

**JULY 8, 2014 – REGULAR MEETING**

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on July 8, 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 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.

Motion by Commissioner Meadows, second by Commissioner Comander, to delete from the agenda Administration Item A-Request to approve a General Release of claim and Cost Share Agreement for paving Old Towne Bayou Avenue. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Motion by Commissioner Pridgen, second by Commissioner Comander, to add to Commissioner Meadows' items a stormwater update. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

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

There were no public comments.

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 Expenditure Approval List ( EAL)

General Fund	\$ 1,482,710.98
County Transportation	\$ 189,170.15
Fine & Forfeiture	\$ 1,977,417.00
Section 8 Housing	\$ 395.61
Tourist Dev. Council	\$ 657,891.69
N.W. Mosquito Control	\$ 2,624.51
Recreation Plat Fee	\$ 1,423.30
Solid Waste Enterprise	\$ 273,564.70
Bldg. Dept./Enterp. Fund	\$ 21,176.08
Daughette Subdivision	\$ 11,034.31
<u>Capital Projects Fund</u>	<u>\$ 32,300.40</u>
Totals	<u>\$ 4,649,708.73</u>

2. Approve minutes of June 24, 2014 Regular Meeting
3. Approve to surplus several items from the Public Defender's Office and one item from the County Extension Office.
4. Approve to move Voting Precinct 210 from the Gaskin Masonic Lodge to the Gaskin First Baptist Church
5. Approve to purchase an upgrade for software/hardware in 8 Mosquito Control vehicles in the amount of \$18,073.40
6. Approve Amendment No. 7 to the contract with the State of Florida Fish and Wildlife Conservation Commission, Contract No. 06185 to extend the termination date from June 30, 2014 to December 31, 2014
7. Approve to renew Lease Agreement with Mr. Ken Mitchem for storage space for the Supervisor of Elections' voting equipment.

Mr. Jones presented for consideration a request from Ms. Maureen Johnson for the county to purchase her property near the Bay. Staff recommended not moving forward. No action was taken.

Mr. Jones requested an Emergency **Resolution (2014-62)** regarding Padgett Park be adopted. Current policy allows renters to rent the Community Room until 10 p.m. which has resulted in damage. The resolution will allow the Community Room to be rented until 5:30 p.m. He stated that currently booked reservations will be allowed. Commissioner Meadows stated that this would apply Monday through Sunday.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to adopt **Resolution 2014-62** allowing the Community Room at Padgett Park to be rented until 5:30 p.m.

Commissioner Imfeld asked if there was a specific time when the problems are occurring. Commissioner Meadows reported that there have been parties involving alcohol surpassing the 10:00 p.m. time limit and have resulted in the sheriff's office being called. She stated that the 5:30 p.m. limit would allow staff to ensure that the area is clean and secure.

Commissioner Comander asked if there was a gate going into the park which can be locked. Commissioner Meadows stated no.

Attorney Davis recommended that an Emergency Resolution be adopted for this particular issue. He felt that an ordinance should be considered to authorize Parks and Recreation to act without having to come before the Board each time a similar issue is raised.

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

Mr. Jones requested permission to allow staff to negotiate for the purchase of the south Walton property for the proposed sports complex. He reported that the steps required by the Property Acquisition Ordinance have been followed. Two appraisals have been received: \$920,000 and \$1,392,000. He said that the next step required by the ordinance would be that the Board determines whether the purchase of this property is in the best interest of the county and then authorize the County Administrator to negotiate for the property, including price and special conditions. He recommended that staff be allowed to meet with Mr. M. C. Davis, property owner, or his representatives, to convey the appraised values and begin negotiations to determine if the property is within an acceptable price range. The details of the negotiations will be brought back to the Board for consideration and final decision.

Motion by Commissioner Comander, second by Commissioner Meadows, to authorize the County Administrator to begin negotiations for the property. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Commissioner Comander asked about the status of the South Walton Utilities lease. Attorney Sydney Noyse, Staff Attorney, stated that the lease should be completed in time to be presented at the July 22, 2014 Regular Meeting.

Mr. Jones requested to purchase the TRAK Fuel Management System in the amount of \$36,571.00. This would enable all county fuels tanks to be monitored and will make distribution much more efficient. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner Imfeld, to purchase the TRAK Fuel Management System in the amount of \$36,571.00. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones requested to engage Petro Flow to reinstall of the fuel tank to be relocated from behind the County Administration office to the Districts 2 and 3 maintenance facility in the amount of \$25,162.00. He recommended approval.

Motion by Commissioner Imfeld, second by Commissioner Pridgen, to approve the engaging of Petro Flow to reinstall a fuel tank at the Districts 2 and 3 maintenance facility. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones requested approval to hire a Traffic Operations Engineer in accordance with the funding available through the existing Joint Project Agreement with the Florida Department of Transportation (FDOT). This money funds the salary for the position but not the benefits portion. He said that there were two options to be considered: 1. Hire an individual utilizing those funds with the understanding that the benefits portion would be additional costs, or 2.

Contract the position for the period of time defined by the Joint Project Agreement. He recommended allowing staff to explore either of those options to fill the Traffic Operations Engineer position as directed by FDOT. Commissioner Meadows questioned what the job duties would be. Mr. Jones stated that the position would deal with the operations side of traffic studies, and reviewing intersections for improvement. Commissioner Meadows asked if this individual would review plans for concurrency. Mr. Jones felt that that would still be done through Planning and Development. Mr. Buddy Wright, Work Program Manager, stated that anything traffic related to FDOT roads would be reviewed by the Traffic Operations Engineer.

Motion by Commissioner Comander, second by Commissioner Meadows, to allow staff to explore the hiring options to fill the Traffic Operations Engineer. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones requested to approve Change Order No. 2-C.R. 2 Phase III from S.R. 83 to the Holmes County line with C.W. Roberts Contracting, Inc. He stated that there were drainage modifications to match field conditions and to comply with design intent.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve Change Order No. 2-C.R. 2 Phase III from S.R. 83 to the Holmes County line. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones requested to begin negotiations with Taylor Engineering for RFQ 014-010 Coastal Engineering Services as the most qualified candidate.

Motion by Commissioner Comander, second by Commissioner Pridgen, to begin negotiations with Taylor Engineering for RFQ 014-010 Coastal Engineering Services. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones requested to advertise an RFP for Pest Control and Termite Control Services for county facilities.

Motion by Commissioner Imfeld, second by Commissioner Comander, to advertise an RFP for Pest Control and Termite Control Services. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones requested approval of a Change Order for the United Fire Station (GLC Contracting, Inc.) to upgrade fire rated exterior doors to meet codes. This will increase the amount of contract by \$1,950.40. The contract will be presented by Attorney Davis for approval.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the Change Order as presented. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jim Bagby, TDC Executive Director, requested to approve a **Resolution (2014-63)** authorizing the submission of an updated long range beach erosion control budget plan with the Florida Department of Environmental Protection (FDEP), Division of Water Resource Management Beach Erosion Control Program.

Motion by Commissioner Comander, second by Commissioner Imfeld, to adopt **Resolution 2014-63** authorizing the submission of an updated long range beach erosion control budget plan to FDEP. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Bagby requested that he and Mr. Billy McKee, Environmental Manager, be appointed to the River Way South Apalachicola Choctawhatchee Organization.

Motion by Commissioner Meadows, second by Commissioner Comander, to appoint Mr. Billy McKee, Environmental Manager, and Mr. Jim Bagby, TDC Executive Director, to the

River Way South Apalachicola Choctawhatchee Organization. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Bagby requested approval to send a letter to the Florida Division of Recreation and Park Services (FDRP) requesting to draft a Memorandum of Understanding outlining the commitments and responsibilities of a proposed partnership for an additional beach access at Topsail Hill Preserve State Park. He stated that at the May 13, 2014 Regular Meeting, the Board approved to draft a letter to the FDRP regarding the beach access. He briefly discussed the following details of the project: there is no vehicular parking plan, it is not limited to one neighborhood, this access would relieve the pressure at the Stallworth Beach Access, and the boardwalk would be elevated to protect the environment. Mr. Bagby described the difference between a Memorandum of Understanding (MOU) and a Memorandum of Agreement (MOA). He asked for approval of the MOU. Since this area will be a State Park, no alcohol, events, or vending will be allowed.

Commissioner Meadows asked that the letter be pulled to give more time for review, that public meetings be scheduled to take input on the proposed access, and that the letter be re-drafted and presented at the July 22, 2014 Regular Meeting. She said that the State requires the Memorandum of Understanding before beginning the process of considering the beach access.

Commissioner Comander asked how many parking spaces were in Topsail Hill. Mr. Bagby stated approximately 100. Commissioner Comander asked if there was an access to the beach. Mr. Bagby stated that there is a tram to the beach. Commissioner Comander felt that focus should be on purchasing another regional access.

Commissioner Imfeld stated that he was in agreement with both Commissioners Meadows and Comander and felt that further study is needed and that another regional access should be sought.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to remove the letter for further review, re-present it at the August 12, 2014 Regular Meeting and schedule public meetings to discuss the beach accesses.

Commissioner Comander felt that staff should look for property where a large regional access could be built. Commissioner Meadows agreed that more land is needed for a regional access, but also felt that people should be encouraged to walk or bike to the beach. Mr. Bagby stated that other Neighborhood Beach Accesses are being considered for foot/bike traffic. He stated that there is not a 10 acre parcel on the beach that could be used for a Regional Beach Access. Commissioner Meadows asked how many parking spaces are required at a regional access. Mr. Bagby stated that he would research that information and discussed the amenities required at a regional access.

Commissioner Pridgen questioned if the motion was to consider all the beach accesses or to focus on Topsail Hill only. Commissioner Meadows stated that focus would be on Topsail Hill first.

Ms. Celeste Cobena asked if the public meetings would be scheduled in July to discuss the Topsail Hill Beach Access. Chairman Chapman stated that the letter would be presented then public meetings would be scheduled to discuss the letter. Commissioner Meadows stated that the meetings can be scheduled prior to the August 12 Regular Meeting. Ms. Cobena felt that Beachview Heights has been ignored during this process and felt that the public meetings should be held prior to submitting the letter to the State. Commissioner Meadows stated that there are

steps that must be taken before public input can be taken. Discussion continued on accepting public input.

Mr. Frank Hall referred to a Beach/Breeze article regarding the May 13, 2014 Regular Meeting. He stated that Mr. Bagby was quoted as saying that the cost of the boardwalk would be approximately \$250,000-\$350,000 which would be funded through a cost sharing effort between the four neighborhoods. Mr. Hall questioned when the people in these neighborhoods would be notified that they would be charged approximately \$875 per lot to build this boardwalk. He stated that the neighborhoods knew nothing of this initiative. Mr. Bagby stated that the cost sharing would not be per lot or neighborhood. He reported that the boardwalk would be accessible through the State Park and that the cost was determined on a 10 foot wide boardwalk. He stated that a letter needed to be sent to the State to determine the details and allowances for building a Boardwalk at the State park.

Mr. Bill Muldowney discussed beach parking and spoke in favor of the Topsail Hill Beach Access.

Mr. Norman Fritz Froeschner spoke against the Topsail Hill Beach Access. He felt that Beachview Heights would be negatively affected.

Commissioner Comander discussed the possible contract with Grayton Beach State Park to allow locals to enter at a reduced rate and asked if this could be an option for Topsail Hill. Mr. Bagby stated that he would speak with those who oversee Grayton Beach State Park and Deer Lake State Park. He stated that the goal is to have more people walking and biking to the beach and getting more cars off the road. Discussion ensued on the convenient accesses to the beach.

Dr. Mary Konovsky, South Walton Community Council, stated that the council is against the construction of a public beach access at Topsail. Stated that Topsail is getting more attention

than the other 6 beach accesses; all accesses should receive the same level of planning. Mr. Bagby stated that research is being done and that this is the only one that requires a letter to the State before any planning can be done. The State has the right to say no to the project.

Mr. Allen Osborne discussed parking, stormwater and recreational issues.

Ms. Susan Palladini, Coffeen Nature Preserve, spoke in opposition of the Topsail Hill Public Beach Access.

Commissioner Comander called the question.

*(Motion by Commissioner Meadows, second by Commissioner Imfeld, to remove the letter for further review, re-present it at the August 12, 2014 Regular Meeting and schedule public meetings to discuss the beach accesses.)*

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

Commissioner Meadows requested that Administration begin scheduling evening meetings to take public input. Mr. Jones stated that the information would be brought back at the next meeting.

Mr. Bagby presented the TDC updates. He stated that Ms. Haley Lafflin is the new Beach Ambassador. He reported that the bed tax numbers for May, 2014 were up 15.88% over May, 2013. He also said that 10 of the last 12 months have been record months.

Commissioner Imfeld addressed emails that have been received from people who were unhappy with the way they were treated by the beach vendors. He asked if Mr. Bagby had also received these emails and what was being done to address the issue. Mr. Bagby stated that he had received the correspondence and stated that there is a section of Grayton Beach that has been turned off to vendors. A record is being kept of the complaints and recommendations will be

made at the end of the season on changes that need to be made. He reported that Code Enforcement has been enhanced in the worst problem areas.

Attorney Mark Davis, County Attorney, requested approval of an addendum to the Duff Real Estate, LLC (Southern Tire Mart) purchase and sale agreement. He stated that this addendum is consistent with the one with Love's Travel Stops. He reported that there had been a question on the right of first refusal and that discussion was held on terminating the right of first refusal upon the receipt of the Certificate of Occupancy. He said that Duff Real Estate is releasing the claim and the right of first refusal will remain throughout the term of their ownership of the property.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to approve the addendum to the Duff Real Estate, LLC (Southern Tire Mart) purchase and sale agreement. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Attorney Davis requested approval of an addendum to the Empire Truck Sales, LLC purchase and sale agreement. He said that this is the same situation as with Duff Real Estate, LLC (Southern Tire Mart).

Motion by Commissioner Imfeld, second by Commissioner Comander, to approve the addendum to the Empire Truck Sales, LLC purchase and sale agreement. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Attorney Davis requested approval of the engagement agreement between Walton County and the Warner Law Firm, P.A. to advise and represent the Walton County Board of County Commissioners with respect to Counts II, III, V, and VI in the matter of Beachside Two Condominium Association Inc., v. Walton County, Florida et al, (Case No.: 3:14-cv-00241-MCR-EMT).

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the engagement agreement with Warner Law Firm, P.A. to advise and represent the Board with respect to Counts II, III, V, and VI in the matter of Beachside Two Condominium Association Inc., v. Walton County, Florida et al, (Case No.: 3:14-cv-00241-MCR-EMT) as presented.

Commissioner Imfeld asked what the counts were pertaining to. Attorney Davis stated that this is a Federal lawsuit. The county has for several years granted a vending permit to Sandestin to vend in front of Beachside II Condominium. He said that the permit is granted to Sandestin due to a reserved easement in the conveyance to Beachside. Beachside has asked that the county no longer issue the permit and has filed a Federal suit. He stated that there is a damage component also. Commissioner Comander asked if Beachside was a part of Sandestin. Attorney Davis stated that it was. Commissioner Imfeld stated that he would be recusing himself from voting due to a conflict.

Ayes 4, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Abstained, Pridgen Aye. **(FORM 8B: Imfeld)**

Attorney Davis requested approval of an engagement agreement between Walton County and the Warner Law Firm, P.A. to advise and represent the Walton County Board of County Commissioners with respect to Count I in the matter of Karen Bennett and T. Reppard Bennett v. Walton County (Case No.: 11-CA-000469 which is now pending before the First District Court of Appeal, Case No.: 1D14-2571).

Motion by Commissioner Comander, second by Commissioner Meadows, to approve an engagement agreement between Walton County and the Warner Law Firm, P.A. to advise and represent the Walton County Board of County Commissioners with respect to Count I in the

matter of Karen Bennett and T. Reppard Bennett v. Walton County as presented. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Abstain, Pridgen Aye.

Attorney Davis requested approval of an engagement agreement between Walton County and the Warner Law Firm, P.A. to advise and represent the Walton County Board of County Commissioners with respect to Count I, III, and IV in the matter of Brian and Meagan Forehand v. Preble-Rish & Walton County, Florida (Case No.: 12-CA-000750).

Commissioner Comander asked what this suit was about. Attorney Davis stated that there were claims that the improvements that the county made to both C.R. 30A and to a bridge that was built to allow access to the Forehands and others properties is causing flooding. He said that there is also a damages claim in the suit.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve an engagement agreement between Walton County and the Warner Law Firm, P.A. to advise and represent the Walton County Board of County Commissioners with respect to Count I, III, and IV in the matter of Brian and Meagan Forehand v. Preble-Rish & Walton County, Florida as presented. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Attorney Davis requested to adopt a **Resolution (2014-60)** designating the highest and best use for property located at Lot 13, Block B, Spring Hill Estates. He stated that this was the forfeiture action which was discussed at the June 24, 2014 Regular Meeting. The resolution is needed to convey the property and present a clear title.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to adopt **Resolution 2014-60** designating the highest and best use for property located at Lot 13, Block B,

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

Attorney Davis requested approval of the Right-of-Way (ROW) agreement between Southlake Properties, LLC and Walton County. This agreement will allow Mr. Trip Harris access to two parcels on South Lake Drive.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve the ROW agreement between Southlake Properties, LLC and Walton County. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Attorney Davis requested approval of the agreement with GLC Contracting, Inc. for the erection of a metal building for the United Fire Station #2. The Board awarded the bid to GLC Contracting, Inc. on June 24, 2014.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the agreement with GLC Contracting, Inc. for the erection of a metal building for the United Fire Station #2. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Jones announced that the \$500,000 check for the purchase of the United Fire Station #2 had been received from FDOT.

Attorney Davis requested approval of the Supplemental Agreement with AVCON, Inc. to extend the initial agreement to allow them to be available for public hearings regarding the parking needs assessment.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the Supplemental Agreement with AVCON, Inc. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Attorney Davis presented an update on the Department of Juvenile Justice (DJJ). He briefly discussed the suit filed by Walton County and several other counties for overpayment to the DJJ for juvenile housing. The plaintiffs won the appeal but the DJJ has not refunded the money nor has it been budgeted. The next step is a Department of Administration hearing action to obtain payment. Walton County has joined the administrative action with nine other counties. Chairman Chapman asked how much money would be received. Attorney Davis stated approximately \$200,000. Chairman Chapman questioned if a line of credit had been offered. Attorney Davis stated no.

Commissioner Meadows discussed the current Bidding Policy. She felt that the county should not always go with the lowest bidder and that the lowest and highest bidder should be thrown out and the median bids be considered. Chairman Chapman questioned if the language would be better stated as "lowest and/or best bid." Commissioner Imfeld questioned if there was a State requirement to go with the lowest response of responsible bids. Attorney Davis asked to be allowed to further research this issue and submit his findings at the next scheduled Board meeting. Discussion continued on changing the language, eliminating the lowest bidder and determining the qualifications of the bidders.

Mr. Alan Osborne reported that the Federal Government uses bonds in case the contracted individual or company cannot complete the work. Commissioner Imfeld stated that the use of bonds was brought up several years ago and a threshold was set to not require bonds unless the project exceeded a certain amount. He felt that the bond language needed to be reviewed.

The Board directed Staff to research the issue and bring back the findings.

Commissioner Meadows stated that the Sidewalk Fund has not been adjusted since 2003. In 2003 the cost was \$3.50/square foot and today the cost is a minimum of \$5.00/square foot. She proposed that the sidewalk buy-out fee should be increased to \$5/square foot. Commissioner Comander asked if the Recreational Plat Fee should also be increased. Attorney Davis will have to review and amend the Land Development Code (LDC). Mr. Wayne Dyess, Planning and Development Director, stated that the LDC will need to be reviewed and amended to increase the Recreational Plat Fees also. Commissioner Meadows felt that the Recreational Plat Fees needed to be raised to 6%.

Attorney Davis stated that there is no clear direction in the LDC as to what the Recreational Plat Fees can be used for. Commissioner Meadows added that the language regarding Preservation Funds is vague and needed to be clarified.

Attorney Davis stated that the waivers for buy-outs do not have to be accepted. Mr. Dyess stated that staff could analyze and prepare a proposal.

Mr. Jones requested to direct staff to work on the increasing the Sidewalk Fee to \$5/foot; the Recreational Plat Fee to 6%; address the bidding policy.

Motion by Commissioner Meadows, second by Commissioner Comander, to direct staff to work on the increasing the Sidewalk Fee to \$5/foot; the Recreational Plat Fee to 6%; address the bidding policy. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Commissioner Meadows presented an update on stormwater drainage and flooding issues. She reported that Public Works has created a working draft of a categorical list of roads/areas with flooding or drainage issues. She said that there were approximate 127 areas to

be addressed with the majority in District 5. Commissioner Imfeld stated that he had areas that were totally cut off. Discussion ensued on how the categories would be addressed and funded.

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

Commissioner Chapman discussed information that he had received from NACo (National Association of Counties) relating to the Clean Water Act. EPA and the Army Corps are trying to pull in more jurisdictional parcels including drainage ditches which would impact Mosquito Control. He said that he had received an email implying that Congress is presenting a bill that will not fund the EPA and the Corps initiative due to feedback from counties country wide.

Ms. Jackie Marquel addressed the exemption for single family homes regarding storm water run-off. She thanked the Board for pulling the letter regarding Topsail Hill Preserve Memorandum of Understanding and agreed that public meetings needed to be held prior to making a decision. She spoke in support of reviewing the accesses and parking and spoke in opposition to installing accesses without parking.

Dr. Konovsky asked when a written copy of the parking assessment would be available for public review. Chairman Chapman stated that the information will be compiled into a report and submitted to the Board. Commissioner Meadows stated that the report would be placed on the agenda for review and discussion to determine which projects should be addressed. Mr. Louis Svehla, Public Information Officer, stated that the information as it is being presented will be placed on the County's website and will post the full report as it becomes available.

The meeting recessed at 5:33 p.m. and reconvened at 5:43 p.m.

Chairman Chapman called the meeting back to order and announced that the next issue to be heard was the Sandestin Compliance Hearing Findings of Fact and Final Order.

Commissioner Imfeld abstained from voting due to a conflict and submitted Form 8B-Memorandum of Voting Conflict.

Attorney Mark Davis presented the proposed Sandestin Compliance Hearing Findings of Fact and Final Order on the Sandestin Compliance hearing which was held on June 6, 2014. He said that Attorney Greg Stewart of Nabors, Giblin & Nickerson was present on behalf of staff. He stated that the order has been reviewed by the Department of Economic Opportunity (DEO) and has been signed-off on the terms and conditions of the order. He asked for a motion and second to approve the order and to authorize the Chairman's signature.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the Sandestin Compliance Hearing Findings of Fact and Final Order and to authorize the Chairman's signature.

Attorney Dana Matthews, representative for Sandestin Investment, LLC, felt that he should be given the opportunity to point out the deficiencies in the Findings of Fact and stated that he has had only four days to review the document. Chairman Chapman deferred the decision to Attorney Davis to determine if Attorney Matthews' objections were to be submitted as a part of the record or as a part of the court proceedings. Attorney Matthews stated that the presentation of the proposed Findings of Fact is a part of the Quasi-Judicial Hearing. Attorney Davis stated that the approval of this document is not a part of the Quasi-Judicial hearing but rather an administrative action. He stated that anything submitted in writing will be made a part of the record but no testimony would be taken. Attorney Matthews stated that he only wanted to comment not give testimony and submitted a letter laying out the objections of Sandestin Investment, LLC to the proposed order. Discussion ensued on whether or not to allow Attorney Matthews' comments. Attorney Greg Stewart, Nabors, Giblin & Nickerson, stated that evidence

and testimony was heard at the June 6, 2014 hearing and that the only issue before the Board is to approve or deny the Findings of Fact and Final Order. He stated that comments have been sufficiently submitted.

Ayes 4, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Abstained, Pridgen Aye. **(FORM 8B: Imfeld)**

Attorney Sidney Noyse, Staff Attorney, presented the **Noise Ordinance (2014-16)**, an ordinance relating to noise; providing for purpose and legislative findings; providing for authority; providing for definitions; providing for prohibited acts; providing for exemptions; providing for penalties; providing for severability and an effective date. She stated that the first draft of this ordinance was presented at the June 10, 2014 Regular Meeting. After all public comment was considered, the decision was made to keep the current ordinance (2003-09) and add an additional ordinance to allow the Sheriff's office another provision to address the nighttime noise disturbances. Discussion ensued on the enforcement of both ordinances by the Sheriff's Office and Code Enforcement.

Commissioner Imfeld stated that the ordinance addressed noise disturbances which can be heard from inside a home and asked if it addressed the noise disturbances penetrating into backyards and porches. Attorney Noyse said that this was not addressed in the new ordinance stating that to make the ordinance constitutionally valid the noises would have to be heard from within the home. Commissioner Imfeld asked if the Sheriff had reviewed the ordinance being presented. Attorney Noyse stated yes.

Major Joe Preston, Walton County Sheriff's Office, feels that this ordinance will represent a workable situation. He said that Sheriff's Office feels that although this is a regulatory issue that is primarily the responsibility of Code Enforcement, they are prepared to

assist and supplement Code Enforcement. He thanked all that were involved in researching and preparing this ordinance.

Chairman Chapman called for public comment.

Mr. Bob Brook asked for clarification on what is considered a continuous duration as defined in Section 2. Definitions-Noise Disturbance and asked if this covered barking dogs over a period of time. Attorney Noyse stated that if the barking was continuous then it would be covered. Attorney Davis stated that the Animal Control Ordinance also covers barking dogs. Mr. Brook voiced concern with the 25 foot limitation stating that townhouses are less than 25 feet wide. Attorney Noyse stated that a lot of public comment was submitted regarding that issue and unfortunately that it cannot be addressed in the proposed ordinance and have the ordinance remain constitutional. The 2003 Noise Ordinance covers issues not addressed in the proposed ordinance.

Ms. Jackie Marquel asked for clarification on the term constitutional as it relates to the 25 foot limitation. Attorney Noyse, referencing specific case law, stated that there has to be a barrier or distance requirement for it to be constitutional. Ms. Marquel questioned if the distance had to be 25 feet. Attorney Noyse stated that research revealed that 25 feet is on the very low end of the limitation requirements. She did not feel that the limitation could be less than 25 feet. Discussion continued on the reducing the limitation area.

Ms. Mary Nielson asked if Ordinance 2003-09 had been compared to the proposed ordinance. She discussed the differences between the two ordinances. She suggested continuing the proposed ordinance to allow more time for review, comparison, and updating Ordinance 2003-09.

Ms. Tammy Rinehart questioned if the 25 foot limitation was from the property line. Attorney Noyse stated that it had to be 25 feet away from the origin of the noise and it must be heard within the home. Ms. Rinehart expressed concern that the accused have no means of recourse of defense. Major Preston stated that the proposed ordinance was modeled after existing ordinances within the State. He reported that the majority of noise complaints are located south of the Choctawhatchee Bay. He spoke in favor of the proposed ordinance.

Ms. Karen Bennett questioned how the decibel readings would be enforced. Attorney Noyse said that there are two separate noise issues: first a daytime construction noise in which the decibel works very well and secondly the nighttime party noise. The goal of the new ordinance allows the Sheriff's Office to address the nighttime noise disturbances. Ms. Bennett addressed the need to update Ordinance 2003-09 and the responsibility of rental managers in educating their renters. Discussion ensued on multiple violations occurring on rental properties and Code Enforcement proceedings.

Ms. Betty Letcher felt that the owners of the rental properties should also be held liable for noise violations. She also spoke in favor of the implementation of a business tax in order to determine the location of rental properties.

Mr. J. C. Alford, Code Enforcement, briefly addressed the public comments that were made.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to adopt the Noise Ordinance and schedule a meeting to review and update Ordinance 2003-09. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

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

Commissioner Imfeld stated that he would be recusing himself from the Grand Boulevard Building "S" issue and exited the meeting. Form 8B was submitted by Commissioner Imfeld.

Attorney Davis asked that any Ex Parte communication on any of the Quasi-Judicial items be submitted to the Clerk. He asked if there were any objections to the notices that were provided or published for any of the Quasi-Judicial items.

Mr. Alan Osborne spoke in opposition to the advertisement of the Grand Boulevard Building "S" and felt that it should have been advertised as a part of the Sandestin Development Order.

Ms. Rene Bradley, Planning and Development, presented Grand Boulevard Building "S" a major development order application submitted by Innerlight Engineering, requesting the approval to build 39,007 square feet commercial/retail space on 9.83 acres with a future land use of Coastal Center. The project is located on the northwest corner of U.S. Highway 98 and St. Charles Place. She reported that there have been objections to the project in reference to drainage issues and the Sandestin non-compliance determination. Ms. Bradley stated that the required NOPC, which was to be presented prior to the project's presentation, has been applied for but not obtained. Ms. Bradley read the summary found in the Staff Report (Page 7 of 8). She also read the ancillary space definition as found in Staff Report Exhibit 3 and which is to be presented for approval with the NOPC on July 22, 2014. Attorney Davis stated that the developer has accepted the ancillary space definition as proposed by staff. Ms. Bradley asked that the ancillary space definition not be adopted into the Development Order for the DRI at this time. She stated that it will be adopted through their NOPC if the Board approves. Staff found that this project is in compliance with the Land Development Code and the Comprehensive Plan and recommends approval contingent upon the NOPC being approved.

Commissioner Meadows felt that the NOPC must be approved before the Board can approve the project. She addressed the need for clarification on specific designations and felt that the project should be continued until the NOPC has been approved.

Commissioner Comander questioned if both the project and the NOPC could be heard at the same time. Attorney Davis stated that it could.

Attorney Nancy Linnan, representing Innerlight Engineering Corp., stated that the NOPC is not needed because the building meets the definition and said that the only thing that is excluded is a stairwell. She said that the reason the NOPC was filed was because this building has to be built by January 1, 2015. Commissioner Meadows expressed that procedures must still be followed even when a deadline is set.

Mr. David Smith, Innerlight Engineering Corp., gave a brief overview of Building "S".

Commissioner Meadows asked that this project be presented after the NOPC is presented on July 22, 2014.

Chairman Chapman asked staff if a NOPC is needed for this project to move forward. Mr. Dyess stated that the initial NOPC dealt with major versus minor developments. He stated that the decision was made that any major development that meets the criteria in the Land Development Code, unless it is typically exempted from the language, would be a major development. Primarily the initial NOPC was to make all the developments that come after this in Grand Boulevard a minor development and go through the minor process. He said that the issue is the ancillary space and stated that some areas are being claimed as ancillary space prior to an NOPC being adopted. He recommended that it be approved contingent upon the approval of the NOPC.

Discussion continued on adopting the NOPC prior to approving the project.

Commissioner Comander stated that she was not against the project, but felt that the NOPC should be adopted first.

Attorney Linnan stated that the applicant would wait until July 22.

Motion by Commissioner Meadows, second by Commissioner Comander, to continue Grand Boulevard Building "S" to the July 22, 2014 Regular Meeting to be heard following the presentation of the NOPC. Ayes 4, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Abstained, Pridgen Aye. **(Exhibits: Staff Report-1) (FORM 8B: Imfeld) (Ex Parte: Meadows; Comander)**

Mr. Alan Osborne objected the issue being heard at DeFuniak Springs Courthouse and felt that issues south of the Choctawhatchee Bay should be heard at the Santa Rosa Beach Courthouse Annex. He also objected to approving an NOPC which allows development within Parcel 208.308 to be presented as a minor development. Mr. Bradley announced that the applicant will be complying with the major development process. Mr. Osborne voiced concern with the overbuilding in commercial space. Discussion continued on the commercial development.

Attorney Davis stated that the motion and second had been made and further comment should be made at the July 22, 2014 Regular Meeting when the project is presented during the Quasi-Judicial Hearing.

Commissioner Imfeld returned to the meeting.

Mr. Dyess requested to continue the Retreat at Miramar to the July 22, 2014. He stated that stormwater issues were being addressed and the request for deviations will be dropped. Staff has no objections to the continuance.

Motion by Commissioner Comander, second by Commissioner Pridgen, to continue the Retreat at Miramar to the July 22, 2014 Regular Meeting. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye.

Mr. Brian Underwood, Planning and Development, presented 30A Resort Subdivision PUD, a major development order application submitted by JGM Development, Inc., requesting approval for a Planned Unit Development (PUD) consisting of 22 residential lots on 2.85 acres with a future land use of Village Mixed Use. The project is located in Blue Mountain Beach, approximately 0.27 miles west of intersection of County Road (C.R.) 83 and C.R. 30A on the north side of C.R. 30A. The project was redesigned which reduced the number of lots from 23 to 22. The project received conditional approval from the Planning Commission on April 10, 2014. He stated that the project was redesigned to accommodate flooding concerns. Staff recommended approval subject to all conditions as stated in the Staff Report being met. Mr. Underwood submitted a memo from Mr. Greg Graham, Environmental Manager, regarding his comments within the Staff Report.

Chairman Chapman asked if the gate had been addressed. Mr. Underwood stated that it had not been. Commissioner Meadows questioned if that would be a Board of Adjustments issue. Mr. Dyess stated that the Planning and Development ordinance in the LDC does allow deviation requests from the normal code if approved by the Board of County Commissioners. The absence of a PUD allows the applicant to request a deviation from the normal code. It is the Board's decision whether or not to approve the deviation. Chairman Chapman voiced concern with the use of a gate and the effects it would have on traffic.

Commissioner Comander voiced concern that the requested five foot setback variance is too narrow and that seven foot should be the minimum. Commissioner Meadows felt that there is a fire hazard with homes that close together.

Mr. Steve Hall, representing JGM Development, Inc., stated that the stormwater issues have been addressed and that the lot size will be addressed by the developer. He briefly discussed the changes that could be made to the project including the re-design of six homes and placing the structures on pilings. This change will help to address the stormwater issues. Chairman Chapman questioned if a retention pond will be under those six homes. Mr. Hall stated that the area will be compensatory storage.

Commissioner Meadows felt that the configuration of the gate is a safety issue.

Commissioner Imfeld questioned if the homes would be multi-story. Mr. Hall stated that the homes will be at least two stories. Commissioner Imfeld asked what type of parking would be available. Mr. Dick Anderson stated three spaces per home will be available. Commissioner Meadows voiced concern with the ratio of the number of bedrooms to the number of parking spaces. Discussion continued on parking availability.

Mr. Anderson spoke about the drainage design and stated that the gate can be eliminated.

Attorney Davis asked Mr. Anderson if he had any objections to the restrictions to 3 and 4 bedrooms and 2 and 3 story homes being stated in the Development Order. There were no objections.

Commissioner Imfeld asked what the impact would be if the setback variance was not granted. Mr. Anderson stated that the development would lose lots.

Discussion ensued on the five foot setback variance, fire safety, and the gated entrance.

Mr. Matt Zinke, of Gustin, Cothorn & Tucker, project engineer, discussed the drainage design.

Chairman Chapman called for public comment.

Ms. Elizabeth Randall stated that she does not have an objection to the project just the overall design. She discussed the recent flooding issues and spoke in opposition of the five foot setback variance. Mr. Hall discussed the flooding concerns with Ms. Randall.

Ms. Anita Hallman spoke against the requested setback variance. She stated that her home is still on a sewer/well system and voiced concern with the drainage affecting her system.

Dr. Konovsky commended the developers on their work on the drainage and stormwater and voiced concern that the application is being presented as a PUD.

Mr. Peter Frawley spoke regarding the drainage issues and submitted maps showing possible solutions. **(Exhibit 3a & 3b: Photo and Map-Respondent)**

Mr. Kurt Tape spoke in opposition to the development.

Mr. Alan Osborne spoke against the density, drainage and variance request. He also felt that the development should follow the code.

Commissioner Meadows stated that the development does meet all code requirements but the variances. She suggested that the project should be approved with the condition that the homes have a maximum of four bedrooms, parking spaces meet code, meet the 7.5 foot setbacks, resubmit the plan to Planning staff for review, and remove the gate.

Mr. Chance Powell, of Preble-Rish, addressed the issues regarding the retention/common area. He stated that the area is a closed basin and said that the areas underneath the structures are considered flood storage area and not retention. He explained that the area would be an

impervious surface and that water would not collect under the homes. Discussion continued on drainage.

Mr. Hall addressed the issues presented during public comment. Commissioner Meadows asked if he would be agreeable to shift the lots and utilize some of the landscaped area to allow for a 7.5 setback. Mr. Hall stated that the heavily landscaped area is on C.R. 30A and that a sidewalk will be installed in the right-of-way. Mr. Dyess stated that the lots cannot be shifted into the landscape buffer.

Motion by Commissioner Meadows, second by Commissioner Imfeld, to approve the development under the conditions stated in the Staff Report, maximum of four bedrooms, no gate on Duneside Lane, and the variance to the side yard setback to be denied. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye. **(Exhibits: Staff Report 1; Graham Memo 2; 3a-3b Map and Photo-Respondent)**

Mr. Dyess presented 283 Self Storage a major development order application submitted by Jenkins Engineering, Inc. requesting approval for a 98,550 Square feet mini warehouse storage facility with 710 units and office, on 5.85 acres with a future land use of Village Mixed Use. The project is located at the end of Grayton Village Road off of C.R. 283 south. Staff recommended approval of the application contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report-Staff)**

Mr. Jack Rhodes, representative for RUMA Holdings, LLC, introduced Mr. Russ Porter and Mr. Matt Brandon who are Walton County residents and principles in RUMA Holdings. He stated that the applicant has worked diligently with Grayton Cove HOA. He stated that meetings were held with the residents and briefly discussed the issues and solutions talked about in the

meetings. He submitted the agreement between RUMA Holdings and the Grayton Cove HOA. He requested approval of the project. **(Exhibit 2: Agreement-Petitioner)**

Mr. Scott Jenkins, Jenkins Engineering, Inc., engineer of record, briefly discussed the project. Commissioner Meadows asked where the dumpster would be located. Mr. Jenkins indicated on the location on the map. Commissioner Meadows asked if lights would be burning all night. Mr. Jenkins stated that there is a lighting plan for the project which shows no impact in the offsite areas. There is limited security lighting and low level lighting along the roadway. Commissioner Comander asked if the wetlands would be impacted. Mr. Jenkins stated only at the crossing. Commissioner Meadows asked what improvements were agreed upon in the agreement. Mr. Rhodes discussed and listed the agreement requirements. Attorney Davis asked if there would be any objection to the agreement being attached to the Development Order. Mr. Rhodes stated no. Attorney Davis stated that there is a confidentiality paragraph in the agreement and assumed that the parties are waiving that clause for purposes of attaching it to the Development Order. Mr. Rhodes stated yes.

Commissioner Imfeld expressed concern that the Board has not had adequate time to review the agreement submitted by Mr. Rhodes and felt that the issue should be continued until the document could be reviewed. Mr. Rhodes stated that a draft of the agreement was submitted as an exhibit to Planning.

Chairman Chapman called for public comments.

Mr. Ron King voiced concern with large trucks accessing the project through the residential area and felt that it is a safety issue. Chairman Chapman asked Mr. King if he was a part of the HOA. Mr. King stated no. Mr. Rhodes stated that the agreement limits the truck size

to WB40 (moving van). He said that Mr. King has been a party to the discussions, agreement and is a member of the HOA.

Commissioner Pridgen asked how wide the roadway was. Mr. Jenkins stated 24 feet and that the plan is to reconstruct the roadway all the way to C.R. 283. He addressed Mr. King's concern regarding truck size.

Commissioner Meadows asked if tractor trailer trucks had to be allowed and questioned how this area was designated VMU. She voiced concern with the safety of the area with the allowance of large trucks. She questioned what the zoning would be for a storage facility if it was not designated VMU. Mr. Dyess stated light industrial or industrial. Commissioner Meadows continued discussing the safety issues with large trucks passing through a residential area and asked how an industrial use was allowed behind a residential area using the same 24 foot roadway. Mr. Dyess stated that another designation would be commercial and said that that should have analyzed when the area was changed to VMU. Commissioner Meadows asked when the area was designated VMU. Mr. Rhodes stated that the area was designated VMU in 1996. Discussion continued on the VMU designation and public safety.

The meeting briefly recessed for Mr. Rhodes to confer with his client. Mr. Rhodes returned and stated that the client has agreed to change the language to limit the trucks allowed to a Box 26 truck size. He addressed Commissioner Imfeld's concerns and stated that the agreement can be amended to include the new language. He asked to be allowed to proceed with the project in good faith. Commissioner Imfeld agreed. He voiced concern that the policy adopted in 2012 was not followed.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve 283 Self Storage contingent upon staff conditions being met and with the condition that the allowable

truck size be no larger than a 26 foot box truck/10,000 weight limit. Ayes 5, Nays 0. Chapman Aye, Meadows Aye, Comander Aye, Imfeld Aye, Pridgen Aye. **(Exhibits: Staff Report-1; Petitioner Agreement-2) (Ex Parte: Meadows)**

There being no further items to discuss, the meeting was adjourned at 8:05 p.m.

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

Attest:   
Alex Alford, Clerk of Court and County Comptroller