

FEBRUARY 11, 2003 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, February 11, 2003 at 4:00 p.m. in the Courtroom of the Walton County Courthouse.

The following Board members were present: Larry Jones, Chair, Tim Pauls, Vice-Chair, Commissioner Lane Rees, Commissioner Kenneth Pridgen, and Commissioner Ro Cuchens. Mr. Michael Underwood, County Administrator, Attorney Kira Honse, Legal Services, and Ms. Martha Ingle, Clerk of Courts, were also present.

Commissioner Rees led with prayer followed by the pledge of allegiance to the American Flag. Chairman Jones called the meeting to order.

Motion by Commissioner Pridgen, second by Commissioner Cuchens to approve the consent agenda consisting of the following items. Ayes 5, Nayes 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

1. EAL Approval

General Fund	\$ 444,775.69
County Transportation	\$ 97,861.90
Fine & Forfeiture	\$ 697,142.00
Section 8 Housing	\$ 258.21
N.W. Mosquito Control	\$ 252.75
W. Co. Library	\$ 9,504.33
Recreation Plat Fee	\$ 28.00
Solid Waste Enterprise	\$ 798,503.34
Mossy Head VFD	\$ 1,972.47
Glendale VFD	\$ 79.12
Darlington VFD	\$ 2,734.55
Liberty VFD	\$ 1,200.63
Red Bay VFD	\$ 140.55
Local Option Gas Tax	\$ 108,905.00
Capital Projects Fund	\$ 49,177.80

SHIP	\$	2,110.00
Tourist Dev. Council	\$	250,871.10
Mott Sign Grant	\$	-
Debt Service Hospital		
Spec. Law Enforcement	\$	-
Driftwood Debt Serv.	\$	556.79

2. Approval of Minutes:
 - January 7, 2003-Land Use Hearing
 - January 9, 2003-Town Hall Meeting
 - January 14, 2003-Workshop/Regular Meeting
 - January 28, 2003-Regular Meeting
3. Records Disposition Request

Mr. William Imfeld, Financial Director, appeared before the Board and presented his recommendation for the Legal Advertising Proposal. Two proposals were received, the Destin Log and the DeFuniak Herald Breeze. The committee's recommendation was to award the bid to the Destin Log. Mr. Imfeld explained that the Destin Log's rate was lower, they print twice per week and provide a website.

Motion by Commissioner Pauls, second by Commissioner Rees to accept the committee recommendation and award the Legal Advertising bid to the Destin Log for a period of one year.

Commissioner Cuchens voiced concern regarding the limited circulation in Walton County and felt that the county would be better served by using the DeFuniak Herald Breeze because of a higher circulation count. Commissioner Pridgen also voiced concern with the lesser circulation by the Destin Log. Chairman Jones requested additional information regarding circulation, the number of rack sales, and additional website information.

Motion by Commissioner Cuchens, second by Commissioner Pridgen to table awarding the bid pending additional information. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Ms. Kira Honse advised that the school board is ready to accept the funding from the Dori Slosberg Driver's Education Safety Act as soon as the commissioners are ready to adopt an ordinance implementing the act. Ms. Honse stated that the ordinance would require a method for reporting from both the school board and the clerk's office. Ms. Ingle agreed to provide monthly reports to the commissioners regarding the funds collected. The commissioners agreed to hold a public hearing on March 11, 2003 at 5:30 p.m. to consider adopting the Dori Slossberg Ordinance.

Ms. Patsy Register, Executive Director of the Humane Society of Walton County, appeared before the commissioners regarding animal control. Ms. Register stated that she made a visit to the Washington County facility where the animals are being housed. She stated that in her opinion the facility is poor and requested that the animals be brought back to Walton County.

Mr. Jonathan Carr explained a situation that happened to his dog. He stated that a Sheriff's Deputy responded to a call about his dog, which was in a neighbors yard, and the deputy ended up shooting his dog. Mr. Carr explained that his dog had to be euthanized because of its poor condition.

Ms. Register voiced concern with the treatment of animals at the Washington County facility. She also presented information about various animals from reports and said that animals are not being euthanized according to the Walton County Ordinance. She felt that the county is being overcharged for services not rendered. She read a letter

from Patrick Barry, D.V.M., who feels the present arrangement is unacceptable and should be corrected.

Mr. George Scott, Accountant, appeared before the commissioners to answer questions on behalf of the Humane Society. He answered questions relating to the 2001 audit conducted on the Humane Society. He explained why the audit showed shortages, but explained that all equipment and funds have been accounted for.

Ms. Linda Morse stated that the conflict in paperwork might not be from Dr. Anderson. She also stated that Dr. Anderson's contract is not yet up for renewal and it would be unfair to evaluate it at this time.

Dr. Todd Anderson, Animal Control of Northwest Florida, appeared to answer questions relating to the services he provides to Walton County. His wife, Lorna, also explained why his signature is not on all of the forms, although he is the one who provided the service.

Mr. Winfred Hall stated that he has always received good care from the Walton County Humane Society and requested that Walton County funds be spent in Walton County. He requested that animal control be brought back to the county.

Ms. Kim Todd spoke about her concern for the health and well being of animals.

Commissioner Cuchens questioned the discrepancies in the documents from Dr. Anderson. He further spoke about those times the animals were put down without giving the owner ample opportunity to recover it. The commissioners stated that they would direct Mr. Ronnie Bell to look into the matter and report back to the board.

Chairman Jones called to order the advertised public hearing regarding the Escambia County Health Facilities Authority Revenue Bonds.

Mr. David Tucker, Miller, Canfield, Paddock and Stone, P.L.C., Pensacola, Florida, appeared before the Board on behalf of Ascension Health Systems, the parent company for Sacred Heart Hospital of Walton County. Mr. Tucker explained that Ascension Health Group desires to put an additional \$40 million into Sacred Heart Hospital in south Walton. He stated that the hospital is borrowing the money and Walton County is under no obligation to repay any of the funds.

Mr. Tucker provided the list of questions that must be asked during the Tefer Hearing in addition to the most recent quarterly statements for the Ascension Health Group. Chairman Jones asked each of the questions as Mr. Tucker responded. The questions related to the use of the bond proceeds, public purpose, who is obligated to repay the bonds, maximum amount of the bonds, and how they will be repaid, as well as other questions.

There were no public comments and no written comments received regarding the bond issue. The notice of public hearing was advertised in the Northwest Florida Daily News on January 27, 2003.

Motion by Commissioner Rees, second by Commissioner Pridgen to adopt a resolution (2003-07) for the Escambia County Health Facilities Authority Revenue Bonds, and authorize the Chairman's signature on the resolution, interlocal agreement and Hearing Officer's Report. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. John MaGee, South Walton Turtle Watch Group, presented a proposed lighting ordinance. He spoke about the need for the ordinance, especially on the west end of the Walton County beaches. He stated that the Walton County Comprehensive Plan (C

3.26) requires a turtle ordinance and a turtle watch program. Mr. MaGee stated that once the Building Department issue the certificate of occupancy there are no longer any controls over lighting issues. The Turtle Watch Group would be responsible for enforcing the ordinance. Mr. MaGee further explained that only 1 in 1200 turtles survive the 20-year cycle.

Commissioner Rees commented on the need for an ordinance, but stated that he would like to see the draft ordinance available for staff and the public to review before it is brought back for adoption.

Commissioner Pauls stated that it is essential for staff to review. He further questioned the number of buildings estimated not to be in compliance.

Commissioner Cuchens voiced concern with staff's lack of time and not being able to draft such an ordinance. Mr. MaGee stated that this proposed ordinance could be adopted or his group is willing to work with county staff to revise it if needed.

Commissioner Pauls stated that he would like to proceed with drafting the lighting ordinance, but felt that a residential lighting ordinance is also needed. Mr. MaGee stated that he would like to see this as a stand-alone ordinance and not combined with the residential issue.

The commissioners agreed to give staff the necessary time to review the proposed ordinance. Included would be the Planning Department, Building Department, Code Enforcement and Legal Staff. Commissioner Pauls requested that the ordinance be made available to the public before an adoption hearing.

Ms. Vergie Thompson, Friends of Eden, advised the commissioners that they are proceeding with their attempt to secure the Governor Stone. She asked if the

commissioners would be willing to sign the application requesting a permit for maintenance dredging of Tucker Bayou.

Mr. Barry stated that the county would need to provide some oversight once the actual dredging begins, and stated that he would be able to provide that oversight.

Motion by Commissioner Rees, second by Commissioner Cuchens to approve to sign the application for maintenance dredging of the Tucker Bayou on behalf of the Friends of Eden. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Mr. Dewey Wilson, President and General Manager of Florida Community Services, appeared before the commissioners requesting approval for reimbursement request #1 in the amount of \$300,809.55 for work completed on Legislative Grant LP0322. Mr. Wilson explained the work that has been completed and its location.

Motion by Commissioner Pauls, second by Commissioner Pridgen to approve Florida Community Service to submit reimbursement request #1 to DEP. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

The commissioners recessed briefly.

Sheriff Ralph Johnson appeared before the Board with an update on activities at the jail. Mr. Johnson provided statistics on the number of inmates booked into the jail for 2002 and the average number currently being housed. The average jail population for 2002 was 150. He spoke about the overcrowding and stated that he purchased beds to keep the inmates off of the floor. Sheriff Johnson requested direction from the Board as to where to house the additional inmates.

Mr. Marvin Collier, Construction Manager, presented information regarding temporary housing that could be leased to house about 50 inmates at a time. The housing could be constructed in the recreation yard or they could be transported to other area jails, which would be costly. De Boer Structures provided the information on temporary housing, which could be provided for a cost of \$5,600.00 per month.

Mr. Underwood explained that the cost of housing inmates in other facilities is almost cost prohibitive. Mr. Imfeld stated that the cost quoted by other facilities was \$35.00 per day per inmate. Sheriff Johnson advised that he would also need to hire additional security for the temporary facility.

Sheriff Johnson spoke about the Governor's proposal for county's to begin housing juveniles and stated that the Board may wish to reconsider the space needs at the jail. He suggested moving the construction of the new jail off site to allow for future expansion. Mr. Brian Kellenberger, Watkin's Constructors, advised that the GMP for the jail construction will be ready to present to the Board at the March 11th meeting.

The Sheriff stated that he would like to look at setting up portable housing at an off-site location as a temporary solution. Ms. Ingle spoke about the number of people in court that are not sentenced because the Judges are aware of the overcrowding situation.

Sheriff Johnson asked to be allowed to work with Mr. Imfeld regarding his budget to find a solution to alleviate the overcrowding at the jail. Mr. Imfeld requested that the Board remove the cap on the Sheriff's budget to be able to take the necessary action to handle the problem. He explained that it may require additional guards and they need the flexibility to address the problems in a moments notice.

Motion by Commissioner Cuchens, second by Commissioner Pauls to remove the cap on the Sheriff's budget to allow Mr. Imfeld to work with the Sheriff to work out an option to house the overflow of prisoners. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Chairman Jones requested that the Sheriff provide information back to the Board for a variety of methods for transporting and housing prisoners at other locations.

Mr. J.B. Hillard appeared before the commissioners and stated that his organization is now called the Greater DeFuniak Springs Association. They are a group of residents who will be working on community issues. He spoke briefly about the need for an assisted living facility or for an adult day care and requested the commissioners consider using the old hospital to satisfy this need.

Mr. Hillard stated that he met with 2WR and administration regarding construction of the jail. He requested clarification on the ranking process that occurred when 2WR, architecture for the jail, was selected. Mr. Underwood advised that the committee ranked the firms before the commissioners. The commissioners then ranked the firms after their interviews and voted to select one firm; 2WR was selected. Mr. Hillard also questioned the status of Watkins since they filed bankruptcy. He asked the county to consider the impact of the new jail on the downtown area and requested they consider an offsite location for future expansion capabilities. Mr. Hillard suggested that Walton County provide housing, after construction of the new jail is complete, for inmates from other counties as a revenue source.

Mr. Underwood requested the commissioners present their appointees for the Impact Fee Task Force. They agreed to present the names to Shirl during the upcoming week.

Mr. Underwood stated that Congressman Allen Boyd has advised him that March 1st is the deadline to present their funding request to congress. Mr. Underwood presented a priority list that contains the following five items: 6-laning a 4.8 mile section of U.S. Highway 98, 4-laning of Highway 331 from U.S. Highway 98 to Highway 20, beach nourishment assistance to replace 9.2 miles of critically eroded gulf front, communication enhancement for all emergency services in the county, and dredging of LaGrange Bayou. Mr. Underwood requested approval of the list in order for him to submit it to Congressman Allen Boyd and Jeff Miller.

Commissioner Rees stated that there is an economic development impact relating to the first three items and there might be some level of funding available for that aspect. And, relating to funding for emergency communications, there might be a revenue source relating to homeland security.

Chairman Jones requested to add the Mossy Head Industrial Park to the list for funding assistance for its development, along with the Freeport Industrial Park.

Motion by Commissioner Pauls, second by Commissioner Cuchens to approve the list with flexibility to review the construction cost estimates. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Pauls introduced Mr. George Russell and Ross Hamilton who were present to address the Board regarding funding for the Coastal Dune Lakes water monitoring program. Mr. Russell advised that the Comprehensive Plan requires the

monitoring, assessing, and preserving of the water of the coastal dune lakes. Mr. Russell informed the Board that the entire program is estimated to cost \$40,000.00. He therefore requested funding in the amount of \$10,000.00 for the remainder of the current year until a budget request can be submitted for the upcoming budget cycle. Commissioner Pauls stated that this is an important issue since it relates to recreation. He recommended funding and suggested that it be paid from the recreational impact funds. Mr. Underwood stated that there are funds in the Growth Management budget for unfunded mandates and felt this would fall in this category because of the Comp Plan requirements.

Motion by Commissioner Pauls, second by Commissioner Rees to approve funding in the amount of \$10,000.00 for water monitoring to be paid from revenues for unfunded mandates. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Pauls presented a check to the Board in the amount of \$25,000.00 from Mr. Ricky Rookis of Summer's Edge Development.

Motion by Commissioner Rees, second by Commissioner Pauls to accept \$25,000.00 from Summer's Edge Development. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Pauls presented a resolution requesting help to save the \$30 million Beach Management Trust Fund. Ms. Kira Honse advised that she made two minor changes to the resolution making it specific to Walton County. Mr. Brad Pickle stated that the Governor is planning to cut the budget for beach management programs throughout the State. The resolution requests Legislators to go against the Governor and fund the program at the full \$30 million.

Motion by Commissioner Pauls, second by Commissioner Rees to approve the resolution, as amended, requesting to preserve the Beach Management Trust Fund. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Motion by Commissioner Rees, second by Commissioner Pauls to accept Chairman Jones nomination and appoint Mr. Gene Ryan to the Recreation Board. Ayes 5, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye, Pauls Aye.

Commissioner Rees advised that he attended the Florida Great Northwest meeting and stated that they are continuing to encourage automotive and aviation into the area as target industries for the Mossy Head area. Florida ranked third on the list due to the high worker's compensation. He stated that they need to continue working with state delegation to solve Florida's worker's compensation issue.

Chairman Jones opened the floor for public comments.

Mr. Ed Powell addressed the commissioners regarding an issue he previously discussed. He again spoke about property that is not properly being assessed by the Tax Appraiser. He asked the Board why they have not responded to his requests. Commissioner Rees advised Mr. Powell that they are aware of the situation and are awaiting an answer from the appeal that he, Mr. Powell, filed through the State. Chairman Jones stated that he has spoken with the Department of State regarding the matter.

Mr. Brian Kellenberger appeared before the Board to clarify statements that were made regarding Watkin's Constructors filing bankruptcy. Mr. Kellenberger stated that Dillingham Holdings, the parent company to Watkins, is the firm who filed bankruptcy. They filed Chapter 11 through the courts in order to reorganize. He stated that this action

in no way diminishes their bonding ability or capacity. Watkins is currently insured and will continue to be insured in the future. Mr. Kellenberger also responded to comments that no project has been given to Watkins. Watkins bid the projects as advertised and was successfully awarded the contract. He stated that they are a honest and trustworthy firm and will continue to provide quality service. They have successfully completed four projects for Walton County, under budget and within the scheduled time frame.

Ms. Sarah Nelson appeared before the commissioners to request assistance for the Creek Indians in Bruce. She stated that they have been officially organized since 1978, but not recognized by the government, Bureau of Indian Affairs. The facility they are using is in poor condition and she requested assistance in the amount of \$20,000.00 to help with repairs. Ms. Nelson stated that the building does serve a public purpose because it is also used as a community center, meal site, and a voting precinct. Chairman Jones recommended that they work with Ms. Angie Biddle, Grants Coordinator, to research any grants that might be available. Commissioner Rees requested that the Legal Staff look into the legal issues of providing assistance.

Mrs. Casey Cuchens stated that the Humane Society is a not-for-profit organization and also needs funding assistance. She requested that the Board keep them in mind if there are any funding opportunities available.

There being no further business, the meeting was adjourned at 7:35 p.m.

APPROVED: _____
Larry D. Jones, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court