

AUGUST 10, 2010 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on August 10, 2010, at 4:00 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, 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 C. Jones led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Brannon called the meeting to order.

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

1. Addition: Update from Randy Stewart, BP Representative
2. Addition: Legal-YMCA Agreement termination

Motion by Commissioner Pridgen, 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	\$ 1,275,532.10
County Transportation	\$ 360,317.99
Fine & Forfeiture	\$ 122,729.95
Section 8 Housing	\$ 534.23
Tourist Dev. Council	\$ 506,548.24
N.W. Mosquito Control	\$ 638.88
W. Co. Library	\$ 4,176.81
Solid Waste Enterprise	\$ 564,362.79

and individuals. Mr. Stewart stated that he did not have that information on hand, and stated that the amount did not include government entity claims. Commissioner L. Jones asked if any of the claims had been denied. Mr. Stewart stated that no completely processed claims have been denied in Walton County. He stated that there are claims still being reviewed.

Mr. Bill Imfeld, County Finance Director, reported on the County's expenses amassed during the oil spill. He stated that four claims totaling approximately \$2 million have been submitted and approximately \$900,000 had been received. He said that he was told by BP that more reimbursements would be coming. Mr. Imfeld said that further work is being done with the Tourist Development Council (TDC) claims.

Mr. Seigler requested that the Board appoint a panel to interview candidates for the Extension Services Director position provided by the UF/IFAS Regional Director. He recommended the following persons be appointed: Mr. Gary Mattison, Special Assistant to the County Administrator, or Mr. Brady Bearden, Interim Human Resources Manager; and citizen stakeholders from Agriculture-Mr. Jack Hunt; FCS-Mr. Carl Henderson; 4H Parent-Ms. Laura Sparks; and Master Gardener-Ms. Marissa Benton. He recommended Ms. Pam Harrison to serve as alternate. Commissioner Pridgen questioned if the individuals had agreed to serve. Mr. Seigler stated that they had.

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

Mr. Seigler requested that RFP 010-013: Red Bay Fire Building Construction be awarded to Cathey Constructions as the lowest eligible bidder, in the amount of \$578,000.00. Mr. Imfeld reported on the issues that rendered the other applicants ineligible. Commissioner Pridgen asked

which county official would oversee the construction. Mr. Seigler stated that Mr. Billy Bearden, Building Official, would be the overseer.

Motion by Commissioner Comander to approve. Motion died for lack of a second.

Mr. Cliff Knauer, Preble-Rish, reported that J. L. Hartman, lowest bidder, withdrew their bid due to other obligations and time issues. He stated that the project could be re-bid at the Board's direction. Another option would be to negotiate with J. L. Hartman regarding the time frame.

Chairman Brannon gave a brief history of Red Bay Fire Building project. He stated that the Red Bay Community has been very patient with the long process. Commissioner L. Jones felt that it was important that the project be moved forward. He asked the extent of the J. L. Hartman obligations. Mr. Knauer stated that the company had taken on a project in Colorado and would have been able to take on the Red Bay project had the timeframe been longer. Commissioner L. Jones voiced support in negotiating a timeframe with J. L. Hartman and have the information brought back to the Board for consideration. The Board concurred to table the issue until August 24, 2010.

Mr. Seigler presented an interlocal agreement with the City of DeFuniak Springs for Human Resource Services. The City has asked for assistance in updating or creating job descriptions, create desk audits, and assist with a Human Resource audit. The agreement was approved during a regular meeting of the City Council on July 26, 2010.

Commissioner L. Jones asked if this was a one time arrangement. Mr. Brady Bearden, Interim Human Resources Director, stated that it would be for a 12 month period at 8 hours per week. The City would reimburse the hourly rate of the individual's salary.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve an Interlocal Agreement with the City of DeFuniak Springs for Human Resources Services. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Ryan Douglass, Public Works Engineer, presented ITB 010-023: Shipyard Road project. The cost of this project does not include a bridge which was a part of the original bid and to be constructed by the County. Additional funding will be necessary to complete the project. He reported that Mr. Imfeld has identified a funding source that would cover the difference. He recommended not awarding the bid to Floridian Construction, the lowest bidder, and stated that the company had a poor past performance with the county. Mr. Douglass stated that this project is grant funded with a deadline of December 31, 2010. He recommended ITB 010-023 be awarded to Utility Solutions Group as second lowest bidder in the amount of \$421,791.70. He requested that the Board also include the utilization of approximately \$133,000 from the capital project funding, the source identified by Mr. Imfeld.

Mr. Richard Krauss, Floridian Construction, requested permission to respond to a letter sent by the County deeming them ineligible. Attorney Lynn Hoshihara, Interim County Attorney, stated that Floridian Construction was on the agenda to discuss their bid consideration. However, staff has made a recommendation and a bid appeal process is to be followed. She stated that other bidders have not been allowed to come before the Board to have their bids reconsidered. Mr. Krauss stated that he was not there to appeal the bid, but rather to discuss the ineligibility letter. Chairman Brannon stated that the bid cannot be appealed until it has been awarded. He suggested that Mr. Krauss hold his comments until the Board could vote on the bid. Mr. Krauss exited the meeting and did not return.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to award ITB 010-023: Shipyard Road project to Utility Solutions, as second lowest bidder in the amount of \$421,791.70, and utilize \$133,000 of the capital project funds to cover the difference. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Douglass reported that an approaching grant deadline dictates that ITB 010-029: 8 Mile Road and Long Road (NRCS Grant) be awarded as soon as possible. He recommended awarding the project to Coastal Material of Alabama as lowest bidder in the amount of \$353,221.25 contingent upon the grant extension approval.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to award ITB 010-029: 8 Mile Road and Long Road (NRCS Grant) to Coastal Material of Alabama as lowest bidder in the amount of \$353,221.25 contingent upon the grant extension approval. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Douglass requested authorization to obtain quotes for a magnetic drill press. The estimated cost would be approximately \$6,000 to \$7,000. He stated that the magnetic drill press would assist in the county's endeavor to maintain various pieces of aging equipment thereby prolonging the purchase of new equipment.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to authorize advertisement to obtain and purchase equipment for a magnetic drill press. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Douglass requested approval to sign off on the Old Jolly Bay Road Improvements Design Proposal from Preble-Rish in the amount of \$53,250. This road provides a connection from U.S. 331 to C. R. 3280 and would address safety and stormwater concerns.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Old Jolly Bay Road Improvements Design Proposal from Preble-Rish in the amount of \$53,250. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Commissioner L. Jones recused himself from the following issue.

Mr. David Meggitt, Whitfield Steel Recycling, Inc.; presented a proposal to remove metals and white goods at the landfill. Mr. Seigler recommended that an RFP be advertised for scrap metal and white goods. Commissioner Pridgen asked if there is a current contract for those services. Mr. Greg Graham, Public Works Engineer, stated that there was a current contract with Cumbaa. He stated that all solid waste contracts are being reviewed as a part of the Solid Waste Strategic Plan Update. Chairman Brannon asked the term amount for the current contract. Mr. Graham stated that there was a 15 day termination clause. He asked that staff be allowed to notify Cumbaa of the bid process.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve beginning the RFP process to obtain recycling services for white goods and metals. Ayes 4, Nays 0. Brannon Aye, L. Jones Abstained, Pridgen Aye, C. Jones Aye, Comander Aye. (Ex Parte: L. Jones)

A Cumbaa Enterprises representative questioned if the bid would be broken down into white goods, recyclable and steels. Mr. Graham stated that the bid could be presented as one or broken down into three categories. He felt that there would be a greater response if the bid was broken down into metals, cardboard, and plastics. Mr. Seigler recommended that staff bring back category break-down information for Board consideration. Attorney Hoshihara stated that the motion and second should be rescinded.

Commissioners C. Jones and Pridgen rescinded their motion and second.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to instruct staff to prepare and bring back category break-down information for the three recycling services bids and present the recommendations to the Board. Ayes 4, Nays 0. Brannon Aye, L. Jones Abstained, Pridgen Aye, C. Jones Aye, Comander Aye.

Chairman Brannon and Commissioner L. Jones recused themselves from the next issue and exited the meeting. Commissioner Pridgen was appointed to act as Chair in their absence.

Mr. Allen Osborne addressed the issue of the County's noncompliance with the Special Magistrate's orders and the unavailability of the TetraTech Cost Analysis Study as both relates to Driftwood Estates. Commissioner C. Jones addressed Mr. Osborne's remarks. Attorney Hoshihara stated that attempts made to locate the TetraTech documents have been unsuccessful. She reported that there has been no response to the request for a meeting with the Department of Community Affairs (DCA). Mr. Osborne continued discussing the noncompliance and voiced concern that promises have not been kept. Attorney Hoshihara discussed the Special Magistrate's recommendations and the methods taken by the County to meet those recommendations. Discussion continued on what processes should be followed to meet compliance and repair violations.

Mr. Jim Hobson, Driftwood Estates Homeowners' Association President; and Ms. Doris Beam, Driftwood Resident; spoke on the violations occurring in Driftwood Estates. They urged the Board to find a solution.

Chairman Brannon and Commissioner L. Jones returned to the meeting and Chairman Brannon resumed the Chair position.

Mr. Ken Little, Citizen Services Director, stated that Ms. Scarlett Phaneuf has been appointed as the point of contact for the International Economic Development Council. The

IEDC was appointed by the U.S. Department of Commerce in response to the oil spill and will be conducting site visits to 19 counties within Louisiana, Alabama and Florida. The IEDC will also be providing technical assistance.

Ms. Dawn Moliterno, Tourist Development Council Executive Director, gave an update on the BP grant funding received to stimulate the tourist industry.

Attorney Lynn Hoshihara, Interim County Attorney, presented an amended stipulated settlement agreement in Ficarra v. Walton County, Centurion VI, Inc., and Emerald Coast Associates, Inc. She discussed the requirements and recommended approval.

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

Attorney Hoshihara requested to terminate the contract with the YMCA for management services of the Freeport pool. The contract calls for a 30 day written notice for termination.

Motion by Commissioner Pridgen, second by Commissioner C. Jones to approve the termination of the YMCA Management Services of the Freeport pool. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

The Commissioners had no items to present.

Chairman Brannon stated the FDOT Tiger II Grant will be presented at the August 24, 2010 meeting.

There was no public comment.

There being no further items to present, the meeting recessed at 5:17 p.m. and reconvened at 5:27 p.m.

Mr. Gerry Demers, Planning and Development Services Division Director, asked that the Habitat Conservation Plan (HCP) be presented for first reading after the quasi judicial items.

The Quasi Judicial hearing was called to order and Attorney Hoshihara administered the oath to those intending on speaking on McDaniel's Fish Camp Abandonment and Alys Beach Phase II-A Caliza Courts Plat.

Ms. Jennifer Christensen, Planning and Development Services Director, presented McDaniel's Fish Camp Abandonment Resolution **(2010-72)**. This is an application submitted by Freeport RVC, LLC, requesting the abandonment of the fullest extent of the county maintained Pitts Avenue from its beginning at the east R.O.W. of McDaniel's Fish Camp Road to its termination at Black Creek, total length 1,750 +/- feet.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the McDaniel's Fish Camp Abandonment Resolution **(2010-72)**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye. (Exhibits: Staff Report 1)

Ms. Christensen presented Alys Beach Phase II-A Caliza Courts Plat, an application submitted by Moore Bass Consulting, requesting Phase II-A plat approval for nine row house lots and related parking, and a replat of a portion of the common area of Alys Beach Phase I-A. This site is on the north side of C. R. 30A East, approximately one mile west of U.S. 98 East.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve Alys Beach Phase II-A Caliza Courts Plat. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye. (Exhibits: Staff Report 1)

Mr. Billy McKee, Environmental Planner, presented the HCP for first reading. He asked for Board and public input on the plan. He requested the final reading be presented within 30 days. He reported that the HCP is a component of the Incidental Take Permit (ITP) and the biggest issue associated with the HCP is funding. He stated that two funding options would be discussed.

Mr. Bob Ernest, Ecological Associates, Inc., gave a brief history of the HCP and ITP. He discussed the permitting process and the issues to be addressed by the HCP. He stated that the cost of the HCP would be \$235 per linear foot. Commissioner L. Jones asked what timeframe would be needed to present a final document. Mr. Ernest felt that it would be another six to nine months. Commissioner L. Jones asked if the funding mechanism is a part of the approval process. Mr. Ernest stated that funding assessments would be submitted with the plan. Commissioner L. Jones requested that the plan and the funding options be discussed separately.

Ms. Lorna Patrick, U.S. Fish and Wildlife Services, stated that the funding needed to be addressed with the plan submission.

Chairman Brannon asked if the existing seawalls will be a part of our plan. Mr. Ernest stated that the ability of an individual to obtain an ITP is contingent upon the County being issued an ITP by DEP. Discussion continued on what processes would be followed to obtain an ITP by both the County and an Individual.

Chairman Brannon opened the discussion to public comment regarding the plan.

Mr. David Kramer spoke in favor of the HCP and felt that it is beneficial to the County and individual property owners. Mr. McKee stated that this plan will provide solutions for emergency allowance to the individuals to protect their beach front homes during future hurricanes. Chairman Brannon questioned how this plan related to ongoing beach re-nourishment

projects. Mr. Ernest stated that beach re-nourishment eliminates the need for armoring. The HCP will cover emergency situations. He felt that preservation and conservation is in the public's best interest.

Ms. Jackie Markell voiced concern that the community had not established a desire for armoring.

Mr. Tom Tomasello, representative for several beach front property owners, spoke against the HCP and discussed the discrepancies in the Plan. He felt that the amount per linear foot was too high and the residents should not be required to pay. He encouraged the Board not to approve the plan as presented. Commissioner L. Jones stated that only those property owners wishing to participate in the HCP will be required to pay. Discussion continued on permit requirements and funding.

Ms. Sherry Chase submitted her written comments on the HCP and stated that her comments mostly covered the plan with few covering the funding. Chairman Brannon asked that she allow staff to present the funding portion and then present all of her comments at one time.

Commissioner Comander asked what would happen if the county did not have an HCP plan. Mr. McKee stated that the HCP concept was based on an attorney opinion and was designed to protect the County from liability. Mr. Ernest discussed some legal issues that have occurred in other Florida counties.

Mr. McKee discussed the funding options of the HCP. He reported that in Cost Option One, the cost per linear foot has been reduced to \$100 per linear foot due to the daily operations by the County. Cost Option Two is a quasi MSBU type funding in which the property owners would be assessed a specific amount each year. Mr. Imfeld stated that the first option has a lot of unknowns and risks and that the second option would be more stable and easier to monitor. This

would apply only to those residents who wish to participate. He said that the more people involved, the smaller the cost per individual. Mr. Imfeld stated that if the funds are more than needed in one year, those funds would be rolled forward to the next year.

Commissioner Comander exited the meeting at 6:24 p.m.

Mr. McKee discussed hypothetical situations to explain how the two funding options would work.

Ms. Chase discussed her comments submitted in opposition to the HCP as presented.

Ms. Linda Hildreth and Mr. Emmett Hildreth spoke against the HCP as presented and felt that further research needed to be done. Both individuals addressed changes that needed to be made to the plan and felt that another workshop should be scheduled to take public input.

Commissioner Pridgen asked if only armoring was being addressed. Mr. McKee stated yes.

Mr. Richard Folkes discussed the different species of turtles that nest on Walton County beaches. He felt that armoring walls caused a loss of nesting habitats for some of the species.

Mr. Leonard Anderson voiced opposition to HCP. He felt that the HCP needed to be redrafted.

Chairman Brannon exited the meeting and appointed Commissioner Pridgen as Chair in his absence.

Mr. Rodney Durant stated that the residents did what needed to be done to restore the beach after Hurricane Dennis. Commissioner L. Jones stated that the Walton County emergency permit allowed a temporary wall for six months and that the current walls are in violation of that permit.

Mr. Anderson and Commissioner L. Jones discussed the requirements of the temporary permits. Mr. Anderson stated that residents are still waiting for permanent permits from DEP.

Mr. Hildreth stated that the residents have asked for the General Conservation Plan (GCP) from the U.S. Government and have received no response. He again encouraged the Board to ask for the U.S. GCP and ITP before approving the HCP.

Chairman Brannon returned to the meeting and resumed the Chair position.

Ms. Lisa Boushy felt that the beach homeowners have been hurt. She stated that there was no emergency plan in place when Hurricane Dennis came through and felt that all entities need to work together to build a proper emergency plan. She spoke against beach owners being taxed to conserve an area that is used by all of Walton County.

Commissioner L. Jones stated that there was no malicious intent during the events following Hurricane Dennis. The issue of the DEP and Fish and Game requirements is beyond the Board's control. The individual beach home owners do not have to participate in the HCP plan. He discussed a letter threatening prosecution and stated that the HCP is not a result of being intimidated. He felt that the process should be moved forward to have a mechanism in place to address future storms.

Ms. Hildreth felt that the Commissioners did what had to be done at the time of the hurricane. She felt that the home owners were excluded during the ITP process.

Mr. Patrick Kerchowsky, Attorney, spoke in favor of implementing a dedicated funding source. He felt the current options were speculative.

Mr. Hildreth asked Ms. Patrick when the Governmental Conservation Plan (GCP) and ITP would be submitted for public review. Ms. Patrick stated that the document was drafted in

April. She will provide a hard copy to those requesting one under the condition that they realize that the amount included in the plan is not the set amount.

Ms. Chase asked if there was a deadline to pass the HCP. Mr. McKee stated that revisions would be made to the HCP and he requested to present the revised document in 30 days for approval for submittal to Fish and Wildlife for review. Ms. Chase felt that a new plan and workshop was needed. Chairman Brannon felt that any options right now would be speculative. Mr. McKee stated that hard numbers would not be available until the number of participants is known.

Mr. Allen Ficarra felt that this plan would promote and encourage the County to issue more permits for sea walls. Mr. McKee stated that the HCP outlines how and under what circumstances permits would be issued.

Ms. Boushy recommended that a concise set of guidelines be adopted that would allow emergency permanent sea wall permits. She reiterated her encouragement to work with all the individuals and entities involved to establish a solid plan.

Mr. Ernest stated that the County does not have the authority under Florida Statute to grant permanent structure permits. Permanent permits are issued by DEP.

Mr. Bradford May voiced support of permanent permits. He felt that sea walls were the only source of protection for the beaches and the homes.

Ms. Janelle Jones stated that she has met all of the guidelines and still has not received a permit.

Chairman Brannon closed public comment.

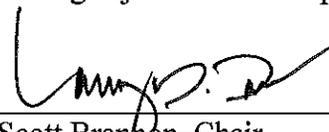
Motion by Commissioner L. Jones, second by Commissioner Pridgen, to move to second Public Hearing the Habitat Conservation Plan. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye.

Mr. McKee asked that the date be set for September 14, 2010.

Ms. Hildreth asked if a revised version would be presented. Chairman Brannon stated that Mr. McKee would present the document with the incorporated changes.

There being no further items to present, the meeting adjourned at 7:38 p.m.

APPROVED



~~Scott Brannon, Chair~~
Larry Jones, Vice-Chair

ATTEST Martha Ingle
Martha Ingle, Clerk of Courts