

MAY 10, 2010 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on May 10, 2010, at 4:10 p.m., at the Walton County Courthouse Annex in Santa Rosa Beach, Florida. The following Board members were present: Commissioner Scott Brannon, Chair; Commissioner Larry Jones, Vice-Chair; Commissioner Kenneth Pridgen; and Commissioner Sara Comander. Mr. Lyle Seigler, County Administrator; and Attorney Lynn Hoshihara, Interim County Attorney; were also present.

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

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve the additions and deletions as follows. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, Comander Aye.

1. Deletion: Item 8 of the consent Agenda
2. Addition: Administration-informational item from Mr. Brady Bearden, Interim Human Resources Director, regarding the Back to Work Program

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the Consent Agenda as follows with the deletion of Item 8. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, Comander Aye.

1. Approve Expenditure Approval List (EAL)		
General Fund	\$	1,000,749.60
County Transportation	\$	448,253.28
SHIP	\$	9,820.00
Fine & Forfeiture	\$	1,566,080.62
Section 8 Housing	\$	229.32
Tourist Dev. Council	\$	101,720.89
N.W. Mosquito Control	\$	420.58
W. Co. Library	\$	7,877.51
Recreation Plat Fee	\$	77,963.50
Solid Waste Enterprise	\$	443,042.88
Bldg Dept/Enterp. Fund	\$	1,097.05

recommended approval of a proposal for the design from Preble-Rish, Inc. in the amount of \$22,850.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the proposal from Preble-Rish, Inc. in the amount of \$22,850 for a traffic signal design for the intersection of US 331 at Chat Holley Road. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, Comander Aye.

Mr. Douglass presented Eight Mile Cemetery Road and Long Road Drainage Improvement proposals. He reported that these two roads are funded through a NRCS Grant previously approved by the Board. The damage to these two roads was the result of the heavy rains in 2009. He recommended approval of the two proposals from Preble-Rish, Inc. (NRCS Eight Mile Cemetery Road drainage improvement EWP- \$22,455; NRCS Long Road drainage improvements EWP - \$47,199)

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve Eight Mile Cemetery Road and Long Road Drainage Improvement proposals from Preble-Rish, Inc. in the amounts of \$22,455 and \$47,199. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, Comander Aye.

Mr. Douglass presented Bay Loop Grant Proposals for Shipyard Road. He reported that due to a grant deadline of the Bay Loop Stormwater Improvements Grant, it is necessary to fast-track the Shipyard Road projects. He requested to award Preble-Rish, Inc. the following four Shipyard Road projects: resurfacing improvements (\$12,200); Bridge Construction (\$24,950); Pedestrian Facilities (\$18,500); and Boat Ramp at Four Mile Creek Bridge (\$15,000). He stated that funding for the design, contract administration, and construction were included in the grant. He recommended approval.

Motion by Commissioner Comander, second by Commissioner Pridgen, to award the four Shipyard Road projects to Preble-Rish, Inc. in the total amount of \$52,150. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, Comander Aye.

Mr. Douglass requested the Walton Road Operational Study proposal be awarded to Preble-Rish, Inc. in the total amount of \$27,850. The county along with the Walton County School Board and the City of DeFuniak Springs will divide the cost equally. The county's portion of the cost will be \$9,283.33. The School Board and the City have approved their portion of the study. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner Comander, to award the Walton Road Operational Study proposal to Preble-Rish, Inc. in the amount of \$9,283.33.

Commissioner Comander stated that with the expansion of the Wee Care Park and Gene Hurley Park, traffic will become more congested. She also stated that the traffic caused by the schools, funeral home, and nursing home must be considered. Mr. Douglass explained that the study begins at US 83 and ends at Shoemaker Drive, and will extend up John Baldwin Road past Maude Saunders Elementary.

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

Mr. Brady Bearden, Interim Resources Director, discussed the Work Force Development Back to Work Program. In March 2010, application was submitted to the Work Force Development Board and Jobs Plus to hire people in the Back to Work Program. The County's application was approved for seven employees from now until September 30, 2010 when the program expires. He reported that the program, through the State of Florida, will reimburse expenses at 80%. Commissioner Comander asked what type of positions would be filled. Mr. Bearden stated mostly general labor. Chairman Brannon asked what eligibility requirements

were to be met by the applicants. Mr. Bearden stated that an applicant must be unemployed and have a child under the age of 18 living in their home.

Mr. Gary Mattison, Special Assistant to the County Administrator, presented the Coastal Management Consulting Services Contract (RFQ 010-015). He requested the contract be awarded to Seahaven Consulting, Inc. for a period of one year with an option to renew for two additional terms at one year each for an annual amount of \$98,000. He and the TDC Board recommended approval.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the contract with Seahaven Consulting, Inc. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, Comander Aye.

Mr. Bob Hudson, Walton County Taxpayers Association, asked if the annual amount includes expenses. Mr. Mattison stated that the contract will be for a total of \$98,000 and would include expenses. Mr. Hudson asked if Mr. Brad Pickel, Seahaven Consulting, Inc., would be responsible for his own expenses. Mr. Mattison stated that he would.

Mr. Mattison and Mr. Dave Sell, TDC Beach Manager, presented the Coastal Engineering Firm Contract (RFQ 010-016). They requested the contract be awarded to Taylor Engineering for one year with the option to renew for two additional terms at one year each.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the Coastal Engineering Firm contract with Taylor Engineering. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, Comander Aye.

Mr. Mattison and Mr. Sell requested the Western Walton County Beach Restoration Project 2010 Monitoring contract be awarded to Taylor Engineering. The Scope of Work will be performed in conjunction with Destin at a cost of \$89,334.61. Mr. Sell reported that due to

permit requirements, monitoring is to be performed on an annual basis until project completion. This is the third and final year for Walton County and the project is required to be completed. The work will be cost shared with Florida DEP through existing grant (FDEP 04WL1) which is managed by the TDC

Motion by Commissioner Pridgen, second by Commissioner Comander, to award to Taylor Engineering the Western Walton County Beach Restoration Project 2010 Monitoring Contract in the amount of \$89,334.61. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, Comander Aye.

Attorney Lynn Hoshihara, Interim County Attorney, presented the agreement with Ms. Dawn Moliterno regarding the TDC Executive Director position. Attorney Hoshihara stated that a change was made to paragraph three to add the following sentence: “Based upon this evaluation, the BCC and Ms. Moliterno will then address the future for this position including the job description, compensation package, and goals to be achieved.” A revised job description has been added to the agreement. It includes additional duties relating to Southwest Airlines and other partnerships. Mr. Seigler stated that Legal Staff and Administration Staff have worked with Ms. Moliterno to negotiate a salary in the amount of \$125,000 with a waiver of health insurance.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the agreement with Ms. Dawn Moliterno to serve as TDC Executive Director.

Mr. Hudson stated that the Walton County Bed Tax Collectors asked that a nationwide search be conducted. He questioned the reasoning for allowing a six months continued salary and benefits for Mr. Sonny Mares, former TDC Executive Director. He voiced concern with the governance and funding uses of the TDC.

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

The Commissioners had no items to present.

Mr. David Kramer spoke on the Habitat Conservation Plan (HCP) presented during the workshop held at 3:00 p.m. He suggested that the title should state Walton County Beach Conservation Plan since the plan only addresses the beaches and not any other habitats found in Walton County.

Mr. Jim Bagby, City of Destin Representative, asked that the beach protection plan to combat the oil spill be reconsidered. He voiced concern that damage would be caused to Destin's beaches.

Sheriff Adkinson addressed Mr. Bagby's concerns. He stated that the hay would be sprayed within the boundaries of the booms and would be picked up immediately. This plan will be put into effect only if the oil approaches Walton County Beaches. He discussed other methods being considered. Discussion continued on the type of hay to be used and the protection of the Dune Lake System.

There being no further items to discuss, the meeting recessed at 4:54 p.m. and reconvened at 5:10 p.m.

Mr. Gerry Demers, Planning and Development Services Director, presented the Flood Plain Protection and Damage Prevention Ordinance **(2010-08)** for second hearing. An ordinance amending the Walton County Land Development Code (LDC) to provide for protection of flood-prone areas; providing definitions, providing for a floodplain administrator; providing permit procedures; providing standards for construction in A zones and V zones; providing for variance procedures; and providing for adopted references and standards. He stated that the three changes (4.05.04 A(1)(h), 4.05.04 A(3), 4.05.05 E(10)) requested at the first public hearing had been

incorporated in the document. A minor change was made to the definition of Coastal High Hazard Area to include the Coastal A zone defined in the definition section.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt the Flood Plain Protection and Damage Prevention Ordinance **(2010-08)** with the changes presented. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, Comander Aye.

Mr. Demers requested the Howell Petition for Abandonment Resolution be continued to May 25, 2010 in DeFuniak Springs at 5:00 p.m. or thereafter to allow for proper advertisement.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to continue the Howell Petition for Abandonment to May 25, 2010 in DeFuniak Springs at 5:00 p.m. or thereafter. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, Comander Aye.

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

Mr. Demers presented Black Creek Plantation PUD, a major development order application for a conceptual planned unit development submitted by Mr. Ed Stanford, and Blackcreek Developers, LLC.

Attorney Hoshihara stated that this is a continued hearing from the April 27, 2010 BCC Regular Meeting.

Attorney Lisa Minshew, counsel for the applicant, stated that the applicant had presented his case at the previous meeting and asked that she be given the opportunity to cross examine any other witnesses after testimony. Commissioner L. Jones stated that Mr. Jack Dorman, Planner, offered testimony during the last hearing and is unavailable for cross examination. He questioned whether the absence of Mr. Dorman would affect the process of this hearing. Attorney Hoshihara felt that due to the continuation of the hearing that all witnesses should be

available for cross examination. Attorney Minshew stated that Mr. Dorman was unavailable due to previously scheduled meeting and that his testimony from the previous hearing is a part of the record. Attorney Hoshihara suggested that the Board could continue the hearing until Mr. Dorman could attend to respond to their cross examination. Commissioner Comander voiced concern over the allegations made against Mr. M. C. Davis during the last hearing and felt that the witnesses should be available. Mr. Davis stated that he would waive his right to cross examine Mr. Dorman. Attorney Minshew stated that Mr. Dorman did not testify to the conversation with Mr. Davis. The Board concurred to proceed with the hearing.

Mr. Davis addressed the allegations that were made against him during the April 27, 2010 meeting and stated that he has only addressed planning officials at public meetings. Attorney Minshew cross examined Mr. Davis regarding statements he made in a news article. Mr. Davis questioned the pertinence of the article in obtaining development permits. Discussion continued on the relevancy of the article in determining if the project meets the Land Development Code (LDC) and the Comprehensive Plan.

Chairman Brannon questioned Mr. Davis whether or not he had concerns regarding this development. Mr. Davis stated that he felt that the intensity of the project was too great and that a marina should not be allowed.

Attorney Minshew questioned if Mr. Davis was the owner of Nokuse Plantation at the time the North Bay Neighborhood Planning Area/Rural Town Center (NBNPA/RTC) was adopted by the Board and whether he attended the adoption hearings. Mr. Davis stated that he was the property owner at the time but did not attend the hearings. Attorney Minshew asked Mr. Davis if he had objected to the intensity of the NBNPA/RTC and questioned the sale of his property. Mr. Davis stated that he did not sell the land to the applicant. Ms. Anita Page objected

to the line of questioning and felt that the purpose of the hearing was to review the development not the neighborhood planning area. Chairman Brannon asked if staff had performed and reviewed a compatibility analysis. Mr. Jason Bryan, Senior Planner, stated that each project has a level of compatibility that must be addressed. He stated that the infill for this project did not require the documentation but the PUD documents must address compatibility. The current Staff Report states his findings regarding the compatibility. Attorney Minshew questioned if a compatibility analysis would be required because the project is located within the NBNPA/RTC. She stated that other developments within the NBNPA/RTC have not been required to obtain an analysis. Mr. Bryan stated that planning staff generally asks for compatibility information.

Ms. Page read from the Comprehensive Plan and spoke on the compatibility considerations for the Black Creek PUD.

Commissioner Comander voiced concern with the marina being separate from the designated commercial area. Ms. Page questioned if the marina would be considered a commercial or a non-commercial amenity. Attorney Minshew stated that more than one core area is allowable. She said that the marina would be used by the people who live within development. Attorney Minshew stated that the owner envisioned it as an amenity and any change would have to be approved by the county. Discussion continued on the use of the commercial and non-commercial marina.

Commissioner Comander voiced concern regarding the availability of water and sewer to the development. Attorney Minshew reported that the owner has prepaid sewer and water taps. She also stated that if water and sewer is not made available then the plan will not continue.

Chairman Brannon asked Mr. Bryan to share his finding on compatibility. Mr. Bryan referred to the Staff Report (page 11) and stated that in his opinion, the project is not compatible

with the surrounding uses and does not meet rural character. He discussed other developments within the NBNPA/RTC whose density is far less than this project. Chairman Brannon and Mr. Bryan continued discussing density requirements.

Attorney Minshew questioned Mr. Bryan regarding the use of grid systems required in the NBNPA/RTC. Mr. Bryan referred to pages 5 and 6 of the Staff Report which addresses the internal road network and limits it to rural character. Attorney Minshew asked Mr. Bryan how this project would negatively impact the Emerald Glen Property. Mr. Bryan stated that traffic would be increased. Attorney Minshew continued questioning Mr. Bryan regarding the compatibility of the project with the surrounding areas.

Commissioner L. Jones voiced concern regarding the density of the project. Attorney Minshew felt that the number of lots is relevant. She stated that the maximum density is four units per acre and the project is under three units per acre.

Chairman Brannon asked if the lot sizes for the Emerald Glen development were four acres. Mr. Bryan stated they were. Chairman Brannon asked how large the lots were at The Town Center at Black Creek Development. Mr. Demers stated that the report does not give an actual lot size, but it is .64 units per acre including the multi-family. He said that the overall density of the other developments were under one unit per acre. This project is proposing 2.39 units per acre. Discussion continued regarding the density of other projects in NBNPA/RTC.

Attorney Minshew asked if this area was determined as an Urban Service Area during the EAR process. Mr. Bryan stated that the concept of Urban Service Areas was proposed to DCA but was told that Walton County did not qualify. Chairman Brannon asked if water and sewer was available to the site. Mr. Bryan stated that water and sewer lines have been installed west of Freeport, but is unsure when it would be available for C.R. 3280. Mr. Barry Oden, the property

owner, stated that there is a sewer line running south side of C.R. 3280. Attorney Minshew and Mr. Demers read excerpts from the Comprehensive Plan 11.1.119 that addresses developments served by central water and sewer. The City of Freeport would be the proposed urban connection.

Chairman Brannon and Attorney Minshew discussed the development of the central portion of Walton County and the interpretation of the NBNPA/RTC Plan.

Ms. Page addressed the compatibility and questioned where the core areas were located on the graphic. Mr. Ed Stanford, P. E., stated that the last page of the Staff Report is a graphic that indicates the position of the different areas. He stated that the conservation/wetland areas would be used for interconnecting trails to the other areas. Mr. Stanford stated that civic uses have not been specified. He said that this plan is conceptual and the developer agrees to the general findings and parameters for the PUD. Chairman Brannon asked if any civic uses were planned for the wetlands. Mr. Stanford replied no.

Commissioner L. Jones read an excerpt from the LDC regarding the PUD standards and the discretion of the Board. He felt that the phases of this plan should be brought back to the County Commissioners. Chairman Brannon felt that the marina should be specifically used as an amenity to the development rather than commercial.

Motion by Commissioner L. Jones, second by Commissioner Commander, to approve Black Creek Conceptual PUD upon the conditions that each phase is treated as a major Development Order process and limit the marina to an amenity to the development. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, Comander Aye. **(Ex Parte: Brannon)**

There being no further items to present, the meeting was adjourned at 6:57 p.m.

APPROVED _____
Scott Brannon, Chair

ATTEST _____
Martha Ingle, Clerk of Courts