

## REGULAR MEETING-OCTOBER 15, 2018

The Board of County Commissioners, Walton County, Florida held a Regular Meeting on October 15, 2018 at 4:00 p.m. as a continuance of the October 9, 2018 Regular Meeting at the Walton County Courthouse Annex in Santa Rosa Beach, Florida. The October 9, 2018 Regular Meeting was continued due to Hurricane Michael.

The following board members were present: Commissioner W. N. (Bill) Chapman, Chairman; Commissioner Tony Anderson, Vice-Chairman; Commissioner Sara Comander, and Commissioner Cecilia Jones. Mr. Larry Jones, County Administrator; and Attorney Sidney Noyes, County Attorney; were also present. Commissioner Melanie Nipper was not present.

Chairman Chapman called to order the meeting continued from October 9, 2018.

Mr. Larry Jones, County Administrator, expressed his gratitude for Emergency Management staff and all they accomplished during Hurricane Michael.

Motion by Commissioner Jones, second by Commissioner Comander, to approve the agenda with the revisions as follows. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

1. Addition: TDC (18-1549) Update and request direction from the board regarding Beach Code revision recommendations
2. Addition: Planning (18-1551) Request to appoint Jack Huggins, Jr. to serve in the At-Large position and Mr. David Henderson to serve as the District 1 appointee on the Zoning Board of Adjustments.
3. Addition: Administration-Request for direction regarding the Local State of Emergency
4. Addition: County Attorney-Reschedule the Freeport Business Park Owners Association Meeting which was scheduled for October 9, 2018
5. Deletion: Consent Agenda Item 5 (18-1543)-Request to approve and authorize the chairman to sign a resolution making a legislative finding authorizing the use of TDT to repair and replace Walton County welcome signs
6. Deletion: County Attorney (18-1544)-Request to schedule an Executive Session in DeFrancesch V. Walton County (Case Nos: 16CA507, 16CA508, 16CA251, and 18CA017)

Ms. Maegan Harrison, Walton Area Chamber of Commerce CEO, presented updates on the location of resources in Walton County in response to Hurricane Michael. She discussed supplies which have been received and the areas where they will be dispersed. She expressed her gratitude for the Emergency Management Staff. Ms. Harrison announced that individuals wishing to volunteer could go through VolunteerFlorida.org to help in disaster relief efforts. Commissioner Jones asked if there was anyone taking clothes donations. Ms. Harrison stated she was unaware of anyone taking clothes donations, but Tide Loads of Hope is being coordinated on a state level.

There were no public comments on agenda items.

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

Motion by Commissioner Comander, second by Commissioner Jones, to approve the Consent Agenda as follows.

Chairman Chapman questioned if the motion should include the removal of the Expenditure Approval List (EAL) and the Waste Management expenditures since they were approved on October 9, 2018.

Motion amended by Commissioner Comander, second amended by Commissioner Jones, to approve the Consent Agenda as follows excluding the Expenditure Approval List (EAL) and the Waste Management expenditures. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

1. Approve Minutes of the September 8, 2018 Special Meeting (Customary Use); September 10, 2018 Budget Hearing; September 24, 2018 Budget Hearing; September 25, 2018 Regular Meeting; and the September 27, 2018 Land Use Hearing
2. Request to de-obligate District 5 Recreation Plat Fees in the amount of \$320.00 from Kellogg Property Improvements, \$96.00 from Darlington Park, \$19,380.00 from Padgett Park, \$595.00 from Liberty Community Center, and \$15,530.00 from Alaqua Unleashed park; and request to de-obligate District 2 Recreation Plat Fees in the amount of \$724.00 from Paxton Park
3. Request approval to surplus items from the Public Defender and Parks Department

4. ~~Request to approve and authorize the Chairman to sign a resolution making a legislative finding authorizing the use of TDT to repair and replace Walton County welcome signs~~
5. Request to approve and authorize the Chairman to sign a **resolution (2018-86)** amending the FY 2018 Budget in the amount of \$27,000.00 in the General Fund for unanticipated grant revenue for the Emergency Management Performance Grant
6. Request to approve and authorize the Chairman to sign a **resolution (2018-87)** amending the FY 2019 Budget for unanticipated new grants
7. Request approval to terminate the Lease Agreement between Mossy Head Water Works and the Walton County Health Department for the Mossy Head Health Clinic located on C.R. 1087
8. Request by Assistant Fire Chief Marc Anderson, South Walton Fire District, to approve and authorize the Chairman to sign an Interlocal Agreement with South Walton Fire District for resubmission into the E911 State Grant Program on behalf of South Walton Fire District for E911 Equipment
9. Request to approve and authorize the Chairman to sign the 2018-2019 Interlocal Agreement between Walton County and the Choctawhatchee Basin Alliance of Northwest Florida State College in the amount of \$25,000.00 annually for water quality sampling and analysis in support of the County's Coastal Dune Lake efforts
10. Request to approve and authorize the Chairman to sign Public Works Task Order No. 18-13 Engineering Services for Seagrove Regional Beach Access Drainage Outfall Improvements with Atkins in the amount of \$14,567.48
11. Request approval to replace and surplus Cisco 3850 Ethernet Switch in an amount not to exceed \$2,925.80 as requested by the TDC
12. Request to approve and authorize the Chairman to sign the grant applications for the replacement of the Walton County 911 System
13. Request to approve and authorize the Chairman to sign a grant application for the FY 2018 Pre-Disaster mitigation (PDM) Grant Program under the U.S. Department of Homeland Security (DHS): Federal Emergency Management Agency (FEMA)
14. Request to approve and authorize the Chairman to sign the annual FDLE Edward Byrne Memorial Justice Assistance Grant (JAG) Countywide Program Application

(Deletion = ~~strikethrough~~; Addition = underlined)

Mr. Larry Jones County Administrator, announced that Chairman Chapman had authorized an extension of the Local State of Emergency after Hurricane Michael made landfall knowing that the board would be unable to meet prior to the October 15, 2018 at 11:30 a.m. expiration date. He recommended the extension be left in place as a precaution. The board concurred to leave the extension in place making the expiration of the Local State of Emergency October 22, 2018 at 11:30 a.m. **(Resolution 2018-85)**.

Mr. Jones discussed the naming of the new park at U.S. Highway 331 and Bay Grove Road and the new South Walton Sports Complex at Peach Creek. Chairman Chapman stated that Ms. Hannah Brown had made a passionate plea to name the park after her grandfather, Mr. Grady Brown, due to his lifelong impact on the community around the park area. Chairman Chapman stepped down as Chair to make the following motion.

Motion by Commissioner Chapman, second by Commissioner Comander, to name the new park located at Bay Grove Road and U.S. Highway 331 Grady Brown Park. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Commissioner Chapman stated once the work in the park is completed signage would be placed designating the area Grady Brown Park.

Commissioner Chapman resumed the chair position.

A brief discussion was held on naming the new sports park in South Walton.

Motion by Commissioner Anderson, second by Commissioner Comander, to table the naming of the new South Walton Sports Park until October 23, 2018. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Mr. Jones presented a request to award ITB 018-044 for the installation of sports lighting at the new sports park to M Gay Constructors, Inc. in the amount of \$134,500.00. Chairman Chapman voiced concern that the Bid Bond was from the state of Iowa and questioned if that would be an issue if problems were to arise.

After a brief discussion, the board concurred to revisit the item later in the meeting to give an opportunity for staff to speak with Ms. Glyndol Johnson, Purchasing Agent.

Motion by Commissioner Anderson, second by Commissioner Jones, to reject all bids for RFP 018-040 for Pest Control and Termite Services and approve to re-advertise as presented by Mr. Jones. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Motion by Commissioner Anderson, second by Commissioner Jones, to award, approve, and authorize the Chairman to sign Contract No. 018-039 Grady Brown Park Seawall Renovation with RJ Gorman Marine Construction, LLC in the amount of \$637,792.81 as presented by Mr. Jones. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye. The project will include seawall renovation, boat docks, and piers.

Motion by Commissioner Comander, second by Commissioner Jones, to award ITB 018-043 to the lowest, reasonable, responsible bidder, Backwoods Bridges, LLC for the Winston Lane Beach Access, and authorize the Chairman to sign Contract No. 018-043 as requested by Mr. Brian Kellenberger, TDC Director of Beach Operations. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye. The access had been built across property lines and the adjacent owner has given the county until December 31, 2018 to have the access moved.

Mr. Kellenberger presented an update on the Beach Code revisions recommendations and requested direction. He briefly discussed the different committee meetings held to discuss the revisions. He stated there were some errors in the presentation regarding the actions of the Beach Management Committee on the different sections of the code being revised. Mr. Kellenberger stated there were two items which were tabled by the TDC in order to seek legal response to those items. He said that corrective emails have been sent out and an assessment of the TDC council members is being done to determine if a quorum would be present at a special meeting. The issue could be discussed as early as October 19<sup>th</sup>. Mr. Kellenberger stated that the earliest the information could be presented to the board would be at the November 13, 2018 Regular Meeting.

He asked the board's direction on the updated presentation. Chairman Chapman recommended the corrected information be presented to the TDC prior to its presentation to the board to insure that it is done appropriately. The board concurred with the recommendation.

Mr. Kellenberger gave an update on the condition of the beaches and bay accesses as a result of Hurricane Michael. He reported there were no structural damages and the beaches fared well. He asked that action be taken to perform a survey of the beach to determine the Mean High Water Line (MHWL) and Erosion Control Line (ECL). The TDC is in favor of the board making a decision regarding the survey. He said the bay accesses did not fare as well as the beaches. Pilcher Park is closed due to severe erosion and equipment failure. A preliminary assessment of the cost would be approximately \$300,000.00. Staff is researching to see who would be responsible for the repairs to the park; FDOT or Walton County. Mr. Kellenberger reported staff is working with Emergency Management on FEMA reimbursement for damages to the areas. Chairman Chapman stated funding needed to be found in order to make the repairs before the upcoming season.

Mr. Kellenberger asked the board for direction regarding prices from the coastal engineering firm to proceed with a survey of the beaches to determine the ECL and MHWL post Hurricane Michael. Commissioner Comander questioned if the surveyors would be violating the private beach/no trespassing issue. Attorney Sidney Noyes, County Attorney, stated that surveyors are exempt. Mr. Kellenberger said it has been recommended to seek joint restoration permits from DEP and the U.S. Army Corps of Engineers in the event of a catastrophic hurricane to put the county one step ahead of the restoration process. Mr. Jay Tusa, TDC Executive Director, said a new RFP for Coastal Engineering has been advertised and will include survey work.

Motion by Commissioner Comander, second by Commissioner Anderson, to approve to move forward with surveys to determine the Mean High Water Line and the Erosion Control Line along the beaches. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Mr. Tusa presented TDC updates post Hurricane Michael. He discussed a partnership with 30A to create and sell T-shirts to raise money for hurricane relief efforts. The shirts are \$30.00 and the money will go to the Sonder Project (501c3 organization) which has already begun delivering supplies to the affected area. In less than two days \$70,000.00 of the \$100,000.00 goal has been raised. Mr. Tusa said a benefit concert is being considered to be held in November which could raise more than \$1 million. Walton County Cares is a website which has being created to give volunteer and donation information. Attorney Noyes reported TDT funds were not being used, but rather TDC monies which are generated by co-op advertising.

Attorney Noyes presented an update and survey on the Highland House Property (Parcel No.: 02-3S-20-34160-000-0620) (Government Lot 62). She said the concern was if there was access through Government Lot 72. She stated there was a 15' easement which would allow access. She said the appraisals will need to be updated if the board wished to move forward with purchasing the property.

Motion by Commissioner Anderson, second by Commissioner Comander, to move forward with obtaining updated appraisals on the Highland House property.

Chairman Chapman voiced concern with a neighboring house encroaching on the 15' easement. Attorney Noyes reported that portion of the easement was abandoned and in exchange for the abandonment, the property owner deeded the county property on the east side of Government Lot 72.

Commissioner Jones asked if a bridge would have to be built to access the beach. Attorney Noyes stated an engineer would have to make that determination.

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

Motion by Commissioner Anderson, second by Commissioner Jones, to approve and authorize the Chairman to sign contracts for the purchase of property located on S.R. 20 in the amount of \$306,000 for Parcel No. 22-1S-21-41090-00D-0010 and \$120,000 for Parcel No.: 22-1S-18-14000-003-0S010 in accordance with Ordinance 2012-16 Real Property Transactions as requested by Attorney Noyes. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Attorney Noyes stated the Warners, who serve as special counsel in the DeFrancesch cases, suffered damage to both their homes and office during Hurricane Michael. She said they would be out of touch for a while which led her to request to remove the scheduling of an Executive Session.

Motion by Commissioner Comander, second by Commissioner Anderson, to reschedule the Freeport Business Park Owners to be held at 9:00 a.m. or soon thereafter on October 23, 2018 at the Walton County Courthouse in DeFuniak Springs, Florida. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Motion by Commissioner Comander, second by Commissioner Jones, to approve to utilize \$600.00 of District 4 Recreation Funds toward the repair and replacement of the Woodlawn Community Center Basketball Goals which were damaged by vandals. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Commissioner Jones had no items to present.

Chairman Chapman, Commissioner Anderson, and Commissioner Comander thanked everyone involved with the Emergency Operations Center during Hurricane Michael.



Ms. Leigh Moore, Scenic Corridor, thanked the board for the funding allocated for the upkeep of the medians on U.S. Highway 98.

Attorney Noyes revisited the request to award ITB 018-044 for the installation of sports lighting at the new sports park. She stated that the matter regarding the Bid Bond has been researched by Attorney Heather Christman, Assistant County Attorney, and there will be no issues with the bond being issued out of state.

Motion by Commissioner Anderson, second by Commissioner Jones, to award ITB 018-044 for the installation of sports lighting at the new sports park to M Gay Constructors, Inc. in the amount of \$134,500.00 as presented. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Motion by Commissioner Jones, second by Commissioner Anderson, to approve the resignation of Zoning Board Adjustment Members Mr. Bill Fletcher, District 1, and Mr. Phil Anderson, At-Large as requested by Mr. Mac Carpenter, Planning and Development Director. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Motion by Commissioner Anderson, second by Commissioner Jones, to appoint the following individuals to the Zoning Board of Adjustments: Mr. Jack Huggins, Jr., At-Large seat and Mr. David Henderson, District 1 seat as requested by Mr. Carpenter. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Motion by Commissioner Comander, second by Commissioner Jones, to continue IBWS (Inlet Beach Water System) WWTP (Waste Water Treatment Plant) LSA to November 13, 2018. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Ms. Kristen Shell, Planning Manager, requested to transmit to the Department of Economic Opportunity (DEO) a proposed text amendment and series of Future Land Use Map (FLUM)

amendments. The proposed amendments create consistency between the proposed Inlet Beach Neighborhood Plan Overlay District Map and the Comprehensive Plan FLUM and also include the deletion of Appendix B, the Inlet Beach Neighborhood Plan from the Comprehensive Plan.

Motion by Commissioner Comander, second by Commissioner Jones, to approve to transmit the Comprehensive Plan Amendment related to the Inlet Beach Neighborhood Plan. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Ms. Shell requested to continue the second and final reading (adoption) of the proposed amendments to Chapter 2 of the Walton County Land Development Code (LDC). These amendments include substantive and technical amendments to Chapter 2-Land Use including the creation of an Official Zoning Map (OZM) and the establishment of Zoning Districts for the unincorporated areas of Walton County to the December 11, 2018 Regular Meeting. The reason for the request is to insure the receipt of the transmitted Future Land Use Element from the State agencies.

Motion by Commissioner Comander, second by Commissioner Jones, to continue to the second and final reading (adoption) of the proposed amendments to Chapter 2 of the Walton County Land Development Code (LDC) to the December 11, 2018 Regular Meeting to be held at the Walton County Courthouse Annex in Santa Rosa Beach, Florida. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Ms. Shell presented for consideration an ordinance amending Chapter 4-Resource Protection Standards, creating consistency with the adopted Comprehensive Plan and correcting reference errors.

Motion by Commissioner Jones, second by Commissioner Comander, to adopt **Ordinance 2018-24** amending Chapter 4-Resource Protection Standards as presented.

Ms. Carrie Shoaf questioned if any of the changes would affect Agenda Item 30. Attorney Noyes said that the item was continued to the November 13, 2018 Regular Meeting and that nothing being presented in Agenda Item 29 would have an impact on that issue.

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

Ms. Shell presented for first reading proposed amendments to Chapter 6-Signs and Scenic Corridors (new). Some changes recommended by the Design Review Board (DRB) have been incorporated. One substantive change is the requirement for the parking lot lighting in the scenic corridor overlays to be a certain kelvin; which is an additional expense to the developer. She briefly discussed other minor updates and changes.

Attorney Noyes asked if the 20 ft. buffer was removed from the Comprehensive Plan. Ms. Shell stated it was not and that the language in the Comprehensive Plan is very vague. Chairman Chapman asked if it would be cleaner to remove it from the Comprehensive Plan and put it in the Land Development Code (LDC). Ms. Shell stated that the chapter has not been adopted yet and it could be done upon board direction. Mr. Jones stated that moving the item to the LDC would make it subject to variances. Chairman Chapman stated that the property owner should have an opportunity to request a variance. Ms. Shell stated it can be brought back on December 11<sup>th</sup>.

There were no questions regarding Chapter 6-Signs and Scenic Corridors.

Motion by Commissioner Comander, second by Commissioner Jones, to approve to move forward to second reading the proposed amendment to Chapter 6-Signs and Scenic Corridors. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Ms. Shell presented for first reading the proposed amendment to Chapter 7-Code Enforcement establishing penalties and requirements related to property maintenance. Ms. Shell

reported there had been some changes made which would allow Code Enforcement Officers to issue fines for violations such as improper clear cutting property.

Chairman Chapman asked if this policy delineated between the northern, central, and southern parts of the county. Ms. Shell replied the only delineation was the action has to be a serious risk to health, public safety, or welfare; or it has to be a violation which is irreparable or irreversible. There is no permit required for land clearing in the northern portion of the county. There are limitations in the southern portion of the county. Discussion was held regarding the \$500.00 fine amount.

Ms. Shell discussed the change to property safety and maintenance of the policy as it applies to structures. She said there were two ways to handle this either to use simple language which deals with the exterior of the structures only or the International Property Maintenance Code can be referenced which would affect the interior of the structure and would involve county staff in the landlord/tenant relationship. She said there is language in the International Property Maintenance Code which would interfere with the current grandfather language. The Planning Commission recommended using the International Property Maintenance Code. Chairman Chapman questioned if this would give Code Enforcement Officers the authority to enter a home. Ms. Shell stated no. Discussion was held regarding the code officers inspection of the interior of the structure and the requirement of additional staffing. Commissioner Anderson spoke in opposition of the use of the International Property Maintenance Code language regarding the interior of the structure. He said he felt it would be too intrusive to the private property owner. Ms. Shell stated the language regarding the exterior of the structure can be left in.

Motion by Commissioner Comander, second by Commissioner Jones, to approve to move forward to second reading the proposed amendment to Chapter 7-Code Enforcement with the

removal of any references to the structure interiors and only addressing the exterior of structures. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Ms. Shell presented for first reading the proposed amendment to Chapter 8-Neighborhood Plans including the adoption of the revised Inlet Beach Neighborhood Plan as Appendix C NP-7 to the Land Development Code and Establishing this plan under the Neighborhood Planning Program as described in the Land Development Code. A significant change is a requirement for the publication of the changes to a Neighborhood Plan on the county website. The changes also require the applicants to be managed either by a planning professional or county planning staff.

Motion by Commissioner Anderson, second by Commissioner Comander, to approve to move to second reading the proposed amendment to Chapter 8-Neighborhood Plans as presented. Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.

Ms. Shell presented for consideration the following proposed amendments to the Official Zoning Map (OZM) to be included in Chapter 2 revisions: 1. Amending the OZM to create consistency between the proposed OZM and Inlet Beach neighborhood Plan Overlay Ordinance; 2. Amending large Nokuse land holdings to Conservation zoning district; 3. Amending Coffeen Preserve area to Conservation; 4. Amending Court Ordered Overlay Areas from Court Ordered Overlay to Coastal Center and Resort (proposed); and 5. Amending Parcel No.: 23-3S-21-370000-001-0020 located on the east side of C.R. 1087, north of U.S. Highway 90 from Rural Village (proposed Rural Residential) to Heavy Industrial (proposed).

Discussion was held regarding the existing site on C.R. 1087 which houses a junk yard and the requirement to screen off the yard from the public.

Ms. Shell continued discussing the changes to the OZM. The map amendments will not need to be transmitted to State and will be adopted as a part of Chapter 2.

Motion by Commissioner Comander, second by Commissioner Jones, to include the Official Zoning Map Amendments to Chapter 2 as presented.

Attorney Mark Davis, Clark Partington, questioned if a proposed land use change in Inlet Beach was included in the transmittals. Ms. Shell stated it was not.

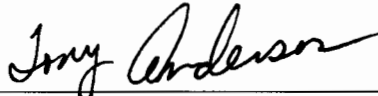
Ayes 4, Nays 0. Chapman Aye, Anderson Aye, Comander Aye, Jones Aye.


Ms. Shell presented for first reading a proposed amendment striking Chapter 6 (current) in its entirety as content has been substantively relocated to other chapters.

Motion by Commissioner Comander, second by Commissioner Jones, to move forward to second reading the proposed amendment striking the current Chapter 6 in its entirety as presented.

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

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

Approved:   
\_\_\_\_\_  
~~W. N. (Bill) Chapman, Chairman~~  
Tony Anderson, Vice-Chairman

Attest:   
\_\_\_\_\_  
Alex Alford, Clerk of Courts and County Comptroller