



MINUTES

Board of County Commissioners

Tuesday, December 28, 2021 @ 9:00 AM

South Walton Annex Board Room
Regular Meeting/Land Use Hearing

COMMISSIONER ATTENDANCE

PRESENT: Trey Nick, Chairman Michael Barker, Commissioner Boots McCormick, Vice-Chairman Danny Glidewell, and Commissioner Tony Anderson

STAFF PRESENT: Clay Atkinson, Interim County Attorney, Larry Jones, County Administrator, and Dede Hinote, Deputy Administrator

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND INVOCATION

RECOGNITION OF GUESTS

Chairman Barker recognized Mr. Jim Bagby, Destin City Councilman, and Mr. Anthony Vallee, City of DeFuniak Springs, City Councilman.

CALL TO ORDER

Chairman Barker called the meeting to order.

CONSIDER ADDITIONS/DELETIONS

There were no additions or deletions.

APPROVAL OF AGENDA WITH ADDITIONS AND/OR DELETIONS

Motion by Commissioner Nick, second by Vice-Chairman Glidewell, to approve the agenda as presented.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF CONSENT AGENDA

Motion by Vice-Chairman Glidewell, second by Commissioner Nick, to approve the Consent Agenda as presented.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

CLERK'S ITEMS:

1. Approve Expenditure Approval List (EAL)

	Totals
General Fund:	\$ 2,667,797.97
County Trans./Public Works	\$ 718,256.45
Bldg. Dept./Ent. Fund	\$ 1,829.46
N.W. Mosquito Control	\$ 1,403.90
Fine & Forfeiture	\$ 5,444,406.04
Public Safety- 911	\$ 97,808.00
Section 8 Housing /HUD	\$ 150,148.84
Tourist Dev. Council	\$ 463,177.92
Solid Waste Enterprise	\$ 3,304,690.70
Preservation	\$ 7,855.00
Recreation Plat Fee	\$ 10,762.17
Capital Projects Fund	\$ 121,468.51
TOTAL	\$ 12,989,604.96

2. Request to approve the Minutes of the December 14, 2021 Regular Meeting

ADMINISTRATIVE ITEMS:

- 3. Request to approve and authorize the Chairman to sign the December 28, 2021 through January 4, 2022 COVID Local State of Emergency Resolution (2021-153)**
- 4. Request approval to surplus equipment from the Supervisor of Elections Office**
- 5. Request to approve and authorize the Chairman to sign a Release of Code Enforcement Lien No. 19-005161 for parcel number 35-2S-19-24990-001-0080**
- 6. Request to approve and authorize the Chairman to sign a Release of Code Enforcement Lien No. 19-004721 for parcel number 30-1S-21-41100-041-0120**
- 7. Request to reject all proposals for RFP 021-032 Mobile Application due to budget constraints**
- 8. Request to reject the non-compliant bid received for Invitation to Bid (ITB) 022-006 Coastal Branch Flooring and re-advertise**

9. Request approval to reappoint Design Review Board members Lourdes Reynafarje, Chad Williams and Leigh Moore whose terms expire in January 2022. Their new term expiration will be January 31, 2025.
10. Request approval to reappoint Planning Commission members Dan Cosson Sr., Barbara Brooke, Tanner Peacock and Lee Perry whose terms expire in January 2022. Their new term expiration will be January 31, 2024.
11. Request approval to reappoint Zoning Board of Adjustment member, Paul Rushing, whose term will expire January 2022. His new term expiration will be January 31, 2025.
12. Request approval to appoint Eddie Farris, Freeport City Council, to Seat 2 and Todd Bierbaum, DeFuniak Springs City Council, to Seat 3 as Municipal Seat Members to the TDC Council for 2022
13. Request approval to advertise to solicit a Request for Qualifications (RFQ) for a consultant to plan, design and permit the Old Town of Santa Rosa Regional Stormwater Management & Event Facility Project
14. Request to approve the Records Management Compliance Statement for Fiscal Year 2020-2021
15. Request to approve and authorize the Chairman to sign a resolution (2021-154) adopting Map 23A as the Redistricting map approved by the BCC on December 14, 2021
16. Request to move the closing date for the sale of 6.2 acres located in the Mossy Head Industrial Park to Rapidbuilt Steel Buildings to January 12, 2022

BUDGET AMENDMENT RESOLUTIONS/TRANSFERS:

17. Request approval to obligate \$1,147,712.00 of the American Rescue Plan Act Local Fiscal Recovery Funds to the San Juan and Suzanne Drive Drainage Improvement Projects and de-obligate these funds in FY 22 for the East Point Washington Roadway & Drainage Improvement project due to permitting delays

AGREEMENTS/CONTRACTS:

18. Request to approve and authorize the Chairman to sign a Temporary Construction Easement with Junior Food Stores of West Florida, Inc. for the Walton Road Sidewalk Project PH I.
19. Request to approve and authorize the Chairman to sign Contract No. 22-003 for Grady Brown Park PH III Improvements with RBM Contracting Services, Inc. in the amount of \$1,287,750.00

20. Request to approve and authorize the Chairman to sign the 1st Option to Renew a Memorandum of Understanding (MOU) between the County, the Florida Department of Health - Walton County (FDOH - Walton), and Healthmark Hospital to use their medical office building to provide an additional area for COVID testing and vaccinations to support emergency operations in Walton County for residents and visitors
21. Request to approve and authorize the Chairman to sign the Lease Agreement with James R. McHenry and Rosemary McHenry for the building and parking lot at 524 Highway 90 East, DeFuniak Springs; and add the building/property to the property acquisition list
22. Request to approve and authorize the Chairman to sign the Florida Fish and Wildlife Commission Derelict Vessel Removal Grant Agreement No. 21199 for the removal of five (5) derelict vessels in waterways of Walton County; and request approval to advertise a Request for Proposals (RFP) for removal of the derelict vessels
23. Request to approve and authorize the Chairman to sign Change Order No. 4 to contract No. 021-023 for the 3rd Floor Courtroom Renovation Project with Bear General Contractors, LLC, increasing the contract by \$6,416.96.00 and 5 Calendar days
24. Request to approve and authorize the Chairman to sign Change Order No. 1 to Contract 020-012 with H.G. Harders & Son, Inc. to increase the contract completion time by 120 days
25. Request approval to submit a grant application to Florida Department of Law Enforcement for the Residential Substance Abuse Treatment Program, Living in Balance: Addiction Recovery and Life Reclamation, as requested by the Sheriff's Office

LARRY D. JONES, COUNTY ADMINISTRATOR

ADMINISTRATION

26. COVID-19 Update

Mr. Jones presented the updated Covid-19 report on behalf of Ms. Holly Holt. The positivity rate increased from 2.7% to 5.6%. There are currently 12,212 total cases which is up 104 cases from the last meeting. There is no significant increase in hospitalizations.

27. Charlie Simmons, City of Freeport and Bill Imfeld, Economic Development Alliance - Request for County assistance to build a 700-foot road to aid economic growth

Mr. Imfeld, Economic Development Alliance Director, and Freeport City Councilman, Mr. Charlie Simmons, stated they have been working on a project to get a defense contractor to relocate from California to Walton County. He also stated the suppliers for the contractors could possibly relocate as well. Mr. Simmons stated the city has an 11-acre parcel for the project. However, there is approximately 700 feet of roadway that needs to be constructed leading to the proposed site. Mr. Imfeld stated the estimate provided by Public Works is \$65,000.00. It could be outsourced but would cost double.

Commissioner McCormick asked if the city would retain the property if the deal fell through. Mr. Simmons stated they would. Chairman Barker stated there would be no improvements until the deal is made with the contractor. Attorney Atkinson stated an Interlocal Agreement would be created at the appropriate time.

Discussion was held regarding the number of jobs and rate of pay created by these jobs. They also discussed the importance in assisting with preparing the road for this company. Mr. Imfeld stated they are requesting assistance from Public Works in an amount up to \$65,000.00 for paving the road as described.

Motion by Commissioner McCormick, second by Commissioner Nick, to approve expenditures in an amount up to \$65,000.00 and authorize Public Works to pave 700 feet of roadway from the Freeport Industrial Park into the property the city owns on city property for the benefit of economic growth.

5-0 by the following votes:

Ayes: Commissioner Nick, Commissioner McCormick, Chairman Barker, Vice-Chairman Glidewell, and Commissioner Anderson

28. Administration Update

Mr. Jones presented the transition plan for Administration stating he would convey his authority to Ms. Dede Hinote, Deputy Administrator. He will remain in his position as County Administrator but will be in communications with Ms. Hinote. They will meet as necessary. His goal is to keep it working efficiently. The board voiced their approval.

ADKINSON LAW FIRM, ACTING COUNTY ATTORNEY

29. Request to consider award or advertise bids for 4.95 Acres More or Less in the Mossy Head Industrial Park

Attorney Atkinson stated due to an advertising technicality he recommended rejecting all bids and re-advertise for 30 days.

Motion by Vice-Chairman Glidewell, second by Commissioner McCormick, to reject all bids and re-advertise for a 30-day period at which time bids will be presented back to the board.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

- 30. Request to approve and authorize the Chairman to sign the closing documents for 22.51 acres located in the Mossy Head Industrial Park to Thompson Tractor Co., Inc.**

Motion by Vice-Chairman Glidewell, second by Commissioner McCormick, to approve and authorize the Chairman to sign the closing documents for 22.51 acres located in the Mossy Head Industrial Park to Thompson Tractor Co., Inc.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

- 31. Request to consider award or advertise bids for Parcel ID No. 03-2N-19-180000-013-0000 – located at 1586 Hwy 331 S., DeFuniak Springs, FL (County parcel beside Burger King)**

Attorney Adkinson presented the history of the property and the two bids received.

Commissioner Nick announced his recusal and submitted Form 8B Voting Conflict Form.

Attorney Adkinson gave an overview of the property which was purchased in 1986 and the agreement with the Department of Agriculture (USDA). At the time of the original purchase of the property, the Department offered federal funding for the construction of a permanent Farmers Market in DeFuniak Springs. The board would like to allocate the monies from the sale of the property to the City of DeFuniak Springs and MainStreet DeFuniak for a Farmers Market. He therefore recommended awarding the bid to the highest bidder, Olin Holdings in the amount of \$300,000.00.

Chairman Barker addressed the success of the MainStreet DeFuniak Farmers Market and stated committing these funds would possibly increase the amount of funds the USDA might commit.

Motion by Vice-Chairman Glidewell, second by Commissioner Anderson, to award the sale of property located at 1586 U.S. Highway 331 S. (adjacent to Burger King) to the

highest bidder, Olin Holdings, LLC, in the amount of \$300,000.00 and commit the funds to the City of DeFuniak and MainStreet DeFuniak for a Farmers' Market.

Commissioner Anderson stated the offer was lower than the appraisal and questioned if the appraisal considered the only allowable use was for a farmers' market. Attorney Adkinson stated he did not see that in the appraisal.

Lengthy discussion followed regarding funding from USDA, usage of the property, and the agreement.

DeFuniak Springs City Councilman, Anthony Vallee, spoke about the plans for redevelopment of the downtown area, location of property, and the proposed structure. He also addressed the funding sources from USDA and the need for matching funds.

Ms. Chelsea Blaich MainStreet DeFuniak spoke about their efforts in bringing people into the community and further stated they currently host a fresh air market.

Further discussion was held regarding the proposed location, parking, and plans for growing the city. Mr. Vallee stated they are creating a culture for people to walk the community so people will visit additional businesses.

Ms. Hinote stated the board previously directed staff to support the city in applying for the grant. These funds would be significant to utilize as matching funds.

4-0-1 by the following votes:

Ayes: Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

Abstain: Commissioner Nick

Motion by Vice-Chairman Glidewell, second by Commissioner McCormick, to direct staff to work with the City of DeFuniak Springs and MainStreet DeFuniak to adopt an Interlocal Agreement for the purpose of committing those matching funds to be used toward the USDA Grant.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

32. Request approval to schedule and advertise a Public Hearing to consider changes to Parking Ordinance 2011-01

Attorney Adkinson stated this is in reference to providing proactive enforcement in certain areas in the south end of the county. He requested to present this during the January 25, 2022 meeting located in south Walton.

Motion by Vice-Chairman Glidewell, second by Commissioner Nick, to advertise a Public Hearing for January 25, 2022 at 9:00 a.m. or soon thereafter to consider changes to Parking Ordinance 2011-01.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

33. San Roy/Peter Russell property update and discussion and request to approve and authorize the Chairman to sign a resolution authorizing the expenditure of Walton County tourist development tax revenues for the purchase

Attorney Atkinson stated he and Chairman Barker met with Attorney Shipman and Mr. Peter Russell regarding the San Roy property. Their proposal is still \$18 million with a cash amount of \$9.5 million out of TDC reserves and documents from the county allowing Mr. Russell to apply for \$8.5 million in charitable contributions. He advised the amount is in excess of the \$6 million appraisal and will require a super majority vote. Attorney Atkinson stated the county will cover the cost of title insurance for approximately \$51,000.00 and Mr. Russell will cover the costs of the documentary stamps for approximately \$126,000.00.

Motion by Vice-Chairman Glidewell, second by Commissioner Nick, to accept the counteroffer transaction for \$18 million with the purchase price and a cash amount of \$9.5 million out of TDC reserves and documents from the county allowing Mr. Russell to apply for \$8.5 million in charitable contributions.

The motion was amended and seconded to include the requirement that the Proposed Receipt and Acknowledgement of Charitable Contribution document be amended and authorize the Chairman of the Board to sign the closing documents.

Mr. Brian Kellenberger, Director of Beach Operations, explained the plans for a pedestrian bridge across the outfall, preservation for the property, improved access, parking, and a structure.

The commissioners requested conceptual plans be submitted as soon as possible.

Discussion was held regarding the tax credit. Attorney Atkinson advised that is between Mr. Russell and the IRS. Should the IRS not approve of the credit then that would in no way reflect on the county.

The following individuals spoke in favor of purchasing the San Roy property: Ms. Janet Breese; Ms. Donna Johns spoke in favor of the purchase for the \$6 million appraised price, but not over that. She also voiced concern with construction on the site destroying the dunes. Mr. Jim Bagby and Ms. Barbara Morano also spoke in favor of the purchase.

Ms. Lori Echols voiced concerns with the seller's tactics in ordering the county a deadline.

Ms. Suzanne Harris commented on the possibilities of another storm washing the sand away and stated you cannot insure the property. She also stated you cannot build on that location.

Mr. John Martin stated the property is not developable and the impact of building a bridge is detrimental to the property. He voiced concern with adding parking and destroying the dunes.

Mr. Rendzio, Mr. Brian Greenwald, and Ms. Robin Haynes also spoke in support of purchasing the San Roy property.

Attorney Gary Shipman, Dunlap & Shipman, representing Mr. Russell, commented on the comparable properties for the appraisals. He stated DEP has permitted a house on the property twice and stated you can build on the dunes. Mr. Russell understands whether or not he gets the tax credit is totally up to the IRS and the county is in no way certifying that he will and will not be held responsible in any way.

Mr. Peter Russell presented a video of the property depicting its uses by the public. He would like the county to purchase the property to preserve it for public use. The current offer is \$9.5 million cash.

Commissioner Anderson voiced personal concerns with voting for the tax credit, although he agreed it is a great piece of property. Mr. Russell stated it was a way to bridge the gap, so it didn't have to come out of the county's pocket. Commissioner Anderson stated everyone knows it is not worth the \$18 million but is worth more than \$6 million. Mr. Russell spoke about the large size of the property and increased sale prices in the county.

Commissioner Glidewell stated this same type of transaction was made on other parcels. He spoke in favor of securing the property for the citizens.

Commissioner Nick spoke in favor of purchasing the property.

Attorney Adkinson stated the county does not agree that \$18 million is the fair market value and the amount and appraisal is used solely for the purpose of establishing the closing costs, documentary stamps, and insurance in the closing statement. The county will assume no liability of the representation related to the transaction, the appraisal, fair market value, and charitable contributions reduction sought. Mr. Russell is assuming all responsibility for those items and agrees to hold the county harmless from any claims brought against the county in the event any problems arise between Mr. Russell and the IRS. Should there be any problems with the tax credit between Mr. Russell and the IRS it does not negate the transaction and that the county is taking full ownership and use of the property. Mr. Russell agreed.

Attorney Adkinson clarified there would be a new paragraph 4 and paragraph 6 and amendments to paragraph 7.

The commissioners recessed briefly

Attorney Shipman stated while the purchase price they are paying Doc Stamps on is based on the appraisal, the county is not saying that is not the fair market value. Attorney Adkinson stated the county is not saying one way or the other. Attorney Shipman questioned for purposes of the closing if the calculations are based on the appraisal. Attorney Adkinson stated yes, and the county is insuring the property for the full amount in accordance with Doc Stamps. He also referred to amendments to those paragraphs that will be made accordingly. Mr. Russell stated he agreed with the amended language contingent on closing December 30, 2021.

The commissioner recessed briefly.

The board reconvened and took a vote by roll call on the motion to accept the counteroffer.

4-1 by the following votes:

Ayes: Commissioner Nick, Vice-Chairman Glidewell, Chairman Barker, and Commissioner McCormick

Nays: Commissioner Anderson

Attorney Adkinson advised another motion would be needed to approve the closing documents as amended to close on December 30th with a total cash due from the county in the amount of \$9,550,940.00 including closing costs, with Mr. Russell paying \$126,020.00 for Documentary Stamps, and authorizing the Chairman to sign the closing documents.

Motion by Vice-Chairman Glidewell, second by Commissioner McCormick, to approve the closing documents as amended to close on December 30th with a total cash due from the county in the amount of \$9,550,940.00 including closing costs, with Mr. Russell paying \$126,020.00 for Documentary Stamps, and authorize the Chairman to sign the closing documents.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

Motion by Vice-Chairman Glidewell, second by Commissioner McCormick, to adopt a resolution (2021-156) authorizing expenditures of County Tourist Development Tax revenues for the purchase of the San Roy/Russell property.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

PUBLIC HEARING

- 34. Request to approve and authorize the Chairman to sign a resolution to amend the FY 2021-22 budget and bring forward \$10,000,000.00 in the Tourist Development Fund reserves to purchase the San Roy Property**

Motion by Vice-Chairman Glidewell, second by Commissioner Anderson, to open the Public Hearing.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

Motion by Vice-Chairman Glidewell, second by Commissioner McCormick, to approve and authorize the Chairman to sign a resolution (2021-155) to amend the FY 2021-22 budget and bring forward \$10,000,000.00 in the Tourist Development Fund reserves to purchase the San Roy Property.

Ms. Morano thanked the board for purchasing the property.

Mr. Bagby asked for clarification for which reserve account the funds would be taken.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

Motion by Commissioner McCormick, second by Vice-Chairman Glidewell, to close the Public Hearing.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

COMMISSIONER BOOTS MCCORMICK, DISTRICT ONE

- 35. Portland Community Center**

Commissioner McCormick stated the Portland Community Center needs repairs. Public Works staff assisted in a walk-through and estimated \$50,000.00 in repairs are needed. He requested to transfer funds from D1 Recreational Plat Fees for the project.

Motion by Commissioner McCormick, second by Commissioner Anderson, to transfer \$50,000.00 from D1 Recreational Plat Fees to be used for repairs at the Portland Community Center.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

36. Proposed Freeport Community Center

Commissioner McCormick addressed the need for a community center in Freeport and requested the currently vacated suites in the Freeport Business Park be repurposed for a community center. He requested to appropriate \$15,000.00 from D1 Recreational Plat Fees to make the necessary building revisions.

Motion by Commissioner McCormick, second by Vice-Chairman Glidewell, to appropriate \$15,000.00 from D1 Recreational Plat Fees for the purpose of revising the suites at Freeport Business Complex for a community center and allow staff to draft the necessary documentation and present it at the next meeting for approval.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

37. South Walton Little League batting cages

Commissioner McCormick advised the board of the need for new batting cages and requested to transfer \$50,000.00 from D1 Recreational Plat Fees to purchase them. Commissioner Anderson stated he would like to donate an additional \$15,000.00 from D5 Recreational Plat fees. Public Works will provide in-house assistance.

Mr. Kyle Boyer, Board of Directors, thanked the board and stated this will be tremendous for the kids. The team members introduced themselves to the board.

Mr. Travis Hamilton, Board of Directors for the South Walton Little League, stated there were 500 participants who registered last year and this year they expect approximately 800 with the growth they have seen. He voiced his appreciation to the board for their continued support.

Mr. Peter Russell stepped up and donated an additional \$5,000.00 to the Little League.

Motion by Commissioner McCormick, second by Vice-Chairman Glidewell, to transfer \$50,000.00 from D1 Recreational Plat Fees and \$15,000.00 from D5 Recreational Plat Fees to purchase batting cages for the South Walton Little League and instruct Public Works and Parks and Recreation to provide in-house assistance for installation.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

38. Discussion of possible changes to commercial boat launch permit process (Ordinance 21-35)

Motion by Commissioner McCormick, second by Vice-Chairman Glidewell, to draft language amending ordinance 2021-35 requiring all commercial fisherman to retain a permit for both their truck and their vessel and to reduce the liability insurance from \$500,000.00 to \$100,000.00.

Ms. Hinote will work on drafting the amendments and present the changes back at a later date.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

COMMISSIONER TREY NICK, DISTRICT FOUR

Commissioner Nick did not present any items for discussion.

COMMISSIONER TONY ANDERSON, DISTRICT FIVE

Commissioner Anderson thanked Mr. Jones for his years of service to Walton County with over 20 years between his service as a former commissioner and County Administrator. He has provided much guidance to new commissioners throughout his years.

Commissioner Nick also thanked Mr. Jones for his leadership.

Mr. Jones thanked the commissioners for their support.

Chairman Barker presented Mr. Jones with a plaque in honor and recognition of his service.

VICE-CHAIRMAN DANNY GLIDEWELL, DISTRICT TWO

39. Update on trash collection baskets on beach - Continued

40. Ghentsville Park funding

Commissioner Glidewell stated staff is trying to finish this phase of the park in order to complete the FRDAP Grant to apply for the next grant. He stated they need \$50,000.00 to complete the project. Ms. Thomason advised him the money is in the budget.

Motion by Vice-Chairman Glidewell, second by Commissioner McCormick, to transfer \$50,000.00 from the District Capital Improvement Fund for the completion of work at the Ghentsville Park.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

Commissioner Glidewell also thanked Mr. Jones for his years of service.

CHAIRMAN MICHAEL BARKER, DISTRICT THREE

Commissioner Barker stated he had reached out to the Institute for Senior Professionals regarding the county's strategic plan. He had to reschedule that meeting and will come back to the board with information when it is available.

CITIZEN REQUESTS

41. **William Gibson - Request approval to close a portion of C.R. 30A from the 4-way stop at C.R. 283S to Grayton Beach State Park from 6:55 am to 8:00 am and close DeFuniak Street from 6:55 am to 8:45 am on Saturday, April 16, 2022 and for the 2022 Grayton Easter Race**

Mr. Gibson presented the request regarding the road closures.

After much discussion regarding the request for road closures during Spring Break and Easter Weekend, the board requested Mr. Gibson to reconsider the dates and come back before the board with a new date for consideration.

OTHER PUBLIC COMMENTS

Ms. Morano voiced appreciation on behalf of the South Walton Community Council and thanked the board and Mr. Jones for caring about the community. She also voiced the need for a community center in south Walton. Commissioner Glidewell stated there is a nice building located at Padgett Park that can be used by the community.

Ms. Donna Johns advised the board of new property for sale in Miramar Beach that could be used for a parking garage. It could possibly be used for a community center along with parking and some green area. She also asked for an update on any work taking place on the crosswalks on old Highway 98. The board directed her to speak with Mr. Chance Powell.

PLANNING AND DEVELOPMENT SERVICES

LEGISLATIVE ITEMS

There were no legislative items.

QUASI JUDICIAL ITEMS

42. **Watersound Camp Creek Phase 2A Plat - Request to approve by final plat.** Project number PLA21-000038 is being reviewed by Renee Bradley. This is a plat application submitted by Innerlight Engineering Corporation on behalf of Camp Creek Residential Development LLC requesting to plat 49 single family lots and associated infrastructure as Phase 2A of Camp Creek Residential on 27.79 +/- acres with a future land use of Bay Walton Sector Plan Village Center and a zoning district of Bay Walton Sector Plan Village Center. The property is in District 5 and located from the intersection of East U.S. Highway 98 and S Watersound Pkwy, identified by parcel number(s) 22-3S-18-16000-001-0030. Staff found the project to be consistent with the LDC and Comp Plan. (Exhibit 1: Staff Report)

Attorney Atkinson administered the oath to those intending to speak during the quasi-judicial hearings.

Ms. Renee Bradley, Planner, presented Watersound Camp Creek Phase 2A Plat. The project has 263 lots. This is the 4th plat and all fees have been paid.

Mr. Ryan Price appeared on behalf of Mr. David Smith, applicant, to answer questions.

Motion by Vice-Chairman Glidewell, second by Commissioner Nick, to approve Watersound Camp Creek Phase 2A Final Plat.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson
(Exhibits: Staff Report – 1) (No Ex Parte was submitted)

43. **Estates at Hidden Palms Plat - Request to approve by final plat.** Project number PLA21-000037 is being reviewed by Stephen Schoen. This is a plat application submitted by Innerlight Engineering on behalf of Estates at Hidden Palms requesting to develop 7 single family lots on 1.25 +/- acres with a Future Land Use of Residential and a Zoning District of Neighborhood Infill. The property is in District 5 and the property is located approximately 13 miles west from the intersection of U.S. Highway 98 and Highway 331 to Miramar Court and is located on the east side and can be identified by parcel number(s) 30-2S-21-42440-000-0010, 30-2S-21-42440-000-0020, 30-2S-21-42440-000-0030, 30-2S-21-42440-000-0040, 30-2S-21-42440-000-0050, 30-2S-21-42440-000-0060, 30-2S-21-42440-000-0070, 30-2S-21-42440-000-0080, 30-2S-21-42440-000-0090, 30-2S-21-42440-000-0100, 30-2S-21-42440-000-00A0. Staff found the project to be consistent with the LDC and Comp Plan. (Exhibit 1: Staff Report)

Mr. Stephen Schoen presented the final plat for approval. All of the necessary approvals have been approved. Stormwater is located adjacent to both rights of way. He stated this is a minor development.

Commission McCormick asked how much physical work had already happened with the project. Mr. Schoen stated the infrastructure had already been put in place.

Discussion followed regarding minor development plats being presented to the board after the fact that construction has already begun. He felt the board needs to be allowed input during the process and requested staff look into making changes to the process.

Motion by Vice-Chairman Glidewell, second by Commissioner McCormick, to approve Estates at Hidden Palms Final Plat for recording.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson
(Exhibits: Staff Report – 1) (No Ex Parte was submitted)

44. **Parkside Subdivision PUD - Request to approve by final order. Project number MAJ20-000010 is being reviewed by Bob Baronti. This is a major development order submitted by Dewberry on behalf of Ashwood Development, requesting to construct a 141-lot residential subdivision and 3,750 SF of Commercial on 22.36 +/- acres with a future land use of Residential and zoning district of Neighborhood Infill. The project is located approximately 3,800' southwest of C.R. 30A and U.S. Hwy 98 intersection and is identified by parcel number(s) 32-2S-20-33000-005-0000. (Exhibit 1: Staff Report)**

Mr. Carpenter provided the background on this project stating this development was previously approved and has been in litigation a couple years. A settlement was reached and is now being presented for approval. A requirement of the settlement agreement was to bring the final site plan to the board for final approval. The plan has been reviewed against the current LDC and Comprehensive Plan and meets the requirements.

Attorney Dana Matthews appeared before the board on behalf of the applicant, Ashwood Development Company. He gave an overview of the project's location and process. The project was originally approved for 85 single-family lots, 40 duplexes, 16 condos and a 53,000 square foot 4-story building for commercial and retail. After approval a lawsuit ensued over the project which lasted over a year in which the county and the applicant prevailed. The case was appealed through the First District Court. The DCA sent the project back for Judge David Green to consider three issues in which a settlement was reached. The differences existed over the intensity of the 53,000 square foot building. Attorney Matthews stated after discussions with the parties involved, they went back before the Planning Department where they agreed to

reconfigure the project allowing for 141 single-family lots and to reduce the building to 3,750 square foot neighborhood commercial retail space and a 3,000 square foot amenity building for the HOA and an amphitheater. They also created a 25' buffer from Tops'l State Park which abuts the project on two sides. The buffers were increased from 10' to 25' with a 10' landscape buffer. The PUD requirements have been met to include the tram stop, pedestrian sidewalk connectivity, and pedestrian crossing will still be part of the project. The stormwater plan was revised to be consistent with the new layout and has been approved by staff. Mr. Matthews stated he is asking the board's approval of the revised development order and authorize the Chairman's signature on the settlement agreement.

Chairman Barker asked about the sidewalks. Attorney Matthews stated they will be adding sidewalks and not using the sidewalk buyout.

Commissioner McCormick questioned if the project complies with today's standards since it was originally approved in 2017. Mr. Carpenter stated it meets the requirements of the current code. Commissioner McCormick also raised questions regarding the trolley. Mr. Carpenter stated the original plans created a transit stop and some of the turns are located within the county right of way. Therefore, a right of way agreement was created providing the plans and submitted it for approval. There is a condition of approval for that portion of the improvements to come back in the form of a right of way agreement for approval upon completion after the first of the year. Commissioner McCormick questioned the technical review comments stating the stormwater was non-compliant. Attorney Adkinson stated they are paying the proportionate fair share because it does not meet transportation concurrency. Mr. Bob Baronti, Planner, stated there was a minor detail to be resubmitted. It passed the stormwater and meets all code requirements. Ms. Ward, P.E. provided a thorough and complete review of the project and signed off stating it complies and all code requirements have been met.

Discussion was held regarding collection of the proportionate fair share funds. Mr. Baronti stated it would be paid at the time of platting. Discussion was also held regarding the width of the streets and how narrow they are. Mr. Cliff Knauer stated the streets are 21 feet wide and they eliminated 46,250 square feet of commercial, increased buffer setbacks along the Cypress Phase II side, increased buffers along Tops'l and opened up the site with the large amphitheater. He stated 21 foot is adequate. He explained that there are various layouts for each home and the parking varies for each type of home. There are an additional 25 spaces throughout the development for additional parking. Mr. Knauer stated there are three parking spaces per three-bedroom home. There is no on-street parking. He stated that emergency vehicles will have ample space to travel through the project.

Attorney Matthews advised of the seven conditions in the staff report and stated his client has accepted those conditions as part of the development order approval. He also stated that this project has been back before staff on numerous occasions as changes were made in order to get changes approved at each level. Attorney Matthews requested to move into evidence the application by Dewberry, inclusive of all exhibits, staff report and settlement agreement. (Applicants Composite Exhibit - 2)

Motion by Commissioner Anderson, second by Commissioner Nick, to approve Parkside Subdivision PUD by Final Order and authorize the chair to sign the settlement agreement.

Ms. Johns requested the board not allow the traffic buyout. She stated there are only two parking spaces for three bedrooms. She also voiced concern with setbacks and the width of the roads being allowed. She felt the county should stop granting variances and live by the rules of the code.

Mr. David Peebles stated this is a major project and the county needs to make sure it is done properly. He voiced great concern with setbacks stating the variance is dramatic by what is required by the LDC. He felt it violates the terms of the settlement agreement.

Ms. Lori Echols questioned ingress and egress for the project and voiced concern regarding the amount of traffic this project is creating.

Mr. Tom Cordi voiced his confusion over the projects changes and the short notice received by residents during a holiday season when many are traveling and cannot be present. He stated the settlement agreement is not being complied with. He spoke about compatibility issues relating to the height of the homes and voiced concern with the staging area being next to Cypress Dunes homes. He too requested the board stop giving variances.

Commissioner McCormick questioned if the project must be approved prior to the settlement agreement. Attorney Adkinson stated if the project is not approved then the settlement will not need to be approved.

Mr. Rees Davis stated he lives in Cypress Dunes and said there has been no agreement or settlement in his community. Their community has doubled in size since this project was approved in 2017. He has asked for some things to assist in the mitigation of damages this project will cost to his neighbors. He voiced concern with construction and close proximity to the homes in Phase II of Cypress Dunes and requested a privacy fence be constructed as a requirement. He also requested the lay down yard be relocated to the north to mitigate the impact to the adjacent homeowners. He also asked for consideration be given to altering the entrance for construction on the project site.

There were no further public comments.

Mr. Knauer stated they are not asking for any variance but creating a PUD as was done with Phase I and II of Cypress Dunes. The setbacks are also the same as Phase I and II. Commissioner Glidewell felt the setbacks were a variance according to code. Mr. Knauer stated the variance process is completely different and spoke about the PUD process which allows reduced setbacks. He addressed several benefits by doing a PUD such as the transit stop, internal sidewalks, proposed underground power for the entire length of the project for landscaping and to add sidewalks along the front. He stated

they are also installing turn lanes. Discussion was held regarding the trolley stops being in county right of ways.

Chairman Barker stated the benefits to the public, which are outlined, are benefits to the residents, not the public. Mr. Knauer stated at one time it was proposed to create a connection to Cypress Phase II, but that was removed upon request of Cypress Phase II residents. He stated they also increased the buffer to 10 feet on their side and 20 feet on the new project. In addition, there will be a 25-foot setback around the Tops'l property. He clarified there are two entrances to the project both being ingress and egress.

Commissioner Glidewell questioned the architectural design benefits. Mr. Knauer stated the covenants and restrictions will control the architectural requirements of the development and is unsure the PUD has anything to do with the architectural designs of the project. The maximum footprint of any home in the project is approximately 1650 square foot which is similar to Phase II. He agreed to moving the staging area.

Attorney Steve Hall, Land Use Attorney for Walton County gave an overview of why the revised plan is back before the board and stated the board can either approve or deny the revised plan. Should it be denied, the 2017 development order would go back before Judge Green for review. DCA stated Judge Green could consider some Comp Plan compliance issues not previously reviewed by the Judge. If this is not approved, then the original more intense development order approved by the board in 2017 will go back before the Judge. He advised the applicant has attempted to please the concerns of those challenging parties with the current development order. Attorney Adkinson stated if the Judge approves the original 2017 D.O. then it would not come back to the board for any further approvals. If he accepts the plaintiff's argument then there would be a few options the board would be able to consider, but it would be back under the 2017 standards for approval. The less intense plan satisfies the concerns of those individuals who appealed the original D.O. as well as staff according to the comp plan and LDC compliance.

Commissioner Glidewell commented he does not see this as any improvement and it still requires accepting the smaller setbacks and parking.

Commissioner Barker stated he would have liked to have had those individuals with concerns here today. He felt the developer could have worked out some of the issues with them.

Attorney Matthews spoke about the benefits of the approved PUD. He stated it went before Judge Green with five experts testifying. Judge Green's order dealt with compatibility after making a site visit inspection himself. In the final judgement he stated the project is compatible with every plat within a 1/4 mile and was not overturned on appeal. He spoke about the three items that went back on appeal and stated if it goes back to Judge Green it would not be what the neighbors want. If it goes back, he feels the Judge may go with the old plan. They meet the road width and parking requirements. They are willing to move the staging area and the developer is not

required to put up a fence. He stated the property owners are allowed to put up their own privacy fence. The right of way agreement was part of the old D.O. which they have worked out as one of the seven conditions they agreed to.

5-0 by the following votes:

Ayes: Commissioner Nick, Commissioner Anderson, Chairman Barker, Commissioner McCormick, and Vice-Chairman Glidewell

Commissioner Glidewell stated he reluctantly voted for approval.
(Exhibits: Staff Report – 1) (No Ex Parte was submitted)

45. **Ashwood Development Settlement Agreement** - Request to approve and authorize the Chair to sign the settlement agreement related to the Parkside Subdivision PUD. The settlement agreement has been reviewed by our Land Use Attorney, Steve Hall, and provides details for the major development order submitted by Dewberry on behalf of Ashwood Development, requesting to construct a 141-lot residential subdivision and 3,750 SF of Commercial on 22.36 +/- acres with a future land use of Residential and zoning district of Neighborhood Infill. The project is located approximately 3,800' southwest of C.R.30A and U.S. Hwy 98 intersection and is identified by parcel number(s) 32-2S-20-33000-005-0000.

Motion by Commissioner Anderson, second by Commissioner Nick, to approve and authorize the Chair to sign the Ashwood Development Settlement Agreement.

5-0 by the following votes:

Ayes: Commissioner Nick, Chairman Barker, Commissioner McCormick, Vice-Chairman Glidewell, and Commissioner Anderson

ADJOURN

There being no further discussion, the meeting was adjourned at 1:07 p.m.



Michael Barker, Chairman

Attest: Alex Alford, Clerk of Court and County Comptroller