

August 27, 2002 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, August 27, 2002 at 9:00 a.m. in the Courtroom of the Walton County Courthouse.

The following Board members were present: Lane Rees, Chair, Larry D. Jones, Vice-Chair, Commissioner Tim Pauls, Commissioner Herman L. Walker, 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 followed by the Pledge of Allegiance to the American Flag.

Commissioner Rees called the meeting to order.

Ms. Terra Ricketts, Captain of the Walton Senior High School Varsity Cheerleaders, appeared before the commissioners along with Heather Watson and Kristina Pinkham. They appeared before the Board to extend an invitation to the Memorial March on September 6, 2002 at Walton High School.

Commissioner Rees presented the consent agenda for approval. Commissioner Jones questioned if a report could be given on last year's response to the Waste Tire Amnesty Day and if it would be beneficial to offer it again this year. Mr. Underwood requested to pull number 8 from the consent agenda pending further discussion. Commissioner Pauls questioned if the computer equipment listed under number 10 is in working condition. Ms. Ingle advised that the equipment is outdated, but could possibly be donated to the computer club. Mr. Imfeld explained that an attempt is made to

determine if there is any county agency that would be able to use the equipment. The school system, Vo-Tech, and Disabled Veterans groups are also considered.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve the consent agenda after removing number 8. Ayes 4, Nays 0. Pauls Aye, Jones Aye, Rees Aye, Ryan Aye. (Commissioner Walker had not yet arrived.)

- | | |
|--|------------|
| 1. EAL Approval | |
| General Fund | 373,508.88 |
| County Transportation Trust | 271,201.73 |
| Fine & Forfeiture | 46,476.38 |
| N. W. Mosquito Control | 5,349.45 |
| Walton County Library | 17,399.96 |
| Recreation Plat Fee | 1,529.17 |
| Solid Waste Enterprise | 12,929.41 |
| Mossy Head VFD | 3,485.26 |
| Glendale VFD | 1,098.68 |
| Darlington VFD | 1,134.90 |
| Liberty VFD | 281.65 |
| Red Bay VFD | 87.55 |
| Local Option Gas | 104,153.11 |
| Driftwood Debt Service | 5.40 |
| Capital Projects Fund | 278,339.86 |
| Tourist Development Council | 68,883.37 |
| Section 8 Housing | 115,616.50 |
| State Housing Initiative Partnership | 10,214.48 |
| 2. Approve Minutes: Aug. 6, 2002: Land Use Meeting | |
| Aug. 13, 2002: Special BCC Meeting | |
| Aug. 13, 2002: Regular BCC Meeting | |
| 3. Resolution to Amend the Budget for Unanticipated Insurance Proceeds for Fiscal Year 2001-2002 | |
| 4. Approval of the Recycling and Education Grant Agreement For \$78,749 with No Matching Requirements | |
| 5. Approval of the Solid Waste Small County Grant Agreement For \$50,000 with No Matching Requirements | |
| 6. Approval of the Litter Control and Prevention Grant Agreement for \$11,789 with No Matching Requirements | |
| 7. Approval of the Waste Tire Solid Waste Grant Agreement For \$45,701 with No Matching Requirements | |
| 8. Approval of a Change Order for SW Courthouse Annex: Addition of Concrete Vault to Tax Collectors Office (Removed) | |
| 9. Records Disposition Request | |
| 10. Records Disposition Request | |

11. Clerk's Surplus Equipment Request

Mr. Imfeld presented an update on the Finance Department. He announced that RFQ's are now online for review by the public as well as vendors, which should result in a cost savings to the county. He also advised that the budget is on track to meet the needs for each department for the year. Commissioner Rees asked for a summary report from each of the directors regarding each of their six-month goals and what accomplishments have been made.

Commissioner Pauls asked for a recap of all the items to be included in the upcoming budget and those that were cut. Mr. Imfeld agreed to distribute a handout showing the proposed budgeted items. (Commissioner Walker arrived)

Mr. Russ Barry, Public Works Director, updated the commissioners regarding several requests he had received for traffic control devices on various roads. Mr. Barry recommended the following signage: Seagrove Street; two stop signs, eight speed limit signs, one Children at Play, two Dead End Signs, and speed of 15 mph. Hinote Road; increase speed from 35 mph to 45 mph. Don Bishop Road; one Children at Play, and one speed limit sign posted at 25 mph. Grove at 395 and Forest at 395; no four way stop signs were recommended. Clareon Drive; two speed limit signs posted at 25 mph. Mr. Barry stated that he would not recommend the four-way stop signs on CR 395 because they are not in accordance with the Manual for Uniform Traffic Control Devices and are not warranted by FDOT standards.

Motion by Commissioner Pauls, second by Commissioner Walker to approve the recommendation for additional signage as stated. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Barry advised that Watercolor has presented a request to locate signs on or near public right-of-way along CR 30A. He advised that the County Engineer has recommended approval subject to obtaining approval from Growth Management. Commissioner Pauls wanted assurance that there is consistency in following the code. Commissioner Walker suggested that Watercolor coordinate with the committee who has been working on signage for south Walton.

Mr. Jake Ingram advised that he has discussed this issue with Growth Management and suggested he come before the commissioners with his request.

Motion by Commissioner Pauls, second by Commissioner Walker to approve Watercolors' request for signage with the contingency that Growth Management reviews this for consistency with the code. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Barry presented a request from Mr. Wayne Miller, Supervisor of Administration and Operations for the Walton County School District, for assistance from Public Works to grade and level the new soccer field at the new sports facility at South Walton High School. Labor would be the only cost to the county. Commissioner Pauls stated that this issue is partially a result of negotiations he has had with Mr. Miller regarding the Trail Program at the Governmental Education Center. Mr. Miller has committed to \$30,000 toward the trail plan subject to the Board's approval. Mr. Pauls stated that he supports assisting the school board contingent upon the facility being open to the public.

Motion by Commissioner Pauls, second by Commissioner Walker to approve the school board's request for assistance at South Walton High School subject to the

availability of county staff and the facility being open to the public. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Barry advised that Mr. Michael Bomar, Hartman & Associates, was present to give an overview of the Stormwater Master Plan. Mr. Barry asked for approval of the Stormwater Master Plan and to adopt it as the county planning guideline for improving the management, maintenance, and repair of the structures and conveyances involved with non-point source water runoff in Walton County. Commissioner Walker asked if there is a timeline tied to the stormwater plan. Mr. Barry advised that there are no timelines or expenditures tied to the plan. Commissioner Pauls voiced concern on how the plan will be implemented.

Mr. Bomar gave a brief overview of the plan and spoke about funding. He spoke briefly about revising the Land Development Code and the Comprehensive Plan in order to get them to match. He stated that they performed a mapping and inventory electronic data base that provides documentation to help the county adhere to GADSBY34 for reporting assets and infrastructure. Mr. Bomar closed by stating that this is a working document for guidance, not mandates.

Motion by Commissioner Ryan, second by Commissioner Walker to approve the Stormwater Master Plan and adopt it as the county plan and guideline for improving the management, maintenance, and repair of all of the structures and conveyances involved with non-point source water runoff in Walton County. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye. Commissioner Pauls commented that this plan should be incorporated into the Impact Fee Task Force. He stated that he does not see any way to implement any of these recommendations unless the county was to receive an

enormous amount of grant funding. He stated that he would like to find a way to implement it.

Mr. Barry reported on the cease and desist orders. He stated that he has had communications with Mr. Lee Pelej of the EPA in Atlanta and he was advised that the consent order has been mailed. Commissioner Pauls stated that there are problems with J.D. Miller Road that need repaired, however they cannot be corrected without the consent order. Mr. Barry stated that he would contact Mr. Pelej if the consent order is not received.

Mr. Barry reported that the Landfill remediation is progressing very well. Several ponds have now been stabilized and the project should be complete in approximately 30-45 days.

Five roads have now been paved as part of the in-house road-paving program. Public Works has paved Vines Road, Simmons Road, North McGarrigle Road, South McGarrigle Road, and Whispering Lane, which he feels are of excellent quality. He stated that Hideaway Bay Drive is being prepared for paving and other roads will be prepared following receipt of the consent order from EPA. Commissioner Pauls asked for cost comparison for in-house paving versus contracted pricing. Mr. Barry stated that he has only prepared a materials cost comparison at this time, which are under \$30,000 per lane mile. Commissioner Ryan presented costs of \$25,000 per lane mile, not including overhead, or \$35,000 per lane mile including overhead. These costs are compared with the \$77,000 per lane mile for contracting costs. Commissioner Jones requested that costs continue to be monitored.

Mr. Barry stated that he has received several requests from community centers for routine and special maintenance. He stated that he has not been able to provide assistance because the centers are not public property. Mr. Barry requested guidance for handling those requests, as they do appear to serve a public purpose at times. Commissioner Walker stated that Mr. Barry needs to be given authority to use his own discretion to provide assistance when it serves a public purpose. Commissioner Jones agreed that we need to help when possible. In many cases these buildings are used as a polling place, which does serve a public purpose. Commissioner Ryan stated that he is in favor of helping the community centers. He suggested that a policy be adopted so the Public Works Director has clear guidance. The Supervisor of Elections also pays the electric bill on some of the buildings. He also reminded the Board that many times the county is considered the applicant when grants have been applied for. In addition to drafting a policy for county staff to follow, he also suggested making the communities aware that they also have certain responsibilities. Mr. Barry agreed to draft a policy. Attorney Vorbeck stated that it must be determined that there is a public benefit.

Commissioner Rees questioned Mr. Barry regarding the stop signs on CR 30A at Rosemary Beach. Mr. Barry stated that he is researching that issue and will present his recommendation at a later date.

Mr. Ronnie Bell, Emergency Response Director, presented the quotes received for air packs for the Liberty Volunteer Fire Department. Mr. Roger Roy, Chief of the Liberty VFD, recommended purchasing the air packs from Bay Fire Products in the amount of \$27,400.00, low quote.

Motion by Commissioner Walker, second by Commissioner Jones to award the low quote to Bay Fire Products for the purchase of air packs in the amount of \$27,400.00 for the Liberty Volunteer Fire Department. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Bell requested the commissioner's make their appointment to the Hurricane Preparedness Committee.

Motion by Commissioner Jones, second by Commissioner Walker to appoint Commissioner Tim Pauls to serve on Hurricane Preparedness Committee. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Bell presented an update on his division activities. From July 1 through July 31, 2002, Animal Control received 275 calls. The animal control officers picked up 118 dogs and 69 cats; only 18 animals were returned to the owners. They responded to nine bite cases; ten citations and thirty-four warning citations were issued.

Mr. Bell reported that a total of 4,323 E-911 calls were received for the month of July and gave the breakdown for the departments who responded to those calls. Of the total calls, 2,353 were hang-ups, misdials, repeat calls or test calls. Mr. Bell also presented the number of calls Airheart responded to.

Mr. Bell announced that the Health Fair held this weekend was a great success with over 400 people in attendance.

Mr. Ken Little, Citizens Service Director, presented information on the expiring committee appointments. He stated that he is working with Brian Rick, PIO Officer, to create a listing of volunteers who are willing to serve on various committees. This will provide a pool to draw from when selecting members. (Tape 1/side2)

Mr. Little gave an overview of all other departments under his direction. He also stated that RFP's for the Single-family Bond Program have been drafted and under review before advertising. He is expecting additional SHIP funds in the amount of \$430,000 rather than the \$366,000.

Mr. Little informed the board that he is in the processing of obtaining quotes for a project at the Coastal Branch Library. They are requesting to plant grass behind their facility. Mr. Little is continuing to work on the county's website and will be discussing it further with the MIS Department as work progresses.

Mr. Little, along with Mr. Wright of the U.S. Postal Service, spoke with Ms. Linda Copeland regarding the zip codes in Walton County. He stated that there are approximately 26 communities in Walton County that need to be listed correctly.

Mr. Little advised that the Catherine Cole Taylor Center for the Arts has received a donation of a temporary building and is requesting approval for the waiver of fees to relocate the building into the GEC Center. Mrs. Meg Nelson explained the décor of the building and stated that they would paint and landscape to make it very attractive. This will also be presented to Design Review Board for approval.

Motion by Commissioner Pauls, second by Commissioner Walker to approve to waive the fees for relocating their temporary building in the GEC Center for the Catherine Cole Taylor Arts Center. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Little requested the board approve the Chair's signature on a letter of support allowing the Arts Center to submit a request for grant funding.

Motion by Commissioner Pauls, second by Commissioner Ryan to approve the Chair's signature supporting the Catherine Cole Taylor Arts Center request for grant funding. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Gary Mattison, Human Resources Director, brought to the attention of the commissioners the revisions of the Annual Leave Policy. One change reflects that employees can take annual leave after 30 days of satisfactory employment rather than six months. Mr. Mattison recommended approval.

Motion by Commissioner Jones, second by Commissioner Ryan to approve the revised annual leave policy dated 8/20/02. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Rees announced that Mr. Don Crim is in the hospital after surgery, but would like to send best wishes from the commissioner's for a speedy recovery. Ms. Williams advised that he has had some minor setbacks, but is recovering well.

Mr. Mattison gave a brief overview of the activities in his department. He advised the board that there has been an increase in applications since they have been placed online. He also advised that RFP's are being sent out for Worker's Compensation coverage. Mr. Mattison stated that his department is putting together ongoing training ideas for a comprehensive training program for the upcoming budget year.

Mr. Jack Arthur, Growth Management Director, presented the proposed RFQ for the Comprehensive Plan Consultant. He requested approval to advertise. Commissioner Pauls commented that he agrees and feels this is far overdue. He further questioned why should more large-scale text amendments be done, adding more details, when putting the detail in the Land Development Code would make more sense. He wants to know that the

county will be consistent with the large-scale amendments in relation to this scope of work.

Motion by Commissioner Pauls, second by Commissioner Jones to approve the scope of work for the Comprehensive Plan Update. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur advised that Mr. Doodle Harris has given a donation in the amount of \$50,000 for the recreation program and asked the Board to adopt a resolution accepting the unanticipated revenues. Commissioner Ryan stated that he objects to language in the resolution that would authorize the naming of the teen center “The Doodle Harris Teen Center”. Mr. Arthur stated that the funds are for team uniforms, not the teen center itself.

Dr. Chuck Stevenson and Mr. Gus Andrews, representing the Recreation Board, appeared before the Board to present the check from Mr. Harris. Mr. Andrews explained that Mr. Harris did not ask for the Teen Center to be named after him. The name designation would be given to the building only, not the entire WeeCare Park. Commissioner Ryan agreed as long as it is not tied to any other buildings.

Motion by Commissioner Jones, second by Commissioner Pauls to adopt a resolution (2002-42) accepting \$50,000.00 in unanticipated revenues from Mr. Doodle Harris for the recreation program and approving to name the Teen Center after Mr. Harris. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur requested additional funding for Helen McCall Park in the amount of \$10,800.00 from the Recreation Plat Fee Fund. He stated that the additional funding is needed for repairs to the lighting. Commissioner Ryan asked for the total amount of costs that have been expended on the park. He stated that this is the third budget amendment

for this project and felt that a better attempt needs to be made for more accurate budgeting.

Motion by Commissioner Pauls, second by Commissioner Jones to approve the request for funding in the amount of \$10,800.00 from the Recreational Impact Fees for the Helen McCall Park. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mr. Arthur presented an update on his departmental activities. He stated that the Building Department has collected \$123,404.57. He noted that the amount collected is almost one-fourth of their budget and he is still working on the new fee schedule. Commissioner Walker questioned Mr. Arthur regarding the difficulties in getting a phone call to go through at the Growth Management Department. Discussion was also held regarding the new phone system for south Walton. Mr. Arthur explained that they have tied their existing phone lines together for better efficiency.

The commissioners recessed briefly.

Commissioner Rees reconvened the meeting. Commissioner Jones left for a prior scheduled meeting.

Attorney Vorbeck explained that the Planning Commission is having difficulties with holding their hearings at the Coastal Branch Library. He stated that the tables and sound system seem to be inadequate for them and difficult for the attorney's to present their case. He commented that all hearings would eventually be held at the courthouse annex when it is completed. He suggested working with Clerk's staff to use their sound system to assist until this problem can be corrected.

Mr. Mike Underwood stated that Mike and Shari Judkins have requested to file a complaint regarding the declaration of the Wooten property on North Holiday Road. He stated that assistance from the Small Counties Technical Assistance Program was provided in preparing an unbiased opinion to determine if the Wooten property would fall within the grand fathered non-conforming use, which each commissioner received a copy.

Mrs. Judkins stated that she has evidence that can be provided showing that the report is incorrect. She stated that comments are made in the report with no supporting evidence. Mrs. Judkins stated that the final decision is that the property is a non-conforming grand fathered use; the Judkins disagree. She commented that the report states a non-conforming use is considered to be any use of land, building, or structure to which are existing and lawful at the time of the adoption or enactment of a specific land development regulation and/or Comprehensive Plan. She said he never applied the word lawful. Shari stated that the building in question was not legally put on any record and not recognized until 1992. Attorney Vorbeck suggested they put their comments in writing and send them to Mr. Arrant, who prepared the report. She further asked Commissioner Pauls for the opportunity to meet to further discuss this issue. He asked her to call his office to make an appointment. He stated that he would meet with them, however, he informed her that he does not have the authority to refute the report as one commissioner. Shari stated that she wants Mr. Wooten to comply with the code and wants protection for her neighborhood. (Tape 2)

Shari questioned the zoning on the Wooten parcel. She stated that it is in writing that Judge Lindsey and Mr. Perry Wooten relied on the Town Center zoning. She stated

that they agreed because that zoning was around in the 1990's, but questioned why those codes are not being enforced. Commissioner Pauls stated that he has previously put that in writing that it is his opinion that Mr. Wooten's property is Light Industrial and that is the type of business that should be in his building. Commissioner Pauls stated that based upon the current use and its location, it should be classified as heavy industrial, but that is not his decision to make. Commissioner Pauls stated that he is working on an occupational license process that will help correct this type of problem in the future. Mr. and Mrs. Judkins will meet with Commissioner Pauls to further address the issue.

Ms. Lois Bailey, south Walton resident, spoke about concerns with danger regarding the heavy truck traffic at Mr. Wooten's property. The trucks are not able to turn around and are traveling further into the residential area to turn around, thereby destroying the county's road, signs, and private property. She requested that Commissioner Walker visit the site to view the damage; Commissioner Walker agreed. Commissioner Pauls stated that he is aware of the situation and needs Public Works to find a way to solve the problem. He stated that it might take the county purchasing property to create a turn-a-round area.

Mrs. Judkins spoke about the danger of the situation because of the lack of visibility when semis are parked in the road. She stated that the business does not have a specific driveway and they use the entire frontage of their property for ingress and egress. She addressed a portion of the code relating to "clear visibility", which creates a clear area. She asked for guardrails in order to dictate a specific area for them to use as access to their property. Commissioner Pauls stated that he previously spoke with Mr. Dan Arner, County Engineer, about the possibility of a guardrail. However, his

recommendation was not to place any guardrails there. Ms. Bailey stated that better communications are needed to solve the problem.

Commissioner Walker stated that he previously informed Mr. Judkins of three various avenues he could take. He could report any traffic violations to the Sheriff's Department report it to the Florida Highway Patrol or report it to the Department of Transportation. The Judkins stated that they have reported it to all three agencies. Shari stated that they have to be violating a state law before they will respond, but this is occurring on county property.

Commissioner Pauls asked for Mr. Mike Bomar, Hartman and Associates, and Mr. Russ Barry to respond to the issue of a guardrail. The county engineer has stated in his professional opinion that a guardrail is not warranted. Ms Bailey stated that communications are needed to help solve this problem.

Mr. Bomar stated that the design of N. Holiday Road did not call for a ditch there. He stated that it was a minor swell to allow traffic to traverse in and out. Commissioner Pauls questioned if the road improvements were done according to the plans. Mr. Bomar stated that he went onsite last week to look at that to see if those items have been done. Mr. Barry stated that there are two issues that they are currently attempting to correct. One being the storm water issue and one driveway access that needs corrected. Mr. Barry stated that guardrails are placed closer to the road than the object that would otherwise be hit. Study shows that the numbers of accidents are increased wherever guardrails are installed.

Mr. Richard Whitaker asked if the county is responsible for any accidents that occur if they don't correct the problem. Attorney Vorbeck stated that if the county allows a dangerous situation to continue then they could be liable.

Shari asked that this issue be looked at for the benefit of the county. Mr. Judkins asked the Board to speak with Mr. Scott Jenkins, who designed the road, about his intentions regarding access to the Wooten property.

Mr. Underwood presented a request for the county to adopt an ordinance that would impose an additional \$3.00 surcharge on traffic citations to enhance driver's education. The proposal is a result of the Dori Slosberg Driver Education Act. Ms. Ingle commented that her office would collect the fee if it is adopted. Commissioner Ryan stated that he supports stronger driver's education, but questioned how the funds will be utilized. He requested more specifics of their intent and would also like to hear from the school board. Commissioner Pauls asked staff to find out from the school board their intent and position on this issue. Commissioner Pauls also felt that driver's education is a good program.

Mr. Underwood asked the commissioners for an official name for the South Walton Courthouse Annex Building.

Mr. Underwood advised that commissioners that when the Tax Collector toured her new facility at the South Walton Annex, she discovered that there was no concrete vault. He then requested for Mr. Collier to meet with Mrs. Carter, Tax Collector, regarding the issue. Mr. Underwood stated that a four-hour rated fire room was constructed for safety reasons and budget constraints for that facility. However, Mrs. Carter has requested a concrete vault that would cost an additional \$38,000.00. Mr.

Collier stated that she currently has a concrete vault at her present location. Mr. Underwood explained that the vault that has already been constructed is four sheets of drywall in a fire rated room, which will have to be removed. He further explained the process that would be required to construct a concrete vault. Mr. Collier stated that the vault that was constructed meets State requirement. Commissioner Pauls stated that when he became involved, he sat on the committee and met with the constitutional officers; significant changes then occurred. He stated that at that time he assumed it would be a concrete vault according to the plans. However, he believes that the architect determined that a vault could be created and built that would meet all code requirements and save money. He feels that Watkins built what was on the plans. Commissioner Pauls stated that Mrs. Carter felt that she was getting a concrete vault and he is not opposed to a change order. Commissioner Walker questioned if the current vault meets the code then why should that much additional funds be spent.

Mr. Finley Schotchdopole, CarlanKiliam, read a letter from Mr. Harold Bolden, Chief Bureau of Office Services for the State of Florida Department of Safety and Motor Vehicles, who addressed the issue. Mr. Bolden stated that paperwork is required to be stored in a safe and secure area within a safe and secure office facility. The letter stated that they do not have specifications or requirements for any type of storage areas beyond a floor safe or similar type storage safe. It also stated that they do not require a concrete masonry unit wall enclosure with cores fitted with concrete and steel reinforcement, having a steel vault door or concrete deck ceiling. He stated in the letter that a four-hour constructed enclosure in a safe and secure office is more than adequate to meet their requirements.

Commissioner Ryan felt that the vault currently constructed is adequate and therefore does not need to incur the additional costs. Commissioner Walker agreed.

Motion by Commissioner Ryan, second by Commissioner Walker to deny the change order request for the Tax Collector's Office for the construction of a concrete vault at the new South Walton Courthouse Annex. Ayes 3, Nays 1. Pauls Naye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls presented a request for the Chair's signature on a letter of support of the acquisition of the Stallworth Preserve as an addition to the South Walton County Ecosystem project.

Motion by Commissioner Pauls, second by Commissioner Walker approving the Chair's signature on a letter of support for a grant application for the acquisition of the Stallworth Preserve. Ayes 4, Nays 0. Pauls Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Pauls requested approval for the Chair's signature on a letter of commitment to make \$300.00 annual lease payments on the Old Blue Mountain Landfill property.

Motion by Commissioner Pauls, second by Commissioner Walker to approve the Chair's signature for the annual lease of the Old Blue Mountain Landfill property. Ayes 4, Nays 0. Pauls Aye, Walker Aye, Rees Aye, Ryan Aye. (Tape 2/side 2)

Commissioner Pauls asked that the research of the names and places of those employees scheduled to be located in the GEC Center be placed under Mr. Underwood's pending items, as well as the Impact Fee Task Force. Mr. Underwood stated that Growth Management has informed him that they plan on placing 22 individuals there, which some of those will be after the beginning of the new budget year. In addition, Public

Works will also have staff there to assist in reviewing plans for right-of-way issues. Administration, the PIO Officer, Human Resource, Commissioner Rees and his staff will also be located there.

The Commissioners recessed until 1:30 p.m.

Commissioner Rees reconvened the meeting and called the advertised public hearing to order regarding the proposed extension of the MSBU. Commissioner Jones was still absent.

Mr. Ronnie Bell, Emergency Response Director, appeared before the Board to present the resolution regarding the Annual Fire Protection Special Assessments for the Protection Services within the Walton County fire protection municipal services benefit unit for the fiscal year beginning October 1, 2002. Mr. Bell stated that the rates of \$25.00 per residential and \$82.00 for commercial has remained the same. Commissioner Pauls asked if the fee is per parcel or per structure on the parcel. Mr. Bell stated that it was established for improved properties. Mr. Bell stated that he is working with the Governmental Services Group (GSG) regarding the accuracy of the number of houses. The information comes from the Property Appraiser so they are working to obtain a more qualified number. He further explained how large parcels have been sold and divided into individual parcels. Commissioner Walker requested a breakdown of the amounts collected from the various districts. Mr. Bell reported on the amounts collected: Mossy Head - \$31,216.00, Glendale - \$13,429.00, Darlington - \$11,426.00, Liberty - \$32,628.00, and Red Bay - \$22,303.00. Mr. Bell advised that he has questioned the Small Counties Technical Assistance Program about the availabilities of monies to have a study

performed for the fire MSBU monies being collected. There were no public comments voiced.

Motion by Commissioner Walker, second by Commissioner Ryan to adopt the annual Fire Protection Special Assessment for the Provision of Fire Protection Services (MSBU) Resolution (2002-43), beginning October 1, 2002. Ayes 4, Nays 0. Pauls Aye, Walker Aye, Rees Aye, Ryan Aye. Commissioner Walker also noted that there are exemptions for people who can provide documentation of a hardship case.

Commissioner Rees, Chair, called the advertised public hearing to order regarding the Local Option Gas Tax. Staff Attorney Kira Honse presented an amended ordinance for the Local Option Gas Tax. She explained that the ordinance needs to be amended due to the requirement in the Florida Statutes for an ending date of December rather than September.

Commissioner Walker questioned comments about Walton County's gas tax being higher than other surrounding counties. He questioned how much revenues are collected from the tax, what the funds are used for and other alternatives. Mr. Imfeld explained that Walton County charges the same five-cent for the Local Option Gas Tax as 61 other counties in Florida. He stated that it is used solely for roads, bridges and the equipment needed to build them. He stated that approximately \$1.8 million is expected to be collected from the Local Option Gas Tax. Mr. Imfeld also reminded the commissioners that approximately 51% of that amount is collected from tourists. If this were not being collected then additional ad-valorem taxes or other taxes would have to be collected from the local citizen. Commissioner Jones returned.

Commissioner Pauls commented that the MPO is looking at the Local Option Gas Tax and has formed a committee to review this issue. There were no public comments offered regarding the gas tax.

Motion by Commissioner Ryan, second by Commissioner Jones to adopt an ordinance (2002-15) amending the expiration date for the Local Option Gas Tax through December of the expiring year. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

The commissioners recessed briefly.

Mr. Dewey Wilson, President and General Manager of Regional Utilities, appeared before the Board requesting approval for expansion of a sewage treatment plant at Point Washington and for an additional spray field north of the Intercoastal waterway. Commissioner Pauls questioned the location of the sprayfield. Mr. Wilson showed a map depicting the location. He explained that the Hydrogeologist would be looking at the design of the sprayfield. It could possibly be a rapid rate perk pond or spray irrigation, whichever method will provide the most disposal.

Motion by Commissioner Walker, second by Commissioner Pauls to approve the request for expansion of the Point Washington Wastewater Treatment Plant and sprayfield as requested by Regional Utilities. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Rees called to order the advertised public hearing regarding the proposed Noise Ordinance.

Mr. Eric Zwerling, Noise Consultant, presented the revised draft of the proposed ordinance. He stated that the draft has been revised from the feedback provided by the

commissioners. He explained that the ordinance is now written as a countywide ordinance as requested. Mr. Zwerling spoke about Section 7: Measurement of Sound, stating that the measurement would be taken at the property line of the complainant. However, this measurement technique does not apply to areas within the Conservation zones as described in the Land Development Codes. These areas will be measured at the source of the sound.

Mr. Zwerling stated that the ordinance is written so that no complaint is required for boom boxes. Law enforcement is able to enforce a violation if the sound is at a certain level.

Section 4: Applicability has been added showing that this ordinance is complaint driven.

Commissioner Pauls questioned how Mr. Zwerling determined the definition for “Conservation” and “Conservation Residential”. Mr. Zwerling stated that he was provided with a copy of the LDC and Comp Plan. He stated that the terms need to either be redefined in the code or stated in this ordinance “those terms that are not defined here are as defined in the LDC”. Attorney Vorbeck directed him to define them in the ordinance. Commissioner Pauls voiced concern with the large amount of land in those property classifications. He felt it would become confusing as where to measure the sound. Mr. Zwerling stated that he would review the LDC for clarification.

Commissioner Walker commented that he wants it clear as to who wants the ordinance and where it is needed. Mr. Zwerling stated that it is less costly for the county to put a countywide ordinance in force at the beginning than trying to retrofit it at a later date. (Tape 3)

The hours of operation for industry were discussed. Mr. Zwerling stated that the ordinance does not limit the hour of operation, only the amount of noise during certain hours.

Section 12 provides a provision for variances and the revocation of a variance based on violations. The Board of Adjustments will issue variances.

Section 13 includes provisions that clearly show that compliance is the main goal of this ordinance.

Mr. Zwerling reviewed Table I of the ordinance and spoke about the use occupancy classification of affected property. The table provided land use classifications, time, and the designated sound levels.

Commissioner Ryan questioned how this ordinance would apply to a shooting range. Mr. Zwerling explained that shooting ranges can be exempt or buffering limits can be set.

Commissioner Walker suggested having this placed on a straw ballot for the people to vote on this issue. Attorney Vorbeck stated that time is of the essence and if that is the choice the commissioners make, then the proper wording would need to be drafted for the ballot.

The question was raised regarding how an individual can determine if they are in violation. Mr. Zwerling stated that anyone could use a meter to determine the level of noise.

Commissioner Rees opened the floor for public comment.

Attorney Lisa Minshew addressed the commissioners and questioned the definition for vibration, but stated that there is no mention of vibration in the ordinance.

Mr. Zwering stated that this is one issue that would be reconciled. He stated that the ordinance strictly refers to noise, not vibration. He stated that at the direction of the Board, the definition "Plainly tactile or audible vibration" would be deleted. Ms. Minshew also questioned the sentence under Section 6 that states, "When no measurement of the sound level is necessary to determine whether a sound is in violation of the provisions of this code". Mr. Zwering explained that this refers to automobiles that are plainly audible at a distance of 25-50 feet. He explained the difficulties for an enforcement officer to take sound level measurements of a passing vehicle. Ms. Minshew suggested placing additional wording in the code specifying when those specific times are that the officer has discretion so that is not used as a loophole. Ms. Minshew also suggested adding wording "as measured in Section 7 " to Section 9. She also requested the "Light" be added to Industrial in Table I. The commissioners agreed.

Attorney Rick Peterman, representing Couch Concrete, stated that they are unsure that they will be able to meet the requirements of this ordinance. He stated that they would like to be able to meet with the noise consultants to address the issue. Commissioner Ryan questioned Mr. Peterman if any noise abatement could be done to reduce the noise. The commissioners agreed to allow the attorneys and their noise consultant time to review this issue to determine if they can operate with the required levels.

Attorney John Fischel, representing Ewell Industries, explained that they operate a ready mix concrete plant and sometimes have to begin work at very early hours of the morning. He asked the Board to consider a grandfather clause. Commissioner Walker

again stated that the source of problems needs to be identified before the ordinance is adopted. (Tape 3)

Mr. Larry Bell asked if this would be a countywide ordinance because of noise from Eglin AFB. Mr. Zwerling stated that Eglin would be exempt.

Ms. Mary Brockett stated that an ordinance is needed and she does not want to wait for a straw poll to be taken. She recommended that action be taken as soon as possible. She further spoke about problems from construction sites, boom boxes, and dogs. Mr. Zwerling explained that boom boxes are not exempt as part of construction and the Animal Control Ordinance speaks to the issue of barking dogs.

Commissioner Rees asked that the revised draft be made available for public review.

Commissioner Jones commented that various noise issues could be better controlled outside of an ordinance by allowing developers and homeowner associations the discretion of setting the parameters. He also stated that no mechanism has been established for enforcing the code and no budgeting provisions for officers or equipment. He felt that these issues need to be reviewed further. Commissioner Rees commented that Mr. Zwerling would be providing the appropriate training for the people, who are the Code Enforcement Officers and Sheriff's Department staff. Therefore, additional staffing would not be required.

Mr. Malcom Patterson, Executive Vice-President of the Building Industry Association of Okaloosa/Walton County, stated that many of the planned developments have their own rules that contractors must already conform with. His Board of Directors do not want the commissioners to adopt something that already obviates some carefully

adopted zoning regulations that may already be in place. He stated that Walton County is in a growth mode and we need to be careful because of the importance of commerce to the county.

Commissioner Rees closed the public hearing and thanked the business community and Mr. Zwerling for their work on this ordinance. He further stated that he would like to see a decision made and not take time to provide a straw poll. He wants to be pro-active rather than reactive. The commissioners as a whole did not support a straw poll and therefore directed Mr. Zwerling to continue.

The commissioners recessed briefly.

Mr. Brad Pickle, South Walton Tourist Development Council, appeared before the Board with an update on the porous groins project. He advised that the \$3 million previously thought to be available, is no longer available from DEP. DEP has stated that if Walton County is not willing to pay their portion of the cost share then the funds would not be available. TDC has withdrawn the RFQ's for the Porous Groin Project because of the costs attached to it. This issue will be reviewed further.

Mr. Pickle also presented the State of the Beach Report. He thanked the commissioners for allowing them to purchase the survey equipment used for the beaches. Commissioner Pauls questioned why the erosion rates are so much greater in some areas than others. Mr. Pickles stated that it relates to offshore areas. He stated that only two of the 130 beaches are back to the pre-Opal conditions.

Ms. Cindy Holland, representing United Way and the "Choose to Give Campaign", appeared before the Board to further explain the campaign. She stated that

this campaign is a way to give back to the community. She spoke about various agencies affiliated with United Way and the different levels and methods of giving.

Attorney Daniel Uhlfelder, NAACP, appeared before the commissioners to address the issue of the Confederate Flag flying on public property. Mr. Uhlfelder began by reading several quotes from those opposing the Confederate Flag because of what they believed it stood for. He stated that Governor Bush has had the flag removed from the Capitol and placed in a museum. Mr. Uhlfelder stated that he has no doubt that the flag is about slavery as the quotes also indicate. He feels it to be inappropriate for public property to have a symbol that divides people. He stated that they have no opposition to the memorial that recognizes those who died in the Civil War.

Dr. Sabu Williams, Director of Area I NAACP, stated that he is also here to request the removal of the flag. He feels the symbol of the Confederate Flag is not the role of county government to be involved with. He questioned why the flag does not fly freely on private property if it is a symbol of history. He feels the flag is a sign of hatred and some feel it is a sign of heritage. He questioned, "What is a Southerner and the role of the government?" He suggested flying the American Flag that represents all the people, but not the Confederate Flag. (Tape 4)

Mr. Raymond Jackson, President of the NAACP, stated that some people say the flag is a sign of history, heritage, or oppression. He stated that to him it represents that his people are not treated fairly or given equal justice. He asked the commissioners to remove the flag for the people to become one.

Mr. Phillip White, Public Affairs Director for the Sons of Confederate Veterans, stated that there is only one monument in the United States that is older than the one in

Walton County, which is a part of our history. The Sons of Confederacy oppose any change to the monument or the flag. The flag is a part of the diversity of Walton County, it is the nature of our democracy and we cannot please everyone. He stated that those who gave their lives now rest respectfully under the flag. The Sons believe in the right to preserve history and asked the Board to continue honoring the flag.

Mr. Nelson W. Windbush of Kissimmee addressed the commissioners stating that he is a life member of the Sons of Confederate Veterans. He stated that people have a misconception of the Confederate Flag. He showed the flag that draped his grandfather's coffin, which is the Confederate Battle Flag. He explained the differences in the Confederate Flag and the Confederate Battle Flag. Mr. Windbush told about the design of the flag. He stated that the war was not about slavery, but states rights and tariffs and said that his grandfather fought for the South, the same reason a white Southerner fought for the South.

Mr. James Moore Crawford, DeFuniak Springs resident, appeared before the commissioners asking that they retain the flag. He stated that his ancestors all the way down to his son fought in the war. He spoke about those individuals and the wars they served in. Mr. Crawford stated that every one of those individuals, those who lost their lives and those who survived, deserve the right to be honored. He stated that he would not like to see the day that his ancestors forget him just because it is no longer politically correct. Mr. Crawford stated that he is proud of the Son's of Confederacy and asked the Board to retain our heritage.

Commissioner Jones read the following quote from Ms. Jeanette Kennedy, Ladies Memorial Association, "We will build this monument of marble to their memory, they

can pull it down and destroy it if they like, but we have one erected in our hearts and our minds that they can't tear down, nor mutilate". Commissioner Jones recommended taking no action on the request to remove the Confederate Flag.

Commissioner Ryan stated that he has had ancestors fight in every war since the French and Indian War. He stated that his wife's ancestors included the abolitionist John Brown, and his ancestors included John C. Calhoun. He commented that probably every race has been subjected to slavery at some point. He also stated that the flag in question is the Confederate Flag, not the Confederate Battle Flag. Claims that it represents efforts to perpetuate slavery are false. Commissioner Ryan felt that the fight to have the flag removed is more about power than the symbolism of the flag. He stated that he supports Mr. Jones' comments to take no action.

Commissioner Pauls stated that he considers the current site of the flag as a museum, as most museums are public property. He stated that history is what it is and there is nothing that can be done to change it. We must remember what it is and what it stood for. He stated that there were many aspects of the war, but he feels that the flag is a tribute and monument to those who fought for what they believed was right. Commissioner Pauls stated that we should leave the flag where it is.

Commissioner Walker stated that he did not have any comments to voice at this time.

Commissioner Rees stated that he feels there are a variety of ways to work together in the county to advance all people. He stated that he is committed to working with Mr. Uhlfelder on ways to improve job creation and advancement for all people in

the county. He commented that the flag is an important part of the monument, a part of history, and recommends leaving it.

The commissioners recessed briefly.

Mrs. Jennifer Christensen, Planning Technician, presented the final plat for the Destin Village RV Resort. Destin Village is a 27-unit RV subdivision plat. Staff recommends approval.

Motion by Commissioner Walker, second by Commissioner Ryan to accept staff's recommendation to approve Destin Village RV Resort final plat for recording. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Mrs. Christensen presented a request for an extension for the development order for Beach City Motel by D/H Oil. She stated that they are working out details with DOT regarding the location of the driveway permit due to the widening of Highway 98. Staff recommended approval.

Motion by Commissioner Jones, second by Commissioner Ryan to grant a one time, one-year extension for the Beach City Motel development order as requested by D/H Oil. Ayes 5, Nays 0. Pauls Aye, Jones Aye, Walker Aye, Rees Aye, Ryan Aye.

Commissioner Rees opened the floor for public comments. Being none, the meeting was adjourned at 4:55 p.m.

APPROVED: _____

Lane Rees, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court