

AUGUST 30, 2012 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Thursday, August 30, 2012, at 8:00 a.m., at the Walton County Courthouse in DeFuniak Springs.

The following Board members were present: Commissioner Kenneth Pridgen, Vice-Chair; Commissioner Larry Jones; Commissioner Sara Comander; and Commissioner Cecilia Jones. Ms. Toni Craig, County Attorney; and Mr. Gerry Demers, Interim County Administrator, were also present.

Commissioner L. Jones called the meeting to order.

The public meeting was recessed at 8:02 a.m. and an Executive Session was called to order to discuss Kenneth W. Cox, Jr. v. Walton County, Case No. 08-CA-529 and Walton County Board of County Commissioners v. Thomas Hicks, Case No. 09-CA-887 and 09-CA-1709. This meeting was not open to the public pursuant to Florida Statute 286.011(8).

The following were in attendance: the Board of County Commissioners; Mr. Gerry Demers, Interim County Administrator; Ms. Toni Craig, County Attorney; Attorney Bill Warner, Special Counsel; and a certified court reporter.

The meeting reconvened at 9:00 a.m.

Commissioner Scott Brannon, Chairman; Ms. Dede Hinote, Interim Assistant County Administrator; 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.

Mr. Gerry Demers, Interim County Administrator, presented the following changes to the agenda for approval:

ADDITIONS:

1. Consent Agenda Item 15 – Approve to purchase a replacement AC unit for the NW Annex Building Department in the amount of \$5,862.00

2. Tourist Development Item 1 – RFQ 012-018 Moderator/Facilitator – Request to begin negotiations with top ranked firms
3. Tourist Development Item 2 – Update from Major Joe Preston with the Sheriff’s Office regarding Hurricane Isaac

DELETIONS:

1. Commissioner Comander – Restore Act

Mr. Demers requested to deviate from the scheduled agenda to discuss the Hwy 331 Bridge Construction Project first, and then recess to sign the documents.

Motion by Commissioner Pridgen, 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.

Motion by Commissioner Comander, second by Commissioner Pridgen, 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	\$	161,757.92
County Transportation	\$	2,379,982.58
SHIP	\$	(10,000.00)
Mosq. Control State	\$	1,724.02
Section 8 Housing	\$	136,850.64
Tourist Dev. Council	\$	286,498.33
N.W. Mosquito Control	\$	732.57
Recreation Plat Fee	\$	12,654.68
Tax Deed Surplus Trust	\$	44,890.18
Solid Waste Enterprise	\$	8,325.68
Bldg Dept/Enterp. Fund	\$	712.58
Imperial Lakes MSBU	\$	2,000.00
Inmate Canteen Fund	\$	6,828.87
Daughette Subdivision	\$	2,500.00
Government Services Group	\$	1,750.00
Totals	\$	3,037,208.05

2. Approve Minutes of August 14, 2012 Regular Meeting
3. Approve to surplus and/or dispose of various equipment requested by the Clerk’s Office (00981, 824, 978, 1084, 1101, 1144, 1203, 1295, 1298, 1300, 1301, 1302,

- 1303, 1304, 1058, 1059, 1248, 1249, 1250, 1251, 1247) and Office of Management and Budget from various County departments
4. Approve to designate \$10,000 of District 5 Recreational Plat Fees for the Darlington Park Improvements Project
 5. Approve to designate \$1,600 from District 1 Recreational Plat Fees for the Portland Community Center Project
 6. Approve to designate \$7,000 from District 1 Recreational Plat Fees for Bayloop Bike Path Improvements
 7. Approve the transfer of Emergency Management Preparedness and Assistance and Emergency Management Performance Grant to the Sheriff's Office for FY 2013 Budget
 8. Approve a Resolution **(2012-45)** for funding support of the 2012 FDEP Long Range Beach Management Program
 9. Approve a Resolution **(2012-46)** to amend the FY 2012 Budget for E911 Special Disbursements in the amount of \$14,965
 10. Approve a Resolution **(2012-47)** supporting the Florida Association of Counties Trust (FACT) Board of Trustees' determination that the GASB/GAAP audit is completely adequate for meeting the financial reporting requirements of the FACT financials
 11. Approve expenditure in the amount of approximately \$251,076 to pave the parking area at the Administration Office and Courthouse located in DeFuniak Springs
 12. Approve Design, Permitting and Engineering Services proposal from Preble-Rish in the amount not to exceed \$25,000 for Oyster Lake Outfall
 13. Approve to amend the TDC capital equipment budget to purchase a 4-wheeler and utility trailer in the amount of \$10,657 for the Beach Ambassador/Code Enforcement
 14. Approve to purchase a root rake attachment for BCC #5535 in the amount of \$3,000 for Public Works
 15. Approve to purchase a replacement AC unit for the NW Annex Building Department in the amount of \$5,862.00

Attorney Mark Mustian, Nabors, Giblin, and Nickerson, discussed the Sales Surtax Revenue Notes, Series 2012 for the Hwy 331 Bridge Construction Project and requested approval of Resolution **(2012-43)**.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt Resolution **(2012-43)** as presented for the Hwy 331 Bridge Construction Project. Ayes 5, Nays 0.

Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Demers requested approval of Resolution (2012-48) for a local funding agreement and memorandum of agreement with the Florida Department of Transportation (DOT) regarding funding for the construction of the Hwy 331 Bridge.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt Resolution (2012-48) as presented for a local funding agreement and memorandum of agreement with DOT. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Demers requested to approve the local funding agreement between the State of Florida, DOT, and Walton County.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the local funding agreement with the State of Florida and DOT as presented. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Demers requested to approve the memorandum of agreement between DOT, Florida Department of Financial Services, Division of Treasury, and Walton County.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve a memorandum of agreement with DOT, Florida Department of Financial Services, and the Division of Treasury as presented. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

The meeting recessed at 9:10 a.m. and reconvened at 9:26 a.m.

Mr. Bruce Smith, Forest Area Supervisor, provided a brief update and stated that they will continue to serve and protect Walton County.

Mr. Demers requested approval to allow Public Works to seek bids for installation of stainless steel cable rails along Scenic Gulf Drive's western boardwalk.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the request to seek bids for installation of stainless steel cable rails along Scenic Gulf Drive's western boardwalk. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Demers requested approval of the County Road 395/County Road 30-A intersection improvement project. Public Works has evaluated operational improvements at the intersection and determined that a roundabout would relieve the operational issues currently being experienced.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the County Road 395/County Road 30-A intersection improvement project as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Demers requested to advertise for a Public Hearing to be held September 11, 2012 to transfer Proportional Fair Share (PFS) funds in the amount of \$1,112,533 for the CR 30-A Corridor Account to the CR 395/CR 30-A Intersection Improvement Project.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the request to advertise a public hearing on September 11, 2012 to transfer funds for the CR 395/CR 30-A Intersection Improvement Project as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Demers requested to approve the Preble-Rish, Inc. proposal for engineering, permitting and construction, engineering, inspection services in the amount of \$78,000 contingent upon transfer of the PFS funds at the September 11, 2012 public hearing.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Preble-Rish, Inc. proposal, in the amount of \$78,000, contingent upon PFS fund approval as

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

Mr. Demers requested approval to sell BCC 3663, a 2001 F550 XL Super Duty Rescue Master truck, to the highest bidder, the City of Samson, Alabama Fire Department, for \$45,000. The Liberty Fire Department also submitted a bid for \$500. The funds collected will be used to upgrade the VHF repeater equipment that is required by the end of 2012.

Mr. Tony Roy and Mr. James Hagan, Liberty Fire District, explained that the truck would be more beneficial to Walton County rather than selling it.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to award the bid for the 2001 F550 XL Super Duty Rescue Master truck to the Liberty Fire Department for \$500.

Commissioner Comander questioned how the VHF repeater equipment will be purchased without the funds from selling the truck to the City of Samson.

Mr. Jeff Lowery, City of Samson Fire Chief, explained that the truck has been out of service for the past 3-5 years and would be very beneficial to the City of Samson.

Brief discussion ensued regarding the purchase of the F550 XL Super Duty Rescue Master truck.

Ayes 4, Nays 1. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Nay, C. Jones Aye.

Commissioner Comander suggested finding an alternative way to fund the VHF repeater equipment. Brief discussion ensued regarding the need to include the funding in the FY 2012-2013 budget cycle.

Mr. Demers requested to appoint Commissioner Elect Bill Imfeld to represent Walton County on the new Florida Commission on Oil Spill Response Coordination Commission.

Motion by Commissioner Pridgen, second by Commissioner Comander, to appoint Commissioner Elect Bill Imfeld to the new Florida Commission on Oil Spill Response Coordination Commission. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Commissioner Elect Bill Imfeld explained that they are looking at the following issues: communication, command structure, oil pollution act changes, and interstate comp acts. He announced the next meeting will be held on September 12, 2012 at the Okaloosa County Convention Center, and encouraged citizen input.

Commissioner Comander exited the meeting.

Ms. Dawn Moliterno, Tourist Development Council Executive Director, requested to negotiate a contract with the highest ranked, South Walton Fire District, for RFP 012-013 Lifeguard/Beach Safety Services.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to negotiate a contract with South Walton Fire District for Lifeguard/Beach Safety Services as requested. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye.

Ms. Moliterno requested to begin negotiations with the highest ranked firm, Analytica, for the RFQ 012-018 Moderator/Facilitator.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to negotiate a contract with Analytica for the TDC Moderator/Facilitator as requested. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye.

Major Joe Preston, Sheriff's Office, presented an update on Hurricane Isaac and the process to follow with damage assessments. He expressed his appreciation for the leadership, partners, and keeping the public informed during the emergency with Hurricane Isaac.

Commissioner Comander returned to the meeting.

Ms. Moliterno explained that the TDC maintenance team is working diligently to assess the beach damage.

Brief discussion ensued regarding what can and cannot be done during the restoration process and that building permits will be required for any replacements or expansions.

Attorney Toni Craig, County Attorney, announced that the decision on the Executive Session will need to be made after 12:00 p.m. or continued to September 11, 2012.

Motion by Commissioner Comander, second by Commissioner L. Jones, to recess at the conclusion of the regular meeting and reconvene at 12:00 p.m. to provide a recommendation for the outcome of the Executive Session held at 8:00 a.m. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Chairman Brannon called to order the public hearing for the Four Mile Village Annual Rate Resolution (2012-32) MSBU.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt Resolution (2012-32) as presented for the Four Mile Village Annual Rate MSBU. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Chairman Brannon called to order the public hearing for the Imperial Lakes Annual Rate Resolution (2012-33) MSBU.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner C. Jones, second by Commissioner Comander, to adopt Resolution **(2012-33)** as presented for the Imperial Lakes Annual Rate MSBU. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Chairman Brannon called to order the public hearing for the Daughette Canal Capital Improvements and Maintenance Services Annual Rate Resolution MSBU.

Chairman Brannon asked for public comment

Mr. Tom Piggott requested to send the proposal directly to the HOA for review before approval due to a rate discrepancy.

Motion by Commissioner Comander, second by Commissioner L. Jones, to continue the public hearing for the Daughette Canal Capital Improvements and Maintenance Services Annual Rate Resolution MSBU to September 11, 2012 due to a rate discrepancy. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Chairman Brannon called to order the public hearing for the Leisure Lake Annual Rate Resolution **(2012-49)** MSBU.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt Resolution **(2012-49)** as presented for the Leisure Lake Annual Rate MSBU. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Chairman Brannon called to order the public hearing for the Fire Rescue Assessments Annual Rate Resolution **(2012-50)** MSBU.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner C. Jones, to adopt Resolution **(2012-50)** as presented for the Fire Rescue Assessments Annual Rate MSBU. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

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

Commissioner Comander announced the Cosson memorial dedication at 1:00 p.m. and encouraged all to attend.

Commissioner Pridgen discussed the need for a Land Use Attorney and the delay issuing permits within the Planning and Development Services Department.

Commissioner Comander suggested developing a rapid response committee to meet with applicants to determine what needs to be done in order to get a permit instead of sending the applicant to several offices for direction. She also agreed that the Land Development Code needs work and suggested that the Land Use Attorney report to the County Attorney rather than the County Administrator.

Commissioner L. Jones expressed the need for a Land Use Attorney and the need for separation between the County Attorney and the Land Use Attorney to avoid conflict of interest.

Brief discussion ensued regarding the needs for the Planning and Development Services Department and a Land Use Attorney.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to advertise for an RFQ for the Land Use Attorney which will report to the Planning and Development Services Department Director.

Commissioner C. Jones expressed concern making such an important decision with three new commissioners coming on board and suggested waiting until they can provide their input.

Commissioner Comander expressed the need to reduce attorney fees and suggested allowing Attorney Craig to determine what area of help is needed before advertising. Attorney Craig stated that she is evaluating the services and will do whatever necessary to protect the interest of Walton County.

Ms. Anita Page suggested allowing both attorneys to work together and discuss ideas to determine the best solution, then hire outside legal counsel if needed.

Commissioner L. Jones withdrew his second and suggested holding a public workshop to discussion the issue and to provide transparency.

The motion died for lack of second.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to place the Land Use Attorney item on the September 11, 2012 agenda for discussion. Ayes 4, Nays 1. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Nay, C. Jones Aye.

Commissioner Comander suggested allowing Mr. Wayne Dyess, Planning and Development Services Director, and Attorney Craig to work on the issue in the meantime.

Commissioner Pridgen discussed the record tourist season in South Walton and the need to identify funds for maintenance/improvements to the pedestrian bridge. Ms. Moliterno explained that they are still in the process of obtaining the Attorney General (AG) opinion regarding the use of TDC funds. Commissioner Pridgen suggested obtaining a third party opinion as well.

Brief discussion ensued regarding the benefits of involving a third party.

Chairman Brannon suggested holding a Capital Elements Workshop to address the concerns and to identify needs/funding sources for the bike path.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve holding a Capital Elements Workshop on September 13, 2012. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

The board directed Mr. Demers to coordinate with the Attorney General opinion on the issue of using TDC funds for various projects, allow a third party attorney to provide insight, and advertise the public workshop for 9:00 a.m. on September 13, 2012 in DeFuniak Springs.

Chairman Brannon asked for additional public comment.

There was no public comment.

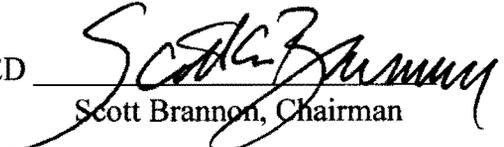
The meeting recessed at 10:37 a.m. and reconvened at 12:12 p.m.

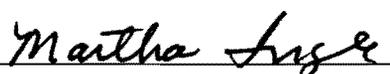
Motion by Commissioner L. Jones, second by Commissioner Pridgen, to decline the settlement offer presented for Kenneth W. Cox v. Walton County, Case No. 08-CA-529. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Motion by Commissioner L. Jones, second by Commissioner Comander, to direct staff to review the property to determine if there is a public use for the property. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Motion by Commissioner Comander, second by Commissioner L. Jones, to decline the settlement offer presented for Walton County Board of County Commissioners v. Thomas Hicks, Case No. 09-CA-887 and 09-CA-1709. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

There being no further business, the meeting adjourned at 12:14 p.m.

APPROVED 
Scott Brannon, Chairman

ATTEST 
Martha Ingle, Clerk of Courts