

JANUARY 8, 2013 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting January 8, 2013 at 4:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following Board members were present: Commissioner Kenneth Pridgen, Chairman; Commissioner Sara Comander, Vice Chairman; Commissioner Bill Chapman; Commissioner Bill Imfeld; and Commissioner Cindy Meadows. Mr. Gerry Demers, Interim County Administrator; Attorney Mark Davis, Special Counsel to the Board; Attorney Clay Adkinson, Special Counsel to the Board; and Mr. Alex Alford, Clerk of Circuit Court and County Comptroller; were also present.

Chairman Pridgen called the meeting to order.

Commissioner Comander led the invocation and the pledge to the American flag.

Mr. Gerry Demers, Interim County Administrator, presented the following additions and deletions to the agenda.

1. Addition: Major Joe Preston – Security Update for the south Walton Courthouse Annex
2. Addition: TDC-The 2013-14 Special Event Market Grant Application and Guidelines
3. Addition: Administration-Legal Services
4. Addition: Planning and Development-Amos Benton Hester III Petition for Abandonment
5. Deletion: Administration-Leigh Morrison, Life Enrichment Center, Quarterly Report

Motion by Commissioner Comander, second by Commissioner Chapman, to approve the agenda additions and deletions as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Motion by Commissioner Chapman, second by Commissioner Comander, to approve the Consent Agenda as follows. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

1. Approve the minutes from the December 11, 2012 Regular Meeting; and December 18, 2012 Special Meeting.
2. Approve a **Resolution (2013-01)** to amend the 2012-2013 Budget in the County Transportation Fund for unanticipated additional grant revenue in the amount of \$2,600,000 for the County Road 2 Local Agency Program (LAP) Project.
3. Approve a **Resolution (2013-02)** to amend the Budget in the General Fund to roll forward revenues and expenditures for Aid to Fire Departments from Fiscal year 2011-2012 into Fiscal Year 2012-2013.
4. Approve Amendment No. 1 to the DEP Agreement: Small Counties Consolidated Grant Program to revise the Grant Work Plan.
5. Approve a Roadways Activities Application from Seaside School for their Annual Half Marathon and 5K run to be held March 3, 2013.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to approve the Expenditure Approval List (EAL) as follows. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

General Fund	\$ 1,595,435.28
County Transportation	\$ 617,811.28
SHIP	\$ 16,721.00
Fine & Forfeiture	\$ 2,835,788.00
Mosq. Control State	\$ 1,325.00
Section 8 Housing	\$ 339.73
Tourist Dev. Council	\$ 846,522.18
N.W. Mosquito Control	\$ 8,145.60
Recreation Plat Fee	\$ 39,134.82
Solid Waste Enterprise	\$ 956,191.03
Sidewalk Fund	\$ 77.29
Bldg Dept/Enterp. Fund	\$ 2,074.82
Inmate Canteen Fund	\$ 4,346.86
<u>Capital Projects Fund</u>	<u>\$ 338,390.60</u>
Totals	\$ 7,262,303.49

Mr. Demers presented a letter from Ms. Patricia Carlyle, Destin Real Estate Company, inquiring if the Board would be willing to sell the county property located on 13<sup>th</sup> Street in Santa Rosa Beach. He stated that State Statute required that the property must be designated as surplus

before being offered to the public through a bid process. He requested the Board's direction on the surplus of the property.

Commissioner Imfeld asked how the county came to own the property. Mr. Demers said that the county ownership of the property has been on record for some time, but he has been unable to determine how the county acquired the property. Commissioner Imfeld asked if the adjacent owner was looking to buy the property. Mr. Demers stated that he was not privy to that information. Commissioner Comander asked if there were any possible uses for this property. Mr. Demers stated there were not any. Attorney Mark Davis, Special Counsel to the Board, voiced concern regarding the surplusing of the property and recommended tabling the issue to give time to obtain a title search.

Motion by Commissioner Meadows, second by Commissioner Comander, to table the issue until a title search could be performed. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Demers reported that the Economic Development Alliance (EDA) will be searching for a new director and requested Board direction on the level of assistance to provide to the EDA during the transition period from January, 2013 through March, 2013. He said that he had been communicating with the Chamber of Commerce and they have agreed to assist.

Commissioner Comander suggested that County Administration help with answering the phones and that Planning staff assist with development issues. Mr. Demers stated that some Planning issues are already connected to economic development.

Commissioner Meadows asked if the Seniors Professional Institute has been contacted. Mr. Demers stated that he had contacted them. Commissioner Meadows felt that the Planning Department would be too busy to assist and asked how much money goes to the EDA. Mr.

Demers stated approximately \$137,000. Commissioner Meadows suggested that the amount for temporary staffing be deducted from the funding. Mr. Wayne Dyess, Planning and Development Director; stated that Planning could assist as a part of the normal process and could rotate planners to help out. Commissioner Comander stated that her assistant, Ms. Melinda Wickham, had experience working with economic development and would be able to help as well. Discussion continued on supplying temporary staffing for the EDA.

Mr. Demers stated that Ms. Wanda Quimby has been serving as the county's Interim Finance Director since May, 2012. He recommended that the Board appoint Ms. Quimby to the position of Finance Director and that her pay be adjusted accordingly.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to appoint Ms. Wanda Quimby as Finance Director, and to adjust her pay accordingly. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Kelly Horton, Heffley and Associates, gave an update on the lobbying services provided by Heffley and Associates.

Commissioner Meadows questioned when the Western Lake pedestrian bridge would be constructed. Ms. Horton stated that a start date would be announced in July and said that she would ask for construction to begin January 1, 2014. She said that she would work to push the project ahead. Commissioner Meadows discussed using bed tax revenues for funding and asked what the major issues were going to be for the upcoming legislature. Ms. Horton stated that issues would depend on the court decision regarding the state employee pension fund. She reported that the new health care law would also be an important issue. The Commissioners expressed their gratitude to Ms. Horton, and Heffley and Associates for all of their hard work.

Motion by Commissioner Comander, second by Commissioner Chapman, to extend the contract with Heffley and Associates for one year under the same terms as the previous contract. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Major Joe Preston, Walton County Sheriff's Office, presented an update on security issues. He stated that an assessment of the south Walton Courthouse Annex was performed and that the solutions have been broken into phases. With the addition of the DMV into the Tax Collector's office, foot traffic has greatly increased. He discussed the nine recommendations for Phase I and reported that Phase II cost estimates are still unavailable. These estimates will be presented at the January 22, 2013 Regular Meeting. The total cost for Phase I will be \$80,055.17.

Commissioner Chapman voiced concern with the recent changes in the law regarding limited access to courthouses and governmental buildings. Major Preston stated that he planned to meet individually with each Commissioner and Constitutional Officer prior to the January 22, 2013 Regular Meeting. Commissioner Meadows asked if the exterior doors to the Board/Court Room are locked. Major Preston replied that the doors can be easily exited, but prohibit access from the outside. Commissioner Meadows asked when the security measures could be implemented. Major Preston stated that Phase I could be started immediately. Mr. Demers said that funding sources would need to be found. Ms. Wanda Quimby, County Finance Director, reported that contingency funds could be used.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to proceed with Phase I of the security plan, and use contingency funds to meet funding needs. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Demers announced that temporary legal services were needed due to health issues of Attorney Toni Craig, County Attorney. He asked for Board direction. Commissioner Comander

asked which attorneys had been contacted. Mr. Demers stated that Attorney Craig had submitted a list of attorneys that could be used. He asked, in her absence, who would determine which attorneys to use. Chairman Pridgen suggested that Mr. Demers be given the authorization to choose the attorney since he was aware of the issues. Mr. Demers stated that this would be a temporary situation. Commissioner Meadows felt that if this was going to be a medical leave of absence, then a longer term solution needed to be sought. Chairman Pridgen stated that the Board had previously approved to hire a land use attorney, but has yet to fill that position. Commissioner Meadows felt that advertisement for a land use attorney should be made. The Board directed Mr. Demers to bring back information on the hiring of a land use attorney to the January 22, 2013 Regular Meeting. Discussion continued on hiring a staff attorney.

The Public Hearings to consider a resolution to amend the 2012-2013 Budget in the Judicial Facilities Fund for the construction of the sally-port, and to consider an ordinance known as the Waterways and Beach Activities Ordinance were called to order..

Mr. Demers presented a resolution **(2013-03)** amending the budget in the Judicial Facilities Account in the amount of \$75,000 for the construction of a sally-port at the Walton County Courthouse.

There were no public comments.

Motion by Commissioner Comander, second by Commissioner Chapman, to adopt **Resolution 2013-03** amending the 2012-2013 Budget in the amount of \$75,000 for the construction of a sally-port at the Walton County Courthouse. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Demers presented the Waterways and Beach Activities Ordinance for consideration. He briefly discussed the meetings that were held with staff, vendors and the public to clarify the

ordinance and increasing enforcement measures. He reported that the highlighted sections of the draft were changes that have been made since the original draft was presented.

Commissioner Meadows questioned the inclusion of visitors' dogs on the beach to the ordinance. Mr. Demers stated that he included it based on the consensus of Board input and submitted the language option excluding visitors' dogs. He asked for direction.

Mr. Demers stated that another major change, not included in the Board packet, regards the No Wake Zones (Sections 22.3 through 22.11) and submitted the changes recommended by the environmental office. The new language would consolidate the sections into one section and would eliminate duplicate language and inaccurate coordinates. He reported that language changes had been made to Section 22-53 (g)(3) to reflect the disposal of abandoned items in accordance to Florida Statutes. Mr. Demers said that the following language had been added to Section 22-60 (j): "compliant to the Walton County flag system." He said that there were other minor edits (i.e. grammatical, spelling and typographical). Mr. Demers requested to present a cleaner draft document at the January 22, 2013 Regular Meeting for final adoption. He also recommended accepting public input at the current meeting.

Commissioner Imfeld voiced concern that the ordinance provided for more government intrusion into the lives of private individuals. He felt that cleaning up the individual ordinances would be a better solution.

Commissioner Meadows stated that the majority of the draft was an existing ordinance and agreed with the compilation of the different beach ordinances. She felt that detailed rules need to be established to protect our citizens and beaches.

Mr. Demers stated that a fees and fine schedule resolution was also prepared to accompany the ordinance. He said that the changes to the resolution were highlighted and

requested that input be submitted. Commissioner Comander voiced concern with the fees for the parasailing operation. Mr. Demers stated that the fees in the draft resolution were the fees currently being charged.

Chairman Pridgen called for public comment.

Ms. Sharon Logue Higgins voiced confusion with allowing visitors' dogs on the beach. Commissioner Meadows stated that the issue was originally a side issue, but was added to the draft for discussion. Mr. Demers stated that the issue was added to the draft based on input from some of the Commissioners. Ms. Higgins spoke in opposition to allowing visitors' dogs on the beaches and the lack of enforcement.

Mr. Edward Goodwin submitted a letter voicing opposition to the beach ordinance and voiced concern that his property rights were being violated. Commissioner Meadows stated that the Board had voted at the December 11, 2012 Regular Meeting not to discuss issues which were currently under litigation and asked Attorney Clay Adkinson, Special Counsel to the Board, if the Board was allowed to discuss this issue. Attorney Adkinson reported that beach nourishment, and beach property rights were currently in litigation. He advised that the Board could decide whether or not to receive public comment on these types of issues; however, should they choose to listen, then he recommended that the Board make no response to what is presented. The Board concurred not to discuss litigated issues. Attorney Adkinson confirmed that Mr. Goodwin's letter of opposition would be entered into the record. Mr. Goodwin voiced concern regarding the inability to present his opposition to the ordinance.

Ms. Mary Nielson spoke in favor of the compilation of several ordinances into one, but felt that a valid enforcement method, policy and procedure, and a clear cut line of responsibility with the Sheriff's Office and Code Enforcement, should be considered before finalizing the

ordinance. She also addressed the improper use of fireworks and the allowance of dogs on the beach.

Mrs. Sherry Chase submitted her concerns to the Board and discussed a recent harassment issue involving a law enforcement officer and private property rights. Commissioner Meadows stated that there is private property litigation pending, and therefore the issue could not be discussed. Chairman Pridgen recommended that Ms. Chase contact the Sheriff's Office about the harassment. Discussion ensued regarding Section 22-54 (g) Obstructions on the beach. Ms. Chase voiced objection to the ordinance as written.

Mr. Doty Chase voiced concern with Section 22-54 (g) Obstructions on the beach.

Commissioner Comander suggested that the language be changed in Section 22-54 (g) to clarify that the dunes were not included. Attorney Adkinson referred to Section 22-02 Definitions: Beach. He stated that two issues have been raised during discussion: enforcement, and how the ordinance will be applied. He said that information on how well the ordinance works will not be available until after its adoption. He conveyed that the proposed ordinance does not address private property rights, but rather addresses the public accesses. Sheriff Mike Adkinson reported that two issues affect the enforcement of ordinances: regulatory and criminal. He also reported that there have been noise ordinances recently overturned due to the difficulty of enforcement. Commissioner Meadows said that the ordinances need to be enforced until overturned by a judge. Sheriff Adkinson stated that the Breach of Peace Statute is more efficient and easier to enforce than a noise ordinance. Discussion ensued regarding enforcement of the ordinances.

Commissioner Comander asked how the overturned noise ordinances affect Walton County. Sheriff Adkinson stated that each situation is different. He discussed the use of noise

meters and the challenges to the validity of the instrument. Discussion ended regarding noise ordinances and returned to the proposed beach ordinance.

Commissioner Comander reiterated the need to change the language in Section 22-54 (g). Commissioner Meadows discussed the difficulties of law enforcement officers to know the location of property lines.

Mr. Demers said that there is very little policy change in the proposed ordinance.

Mr. Richard Fowlkes spoke in favor of the compilation, but felt that enforcement is the biggest problem. He addressed the issues surrounding sea turtle nesting and the effects of fires on the beach in the nesting season (Section 22-54 (b)). Commissioner Meadows asked if the nests hatch at different times. Mr. Fowlkes said that they did and that a designated individual provides regular reports to the South Walton Fire Department as to the location of hatching nests so that fire permits would not be issued in those areas. Commissioner Meadows stated that the distance of fires from sea turtle nest should be changed to 200 feet in the final draft. Discussion reverted back to the enforcement of the ordinance. The Board concurred that the change in distance be included in the final draft.

Commissioner Comander asked if the 100 feet requirement from a habitable structure was a sufficient amount of space to build a fire. Officer Jeff McVay, TDC Code Enforcement, stated that the 100 feet is a rule of the Florida Fire Service.

Ms. Phyllis Weems spoke regarding floating lanterns and asked that paper be used rather than plastic. Mr. Demers stated that those items are considered fireworks and are illegal.

Commissioner Meadows asked if there is someone who meets with the people planning weddings on the beach to alert them to what is and is not allowed. Mr. Demers reported that weddings held on private property do not require county coordination.

Mr. Larry Victor spoke against changing the policy regarding dogs on the beach, encouraged preservation, and addressed the lack of enforcement.

Mr. Jay Nettles, Seascope Resort General Manager, reported that his organization has four (4) huts on the beach which are provided to aid the public, use all-terrain vehicles to cater to their patrons, and stated that both are critical to their operation. He said that last season; Code Enforcement issued a violation which ordered that the four huts be removed. Mr. Nettles stated that Code Enforcement refused to issue their vendor permits. He reported that a solution had been reached and that meetings were held with staff to consider accommodations for larger properties to be included in the ordinance. He continued discussing the services provided by the resort and requested that Seascope Resort be allowed to continue to operate as they have in the past. Commissioner Comander asked what section of the proposed ordinance addressed Mr. Nettles' concern. Mr. Demers stated that structures were not covered in this ordinance and that this issue was brought up through Code Enforcement. He reported that this issue is being addressed through the Planning Department and that the structures that were present prior to the Land Development Code and Comprehensive Plan can be grandfathered in. Mr. Nettles felt that they should be able to use vehicles on the beach to assist their customers throughout the day.

Mr. Bob Hudson addressed the ban on discussion on litigated items. Commissioner Meadows stated that she would be discussing the litigation issue during her designated time. Mr. Hudson asked that a clearer policy be created. He also voiced concern with adopting an ordinance prior to clarification. Attorney Adkinson addressed Mr. Hudson's concern and stated that any ordinance that is enacted will have different implications and different scenarios. How an ordinance actually works, on a case by case basis, can only be determined until the ordinance

is enacted. Factors would include how Code Enforcement responds, and whether it is passive, or active enforcement. He said that citizens will know what is in the ordinance prior to its adoption.

Mr. Leonard Anderson spoke in agreement with Mr. Hudson's comments.

Mr. Hudson stated that ordinances should not be passed if there is no budget to provide enforcement.

Mr. Bob Brooke spoke against allowing visitors' dogs on the beach and requested that the language be removed.

Mr. Goodwin protested that he was not able to be heard. He stated that he did not have a case against Walton County, and felt that his issues should have been heard. He addressed possible eminent domain issues and discussed the inconsistencies in the ordinances.

Mr. Demers said that if a section is not underlined in the ordinance, then it has not been changed. Commissioner Meadows stated that since its origination in 2007, this ordinance does not apply to private property.

Mr. Goodwin stated that he spoke to the Board in 2008 asking for more information regarding private property rights and felt that the response that he received was inadequate. Discussion ensued regarding the inability of the Board to respond to litigated issues. Attorney Adkinson addressed Section 22-52 Customary Use and stated that any discussion of customary use, and similar issues that are in litigation, fall outside of this ordinance. Mr. Goodwin stated that the ordinance impedes on his ability to protect his private property, including the inability to mark the boundaries of his property, and the inability to enforce trespass. Attorney Adkinson said that trespass enforcement presents difficult issues when applied to beach front properties. Discussion continued regarding protecting private property.

Dr. Don Riley, Walton County Taxpayers' Association President, felt that an ordinance should not be passed if it cannot be enforced.

Commissioner Comander discussed the dogs on the beach issue, and after hearing public input, felt that the privilege should be limited to Walton County residents and property owners. She also felt that more enforcement is needed; especially on the weekends. She recommended that the visitors' dogs on the beach language be removed. Commissioner Comander also voiced that funding be found to hire more Code Enforcement officers.

Commissioner Meadows agreed with limiting the beach to residents' dogs only and suggested that the language be removed allowing visitors' dogs on the beach. She addressed the language that was added to allow dogs and horses on private beach property. Commissioner Meadows noted that the original ordinance dictated that the Sheriff's Office and Code Enforcement are to enforce the provision of the ordinance. She suggested that the language "for that calendar year" be added to the last sentence of Section 22-57(c).

Commissioner Meadows asked if the proof of liability insurance stated in Section 22-57 (d)(3)(e) was personal or property liability. Mr. Demers stated that it is business liability. Commissioner Meadows asked if there was a minimum limit. Mr. Demers stated that it was either \$500,000 or \$1 million.

Commissioner Meadows referenced Section 22-60 (a) and asked if food could be brought down to the sandy beach area. Mr. Demers stated that the vending operations are landward of the beaches.

Commissioner Meadows addressed Section 22-60(i), and voiced concern that the wrong flag could be flown or that no flag is flown. She felt that the county would be held liable. Attorney Adkinson suggested that the each vendor be requested to display a sign explaining the

flag warning system. Discussion continued on the specifics of the warning flag system. Mr. Demers stated that the language could be changed.

Commissioner Meadows discussed Section 22-61 Public Beach Parking and asked if the vehicles are towed or ticketed. Mr. Demers stated that the vehicles can be towed if no overnight parking signs are posted. Commissioner Meadows asked if the vehicles are actually being towed. Officer McVay said that the illegally parked vehicles are turned over to the Sheriff's Office and discussed the procedures taken by the Sheriff's Office.

Ms. Weems stated that the vehicles are not being towed at the Ed Walline Access. She suggested chaining off the parking lot at a certain time. Commissioner Chapman stated that the public beach accesses are open 24 hours and cannot be closed off.

Mr. Demers stated that upon Board direction, he would bring the ordinance back to the January 22, 2013 Regular Meeting with the changes discussed and the new language highlighted. Commissioner Comander felt that liability insurance should be required of Charter Fishing Boats. Mr. Demers stated that the liability insurance would prohibit people applying for boat captains' permits just to be able to drive on the beach.

Attorney Adkinson addressed Section 22-54(g)(3) Abandonment and suggested that the language be amended to read "shall be addressed in conformity to Chapter 705 of Florida Statute." He suggested that a definition of abandoned property be created and re-work the entire section to address the handling and disposition of the abandoned property based upon Chapter 705. Commissioner Meadows voiced concern with the way this would affect the Leave No Trace Ordinance. She suggested adding the per Florida Statute language. Discussion ensued regarding the Leave No Trace Ordinance.

Motion by Commissioner Comander, second by Commissioner Meadows, to continue the Waterways and Beach Activities ordinance to the January 22, 2013 Regular Meeting. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Attorney Adkinson stated that all letters submitted during public comment will be entered as a part of the record.

The meeting recessed at 6:33 p.m. and reconvened at 6:50 p.m.

Ms. Dawn Moliterno, Tourist Development Executive Director, presented updates and changes to the 2012-2013 Event Sponsorship Grant. She reported that the Annika & Friends event has been cancelled and that the \$35,000 allocation for the event has been redirected to internet online marketing for signature events. She stated that the Cultural Arts Alliance of Walton County has notified the TDC that the ArtsQuest event will be held at Water Color on May 10, 11, and 12, 2013.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the updates and changes to the 2012-2013 Event Sponsorship Grant. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Moliterno discussed the Zehnder 2012-2013 Media Plan and requested that the Board ratify the Beach Safety media plan, the spring Co-Op plan, and blending the Beach Finder mobile app and Eco-tourism app into one app with features and pricing at the \$75,000-\$100,000 platform level. Commissioner Imfeld asked for clarification on the use of the word "native" under Program Overview: Synopsis of Initiative. Mr. Moliterno stated that the term "native" could be defined as authentic to the area. Commissioner Comander asked if the monetary amounts had increased. Ms. Moliterno stated that the amounts would stay the same.

Commissioner Imfeld questioned where the digital highway signs would be located. Ms. Moliterno stated that they would be located on billboards along U. S. Highway 98.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to approve the Zehnder 2012-2013 Media Plan; ratify the Beach Safety media plan, and the spring Co-Op plan; and blending the Beach Finder mobile app and Eco-tourism app into one app with features and pricing at the \$75,000-\$100,000 platform level. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Moliterno requested approval to proceed with advertising an RFQ for professional services in directing and managing the Walton County/TDC Coastal Management Program. She stated that the current contract with Seahaven Consulting expires in June, 2013.

Commissioner Meadows questioned if the TDC pays for the coastal consultants' travel here. Ms. Moliterno said that the contract includes the number of times the consultants come. Commissioner Meadows would like to take a look at the issue and felt that it could be better negotiated. Commissioner Comander asked if the consultant paid for his trip to Washington. Ms. Michelle Ray, TDC Finance Manager, stated that the last contract excluded all travel costs.

Motion by Commissioner Meadows, second by Commissioner Comander, to proceed with advertising an RFQ for professional services in directing and managing the Walton County/TDC Coastal Management Program. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Moliterno discussed the addendum to the Southwest Airlines Agreement, approved in September, 2012, which reduces the TDC's financial obligation to Southwest Airlines due to the change in the original agreement. She presented the marketing plan that details how the TDC would utilize the remaining funds, and reported that the ½ cent Emerging Market funding sunsets

in September, 2014. She requested approval of the marketing strategy and plan for the utilization of the 45% reduction in the Southwest media co-op flight.

Commissioner Meadows asked if foreign countries were considered emerging markets. Ms. Moliterno stated not at this time and that it would be premature to spend monies on overseas marketing until actual international flights come into the airport. Discussion continued regarding what is considered international flight and Zehnder's view on foreign markets. Commissioner Meadows asked what percentage is spent on internet/web based marketing. Ms. Moliterno stated that she did not have the information readily available, but would get that information to Commissioner Meadows.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve the marketing strategy and plan for the utilization of the 45% reduction in the Southwest media co-op flight. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Moliterno presented the Standard Operating Procedures: Social Media and Building Evacuation Fire Plan. She reported that there were many trade associations that did not have a social media strategy. The TDC felt that policies needed to be created for protection. Ms. Moliterno addressed the Building Evacuation Fire Plan, and said that with the help of Officer McVay, a building evacuation plan was successfully created. She requested approval of both of the Standard Operation Procedures.

Commissioner Comander addressed the Social Media Policy and felt that the Board should also implement a similar policy. Mr. Demers stated that he would obtain legal advice regarding the policy.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the TDC Standard Operating Procedures: Social Media and Building Evacuation Fire Plan. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Moliterno presented and discussed the 2013-14 Special Event Market Grant Application and Guidelines and recommended approval.

Commissioner Meadows asked that language be added to Status Reports: Final Status Report (page 8) that allows for reimbursements under special or unexpected circumstances.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve the Event Market Grant Application and Guidelines as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Moliterno presented updates regarding TDC activities and programs, and stated that tourism was up 12% in November, 2012. She announced that the next TDC meeting would be held February 19, 2013.

Ms. Moliterno formally rendered her resignation as TDC Executive Director. Commissioner Meadows requested that Ms. Moliterno schedule an exit interview with her office.

Commissioner Meadows requested that discussion be held to clarify the December 11, 2012 adopted policy regarding the discussion of litigation matters. She stated that there are many pending cases which would preclude the Board from discussion. She asked Attorney Davis to clarify the policy. Attorney Davis stated that his understanding of the policy is that the Board would not hear discussion on issues that are under current litigation against the county. He advised that a broader, more specific policy be created. He stated that the policy should include determinations whether to hear discussion, to respond to discussion, and empowerment of the County Attorney to determine which issues are to be discussed. Attorney Davis said that

responding to discussion on pending litigation could lead to possible admissions, taint a possible jury, and affect the county's defenses. He reported that there are cases in which the County Attorney does not represent the county, and discussion on these issues would not be advisable without the appointed counsel. He recommended that the policy include a blanket prohibition, and the ability to accept public remarks with limitations. Commissioner Meadows said that she did not want the motion rescinded, but rather a detailed policy instituted as to which issues are allowed to be discussed. She asked if the list of cases could be evaluated as to which cases could be discussed. Attorney Davis stated that a determination could be made, and that there is no rule or law that requires you to take comments.

Commissioner Comander requested that Attorney Davis draft a litigation policy to be presented to the Board for review. The Board concurred.

Mr. Alan Osborne voiced concern with the lack of transparency, the limiting of public comment, and the enforcement of ordinances.

Mr. Bob Dobes asked how the gray areas would be defined for discussion.

Dr. Riley discussed the freedom of speech, and stated that defending the county was not the Board's first priority. He felt that a disservice had been done to the citizens of Walton County and urged the Board to listen to the public.

Commissioner Meadows discussed the need to schedule a session to review Quasi-Judicial procedures and processes, and suggested that a seminar be presented by an attorney on Quai-Judicial issues. Commissioner Imfeld questioned if the Board had considered using a special magistrate to preside over Quasi-Judicial issues. Attorney Davis stated that a special magistrate is an option that could be used to preside over planning and zoning board issues. The magistrate would submit his recommendation to the Board for consideration. Discussion ensued

on the use of special magistrates. Commissioner Comander suggested that a workshop be scheduled to brush up on Quasi-Judicial procedures and that guidelines be adopted for the Quasi-Judicial process.

Mr. Dobes discussed the use of Roberts Rules of Order, and felt that all of the Commissioners should be familiar with those rules.

The Board concurred to have a workshop in March to be announced at the January 22, 2013 Regular Meeting.

Commissioner Meadows requested that an RFP for south Walton parking needs assessment be advertised.

Motion by Commissioner Meadows, second by Commissioner Comander, to ask County Administration to advertise an RFP for south Walton Parking needs assessment. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Chairman Pridgen questioned how the assessment would be funded. Commissioner Meadows said that the funds allocated for Preble-Rish for parking that were returned to the general fund could be used. Mr. Demers reported that there were some public works funds for continuing services, and that there are also three engineering firms that could be used. Commissioner Meadows also suggested requesting reimbursement from TDC.

Commissioner Meadows requested that an additional two seats be added to the RESTORE ACT Local Council. She suggested that the two seats be represented by someone from the arts/cultural arena, and someone from the education arena. The addition of these two seats will create an 11 member council. She also requested that a set of rules and procedures be created for the council. Commissioner Comander stated that under the RESTORE Act, guidelines must be followed. She reported that arts is not listed as an affected area, but tourism is

listed, and she felt that to be able to get these funds for the arts it must be tied in with tourism. Commissioner Meadows asked if any of the RESTORE funds were going to economic development. Commissioner Comander stated that the local or county pot can go toward economic development. Discussion continued on linking the arts with tourism and economic development.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve to add two seats to be represented by someone from the arts/cultural arena, and someone from the education arena. Ayes 4, Nays 1. Pridgen Aye, Comander Aye, Chapman Nay, Imfeld Aye, Meadows Aye.

Mr. Demers stated that a deadline to accept RESTORE Act Local Council applications had not been set. He suggested setting a deadline for the end of January. This would allow for more public notice. Commissioner Comander submitted guidelines used by Gulf County's Local Council for Board review.

Commissioner Meadows discussed the use of bed tax revenues for replacement of damaged way finding signs. The cost would be approximately \$40,000 and that funding would come from TDC Bed Tax Revenues. Chairman Pridgen asked if this issue would go before the TDC Board for approval. Commissioner Meadows said that it could be presented at the TDC meeting in February. Chairman Pridgen asked if the cost would include the signs and installation. Mr. Ryan Douglas, Public Works, stated that there are approximately 16 signs needing to be replaced. He reported that the cost is only for the purchase of the signs and that county staff would handle the installation. The Board concurred to submit the issue to the TDC Advisory Council.

Commissioner Meadows submitted pictures of various lots under construction. She alluded to the large quantities of water on the lots, and that dirt is being used to fill the water laden areas. She asked if this is the kind of construction that should be allowed in Walton County.

Commissioner Meadows stated that there is a vacancy on the Design Review Board for a design professional; and requested to nominate Ms. Lourdes Reynafarje, Architect. Commissioner Comander asked if anyone else had applied for the position. Commissioner Meadows stated that the seat had been vacant for a while. Mr. Demers stated that there are specific requirements that must be met and that it would need to be determined if Ms. Reynafarje met those requirements.

Commissioner Meadows requested to appoint Ms. Suzanne Harris to the District 5 Planning Commission.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to appoint Ms. Suzanne Harris to District 5 Planning Commission Seat. Ayes 3, Nays 2. Pridgen Aye, Comander Nay, Chapman Nay, Imfeld Aye, Meadows Aye.

Commissioner Comander spoke regarding Ms. Moliterno's resignation, and thanked her for her service to the county.

Commissioner Meadows also thanked Ms. Moliterno for her service.

Commissioner Imfeld had no items to present.

Commissioner Chapman discussed two newspaper articles surrounding the issue of the County Administrator applicant interview process. He understood that each Commissioner was to review the 48 applications, select their top seven applicants, and submit their choices for tabulation. He was not told that a vote would be required. Commissioner Chapman addressed

Commissioner Meadows' choice to use the news media to question the process and his submission. He recounted the events which occurred surrounding his submission. He stated that he had not been made aware of the Veterans Preference until after his selection had been submitted and would have gladly spoken with Commissioner Meadows about what he did and did not know. Commissioner Meadows responded to Commissioner Chapman's concerns, and said that citizens had questioned her whether or not his submission was allowed due to his absence. She reported that an Attorney General Opinion (AGO) has been requested regarding rules on voting in absentia. Discussion continued on Veteran Preference. Commissioner Meadows asked Attorney Davis whether the submission of a ranking constituted a vote. Attorney Davis said that the rankings were allowed as long as they were submitted on paper and made a part of the public record. Commissioner Meadows asked if rankings could be submitted early. Attorney Davis said that they could, as long as it was announced that was to be the procedure followed. Chairman Pridgen and Commissioner Comander both stated that no vote was made, only rankings submitted. Attorney Davis stated that rankings were not considered a vote.

Mr. Osborne discussed the issuance of an ACOE Permit which was not being followed. He also raised concerns that had Commissioner Chapman and Meadows spoken it would have been an infringement of the Sunshine Law. Commissioner Chapman stated that the conversation would have not been regarding a vote, and would not have violated the Sunshine Law. Attorney Davis confirmed that calls not involving a vote do not violate the Sunshine Law.

Commissioner Pridgen had no items to present.

There being no further items to present, the meeting recessed at 8:26 p.m. and reconvened at 8:31 p.m.

Mr. Wayne Dyess, Planning and Development Director, requested that LSA 12-01.07 be presented following the Blackstone DRI Abandonment. The Board concurred to allow the change. He also said that the add-on would be addressed after the last agenda item.

The Quasi-Judicial hearing was called to order and Attorney Davis administered the oath to those intending on speaking.

Mr. Blake Ward, Agent for Blackstone Development Company, presented Blackstone DRI Abandonment. Blackstone Development Company is requesting to abandon the DRI with a current land use of Development of Regional Impact-Mixed Use (DRI-MU) on 1,239.09 acres and located in north Walton County, north of US Highway 90, approximately 3 ½ miles east of the Okaloosa County line. Staff found that the requested abandonment is consistent with Florida Administrative Code FAC 73C-40.0251, Abandonment of Development Orders.

Commissioner Imfeld referenced FAC 73C-40.0251(2)(b) and asked if the required meetings and notices had been carried out. Mr. Mac Carpenter, Interim Planning Manager, stated that this application has followed the same procedures as all development orders, and said that this is the Public Hearing to consider the abandonment.

Mr. Ward stated that a letter had been received from the Department of Economic Opportunity (DEO) giving the right to abandon the Blackstone DRI under Florida Statute 380. He submitted the letter into the record.

Ms. Rene Bradley, Planning and Development Services, stated that all requirements have been met.

There was no public comment.

Motion by Commissioner Imfeld, second by Commissioner Comander, to approve the Blackstone Development DRI abandonment (**Ordinance 2013-01**). Ayes 5, Nays 0. Pridgen

Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye. (**Exhibits: Staff Report-1; Petitioner Letter-2**)

Mr. Dyess requested approval to transmit LSA 12-01.07-Blackstone Development Company to the DEO. Blackstone Development is requesting to adopt a Large Scale Amendment to the Comprehensive Plan Future Land Use Element Text and the Future Land Use Map to change the Future Land Use Map designation from Development of Regional Impact-Mixed Use (DRI-MU) on 1,205.17 acres to Rural Village, and 33.92 acres to General Commercial; located in north Walton County. Staff found that the proposed amendment does not contravene the Goals, Objectives and policies of the Comprehensive Plan.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Chapman, to transmit LSA 12-01.07-Blackstone to DEO. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Ms. Michelle Baker, Baker Engineers, LLC, presented LSA 12-01.02-Thomas Hicks, a large scale map amendment to the Walton County Comprehensive Plan to change the Future Land Use Map designation on 194.62 +/- acres north of the Choctawhatchee Bay, on the north side of Rock Hill Road approximately 3 miles east of the intersection of US Highway 331 South and Rock Hill Road from Estate Residential to Extractive Use. Ms. Baker briefly discussed the required permits; and traffic study.

Commissioner Meadows asked if the revision stated in the staff report had been made. Ms. Bradley stated that it had been submitted. Commissioner Meadows noted that the environmental assessment/survey was deficient and asked if it had been resubmitted and approved. Ms. Bradley stated that it had not been approved by the Environmental Department.

Commissioner Meadows discussed the existing code violation and asked if it had been rectified. Ms. Bradley reported that the violation has been removed and the case is closed. Commissioner Meadows said that a letter stating that the issue was closed should be submitted. Commissioner Meadows commented on the traffic study and felt that the impact of 27 hauling trucks was different than 44 cars. She asked what the condition of Rock Hill Road was and whether it was wide enough to accommodate all types of traffic. Ms. Baker stated that the road seemed in fair condition. Commissioner Comander felt that the road was not wide enough. Commissioner Meadows also voiced concern regarding the inconsistency with what the applicant said he would do and the existing code violation.

Commissioner Imfeld asked if the drainage issues mentioned in the letters of objection (Staff Report Exhibits J, J1) had been addressed. Ms. Bradley stated that the issues had not been addressed. Those issues would be addressed during the development order process.

Commissioner Chapman discussed the photographs showing a steep drop off and asked if there had been a change in the condition of the site since the photos were taken. Ms. Baker and Ms. Bradley said there was no change. Attorney Lisa Minshew, Attorney for the Petitioner, submitted photos showing a change in the condition of the property.

Attorney Minshew stated that the Planning Commission has approved the land use change, and found the change in complete compliance. Discussion ensued regarding the Planning Commission vote. Attorney Minshew continued discussing the application, and requested Board approval. Commissioner Meadows voiced concern that the amendment could not be approved with deficiencies.

Attorney Minshew asked why the application submitted to address the environmental concerns was originally found sufficient, but is now found insufficient. Ms. Bradley said that the

environmental comments have not changed in the staff report because the revision made to the environmental assessment did not specifically address the comments in the staff report. It is those comments which are still outstanding. Ms. Bradley felt that those issues could be addressed during the development order stage.

Attorney Minshew asked that the Board approve the land use amendment and stated that Mr. Hicks has met the requirements set by the Board.

Attorney Davis asked that staff make their recommendation verbally. Ms. Bradley stated that staff found that the proposed Future Land Use Map amendment to Extractive Use is consistent with the Comprehensive Plan.

Mr. Thomas Hicks, applicant, briefly discussed his application and requested approval.

Ms. Anita Page, representing Mr. M. C. Davis, adjacent property owner, asked what portion of the property the applicant's photo was located. Mr. Hicks indicated on the parcel map where the photos were taken. Ms. Page spoke in opposition to the land use change. She submitted a packet of eight photos and discussed how the change is not compliant with the land development code.

Mr. Lee Perry discussed the Code Enforcement violations associated with this property. He encouraged the Board to deny the land use change.

Ms. Page submitted a watershed map, and a Future Land Use Map, and continued speaking in opposition to the change request.

Ms. Eileen West, Ms. Gillian Wolfe, and Mr. Frank Jackson spoke against the land use change.

Ms. Alisha Coon spoke in support of Mr. Hicks and his request.

Mr. M. C. Davis discussed the environmental study and encouraged the Board to make Mr. Hicks comply with the code.

Attorney Minshew responded to the comments made by the public and said that the land use change will allow Mr. Hicks to make the area compliant.

Commissioner Chapman stated that if Mr. Hicks is granted the land use change then he will be required to come before the Board to present any action taken on the property. Attorney Minshew said that Mr. Hicks is aware of the requirements.

Motion by Commissioner Meadows, second by Commissioner Comander, to deny LSA 12-01.02-Thomas Hicks based on presentations submitted and prior non-compliance issues. Ayes 4, Nays 1. Pridgen Aye, Comander Aye, Chapman Nay, Imfeld Aye, Meadows Aye.

Mr. Carpenter presented LSA 12-01.05-Walton County, a request to approve an ordinance (2013-02) adopting a Large Scale Map Amendment to the Comprehensive Plan to change the Future land Use Map designation on 70.0 +/- acres north of the Choctawhatchee Bay in the Mossy Head area, on the west side of W. T. Hulion Road approximately 1,000 feet west of the intersection of W. T. Hulion Road and Laird Road, from Large Scale Agriculture (1 du/40 acres) to Rural Residential (1 du/2.5 acres). Staff found that the proposed amendment to the Comprehensive Plan Future Land Use Map corrects a scrivener's error on the adopted Map and does not contravene the Goals, Objectives and Policies of the Comprehensive Plan.

Commissioner Meadows asked if this request was a county sponsored amendment. Mr. Carpenter stated that it was county sponsored and that it was to correct a Scriveners' Error. The property is owned by Mr. John Fuqua.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to approve LSA 12-01.05 (**Ordinance 2013-02**). Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Comander exited the meeting.

Mr. Carpenter presented LSA 12-01.06-Walton County, a request to approve an ordinance (**2013-03**) adopting a Large Scale Amendment to the Comprehensive Plan to amend the Inlet Beach Traditional Neighborhood Plan to change the Inlet Beach neighborhood Plan Land Use map designation on 8.24 +/- acres in south of the Choctawhatchee Bay in Inlet Beach, on the north side of US Highway 98, and southwest of the intersection of Pinewood Lane and North Wall Street, from residential to Village Mixed Use in the Inlet Beach Traditional neighborhood Plan. Inlet Beach Traditional Neighborhood Plan Appendix D: Neighborhood Commercial Designations shall be updated to include the map amended portions of parcels .0270, .0280, .0281, and .0290. Staff found that the proposed amendment does not contravene the Goals, Objectives and Policies of the Comprehensive Plan.

Commissioner Meadows asked if this issue had been previously reviewed. Mr. Carpenter stated that it had.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to approve LSA 12-01.06 (**Ordinance 2013-03**). Ayes 4, Nays 0. Pridgen Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

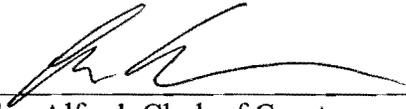
Mr. Carpenter presented the Amos Benton Hester III Petition for Abandonment (Natural Bridge Road Abandonment), and requested that it be tabled until further notice.

Motion by Commissioner Meadows, second by Commissioner Chapman, to table the Amos Benton Hester III Petition for Abandonment until further notice. Ayes 4, Nays 0. Pridgen Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

There being no further items to present, the meeting adjourned at 10:23 p.m.



\_\_\_\_\_  
Kenneth Pridgen, Chairman



\_\_\_\_\_  
Alex Alford, Clerk of Court