

MAY 22, 2012 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida held a Regular Meeting on May 22, 2012 at 9:00 a.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 Toni Craig, County Attorney; and Ms. Martha Ingle, Clerk of Courts; were also present.

Commissioner C. Jones led the invocation and the pledge 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: Commissioner Pridgen-County Administrator

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, C. Jones Aye, Comander Aye.

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 547,907.94
County Transportation	\$ 493,642.28
SHIP	\$ 6,000.00
Section 8 Housing	\$ 779.02
Tourist Dev. Council	\$ 56,486.43
N.W. Mosquito Control	\$ 306.08
Recreation Plat Fee	\$ 111,307.89
Solid Waste Enterprise	\$ 40,475.45

Bldg Dept/Enterp. Fund	\$ 134.58
Imperial Lakes MSBU	\$ 2,517.66
Inmate Canteen Fund	\$ 7,573.81
<u>Capital Projects Fund</u>	<u>\$ 696,171.55</u>
Totals	\$ 1,963,302.69

2. Approve Minutes of April 17, 2012 Special Meeting, April 30, 2012 Special Meeting and May 8, 2012 Regular Meeting
3. Approve the Investment Report for quarter ended March 31, 2012
4. Approve to apply for a Florida Boating Improvement Program Grant from the FWCC and to earmark \$37,500.00 of the Vessel Registration fees as a match
5. Approve surplus equipment requests from the Clerk's Office (CC#: 866 and 1082)
6. Approve the Auditor Selection Committee's recommendation to extend Carr, Riggs, & Ingram's Contract for a three year period as requested by the Clerk's Office
7. Approve a time extension on a US Fish and Wildlife Service Grant Contract with the Florida Fish and Wildlife Commission
8. Approve Exercise of Second Option to renew an Amendment to the Agreement for Pharmaceutical Service with Diamond Drugs, Inc. or and additional one year term

Mr. Gregory Kisela, County Administrator, requested authorization to transfer funds from Operating Expenses to Capital Outlay to replace two North Walton Mosquito Control (NWMC) chemical storage tanks in an amount not to exceed \$18,000. One of the current tanks has a leak and both tanks are approximately 27 years old.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the transfer of funds to replace two NWMC chemical storage tanks not to exceed \$18,000. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Scarlett Phaneuf, Walton County Economic Development Alliance Executive Director, requested adoption of a Resolution (2012-22) in Support for Project Walton QTI (State's Qualified Target Industry) to allow the company to apply for State incentives. She gave a brief background of Project Walton stating that the company wishes to establish a location in South Walton, and that the company would create 12 new full time jobs. She reported that there is a 20% financial waiver match requirement. Discussion ensued regarding the location of the company.

Motion by Commissioner Comander, second by Commissioner C. Jones, to adopt **Resolution (2012-22)** recommending Project Walton for application for the State's QTI. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Phaneuf gave a brief update on the WCEDA activities and projects which include: Project Beer; Co-op with Enterprise Florida and Florida's Great Northwest; a Dollar Retail store in Paxton; Freeport Industrial Park Infrastructure; the Mossy Head water and sewer infrastructure; Southern Wine and Spirits project; and RFP for website improvements.

Mr. Kisela requested approval to advertise for proposals to harvest and replant timber at the Walton County Landfill.

Commissioner Comander asked that a buffer zone be left to insure noise and erosion protection to the surrounding residential areas.

Chairman Brannon stated that all proposals will be brought to the Board for approval.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the advertisement of proposals to harvest and replant timber at the Walton County Landfill. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Attorney Toni Craig, County Attorney, reported that there were some changes to the litigation update that she was to present. She stated that the information would be sent to each Commissioner for review.

Attorney Craig requested adoption of a Resolution **(2012-23)** giving approval to file a bond validation proceeding regarding the US 331 referendum.

Attorney Junious Brown, Nabors, Giblin, and Nickerson, discussed the Sales Surtax Revenue Bond Resolution. The proceeds will be used to sponsor certain road and bridge improvements.

Attorney Craig stated that three motions would be needed: to approve the resolution; to approve the law firm Nabors, Giblin, and Nickerson; and to approve the proceeding.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the law firm Nabors, Giblin, and Nickerson as counsel to oversee the Sales Surtax Revenue Bond proceedings. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt **Resolution 2012-23**.

Commissioner L. Jones questioned if all procedures have been followed to enact the referendum. Attorney Craig stated that according to Statute, it is a binding referendum with the authority to move forward. She stated that with the Resolution and the validation proceeding, there will be some guarantee that it cannot be legally challenged in the future. All steps are being taken to confirm and ratify the referendum. Commissioner Comander asked if borrowing the funds is also being considered. Mr. Kisela stated that a meeting with the County's financial advisors is scheduled for June 4, 2012 to discuss bank financing, traditional bonds, and a hybrid financing option. He reported that the financial advisors will present a schedule at the Regular Meeting to be held on June 12, 2012. Attorney Craig stated that the resolution does mention bank notes. Attorney Brown discussed the bonds and bank loans covered by the resolution. Attorney Craig stated that there would be amendments to the resolution as the actual financing process advances.

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

Attorney Brown requested authority to move forward with the validation of the bonds. The validation would be developed according to Florida Statute (Ch. 75). He briefly discussed the validation process and the September 1, 2012 goal to issue the bonds.

Motion by Commissioner Comander, second by Commissioner C. Jones, to move forward with the bond validation process. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Attorney Craig discussed the Medicaid litigation and the processes associated with the lawsuit. She requested to authorize the County Administrator to execute the Standard Memorandum of Agreement for Limited County Access to Florida System Data to ensure proper billing. She stated that documents and exhibits will be added to the agreement as the process continues. Mr. Kisela stated that meetings have been held with the Florida Association of Counties and State Agencies.

Motion by Commissioner Pridgen, second by Commissioner Comander, to authorize the County Administrator to execute the Standard Memorandum of Agreement for Limited County Access to Florida System Data. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Attorney Craig requested authority to schedule an Executive Session to discuss Suzanne Harris v. Walton County (2009CA800 and 2011CA1027). The meeting will be scheduled before June 12, 2012.

Motion by Commissioner Pridgen, second by Commissioner Comander, to schedule an Executive Session to discuss Suzanne Harris v. Walton County (2009CA800 and 2011CA1027) prior to June 12, 2012. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Chairman Brannon called to order the continued Public Hearing to consider an ordinance amending Chapter 2 of the Walton County Code to add a new division entitled "Real Property Transactions."

Attorney Craig briefly discussed the details and composition of the ordinance. She compared two formatted versions of the ordinance and stated that the format of the ordinance had changed to include in Section 2.82 the actual procedures to take place. She stated that a typographical error existed in Section 2.82 (6) and that (6) should be (c). She said that the ordinance would set out three time frames for the Board to approve transactions and the authority to move forward. Chairman Brannon questioned if the entirety of Section 2.83 delegates authority to the County Administrator. Attorney Craig said that the duties listed in Section 2.83 are administrative duties and will be handled by the County Administrator pursuant to Florida Statutes (Ch. 125). She reported that, for clarity, some of the administrative details were taken out of Section 2.80 and placed in the intent of the ordinance. Attorney Craig requested the authority to schedule a Public Hearing on June 12, 2012 to consider this ordinance. She reported that the Board would have opportunity to submit comments additions or deletions.

Chairman Brannon voiced concern that Section 2.82 states that it is the responsibility of the Board to review all real estate transactions, and in Section 2.83 the County Administrator is given the authority to negotiate the proposed terms of any transaction, he questioned how the two directives would relate. Commissioner L. Jones stated that Section 2.82 needed to have four phases: 1. The determination of the public need; 2. The approval of the price, 3. The approval of contract prior to execution; and 4. The approval of the closing documents. He felt that the Board should give the County Administrator the authority to negotiate once all four phases have been

approved and to bring back the negotiation results to the Board for approval. Discussion ensued regarding the contract approval process. Attorney Craig clarified that terminology directing the County Attorney to move forward with obtaining appraisals, and studies to be brought to the Board for approval, would be inserted as sub-paragraph three. Commissioner L. Jones felt that the language “closing documents, lease, license, easement, or deed, and approve closing the transaction” should be excluded in item (c) and placed into a new item (d). He felt that the “contract for sale” and the “closing documents” should not be approved in the same motion. Discussion ensued regarding the approval procedures. Commissioner L. Jones stated that for clarity the items that apply to each of the items in Section 2.82 should be moved under the corresponding item.

Chairman Brannon discussed the need for a disposition and surplus of real property annual report. Attorney Craig stated that there is a statutory requirement to compile a list of surplus property. Commissioner L. Jones stated that the language should read “at least annually.” Chairman Brannon discussed the policy requirement of the Carr Allison report and asked if this ordinance would satisfy the requirement. Attorney Craig stated that in her opinion it would.

Motion by Commissioner Comander to schedule a second public hearing on June 12, 2012 to consider the ordinance. Commissioner L. Jones stated that Attorney Craig had requested to schedule a Public Hearing and questioned if this was the first public hearing to consider the ordinance or if a first public hearing needed to be scheduled. Attorney Craig stated that the request was to schedule a Public Hearing for June 12, 2012.

Commissioner Comander withdrew her motion.

Attorney Craig asked that if any of the Board members felt that right-of-way acquisitions should be handled differently, that they submit any requested changes to her for discussion.

Chairman Brannon discussed right-of-way acquisitions and county-wide road paving. Commissioner L. Jones felt that right-of-way acquisitions are often real property transactions and that the cost should be encompassed in the amount to build the road. He also felt that some mechanism outside of the ordinance being presented should be established to address right-of-way acquisitions.

Motion by Commissioner Pridgen, second by Commissioner Comander, to set a Public Hearing for the proposed ordinance for the June 12, 2012 Regular Meeting at the South Walton Annex. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Chairman Brannon called to order the Public Hearing to consider an ordinance amending Section 20-60(C), beach vendors' fee of the Walton County Code, creating consistency among fees charged for initial locations and additional locations for beach vendor permits.

Mr. Wayne Dyess, Planning and Development Director; discussed the beach vendor permits fees ordinance. He stated that a more comprehensive review and update of the ordinance would be performed and presented after the initial tourist season. He requested adoption of the amending **Ordinance (2012-13)**.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt **Ordinance 2012-13** amending Section 22-60(c), beach vendors, fee of the Walton County Code. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Dawn Moliterno, TDC Executive Director, requested approval to allow Seahaven Consulting to hire Taylor Engineering to perform the 2012 Monitoring Scope of Work for the Western Walton Beach Restoration Project. This monitoring will be performed in conjunction

with the City of Destin at a cost of \$84,766. She reported that a 2012 monitoring must be performed to meet permit requirements associated with the construction of the Western Walton County Beach Restoration Project.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve Taylor Engineering to perform the 2012 Monitoring Scope of Work for the Western Walton Beach Restoration Project to be performed in conjunction with the City of Destin at a cost of \$84,766. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno requested approval of the 2012-2013 Event Sponsorship Grants for advertising and marketing of South Walton events that drive tourism during the shoulder season. A public workshop will be held on May 31 to plan for the 2013-2014 Event Sponsorship Grant program. Ms. Moliterno pointed out that there are two categories: Experience Events with a monetary amount up to \$10,000, and Signature Events with a monetary amount up to \$50,000. She stated that requirements must be met to receive funding.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the 2012-2013 Event Sponsorship Grants for advertising and marketing of South Walton events. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno presented two applicants, Ms. Carol Pauls and Mr. Gary Brielmayer, for consideration to fill the Owner/Operator seat vacancy on the TDC Advisory Council. She requested that the Board appoint one of the applicants for the position. The Commissioners' votes were tallied and Ms. Carol Pauls received the majority of the votes.

Ms. Moliterno gave an update on the TDC activities and projects which include: the May 31, 2012 workshop on sponsorship applications; joint meeting between the BCC and the TDC on

June 11, 2012 at 5:00 at the South Walton Courthouse Annex; quarterly TDC Meeting on June 12, 2012; tourist season beginning Memorial Day weekend; turtle nesting; and hurricane season preparation.

Mr. Bob Hudson, Walton County Taxpayers Association (WCTA), discussed the issues that have recently affected the Okaloosa County TDC and how it could possibly affect the Walton County TDC. He felt that steps should be taken to safeguard our county from the same scenario. He requested that the TDC be placed under the County Administrator for physical oversight, and that a committee be formed to review internal policies on invoices and TDC terms of structure. Ms. Moliterno addressed Mr. Hudson's concerns and stated that the Walton County TDC follows county invoicing and auditing procedures. She reported that as a result of Okaloosa County's recent TDC problems, their policies were changed using Walton County policies as a guide. After a lengthy discussion regarding the policies and procedures used by the TDC, Commissioner Comander suggested that Ms. Moliterno, Ms. Wanda Quimby, Interim County Finance Director; Mr. William Pennington, Clerk Finance Director; and Attorney Craig work together to review TDC processes.

Commissioner C. Jones had no items to present.

Commissioner Comander requested that a workshop be scheduled to discuss and review long range goals, and the procedures needed to meet those goals. She felt that there were security issues at both Walton County Courthouses and requested that County Administration meet with the Sherriff's Department to address the issues and find possible solutions.

Commissioner Pridgen stated that he had a met with Mr. Kisela, Mr. Brady Bearden, Support Services Director, and Attorney Craig to discuss Mr. Kisela's position as County

Administrator. He reported that Mr. Kisela had tendered his resignation to be effective June 22, 2012.

Motion by Commissioner Pridgen, second by Commissioner Comander, to accept the voluntary resignation in good standing of Mr. Greg Kisela, effective June 22, 2012, with the following conditions: 1. Within ten business days of the effective date, the county will pay Mr. Kisela all accrued and unpaid salary and benefits, including vacation time; 2. Within 45 days of the effective date, the County will pay Mr. Kisela a lump sum severance pay equal to 6 months salary; and 3. Such payments shall be full and complete payment and satisfaction of any claims that Mr. Kisela may have against the County. Ayes 3, Nays 2. Brannon Aye, Pridgen Aye, L. Jones Nay, C. Jones Nay, Comander Aye.

Motion by Commissioner Pridgen, second by Commissioner Comander, to appoint Mr. Gerry Demers as Interim County Administrator, and Ms. Dede Hinote as Interim Assistant County Administrator. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Commissioner Pridgen thanked Mr. Kisela for his time serving Walton County.

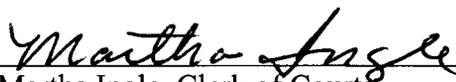
Chairman Brannon and Commissioner L. Jones had no items to present.

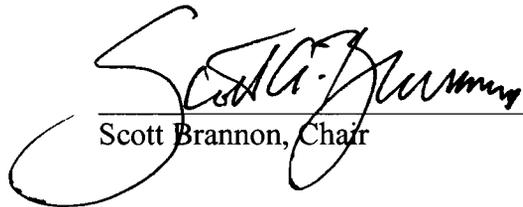
Mr. Raymond Jackson, NAACP Northwest Florida Branch President, addressed the recent issue regarding an email rendered by Chairman Brannon which contained a racial slur. He stated that he and his colleagues had met with Chairman Brannon, and had accepted his apology. Mr. Jackson also voice opposition to the Confederate Flag currently flying over the Confederate Memorial at the Walton County Courthouse in DeFuniak Springs. He stated that many felt that the flag was a symbol of hatred and asked that it be removed.

Mr. Hudson addressed Commissioner Pridgen's motion regarding Mr. Kisela's resignation. He said that Mr. Kisela had remarkably performed his duties as County Administrator and felt that he should be compensated; however, he stated that the action taken by the Board is in direct conflict with the provisions of Mr. Kisela's employment agreement. Commissioner Pridgen stated that this action was negotiated between Mr. Kisela, Human Resources, the County Attorney and himself. Mr. Hudson questioned if the negotiation was in line with State Statute. Attorney Craig stated that the decision does follow statutes.

Ms. Mary Nielson voiced opposition to Mr. Kisela's resignation and thanked him for his service.

There being no further items to discuss, the meeting adjourned at 10:34 a.m.

  
Martha Ingle, Clerk of Courts

  
Scott Brannon, Chair