

DECEMBER 11, 2001 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, December 11, 2001 at 1:00 p.m. at the Mossy Head Community Center. A special meeting was called to order at 11:00 a.m. to discuss the lawsuit over the Destin Commons Mall against Okaloosa County.

The following Board members were present: Commissioner Tim Pauls, Vice-Chairman Larry D. Jones, and Commissioner Herman L. Walker, 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 Rees called the special advertised meeting to order.

Attorney David Theriaque, representing Walton County, appeared before the Board. Attorney Theriaque requested to adjourn into Executive Session pursuant to Florida Statute section 286.011 (s8) to receive advice from the Walton County Board of County Commissioners regarding the strategy to be used in case 01-4418-CA, Walton County versus Okaloosa County. The session was entered with the following individuals attending: Attorney David Theriaque, Attorney Gary Vorbeck, Mike Underwood, Commissioner Pauls, Commissioner Walker, Commissioner Rees, Commissioner Jones, and Commissioner Ryan.

The Commissioners reconvened upon conclusion of the Executive Session. Motion by Commissioner Pauls, second by Commissioner Jones to adjourn the Executive Session. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

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

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

Chairman Rees called the meeting to order and spoke about the positive changes made to include public comment on the agendas and the location of the meetings that provides for better public attendance.

Motion by Commissioner Pauls, second by Commissioner Jones to approve the minutes of November 27, 2001, Special Meeting. Ayes 5, Nayes 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Pauls, second by Commissioner Jones to approve the minutes of December 7, 2001, Special Meeting. Ayes 5, Nayes 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

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

General Fund	591,227.25
County Transportation Trust	488,099.52
Mosquito Control State	107.10
Mott Sign Grant	6,602.70
North Walton Mosquito Control	738.51
Walton County Library	8,797.24
Recreation Plat Fee	44,353.14
Solid Waste Enterprises	179,607.43
Mossy Head VFD	3,805.34
Glendale VFD	1,746.01
Darlington VFD	821.23
Liberty VFD	212.39
Red Bay VFD	47.55
Tourist Development Council	105,912.99
Section 8 Housing	12,592.30
Multi Purpose Trust Fund	30,425.00
Fine & Forfeiture	544,675.01
Capital Project Fund	897.70

Motion by Commissioner Ryan, second by Commissioner Jones to approve payment of bills as presented on the Expenditure Approval List. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Yates presented a payment request in the amount of \$106,234.00 to the Department of Community Affairs for DSR's from Hurricane Opal for Miramar Beach. Federal funds in the amount of \$556,000.00 will be released upon the State receiving their payment.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve payment to the Department of Community Affairs in the amount of \$106,234.00 for Hurricane Opal. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Yates presented the investment report for the quarter ending September 30, 2001. Mrs. Yates pointed out that AmSouth Bank is 57 basis points above Sun Trust, which shows that the transition to AmSouth has been a positive one. Mr. William Imfeld, Finance Director, gave further explanation of the FLIGHT.

Ms. Ingle stated that the Investment Committee has met and will present their recommendation at a later date regarding the investment-pooled cash.

Mr. Imfeld introduced Mrs. Glyndol Johnson, Purchasing Agent, and gave a brief explanation of her experience. He stated that she would develop a codified purchasing policy in order to become computerized.

Mr. Imfeld addressed the issue of in-county purchasing. He stated that he attempts to purchase the best items for the dollar for the county. A suggestion was made to Mr. Imfeld that purchases are made from Walton County vendors if their price is

within 2% of the low price. Commissioner Walker stated that a Walton County vendor who was upset by the bidding process approached him and asked that local vendors be given preference to bid on items over non-local vendors. Commissioner Jones stated that purchases need to be made for the best price possible, while not penalizing local vendors.

Mrs. Sue Rushing, owner of Hodges Cash & Carry, appeared before the commissioners stating that they are tax payers in Walton County and it appears to her that money is being spent outside of the county that could be spent in the county. She encouraged the commissioners to keep their money in Walton County by making their purchases from local vendors.

Mayor Mickey Marse of Freeport stated that he has worked with local vendors when purchasing off the State contract and stated that vendors would be willing to work with the county also.

An advertised public hearing was called to order to consider financing two trucks for the Freeport Fire Department. Mr. Imfeld advised that the Freeport Fire Department currently has a loan from the county and would like to consolidate the existing loan with a new loan to enable them to purchase two new fire trucks. There were no public comments voiced.

Motion by Commissioner Jones, second by Commissioner Pauls to allow the Freeport Fire Department to roll forward their existing loan from the county into a new loan and purchase two new fire trucks. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Legal Services will draft a new agreement.

Mrs. Angie Biddle, Grants Coordinator, appeared before the Board and presented information pertaining to the Hazard Mitigation Grant river buy-out properties. Mrs.

Biddle advised the commissioners that offers were previously made to three property owners and each of them were rejected. The next property in line for purchase is the Bruner property located on Highway 20. The property appraised for an amount of \$110,000.00 for their residence and \$75,000.00 for the business property.

Motion by Commissioner Walker, second by Commissioner Ryan to accept the appraised amount and make an offer to the property owner. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld introduced Mr. Hilton Galloway, Auditor, who was present to present his findings from the audit performed on the Humane Society of Walton County.

Mr. Galloway presented a copy of the report and explained his findings. He stated that the report is an opinion on the financial statement and is for the period ending June 30, 2001.

The financial statements failed to include all cash, non-cash donations and property and equipment. Cash and cash equivalents reported \$4,891 in a money market account that was closed prior to the beginning of the year. In addition, cash and cash equivalents, as well as, revenue and support underreported \$21,207 deposited in the SunTrust Bank. Non-cash donations of gas and fuel, value undetermined, donated by Walton County were not reported. Property and equipment not reported includes land and buildings, two vehicles and a copier. The cost or value of land and buildings acquired or donated was not determined. The cost of the copier was \$2,950 and the two unreported vehicles acquired in October 1999 cost \$34,442. Mr. Galloway stated that as a result of these numerical amounts the financial statements submitted to the Board do not represent financial statements prepared in accordance with general accounting principals. He also

noted in the report that cash receipts documenting the collection of fees, donations and other sources of revenue are utilized only when requested. The records used to document cash collections are not reconciled to bank deposits and there is a lack of controls over receipting.

Mr. Galloway stated that there were four options; to issue an unqualified opinion, which states that there are no problems with any of the numbers presented in the financial statement. A second option was to disclaim an opinion, which stated that a determination could not be made whether or not the numbers accurately reflect the financial position as a result of operations. A qualified opinion could have been given stating with a certain degree of confidence that the numbers are fairly representative or the last option would be to give an adverse opinion which says due to the documentation the financial statements do not represent fairly the financial position or results of operation. Mr. Galloway stated that they have issued an adverse opinion on the financial statements because they do not represent fairly the financial position.

Mr. Galloway stated that no determination could be made as to the specific costs to maintain the Animal Control Ordinance by the way the records are kept.

Mr. Galloway continued going through the report explaining each aspect of the report as presented and its findings. Chairman Rees questioned if any improvements have been made since the audit of 1994/95. Mr. Galloway stated that there were no significant changes that he could note.

Mr. Ken Little recognized Ms. Jackie Malone, Chairperson of the State Housing Initiative Partnership Committee. Ms. Malone reported that the Trust Fund has earned \$26,515.76 interest. The State Housing Finance Corporation has notified her that Walton

County would be receiving \$7,966. She recommended the earnings from interest be allocated to the 2001/02 First-time Home Buyer Certificates in addition to the \$7,966 (less \$796 for administration costs).

Motion by Commissioner Ryan, second by Commissioner Pauls to accept the recommendation from the SHIP Committee to accept the funds and allocate them to the First-time Homebuyers Certificates. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls nominated Mr. Nick Zargari to serve on the Design Review Board in place of Frank Kovach. There were no other nominations and the commissioners voted in favor of the nomination. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls also nominated Mr. Don LePehn to serve on the Library Board in place of Anna Marie Choo who resigned. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Ronnie Bell, Emergency Response Director, appeared before the commissioners and presented the results from the RFP's for animal control services. The three firms submitting a response were the Humane Society of Walton County, PAWS of Okaloosa County and Animal Control of West Florida Inc.-Dr. Anderson. Mr. Bell presented a brief summary of the proposals and related costs. The committee recommends the county contract with Animal Control of West Florida, Inc.

Ms. Linda Morse questioned if all animals would be taken back to Chipley and stated that she feels a facility is needed in Walton County to address the humane issues.

Discussion continued regarding the care of animals. Questions were raised as to who would pick up stray animals. Chairman Rees stated that the purpose of this proposal is to enforce the county's Animal Control Ordinance. Other agencies would still take care of other animal related issues.

Dr. Anderson of Animal Control of West Florida, Inc. appeared before the commissioners and addressed the procedures for reclaiming and disposal of animals.

Motion by Commissioner Pauls, second by Commissioner Jones to allow Mr. Bell, Mr. Underwood, and Mr. Vorbeck to negotiate a contract with Dr. Anderson and bring back an acceptable contract to the Board for approval. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Jack Arthur appeared before the Board requesting to set a public hearing regarding the Costal Dune Lake Task Force Advisory Board. The Board agreed to hold a public hearing on January 8, 2002 at 5:05 p.m. Chairman Rees requested the Board consider appointments to the Dune Lake Task Force.

Mr. Vorbeck advised that Mr. Arthur has reviewed the settlement agreement for Uptown Grayton and finds it acceptable. Commissioner Pauls stated that there are several issues that he wants Mr. Arthur to be aware of that will make it difficult for the Planning Department and Inspection Department. Mr. Arthur found the agreement acceptable.

Mr. Pat Markey, Parks and Recreation Manager, requested to utilize funds from the Recreational Impact Fees to rehabilitate Helen McCall Park.

Motion by Commissioner Pauls, second by Commissioner Walker to accept the recommendation and expend Recreational Impact funds not to exceed \$70,000.00 for

Helen McCall Park. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Markey requested several changes be made to the Wee Care Park to include a skate park as well as a BMX bicycle course, climbing wall and teen center. Mr. Markey also requested approval to purchase used equipment at a cost up to \$35,000 for a batting cage, climbing wall and animal cutouts for the miniature golf course. Mr. Markey also requested to allow someone to manage the BMX and skate park. Mr. Underwood advised that the funds are from a FRDP Grant and requires approval.

Motion by Commissioner Jones, second by Commissioner Walker to accept staff recommendation and allow someone to manage the BMX and skate park. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Commissioner Ryan requested that Mr. Markey check into the condition of the equipment before making the purchase. Mr. Don Crim also questioned if it meets ADA requirements.

Mrs. Melissa Piltcher appeared before the commissioners on behalf of Regional Utilities requesting authorization to submit pay request #4 for reimbursement in the amount of \$95,995.20.

Motion by Commissioner Walker, second by Commissioner Pauls to approve for Regional Utilities to submit pay request #4 for reimbursement. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The commissioners recessed briefly.

Attorney Vorbeck presented a copy of the contract from 2WR for the jail. The contract lowers miscellaneous expenses to a maximum of \$9,500.00 and includes 25 sets of bid documents. The county will not be charged for any expenses over that amount.

Commissioner Pauls questioned the clause that designates Mr. Underwood to act on behalf of the county. Mr. Vorbeck stated that the clause refers to the scope of services.

Motion by Commissioner Pauls, second by Commissioner Walker to approve the contract with 2WR, Don Rutland, for jail construction and authorize the Chairman's signature. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The commissioners will consider appointing a committee for jail construction during the January 8, 2002 meeting. Mr. Rutland urged the commissioners to proceed as quickly as possible in order to proceed with advertising for bids before pricing begins to go back up. Mr. Underwood also stated that a decision needs to be made regarding the site location for the jail. Commissioner Pauls and Commissioner Walker both agreed to serve on the jail committee. Mr. Rutland also suggested the Board submit the names of firms for a survey and geotechnical issues.

Motion by Commissioner Pauls, second by Commissioner Walker to appoint a Detention Facility Review Committee consisting of the following individuals: Sheriff Johnson, Roy Sylvester-Jail Administrator, Ray Burgess-Chief of Police, Judge Lindsey-Circuit Judge, Judge Green-County Judge, William Imfeld-Financial Director, Mike Underwood-County Administrator, Clayton Adkinson-State Attorney, Jack Behr-Public Defender, Herman Walker-Commissioner and Tim Pauls-Commissioners. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Russ Barry, Public Works Director, presented minor revisions to the 2-year road-paving plan, no deletions were made. Mr. Barry requested Board approval of the list as a blueprint for Public Works to proceed with design activities.

Mr. Campbell, resident of Walton Bridge Road, informed the commissioners as to the poor condition of the road when it rains and also stated that the bridge is falling in. Right-of-way has been obtained and he asked that the road be paved and repairs be made as soon as possible.

Mr. Bill Julian also appeared before the Board and presented pictures of Holley Point Road, District 4. Commissioner Walker stated that right-of-way needs to be obtained from the property owners before any further action can be taken. Mr. Barry stated that he would work with Mr. Julian regarding the right-of-way issue. Mr. Ed Bowman, Holley Point Road, also requested the road be paved.

Mr. Tom Terrell questioned Mr. Barry's criteria for paving roads. Mr. Barry explained the factors he considers are safety, evacuation, traffic volume and maintenance costs. Mr. Terrell stated that Walton County has needed a plan for years and commended Mr. Barry for developing and implementing the road-paving plan. Mr. Barry further explained that roads on the paving list within the same general area would be paved at the same time due to cost effectiveness of having the paving equipment on site.

Motion by Commissioner Ryan, second by Commissioner Jones to accept the proposed road-paving list as presented by Mr. Barry. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Ed Moreau requested assistance from the Board in opening an easement. He advised that during the July 30, 1996 commissioners meeting the Board of County Commissioners granted approval to open a road and he has obtained all of the necessary right-of-way and the required letter from the Corps. Commissioner Pauls stated that opening this easement would also extend the Chat Holley by-pass. Concern was voiced

over the width of the easement only being 33 feet and not wide enough. Commissioner Pauls requested that Public Works revisit the issue of Chat Holley and obtain necessary costs to proceed with opening of the easement. Mr. Barry advised that a 60-foot right-of-way would be needed.

Attorney Vorbeck stated that the Board tasked staff with opening a new dialogue with White Construction regarding CR 3280. He stated that he, along with staff, met with Attorney Chris Cadenhead, representing White Construction. Previous agreements were reviewed and changes were made as a result of the meeting. Attorney Vorbeck reviewed the contents of a new agreement with the commissioners and amended it as needed.

Motion by Commissioner Walker, second by Commissioner Pauls to approve the contract with White Construction as amended with a set time frame. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The commissioners recessed and reconvened at 5:00 p.m.

Mr. Barry continued his presentation with discussion about refuse collection options. He spoke about the service area, frequency and cost of collection in Walton County. The firms currently handling collection are Dayco, which provides collection north of the Bay and Waste Management who collects south of the Bay. Dayco collects once per week and Waste Management collects twice per week. Mr. Barry stated that collection could continue on the same schedule until the contract ends at which time the contract could be renegotiated or to proceed with modifying the current contract. Chairman Rees questioned why there was a difference between the companies in the number of pick-ups. Commissioner Jones requested staff to obtain costs from Dayco for twice a week pick-up from Dayco.

Mr. Barry presented the contract with Cumbaa Enterprises for the removal of white goods from the landfill. Mr. Barry stated that he has negotiated a new contract that will pay the county 20% of the value of each ton removed from the landfill. The contract has been reviewed and approved by Legal Services; therefore he requested approval of the contract and the Chairman's signature. Mr. Barry advised that there are only three vendors in Northwest Florida, one who is not interested and the other was not contacted.

Motion by Commissioner Ryan, second by Commissioner Walker to approve the contract with Cumbaa Enterprises for the removal of white goods and approve the Chairman's signature.

Commissioner Jones questioned if the other vendor has any interest and asked that the motion be amended to allow Mr. Barry to contact them to determine their interest.

Commissioner Ryan amended his motion to include allowing Mr. Barry to contact the vendor in question. Commissioner Walker agreed to the amendment. Ayes 5, Nayes 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Barry updated the Board on the status of the contract with Unifirst Uniform Rentals. He stated that he has met with them and concluded a standard rental contract for four road districts, Courthouse Maintenance, and Public Works. The service will begin January 2nd.

Mr. Barry stated that the Board previously approved the purchase of a crane in the Public Works budget during the budget workshops. He advised that he has now located a used crane for a purchase price of \$190,000.00, which is within the budgeted amount, and requested authorization to make the purchase.

Motion by Commissioner Jones, second by Commissioner Ryan to accept the recommendation of staff and approve the purchase of a crane for the Bridge Crew in the amount of \$190,000.00. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Mary Lou Reed, Executive Director of the Workforce Development Board, presented a letter outlining her request for a revised Interlocal Agreement between the Okaloosa County Board of County Commissioners and the Walton County Board of County Commissioners to specify the membership of the Workforce Development Board. Okaloosa County approved the revised Interlocal Agreement.

Motion by Commissioner Ryan, second by Commissioner Walker to approve the Workforce Development Agreement. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Reed advised of two vacancies on the Workforce Development Board and asked that Ms. Pam Tedesco, President of the Walton County Chamber of Commerce, and Mr. Al Ward of Florida Transformer be appointed as replacements.

Motion by Commissioner Walker, second by Commissioner Pauls to appoint Pam Tedesco and Al Ward to the Workforce Development Board. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Reed informed the commissioners of a new program being offered through the Jobs Plus-One-Stop Centers. The new program, Operation Paycheck, is to address layoffs that have occurred since September 11, 2001 to help individuals return to work as quickly as possible.

Attorney Mary Kraemer appeared before the Board regarding a proposed land donation to the county. Ms. Kraemer represents an individual who would like to donate 10 acres for educational/nature study purposes. The property is located North of Nursery Road on Nellie Drive. She stated that the county would own the land and the Audubon Society would have a perpetual easement. The property would be restricted from later developing it into recreational fields. Attorney Kraemer stated that the Tourist Development Council has funds to maintain the property. Commissioner Walker questioned if the TDC could obtain an environmental assessment first. Mr. Vorbeck advised that a title search and archeological survey would also need to be performed.

Motion by Commissioner Pauls, second by Commissioner Walker to receive the offer of the 10-acre parcel subject to a phase I Environmental Assessment, archeological survey, and title search. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Underwood presented a letter by the Clerk's Office regarding the release of surplus computer equipment as referenced by the following CC numbers: 571, 563, 558, 559, 556, 557, 521, 530, 570, 647 and 574. The Clerk's Office also presented a records disposition request for outdated records.

Motion by Commissioner Walker, second by Commissioner Ryan to accept the surplus computer equipment and grant approval for the disposition of records. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Walker, second by Commissioner Pauls to appoint Commissioner Gene Ryan to the Tri-County Community Council Board. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Underwood presented the proposed listing of holidays for the year 2002. He advised that these holidays are part of the Personnel Policies, which has previously been approved.

Mr. Underwood presented an amended contract regarding the Sunshine Express. The county agreed to be the conduit for the administration of a DOT grant to Tri-County to provide transportation to the needy. The funds pass through the Clerk's Office to Tri-County with no obligation on the county's part. This amendment is to reflect an increase in funding to Tri-County from DOT.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve the amended Sunshine Express contract. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The commissioners made the following changes to the committee appointments on which they serve. Commissioner Jones will exchange places with Commissioner Ryan and will now serve on the Economic Development Council and Commissioner Ryan will serve on the Council on Aging. Commissioner Ryan will also serve on the Tri-County Community Council and Transportation Disadvantaged Board in place of Commissioner Pauls. Commissioner Pauls will serve on the West Florida Regional Planning Council in place of Commissioner Walker. Commissioner Rees will serve on the Florida Great Northwest in place of Commissioner Ryan.

Motion by Commissioner Walker, second by Commissioner Ryan to approve the appointment of each commissioner as stated. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls stated that he is expecting a third member position to the Metropolitan Planning Organization Board soon and would expect that position to be filled by Commissioner Rees.

Mr. Underwood reminded the Board that the roads lying within the Governmental Education Center need to be named and stated that he would address this issue during their January meeting.

Mr. Underwood presented a listing of county owned property for the commissioner's review.

The Board agreed to hold a workshop on January 14th at 9:00 a.m. at the Coastal Branch Library with Ms. Mary Jean Yon, District Director of the Department of Environmental Protection, to discuss environmental concerns. Commissioner Walker asked that Ms. Yon be given a tour of some of the problem areas in south Walton and then travel to District 2 to look at concerns in that area.

Mr. Underwood updated the commissioners on the status of the addressing. He stated that information has been provided to the Postal Service, which is reviewing the information.

Attorney George R. Miller appeared before the Board regarding a settlement agreement for Grayton Corners and recommended approval of the agreement. Attorney Ken Goldberg, representing the challenging parties and Attorney Lloyd Blue, representing Mr. Odom were present. Attorney Miller stated that one of the benefits of the agreement would be the continued monitoring of Grayton Trails Subdivision and the prohibition of further commercial development.

Attorney Goldberg stated that a settlement agreement has been reached and feels that it is fair relative to the issue presented on his client's behalf and recommends approval.

Commissioner Pauls questioned who would monitor enforcement of the agreement. Mr. Goldberg stated that any party to the agreement could help enforce it but the courts reserve jurisdiction to enforce the terms. Mr. Goldberg advised that this involves two lawsuits, one of which would be dismissed and this suit would remain as a legal proceeding for the purpose of the settlement agreement and to allow the courts to retain jurisdiction over the issue.

Mr. Ken Brown stated that the plans he reviewed depicted a 20' access across the back of the property from Pandora's parking lot to Grayton Trail. He stated that he does not want to see any commercial access across the development and asked for assurance that this is what is in the agreement.

Attorney Lloyd Blue stated that the issue with the access has legal issues and stated that there is nothing in the settlement that promotes its use. He stated that there is a recorded affidavit from the sellers that indicate that it was not their intent for the property to be used for vehicular access to other commercial properties. There are also restrictions from other residential properties in Grayton Trails to be used for commercial uses.

Mrs. Kelly Buzzette, Plaintiff, stated that this settlement document does not create any rights of an easement that may or may not have existed.

Attorney Miller briefly summarized the changes made to the project, which allows the project up to 16,750 square feet, provides additional parking, two-story and additional restriction on uses.

Motion by Commissioner Pauls, second by Commissioner Walker to approve the Grayton Corners Settlement Agreement. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Attorney Miller stated that once the Chairman signs the agreement the agreement would then be presented to the Judge along with a petition requesting an order approving the settlement. The settlement would then be presented to the Planning Department for the issuance of an amended development order.

Commissioner Pauls requested that Public Works have a survey performed on the easement previously addressed by Mr. Ed Moreau for the alignment of Chat Holley Road. Other roads also discussed included Veterans Road, Old Blue Mt. Road, and Harstvedt Road regarding the grid system.

Mr. Pauls also stated that the commissioners attended the Florida Association of Counties Meeting. He stated that Commissioner Walker was instrumental in shaping language that became policy at the Growth and Environmental Planning Committee Meetings. Another issue Mr. Walker played an important part of was the PILT Funding, Payment In Lieu of Taxes. The policy supports the PILT to counties impacted by State and Water Management District land purchases and to support legislation removing the 10-year sunset provision. Walton County has a large amount of land in that classification. He commented that the State should pay the county for the land they would be getting. They want to remove policy that would only make them pay for 10 years. Commissioner Pauls also spoke about the Performance Based Permitting and the delays in obtaining permits from DEP and the CORPS.

Commissioner Ryan presented a request on behalf of the Council on Aging to conduct a joint meeting to discuss the assisted living facility. The commissioners agreed to meet with the Council on Aging on 10:00 a.m. on January 8, 2002 at the TDC.

Commissioner Jones requested to continue the communications progress with the EDC and requested that Mr. Underwood ask the EDC to report their activity to the commissioners on a monthly basis.

Commissioner Jones addressed a newspaper article regarding a large industrial firm seeking to locate in the nearby area. He stated that size of the industry being discussed would have an impact on Walton County and requested to send a letter of support to Okaloosa County that Walton County would provide any support needed in attracting that industry to the area. The site in Crestview has not been pre-certified at this time. Pre-certification does not guarantee site selection. Commissioner Ryan stated that the tax laws are not favorable for large industries to operate in Florida; it costs more to operate than in Alabama. Walton County needs to request changes in the tax structure in the state.

Mr. Underwood advised that he has spoken with officials at the Washington US Forestry Service who said the closing would be by January 15, 2002 on the Mossy Head property.

Commissioner Walker did not present any items for discussion.

Chairman Rees stated that he spoke with Mr. Al Cook of the Florida Great Northwest regarding the need for continued funding. Mr. Cook stated that preference would not be given to a county who paid dues over one who does not. The Florida Great Northwest provides support to 16 counties. However, other counties will be contributing

and Chairman Rees recommended continuing to contribute since the funds have already been set-aside in the budget.

Chairman Rees questioned the commissioners regarding their desires as to which day of the week to hold the Planning Commission recommendation meetings. The commissioners agreed to begin holding them on Tuesday's beginning with the first Tuesday in February.

Chairman Rees opened the floor for public comment.

Mr. Don Crim asked the commissioners to consider the benefits of changing the locations of each meeting versus the number of staff traveling to the meetings. The commissioners felt it is beneficial, allowing the public an opportunity to attend.

There being no further business the meeting was adjourned at 6:35 p.m.

APPROVED: _____
Lane Rees, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court