

OCTOBER 9, 2001 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, October 9, 2001 at 1:00 p.m. in the Boardroom of the Tourist Development Council.

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 Ms. Martha Ingle, Clerk of Courts, were also present. Chairman Walker was not present.

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

Vice-Chairman Rees called the meeting to order.

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

General Fund	\$70,234.69
County Transportation Trust	414,764.96
Fine & Forfeiture	910,971.86
N.W. Mosquito Control	1,152.32
Mosquito Control State	1,775.30
Walton DeFuniak Library	11,089.47
Solid Waste Enterprise	7,385.89
Mossy Head VFD	222.63
Glendale VFD	25,126.91
Darlington VFD	1,256.45
Liberty VFD	963.29
Red Bay VFD	866.96
Capital Funds Project	1,098.28
Tourist Development Council	223,031.27
Section 8 Housing	19,617.71
Mott Sign Grant	479.56
Recreation Plat Fee	3,966.10

Local Option Gas Tax

20,667.92

Motion by Commissioner Ryan, second by Commissioner Jones to approve payment of bills as presented on the EAL. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. William Imfeld, Financial Director, presented a budget amendment request to roll forward budget revenues and expenditures for uncompleted grants, construction projects and capital expenditures from fiscal year 2000-2001 into fiscal year 2001-2002.

Motion by Commissioner Jones, second by Commissioner Ryan to approve a budget amendment (resolution 2001-58) rolling forward grant monies. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Imfeld pointed out that the Coastal Branch Library was completed \$113,000.00 under the GMP. Since completion an additional \$30,000.00 was designated to pay for landscaping and irrigation, which left \$83,000.00 that was placed into reserves. In addition, \$169,000.00 in unspent grant monies from the library is being rolled forward.

Mr. Jack Arthur, Growth Management Director, welcomed Mr. Mike Lang, new County Planner, to staff.

Attorney Vorbeck asked Mr. Arthur to review the code enforcement process, which currently goes through the citation process instead of the Code Enforcement Board, which could eventually go before the County Judge. He requested authorization to review the code along with Mr. Arthur to assure there are no prohibitions from taking everything to the Code Enforcement Board instead of using citations where possible. Commissioner Pauls felt this was a good idea for certain issues that could be heard by the

Code Enforcement Board and don't need to be handled through court. Vice-Chairman Rees recommended that Mr. Vorbeck and Mr. Arthur review this issue.

Vice-Chairman Rees asked that the commissioners be prepared at the next meeting to make the necessary appointments to the various boards. He also asked Mr. Arthur to be prepared with a recommendation regarding the Coast Dune Lake Advisory Board.

Mr. Russ Barry, Public Works Director, presented a change order request for Huckaba Road in the amount of \$4,184.00 resulting from additional turnouts.

Motion by Commissioner Ryan, second by Commissioner Jones to approve the change order request for Huckaba Road for an increase of \$4,184.40. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Barry presented a request for an agreement on behalf of Mr. Leroy Berry, Santa Rosa Plantation. Attorney Rick Powell, representing Mr. Skip Berry, appeared before the commissioners to answer questions. Mr. Russ Barry explained that Mr. Skip Berry is requesting to be allowed to keep a fence that has been constructed on the county's right-of-way. The right-of-way is only being used for storm water management.

Attorney Powell stated that the property is located in the Turquoise Beach area off of Sally Lane, which leads to Mr. Berry's property. The fence is located 6' into Sally Lane, which has not been cleared. Mr. Powell stated that his research indicates that a final decree was issued in 1965, which does not support the county's position that a 66' right-of-way exists. If the right-of-way is only 20' the fence does not encroach into the county's right-of-way. He proposed to enter into an encroachment agreement between Mr. Skip Berry and the county that at any time the county desires to clear the road or

develop that area, Mr. Berry would remove the fence at his own expense with a 60-day notice. Mr. Berry is trying to avoid the expense of removing the fence unless it is absolutely necessary.

Commissioner Pauls felt the encroachment agreement would work well.

Attorney Vorbeck stated that policy needs to be set to handle all of these issues in the same manner. Right of way is designed for certain reasons including safety. He requested to research the issue further and draft a right-of-way agreement. Attorney Powell requested assurance from the Board that they would not be fined by Code Enforcement for not removing the fence pending Attorney Vorbeck's research. The Board concurred.

Mr. Barry presented a request on behalf of Mickey Pybus for county maintenance in the Magnolia Beach Subdivision. Mr. Barry explained that county policy states that roads be paved and maintained for a period of three years and inspected before the county accepts it as a county road; the roads are paved and appear in good condition. Mr. Barry recommended continuing maintenance until the three-year time limit is up and then consider accepting the roads at that time. The Board concurred.

Mr. Barry presented a change order request for CR2A for an increase of \$341,201.00, which consists of adding additional rip-rap and filter fabric, thermoplastic traffic striping, and base work for widening the road surface.

Motion by Commissioner Ryan, second by Commissioner Pauls to approve the change order request for CR2A. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Barry brought to the attention of the commissioners, the situation regarding Andalusia Avenue. Attorney Vorbeck stated that they are trying to determine if the county has accepted Andalusia Avenue according to previous minutes.

Motion by Commissioner Pauls, second by Commissioner Jones to clarify that the Board of County Commissioners wish to insure that the entirety of Andalusia Avenue was and is accepted for county maintenance. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Barry presented information regarding stop work orders on seven projects, as issued by the Army Corp of Engineer. He advised that it is the responsibility of Walton County to obtain the necessary permits on all projects. Stop work orders have been issued on the following roads: Collinsworth Road, Christian Life Road, E. Hodge Road, Flowers and Thomas Road, Pelayo Road, Thompson Road and Indian Woman Road. There are two ongoing projects in which he has sent Biologists out to review both roads to ensure that no wetlands have been encroached upon. He stated that they are attempting to meet with the Army Corp of Engineers and the DEP to work out a solution and to modify the county's process for other entities that wish to work in the county's right-of-way. Mr. Underwood also advised that he has been communicating with the Corp and DEP for coordinating all work. Commissioner Pauls stated that he has met with Mr. Holder of the Corp of Engineer and advised him that he does not want any intentional violations, however, many of the projects have been carried forward from years past. Mr. Barry stated that procedures need to be established for better communications to solve these problems in the future. Commissioner Ryan stated that from information he read,

they are attempting to tell Walton County which roads can be paved and which ones cannot, according to its public purpose, which he feels is beyond their scope of authority.

Mr. Ken Little, Citizen Services Director, appeared before the Board along with Mr. Phillip Anderson, Redistricting Committee Chairman, and presented the proposed district boundary maps. Mr. Anderson presented Plan Six and Plan Six-A and explained that the committee's vote resulted in a tie due to the absence of one member.

Motion by Commissioner Ryan, second by Commissioner Jones to adopt Redistricting Plan Six. Ayes 2, Nays 2.

Ms. Nancy James stated that she prefers Plan Six-A because she feels that the area representation for South Walton, District 1, should not include areas of DeFuniak Springs.

Vice-Chairman Rees called for the vote. Pauls Naye, Jones Aye, Rees Naye, Ryan Aye. The commissioners agreed to address the issue again at the next meeting when Chairman Walker could be present.

Ms. Ingle recognized Mr. Anderson for his years of service as the former Clerk of Court.

Mr. Gary Mattison, Human Resource Director, presented the following personnel policy changes and clarifications for consideration. Policy 5.10-Workweek, Policy 5.11-Department Rules and Regulations, Policy 5.30-Overtime pay, Policy 5.31-Compensatory Time Off, Policy 5.50-Travel Reimbursement, Policy 5.60-Time Sheets, and Policy 6.92-Business Meals, which was withdrawn. The Labor Law Attorney has reviewed the overtime and compensatory time policy. Discussion was held regarding the amount of compensatory time being earned and the ability to keep the hours to a

minimum. Mr. Mattison stated that the per diem for meals would be kept at \$3.00, \$6.00 and \$12.00.

Motion by Commissioner Pauls, second by Commissioner Jones to approve the personnel policy amendments as recommended with the exception of Policy 6.92. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Mattison advised that he is looking at changes to the Military Policy in regards to recommendations from Governor Bush. Vice-Chairman Rees shared with Mr. Imfeld several points addressed during the Florida Association of Counties Meeting regarding proposed budget cuts.

Vice-Chairman Rees questioned if the commissioners had an opportunity to review the department's goals and objectives. He stated that goals should be SMART, specific, measurable, achievable, and reachable and something that moves toward a target. He commended those departments who have completed their goals, but stated that they should be more clearly defined. Commissioner Pauls felt that goals are good in order to maintain focus and he also felt that timelines should go along with the goals.

Mr. Underwood reminded the commissioners that he and his staff work for them and he would like to see goals from the commissioners in order for staff to know what direction they need to be working in. Mr. Little agreed that with defined goals from the commissioners, staff would have a direction to be working toward. The commissioners discussed the need to hold a workshop to address the goals and objectives.

Motion by Commissioner Jones, second by Commissioner Pauls to accept a 1995 Buick Century, VIN #1G4A685MX56502116, as surplus property from the Property Appraiser's Office. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Underwood requested to cancel the November 13th Board meeting to allow staff travel time to attend the legislative conference in Orlando.

Motion by Commissioner Jones, second by Commissioner Ryan to cancel the November 13th Board of County Commissioners Meeting and approve to hold a special meeting on the morning of October 13th to handle any emergencies that may arise. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Pauls, second by Commissioner Ryan to cancel the December 27th Board of County Commissioners Meeting due to the holidays. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Underwood explained that the board previously approved an amount of \$30,000.00 for landscaping and irrigation for the Library and GEC Center. He requested an additional \$6,631.50 from contingency to complete the landscaping and irrigation for the Sheriff's substation.

Motion by Commissioner Pauls, second by Commissioner Jones to approve to spend an additional \$6,631.50 from contingencies for landscaping and irrigation at the Sheriff's substation. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye. Mr. Underwood advised that the transfer of the key for the new facility would occur on Friday at 3:00 p.m.

Motion by Commissioner Jones, second by Commissioner Pauls to approve the Chairman's signature on the Certificate of Substantial Completion for the Sheriff's substation. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Jones, second by Commissioner Ryan to accept

CC#442, IBM Color Monitor, as surplus equipment from the Clerk's Office. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Commissioners Pauls brought discussion to the table regarding a portion of the Comprehensive Plan dealing with intergovernmental coordination because of the situation with Destin Commons. He stated that our comp plan addresses coordination with neighboring counties and asked if our Planning Department has ever written a monthly memorandum or if a citizen's advisory board has been appointed as stated. Ms. Williams advised that during the development of the comp plan there was an advisory committee in place, but it did not continue afterwards. Mr. Pauls suggested that a committee be appointed to meet at least twice a year and suggested a mix of people who could possibly serve. Commissioner Pauls also spoke about Policy IC-1.5.1 regarding Comprehensive Planning Forum and asked if this type of coordination is being done. He stated that comprehensive plan reviews should be done more frequently than every seven years and asked Mr. Arthur to review this issue. Ms. Williams commented that with an increase in personnel the reviews would be able to be done more often.

Another issue Commissioner Pauls brought before the Board related to Infrastructure elements in policy I-4.2.1.8, which relates to stormwater planning and I-4.3.2 relating to incentives. He voiced concern with the language "shall" and the county's ability to abide by it. Commissioner Pauls also spoke about Objective I-4.4 relating to the protection of natural functions of drainage features including dredge and fill and clearing of natural vegetation. He felt that one of the most important aspects is to build a consensus as a Board as to the direction.

Mr. Hilton Lawson agreed with Mr. Pauls and stated that there is a drainage problem on East Mac Bayou Road that needs to be addressed. He said that there are developers who are currently willing to assist the county, but the longer the county waits to correct it, the more costly it will be.

Commissioner Ryan and Commissioner Jones did not present any items for discussion.

Vice-Chairman Rees presented an example of a Tree Ordinance from Leon County and stated that Walton County should lead by example. He felt that an ordinance should not be too restrictive, however, he does not want to see all natural vegetation destroyed. Commissioner Pauls stated that he has reviewed the Leon County Ordinance. He feels that clear cutting does not meet today's objectives and would like to see an ordinance that provides incentives to keep trees or to replace them. Vice-Chairman Rees requested Mr. Arthur to review the ordinance and begin developing an ordinance for Walton County.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve the following minutes: August 7, 2001-Land Use Hearing; September 11, 2001 – Regular Meeting; September 24, 2001- Budget Hearing; September 24, 2001-Public Hearing; September 27, 2001 – Special Meeting; September 10, 2001 – Land Use; September 17 – Budget Hearing. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mrs. Heather Wellman, Public Information Officer, stated that she attended the Northwest Florida Legislative Day Meeting and advised that Walton County would be taking more of a pro-active role by having our own display that will showcase tourism, economic development, and agricultural and historical significance.

The Board recessed until 5:00 p.m.

Vice-Chairman Rees called to order the advertised public hearing to consider an ordinance relating to onsite sewage treatment and disposal systems for proposed new homes located south of the Choctawhatchee Bay and the intercoastal waterway of Walton County.

Dr. Susan Turner, Walton County Health Department, commented on the proposed ordinance for the construction of new homes and septic tank repairs. She stated that the Health Department has considered approaching the commissioners about improved treatment system requirement for areas within the seasonal high water tables where normal septic tanks do not operate well causing potential risks of contamination of well water.

Mr. Barry Town questioned Dr. Turner as to the number of problems that have been reported due to contaminates. Dr. Turner stated that they have not had any reports from such contamination.

Mr. Dewey Wilson, President of Florida Community Services for Regional Utilities, stated that they are not presenting the ordinance for mandatory hook-up. He stated that they are in the process of installing low-pressure sewers in areas north of Highway 98 and the coastal areas with low water tables whereby each home would be required to have their own pump to pump into the sewer system. Regional Utilities is furnishing and installing those pumps for existing homes and they are also furnishing pumps, but not installing, for new homes and they are also offering maintenance of the pumps. Mr. Wilson stated that they have been working with the State of Florida, the

Choctawhatchee Bay Alliance, US Fish & Wildlife and have documented cases of contamination in the Bay, bayous and lakes after heavy rain falls.

Mr. Wilson answered questions relating to the \$8 million, which is borrowed money and not a grant. He advised that financing is available for low-income residents and can be financed interest free under the HUD Housing requirements. He further explained that they would begin installing the systems in the most heavily populated areas.

Mr. Steve Landry stated that he feels Mr. Wilson is doing a good job and further voiced concern for people who cannot afford to have a system installed. He felt that existing homes should be inspected to determine compliance and grant them an exemption. Commissioner Pauls advised that the ordinance does not require someone to hook up if their system is functional.

Mr. Bill Bard, property owner in Old Town Santa Rosa, questioned Mr. Wilson regarding the time frame for water and sewer to be installed in that area. Mr. Wilson advised that they would be installing the lines on the main streets first then they would cover the secondary streets. Mr. Wilson stated that they are also trying to serve the problem areas first.

Mr. Gary Town commented that these mandates are the driving forces for developers in deciding their density because of rising costs. He felt that other issues need to be considered such as power outages during hurricanes. Commissioner Pauls stated that water/sewer and density are different issues.

Mr. Don Chambers felt that forcing individuals to hook up to a system could be too costly for some.

Dr. Turner answered questions by Mr. Brian Stranko that the ordinance only requires new homes and repairs to tie into a system.

After further discussion regarding the requirements of the ordinance and redundant language to Florida Statute, Commissioner Pauls motioned to close the public hearing, second by Commissioner Jones. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Ryan, second by Commissioner Pauls to table this issue and direct Attorney Vorbeck to review Florida Statutes to assure that this ordinance is not repetitious in language. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mr. Wilson presented a proposed resolution regarding the permitting of low-pressure sewer systems and read it into record explaining the need for installing gravity sewer systems. The resolution approves the low-pressure sewer systems for lots of record only for the Regional Utilities of Walton County franchise area.

Motion by Commissioner Pauls, second by Commissioner Ryan to adopt a resolution (2001-59) relating to the installation of low-pressure sewer systems. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Mrs. Kriss Titus, Executive Director of the South Walton Tourist Development Council, appeared before the commissioners with information relating to their 90-day Crisis Management Plan and to request use of contingency funds. Mrs. Titus introduced members of their marketing agencies who were present. She advised that an assessment was sent out to determine where tourism stands in Walton County because of the September tragedies. The airline market has been affected the most causing a downturn in the group market. The drive market was also greatly affected during the first two weeks

after the tragedy, which is down 25-30%. The 90-day crisis-marketing plan includes reaching tourists by Internet, which is the quickest, most efficient and most far reaching. Commissioner Pauls commented on the importance of the 90-day marketing plan, but also commented on the need to look beyond 90 days. Mrs. Titus stated that they would be able to track the return on this investment and would also be watching the bed tax collectors to determine if their collections have increased with this plan in place. She spoke about competing markets and their losses and the amount of contingencies they are spending to recoup their losses.

Motion by Commissioner Ryan, second by Commissioner Jones to approve for the South Walton Tourist Development Council to utilize contingency funds to implement their 90-day Crisis Management Plan. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve the O'Brien Centre final plat for recording as presented by Mr. Russ Aldrich. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

The commissioners recessed briefly.

Mr. Underwood presented information on behalf of Watkins Constructors regarding the GMP for the construction of the South Walton Annex consisting of \$511,341.00 of indirect costs, a construction cost of \$2,606,739.00 totaling \$3,118,080.00. Fees in the amount of \$262,416.00 for indirect costs for a total GMP of \$3,380,496.00. Mr. Kellenberger has been able to provide the contingency amount back to the Board in addition to 20% for past projects. Mr. Underwood recommended approval.

Motion by Commissioner Pauls, second by Commissioner Jones to approve the GMP in the amount of \$3,380,496.00, as prepared by Watkins Constructors, Inc., for the South Walton Courthouse Annex Building. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye.

Ms. Dottie Nist, Beach Breeze, questioned the Board's policy regarding communications with the county's Staff Attorney. She explained that she called for information and was advised that she would have to inquire through the County Administrator's Office. Mr. Underwood explained that they feel it would be best to handle all inquiries due to ongoing litigation. Mr. Vorbeck said that he or his staff will not comment about ongoing litigation.

There being no further business, Commissioner Ryan motioned to adjourn, seconded by Commissioner Jones. The meeting was adjourned at 6:35 p.m.

APPROVED: _____
Herman L. Walker, Chairman

ATTEST: _____
Martha Ingle, Clerk of Courts