

APRIL 9, 2002 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, April 9, 2002 at 4:00 p.m. in the Tourist Development Council's Boardroom.

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, and Attorney Gary Vorbeck, Director of Legal Services, were also present.

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

Chairman Rees called the Quasi-judicial hearing to order regarding Bayou Landing and welcomed everyone. Attorney Vorbeck administered the oath of office to those testifying.

Mr. Russ Aldrich, appeared before the Board representing the project and advised that a tree survey was conducted along the perimeters and they also revised their drainage plan as requested by the commissioners. There were approximately 100 trees identified in the buffer, therefore this information was sent to the developer and redesigned.

Commissioner Pauls questioned Mr. Aldrich as to the elevation differences in surrounding properties. Mr. Aldrich stated that it is approximately a 5-6 foot difference. He stated that the plans show how the drainage swells will meander throughout the property to assure the trees will be preserved. The trees will be flagged in order to save the trees while construction is taking place.

Commissioner spoke to the elevation of the property and questioned if certain areas will be filled and how run-off would be handled. Mr. David Campbell, Engineer, stated that the area in front of the property will be filled somewhat and retention areas will be strategically placed around the property. He stated that because of the water tables a lot of water would be absorbed. Mr. Arthur stated that he has briefly reviewed the site.

Mr. Alan Ficarra stated that this is a great plan. He stated that there are a lot of significant trees not shown on the plan that could be saved if the roadway were designed to curve around the trees throughout the project. Mr. Ficarra requested that Ms. Peggy Fowler, Planning Consultant, speak.

Attorney George R. Miller objected to new testimony being presented. Attorney Vorbeck agreed that the Board, at their last hearing, agreed not to hear new testimony.

Discussion followed regarding what dialogue took place at the Planning Commission Meeting. Mr. Aldrich stated that the Planning Commission did not direct them to perform a tree survey. Ms. Fowler stated that there are regulations in the Code to save the trees. She further stated that there are some large trees in the area of the cemetery that were not shown on the map. Ms. Fowler spoke about policy 4.06.02 in the Land Development Code regarding the removal of vegetation. She stated that the code speaks of saving a 20-foot width of vegetation and said that there is no 20-foot area of vegetation in these plans.

Mr. Arthur stated that this is a tree survey, which is in addition to the preservation and advised that they have met the requirements. Ms. Fowler stated that she has not seen any plans showing the preservation. Mr. Aldrich stated that the preservation plan was part of the package submitted to the Planning Department. Mr. Aldrich also said that the

preservation plan only requires them to identify the vegetation and does not require a survey. Ms. Fowler stated that preservation also requires preserving the underbrush.

Mr. Campbell addressed the issues regarding grading and site preparation. He stated that only the areas for the roads and swells would be cleared. The builder is required to leave the vegetation except where the house and the driveway will be placed. Their intent is to save as many trees as possible. Mr. Campbell advised that they have curved the road to save as many trees as possible and the trees will be flagged.

Mr. Ficarra questioned what means are available to ensure that there would be no clear cutting by a builder and what penalty would be imposed. Mr. Arthur stated that the preservation plan would be part of the plat showing an owner the limitations.

Chairman Rees closed the public hearing to further comments.

Motion by Commissioner Jones, second by Commissioner Ryan to approve the proposed development of Bayou Landing contingent upon a tree plan being part of the plans. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls voiced concerns regarding the traffic issues in the Mack Bayou area; the county must deal with the issues.

Chairman Rees called the Regular Meeting to order.

Commissioner Ryan stepped out.

Motion by Commissioner Pauls, second by Commissioner Jones to approve the consent agenda consisting of the following items. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye.

1. EAL Approval consisting of the following:	
General Fund	426,081.48
County Transportation Trust	177,785.48
North Walton Mosquito Control	3,774.24

Walton-DeFuniak Library	13,808.61
Recreation Plat Fee	14,366.64
Solid Waste	127,956.70
Mossy Head VFD	749.10
Glendale VFD	4,314.93
Darlington VFD	845.87
Red bay VFD	214.99
Capital Projects Fund	3,873.71
Multi-Purpose Trust Fund	21,695.02
Section 8 Housing	5,936.57
Tourist Development Council	69,301.87
Liberty VFD	1,341.70
Local Option Gas Tax	126,203.17
Fine & Forfeiture	544,675.01

2. Approve Minutes: March 26, 2002-Regular Meeting
3. **Resolution to Execute a Joint Participation Agreement With the Florida Department of Transportation ** (removed for further discussion)
4. Modification to Procedures Used to Approve Construction Change Orders
5. Surplus a 1991 Chevy Caprice BCC # 2387
6. Records Disposition Request from Clerk of Court

Mr. William Imfeld, Financial Director, presented a payment request in the amount of \$25,818.75 to Gum Creek Farms for Scenic Gulf Drive.

Motion by Commissioner Pauls, second by Commissioner Walker to approve payment to Gum Creek Farms in the amount of \$25,818.75. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye.

Commissioner Ryan returned.

Mr. Imfeld stated that the Florida Department of Transportation has approved the funding for the construction of the new extension road and associated drainage structures from Mack Bayou Road to Church Street through the County Incentive Grant Program. The grant is in the amount of \$593,842.00 and the county's matching portion is \$1,102,852.00. Mr. Imfeld presented DOT's resolution for approval. A revised budget

will be included as part of the Joint Participation Agreement. Commissioner Pauls stated that there are three additional areas that right-of-way is still needed, but wants to use caution in this grant process. Commissioner Walker expressed caution and stated that he does not want the county to have to return grant funds because of the lack of right-of-way. He stated that he is opposed to the county purchasing right-of-way. Commissioner Pauls is also opposed to purchasing right of way.

Mr. Michael Underwood, County Administrator, stated that these grant funds are for the development of this road. This is preliminary to determine necessary costs. Commissioner Ryan stated that the county needs to know where the road will be constructed to determine where right-of-way is needed.

Motion by Commissioner Walker, second by Commissioner Pauls to adopt a Resolution (2002-22) authorizing the Chairman's signature on the Joint Participation Agreement with the Department of Transportation for Mac Bayou Road. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld advised the Board that all county divisions are operating at or below their budgets.

Motion by Commissioner Walker, second by Commissioner Jones to approve payment in the amount of \$22,500.00 to US Destination Marketing on behalf of the Tourist Development Council for Spring/Summer Media Camp. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld requested approval to transfer money from an existing line item in the construction budget to pay for architectural fees for the jail facility and the Sheriff's Administrative Offices.

Motion by Commissioner Walker, second by Commissioner Pauls to approve the transfer of monies to pay for architectural fees for the jail. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld presented a request on behalf of the Walton County Health Department from Bay Medical Center. The services being requested are for non-emergency and provided as outpatient under HCRA. Mr. Imfeld advised that if for some reason the patient were to be admitted the county could be liable for care up to 45 days in the amount of \$800.00 per day. Commissioner Ryan voiced concern regarding the patient being admitted as an emergency and costing far more than if approved now. The Board asked about the type of treatment. Mr. Imfeld advised that Dr. Turner from the Health Department declined to be present and stated that he could not answer questions relating to the medical procedures. According to paperwork, the procedure being performed is to determine if a tumor is benign.

Motion by Commissioner Jones, second by Commissioner Pauls to approve the request to provide payment to Bay Medical Center for patient treatment under HCRA. Ayes 4, Nays 1. Pauls Aye, Jones Aye, Walker Naye, Rees Aye, Ryan Aye.

Mr. Russ Barry, Public Works Director, presented information to the Commissioners regarding the in-house paving program and requested approval to hire one additional person (Foreman). All other equipment purchases will be brought back for approval. Commissioner Walker stated that the county does not have any roads ready to be paved that cannot be contracted out and does not feel the county is ready for their own paving crew. Mr. Barry stated that the county could save approximately \$20,000.00 per lane mile by operating an in-house paving crew. He stated that he would like flexibility in

paving short roads less than ¾ mile in length, which are numerous on the county's paving list.

Motion by Commissioner Ryan, second by Commissioner Jones to approve Mr. Barry's request to establish a Walton County Road Paving Section and hire one staff person (Foreman).

Commissioner Pauls stated that he would like to see in-house staff utilized.

Mr. Larry Bell, Gum Creek Farms, suggested the county lease equipment for a trial period before making a final decision to go into the paving business. He stated that he is not opposed, he just wants the county to be sure before they spend taxpayer's money. The commissioners asked Mr. Barry to revisit this issue. Commissioner Jones withdrew his motion.

Commissioner Ryan let his motion stand to create an in-house paving section for a trial basis (not to include the purchase of any equipment). Second by Commissioner Jones. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The commissioners recessed briefly.

Mr. Jerry Slay, DeFuniak Springs Little League, stated that they are installing a new little league field and requested in-kind services or funding to help change out electrical wiring. Mr. Barry advised that he could make his personnel available over the new few weeks periodically to assist with the electrical work.

Motion by Commissioner Walker, second by Commissioner Ryan to assist the DeFuniak Springs Little League by providing personnel to provide in-kind services not to exceed \$5,000.00. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Commissioner Pauls asked that Mr. Pat Markey be involved.

Mr. Barry presented four alternatives for attacking the litter problem in Walton County. His recommendation is to establish a prisoner's work schedule, while researching additional methods. Commissioner Pauls recommended alternatives 2 and 3 as presented by Mr. Barry, which it to establish a prisoner schedule and to hire county staff dedicated to litter control.

Ms. Nancy James, South Walton Community Council, suggested getting private business owners involved.

Discussion was held regarding the use of TDC employees; however, Ms. Titus stated that Florida Statute would not allow the expenditure of TDC funds for this purpose.

Commissioner Walker suggested enforcing the Ordinance that prohibits littering. He sated that he has placed additional signage in his district in an attempt to help with the problem.

Mr. Barry presented a change order request regarding CR1883. The road needs to be widened from 20' to 22' according to AASHTO specifications. The change will cost between \$170,000 - \$180,000. Mr. Barry recommended approval.

Motion by Commissioner Walker, second by Commissioner Pauls to accept Mr. Barry's recommendation and approve the change order request by Preble-Rish not to exceed \$180,000.00. Ayes 5, Nayes 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Mr. Barry also advised that he is in the process of writing the right-of-way policy, which will also change the Land Development Code to the AASHTO standards requiring a minimum of 18' paved roadways.

Attorney Gary Vorbeck, Legal Services Director, presented the Quit Claim Deed for Okaloosa Walton Community College for the property in the Governmental Education Center.

Motion by Commissioner Walker, second by Commissioner Ryan to approve the quitclaim deed to Okaloosa Walton Community College for property in the Gov Ed Center. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Kira Honse, Legal Services, prepared a resolution for the Board's consideration regarding the establishment of policy for charging costs to complete requests for public records. There will be a charge of .15 cent per page of standard legal or letter size copies, or if special equipment or paper is required, the county shall charge the estimated actual cost of making the copies. A special service charge will be computed to the nearest half hour exceeding the initial thirty (30) minutes based on the current rate of pay for the pay grade of the person who performed the service and will be assessed regardless of the number of individual copies made. The special service charge will also be assessed for the inspection of records when it requires oversight in excess of 30 minutes when it prevents the person doing the oversight from performing their regularly assigned duties.

Motion by Commissioner Ryan, second by Commissioner Walker to adopt a resolution (2002-23) establishing a policy for charging costs to complete public records requests. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Underwood advised that an amendment to the master agreement is needed to construct the Zone 3 Office for a total GMP of \$340,000.00. He requested approval contingent upon review by Legal Services.

Motion by Commissioner Pauls, second by Commissioner Walker to approve the change order to the master agreement contingent upon review by Legal Services. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Jack Arthur appeared before the commissioners with a proposed ordinance modifying the Walton County Land Development Code to redefine the Coastal Building Zone, and providing an effective date. The second proposed ordinance modifies the Walton County Land Code to adopt the 2001 Florida Building Code and Related Codes, and Wind-Borne Debris Region, and Basic Wind Speed Map, and providing an effective date. Mr. Arthur reviewed the proposed ordinances and the zones on the map.

Motion by Commissioner Pauls, second by Commissioner Jones to adopt an ordinance (2002-09) modifying the Walton County Code to adopt the 2001 Florida Building Code and related codes, and Wind-Borne Debris Region and Basic Wind Speed Map, and providing an effective date. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented the information regarding the proposed ordinance adopting the modification to the LDC to redefine the Coastal Building Zone.

Ms. Nancy James, South Walton Community Council, read a letter on behalf of Mr. David Kramer who stated that there is a reference in the LDC to the 100 year flood plain that refers to a FEMA Map of 1986, which he felt should be corrected to refer to the 2000 FEMA Map. Mr. Arthur stated that the proposed ordinance does not relate to the FEMA Map.

Motion by Commissioner Pauls, second by Commissioner Walker to adopt an ordinance (2002-10) approving modifications to the Walton County LDC redefining the

Coastal Building Zone. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Kris Titus, Executive Director of the Tourist Development Council, appeared before the Board to present their 2002/03 Walton County TDC Strategic Plan and requested approval of the plan.

Motion by Commissioner Ryan, second by Commissioner Walker to approve the TDC's 2002/03 Strategic Plan. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Titus requested approval to contract with Resort Builders, Inc. for construction of four beach accesses at a total cost of \$361,641.00, low bid.

Motion by Commissioner Pauls, second by Commissioner Walker to award the low bid to Resort Builders, Inc. in the amount of \$361,641.00. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Titus requested approval to purchase the following equipment: one (1) 2002-4X4 ¾ ton pick-up truck, one (1) 2002-4X4 ½ ton pick-up truck, and three (3) ATV utility vehicles for beach cleaning.

Motion by Commissioner Walker, second by Commissioner Jones to approve the purchase of vehicles for the Tourist Development Council as stated. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Chairman Rees recognized Ms. Jane Hignon and Mr. Mike Stange from Sandestin working with the Sister Cities Program. Mr. Rees explained the program and stated that they are exploring the opportunity of working with Whistler, Canada as a Sister City.

Mr. John Wellborn, Watersports, appeared before the Board to request a Parasail variance for Seascape Resort. He explained that it is about .4 miles on either side from other vendors.

Motion by Commissioner Pauls, second by Commissioner Walker to grant a variance to Seascape Resort for a Parasail Permit Variance for this year's operations. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Hilton Galloway, Auditor, presented an overview of the Financial Statement Audit Report for fiscal year ending September 30, 2001. Mr. Galloway commended the Board, Clerk of Court Martha Ingle, and her staff for an outstanding job this year. He explained that the Comprehensive Annual Financial Statement has not been issued over the past several years. The county has only been issuing a General Purpose Financial Statement. This report is far more detailed and he commended Mr. Pennington, CPA for the Clerk, for his work on the report. Mr. Galloway explained that he was able to issue an unqualified opinion on the Financial Statements, which means they found no problems with the financial information included in the report. He explained the four options he has regarding an opinion on a Financial Statement: qualified, unqualified, disclaimer, or an adverse opinion. An unqualified opinion is the best that can be given and shows no deficiencies.

Commissioner Walker commented on erroneous statements made in the past regarding missing funds. Mr. Galloway explained that there were no funds missing, it was due to internal accounting problems. He further commented on the quality of in-house work currently being performed.

Mr. Underwood commended Mr. Pennington on his work, the contents of the report, and for going the extra mile to include the additional statistical section.

Mr. Galloway stated that the report has been submitted to GFOA for review for consideration of the Certificate of Excellency. He felt assured this report would receive the certificate.

Commissioner Walker requested Mr. Galloway make the public aware of the county's reserve funds. Mr. Galloway stated that there is a total of \$54,147,000 in reserves.

Chairman Rees also commended Ms. Ingle and her staff for an excellent job.

The commissioners recessed briefly.

Mr. Don Rutland and Mr. Mike Rutland, 2WR/Holmes-Wilkins, Architects for the jail facility, presented the 2 Options, 1 Alternative from the Needs Assessment and Feasibility Study and the Schematic Design Submittal relating to the construction of a new jail facility. Mike Underwood then spoke about available property surrounding the courthouse.

Mr. Don Rutland explained that the Schematic Design Submittal recommended by the Jail Facility Design Review Committee represented a revised Option Two from the Needs Assessment and Feasibility Study that would locate the jail facility onsite at the current jail. Alternative III would be to construct a work camp facility off-site and remodel the existing jail, and Option I would be to construct a new off-site facility. Chairman Rees told who served on the committee and recognized them for their service.

Mr. Rutland explained the revisions to the revised Needs Assessment and Feasibility Study and requested that the Board of County Commissioners give 2WR/Holmes Wilkins clear direction regarding decisions and required actions as follows:

1. The total number of beds to be provided and the ratio of open bay dormitory style beds versus the number of double or single bed lock down cells.
2. The selection of a site for the location of the facility
3. A clear direction for 2WR/Holmes Wilkins to proceed with the revised schematic design or design development of the new facility based on the selected Option I, Alternative III or Schematic Design.
4. A clear direction to the staff with regard to the assemblage of land around the existing Jail and Courthouse facility to provide for the required parking associated with the new facility and the courthouse expansion if the existing site is selected.
5. To release the Topographical and Boundary Survey work and the Geotechnical Engineer to perform the subsurface investigations on the selected site.
6. To make a determination on the location of the Sheriff's Department Administrative offices.
7. To make a determination regarding the incorporation of the Walton County Records Storage facilities inclusion in the Schematic Design of the detention facility if the existing jail site is selected.

Mr. Mike Rutland spoke about problems at the current jail. He recommended the jail be constructed to provide for 20% lockdown. He reviewed growth rates over a past number of years and the estimates for future growth. Mike also spoke about proper classification of inmates. He explained that the Sheriff stated that a 300-bed facility would be inadequate and so the committee increased the number of beds to 411. He presented a map for option 1 for the 20-acre site located north of the State Prison. Mike explained problems with sewer and water at that location and stated that the county could not tie into the prison systems sewer system. He explained that the State might help pay part of the costs for water and sewer in order to help upgrade their system.

The proposed total cost for an off-site facility was estimated at \$11,767,500.00. He then listed advantages and disadvantages for option 1. The total cost for option 2, on-

site at the current location, was \$8,078,725.00. Option 2 had advantages of cost savings, however, the additional costs for parking are not included in the feasibility study.

Some members of the audience voiced concern regarding structural design of the current jail facility in regards to it being sound enough to add a second floor.

Option 3 consists of an off-site work camp at an estimated cost of \$4,137,500.00. He stated that this facility would not support the needed classification of inmates.

Mr. Mike Rutland gave a cost of \$146.00 per square foot for construction, however, with option 1, their goal is \$138.00 per square foot. Don explained that in order to take advantage of that goal, they need to proceed as quickly as possible to secure the most economical prices.

Sheriff Johnson question why that particular 20-acre parcel was chosen and why they were planning on constructing a \$1 million records storage facility. Mr. Rutland explained the plan and how the records facility would be integrated.

Ms. Helen Griffin stated that the people she has spoken with does not want new jail in DeFuniak Springs. She asked if the people would be given an opportunity to speak regarding this issue. This meeting and the committee meetings were advertised and were open to the public.

Mr. Bob Register also voiced concern regarding the structural soundness of the current jail facility.

Chairman Rees stated the Board needs to decide what type of facility would be best. He stated that he has talked with numerous people and visited many jail facilities during his research. One need to keep in mind is space for future expansion. He felt that a jail is needed, not a work camp. One recommendation heard from people he spoke with

was not to build above needed capacity due to maintenance costs. He felt it would be best to keep the Sheriff close to the current jail site. Chairman Rees stated that he is more comfortable with a 300-bed facility rather than 411. Based on the information provided by the jail committee, going north to build the same facility is not going to be cheaper but would actually cost more.

Commissioner Walker spoke about the importance of constructing the most cost effective facility.

Commissioner Jones stated that he has visited several sites. He expressed the importance of constructing the facility correctly the first time for cost effectiveness. He too spoke about not over building due to maintenance cost for upkeep on a facility. Mr. Jones felt that a 300-bed facility would be sufficient to serve current needs.

Commissioner Pauls spoke about his experience with inmates at work camps and the higher rate of rehabilitation, however, felt that is too costly. He expressed the need to consolidate services. Planning issues also must be considered. He addressed concerns by citizens who felt that the jail would become the centerpiece of town. He stated that a new courthouse facility would be constructed in front of the jail and would become the focal point, not the jail.

Commissioner Ryan spoke briefly as to the history of the proposed jail facility and stated that costs have always been the delay. He also stated that internal infrastructure was the problem at the current facility, not the foundation. Mr. Ryan felt that according to calculations, a 300-bed facility would meet the county's needs until the year 2020. He stated that if the 20-acre parcel near the prison were to be used, that the city would help with the costs of installing sewer. Mr. Ryan stated that the costs could be

reduced by the county performing as much of the work as possible, in addition to inmate labor. He stated that there are many advantages to locating a jail out of the city limits and spoke on behalf of many citizens who do not want the jail in town. He suggested moving the jail and turning this facility into a judicial center, which would be beneficial. Commissioner Ryan stated that his preference would be to construct a 300-bed facility off-site, with room for expansion.

Commissioner Walker stated that it would be too costly to construct a second floor at the current facility while housing the inmates. He stated that a design needs to be chosen for maximum security, which would be available for future needs. He stated that the current location offers better options and is less costly.

Mr. Underwood advised that the property surrounding the courthouse is available for the necessary parking expansion.

Comments were made regarding the City's desire for the jail to remain downtown. Mr. Walker stated that he has spoken with Mike Standley, City Manager, who stated that city officials, along with the Judges and merchants, would prefer the jail to remain in town.

Sheriff Johnson voiced concern with available space for an impound yard.

Commissioner Walker commented that the jail would hold 370 with single lockdown and 411 with no single lockdown. Commissioner Pauls reminded the Board that the committee recommended a 411-bed facility.

Sheriff Johnson agreed with Commissioner Ryan to construct the new facility off-site with 300 beds, leaving room for expansion.

Commissioner Pauls stated that jail administration advised him on the importance of lock-down.

Motion by Commissioner Walker, second by Commissioner Pauls to accept the schematic design as presented by 2WR Holmes-Wilkins with 411 beds, 30 percent maximum security and 18% single cell. Ayes 4, Nayas 1. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Naye.

Motion by Commissioner Pauls, second by Commissioner Walker to accept the recommendation of 2WR and the Jail Committee to construct the new facility at the downtown location (current site). Ayes 4, Nayas 1. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Naye.

Mike Rutland again stated the comparative costs for constructing the same facility off-site as on-site. The schematic design construction cost total to remain on-site is \$10,998,356.00. The same facility off-site total cost is \$15,712,000.00. He stated that it would not be cheaper to construct off site.

The commissioners instructed Mr. Underwood to proceed with the necessary steps to acquire the needed properties surrounding the courthouse.

Motion by Commissioner Walker, second by Commissioner Pauls to include construction of the Records Center at the same time. Ayes 4, Nayas 1. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Naye.

Commissioner Walker stated that the questioned has been raised regarding the best way for the county to obtain legal title, or acquire right-of-way. Currently, Allen Brown, Right-of-Way Specialist, goes out to the center point of an existing road and measures off 30 feet and drives a stakes into the ground That becomes the description

from the center of the road to that point and you get the right of way through a right of entry. He stated that if you get a deed to it then you have to go by your actual deed and you have to have an extensive survey done, which is costly. If you are going to do a quitclaim deed and have basically the same type of description as the right of entry agreement, you have accomplished the same thing for less cost. When you have a deed and have it surveyed, you have a clear titled. The cost factor is what is in question.

Attorney Vorbeck agreed that a survey is expensive and time consuming. He stated that some counties do it the way Commissioner Walker explained and obtain a right of way agreement and make the necessary improvements. Chapter 95.361 says that if the county built the road and maintained it for a period of four years, the road belongs to the county. This is a quicker method and less costly. Mr. Vorbeck stated that it is up to the county if they want to obtain right of way by using the less costly, faster approach or to use the alternative method of obtaining deeds, titles, and surveys.

Commissioner Walker suggested the county adopt a policy that county personnel identify and stake the right of way and the property owner signs a right of entry giving the county the right-of-way for the purpose of widening a road.

Motion by Commissioner Walker, second by Commissioner Jones to go through the process of acquiring right-of-way using the current procedure of allowing county personnel to obtain notarized right-of-entry forms for the purpose of obtaining right-of-way. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Jones informed everyone that the county has closed on the Mossy Head property and stated that now is the time to become aggressive with economic development.

Motion by Commissioner Jones, second by Commissioner Walker to advertise for RFQ's for a consulting firm to blueprint a master plan of the Mossy Head site and to determine what role the county needs to take in economic development.

Discussion followed regarding who should be incorporated in this blueprint. Commissioner Pauls recommended the task remain focused and not become too broad in order to proceed expeditiously with development of the Mossy Head Industrial Park. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Ryan did not present any items for discussion.

Commissioner Pauls referenced 11.03.05 of the Land Development Code regarding plat approval. He stated that plat approval is generally administrative functions and feels it would be a benefit to allow plat approval at any Board meeting.

Motion by Commissioner Pauls, second by Commissioner Walker to allow plat approvals to be placed on any Board Meeting agenda, not only at the Land Use Hearings. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls stated that significant progress has been made regarding traffic control solutions. With the help of Mr. Underwood, a Sheriff's Deputy has been stationed at the Mac Bayou/Highway 98 light and is being paid by White Construction and D.O.T., which has been helpful in moving traffic. Commissioner Pauls also informed the Board that he met with Secretary Prescott and Gene Martin regarding potential traffic solutions along Highway 98 and how to get the MPO to respond. Consideration will also be given to solutions at the CR393 and Highway 98 intersection.

There being no further business, the meeting was adjourned at 9:05 p.m.

APPROVED: _____

Lane Rees, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court