

NOVEMBER 22, 2005 – REGULAR MEETING/LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting at 4:00 p.m., on Tuesday November 22, 2005, at the South Walton Courthouse Annex.

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

Commissioner Meadows led with prayer followed by the Pledge of Allegiance to the American Flag. Chairman Brannon called the meeting to order.

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

1. EAL Approval	
General Fund	\$ 1,427,609.79
County Transportation	\$ 718,126.48
SHIP	\$ 34,768.20
Fine & Forfeiture	\$ -
Debt Service Hospital	\$ -
Mosq. Control State	\$ -
Mott Sign Grant	\$ -
Section 8 Housing	\$ 16,707.58
Tourist Dev. Council	\$ 380,539.21
N.W. Mosquito Control	\$ 2,029.59
W. Co. Library	\$ 17,583.05
Recreation Plat Fee	\$ -
Public Safety- 911	\$ 74,473.76
Solid Waste Enterprise	\$ 238,822.11
Mossy Head VFD	\$ -
Glendale VFD	\$ 3,620.57
Darlington VFD	\$ -
Red Bay VFD	\$ -

Sidewalk Fund	\$	-
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-
Driftwood Debt Service	\$	-
Criminal Justice Ed Fund	\$	10,000.00
Bldg Dept/Enterp. Fund	\$	8,397.09
Capital Projects Fund	\$	787,857.64
Imperial Lakes MSBU	\$	-
Totals		\$3,720,535.07

2. Approve Minutes of November 03, 2005 – Special Meeting
3. Holiday Schedule for 2006
4. DCA Planning Grant Agreement
5. Resolution to Roll Forward Monies for the Cope Center **(2005-104)**
6. Resolution to Roll Forward Monies for the Hazardous Material Grants Fund **(2005-101)**
7. Resolution to Amend the Budget for Unanticipated Revenues for the Florida Boating Improvements Program Allocation **(2005-102)**
8. Resolution to Amend the Budget for Unanticipated Revenues for the Additional STO Interoperability Grant Funding **(2005-103)**
9. DEP Grant LP0521 Extension Agreement

Motion by Commissioner Jones, second by Commissioner Cuchens, to elect Vice Chairman Brannon as Chairman for the 2005-2006 fiscal year. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Vice-Chairman Brannon presented Chairman Pridgen a plaque on behalf of his fellow Board members in recognition of his service as Chairman in the 2004-2005 fiscal year.

Motion by Commissioner Jones, second by Commissioner Brannon, to elect Chairman Pridgen as Vice-Chairman for the 2005-2006 fiscal year. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Vice-Chairman Brannon requested that Chairman Pridgen preside over the remainder of the meeting as Chairman. He added that he would begin his service as Chair at the next BCC meeting.

The scheduled discussion with Mr. Wayne Miller, Walton County School District, regarding assistance in acquiring state land for the construction of a new middle school for south

Walton County was removed from the agenda. It was tentatively rescheduled for the December 13<sup>th</sup> Regular Meeting.

Mr. Bill Imfeld, OMB, discussed the review process for architectural services for the GEC Annex Building Phase II and presented the following as qualified and interested firms: Clements Rutherford of Tallahassee, Goodwin, Mills, and Caywin of Montgomery, Alabama with an office in Crestview, and Hatch Mott McDonald of Pensacola. He requested that the Board schedule a time to hear presentations from each firm.

Motion by Commissioner Jones, second by Commissioner Meadows, to hold a special meeting at 3:00 p.m. prior to the December 13, 2005, Regular Meeting to hear presentations from the firms presented by Mr. Imfeld. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Imfeld requested that the Board extend the lease for the tent and bunk beds used at the Walton County Jail facility. He stated that the total cost would be \$68,391.00.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve extension of the lease as presented by Mr. Imfeld. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Ryan Douglass, Staff Engineer, presented a request for a one-time countywide white-goods pick-up to be facilitated by the Mosquito Control Department. He stated that the county's grapple truck would be used and that the recommended time frame would be December 12, 2005-January 11, 2006. Mr. Douglass added that citizens should call Public Works for more information and to arrange a pick-up.

Commissioner Cuchens stated that a decision was made by the Board at a previous meeting to purchase the grapple truck because it would be suitable for hauling white-goods. He

was under the impression that the county would be offering the pick-up as a regularly scheduled service for those who did not have the ability to transport their white-goods to the landfill.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the pick-up as presented by staff and to look into the action taken at the previous meeting regarding a white-goods pick-up schedule. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell stated that he would advertise the pick-up and work with staff to coordinate a regular pick-up schedule.

Mr. Douglass requested approval to award the bid for improvements to Kings Lake Road and Paradise Island Drive to Bullard Excavating. He stated that their bid of \$521,668.00 was the lowest bid; however, it was over the \$500,000.00 originally budgeted for the project.

Motion by Commissioner Cuchens, second by Commissioner Jones, to award the bid to Bullard Excavating in the amount of \$521,668.00. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Rick Millard, Construction Manager, presented information regarding the security system bid for the Walton County Courthouse. He stated that several qualified applicants had placed bids, but requested that the contract be awarded to the lowest bidder, Harris Security, in the amount of \$248,000.00.

Motion by Commissioner Cuchens, second Commissioner Brannon, to award the security system bid to Harris Security in the amount of \$248,000.00. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Eddie Rivers, Emergency Operations, gave an update on the United Fire District (UFD) expenditures to be covered by Walton County. He stated that Walton County would

assume any liability and unpaid debt incurred by UFD and would absorb any capital possessed by UFD. He referred to a letter stating that the requested action came as the result of a vote taken by the UFD Fire Board. He added that Ms. Lynn Downham, UFD Chairperson, was present should the Board have any questions.

Attorney Hallman clarified that the actions described by Mr. Rivers were the wish of UFD Board. He felt that a public meeting should be held and that an ordinance of dissolution should be drafted.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the county assuming the debts and liabilities of UFD, to absorb any of their capital into Walton County, and to allow staff to draft an ordinance of dissolution. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell asked if the county would pay UFD's outstanding debts from the past budget year. Mr. Imfeld recommended that the Board pay those debts from Mr. Rivers's budget.

Motion by Commissioner Cuchens, second by Commissioner Jones, to allow the outstanding bills incurred by UFD in the past budget year to be paid from Mr. Rivers's budget. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Rivers presented a request for the Board to approve a transfer of \$27,500.00 from Tri-Village to the Walton County Fire Rescue Budget. He stated that the transfer was the result of a management agreement with Tri-Village and that the monies would come from the anticipated Tri-Village MSBU income.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the transfer of \$27,500.00 from the anticipated Tri-Village MSBU income into the Walton County

Fire Rescue budget. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Imfeld stated that he would draft a consent resolution for the funds transfer.

Ms. Martha Heller, ADA Committee, reported on the ADA compatibility of vacation and rental houses within Walton County. She referred to an email from Attorney Hallman stating that he felt there was no authority to require rental homes to be ADA compatible. She added that Mr. Don Crim had referred her to Chapter 509 of the Florida Statute, which indicated that vacation and rental homes should be ADA accessible. Copies of the statutes were included in the Board packet. She requested that the Board approve requiring newly constructed rental homes and homes undergoing major remodel as an existing rental home or for the purpose of becoming a rental home, to include ADA compatibility requirements as a condition of approval. Ms. Heller also discussed implementing fines for applicants who did not declare a known intention to use a home as a rental property at the time of application.

Attorney Hallman stated that the ADA does not require the Board to force applicants to profess their intentions for a home upon application for a permit. He stated that there may be legal ramifications for requiring such a profession from applicants when it is not required by federal law. He added that the county may not be able to consistently enforce such requirements.

Commissioner Jones stated that the county could consider offering incentives to applicants who choose to include ADA compatibility standards in their new construction or remodels of rental homes.

Commissioner Meadows asked Ms. Heller if she was aware of any other coastal counties implementing such requirements for rental homes and in what manner they were implemented.

Ms. Heller replied that she was not. Commissioner Meadows stated that more information, including specific ADA requirements, would be needed to make a decision regarding this matter.

Mr. Bell stated that he would check with other counties and state agencies regarding their ADA requirements for rental homes and report that information back to the board.

Mr. John Johnson, Public Works Director, reported on the drainage issues and roads within Driftwood Estates. He stated that the storm-water improvements design was underway and that construction on those improvements should begin in January of 2006. He added that a public hearing would be scheduled to review and discuss the design from TetraTech.

Commissioner Jones recused himself from any vote and/or action regarding Driftwood Estates due to previous employment with Adams Homes. He completed and submitted a voting conflict form.

Mr. Allen Osborne, resident of Driftwood Estates, spoke on behalf of himself and other Driftwood Estates residents in opposition to further development in Driftwood Estates. He recounted the flooding within Driftwood Estates as a result of the storm-water accumulation. Mr. Osborne discussed the county's current and previous actions to resolve the issues and stated that the improvements could cost millions of dollars. He felt that the developers should be required to make the improvements and that the Walton County taxpayers should not bear the burden.

Mr. Osborne then discussed a public ingress/egress that was on the Driftwood Estates master plan but had since been closed. He urged the county to require developers to comply with the DRI in its entirety and to enforce "responsible development".

Mr. Osborne requested a motion to stop future development within Driftwood Estates Phase II until five DEP outfall permits are obtained and the drainage issues are resolved. He also requested that the Board give Sandestin "30 days notice to comply with master plan" regarding

the ingress/egress in question. He invited the Board to hold a working meeting at Driftwood Estates and to meet with the residents.

Commissioner Meadows asked Mr. Johnson if the county should be permitting developments with no DEP outfall permits. Mr. Johnson stated that four of five of the outfalls were permitted by DEP. Mr. Johnson added that he felt Mr. Osborne's statements were not consistent with his discussions with DEP representatives.

Mr. Johnson stated that the existing outfalls were compliant with the DEP permits that were issued. He added that staff would continue to investigate the structures and the drainage issues.

Commissioner Brannon asked Mr. Johnson if he verified, through conversations with DEP, that the outfalls were permitted. Mr. Johnson replied that he had.

Commissioner Meadows asked if Mr. Johnson had any documents from DEP to support their statements. Mr. Johnson replied no. Commissioner Meadows stated that she would like to see copies of the DEP permits in question and photos of the sections in question at the December 13, 2005, meeting.

Commissioner Brannon stated that he was of the understanding that the original DRI had been re-platted. Ms. Blackshear referred to the re-plat signed by the Board Chairman on September 27, 1988, and stated that the ingress/egress was closed in that re-plat.

Commissioner Brannon asked Attorney Hallman if the county had the authority to re-plat the state DRI. Attorney Hallman stated that he believed that they did have that authority, but would examine the matter further and report his findings back to the Board.

Mr. Osborne referred to a copy of the 1984 master plan and read the statutes regarding enforcement and substantial deviations into the record.

Chairman Pridgen directed Mr. Johnson to compile information regarding the DEP permitted outfalls and the ingress/egress in question and report that information back to the Board at the December 13<sup>th</sup> Regular Meeting.

Attorney Hallman requested that Mr. Osborne have his attorney schedule an appointment to discuss the issues in question. Mr. Osborne stated that he did not feel he should pay his attorney to translate the DRI. Attorney Hallman explained that he would meet with Mr. Osborne individually, but could not do so without consent from his attorney.

Commissioner Cuchens asked Mr. Johnson if the county had hard copies of the DEP outfall permits on file. Mr. Johnson replied that there was no record of the permits in Public Works.

Mr. Osborne stated that he had made a public request for those permits in May, but had only been given the general permits. He added that he would like to see the documentation from the DCA regarding the closure of the ingress/egress in question.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to request that developer provide the Board with the individual outfall permits from DEP within 5 business days. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Cuchens clarified that development in Driftwood must cease if the permits are not provided to the Board within the specified time frame.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve staff contacting Mr. Keith Arsenol, Executive Director of San Destin, to request that he provide documents from the DCA supporting closure of the ingress/egress in question at the December 13, 2005, meeting. Ayes 4, Nays 0. Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Brannon requested that staff look into the construction debris at Driftwood Estates.

Commissioner Cuchens conveyed equal dismay over debris at construction sites, particularly Waterview Cove.

A special meeting was scheduled to discuss the Driftwood Estates ingress/egress issue at 1:30 p.m. on December 13, 2005, to be held prior to the Board's Regular Meeting. The Board also decided to relocate the December 13, 2005, meeting to the South Walton Annex.

The Board recessed briefly at 5:43 p.m.

Motion by Commissioner Meadows, second by Commissioner Brannon, to relocate the December 13, 2005, meetings to the South Walton Annex. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Brad Pickel reported that two agencies had submitted bids for the dredge and fill contract. He stated that the current low bid was approximately 22.9 million for all seven miles of beaches, including those in the City of Destin. He stated that the county's portion for the beaches within Walton County would be approximately 15.7 million. He added that the county's sand cost would be \$6.26 per cubic yard of sand on the beach, which was lower than the initial estimate. Mr. Pickel added that the contract would be awarded at the November 28, 2005, Special Meeting.

Ms. Kriss Titus, Executive Director of the TDC, gave an update on the request to station lifeguards on six public beach accesses. She requested that the county negotiate a contract prior to the projected service dates of mid-March to September and that the county move forth with the RFP. She reported that funds from the fourth cent of bed-tax collections could be re-prioritized to fund the pilot program.

Attorney Hallman stated that a legislative hearing would need to be held in order to provide evidence that using TDC funds for the lifeguard program would directly benefit tourism in Walton County.

Commissioner Brannon asked if the lifeguard service would be used as a marketing tool for the Walton County beaches. Ms. Titus replied that the lifeguard advertisements would be included in the Seamore Safety campaign.

Motion by Commissioner Brannon, second by Commissioner Jones, to move forth with the RFP for the lifeguard pilot program. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Titus was directed to work with Mr. Bell to schedule the legislative hearing.

The scheduled presentation by Mr. Gary Mattison, Human Resources, regarding the Employee Retention Workshop was pulled from the agenda.

Ms. Pat Blackshear, Growth Management, discussed the historic overlay district for Point Washington. She stated that there were three projects currently in progress for the Point Washington area, one on the current agenda and two others that were in the review stage. She discussed density standards for the area and how those densities were determined.

Commissioner Brannon felt that a long range plan was needed for Point Washington.

Commissioner Meadows stated that she was in support of a historic overlay for Point Washington.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve proceeding with the historic overlay district for Point Washington. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear reported on the School Concurrency Planning Incentive Program Grant. She recommended that the Board authorize contracting with the consultant recommended by the state and that Attorney Hallman review the contract. Ms. Blackshear added that Mr. Imfeld verified that the bidding process used by the state met or exceeded the requirements of the county.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve awarding the consultant contract for the School Concurrency Planning Incentive Program to the firm that was bid out and awarded the state contract. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Attorney Hallman discussed the swimming pool enclosure at a vacant private home on Santa Rosa Beach. He stated that the pool enclosure had sustained apparent hurricane damage, which subsequently left the pool exposed. He added that staff had been unable to contact the homeowner, who apparently left the area, in effort to have the pool secured. Attorney Hallman requested that the Board approve allowing Public Works to secure the swimming pool to circumvent a child or animal falling in. He stated that securing the pool would not cause any additional liability to the county.

Motion by Commissioner Meadows, second by Commissioner Brannon, to allow Public Works to secure the pool as recommended by Attorney Hallman. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Ronnie Bell, County Administrator, reported that there was approximately \$352,113.00 in the Sidewalk Fund. He stated that the current charge to developers was \$2.50 per square foot. He added that due to inflation, Mr. Rick Millard, Construction Manager, felt that an appropriate charge would be \$3.50 per square foot.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve increasing the Sidewalk Fund fee to \$3.50 per square foot. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell read a request by Judge Kevin Wells to present Judge Lewis R. Lindsey with his office chair as a gesture of appreciation for his service. He recommended that the Board approve a surplus requisition for the chair and allow it to be presented to Judge Lindsey.

Motion by Commissioner Brannon, second by Commissioner Meadows, to surplus the chair for the purpose of being presented to Judge Lindsey. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Meadows discussed changing the density in the Town Center 1 land use category from the current 2:1 ratio. Ms. Blackshear added that current language would permit a change in the master plan to allow a 10:1 density ratio. She added that staff would work on the master plan and submit it to the Board for adoption. There were no public comments.

Commissioner Meadows stated that she would continue the discussion regarding naming the park on Four Shore Drive until the next BCC meeting.

Commissioner Meadows requested approval for Attorney Hallman to draft a public-private partnership agreement with Bark Park, Inc., for the lease of two acres of land on J.B. Miller Road and Community Way for the development of an off-leash Bark Park. She suggested that the Board construct a gravel parking lot and assist in fence relocations as part of the agreement. She stated that there was no intent to intrude upon wetlands, but that a DEP and Army Corp of Engineers permits would be needed.

Commissioner Cuchens suggested that the park be in conjunction with the Helen McCall Park and expressed concern over the site proposed by Commissioner Meadows. Mr. Bell stated that the remainder of the land at the Helen McCall Park site was wetlands.

Attorney Hallman clarified that there would be no lease agreement and that this would be a joint-venture public-private partnership. Commissioner Cuchens asked if the joint venture partnership would put the county at risk for liabilities resulting from dog bites. Attorney Hallman stated that Bark Park, Inc., would carry the liability insurance as part of the agreement.

Motion by Commissioner Meadows, second by Commissioner Brannon, to proceed with the design concept and the joint-venture public-private partnership. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Meadows reported on the criterion that was adopted at the recent TPO meeting. She stated that the TPO was requesting that local governments pass corridor preservation ordinances for the purpose of preserving land for future use as right-of-ways, or to allow for the widening of existing right-of-ways.

Ms. Blackshear stated that language in the text amendments regarding right-of-way dedications would be brought before the Board for adoption at next week's meeting. The floor was opened to public comments.

Mr. Spencer Bonjean, Santa Rosa Beach, requested that the county not grant a permit for a retaining wall at a property adjacent to his. He stated that the construction of that wall would divert water onto his property.

Attorney Hallman requested that Mr. Bonjean direct his complaints regarding land use activity to Ms. Blackshear.

Mr. Bonjean felt that there were no regulations to protect property owners from the adverse effects of retaining walls built on adjacent properties.

Commissioner Cuchens suggested that staff meet with Mr. Bonjean to discuss his concerns and report those findings back to the Board. There were no further public comments.

Chairman Pridgen directed Ms. Blackshear to meet with Mr. Bonjean.

The Board recessed briefly at 6:36 p.m.

The Board reconvened into the land use hearing. Attorney Hallman delivered the oath to those who intended to present testimony in the quasi judicial items.

Ms. Lois La-Seur presented Bay Grove Office Park Phase 2 for final plat approval. The proposal consists of a five-lot single commercial subdivision located six miles north of Highway 98, at the intersection of Highway 331 and Bay Grove Road. She stated that staff recommended approval and that all technical requirements had been met. A staff report was entered into the record (**Exhibit # 1**). There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve final plat recordation of Bay Grove Office Park Phase 2. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. La-Seur presented Preserve at Inlet Beach for final plat approval. The proposal consists of a 68-lot single-family subdivision located in the Inlet Beach area, north of Highway 98 on Wall Street. She stated that staff recommended approval pending further review of the mylar and letter of credit by Legal Services and staff. A staff report was submitted into the record (**Exhibit # 1**). There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the final plat recordation of Preserve at Inlet Beach with the conditions set forth by staff. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. La-Seur recommended a continuance of Sacred Oaks Subdivision until the December 13<sup>th</sup> Regular Meeting. She stated that the title opinion and joinders had yet to be signed. A staff report was submitted into the record (**Exhibit # 1**). There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to continue the discussion of Sacred Oaks Subdivision as recommended by staff. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. La-Seur presented the first reading of an ordinance to revise the Land Development Code. The proposed revision would allow property owners to enter into contracts or negotiations to sell lots and condominiums prior to the platting. She stated that the second reading was scheduled for the December 13<sup>th</sup> Regular Meeting. Ms. Blackshear added that the Planning Department recommended approval. A staff report was submitted into the record (**Exhibit # 1**).

Attorney Hallman recommended that staff advertise that the meeting venue had been changed to the South Walton Annex.

Commissioner Meadows felt that the change would force buyers to obtain legal counsel when contracts suffered substantial deviations or disclosures were not made by the seller. Attorney Dana Matthews, who originally requested the proposed language revision, stated that the purchaser could try to work through the issues with the seller and if those efforts failed could seek legal counsel. Commissioner Meadows felt that the change would allow the sell of conceptual designs, not actual parcels. There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Jones, to approve a second reading of the language revisions to the LDC as presented by staff. Ayes 4, Nays 1. Jones Aye, Meadows Nay, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented a request by the First Baptist Church of DeFuniak Springs and Southern Engineering Group, PA, for conditional approval of a 200' FM radio tower (WAKJ) to be located on 4.06 acres at 221 Millard Gainey Road in DeFuniak Springs. The parcel will be leased from owners, Southwide Baptist Church. She stated that the project met all technical requirements and that staff recommended approval. A staff report was entered into the record (**Exhibit # 1**). There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to grant conditional approval of the WAKJ radio tower as presented by staff. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented for approval major development proposal, Oaks at Eden Subdivision, which consists of 29 single-family lots on 4.55 acres. The proposed location is in the Point Washington area, on the east side of CR 395. She reported that, while the developer made improvements to the site plan, an agreement on the density requirements could not be reached with the community. She briefly discussed the changes requested by the community. Ms. Blackshear stated that she researched the land use determinations and found that there was a split between Infill and TNDA, which could create an issue with the notice that was published. She recommended a continuance until the remaining issues could be resolved. A staff report was submitted into the record (**Exhibit # 8**).

Attorney Hallman stated that county code puts the primary burden of responsibility regarding notice on the applicant. He added that it was not clear if there was an issue of misrepresentation on the notice.

Attorney Matthews, representative for developer/applicant, Oaks at Eden, L.L.C., stated that this project had been pending for one year. He stated that previous land use had been determined as NPA/Infill and that it was not until 2 p.m. prior to the meeting that there was an indication of a discrepancy in the land use determination. He recounted the oppositions and requests of those present at the November 22<sup>nd</sup> meeting and added that approximately five of those numerous residents were present at the meeting that Chairman Pridgen directed Ms. Blackshear to facilitate. Attorney Matthews discussed concessions made by the applicant in attempt to appease the neighboring residents. He expressed confusion over the discrepancy in the land use determination and reminded the Board that staff testified as to the land use category at the November 8<sup>th</sup> meeting. He asked that all new issues of opposition be expressed to allow the applicant ample time to review them. He presented a site plan into the record (**Exhibit #1**). The floor was opened to public comments.

Attorney Ken Goldberg, counsel to some of the homeowners in Point Washington, including Cheryl Fossier, was present to represent his clients. He stated that the five residents present spoke at the county facilitated meeting as a representative unit for thirty other homeowners. He discussed the concessions made by the developer and the concerns that those in opposition have over the height and density issues. Attorney Goldberg felt that a settlement could be reached if the developer would consent to another meeting with the homeowners.

Mr. James Foley spoke in opposition to Oaks at Eden. He referred to residents of Point Washington and identified them as the Point Washington Historic Society. Mr. Foley submitted

into the record a clay object self-described as a historical artifact found in the Point Washington area (**Exhibit # 2**). He felt that property rights should not impact those of adjacent property owners. Mr. Foley also expressed a concern over the potential for additional traffic generation at Bay Elementary as a result of the Oaks at Eden development.

Mr. Randy Harrelson, Point Washington, discussed the opposition of the residents of Point Washington. He submitted a booklet written by Beaches of South Walton entitled “If I Could Be Anywhere: Beaches of South Walton South Walton Art, Nature, & Cultural Guide” into the record (**Exhibit # 3**). He stated that the book served as evidence that the TDC identified Point Washington as historical. He invited the Board to attend a meeting of the Point Washington Historical Society held at the Old General Store. He read a memo from Caroline Tharpe Weiss, Executive Director of the Florida Trust for Historic Preservation, Inc., describing Point Washington as historical and urging the county to consider the historical aspects before approving future developments. He submitted a copy of the memo into the record (**Exhibit # 4**). He reported that there were artifacts located on the land at Point Washington and stated that Florida Statute requires an archeological survey to be conducted. He discussed the specific compatibility complaints of the proposed development.

Mr. Ty Nunn, Point Washington, discussed the compatibility analysis conducted by the applicant. He submitted an aerial photo of the Point Washington area and a bar graph that compared compatibility (**Exhibits # 5 & # 6**). He felt that the development was not compliant with the LDC compatibility requirements. He also discussed the concessions made by the developer.

Attorney Matthews asked if Mr. Nunn was an architect for the Eden’s Landing project and if he had a financial interest in the Eden’s Landing development. Mr. Nunn replied that he

was “one of many” architects for Eden’s Landing, but was not a resident, nor had he contracted or negotiated to buy a lot.

Mr. Van Ness Butler, Point Washington, felt that the density proposed by the developer was not compatible and would degrade the integrity of the area. He requested that the Board protect the area as a historical district.

Copies of emails regarding Oaks at Eden received by the Board and Planning Department were submitted into the record (**Exhibit # 7**).

Mr. Nunn clarified that neither he, nor the other architects he referred to, had been involved in the design of properties in Eden’s Landing.

Motion by Commissioner Meadows, second by Commissioner Brannon, to continue the hearing until the December 13<sup>th</sup> Regular Meeting and for the Planning Department to re-advertise using the land use categories NPA Infill/TNDA. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. La-Seur presented The Beach Group Office, a major development proposal consisting of a 1,994 square foot home being converted to an office. The site is located on .207 acres on the north side of CR 30-A, west of Maple Street. She stated that the project met all technical requirements and that staff recommended approval. A revised site plan and a staff report were submitted into the record (**Exhibits #1 & #2**).

Commissioner Meadows asked if the covenant and restrictions were in effect. Ms. La-Seur replied that they were.

Mr. Will Poon of Connelly & Wicker, Inc., was present to represent applicants Ron Romano and Andy Wiggins. He stated that the applicant had made an agreement with an adjacent property owner to place signage east of the drive connection on CR 30-A.

Attorney Hallman asked if that would be a revision to the site plan that was submitted. Ms. La-Seur stated that the site plan did not include a sign.

Mr. Poon stated that he would like to add the agreement as a condition of approval.

Commissioner Meadows questioned placement of the customer parking in the rear of the establishment. Mr. Poon stated that the parking arrangement was recommended by the Planning Department. Ms. La-Seur clarified that the recommendation was made to keep customers from backing out onto CR 30-A.

Mr. Wiggins stated that there was access from the rear parking facility. He added that a fence on the property had been added to the site plan and asked if it was depicted on the site plan that was submitted into the record. Commissioner Meadows verified the presence of the fence on the site plan. She also requested that the developer use moderate lighting that would not impact his neighboring property owners. The floor was opened to public comments.

Mr. James Jones, adjacent property owner, expressed concern over the privacy fence proposed by the developer. Mr. Jones reviewed the submitted site plan and stated that he was in agreement to it as submitted. There were no further public comments.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the major development proposal Beach Office Group with the conditions indicated by staff and the applicant. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. La-Seur presented Topsail Walk Subdivision, a major development proposal consisting of 24 single-family residential lots on 9.73 acres. The proposed site is located on the west side of East Hewitt Road, approximately 1.5 miles north of US Highway 98. She stated that

the project met all technical requirements and that staff recommended approval. A staff report was submitted into the record (**Exhibit # 1**).

Mr. Scott Jenkins, Jenkins, Sanford, and Associates, was present to represent the applicant Redfish Development, LLC. There were no public comments.

Commissioner Meadows asked if the amount of fill proposed by the applicant would impact the neighboring properties. Mr. Jenkins replied that it would not.

Motion by Commissioner Meadows, second by Commissioner Brannon, to approve the major development proposal Topsail Walk Subdivision as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. La-Seur presented Costa Carina Subdivision, a major development consisting of an eight lot single-family subdivision on 1.27 acres. The proposed site is on the east side of North Winston Lane, approximately 300 feet north of CR 30-A in Inlet Beach. She stated that the project met all technical requirements and that staff recommended approval. A staff report was submitted into the record (**Exhibit # 1**).

Mr. Ross Binkley of Seaside Engineering and Surveying was present to represent the applicant, Costa Carina, LLC. The floor was opened to public comments.

Mr. Dave Rothschild, adjacent property owner, requested information regarding the design of the proposed development. Mr. Binkley replied that the applicant would be selling individual lots and would not be building homes. He added that the intent was for the homes to resemble the design of the homes in Rosemary Beach.

Commissioner Meadows asked if there would be a homeowners association. Mr. Binkley replied that there would be. There were no further public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the major development proposal Costa Carina Subdivision as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. La-Seur presented Grove at Inlet Beach Subdivision, a major development proposal consisting of 11-lot single-family subdivision on 1.38 acres. The proposed site is located on the north side of Walton Rose Lane, west of the Walton Rose Lane and US Highway 98 intersection. She stated that the project met all technical requirements and that staff recommended approval. A staff report was submitted into the record (**Exhibit # 1**).

Mr. Tim Bowden, Seaside Engineering and Surveying, was present to represent the applicant, Spinnaker Development. There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the major development proposal Grove at Inlet Beach Subdivision as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. La-Seur presented Driftwood Drive Townhomes, a major development consisting of a 20-lot townhome subdivision on 2.50 acres located along the west side of Driftwood Drive, at the intersection of Driftwood Drive and Payne Street. Ms. La-Seur added that the owner of the neighboring RV park had requested that the buffer be left as “natural vegetation” and that the applicant had agreed to that request. She stated that the RV park owner had also requested a wall, which the developer had not agreed to. Ms. La-Seur stated that the project met all technical requirements and that staff recommended approval. A staff report was submitted into the record (**Exhibit # 1**).

Mr. David Smith of Moore Bass Consulting, Inc. was present to represent the applicant SFB Investments, LLP.

Commissioner Meadows questioned the infill, the right-of-way and the roads. She also asked staff if a temporary parking plan had been submitted. Mr. Graham, Staff Engineer, replied a parking plan had not been submitted.

Commissioner Meadows felt that improvements should be made to Driftwood Drive and asked if the applicant would make contributions for those improvements. Mr. Smith stated that the asphalt was in “decent condition” but that the road was not up to county code. He added that improvements were not included as a condition of the DO, but that a five foot wide sidewalk would be constructed to aid in public safety.

Mr. Jack Rhodes, agent for the applicant, stated that the developer would participate in the coordination of the Driftwood Drive improvements.

Motion by Commissioner Cuchens, second by Commissioner Brannon, to approve major development Driftwood Drive Townhomes with the conditions set forth by staff. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. La-Seur presented a request by applicant Crafton Communications to construct a 250-foot Nextel tower and ground equipment facility. The proposed site is to be within an 80 square foot area on 40.69 acres located at 9875 State Highway 20 East in Ponce de Leon. She stated that the project met all technical requirements and that staff recommended approval. A staff report was submitted into the record (**Exhibit # 1**). A representative for the applicant was present. There were no public comments.

Motion by Commissioner Brannon, second by Commissioner Cuchens, to approve the Nextel tower and storage facility major development proposal as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. La-Seur presented Mack Bayou Center Lot 8, a major development proposal consisting of a 10,398 square foot., three-story office building on 0.868 acres. The proposed site is located at the east end of Mack Bayou Loop on the north side, approximately ¼ mile east of the Mack Bayou intersection. She stated that the project met all technical requirements and that staff recommended approval. A staff report was submitted into the record (**Exhibit # 1**).

Mr. Luke Tate of Choctaw Engineering was present to represent the applicant, Continental Pacific, LLC. There were no public comments.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the major development proposal Mack Bayou Center Lot 8 as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

There being no further business, the meeting was adjourned at 8:37 p.m.

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

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