

NOVEMBER 7, 2016 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on November 7, 2016 at 4:00 p.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. Larry Jones, County Administrator; Attorney Mark Davis, County Attorney; and Mr. Alex Alford, Clerk of Courts and County Comptroller; were also present.

Chairman Comander presented a plaque to Commissioners Imfeld and Meadows commemorating their service as County Commissioners. She expressed her appreciation for their leadership and hard work.

Chairman Comander reminded everyone of the upcoming Veterans' Day holiday and thanked the veterans in attendance for their service to our country.

Chairman Comander called the meeting to order.

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

1. Deletion-Consent Agenda: Item 10-Scope of Work/Agreement for the Western Lake Pedestrian Bridge Phase I Post Design Services
2. Deletion-Consent Agenda: Item 11-Scope of Work/Agreement for the Western Lake Pedestrian Bridge Phase II Post Design and CEI Services

Ms. Julie Allen read and submitted a letter from her mother in support of the Headland Avenue Beach Access. Ms. Allen also submitted photos and a plat diagram documenting her support.

Mr. Richard Bryan spoke in opposition to the adoption of the Customary Use Ordinance and voiced objection to not having Attorney Theriaque report on his findings.

Mr. Richard Butela submitted and discussed photos and diagrams pertaining to the Headland Avenue Beach Access. He spoke in support of the access.

Mr. Maunsel White read a letter from Skip and Victoria Moore and spoke in opposition of the Headland Avenue Beach Access.

There were no items removed from the Consent Agenda for further discussion.

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

1. Clerk Items:

1. Approve Expenditure Approval List (EAL) excluding the Waste Management expenditures

Funds	Fund Totals	Waste Management
General Fund	\$ 897,716.51	
County Transportation	\$ 731,831.54	
SHIP	\$ 10,010.00	
Fine & Forfeiture	\$ 184,457.35	
Section 8 Housing	\$ 141,270.75	
Tourist Dev. Council	\$ 89,127.33	
N.W. Mosquito Control	\$ 1,760.06	
Recreation Plat Fee	\$ 2,482.25	
Solid Waste Enterprise	\$ 366,695.43	(\$ 366,695.43)
Bldg. Dept./Enterp. Fund	\$ 1,531.74	
Infrastructure Improvements	\$ 3,529.59	
Storm Water Drainage	\$ 18,106.13	
Totals	<u>\$ 2,448,518.68</u>	<u>(\$ 366,695.43)</u>
Grand Total		<u>\$ 2,081,823.25</u>

2. Approve Minutes of the October 19, 2016 Workshop and the October 25, 2016 Regular Meeting
2. Administrative Items:
 1. Request travel authorization for the Board of County Commissioners and staff to attend the Small County Coalition Fall Meeting in Tallahassee, FL on November 16-17, 2016 and the Florida Association of Counties 2016-17 Legislative Conference in Orange County, FL on November 30-December 2, 2016 in accordance with the County Travel Policy
 2. Request to approve and authorize the Chairman to sign a Right of Way Easement (REF #: 476928) with CHELCO to run electric service to the pole barn located at the Sheriff's Department
 3. Request to surplus BCC #: 5543 C-420 Shredder from the County Probation Department and BCC #: 4651 Ford Taurus from the Veterans Department
3. Budget Amendment Resolutions/Transfers:
 1. Request to adopt a **Resolution (2016-86)** amending the Fiscal Year 2017 Budget in the Solid Waste Fund for unanticipated revenue for a Wildlife Habitat Program in the amount of \$1,000.00
 2. Request to adopt a **Resolution (2016-87)** amending the Fiscal Year 2017 Budget to roll forward revenues and expenditures for Projects, Encumbrances, and Grants from the Fiscal Year 2016 Budget into Fiscal Year 2017
4. Agreements/Contracts:
 1. Request to approve and authorize the Chairman to sign the Work Order Agreement with Simpleview, Inc. to renew the E-mail Marketing Platform with Distribion
 2. Request to approve and authorize the Chairman to sign Change Order No. 1 to Contract No. 016-014 for the Western Lake Pedestrian Bridge Phase I with North Florida Construction, Inc.; increasing the contract price by \$39,787.82 and increasing the contract time five (5) calendar days
 - ~~3. Request to approve and authorize the Chairman to sign the Scope of Work/Agreement for the Western Lake Pedestrian Bridge Phase I Post Design Services with Dewberry/Preble Rish in the amount of \$10,095.00~~
 - ~~4. Request to approve and authorize the Chairman to sign the Scope of Work/Agreement for the Western Lake Pedestrian Bridge Phase II Post Design and CEI Services with Dewberry/Preble Rish in the amount of \$25,015.00~~
5. Expenditure Requests:
 1. Request to approve the purchase of a spill pallet for the North Walton Mosquito Control pesticide building using State funds at a cost not to exceed \$1,400.00
 2. Request to approve the purchase of two Dynapac CA2500 Single Drum Vibratory Rollers in an amount not to exceed \$112,000.00 using funds transferred from Road Maintenance and Material
 3. Request to approve the purchase of a powered pallet stacker and shelving for the TDC maintenance facility at a cost not to exceed \$18,000.00
6. Grant Applications:
 1. Request to approve and authorize the Chairman to sign the 2017 Small County Consolidated Solid Waste Management Grant Application as requested by the Solid Waste Department

(Additions: Underlined; Deletions: Strikethrough)

Commissioner Chapman announced his voting conflict regarding Waste Management expenditures and submitted Form 8B: Memorandum of Voting Conflict to the clerk.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the Waste Management expenditures in the amount of \$366,695.43. Ayes 4, Nays 0. Comander Aye, Jones Aye, Chapman Abstain, Imfeld Aye, Meadows Aye. **(Form 8B: Chapman)**

Chairman Comander announced the Dalton Drive Quasi-Judicial item had been continued to January 10, 2017.

Attorney Steve Hall, Hall & Runnels, P.A., submitted his report “The Quiet Title Process: Who, What, Where and Why in South Walton County.” He said Quiet Title Action is a statutory cause of action created by Florida Statute Chapter 65 to establish a legal proceeding to establish an individual’s right of ownership or control over certain real property against one or more adverse claimants. He said it also provides the opportunity for a landowner to seek either the award of fee title to the disputed property or the removal of “clouds on title” which affect their land. Attorney Hall said the most important thing to understand is the Statute and case law establishes that only the people/entities that have been brought before a court in a Quiet Title Action can have their property interests negatively impacted by the decision. It is a Constitutional right that all citizens cannot have their property rights taken without the ability to make their case. He said there are two types of actions which involve Quiet Title: 1. Plat/Restrictive Covenants Interpretation Cases; and 2. Easement/Access/Use Rights Interpretation Cases.

Attorney Hall said there were four Plat Interpretation Cases (Rodell, Kerr, Hildreth, et al. v. Blue Gulf (2006-CA-486) Blue Mountain Beach Subdivision No. 1; Fitzpatrick, Davis, et al. v. Beach Highlands Corp. (2015-CA-341) Beach Highland Subdivision; Kennedy v. Walton

County and Smart (2015-CA-393) Gulf Shore Manor Subdivision; and Israel v. Pender, et al. (2014-CA-41) Seahighland Subdivision) and the Easement/Use Right Interpretation Case (New and Tippins v. Bradford (2015-CA-377) Implied easement and Customary Use Issues-Gulf Trace Subdivision). He briefly discussed each of the different cases as detailed in the submitted presentation. In the Plat Interpretation Cases, the court did not address the public's right of use to these parcels. He said in the Fitzpatrick-Davis Case the judge ordered deeds issued to "Beach" area adjacent to Plaintiff's lots expressly subject to the use rights of all lot owners within the subdivision.

Commissioner Chapman noted the access point in the Beach Highland Plat is maintained by the county and asked if the county should have been notified of the quiet title action. Attorney Hall replied the plaintiffs were not obligated to notice anyone who may have claim they are trying to quiet. If the county is not a defendant in the case, then the court order does not affect the county's use rights for property that has been dedicated to the county or the public's rights represented by the county.

Commissioner Meadows asked how the county would be aware of these issues if the plaintiffs are not required to notify anyone. Attorney Hall said there are ways to monitor cases filed in local circuit court. Commissioner Meadows asked if the owners in Beach Highlands 1 and 2 would have rights. Attorney Hall said the judge's order referenced the interior area of the Beach Highlands plat which is south of C.R. 30A. Commissioner Meadows voiced concern that plaintiffs can file these cases without notification to other owners. Attorney Hall said the public's right was not an issue in the case. Commissioner Meadows questioned if Quiet Titles could be challenged. Attorney Hall said civil procedure allows any potential party to intervene in the case. Commissioner Meadows questioned if action could be taken after the ruling. Attorney Hall said

if the private landowners, who have received Quiet Title in relation to the development company, start acting contrary such as blocking public access then the county has the ability to remove the obstruction. Attorney Hall said the Fee Title ownership conveyed in the Fitzpatrick-Davis case does not in any way expressly affect the county's interest in that area of beach. Commissioner Meadows questioned when the developing company recorded the intent to dedicate the beach. Attorney Hall stated not long after the plat was recorded. One of the members of the corporation sold a number of deeded lots in which the deed states "to the water with full riparian rights" subsequent to the declaration. Commissioner Meadows asked who gave the riparian rights to the developer. Attorney Hall stated whoever conveyed that property to the original developing company included that beach front area.

Commissioner Meadows questioned at what point did the beach properties begin to be sold off to private individuals. Attorney Hall said the properties that have been sold by metes and bounds descriptions often included the description "down to the mean high water line." He said the old plats were platted with beach front area which was wide open and not platted to the water. This was a common way of platting water front property in the 1950's and 1960's. He reiterated the rights are not affected negatively unless you are brought into the case. He also said if you have Fee Simple Title it does not mean you can control the property.

Attorney Hall discussed the Seahighlands Plat and said it is indicated on the plat that the beach is reserved for the public. He reported the county has improved three roadways within the subdivision and noted there was a 20' wide space (a/k/a breezeway) between each lot. The dedication does not expressly refer to alleys or breezeways it only refers to roadways and public places. He discussed a case in which beach front property owners disputed the repairing of an existing beach access/walkover within a breezeway. An inland property owner had obtained a

DEP permit and county approval to rebuild the walkover; the beach front property owners filed suit against the county and inland property owner. An injunction was issued to stop construction of the access. The plaintiff's asked the judge for Quiet Title and to make it clear that the defendants did not have the ability to build a structure in the breezeway. The suit was dismissed before being heard by the judge. The plaintiffs filed a second action (Israel v. Pender, et al) against the descendants of the developer for Quiet Title against any claim the descendants have in the breezeway. The judge ordered the breezeway was to be divided equally between the plaintiffs and the adjacent property owner. The Final Order states in multiple places that the judgement does not impact the rights of others beyond the descendants of the developer. Discussion ensued on what could be done in the area.

Commissioner Meadows asked if the public could file a Quiet Title claiming any of the beach areas. Attorney Hall replied that Florida Statute provides verifiable interest to the property must be established. Commissioner Meadows questioned if someone whose ancestor was a previous owner could challenge the use. Attorney Hall stated that happens often and is decided in court.

Attorney Davis said in the original Seahighlands case (Israel v. Pender v. Walton County) the county asserted an interest in the breezeway. He did not remember the exact nature of the assertion. Attorney Hall said the county questioned if accepting the dedication of the remaining roadways within the subdivision had they actually accepted the breezeways.

Commissioner Meadows asked how Quiet Title affects Customary Use. Attorney Hall addressed New and Tippins v. Bradford and said this was the only case he has seen that referenced Customary Use. The plaintiff was an interior property owner who filed suit against a beach front property owner who owned property adjacent to a beach access. The plaintiff

claimed the defendant prohibited customary use of the dry sand area by other subdivision lot owners.

Chairman Comander announced Attorney Hall would be available for questioning during the break.

Commissioner Meadows asked if the county was monitoring the Quiet Title actions. Attorney Davis said staff is monitoring civil filings.

Motion by Commissioner Meadows, second by Commissioner Jones, to close both lanes of C.R. 30A from Seagrove Plaza to Downtown Seaside on November 26, 2016 from 4:00 p.m. to 5:15 p.m. for the Annual South Walton Holiday Parade as requested by Mr. Kevin Boyle, Seaside Arts and Entertainment Corp. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Larry Jones, County Administrator, stated at the October 25, 2016 Regular Meeting the board had directed County Administration and County Legal to receive and vet the applications for the Customary Use Ordinance Advisory Committee. He said staff did not vet the applications as directed. He said they would move forward in that direction should the board so choose. Mr. Jones presented for additional consideration, two applications which were received after the cut-off date. Discussion ensued on the October 25th board direction. Commissioner Chapman recommended allowing the County Administrator vet the applications and make a recommendation to the board of either eight or 10 individuals at the next board meeting. Commissioner Meadows opined that the elected body should be the ones responsible for choosing the committee. She also suggested each area have a representative on the committee: i.e. representatives from Miramar Beach, Santa Rosa Beach, Rosemary Beach, etc. Commissioner Chapman expressed confidence in the County Administrator's ability to vet the

applications. Mr. Jones said balanced representation would be selected for the committee. Commissioner Meadows said part of the selection criteria should be the length of time the applicant has lived in the county. Attorney Davis said if the board chose for Mr. Jones and a select group to vet the applications, a motion would be needed and the group would have to comply with the Sunshine Law. Commissioner Meadows added to the criteria the applicant's experience in areas of rental management, vendors, real estate, etc.

Attorney Davis said if a motion is made for Mr. Jones to vet the applications, then it must also be stated that the board will ultimately make the final decision of who is placed on the committee.

Motion by Commissioner Chapman, second by Commissioner Jones, to appoint Mr. Larry Jones, County Administrator, to review and vet the Customary Use Committee applications based on the set criteria, present a recommendation to the board, and the board to make the final decision of who is placed on the committee.

Mr. Bob Brooke encouraged the board to state specific criteria in which to define the committee.

Ms. Grace Marse urged an uneven number on the committee. She asked if any of the applicants were from the northern portion of the county. Commissioner Meadows stated there was one.

Mr. Bob Hudson supported the committee and stated it should be comprised of an odd number of representatives of non-beach front and beach front property owners.

Commissioner Meadows said some of the applicants claimed to represent larger groups and this should be taken into consideration. Chairman Comander suggested setting criteria after taking public comment.

Mr. Tim Vertz, applicant for the committee, expressed his desire to serve on the committee.

Chairman Comander said criteria needed to be set and said an even number on the committee would give balanced representation. Commissioner Meadows said the criteria should include: realtor, vendor services, rental property owner, beach front owner, non-beach front owner, longevity in the county, beach committee representatives, two representatives from north of the bay.

Commissioner Meadows recommended amending the motion to include the committee to be comprised of: 1 beach front owner and 1 non-beach front owner from each of the following areas: Miramar Beach, Santa Rosa Beach, Rosemary Beach, east south Walton; 1 vendor services; 1 realtor; 1 property management representative; and 2 people from north Walton. Commissioner Chapman said only one from north Walton has made application and suggested the application process remain open. Chairman Comander said Mr. Jones is capable of determining which applicant best suits the wishes of the board.

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

Commissioner Jones discussed the need to hire a facilitator from outside the area to facilitate the committee meetings. Chairman Comander expressed concern there would not be enough time for advertising the position. Attorney Davis said that position would fall under professional services and advertisement would not be required. Discussion ensued on the issues to be addressed by the committee.

Commissioner Chapman agreed a facilitator would be needed due to the sensitivity of the issue.

Motion by Commissioner Chapman, second by Commissioner Jones, to hire a facilitator to oversee the Customary Use Committee meetings.

Commissioner Imfeld suggested allowing the committee to work without a facilitator to see if an agreement can be reached; if not, then a facilitator should be brought in. Discussion continued on addressing the most sensitive issues and determining the need for a facilitator. Chairman Comander suggested the board to hold workshops before tourist season begins. Attorney Davis said the proper term would be mediator rather than facilitator. He said he would contact and vet individuals who would be eligible to mediate.

Motion amended by Commissioner Chapman, second amended by Commissioner Jones to change the term facilitator to mediator.

Mr. Brooke spoke in favor of hiring a mediator and expressed the need for committee member criteria.

Ms. Lisa Boushy agreed that a criterion is needed to determine the make-up of the committee and voiced concern the applicants were not aware certain criteria should be met.

Mr. Jones stated he would review the applications to determine which applicants met the criteria and bring back a recommendation to the board.

Commissioner Chapman called the question.

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

Mr. Jones questioned if the board wanted to consider the two applications which were submitted after the deadline. Commissioner Chapman asked if the two additional applications were from the north end of the county. Mr. Jones said no. Commissioner Meadows recommended using the applications which have already been received.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to authorize staff to solicit bids for County owned Parcel (29-4N-20-29000-021-0000) near Sexton Road in the Mossy Head and New Harmony Area as requested by Mr. Jones. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. Mr. Jones stated the adjoining property owner has asked to purchase the property. A brief discussion was held on the evaluation of the property.

Commissioner Chapman exited the meeting.

Motion by Commissioner Jones, second by Commissioner Meadows, to award, approve, and authorize the Chairman to sign Construction Contract 016-029 for the Western Lake Pedestrian Bridge Improvements Phase II to C.W. Roberts, Inc. as the lowest, responsive, responsible bidder in the amount of \$612,034.00 as requested by Mr. Jones. Ayes 4, Nays 0. Comander Aye, Jones Aye, Chapman Absent, Imfeld Aye, Meadows Aye.

Motion by Commissioner Meadows, second by Commissioner Jones, to select and begin negotiations with Walter Marine as the top ranked company for RFP 016-012 Walton County NRDA Inshore Snorkel Reef Construction as requested by Mr. Jones.

Attorney Davis announced there was an issue with the insurance certificate, but it should be cleared up. If it is not cleared up, the item will be brought back to begin negotiations with the second ranked firm.

Commissioner Meadows stated she had a point of order in which Commissioner Chapman had exited the meeting. She said commissioners are expected to vote on an issue if they are a part of the meeting. Attorney Davis suggested waiting to vote on the issue when Commissioner Chapman returns.

Commissioner Chapman returned to the meeting.

Ms. Julie Kelley asked where the construction of the Nearshore/Offshore reef would take place. Mr. Scott Caraway, Public Works, said there were numerous permitted sites from Miramar Beach to past Grayton Beach. There will be approximately 254 modules across the permitted area. Ms. Kelley asked if it would be similar to the snorkeling in Destin and voiced concern with the boat launching and anchoring near the reefs. Commissioner Jones stated there was only one boat launch in Walton County and the launch permits are limited.

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

Motion by Commissioner Jones, second by Commissioner Chapman, to select and begin negotiations with Walton Marine as the top ranked company for RFP 016-035 Walton County NRDA Nearshore/Offshore Reef Construction-Module A as requested by Mr. Jones. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Motion by Commissioner Jones, second by Commissioner Chapman, to select and begin negotiations with Walter Marine as the top ranked company for RFP 016-036 Walton County NRDA Nearshore/Offshore Reef Construction-Module B as requested by Mr. Jones. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Motion by Commissioner Jones, second by Commissioner Chapman, to select and begin negotiations with Walter Marine as top ranked company for RFP 016-013 Walton County NRDA Nearshore/Offshore Reef Construction-Module C as requested by Mr. Jones. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Jones said the Western Lake Pedestrian Bridge Improvements Phase II (016-029) needed to be voted on again now that Commissioner Chapman was present. Discussion ensued on the requirement of commissioners to vote on issues at the meetings.

Motion by Commissioner Jones, second by Commissioner Meadows, to award, approve, and authorize the Chairman to sign Construction Contract 016-029 for the Western Lake Pedestrian Bridge Improvements Phase II to C.W. Roberts, Inc. as the lowest, responsive, responsible bidder in the amount of \$612,034.00 as requested by Mr. Jones. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

The meeting briefly recessed at 5:40 p.m. and reconvened at 5:54 p.m.

Motion by Commissioner Jones, second by Commissioner Chapman, to move the properties review from the November 22, 2016 Regular Meeting to a Special Meeting on December 13, 2016 to be held at 3:00 pm. as requested by Mr. Jay Tusa, TDC Executive Director. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Tusa said he had been approached by realtors with additional properties for consideration. The four parcels are located in Hogtown Bayou, Eastern Lake, Little Redfish, and Dune Allen. He asked if the board wished to consider these as well. Commissioner Meadows asked if the Little Redfish property was the two 30 acre parcels at the outfall. Mr. Tusa said it was.

Motion by Commissioner Jones, second by Commissioner Chapman, to review the additional properties at the Special Meeting on December 13th. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Tusa discussed the need for two additional Beach Ambassadors. The salaries have been budgeted in the amount of \$27,331.00 each. During the off season, the ambassadors would be used in Visitors' Services, interacting with Bed Tax Collectors, and assisting Code Enforcement. Commissioner Meadows asked if they would be on the beach eight hours a day

and how they would patrol the area. Mr. Tusa said they would at time be on foot, but will have access to a TDC vehicle and an ATV.

Motion by Commissioner Jones, second by Commissioner Chapman, to approve the addition of two full-time Beach Ambassadors to TDC Staff as requested by Mr. Tusa. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Tusa announced the bed tax numbers for September were down from last year 1.8% and said the decrease was due to the hurricane during Labor Day Weekend. He said the collections were up 8% for the year. Commissioner Meadows asked how many visitors came last year. Mr. Tusa stated approximately 3.6 million which is up 1.5 million over the prior year.

Motion by Commissioner Chapman, second by Commissioner Jones, to adopt a **Resolution (2016-88)** updating the County Parks and Facilities Fee Schedule as requested by Attorney Davis. Ayes 4, Nays 1. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Nay. The resolution will add a deposit and fee for the use of the library by for-profit groups.

Attorney Sidney Noyes, Assistant County Attorney, reported a request was made by a neighboring property owner to purchase county owned property (Oakwood Lake Estates 19-3N-19-19768-00V-044A). She asked for authorization for staff to solicit bids by sending out notices to all of the neighboring property owners. The bids will be brought back to the board for consideration. Commissioner Imfeld asked why the bids would not be opened to the general public. Attorney Noyes stated county owned parcels valued less than \$15,000 can be solicited to neighboring property owners only. The property is identified as a green space and cannot be used for development. She suggested a restriction be placed in the deed that clarifies it cannot be developed. Attorney Noyes said this request was presented in February, but the direction was

unclear. Chairman Comander said the property could be enhanced with landscaping. Attorney Noyes reported the property is valued at approximately \$3,000. Discussion ensued on whether to solicit neighboring property owners or advertise for bid.

Motion by Commissioner Meadows, second by Commissioner Chapman, to authorize staff to solicit neighboring property owners to bid for a county owned parcel (Oakwood Lake Estates 19-3N-19-19768-00V-044A) as requested by Attorney Noyes. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Motion by Commissioner Jones, second by Commissioner Chapman, to authorize staff to begin the process of changing the land use designation from Neighborhood Infill to Public Facilities for the property purchased in Dune Allen as requested by Attorney Davis. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Meadows said it had been an honor to serve as District 5 Commissioner.

Commissioner Meadows discussed the Headland Beach Access and the need to provide more beach accesses to the public. She said the beaches where memories are made are a part of Walton County's heritage. She reported the survey of the Headland Avenue access indicates an existing walkover and discussed the encroachments in the right-of-way. Commissioner Meadows said a dangerous precedence is being set by allowing adjacent property owners to take over the access.

Chairman Comander said the county is considering spending millions of dollars on beach accesses and said every beach access needs to be reviewed for proper utilization.

Chairman Comander opened the issue for public comment.

Mr. Hugh Marse, Mr. Jeff Herig, Ms. Julie Allen, Ms. Alice Butela, and Mr. Richard Butela spoke in support of the Headland Avenue Beach access. Mr. Maunsel White, Mr. Dale Koblenzer, and Mr. Tom Hidell spoke in opposition to the Headland Avenue Beach access.

Mr. Tim Wilbanks, adjacent property owner to the access, stated he had spoken with Public Works and Code Enforcement regarding the placement of vegetation in that area and was told it would help with erosion. He reported he had submitted a letter stating he would remove the vegetation should the county ever need the property. He said there are no set back violations.

Chairman Comander said she supported a beach walkover at Headland Avenue and expressed the need to have more discussions with Public Works to determine the conditions and safety of the road.

Commissioner Chapman said he visited the site and observed the encroaching vegetation. He also noted the low visibility point in the curve and voiced his concerns for safety. He said he would support the access if the intersection could be designed to increase safety. Commissioner Meadows said a "T" intersection could be designed with stop signs on both ends. She said there will always be people who would find reasons not to build the access.

Commissioner Chapman asked Attorney Davis about the survey which indicates a privately owned walkway which crosses onto the access. Attorney Davis said Public Works had performed a survey which indicated the private walkway encroaching onto the access. He said property cannot, under any circumstances, be adversely possessed and gain title against a county. Discussion ensued on the removal of structures within the county right-of-way.

Commissioner Meadows asked who would be held liable if someone injured themselves on that walkway. Attorney Davis said the county was made aware of the structure and could be held liable.

Chairman Comander stepped down as Chairman to make the following motion. Commissioner Jones assumed the Chair position.

Motion by Commissioner Comander, second by Commissioner Chapman, to direct Public Works to research the Headland Beach Access to determine if the changes to the area were authorized, to review the safety issues, and present their findings to the board.

Commissioner Imfeld noted the cost data has not changed since the issue was first presented. He requested a cost analysis be a part of the presentation.

Ayes 4, Nays 1. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Nay.

Chairman Comander resumed the Chair position.

Commissioner Imfeld expressed his appreciation for being allowed to serve as District 3 Commissioner.

Commissioner Jones wished everyone a Happy Veterans' Day.

Commissioner Chapman thanked Commissioners Imfeld and Meadows for the work they have done as commissioners.

Chairman Comander had no items to present

Mr. Ross Weinshenker discussed an issue regarding a 66' county easement located adjacent to his property. He said the lack of maintenance of the easement has caused vehicles to become stuck requiring a tow truck service to be used. The existing easement is 200' by 66' and is located south of the intersection of Turquoise Beach Drive and Sally Lane. He requested the county either grant ownership or maintain the area as a part of Turquoise Beach Drive. (Photos submitted) Mr. Weinshenker reported the property was purchased through foreclosure auction and said at the time of purchase the property was accessed through a different driveway. He said the property owner who owned the driveway rescinded the easement. Mr. Weinshenker

purchased the land to the south to create an alternate access to his property. He discussed the travel and safety issues. Upon a suggestion from Commissioners Meadows and Imfeld, the board directed Public Works to review the area and bring back an assessment.

Mr. Bob Hudson, Walton County Tax Payers Association, expressed his appreciation for Commissioner Meadows and Commissioner Imfeld.

Mr. Jones voiced his appreciation for Commissioners Imfeld and Meadows.

Commissioners Meadows and Imfeld thanked staff for their support.

Attorney Davis expressed his appreciation for Commissioners Imfeld and Meadows.

Mr. Mac Carpenter, Planning Manager-Planning and Development, stated the board had continued Dalton Drive Commercial Final Order from October 11, 2016 to November 7, 2016 at 2:30 p.m.

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 the Board to submit any Ex Parte forms to the clerk.

Chairman Comander noted a legislative item had not been addressed prior to the oath being administered.

Mr. Carpenter requested acceptance of Mr. David Smith's resignation from the Planning Commission Board as the District Three Commissioner Representative.

Motion by Commissioner Jones, second by Commissioner Meadows, to accept the resignation of Mr. David Smith from the Planning Commission Board.

Commissioner Imfeld stated Mr. Smith tendered his resignation to give the incoming commissioner an opportunity to appoint their representative.

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

Ms. Rita Banhunyadi, Planning and Development-Senior Planner, presented YOLO Board Distribution Final Order a Major Development Order application submitted by Emerald Coast Associates, requesting approval to build a distribution building on 0.9 acres with a future land use of Village Mixed Use (VMU). This project is located on the northwest corner of the intersection at U. S. Highway 98 and Veterans Road. (Parcel #: 26-2S-20-33200-000-0481) Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

There were no comments from the applicant or the public.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve YOLO Board Distribution Final Order contingent upon conditions being met as stated in the Staff Report. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)**

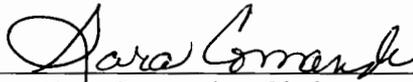
Ms. Rene Bradley, Planning and Development-Senior Planner, presented Prominence Phase III North Plat a plat application submitted by Innerlight Engineering Corporation requesting approval to plat 25 triplex buildings consisting of 75 units. This project consists of 6.00 acres with a future land use of Traditional Neighborhood Development. The project is located north of C.R. 30A within the Prominence PUD/DRI. (Parcel #: 20-3S-18-16000-002-0000) Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Jones asked how much was received in recreational plat fees. Ms. Bradley stated \$124,651.28.

There were no comments from the applicant or the public.

Motion by Commissioner Jones, second by Commissioner Chapman, to approve Prominence Phase III North Plat contingent upon conditions being met as stated in the Staff Report. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

There being no further items to present, the meeting was adjourned at 7:16 p.m.

Approved: 
Sara Comander, Chairman

Attest: 
Alex Alford, Clerk of Courts and County Comptroller