

FEBRUARY 9, 2016 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on February 9, 2016 at 4:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following Board Members were present: Commissioner Sara Comander, Chairman; Commissioner Cecilia Jones, Vice-Chairman; Commissioner W. N. (Bill) Chapman; Commissioner Bill Imfeld; and Commissioner Cindy Meadows. Mr. Larry Jones, County Administrator; Attorney Mark Davis, County Attorney; and Mr. Alex Alford, Clerk of Court and County Comptroller; were also present.

Chairman Comander called the meeting to order.

Mr. Larry Jones, County Administrator, presented the following additions to the agenda:

1. Addition: Consent Agenda-Approve a request that the BCC support the Walton County School District as the official sponsor of the Little Miss Walton County and Miss Walton County Beauty Pageants in the National Peanut Festival in Dothan, Alabama
2. Addition: Commissioner Meadows-Appoint District Five Planning Commission Volunteer

Motion by Commissioner Jones, Second by Commissioner Imfeld, to approve the agenda as modified. Ayes 4, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Absent.

There were no public comments.

Motion by Commissioner Imfeld, Second by Commissioner Jones, to approve the Consent Agenda as follows. Ayes 4, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Absent.

1. Approve Expenditure Approval List (EAL) excluding the Waste Management expenditures

General Fund	\$ 179,640.47
County Transportation	\$ 223,854.08
SHIP	\$ 668.76
Section 8 Housing	\$ 140,739.93
N.W. Mosquito Control	\$ 3,748.77
Recreation Plat Fee	\$ 12,850.22
Bldg Dept./Enterp. Fund	\$ 421.39
Mossy Head Ind. Park	\$ 265,173.63
Infrastructure Improvements	\$ 32,284.40
Totals	\$ 859,381.65

2. Approve the minutes of the January 26, 2016 Regular Meeting; January 12, 2016 Workshop; and January 21, 2016 Special Meeting.
3. Request to surplus EVID Voting systems as requested by the Supervisor of Elections Office
4. Approve the Quarterly Report for the First Quarter (October-December 2015) from the Life Enrichment Senior Center
5. Approve a request that the BCC support the Walton County School District as the official sponsor of the Little Miss Walton County and Miss Walton County Beauty Pageants in the National Peanut Festival in Dothan, Alabama
6. Request to approve a **Resolution (2016-04)** amending the FY 2016 Fine and Forfeiture Fund Budget to account for unanticipated revenues from housing federal, state and local inmates
7. Approve FY 2015-2016 Federal Election Activities Grant and allow the Chairman to sign the Certificate regarding matching funds and equipment as requested by the Supervisor of Elections and Transfer the funds from budgeted contingencies
8. Request to approve and authorize the Chair to sign Amendment No. 2 extending the agreement with Forest View, LLC for an additional 60 days for the construction of the Boulevard for the new sports park in the south end of Walton County
9. Request to approve and authorize the Chair to sign the contract and acknowledge the change in discretionary funding entity from Okaloosa-Walton Child Care Services, Inc., to Early Learning Coalition of Okaloosa and Walton Counties
10. Request to approve and authorize the Chair to sign the contract with Jones Lang LaSalle previously approved with Strategic Advisory Group
11. Request to approve and authorize the Chair to sign the Operation and Maintenance Agreement for the Mossy Head Wastewater Treatment Facility with Paul Johnson
12. Request approval of corrected quote for Fire Rescue tanker

13. Approve purchase of a Royce Model 711 Portable SS Meter with 25 foot cable for the Mossy Head Waste Water Treatment Facility in an amount not to exceed \$2,500.00
14. Request to purchase a Chevy Silverado to replace BCC 8287 in amount not to exceed \$35,000 as requested by TDC
15. Request to purchase a 2016 cargo trailer in an amount not to exceed \$4,000.00 as requested by TDC

Commissioner Chapman announced his conflict of interest regarding the Waste Management expenditures and reported he had filed Form 8B: Memorandum of Voting Conflict with the clerk. He said he was unaware whether or not there were Waste Management expenditures to be paid and wished to report his conflict on the off chance there were.

Motion by Commissioner Imfeld, Second by Commissioner Jones, to approve the payment of Waste Management expenditures. Ayes 3, Nays 0. Comander Aye, Jones Aye, Chapman Abstain, Imfeld Aye, Meadows Absent. **(Form 8B: Chapman)**

Commissioner Meadows joined the meeting.

Mr. Jones reported the Florida Department of Agriculture and Consumer Services, Florida Forest Service, and The Management Plan Advisory Group for the Point Washington State Forest will be holding two public meetings, and a Public Hearing on April 5, 2016 to take public comments on the management of Point Washington State Forest. He introduced Mr. Mike Mathis of the Florida Forest Service-Point Washington State Forest. Mr. Mathis briefly discussed the public notice for the meeting to address the 10 year management plan. Mr. Walter Bowers announced he would be the Walton County Forest Area Supervisor beginning Friday, February 12, 2016.

Mr. Jones presented an update on the Regional Utilities Building located on Logan Lane. He reported the building currently houses the District 5 office and various other agencies. He said the building appraisal was approximately \$1.2 million and that Regional Utilities had agreed

to sell the building to the county in the amount of \$1 million with financing over a 15 year period with 0% interest. He briefly discussed the 15 year payment plan which would have a balloon payment of approximately \$500,000 at the end of the 15 year period. The current rent paid is approximately \$2,000 per month. Mr. Jones said the Regional Utilities Charter states once all debts have been paid off, all the assets revert to the Board of County Commissioners and the county. He discussed the potential uses for the building and the limited parking area. He asked for Board direction.

Commissioner Meadows voiced concern regarding the purchase of a building which will belong to the county once the debts are paid. Attorney Mark Davis, County Attorney, replied that the utility company is an independent legal entity until all their debts are paid. They independently own the building. Once the debt is paid off, the assets will transfer to the county. Commissioner Meadows said they were able to pay-off the debts, but the Board continues to roll the debt over and offering refinancing.

Chairman Comander voiced concern with the limited parking and the balloon payment. Commissioner Meadows implied the office spaces could be rented as an income source. She discussed the parking issue stating a lot of the building usage occurs at night when surrounding parking lots could be used.

Chairman Comander asked if there had been further discussion regarding the Chamber building and the proposal to move the Planning Department to a location in Freeport. She felt there were other questions which needed to be answered before making a decision on the Regional Utilities building. Mr. Jones said more information could be presented at the next meeting regarding the Freeport location. Commissioner Meadows voiced concern with renting other office spaces for county use. Mr. Jones said the lease for the Regional Utilities building

expires at the end of the year. Discussion continued on the amount of office space and parking with the Regional Utilities building.

Mr. Jones said he would gather more information on relocating the Planning Department to Freeport and then the Board could look at what space would be available for use. Chairman Comander voiced the need for the Clerk's office to expand within the Courthouse Annex. Commissioner Meadows discussed past plans to build a larger building in the same complex and voiced the need to consider future growth.

Discussion continued on possible uses for the building.

Mr. Jones presented an update on the Eastern Lake Parcel (San Roy Road). He briefly reviewed the information presented during the January 26, 2016 Regular Meeting. He stated the asking price for the property is \$3.7 million at 0% interest for 10 years and reviewed the conditions of the sale. He reported that the property is within the Choctawhatchee Beach Mouse Habitat and any construction in the area will require a Federal Fish and Wildlife permit. He said the asking price is higher than the appraisal and therefore would require a super majority to approve the purchase of the property.

Commissioner Meadows asked how the purchase would be funded. Mr. Jones replied with TDC funds.

Mr. Jones discussed, in conjunction with the Eastern Lake Parcel, the consideration regarding an offer to purchase a 0.5 acre gulf front parcel (Harrell/Head property). He said Mr. Head submitted a proposal in which the county would pay \$600,000 cash and receive a \$400,000 tax right-off/donation receipt. He reported the county is not in a position to give a tax write off. Mr. Jones said should the Board decide to move forward, the first step would be to obtain two appraisals.

Chairman Comander expressed a need to know what is allowed within the beach habitat. Commissioner Meadows voiced concern that at the beginning of the HCP process the only areas considered beach mouse habitats were at Topsail State Park and Deer Lake State Park and asked for clarification on the habitat addition. Ms. Melinda Gates, Coastal Resource Liaison, said that the U.S. Fish and Wildlife looks at Critical Habitat and Ranging Habitat; permits are allowed in a Ranging Habitat. She said the current HCP application was due to armoring activity and the U.S. Fish and Wildlife were looking at critical habitats. Commissioner Meadows said the San Roy and Harrell/Head parcels have been Ranging Habitats for years and asked why the Fish and Wildlife is now requiring permits. Ms. Gates thought that it may be due to personnel changes.

Commissioner Imfeld asked about parking for the sites. Mr. Jones replied there would be very limited parking. Discussion continued on possible parking areas.

Commissioner Meadows questioned who owned the property to the north of the San Roy parcel. Mr. Jones said MGR, Inc. of Seagrove.

Commissioner Imfeld asked if the county would relinquish half of the right-of-way on the San Roy parcel. Mr. Jones said there is a 33' easement on Mr. Russell's property and is asking the county to abandon the southern 23' that he would allow for vehicles to access and the northern 10' would remain in the easement for foot traffic. Commissioner Meadows discussed the possible uses Mr. Russell would have for the 23' area. Discussion continued on the size of the lots and obtaining appraisals.

Motion by Commissioner Meadows, Second by Commissioner Jones, to move forward with obtaining the two appraisals for the Harrell/Head property. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones asked for direction regarding the San Roy property. Commissioner Meadows recommended moving ahead with negotiations and bring back for consideration. Commissioner Jones expressed concern that the asking price was too high. Mr. Jones said discussions would continue with Mr. Russell.

Mr. Jones requested to advertise a RFP for Hosted Voice Over IP (VOIP) services. The services are currently provided by CenturyLink and the contract will expire in June. Mr. Rick Wilson, Technology Support Coordinator, said the current system is riddled with problems with no attempt by the provider to fix them. He briefly discussed the features of the new system.

Motion by Commissioner Chapman, Second by Commissioner Imfeld, to advertise a RFP for Hosted Voice Over IP (VOIP) services. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones requested approval to seek construction bids for the resurfacing of C.R. 285 from S.R. 187 to the Alabama State Line. This is a SCRAP funded project.

Motion by Commissioner Jones, Second by Commissioner Chapman, to seek construction bids for the resurfacing of C.R. 285 from S.R. 187 to the Alabama State Line. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Chance Powell, Public Works, presented an update on C.R. 395 and C.R. 30A and discussed three options for improvements; all options include a signalized intersection and a left hand turn lane. He said the project would be completed by fall. Discussion ensued on placing the bike path on the south side of the road, the number of driveways the bike path would cross on either side of the street, pedestrian crossings, timelines, and underground utilities. Mr. Jones asked if the Board wished to have more information regarding the underground utilities. The Board concurred.

Attorney Gary Vorbeck spoke in opposition to the bike path being constructed on the south side of the street.

Several citizens came forward voicing their opinions regarding the placement of the bike path on the south side of the street. All who spoke encouraged making the area safer for both pedestrians and motorists.

Mr. Mark Schnell discussed the design proposal he submitted to Public Works for review. He discussed how his plan would incorporate more parking and create a buffer zone for pedestrians. Discussion ensued on Mr. Schnell's design.

Chairman Comander understood that the bike path would be placed in the existing right-of-way and the trees would not be affected. Mr. Powell replied the bike path would still be in the right-of-way but was unsure as to the location of the base of the trees. Commissioner Imfeld asked how wide the proposed bike path would be. Mr. Powell stated 10' and reported the LDC requires major arterial roadways be 11'.

Attorney Vorbeck readdressed the safety issues with placing the bike path on the south side of the street and the protection of the trees. He reported that EBSCO would be willing to donate their property on the north side to help eliminate some of the issues.

Motion by Commissioner Chapman, Second by Commissioner Imfeld, to approve Option 3 and place the pedestrian path as close to the intersection as possible.

Attorney Davis said selecting Option 3 would be contingent upon a meeting with Attorney Vorbeck and the presentation of a written agreement regarding the EBSCO donation.

Commissioner Chapman modified his motion to include the contingency.

Commissioner Meadows spoke in favor of the third option and voiced concern with the effects of beach erosion on the smaller lots on the south side. She felt Option 3 would not

prevent later installation of sidewalks on the south side should the need arise. Chairman Comander asked to include in the agreement the possibility of future side walk construction on the south side.

Commissioner Imfeld spoke in favor of Option 3.

Attorney Davis stated he was unsure whether there would be room to build future sidewalks if the property as discussed earlier is abandoned.

Commissioner Jones spoke in favor of moving forward.

Commissioner Meadows said the project needed to be completed as soon as possible.

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

Mr. Jones presented and discussed the updated 30A Genesis Traffic Study (Task Order 16-01).

Motion by Commissioner Meadows, Second by Commissioner Jones, to approve the updated 30A Genesis Traffic Study (Task Order 16-01). Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones requested to approve staff to sign and submit an application and associated permit documents to the Florida Department of Environmental Protection and Army Corp of Engineers for a Large Area Artificial Reef Site (LAARS). South Walton Artificial Reef Association has obtained the funds to permit the approximate 10.5 acre LAARS. This will be funded by the South Walton Artificial Reef Association.

Motion by Commissioner Chapman, Second by Commissioner Jones, to approve staff to sign and submit an application and associated permit documents to Florida Department of Environmental Protection and Army Corp of Engineers for a Large Area Artificial Reef Site

(LAARS). Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones requested a candidate be appointed to fill the At Large position on the Coastal Dune Lakes Advisory Board. Staff recommended appointing Mr. Channing St. Aubin.

Motion by Commissioner Chapman, Second by Commissioner Jones, to appoint Mr. Channing St. Aubin to fill the At Large position on the Coastal Dune Lakes Advisory Board. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Charlie Cotton, Public Works, requested direction regarding the 2016 TIF Projects prioritization and briefly discussed the 2016 Design Projects. Mr. Cotton announced funding for the first four stormwater projects on the 2016 Design Projects would come from RESTORE funds. He reported that the Bunker Place Drive Drainage Improvement project has been removed from the 2016 Design Projects list because it is a private drive. He briefly discussed the 2016 Construction Projects. Commissioner Imfeld questioned if the last four 2016 Design stormwater projects would be funded by RESTORE Act funds. Mr. Cotton replied the design would be funded through the infrastructure fund and the construction would be funded by the RESTORE Act. Chairman Comander discussed the rotation of projects from the design phase to the construction phase. Mr. Cotton replied the goal is to continue the rotation.

Motion by Commissioner Imfeld, Second by Commissioner Jones, to approve the 2016 TIF Projects as presented.

Ms. Mary Nielson asked how much was paid to Preble Rish for the Bunker Place Drive design. Mr. Cotton said he did not have that information, but would get it to Ms. Nielson. Commissioner Meadows said it was analyzed during the drainage analysis, but is not a candidate for county funding. Mr. Jones said the engineers were asked to design the repairs and a number

of the repairs required obtaining private property to correct the problems. Discussion continued on the study of private property stormwater issues.

Mr. Bob Hudson voiced concern that the basin in his neighborhood would be affected by the stormwater projects. Mr. Cotton said the Allen Loop Improvements would be done first which would alleviate issues with Bunker Place. Commissioner Meadows asked if there was a private entity which would be responsible for the Bunker Place drainage improvements. Mr. Cotton did not have that information. Mr. Hudson discussed a current project near his home which was being funded by Trustmark Bank and engineered by Emerald Coast Associates and the possible drainage issues caused by the development. Discussion continued on the funding for the private property drainage project.

Mr. Richard Bryan voiced a need to establish a comprehensive plan to fix the issues.

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

The meeting recessed briefly recessed.

Mr. Stan Sunday, Interim TDC Executive Director, requested approval to fund landscaping for the East Corridor Improvements Project in the amount of \$95,632.00. He said approximately \$200,000 was earmarked in the TDC budget last year contingent upon the submission of a project budget which came in the amount of \$95,632.00. Commissioner Chapman asked if this funding is for the section of C.R. 30A south of U.S. 98. Mr. Sunday said it is for both the north and south side of the eastern most part of C.R. 30A. Commissioner Chapman asked if there was a request for the remaining funds to be used along U.S. 98. Ms. Leigh Moore said the remaining amount would be returned. Chairman Comander suggested using the remaining funds for landscaping on the west end of U.S. 98. Commissioner Chapman recommended waiting until the six lane road construction is completed on the west end.

Motion by Commissioner Jones, Second by Commissioner Chapman, to approve funding for the landscaping for the East Corridor Improvements Project in the amount of \$95,632.00. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Sunday requested approval of an update to the description within the existing brand activation budget to read Music City Food & Wine Festival.

Motion by Commissioner Jones, Second by Commissioner Imfeld, to approve the description update as presented. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Sunday presented the following beach vending information requested by the Board on January 12, 2016: list of vendors by type; beach front property owners affected by the (d)(8) change, and prospective revenue projections resulting from and RFP/RFQ for beach vending services.

Commissioner Jones announced she had a conflict of interest and would recuse herself should a vote be required after the discussion.

Mr. Brian Kellenberger, Beach Management Director, briefly discussed the requested information. He reported there were a total of 64 vendors; 136 gulf front properties which would be affected by a (d)(8) change; and 475 gulf front properties within the 2005 nourishment area. The 475 properties have been removed from the HSDR easement list. He briefly discussed the parameters used to create the matrixes to determine proposed revenue for each Regional Beach Access. Discussion ensued on the breakdown of Regional Beach Access value assessments.

Many citizens spoke in opposition to the changes being recommended.

Mr. Josh Westberry asked who represented the vendors on the Beach Management Committee. Mr. Kellenberger responded Mr. Phillip Poundstone of Rent Gear Here.

Mr. Robert Miralles voiced concern with the representative to the Beach Management Committee. He felt the vendors should have been allowed to vote for their representative. Commissioner Jones asked if the vendors had been notified of the appointment. Mr. Miralles replied no. Commissioner Chapman asked what process was used to select the vendor representative. Mr. Kellenberger said the position was advertised on the TDC website, the county website, and in a newspaper for anyone interested in joining the committee. The applicants were narrowed down to a select few and were presented to the TDC Advisory Council for approval. He said when he was encouraged to include a beach vendor on the committee; he began questioning those in the beach vending and tourism industry to see who would be interested in applying for committee appointment. Mr. Poundstone submitted an application and was approved by the TDC Advisory Council. The position was filled under the charter of the Beach Management Committee.

Mr. Bagby addressed the public comments which were made in regards to the TDC vending recommendations.

Chairman Comander said the Regional Beach Accesses are owned by the people of Walton County. She spoke in support of keeping the beaches divided 50/50 so that beach visitors not wanting to rent chairs and umbrellas will have a place to enjoy.

Commissioner Jones agreed the 50/50 program was a much better program and felt the most problems occurred at Neighborhood Beach Accesses. She spoke in favor of the beach vendors organizing themselves and working together.

Commissioner Imfeld noted the drastic drop in the number of complaints and voiced a need to continue with the current program to see if further positive changes occur.

Commissioner Meadows noted there were fewer complaints and felt the program should be left as is. She said the numbers can be reviewed at the end of the season. She said the problem with Section (d)(8) was the people with re-nourished beaches at the western end of the county were promised an option to beach vending. Attorney Davis briefly discussed the adoption of Ordinance 2013-04 and noted that Section 22-60(d)(8) was a concession to the property owners who were about to have public property in front of their houses. Discussion continued on the application of (d)(8) and repealing the concessions.

Commissioner Chapman voiced that it was too far into 2016 to implement changes and recommended considering changes at the end of season in preparation for the next season.

Mr. Kellenberger agreed to revisit the issues after the season has ended.

There was no action taken.

Mr. Sunday presented the TDC updates. Three candidates have been selected to be presented to the Board to interview for the Executive Director position on March 1, 2016 and March 2, 2016. The Board concurred to conduct interviews at both the County Administration and at the Courthouse Annex in Santa Rosa Beach.

Mr. Sunday presented an email from the Army Corps of Engineers regarding the Hurricane Storm Damage Reduction (HSDR) project permit application. The email requests to withdraw its Joint Coastal Permit (JCP) Application due to the issues regarding the likely reduction in scope for the HSDR resulting from landowner easement acquisitions. The easement deadline was January 31, 2016 and the information is being compiled by County Legal into a spreadsheet. He said the Army Corps will be submitting a map showing the easements and that the information will be presented to the Board at the March 8, 2016 Regular Meeting. Commissioner Meadows questioned if changes would be made and re-presented. Mr. Sunday

said he had spoken with Mr. David Newell, Army Corps of Engineers, and was told there would be a significant reduction to the project. He questioned the right to resubmit should the project feasibility increase. Commissioner Meadows asked what conditions would allow them to return with a project. Attorney Sidney Noyes, Assistant County Attorney, said areas with a large number of easements which would support a feasible project. Commissioner Meadows questioned why the permit was being pulled. Mr. Sunday replied because there was a 90/10 split not to allow the project and the Corps wanted time to determine whether or not a project was feasible. Commissioner Jones asked about the additional sand samples and said she did not feel more money should be spent. Mr. Sunday said there were two responses to the ITB to collect sand samples and that those responses would be presented at the March 8, 2016 Regular Meeting for Board decision.

Mr. Sunday reported that Bed Tax Collections were down for December, 2015 compared to November, 2015; however, there was a 12.31% increase over December, 2014. Overall there was a 14.43% increase for the year.

Chairman Comander called to order the Public Hearing to consider a Resolution amending the FY 2016 Budget for U.S. Highway 98 Proportionate Fair Share revenues and expenditures for the road improvement at the U.S. Highway 98 and C.R. 395 intersection.

Motion by Commissioner Imfeld, Second by Commissioner Chapman, to open the Public Hearing. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Mr. Jones requested adoption of a Resolution amending the FY 2016 Budget for U.S. Highway 98 Proportionate Fair Share revenues and expenditures for the road improvement at the U.S. Highway 98 and C.R. 395 intersection.

There was no public comment.

Motion by Commissioner Imfeld, Second by Commissioner Meadows, to adopt **Resolution 2016-05** amending the FY 2016 Budget for U.S. Highway 98 Proportionate Fair Share revenues and expenditures for the road improvement at the U.S. Highway 98 and C.R. 395 intersection. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

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

Attorney Noyes requested input from the Board regarding the proposed changes to Chapter 13 Scenic Corridor Standards. She reported the Design Review Board had held several workshops regarding the changes to the colors, landscaping, and building materials. She presented the suggested changes and asked the Board to submit their comments to her within a week. She said the recommendations will be presented at the February 23, 2016 Regular Meeting. Visual representation of the previously approved colors and the recommended color additions will be made available.

Attorney Davis presented the Litigation Matrix for review and requested the Board ratify the actions taken.

Motion by Commissioner Jones, Second by Commissioner Chapman, to ratify the actions taken as presented in the Litigation Matrix. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Attorney Davis presented an update on the Department of Juvenile Justice Litigation and discussed possible action to dismiss the county suit. He said there is currently a bill being presented which would change the formula for reimbursing counties for pre-trial juvenile detention. He said the current formula requires the counties to pay 57% and the State pay 43%.

The proposed changes would be 50/50. The President of the Senate is asking the counties to dismiss their lawsuit before the bill passes. Attorney Davis reported that Okaloosa County has agreed and others have not. He said that a dismissal was not the best deal for the county because no funds have been withheld and Walton County has continued to pay during the litigation. Okaloosa County's agreement was with conditions. He questioned if the Board wished to explore the dismissal. Commissioner Imfeld said he had spoken with Okaloosa County Commissioner Boyles and said their letter states if the law is passed, then they would reconsider voting to dismiss. He said the difference between Walton and Okaloosa counties is that Okaloosa owes money to the State. Attorney Davis said it is a better deal for other counties, not for Walton. Commissioner Imfeld asked if the State was expecting a letter from Walton County prior to the legislation being adopted. Attorney Davis replied yes. Commissioner Imfeld asked if the dismissal would be imposed upon the county whether or not it was agreed upon. Attorney Davis said the lawsuit does not have to be dismissed. Commissioner Chapman said he had discussed the issue with Ms. Lisa Hurley, FAC, and that FAC is advocating the counties respond. He said Ms. Hurley indicated that if the counties do not respond then the legislation would die. Attorney Davis confirmed. Commissioner Chapman said approximately \$70,000 is owed to Walton County. Discussion continued on what action to take. Attorney Davis said he would prepare a letter stating to pass the law and then consideration would be made regarding the dismissal of the lawsuit.

Motion by Commissioner Imfeld, Second by Commissioner Chapman, to send a letter to the Legislation requesting the law be passed before the Board would consider dismissing the lawsuit.

Ms. Lisa Boushy recommended asking the DJJ to pay \$50,000 of the \$70,000 owed to the county. Commissioner Imfeld said that 11 of the counties involved had agreed to receive a percentage. Attorney Davis said administrative procedures would determine the repayment of funds.

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

Attorney Davis requested to schedule a Special Meeting to hold an Executive Session on February 23, 2016, at 8:30 a.m., at the Walton County Courthouse in DeFuniak Springs to discuss litigation strategy and settlement offer for the 1000 Friends of Florida, et al v. Walton County (Case No.: 15-5619GM).

Motion by Commissioner Chapman, Second by Commissioner Jones, to hold an Executive Session on February 23, 2016, at 8:30 a.m., at the Walton County Courthouse in DeFuniak Springs to discuss litigation strategy for Case No.: 15-5619GM. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Attorney Davis requested to schedule a Special Meeting to hold an Executive Session on February 23, 2016, at the Walton County Courthouse in DeFuniak Springs, at 9:00 a.m. or at the conclusion of the Regular Meeting, to discuss litigation strategy to consider settlement of the Cynthia L. Abbott Revocable Trust, et al v. Olson & Associates of NW Florida, Inc., et al (Case No.: 3:14-cv-646-MCR/EMT). A written settlement offer has been received and would be discussed during the Executive Session.

Commissioner Imfeld reported his conflict of interest, recused himself from the issue, and submitted Form 8B: Memorandum of Voting Conflict to the clerk.

Commissioner Chapman asked if this would be discussed prior to the mediation session he will be attending on the February 26, 2016. Attorney Davis said that it would and the purpose was to be able to give the response to Commissioner Chapman to present at the mediation.

Motion by Commissioner Meadows, Second by Commissioner Jones, to schedule a Special Meeting to hold an Executive Session on February 23, 2016, at the Walton County Courthouse in DeFuniak Springs, at 9:00 a.m. or at the conclusion of the Regular Meeting, to discuss litigation strategy to consider settlement of Case No.: 3:14-cv-646-MCR/EMT. Ayes 4, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Abstain, Meadows Aye.

Attorney Davis requested approval to allow Attorney Mediator Ross McCloy to mediate the Walton County and Carr, Riggs & Ingram dispute.

Motion by Commissioner Meadows, Second by Commissioner Jones, to allow Attorney Mediator Ross McCloy to mediate the Walton County and Carr, Riggs & Ingram dispute. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioner Meadows requested an ordinance to allow dogs within certain designated outdoor portions of restaurants per Florida Statute 509-233 (2014). She asked if the Board wished to move forward with the ordinance or schedule a Public Hearing.

Motion by Commissioner Meadows, Second by Commissioner Jones, to move forward with a Public Hearing to consider an ordinance to allow dogs within certain designated outdoor portions of restaurants per Florida Statute 509-233 (2014) for all of Walton County.

Commissioner Jones asked if all restaurants with outdoor venues would be required to designate an area for dogs. Commissioner Meadows said it would be optional.

Attorney Davis recommended drafting the ordinance, then setting a Public Hearing for consideration of the ordinance.

Ms. Jill Tanner said the ordinance would hold the restaurant responsible for the designation.

Chairman Comander asked who would be responsible should the dog bite another patron. Attorney Davis said the dog owner would be held responsible.

Motion amended by Commissioner Meadows, Second amended by Commissioner Jones, to draft the ordinance and then set a Public Hearing.

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

Commissioner Meadows requested approval of a **Resolution (2016-06)** supporting the Muscogee Nation's pursuit of Federal Recognition as a Tribe and add pursuit to the list of lobbying efforts put forth by Walton County at the Federal level.

Ms. Ann Tucker, Tribal Council of the Muscogee Nation of Florida Chairwoman, said there is currently no legislation before congress. She said she has had opportunities to speak before committees of the House of Representatives regarding the efforts of the Muscogee Tribe. She reported there is a new process in which to follow to obtain Tribal recognition. Ms. Tucker said any funding assistance for lobbying would be greatly appreciated. Commissioner Chapman asked how long the fight for recognition had been going on and if there was a possibility the new process would allow the recognition to be expedited. Ms. Tucker said the fight for recognition began in the 1947 and that the new process would be limited to a two and one-half year consideration.

Motion by Commissioner Meadows, Second by Commissioner Imfeld, to adopt **Resolution 2016-06** supporting the Muscogee Nation's pursuit of Federal Recognition as a Tribe and add pursuit to the list of Federal lobbying efforts by Walton County. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Motion by Commissioner Meadows, Second by Commissioner Jones, to appoint Ms. Nina McCashlin Horn as District Five Planning Commission Volunteer. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye.

Commissioners Imfeld, Jones, Chapman and Chairman Comander had no items to present.

Ms. Leigh Moore, Scenic Corridor Association, voiced concern regarding the medians in South Walton and requested to look holistically to make all the medians compatible in design.

The Quasi-Judicial hearing was called to order and Attorney Davis administered the oath to those intending to speak. There were no objections to the advertisements. Attorney Davis instructed that any Ex Parte forms are to be submitted to the clerk.

Commissioner Chapman reported his voting conflict with Gulf Place Lots 19 & 20 and submitted Form 8B: Memorandum of Voting Conflict to the clerk.

Mr. Wayne Dyess, Planning and Development Director, requested to table Gulf Place Lots 19 & 20. He reported the applicant is looking to apply for a PUD amendment and therefore is requesting to table Gulf Place Lots 19 & 20. Staff had no objections.

Motion by Commissioner Meadows, Second by Commissioner Jones, to table Gulf Place Lots 19 & 20.

Mr. Steven Bacon said he would like the opportunity to review any new design. Chairman Comander said there will be a process that must be followed. Mr. Dyess said all the files are available for public view.

Ayes 4, Nays 0. Comander Aye, Jones Aye, Chapman Abstain, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)(Ex Parte: Comander, Imfeld, Jones)(Form 8B: Chapman)**

The meeting briefly recessed.

Ms. Vivian Shamel, Planning and Development, presented SSA 015-019-Niceville High School Robotics Lab Warehouse a Small Scale Amendment submitted by Jenkins Engineering Corporation requesting the Future Land Use Category designation for the subject property be amended to Industrial from Rural Village, on +/- 1.59 acres. The project is located at 203 Joseph Avenue. Staff found the proposed amendment to the Comprehensive Plan Future Land Use Map is consistent with the Walton County Comprehensive Plan and Land Development Code.

(Exhibit 1: Staff Report)

Commissioner Chapman asked what commercial operation was located on the north side of Highway 20. Ms. Shamel stated there are industrial designations to the north and east of the project. Commissioner Chapman discussed an email he had received in opposition to the project citing a decrease in property values and an increase in insurance rates. Mr. Dyess said the request is a logical extension of the industrial avenue.

Commissioner Meadows asked why the property was not being accessed from Highway 20. Ms. Shamel deferred the question to the applicant. Mr. Jamie Eubanks, Jenkins Engineering, said there is an existing access. He briefly discussed the project and said the warehouse would be used for institutional use only and would only be accessed by residential vehicles. He reported a convenience store was located across the street from the site. Commissioner Chapman voiced concern with changing a land use for a specific purpose, and then in the future the property is sold and used for industrial purposes with higher daily trips. He hoped the owner could provide assurance this would not happen.

Mr. Chris Neiger, Niceville High School Robotics Team and property owner, briefly discussed the need for the warehouse and said it is being built for surrounding robotics teams to utilize for practice. Commissioner Chapman referenced an area on the plan which resembled a

track and asked how it was being used. Mr. Jenkins said the area was a stormwater retention area.

Mr. Richard Sisk and Mrs. Alice Monroe spoke in opposition of the project and voiced concern with loss of property values.

Mr. Al LaRoe, Niceville High School Robotics Teacher, spoke in support of the project.

Commissioner Chapman asked what type of building would be built. Mr. Neiger said a standard prefabricated metal building. Commissioner Chapman asked if there would be landscaping. Mr. Neiger said there would be landscaping around the perimeter. Commissioner Chapman asked where the primary entrance would be located. Mr. Neiger stated Joseph Avenue. Commissioner Chapman noted there were several lots on that parcel previously. Mr. Neiger said it was zoned for mobile homes.

Commissioner Meadows said the proposal was for a great cause, but voiced concern with changing to Industrial in an established Village Mixed area.

Motion by Commissioner Meadows to deny SSA 015-019 Niceville High School Robotics Lab Warehouse.

Chairman Comander voiced concern with the change due to the close proximity to a residential area.

Second by Commissioner Chapman for discussion.

Commissioner Chapman voiced concern with future uses should the property be sold.

Commissioner Imfeld voiced his support for the youth and the land use change.

Commissioner Meadows voiced concern with the project being so close to a residential area.

Commissioner Jones voiced support for the change saying the area will be used by other schools.

Ayes 3, Nays 2. Comander Aye, Jones Nay, Chapman Aye, Imfeld Nay, Meadows Aye.

(Exhibits: Staff Report-1)(Ex Parte: Chapman)

Ms. Christine Sammelmann, Planning and Development, after being sworn, requested approval of SSA 015-021-SpyGlass Hill Phase II (**Ordinance 2016-05**), a Small Scale Amendment application submitted by Jenkins Engineering, Inc. requesting an amendment of the Future Land Use Category designation for the subject property from Conservation Residential (2:1) to Low Density Residential consisting of 2.51 acres. The project is located on the south side of Sea Croft Drive. Staff found the proposed amendment does not contravene the goals, objectives, and policies of the Comprehensive Plan. **(Exhibit 1: Staff Report)**

Chairman Comander noted the Transportation Concurrency Review regarding the lack of available capacity on the impacted segments and asked if Proportionate Fair Share would be done at a later time. Ms. Sammelmann said it would be done during the development process.

Commissioner Chapman asked for the ratio for Low Density Residential. Ms. Sammelmann replied 4:1. She said the proposal is for a five lot single family subdivision.

Commissioner Imfeld noted the site plan indicated four lots and asked for clarification. Ms. Sammelmann said the area would be re-platted during the development process to show five lots. Mr. Scott Jenkins, Jenkins Engineering, discussed the Development Order application for the parcel and said the applicant wanted to have five lots. The reason for the land use change was the current open space requirement would not be suitable for single-family lots this size. He addressed the Proportionate Fair Share concerns.

Commissioner Meadows asked what developments were surrounding this parcel. Chairman Comander said there was a vacant church and a vacant platted single-family subdivision. Mr. Jenkins replied the designations included Infill to the west and south, Conservation Residential, and Low Density Residential. Commissioner Meadows asked where the road access would be located. Mr. Jenkins stated Deno Drive would be paved all the way to Sea Croft Drive.

Motion by Commissioner Meadows, Second by Commissioner Jones, to adopt **Ordinance 2016-05** approving SSA 015-021-SpyGlass Hill Phase I. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)**

Mr. Mac Carpenter, Planning Department, requested approval, by Final Order, of Dixielectricar of Destin, a major Development Order application submitted by Jenkins Engineering, Inc., requesting approval to develop 13,350 square feet of commercial/storage space on 3.61 acres with a future land use of Village Mixed Use. The project is located at the southeast corner of Moll Drive and U.S. Highway 98. Staff found the project to be consistent with Walton County Comprehensive Plan and Land Development Code contingent upon conditions being met as stated in the Staff Report. **(Exhibit 1: Staff Report)**

Commissioner Meadows asked what type of activity would be taking place at this business. Mr. Carpenter replied it was a retail sales operation. Commissioner Meadows voiced concern with traffic at that location due to the close proximity to Moll Drive and Helen McCall Park, and asked if there was something that could be done to alleviate the problem. Mr. Jenkins said the project will serve a retail function and deliveries would occur during times which will not conflict with Helen McCall Park activities.

Mr. Don Gorman, owner, stated it would be wrecker sized trucks bringing the carts in. Commissioner Meadows asked what the operations hours would be. Mr. Gorman said 7:30 a.m. to 4:00 p.m. Monday through Friday, Saturday 7:30 a.m. to 12:00 pm., and closed on Sundays. Commissioner Meadows asked if any FDOT signalization studies had been done. Mr. Jenkins said he was not aware of studies. Discussion continued on loading and unloading the carts. Mr. Jones said staff would check with FDOT regarding a signal study.

There was no public comment.

Motion by Commissioner Meadows, Second by Commissioner Imfeld, to approve by Final Order, Dixielectricar of Destin. Ayes 5, Nays 0. Comander Aye, Jones Aye, Chapman Aye, Imfeld Aye, Meadows Aye. **(Exhibits: Staff Report-1)**

Mr. Dyess requested adoption of **Resolution 2016-07** approving the Dalton Gibson Petition for Abandonment, an abandonment Development Order application submitted by Jenkins Engineering, Inc. requesting the approval for the abandonment of the west 30' of a 50' easement along the eastern portions of Lots 31 and 32 of Dune Allen 3rd (third) addition consisting of +/- 0.273 acres with a future land use of Residential Preservation. The project is located off Allen Loop Road, approximately 0.1 miles from the Allen Loop Road and Hillcrest Road intersection on the east of the road. Staff found the project to be consistent with Walton County Comprehensive Plan and Land Development Code. **(Exhibit 1: Staff Report)**

Commissioner Chapman asked if the easement continued further north. Mr. Jenkins said the easement terminates at the club house. Commissioner Meadows asked what type of easement it was. Mr. Jenkins said it was a utility easement.

Attorney Davis reported that the Planning Commission recommendation was to approve the abandon for the west 25 feet of the easement, not the full easement. Mr. Jenkins said the amendment was revised for a 30 feet easement.

Commissioner Meadows asked why the applicant wanted the easement abandoned. Mr. Jenkins replied to use the area as green space and a buffer.

Commissioner Chapman asked if this easement was located near an area with stormwater issues. He voiced concern that abandoning the area may eliminate a stormwater solution. Mr. Jenkins replied the area would not be well suited for stormwater drainage. Commissioner Meadows noted that Public Works does not support abandoning the area and spoke in opposition to abandoning public right-of-ways.

Mr. Randy Gardner spoke in support of the abandonment.

Commissioner Chapman voiced concern with abandoning the area and suggested only approving a 25' easement as recommended by the Planning Commission. Commissioner Meadows noted the property owners bought the lot knowing the easement was there and spoke against the abandonment.

Motion by Commissioner Chapman, Second by Commissioner Imfeld, to adopt **Resolution 2016-07** approving the Dalton Gibson Petition for Abandonment abandoning 25' of a 50' easement along the eastern portions of Lots 31 and 32 of Dune Allen 3rd (third) addition.

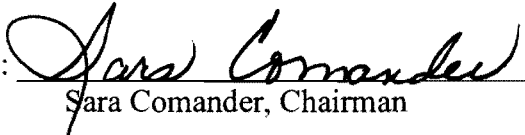
Mr. Carpenter said the Planning Department does not usually support abandonments; however, in this case the house located near this area would not be allowed to rebuild in the same footprint should it be destroyed. The rear setback would be measured from the greater extent of this easement, not the lot line further to the east. Discussion ensued on rebuilding to the same footprint.


Commissioner Jones spoke in support of the 25' abandonment.

Ayes 3, Nays 2. Comander Aye, Jones Aye, Chapman Nay, Imfeld Aye, Meadows Nay.

(Exhibits: Staff Report 1)

There being no further items to discuss, the meeting was adjourned.

Approved: 
Sara Comander, Chairman

Attest: 
Alex Alford, Clerk of Court and County Comptroller