

JANUARY 10, 2012 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida held a Regular Meeting on January 10, 2012, at 4:00 p.m. at the Walton County Courthouse in DeFuniak Springs, Florida.

The following Board members were present: Commissioner Scott Brannon, Chairman; Commissioner Kenneth Pridgen, Vice-Chairman; Commissioner Larry Jones; Commissioner Cecilia Jones; and Commissioner Sara Comander. Mr. Gregory Kisela, County Administrator; Attorney Lynn Hoshihara, Interim 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 agenda additions and deletions as follows. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

1. Addition: Consent Agenda-9. Renew Agreement with Heffley and Associates for another year term
2. Addition: Commissioner Comander-Allow County Grants Department to work with the City of Freeport in applying for certain grants
3. Deletion: County Administration-Approve Maintenance Agreements for year one and year two after warranty for the SLERS System

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

1. Approve Expenditure Approval List (EAL)

General Fun	\$ 1,397,378.63
County Transportation	\$ 1,036,971.26
SHIP	\$ 7,200.00
Fine & Forfeiture	\$ 2,793,377.00

Section 8 Housing	\$ 616.03
Tourist Dev. Council	\$ 662,678.78
N.W. Mosquito Control	\$ 1,549.08
W. Co. Library	\$ 3,194.48
Recreation Plat Fee	\$ 986.56
Solid Waste Enterprise	\$ 647,557.72
Bldg Dept/Enterp. Fund	\$ 9,646.10
Inmate Canteen Fund	\$ 16,100.06
Crim Prevention Trust	\$ 5,000.00
<u>Capital Projects Fund</u>	<u>\$ 688,125.28</u>
Totals	\$ 7,270,380.98

2. Approve Minutes of December 13, 2011 Regular Meeting, December 15, 2011 Special Meeting, and December 20, 2011 Special Meeting
3. Approve surplus equipment from the Clerk's Office (CC#: 1106, 994, 995)
4. Accept Internal Audit for the Planning and Development Services Division from the Clerk's Office
5. Approve Discretionary Funding Interlocal Agreement relating to the operation of the Senior Center as adopted in the FY 2011-2012 Budget
6. Approve surplus equipment request from the Tax Collector's office and the Tourist Development Council
7. Approve Resolution **(2012-01)** to amend the budget to roll forward revenues and expenditures for the Choctawhatchee Basin Alliance from fiscal year 2010-2011 into fiscal year 2011-2012
8. Approve Resolution **(2012-02)** to amend the budget to account for a new Recreational Program being undertaken in fiscal year 2012
9. Renew Agreement with Heffley and Associates for another year term.

Captain Joe Preston, Sheriff's Office, requested approval of Phase III of the Harris Contract in the amount of \$3,112,006.89 and includes the installation of equipment on the towers approved under Phase II.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve phase III of the Harris Contract in the amount of \$3,112,006.89. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Captain Preston requested approval for 60 portable firefighters' radios in the amount of \$235,500. These radios will be issued to fire departments north of the bay to augment their current inventory of radios.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the purchase of firefighters' radios. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Captain Preston requested approval of the Williams Communication quote for dispatch consoles to support the dispatching of calls over the SLERS radios in the amount of \$361,944.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the Williams Communication quote. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Greg Kisela, County Administrator, discussed the County Attorney recruitment selection process. He stated that there have been approximately 40 individual applications and 12 firms responding to the RFQ. Mr. Kisela stated that he had earlier recommended that Ms. Martha Ingle, Clerk of Court; and Ms. Dawn Moliterno, TDC Executive Director; serve with him on an applicant review committee. He reported that Ms. Ingle has asked to be excused due to one of the applicants being the attorney for the Clerk's Office. He recommended that Mr. Gerry Demers, Assistant County Administrator, be appointed in her stead. Mr. Kisela stated that the committee would review the applications to determine who meets the minimum criteria and present that list to the Board for ranking at the January 24, 2012 Regular Meeting. Interviews and presentations will be scheduled thereafter. Commissioner Comander asked that the list be given to the Commissioners as soon after compilation as possible to provide adequate review prior to ranking. Mr. Kisela stated that the lists will be available early next week. He also presented a summary of five years of legal expenses incurred by the County Attorney's office for review.

Motion by Commissioner Comander, second by Commissioner Pridgen, to appoint the individuals as presented to the County Attorney Application Review Panel and present their

recommendations at the January 24, 2012 Regular Meeting for ranking. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Neilson stated that since Ms. Ingle has been recused due to the business relationship with one of the applicants, she felt that Ms. Moliterno should be recused as well due to one of the applicants being her personal attorney. She also voiced concern regarding the representation of Chairman Brannon by the Adkinson Law Firm. Mr. Kisela stated that would be a policy decision by the Board.

Discussion continued regarding the selection process. Commissioner L. Jones suggested that a summary of minimal qualifications and the list of applicants and firms be distributed to the Commissioners for selection. The Board concurred. Mr. Kisela stated that the lists will be available at the end of the week, and asked that the Commissioners be prepared to present their selections at the January 24, 2012 meeting. The Commissioners' selections will then determine which individuals and firms will be interviewed. Commissioner Comander questioned how many applicants and firms should be interviewed. Mr. Kisela suggested that five to seven individuals and three to five firms would be sufficient.

Chairman Brannon addressed Ms. Nielson's concerns by stating that he would seek an opinion from the Department of Ethics and provide the findings to Mr. Kisela before the applications are distributed.

Ms. Melissa Pilcher, Regional Utilities, presented a request for approval of purchase and land use designation change for utility use of parcels located on Old Blue Mountain Road.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the purchase and land use designation change. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Attorney Lynn Hoshihara, Interim County Attorney, had no items to present.

Ms. Dawn Moliterno, TDC Executive Director, addressed the issues raised by Ms. Nielson. Ms. Moliterno stated that she privately used several attorneys and had only agreed to the appointment under the understanding that it would be publicly noted and a public meeting. She stated that had she known of Ms. Ingle's recusal, she would have followed the same action.

Ms. Moliterno requested approval to purchase a Full Frame SLR Camera and lens with video capabilities at a cost of \$2,799.00. The money for the equipment was budgeted as a general line item.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the capital expense request to purchase a Full Frame SLR Camera and lens in the amount of \$2,799. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno presented the TDC Advisory Council's guidelines and requested approval. She stated that the TDC wanted to move from quarterly meetings to bi-monthly meetings. She discussed the TDC's special meeting schedule. Chairman Brannon discussed the proposed meeting change and felt that no action should be taken. Discussion continued regarding the proposed changes. Commissioner L. Jones recommended that the language in Structure for TDC Meetings and Board Governance (page 3) be changed to state "a minimum of quarterly meetings." Discussion continued on the language addition.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to revise the language of the Walton County Tourist Development Council Guidelines and Application to state "Meetings to be held a minimum of quarterly". Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Commissioner C. Jones asked if the scheduling of special meetings had to be brought to the Board of Commissioners or if the TDC Chairman had the authorization to schedule the meetings. Commissioner Pridgen stated that the TDC Chairman should have the right to schedule the special meetings.

Motion by Commissioner Pridgen, second by Commissioner Comander, to authorize the TDC Advisory Chair, TDC Director, or the Board of County Commissioner to schedule special meetings of the TDC Board. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno presented an update of the TDC activities and projects. She reported a record breaking month in bed tax collection. Ms. Moliterno addressed the recent comments on the South Walton song. She stated that the funding for the commissioning of the song was covered under the BP grant. Mr. William Imfeld, County Finance Director, confirmed that policy had been properly followed. Ms. Moliterno stated that the monies covered a seven year licensing of the song, and the attendance of Ms. Suzanna Hoff, the song's composer, to the 30A Song Writers Festival to be held January 13-15, 2012.

Commissioner Comander discussed the need to enhance the working waterfront areas, and presented for adoption a resolution **(2012-03)** agreeing to participate with the City of Freeport in the Waterfronts Florida Program. She requested to allow the County Grant Department to work with the City of Freeport in applying for specific grants.

Mr. Duane Porte discussed the grant opportunities to improve the waterfront area.

Motion by Commissioner Comander, second by Commissioner C. Jones, to adopt **Resolution 2012-03** and allow the County Grant Department to work with the City of Freeport

to apply for certain grant applications. Ayes 4, Nays 0. L. Jones Aye, Brannon Abstained, Pridgen Aye, C. Jones Aye, Comander Aye. **(Voting Conflict Form 8B-Brannon)**

Commissioner Comander questioned when the next landfill workshop would be held. Mr. Kisela stated it would be held sometime during February or March.

Commissioners Pridgen, C. Jones, L. Jones and Chairman Brannon had no items to present.

Chairman Brannon stepped down and Commissioner Pridgen assumed the Chair position.

Commissioner Pridgen asked for public comment.

Ms. Moliterno discussed the Blue Ribbon Task Force and announced the public workshops to discuss the funding of the Highway 331 Project.

Sheriff Adkinson announced that Deputy Lyle Haney has been ordained as the first WCSO Chaplain. Deputy Haney voiced his appreciation to the Sheriff and the County.

Chairman Brannon and Commissioner L. Jones exited the meeting.

Mr. Alan Osborne briefly discussed the Sandestin DRI Annual Report and request for the Driftwood Estates suspension of services. He requested that the ordinances be recognized and that action be taken to meet compliance standards.

Attorney Shawn Heath, Gray-Robinson, representative for the Greater Driftwood Homeowners Association, briefly discussed the history and issues regarding the drainage and building in Driftwood Estates; the County's non-compliance with the Special Magistrate's findings; moratorium on construction; and non-compliance of the DRI. He requested that a temporary suspension of building permits be put in place.

Commissioner Pridgen questioned the location of the study and design recommended by the Special Magistrate. Attorney Hoshihara stated that Public Works researched the cost of the

study. An application for grant funding was submitted but was not awarded. She reported that the Board had to decide whether to use the small amount of money available on the study or on improvements. Attorney Hoshihara said that the improvements have been made. Currently there have been no complaints received regarding the drainage. Discussion ensued regarding the Special Magistrate's recommendations.

Mr. Osborne discussed enforcement of three specific ordinances, the annual report, and requested a suspension of building permits in Block G. He stated that the annual report, master plan and drainage are all non-compliant.

Attorney Hoshihara addressed the issues discussed by Attorney Heath and reviewed the actions between the County and DCA. She offered to meet with Attorney Heath and Mr. Osborne. She spoke against issuing a moratorium on building permits.

Mr. Kisela stated that he had met with Mr. Osborne and that Mr. Wayne Dyess, Planning and Development Director, is in the process of reconciling the numbers submitted as a part of the annual report process to determine what has been built. He reported that once the reconciliation is complete, a clean-up NOPC will be required. Mr. Kisela spoke against a moratorium on Driftwood Building permits. He recommended a meeting between the County Attorney, Special Council to the County, Attorney Heath and Mr. Osborne.

Mr. Osborne discussed the prospective clean-up NOPC. He requested that Mr. Kisela and Mr. Dyess seek independent outside council for direction.

Discussion continued regarding the annual report, and a meeting between the Driftwood representatives and county staff.

Mr. Dyess discussed the reconciliation process and reported that the commercial portion and the majority of the residential portion of the reconciliation had been completed.

Mr. Kisela stated that Mr. Dyess is bringing a fresh approach to the Driftwood situation. He reported that there is no dispute by the developer for the need of a clean-up NOPC.

Commissioner Comander stated that during substantial rain occurrences she has a foreman to ride through Driftwood looking for problem areas.

Mr. Osborne stated that he would be willing to meet with County Staff to discuss the information presented. He again requested that a moratorium be placed on building permits for 14 days.

The meeting recessed at 5:29 p.m. and reconvened at 5:34 p.m.

Discussion continued on the need to consult independent council, the clean-up NOPC, and a meeting between staff and Driftwood representatives.

Commissioner C. Jones asked if there were other DRI's which were out of compliance in regards to filing of annual reports. Mr. Kisela stated that there were. Commissioner C. Jones felt that a more aggressive form of enforcement was needed. Attorney Hoshihara stated a more comprehensive approach for monitoring all of the DRI's should be created.

Attorney Heath requested the Board make a motion to temporarily suspend building permits to prevent further damage. Mr. Osborne asked that the temporary suspension be limited to Block G and remain in place until a moratorium could be established. Discussion continued regarding the possible legal issues with the suspension.

Mr. Steve Abbott and Mr. Jess Eberhart both spoke in favor of a suspension of building permits.

Attorney Clay Adkinson, Special Council to the Board, discussed the legal issues that would accompany suspension of permits. He recommended not suspending currently issued permits; but rather accepting new building permit applications, and suspending immediate action

on new applications for Driftwood Estates Block G until a date certain. He stated that this issue would affect more than Driftwood Estates. He agreed that a meeting should be held between county staff and Driftwood Representatives and felt that a suspension would be premature until all information has been gathered. Discussion ensued regarding new building permit applications.

Mr. Alex Kisch spoke in favor of a temporary suspension.

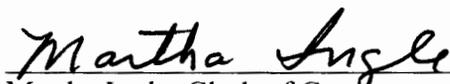
Attorney Adkinson stated that policy and procedures must be followed.

Motion by Commissioner Comander, second by Commissioner C. Jones, to accept new building permit applications for Block G (interior lots) of Driftwood Estates but not issue any permits for two weeks beginning January 11, 2012.

Mr. Jim Hobson spoke against the length of time it has taken to take action.

Ayes 3, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

There being no further items to discuss, the meeting was adjourned at 6:05 p.m.


Martha Ingle, Clerk of Courts


Scott Brannon, Chair