

OCTOBER 11, 2016 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on October 11, 2016 at 9:00 a.m. at the Walton County Courthouse Annex 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. Stan Sunday, Assistant County Administrator; Attorney Mark Davis, County Attorney; and Mr. Alex Alford, Clerk of Court and County Comptroller; were also present.

Chairman Comander called the meeting to order.

Mr. Stan Sunday, Assistant County Administrator, presented the following additions and deletions to the agenda:

ADDITIONS:

1. Request to approve and authorize the Chair to sign EDTPFA Financial Management No. 439452-1-54-01 Agreement and Resolution
2. Request to reject all qualification Statements/Proposals for RFQ 016-031 and re-advertise

DELETIONS:

Item 29: Request to approve or provide direction regarding the Traffic Calming Policy

Item 30: Request permission for the Coastal Dune Lakes Advisory Board to act on behalf of the County to petition the Florida Department of Environmental Protection to initiate rule-making pursuant to Section 120.54(5), Florida Statute and Florida Administrative Code Rule 62-302.700 to designate all or portions of 14 of the Walton County Coastal Dune Lakes as Outstanding Florida Water Bodies

Under Administration:

Mr. Steve Hall – Quiet Title Information

Motion by Commissioner Jones, second by Commissioner Imfeld, to approve the agenda with the additions and deletions as presented. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to set 9:00 p.m. as the cut off time for the meeting. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Alan Newsome addressed the Commissioners regarding the proposed surf shop on Dalton and C.R. 30A. Chairman Comander advised that is a quasi-judicial issue and comments must be presented during the hearing.

Motion by Commissioner Imfeld, second by Commissioner Jones, 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

	Total	WM	Grand Total
General Fund	\$2,869,105.33		
County Transportation	\$ 745,863.78		
SHIP	\$ 10,000.00		
Fine & Forfeiture	\$4,585,796.13		
Section 8 Housing	\$ 143,586.35		
Tourist Dev. Council	\$ 253,130.62		
N.W. Mosquito Control	\$ 2,019.01		
Recreation Plat Fee	\$ 1,650.00		
Solid Waste Enterprise	\$ 396,239.20	\$ (365,299.51)	
Criminal Justice Ed Fund	\$ 50,000.00		
Bldg Dept./Enterp. Fund	\$ 1,485.74		
Automation Fund	\$ 80,000.00		
Crime Prevention Fund	\$ 35,000.00		
Capital Projects Fund	\$ 4,553.50		
Mossy Head Ind. Park	\$ 2,677.50		
Infrastructure Improvements	\$ 6,023.25		
Tax Increment Financing	\$ 81,600.98		
Totals	\$9,268,731.39	\$ (365,299.51)	\$8,903,431.88

2. Approve Minutes of the September 20, 2016 Executive Session and Special meeting, September 21, 2016 Workshop, September 26, 2016 Budget Hearing, September 27, 2016 Regular Meeting and September 29, 2014 Special Meeting
3. Request to surplus one Dell Latitude D630 Laptop (CC# 187) as requested by the Clerk's Office

Administrative Items:

4. Request to approve and authorize the Chairman to sign the Release of Lien and Satisfaction of Mortgage for a SHIP Mortgage for Margaret Smith

Budget Amendment Resolutions/Transfers:

5. Request to approve a resolution (2016-77) to amend the adopted Capital Improvements Schedule to add Darlington Park and Wee Care Park Phase IV

Agreements/Contracts:

6. Request to approve and authorize the Chairman to sign the FY 2016-2017 Florida Department of Health Walton Core contract and Fee Resolution
7. Request to approve and authorize the Chairman to sign Amendment #1 to lease Number 4435 between the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida
8. Request to approve and authorize the Chairman to sign the Florida Department of Agriculture and Consumer Services State Financial Assistance Agreement for Mosquito Control
9. Request to approve and authorize the Chairman to sign the Service Agreement and Addendum with Aramark for Uniform Services
10. Request to approve and authorize the Chairman to sign Change Order No. 1 to Contract No. 016-010 for C.R. 285 Improvement Project with MidSouth Paving; increasing contract time 59 calendar days and decreasing the contract price \$9.15
11. Request to approve and authorize the Chairman to sign the state contract lease renewal with Pitney Bowes for the TDC postage machine
12. Request to approve and authorize the Chairman to sign the Amendment and Exercise of Second Option to Renew the Agreement with Harper Landscaping, L.L.C. for Highway 98 Median Landscaping
13. Request to approve and authorize the Chairman to sign the three year Esri Small Municipal and County Government Enterprise License Agreement (ELA) for GIS software
14. Request to approve and authorize Chairman to sign the planning software contract with Online Solutions, LLC/Citizenserve in the amount of \$102,000.00
15. Request to approve and authorize the Chairman to sign the agreement with Bryan Pest control for Subterranean Termite Protection Services
16. Request to approve and authorize the Chairman to sign an amendment to the additional services Strategic Planning Contract with Strategic Advisory Group reassigned to JLL to allow payment for travel expenses

Expenditure Requests:

17. Request to approve the purchase of a 22' Automatic Gate Opener for North Walton Mosquito Control in an amount not to exceed \$9,920.00
18. Request to approve the purchase of a 13 HP 30 Gallon air compressor for the Stabilization Crew in an amount not to exceed \$2,699.99
19. Request to approve the purchase of a security system for the District 1 Road Maintenance Office in an amount not to exceed \$2,500.00

Grant Applications:

20. Request to approve Environmental Systems Research Institute and LEICA Geosystems Smart Communities Innovation challenge: Mobile Government Edition grant application and letter of support

Commissioner Chapman announced his conflict of interest regarding Waste Management expenditures and filed Form 8B - Memorandum of Voting Conflict with the clerk.

Motion by Commissioner Imfeld, second by Commissioner Jones, to approve the Waste Management expenditures in the amount of \$ 365,299.51. Ayes 4, Nays, 0. Comander Aye, Jones Aye, Imfeld Aye, Meadows Aye. Commissioner Chapman abstained. **(Form 8B)**

Motion by Commissioner Jones, second by Commissioner Chapman, to appoint Mr. Jay Tusa as the new representative to the Panama City-Bay County Airport and Industrial District Board to replace Commissioner Meadows. The next meeting is October 26, 2016 at 9:00 a.m. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Sunday requested approval of the final master design for the South Walton County Sports Park. Mr. Rick Wilson, Technology Support Coordinator, explained the changes to the design. The design was previously approved; however the design firm miscalculated storm water retention needs and the plans needed altered increasing the budget by approximately \$1.5 million. County Administration and public works staff located and secured a solution for the storm water issue. The delay allowed staff to apply for additional grants and include additional

amenities. Once the design is approved, staff will solicit bids in the next 60 days. Mr. Wilson has worked on this project for approximately two and one half years.

Commissioner Chapman questioned the present layout and voiced concern for future space. Mr. Wilson asked the design firm to move amenities, water features and green space to the north opening up the green space. Commissioner Chapman also asked if the retention area on the west side has been reduced. Discussion continued regarding drainage, storm water and an exfiltration system. Commissioner Meadows requested a cost analysis be performed. Commissioner Meadows asked if the master plan can be amended along the way. Mr. Wilson said he wants the Board to be happy with the plan before finalizing it. Commissioner Meadows stated she would like to see if the retention could be buried and get an Olympic size pool in conjunction with the school board. Attorney Davis stated the school board just approved the site plan and renderings for the building and there may be some space.

Motion by Commissioner Meadows to adopt the final master design for the South Walton County Sports Park and obtain numbers for the retention and work with the school to designate a site for a future pool. The motion died for the lack of a second.

Motion by Commissioner Chapman, second by Commissioner Jones, to approve the site plan as proposed. Ayes 4, Nays 1. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Nay.

Motion by Commissioner Jones, second by Commissioner Chapman, to ratify the contractual changes to Articles 10, 16, 18 and 24 of the Union Contract with Emergency Service Professionals of Walton County Local 4413. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye. Chairman Comander thanked the individuals who worked together to make these changes happen.

Mr. Sunday stated staff has been working on the relocation of the Guardian Ad Litem Office. This item will be brought back at the next meeting for further discussion.

Mr. Sunday requested the Board review the DRAFT Employee Safety Manual and provide comments to the Department of Risk and Safety. This item will be presented at the next meetings.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to award and authorize the Chairman to sign Contract No 016-027 CEI Services for C.R. 183 Kidd Road SCRAP Project with Genesis in the amount of \$320,096.68. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye. A brief history of the project was presented and funding is provided through the Small Counties Road Assistance Program.

Motion by Commissioner Jones, second by Commissioner Chapman, to approve the litigation matrix and ratify actions of the Office of the County Attorney as presented by Attorney Davis. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Attorney Davis advised that on June 22, 2015, the First District Court of Appeal affirmed the Walton County Circuit Court's decision to grant summary Judgment in favor of the County regarding the use of the Bennett's property as a commercial venue in the Residential Preservation land use district. On December 9, 2015, the Florida Supreme Court refused to hear the case rendering the District Court of Appeals' decision as final. It appears that the Bennetts, despite the court's ruling, continue to operate a commercial wedding venue on the property. Attorney Davis stated the Bennetts can currently be fined \$500 per event. An alternative would be to file an injunction. If the County prevails and they violate the injunction, the court has a broad enforcement mechanism such as a large fine, or they can be held in

contempt. Attorney Davis recommended authorizing the Office of County Attorney to enforce the code by injunctive relief. The County has done this in the past.

Commissioner Chapman spoke about the ability to enforce these types of issues and commented on the fines being passed on to the customer.

Motion by Commissioner Chapman, second by Commissioner Imfeld, to direct the Office of County Attorney to move forward with injunctive relief against the Bennetts.

Commissioner Imfeld questioned if this action would require amending the ordinance. Attorney Davis stated it would not. This will be a civil action, not code action. Attorney Davis stated he would request a blanket authorization at a later date for other issues that may present themselves. However, he will present that request at a later date.

Commissioner Chapman amended his motion to allow the Office of County Attorney to use injunctive relief for cases deemed appropriate for enforcement. Commissioner Imfeld stated he would like to see language brought back to the Board before amending his second to the motion. The motion stood as originally presented.

Mr. Bruce Anderson asked about the implications of other violations of the code and if it would be better to seek a determination from courts to see if an injunction is appropriate. Attorney Davis stated he was not the County Attorney at the time the lawsuits were filed and outside counsel was not instructed to seek injunctions.

Mr. Bill Fletcher questioned if raising the fine would stop the problem. Attorney Davis advised the fee is set by State Statute and cannot be increased.

Commissioner Imfeld called for the question. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Attorney Davis stated he received a settlement offer and requested the Board set an Executive Session on Tuesday, October 25, 2016 immediately after the Regular Meeting to discuss (Case No.: 3:16-cv-00364-MCR-CJK) Goodwin vs. Walton County. Those attending the Executive Session will be 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, Attorney David Theriaque and a Certified Court Reporter, will also be present.

Motion by Commissioner Chapman, second by Commissioner Jones, to approve holding an Executive Session Tuesday, October 25, 2016 immediately after the Regular Meeting. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Attorney Sidney Noyes presented the proposed Customary Use Ordinance as prepared by Attorney David Theriaque for review and requested the Board provide comments to Attorney Theriaque and Office of the County Attorney within seven days regarding proposed changes. A workshop will be held on October 19, 2016 for public comments and corrections prior to adoption. No action needed.

The following individuals spoke in opposition to the proposed Customary Use Ordinance: Mr. Emmett Hildreth, Mr. Richard Bryan, Mr. Alex Andrade, Mr. John Phelps, Mr. Richard Brighman and Mr. Bruce Anderson.

The following individuals spoke in favor of the proposed Customary Use Ordinance: Mr. Bill Butela, Ms. Celeste Cobena, Mr. Shawn Brown, and Mr. Mike Sturdivant

Attorney Noyes stated people can email their comments to be introduced into the record on the 19th at the following email address: beachissues@co.walton.fl.us.

Mr. Gary Drake asked if Attorney Theriaque's research would be released for review prior to the meeting. Attorney Noyes stated Attorney Theriaque and Dr. Miller will present the results of their research at the meeting. Commissioner Meadows felt the information will be a summary presentation of their research.

Chairman Comander announced the Customary Use Public Workshop to be held on Wednesday, October 19, 2016 at 4:00 p.m. at the courthouse annex in Santa Rosa Beach.

Commissioner Meadows requested Administration to seek appraisals on the property known as Fox Lake for potential purchase by Walton County for wetland conservation, creation of a vegetative preservation area (as provided in the Preservation Fund Ordinance) and passive park using the \$3.3 million in the Preservation Fund and other funds available as needed to acquire the property (Parcel Numbers 03-3S-20-34150-000-0080, 03-3S-20-34150-000-0090, 03-3S-20-34000-001-0040, 03-3S-20-34223-000-0031). She stated the property would help with drainage and access issues in the area and asked staff to speak with the owner, Trustmark Bank, and bring information back to the Board. Commissioner Meadows commented on an email from the owner stating the property is available for \$6.5 million and would like to discuss it.

Motion by Commissioner Meadows to direct Administration to talk to the owner regarding the property, bring back information to the Board and proceed with appraisals if appropriate. Commissioner Chapman seconded the motion for discussion purposes.

Commissioner Chapman commented on using the Preservation Fund stating he has been working on the Choctawhatchee River Canoe Trail, Blueways Trail, and Paddleboard Trail for over a year. He is still working to obtain grant funding, but would need approximately \$540,000.00 of the Preservation Funds to complete the ecotourism trail which runs from Co.

Highway 2 to Cowford. Commissioner Meadows suggested using TDC funds to help fund the trails project since it would be ecotourism.

Attorney Wil Dunaway, representing Trustmark Bank, spoke about the Fox Lake project that was previously before the board and the amendment it is going through before coming back before the Board. He stated the bank property is for sale and is marketed for \$6.5 million.

Mr. Richard Bryan does not feel one project should be given precedence over the other and consideration should be given to finding funds for both projects. He stated people are looking for outdoor recreation of that nature.

The motion and second on the floor were withdrawn and Commissioner Meadows directed staff to look into the property and bring back information.

Commissioner Meadows requested to use District 5 Recreation Plat Fee Funds, not to exceed \$550,000.00, for design and construction of an Olympic size swimming pool to be located at the new sports complex. She discussed the possibility of cost sharing with the school board for maintenance and operation. The pool would be used by all schools for swim teams, residents and guests for swim lessons, exercise and enjoyment.

Mr. Allen Ficquara stated there are possibly two other parcels of property near the Fox Lake property and asked the Board to consider those parcels at the same time. Commissioner Meadows agreed.

Motion by Commissioner Meadows to allocate up to \$550,000.00 for design and construction of an Olympic size pool at a location in south Walton to be determined. Chairman Comander recommended researching other costs and aspects of the project before encumbering the money. The motion failed for the lack of a second. Commissioner Meadows asked staff to research the issue further.

Mr. Charles Ebbecke voiced pleasure in Commissioner Meadows' suggestion regarding the purchase of the Fox Lake (bank) property. Mr. Ebbecke spoke about the flooding on Fairway Drive, Bunker Place and C.R. 30A. He felt that any drainage would go into Oyster Lake and it needs to be preserved being a Dune Lake.

Commissioner Imfeld did not present any items.

Motion by Commissioner Jones, second by Commissioner Imfeld, to approve and authorize staff to submit a Florida Recreation Development Assistance Program (FRDAP) grant application to the Department of Environmental Protection (DEP) for Wee Care Park Improvements Phase IV and grant permission for staff to hold a Public Workshop.

Ms. Nina Horn questioned the possibility of getting a swimming pool for the south end of the county. Commissioner Jones stated that the funding for this project is from a FRDAP Grant which has restrictions for where the funding can be used.

Mr. Richard Bryan agreed with the idea of a pool south of the bay but also commented on the need north of bay stating there is growth all over county.

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

Motion by Commissioner Jones, second by Commissioner Chapman, to approve and authorize staff to submit a Florida Recreation Development Assistance Program (FRDAP) grant application to DEP for Darlington Park and grant permission for staff to hold a Public Workshop.

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

Commissioner Chapman did not present any items.

Chairman Comander thanked Commissioner Chapman for his work on the paddle trail. She too has been working on it separately and spoke about ecotourism and other activities and stated she will help by providing some plat fee money toward the project.

Mr. Allen Ficarra questioned the Library charging \$25.00 for use of the meeting room. He requested that non-profit organizations be excluded from the fee. Chairman Comander feels the fee is reasonable. Mr. Ficarra stated the board members are non-paying and donate their time to the County. Mr. Stan Sunday stated the fee issue will come back before the Board prior to policy change.

Ms. Kelly Layman congratulated Commissioner Jones for the applications on the FRDAP grants. She stated the maximum is \$200,000.00 and normally only \$50,000.00. She spoke about the risk in preparing the packages and congratulated her on receiving the funding.

Mr. Bob Hudson spoke about an easement between his home and his neighbor and potential for development. He voiced appreciation to Commissioner Meadows for what she is trying to do with that property stating it would make an ideal preservation area. He thanked the Board for considering the property.

Ms. Grace Marse stated the beach access at Headland Avenue is public and asked to proceed with a vote on beach access immediately. Attorney Davis said policy states the issue can only be brought up after a certain timeframe and would have to be placed on the agenda. Commissioner Imfeld said the adopted procedures states six months before the issue can be presented again.

Mr. Alan Newsome asked the Board to consider taking Code Enforcement of the beach away from the TDC and giving to the Code Enforcement Department. TDC is tasked with promoting tourism, not code enforcement.

Mr. Bill Butela spoke about the Headland Beach Avenue beach access. The owners have landscaped that portion of county property and placed an underground watering system taking county property. He stated it is a public beach and the problem needs fixed.

The Commissioners recessed at 5:36 p.m.

Chairman Comander called the meeting back to order at 6:00 p.m.

Mr. Wayne Dyess, Director of Planning and Development Services, appeared before the Board requesting to continue the YOLO Board distribution project until November 7, 2016 Commissioner's Meeting at the Santa Rosa Beach Courthouse.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to continue the YOLO Board distribution project until November 7, 2016 Commissioner's Meeting at the Santa Rosa Beach Courthouse at 5:00 or shortly thereafter. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to table the Final Order for Piper's Place as requested by Mr. Dyess. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Motion by Commissioner Jones, second by Commissioner Chapman, to continue the Robert O'Brian lot split application until October 25, 2016 Commissioner's Meeting in DeFuniak Springs. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Motion by Commissioner Chapman, second by Commissioner Imfeld, to approve a resolution **(2016-79)** and authorize the Chairman to sign the EDTPFA Financial Management Agreement No. 439452-1-54-01 relating to the \$500,000.00 legislation appropriation through FDOT. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye. This funding is part of the 30-A Mobility Study.

Mr. Carpenter requested the Board reject the one proposal received for RFQ 016-031 and re-advertise. The Consultants Competitive Negotiations Act requires a minimum of three

proposals be submitted. If not, good faith effort must be shown by advertising twice. The county must show good faith effort they have advertised twice. Mr. Carpenter stated they will also make other efforts to identify qualified firms to send RFQ's to.

Motion by Commissioner Chapman, second by Commissioner Jones, to reject any and all RFQ submissions for 016-031 and re-advertise. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

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

Ms. Rita Banhunyadi, Planning and Development Services, presented the Final Mylar Ciboney Plat for approval. Innerlight Engineering Corp. requested to plat ten (10) residential units/lots and 1 pool facility on +/- 1.87 acres with a future land use of Neighborhood Infill. The project is located at the west end of Batchelor's Button Drive and is identified by parcel number(s) 30-2S-21-42290-000-0750. No public comments were received for the project. Conditions of approval consist of 1) Recreation fee in the amount of \$4,926.96 is due at platting; 2) Sidewalk buy-out fee in the amount of \$15,180.00 is due at platting; 3) Recording fees to include 911 Addressing Fee of \$100 and Recording Fee of \$74.00.

There were no comments from the public.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to approve the Final Mylar Ciboney Plat contingent upon staff conditions being met. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Mac Carpenter presented the Final Order for Church Street Landing, a major development order application submitted by Emerald Coast Associates, Inc. who requested approval to reduce the number of residential lots from 24 to 17, which was previously approved, on +/- 10.36 acres with a future land use of Neighborhood Infill. The project is located on the west side of Church Street, approximately 500 feet north of U.S. Highway 98 and is identified by parcel number(s) 27-2S-20-33210-000-0430. There is a 6% recreation buyout at time of platting and the sidewalk buyout was paid in 2007.

Mr. Dean Burgis, Emerald Coast Associates, appeared on behalf of the applicant to answer questions.

Commissioner Chapman questioned Mr. Burgis about storm water retention areas. Mr. Burgis stated the areas in question are swells between each lot and along the road. Water will be discharged into the wetlands to the north.

There were no questions from the public.

Motion by Commissioner Jones, second by Commissioner Chapman, to approve the Final Order for Church Street Landing as presented contingent upon the recreation buyout being paid at the time of platting. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Carpenter presented the Final Order for Miller's Crossing, a major development order application submitted by Jenkins Engineering, Inc. who requested approval to construct 72 multi-family units and associated infrastructure improvements on 19.66 acres with a future land use of Town Center One. The project is located approximately one (1) mile north of the US 98 & JD Miller intersection; on the east side of JD Miller Road and is identified by parcel number(s) 30-2S-19-24000-009-0000. Mr. Carpenter stated the applicant will be providing a park to satisfy

the public recreation plat fee. They will also provide a trail system consistent with the Town Center Master Plan and trail connection to South Walton High School. Another feature will be a transit stop on J.D. Miller Road.

Mr. Scott Jenkins addressed questions regarding access to the site and the need for additional parking. He felt the developer would agree with adding additional parking. Commissioner Chapman stated he does not want parking within the cul-de-sac for emergency reasons.

There were no public comments.

Motion by Commissioner Chapman, second by Commissioner Jones, to approve Miller's Crossing Final Order. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye

Mr. Carpenter presented the Final Order for Dalton Drive Commercial, a major development order application submitted by O'Connell & Associates requesting approval of a 6,945 SF commercial building and associated supporting site improvements on a +/- 0.5 acre lot with a future land use of Village Mixed Use. The project is located at the southeast corner of the intersection of Dalton Drive and East C.R. 30A and identified by parcel number(s) 24-3S-19-25030-005-0070. **(Exhibit #1 – Staff Report)**

Mr. Carpenter reviewed the project stating the property has been VMU since 1996. He spoke about discussions regarding the use of Dalton Drive for commercial use. He believes there are sufficient rights for the applicant to apply for a development order for a driveway on Dalton Drive based on the 1973 deed. However, he also believes this is a civil matter not a public matter as to the right to use Dalton Drive. They have met the requirements of the Land Development Code. They are providing a 20' buffer on the east side in addition to a privacy fence. He felt it

would create an unsafe condition to create a driveway directly onto C.R. 30A if they are not able to use Dalton Drive. He felt access should be on Dalton Drive to maximize safety for the neighborhood. Mr. Carpenter spoke about the building style and the 50 foot height. The project was proposed as a high end clothing store, but suggested it would be a beach store. If approved, the Planning Department had several recommendations for consideration. He spoke about compatibility issues. One concern was the building would become a giant sign so the Planning Department proposed sign control from Chapter 13 of the C.R. 30A Scenic Corridor Sign control. Additional compatibility measures were considered to control what occupies the building; outdoor display of merchandise and outdoor broadcasting would be prohibited. Mr. Carpenter stated improvements to the intersection at C.R. 30A and Dalton Drive were needed to improve safety.

Commissioner Chapman asked about the exemptions for this parcel being less than three acres. Mr. Carpenter stated the applicant chose to have a single use, which is allowed in VMU. Chairman Comander questioned single use and if VMU was intended to serve the neighborhood. Mr. Carpenter agreed it was to serve the neighborhood.

Commissioner Meadows asked how the property was split into two parcels. Mr. Carpenter stated the lots were previously created, predating the Comprehensive Plan, and are lots of record. Commissioner Meadows spoke about discrepancies on the plans relating to the entire parcel versus split parcels. She also asked about conflict in square footage and parking on each of the renderings. She stated the existing zoning is Mixed Use (MU) and the county does not have MU zoning. Commissioner Meadows questioned the difference in square footage between the two plans. She questioned how the project was advertised. Ms. Banhunyadi stated the original rendering shows a two story building with the second floor being 977 square feet of

office space, not retail. Commissioner Meadows stated the plan submitted was in conflict regarding square footage, parking and impervious surfaces are based on square footage. Mr. Carpenter stated parking is based on 6,945 square feet. Commissioner Meadows stated it appears to be different on all four plans. Ms. Banhunyadi stated it was advertised as 9,645 square feet and the 5,978 square feet was the footprint of the building. Commissioner Meadows stated the legal description included the entire parcel, including lots 5 and 6. She addressed the lot split and Mr. Carpenter stated they were lots of record and separately described on the deeds. They do not go through the Planning Department and can be split and sold.

Commissioner Imfeld questioned the parking and stated the plan does not provide 20 spaces as required. Ms. Banhunyadi stated they qualified for a 20% parking reduction, therefore requiring only 16 spaces because of the parking provided behind the building.

Commissioner Meadows stated the front landscape buffer needed to be corrected on the plan. The plan currently shows zero feet landscape buffer.

Ms. Colleen Sachs, Sachs and LeSeur Associates, appeared before the Board on behalf of the applicant for the Dalton Drive Commercial project and was sworn. Ms. Sachs requested to defer her time to the project engineer, Mr. Neill O'Connell, and to Ms. Louis Le Seur who prepared the compatibility analysis. She asked to be allowed to cross examine witnesses and time for rebuttal at the end of public comments.

Mr. Neill O'Connell, O'Connell and Associates Consulting Engineers, appeared before the Commissioners and was sworn. Mr. O'Connell gave an overview of the project's location, description, and land use. He spoke about the original design and its 6,945 square feet. The shorter tower is 35 feet in height and 50 feet in height for the taller tower. An alternate design was created to address concerns by the community. The owner approved the alternate design and

it meets all setbacks and preservation requirements of the LDC. He spoke about storm water design and a compatibility analysis which show the project as compatible with the surrounding area. He spoke about parking behind the building and a proposed single entrance on Dalton Drive. Mr. O'Connell stated Dalton Drive is a public road with the exception of the county maintained portion, based on information from public works. Walton County maintains 92% of the 1725 feet of Dalton Drive. The applicant will provide intersection improvements at C.R. 30A and Dalton Drive by paving approximately 200 feet of Dalton Drive and add storm water treatment and retention swells. Traffic counts were performed between September 27th and October 5th at the north end of Dalton Drive and Williams Drive. There were 144 vehicles at the Williams Drive/C.R. 30A intersection and 75 at the Dalton Drive/C.R. 30A intersection. It was his opinion that Dalton Drive is open in its entirety. He presented letters from the South Walton Fire District Fire Marshall and Walton County Public Works Traffic Operations Engineer supporting the intersection improvements. He stated the information was placed on a website and accessible in additional locations. The website had 221 views, however there has only been a total of 10 emails and calls. Mr. O'Connell stated the project meets the requirements of the LDC, approved by the Walton County Planning Department, Public Works Department, and the South Walton Fire District.

Attorney Davis questioned Mr. O'Connell regarding the building size being presented for approval and whether it is more or less than what was submitted to the Planning Commission. Mr. O'Connell stated it is the exact same size and explained the difference between the original and alternate plans. Chairman Comander asked if the second floor would be used for offices. Mr. O'Connell stated it would be storage/office space. The original building was 50 feet at the highest point and the alternate plan has been reduced to below 50 feet.

Discussion ensued regarding the legal description of the property, drainage swells, and parking.

Ms. Lois LeSeur, Sachs and LeSeur, appeared before the Board and was sworn. She stated she prepared the compatibility analysis for the Dalton project. However, the county's LDC does not provide standards or guidelines for how to look at compatibility in a Mixed Use area. The only detailed direction is for Infill when considering residential densities versus other residential densities. She considered both residential and other commercial areas. This area was designated as VMU in 1996 when the Comprehensive Plan was first adopted. The whole area was intended to have commercial uses and the north side of C.R. 30A has already developed into large scale commercial uses. There are single-family homes to the east that have been converted to commercial uses. She stated this parcel serves as a transition point. There is a bar/grill in the area across the street as well as retail and office space. A new development is going in nearby consisting of approximately 4,000 to 4,500 square feet for 28 town homes as well as other areas that are developing in larger mixed use areas. The area to east across the lake also has a large VMU Center which has developed into several mixed use areas. Ms. LeSeur stated the Dalton project is not out of scale for the area and they will provide the 20 foot buffer and six foot privacy fence. She stated the lighting was designed as to not reflect onto the adjacent single-family homes. There is no objection to the recommendation for no outdoor music. Ms. LeSeur felt the project will not adversely impact the neighborhood and the buffer will take care of any incompatibilities.

Commissioner Imfeld questioned if the applicant would comply with no outdoor display of merchandise. Ms. LeSeur stated C.R. 30A allows outdoor display of merchandise; however with the amount of landscaping there would be no advantage to have merchandise outdoors. She

stated there will be no outdoor merchandise on Dalton Drive and can address any outdoor displays on the C.R. 30A side with the owner.

Discussion followed regarding lighting and height of and surrounding buildings.

The floor was opened for public comments and the following, previously sworn, individuals spoke in opposition to the proposed Dalton Drive Commercial project: Alan Newsome, Clair Kuhn, Lois James, Laurie Reichenbach, Michael Crew, Nina Horn, Kelly Layman, Robbins, Greg Thompson, Lynn Nesmith, Tom Peeler, Richard Fouquet, Ted Missildine, and Charlotte Wright.

Mr. Newsome spoke in opposition to the project based on compatibility, safety, and Dalton Drive not being improved. He lives adjacent to the owners restaurant and has continual problems with the garbage dumpster from the restaurant being placed over the line onto his property. There are safety issues with a gas line at the restaurant which he has not been able to resolve with the owner.

Ms. Clair Kuhn spoke in opposition based on safety concerns, excessive traffic, Dalton Drive being a dirt road and a dead end. **(Objector's Exhibit #1)**

Ms. Lois James spoke about problems she has experienced with this applicant in her neighborhood. She also read a letter from Ms. Linda Kuhn into the record regarding a code violation. Ms. James spoke about violations the applicant is creating in his other area businesses. Ms. Colleen Sachs questioned Ms. James regarding the distance of her property to the proposed project location. Ms. James stated she is speaking about the applicants actions at other business locations. **(Objector's Exhibit #2)**

Ms. Corrie Reichenbach stated she is a full-time resident of Seagrove Beach, which spreads from Deer Lake to the boundary of Seaside. She commented on her community being

different and most all of the two story buildings are located on the north side of C.R. 30A. She voiced concerns regarding the lighting. Ms. Reichenbach commented on this project building just under the required amount of space so they do not have to be considered for mixed use. She felt there were already enough beach/toy stores in the area and asked the Board to not allow another business of this type in the area.

Attorney Michael Crew appeared before the Board representing the neighbors of the proposed project. He stated this project does not meet the requirements of the Land Development Code or Comprehensive Plan and is not compatible with the neighborhood. There is no access to the project from Dalton Drive, which is a private road. He commented that the Planning Department only reviewed the project within the boundaries of their authority. He stated the Planning Department asked the Board to examine how the project would fit along with the traffic situation on C.R. 30A. Mr. Crew presented (**Exhibit #5**) consisting of an excerpt of language from the Walton County Comprehensive Plan Glossary regarding compatibility; two photos; deed from Ms. Ida Dalton, and Attorney General Opinion 99-15. He said negative impacts to the community must be considered. The language also clarifies the characteristics that must be considered and this project fails on all points. His clients are for appropriate development. Language states the Board shall make sure the allowable uses are compatible with surrounding uses. This project is not appropriate and not serving to the residents of the neighborhood. Mr. Crew showed the photo of two beach stores and voiced concern that the proposed project could become a beach toy/rental store for tourists, which is not compatible with the neighborhood according to language in the Comprehensive Plan. He spoke about a previous project presented in 2004 on a larger parcel in the same area and stated it was denied because of traffic safety issues and not being compatible with the neighborhood. He stated the area is different from north

of C.R. 30A to south of C.R. 30A and the same issues were considered in 2004 for which that project was denied. He stated those are the same reasons the Board should reject this project. Mr. Crew stated the applicant even noted in his submittals that this is the first type of project in a VMU. There is no established precedent already set for this type of project and the Board needs to set the standard by denying this project. Mr. Crew referred to the deed by Ms. Ida Dalton. In 1973 she deeded Dalton Drive to the owners within subdivision. He questioned a taking of property should the project be approved allowing the developer to use private property. He stated there is no situation where County has approved any project as intensive as this allowing other people's property to be used as an access.

Commissioner Chapman questioned Mr. Crew if he is stating the developers do not have a right or ownership rights in that portion of Dalton Drive. Mr. Crew stated every owner on Dalton Drive is a co-owner of Dalton Drive which is to be used for private purposes to access their property. The developer does not have a right to usurp the interest of private property owners on Dalton Drive to invite the general public onto their property.

Commissioner Jones questioned what portion of the road is being discussed. Mr. Crew stated it begins at the right of way line from C.R. 30A as shown in Book 52 page 479.

Commissioner Chapman asked if Mr. Crew felt the developers cannot improve the roadway without consent of the owners on Dalton Drive. Mr. Crew agreed stating it is a private road and no one can develop it and can only be used to access their private property.

Mr. Crew discussed Attorney General Opinion 99-15 regarding maintenance of private roads. A developer cannot alter the road for their own use. Commissioner Chapman commented if the owners are not taking measures to prevent public use then the road becomes open by right of custom to the general public. Discussion followed regarding no trespassing signs on private

property. Mr. Crew stated his clients are making a public statement objecting to the proposed development and proposed use and object to having their private property paved or altered and can move for an injunction. Commissioner Chapman questioned their position if the project's entrance can be redesigned using an entrance from C.R. 30A to the project. Mr. Crew stated if the developer is not using Dalton Drive then the issue goes away. **(Objector's Exhibit #4 and #5)**

Commissioner Meadows requested clarification for which lots are included. Mr. Crews referred to a map showing the location and lots in question being on the east side of Dalton Drive, south of C.R. 30A lots 10-9-8-7. Mr. Crews presented a picture showing a Dead End sign on Dalton Drive and a sign in the background stating County Maintenance Ends.

Discussion ensued regarding county maintenance of Dalton Drive. Mr. Greg Graham, County Engineer with Public Works, stated the County maintains 1,584 feet of Dalton Drive or 92% and has maintained it for seven years. The County could go through the formal process and have it surveyed and file Form 95361 formalizing the maintenance process. Both Public Works and the Engineering Department support the proposed access for the project.

Commissioner Imfeld questioned Mr. Graham regarding the process for Dalton Drive becoming a county maintained road. Mr. Graham stated the Board would have formally accepted maintenance. It was thought to have been accepted approximately 15 years ago.

Mr. Crew presented an article from The Beach Breeze **(Exhibit #6)** titled Dalton Drive fence destroyed. He spoke in length about safety, traffic concurrency and the capacity to handle traffic. The Planning Commission said the road fails traffic concurrency and is overburdened and does not have capacity to handle traffic, density and intensity. He stated the height is not compatible and there are concerns regarding lighting. Mr. Crew stated should the Board consider

approving the proposed project he would ask to attach strict restrictions on the project. He recommended denial of the project.

Ms. Nina Horn spoke in opposition to the project. She resides in an Eastern Lake neighborhood with 350 neighbors south of C.R. 30A, which is the largest neighborhood south of C.R. 30A not inside a Planned Unit Development. She commented on the need to rewrite the code to prevent more development south of C.R. 30A.

Ms. Kelly Layman voiced concern regarding the ricochet effect on VMU this project could have and asked the Commissioners to give consideration to amending the LDC. She asked the Board to vote no on this project and not set precedence.

Mr. Robbins stated he has lived on Dalton Drive for 20 years and spoke about getting base material placed on the road in 1998. He spoke about how the road was opened and he intended not opening the north end. Mr. Robbins stated the road foreman inadvertently cleared 66 feet all the way out to C.R. 30A. He spoke about the fence being constructed then destroyed and a ditch dug across the road. The road has traditionally been closed.

Mr. Greg Thompson stated his property line abuts the proposed project and spoke in opposition to the hours of operation, deliveries, noise, light pollution and compatibility of the proposed project. He read the compatibility report, which was paid for by the developer. He opposed information being presented regarding the restaurants which sit across the lake stating they do not abut a high level density of homes. Mr. Thompson stated he has his Doctorate Degree in Engineering and gave an overview of his experience and stated this intersection will be a hazard. The speed limit and cone of visibility is an issue. In addition, the view and response time is cut shorter because of the bike path. Those factors will cause the loss of functionality at

the intersection. He spoke about the project being built just under the limits of the VMU requirements and stated it has no benefits to the neighborhood and strongly opposed the project.

Ms. Lynn Nesmith agreed with all of the speakers and stated the Snappy Turtle is less than a mile from this proposed project. She stated another store of the same nature is not needed at this location.

Mr. Tom Peeler spoke in opposition to the project due to safety issues for pedestrians, bikers and automobiles.

Mr. Richard Fouquet, architect and resident of Seagrove Beach, submitted (**Exhibit #7**) a sketch of the 2nd proposed design. He strongly opposed the project stating it does not meet the compatibility requirements of VMU and asked the Board to reject the project. The project engineer contacted him and asked his thoughts regarding architecture compatibility and he therefore provided a sketch which the developers engineer submitted. He stated he did not receive a fee nor did he provide the drawing to assist the owner of the business. He provided the drawing in an effort to protect his neighborhood from another incompatible building. He read policies from the LDC regarding VMU and compared how the Dalton project is not compatible with the Code. He commented that it is time for the county to set new precedence of compatibility by adhering to the directives of its own Village Mixed Use Code.

Mr. Ted Missildine lives on Dalton Drive and stated Center Street was the only access to Dalton Drive at the time he moved there. He asked about the street being opened and was told it would not be opened due to the dangerous intersection at C.R. 30A. He spoke briefly on road maintenance and road signs that do not belong on the road. Mr. Missildine stated the only traffic using the road are the owners and requested a sign be added for No Through Traffic. There is no drainage on Dalton Drive. Commissioner Meadows stated District 5 would pick up the signs.

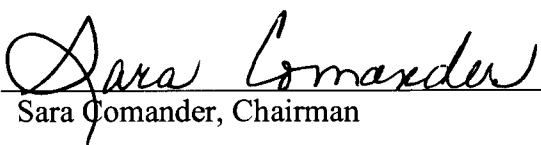
Ms. Charlotte Wright spoke on behalf of Eastern Lake Neighborhood Association. Eastern Lake is one of the oldest settled neighborhoods. She stated she is adamantly opposed to the project because it threatens the scenic nature of the neighborhood. She stated it appears people have to keep coming back for the same type of issues. The proposed project is on a dangerous curve and they are a family community and want peace. She stated it is time to step up and create clear guidelines what is allowed south of C.R. 30A and asked the Board to vote no on this project

Discussion occurred regarding the number of speakers left and the rebuttal yet to occur and the Board agreed to continue the meeting as agreed upon at the beginning of the meeting.

Attorney Davis reminded the Board no additional testimony would be allowed from individuals who already spoke.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to continue the Dalton Drive Quasi-judicial Hearing until Monday, November 7, 2016 at 2:30 p.m. at the courthouse annex in Santa Rosa Beach. Ayes 5, Nays 0. Imfeld Aye, Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

The meeting was adjourned at 9:05 p.m.

Approved: 
Sara Comander, Chairman

Attest: 
Alex Alford, Clerk of Court and County Comptroller