

APRIL 23, 2002 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, April 23, 2002 at 9:00 a.m. in the Boardroom of the Walton County Courthouse.

The following Board members were present: Commissioner Tim Pauls, Vice-Chairman Larry D. Jones, Commissioner Herman L. Walker, Chairman Lane Rees 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, welcomed everyone present, and thanked Ms. Ingle and her staff for their hard work with the audit.

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

1. EAL Approval	
General Fund	395,269.69
County Transportation Trust	535,762.16
N.W. Mosquito Control	6,625.38
Walton County Library	8,925.68
Recreation Plat Fee	5,572.53
Solid Waste Enterprise	199,235.13
Mossy Head VFD	1,655.16
Glendale VFD	633.64
Darlington VFD	810.57
Liberty VFD	880.50
Red Bay VFD	790.58

Driftwood Debt Services	372,668.03
Capital Projects Fund	525,205.76
Multi-Purpose Trust Fund	845.47
Section 8 Housing	125,527.97
Tourist Development Council	361,475.08
Fine & Forfeiture	36,684.09
Local Option Gas	21,765.56

2. Approve Minutes: April 2, 2002: BCC Land Use Meeting
April 9, 2002: BCC Regular Meeting
3. Approval of Grant-In-Aid Agreement for Child Dependency

Ms. Patti Yates, Finance Supervisor, presented a payment request in the amount of \$17,871.40 for Dream Builders. Payment is for substantial rehabilitation performed through the SHIP program for Horace Johnson.

Motion by Commissioner Ryan, second by Commissioner Jones to approve payment to Dream Builders in the amount of \$17,871.40. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Ms. Hazel Greenberg, Agency for Health Care, appeared before the Board to answer questions regarding the Health Care Responsibility Act. Ms. Greenberg stated the purpose of HCRA is to fund health care for indigent residents. She advised that each county is responsible for setting aside \$4.00 per capita per fiscal year to cover these expenditures. A person is determined eligible if they receive emergency care at an out-of-county hospital and the treatment is 100% Medicaid per Diem rate reimbursement. Non-emergency care can be covered if the services are not available within the county of residence and the hospital is be a participating hospital. The individual's income must be at or below the federal poverty level to qualify and certain asset requirements must also be met. Proof of residency, asset, and income must be provided. (Commissioner Walker arrived.) Ms. Greenberg stated that once the person is determined eligible to participate

under the program, a notice of eligibility is sent to the hospital and to the applicant. The hospital then sends a claim form (UV92-state & federal form) for payment; the county is responsible to verify that all procedures and treatment given to the patient are covered under HCRA.

Ms. Greenburg explained that a person must be seen in the emergency room in order to be determined as an emergency unless the county elects to grant prior approval. If a patient has been receiving treatment through the health department and is determined eligible and in need of treatment, the county can grant pre-approval of treatment. If an individual has been determined as critical, but is a non-emergency, the service can be covered under HCRA because at some point the person's life will be in danger.

Ms. Greenburg stated that rules and policies must be established that allows someone to make an eligibility determination before the Board of County Commissioner's meet in order to prevent delay in service. She stated that the county has 30 days to make a determination and 60 days to notify the applicant and the hospital.

Commissioner Walker stated that the Board has not appointed anyone to review the claims and make the determination and wants to appoint someone.

Discussion was held regarding determination of eligibility. Ms. Greenburg stated that Chapter 59 H-1 Florida Administrative Code (Health Care Responsibility Act Rules and Regulations) gives the documents that are acceptable for proof of residency. She explained that the two steps in the procedure are to determine patient eligibility and if payment is eligible under HCRA.

Mr. Imfeld advised that the Health Department is currently making the determinations both for residency and indigence.

Ms. Greenburg advised that the county is not responsible for making payment after reaching the maximum amount required by budget. She also stated that further clarification could be requested from the physician.

Mr. Russ Barry, Public Works Director, updated the Board on current projects. CR395 will be completed soon. The Landfill project is proceeding smoothly and should be completed within 60 days. He advised that the county is working with the State on SR 98 to help with traffic flow. An officer has been provided by the State and White Construction to assist with traffic. Mr. Barry advised that Preble-Rish is currently designing the continuation of the bike path along CR 30A. As part of this design they are doing a comprehensive survey of the roadway that will show both the right-of-way on CR 30A and any incursions onto this right-of-way. They estimate the survey to be completed within three weeks. Commissioner Pauls suggested that the Legal Department, Public Works, and Administration review the development order for Rosemary Beach. Rosemary Beach feel rights were given to them to do things within the right of way as well as the approval to put up stop signs.

Mr. Al Wickham appeared before the Board requesting the closure of Morrison Springs Road. He explained that vandalism and theft has been occurring at the dive shop when they are closed. They would like to gate the road during their closed hours. He stated that there is a previous agreement with the county for maintenance on the road and he would be willing to give the county a key if necessary. Mr. Wickham stated there are no other residents who live on the road. The Commissioners recommended Mr. Wickham proceed with the abandonment procedure.

Mr. Barry presented a request on behalf of the Freeport High School for assistance in constructing their athletic facility. Mr. Darryl Hobbs, Maintenance Supervisor, is requesting assistance to set the roof trusses and needs the use of a crane and crane operator. Mr. Barry recommended approval.

Motion by Commissioner Ryan, second by Commissioner Jones to approve the request on behalf of Freeport High School. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Gary Mattison, Human Resources Director, presented information relating to Policy 3.1, Appointment, and requested to postpone discussion regarding the other two policies pending further review. He advised that it is not legal to carry the requirement of U.S. Citizenship. Mr. Mattison recommended revising the language to conform to current law and protect the BCC from potential conflict and litigation.

Motion by Commissioner Walker, second by Commissioner Pauls to accept Mr. Mattison's recommendation and approve the change in Policy 3.1. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Ronnie Bell, Emergency Response Director, informed the Board that the Purchasing Department received two (2) proposals for the 911 GPS equipment and training. The equipment will provide staff with the tools to digitally place additional information into the system and provide on-site training, thus providing superior service to the citizens of Walton County. Mr. Bell recommended awarding the low bid submitted by TopComp, Inc. in the amount of \$35,600.00. The proposal submitted by MicroData GIS, Inc. was for an amount of \$48,945.00 and did not meet all the specifications.

Mr. Harold Bigham spoke to the commissioners regarding the GPS and its functions. He stated that it would identify streets, bridges, fire hydrants, and subdivisions for the map. Mr. Bell showed a handheld GPS and explained that by identifying these coordinates, it will help emergency personnel locate the site better.

Motion by Commissioner Walker, second by Commissioner Ryan to award the low bid to TopComp, Inc. in the amount of \$35,600.00 for the purchase of the GPS system. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Michael Underwood presented a request to amend the 2WR contract for the inclusion of a Records Storage Facility in the amount of \$817,275.00.

Motion by Commissioner Walker, second by Commissioner Pauls to allow Legal Services to draft an amended contract for 2WR for Professional/Technical Service for the inclusion of a Records Storage Facility at the new jail facility. After further discussion the commissioners delayed a vote pending additional information relating to costs of the project.

Mr. Underwood presented an amendment to the Catherine Cole Taylor Center for the Arts Lease Agreement. The original agreement gives a vague description of the area to be leased under the heading "premises". Since the agreement was signed, Allen Brown has worked with the surveyor to come up with a legal description of the area. This legal description will be attached as an amendment to the lease. Mr. Underwood requested this be entered as an amendment to the lease. Upon being approved it will be sent to the Chair of the Cultural Arts Center group for signature. Commissioner Pauls wants them to be aware they are subject to a 25-foot setback from the wetlands.

Mr. Van Ness Butler appeared before the Board to answer questions on behalf of the Arts Center.

Motion by Commissioner Walker, second by Commissioner Pauls to approve the amendment to the lease agreement for the Catherine Cole-Taylor Center for the Arts. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Underwood advised that the cost of the Records Storage Facility was included in the concept; therefore the motion stands to approve the amendment to 2WR's contract. Ayes 4, Nays 1. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Naye.

Mr. Michael Underwood, County Administrator, explained that the county's logo was returned to the design agency, Bohan, to reflect recommended changes by the commissioners during the last meeting. Upon acceptance by the Board, the logo would be sent to an illustrator who will enhance the logo with color for an approximate cost of \$4,000.00. The individual who was working on the design has quit causing a delay.

Ms. Shirl Williams advised as per an agreement between St. Joe Corporation and Walton County, St. Joe is conveying to the county by warranty deed a 2-acre parcel on Highway 30A between Seaside and Water Colors. This property will be developed by the TDC as a parking area. St. Joe is also conveying by easement a 20-foot easement to the beach and a 75-foot wide easement, which is parallel to the gulf.

Mr. Tracy Howell addressed the issue of the dune walkover stating that they already have designs. The bid has already been awarded for the walkover and construction will begin immediately upon acceptance of the easement. An environmental survey, title search and survey has been completed on this property. The warranty deed and easement were provided previously for review and comment.

Attorney Vorbeck advised that St. Joe has not submitted the final warranty deed and easement, but it can be approved subject to review.

Motion by Commissioner Jones, second by Commissioner Ryan to accept the warranty deed and easement from St. Joe. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Underwood reminded the Board of the option to purchase a 40-acre parcel near the landfill, which contains approximately 21 useable acres. An appraisal and environmental assessment have been performed. Mr. Underwood presented a letter from Mr. John Weeks who stated he has contacted the property owner regarding this parcel of property. The property owner will take no less than \$1,200.00 per acre. Mr. Weeks was present to answer questions and also informed the Board that the property only adjoins county property at the corner point. The commissioners discussed the possibility of using this acreage as mitigation property. (Fitzgerald/Daniel property)

Motion by Commissioner Pauls, second by Commissioner Ryan to approve the purchase of the 40-acre parcel located near the landfill for an amount of \$1,200.00 per acre. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Mr. Weeks will contact the owner to obtain a signature on the contract.

Commissioner Pauls informed the commissioners of a situation in his district regarding beachfront property owned by the Bureau of Land Management (BLM). Mr. Tracey Howell of the Tourist Development Council has been working with the BLM in an attempt to negotiate a lease. Mr. Howell stated that the property is located at Dune Allen and the current lease with the homeowners association has expired. He commented that if the Board has any desire to secure the property they would need to submit a letter

of intent. Commissioner Pauls spoke about the importance of acquiring authority over this property. Mr. Van Ness Butler advised the board that the walk over was repaired and maintained by the county.

Motion by Commissioner Pauls, second by Commissioner Ryan to accept the recommendation and approve the Chairman's signature on a letter of intent for submittal to the Bureau of Land Management. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Gene Ryan, District 4, advised that Officer Macon of the sheriff's department would be addressing the board later in the day regarding a program in line with crime prevention. He reminded the board about the matrix previously presented by Mr. Chuck Lawson for youth programs. The matrix was put together by adults without consultation with the kids. The survey Officer Macon will present had input from the kids themselves.

Commissioner Ryan left.

Commissioner Larry Jones, District 3, commented on the need for a professional to represent the county's interest in the ongoing capital projects. Commissioner Pauls agreed. Commissioner Jones suggested that if the board is in agreement that a job description be drafted appropriately.

Discussion followed regarding the individual being an employee or a contract laborer. Mr. Brian Kellenberger stated that Watkins is currently managing construction in the south part of the county. Their services include management during pre-construction and construction. He stated that a facilities manager would be helpful if dedicated to this task. The board suggested placing this individual under the direction of Mr. Underwood.

Commissioner Walker requested Mr. Mattison contact the Walton County School Board for how their position is handled. This position could be funded through the Public Works budget.

Motion by Commissioner Jones, second by Commissioner Pauls for Mr. Mattison to prepare a recommendation for filling the position of Construction Manager and proceed with advertising for the position. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Jones mentioned that \$500,000.00 per year has been earmarked for landfill operations from the local option sales tax revenues. He asked that the cost of the evaluation and master plan of the Mossy Head site be paid from funds other than the amount already set aside and that this \$500,000.00 per year be used for infrastructure, incentives and marketing.

Attorney Kira Honse, Legal Services Division, reported on the Small County Surtax. She stated that there are established uses and those uses must be agreed upon by the board with a super majority vote.

Mr. Don Crim suggested allowing the funds to remain in the landfill account and utilize other reserve funds.

Commissioner Pauls commended Commissioner Jones for his planning of a serious economic development program and stated that economic development does need to be encouraged.

Mr. Underwood commented that most counties have difficulties in promoting economic development because of financial downfalls; however, Walton County is in good shape financially.

Mr. Tom Powell, Economic Development Director, stated that economic development should be considered an investment because of what the county would receive in return for their investment.

Mr. Vorbeck stated that he would bring back a draft ordinance for the board to review and approve for advertising of a public hearing. Commissioner Jones wants to insure that the funds would be available in the future. He further requested that Mr. Imfeld provide the amount of revenue generated from the one-cent sales tax and the total amount of surplus for the landfill.

Motion by Commissioner Jones, second by Commissioner Walker to approve to surplus a Dell Computer, S/N 1780R-DGR88-89, District 3. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Walker did not present any items for discussion.

Chairman Rees, District 1, reported on a Technology Conference he attended in Austin, Texas. He shared that Austin is recognized as the third largest technology area in the country and explained how they grew. He explained how the benefits expanded to other communities outside of Austin. He stated that growth is not always positive and expressed the need for future planning. Chairman Rees also stated that 9 out of 16 northwest Florida counties were represented at the conference.

Chairman Rees spoke about the importance of citizen participation and how critical it is to a strong community. He commented on the importance of individuals serving on various boards and attendance at public meetings. He asked the press to help announce openings on various boards in order for people with diverse backgrounds to be able to serve.

The commissioners recessed for lunch and reconvened at 1:30 p.m.

Mr. Eric Zwerling, Noise Consultant, addressed the commissioners regarding the proposed ordinance he drafted. The ordinance has been tailor-made to fit Walton County; however, he needs further clarification on various issues. He stated that he has ten items that he would address. He requested to know if this would be a countywide ordinance.

Mrs. Pat Rice addressed the commissioners and read a letter on behalf of the citizens from Woodlawn who are opposed to the 331 Motorcross Park because of the loud noise. Mrs. Lynn Downham explained that operation of the Motorcross Park was shut down with a stop work order, but has since been lifted. She stated that the noise is unbearable.

Discussion followed regarding a countywide ordinance. Mr. Zwerling stated that if a countywide ordinance is put into affect that certain noises could be grandfathered. Measurement location is another item Mr. Zwerling presented for consideration. The Board agreed to perform the measurement from the property line of the complainant. Another item Mr. Zwerling presented is the sound level limits. The Board agreed to set them on the receptor. They also agreed that "Residential" includes residences outside of residential areas. Mr. Zwerling explained that this ordinance is a complaint driven ordinance.

Noise from vehicles was discussed and Sheriff Johnson advised that jurisdiction to enforce sound from a vehicle is provided in Florida Statutes, which his officers enforce. Vibration will be omitted from the ordinance.

Mr. Zwerling spoke about penalties of a noise ordinance and recommended using a heavy fine instead of making it a criminal fine. The Board agreed. He also questioned

the Board regarding animal noise. The Board asked him to review the Animal Control Ordinance first. He also stated that a boom box on a construction site is not exempt.

Mr. Zwerling questioned what decibel level the commissioners wanted to establish. After a demonstration with a decibel meter to determine various levels, the commissioners determined to establish a rate of 60 daytime decibels.

Dr. Chuck Stevenson, President of Walton County Recreation Board, presented the names of the officers elected at their meeting and the terms for which they will serve. The commissioners stated that they want to change the term limits of 1 year and all individuals would serve either a 2-year or 3-year term. Mr. Gus Andrews, Vice-President; Dr. Chuck Stevenson, President; Mr. Tracey Howell, Secretary; Ms. Jean Arrant, Treasurer.

Dr. Stevenson presented estimated costs and requested authorization to proceed with hiring of a Parks & Recreation foreman. The total cost is estimated at \$70,992.00 with an expected income of \$48,000.00. Mr. Imfeld explained that total costs would exceed \$100,000.00 with FICA and other taxes. He also questioned how the funds would be collected and accounted for. Mr. Pat Markey explained that postponing this two weeks would put the program in a bind because there are YMCA employees that need an answer.

Motion by Commissioner Jones, second by Commissioner Ryan to approve the recommendation to hire a recreation foreman, subject to Mr. Markey working with Mr. Imfeld and not to exceed \$89,000.00 for the program. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Stevenson announced that the Recreation Committee would be holding their next meeting on May 20, 2002 at the Freeport City Hall. Commissioner Walker asked Dr. Stevenson to continue working with others to assure coordination between activities.

Officer Jimmy Macon and Officer Danny Garner from the Walton County Sheriff's Department presented information regarding grants for in-school Resource Officers. The State funds \$562 million for School Resource Officers. Officer Macon explained that the grant would pay for the first three years of an officer's salary. After that, the School Board and the Sheriff's Department will assume responsibility for their salary. They requested \$20,000.00 per year to cover the cost of two Resource Officer's salaries upon completion of the three-year grant. The School Board would cover the other \$20,000.00. The School Board has approved to fund their half and a letter of intent from the commissioners is needed. The officers gave a synopsis of their duties at the schools and the number of arrests made. Officer Macon explained that they are also on call after school hours and on weekends.

Motion by Commissioner Ryan, second by Commissioner Jones to approve to submit a letter of intent to fund one-half the salary for two School Resource Officers upon completion of the three-year grant. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Imfeld presented information relating to the amount of taxes collected under the one-cent sales tax. He also presented the expenditures that apply against the revenues. A total of \$6.8 million was generated during 2001 from the sales tax and the total revenues generated for the landfill operations were \$7.6 million. Expenditures were about \$4.5 million. An annual net revenue of approximately \$3 million.

Commissioner Jones again recommended eliminating the \$500,000.00 being placed into the land acquisition fund, which is currently \$1.5 million, and roll it into economic development.

Attorney Vorbeck will prepare an ordinance for review at which time the Board will advertise a public hearing to consider adoption of the ordinance.

Mr. Crim encouraged the commissioners to begin looking for students for the summer employment program. The Board advised that Mr. Mattison has already begun the preliminary work for that program.

Mr. and Mrs. Mike Judkins appeared before the Board regarding Building Material Warehouses. They stated that the development does not meet the code. They further explained problems with the project and asked the Board to reconsider their decision to approve the project.

Mr. Richard Whitaker appeared before the Board and suggested they become familiar with Double Bridge Road because more information would be coming to light. He believes there are code violations on the paved area of this bridge.

Ms. Mary Brockett commented on the proposed noise ordinance stating that a variance is important. She suggested that the ordinance also address animal noise.

Ms. Linda Morse addressed the commissioners regarding the court case about the violation to the animal control ordinance. She stated that the case was dismissed. She asked the commissioners to enact laws that would protect the people regarding animal control.

There being no further business, the meeting was adjourned at 3:40 p.m.

APPROVED: _____
Lane Rees, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court