

JUNE 8, 2010 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on June 8, 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 Comander, second by Commissioner L. Jones, to approve the Agenda deletion as follows. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

1. Deletion: Public Works-Item 2C Beachview Heights Infrastructure Improvements

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve the Consent Agenda as follows. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

1. Approve Expenditure Approval List (EAL)		
General Fund	\$	496,885.68
County Transportation	\$	739,444.99
Section 8 Housing	\$	10,139.49
Tourist Dev. Council	\$	348,722.86
N.W. Mosquito Control	\$	4,196.19
W. Co. Library	\$	5,828.88
Solid Waste Enterprise	\$	401,149.11
Bldg Dept/Enterp. Fund	\$	942.68
Imperial Lakes MSBU	\$	307,090.20

Commissioner Comander stated that she spoke with the Scenic Corridor Association regarding the median maintenance and discussed the problem with the original design. Mr. Harrell stated that continued maintenance should improve the situation.

Mr. Matt Hartman, Valley Crest Landscape Maintenance, stated that a bid on behalf of Valley Crest was submitted without the three letters of recommendation. This oversight caused the bid to be rejected. He reported that Shipes also made an error in their bid submission but was allowed to correct that error. He questioned why the correction was allowed for one but not the other. The Valley Crest bid was lower than Shipes. Mr. Bill Imfeld, County Finance Director, stated that he was unaware of the discrepancy and would work with Mr. Hartman on submitting an appeal.

Ms. Mary Nielson felt that the issue should be tabled due to the design problem. She also felt that it should be a two part bid: 1. fix the drainage problem; and 2. ongoing maintenance.

Commissioner Comander felt that the area is an eyesore and needs immediate maintenance.

Chairman Brannon asked how the area was currently maintained. Mr. Lyle Seigler, County Administrator, stated that currently county inmates are utilized for the maintenance of those medians. He stated that the issue could be continued to give time for staff review and collect information to be brought back to the Board.

Ms. Leigh Moore felt that the area is an eyesore and should be addressed quickly.

Commissioner Comander asked if county crews could mow and mulch the area. Mr. Harrell stated that maintenance would continue as is until a contract could be approved.

Chairman Brannon asked if the design problem had been discussed between the Scenic Corridor and the county. Mr. Harrell stated that there have been varying opinions on the cause of

the issue. There is nothing in the original contract which would require them to address the issue.

Commissioner L. Jones felt that the area was unsightly and needed to be maintained immediately.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to begin negotiations with Shipes Landscaping on the start up fees and the one year renewable maintenance contract, appropriately deal with valid protests, and direct Public Works staff to continue to look for alternative means to improve the ability to maintain the current landscaping.

Commissioner Comander asked if the agreement presented only covered maintenance. Mr. Harrell stated that it did. Commissioner Comander asked if the drainage would be addressed in a separate issue. Commissioner L. Jones stated that it would.

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

Commissioner Pridgen joined the meeting.

Mr. Harrell presented RFP 010-025 – Purchasing of Land for Mining. He reported that funding sources are being identified. He requested to begin negotiations with Mr. Joe Johnson and Mr. Burt Cosson regarding the amount of acreage to purchase and the terms of the sale, and bring back a recommendation to the Board.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to direct staff to enter into negotiations and bring back a recommendation. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Kelly Horton, Heffley & Associates, presented a Legislative activity update.

Mr. Seigler requested a Fair Housing first public hearing be scheduled for June 22, 2010 at 4:00 or soon thereafter, and a second public hearing be scheduled for July 13, 2010 at 4:00 or

soon thereafter to consider an Economic Development CDBG Grant for the Dixie RV Project (f/k/a Lucky 13 Truck Stop).

Motion by Commissioner Comander, second by Commissioner C. Jones, to schedule the first public hearing to consider an Economic Development CDBG Grant for the Dixie RV Project for June 22, 2010 and a second public hearing on July 13, 2010. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Seigler requested approval to assist the Liberty Fire Department with bidding services for a new building and assist with in-kind public works services for the site work.

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

Mr. Seigler requested that two Commissioners and one alternate Commissioner be appointed to the FY 2010 Value Adjustment Board. Two citizens, with Walton County homestead, should also be appointed. One of the citizens will serve as an alternate. Currently Commissioners Pridgen and C. Jones are serving on the VAB with Commissioner Comander serving as alternate. He reported that Ms. Barbara Chilcutt has voiced interest in serving again as citizen appointee. Mr. James Hagan was the alternate citizen appointee and his approval would be contingent upon his willingness to serve.

Motion by Commissioner L. Jones, second by Commissioner Comander, to reaffirm Commissioners Pridgen and C. Jones and Commissioner Comander as alternate to the Value Adjustment Board, and Citizen Appointees Ms. Barbara Chilcutt and Mr. James Hagan, contingent upon his willingness to serve, as alternate. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Dawn Moliterno, Tourist Development Council (TDC) Executive Director, presented an update on the \$1.35 million presented to the county for advertising. The quality of footage, spots and proposal were the determining factors in receiving the monies. She stated that another \$1.35 million could also be granted, however it cannot be used to replenish the \$500,000 to be pulled from TDC reserves. She also gave an update on what is being done to protect the Coastal Dune Lakes. She commended all that have been involved in protecting the dune lakes. Ms. Moliterno reported that staff is working to let the public know that the beaches are open and that the oil spill situation will continued to be monitored.

Attorney Lynn Hoshihara, Interim County Attorney, had no items to present.

Chairman Brannon called to order the public hearing to consider a resolution **(2010-56)** amending the budget by \$500,000 from the TDC fund Reserves for FY 2009-2010.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner L. Jones, to adopt Resolution **2010-56** amending the budget by \$500,000 from the TDC fund reserves. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

The Commissioners had no items to present.

Ms. Karen Bennett, Pearly White Properties, a beach house rental company, reported that Code Enforcement had recently cited her company for conducting a commercial business within a residential neighborhood by allowing guests to hold weddings on the property they have rented. She was told by Code Enforcement that changes to websites and signage needed to be made to become compliant with the Land Development Code (LDC). Ms. Bennett submitted and read the excerpt from the LDC (Chapter 2, Page 14 of 66) cited in the Code Enforcement's

ruling and felt that the LDC rule was unclear regarding non residential activities. She reported that specific instructions for meeting compliance were not given by Code Enforcement.

Attorney Hoshihara stated that Code Enforcement was not an advisory Board to the Commissioners; they have the final authority on code enforcement violations. These decisions cannot be overturned by the Commissioners and appeals are to be taken to Circuit Court. Ms. Bennett stated that she was instructed to cease all non-residential activities as of August 30, 2010. Reservations for wedding party rentals are no longer being taken, however; there are ten previously scheduled reservations with upcoming wedding events. She said that cancelling these ten reservations would cost her approximately \$82,000. Ms. Bennett asked that the Board make a recommendation to Code Enforcement to grandfather those ten events while she addresses the non-compliance issues. Discussion continued regarding the recommendation request. Commissioner L. Jones felt that the Board should be cautious in making recommendations to an independent body of county government and advised Ms. Bennett to appear before the Code Enforcement Board on June 17 to plead her case.

Commissioner Comander asked when the draft ordinance regarding short term rentals would be presented for review. Attorney Hoshihara stated it would be presented at the first meeting in July. She stated that she had attended the Code Enforcement Hearing and their decision was based upon evidence submitted and testimony from neighbors within the subdivision. She felt that it would be inappropriate for the Board to make any recommendations to Code Enforcement without having sufficient information. Mr. Gerry Demers, Planning and Development Director, asked to be allowed to work with Ms. Bennett before the next Code Enforcement Meeting and work on a plan of compliance to be presented at the meeting on June 17. The Board concurred.

There being no further items to discuss, the meeting recessed at 5:10 p.m. and reconvened at 5:20 p.m.

Ms. Jennifer Christenson presented for review and first reading the Future Land Use Element (FLUE) of the EAR-based amendments to the Walton County Comprehensive Plan. She stated that comments have been received since the document was first presented. She recommended that this issue be continued to a date certain to allow the changes to be made and to continue working with the public on additional comments. She requested that a special meeting be held on July 12, 2010 at 5:00 p.m. at the Walton County Courthouse Annex.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to continue the Future Land Use Element (FLUE) EAR-based amendments to a special meeting to be held on July 12, 2010 at 5:00 p.m. at the South Walton Courthouse Annex. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Christenson stated that the glossary will go before the Planning Commission and may be ready to be presented at the Special Meeting.

Mr. Demers presented for final hearing the Bonfire/Fireworks Ordinance **(2010-09)**. An ordinance amending Section 4, paragraph b of Walton County Ordinance 2003-07; amending the procedures and requirements to obtain permits to have fires on the beaches of the Gulf of Mexico; amending the procedures and requirements to have fireworks displays. He stated that the ordinance will change the authority issuing the permits from the Beach Activities Coordinator to the South Walton Fire Department (SWFD). He reported that a language change on page two, item nine would dictate that firework displays south of the Choctawhatchee Bay would require a permit from the SWFD. These permits would only be issued to licensed distributors/wholesalers. He recommended approval with the language change. Commissioner

Comander voiced concern that some changes needed to be made to accommodate the Code Board. Mr. Demers stated that those issues can be addressed at a later date.

Mr. Richard Bryan addressed the buffer area around the historical outfalls and asked how the outfall area is established. Ms. Christenson stated that this issue is related to the FLUE and will be addressed at the July 12th meeting. She stated that staff would meet with Mr. Bryan to discuss his concerns.

Motion by Commissioner Comander, second by Commissioner C. Jones, to adopt the Bonfire/Fireworks Ordinance **2010-09**. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Demers presented for final hearing the Land Use Special Exception Ordinance **(2010-11)** an ordinance amending Section 11.05.00 and 9.03.04 of the Walton County Land Development Code, revising procedures concerning applications for development on parcels of land as a special exception. He stated this ordinance would allow for mining operations to be operated in agriculture land use areas through special exception only. The Board of Adjustments (BOA) would hear the request and make the final determination of special exception then the request would be heard as a major development order by the Planning Commission and the BCC. Commissioner Comander asked what affect the settlement stipulation with the Judkins would have on this issue. Mr. Demers reported that the stipulation stated that the only two items currently allowed by special exception was mining in a large scale and general agricultural land use district. Any changes to that would be done through legislative action. He stated that changes are not being sought.

Mr. David Kramer asked if there was anything that would exempt governments from utilizing the permitting process. Mr. Demers stated that nothing in this ordinance would exempt county government from the provisions of the Comprehensive Plan.

Commissioner L. Jones felt that the language of paragraph c was confusing and that the word “Board” needed to be clarified as to which Board it was referring, Board of Adjustments or Board of County Commissioners. Mr. Demers stated that the language would be changed for better definition and clarification.

Motion by Commissioner Comander, second by Commissioner Pridgen, to adopt the **Land Use Special Exception Ordinance (2010-11)** with changes as discussed. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Abstained, Comander Aye.

Mr. Demers presented for final hearing the Mining Ordinance **(2010-10)**. This ordinance will add Section 11.06.00 to the Walton County Land Development Code, establishing the definition of mining, existing mining and borrow pits, establishing the requirements for land alteration practices of existing mines/pits. He briefly discussed the changes made based on public comment.

Commissioner Comander felt that the 90 day registration requirement was too long. Mr. Demers stated that this timeframe would allow staff to respond. Commissioner Comander questioned if it should be stated that a safety and reclamation plan would be required to comply with Section C(4). Mr. Demers stated that reclamation plans were not required for Category 2 mines when the mines first became operational. Attorney Hoshihara stated that those requirements are addressed in Section B (3(a)) and that the reclamation plan for Category 2 mines are regulated by FDEP. Mr. Demers stated that each application will be thoroughly reviewed to insure safety. Commissioner Comander addressed Section 11.06.06 (G) and asked

what exemption the county received. Mr. Demers stated that the county would follow the permit requirements as directed in the Land Development Code (LDC) and would only be exempt from the major development order process.

Chairman Brannon asked Ms. Christensen to address the incompatible land uses. Ms. Christensen stated that historically the county has had pits in other land use categories that were established many years before the maps were approved. These areas will be designated as public facilities during the EAR. Chairman Brannon stated that in the past there have been contradictions with privately owned pits that were not in compliance and county owned pits in the same land use category. Mr. Demers stated that the intent is to only exempt the county and State road crews who own pits from the major development order process. He said that the exemption could be removed if the Board so desired. Chairman Brannon felt that the exemption should be eliminated.

Ms. Valerie Hubbard, Director of Planning Services, Akerman and Senterfitt Attorneys at Law, and representative for Couch Ready Mix USA, spoke in favor of the ordinance.

Mr. David Kramer voiced appreciation for removing the exemption from the ordinance. He suggested that mapping flaws should be considered and language provided to cover those errors.

Mr. Lee Perry felt that Category 2 mines should not be allowed to follow a less strenuous process than other mines.

Ms. Anita Page felt that all applicants should meet the same requirements whether it is a new or existing mine. Discussion ensued on reclamation plans. She suggested that language be added requiring applicants to meet minimal FDEP standards and county criteria. Commissioner L. Jones recommended that the language “will meet at least the minimal standards agreed upon

FDEP reclamation plan” be added to 11.6.04 B(3(a)). Ms. Page recommended that the language “and the county shall have the right to add supplemental conditions as deemed appropriate according to site specific criteria” should also be added.

Ms. Gayle Brotherton voiced concern regarding the reclamation plans. She felt that all mines should meet the Best Management Practices.

Ms. Gillian Wolfe felt that surety bonds should be required on all pits.

Commissioner Comander felt that sureties should be required when applying for permits. Mr. Demers stated that the sureties were a requirement of the Best Management Practices. Chairman Brannon felt that pit owners who desired to continue or expand their operations should be required to file a surety. Commissioner Pridgen asked how sureties were assessed. Mr. Demers stated that they are assessed at \$1,500 per acre. Chairman Brannon asked that the surety language in 11.06.04 C(4) also be added to 11.06.04 B. Commissioner Pridgen asked how long the owners had to comply. Mr. Demers stated until the reclamation is complete. He also said that portions of the reclamation sureties could be reclaimed as sections are completed.

The recommended language changes are as follow: reword 11.06.04 B (3(a)) to add “will meet the minimal standards” and “the county reserves the right to add supplemental requirements to the reclamation as deemed appropriate on a case by case basis”; eliminate 11.06.06 G; and add a surety paragraph Sections 4 (a & b) to 11.06.04 B.

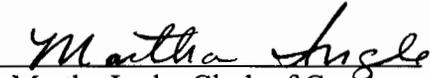
Motion by Commissioner Comander, second by Commissioner Pridgen, to adopt **Mining Ordinance 2010-10** with the suggested changes. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Abstained, Comander Aye.

There being no further items to present, the meeting adjourned at 6:03 p.m.

APPROVED


Scott Brannon, Chair

ATTEST


Martha Ingle, Clerk of Courts