

OCTOBER 22, 2013 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on October 22, 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. Larry Jones, County Administrator; Attorney Mark Davis, County Attorney; and Mr. Alex Alford, Clerk of Courts and County Comptroller; were also present.

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

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

1. Addition: Administration-Request to approve a sublease agreement with the Florida Department of Transportation for the new United Fire Station location
2. Addition: County Attorney-Request to approve the Warner Law Firm Retainer Agreement for DeFrancesh V. Walton County (Case No. 12-CA-000193)
3. Addition: Commissioner Pridgen-Request for staff to look into permits for extraction on large agricultural properties

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

Mr. J. B. Hillard addressed Consent Agenda Item 6(2)-Interlocal Agreement with Tri-County Community Council, City of DeFuniak Springs for operating the Life Enrichment

(Senior) Center. He asked that the language which prohibits the building from being rented to outside groups be reviewed. He felt that allowing the collection of rental fees would aid in the operations of the building. Mr. Hillard also voiced concern regarding the release of the names of the facility's members to a local political party. In his research he found that there was no violation in releasing those names, but felt that a Standard Operating Procedure to address this issue should be in place. Commissioner Comander asked if the Tea Party paid rent to use the facility. Mr. Hillard stated that they did not due to the restrictions of the contract. Commissioner Comander asked Attorney Mark Davis, County Attorney, to research facility use charges. Attorney Davis stated that a use of facilities charge could be established for any public buildings. He addressed the public records issue and felt that the County should not be the custodian for any other agencies information. Discussion continued on the public records availability and rental fees of public buildings. Mr. Larry Jones, County Administrator, stated that the agreement could be approved with the caveat that it could be amended at a later date.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to approve the Consent Agenda as follows with the option to amend Item 6(2) as discussed. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

1. Approve Expenditure Approval List (EAL)

General Fund	\$	369,241.39
County Transportation	\$	178,618.27
SHIP	\$	102,190.00
Mosq. Control State	\$	150.00
Section 8 Housing	\$	502.79
Tourist Dev. Council	\$	736,451.50
N.W. Mosquito Control	\$	690.40
Recreation Plat Fee	\$	286.44
Public Safety- 911	\$	320.79
Solid Waste Enterprise	\$	177,225.63
Bldg Dept/Enterp. Fund	\$	1,782.46
Imperial Lakes MSBU	\$	2,517.66

administered by the Board. Commissioner Comander commended the Sheriff's Department on the outstanding job they did managing EMS and voiced anticipation with working with the EMS staff again.

Motion by Commissioner Comander, second by Commissioner Imfeld, to adopt **Resolutions 2013-84** conveying Emergency Management Services from the Sheriff's Office to the Board of County Commissioners as of December 1, 2013. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones announced that a recommendation would be brought to the Board regarding the renovation of the Bunker for EMS use. The facility is owned by the State with a 50 year lease. A lease compliance assessment is being done. The anticipated cost of the renovations is approximately \$300,000. Grant and State funding will be sought.

Mr. Jones requested to approve a Sublease Agreement with the FDOT for the new United Fire Station location. He reported that the agreement has been reviewed by Attorney Davis and that the lease would be voided should Healthmark's request to move U.S. 331 be granted. Commissioner Comander questioned if the property could be used as a training site for firefighters. Mr. Jones stated that it could not.

Motion by Commissioner Chapman, second by Commissioner Imfeld, to approve the Sublease Agreement with FDOT for the new United Fire Station. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones requested approval to extend the current agreement for Professional Services with Shipes Landscaping, Inc. for U. S. 98 Median Landscape and Maintenance until December 31, 2013. He reported that the current deadline for ITB 013-031: U.S. Hwy. 98 Median Landscape Maintenance is October 29, 2013 and that would give an additional 60 days to

process the bid and prepare a contract for approval. The extension would allow for maintenance until a new contract is in place.

Motion by Commissioner Meadows, second by Commissioner Chapman, to extend the current agreement for professional services with Shipes Landscaping, Inc., for U.S. 98 Median Landscape and Maintenance until December 31, 2013. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones requested approval to reject the bid submitted by Attack-One Fire Management Services for RFP 013-011: Certified Burn Manager. He stated that this was the only response to the bid and the attempts to negotiate an acceptable fee were not successful. He asked that Public Works and Environmental staff be allowed to work with the Division of Forestry and the County Extension Office to provide the required burning services.

Motion by Commissioner Meadows, second by Commissioner Comander, to reject the bid submitted by Attack-One Fire Management Services for RFP 013-011: Certified Burn Manager. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones requested to award ITB 013-023: C.R. 2 Paved Shoulder Project from S.R. 83 to Holmes County, Phase III to C. W. Roberts as low bidder in the amount of \$2,274,407.30.

Motion by Commissioner Comander, second by Commissioner Imfeld, to award ITB 013-023: C.R. 2 Paved Shoulder Project S.R. 83 to Holmes County, Phase III to C. W. Roberts as low bidder in the amount of \$2,274,407.30. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones requested approval of the Contract Administration Services and Construction Engineering Inspection with Preble-Rish, Inc. for the Oyster Lake Outfall Improvements project in the amount of \$49,995.00. The funding for this agreement is in place.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve the Contract Administration Services and Inspection proposal with Preble-Rish, Inc. for the Oyster Lake Outfall Improvements project in the amount of \$49,995.00. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Wayne Dyess, Planning and Development Services Director, requested to gather comments from the Board regarding the Comprehensive Plan Mixed Use Acreage Criteria Ordinance and move forward with those comments and suggestions to the Planning Commission for a Public Hearing.

Mr. Tim Brown, Senior Planner, Planning and Development, stated that the ordinance would affect the Small Neighborhood/Traditional Neighborhood development, Coastal Center, and Coastal Center Mixed Use land use categories and briefly discussed the modifications to the ordinance. Discussion ensued regarding the language modifications. Mr. Dyess stated that comments from the Board will be incorporated in the draft and asked to present the draft ordinance to the Planning Commission. Commissioner Meadows asked when the comments should be submitted. Mr. Dyess stated that the comments could be submitted prior to the next Regular Meeting or the Board could approve to move forward to the Planning Commission pending upon the comments being submitted by the Commissioners.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the advancement of the Comprehensive Plan Mixed Use Acreage Criteria Ordinance to the Planning

Commission for Public Hearing pending comments from the Board. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones announced that a correction needed to be made to the U.S. 331 Corridor Ordinance Public Hearing. He stated that the ordinance had to be presented to the Planning Commission before being presented to the Board. He suggested that the November 7, 2013 Public Hearing which was approved at the October 8, 2013 Regular Meeting be canceled and hold the first Public Hearing before the Planning Commission on November 14, 2013. The second and final Public Hearing would then be held before the Board on November 26, 2013.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to cancel the scheduled U.S. 331 Corridor Ordinance Public Hearing on November 7, 2013 and to hold the first Public Hearing before the Planning Commission on November 14, 2013 and the second Public Hearing and adoption at the November 26, 2013 Regular Meeting. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones announced that a Groundbreaking Ceremony for Love's Travel Stop will be held October 23, 2013 at 10 a.m. at the Mossy Head Industrial Park.

Mr. Jim Bagby, TDC Executive Director, requested approval of a change order from Lord & Son in the amount of \$48,742.00 to increase the storage capacity, the size of the restrooms for the TDC Visitor Center and increase the contract time by 30 days. He distributed the change order information.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the change order from Lord & Son to increase the storage capacity, the size of the restrooms for the TDC Visitor Center and increase the contract time by 30 days in the amount of \$8,742.00. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Bagby briefly discussed the annual meeting and the finalized Financial and Management audits.

Attorney Davis requested approval of the lease with Windswept Estates Property Owners' Association, Inc. for the location of a fire station to serve the eastern unincorporated areas outside the City of Freeport.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to approve the lease with Windswept Estates Property Owners' Association as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Attorney Davis requested approval to enter into an agreement with Educational Management Consultant Services (Union Negotiator). He stated that the current collective bargaining agreement needs to be renegotiated and that Mr. Jerry Copeland of Educational Management Consultant Services is an experienced union negotiator. Mr. Copeland provides services to other entities in the Florida panhandle.

Motion by Commissioner Chapman, second by Commissioner Comander, to approve the agreement with Educational Management Consultant Services (Mr. Jerry Copeland, Union Negotiator). Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Attorney Davis requested that a Commissioner be appointed to the First Circuit Juvenile Justice Advisory Board.

Motion by Commissioner Meadows, second by Commissioner Comander, to appoint Commissioner Chapman to the First Circuit Juvenile Justice Advisory Board and to appoint Mr. Stan Sunday, Deputy County Administrator, as designee to attend in Commissioner Chapman's

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

Attorney Davis requested approval of an agreement with Warner Law Firm Retainer Agreement for DeFrancesch v. Walton County (Case No.: 12-CA-000193).

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the Retainer Agreement with Warner Law Firm for representation in the DeFrancesch V. Walton County (Case No.: 12-CA-000193). Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Chapman readdressed the First Circuit Juvenile Justice Advisory (FCJJA) Board issue and stated that an application is required for this position and the FCJJA Board organizer should be notified of the appointment and designee.

Chairman Pridgen called the Public Hearing to Order.

Motion by Commissioner Comander, second by Commissioner Meadows, to open the Public Hearing to discuss the Escambia County Housing Finance Authority Single Family Mortgage Revenue Bonds Program. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Elbert Jones, Escambia County Housing Finance Authority, Executive Director, thanked the Board for Walton County's participation in the program. He requested approval of an interlocal agreement and **resolution (2013-85)** authorizing the Escambia County Housing Finance Authority to operate within the boundaries of Walton County, approving a plan to finance single family mortgage loans on behalf of the county, and approving the issuance of single family mortgage revenue bonds not exceeding \$150,000. He stated that the Authority looks forward to the continued participation.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Comander, to close the Public Hearing. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Motion by Commissioner Meadows, second by Commissioner Comander, to adopt **Resolution (2013-85)** and approve the Interlocal Agreement with the Escambia County Housing Finance Authority. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Meadows had no items to present.

Commissioner Comander requested adoption of a **Resolution (2013-86)** recognizing WZEP-AM 1460 Radio Station. She briefly discussed the contributions made by WZEP and announced that on November 9, 2013 a WZEP Recognition Event will be held from 10 a.m. to 1 p.m. at the Walton County Fairgrounds.

Motion by Commissioner Comander, second by Commissioner Chapman, to adopt **Resolution 2013-86** recognizing WZEP AM 1460 Radio Station.

Commissioner Meadows asked that the document be changed to reflect October 22, 2013 as the adoption date.

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

Commissioner Comander discussed the comments submitted by the Florida Association of Counties regarding the Gulf Coast Restoration Trust and the Department of Treasury. She felt that the comments accurately depicted to the Department of Treasury that Florida was different from the other States with the rural and fiscally constrained counties. The document requests for

up-front funding for studies and plans in Florida. Commissioner Comander stated that the Consortium is meeting Friday, October 25, 2013 in Tallahassee to vote on the comments to be sent to the Department of Treasury. She requested to adopt a **Resolution (2013-87)** supporting the Florida Association of Counties' (FAC) comments contingent upon approval of the comments by the Gulf Coast Consortium on October 25, 2013. Commissioner Comander will present the resolution for submission with the comments to the Department of Treasury at the Consortium meeting on October 25th.

Motion by Commissioner Meadows, second by Commissioner Comander, to adopt **Resolution 2013-87** supporting the FAC comments relating to the Gulf Coast Restoration Trust Fund and the Department of the Treasury contingent upon the Gulf Coast Consortium approving the comments on October 25, 2013. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Imfeld had no items to present.

Commissioner Chapman briefly discussed the water problems in the Douglas Crossroads Community. He stated that his research has revealed that the area is located within the City of DeFuniak Water Franchise areas, but finding funding would be difficult. He said that these issues were also addressed with the Water Management District, Preble-Rish, Representative Coley and Senator Don Gaetz in hopes of obtaining funding sources. He reported that for the City of DeFuniak Springs to break even with the costs, no less than 350 homes would need to be connected to the water system; however, there are approximately 161 homes needing to be added to the system. Commissioner Chapman consulted Ms. Kelli Horton, State Lobbyist, who advised to obtain authorization from the Board to submit an application to the Northwest Florida Water Management District for grant monies. The grant would require a County match in the amount of

\$1.7 million. He requested approval to submit a grant application to the Northwest Florida Water Management District under the Water Supply Development Community Assistance Initiative Program for the proposed C.R. 183 and Hwy. 81 water system project in the Douglass Crossroads Community. Commissioner Chapman reported that the grant application must be filed by October 31, 2013. Discussion continued on the fiscal constraints the system would place on the City of DeFuniak Springs, the inadequate number of homes to add to the system and the costs associated with the installation and maintenance of a water tank. Commissioner Imfeld suggested applying for the grant to give an opportunity to research other funding sources that could be used. He felt that every effort should be made to help this community.

Motion by Commissioner Imfeld, second by Commissioner Comander, to authorize Ms. Angie Biddle, Grant Coordinator, to submit a grant application to the Northwest Florida Water Management District under the Water Supply Development Community Assistance initiative Program for the proposed C.R. 183 and Hwy. 81 water system project at Douglass Crossroads. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Chairman Pridgen discussed the inability of certain areas of the county to donate unneeded dirt for road and construction projects. Currently Walton County Code does not allow dirt to be removed from a property unless it is a permitted mining area or borrow pit. He asked that staff look into issuing permits, with a reclamation requirement included, to large agricultural areas to temporarily supply fill dirt for major road and construction projects. He said that there are no borrow pits in the northern area of the county and felt that the permits would be helpful in the future when the widening of U.S. 331 North begins. Commissioner Chapman stated that a constituent in his district is facing the same issue; the constituent wants to extract a portion for road building but is prohibited by code. Discussion ensued regarding the different agencies

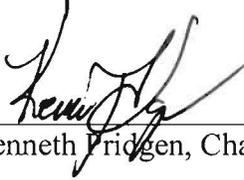
requiring permits for mining and extraction. Commissioner Chapman felt that the codes are too restrictive for smaller impacts such as the building of ponds. Commissioner Comander expressed the need to be very careful due to all of the issues the Board has faced in the past regarding borrow pits and mining. She suggested possibly making this a separate category for farm areas. Discussion continued on the areas allowed for permitting, reclamation, factoring the permits into the bid process for county projects, and the impact on existing borrow pits. Commissioner Comander suggested that Attorney Davis research the issue and bring back the information for review. Mr. Jones suggested that a temporary permit for a specific location, a specific amount, a specific time period, and a specific project be issued to control how much mining is done. It will not be opened for continual public use and must be reclaimed. Commissioner Meadows questioned who would be responsible for inspecting the area and to make sure that the reclamation was done properly. Mr. Jones stated that the Planning Staff would be responsible.

Mr. Kevin Chilcutt addressed the issue and stated that he is also experiencing the same problem in his attempt to build a pond. He encouraged the Board to consider the permit option.

Mr. William Webster discussed a spill pipe safety issue at King Lake. Mr. Jones stated that the county had erected a sign alerting to the danger. He reported that he has met with representatives from the Water Management District and they too have concerns. King Lake is a private lake and the owner should take responsibility for ensuring the safety of the residents and visitors. Mr. Jones stated that the owner will be contacted to address the issue.

There were no further comments.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to adjourn the meeting at 10:02 a.m. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Approved: 
Kenneth Fridgen, Chairman

Attest: 
Alex Alford, Clerk of Court and County Comptroller