

## **JUNE 25, 2018 – REGULAR MEETING**

The Board of County Commissioners, Walton County, Florida held a Regular Meeting on June 25, 2018 at 9:00 a.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

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

Commissioner Nipper recognized Ms. Rachel Gillis who has served at the COPE Center for 40 years. Ms. Gillis is retiring and was presented with a plaque for her dedicated service.

Chairman Chapman called the meeting to order.

Mr. Mac Carpenter, Planning and Development Director, requested a continuance for the following projects: Stonegate, Blue Mountain Beach Park, Phase I, and Town of Seaside Plat.

Motion by Commissioner Comander, second by Commissioner Jones, to continue Stonegate Subdivision Plat to the July 26, 2018 Board Meeting. The motion and second were withdrawn.

Motion by Commissioner Comander, second by Commissioner Nipper, to continue the following three projects to the July 26, 2018 Board Meeting: Stonegate Subdivision Plat, Blue Mountain Beach Industrial Park Phase II Replat projects, and the Second Amendment to the Essentially Built-out Agreement for the Town of Seaside Development of Regional Impact (“Amendment”). Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Ms. Kristen Shell presented the U.S. 331 Economic Development Corridor Plan for transmittal. She stated in keeping with the requirements of the grant received from the Department of Economic Opportunity consideration needs to be given to the Comprehensive Plan amendments to be sent to the state for review. The amendments are broad and reference the plan itself. There are issues left to be worked out which staff will continue working on while this is being transmitted. Public workshops will be held prior to completing the final plan for presentation back to the board.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the transmittal. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson 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 commissioners to submit any Ex-parte to the clerk.

Ms. Renee Bradley requested approval of the Seaside Post Office Plat. The plat application was submitted by Emerald Coast Associates, Inc., on behalf of Seaside Community Development Corporation, requesting approval to re-plat the post office property as a Civic lot because of changing it from a row to a civic area on +/- .21 acres with a future land use of Residential Preservation. The project is located within a civic area of the Town of Seaside at the corner of Quincy Circle and Seaside Avenue. The project meets the requirements of the Comprehensive Plan and Land Development Code. **(Exhibits 1: Staff Report) (Ex Parte: None)**

Ms. Coy Bowman spoke in opposition to the project.

Mr. George Talvey, Director of Development for Seaside Community Development Corp., was sworn in to answer questions.

Motion by Commissioner Jones, second by Commissioner Anderson, to approve the Seaside Post Office Plaza Plat as presented. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Tim Brown presented The Shops at 393 F/K/A HBC Mixed Use Development Final Order for approval. A major development order application submitted by Jenkins Engineering, Inc. on behalf of HBC Investments Holdings, LLC., requesting approval to develop 128 apartments, 21,242 s.f. of commercial space and a 5,575 s.f. office/amenity area with associated infrastructure on +/-15.06 acres with a future land use of Village Mixed Use. The project is located on the west side of North C.R. 393, north of U.S. Highway 98 West and south of Nuit Lane. The project meets the requirements of the Comprehensive Plan and Land Development Code. **(Exhibit 1: Staff Report) (Ex Parte: None)**

Mr. Scott Jenkins, applicant, gave an overview of the project stating the overall parcel is approximately 15 acres. The commercial portion of the project is located on the southern portion. He gave an overview of the storm water management and said the project is a maximum of two stories.

Commissioner Nipper questioned if there was any way to mitigate the traffic. Mr. Jenkins stated FDOT will extend the turn lane going onto C.R. 393 North. There will also be interconnectivity through the project.

The floor was opened to public comments and Mr. Bob Brooke was sworn in. He questioned if the apartments would be for rent and what the rental rates would be. Mr. Jenkins stated they would be for rent but was unable to answer for how much.

Motion by Commissioner Anderson, second by Commission Nipper, to approve the Final Order for The Shops at 393 F/K/A HBC Mixed Use Development to include the conditions as

presented in the staff report. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Carpenter presented the Commerce Park PUD Site Plan Amendment Final Order, a major development order application submitted by Emerald Coast Associates, Inc. on behalf of Carey Properties, LLC who requested approval of 102,545 s.f. of commercial space and 43 condominiums. The project is on +/- 14.44 acres with a future land use of Village Mixed Use located on the north side of U.S. Highway 98 West, east of C.R. 393 and west of Veterans Road.

Mr. Bob Baronti stated the amendment was from the approved plat as part of the PUD. The amendment is a reduction in the residential area. There was only one letter of objection.

Commissioner Nipper questioned the parking on this project. Mr. Baronti said the parking has not changed and there is additional parking provided. The project meets the requirements of the Land Development Code and Comprehensive Plan. **(Exhibits 1: Staff Report) (Ex Parte: None)**

Motion by Commissioner Comander, second by Commissioner Anderson, to approve Commerce Park PUD Site Plan Amendment Final Order. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Bob Baronti presented Blue Mountain Beach Industrial Park Phase III Replat for approval. The replat application was submitted by Dewberry on behalf of WRMS, Inc. requesting approval to replat units A-1 and A-2 to the existing Blue Mountain Beach Plat as Phase III on .59+/- acres with a future land use of Light Industrial. The project site has been previously approved for development as a 56,986 s.f. warehouse, 21 mini-storage units and 25,000 s.f. office space by development order #1393 and 1344. The Technical Review Committee approved a major development order to reduce the number to 71,000 s.f. to the existing plans. The project is located

approximately 1,800 feet north of U.S. Highway 98 on the west side of Old Blue Mountain Road and is identified as parcel 25-2S-20-33190-000-0170 on .59+/- acres with a future land use of Light Industrial. The project meets the requirements of the Comprehensive Plan and Land Development Code. **(Exhibit 1: Staff Report) (Ex Parte: None)**

Motion by Commissioner Jones, second by Commissioner Comander, to approve the Blue Mountain Beach Industrial Park Phase III Replat. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Bob Baronti presented Point Washington Preserve PH 1, II, III A-C and IV, a major development order application, on behalf of Southern Hybrid Homes, LLC requesting technical approval to operate a 693 s.f. multi-purpose building and a 5,247 a civic pavilion. The request also includes conceptual approval of Phase II, III A-C and IV. The project is located from the intersection of U.S. Highway 98 and JD Miller Road North for approximately 0.87 miles on the left on 9.76+/- acres with a future land use of Town Center One. **(Exhibit 1: Staff Report) (Ex Parte submitted be each commissioner)**

Mr. Curtis Smith, applicant, gave an overview of the project which is designated Town Center (mixed use) and stated he was asking for technical approval of Phase I and conceptual approval of phases II through IV.

Mr. Adam Shanks presented a power point of the project and spoke about the benefits of the project. He stated it aligns with the objectives of the LDC. **(Exhibit II: Applicant's notebook).**

Commissioner Jones asked about the amount of parking. Mr. Shanks stated there is ample parking. He stated there are no nearby neighbors the project will disturb. He said they have unanimous community support.

Commissioner Jones commended them on their research and stated it goes along with TRIUMPH projects and strengthening relationships with the colleges.

Mr. Bill Fletcher was sworn in and questioned when asked to approve a multi-use building are there stipulated uses. Mr. Carpenter stated there are and they are clearly defined in the development order.

Ms. Coy Bowman spoke in opposition to the project.

Motion by Commissioner Jones, second by Commissioner Comander, to approve Point Washington Preserve PH 1, and grant conceptual approval of Phases II, III A-C and IV.

Commissioner Comander spoke about being apprehensive to approve a conceptual plan. Chairman Chapman also voiced concern with granting conceptual approval, but stated he would be okay if it is only Phase I and understands it will still have to go through the Technical Review Committee.

Commissioner Jones amended her motion to approve Phase I of the Point Washington Preserve project. Commissioner Comander seconded the amended motion. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye. Conceptual approval was not granted.

Ms. Bradley presented Grace Point Phase II Final Plat for approval. Innerlight Engineering, Corp. requested approval of a seven (7) single family lot subdivision plat within the Prominence PUD/DRI know as Grace Point Phase II. The project is on 1.60 acres with a future land use of Traditional Neighborhood. The project is located 2.0 miles west of WaterSound Pkwy off of Grace Point Way. The plat is consistent with the Comprehensive Plan and Land Development Code.

**(Exhibits 1: Staff Report) (Ex Parte: None)**

Commissioner Nipper questioned the reduction in single family lots. Ms. Bradley stated there has been two amendments to the development. Commissioner Nipper asked if there was any major infrastructure or public works projects near the development. Ms. Bradley stated there was not.

Mr. David Smith, Innerlight Eng., appeared before the board on behalf of Grace Point and was sworn in.

Commissioner Nipper questioned if there were any potential issues due to the coastal dune lake being nearby. Mr. Smith stated they have built the storm water system to handle it. Commissioner Nipper also asked what size of homes would be constructed. Mr. Smith was unsure at the present time, but they would adhere to the Walton County Code.

Ms. Coy Bowman spoke in opposition to the project.

Motion by Commissioner Jones, second by Commissioner Anderson, to approve Grace Point Phase II Final Plat. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

The commissioners recessed at 9:50 a.m. and reconvened at 10:00 a.m.

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

1. Addition: County Attorney: Request to approve engagement letter with Warner Law Firm to represent the county in A Flock of Seagirls LLC f/k/a Sweat Equity LLC v. Walton County, Florida Case no.: 3:17-cv0335MCR-CJK (Lead case); and Valentines Heights LLC v. Walton County, Florida Case no.: 3:17-cv-371-MCR-GRJ (member case)

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

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

	Total	WM	Grand Total
General Fund	\$ 1,194,256.58		
County Transportation	\$ 477,775.06		
SHIP	\$ 60,000.00		
Fine & Forfeiture	\$ 3,464,468.78		
Mosq. Control State	\$ 25,729.00		
Section 8 Housing	\$ 155,275.06		
Tourist Dev. Council	\$ 2,273,687.16	\$ 11,081.21	
N.W. Mosquito Control	\$ 17,156.06		
Recreation Plat Fee	\$ 8,564.93		
Solid Waste Enterprise	\$ 592,320.11	\$ 284,713.26	
Bldg Dept./Enterp. Fund	\$ 1,984.18		
Daughette Subdivision	\$ 13,022.98		
Leisure Lake MSBU	\$ 1,812.00		
Increment Tax Funding	\$ 85,583.81		
<b>Totals</b>	<b>\$ 8,371,635.71</b>	<b>\$ 295,794.47</b>	<b>\$ 8,075,841.24</b>

2. Approve Minutes of the June 12, 2018 Regular Meeting and June 13, 2018 Joint Workshop
3. Request approval to transfer two Ricoh Aficio Laser Ballot Printers (SOE# 172 & SOE# 173) from the Supervisor of Elections Office to County Administration
4. Request to appoint Vice-Chairman Tony Anderson to serve as an alternate on the Canvassing Board
5. Request to approve and authorize the Chairman to sign the 2018 NACo Credentials Voting Form delegating Timothy Brown with the Planning Department to vote in the NACo 2<sup>nd</sup> VP Election
6. Request to approve and authorize the Chairman to sign a resolution **(2018-54)** amending the FY 2018 budget in the Preservation Fund for unanticipated grant revenue in the amount of \$196,750.00 from the Florida Department of Environmental Protection for the Choctawhatchee Paddle Trail - Cowford Landing Site
7. Request to approve and authorize the Chairman to sign a resolution **(2018-55)** amending the FY 2018 budget to recognize deferred Vessel Registration Fees in the amount of \$18,270.00 to provide the match for the FWC Derelict Vessel Removal Grant.
8. Request approval to surplus items from the Parks Department and the Walton County Sheriff's Department
9. Request to approve and authorize the Chairman to sign Addendum A to the Actuarial Services Agreement with Stanley, Hunt, DuPree & Rhine for actuarial and administrative services and fees for governmental plans with other post-retirement benefits other than pensions as requested by the Clerk's Office



10. Request to approve and authorize the Chairman to sign the agreement with Maximus Consulting Services in the amount of \$11,500.00 for the Cost Allocation Study based on the actual cost for the fiscal year ending September 30, 2017
11. Request to approve and authorize the Chairman to sign Change Order No. 1 for Additional Professional Engineering Services to Task Order No. 18-09 Baygrove Park with Genesis; increasing the contract price \$3,453.12
12. Request to approve and authorize the Chairman to sign a Right-of-way Easement (Ref. 554366) with Chelco
13. Request to approve and authorize the Chairman to sign Admin Task Order No. GW 18-05 with Color Nine Group, LLC to provide grant writing services for the County TRIUMPH projects
14. Request to approve the purchase of a laptop with docking station for Public Works in an amount not to exceed \$2,700.00

Chairman Chapman announced his voting conflict regarding Waste Management items and submitted Form 8B: Memorandum of Voting Conflict to the clerk.

Motion by Commissioner Jones, second by Commissioner Comander, to approve the Waste Management expenditures in the amount of \$295,794.47. Ayes 4, Nays 0. Jones Aye, Nipper Aye, Comander Aye, Anderson Aye, Chapman abstained.

Motion by Commissioner Comander, second by Commissioner Nipper, to approve the closure the Coastal Branch Library for maintenance beginning August 13, 2018 for a period of four weeks. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Mr. Jones requested direction on naming of the new sports park and the new park at Highway 331 and Bay Grove Road. He stated the policy for naming facilities generally relates if a facility will be named after an individual, not a generic name. However, if any changes are recommended to the wording of the policy he recommended submitting those changes as well. The commissioners favored Bay Grove Park, but will forward additional suggestions to staff.

Motion by Commissioner Anderson, second by Commissioner Jones, to approve to begin negotiations with the highest ranked firm, New Line Skate Parks, for RFQ 018-26 for Design of

the Skate Park at Helen McCall. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Jones, to accept the resignation of Matt Aresco from the Local RESTORE Act Committee "Environmental" position and appoint Jeff Talbert to fill the vacancy. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Comander, to allow staff to purchase from the NJPA State Contract allowing the county to purchase the Naviline/ Financial suite replacement as necessary due to end of service for Naviline. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Nipper, to approve and authorize the Chairman to sign the software service agreement with Tyler Technologies for their Munis Software package. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Nipper, second by Commissioner Anderson, to award RFQ 018-019 CEI Services for CR183B SCRAP Project and approve to begin negotiations with the top ranked firm, Genesis, for CEI Services. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Jones, to award RFQ 018-020 Engineering Services for CR183B SCRAP Project and approve to begin negotiations with the top ranked firm DRMP. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Jones, second by Commissioner Anderson, to award RFQ 018-023 CEI Services for CR883 CIGP Project and approve to begin negotiations with the top ranked firm EXP US Services, Inc. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Nipper, second by Commissioner Anderson, to award RFQ 018-027 PD&E Services for South Walton Connector Roads and approve to begin negotiations with Atkins Engineering, Inc.

Ms. Celeste Cobena spoke in opposition to the building a road through Point Washington State Forest and Dune Lake State Park. She spoke about the information she had previously submitted regarding impacts of any road going through conservation recreation land. She felt the roads should go around state parks. This will create problems at Eastern Lake due to the number of homes St. Joe is putting in.

Commissioner Jones stated the study is for the purpose of looking for other alternatives. Ms. Cobena stated a road has been considered for that area since about 2003 and strongly felt it is a waste of time and money to even consider a road through the state forest

Commissioner Nipper stated the point of moving forward is to determine if the county can obtain federal and state permits.

Commissioner Jones spoke about the traffic problems on 30A and stated this would allow the county to find alternatives. Ms. Cobena felt other options should be considered to alleviate traffic problems other than impacting conservation land.

Ms. Bonnie McQuiston stated there has not been any experience with evacuations since the new bridge was opened and U.S. Highway 331 has been 4-laned. She questioned the purpose of a new connector road. Commissioner Anderson stated the purpose is for safety, traffic, and

evacuation routes. The firm will be tasked with considering all options. Ms. McQuiston also asked who the road would benefit and how many people live in that area. She strongly urged the commissioner to protect the preservation land as it would set a precedence if it is allowed.

Commissioner Comander stated they must consider evacuation routes, traffic, and safety for those living in south Walton. The study will help with making an informed decision.

Commissioner Nipper questioned if this study is building on the Atkins study already performed. Commissioner Jones said the study is mandatory in order to move forward. Mr. Jones stated this study will help the county make a decision and will certainly help provide options. It will eventually allow costs to be tied to those options. Commissioner Comander felt it was time to get the necessary information to make decisions.

Mr. Brooke applauded the board for considering the study and felt it would help them make an informed decision.

Ms. Coy Bowman spoke in opposition to building new roads.

Ms. Lisa Boushy reminded the board that Alabama Power has rights to the power lines and not sure if they would cooperate. She thought these options were considered before and spoke about the effects there would be on the neighborhoods. She spoke about the possibility of making the road one way for egress only.

Mr. Fletcher asked if discussions should be held with Alabama Power and the state before spending money on a study. Chairman Chapman stated staff will reach out to all property owners. Commissioner Anderson said they were unsure if there will even be a road, which is what the study will determine.

Mr. Chance Powell, Walton County Public Works, stated one aspect of the study is to define an alignment if a road is deemed feasible then they would go through the property acquisition process if needed. The study will determine the road location.

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

Motion by Commissioner Jones, second by Commissioner Anderson, to award RFQ 018-024 Engineering Services for CR883 CIGP Project and approve to begin negotiations with the top ranked firm Genesis Group. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve award and authorize the Chairman to sign Contract No. 018-031 Derelict Vessel Removal with the lowest, responsive, responsible bidder, Hondo Enterprises, Inc., in the amount of \$73,080.00. Commissioner Comander commended Ms. Melinda Gates for her efforts relating to this project. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Jones, to approve to advertise and hold a Budget Workshop on July 10, 2018, at 10:00 AM at the Walton County Courthouse in DeFuniak Springs and to approve the following dates for the FY 2018-2019 budget hearings: Tentative Budget Hearing September 10, 2018 @ 5:01 p.m. at the South Walton Annex; and Final Budget Hearing September 24, 2018 @ 5:01p.m. at the DeFuniak Springs Courthouse Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Jones, to approve the 2018 TDC Marketing and Communications Advisory Committee as presented by Mr. Jay Tusa, TDC Executive Director. The committee members are Jim Richard; Kerry Parker; Jessica Bracken; Ron

Couget; Lisa Jones; Nancy Stanley; Sarah Brazwell; Stacey Brady; and Larry Greene. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve the 2018 TDC Events, Activities, Arts and Culture Advisory Committee Members as follows: Tim Norris; Ashton Burks; Marisol Gullo; Chelsea Calhoun; Dan Vargo; Amy Wise-Coble; Jan Bargeron; Kathleen Broaderick; and Sammy Sanchez. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Jones, second by Commissioner Nipper, to approve the 2018 TDC Beach Management Advisory Committee Members as follows: Brian Christenson; Matt Magera; John Henderson; Matt Allen; Davi Vaughan; Danny Margagliano; Phillip Poundstone; Debbie Heard; and Lisa Boushy.

Mr. Brooke thanked the board for adding in representatives of the local communities.

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

Motion by Commissioner Comander, second by Commissioner Nipper, to approve the 2018 TDC Destination Improvements Advisory Committee Members as follow: Gary Brielmayer; Kelly Anderson; Kate Johnson; Patrick Hartsfield; Rick Talbert; Marilue Maris; Leigh Moore; John Wellborn; and John Toombs. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Comander, to award RFP 018-018 for Website Design and Maintenance for the TDC to the top ranked firm, Zehnder Communications, in the amount of \$288,000.00.

Commissioner Nipper questioned if this is a redesign of last year's site buildout. Mr. Tusa stated it was not. Mr. Tusa stated they are the current company contracted with the county and they had won the bid to design the page.

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

Motion by Commissioner Comander, second by Commissioner Anderson, to approve utilizing the remaining BP funds in the amount of \$1,902,660.00 for land purchases and/or design/engineering and advertise to hold a public hearing on July 10, 2018 to bring forward funds. These are the remaining TDC BP funds designated for this purpose. The funds were originally allocated to the TDC and designated for certain expenditures. Attorney Noyes also noted the money was to compensate the TDC for last revenues caused by the BP oil spill.

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

Motion by Commissioner Comander, second by Commissioner Jones, to approve to advertise an RFQ for Continuing Coastal Environmental Management Services. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Nipper, to approve and authorize the Chairman to sign the Exercise of First Option to Renew Contract No.: 015-023 with Taylor Engineering, Inc. for Coastal Management Consultant Services until a Contract for Continuing Coastal Environmental Services has been awarded. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Commissioner Jones asked Mr. Tusa if he was still considering property purchases and questioned the amount of money spent on property acquisition. Mr. Tusa stated approximately \$27 million has been spent on property in the past two years and \$1.9 of that was in the last year.

Motion by Commissioner Comander, second by Commissioner Jones, to call to order the Public Hearing to consider an ordinance amending the Walton County Code of Ordinances Chapter 22, Sections 54 and 55, Beach Activities Ordinance (continued from June 12, 2018). Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Attorney Noyes gave a brief history of the Beach Activities Ordinance stating this is the third Public Hearing held on this issue. She stated the proposed sign regulations are content neutral and would apply to all signs. The goal is to create reasonable sign regulations. Some members of the public have voiced regulations for no signs on the beach, however there is a Federal Court ruling stating the county cannot bar signs completely. One issue that must be decided is if it should be required for signs to be removed from the beach nightly to be consistent with the Leave No Trace Ordinance. Attorney Noyes advised Sheriff Adkinson was present to discuss questions relating to his ability to use a GPS for determining property lines. She said he does not have that capability. Another issue to be addressed are issues with the South Walton Fire District having the authority to close the beach in the event of an emergency.

Chairman Chapman opened discussion with Sheriff Mike Adkinson on what can be implemented that the Sheriff's office will be able to enforce and what mechanism does the Sheriff have to help define property lines.

Sheriff Adkinson stated there are several issues that must be considered including property law and criminal law. He spoke about criminal trespassing and civil trespassing, which are slightly different. He said it is their policy that the property owner possess a certified DEP survey to prove their property line location. The Sheriff's Department will not quibble or require someone to move over a one foot discrepancy. If it is clearly private property then it is probable that trespassing has occurred. It is the responsibility of property owners to know their property lines. Sheriff Adkinson



spoke about Florida Statute that states property of five acres or less with a residence is not required to have “no trespassing signs”. If signs are erected there are specific requirements that must be met, but not required under the law. Sheriff Adkinson stated they have to know where the property lines are.

Chairman Chapman voiced concerns over how difficult it will be to enforce. He felt there should be a marker at the wet line to give deputies the ability to pursue it and make it as simple as possible. He asked the Sheriff if having a mono pole sign at edge of water that can be backed up by a survey would help. Sheriff Adkinson stated his department has to know where the property line is to make a case. They are in discussion with the State Attorney’s Office trying to get answers. Nothing changes regarding the property owner’s right to take action regarding civil trespass.

Commissioner Jones spoke about signage located at the toe of the dune and voiced concerns with safety vehicles being able to get through. She asked if deputies would be able to do their job with a sign located at the toe of the dune. Sheriff Adkinson stated they will ultimately defer to the survey. He stated he will not willfully choose to not enforce the law and they will attempt to determine where the property lines are. If signs are erected, they have to be right. If signs are removed nightly and put back out on a daily basis, they have to be correctly placed. Nothing relieves the property owner from their responsibility/right to determine their property lines. Commissioner Nipper voiced concern for the property owner’s rights. Again, the Sheriff stated signs are not required for 5 acres or less. He stated he will work with the board and public in making reasonable judgments to the best of their ability.

Commissioner Nipper questioned if a condo can put two signs up in order to stay within the requirements of no more than one sign every 500 ft. and still suffice the sheriff’s department.

Sheriff Adkinson stated they could, but are not required to post any signs to protect their property rights.

Commissioner Jones spoke about the confusion for visitors and citizen to be able to walk on the beach. She said it hurts to see the possibility of too many signs on the beach destroying the beauty. Sheriff Adkinson clarified that the law does not abolish customary use. From a criminal standpoint of the law, he is bound by the law currently in place.

Commissioner Anderson voiced concern with putting signs in the wet sand as the wet sandy area changes constantly. He stated he is against signs on the beach because it will destroy the beaches. Federal Courts say they have to put it on the dry sand. Attorney Noyes stated the previous sign ordinance was a complete ban of signs on the sandy portion of the beach, but signs were allowed at the toe of the dune. The courts said the complete ban was not justified, but reasonable regulations could be adopted to address concerns such as endangered species and safety.

Commissioner Jones asked the sheriff his policy for enforcement while the issue is in litigation. He responded that there must be a reasonable belief that the issue could result in prosecution otherwise there is no need for an arrest.

Ms. Lori Reichenbach voiced concern with posting signs and creating a danger for sea turtles which could cause them to return to the water to lay the eggs.

Mr. Brooke spoke about the difficulty for the deputies to determine property lines. He also spoke about the low probability of a turtle hitting a sign.

Ms. Claire Kuhn spoke about turtles already being endangered we don't need to take a chance in losing any more.

Ms. Suzanne Harris commented on temporary residents and who would put their signs out and pick them up daily. She asked the commissioners to come to a reasonable decision regarding signs.

Mr. Kevin Boyle spoke about the turtle watch volunteers who put in many hours on the beaches to ensure there are no obstructions for the turtles.

Mr. Fletcher favored placing signs at the toe of the dune rather than at the water's edge. He also spoke about the size of sign posts and signs. Attorney Noyes stated there is no limit on the size of the post. She also stated the current size of signs are limited to a maximum of 18" X 24" and must be removed at night, cannot be permanently affixed, must be placed 250' apart or at the corner of the property boundaries, and signs shall not be placed seaward of the mean high water line or erosion control line. There are also regulations for the materials and colors.

Mr. Fletcher questioned how many properties go all the way to the water's edge. Sheriff Adkinson stated in his research, approximately 85% of the 900 properties go to the water's edge.

Commissioner Nipper asked Attorney Noyes to paraphrase the Judge's order. Attorney Noyes stated the county's previous sign ordinance required a complete ban on all signs on the sandy portion of the beach. The court ruled there was no valid justification for a complete ban.

Discussion followed regarding proper signs and what action the Sheriff Deputies would take in the event of a violation. Questions arose as to how many property owners were intending on putting signs up. Attorney Kent Safriet stated he represented about two dozen home owners who intend to put signs up. Discussion continued regarding permanent signage at the toe of the dune along with sandwich signs and what method is best for the Sheriff.

Ms. Leigh Moore questioned if restrictions could be put in place making property line marking signs the only permanent signs. She spoke about the potential for turtle obstruction. Ms. Moore reiterated the need to make the requirements for signs to be wood or to look like wood.

Mr. Derick Burube spoke about the potential of sea turtles hitting a sign and returning to the water further endangering the species. He also spoke about the need to trust law enforcement to perform their duties.

Mr. Michael Wynn questioned the law regarding the placement of signage properties of 5 acres or more.

Attorney Kent Safriet, Hopping, Green and Sams, appeared on behalf of multiple beach front property owners. Commented on statements by the Sheriff when he said he would not make any arrest unless there is cause for successful prosecution. He stated the residents need proper signage that will allow prosecution. Signage is needed on the east/west boundary to allow the Sheriff to have something that delineates the boundaries. The court order says signs must be allowed. He spoke in opposition to the signs having to be moved at night. Attorney Safriet stated that costs must be considered. The law must be followed. Lastly, he said absentee land owners must be considered because they would have to hire someone to put their signs up on a daily basis. He felt they should be allow one permanent sign. Not allowing signage would result in unsuccessful prosecution of trespassing, which could result in a taking of the property. He stated most of the concern is coming from homes located around public beach accesses and did not feel signs would go up across all beaches.

Ms. Lisa Boushy spoke about the design and placement of signs. She favored aluminum signs for ease in removing them daily. Attorney Noyes stated the signs located at the toe of the

dune can be permanent, but those to be located on the dry sandy portion of the beach must be removed nightly. Signs at the toe of the dune are not required by property owners.

Ms. Bowman questioned the language in the federal law. Attorney Noyes responded saying the courts found Walton County's ban on beach signage unjustified and did not provide any specific language that must be followed.

Sheriff Adkinson stated they have policy allowing a tape to be drawn out to help determine property lines, within a foot or so.

Commissioner Anderson questioned if allowing signs at the toe of the dune satisfies the court order. Attorney Noyes explained the courts only said the county's previous sign ordinance was not justified under First Amendment principals. She felt the newly drafted language is reasonable. Commissioner Anderson further questioned if signs were allowed at the toe of the dune and a temporary sign allowed that had to be brought in at night, would that be sufficient. Attorney Noyes stated she felt that would meet the requirements based on discussions with the Turtle Watch Group, Habitat Conservation Plan, and safety concerns.

Motion by Commissioner Jones, second by Commissioner Anderson, to allow optional permanent signs at the toe of the dune with optional descriptive verbiage of how far the property extends and an optional removable sandwich sign at the other property corner. Attorney Noyes advised that is what is stated in the draft ordinance.

Commissioner Comander voiced her disappointment with this sign issue and those who no longer respect the beach. She felt it was unreasonable to require sandwich signs that would have to be removed nightly due to absentee beach owners. She questioned the possibility of placing a permanent sign in the middle of one's property giving the number of feet to each edge of the

property, which would give the deputies a point of reference. In addition, it would be more reasonable than making owners remove them nightly and would be less signs overall.

Attorney Noyes spoke about the language regarding signage not being placed closer than 250'.

The motion was to adopt the ordinance as drafted. Ayes 2, Nays 3. Chapman Nay, Jones Aye, Nipper Nay, Comander Nay, Anderson Aye. Motion failed

Motion by Commissioner Comander to allow the property owner to place a sign in the middle of his/her property defining the properties boundaries. Attorney Noyes stated the regulations are content neutral and must apply to all signs. She stated the number of signs on each property could be addressed by removing proposed language that signs be placed on the property boundaries.

Chairman Chapman asked if a warning must be issued prior to someone being arrested for trespassing. Chief Deputy Jerry Brown stated that was correct.

Chairman Chapman stepped down as Chair and motioned to provide language in the ordinance stating there shall be a permanent sign at the toe of the dune and a permanent sign on each corner of the property. Commissioner Comander seconded the motion for discussion.

Brief discussion was held regarding sign locations, proposed language, and the sheriff's ability to measure from the point of a sign. Chairman Chapman clarified his motion to be a permanent sign on each of the four corners of the property.

Ayes 2, Nays 3. Chapman Aye, Jones Nay, Nipper Aye, Comander Nay, Anderson Nay. Motion failed.

Motion by Commissioner Jones, second by Commissioner Comander, to adopt the ordinance as drafted. Ayes 3, Nays 2. Chapman Nay, Jones Aye, Nipper Nay, Comander Aye, Anderson Aye.

Mr. Sammy Sanchez, South Walton Fire Department, requested the board change the language on page 11 (h)(2) regarding who is authorized to close the beach. Mr. Sanchez felt the fire department should be included as an authorized agency to close the beach in the event of an emergency. He stated they currently have authorization to close the water, but not the beach in extreme weather. They do close the beach temporarily when a helicopter is called in for rescues. Commissioner Comander felt too many people with authorization could create more confusion and felt the decision should be left up to the Sheriff's department. Brief discussion was held regarding the fire department working in conjunction with the sheriff.

Motion by Commissioner Anderson, second by Commissioner Jones, to approve the requested language change allowing South Walton Fire Department to be added as an authorized agency who can close the beaches in the event of an emergency and to work in conjunction with the sheriff to do so. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

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

The commissioners recessed for lunch at 12:45 p.m. and reconvened at 1:15 p.m.

Motion by Commissioner Comander, second by Commissioner Anderson, to call to order the Public Hearing to consider a budget amendment. Ayes 4, Nays 0. Chapman Aye, Jones Aye, Nipper Absent, Comander Aye, Anderson Aye.

Commissioner Nipper returned.

Motion by Commissioner Anderson, second by Commissioner Nipper, to approve and authorize the Chairman to sign a resolution **2018-56**) to bring forward \$196,750.00 from the Preservation Fund Reserves as a grant match for the Choctawhatchee Paddle Trail project.

Ms. Coy Bowman questioned what the funds were being used for. Mr. Jones stated the funds would be used for platform covers and the boat ramp.

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

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

Mr. Carpenter presented, on behalf of Ms. Kim Kirby, Grit & Grace, Inc., an invitation to each of the commissioners to the 2018 Folk Life Production and stated there will be tickets available for each commissioner and a guest.

Motion by Commissioner Jones, second by Commissioner Anderson, to approve a request by Mr. Kevin Boyle, Seaside Arts & Entertainment Corp., to hold their Annual 4th of July Parade and close two lanes of CR 30A from Seagrove Plaza to Quincy Circle in Seaside. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye. Mr. Boyle stated they have the support of the South Walton Fire Department, the Sheriff, and Seagrove plaza owners.

Motion by Commissioner Anderson, second by Commissioner Jones, to approve a request by Ms. Alicia Butler to hold the 17th Annual Seaside School Half Marathon & 5K Run and close both lanes of Highway 30A on March 3, 2019. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye. Commissioner Comander asked Ms. Butler to be mindful of the people and make accommodations for their ingress and egress.



Motion by Commissioner Comander, second by Commissioner Anderson, to approve and authorize the Chairman to sign a retainer agreement with Theriaque & Spain to represent Walton County in Blessey v. Walton County, Case No. 3:18-cv-01415-MCR-CJK as presented by Attorney Noyes. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve and authorize the Chairman to sign the settlement agreement and release in Greater Driftwood Homeowners Association v. Walton County as presented by Attorney Noyes. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve to hold a Public Hearing on September 6<sup>th</sup> at 9:00 a.m. to consider adoption of Customary Use Ordinance pursuant to procedures required by HB 631. The location will be determined at a later date. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Jones, second by Commissioner Comander, to approve holding an Executive Session on July 10, 2018 at 3:00 p.m. in Blessey v. Walton County, Case Number 3:18-cv-01415-MCR-CJK. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the engagement letter with Warner Law Firm to represent the county in A Flock of Seagirls LLC f/k/a Sweat Equity LLC v. Walton County, Florida Case no.: 3:17-cv0335MCR-CJK (Lead case); and Valentines Heights LLC v. Walton County, Florida Case no.: 3:17-cv-371-MCR-GRJ (member case) as presented by Attorney Noyes. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Commissioner Comander announced the annual 4th Fourth of July Parade in DeFuniak Springs beginning at 4:00 p.m.. Singer Shane Owens will be performing at the Wee Care Park for the opening ceremonies at 6:00 p.m.

Commissioner Nipper did not present any items for discussion.

Motion by Commissioner Jones, second by Commissioner Nipper, for discussion, to move forward with obtaining appraisals on the property located at the Eastern Lake Outfall (Parcel ID #19-3S-18-16080-000-0130).

Discussion was held regarding the property and the Zoning Board of Adjustment's granting a variance reducing the set-back lines. Mr. Carpenter spoke about the prior letter of consistency stating he refused to write another letter because it was inconsistent with the LDC. Discussion was also held regarding the site not being sufficient for a regional beach access and parking. Mr. Carpenter stated they will be reviewing possible impacts to the Coastal Dune Lake Protection Zone. It has yet to be determined if the lot will have a buildable area or if a beach access will be appropriate. Chairman Chapman spoke about a proposed project on the site and parking. He also stated he was told in the past that a regional beach access could not be located there. Attorney Noyes advised that an assessment could be done on the property while waiting on the appraisals. Commissioner Nipper commented that the price could change if the property is buildable. Attorney Noyes stated the Coastal Protection Zone provisions and provisions in the Comprehensive Plan have an out clause that still allow someone to build a residence on a lot of record. Commissioner Nipper commented they would be required to obtain a permit from DEP. Attorney Noyes advised the board would need to move forward with obtaining appraisals as the next step.

Mr. Fletcher suggested having both scenarios, whether the property is buildable or not, considered at the time the appraisal is obtained.

Commissioner Comander called the question. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Commissioner Jones asked if staff could speak with Mr. Benton Hester to see if Natural Bridge or any other property is available in District 2 for recreational purposes.

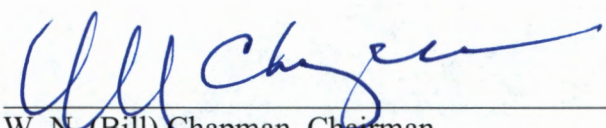
Commissioner Anderson nor Chairman Chapman presented any items for discussion.

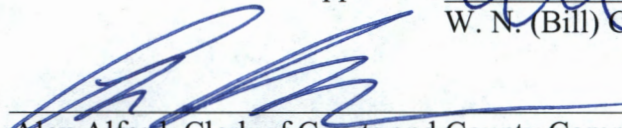
Motion by Commissioner Comander, second by Commissioner Jones, to approve the following Planning Commission reappointments: Michael Barker, District 4 seat; Michael Harbin, At-Large seat; and Lee Perry, At-Large seat. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Preservation Fee Calculation Policy as presented by Mr. Carpenter. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve the Recreation Fee Calculation Policy as presented by Mr. Carpenter. Ayes 5, Nays 0. Chapman Aye, Jones Aye, Nipper Aye, Comander Aye, Anderson Aye.

There being no further items to discuss the meeting was adjourned at 1:55 p.m.

Approved:   
W. N. (Bill) Chapman, Chairman

Attest:   
Alex Alford, Clerk of Courts and County Comptroller