

AUGUST 14, 2012 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on August 14, 2012 at 4:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following Board members were present: Commissioner Scott Brannon, Chairman; Commissioner Larry Jones; Commissioner Cecilia Jones; and Commissioner Sara Comander. Mr. Gerry Demers, Interim County Administrator; Attorney Toni Craig, County Attorney; and Ms. Martha Ingle, Clerk of Courts; were also present.

Commissioner L. Jones led the invocation and the pledge to the American flag. Chairman Brannon called the meeting to order.

Chairman Brannon announced that Commissioner Pridgen would not be in attendance due to his position on the Canvassing Board.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the agenda additions and deletions as follows. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

1. Addition: County Attorney-Request to hold an Executive Session re: Walton County v. Thomas Hicks (Case No. 2009-CA-889)
2. Deletion: Administration Item 1A-Florida Forest Service Commission Report. This item will be delivered at the August 28, 2012 meeting

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the Consent Agenda as follows. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

1. Approve Expenditure Approval List (EAL)

General Fund	\$	1,428,987.96
County Transportation	\$	661,139.29
SHIP	\$	36,808.40
Fine & Forfeiture	\$	1,445,378.65
Mosq. Control State	\$	2,171.68
Section 8 Housing	\$	506.91
Tourist Dev. Council	\$	416,304.03
N.W. Mosquito Control	\$	19,446.82
Recreation Plat Fee	\$	46,980.22
Solid Waste Enterprise	\$	630,252.50
Bldg. Dept./Enterp. Fund	\$	1,443.88
Imperial Lakes MSBU	\$	2,517.66
Inmate Canteen Fund	\$	14,805.63
<u>Capital Projects Fund</u>	<u>\$</u>	<u>983.07</u>
Totals	\$	4,707,726.70

2. Approve minutes of July 24, 2012 Regular Meeting
3. Approve Investment Report for Quarter Ended June 30, 2012
4. Adopt a **Resolution (2012-37)** amending the budget to recognize unanticipated SHIP Grant Revenues into SHIP Fund for FY 2011-2012
5. Adopt a **Resolution (2012-38)** to amend the FY 2012 budget for the Law Enforcement Automation Fund by \$24,000 for unanticipated revenues
6. Approve to surplus various equipment as requested by the office Management and Budget, Grants Department, NW Mosquito Control Department, Landfill, Administration, Clerk's office (CC Nos.: 949, 980, 1088, 1108, 1110, 1112, 1115, 1160, 1344, 1097, 1161, 1230, 1147, 1148, 1149, 1154, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1090, 1089, 1091, 1092, 1094, 1095, 1185, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1292, 1293, 1294, 1299), Property Appraiser's office, Tax Collector's office and disposal request from District 1 of a fence
7. Approve to designate approximately \$5,000 of District 1 Recreational Plat Fees to Douglass Crossroads Park
8. Approve to designate approximately \$15,000 from District 1 Recreational Plat Fees to District 2 for Flowersview Park
9. Approve to purchase EMS Billing Software from EMS Consultants in the amount of \$10,800 as quoted
10. Authorize staff to utilize the most cost efficient and legally appropriate methods of advertising due to no responses received on the RFP for Legal Advertisements

11. Approve Satisfaction of Lien on property owned by Matthew Rivest and authorize Chairman to execute Satisfaction (Case No. 11-00000179)
12. Approve Satisfaction of Lien on property owned by Constance Niehaus and authorize Chairman to execute Satisfaction (Case No. 3059)

Ms. Wanda Quimby, Interim County Finance Director, requested adoption of a **Resolution (2012-39)** to roll forward \$1,400,000 from Landfill Reserves into the County Transportation Trust Fund for early pay-off of the road paving loan. Commissioner Comander asked what the advantages would be for paying off the loan early. Ms. Quimby stated that approximately \$40,000 in interest would be saved. Mr. Gerry Demers, Interim County Attorney, stated that the early pay-off would alleviate budgeting for \$1.4 million next year. This savings would be applied to more road paving projects, and paving the parking lot at the Courthouse.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner C. Jones, to adopt **Resolution 2012-39** to roll forward \$1,400,000 from Landfill Reserves into the County Transportation Trust Fund. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Quimby requested adoption of a **Resolution (2012-40)** to transfer \$431,701 from General Fund Proportional Fair Share Account into the County Transportation Trust Fund for the Chat Holley Road Intersection Project.

There was no public comment.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to adopt **Resolution 2012-40** transferring \$431,701 from General Fund Proportional Fair Share Account into the County Transportation Trust Fund. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Sheriff Michael Adkinson discussed county security issues at the South Walton Courthouse Annex. He stated that the judicial order placed on the main Courthouse does not apply to the Annex. He felt more diligence was needed to provide security at the Annex that would equal the measures taken at the main Courthouse. He said that a Court Security Officer, which is separate from the Bailiffs, would be provided. He requested that the Commissioners and the Constitutional Officers work together in implementing security procedures at the Annex. Commissioner Comander asked if the security measures would be placed at the front doors of the building or at the doors of the Board room. Sheriff Adkinson recommended that the security measures be placed at the front door in the same manner as the main Courthouse. He also discussed a concept being considered which uses volunteers with golf carts to aid the disabled in entering the Courthouses from the parking lots. Chairman Brannon asked if the metal detectors at the annex were operational. Sheriff Adkinson stated that they were not functional and discussed ways of funding a newer system.

Motion by Commissioner L. Jones, second by Commissioner Comander, to direct the Sheriff and County Administration to work with the Constitutional Officers to develop a security plan for the Courthouse Annex in Santa Rosa Beach, FL. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Benton Hester requested that a Letter of Support be submitted to the Florida Department of Environmental Protection Acquisition and Restoration Council to acquire the Natural Bridge Creek property in northern Walton County for use as a public facility, and contingent upon purchase, the County would conceptually agree to enter into an agreement to operate, manage and seek grant funding to develop the park at the site. Commissioner Comander agreed that the area needed to be preserved and voiced concern that monetary figures were not

available to determine what amount would be needed for maintenance. Mr. Hester discussed past attempts to purchase the property and stated that those figures should have been submitted. Commissioner L. Jones stated that this would be a two stage process: the purchase of the property by the State, and then the submittal of a Land Management Plan by the County. He stated that he would support the State acquiring the property, but felt that the County should be allowed to determine the extent of its involvement in the maintenance and development of the property. Chairman Brannon referenced Morrison Springs as an example of a current Land Management Plan which was submitted by the County and approved by the State. Commissioner L. Jones agreed that the maintenance costs are an important factor to consider. Commissioner Comander asked what the results would be if the State purchased the property and the County could not afford the maintenance. Commissioner L. Jones stated that the State would determine whether to maintain the property or find someone else to manage it. Discussion continued on maintenance costs.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to submit a Letter of Support for the purchase of the Natural Bridge property by the State with the understanding that the County had the right to decide whether or not to submit a Land Management Plan with the complexity of the plan being at the County's discretion. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Laurie Hood, Alaqua Animal Refuge, requested to adopt a **Resolution (2012-41)** to support the name change from Bark Park to Alaqua Unleashed Dog Park. Mr. Demers stated that FDOT would only allow signage with the actual name of the park and that this resolution would serve as the official name change of the park.

Motion by Commissioner L. Jones, second by Commissioner Comander, to adopt **Resolution 2012-41** changing the name of the Bark Park to the Alaqua Unleashed Dog Park. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Demers requested approval of **Resolution 2012-42** and Local Agency Program (LAP) Agreement for the construction of County Road 2 from Thad Bell Road to State Road 83.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to adopt **Resolution 2012-42** and Local Agency Program (LAP) Agreement for the construction of County Road 2 from Thad Bell Road to State Road 83. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Demers requested approval of the Joint Project Agreement (JPA) with the Florida Department of Transportation (FDOT) for Traffic Signal System Operations, Engineering, Planning and Support.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the Joint Project Agreement (JPA) with the FDOT for Traffic Signal System Operations, Engineering, Planning and Support. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Demers requested approval of the Contract Administration and Construction Inspection proposal from Preble-Rish, Inc., not to exceed \$36,000 for Chat Holley Road Improvements Phase III, IV and signalization Intersection with US 331, and negotiate a task work order to formalize the proposal. Mr. Buddy Wright discussed the task work order process.

Motion by Commissioner Comander, second by Commissioner L. Jones, to approve the Contract Administration and Construction Inspection proposal from Preble-Rish, Inc., not to exceed \$36,000 for Chat Holley Road Improvements Phase III, IV and signalization Intersection

with US 331 and negotiate a task work order. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Demers requested approval of Change Order Numbers 6, 7, and 8 from CW Roberts on the Chat Holley Road Improvements Project. Mr. Wright stated that these change orders will complete the project. Commissioner Comander asked when these would be completed. Mr. Wright stated sometime in mid-December.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve Change Order Numbers 6, 7, and 8 from CW Roberts on the Chat Holley Road Improvements Project. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Demers requested approval of the second option to extend the Agreement for Professional Services on U. S. Highway 98 Median Landscape Maintenance with Shipes Landscaping Inc. for one additional year.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the extension of the Agreement for Professional Services U. S. Highway 98 Median Landscape Maintenance with Shipes Landscaping Inc. for one additional year. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Demers presented RFQ 012-011 Professional Engineering or Environmental Consulting Services for Artificial Reef Permitting. He requested approval to begin negotiations with Taylor Engineering as top-ranked firm.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to begin negotiations with Taylor Engineering as top-ranked firm for RFQ 012-011.

Commissioner Comander asked if funding for RFQ 012-011 would be covered by BP funds. Mr. Demers stated that it has been added to two project lists and that a completed

permitting process is needed to be considered for NRDA funding. If the funding cannot be obtained through the NRDA process then a request would be submitted through the Restore Act.

Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Catherine Trotman, County Legal Intern, discussed Florida Law 2012-212 regarding publication of legal notices.

Attorney Toni Craig, County Attorney, requested to hold an Executive Session regarding Walton County v. Cox (Case No.: 08-CA-529). The Board concurred to hold the Executive Session. No date was set for the Executive Session.

Attorney Craig requested to schedule a Workshop regarding Sandestin DRI issues following the August 28, 2012 Board Meeting. Commissioner L. Jones felt that this matter is very complicated and requested that a workshop be scheduled after Mr. Wayne Dyess, Planning and Development Director, and staff has had time to brief each commissioner individually on the issues of the case and how those issues may be resolved. The Board concurred.

Attorney Craig requested that an Executive Session be held to discuss Walton Co. v. Thomas Hicks (Case No.: 2009-CA-889). Commissioner Comander asked if this session could be held on the same day as the previously approved session. Attorney Craig stated that it could.

Commissioner Comander, referring to the Sandestin DRI Workshop, asked Commissioner L. Jones if the commissioners were to meet with Mr. Dyess and staff individually prior to the August 28, 2012 Board Meeting then have the workshop at that meeting. Commissioner L. Jones stated that he would like to hear the staff's perspective and then determine when a workshop should be held.

Ms. Dawn Moliterno, TDC Executive Director, presented RFP 012-012 Advertising Services and requested approval to begin negotiations with Zehnder Communications, Inc. as

top-ranked firm for the advertising agency of record. She discussed Zehnder Communications' media buying power, and their ability to send invoices after the advertisements were run.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to begin negotiations with Zehnder Communications, Inc. as top-ranked firm for RFP 012-012. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno discussed a media buy opportunity for an exclusive episode produced on location in South Walton for the Cooking Channel's new television series "Emeril's Florida," and requested approval of an agreement between MAT Media, LLC and South Walton TDC in the amount of \$150,000, to be paid in installments of \$37,500. The installments will be paid: 1. Upon signing of the agreement; 2. Upon completion of the on location production of the exclusive episode; 3. Upon the completion of the final edited episode and delivery of two vignettes to the TDC; and 4. Upon airing of the original exclusive episode in the first quarter of 2013. She reported that the final two installments would be paid simultaneously. Commissioner Comander asked what venues would be used. Ms. Moliterno stated that the production crew would select the venues.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve an agreement between MAT Media, LLC and South Walton TDC, in the amount of \$150,000, for an exclusive episode produced on location in South Walton for the Cooking Channel's new television series "Emeril's Florida." Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno gave updates on Western Lake Bridge Project, and the Bike Path Maintenance Project. She stated that an Attorney General request will be made to determine if TDC funds could be used for the two separate projects. She gave an update on the U. S.

Highway 331 Design and Construction FDOT schedule. Ms. Moliterno announced that the next regular TDC meeting would be held September 11, 2012 at 9:00 a.m. at the Bayou Arts Center.

The Commissioners had no items to present.

There was no public comment.

There being no further items to discuss, the meeting recessed at 4:46 p.m. and reconvened at 5:07 p.m.

Mr. Dyess requested to continue SSA 2012-22, Park Avenue West PUD, and Sunset Villas Re-Plat; and remove South Beechview Estates Re-Plat from the Planning agenda. He reported that South Beechview Estates Re-Plat will be advertised at a later date.

Motion by Commissioner Comander, second by Commissioner C. Jones, to continue SSA 2012-22 to September 11, 2012 at the Walton County Courthouse Annex, Santa Rosa Beach, FL, at 5:00 p.m. or soon thereafter. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to continue Park Avenue West PUD to October 9, 2012 at the Walton County Courthouse Annex, Santa Rosa Beach, FL, at 5:00 p.m. or soon thereafter. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner C. Jones, second by Commissioner Comander, to continue Sunset Villas Re-Plat to September 11, 2012 at the Walton County Courthouse Annex, Santa Rosa Beach, FL, at 5:00 p.m. or soon thereafter. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner C. Jones, to remove South Beechview Estates Re-Plat from the agenda. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

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

Mr. Jason Bryan, Senior Planner, Planning and Development Services, presented Western Lake Developer's Agreement Amendment, an amendment to a developer's agreement for the purpose of preserving, and extending the development plan for an additional 10 years. The development is on 1.51 acres, with a future land use of Residential Preservation, and is located east of DeFuniak Street, west of Western Lake at the north end of Garfield Street in Grayton. Staff found that the request for amendment of the agreement does not contravene the Goals, Objectives, and Policies of the Walton County Comprehensive Plan or the Land Development Code (LDC).

Commissioner Comander asked if this would tie up the traffic concurrency for another 10 years. Mr. Bryan stated that it would because it predates that system. Commissioner Comander asked if any improvements had been made. Mr. Bryan stated that lot reconfigurations had been made, and destruction of three of the seven remaining buildings had been completed.

Attorney Ken Goldberg, representative for the applicant, discussed the project and the changes that have been made. Commissioner L. Jones asked what the affect would be if the time is not extended. Attorney Goldberg stated that the project is vested, and that would be no affect.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner L. Jones, to approve Western Lake Developer's Agreement Amendment. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye. **(Exhibits: Staff Report-1)**

Mr. Bryan presented Highland Parks Phase II Plat, submitted by Emerald Coast Associates, Inc., platting 94 lots of Highland Parks Phase II on 12.81 +/- acres with a future land use of Traditional Neighborhood. The site is approximately 0.75 miles west of the intersection of County Road 83 (Blue Mountain Road) and County Road 30-A. Staff found the plat meets the minimum requirement of the F.S. 177, LDC and Comprehensive Plan. Mr. Bryan stated that there is an existing drainage facility needing improvement, but a Letter of Credit is on file for that cost. He recommended approval.

Commissioner L. Jones asked if staff was certain that the Letter of Credit is sufficient to cover the cost of the drainage improvements. Mr. Bryan stated yes.

Mr. Darrell Burgiss, Emerald Coast Associates, was available for questions.

There was no public comment.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve Highland Parks Phase II Plat. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye. **(Exhibits: Staff Report-1)**

Mr. Bryan presented Thompson Woods Phase 1A-1 Re-plat, an application submitted by Rare Earth Surveying, re-platting 15 lots of Thompson Woods Phase I on 1.57 +/- acres with a future land use of Infill. The re-plat is located ¼ miles south of the intersection of U. S. Highway 98 and Thompson Road, East of Thompson Road. Staff found the re-plat meets the minimum requirements of the F.S. 177, LDC and Comprehensive Plan.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve Thompson Woods Phase 1A-1 Re-plat. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye. **(Exhibits: Staff Report-1)**

Ms. Vivian Shamel, Planning and Development Services Planner, presented Destin Plaza Redevelopment, a major development order application submitted by Emerald Coast Associates and McWhorter Architects requesting approval for redevelopment of the existing 89,000 square foot retail store on 6.977 acres with a Future Land Use of Coast Center Mixed use. The project is located on the southeast corner of U. S. Highway 98 and Ponciana Boulevard. Staff found the project meets minimum technical requirements of the U. S. Highway 98 and U. S. Highway 331 Scenic Corridor Design Standards contained in Chapter 13 of the LDC based upon the conditions set forth in the Staff Report.

Mr. Dean Burgiss, Emerald Coast Associates, was available for questions.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve Destin Plaza Redevelopment. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Comander Aye. **(Exhibits: Staff Report-1)**

There being no further items to present, the meeting adjourned at 5:17 p.m.


Scott Brannon, Chairman


Martha Ingle, Clerk of Court