

SEPTEMBER 11, 2001 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, September 11, 2001 at 10:00 a.m. in the Freeport Community Center.

The following Board members were present: Commissioner Tim Pauls, Commissioner Larry D. Jones, Vice-Chairman Lane Rees and Commissioner Gene Ryan. Mr. Michael Underwood, County Administrator, Mr. Gary Vorbeck, Director of Legal Services, and Mrs. Rhonda Skipper, Administrative Supervisor to the Clerk of Courts, were also present.

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

Vice-Chairman Rees called the meeting to order in the absence of Chairman Walker.

Commissioner Pauls stated that he requested this meeting to obtain answers and determine the direction to be taken regarding Destin Commons, a large retail shopping center recently approved by Okaloosa County.

Attorney Tom Pelham, representing Silver Sands Joint Partnership, appeared before the Board and stated that this issue is important to Walton County, especially to those affected by Highway 98. He stated that Silver Sands would be affected due to the impact on Highway 98 and the traffic concurrency. The entire development consists of a 750,000 square foot shopping center, 800-room hotel and 1000 high rise residential condominium units on 187 acres. The portion of the project that concerns Mr. Pelham is phase I, known as Destin Commons, consisting of a 600,000 square foot shopping center

space and is located on 54 acres. The site plan for phase I is referred to as the Regional Activity Center (RAC) project. Okaloosa County Board of County Commissioners approved the RAC on August 21, 2001. Mr. Pelham stated that he had been monitoring the project over a period of time. He was told it could be months before approval of the first phase would be granted, which was approved more rapidly than expected. He stated that he and his staff has been requesting and reviewing all documents relating to the RAC and that he became concerned when he began seeing a substantial amount of construction on the project. He then discovered that no development orders or permits had been issued by Okaloosa County. A verified complaint must be filed within 30 days.

Mr. Pelham went on to question if Okaloosa County followed their own requirements. He further stated that parts of their documentation offered concern with Walton County roads being impacted. Mr. Pelham felt that this project has taken advantage of the RAC and creates the possibility that the development would not have to go through the DRI process.

Discussion followed regarding the infrastructure and the financial contributions by the developer. Mr. Pelham voiced concern with the agreement not requiring north and south roads to be constructed for five years after occupancy.

The City of Destin would be impacted by this project along with Destin to the west. Both cities' traffic consultant reviewed and found inconsistencies that need to be reviewed from the aspect of regional issues. Mr. Pelham stated that a memorandum from the Okaloosa Planning Department reiterated concerns with traffic problems and that plans for this project fall short of the Okaloosa County's Comprehensive Plan.

Attorney Pelham suggested that Walton County have an independent review to protect Walton County's interest as well as the citizens. He further requested the Walton County Commissioners file a verified complaint within the 30-days. He stated that this is the final opportunity for Walton County to research the matter. If the review finds no problem or no adverse affect on Walton County then no further steps would be required.

Mrs. Pat Blackshear, Okaloosa County Planner, appeared before the Board to answer questions on behalf of Okaloosa County.

Attorney Robert Apgar, representing Turnberry Enterprises, stated that he has been involved with this project for over one year and it is a well-planned project. The project is located at the intersection of Highway 293 and Highway 98. He stated that the project went to DCA for approval and two public hearings were held. Attorney Apgar stated that he read the county policy regarding the provision for providing roads and drainage, and when the improvements are completed additional capacity would be available. He further advised that the Mid-Bay Bridge Authority has also been involved.

Mr. Apgar stated that the north-south road does not currently serve any further development and that is the reason it is not proposed for improvements for another five years, nor does the project propose any inconsistencies with state laws. He stated that there are no inconsistencies in the project with state laws. He stated that they are meeting the concurrency requirements and paying their share up front. The developer is paying \$6 million for improvements adding 230 trips to west Highway 98 and another 200 trips with the other projects.

Attorney Apgar also stated that the Howard Group is proposing the Grand Boulevard project, and in his opinion will be the problem to Walton County, not the

Okaloosa County project. He asked the commissioners to refrain from filing a verified complaint against Okaloosa County due to insufficient evidence.

Commissioner Pauls questioned Mr. Apgar about the affect on Walton County. Mr. Apgar responded that their additional infrastructure would create more capacity on Highway 98, thereby alleviating traffic problems.

Mrs. Pat Blackshear stated that she is disturbed by acquisitions that have been made and accusations about her department's unprofessional attitude. She explained that one would have to understand the parallel road system of Okaloosa County.

Ms. Danielle Slaterpryce, Okaloosa County Public Works Department, presented maps of the road system and explained the parallel road system currently being created. She stated that an excess of \$100 million has been invested into the road system; also that Kelly Plantation is developing a roadway that will connect with the newly developed Okaloosa County road system. She explained that the concern over the north-south road not being constructed for five years should not be a concern since the original plan was for construction to begin in 10-15 years. Ms. Slaterpryce explained that without the generosity of the developer of Destin Commons, to place the storm water ponds on their property, the county could not have four laned the roadway. She explained other benefits that the developer provided in order to benefit the county.

Mrs. Blackshear spoke about the current level of service on the roads, which are designated "E". She stated that the original study from 1996 shows 50% of traffic traveling to Silver Sands; the impact on the City of Destin and the steps Okaloosa County took to meet the requirements.

Mrs. Blackshear advised that Walton County staff was given notice of their public hearing for the RAC in September of 2000 and that their intent was to design better roads. She explained that it would have been more difficult to extract the needed essentials from individual developers and complete information was sent to Walton County regarding this matter. She further extended an offer to work with Walton County regarding a joint traffic study. She presented a map of the Okaloosa County road system for the record and a previous traffic study prepared by HDR.

Mr. Ken Shannon, Walton County Planning Technician, spoke about the elements of traffic circulation.

Mr. Apgar said that Walton County has an inadequate level of service on Highway 98 and suggested finding a way to have the level of service revised.

Mrs. Blackshear advised that the traffic concurrency has been met for phase 1 of this project.

Commissioner Pauls stated a review of the completed traffic study was of importance to Walton County. He also stated that he would like to see an agreement between Walton and Okaloosa Counties and the City of Destin on the methodology of traffic concurrency. Mr. Pauls also stated that a regional review of Highway 98 including Destin, Okaloosa County and Walton County is important because the RCA process avoids the DRI process, and that an agreement between these entities is important in order to allow review for projects of a certain scale. Mr. Pauls stated that there should be development standards for Highway 98 dealing with access and driveway issues for consistency because of the effect on traffic concurrency. He stated that it is not his intention to negatively impact any developer.

Mr. Peter Bos, Developer, stated that any litigation would stop the process. He stated that DOT, City of Destin, and Okaloosa County all agree that the improvements being made will make the intersection in question, the strongest link in the chain, making a positive change. Mr. Bos stated that all of these entities along with the Mid Bay Bridge Authority have all been involved with the process and spent a great amount of money to perform the traffic study. The net affect is that the net gain will be a positive impact on the intersection, even in 15 years when the RAC is completely built out.

Commissioner Ryan stated that he would like additional time to review this issue due to the amount of information being presented at the last minute. He commented that Walton County might need a parallel road system, and while it looks like a good plan, more time is needed to discuss the related concerns and issues with Walton County Planning Staff.

Commissioner Jones also agreed that he would like to discuss this issue with staff.

Ms. Meg Stevenson, Editor for the DeFuniak Springs Herald Breeze, questioned the possibility of a change of methodology at a later point in time that would allow an increase of development.

The Commissioners recessed for lunch and reconvened at 1:00 p.m.

Chairman Walker was present for this portion of the meeting and asked Vice-Chairman Rees to continue serving as Chairman for this issue.

Attorney Pelham asked the Walton County Board of County Commissioners to review the issues and file a verified complaint if necessary. He feels there are several issues that do not meet the requirements and there is adequate reason to file a verified complaint. Attorney Vorbeck questioned Mr. Pelham about what part of the development

order is not in compliance. Mr. Pelham answered by stating that there are inconsistencies and he believes a deal was made between the developer and Okaloosa County for certain issues in exchange for certain gains to the county. He stated that he would not ask Walton County to file a complaint if there were not legitimate reason and that his client, Silver Sands Joint Venture Partners of Florida General Partnership, does have intentions of filing a complaint because they will be significantly and adversely affected.

Attorney Apgar reminded the commissioners that they only grounds for Walton County to file a complaint is if inconsistencies with Okaloosa County's Comprehensive Plan is found, not because of the impact of the project on Walton County. He further stated that there are no inconsistencies with state law and asked the commissioners to refuse Mr. Pelham's request.

Again, Mrs. Blackshear reminded the Board that nothing is in their Comprehensive Plan requiring them to notify Walton County.

Motion by Commissioner Ryan to not file a verified complaint.

Mr. Pelham stated that there is a provision in the Okaloosa County Comp Plan that requires coordination of their planning activities with the local governments located within its area of concern.

Commissioner Ryan restated his motion to not proceed with the filing of a verified complaint. The motion died for the lack of a second.

Motion by Commissioner Pauls, second by Commissioner Walker to proceed with the filing of a verified complain to allow time to review traffic studies and the affect on Walton County, and to complete agreements between Walton County, Okaloosa County and the City of Destin regarding traffic and development on Highway 98.

Attorney Apgar advised that this action would kill the project. Attorney Vorbeck stated that he could not recommend filing of a verified complaint based on the information that has been provided. He recommended having staff review the issues before making a decision on filing a complaint.

Chairman Walker withdrew the second to the motion to allow staff to review the issues. The commissioners agreed to hold a special meeting on September 17, 2001 at 4:00 p.m. at the Walton County Courthouse to discuss the findings and present their final decision.

Commissioner Jones stepped out.

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

General Fund	\$434,744.59
County Transportation Trust	121,312.25
Fine & Forfeiture	525,429.65
Mosquito Control State	1,697.00
N.W. Mosquito Control	1,853.27
Walton-DeFuniak Library	4,896.29
Recreation Plat Fee	409.94
Solid Waste Enterprises	8,923.98
Mossy Head VFD	664.15
Glendale VFD	388.17
Darlington VFD	826.71
Liberty VFD	14,912.63
Criminal Justice Education	82.48
Capital Projects Fund	51,809.46
Tourist Development Council	57,081.60
Multi-Purpose Trust Fund	25,000.00
Section 8 Housing	709.63
Red Bay VFD	25.00

Motion by Vice-Chairman Rees, second by Commissioner Ryan to approve expenditures as presented on the Expenditure Approval List. Ayes 4, Nays 0. Pauls Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve payment in the amount of \$12,292.00 to Leavins-Hughes Well Drilling for drought relief. Ayes 4, Nays 0. Pauls Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Jones returned.

Mr. William Imfeld, Financial Director, advised the commissioners that the county has received \$24,300.00 from Fish & Wildlife for reimbursement for the artificial reef constructed in July.

Mr. Gary Vorbeck stated that the contract for the noise consultant has been drafted. The next step is to define the scope of work.

Mrs. Angie Biddle, Grants Coordinator, stated that the Department of Health is making available to Walton County the Emergency Medical Services County Award Grant in the amount of \$13,825.74. She requested approval to file an application for radio equipment. The funds are not to supplement the EMS budget.

Motion by Commissioner Jones, second by Commissioner Ryan to authorize the Chairman's signature and accept the grant funding for the purpose of purchasing portable radios for EMS. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Biddle advised the commissioners that grant funds were received in the amount of \$2,880.00 under the Hazard Mitigation Grant Program. The funding was granted for retrofitting the Children's Home Community Center with shutters.

Motion by Commissioner Pauls, second by Vice-Chairman Rees to accept grant funding in the amount of \$2,880.00 for shutters on the Children's Home Community Center. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld requested to defer his presentation of a budget amendment from the YMCA for the Wee Care Park until the funds have been received. The Board concurred.

Mr. Imfeld advised that the county has received proceeds from the sell of "choice of life" license plates. The funds are to be given to agencies that deal with adoption. Two agencies have been located in Walton County and he requested the Board's direction on distributing funds in the amount of \$1,979.35. The only two agencies in Walton County who met the criteria are Healthy Families, DeFuniak Springs, or St. Margaret's Catholic Parish, DeFuniak Springs.

Motion by Commissioner Ryan, second by Vice-Chairman Rees to divide the revenues equally between the two organizations. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Russ Barry, Public Works Director, appeared before the commissioners requesting approval for a one-time project to remove waste tires from the property known as the Bullock property in Argyle. The Florida DEP has requested assistance from Walton County in the removal of approximately 10,000 waste tires from a private property in Argyle. The State will deliver trailers to the site, and Walton County will load the waste tires for disposal by the State. The purpose is to reduce the mosquito breeding area because of the county currently being under a medical alert for West Nile Virus and Eastern Equine Encephalitis. Mr. Barry estimated the cost to the county is \$13,000.00. Chairman Walker requested Mr. Barry approach DEP regarding an exchange of service

for property mitigation. Commissioner Pauls questioned obtaining ownership of the property. Mr. Barry stated that the former owner, Mr. Bullock, is deceased and his heir to the property cannot return to Florida, and further suggested that before the county considers acquiring ownership, they look at the toxic waste located on the property.

Motion by Commissioner Ryan, second by Commissioner Jones to approve providing public assistance to remove the tires with the stipulation to approach DEP. Discussion followed regarding filing suit against the property owner to recover costs of the clean-up. The Commissioners further discussed allowing Mr. Underwood to approve the clean up because it is within his expenditure approval. Commissioner Ryan amended his motion to direct Mr. Underwood and Mr. Barry to address the issue as needed. Commissioner Jones agreed to the amended motion. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Barry requested guidance for assisting private non-profit organizations. He explained several cases in which he provided support that he has received criticism for. Chairman Walker directed Mr. Barry to obtain approval from the Board before proceeding.

Attorney Vorbeck stated that a determination needs to be made by the commissioners if the public benefits from the assistance provided to a non-profit organization. The Board agreed to review each request before any work is performed.

Mr. Ronnie Bell, Emergency Response Director, updated the commissioners on the nation due to the terrorist attacks at the World Trade Center. He advised that State Emergency Operations Center is at a level 2, which is being manned 24 hours a day, that they are operating in a crisis management mode, and the Governor has signed an

Executive Order. The situation is being closely monitored and many governmental offices and colleges have been closed, also all commercial flights have been grounded until further notice. Mr. Bell stated that he would keep the commissioners updated as needed.

Mr. Bell presented a letter from Gerry Beard, Chief Operating Officer of Healthmark Regional Medical Center, regarding the location of a transfer crew at the Healthmark facility. Mr. Bell reminded the Board that during the budget process he submitted one 8 hour a day, 7 day per week transfer crew. He explained that the proposal is to place the transfer crew at the hospital because that is where the majority of the calls are generated. Hospital staff is willing to provide a day room to house EMS staff. The Board requested to review this issue and address it again in two weeks.

Mr. Bell presented the American Red Cross Agency Shelter Coordination Plan. The plan lists each shelter and their procedures and responsibilities in the event a shelter is opened. Current Walton County shelters include Paxton, Walton High School, and DeFuniak Springs Civic Center. The Red Cross is looking at future sites being opened at Freeport High School, West DeFuniak Elementary School, and Maude Saunders. Mr. Bell recommended approval of the Agency Shelter Plan. Mr. Bell explained that Butler Elementary could be used in certain disaster events, but not a hurricane.

Motion by Vice-Chairman Rees, second by Commissioner Ryan to approve the American Red Cross Agency Shelter Coordination Plan. Discussion also followed regarding the possibility of using the south Walton Sheriff's Sub Station, south Walton Library and fire buildings. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Bell presented an agreement for the Board's consideration between the county and Michael Wodnick. Michael is participating in the volunteer work-study program to assist him in applying for the Bright Future Scholarship Program. Mr. Bell recommended approval.

Motion by Commissioner Jones, second by Commissioner Ryan to approve the agreement as drafted by the Legal Services Department approving Michael Wodnick to receive on the job training at the EOC. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Bell requested approval for the Emergency Management Preparedness and Assistance (EMPA) Base Grant Agreement for Walton County. The county will be allocated \$105,806.00 from the Department of Community Affairs, which helps fund the Emergency Management Coordinator's position.

Motion by Vice-Chairman Rees, second by Commissioner Jones to approve the EMPA Base Grant Agreement. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Bell reminded the commissioners of the agreement between the county and South Walton Fire District transferring the EMS operations to them. The agreement provided for the county to transfer certain equipment to them and Mr. Bell requested approval to surplus the equipment for the transfer. The Board directed Mr. Bell to proceed with the transfer of equipment.

Mr. Ken Little, Citizen Service Director, introduced Mr. Phillip Anderson, Chairman of the Redistricting Committee. Mr. Anderson addressed the commissioners and thanked them for being allowed to serve the county. He presented two redistricting

plans for the Board's review shown as Plan Three A and Plan Six. Mr. Anderson stated that census data for Walton County showed a population of 40,600, each district accounting for 8,120. Vice-Chairman Rees stated that consideration should be given to the historical/cultural areas of the county in order to keep areas of interest or communities from being divided. Chairman Walker voiced concerns with the changes between D2/D3 boundary lines. He expressed the need to keep changes to a minimal.

Mr. John Simms, District 4 resident and past member of the Redistricting Committee, spoke about the redistricting plans and stated that the past committee did not have accurate numbers to work with last time. Mr. Simms also spoke about the importance of keeping representation south of the bay for district's one and five. He pointed out that moving the boundary lines for district five to include portions north of the bay could create the possibility of an individual being elected from that area, therefore losing representation from the area south of the bay.

Vice-Chairman Rees requested additional time to review the proposed plans. Mr. Little stated that once adopted, the revised district boundaries would have to be published twice. Commissioner Pauls stated that he would like to see as little change take place as possible.

Mr. Jack Arthur, Director of Growth Management, presented a proposed amendment to the ordinance on Abatement of Unsafe Buildings. After further discussion the commissioners agreed to set a public hearing and allow further time to review the ordinance.

Motion by Vice-Chairman Rees, second by Commissioner Jones to schedule a public hearing on October 23, 2001 at 1:30 p.m. to consider adoption of the revised

ordinance on abatement of unsafe buildings. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented a request for renovations at the Courthouse Annex to accommodate the growth of personnel in the Growth Management Division. He presented quotes for the purchase of modular furniture, also labor and equipment charges to rework the phone lines and computer lines. He requested to divert \$35,000.00 from this year's budget from other sources.

Vice-Chairman Rees questioned Mr. Underwood regarding the time line for relocating the Growth Management Division to a different location. Mr. Underwood stated that based on the latest discussion it would be two years. It will take approximately six months to renovate the old hospital for relocation of courthouse staff. Mr. Arthur stated that he is not requesting additional monies, just relocation of other monies.

Commissioner Pauls voiced the urgency of providing necessary space and equipment for the Building Department and Planning Department to operate efficiently.

Motion by Commissioner Jones, second by Commissioner Pauls to approve Mr. Arthur's request to divert monies to provide for renovations.

Commissioner Ryan questioned the availability of using in-house labor due to the numerous on-going projects. He also advised that the plumbing and electrical repairs would require extensive work. Discussion was held regarding the possibility of hiring contractors to perform the work. Mr. Arthur stated that he would work with Mr. Charles McMillian, Supervisor of Walton County Maintenance Department.

Mr. Don Crim reminded the commissioners that ADA requirements need to be considered when performing renovations at the Courthouse Annex.

Chairman Walker called for a vote on the motion to divert the requested monies. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Walker Naye, Rees Aye, Ryan Aye.

Mr. Arthur presented a right of way use agreement on behalf of the Empress Condominium. The agreement, regarding the installation of the bike path, is consistent with what the county has agreed to. The agreement also explains both the Empress Condominium and the county's right of way and their rights. Commissioner Pauls stated that he has reviewed the agreement and suggested several additions to prohibit the flow of water onto the bike path or roadway from landscaping/irrigation.

Motion by Commissioner Pauls, second by Commissioner Jones to approve the right of way use agreement as amended. Ayes 4, Nays 1. Pauls Aye, Jones Aye, Walker Naye, Rees Aye, Ryan Aye.

Mr. Arthur requested authorization to enter into a contract with Regional Planning Council, using his Professional Services budget, for assistance in the preparation of necessary changes in the Land Development Code. Mr. Arthur will develop a contract to be presented to the Board for review at a later date. Commissioner Pauls stated that information needs to be made available to the public.

Commissioner Pauls stated that he would be requesting to change the designation of small-scale amendment to legislative rather than quasi-judicial. Mr. Arthur stated that his department would support that request, but would not want to do away with the notice requirements.

Vice-Chairman Rees advised Mr. Arthur that he would be making a Planning Commission recommendation later in the meeting. He also gave compliments to Mr. Gary Mattison on his hiring procedures.

The Board recessed until 5:00 p.m.

Chairman Walker called to order the advertised public hearing to consider the adoption of the resolution re-imposing the MSBU for fire protection for Darlington, Liberty, Freeport, Glendale, Mossy Head and Red Bay Fire Departments.

Ms. Shirl Williams, Assistant County Administrator, presented the proposed resolution with no changes.

Motion by Vice-Chairman Rees, second by Commissioner Ryan to adopt a resolution (2001-55) imposing the MSBU for fire protection. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Chris Anglin appeared before the commissioners requesting assistance with road improvements on Canary Road. Chairman Walker directed Mr. Anglin to discuss his request with the Public Works Department.

Mr. Tracy Howell, South Walton Tourist Development Council, cancelled his time on the agenda.

Attorney Vorbeck advised the commissioners that he received a request from Tracy Peters, Department of Environmental Protection, for an 800mhz communications tower on the property. The property is restricted exclusively for prisons. He presented a draft letter for the Chairman's signature, if approved, consenting to tower site approval.

Motion by Commissioner Ryan, second by Commissioner Jones to approve the Chairman's signature on the letter authorizing them to proceed through the Planning Department's procedures. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Vorbeck advised the commissioners that a title search and survey are in progress on the Andalusia walkover property. He requested this issue be deferred pending receipt of this information.

Mr. Vorbeck stated that the Animal Control Ordinance is being advertised and will be presented on the September 17<sup>th</sup> agenda for further discussion.

Mr. Vorbeck stated that he has set a meeting with Mr. Dewey Wilson on September 17, 2001 to discuss issues relating to Regional Utilities.

Mr. Vorbeck presented a list of pending litigation for the commissioner's review. Commissioner Pauls stated that he is awaiting information from Attorney Miller. Ms. Williams advised that she spoke with Mr. Miller and he is in the process of updating the requested information.

Attorney Vorbeck stated that he met with Mr. Van Ness Butler and agreed on the lease of property terms for the Arts Center. He presented the lease for review and will present the final lease agreement at the next regularly scheduled meeting.

Mr. Vorbeck advised that the commissioners, who are serving as the Board of Trustees for the Walton Regional Hospital, would conduct a meeting at the beginning of the next Commissioner's meeting to take deed to the property.

Mr. Vorbeck advised that Walton County prevailed against Wex Tex Holdings, Inc., d/b/a Treasure Island Marina, but they will appeal the case. He requested authority to direct Attorney David Theriaque to continue on the case. The Board concurred.

Attorney Vorbeck stated that Walton County has an appeal to the Florida Water Judicatory Commission regarding Tops'l, who is appealing the Board's decision denying their request to extend the build out date for the DRI.

Mr. Vorbeck advised the Board that two verified complaints have been filed against the county regarding Grayton Corners, and the county has 30 days to discuss the issue with those individuals. In the event the case is taken to court, the developer will fund the majority of the litigation costs. Chairman Walker asked staff to provide information relating to other developments that have been allowed to utilize the 65% rule. He further questioned if the vote could be reconsidered if the information presented to them was misleading.

Mr. Vorbeck stated that he received correspondence regarding Attorney David Holder and Attorney Allen Ramey's service to the county. He will be reviewing their scope of service and providing additional information to the Board.

Mr. Vorbeck advised the Board that Seaside has filed a notice of proposed change on their DRI. They are requesting their project be considered complete.

Mr. Vorbeck also informed the Board that he will be providing final orders for the Chairman's signature for each ruling that is made.

Chairman Walker welcomed former Walton County Commissioner, Rosier Cuchens, to the meeting.

Motion by Commissioner Ryan, second by Commissioner Jones to approve disposition of the Tax Rolls dated 1960-1995 as requested by the Clerk's Office. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. The records have been microfilmed or recorded in accordance with Florida Administrative Code.

Motion by Commissioner Jones, second by Commissioner Ryan to accept surplus property, CC#523-IBM PC & monitor, from the Clerk's Office. 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 agreement with DOT for bridge replacement on Walton Bridge Road over Bruce Creek. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. DOT will turn the right of way back over to the county upon completion of the project.

Mr. Underwood advised that completion of J.D. Miller Road will impact some wetlands, and the county will be required to provide property for mitigation. He spoke with Preble-Rish regarding the exchange and the need for additional communications need to be opened with the Department of Environmental Protection (DEP) to begin the mitigation process. Chairman Walker felt that the paving of J.D. Miller Road should be enough mitigation in itself by eliminating the negative it has created. Commissioner Pauls stated that DEP would like to see J.D. Miller Road removed because it hinders the flow of water. Commissioner Ryan felt that it is time to discuss these issues to the Legislators. Chairman Walker directed Mr. Underwood to work with DEP regarding this issue.

Mr. Underwood stated that the committee met regarding the construction of the new courthouse in an attempt to develop a timeline. They are working diligently in order to inform the Judge and to make renovations at the old hospital only one time. He stated that they need to move forward with the process. Chairman Walker stated that he would like to meet with Mr. Underwood individually to discuss his recommendations for renovations. Mr. Underwood stated that the committee's projected date to move will be June 30<sup>th</sup>. Commissioner Jones stated that the relocation will not happen as quick as originally planned. He also stated that the Judge needs ample time to prepare his docket accordingly for the move. Commissioner Jones stated that the committee is awaiting a

recommendation from the Board. Mr. Underwood advised that Mr. Kellenberger, Watkins Constructors, is preparing estimated costs of renovations.

Vice-Chairman Rees recommended allowing additional time to review the estimated costs along with Mr. Walker's recommendations, and review the issue further at the next meeting. Chairman Walker stated that he wanted the renovations to be a first class operation without having to totally reconstruct the entire building. He informed the Board that JRA Architects will be assisting him on a walk through of the building.

Commissioner Ryan stated that county offices are being piece milled together, costs are unsure, and the Judge is being delayed. He felt it would be better to move into the Food World building or into the Cowboy Bargain Center. This would allow all of the departments being relocated to be housed together and would also allow those buildings being vacated to be renovated in a well-planned manner.

Mr. Underwood thanked Ms. Nancy James, South Walton Community Council, for the opportunity he was given to address them.

Commissioner Pauls presented a request to change the Land Development Code allowing for small-scale amendments to be moved into the legislative area rather than quasi-judicial without losing the notice requirements. The change would require two public hearings to adopt the ordinance. The Board directed staff to draft an ordinance and set a public hearing.

Commissioner Pauls updated the Board on action taken by C/J Lands. He stated that C/J filed legal action that has the effect of an injunction preventing the county from performing right of way improvement on the county's right of way located on North Holiday Road. He advised that no other resident on that road had any input. Mr. Pauls

stressed the importance of the county not losing their right to make needed improvements within its own right of ways. Mr. Pauls stated that Attorney Miller had been handling this case and stated that he has not responded to his requests. Chairman Walker requested to communicate with Mr. Miller regarding this issue. The commissioners concurred.

Vice-Chairman Rees announced his shock over the recent clearing of land at the Governmental Education Center. He urged the county to lead by example and further stated that the only trees that should be removed are those that are required to be removed due to construction. Commissioner Pauls voiced the same feelings and stated that the county should adopt procedures to follow the same guidelines as developers.

Due to the resignation of Mr. Tom McGee from the Planning Commission, Vice-Chairman Rees motioned to appoint Mr. Tom Patton. Mr. Patton is businessman in south Walton, District 1 resident and former member of the Chamber of Commerce. Commissioner Jones seconded the motion. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioners Jones and Ryan did not present any issues for discussion.

Chairman Walker presented the minutes of August 14, 2001 – Regular Meeting and August 28, 2001 – Regular Meeting for approval.

Motion by Commissioner Ryan, second by Commissioner Pauls to approve the minutes of August 14, 2001. 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 the minutes of August 28, 2001. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

There being no further business, Commissioner Pauls motioned to adjourn the meeting at 6:00 p.m., seconded by Vice-Chairman Rees.

APPROVED: \_\_\_\_\_  
Herman L. Walker, Chairman

ATTEST: \_\_\_\_\_  
Martha Ingle, Clerk of Courts