

AUGUST 9, 2005-REGULAR MEETING/LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, August 9, 2005 at 4:00 p.m. at the Walton County Courthouse.

The following Board members were present: Commissioner Kenneth Pridgen, Chairman, Commissioner Scott Brannon, Vice-Chairman, Commissioner Larry Jones, Commissioner Cindy Meadows, and Commissioner Rosier Cuchens. Mr. Ronnie Bell, County Administrator, Attorney Gary Hallman, Legal Services Director, and Ms. Martha Ingle, were also present. Prophecy

Commissioner Cuchens led with prayer followed by the pledge of allegiance to the American Flag. Chairman Pridgen called the meeting to order.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the consent agenda consisting of the following items. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

1. EAL Approval

General Fund	\$ 709,400.44
County Transportation	\$ 26,304.95
SHIP	\$ -
Fine & Forfeiture	\$ 77,350.30
Debt Service Hospital	\$ -
Mosq. Control State	\$ -
Mott Sign Grant	\$ -
Section 8 Housing	\$ 107,912.19
Tourist Dev. Council	\$ 1,232,886.60
N.W. Mosquito Control	\$ 287.83
W. Co. Library	\$ 3,701.25
Recreation Plat Fee	\$ -
Public Safety- 911	\$ 12,022.08
Solid Waste Enterprise	\$ 2,208.96
Mossy Head VFD	\$ 699.93
Glendale VFD	\$ 71.41
Darlington VFD	\$ 547.37

Red Bay VFD	\$	332.22
Preservation	\$	-
Sidewalk Fund	\$	-
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-
Driftwood Debt Service	\$	-
Criminal Justice Ed Fund	\$	-
Bldg Dept/Enterp. Fund	\$	3,170.16
Capital Projects Fund	\$	-
Imperial Lakes MSBU	\$	-
Totals	\$	2,176,895.69

2. Approve Minutes of July 07, 2005-Budget Workshop  
     July 08, 2005-Budget Workshop  
     July 14, 2005-Special Meeting
3. Approve resolution (2005-61) to amend the budget for unanticipated grant revenues for the Community Emergency Response Team
4. Approve resolution (2005-62) to amend the budget for reimbursements from FEMA for Hurricane Ivan
5. Approve contract for the 2005-2006 Shelter Retrofit Grant Agreement from DCA to install shutters and generators for the shelters
6. Approve the 2005-2006 Hazard Material Hazardous Analysis Update Grant contract from DCA
7. Approve Amendment Number 4 to the Workfare Program Contract with the Agency for Workforce Innovation
8. Approve the 2005-2006 Florida Recreation Development Assistance Program Grant Agreement with DEP for the development of Wee Care Children's Park Phase III
9. Proclamation declaring August as "Walton County Firefighters Appreciation Month"

Chairman Pridgen called to order the advertised Public Hearing to consider adoption of an ordinance granting a franchise agreement to Knology to construct, operate and maintain a cable communication system in Walton County.

Mr. Weldon Fichtner, Regional General Manger for Knology, was present to answer any questions.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Jones, to adopt an

ordinance (2005-26) granting Knology a cable television franchise. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Brad Pickel, Beach Management Director, addressed the Board and presented results for an emergency bid contract for the reconstruction of 21 boardwalks utilizing previous designs and details. In addition to the bids, Mr. Pickel also submitted estimates for two bid alternates. Bid alternate #1 differed from the original bid in use of pressure treated wood decking in lieu of trex decking; the second bid alternate differed in the construction of aluminum retractable walkovers instead of the normally designed structures. Mr. Pickel reviewed the bid schedules submitted by Floridian Construction, Inc., and Schipperds Marine Construction, Inc. Floridian Construction's estimates for the bid and bid alternate #1 totaled \$417,321 and \$397,057.37, respectively. Estimates submitted by Schipperds Marine Construction for the original bid and bid alternate #1 were \$425,020.50 and \$411,822, respectively. Neither company completed an estimate for bid alternate #2. Mr. Pickel explained that he discussed the use of aluminum retractable walkovers with two separate companies, but felt that further exploration of the concept was needed. He stated that he was informed by one company that it would take at least four persons and up to eight hours to retract one boardwalk. Mr. Pickel informed the Board that FEMA would reimburse the County 75% of the costs of replacing similar structures. Mr. Pickel noted that after the reimbursement, the difference to use trex decking would be approximately \$5,000. Mr. Pickel also discussed the options of placing additional sand on the dunes to access the beach or utilizing a blow out panel design. He stated that the options would be further reviewed to bring back recommendations for the remaining boardwalks.

TDC's recommendation was to award the bid to construct 21 boardwalks using trex decking to Floridian Construction, Inc. in the amount of \$417,321.

Commissioner Brannon urged Mr. Pickel to encourage Floridian Construction to purchase materials at local hardware stores.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve TDC's recommendation and award the contract to Floridian Construction, Inc., in the amount of \$417,321. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Pat Blackshear, Growth Management and Planning Director, requested authorization to prepare an amendment to the Land Development Code to bring advertising requirements into consistency with state statutes. She explained currently LDC amendment advertising requirements exceed state statute requirements placing an undue burden on planning staff.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the request and grant the Planning Department authorization to prepare an amendment for advertising requirements. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear requested that the Board extend previously approved emergency protective measures to shore up buildings damaged by Hurricane Dennis. This provision, allowed by FS 161, and FAC 62 B., requires emergency measures to take place within 30 days of the original erosion event. It further provides for an additional 30 days extension if approved by the local political subdivision.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve

the request to extend emergency protective measures. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Attorney David Hallman requested direction from the Board regarding the Sea Turtle Monitoring Contract. He explained that the South Walton Turtle Group Watch, Inc., was a volunteer organization providing turtle monitoring services to the County. The cost of meeting contractual insurance requirements is prohibitive to this volunteer organization. The services provided by SWTGW, Inc., which are mandated under the Endangered Species Act, are not readily available for any other source in Walton County. Mr. Hallman requested guidance as to whether to increase compensation to the SWTGW to reimburse for cost of insurance required under the contract.

Motion by Commissioner Jones, second by Commissioner Meadows, to authorize Legal Services to increase compensation to the South Walton Turtle Watch Group, Inc., to reimburse for cost of insurance required under the contract. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Hallman advised that there was an outstanding invoice from 2WR, jail design consultant, in the amount of \$115,255.53, plus statutory interest. He stated that the line items had been reviewed and the amount was legitimate. The payment would include the basic fee for professional services, loss of profit on construction administration element, out of pocket costs, and cost of rebid. Mr. Hallman recommended that the Board authorize the payment of \$115,255.53 plus interest, in which 2WR was entitled.

Motion by Commissioner Brannon to table the issue until the next meeting and direct Legal Services to proposition 2WR to forgo the interest if the County agreed to pay the service debt.

Commissioner Jones suggested that the motion be amended to include authorizing the payment if 2WR accepted the offer to forgo the interest.

Commissioner Brannon amended the motion to include authorizing payment if the negotiation was accepted by 2WR. Commissioner Meadows second the motion. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Attorney Hallman informed the Board that the following names were submitted by the Judicial Nominating Commission of the First Circuit to the Governor in regards to the Walton County Circuit Judge vacancy—John Brown, Mark Davis, Magistrate Howard Laporte, Nicholas Peterson and Kenneth Riddlehoover.

Mr. Ronnie Bell gave an update on the proposed sale of 15.5 lots between 5<sup>th</sup> and 2<sup>nd</sup> streets in DeFuniak Springs, currently owned by Mr. Robert Barley. He stated that the property was surveyed by the staff Environmental Engineer, concluding that approximately 90 percent of the subject property contained wetlands jurisdictional to ACOE and FDEP. No action was taken by the Board to proceed with the purchase of the property.

Mr. Bell turned the floor over to Mr. Dewey Wilson, CEO of Regional Utilities, to give an update on the Gulf Trace septic tank issue. Mr. Wilson proposed that the County advance Regional Utilities \$400,000 to provide water and sewer installation throughout the Gulf Trace subdivision. He said that hook up wouldn't be mandatory, because some residents preferred septic systems. He said that the Bond Council would prepare a resolution in the future to bond the project and repay the County. Mr. Wilson informed that an adjacent community on Bannerman Lane was also interested in water and sewer installation. He said that if the Board approved to expand the program to both

communities, the cost might exceed \$400,000.

Mr. Bell recommended that the Board approve the proposal presented by Mr. Wilson.

Motion by Commissioner Meadows, second by Commissioner Brannon, to advance \$400,000 +/- to Regional Utilities to provide sewer and water installation to both communities, with discretionary residential hook up. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Bernie McHugh voiced dissatisfaction that those opposed to the issue were never contacted by Commissioner Meadows.

Mr. Bell continued to his next issue, advising the Board that only one respondent vendor was received for the bid to sale surplus property in New Harmony. He recommended that the Board approve awarding the bid to Allen Fowler, adjacent property owner, in the amount of \$3,050.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the recommendation and award the bid to Allen Fowler in the amount of \$3,050. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Bell submitted information on the request for proposals for the development of the Mossy Head Industrial Park, noting that responses were received from The Weld Shop and Turkey Creek Realty. He stated a review of the responses was conducted and both respondents received minimal scores from each review team member, leading to a recommendation to the Board to reject both proposals.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the recommendation and reject both proposals. Ayes 5, Nays 0. Jones Aye, Brannon

Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Commissioner Jones requested that the Board direct staff to keep particular individuals informed of the activities pertaining to the industrial park.

Mr. Bell requested that the Board appoint one commissioner to serve on the Tri-County Community Council in place of Commissioner Cuchens as he was unable due to obligations to other boards.

Motion by Commissioner Meadows, second by Commissioner Jones, to appoint Chairman Pridgen to serve on the Tri-County Community Council. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Bell turned the floor over to Mr. Rick Milliard, Construction Manager, to discuss quotes for roof repairs to the Record Storage/Public Defender's Facility located at the old SunTrust Bank. Mr. Milliard addressed the Board and presented proposals submitted by Michael E Warren, Inc. and Freeman Roofing Company. Mr. Milliard stated that both companies had excellent references, but noted there was a substantial price deviation. He recommended that the bid be awarded to the lowest bidder, Michael E. Warren, Inc., in the amount of \$25,900.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the recommendation and award the bid to the lowest bidder, Michael E. Warren, Inc., in the amount of \$25,900. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Ms. Ingle commended Mrs. Williams and Mr. Milliard on behalf of her staff for their assistance in expediting the process to repair the roof.

Chairman Pridgen requested the Board's consideration of establishing a

committee to review affordable housing and attainable housing. He felt that this was an issue that was going to affect the entire county. It was the general consensus of the Board to direct Mr. Ken Little, Citizens Services Director, to reactivate the current appointed Affordable Housing Committee to review various concepts and ideas. Commissioner Meadows stated that she would be interested in being involved with the committee. Mr. Hallman stated that he would also like to be involved with the committee, serving as Lead Council. Chairman Pridgen urged the committee to attain input from different communities and municipalities.

Commissioner Meadows addressed a request from the Grayton Beach Neighborhood Association to approve the closure of Lydia Street in Grayton Beach for an annual street dance on October 8, 2005 and April 28, 2006 between 5:00 – 8:30 p.m.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the request for closure of Lydia Street on October 8, 2005 and April 28, 2006 between 5:00 – 8:30 p.m. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Commissioner Meadows presented a request from Ed Moreau that the County place oyster shells on the roads in Gulf Cemetery. Ms. Meadows stated that County Road Crews used to maintain the cemetery roads, but now it required BCC action and approval to continue.

Attorney Hallman advised the Board that a public hearing should be scheduled and advertised to consider the request for all cemeteries.

Motion by Commissioner Meadows, second by Commissioner Brannon, to schedule a public hearing. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye,

Pridgen Aye, and Meadows Aye.

There being no further comments, the Board recessed the Regular Meeting.

The Board reconvened into Land Use Hearing and Chairman Pridgen called to order the advertised public hearing to consider an agreement between Walton County and William Welch and approval of the following final plats: Tranquility by the Bay, L & B Office Center, Miramar Palms, Mussett Bayou Estates, Woodlawn Business Park, Waterside at Inlet Beach Phase II, Cypress Breeze Plantation Phase IV, Opus, West Shore, and Coastal Grove. A composite exhibit consisting of planning reports for all the above stated items was entered into the record.

Prior to addressing land use issues, Mrs. Pat Blackshear, Growth Management & Planning Director, announced that the Department of Community Affairs had extended an offer to Walton County to participate in a Pilot Program regarding school concurrency.

Mrs. Blackshear proceeded to address the items listed on the agenda, beginning with an agreement between Walton County and William Welch. The agreement pertains to conditions of the development known as Tranquility by the Bay, consisting of (1) the relocation of Nursery Road, (2) the County to adjust the centerline of the road following the relocation, (3) the land to be deeded to the appropriate property owners prior to construction of the project, and (4) other related issues.

Mr. Hallman stated for the record that the developer agreed to all conditions recommended by staff.

Attorney Dana Matthews, representing the applicant, addressed the Board and stated he had met with Mr. Hallman and an agreement had been reached.

No action was needed regarding the agreement.

Mrs. Blackshear stated that the final plat for Tranquility by the Bay met all minimal technical standards of the Walton County Land Development Code and Comprehensive Plan. Staff recommended approval with the conditions described in the final order; the Planning Commission also recommended approval.

Commissioner Cuchens recalled that the Board had requested the developer to meet with the residents to sign off on the developer order. Attorney Matthews said that he didn't recall being advised to have the neighbors sign off on the developer order. He assured Mr. Cuchens that he would meet with Mr. Fisher and Mr. Mueller to review the development order and process before any clearing took place.

Motion by Commissioner Brannon, second by Commissioner Jones, to approve the final order for Tranquility by the Bay for recording including conditions described in the final order. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for approval of the final plat for L & B Office Center of South Walton Business Center PUD. The plat consists of five 800 sq. ft office spaces for a total of 4,000 square feet. Mrs. Blackshear stated that the plat met all minimum technical standards of the LDC and Comp Plan.

Mr. Darrell Barnhill was present to represent the applicant.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the L & B Office Center final plat for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for approval of final plat for Miramar Palms.

Mr. Barnhill proposed a 10 unit townhome plat located approximately 300 feet west of the intersection of Holiday Road and Bachelors Button Road in Sandestin. Mrs. Blackshear stated that the plat was consistent with the LDC and Comp Plan.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the final order for Miramar Palms for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for final plat approval for Mussett Bayou Estates. Centurion Companies, owner, and Emerald Coast Associates, agent, proposed a 24 lot single-family subdivision located on the west side of Mussett Bayou Road, south of and adjacent to River Bend Subdivision. Mrs. Blackshear stated that the project met all requirements of LDC and Comp Plan.

Mr. Dean Burgess, representing the applicant, was present to answer questions.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the final plat for Mussett Bayou Estates for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for final plat approval for Woodlawn Business Park. The proposed project consists of a six lot Commercial Subdivision located along the west side of US 331, at the intersection of US 331 South and Cedar Drive. Mrs. Blackshear stated that staff found that the project was consistent with the LDC and Comp Plan. She clarified that each lot within the subdivision would require an approved and issued development order permit prior to the commencement of

construction and/or development.

There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the Woodlawn Business Park final plat for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for final plat approval for Waterside at Inlet Beach Phase II. The proposed project consists of a 14 lot subdivision on 1.89 acres located along the southeast corner of US Highway 98 and South Walton Lakeshore Drive in Inlet Beach. Mrs. Blackshear stated that staff found that the project met the LDC and Comp Plan and recommended approval contingent upon legal review of the letter of credit.

There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Jones, to approve the final plat for Waterside at Inlet Beach Phase II for recording contingent upon legal review of the letter of credit. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for final plat approval for Cypress Breeze Plantation Phase IV. Henry DeVarona, North Florida Consulting, proposed an 83 lot single-family subdivision, phase 4 of a master planned community on 93.41 acres with a total of 183 units. The proposed project is located on the east side of CR 393, north of CR 30-A. Staff recommended approval of the plat contingent upon dismissal of current litigation.

Attorney Hallman gave a brief explanation of the lawsuit and recommended

approval subject to voluntary dismissal of the case being filed. He stated that the opposing lawyer indicated to Mr. Dana Matthews, applicant's attorney, that they did not intend pursuing the litigation and would be filing a voluntary dismissal. Mr. Hallman clarified that the plat would not be recorded until the case was dismissed, and in the event that a dismissal was not filed, the item would be continued until the next BCC meeting on August 23.

Attorney Matthews stated that he concurred with the recommendation.

There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the final plat for Cypress Breeze Plantation Phase with condition recommended by Attorney Hallman. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for approval of the Opus final plat. T.C. Riggi Development, LLC, proposed a replat of a single lot within the Saint Tropez Subdivision. The re-plat involved moving a 25' private drainage easement. Mrs. Blackshear stated that the project met the technical standards of LDC and Comp Plan.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the Opus final plat for recording. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for approval of the West Shore final plat. The proposed project consists of a 48 lot residential subdivision on 6.05 acres located along the northeast corner of US 98 and West Shore Drive in Inlet Beach. Staff recommended approval contingent upon legal review of the letter of credit.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the West Shore final plat for recording contingent upon legal review of the letter of credit. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request to continue the request for final plat approval for Coastal Grove until August 23.

Motion by Commissioner Jones, second by Commissioner Meadows, to continue the request for final plat approval until August 23. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Chairman Pridgen called to order the Quasi-Judicial Hearings and Attorney Hallman administered the oath to those individuals who would be speaking on the following projects: La Unwired Mack Bayou Communications Site, Seashells on the Beach PUD Amendment, Blue Lagoon, Sundance Subdivision, Audubon Pointe f/k/a Cottages of Point, Washington, Wildwood Lakes Unite 3 PUD, Seafree Condominium, and Grayton Villa Townhomes.

A composite exhibit consisting of planning reports for the above referenced projects was entered into the record (**Composite Exhibit #1**).

Mrs. Blackshear presented a request from Louisiana Unwired for approval of a 180' monopole communications tower on +/- 0.1469 acres plus a +/- .1365 acre ingress/egress and utility easement carved out of a +/- 13 acre parent parcel with a land use designation of Coastal Center. This site is located on the west side of Mack Bayou Road, approximately 180' west of Mack Bayou Road on tribal lands owned by the

Muscogee Nation of Florida (formerly the Florida Tribe of Eastern Creek Indians). Staff's findings were that the project met the minimum technical requirements of the Land Development Code and was in compliance with the Comprehensive Plan. The Planning Commission recommended approval of this project with the following conditions: Subject to the condition in the staff report requiring an archeological scientist on site during construction, the resolution of any preservation issue regarding the Sandestin DRI and verification that the chain of title was clear.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the request for a major development identified as "LA Unwired Mack Bayou Communications Site" with the conditions recommended by the Planning Commission. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for a major development identified as "Seashells on the Beach PUD Amendment". Mr. Richard Olson requested approval of an amendment to a previously approved PUD consisting of three primary changes to the PUD: (1) Add a 1.26 acre parcel located on the southwest corner of the project adjacent tot Scenic Gulf Road (Old Hwy 98); (2) Add 52 residential units, twenty-eight residential units would be removed from Phase IQ, while 64 residential units would be added to the southwest corner of the PUD and 16 units would be added to the other portion of the project along U.S. Highway 98; (3) Relocate 4,000 square feet of commercial from Scenic Gulf Drive to the U.S. Highway 98 frontage and eliminate the remaining 8,000 square feet of commercial once located on the Scenic Gulf Drive. This site has a land use

designation of Coastal Center and is located less than 1.4 mile east of the Okaloosa County line between US 98 and Scenic Gulf Drive. Staff's findings were that the project met the minimum technical requirements of the LDC and was in compliance with the Comp Plan, with the exception of one technical deficiency relating to traffic concurrency. Mrs. Blackshear stated that this issue was resolved prior to this meeting.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the request for a major development identified as "Seashells on the Beach PUD Amendment". Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for approval of a major development identified as "Blue Lagoon". Tony Tenore (owner) and Ed Stanford (Agent), Jenkins, Stanford and Associates, Inc., requested approval of a proposed project consisting of nine (9) town home lots on 1.17 acres. This site is located along the northwest side of Winston Manor Road, at the Winston Manor Road and Don Bishop Road intersection. The parcel has a land use designation of Neighborhood Planning Area/Infill. Staff's findings were that the project met the minimum technical requirements of the LDC and was in compliance with the Comp Plan. The Planning Commission recommended approval.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the request for a major development identified as "Blue Lagoon". Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for approval of a major development identified as “Sundance Subdivision”. Bradley and Leslie Dreier requested approval of an 8 lot subdivision on +/- 1.25 acres with a land use designation of Neighborhood Planning Area/Infill. This site is located on the south side of Payne Street approximately 500’ east of the Ellis Road intersection. Staff’s findings were that the project met the minimum technical requirements of the LDC and was in compliance with the Comp Plan. The Planning Commission recommended approval.

There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Jones, to approve the request for a major development identified as “Sundance Subdivision”. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for approval of a major development identified as “Audubon Pointe (f/k/a Cottages of Point Washington)”. Anothan, LLC (Jason Romair), applicant, and Emerald Coast Associates, Inc., (Dean Burgess), agent, requested approval of a project consisting of a 70 lot single-family subdivision on a 35.77 acre tract of land with a future land use designation of Conservation Residential 2:1. The proposed site is located on the north side of US 98, northwest of CR 395, on the north and east side of East Point Washington Road. The Planning staff and Planning Commission recommended approval contingent upon an agreement between the County and the developer to pave the county road, with the agreement being made prior to the approval of the project and the paving being completed prior to the completion of the subdivision.

Commissioner Cuchens asked Mr. Dean Burgess if the applicant would be willing

to pay for the asphalt if the County assumed the responsibility of providing the base. The applicant was in attendance and stated that he would be in agreement. Mr. Burgess stated that they would submit the road design to Public Works, who would in exchange prepare the base, and the applicant would provide the asphalt. Mr. Greg Graham, County Engineer, recommended that the thickness of the asphalt be specified to be at least two inches.

Motion by Commissioner Cuchens to approve the request for a major development identified as "Audubon Point" with the conditions recommended by staff. It will be the County's responsibility to prepare the base for the road and the applicant's responsibility to provide asphalt with a minimum two inch thickness. Commissioner Jones seconded the motion.

Attorney Hallman requested that the final recommendation from the Planning Commission be accepted into the record (**Exhibit #1-Final Recommendation**).

A vote was called for the motion on the floor. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented recommendation for approval for a major development identified as "Wildwood Lakes Unite 3 PUD". Panhandle Properties of NW Florida Ltd. (David A. Russell), applicant, and Southern Engineering Group P.A. (Fred B. Cook P.E.), agent, requested approval of a proposed project consisting of an 88 lot single-family residential planned unit development on 156.64+/- acres of land with a future land use designation of Rural Village. The proposed site is located about four miles west of DeFuniak Springs generally between US 90, Boy Scout Road and Interstate 10.

Mrs. Blackshear explained that Mr. Maurice Roberts, adjacent property owner,

had expressed concerns with erosion on his property at the Planning Commission meeting held on June 9. She said that staff had been directed to conduct a site visit and in conclusion found that Mr. Roberts's concerns and objections were valid. She directed the Board's attention to a memo enclosed in the project planning report in Composite Exhibit #1. The memo, prepared by Mr. Robert G. Horner, Plans Review Engineer, listed erosion control and remediation requirements. Planning staff's recommendation was approval contingent upon the erosion control and remediation requirements listed in Mr. Horner's memo.

Attorney Hallman requested clarification for the record regarding the following condition recommended by the Planning Commission: Applicant shall bring public water if available from the City of DeFuniak Springs into the subdivision and that there are public notice of any future review of further phases of this conceptual project. Mr. Carl Hammons, Senior Planner, stated that the engineer for the project had agreed that they would provide public water if available. He said that at that time, public water was not an option.

Mr. Hallman entered the Planning Commission's final recommendation into the record (**Exhibit #1-Final Recommendation**).

Discussion was held regarding lot sizes and the location of the proposed project.

There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to approve the request for a major development identified as "Wildwood Lakes Unit 3", with the erosion control and remediation requirements as described in Mr. Horner's memo. The motion also includes the following condition: the subdivision shall connect

to the public water line, if or when available. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mrs. Blackshear presented a request for approval of a major development identified as "Seafree Condominium". Seafree Development LLC requested approval of a proposed project consisting of an 8 unit multi-family condominium on +/- 1.37 acres adjacent to the Gulf of Mexico, with a land use designation of Neighborhood Planning Area/Infill. This site is located on the south side of Cr 30-A, approximately 1 mile east of CR 395.

Commissioner Brannon recused himself from any discussion and action regarding Seafree Condominium.

Mrs. Blackshear informed the Board that there were several public concerns expressed regarding the condition of the site and the proposed concrete structure over the wetland area. She stated that a copy of the DEP permit for the structure was included in the staff report for this project. A letter of opposition from the law office of Stephen Woodfin dated August 4, 2005 was entered into the record (**Exhibit #1-letter**). A copy of the Planning Commission's final recommendation was also entered into the record (**Exhibit #2**).

The floor was opened to public comments.

Commissioner Meadows stated for the record that she had received two phone calls regarding the project, one call pertained to Hinton Road and the other was in regards to Helen Creek.

Mr. Hal Yarbrough addressed the Board and was administered the oath. Mr. Yarbrough expressed concern with road maintenance and drainage issues. He asked the

Board to deny the developer use of the 20' private road owned by Morris Beach Subdivision, which leads to his townhome.

Commissioner Meadows asked for clarification regarding the construction parking plan. Mr. Brian Martinez explained that the provision for the parking plan was adopted after this project had been submitted. Mr. Greg Graham recommended that the Board condition the approval upon an adequate parking plan being submitted.

Mrs. Susan Burgess, adjacent property owner, addressed the Board to voice opposition to the proposed project. She stated that she never received notice from DEP regarding consideration of the permit. Discussion was held regarding DEP notice requirements.

Discussion was also held regarding the body of water identified as wetlands. Mrs. Burgess expressed concern because she felt that the DEP permit did not address the County's policy regarding inlets and creeks. She stated that the area identified as "wetlands" on the map was actually a fresh water stream. Commissioner Meadows questioned the origin of the stream. Commissioner Cuchens questioned if any development was proposed on the stream. Mr. Dean Burgess, representing the applicant, appeared before the Board to address the concerns and questions. He stated that the design of development was not proposed to impact the body of water. Further discussion was held regarding the proposed con span structure and wetland buffer requirements.

Ms. Comella DaLee expressed worry about road damage that might be caused by construction vehicles. She asked if the developer could enter the property through their own access rather than using Hinton Drive.

Ms. Marsha Henderson, adjoining property owner, addressed the Board and

expressed several concerns with various aspects of the proposed project. She presented photographs of the subject property into the record (**Exhibit #3a-k-Photographs**).

A staff report supplement for Seafree Condominium was also entered into the record (**Exhibit #4**).

Motion by Commissioner Meadows, second by Commissioner Jones, to continue the request for approval of a major development identified as “Seafree Condominium” for 30 days.

Ms. Anita Paige addressed the Board and read into the record a letter prepared by Ms. Erica Teets, Environmental Planner, Walton County Planning Department, regarding Seafree Development, LLC. The letter was submitted into the record (**Exhibit #5-letter**). Ms. Paige also reviewed and entered the following documents into the record as a composite exhibit: EAR-based Amendment First Submission/Textual Changes (**Composite Exhibit #6a**), a copy of a Stipulated Settlement Agreement, DOAH Case NO. 00-0431GM, Department of Community Affairs vs. Walton County (**Composite Exhibit #6b**), and a copy of the Department of Community Affairs’ Objections, Recommendations and Comments for Walton County, Amendment 99-2ER (**Composite Exhibit #6c**).

Ms. Linda Harless addressed the Board and was administered the oath by Attorney Hallman. She voiced opposition to the proposed project.

Ms. Jill Brown, adjacent property owner, expressed concern regarding the proposed development’s impact on the stream.

Mr. Ken Goldberg expressed concerns with policies being read out of context, particularly the policy regarding wetlands.

Attorney Ginger Berry addressed the Board as representative for the following five Legacy property owners: Randy Hill, Dan Russo, Robert Bowes, Shirley Daigle and W.R. Lovvern. On behalf of the residents, Ms. Berry expressed various concerns, particularly with notification, the Morris Beach plat and ownership of the property. Mr. Burgess approached the Board to clarify Ms. Berry's concerns regarding ownership of the property. He stated that a title search had been performed and concluded that the developer was the owner of the property. He stated that the Property Appraiser's office had also been contacted and were in agreement.

Commissioner Meadows referenced an email prepared by Mr. Burgess enclosed in Exhibit #4 in reference to accessing Hinton Drive to start construction for the building. She requested that Legal Services review whether Hinton Drive was a public or private roadway.

A vote was called for the motion on the floor. Ayes 3, Nays 1. Jones Aye, Cuchens Naye, Pridgen Aye, and Meadows Aye. Commissioner Brannon abstained from voting as stated previously.

Mrs. Blackshear presented a request for approval of a major development identified as "Grayton Villa Townhomes". Jack Fiorella/Equity Resources (owner) and David Thornton (agent), Moore Bass Consulting, requested approval of a proposed project consisting of 46 Townhome Units on 5.88 +/- acres of land with a Village Mixed Use land use designation. The project site is located along Grayton village Road, approximately 800 feet west of the County Rout 283 and the Grayton Village Road intersection, and is located along the north, south and west sides of Grayton Village Road. Mrs. Blackshear entered a letter written by SuEllyn and Brian McCabe, owners of

Lot #22, Grayton Beach Village Square, into the record (**Exhibit #1-Letter**). Mr. and Mrs. McCabe expressed concern in the letter, stating “the developer’s original plan called for the east end of their bridge to block 35’ of (their) lot’s frontage”. The letter further stated that “the developers have agreed to reduce that encroachment to 10 feet”. Mrs. Blackshear clarified for the record that the McCabe’s concerns with the proposed building of the bridge would be addressed in staff’s final order.

A copy of the final recommendation from the Planning Commission was submitted into the record (**Exhibit #2**).

Mr. Jack Rhodes, representative for the applicant, addressed the Board. He stated that the project engineer met with the McCabes and their issues had been resolved to their satisfaction. Using a revised site/geometry plan, sheet 4.0, Mr. Rhodes explained Mr. and Mrs. McCabe’s concern. The revised site plan was submitted to the record by Mr. David Thorne (**Exhibit #3-Revised Site/Geometry Plan, Sheet 4.0**).

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the request for a major development identified as “Grayton Villa Townhomes”, with the revised site/geometry plan (Exhibit #3). Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

There being no further business, the meeting was adjourned at 7:34 p.m.

APPROVED: \_\_\_\_\_  
Kenneth Pridgen, Chair

ATTEST: \_\_\_\_\_  
Martha Ingle, Clerk of Court

