

OCTOBER 9, 2007-REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, October 9, 2007 at 4:00 p.m., at the South Walton Courthouse Annex.

The following Board members were present: Commissioner Kenneth Pridgen, Chairman; Commissioner Cindy Meadows, Vice-Chair; Commissioner Scott Brannon, and Commissioner Sara Comander. Mr. Ronnie Bell, County Administrator, Mr. Mike Burke, Interim County Attorney, and Ms. Martha Ingle, Clerk of Courts were also present.

Chairman Pridgen led the invocation followed by the Pledge of Allegiance to the American Flag and called the meeting to order.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the consent agenda as follows. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Jones Aye, Brannon Aye, Comander Aye.

Approve Consent Agenda

1. Approve Expenditure Approval List (EAL)		
General Fund	\$	448,889.19
County Transportation	\$	329,790.55
SHIP	\$	36,737.00
Fine & Forfeiture	\$	-
Debt Service Hospital	\$	-
Mosq. Control State	\$	-
Mott Sign Grant	\$	-
Section 8 Housing	\$	-
Tourist Dev. Council	\$	149,198.90
N.W. Mosquito Control	\$	972.56
W. Co. Library	\$	7,406.25
Tax Deed Surplus Trust	\$	-
Recreation Plat Fee	\$	4,410.20
Public Safety- 911	\$	16,293.17
Solid Waste Enterprise	\$	132,715.73
Mossy Head VFD	\$	-
Glendale VFD	\$	-
Darlington VFD	\$	-

Red Bay VFD	\$	-
Preservation	\$	-
Sidewalk Fund	\$	-
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-
Driftwood Debt Service	\$	-
Criminal Justice Ed Fund	\$	-
Bldg Dept/Enterp. Fund	\$	1,150.59
Capital Projects Fund	\$	1,366,793.26
Imperial Lakes MSBU	\$	-
Inmate Canteen Fund	\$	-
<b>Totals</b>	\$	2,494,357.40

2. Approve Minutes: September 24, 2007 – Budget Hearing; September 25, 2007 – Regular Meeting; September 26, 2007 – Special Meeting and September 27, 2007 – Value Adjustment Board Meeting
3. Surplus three computers from the Building Department
4. Surplus three computers from the Landfill Department
5. Approve Resolution 2007-94 to recognize Walton County’s support of Beach Nourishment and Agreement to continue as the local sponsor for grants
6. Approve Walton County Forestry Management Plan

Ms. Kriss Titus, Executive Director of Tourist Development Council, presented the Marketing Research Summary. Ms. Titus stated that the number of visitors to the Beaches of South Walton County have grown over the last two years. According to research the number of repeat visitors has increased as well as the overall rating. She stated that 92% of visitors polled said that they would return to the Beaches of South Walton.

Mr. Bob Gray, CEO of Strategic Planning Group, Inc. presented the Walton County Economic Analysis. He stated that over 2.5 million tourists stayed in Walton County during 2006 with 14,540 units available for rentals. He stated that Walton County is unique in that the primary hospitality units are private homes (single and multi-family). He stated that tourism generates a net positive impact of \$119.1 million annually.

Mr. Bear Henley, President and CEO of Boys and Girls Club of the Emerald Coast, requested to utilize the Armory Building as the location for an After-School Program.

Mr. Ronnie Bell, County Administrator, stated that the Walton County Recreation Board had approved the request. He stated that a proposed contract between Walton County and the Boys and Girls Club will be brought to the Board in January.

Commissioner Meadows asked if a fee is charged for participation and if a permanent staff would be available. Mr. Henley stated that there is a \$10 registration fee and an after-school fee of \$15, however, no child is turned away. He stated that the club would be staffed and opened five days a week.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve the Boys and Girls Club to use the Armory Building. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Mr. Bill Imfeld, Finance Director, requested approval to roll forward funding from FY 2006-2007 to FY 2007-2008 in order to finish Capital Projects and Grants not completed.

Commissioner Brannon asked if some of the project funds could be reallocated at a later date to other projects. Mr. Imfeld stated that it could.

Motion by Commissioner Brannon, second by Commissioner Comander, to adopt Resolution 2007-95 as presented. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Mr. J. Roy Godwin and Mr. Bud Clark requested that their item be continued to October 23, 2007.

Mr. Bob Jones was not available to present his request.

Mr. Brian Bethea, Driftwood resident, stated that he is having various problems with his home and yard drainage. He stated that the core soil samples taken by Mr. Allen Brown, Walton County Public Works, show that clay and dredge from nearby ponds were used as filler on his property. He stated the instability of the soil has caused his home's foundation and walls to crack. He has had several people, including Department of Environmental Protection (DEP), come inspect his property to verify the problem.

Commissioner Brannon asked if Mr. Bethea purchased his home from Adams Homes. Mr. Bethea stated that he had. He said that the builder passed the blame on to the County inspectors who approved the construction.

Mr. Ryan Douglas, Walton County Engineer, confirmed Mr. Brown's visit and findings. He stated that Public Works regards this as a private road and development and that it is out of the department's jurisdiction.

Commissioner Brannon asked if Mr. Brown inspected the road side swells and drainage. Mr. Douglas stated that Mr. Brown noted that an area did exist that did not have sufficient grading.

Mr. Allen Osborne, Driftwood resident, spoke against the drainage system within the interior of Driftwood Estates. He urged the Board to cease issuing building permits until the drainage could be repaired.

Chairman Pridgen stated that the builder should be held responsible. Mr. Bethea stated that the County inspected the construction and should have found the drainage problem.

Mr. Mike Burke, Interim County Attorney, advised Mr. Bethea to obtain an attorney and proceed with legal steps against the builder. He stated that according to Florida Case Law, the county is immune from lawsuit in this situation. Mr. Bethea stated that he had already contacted an attorney and was advised that arbitration was his only option.

Mr. Alex Kisch, Driftwood resident, urged the Board to find a solution to the drainage problems throughout Driftwood Estates.

Commissioner Meadows asked if the county had the authority to require the builder to make the needed repairs. Mr. Burke stated that builders are regulated by the state and advised Mr. Bethea to contact the Division of Professional Regulations.

Commissioner Meadows suggested that Mr. Bethea and the others who are affected should file a class action suit against the builder. Mr. Bethea urged the Board to stop issuing building permits until the situation is resolved.

Commissioner Meadows asked if the county had the authority to send inspectors to verify that the surrounding lots are insufficient to justify holding the building permits. Mr. Burke stated the county does have the authority. Ms. Pat Blackshear, Growth Management Director, stated that the area could be red tagged and would require geotechnical data before issuing permits.

Commissioner Comander asked if there is a requirement to use certain types of soil. Ms. Blackshear stated that the building code requires that certain conditions are met when building foundations and it is the responsibility of the builder to meet those conditions.

Mr. Osborne urged the Board to issue a moratorium to cease the building permits until the problem is fixed.

Mr. Bethea stated that Mr. David Campbell had been called to come inspect the property and agreed there was a problem and would contact him within a few days. Mr. Campbell has not communicated with Mr. Bethea since that time.

Commissioner Meadows stated she would call Mr. Campbell.

Mr. Mike Judkins suggested that an ordinance be drafted regarding insufficient construction.

Mr. Bob Dobes suggested the Board begin issuing county business licenses to regulate contractors. Commissioner Comander stated that an occupational license is different than a contractor's license.

Ms. Kitty Crosby presented an issue regarding a dog nuisance on Mallet Bayou Road. She stated that there are a number of vicious dogs in her neighborhood. These dogs are not kept on leashes and continually charge at the people walking through the neighborhood. She feels that Animal Control could be helped to cover the county by employing more people and raising the fines. Mr. Bell stated that proposed amendments to Ordinance 2001-21 would increase the fines.

Mr. Rob Crosby and Mr. Chuck Kersten spoke in favor of a more strict animal control policy.

Commissioner Comander asked Ms. Lois Marlowe, Animal Control Officer, if the officers had to find the unleashed dog in the street before capturing it. Ms. Marlowe stated that officers working the south Walton area will now go at various times to be able

to catch the dogs in the street. She stated that four part-time people have recently been hired.

Mr. Bell stated that the ordinance will be ready for review by the next Board meeting on October 23, 2007.

Mr. Mike Burke, Interim County Attorney, presented for review a memorandum titled Public Beach Access: Use of the Dry Sand & the Doctrine of Custom. He stated that several Commissioners and citizens have approached him regarding the issues over the uses of the soft sandy beach in Walton County. The goal is to establish which part of the beach is considered public and which part is private. Mr. Burke stated that, within the State of Florida, Customary Use is determined on a case-by-case basis. The City of Destin heard three different ordinances dealing with vendors, access and Customary Use. The Customary Use Ordinance was not passed in the City of Destin due to possible litigation. Mr. Burke discussed four options that should be considered for Walton County. Option one is to do nothing and allow the private citizens to file suit. Option two would be to adopt an ordinance establishing Customary Use definitions. This option could cause possible litigation. Option three would be to file a class action law suit by the Board to determine whether the Doctrine of Customary Use applies. Mr. Burke did not recommend this option. Option four would allow the Board to seek easements from private land owner for a Customary Use. This option may offer the property owner ad valorem tax relief and would probably be more successful. Mr. Burke stated that only 21 miles of beach would be considered for Customary Use. He also stated that according to Florida Statute, that the public has rights to access the re-nourished beaches and the upland owner still retains their rights as well.

Commissioner Brannon asked if the Supreme Court decision would affect the areas discussed. Mr. Burke stated it will not have a direct bearing on the current issue before the Board. Mr. Burke suggested the Board review and to consider options two and four.

Commissioner Comander made a motion to proceed with options two and four. Motion died for lack of second.

Commissioner Meadows felt that there was not enough information to go forward. Mr. Burke suggested following the Destin model by going through appropriate hearings and findings of facts.

Commissioner Brannon stated that it is important to look into the possible tax benefit and have examples prepared to show the property owners.

Discussion continued on the City of Destin's process to determine Customary Use.

Mr. Alan Ficarra urged the Board to hold a public hearing to discuss the issue.

Motion by Commissioner Comander, second by Commissioner Meadows, to direct Mr. Burke to proceed with options two and four and present findings of fact. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Mr. Burke requested the Board's direction on a license agreement to grant a license to homeowners who wish to construct a seawall on county property. He stated that a License Agreement is the lowest level of interest granted to a property owner for use of their property. The licensee is solely responsible for maintaining the wall or coastal structure. According to the agreement, Walton County would have access to cross the licensee's property to remove the wall or make necessary repairs. If Walton



County decides to no longer have the structure on the dedicated beach, the property owner has 30 days to remove the structure or be charged with the removal. Also included is an indemnification clause that holds the County harmless by the property owner for any and all acts that may occur on the property. Mr. Burke stated that DEP has required that the eight applicants must obtain permission from Walton County to build seawalls.

Commissioner Meadows suggested that paragraph 10 be reworded to include Turtle Season stating that construction cannot proceed during that time. Mr. Burke agreed.

Commissioner Comander voiced concerned about how the County would be compensated and standards of maintenance and feels the agreement needs to be tighter.

Discussion continued over the proper maintenance of the structure.

Commissioner Brannon asked if this agreement would change the use of the beach. Mr. Burke stated that it would not and that the beach was already dedicated as public.

Commissioner Comander suggested that the TDC would benefit from an annual lease fee. Mr. Burke stated that a license fee is permissible and a new license agreement would be signed with each new owner.

Ms. Blackshear stated that planning and permitting would have to be approved by DEP.

Mr. Ficarra, Ms. Shari Judkins and Mr. Judkins suggested that modifications and adjustments to the lease be subject to public hearing. Mr. Burke stated that advertisement would not be required to make changes to the agreement being that it is a legislative decision.

Mr. Walter Lydick stated that during the last hurricane, he paid to have four tons of sand put onto a beach that was not part of his property. He stated that the county had not made an effort to restore that portion of the beach prior to this.

Ms. Anita Page stated that removal and restoration costs should be covered within paragraph 7.

Mr. Brad Jones, resident, stated that he and his four neighbors paid approximately \$155,000 each to build tubes to protect their homes and beaches, and to re-nourish the beach with vegetation. He feels that the county does not appreciate what was done and does not feel that the property owner should have to pay for all maintenance.

Chairman Pridgen stated the Board is trying to come up with a solution to help those who have built the seawalls.

Ms. Grace Morse, resident, spoke in opposition of the license agreement.

Mr. Burke stated that he would make the following changes to the language: add an annual fee clause, clarify the definition of the condition of the structure, clarify paragraph 7 and address the issue of Turtle Season. He stated that he would bring the revised agreement to the Board at a later date. Commissioner Meadows requested that the following language changes also be added: requirement of bi-annual inspections and that any modifications to the lease are subject to public hearing before the Board of County Commissioners.

Mr. Charlie Simmons, City Councilman, City of Freeport, requested funding for the Freeport Fire Department (FFD).

Commissioner Comander proposed that funding be \$91,000 equaling the funds given to DeFuniak Springs Fire Department, \$55,000 of MSBU funds until the Bruce

Fire Department is on line, forgiveness of \$34,000 truck payment owed to the county, give another \$20,000 and employ three of the county paid firefighters at the FFD totaling \$200,000. She stated that the City of Freeport rejected the three county paid firefighters and asked for an additional \$150,000.

Mr. Simmons stated that he had asked for a budgeted amount of \$350,000 from the county. He questioned why the county would not fund the full amount.

Commissioner Brannon asked in what areas are the MSBU monies collected and if the \$55,000 would be sufficient to cover that area. Mr. Simmons stated the areas are Black Creek, Portland and Bruce. Mr. Rivers stated that no one can find the funding to meet the FFD request.

Commissioner Meadows questioned the status of the trailer that was to be installed in the Black Creek Community. Chief Rivers stated that it is still being worked on.

Discussion continued regarding funding and areas served.

Commissioner Meadows voiced concern that the Black Creek Community Fire Department is not yet ready. Chief Rivers stated that the land owner had yet to present the lease for signatures. Commissioner Meadows suggested that FFD be given one year to either transition into the county system or establish their own system.

Commissioner Comander suggested a county fire truck be moved to the county EMS station to cover Portland and Black Creek. Chief Rivers stated that the county EMS would work with the City of Freeport to provide the citizens with fire protection.

Commissioner Brannon stated that FFD serves not only Freeport but also a number of county residents. He questioned whether \$55,000 would be enough to cover the extended area. Mr. Simmons felt that it would not.

More discussion ensued regarding funding sources and services.

Mr. Bell stated that should the Board agree to fund the FFD, a contract between the City of Freeport and Walton County would need to be drawn.

Mr. Imfeld stated that he would present to the Board on October 23, 2007 information on funding sources

Motion by Commissioner Meadows, second by Commissioner Brannon, to grant to FFD the \$50,000 funds allocated to Freeport, forgive the \$34,000 truck payment, \$55,000 in MSBU funds, \$91,000 equaling the amount given to DeFuniak Springs, and an additional \$50,000. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Mr. Lyle Seigler, Public Works Director, requested approval that County Road 2A be considered for the FDOT County Incentive Grant Program. He stated that base deterioration and cracking makes this area a top priority. The cost of the project would be \$543,840 to cover the resurfacing and widening from 20 feet to 22 feet. He stated that Walton County does qualify for the Waiver of Matching Funds which will completely fund this project for the Fiscal Year beginning July 1, 2008.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the request as presented. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Mr. Seigler clarified that the surplus of the North Walton Mosquito Control truck (BCC 2785) was to Calhoun County not Gulf County as stated at the September 25, 2007 Board meeting.

Commissioner Meadows requested that the Planning Department help Gulf Pines Neighborhood to file a neighborhood plan and that the Board begin working with them.

Commissioner Comander did not present any items for discussion.

Commissioner Brannon reported that the State of Florida had agreed to the bypass name change from State Road 83A to U.S. 331 Business.

Chairman Pridgen did not present any items for discussion.

The meeting recessed at 7:15 p.m. and reconvened at 7:40 p.m.

Chairman Pridgen called the legislative meeting to order.

Ms. Blackshear requested that Legislative Items 1 (Scenic Corridor Design Standards Ordinance), 2 (Chapter 9 Ordinance) & 3 (Ordinance Amending Section 13.09.00 of the Walton County Land Development Code, The Route 30A Scenic Corridor) be continued until November 13, 2007.

Motion by Commissioner Meadows, second by Commissioner Brannon, to continue the items presented until November 13, 2007. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Ms. Blackshear asked that Pinewood Preserve Plat be continued due to outstanding issues until October 23, 2007.

Motion by Commissioner Brannon, second by Commissioner Meadows, to continue Pinewood Preserve Plat until October 23, 2007. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Ms. Blackshear requested that The Bungalows at Seagrove, First Addition Plat be continued until October 23.

Motion by Commissioner Meadows, second by Commissioner Brannon, to continue The Bungalows at Seagrove, First Addition Plat to October 23, 2007. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Ms. Blackshear requested that S & S Materials Industrial Facility be continued until November 27, 2007.

Motion by Commissioner Brannon, second by Commissioner Meadows, to continue S & S Materials Industrial Facility until November 27, 2007. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Ms. Blackshear stated that West Florida Regional Planning Council has sent notice that Blackstone DRI is ready for advertising. She requested that the Board authorize the staff to work with the applicant on advertising.

Motion by Commissioner Comander, second by Commissioner Meadows, to request as presented. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Ms. Blackshear presented a request from the Biophila Center applicant, an educational nature center which works with Nokuse Plantation and the Walton County School Board, to waive fees for permit and site plan review fees.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve request as presented. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Ms. Blackshear presented an ordinance amending Chapter 6 of the Walton County Land Development Code to establish regulation relating to garage sales.

Mr. Frank Wolfe spoke in favor of the ordinance.

Ms Kay Lambert requested that the ordinance be passed with the exclusion of Exhibit B.

Mr. Judkins, Ms. Judkins, Mr. Crosby, Ms. Latanja Neal and Ms. Leann Horn all spoke in opposition of the ordinance. A petition containing 750 signatures was submitted.

Motion by Commissioner Comander, second by Commissioner Brannon, to not proceed with an adoption of the Garage Sale Ordinance. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Mr. Burke administered the oath to those intending on speaking.

Mr. Burke stated that at the last public hearing the Board requested the County Attorney's office to research assessing a fine against the Stables at Sandy Pines for failure to obtain a final Development Order prior to development activities. It was found that a fine could not be assessed because the developer did come into compliance as required by Code Enforcement.

Attorney Gary Vorbeck, representing Mr. M. C. Davis a surrounding property owner, asked that the project not be approved until all permits, including DEP permits, have been submitted, reviewed and checked. He questioned Mr. Tim Brown, Planning Department, whether this was a conditional use. After reviewing the staff report Mr. Brown stated that it was. Mr. Vorbeck then asked if it was advertised as a conditional use. Mr. Brown stated he was not sure without having a copy of the advertisement. Mr.

Vorbeck asked Mr. Brown to read Section 606.04.05 of the Land Development Code. Mr. Vorbeck stated a Conditional Use Approval should have been given before submission of a development application.

Commissioner Brannon exited the meeting at 8:07 p.m. and returned at 8:12 p.m.

Ms. Blackshear stated that this project was advertised as a major project. She stated that the Planning Department has always advertised projects of this type in the same way. She stated that the Conditional Use and Major Development all require public hearings. She also stated that this process of advertising was approved by legal counsel.

Ms. Maureen Johnson, JP Engineering, presented The Stables at Sandy Pines, a major development order application consisting of 25 single family units on 282.72 +/- acres with a future land use of general agriculture and large-scale agriculture. The site is located on the east and west sides of Champion's Way, north of S. R. 81 and south of Buddy McGill Trail. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission. Applicant is requesting to waive the sidewalk requirement as allowed in Section 5.04.03 for lots that are in excess of one acre. In lieu of the sidewalks, the applicant is providing riding trails adjacent to each roadway. All criteria has been met. **(EXHIBITS: 1-4)**

Mr. Steve Hilyard spoke in favor of the project.

Mr. Robert McGill, applicant, stated that the project has come into compliance and has met conditions.



Motion by Commissioner Meadows, second by Commissioner Comander, to approve The Stables at Sandy Pines with conditions 1-6. Ayes 3, Nays 1, Pridgen Aye, Meadows Aye, Brannon Nay, Comander Aye.

Mr. Scott Jenkins, Jenkins Stanford and Associates, presented Stonegate a major development order application consisting of a 39 lot single family subdivision on 19.63 acres with a future land use of CR 2:1. The site is located on West Hewitt Road just north of Preston Path and directly across from Kimberly Ann Drive. Mr. Jason Bryan, Planning Department, stated that Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission. **(Exhibit: Staff Report)**

Motion by Commissioner Brannon, second by Commissioner Comander, to approve Stonegate with conditions as presented. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Ms. Melissa Ward, Planning Department, presented Seagrove Final Plat Revision submitted by Allen Nobles & Associates on behalf of Robert and Teresa Ignasiak and Naturewalk Development Company, LLC, consisting of a replat of lots 7, 8, 9 and 10 of Block 1, Seagrove Second Addition in plat book 2, page 45, having a future land use or RPA. The site is located on the south side of C.R. 30A just west of C.R. 395. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission. **(Exhibit: Staff Report)**

Commissioner Meadows asked if the platted lots were renumbered. Mr. Dave Lovell, representing Olsen and Associates and Mr. and Mrs. Ignasiak, stated that lots 7-10 have been renumbered.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve Seagrove Final Plat Revision with conditions as presented. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

Mr. Darryl Barnhill, Barnhill, Barnhill & Barnhill, presented Olney Garden Center & Nursery a request for approval of a conditional use consisting of a garden center and nursery on 3.857 acres with a future land use of estate residential. The site is located on U.S. 331 north, approximately 0.75 miles south of Rock Hill Road. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report and by the Planning Commission. This project was advertised by request of applicant as Conditional Use.

**(Exhibit: Staff Report)**

Motion by Commissioner Comander, second by Commissioner Meadows, to approve advertisement of Olney Garden Center & Nursery. Ayes 4, Nays 0, Pridgen Aye, Meadows Aye, Brannon Aye, Comander Aye.

The Grievance Appeal Hearing was continued.

There being no further business, the meeting adjourned at 7:25 p.m.

APPROVED \_\_\_\_\_  
Kenneth Pridgen, Chair

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