

JANUARY 24, 2012 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, January 24, 2012, at 9:05 a.m., at the South Walton Courthouse Annex.

The following Board members were present: Commissioner Scott Brannon, Chairman; Commissioner Kenneth Pridgen, Vice-Chair; Commissioner Larry Jones; Commissioner Sara Comander; and Commissioner Cecilia Jones. Mr. Greg Kisela, County Administrator; Ms. Lynn Hoshihara, 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.

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

DELETIONS:

1. Consent Agenda Item 5 – Approve Agreement with Argyle Fire District
2. Consent Agenda Item 6 – Approve Agreement with Liberty Fire District
3. Commissioner Comander – Discussion of Planning and Development Services Department
4. Public Comment – JB Hillard – Highway 331 Bridge Four-Lane Issue

ADDITIONS:

1. Administration Item 3e – Approve Agreement with Argyle Fire District
2. Administration Item 3f – Approve Agreement with Liberty Fire District
3. Consent Agenda Item 15 – Designate up to \$100,000 from District 5 Recreational Plat Fee Funds for the Padgett Park Project
4. Consent Agenda Item 16 – Approve Resolution **(2012-06)** of Support for “Project Beer’s” Grant Application.

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

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 281,123.44
County Transportation	\$ 334,721.23
Fine & Forfeiture	\$ 29,507.00
Section 8 Housing	\$ 141,073.09
Tourist Dev. Council	\$ 553,547.49
N.W. Mosquito Control	\$ 2,167.56
W. Co. Library	\$ 31.28
Recreation Plat Fee	\$ 130,210.60
Public Safety- 911	\$ 7,786.80
Solid Waste Enterprise	\$ 31,076.96
Bldg Dept/Enterp. Fund	\$ 489.90
Imperial Lakes MSBU	\$ 2,517.66
Inmate Canteen Fund	\$ 7,467.74
Capital Projects Fund	\$ 518,593.43
Totals	\$ 2,040,314.18

2. Approve Minutes of January 10, 2012 Regular Meeting
3. Approve Surplus Equipment request from the Clerk's Office: Dell Computer CC#1085
4. Approve Work Squad renewal Agreement WS659 and Addendum A
- ~~5. Approve Agreement with Argyle Fire District~~
- ~~6. Approve Agreement with Liberty Fire District~~
7. Approve Amendment No. 1 to the Agreement for Professional Services between Jack L. Blackwood, Jr., DVM, d/b/a Walton County Animal Clinic for an additional year term
8. Approve renewal of Ken Mitchem Lease Agreement
9. Approve Amendment #1 to the CDBG Contract #11-DB-C5-01-76-01-E02 for the Dixie RV Economic Development CDBG Project
10. Approve a Resolution **(2012-04)** to amend the budget for the Fine and Forfeiture Fund for FY 2011-2012 for the amount of \$56,784
11. Approve a Resolution **(2012-05)** to amend the budget for the Volunteer Fire Assistance Grant from the Division of Forestry for the amount of \$1,800
12. Approve the Right of Way Easement with CHELCO necessary to provide power to the Peach Creek Tower
13. Approve Amendment No. 4 to the Agreement with Ecological Associates for an additional year term
14. Accept Internal Audit for Inmate Welfare Fund
15. Designate up to \$100,000 from District 5 Recreational Plat Fee Funds for the Padgett Park Project
16. Approve Resolution **(2012-06)** of Support for "Project Beer's" Grant Application

Ms. Celeste Warner, AICP Project Manager, presented a Matrix Design Group update on the Small Area Study for Tri-County Military Sustainability Partnership. The intent is to maintain military readiness of the military installation of Eglin and also promote the opportunity for economic development in all of the communities.

Mr. Starsky Harrell, Public Works Director, requested approval of a change order to the contract documents for the US Hwy 331 four lane project (ITB 011-025) awarded to CW Roberts, for a total change amount of \$311,113.50. At the time of the bid award there were no apparent project contingency funds identified. Several cost saving measures have been identified and staff recommended rolling those funds into a general contingency line item to cover any potential additive change orders which could occur during the contract timeline.

Commissioner L. Jones clarified that the request is not for new funds but moving funds into a contingency fund. Mr. Harrell confirmed.

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

Mr. Harrell requested to allow the Clerk of Court to collect on the Bank Trust Letter of Credit No. 260, for the amount of \$ 99,228.25, surety for the Village at Grayton Beach, Phase 1, if an extension or final inspection release has not been received prior to the February 2, 2012 expiration date.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the request to collect on the letter of credit as presented if an extension or final inspection has not been received prior to February 2, 2012.

Commissioner L. Jones reiterated that a process needs to be established in order to protect the interest of the county in the Letter of Credit process. Attorney Hoshihara explained that the Land Development Code provisions that apply to sureties and guarantees are being reviewed.

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

Mr. Harrell requested to award ITB 012-001 for the Padgett Park Recreation Center to low bidder, Beauchamp Commercial, for the amount of \$329,944.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to award ITB 012-001 to low bidder, Beauchamp Commercial, for the amount of \$329,944, as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Harrell requested to award RFP 012-003 for Preventive Maintenance & Repair to Multiphase Traffic Control Signals to Griffin Traffic.

Motion by Commissioner Comander, second by Commissioner C. Jones, to award RFP 012-003 to Griffin Traffic as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Ms. Gloria Mayo, Early Learning Coalition of Okaloosa and Walton County, requested adoption of a Resolution (**2012-08**) declaring January 29, 2012 as Children's Day and January 28, 2012 as Parents and Children's Day.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt Resolution (**2012-08**) as presented. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Ms. Dawn Moliterno, Tourist Development Council Executive Director, discussed the Hwy 331 Blue Ribbon Task Force recommendation. All of the information has been posted on

the website for those that were unable to attend the Task Force meetings. The need to four-lane Hwy 331 has been a concern of Walton County since 1964. There are pros and cons for either option of a toll bridge or a one cent sales tax.

The Task Force recommended to advertise a public hearing to be held on February 14, 2012 at 4:00 p.m. at the South Walton Courthouse Annex to consider an Ordinance to hold a special election on May 15, 2012 to place a referendum on the ballot that provides a brief description of the Hwy 331 bridge project with legal language required on a referendum on the proposed increase of sales tax up to one cent. At that hearing a determination can be made if the referendum is for a full cent or less. The funds can only be used for the Hwy 331 bridge project and when the debt is paid it is irrevocable and cannot be extended for any reason.

Brief discussion ensued regarding the possibility of a lower sales tax amount.

Chairman Brannon asked for public comment.

The following audience members spoke regarding the Hwy 331 Blue Ribbon Task Force recommendation for the Hwy 331 bridge project: Mr. Bob Riley, Ms. Bonnie McQuiston, Mr. Ron Kelley, Mr. Mike Judkins, Mr. Bob Sullivan, Mr. Mike Flint, Ms. Kitty Whitney, and Mr. Art Miller.

Motion by Commissioner Pridgen, second by Commissioner Comander, to advertise a public hearing to be held on February 14, 2012 at 4:00 p.m. to consider an Ordinance for holding a special election on May 15, 2012 to place a referendum on the ballot for a proposed sales tax up to one cent for the Hwy 331 bridge project as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Chairman Brannon and Commissioner L. Jones exited the meeting. Commissioner Pridgen assumed position as Chairman.

Mr. Kisela discussed the Driftwood Estates Block G temporary suspension of building permits. Since the determination at the January 10, 2012 meeting to suspend building permits, there have been two requests for building permits, one for a single family home permit and one for a dock permit. The building department is reviewing those applications but no permits have been issued. There were nine properties on the interior that applied prior to the January 10, 2012 meeting that have either received building permits or are in the process. Staff met with the Driftwood Estates HOA and Attorney to review the Sandestin DRI information and why they believe it is in substantial non-compliance.

Attorney Shawn Heath, Driftwood HOA representative, presented information regarding Florida Statutes and the Sandestin DRI non-compliance.

Mr. Alan Osborne briefly discussed the Sandestin DRI non-compliance and urged the Board to hold Intrawest accountable to resolve the issues.

Attorney Greg Stewart, Nabors Giblin and Nickerson, explained that they are in the process of a conclusion and would like more opportunity to work on the issue. He suggested to continue to suspend building permits until the February 14, 2012 meeting in order to provide a concise presentation to the Board.

There are two permit applications pending, one for an exterior dock and one submitted by DR Horton. The dock request has received all state approvals necessary and will not adversely impact any open space requirements or stormwater issues. He recommended, in addition to the suspension of building permits, to allow issuing the dock permit. The other permit will be subject to Board's decision at the February 14, 2012 meeting.

Mr. Osborne supported issuing the dock permit because it is not within the confines of Block G.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the recommendation by Attorney Stewart to extend the suspension of the building permits for the Sandestin DRI until the February 14, 2012 meeting and approve the dock permit request. Ayes 3, Nays 0. Pridgen Aye, Comander Aye, C. Jones Aye.

Mr. Osborne withdrew the request for public comment from the agenda.

The meeting recessed at 10:55 a.m. and reconvened at 11:00 a.m.

Chairman Brannon did not return to the meeting. Commissioner Pridgen assumed position as Chairman. Commissioner L. Jones did return.

Mr. Kisela stated that there were 39 individuals and 12 firms that applied for the County Attorney position. He suggested the Board shortlist the applicants for recommendation to interview.

Brief discussion ensued regarding the need to determine the Board's recommendation to proceed with hiring an individual representative.

Motion by Commissioner L. Jones, second by Commissioner Comander, to select an individual candidate as County Attorney and allow that individual to seek special counsel as needed. Ayes 4, Nays 0. Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye. Mr. Kisela stated that although Commissioner Brannon was not present, he did not participate due to a possible conflict of interest.

The Board completed the ballots and the consensus for the individual attorney candidates will be announced.

Mr. Kisela requested approval of the Argyle and Liberty Fire District agreements as presented.

Ms. McQuiston, Walton County Tax Payers Association, voiced the need to have an equitable and fair fire rescue policy for all county citizens. Mr. Kisela agreed to address the matter.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the Argyle and Liberty Fire District agreements as presented. Ayes 4, Nays 0. Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Chairman Pridgen called to order the public hearing to approve a Resolution **(2012-07)** to amend the budget to move forward \$2,800,000 from Reserves into the Capital Projects Fund and to roll forward \$927,951 from Landfill Reserves for the SLERS Project.

Mr. Bill Imfeld, Finance Director, stated that the funding was previously approved and the request is to move those funds from reserves into the budget for the project.

Commissioner Comander questioned if the funds are for tower construction. Mr. Imfeld clarified that the towers are being constructed by Intellicom at their expense and the county rents space on that. The amendment is for the equipment and housing for the three locations.

Chairman Pridgen asked for public comment.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner C. Jones, to adopt Resolution **(2012-07)** as presented. Ayes 4, Nays 0. Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

The County Attorney's Office had no items to present.

Ms. Moliterno requested to approve advertisement to bid the Miramar Beach Dune Restoration Project to re-contour existing dunes, and add irrigation and plantings, for a total cost of \$40,000.

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

Commissioner Brannon returned to the meeting but did not assume Chairman position.

Ms. Moliterno presented a TDC update on the following issues: a workshop will be held on February 9th from 11:00-1:00 at the TDC Office; the season kick-off meeting will be held February 9th at 2:00 p.m.; the TDC Counsel Advisory strategic planning session is scheduled for March 21st; and on February 2nd the next fiscal year sponsorship applications will be available.

Mr. Kisela announced the consensus on the ballots for the County Attorney candidates to be interviewed. Brief discussion ensued regarding the votes and the top ranking individuals.

Motion by Commissioner Comander, second by Commissioner C. Jones, to interview the top seven ranking candidates for the County Attorney position. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Attorney Lynn Hoshihara announced the top seven ranking candidates to be interviewed: John Bruhn, Toni Craig, Jennifer Shuler, Aleksandr Boksner, Ken Goldberg, Rene Youell, and Mike Burns.

Mr. Art Miller offered to provide tips on an executive interviewing process.

Commissioner C. Jones had no items to present.

Commissioner Comander briefly discussed concerns regarding the sand on the beaches and stated that policies and procedures need to be established on how to address these kinds of issues. She asked Mr. Kisela to work on those policies and procedures.

Commissioner C. Jones met with Redfish Village to discuss the issues and was informed they have been looking at an alternative sight to do the work in order to protect the beaches.

Mr. Kisela stated that they need to move about 14,000 cubic yards of material, about 5,000 has already been moved. The red/brown sand is no longer being removed and only white sand is brought in. They have been working on alternative plans for solutions that are less intrusive to the beach.

Brief discussion ensued regarding the red/brown sand removal and white sand replacement.

Commissioner Comander expressed concerns with Code Enforcement Board Attorney Jerome Miller and asked Mr. Dyess to work with him on those issues. Mr. Wayne Dyess, Planning and Development Director, agreed to work with Attorney Miller.

Commissioner Pridgen had no items to present.

Commissioner L. Jones had no items to present.

Commissioner Brannon presented a Resolution **(2012-09)** for adoption designating January 22-28, 2012 as Hazardous Materials Awareness Week.

Motion by Commissioner Brannon, second by Commissioner Comander, to adopt Resolution **(2012-09)** as presented. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Commissioner Brannon announced that there will be a Sheriff's office located in the new Red Bay Fire Department building.

Chief Brian Coley stated that this is an advantage for both the people of Red Bay and Walton County Fire Rescue.

Commissioner Brannon requested to transfer up to \$5,000 from District 1 Recreation Fees to purchase historical markers for the Cosson Road site and the Freeport Masonic Lodge site.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve the transfer of up to \$5,000 from the District 1 Recreation fees for historical markers as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Commissioner Brannon presented a request from the City of Freeport to set a public hearing to be held on February 14, 2012 at 4:00 p.m. at the South Walton Courthouse Annex to consider an Ordinance establishing an Idle Speed-No Wake Restricted area in Four Mile Creek in order for the Sheriff to issue citations. The City of Freeport has already established a No Wake Zone by Ordinance (2010-07) but the law requires that the County enforce it.

Motion by Commissioner Brannon, second by Commissioner Comander, to set a public hearing for February 14, 2012 at 4:00 p.m. to consider an Idle Speed-No Wake Restricted area in Four Mile Creek as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. William Bishop discussed prison privatization and urged the Board to adopt a Resolution opposing it. The involvement of county work squads will be a burden to the tax payers because they are not supported by privatized prisons.

Brief discussion ensued regarding the effect a privatized prison would have on the county.

Motion by Commissioner Comander, second by Commissioner C. Jones, to allow staff to draft a resolution for approval opposing prison privatization and review ways to support the local facility. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Carl Valentino, Gulf Trace Owners Association President, expressed appreciation for addressing the truck issues on the beach and recognizing the need to develop a policy.

Ms. Anita Page questioned the discolored sand that is used as bedding. Mr. Kisela clarified that the state is not allowing sand to be brought in and used as bedding, but allowing the discolored sand to remain.

Mr. Richard Fowlkes addressed the matter regarding Code Enforcement Board Attorney Jerome Miller, stating that he is very respectful in expressing himself, and expressed the need to protect the beaches and implementing a policy to do so.

Mr. Jan Rieveschl urged the Board to implement policies and procedures to address the beach issues.

Brief discussion ensued regarding the past issues with which department addresses the beach issues and the need for policies to be implemented.

The request by Mr. J. B. Hillard to discuss the building options of a four lane Hwy 331 bridge was removed from the agenda.

The request by Mr. Alan Osborne to discuss the Sandestin DRI was removed from the agenda.

There being no further business, the meeting adjourned at 12:00 p.m.

ATTEST Martha Ingle
Martha Ingle, Clerk of Court

APPROVED Scott A. Brannon
Scott Brannon, Chairman