

OCTOBER 14, 2008 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, October 14, 2008, at 4:10 p.m., at the South Walton Annex.

The following Board members were present: Commissioner Larry Jones, Chairman; Commissioner Scott Brannon; Commissioner Kenneth Pridgen; and Commissioner Cindy Meadows. Mr. Ronnie Bell, County Administrator, and Mr. W.C. Henry, County Attorney, 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.

Commissioner Meadows presented a certificate to the volunteers that served on committees during her term as Commissioner: Mr. Ken Vogel, Zoning Board of Adjustments; Mr. Dave Lovell, Recreation Board; Mr. Bo Rutledge, Recreation Board; Ms. Vicki Kitahara, Library Advisory Board; Mr. Leonard Anderson, Community Development Advisory Committee; and Mr. Tom Patton, District 5 Planning Commission Representative.

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

1. Expenditure Approval List (EAL)

General Fund	\$	2,298,394.71
County Transportation	\$	638,189.69
SHIP	\$	79,511.00
Fine & Forfeiture	\$	1,100,674.00
Section 8 Housing	\$	139,678.63
Tourist Dev. Council	\$	868,544.47
N.W. Mosquito Control	\$	33,770.15
W. Co. Library	\$	26,536.98
Recreation Plat Fee	\$	97,370.27
Public Safety- 911	\$	26,009.21

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Solid Waste Enterprise	\$	650,485.70
Bldg Dept/Enterp. Fund	\$	4,019.14
Imperial Lakes MSBU	\$	2,765.91
Driftwood Debt Service	\$	15,200.00
Capital Projects Fund	\$	188,806.34
Totals	\$	6,169,956.20

2. Minutes: September 15, 2008 Budget Hearing; September 29, 2008 Budget Hearing; September 22, 2008 Special Meeting and September 23, 2008 Regular Meeting
3. Authorize and Direct the Value Adjustment Board and the Property Appraiser to certify and extend the 2008 tax roll prior to the completion of the VAB Hearings pursuant to FS 197.323
4. Approve to surplus (1) one Blakeslee conveyor Dishwasher
5. De-obligate \$724 from the Glendale/Gum Creek Park and \$1,776 from the Gaskin Pocket Park (totaling \$2,500) for the completion of the Lakewood Park Pavilion.
6. Approve surplus equipment from the Public Works Department and Clerk of Court
7. Approve the allocation of \$9,850 to the Off-Leash Dog Park from District 5 Recreational Plat Fees
8. Approve Resolution **(2008-97)** to roll forward incomplete encumbrances, grants and Capital Projects from 2007-2008 to 2008-2009 budget

Chairman Jones called to order the Public Hearing regarding an Ordinance **(2008-33)** amending Ordinance 86-18 and 98-23, establishing the Initial Tourist Development Tax and the Third Cent Tourist Development Tax.

Chairman Jones asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve Ordinance **(2008-33)** as presented. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Eileen West and Ms. Jennifer Steel Saunders, Cultural Arts Association (CAA), requested designation of the organization as the official Local Arts Agency (LAA) of Walton County. Ms. Saunders also requested the designation of the official

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CAA as the recipient organization to administer funds from the proceeds from the sale of Florida Arts License Plates within Walton County.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the designation of the CAA as the official LAA of Walton County and designate the CAA as the recipient of the funds from the sale of Florida Arts license plates. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. William E. Wyrrough, Jr. requested a contract with Government Services Group (GSG) to begin a ballot process for an MSBU to improve roads and look into an arrangement to use a combination of public and private funds for the MSBU. He stated that two instances have occurred with a fire truck and an ambulance where they could not get to the houses due to the road conditions. This is not an issue to have the roads improved, but a public health and safety issue. He stated if approval is given to hire GSG, Ms. Camille Tharpe could provide the county with a resolution of intent which is used to collect the assessments but must be adopted at a public hearing, after four weeks of advertising, before January 1, 2009.

Mr. Bell clarified that Mr. Wyrrough's request was to go through the first part of the proposal with GSG, then the second phase will be when funds will be required and the HOA would pay those funds to the state. The first phase would be to go forward with Ms. Tharpe and GSG to see if 51% of the property owners are interested in participating.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve a contract with Government Services Group (GSG) to begin the ballot process for an MSBU to improve roads and look into an arrangement to use a combination of

public and private funds for the MSBU. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bill Howell, representative of Ms. Hutcheson, requested the sale of surplus land in exchange for adjoining property, permanent drainage easement and compensation for a turnaround on county right-of-way at the east end of Blue Mountain Road. Mr. Howell stated that this property is approximately 0.136 acres. Parcel 12-3S-20-34040-009-0081 is located at the end of Blue Mountain Beach Road. Chapter 125.35, subsection 2, states if the county finds that a piece of property is of insufficient size or shape for which a building permit could be issued, or if the county Property Appraiser finds the property value less than \$15,000 due to the shape and the location of the property which could only be used by one of the adjoining land owners, the county could sell the property at a private sale. Mr. Howell stated that this property is landlocked and in exchange for the property, Ms. Hutcheson would agree to maintain the current drainage easement on the property with the county and construct a turnaround immediately west of the property on the north side of the existing pavement. Finally she would deed a 5-foot strip of land to the county and propose that the county deed back to the existing pavement.

Commissioner Brannon questioned if this proposal affected the lake access. Mr. Howell stated that it would not affect the lake access.

Attorney Henry suggested directing the county attorneys and the Public Works Department to work with Mr. Howell and clients, then bring back a firm perspective on whether and how it can be done.

Mr. Richard Folks, Blue Mountain Beach Subdivision resident, questioned what would actually be done and what would be accomplished. Mr. Howell stated the main reason is because the current condition is more dangerous for someone to come in and try to turn around.

Mr. Alan Osborne stated that the agenda request is not the same as Mr. Howell's request so anyone looking at the agenda would not know the actual request that is made.

Mr. Stroop stated that the agenda reflects the original proposal and that proposal was changed because they thought abandonment and sale of the property would be a better approach.

Mr. Rodney Dorand, Blue Mountain Road resident, commented that a large "Dead End" sign would be much easier and less expensive.

Mr. Sonny Mares, TDC Executive Director, requested approval of a short term continuation of public relations contract with EDELMAN thru September 30, 2009. The current contract is due to expire in November 2008 and it would be injurious to the marketing effort of the TDC to change firms mid-way in the fiscal year. He stated that if this is approved the TDC will prepare an RFP to re-bid the public relations function in time to make a selection for the next fiscal year.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve a short term continuation of the public relations contract with EDELMAN until September 30, 2009. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Mares requested approval of the bid to Decks and Such Marine, for the amount of \$83,486.25, for the replacement of the Walton County Arts Center (Hogtown Bayou) ADA boardwalk and the Lake Powell fishing pier.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve Decks and Such Marine, for the amount of \$83,486.25, for replacement of the Hogtown Bayou and Lake Powell fishing pier. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Ronnie Bell, County Administrator, presented from the Citizen Services Department, a request for consideration and approval of the recommendations approved by the Affordable Housing Advisory Committee in the public hearing held on September 23, 2008.

Commissioner Meadows questioned Mr. Ken Little, Citizen Service Director, how this impacts the affordable workforce housing projects and if this will become a template they need to follow. Mr. Little stated that this pertains to making amendments to the housing assistance plan.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the recommendations approved by the Affordable Housing Advisory Committee in the public hearing held on September 23, 2008. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Ken Little recognized Ms. Sue Rushing, Chair of the Affordable Housing Committee, and Ms. Kathy Allen, SHIP Administrator with West Florida Regional Planning.

Mr. Bell requested approval of the recommended committee reappointments: Ms. Dawn Moliterno for the Mossy Head Enterprise Zone Development Agency and Mr. Ron Burgess for the Affordable Housing Advisory Committee.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve the recommended committee reappointments as presented. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell presented from the Human Resources Department, a request for approval to inform employees and citizens of availability of free prescriptions, prescription drug cards, and sources of low cost prescription drugs. He stated they would not be endorsing these programs, but helping let the groups know.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve informing employees and citizens of availability of free prescriptions, prescription drug cards, and sources of low cost prescription drugs. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell presented, from the Emergency Response Division, a request for an Interlocal Agreement with the City of Paxton regarding Animal Control Services in reference to the new Ordinance 2008-24.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve an Interlocal Agreement with the City of Paxton regarding Animal Control Services in reference to county Ordinance 2008-24. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell presented, from the Public Works Department, a request from Mr. Eric Edwards for approval to purchase the Woodyard Pit off of Woodyard Road at fair market

value. Mr. Bell stated that the county is currently using the pit for storage. He stated that Mr. Edwards is aware that if the Board did seek to sell the property, the normal process of a sealed bid or auction would be done. Whoever purchases the property would be responsible to bring the pit up to standards as a mediation plan for the closure. Commissioner Meadows questioned the zoning because Mr. Edwards owns a pit next to it and he would be expanding his pit. Mr. Brown stated that the zoning is institutional which allows mining operations. Commissioner Brannon questioned if the buyer of the property would be responsible for the closing procedures. Mr. Bell stated that would be included in the bid documents. Discussion continued regarding Mr. Edwards plans for the property.

Chairman Jones suggested finding out what Mr. Edwards intentions for the property are. Chairman Jones suggested for Mr. Brown to bring that information back to the Board. Mr. Brown stated he would meet with Mr. Edwards.

Mr. Alan Osborne stated that county property is a resource and suggested keeping the property instead of paying storage fees in the future.

Mr. Bell presented, from the Administration Department, a request for a resolution relative to Florida's Government in the Sunshine Law as approved by the Seminole County Commission. Commissioner Brannon suggested reviewing the resolution and bringing it back before the Board.

Mr. Bell requested for the Florida Department of Transportation to approve resurfacing: 1) SR 10 (US Highway 90) from the Okaloosa County line to East of Pine Street, to add a east bound right turn lane and a west bound left turn lane at the intersection of Woodyard Road and US 90, and 2) SR 83 (US Highway 331) from the

North end of the Choctawhatchee Bay Bridge to South Bay Grove Road, to add a north bound left turn lane and a south bound right turn lane at US 331 and Bay Grove Road South.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve resurfacing SR 10 from the Okaloosa County line to East of Pine Street and SR 83 from the north end of the Choctawhatchee Bay Bridge to South Bay Grove Road. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell presented a request for maintenance of Hatcher Community Cemetery, which is not owned by a city, county, or a church. Mr. Henry and Ms. Nancy Brown are the presidents of the nonprofit board and have met the statute requirements for the county to maintain the cemetery.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve maintenance of Hatcher Community Cemetery. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell requested approval of an Interlocal Agreement between Walton County and the City of Freeport for three practice baseball fields and the Freeport Regional Sports Complex.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the Interlocal Agreement between Walton County and the City of Freeport for three practice baseball fields and the Freeport Regional Sports Complex. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell requested advertising for RFP's for Collection of white goods and furniture, and collection of yard trash. The collection of yard waste contract with Waste

Management has expired. He requested bringing comments regarding the RFP to the Board at the October 28, 2008 meeting.

Mr. Bell requested acceptance of the Helen McCall Park conceptual plan for guidelines to move forward.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to accept the Helen McCall Park conceptual plan for guidelines to move forward. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Attorney Henry, County Attorney, requested changing the August 26, 2008 minutes to correct the acceptance to maintain Blue Pond Lane, not to include Blue Pond Circle.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to accept the correction to the August 26, 2008 minutes for the maintenance of Blue Pond Lane only, not to include Blue Pond Circle. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Commissioner Meadows had no items to present.

Commissioner Pridgen had no items to present.

Commissioner Brannon had no items to present.

Chairman Jones had no items to present.

Chairman Jones asked for additional public comment.

Ms. Doris Beam, Driftwood Resident, questioned if the BCC intends to issue building permits after the recommended county relief pieces are implemented to the interior of Driftwood. Mr. Bell stated that the issues addressed by the Planning and Engineering Department would move forward with the developer and after it is inspected

and found to be in compliance with the regulations, then come back before the Board. Ms. Beam questioned how construction can continue when there are still three outstanding easements. Mr. Bell stated that Attorney Burke has been working with the Planning Department on those issues. Chairman Jones questioned Mr. Graham if they are moving forward to acquire those easements. Mr. Graham confirmed that they were.

Mr. Osborne, Driftwood Resident, informed the board that he will seek to have some of the money from the Driftwood lawsuit awarded to the county so they can implement the fix that the county inherited.

The meeting recessed at 5:05 p.m. and reconvened at 5:30 p.m.

Ms. Pat Blackshear, Planning and Development Director, presented an ordinance amending the Walton County Land Development Code to adopt a neighborhood plan for 78 parcels south of CR 30A in a portion of the Beach Highland Subdivision. The Beach Highland Subdivision is located in south Walton County generally southwest of CR 30A. It is bordered on the north and east by CR 30A, Topsail Hill State Preserve on the west, and the Gulf of Mexico on the south. The Planning Commission recommended approval.

Mr. Luis Serna, agent for Beach Highland Subdivision, stated that the length of the process is not due to a lack of commitment on part of the neighborhood, they have been enthusiastic throughout the process, there is a high level of support for the plan, and primarily because the plan is for the purpose of protecting the existing residential character of the neighborhood. When the Beach Highland Subdivision first started in 2005, there were a lot of development pressures for condominium developments. The Beach Highland Subdivision currently has no commercial entities and the regulations do not permit commercial uses. The Beach Highland Subdivision plan received 88%

approval from the neighborhood, the county standard in the neighborhood ordinance is 66%.

Mr. Matt Carpenter stated the Beach Highland Neighborhood Planning group was one of the groups recognized by the commission as an existing ongoing neighborhood planning effort and therefore were eligible to start at the adoption stage. The plan is consistent with the comprehensive plan and the land development code.

Chairman Jones asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve a second public hearing on October 28, 2008 at 5:00 p.m., or soon thereafter, for the Beach Highland Neighborhood Plan Ordinance. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear presented an ordinance amending the Walton County Land Development Code to establish a height limitation for all of Walton County. On November 27, 2007 the Board enacted Ordinance 2007-51 which extended the 50' height limitation on man-made improvements south of the Choctawhatchee Bay to the unincorporated areas of Walton County north of the Choctawhatchee Bay and provided for an automatic repeal by November 27, 2008. Attorney Mike Burke agreed that the ordinance should be brought back to the Board until the heights are included in the EAR amendments and it becomes adopted and effective. Chairman Jones questioned the time frame of the extension. Ms. Blackshear stated that there is a one year time limit on the ordinance. The Planning Commissions recommendation on this request is to limit the height to 50 feet, but not indefinitely. Chairman Jones questioned if the length of the

ordinance could be for six months instead. Ms. Blackshear stated that could be done. Chairman Jones suggested considering an extension of the ordinance for a six month period starting November 27, 2008.

Chairman Jones called the public hearing to order for the extension of the height ordinance.

Chairman Jones asked for public comment.

Audience members spoke against the height ordinance.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve a second public hearing on October 28, 2008. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

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

SSA 2008-08 (second public hearing) Ms. Jennifer Christensen, representative of applicant Mr. M.C. Davis, requested a small scale amendment to change 10.0 +/- acres from conservation to conservation residential 2:1, or any less dense or intense category. The parcel is located south of the Choctawhatchee Bay on the east side of Mussett Bayou Road, approximately 2,800 feet north of U.S. 98. Staff found the project consistent with the Walton County Comprehensive Plan. The Planning Commission recommended approval and staff found the proposed land use change consistent with the Comprehensive Plan.

Chairman Jones asked for public comment.

There was no public comment.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve SSA 2008-08 as presented. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye. **(Exhibits: Staff 1-2))**

SSA 2008-13 Ms. Blackshear recommended this project be continued until the October 28, 2008 meeting.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve continuing SSA 2008-13 to the October 28, 2008 meeting. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye. **(Ex Parte: Pridgen)**

SSA 2008-14 Ms. Jennifer Christensen, representative of applicant Black Creek Village Development, LLC, requested a small scale amendment to change 10.0 +/- acres from large scale agriculture to NBNPA/Rural Town Center, or any less dense or intense category. The parcel is located north of the Choctawhatchee Bay on the south side of C.R. 3280, approximately 1.7 miles east of Magnolia Lodge Road. The Planning Commission recommended approval and staff found the proposed land use change consistent with the Comprehensive Plan.

Chairman Jones asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve SSA 2008-14 as presented. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye. **(Exhibits: Staff 1)**

Ms. Blackshear requested that the Tiger Joint Ventures petition for abandonment, be continued until the November 10, 2008 meeting.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve continuing the Tiger Joint Ventures request to the November 10, 2008 meeting. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Heather Bracewell, Jenkins Engineering, requested conceptual approval of a major development order application for Emerald Cove PUD, submitted by Blue Mountain Partners, LLC, for a planned unit development, technical approval of Phase I, for 16 single-family lots, and conceptual approval of Phase II for 20 single family lots. The project is on 18.31 acres with a future land use of CR-2:1. This subdivision will be developed in two phases. The project is located on the west side of Old Blue Mountain Road, north of U.S. 98.

Chairman Jones asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve a major development order application, Emerald Cove PUD, submitted by Blue Mountain Partners, LLC with the conditions set forth in the staff report. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye. **(Exhibits: Staff 1)**

Attorney Dana Matthews presented a major development order application submitted by Wilson Miller, Inc. to adopt an Ordinance **(2008-34)** amending the master plan for the Seascape Resort DRI. The proposed changes include: 1) an increase in the height of the 3-story condominiums to 4 stories or 50 feet, whichever is less, resulting in increased open space and less impervious surface, but not increasing the number of approved condominium units; 2) an extension to the buildout date for the development to December 31, 2010, and an extension to the expiration date of the development order

until December 21, 2023; 3) elimination of distinct project phases as they are no longer relevant or meaningful to the buildout of the project; and 4) revisions to the master plan to relocate residential and commercial areas within the Seascope property without increasing the number of residential units or the square feet of commercial space previously approved. The DRI is on approximately 256.34 acres with a future land use of coastal center, located on Scenic Gulf Drive. 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.

Chairman Jones asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to adopt Ordinance **(2008-34)** with the conditions set forth in the staff report for the Seascope Resort DRI. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.
(Exhibits: Staff 1-2)

Ms. Blackshear stated that due to the market and financing issues, the Somerby PUD request has been withdrawn from the agenda.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve withdrawal of a major development order application submitted by Moore Bass Consulting, Inc. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear requested to continue the Black Creek Plantation PUD until the October 28, 2008 meeting.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve continuing the Black Creek Plantation PUD to the October 28, 2008 meeting. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear announced that the ads would be sent out on October 15, 2008 for the EAR amendments along with policies and maps.

Mr. Bill Bard stated that the Somerby PUD project is in a flood plain and the county should look into restricting the area that these facilities are put into because of the hurricane hazard areas. Ms. Blackshear stated that this type of facility could not be put into a coastal high hazard area.

There being no further business, the meeting was adjourned at 5:55 p.m.

APPROVED _____
Larry Jones, Chair

ATTEST _____
Martha Ingle, Clerk of Court