

MARCH 14, 2017 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida held a Regular Meeting on March 14, 2017 at 4:00 p.m. at the Walton County Courthouse in Santa Rosa Beach, Florida.

The following board members were present: Commissioner Cecilia Jones, Chairwoman; Commissioner W. N. (Bill) Chapman, Vice-Chairman; Commissioner Melanie Nipper; Commissioner Sara Comander; and Commissioner Tony Anderson. Mr. Larry Jones, County Administrator, and Attorney Mark Davis, County Attorney, were also present.

Chairwoman Jones called the meeting to order.

Mr. Larry Jones presented the following agenda deletion: Citizen Request: Mr. Daniel Walter's request.

Attorney Mark Davis requested to remove a bill from the consent agenda for Nabors-Giblin, and Nickerson.

Motion by Commissioner Chapman, second by Commissioner Comander, to approve the agenda with deletions as presented. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

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

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

	Total	WM total	Total
General Fund	\$ 628,541.10		
County Transportation	\$ 436,054.30		
Fine & Forfeiture	\$ 376,510.85		
Mosq. Control State	\$ 1,090.00		
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Prepared by: D. Cordle

Section 8 Housing	\$ 160,550.22		
Tourist Dev. Council	\$ 386,497.61	\$ 4,618.31	
N.W. Mosquito Control	\$ 18,139.92		
Recreation Plat Fee	\$ 800.94		
Solid Waste Enterprise	\$ 1,050,407.72	\$ 498,614.25	
Bldg. Dept./Enter. Fund	\$ 4,963.86		
Daughette Subdivision	\$ 2,625.00		
Capital Projects Fund	\$ 2,080.00		
Infrastructure			
Improvements	\$ 94,623.50		
Increment Tax Funding	\$ 10,271.65		
Totals	\$ 3,173,156.67	(\$ 503,232.56)	\$ 2,669,924.11

2. Approve Minutes of the February 28, 2017 Regular Meeting
3. Request to approve the disposition of records which have met retention in accordance with State of Florida General Records Schedule GS1-SL as requested by the Clerk's Office
4. Request to surplus various equipment as requested by the Tourist Development Council, Fire Rescue and the Office of the County Attorney
5. Request to approve a resolution **(2017-20)** amending the FY 2017 budget in the Fine and Forfeiture Fund for unanticipated grant revenue from the Florida Department of Law Enforcement in the amount of \$32,621.00 for the 2017 Edward Byrne Memorial Justice Assistance Grant (JACG)
6. Request to approve a resolution **(2017-19)** amending the FY 2017 budget in the General Fund for unanticipated additional grant funds in the amount of \$3,825.00 for the Federal Elections Activities Grant for the Supervisor of Elections
7. Request to approve and authorize the Chairwoman to sign the revised amendment to the South Walton Fire District agreement to correct a scrivener's error regarding compensation amount and deletion of public access language, which is not needed in this agreement
8. Request to approve and authorize the Chairwoman to sign the amendment to Construction Contract No.: 017-001 with Birkshire Johnstone, L.L.C. for exterior renovations to the North Walton Courthouse to correct a scrivener's error in the compensation amount
9. Request to approve Change Order No. 1 to Contract No. 016-034 CR 30A Resurfacing Project with CW Roberts Contracting, Inc.; increasing the contract price \$2,211.22
10. Request to approve Change Order No. 3 to Contract No. 016-016 for CR 181C SCOP Improvement Project with Roberts and Roberts, Inc.; increasing the contract price \$57,319.92 and increasing the contract time 29 calendar days
11. Request to approve the purchase of a 90" Saw Head with a Quick Hitch Kit and Quick Hitch Auxiliary Kit in an amount not to exceed \$20,067.30 as requested by the Public Works Department
12. Request to approve the purchase of an AED Defibrillator for Life Enrichment Senior Center in an amount not to exceed \$1,435.00

13. Request approval to increase the previously approved amount of \$3,000.00 to \$8,000.00 for the purchase of an ADA beach access mat for Ed Walline Regional Beach Access
14. Request approval to apply for the 2018 Section 319(h) Nonpoint Source Management Program Grant for Oakwood Hills Subdivision Unpaved Road/Stream Crossing Stabilization Initiative Phase 2 project

Motion by Commissioner Anderson, second by Commissioner Nipper, to approve the Expenditure Approval List (EAL's) excluding Waste Management. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Commissioner Chapman reported his conflict of interest in voting on the Waste Management EAL's and submitted Form 8B to the clerk.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Waste Management Expenditure Approval List in the amount of \$503,232.56. Ayes 4, Nays 0. Jones Aye, Nipper Aye, Comander Aye, Anderson Aye. Chapman abstained. (FORM 8B: Chapman)

Judge Tom McGee, Chair of the Customary Use Committee, addressed the commissioners and thanked staff, the public, and the committee members for their efforts and working together.

Attorney Sidney Noyes presented the recommendations on behalf of the committee. Under paragraph 5 of the Customary Uses Ordinance the committee recommended narrowing allowed uses on private property by members of the public. Paragraph 6 included additional items prohibited by members of the public on private property. Page 4 included recommendations for making better use of the beach for the public and private property owners, including promulgating rules, publishing the rules by TDC, encouraging the board to purchase

property for public beach access and increase signage. Attorney Noyes asked the board to set a Public Hearing on March 28<sup>th</sup> to make a decision on the recommendations.

Commissioner Chapman questioned if the Public Hearing would be only to address the recommendations and not the entire ordinance. Attorney Noyes agreed and stated it would not be to discuss the ordinance in its entirety.

Motion by Commissioner Comander, second by Commissioner Anderson, to set a Public Hearing on March 28<sup>th</sup> after 9:00 a.m.

Mr. Bob Brook questioned if this would only address the document being presented. Attorney Davis advised that other changes may be addressed as well.

Mr. Bill Fletcher requested the board postpone adoption of the ordinance until after April.

Mr. Bill Hackmeyer stated he is against the proposal. He stated the ordinance is not sufficient and will cause the county a lot of money in legal fees as well as a decrease in property values. Mr. Hackmeyer stated he is part of a group who is currently preparing a law suit against the county. He asked the board to vote against it.

Mr. David Bailey requested clarification of the motion. The commissioners explained the motion is solely for setting a Public Hearing.

The commissioners voted on the motion to set a Public Hearing. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones presented the following information relating to selection of the Planning Director. The following four individuals were presented for ranking by the commissioners: Mr. Steven Bourne; Mr. Mac Carpenter; Ms. Kristen Shell; Ms. Heather Whitmore. He asked the

commissioners to complete their ranking sheets for scoring. The score sheets were ranked by clerk staff.

Mr. Jones presented the following rankings: #1 Mr. Steven Bourne-16; #2 Kristen Shell-16; #3 Mac Carpenter-13; #4 Heather Whitmore-7. Mr. Jones stated there was a tie between Mr. Bourne and Ms. Shell and asked the commissioners to select their top candidate from those two. Again, the votes were tallied and read into the record by Mr. Jones as follows: Mr. Steven Bourne-#1 and Kristen Shell-#2.

Motion by Commissioner Comander, second by Commissioner Chapman, to accept Mr. Steven Bourne as the top ranked candidate for the position of Director of Planning and allow staff to begin negotiations. In the event he does not accept the position staff is directed to negotiate with the second ranked candidate.

Ms. Coy Bowman addressed the commissioners making personal attacks against an employee. She was told to address her issues privately.

Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones stated he would begin negotiations with the top ranked candidate. The commissioners agreed that if Mr. Bourne does not accept the offer for Mr. Jones to move forward in negotiating with the second candidate.

Motion by Commissioner Comander, second by Commissioner Nipper, to approve to advertise an RFQ for the Design/Build of the South Walton Skate Park in Helen McCall Park.

Mr. Bob Brook questioned the process for the RFQ and if funding were part of the contract. Mr. Jones explained the process and stated there were no funds involved with the RFQ process.

Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve the Fiscal Year 2016/17 Capital Project and Road Resurfacing List. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Fiscal Year 2016/17 Tax Increment Financing (TIF) Capital Project List.

Commissioner Comander stated the county has been working on the drainage in Driftwood for years. There is now an opportunity to use \$85,000 for improvements to resurface the roads. She stated the driveways and culverts need to be realigned around the exterior allowing the water to flow again.

Mr. Randy Powers questioned the TIF drainage crew salaries and if the money spent is for a contract or reimbursement. Mr. Jones stated the money is spent for employees dedicated to this project. When the TIF Fund was created it was agreed part of it would fund a drainage crew specifically on projects paid from TIF funds. Mr. Buddy Wright, Public Works, explained the TIF funds are accounted for and if they are placed on a different project, then funding comes from a different budget.

Ms. Thomason, Finance Director, explained that employee salaries are paid from the TIF only when an employee is working on that project. If they work on a different project they are accounted for by a work order and that comes from a different budget. The crew working on TIF projects is a dedicated crew and funding for those employees does come from TIF funding. They are not budgeted for twice. Furthermore, the equipment is also dedicated to the TIF projects, but also billed out separately if it is required to be used on a non-TIF project.

Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Comander, to approve Bob Sikes Road (6.24 miles) and Rock Hill Road Phase I (from U.S. Highway 331 to Walton Bridge Road) for funding consideration through the Small County Outreach Program (SCOP). Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Nipper, to approve CR 181E (7.87 miles) for funding consideration through the Small County Road Assistance Program (SCRAP). Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Chapman, to approve to begin negotiations with the top ranked firm, Genesis for RFQ 017-005 Engineering Services for East Point Washington Road Realignment. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Chapman, to award ITB 017-013 for Steel H-Pilings for McKinnon Bridge Road Bridge Replacement project to the low bidder, Skyline Steel, in the amount of \$52,910.00. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Comander, to award ITB 017-019 Bridge Material for McKinnon Bridge Road North and South to Conecuh Bridge & Engineering in an amount not to exceed \$304,660.44. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones presented the Sugar Estates/Sugar Cove Lane analysis and recommendation. Public Works recommended accepting the roadway for county maintenance upon the residents bringing the road up to current county standards and the implementation of a drainage plan as

recommended by a storm water professional to address any drainage issues associated with the roadway improvement plan. Due to the small number of homeowners, it was suggested the neighborhood establish an MSBU.

Mr. Buddy Wright explained the analysis and stated Public Works would recommend acceptance of the road with the condition the asphalt is repaired and drainage is upgraded for the neighborhood. Mr. Jones stated the recommendation is to advise the homeowners of the necessary repairs before the board can accept the road for county maintenance. If they make the improvements then the county can accept it for maintenance according to policy.

Motion by Commissioner Anderson, second by Commissioner Comander, to accept the recommendation as presented by Public Works.

Ms. Lisa Boushy questioned if the project was being presented by the neighbors as a majority. She suggested a project of this nature should require signatures from the majority of homeowners. There are 18 lots and 16 signatures were obtained.

Mr. Dean Burgis addressed the board on behalf of Mr. Michael Jenkins. He stated he would work with Public Works in order to move forward with the process.

Mr. Michael Jenkins stated the road in question was constructed in 1986 according to county standards. The neighbors do not have a mechanism to bring it up to county standards. Mr. Buddy Wright stated it is a public right of way but never accepted for maintenance. Attorney Davis advised unless the board officially accepted the road for maintenance or undertook maintenance for a period of time, despite the dedication, it is not a county road. He further stated that a dedication is like an offer, but unless it is accepted it is not a county maintained road. Attorney Davis and Mr. Wright will meet to discuss the issue further.



Motion by Commissioner Anderson, second by Commissioner Chapman, to table this issue pending further discussion by staff. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Bill Fletcher felt the residents should receive a discount on their property tax if the county does not pave the road.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve the Walton County Environmental Department to partner with Northwest Florida State College by providing an Environmental Science Internship Program. The intern will work with Ms. Melinda Gates. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Chapman, to advertise and hold a Public Hearing on March 28, 2017, at 9:00 a.m. in the DeFuniak Springs Courthouse to bring forward \$50,000 into the FY 17 Debt Service Fund Budget to repaint pilings at the U.S. Highway 331 Bridge Park. Funding will come from the excess bridge funds.

Mr. Brooks questioned if the item was a budgeted estimate or if it was actual cost. Mr. Jones advised it was an estimate.

Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Commissioner Comander asked the board to consider using some of the excess bridge funds to purchase properties on the north end of the bridge that were previously being considered. Mr. Jones stated that the bridge funds had been reserved until completion of the bridge project, which is near. They have recently reached out to some of the property owners to discuss moving forward. The asking price for some of the parcels are 50-60% of the appraisals the county previously obtained. At direction from the board staff will move forward in seeking to purchase the property. The commissioners agreed to allow staff to move forward with contacting

the property owners to further discuss the purchase of properties. Commissioner Chapman also asked Mr. Jones about contacting the owner of the land where they had discussed adding a park at the north end of the bridge.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve and authorize the Chairwoman to sign TDC Task Order 17-003 with Genesis for design services for a Regional Beach Access (RBA) at the newly acquired Dune Allen parcels (04-3S-20-34000-011-0000 and 04-3S-20-34000-013-000) in an amount not to exceed \$120,610.00. Mr. Brian Kellenberger, Director of Beach Operations, stated there will be approximately 40-48 parking spaces at this location.

Mr. Jay Tusa, TDC Executive Director, presented an update on real estate and requested direction. He stated he had received the majority of the appraisals back. He also provided an update on the Highlands House property. He requested direction for moving forward with parcel A and stated parcel C has also gone up for sale. Owning one of these parcels would allow access to the beach property already owned by the county.

Attorney Davis advised that a surveyor determined the easement on north side of parcel C was not abandoned and the county retains an easement at that location. Further discussion occurred regarding the layout of the property. The county owns parcel B and E. Commissioner Chapman questioned the necessity of spending over \$3 million on parcel C if parcel A was purchased allowing public access to the beach. Mr. Tusa felt the money could be spent elsewhere. Mr. Tusa spoke about the change from a neighborhood beach access to a regional beach access and crossing over the outfall. Mr. Kellenberger stated it is more of a drainage creek than an outfall and DEP would probably not allow the construction of a bridge. There have not

been any complaints about the beach not being accessible at that location. He also recommended tearing the old house down that is located on the parcel in question and making public restrooms.

Motion by Commissioner Anderson to allow Mr. Tusa to move forward with obtaining additional information and appraisals for the Highland House property and the Elimon parcels. Mr. Tusa had asked Ms. Thomason about available funding and she advised there was not enough money to buy all of them. Chairwoman Jones stated she is very interested in obtaining a contract on the Miramar beach property. Commissioner Nipper seconded the motion.

Mr. Bob Brooks questioned where parking would be located. Mr. Tusa stated it would be on parcel A.

Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Ms. Tammy Mims commented on the growth rate and stated the county needs all the beach front parcels available. Chairwoman Jones recognized Ms. Mims and all those present who served on the Customary Use Committee.

Motion by Commissioner Comander, second by Commissioner Chapman, to begin negotiations on the Scenic Drive property. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Tusa questioned whether or not to move forward with negotiations on other properties until the appraisal is completed on the Highlands House. Mr. Tusa stated he could begin negotiations and present the information at the next meeting.

Mr. Tusa announced an increase of 4.11% in revenues for a total \$457,779.71 which is up 15.1% over last year.

Attorney Mark Davis did not present anything.

Motion by Commissioner Anderson, second by Commissioner Comander, to appoint Mr. Tom Babcock as the District Five Planning Commission appointee. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to adopt a resolution **(2017-18)** opposing House Bill 17 and Senate Bill 1158 – Preemption of Local Government Authority. The Florida Association of Counties has requested the county adopt a resolution opposing the bills. The bill would take authority away from the county and the people. Commissioner Chapman further explained the bills and asked the people to reach out to their house and senate representatives asking them to not support the bills.

Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Commissioners Nipper, Chapman, and Jones did not present any items for discussion.

Mr. Mike Thornton requested approval of a Helicopter Egg Drop over the soccer field at Helen McCall Park on Saturday, April 8<sup>th</sup> for a community event. They will drop 5000 eggs. Commissioner Chapman questioned the elevation of the drop. Mr. Thornton explained it would not be very high and said they chose a company with experience.

Motion by Commissioner Anderson, second by Commissioner Chapman, to approve the helicopter egg drop at Helen McCall Park. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Ms. Sharon Lindgren addressed the commissioners regarding rats on property adjoining her property. She has contacted Code Enforcement and the Health Department but there are no laws on the books they can apply in this situation. The owners have basically abandoned the property. She asked the Board to take some kind of action.

Commissioner Chapman previously asked staff to look into this issue from the standpoint of a health and nuisance issue. Commissioner Anderson will look for solutions and investigate the issue further. Commissioner Comander commented on dealing with abandoned homes.

Mr. Alan Ficarra voiced concern with moving the Planning Department to Freeport and closing the office in south Walton. Mr. Jones commented on the process the county is going through to provide more efficient services for everyone that will allow staff to work more efficiently. The plan is to maintain minimal staff at other locations to serve everyone's needs. The board does not want the changes to be a hardship on anyone. Mr. Ficarra felt the change will be a hardship for him to drive to Freeport.

Commissioner Comander commented on the mandate the county is under to house the Planning Department in one location. She also explained the problems with other constitutional officers being over crowded. The plan is to provide a solution until an additional building can be built at the annex in south Walton.

Mr. Curtis Smith spoke about the public parking lot on the south side of C.R. 393 stating there is unused space for additional parking at that location and would like to make sure TDC is looking into it.

Ms. Linda Morse spoke about an invoice submitted to the county for payment for attorney fees on behalf of Chairwoman Jones for a deposition. Attorney Davis explained that he originally thought the bill was to be paid by the county, but later removed it from the consent agenda after further review. Ms. Morse also commented on the amount of money spent on the meeting yesterday regarding the Sandestin DRI.

Mr. Tusa announced that the property at the Highlands House would provide 50 parking spaces.

The commissioners recessed at 6:10 p.m. and reconvened at 6:30 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 that any Ex parte forms are to be submitted to the clerk.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve to continue the Thomas Lavin SSA to April 11, 2017. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Comander, to approve to continue Santa Rosa Place Apartments Replat to April 11, 2017. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Commissioner Anderson advised of his conflict in Seclusion Cove and submitted Form 8B with the clerk.

Mr. Jones presented Seclusion Cove SSA for adoption. The applicant, Centennial Properties, LLC, is requesting to amend the Comprehensive Plan Future Land Use Map designation on +/- 6.36 acres from Small Neighborhood to Low Density Residential. The project is located 200 feet past the cul-de-sac on Jans Way off of Hideaway Circle. The applicant is seeking to develop four single family lots comparable to the existing Seclusion Bay Subdivision.

**(Staff Report - #1)**

Ms. Christine Sammelmann, Planning Department, was present to answer questions.

Attorney Davis advised there were a number of changes made to the Development Order and the developer was in agreement with the changes and signed off on them.

Ms. Louis LeSeur, Sachs and LeSeur, explained that Small Neighborhood is an uncomfortable fit. She stated her client would like to construct four single-family homes on the

property along with a carriage house. Negotiations are still in progress with the homeowners association at Seclusion Cove and they are considering a contribution agreement. Discussion was held regarding the carriage house. Ms. LeSeur stated the Code allows an 800 square foot accessory structure.

Commissioner Chapman asked for clarification on the number of lots whether it is four or five. Ms. LeSeur said they are asking for the developer's agreement to limit it four single family lots and clarified there are only four lots not five.

Mr. Mike Weger appeared before the board stating he serves on Seclusion Bay Board of Directors. He spoke with the attorney representing the developer regarding several concerns. He questioned if the project is approved could the lots be sold tomorrow thus creating four different individuals/developers they would have to work with. He said the developer of the project has an easement through their gated community so they have no control. They still have time to work out any issues if the development order is approved, but has concerns if the property is sold. Mr. Jones advised this is a land use change with restrictions for no more than four lots. There will not be four lots to sell tomorrow.

Motion by Commissioner Comander, second by Commissioner Nipper, to adopt an ordinance (2017-09) approving the developer's agreement for the Seclusion Cove SSA. Attorney Davis advised that if the developer's agreement failed for any reason the ordinance would also be void. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Abstained.

Mr. Jones presented Treasure Trove Estates, a major development order application submitted by Emerald Coast Associates, Inc. who requested approval of Phase II and III consisting of a single-family residential development of 41 lots. The project is on 18.75+/- acres

with a future land use of Residential Preservation. The following conditions of approval were presented: 1) The South Walton Fire Marshal has indicated that lot 40 does not have direct driveway access to the T-turn around; 2) A payment of a proportionate Fair Share contribution of \$48,620.00 is required to mitigate the traffic concurrency deficiency; 3) A Walton County 911 Fee of \$500 will be due at time of platting; and 4) A recreation fee based on the total acres platted and current appraised land value will be due at time of platting. A technical review by Dewberry/Preble-Rish indicates the project does not meet Walton County's Transportation Concurrency under the LDC. However, the developer may be eligible to satisfy their transportation concurrency requirement through a proportional fair share contribution that shall be deposited into a special revenue fund. **(Staff Report - #1)**

Mr. Bob Baronti, Planner, stated a storm water analysis was also performed and states there will be no change in the storm water between pre-build and post-build. With Galley Lane not going all the way through the developer will be required to come back before the commissioners and vacate the abandonment.

Commissioner Chapman questioned if the landscape buffer previously discussed is still being considered. Mr. Baronti stated it is not because there will no longer be a residential lot to the north. Commissioner Chapman also questioned the buffer behind lots 41.

Commissioner Nipper questioned the T turn around for lot 40. Mr. Baronti explained that the lot on top of the T would not have direct access to the T turn, but the lots to the west could, so the Fire Marshall asked for a connection further down on the lot so it would not be used for boat storage or the continuation of a driveway. It will be a condition for approval.

Attorney Davis stated the abandonment was conditioned upon a through road through the development. The Development Order can be approved as presented then legal staff can be



instructed to go through a separate proceeding to vacate the abandonment. The condition for the abandonment will not have been met without the through road. A county sponsored vacation of the abandonment will be required.

Mr. Dean Burgis, Emerald Coast Associates, concurs with the results of the staff report and stated they complied with recommendations for the T turn around. The developer and neighbors are both satisfied. He stated they will be required to maintain a landscape buffer on lot 41. The setbacks will be increased to 10 feet to accommodate the buffer. Lots 32-44 have a similar 10 foot landscape buffer.

Ms. Melissa Ward, Sachs and LeSeur, stated she met with county staff regarding this project. She asked the board to do the abandonment concurrent with the plat so there are no delays. She also thanked the commissioners for consideration of the landscape buffers.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve Treasure Trove Estates, Phase II and III with conditions. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones presented the Foy Abandonment as submitted by Core Engineering & Consulting who requested the abandonment of 16.5 feet of right-of-way on the east side of Lot 8 in Sundance Subdivision with a future land use of Neighborhood Infill. The request is consistent with the Walton County Comprehensive Plan and the Land Development Code. Staff recommended approval with no conditions. **(Staff Report - #1)**

Ms. Vivian Shamel, Planner, pointed out the specific purpose survey which explains the need for the abandonment. She stated there were two letters of opposition to the project.

Commissioner Anderson questioned what is located on lot 6 and 7. Ms. Shamel stated those lots are vacant at this time.

Ms. Shamel requested to enter the staff report into the record. Chairwoman Jones accepted the staff report into the records. **(Staff Report - #1)**

Commissioner Nipper questioned if there are any concerns regarding the abandonment due to Public Works comments not supporting the abandonment. Mr. Carpenter stated those are standard comments, but it would be the decision of the board.

Mr. Ed Stanford, Core Engineering and Consulting, stated that the right of way in question does not serve any purpose. He stated they still maintain the easement of 16.5 feet adjacent to Sundance Court on the developer's side. The project was approved many years ago, but is just being built out. He said they only need 6.5 feet, but requested the entire 16.5 feet to unencumber the entire lot. Mr. Stanford said they are still required to maintain a 10 foot landscape buffer along the property line. He pointed out a private drive where storm water is already being maintained.

Motion by Commissioner Comander, second by Commissioner Nipper, to adopt a resolution **(2017-16)** approving the Foy Abandonment. Ayes 3, Nays 2. Chapman Nay, Jones Aye, Nipper Aye, Comander Aye, Anderson Nay.

Mr. Jones presented The Villages at Seagrove a/k/a WaterColor PUD and DRI Amendment. St. Joe Company and WaterColor Association Inc. requested to amend the WaterColor Planned Unit Development (PUD) and Development of Regional Impact (DRI). The applicant is proposing an amendment that will seek to reduce the overall approved residential density and refine the open space and recreation locations. The amendment would reduce density by 64 units. Staff stated the amendment is not considered a substantial deviation to the LDC. **(Staff Report - #1)**

Mr. Gary Shipman, Dunlap and Shipman and General Counsel for WaterColor Homeowners Association, stated he was sworn in. He stated this was part of a larger agreement between the HOA and developer of St. Joe Company. St. Joe voluntarily agreed to seek reduction of density and the homeowners association supports the project and asked for approval.

Mr. Jones asked for clarification whether or not the other components of the agreement impact the DRI or PUD requiring action by the Board. Attorney Shipman stated they do not have any impact on either the DRI or PUD.

Motion by Commissioner Chapman, second by Commissioner Anderson, to adopt a resolution (2017-17) approving The Villages at Seagrove a/k/a WaterColor PUD and DRI Amendment. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones presented a major development order application for Holly Bay Estates, submitted by Seaside Acquisition Group, LLC, who requested to develop 17 single-family residential lots. The property is located at the southwest corner of Chat Holly Road and J.D. Miller Road and has a land use of Neighborhood Infill. The Planning Commission recommended the following conditions: 1) construct a 6 foot privacy fence along the lots that back up to Chat Holley road; 2) pay Walton County 911 fee of \$300 at the time of platting; and 3) pay the Recreation Fee based on acres platted based on the current tax records. Mr. Jones advised that a major development normally consists of 20 lots, however because it is Neighborhood Infill staff has been instructed to consider the project as a major development. Chairwoman Jones accepted the staff report into the record. **(Staff Report - #1)**

Chairwoman Jones asked about the creek referred to in a letter submitted by Ms. Coy Bowman. Mr. Baronti stated the creek is not being impacted in any way. Mr. Carpenter stated the creek referred to by Ms. Bowman is a mosquito control ditch.

Mr. Mark Murry, Innerlight Engineering, was present on behalf of the applicant to answer questions.

Mr. David Kramer addressed the issue regarding the recommendation to construct the fence due to the project abutting a major thoroughfare. He stated this is the type of project that needs addressed during the LDC and Comp Plan revisions in order to provide direction for staff.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve Holly Bay Estates Final Order with the conditions as presented. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Commissioner Comander applauded Ms. Renee Bradley and staff for their outstanding work on Sandestin. Ms. Bradley has worked on that project for over ten years.

Mr. Jones presented a major development order application for Lakeview Subdivision, submitted by Innerlight Engineering, who requested approval for a 57 single-family home subdivision and two lots for commercial offices. The project is located on Business Center Drive off of U.S. Highway 98 on 19.72 +/- acres with a future land use of Small Neighborhood and Conservation Residential.

Mr. Baronti stated the parcel was changed to Small Neighborhood and where the change was shown for 2:1 is where two commercial offices will go. Proportionate Fair Share fees in the amount of \$83,010.00 and \$750.00 for the 911 fee are due at the time of recording. The Staff Report was accepted into the record. **(Staff Report - #1)**

Commissioner Nipper commented on the need for traffic lights and turn lanes on U.S. Highway 98. She also asked about the pond. Mr. Baronti stated there will be a pond with a connected walking trail and they will construct a bridge to access the park. The facility will be for use of the owners. Commercial Nipper wanted assurance that the project meets the requirements of Neighborhood Commercial. Mr. Baronti assured her it does.

Mr. Curtis Smith, Innerlight Engineering, clarified that the multi-use path will be accessible to the public. They will discuss maintenance of the path with TDC before platting.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve Lakeview Subdivision Final Order with conditions. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones presented a major development order application for Mussett Bayou Subdivision as submitted by Jenkins Engineering, Inc. who requested approval for a 31 lot single-family subdivision. The project is located in Neighborhood Infill on Mussett Bayou Road. The Planning Commission approved the project with conditions. **(Staff Report - #1)**

Commissioner Nipper asked about the foundation. Mr. Baronti stated the developer can construct the homes on either an elevated foundation using pilings or a stem wall foundation. He also said that accessory structures must be less than 200 square feet and the residents shall not be over 2-stories from the elevated foundation. Proportionate Fair Share fees in the amount of \$37,750.00, Recreational Plat Fees and the 911 Fee in the amount of \$500.00 will be due at the time of recording.

Commissioner Comander questioned why the accessory buildings are not required to be elevated. Mr. Baronti stated they are sheds, not a habitable structure.

Mr. Rick Borst, Borst Consulting and Management, presented a history of the parcel stating it was previously approved for over 60 units. They are now asking for 31 units or 4 units per acres. The plan also has green space with walking trails and a pool for the community. Mr. Borst stated the project was approved by the TRC and Planning Commission.

Commissioner Chapman asked Mr. Borst to explain the storm water retention plan.

Mr. Scott Jenkins, Jenkins Engineering, stated he was sworn in and spoke about the storm water plan. He showed where the ponds, control ditch, and wet retention areas would be located in the development. Mr. Jenkins stated the average lot width is 66 feet with the largest lots along the water. The roadway is a standard 24 feet in width with curb and gutter, drainage and sidewalks on both sides.

Ms. Melissa Ward, Sachs and LeSeur, appeared on behalf of nearby homeowners. She presented a letter from Ms. Lois LeSeur that voiced several concerns and requested Objector's Composite Exhibit 1 be entered into the record. Chairwoman accepted the exhibit into the record. **(Objector's Composite Exhibit #1)** Ms. Ward stated that the homeowners are opposed to the project and presented a copy of the future land use map stating the proposed project is surrounded mostly by Neighborhood Preservation. The property to the east is Conservation Residential 2:1 with the exception of one Conservation property which has no density. Neighborhood Infill is normally a parcel that will help transition in densities. She stated this is a compatibility issue and abutting properties need to be considered. Ms. Ward stated the maximum density that should be allowed is 2:1 and this project is 4:1 which is twice the amount allowed in the adjacent properties and it is not compatible. She commented that neighbors are concerns with the homes being constructed two stories above parking.

Commissioner Nipper questioned how many of the subdivisions were platted based on septic tank rules. Ms. Ward stated they never had septic tanks because of the small lot sizes.

Ms. Lois LeSeur, Sachs and LeSeur, spoke about compatibility with surrounding subdivisions at 2:1. She said the developer is trying to double the density. Some adjacent lots are even larger than the ½ acre lots in the proposed project.

Ms. Michelle Bailey, owner of lot 7, stated she felt this property would be developed according to the surrounding properties, however, this is not compatible and there is conflict. She also voiced concerns regarding there being no build out time for the project, height of the project from the foundation and setbacks. She also voiced concern with the properties not being able to be competitively priced. Ms. Bailey requested the board protect her and the neighbors and send the project back for further review.

Commissioner Comander questioned if a build out time can even be placed on a project. Mr. Carpenter said they have no authority to do that.

Mr. Charles Bush was present to represent homeowners who will be affected most. He stated the lots are .83 in size and it is not compatible; 31 houses would triple the density. Using county standards would put the development over density. He voiced concern with drainage. He requested the density be lowered to take pressure off of the retention ponds. Mr. Bush stated the density would create additional traffic issues along with other new developments being constructed. Mr. Bush requested the project's density be lowered to 2:1.

Commissioner Nipper asked Mr. Jenkins to address the height issue. Mr. Jenkins stated the county's requirement is that they build on pilings. The Building Department says a story is everything above where the pilings stop, not the area under the house. By definition parking could be allowed under the living space of the homes. He stated when Churchill Oaks was

constructed the pipes were sized accordingly for storm events the county required at that time. They entered into a right of way agreement to make the improvements.

Commissioner Chapman stated that Residential Preservation is located to both the north and south and questioned why Neighborhood Infill is in the middle. Mr. Carpenter stated those areas probably had houses on them at the time the Comprehensive Plan was adopted in 1996 and this parcel was vacant.

Mr. Borst spoke about conducting the analysis and how it shows what is being sold versus the lot size which helps determine what is developed. He gave several examples of homes that recently sold and stated if homes are proper in size you can have on smaller lots. He spoke about seven directives Mr. Dyess listed in a memo to staff addressing compatibility studies for Neighborhood Infill. He stated this is about compatibility, not density. The criteria listed in the directive included: one unit per housing type, building orientation, setbacks, heights, lot dimensions, density, and commercial intensity. Mr. Bush stated they considered the first six criteria. He spoke about the platting of Musset Landing and Riverbend which was platted in 1990 and not having any utilities. Riverbend also does not have any of the planning requirements now required. Those developments do not have any storm water retention, wetlands preservation, setbacks, habitat preservation or sidewalks as now required. He stated the lots were correctly calculated in the compatibility study and the owner has voluntarily reduced the density. He addressed the point regarding clustering of homes and stated the wet ponds were designed to help buffer the areas to the north and south. He stated Mussett Bayou Estates lot sizes are .23 acres. Those are smaller than being proposed. Mr. Bush stated the first floor footprint is 2,475 square feet which allows them to construct a single-story home without building two to three stories high making their development at or above the current average square feet compared to



the parcels to the north and south. He stated that more than density must be considered. Mr. Bush said the Musset Bayou Subdivision can have one and two story homes just as the surrounding neighborhoods do. He stated they meet compatibility with architecture, building orientation, setbacks, building heights, varying lot sizes and floor area ratio. They are not requesting any variances. Mr. Bush said they overwhelmingly meet the six compatibility criteria as set forth by Mr. Dyess in the Department Directive. They have worked hard to develop a compatible project for the people and asked for approval.

Commissioner Nipper voiced concern with compatibility of parking under the homes. Mr. Bush agreed, but stated when you look at topography of elevation of the parcel; there is only 2-3 feet of space.

Commissioner Anderson questioned staff if this project meets the requirements of the LDC and Comprehensive Plan. Mr. Baronti stated it does. The Code clearly states four units with water and sewer.

Motion by Commissioner Anderson, second by Commissioner Comander for discussion, to approve Musset Bayou Subdivision with staff conditions.

Commissioner Anderson stated the project meets the requirement of the Code and Comprehensive Plan. Commissioner Nipper voiced concern with parking under the home stating that is not compatible. Mr. Carpenter stated the Special Flood Hazard requires elevated foundations, but does not require parking underneath. He stated the board has authority to limit the parking.

Commissioner Anderson amended the motion, second by Commissioner Comander, to approve Musset Bayou Subdivision with staff conditions, but not allow parking underneath the structures.

Discussion continued regarding the allowable height above grade. Commissioner Comander questioned what the requirement is for how high it must be above the elevation. Mr. Carpenter stated one foot above the base of the elevation is the minimum. Mr. Jones advised that a maximum height could also be established for the project.

Commissioner Anderson amended the motion to approve Musset Bayou Subdivision with staff conditions and the condition to prohibit the homes from having a finished floor elevation of more than two feet above grade. Commissioner Comander seconded the amended motion. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

The Commissioners recessed from 8:00 p.m. until 8:07 p.m.

Mr. Jones presented Emerald Coast Business Center West, a major development order application as submitted by Jenkins Engineering, Inc. requesting approval of a 27,000 square foot business complex. The project is located on Business Center Drive with a future land use designation of Coastal Center. **(Staff Report - #1)**

Mr. Carpenter stated there is one additional condition which is a modification to 1-C of the Final Order. The project impacts a segment of U.S. Highway 98 which has been approved to be widened to six lanes. The improvement has not been inserted in the Proportionate Fair Share Concurrency Management System, but will be within 60 days. He asked to reconsider the concurrency certificate prior to it being due for payment due to FDOT's contracted improvements. The project is located in the Miramar Beach area and the 6-lane improvement will be from Holiday Road to Tang-O-Mar Drive. Mr. Jones stated the new numbers will apply to the project once the road is widened, but the new numbers are unknown at this time. Mr. Jones asked that the project be approved with the existing traffic concurrency numbers which generates a Proportionate Fair Share fee in the amount of \$251,660.00. The amount will be recalculated

once the new numbers are provided. Mr. Carpenter stated they are asking for approval to reconsider the concurrency management certificate once the numbers are installed.

Mr. Baronti stated he was contacted by an adjacent business owner who requested a condition be placed on the development making their driveways line up because the current business owner does not have enough property for his delivery drivers to turn around. Mr. Baronti stated there is nothing in the Code requiring the alignment.

Mr. Scott Jenkins explained the layout of the project and traffic circulation. He spoke briefly about the improvements to U.S. Highway 98 and the proposed cost reduction to the Proportionate Fair Share.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve Emerald Coast Business Center West with staff conditions. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones presented the Seacroft Subdivision Plat, a development order application submitted by Rare Earth, Inc. who requested approval to plat 5 residential lots on 2.5 acres with a future land use of Low Density Residential. There are no outstanding fees other than the recording fee. **(Staff Report - #1)**

Motion by Commissioner Comander, second by Commissioner Chapman, to approve the Seacroft Subdivision Final Plat Mylar. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Carpenter presented a Major Development Order application for CR83 Business Storage Phase II. Jenkins Engineering Inc. requested approval to develop 80,640 square feet of commercial buildings on +/- 9.7 acres with a future land use of Light Industrial. The project

meets the requirements of the Walton County Comprehensive Plan and Land Development Code upon the conditions being met. **(Staff Report - #1)**

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve CR83 Business Storage Phase II. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

There being no further business, the meeting adjourned at 8:20 p.m.

Approved:   
Cecilia Jones, Chairwoman

Attest:   
Alex Alford, Clerk of Court and County Comptroller