

## **JANUARY 23, 2019 – WORKSHOP**

The Board of County Commissioners, Walton County, Florida held a Workshop on January 23, 2019 at 9:00 a.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida.

The following board members were present: Commissioner Tony Anderson, Chairman; Commissioner W. N. (Bill) Chapman, Vice-Chairman; Commissioner Danny Glidewell, Commissioner Trey Nick, and Commissioner Melanie Nipper. Mr. Larry Jones, County Administrator; and Attorney Sidney Noyes, County Attorney; were also present.

Chairman Anderson called to order the Workshop to discuss the Beach Activities Ordinance revisions. He stated the meeting would be limited to two hours as advertised.

Mr. Brian Kellenberger, Director of Beach Operations, presented the 2018 Beach Code revisions recommendations. He reported this is an annual process in order to maintain a peaceful atmosphere on the beach. He briefly discussed the different venues in which input was taken on recommendations for revisions.

Mr. Phillip Poundstone submitted a document detailing the South Walton Beach Service Association's (SWBSA) recommendations regarding a managed beach program and briefly discussed the recommendations which include, but not limited to: a pilot program at Ed Walline Regional Beach Access (RBA), a SWBSA attendant available at the accesses 7 days a week, leaving storage as is at the toe of the dune, and removal of vendor zones. Commissioner Glidewell asked how many members were a part of the association. Mr. Poundstone replied there were not a lot of members and the advertised meetings were poorly attended. He stated the larger vendor companies did attend and that he is working on behalf of all vendors.

Commissioner Chapman questioned if discussions had been held with Mr. John Reichenbach, South Walton Community Council (SWCC). Mr Poundstone said they had had

phone conversations and briefly discussed the concerns raised by both organizations. He felt a compromise could be reached between the organizations. Commissioner Chapman voiced concern with the general public's access to the public beaches and that beaches did not belong solely to the vendors. He spoke in opposition to the SWBSA's recommendation to remove vendor zones. Mr. Poundstone discussed the reasons for the recommendation. Commissioner Chapman voiced concern with ghost set ups by non-association members. Mr. Poundstone explained the recommended process all vendors must go through in order to set-up at a public beach access and stated chairs would not be set up by the attendant until the renters have arrived at the access. He also said that a TDC Beach Ambassador would be available at the access to insure proper set up.

Commissioner Glidewell expressed concern that a managed beach program should be implemented at each public beach access due to the issues with ghost set ups. Mr. Poundstone said, due to a small SWBSA board, he felt that a managed beach program could not be successfully implemented on all beaches during the 2019 season. Commissioner Glidewell expressed concern that a pilot program would not fix all the issues. Chairman Anderson discussed the benefits of a pilot program instead of implementing a managed beach program at all accesses. He said a pilot program will help to determine what will and will not work. Further discussion was held regarding the implementation and benefits of a pilot program versus the implementation of a beach management system at all accesses.

Commissioner Nipper thanked Mr. Poundstone for his recommendations and asked Mr. Kellenberger to discuss the Beach Ambassador Program. Mr. Kellenberger discussed the duties of the Beach Ambassadors as attendants at RBAs. He suggested using the pilot program at two RBA's and recommended designating Ed Walline RBA and Inlet Beach RBA as the program sites.

Commissioner Chapman asked what method would be used to determine which vendors would be allowed to operate at the accesses. Mr. Kellenberger discussed ways to make the determination; a bid process, vendor co-op, or a lottery. He addressed the different effects each method would have on the vending community. He indicated that with a vendor co-op the SWBSA would hold the agreement and that all vendors would have to agree with the terms of that agreement.

Commissioner Glidewell asked if a TDC Beach Ambassador would be at each access. Mr. Kellenberger replied there would be and discussed the duties the Beach Ambassadors would have.

Commissioner Nick questioned what possible problems could arise with a pilot program. Mr. Kellenberger stated he did not foresee any problems with the pilot program and discussed the problems the program would correct.

Mr. John Reichenbach, South Walton Community Council (SWCC), recommended the formation of a working group to work out the details and issues such as vendor zones and accountability. Chairman Anderson said the details would be worked out and the Beach Ambassador will have the last say regarding set up. He continued discussing the benefits to having one entity who would be held accountable. He said the same beach rules will be kept and that vendors will not be given a special advantage. Mr. Reichenbach voiced concern about the actions of vendors who were not a part of the SWBSA. Mr. Poundstone explained how all vendors will be required to submit information whether or not they were a member of the association. Discussion continued on the number of beach vendors currently on public beaches.

Commissioner Glidewell asked Mr. Poundstone if the SWBSA plan included any vending on the beach such as fires. Mr. Poundstone said special events, i.e. night time events, would not go through the association.

Commissioner Glidewell asked Attorney Noyes how the rules would be applied if a vendor was not a participant in the program. Attorney Noyes stated that Code Enforcement would enforce the regulations and explained how the program would work. She also addressed Mr. Reichenbach's concerns and said the terms of the agreements could be worked out to insure accountability and could be cancelled at any time. Mr. Reichenbach recommended a deadline to become a party to the program to insure that vendors are not added all year. Attorney Noyes said that provisions could be put in place for lease termination. Mr. Kellenberger agreed the provision was needed to keep vendors in line.

Commissioner Chapman noted the season starts next month and asked if this program would be ready in time. Mr. Kellenberger stated that it could be in place before the first of the summer season. He said direction regarding which revisions the board wished to consider needed to be given to legal staff and TDC staff. Attorney Noyes reminded the board that the purpose of this meeting was to collect input on what is to be included in a draft ordinance which could be brought back for review at the February 12, 2019 Regular Meeting and hold the Public Hearing/Adoption Hearing at the February 26, 2019 Regular Meeting.

Commissioner Chapman stated that vendors had been the main topic of discussion and questioned if the revisions to the ordinance would be discussed. Chairman Anderson stated yes.

Mr. Rich Jaffe, Historic Inlet Beach Association President, spoke in opposition to the pilot program for beach management. He briefly discussed the problems with ghost sets and eliminating vendor zones. Mr. Kellenberger addressed Mr. Jaffe's concerns and said there is no speculative vending on public beaches. He discussed how the vendor association program solves a lot of the problems. The county's goal is to have a managed product which is managed by the hour.

Mr. Chip Coble, owner of Beach Chairs for You, discussed problems with several seasonal sets at rental units and vendor zones. A brief discussion was held on the program submitted by Mr. Poundstone and how it would be applied with seasonal sets.

Commissioner Nick questioned if people were still bringing their own chairs and set ups to the beach. Mr. Coble stated there was. Commissioner Glidewell asked if he was a member of the SWBSA. Mr. Coble stated he was not because he felt the association was attempting to find a way to accommodate seasonal rentals on county beach. Commissioner Glidewell asked Mr. Coble if he would be interested in participating in a working group to resolve the issues. Mr. Coble stated he would be happy to participate.

Chairman Anderson discussed how the program would work on public beaches, but would not on private beaches. He voiced concern regarding the yearly rentals.

Attorney Noyes stated that it would be difficult to enforce whether or not a vendor has seasonal contracts. Further discussion was held regarding seasonal set ups on private and public beaches.

Mr. Benjamin Tipton spoke in opposition to the pilot program.

Attorney Noyes stated there are currently no rules against ghost sets. Mr. Kellenberger discussed ghost sets which were allowed because of the lack of storage at the toe of the dune.

Mr. Dave Meadows stated his vendor service has seasonal rentals at Inlet Beach. He spoke in opposition to a lottery, support of the pilot program, and eliminating vendor zones.

Ms. Heather Parillo spoke in support of the pilot program.

Ms. Karen Bennett spoke in support of the pilot program, but would like to see the cost proposal for the vendors. She also spoke in favor of eliminating vendor zones.

Ms. Barbara Morano spoke in favor of a managed beach program, but felt more information is needed. She recommended using multiple accesses for the pilot program and encouraged the county to charge the vendors a fee to use the beaches.

Mr. Rich Jaffe opposed the elimination of vendor zones and said the smaller accesses would suffer.

Mr. Joe Testa spoke in opposition of ghost sets and discussed the conflicts caused by the empty sets. He recommended the vendors compete for the right to use the public beaches.

Mr. Jim Bagby spoke in support of the pilot program and recommended review of the program after spring break to assess the effectiveness of the program. He reported that visitors request all day set ups, but come and go from their spots throughout the day making the set ups seem like ghost sets. He recommended the proposed plan be published prior to spring break to alert the public of the possible changes and to allow for additional input.

Ms. Lisa Boushy suggested using the middle zone for vendors and the seaward zone for public. Currently the area nearer the toe of the dune is designated for tents.

Mr. Bob Brooke spoke in favor of the pilot program.

Attorney Noyes requested direction on which changes should be implemented in the draft ordinance.

Mr. Kellenberger stated the information regarding the proposed changes was available for public review on the county's website. He submitted the revisions which were recommended by the TDC and its subcommittees. He briefly discussed the changes to the following sections: Section 22-31 Horses, dogs on the beach; Section 22-54 General use of the beach; Section 22-55 Obstructions on the beach; Section 22-57(d) Additional 50 permits in 2015; and Section 22-60 Beach Vendors. Some of the changes include adding the prohibition for transferring dog permits

to persons unable to receive permits, changing the times dogs are allowed on the beach, prohibition of tents on public beach and allow permitted tents on private beach. Commissioner Chapman voiced concern that the private property restrictions were not in the county's jurisdiction. Attorney Noyes stated the issue was researched and the requirement is legally reasonable. She said a part of the issue is the determination of the Mean High Water Line (MHWL). Discussion was held regarding the survey to determine the MHWL.

Mr. Kellenberger continued discussing the recommended revisions. He briefly discussed the beach vendor policy and the beach management program. He said a committee could be established to iron out the details and make further recommendations for the beach management pilot program. Chairman Anderson recommended a public workshop be held as soon as possible to gather public input.

Commissioner Nipper asked if this would be to begin the pilot program and voiced that the program needed to be started this year. Mr. Kellenberger said the terms and conditions would be worked out and that it was similar to a co-op program. He said information will be brought back regarding the number of accesses on which the program will be implemented. Further discussion was held regarding the SWBSA program recommendations.

Commissioner Glidewell said he would like at least two beaches to be used in the pilot program and would also like to see someone like Mr. Coble appointed to the committee. Discussion was held to determine when a public workshop could be held.

Attorney Noyes stated there would be no motions made at this meeting and requested the board inform her what they would like to see in the draft ordinance which will be presented at the February 12, 2019 Regular Meeting. Mr. Kellenberger stated a Public Hearing to consider the ordinance would be set at that meeting.

The board directed a committee be formed before the next BCC meeting for approval to review and make recommendations regarding a managed beach program.

Mr. Kellenberger discussed Section 22-60(b) (1)-Delivery vendor equipment storage. The recommendation is to prohibit storing equipment at the toe of the dune on public beach accesses. Section 22-60(d) (6)-Storage boxes for specific place vendors. This recommendation allows storage only in boxes and changes the distance between the boxes to 20'. Commissioner Chapman stated that equipment storage should either be in boxes or taken off the beach. Mr. Kellenberger stated the boxes work well with the specific place vendors.

Mr. Kellenberger stated there will be definition clean up in the language. He discussed Section 22-60(d) (8)-Upland property authorization and the conflict with this requirement. Commissioner Chapman discussed the establishment of (d) (8) when the western beach restored. Mr. Kellenberger stated this was added to the code to address objections regarding the restoration of the western beaches. It also affected public beaches on the C.R. 30A corridor. Commissioner Chapman questioned if the board should consider changing this to only apply to the area which has been restored. Attorney Noyes said the language could be amended to imply that it only applies to renourished beaches.

Mr. Kellenberger stated that the board would give TDC and Legal staff direction on which sections to be considered for revision at the February 12, 2019 meeting. The ordinance will be drafted and presented at a Public Hearing. Attorney Noyes stated the Public Hearing needed to be at least 10 days from February 12, 2019.

Mr. Bob Brooke addressed the time change for dogs on the beach and said it should have been kept at the Day Light Savings Time. He voiced concern with the revision regarding the unattended equipment on private beaches. He spoke on the 15' from the water's edge requirement



and requested to allow people to put chairs at the water line. He stated the leave no trace ordinance should address the holes on the beach. He spoke about the revision regarding tents on private property.

Mr. Poundstone commented that the pilot program could not be implemented given the schedule of required meetings. Commissioner Chapman strongly recommended that Mr. Poundstone work diligently to get everything in order because the pilot program would be started as discussed.

Mr. Larry Neville, Cabana Beach Services Seaside-private beach vendor, expressed concern with the 15' requirement. He spoke in favor of the managed beach program on public beaches. He voiced concern that trash is not being picked up on 40% of the beaches. Chairman Anderson stated that some private beach owners had disallowed staff from traversing the beach and the county would not violate the law to pick up their trash. Attorney Noyes announced that the attorney representing Seaside had begun the action to no longer allow trash pick-up by county staff. Discussion was held regarding the refusal of some private beach front property owners to allow county vehicles to cross their property. Mr. Kellenberger stated the 40% was determined by the areas the county cannot reach and said that the trash is being collected at the public beach accesses between Seaside and Eastern Lake.

Mr. Bagby voiced his support of the recommended changes to the ordinance and discussed how the MHWL is determined and that it does not change every day.


The board directed to strike the recommendations for the following sections: Strike Section 22-54(p) Holes; strike Section 22-54(q) Tents; Section 22-60(d) (8) as it applies to the areas that were not renourished. The board directed to move forward with the recommendations for the following sections: Section 22-55 Obstruction on the beach; Section 22-57(d) Additional 50

permits in 2015; Section 22-60(d) (6) Storage boxes for specific place permits. Commissioner Chapman suggested language be added for regulating the vending areas which would be affected by the removal of Section 22-60(d) (8). Mr. Kellenberger stated language is provided for the establishment of vendor zones on public beaches. He recommended to increase the frequency of the vendor zones and put them in to close proximity of the NBA points. Diagrams showing these points will be provided.

Chairman Anderson thanked everyone for their input.

There being no items to discuss, the workshop was adjourned at 11:25 a.m.

Approved:   
Tony Anderson, Chairman

Attest:   
Alex Alford, Clerk of Courts and County Comptroller