

NOVEMBER 27, 2012 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on November 27, 2012 at 9:00 a.m. at the Walton County Courthouse in DeFuniak Springs, Florida.

The following Board members were present: Commissioner Kenneth Pridgen, Chairman; Commissioner Sara Comander, Vice Chairman; Commissioner Bill Chapman, Commissioner Bill Imfeld; and Commissioner Cindy Meadows. Mr. Gerry Demers, Interim County Administrator; Attorney Toni Craig, County Attorney; and Ms. Martha Ingle, Clerk of Courts; were also present.

Commissioner Comander led the invocation and the pledge to the American flag. Chairman Pridgen called the meeting to order.

Mr. Gerry Demers, Interim County Administrator, presented the following additions and deletions to the Consent Agenda.

1. Addition: Consent Agenda-Approve a Resolution declaring December 11<sup>th</sup> Military Spouses Day
2. Addition: County Attorney-Request to release the lien on real property described as Lot 6 of Eagles Landing at Inlet Beach, and if approved, authorize the Chairman to execute the release
3. Deletion: Consent Agenda Item 3-Interlocal Agreement with the City of Freeport
4. Deletion: Planning and Development Services Item 4-Recreation Fees Ordinance
5. Deletion: Planning and Development Services Item 5-Preservation Fees Ordinance
6. Deletion: Planning and Development Services Item 6-Sugar Sand Lane Plat
7. Deletion: Consent Agenda-Expenditure Approval List (EAL)-to be considered as a separate item.

Commissioner Imfeld asked that information be presented with the Recreation Fees and Preservation Fees ordinances stating the results had these fees been in place instead of the

existing fee structure. He also questioned if Consent Agenda Items three and four were being deleted. Mr. Demers stated that only item three was being deleted.

Commissioner Meadows stated that she had been requested to have Consent Agenda items three, and four removed, and both be heard at a Public Hearings.

Commissioner Imfeld stated that item four had been approved during the budget process. After brief discussion, Chairman Pridgen suggested leaving item four on the Consent Agenda and allow for public comment. The Board agreed to leave item four on the Consent Agenda.

Mr. Demers stated that a Commissioner has asked that the EAL be considered as a separate item. Commissioner Comander asked if the EAL item would be dealt with separately at each meeting. Mr. Demers stated that it was just for this meeting.

The Board requested clarifications on which items were being pulled from the Consent Agenda. Mr. Demers stated that items one, three, and four were being pulled to discuss separately.

Motion by Commissioner Comander, second by Commissioner Imfeld, to approve the agenda additions and deletions as presented.

Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Chairman Pridgen called for public comment regarding the Consent Agenda items.

Mr. Bob Hudson, Walton County Tax Payer's Association, stated that many tax payers felt that contract approvals should not be placed as items on the Consent Agenda. He also suggested that each item on the Consent Agenda be read at each meeting to give the public opportunity to comment. Mr. Hudson also voiced that the EAL's should not be included on the Consent Agenda due to possible conflicts of interest.

Commissioner Comander reiterated that item four had been approved during the budget process. Commissioner Meadows stated that there was no problem contracting with the Senior Center, only that monetary contracts should be discussed separately. Commissioner Imfeld stated that a number of Consent Agenda items are presented during the budgeting process, but he does agree that any contract that was not previously approved through the budget process should be presented separately.

Commissioner Meadows questioned how the contracts were presented during the budgeting process. Commissioner Imfeld stated that there are separate line items for the different entities requiring contracts, and that these are presented at the workshops prior to approval by the Board.

Mr. Hudson clarified that there was nothing against the Senior Center, but rather preferred more details involving impacts and costs.

Motion by Commissioner Comander to approve the Consent Agenda.

Commissioner Chapman addressed Consent Agenda item five (Medicaid overpayments) and voiced concern that overpayments go as far back as 2007 and 2009. He also voiced concern regarding the manner in which the billing was done. Chief Brian Coley stated that the billing program has changed, and that a three month gap in the billing has been discovered. The new billing agent has agreed to review the previous billing process, to see if there is any extra money and that the billing was done correctly. He stated that he would report back to the Board once the new agent had completed the review. Commissioner Meadows asked if there would be legal action if any indiscretions are found. Attorney Toni Craig, County Attorney, stated that it is possible that legal action could be taken to recoup monies lost. Commissioner Chapman asked the Board to allow Chief Coley to continue with the current course of action.

Commissioner Comander asked if a lien would be imposed if the bill was not paid. Chief Coley stated that there would be a lien against our billing, and possible license revocation. Commissioner Chapman agreed the bill should be paid to avoid any penalties.

- ~~1. Approve Expenditure Approval List (EAL)~~
2. Approve minutes for the October 25, 2012-Special Meeting; November 13, 2012-Regular Meeting; and November 20, 2012-Special Meeting
- ~~3. Approve Interlocal Agreement between Walton County and City of Freeport for various public works projects~~
4. Approve an Interlocal Agreement between Walton County, The City of DeFuniak Springs, and Tri-County Community Council, Inc. relating to the operation of the Senior Center
5. Approve to reimburse Medicaid overpayments in the amount of \$29,866.14 to Agency for Health Care Administration
6. Cancel the Regular Meeting scheduled for December 25, 2012 and hold a Special Meeting on December 18, 2012 at 9:00 a.m. at the Walton County Courthouse located in DeFuniak Springs
7. Approve a **Resolution (2012-74)** declaring December 11<sup>th</sup> as "Military Spouses Day"

Second by Commissioner Imfeld to approve the Consent Agenda with the additions and deletions as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Chapman reported that one of the items on the EAL was a payment to C. W. Roberts Construction. He stated that due to his son-in-law being an employee with the company, he would abstain from voting on the EAL until Attorney Craig completes her research on whether there is a conflict of interest. Commissioner Imfeld asked if the issue could be deferred until Commissioner Meadows had a chance to review the documents. Commissioner Commander stated that it had to be voted on so that the bills could be paid. Commissioner Meadows discussed the lateness in which she received her meeting information, and stated that she would abstain from voting on an issue that she did not have time to review.



Motion by Commissioner Comander, second by Commissioner Imfeld, to adopt **Resolution (2012-75)** pledging support for Project Bayou. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Meadows asked where the company was from. Ms. Phaneuf said that it was a company from the Niceville area.

Major Stan Sunday, Department of Corrections Director, presented an update on the re-accreditation process, and recognition of staff. The assessment found the Walton County Department of Corrections with 100% of applicable mandatory standards, 100% applicable other than mandatory standards; and recommended reaccreditation status.

The Commissioners commended the Department of Corrections on a job well done.

Mr. Demers requested that a resolution be adopted to accompany the CSX Facility Encroachment Agreement to facilitate utility extensions under the CSX Railroad right-of-way. The agreement was approved on November 13, 2012.

There were no public comments.

Motion by Commissioner Imfeld, second by Commissioner Comander, to adopt a resolution to accompany the CSX Railroad Facility Encroachment Agreement.

Commissioner Imfeld asked if the \$4,000 one-time encroachment fee is a part of the grant or if it would be county funded. Mr. Greg Graham discussed what funding was covered by the CDBG, and stated some county funds have been used for CSX expenses.

Commissioner Imfeld questioned whether the insurance clause would be superseded if the county was self-insured. Attorney Craig stated that Section 10.6 of the agreement recognizes the self-insured as meeting the requirements. She clarified that there are two agreements

therefore two resolutions must be adopted. The resolutions are needed for signature authority verification.

Commissioner Imfeld asked Mr. Graham to bring back the funding information for the \$4,000 encroachment fee.

Motion and Seconded amended to adopt **Resolution 2012-76** to facilitate a 10" water line under the CSX rail line as part of the Dixie RV CDBG infrastructure improvements. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Motion by Commissioner Imfeld, second by Commissioner Comander, to adopt **Resolution 2012-77** to facilitate a 4" wastewater line under the CSX rail line as part of the Dixie RV CDBG infrastructure improvements. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Chairman Pridgen called to order the Public Hearing to consider a **Resolution (2012-78)** electing to use the uniform method of collecting non-ad valorem special assessments levied within the unincorporated area of Walton County.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Chapman, to adopt **Resolution 2012-78** electing to use the uniform method of collecting non-ad valorem special assessment levied within the unincorporated area of Walton County. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Dawn Moliterno, Tourist Development Council Executive Director, presented the applicants for TDC Advisory Council seat appointments. The seats that are due to expire are: Seat 4-Owner/Operator; Seat 7-Tourism related; Seat 3-Elected Official; and Seat 9-Tourism Related or Owner/Operator. She stated that the application cut-off date was November 20, 2012,

and that all of the applications were then submitted to County Administration on that same day. She said that no applications were received after the cut-off date. Attorney Clay Adkinson, TDC Attorney, discussed the policy regarding the selection and scoring of the TDC seats.

Commissioner Meadows stated that she did not have ample time to review the applicants, and asked that the issue be tabled until the December 11, 2012 Regular Meeting. She addressed a notation on one of the applications regarding a statement directed to Attorney Adkinson. Commissioner Meadows asked if these were all of the applications; and if any were weeded out due to a suggestion by Attorney Adkinson indicating that the applicant had sued the county or harassed the TDC. She reported that she had been informed that a participant was removed from the Van Ness Butler award due to conflicts with the TDC. Ms. Moliterno stated that no application had been removed. She reiterated that none had been received after the cut-off date, and that all applications were submitted to County Administration on November 20<sup>th</sup> at the close of the application process. Ms. Moliterno stated that the document in question was a draft document of the council guidelines that included the notations to Attorney Adkinson, and that it was inadvertently posted to the partner website. Commissioner Meadows asked what policies were in place to define whether an applicant is in good standing. Attorney Adkinson discussed the Code of Conduct that governs the TDC Advisory members, and stated that the State Code of Ethics reflects that a conflict of interest would exist if a member sues the county in which they serve. He said that it is not the determination of the attorney to remove anyone from any process. Discussion ensued regarding the removal of a nominee from the Van Ness Butler Award list.

Commissioner Meadows asked Ms. Moliterno how often she visited the bed tax collectors. Ms. Moliterno stated that she interacts with the bed tax collectors on a weekly basis

and that her staff also goes out to visit. Commissioner Meadows discussed an incident with a bed tax collector. Ms. Moliterno stated she was not aware of that issue.

Commissioner Comander suggested that Commissioner Meadows and Ms. Moliterno meet to discuss the issues raised.

Discussion ensued regarding the receipt of the Board books from Administration and Planning.

Ms. Moliterno reported that a TDC Advisory meeting is scheduled for December 10, 2012 with several action items on the agenda. She asked that the current seats be extended until December 11, 2012 so that the TDC Board can take appropriate actions.

Motion by Commissioner Meadows, second by Commissioner Comander, to extend the TDC Advisory Council appointments through the December 10, 2012 TDC Meeting; and continue the TDC Seat appointments to December 11, 2012 Regular Meeting.

Mr. Bob Hudson asked if all the applicants have been verified and meet the requirements to serve on the TDC Board. Ms. Moliterno stated that staff reviews each application to determine if the requirements are met. Commissioner Meadows asked if it were confirmed that all of the applicants were registered voters. Mr. Hudson stated that his research revealed that some applicants were not registered voters. Ms. Moliterno stated that a secondary review will be made and any discrepancies corrected.

Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Moliterno reported that the Mobile District has requested the final payment of \$150,000 to complete the Federal Feasibility Study. This expense has been budgeted and is an

ongoing need with prior approval. She requested expenditure approval from the Beach Nourishment Funds in the amount of \$150,000 for the feasibility study.

Motion by Commissioner Comander, second by Commissioner Imfeld, to approve the final payment to complete the Federal Feasibility Study in the amount of \$150,000. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Moliterno gave updates on the TDC activities and events which included the upcoming TDC Board meeting, and a Beach Nourishment meeting in Washington DC.

Attorney Craig requested the authority to enter into a lease with Guy Allen and Joanne White for real property for the placement of the District 1 Commissioner's office. As compensation for the first four years of the lease, the County will provide in-kind services including the installation of a septic tank, well, concrete slab for handicap parking, and milled asphalt driveway/parking area. These alterations will remain on the property and become the property of the owners at the termination of the lease.

Commissioner Imfeld asked if there was a list of improvements to be made. Attorney Craig stated that an assessment of the property will need to be performed. Commissioner Chapman stated that the site is a partially wooded area with dilapidated structures. He said that an assessment will be done to determine the placement of the needed structures. Attorney Craig reported that should the agreement be extended an additional four years, the lease would then become \$200 per month.

Commissioner Imfeld requested that future contracts be submitted for review prior to the meeting to give the public an opportunity to examine the documents.

Motion by Commissioner Comander, second by Commissioner Imfeld, to authorize the execution of a lease for real property for the placement of the District 1 Commissioner's office. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Attorney Craig requested authority to extend the current lease with Florida Community Services Corporation of Walton County, Inc. (Regional Utilities) for the District 5 Commissioner's office. She reported that Regional Utilities is willing to extend the lease until a new lease with more appropriate terms is negotiated. Attorney Craig stated that there is more square footage in the building than Commissioner Meadows is requiring for office space, and that a re-evaluation is to be conducted to determine a suitable lease amount. Commissioner Comander asked if the other portions of the building could be used for other county services. Commissioner Meadows stated that there is a lot of opportunity for office space use for other county services.

Motion by Commissioner Comander, second by Commissioner Chapman, to authorize the execution of an extended lease for the District 5 Commissioner's office through March 1, 2013. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Attorney Craig discussed a request to release the Code Enforcement lien by Ms. Linda Conrad, through Ms. Linda Watson, realtor, on real property described as Lot 6 of Eagles Landing at Inlet Beach. She reported that there has been an interested party in purchasing the property with the condition of bringing the property into compliance. There will be a payment to the county of \$1,500 for administrative fees. Commissioner Meadows asked the history of the property. Attorney Craig stated that Ms. Conrad had bought the lot around 2005 and started construction; the construction deal went bad when the developer walked away. The lien has been in place since 2009. Commissioner Chapman questioned Ms. Conrad's allegations regarding a

scam. Attorney Craig stated that the failed construction deal was the scam in which she referred. Commissioner Comander questioned whether the new owner or old owner should be fined for the lien. Commissioner Meadows asked if the \$59,000 lien could be included in the sale transaction and then paid to the county. She voiced concern that too many liens and fines could go unpaid. Commissioner Comander asked if the money could be paid directly to the county instead of to the seller. Attorney Craig stated that according to the Property Appraiser's website and mortgage documents, the property was purchased for approximately \$1 million, and the current sale price is \$160,000. Discussion ensued regarding the difference in the amounts. Commissioner Imfeld questioned if the sale had been completed, and felt that more time is needed to review the issue. He asked if the concerns could be addressed by the December 11<sup>th</sup> meeting. Attorney Craig stated that Code Enforcement and Ms. Watson could be contacted to review this issue along with other parcels within this area in which the county has been approached.

Motion by Commissioner Meadows, second by Commissioner Comander to continue the release of lien to December 18, 2012 due to the extensive agenda for December 11<sup>th</sup>.

Ms. Dede Hinote, Interim Assistant County Administrator, stated that December 18<sup>th</sup> was scheduled to approve the bills, and that one week may not be ample time to prepare the Board books. She requested that the Board reconsider hearing the issue on December 11<sup>th</sup>. After some discussion, the Board concurred to leave the continuance to December 18. Commissioner Meadows asked that Attorney Craig provide the information prior to the meeting for review. Attorney Craig stated that she would also provide information regarding State Statute on release of liens.

Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Demers asked if the December 18<sup>th</sup> meeting would be restricted to paying bills and the release of lien issue. The Board concurred to restrict the agenda for the December 18<sup>th</sup> meeting.

Mr. Demers addressed the issue of agenda planning and Board packet delivery.

Commissioner Comander asked if the submission cut-off date could be changed to Monday to allow more time for review. After brief discussion, the Board directed to move the submission cut-off date to Monday.

Commissioner Meadows had no items to present.

Commissioner Chapman discussed the meeting procedures outlined in the Board book, and asked if the Board was willing to continue using those procedures. The Board concurred to review the procedures to see if there were any changes to be made.

Commissioner Imfeld asked Administration to present at the December 11, 2012 meeting possible dates to schedule Strategic Planning.

Commissioner Comander also discussed the Strategic Planning process, and suggested that an entire day be set aside for discussion. She also reported that she and Mr. Wayne Dyess, Planning and Development Director, had discussed the issue of signs being erected during times when Code Enforcement is not available. She asked what actions have been taken to create procedures to issue citations and fines. Mr. Mac Carpenter, Planning and Development, stated that the procedures are still being developed.

Chairman Pridgen had no items to present.

Commissioner Meadows stated that the directional signs on U. S. Highway 98 needed to be discussed at a future meeting. Mr. Carpenter stated that additional time has been given by FDOT to remove the signage. Commissioner Meadows asked if a letter from the Chairman could be sent stating that the issue would be addressed after the first of the year. Discussion ensued regarding the original placement and intended use of the signs. Commissioner Comander asked that information be presented as to the number of unpermitted and ill-placed signs. Mr. Carpenter stated that the majority of the signs were unpermitted, and that the issue was worse on County Road 30A. Chairman Pridgen suggested that Commissioner Meadows work with TDC on the sign issue. Discussion continued on sign aesthetics and placement.

There was no public comment.

The meeting recessed at 10:35 a.m. and reconvened at 10:46 a.m.

Mr. Mac Carpenter, Planning and Development, presented LSA 12-01.03 (Amendment No. 12-1ESR) (**Ordinance 2012-32**) a request adopting a Large Scale Map Amendment to the Walton County Comprehensive Plan to change the Future Land Use Map designation on 20.0 +/- acres in Walton County, south of the Choctawhatchee Bay, on the west side of Old Blue Mountain Road approximately 750 feet north of the intersection of US 98 West and Old Blue Mountain Road. Mr. Carpenter stated that review comments have been received.

Commissioner Meadows asked what the plans were for this site. Mr. Carpenter stated that some type of utility infrastructure was being proposed.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Imfeld, to adopt **Ordinance 2012-32** (LSA 12-01.03 (Amendment No. 12-1ESR)). Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Carpenter presented LSA 12-01.01-a proposal to modify the location criteria for new neighborhood commercial future land use map designation to allow new designation in the Route 30A Scenic Corridor on DeFuniak Street in Grayton Beach south of 30A and north of Pine Street. He requested approval to transmit to the Department of Economic Opportunity.

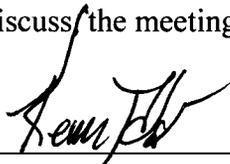
There was no public comment.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve the transmittal of LSA 12-01.01 to DCA. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Carpenter requested to continue LSA 12-01.04 to December 11, 2012 to correct an advertising deficiency.

Motion by Commissioner Comander, second by Commissioner Chapman, to continue LSA 12-01.04 to December 11, 2012. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

There being no further items to discuss, the meeting was adjourned at 10:51 a.m.



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Kenneth Pridgen, Chairman

  
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Martha Ingle, Clerk of Court