

MAY 9, 2017-REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on May 9, 2017 at 4:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following Board members were present: Commissioner Cecilia Jones, Chairwoman; Commissioner W. N. (Bill) Chapman, Vice-Chairman; Commissioner Tony Anderson; Commissioner Sara Comander; and Commissioner Melanie Nipper. Mr. Stan Sunday, Deputy County Administrator; and Attorney Mark Davis, County Attorney; were also present.

Chairwoman Jones called the meeting to order.

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

1. Addition: Consent Agenda-(17-0656) Request to approve and authorize the Chairwoman to sign the Satisfaction of Mortgage for a SHIP Mortgage for Agnes L. Rushing
2. Addition: Chairwoman Jones-(17-0688) Collaborative & Strategic MYIP Planning & Process Management Workshop
3. Deletion: Administration (17-0663)-Raya Pruner/Matt Allen, Florida Department of Environmental Protection requests permission to temporarily extend the shorebird posting closer to the outfall to incorporate the foraging areas for the snowy plover and least tern shorebird species
4. Deletion: Administration (17-0665)-Betty Webb, Riverway South Apalachicola-Choctawhatchee, requests permission for Paddle Florida to utilize Morrison Springs as a temporary camping site for two nights during the tour of the Choctawhatchee River during the week of March 10-16, 2018

Commissioner Comander questioned if the Riverway South Apalachicola-Choctawhatchee request would be brought back. Mr. Sunday replied that it would.

Mr. Bill Hailey spoke regarding the defoliant spray and drainage on Chat Holley Road siting the chemicals are harming the children and pets in the area. Commissioner Chapman

suggested Mr. Hailey contact South Walton Mosquito Control District who is responsible for the spraying. Chairwoman Jones said she would give Mr. Hailey the contact information he needed.

Ms. Coy Bowman objected to the use of burrowing machinery by Regional Utilities in the forest areas near her home and reported on the intrusions it has made. She addressed traffic issues on C.R. 30A and the acquisition of Federal Indian land. Chairwoman Jones recommended Ms. Bowman speak with Ms. Melissa Pilcher at Regional Utilities.

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

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

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

	Fund Totals	WM Totals
General Fund	\$ 2,685,865.15	
County Transportation	\$ 468,036.97	
SHIP	\$ 30,000.00	
Fine & Forfeiture	\$ 274,587.16	
Section 8 Housing	\$ 140,710.57	
Tourist Dev. Council	\$ 9,287,817.27	
N.W. Mosquito Control	\$ 3,560.69	
Recreation Plat Fee	\$ 1,277.70	
Solid Waste Enterprise	\$ 820,415.30	\$ 373,452.46
Bldg Dept/Enterp. Fund	\$ 2,911.59	
Infrastructure Improvements	\$ 21,597.12	
Increment Tax Funding	\$ 98,630.55	
Total	\$ 13,835,410.07	\$ 373,452.46
Grand Total (less WM)		<u>\$ 13,461,957.61</u>

2. Approve Minutes of the April 25, 2017 Regular Meeting and the April 25, 2017 Special Meeting

3. Request approval to surplus vehicles for the 2017 County Auction to be held May 18, 2017
4. Request to approve a resolution **(2017-41)** proclaiming May, 2017 as Older Americans Month in Walton County
5. Request to approve and authorize the Chairwoman to sign the Satisfaction of Mortgage for a SHIP Mortgage for Agnes L. Rushing
6. Request to approve a resolution **(2017-42)** amending the FY 2017 General Fund Budget in the amount of \$30,150.00 for unanticipated Beach Permit revenues
7. Request to approve and authorize the Chairwoman to sign the Certificate of Public Convenience and necessity for basic and advanced life support ground transport services with Michael Adkinson in his official capacity as Walton County Sheriff
8. Request to approve and authorize the Chairwoman to sign an Interlocal Agreement with Michael Adkinson in his official capacity as Walton County Sheriff regarding payroll services
9. Request to approve and authorize the Chairwoman to sign the Interlocal Agreement between the University of South Florida and Walton County for Eastern Equine Encephalitis Research
10. Request to approve and authorize the Chairwoman to sign the Interlocal Agreement with the City of DeFuniak Springs for Mosquito Control Services.
11. Request to approve and authorize the Chairwoman to sign amendment 1 to the FWC Contract #13496 Florida Boating Improvement Program funding agreement for the Choctaw Beach Boat Ramp Project
12. Request to approve and authorize the Chairwoman to sign Renewal 1 to Florida Department of Revenue Contract CST66 for Child Support Enforcement Service of Process
13. Request to approve and authorize the Chairwoman to sign Change Order No. 1 to Contract No. 016-037 for Hewett Bayou Stormwater Retrofit with RBM Contracting; increasing the contract time 12 calendar days
14. Request to approve the purchase of two Surface pro 4's for OMB in an amount not to exceed \$2,200.00
15. Request to approve the purchase of a MacBook Pro for the TDC Marketing Department in an amount not to exceed \$3,000.00
16. Request to approve the purchase of a 7x16 foot enclosed trailer for Public Works in an amount not to exceed \$4,600.00
17. Request to approve the purchase of an AED Defibrillator for access within the Public Works Administration Department in an amount not to exceed \$1,500.00
18. Request to approve a resolution **(2017-43)** authorizing the County's Coastal Resource Liaison, Melinda Gates to apply for and administer the Boating Improvement Grant for the Morrison Springs Boat Landing Project on behalf of Walton County

Commissioner Chapman reported his conflict regarding the approval of the Waste Management Expenditures and submitted Form 8B: Memorandum of Voting Conflict.

Motion by Commissioner Anderson, second by Commissioner Nipper, to approve the Waste Management expenditures in the amount of \$373,452.46. Ayes 4, Nays 0. Jones Aye, Chapman Abstained, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve the closure of both lanes on a portion of C.R. 30A from Rosemary Beach to the Watersound entrance for the 6th annual 30A 10K on November 23, 2017 from 7:00 a.m. to 11:00 a.m. contingent upon meeting any recommendations of the Walton County Sheriff's Office and South Walton Fire District as presented by Ms. Amy Stoyles and Mr. Craig Baranowski, The 30A 10K, Inc. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Mr. Sunday announced commissioners and staff would be attending the annual Association of Counties Conference June 26-30, 2017. He requested to move both of the Regular Meetings in June up one week. The rescheduled dates would be June 6, 2017 and June 20, 2017.

Motion by Commissioner Comander, second by Commissioner Chapman, to reschedule the two Regular Meetings in June to June 6, 2017 and June 20, 2017. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Mr. Sunday requested direction regarding a request from Congressman Matt Gaetz to adopt a resolution supporting his efforts to enhance the Gulf Test Range. Col. Robert Karila discussed the gulf range and what enhancements would be made. He said the enhancement will not negatively affect tourism and fishing.

Motion by Commissioner Anderson, second by Commissioner Nipper, to adopt **Resolution 2017-45** expressing support for the Gulf Test Range Enhancement. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Mr. Sunday presented an update and requested direction regarding the 2.14 acre parcel north of the Choctawhatchee Bay located on the west side of U.S. Highway 331 owned by Ms. Toni Stamm (Parcel No.: 04-2S-19-24000-027-0000). He reported the board had approved negotiations for the purchase of this parcel on March, 2017. He said the asking price for this parcel is \$800,000. The two appraisals came back in the amounts of \$600,000 and \$435,000. A super majority vote would be required to purchase the property.

Commissioner Nipper questioned if it would be necessary to purchase any of parcel three. Mr. Sunday said it would be ideal to purchase parcel three. He said acquiring parcel three (A through D) would allow access to the property through Bay Grove Road; a median cut has already been installed. Negotiations are still being held regarding parcel three. Commissioner Anderson said the parcel three properties are crucial to access the property being discussed.

Discussion ensued on purchasing all the properties, accessing the water, and the remaining bridge tax funds.

Mr. Sunday said it is a different seller for all of the parcel three properties and the asking price was \$3 million. There has been no response from the seller regarding the county's counter offer. Commissioner Comander asked the appraisal amounts. Mr. Sunday replied the collective appraisals are \$1.8 million and \$1.135 million. He said there is confusion whether or not the parcel located on the corner of Bay Grove Road and U. S. Highway 331 was included in the \$3 million offer; clarification will be acquired.

Discussion ensued regarding the need for a boat ramp on the north shore of the bay.

Motion by Commissioner Comander, second by Commissioner Nipper, to authorize staff to move forward with negotiating a purchase contract, to perform due diligence, and perform title searches on the property.

Commissioner Comander questioned how much it would cost to develop the area. Commissioner Chapman discussed conversations held between himself, Mr. Larry Jones, County Administrator, and a group of individuals who purchase properties to develop into parks. If the county purchased the property this group would develop and maintain the area for 10 years as a county park at no cost to the county.

Mr. Brian Kellenberger encouraged the board to consider parcel two and parcel three.

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

Commissioner Comander clarified remaining funds from the bridge tax would be used to purchase these properties.

Mr. Sunday presented the Sugar Estates/Sugar Cove Lane Analysis and Recommendation to accept the roads into county maintenance. Staff recommended acceptance for county maintenance contingent upon the following conditions being met: 1. Bring the road condition up to the current county standard; 2. Implementation of a drainage plan as recommended by a stormwater professional to address any drainage issues associated with roadway improvement plan.

Chairwoman Jones asked if a MSBU would be the only solution for funding to bring the road up to standard. Mr. Buddy Wright, Public Works, said a cost estimate was provided to the residents.

Mr. Michael Jenkins, resident, gave a history of the subdivision and said the roads were dedicated to the public. He said there is no homeowners' association which would be able to create a funding mechanism to fund the improvements. A stormwater system was designed and approved by the county.

Commissioner Nipper questioned if the county would bring the road up to standards then take it into maintenance. Mr. Jenkins said he had no way to pay to have the road brought up to county standard. Mr. Wright said the recommendation by staff is for the residents to find a way to fund the improvements before the county took the road into maintenance.

Motion by Commissioner Anderson, second by Commissioner Chapman, to accept the staff's recommendations.

Commissioner Anderson asked who developed the subdivision. Mr. Jenkins replied PTB Enterprises is listed as the developer on the 1986 documentation.

Commissioner Nipper read a 2010 document signed by Mr. Jenkins agreeing to make the required provisions to the supplied plan to comply with the Development Order. Mr. Jenkins replied that was a document required to obtain a building permit to build his house. He said he installed the stormwater plan as required. Attorney Davis clarified the road was not the county's property because it has not been formally accepted by the county. Mr. Jenkins stated the county owns the road according to the dedication on the plat.

Chairwoman Jones asked what the estimated cost would be. Mr. Wright stated approximately \$100,000. Commissioner Chapman said the drainage would have to be addressed to prevent future flooding. He stated the Comprehensive Plan and Land Development Code were enacted in 1996 and those are the rules in which these requests are governed by.

Chairwoman Jones asked how many residents were on the road. Mr. Jenkins replied approximately 30 lots with 4 lots not having been built-out. Chairwoman Jones asked if the residents have come up with another solution for funding besides a MSBU. Mr. Wright said funding would either be acquired through private funding or MSBU.

Commissioner Nipper asked if this dedication was an abnormality. Mr. Wright said there are other roads similar to this. Mr. Jenkins said at the time this development was approved, other dedicated roads were maintained by the county.

Ms. Mary Nielson spoke regarding the designation of roads to the public and suggested legible plats be provided to the board at the time of approval.

Ms. Carrie Nell Moye spoke in support of Mr. Jenkins' request.

Mr. Wright said the plat does not indicate on the road whether it is public or private. Attorney Davis reiterated that there was a dedication on the plat, but there was no formal acceptance of the road for maintenance by the board. Mr. Jenkins said the road belongs to Walton County and he cannot do anything to the road without permission from the county. He said the residents have complied with the required stormwater system.

Commissioner Anderson asked if the stormwater plan was for his house. Mr. Jenkins said the stormwater plan was installed in 1986 and said the document he signed was a standard planning document that is signed when building permits are issued; the stormwater system was in place when he built his house.

Motion by Commissioner Comander, second by Commissioner Chapman, to call the question. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Anderson, second by Commissioner Chapman, to accept the staff's recommendations. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Mr. Sunday requested direction regarding the sewage problem in the Brandon Oaks Subdivision. He said the board discussed in July, 2016 using developer's escrow fees as a funding

solution. He reported in April, 2017 the City of Freeport discussed the same issue. The subdivision is within the city's franchise area. Mr. Sunday said some of the residents are on septic systems.

Commissioner Comander stated the mayor in 2007 said the city was supposed to install sewer lines. It was also discussed to allow the residents to pay monthly installments to pay for the sewage hook-up, but the city declined.

Commissioner Chapman reported he had had discussions with the city's attorney, council president, and one councilman to find a solution to the sewage problems. He discussed the age of the subdivision, the original swells not meeting current standards, and the health hazard generated by run-off to the surrounding areas. He said the cost to install the system would be approximately \$5,700 per person. The residents in that subdivision cannot afford the tap fee. Permits will not be issued to replace existing septic tanks in the event of failure. He said the impact fees cannot be waived by the city, but the tap fees can. Commissioner Chapman proposed that a response be sent to the city asking the tap fees be waived, declare a health emergency for the subdivision, and bid out the rest of the contract for construction and performing it in-house. The City of Freeport does not have the staff to accomplish this in a reasonable amount of time. The county would be responsible for paying the impact fee to the city. He said another option would be to revoke the franchise area and turn it over to someone else.

Motion by Commissioner Chapman, second by Commissioner Nipper, to ask the City of Freeport to waive the tap fees for this subdivision, and obtain a Health Emergency Declaration for the subdivision.

Attorney Davis said a resolution, supported by a letter from the Health Department, declaring the health emergency would be needed. He said the declaration would allow the county to perform the construction on private property. Attorney Davis said the county has a responsibility

because the Development Order had stipulated that once water and sewer was available no septic systems would be allowed; however, the county continued to issue septic permits after the water/sewer system was installed. The city also had the responsibility to notify the owners that water and sewer were available and that changes should be made. Attorney Davis said the reparations would improve the drainage issues. There is \$145,000 in an escrow account which can be used toward the project.

Commissioner Comander asked how much the project would cost. Ms. Anna Hudson, Staff Engineer, presented the cost estimates generated by the city and said even if the city waives a \$2,000 tap fee, the cost of the contractor would equal that amount. The costs would be approximately \$320,000 which includes the waived tap fees and assuming a contractor would be paid the same amount as the tap fees. She said it would be more cost efficient to hire one contractor to do all the work. Commissioner Chapman said the intent is to hire one contractor to handle the tap, boring, septic tank removal, and reclamation.

Commissioner Comander said the city would still benefit by waiving the tap fee due to the revenue generated by the monthly utility bills.

Commissioner Nipper asked for clarification on impact fees and who pays. Attorney Davis said the impact fee is collected from developers and the residents to be used for water and sewer infrastructure. By statute it can be suspended, but not waived. The county would be responsible for paying the impact fee.

Chairwoman Jones questioned if the residents had been contacted to help pay. Attorney Davis said there are two things to consider; 1. Notify the citizens they have one year to tap onto the sewer system; 2. The county could do the work and charge the residents. He said discussion

was held with the city to allow the residents to finance the cost over a period of time; the city was not interested.

Commissioner Nipper asked if special funding would be available if the emergency is declared. Attorney Davis said he was not aware of any. Commissioner Nipper stated she wanted to hear from the city. Commissioner Chapman said their last communication was by letter.

Chairwoman Jones asked if there were any other solutions. Ms. Hudson said there was none. Attorney Davis said the county still has the option to place a charging lien against the homeowners.

Commissioner Nipper questioned if the city had already received funding for this project. Attorney Davis said there may have been a partial impact fee from the developer. Ms. Hudson said she was not aware of any.

Commissioner Comander noted the county loaned the city \$2 million to apply to the connection of residences to the sewage system.

Attorney Davis said the motion would allow staff to negotiate with the City of Freeport, request the tap fees be waived, and that the county would reserve the right to place a charging lien on the individual residents.

Commissioner Nipper requested that the information regarding the county's financial responsibility be presented.

Ms. Suzanne Harris noted that the issue was voted on last year and asked what had been done since that motion. Attorney Davis said an agreement with the city was required because of the franchise area and negotiations have been held during that time. A letter was received from the city requesting action from the board. Ms. Harris questioned if the City of Freeport owed the county \$2 million. Commissioner Chapman stated the city made several payments toward the loan

and then paid \$1 million. Approximately \$400,000 was written off. Discussion continued on the total amount paid by the city.

Ms. Betty Letcher questioned if the residents would have to pay anything. Commissioner Chapman said that was the proposal because this was a lower income area and the majority of the residents did not have the funds. Attorney Davis said the county would reserve the right to have a charging lien placed on the property. Discussion ensued regarding the cost of tap fees.

Commissioner Nipper asked who owned the franchise rights. Attorney Davis said the City of Freeport. Commissioner Nipper said the franchise rights should be discussed. Attorney Davis said if this does not work out it will be discussed.

Commissioner Comander said there are other roads that need to be fixed, but this area is a health and environmental hazard.

Motion by Commissioner Chapman, second by Commissioner Nipper, to ask the City of Freeport to waive the tap fees for this subdivision, and obtain a Health Emergency Declaration for the subdivision. Ayes 4, Nays 1. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Nay.

Motion by Commissioner Chapman, second by Commissioner Anderson, to award, approve and authorize the Chairwoman to sign Contract 017-017 Gasoline & Diesel Fuel Supply Services with Retif Oil & Fuel, LLC as lowest, responsive, responsible bidder, as presented by Mr. Sunday. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Comander, second by Commissioner Nipper, to authorize the Chairwoman to sign the necessary application for the board to apply for tax deeds for 16 properties that are valued by the Property Appraiser at more than \$5,000.00 pursuant to Section 197.502(3),

Florida Statute as requested by Mr. Sunday. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye. Attorney Davis briefly explained the tax certificate/deed process.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve and authorize the Chairwoman to sign the Interlocal Agreement with Topsail Hill Preserve State Park for an entrance fee program as presented by Mr. Jason Cutshaw, TDC Director of Administration. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve and authorize the Chairwoman to sign the Interlocal Agreement with Grayton Beach State Park for an entrance fee program utilizing budgeted TDC contingency funding as requested by Mr. Cutshaw.

Mr. Jeff Talbert spoke in opposition to the entrance fee due to the lack of parking spaces and the sewer project about to be undertaken. Commissioner Comander asked if it would apply only to daily visits not campers. Mr. Cutshaw said it would. Commissioner Chapman said the park service will close the park gates when the park is full and reopen when space is available.

Commissioner Nipper asked why there was a difference in the price. Mr. Cutshaw replied that \$50,000 was the amount in contingency funds and did not want to use reserve funds unless it was needed. Chairwoman Jones said staff has been negotiating this for some time and asked if the sewer project would hinder the beach goers. Mr. Cutshaw said he would speak with the park management team in Tallahassee to determine where the work will be done.

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

Mr. Jay Tusa, TDC Executive Director, requested direction regarding property located at 907 Scenic Drive (Parcel No.: 33-2S-21-42170-018-0010) adjacent to Amalfi Coast property. The asking price is \$1.625 million. He said purchasing this property would expand the beach access

and utilize the existing structure's foundation for a restroom/bath house facility. Commissioner Chapman said utilizing the existing building would not hinder the view as stated in public comments and recommended the site be ADA compliant. Commissioner Nipper expressed concern with the drop off. Mr. Tusa said it can be made ADA compliant.

Motion by Commissioner Comander, second by Commissioner Anderson, to move forward with appraisals and authorize staff to do due diligence and perform a title search. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Mr. Tusa requested direction regarding the spray field adjacent to the Amalfi Coast Condos and said South Walton Utilities (SWU) is open to a proposal for consideration. He said SWU would not allow a parking lot, but the area could be utilized for a municipal park. Commissioner Chapman suggested a hybrid park/parking area. Mr. Tusa said he would communicate with South Walton Utilities. Chairwoman Jones expressed that the public should have an opportunity to give input on the design. Mr. Tusa said public workshops would be held to allow area residents to give their input. He said it would be approximately six months before moving into the design and engineering phase.

Mr. Tusa said there were other properties being considered for purchase: Oyster Lake Outfall properties and the Highland House properties. He questioned if there is any interest in moving forward with purchasing those properties. Mr. Tusa reported the Oyster Lake Outfall properties are collectively \$6.5 million and the Highland House properties are collectively \$3.39 million.

Commissioner Anderson asked how much money was left to purchase properties. Mr. Tusa replied \$6.7 million. He asked to take the \$1.3 million to fund the facilities at Miramar Beach and Seagrove Beach out of the \$6.7 million. Commissioner Comander expressed concern with having

enough money to pay for the purchases and the facilities. Discussion continued on funding the facilities, looking at other possible properties, and the appraisals on the Oyster Lake and Highland House properties.

Mr. Tusa announced that the TDT collections for March were up 2.27% over last March and the year-to-date collections were up 10%.

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

Attorney Davis said the Public Hearing is being held to consider an amendment to Ordinance 2002-05 to allow for the expenditure of funds for expressions of sympathy or congratulations by the county under certain circumstances. He said Administration had been sending gifts of sympathy and congratulations; however, the Clerk's Office refused to pay the invoice because the current ordinance did not specifically allow for the expenditures. An amendment has been drafted which would allow authorization of the expenditure of those funds. He said the total costs were 2007-\$237.00; 2013-\$0; 2014-\$250.00; 2015-\$572.00; 2016-\$190.00. Attorney Davis said the auditor was concerned there was not specific authorization for the Employee Appreciation Lunch; the second portion of the amendment would allow for this expenditure. He said the cost for the luncheon was: 2015-\$845.00; 2016-\$1,308.00; the 2015 Public Works Week luncheon was \$1,423.00; 2016 was unavailable. Attorney Davis read the language of the original ordinance and the amendment being presented. Commissioner Comander suggested that expressions of sympathies should be done as individual donations rather than use Administration funds.

Ms. Mary Nielson spoke in support of Commissioner Comander's recommendation.

Chairwoman Jones said a person should be designated to maintain the funds if Commissioner Comander's recommendation is approved. Discussion continued on who would maintain the funds and who would contribute. Attorney Davis said the legalities of the employees contributing would have to be researched.

Motion by Commissioner Nipper, second by Commissioner Comander, to deny an amendment to Ordinance 2002-05 to allow for the expenditure of funds for expressions of sympathy or congratulations by the county under certain circumstances.

Discussion ensued regarding the employee luncheons expenditures.

Motion amended by Commissioner Nipper, second amended by Commissioner Comander to deny the amendment to Section II-A of the proposed amendment to Ordinance 2002-05 authorizing expenditures of funds for expressions of sympathy or congratulations. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Chapman, second by Commissioner Anderson, to adopt **(Ordinance 2017-15)** the amendment to Section II-C of the proposed amendment to Ordinance 2002-05 authorizing expenditures of funds for meals authorized pursuant to Administrative Directives of the County Administrator.

Commissioner Comander asked how many employees worked for the county. Mr. Louis Svehla, Public Information Office, stated approximately 500.

Ms. Sharon Alexander addressed the meals and recommended a budget be created for the events.

Ms. Melissa Thomason, County Finance Director, said that Public Works presents the amount to the board yearly and catering quotes for the food are obtained. She said the food for the employee appreciation luncheon is prepared at Administration.

Mr. Bob Hudson discussed the need for rules for recognitions.

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

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

Motion by Commissioner Chapman, second by Commissioner Comander, to approve and authorize the Chairwoman to sign the contract with Roger Grace for the purchase of 55 acres (Parcel No.: 02-3N-19-19000-003-0000 and Parcel No.: 01-3N-19-19000-004-0000) for use by the Walton County Sheriff's Office/Jail as presented by Attorney Davis. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Chapman, second by Commissioner Comander, to adopt **Resolution 2017-44** authorizing the expenditure of TDT funds for the purchase of beachfront property in Miramar Beach (Parcel No.: 33-2S-21-42195-000-00A0) as requested by Attorney Davis. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve and authorize the Chairwoman to sign closing documents for the purchase of beachfront property in Miramar Beach (Parcel No.: 33-2S-21-42195-000-00A0) as requested by Attorney Davis. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Attorney Davis requested direction regarding the existing vending contract at the Miramar Beach property. The contract can be terminated now or wait until it naturally terminates in October. He said the improvements to that property would not be completed until October. Mr. Tusa said it is an opportunity to test leasing out beaches to vendors. Attorney Davis said the seller would assign the contract to the county. Chairwoman Jones said to terminate the contract would put a hardship

on the vendor for this season because he already has commitments. The board agreed it would be a good test case.

Motion by Commissioner Comander, second by Commissioner Nipper, to allow the current vendor contract through the current ending date.

Mr. Dave Meadows asked what amount the county would receive. Attorney Davis said the vendor provides 25% of the gross sales. Mr. Meadows said he understood there were issues with the contract and recommended further research. He recommended opening the bidding process to other vendors.

Commissioner Chapman asked if the 50% rule would apply. Attorney Davis said it would not because the contract was originally private and the whole area would be used by the one vendor. He briefly discussed the details of the contract and stated the term of the agreement was from March 14, 2017 through October 31, 2017. Commissioner Anderson asked if it would be legal to allow the vendor to continue without bid advertisement. Attorney Davis said it was legal to accept the ownership of the property and accept the contract.

Ms. Mary Nielson encouraged the board to consider bidding out the other beaches to vendors.

Ayes 4, Nays 1. Jones Aye, Chapman Nay, Anderson Aye, Comander Aye, Nipper Aye.

Attorney Davis requested to set a Public Hearing on May 23, 2017 for the purpose of considering an ordinance regulating Medical Marijuana dispensing center. Commissioner Chapman asked how this would affect what the State could not do during session. Attorney Davis said the State took no action and therefore the Department of Health would issue the rules. He discussed the failed attempt to limit the number of dispensaries to 100 throughout the State. He said since no action was taken an ordinance would be needed. Amendments could be made to

comply with the Department of Health rules. Discussion continued on the issues included in the draft ordinance.

Motion by Commissioner Nipper, second by Commissioner Anderson, to set a Public Hearing on May 23, 2017 for the purpose of considering an ordinance regulating Medical Marijuana dispensing centers. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve advertising two staff workshops regarding a half cent transportation sales tax as presented by Attorney Davis.

Ms. Rose Gainey spoke in opposition to a ½ cent sales tax.

Chairwoman Jones asked that information on how many shovel ready projects were available and a timeframe for the sunset date be presented at the workshops.

Mr. Hudson asked if these would be public workshops. Chairwoman Jones said it would. Mr. Hudson asked if the tax revenues would be added to the current \$8 million dedicated in the Landfill Account for road and bridge projects. Chairwoman Jones said the staff workshops would help to determine what would be presented to the voters. Mr. Hudson said the public needed to be aware of the projects which have been paid for by the sales tax. Discussion continued on projects which could be done with the tax revenues and what information would be presented in the referendum.

Mr. Alan Ficarra asked for clarification on what a staff workshop would be. Attorney Davis said it is a publicly advertised staff workshop where Public Works, Finance, and Legal will discuss among themselves the projects, legal issues and finance issues. Public comment would be accepted.

Ms. Leigh Moore agreed that the revenues should be included with the budgeted \$8 million.

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

Attorney Davis presented the settlement agreement in Yellow House 30A, LLC v. Walton County. He said a proposed settlement was discussed and rejected during an Executive Session. A counter offer was made and accepted contingent upon vote by the board. The settlement agreement would allow the Planning Department and the board to consider a land use change. He said there were two changes: Paragraph 2A-the process time would be changed from 45 days to 90 days; Paragraph 2B-the abeyance time would be changed from 90 days to 120 days. The changes have been agreed upon by the plaintiff.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve the settlement agreement in Yellow House 30A, LLC v. Walton County with the changes as presented.

Commissioner Nipper expressed concern that nothing had changed since the original denial in 2010. Attorney Davis said this was not approving the change just to authorize staff to process the change and present it to the board for consideration. If it is disapproved the lawsuit will resume.

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

The meeting recessed at 6:25 p.m. and reconvened at 6:56 p.m.

Motion by Commissioner Anderson, second by Commissioner Chapman, to obligate \$40,000.00 in District Five Recreational Plat Fees to provide installation of ball field lighting at the South Walton Boys and Girls Club Fields. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Commissioner Anderson requested direction for staff to create a Multi-Use Path Master Plan. He discussed the need for the plan to be able to get more grants. No motion was needed for direction.

Ms. Mary Nielson discussed safety issues from U.S. Highway 98 to Ridge Road. She asked if there would be a left turn signal installed at C.R. 393 onto U.S. Highway 98. Commissioner Anderson said he had spoken with Mr. Chance Powell, Public Works Traffic Engineer, and was told the light was still being considered by FDOT. Mr. Cliff Knauer, Dewberry/Preble-Rish, announced the design from Ridge Road to U.S. Highway 98 has been completed, State permits have been issued and are currently waiting on the Army Corps of Engineers permit. The project will get underway once the Army Corps permit has been received.

Ms. Leigh Moore, Howard Group, and Mr. Tim Banfell, Scenic Corridor Foundation, spoke in support of the master plan.

Commissioner Comander had no items to present.

Commissioner Nipper discussed the need for a tree preservation ordinance and announced that Planning and Development had already begun the process in drafting an ordinance.

Commissioner Chapman asked that staff contact FDOT to address the need for a turn light at C.R. 283 and U.S. Highway 98. Commissioner Anderson said he would follow up with Mr. Powell to make sure he was working on it.

Mr. Bill Williams, RESTORE Coordinator, discussed the recent Legislative action which would distribute \$299 million (75% of the first payment from BP in July) to the panhandle. Triumph will be the entity to oversee the distribution of the funds. There will be two designees appointed to the Triumph Board from the four least populated counties of the eight disproportionately affected counties; Walton County is one of those counties. The first organizational meeting of the Triumph Board will be held on May 22, 2017 at the Panama City FSU Campus and would be open to the public. He discussed the changes which removed the funding for economic development organizations and economic development projects within the

affected counties. He said \$140 million will be distributed among the eight counties. Mr. Williams said there is a general scope of projects which are allowed. He talked about the benefits of working in conjunction with the municipalities and the school board regarding infrastructure. The Triumph Board would make the decision as to which projects are funded, but will take the county's recommendations as a priority. The Triumph Board will be organized and will move forward upon the acceptance of the bills by the Governor.

Commissioner Chapman asked who would decide the appointment for Walton County to the Triumph Board. Mr. Williams said it would not be a local decision. It would be made by either the Speaker of the House or the Senate President.

Chairwoman Jones asked how much would Walton County receive. Mr. Williams said approximately \$14.9 million and that the county would be able to compete for extra funding.

Commissioner Anderson asked if the Walton County appointee to the Triumph Board had to live in the county. Mr. Williams said it would be a strong possibility, but there are no specifics on the selection. He announced that the Regional Planning Council, which includes the Appalachian and West Florida Regional Planning Councils, will be meeting on May 17, 2017 from 5:30 p.m. to 7:00 p.m. at the Destin Commons Government Center. On May 20-21, 2017 a meeting with the Federal Treasury will be held to discuss the \$5.7 million and the Multi-Year Implementation Plan. Also to be discussed will be the planning of the remaining \$31 million. He announced the Triumph Board meeting will be held on May 22, 2017 at 10:30 p.m. at the Panama City FSU Campus.

Chairwoman Jones asked Mr. Williams to address the recent State action regarding customary use. Mr. Williams said that Rep. Katie Edwards, House Member, had introduced an amendment to a comprehensive land use bill that would preempt local governments and would remove home rule. The Judicial Committee refused to pick up the bill; subsequently the bill died.

Commissioner Chapman discussed the late filing of the original bill amendment. Mr. Williams stated the lobbying team met with the House Chair and the transparency of the late filing was discussed.

Mr. Brian Kellenberger, TDC Director of Beach Operations, spoke on behalf of Mr. William Messner who had to leave the meeting early. He said FDEP had been consulted about bathrooms at Grayton Beach and said there had been vendor complaints against the county. In 2015 vendor zones were created which stopped part of the vendor problem. The second complaint was the driving on the beach by vendors; those rules have been changed. Mr. Kellenberger said direction and approval would be needed to move forward with the conceptual design, meeting with community members, and starting the amendment to the Land Management Plan associated with that leased property.

Motion by Commissioner Anderson, second by Commissioner Chapman, to move forward with the conceptual design, meet with community members, and start the amendment to the Land Management Plan associated with that leased property. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

Ms. Mary Nielson asked if the contract for the maintenance of the right-of-ways on Scenic 98 and 30A had lapsed. Mr. Kellenberger stated that it had and the RFP process was begun in January for the Multi-Use Path Maintenance Contract. He reported that Public Works, who maintains the opposite side of the road from the multi-use path, had asked to piggy-back on the TDC's RFP in order to gain an economy of scale for those services. Proposals have been received and will be presented to the board on May 23, 2017. Resources have been reallocated to cover the maintenance deficiency until the contract can be awarded. Mr. Kellenberger reported the prices from the proposals were a 22% decrease in costs.

Mr. Bob Hudson commended Attorney Davis on his job as County Attorney.

Ms. Leigh Moore, Howard Group, thanked Commissioner Anderson for proposing the multi-use path master plan and thanked the Planning Department and Commissioner Nipper for proposing the tree preservation ordinance.

Ms. Rose Gainey questioned the legality of the seawall on the county property off Blue Water Beach Road, encouraged the board not to sell the property and to construct an additional beach access at that location. Mr. Kellenberger said the property is not wide enough to facilitate an appropriate sized boardwalk and reported the seawall was properly installed.

Motion by Commissioner Chapman, second by Commissioner Anderson, to reappoint the following members to the Design Review Board as requested by Mr. Mac Carpenter, Planning and Development Director: David Bailey-Development Professional; Tom Waldrop-Affected Property Owner; and Leigh Moore-Affected Property Owner. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye. Attorney Davis announced there is another vacancy which will need to be filled. Mr. Carpenter said he would inform the board which seat is available.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve and authorize the Chairwoman to sign Contract No.: 017-014 which was awarded to Habitat for Humanity as the consultant to act as the Replacement Housing Strategy Sponsor for the SHIP program within Walton County in cooperation with WFRPC as requested by Mr. Carpenter. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye.

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

Mr. Carpenter presented Thomas Lavin SSA (2016-14) a small scale amendment application submitted by O'Connell & Associates Consulting Engineers, LLC requesting to amend by ordinance the Future Land Use designation from Residential Preservation to Low Density Residential on 0.95 acres. The project is located approximately 250 feet east of Seacrest Drive on the south side of C.R. 30A (Parcel No.: 27-3S-18-16050-00C-0010). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. The applicant has agreed to limit the density to two lots instead of three. A Developer's Agreement has been returned and executed supporting that condition. Attorney Davis said there is one small change to the Developer's Agreement which would add to the first paragraph "their successors and assigns." (**Exhibit 1: Staff Report**)

Attorney Gary Shipman, Dunlap and Shipman-Applicant Representative, discussed the lot split and stated the request will be compatible with the surrounding area. He stated there is a six foot wide private easement on one side and would be solely used by Mrs. Dawkins and her heirs/assigns. Attorney Shipman said there would be no traffic impact with the requested lot split. The property had been considered by the TDC as a possible beach access which would have created a greater traffic impact than two homes. Attorney Davis asked if there was any objections to the change to the Developer's Agreement. Attorney Shipman stated no.

Commissioner Nipper noted that four homes would be allowed on one acre. Attorney Shipman stated the agreement would only allow two dwellings. Commissioner Nipper asked about the accessory dwellings. Ms. Melissa Ward, Dunlap and Shipman-Planner, stated that the accessory dwellings cannot exceed 800 square feet and would be similar to a grandmother/mother-in-law suite.

Ms. Rose Gainey voiced concern that the accessory units would be rented out.

Attorney Clay Adkinson, Adkinson Law Firm representing Mr. Buster Bickerstaff, briefly discussed what the land use change would do to the area. He spoke in opposition to the Developer's Agreement and stated he did not feel that it encompasses what Mr. Lavin presented to the Planning Commission.

Attorney Shipman objected to Attorney Adkinson's comments and said no supporting evidence was submitted. Attorney Davis said this is public testimony and the board can take the objections and consider it for what it is worth. Attorney Adkinson continued discussing his objection to the request and stated a stronger Developer's Agreement was needed. He recommended amending the language of the agreement to what is proposed-two lots with a single family dwelling with a mother-in-law suite on each lot-and not mirror the Walton County Code which deals with accessory units which may have a greater purpose than a mother-in-law suite.

Attorney Shipman rebutted Attorney Adkinson's remarks by reading Section 1: Limitations on intensity and density from the Developer's Agreement. He stated that this lot is the only one acre lot in the area and to split it would make it more consistent with the Seacrest Beach plat.

Commissioner Anderson asked if there were any issues with the Developer's Agreement Attorney Davis replied that the agreement is clear on what is allowed. He said the Section 11 prohibits the transfer of the agreement to another party without the approval of the board.

Commissioner Nipper expressed concern with the increased traffic. Commissioner Anderson noted more traffic would have been generated had the county purchased the property as a regional beach access. Mr. Shipman agreed and said the beach access would have created three times the parking spaces than what is allowed for two houses being requested.

Commissioner Comander said she understood the traffic concerns and stated there was more value in two smaller homes than one large home.

Motion by Commissioner Anderson, second by Commissioner Chapman, to adopt Thomas Lavin SSA (2016-14) (**Ordinance 2017-14**) with the changes to the Development Order/Agreement as presented. Ayes 4, Nays 1. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Nay. (**Exhibits: Staff Report-1**)(**Ex Parte: Anderson, Comander, Nipper**)

Mr. Bob Baronti, Planning and Development, presented Alaqua Animal Refuge Relocation, a Major Development Order application submitted by Dewberry/Preble-Rish on behalf of Laurie Hood, requesting approval to construct a 106,211 square feet private nonprofit animal shelter to include office space, civic auditorium, and animal spaces on 97.30 +/- acres with a future land use of Estate Residential and Rural Village. The project is located approximately 5.0 miles east of U.S. Highway 331 along the north side of S. R. 20 in Freeport (Parcel No.: 21-1S-18-14000-002-0010 and 21-1S-18-14000-002-0020). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. (**Exhibit 1: Staff Report**)

Mr. Cliff Knauer, Dewberry/Preble-Rish, briefly discussed the project's history and the need to move the facility. He reviewed the amenities of the project.

The board commended Ms. Hood on her work with the animal refuge.

Ms. Hood thanked the board for considering the project. She gave an overview of the impact the refuge has had on the animals and the community.

There were no public comments.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve the Alaqua Animal Refuge Relocation Final Order. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye. **(Exhibits: Staff Report-1)**

Mr. Tim Brown, Planning and Development Senior Planner, presented Stonegate Subdivision a Major Development Order application submitted by Jenkins Engineering, Inc. on behalf of D. R. Horton requesting approval for the development of 69 single family lots on 19.63 acers with a future land use of Low Density Residential. The project is located on the west side of West Hewitt Road, north of Sierra Court and south of Foxmeyer Drive (Parcel No.: 30-2S-20-33230-000-00400 and 30-2S-20-33230-000-0410). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Chapman asked if the Environmental Department Conditions of Approval item 4 had been addressed. Mr. Brown said that it had not and that it would be up to the State Division of Historic Resources to determine if it is required or not.

Mr. Jamie Eubanks, Jenkins Engineering, Inc.-representing the applicant, answered Commissioner Chapman's questioned by stating it had gone to ERP and is in the final stages of approval. He said there have been no environmental concerns submitted. He briefly discussed the project and announced the stormwater plan was designed for a 100 year storm event.

There were no public comments.

Motion by Commissioner Chapman, second by Commissioner Anderson, to approve the Stonegate Subdivision Final Order with conditions as stated by staff. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye. **(Exhibits: Staff Report-1)**

Mr. Carpenter presented Sunrise Beach II a plat application submitted by Emerald Coast Associates, Inc. on behalf of Steven Holmes requesting to re-plat lots 1 and 40 of Sunrise Beach Subdivision to move a common line slightly north. Density will not be increased. This project consists of 0.54 acres with a future land use of Residential Preservation. The project is located south of C.R. 30A, on Seaward Drive (Parcel No.: 02-3S-20-34200-000-0010 and 02-3S-20-34200-000-0400). Staff found the project to be consistent with the Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

There were no public comments.

Commissioner Nipper questioned if it was a problem with the original platted subdivision. Mr. Carpenter replied yes and discussed the lots which are being affected.

Motion by Commissioner Anderson, second by Commissioner Nipper, to approve the Sunrise Beach II Final Mylar. Ayes 5, Nays 0. Jones Aye, Chapman Aye, Anderson Aye, Comander Aye, Nipper Aye. **(Exhibits: Staff Report-1)**

The board members expressed their gratitude to Attorney Davis for the work he has done as County Attorney.

There being no further items to discuss, the meeting was adjourned 8:15 pm.

Approved: _____

Cecilia Jones, Chairwoman

Attest: _____

Alex Alford, Clerk of Courts and County Comptroller