

NOVEMBER 28, 2017 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on November 28, 2017 at 9:00 a.m. at the Walton County Courthouse in DeFuniak Springs, Florida.

The following Board members were present: Commissioner Cecilia Jones, Chairwoman; Commissioner W. N. (Bill) Chapman, Vice-Chairman; Commissioner Tony Anderson; Commissioner Sara Comander; and Commissioner Melanie Nipper. Mr. Larry Jones, County Administrator; and Attorney Sidney Noyes, County Attorney; and Mr. Alex Alford, County Clerk and Comptroller, were also present.

Chairwoman Jones called the meeting to order.

Motion by Commissioner Anderson, second by Commissioner Comander, to elect Commissioner Chapman as Chairman of the Board. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Comander, to elect Commissioner Anderson as Vice-Chairman of the Board. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Chapman, to approve the agenda with the following revision. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Deletion: Under Consent Agenda

1. Request to approve the transfer of \$3,480.00 from Other Contractual Services (011-9000-552.3400) to Rentals & Leases (011-900-552-4400) to provide funding needed to rent a storage unit to store publications and promotional items

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Consent Agenda as follows. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

1. Approve the Expenditure Approval List (EAL) excluding the Waste Management expenditures

	Total	WM	Total
General Fund	\$ 2,192,768.46		
County Transportation	\$ 1,516,123.86		
SHIP	\$ 130,918.00		
Fine & Forfeiture	\$ 3,488,573.30		
Section 8 Housing	\$ 3,184.09		
Tourist Dev. Council	\$ 326,420.86	\$ 9,064.38	
N.W. Mosquito Control	\$ 2,606.90		
Recreation Plat Fee	\$ 29,939.19		
Solid Waste Enterprise	\$ 1,381,578.30	\$ 638,716.67	
Preservation	\$ 12,059.50		
Sidewalk Fund	\$ 343.00		
Bldg. Dept./Enterp. Fund	\$ 11,407.13		
Debt Service Fund	\$ 6,740.77		
Capital Projects Fund	\$ 157,848.65		
Increment Tax Funding	\$ 354,135.13		
Totals	\$ 9,614,647.14	\$ 647,781.05	\$ 8,966,866.09

2. Approve Minutes of the October 18, 2017 Workshop, November 7, 2017 Special Meeting and the November 7, 2017 Regular Meeting
3. Approve the Investment Report for Quarter ended September 30, 2017 as requested by the Clerk's Office
4. Request to approve the disposition of records which have met retention in accordance with the State of Florida General Records Schedule GS1-SL as requested by the Clerk's Office
5. Request to approve the 2018 BCC Meeting Schedule
6. Request to approve Sign Variances for Waffle House to be located in the Northwest Florida Commerce Park at Mossy Head
7. Request to adopt a resolution **(2017-100)** amending the FY 2018 Road and Bridge budget to recognize \$49,820.96 in Hwy 98 Proportionate Fair Share revenues to be utilized for a Southbound Right Turn Lane for CR 283 (Bay Drive)/US 98 Intersection
- ~~8. Request to approve the transfer of \$3,480.00 from Other Contractual Services (011-9000-552.3400) to Rentals & Leases (011-9000-552-4400) to provide funding needed to rent a storage unit to store publications and promotional items~~
9. Request to approve and authorize the Chairwoman to sign Change Order No 3, 4, 5, and 6 for Contract No 017-006 30A South Parking Improvements with Gulf Coast

- Utility Contractors, L.L.C.; crediting the project cost \$102,000.92 and increasing the contract duration 49 days
10. Request to approve and authorize the Chairwoman to sign the annual service agreement with GNXCOR, Inc. for database software which provides maintenance project scheduling and tracking
 11. Request to approve and authorize the Chairwoman to sign a letter of support for the sidewalk easement adjacent to CR 883 at Freeport Elementary School
 12. Request to approve and authorize the chairwoman to sign Change Order 2 to Contract No 017-128 for CR 30A Phase 4 (Camp Creek to Us 98 E) with C.W. Roberts increasing the contract amount by \$9,869.80
 13. Request approval to purchase and install surveillance equipment for the District 5 Road Department in an amount not to exceed \$3,920.00
 14. Request to approve the office expansion for the District 1 Road Maintenance Office in an amount not to exceed \$10,000.00
 15. Request approval to apply for a Recreational Trails Program Grant from the Florida Department of Environmental Protection for the remaining portion of the 30A West Multi-Use Path (AKA: Timpooshee Trail or Missing Link). Additionally, staff request approval to hold a public meeting to discuss the project as required by the grant application
 16. Request approval to apply for a Recreational Trails Program Grant from the Florida Department of Environmental Protection for a portion of the Choctawhatchee Paddle Trail

Commissioner Chapman reported his conflict of interest in voting on the Waste Management EAL's and submitted Form 8B to the clerk.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve the Waste Management Expenditure Approval List in the amount of \$647,781.05. Ayes 4, Nays 0. Jones Aye, Nipper Aye, Comander Aye, Anderson Aye, Chapman abstained. **(FORM 8B: Chapman)**

Mr. Larry Jones, County Administrator, presented the 2018 BCC Holiday Schedule for consideration. Two options were presented, one being the courts calendar and one being the current county holiday schedule. Mr. Alford recommended the county continue to follow their current holiday calendar.

Motion by Commissioner Anderson, second by Commissioner Chapman, to adopt the 2018 Holiday Schedule based on the current holidays. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones presented the Commission Board and Committee Assignments as presented at the last meeting for review. He asked the commissioners to voice their desire for which boards they wished to continue serving on or to be removed from. Commissioner Chapman requested to add the Florida Counties Foundation (FCF) to his list. There were no other changes.

Motion by Commissioner Anderson, second by Commissioner Chapman, to approve the Commission Board and Committee Assignments with the one addition. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones presented discussion on naming of the new sports park currently under construction in Santa Rosa Beach. He also presented the resolution formally adopted for guidance in naming new facilities and recommended reviewing it prior to deciding on any names. The board concurred.

Mr. Jones requested approval to advertise for bids for the Records Storage Building and to bring back at a meeting in the near future.

Commissioner Chapman questioned if a proposed location has been determined. Mr. Jones suggested the parcel directly to the east of the County Legal Office and recommended connecting the buildings.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve to advertise for bids for the Records Storage Building. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones requested to include language in the Personnel Policy Manual regarding unused annual leave for full time employees at the end of each calendar year. Long-standing policy does not allow employees to carry over 240 hours each year. He requested to amend the policy adding specific language stating the maximum annual accumulation shall not exceed 240 hours on December 31st. Unused annual leave above 240 hours will be forfeited by the employee at the end of the calendar year.

Motion by Commissioner Anderson, second by Commissioner Chapman, to approve the additional language in the Personnel Policy Manual as stated. Commissioner Nipper requested the date be added on the bottom of page where changes are made.

Commissioner Anderson amended his motion to include the date change being added to the page, second by Commissioner Chapman.

Ms. Linda Morse spoke about the employee policy and questioned when the county stopped performing background employment checks. Prior to the Sheriff taking over Fire/Rescue, background checks were not completed on Fire or EMT personnel. Ms. Morse voiced concern with those individuals entering people's homes in their most vulnerable state. Mr. Jones stated he would check into it further. She commented on the need to conduct background checks in light of a recent county employee being arrested who had prior arrests and stated the problem could have been prevented. Commissioner Comander questioned if there is policy language for new hires who have a criminal background. She also commented on the need to give people a chance to prove themselves and to be able to provide for their families.

Commissioner Nipper stated she saw payments on the Expenditure Approval List for background checks. Ms. Morse voiced her appreciation to Ms. Nipper but stated an employee who

was convicted of robbery and then steals from the taxpayers is a problem that could have been prevented with a background check.

Commissioner Chapman directed staff to look into the hiring process and felt a minimal background check should be performed depending on the position. Consideration should also be given to how long ago a person was in jail.

Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve Chairwoman Jones to sign the Site Access Agreement with the Florida Department of Environmental Protection for the petroleum cleanup of Bay Grove Park. Commissioner Anderson stated that was part of the amount deducted from the price of the property. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Chapman, to adopt a resolution **(2017-101)** authorizing the Chairwoman to sign the State of Florida Department of Transportation State-funded Grant Agreement FPID 441498-1-54-01 for the County Road 280A Connector Project.

Mr. Jones stated the project is being entirely funded through legislative appropriations. All indications are that funding for the project will continue through the completion of the project.

Ms. Coy Bowman requested additional information regarding the proposed road. The commissioners stated the road will promote economic development, growth in north Walton, and provide another evacuation route.

Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve and authorize Chairwoman Jones to sign the State of Florida Department of Transportation State-

Funded Grant Agreement FPID 441498-1-54-01 for the County Road 280A connector Project. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve staff to advertise an RFQ for engineering Services for CR 280A upon Notice to Proceed from the Florida Department of Transportation. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones advised once notice is received from DOT the county will need to provide engineering services for the project. Due to size of the project the county is prevented from using their continuing engineering services contract and this will allow the county to move forward.

Mr. Jones asked the commissioners if they would like to sit as the review panel or if they would like staff to bring a recommendation back to the board.

Motion by Commissioner Anderson, second by Commissioner Comander, to allow staff to review the qualifications received and present the board with the top three to four firms. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Chance Powell, Public Works, requested direction regarding the property at the bay and explained the importance of the boat basin. He stated he would like to proceed with design, engineering, and permitting. Mr. Powell stated staff has designed a conceptual plan for the park and questioned if workshops should be held for additional input on the site design.

Commissioner Chapman stated he saw the conceptual plan for park and felt the project would be completed in two phases. The phase involving the boat ramp will probably get bogged down due to permitting with DEP and Corps of Engineers. He recommended holding a couple workshops in Freeport to get input from those whom will most likely use the facilities.

Commissioner Chapman also stated there are a lot of shade trees that need to be taken into consideration and to build around them.

Commissioner Comander spoke about how beautiful the property is and stated it should be kept as close to natural as possible.

Commissioner Chapman suggested for safety reasons that the property be fenced along the eastern edge adjacent to U.S. Highway 331 and access be provided off of Bay Grove Road.

Motion by Commissioner Chapman, second by Commissioner Anderson, to tentatively approve the preliminary site plan, advertise to hold two workshops in Freeport, and allow staff to move forward with permitting for the boat ramp. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye. Consideration will also be given to naming the park at the workshops.

Motion by Commissioner Anderson, second by Commissioner Comander, approve Amendment No. 3 to the Agreement for Services on U.S. Highway 98 Median landscaping 2014 extending the current contract to December 31, 2017 and approve to advertise for bid for landscaping services in the median and along the right of way on U.S. Highway 98 from the west end of CR 30A to Mack Bayou Road.

Ms. Coy Bowman voiced concern with the trees in the median on U.S. Highway 331 and how they block the view. Mr. Jones said there are no additional trees being planted.

Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones requested to award ITB 017-030 Helen McCall Park Improvements to C.W. Roberts contingent upon exploring cost saving measures utilizing value engineering.

Chairwoman Jones stepped down as Chair and motioned to approve the request to award ITB 017-030 Helen McCall Park Improvements to C.W. Roberts. Second by Commissioner

Anderson. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye. Chairwoman Jones resumed the position as Chair.

Mr. Jay Tusa, Tourist Development Council Executive Director, gave an update on the parking proposal by Structural Parking Solutions. Three additional workshops have also been scheduled. There have also been 362 responses to the web survey. Discussion was held regarding paying the fees in the event of a hurricane. Attorney Noyes stated that can be negotiated as part of the contract.

Motion by Commissioner Chapman, second by Commissioner Anderson, to call to order the Public Hearing to consider a resolution electing to use the uniform method of collecting non-ad valorem special assessments levied within the county; stating a need for such levy; providing for the mailing of the Resolution; and providing for an effective date. Mr. Jones explained the purpose of the resolution. There were no public comments.

Motion by Commissioner Comander, second by Commissioner Anderson, to close the public hearing. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Anderson, to adopt a Resolution **(2017-102)** electing to use the uniform method of collecting non-ad valorem special assessments levied within the county; stating a need for such levy; providing for the mailing of the Resolution; and providing for an effective date. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Attorney Sidney Noyes, County Attorney, presented the Draft Beach Activities Ordinance prior to the Public Hearing that will be held on December 12, 2107 at 3:00 p.m. at the courthouse

annex in Santa Rosa Beach. She will meet with each commissioner individually to discuss any changes. No action was needed.

Attorney Noyes requested approval and authorization for Chairwoman to sign a retainer agreement with Constangy, Brooks, Smith & Prophete, LLP for outside labor and employment council and approve invoices from Constangy, Brooks, Smith & Prophete, LLP for services provided from May 1, 2015 to present, including 14 invoices. She further explained the original contract was approved in 2013 with two options to extend, but those options were not presented for approval. Attorney Noyes also stated that all previous invoices have been approved through the EAL process, however she requested a motion for approval to ensure proper authorization was given.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve a new contract with Constangy, Brooks, Smith & Prophete, LLP for outside labor and employment council.

Attorney Jen Sullivan spoke about the expired contract and the need for transparency and fiscal responsibility. She walked through a timeline of employment complaints and services provided by the Constangy firm without being under contract with the county. She stated that she was assured during communications with the County Attorney that the county's insurer was paying for the investigation. In later communications with Constangy, Attorney Sullivan was provided with an email showing the county attorney had retained the firm directly. She questioned why the county is expending taxpayer funds for outside vendors when they have in-house staff to perform those duties. She also asked if the county has been paying a retainer fee to Constangy, Brooks, Smith & Prophete, LLP for the past 30 months. Attorney Sullivan stated she would like to see transparency and public accountability.

Attorney Noyes responded to Attorney Sullivan stating she does not feel there is any issue with payment of the invoice due to them being approved each time through the expenditure approval process. The request is being made as an overabundance of caution. The county has retained outside legal council in HR matters well before 2013 as well as other matters. There are times when outside legal council may be needed due to conflicts. Attorney Noyes stated it is her intent to be as transparent as possible. She again reiterated the county's insurer, FACT, paid all claims relating to the investigation of employee complaints.

Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Nipper, to approve payment of all invoices to Constangy, Brooks, Smith & Prophete, LLP as presented.

Commissioner Nipper questioned payment of the bills from a legal aspect during the time the contract was expired. Attorney Noyes stated best practice would have been to approve an extension of the contract, but that did not happen. However, all invoices were approved through the EAL process and properly paid. Since those best practices were not followed back in 2015 she is now asking to go back and formally approve the invoices. She stated there are also two current invoices being presented for payment. In addition, Attorney Noyes stated that her staff has also taken steps to prevent this from happening in the future.

Ayes 4, Nays 1. Chapman Aye, Jones Aye, Nipper Nay, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Chapman, to appoint Mr. Michael Harbin to the vacant At-large seat on the Planning Commission. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Commissioner Comander did not present any items for discussion.

Commissioner Nipper presented discussion regarding her efforts on housing needs, jobs, and economic growth. She questioned the board's willingness to allow her to move forward with discussions relating to workforce housing and veteran's needs on the 140 acre parcel where the District 3 Commissioner's Office is located. She would like to consider some light industrial or small businesses to help support the north end of the county. Mr. Jones stated that Commissioner Nipper has been working with staff and wants to make the board aware of her efforts and to obtain consent from the board to proceed with further communications. Additional information will be presented when appropriate.

Motion by Commissioner Nipper, second by Commissioner Comander, to allow further research and discussions as requested.

Commissioner Anderson suggested she continue her research, but questioned the need for public hearings at this time. Commissioner Nipper said her goal is to keep the board informed of what she is working on. Mr. Jones stated there is no need for public hearings at this time, but she is looking for the board's blessings move forward. Commissioner Nipper stated she would like to bring some conceptual ideas to the next meeting for a little direction. Mr. Jones commended her on bringing together some of the important players to begin discussions on how to move forward. The Board concurred for Commissioner Nipper to move forward with her research and discussions.

Ms. Bonnie McQuiston questioned why the county purchased the 140 acres. Mr. Jones stated it was part of the property exchange for the Mossy Head Industrial Park land in 2002 through the U.S. Forestry Department. Walton County purchased property in Liberty County and exchanged it for the Mossy Head property. Ms. McQuiston voiced her concerned with workforce/affordable housing and questioned if the county would construct the housing.

Commissioner Nipper said the county would be involved in conceptual planning not in housing construction. She said some of the affordable housing would be subsidized. Ms. McQuiston suggested looking very carefully at what is there and what is needed. Commissioner Nipper stated the county will be involved in the concept and not be in the housing business.

Mr. Tom Baker, Walton County Housing Director, stated this is not for the purpose of expanding subsidy housing. This is to utilize the property in a way to bring entrepreneurs into the county and for bringing workers into the county who need a home they can afford to pay for while living and working in the county. This will be an attempt to make it attractive for entrepreneurs who may want to move here. This is not to expand the Section 8 Program, but an exploratory effort for the north part of the county.

Chairwoman Jones agreed that more housing is needed in the event a large company wanted to come here. Commissioner Nipper stated that housing and internet capability is what businesses are looking for.

Commissioner Comander commented that this is the only forum the commissioners can discuss these issues, which is needed to keep each other informed.

Commissioner Nipper stated her overall goal is to grow the county so people who are raised here can stay here and have a future.

Commissioner Chapman did not present any items for discussion.

Chairwoman Jones announced there is a group of people from south Walton who will be working to start a community garden. Commissioner Anderson stated he would be meeting with them on Wednesday.

Ms. Melissa Ward addressed newly proposed language in the Beach Activities Ordinance on behalf of the Sea Haunts Community. Attorney Noyes stated a public hearing will be held December 12, 2017 and the ordinance can be discussed in great detail at that time.

The commissioner recessed from 10:18 a.m. to 10:33 a.m.

Commissioner Chapman presented Chairwoman Jones with a plaque on behalf of the board for her service as Chairwoman for the past year and thanked her.

Commissioner Comander stated on behalf of the board, she would like to send condolences to Mr. Louis Svehla and Ms. Kelli Burgess on the death of their father. Thoughts and prayers are with their family.

Mr. Mac Carpenter, Planning and Development Services Director, presented the Farmer's Market Ordinance and requested the board adopt amendments to section 13.02.00, 13.03.00, and 13.04.00 of the Walton county Land Development Code; establishing a process for regulating farmer's markets as temporary uses within the Walton County Scenic Corridors; providing for conflict; severability; codification and an effective date. This was the first reading.

Commissioner Anderson asked to postpone the ordinance to allow him time to meet with staff to discuss it further.

Motion by Commissioner Chapman, second by Commissioner Anderson, to postpone the first reading of the Farmer's Market Ordinance to January 23, 2018. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye. First reading.

Mr. Carpenter requested to continue The Prominence Phase IV Plat to December 12, 2017.

Motion by Commissioner Anderson, second by Commissioner Chapman, to continue The Prominence Phase IV Plat to December 12, 2017. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye

The Quasi-Judicial Hearing was called to order and Attorney Noyes administered the oath to those intending to speak. There were no objections to the advertisements. Attorney Noyes instructed the Board to submit all Ex Parte to the clerk. (The commissioners indicated they had no Ex Parte communications)

Mr. Carpenter presented Gailey Estates Plat. The plat application was submitted by ECM Inc. on behalf of McHenry Electric Inc., who requested approval to plat 5 residential lots on +/- 1.393 acres with a future land use of Low Density Residential. The project is located 0.37 miles north from the intersection of U.S. Highway 98 and West Hewett Road turning east on Sierra Court 660 feet on the south side of Sierra Court Road and identified by parcel numbers(s) 30-2S-20-33306-000-0060. The proposed project is consistent with the Walton county Comprehensive Plan and Land Development Code. **(Exhibits: 1-Staff Report)**

Ms. Coy Bowman was sworn in and questioned why this project was being heard in north Walton. Mr. Carpenter explained the approval process and stated the project can be discussed in either location.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve the Gailey Estates Plat. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

There being no further business, the meeting was adjourned at 10:42 a.m.

Approved: 
Cecilia Jones, Chairwoman

Attest: 
Alex Alford, Clerk of Courts and County Comptroller