

MARCH 11, 2014 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on March 11, 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, were also present.

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

Chairman Chapman recognized the Paxton High School Girls Basketball team and their recent State Championship win.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the following agenda revisions. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

1. Addition: Administration 1-e: Request from the Walton County School Board to use the South Walton Courthouse Annex Board Meeting Room for School Board Meetings
2. Addition: Administration 1-f: Request permission to apply for a grant from the Fish and Wildlife Commission (FWC) for funding to add material to the reef at Miramar Beach
3. Addition: County Attorney: Osprey Point Update
4. Addition: Commissioner Meadows: Appoint Ms. Mary Konovsky to the vacant seat on the Coastal Dune Lakes Advisory Board
5. Move: County Attorney: Item 5 Child Advocacy Center Lease Agreement

Mr. Allen Osborne requested permission to speak during the Osprey Point issue (County Attorney: Item 8). The Board concurred to allow Mr. Osborne to speak.

Mr. Jones announced that the Consent Agenda item to approve a resolution requesting an easement for a multi-modal path on the south side of U.S. 98 to allow connection of the exiting paths on C.R. 30A and Scenic Gulf Drive would be removed for discussion. This item will be presented during the time designated for Commissioner Meadows.

Attorney Davis requested approval of the lease agreement with the Emerald Coast Children's Advocacy Center, Inc. to lease property in DeFuniak Springs for \$1.00 per year for 99 years. A center will be constructed on this property to allow the Children's Advocacy Center to serve children who have been abused and neglected.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve the lease agreement with the Emerald Coast Children's Advocacy Center, Inc. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Ms. Julie Hurst, Child Advocacy Center, expressed her appreciation to the Board.

Attorney Davis requested approval of a **Resolution (2014-26)** proclaiming April, 2014 as Child Abuse Prevention Month.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt **Resolution 2014-26** proclaiming April, 2014 as Child Abuse Awareness Month. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 1,060,915.11
County Transportation	\$ 296,965.43
SHIP	\$ 27,025.00
Fine & Forfeiture	\$ 1,993,678.45
Mosq. Control State	\$ 6,950.00
Section 8 Housing	\$ 47.02
Tourist Dev. Council	\$ 28,934.53
N.W. Mosquito Control	\$ 6,339.78
Recreation Plat Fee	\$ 21.36
Solid Waste Enterprise	\$ 5,852.14
Bldg Dept/Enterp. Fund	\$ 1,650.60
Inmate Canteen Fund	\$ 29,525.23
Capital Projects Fund	\$ 29,025.00
Totals	\$ 3,486,929.65

2. Approve Minutes of February 25, 2014 Regular Meeting
3. Approve Investment Report for quarter ended December 31, 2013 as requested by the Clerk's Office
4. Approve a Resolution **(2014-21)** proclaiming March 2014 as American Red Cross Month
5. Approve a Resolution **(2014-22)** proclaiming March 23 through March 29, 2014 as Boys and Girls Club Week
6. Approve to Advertise a Data Entry Clerk position for the Building Department
7. Approve to surplus/dispose BCC #: 5688-copier from the Planning Department
8. ~~Approve a Resolution (2014-) requesting an Easement for Multi-Modal Path on the south side of U.S. 98 to allow connection of the existing paths on C.R. 30A and Scenic Gulf Drive (Removed for discussion)~~
9. Request to approve a Resolution **(2014-23)** to amend the budget in the General Fund for unanticipated grant funds for the State Aid to Libraries Grant in the amount of \$4,282
10. Approve a Resolution **(2014-24)** to amend the budget in the Solid Waste Fund for unanticipated grant revenue in the amount of \$90,909 for the Small County Solid Waste Management Grant received from the Florida Department of Environmental Protection
11. Approve to de-obligate \$6,000 from the Natural Bridge Park Property Fund to Paxton Park to purchase six bleachers
12. Approve modifications to the Agreement between the Florida Division of Emergency Management and the Walton County Sheriff's Office
13. Approve E911 Maintenance Grant application and 911 Coordinators Meeting Grant application, as requested by the Sheriff's Office
14. Approve renewal of the Technical Service Support Agreement for Physio-Control

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

Mr. Rick Helfand, Seaside School, expressed appreciation to the Board for allowing the Annual Seaside School Half Marathon and 5K Run to be held. He requested permission to begin the process for the 2015 Race. The Board concurred to approve the beginning of the process.

Mr. Larry Jones, County Administrator, presented information relating to the Mossy Head Industrial Park (MHIP) and discussed three business prospects for the area. He reported that Empire Trucks has announced a partnership with Southern Tire Mart and wishes to purchase an additional two acres at the same terms and conditions of their previous offer (\$20,000 per acre and the county clears the land). Southern Tire Mart will locate an 18,000 square foot facility on the two additional acres at a cost of \$4 million. Approximately 10 to 15 jobs will be created with the facility.

Mr. Jones discussed the proposal submitted by Mr. Brian Brigman at the February 25, 2014 Regular Meeting to purchase the land to the west of Empire Truck. There have been a lot of discussions with Mr. Brigman and Mr. Steve Youell, Andrews & Arnsdorff Realty, regarding the expectation of the Board in order to purchase the property. The minimum offer accepted would be \$20,000 per acre and Mr. Brigman would be responsible for paying the realtor's commission fees. Mr. Brigman will address the issues later in the meeting. Mr. Jones stated that he has reviewed a layout of the approximately 10,000 square foot building that would be constructed to specific standards to complement the other facilities being built. He said that Mr. Brigman is aware that the Board is to sign off on any facility renderings prior to beginning construction.

Mr. Jones reported that Mr. Jay Howard was looking for a 50 acre tract and will discuss this after a decision is made regarding the offers submitted by Empire Trucks and Mr. Brigman.

Mr. Jones said that Staff recommended approval of the offer submitted by Empire Trucks to purchase an additional two (2) acres of land under the same terms and conditions as previously approved for the first 15 acres, with the intent to co-locate the Southern Tire Mart Facility and moving forward with both of those projects.

Attorney Davis stated that the motion had to be conditioned upon the county's compliance with Section 125.35 of Florida Statute.

Motion by Commissioner Imfeld, second by Commissioner Comander, to approve the offer submitted by Empire Trucks as presented conditioned upon the county's compliance with Section 125.35 of Florida Statute. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones readdressed Mr. Brigman's offer and stated that there are 13 acres available to the west of the Empire Truck site. Mr. Brigman is aware of the \$20,000 per acre requirement, that construction must begin within the year, and that any depictions of the project must be approved by the Board prior to construction. Mr. Youell stated that Mr. Brigman agrees to the terms with the buyer paying the realtor commission. He clarified that the county would provide the survey for the 10 acre tract. Construction will begin within a year. Mr. Youell stated that Mr. Brigman is asking for 60 days due diligence and then close within 30 days after the end of that period. He also requested a 60 day option on the remaining three acres at the same price. Mr. Jones stated that is a reasonable request and would have to follow the same purchasing process.

Attorney Davis briefly discussed Section 125.35 of Florida Statute which addresses the sale of real and personal property and to lease real property by the County.

Motion by Commissioner Imfeld, second by Commissioner Comander, to accept the offer from Mr. Brian Brigman to purchase a 10 acre parcel within the Mossy Head Industrial Park conditioned upon the county's compliance with Section 125.35 of Florida Statute. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones reported that Mr. Jay Howard is interested in purchasing a 50 acre parcel east of the Love's Travel Stop within the Mossy Head Industrial Park. He discussed the offers placed by Mr. Howard and stated that Mr. Howard was informed that any offer less than \$15,000 per acre would not be considered by the Board. An official offer has not been made, but Mr. Howard wished to know if the Board would consider a \$15,000 per acre offer. Mr. Jones briefly discussed Mr. Howard's plan to construct an RV Resort with a number of various amenities.

Commissioner Meadows questioned if the infrastructure had been installed on that parcel. Mr. Jones stated that it was available to the western most edge of the property.

Mr. Howard briefly discussed his history within the RV industry and felt that this site would be a prime area for a RV resort with a water park, hotel and various other amenities. He reported that some of the amenities must remain confidential until the acceptance of an offer. Commissioner Comander questioned how many jobs would be created and how long it would take to complete the entire project. Mr. Howard stated that approximately 160 jobs would be created with 20% of the jobs being management positions and said that the first phases would break ground within five months. He said that the entire project could be completed within five years and discussed what it would take to complete the project.

Commissioner Meadows voiced concerns with the waste water facility. Mr. Jones stated that the Board had already approved the construction of a new waste water facility for the industrial park. Commissioner Meadows questioned how long did people stay at RV parks. Mr.

Howard stated that the length of time is dependent upon the quality of the park and the amenities available. In Florida, the average stay is five days.

Commissioner Imfeld asked what the total investment amount would be in two years. Mr. Howard reported \$20 million.

Commissioner Comander felt that Mr. Howard should be required to submit a rendering of what the project will look like. She suggested that due to the confidentiality issues that Mr. Howard meet individually with the Board to discuss the project.

Commissioner Meadows questioned if one company would manage all of the amenities. Mr. Howard said there will be separate businesses, but he and Attorney Liberas would be in control until the businesses were launched. Commissioner Meadows requested more written information on the project. Mr. Howard stated that pictures of existing facilities could be provided for Board review.

Mr. Jones stated that the issue is whether the price of the land will be where Mr. Howard's company would want to move forward. Mr. Howard stated that there are non-disclosures which are contingent upon the property purchase and an official offer would enable his company to fulfill their contract with the other companies. He said that he would be able to meet in confidence with each Commissioner to discuss the potential companies.

Commissioner Pridgen felt that the Board should decide whether or not to accept the offer. Discussion continued on the acceptance of the offer.

Mr. Jones asked Mr. Howard to individually meet with each Commissioner to discuss the project. Attorney Davis stated that negotiations could not be made during the individual meetings.

Commissioner Meadows asked if the county would be responsible for clearing the property, noting that the company may want to leave some trees. Mr. Jones stated that Mr. Howard would prefer to do the clearing. Mr. Howard stated that he would indeed like to keep some of the trees.

Chairman Chapman stated that Mr. Howard needs to have an idea whether or not to continue pursuing the purchase of the property. Commissioner Meadows felt that \$20,000 per acre would be the minimum. Mr. Howard expressed an interest in locating in Walton County and working to achieve that goal. He stated that he would be willing to pay fair market value and that this project would bring significant jobs and a tremendous amount of discretionary income to the area.

Commissioner Imfeld suggested submitting a counter offer of \$20,000 per acre to give Mr. Howard an idea of what the county is expecting and then arrange individual meetings with the Commissioners to review the plans.

Motion by Commissioner Imfeld, second by Commissioner Comander, to submit a counter offer of \$20,000 and allow the Commission to meet individually with Mr. Howard to discuss the project plans. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Attorney Davis stated that the motion would also be conditioned upon the county's compliance with Section 125.35 of Florida Statute.

Mr. Jones requested that one Full Time Equivalent (FTE) and funding be moved from County Administration to Code Enforcement to provide an additional Code Enforcement officer. The additional officer would help to provide better coverage during the off times.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the transfer of one Full Time Equivalent (FTE) and funding from County Administration to Code Enforcement as discussed. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones requested to approve a work order to Preble-Rish, Inc. for engineering and renovation of the Emergency Operation Center as part of the Continuing Engineering Services Agreement.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the work order to Preble-Rish, Inc. for engineering and renovation of the Emergency Operation Center.

Commissioner Imfeld discussed the layout of the EOC and felt that there should be fewer private offices. He asked if the plans could be changed. Mr. Jones stated that the plans could be changed. Commissioner Imfeld felt that there should be more room to allow for communication between operators. Discussion continued on what changes could be made.

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

Mr. Jones presented proposals from Nabors, Giblin & Nickerson and Government Services Group regarding the Tax Increment Financing (TIF) for the U.S. 331 and Highway 30A Corridors. He stated that discussion was held at the last Board meeting regarding the utilization of TIF funding for improvements along the C.R. 30A Corridor. This same process is being considered for infrastructure and improvements along U.S. 331. Mr. Jones stated that both areas are to the point where professional guidance is needed to determine the best means and methods to obtain the funding. The cost of the proposed contract to conduct an analysis of the C.R. 30A

Corridor is \$12,000. The analysis would be to review the utilization of the TIF and any other mechanisms that would facilitate moving the 30A initiative forward. The proposal for the U.S. 331 Corridor specifically covers TIF funding for the area but will also determine if other financing mechanisms can be used as well. He recommended approval of both proposals.

Commissioner Meadows questioned why Nabors, Giblin and Nickerson was being used as well as Government Services Group. Mr. Jones stated that it is a joint Continuing Services Agreement with Nabors, Giblin and Nickerson and they will utilize Government Services Group.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to approve the proposal for the C.R. 30A TIF Funding process. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Motion by Commissioner Imfeld, second by Commissioner Comander, to approve the proposal for the U.S. 331 TIF Funding process. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Ms. Carlene Anderson, School Board Superintendent, requested approval to allow the Walton County School Board (WCSB) to utilize the South Walton Courthouse Annex Board Meeting Room for School Board Meetings. She asked that the WCSB also be allowed to use the WIFI, audio, and video equipment. The meetings will be held the third Tuesday of every month at 5:00 p.m. Mr. Jones reminded the Board that they had previously approval to schedule the third Tuesday as a meeting date in the event that the Planning Agenda issues needed more time. He recommended that any approval be subject to the availability of the room.

Commissioner Imfeld asked what arrangements had been made for security. Ms. Anderson stated that her staff has been looking at information regarding Bailiff and SRD costs. She stated the costs would be a minimum of \$50 for the Bailiff and \$50 for the SRD Officer.

Commissioner Imfeld asked if this cost would be the responsibility of the WCSB. Ms. Anderson replied that the Commissioners would determine who bears the cost. She said that the WCSB is asking the Board's consideration and to provide a cost breakdown for review.

Commissioner Comander questioned if the WCSB is also planning to televise their meetings. Ms. Anderson stated that it would depend upon the cost. Commissioner Comander questioned if county staff would be needed. Ms. Anderson stated that Mr. Henry Martin, WCSB Technology Information Officer, had been working with county staff regarding the system.

Mr. Jones questioned when the WCSB anticipated holding their first meeting at the south end and asked if staff from both the county and the school board could meet prior to that meeting. Ms. Anderson stated that the first meeting would be April 15, 2014 and asked if the costs could be submitted for review prior to the April 1, 2014 School Board meeting. Mr. Jones stated that staff from both entities could meet and have the information prepared by April 1.

Mr. Billy McKee, Environmental Manager, requested permission to apply for a grant from FWC for funding to add material to the reef at Miramar Beach. He stated that the original reef was permitted in 1997 and renewed two years ago. He reported that the FWC provided a grant opportunity in the amount of \$60,000 to be applied to reef construction. There is a good chance of being selected to receive the grant. Mr. McKee said that there is currently a 190 foot barge being used as a reef. Discussion ensued as to the location of the current reef near Miramar Beach.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to apply for a grant from FWC for funding to add material to the reef at Miramar Beach. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones requested approval of Retif as the alternate fuel supplier for RFP 014-005 Gasoline & Diesel Fuel Supply.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve Retif as the alternate fuel supplier for RFP 014-005 Gasoline & Diesel Fuel Supply. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones discussed the C.R. 395 and U.S. 98 intersection improvements. Staff was asked to review the issues with this intersection and perform an analysis of what improvements would be warranted. Mr. Joe Poole, Traffic Consultant, was consulted to perform the analysis. He determined that a south bound free-flow right-turn lane onto C.R. 395 and an exclusive left-turn lane onto C.R. 395 would relieve some operational issues. The cost to complete the project would be approximately \$271,000 and would be paid by Proportionate Fair Share monies.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve C.R. 395 and U.S. 98 intersection improvements as presented. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones stated that Public Hearings would be advertised to move the funds from the Proportionate Fair Share account.

Mr. McKee presented an update on the Beaver Lake Dam Project. Staff has been assisting the property owners surrounding Beaver Lake in an effort to obtain permits to repair the dam. A field analysis has been done by the Northwest Florida Water Management District (NFWFMD) and found that pipes through the dam would need to be replaced and a permit obtained from the NFWFMD to begin construct. The residents have expressed concern with the costs to repair the dam and are asking for county assistance with the costs. Discussion ensued regarding the possibility of an MSBU, county assistance in helping the residents obtain a permit

and possible funding opportunities. Commissioner Imfeld asked that Ms. Angie Biddle, County Grant Coordinator, check into the grant possibilities.

Mr. Jones requested approval of Change Order 1: C.R. 2 Phase III (Bid 013-023) from S.R. 83 to the Holmes County Line contingent upon Florida Department of Transportation (FDOT) approval. There will be a cost reduction by \$20,180.16.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve Change Order 1: C.R. 2 Phase III (Bid 013-023) from S.R. 83 to the Holmes County Line contingent upon Florida Department of Transportation (FDOT) approval. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones requested approval of a **Resolution (2014-25)** amending Resolution 2014-08 setting fees for Sector Plan Reviews, Sector Plan DSAP Reviews and engineering review fees for both.

Motion by Commissioner Pridgen, second by Commissioner Comander, to **Resolution (2014-25)** amending Resolution 2014-08 setting fees for Sector Plan Reviews, Sector Plan DSAP Reviews and engineering review fees for both. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jim Bagby, Tourist Development (TDC) Executive Director, requested approval of the 2014 agreement between Choctawhatchee Basin Alliance of Northwest Florida State College and Walton County Tourist Development Council to provide and operate services to assist in strengthening nature-based tourism. He reported that there was a correction to a typographical error on page two which changed the amount of payment from \$11,952 to \$11,925.

Motion by Commissioner Meadows, second by Commissioner Comander, to the 2014 agreement between Choctawhatchee Basin Alliance of Northwest Florida State College and

Walton County Tourist Development Council with changes as discussed. Ayes 5, Nays 0.
Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Bagby requested approval to award Bid 014-003-Maintaining Multi-Use Trails to ValleyCrest in the amount of \$250,000. He reported that there had been five bidders; two did not meet the RFP requirements. An interview was conducted with the top three firms; ValleyCrest was the top ranked firm.

Attorney Davis said that under the current purchasing policy, to award any bid to a firm that is not the lowest bidder, the finance office is required to prepare a letter to the County Administrator to become a part of the minutes. Commissioner Pridgen questioned why the bid amounts were so far apart. Mr. Bagby felt that the bidders may not have been clear as to what was expected. Discussion continued on the requirements of the job.

Commissioner Comander expressed a need for a hard bid process. Attorney Davis said that the more hard bids the better, but there are some issues that cannot be done through a hard bid process. Discussion continued on the bidding process.

Chairman Chapman asked if this would be a one year contract. Mr. Bagby stated yes.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to award Bid 014-003-Maintaining Multi-Use Trails to ValleyCrest in the amount of \$250,000. Ayes 4, Nays 1.
Chapman Aye, Meadows Aye, Comander Nay, Imfeld Aye, Pridgen Aye.

Mr. Bagby requested approval of the following TDC seat recommendations: Seat 4-Mr. Gary Brielmayer; Seat 5-Mr. Kurt Tape; Seat 6-Ms. Jennifer Frost; Seat 7-Mr. Jim Richard; Seat 8-Mr. Art Miller; and Seat 9-Ms. Pam Avera.

Motion by Commissioner Meadows to appoint the individuals as presented. Motion died for lack of a second.

Commissioner Meadows stated that a TDC Advisory Board was needed. Attorney Davis asked if there were terms on the current board and if they are completed. Mr. Bagby stated that there are terms on the current board and that the new appointments would be effective upon approval of the Commission Board. Commissioner Meadows stated that a TDC Strategic Planning meeting was scheduled for April 1, 2014. Attorney Davis stated that there are two possibilities; first would be to take the list and make your own appointments which meet the criteria for the particular seat. The second option would be to have a substitute motion which would take each appointment individually. Attorney Davis submitted a third alternative to move and second to keep the current board in place until a replacement board could be appointed. Commissioner Meadow said that if there was a problem with someone on the list, then it should be known.

Commissioner Comander stated that she would second the motion for discussion thereby reviving the motion made by Commissioner Meadows.

Ms. Suzanne Harris expressed concern over the Board not electing a new TDC Advisory Board. She felt that some of the sitting TDC Board members needed to be removed.

Motion by Commissioner Meadows, second by Commissioner Comander to appoint the individuals as presented to the TDC Advisory Board. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Bagby reported that January, 2014 bed tax revenues were up 4.29% over January, 2013. He presented a copy of the Attorney General's opinion which determines that bed tax monies can be spent on events within the county but outside the taxing area. Commissioner Pridgen suggested that a committee of north Walton representatives be formed to determine where to spend the funds. Mr. Bagby agreed that a north Walton Advisory Committee would be

beneficial and asked that he present at the next Board meeting the responsibilities and appointment criteria for the committee. He stated that approximately \$30,000 would be designated in next year's budget for the promotion of tourism outside the south Walton area. Commissioner Comander felt that the committee should be made up of people who understand the background and history of the area. Mr. Bagby said that there have been discussions regarding the creation of a special taxing district for the north Walton tourist area. He also announced that Southwest Airlines will be providing direct flights from Dallas, TX to Panama City Beach, FL beginning in 2015.

Attorney Davis requested an Executive Session be held on March 25, 2014 at the DeFuniak Springs Courthouse at 8:30 a.m. to discuss James and Melanie Nipper v. Walton County (Case no: 2013-CA-000694).

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve an Executive Session to be held on March 25, 2014 at 8:30 a.m. at the DeFuniak Springs Courthouse to discuss Nipper v. Walton County. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Attorney Davis submitted the draft noise ordinance and requested that the Board review and submit comments. He discussed the goals in creating the ordinance: simplicity, enforceability, and effectiveness. Commissioner Meadows asked when the public would be able to give input. Attorney Davis stated that the public would have opportunity to speak at the Planning Commission Hearing and the Adoption Hearing.

Attorney Davis requested approval of the proposed Fire Services Automatic Aid Agreement with the City of DeFuniak Springs, City of Freeport, Liberty Fire District, and the Argyle Volunteer Fire Department.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the Fire Services Automatic Aid Agreement. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Attorney Davis requested approval of the form contract for an Animal Control Hearing Officer.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the form contract for an Animal Control Hearing Officer. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Attorney Davis requested approval to foreclose the Code Enforcement lien on Code Case No.: 2010-640 Utopia Motorcross Park, Inc. and Allan Shane Miller. He reported that approval must be received from both the County Commission Board and the Code Enforcement Board. The amount of the lien is approximately \$110,000. Discussion ensued on the processes that needed to be taken to rectify the Code Enforcement issues and to identify old cases that can be collected upon. Commissioner Meadows asked that a list of outstanding issues be given to the Board for review.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the foreclosure on Code Enforcement Cause 2010-640 Utopia Motorcross Park, Inc. and Shane Miller. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Commissioner Imfeld stated that he had a continuing conflict with the Osprey Point issue and submitted Form 8B: Memorandum of Voting Conflict. He exited the meeting.

Attorney Davis stated that upon review of a verbatim transcript, he realized that he had mistakenly spoken regarding the Osprey Point issue at the January 28, 2014 Regular Meeting. He

clarified that a compliance hearing had been set for Sandestin DRI. Sandestin submitted the E2 change, which was not controversial or difficult. At the time of the E2 change, the Sandestin Owners' Association (SOA) and Sandestin Investments have been meeting to attempt to resolve their differences. The SOA had previously objected to any issuance of further Development Orders (DO) in Sandestin. The E2 change was the last impediment to the issuance of the Osprey Point DO. Attorney Davis said that all applications for a DO within DRI's have been treated as minor developments. Commissioner Meadows clarified that this is not what Code requires. Attorney Davis stated that this had been the practice for more than 40 years as it relates to development requests within DRI's. His position is if the development qualifies as a major development within a DRI it should be treated as such. He said that Attorney Stewart, acting as staff attorney, opined that any pending DO application for any of the DRI's had a right to rely on the established process until their pending process had been completed. There were three pending applications at Sandestin being treated as minor developments: Osprey Point; the ferris wheel; and the chapel. He said that he had misspoken during the January 28th meeting insinuating that Osprey Point would be a major development. Attorney Davis clarified that Osprey Point will be treated as a minor development. When the Board voted to approve the E2 change, they had a right to have the DO issued. He reported that the policy change will occur when the pending DO's are complete.

Commissioner Meadows stated that the issue was confusing and was not advertised. She discussed the minutes of the January 14, 2014 Regular Meeting and stated that it was understood by all sides that the E2 change did not give Sandestin Development the right to build Osprey Point and that compliance must be met. It was clear that the Board only approved the E2 change not the DO. She felt that the DO was issued during the confusion and that, in order to protect the

public, no building permit application should be accepted on Osprey Point until the compliance hearing is completed and Sandestin is found in compliance.

Motion by Commissioner Meadows, second by Commissioner Comander, to not accept any building permit applications in the Osprey Point development until the Sandestin DRI is found in compliance.

Commissioner Comander stated that she also understood that there would be no issuance of DO's until the Board had the opportunity to hold the compliance hearing. Discussion ensued on how Osprey Point was able to obtain a DO.

Mr. Allen Osborne discussed the public notice and agrees that there was a scrivener's error. He stated that he also understood that no DO's would be issued until the compliance hearing was held. He spoke in opposition to changes being made without proper advertisement. He stated that Osprey Point does not qualify as a minor development and should not be treated as such.

Attorney Dana Matthews, representing Sandestin Investment, addressed the Osprey Point DO and discussed the history of events determining whether Osprey Point is a major or minor development. Commissioner Meadows said that the Staff Report submitted during the January 28, 2014 Regular Meeting stated the condition that no DO's would be issued for the Osprey Point project until compliance is determined. She stated that the vote was on the E2 change only.

Attorney Greg Stewart announced that the Compliance Hearing has been set for May 13, 2014 and there have been no building permit applications received. In the event that Sandestin DRI is not in compliance, no further development orders would be issued for Sandestin.

Motion by Commissioner Meadows, second by Commissioner Comander, to not accept any building permit applications for Osprey Point until Sandestin DRI is found in compliance at

the Compliance Hearing to be held on May 13, 2014. Ayes 4, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Abstained, Pridgen Aye.

Commissioner Imfeld rejoined the meeting.

Attorney Davis addressed recent issues surrounding the contract between the TDC, the county and law firms regarding representation in the BP oil spill litigation. He announced that he would be seeking an Attorney General Opinion (AGO) and/or an ethics opinion on some of the questions that have been raised. He stated that there had been questions regarding the approval of a contract. He said that according to the Sunshine Law, a contract can be considered after notice. The contract in question will be placed on the next agenda for approval.

Ms. Suzanne Harris voiced concern that Attorney Clay Adkinson, TDC attorney, was being paid not only by the TDC but also as a settlement attorney on behalf of the TDC. She questioned each Commissioner individually to determine if they were aware of issue. Commissioners Meadows, Imfeld and Chapman were not on the Board at that time. Commissioners Comander, Pridgen and Mr. Jones all stated that they were not aware that Attorney Adkinson was affiliated with the special counsel hired to represent the TDC. Commissioner Comander stated that she was aware that Attorney Adkinson was affiliated with the Beasley Allen Law Firm which represented the county in the oil spill litigation and wanted to reserve further comment until Attorney Davis presented his findings. Ms. Harris continued voicing concern with the issue and indicated that funds were being inappropriately spent by a former TDC Director, a former Commission member, and a County Attorney. Attorney Davis clarified that he was not the County Attorney in question. Ms. Harris said that she has requested information verifying the expenditures and felt that severe action should be taken if the funds

were found to be inappropriately spent. Commissioner Comander questioned if there was proof that county funds were used inappropriately. (Submission: 6 pictures)

Motion by Commissioner Comander, second by Commissioner Pridgen, to open the Public Hearing to consider a resolution amending the Landfill and County Transportation Fund budgets. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Chairman Chapman called to order the Public Hearing to consider a resolution amending the Landfill and County Transportation Fund budgets to bring forward \$135,911 in Landfill Reserve Funds to replant and manage timber at the Landfill property.

There was no public comment.

Commissioner Meadows asked that the material be purchased from a company who does not have a code violation or litigation against the county.

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

Motion by Commissioner Imfeld, second by Commissioner Meadows, to adopt **Resolution 2014-27** amending the Landfill and County Transportation Fund budgets to bring forward \$135,911 in Landfill Reserve Funds to replant and manage timer at the Landfill property and to hire a reputable company which respects the county's ordinances and has no litigations against the county. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Motion by Commissioner Pridgen, second by Commissioner Comander, to open the Public Hearing to consider a resolution amending the budget. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Chairman Chapman called to order the Public Hearing to consider a resolution amending the budget to recognize \$380,809 in Proportionate Fair Share funding to construct Northbound, Westbound, and Eastbound turn lanes at the intersection of U.S. 98 and Geronimo Street and to consider the Task Work Order 14-004 with Tetra Tech, Professional Engineering Services for turn lane improvements on S. Geronimo Street at U.S. 98 in the amount of \$68,930.00.

Ms. Leigh Moore, Howard Group, stated that U.S. 98 was slated to be widened and felt that making these improvements prior to the widening of the road would be wasting the county's funds. Commissioner Comander responded that the public's safety is of utmost concern and that there was no guarantee that FDOT would continue with the widening project. Ms. Moore stated that FDOT is considering the project to begin in 2016.

Mr. Mike Flint stated that this is a dangerous intersection and that there is no guarantee that the project will be considered before 2024. He also stated that it would take three to five years to complete construction. He urged the Board to move forward with the improvements.

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.

Chairman Chapman stated that two motions were needed, one for the Proportionate Fair Share budget amendment and one for the task work order.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve **Resolution 2014-28** amending the budget to recognize \$380,809 in Proportionate Fair Share

funding to construct Northbound, Westbound, and Eastbound turn lanes at the intersection of U.S. 98 and Geronimo Street. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones reported that negotiations have taken place regarding the Task Work Order 14-004 from Tetra Tech, Professional Engineering Services for Turn Lane Improvements on S. Geronimo at U.S. 98. The original amount was \$68,930. The new amount is \$47,230.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve the Task Work Order 14-004 from Tetra Tech, Professional Engineering Services for Turn Lane Improvements on S. Geronimo at U.S. 98 in the amount of \$47,230. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Commissioner Meadows discussed the request for a **Resolution (2014-29)** pertaining to an easement for a multi-modal path on the south side of U.S. 98 to allow connection of the exiting paths on C.R. 30A and Scenic Gulf Drive.

Ms. Susan Palladini, Coffee Nature Preserve, stated that it was a confusing issue and thanked Commissioner Meadows for allowing this issue to be presented for discussion. She also addressed the three laning of U.S. 98 and asked that there be communication with FDOT in regards to the bike path and sidewalk in expansion plans.

Commissioner Comander exited the meeting.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to adopt **Resolution 2014-29** for an easement for a multi-modal path on the south side of U.S. 98. Ayes 4, Nays 0. Chapman Aye, Meadows Aye, Comander Absent, Imfeld Aye, Pridgen Aye.

Commissioner Meadows requested to appoint Ms. Mary Konovsky to the vacant seat on the Coastal Dune Lakes Advisory Board.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to appoint Ms. Mary Konovsky to the vacant seat on the Coastal Dune Lakes Advisory Board. Ayes 4, Nays 0. Chapman Aye, Meadows Aye, Comander Absent, Imfeld Aye, Pridgen Aye.

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

Chairman Chapman requested that a **Resolution (2014-30)** be adopted proclaiming April 5, 2014 as Friendship House Day.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to adopt **Resolution 2014-30** proclaiming April 5, 2014 as Friendship House Day. Ayes 4, Nays 0. Chapman Aye, Meadows Aye, Comander Absent, Imfeld Aye, Pridgen Aye.

Commissioner Comander rejoined the meeting.

Mr. Jones presented for consideration a resolution on behalf of Mr. Herbert "Kuntry" Carter introducing a new concept of music titled "Dixie Phonics." Mr. Carter was not present. Chairman Chapman sought the wishes of the Board regarding this issue. Some Commissioners had difficulty hearing the CD and wanted to hear from Mr. Carter.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to not adopt a resolution at this time. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. J. Darrick Lund discussed the south Walton Beach Vendors morning beach access and requested amending Chapter 22-60-D4 to remedy the morning access. He asked to enable vendors to serve as volunteers and report turtle tracks to the Turtle Watch Committee.

Commissioner Comander expressed the importance of the turtles and the turtle watch group to Walton County. She also felt that the vendors and small business owners were equally important. She suggested taking another look at the ordinance and allowing input from all sides.

Commissioner Meadows questioned what methods the vendors would use to locate turtle tracks and nests and how they would contact the turtle watch groups. She discussed the turtle watch app that was created to help in locating and marking turtle areas. Mr. Lund stated that the app required the vendors to walk more than their required areas before being allowed to set up. He said that the vendors can insure that their chairs are not set up on turtle nests or tracks and alert the turtle watch group when nests and tracks are spotted. Discussion ensued on methods of contacting the turtle watch group.

Mr. Gray Breilmeyer, Hilton Sandestin Beach, stated that the ordinance requires that the beach be surveyed before 8:00 a.m. He asked which vendors Mr. Lund represented and stated that he had not spoken with him regarding representation. Commissioner Comander asked if Hilton Sandestin Beach was considered a vendor. Mr. Brielmeyer stated yes and that they have the required permit. He addressed an issued raised in a letter submitted by Mr. Lund to Mr. Larry Jones in which it was stated that Hilton Sandestin received an exception to the ordinance. He said that the exception was for one day only and that the Hilton follows all the rules. Mr. Lund stated that there were approximately 15 vendors who have met to address the issues.

Ms. Suzanne Harris, Edgewater Beach Resort, complimented the Hilton on job they are doing to keep their beaches clean. She stated that the lifeguards at Edgewater are trained to look for turtle tracks and nests and to avoid setting up equipment in those areas. She discussed events that have occurred at Edgewater regarding turtle rescues and suggested utilizing the lifeguards to help locate the turtle tracks and nests. Commissioner Meadows stated that the public beaches have several vendors who set up equipment and that lifeguards are not available on all public beaches.

Discussion ensued on how to protect the turtles and allow the vendors to set up.

Commissioner Pridgen questioned if the Board was interested in looking at this. Commissioner Meadows felt that input from the South Walton Turtle Watch group was needed. Mr. Lund stated that there will be a class for vendors to recognize turtle nesting indicators and that the county could require attendance to the training when a permit is purchased.

Commissioner Comander asked if a workshop could be scheduled to discuss the issue.

Mr. Steve Gill spoke in favor of the vendors being used to locate the turtles nests and tracks.

Mr. Richard Fowlkes, South Walton Turtle Watch Policy Coordinator, addressed several of the issues that were discussed and felt that the ordinance had not been implemented long enough and should be given a chance to work. Commissioner Comander asked if he would be amiable to setting the time back to 7:00 a.m. to allow the vendors time to set up their equipment. Mr. Fowlkes stated yes. Discussion continued on changing the time to 7:00 a.m. and the requirement for training and to use an app to notify the turtle watch group of turtle sightings.

Mr. Shane Johnson, White Sands Beach Service, questioned if the turtle watch groups are out at sunrise then why are the vendors not allowed to go on the beach until 8:00 a.m. Commissioner Comander felt that there should be a balance between the vendors and the turtle watch groups and feels like 7:00 a.m. would be an appropriate time.

Mr. Jimbo Bishop spoke in favor of compromise and the two groups working together. He stated that the ordinance does not prevent tourists setting their personal items out before 8:00 a.m.

Chairman Chapman felt that Mr. Bagby and Mr. Jones should meet and discuss solution to present to the Board.

Mr. Jones stated that the issues were clear and that he would look at what options were available. Commissioner Pridgen stated that the vendors who want to volunteer should meet with the turtle watch group. Discussion continued on volunteers, vendors, and turtle watch groups working together.

Mr. Dave Meadows, Sunset Beach Service, reported that the app messages usually come in around 6:30 a.m. depending on sunrise times and spoke in favor of beach vendors being certified to clear their own areas prior to set up.

Commissioner Comander felt that each vendor should be required to have the turtle location app, be certified as a turtle watch volunteer and work with the turtle watch group to get their set up areas evaluated. She questioned when the issue will be brought back. Mr. Jones stated within the next couple of meetings.

Ms. Carrie Nelle Moye spoke about Mr. Robert L. Bannerman, her deceased husband, and his contributions to Walton County. She requested that something in the county be named in his honor.

Mr. Art Miller addressed the proposed RV resort in Mossy Head Industrial Park and encouraged the county to hold to the purchase price of \$20,000 per acre.

Ms. Suzanne Harrison thanked the Commissioners and staff who have been diligent in upholding the Sunshine Law. She readdressed the TDC Attorney contract and the inappropriate use of county funds issues. She asked that if the Attorney General found that there was a violation, that the county file a bar complaint against Attorney Adkinson.

Mr. Allen Osborne asked, in regards to the Osprey Point issue, if the State would be notified that the ordinance was passed based on the fact that it was compliant and asked for a response regarding the traffic study which was not noticed and dependent upon the ordinance.

Attorney Davis stated that he would discuss this was Mr. Wayne Dyess, Planning and Development Director.

Ms. Harris asked if a letter of termination has been submitted to Attorney Clay Adkinson. Mr. Bagby stated that Attorney Davis, Chairman Chapman, Mr. Jones and himself would be meeting with Attorney Adkinson to discuss legal representation of the TDC and will bring back information to the Board.

Mr. Dave Ski addressed the speed changes on 30A and asked why there were so many changes in speed. Commissioner Meadows stated that transportation engineers performed studies to determine the speed limits on 30A and discussed other reasons why there are slower speeds in different areas. Mr. Ski questioned when the construction would be complete on Oyster Lake Bridge. Commissioner Meadows reported that the construction contract expires on March 29, 2014 and if the project was not complete by that date, then the company would be charge \$750 per day until it is completed.

There were no further public comments.

The meeting recessed at 7:23 p.m. and reconvened at 7:30 p.m.

Mr. Mac Carpenter, Planner, presented Comprehensive Plan Mixed Use Acreage Criteria Ordinance amending Comprehensive Plan Policy L-1.3.4 Small Neighborhood (SN), Comprehensive Plan Policy L-1.3.5 Traditional Neighborhood Development (TND), Comprehensive Plan policy L-1.3.6 Coastal Center (CC), and Comprehensive Plan Policy L-1.3.7 Coastal Center Mixed Use (CCMU) to modify the acreage criteria for providing mixed uses in these districts and clarifying the types of uses required; providing for severability and an effective date. He requested approval to transmit to Department of Economic Opportunity for review and approval.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the transmittal of the Comprehensive Plan Mixed Use Acreage Criteria Ordinance to Department of Economic Opportunity. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Carpenter requested that John Minger SSA 13-018 be continued to April 8, 2014 at Walton County Courthouse Annex in Santa Rosa Beach, FL at 5:00 p.m. or soon thereafter. He stated that this request is a hold-over from last year's allocation. There were some issues related to the parcel which since have been resolved. This is the third request to continue and staff was prepared to table the issue. He said that the application is now correct and ready to be heard. He recommended approval of the continuation.

Chairman Chapman questioned what would happen if the item is tabled. Mr. Carpenter stated that it would have to be re-advertised at the applicant's expense.

Commissioner Pridgen asked if everything would be in order by April 8. Mr. Carpenters stated that everything is already in order.

Commissioner Imfeld asked why issue could not be heard at the March 25, 2014 meeting. Mr. Carpenter stated that would be acceptable to the applicant.

Chairman Chapman voiced concern that the issue continues to be continued after the allotted number of continuances.

Attorney Davis stated that an order to continue will need to be signed by the Chairman.

Motion by Commissioner Imfeld, second by Commissioner Comander, to continue John Minger SSA 13-018 to March 25, 2014 at 9:00 a.m. at the Walton County Courthouse in DeFuniak Springs and authorize the Chairman to sign a continuance order.

Commissioner Meadows asked if the signs were still in place. Mr. Carpenter stated that they were.

Ayes 4, Nays 1. Chapman Nay, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Dyess reported that the applicant for Peach Creek Phase 2A Plat requested that this issue be tabled.

Motion by Commissioner Comander, second by Commissioner Pridgen, to table Peach Creek Phase 2A Plat. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Carpenter stated that the public comment portion of the Comprehensive Plan Amendment was inadvertently overlooked. Attorney Davis stated that public comment could be taken and if any of the comments changed the minds of the Board then a separate action could be taken to rescind the motion and submit an alternate motion.

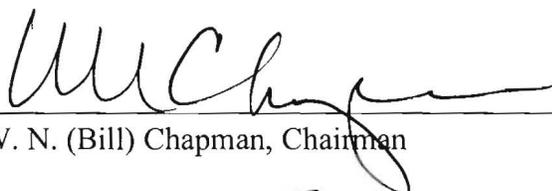
Ms. Marg Crawford spoke on behalf of the Historic Point Washington Association. She said that the group is not in opposition to the ordinance, but questioned whether or not public hearings would be held regarding projects being considered for the area. Mr. Carpenter addressed her concerns stating that for single use projects on a parcel less than five acres, a conditional use application is to be submitted by the Board. There will be two hearing for public input, a Planning Commission Hearing and a County Commission Hearing. Commissioner Meadows asked how a mixed use project on less than five acres would be processed. Mr. Carpenter stated that it would be dependent upon the scale of the mixed use project and whether or not it tripped the major development order threshold of 5,000 square feet for a non-residential project, 20 single family lots, or 30 multi-family units. Commissioner Meadows asked how these

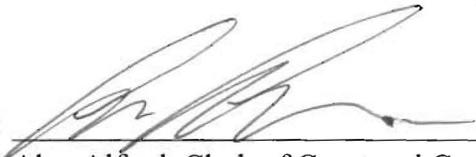
projects would be reviewed if the major development order threshold was not tripped. Mr. Carpenter stated that the projects would be reviewed as minor developments with a public hearing at the Technical Review Committee meeting.

Mr. Dean Burgiss, Emerald Coast Associates, stated that the simplicity of the projects on parcels under five acres does not warrant the Board's time. The Land Development Code is very strict on small projects. He hopes that the Board would consider this side as well and potentially removes the requirement for it to be a major development if it is a single use project.

Mr. Onno Horn asked what the process would be to add architectural design layers. Mr. Carpenter discussed the methods that could be used to add architectural design layers. There was no change to the Board's position on the issue.

The meeting adjourned at 7:45

Approved: 
W. N. (Bill) Chapman, Chairman

Attest: 
Alex Alford, Clerk of Court and County Comptroller