 through 9-72 of the Walton County Code of Ordinances; and modify ordinance 2003-16 and section 6-111 of the Walton County Code of Ordinances. Mr. Gerry Demeres, Deputy Building Official, stated that this ordinance will replace the current Contractor Licensing Ordinance and modify the Contractor Competency Board Ordinance as directed at two previous meetings. Chairman Comander questioned if the fees were raised in the ordinance. Mr. Demeres stated that some fees were standardized, but none were raised.

Chairman Comander asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to adopt Ordinance **(2009-01)** as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Ms. Blackshear requested direction from the Board regarding drafting of an ordinance clarifying the methodology for calculation of recreation fees for subdivision plats and for the calculation of fees collected for preservation buyout by developments. She stated there are stacks of plats that have been approved but the owners cannot afford the fees because in some cases the fees are more than what the land is worth to finish the project.

Mr. Frank Watson stated that there are a number of situations where the values that are attributed to properties right now are substantially higher than the tax roll because they only change once a year and the values are often based on previous years that are

two to three years prior. He stated that he had spoken with Mr. Patrick Pilcher, Property Appraiser, about this issue which he stated that the value is not a true value for today's value or the current value and does not agree with using tax rolls as a value to establish these. He briefly discussed the different economic times and how they affect the tax rolls.

Ms. Blackshear stated there are two issues: the preservation buyout that Mr. Watson asked about that is tied to a resolution, and in the COMP plan there is the plat fee for the recreational plans tied to the assessed value.

Mr. Watson stated that it would be better to establish one methodology.

Brief discussion ensued regarding tax rolls and current methodology.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve drafting an ordinance for consideration clarifying the methodology for calculation of recreation fees for subdivision plats and for the calculation of fees collected for preservation buyout by developments. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Discussion ensued regarding the current procedures used, how to solve the plat fee issues, and changing the COMP Plan policies.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the Planning Department and County Attorney to bring a developers agreement before the Board to address Policy R-7.1.5 on the plat fees to provide a delayed payment program for plat fees. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Ms. Blackshear requested that an ordinance amending Chapter 5 of the Walton County Land Development Code to establish a Wildlife Conservation Zone with lighting standards in Walton County be removed from the agenda and re-advertised.

Chairman Comander asked for public comment.

There was no public comment.

Motion by Commissioner Brannon, second by Commissioner L. Jones, to approve re-advertising the Walton County Land Development Code establishing a Wildlife Conservation Zone with lighting standards. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Ms. Blackshear presented the first reading for an ordinance amending Chapters 5, 8, and 11 of the Walton County Land Development Code to provide additional notice requirements for projects in the Point Washington area.

Chairman Comander asked for public comment.

Mr. Van Ness Butler, Mr. Ty Nunn, Ms. Cindy Morgan, and all the Board members for the Historic Point Washington Association spoke against the ordinance as presented.

Ms. Donna Spears stated that they would like to be informed of any type of development or project coming up within the Historical area.

Brief discussion continued providing clarity of the purpose of the ordinance.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve a second public hearing and set that date at a later time. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones 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. Blackshear requested the Board revoke prior plat approval for Alligator Pointe Plat presented on February 27, 2007, by David White, a 12-lot single-family subdivision on approximately 8.22 acres with a land use designation of NPA/infill. The site is located north of U.S. 98 on the east side of C.R. 393. Mr. Greg Graham, Engineering Manager, briefly explained that the developer would like approval to revoke the plat because they do not have a surety currently in place.

Commissioner Brannon briefly exited the meeting.

Discussion continued regarding the Development Order, the plat fees, and a solution to the problem.

Ms. Blackshear suggested meeting with the legislative delegation and secretary of state on the issue. She recommended accommodating the request. Attorney Burke stated that the development order has conditions to meet in order to record the plat and if there is no letter of credit in place then all the conditions of the development order plat have not been met. He requested continuing the issue until he can review the request.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve continuing the Alligator Pointe Plat request. Ayes 4, Nays 0. Comander Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Ms. Blackshear presented a major development order application, submitted by Les Porterfield, for Cool Breeze Self Storage consisting of 6 commercial storage buildings totaling 10,400 square feet on 2.53 acres with a future land use of village mixed

use. The site is located on the south side of U.S. 98, east of Don Bishop Road and west of Mussett Bayou Road.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve Cool Breeze Self Storage subject to conditions.

Chairman Comander asked for public comment.

Mr. Greg Graham, Engineering Manager, and Mr. Mac Carpenter, Growth Management, discussed the conditions of the staff report.

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

Mr. David Smith presented a major development order application submitted by Moore Bass Consulting, requesting approval of a Master Plan to amend their previously approved development order. Saint Rita Catholic Church requested approval to construct a gymnasium, add three additional portable classrooms, install boardwalks, and improve parking. The site is located on the east side of Moll Drive, approximately 600 feet south of U.S. 98.

Chairman Comander asked for public comment.

There was no public comment.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve a major development order application for Saint Rita Catholic Church as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff Report 1)**

Mr. Jamie Eubanks presented a major development order application submitted by Scott Jenkins, consisting of a 11,691 square foot Family Life Center building and

paved parking area on a 35.88 total acre site. The development proposed, along with the existing Southwide Baptist Church, cemetery and all existing buildings and parking are located on Parcel 1, which is only 5.24 acres of the total 35.88 acreage along with three existing buildings and an existing small cemetery. One of the existing buildings will be removed. The site is located at the intersection of Coy Burgess Loop and Millard Gainey Road.

There were no public comments offered.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve a major development order application from Southwide Baptist Church for a Family Life Center building as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff Report 1)**

Mr. Dan Arner presented an application for an abandonment via a replat on behalf of BMW Investments, and a request to amend development order number 1368 for BMW Warehouse and Offices increasing the FAR from 7,000 square feet to 13,387 square feet of warehouse and office space. BMW Investments is seeking to correct code violations and encroachments through the abandonment of the retention area located along the eastern border of lots 7 and 14, and also replat lots 7 and 14 and the retention area designated on the Coastal Business Center plat. The site is located at the end of Commercial Parkway off Goldsby Road, in the Coastal Business Center industrial subdivision.

Chairman Comander asked for public comment.

Ms. Melissa Ward, Planning Department, stated that Mr. Elliott Mitchell asked that staff present a memo that covers some additional recommendations. She read aloud the presented recommendations to the Board.

Mr. Elliott Mitchell spoke against the proposed development order amendment due to flooding problems with the retention area.

Commissioner C. Jones exited the meeting.

Brief discussion continued regarding the retention area.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the BMW Investments request with staff recommendations including number 3. Ayes 4, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye. **(Exhibits: Staff Report 1-2)**

Mr. Nolan Baker presented a major development order application requesting approval of Florida Transformer Master Plan Expansion and Phase I, consisting of a 7,500 square foot industrial building and a gravel parking lot. Future phases will consist of a 7,500 square foot industrial building, two 5,000 square foot industrial buildings, and a 2,000 square foot office building for a total of 27,000 square feet. The project is on +/- 14.33 acres with a future land use of industrial. The site is located on the west side of C.R. 83, south of Sunrise Road and north of Cordie Redmon Road.

Chairman Comander asked for public comment.

There was no public comment.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve a major development order application for Florida Transformers as presented. Ayes 5,

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

(Exhibits: Staff Report 1)

Mr. Wayne Bunch presented a final plat application, submitted by Seaside Engineering, for Sawmill Court Phase I, requesting approval for 91 single-family lots on 40.54 acres as approved on January 2, 2007. The site is located on the north side of the intersection of C.R. 183 and Sue Lane.

Chairman Comander asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the final plat application for Sawmill Court Phase I as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff Report 1)**

Ms. Blackshear presented a request from Gulf Coast Trading Ventures, LLC for approval of a final plat for Wildwood Lakes Phase III consisting of 34 lots on 67.52 acres as approved on November 1, 2006. The project is located on Hwy 90 west to Boy Scout Road, turn left travel 600 feet turning right on Via International to end of pavement.

Chairman Comander asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the final plat for Wildwood Lakes Phase III as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff Report 1)**

Motion by Commissioner Brannon, second by Commissioner C. Jones, to adjourn the meeting at 8:58 p.m. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

There being no further business, the meeting was adjourned at 8:58 p.m.

APPROVED _____
Sara Comander, Chairman

ATTEST _____
Martha Ingle, Clerk of Courts