

JANUARY 11, 2011 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, January 11, 2011 at 4:00 p.m., at the South Walton Annex.

The following Board members were present: Commissioner Larry Jones, Chairman; Commissioner Scott Brannon, Vice-Chair; Commissioner Kenneth Pridgen; Commissioner Cecilia Jones; and Commissioner Sara Comander. Mr. Gerry Demers, Assistant County Administrator; Ms. Lynn Hoshihara, County Attorney; and Ms. Martha Ingle, Clerk of Courts, were also present.

Chairman L. Jones called the meeting to order. Commissioner Pridgen led the invocation followed by the Pledge of Allegiance to the American Flag.

Mr. Gerry Demers, Assistant County Administrator, presented the following changes to the agenda for approval:

ADDITIONS:

1. Consent Agenda Item 8. – Approve Letter of Agreement for Walton County Primary Care Grant
2. Administration Item 5.c. – Bridget Ragan and Kitty Whitney – Membership Appreciation Days Resolution **(2011-02)**
3. Administration Item 5.d. – Request from Kim Kirby, DeFuniak Springs City Manager, to approve the amended agreement for the Recreation Complex (Harbeson Field)
4. Administration Item 5.e. – Patriot Flag Day Resolution **(2011-01)**, presented by Ann Haigh
5. Commissioner Comander – Communications Workshop

DELETIONS

1. County Attorney Item 2. – Property located in Darlington
2. Public Works Item 4.d. – Violet Lane and Trout Drive Construction Management and Inspection Services Proposal

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

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	\$ 921,077.23
County Transportation	\$ 851,071.15
Fine & Forfeiture	\$ 15,573.60
Mosq. Control State	\$ 1,098.00
Section 8 Housing	\$ 296.90
Tourist Dev. Council	\$ 705,862.29
N.W. Mosquito Control	\$ 2,176.97
W. Co. Library	\$ 6,222.80
Recreation Plat Fee	\$ 8,630.36
Tax Deed Surplus Trust	\$ 3,107.24
Public Safety- 911	\$ 4,375.00
Solid Waste Enterprise	\$ 491,460.82
Bldg Dept/Enterp. Fund	\$ 178.82
Inmate Canteen Fund	\$ 8,255.66
Capital Projects Fund	\$ 338,390.60
Totals	\$3,357,777.44

2. Approve minutes of December 14, 2010-Regular Meeting, and December 20, 2010-Special Meeting
3. Approve to surplus several items from the Tax Collector's Office
4. Approve to surplus several items from the Fire Rescue Department
5. Approve to surplus several items from the TDC
6. Approve the Federal Election Activities Grant for fiscal year 2010-2011 for the Supervisor of Elections
7. Accept the Division of Emergency Management Grant for Post Disaster Redevelopment Plan and County Specific Training

Ms. Rebecca Pazik, Walton County JobsPlus Center Manager, gave an update on the Non-Custodial Parent/Ex-Offender Grant. She explained that a few months ago they applied for a grant and announced that they did receive the grant for \$119,000 to assist those Non-Custodial

parents in Walton County. She briefly updated the Board on the special projects that are now being implemented at the JobsPlus Center in Walton County.

Mr. Ken Little, Citizen Services Director, requested to appoint Mr. George Bowen and Mr. Richard Armstrong to the Coastal Dune Lake Advisory Board. Their appointment would replace two expiring Advisory Board positions.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to appoint Mr. George Bowen and Mr. Richard Armstrong to the Coastal Dune Lake Advisory Board. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Demers requested that the Board rescind the action taken on November 23, 2010 to award ITB 010-031 Portable Care Fire Simulator and re-bid to obtain equipment with new, higher standard specifications.

Motion by Commissioner Pridgen, second by Commissioner Comander, to rescind the November 23, 2010 ITB 010-031 awarded action as requested. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve a re-bid for new, higher standard specifications equipment for ITB 010-031 as requested. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Brady Bearden, Interim Human Resources Director, presented for second reading and approval, the revision of Policy 11-Annual Leave. The change will remove language requiring employees to take 40/48 hours consecutive leave each calendar year.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the revision of Policy 11-Annual Leave as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Bearden presented for second reading and approval, the revision and update of Policy 16-Sick Leave-Not Job Related. The change addresses the language in the administering of the Sick Leave Pool.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the revision and update of Policy 16-Sick Leave-Not Job Related as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Starsky Harrell, Public Works Director, requested approval to advertise an RFQ for construction engineering and inspection services for the US 331 widening project. He stated that as a part of the Local Agency Program Agreement, the services of an FDOT pre-qualified construction, engineering and inspection firm is required.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve to advertise an RFQ for construction, engineering and inspection services for the US Highway 331 widening project as requested. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Harrell requested permission for the Clerk of Court to collect on the Village at Grayton Beach Phase 1 Letter of Credit if an extension or final inspection release has not been received prior to February 2, 2011.

Commissioner Comander questioned if there has been a determination for the county's liability on these projects. Attorney Hoshihara explained that the county is not required to provide that infrastructure if a Letter of Credit is in default. Chairman L. Jones suggested developing a policy to clearly state that information.

Brief discussion ensued regarding the need to have a policy in place for collection of Letter of Credits. The Board concurred to create a policy.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve the collection of the Village at Grayton Beach Phase 1 Letter of Credit as requested. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Harrell requested approval to obtain bids for an RFQ for GPS tracking software and equipment for seven North Walton Mosquito Control (NWMC) spray trucks. The funds would be transferred from the NWMC operating account to the NWMC capital outlay account.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the request to obtain bids for an RFQ for GPS tracking software and equipment for seven North Walton Mosquito Control spray trucks as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Commissioner Comander questioned Mr. Harrell when construction with the US Highway 331 widening project will begin. Mr. Harrell stated that they are waiting on some approvals, but construction will begin in the near future.

The request to award the Violet Lane and Trout Drive Construction Management and Inspection Services proposal was removed from the agenda.

Ms. Kim Kirby, City Manager of DeFuniak Springs, requested approval of the presented Natural Gas Franchise Agreement. She explained that the agreement establishes the natural gas service area and territory served.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve the Natural Gas Franchise Agreement with the City of DeFuniak Springs as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Demers requested approval of a draft letter to State Legislative Delegation regarding the proposal to exempt owners from the requirement to obtain a permit from the Department of Environmental Protection for seawalls constructed following Hurricane Dennis in 2005.

Attorney Hoshihara suggested clarifying language in paragraph 3 to state that all the requirements must be met, with the exception of eligibility and vulnerability.

Motion by Commissioner Brannon, second by Commissioner Pridgen to approve the letter with suggested language clarification by Attorney Hoshihara.

Mr. Emmett Hildreth urged the board to support the Legislation and stated that the letter will create more issues for beach front property owners.

Mr. Richard Fowlkes spoke in favor of the letter.

Attorney Hoshihara stated that there has been conversation with Mr. Hildreth's attorney and they all agree with the intent behind the bill. However, the language needs to be addressed.

Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Bridget Ragan and Ms. Kitty Whitney requested approval of a Resolution **(2011-02)** declaring January 27 and 28, 2011 as Walton Area Chamber of Commerce Membership Appreciation Days. Ms. Whitney briefly discussed the benefits and programs that have earned money for the area.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt Resolution **(2011-02)** as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Kim Kirby, City Manager for DeFuniak Springs, requested approval of an amended agreement for the Recreation Complex at Harbeson Field. The amendment is to remove the tennis courts from the current Interlocal Agreement for management and operation of the facility.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to amend the agreement for the Recreation Complex at Harbeson Field as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Ann Haigh requested approval of a Patriot Flag Day Resolution **(2011-01)**. She discussed the Patriot Flag and ceremony programs which will be held on Monday, January 17, 2011 at the Publix Shopping Center Complex in Santa Rosa Beach at 10:00 a.m.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to adopt a Resolution **(2011-01)** as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Dawn Moliterno, Tourist Development Council Executive Director, requested approval to amend the contract with LKM Advertising to include website services for Beaches of South Walton through September 30, 2011 at a total cost of \$134,500. She explained their inability to negotiate on terms and the necessity to have an amendment.

Motion by Commissioner, second by Commissioner, to approve the contract amendment with LKM Advertising at a total cost of \$134,500. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno requested to set a public hearing for January 25, 2011 to transfer \$1.3 million from the TDC Administration Marketing Reserves to conduct the Brand Evolution process with LKM. Those reserves are nearing \$11 million, so there is an ample amount available.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve a public hearing to be held January 25, 2011 to transfer \$1.3 million from the TDC Administration

Reserves to conduct the Brand Evolution process with LKM. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno requested authorization to hire a law firm to represent the TDC in a claim against BP. There has been a significant loss of bed tax revenues due to the deep water horizon oil spill. Special Council Attorney Clay Adkinson briefly explained the request to hire a law firm to conduct and file a BP claim. By obtaining outside council the amount and nature of the claim will be calculated by using experts and analysts.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve hiring a law firm to represent the TDC in a BP claim as requested. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno requested approval of a Resolution **(2011-03)** supporting a united recovery plan in regards to oil spill claims. Minor changes were made to protect the bed tax dollars and to allow the TDC to continue to accept BP grants.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to adopt a Resolution **(2011-03)** as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno briefly updated the Board, stating that TDC staff will be in attendance in her place at the second BCC meetings of the month due to a conflict of meeting schedules with the Airport Board. Four workshops will be given on January 19, 2011 to discuss Arts and Culture, Ecotourism, Meetings and Conventions, and Weddings.

Commissioner Comander asked Ms. Moliterno to address the survey information that was performed. Ms. Moliterno explained the Lap Summer Visitor Study that was conducted and that RFP process.

Ms. Jill Hixson questioned why the BP claim law firm was not sent out for bid. Attorney Adkinson explained that the fee is contingent upon the BP claim and the process involved.

Attorney Lynn Hoshihara, County Attorney, discussed the surplus property on Ed Brown Road. She recommended approving the sale of the property to Mr. Lee Perry in the amount of \$575,000 with \$500,000 for reclamation and \$75,000 in dirt.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the sale of the surplus property on Ed Brown Road to Mr. Lee Perry as requested. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

The request regarding the Darlington Fire Station property was removed from the agenda.

Chairman L. Jones called to order the Public Hearing to consider a Resolution **(2011-04)** to amend the budget for the County Transportation Trust fund transferring \$1,290,940 from reserves for fiscal year 2010-2011.

Chairman L. Jones asked for public comment.

There was no public comment.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to adopt a Resolution **(2011-04)** as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Demers requested to continue the Public Hearing to consider an Ordinance setting forth the County Administrator's roles and responsibilities to the February 8, 2011 meeting.

Motion by Commissioner Pridgen, second by Commissioner Comander, to continue the Public Hearing to consider the County Administrator's Ordinance to the February 8, 2011 meeting as requested. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Commissioner C. Jones requested that a public hearing be scheduled to consider amending the Parking Ordinance (2003-15).

Attorney Hoshihara discussed the existing parking regulations. Some of the regulations are outdated and the proposed draft further clarifies the citation process, tow away zones, and specific no parking areas. These areas have been modified to meet statute regulations.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve a public hearing to be held on February 8, 2011 to consider amending the Parking Ordinance.

Ms. Martha Hillar strongly urged the board to consider language changes for persons with disabilities.

Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Commissioner Comander discussed the need for a communication workshop to discuss Fire Station and Sheriff's Department communication needs.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve a Communications Workshop to be set in the near future. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Commissioner Pridgen had no items to present.

Commissioner Brannon had no items to present.

Chairman L. Jones had no items to present.

Chairman L. Jones asked for additional public comment.

Mr. Bob Sullivan expressed concern and encouraged the board to address the parking issues on Scenic Gulf Drive.

Ms. Sandy Luchtefeld expressed concern with the proper use of residential properties. Attorney Hoshihara stated that the Certificate of Land Use Ordinance will be brought before the Board on February 8, 2011 for direction.

Mr. Bob Hudson commented that there has been a decline in items on the website for review and asked that those documents be provided to reduce confusion for the public. He also asked for TDC information regarding their approval process and expressed concern with TDC procedures.

Ms. Moliterno explained the TDC applications for Board members are being reviewed to make sure they meet state statute qualifications. The first meeting will be held in March. All TDC workshops have been open to the public with all the information provided on the TDC website for review.

Chairman L. Jones called to order the Public Hearing to discuss the Habitat Conservation Plan (HCP) and approve to submit the HCP document to the US Fish & Wildlife for review.

Mr. Billy McKee discussed the HCP and requested a motion to approve the draft HCP to be submitted, as presented or with changes, to the US Fish & Wildlife for review. This draft does incorporate the issues that have been brought to attention throughout the workshops. He briefly discussed the importance of a unified mitigation process and the funding process.

Commissioner Comander commented that a \$100 fee is extremely reasonable, but feels the need for people to have the option to pay up front or with a payment plan.

Chairman L. Jones clarified that the HCP is a volunteer program. Mr. McKee confirmed.

Brief discussion ensued regarding the strictly volunteer program and the approval process.

Chairman L. Jones asked for public comment.

Several audience members spoke in opposition and support of the presented Habitat Conservation Plan.

Chairman L. Jones closed public comment.

Mr. Demers requested to allow staff to make final adjustments to the funding section for clarification.

Motion by Commissioner Pridgen, second by Commissioner Comander, to submit the HCP to the US Fish and Wildlife for review as requested. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

The meeting recessed at 5:33 p.m. and reconvened at 5:50 p.m.

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

Ms. Jennifer Christensen, Planning and Development Services Consultant, presented The Grove by the Sea 3rd Addition Replat, a minor replat of lot 27 for the single and sole purpose of changing the 50 foot wetland buffer as shown in the original plat to a 25 foot wetland buffer. The lot is .27 acres and has a future land use of NPA-RP. The site is located at 294W. Andalusia Avenue. She recommended approval.

Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report.

Chairman L. Jones asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve The Grove by the Sea 3rd Addition Replat. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye. **(Exhibits: Staff 1)**

Ms. Christensen presented for first Public Hearing the Alys Beach Developers Agreement, a developer agreement proposed by Alys Beach consisting of an agreement between Alys Beach PUD and Walton County for the payment of the Proportionate Fair Share. She recommended a second public hearing be held on February 8, 2011.

Chairman L. Jones asked for public comment.

There was no public comment.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve a second hearing for the Alys Beach Developers Agreement to be held on February 8, 2011. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye. **(Exhibits: Staff 1)**

Ms. Christensen presented 723 Whiskey Bravo major development application submitted by Moore-Bass Consulting, consisting of a 5,748 square foot restaurant, a 316 square foot addition to the existing commercial building, and the renovation of the existing commercial cottages. The project is on 1.16 acres, with a future land use of NPA-RP. The site is located at 3031 East C.R. 30A.

Mr. David Smith, Moore-Bass Consulting Engineer, discussed the project in detail including: location, parking, access connections, landscaping, and a traffic analysis.

Commissioner Brannon questioned the addition of square feet to the existing building. Mr. Smith stated that the restaurant building foot print is 4,225 on the lower level and a roof platform that is 1,448. Commissioner Brannon questioned if the structure will remain in the current footprint or be expanded. Mr. Smith stated that the footprint is not exactly the same. Commissioner Comander clarified that the building will be moved back. Mr. Smith confirmed stating that the current building does not meet the setback requirements.

Attorney Ken Goldberg, representative of Mr. Skip and Ms. Victoria Moore, spoke in favor of the project and discussed the existing square footage and county maintained roadways.

Brief discussion ensued regarding the locations of parking and access for the business.

Attorney David Theriaque, representative of Mr. Russell Ethridge, spoke in opposition of the project.

Lengthy discussion and testimony ensued regarding the building footprint, building height, land use designation, covenants and restrictions, traffic congestion, and roadway constrictions.

Ms. Shelly Johnson gave a brief history of the property since the 1970s.

Chairman L. Jones asked for public comment.

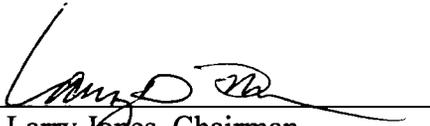
Several audience members spoke in opposition and support of the major development order application as presented.

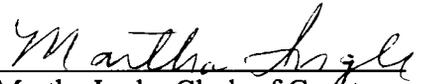
Chairman L. Jones closed public comment.

Commissioner Comander suggested allowing the Public Works Department to have time to recommend traffic solutions.

Motion by Commissioner Comander, second by Commissioner Brannon, to continue the 723 Whiskey Bravo major development application request to the February 8, 2011 meeting. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye. **(Exhibits: Staff 1, Petitioner 2-4, Respondent 5-13) (Ex Parte: Brannon, C. Jones, Comander, Pridgen)**

There being no further items to present, the meeting adjourned at 8:11 p.m.

APPROVED 
Larry Jones, Chairman

ATTEST 
Martha Ingle, Clerk of Courts