

REGULAR MEETING – NOVEMBER 24, 2009

The Board of County Commissioners, Walton County, Florida, held a regular meeting on November 24, 2009 at 4:00 p.m., at the Walton County Courthouse in DeFuniak Springs.

The following Board members were present: Commissioner Scott Brannon, Chair; Commissioner Larry Jones, Vice-Chair; Commissioner Cecilia Jones; Commissioner Kenneth Pridgen; and Commissioner Sara Comander. Ms. Shirl Williams, Assistant County Administrator; Attorney Mike Burke, County Attorney; and Ms. Martha Ingle, Clerk of Courts, were also present.

Commissioner C. Jones led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Brannon called the meeting to order.

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

1. Consent Agenda Add-on: Approve RFP 09-049 for Veterinarian Services to Dr. Blackwood, DVM.
2. TDC Add-on: Approve a letter of support for Walton County's Federal Shore Protection Project Water Resources Development Act 2010.
3. County Attorney Add-on: Internet Travel Litigation.
4. TDC Deletion: Items 1 and 2 (Feasibility Study for Multi Purpose sports complex and Outdoor Performing Arts complex). These items will be presented at the December 8, 2009 meeting.
5. Land-Use Continuances: Gulf Pines Neighborhood Plan-January 12, 2010, Black Creek Plantation PUD-December 8, 2009, Villas at Inlet Beach PUD-December 8, 2009, South Walton Fire Training Facility-December 8, 2009, and Beach Road Commercial Building-December 8, 2009

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the Consent Agenda as follows.

Commissioner Comander asked for clarification on Item 16. Mr. Bill Imfeld, County Finance Director, stated that the monies for the Animal Shelter Capital Project were part of a

funding agreement to be used for capital projects. The lighting and fencing for the impound yard qualifies as a capital project therefore the funding can be used.

Ayes 5, Nays 0., Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye, Comander Aye.

1. Approve Expenditure Approval List (EAL)	
General Fund	\$ 256,459.13
County Transportation	\$ 252,987.98
SHIP	\$ 41,195.00
Section 8 Housing	\$ 444.49
Tourist Dev. Council	\$ 129,760.58
N.W. Mosquito Control	\$ 445.87
W. Co. Library	\$ 527.32
Recreation Plat Fee	\$ 16,611.15
Solid Waste Enterprise	\$ 162,225.16
Bldg Dept/Enterp. Fund	\$ 288.85
Imperial Lakes MSBU	\$ 2,765.91
Inmate Canteen Fund	\$ 650.03
Capital Projects Fund	\$ 1,679.00
Totals	\$ 866,040.47

2. Approve Minutes of November 12, 2009 Special Meeting
3. Approve a Resolution (**2009-102**) to amend the budget for unanticipated grant revenue for the CDBG Economic Development Grant for Florida Transformers in the amount of \$209,900
4. Approve a Resolution (**2009-103**) to amend the budget in the Fine and Forfeiture Fund for fiscal year 2008-2009 to recognize FEMA funds granted to the Walton County Sheriff's Office in the amount of \$12,866
5. Surplus a Lexmark C912 (BCC 4873) from the Planning Department
6. De-obligate Driftwood Park in Recreational Plat Fees and leave as un-obligated in District 5 Recreational Plat Fees in the amount of \$36,204
7. Approve the 2010 Regular Board Meeting dates and locations
8. Approve the 2010 Holiday Schedule
9. Approve a Resolution (**2009-104**) declaring December 8, 2009 as Military Spouses Day
10. Transfer approximately \$16,000 from District 1 Recreational Plat Fees for improvements at the Portland Boat Ramp
11. Approve surplus equipment from the Clerk's Office (CC 751, CC 780, CC782, CC900, CC901, CC967, CC969, CC1012, CC1019, CC1121)
12. Approve the contract renewal for Heffley & Associates, state lobbying firm, for another year term
13. Approve the Investment Report for the Quarter Ended September 30, 2009 from the Clerk's Office

14. Renew the lease agreement with James McHenry for housing the State's Attorney's Office
15. Approve a Letter of Intent for a grant application to the U.S. Department of Energy for Regional Utilities for a technology grant
16. Move \$75,000 from Animal Shelter Capital Project Fund to the Sheriff's impound and parking lot for fencing and lighting
17. Approve to cancel the December 22, 2009 Regular Meeting date due to the Christmas Holidays and hold a Special Meeting on Tuesday, December 22, 2009 at 10:00 a.m. to award the bid for the Sheriff's Administration Building renovations and hold a Public Hearing to adopt the Notice of Intent Resolution to use the Uniform Method of Collecting Non-Ad Valorem Assessments for the cost of providing capital infrastructure, roadway improvements and dam improvements
18. Designate approximately \$1,000 from District 1 Recreational Plat Fee funds for Douglass Crossroads Park.
- 19. Approve RFP 09-049 for Veterinarian Services to Dr. Blackwood, DVM.**

Ms. Shirl Williams, Assistant County Administrator, presented the DeFuniak Springs Boys and Girls Club Bus Maintenance agreement. She recommended approval.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the DeFuniak Springs Boys and Girls Club Bus Maintenance agreement. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye, Comander Aye.

Mr. Sonny Mares, Tourist Development Council Executive Director, requested the Chairman's signature on a letter to the District Comander of the US Army Corp of Engineers in support of the Federal Shore Protection Project Water Resources Development Act 2010.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the Chairman's signature on a letter supporting the Federal Shore Protection Project Water Resources Development Act 2010. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye, Comander Aye.

Mr. Mares requested approval of a Contractual Agreement between Walton County and Southwest Airlines in regard to the ½ of the fifth cent enacted to support a low-cost airline

carrier entry in the region. Attorney Mike Burke, County Attorney, discussed the details of the contract.

Commissioner Comander asked if the two ex-officio members of the airport board have been apprised of this contract and its terms. Attorney Burke stated that Ms. Moliterno was aware, but he was uncertain about Mr. Wilson. Commissioner C. Jones asked when the destinations would be revealed. Mr. Mares stated that Southwest indicated the four destinations would be published in December. Commissioner L. Jones questioned the source of the funding should the collection amount be less than the budgetary amount. Attorney Burke stated that the collection amount is limited to the ½ cent dedicated for this purpose there is no obligation to take from other funding sources. Commissioner L. Jones asked if marketing briefs would be submitted for TDC approval. Attorney Burke stated that it would. Should the TDC deny the marketing briefs, there is a dispute resolution process to be followed.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve a Contractual Agreement with Southwest Airlines. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye, Comander Aye.

Mr. Mares stated that the contract was time sensitive and asked that it be expedited during this meeting. Commissioner L. Jones asked if Bay County and Panama City had executed the same contract. Attorney Burke stated that they have.

Attorney Burke presented the Internet Travel Litigation. He recommended that the Board authorize to join as plaintiff in a suit against travel agency booking sites. Other counties involved as plaintiffs are: Leon, Flagler, Lee, Manatee, Pinellas, Polk, St. Johns, Leon County Tax Collector, Pinellas County Tax Collector, and Polk County Tax Collector; Escambia, Hillsborough, Charlotte and the Attorney General will also be joining in the suit. He stated that

the internet companies were not remitting the appropriate bed tax funds. He said that attorney fees would be charged on a contingency basis.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to join the litigation against internet travel agencies. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye, Comander Aye.

Chairman Brannon called to order the public hearing for prequalification criteria and procedures for renovations to the Walton County Sheriff's Administration Building (ITB-010-007). Attorney W. C. Henry, County Attorney, briefly discussed the qualifications and procedures. He said that the only comments received were to add "or building" to Items 1 and 4 after the word general.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve with changes to Items 1 and 4 as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye, Comander Aye.

Attorney Henry recommended that the Board add to the contract the use of an excelled payment plan as an incentive to complete the renovations within a short time frame. The payment plan would consist of \$1,000 per day up to a maximum of \$30,000 per month. He felt that this would be beneficial to the county. The Board concurred to add the criteria to the contract. The contract will be presented to the Board at the December 22, 2009 meeting.

Chairman Brannon called to order the public hearing to consider a resolution **(2009-100)** to amend the budget to roll forward \$50,000 from the Crime Prevention Reserves in the Sheriff's Fund for the fiscal year 2009-2010 to recognize Crime Prevention Revenues and Expenses.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones to approve Resolution **2009-100** amending the budget to roll forward funds from the Crime Prevention reserves in the Sheriff Fund for the FY 2009-2010 in the amount of \$50,000. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye, Comander Aye.

The Commissioners had no other items to present and wished everyone a happy and safe Thanksgiving. The meeting was recessed at 4:26 pm and reconvened at 5:00 pm.

Attorney Burke stated that several items on the Land Use Agenda were to be continued: Gulf Pines Neighborhood Plan to January 12, 2010; Black Creek Plantation PUD, Villas at Inlet Beach PUD, South Walton Fire Training Facility, and Beach Road Commercial Building f/k/a Beach Road Town homes to December 8, 2009.

Commissioner Comander stated that Black Creek Plantation PUD has been continued several times and suggested that it be continued to January to make certain that the project is ready for presentation. She questioned whether policy allowed for multiple continuances.

Motion by Commissioner Comander to continue Black Creek Plantation PUD to January 12, 2010. Chairman Brannon asked if Black Creek had requested to hold the meeting at the South Walton County Courthouse. Mr. Gerry Demers, Development Services Director, said that the project was to be presented at the meeting which was cancelled due to Hurricane Ida and the applicant had specifically asked to present it in South Walton.

Commissioner Comander withdrew her motion.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to continue Items 1-5 to dates stated. Ayes 4, Nays 1. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye, Comander Nay.

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

Mr. Philip Kurth, McNeil Carroll Surveying, Inc., presented the Magnolia Dunes Abandonment via replat, an abandonment application submitted by BankTrust, requesting abandonment of the easement located within the rear yards of lots 14, 15, 23, and 24 of Magnolia Dunes Subdivision, and to replat the four lots to contain in the rear yards a common area of 42 feet by 110 feet. This 20-foot access and utility easement, per the plat recorded at Plat Book 11, Pages 6 and 6A, in the Public Records of Walton County, Florida, contains approximately 0.3880 of an acre. The proposed abandonment site is within Magnolia Dunes Subdivision, north of C.R. 30A, just south of Sandalwood Drive. Mr. Kurth asked that the abandonment be approved contingent upon the signature of the HOA representative. Staff found the project consistent with the Land Development Code and Comprehensive Plan.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the Magnolia Dunes Abandonment via replat contingent upon the signature of the HOA representative. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye, Comander Aye. **(Exhibit: Staff Report 1) (Resolution 2009-112)**

There being no further items to present, the meeting adjourned at 5:06 pm.

APPROVED _____
Scott Brannon, Chair

ATTEST _____
Martha Ingle, Clerk of Courts