

NOVEMBER 10, 2008 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Monday, November 10, 2008, at 4:10 p.m., at the South Walton Annex.

The following Board members were present: Commissioner Larry Jones, Chairman; Commissioner Sara Comander, Vice-Chair; Commissioner Scott Brannon; Commissioner Kenneth Pridgen; and Commissioner Cindy Meadows. Mr. Ronnie Bell, County Administrator; Mr. Mike Burke, County Attorney; and Ms. Martha Ingle, Clerk of Courts, were also present.

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

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve the Consent Agenda as follows. Ayes 5, Nays 0. Jones Aye, Comander Aye, Pridgen Aye, Brannon Aye, Meadows Aye.

1. Expenditure Approval List (EAL)

General Fund	\$	500,629.23
County Transportation	\$	943,889.99
SHIP	\$	42,620.00
Mosq. Control State	\$	260.00
Section 8 Housing	\$	421.11
Tourist Dev. Council	\$	224,434.84
N.W. Mosquito Control	\$	24,929.14
W. Co. Library	\$	18,361.87
Recreation Plat Fee	\$	15,819.00
Public Safety- 911	\$	18,355.63
Solid Waste Enterprise	\$	533,001.26
Bldg Dept/Enterp. Fund	\$	1,533.70
Capital Projects Fund	\$	248,374.36
Totals	\$	2,572,630.13

2. Minutes: September 15, 2008 Special Meeting and October 28, 2008 Regular Meeting
3. Approve to surplus one International Bus from the Walton County Board, one Pro-Curve Switch and one Bay Ethernet Router with Software from the Walton County State Attorney's Office

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4. Approve Investment Report for Quarter Ended September 30, 2008
5. Approve Memorandum of Agreement for Rabies Control Activities between Walton County Health Department of Animal Control
6. Approve Records Disposition Request
7. Approve DEP LP6109 Amendment #4 Bay Loop Road Storm Water Restoration Agreement
8. Approve FEMA/State PA Funding Agreement for Tropical Storm Fay
9. Approve to designate \$100,000 from District 5 Recreation Plat Fees to complete Mack Bayou/Driftwood Park

Mr. Ronnie Bell, County Administrator, stated that he had received a letter from Sheriff Johnson and a letter of support from Sheriff elect Michael Adkinson requesting realignment of \$50,000 from capital outlay to personal services in the 2008-09 Sheriff's budget. This would facilitate the hiring of a transition team for Sheriff elect Adkinson. A total of \$12,500 would apply to the November payroll budget and \$37,500 would apply to the December payroll budget.

Chairman Jones clarified that these funds exist in the budget and the request is not for a budget amendment or additional funds. He stated that because there is an outgoing Sheriff and a Sheriff elect, both are precluded from making this change without Board action.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve realignment of \$50,000 from capital outlay to personal services in the 2008-09 Sheriff's budget. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Aaron Warren, Assistant County Engineer, stated that he had spoken with Mr. Taylor Bunch regarding the approval to allow the developer of Sawmill Court to landscape the county easement on Sue In. Mr. Bunch was seeking a developers

agreement so they will be working through that issue. Chairman Jones clarified that no action was needed at this time. Mr. Warren confirmed.

Mr. Bell stated that the Bay Loop Road Bike Path has been removed from the agenda at this time and will be presented at the November 25, 2008 meeting.

Mr. Bell presented from the Public Works Department, a Walton County Central Landfill proposal from Preble-Rish for remedial process optimization (RPO) and contamination assessment – Class III Waste. He stated that the total cost of the contamination assessment of the Class III Waste site would not exceed \$29,469 and would include putting in four wells and samples. He stated that this is part of the contamination assessment report provided to DEP.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve a contamination assessment, not to exceed \$29,469, to put in four wells and sample the Class III Waste site. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell stated that the remedial process optimization is part of the contamination assessment update plan on the older 40 acre portion of the landfill. He stated that two wells have quit working and they are contracting with Preble-Rish to come up with a plan to mitigate that on the contamination assessment, not to exceed \$36,550.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve a remedial process optimization, not to exceed \$36,550, to mitigate the contamination assessment plan for the older 40 acre portion of the landfill. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell presented from the Administration Department, a request to approve a contract renewal with the Ferguson Group, Federal Lobbying Firm. The current agreement is due to expire on November 30, 2008 and the renewal contract would be the same terms and conditions provided in the existing contract.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve a contract renewal with the Ferguson Group, Federal Lobbying Firm. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Attorney Mike Burke, County Attorney, requested action to correct a scrivener's error in Ordinance 2008-36. He stated that the adopted ordinance had the wrong date and should reflect an ending date of May 27, 2009.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve correction of Ordinance 2008-36 to reflect an ending date of May 27, 2009. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Attorney Burke requested permission to file an injunction to enjoin Mr. Thomas Hicks from continuing mining operations on his property located off of Ed Brown Road. He stated that a timeline of the Hicks Borrow Pit has been prepared by the Code Enforcement Office. The county has exhausted all efforts through Code Enforcement, and now seeks court assistance to get Mr. Hicks to comply to the Code Enforcement order, Land Development Code, and the Walton County Comprehensive Plan.

Mr. Rhodes, Attorney of Mr. Hicks, questioned if Mr. Hicks would need to respond to the November 20, 2008 Code Enforcement Hearing if the Board proceeds with an injunction. Attorney Burke stated that Mr. Hicks would not need to attend that hearing for this reason.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve filing an injunction to enjoin Mr. Hicks from continuing mining operations on his property located on Ed Brown Road along with the recommendations of the County Attorney. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Attorney Burke presented an update on the Flowersview property. He stated that he met with Mr. Allen Brown, Interim Public Works Director, to discuss their findings. They both agreed that this was a flip-flop of a legal description. He stated that he would work with Mr. Brown, the Flowersview Community, and Mr. Bradley to straighten this out and will report back to the Board at a later time.

Attorney Burke stated that Commissioner Brannon asked about coastal armoring applications and processes, but he is not ready to answer those questions. He stated that he would like to bring that information back to the Board on the November 25, 2008 meeting.

Commissioner Meadows presented an update on the Florida Scenic Highway Implementation Plan. She stated that the project is underway and the Friends of 30A are overseeing the project. She stated that Commissioner Cecilia Jones and Commissioner Brannon's offices will be involved with the project along with Ms. Jennifer Saunders who will be the coordinator. A meeting will be held November 12, 2008 at 5:00 p.m. and the meetings will carry out the plans to apply for grants and begin the projects.

Commissioner Meadows expressed her appreciation to the county and stated it has been an honor serving Walton County.

Commissioner Comander stated that she had received many phone calls from beach vendors needing surveys and suggested working with GIS to find a more simple solution. Ms. Blackshear stated that they are currently trying to find a more simple solution and would be happy to discuss the issues with Commissioner Comander.

Commissioner Pridgen requested an RFP for an appraisal of the Natural Bridge property. He stated the Natural Bridge property would be an asset to the county and stated it should be protected.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve an RFP for an appraisal of the Natural Bridge property. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Commissioner Brannon had no items to present.

Chairman Jones stated that Mr. Mike Helton was a member of the City Council for 31 years and suggested preparing a resolution in honor of him for approval at the next meeting.

Chairman Jones, on behalf of the Board, expressed appreciation of Commissioner Meadows' help and service during her term.

Chairman Jones asked for additional public comment.

There was no public comment.

The meeting recessed at 4:20 p.m. and reconvened at 5:08 p.m.

Ms. Pat Blackshear, Planning and Development Director, stated that the Comprehensive Plan Amendments have been removed from the agenda.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve continuing the Black Creek Plantation PUD to the December 9, 2008 meeting. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve continuing the Tiger Joint Ventures Petition for Abandonment to the November 25, 2008 meeting. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear requested authorization to collect an amount of \$6,352.50 from the Costa Carina, LLC letter of credit before it expires on November 27, 2008. Costa Carina, LLC decided to construct the project sidewalks after home construction has been completed, and those improvements have not been completed.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve collecting \$6,352.50 from the Costa Carina, LLC letter of credit before expiring on November 27, 2008. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear requested permission to advertise for a public hearing to replace Ordinance 93-12 and sections 6-66 through 6-72 of the Walton County Code of Ordinances; and modify Ordinance 2003-16 and section 6-111 of the Walton County Code of Ordinances. This ordinance will update the Walton County Code of Ordinance on licensing of construction contractors, and amend the composition of the Contractor Competency Board.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve advertising a public hearing to replace Ordinance 93-12 and sections 6-66

through 6-72 of the Walton County Code of Ordinances; and modify Ordinance 2003-16 and section 6-111 of the Walton County Code of Ordinances. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

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

Ms. Linda Shelley, Attorney of Fowler White Boggs Lawfirm, presented a less-than-minor development order application on behalf of Silver Sands J.V.P., requesting an amendment to their previously approved development of regional impact development order. The purpose of the amendment is to correct a scrivener's error in the development order, update references that are outdated, and extend the phase, build out, and termination dates by three years pursuant to state law. The site consists of 51.7 acres with a future land use of coastal center mixed use, and is located at 10562 West Emerald Coast Parkway. She stated that as they move forward with potential future development it would be proper to clarify the scrivener's error. The language originally indicated that 5.34 acres was thought to be wetlands but FDEP has issued a letter stating that it is not jurisdictional wetlands. They have updated the development order to state the 2007 statutes and an automatic three year extension if under construction. Ms. Shelley also stated that this issue would not need to go through the Notice of Proposed Change (NOPC) process because the entitlements of the development order are not increasing, but simply changing the scrivener's errors and making some clarification changes. Another issue is the indication that a Panhandle Lilly might be located on the 5.34 acres. She stated that staff has been provided with an Environmental Assessment that states the Panhandle Lilly is not likely to be located in that area, but if one is discovered they are

allowed under the Department of Agriculture and Consumer Services to relocate the plant in coordination with staff. Silver Sands has been working with FDOT to make sure ingress and egress from the site along with the flow of traffic around the site is safe. Ms. Shelley pointed out on the last page of the handout, Exhibit M, language would change from isolated non-jurisdictional wetlands to non-FDEP jurisdictional wetlands. Also, the hearing date would be changed from October 28, 2008 to November 10, 2008 to reflect when the hearing occurred.

Chairman Jones clarified that the 5.34 acres will be recognized as uplands, any development there will be within what has been approved or will go through an NOPC process, and no entitlements will be expanded. Ms. Shelley confirmed. Ms. Blackshear clarified that anything past phase eight identified in the document would come before the Board. Ms. Shelley confirmed that it would.

Chairman Jones asked for public comment.

There was no public comment.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve Resolution **(2008-101)** as presented with suggested changes. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. **(Exhibits: Staff 1-2, Petitioner 3)**

Ms. Blackshear presented, from Wes Powers of Gilly Development, a request for a one-year extension of an already approved major development order issued October 2007. The development order approved demolition of a 285 foot tower, and reconstruction of a replacement tower on a separate parcel located behind Sacred Heart

Hospital. Parcel number 25-2S-21-42000-012-0000 is located on Goldsby Road north of U.S. Highway 98.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve a one-year extension of a major development order issued October 2007 for demolition of a 285 foot tower and reconstruction of a replacement tower located behind Sacred Heart Hospital. **(Exhibits: Staff 1)**

Chairman Jones asked for public comment.

There was no public comment.

Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

There being no further business, the meeting was adjourned at 5:20 p.m.

APPROVED _____
Larry Jones, Chair

ATTEST _____
Martha Ingle, Clerk of Court