

JANUARY 12, 2016 – WORKSHOP

The Board of County Commissioners, Walton County, Florida, held a Workshop on January 12, 2016 at 2:00 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; and Attorney Mark Davis, County Attorney; were also present.

Chairman Comander called to order the Workshop to discuss post-season beach vending.

Mr. Brian Kellenberger, TDC Beach Activities Director, discussed the FY 2015 Beach Code Enforcement Activity Report. He reviewed the Total Contacts by Category, Total Activity Type by Category, Total Activity Type by Category and Officer, 2015 Complaints by Category, Complaints by Complainant, Violation Complaint Log, 2015 Beach Vendors List, and Wildlife Ordinance Violation Complaint Log. There were 14,560 Code Enforcement contacts relating to beach activities. There were 106 complaints filed by 57 different complainants which was a 36% increase in the number of complaints compared to 2014. He described the process which is followed by officers when a possible violation is noticed. Mr. Kellenberger presented the 2015 Beach Vending Code Revisions Update. The adopted revisions include: 1. Lifeguard corridor (Chapter 22, Section 60); 2. Turtle monitor program beach clearance times; 3. Delineation of vendor zones on public beaches in both Regional and Neighborhood beach accesses; and 4. Insurance requirement. He reported a beach activities workshop was held and topics such as the 50% rule in regards to Section 22-60(d)(8), handicapped zones, early set up of beach equipment, turtle monitoring text program, vendor practices, early set-up/ghost sets, temporary parking at

neighborhood beach accesses, non-compliant storage boxes, and a RFP for vendor services at public beaches were discussed. He discussed the recommended revisions to Section 22-60(d) (8&10): Vendor zones on public beaches associated with neighborhood beach accesses and the conflict with upland property owner written authorization; Section 22-60(b) (1): Storage of equipment at the toe of the dune; and Section 22-60(a): Beach vendor management.

Commissioner Meadows asked when and why Section 22-60(d) (8) was included in the ordinance. Mr. Kellenberger stated it was included around 2003 due to the beach nourishment project at the west end of the county. Commissioner Meadows asked for the number of people who objected to vending on private property. Mr. Kellenberger reported 23 people have submitted written correspondence stating they have not given authorization to vendors to vend on their property. Commissioner Meadows asked how many properties would be affected by vending. Mr. Kellenberger said he did not have the information for the number of properties adjacent to public beaches, but there are 30 vendor zones on 22 Neighborhood Beach Accesses. He discussed the communications with property owners during the zoning process. Commissioner Meadows asked why the property owners were not notified. Mr. Kellenberger said due to the summer season having started at the time of adoption, the delineation was begun without notice to property owners. He said had there been more time, notice would have been sent. He said there were some property owners who approved of vending on their property.

Commissioner Jones clarified the delineation worked well on the Regional Beach Accesses, but issues were raised at the Neighborhood Beach Accesses. Mr. Kellenberger agreed and discussed solutions which were used to resolve the issues.

Commissioner Imfeld asked how many property owners submitted written notifications authorizing vending. Mr. Kellenberger said he did not receive written notification, he only

received verbal authorization. He said some property owners had misinterpreted the clause and wished to only allow specific vendors. Mr. Kellenberger said the clause did not state the allowance of specific vendors. He said vendors on private property must have written authorization from the upland property owner.

Commissioner Meadows asked what the recommendations of the TDC Advisory Council were. Mr. Kellenberger replied the information was presented and approved as a whole.

Mr. Kellenberger continued discussing the recommendations and addressed Section 22-60(b) (1)-Storage of equipment at the toe of the dune. He spoke on the interpretation handed down by Attorney Mark Davis allowing the commercial vendor to store equipment at the toe of dune at public beach accesses provided it is to be rented the next day.

Mr. Kellenberger read and discussed the recommendations for Section 22-60(a)-Beach vendor management. He said a beach management plan would elevate the experience on the beach. He spoke on the recommendation to bid out the use of exclusive vending rights on public beaches, with rules and regulations to be followed by the vendor. He said the recommendation limits the vending to only one vendor per access.

Commissioner Imfeld noted the recommendations would limit the number of permitted vendors to 30 and asked how the vendors would be selected. Mr. Kellenberger said the recommendations would not eliminate the ability to vend, but would set exclusive rights to certain beaches. Commissioner Imfeld asked what the criteria would be to receive an award to vend at those locations. Mr. Kellenberger said the criteria would be based on the Beach Management Plan, the vendor's business plan, and unit/cost matrix. The Board requested a copy of the matrix for review. Discussion continued on RFP qualifications for vending services, vendor business plans, and enforcement of the vending ordinance.

Commissioner Chapman asked if the Neighborhood Beach Accesses were county owned. Mr. Kellenberger said they were and referred to Exhibit C which lists the accesses owned by the county. Commissioner Chapman discussed the Regional and Neighborhood Beach Accesses and asked if Section 22-60(d) (8) is being eliminated to allow vending on all Neighborhood Beach accesses. Mr. Kellenberger said if the Board chooses to approve the RFP/land lease to vendors, then Section 22-60(d) (8) would have to be addressed. Discussion continued on Section 22-60(d) (8), the time it would take to change the ordinance, and phasing in the changes beginning at the Regional Beach Accesses.

Several members of the audience spoke regarding the recommendations. Some addressed storage solutions, educating the vendors on the regulations, limiting the numbers of sites vendors are allowed to service, and how the changes would affect the contracts the vendors have signed with supply companies and customers. Some voiced opposition to eliminating Section 22-60(d) (8), limiting the number of vendors, and the overall Beach Management Plan as submitted.

Chairman Comander asked if the Board wished to hear this again at the February 9, 2016 Regular Meeting. Commissioner Imfeld said he wanted to review additional information before making a final decision. Mr. Kellenberger said the only document that would be submitted for review would be the Generated Revenue Assessment (matrix).

Commissioner Chapman suggested that County Legal determine if the Board has the authority to regulate vending at the Neighborhood Beach Accesses. He voiced concern that all legal issues needed to be vetted prior to making a final decision.

Commissioner Meadows requested a breakdown of the current vendors, their service locations, and the specific services they offer. She also requested a list of vendors requiring the use of bonfires, information on the number of properties needing vending authorization, and a

timeline to amend the ordinance and go out for RFP's. Mr. Kellenberger said he would meet with each individual Commissioner to discuss the issues upon request.

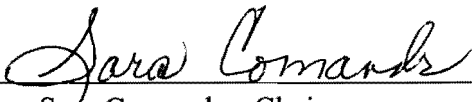
Chairman Comander suggested that if the changes could not be implemented this year, then a goal needed to be set to enact it prior to the 2017 season.


Commissioner Imfeld asked to review the RFP framework.

Commissioner Jones asked where the Beach Management Plan began. Mr. Kellenberger said the plan started with Code Enforcement staff and the complaints which were generated in 2014. It was discussed in the Destination Improvement Committee. Commissioner Jones suggested that a beach vendor be placed on the committee.

Chairman Comander asked to make available the vendor addresses to determine how many are based in Walton County.

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

Approved: 
Sara Comander, Chairman

Attest: 
Alex Alford, Clerk of Court and County Comptroller