

JULY 26, 2011 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, July 26, 2011, at 9:00 a.m., at the Walton County Courthouse in DeFuniak Springs.

The following Board members were present: Commissioner L. Jones, Chairman; Commissioner Scott Brannon, Vice-Chair; Commissioner Sara Comander; Commissioner Kenneth Pridgen; and Commissioner Cecilia Jones. Mr. Greg Kisela, County Administrator; Mr. Gerry Demers, Assistant County Administrator; Ms. Lynn Hoshihara, County Attorney; and Ms. Martha Ingle, Clerk of Courts, were also present.

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

Mr. Greg Kisela, County Administrator, presented the following changes to the agenda:

ADDITIONS:

1. County Attorney Item 2 – Request to schedule and advertise for a Public Hearing to consider repealing all County Ordinances relating to local regulations for firearms

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the changes to the agenda as presented. Ayes 4, Nays 0. L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Consent Agenda as follows. Ayes 4, Nays 0. L. Jones Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

1. Approve Expenditure Approval List (EAL)

General Fund	\$	323,464.65
County Transportation	\$	412,159.68
Fine & Forfeiture	\$	23,651.84
Mosq. Control State	\$	2,808.93
Section 8 Housing	\$	141,277.94
Tourist Dev. Council	\$	936,050.95
N.W. Mosquito Control	\$	1,086.19

W. Co. Library	\$	2,488.49
Solid Waste Enterprise	\$	16,061.90
Bldg Dept/Enterp. Fund	\$	301.60
Inmate Canteen Fund	\$	33,722.89
Capital Projects Fund	\$	335,114.24
Totals	\$	2,228,189.30

2. Approve Minutes of June 28, 2011 Workshop; July 11, 2011 Budget Hearing and July 12, 2011 Regular Meeting
3. Approve to schedule and advertise the Budget Hearings; one on Monday, September 12, 2011 at 5:01 p.m. at the South Walton Annex and the final Budget Hearing on Monday, September 26, 2011 at 5:01 p.m. at the Walton County Courthouse in DeFuniak Springs
4. Approve a Resolution **(2011-56)** to amend the budget for FY 2010-2011 to account for the award of grant funds for the EMS County Grant Program from the Department of Health in the amount of \$7,061
5. Approve a Resolution **(2011-57)** to amend the budget for FY 2010 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice in the amount of \$11,880
6. Repeal Emergency Ordinance 2011-61 which prohibits open burning without a permit **(Ordinance 2011-63)**
7. Approve payment of invoice from the City of Freeport for Management of the Freeport Pool
8. Disband the Redistricting Committee

Mr. Ken Little, Citizen Services Director, introduced Ms. Holly Holt as the Interim Administrator of the Walton County Health Department. Ms. Holt is also the administrator of the Holmes County Health Department. Ms. Holt stated that interviews for the Walton County position will begin August 10, 2011.

Commissioner Brannon entered the meeting.

Mr. Little requested to approve the following Board and Committee appointments and reappointments: appoint Mr. David Kramer to replace Mr. Bill Maxson on the Planning Commission; reappoint Ms. Latilda Henninger and Mr. Shelton Stone to another term on the Affordable Housing Advisory Committee.

Motion by Commissioner Comander, second by Commissioner Brannon, to approve the Board and Committee appointment and reappointments as presented. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, L. Jones Aye.

Commissioner Comander commended Mr. Little for his dedicated years of service to Walton County and his upcoming retirement.

Mr. Starsky Harrell, Public Works, requested approval of Appendix 1 to the FDOT Highway Lighting, Maintenance and Compensation Agreement as presented.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve Appendix 1 to the FDOT Highway Lighting, Maintenance, and Compensation Agreement as presented. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Harrell requested to reject all bids for ITB 011-027 for Roof Repairs to the Darlington School Building. All bids received exceed funds available for the repair. The repairs will be revisited to determine what can be fixed with available funds.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve rejection of all bids for ITB 011-027 as requested. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Harrell requested to award ITB 011-028 for the CR 280 Road Improvements to low bidder, CW Roberts, in the amount of \$2,129,265. He explained that there are three projects on CR 280A that have been budgeted and would like to postpone those improvements. He requested to de-obligate the funds dedicated to the CR 280A projects and re-obligate those funds to the CR 280 project.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the de-obligation and re-obligation of funds as requested and award ITB 011-028 for the CR 280 Road Improvements to low bidder, CW Roberts, for the amount of \$2,129,265. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Harrell requested to approve the agreement to purchase sand/clay materials, for a total amount of \$40,000, to be used with conjunction with the CR 280 Road Widening and Reconstruction Project as presented.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the agreement to purchase sand/clay materials for the amount of \$40,000 for the CR 280 project as requested. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Harrell requested to approve the US 331 Construction, Engineering, and Inspection (CEI) Services Contract with RSH and PRI for the US 331 Four-Lane Widening Project.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the US 331 CEI Services Contract as requested. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Harrell requested to approve Amendment No. 1 to the agreement for Professional Services with Atkins North America, Inc. (PBS&J) for post design services necessary for the US 331 Four-Lane Widening Project as presented.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve Amendment No. 1 to the agreement for Professional Services with Adkins North America, Inc. as presented. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Harrell requested to reject all bids for ITB 011-011 for the Dead River Park Improvements and re-advertise for bids reflecting modifications to the current plans.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve rejection of all bids for ITB 011-011 and re-advertise as requested. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Wayne Dyess, Planning and Development Services Director, requested approval to begin negotiations for RFQ 011-026 for Professional Engineering Services with the top ranking firm, Preble-Rish.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve beginning the negotiation process with Preble-Rish for RFQ 011-026 as requested. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Dyess requested to table the St. Rita's Development Agreement for future consideration.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to table the St. Rita's Development Agreement as requested. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Kisela requested approval of the Preliminary Assessment Resolution **(2011-58)** for the Fire Rescue Municipal Services Benefit Unit (MSBU) as presented.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt Resolution **(2011-58)** as presented. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Kisela presented a request from Mr. Raymond Lauer with Air Methods, Inc. to renew a Certificate of Public Convenience and Necessity to provide Advanced and Basic Life Support

Service. They were directed to negotiate an agreement and he presented the two year agreement for a 50% reduction for Walton County residents for approval.

Brief discussion ensued regarding the cost and the provision in the agreement for contract renewal.

Motion by Commissioner C. Jones, second by Commissioner Comander to approve the agreement as presented. Aye 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Mr. Kisela suggested prioritizing the list of the Natural Resource Damage Assessment (NRDA) Projects and discuss the list at the August 9, 2011 meeting.

Brief discussion ensued regarding all the projects for Walton County and the need to prioritize them all.

Ms. Anita Page questioned if the list would be available to the public. Mr. Kisela stated that it would be posted on the website.

Mr. Kisela presented the recommendation to appoint Attorney Jerry Miller, Pleat & Perry, for the Code Board Attorney at a flat rate of \$500 per meeting

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve Attorney Jerry Miller for the Code Board Attorney as recommended. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

A workshop will be held at 3:00 p.m. on August 9, 2011 to discuss the Code Board review process.

Ms. Dotti Nist questioned if the Code Board Attorney appointment is permanent. Chairman L. Jones stated that it is an interim basis until further discussion at the workshop on August 9th.

Mr. Kisela presented a request for appointments to the Economic Development Alliance (EDA). Attorney Clay Adkinson explained the appointment process.

Chairman L. Jones stated that he would like to serve on the EDA Board.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to appoint Chairman L. Jones and Mr. Greg Kisela on the EDA Board. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Attorney Hoshihara requested to hold an Executive Session immediately following the regular meeting to discuss the settlement proposal for the Seaside Development Corp. vs. Walton County, Case No.: 11-CA-000574.

Attorney Hoshihara requested to schedule and advertise a public hearing to be held on August 23, 2011, to consider repealing all County Ordinances relating to local regulations for firearms. She explained that House Bill 45 was voted into law during the 2011 Legislative Session which amends Florida Statutes section 790 and expands the Legislations prevention of the field of regulation of firearms and ammunition. Any ordinances that are currently in effect that regulate firearms and ammunition need to be repealed.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve a public hearing to be held on August 23, 2011 in DeFuniak Springs to consider repealing County Ordinances relating to local regulations for firearms. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Comander Aye, Pridgen Aye, C. Jones Aye.

Ms. Dawn Moliterno, Tourist Development Council Director, presented TDC updates regarding: turtle nests and hatchlings, the BP grant report and installments, voluntary retirement and position consolidation, TDC reaccreditation through DMAI, and the launch of the new visitors guide and website in September.

Commissioner C. Jones announced that a meeting will be held at her office on Wednesday, August 3, 2011, with Mr. Brett Boston, Director of the Florida Fish and Wildlife Foundation, to discuss and tour possible sites for a Saltwater Fish Hatchery.

Commissioner Comander expressed her appreciation for serving on the EDA and expressed her concern and urged the Board to hire a Professional Director.

Commissioner Brannon announced that due to the conflict with low level aircraft routes and the missile corridor, the Mossy Head area has been eliminated for consideration for the Military Housing site.

Chairman L. Jones and Commissioner Pridgen had no items to present.

Chairman L. Jones asked for public comment.

Ms. Blackshear briefly discussed the request for an executive session and requested to postpone the meeting for completion of the parking study.

Attorney Hoshihara explained that she is obligated to provide the settlement agreement to the Board.

The public meeting was recessed at 9:42 a.m. and an Executive Session was called to order to discuss Seaside Development Corp. vs. Walton County, Case No.: 11-CA-000574. This meeting was not open to the public pursuant to Florida Statute 286.011(8). The following will be in attendance: the Board of County Commissioners, the County Attorney, the County Administrator, and a certified court reporter.

The meeting reconvened at 10:25 a.m.

Attorney Hoshihara stated that the settlement agreement was discussed at the Executive Session for Seaside Development Corp. vs. Walton County, Case No.: 11-CA-000574. She requested the Board take action regarding the settlement agreement.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the settlement agreement as amended for Seaside Development Corp. vs. Walton County, Case No.: 11-CA-000574.

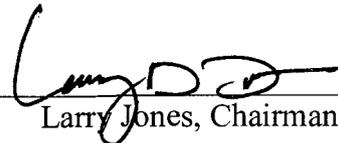
Ms. Blackshear explained that any approval with the outstanding parking study and Code Enforcement issues would be premature without having the opportunity for the parties affected to review it with council.

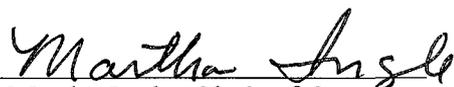
Chairman L. Jones briefly discussed the litigation process and those involved in this lawsuit.

Commissioner C. Jones questioned what shrubbery and trees would be removed. Mr. Kisela explained that if the shrubs need to be removed then adjustments will be made and brought back before the Board for approval.

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

There being no further business, the meeting adjourned at 10:35 a.m.

APPROVED 
Larry Jones, Chairman

ATTEST 
Martha Ingle, Clerk of Courts