

FEBRUARY 11, 2014 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Special Meeting on February 11, 2014 at 2:30 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following Board members were present: Commissioner W. N. (Bill) Chapman, Chairman; Commissioner Cindy Meadows, Vice Chairman; Commissioner Sara Comander; Commissioner Bill Imfeld; and Commissioner Kenneth Pridgen. Mr. Larry Jones, County Administrator; and Attorney Mark Davis, County Attorney, were also present.

Attorney Davis stated that an Executive Session would be held to discuss the Oil Spill by the Oil Rig “Deepwater Horizon” Local Government Entities (2:10-VC-099999-CJB-SS). Those attending will be the Board of Commissioners, Attorney Davis, Attorney Sidney Noyes, Associate Attorney, outside counsel Attorney Brantley Fry, Beasley-Allen; Attorney Rhon Jones, Beasley-Allen; Attorney S. Drake Martin, Nix Patterson & Roach; Attorney Billy Buzzett, Nix Patterson & Roach; Attorney Clayton J. M. Adkinson, local counsel for Beasley-Allen; Attorney Clay B. Adkinson, Tourist Development Council (TDC) Attorney, and a certified court reporter. The Executive Session was not open to the public pursuant to Florida Statute 286.011(8).

Motion by Commissioner Meadows, second by Commissioner Comander, to recess the Special Meeting and convene the Executive Session. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Motion by Commissioner Meadows, second by Commissioner Comander, to close the Executive Session and reconvene into the Special Meeting. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Motion by Commissioner Meadows, second by Commissioner Comander, to accept the current BP offer as discussed during the Executive Session for both the County and TDC in the amount of \$4.5 million for the County and \$5.37 million for the TDC, and authorize the legal department to contact BP. Ayes 3, Nays 2. Chapman Nay, Meadows Aye, Comander Aye, Imfeld Nay, Pridgen Aye.

The Special Meeting adjourned at 3:35 p.m. and Chairman Pridgen called to order the Regular Meeting at 4:00 p.m.

Commissioner Comander led the invocation and the pledge to the American Flag.

Mr. Alex Alford, Clerk of Courts and County Comptroller; was present for the Regular Meeting.

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

1. Deletion: County Administration Item 1e-Mutual Aid Agreement for Fire Services with the City of Freeport

There were no public comments regarding the agenda.

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 1,581,102.12
County Transportation	\$ 255,760.97
SHIP	\$ 11.00
Fine & Forfeiture	\$ 1,558,006.67
Mosq. Control State	\$ 939.50

Section 8 Housing	\$ 11,567.46
Tourist Dev. Council)	\$ 569,419.43
N.W. Mosquito Control	\$ 334.48
Recreation Plat Fee	\$ 228.53
Solid Waste Enterprise	\$ 160,959.33
Bldg Dept/Enterp. Fund	\$ 1,936.56
Inmate Canteen Fund	\$ 108,203.93
Capital Projects Fund	<u>\$ 282,928.22</u>
Totals	<u>\$ 4,531,398.20</u>

2. Approve Minutes of January 28, 2014 Regular Meeting
3. Approve Surplus Equipment request from the Clerk's office of a Duplex Scanner (CC# 1286)
4. Approve Quarterly Report from the Life Enrichment Senior Center for October, November and December 2013
5. Reappoint Ms. Charlotte Flynt to the Code Enforcement Board for another term
6. Approve to advertise for an RFP for the construction of two 60' X 120' tennis courts with fencing and lights at Helen McCall Park to be funded by District 5 Recreation Plat Fees
7. Request to purchase a ULV Spray Unit for North Walton Mosquito control with State funds to replace the existing unit on BCC 7419, costing approximately \$7,000
8. Approve a **Resolution (2014-12)** recognizing the 125th Anniversary for Florida Public Health Day on February 20, 2014.
9. Reappoint Mr. Art Miller to the Zoning Board of Adjustments for another three year term
10. Approve invoice from Andrews and Davis Attorney at Law, LLC for overages in the amount of \$2,290
11. Approve Maintenance Agreement with the Florida Department of Transportation to replace existing cross drains on S.R. 83 over Juniper Creek with a new bridge
12. Approve the Local Agency Program (LAP) Supplemental Agreement #2 (to correct the typographical error on page 2) to correct the CEI amount funded at \$270,000.00 and change it to \$232,000.00 for C.R. 2 Paved Shoulder Project from Thad Bell Road to S.R. 83

Mr. Alford announced that the Fraud, Waste, or Abuse Hotline was now operational on the Clerk of Court website.

Commissioners Comander and Imfeld expressed their gratitude to those who worked diligently during the recent ice storms.

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

Mr. Larry Jones, County Administrator, stated that the lobbyist has informed him that the legislation introduced which would repeal the current laws banning the sale and use of fireworks in the State (House Bill 4005; Senate Bill 314) does not appear to be moving forward at this time. Commissioner Comander felt that the Board needed to be proactive and pass a resolution opposing the new legislation. Commissioner Imfeld questioned if the legislation provided an option for counties to opt-out. Mr. Jones reported that it did.

Motion by Commissioner Comander, second by Commissioner Meadows, to draft a resolution opposing the bill. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones reported that an offer to purchase property within the Mossy Head Industrial Park (MHIP) had been previously submitted by of Mr. Steve Youell, Realtor with Andrews and Arnsdorff, Inc., on behalf of his client Mr. Brian Brigman; however, Mr. Brigman wishes to remove the current offer. He stated that this issue would be addressed later in the meeting.

Mr. Jones reported that there is an offer from Empire Trucks Sales to expand their purchase within the MHIP by an additional five acres to the west; at the same terms and conditions of their initial offer. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the sale of the five additional acres to Empire Truck Sales with the same terms and conditions of their initial offer. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Attorney Davis stated that this would be conditioned upon compliance of Florida Statute Section 125.37.

Mr. Jones readdressed the Brigman offer. He said that Mr. Brigman wished to submit a replacement offer on property within the MHIP. The original offer was for 20 acres west of the Empire Truck Sales site. The replacement offer would be to purchase 10 acres in the same area at \$15,000 per acre, with the county paying a 6% sales commission to the realtor.

Commissioner Imfeld questioned if sales commissions were paid with other property purchases. Mr. Jones stated no.

Commissioner Comander questioned how much Empire Truck Sales paid per acre. Mr. Jones reported \$20,000 per acre. Commissioner Meadows questioned how much Love's Travel Stop paid. Mr. Jones said \$33,000 per acre.

Commissioner Pridgen felt that County Administration needed to review the commercial contract and bring back more definitive information.

Commissioner Imfeld asked how many jobs would be created with the prospective company. Mr. Brigman stated approximately 15 to 20 jobs. Chairman Chapman asked what type of business would occupy the location. Mr. Brigman stated that it would be a used truck sales.

Commissioner Pridgen reiterated the need for more information.

Commissioner Imfeld also expressed a need for more information and voiced concern with the requirement to pay a 6% commission. He expressed concern regarding the amount per acre which was being offered. He suggested that County Administration work with Mr. Brigman to reach a mutual agreement to be brought back for Board review.

Chairman Chapman felt that the county should not be held responsible for the payment of the 6% commission. He felt that Mr. Brigman should pay the fee since he was the one to employ

Mr. Youell. Chairman Chapman agreed that County Administration and Mr. Brigman should meet to reach an acceptable solution for Board review.

Mr. Youell questioned if Mr. Jones had the authority to make the decision to accept a counter offer. The Board replied no and that the offer must be brought to the Board for review.

Mr. Jones requested approval to allow staff to advertise and accept bids for the construction of a 250 kl/day waste water treatment facility in the Mossy Head Industrial Park. He reported that the treatment facility located at Dixie RV is quickly reaching 75% capacity. The County's agreement with Dixie RV is to begin construction of a larger, permitted facility when the 75% capacity is reached. He said that engineering estimates were in the \$4.4 million range and that the bid process will provide hard costs which will aid in determining the most feasible funding options. Commissioner Meadows questioned what fund account was being used to maintain the proceeds from the sales of the land at the MHIP. Mr. Jones stated that a separate account had been established for the Mossy Head Industrial Park Land Sales. Commissioner Meadows asked if the funds could be used at the Board's discretion. Mr. Jones stated yes. Commissioner Imfeld stated that the goal is to restrict the funding for infrastructure. Commissioner Meadows asked if the sales tax from the MHIP goes back into the General Fund. Mr. Jones stated that fuel tax is restricted by Statute, but that the sales tax and ad valorem funds go into the general account. Discussion ensued on maintaining an ongoing balance sheet of the collection and disbursements of funds through the MHIP.

Motion by Commissioner Imfeld, second by Commissioner Comander, to allow staff to advertise and accept bids for the construction of a 250 kl/day waste water treatment facility in the Mossy Head Industrial Park. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Commissioner Meadows asked how the waste water treatment project would be funded. Commissioner Imfeld stated that if an appropriation from either State or Federal sources is not received, then a loan would be obtained and that user fees would be used to pay down the debt.

Ms. Suzanne Harris asked if any of the BP settlement money will be used toward the MHIP waste water treatment plant. The Board concurred that it would not.

Commissioner Meadows stated that a determination needed to be made regarding the usage of the BP settlement monies.

Mr. Jones requested approval of the State and Federal Appropriations Priorities. The priorities are submitted yearly to Heffley and Associates for the upcoming legislative session. The FY 2014 list includes: Mossy Head Industrial Park Infrastructure, Mossy Head Industrial Park Waste Water Treatment Facility, Small County Road Programs, Culvert Replacement for Coastal Dune Lake (Draper Lake), Renovation of the Emergency Operations Center, Protect funding for programs important to Small Counties and Rural Communities, Medicaid County Cost Share, and Florida Retirement System. He reported that the requested amount for the MHIP Waste Water Treatment Facility will be changed to show \$4.4 million.

Commissioner Imfeld discussed the water problems in the Douglass Crossroads area. He asked that the provision of potable water to this area be considered for either a State and/or Federal appropriations funding. The requested amount would be \$3.5 million. Discussion continued on applying for grant funding and working with the City of DeFuniak Springs.

Commissioner Meadows asked why no dollar amount would be requested in the bill for items 1 and 2 under the Federal Appropriation Priorities-Water Resources Development Act Authorization Priorities. Mr. Jones stated that that was the recommendation of the lobbyist.

Commissioner Meadows addressed the Coastal Dune Lake Environmental Assessment and felt that the remaining four bridges for the Coastal Dune Lakes and the establishment of a Coastal Dune Lake Environmental Assessment Management Plan. She also asked that funding for the south Walton sports complex be considered as well.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the State and Federal Appropriations Priorities lists with changes and comments as discussed. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones presented the Local RESTORE Act Comprehensive Plan Committee's recommendation for review and comment. He requested that the Board review the comments submitted by the committee. The final document will be presented at the February 25, 2014 Regular Meeting for approval.

Mr. Jones presented an update on the northbound right turn lane at the intersection of Geronimo Street and U.S. 98. He reported that FDOT plans to install a traffic signal at the intersection. The county has been asked to install a northbound right-turn lane at a cost of approximately \$260,000. FDOT stated that if the turn lane is not installed then the traffic signal will not be installed. Mr. Jones discussed the eastbound and westbound right-turn lanes. According to the FDOT Warrant Study, the eastbound turn lane is warranted, however; they do not recommend construction due to the upcoming six lane expansion. The study shows that the westbound turn lane is not warranted. The cost to construct the two turn lanes is approximately \$171,000 for the eastbound turn lane and approximately \$184,000 for the westbound turn lane. Staff feels that the construction of the three turn lanes can be completed for less than \$400,000. He stated that the options to consider are: 1. Do nothing; 2. Work with FDOT and install a

northbound right-turn lane; or 3. Do some combination of the eastbound/westbound turn lane as well.

Commissioner Imfeld stated that there are three members of the Board that are a part of the Okaloosa/Walton TPO. He recommended that this project be presented to the TPO for reprioritization, move this project up, and get accelerated funding from the State. He discussed the turning issues needing to be addressed and possible solutions. He recommended that this issue be brought to the TPO.

Commissioner Comander voiced concern with the length of time it takes for TPO projects to get completed and expressed concern for the safety of the citizens at that intersection. She felt that immediate action should be taken. Commissioner Imfeld felt that the TPO would be open to accelerating the project due to the safety concerns and the support by Walton County on Okaloosa County projects.

Chairman Chapman reported that this item is to be discussed at the TPO Meeting being held this month. He said that there are other major projects in Okaloosa County needing funding but are at least five years from being considered. The expansion project in Walton County is approximately 90% complete with millions of dollars being spent so far. He felt that FDOT will not allow this project to be laid aside for another. He also felt that this project could be accelerated by working with Secretary Barfield and Secretary Prasaad of FDOT.

Commissioner Meadows felt that the county should proceed with the project and in the meantime meet with TPO and approach Secretaries Barfield and Prasaad for additional funding.

Commissioner Pridgen felt that safety was the top priority.

Ms. Charlotte Flynt discussed the lack of access to U.S. 98 and the safety hazards associated with the intersection. Discussion ensued regarding ways to resolve the safety issues.

Motion by Commissioner Meadows, second by Commissioner Comander to proceed with the westbound right-turn deceleration lane into Geronimo Street, the northbound right-turn lane on South Geronimo Street, and the eastbound right-turn deceleration lane on U.S. 98, use Proportionate Fair Share funds, and construct all three lanes to get the economies of scale; with the inclusion of the traffic signal by FDOT. Ayes 3, Nays 2. Chapman Nay, Meadows Aye, Comander Aye, Imfeld Nay, Pridgen Aye.

Mr. Jones requested to allow Planning Staff to prepare and advertise the appropriate ordinance amendment to amend the Land Development Code (LDC) definition of “limited lodging” which appears in multiple section of Chapter 2. The amendment will increase the maximum units from 75 to 125 to be consistent with the Comprehensive Plan Glossary Definition which was changed in the EAR Amendment effective March 1, 2011.

Motion by Commissioner Comander, second by Commissioner Imfeld, to allow Planning Staff to prepare and advertise the amendment to the Land Development Code increasing the maximum number of limited lodging units from 75 to 125. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Ms. Michelle Ray, Tourist Development Council, requested approval to move forward funds from the Emerging Markets reserve for media placed by Southwest Airlines from the 2012-2013 Budget and invoiced in 2013-2014. She reported that this would be the final Southwest Airlines invoice.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to approve moving forward funds from the Emerging Markets reserve for media placed by Southwest Airlines from

the 2012-2013 Budget and invoiced in 2013-2014. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye. Bi/cm to approve

Mr. John Irvin, Tourist Development Council, stated that Mr. John Cross has joined the TDC team as Website and Graphics Coordinator. The Marketing, Communications, and Sales Team have already had some members travel to and will have others traveling to Washington D.C., Chicago, Boston, and New York to discuss the value of south Walton as a tourist destination. He reported that the Bed Tax Collections for December were up 5.44% over last year; first quarter numbers are up 1.45 % over last year.

Attorney Davis briefly discussed the Animal Control Act, applicable Statutes, and county policy. He stated that there are provisions to allow hearings before a hearing officer to determine how dangerous a dog is and to hear appeals. He reported that current policy designated that the County Administrator or a Board designee act as the hearing officer. Attorney Davis felt that a due process problem would be created due to the testimonies of county employees. He requested authorization to allow Mr. Jones or himself to appoint someone to act as a County Hearing Officer for Animal Control. This designation will continue even after the Sheriff takes over Animal Control.

Motion by Commissioner Comander, second by Commissioner Meadow, to allow Mr. Jones and/or Attorney Davis to appoint an individual to act as County Hearing Officer for Animal Control. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Commissioner Meadows asked what qualifications would be required of the Hearing Officer. Attorney Davis felt that the individual needed to be an attorney to enable the protection of due process for both sides.

Motion by Commissioner Comander, second by Commissioner Pridgen, to call to order the Public Hearing to approve a Resolution amending the Budget to move \$250,000 from the Solid Waste landfill Fund Reserves into the Capital Projects Fund for the Emergency Operations Center Renovation for the FY 2013-2014. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones presented for consideration a Resolution **(2014-13)** amending the Budget to move \$250,000 from the Solid Waste landfill Fund Reserves into the Capital Projects Fund for the Emergency Operations Center Renovation for the FY 2013-2014.

There were no public comments.

Motion by Commissioner Comander, second by Commissioner Meadows, to adopt **Resolution 2014-13** amending the Budget to move \$250,000 from the Solid Waste Landfill Fund Reserves into the Capital Projects Fund for the Emergency Operations Center Renovation for the FY 2013-2014. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

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

The Commissioners had no items to present.

Chairman Chapman presented a reorganization proposal from the Office of the County Attorney. Attorney Davis discussed the proposal which would hire him as a full-time County Attorney, Attorney Sydney Noyse as Assistant County Attorney, and Ms. Genera Roop as Records Management Liaison Officer (RMLO). He reported that Ms. Karen Sheehan, Ms. Crissie Singletary, and Ms. Rosalyn Campbell would continue in their current positions. Ms.

Sheehan currently handles both the RMLO duties and bid and contractual duties. With the hiring of Ms. Roop, Ms. Sheehan will be able to focus solely on the creation and maintaining of the contracts. He discussed the need for post contract conferences and the decrease in records requests through the County Attorney's office. Attorney Davis announced that the goal is to begin March 1. Attorney Noyse would be responsible for reviewing the Land Use Boards.

Commissioner Imfeld asked Attorney Davis if he would be able to operate for the rest of the fiscal year on the combined amount that is budgeted for the County Attorney's office operations including this proposal and outside legal counsel. Attorney Davis stated that he would and estimates that he would be able to save approximately \$100K or more within a calendar year. He felt that a lot of outside legal fees could be eliminated.

Commissioner Meadows addressed his representation of Constitutional Officers. Attorney Davis stated that he currently represents the Clerk of Court. Commissioner Imfeld asked if he was receiving additional compensation. Attorney Davis said that he is receiving compensation from the Clerk and that the proposal would discontinue that compensation. He said that representing the Sheriff's Office and the Property Appraiser's Office could cause a conflict of interest and therefore he would not be able to represent them.

Commissioner Comander asked if the County Attorney was representing the Constitutional Officers then could they help with funding beginning with the next budget year. Mr. Alford stated that it could be addressed during the budget process.

Motion by Commissioner Comander, second by Commissioner Meadows, to accept the proposal and move forward. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Art Miller discussed the lack of funding for the Economic Development Alliance and felt that monies collected from the sales of property within the MHIP be used for the EDA. He also expressed concern with the differing sale prices of the properties in the MHIP.

Ms. Carrie Nelle Moye addressed the issue of fireworks on the beach and commended the WCSO deputies for their quick response when issues arise. She also addressed unleashed dogs on the beach. She felt that more should be done to enforce the laws of our county.

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

Mr. Dyess stated that the applicants for both planning items have requested their items be continued.

Motion by Commissioner Pridgen, second by Commissioner Comander, to continue John Minger SSA 13-018 to March 11, 2014 at 5:00 p.m. or soon thereafter to be held at the South Walton Courthouse Annex. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

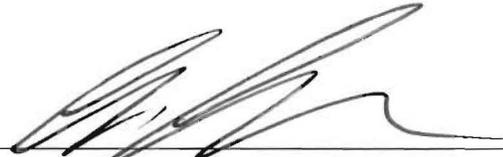
Motion by Commissioner Meadows, second by Commissioner Comander, to continue Peach Creek Phase 2A Plat to February 25, 2014. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

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

The meeting was adjourned at 5:05 p.m.

Approved: 
W. N. (Bill) Chapman, Chairman

Attest:



Alex Alford, Clerk of Court and County Comptroller