

FEBRUARY 14, 2012 – REGULAR MEETING

The Board of County Commissioners, Walton County Florida called to order the Regular Meeting on February 14, 2012 at 3:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida in order to recess into Executive Session.

Chairman Scott Brannon called the meeting to order.

Attorney Lynn Hoshihara, Interim County Attorney, stated that the Board of County Commissioners had requested to meet in Executive Session to discuss Suzanne Harris v. Walton County (Case No.: 11-CA-1027). She reported that the Regular Meeting would be reconvened at the end of the Executive Session.

The following Board members were present for the Executive Session: Commissioner Scott Brannon, Chairman; Commissioner Kenneth Pridgen, Vice-Chairman; Commissioner Larry Jones; Commissioner Cecilia Jones; and Commissioner Sara Comander. Also in attendance were Mr. Gregory Kisela, County Administrator; Attorney Lynn Hoshihara, Interim County Attorney; Attorney Tim Warner, Special Counsel to the Board; and a certified court reporter.

In accordance to Florida Statute 286.011(8), Executive Sessions are closed to the public.

The Executive Session adjourned at 3:50 p.m. and the Regular Meeting was reconvened at 4:00 p.m.

Ms. Martha Ingle, Clerk of Courts, was present for the Regular Meeting.

Commissioner C. Jones led the invocation and the pledge to the American Flag. Chairman Brannon called the meeting to order.

Attorney Lynn Hoshihara, Interim County Attorney, reported that an Executive Session was held to discuss Suzanne Harris v. Walton County (Case No.: 11-CA-1027) and stated that no

action was required by the Board at this time. She requested that an Executive Session be held on February 28, 2012 at 8:00 a.m. at the Walton County Courthouse in DeFuniak Springs to discuss the Suzanne Harris v. Walton County (Case No.: 11-CA-1027) litigation.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to schedule an Executive Session for February 28, 2012 at 8:00 a.m. at the Walton County Courthouse in DeFuniak Springs. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

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

1. Addition: Consent Agenda-Approve minutes of February 10, 2012 Special Meeting
2. Addition: Consent Agenda-Allow Chairman to sign Consent to accept \$5,000 given by Helen Jones' Estate to the Coastal Branch Library.
3. Deletion: Consent Agenda-Approve to apply for TIGER IV Grant

Chairman Brannon requested to add the following items to the agenda: 1. TDC Advisory Board Appointment; and 2. County Administrator.

Commissioner Comander requested that a discussion regarding Amtrak be added.

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

Attorney Hoshihara questioned if Consent Agenda Item 6 was being removed for further discussion or removed completely. She stated that there are deadlines that must be met in order to apply for the grant. Commissioner Comander stated that she is requesting that the item be completely pulled citing that should the grant be awarded, a multi-million dollar match would be

required. She felt that with the current matching funding issues for US 331, an additional match would negatively affect the county.

Mr. Gregory Kisela, County Administrator, stated that the county had previously applied for the TIGER IV grant and was not awarded the monies. He stated that this grant would cover funding for specific portions of US 331. He reported that if the grant was applied for and received it would give an additional funding for the four-laning of US 331, and a 25% match would have to be met.

Motion by Commissioner Comander, second by Commissioner Pridgen, 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 Fund	\$ 1,555,992.17
County Transportation	\$ 1,476,765.51
SHIP	\$ 48,250.00
Fine & Forfeiture	\$ 1,396,689.00
Mosq. Control State	\$ 2,863.65
Section 8 Housing	\$ 4,943.04
Tourist Dev. Council	\$ 251,160.31
N.W. Mosquito Control	\$ 1,938.99
Recreation Plat Fee	\$ 24,506.03
Solid Waste Enterprise	\$ 547,493.52
Bldg Dept/Enterp. Fund	\$ 3,060.42
Imperial Lakes MSBU	\$ 4,517.66
Inmate Canteen Fund	\$ 7,160.29
Daughette Subdivision	\$ 2,500.00
4 Mile Village	\$ 1,750.00
Capital Projects Fund	\$ (226,661.35)
Totals	\$ 5,102,929.24

2. Approve Minutes of January 24, 2012 Regular Meeting and February 10, 2012 Special Meeting
3. Request approval to fill two vacancies with the Library Advisory Board: Ainslie Carey for the District 4 vacancy and Roger Moore for the At-Large vacancy

4. Recommended Option to render a decision without a recommendation from the Walton County Board of County Commissioners relating to the naming of an unnamed stream (Raccoon Hollow Branch)
5. Schedule and advertise for a Strategic Planning Workshop to be held February 28, 2012 at 8:30 a.m. prior to the Regular Meeting held at the Walton County Courthouse in DeFuniak Springs, Florida
6. ~~Approve to apply for the TIGER IV Grant~~
7. Approve Work Squad Agreement WS#677 Amendment 1
8. Approve to recommend to the Governor to reappoint, Andrea Minyard, M.D., as the District Medical Examiner
9. Reappoint Dave Lovell to the Code Enforcement Board in the Engineer position for a two year term
10. Approve surplus equipment requests from the Clerk's office (CC# 986 and 987)
11. Allow Chairman to sign Consent to accept \$5,000 given by Helen Jones' Estate to the Coastal Branch Library

Mr. Kisela requested approval of the State Highway Lighting, Maintenance, and Compensation Agreement (Contract: AQA20). He stated that this is a yearly agreement with FDOT for reimbursement of maintenance of lighting on state roadways.

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

Mr. Kisela requested approval of the updated Inmate Handbook, and the ratification of nine procedures for purposes of annual policy update.

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

Motion by Commissioner C. Jones, second by Commissioner Comander, to ratify the nine procedures for purposes of annual policy update. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Kisela requested to award RFP 012-002 Health Insurance Consultant to Combined Insurance Services as top ranked firm in the amount of \$55,000 annually. He stated that the consultant would assist the county in designing an RFP to advertise for health insurance for the upcoming year beginning October 1, 2012.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to award RFP 012-002 Health Insurance Consultant to Combined Insurance Services in the amount of \$55,000 annually. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Kisela stated that the interviews for the County Attorney position were complete. The field has been narrowed down to five applicants. He requested that the Commissioners rank the top three applicants with negotiations to begin with the top ranked candidate. Ms. Martha Ingle, Clerk of Court, tallied the votes and presented the top three individuals as follows: 1. Attorney Toni Craig; 2. Attorney Ken Goldberg; 3. Attorney Rene Youell.

Motion by Commissioner C. Jones, second by Commissioner Comander, to begin negotiations with Attorney Toni Craig as topped ranked candidate for the County Attorney position. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Attorney Hoshihara stated that the Interim County Attorney contract would end on February 29, 2012 and that renegotiation may be needed depending on the availability of Attorney Craig. Attorney Craig reported that she would be able to start immediately following contract negotiations. Mr. Kisela stated that a special meeting would be called to present the final contract for approval.

Chairman Brannon and Commissioner L. Jones exited the meeting.

Commissioner Pridgen assumed the Chair position.

Attorney Greg Stewart, Nabors, Giblin & Nickerson, presented his review of the issues raised by Driftwood Estates. He concluded that there is not a substantial non-compliance with the development order and the allegations made. He recommended that the Board lift the suspension of new building permits within Block G of the Driftwood Estates. Commissioner Comander questioned if Sandestin had been working on the NOPC process. Attorney Stewart stated that Sandestin Staff was working to reconcile the data contained within the annual report.

Motion by Commissioner C. Jones, second by Commissioner Comander to accept Attorney Stewarts recommendations.

Attorney Shawn Heath discussed the history of the Driftwood Estates issue. He requested that all services for the Sandestin DRI be suspended until compliance has been met and that all laws be enforced.

Mr. Alan Osborne stated that an NOPC was enacted in 2004 and should be strictly enforced today.

Commissioner Comander felt that this is a difficult decision to make, and that there are many aspects of the issue to be considered. Attorney Heath proposed allowing the court to decide the solution to the issues. He stated that Driftwood would file the lawsuit, agree to a temporary injunction on the issuance of any building permits, seek to get an expedited ruling from the court, and accept the court's ruling. Commissioner Comander discussed the prior challenges and findings regarding the wall. Mr. Kisela reminded the Board that they have not heard from the individuals who have invested in the interior lots. Discussion ensued regarding Attorney Stewart's review, and the temporary injunction. Attorney Hoshihara did not recommend a

temporary injunction until further direction. Attorney Stewart agreed with Attorney Hoshihara and reiterated that the interior lot owners should be considered.

Commissioners C. Jones and Comander upheld their motion and second.

Mr. Osborne urged the Board to enforce the laws that are currently on the books.

Ms. Karen Shivler, Driftwood resident, voiced concern that the Board is putting the residents at risk.

Ms. Mary Nielson, representative for two individuals living in Driftwood, questioned what it would cost to repair the problems in Driftwood without litigation, and what the cost would be to the taxpayers for the county to enter into litigation. She felt that the issue should be settled immediately without cost to the taxpayer.

Motion by Commissioner C. Jones, second by Commissioner Comander to accept Attorney Stewarts recommendations. Ayes 3, Nays 0. Pridgen Aye, C. Jones Aye, Comander Aye.

Commissioner Comander directed Public Works to see what corrections can be made to alleviate the problems.

Commissioner Comander stated that she had received an email from Ms. Beam discussing an outstanding payment regarding a lawsuit. She directed that the issue be reviewed and the bill paid. Attorney Hoshihara stated that an update would be brought to the Board.

Chairman Brannon and Commissioner L. Jones returned to the meeting. Chairman Brannon resumed the Chair position.

Mr. Kisela requested approval to allocate \$8,192 from contingencies as the 10% match to a Department of Defense (DoD) grant to complete the Small Area Studies-Rock Hill Landing Zone.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the allocation of \$8,192 as the 10% match to the DoD grant for the Small Area Studies-Rock Hill Landing Zone. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Attorney Lynn Hoshihara, Interim County Attorney, gave an update on the litigation Bennett v. Walton County. Nabors, Giblin & Nickerson, representing the county, has reported that an order has been received from the judge upholding the Code Enforcement Board's decision finding Bennett in violation. She stated that there is a separate issue, with county representation by Warner Law Firm, which alleges the unconstitutionality of the ordinance regulating non-residential businesses within the residential preservation area. She reported that mediation has reached an impasse and will be moving forward with litigation. Attorney Hoshihara stated that an update will be brought back to the Board.

Ms. Dawn Moliterno, TDC Executive Director, presented TDC updates on sponsorships; media trip to NY; workshops; upcoming events; and strategic planning sessions.

Attorney Hoshihara stated that she had received additional information from the City of Freeport and its engineers, and requested not to move forward with the public hearing for the Idle Speed No Wake Zone in Four Mile Creek ordinance at this time. When the ordinance is ready for presentation a public hearing will be set.

Chairman Brannon called to order the public hearing to consider an **Ordinance (2012-01)** calling for a Special Referendum Election for approval of imposition of either a 1 cent, $\frac{3}{4}$ cent, or a $\frac{1}{2}$ cent tax to take place on April 24, 2012.

Ms. Moliterno gave a brief history of the steps taken to present solutions to the US 331 widening project. The task force recommends a referendum under the 1 cent, using those funds

for the bridge project only, paid off as soon as possible, and an irrevocable sunset on the tax. She read a letter from Secretary James Barfield, D3 Secretary. Ms. Moliterno also discussed the evacuation times and economic benefits.

Commissioner L. Jones discussed the requirement for the matching funds and the two options for possible funding; toll or tax. He stated that he did not support a toll.

Motion by Commissioner L. Jones, second by Commissioner Comander, to remove the option to toll the bridge as a revenue source.

Commissioner C. Jones clarified that should the citizens of the county vote against the referendum, then DOT will give the monies to another county.

Ms. Bonnie McQuiston, Walton Taxpayer Associations, spoke in favor of the removal of the toll option, and suggested contacting DOT for optional funding sources.

Commissioner Comander voiced concern for the citizens who could afford a toll the least.

Motion by Commissioner L. Jones and second by Commissioner Comander was amended to include asking DOT to look for other funding sources should the referendum not pass.

Discussion ensued regarding the cost of building the bridge, and the unlikelihood that a bridge would be built if there were no tax or toll.

Several citizens attending the meeting spoke against the installation of a toll bridge. While some stated that a second bridge is needed for the safety of Walton County citizens, others voiced concern that the need had not been substantiated. Many citizens were not in favor of an additional tax, and felt that it was the right decision to let the people decide.

Mr. Cory Godwin spoke in favor of the removal of the toll option citing that the technology to be used is flawed and would cost the people more in the long run.

Commissioner Comander addressed the public comments, and stated that Walton County had been attempting to secure funding to four-lane US 331 since 1964.

Chairman Brannon discussed that the Owl's Head portion currently being widened has been funded through previously secured monies, and individual right-of-way donations.

Ms. Suzanne Harris questioned that should the referendum pass if there was a possibility of both the bridge and the road could be tolled by the State. Ms. Moliterno stated that the State has the authority to toll any road or bridge of their choosing; however, that is not the goal of the current State officials for this project. Ms. Harris discussed possible lobbying by a paid county lobbyist to pass the referendum, and submitted emails regarding the US 331 Bridge. Commissioner Comander addressed the lobbying concern, and stated that any county employee had the right, on their own time, to advertise for or against the referendum.

The motion was upheld.

Motion by Commissioner L. Jones, second by Commissioner Comander, to remove the option of tolling the bridge, and ask DOT to look for other funding sources should the referendum pass or fail. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, upon voter approval of the sales tax referendum, an extension of the tax cannot be made without the passage of an another referendum. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Bob Hudson questioned if the construction costs of the bridge came under the \$177 million would the remaining funds be put toward the other sections of the US 331 Widening

Project. Ms. Moliterno stated that it would. Mr. Hudson read a statement from the WCTA opposing a new tax.

Ms. Nielson questioned the language of the proposed ordinance and whether it included the monies needed to acquire right-of-ways. Both Mr. Kisela and Ms. Moliterno confirmed that DOT handles the right-of-way acquisition process.

Attorney Hoshihara stated that the Board needed to decide which rate to present on the referendum.

Mr. Bill Imfeld, County Finance Director, submitted the Illustrative Financing Options, and discussed the effects of the different percentages. He stated that should the referendum pass, the Board needed to consider which loan option would best serve the citizens of Walton County.

Mr. David Kramer encouraged the Board to choose an option that would pay the loan off in the shortest amount of time.

Mr. Hudson and Mr. Alan Ficarra discussed the proposed \$5,000 and \$1,000 tax cap. Discussion ensued regarding the exemption of specific rentals from the tax cap.

Mr. Bud Livingston question if the bond would be a revenue or general obligation bond. Mr. Imfeld stated that it would be a revenue bond.

Attorney Hoshihara discussed the three tax options: 1 cent, ½ cent, and ¾ cent.

Motion by Commissioner Comander, second by Commissioner L. Jones, to adopt **Ordinance 2012-01** calling for a Special Referendum Election for approval of an imposition of the surtax of ½ cent sales tax to take place on April 24, 2012. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

The meeting recessed at 6:59 p.m. and reconvened at 7:10 p.m.

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

Commissioner Comander stated that the Northwest Florida League of Cities is attempting to restore the Amtrak Sunset Rail Passenger Service route from New Orleans to Jacksonville. She reported that the City of Crestview has said they were not interested in providing a passenger stop, and would like to see if the City of DeFuniak Springs should consider a station. Commissioner Comander presented a joint resolution for review.

Chairman Brannon read into the record the following statement: "As Chairman of the TDC, I have received concerns and complaints from numerous people regarding the continued presence on the TDC of Ms. Suzanne Harris. This needs to be addressed at this time. Ms. Harris has been a vocal opponent against this Board, and this County as a whole on numerous issues since she became a TDC Council Member. While I respect her right to voice those opinions, her method of doing so has been derogatory and detrimental to this county. Currently, we are in litigation with her, and she floods County Administration with public records requests that have paralyzed and consumed County Administration. In taking this course of action, Ms. Harris has, in my opinion, violated the Code of Conduct she as a TDC Council Member approved and signed. This alone is grounds for her removal from that position." Chairman Brannon provided the Board with a copy of the TDC Advisory Council's Code of Conduct.

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

Commissioner L. Jones recused himself from the issue citing the current ethics investigation against him initiated by Ms. Harris.

Discussion ensued regarding the Code of Conduct and the proper action to be taken.

Motion by Commissioner Brannon, second by Commissioner Comander, to call for the immediate dismissal of Ms. Suzanne Harris from the TDC Advisory Board due to the violation

of the TDC Code of Conduct, and direct Ms. Moliterno to post the vacancy and begin the established search process to fill the vacancy. Ayes 4, Nays 0. L. Jones Abstained, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye. **(Voting Conflict Form 8B: L. Jones)**

Chairman Brannon removed his second agenda addition, and resumed the chair position.

There was no public comment.

Mr. Wayne Dyess, Planning and Development Director, presented SSA 2011-08 (Mr. Michael Dean Clark) amending 7.27 +/- acres in north of the Choctawhatchee Bay from Estate Residential to General Commercial, or lesser intense category. He reported that the amendment was previously approved by the Board with an inadvertent mistake in the legal description. This ordinance re-adopts the amendment with the proper legal description and amended acreage. The proposed amendment is consistent with the Comprehensive Plan and the Land Development Code. He recommended approval.

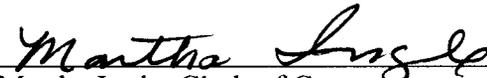
Motion by Commissioner Comander, second by Commissioner Pridgen, to adopt SSA 2011-08 **(Ordinance 2012-02)**. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

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

Mr. Mac Carpenter, Senior Planner, Planning and Development, presented Saint Rita Catholic Church Development Agreement for the purpose of vesting the development entitlements of St. Rita Catholic Church's county approved development plan for a period of 20 years. The development is on 9.75 acres, with a future land use of NPA-Infill. The site is located at 137 Moll Drive. Staff has found the development agreement meets the requirements of the Land Development Code.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the St. Rita Catholic Church Development Agreement. Ayes 5, Nays 0. L. Jones Aye, Brannon Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

There being no further items to discuss, the meeting adjourned at 7:21p.m.



Martha Ingle, Clerk of Courts



Scott Brannon, Chair