

SEPTEMBER 11, 2012 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting September 11, 2012 at 4:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

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

Chairman Brannon called the meeting to order. After a time of commemoration for the September 11, 2001 tragedy, and recognition of public safety personnel, Commissioner Comander led the invocation and Fire Chief Brian Coley led the pledge to the American flag.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the additions and deletions to the agenda as follows. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

1. Addition: Commissioner C. Jones- Restore Act Workshop
2. Deletion: Consent Agenda Item 10.

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$	1,268,428.05
County Transportation	\$	500,547.76
SHIP	\$	37,716.60
Fine & Forfeiture	\$	15,216.00

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Prepared by: Kimberly Wilkins

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to begin the RFP process for a Certified Burn Contractor or Forestry Management Contractor to perform a controlled burn or mechanical vegetation removal. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Demers recommended that RFQ 012-011 Professional Engineering or Environmental Consulting Services for Artificial Reef Permitting be awarded to Taylor Engineering, as lowest bidder, in the amount of \$27,271.

Motion by Commissioner Comander, second by Commissioner C. Jones, to award RFQ 012-011 to Taylor Engineering in the amount of \$27,271. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Demers recommended that ITB 012-006 Dixie RV Sales CDBG Road and Utility Improvements be awarded to Utility Solutions, as lowest bidder, in the amount of \$663,397.95.

Commissioner Comander questioned if this would connect with the Mossy Head school sewer system. Mr. Demers stated that it would not only include the connection of the two sewer plants, but will also include the installation of water lines, and resurfacing of Green Acres Drive.

Motion by Commissioner Comander, second by Commissioner L. Jones, to award ITB 012-006 to Utility Solution, as lowest bidder, in the amount of \$663,397.95. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Demers recommended that ITB 012-016 Darlington Community Center Roof Asbestos Removal be awarded to ACRO Construction, as lowest bidder, in the amount of \$27,300.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to award ITB 012-016 to ACRO Construction, as lowest bidder, in the amount of \$27,300.

Commissioner Comander asked if this was only for the removal of the asbestos roof. Mr. Demers confirmed that it was for removal only, and that county crews would install the new roofing.

Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye. Attorney Toni Craig, County Attorney, had no items to present.

Chairman Brannon called to order the continued Public Hearing to consider Daughette Canal Capital Improvements and Maintenance Services Annual Rate Resolution **(2012-54)**.

Mr. Demers stated that questions were raised at the August 30, 2012 meeting regarding the advertisement of Daughette Canal Capital Improvements. He reported that the advertising was correct.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Pridgen, to adopt the Daughette Canal Capital Improvements and Maintenance Services Annual Rate Resolution **(2012-54)**. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Chairman Brannon called to order the Public Hearing to consider a resolution **(2012-53)** to transfer \$1,112,533 from General Fund Proportional Fair Share Account into the County Transportation Fund for the CR395/CR 30A Intersection Project.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt **Resolution 2012-53** to transfer \$1,112,533 from General Fund Proportional Fair Share Account into the County Transportation Fund for the CR395/CR 30A Intersection Project. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Demers stated that the Public Hearing for the Highway 331 Surtax Ordinance would be presented at the September 25, 2012 Regular Meeting.

Ms. Dawn Moliterno, TDC Executive Director, discussed the Design Agreement for Walton County, Florida Hurricane and Storm Damage Reduction Project (Beach Nourishment) to the Mobile District of the U. S. Army Corps of Engineers, and requested approval and submission of the agreement.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve and submit the Design Agreement for Walton County, Florida Hurricane and Storm Damage Reduction Project (Beach Nourishment) to the Mobile District of the U. S. Army Corps of Engineers. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno requested approval to allow Heffley & Associates to Perform Lobbying services for the TDC in conjunction with the Board's contractual services at a rate of \$20,000 for a period of one year, payable in two (2) installments of \$10,000.

Motion by Commissioner L. Jones, second by Commissioner Comander, to allow Heffley & Associates to Perform Lobbying services for the TDC in conjunction with the Board's contractual services at a rate of \$20,000 for a period of one year, payable in two (2) installments of \$10,000. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno requested to approve the contract for advertising agency services with Zehnder Communications, Inc. for one year with an option to renew for two (2) addition terms. She reported that Zehnder's rates are below the rate of the previous advertising agency (LKM).

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the contract for advertising agency services with Zehnder Communications, Inc. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno recommended awarding ITB 012-015-Eastern Lake Boat Ramp Improvements to Gum Creek Farms, as lowest bidder, in the amount of \$51,185.00.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to award ITB 012-015 to Gum Creek Farms, as lowest bidder, in the amount of \$51,185.00. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno presented RFQ 012-018 Moderator/Facilitator and requested approval of the price proposal from Analytica Consulting in the amount of \$1,500.00 per workshop.

Commissioner Comander questioned if Analytica had worked with the county before. Ms. Moliterno stated that they had not.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve RFQ 012-018 price proposal from Analytica Consulting in the amount of \$1,500.00 per workshop. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno reported that changes have been made to the original Event Sponsorship Grants Applications that were awarded in the 2012-13 Fiscal Year. She stated that each would be presented for reaffirmation.

Ms. Moliterno said that the Sandestin Wine Festival held at Baytowne has been changed to South Walton Beaches Wine & Food Festival to be held at Grand Boulevard. The name and venue changed due to a partnership split between the applicants. The sponsorship amount of \$35,000 will remain the same. She recommended approval.

Motion by Commissioner Comander, second by Commissioner C. Jones, to reaffirm the grant submission for South Walton Beaches Wine & Food Festival to be held at Grand Boulevard. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno stated that the Destin Charity Wine Auction Foundation is requesting a reduction in sponsorship grant funds from a \$50,000 Signature Event to a \$10,000 Experience Event. She recommended approval.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the reduction of the Destin Charity Wine Auction Foundation's sponsorship funding to the \$10,000 Experience Event. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno stated that ArtsQuest is requesting a possible change in date and venue location. She stated that the funding amount would remain the same, and recommended approval.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the ArtsQuest request for a possible change in date and venue location. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno presented the TDC Standard Operating Procedures which include Beach Flagpole Criteria, Ordinance 2003-07G (Leave No Trace) directives, Prize Giveaways, and Sales Cooperative Partner Program with Bed Tax Collectors. She recommended approval.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the TDC Standard Operating Procedures. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno gave an update on the need for beach parking and asked Mr. Cliff Knauer, Preble-Rish, to give an overview of the short and long-term parking solutions.

Mr. Knauer discussed and addressed the needs and possible solutions for additional beach parking at the following sites: Ed Walline Park (99 additional parking spaces), Montigo Avenue (20 additional parking spaces), Montigo-Santa Clara-Pelayo Avenue area, and Fort Panic. Commissioner Comander felt that restrooms should be provided at all of the parking areas if possible. Ms. Moliterno discussed the procedures to ensure the use of the right-of-ways. She stated that the TDC has established that additional parking areas are a great need, and that acquiring the land will follow the procedures defined in the Land Acquisition Ordinance (2012-16). Mr. Knauer continued discussing beach access parking.

Mr. Alan Osborne asked who owned the property at Ed Walline. Mr. Knauer stated that Mr. Clint James owned a portion of the area, and he did not know who owned the other portion.

Ms. Bonnie McQuiston asked if this was the same property that was offered for purchase to the county several years ago, and how much it would cost at this time. Mr. Knauer stated that it was the same property and that he did not know the price. He continued discussing parking solutions. Ms. Moliterno stated that the TDC will be working through the process to acquire the properties to meet the parking needs.

Commissioner C. Jones requested that a date and time be scheduled to hold the Restore Act Workshop. She stated that several areas needed to be addressed and that a decision must be made to determine Walton County's participation in the eight county consortium. She said that a Commissioner needed to be appointed as a Walton County representative at the State level; and that the local Restore Council needed to be appointed as well.

Motion by Commissioner C. Jones, second by Commissioner Comander to hold a Restore Act Workshop at 8:00 a.m. on September 25, 2012 at the Walton County Courthouse in DeFuniak Springs. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Commissioner C. Jones questioned whether a Commissioner should be appointed during this meeting or at the September 25th meeting. She announced that State level meetings were being held and that a representative for Walton County needed to be appointed soon.

Commissioner Pridgen asked if materials would be provided at the Workshop. Commissioner C. Jones stated that the information would be gathered at a meeting in St. Petersburg and would be presented at the workshop. Chairman Brannon clarified that the consortium would be developed at the meeting in St. Petersburg, and that the project criteria will be determined. Discussion continued on the need for the consortium representative.

Chairman Pridgen questioned if one hour would be enough time for the workshop.

Motion amended by Commissioner C. Jones, second by Commissioner Comander to hold the Restore Act Workshop after the September 25, 2012 Regular Meeting.

Discussion ensued regarding the scheduling of the Restore Workshop at a separate date and time.

Motion amended by Commissioner C. Jones, second by Commissioner Comander to hold the Restore Act Workshop on September 25 at 8:00 a.m. and to continue the workshop after the regular meeting if necessary. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Jackie Marquel questioned how a commissioner could be appointed with three new commissioners. Mr. Demers stated that the Board needed to quickly decide the consortium

representative, establish the local Restore Council, and decide whether or not to enter into an agreement with the other counties to form a legal consortium.

Chairman Brannon stepped down as Chairman, and Commissioner Pridgen assumed the Chair position.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to appoint Commissioner Sara Comander to the Eight County Restore Act Consortium. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Chairman Brannon resumed the Chair position.

Commissioners Comander, Pridgen, L. Jones, and Chairman Brannon had no items to present.

Mr. Alan Osborne discussed the NOPC planning meetings for Sandestin DRI and stated that Driftwood Estates representatives were turned away. He asked that a motion be made to enforce all ordinances; not to hold Sandestin DRI NOPC Meetings without a formal invitation to Driftwood Estates Representatives; and stop issuing building permits for all sections of Block G of Driftwood Estates.

There being no further items to discuss, the meeting recessed at 4:51 p.m. and reconvened at 5:10 p.m.

Mr. Wayne Dyess, Planning and Development Director, requested that Sunset Villas Re-plat be removed from the agenda.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to remove Sunset Villa Re-plat from the agenda. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Mac Carpenter, Interim Planning Manager, presented LSA 12-01.01 (**Ordinance 2012-17**) to amend Comprehensive Plan Policy L-1.4.4 Neighborhood Commercial (NC) to provide an exception to the locational criteria to allow new NC designation on parcels adjacent to the east side of County Road 283 south of County Road 30A and north of Pine Street. Staff found the proposed amendment does not contravene the Comprehensive Plan and recognizes that the intent of the original plat of Grayton Beach Trails Subdivision recorded in Plat Book 5, Page 95 of the Official Records of Walton County, and the original Restrictive Covenants recorded in the Official Records of Walton County in Book 1945, Page 291 to allow non-residential use of certain lots along County Road 283 (DeFuniak Street) north of Pine Street. Approval of this amendment would change the classification of existing legal non-conforming uses in the subject area to conforming uses allowed by amended Policy L-1.4.4 and support Comprehensive Plan Objective L-1.8 and Policy L-1.8.1. Mr. Carpenter recommended approval.

Mr. Billy Buzzett spoke in support of the amendment.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve LSA 12-01.01 (**Ordinance 2012-17**). Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Rene Bradley, Planning and Development Department, presented LSA 12-01.02 Thomas Hicks, requesting to change the future land use map designation on 194.63 +/- acre parcel located in the Rock Hill area, north of Rock Hill Road, approximately 3 miles east of U.S. Highway 331. The Parcel is currently designated Estate Residential with an allowed density of one unit per five acres. The applicant requests the current land use designation to be changed to Extractive use with no allowed density with the exception of one (1) dwelling unit per development for security purposes only. If this request is approved, the land use change will not

allow rights to development. The applicant is still required to go through the development order process, and any other applicable State and Federal Regulations. Staff found the request to be consistent with the Walton County Comprehensive Plan.

Mr. M. C. Davis submitted AGO 85-40 and discussed the lack of a quorum due to the number of abstentions during the Planning Commission Meeting. He felt that the lack of a quorum voided the request and that it should be returned to the Planning Commission.

Commissioner Comander felt that more information should be given to the Board regarding the Planning Committee's recommendations. Chairman Brannon stated that in the past he had recommended that the minutes from the Planning Commission be provided to the Board. Mr. Dyess stated that with the scheduling of the Planning Commission meetings, only draft minutes would be allowed to be presented to the Board. Commissioner Comander voiced that Planning issues should be brought to the Board two weeks after Planning Commission approval. Mr. Dyess stated that the two week interval could be considered.

Attorney Craig addressed the AGO 85-40 submitted by Mr. Davis and stated that the opinion was in regard to a city and a special fire district. She referenced a case law that involved a county and Zoning Board of Appeals and what is required for a quorum. Based on that case law, she felt the Planning Commission abstentions did not affect the quorum. Mr. Davis stated that the majority of the Planning Commission present did not vote thereby the vote was not a majority vote of the quorum. Commissioner Comander asked if this issue could be sent back to the Planning Commission. Attorney Craig stated that it could be sent back.

Motion by Commissioner Comander, second by Commissioner L. Jones, to send LSA 12-01.02 Thomas Hicks back to the Planning Commission for due process. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Jason Bryan, Planning and Development Department presented LSA 12-1.03 Regional Utilities/Walton County (**Ordinance 2012-18**) a request to change 19.96 +/- acres located on the west side of Old Blue Mountain Road, approximately 875 feet north of the intersection of U.S. Highway 98 and Old Blue Mountain Road. The parcel is currently designated Conservation 2:1 at a density of two units per acre. The applicant requests the current land use designation to be changed to Public Facilities. Staff found the request to be consistent with the Walton County Comprehensive Plan.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve LSA 12-1.03 Regional Utilities/Walton County (**Ordinance 2012-18**). Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Chairman Brannon called to order the Public Hearings to consider a Recreation Impact Fee Ordinance and the Preservation Fee Ordinance.

Mr. Carpenter presented for consideration the Recreation Impact Fee Ordinance (**2012-19**) amending provision of the Walton County Land Development Code Section 11.03.03 to establish a procedure for valuing platted land for the purpose of calculating recreation impact fees for subdivisions.

Chairman Brannon asked when the land was valued. Mr. Carpenter replied that the valuation is done during the platting process. He stated that the amount of the recreation fee required by the Board is not changing; only the methods to value the land are changing. He discussed Ordinance 2009-06 which changed the way the recreations fees were determined. He said that the ordinance would return to the methods used prior to Ordinance 2009-06.

Commissioner Comander asked if this would reduce the cost to the developer. Mr. Carpenter stated that it reduces the cost, and provides certainty to the developer to know what the fee will be.

Commissioner L. Jones stated that the method may not reduce the costs to the developer, but would rather make it a more fair and timely assessment of the property. Mr. Carpenter agreed and stated that it will eliminate the need for the applicant to purchase an appraisal to determine the value of the land.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt **Ordinance 2012-19**. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Carpenter presented for consideration the Preservation Fees Ordinance (**2012-20**), an ordinance amending the Walton County Land Development Code section 4.06.02 to modify a procedure for valuing land area for the purpose of calculating preservation buy out fees for subdivisions.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt **Ordinance 2012-20**. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

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

Ms. Pat Blackshear, Blackshear Planning, presented SSA 2012-22 SELRAHC, LP requesting the adoption of an **Ordinance (2012-21)** amending 4.88 +/- acres in Walton County

north of the Choctawhatchee Bay, from Rural Residential to Rural Low Density. The property is located on the southeast side of Lake Jackson, with portions on both sides of Lake Jackson Drive. She stated that the applicant and planning staff agree that the lake front parcel would be considered a lot of record, and that the parcel across Lake Jackson Drive will be the only parcel to have a land use change.

Mr. Dyess stated that research shows that the lake front parcel is a lot of record. Staff found the request to be consistent with the Comprehensive Plan and Land Development Code.

Mr. Donnie Gamble asked for clarification on the changes. Mr. Dyess explained that the deed determined that the road separated the parcels thereby making the lake front a lot of record. He discussed the residential density standards that are placed on each parcel and stated that the land use change being proposed tonight will only affect the portion across from the water front parcel.

Mr. Gamble questioned if the acreage would change with the exclusion of the road. Mr. Dyess stated that it would. Commissioner L. Jones questioned if Lake Jackson Drive was fee simple or an easement through the two properties. Mr. Dyess stated that it was fee simple. Commissioner L. Jones clarified that since the road was fee simple, it was not included in the lot size determination. Chairman Brannon asked what residential density was allowed for the parcel on the north side of the road. Mr. Dyess stated one unit per acre. Discussion continued on the number of residential units allowed and the criteria that must be met before a building can be erected on the water front site. Mr. Gamble spoke in opposition to a residential dwelling on the lake side parcel.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt **Ordinance 2012-21** (2012-22 SELRAHC, LP). Ayes 4, Nays 1. Brannon Aye, Pridgen Aye, L.

Jones Aye, C. Jones Nay, Comander Aye. (**Exhibits: Staff Report-1; ExParte: C. Jones, Comander, Pridgen**)

Mr. Carpenter presented South Beechview Estates Plat, a final plat application submitted by Land Engineering Services, Inc., consisting of an 11-lot subdivision. This 12.78 +/- acres has a future land use designation of Rural Village and is located on the southeast corner of Joe Dan Road at the intersection of Leisure Lake Road. Staff found the requested plat will be compliant with the development, the requirements of F.S. Chapter 177, the Comprehensive Plan, and the Land Development Code upon meeting the conditions set forth in the Staff Report.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve the South Beechview Estates Plat upon meeting the conditions stated in the Staff Report. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye. (**Exhibits: Staff Report-1**)

There being no further items to discuss, the meeting was adjourned at 5:39 p.m.



Scott Brannon, Chairman



Martha Ingle, Clerk of Court