

REGULAR MEETING – JUNE 22, 2010

The Board of County Commissioners, Walton County, Florida, held a regular meeting on June 22, 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 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 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-Commissioner appointments to the canvassing Board
2. Deletion: Consent Agenda Item 7

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Consent Agenda as follows with the deletion of Item 7. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

1. Approve Expenditure Approval List (EAL)

General Fund	\$	1,429,391.17
County Transportation	\$	876,781.04
SHIP	\$	10,000.00
Fine & Forfeiture	\$	121,315.07
Debt Service Hospital	\$	240,875.00
Section 8 Housing	\$	336.85
Tourist Dev. Council	\$	534,754.04
N.W. Mosquito Control	\$	524.83
W. Co. Library	\$	3,056.23

Recreation Plat Fee	\$	112,738.13
Tax Deed Surplus Trust	\$	4,233.77
Solid Waste Enterprise	\$	132,264.37
Bldg Dept/Enterp. Fund	\$	1,498.11
Imperial Lakes MSBU	\$	2,765.91
Inmate Canteen Fund	\$	14,018.46
<u>Capital Projects Fund</u>	<u>\$</u>	<u>10,758.69</u>
Totals	\$	3,495,311.67

2. Approve minutes from the June 8, 2010 Regular Meeting
3. Approve to surplus various computers from the Planning Department
4. Approve to surplus two computers from the North Walton Mosquito Control Office
5. Approve the purchase of a laptop computer by the Extension Service Office
6. Approve Resolution **(2010-57)** to amend the budget for unanticipated revenue in the Tourist Development Council (TDC) Fund for the Deepwater Horizon Oil Spill
- ~~7. Approve the Deepwater Horizon Funding Agreement~~
8. Approve the purchase of a cooling unit and hot water steam pressure washer for Animal Control
9. Allow Administration to advertise for a Budget Workshop to be held July 14, 2010 at 9:00 a.m. at the Courthouse in DeFuniak Springs.

Mr. J. B. Hillard, Communities for a Lifetime, and Ms. Mary Whitehead, DeFuniak Springs Rotary Club President, discussed the “Listen to a Life” essay contest and presented the contest winners with certificates.

Mr. Lyle Seigler, County Administrator, requested approval of an agreement with West Florida Regional Planning Council (WFRPC) for administration of the Walton County SHIP Program. He stated that WFRPC provides eight percent of the SHIP grant funds out of the 10 percent that is allowed by the program; Walton County retains two percent for local filing fees and public notice advertising. Attorney Lynn Hoshihara, Interim County Attorney, asked that the agreement be approved contingent upon Legal Staff working with WFRPC to work out minor adjustments.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the West Florida Regional Planning Council Agreement contingent upon Legal Staff working with

WFRPC to work out minor adjustments. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Seigler recognized Mr. Tom Baker, Housing Director, who has been instrumental in the success of the SHIP program.

Mr. Ryan Douglass, Public Works Engineer, presented the results of the Raley Road Bridge Proposal. He recommended approving CDG Engineers in the amount of \$44,000. The proposal includes the geotechnical analysis, hydraulic (scour) analysis and design services. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to award the Raley Road Bridge Proposal to CDG Engineers in the amount of \$44,000. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Douglass requested to collect on the Audubon Point Letter of Credit (No. 109) if another approved surety or final inspection release has not been received prior to June 26, 2010.

Motion by Commissioner Comander, second by Commissioner Pridgen, to collect on the Audubon Point Letter of Credit if not renewed or completed by June 26, 2010. Ayes 4, Nays 1. Brannon Aye, L. Jones Nay, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Starskey Harrell, Interim Public Works Director, gave a brief overview of RFP 010-025-Purchasing of Land for Mining. There will be two purchase agreements, one for the northern portion and one for the southern portion of the property. He requested approval of the first agreement to purchase the northern half of the Cosson/Johnson Property and begin the permitting process for a mining pit. Attorney Hoshihara requested permission to work with Mr. Joe Johnson to amend the language of the second agreement to include “right of first refusal” or “subject to availability of funds.” Chairman Brannon asked if the action taken would be to enter into the

contract or to bring it back to the Board. Attorney Hoshihara stated that the Board could vote to enter into a contract with changes. The first agreement would be changed to include a 100 foot buffer around the perimeter of the property and deleting any references to Best Management Practices. Discussion ensued regarding the changes to be made to each of the contracts.

Chairman Brannon asked why there were two contracts. Mr. Harrell replied that funding was available to purchase only a portion of the property. He requested that both contracts be approved with changes.

Mr. Joe Johnson stated that he agreed to the language change in the second agreement.

Motion by Commissioner L. Jones, second by Commissioner Comander, to approve to purchase the northern half of the property at the agreed upon price with the two changes to include a 100 foot buffer around the perimeter of the property, and deleting any references to Best Management Practices. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve moving forward with the second agreement language changes, that is acceptable to both parties, indicating the Board's intent to purchase the remaining property within one year contingent upon the availability of funds; and to present the revised contract for approval at the July 13, 2010 Board meeting. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Ed Berry, Reclaim Our America, Inc., presented a video of a tour with the U.S. Coast Guard to the areas affected by the Deepwater Horizon Oil Spill and briefly discussed the efforts his organization has taken to combat the crisis. He requested that the Board: 1. instate weekly town hall meetings in South Walton; 2. provide weekly reports on how BP is spending the

money on the oil spill; 3. provide a list of all consultants; and 4. perform and post independent water and air testing. Mr. Mike Sturdivant gave an overview of the tour with the U.S. Coast Guard.

Sheriff Mike Adkinson addressed Mr. Berry and Mr. Sturdivant's comments. He stated that the top concerns are the health and safety of the Walton County citizens and visitors, and the environmental and business impact. He reported that a meeting was held to discuss independent air and water testing, beach clean up and the protection of the Choctawhatchee Bay. Sheriff Adkinson stated that there was frustration with the response time with the DEP contractor. Supplemental staff and equipment will be brought in as necessary. He gave a briefing on the recent tar ball sightings and the clean up efforts.

Mr. Darryl Boudreau, Assistant District Director-Florida Department of Environmental Protection, reported the results of the water and air testing. He stated that sampling will be performed twice a week in Walton County. He said that the water would be checked for dispersants. Mr. Boudreau reported on the results of the air quality testing and stated that the readings are normal for this time of year. He commented on the inadequate communications and said that BP has agreed to modify some of the command structure. Chairman Brannon asked where the water quality results would be posted for public viewing. Mr. Boudreau stated that water and air quality results would be available on the FDEP website. Sheriff Adkinson stated that the results of the independent testing would be available on the Sheriff's website. Mr. Boudreau said that he would coordinate test results with that of the independent testing agent. Discussion continued on communications and providing the test results to the public.

Commissioner L. Jones exited the meeting.

Commissioner Comander commended the Sheriff's Department and Public Works for the work they've done. She expressed her disappointment with the inadequate response from BP. Mr. Nicolas Morlino, BP Representative, stated that BP will work with the Sheriff's office to correct the communications problem.

Mr. Berry reported that the last test for dispersants was performed at Pensacola on May 1. He discussed the Health Departments guidelines for water safety as it pertains to the oil spill. He felt that the Sheriff should have the authority to close the beaches as necessary.

Commissioner C. Jones asked how soon the test results would be available. Mr. Boudreau stated approximately four days.

Mr. Jan Perkins voiced concern regarding the toxicity levels and felt that the DEP website was not user friendly and the data confusing.

Mr. William Imfeld, County Finance Director, stated that the previously approved \$1.5 million to fund the various efforts is nearly depleted. He said that he will be working with Ms. Dawn Moliterno, Executive Director-Tourist Development Council, to bring forward additional funds from reserves. He asked that a Public Hearing be scheduled for July 13, 2010 to consider the funds transfer. Commissioner Comander asked when BP would be paying the first bill. Mr. Imfeld said that various responses have been given. Sheriff Adkinson stated that the billing process has changed numerous times. He was not aware of any monies being given to any counties.

Motion by Commissioner Comander, second by Commissioner Pridgen, to set a Public Hearing for July 13, 2010 at 4:00 p.m. or soon thereafter to transfer additional monies from reserves to address the clean up efforts.

Commissioner C. Jones asked if these monies would be coming from TDC Reserves. Mr. Imfeld stated that it would.

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

Sheriff Adkinson stated that the FDEP and BP representatives would be available for questions after the meeting.

Ms. Sharon Rogers, Executive Director-Family Visitation Center, and Judge Kelvin Wells gave a brief overview of the organization and requested assistance in obtaining space to provide service to Walton County children and families. Ms. Rogers felt that the available space in the Senior Center would be an ideal place. The Senior Center could partner with the Visitation Center to give a safe environment for the families. Judge Wells stated that the current facilities have been closed and requested immediate use of the Senior Center to accommodate the families using the Visitation Center. Ms. Leigh Morrison, Life Enrichment Senior Center Manager, agreed with the utilization of the space for the Visitation Center. Commissioner Pridgen asked if an agreement would be needed. Attorney Hoshihara stated that there is currently an interlocal agreement with the City of DeFuniak Springs and Tri-County Community Council. She said that she would work with the two parties to amend the agreement to allow use of the unoccupied space by the Visitation Center.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the immediate use of the available Senior Center space by the Family Visitation Center, and direct legal to work with the City of DeFuniak Springs and Tri-County Community Council on amending the current agreement and bring back for approval. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Karen Sheehan, County Records Accountability Manager, presented the semi-annual report on records accountability.

Mr. Gary Mattison, Special Assistant to the County Administrator, presented the proposals for RFP 010-024 EMS Medical Director. He recommended appointing Dr. James W. Howell as EMS Medical Director as lowest bidder in the amount of \$1,200 per month.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the appointment of Dr. James W. Howell as EMS Medical Director. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Seigler presented the Walton Transportation Investment Committee's draft goals and objectives. He asked that each Commissioner consider one person to serve on the committee and to present that recommendation at the July 13, 2010 Board meeting. The committee will consist of one appointee from each of the Commissioners, one representative from Public Works, and one representative from Administration.

Mr. Seigler discussed the recent Organizational Structure review. He reported that with revenues being reduced this year, the business processes have been re-evaluated to improve practices that save money, time and resources. He stated that Administration will meet individually with the Commissioners to discuss the final review. There will be no increase in Full Time Equivalent (FTE), personnel, or funds.

Mr. Seigler requested that one Commissioner be appointed to serve on the Canvassing Board.

Motion by Commissioner C. Jones, second by Commissioner Comander, to appoint Commissioner Kenneth Pridgen to the Canvassing Board. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Ken Little, Citizens Services, requested that the ribbon cutting ceremony for the newly four laned portion of U.S. 331 and designation as Beach Highway be postponed due to the oil spill situation and other events. The Board concurred.

Ms. Loretta Shaffer, Tourist Development Council-Director of Marketing and Internet, requested approval to go out to bid for advertising/branding services for the TDC. The current contract with Bohan Advertising Agency expired April 15, 2010 but has been renewed monthly until an executive director could be appointed.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the bidding process for TDC advertising/branding services. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Chairman Brannon called to order the Public Hearing to consider the CDBG Grant for the Dixie RV Project. Mr. Fred Fox discussed the CDBG process. Mr. Fox stated that the details of the application will be presented at the second Public Hearing. He discussed the Fair Housing Ordinance and submitted the Fair Housing Workshop Notice of Advertisement. He requested permission to proceed with the development of the grant application.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Pridgen, to proceed with the development of the CDBG Grant application for the Dixie RV Project. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

The second Public Hearing will be scheduled upon the development of a formal application.

Attorney Hoshihara presented an Interlocal Agreement with the Muscogee Nation. The agreement is for county assistance in the form of permitting and construction services not to

exceed \$6,000 for improvements to the existing recreational area, which will remain available for public use.

Chairman Brannon gave a brief overview of the project. He said the funding would come from the District 1 recreational plat fee account.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the Interlocal Agreement with the Muscogee Nation. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

The Commissioners had no items to present.

Mr. Morlino expressed apologies on behalf of BP regarding the oil spill and stated that he would be available for questions at the conclusion of the meeting.

Ms. Kat McCrite Provencher expressed gratitude to the Sheriff and staff for their actions in regards to the oil spill. She encouraged the county to be proactive in obtaining the funds from BP and to hire local citizens for clean up.

Mr. Murray Balkcom urged the county to utilize volunteers to clean up the beaches. Commissioner Comander asked if there were restrictions limiting the use of volunteers. Sheriff Adkinson stated that his office was working on getting the legal issues addressed.

Mr. Morlino reported that there are regulations which prevent volunteers from being used to clean up the beaches. He stated that he would work with the Sheriff to address the volunteer issue.

There being no further items to discuss, the meeting recessed at 5:46 p.m. and reconvened at 6:09 p.m.

Mr. Gerry Demers, Planning and Development Services Director, presented for first Public Hearing the Water Supply Facilities Work Plan Ordinance. This is an ordinance amending

the Walton County Comprehensive Plan to adopt a Water Supply Facilities Work Plan; requiring the comprehensive plan to be amended to incorporate the goals, objectives, policies and text of the Capital Improvement Element, Conservation Element, Infrastructure Element, and Intergovernmental Coordination Element, which are being processed concurrently with the EAR-based amendments in order to incorporate water supply planning provisions required by Florida Statutes; including a provision for inclusion in the County's comprehensive plan; and repealing conflicting ordinances. He requested a second Public Hearing be set for July 13, 2010.

Motion by Commissioner Comander, second by Commissioner C. Jones, to set a second Public Hearing to consider the Water Supply Facilities Work Plan Ordinance for July 13, 2010 at 5:00 pm or soon thereafter. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Chairman Brannon called to order the Public Hearing to consider the Walton County Local Mitigation Strategy 2010 Update Ordinance.

Mr. Demers presented for adoption the Walton County Local Mitigation Strategy 2010 Update Ordinance **(2010-12)**. A Local Mitigation Strategy Plan has been presented to FEMA and the Department of Community Affairs.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt the Walton County Local Mitigation Strategy 2010 Update Ordinance **(2010-12)**. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, C. Jones 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 the Jolly Bay PUD Master Plan and Phase I. This is a major development order application submitted by Preble-Rish, Inc., consisting of the approval of a Master Plan and Phase I consisting of 55 RV units, a 1,500 square foot camp store, a 1,230 square foot laundry and shower facility, and a swimming pool with splash pad area. Future phases will consist of a four-story condominium having 50 units and not exceeding a height of 50 feet, a restaurant, a coffee shop/bakery, a 20 unit bed and breakfast, office, retail, and a 49 slip dock on 60.8 acres with a future land use of rural village. This site is on the south side of Jolly Bay Road, east of Norris Cut-off Road and west of Fluffy Landing Road.

Attorney Dana Matthews, Representative for Jolly Bay, PUD, said that changes have been made to the project since it was first presented. He discussed the changes and procedures followed. He stated that the changes have been approved by staff.

Mr. Chance Powell, Project Engineer - Preble-Rish, discussed the impervious surface and stated that is the same as the original project.

Mr. Mac Carpenter, Planning Department, submitted a Staff Report update and briefly discussed the changes made to the current staff report. He reported that nothing on the ground has changed only the height of the project. Staff finds that the project meets the minimum technical site design standards of the Land Development Code with conditions. Chairman Brannon asked Mr. Carpenter to discuss the specifics of Phase I. Mr. Carpenter stated that Phase I included the RV park, camp store, laundry and showering facility, and swimming pool with splash pad area. The remaining portion is contingent upon conceptual review. He stated that Phase II included the condominium building, additional retail, and the proposed private boat slips. Chairman Brannon asked about improvements to the existing roadways. Mr. Carpenter stated that issue is addressed during Phase II.

Commissioner Comander asked why the installation of a turn lane, from U.S. 331 onto Jolly Bay Road, was not considered during Phase I. Mr. Carpenter stated that the need for a turn lane was not evaluated based on the information submitted. The Engineering Department proposed that a turn lane be included in Phase II technical review.

Chairman Brannon asked if there were any transportation conditions included in Phase I. Mr. Carpenter stated that only Proportionate Fair Share/transportation impact was addressed in the amount of \$121,670. Phase II would be recalculated upon the application submission, but is currently being proposed at approximately \$1 million. Chairman Brannon asked if some of the monies received in Phase I could be used for Jolly Bay Road. Mr. Carpenter stated that the impact fees were designated for U.S. 331. The impact fees for Jolly Bay Road will be evaluated during the Phase II application.

Attorney Matthews stated that the applicant has accepted the conditions stated in the Staff Report. He also said that the marina is not a commercial marina and will not be opened to the public. Commissioner Comander asked if the number of boat slips could be decreased. Attorney Matthews stated that there are 50 condominium units and therefore the current number of slots will be needed.

Mr. Bryan Kellenburger felt that all the neighbors were not correctly notified. He voiced concern with the traffic that will accompany the RV Park. He asked how the pending lawsuits will affect the project. Attorney Hoshihara confirmed that there was current pending litigation with the applicant and stated that there is no settlement agreement. The applicant is presenting the application based on the merits of the project. She discussed the separate lawsuit in which the judge ruled in the county's favor. Attorney Matthews stated that the applicant would dismiss the suits with prejudice and the county would not be required to pay any monies. Commissioner

Brannon asked if that was a condition of the Staff Report. Attorney Matthews stated that it could be added.

Mr. Powell addressed Mr. Kellenburger's comments regarding traffic and adjacent property owner notification. Chairman Brannon asked if a cost analysis had been performed on intersection improvements. Mr. Powell stated that there were none. Traffic engineers felt that a turn lane would not be required for Phase I development but would be required for future phases. He stated that pending DOT improvements for U.S. 331 will include a signalized intersection.

Mr. Douglas Pitts and Ms. Michelle Pitts voiced concern for the increased traffic and how it would affect all the residents on Jolly Bay Road.

Mr. Joe Elmore and Ms. Tyler Elmore spoke in favor of the project. Both felt that it would bring employment opportunities to the county.

Mr. Charles Murphy was sworn in and spoke regarding the project. He felt that the footprint would be smaller if the project could be taller.

Mr. Balkcom spoke in favor of the changes in height and felt that the turn lanes should be addressed during Phase I. He asked how the parking had changed with the lessened height. Mr. Powell stated that the foot print of the original building was mostly parking garage. The parking will be altered to accommodate the shorter condominium building.

Attorney Hoshihara explained to Mr. Murphy that the county had adopted an ordinance that limited building heights to 50 feet.

Commissioner Pridgen asked if the turn lanes could be addressed during Phase I. Attorney Matthews stated that it could not. Discussion ensued regarding the FDOT Plan for future improvements to U.S. 331 and the use of the Proportionate Fair Share for improvements on Jolly Bay Road.

Chairman Brannon asked that the sidewalk buy-out be addressed. Attorney Matthews said that this will be paid in Phase I. Mr. Powell stated that there are no other existing pedestrian facilities on Jolly Bay Road. The amount to be paid was determined by the width of the project, five foot wide sidewalk, and the amount per square foot required by the plan.

Attorney Matthews addressed previous public comments.

Mr. Demers clarified that this is a request for a conceptual approval of a master plan and technical approval of Phase I. The technical approval of Phase II will come back before the Board.

Mr. Pitts stated that there were alternate routes to the site and questioned if one of these had been considered. Mr. Powell stated that patrons would be free to use any route they choose.

Commissioner L. Jones returned to the meeting.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve Jolly Bay PUD Master Plan and Phase I with conditions, add language that current lawsuits would be dismissed with prejudice, and that future phases will be brought back as major development orders.

Commissioner Comander asked if the number of RV slots could be reduced. Mr. Powell stated that the number could be reduced to 50. Attorney Matthews stated that there would be no objection to that decrease.

Chairman Brannon felt that the Proportionate Fair Share funds should be used to improve Jolly Bay Road. Attorney Matthews stated that there would be no objection to that designation.

Commissioner Comander asked when the work would begin. Attorney Matthews stated approximately nine months to one year.

Mr. Demers stated that in regards to the Proportionate Fair Share funds, there are certain rules that have to be followed. He was not sure if it could be used for Jolly Bay Road, but there is a possibility that it could.

Motion amended by Commissioner Pridgen, second by Commissioner C. Jones to include a decrease in the number of RV slots to 50 and use the Proportionate Fair Share funds for Jolly Bay Road improvements.

Commissioner L. Jones added that consideration needed to be given to the applicant should the decrease in lots affect the Proportionate Fair Share. Attorney Matthews stated that he did not have that information and that the engineers could give that estimation.

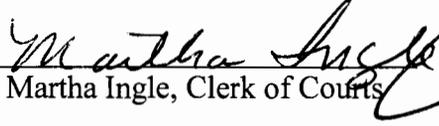
Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.
(Exhibits: Staff Report 1; Updated Staff Report 2; Ex Parte: Brannon)

There being no further items to present, the meeting adjourned at 7:15 p.m.

APPROVED


Scott Brannon, Chair

ATTEST


Martha Ingle, Clerk of Courts