

FEBRUARY 23, 2016 – REGULAR MEETING/EXECUTIVE SESSIONS

The Board of County Commissioners, Walton County, Florida, held an Executive Session followed by a Regular Meeting on February 23, 2016 at 8:30 a.m. at the Walton County Courthouse in DeFuniak Springs, Florida.

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

Attorney Mark Davis announced the Board would enter into Executive Session and read the following statement: An Executive Session to discuss litigation strategy and consider a proposal for settlement in 1000 Friends of Florida, et al v. Walton County Case number 15-5619GM an Administrative Proceeding. Those in attendance will be Commissioners Bill Chapman, Cecilia Jones, Cindy Meadows and Sara Comander. Mr. Larry Jones, County Administrator, Attorney Mark Davis, County Attorney, Attorney Sidney Noyes, Assistant County Attorney, and Ms. Sharon Payne, Certified Court Report, who will prepare a verbatim record which will be sealed until the conclusion of the litigation. Executive Sessions are not open to the public pursuant to Florida Statute 286.011(8).

Motion by Commissioner Jones, second by Commissioner Chapman, to enter into Executive Session. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Motion by Commissioner Jones, second by Commissioner Meadows, to close the Executive Session. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

The Regular Meeting was called to order at 9:00 a.m.

Chairman Comander recognized Ms. Sally Merrifield and Mr. Tom Terrell for their dedicated service to the citizens of Walton County while serving on the Planning Commission for 13 years each.

The commissioners presented the family of J. C. Alford, a county employee who recently passed, with a shadow box memento in recognition of his hard work and integrity. Each of the commissioners spoke of their gratitude for Mr. Alford and his dedication.

Motion by Commissioner Jones, second by Commissioner Chapman, to approve the following additions and deletions to the agenda. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Additions:

County Attorney-Ratification of proposed settlement agreement between Carr Riggs & Ingram and Walton County

Citizen Request – Inlet Beach/Beach Activities Ordinance Amendment

Deletions:

County Attorney-Review and Approve Articles of Incorporation and Bylaws for the Walton County Parks and Recreation Foundation, Inc., and authorize the Chairman and County Attorney to execute any and all documents to form the not for profit corporation

Motion by Commissioner Chapman, second by Commissioner Meadows, to approve the agenda with the additions and deletions. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

No items were removed from the consent agenda for further discussion.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the Consent Agenda as follows. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

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

	Sub Totals	Waste Mgmt
General Fund	\$1,951,514.83	
County Transportation	\$ 876,050.18	
Fine & Forfeiture	\$2,484,455.14	
Debt Service Hospital	\$ 248.64	
Mosq. Control State	\$ 1,208.00	
Section 8 Housing	\$ 585.88	
Tourist Dev. Council	\$ 1,803.68	\$ 1,803.68
N.W. Mosquito Control	\$ 4,778.17	
Recreation Plat Fee	\$ 7,776.02	
Solid Waste Enterprise	\$ 584,379.78	\$ 584,379.78
Bldg Dept/Enterp. Fund	\$ 1,551.66	
Imperial Lakes MSBU	\$ 2,517.66	
Mossy Head Ind. Park	\$ 14,526.14	
Infrastructure Improvements	\$ (57,046.35)	
Tax Increment Financing	\$ 70,629.11	
Totals	\$5,944,978.54	\$ 586,183.46

2. Approve Minutes of February 9, 2016 Regular Meeting
3. Approve to surplus a Cannon wide format print/canner as requested by the clerk's office (CC#1391)
4. Approve the Investment Report for Quarter ending December 31, 2015 as requested by the clerk's office
5. Request approval for the chairman to sign a Letter of Support/Commitment for the Riverway South Apalachicola Choctawhatchee Organization and renew Walton County's membership for \$5,000.
6. Request to surplus two computers (BCC #7484 and #7139) from Public Works and to surplus two trucks (BCC #8084 and #8291) from the Tourist Development Council
7. Request to approve a Resolution (2016-09) amending the General Fund budget in the amount of \$7,864 for unanticipated grant revenue for the 2016 EMS County Grant
8. Request to approve a resolution (2016-08) amending the budget to roll forward revenues and expenses for encumbrance and projects from the FY 2014-2015 budget into FY 2015-2016
9. Request to approve and authorize the Chairman to sign the Westlaw Agreement for Online/Practice Solutions/Software and Agreement for Print/Preview eBook Programs
10. Request to approve and authorize the Chairman to sign the first option to renew the agreement with Valleycrest Landscape Maintenance, Inc. to maintain the multi-use trails in Walton County
11. Request to approve a right-of-way easement with Chelco; necessary to relocate a power line which runs to a well pump for the remediation pond near the prison

12. Approve wide format copier lease agreement with CPC Office Technologies for the Engineering Department
13. Request to approve and authorize the Chair to sign an agreement for Design Engineering Services for CR 183N Kidd/Line Road SCRAP Project
14. Request to approve and authorize the Chairman to sign the 2014-2015 Agreement for Health Insurance Consultant Services with Combined Insurance Services of North America, Inc.
15. Request to approve and authorize the Chairman to sign the Amendment and Exercise of First Option to Renew the 2014-2015 Agreement for Health Insurance Consultant Services with Combined Insurance Services of North America, Inc.
16. Approve purchase of a 6' x 12' double axel enclosed trailer with rear ramp and side door for the drainage crew in the amount of \$3,100.
17. Request approval to apply and seek funding from the Florida Fish and Wildlife Conservation Commission through the Florida Boating Improvement Program for the Dead River Boat Landing

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 Jones, second by Commissioner Meadows, to approve the Waste Management Expenditure Approval List in the amount of \$586,183.46. Ayes 3, Nays 0. Comander Aye, Jones Aye, Meadows Aye, Chapman abstained. **(FORM 8B: Chapman)**

Mr. Larry Jones requested to advertise for Bids for Indigent Burial/Cremation Services. Florida law (F.S. 406) provides that all counties are charged with the burial of unclaimed or indigent bodies at the County's expense. The law was enacted to ensure that unclaimed or indigent bodies are properly disposed of for public health purposes. In 2013, the BCC approved a contract with Clary-Glenn Funeral Homes, Inc. to provide cremation services for indigent and unclaimed deceased individuals who were residents of Walton County at the time of their death and for whom there are no legally responsible relatives or other persons or organizations which have accepted financial responsibility for disposition of the remains. For the duration of the Agreement, Clary-Glenn Funeral Homes, Inc. had exclusive right to receive payment in the amount of \$895 for each such cremation. The Agreement expires in July 2016. Funds have been

budgeted in Fiscal Year 2016 for this service. Last Fiscal Year, the county paid for 26 cremations. So far this Fiscal Year, the county has paid for 9 cremations.

Motion by Commissioner Chapman, second by Commissioner Jones, to approve to advertise for Bids for Indigent Burial/Cremation Services. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Motion by Commissioner Chapman, second by Commissioner Jones, to appoint Mr. James Bailey to serve on the Contractors Competency Board as presented by Mr. Larry Jones. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Johnny Smith will resign from the Contractors Competency Board effective March 1, 2016. Mr. James Bailey has expressed a willingness to serve on the board and staff recommends his appointment.

Mr. Jones requested an easement be granted along surveyed Walton County owned parcel # 18-5N-18-12000-012-0000. Mr. Frank Araneo's owns property that is landlocked and there is county property adjoining Mr. Araneos that he uses to access his property. There is no objection from Public Works or the Legal Department.

Motion by Commissioner Jones, second by Commissioner Chapman, to approve granting the necessary easement to Mr. Frank Araneo. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Jones presented an update and request for direction on the Pendery property. After meeting with Ms. Rosemary Pendery at the direction of the Board, she is firm on her asking price of \$225,000.00. (43 Acres owned by Rosemary Pendery located beside Wee Care Park, Parcel # 23-3N-19-19000-003-0000) The appraisal price is \$125,000. Commissioner Jones said the county needs the property but does not want to pay that high of price. Commissioner Chapman

agreed that the property is needed to expand the Wee Care Park and recommended offering \$150,000.

Motion by Commissioner Chapman, second by Commissioner Jones, to offer \$150,000 for the Pendery property adjacent to the Wee Care Park. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye. There was no public comment.

Mr. Rick Wilson presented an update on the South Walton Sports Park stating they are approximately 95% complete with design. They need a vast amount of fill dirt and they are currently working with engineering to get the amount of fill down. He estimates within the next two weeks they can get final approval from the Board and go out for bids for construction services. Commissioner Chapman commented on the great job that was done of constructing the Boulevard leading into the park. Mr. Wilson will bring this issue back for BCC approval.

Mr. Jones requested approval for staff to contact the Planning Department to formally sponsor and begin the abandonment process for a section of right-of-way on Leisure Lake Road located between Vicki Lane and East Roberts Road. This road is located between CR 1087 and Hinote Road in Mossy Head. The section of right-of-way proposed to be abandoned is 60 foot wide and approximately 1200 feet in length. This section of road has been closed for approximately five years. The Leisure Lake Home Owners Association received permission to implement an MSBU and have since made repairs and constructed a dam mound on a section of this 60' platted right-of-way. The abandonment of this section of the platted right-of-way will allow the County to relinquish all maintenance of this area to the Leisure Lake Home Owners Association. At the March 24, 2015 BCC Meeting-the Board unanimously voted to not consider paving the road crossing Leisure Lake Dam and not place it on the future paving list as recommended by staff.

Motion by Commissioner Jones, second by Commissioner Chapman, to approve moving forward with the abandonment. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Jones presented an update on the overhead utilities from Live Oak to Seaside. During the February 9, 2016 BCC Meeting, the Board directed staff to bring back the cost of placing overhead utilities underground. Chelco provided a cost of \$296,092.78 and Media Com provided a cost of \$62,665.

Mr. Chance Powell, Walton County Public Works, presented a handout with “option 3” approved at the last board meeting and explained there is a power pole located in the county’s right of way at the Holly Street intersection. With Chelco’s plan to place the utilities underground this plan will be rendered ineffective. Chelco presented a rough cost in the amount of \$35,000 to relocate the pole to the east of Holly Street on the north right of way. He stated it will be cheaper to move the pole while they are working on the underground utilities.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve for Chelco to move the pole at a cost of \$35,000 in addition to the intersection improvements to be paid from the Proportional Fair Share Funds for CR 30A.

Mr. Frank Day questioned how this project will impact Ms. Caroline Wallace who lives at the NE corner of Holley and CR 30A. Mr. Powell stated it will not cause additional traffic and Chelco has agreed to coordinate the work with Ms. Wallace.

Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Motion by Commissioner Meadows to proceed with moving forward with underground utility work in the amount of \$358,758.44 to be paid from Prop Fair Share funds. Chairman Comander stepped down and seconded the motion for discussion.

Commissioner Meadows commented when the utilities are placed underground the county will end up with a huge pole of wires next to the bike bath in that location. One option to prevent that is to place the utilities underground in that location. The residents in south Walton are requesting to place all utilities underground along CR 30A for safety and hurricanes. She commented on the cost savings now while the intersection improvements are being made.

There were no public comments.

Ayes 3, Nays 1. Comander Aye, Chapman Aye, Jones Nay, Meadows Aye.

Mr. Jones requested to advertise an Invitation to Bid for the construction of restroom facilities at Helen McCall Park and Alaqua Unleashed Park. The restroom facility at Alaqua Unleashed Park will be approximately 500 sq. ft. The restroom facility at Helen McCall Park will be approximately 640 sq. ft. Both will be block buildings with a metal roof.

Commissioner Meadows commented on the need to complete these as quickly as possible.

Motion by Commissioner Meadows, second by Commissioner Jones, to advertise for bids for construction of restroom facilities at Helen McCall Park and Alaqua Unleashed Park. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Stan Sunday, Interim Executive Director of the TDC, stated three candidates for the position of TDC Executive Director will be returning for additional interviews and requested direction regarding paying for their travel. There are sufficient funds in the TDC Travel and Per diem fund.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve paying for travel/flight expenses, economy fair, for the day of the interview. Commissioner Chapman stated travel should be within the States per diem rates.

Ms. Diane Pickett stated she is unfamiliar with the candidates and asked if any of them are related to county staff. The commissioners were not aware of any relationships. Mr. Sunday stated all of the applicants reside in other locations, not Walton County.

Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Attorney Mark Davis requested approval and authorization for the Chair's signature on a letter dated February 23, 2016 to Mr. Jack Latvala regarding S.B. 1322 and the Department of Juvenile Justice. On February 9, 2016, the Walton County Board of County Commissioners authorized the preparation of a letter to the Florida Senate President to support S.B. 1322 regarding the costs sharing for juvenile detention. The letter was to also communicate to the Senate President that the County would dismiss its legal actions against the Florida Department of Juvenile Justice should the bill pass. On Friday the First District Court of Appeals ruled on the appeal which had to do with the foot note by DJJ trying to comply with a previous DCA order. They have now ruled to reimburse counties for overpayment. Walton County will receive a significant credit in the future on pre-trial detention funds. This bill hit a snag and is now under court order to do the credits. Walton County did not withhold any credits. Attorney Davis stated there is no reason to send the letter now because the litigation as it relates to cost sharing is essentially complete. DJJ could file a motion for re-hearing or they could take this opinion and appeal it through the Supreme Court which could take another year. Commissioner Chapman questioned if the DCA ruling has any effects on the 50/50 split for the future. Attorney Davis stated it will not affect the future but on past overpayments we will get a credit going forward until over charges are paid back to the county. The bill will require reimbursement through credits.

Motion by Commissioner Chapman, second by Commissioner Meadows, to table sending the letter at this time until a final legislative decision is made. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Attorney Noyes presented an update on Fracking Regulations along with a proposed ordinance by Broward County and proposed HB 191. The likelihood of fracking in Walton County is relatively low. The House Bill would preempt any local government regulations and render them null and void. However, she recommended using Broward County's Ordinance as a model if the Board wished to draft a local ordinance and she will present a draft back at the last meeting in March.

Chairman Comander said the chances of fracking may be low, but felt the county should take a stand now with it still being a possibility.

Commissioner Meadows questioned if legislature will not allow counties to create laws against fracking would they overrule the county if we adopt an ordinance. Attorney Noyes stated they would, but it's a possibility they would grandfather current ordinances in effect, therefore Walton County would need to adopt one before legislature makes a decision. Commissioner Meadows also suggested sending a resolution to the Delegation that we will adopt a Fracking Ordinance and we are against that Bill.

Commissioner Chapman stated he is not in favor of the State of Florida preempting the county and overriding what is best for Walton County. A resolution would notify the state that Walton County is not in favor of them passing the law and stated his is in favor of working toward a county ordinance. Commissioner Meadows stated it is important for citizens to write their delegation.

Motion by Commissioner Jones, second by Commissioner Chapman, to direct Attorney Noyes to draft an ordinance opposing fracking in Walton County and advertise for a public hearing on March 22nd.

Mr. David Pleat stated he has read the House and Senate Bills which exempts anyone who drills from disclosing the chemicals that go into the ground during fracking. If large scale fracking will be done, it will be done in the panhandle and he applauds the commissioners for taking action. He agreed with legal staff stating the current bill going before the Appropriations Committee on Thursday would void any action by the county to establish a moratorium or limit drilling. However, action taken today, prior to their decision, would certainly send a clear message of the county's opposition. He commented that local planning/zoning restrictions could still be placed on fracking within limitations.

Mr. Frank Day thanked the commissioners for bringing this issue up and for speaking up for the people. He felt we should reach out to other counties to encourage everyone to stand together and actively organize to stand as a group across the panhandle and Florida. He said we do not need to wait for the Senate to pass this Bill.

Commissioner Chapman stated the county has been in consultation with Florida Association of Counties and the Small Counties Association addressing this issue prior to legislation, communicating that we do not want this or telling small counties what to do. Mr. Day asked that Walton County be represented in Tallahassee. The county's lobbyist will be there.

Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Attorney Davis presented a draft ordinance for allowing dogs in restaurants and requested the Board review it and provide additional comments to the Office of County Attorney and to set a public hearing on the ordinance.

Motion by Commissioner Meadows, second by Commissioner Jones, to advertise a Public Hearing for March 22nd to consider allowing canines in restaurants. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Attorney Davis requested to appoint Mr. George W. Abert to the Walton County Planning Commission to fill the unexpired term of Mr. Tom Patton. On December 8, 2015, the Walton County Board of County Commissioner appointed George W. Abert to the Walton County Planning Commission. The appointment was to begin on April 1, 2016 at the conclusion of Tom Patton's term. In January 2016, Tom Patton resigned from the Planning Commission. Thus, there remains two months on Tom Patton's term. This request is to appoint Mr. Abert for the remaining two months of Mr. Patton's term. He would begin his regular term in April, 2016.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the appointment of Mr. Abert as presented. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Davis advised that mediation has taken place regarding the issue with Carr Riggs and Ingram. He stated Walton County is in the 4th year of the second three year renewal and will continue to use them three years and in return they will reduce their fee by \$35,000 each year for a total of \$105,000 then release them from all liability of the two previous audits. Mr. Davis felt this is in the best interest of the county and strongly recommends this arrangement. Commissioner Comander thanked Commissioner Imfeld for mediating this on behalf of the county.

Motion by Commissioner Chapman, second by Commissioner Jones, to approve the Settlement Agreement with Carr Riggs & Ingram. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Jones advised that Ms. Kelly Horton, Walton County Lobbyist, will attend the hearing in Tallahassee on Thursday to express Walton County's position on Fracking.

Commissioner Meadows commented on a news story regarding a Walton County Deputy working a traffic stop and how Deputy Chad Biernacki went the extra mile to get the family he stopped some needed assistance with living arrangements and food. Officer Biernacki worked with other deputies, a local Pastor, and local restaurants to provide food and find a place to live. The deputies purchased necessary personal supplies and clothing to assist the family. Commissioner Meadows commended the deputies and said this is how we want Walton County to be known.

Commissioner Jones also congratulated the Paxton Bobcats Basketball Team for their win. She also announced Mr. Earl Hutto would be at Kiwanis today.

Commissioner Chapman stated Commissioner Imfeld just left Congressman Miller's office and said legislation will be introduced this week to recognize the Muskogee Indian Nation which they have been working on since 1949.

Commissioner Chapman spoke about the need to look at options to protect beach accesses for future generations of our children and grandchildren and asked to set a Public Workshop to discuss beach accesses.

Motion by Commissioner Chapman, second by Commissioner Meadows, to hold a public workshop to discuss options for maintaining access to the beach for both the public and tourists.

Commissioner Chapman suggested holding it in south Walton at a facility that will accommodate a large audience. Attorney Davis suggested using the Emerald Coast Middle School. Commissioner Meadows would like a briefing from Legal prior to the Public Hearing.

The Commissioners were open to holding the hearing on March 16, 23, or 30, whichever date space is available at the school.

Commissioner Chapman amended his motion to advertise a Workshop to discuss public beach access for either March 16th or 30th from 5:00 p.m. until 8:00 p.m. depending on availability of the facility. Second by Commissioner Meadows. Chairman Comander opened the floor for public comments: Ms. Ann Remmers, Beach Highlands, voiced concerns with five homes that gained a quiet title.

Ms. Ilene West also spoke in opposition and questioned how they obtained a quiet title. Attorney Davis explained sandy beaches are owned by a variety of people. The beachfront property owners in this lawsuit convinced the Judge, through the use of their plat and covenants and restrictions, they should acquire ownership of the beach. The county was not a party in the lawsuit because it does not own fee simple title. Public use is a different issue than ownership. The workshop will deal with the public's use of the beach regardless of title. The judgement in the Beach Highlands Case did not close those beach accesses. Ms. West asked if people can still use legal means to land grab public property. Attorney Davis said they could and that is part of what will be discussed at the hearing. Commissioner Meadows asked if there is a way to inject the county into any legal action if people continue to file a case in court. Attorney Davis said he can try, but due to the number of cases it could be difficult. She further asked if the county could issue an emergency order so the public still has access until other actions are taken. Attorney Davis felt that would not be allowed due to the property owner's rights. Attorney Davis explained in cases like this there were corporations who owned the property and designate a portion for "beach" or other certain uses and sometimes it was dedicated to the county. Often the covenants and restrictions would say if this corporation ceases to exist or is no longer active then

this property seaward of the platted lots along the beach will inure to the benefit of – or become the property of the beachfront property owner, for example. Commissioner Meadows stated this has happened before at other locations.

Ms. Jackie Merkel thanked the commissioners for bringing this up and read a statement of customary use of beaches and questioned if the county can buy more beach property and also stated she wants the county to watch the quiet titles that are occurring.

Sheriff Mike Adkinson addressed the Board regarding beach issues and provided feedback based on their experience. He spoke about the difficulties they have faced over the last few years in dealing with people who say they own the beach and will not allow access and the difficulties in dealing with fences. He spoke about the importance of protecting citizens and the need for the county to set boundaries for the sheriff to follow; he needs to know what they are dealing with. He also needs clarification on the mean high water line. Chairman Comander asked the Sheriff to extend the commissioner's appreciation to the deputies for helping the family recently. The Sheriff voiced his thanks to everyone who takes this kind of initiative in helping others.

Ms. Jacqueline Dunn, resident of Walton County and owner of property in Beach Highlands, stated the economic impacts need to be addressed and stated the tax base will decline. She said the county needs to be proactive. Ms. Dunn said from her understanding, the individuals who are controlling the beach are not registered voters of the county and felt the workshop needs to be held as quickly as possible.

Commissioner Meadows stated a TDC representative needs to be at the workshop to provide statistics on commerce from tourism and rentals. Small businesses need to speak on the impact tourism has on our community.

Mr. Jonathan Kellum, Ms. Crystal Tolley, and Mr. Jacob Nehus also spoke in favor of preserving the beaches for public use.

Mr. Jimmy Kuhn addressed the board stating he lives near Eastern Lake and is a member of the Emerald Coast Chapter of the Surf Riders Foundation. He spoke in support of the county acquiring beach property. The Foundation supports the rights of people to use the beaches for public recreational uses and asked the Board to take whatever necessary legal action is needed. The Foundation has a legal team and they want to provide legal assistance if needed.

Mr. Dave Rauschkolb, thanked the commissioners for attempting to find solutions to this issue. He stated customary use and access is well documented in south Walton and echoed Ms. Merkel's statement about buying additional property.

Mr. David Harper addressed the commissioners and spoke in favor of those residents who own beach front property and felt the county should not try to take their property.

Ms. Jeanette Klein addressed issues with construction workers parking in beach access parking areas and stated those spaces are needed for beach goers.

Mr. Frank Day stated, even though people own property, Customary Uses still exist and people have been going to beaches for years long before homes were ever built. The Supreme Court established "Customary Use" and the property owners should know that it exists. He spoke about difficulties deputies have regarding fences. Chairman Comander stated she has seen those difficulties with fences. Mr. Day stated the beaches are not just there as a revenue stream, but also represent 26 miles of boundaries and borders of the USA, which is sovereign and we all own it together.

Chairman Comander stated this issue would be discussed further at the Public Workshop at Emerald Coast Middle School and encouraged people to speak then.

The commissioners voted on the motion to advertise a Workshop to discuss public beach access for either March 16th or 30th from 5:00 p.m. until 8:00 p.m. depending on availability of the facility. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Mr. Jones advised he and Commissioner Jones met with Fish and Wildlife regarding the Choctawhatchee Beach Mouse habitat, which they were advised is everything in the white sand protection zone. From this point forward, any development in that zone will require Fish and Wildlife's approval which could take as long as two years even for single family homes. It also has the potential to impact property values. Fish and Wildlife now feels it is in their scope of authority to approve construction. Staff will comply with Federal Law.

Chairman Comander voiced her appreciation to Public Works and all staff involved in repairing Draper Lake Bridge and for the outstanding job they did. Commissioner Meadows also thanked everyone for their hard work and finishing this job early. Mr. Jones thanked the commissioners for their support of staff. Commissioner Meadows stated she has some suggestions for the next bridge construction that may help the process.

Chairman Comander spoke about the building that Tri-County Community Council is currently using for the canning center and stated the building is in bad shape. She felt the property should be sold and Tri-County be relocated to a different county building. The property is being underutilized and recommended getting the property appraised to sell. Mr. Jones stated that the property was not well prepared for a foundation and feels the entire slab could be in danger of deteriorating. The Board concurred for staff to obtain an appraisal.

Chairman Comander opened the floor for public comment.

Ms. Jenny King reminded the commissioners March 30th is Spring Break week and could interfere with the Beach Access Workshop.

Ms. Jeanette Klein asked the commissioners to place a bike path on the entire length of CR 393 stating it is a dangerous road for pedestrians. Commissioner Meadows stated it is on the radar.

Ms. Leigh Moore commented on the beach access issues stating she appreciates Commissioner Chapman bringing the issue up even with it being an election year.

Mr. Curtis Smith addressed the traffic light and pedestrian access at CR 393 and Highway 98 as well as the left turn getting out of CR 393. Mr. Smith stated the light is not timed well. Mr. Chance Powell stated it is not a dedicated left turn light and DOT had worked with the development on the northwest corner to address that. He would like to apply for a CP Grant and apply for a dedicated left turn lane at that location. Mr. Smith also addressed fracking and stated he previously worked in that field and said there is more involved than people are aware. He stated he would be willing to go to Tallahassee and speak on his experience.

The commissioners recessed briefly.

Mr. Wayne Dyess requested to fund and fill a new FTE position entitled Planning Coordinator. The Planning Coordinator position is intended to provide administrative support to the Planning and Development Services Director and senior staff conducting development project review. The administrative support would primarily be in the form of tracking, scheduling and coordinating the plan review, in conjunction with project managers, as well as reviewing permitting documents for completeness and accuracy. Funding would come from the unfilled positions and increased work.

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve the position and advertisement. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Chairman Comander asked for additional help for Mr. Rick Wilson. She said someone is needed who can work in south Walton for better productivity rather than Mr. Wilson having to make multiple daily trips.

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 no Ex Parte communications.

Mr. Dyess presented Prominence Phase 2 South Plat. Innerlight Engineering Corporation is requesting approval to plat 41 single-family residential lots with the intent to sell to a third party. The project consists of 8.77 +/- acres with a future land use of Traditional Neighborhood Development and is located at 1 Pleasant Street in Inlet Beach. This project does not meet the Transportation Concurrency condition of the development order. The Proportional Fair Share amount is \$265,630. The project is consistent with the Walton county Comprehensive Plan and Land Development Code. Staff recommended approval subject to all comments and conditions, stated in the Planning Report, being met. **(Exhibit 1 – Staff Report)**

Commissioner Meadows asked for clarification if the project will consist of all residential. Mr. Dyess stated it would.

There were no public comments.

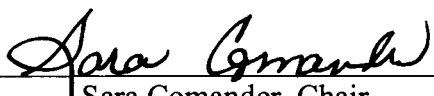
Motion by Commissioner Jones, second by Commissioner Meadows, to approve Prominence Phase 2 South Plat. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Motion by Commissioner Jones, second by Commissioner Chapman, to adjourn the Regular Meeting and enter into Executive Session at 11:20 a.m. Ayes 4, Nays 0. Comander Aye, Chapman Aye, Jones Aye, Meadows Aye.

Attorney Mark Davis announced the Board would enter into Executive Session and read the following statement: An Executive Session to discuss litigation strategy regarding Cynthia L. Abbott Revocable Trust, et al vs. Olson & Associates of NW Florida, Inc., et al: Case No.: 3:4-cv-646-MCR/EMT. Those in attendance will be Commissioners Bill Chapman, Cecilia Jones, Cindy Meadows and Sara Comander. Mr. Larry Jones, County Administrator, Attorney Mark Davis, County Attorney, Attorney Sidney Noyes, Assistant County Attorney, and Attorneys Tim Warner and Bill Warner, Special Counsel for Walton County, and Ms. Sharon Payne, Certified Court Report, who will prepare a verbatim record which will be sealed until the conclusion of the litigation. Executive Sessions are not open to the public pursuant to Florida Statute 286.011(8).

Motion by Commissioner Jones, second by Commissioner Chapman, to close the Executive Session.

There be no further business, the meeting was adjourned at 11:47 a.m.

Approved: 
Sara Comander, Chair

Attest: 
Alex Alford, Clerk of Court and County Comptroller