

NOVEMBER 8, 2011 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, November 8, 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 Sara Comander; Commissioner Kenneth Pridgen; and Commissioner Cecilia Jones. Mr. Greg Kisela, County Administrator; Ms. Lynn Hoshihara, County Attorney; and Ms. Martha Ingle, Clerk of Court, were also present.

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

Mr. Greg Kisela, County Administrator, presented the following changes to the agenda for approval:

ADDITIONS:

1. Administration Item 2h. – Announcement that the report from Carr Allison on the Chat Holley Land Acquisition will be heard on November 22, 2011

DELETIONS:

1. Commissioner Scott Brannon Item 2. – Building Permit Issues
2. Public Comments Item 2. – Walter Spraggins – Request a Resolution requesting the Bureau of Land Management, U.S. Department of Interior to confirm, authenticate and re-establish the original Township Range Surveys (TRS) in Walton County
3. Quasi-Judicial Item 3. – The Driftwood Restaurant (removed at request of applicant and will be re-advertised)

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

Motion by Commissioner Pridgen, second by Commissioner Comander, to elect Commissioner Brannon as Chairman. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Motion by Commissioner C. Jones, second by Commissioner Comander, to elect Commissioner Pridgen as Vice-Chair. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 978,597.39
County Transportation	\$ 490,747.73
Fine & Forfeiture	\$1,396,689.00
Section 8 Housing	\$ 430.66
Tourist Dev. Council	\$ 195,454.74
N.W. Mosquito Control	\$ 476.60
W. Co. Library	\$ 4,625.17
Public Safety- 911	\$ 15,635.10
Solid Waste Enterprise	\$ 427,909.34
Bldg Dept/Enterp. Fund	\$ 843.83
Inmate Canteen Fund	\$ 9,250.99
Leisure Lake MSBU	\$ 1,004.00
Capital Projects Fund	\$ 23,829.42
Totals	\$3,545,493.97

2. Approve Minutes of October 25, 2011 Special Meeting and October 25, 2011 Regular Meeting
3. Approve Resolution **(2011-89)** to amend the FY 2012 Budget for unanticipated grant revenues from the Florida Department of Transportation through the Local Agency Program (LAP) for the construction of US 331 in the amount of \$1,730,021
4. Approve Revised Modification #1 to the CDBG Sub-Grant Agreement 10DB-4N-01-76-01-E06 for the Florida Transformers, Inc. Economic Development Project
5. Approve Lease Agreement with Surfside Owners Association, Inc. for a District 4 County Commissioner Satellite Office
6. Approve Agreement extensions for both Physician and Dentist at the Walton County Department of Corrections
7. Approve Right-of-Way Easement with CHELCO providing power to the Dog Bark Park

Mr. Kisela requested to reject all bids for ITB 011-034 for Padgett Park and rebid only the Recreation Facility portion of the project. Public Works will perform all remaining site work associated with the project.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to reject all bids for ITB 011-034 and rebid the Recreation Facility portion as requested. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Kisela requested approval of Joint Resolution **(2011-90)** supporting House Bill 3096, the “Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of Gulf Coast States Act of 2011”.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt Resolution **(2011-90)** as presented. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Kisela requested approval of the Florida Association of Counties (FAC) Fee Schedule for Walton County in the amount of \$7,500 to assist in the costs and expenses to implement a strategy to enhance the economic and environmental restoration of the eight joint counties and their communities.

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

Mr. Kisela requested approval of an Interlocal Agreement with the City of Freeport for fire protection services. This request is in addition to the funds budgeted in the FY 2011-2012 budget. The partnership will be 50/50 for an approximate total of \$550,000. He explained that based on the GIS information for water and electrical services there are about 60% of Walton

County residents and 40% of Freeport residents which receive the fire protection services. Mr. Kisela briefly discussion other options available, however, the Interlocal Agreement option is the most plausible to best serve the residents of Walton County.

Brief discussion ensued regarding the customer base, MSBU and General Fund money, an assessment of the Fire Safety provisions, and the 5/6/8 year plan.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the request as presented with a full assessment of the MSBU and other aspects of the agreement. Ayes 4, Nays 1. L. Jones Aye, Brannon Aye, Comander Nay, Pridgen Aye, C. Jones Aye.

Mr. Kisela presented a request from Habitat for Humanity to waive the landfill dumpster tipping fees for their ReStore if the Walton County Landfill is being used. He explained that there is a dumpster provided at the Caring and Sharing facility. The ReStore recycles approximately 90% of the materials which would end up at the landfill otherwise.

Motion by Commissioner Comander, second by Commissioner Brannon, to waive the Walton County Landfill dumpster tipping fee for the Habitat for Humanity ReStore if being used. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Kisela requested to terminate the contract with The Crowne Group and advertise for RFP's for a new insurance consultant.

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

Mr. Kisela discussed the Quiet Water Trail issues and requested to rescind the 2006 right-of-way map which shows only a portion of the road being accepted and reinstate the 2004 right-

of-way map showing acceptance and maintenance of the entire road. There is no evidence in 2006 that the BCC approved a map amendment.

Attorney Daniel Uhlfelder, representing adjacent property owner Ms. Dawn Anderson, spoke in opposition stating that the plats were inconsistent with the BCC records. This road will go directly through Ms. Anderson's property.

Attorney Clay Adkinson, Legal Counsel, provided clarification that the only way to give up the right-of-way is through an abandonment, which was not done in this case. Attorney Uhlfelder can ask for an abandonment at a later time or explore other options.

Mr. Kisela briefly stated that the roadway is existent and it was shifted to the south due to the wetland areas which caused the roadway to encroach into surrounding properties.

Brief discussion continued regarding the property abandonment procedures.

Ms. Dawn Anderson explained that the existing road was constructed by the surrounding property owners, not by maintenance of the county.

Mr. Geary Senterfitt explained that there was a county maintained roadway that was used in the 90s to access his property while clearing it.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to rescind the 2006 right-of-way map, mark it as canceled, and reinstate the 2004 right-of-way map as requested. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Kisela requested to appoint a Commissioner to serve on the Canvassing Board.

Motion by Commissioner C. Jones, second by Commissioner Comander, to appoint Commissioner Pridgen to the Canvassing Board. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Kisela announced that the report from Carr Allison regarding the Chat Holley land acquisition will be heard on November 22, 2011.

Attorney Hoshihara presented the settlement agreement for approval regarding Department of Health vs. Walton County Emergency Medical Services. In 2008 there were certain practices that were implemented by the EMS Department, it has since been determined that was not in compliance with Chapter 401 of Florida Statutes. The Department of Health has discussed with Chief Brian Coley the terms of the settlement agreement.

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

Commissioner Brannon presented a Tourist Development Council update in lieu of Ms. Dawn Moliterno regarding the following issues: the welcoming of Mr. John Ervin as the new Director of Marketing and the water tower painting with the new South Walton logo.

Commissioner C. Jones had no items to present.

Commissioner Comander briefly discussed the need to address the Office of County Attorney. Commissioner Pridgen stated that he would like Attorney Adkinson to provide some insight and possible solutions for staffing the County Attorney's Office.

Motion by Commissioner Comander, second by Commissioner Brannon, to schedule a Special Meeting on December 13, 2011 at 3:00 p.m. to discuss the Office of County Attorney. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Commissioner Comander discussed the need for someone to follow the US Hwy 331 expansion process, work with the Legislative Staff, and the need to be knowledgeable on the issues.

Motion by Commissioner Comander, second by Commissioner Brannon, to appoint Ms. Dawn Moliterno to serve and provide updates regarding the Hwy 331 expansion process. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Commissioner Brannon discussed the ground breaking ceremony for Hwy 331.

Commissioner Pridgen had no items to present.

Chairman L. Jones had no items to present.

Chairman L. Jones asked for public comment.

Ms. Mary Nielson presented appraisal information and discussed the Cowford Land Acquisition. She presented three requests to the Board: appraisal amendments to reflect changes of ownership interests, a copy of any/all written offers, and careful consideration if this land is an appropriate use of tax dollars.

Attorney Lloyd Blue briefly discussed the transfer of ownership of the Cowford property and the relationship with the Bruner family. The appraisal was not affected and the transfers were legitimate real estate transactions.

Ms. Bonnie McQuiston, Walton County Tax Payers Association, expressed appreciation for the commitment to continue the focus on Fire Services in Walton County. She stated that north and south Walton both deserve consistent fire services and protection, and the need to implement a 5/6/8 year Fire Rescue plan.

Mr. Don Riley discussed delinquent property taxes and the need for a policy stating that all Board members remain current on taxes in order to vote.

The request from Mr. Walter Spraggins was removed from the agenda.

The meeting recessed at 5:01 p.m. and reconvened at 5:16 p.m.

Mr. Wayne Dyess, Planning and Development Services Director, requested approval of Ordinance **(2011-79)** amending Chapter 11 of the Walton County Land Development Code (LDC).

Attorney Hoshihara explained that the LDC currently does not provide a process to review an approved development agreement. This ordinance is a draft of the development agreement ordinance that would allow projects within the Institutional Land Use to apply for a development agreement.

The ordinance was approved unanimously at the Planning Commission Meeting.

Chairman L. Jones asked for public comment.

There was no public comment.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to adopt Ordinance **(2011-79)** as presented. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Dyess presented a request to adopt an Ordinance for **SSA 2011-21** from David and Wencie Brannen to amend 9.92 +/- acres in Walton County south of the Choctawhatchee Bay from Conservation Residential 2:1 to Low Density Residential, or a lesser intense category. The property is located on the east side of Don Bishop Road.

Chairman L. Jones asked for public comment.

Mr. Dyess explained that the request is to change the density from 2 units per acre to 4 units per acre. Staff recommended denial and the Planning Commission recommended approval.

Commissioner Pridgen questioned why staff recommended denial. Mr. Dyess stated that the Comp Plan would discourage increased densities in wetland and flood plain areas.

Mr. Ed Stanford, Core Engineering and Consulting, addressed the wetland and flood plain areas stating that a Letter of Map Amendment (LOMA) has been applied for with FEMA to change that area designation. The compatibility analysis shows the project is consistent with the area.

Commissioner Pridgen questioned the recommendation by staff. Mr. Dyess stated that they recommend denial due to the flood plain areas. If the LOMA is approved at a later date the request can be resubmitted.

Mr. James Patterson, Ms. Deborah Orr, Mr. Davis Donald, Ms. Jerri Bryant, Mr. Alan Ficarra, and Ms. Brenda Donald spoke in opposition of the request as presented.

Motion by Commissioner Comander, second by Commissioner C. Jones, to deny the request for SSA 2011-21 as presented. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

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

The request for The Driftwood Restaurant was removed from the agenda. **(Exhibits: Staff 1) (Ex Parte: Brannon)**

Mr. Mac Carpenter, Planning Department, requested approval of a major development application submitted by Anderson Engineers, P.A. for Daugeette Docks. This project consists of 10 wet boat slips and 4,014 square feet access walkway and finger piers constructed over Daugeette Canal waters. The site is approximately 3.77 acres with a future land use of Residential Preservation and is located on the northeast corner of the Ricker Avenue and County Road 283 north.

Attorney Hoshihara stated at the last public hearing there were several comments and concerns regarding the MSBU annual maintenance fees. The approximate cost of \$13,500 would not go into effect until next year and GSG stated they are willing to work with canal front owners to reevaluate the actual maintenance cost portion of the MSBU.

Mr. Kisela briefly discussed the MSBU. The current annual maintenance cost is \$63 and the original annual capital cost is \$344. The bid exceeded the \$344 original capital cost by \$62, making the total assessment \$469.

Attorney Bruce Anderson, applicant representative, stated that staff has found the project consistent with the Comprehensive Plan and Land Development Code. The plat and covenants and restrictions clearly provide the land owner with the right to make business use of the property. The MSBU assessment process is separate from the permitting application.

Commissioner Comander questioned the parking agreement. Mr. Carpenter clarified the intent is for trailers not to remain after the boat has been launched. Mr. Steve Nease explained the boat ramp is not public. There is a clause in the renter's agreement that states no onsite trailer parking.

Discussion ensued regarding the parking spaces, boat slips, and the procedure for removing the boat trailers.

Mr. William "Bill" Able, property owner, questioned how the canal can be used in such a way when ownership is not known. Attorney Anderson clarified that the covenants and restrictions allow the property use by the property owner.

Mr. Mike Weimorts, property owner, spoke in opposition of the project and urged reviewing the compatibility of the project for the area.

Brief discussion ensued regarding the request and the future phases of the project.

Chairman Jones exited the meeting.

Vice-Chair Brannon assumed position as Chairman.

Mr. Tom Piggott discussed the original design of the subdivision and stated that this project will not change it.

Chairman Brannon closed public comment.

Attorney Hoshihara addressed the issues regarding ownership of the canal. The documentation provided shows the applicant's right to construct the boat slips as requested.

Motion by Commissioner Pridgen, second by Commissioner C. Jones to approve the Daugeette Docks major development application as presented. Ayes 4, Nays 0. Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff 1, Petitioner 2-3) (Ex Parte: Brannon)**

Mr. Carpenter requested approval of a final plat application submitted by Shannon Clatchey, P.S.M. for Leisure Bay Plat. This project consists of 10 single-family homes on 1.25 acres with a future land use of Neighborhood Infill and is located at 253 Ellis Road.

Chairman Brannon asked for public comment.

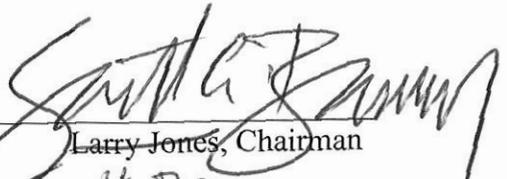
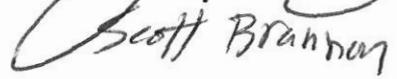
Mr. Shannon Clatchey was present to answer any questions regarding the project.

There was no public comment.

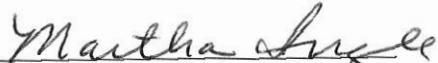
Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the Leisure Bay Plat application as presented. Ayes 4, Nays 0. Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye. **(Exhibits: Staff 1)**

There being no further business, the meeting adjourned at 6:20 p.m.

APPROVED


Larry Jones, Chairman


ATTEST


Martha Ingle, Clerk of Courts