

MAY 20, 2014 – SPECIAL MEETING

The Board of County Commissioners, Walton County, Florida, held a Special Meeting on May 20, 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; and Attorney Sidney Noyse, County Attorney; were also present.

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

Mr. Jones requested the adoption of a resolution extending the Local State of Emergency (2014-50) for an additional seven days be adopted.

Motion by Commissioner Comander, second by Commissioner Meadows, to adopt **Resolution 2014-50** extending the Local State of Emergency an additional seven days. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones announced that an evaluation would be done during the next week to determine whether the State of Emergency should be extended an additional seven days. If it is found that an extension is necessary, a resolution will be presented at the May 27, 2014 Regular Meeting.

Mr. Jones stated that during the January 28, 2014 Regular Meeting the Board approved to seek an RFP for a Support Coordinator for the SHIP Program. He said that the title should be Replacement Housing Strategy Sponsor rather than Support Coordinator. He requested to change the title of the RFP to reflect the correct position title.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the title change in the SHIP RFP to Replacement Housing Strategy Sponsor for the Florida SHIP program. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Attorney Noyse requested to continue the Noise Ordinance to the June 10, 2014 Regular Meeting.

Motion by Commissioner Meadows, second by Commissioner Comander, to continue the Noise Ordinance to the June 10, 2014 Regular Meeting. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

None of the Commissioners had any items to present.

There were no public comments.

Mr. Tim Brown, Planning and Development presented the Agricultural Uses Ordinance, an ordinance amending Comprehensive Plan Policy L-1.3.2. Rural Residential (RR), Comprehensive Plan Policy L-1.3.3 Rural Low Density (RLD), and Comprehensive Plan Policy L-1.3.4 Rural Village (RV) to modify the uses allowed to include agricultural, aquacultural, and silvicultural activities in these districts; providing for severability and an effective date. He reported that the Planning Commission had voted to remove the 5% restriction from Policy L-1.2.2(E)4. Commissioner Meadows spoke in agreement to the removal of the 5% restriction. Mr. Brown requested approval to transmit this ordinance to the Department of Economic Opportunity (DEO) for review.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to transmit the Agricultural Uses Ordinance to DEO for review with the deletion of L-1.2.2 (E) 4; L-1.2.3 (E) 3;

and L-1.2.4 (E) 4. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Mac Carpenter, Planning and Development, presented for first reading the Limited Lodging Ordinance, an ordinance amending Sections 2.01.03.M.1, 2.01.02.N.8.b (vi) bb, 2.01.02.N8.c.vi(g) 1, and 2.01.04.B of the Land Development code to increase the maximum number of rooms allowed as Limited Lodging from 75 rooms to 125 rooms to be consistent with the Comprehensive Plan Glossary Definition changed in the EAR amendment effective March 1, 2011; providing for severability and an effective date. He requested approval of the first reading and to set an adoption hearing for June 10, 2014 at Walton County Courthouse Annex, in Santa Rosa Beach at 5:00 p.m.

There were no public comments.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the first reading of the Limited Lodging Ordinance and to set an adoption hearing for June 10, 2014 at Walton County Courthouse Annex, in Santa Rosa Beach at 5:00 p.m. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Carpenter presented for first reading the U.S. 98/331 Scenic Corridor Outdoor Display Ordinance, amending Chapter 13.03.00 to allow for limited unscreened outdoor display of merchandise adjacent to building facades; providing for severability; and providing for an effective date. He stated that there is no opportunity for outdoor display of merchandise in an unscreened manner on U.S. 98. This ordinance would allow up to 120 square feet of unscreened outdoor display which must be permitted through the Design Review Board. He requested approval of the first reading and to set an adoption hearing date.

Commissioner Meadows asked if the dimension site plan drawing had to be done by an engineer. Mr. Carpenter replied that it could be drawn by a lay person as long as the proper dimensions are used.

Commissioner Pridgen asked if the display would be adjacent to the building or would it be allowed near gas pumps. Mr. Carpenter stated that the display is to be adjacent to the face of the building.

Commissioner Meadows addressed Section 1 (7) and noted that floats are often displayed in corral type displays. She asked if corral displays would be allowed. Mr. Carpenter stated that a corral type display is allowable. Mr. Wayne Dyess, Planning and Development Director, stated that finished enclosures are acceptable.

Ms. Mary Nielson voiced concern with the enforcement of this ordinance. She also requested that a public announcement be published informing the businesses on the new regulations. Mr. Dyess stated that training would be provided for Code Enforcement and that the ordinance would be enforced. Mr. Jones reported that a third Code Enforcement Officer had been hired and would focus on monitoring the scenic corridor.

Commissioner Meadows asked how these new regulations would be introduced to the businesses. Mr. Dyess stated that most of the businesses are aware of the changes. He stated that for businesses violating the regulations a series of notifications would be given to the business owners; warnings issued; and then steps to bring the business into compliance through Code Enforcement.

Mr. Carpenter announced that an additional provision was included to allow for permitted seasonal holiday displays such as pumpkin patches and Christmas trees.

Mr. Jones asked if the Design Review Board (DRB) would approve the applications. Mr. Dyess stated yes. Approved site plans would make it easier for Code Enforcement to enforce the regulations.

Ms. Sandra Luchtefeld voiced concern with the enforcement of the ordinance. She felt that the Chamber of Commerce and TDC should be a part of the training of the businesses. Mr. Dyess agreed with Ms. Luchtefeld's statements and would contact those entities.

Ms. Leigh Moore spoke in favor of the ordinance, but preferred a maximum height limitation of 7 feet as opposed to 8 feet. Commissioner Comander stated that the height extension was due to Red Boxes.

Ms. Dottie Nist asked if the enforcement of the ordinance will be complaint driven or proactively enforced. Mr. Carpenter stated that it would be proactively enforced.

Ms. Tom Waldrop, The Electric Cart Company, spoke in favor of the ordinance and felt that it was a reasonable compromise.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the first reading of the U.S. 98/331 Scenic Corridor Outdoor Display Ordinance and set a second hearing on June 10, 2014 at the Walton County Courthouse Annex at 5:00 p.m.. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Brown stated that the sandwich board sign ordinances were drafted upon Board direction. The regulations contained within the three ordinances are all the same. He presented the Sandwich Board Sign Ordinance for U.S. 98/331, an ordinance adding Section 13.03.04.14 to the Land Development Code providing for the provision of Sandwich Board Signs in the U.S. Highway 98/331 Scenic Corridor: adding a definition for Sandwich Board Signs; adding an exhibit for Sandwich Board Signs; providing for severability; codification and an effective date.

Mr. Brown reported that the DRB and the Planning Commission both recommended the denial of the ordinance. One of the issues is the differing speed zones on U.S. 98 which do not allow the vehicle occupant an opportunity to read the signs. Commissioner Comander discussed the inability to read the signs on U.S. 98.

Commissioner Meadows questioned whether the businesses within strip malls would be allowed to use the sandwich board signs. Mr. Brown stated that it would not be allowed. Commissioner Meadows discussed the allowance of sandwich signs in areas that are not visible from U.S. 98. Mr. Dyess stated in the next ordinance to be presented the Planning Commission wished to strike the 150 linear feet separation for strip malls and allow one per store front within 20 feet of the front door. He felt that this would be a good compromise for this ordinance. Discussion continued on the placement of sandwich board signs within plazas and pedestrian areas. Mr. Carpenter said that the ordinance can be taken back to the DRB and Planning Commission for consideration. Discussion ensued on implementing the changes to the sign location, distance, and the effects of allowing the signs in certain areas. Commissioner Meadows suggested that the signs be allowed 10 feet from the store front and that only one sign be allowed per store front. Mr. Dyess agreed that the distance limitation would eliminate some of the stores directly fronting U.S. 98 from using the signs.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to approve the changes to the Sandwich Board Sign Ordinance (U.S. 98/331) as follows: limit the distance of the signs to 10 feet from the business door, strike the 150 linear foot separation and allow one sign per store front.

Ms. Mary Konovsky, South Walton Community Council, spoke in opposition to the proposed ordinance and said that she supports the current sign ordinance provisions. She stated that her comments would apply to the other sandwich board sign ordinances being presented.

Mr. Charles Ebbecke, St. Rita's Parish Catholic Church, spoke of the church's need for signage during holidays to enable visitors to locate the church. Commissioner Comander discussed the possible use of the FDOT's Tourist Oriented Directional Signs (TODS). She felt that these signs could be beneficial to St. Rita's Parish. Discussion ensued on the use of the internet and GPS systems to locate the church.

Mr. Carpenter stated that he had met with Public Works and Commissioner Comander to discuss ways to replace the community directory signs that were removed by FDOT. There is a possibility for that sign concept to return on a limited basis. Commissioner Meadows stated that the county owned the corner parcel and questioned if an easement could be granted to St. Rita's to enable them to erect a directional sign. Discussion continued on the use of county property for directional signs. Mr. Carpenter stated that research would have to be done to determine what Statute and Code would allow.

Mr. Carpenter suggested that sandwich signs could be included in the outdoor display area.

Commissioner Comander requested that a definition of business be included in the language.

Ms. Moore felt that having language defining a business would decrease signage. She felt that the goal should be to limit clutter. She requested that the Scenic Corridor Association be consulted when planning and designing the community directional signs.

Mr. Dyess read the definition of business as defined in the Land Development Code.

Ms. Mary Nielsen felt that the definition is a conflict of interest in regards to businesses and short-term rentals. She reported that short-term rentals are recognized by Florida Statutes as a business. Mr. Dyess said that the current LDC stated that short-term and long-term rental shall not be considered a business. Attorney Sydney Noyse replied that for purposes of this ordinance the definition considered is the one found in the LDC not the Florida Statutes.

Chairman Chapman questioned if a sandwich sign could be utilized within shopping plazas with businesses less than 100 feet away. Mr. Carpenter stated that store fronts and signs that are not visible from a public roadway or residential parcel then it is exempt from permitting.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to approve the changes to the Sandwich Board Sign Ordinance (U.S. 98/331) as follows: limit the distance of the signs to 10 feet from the business door, strike the 150 linear foot separation and allow one sign per store front. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Brown presented the Sandwich Board Sign Ordinance (C.R. 30A/Scenic Gulf Drive), an ordinance amending Section 13.02.00 F. and Section 13.04.00 H of the Land Development Code providing for the provision of sandwich board signs in the C.R. 30A and Scenic Gulf Drive scenic corridors; providing for severability, codification and an effective date. The standards for this ordinance are the same as the Sandwich Board Sign Ordinance (U.S. 98/331). The Planning Commission recommended approval due to the lower speed limits, to strike the 150 feet limitation, and to limit one sandwich sign per store front. Distance from the store front was not discussed but is currently 20 feet.

Commissioner Imfeld questioned what could be done to prevent having a series of sandwich signs. Mr. Brown stated that it could be done through the limitation to one per store front. Discussion continued on the placement of the sandwich board signs.

Commissioner Comander felt that sandwich board signs should not be used on Scenic Gulf Drive due to the closeness of some of the businesses to the road. Mr. Carpenter stated that any code enforcement action would be taken against the property owner not the tenant. Mr. Dyess discussed the sandwich board signs in the 30A right-of-way and felt that the 10 foot limitation would decrease those signs in the right-of-ways. Discussion ensued on methods to enforce the ordinance.

Commissioner Imfeld questioned whether existing sandwich board signs would be allowed based upon Section 3(5) Non-Conforming Signs. Mr. Dyess state that this would not apply to sandwich board signs since this type of sign was not allowed prior to this ordinance.

Commissioner Comander voiced concern with the lack of manpower on the Code Enforcement Staff. Mr. Dyess discussed the recent hiring of a Code Enforcement Officer and the decrease of violations once the businesses are aware of the new rules. Discussion continued on the impact of citations and fees.

Commissioner Meadows felt that the distance between signs should be limited to 150 feet. She felt that this would eliminate multiple signs in a row.

Ms. Konovsky reiterated her opposition to sandwich board signs and suggested that data be collected to determine if these types of signs are actually beneficial to businesses.

Mr. Brown stated that emphasis has been placed on 30A, but there are other roadways in which the sandwich board signs would be allowed. The other roadways included are C.R. 83, C.R. 393, C.R. 283 and C.R. 395.

Ms. Betty Letcher spoke in opposition to the use of sandwich board signs on 30A.

Commissioner Meadows discussed how commercial areas have grown in south Walton County and felt that regulations need to be set.

Commissioner Comander asked if this would be a proactive enforcement. Mr. Dyess stated yes.

Ms. Sandy Luchtefeld asked if there was language addressing the distance of sandwich board signs from bike paths. Mr. Carpenter stated that anything other than pedestrians and bikes are not allowed in the bike paths. Commissioner Meadows said that the regulation is found on Page 2 Section 2: 3C(i). Ms. Luchtefeld voiced concerns for the roadways in which there is no bike path. Mr. Carpenter said that sandwich board signs are not allowed in public right-of-way.

Ms. Leigh Moore questioned, under the current ordinance, what the consequences are to the businesses that have sandwich board signs. Mr. Dyess said it would begin with citations. If the signs are in the right-of-way, they are removed. He said that repeat offenders would be taken before the Code Enforcement Board. Commissioner Comander asked what the citations fees were. Mr. Dyess stated that the first offence is \$50.00 and that the amount increases with subsequent offences. Commissioner Comander questioned if the fee amounts could be raised. Mr. Dyess stated that he could provide the information for potential ranges should this ordinance be sent for second reading.

Ms. Moore felt that the violations would continue if the consequences were not severe enough. She also felt that there should be a balance between the businesses and the desires of the area citizens.

Mr. Dyess said that the term sandwich board is not in the Code; however, sandwich boards are considered portable signs which are allowed. He said that any amendments can be drafted and presented at the second readings.

Commissioner Meadows questioned if this was the first reading. Mr. Carpenter affirmed that it was and that a second hearing needed to be set. He said that amendments could be offered prior to the second reading. Mr. Dyess said that any amendments presented would be incorporated into the ordinance and presented at the second reading.

Commissioner Comander questioned if limiting which types of businesses are allowed to use sandwich board signs would be an option. Mr. Dyess stated that would be a very complicated situation. Attorney Noyse indicated that it could not be done.

Commissioner Meadows suggested that the ordinance be moved to a second hearing and encouraged the citizens to take note of current signage, talk to others in the community as a survey to see what opinions exist.

Mr. Brown questioned if the Board wished to decrease the distance of the sandwich board signs from the store front from 20 feet to 10 feet. The Board concurred.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to move the Sandwich Board Sign Ordinance (C.R. 30A/Scenic Gulf Drive) forward to a second hearing, take more public comment, reduce the distance to 10 feet from the store front, leave in the 150 feet distance between each sign. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Commissioner Comander questioned if this would be heard at a separate meeting or at the June 10, 2014 Regular Meeting. Attorney Noyse stated that a date certain should be set. Mr. Brown stated that a hearing date was not set for the Sandwich Board Sign Ordinance (U.S.

98/331) and that a motion would be needed to set a date certain. Discussion followed on setting a date certain of June 10, 2014.

Mr. Jones stated that knowing that the second hearings are scheduled for June 10, the Planning Agenda could be reviewed to determine whether to hold a Special Meeting on June 17.

Motion by Commissioner Pridgen, second by Commissioner Comander, to move Sandwich Board Sign Ordinance (C.R. 30A/Scenic Gulf Drive) forward for second reading to be held on June 10, 2014 at the Walton County Courthouse Annex in Santa Rosa Beach at 5 p.m. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Motion by Commissioner Comander, second by Commissioner Pridgen, to move the Sandwich Board Sign Ordinance (U.S. 98/331) forward for second reading to be held on June 10, 2014 at the Walton County Courthouse Annex in Santa Rosa Beach at 5 p.m. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Dyess presented the Sandwich Board Sign Ordinance (Chapter 7), an ordinance amending Section 7.03.01 of the Land Development Code providing for the provision of Sandwich Board Signs outside of designated Scenic Corridors; providing for severability; codification and an effective date.

Mr. Frank Wolfe, Freeport resident, discussed continuous yard sales and the distractions caused by roadside signs. Mr. Dyess addressed the yard sale business referred to by Mr. Wolf. He stated that Code Enforcement will be investigating this issue.

Commissioner Meadows questioned if this included the rest of the county with the exception of the incorporated areas. Mr. Carpenter stated yes. Commissioner Meadows felt that the U.S. 331 Corridor Standards should address the signage issue. Chairman Chapman said that it could be an addition to the U.S. 331 Corridor Standards discussion. Commissioner Comander

felt that this ordinance should not be addressed until the U.S. 331 Corridor Standards are adopted. Mr. Carpenter stated that there was no pressing request with this ordinance. Staff was attempting to address sandwich board sign usage in all areas. The Board concurred to consider the U.S. 331 Scenic Corridor Standards prior to hearing this ordinance.

Motion by Commissioner Comander, second by Commissioner Meadows, to not move forward the Sandwich Board Sign Ordinance (Chapter 7) and table the issue until a date certain. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

The meeting was recessed at 5:35 p.m. and reconvened at 5:43 p.m.

Attorney Noyse presented an ordinance amending Chapter 4 of the Walton County Code to add Scenic Highway 98 and Highway 98 to those areas where roadside fundraising is prohibited. She recommended approval.

Chairman Chapman questioned why it was necessary to include U.S. Highway 98 and intersections at U.S. Highway 98 since it is not allowed by FDOT. Commissioner Meadows discussed the need to include any intersections with Scenic Gulf Drive and U.S. Highway 98 as a precautionary measure.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Imfeld, to adopt **Ordinance 2014-13** amending Chapter 4 of the Walton County Code adding Scenic Highway 98 and Highway 98 to those areas where roadside fundraising is prohibited. Ayes 4, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye.

Commissioner Pridgen rejoined the meeting.

The Quasi-Judicial hearings were called to order and Attorney Noyse administered the oath to those intending to speak.

Mr. Carpenter presented the Dixie RV Service Building, a major development order application submitted by Preble-Rish, Inc. requesting approval of a 16,000 square foot service building on the existing 20.13 acre site with a future land use of Industrial. The project is located at 328 Green Acres Drive. Staff found the project to be consistent with the Comprehensive Plan and Land Development Code contingent upon the conditions as stated in the Staff Report. He recommended approval.

Mr. Chance Powell, Preble-Rish, Engineer for the Agent, briefly discussed his meeting with Mr. Greg Graham and Mr. Jennings regarding concerns that were raised at the Planning Commission meeting. The concerns have been addressed in the design.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Imfeld, to approve the Dixie RV Service Building. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye. **(Exhibits: Staff Report 1)**

Mr. Brian Underwood, Planning and Development, presented South Walton Commerce Park Lot 14, a major development order application submitted ECM, Inc. requesting approval to develop two 6,500 square foot commercial warehouse buildings consisting of 1.05 acres with a future land use of Business Park. The project is located approximately 7 miles east of the U.S. 331 and U.S. 98 intersection on Serenoa Road approximately .75 miles north of U.S. 98. Staff found the project to be consistent with the Comprehensive Plan and Land Development Code contingent upon the conditions stated in the Staff Report. He recommended approval.

Mr. Darryl Barnhill briefly discussed the project and requested approval.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the South Walton Commerce Park Lot 14. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye. **(Exhibits: Staff Report 1)**

There being no further items to discuss, the meeting was adjourned at 5:53 p.m.

Approved:



W. N. (Bill) Chapman, Chairman

Attest:



Alex Afford, Clerk of Court and County Comptroller