

NOVEMBER 9, 2010 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on November 9, 2010, at 4:00 p.m., at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following Board members were present: Commissioner Larry Jones, Vice-Chair; Commissioner Kenneth Pridgen; Commissioner Cecilia Jones; Commissioner Sara Comander. Mr. Lyle Seigler, County Administrator; Attorney Lynn Hoshihara, Interim County Attorney; and Ms. Martha Ingle, Clerk of Courts; were also present.

Chairman Brannon was not present due to illness.

Mr. Lyle Seigler, County Administrator, led the invocation followed by the Pledge of Allegiance to the American Flag. Vice Chairman L. Jones called the meeting to order.

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

1. Addition: Citizen Services-appoint two commissioners and one staff person to serve on the Small County Coalition
2. Addition: Vice Chairman L. Jones-Septic Tank Legislation discussion
3. Addition: Commissioner Comander- Gulf Eco System Restoration Task Force

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$1,328,143.66
County Transportation	\$ 269,051.08
Fine & Forfeiture	\$1,383,452.55
Section 8 Housing	\$ 328.89
Tourist Dev. Council	\$ 528,242.71

N.W. Mosquito Control	\$ 17,529.46
W. Co. Library	\$ 4,220.07
Solid Waste Enterprise	\$ 331,125.85
Criminal Justice Ed Fund	\$ 50,000.00
Bldg Dept/Enterp. Fund	\$ 2,092.84
Inmate Canteen Fund	\$ 14,452.60
Sheriff Department	\$ 35,000.00
Capital Projects Fund	\$ 39,087.97
Totals	\$4,002,727.68

2. Approve Minutes of October 26, 2010-Regular Meeting
3. Approve to surplus four computers from the Building Department
4. Approve a Resolution (2010-99) to amend the budget for the award of grant funds from FDLE for the 2011 Byrne Memorial JAGC Grant for the Department of Corrections Communications and Uniform Enhancement Project in the amount of \$15,981
5. Approve a Resolution (2010-100) to amend the budget to roll forward revenues and expenditures for projects from FY 2009-2010 into FY 2010-2011
6. Approve 2011 Consolidated Small County Solid Waste Management Grant Agreement

Capt. Joe Preston gave a brief update on the Deepwater Horizon oil spill impact. He announced that a community meeting with BP, Department of Environmental Protection, The U.S. Coast Guard, Department of Agriculture and NOAA would be held on November 11, 2010 at 6 pm at the South Walton Sheriff's Substation.

Commissioner Comander recommended that Mr. Billy McKee, Environmental Engineer, serve on the Gulf Eco Restoration Task Force. She felt that there were other areas of concerns that needed to be addressed. The Board concurred to appoint Mr. McKee.

Vice Chairman Jones asked Capt. Preston to notify the Board of any official appointments or requests.

Mr. Ken Little, Citizen Services Director, requested that two Commissioners and one staff member be appointed to the Small County Coalition.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to reappoint Commissioner L. Jones, Commissioner Comander and Mr. Ken Little to the Small County Coalition. Ayes 4, Nays 0. L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Starskey Harrell, Public Works Director, requested approval on four items related to award Chat Holley Road Improvements (ITB 010-036). He stated that signalization is under design and review, and will be bid out separately. He reported that funding would be available through the Small County Outreach Grant and various other additional funding sources. He requested a Public Hearing be scheduled for December 14, 2010 to roll forward funding. He also requested utilization of \$80,000 from the Sidewalk Fund and requested a letter be sent to FDOT asking for authorization to use Proportionate Fair Share funds.

Motion by Commissioner C. Jones, second by Commissioner Comander, to schedule a Public Hearing for December 14, 2010 to roll funding forward. Ayes 4, Nays 0. L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the utilization of \$80,000 from the Sidewalk Fund for construction of the project's sidewalks. Ayes 4, Nays 0. L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner C. Jones, second by Commissioner Comander, to seek authorization from FDOT to utilize Proportionate Fair Share funds. Ayes 4, Nays 0. L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner C. Jones, second by Commissioner Comander, to award Chat Holley Road Improvements Base Bid (Phases I-IV) and Alternate 2, Alternate 3 (ITB 010-036) to C.W. Roberts, Inc. in the amount of \$3,033,830. Ayes 4, Nays 0. L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Harrell requested approval of the Chair's signature on the proposal from Preble-Rish, Inc. for the Contract Administration and Construction Inspection on Chat Holley Road in an amount not to exceed \$85,000.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the Chair's signature on the proposal from Preble-Rish, Inc. for the Contract Administration and Construction Inspection on Chat Holley Road in an amount not to exceed \$85,000. Ayes 4, Nays 0. L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Aaron Warren, B & W Consulting Engineers, Inc., addressed the proposed Beachview Heights (southern portion) MSBU and county acceptance of roadway maintenance. He requested to continue the MSBU process for the Southern portion of the Beachview Heights to improve roads, install drainage and bury utilities.

Vice Chairman L. Jones stated that the roadways do not meet the Land Development Code standards and felt that the county should not accept them for maintenance until the requirements had been met. He also stated that there were many legal issues that needed to be addressed. Attorney Lynn Hoshihara, County Attorney, stated that public funds are prohibited by Florida Statute to be used to enhance private roadways. She also reported that easement deeds or a court amended order from the Homeowners' Association would be required. She did not recommend taking the roads into maintenance before being brought up to standard. Discussion continued on the issues surrounding county acceptance of substandard roads.

Vice Chairman L. Jones spoke in favor of the project but felt that further legal research was needed. Attorney Hoshihara stated that the assessment could be recalculated to include the cost of bringing the road up to county maintenance standards. Mr. Warren stated that the homeowners understood that the roads needed upgrading prior to county acceptance and asked

that contingent acceptance be granted. Discussion continued regarding Florida Statutes, the non-acceptance of substandard roads and the MSBU process.

Mr. Philip Fleet, homeowner, discussed the substandard roads, the needed easements, and requested that the Board accept the roads on a contingent basis. Attorney Hoshihara stated that the LDC does not address roads within subdivisions, but it has been county policy that Public Works does not recommend, nor that the Board accepts roads not up to county standards. Discussion ensued regarding emergency maintenance of private roads.

Mr. David Kramer and Mr. Tim Pauls spoke regarding the MSBU.

Vice Chairman L. Jones stated that he was not prepared to give quasi approval of the project and asked Attorney Hoshihara to further research possible solutions. Commissioner Comander suggested eliminating the underground utilities from the project to decrease the overall cost for the HOA.

Mr. Fleet stated that Breeze Drive was county maintained and asked how soon it could be paved. Vice Chairman L. Jones stated that Public Works could be directed to review and accelerate the paving.

Mr. Richard (Dick) Loverne presented a proposed ordinance regulating political signs and setting fees for sign distribution and disposal.

Vice Chairman L. Jones stated that there were other local governments with political sign ordinances and asked Attorney Hoshihara to research those documents.

Mr. Bobby Beasley, Supervisor of Elections, stated that there were a lot of legal issues that would have to be addressed. He stated that he did not have the workforce to enforce the ordinance and that it would be a Code Enforcement issue. The Board concurred to take the ordinance into consideration.

Mr. Lyle Seigler, County Administrator, announced that the selection process to fill the position of Assistant County Administrator has been completed. He reported that the committee had selected Mr. Gerry Demers as Assistance County Administrator.

Ms. Dawn Moliterno, Tourist Development Council Executive Director, presented a financial and policy review update. She discussed credit card records evaluation and contract compliance.

Attorney Hoshihara briefly discussed the recommended changes to the TDC Board which included the reappointment of all seats. She stated that these changes would bring the TDC Board into compliance with Florida Statute.

Mr. Maurice Gilbert, TDC Board Chairman, addressed the reviews and recommendations presented by Ms. Moliterno and Attorney Hoshihara. He stated he would take their recommendations to the TDC Board and recommend a unanimous vote of consent.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the TDC Board restructuring recommendations. Ayes 4, Nays 0. L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Commissioner C. Jones and Commissioner Pridgen had no items to present.

Commissioner Comander discussed the need for a Redistricting Committee and requested that the names of recommended individuals be presented at the November 23, 2010 meeting. The Board concurred to present recommendations at the next meeting. Mr. Little stated that he would contact the School Board for their five recommendations.

Vice Chairman L. Jones addressed the recent septic tank legislation passed by the Florida Legislature. He reported that a special session would be held to extend the date of the law's

enforcement to July, 2011. He felt that a letter of support for the extension should be drafted and sent to the Legislature.

Motion by Commissioner Pridgen, second by Commissioner Comander, to draft a letter in support of an extension of the septic tank law enforcement. Ayes 4, Nays 0. L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Vice-Chairman L. Jones stated that the items to be presented by Chairman Brannon would be presented at the November 23, 2010 meeting.

Ms. Sandra Luchtefeld questioned who would be working on the Event House issue. Attorney Hoshihara stated that she and Mr. Demers would continue to work on the project.

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

Ms. Jennifer Christensen, Planning and Development Consultant, presented for second hearing the Walton County Updated Flood Map Ordinance **(2010-15)** amending Section 4.05.03.B. of the Walton County Land Development Code and Ordinance 2010-08; amending the effective date of the Walton County Flood Insurance Rate Map; providing for conflict, severability, and an effective date. She recommended approval.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt the Walton County Updated Flood Map Ordinance **(2010-15)**. Ayes 4, Nays 0. L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Christensen requested that the St. Rita's Catholic Church Developer's Agreement be removed from the agenda. She stated that the issue would be re-advertised to be brought back at a later date.

Motion by Commissioner Comander, second by Commissioner C. Jones, to remove St. Rita's Catholic Church Developer's Agreement from the agenda. Ayes 4, Nays 0. L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Vice Chairman Jones called to order the Public Hearing to discuss the Habitat Conservation Plan (HCP).

Mr. Billy McKee, Environmental Manager, discussed the HCP and the Incidental Take Permit. He also said that a second option would be presented regarding the existing sea walls. Mr. Bob Ernest, Ecological Associates, briefly reviewed the issues surrounding the HCP and Incidental Take Permits. Mr. McKee reviewed the funding issues and options discussed during the last public hearing and stated that the HCP must be funded for 25 years. He felt the best funding source would be to charge each participant a per foot fee during the first three years. A special assessment would be established for the subsequent years. Commissioner Comander clarified that no one is required to participate in the HCP. She felt that arrangements should be available for those who cannot pay the entire amount up front. Commissioner C. Jones felt that the citizens must be considered during these severe economic times. Discussion continued on budgeting the program funding.

Mr. Leonard Anderson spoke against the HCP.

Attorney Tom Tomisello, representative for several property owners, asked that action on the HCP be delayed. He stated that his clients wanted the opportunity to have input into the construction of the HCP and that the HCP should go through an ordinance process. Attorney Hoshihara clarified that the HCP would not be adopted at this meeting. Commissioner Comander asked Mr. McKee to meet with Mr. Tomisello regarding his clients' input.

Mr. Emmett Hildreth spoke in opposition of the HCP.

Ms. Linda Hildreth and Mr. Anderson stated that they had not been given an opportunity to work with the development of the HCP.

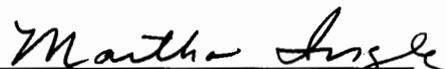
The Board concurred to direct Mr. McKee to bring back a recommended course of action for the HCP to the November 23, 2010 BCC meeting.

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

APPROVED


Scott Brannon, Chair

ATTEST


Martha Ingle, Clerk of Courts