

## REGULAR MEETING – JULY 24, 2018

The Board of County Commissioners, Walton County, Florida held a Regular Meeting on July 24, 2018 at 9:00 a.m. at the Walton County Courthouse in DeFuniak Springs, Florida.

The following board members were present: Commissioner W. N. (Bill) Chapman, Chairman; Commissioner Tony Anderson, Vice-Chairman; Commissioner Sara Comander; and Commissioner Cecilia Jones. Mr. Larry Jones, County Administrator, and Attorney Sidney Noyes, County Attorney, were also present. Commissioner Melanie Nipper was not present.

Chairman Chapman welcomed Judge Kelvin Wells to the meeting and called the meeting to order.

Motion by Commissioner Comander, second by Commissioner Jones, to approve the agenda revisions as follows. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

1. Addition: Under Consent Agenda –Request to approve and authorize the Chairman to sign Change Order No. 2 to Contract No. 017-033 with Lord & Son Construction Company, Inc. for the design of the interior and exterior build out of the Freeport Business Park and the renovation at the planning department at the South Walton Annex increasing the contract amount by \$100,000.00
2. Deletion: Request to approve and authorize the Chairman to sign Change Order No. 1 to Contract No.: 105-027 with public relations firm Turner Public Relations, Inc. in order to use the \$15,200.00 set aside in the contract for increased workload under the terms of the contract

Mr. J.B. Hillard addressed his agenda item regarding the 10<sup>th</sup> Anniversary of the Life Enrichment Senior Center and thanked the commissioners and the DeFuniak Springs City Council for what they have done for the Center. He gave an overview of the Senior Center which now has 260 members. The facility is managed by Tri-County Community Council who provides a very

professional staff. He asked the board to consider reinstating some of the budget that was previously removed. He thanked the board for their support.

There were no items removed from the Consent Agenda.

Motion by Commissioner Jones, second by Commissioner Comander, to approve the Consent Agenda as presented. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

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

		EAL	Grand Total
General Fund	\$ 1,806,422.79		
County Transportation	\$ 251,813.41		
Fine & Forfeiture	\$ 3,727,574.20		
Section 8 Housing	\$ 21.10		
Tourist Dev. Council	\$ 522,967.41	\$ 16,807.53	
N.W. Mosquito Control	\$ 2,266.63		
Recreation Plat Fee	\$ 52,730.11		
Solid Waste Enterprise	\$ 764,905.84	\$ 330,734.11	
Bldg. Dept./Enterp. Fund	\$ 22,867.90		
Debt Service Fund	\$ 419.40		
Capital Projects Fund	\$ 462,907.74		
Mossy Head Ind. Park	\$ 853.82		
Infrastructure Improvements	\$ 5,763.30		
Increment Tax Funding	\$ 128,010.87		
<b>Totals</b>	<b>\$ 7,749,524.52</b>	<b>\$ 347,541.64</b>	<b><u>\$ 7,401,982.88</u></b>

2. Approve Minutes of the July 10, 2018 Budget Workshop and the July 10, 2018 Regular Meeting
3. Approve the Quarterly Report for the Third Quarter (April, May and June 2018) from the Life Enrichment Senior Center
4. Approve to advertise and hold a Public Hearing on August 28, 2018 to consider the Fiscal Year 2018-2019 Final Annual Assessment Resolution for Daughette Canal Maintenance
5. Approve to advertise and hold a Public Hearing on August 28, 2018 to consider the Fiscal Year 2018-2019 Final Annual Assessment Resolution for Leisure Lake Capital Improvements
6. Approve and authorize the Chairman to sign the Release of Lien for the Ship Mortgage for Lynette McLendon

7. Approve to appoint Amy Heavilin, CPA, as Walton County's designee to the "Audit Committee" as outlined in Florida Statute 218.391 (2)
8. Approve and authorize the Chairman to sign a resolution (2018-61) and the First Amendment to the Maintenance Memorandum of Agreement (MOA) with the Florida Department of Transportation for the median and right-of-way maintenance along portions of US 98
9. Approve and authorize the Chairman to sign Amendment No. 2 to Contract No. 017-018 with Harper Landscaping, LLC increasing the contract price \$350.00 per month
10. Approve and authorize the Chairman to sign the FloridaBlue True Group Health Insurance Application for enrollment in BlueHealth Medical Insurance
11. Approve and authorize the Chairman to sign Contract No. 018-018 TDC Website Design/Maintenance with Zehnder Communications in the amount of \$288,000.00
12. Approve and authorize the Chairman to sign a three year lease agreement with Speedee Printing, Inc. d/b/a Lou Lou Beans for Building A, Unit 8, Suite 114 of the Freeport Business Complex
13. Approve and authorize the Chairman to sign the funding agreement with the Florida Department of State – Division of Historical Resources for the Darlington School Restoration Phase 2 in the amount of \$50,000.00
14. Approve and authorize the Chairman to sign an agreement with Carr, Riggs & Ingram for the annual required testing of compliance with the County's Investment Policy
15. Approve and authorize the Chairman to sign the assignment of contract with Conerly, Bowman & Dykes to Hand, Arendall for representation of the Zoning Board of Adjustment
16. Approve and authorize the Chairman to sign Change Order No. 1 to Contract No. 018-009 30A Signage Rehabilitation with Valle Management, LLC; increasing the contract time 52 calendar days
17. Approve and authorize the Chairman to sign Change Order No. 3 to Contract No. 017-030 Helen McCall Park Improvements with CW Roberts Inc.; increasing the contract price \$2,164.95
18. ~~Approve and authorize the Chairman to sign Change Order No. 1 to Contract No.: 015-027 with public relations firm Turner Public Relations, Inc. in order to use the \$15,200.00 set aside in the contract for increased workload under the terms of the contract~~
19. Approve the purchase of an Automatic External Defibrillator (AED) and cabinet for the Emergency Operations Center (EOC) at a cost not to exceed \$1,594.00
20. Approve the purchase of an ice maker, refrigerator and freezer for the Helen McCall Park concession stand in an amount not to exceed \$8,083.11
21. Approve to apply for the fiscal year 2018-2019 Bearwise funding opportunity for the Florida Fish and Wildlife Conservation Commissioner (FWC) to cost-share with local governments (including Homeowner's Associations) for the purchase of bear-resistant equipment
22. Approve and authorize the Chairman to sign Change Order No. 2 to Contract No. 017-033 with Lord & Son Construction Company, Inc. for the design of the interior and exterior build out of the Freeport Business Park and the renovation at the Planning Department at the South Walton Annex increasing the Contract amount by \$100,000.00

Chairman Chapman announced his voting conflict regarding the Waste Management expenditures and submitted Form 8B: Memorandum of Voting Conflict to the clerk.

Chairman Chapman also voiced condolences to Waste Management on behalf of the board for the loss of one of their employees who was involved in a tragic accident.

Motion by Commissioner Comander, second by Commissioner Jones, to approve the Waste Management expenditures in the amount of \$347,541.64. Ayes 3, Nays 0. Chapman Abstain, Anderson Aye, Comander Aye, Jones Aye. **(Form 8B: Chapman)**

Judge Kelvin C. Wells requested an update and the timeline for renovations of the old courthouse. Pictures were presented showing the inside of the old courtroom and third floor showing its current conditions. Repairs to the outside have recently been made, but no repairs have been made to the inside of the third floor. The walls in Courtroom A are in poor conditions. Judge Wells stated that no renovations have been done in his 14 years as a Judge. The courtroom is still used and jurors still use the restrooms and rooms in the back of Courtroom A. He asked the board to put a deadline on repairs.

Commissioner Comander stated that staff is stretched thin and asked about hiring an outside firm to do the work. Chairman Chapman agreed and further spoke about the lead paint and asbestos and directed staff to move forward with obtaining costs to address the asbestos and lead paint. Judge Wells asked the board to consider hiring an outside firm to do the job. Chairman Chapman stated based upon the work to be performed a deadline can be set once a contractor looks at the needed repairs.

Motion by Commissioner Comander to direct staff to move forward with hiring someone within a month's time to look at the asbestos to find out what is involved in removing it.

Chairman Chapman stated the project should be advertised for bid. Judge Wells reminded the board it was put out for bid in the past and no bids were submitted.

Mr. Jones agreed staff can move forward with determining the proper abatement of the asbestos and lead paint. He stated they would look into the situation regarding the lack of bids in the past. If no bids were received then staff will bring back a request for proposals.

Commissioner Jones stated it was her understanding the recent repairs fixed the leaks inside. Judge Wells stated it had. Commissioner Jones agreed with setting a time limit for the work to be done. Judge Wells asked to be updated on the progress.

Commissioner Jones second the motion to direct staff to move forward with hiring someone to look at the asbestos and lead paint. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

Mr. Jones presented a request on behalf of Mayor Terry Holley, City of Florala, requesting to close the Lake Jackson Boat Ramp and provide an off duty deputy for a Boat Racing Event on August 4, 2018.

Motion by Commissioner Comander, second by Commissioner Jones, to approve the request by Mayor Holley. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

Mr. Jones presented the results from the Fishing Pier Survey and discussed whether or not to place the item on a referendum. There were 1670 participating in the vote with 841 votes in favor and 829 opposed. The preferred locations were on county owned property or state forestry land. Brief discussion was held regarding the timing due to the current beach issues. Commissioner Comander commented on the vote being too close.

Commissioner Jones suggested considering it at a later time in the event a good parcel of property comes available that would provide an excellent location for the pier

Ms. Coy Bowman voiced opposition to the pier.

No action was taken.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve the acceptance of the RESTORE Direct Component Grant No. 1-RDCGR250060-01-00 with the US Department of Treasury for the Muscogee Nation of Florida Micro Farm Agritourism Project – Project 7. This would be the last step in order to get the funds transferred.

Commissioner Comander thanked Ms. Melinda Gates for her work on this project.

Ms. Jan Stephens stated she works with the Muscogee people and is excited about the project and thanked the board for helping them. She also thanked the board on behalf of Ms. Tucker, Chairwoman of the Muscogee Nation. Ms. Gates explained how the process will work for the Muscogee Nation to receive the funds which should be in approximately 30 days.

Chairman Chapman thanked Ms. Gates for her long hard work on the project.

Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Jones, second by Commissioner Anderson, to approve advertising for Request for Proposals for pest control and termite control services for county wide services. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve a Letter of Credit Policy with an effective date of October 1, 2018 as stipulated by a previous audit. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Jones, to advertise and hold a Public Hearing on August 14, 2018 at 4:00 P.M. or soon thereafter at the South Walton Annex

in Santa Rosa Beach to bring forward \$580,000.00 for capital improvements at the Freeport Business Complex and South Walton Courthouse Annex. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye. This will allow funding to complete both projects.

Mr. Jay Tusa, TDC Executive Director, presented an update and requested direction on the Russell property located on San Roy Road. Appraisals were obtained for the record and he requested direction for moving forward. A determination needs to be made as to whether the property will be used as a regional or neighborhood beach access. Commissioner Comander felt it would be important to determine what the property can be used for before paying anything for it. Commissioner Anderson agreed. Mr. Tusa stated they will look further into the property use and talk to the owner about the terms of either a lease or purchase. He will present the information as soon as possible.

Attorney Sidney Noyes, County Attorney, requested the board consider an alternate date for the Public Hearing to adopt a new Customary Use Ordinance, pursuant to HB 631. There is not a facility large enough for the original date of September 6<sup>th</sup>. Attorney Noyes requested to reschedule the Public Hearing to Saturday, September 8<sup>th</sup> at 9:00 a.m. at the South Walton High School.

Motion by Commissioner Comander, second by Commissioner Jones, to reschedule the Customary Use Public Hearing to Saturday, September 8<sup>th</sup> at 9:00 a.m. at the South Walton High School. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

Attorney Noyes provided an update on TDC garbage collection on the beach and requested direction regarding extending collection through August 14, 2018. She heard from two attorneys who had cease and desist demands and some of the individual property owners have rescinded their requests completely including: Seaside, Vizcaya, Grand Dunes, Village of White Cliffs, and

The Paradise By the Sea HOA. She also received letters from the attorney representing Mr. and Ms. Hayden who will give the county until August 13<sup>th</sup> to complete garbage collections, but will not rescind their request. Attorney Safriet indicated most of his clients would not rescind their original request, but will also give the county until August 13<sup>th</sup>. The county will not be able to continue the garbage collection service on private property. Attorney Noyes stated she will work with Mr. Kellenberger and Mr. Irvin to get letters sent out to all of the beachfront property owners impacted by the decision. No action was needed.

Attorney Steve Uhlfelder voiced concern with the people who will not allow the county to collect garbage from the beach. He felt not taking action would be giving those owners a legal advantage. He felt the county should take a firm stand and continue collecting garbage and maintaining the beach. Attorney Uhlfelder stated the House Bill that was passed is unfair and will destroy our area. He further suggested delaying any further action until after another hearing is held.

Chairman Chapman voiced concern with the possibility of legal action being taken against staff for picking up trash. He stated the county had a law in place and it was taken away by the state and he does not want TDC employees subjected to arrest for doing their job.

Attorney Uhlfelder questioned if the board members had read the letters from the property owners. Attorney Noyes advised the letters were presented to the commissioners. Attorney Uhlfelder urged the board from a legal perspective to not comply with the request.

Commissioner Anderson asked if the Governor could make a proclamation allowing the county to continue picking up garbage. He voiced concerns this could be setting a precedent. He requested Attorney Noyes look into the legal aspects of the Governor signing a proclamation and stated he would contact the Governor.

Commissioner Jones voiced concern for the lack of garbage pickup, safety, and emergency vehicles. Chairman Chapman stated emergency personnel will do whatever is necessary to help in the event of an emergency. He also suggested looking into the environmental and health hazards created by not collecting trash.

Commissioner Comander suggested to proceed with sending the letters and to also contact the Governor.

Attorney Noyes stated she will not do anything that will compromise Customary Use.

Attorney Noyes will contact those owners who have garbage receptacles so they can make other arrangements.

Mr. Brian Kellenberger, Director of Beach Operations, asked for clarification on which property owners will be notified. Attorney Noyes stated it will be all of the individuals who currently have garbage receptacles. Mr. Kellenberger asked if all services would be suspended and she stated that was correct. Mr. Kellenberger also asked about the flag poles on private property that require maintenance. Attorney Noyes stated that is a different matter due to being a life, health, and safety issues. Commissioner Anderson stated the garbage pickup is also a health and safety issue. Mr. Kellenberger stated the Code Enforcement Officers are also compromised by the letters due to the fact they fill in holes on the beach. Code Enforcement operations will have to be changed which will lose its effectiveness due to their ability to traverse the beach. The fire department will also lose their effectiveness.

Attorney Noyes announced the retirement of Ms. Karen Sheehan on August 3<sup>rd</sup>. She stated Ms. Sheehan has been a great asset to the county. Ms. Cynthia Renfroe will be taking her place.

Commissioner Comander did not have any items to present.

Commissioner Jones thanked everyone for their support during her husband's illness.

Commissioner Anderson did not present any items for discussion.

Chairman Chapman did not present any items for discussion.

Mr. Bill Fletcher thanked Commissioner Anderson and Commissioner Comander regarding the San Roy property. He also commented on the condition of the old courtroom and questioned the lack of maintenance over the years. He stated the current board recently spent \$250,000.00 to fix the windows, roof and gutters. The outside is now stabilized and focus can now be moved to the inside. There is asbestos and lead based paint that will have to be properly removed. Mr. Fletcher asked whose responsibility in the county it is to maintain county buildings. Chairman Chapman stated that is handled by the Facilities Maintenance Manager. There are in excess 40 buildings to maintain and the courtroom has been an ongoing project for years.

Commissioner Comander stated this has been going on since the late 70's early 80's. It is a costly project and there have been more urgent projects to take care of.

Mr. Jones stated Facilities Maintenance falls under Administration and they are aware of the need and have been trying to prioritize the work, but have already taken care of the leaks.

Ms. Coy Bowman presented inappropriate posters not allowed in the board room by policy. She was called out of order and made to leave after further inappropriate outburst.

Motion by Commissioner Anderson, second by Commissioner Comander, to enter into Executive Session, Vecchio v. Walton County, Case Number 3:17-cf-127-RV-CJK at the Walton County Courthouse in DeFuniak Springs, Florida.

Attorney Noyes announced the following individuals would attend the Executive Session: Commissioner W.N. "Bill" Chapman, Chairman; Commissioner Tony Anderson, Vice-Chairman; Commissioner Cecilia Jones; Commissioner Sara Comander; Mr. Larry Jones, County

Administrator, and Ms. Sharon Payne, Court Reporter. Commissioner Melanie Nipper was not present.

The Executive Session was not open to the public pursuant to Section 286.011(8) of the Florida Statutes. All those not attending the hearing stepped out.

The meeting was reconvened.

Motion by Commissioner Anderson, second by Commissioner Comander, to close the Executive Session and enter back into the Regular Meeting. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

The Regular Meeting was called back to order.

Attorney Noyes announced, based on direction during the Executive Session, she would contact Attorney Jason Taylor, Special Council to the county, to request additional information.

Motion by Commissioner Anderson, second by Commissioner Jones, to continue the Executive Session to August 14<sup>th</sup> at 3:30 p.m. at the South Walton Courthouse Annex. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson to adjourn.

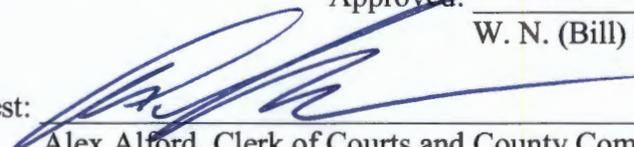
There being no further items to discuss the meeting was adjourned at 10:23 a.m.

Approved:



W. N. (Bill) Chapman, Chairman

Attest:



Alex Alford, Clerk of Courts and County Comptroller