

MAY 25, 2010 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on May 25, 2010, at 4:00 p.m., at the Walton County Courthouse in DeFuniak Springs, Florida.

The following Board members were present: Commissioner Scott Brannon, Chair; Commissioner Larry Jones, Vice-Chair; Commissioner Kenneth Pridgen, Commissioner Cecilia Jones; and Commissioner Sara Comander. Mr. Lyle Seigler, County Administrator; Attorney Lynn Hoshihara, Interim County Attorney; and Ms. Martha Ingle, Clerk of Courts; 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 Comander, to approve the agenda additions and deletions as follows. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

1. Addition: Administration-Corrections medical need
2. Addition: Administration-contingency fund request
3. Deletion: Administration-Heffley and Associates workshop request

Mr. Bill Vorwald, Supervisor of Elections, presented a plaque to honor Walton County Veterans who died fighting for our country and the County leadership. Miss Summer Padgett, daughter of Sgt. Timothy P. Padgett, read a list naming the 32 Walton County soldiers who died.

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 641,513.90
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County Transportation	\$ 537,446.01
SHIP	\$ 15,700.00
Fine & Forfeiture	\$ 1,184,751.18
Section 8 Housing	\$ 137,276.18
Tourist Dev. Council	\$ 376,287.70
N.W. Mosquito Control	\$ 383.02
W. Co. Library	\$ 3,232.93
Public Safety- 911	\$ 1,240.64
Solid Waste Enterprise	\$ 153,498.80
Bldg Dept/Enterp. Fund	\$ 197.79
Inmate Canteen Fund	\$ 4,738.63
Daughette Subdivision	\$ 2,000.00
Capital Projects Fund	\$ 19,047.65
Totals	\$ 3,077,314.43

2. Approve Minutes of May 6, 2010 Special Meeting; May 10, 2010 Workshop; and May 10, 2010 Regular Meeting
3. Approve to surplus two trucks from Mosquito Control, several items from the Parks Department and several items from Public Works
4. Approve a **resolution (2010-46)** to amend the budget for the award of the Family Self Sufficiency Program Grant from the U.S. Department of Housing and Urban Development in the amount of \$25,000
5. Approve a **resolution (2010-47)** to amend the budget for the award of federal grant funds from the 2009 Assistance to Firefighters Grant Program from the U.S. Department of Homeland Security in the amount of \$313,058
6. Approve the 2011 Consolidated Small County Solid Waste Management Grant Application in the amount of \$70,588
7. Approve a **resolution (2010-48)** to amend the budget for the Supervisor of Elections' Military and Overseas Empowerment (MOVE) Act Grant
8. Approve the Declaration of Restrictive Covenants and Grant Calculation Statement for Town Center/Padgett Park
9. Approve surplus two desks from the Tax Collector's office
10. Approve to purchase a replacement ice maker for Brown Pit (Districts 2 & 3)
11. Allow the Sheriff's office to submit applications for the Edward Byrne Memorial Justice Assistance Grant Program FY 2010 Local Solicitation

Mr. Ryan Douglass, Public Works Engineer, recommended approval of a maintenance agreement with the Florida Department of Environmental Protection (DEP). This agreement is for the proposed boat ramp improvements at the North Street Boat Ramp in Freeport.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the maintenance agreement with the Florida DEP for the North Street Boat Ramp improvements. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Douglass recommended the North Street Boat Ramp Improvements (ITB 010-019) be awarded to Utility Solutions Group, LLC as low bidder in the amount of \$112,863.75. This project consists of the construction of a new boat launch and parking adjacent to the Four Mile Creek Bridge.

Motion by Commissioner Comander, second by Commissioner C. Jones, to award North Street Boat Ramp Improvements (ITB 010-019) to Utility Solutions, as lowest bidder, in the amount of \$112,863.75. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Douglass reported that during the 2009 spring rain event, extensive damage incurred to approximately 285 roadways throughout the county. He presented the list of projects exceeding the \$64,200 limit that would be allowed an 8% Professional Service fee reimbursement from FEMA. He recommended approval of the projects list for award.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve Professional Service project list. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Douglass stated that there are two bridges within the Oakwood Hills subdivision that require Professional Services Design. This will be funded by the FDEP Oakwood Hills Storm Water Grant. He requested the Board approve Trout Drive Bridge and Violet Lane Bridge in the amount of \$33,000 each. (*CDG Engineers & Associates: Trout Road Bridge \$33,000 and Violet Lane Bridge \$33,000*)

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the Professional Design Services for Trout Drive Bridge and Violet Lane Bridge in the amount of \$33,000 each. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Douglass requested acceptance of right-of-way dedication located on East Mack Bayou Road from Bayou Waters, LLC. The county reserves the right to improve the area at its discretion.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to accept right-of-way dedication on East Mack Bayou Road from Bayou Waters, LLC. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Commissioner Comander asked when the Professional Services Proposals would be put out for bid. Mr. Douglass stated within the next few months.

Mr. Lyle Seigler, County Administrator, stated that the Board had directed that Administration and Legal meet with Air Methods to discuss the fee issues raised by citizens.

Mr. Gary Mattison, Special Assistant to the County Administrator, presented information regarding the citizen complaints against Air Methods, Inc. He stated that representatives from Air Methods and Patient Business Services would be available to discuss the talking points and concessions agreed upon during their meeting with county officials.

Mr. Dean Dow, Air Methods, briefly discussed each of the five concessions that Air Methods agreed to make.

Mr. Seigler presented the Walton County Jail Operations and Management Review for Board consideration.

Mr. Danny Glidewell, Walton County Corrections Director, stated that Dr. Sheppard would be out on medical leave and requested that Dr. James Howell be appointed to temporarily serve as medical advisor during Dr. Sheppard's absence. Commissioner Pridgen asked if Dr. Howell would charge the same fee as Dr. Sheppard. Mr. Glidewell stated that he would.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to appoint Dr. James Howell as Temporary Department of Corrections Medical Advisor during the absence of Dr. Sheppard. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Dawn Moliterno, Tourist Development Council Executive Director, reported that the TDC Advisory Board held an emergency meeting and agreed to proceed with the 2010 Oil Spill Contingency Plan. She stated that there is a lot of misinformation regarding the oil spill as it relates to the Beaches of South Walton. The TDC feels that that advertising should be increased to alert the public that the beaches are open and pristine. She reported that Governor Crist is evaluating the \$25 million allocation provided by BP and he is preparing a decision. Ms. Moliterno said that the TDC is reserving the right to ask BP for additional dollars to replenish the reserves. The TDC Board has requested that \$500,000 be moved from reserves to cover the marketing and advertising plan.

Commissioner Comander asked how much was in reserves. Ms. Moliterno stated approximately \$11 million. Commissioner Comander asked if the cost of the hay used for beach protection would come out of this amount. Ms. Moliterno stated that it would not. Commissioner Comander asked if the \$500,000 would be reimbursed. Ms. Moliterno stated that it may come as a matching arrangement. Commissioner C. Jones stated that it was important to move ahead and hold BP responsible for reimbursement. Commissioner Comander suggested that everyone

should contact their friends and families to let them know that the beaches were open. Ms. Moliterno stated that networks such as CNN would also be contacted with that information.

There was no public comment.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve by resolution the moving of \$500,000 from TDC reserves to cover the marketing and advertising plan. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

(Please refer to the June 8, 2010 meeting for resolution follow up.)

Attorney Lynn Hoshihara, Interim County Attorney, stated that the Public Hearing to discuss the proposed budget amendment was incorrectly advertised as being an amendment to the TDC Fund for fiscal year 2009-2010. The amendment would affect the BCC fund for fiscal year 2009-2010. She asked that the Pubic Hearing be properly advertised and scheduled for the June 8, 2010 meeting.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve advertising and rescheduling of the Public Hearing for June 8, 2010. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

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

Commissioner Comander requested that a historical marker be placed in memory of the Cosson Family who were tragically killed during a 1944 U.S. Army-Air Force training mission. Members of the Cosson Family have agreed to donate the property to be used as the memorial site. She requested to purchase the marker, approximately \$2,000, using District 4 Recreational Funds.

Motion by Commissioner Comander, second by Commissioner L. Jones, to approve the purchase of the Cosson Family Historical Marker using District 4 Recreational Funds. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Chairman Brannon presented for adoption a **resolution (2010-49)** declaring May as Civility Month.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to adopt **Resolution 2010-49** declaring May as Civility Month. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. David Kramer voiced appreciation for those who worked to obtain the grant funding from the 2009 Assistance to Firefighter Grant Program. Commissioner Comander stated that Mr. Matt Douglas, Emergency Response Division Interim Director, and Ms. Angie Biddle, Grants Coordinator, were the individuals responsible for getting those funds.

Mr. Bob Hudson, Walton County Taxpayers' Association, addressed the usage of ex parte communications as found in Florida Statute 112.311(3). He questioned how these communications were being handled. Attorney Hoshihara stated that ex parte disclosures apply to quasi judicial items. She stated that she would meet with Mr. Hudson to discuss specific communication concerns.

There being no further items to discuss, the meeting recessed at 4:31 p.m. and reconvened at 5:00 p.m. Commissioner L. Jones did not return to the meeting.

Mr. Gerry Demers, Planning and Development Director, presented for first reading the Land Use Special Exception Ordinance. This ordinance amends Section 1.05.00 and 9.03.04 of the Walton County Land Development Code (LDC), revising procedure, and concerning applications for development on parcels of land as a special exception. He stated that presently

mining on agricultural land is allowable through special exception only and is required to be presented to the Technical Review Committee (TRC) and the Board of Adjustments (BoA). Mining within the industrial land use category would require presentation to the TRC, Planning Commission (PC), followed by the County Commission (BCC). He reported that this ordinance would change the process to require agriculture mining requests be presented to the TRC, BoA, PC, then to the BCC for final approval. Commissioner Pridgen discussed the need for agricultural mining to be permitted at an increased rate due to the immediate need of the farmers for the soil. Farmers already receive oversight through the Soil Conservation Best Management Practices. Mr. Demers stated that those issues will be exempt from mining permitting in the next ordinance presented.

Commissioner C. Jones stated that she would abstain from this and future mining issues due to her husband's employment with Oldcastle.

Mr. David Kramer asked if this ordinance would apply to borrow pits. Mr. Demers stated that borrow pits would be addressed in the next ordinance to be presented. Mr. Kramer felt that reclamation and environmental issues should be adequately addressed. Mr. Demers stated that would also be addressed in the next ordinance.

Ms. Anita Page felt that the requirements for mines to go before the Board of Adjustment would be a duplicate step when the ordinance will require it to be treated as a major development order. Mr. Demers stated that this same concern was raised during the Planning Commission hearing. He stated that the BoA rules on the variations and exceptions.

Ms. Dottie Nist, Beach Breeze, asked if the BoA would be considered an advisory board. Attorney Hoshihara stated that it would.

Motion by Commissioner Comander, second by Commissioner Pridgen, to set a second hearing for June 8, 2010 at the South Walton Courthouse Annex at 5:00 p.m. or soon thereafter. Ayes 3, Nays 0. Brannon Aye, Pridgen Aye, C. Jones Abstained, Comander Aye. **(Form 8B-Memorandum of Voting Conflict for County, Municipal, and other Local Public Officers: C. Jones)**

Mr. Demers presented for first reading the Mining Ordinance. This ordinance will add Section 11.06.00 and 5.10.00 to the Walton County Land Development Code, establishing the definition of mining and borrow pits, and establishing the requirements for land alteration practices of existing and new mines/pits. He briefly discussed the three categories of mines listed in the ordinance and the compliance requirements. Chairman Brannon stated that extensive research has been done to identify all of the mines in the county. Mr. Demers stated that letters would be sent to the operational mine owners instructing them to register their mine with the Planning Department. He presented emails addressing the mining issues.

Attorney Silvia Alderman, Attorney for Couch Ready Mix USA, gave a brief history of her client's background with the Mossy Head Mine and Diamond Sand Mine. She stated that the Mossy Head Mine is half agriculture/special exception and half industrial and is under a development order. She addressed the future land use amendments and spoke in favor of the ordinance as presented.

Mr. Kramer felt that local governments should not receive an exemption (page 6 of 7) and should be held to the same standards as individual mines and borrow pits.

Ms. Page questioned why the mines listed in Section B (page 4 of 7) are held to a less stringent reclamation plan than those who have followed the development order process. She compared the DEP reclamation standards with the Walton County standards. She referred to §

2(a)(2) (page 4 of 7) and felt that all standards of the Comprehensive Plan should be met. Chairman Brannon asked if meeting all standards would be possible. Mr. Demers stated that there are approximately 200 mines/pits in Walton County. He stated that best management practices did not exist prior to August 14, 2007 and staff felt that those standards should not be imposed on mines existing prior to that date. Chairman Brannon asked if there was a requirement for fencing. Mr. Demers stated that staff would determine on a case by case basis if fencing would be required. Discussion continued on compliance with reclamation standards.

Motion by Commissioner Pridgen, second by Commissioner Comander, to set a second hearing for June 8, 2010 at the South Walton Courthouse Annex at 5:00 p.m. or soon thereafter. Ayes 3, Nays 0. Brannon Aye, Pridgen Aye, C. Jones Abstained, Comander Aye.

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

Mr. William Howell, applicant, presented for adoption a **resolution (2010-51)** for the Howell Petition for Abandonment. The request is for the abandonment of the south 13 feet of the 33 foot access right of way extending 50 feet along the northern portion of parcel number 36-3S-18-16100-000-1312. The site is located on the south side of Winston Lane, approximately 514 feet south of Walton Rose Lane. Mr. Howell stated that the abandonment will not affect the public in any way.

Ms. Melissa Ward, Planning and Development Services Planner, stated the remainder of the right-of-way would exceed the 50 foot requirement. This is the last of three proposed abandonments for Winston Lane.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Howell Petition for Abandonment (**Resolution 2010-51**). Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

There being no further items to present, the meeting adjourned at 5:33 p.m.

APPROVED _____
Scott Brannon, Chair

ATTEST _____
Martha Ingle, Clerk of Courts