

## FEBRUARY 8, 2011 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on February 8, 2011 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, Chair; Commissioner Scott Brannon, Vice-Chair; Commissioner C. Jones; Commissioner Sara Comander. Mr. Gerry Demers, Assistant County Administrator; and Attorney Lynn Hoshihara, County Attorney; were also present. (Commissioner Kenneth Pridgen was not present do to a death in his family.)

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

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

1. Addition: Consent Agenda 14-approve Change Order No. 6 River Road Boat Ramp Improvements
2. Addition: Consent Agenda 15-Approve Proposal for Design, Contract Administration and Construction Inspection for Phase II of Helen McCall Park
3. Addition: Administration 2b-Approve 2011-12 Federal Agenda list of appropriation priorities
4. Addition: Administration 2c-Informational items:
  - a. Department re-organization
  - b. Institute for Senior Professionals (ISP) to assist in budget process
5. Addition: County Attorney 2-Approve to advertise RFP for Specialized Legal Services related to BP Claims
6. Addition: County Attorney 3-Update on Bark Park
7. Addition: County Attorney 4-Physicians Contract for Department of Corrections

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

1. Approve Expenditure Approval List (EAL)	
General Fund	\$ 2,173,370.16
County Transportation	\$ 351,539.01
Mosq. Control State	\$ 1,547.31
Section 8 Housing	\$ 625.20
Tourist Dev. Council	\$ 116,425.37
N.W. Mosquito Control	\$ 999.89
W. Co. Library	\$ 4,678.40
Solid Waste Enterprise	\$ 226,574.58
Bldg Dept/Enterp. Fund	\$ 519.78
<u>Inmate Canteen Fund</u>	<u>\$ 6,886.00</u>
Totals	\$ 2,883,165.70

2. Approve Minutes of January 25, 2011 Regular Meeting
3. Approve a **Resolution 2011-08** to amend the budget for the unanticipated grant funds from the Division of Forestry for the Volunteer Fire Assistance Grant for Walton County Fire Rescue in the amount of \$3,177.00
4. Approve a **Resolution 2011-09** to amend the budget for unanticipated grant funds for the Economic Development CDBG Grant for Dixie RV Superstore in the amount of \$750,000.00
5. Approve a **Resolution 2011-10** to amend the budget for the Red Bay Fire Department Capital Project in the amount of \$111,630.00
6. Approve Amendment No. 1 with Northwest Florida Water Management District Agreement No. 10-009 for repair and improvements to River Landing and Dead River Recreation Areas
7. Approve proposal from Preble-Rish Inc. for Contract Administration and Construction Inspection on the Dead River Park Contract
8. Approve Amendment No. 2 to the Agreement for Disaster Response with Crowder Gulf Venture, Inc.
9. Transfer \$10,000 from North Street Boat Ramp to Four Mile Creek to complete punch list items and signage from District 1 Recreational Plat Fee funds
10. Transfer \$7,000 from District 1 Recreational Plat Fee funds for the Red Bay Community Center Project
11. Accept the Expenditures Audit Report submitted by the Clerk's Office for the Planning and Development Services Division
12. Approve the State-Funded Sub-grant Agreement #11-CP-03-01-76-01-000 with the State of Florida, Division of Emergency Management
13. Approve an Interlocal Agreement with the City of DeFuniak Springs concerning the First National Bank Clock

14. Approve Change Order No. 6-River Road Boat Ramp Improvements (relating to item 6)
15. Approve Proposal for Design, Contract Administration and Construction Inspection for Phase II of Helen McCall Park

Mr. Starskey Harrell, Public Works Director, requested approval of a proposal from Preble-Rish Inc. for Engineering, Surveying and Construction, Evaluation and Inspection Services for CR 280 Small County Outreach Program (SCOP) Agreement. The costs will be reimbursed by FDOT out of the funds allocated for the project.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve the proposal from Preble-Rish, Inc. as presented. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Ms. Jennifer Christensen, Planning and Development, requested to advertise for a Public Hearing to be held March 1, 2011 at 5:00 P.M. in the Walton County Courthouse located in DeFuniak Springs to adopt the EAR Based Amendments.

Motion by Commissioner Comander, second by Commissioner C. Jones, to advertise for a Public Hearing to be held March 1, 2011 at 5:00 P.M in the Walton County Courthouse located in DeFuniak Springs to adopt the EAR Based Amendments. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Mr. Demers presented the 2011-12 Federal Agenda List of Appropriations priorities for approval. He requested direction to the ranking of the items. Commissioner Comander questioned if grants were available to fund the eradication of cogon grass. Mr. Demers stated that Mr. Billy McKee, Environmental Manager, is working on that issue. Commissioner Brannon stated that with the Federal Highway Bill coming before the Transportation Committee, it is crucial that lobbying be done for the widening of Highway 331. Commissioner C. Jones felt that

this project is most important due to Walton County having the second lowest evacuation time in the State.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the 2011-12 Federal Agenda List of Appropriations as presented. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Mr. Demers reported that the Support Services Division has been created within the Human Resource Department. The division will include the following departments: Animal Control, GIS, Recreation, and Fire/Rescue. Ms. Lynda Robinson has been named as HR Manager and Mr. Brady Bearden has been appointed as the Support Services Division Director.

Mr. Demers reported that Administration has met with the Institute for Senior Professionals (ISP) to begin looking at the budget process.

Mr. Demers reported that Mr. Mark Kelly has been appointed as the Veteran Service Officer.

Mr. Dave Sell, Tourist Development Council, requested to Award ITB #11-008 – Lupin Beach Access to Decks & Such in the amount of \$160,125.05. He stated that the lowest submitted bid was disqualified and another bidder had a low credit rating. He said that funding would be through the development agreement.

Motion by Commissioner Brannon, second by Commissioner Comander, to Award ITB #11-008 – Lupin Beach Access to Decks & Such in the amount of \$160,125.05. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Mr. Sell requested to Award ITB #11-006 – Rebuild Shell Seekers, Beachwood Villas and Sea Breeze beach accesses to Backwood Bridges, as second lowest bidder. He stated that the lowest bidder had been disqualified by Central Purchasing.

Motion by Commissioner Comander, second by Commissioner C. Jones, to award ITB #11-006 – Rebuild Shell Seekers, Beachwood Villas and Sea Breeze beach access to Backwood Bridges. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Ms. Dawn Moliterno, TDC Executive Director, submitted a list of eligible candidates to fill the vacant TDC Advisory seats. She asked that the Board submit their recommendations by proxy. It was announced after the votes were tallied that the following individuals would be presented for appointment: Ms. Amy Wise, Seat 4; Ms. Suzanne Harris, Seat 5; Mr. Richard Veldman, Seat 6; Mr. Scott Russell, Seat 7; Mr. Gus Andrews, Seat 8; and Mr. Stephen Hillard, Seat 9.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the TDC Advisory Council Seat appointments as presented. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno requested approval of a one-year agreement between the TDC and the E.O. Wilson Biophilia Center at Nokuse promoting the Center which allows visitor access by opening it up to the public.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the E.O. Wilson Biophilia Center agreement as presented. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno requested approval of the 2011-2012 BSW Event Sponsorship Program which awards funding to multiple events that promote tourism throughout the county.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve the 2011-2012 BSW Event Sponsorship Program. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno gave a brief update on TDC activities.

Attorney Lynn Hoshihara, County Attorney requested to schedule a Public Hearing for March 8, 2011 to consider the Certificate of Land Use Compliance Ordinance. This ordinance addresses short-term rentals.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve to schedule a Public Hearing for March 8, 2011 to consider the Certificate of Land Use Compliance Ordinance. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Attorney Lynn Hoshihara, County Attorney, requested to advertise a RFP for specialized legal services related to BP claims.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve to advertise for a RFP for specialized legal services related to BP claims. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Attorney Hoshihara gave a brief update on the Bark Park.

Attorney Hoshihara reported that Dr. Sheppard has had a medical emergency and is temporarily unable to uphold his duties as Walton County Jail Medical Director. Attorney Hoshihara recommended that an agreement with Doctor's Medical Center of Walton County, P.A. be approved to allow Dr. Howell to provide as-needed medical care in the absence of Dr. Sheppard. She stated that the contract is for a one year term.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve the Physician Services Agreement as presented.

Chairman L. Jones questioned if other physician's were interested. Attorney Hoshihara stated that Dr. Howell was the only one available and interested in serving on such short notice. She reported that Dr. Howell currently serves as EMS Medical Director. Chairman L. Jones

questioned whether the EMS Medical Director contract could be amended to expand his services to include the jail on an as needed basis. Attorney Hoshihara stated that the EMS Medical Director position is an appointed position not a contractual position but the Letter of Agreement can be expanded. Chairman L. Jones felt that the contract should be approved on a temporary basis until the appropriate process can be followed to enter into a year long agreement.

Motion amended by Commission C. Jones, second by Commissioner Brannon to approve the Physician Services Agreement for 60 days. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Chairman L. Jones called to order the Public Hearing to consider the proposed amended Parking Ordinance (2011-01).

Ms. Martha Heller spoke in regards to the Parking Ordinance. She requested that the language on pages 6 and 18 state “persons with disabilities” rather than “disabled persons”. She also expressed her gratitude for the changes that had been implemented.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the Parking Ordinance with the changes to the language as requested by Ms. Heller. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Chairman L. Jones called to order the continued Public Hearing to consider the proposed County Administrator Ordinance.

There were no public comments.

Commissioner Comander would like to see the issue tabled until a new County Administrator has been appointed. Chairman L. Jones felt that this was the most appropriate time to address this ordinance. Commissioner Brannon questioned if the current job description would be mirrored or replaced with the ordinance. Attorney Hoshihara stated that the ordinance was

more enhanced and expanded than the job description. Discussion continued on the differences between the job description and the ordinance.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to remove from the agenda the County Administrator Ordinance and revisit the issue at a later date. Ayes 3, Nays 1. L. Jones Nay, Brannon Aye, C. Jones Aye, Comander Aye.

Chairman L. Jones called to order the continued Public Hearing to consider the proposed amendment to the Driving on the Beach Ordinance. Attorney Hoshihara briefly discussed the details of the proposed ordinance and the changes made since the last public hearing. Discussion ensued regarding the annual permit application process. Commissioner Brannon voiced concern that registered voters had been removed from the ordinance.

Commissioner Comander asked when the permits expired. Attorney Hoshihara stated June 1. Commissioner Comander felt that the ordinance needed clarification regarding the expiration date.

Chairman L. Jones requested that the language in Paragraph C, Page 2 be changed to state "selected" rather than "winner."

Many citizens voiced concern that those who were previous permit holders would not be allowed to regain their "grandfathered" status under the new ordinance. Others voiced concern that citizens who did not own property and were full time residents of Walton County would be unable to submit an application for a permit. One citizen felt that out-of-state permit holders should be charged a higher fee.

Attorney Hoshihara stated that comments had been received asking to allow for more than one trailer permit. She recommended deleting "one boat trailer each year" from the language

Citizens were instructed to contact the County Attorney if they were able to produce valid proof to reinstate their grandfathered permits.

After much discussion, the Board concurred to re-insert “and Registered Voters” into the language in Section 2:22-57 (d)(i).

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve the Beach Driving Ordinance (2011-02) with the changes as follows: 1. Change “winner” to selected; 2. Delete “one boat trailer each year”; and 3. Re-insert “and Registered Voters.” Ayes 3, Nays 1. L. Jones Nay, Brannon Aye, C. Jones Aye, Comander Aye.

Commissioners C. Jones and Brannon had no items to present.

Commissioner Comander introduced Mr. Art Miller, Retired Senior Volunteer Program (RSVP). Mr. Miller stated that there was a group of people wanting to start a volunteer program and discussed the different areas of volunteer service. Mr. Bill Whitkey, Okaloosa County RSVP, discussed the RSVP program and its activities. Commissioner Comander felt that to begin the volunteer program in Walton County a memorandum of understanding is needed between the county and the RSVP.

Chairman L. Jones discussed the County Administrator position and questioned which direction the Board wished to take in filling the Administrator position. After much discussion, the Board concurred to advertise the position for thirty days; instruct Mr. Seigler to continue as County Administrator and Mr. Harrell as Public Works director until a new Administrator could be appointed; and consider an application review process to be discussed at the next meeting.

Mr. Bob Sullivan, Scenic Gulf Drive Initiative, thanked the Board and all involved for the Parking Ordinance. He felt the ordinance would help to resolve the issues on Scenic Gulf Drive.

Mr. Richard Veldman voiced concern with need for expanded garbage pick up schedules for single family homes in southern Walton County. Commissioner Brannon asked if a meeting had been held with staff. Mr. Veldman stated that he had been in contact with Commissioner C. Jones and with Waste Management. He was told that an expanded schedule would begin in 2011. Ms. Moliterno stated that the TDC was aware of the concerns and had instructed the disposal company to contact the bed tax collectors for information.

There being no further items to discuss, the meeting recessed at 5:53 p.m. and reconvened at 6:05 p.m.

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

Chairman L. Jones requested that the Liberty Fire Station issue be presented first.

Ms. Jennifer Christensen, Planning and Development Consultant, presented Liberty Fire Station, a major development application submitted by Preble-Rish, Inc., consisting of 8,000 square feet of Volunteer Fire Station, on 4.83 acres, with a future land use of rural village. The site is on the northeast corner of U.S. Hwy 90 and Beech Road, adjacent to the Walton County Public Works building. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the Liberty Fire Station major development application. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Ms. Christensen presented the Alys Beach Developers Agreement, an agreement between Alys Beach PUD and Walton County for the payment of the Proportionate Fair Share. Staff

found the agreement consistent with the development orders, the Land Development Code and Comprehensive Plan.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve the Alys Beach Developers Agreement. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Ms. Christensen requested that the Miramar Beach Cottages Retreat Re-plat be removed from the agenda.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve the removal of the Miramar Beach Cottages Retreat Re-plat from the agenda. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye.

Ms. Christensen presented for continued hearing 723 Whiskey Bravo a 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 1.17 acres, with a future land use of NPA-RP. The site is located at 3031 East C.R. 30A. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission.

Mr. Chance Powell, Preble-Rish, Inc., briefly discussed the traffic solutions as recommended by Staff. Attorney Ken Goldberg, Attorney for the Petitioner, stated that the developers have agreed to the easement recommended by Staff. Discussion ensued regarding one-way traffic through the parking area.

Attorney David Theriaque, Attorney for Mr. Russ Etheridge, Respondent, briefly discussed the project and presented evidence that supported denial.

Attorney Ken Goldberg, Attorney for the Petitioner, briefly discussed the project and presented evidence supporting approval.

Public comment was closed at the last hearing.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve 723 Whiskey Bravo with recommendations by Public Works regarding traffic and parking. Ayes 4, Nays 0. L. Jones Aye, Brannon Aye, C. Jones Aye, Comander Aye. **(Exhibits: Staff: Report 1, 13; Respondent: 2-5; Petitioner: 6-12)**

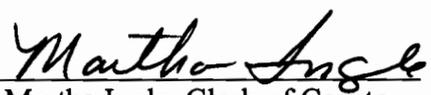
There being no further items to submit, the meeting was adjourned at 7:00 p.m.

APPROVED

  
~~Larry Jones, Chair~~

Scott A. Brannon

ATTEST

  
Martha Ingle, Clerk of Courts