

## **JULY 10, 2018 – REGULAR MEETING**

The Board of County Commissioners, Walton County, Florida held a Regular Meeting on July 10, 2018 at 4:00 p.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; and Commissioner Sara Comander. Mr. Larry Jones, County Administrator; and Attorney Sidney Noyes, County Attorney; were also present.

Chairman Chapman announced Commissioners Jones and Nipper would not be in attendance and called the meeting to order.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve the agenda with the revisions as follows. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

1. Addition: County Attorney (18-1099) Request to advertise and hold an Executive Session in Vecchio v. Walton County (Case No.: 3:17-cv-127-RV-CJK)
2. Addition: Planning and Development Services (18-1098) Request to approve and authorize the Chairman to sign a resolution authorizing the Walton County application to FDOT for Transit Service Development for south Walton County utilizing electric transit vehicles
3. Addition: Planning and Development Services (18-1096) Request approval to advertise a Request for Qualifications (RFQ) for transit service providers for north-south commuter assistance transit service along U.S. 331 from DeFuniak Springs to Santa Rosa Beach and future transit operation for the U.S. 98 and C.R. 30A area in south Walton County
4. Deletion: TDC (18-1048) Request to approve a conceptual design for the new Seagrove Regional Beach Access and move forward with formal design and planning/permitting applications.
5. Deletion: Consent Agenda Item 9 (18-1050) Request approval to transfer \$5,000.00 from the Section 8 Housing Contingency Fund to cover the cost of conferences in West Palm Beach and FAHRO in Orlando
6. Deletion: Consent Agenda Item 14 (18-0631) Request to approve and authorize the Chairman to sign a Memorandum of Understanding between Walton County, Florida and the School Board of Walton County, Florida regarding the utilization of school resources during emergencies and disasters to include providing for an adequate number of public host and risk shelters, cafeteria facilities, and school buses for emergency transportation by utilizing Walton County public school staff, facilities, and resources

There were no public comments regarding items on the agenda.

There were no items removed from the Consent Agenda for discussion.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Consent Agenda as follows. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

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

|                               | Total                | Waste Management              |
|-------------------------------|----------------------|-------------------------------|
| General Fund                  | \$ 674,728.35        |                               |
| County Transportation         | \$ 381,092.82        |                               |
| Fine & Forfeiture             | \$ 42,068.21         |                               |
| Section 8 Housing             | \$ 155,769.45        |                               |
| Tourist Dev. Council          | \$ 538,409.88        |                               |
| N.W. Mosquito Control         | \$ 482.97            |                               |
| Recreation Plat Fee           | \$ 13,219.06         |                               |
| Solid Waste Enterprise        | \$ 897,575.83        | \$ 399,204.52                 |
| Capital Projects Fund         | \$ 981,728.95        |                               |
| Mossy Head Ind. Park          | \$ 94.22             |                               |
| Infrastructure Improvements   | \$ 1,097.00          |                               |
| Increment Tax Funding         | <u>\$ 457,766.13</u> |                               |
| <b>Totals</b>                 | \$ 4,144,032.87      | <u>\$ 399,204.52</u>          |
| <b>Grand Total (minus WM)</b> |                      | <u><u>\$ 3,744,828.35</u></u> |

2. Approve minutes of the June 25, 2018 Regular Meeting
3. Approve the Investment Report for Quarter ended March 31, 2018 as requested by the Clerk's Office
4. Request to approve and authorize the Chairman to sign and execute a SHIP Mortgage Release of Lien for Lynette McLandon
5. Request to approve and authorize the Chairman to sign the Satisfaction of Mortgage for a SHIP Mortgage for James and Shirley Davis
6. Request approve to surplus items from the GIS Department, WCRF/Sheriff Department and Public Works Department
7. Request to approve and authorize the Chairman to sign the Certificate of Public Convenience and Necessity (COPCN) for basic and advanced life support ground transportation services-Walton County Sheriff's Office
8. Request to approve and authorize the Chairman to sign a **resolution (2018-57)** establishing the South Walton Tax Increment Financing (TIF) percentage for the 2019 Fiscal Year
9. ~~Request approval to transfer \$5,000.00 from the Section 8 Housing Contingency Fund to cover the cost of conferences in West Palm Beach and FAHRO in Orlando~~

10. Request to approve and authorize the Chairman to sign Attachment C to the State of Florida Division of Elections Security Grant Agreement certifying that the County has purchased and made available sufficient equipment for casting and county ballots to meet the needs of the county electors for the next regularly scheduled general election
11. Request to approve and authorize the Chairman to sign the Emergency Management Performance Grant (EMPG) Agreement (number to be determined) with the Florida Division of Emergency Management (FDEM) in the amount of \$61,844.00
12. Request to approve and authorize the chairman to sign the State-funded Emergency Management Preparedness and Assistance Grant (EMPA) agreement in the amount of \$105,806.00
13. Request to approve and authorize the Chairman to sign a Memorandum of Understanding between Walton County, Florida and Chautauqua Office of Psychotherapy and Evaluation, Inc. (COPE) d/b/a Chautauqua Health Services regarding the Panhandle 2-1-1 Information System Support for Emergencies and Disasters
- ~~14. Request to approve and authorize the Chairman to sign a Memorandum of Understanding between Walton County, Florida and the School Board of Walton County, Florida regarding the utilization of school resources during emergencies and disasters to include providing for an adequate number of public host and risk shelters, cafeteria facilities, and school buses for emergency transportation by utilizing Walton County public school staff, facilities, and resources~~
15. Request to approve and authorize the Chairman to sign Change Order No. 1 to Contract No. 018-015 TDC Warehouse Renovations with Empire Builders Group, Inc.; increasing the contract duration 30 days
16. Request to approve and authorize the Chairman to sign Change Order No. 2 to Construction Contract No.: 017-021 Sports Complex Construction with C.W. Roberts, Incorporated; increasing the contract time by 38 calendar days
17. Request to approve and authorize the Chairman to sign Change Order No 3 to Construction Contract No.: 017-021 Sports Complex Construction with CW Roberts, Inc. reducing the contract price by \$35,020.00
18. Request to approve and authorize the Chairman to sign a letter terminating Walton County's contract with Aramark Uniform Services effective at the end of the 24 month term on November 28, 2018
19. Request to approve an authorize the Chairman to sign Task Order No.: 18-12 Engineering Services for U.S. 331 Median Landscape Design north of Clyde B. Wells Bridge with Genesis in the amount of \$14,785.00

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

Motion by Commissioner Comander, second by Commissioner Anderson, to approve the Waste Management Expenditures in the amount of \$399,204.52. Ayes 2, Nays 0. Chapman Abstain, Anderson Aye, Comander Aye. **(Form 8B: Chapman)**

Motion by Commissioner Comander, second by Commissioner Anderson, to adopt the Preliminary Rate **Resolution (2018-58)** for the Annual Fire Rescue Services Assessments Project for Fiscal Year 2018-2019; and approve to advertise for a Public Hearing to be held August 28, 2018 to consider the Final Annual Assessment Resolution as presented by Mr. Larry Jones, County Administrator. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to award RFQ 018-030 Engineering Design, Permitting, and CEI Services to expand the existing Class III Solid Waste Disposal Facility with a new lined disposal cell and approve to begin negotiations with Jones Edmunds as presented by Mr. Jones. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Commissioner Comander commended Mr. Billy McKee, Environmental Manager; and staff for all the work they have done on the project.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve to advertise a Request for Proposal (RFP) for Workers Compensation Program Services as presented by Mr. Jones.

Commissioner Comander stated that one of her staff had been told by the company that the contract had not expired. Mr. Jones stated it would be reviewed before further action is taken.

Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve to award RFP 018-029 for Group Health Insurance to Blue Cross Blue Shield of Florida and approve the FloridaBlue group health insurance plan for the 2019 fiscal year with a 9.25% increase in premiums as presented by Mr. Jones.

Chairman Chapman asked if the increase changed the policy benefits. Mr. Jones replied it did not.

Mr. Bob Brooke asked if the increase would be paid by the county, the employee, or both. Mr. Jones stated individual coverage is paid by the county. Family coverage is paid by the employee. The county would absorb the additional cost.

Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to allow the Walton County Purchasing Department to advertise for bids for the renovations to the Department of Health (DOH) as requested by the Walton County Health Department and presented by Mr. Jones. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye. The DOH will reimburse the county for the cost of the awarded bidder.

Motion by Commissioner Comander, second by Commissioner Anderson, to allow county staff to prepare the pad for the modular unit to be installed on the old Pig Daddy's property which will be the new Environmental Health Office as requested by the DOH, to allow staff to provide an estimate for the cost to pave the additional parking lot on the same property, and perform the work with the DOH paying the cost for site prep and materials as requested by the Walton County Health Department and presented by Mr. Jones. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye. The cost to prepare the pad and pave the parking lot would cost approximately \$60,000.00.

Commissioner Comander commended Ms. Harriet Simmons on the outstanding job she does for the Health Department.

Motion by Commissioner Anderson, second by Commissioner Comander, to award RFQ 018-021 Design Engineering Services for C.R. 185 Gum Creek Church Resurfacing SCOP Project

and approve to begin negotiations with the top ranked firm DRMP as presented by Mr. Jones. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to award RFQ 015-022 CEI Services for C.R. 185 Gum Creek Church Resurfacing SCOP Project and approve to begin negotiations with the top ranked firm Genesis CEI Group as presented by Mr. Jones. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to award RFQ 018-025 Design Services for C.R. 0605 SCRAP Project and approve to begin negotiations with the top ranked firm DRMP as presented by Mr. Jones. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve for Public Works staff to move forward with competitively bidding the various contracts necessary to construct the Bay Grove Park project upon completion of final design documents and specifications as presented by Mr. Jones.

Ms. Hannah Brown requested the park be named for Mr. Grady Brown, her grandfather, who fished the area every day, a role model too many, and a lifelong resident of Walton County. Chairman Chapman stated the naming of the park was not on the current agenda, but would be presented at a later date.

Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to authorize the Clerk of Courts to collect on the Ridgewalk, LLC Letter of Credit for Ridgewalk PUD in the amount of \$59,334.00 before the expiration date on July 14, 2018 as presented by Mr. Jones.

Chairman Chapman questioned if Ridgewalk was working to replace the current letter of credit. Mr. Matthew Parker, managing member of Ridgewalk LLC, stated the company is working with staff to create a new letter of credit to replace the expiring one and asked the motion be amended to collect on the letter of credit if a new letter is not in place prior to July 14, 2018.

Motion modified by Commissioner Comander and second by Commissioner Anderson, to authorize the Clerk of Courts to collect on the Ridgewalk, LLC Letter of Credit for Ridgewalk PUD in the amount of \$59,334.00 before the expiration date on July 14, 2018 contingent upon the receipt of a new letter of credit prior to the expiration date. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Anderson, second by Commissioner Comander, to authorize staff to apply for a variance for the new Miramar Regional Beach Access as requested by Mr. Brian Kellenberger, TDC Director of Beach Operations. This is a variance from the front setback.

Chairman Chapman asked if DEP had requested the facilities to be moved further inland. Mr. Kellenberger replied they had. Chairman Chapman stated he had requested the Seagrove Regional Beach Access conceptual design be removed from the agenda so that further research could be done to insure that the access was a proper distance away from the dunes.

Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Mr. Jay Tusa, TDC Executive Director, presented an update on the May 2018 Tourist Development Tax numbers which were up 2.78% over May 2017. The total amount collected in May 2018 was \$2,279,693.96. He reported the year over year numbers were up 6.42% for a total of \$10,241,543.21.

Chairman Chapman called to order the Public Hearing to consider a request to approve and authorize the Chairman to sign a **resolution (2018-59)** to bring forward \$1,902,660.00 in the Tourist Development Fund Reserves for the purchase of land.

Motion by Commissioner Comander, second by Commissioner Anderson, to open the Public Hearing. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve and authorize the Chairman to sign a **resolution (2018-59)** to bring forward \$1,902,660.00 in the Tourist Development Fund Reserves for the purchase of land. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to close the Public Hearing. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Attorney Sidney Noyes, County Attorney, presented an update on the TDC Garbage Collection on the beach. Several beach front property owners have demanded that county staff stop crossing their property to collect garbage on the beach. The TDC has provided this services for many years for both public and private beaches. She said there had been no issues with the service until recently. The location of the properties would greatly impact the staff's ability to pick up trash on the private properties wishing to continue the service. She stated due to the recent issues collection on all private properties will have to be stopped. Chairman Chapman stated the letters came from four attorneys. Attorney Noyes stated the following property owners attorneys have sent cease and desist letters: Paradise by the Sea, James & Nina Hayden, Seaside Town Council, Inc., Vizcaya Owners Association, Inc., Grand Dues Condo Owners' Association, Inc., Village of White Cliffs Owners' Association, Inc., Lionel & Tammy Nix Alford, Emmet & Linda



Hildreth, Stanley Smith Management Trust, C. Finley McRae & F. McRae Investments, LLC, KI Florida Properties, LLC, C. T. Fitzpatrick, Douglas & Shelly Bush, John & Lisa Boushy Family Trust, Sadies Hideaway, LLC, St. Johns FLA Properties, LLC, and Southwinds Condominiums. She stated that some have requested the county no longer pick up trash on their property and stated the issue comes in when these properties have to be crossed to access the bed tax collectors properties wishing to continue the trash pick-up service. Chairman Chapman asked Attorney Noyes to discuss the individuals which have withdrawn their demands. Attorney Noyes confirmed that Seaside Town Council, Inc. had rescinded their demand and other attorneys have presented certain concessions which would allow staff to cross the properties. She said the concession would be to indemnify their clients from staff crossing the beach; this cannot be done. All the different demands puts staff in a difficult position.

Mr. Kellenberger noted one cease and desist letter demanded staff be arrested for trespassing. Chairman Chapman voiced concern over the ramifications for garbage piling up and the cost it would be to the county. He recommended the cost be borne by the home owners. Mr. Kellenberger briefly discussed some of the issues which could arise from the situation. He reported there are a total of 670 bags collected from approximately 300 collection stations. He said approximately 148 locations will be compromised by these demands. He reported approximately 72,000 bags of garbage were collected off the beach last year. Mr. Kellenberger discussed some solutions for garbage pickup which would include topside pickup, requiring the property owner to maintain the trash pickup, and continuing the service risking litigation. Attorney Noyes stated the safest option is to suspend trash pickup on private property.

Discussion was held regarding solutions which would require the property owners to be responsible for the trash pickup, FDEP reactions, and the property owners' assumption that the

trash pickup would have an effect on the customary use issue. Attorney Noyes stated that trash pickup will not be used as evidence in support of customary use.

Attorney Noyes stated she could continue to work with the attorneys in hopes of coming up with a solution on direction from the board. Discussion continued on phasing out collection on all private property and only have pick up at the regional and neighborhood beach accesses and county owned property.

Motion by Commissioner Comander, second by Commissioner Anderson, to eliminate trash pick-up on all private properties.

Ms. Laurie Reichenbach asked if there was a public domain law that would allow the county to take control of the trash issue. She stated the non-pickup of trash will negatively affect the wildlife, the flow of traffic (due to piles of trash on the streets and the increase of garbage trucks), and tourism. She encouraged the board to take any legal action possible to keep the crew cleaning up the beaches.

Mr. Brooke voiced concern with the issue and stated this division was caused by the board.

Mr. Cory Mays asked who would be responsible for re-nourishing the beach after a hurricane comes on shore. Chairman Chapman stated a few years ago the county had funding to re-nourish the beaches; however, the beach front property owners objected and stated they would be financially responsible for rebuilding their property after a storm. Mr. Mays spoke in favor of ceasing the pickup of trash on private property.

Mr. Bill Fletcher suggested contacting FDEP for a solution. Attorney Noyes stated she had been in contact with FDEP and was told there are no rules in place that would allow staff to cross private property except in the situation of garbage pile-up. Mr. Fletcher questioned if there were any Federal rules regarding endangered species which could be applied. Attorney Noyes responded

if there was a take on an endangered species as a result of the trash, the property owner would be held responsible for paying any State or Federal fines. Commissioner Anderson stated after conversations with FDEP and the Governor's Office, there was nothing the county could do without the permission from the property owners.

Mr. Nick Lembo discussed the Florida Fish and Wildlife Conservation Committee's (FFWCC) Best Management Practices for operating vehicles on the beach and stated beach driving inhibits turtle nesting. He suggested driving along the wet sand portion of the beach below the mean high water line. Mr. Kellenberger responded that staff is trained to recognize endangered species characteristics and nesting areas, that staff complies with the FFWCC regulations as best as they can, and that driving on the wet sand would be difficult due to the number of visitors on the beaches. He said the garbage collection is critical in protecting the habitats and the endangered species.

Ms. Barbara Morano encouraged the board to negotiate with the other attorneys in order to continue the trash pick-up. Attorney Noyes stated the terms presented by the attorneys to allow continued trash pick-up would be for the county to enter into a lease agreement that would indemnify the property owners; the county cannot do that. This garbage collection has been provided for approximately 20 years with no claims. She said there is a possibility that more letters are forthcoming. Attorney Noyes stated she would contact the attorneys to attempt to re-negotiate upon board direction.

Motion amended by Commissioner Comander to suspend the garbage collection services to allow staff time to re-negotiate with the attorneys.

Discussion was held regarding the practicality of the suspension of the collection services on all the properties which are impacted by the cease and desist letters; which include the properties

which did not send letters. There were concerns raised regarding properties in which the owners were not present year round. Mr. Kellenberger said that the number of bags collected last year would insinuate that garbage would pile up quickly if the services are stopped. Commissioner Comander questioned if the property owners would sue the county if staff continued removing the trash. Attorney Noyes stated she would work with Mr. Kellenberger and that she would not put the county and staff in a position in which they would be held liable.

Motion and second were rescinded.

Commissioner Anderson stated that the garbage needs to be removed from the beach daily, but voiced concerned for the staff who could be arrested for trespassing. Mr. Kellenberger discussed the trespassing laws and stated that staff has been instructed to apply professional curtesy and leave the area. Further discussion was held regarding the private property owners who wish to continue the service. Attorney Noyes questioned what the time frame would be for staff to properly notify the private property owners of the removal of the receptacles. Mr. Kellenberger responded it would take one day to remove the receptacles, but approximately two weeks or more for proper notification to be sent to all private property owners; this would include certified letters. Attorney Noyes recommended first contacting the attorneys to inform them that trash collections will cease in one month for all of the property owners affected by the request and ask them to consider concessions. She would bring back the responses. Commissioner Comander said the public needs to help get the word out about this issue.

Mr. John Reichenbach recommended calling the homeowners' bluff and continuing the services which have been ongoing for 20 years.

Ms. Coy Bowman recommended removing the receptacles and creating a fine for leaving items on the beach.

Attorney Noyes reviewed the board's direction to inform the attorneys that trash collection services will cease within 30 days, inform all private property owners of the cessation of trash collection services, and to re-negotiate with the attorneys concessions which would allow the services to resume. Chairman Chapman asked that a motion be made regarding the direction. Commissioner Anderson expressed concern for the property owners who do not wish to discontinue the services.

Motion by Commissioner Anderson, second by Commissioner Comander, to notify all affected property owners in writing of the cessation of beach trash collection services on private properties within 30 days and direct staff to communicate with the attorneys seeking the cessation of trash collection.

Ms. Michelle Phillips asked for a list of people who made the demands. Attorney Noyes stated the list is on the county website.

Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to advertise and hold an Executive Session to discuss Vecchio v. Walton County (Case No.: 3:17-cv-127-RV-CJK) to be held on July 24, 2018 after the Regular Meeting as requested by Attorney Noyes. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Commissioner Comander had no items to present.

Commissioner Anderson discussed the potential sale of the Black Creek Lodge property to the county and thought the property would be an asset to the county. He asked that staff be directed to research the possible purchase.

Motion by Commissioner Anderson, second by Commissioner Comander, to authorize staff to research the possible purchase of the Black Creek Lodge property.

A brief discussion was held to determine if appraisals should be included.

Motion amended by Commissioner Anderson, second amended by Commissioner Comander to include appraisals of the property as a part of the research. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Chairman Chapman had no items to present.

The meeting briefly recessed at 5:10 p.m. and reconvened at 5:30 p.m.

Ms. Maria Milton, Flowersview Industrial, Inc., discussed the need to correct the property description which was incorrectly recorded in 1948. The request to correct the error was presented in 2008. Attorney Noyes stated she was not employed with the county at the time of the 2008 request and stated she would review the documents to determine what needs to be done. She will contact Ms. Milton by week's end. Chairman Chapman said the county would do everything thing within its purview to resolve the situation.

Ms. Zella North Campbell voiced concern that the county had not researched the issue prior to the meeting. Mr. Jones discussed the procedures which are followed when an individual has asked to be placed on the agenda.

Rev. Tyron Broadis stated the School Board had donated the land to the Flowersview Community and the individual who recorded the deed did so incorrectly. He reported an individual is attempting to lay claim to the property due to the incorrect deed.

The board directed staff to determine which party drew up the original deed and to determine what needs to be done to resolve the issue.

Ms. Penny Stovall spoke in opposition to the Greenway Station project and discussed the parking problems on Eastern Lake Road and submitted photos depicting the issues.

Mr. Brooke thanked the commission for the sign improvements along C.R. 30A and spoke in opposition to the multiple political signs. He asked that the Supervisor of Elections remind the candidates in writing to the proper locations for signs, encourage supporters to remind political candidates of proper placement, and that all political signs be removed from the right of way which are illegally placed.

Ms. Mary Bruns voiced concern with the effects development has had on Williams Street.

Ms. Bowman addressed the board regarding legal property documents.

Motion by Commissioner Comander, second by Commissioner Anderson, to advertise a request for Qualifications (RFQ) for development and implementation of a Transportation Mobility Fee Program as a replacement for the Proportionate Fair Share Program used to manage transportation concurrency and mitigation of transportation impacts of development in Walton County as presented by Mr. Mac Carpenter, Planning and Development Services Director. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye. Mr. Carpenter stated there is one correction to the scope of work in which the title to task three was changed to state Detail and Test the Mobility Fee Program Framework. The details of the task have not changed.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve and authorize the Chairman to sign a **resolution (2018-60)** authorizing a Walton County application to FDOT for Transit Service Development for south Walton County utilizing electric transit vehicles as requested by Mr. Carpenter. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve to advertise a RFQ for transit service providers for north-south commuter assistance transit service

along U.S. 331 from DeFuniak Springs to Santa Rosa Beach and future transit operation for the U.S. 98 and C.R. 30A area in south Walton County as requested by Mr. Carpenter.

Ms. Bowman spoke in opposition to the public transit system.

Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Discussion was held on whether or not to limit public comment to two minutes due to the numerous legislative items and time constraints.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve to limit public comment to two minutes on legislative items due to time constraints. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Mr. Carpenter presented for first reading the Land Development Code Amendments proposing amendments to Chapters 1, 2, and 3 of the Walton County Land Development Code (LDC). These amendments include substantive and technical amendments to Chapter 1-General Provisions, Chapter 2-Land Use, and Chapter 3-Concurrency Management. Among other substantive amendments Chapter 2 provides for the creation of an Official Zoning Map and the establishment of Zoning Districts for the unincorporated areas of Walton County.

Ms. Kristen Shell, Planning and Development Services Manager, stated summaries of the changes were included in the board packet and briefly discussed the changes.

Chairman Chapman asked for clarification on item 3 of the Chapter 2 summary. Ms. Shell discussed the zoning frame work and stated there were conditional uses in the LDC which were not treated as zoning related uses. The conditional uses were decided when the developments were presented to staff. She addressed the conditional uses on lots greater than 5 acres and recommended making these uses “as of right” so a Development Order is not required to build certain conditional



uses: i.e. accessory structures. Ms. Shell also recommended making communication towers a conditional use in Agriculture and Large Scale Agriculture zones.

Chairman Chapman requested clarification on Item 4. Ms. Shell stated the family homestead was changed to be consistent with State Statute which would allow family members to divide property for family members. The requirement that the land must be homestead is being removed. Chairman Chapman asked if this would affect the size of the property to be given to the family member. Ms. Shell stated there was no change to any of those provisions. Chairman Chapman voiced concern with the current division size of 2.5 acres and stated that some property owners may only want to give one acre or less. Ms. Shell stated the 2.5 acre provision applies to all tracts; homesteaded or not. There is no restriction on size, other than the water and sewer connection, if it is being given to a family member.

Ms. Melissa Ward, Dunlap and Shipman, said she was pleased with all the work the Planning Department has been doing to update the LDC and Comprehensive Plan. She addressed the restrictions in the zoning category Parks and Recreation. She submitted a letter from Dunlap & Shipman which proposes changes to the language in 2.02.30 Parks and Recreation (PR). The proposal includes ancillary uses permitted as a conditional use that only serve that property. Mr. Carpenter stated this is a first reading and language changes could still be made. He requested the second reading-adoption hearing to be held on August 14, 2018.

Mr. Fred Tricker spoke regarding the changes to Neighborhood Infill and expressed concern with the lack of sufficient notification to surrounding property owners.

Ms. Bowman voiced opposition to changing the definitions.

Motion by Commissioner Comander, second by Commissioner Anderson, to move forward the Land Development Code Amendments to Chapters 1, 2, and 3, to second reading on August

14, 2018 and consider the language changes as discussed by Ms. Ward. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Mr. Carpenter presented the following: 1. A request to transmit to the Department of Economic Opportunity (DEO) Waterfalls by the Bay LSA, a Large Scale Map amendment request submitted by Jenkins Engineering, Inc. on behalf of J & L Eagle Cove, LLC, requesting to amend the Future Land Use Map from a designation of Conservation Residential 2:1 on +/- 27 acres to a designation of Low Density Residential. The project is located on the north side of Alderberry Road, east of East Hewett Road (Parcel No.: 20-2S-20-33300-000-0050); 2. Waterfalls by the Bay PUD Overlay Ordinance, an ordinance adding Section 2.06.06 to the Walton County Land Development Code to adopt the Waterfalls by the Bay Conceptual PUD and Master Plan as an Overlay District; establishing a defined boundary; establishing regulatory conditions for the Planned Unit Development Overlay; providing for the incorporation of the Waterfalls by the Bay Conceptual PUD and Master Plan as Appendix PDO-4 to the Walton County LDC; providing for severability; and providing for an effective date; and 3. Waterfalls by the Bay Conceptual PUD, a Major Development Order application submitted by Jenkins Engineering, Inc. on behalf of J & L Eagle Cove, LLC requesting approval to develop a 128 lot single family residential subdivision on +/- 72.54 acres with a future land use of Conservation Residential 2:1 and Conservation Residential 1:2.5. The project is located on the north side of Alderberry Road, east of East Hewett Road (Parcel No.: 20-2S-20-33300-000-0050 and 20-2S-33300-000-0052).

Attorney David Theriaque submitted a notebook containing exhibits which detail and support the Waterfalls by the Bay requests. He briefly discussed the 11 exhibits. A nature observation deck will be constructed which will be opened to the public, dedicated to the county, and accessible only by kayak or boat. He stated an agreement has been reached with Ms. Christie

Coldewey, J&L Eagle Cove, LLC, who had expressed concern regarding the protection of eagles in that area.

Mr. Scott Jenkins, Jenkins Engineering, discussed the project and the changes which have been made. The owner is asking for a PUD Overlay because it would bind the developers to project specifics.

Mr. Carpenter reported that the project was previously opposed due to increases in density; however, the applicant has incorporated more open space than what is required and has made efforts to manage development within in an area which contains eagles nest. They have agreed not to develop within 500 feet of an eagle's nest during nesting season. Chairman Chapman questioned if the PUD Overlay district is approved, then what is being proposed must be built. Mr. Carpenter stated the site plan and PUD documents become a part of the LDC and becomes law. He reported both the LSA ordinance and the Overlay ordinance must have two hearings and requested that both be placed on the August 23, 2018 Land Use Hearing agenda. Attorney Theriaque replied to Chairman Chapman stating that the requests would allow certainty and a density of 1.76 overall is guaranteed.

Ms. Christie Coldewey and Mr. Richard Williams spoke in favor of the requests.

Mr. Tricker and Ms. Bowman voiced opposition to the project.

Mr. Jenkins discussed the environmental issues which were raised during public comment.

Attorney Theriaque discussed the project and reported this is one of the lowest density projects in the area.

Chairman Chapman asked since all of the Waterfall agenda issues were presented as one, would one motion be sufficient. Attorney Noyes and Mr. Carpenter agreed that separate motions would be needed.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve to transmit Waterfalls by the Bay LSA to DEO as requested by Mr. Carpenter. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve Waterfalls by the Bay Conceptual PUD with conditions as stated. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Motion by Commissioner Anderson, second by Commissioner Comander, to move to second reading an ordinance approving the Waterfalls by the Bay PUD Overlay District to be held August 23, 2018. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Mr. Carpenter requested that Greenway Station Conceptual PUD be heard prior to the Greenway Station Conceptual PUD Ordinance: Overlay. The board concurred.

Mr. Carpenter presented Greenway Station Conceptual PUD f/k/a Midgrove Centre PUD, a request to approve by Final Order a Major Development Order application submitted by Emerald Coast Associates, Inc. on behalf of Rookis Development, Inc., requesting the approval to develop 8,068 square feet of restaurant space, 14,453 square feet of retail, 13,776 square feet of office, 35 condominiums and a 50 room lodge on 4.89 acres with a future land use of Village Mixed Use and Neighborhood Infill. The project is located approximately 0.35 miles east of the intersection of Eastern Lake Drive and C.R. 30A on the north side of C.R. 30A (Parcel No.: 24-3S-19-25000-004-0030). There are three deviations being requested; one of which has been determined unnecessary by staff

Attorney Steve Hall, applicant representative, discussed the conceptual PUD project and stated it would be brought back when the details are prepared. He submitted documentation supporting the project. He continued discussing the proposed project, its effect on the environment

and traffic, and the transmodal oriented development of the project. Attorney Hall stated the applicant is requesting the following waivers: a reduction in the total amount of parking required in a mixed use development to the development being centered on pedestrians, tram users, and cyclist; and a setback waiver of 10 feet to accommodate a covered sidewalk.

Chairman Chapman questioned what the boundary area to the neighborhood behind the project would be used for. Attorney Hall stated it would be used as storm water retention.

Ms. Bowman spoke in opposition to the project. She questioned if the county owned any of the property involved with the project. Chairman Chapman stated no.

Mr. Ben Hammet; Mr. Jay Lyles, Seaside Institute; Ms. Debbie Heard all spoke in favor of the project.

Ms. Ward recommended a shared parking agreement be presented to the county which would insure that the property cannot be sold without proper parking.

Attorney Hall introduced the developer and development team. He said this was not a phased development with a projected completion time of three years. Chairman Chapman voiced concern with possible changes which could be made. Attorney Hall stated there was no objection to the parking agreement. He added that if the area was leased then lease agreements guaranteeing compliance would be required and if it were decided to be sold off in pieces then a commercial plat would be required with parking issues specifically addressed.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve Greenway Station Conceptual PUD f/k/a Midgrove Centre PUD. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Mr. Carpenter presented for first reading the Greenway Station Conceptual PUD Overlay Ordinance, an ordinance adding Section 2.06.07 to the Walton County LDC to adopt the Greenway

Station Conceptual PUD and Master Plan as an Overlay District; establishing a defined boundary; establishing regulatory conditions for the PUD Overlay; providing for the incorporation of the Greenway Station Conceptual PUD AND Master Plan as appendix PDO-5 to the Walton County LDC; providing for severability; and providing for an effective date.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve Greenway Station Conceptual PUD be moved forward to second hearing on August 23, 2018.

Ms. Stovall and Ms. Bruns spoke in opposition of the request.

Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

Mr. Carpenter presented King SSA a request to approve by **ordinance (2018-16)** a Small Scale Amendment application submitted by Jenkins Engineering, Inc. on behalf of Hunter's Road LLC, requesting approval to change the adopted future land use of Rural Village to General Commercial on 2.22 +/- acres. The project is located at the southwest corner of U.S. 331 and Short Avenue (Parcel No.: 04-2S-19-24000-023-0000).

Mr. Jenkins briefly discussed the request and was available for questioning.

Chairman Chapman asked if the language in the order had been corrected. Mr. Bob Baronti, Planning and Development, stated it had.

Ms. Bowman voiced opposition to the request.

Motion by Commissioner Comander, second by Commissioner Anderson, to adopt **Ordinance 2018-16** approving King SSA (LUM18-000006). Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Mr. Carpenter presented Mallette SSA a request to approve by ordinance a Small Scale Amendment application submitted by Jenkins Engineering on behalf of Susan Mallette, requesting approval to amend the future land use category from Conservation Residential 2:1 to Low Density

Residential on 9.94 +/- acres. The project is located on the east side of Hunters Road approximately ½ mile north of the U.S. Highway 98 West and C.R. 30A intersection (Parcel Nos.: 29-2S-20-33000-019-0000, 29-2S-20-33000-019-0010).

Mr. Jenkins briefly discussed the request and was available for questioning.

Ms. Bowman spoke in opposition to the request.

Mr. Tricker spoke in opposition of the request stating the project would adversely affect the public facilities, environment, property values, and would not meet code. He submitted supporting documentation. Mr. Jenkins addressed Mr. Tricker's comments.

Mr. Carpenter stated the project meets code requirements and announced that water and sewer are now available to the area.

Motion by Commissioner Anderson, second by Commissioner Comander, to adopt **Ordinance 2018-17** approving Mallette SSA (LUM 18-000004). Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye.

The Quasi-Judicial Hearing was called to order and due to no testimony being taken, Attorney Noyes did not perform the swearing in procedure.

Mr. Carpenter presented Point Washington Preserve a request to amend the June 25, 2018 board approval and approve by Final Order a Major Development Order application submitted by Nautilus Civil Engineers, Inc. on behalf of South Hybrid Homes, LLC requesting technical approval of Phase I to operate a 693 square foot multi-purpose building, as-well-as a 5,247 square feet civic pavilion and conceptually approve Phase II, III, & III A-C on 9.76 +/- acres with a future land use of Town Center One. The project is located at 725 J. D. Miller Road (Parcel No.: 30-2S-19-24000-044-0000). Mr. Carpenter reported that this particular development requires three uses to be approved and consistent with the Walton County Comprehensive Plan and Land

Development Code. The third use is contained within the conceptual portion of the request. The sidewalks to the event facility are contained within Phase III and will be built as residential housing is constructed. **(Staff Report-1)**

Chairman Chapman asked what the appropriate action would be. Mr. Carpenter requested approval of the project as presented at the last meeting which would allow staff to produce a Final Order and a Development Order which is consistent with the Land Development Code and Comprehensive Plan.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve Point Washington Preserve as presented at the last meeting which would allow staff to produce a Final Order and a Development Order which is consistent with the Land Development Code and Comprehensive Plan. Ayes 3, Nays 0. Chapman Aye, Anderson Aye, Comander Aye. **(Exhibits: Staff Report-1; Staff Memo-2)(Ex Parte: Chapman, Anderson, Comander)**

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

Approved: \_\_\_\_\_

W. N. (Bill) Chapman, Chairman

Attest: \_\_\_\_\_

Alex Alford, Clerk of Courts and County Comptroller