

JANUARY 14, 2014 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on January 14, 2014 at 4:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following Board members were present: Commissioner W. N. “Bill” Chapman, Chairman; Commissioner Cindy Meadows, Vice Chairman; Commissioner Sara Comander; Commissioner Bill Imfeld; and Commissioner Kenneth Pridgen. Mr. Larry Jones, County Administrator; Attorney Mark Davis, County Attorney; and Mr. Alex Alford, Clerk of Courts and County Comptroller; were also present.

Commissioner Comander led the invocation and the pledge to the American Flag. Chairman Chapman called the meeting to order.

There were no changes to the agenda.

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

1. Approve the Expenditure Approval List (EAL)

General Fund	\$ 1,419,494.02
County Transportation	\$ 568,187.59
Fine & Forfeiture	\$ 2,995,840.00
Mosq. Control State	\$ 7,161.97
Section 8 Housing	\$ 797.66
Tourist Dev. Council	\$ 1,284,949.88
N.W. Mosquito Control	\$ 32,405.98
Recreation Plat Fee	\$ 4,644.38
Solid Waste Enterprise	\$ 1,463,391.24
Bldg Dept/Enterp. Fund	\$ 20,396.17
Imperial Lakes MSBU	\$ 2,517.66
Inmate Canteen Fund	\$ 19,989.80

Capital Projects Fund	\$ <u>347,883.33</u>
Totals	\$ 8,167,659.68

2. Approve the minutes of the December 19, 2013 Regular Meeting.
3. Approve a Letter of Support for the West Florida Regional Planning Council's 2014 US. EPA Brownfields Assessment Grant Application
4. Approve for Public Works to purchase a Ditch Cleaning bucket in the amount of \$3,850.00 from Thompson Tractor Company.
5. Approve First Amendment to the Granicus Services Agreement with Walton County in the amount of \$1,070.00 per month
6. Approve extension of current contract with Dr. J. L. Blackwood, DVM for 6 months and advertise for a RFP for Veterinarian Services for animals at the Walton County Animal Shelter
7. Approve to advertise for a Public Hearing on January 28, 2014 to bring forward Landfill and Proportionate Fair Share Funds (a 50/50 split) to pay for engineering fees associated with the Big Red Fish Project

Mr. Larry Jones, County Administrator, requested approval to replace the current speed limit signs from 15 mph to 25 mph throughout Ten Lakes Estates. The Ten Lakes Estates HOA has requested an increase in the speed limit. The Sheriff's Office and Public Works agree that an increase would be appropriate.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve to replace the current speed limit signs from 15 mph to 25 mph throughout Ten Lakes Estates. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones requested permission to advertise and hold a Public Hearing to amend the Civil Citation Fee Resolution (Resolution 2013-09). After the resolution was adopted, several of the section numbers included in the resolution were incorrectly identified. Mr. Jones requested to correct the section numbers, include missing sections, establish two classes of violations, establish fine amounts, and fine amounts for subsequent offenses. The change would allow the fees to work in conjunction with the Land Development Code (LDC).

Mr. Dyess briefly addressed the changes.

Commissioner Comander voiced concern with use of the term “junk” in Section 5.07.08.A and asked if a different term could be used. Mr. Dyess stated that the term was used in both the LDC and State Statute, but could be changed to a more appropriate term.

Motion by Commissioner Pridgen, second by Commissioner Comander, to advertise and hold a Public Hearing to amend Resolution 2013-09. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones requested to move the Sandwich Board Signs Ordinance language to the Planning Commission and hold the first Public Hearing to amend the Land Development Code to include approved language. He requested approval of the draft language and authorization to begin the advertising process to amend the Land Development Code (LDC) Section 7.04.07 Sandwich Board Signs.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the draft language and authorize staff to begin the advertising process to amend the Land Development Code (LDC) Section 7. Signs. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jim Bagby, Tourist Development Council (TDC) Executive Director, requested authorization for the Chairman to sign the proposed request for an Attorney General Opinion on the proposed use of Tourist Development Tax revenue to promote and market events held outside the sub-county taxing district but within Walton County.

Motion by Commissioner Comander, second by Commissioner Imfeld, to authorize the Chairman’s signature on the request for an Attorney General Opinion regarding TDC tax revenue proposed uses. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Bagby stated that the number of bed tax collectors appointed to the TDC Board exceeds the maximum amount required by State Statute. He requested guidance on how to resolve the issue. Mr. Jones stated that that in the Management Audit, there were some recommendations regarding the potential make-up of the TDC Council. He said that the Board may want to review this in a more comprehensive manner, including the selection process. He said that staff could work with Mr. Bagby. Commissioner Imfeld asked if the information could be presented at the January 28, 2014 Regular Meeting. Mr. Bagby stated that it could.

The Board concurred to direct staff to develop a plan to be presented at the January 28, 2014 Regular Meeting.

Mr. Bagby announced that the November Bed Tax numbers were down by approximately \$20,000 (5%) over the previous year. He said that several tourist areas were undergoing renovations. He reported that numbers are looking good for 2014.

Attorney Mark Davis, County Attorney, requested to call a Special Meeting to hold an Executive Session on January 28, 2014 at 8:30 a.m. to discuss litigation strategy to consider settlement of the Oil Spill by the Oil Rig "Deepwater Horizon" Local Government Entities (2:10-CV-09999-CJB-SS)

Motion by Commissioner Comander, second by Commissioner Imfeld, to hold an Executive Session on January 28, 2014 at 8:30 a.m. to discuss litigation strategy to consider settlement of the Oil Spill by the Oil Rig "Deepwater Horizon" Local Government Entities (2:10-CV-09999-CJB-SS). Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones presented for consideration an ordinance amending Chapter 4 of the Walton County Code to add Article III, Providing for Regulation of Roadside Fundraising.

Motion by Commissioner Comander, second by Commissioner Imfeld, to call to order the Public Hearing.

Commissioner Imfeld questioned if the ordinance would apply to the municipalities and the unincorporated areas of the county. Attorney Davis stated that it covers outside of the municipalities. Commissioner Imfeld questioned if measures had been taken to coordinate with the municipalities. Attorney Davis stated that he had not held discussions with the City of DeFuniak Springs.

Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Commissioner Comander stated that permission had to be granted from the City of DeFuniak Springs Council prior to roadside fundraising events.

There were no public comments.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to close the Public Hearing. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt **Ordinance 2014-01** amending Chapter 4 of the Walton County Code to add Article III, Providing for Regulation of Roadside Fundraising. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones presented for consideration an ordinance amending Ordinances 1986-18 and 1998-23 (Establishing the Initial Tourist Development Tax and the Third Cent Tourist Development Tax)

Commissioner Comander questioned if this affected the ½ cent for the airport. Mr. Bagby stated that it does. He said that all revenue included in the Tourist Development Plan must be included in the ordinance. He reported that the airport tax would sunset in September, 2014 and would be brought back to the Board for consideration prior to the sunset date.

There were no public comments.

Motion by Commissioner Comander, second by Commissioner Meadows, to adopt **Ordinance 2014-02** amending Ordinances 1986-18 and 1998-23 (Establishing the Initial Tourist Development Tax and the Third Cent Tourist Development Tax). Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Motion by Commissioner Comander, second by Commissioner Meadows, to close the Public Hearing. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Commissioner Meadows discussed the Tax Increment Financing (TIF) District for portions of south Walton to complete infrastructure. She stated that the estimated costs for the C.R. 30A infrastructure are \$6 million for overlay/reconstruction, \$60,000 for cross-walks and \$3 million for drainage retrofit. She submitted letters and information related to TIF Districts and briefly discussed the benefits if implemented. Commissioner Meadows requested approval to work with the County Administrator and County Attorney to further research the TIF District and seek counsel from Government Services Group (GSG).

Commissioner Imfeld agreed that GSG should be involved and expressed concerned with TIF Districts being shelved due to property values. He felt that more information would be needed to pursue TIF Districts.

Commissioner Meadows stated that the area is growing again and a TIF District is an opportunity to improve the area.

Motion by Commissioner Imfeld to contract with GSG to study the issues and options of TIF Districts. Motion failed for lack of a second.

Commissioner Comander questioned if an RFP would be needed. Attorney Davis confirmed that it would. Commissioner Imfeld questioned if there was a continuing service agreement with GSG. Attorney Davis was unable to confirm the agreement.

Mr. Jones suggested consulting with Attorney Camille Tharpe and other staff at GSG to determine exactly what the county will need. A time will be scheduled with each Commissioner to consult with GSG.

Mr. Bob Hudson stated that he had researched the TIF District concept and spoke in favor of the concept.

Commissioner Comander questioned how long it would take to establish a TIF District. Commissioner Meadows felt that 90 days would be sufficient time.

Commissioner Imfeld stated that he would like to see more details on the costs.

Commissioner Meadows said that with the widening of U.S. 331, tax revenues would be increased and will be a prime area for a TIF District.

Chairman Chapman asked if separate TIF Districts would need to be established. Attorney Davis stated yes. Mr. Jones stated that south Walton would have multiple TIF Districts.

Discussion continued on the U.S. 331 TIF District and the implementation of other districts.

Mr. Jones stated that he would contact Attorney Tharpe to determine if a workshop would be needed to discuss the TIF Districts.

Commissioners Comander, Imfeld and Pridgen had no items to present.

Chairman Chapman had no items to present.

Ms. Lynn Stafford, Representing the South Lake Drive Neighborhood, briefly discussed the issues which are affecting the area due to construction within the neighborhood wetlands. She reported that permits have been issued for the construction, but Eastern Lake is not being protected. Commissioner Meadows clarified that the county has not issued permits for this site and that the permits were issued by the Florida Department of Environmental Protection (FDEP). Ms. Stafford continued discussing the environmental concerns caused by the construction. Some concerns are the location of the Coastal Dune Management Plan, the increase of mosquito larvae, and the drainage of hazardous materials into Eastern Lake.

Mr. Billy McKee, Public Works Environmental Manager, addressed the statements and concerns presented by Ms. Stafford. He reported that these lots were platted over wetlands many years ago and that the developers obtained the permits from the appropriate agencies. Chairman Chapman asked how the issues with the platted lots could be resolved. Commissioner Meadows stated that her research found that only a FDEP permit would be needed to clear the lots. She contacted individuals which reviewed permits and discovered that lots-of-record were not considered. She was told that applicants were required to follow the Coastal Dune Lake Protection Zone Criteria and all County Codes. She reported that she had asked for an opinion from Attorney Davis regarding the Code and the application of these lots-of-record and submitted his findings. Discussion continued on how the Code and Coastal Dune Lake Protection Zone Criteria affects the construction in lots-of-record.

Mr. Jones stated that he had spoken with Commissioner Meadows and staff regarding the reinstatement of clearing permits specifically in environmentally sensitive areas. Commissioner

Comander questioned why the clearing permits were stopped. Mr. Jones stated that the process was not codified in the LDC. Ms. Stafford stated that each of these issues is handled by many different people and agencies; she felt that the people need to know where to go.

Commissioner Meadows requested that an outline on how this type of issue would be processed through the county.

Commissioner Comander voiced concern with the individuals who attempt to surpass Code Enforcement regulations by performing unpermitted work on the weekends. She felt that this should be addressed in the LDC. Commissioner Meadows agreed that a system needs to be implemented to allow Code Enforcement to be available on weekends.

Mr. Scott Jehl, property owner, discussed how the construction has caused flooding issues to his property.

Mr. McKee said that Public Works has been working with the property owner and contractor to reconstruct the retaining walls from the driveway and as far back from the right-of-way as possible. The property owner is also being asked to reconnect the drainage by installing a culvert to divert any water that is discharged from the construction site.

Mr. Bob Hudson, South Walton Mosquito Control (SWMCD) Board Chairman, reported that the ditches were dug by the SWMCD in 1988 and have continued to be maintained by the SWMCD. He stated that the Planning Department generally informs the SWMCD when a project will affect one of the mosquito drainage ditches; however, they learned about this project through a concerned citizen. Proper permits were shown when SWMCD officials visited the site. Mr. Hudson also discussed the types of chemicals that are used in the mosquito ditches.

Commissioner Comander felt that rules and regulations need to be implemented to address future issues similar to this. She asked if the issues would be resolved with the

completion of construction. Mr. McKee agreed that rules and regulations should be implemented for new construction.

Ms. Stafford reported that the original permit shown to surrounding residents was issued to the prior owner in 2006. She questioned where the conservation easement was located. Mr. McKee explained the easement was located near the Bunker property. Ms. Stafford also addressed the lack of fish in Eastern Lake.

The Board concurred to direct Staff to return with a plan addressing this type of issue.

Ms. Rebecca Swift, Resident of South Lake Drive Neighborhood, questioned the location of the conservation easement. Mr. McKee stated that a conservation easement has been recorded by the State and discussed the land exchange process for conservation easements which are impacted by construction. Ms. Swift discussed the condition of the drainage area and reported that her review of the permit found that 40-50 pages had been added to the original permit. Commissioner Meadows directed staff to contact FDEP to find out what had been added to the permit.

There being no further items to present, the meeting recessed at 4:58 p.m. and reconvened at 5:07 p.m.

Mr. Wayne Dyess, Planning and Development Director, requested to continue John Minger SSA 13-018 to the February 11, 2014 at 5:00 p.m. Attorney Davis asked to allow staff to advertise as a Small Scale Amendment.

Motion by Commissioner Comander, second by Commissioner Meadows, to continue John Minger SSA 13-018 to the February 11, 2014 Regular Meeting at 5:00 p.m. and to advertise as a Small Scale Amendment. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Mac Carpenter, Planning and Development Services, presented the Existing Roadway Functional Classification Map LSA, an amendment to the Comprehensive Plan Map series which amends the designation of four roadways for transmittal to the Department of Economic Opportunity (DEO) for review. This includes the revised designation of West Hewitt Road between Driscoll Drive and U.S. Highway 98, East Hewitt Road between Talon Way and U.S. Highway 98, Churchill Bayou Road between Church Street and C.R. 393 from Other Roadways to Minor Collectors. This request also revises the designation of C.R. 393 between Chat Holly Road and U.S. Highway 98 from Minor Collector to Major Collector. Staff found that this request does not contravene the goals, objectives and policies of the Comprehensive Plan and would facilitate and result in a logical and orderly pattern of development and recommended approval. He reported that the document would be returned in 30 days for an adoption hearing.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the transmittal of the Existing Roadway Functional Classification Map LSA to DEO for review. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

The Quasi-Judicial hearing was called to order and Attorney Davis administered the oath to those intending on speaking. There were no objections to notices provided for the Quasi-Judicial items.

Mr. Brian Underwood, Planning and Development Services Planner, presented O'Donnell Medical Facility a major development order application submitted by Jenkins Engineering, Inc., requesting approval to construct a 16,086 square foot, three story commercial building, for uses including medical office, general office and retail space. The project includes 1.08 acres with a future land use of Village Mixed Use. The project is located on the south side

of US Highway 98 approximately one mile west of the intersection of CR 30A and US Highway 98. Staff recommended approval contingent upon conditions and comments being met as stated in the Staff Report. **(Staff-1)**

There were no public comments.

Motion by Commissioner Comander, second by Commissioner Imfeld, to approve O'Donnell Medical Facility contingent upon comments and conditions being met. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye. **(Exhibits: Staff Report)**

Attorney Greg Stewart, Nabors, Giblin and Nickerson, presented Osprey Pointe E-2 Change, an amendment to the Sandestin Development of Regional Impact (DRI) amending the acreage on parcel 224 from 10.8 acres as reported in Ordinance 2002-18 and preceding ordinances, to 15.8 acres as shown in the 1984 Agreement Submittal Documents. He stated that an E2 Change is a minor change and as required by law has been reviewed by the Department of Economic Opportunity (DEO). The proposed change would be an adoption of an ordinance that would amend the Development Order (D.O.) to reflect that parcel 224 is 15.8 acres. This is a residential parcel within the Sandestin DRI with a future land use of Coastal Center. This request is being submitted by Emerald Coast Associates, Inc. and is located off of Heron Walk Drive. Both County Staff and Legal Staff have found this amendment to be consistent with Chapter 380 of the Florida Statutes, the Comprehensive Plan, and the Land Development Code. This request is not an approval that authorizes development; this is a clean-up provision which is required by the Technical Review Committee (TRC) prior to moving forward with any development on that parcel. **(Staff Report-1)**

Commissioner Imfeld stated that he had a conflict and would abstain from voting. He submitted FORM 8B: Memorandum of Voting Conflict for the record.

Attorney Davis stated that this is an ordinance change and are required by Section 125 of County Policy to advertise ordinances in a particular way. This ordinance change was not properly advertised. He requested to have staff advertise the change accordingly and have it presented at the January 28, 2014 Regular Meeting. He also requested that the Board schedule a Compliance Hearing prior to the next Board meeting to make a formal determination whether or not Sandestin is in substantial compliance with the DRI.

Motion by Commissioner Comander, second by Commissioner Meadows, to continue Osprey Pointe E-2 Change to January 28, 2014 and to advertise it as an ordinance adoption. Ayes 4, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Abstained, Pridgen Aye.

(FORM 8B: Imfeld) (Exhibits: Staff Report-1)

Attorney Davis stated that the Compliance Hearing would be held on a date certain prior to the E2 Change Public Hearing on January 28th. Commissioner Comander questioned if the Compliance Hearing had to be held after 5:00 p.m. Attorney Davis did not think that it did.

Attorney Stewart questioned the ability to properly advertise the Public Hearing. Attorney Davis suggested that the meeting be advertised in the Daily News if it is too late to advertise in the DeFuniak Herald. He questioned if the Board wished to proceed with scheduling the Compliance Hearing. Commissioner Comander questioned if the Compliance Hearing needed to be held before January 28th. Attorney Davis stated that it would be best to have the hearing prior to January 28th. Discussion continued on what date should be scheduled.

Attorney Dana Matthews, Representative for Sandestin Development, LLC, requested that an entire day be set aside for the Compliance Hearing. He objected to the first notification of

the Compliance Hearing being announced during this meeting. He felt that a formal notice should be made to give each side opportunity to prepare evidence and testimony. Attorney Davis stated that he was aware that representatives from all of the parties would be present at this meeting and felt that this was an appropriate time to give notice. Discussion continued on the notification of the Compliance Hearing.

Attorney Gary Vorbeck, representative of the Sandestin Owners' Association, felt that the Compliance Hearing should be held prior to the adoption of the E2 Change. Commissioner Comander questioned if the E2 Change was to correct a Scrivener's Error. Attorney Davis stated yes and that the E2 Change could be granted, but if a non-compliance determination is made, D.O.'s and permits cannot be issued. The E2 Change does not give Sandestin Development, LLC the right to build Osprey Pointe; compliance must be met. Attorney Vorbeck expressed concern with approving the E2 Change prior to the Compliance Hearing.

Attorney Stewart stated that the E2 Change is a corrective type of device. The developer has been encouraged to take the proper steps to clean up the problems; and the E2 Change is one of the steps. The E2 Change amendment can be heard at the same time as the Compliance Hearing.

Attorney Davis suggested that the E2 Change and Compliance Hearing be held on the same day. The Board concurred that the Compliance Hearing be held on February 3, 2014 at the south Walton Courthouse Annex at 9:00 a.m. Attorney Stewart stated that staff would advertise that the E2 Change Ordinance would also be heard at the Special Meeting.

Attorney Matthews suggested that the E2 Change be held on January 28th and that the developer agrees that no D.O.'s would be issued until a compliance determination is made at a Compliance Hearing.

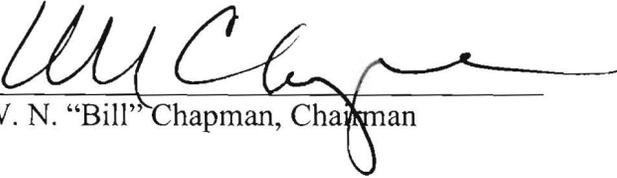
Commissioner Meadows asked how long the E2 Change hearing would take. Attorney Davis stated that it should not take more than five minutes.

Attorney Matthews asked when the report addressing the issues would be available. Attorney Stewart stated that the issues, along with the county's position, had been previously submitted. Attorney Davis suggested that a letter be sent to both Attorney Matthews and Attorney Vorbeck outlining the issues that would be heard at the Compliance Hearing. Chairman Chapman asked if the issues were the same as Exhibit 2 of the Staff Report. Attorney Stewart confirmed that those were the issues to be addressed. Attorney Vorbeck stated that the SOA also had a list of issues to be addressed. Attorney Davis asked if the SOA issues could be submitted by Friday, January 17, 2014 to Mr. Dyess to allow him to notify Attorney Matthews of all of the issues being addressed. Attorney Vorbeck agreed. Attorney Davis directed that all issues be collected and a letter stating the issues be sent to all sides to serve as notification of the hearing. Attorney Vorbeck expressed concerns with the E2 Change ordinance being adopted and D.O.'s being issued thereafter. Attorney Davis stated that the E2 Change would be heard on January 28, 2014. If it is adopted, there will be no D.O.'s issued for Sandestin until the Compliance Hearing is complete. He stated that the Compliance Hearing will be set for February 3, 2014. Attorney Matthews clarified that no D.O.'s would be issued on Osprey Pointe. Attorney Davis asked if there are any pending D.O.'s. Attorney Matthews stated there were none.

Motion by Commissioner Comander, second by Commissioner Meadows, to hold a Sandestin Compliance Hearing on February 3, 2014 at the South Walton Courthouse Annex at 9:00 a.m. Ayes 4, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Abstained, Pridgen Aye. **(Form 8B: Imfeld) (Exhibits: Staff Report-1)**

There being no further items to discuss the meeting adjourned at 5:38 p.m.

Approved:



W. N. "Bill" Chapman, Chairman

Attest:



Alex Alford, Clerk of Court and County Comptroller