

MARCH 28, 2017 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida held a Regular Meeting on March 28, 2017 at 9:00 a.m. at the Walton County Courthouse in DeFuniak Springs, 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 and recognized Mayor Bob Campbell, DeFuniak Springs, and Ms. Rhonda Skipper, Walton County Tax Collector.

Mr. Larry Jones presented the following agenda addition:

1. Broadband Feasibility Study under Commissioner Comander.
2. Jason Scheler – Approval to hold an EGG DROP POOLOZA at Driftwood Estates Park on Saturday, April 8th from 11:00 to 1:00

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

There were no public comments voiced.

Motion by Commissioner Chapman, second by Commissioner Anderson, 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
General Fund	\$ 1,763,380.30		
County Transportation	\$ 552,622.28		

Fine & Forfeiture	\$ 2,388,572.50		
Section 8 Housing	\$ 83.93		
Tourist Dev. Council	\$ 860,446.20	\$ -	
N.W. Mosquito Control	\$ 1,181.13		
Recreation Plat Fee	\$ 2,151.27		
Solid Waste Enterprise	\$ 228,458.12	\$ 92,405.36	
Bldg Dept. /Enter. Fund	\$ 955.34		
Leisure Lake MSBU	\$ 1,812.00		
Capital Projects Fund	\$ 32,464.15		
Infrastructure			
Improvements	\$ 88,264.00		
Increment Tax Funding	\$ 2,971.42		
Totals	<u>\$ 5,923,362.64</u>	<u>\$ 92,405.36</u>	<u>\$ 5,830,957.28</u>

2. Approve Minutes of the March 14, 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 and GS11 as requested by the Clerk's Office
4. Request to approve and authorize the Chairwoman to sign the Satisfaction of Mortgage for a SHIP Mortgage for Michelle Y. Fleming
5. Request to approve a resolution (2017-21) recognizing May 21-27, 2017 as Public Works Week
6. Request to approve a resolution (2017-22) recognizing May 21-27, 2017 as Emergency Medical Services Week
7. Request approval to authorize the Chairwoman to accept and sign the Tony Hawk Foundation grant acceptance letter for the received Tony Hawk Foundation Grant of \$10,000.00
8. Request to approve and authorize the Chairwoman to sign the FY 15 HUD Engagement and Management Representation Letters required for the Agreed Upon Procedures report required by HUD
9. Request to approve and authorize the Chairwoman to sign the FY 2016 Management Representation Letters for the Carr, Riggs and Ingram audit engagements
10. Request to deobligate \$22,940.00 from the Reactional Vessel Registration Fee Account for a previously earmarked project named Lafayette Creek Boat Ramp
11. Request to deobligate \$15,120.00 from the Recreational Vessel Registration Fee Account for a previously earmarked project named Shoal River Boat Ramp
12. Request to approve the FY 2016-2017 Strategic Goals
13. Request to approve a resolution (2017-23) amending the FY 17 budget in the Landfill fund to recognize the sale of additional scrap materials
14. Request to approve and authorize the Chairwoman to sign the First Option to Renew and Amendment with Ten-8 Equipment, Inc. for repair and maintenance of Fire Rescue emergency vehicles
15. Request to approve and authorized the Chairwoman to sign Change Order No. 5 to Contract No. 016-014 for the Western Lake Pedestrian Bridge Phase I with North Florida Construction, Inc.; increasing the contract time 14 calendar days

16. Request to approve and authorize the Chairwoman to sign an agreement with Tri-county Transportation regarding the relocation of their office, vehicles and equipment
17. Request approval to apply for a Farmer's Market grant
18. Request approval to apply for an internship grant
19. Request approval to apply for the Annual Spring Grant for 911 Maintenance as requested by the Sheriff's Office
20. Request approval to apply for a Florida Boating Improvement Program grant to improve the boat landing area at Morrison Springs Park

Motion by Commissioner Comander, 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 Anderson, second by Commissioner Nipper, to approve the Waste Management Expenditure Approval List in the amount of \$92,405.36. Ayes 4, Nays 0. Jones Aye, Nipper Aye, Comander Aye, Anderson Aye. Commissioner Chapman abstained. (FORM 8B: Chapman)

Mr. Larry Jones thanked Commissioner Nipper for suggesting to participate in the Reserved Combat Wounded Veteran Parking and announced that signs were ordered and have arrived. He also thanked Mr. Bill Fletcher for bringing it to her attention. The signs will be placed in appropriate spaces around the county. He also thanked members of the military who were present for their service and sacrifices.

Major Joe Preston, Walton County Sheriff's Department, presented an update on the Fire Assessment stating it is approximately 95% complete and ready for publication Friday. The commissioners agreed to hold a public hearing to present the information, but requested to meet with Major Preston individually prior to the meeting.

Motion by Commissioner Comander, second by Commissioner Chapman, to hold a Public Hearing on April 25th immediately following the Regular Meeting.

Mr. Danny Glidewell, President of the Walton County Tax Payer's Association, stated the Board of Directors met and had a unanimous vote to ask the county to perform a feasibility study with a professional contractor before Fire Rescue is turned over to the Sheriff. They feel the change could significantly impact the county by raising taxes on the north end. The Association requested additional information relating to costs and estimated response times.

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

Mr. Bob Hudson commented on the process stating he was part of the committee who went through the SWOT analysis. He spoke about needs voiced during the meeting regarding facilities, equipment and budget, which could be as much as five times the amount currently being paid. Mr. Hudson requested that budgetary information be provided if any was gathered.

Mr. Stan Sunday, Deputy County Administrator, presented the board with suggestions for use of excess U.S. Highway 331 Bridge tax funds. Parcel 1-old bait shop, appraisal \$140,000 the board offered \$50k and the asking price is \$250k; Parcel 2-located on Bay Grove Road has an asking price of \$1 million with two appraisals - \$435k and \$600k; Parcel 3 (4 parcels)- located on Bay Grove Road the owner is asking \$3million for all 4 parcels. The appraisals totaled \$1,135,000 and \$1,800,000. He asked which properties the commissioners would like to move forward with. Further discussion was held regarding the pros and cons of each site and the commissioner's preferences.

Motion by Commissioner Comander, second by Commissioner Anderson, to allow staff to negotiate further with the owners of each parcel.

Mr. Hillard stated he would like the public to be directly involved in deciding what the parcels will be used for.

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

Discussion was held on proposed expenditures for excess U.S. Highway 331 bridge tax funds that came from a workshop held in June 2016.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve moving forward with a security system, weather instrument and ice machine for Pilcher Park and the U.S. Highway 331 Bridge and to check into costs of a fish cleaning station and grinder pump.

Mr. Bob Hudson suggested utilizing a security system that would provide live streaming at the boat launch.

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

Mr. Sunday requested approval to move forward with the negotiated sales price of \$1,920,000 for the 24 units located in the Freeport Business Park from Freeport Center, LLC and requested acknowledgement of the seller's appraisal. The county's appraisals provided were \$1,725,000 and \$1,920,000. The seller's appraisal was \$2,335,000. The seller requested acknowledgement of his own appraisal. Attorney Davis explained the provision of the Tax Code allowing a person selling property to donate a portion of the value of the property to a public agency of 501c3. The donation must be acknowledged on the HUD Form/Closing Statement. The burden is on the seller to ensure the donation is recognized by the IRS, that all forms are completed and the appraisal he submitted is a true market appraisal according to Tax Code standards. The closing statement will show a purchase price of \$2.335 million and the difference between that and the selling price as the donation from the seller. If the BCC decides to sell the property within three years of the purchase there are steps the county would be required to take.

Motion by Commissioner Comander, second by Commissioner Chapman, to move forward with the purchase of property at the Freeport Business Park from Freeport Center, LLC in the amount of \$1,920,000.00.

Ms. Rhonda Skipper, Tax Collector, addressed the board and spoke about additional duties her office has acquired creating further overcrowding for staff and the public. She thanked the commissioners on behalf of her staff and the public for taking action to create more space.

Commissioner Jones stated someone will be in both the north and south offices and there will be the possibility of online services. There will be no loss of services to the public.

Commissioner Anderson spoke about the overcrowding and stated this would provide more space for staff to work more efficiently.

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

Mr. Jones presented an update on the Planning Director stating Mr. Steven Bourne was the top ranked candidate, but he was no longer interested in the position and withdrew for personal reasons. At the last meeting Ms. Kristin Shell was identified as the number 2 candidate. However, there was an error in scoring making Mr. Mac Carpenter the number 2 candidate. Subsequent to the last meeting each commissioner was notified. Mr. Jones did not proceed with negotiations for the number 2 candidate and asked for direction on how to proceed due to the error. He stated the commissioners could proceed with negotiations with Mr. Carpenter, re-advertise the position or re-interview the candidates again.

Commissioner Anderson stated he was contacted about the confusion and recommended reopening the negotiations and encouraged both Mr. Carpenter and Ms. Shell to reapply. He understands it was clearly an error, but wants the process to be open and in the Sunshine.

Chairwoman Jones stated she would like to re-advertise.

Commissioner Nipper does not agree with backing off from the educational requirements. There were 17 qualified applicants and she felt they should move forward with their selections. She felt number 2 should be considered next.

Commissioner Comander stated the board has always moved forward with the number 2 candidate. She recommended going through with the process established, but would agree with what the board decided.

Motion by Commissioner Nipper, second by Commissioner Comander, to interview the number 2 candidate, Mr. Mac Carpenter.

Ms. Mary Neilson asked the board to clarify their number 2 candidate. The commissioners stated it was Mr. Carpenter. She further questioned the legality of Commissioner Anderson's ballot regarding the way he voted. She voiced concern with the issues not being brought up at the last meeting by the clerk's office. Commissioner Anderson stated he had checked with Legal and Administration on voting that way and was advised it would be legal.

Ayes 3, Nays 2. Chapman Aye, Jones Nay, Nipper Aye, Comander Aye, Anderson Nay. Mr. Jones will move forward with negotiations with Mr. Carpenter. In the event Mr. Carpenter does not accept the position he will proceed to negotiate with Ms. Shell.

Motion by Commissioner Chapman, second by Commissioner Anderson, to award, approve and authorize the Chairwoman to sign Contract No. 017-015 with Ducky Johnson House Movers, Inc. for the relocation of the Sheriff's Substation in Mossy Head contingent upon an executed contract and closing on the property by any successful bidder. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Chapman, to begin negotiations for RFP 017-001 Automated Fuel Management Services with the highest ranked

company, MECO and to allow Legal Services to seek legal action against the previous vendor. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Nipper, to approve to reject the one bid received for ITB 017-007 Gasoline & Fuel Supply Services and re-advertise. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Anderson, to reject ITB 017-011, purchase of F550 Chassis cab with service truck for the Landfill due to incomplete language in the ITB. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jay Tusa, TDC Executive Director, requested approval for emergency expenditures for parking lot repair at TDC Visitors Center due to a vehicle fire. Diesel fuel caused damage to the pavement.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve expenditures not to exceed \$50,000.00 for repairs to the parking lot at TDC. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Tusa presented an update on potential property purchases and requested direction. He has negotiated with the sellers as directed and stated they are prepared to release appraisals for the properties negotiated on. He did not negotiate on the Miramar property pending the second appraisal. He advised that another party has put in a contract on the Miramar property, but the seller did not accept it. Mr. Tusa stated it may be best to prioritize the properties according to needs. Miramar and Seagrove areas currently have one access. Seacrest does not have any regional beach access and is high priority. Lower in priority would be the Highland House property and the Oyster Lake Outfall property.

Mr. Tusa presented an overview of the Seagrove property stating there are three (3) parcels with two (2) upland portions being owned by one individual and the beach portion owned by a different owner. The negotiated price for parcel 1 is \$799,000. Parcel 2, the center parcel, is \$3.4 million. The beach parcel is \$800,000. The owners are firm on the asking price and will not negotiate further.

Commissioner Chapman stated depending on the north boundary line of the beach front parcel it appears that property cannot be improved as far as a structure. Mr. Tusa stated that is correct. He stated the owner advised their assessed value has been in excess of \$1 million, but the appraised value is an average of \$300,000. The owner came back with the negotiated price of \$800,000.

Commissioner Chapman questioned the price of \$3.4 million on the center parcel. Mr. Tusa stated the average appraised value is \$3,075,000. The creek runs through this parcel and would need to be addressed in the design of the parking and bath house.

Mr. Tusa presented the negotiated price of \$6 million for the Seacrest property. The appraisals were \$4.4 million and \$3.95 million. He stated the asking price is above the appraised value but the property is wider than other parcels and would be good for a beach access with a width of 107 feet. The following were some available properties used in comparison: 58 foot in width for \$3.35 million; 64 foot wide parcel for \$2.9 million, a third parcel is 70 foot wide for \$3.2 million. The more narrow parcels would require purchasing two adjoining lots to create a beach access which would be difficult to find. The owner of the Seacrest property is also firm on his price.

Commissioner Jones commented there are not enough accesses in the Seacrest area. Mr. Tusa spoke to the importance of this lot and it being essential because of its size.

Mr. Tusa advised there is \$16 million available for the purchase of properties and a total for all of the properties being considered is \$23 million.

Mr. Tusa stated the average appraisals for the Highland House property are \$2,712,500 with the negotiated price of \$3 million. Chairwoman Jones commented on the lack of an access and it going through wetlands. Attorney Davis stated there appears to be an access from the southwest corner of the property across the public easement onto the county's boardwalk. One would have to cross the outfall to get to the public portion of property. Mr. Tusa agreed and stated the flow of the outfall changes depending on the amount of water and rainfall.

Mr. Tusa presented the negotiated price for property at Dune Allen/Oyster Lake. The parcel adjacent to the outfall, a double lot, is \$4 million and the second parcel is \$2.5 million. The owners are firm. The average appraised value on the lot to the west of the outfall is \$2.2 million and the Oyster Lake Outfall parcel is \$5.45 million and \$2.6 million. He stated the \$2.6 million appraisal was appraising the lot as one lot rather than two and the \$4.45 million was valuing it as two lots since they are double wide. He did not feel the \$2.6 million was accurate. Mr. Tusa stated we do not own the beach on those two parcels, but own the beach the rest of the way down to the Ft. Panic beach access. Owning it would give the county control of the outfall. He stated it would be challenging to make it a regional beach access because of the bridge location and limited parking. He stated this parcel was low on the priority list.

Commissioner Nipper questioned if there is plenty of access currently in the area. Mr. Tusa stated Ft. Panic and the property purchased by the county last fall are nearby. He further clarified that if this property was purchased the county would own from Ft. Panic to the outfall.

Chairwoman Jones stated it has been a priority of the county to buy as many outfalls as possible. She stated she is interested in purchasing the Seacrest property.

Motion by Commissioner Comander to purchase the Seacrest property. Chairwoman Jones stepped down and seconded the motion.

Commissioner Chapman assumed the Chair position.

Ayes 3, Nays 2. Chapman Nay, Jones Aye, Nipper Aye, Comander Aye, Anderson Nay. Motion failed due to the lack of a super majority.

Commissioner Anderson voiced concern paying \$2 million over the appraised value. Chairwoman Jones suggested considering the owner to donate a portion through a tax break.

Motion by Commissioner Anderson, second by Commissioner Nipper, to direct Mr. Tusa to negotiate further with the owner to consider the tax break as one option. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Chairwoman Jones resumed her position as Chair.

The Seagrove property was discussed further and Commissioner Nipper questioned the accesses in that area. Mr. Tusa stated the Santa Clara Regional Beach Access is about ¼ mile away, but could certainly use a second access. Commissioner Nipper voiced concern with committing funds to the Seagrove property without getting the appraisal back first on the Miramar property. Mr. Tusa stated with the purchase of the Seacrest property at about \$6 million and the Seagrove property at about \$5 million it would leave approximately \$5 million. He estimated the Miramar property could be \$2.5 to \$3 million and the appraisal should be back on Monday.

Commissioner Anderson asked about the urgency or could a decision be delayed until the next meeting. Mr. Tusa stated the owners are ready for a decision.

Motion by Commissioner Comander, second by Commissioner Chapman, for discussion regarding purchase of the Seagrove property.

Commissioner Anderson wants to ensure there is enough money to purchase the Seacrest property after further negotiations if it can be purchased a little cheaper. He felt this parcel is most needed.

Commissioner Comander withdrew her motion for the purchase of the Seagrove property to allow further negotiations for the Seacrest property. Commissioner Chapman withdrew the second to the motion.

Chairwoman Jones asked for further discussion on the Dune Allen and Oyster Lake parcels. Mr. Tusa reiterated his concerns with limited parking and the inability to make it a regional beach access. After further discussion the commissioners agreed the Miramar property is an important parcel. No further action was taken on Oyster Lake.

Mr. Tusa felt the Highland House would fall last on the list of all properties. Miramar, Seacrest and Seagrove are the top three priorities. The Highland House and Oyster Lake Outfall would be the next options.

Motion by Commissioner Chapman, second by Commissioner Nipper, to negotiate and bring back a proposed contract for Seacrest and Seagrove to consider at the next meeting.

Ms. Kay Minchew, President of Amalfi Coast Resort, appeared before the board along with other board members and owners. She stated they have been trying to purchase the Miramar property for years and have placed another contract on the property. Ms. Minchew stated it was their understanding when they purchased their property that the beach view would be preserved in perpetuity. The previous owner added a restrictive clause in the deed stating nothing could be built on the beach side. She stated the county attorney explained the county would not have to follow the deed restrictions. The owners of Amalfi disagree there is a need for more beach accesses at Miramar Beach.

The following owners at Amalfi also spoke in opposition to the county's purchase and use of the Miramar Beach property: Mr. Robert Zimmermann, Mr. Michael Sullivan, and Mr. William Grumbley. They voice concerns with additional parking and traffic in the area and changes to current deed restrictions.

Mr. Robert McGill appeared before the board representing various owners and homeowner associations in opposition to the county's purchase of the Beach Highlands property. He presented a handout containing pictures of other nearby accesses, a parking assessment study and survey. He spoke about potential problems if an access is created.

Mr. Frank Watson appeared before the board representing Dr. and Mrs. Elimond who own parcel C. He stated Mr. Elimond owns the property fee simple and asked to put off the purchase of the property for 60 days. Mr. Watson clarified that Dr. Elimond had listed his property for sale on March 13th. He removed the property from the market on March 14th until the issues are resolved. He stated improvements would have to be built to cross the property and requested to review any information the county has. Mr. Elimond has concerns with ingress and egress and traversing the creek.

Ms. Melissa Ward stated there is a major concern regarding the abandonments in the area and the individuals she represents have concern that the potential access may not be appropriate in size. Another concern is the vehicular traffic and traffic concurrency for the Highlands House B & B. She felt adding 50 parking spaces will generate more traffic at the C.R. 393 intersection. She also commented on the large amount of wetlands and how people will traverse the area to get to the beach.

Mr. Mark Andrews presented photos showing the access in question at the Highland House and explained that people either have to cross through the outfall or cross over private property, which is his concern.

Attorney Davis addressed comments made earlier stating Attorney Sidney Noyes' credibility, in his opinion, is unassailable.

Chairwoman Jones called for a vote on the motion to move forward with the purchase of the Seacrest, Seagrove and Miramar properties. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

The commissioners recessed at 10:55 a.m. and reconvened at 11:05 a.m.

Chairwoman Jones recognized Mr. Rabbit Miles, former commissioner, and Ms. Janice McLean, Freeport City Council, for being in attendance.

Mr. Tusa advised there would be a funds transfer in the amount of \$6,300 from Capital Funds to the Equipment Fund for the purchase of ATV's and other equipment. No board action was required. Mr. Tusa also stated he was withdrawing his request to build the bathrooms behind the TDC facility at this time due to spacing issues.

Commissioner Chapman stated he met with Mr. Tusa and asked him to begin looking at an alternate location for the visitor's center. He proposed the location on the north side of the entrance to south Walton annex. The site is 2.5 acres and would provide easy access. A new location needs to be considered as part of the needs assessment for space and looking at the long-range plans for the annex complex. Mr. Tusa stated he would begin exploring options.

Mr. Jones presented a request to approve a resolution to bring forward \$50,000 in Debt Service Fund Reserves into the FY 2017 budget for the 331 Bridge Park Paint Project.

Motion by Commissioner Chapman, second by Commissioner Nipper, to call to order the advertised Public Hearing. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Discussion was held regarding the painting of graffiti under the U.S. Highway 331 Bridge.

Motion by Commissioner Comander, second by Commissioner Chapman, to adopt a resolution (2017-24) to bring forward \$50,000 in Debt Service Fund Reserves into the FY 2017 budget for the 331 Bridge Park Paint Project. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

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

Attorney Noyes presented the Customary Use Ordinance to consider amending Walton County Ordinance 2016-23, which will address the public's customary use of the dry sand areas of the beaches, buffer areas around private permanent structures and penalties for ordinance violation.

Motion by Commissioner Chapman, second by Commissioner Anderson, to open the advertise Public Hearing to consider the Customary Use Ordinance amendment. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Attorney Noyes stated the board previously adopted the ordinance with an effective date of April 1, 2017. Attorney Noyes presented the committee recommendations as follow: a new paragraph on page 2; new paragraph 7 on page 3 and new paragraphs 5 and 6 on page 3. There are changes to activities prohibited by members of the public on dry sand areas that are owned

by private entities. She also presented additional minor changes if the committee changes are accepted. She stated the language on page 2-paragraph 2 is not necessary. The language on page 3-paragraph 7 is not needed, but if kept, she recommended deleting “non-private areas of”. Paragraph 5 deals with activities/uses allowed by the public owned by private entities and para 6 deals with prohibitions. Code Enforcement has concerns relating to the enforcement when dealing with the use of chairs, and beach umbrellas and she suggested adding the following stricken language back in: “sand, in a beach chair, or on a beach towel or blanket; using a beach umbrella that is ten (10) feet or less in diameter” if the commissioners want to allow the public to continue using chairs and umbrellas. Attorney Noyes recommended decreasing the size of umbrellas to 7’ in diameter, which is in align with tent regulations. Paragraph 6 delete “use of umbrellas” to still allow for their use. Paragraph 6 language for alcohol and tobacco could be hard to enforce. She stated the use of alcohol is no crime, but intoxication is and could be enforced by the Sheriff as well as littering when using tobacco products. She commended the committee for a great job. Attorney Noyes reminded the commissioners they can make some, all or none of the changes proposed by the committee.

Chairwoman Jones recognized the committee members present.

Commissioner Comander clarified that only changes are being considered.

Mr. David Bailey, committee member, stated he was representing over 500 people. He presented photos depicting beaches, chairs, umbrellas, and walkover gaps for chair placement. He spoke about the confusion at the Winston Lane Beach Access. He thanked the board and committee members and asked to postpone implementation.

Mr. Max Watson asked to change the first Whereas clause on page 2 to read “...existing or future public or private beach access...”. He commented on customary use lowering property

values significantly and stated a plan is needed to know whether services will be reduced or if taxes will be increased.

Judge Tom McGee, Chair of the Customary Use Committee, voiced his appreciation on the great job the committee did. Continuing this issue came up many times and they discussed recommending a continuation, but that was voted down 6-4.

Mr. Bob Brooke stated he is not in favor of customary use. He is in favor of entities owning the dry sand beach voluntarily granting the public access for certain limited use. He voiced his agreements and disagreements with the ordinance and disagreed with the committee's acceptance of the Doctrine of Customary Use as a legitimate basis for compelling property owners of the dry sand beach to open their properties for use to the general public. He read an excerpt from the Constitution relating to Customary Use and spoke about the Fifth Amendment.

Ms. Lisa Boushy thanked the board for the opportunity to serve on the committee. She urged the board to consider the recommendations as made due to majority vote from their committee. More simplistic uses have a better chance they will stand up in court. If language is removed, it will be more difficult to enforce for the private property owner.

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

Commissioner Comander requested to remove number 2 on page 2 and to make the size of umbrellas seven (7) feet.

Commissioner Nipper questioned the possibility, based on the Tona Roma Case, if customary use will be dealt with on a case by case basis. Attorney Noyes stated that it is Mr.

Theriaque's legal opinion that customary use does not need to be decided on a parcel by parcel basis. The Customary Use Ordinance will apply to all 26 miles of Walton County's beaches.

Commissioner Anderson asked that Mr. Kellenberger address the enforcement issues. Mr. Brian Kellenberger, Director of Beach Operations including beach Code Enforcement, stated paragraph 5 and 6 will make it more difficult than as previously adopted in June 2016. He felt the wording was added as a mechanism to allow private beach front owners to ask people to be removed from the beach. Code Enforcement does not have that authority. Intoxication is a State law and handled by the Sheriff. Mr. Kellenberger reiterated Attorney Noyes' recommendation, but would not recommend removing "picnicking". He stated there are laws against drunken behavior, illegal drugs, fireworks, and regulations of animals. Tents are addressed in Chapter 22 Beach and Activities. Another problem is the proximity on the beach and locating boundary lines. He commented on the end result of trying to get compliant behavior on the beach. He stated they are prepared to enforce the code to the best of their ability and will attempt to gain compliant behavior.

Commissioner Anderson questioned enforcement of alcohol on beach. Mr. Kellenberger stated it would be prohibited on private property under customary use as proposed in the ordinance. He stated Code Enforcement will need to determine first if the individual is on private property then they would be given a notice. If the individual does not remove the alcohol then a citation can be issued. Commissioner Anderson asked how it would affect rental properties. Mr. Kellenberger stated the owner of property would need to be identified to determine who is an invited guest, which will be hard to determine.

Commissioner Chapman commented on violations set by Florida Statute and stated the county cannot go against that. They have to have an opportunity to abate their action before

enforcement can proceed to the next level. Mr. Kellenberger agreed and reiterated that disorderly intoxication, drugs and fireworks are all handled by the Sheriff as set by Florida Statute; animals are handled by Code Enforcement.

Commissioner Nipper voiced concern whether the Sheriff can enforce this code.

Commissioner Comander reminded the board that fireworks require a permit.

Deputy Brown, Walton County Sheriff's Department, stated they feel this Customary Use Ordinance falls within the legal realm of the Board of County Commissioners and TDC Code Enforcement. The Sheriff will continue enforcing the criminal side of the law. If an individual refuses to accept or sign a citation from Code Enforcement, that is a misdemeanor. He stated that if Code Enforcement calls for help they will respond and will arrest people if needed. Code Enforcement will notify the Sheriff's Department of any illegal activities and they will respond. Deputy Brown further stated they will work together with Code Enforcement in the event any of these codes escalate to criminal activity.

Commissioner Chapman agreed to remove number 2 on page 2 and change the "Whereas" clause. He voiced concern with number 5 and asked to add the language "in a beach chair or on a beach towel or blanket" back in. He agreed picnicking needs to be more definitive. He favored striking the words "use of alcohol; use of illegal drugs; possession of fireworks". He agreed with a seven (7) foot diameter for umbrellas and also agreed to omit "non-private areas" on number 7.

Chairwoman Jones agreed and questioned if littering should be added. She agreed to remove number 2 on page 2 and felt sitting on a towel should be allowed.

Commissioner Chapman recommended not extending adoption of the ordinance allowing its effective date to begin April 1, 2017.

Motion by Commissioner Chapman, second by Commissioner Comander, to adopt an ordinance (2017-10) accepting the changes from the committee recommendations with the following conditions: to add “public” into the first whereas clause on page 2; to remove the new paragraph 2 on page 2; add the words “sand, in a beach chair, or on a beach towel or blanket; using a beach umbrella that is seven (7) feet or less in diameter” in paragraph 5; add “picnicking”. In paragraph 6 remove “use of alcohol; use of illegal drugs; possession of fireworks; use of umbrellas”. In paragraph 7 remove “non-private areas of” and add “activities on the”. The ordinance will retain the effective date of April 1, 2017. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Chairwoman Jones stated if an individual is intoxicated or has illegal drugs on private property; the homeowner would contact the Sheriff’s Department. If someone is littering, Code Enforcement would be contacted.

Mr. Frank Watson clarified comments he made regarding Ms. Noyes and stated he did not want to impute anyone’s integrity or make any assumptions. He was only implying that his client was not here because it was his understanding it was not going to be discussed. Attorney Noyes was not aware of the topic being on the agenda in time to notify his client. He apologized.

The commissioners recessed for lunch.

Chairwoman Jones called the meeting back to order.

Attorney Mark Davis requested approval to schedule workshops to consider medical marijuana land use regulations. There is a temporary moratorium in place until the land use regulations can be determined for locations and/or the number of dispensaries.

Motion by Commissioner Nipper, second by Commissioner Comander, to hold a Workshop on April 11, 2016 at 3:00 p.m. at the south Walton Courthouse Annex. Ayes 5, Nays

0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye. Attorney Nipper stated that the bill would not be signed until sometime in July.

Motion by Commissioner Chapman, second by Commissioner Nipper to adopt a resolution (2017-25) determining the highest and best use of certain real property (Property Identification Number 28-3N-21-37000-006-0040) and authorize the advertisement of a Notice to Bidders. The property is currently part of a Planned Unit Development (PUD) in the Northwest Florida Commerce Park (aka Mossy Head Industrial Park). The best use of the property is for industrial, manufacturing, wholesaling, retail and other business uses. Best use for the property is determined to be a restaurant facility. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Attorney Davis requested direction regarding a request from the Economic Development Agency of Walton County (EDA) for Mr. Billy Williams, an employee of Walton County, Florida for payment in the amount of \$5,600 from the EDA for his services as the Economic Development Agency's Interim Executive Director for September through part of November, 2016.

Commissioner Chapman explained when Mr. Steve Yeager resigned Mr. Williams served in that position to keep the organization up and going. Attorney Davis stated he was performing the duties of his position and the EDA Director at the same time. The amount submitted for payment is one half of the amount normally paid to the Director.

Motion by Commissioner Anderson, second by Commissioner Nipper, to approve payment to Mr. Billy Williams for his temporary service as the EDA Director and to waive policy 6.3 of the Walton County Personnel Policies.

Mayor Bob Campell, Vice-Chair of the EDA, said when Mr. Yeager retired, Mr. Williams was present in many of the meetings and has seen a great impact from his work. The money will be paid from the EDA Budget. There was a unanimous vote from the EDA to pay him one-half of the Director's compensation and requested approval of the payment. He also thanked the board for hiring Mr. Bill Imfeld into the position and commented on his outstanding work.

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

Motion by Commissioner Comander, second by Commissioner Chapman, to approve and authorize the Chairwoman to sign the Amended Retainer Agreement with the Warner Law Firm on DeFrancesch vs. Walton County to allow for the retention of experts and consultants in an amount not to exceed \$15,000. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to review the Litigation Matrix and ratify actions of the Office of the county Attorney. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve holding a Public Hearing on April 11, 2016 to amend ordinance number 1998-23 (Beach renourishment TDT) and to allow use of funds for capital improvements/maintenance. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Chapman, to allow Attorney Davis to begin negotiations with the Boys & Girls Club in Santa Rosa Beach for the use of 3 open fields for recreation. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Commissioner Comander requested to send an email in support of the federal funding of the NOAA Sea Grant Program to Senate and House Representatives. Ms. Melinda Gates stated the Federal Government has chosen this program for budget cuts and sending a letter will show the county's support for the program. The program is beneficial to the county.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve submitting a letter as requested. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Commissioner Comander asked Attorney Davis to look into floating signs along the beaches.

Commissioner Comander spoke about the Broadband Feasibility Study and thanked those in the Walton County School system for the efforts in helping to expand broadband to the school facilities. She requested authorization for Mr. Rick Wilson to advertise an RFQ and create a profile of the county's broadband services, develop a map defining current services and needs.

Motion by Commissioner Comander, second by Commissioner Chapman, to allow Mr. Wilson to draft an RFQ for a feasibility study to be presented to the board for approval.

Commissioner Chapman commented on bills currently in legislature that could significantly impact broadband. Commissioner Comander commended those involved in the broadband initiative.

Mr. Jones announced he received an email from Ms. Kelly Horton, Lobbyist, that the Senate Transportation Development Committee is proposing \$500,000 for the broadband initiative.

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

Commissioner Comander presented the Zoning Board of Adjustment appointees for discussion. Attorney Davis stated the minutes of April 22, 2014 reflect the appointment and reappointment of all board members with expired terms to various boards. The submission listed Mr. Joe Johnson as the D4 appointment. The motion was to appoint those members on the list who wanted to be reappointed. Chairwoman Jones stated Mr. Scott Rosenheim was appointed as the D4 representative on January 24, 2005. She stated he was also reappointed in 2007. Mr. Rosenheim stated he served At-Large for over a year when he was appointed as the D4 representative and Mr. Johnson became the At-large designee. Commissioner Comander stated she retained those individuals appointed to those seats when she was elected. However, Mr. Johnson's term is expiring and would like to make a new appointment. Chairwoman Jones stated she is not opposed to a new appointment, but wants to ensure the right person is being replaced.

Motion by Commissioner Comander, second by Commissioner Anderson, to appoint Mr. Joe Dobson to the Zoning Board of Adjustments to serve as her appointee in D4. She read his qualifications into the record. Discussion followed regarding the need for clarification if Mr. Johnson serves as the D4 representative or At-large.

Attorney Davis reread the minutes from April 22, 2014 which state Mr. Joe Johnson was appointed as the D4 representative, Mr. Kevin Wilkerson-D2 representative, Mr. Scott Rosenheim-At-large, and Mr. Tony Vallee-D1 representative. The votes were clarified at the next meeting that Mr. Vallee was the D5 appointee. Mr. Davis read current appointments and expiration dates from the list which show Mr. Joe Johnson-D4 appointee, expires 4/22/2017 as well as Mr. Vallee and Mr. Scott Rosenheim-At-large, expires 4/22/2017. Commissioner Comander stated she appreciates Mr. Johnson's service and wants to appoint Mr. Dobson. Mr. Rosenheim is willing to continue serving.

Mr. Joe Johnson spoke about the Zoning Board and the great job they do. He stated he was appointed At-large and has been since 2007. He felt removing Mr. Rosenheim from the Zoning Board would be detrimental because of his expertise as a surveyor.

Attorney Davis reviewed the process he went through to create a clean list of all board appointees which the commissioners voted on in 2014 pursuant to a submission by the Planning Department. He reiterated that the 2014 minutes reflect Mr. Johnson being appointed at the D4 appointee.

Mr. Bill Fletcher commented on each representative serving the entire county. He is a veteran on the Zoning Board and stated Mr. Johnson would be a loss to the board. There is a balance on the board and asked to keep him for the next year or two.

Ms. Mary Nielson felt that new appointees should be each commissioner's decision. Change provides opportunity to grow and provide service to the county. She felt Commissioner Comander should have a right to make her appointment. Ms. Betty Letcher agreed.

Mr. Charles McKinley, Zoning Board of Adjustments, spoke in favor of Mr. Johnson stating he is a great Chair and mediator for the board. He felt removing him would be a disservice.

Commissioner Comander spoke about the number of complaints she has received from staff and the public regarding Mr. Johnson and wants to see people treated fairly. She restated that she is requesting to reappoint her D4 appointee whose term is expiring.

Ms. Linda Morse felt with Mr. Johnson's term expiring that Commissioner Comander has a right to make the appointment.

Commissioners Anderson and Nipper requested additional time to review the minutes to further to clarify the issue. Commissioner Comander agreed to postpone the appointment for two weeks to allow the commissioners to speak with Attorney Davis.

Commissioner Chapman stated he has not seen any documents regarding supposed actions by Mr. Johnson and needs extra time to review the issue further.

Commissioner Melanie Nipper asked Ms. Shirley Ward to speak about the Liberty Community Center. Ms. Ward stated the commissioners built the center about 40 years ago and spoke about the deterioration of the building over the last 10 years. She thanked Chairwoman Jones and Commissioner Chapman for committing funds to make recent repairs. She requested additional funds to complete the repairs. Commissioner Nipper stated Quality Glass is willing to donate the windows and labor to fix the windows. Mr. Jones stated they need \$5,000 to make the necessary repairs. Commissioner Anderson agreed to donate \$5,000 from D5 Recreational Plat Fees, Commissioner Chapman agreed to donate \$2,000 from D2 Recreational Plat Fees and D3 will donate the balance of \$37.50 in Recreational Plat Fees.

Motion by Commissioner Anderson, second by Commissioner Nipper, to donate \$5,000 from D5 Plat Fees, \$2,000 from D1 Plat Fees, and \$37.50 from D3 Plat Fees. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Chairwoman Jones announced the ribbon cutting on April 7th at 10:00 a.m. for the Clyde Wells Bridge.

Mr. Daniel Walter, President of the San Remo HOA, requested the board establish a Beach Vendor Zone on approximately 200 feet of beach front located on 1,000+ feet of Walton county public beach directly to the south of the San Remo property. He presented pictures of the beach and further explained why they are requesting the Beach Vendor Zone.

Commissioner Chapman commented residents of Spooky Lane who contacted him do not want vending there. They want to invoke the ordinance which states you have to have the upland property owner's permission.

Mr. Brian Kellenberger stated there is a vendor zone located at the end of the Spooky Lane Beach Access on the county's easement, one at Shell Seeker's beach property and one at Sea Haunts. They have an easement so they are allowed vendor zone. Sea Haunts HOA has submitted a letter to Mr. Kellenberger stating they have not authorized any vendor on the public beach contiguous to their property. Commissioner Chapman clarified for Mr. Walters that unless Sea Haunts agrees a vendor zone could not be placed at that location.

Mr. Michael Henry appeared on behalf of the Sea Haunts HOA and asked for clarification. Attorney Davis advised the request was denied absent of any approval from his client, Sea Haunts Condominiums.

Mr. David Jarnecke scheduled on the agenda was not present.

Ms. Brenda Hunt, Mosquito Control Director, answered questions relating to Mr. Jarnecke's concerns. She advised that Mr. Jarnecke was concerned with the time of day they are spraying. Ms. Hunt advised they are spraying according to FL. Statutes and according to the pesticide labels. She explained they spray according to testing and justification.

Ms. Anabel Hubbard requested to purchase a three (3) foot parcel that abuts 180 Blue Mountain Road (12-3S-20-34000-001-0061). She is trying to obtain the property for a private beach access. She was told it would not be developed by the county because it is only 3 foot.

Attorney Noyes had suggested Ms. Hubbard come to meeting and explained the process to put the property out for bid. Attorney Davis advised that if the property is declared as surplus there will need to be a finding the county has no public use of the property. Mr. Kellenberger

explained the location of the property and stated it is only 3 feet in width and does not meet the 5 foot standard for an access. The TDC has no use for the property.

Motion by Commissioner Anderson, second by Commissioner Chapman, to approve for Legal to draft a resolution to surplus the property because it serves no county purpose and authorize to advertise for bids. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Ms. Donna Castleberry requested the county include Sibelious Drive located within the Juniper Lakes Estate Subdivision, on the road maintenance list. Waste Management will not travel down the road and an ambulance got stuck when responding to an emergency.

Mr. Buddy Wright, Public Works Department, stated it is a public right of way but was never accepted by the county for maintenance. Mr. Wright explained the process for acceptance.

Commissioner Chapman asked if emergency maintenance could be performed. Attorney Davis said he would research the issue.

Commissioner Comander left the meeting.

Mr. Jason Scheler appeared before the board and requested approval to hold an EGG DROP POOLOZA at Driftwood Estates Park on Saturday, April 8th from 11:00 to 1:00 for the community. Commissioner Chapman questioned the height the eggs would be dropped from. Mr. Scheler stated the helicopter will not fly below the tree lines and the area will be blocked off.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve Mr. Scheler's request for the Egg Drop Pooloza. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Anderson 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 are to be submitted to the clerk. There were none.

Mr. Jones presented the final Mylar Replat for South Walton Business Center Lots 11-13. Mr. Bob Baronti, Planner, was present to answer questions.

Motion by Commissioner Nipper, second by Commissioner Chapman, to approve the final Mylar Replat for South Walton Business Center Lots 11-13. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Anderson Aye.

Commissioner Nipper asked Public Works to assess the entire length of C.R. 393 for future development Proportionate Fair Share impact fees due to the amount of development being proposed and approved.

Mr. Jones presented a request to approve the Final Order Amendment for Culver's Restaurant as submitted by Emerald Coast Associates. The request will reduce the Proportionate Fair Share amount based on an updated traffic analysis. The project is located north of U.S. Highway 98 East and west of Holiday Road. The reduction is based on shared driveways and connections with adjoining properties.

Mr. Tim Brown, Planner, explained the reduction is due to the cross access with Smith Antiques.

Mr. Dean Burgis, explained there was a commercial parallel road created with the project along U.S. Highway 98. There is a legal easement that was coordinated with Smith Antiques that will be maintained in perpetuity.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve the Final Order Amendment for Culver's Restaurant. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Anderson Aye.

Commissioner Anderson thanked Public Works and the District 5 road crews for their work on C.R. 30A and the help received from other districts. He applauded the amazing people who work for the county.

Motion by Commissioner Anderson, second by Commissioner Chapman to adjourn the Regular Meeting. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Anderson Aye.

Approved: Cecilia Jones
Cecilia Jones, Chairwoman

Attest: 
Alex Alford, Clerk of Court and County Comptroller