

JUNE 6, 2017 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on June 6, 2017 at 4:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

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

Ms. Alicia Butler, Seaside School Foundation, expressed gratitude on behalf of the school for the allowance of the Seaside 5K Event. She asked to begin the process of working with the Walton County Sheriff's Office (WCSO), South Walton Fire Department (SWFD), and county staff in preparing for next year's event which will be held March 2-4, 2018. The board concurred to allow Ms. Butler to proceed.

Chairwoman Jones called the meeting to order.

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

1. Addition: (17-0844) Tina C. Barker-Request approval to reduce the \$55.00 animal adoption fee to \$25.00 for the "No Kill Nation for Just One Day" event on June 10, 2017
2. Addition: (17-0842) Kevin Boyle-Request from Seaside Arts & Entertainment Corp. to hold their Annual 4th of July Parade and close two lanes of C.R. 30A from Seagrove Plaza to Quincy Circle in Seaside.
3. Addition: (017-0849) OMB-Request to approve the Walton County Sheriff's Office sublease of SunTrust Master Lease No. 04613 for Fire Rescue vehicles under lease with SunTrust Bank.
4. Deletion: Item 21 (17-0785) County Attorney-Request to approve and authorize the Chairwoman to sign the retainer agreement with Theriaque & Spain to represent the county in the Rosemary Beach v. Walton County (Case No.: 2016CA357)

5. Deletion: Item 22 (17-0786) County Attorney-request to approve and authorize the Chairwoman to sign the retainer agreement with Theriaque & Spain to represent the county in Flock of Seagirls, LLC v. Walton County (Case No.: 3:17cv335-MCR-CJK
6. Addition: Chairwoman Jones-U. S. Highway 331 Development Technical Assistance Project grant application

Ms. Coy Bowman requested to speak regarding an item on the March 14, 2017 Regular Meeting agenda. Chairwoman Jones stated this portion of public comment was to discuss items on the current agenda and asked her to present during the time allotted for public comment at the end of the meeting.

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

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

	Total
General Fund	\$ 618,816.43
County Transportation	\$ 406,455.46
Fine & Forfeiture	\$ 156,476.35
Section 8 Housing	\$ 276,336.90
Tourist Dev. Council	\$ 48,550.38
N.W. Mosquito Control	\$ 1,480.27
Recreation Plat Fee	\$ 193.51
Solid Waste Enterprise	\$ 20,100.70
Bldg. Dept./Enterp. Fund	\$ 3,211.91
Daughette Subdivision	\$ 723.10
Debt Service Fund	\$ 10,000.00
Capital Projects Fund	\$ 28,289.45
Mossy Head Ind. Park	\$ 3,204.43
Increment Tax Funding	\$ 41,593.75
Totals	\$ 1,615,432.64

2. Approve Minutes of the May 23, 2017 Regular Meeting
3. Request to approve and authorize the Chairwoman to sign the Satisfaction of Mortgage for a SHIP mortgage for Regina Ann Clark

4. Request to approve and authorize the Chairwoman to sign the Interlocal Agreement between the First Judicial Circuit and the Board of County Commissioners regarding Mortgage Foreclosure Case Management
5. Request to authorize the Chairwoman to sign the application for tax deeds on six properties and authorize expenditure of necessary funds (no more than \$1,500.00) to complete the application process
6. Request to approve the Right-of-Way Use Permit Application #17008 submitted by Hayward & Arie Dykes
7. Request to adopt a resolution (2017-49) amending the FY 2017 Preservation Fund budget in the amount of \$370,000.00 for unanticipated revenues from Preservation Fees
8. Request to adopt a resolution (2017-50) amending the FY 2017 Road and Bridge Budget for U.S. Highway 98 Proportionate Fair Share revenue and expenditures for the East Point Washington Road Realignment in the amount of \$91,316.87
9. Request to approve and authorize the Chairwoman to sign Change Order No. 2 to Contract 016-037 Hewett Bayou Stormwater Retrofit with RBM Contracting; increasing the contract price \$5,204.00 and increasing the contract time 12 calendar days

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

Motion by Commissioner Anderson, second by Commissioner Comander, to approve the Waste Management expenditures. Ayes 4, Nays 0. Jones Aye, Chapman Abstained, Anderson Aye, Comander Aye, Nipper Aye. (There were no Waste Management expenditures.)

Mr. Larry Jones, County Administrator, expressed his gratitude for the support the board and staff have given him over the last few weeks.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve to reduce the \$55.00 animal adoption fee to \$25.00 for the "No Kill Nation for Just One Day" event on June 10, 2017 as requested by Ms. Tina C. Barker and presented by Mr. Jones. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Chapman, second by Commissioner Anderson, to authorize the Seaside Arts & Entertainment Corp. to hold their annual 4th of July Parade and close two lanes of

C.R. 30A from Seagrove Plaza to Quincy Circle in Seaside as requested by Mr. Kevin Boyle and presented by Mr. Jones. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve scope of services and advertise for Request for Qualifications (RFQ) for Broadband Feasibility Study as requested by Mr. Jones. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Mr. Jones requested direction regarding the “Dig Once” policy and its inclusion into the Land Development Code. He said the “Dig Once” policy will require the installation of infrastructure needed for future internet and broadband services. The board could either choose to allow staff to provide the language to amend the code, allow The Matrix Group to work the policy into the rewrite of the LDC, or take no action. Commissioner Chapman reported the infrastructure has been installed along U.S. 331 and other roadways and discussed the need to move forward with the policy implementation. Commissioner Nipper said this is an important issue and suggested that Matrix incorporate the policy into the LDC rewrite.

Mr. Rick Wilson, Technology Support Coordinator, discussed the benefits of the “Dig Once” policy which would require the developers and the county to install the infrastructure during construction. He said with the infrastructure installed providers will be more willing to come to Walton County. Commissioner Chapman asked if the installation would be a part of the specifications when bidding out a project. Mr. Jones said it would for county projects, but it would be necessary for the policy to be a part of the LDC for developers.

Commissioner Comander asked if two separate motions were needed to approve the requirement of installation by developers and to instruct Public Works to install the infrastructure

with each road project. Mr. Jones said direction was clear, but a motion to include the “Dig Once” policy into staff policy would be acceptable.

Motion by Commissioner Nipper, second by Commissioner Comander, to move forward with the Matrix implementing the “Dig Once” policy into the Land Development Code.

Mr. Bob Hudson asked what the cost per foot would be. Mr. Wilson said it was approximately 1% of the additional cost. Mr. Hudson estimated approximately \$4 per foot. Commissioner Nipper asked what the cost would be to install after construction was completed. Mr. Wilson said more research would need to be done to get an exact dollar amount. Mr. Hudson understood the infrastructure was for more than just broadband. Commissioner Chapman asked if the providers would contribute monetarily to use the infrastructure. Mr. Wilson said the providers would lease the use of the infrastructure.

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

Motion by Commissioner Comander, second by Commissioner Anderson, to instruct Public Work to install the infrastructure while performing road projects.

Mr. Wilson recommended a scoring matrix be created to determine which projects would require the installation.

Commissioner Anderson asked if action should wait until a policy can be created. Mr. Wilson said policy language and a scoring matrix can be presented at the June 20, 2017 Regular Meeting.

Commissioners Comander and Anderson withdrew their motion and second. Discussion ensued on the timeframe for Matrix to complete the rewrite and going forward with changes to the LDC.

Attorney Sidney Noyes, Interim County Attorney, said the board could rescind the previous vote and direct staff to move forward with the amendment with the LDC.

Motion by Commissioner Nipper, second by Commissioner Comander, to reconsider the motion to move forward with Matrix implementing the “Dig Once” policy into the Land Development Code, rescind the action, and direct staff to prepare the amendment language to be presented at the July 1, 2017 Regular Meeting.

Mr. Bob Brooke asked for clarity on the “Dig Once” policy. Mr. Jones said staff has been directed to bring back a clear language on the “Dig Once” policy which would provide infrastructure for telecommunications. Discussion ensued on the economic impact the infrastructure would provide.

Ms. Coy Bowman spoke against future development.

Ms. Shannon Humphrey discussed her inability to obtain internet services and the effects it has had on her family and business.

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

Mr. Jones confirmed the amendment language would be presented at the July 11, 2017 meeting.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve to advertise an Invitation to Bid (ITB) for the Big Redfish Lake Bridge project as requested by Mr. Jones on behalf of Public Works. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve Public Works Task Order No. 17-05 for Old Landfill Road PD&E with Atkins Engineering in the amount of \$198,207.64 as requested by Mr. Jones on behalf of Public Works. Ayes 4, Nays 0.

Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Abstain. Commissioner Nipper announced her conflict and submitted Form 8B to the clerk. **(Form 8B: Nipper)**

Motion by Commissioner Anderson, second by Commissioner Chapman, to approve to submit the U.S. Highway 331 Utility Upgrades project for consideration for RESTORE Pot 3 Funds as requested by Mr. Jones on behalf of Public Works. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye. This action is to confirm and reaffirm that this is a top priority and the approval would be used by Commissioner Comander at the next Consortium meeting.

Motion by Commissioner Nipper, second by Commissioner Anderson, to surplus Fire Rescue capital assets and remove from the County's fixed asset register, as requested by Mr. Jones on behalf of OMB/Finance. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Anderson, second by Commissioner Nipper, to approve the Walton County Sheriff's Office sublease of SunTrust Master Lease No. 04613 for Fire Rescue vehicles under lease with SunTrust Bank. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Commissioner Comander questioned when the Sheriff's Office would take over the payroll and Human Resources of the Fire Rescue Department. Attorney Noyes stated it would begin with the new fiscal year in October.

Mr. Jay Tusa, TDC Executive Director, requested to award ITB 017-018 to Harper Landscaping, as the lowest bidder, for the maintenance of the median and adjacent right-of-ways on portions of U.S. Highway 98. A joint effort between the TDC and county was approved in December, 2016 to maintain these areas. TDC will be responsible for maintaining the gateways

and the county will be responsible for maintaining the remaining portions. Mr. Tusa said the section between C.R. 395 and Watersound Origins would be maintained by FDOT and was not included in the bid. Commissioner Chapman questioned if FDOT would be contributing any money to the maintenance. Mr. Tusa said FDOT would be rebating money on a quarterly basis to the county; the funds would be proportionately divided between the TDC and the county.

Motion by Commissioner Chapman, second by Commissioner Anderson, to award ITB 017-018 to Harper Landscaping as the lowest bidder, and to approve and authorize the Chairwoman to sign Contract 017-018, as requested by. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Mr. Tusa reported that the Grayton parking lot is operating successfully. He announced the TDT revenue for the month of April was up 21.89% over April 2016 and was up 12.56% year over year.

Commissioner Comander addressed concerns regarding the continued use of the larger tents and the issues of photographers and vendors trespassing on the dunes. She voiced the need to protect the dunes. Mr. Tusa said a lot of progress has been made within the past few weeks and asked to allow the new Code Enforcement officers to continue to work through the issues. He discussed the warning/citation process. He said signage at the beach accesses, advertising, and social media will be used to educate the beach visitors of the regulations. Commissioner Comander questioned if there were any tools needed by Code Enforcement to aid them in getting their job done effectively. Mr. Tusa said conversations have been held with the WCSO regarding a radio communications system to connect Code Enforcement with the Sheriff's Office. More information will be brought to the board when a determination is made.

Chairwoman Jones asked if the vendor organization had been contacted about the violations. Mr. Tusa said he and Mr. Brian Kellenberger, Director of Beach Operations, had discussed performing an audit of the beach to determine where the deficiencies lie.

Commissioner Comander asked if massage vendors were allowed on the beaches. Mr. Tusa said there is someone wishing to establish a beach massage service, but it needs to be clarified what is and is not allowed on the beaches.

Mr. Tusa introduced Ms. Dawn Truemper as the new TDC Director of Sales.

Commissioner Anderson thanked the clerk's office staff for their efforts in maintaining the TDT collections. Mr. Tusa stated the clerk's presentation at the TDC meeting helped the council to see what is being done and to decide not to turn over TDT collections to the Department of Revenue.

Chairwoman Jones called to order the Public Hearing to adopt a resolution to bring forward funds for the purchase of property north of the bay located on Bay Grove Road.

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

Mr. Jones requested adoption of a resolution to bring forward \$820,000.00 in the Debt Service Fund for the purchase of property north of the bay, located on Bay Grove Road (Parcel No.: 04-2S-19-24000-027-0000).

Motion by Commissioner Comander, second by Commissioner Nipper, to adopt **Resolution 2017-51** to bring forward \$820,000.00 in the Debt Service Fund for the purchase of Parcel No. 04-2S-19-24000-027-0000 (property located north of the bay on Bay Grove Road).

Ms. Bowman asked why the property was being purchased. Chairwoman Jones replied the property would be used as a recreational area.

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

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

Attorney Sidney Noyes, Interim County Attorney, briefly discussed the Kia Alford v. Walton County Settlement Agreement and requested approval. There is a \$10,000.00 deductible to be met.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve and authorize the Chairwoman to sign the settlement agreement in Kia Alford v. Walton County (Case No.: 2016CA357). Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Commissioners Chapman, Anderson, and Nipper had no items to present.

Chairwoman Jones said the West Florida Regional Planning Council wants to aid the county in applying for a Technical Assistance Program grant (\$40,000.00) through the Florida Department of Economic Opportunity (DEO). The funds would go toward a study along the U.S. 331 Corridor to accommodate the anticipated growth.

Motion by Commissioner Chapman, second by Commissioner Anderson, to apply for the \$40,000.00 Technical Assistance Program grant. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Commissioner Comander stated there are approximately \$200,000.00 remaining in Pot 1 and requested that those funds be used for visioning to determine the future needs of the county.

Staff was directed to bring back information for discussion. Chairwoman Jones commented that other counties were watching Walton County as we go forward.

Ms. Coy Bowman addressed the March 14, 2017 Regular Meeting Agenda Item 33: Request to approve a resolution opposing House Bill 17 and Senate Bill 1158-Preemption of Local Government Authority and said constitutionally the federal government has the right to intercede in small county politics.

Mr. Bob Hudson reported that the Walton County Taxpayers Association had requested to participate in a ride-along program with Code Enforcement to review the beach issues. He stated many emails had been received concerning beach violations. The association has offered to purchase an insurance policy to cover any liabilities. Attorney Noyes stated she would research the issue and get back with Mr. Hudson.

Mr. Hudson offered an apology for an errant add placed by the Walton County Taxpayers Association which referenced a \$40 million loan for an accelerated program. He stated he researched the issue and found the loan was \$14 million. A corrected ad will be run in the next paper.

Chairwoman Jones asked Mr. Hudson to forward any emails regarding beach violations to TDC. Mr. Hudson said he would.

The meeting briefly recessed.

Mr. Mac Carpenter, Planning and Development Director, requested to allow staff to advertise an amendment to Chapter 13.02.00 and 13.03.00(O) and (P) of the Land Development Code providing for Neighborhood Commercial uses; providing for severability and an effective date. He said this amendment would allow farmers' markets in open areas. This item will first be presented to the Planning Commission and then twice to the board for final approval.

Motion by Commissioner Comander, second by Commissioner Anderson, to authorize staff to advertise an amendment to Chapter 13.02.00 and 13.03.00(O) and (P) of the Land Development Code providing for Neighborhood Commercial uses.

Mr. Bob Brook asked that the Friends of Scenic 30A and the Scenic Corridor Foundation be allowed to review the language and give input. Chairwoman Jones asked Mr. Brook to notify the two councils that it would be presented before the Planning Commission and the board. Ms. Vivian Shamel, Planning and Development, reported that the Scenic Corridor Foundation is currently reviewing the draft language and that it would be sent to the Friends of Scenic 30A for review next week.

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

The Quasi-Judicial Hearing was called to order and Attorney Noyes administered the oath to those intending to speak. There were no objections to the advertisements. Attorney Noyes instructed the Board to submit any Ex Parte forms to the clerk.

Mr. Carpenter presented Barker Acres Re-plat, a plat application submitted by Michael Barker requesting approval to re-plat all of Block 4 (59 lots) of Country Club Manor East, to one single family lot. The project is on 3.47 acres with a future land use of Rural Residential located on Girl Scout Road (Parcel No.: 08-3N-20-28020-004-0010). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

There were no comments from the applicant nor the public.

Motion by Commissioner Comander, second by Commissioner Nipper, to approve Barker Acres Re-plat with conditions as stated in the staff report. Ayes 5, Nays 0. Jones Aye, Chapman

Aye, Anderson Aye, Comander Aye, Nipper Aye. **(Exhibits: Staff Report 1)(Ex Parte: Comander, Nipper)**

Mr. Carpenter presented Emerald Bay Phase 2A Re-Plat, a plat application submitted by Dewberry/Preble-Rish requesting approval to re-plat 23 single family lots on 4.54 acres, in compliance with development order 0401-0280 and a variance received on December 14, 2016 for reduced rear setbacks for pools from 15' to 5' and 5' side setbacks for homes. The project is on 4.54 acres with a future land use of Coastal Center located within the Emerald Bay Development of Regional Impact (DRI). 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)**

Mr. Jim Starnes submitted a photo showing the meeting notice nailed to a tree and discussed the need to have proper notice. **(Exhibit 2: Photo)** He also voiced concern that there needs to be a way to insure the people impacted by the project have been properly notified. Mr. Carpenter said a notice was posted at the entrance to the parcel and advertised for three weeks in the DeFuniak Herald-Beach Breeze. The LDC requires a proof of mailing, not a proof of receipt. He discussed the affidavits which are required to provide proof of proper notification. There is no code requirement which states a sign must be on a particular type of post. Commissioner Comander suggested that Matrix consider this during the LDC review. Commissioner Nipper suggested a height requirement also be considered. Mr. Carpenter said a sign format would be considered.

Mr. Starnes stated he did not receive the DeFuniak Herald and asked how many notices were mailed regarding this meeting. Mr. Carpenter replied the DeFuniak Herald-Beach Breeze is distributed through-out the county. He said there are no mailed notices for plats and that the notices

were mailed during the Development Order phase. The only adjustments being made are to the previously approved setbacks.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve Emerald Bay Phase 2A Re-plat with conditions as stated in the Staff Report. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye. **(Exhibits: Staff Report 1; Respondent-Photo 2)**

Mr. Carpenter presented 4MG Reclaim Tank Site SSA (2017-02) amending the Comprehensive Plan Future Land Use Map (FLUM) designation on 4.25 +/- acres from Conservation to Public Facilities (Parcel No.: 29-2S-19-24000-010-0020). The project is located on the east side of U.S. Highway 331 0.60 miles north of the intersection of U.S. Highway 98 and U.S. Highway 331. Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code. **(Exhibit 1: Staff Report)**


There were no comments from the applicant nor the public.

Motion by Commissioner Comander, second by Commissioner Anderson, to adopt **Ordinance 2017-17** approving 4MG Reclaim Tank Site SSA (2017-02). Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye. **(Exhibits: Staff Report 1)**

Commissioner Comander addressed the Barker Acres issue and discussed the process Mr. Barker had to go through to have this presented. She asked that the process be streamlined to better serve the applicants. Discussion continued on streamlining the process.

There being no further items to present, the meeting was adjourned at 5:23 p.m.

Approved: Cecilia Jones
Cecilia Jones, Chairwoman

Attest: 

Alex Alford, Clerk of Courts and County Comptroller