

JANUARY 23, 2001 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, January 23, 2001 at 9:00 A.M. in the Boardroom of the Walton County Courthouse.

The following Board members were present: Commissioner Tim Pauls, Commissioner Larry D. Jones, Chairman Herman L. Walker, Vice-Chairman Lane Rees and Commissioner Gene Ryan. Ms. Shirl Williams, Administrative Supervisor, Attorney George R. Miller and Ms. Martha Ingle, Clerk of Courts, were also present.

Commissioner Rees led with prayer following the Pledge of Allegiance to the American Flag.

Chairman Walker called the meeting to order.

Mrs. Patti Yates, Finance Supervisor, presented the Expenditure Approval List consisting of the following bills for payment:

General Fund	\$323,598.01
County Transportation Trust	93,623.45
North Walton Msq. Control	465.03
Walton DeFuniak Library	7,888.45
Solid Waste Enterprise	188,893.80
Mossy Head VFD	670.19
Glendale VFD	140.11
Darlington VFD	1,513.00
Liberty VFD	789.62
Red Bay VFD	451.28
Criminal Justice Education Fund	1,169.50
Capital Projects	20,895.11
Tourist Development Council	93,166.96
Recreation Plat Fee	28.00
Local Option Gas Tax	19,678.24
Driftwood Debt Service	653.81
Section 8 Housing	347.25

Motion by Vice-Chairman Rees, second by Commissioner Jones to approve payment of bills as presented on the EAL. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Vice-Chairman Rees, second by Commissioner Pauls to adopt a resolution (2001-02) declaring Super Bowl Sunday, January 28, 2001, as “Dr. Walter Anderson Day” in Walton County, Florida. Whereas Dr. Anderson is a native of Walton County and has been selected as a referee for Super Bowl XXXV in Tampa Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. William Imfeld, Financial Director, presented bid information relating to the communication system for the South Walton Library. Five bids were received, one of which did not meet the submittal date requirement. Chapman Communications submitted the low bid in the amount of \$7,300.00.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to accept Mr. Imfeld’s recommendation and award the bid to Chapman Communications, low bidder, in the amount of \$7,300.00. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld advised the Commissioners that they received three bids for the purchase of a dozer for Public Works, along with two no-bids due to not being able to meet the specifications. Public Works staff reviewed the bids to assure compliance with the specifications. The low bid did not meet the specification; therefore he recommended awarding the bid to the next low bidder, Thompson Tractor, for a Caterpillar in the amount of \$110, 825.00.

Motion by Commissioner Pauls, second by Commissioner Ryan to accept the recommendation and award the bid to Thompson Tractor in the amount of \$110,825.00 for the purchase of a dozer for Public Works.

Commissioner Pauls stated that the resale value is an issue that also needs to be taken into consideration.

Mr. Jim Berry, Sales Representative for Beard Equipment Company, stated that the John Deere dozer has the best resale value.

Mr. John Edwards, Thompson Tractor, stated that the equipment his company is offering provides lower emissions, better fuel economy and longer life. He stated that the resale value varies from month to month.

Commissioner Jones stated that all of the machines are good and that \$10,000.00 is a substantial difference that should be considered.

Commissioner Ryan emphasized the need for safety features due to the uneven terrain that the equipment is being used on.

Chairman Walker called for a vote on the motion to award the bid to Thompson Tractor. Ayes 4, Nays 1. Pauls Aye, Jones Naye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld presented additional information relating to the fuel bids. He stated that a mathematical error was found and corrected on the bid submitted by Curt Miller Oil Company resulting in the lesser bid amount by \$1,800.00. Mr. Imfeld also advised that Waller's Inoco is applying for their state license, which will take approximately three months to obtain; therefore, he recommended awarding the bid to Curt Miller Oil Company for a one-year period with the option to renew.

Motion by Vice-Chairman Rees, second by Commissioner Jones to accept Mr. Imfeld's recommendation and award the fuel bid to Curt Miller Oil Company for a period of one-year with the option to renew. Delivery is to be restricted to working hours only and a signature must be obtained upon delivery.

Commissioner Ryan advised that both companies submitted a markup price on the daily rack price.

Mr. Bobby George, Curt Miller Oil, answered questions relating to prices for an 8,000-gallon fuel drop. He advised that the discounted price is for the delivery of the entire 8,000 gallons at one location.

Chairman Walker called for the vote to award the fuel bid to Curt Miller Oil Company. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld presented a request on behalf of the South Walton Tourist Development Council for membership renewal with SOUTHCOAST USA in the amount of \$5,000.00, an increase of \$1,000.00. Ms. Williams stated that she would discuss the benefits and justification for the increase with TDC staff.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to approve payment of dues for the Tourist Development Council in the amount of \$5,000.00. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Angie Biddle, Grants Coordinator, appeared before the Commissioners regarding a grant application that was submitted to the Department of Health for the Rural Matching EMS Grant for the Glendale Volunteer Fire Department. The grant was a 90/10 match for the purchase of a Jaws-of-life and two defibrillators; however the grant application was denied with a recommendation for Walton County to reapply under the

EMS Matching Grant, which is 75/25 match. The grant will provide \$26,534.00 toward the purchase with the remaining funds to be paid by Glendale VFD in the amount of \$8,845.00.

Motion by Commissioner Ryan, second by Vice-Chairman Rees to authorize Glendale Volunteer Fire Department to reapply for the EMS Matching Grant for the purchase of needed equipment. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Ms. Biddle stated that after reviewing their budget, Mr. Kevin Dell agreed that the necessary funds are available and would not deplete their funds.

Mr. Ronnie Bell, Public Works Director, appeared before the Board along with Ms. Paula Churchwell and Mr. Jimmy Helms of the Department of Community Affairs to discuss the construction of the two 25,000 square foot buildings (9 County Regional Distribution Center) adjacent to the Emergency Operations Center. Mr. Bell presented information stating that the recipient (Walton County) will provide a match of \$484,165.00 for contractual services and in-kind services.

Ms. Churchwell explained that the grant was a competitive grant based on the number of points a county earned. Walton County was one of 27 counties awarded the grant out of 238 applicants. Points were earned for the amount of funds the county committed toward the project and no funds were requested from other counties as part of the commitment.

Mr. Helms stated that surrounding counties do not have sufficient land to construct such an operation and Walton County is in the center of the 9 counties, which is an advantage. Mr. Helms stated that the buildings could be used as the county determines, however, they would be required to use the facility as a distribution center in

the event of an emergency. Mr. Helms suggested using it to stockpile emergency equipment making it readily available in an emergency. Chairman Walker questioned how long the county is obligated to use the building as a distribution center. Ms. Churchwell stated that the contract requires long-term use, which could be indefinitely.

Mr. Bell explained that the county has expended \$230,995.00 for architectural/engineering fees, surveys, permits and two metal buildings. DCA has reimbursed the county \$66,991.00 and has not yet submitted a request for reimbursement of the \$164,004.00 for the metal buildings. Commissioner Jones questioned the timeframe to complete the job. Ms. Churchwell stated that the deadline is June 2001, but could request a 6-month extension. The request has to be presented to Legislature and they may not grant it. Ms. Churchwell advised that she has a letter of commitment from the county. The Commissioners explained that they were not made aware of any matching funds. Mr. Bell advised that tapes from previous meetings were reviewed and Captain Pagels never made mention of any matching funds on the county's part. Commissioner Jones stated that he has met with Sheriff Johnson and his staff and they are not aware of what is going on. Mr. Imfeld advised that he has searched the budgets and have not located any funds designated toward the \$484,000.00. Commissioner Rees suggested meeting with the former Sheriff and previous staff to discuss their plans for where the money would come from before meeting with Sheriff Johnson on February 5th.

Former Commissioner Van Ness Butler stated that it was presented to the former Board of Commissioners in the manner that the State selected Walton County as the site for the Distribution Center because of the general location, Walton County would provide the property and the State would provide the funds for the building.

Ms. Churchwell stated that if the County chose not to proceed then they would not be held in non-compliance but would be responsible for repaying \$66,991.00 that the State has already paid out.

The Commissioners asked for the following individuals to meet with former Sheriff Quinn McMillian and Tom Pagels to research the issue further and report back to the Board: Mr. Bell, Mr. Helms, William Imfeld and Commissioner Jones. Commissioner Pauls reminded them that time is critical because the process needs to begin to solicit contractors for costs in order to complete the building according to schedule. Mr. Bell suggested that Watkins Construction prepare an estimate for the project. Mr. Brian Kellenberger, Watkins Construction Company, stated that he is willing to work with Mr. Bell to prepare an estimated cost for construction of the two buildings at no additional cost to the county.

Commissioner Ryan stated that he recalls the information being presented to the previous Board members in the same manner that Mr. Butler related, only that the county would be responsible for hauling dirt and leveling the project site.

Ms. Virginia Cole stated that she previously spoke with Captain Pagels whom stated that he had the funding plans partially on paper and partly in his mind and stated that he might be able to offer some insight.

Motion by Commissioner Ryan, second by Vice-Chairman Rees to appoint Commissioner Jones to work with staff regarding a resolution to a funding source for the Distribution Center. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Attorney Miller suggested supplementing the agreement as to what the building can be used for. Ms. Churchwell advised that Walton County currently has four other grant applications in process that need to be seriously considered before they are awarded.

Commissioner Ryan questioned Mr. Helms regarding his previous request to reposition the Emergency Operations Center back under the direction of the Commissioners. Mr. Helms again referred to the Florida Statute that recommends EOC/911 be under the direction of the Commissioners due to the chain of events, which could occur during a time of disaster. Mr. Skip Dugger, State EOC, advised that the State prefers that EOC fall under the Board and stated that only six counties in Florida are under the direction of the Sheriff, Walton County being one of those six.

Commissioner Ryan motioned to move the Emergency Operations Center/911 from the Sheriff and place it back under the Commissioners and hire an Emergency Operations Manager. Vice-Chairman Rees suggested not making this motion today, but to meet with the Sheriff to discuss the issue first. Commissioner Ryan withdrew his motion pending discussion with the Sheriff.

Mr. Bell presented a list of items for the Board's consideration in order to proceed with infrastructure projects. The Board decided to wait on both making a decision on the purchase of the old Wal-Mart building and taking any action on properties adjacent to the courthouse. They also decided to defer a decision regarding the proposed courthouse addition until further discussion has been made. Mr. Bell advised that Ms. Williams would provide a list of all county owned facilities at a later date along with their proposed uses for housing county staff. The Commissioners agreed that additional information is

needed before making decisions on whether to construct a one story or two-story building at the Town Center. Commissioner Jones stated that careful analysis should be made as to the projected future needs and should be cautious not to over estimate.

Motion by Commissioner Ryan, second by Commissioner Jones to allow Commissioner Pauls to work with staff to prepare a recommendation and report back to the Board as expeditiously as possible and place current construction plans of the one story (20,000 sq. ft.) building on hold until further notice.

Ms. Paladini presented a letter regarding the settlement agreement and greenway buffers.

The Commissioners amended the motion to also allow Commissioner Pauls to communicate with Ms. Susan Paladini and other individuals as necessary regarding the New Town Center site plan.

Attorney Miller questioned Ms. Paladini regarding her desire to proceed with mediation and the appointment of a mediator. Ms. Paladini stated that if the Commissioners continue to approve to develop and build in the Governmental/Education Center that does not include the greenways then she would want to proceed with mediation. Ms. Paladini stated that she is comfortable with the proposed action today and would like to settle this issue without going to mediation and does not want to appoint a mediator at this time.

Chairman Walker called for a vote to allow Commissioner Pauls to work with staff to prepare a recommendation and report back to the Board as expeditiously as possible and place current construction plans of the one story (20,000 sq. ft.) building on hold until further notice and to also allow Commissioner Pauls to communicate with Ms.

Susan Paladini and other individuals as necessary regarding the New Town Center site plan. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Bell requested direction from the Board regarding the Arts Center site and location. The Board directed Mr. Bell to work with Mr. Pauls on this issue also. Commissioner Pauls advised that he has been asked to serve on the Board of Director for the Arts Center. The Commissioners agreed that this should not be a conflict.

Mr. Butler stated that the Arts Center is only asking for 1/3 acre, which results in a cost of less than \$1,000.00 when all of the acreage in that vicinity is averaged together, and the same with the Post Office. Chairman Walker stated that he is concerned with the ongoing costs relating to the purchase and development of the property not just the purchase cost.

Commissioner Ryan suggested allowing Commissioner Pauls to communicate with the proper parties regarding all building and site plans in the Governmental/Education Center. The Commissioners agreed to hold a special meeting at the Courthouse on February 5, 2001 at 2:00 P.M. to further discuss the site plan for the Governmental/Education Center and the 40-acre parcel adjacent to it.

Mr. Bell introduced Mrs. Kathy Warner to speak regarding the traffic light at Shore Drive and U.S. Highway 98. Mr. Bell stated that he received the Joint Participation Agreement from the Department of Transportation to proceed with the installation of the traffic light. The county would pay the cost of \$200,000.00 and D.O.T. would then reimburse the county July 1st of fiscal year 2002. Staff Attorney Jonathan Walker has reviewed the agreement and found it in order. The Department of Transportation has also requested the county take over maintenance of the traffic light once it is installed. Mr.

Bell stated that a public hearing would need to be held to consider amending the budget to transfer funds out of the CTT budget.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to approve the Joint Participation Agreement and Maintenance Agreement and hold a public hearing for a budget amendment for the \$200,000.00 to be taken from the CTT fund. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Warner addressed the Commissioners and expressed her appreciation to those who worked on getting this light installed along with Commissioner Pauls and Ron Taylor of the Sheriff's Department. Mr. David Ceiring also addressed the Board and thanked Mrs. Warner for her efforts along with Commissioner Pauls.

Chairman Walker called to order the advertised public hearing regarding the purchase of the old Wal-Mart building.

Attorney Kelvin Wells representing Mr. Schweitzer, owner of the building, stated that the county approached his client in the past with the request to make the purchase. Mr. Wells stated that after seeing the proposed plans for the courthouse addition, he and his client are well pleased and further realize that the citizens of the county do not want to purchase the Wal-Mart building; therefore, his client is withdrawing his offer to sell at this time. Commissioner Rees offered his appreciation to Attorney Wells and his client for their willingness to communicate with the county over this issue.

Motion by Vice-Chairman Rees, second by Commissioner Jones to accept Mr. Schweitzer's withdrawal of his offer to sell the county the Wal-Mart building.

Mr. Paul Cate, Heritage Association, stated that he has worked hard to establish the downtown area and keep the historical district in tact and thanked Mr. Schweitzer for withdrawing his offer.

Mr. Al Ward, Walton County Chamber of Commerce, also thanked Mr. Schweitzer and stated that he supports the proposed renovations at the courthouse.

Mr. Dennis Ray, Heritage Association, also expressed his appreciation and support of the renovations at the courthouse.

Chairman Walker called for the vote to accept Mr. Schweitzer's offer. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Jones stated that it is imperative not to put this issue on the back burner, but to act as expeditiously as possible to renovate the courthouse.

Motion by Vice-Chairman Rees, second by Commissioner Pauls to approve for Commissioner Jones and Ryan to work with staff to prepare a recommendation regarding the courthouse renovations, necessary amendments, or possible property purchases to keep the courthouse expansion progressing in an expeditious manner. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Les Hallman, Fire Chief, South Walton Fire District, and Mr. Bill Fowler, Fire Commissioner, appeared before the Board and stated that they would like to begin discussions in order that a final decision might be reached regarding fire-based EMS in South Walton.

Motion by Commissioner Pauls, second by Commissioner Jones to appoint Vice-Chairman Rees to work with staff and South Walton Fire District personnel to determine what is needed in order to implement the fire-based EMS in South Walton.

Mr. Don Crim questioned action taken by the Commissioners on July 25, 2000 stating that additional studies need to be made before implementing fire-based EMS. Chairman Walker stated that that related to North Walton only.

Mr. Hallman requested that these discussions occur as early as possible in order to prepare for the changes in the upcoming budget by May 2001 so that it can be implemented at the beginning of the October 2001 budget year. Chairman Walker called for the question. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Ryan wants to assure that with the change, that equal or better service will be provided. Mr. Ryan also stated that the county needs to be made aware of any resources that they will be required to contribute and how any units will be repositioned in the North end. Commissioner Ryan stated that Rosemary Beach had intended to dedicate two lots for a station and questioned if South Walton Fire District will still need those lots. Mr. Hallman advised that the station at Inlet Beach would be more than adequate once they begin the fire-based EMS. The following individuals were also asked to participate in the discussions: Mr. Matt Douglas, a representative from the Sheriff's Department, a private citizen, someone from the Fire Board, and Mr. Ronnie Bell.

Mr. Ken Little, Assistant Administrative Supervisor, presented the Request For Proposal for lobbyist services for the Board's approval before being advertised. Mr. Little stated that Mr. Imfeld has also reviewed the proposal. Vice-Chairman Rees stated that these are the types of issues that he feels staff could proceed with without having to be presented back to the Board again. Mr. Little questioned if federal lobbying is an issue

that they would like to include in the RFP. After discussions regarding federal issues that have occurred in the past, the Board agreed to leave federal lobbying services in the RFP. They also agreed to advertise for RFP's for a period of only 14 days.

Mr. Van Ness Butler stated that time is of the essence and felt that the county should have had a lobbyist in Tallahassee two weeks ago. Commissioner Ryan advised that he received a call from Representative Don Brown who also felt that the county needs a lobbyist there now. There have been a number of projects that Kassy Keyes has been working on that need to be given attention. Commissioner Ryan suggested proceeding with renewing Ms. Keyes contract and continue with the process of advertising for RFP's for the next budget session.

Vice-Chairman Rees stated that the county might need to be willing to spend additional monies in order to obtain a lobbyist. Mr. Rees suggested changing the closing date to receive RFP's to February 6, 2000 and opening them on February 7, with a presentation to the Commissioners during the meeting on the 13th. Commissioner Rees addressed the fact that staff has been communicating with State Representatives and Senators to insure that they are aware of the county's needs.

Motion by Commissioner Pauls, second by Commissioner Jones to authorize Vice-Chairman Rees, and other Board members who choose, to insure that Walton County's interests are represented in Tallahassee and made know to our Representatives. Ayes 5, Naves 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Mr. Bell reminded the Commissioners that the Florida Association of Counties has represented Walton County in the past and stated that they would like to see the Commissioners take part in Tallahassee also.

Mr. Little reviewed the changes and relocation of personnel to the Warren Building and also presented estimated charges of \$36,287.50 to \$38,140.10 for renovations. Mr. Little explained that quotes need to be obtained for installation of the phone system.

Motion by Vice-Chairman Rees, second by Commissioner Pauls to identify the bid specifications, waive the bid procedure and obtain quotes for networking at the Warren Building. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Little reminded the Commissioners that the Maintenance Department's tractor burnt last summer and requested to advertise for bids for the purchase of a 30 hp 4-wheel drive with lawn tires and a detachable backhoe and buckets. Mr. Little explained that the estimated cost is \$26,000.00 and the insurance paid \$18,000.00 for the loss of the other tractor. Discussion followed regarding the need for a backhoe and the Commissioner decided to bid the tractor with the backhoe being optional.

Motion by Commissioner Pauls, second by Commissioner Jones to advertise for bids for the purchase of a 30 hp 4-wheel drive tractor with an optional backhoe for the Maintenance Department. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Bell presented a request for change to the current contract with Watkins Construction to include costs for installation of a motion detector and to install conduit for the wiring of a water fountain that has been donated. Mr. Bell recommended proceeding with the change and installation during initial construction in order to save the

county additional costs in the future. Mr. Bell advised that the money would have to be taken from reserves.

Motion by Commissioner Ryan, second by Vice-Chairman Rees to accept Mr. Bell's recommendation to amend the contract and allow the security system and conduit to be installed for an additional cost of \$6,800.00.

Mr. Brian Kellenberger, Watkin's Construction, suggested making this a contingency adjustment to the contract and not a change order, thereby not altering the GMP. Attorney Miller stated that he does not feel that would be a problem. Mr. Imfeld stated that he sees this as a change order and does not want to alter the performance of the contract but continue to be consistent. Mr. Kellenberger felt that this is an item that could be classified under contingencies. Mr. Imfeld stated that he would meet with Mr. Dan Owens, Library Director, in an attempt to locate a line item where he might have funds available to cover these costs.

Chairman Walker called for the vote to amend Watkin's contract. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. He also requested that an explanation be obtained from CRA Architectural Firm as to why their original specifications did not include a security system.

Mr. Bell advised the Commissioners that he and Ms. Williams met with Watkin's, CarlanKillam and the Sheriff regarding various DEP permits for the new town center. He advised that a 24' wide roadway would be reduced to 22' due to limited space. Also, the sidewalks must be reduced from 6' to 5' around the bridges and the bridge would be reduced from 38' to 36'. The reductions will also reduce the amount of the contract. Mr. Kellenberger presented a copy of the DEP permits that include the clearing limits for the

bridges. He stated that the problem is not enough room to work in order to construct the bridges. Mr. Kellenberger explained the method they must now use to construct the bridge, which will cost an additional \$220,000.00 for materials to construct it in this manner. Mr. Bell stated that Mr. Paul Trimble, Carlan Killam, will be present later in the day to answer questions if the Board would like to defer this issue until then. Mr. Kellenberger stated that the site work contractor anticipates a savings of \$60,000.00 to \$80,000.00 for the reduction of sidewalks and roadways.

Mr. Bell presented a request from the Magnolia Creek Home Owners Association to extend the use of the Bailey bridge that the county has temporarily loaned them pending construction of a new bridge. Mr. Bell stated that they are working on the issue.

Motion by Commissioner Jones, second by Commissioner Pauls to extend the use of the Bailey bridge for an additional 6 months by the Magnolia Creek Home Owners Association. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Vice-Chairman Rees, second by Commissioner Jones to approve an interlocal agreement with the Walton County School District to provide four loads of dirt for the Freeport High School softball field. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Vice-Chairman Rees, second by Commissioner Ryan to approve a right-of-way easement with Chelco to provide electric service to the Sheriff's sub station with the condition that any changes are presented to the Board for approval. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Ryan, second by Commissioner Jones to approve payment to Ingram Signalization in the amount of \$35,626.34 for the traffic light at

Holiday Road and U.S. Highway 98. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Vice-Chairman Rees, second by Commissioner Pauls to approve payment in the amount of \$6,926.28 for the purchase of culverts, District 2. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Jones, second by Commissioner Ryan to approve payment in the amount of \$7,675.50 for the purchase of culverts, District 3. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve payment to Gustin, Cothorn & Tucker, Inc. in the amount of \$3,200.00 for work on Goodwin Creek Road in Magnolia Landing Estates. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Attorney Miller presented a request for an easement of .13 acres for Sprint, which is located at the Governmental/Education Center on the west side of U.S. Highway 331 at the south entrance. Sprint will submit \$1,200.00 for the easement, which is designated for landscaping. Mr. Miller stated that the easement is non-exclusive.

Motion by Commissioner Pauls, second by Commissioner Ryan to authorize Chairman Walker to execute the easement agreement. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The Commissioners recessed for lunch and reconvened at 1:35 P.M.

Mr. Dewey Wilson, Regional Utilities, presented a copy of the grant request for the November/December draw in the amount of \$721,736.71, the State will reimburse the county \$541,302.00.

Motion by Vice-Chairman Rees, second by Commissioner Pauls to authorize Regional Utilities payment request. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Wilson presented the Inlet Beach Sanitary Waste Contract for review and stated that he will be requesting approval of the contract at the next meeting.

Mr. Wilson advised that his company is performing a feasibility study to look into the expansion of water and sewer within their franchise area. The information will be presented upon completion; however, due to time limitations Mr. Wilson requested authorization to advertise for a public hearing to extend their franchise area boundaries.

Motion by Commissioner Ryan, second by Commissioner Jones to approve for Regional Utilities to advertise for a public hearing to consider the expansion of their franchise area boundaries. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Rees requested the Board hold an organizational meeting on Tuesday, February 12, 2001 at 9:00 A.M. in the Boardroom. The Commissioners agreed.

Commissioner Rees requested authorization to attend the FACT meeting on March 28, 2001. Attorney Miller stated that the Board could adopt a policy stating that Board members could attend any county affiliated meeting and submit a report to the Board afterward. A Board member can attend any meeting of which he is a board member.

Motion by Vice-Chairman Rees, second by Commissioner Jones to adopt a policy stating that it is at a Commissioner's discretion to attend a county related business

function or meeting. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. A Commissioner will submit a report back to the Board upon returning.

Vice-Chairman Rees requested that Staff Attorney Walker review all contracts to see which ones are active. He stated that he would like to be able to maintain the contracts keeping them appraised in advance of due dates. Mr. Pauls requested that each Commissioner receive a copy of the list.

Vice-Chairman Rees stated that Arvida/St. Joe has requested the Board approve a proposal for the placement of Town Limit Signs for Watercolor on the right-of-way on CR 30A and CR 395. The Commissioners deferred a decision on this item until the next meeting pending review by the Public Works Department.

Mr. Rees questioned Ms. Nancy James regarding her letter to Mr. Phil Sanders. Mr. Rees stated that it is his understanding that the Planning Department has turned down approval on a project for Mr. Jerry Jones. It is also his understanding that Mr. Sanders granted approval to place 90' south of the Coastal Construction Line (CCL). He questioned the county's position for turning this project down when the DEP approved it. Ms. James advised that the county finally approved the request and explained the process it went through. Commissioner Rees will discuss this issue further with Attorney Miller.

Mrs. Opal Davidson-Chandler appeared before the Commissioners and stated that she is aware of the space problems at the courthouse and offered her property to the county for sale. Mrs. Chandler's property is located on 5th street adjacent to Firestone. She also stated that Mr. King's property, adjacent to hers, is also available. Mrs. Chandler stated that she would need to have an appraisal performed before setting a price. Commissioner Ryan stated that this property should be made a part of the study when

considering the needs of the County. Commissioner Rees advised Mrs. Chandler that they will take her offer into consideration.

Motion by Vice-Chairman Rees, second by Commissioner Ryan to approve the minutes of December 28, 2000 as presented. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls presented the following recommended changes to the January 9, 2001 minutes: page 16-spelling of Killearn; page 17-add “in his opinion” regarding Mr. Rigby and “he believes” that they will not lose their vesting; page 18-intention; page 21-change purchase to “exchange”; page 23-strike the last sentence stating that they drafted an agreement and met with the neighbors; page 24-add “take into consideration” the Planning Commission’s recommendation; page 25-change the last sentence to state that “previous motion was not complied with”.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve the minutes of January 9, 2001 as amended. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Williams advised that the Humane Society will present the information requested of them at the next meeting and also stated that they have submitted their quarterly report to Mr. Imfeld.

Commissioner Jones introduced Ms. Faye Roberg who voiced concerns regarding the humane society along with Ms. Candace Joseph. Ms. Roberg stated that they live in the King Lake area and have filed numerous complaints with the humane society regarding vicious dogs in their neighborhood. Ms. Roberg advised that the dogs run loose on her property and pose a danger to her horses. She stated that the humane society

does not have sufficient equipment to work with and need to be able to enforce the laws better. Ms. Joseph stated that the dogs have attacked her horses causing extensive damage and that the owners have threatened to retaliate if she takes action against their dogs. Attorney Miller advised Ms. Joseph that she has a right to legal recourse for the damage caused to her horses. She also agreed that the humane society is understaffed and lacks the ability to perform their job.

Ms. Linda Morse also voiced her concerns regarding the humane society and questioned why a report must be filed repeatedly on the same animal.

Mrs. Patsy Register informed the Commissioners that the dog boxes are constructed to fit the truck and agreed that some of them are not strong enough to contain the larger dogs. Mrs. Register stated that a report must be filed each time an animal is picked up in order to document the number of times. Further discussion took place regarding the county's Animal Control Ordinance and the fines for each offence.

Commissioner Rees suggested contacting Attorney Mark Davis for a response on behalf of the humane society. Commissioner Walker questioned Mrs. Register about a letter received from the City of Paxton regarding the humane society terminating their services. Mrs. Register explained the situation involving the display of weapons when she and her employees responded to a call and stated that it is not safe to place her employees or herself into that situation and therefore cancelled the City's contract until the problem can be resolved.

Commissioner Rees requested to defer further discussion until the attorneys have an opportunity to meet. He also questioned the time frame on the purchase of the Lang property and questioned if the contract provides a walk-away clause. Commissioner

Ryan advised that the owner has acted in good faith and has already moved out. Commissioner Pauls stated that their responsibility to the public should be considered when making a decision. Commissioner Ryan explained the decision for selecting this property was due to the fact that the property was already developed and other properties were lacking the necessary amenities. Attorney Miller advised that he is in the process of reviewing the title in an attempt to clarify some issues and stated that the survey has not yet been conducted.

Motion by Commissioner Jones, second by Commissioner Vice-Chairman Rees to not perform the final closing on the Lang property until Attorney Miller can satisfactorily resolve the issues relating to the title. Ayes 4, Nays 1. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Naye.

Commissioner Jones requested that Planning Department staff offer no verbal opinion regarding property uses to avoid conflicts.

Motion by Commissioner Jones, second by Commissioner Pauls that Planning Staff offer no verbal opinion by phone on approval of projects. Any project presented to the Planning Department being given a written opinion must stipulate if the Board of County Commissioners has final approval or if a Planning Commission recommendation is required; therefore, stipulating that this is the opinion of the Planning Department, which is subject to Planning Commission review, recommendation, and the caveat that final approval is given by the Board of County Commissioners. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Rees introduced Mr. Jake Ingram, Arvida, who has discussed an issue with Mr. Bell relating to the placement of signage. Mr. Bell stated that the Uniform

Traffic Code must be adhered to, which would require the signs to be placed from 6-12 feet off the edge of the pavement. Chairman Walker suggested a minimum of 10 feet for safety reasons. Commissioner Rees stated that the Board needs to be consistent for all developments. Attorney Miller advised that an indemnification clause is needed to assure that Arvida will be responsible for maintenance and any damage caused by the location of the signs.

Motion by Vice-Chairman Rees, second by Commissioner Jones to approve a request by Arvida to place signs on the right-of-way with a stipulation that signs be placed at a minimum of 10 feet from the edge of the pavement and an indemnification clause. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls presented a proposed policy stating that new boards, agencies, and committee members shall receive an orientation for the board they will serve on. Ms. Williams advised that the Planning Department has held an orientation for new Planning Board members. Vice-Chairman Rees suggested allowing Mr. Mattison, Human Resource Director, to provide the orientation. Chairman Walker requested for Ms. Williams and Attorney Walker to develop a program to implement this training and report back to the Board at the next meeting.

Commissioner Pauls presented a history of the travel policy and the modification that took place as a result of the audit. The Board made a decision in March of 1999 to accept a flat fee with no options, of \$450.00 per month for travel reimbursement. Commissioner Pauls suggested that this rate be increased due to the amount of increase in fuel costs and the number of miles being traveled. Vice-Chairman Rees stated that he is in support of the proposal. Commissioner Ryan stated that the amount was based on an

average mileage traveled and is in favor of leaving the reimbursement as it is. Attorney Miller stated that the Attorney General says that whatever method is selected it must be justified.

Motion by Vice-Chairman Rees, second by Commissioner Jones to raise travel allowance for Commissioners to a flat fee of \$750.00 per month based on the provision of Florida Statute 112.061 (7) (f). Ayes 4, Nays 1. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Naye.

Commissioner Pauls stated that the Parks and Recreation Director position is still vacant and needs to be filled. The position is beneficial to the county according to the Comprehensive Plan. Vice-Chairman Rees suggested discussing this position further during the organizational meeting in February. Commissioner Pauls agreed to defer this item until February 12th and requested that each Commissioner prepare a list of needs for their districts regarding parks and recreation.

Ms. Williams advised that this position was advertised through Progressive Employment, however there were not enough applicants submitted to select a qualified candidate. She stated that Mr. Mattison is developing a web site to advertise county positions.

Another item Commissioner Pauls presented for discussion was the current status of contracts. He stated that all contracts need to be reviewed to insure that they are updated as necessary. Attorney Walker will review the contracts.

The Commissioners recessed briefly.

Attorney Miller presented the findings and facts of the final order for Treasure Island Marina and read it into the record.

Mr. Miller advised that he has found two problems on the title for the Lang property, which he is currently working to clear up. He will report back to the Board at a later date.

Mr. Miller also advised that he is awaiting the final order regarding TOPS'L and stated that he will forward it to the Board as soon as he receives it.

Attorney Miller advised that Mr. Bell has received a complaint regarding a right-of-way issue at Indian Women Road naming the county in the complaint. Commissioner Pauls stated that he met with the individuals to look into the issue. Mr. Miller is researching the matter to determine why the county has been named.

Chairman Walker questioned Attorney Miller regarding the right-of-way and survey for Collinsworth Road, District 2. Mr. Miller advised that he has not yet received the information from Mr. Jenkins.

Commissioner Ryan questioned Attorney Miller regarding a water line on Carol Lane. Commissioner Jones stated that he spoke with Mr. Tom Terrell and he stated that it does not matter to him where the fence is placed.

Vice-Chairman Rees questioned Attorney Miller regarding the noise ordinance. Mr. Miller stated that he would present various ordinances for the Commissioners to review.

Commissioner Pauls stated that funds have been made available to pave Indian Woman Road and he wants to assure that sufficient right-of-way is obtained. Mr. Pauls stated that the amount of right-of-way for Chat Holly Road also needs to be considered from U.S. Highway 331 to Mac Bayou Road. Mr. Bell will check into this matter and report back to the Board at the next meeting.

Commissioner Pauls requested for Attorney Miller to prepare an explanation of each pending legal case for the Commissioners review.

Commissioner Jones questioned Attorney Miller regarding the franchise agreement with the City of Freeport to purchase the Choctaw water system. He was advised that the City has gone through with the purchase. Attorney Miller advised that he has responded to concerns that were raised at the meeting that was held and forwarded those to Clayton Adkinson, Attorney for the City of Freeport.

Commissioner Ryan asked Attorney Miller if he responded to Ms. Pauls concerns regarding a rate increase she is being charged for water at Villa Tasso. Mr. Miller advised that he has requested an explanation from the water company and is awaiting a response.

Mr. Paul Trimble, CarlanKillam Architects, responded to questions by the Board regarding insufficient space to construct the bridges in the Governmental/Education Center and explained what the DEP permits will allow. Chairman Walker explained that the Board wants a resolution to the problem without costing the county additional funds. Mr. Trimble will meet with Watkins Construction, Mr. Bell, Commissioner Pauls, and Tindle Construction. The Board agreed to proceed with building the bridges if these individuals can resolve the issue without additional costs to the county.

Ms. Ingle presented the Walton County Investment Report for quarter ending December 31, 2000. She explained where county funds are being deposited and what interest rate is being received. Ms. Ingle stated that the Clerk's Office would be sending out RFP's to locate the best interest rates and service possible. She also advised that they will be changing to a cash flow management plan where the monies from the pool cash

account will be invested at higher interest rates. The Investment Committee consists of Mr. Imfeld, Ms. Ingle, and one citizen, which the Board needs to appoint.

Ms. Ingle presented a records disposition request for disposal of approximately 21 cubic feet of records. Power Shred has submitted a proposed fee of approximately \$3,000.00 to shred the records on site or as an alternative the records could be shipped to the Bay County Incinerator. Ms. Ingle will call to obtain costs.

Ms. Shirl Williams presented a letter of engagement from Hilton Galloway, Auditor, in the amount of \$48,000.00 in addition to \$18,500.00 for auditing unanticipated revenues. The current contract expires in December 2001. The Commissioners requested an explanation of the fees. Mr. Imfeld stated that the fees are consistent with the contract amounts and are determined by the amount of work that goes into the audit. Mr. Imfeld recommended accepting the agreements presented. Mr. Imfeld advised that two of the five items are charged directly to the Clerk.

Motion by Commissioner Jones, second by Vice-Chairman Rees to approve all five audit schedules as presented by Hilton Galloway of Carr, Riggs & Ingram, LLP. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Chairman Walker requested Mr. Imfeld advertise for proposals for auditing services before renewing another annual contract.

Ms. Ingle advised that she was not able to contact anyone at the Bay County Incinerator. The Commissioners agreed to have the records disposed of in the least costly manner.

Ms. Williams presented the playground-resurfacing grant for Wee-Care Park in the amount of \$5,191.00 for the Chairman's signature.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to approve the Chairman's signature on the Playground resurfacing grant. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Williams presented a letter for the Board's consideration for an offer of property by Mr. Charles King.

Ms. Williams presented a request by AZTEC Recyclers who would like to provide roll-off dumpster service to construction sites in Walton County. The county grants the two-year permit at a cost of \$5.00. AZTEC provides liability insurance coverage. The Commissioners felt that the fee should be increased in order to cover administrative costs. Vice-Chairman Rees requested a list of permits and related costs before any action is taken to change current fees.

Motion by Vice-Chairman Rees, second by Commissioner Ryan to approve a request by AZTEC and grant the two-year roll-off dumpster permit at a cost of \$5.00. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Allen Tucker presented Geronimo Plaza for final plat approval for recording. Attorney Miller reviewed the plat and advised that it meets all of the requirements.

Motion by Commissioner Pauls, second by Commissioner Ryan to grant final plat approval for Geronimo Plaza. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Clayton McHenry presented Paradise Beach final plat for approval for recording. Attorney Miller reviewed the plat and advised that it is in order.

Motion by Commissioner Pauls, second by Commissioner Ryan to grant final plat approval for Paradise Beach. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Shari Judkins appeared before the Commissioners requesting answers regarding Attorney Miller's contract for services, fees and the bidding process.

Mr. Vince Pasquello also addressed the Commissioners regarding the Attorney's contract. Mr. Pasquello stated that in his opinion, the audit was clear that the county needs qualified personnel to insure consistency. He questioned the effectiveness of the system and stated that it is the voters intent to request bids for new county attorney services. Chairman Walker advised that several issues of the Auditor General's report have been corrected.

Mr. Richard Whitaker stated that the voters sent a message that they want representation on the Board and said to allow Mr. Miller to continue to serve if they feel that he has done his job.

Mr. Bob Register stated that he feels it is appropriate to go out for attorney services as well as a lobbyist and CPA. Mr. Mike Judkins also asked to go out for bids.

Mrs. Judkins reminded the Board that the audit pointed to seven issues and felt that these items need action.

Mr. Gordon Porter, former Commissioner, felt that this is a vindictive issue and stated that Mr. Miller provides efficient service. He also stated that Mr. Miller is an asset to the county because of his knowledge and history of county issues and felt that it would be foolish to lose his services.

Ms. Williams advised that Mr. Miller's contract was approved in January 2000; however, he failed to sign it at that time but has since signed it.

Commissioner Ryan concurred with Mr. Porter and said that Mr. Miller's knowledge is invaluable to the Board and cannot support any movement to remove Mr. Miller.

Mr. Don Crim also stated that Mr. Miller is the best for this county and commented that you cannot obtain this caliber of legal advice for the money he is being paid.

Mr. Billy McLean, former Commissioner, stated that Mr. Miller saves this county money with his expertise and cannot afford to lose him.

Commissioner Pauls stated that all county contracts should be treated equal and requested discussing this issue further at the organizational meeting. Commissioner Rees agreed and stated that he would like to take a business like approach and bid the contractual services as they expire.

Mr. Porter also commented on the services being provided by Lobbyist, Kassy Keyes and stated that the Board should consider renewing her contract.

Motion by Commissioner Jones, second by Vice-Chairman Rees to reaffirm the renewal of Attorney Miller's contract for a period of six-months at which time it will be reviewed; and approve for Chairman Walker to sign the contract.

Commissioner Pauls reiterated that fact that the contract needs to be reviewed during the organizational meeting. Staff Attorney Walker requested the Board seriously consider the contractual services of Attorney Miller due to his 30 years of service to the county and his knowledge that goes with it.

Chairman Walker called for a vote on the motion. Ayes 3, Nays 2. Pauls Naye, Jones Aye, Walker Aye, Rees Aye, Ryan Naye.

Mr. Scott Culp, Sandspur Housing Partners, appeared before the Commissioner and complimented county staff for their assistance. Mr. Culp presented information relating to the development of a multi-family affordable housing project in South Walton. Mr. Culp requested the Board's support in order to submit his application for funding for "Topsail Cove Apartments". Mr. Culp presented information regarding rental rates, locations, conceptual site plans, amenities, and information relating to his company. Mr. Culp stated that local government contributions could be in the form of deferred fees or discounts for utilities. He advised that these are not the same funds as committed to the Escambia County Housing Authority; these funds are Housing Credit Allocations. Mr. Culp informed the Board that he is currently in negotiations with St. Joe for the purchase of property and stated that the application is due by February 26, 2001. Mr. Culp requested that staff be allowed to proceed with conceptual site plans and authorize Mrs. Henninger to execute the verification of availability of infrastructure. The Commissioners took this issue under advisement for further review. Mrs. Henninger will provide a cursory review.

Attorney Miller reminded the Board that during the last meeting they approved to terminate the lease and sublease for D/H Oil (Lucky 13 Truck Stop) and the indemnification escrow agreement conditioned upon review by him. Mr. Miller advised that he has reviewed the documents and requested certain changes be made. He stated that the bondholder's bank agreed that the escrow funds would be sufficient to pay off the

indebtedness. They have amended the agreement; therefore he will review it again and will present it for signatures at a later date.

There being no further business, the meeting was adjourned at 5:55 P.M.

APPROVED: _____
Herman L. Walker, Chairman

ATTEST: _____
Martha Ingle, Clerk of Courts