

SEPTEMBER 20, 2016 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Special Meeting on September 20, 2016 at 3:00 p.m. at the Walton County Courthouse in Santa Rosa Beach, Florida.

The following Board members were present: Commissioner Sara Comander, Chairman; Commissioner Cecilia Jones, Vice-Chairman; Commissioner W. N. (Bill) Chapman; Commissioner Bill Imfeld; and Commissioner Cindy Meadows. Mr. Larry Jones, County Administrator; and Attorney Mark Davis, County Attorney, were also present.

Chairman Comander called the Special Meeting to order.

Attorney Davis stated the Special Meeting is for the purpose of holding an Executive Session and read the following public notice into the record:

The Walton County Board of County Commissioners will hold a Special Meeting for the purpose of a closed Executive Session on September 20, 2016 beginning at 3:00 p.m. at the South Walton Courthouse Annex located at 31 Coastal Centre Blvd., Santa Rosa Beach Florida to discuss two cases: Lionel and Tammy Alford, et al v. Walton County (Case No.: 3:16-cv-00362-MCR-CJK) and Edward Goodwin and Delanie Goodwin v. Walton County (Case No.: 3:16-cv-00364-MCR-CJK).

Those attending the Executive Session were the Board of County Commissioners: Bill Chapman; Bill Imfeld; Sara Comander; Cindy Meadows; and Cecilia Jones; Mr. Larry Jones, County Administrator; Attorney Mark Davis, County Attorney; Attorney Sidney Noyes, Assistant County Attorney; Attorney Bill Warner and Attorney David Theriaque. Ms. Sharon Payne, Certified Court Reporter, was also present.

Motion by Commissioner Jones, second by Commissioner Imfeld, to call to order the Executive Session. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Individuals not attending the Executive Session left the room.

The Executive Session reconvened.

Motion by Commissioner Jones, second by Commissioner Chapman, to adjourn the Executive Session. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Attorney Davis stated Attorney Warner will proceed as directed during the Executive Session.

There being no further business, the Executive Session was adjourned.

Chairman Comander called the meeting to order.

Mr. Larry Jones presented the following additions to the agenda:

Additions:

Under Consent Agenda

1. Request to approve and authorize the Chairman to sign the FY 2017 Citizen Corps program Sub-grant Agreement from volunteer Florida (VF) under the Florida Division of Emergency Management (FDEM) and the U.S. Department of Homeland Security (DHS); Federal Emergency Management Agency (FEMA) for an award in the amount of \$7,000.00
2. Request to approve and authorize the Chairman to sign the FY 2017 Community Emergency Response Team (CERT) Program Sub-grant Agreement from Volunteer Florida (VF) under the Florida Division of Emergency Management (FDEM) and the U.S. Department of Homeland Security (DHS); Federal Emergency Management Agency (FEMA) for an award in the amount of \$7,000
3. Request approval to purchase a Bobcat 5600 UTV at a cost not to exceed \$49,953.00 as requested by the TDC

Under Administration

4. Request direction regarding the rescheduling of the November 8, 2016 BCC Meeting

Under TDC

5. Request approval of and for the Chairman to sign task order 16-007 with Atkins for the replacement of the multi-use path between Highway 283 and 83

Under Public Hearing

6. Request to approve a resolution amending the FY 2015-2016 budget to bring forward reserves in the Tourist Development Fund for the purchase of property located on Co. Highway 283S and beachfront property in Dune Allen

Deletions:

Under Consent Agenda

7. Remove approval of the Expenditure Approval List (EAL) excluding the Waste Management expenditures

Under Waste Management EAL

8. Remove approval of the Waste Management Expenditure Approval List (EAL)

Motion by Commissioner Jones, second by Commissioner Chapman, to approve the agenda as revised. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

There were no public comments from the public.

There were no items removed from the Consent Agenda.

Motion by Commissioner Chapman, second by Commissioner Meadows, to approve the Consent Agenda as follows. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Clerk Items:

1. Approve Expenditure Approval List (EAL) excluding the Waste Management expenditures
2. Approve Minutes of the September 9, 2016 Special Meeting and September 12, 2016 Regular Meeting

Agreements/Contracts:

3. Request to approve and authorize the Chairman to sign the Lease Agreement between Mossy Head Water Works and the Walton County Health Department

4. Request to approve and authorize the Chairman to sign the Access and Use Agreement with the Florida Department of Environmental Protection for the Ed Walline Access Site
5. Request to approve and authorize the Chairman to sign the Access and Use Agreement with the Florida Department of Environmental Protection for the Bayside Ranchettes park Site
6. Request to approve and authorize the Chairman to sign the Access and Use Agreement with the Florida Department of Environmental Protection for the Gulfview Heights Beach Access Site
7. Request to approve and authorize the Chairman to sign the Access and Use Agreement with Florida Department of Environmental Protection for the Palms of Dune Allen West Beach Area
8. Request to approve and authorize the Chairman to sign a contract with Hilton Sandestin Beach Golf Resort & Spa for payment of room nights for Midwest Travel Writers Association Conference for up to 40 journalists not to exceed \$20,000 in cost
9. Request to approve a Resolution **(2016-68)** authorizing the county to execute the revised terms and conditions for the Traffic Signal Maintenance and Compensation Agreement with the State of Florida Department of Transportation
10. Request to approve and authorize the Chairman to sign the Amendment to contract No ARW80 Traffic Signal Maintenance and Compensation Agreement with the State of Florida Department of Transportation
11. Request to approve and authorize the Chairman to sign contract No. 016-026A Professional Engineering Services with Atkins North America, Inc. Engineering
12. Request to approve and authorize the Chairman to sign Contract No 016-026G Professional Engineering Services with Genesis CE&I Services, LLC.
13. Request to approve and authorize the Chairman to sign Contract No. 016-026D/PR Professional Engineering Services with Dewberry Engineers, Inc. d/b/a Dewberry/Preble-Rish
14. Request to approve and authorize the Chairman to sign contract No. 016-026P Professional Engineering Services with Polyengineering, Inc.

Addition 1 - Request to approve and authorize the Chairman to sign the FY 2017 Citizen Corps Program Sub-grant Agreement from Volunteer Florida (VF) under the Florida Division of Emergency Management (FDEM) and the U.S. Department of Homeland Security (DHS); Federal Emergency Management Agency (FEMA) for an award in the amount of \$7,000.00

Addition 2 - Request to approve and authorize the Chairman to sign the FY 2017 Community Emergency Response Team (CERT) Program Sub-grant Agreement from Volunteer Florida (VF) under the Florida Division of Emergency Management (FDEM) and the U.S. Department of Homeland Security (DHS): Federal Emergency Management Agency (FEMA) for an award in the amount of \$7,000

Expenditure Requests:

15. Request approval of Paxton and Freeport Fire Station renovations in an amount not to exceed \$57,000

Addition 3 - Request approval to purchase a Bobcat 5600 UTV at a cost not to exceed \$49,953.00 as requested by the TDC

Attorney Davis presented a request to approve a policy for Walton County regarding how county staff and commissioners should communicate with attorneys who represent clients before the county. He explained the policy was drafted by the Florida Bar's Local Government Section.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the Communications Policy as presented. Ayes 4, Nays 1. Imfeld Aye, Comander Aye, Chapman Nay, Jones Aye, Meadows Aye.

Attorney Davis requested approval and authorization for the chair to execute an acknowledgement of Plat of the Bluffs at Sandy Shores. The acknowledgement recognizes the property had been platted and affirms the plat has been accepted subject to the new property from the alleged owner joining in the plat.

Motion by Commissioner Imfeld, second by Commissioner Jones, to affirm the Acknowledgement of Plat for the Bluffs at Sandy Shores as dedicated by Rime Holdings, LLC. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Attorney Davis presented an update on the contract to purchase property from 187 San Roy Holdings, LLC and requested direction. Staff has been negotiating with Mr. Russell however; Mr. Russell never signed the contract.

Motion by Commissioner Chapman, second by Commissioner Meadows, to withdraw the offer for the San Roy property. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Commissioner Imfeld questioned Attorney Davis regarding the scheduling of a workshop for customary use. Attorney Davis stated he is prepared to hold a workshop and meeting to present an Ordinance for adoption.

Motion by Commissioner Jones, second by Commissioner Chapman, to place the Customary Use Ordinance on the October 11th agenda for consideration and schedule a workshop on October 19th from 4:00 p.m. to 7:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Attorney Davis requested to schedule an Executive Session for October 11th at 3:00 p.m. to discuss pending litigation on the Goodwin and Alford cases.

Motion by Commissioner Chapman, second by Commissioner Jones, to approve an Executive Session on October 11th at 3:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Larry Jones requested approval of the U.S. Treasury required Multi-year Implementation Plan (MYIP). He stated the plan is complete and has gone through a 45 day advertising period and ready to submit to the U.S. Treasury.

Motion by Commissioner Imfeld, second by Commissioner Jones, to approve the U.S. Treasury required Multi-Year Implementation Plan (MYIP). Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Jones stated an individual who owns property on Walton Way (Parcel #19-2S-42000-006-0010) is willing to donate the property to the county and requested direction. He presented environmental findings and potential uses for the parcel. The property is a lot of record and contains wetlands. Discussion ensued regarding using the property for mitigation. Attorney Davis suggested having a title search. The board directed staff to research the following issues: HOA, back taxes, title search, and mitigation possibilities.

Mr. Jones presented appraisals for five properties north of the Choctawhatchee Bay and adjacent to U.S. Highway 331. He stated an environmental review can be done on the properties to determine proper use. Commissioner Jones asked about the property located on the east side of the highway. Mr. Jones stated an appraisal was performed and the asking price was twice the amount of the appraised value. The offer the Board previously set of \$50,000 was not accepted. Commissioner Meadows suggested reviewing land use designations and consider the property's best use as well as access. Brief discussion ensued regarding use of the property and condition of the dock currently on site. Commissioner Chapman commented the dock is in fair shape and lots 2 and 4 would make a nice park. He felt access to the property would need to be improved. The commissioners stated they would like to keep most of the property in its natural state. Mr. Jones will research the property further and bring it back for review.

Motion by Commissioner Jones, second by Commissioner Chapman, to adopt a resolution **(2016-69)** urging the Florida Legislature and Cabinet to dedicate conservation funds for water conservation projects in the environmentally sensitive areas of North and Central Florida, and to oppose any efforts to use State Conservation Funds to purchase farm lands south of Lake Okeechobee for water storage. Mr. Nick Loffer spoke in favor of the ordinance.

Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Jones requested direction regarding the November 8th commissioner's meeting which is Election Day and suggested holding the meeting November 7th.

Motion by Commissioner Jones, second by Commissioner Chapman, to approve holding the November 8th meeting on November 7th due to the conflict. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Buddy Wright, Public Works, presented an update on North Eden Park Drive regarding additional security. He recommended not closing the park. He spoke about the right of way leading into the park and providing a "T" turn-around and a fence to keep vehicular traffic out of the park. Commissioner Jones agreed with that plan and also asked for a "No Outlet" Sign stating she does not want to close the park. Mr. Wright will communicate with the Sheriff's Department for assistance in security. Mr. Jones advised he had received a call from neighbor who would like to purchase the property. The Board directed Mr. Wright to move forward with his plan.

Mr. Jones presented an update on Alderberry Road regarding acceptance for maintenance. The necessary road improvements were made bringing the road up to county standards. Staff recommended accepting the road for county maintenance.

Motion by Commissioner Imfeld, second by Commissioner Jones, to formally accept Alderberry Road for county maintenance. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Jones requested to begin negotiations for RFQ 016-027 CEI Services for C.R. 183 Kidd Road SCRAP Project. Genesis was the top ranked firm.

Motion by Commissioner Chapman, second by Commissioner Jones, to approve to begin negotiations with Genesis for RFQ 016-027 as stated. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to award and authorize the Chairman to sign Contract No. 016-030 Preventive Maintenance and Repair to Multi-phase Traffic Control Signals with Murdock Investments, LLC. as recommended by staff. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Jay Tusa, TDC Executive Director, introduced Mr. Brian Trammell, Sr. Engineer with Taylor Engineering to present the Coastal Management updates. Mr. Trammell gave an update on the Beach Management Program and spoke about committee recommendations and gave an overview of the Storm Response Plan outline. He spoke about obtaining necessary permits, semi-annual beach surveys; pre and post storm activities. Mr. Trammell recommended obtaining the necessary permits from FDEP and USACE to hold for implementation in the event of emergency. He stated the permits would only be used in the event of an emergency. He explained it would be better to obtain the permits prior to needing them than waiting until a storm event happens due to it possibly taking nine months to obtain permits. He stated a comprehensive strategy is needed. The next steps would be to hold a public workshop, go back to the TDC with information then return to the Board.

Chairman Comander asked if he had spoken with Legal. Attorney Noyes reminded the Board that previous action was only to table the HSDR package. She stated the recommendation is to proceed with obtaining the permits to have on hand in the event of an emergency. Mr. Trammell explained there is no problem with obtaining the permits as long as he has clear direction they are not proceeding with the project.

Motion by Commissioner Chapman, second by Commissioner Jones, to move forward with obtaining the necessary permits, but not moving forward with the HSDR project.

Ms. Boushy questioned if the permits are approved would the county still require an easement from beach front owners. Attorney Noyes stated she would research the answer to that. She suggested finding a way to allow beach front property owners to pay for their own beach restoration. Chairman Comander stated the permits are still required either way.

Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Brian Kellenberger, TDC, requested approval and authorization for the Chair's signature on task order 16-007 with Atkins Engineers for the replacement of the multi-use path between Highway 283 and 83. Funding was included in the budget for the repairs.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to approve and authorize the Chairman's signature on task order 16-007 with Atkins Engineers.

A brief discussion was held regarding the area it would cover including approaches to the bridges and the timeframe for permitting and construction. The Tourist Development Council is paying for the project.

Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Tusa stated tax collections were up 12% which is the largest July ever seen.

Mr. Tusa also gave an update on the Dune Allen property recently purchased stating the county removed the swimming pool for liability reasons. TDC is also in the process of getting quotes for how much it would cost to raise the home on the property.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to call to order the advertised public hearing to consider a Resolution amending the budget. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Ms. Melissa Thomason, Director of OMB, presented a request to approve a Resolution amending the FY 2015-2016 budget in the amount of \$15,059,000.00 to bring forward reserves in the Tourist Development Fund for the purchase of property located on Co. Highway 283S and beachfront property in Dune Allen.

There were no comments voiced.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to adopt a Resolution (2016-67) amending the FY 2015-2016 budget in the amount of \$15,059,000.00 to

bring forward reserves in the Tourist Development Fund for the purchase of property located on Co. Highway 283S and beachfront property in Dune Allen. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Motion by Commissioner Chapman, second by Commissioner Imfeld, to close the Public Hearing. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

The Commissioners did not present any items for discussion and there were no citizen requests or comments.

The Board recessed briefly at 4:53 p.m.

Chairman Comander called the meeting back to order. Commissioner Jones was not present.

Mr. Wayne Dyess, Planning and Development Services Director, requested authorization for staff to advertise an amendment to Chapter 11.01.02(C)4, of the Walton County Land Development Code providing for Designation of Plans as Major Developments, and Infill proposals in the NPA's; providing for severability and an effect date. Mr. Dyess stated the language is currently vague and staff would like to insert an exemption stating minor replat or lot split would not be considered a major development order. He stated lot splits are common, but usually minor.

Motion by Commissioner Chapman, second by Commissioner Imfeld, to approve the language change to Chapter 11.01.02(c)4 as stated.

Ms. Boushy asked if a large Neighborhood Infill lot could be divided into 20 parcels. Mr. Mac Carpenter explained it could only be split into two lots one time, otherwise it would be considered a major development.

Ayes 4, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Meadows Aye.

Mr. Mac Carpenter, Planning and Development, presented the Coastal Dune Lake Protection Zone Remedial Amendment. Mr. Carpenter presented an Ordinance amending Walton County Comprehensive Plan Policy C-1.4.1 pursuant to the August 23, 2016 Compliance Agreement in 1000 Friends of Florida, Inc., et al vs. Walton county, Case No. 15-5619GM; providing for up to 40% impervious development and up to 50% clearing of native vegetation within the Coastal Dune Lake Protection Zone of the first 300 feet; providing for storm water requirements, connection to central sewer under some circumstances, hardship relief, and a grandfathering provision. Mr. Carpenter explained this amendment mirrors the settlement agreement. There are also additional items in the settlement agreement that will appear in the LDC if this amendment is adopted. Attorney Noyes stated DEO has 30 days to review the amendment.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to adopt the Coastal Dune Lake Protection Zone Remedial Amendment Ordinance **(2016-21)**.

Commissioner Jones returned.

Ms. Cynthia Alexander appeared before the commissioners requesting the Board reject the amendment. She felt the amendment is a violation of invested rights and should apply only to unplatted properties stating it is illegal to make it retroactive to platted land. Ms. Alexander felt this action is a taking. She stated it is discriminatory and will harm the lakes. She stated it is a zoning change and land owners were never notified to allow their input. She stated item ten is a false statement and would affect many property and business owners. She felt there should be exemptions regarding the 100 foot buffer requirement.

Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

The Quasi-Judicial hearing was called to order and Attorney Noyes administered the oath to those intending to speak. There were no objections to the advertisements. Attorney Noyes instructed that any Ex Parte forms were to be submitted to the Clerk.

Mr. Dyess presented a request to deny Highland House B & B. The request is a major development order application submitted by Jenkins Engineering, Inc. requesting denial for a change of use from a Bed and Breakfast to a Bed and Breakfast with a restaurant open to the public. The project consists of 6,196 square feet on +/- 1.25 acres with a future land use of Neighborhood Infill. The project is located at 4193 West County Highway 30A, approximately 1,083 feet east of Highway 393 South and County Highway 30A intersection on the south side of County Highway 30A. The owner has been asked for an updated Compatibility study, which has not been received and the Planning Department does not feel the project is compatible with the neighborhood and requested denial of the project.

Mr. Scott Jenkins, Jenkins Engineering, stated the project has gone through the process and then the applicant decided to change direction and not move forward.

Mr. Rick Eilmon, adjacent property owner, asked what is being abandoned and stated the project is not compliant with the neighborhood.

Commissioner Chapman asked if there is an active code violation on the property. Ms. Vivian Shammel stated there is and has been since 2014, beginning with a sign issue. Staff found the compatibility was not substantial and asked for an upgraded analysis. The owner was also found to be holding large events on the property which was not in compliance. Mr. Dyess stated if the project is denied, Code Enforcement will go back and address the violation for a final conclusion.

Commissioner Meadows asked if they operated for two years while this was going on. Ms. Shammel stated they had. Mr. Dyess stated one violation led to another. Commissioner Meadows asked if they are still having parties. Mr. Jenkins said the owner has been informed they will have to stop all activities.

Motion by Commissioner Chapman, second by Commissioner Imfeld, to approve to deny Highland House B & B. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Dyess presented a request to continue Ciboney Plat to the October 11, 2016 Board Meeting. This will be the third and final continuance.

Motion by Commissioner Chapman, second by Commissioner Meadows, to approve a continuance for the Ciboney Plat to the October 11, 2016 Board Meeting. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Ms. Christine Sammelmann, Planning and Development, presented Winecoff SSA, a Small Scale Amendment application submitted by Emerald Coast Associates, Inc. requesting to amend the Future Land Use designating from Neighborhood Infill to Conservation Residential 2:1 on 1.70 acres. The project is located one mile north on East Mack Bayou Road.

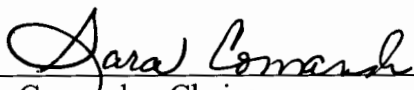
Mr. Daryl Burgis, Emerald Coast Associates, stated the applicant is asking for a reduction in density. The property has always been a single family resident and wants to ensure it will continue to be. The owner has the potential to sell a portion of the property through a lot split and wants to change the designation to Conservation Residential allowing the owner comfort in knowing it will remain single family residential.

Motion by Commissioner Jones, second by Commissioner Imfeld, to approve Winecoff SSA as presented. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Dyess presented the Quatre Maison Subdivision Plat. The plat application submitted by Jenkins Engineering, Inc., requested approval to plat four (4) single family residential lots on +/- 0.63 acres with a future land use of Neighborhood Infill. The project is located on the east side of Driftwood Road approximately 1,178 feet south of the U.S. Highway 98 and Driftwood Road intersection. Staff recommend approval.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve Quatre Maison Subdivision Plat contingent upon buy-out fees being paid. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

There being no further items to discuss, Commissioner Chapman motioned to adjourn the meeting.

Approved: 
Sara Comander, Chairman

Attest: 
Alex Alford, Clerk of Court and County Comptroller