

## APRIL 10, 2012 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, April 10, 2012, at 4:00 p.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. Toni Craig, 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:

### ADDITIONS:

1. Commissioner Brannon Item 1 – Budget/Capital Elements Workshop
2. Commissioner Brannon Item 2 – Informational item regarding marking street lights that need repair

### DELETIONS:

1. Public Comments Item 1 – Request from Shawn Heath to discuss the Development Order Planning Process (Sandestin DRI)
2. Public Comments Item 2 – Request from Alan Osborne to discuss the Driftwood Restaurant
3. Commissioner Comander Item 1 – Settlement Agreement “Holub” and “Walton County”

Motion by Commissioner C. Jones, second by Commissioner Comander, 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.

Mr. Mike Judkins briefly questioned why there is a need for an Ordinance for right-of-way improvements with CHELCO. Mr. Starsky Harrell, Public Works Director, explained that

CHELCO's request is to use the county property to put a right-of-way to allow a power line to go down Mr. Johnson's property, but the line has to be cleared so many feet on each side down the property line.

Discussion ensued regarding the use of the right-of-way request.

Commissioner L. Jones requested removal of Consent Agenda Item 7 for discussion.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, 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	\$ 1,346,985.74
County Transportation	\$ 957,715.17
Fine & Forfeiture	\$ 1,396,689.00
Section 8 Housing	\$ 308.02
Tourist Dev. Council	\$ 617,291.25
N.W. Mosquito Control	\$ 247.19
Recreation Plat Fee	\$ 15,466.99
Solid Waste Enterprise	\$ 517,839.18
Bldg Dept/Enterp. Fund	\$ 6,391.37
Inmate Canteen Fund	\$ 15,443.91
Capital Projects Fund	\$ 341,379.94
Totals	\$ 5,215,757.76

2. Approve Minutes of March 27, 2012 Regular Meeting

3. Approve Right-of-Way Easement from CHELCO for the purpose of providing underground electrical power to a pavilion off J.D. Miller Road

4. Approve for the Sheriff's Office, Emergency Management Division, to use the South Walton Courthouse parking lot on Saturday, June 2, 2012 for the Walton County Preparedness Fair

5. Approve the SHIP Annual Report and Certification

6. Approve to apply for an FWC Grant to monitor artificial reefs

~~7. Approve a Resolution (2012-16) supporting the Department of Transportation naming a portion of County Road 30A between County Road 283 to County Highway 395 as "Charles Modica, Sr. Hospitality Way"~~

8. Approve to send a letter to the Department of Environmental Protection to place sand on County property in conjunction with a seawall coverage project at the Cone residence

9. Approve to ratify the Mediation Settlement Agreement in the Jean M. Adkins v. Walton County Case No. 11CA000577

Commissioner L. Jones expressed concern in naming a road and being contrary to the policies in place for renaming roadways. Commissioner Comander stated that the resolution adopted in 2008 did not specifically address naming roadways.

Motion by Commissioner L. Jones, second by Commissioner Comander, to adopt Resolution (2012-16) supporting the Department of Transportation naming a portion of County Road 30A between County Road 283 to County Highway 395 as “Charles Modica, Sr. Hospitality Way” subject to the established policies for naming roadways. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Chairman Brannon presented a Certificate of Appreciation to Mr. Randy Gardner for his service on the Planning Commission for approximately 7 ½ years.

Mr. Gardner expressed his appreciation and looks forward to the opportunity to work together in the future.

Mr. Rick Helfand and Ms. Cathy Brubaker presented information and appreciation for support with the 2012 Seaside School Half Marathon and 5K Run. Mr. Helfand requested permission to start on the 2013 race process in working with the county staff and Sheriff’s Department to ensure another successful event.

Motion by Commissioner L. Jones, second by Commissioner Comander, to allow work to begin on the 2013 event process as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Kisela requested approval to exercise the second option and amendment to the agreement for Engineering Consulting Services with Atkins North America, Inc. The amendment would extend the current agreement by one year and replace the word “purchase order” with the term “task order”.

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

Mr. Kisela requested approval of Change Order No. 1 to the contract with Utility Solutions for Landfill Remediation in the amount of \$18,845.60 and a contract time extension of 75 calendar days due to unforeseen groundwater seepage conditions on-site.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the request as presented. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, Comander Aye, C. Jones Aye. (Commissioner L. Jones abstained from voting due to a previous conflict of interest.)

Mr. Kisela requested approval of the contract with Oasis Management Services for RFP 012-007, Inmate Commissary Services.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the contract with Oasis Management Services as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Kisela requested approval of an agreement for Financial Advisory Services with Public Financial Management, Inc. for RFP 012-008, Financial Advisor.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the agreement with Public Financial Management as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Attorney Toni Craig, County Attorney, provided a litigation matrix to the Board for an update on all the pending cases.

Attorney Craig requested to approve the reclassification of positions in the County Attorney's Office to include a paralegal/paralegal trainee and a legal secretary. Advertising for the positions will be both internal and external.

Mr. Kisela stated that the funds, in the amount of \$28,824, would need to be transferred from the litigation account to the County Attorney's budget to fund the paralegal position.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the reclassification of positions in the County Attorney's Office as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Attorney Craig requested to authorize the County Attorney to file, defend and/or settle, with the consensus of the County Administrator, any legal action with a value below \$25,000. She stated that there are approximately 54 open cases and this would allow staff to remove some of the excess cases.

Commissioner Comander questioned if that would include HR issues. Attorney Craig stated that most HR issues are handled through litigation defense counsel.

Commissioner Pridgen questioned how these cases were resolved in the past. Mr. Kisela stated that they were brought individually before the Board for approval.

Commissioner Comander requested to be involved in the process and expressed her appreciation for the updates. She suggested receiving updates from the County Administration Department on a weekly/biweekly basis also to remain involved.

Motion by Commissioner Comander, second by Commissioner C. Jones, to allow the County Attorney to file, defend, and/or settle legal action with a value below \$25,000 as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Attorney Craig requested to advertise an Ordinance that will amend Section 16-1 of the Walton County Code, by repealing current provisions and adopting a new Section 16-1 for Improvements on County Right-of-Way. She presented information regarding acquisition, maintenance, and use of public property and what is a public purpose for review.

Discussion ensued regarding how an emergency situation is determined and on a limited basis.

Commissioner C. Jones questioned the \$5,000 bond as indicated in the draft Ordinance. She suggested allowing the County Administrator have the discretion on the bond amount, or if a bond is even needed due to smaller improvements as landscaping rather than larger improvements. Attorney Craig stated that suggestions will be heard during the public hearings and changes will be made accordingly at that time.

Commissioner L. Jones expressed concern when considering expenses because several citizens need culverts in the rural areas to access their property. Attorney Craig stated that an application process will be in place. The process for culvert installation is not addressed in the ordinance but it would be included in the application process.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to set a public hearing on May 8, 2012 to discuss the Ordinance to amend section 16-1 of the Walton County Code, by repealing current provisions and adopting a new section 16-1, Improvements on County Right of Way. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Judkins expressed the need for businesses to acquire the correct amount of property needed to function and not use the right-of-way. Commissioner Comander stated that they are trying to develop a process to follow. Mr. Judkins urged to Board to reconsider.

Attorney Craig clarified that to adhere to Florida law, public funds cannot be used on private property unless it has been determined that the situation is harmful to public safety, health, and welfare. Generally the emergency is severe and affects more than one property owner.

Brief discussion ensued regarding the emergency situations which would require public funds on private property.

Attorney Craig requested to advertise an Ordinance that will amend Chapter 2, Administration, of the Walton County Code, by adopting Sections 2-80 through 2-88 for Real Property Transactions. She explained that there are three conditions the Board must consider: 1) a public purpose for buying or selling the property, paving a road, or allowing utilities, 2) at what price and identify where the funds come from, and 3) what documents will be used as the final step. The Ordinance separates the responsibilities of the Board, the County Administrator, and the County Attorney.

Motion by Commissioner Comander, second by Commissioner C. Jones, to set a public hearing on May 8, 2012 to consider an Ordinance that will amend Chapter 2, Administration, of the Walton County Code, by adopting sections 2-80 through 2-88, Real Property Transactions. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Chairman Brannon called to order the public hearing to discuss the South Walton Discovery Center (TDC Visitor's Center).

Ms. Dawn Moliterno, Tourist Development Counsel Executive Director, discussed the history of the TDC center and meetings, locations for a new facility, and the current facility deficiencies.

Mr. Cliff Knauer, Preble-Rish, Inc., discussed the current building assessment and the possible land locations and requirements for a new facility.

Chairman Brannon asked for public comment.

Commissioner Comander suggested postponing the request until after the tourism season and to allow more time for discussion to determine the best solution. She suggested relocating some of the offices temporarily while repairs to the current facility are made.

Several audience members spoke in either opposition or support of the South Walton Discovery Center (TDC Visitor's Center) as presented.

Chairman Brannon closed the public hearing.

Commissioner L. Jones commented on the importance of the Forestry's expectations and how this facility would make the forest more valuable for Walton County. Clarification is needed by a Forestry representative before he could support the project. Chairman Brannon agreed and stated that it must overall enhance the visitors experience and the Forestry mission.

Discussion ensued regarding the project process and the need for a Forestry representative to provide clarification.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to continue the public hearing for the South Walton Discovery Center (TDC Visitor's Center) to May 8, 2012 subject to attendance of a Forestry representative to address any concerns and provide clarity for their expectations from the project. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

The meeting recessed at 6:55 p.m. and reconvened at 7:10 p.m.

Ms. Moliterno presented an update on the following TDC issues: Ms. Stacey Infinger will celebrate her 20<sup>th</sup> year with the TDC, and the TDC Special Meeting to review the strategic plan and budget will be held on April 17, 2012 at 9:00 a.m.

Commissioner C. Jones had no items to present.

Commissioner Comander had no items to present.

Commissioner Pridgen had no items to present.

Chairman Brannon requested to set a date to hold a Capital Elements Workshop. Mr. Kisela suggested reviewing available dates and advertising for a later date. The available dates will be brought back for review.

Chairman Brannon announced and expressed appreciation for the Sheriff's Department who has been tying ribbons on the street lights that have blown to make CHELCO aware of the outage in order to replace the bulb.

Chairman Brannon read aloud a statement regarding issues that have currently been in the media and announced he will not run for re-election in November 2012.

Commissioner L. Jones suggested having a special district for the Hwy 331 corridor. He explained as development comes to the area, the increased Ad Valorem revenue could be used as supplemental funding to retire the debt on the bridge and/or the road. This will not be additional taxes. Commissioner Comander agreed.

Commissioner L. Jones suggested that staff review the process to determine what action is needed to begin the process. Chairman Brannon agreed and suggested adding that discussion to the Capital Elements Workshop.

Commissioner L. Jones suggesting designing development standards for the Hwy 331 corridor to determine what the corridor should look like after the four-laning. He suggested

allowing staff to review that process and bring those options back for discussion at the workshop as well.

Chairman Brannon asked for additional public comments.

The requests by Attorney Shawn Heath and Mr. Alan Osborne were removed from the agenda.

Mr. Alan Osborne expressed concern with the removal of agenda items.

Attorney Craig explained that due to the nature of Mr. Osborne's submitted request it was removed from the agenda.

Ms. Doris Beam announced that she has been appointed as the Driftwood Homeowners Association President and briefly discussed the ongoing drainage issues in Driftwood Estates.

Mr. Jim Hopson, Driftwood Homeowners Association Board of Directors, expressed concerns with the drainage issues in Driftwood Estates and worsening conditions due to interior construction.

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

Mr. Wayne Dyess, Planning and Development Services Director, presented a request from Kolter Group, LLC to exchange a performance bond for the accepted cash deposit presented for Nature Walk PUD. The project is located south of the Choctawhatchee Bay, east of Walton County CR 395 approximately 1 mile north of intersection of CR 30-A and CR 395.

Commissioner Brannon returned to the meeting.

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

Commissioner Brannon assumed position as Chairman. Commissioner L. Jones returned to the meeting.

The Quasi Judicial hearing was called to order and Attorney Craig administered the oath to those intending on speaking regarding the Driftwood Restaurant request. The request is as follows: a major development order application submitted by Bonezzi Development Company for the Driftwood Restaurant. The project consists of 6,792 square feet of restaurant with a future land use of Coastal Center and is located on Scenic Gulf Drive, approximately 240 feet east of Miramar Beach Drive.

Attorney Dana Matthews questioned Mr. James Slonina regarding the project site plans including full service accesses, exiting truck dangers, loading zones, set back requirements, elevations, scenic corridor limitations, lighting plans, and the demolition process.

Attorney Theriaque provided a demolition permit for Mr. Slonina to review. Mr. Slonina confirmed the demolition permit was received from DEP. Attorney Theriaque discussed the lighting plans and presented the approved plan to Mr. Slonina for review. Attorney Theriaque questioned Mr. Slonina on testimony provided regarding elevation and the proposed site plan.

Chairman Brannon exited the meeting and did not return. Commissioner Pridgen assumed position as Chairman.

Attorney Matthews questioned Mr. Jason Bryan, Planning and Development Department, if the demolition permit was provided in the report filed with the county. Mr. Bryan stated that information was not in the Planning Department files, but may be found in the Code Enforcement files. Attorney Matthews questioned if the lighting plan was provided in their file. Mr. Bryan stated that he was uncertain.

Attorney Matthews questioned Ms. Debbie Dantin regarding the site plans and traffic impact study. Ms. Dantin discussed in detail the report provided for review including the project trip calculation, trip distribution and attenuation, turn lane analyses, vehicle and pedestrian conflicts, parking requirements, and inconsistencies with the codes, policies, and regulations.

Commissioner L. Jones suggested continuing the meeting to a later date due to the time and length of the meeting. Attorney Theriaque agreed in order to review the information provided.

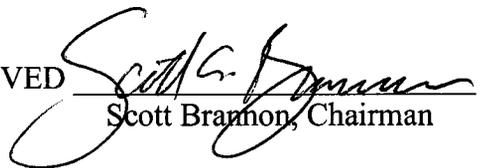
Brief discussion ensued regarding the date to schedule the meeting continuation.

Ms. Barbara Grimaldi spoke in opposition of the project request.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to continue the Driftwood Restaurant request to Monday, April 30, 2012, at 5:00 p.m. or soon thereafter in South Walton. Ayes 4, Nays 0. Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye. **(Exhibits: 1 Staff, 2-8 Respondent (including those referred to as 15-19), 9-11 Petitioner (referred to as 11-13); Ex Parte Communication: Brannon, Pridgen, Comander, C. Jones)**

There being no further business, the meeting adjourned at 9:15 p.m.

APPROVED

  
Scott Brannon, Chairman

ATTEST

  
Martha Ingle, Clerk of Courts