

MAY 28, 2013 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on May 28, 2013 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 Mark Davis, Interim County Attorney; and Mr. Alex Alford, 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. Demers presented the following agenda additions and deletions:

1. Addition: Consent Agenda-Request to adopt a resolution authorizing to enter into a LAP Agreement with DOT for the construction of paved shoulders along C.R. 2 to the Holmes County Line (LAP Agreement approve by the BCC on May 14, 2013)
2. Addition: Consent Agenda-Request to adopt a resolution supporting Goodwill Industries
3. Deletion: County Attorney-Land Use Attorney
4. Deletion: Citizens Request-Ms. Rita Kay, Bayshore Drive resident, request to clean out drainage ditch

Commissioner Meadows asked that Consent Agenda Item 6 (Approve Budget Amendment to transfer \$24,672.20 from the Contingency Fund to complete the Dixie RV CDBG Project) and Item 10 (Approve to advertise for RFP for Building Contractor Services related to the construction of the new Public Works Engineering Building) be pulled for discussion.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the Consent Agenda with the removal of items 6 and 10. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

1. Approve Minutes of April 19, 2013 Special Meeting/Executive Session, May 7, 2013 Workshop and May 14, 2013 Regular Meeting
2. Approve Expenditure Approval List (EAL) for payment

General Fund	\$ 344,032.87
County Transportation	\$ 112,908.29
Section 8 Housing	\$ 148,523.65
Tourist Dev. Council	\$ 1,009,168.45
N.W. Mosquito Control	\$ 113.22
Recreation Plat Fee	\$ 4,187.86
Solid Waste Enterprise	\$ 192,214.33
<u>Inmate Canteen Fund</u>	<u>\$ 9,679.22</u>
Totals	\$ 1,820,827.89
3. Approve Century Link Service Agreements for Data Master Maintenance and Data Master Support as requested by the Sheriff's Office
4. Approve Engagement Letter with Warner Law Firm, P.A. as requested by the County Attorney
5. Approve request to advertise and move the Regular Board Meeting from Tuesday, June 25, 2013 to Monday, June 24, 2013 at 9:00 AM due to the Florida Association of Counties Conference in Tampa, FL
- ~~6. Approve Budget Amendment to transfer \$24,672.20 from the Contingency Fund to complete the Dixie RV CDBG Project~~
7. Approve a Resolution (2013-) proclaiming May 2013 as Civility Month as requested by the Attorneys of the City, County and Local Government Law Section of The Florida Bar
8. Approve a Resolution (2013-) amending the budget for the Fine and Forfeiture Fund for FY 2012-2013 to account for unanticipated revenue from E911 Special Disbursement in the amount of \$17,459.00
9. Approve purchase of stacked washer and dryer at a cost of \$2,139.00 for the Red Bay Fire Station (Station 8)
- ~~10. Approve the advertise for RFP for building contractor services related to the construction of the new Public Works Engineering Building~~
11. Approve to award the auctioneering services RFP 013-010 to Midway Machinery
12. Approve to award Bridge Material for C.R. 183 South Bridge Construction Bid 013-018 to Conecuh Bridge and Engineering in the amount of \$39,699.90
13. Approve an Amendment to the current contract with Lord & Son correcting the compensation amount from \$288,160.00 to \$228,160.00
14. Approve a Resolution (2013-27) authorizing to enter into a Local Agency Program Agreement (LAP) with the Florida Department of Transportation regarding the construction of paved shoulders along C. R. 2 to the Holmes County line in Walton County (approved by the BCC on May 14, 2013)
15. Approve a Resolution (2013-24) supporting Goodwill Industries

Mr. Demers began discussing Consent Agenda Item 6-Approve Budget Amendment to transfer \$24,672.20 from the Contingency Fund to complete the Dixie RV CDBG Project.

Attorney Davis noted that the agenda as amended had not been approved.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to approve the agenda as amended. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Demers resumed his discussion of Consent Agenda Item 6 and said that the reasons for the transfer of funds was due to the completion of the water and sewer project at Mossy Head Industrial Park (MHIP), the payment for a CSX flagger, the installation of a bypass at one of the lift stations, and the connection of electrical service to the lift station. He said that \$4,000 of the requested amount would be used toward lift station maintenance for the remainder of the year. Commissioner Meadows asked about the monies in the Contingency Fund. Mr. Demers stated that the Contingency Fund had \$400,000 at the beginning of the fiscal year with approximately \$300,000 remaining. Commissioner Meadows noted that this request was for money being spent at the MHIP and not the Dixie RV Park. Commissioner Imfeld clarified that the involvement of the MHIP is to connect the Dixie RV Park, for both water and sewer, to the area on the north side of U.S. Highway 90 which is located near the Mossy Head School. He reported that the CDBG was a grant specific to Dixie RV and the school.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to approve the Budget Amendment to transfer \$24,672.20 from the Contingency Fund to complete the Dixie RV CDBG Project. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Demers discussed Consent Agenda Item 10-Approve to advertise for RFP for Building Contractor Services related to the construction of the addition to the Public Works Engineering Building. He said that this item was budgeted but there is no contractor assigned to county staff. Commissioner Meadows asked what the cost would. Mr. Buddy Wright, Public Works, stated that the cost of the building would be approximately \$135,000. He reported that in house staff would construct the building, but a contractor is needed to pull permits.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve to advertise for a RFP for Building Contractor Services related to the construction of the addition to the Public Works Engineering Building. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Demers requested to schedule a Workshop on June 24, 2013 at 8:30 a.m. prior to the regular meeting to allow the top six firms responding to RFQ 013-015 – Professional Engineering Services to make presentations. The Board will select the top three firms.

Commissioner Meadows asked that the names of the individuals serving on the selection committee be included with the short-list.

Motion by Commissioner Comander, second by Commissioner Meadows, to schedule a Workshop to allow the top 6 firms to give presentations regarding RFQ 013-015 – Professional Engineering Services on June 24, 2013 at 8:30 a.m. at the Walton County Courthouse in DeFuniak Springs, FL.

Commissioner Imfeld asked if any action would be taken at the Workshop. Mr. Demers stated that action would be taken during the Regular Meeting following the Workshop. Commissioner Meadows asked who was on the selection committee. Mr. Demers answered Mr.

Greg Graham, Public Works; Mr. Ryan Douglass, Public Works; and Mr. Billy McKee, Environmental Manager.

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

Commissioner Meadows exited the meeting.

Mr. Demers presented the results of the negotiated terms with the Genesis Group for RFQ 013-006 – C.R. 183 Design and CEI. He requested approval of the negotiated rates in the amount of \$513,803.88.

Motion by Commissioner Imfeld, second by Commissioner Comander, to approve the negotiated rates with Genesis Group for RFQ 013-006 – C.R. 183 Design and CEI in the amount of \$513,803.88. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye.

Mr. Demers presented the results of the negotiations with Preble-Rish, Inc. for RFQ 013-008 – C.R. 3280 Design and CEI. He requested approval of the negotiated rates in the amount of \$545,000.00.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to approve the negotiated rates from Preble-Rish, Inc. in the amount of \$545,000.00 for RFQ 013-008 – C.R. 3280 Design and CEI Negotiated Rates Award. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye.

Commissioner Meadows rejoined the meeting.

Mr. Demers presented a request from Habitat for Humanity to approve an easement and right-of-way for the relocation of the existing maintained roads off of five lots in the Oakwood Hills subdivision for future development. He stated that approving the request would be beneficial to both parties.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to approve easement and right-of-way recommendations as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Demers requested to approve a **resolution (2013-30)** and maintenance agreement with the Florida Department of Transportation (FDOT) for the Choctawhatchee Bay Bridge County Park (Bayfield Park). Commissioner Meadows asked who would be responsible for the park's maintenance. Mr. Demers stated that the TDC would be responsible for park maintenance. Commissioner Comander asked if the new park would be smaller. Mr. Demers stated that "like" facilities would be provided into a condensed location. Commissioner Comander asked if the park would be removed once the four-lane road is in place. Mr. Demers stated that the existing park facilities would be removed to install the four-lanes and then the new park would be constructed. The new park will be located under the south side of the bridge.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve the FDOT Maintenance Agreement and **Resolution 2013-30** for the Choctawhatchee Bay Bridge County Park (Bayfield Park). Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Buddy Wright, Public Works, presented an update of the Public Works Paving Program and stated that the program is divided into two categories: Capital Improvements and Overlay Program. He briefly discussed the criteria, budget, and statistics on unpaved roads. He discussed the criteria determining the roads chosen (number of homes affected, maintenance cost and effort, available right-of-way, environmental issues, interconnectivity, and community concerns). He briefly discussed the criteria and budget of the Overlay Program. Commissioner Meadows asked if the criterion was weighted. Mr. Wright said that project ranking is a part of

the planning process and that the number of homes and sufficient right-of-way are the most important criteria to be met. A brief discussion ensued regarding sufficient right-of-way. Commissioner Meadows asked if there was also a ranking system for the overlay program. Mr. Wright stated that there was and briefly discussed the system used to rank the roadways. Commissioner Meadows asked if the work would be done in-house and what it would cost per mile to pave a road. Mr. Wright stated that in-house labor would be used for most of the projects and that it would cost approximately \$140,000-\$150,000 per mile in material costs. Commissioner Comander asked how much money is saved by using in-house labor. Mr. Wright stated that he did not have that information on hand and would bring it back to the Board. Commissioner Meadows asked what it would take to add more roads to the list. Mr. Wright stated that more manpower and machinery would be needed.

Mr. Demers requested to trade in BCC 5445 (wrecked fire truck valued at \$35,000) and use the \$50,000 insurance proceeds as a down payment for a total of \$85,000 toward the purchase of a new fire truck at a net cost of \$371,512.00. He reported that the purchase would be funded through a lease-purchase program with SunTrust Bank.

Motion by Commissioner Imfeld, second by Commissioner Comander, to approve the trading of BCC 5445 and use the \$50,000 insurance proceeds as a down payment on a new fire truck. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Larry Jones, Special Projects Coordinator, requested to adopt a **resolution (2013-25)** establishing the Local RESTORE Committee. He reported that other counties have given direction to their local committees through either ordinances or resolutions. He stated that the resolution would strengthen and support the committee's efforts. Commissioner Comander

voiced concern regarding the submissions of financial statements as directed in Section 4(G). Mr. Jones stated that the statements would be required only if deemed necessary.

Motion by Commissioner Comander, second by Commissioner Meadows, to adopt **Resolution 2013-25** establishing the Local RESTORE Council. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones presented an update on the Mossy Head Industrial Park Electrical Service. He stated that there was an error in the amount presented at the last meeting. The costs are significantly less than originally stated.

Mr. Jones said that the Treasury Department would be releasing a draft of the proposed rules regarding the RESTORE Act for counties to comment on and make recommendations. These comments and recommendations are to be returned to the Treasury Department for editing and will be released later for public comment. He requested to submit the draft rules for Board review, bring the recommendations and comments back to a scheduled Board meeting, and compile all of the recommendations and comments into one document for submittal to the Treasury Department. The Board concurred.

Mr. Ed Gardner, Economic Development Alliance (EDA) Board Member, briefly discussed Gulf Power's new site certification program. The goal of Gulf Power, Power South, and McCallum Sweeney Consulting of South Carolina is to develop the Gulf Power Industrial Site Evaluation and Certification Program to partially develop select vacant properties to make it easier for businesses to locate there, to provide prospective businesses with a comprehensive date on a site, assist communities with marketing, and certify that the locations are ready for industrial development. Mossy Head Industrial Park is being considered as a selected site. If selected, the cost would be \$25,000 with Gulf Power paying \$12,500 and the county paying

\$12,500. Mr. Gardner stated that there are three phases to the certification process: Phase I-Letter of Intent; Phase II-Documentation Evaluation at a cost of \$5,500 with a deadline of June 28, 2013; and Phase III-Final Site Approval. He reported that Phase I has been completed and requested \$2,750 for Phase II. The remainder of the county's portion would be due in Phase III. Mr. Gardner stated that this offer is only for publicly owned sites; the developer is required to pay the entire \$25,000 for privately owned sites.

Commissioner Meadows noted that the infrastructure for the industrial park had not been completed and voiced concern that the timing is premature. Mr. Gardner stated that the infrastructure does not have to be installed, but that engineering plans and funding sources should be in place. Commissioner Meadows asked if the county would be responsible to pay for another assessment after completion of the infrastructure. Mr. Gardner said no and that Phase II would provide a list of all the items needed to have the site certified. Mr. Jones stated that some of the engineering plans have been completed.

Commissioner Comander asked when this opportunity would be made available again. Ms. Jennifer Connelly, Gulf Power, stated that if the program is successful, then Gulf Power may offer another opportunity sometime in 2014. She said that this phase will help to identify a timeframe of when a site would be ready for development. Mr. Gardner stated that there have been 16 sites submitted across northwest Florida.

Commissioner Comander asked to table the issue until the first meeting in June to give an opportunity to review the information further.

Commissioner Imfeld asked if the \$12,500 could be funded by the EDA. Mr. Gardner stated that the owner of the property has to sign the letter, but the funding could come from a different source.

Commissioner Meadows asked that a report be submitted detailing what types of businesses or industries would use the site and where the company employees would live. She also voiced concern that the industrial park would be more beneficial to Okaloosa County due to its proximity to the county line.

Mr. Steve Jaeger, EDA Executive Director, discussed the advantages of the site being near the CSX Rail line and Interstate 10. He stated that the certification of the area would aid in the planning process. He reported that Alabama, Georgia and other surrounding states have been successful in the certification process. He said that this is a prime area for certification. Commissioner Meadows asked what types of businesses he thought would occupy the park. Mr. Jaeger stated distribution centers, warehousing, and manufacturing. Commissioner Meadows asked where the workers would live. Mr. Jaeger stated that there were several opportunities for housing developments.

Commissioner Imfeld asked that the EDA consider funding the \$2,750 and present the Board with an answer.

Commissioner Comander asked if there were any companies looking at locating to the MHIP. Mr. Demers stated that there were, but were being kept confidential at this time.

Commissioner Comander asked that the EDA information be presented at the June 11, 2013 Regular Meeting.

Commissioner Imfeld asked about possible EDA grant funding. Mr. Jaeger stated that Governor Scott recently vetoed State funding of the MHIP and reported that the Federal Economic Development Administration provides grant money for projects like MHIP and he recommended grant funding as the next step. The Board concurred to direct staff to work with Mr. Jaeger to pursue Federal grant opportunities.

Ms. Melissa Pilcher, Regional Utilities, and Mr. Mark Galvin, First Southwest Financial Advisor for Florida Community Services (Regional Utilities), briefly discussed the RFP for the opportunity to refinance the Series 2003 Water and Sewer Revenue Bonds for an interest savings. Mr. Galvin stated that the refinance would save over \$1.5 million over the life of the loan. He reported that Pinnacle Public Finance, a subsidiary of United Bank, was willing to provide low rates, flexible prepayment language, and eliminate or reduce tax risks. He recommended approval. Mr. Mark Mustain, Nabors, Giblin and Nickerson, was available to discuss the resolution approving the refinancing of the bonds. Ms. Pilcher stated that savings received from the refinancing would fund the Five Year Capital Improvement Plan and the Renewal and Replacement Plan. Commissioner Imfeld asked Ms. Pilcher to submit the Five Year Plan to him for review.

Commissioner Meadows asked if refinancing would extend the maturity date. Mr. Galvin stated that the maturity date stay the same. Commissioner Meadows asked if the bond could be paid off now. Mr. Galvin stated the bonds could be paid off but the monies would not be available to fund the Capital Improvement Plan. Discussion continued regarding paying off the bonds.

Motion by Commissioner Imfeld, second by Commissioner Comander, to adopt **Resolution 2013-32** approving the refinancing of the Series 2003 Water and Sewer Revenue Bonds. Ayes 4, Nays 1. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Nay.

Ms. Melissa Pilcher, Florida Community Services, requested to terminate Addendum 1 of the agreement with the City of Freeport. The City of Freeport has waived their option to purchase interest in the FCSC water line across the Choctawhatchee Bay in consideration of an

annual payment. The agreement allows for the City of Freeport to be paid in full at this time. All other terms of the agreement will remain the same. She requested to terminate the terms of Addendum 1 on the FCSC and City of Freeport Agreement (addendum dated November 14, 2001).

Motion by Commissioner Comander, second by Commissioner Imfeld, to approve to terminate the terms of Addendum 1 on the FCSC and City of Freeport Agreement (addendum dated November 14, 2001). Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Heather Encinosa, Nabors, Giblin & Nickerson, presented the amended and restated Initial Assessment Resolution (2013-31) for Fire Rescue Services. She stated that the resolution creates the Municipal Services Benefit Unit (MSBU) for the unincorporated area of Walton County plus the municipal limits of the City of Paxton. It excludes Liberty, Argyle and the south Walton independent fire districts. She briefly reviewed the conditions of the resolution and stated that the following rates would become effective October 1, 2013: Residential \$95/dwelling unit; Commercial and Institutional \$0.15/sq. ft.; Industrial Warehouse \$0.01/sq. ft.; Land greater than 10 acres \$0.17/acre; Land less than 10 acres \$11.30/parcel. Ms. Encinosa said that the assessment establishes a hardship program for low income families as determined by HUD. Commissioner Chapman felt that at a minimum amount of \$25 should be set with a parameter to apply for hardship above that amount. Ms. Encinosa stated that the \$25 minimum could be incorporated into the resolution. She requested approval of the resolution with the change as discussed and to move forward with a Public Hearing on July 9, 2013 to adopt the Final Rate Resolution.

Commissioner Meadows asked who would administrate the hardship cases. Mr. Demers stated that it would be handled through the County Administrator's Office.

Mr. J. B. Hillard, Walton County Taxpayers' Association, briefly discussed the positions supported by the WCTA Board. He stated that the WCTA Board recommended that all fire subsidies be eliminated over the next five to 10 years.

Motion by Commissioner Chapman, second by Commissioner Comander, to adopt the Amended and Restated Initial Assessment **Resolution 2013-31** for Fire Rescue Services with the language change as discussed to include a required \$25 minimum assessment and to move forward with a Public Hearing on July 9, 2013 to adopt the Final Rate Resolution.

Commissioner Meadows amended the motion to include the elimination of all fire subsidies within the next seven (7) years.

After a brief discussion regarding the process to amend a motion, Commissioner Meadows withdrew her motion.

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

Motion by Commissioner Meadows, second by Commissioner Comander, to eliminate all fire subsidies within the next seven (7) years.

Commissioner Comander stated that she wanted information showing how much the increase would be each year to be able to eliminate all fire subsidies within seven years. Mr. Hillard stated that the WCTA is asking for a commitment to eliminate the fire subsidies and that the figures requested by Commissioner Comander are not available. Discussion continued on providing fire services for county citizens. Ms. Sandi Melgarejo, Government Services Group, stated that if the \$95.00 rate is adopted this year, then approximately \$40-\$50 would be added

each year per residential property over the next six years to eliminate fire subsidies. Commissioner Chapman voiced concern that some of the lower priced homes may wind up paying more in taxes than some of the higher priced homes. Discussion continued on the timeframe to eliminate the subsidies.

Commissioner Meadows amended her motion; Commissioner Comander amended her second, to extend the period to eight (8) years.

Commissioner Imfeld agreed that the subsidies should be eliminated but felt that a time limit should not be set. He felt that a rate increase should be determined yearly.

Ayes 2, Nays 3. Pridgen Nay, Comander Aye, Chapman Nay, Imfeld Nay, Meadows Aye. Motion failed.

Mr. Demers requested direction from the Board whether or not to allow staff to work with the Sheriff's Office to amend the Noise Ordinance and to develop procedures that facilitate Code Enforcement working with the Sheriff's Office on "Event House" issues. If allowed, staff would work with the Sheriff's office to set up a focus group to address these issues and make changes to the noise ordinance resulting in better enforcement. Commissioner Meadows asked who would make up the focus group. Mr. Demers stated individuals from Planning, Code Enforcement, Administration and the Sheriff's Office. Commissioner Comander felt that the findings of the focus group could be provided for public comment.

Mr. Demers requested permission to advertise for a RFP for Indigent Burials. He reported that burial costs have risen and that the currently designated \$450 no longer covers those expenses.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve to advertise a RFP for Indigent Burials.

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

Attorney Mark Davis, Interim County Attorney, requested to hold an Executive Session to discuss settlement proposals in Kenneth W. Cox, Jr. v. Walton County (Case No. 2008-CA-529) and Suzanne Harris v. Walton County Board of County Commissioners (Case No.: 09-CA-800) on June 11, 2013 at the Walton County Courthouse Annex in Santa Rosa Beach, FL. He said that the Executive Session would be attended by the Board, Mr. Demers, Attorneys Tim Warner and Bill Warner, Special Counsel, a certified court reporter, and himself.

Motion by Commissioner Comander, second by Commissioner Chapman, to hold an Executive Session to discuss settlement proposals in Kenneth W. Cox, Jr. v. Walton County (Case No. 2008-CA-529) and Suzanne Harris v. Walton County Board of County Commissioners (Case No.: 09-CA-800) on June 11, 2013 at 3:30 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, FL. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Attorney Davis stated that he would present the Land Use Attorney information at the June 11, 2013 Regular Meeting.

Attorney Davis presented the Employment Agreement with Mr. Jim Bagby as TDC Executive Director. He stated that there is a question regarding the amount of retirement that can be paid and the amount will need to be approved by the Florida Retirement Systems (FRS). He recommended approval upon condition of the approval of FRS for retirement. Commissioner Comander questioned Section H. Attorney Davis stated that the section implies Mr. Bagby's evaluation will be based solely on his performance unless he has violated Section 2(C).

Motion by Commissioner Imfeld, second by Commissioner Meadows, to approve the Employment Agreement with Mr. Jim Bagby as TDC Executive Director with conditions as stated. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Attorney Davis requested to pay the Sandman, LLC invoice and continue negotiating with Seascope for the reimbursement of the invoice. He questioned if the invoice should be paid from TDC funds or the County's general fund. He submitted a copy of the Proposal: Mechanical Beach Cleaning signed by Ms. Dawn Moliterno on March 18, 2013. Commissioner Meadows asked if the proposal stated a length of time and the area to be cleaned. Attorney Davis said that the contract states that the area to be cleaned was located between the Whales Tale and Surfside Resort and that the prices and scope of services will remain in effect for no more than 30 days beginning March 14, 2013. Commissioner Meadows spoke in opposition to the county cleaning portions of the private beaches; the spending of public funds used on private property; and felt that the private beach owners should reimburse the county for the services rendered. Discussion ensued regarding the steps taken at the time of the clean-up and the parties who should have been held responsible. Mr. Demers reported that Mr. Taylor Ward, Sandman LLC, has contacted Administration several times and that the invoice is now overdue. Mr. Dave Sell, TDC Beach Maintenance Manager, stated that all three accesses in that area are county owned accesses and felt that a health and safety issue existed. He discussed the events which lead to the county authorizing the beach clean-up.

Mr. Bob Hudson discussed the Sandman, LLC invoice and gave an account of the events in which he was involved surrounding the beach cleaning. He stated that this was private property and the trash on the public access was overflow from the private property. He voiced concern that if the county pays for the clean-up, then a precedent will be set and felt that a beach

clean-up policy should be created. Commissioner Imfeld noted the difference in the time of service on the invoice compared to the time of service in the contract and reported that the invoice included days not in the agreement. Discussion ensued on the actual number of days spent cleaning up the area. Commissioner Meadows asked that Mr. Jim Nettles, Seascope Manager, be consulted on the number of days of actual cleaning. Attorney Davis stated that he would bring back more information.

Ms. Michelle Ray, TDC Finance Manager, presented the agreement and funding of Non-Federal Cost Share for Preliminary Engineering and Design of the Walton County, Florida Hurricane and Storm Damage Reduction Project. She reported that the agreement has been reviewed by both the TDC and the County Attorney and that work will begin as soon as funding is available.

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve the agreement and funding of Non-Federal Cost Share for Preliminary Engineering and Design of the Walton County, Florida Hurricane and Storm Damage Reduction Project. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Ray requested to award RFQ 013-014 for Coastal Management Services to Seahaven Consulting as the top ranked firm in the amount of \$102,000 annually with the option to renew for three additional terms. Commissioner Meadows questioned how much was paid last year. Ms. Ray stated \$96,000. Commissioner Meadows noted that travel expenses were included in the \$96,000 but not in the \$102,000. Ms. Ray stated that the \$102,000 includes six trips to the bi-monthly TDC meetings; any additional travel will be reimbursed based on the TDC Consultant reimbursement guidelines.

Motion by Commissioner Comander, second by Commissioner Chapman, to award RFQ013-014 Coastal Management Services to Seahaven Consulting as highest ranking firm in the amount of \$102,000. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jon Ervin, TDC, requested to advertise a RFP for a Public Relations Agency for Visit South Walton. Commissioner Meadows asked who the current agency was. Mr. Ervin stated Curley & Penn which have served three terms.

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve to advertise a RFP for a Public Relations Agency for Visit South Walton. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Ervin requested approval of the Visit South Walton Mobile App Marketing Plan Strategy in the amount of \$49,500.00.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to approve the Visit South Walton Mobile App Marketing Plan Strategy in the amount of \$49,500.00. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Major Stan Sunday, Interim TDC Executive Director, presented an update regarding South Walton Artificial Reef Association's (SWARA) reef project permits. He stated that the Advisory Council had approved to use RESTORE/NRDA funding to reimburse the monies spent on the reef project if allowed by the Department of Treasury. The TDC Advisory Council will meet the morning of June 11, 2013 to consider recommendations to be presented to the Board that evening during its Regular Meeting.

Mr. Art Miller, Institute for Senior Professionals, presented a report on Strategic Planning for the Walton County Economic Development Alliance.

The meeting recessed at 11:32 a.m. and reconvened at 11:38 a.m.

Ms. Linda Sumblin, Workforce Development Board/Jobs Plus, presented an update on Workforce Development Board and JobsPlus activities in Walton County. She reported that Ms. Regina Clark has been appointed as the JobsPlus Center Manager in Walton County. Commissioner Imfeld thanked Ms. Sumblin for all of the hard work and support she has given.

Commissioner Meadows had no items to present.

Commissioner Comander requested that a **resolution (2013-26)** be adopted supporting restoration of Passenger Rail Service from New Orleans, LA to Jacksonville, FL.

Motion by Commissioner Comander, second by Commissioner Chapman, to adopt **Resolution 2013-26** supporting the restoration of Passenger Rail Service from New Orleans, LA to Jacksonville, FL. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Comander requested that the Chairman sign a letter requesting to add another member from Walton County to the TPO Board. The member will be a representative from the City of Freeport. Currently two Commissioners and one DFS citizen is on the TPO Board.

Motion by Commissioner Comander, second by Commissioner Chapman, to authorize the Chairman to sign a letter requesting to add another member from Walton County representing the City of Freeport to the TPO Board. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Comander discussed the need to establish infrastructure within the Mossy Head Industrial Park. She requested that a Public Hearing be held to consider the transfer of

funds from Landfill Reserves to fund installation of roads and drainage in Mossy Head Industrial Park. She suggested that the project be performed in-house.

Motion by Commissioner Comander, second by Commissioner Imfeld, to hold a Public Hearing on June 24, 2013 to consider the transfer of funds from Landfill Reserves to fund installation of roads and drainage in Mossy Head Industrial Park.

Chairman Pridgen questioned if this would be done in phases or all at one time and felt that more information needed to be presented. Discussion continued on location of utilities, cost estimates, using in-house labor, following a phased approach, phase designs, and Federal grants.

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

Commissioner Imfeld requested that the Board reconsider whether or not to support the Grayton Beach State Park Fishing Pier as a county sponsored NRDA Project. He submitted emails that he had received which voiced opposition to the fishing pier and questioned why the fishing pier had been ranked as the top project. Commissioner Meadows stated that she had spoken with State park officials who said that the fishing pier was not a part of the park plans.

Mr. Billy McKee, Environmental Manager, stated that during the time that Mr. Greg Kisela was County Administrator, he had requested that the list of NRDA Projects be ranked for submittal to the NRDA trustee. He reported that the Board ranked the top five projects at the August 9, 2011 Regular Board Meeting. Commissioner Imfeld asked if public comment had been submitted at that meeting. Mr. McKee stated that there were some comments but not an extensive amount. Commissioner Imfeld addressed the remaining \$30 million in the NRDA funding to be dispensed between the eight counties. Discussion continued regarding the comments made at the August, 2011 meeting. Commissioner Imfeld stated that it needed to be

decided whether or not the fishing pier is a project to be pursued. Mr. McKee confirmed that the project will not be approved by park officials.

Motion by Commissioner Imfeld, second by Commissioner Comander, to send a letter to the NRDA Trustees rescinding Walton County support of the Fishing Pier. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Chairman Pridgen and Commissioner Chapman had no items to present.

Mr. Hillard spoke in favor of the adopted RESTORE Committee Resolution. He commended the Commissioners and staff on all of their hard work on behalf of the county. Mr. Hillard also spoke in support of the Business Professionals presentation.

Mr. David Kramer commended the Board for addressing the economic development issues and felt that more workshops should be held to better inform the public and gather more public input.

Mr. Mac Carpenter, Planning and Development, requested to appoint the following individuals to fill vacancies on the Affordable Housing Advisory Committee: Ms. Teresa Imdieke, Habitat for Humanity, and Ms. Patricia Rachels, USDA Rural Home Loan Division. Commissioner Meadows asked who they will be replacing. Mr. Carpenter stated that Ms. Rachels would be replacing a USDA representative who has been transferred to a different section, and Ms. Imdieke will be filling one of vacancies. Commissioner Meadows asked if there were enough committee members. Mr. Carpenter stated that seven out of the 11 positions were filled and that the other appointments will be presented at a later date.

Motion by Commissioner Comander, second by Commissioner Imfeld, to appoint Ms. Teresa Imdieke, Habitat for Humanity, and Ms. Pat Rachels, USDA Rural Home Loan Division

to the Affordable Housing Advisory Committee. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Chairman Pridgen exited the meeting and Commissioner Comander assumed the Chair position.

Mr. Mac Carpenter, Planning Manager, requested to proceed with Public Hearings to consider an amendment to Section 13.03.00 (N) in the Land Development Code (LDC) relating to outside display of merchandise along the U.S. 98 Scenic Corridor. Commissioner Meadows asked that the buffer area be defined. Mr. Carpenter stated that the buffer is the first 25 feet off of the right-of-way and reported that no unscreened outside display of merchandise is allowed within the Scenic Corridor. He said that the proposed language does not change the 25 foot buffer area. Commissioner Meadows asked if the language referring to U.S. 331 was referring to the entirety of the roadway to the Alabama line. Mr. Carpenter stated that it only applied to the portion of U.S. 331 south of the Choctawhatchee Bay Bridge. Commissioner Meadows felt that some of the smaller businesses suffer because they aren't allowed limited outside displays during business hours.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to proceed with Public Hearings to consider an amendment to Section 13.03.00 (N) in the Land Development Code relating to outside display of merchandise along the U.S. 98 Scenic Corridor.

Mr. Carpenter stated that the amendment would be presented to the Design Review Board and the Planning Commission prior to being submitted to the Board of County Commissioners for final approval.

Commissioner Meadows asked that the language reflect that up to 100 square foot of outside display area is allowed during store hours.

Commissioner Imfeld amended his motion to include the addition of the language including up to a 100 square foot outside display area during business hours. Commissioner Chapman amended his second.

Mr. Kramer felt that more public input is needed and discussed the lack of opportunity for business such as car dealerships. Commissioner Meadows asked if car dealerships would be prohibited because of this language. Mr. Carpenter said that it would.

Ayes 4, Nays 0. Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

The Quasi-Judicial Hearing was called to order and Attorney Davis administered the oath to those intending on speaking.

There were no objections to the notices for the Quasi-Judicial Hearings.

Commissioner Imfeld stated that he had a conflict with the Amendment to Sandestin DRI and submitted Form 8B-Memorandum of Voting Conflict. Commissioner Imfeld exited the meeting.

Chairman Pridgen rejoined the meeting and resumed the position as Chair.

Mr. Mac Carpenter, Planning and Development Director, requested that the Amendment to Sandestin DRI be continued to June 11, 2013 at the Walton County Courthouse Annex at 5 p.m. or soon thereafter.

Motion by Commissioner Comander, second by Commissioner Chapman, to continue Amendment to Sandestin DRI to June 11, 2013 at the Walton County Courthouse Annex in Santa Rosa Beach, at 5:00 p.m. or soon thereafter. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Meadows Aye. **(Form 8B-Imfeld)**

Mr. Carpenter reported that the applicant for Windswept Estates Property Owners Association SSA had requested that the item be removed from the agenda.

Motion by Commissioner Comander, second by Commissioner Chapman, to remove Windswept Estates Property Owners Association SSA from the agenda. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Meadows Aye.

Mr. Mac Carpenter, Planning and Development Director, requested that the Blackshear SSA be continued to August 13, 2013 at the Walton County Courthouse Annex at 5:00 p.m. or soon thereafter.

Motion by Commissioner Comander, second by Commissioner Chapman, to continue Blackshear SSA to August 13, 2013 at the Walton County Courthouse Annex in Santa Rosa Beach, at 5:00 p.m. or soon thereafter. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Meadows Aye.

Ms. Vivian Shamel, Planning and Development Services Planner, presented AJ Dubuisson SSA, an application submitted by Emerald Coast Associates, Inc. for a proposed small scale amendment to the Future Land Use Map of the Walton County Comprehensive Plan requesting approval of an amendment to 1.2 +/- acres from Residential Preservation to Neighborhood Commercial or a lesser intense category. The project is located on the northeast corner of C.R. 283 and east Point Washington Drive. Staff found the proposed amendment is consistent with the Walton County Comprehensive Plan and Land Development Code.

Commissioner Meadows asked how the archeological issues would be addressed. Ms. Shamel stated that should the property go through any redevelopment, the archeological issues would be addressed during the development order process.

Mr. Dean Burgiss, Emerald Coast Associates, discussed the findings of the environmental review.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve A. J. Dubuisson SSA (**Ordinance 2013-12**). Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Meadows Aye. (**Exhibits: Staff Report 1**)

Mr. Carpenter presented Powell SSA, an application submitted by Preble-Rish, Inc. for a proposed small scale amendment to the Future Land Use Map of the Walton County Comprehensive Plan, requesting approval to amend 0.52 acres from Residential Preservation to Neighborhood Commercial. The project is located approximately one mile north of the intersection of U.S. Hwy. 98 and Bay Drive at the southwest corner of the Bay Drive and Little Canal Drive intersection, Lot 13 & 14, Blk 7, Daugettes 1st Addition. Staff found that the proposed amendment is consistent with the Walton County Comprehensive Plan and Land Development Code.

Commissioner Meadows questioned if archeological areas were located on this site. Mr. Carpenter stated that there were some nearby, but not a part of this site. Commissioner Meadows noted that the map showing the archeological site mentioned in the Dubuisson SSA issue shows a larger portion of the archeological site on the Powell SSA lots.

Mr. Charlie Cotton, Preble-Rish, Inc., stated that the archeological issues would be thoroughly researched and addressed at the time of the development order. He reported that the applicant is looking to vest the lots as neighborhood commercial so that at the appropriate time she could submit a development order for an office or design studio. The building would not be used for retail and would be less than 5,000 square feet. Commissioner Meadows asked if there would be two living areas above the office building. Mr. Cotton stated that Ms. Powell has an agreement with Auburn University to employ interns; the living area would be for their use.

Motion by Commissioner Comander to approve the Powell SSA. Motion died for lack of a second.

Ms. Karen Harmon asked that the issue be continued to give more time to research the affects the change would have on the surrounding properties. Discussion ensued on the major development processes and the uses allowed by the covenants and restrictions.

Motion by Commissioner Meadows, second by Commissioner Comander, to continue Powell SSA to August 13, 2013 at the Walton County Courthouse Annex in Santa Rosa Beach, FL to be held at 5:00 p.m. or soon thereafter. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Meadows Aye. **(Exhibits: Staff Report 1)**

Mr. Brian Underwood, Planning and Development Senior Planner, presented William Quirk SSA, an application submitted by Isle of View Development for a proposed small scale amendment to the Future Land Use Map of the Walton County Comprehensive Plan, requesting approval to amend 0.50 +/- acres from Neighborhood Planning Area/Residential Preservation to Neighborhood Planning Area/Infill. The project is located approximately 550 feet west of the intersection of South C.R. 83 and Sky High Dune Drive, on the south side of Sky High Dune Drive, approximately one-fourth mile north of C.R. 30A. Staff found that the proposed amendment is consistent with the Walton County Comprehensive Plan and Land Development Code.

Commissioner Meadows addressed the archeological issues found in Section V of the E-Tech Environmental Consulting Review and questioned if the determination that the sites would not affect the development was made by the State or the consultants. Mr. Carpenter stated that the determination was made by the consultant. Commissioner Meadows asked what the State had determined. Mr. Carpenter reported that the area may contain unrecorded archaeological sites.

Commissioner Meadows asked if this would be addressed in the development order. Mr. Carpenter stated that it would not apply if a single family home was being developed, but if it were, a development order review would be required. He said that the applicant desires to do a simple lot split and create two single family homes. Discussion ensued regarding a similar lot split to the east of the property and what is allowed in Neighborhood Infill.

Mr. David Kramer, representing the applicant, stated that the applicant supports the staff's recommendation and wants to develop either a duplex or two single-family units. He submitted a letter dated September 24, 1997 which states that the lot could be split (Petitioner-2). Commissioner Meadows and Mr. Kramer discussed potential developments allowed in Infill and the intent of the applicant. Commissioner Meadows voiced concern that the request is not compatible with the surrounding Residential Preservation designation. Discussion continued regarding designations within the LDC.

Commissioner Meadows discussed the 1997 letter and voiced concern that the letter was addressed to Mr. Jack Rhodes and not to the current owner. Mr. Kramer stated that Mr. Quirk had employed Mr. Rhodes to obtain the designation from the county before purchasing the lot. He said that the applicant wanted to begin with the construction of a carriage house. The house plans have been designed and are waiting on approval to proceed to the permitting phase.

Discussion ensued on the type of structures that would be allowed.

Attorney Davis asked if the applicant would be willing to accept the land use change upon condition that two single family homes were to be built. Mr. Kramer said that he would. Commissioner Meadows stated that conditional uses could not be put on land use changes. Mr. Carpenter reported that any non-residential use would be considered a conditional use and would require a major development order application and approval by the Board. Mr. Kramer stated

that the lot is not a full half-acre and that the applicant would accept the Low Density Residential designation with the determination by the Planning Department that the lot is a half-acre. Discussion ensued regarding restrictions on renting a second unit or carriage house.

Mr. Larry Anchors spoke in opposition to changing the designation but felt that a carriage house and a main house could be feasible on one lot.

Mr. Buz Livingston spoke in opposition to the change to Neighborhood Infill.

Mr. Kramer addressed Mr. Anchors and Mr. Livingston's comments. Commissioner Comander asked if the applicant would be willing to construct a main house with an attached carriage house. Mr. Kramer stated that the applicant wanted the lot split and would comply with constructing two buildings.

Chairman Pridgen stepped down as Chair to second the following motion. Commissioner Comander assumed the Chair position.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to deny William Quirk SSA. Ayes 2, Nays 2. Pridgen Aye, Comander Nay, Chapman Nay, Meadows Aye. Motion failed.

Commissioner Pridgen resumed the Chair position.

Commissioner Comander spoke against the construction of a duplex and asked if the Planning Department would accept this lot as a half-acre so that two residents could be built. Mr. Carpenter stated that density is based on the acreage and that the lot could not be considered a half-acre. He reported that there are new State provisions that allow conditions on land use changes. Discussion continued on conditions being placed on land use changes and what structures would be allowed on the lot.

Mr. Kramer suggested that Mr. Quirk put restrictions on the deed and have it recorded upon approval of the request by the Board. Attorney Davis recommended that the deed restrictions be recorded prior to Board approval of the land use change.

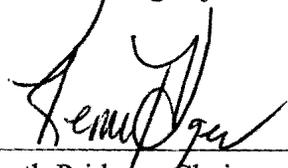
Motion by Commissioner Comander, second by Commissioner Chapman, to continue William Quirk SSA to August 13, 2013 at the Walton County Courthouse Annex in Santa Rosa Beach, FL to be held at 5:00 p.m. or soon thereafter to allow time for the applicant to file a deed restriction. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Meadows Aye. **(Exhibits: Staff Report 1; Petitioner 2-Letter) (Ex Parte: Comander, Meadows)**

Mr. Carpenter requested to remove the adoption hearing for an ordinance amending Chapter 13 of the Walton County Land Development Code to add the US 331 Corridor as a Walton County Scenic Corridor.

Motion by Commissioner Chapman, second by Commissioner Comander, to remove the adoption hearing for an ordinance amending Chapter 13 of the Walton County Land Development Code to add the US 331 Corridor as a Walton County Scenic Corridor. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Meadows Aye.

There were no further items to be discussed. Meeting adjourned at 1:21 p.m.

Approved: _____


Kenneth Pridgen, Chairman

Attest: _____


Alex Alford, Clerk of Court and County Comptroller