

JANUARY 12, 2016 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on January 12, 2016 at 4:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

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

Chairman Comander called the meeting to order.

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

1. Addition: County Attorney-request to advertise for an Executive Session to be held at 8:30 a.m. on January 26, 2016 regarding 1000 Friends of Florida v. Walton County (Case No.: 15-5619GM)

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

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$1,463,589.64
County Transportation	\$1,145,059.47
SHIP	\$ 276,875.87
Fine & Forfeiture	\$2,205,047.33
Mosq. Control State	\$ 15,718.32
Section 8 Housing	\$ 145,510.53
Tourist Dev. Council	\$ 654,795.51
N.W. Mosquito Control	\$ 3,988.04
Recreation Plat Fee	\$ 3,792.79
Public Safety- 911	\$ 3,282.00
Solid Waste Enterprise	\$ 130,296.70
Bldg Dept/Enterp. Fund	\$ 21,843.64
Imperial Lakes MSBU	\$ 2,517.66
Capital Projects Fund	\$ 634,094.12
Mossy Head Ind. Park	\$ 82,988.10
Infrastructure Improvements	<u>\$ 50,296.75</u>
Totals	<u>\$6,839,696.47</u>

2. Approve the minutes of the December 22, 2015 Regular Meeting
3. Request to approve a **Resolution (2016-01)** for financing the purchase of two ambulances and one tanker for Fire Rescue
4. Request to approve Change Order No. 6 to Contract No. 014-022 with Roberts & Roberts, Inc. for Construction Contract C.R. 3280 SCOP Improvements decreasing the contract price \$8,192.32
5. Request to approve Change Order No. 1 to Contract No. 015-030 with Murphree Bridge Corporation for Draper Lake Bridge Improvements increasing the contract time 17 calendar days
6. Approve request to purchase one Vermeer BC1000XL Brush Chipper in an amount not to exceed \$38,308.00

(There were no Waste Management EAL's presented for approval.)

Chairman Comander announced a timer had been placed in view to enable those making public comment to be aware of the time available.

There were no public comments regarding agenda items.

Mr. Larry Jones, County Administrator, requested direction regarding a request by Mr. Charlie McKinley to purchase a parcel of property owned by the county and located within

Oakwood Lakes Estates Unit 7 Plat. He said the parcel is designated as a greenbelt and has no development rights. He reported there were other parcels in this subdivision which were also obtained by the county through tax deed sales. Mr. Jones said if the Board chose to surplus the parcel, it could statutorily be offered to an adjacent property owner for purchase as long as the value is less than \$15,000 in value. He suggested allowing staff to review the other parcels which could also be designated surplus. Commissioner Meadows asked if it was a lot of record. Mr. Jones said it was a part of the greenbelt with no development rights. Chairman Comander asked what the value of the property was. Commissioner Imfeld said the assessed value was approximately \$4,000. He said the parcel had no value to the county and recommended beginning the process to surplus and seek an acceptable bid. Mr. Jones said staff will move forward as directed and will bring back the information for consideration.

Mr. Jones requested the Board select a candidate to fill the vacant Arts and Cultural Position on the Local RESTORE Committee. Commissioner Meadows recommended Ms. Claire Bannerman be appointed. Chairman Comander stepped down as Chair to second the motion. Commissioner Jones assumed the position as Chairman.

Motion by Commissioner Meadows, Second by Commissioner Comander, to appoint Ms. Claire Bannerman to fill the vacant Arts and Cultural Position on the Local RESTORE Committee. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Chairman Comander resumed the Chairman position.

Mr. Jones discussed the list of projects to be potentially funded with the initial round of Direct Component (Pot 1) funding for the Local RESTORE Act. He said a list of 42 projects, totaling over \$53 million, was provided at the December 8, 2015 Regular Meeting for review. He

reported Ms. Melinda Gates, Coastal Resource Liaison, and staff have met with the Board individually to discuss the projects and have compiled recommendations for additional projects. He requested the Board review the recommended projects, compare them with the 42 projects originally submitted, and determine which projects should be presented for approval at the January 26, 2012 Regular Meeting. He said public comment will be taken at that time. Chairman Comander recommended designating 45 minutes to one hour to discuss the projects and allow for due process. She said projects which are not chosen for approval at the next meeting could potentially be chosen next year. Commissioner Meadows expressed concern how the TIF monies would be affected and requested information be brought to the meeting. Board directed staff to place this item on the January 26, 2016 Regular Meeting agenda.

Commissioner Meadows asked if the list was available on the website for public review. Mr. Louis Svehla, Public Information Officer, said he would provide that information.

Mr. Jay Liles, Seaside Institute, discussed the removal of his project from the list and requested the project be reconsidered.

Mr. Alan Osborne voiced disappointment with the omission of the Driftwood Drainage Project from the projects list.

Chairman Comander announced the recommendations were not selected by the Board and asked Ms. Gates to explain the selection process. Ms. Gates stated proposed projects were by application for evaluation by the Local RESTORE Act Committee and briefly discussed the process in which the projects were selected. Chairman Comander asked the monetary amount available for next year. Ms. Gates said the amount has not been determined.

Commissioner Meadows addressed the Freeport project recommendation and said it had the same issues as the project discussed by Mr. Osborne. She suggested other areas with the same problem should be included.

Mr. Jones requested approval to utilize the Coastal Branch Library as a Cold Weather Emergency Shelter. He said there were recent inaccurate media reports indicating a higher number cots available and the bussing of people to the facility.

Motion by Commissioner Chapman, Second by Commissioner Meadows, to approve the utilization of the Coastal Branch Library as a Cold Weather Emergency Shelter.

Mr. Frank Day reported the maximum number of cots was 24 and recommended using county vans to transport overflow to the Matrix in DeFuniak Springs.

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

Mr. Jones presented an update on the traffic signal at the intersection of U.S. 98 and C.R. 83. He announced the signal will be in flashing mode beginning January 13, 2016 and will be fully functional by January 20th. He recommended that the barriers preventing right turns remain in place until after the holiday weekend. He voiced his appreciation for FDOT and staff who worked to accomplish this project. Commissioner Chapman said the Sheriff's office will begin strict enforcement action in the area one mile east and west of the intersection due to the change in the speed limit.

Mr. Jones requested approval of change Order No. 2 to Contract No. 015-030 with Murphree Bridge Corporation for the Draper Lake Bridge Improvement Project to increase the contract price by \$14,965. He stated the reason for the change was due to issues installing the pilings.

Motion by Commissioner Imfeld, Second by Commissioner Chapman, to approve Change Order No. 2 to Contract 015-030 with Murphree Bridge Corporation. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones requested approval to advertise a Public Hearing to transfer \$14,965 from the Proportionate Fair Share 30A Account to fund the Change Order for the Draper Lake Bridge Improvement Project.

Motion by Commissioner Meadows, Second by Commissioner Imfeld, to advertise a Public Hearing to transfer \$14,965 from the Proportionate Fair Share 30A Account to fund an upcoming Change Order for the Draper Lake Bridge Improvement Project. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones requested to award ITB 016-002 Pavement Marking Services to Oglesby Construction, Inc. as lowest responsive bidder in the amount of \$14,634.45.

Motion by Commissioner Meadows, Second by Commissioner Chapman, to award ITB 016-002 Pavement Marking Services to Oglesby Construction, Inc. as lowest responsive bidder in the amount of \$14,634.45. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones requested approval and authorization for the Chair to sign Contract No. 016-002 for Paving Marking Services with Oglesby Construction, Inc.

Motion by Commissioner Chapman, Second by Commissioner Jones, to approve and authorize the Chairman to sign Contract No. 016-002 for Paving Marking Services. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones reported the responses from RFQ 016-004 Design Engineering Services for County Road 183 Kidd/Line Road Project were received on January 11, 2016. He said unless

otherwise directed, staff will evaluate the bidders and present the top three firms to the Board for a short presentation and ranking. Commissioner Chapman commented on the process to review the qualifications and suggested having the engineering staff review and recommend a candidate. Commissioner Meadows voiced that the Board should be the entity to review the bidders and felt the process should remain as is. Board directed staff to evaluate the bidders and present the top three firms for ranking at the January 26, 2016 Regular Meeting.

Mr. Jones requested approval to hold a Public Hearing on January 26, 2016 to bring forward Mossy Head Industrial Park (MHIP) funding into the FY 2016 Budget. He briefly discussed the remaining expenditures to be covered. He said the total cost is \$254,155 and would come from the Land Sales Revenue account.

Motion by Commissioner Imfeld, Second by Commissioner Chapman, to hold a Public Hearing on January 26, 2016 to bring forward Mossy Head Industrial Park funding into the FY 2016 budget.

Commissioner Meadows asked how much time it would take to complete the remaining work. Mr. Jones said very little time was needed and most of the projects were still under contract.

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

Mr. Jones invited everyone to visit the MHIP to see the growth and changes that have taken place. Commissioner Meadows asked when FedEx would be operational. Mr. Jones reported the exterior of the building is complete and awaiting the installation of interior sorting equipment.

Mr. Jones announced the opening of Empire Trucks on January 11, 2016 at the MHIP. Commissioner Imfeld asked for an update on Southern Tire. Mr. Jones said the development orders and building permits have been submitted.

Mr. Stan Sunday, Interim Tourist Development Executive Director, presented a request from Sunshine Shuttle to fund a marketing opportunity of mobile billboards on four trolleys for 30A for \$250,000 and one trolley for Scenic 98 for an additional \$250,000 for a total of \$1 million for four years. The TDC Advisory Board moved this issue forward.

Mr. Alan Roberts, Sunshine Shuttle, briefly discussed the costs of the marketing initiative. Commissioner Meadows said clarification was needed to differentiate between public transit and advertising with the TDC. Mr. Sunday reported research revealed this issue began as a transit request and has since become a marketing request. Attorney Mark Davis, County Attorney, said the TDT funds for marketing are strictly governed by Statute. He replied according to statute TDT funds cannot be used to fund marketing within the destination. He is under the assumption this request was not included in the marketing plan developed by Zhender and approved by the TDC Advisory Council. Mr. Roberts asked who was funding the water tower painting. Attorney Davis did not have that information available.

Mr. Art Miller addressed the water tower and the shuttle issue. He explained that the TDC Advisory Council had previously rejected using the South Walton brand on vehicles along 30A and spoke against the request.

Mr. Bob Hudson said he had researched the issue and felt the issue should require an RFP. He recommended rejecting the proposal.

Mr. Roberts and Mr. John Finch addressed the concerns raised by Mr. Miller and Mr. Hudson.

Commissioner Meadows said a determination should be made whether or not advertisement should be allowed on busses/trolleys before considering a RFP. Attorney Davis confirmed processes must be followed and that marketing issues must go through the marketing committee and Zhender.

Mr. Hudson and Mr. Miller both noted that a transportation system must first be established and that advertising should be a separate issue.

Motion by Commissioner Chapman to deny the request. Motion died for lack of a second.

Discussion continued on the need to establish a transportation system and resolving the legal issues before moving forward.

Commissioner Jones requested an update on the transportation study. Mr. Sunday reported the survey had been completed and he will be presenting the results at a later date.

Mr. Sunday requested permission to begin negotiations with Strategic Advisory Group as the highest ranked firm responding to RFQ 016-005-Additional Strategic Planning Services.

Motion by Commissioner Jones, Second by Commissioner Imfeld, to allow negotiations with Strategic Advisory Group as the highest ranked firm responding to RFQ 016-005. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Sunday said the current Strategic Planning Services contract with Strategic Advisory Group needs to be amended and reassigned due to their acquisition by Jones Lang LaSalle Americas, Inc. (JLL).

Motion by Commissioner Imfeld, Second by Commissioner Jones, to amend and reassign the current Strategic Planning Services contract with Strategic Advisory.

Attorney Davis said he reviewed a couple of small changes the larger company has requested which are related to time and notices and approves of the changes.

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

Mr. Sunday reported the Bed Tax number for November 2015 stating the numbers were down compared to October, but were up 14.81% over November 2014. He said a committee meeting was held to discuss the selection of a new TDC Executive Director. The first application scrub meeting will be held January 14, 2016. Mr. Sunday reported he had met with the property owner regarding the parcel at the intersection of C.R. 30A and C.R. 393. The owner has entered into a purchasing contract for the sale of the property and said he would be interested in a back-up contract with the county should the first sale not occur.

Chairman Comander called to order the Public Hearing to amend Ordinance 2014-02 which updates the Tourist Development Plan.

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

Attorney Davis presented for consideration an **Ordinance (2016-01)**, amending Ordinance 1986-18, 1998-02 and updating the previously adopted Walton County Tourist Development Plan (Ordinance 2014-02) with anticipated revenue and expenses for the 24 months beginning January 1, 2016.

There was no public comment.

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

Motion by Commissioner Meadows, Second by Commissioner Chapman, to adopt Ordinance 2016-01, amending Ordinance 1986-18, 1998-02 and updating the previously adopted Walton County Tourist Development Plan (Ordinance 2014-02) with anticipated revenue and

expenses for the 24 months beginning January 1, 2016. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Attorney Davis requested the Board review the litigation matrix and ratify the actions of the Office of the County Attorney and other Attorneys representing Walton County.

Motion by Commissioner Imfeld, Second by Commissioner Jones, to ratify the actions of the Office of the County Attorney and other Attorneys representing Walton County. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Attorney Davis requested acceptance of the payoff amount, approve and execute a SHIP mortgage Release of Lien for Mr. Christopher Rushing.

Motion by Commissioner Chapman, Second by Commissioner Jones, to accept the payoff amount, approve and execute a SHIP mortgage Release of Lien for Mr. Christopher Rushing. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Motion by Commissioner Chapman, Second by Commissioner Jones, to approve a request by Attorney Davis to advertise an Executive Session to be held at the Walton County Courthouse in DeFuniak Springs on January 26, 2016 at 8:30 a.m. to discuss litigation strategy and a proposed settlement offer for the 1000 Friends of Florida, et al v. Walton County (Case No.: 15-5619GM). Those attending the session would be the County Attorney, the Assistant County Attorney, Board of County Commissioners, Mr. Larry Jones, County Administrator; County Legal, and a certified court reporter. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Meadows requested permission to submit a grant application and authorization of the Chair signature on the application, to the Tony Hawk Foundation, in conjunction with Walton Sk8s, for the design of skate park master plan in Helen McCall Park.

Mr. Louis Svehla, PIO, briefly discussed the skate park and the initiative started by Walton Sk8s to raise the money for the park. Because this is public property and grant application must be submitted by the county.

Motion by Commissioner Meadows, Second by Commissioner Jones, to jointly file the grant application with Walton Sk8s and submit the application for consideration.

Mr. Osborne asked to include engineering use concrete and solid, long-lasting structures. Mr. Svehla said the Tony Hawk Foundation would not fund a park that is not solid, concrete structures.

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

Commissioner Meadows discussed county audits and requested a response detailing how the recommendations are being addressed for each department. She asked the responses be addressed in a public meeting.

Chairman Comander introduced and voiced appreciation for staff on hand at the Board meetings.

Commissioner Jones commended staff for making a national magazine regarding the broadband initiative.

Commissioners Imfeld and Chapman had no items to present.

Mr. Hudson addressed the internal audits discussion and questioned who would be responsible for making sure the recommendations were implemented. He spoke in favor of the

new timers and also discussed the City of DeFuniak Springs internal road issue. He reported that 63% of the county roads listed are within the city limits of DeFuniak Springs.

Chairman Comander commented the responsibility of implementing the audit recommendations fall on the County Administrator and division heads. She explained the Landfill has suffered due to the department head's multiple family illnesses, deaths, and then unfortunately his subsequent death. Currently Mr. Billy McKee and Mr. Jeff Massey have done an excellent job improving the operations at the landfill.

Commissioner Meadows asked to review all audits. Mr. Hudson said the audits were available on the Clerk's website.

Mr. Osborne expressed concern regarding the procedures for the upcoming Sandestin NOPC hearing and how the issues will be addressed. Attorney Davis responded to Mr. Osborne by stating that Mr. Osborne's attorney requests for information had been answered to the best of staff's ability, that the staff report is not complete, and that the NOPC as presented does not request any changes to drainage and may not be addressed. He said the Board cannot legally take a position on any issue prior to hearing all testimony at a Quasi-Judicial hearing. Discussion ensued regarding the drainage reports and the appropriate time for presentation.

The meeting briefly recessed at 5:30 p.m. and reconvened at 5:55 p.m.

Mr. Brian Underwood, Planning and Development Services, requested to transmit Fox Lake LSA to the Department of Economic Opportunity (DEO) for review. This is a large scale amendment application submitted by Emerald Coast Associates, Inc. requesting approval to change the future land use designation of +/- 29.34 acres from Neighborhood Infill and Traditional Neighborhood Development to Low Density Residential for the subject property. The project is located approximately 0.4 miles southwest of the Fairway Drive and south C.R. 393

intersection. He reported an error found in the Background section of the Staff Report (page 2) which states "within four parcels." The correction is three parcels.

Mr. Dean Burgis, Emerald Coast Associates, briefly discussed the amendment and has requested to reduce the intensity of the land use designation to Low Density Residential (LDR).

Commissioner Meadows asked if LDR was only single family, detached housing. Mr. Burgis replied it is single family, detached housing in which duplex is considered single family detached.

Commissioner Chapman asked how the property would be accessed. Mr. Burgis replied there was an easement off of Fairway Drive. There is a 60 foot access easement to the north of the property. There is access to the south through Owl Loop Drive. Chairman Comander asked the minimum roadway width. Mr. Burgis replied 50 feet for a public right of way.

Mr. Charles Ebbecke expressed concern regarding the easements and other land locked areas. He also expressed concern with the south entrance.

Mr. John Heiser stated the community as a whole does not disagree with the land use change. He addressed the lack of a southern access, the traffic issues, and stormwater.

Motion by Commissioner Jones, Second by Commissioner Imfeld, to transmit Fox Lake LSA to DEO for review. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Christine Sammelmann, Planning and Development Services, requested to transmit South Walton County Sports Complex LSA to DEO for review. This is a large scale amendment application submitted by Walton County requesting approval to change the land use from General Commercial/Public Facilities to Parks and Recreation, on +/- 35.2 acres. The project is located 3.2 miles east of C.R. 395 and U.S. 98 intersection on an unnamed road.

Commissioner Meadow asked if the two small areas in the lower corners were a part of the area. Ms. Sammelmann said no.

There was no public comment.

Motion by Commissioner Imfeld, Second by Commissioner Meadows, to approve to transmit South Walton County Sports Complex LSA to DEO for review. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

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

Mr. Wayne Dyess, Planning and Development Services Director, requested to table Sydney Park. He reported the applicant is still working on design recommendations as discussed during the Planning Commission meeting. **(Exhibit 1: Staff Memo-Request to Table)**

There was no public Comment

Motion by Commissioner Meadows, Second by Commissioner Imfeld, to table Sydney Park. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: Imfeld)**

Mr. Underwood requested approval of, LGM, LLC SSA 2015-015 (Bannerman Beach) a Small Scale Amendment application submitted by Blackshear Planning, Inc., requesting to change the future land use designation of +/- 2.83 acres from Residential Preservation to Low Density Residential. The project is located on the south side of C.R. 30A, approximately 0.5 miles east of the intersection of C.R. 30A and C.R. 83. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit: Staff Report-1)**

Chairman Comander asked if the applicant could construct up to 11 units on the parcel. Mr. Underwood stated yes, but there were environmental factors which would have to be addressed. The Board concurred that Ex Parte had been filed.

Ms. Pat Blackshear, Blackshear Planning, Inc., briefly discussed the amendment request, submitted a copy of a survey of the area and discussed what Mr. Bannerman had planned for the area in 1987. Her clients are proposing less density. **(Exhibit 2: Petitioner-Survey)** She said this request is compatible with Planning policies and adjacent areas. Commissioner Meadows asked if the submission was a recorded plat. Ms. Blackshear discussed the survey and recent aerial photos of the area. She said the survey was not recorded and was unaware how far in the process this had been taken. Chairman Comander asked if the road had been maintained. Mr. Blackshear said the road had been cleared.

Attorney Lois LaSeur, Sachs & LaSeur, submitted a letter supporting opposition to the request and discussed the incompatibility of the request. **(Exhibit 3: Respondent-Letter and photos)** Commissioner Imfeld questioned if acceptance of the exhibit would signify approval and voiced concern there had not been enough time to review the information. Attorney Davis said acceptance only shows that the document was a part of the proceedings. Ms. Melissa Ward, Sachs & LeSeur, presented and discussed photos of the areas.

Many residents and representatives came forward to speak in opposition of the amendment request. **(Exhibit 4: Respondent-List of Objectors)**

Mr. Tony Collins, applicant, briefly discussed the reasons for the amendment request and said he wanted to protect the area.

Ms. Blackshear said the lot could not be divided without the land use change and discussed the proposed preservation areas. Commissioner Meadows voiced concern with the

number of potential units which could be constructed. Discussion ensued on preservation requirements.

Attorney Davis questioned staff if the proposed lots would be considered lots of record or an unrecorded subdivision. Mr. Underwood replied it would be considered an unrecorded subdivision with metes and bounds legal descriptions for each parcel. Commissioner Meadows addressed the need for zoning. Ms. Blackshear said Low Density only allows single family homes and that duplexes are not considered single family. Mr. Dyess said the Code defines a single family as being duplex and is within the definition portion of the code.

Motion by Commissioner Meadows, Second by Commissioner Imfeld, to deny LGM, LLC SSA 2015-015.

Chairman Comander voiced concern which changing one lot.

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

(Exhibits: Staff Report-1; Petitioner Survey-2; Respondent Letter-3; Respondent List of owners-4)(Ex Parte: Chapman, Imfeld, Meadows, Comander, Jones)

Ms. Vivian Shamel, Planner, requested adoption of Southern Pines/Nellie Drive SSA 2015-016 f/k/a Southern Pines/Nellie Drive LSA (**Ordinance 2016-02**) a small scale amendment application submitted by South Properties, LLC requesting the Future Land Use Category designation for the subject properties be amended to Low Density Residential from Small Neighborhood on +/- 9.98 acres. The project is located from U.S. 331 South, turn west on Chat Holly Road, then Turn North on Nellie Drive; property is located 1,000 feet on the right. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit: Staff Report-1)**

Mr. Ed Stanford, applicant, briefly discussed the amendment request.

There were no public comments.

Motion by Commissioner Meadows, Second by Commissioner Imfeld, to adopt **Ordinance 2016-02** approving Southern Pines/Nellie Drive SSA 2015-016. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1; Staff-Rushing Letter-2)**

Mr. Tim Brown, Planning and Development, requested to approve by Final Order Soldier's Canteen f/k/a Oystr Bar, a major development order application submitted by McNeil Carroll Engineering, Inc., requesting the addition of 3,276 square feet to an existing restaurant building on 1.27 acres with a future land use of Neighborhood Infill and an Inlet Beach Neighborhood Plan designation of Neighborhood Commercial. The project is located at 13667 U.S. Highway 98 East. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit: Staff Report-1)**

There was no public comment.

Motion by Commissioner Chapman, Second by Commissioner Jones, to approve the Soldier's Canteen f/k/a Oystr Bar Final Order. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)**

Mr. Brown requested to approve, by Final Plat, Sugar Sand Lane-Lot 4 Replat, a plat application submitted by Emerald Coast Associates, Inc. requesting approval to replat Lot 4 consisting of +/- 0.082 acres with a future land use of Village Mixed Use. The project is located on the west side of Sugar Sand Lane approximately 165 feet north of C.R. 30A. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development

Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit: Staff Report-1)**

Commissioner Meadows asked if the drainage was in the side and rear yards. Mr. Brown stated yes because it is a drainage easement. Commissioner Meadows asked what was the drainage for the whole project. Mr. Brown said it was replatted a few years back and this replat is changing the area back to the original approval.

Mr. Darrell Burgis, Emerald Coast Associates, was sworn and briefly discussed the request.

There was no public comment.

Motion by Commissioner Meadows, Second by Commissioner Jones, to approve Sugar Sand Lane Lot 4 replat-Final Plat. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)**

The meeting briefly recessed.

The meeting was reconvened. Commissioner Chapman did not return to the meeting.

Attorney Davis said the hearing for this issue was begun at a previously held County Commissioners' meeting. The applicant has presented their evidence and public comment was being received when the meeting was adjourned. The hearing will be continued beginning with public comment. Chairman Comander announced she had a list of individuals who had previously spoken and a separate list of those wishing to speak at this meeting. Attorney Davis said public and objectors' comments would be received and the applicant would be allowed time for rebuttal.

Mr. Underwood requested approval by Final Order of Gulf Place Lots 19 & 20 Major Development, a major development order application submitted by Jenkins Engineering, Inc.

requesting the approval to construct commercial spaces of +/- 25,500 square feet, to include 40 multifamily condo/townhome units, a 50 unit hotel, and a 2,500 square foot retail space on approximately 2.2 acres with a future land use of Village Mixed Use. The project is located with the Gulf Place PUD, north of C.R. 30A, adjacent to the west side of C.R. 393 south. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report; Exhibit 2: Staff-Letter)**

Chairman Comander read the list of previous speakers and the list of those wishing to speak.

Several individuals came and spoke in opposition to the project. Some spoke in favor of certain aspects of the project while many voiced concern for public safety, overbuilding, LDC compliance, traffic and parking issues. **(Exhibit 3: Respondent-Letter; Exhibit 4: Respondent-Analysis)** The Applicant had no objections to the exhibits submitted.

Attorney David Theriaque, attorney for the applicant, cross-examined some of the witnesses.

Attorney Theriaque submitted exhibits supporting the applicant's request. **(Exhibit 5: Petitioner Exhibits 10, 12-23; Exhibit 6: Petitioner Letter)** Staff had no objections to the exhibits. Attorney Theriaque requested to incorporate by reference the current Land Development Code and Comprehensive Plan. Attorney Davis agreed.

Attorney Theriaque questioned Mr. Jamie Eubanks, Engineer/Project Manager, about his educational and professional background to establish him as an expert witness for the applicant. Commissioner Meadows and Mr. Eubanks discussed his educational background. Chairman Comander accepted Mr. Eubanks as an expert witness and staff had no objections.

Attorney Theriaque questioned Mr. Eubanks regarding the details of the project and the exhibits being presented.

Commissioner Meadows asked Mr. Eubanks about his engineering license and when he was hired by the applicant. Mr. Eubanks gave his license number and said he was hired in 2014.

Attorney Theriaque continued his questioning of Mr. Eubanks.

Commissioner Meadows asked if the loading zone was on the Gulf Place site. Mr. Eubanks replied the applicant owns the parking on the west side and the parking to south is not included in the existing design. There is an existing loading zone.

Attorney Theriaque continued questioning Mr. Eubanks.

Attorney Davis asked if there were documents indicating the transfer of intensity or units when the property was transferred from the original developer to the property owner to the south. Mr. Eubanks said he did not see any documentation.

Commissioner Meadows asked if there was open space required in the original PUD and if so, what the requirement was. Mr. Eubanks said there was a requirement but did not know the amount. Commissioner Meadows asked if the project met the requirement. Mr. Eubanks was unsure. Discussion continued on open spaces. Commissioner Meadows asked the location of the bank parking. Mr. Eubanks replied the bank parking remains to the south. Discussion continued on the bank parking.

Commissioner Meadows voiced concern regarding the parking, density, intensity, stormwater, open space requirements, and traffic.

Attorney Theriaque questioned Mr. Eubanks regarding parking within the right-of-way. Mr. Eubanks said the existing parking in the right-of-way is not included in the parking for the project. Discussion continued regarding the parking.

Attorney Greg Stewart, Staff Attorney, cross-examined Mr. Eubanks on the open space issue. Mr. Eubanks said after further examination, it seems the open space would exceed the required 2.5 acres.

Commissioner Meadows asked if the project met the open space requirements. Attorney Stewart confirmed that it did.

Attorney Theriaque introduced Mr. Robert Drake, applicant, as a witness and questioned Mr. Drake on his expertise, the details of project, and letters entitling lots 19 and 20 to 40 residential units (lot 19) and 26,375 square feet of commercial density (lot 20).

Commissioner Jones asked Mr. Drake if public safety was considered in the development plan. Mr. Drake said yes and discussed the plans for the development. Commissioner Jones voiced concern that public safety will be an issue.

Discussion ensued regarding limiting the development, parking, public safety, and the accuracy of the information presented.

Commissioner Imfeld asked Attorney Stewart if the letters presented with the applicants exhibits were binding. Attorney Stewart said they were.

Discussion continued on insufficient parking and a possible compromise for an alternative design for the development. Attorney Theriaque requested a recess to confer with his client regarding a compromise. The Board granted the recess.

The meeting was reconvened after a short recess.

Mr. Eubanks said the developer would be willing to install a turn lane onto Sprite Lane, provide additional lighting, striping, and signage. The developer would also contribute \$50,000 toward the 30A stormwater project. Commissioner Meadows asked if there would be a reduction in density and intensity. Mr. Drake briefly discussed the density and intensity. Commissioner

Meadows asked if he would consider making the development all condominiums. Mr. Drake said yes and questioned how many residential units could be allowed.

Chairman Comander asked if the Board wished to ask the applicant to bring back more definitive numbers and design solutions. Commissioner Meadows discussed the value of the development of condos. Mr. Drake said he would exchange the hotel for 25 condo units. Discussion continued on what processes would be followed to make the change.

Attorney Davis suggested a continuance of the issue to a date certain. Attorney Theriaque voiced concern continuing the issue. The Board concurred to hear a modification to the current concept. Chairman Comander voiced her appreciation of the applicant's willingness to work with the changes. Mr. Drake asked if the Board preferred a lower density residential commercial mix or a straight residential. The Board concurred with straight residential.

Motion by Commissioner Imfeld, Second by Commissioner Meadows, to continue Gulf Place Lots 19 & 20 to February 9, 2016. Ayes 4, Nays 0. Comander Aye, Jones Aye, Chapman Absent, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1; Staff Letter-2; Respondent Letter-3; Respondent Analysis-4; Petitioner Exhibits-5; Petitioner Letter 6)(Ex Parte: Imfeld, Comander, Jones)**

There being no further items to discuss, the meeting was adjourned.

Approved: _____

Sara Comander
Sara Comander, Chairman

Attest: _____

Alex Alford
Alex Alford, Clerk of Court and County Comptroller