

FEBRUARY 12, 2002 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Special Meeting at 3:00 p.m. with Mrs. Virginia Delegal, Nabors, Giblin, & Nickerson, P.A. to discuss MSBU information for Lake Tantara and Imperial Lakes followed by the Regular Meeting at 4:00 p.m. at the Red Bay Community Center.

The following Board members were present: Commissioner Tim Pauls, Vice-Chairman Larry D. Jones, Commissioner Herman L. Walker, Chairman Lane Rees and Commissioner Gene Ryan. Mr. Michael Underwood, County Administrator, Attorney Gary Vorbeck, Director of Legal Services, and Ms. Martha Ingle, Clerk of Courts, were also present.

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

Chairman Rees called the meeting to order.

Mr. Vorbeck introduced Mrs. Delegal and she gave an overview of her experience. She stated that she was present to explain revenue sources for Lake Tantara and Imperial Lakes improvements. Mrs. Delegal reviewed information relating to taxes versus assessments. She gave an explanation on Ad Valorem property taxes and stated that certain properties cannot be assessed more than others. She spoke about Municipal Service Taxing Units (MSTU's). Special assessments are charges assessed against the property of some particular locality because that property derives some special benefit from the expenditure of the money. Both taxes and assessments generate revenue to pay for services and facilities and both are mandatory and may be collected through enforcement of liens on homestead. The difference is that taxes do not benefit property,

special assessments must specifically benefit property. Authorization for all taxes except ad valorem taxes must be provided by general law. Authorization for special assessments may be found in broad home rule powers of counties and municipalities. Lastly, the Legislature must prescribe a tax base. Local governments may develop the rate of assessments and the manner of apportioning costs. She explained that case law requires a special benefit to the property and fair and reasonable apportionment. Examples of special benefits include fire protection, street improvements, parking facilities, downtown redevelopment, solid waste, sewer improvements, stormwater, and neighborhood improvements.

Mrs. Delegal explained the methods of apportionment, collection methods and how or why to choose a certain method of collection. The collection method selected determines the amount of budget flexibility used for spending. Commissioner Ryan questioned if any costs can be recouped for administration fees. She felt that administration costs could be recouped from the property owners.

Mr. Tim Roberts, resident of Imperial Lakes, addressed the commissioners and stated that they have raised approximately \$20,000.00 from the property owners. Mrs. Delegal explained that engineering work needs to be performed to determine water flow and which properties are to be included. The more properties included, the less cost it would be to each property owner. She stated that if there is a benefit to other properties, they could also be assessed. Mr. Roberts stated that approximately 30% of the properties have homes built on them and there are 39 full-time residents.

Commissioner Pauls questioned the amount of liability that would be placed on the county. Mrs. Delegal stated that liability would be minimal and would be the

responsibility of the contractor or whoever performs the work. She advised that if legal action were sought then the county would be named because they are the agency imposing the assessment.

Discussion was held regarding performing the work on a pay as you go basis. The county would hold the funds and Imperial Lakes Advisory Board would decide when and what the funds would be spent on. An alternate method would be for the county to bond and finance the project as a whole. Attorney Vorbeck stated that the method needs to be chosen before proceeding.

Mr. Kermitt George, Southern Engineering Group, stated that there are not any significant outstanding engineering costs. The homeowners have paid for some of the work already performed. Permits would still need to be obtained. Mrs. Delegal suggested allowing the homeowners to front the costs and allow the county to back them with their support for permitting. She further explained that there is not sufficient time to advertise in order to place the assessments on the 2002 tax bills, but it could be done prior to when the 2003 tax bills are sent out.

Mr. Roberts felt it would be better to work on a pay-as-you-go basis thereby not placing the burden on the taxpayers. Mrs. Delegal explained the process stating that the homeowners would need to be notified and advertisement would be required to adopt the ordinance. A rate study along with engineering and environmental reports would be needed before establishing a rate. Mr. Roberts stated that they have had 57% participation from the owners.

Motion by Commissioner Jones, second by Commissioner Walker to continue investigating the MSBU for Imperial Lakes and to move forward with the decision

making process allowing the homeowners association to move forward with engineering for implementation of the MSBU. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Delegal presented information regarding storm water problems and dam breaches in the Lake Tantara area in Mossy Head. She advised that the properties are only sporadically built out and may be cost prohibitive to the property owners to impose an MSBU. She explained that a MSTU could possibly benefit the residents for maintenance purposes only.

Motion by Commissioner Jones, second by Commissioner Walker to continue investigating the possibility of establishing a special assessment area at Lake Tantara. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Chairman Rees called to order the Regular Meeting and recognized Ms. Lynn Kelly of the Retired and Senior Volunteer Program (RSVP).

Chairman Rees presented the consent agenda consisting of the following expenditures on the (EAL) Expenditure Approval Listing, minutes of January 22, 2002, Regular Meeting and February 5, 2002, Land Use Hearing and a contract with Cody & Associates.

General Fund	782,467.86
County Transportation Trust	257,268.98
Mott Sign Grant	1,942.38
North Walton Mosquito Control	1,196.71
Walton County Library	9,489.81
Recreation Plat Fee	80.56
Solid Waste Enterprises	118,623.67
Mossy Head VFD	1,576.51
Glendale VFD	7,298.16
Darlington VFD	325.73
Liberty VFD	7,613.44
Red Bay VFD	445.70

Section 8 Housing	118,879.97
Court Facilities	198.20
Multi-Purpose Trust Fund	2,950.00
Tourist Development Council	104,917.99
Driftwood Debt Service	472.28
Capital Projects Fund	5,143.61
Fine & Forfeitures	544,675.01

Motion by Commissioner Pauls, second by Commissioner Jones to approve the consent agenda as presented. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Chairman Rees called to order the advertised public hearing regarding the proposed budget amendment for funding of the Mossy Head land exchange.

Mr. William Imfeld, Financial Director, presented the proposed resolution requesting to roll forward \$713,500.00 from reserves for the unanticipated purchase of the Mossy Head land tract.

Motion by Commissioner Ryan, second by Commissioner Jones to adopt a resolution (2002-07) approving to roll forward \$713,500.00 for the purchase of land. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld advised the Board that the recent auction was a success for a net amount of \$936,013.00, which will be divided between the five funds in which the equipment was originally purchased.

Mr. Imfeld advised that the requests for proposals for legal advertisements resulted in one response, which was from the DeFuniak Herald Breeze for \$3.39 per column inch. Mr. Imfeld recommended awarding the RFP to the DeFuniak Herald Breeze.

Motion by Commissioner Walker, second by Commissioner Ryan to accept Mr. Imfeld's recommendation and award the RFP for Legal Advertisements to DeFuniak Herald Breeze. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld requested approval of the Flood Mitigation Assistance Program Contract from the Department of Community Affairs and the National Flood Insurance Program. He stated that there are three properties that qualify. He advised that the property owners pay for elevating their houses and are reimbursed by FEMA for 75%. However, the monies pass through the county. Two previous FEMA claims must have been filed in order to qualify.

Motion by Commissioner Ryan, second by Commissioner Pauls to approve the Flood Mitigation Assistance Program Contract. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld advised that he transferred to the Glendale Volunteer Fire Department a 1995 Ford Ambulance (BCC 1928).

Mr. Imfeld requested the Board adopt a resolution accepting \$5,927.00 for the Darlington VFD from a Forestry Grant.

Motion by Commissioner Walker, second by Commissioner Ryan to adopt a resolution (2002-08) accepting unanticipated revenues for the Darlington VFD. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld requested the Board adopt a resolution accepting \$3,477.00 for the Mossy Head VFD.

Motion by Commissioner Walker, second by Commissioner Jones to adopt a resolution (2002-09) accepting unanticipated revenues for the Mossy Head VFD in the amount of \$3,477.00. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Linda Morse read a statement of charges brought against Ms. Patsy Register of the Walton County Humane Society. The charges Ms. Morse read include cruelty to animals and inhumane treatment of animals in the care of the Walton County Humane Society/Animal Control Authority and fraud, waste and abuse of taxpayer's money. Ms. Morse continued by explaining that horses and donkeys were auctioned off while in poor condition. She showed a videotape of one horse and the poor health conditions that existed. She spoke about violations that occurred while animals were in the care of the Walton County Humane Society. Ms. Morse closed by requesting a Grand Jury investigation be conducted of the Walton County Humane Society.

Attorney Vorbeck advised that this case is under the jurisdiction of the Walton County Sheriff's Department and the States Attorney, not the Board of County Commissioners. Ms. Morse stated that she does not feel the Sheriff's Department would provide an adequate investigation because of the conflict of interest. Chairman Rees, on behalf of the Board, instructed Attorney Vorbeck to forward the information presented to the Sheriff and the States Attorney. Ms. Morse further requested the Board revoke any licenses currently held by the Walton County Humane Society/Animal Control Agents. Ms. Morse agreed to provide notarized copies to Attorney Vorbeck.

Ms. Mary Jones addressed the commissioners requesting the that Humane Society provide an itemized listing of expenditures of taxpayer's money.

Mr. Ronnie Bell, Emergency Response Director, presented a contract between Walton County and Animal Control Services of West Florida, Inc. for the sheltering of the animals collected by the County's animal control officers. Dr. Anderson agreed and has signed the contract. Mr. Bell stated that the committee recommended the hiring of two personnel to serve as animal control officers and contract with Dr. Anderson beginning April 1, 2002 at a rate of \$35.00 per animal. Mr. Bell advised that the county would need to purchase two trucks and the necessary equipment, cages and traps. Mr. Bell also advised that the scope of service still contains the consumer price index (CPI), but does not require a minimal number of animals. Mr. Bell stated that any permits currently in the Humane Society's name would be applied for to be transferred to Walton County.

Commissioner Ryan reminded the Board that if this contract does not work with Dr. Anderson, the next step would be to provide the services in-house, which would be more costly. The Board suggested looking into the purchase of temporary holding cages.

Motion by Commissioner Walker, second by Commissioner Ryan to approve the contract with Dr. Anderson of Animal Control Services of West Florida, Inc. and the recommendation to hire necessary personnel and purchase two trucks to provide animal control services. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Russ Barry, Public Works Director, presented a request from residents asking the county to assume maintenance responsibility of Clareon Drive, Bay Harbor Subdivision, and Sea Dunes Subdivision. Mr. Barry stated that he has inspected and

found the roads to be in adequate condition for acceptance according to county road standards. Mr. Barry recommended the Board accept the roads for maintenance.

Commissioner Pauls questioned if the developers of the roads have a bond that would be released to them. Ms. Williams advised that the bond would have been released after completion of the roads and a three-year waiting period. Mr. Pauls suggested looking into a policy establishing criteria for release of a developer's bond.

Motion by Commissioner Pauls, second by Commissioner Ryan to accept Clareon Drive, Bay Harbor Subdivision, and Sea Dunes Subdivision for county maintenance. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Barry presented a request on behalf of the Glendale Volunteer Fire Department for assistance in clearing a one-acre parcel of land on CR 1883 for them to construct a substation. Mr. Barry recommended approval contingent upon Public Works performing the work according to their schedule.

Motion by Commissioner Jones, second by Commissioner Ryan to accept Mr. Barry's recommendation to assist in clearing property for the Glendale Volunteer Fire Department contingent upon determination of ownership. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Barry presented proposals from Hartman & Associates and Preble-Rish for the surveying, design, and permitting activities for the roads in Year 1 approved plan, completing the design for all roads in Year 1. Mr. Barry stated that he does not currently have sufficient funds to cover these costs. Mr. Barry requested the Board approve the funds required to complete the engineering for these roads.

Motion by Commissioner Ryan, second by Commissioner Jones to approve funding to complete the engineering requirements for the roads on the Year 1 list. Mr. Barry advised that costs for these roads were negotiated based on the engineers price.

Mr. Barry stated that he would like to begin performing a portion of the work in-house, such as surveying, permitting and designing of smaller projects. A proposal will be prepared and submitted for the Board's review.

Commissioner Walker voiced to the public the urgency to show their support for legislation Representative Don Brown is proposing. The language pertains to unnecessary and burdensome permits required by the Florida Department of Environmental Protection, which causes costly delays on projects while mitigating wetlands.

Lengthy discussion followed regarding preparation of documents for competitive bidding. Mr. Barry stated that the county prepares the documents and they are then submitted to Purchasing for bidding. Commissioner Pauls commented on right-of-way concerns and stated that the county should determine if there is sufficient right-of-way, not a consulting engineer. Mr. Barry stated that the county works closely with the engineer on this issue. Mr. Boulian stated that the design process stops at 30% for preliminary survey and right-of-way determination. Commissioner Pauls stated that the Land Development Code requires 50 feet of right-of-way and 22 feet for all paved surfaces. This is not consistent throughout the county. The Code needs to be amended for flexibility when paving. Commissioner Walker felt that the Purchasing Department should handle the bid documents. Chairman Rees called for a vote on the motion. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Walker stated that DEP related to him that the county's design work for roads that are not directly affected by wetlands does not have to be as detailed. Commissioner Ryan agreed that Representative Brown's amendment is good, however, he feels that problems will still exist with the Corp.

Mr. Barry presented information regarding an in-county paving program. He stated he would be requesting bid approval of several paving projects that are ready to complete. Upon completion of these roads approximately 95% of the approved roads in last years budget will be complete; 20.4 of the 21 miles. He stated that the money budgeted in the CTT fund for this paving is almost depleted. Mr. Barry presented several alternatives and recommended paving roads with in-county resources while providing additional funds for both in county and contractor paving. He stated that he would obtain more precise cost estimates for personnel and equipment, and realign his budget. Mr. Barry will present a report back to the Board at a later meeting with a request for approval to purchase paving equipment.

Motion by Commissioner Walker, second by Commissioner Ryan to accept Mr. Barry's recommendation and approve alternatives 2 and 3 in order to proceed with his paving plans. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Barry presented a request to replace a culvert on CR 395 that has deteriorated. Public Works has had plans and specifications prepared and have advertised for a construction company to do the work. Engineering estimates the work to cost \$56,000.00. Two bids were received and Mr. Barry recommended moving forward with this work.

Motion by Commissioner Pauls, second by Commissioner Walker to approve awarding the bid to Contech Construction in the amount of \$48,100.00, low bid. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Barry presented a request from residents of Snowdrift Road regarding needed repairs. Mr. Wayne McCullough appeared before the commissioners stating that because of widening on Highway 98 a severe problem was created on Snowdrift Road, which also creates safety hazards. Mr. Barry explained that he denied the request of the residents because of it being a private road. The Department of Transportation was also contacted and also denied assistance with repairs. Attorney Vorbeck stated that this would be a legal issue; because DOT caused the damage they are responsible. Mr. Barry will draft a letter stating the Board's position.

Motion by Commissioner Pauls, second by Commissioner Jones to endorse efforts urging DOT to improve access to Snowdrift Road. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Susan Koker, resident, also spoke about the dangerous conditions of the road.

Mr. Charles Boulian, County Engineer, spoke to the commissioners about the cease and desist mitigation plan. He stated that the county received six cease and desist orders from the Corp of Engineers last fall. The roads affected are Thompson Road, J.D. Miller Road, Indian Women Road, East Hodge Road, Pelayo, and Collinsworth Road. The county needs to locate lands that can be used for mitigation. One parcel has been identified near the landfill and two parcels have been identified in the south end as possible sites, one being 130 acres and one 135 acres. He stated that the EPA has given a

favorable ratio of 10 to 1. (Ten acres for every one-acre of wetlands impacted). The mitigation plan for the south Walton projects should have a capital cost of approximately \$200,000.00. There should not be an annual cost associated with this property if the required acreage is placed into a conservation easement with the State of Florida Department of Environmental Protection. The estimated capital cost for the Collinsworth Road should be approximately \$3,000.00 with an estimated maintenance cost of approximately \$1,000.00 every five years. Staff's recommendation was to proceed with investigating the purchase of one or both of the properties and the project drawings with the violation wetlands depicted and the mitigation offer submitted to the EPA.

Motion by Commissioner Ryan, second by Commissioner Pauls to investigate the purchase of these properties to determine the most suitable parcel. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Barry presented the last three years of the five-year road-paving plan for review.

Mr. Barry requested approval of the following bids to Bullard Construction and APAC and requested to postpone the bid award to Grainger Asphalt due to additional review being needed.

<u>Bullard Construction</u>	\$1,017,796.00
CR 181	
CR 185	
<u>APAC</u>	\$ 559,567.50
Argyle Church Road	
Douglas Crossroads	
Old Highway 90	
CR 1883 West	

Motion by Commissioner Walker, second by Commissioner Ryan to accept staff's recommendation and award the road paving bid to Bullard Construction in the amount of \$1,017,796.00. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Walker, second by Commissioner Ryan to accept staff's recommendation and award the road paving bid to APAC in the amount of \$559,567.50. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Jennifer McMillian voiced concern on behalf of her neighbors that the widening of South Orange Street would cause damage to the trees and would eventually kill them.

Attorney Chip Letcher presented a letter from Mr. Patrick Jones and stated that he strongly opposes the widening of South Orange Street. He stated that they would like the road to be repaved at its current width.

Mr. Barry announced that he was able to buy out the lease of a Caterpillar Model 416B Loader at a cost of \$24,747.03, a savings of \$2,083.87 to the county.

Mr. Barry reported on the Coastal Dune Lakes Study stating that the proposal was sent to Purchasing on January 31<sup>st</sup>. He stated that he would conduct an analysis and make a recommendation to the Board after vendors submit their proposals. Upon approval, he stated that he would request funding for similar studies on additional lakes. Mr. Barry stated that both the Corps of Engineers and the DEP are in favor of the method of opening the lakes when pre-approved criteria exist. Commissioner Pauls stated that a structure should not be the determining factor if the lakes are opened or not. It should not

be the county's responsibility to alter a lake because an individual built a structure that is too low.

Mr. Barry informed the commissioners that Preble-Rish Engineering has won final approval by the Department of Environmental Protection for installation of wells and a holding pond at the landfill. There is a 21-day waiting period before they can begin and Mr. Preble feels that he can complete the project within 90 days.

Chairman Rees reminded the commissioners to present their recommendations to Ms. Williams for their appointees to the Coastal Dune Lake Advisory Board.

Mr. Dewey Wilson, President and General Manager of Regional Utilities, appeared before the commissioners and withdrew his request for the tower lease pending additional information.

Mr. Wilson presented an addendum to the Freeport Water Agreement. Regional Utilities is asking for the full permitted amount of 1.7 million gallons per day. The amount being requested would be 1.1 million gallons per day for the period September 1 through Easter and 1.7 million gallons per day for the period from Easter through August 31<sup>st</sup>. Freeport and Regional Utilities are in agreement with the addendum.

Motion by Commissioner Walker, second by Commissioner Pauls to approve the addendum between Regional Utilities and the City of Freeport. Ayes 5, Nayes 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The commissioners recessed briefly.

Chairman Rees presented for discussion the topic on Inlet Beach Water System and the quality and availability of water. He reminded the commissioners that the Inlet Beach Water Board was asked to develop a master plan last March, which has not yet

been done. The following individuals were present: Mr. Bob Mitchell, Terry Garner and Ms. Carol Anderson, representing Inlet Beach Water System, Mr. Scott Grubs and Mr. John Pope, Department of Environmental Protection, Ms. Crystal Steele, Walton County Health Department, and Attorney Clayton Adkinson for Inlet Beach.

Attorney Adkinson stated that he, along with the Inlet Beach Water Board (IBWB), met with Mr. Dewey Wilson and Mr. Underwood to address concerns. He also stated that he had a letter from DEP addressing the bacterial problems. Mr. Adkinson advised that the members of the Board are professionals and two of them are Class A Operators and certified by the State of Florida. He stated that Inlet Beach is presently in the process of relocating their lines because of the widening of Highway 98. Mr. Adkinson stated that Mr. Wilson has provided a contract to Inlet Beach to provide water at a reasonable cost. He further stated that they would be providing a master plan in writing. He also said that Inlet Beach Water System desires to remain independent. He presented an estimated cost of \$2-3 million for the installation of sewer lines. There are 412 members of the Inlet Beach Water System, which is comprised of anyone who owns a water meter. Attorney Adkinson requested to participate if the commissioners send out a survey as to the residents desires for sewer. He also stated that Inlet Beach Water System would qualify for a grant for sewer, however, the county would not qualify and neither would Regional Utilities.

Ms. Carol Anderson, Water Quality Consultant for Inlet Beach, gave an overview of her education and experience stating that she holds a Bachelor's Degree in Chemistry, Class A License in drinking water and wastewater. Ms. Anderson assured the Board that the water at Inlet Beach is of excellent quality and is bacteria free. She stated that she is

responsible for testing of all water samples and reporting to DEP. She informed the commissioners that she prepares an annual consumer confidence report that is sent to every member who receives a bill.

Ms. Crystal Steele stated that they have been called twice to take samples. The results of all samples they have tested came back with an absence of bacteria. Samples have been turned in by residents as well and those have also returned with the absence of bacteria.

Mr. John Pope stated that they perform annual inspections on all public water supply systems. He stated that five deficiencies were identified with the inspection they performed in November 2001. Mr. Pope stated that Inlet Beach Water System responded late, however, the deficiencies were corrected. Mr. Pope stated that DEP is asking IBWB to install additional valves to prevent too many water outages. He stated that DEP has made unannounced visits and found the deficiencies to be corrected. He advised that there are some issues with well #2; however, they do not pose any health risks.

Inlet Beach will begin laying new pipes within 60 days, abandoning the old asbestos pipes currently underground.

Commissioner Ryan voiced concerns with deadlines that have previously been set on several occasions and continually overlooked.

Ms. Beverly Grisham told of the difficulties and delays she has had with Inlet Beach while attempting to develop property.

Ms. Pat Fisher also voiced concerns with the way IBWB conducts business.

Mr. W. Darrell Barker, Inlet Beach resident, stated that the IBWB's priority should be to provide quality water. He stated that they continually delay providing sewer

service by their controlling the water. Mr. Barker also stated that the IBWB also refuses inspection of their records as allowed by Florida Statute. Mr. Barker closed by asking the commissioners to bring this matter to a vote to allow Regional Utilities to take over the IBWS.

Ms. Sheila Echols, resident, stated that the water is bad; they are not notified when the wells shut down and they are not notified of the Board meetings.

Mrs. Valarie Simmons stated that there are 636 property owners. She spoke about who is allowed to vote. She felt that the members of the IBWB are not qualified in water systems. She advised the commissioners that IBWB has to apply for their consumptive use permit by June 2002 and therefore requested the Board to intervene at this time.

Ms. Louise Poundstone, a full-time resident of Inlet Beach, presented a signed petition requesting the commissioners to exercise their right to immediately dissolve the Inlet Beach Water System due to mismanagement and unsatisfactory service. Ms. Poundstone showed articles of clothing discolored by the water, in addition to water samples that were also discolored. In closing, numerous residents of Inlet Beach who were present stood to show their support for new management of the water system.

Mr. W.C. Echols spoke about his tenure on the IBWB and stated that some of the problems come from construction. He explained that the original system was installed in 1985 and does contain small lines.

Motion by Commissioner Ryan, second by Commissioner Pauls to allow county staff to work with Mr. Dewey Wilson to perform a feasibility study to determine the costs and the legal process for assuming responsibility of the Inlet Beach Water System.

Chairman Rees suggested that the residents be polled to determine what they want. Ms. Grishom asked that all property owners be included, not members only.

Chairman Rees called for a vote on the motion. Ayes 5, Nayes 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls stated that it is important to find out the desires of the residents and also to determine the costs involved.

Attorney Vorbeck announced that Mr. Bill Wyrrough has accepted the position as Attorney for the Code Enforcement Board and resigned from the Planning Commission. Mr. Wyrrough was present and addressed the commissioners regarding his decision.

Mr. Underwood informed the commissioners of a situation regarding an easement between Blue Mt. Villas and Sunseekers Condominiums. He advised the Board that the county previously accepted the 4-foot easement on March 31, 1987 in lieu of the 5% assessment fee. Since that date someone has constructed a concrete wall and placed a chain link fence in the easement.

Questions were raised regarding who placed the fence and wall in the easement and who was responsible for removing it. Commissioner Pauls felt that this easement does not provide a good public access to the beach and stated that the homeowners should maintain it. Discussion followed regarding the county taking control of the easement, but not opening it to the public. Mr. Crim stated that the county is responsible for providing handi-cap access to the beach and access across the dunes. The commissioners agreed that they need to take possession of the easement. They agreed to notify the adjacent property owners that the easement belongs to the county and all

encroachments will have to be removed or the county would remove them within 30 days. The public beach access sign will also be removed.

Mr. Mattison appeared before the Board presenting a request for approval of the revised Personnel Policies and Procedure Manual.

Motion by Commissioner Jones, second by Commissioner Walker to accept the revised Personnel Policies and Procedure Manual as presented. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Mattison presented a copy of the proposed Expense Ordinance and requested the Board set a public hearing to consider adoption of the ordinance.

Motion by Commissioner Jones, second by Commissioner Pauls to approve to advertise for a public hearing on March 12, 2002 to consider adoption of an Expense Ordinance. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Mattison presented copies of the new Policy and Procedures for Human Resources File Inspections, Compensation Plan Policy, and the Position Classification Policy for the commissioner's review.

Mr. Mattison presented his salary recommendation for the Director of Legal Services, Mr. Gary Vorbeck, for his six-month evaluation. Mr. Mattison stated that the position is a Grade 23 and ranges from \$56,000.00 to \$113,000.00; Mr. Mattison recommended a 5% increase raising him from \$95,000.00 to \$99,750.00 effective with the pay period beginning February 11, 2002.

Motion by Commissioner Jones, second by Commissioner Ryan to approve a 5% salary increase for Mr. Gary Vorbeck raising him to \$99,570.00. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Mattison also presented a request to consider Mr. Underwood's six-month evaluation and pay raise. Mr. Underwood is currently being paid \$68,500.00, grade 23. Mr. Underwood explained that discussions originally centered around \$95,000.00, but was asked to accept the lower amount with an increase in six months.

Commissioner Ryan commented on the large amount of responsibilities the new directors have undertaken because of the growth Walton County is experiencing. Commissioner Jones stated that he had discussions prior to Mr. Underwood accepting the position. He also recalls that Mr. Underwood accepted the position with the understanding that careful consideration would be given regarding his raise. Commissioner Walker commented that Mr. Underwood has worked hard, but feels that the next six months would determine his overall abilities.

Motion by Commissioner Jones, second by Commissioner Ryan to grant a \$10,000.00 annual increase to Mr. Underwood. Ayes 2, Nays 3. Pauls Naye, Jones Aye, Walker Naye, Rees Naye, Ryan Aye. The motion failed.

Motion by Commissioner Pauls, second by Commissioner Walker to grant Mr. Underwood a 10% increase raising him to an annual salary of \$75,350.00. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Attorney Vorbeck presented the proposed resolution supporting Representative Don Brown's amendment to Florida Statute 402.813, that would exempt the county from permits for paving certain existing bridges and roads. Commissioner Walker requested that copies of this resolution be sent to every County Commissioner and Legislator in the State of Florida.

Motion by Commissioner Walker, second by Commissioner Pauls to adopt a Resolution (2002-10) exempting the county from permits for paving certain existing bridges and roads. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Williams advised the commissioners that a copy of the proposed noise ordinance has been sent to their office for review.

Motion by Commissioner Walker, second by Commissioner Ryan to accept surplus equipment (CC# 416, 451, and 342) from the Clerk's Office. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Underwood presented a request on behalf of the Metropolitan Planning Organization that two alternate members be appointed.

Motion by Commissioner Walker, second by Commissioner Pauls to appoint Commissioner Rees to serve as an alternate for Commissioner Pauls and Commissioner Jones to serve as an alternate for Commissioner Ryan. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Motion by Commissioner Pauls, second by Commissioner Walker to appoint Steven Peterson to fill the District 5 position on the Planning Commission Board vacated by Bill Wyrough. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls stated that he would be presenting a request for proposal regarding a study district. He would like to see a study district designated from Highway 331 to Mac Bayou and Highway 98 north to the Bay to fulfill the requirements of the Comp Plan.

Commissioner Pauls informed the Board that he would be addressing the current maintenance districts with Mr. Barry. He feels that maintenance boundaries need to be reorganized for better efficiency.

Commissioner Pauls questioned language in the contracts that prohibit contractors from working on weekends. Mr. Vorbeck stated that work can be performed on weekends with Board approval; the language is to prevent excessive overtime of county staff who have to assist contractors.

Commissioner Jones pointed out that redistricting of the First Congressional District is being considered. He stated that Walton County needs to support the plan that keeps as much of Walton County in District 1. This issue will be reviewed further.

Commissioner Walker brought up discussion regarding the parking situation at the courthouse. He stated that the county currently has one lot that would accommodate 70 spaces. There are three lots to the east of the courthouse available for purchase. Mr. Walker requested staff contact the City of DeFuniak Springs to determine what guidelines must be met to create parking on those lots. He also stated that the county needs to proceed with developing parking on the Rushing property.

Chairman Rees advised of a letter from Sacred Heart regarding air transport. They received exceptional results from their inspection. They have provided 81 flights since November 1, 2001; 44% of the flights starting in Walton County, 43% being trauma calls.

Chairman Rees also updated the Board regarding the Technical Assistance Group that the DEP has recommended. The first meeting is scheduled for February 19, 2002 at 9:00 a.m.

Ms. Nancy James, South Walton Community Council, advised the commissioners that they were awarded a small grant in the amount of \$10,000.00 regarding wetland issues.

There being no further business, the meeting was adjourned at 9:55 p.m.

APPROVED: \_\_\_\_\_  
Lane Rees, Chairman

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