

APRIL 25, 2006 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday April 25, 2006, at 4:00 p.m. in courtroom B of the Walton County Courthouse.

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, Attorney David Hallman, Legal Services Director, and Ms. Martha Ingle, Clerk of Courts, were also present.

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

Motion by Commissioner Jones, second by Commissioner Meadows, 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	\$	701,827.82
County Transportation	\$	969,151.69
SHIP	\$	21,895.61
Fine & Forfeiture	\$	95,069.66
Debt Service Hospital	\$	-
Mosq. Control State	\$	-
Mott Sign Grant	\$	-
Section 8 Housing	\$	131,379.30
Tourist Dev. Council	\$	245,704.02
N.W. Mosquito Control	\$	538.93
W. Co. Library	\$	7,569.10
Tax Deed Surplus Trust	\$	-
Recreation Plat Fee	\$	53.06
Public Safety- 911	\$	734.22
Solid Waste Enterprise	\$	214,064.34
Mossy Head VFD	\$	1,630.00
Glendale VFD	\$	64,261.99
Darlington VFD	\$	-
Red Bay VFD	\$	-
Preservation	\$	-
Sidewalk Fund	\$	-
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	-

Driftwood Debt Service	\$	3,002.48
Criminal Justice Ed Fund	\$	-
Bldg Dept/Enterp. Fund	\$	3,328.75
Capital Projects Fund	\$	226,896.72
Imperial Lakes MSBU	\$	-
<b>Totals</b>	\$	<b>2,687,107.69</b>

2. Approve Minutes of April 11, 2006 – Regular Meeting
3. Approve a Resolution to Amend the Budget for the E911 Fund for Unanticipated Grant Funds **(2005-38)**
4. Approve Surplussing of a Computer and Plotter
5. Approve JAGC Subgrant for the Walton County Sheriff’s Office

The Board called to order a Public Hearing to discuss the use of Local Option Gas Tax Reserves to fund the re-construction of the intersection of U.S. Highway 331 at CR 3280. Mr. Bill Imfeld, Finance Director, presented a proposed resolution to transfer \$655,182.00 from the Local Option Gas Tax Reserves into the Fiscal Year 2006-2007 budget. The floor was opened to public comments.

Mr. Don Crim felt that the county had already paid for the improvements to this intersection. He listed the funds previously designated for this intersection and the dates of designation. Mr. Imfeld clarified that funds Mr. Crim spoke of were previously used to repair the existing road, not to redesign and transform the intersection as is currently planned. Chairman Brannon further explained that a portion of the funds mentioned would carry over for this project.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the proposed resolution and budget transfer as presented by Mr. Imfeld **(2006-40)**. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Ken Little, Citizens Services Director, requested approval of the proposed Draft Communication Plan for the Citizen’s Services Department. There were no public comments.

Motion by Commissioner Jones, second by Commissioner Pridgen, to approve the proposed Draft Communication Plan as presented by Mr. Little. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Ryan Douglass, Public Works Staff Engineer, presented the plan for the Waterview Cove Phase I paving and overlay project. The following roads will be included: Waterview Cove Road, Cypress Place, Dogwood Place, Hickory Place, and Waterview Place. He stated that the overlay will consist of putting 1.5" of asphalt and tack coat onto the road. The approximate cost of materials is \$75,000.00. He also requested that the county maintained road list be modified to include the roads previously listed. Mr. Douglass stated that the funding will come from a re-direction of funds from the Dick Saltzman Road and Ivy Lane projects. Dick Saltzman Road and Ivy Lane are scheduled to be paved in October 2006, which is actually in the 2007 budget year. He stated that grant funds should be available to pave those two roads or the paving projects will be added to the 2007 budget. The floor was opened to public comments.

Ms. Lee Ellis, resident of Dick Saltzman Road, spoke in opposition to the proposed modifications to the existing paving schedule and to the re-allocation of funds from Dick Saltzman Road. Chairman Brannon explained that the roads will be paved in October 2006 as scheduled.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the proposed resolution and changes to the paving plan as presented by Mr. Douglass. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Douglass presented a deductive change order for the South Walton Connector Road improvement project in the amount of \$67,099.85. A detailed account of the change order was submitted. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the change order deduction as presented by Mr. Douglass. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Lamar Sikes was not present to present his request to allow contractors to continue working on the beach.

Mr. Ed Baltzley, Emergency Response Director, presented a request to schedule a Public Hearing at the May 9, 2006, Regular Board Meeting to consider transferring \$80,000.00 from the General Fund to the Red Bay Fire District Building Fund. There were no public comments.

Motion by Commissioner Cuchens, second Commissioner Pridgen, to schedule the Public Hearing as requested by Mr. Baltzley. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Baltzley requested approval of an agreement between Walton County and the Walton County School Board to utilize school buses to transport the public at current use cost during Local States of Emergency. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Jones, to approve the agreement as presented by Mr. Baltzley. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Sonny Mares, TDC Interim Director of Administration, requested approval of an \$80,000.00 sole source contract with the South Walton Turtle Watch Group, Inc. to conduct Sea Turtle monitoring services beginning May 2006. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve the contract as presented by Mr. Mares. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Mares requested approval of a scope of work for risk analysis for the Project Prioritization and Preliminary Beach Template Design as submitted by Taylor Engineering. There were no public comments.

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

Chairman Brannon stated that a recommendation had been made to have the TDC request that rental companies inform renters of the bike path rules.

Commissioner Pridgen requested an update on the status of McCullough Road. Attorney Hallman gave a brief history of the road and how it came to be closed. He stated that a neighboring property owner had filed a law suit against the owner who closed the road and that Judge LaPorte had ordered that the road remain closed until the litigation is complete. Attorney Hallman felt that the county would eventually be involved in the litigation; however, he explained that the current order does not apply to the county and that the county can decide whether to open the road and if maintenance is necessary. Commissioner Jones expanded upon the history of the road and the associated issues. He recommended that the Board hear from all parties involved prior to making any decision regarding the opening of or maintenance of the road.

Further discussion ensued as to whether the proper procedures were followed for the abandonment or closure of the road. Commissioner Cuchens, along with Commissioner Pridgen, felt that the road should be re-opened until the formal abandonment process is complete.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to open McCollough Road until the formal abandonment process is complete.

After further discussion, it was determined that the Board had previously directed staff to begin the abandonment process. Mr. Bell stated that the information was forwarded to the Legal Services Department for review. Attorney Hallman stated that the process was on hold due to litigation.

Commissioner Meadows stated that she did not have all pertinent information to render a decision and concurred with Commissioner Jones that a Public Hearing should be held. Chairman Brannon was concerned with any agreement which may have been made between the county and the property owner who closed the road.

Chairman Brannon called for the vote. There were no public comments. Ayes 2, Nays 3. Jones Nay, Meadows Nay, Pridgen Aye, Brannon Nay, and Cuchens Aye.

The Board decided to review all related documents at a future Board meeting. Mr. Bell stated that the abandonment will be advertised and added to the agenda of the May 23, 2006, Regular BCC Meeting.

Commissioner Jones presented a proposed resolution to establish August 8, 2006 as Bill Adkison Appreciation Day. He read the proposed resolution into the record. There were no public comments.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the proposed resolution as presented by Commissioner Jones (**2006-39**). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

A copy of the resolution was presented to Mr. Adkison's family.

Mr. Ronnie Bell, County Administrator, requested clarification of the time and venue of the Public Hearing to consider expanding the current height restriction to all of Walton County. The Board concurred that the item should be added to the agenda of the May 23, 2006, Regular

BCC Meeting to be held at the Walton County Court House in DeFuniak Springs at or after 5:00 p.m.

Mr. Bell stated that the estimate to repair the damage caused by vandalism to the Portland Community Center is \$20,580.00. He recommended that the funds be taken from the Board's contingency funds and that staff move forward with the repairs. Mr. Bell stated that an application for restitution was filed with the State's Attorney's Office. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the request as presented by Mr. Bell. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Shirl Williams, Assistant County Administrator, recommended that the GEC and Bike Path Maintenance Contracts be awarded to RDT Enterprises of Cherokee, Alabama. The yearly contract amount is \$237,168.48; with 25% to be designated for the GEC to be paid from the Board's account and 75% to be designated for bike path maintenance to be paid from the recreational plat fees of Districts 1 and 5. Mr. Bell briefly explained the scope of work for the contract. The floor was opened to public comments.

Mr. Alan Facerra felt that funds from impact fees should not be used for recurring maintenance costs. Commissioner Meadows explained that the maintenance cost will be added to the 2007 budget.

Commissioner Cuchens questioned the recent purchase of ground maintenance equipment which he thought was to be used for bike path maintenance. Mr. Bell explained that the equipment in question was purchased for the Parks and Recreation Department to maintain parks and recreation facilities.

Commissioner Cuchens asked if inmate labor could be used in lieu of contracting the labor. Mr. Bell stated that inmate labor has been used in the past. Commissioner Meadows added that prison crews do not provide consistent service and that the correctional officers are not comfortable having crews in such busy areas.

Mr. Crim questioned the recent hire of employees to maintain the bike path and the purchase of a sweeper.

Mr. Facerra asked if TDC funds can be used for the maintenance costs. Commissioner Meadows replied that they cannot.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve the contract with RDT Enterprises as presented by Mr. Bell. Ayes 4, Nays 1. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Nay.

Mr. Bell announced that Commissioner Jones and Chairman Brannon will attend the Hurricane Conference from May 8-12, 2006.

Ms. Camille Tharpe, Government Services Group, gave a status report on the survey for the Creekside Subdivision MSBU. She stated that a second survey with costs will be sent out soon. She submitted a document which overviewed apportionment methodology, project costs, various scenarios, remaining issues, and future action. Chairman Brannon requested that the second survey be sent out with a range of costs. There were no public comments.

Motion by Commissioner Jones, second by Commissioner Pridgen, to send out the Creekside Subdivision MSBU survey with a range of costs. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Attorney Hallman announced that the parties involved in the Gordon R. McGill application for a lot split decided to have their case heard by the Board of Adjustments. The



hearing is tentatively set to be held at the South Walton Courthouse Annex on Wednesday May 31, 2006, at 6:00 p.m. Commissioner Cuchens and Commissioner Pridgen submitted ex parte communication forms.

Ms. Pat Blackshear, Growth Management Director, requested permission to advertise for a Public Hearing to amend the Walton County Construction Permit Fee Authorization Ordinance. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Meadows, to approve the request for Public hearing as requested by Ms. Blackshear. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear invited the Commissioners to attend the workforce housing news conference scheduled for 9:00 A.M on April 26<sup>th</sup> at the South Walton Chamber of Commerce.

Ms. Blackshear requested that staff be allowed to bring a text amendment back to the Board regarding inconsistent language in the LDC regarding density for large scale agriculture. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to allow Ms. Blackshear to draft a text amendment and bring it back before the Board as requested. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear requested that staff be allowed to draft a resolution to participate in a joint land use study with Eglin and Okaloosa County. There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to allow staff to draft a resolution and bring it back before the Board as requested. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Meadows requested that a Public Hearing be scheduled to consider an amendment to Section 5-32 A2 of the Dogs on the Beach Ordinance. The change would include the following language: "All permits issued shall be for a one year period and will expire August 1 of each year." She added that color coded dog tags are proposed so that Code Enforcement Officers can visually recognize valid and invalid permits. Ms. Leslie Campbell, Beach Activities Coordinator, will work with the Tax Collector's office to set up a pro-rated fee schedule so that fees are paid correctly.

Motion by Commissioner Meadows, second by Commissioner Jones, to schedule a Public Hearing as requested by Commissioner Meadows. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Meadows reported that the state lands previously considered as a possible affordable housing site was determined to be mostly wet lands. She requested that the Board make a decision regarding purchasing the land and authorize her to notify Ms. Eva Armstrong, Division of State Lands. Mr. Billy McKee, Environmental Planner, submitted a report regarding the condition of the lands. There were no public comments.

Motions by Commissioner Meadows, second by Commissioner Cuchens, to decline on purchasing the site due to the environmental sensitivity and to authorize Commissioner Meadows respond to FDEP. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Meadows stated that the Trust for Public Lands offered to purchase a seven acre parcel near the town center from a private entity and convey it to the county for recreational usage. She stated that there are ten requirements, which if met will qualify the

county for 100% funding of a recreational facility. She submitted a copy of the requirements. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to adopt a resolution in support of the measure and to provide the facility which will qualify for 100% funding. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Commissioner Meadows referred to a petition from approximately 60 Public Works Department staff members requesting that they be allowed to wear shorts during the summer months as part of their uniform. Mr. Gary Madison, Human Resources Director, stated that the county's insurance carrier, PGIT, had previously recommended that employees not wear shorts due to the hazardous scope of their work. Commissioner Jones asked that Mr. Mattison find out what penalties would be assessed if employees were allowed to wear shorts. The issue will be discussed further at the May 9, 2006, Regular BCC Meeting.

Chairman Brannon stated that DeFuniak Springs City Councilman James Huffman had requested that the Board support petitions for the installation of traffic lights at the intersections of US Highway 331 and Bruce Avenue and US Highway 90 and 20<sup>th</sup> Street. He recommended that the Board authorize staff to draft a resolution of support and to forward a copy to the FDOT.

Motion by Commissioner Jones, second by Commissioner Pridgen, to have staff draft a resolution as presented by Chairman Brannon. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Bell stated that the Board met with the DeFuniak Springs Mayor and City Council at a ceremony to convey the DeFuniak Springs Recreational Park to Walton County. The Board was presented with a trophy and signed baseball as a memento of the occasion.

A letter was submitted to the Board on behalf of Mr. Robert E. La Favre, who expressed objection to allowing the South Walton Fire District to operate an independent 911 system.

There were no public comments.

The Board recessed at 5:45 p.m. and reconvened at 6:11 for a Public Hearing to discuss the land use agenda items. Attorney Hallman administered the oath to all who intended to present testimony regarding the quasi-judicial items.

Mr. Rick Tooke, County Surveyor, presented a request by Mr. David R. Thomas for the abandonment of 30 ft. of a public right-of-way lying along the west boundary of lots 56, 57, 58 and 59 of the Santa Rosa Plantation Company Subdivision. This right-of-way is located south of Casa Grande Lane east of Shelter Cove Drive in the Hewitt Point area of South Walton. The Planning Commission recommended approval with the condition that the applicant provide a north/south corridor to the east of the abandonment to be used as a public road. Mr. Tooke also recommended a re-plat. He explained that the resolution draft submitted in the staff report contains an erroneous legal description. Staff found the project consistent with the LDC and Comp Plan contingent upon the condition made by the Planning Commission, the re-plat, and correction to the legal description.

Mr. Dean Burgis, Emerald Coast Associates, was present to represent the applicant, Mr. David R. Thomas. He concurred with staff regarding the amended legal description, but requested that he be allowed to review the revision. Attorney Hallman requested that the Board authorize him and Mr. Took to work with Mr. Burgis to clarify the legal description of the property to be abandoned. A staff report and letter from O.O. Ajala were submitted into the record (**Exhibit #1 & #2**).

Motion by Commissioner Cuchens to approve the Thomas Petition for Abandonment contingent upon the right-of-way agreement, re-plat, and correction of the legal description and revision of resolution for the abandonment to be handled by Attorney Hallman and other necessary staff or parties.

Commissioner Cuchens withdrew his motion. There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve the Thomas Petition for Abandonment contingent upon the right-of-way agreement, re-plat, and correction of the legal description and revision of resolution for the abandonment to be handled by Attorney Hallman and other necessary staff or parties. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Brian Martinez presented Wilderness at Blackcreek Conceptual PUD, a major development proposal which consists of 720 single-family lots, 20 multi-family units, 40,000 sq. ft. of commercial area, and a marina with 50 boat dry storage units. This parcel is 1,543 acres in size and has a future land use designation of North Bay Neighborhood Planning Area (NPA)/Rural Town Center. This site is located north of CR 3280, approximately 8 miles east of US Highway 331. Staff found the project consistent with the LDC and Comp Plan contingent upon the following conditions: an eastbound left turn lane, a westbound right turn lane, dedication of a 50 ft. right-of-way along CR 3280, and finalization of a school site agreement with the Walton County School District. A staff report and addendum were submitted into the record (**Exhibit #1 & #2**).

Chairman Brannon asked if any improvements to CR 3280 are currently on the CIP. Mr. Greg Graham, Staff Engineer, stated that a JPA for an intersection re-alignment of CR 3280 is on the CIP. He added that CR 3280 is also on the Public Works' priority list to be widened and

overlaid. Ms. Blackshear added that the realignment of intersections at CR 81 and US Highway 20 are also on the CIP.

Commissioner Meadows expressed concern over the existence of only one ingress/egress.

Ms. Jennifer Christensen, Connelly & Wicker, Inc., was present to represent the applicant, BEP, LLC. She demonstrated an additional connection on the site plan. Mr. Lloyd Blue, BEP, LLC., stated that a third ingress/egress could possibly be included. Ms. Christensen stated that the developer is in agreement to the conditions set forth by staff.

Mr. Blue stated that BEP, LLC., had received a letter from Ms. Carlene Anderson, Superintendent, which stated that the WCSD had not found this project concurrent. He stated that after discussions with the WCSD BEP, LLC., agreed to provide a 20 acre school site or the funds to acquire a school site.

Ms. Carlene Anderson, Superintendent, stated that all developers are being sent letters from the school board regarding school concurrency and the lack of school sites. She added that the contribution can be in the form of a site or funds to purchase a site. Ms. Anderson further explained that many developers are not responding to the school concurrency notifications. Florida has strict class size requirements which the WCSD is in danger of exceeding due to an influx of new developments, both large and small, into Walton County. Ms. Anderson briefly described the penalties for exceeding the class size requirements and Walton County schools which are near capacity.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Cuchens, to approve Wilderness at Bear Creek Conceptual PUD as presented contingent upon the addition of an eastbound left turn lane, a westbound right turn lane, dedication of a 50 ft. right-of-way along

CR 3280 and finalization of a school site agreement with the Walton County School District. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Renee Bradley, Planning Technician, presented Serenity on the Bayou, a major development proposal which consists of 80 single-family lots on 41.2 acres. The site is located just west of Mullet Drive and has a future land use designation of Rural Village (RV). Staff found the project consistent with the LDC and Comp Plan contingent upon the final recommendations of the Planning Commission. A staff report was submitted into the record **(Exhibit #1)**.

Mr. Graham stated that the county had asked the developer to make a fair share contribution towards a northbound left-turn lane at the intersection of LaGrange Road and US Highway 331.

Mr. Jenkins was present to represent the applicant Blue Gray, Inc.

Ms. Anderson stated that the developer for this project had not responded to the letter from the WCSD regarding school concurrency.

The Board entered into discussion regarding projects on the agenda with school concurrency issues. Ms. Blackshear explained that Walton County will not be mandated by the state to meet school concurrency until 2008; whereas, the school board's requirements have been in effect for several years. She stated that the WCSD cannot approve a project that does not meet school concurrency. Attorney Hallman summarized the current laws to which the WCSD and Walton County are subject. The Board concurred that they do not have the authority to deny a project due to the lack of school concurrency; however, they agreed to have developers of projects with school concurrency issues contact the WCSD prior to issuance of the DO.

Mr. Jenkins stated that the developer for this project will meet with the WCSD as a

condition of the DO. The floor was opened to public comments.

Mr. Ken Goldberg felt that the county has the authority to create an intergovernmental agreement with the WCSD regarding school concurrency.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve Serenity on the Bayou contingent upon the condition of the CLOMA-F and the documentation of contact with the WCSD prior to issuance of the DO. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Ray Zobel, Plan Review Engineer, presented The Cottages at Bayou Forest, a major development proposal which consists of a 41-lot single-family subdivision on 20.83 acres. The site is located along the north side of East Bayou Forest Road, at the East Bayou Forest Road and Mullet Drive intersection and has a future land use designation of RV. Staff found the project consistent contingent upon contact with the WCSD regarding school concurrency, installation of a dry sewer system, hook up to sanitary sewer upon its availability within the City of Freeport and a revised storm water management plan. A staff report and second review of the hydraulic data analysis were submitted into the record (**Exhibit #1 & #2**).

Mr. Graham added that the developer was asked to make a fair share contribution toward a northbound left-turn lane off LaGrange Road as a condition of approval.

Mr. Lanny Smartt was present to represent the applicant The Cottages at Bayou Forest, LLC. He stated that a lot has been acquired to offer an additional ingress/egress, making one on Mullet Drive and one on Bayou Forest Road. He commented on the school concurrency dilemma and recommended that developers be required to pay a pro-rated share of the monetary penalty assessed to the WCSD.

Mr. Terry Anderson, Anderson Engineers, P.A., was present to represent the applicant,



The Cottages at the Bayou, LLC. He briefly addressed the revisions to the storm water management system. A revised set of plans demonstrating the modified lot lines which allow for wet detention and the additional ingress/egress was submitted into the record (**Exhibit #3**). Mr. Graham verified that the revised plan will not have any significant changes.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve The Cottages at Bayou Forest contingent upon the lot line changes for wet detention as shown in Exhibit #3, the additional ingress/egress, connection to a sewage system, revisions to the storm water management system, a fair share contribution towards a northbound left turn lane on LaGrange Road, and documentation of contact with the WCSD prior to issuance of the DO. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented Peninsula Pointe, a major development proposal which consists of 14 single-family residential lots on 3.79 acres. The site is located on the south side of Lakewood Drive, east of Beachfront Trail and has a future land use designation of NPA/Infill. Staff found the project consistent with the LDC and Comp Plan contingent upon the conditions set forth by the Planning Commission, recommendations from the Coastal Dune Lake Advisory Board (CDLA) and the school board concurrency provision. A staff report was submitted into the record (**Exhibit #1**).

Mr. Billy McKee, Environmental Planner, stated that the CDLA had been asked by the Board to assess whether the affected lake was a Coastal Dune Lake. Because no conclusion was reached, the CDLA made the following recommendations followed by a motion:

1. storm water should be treated to the Outstanding Florida Water standards
2. use of pile supported buildings
3. maintain a 50 ft. building setback and if possible increase the setback and buffer with

an extended amount of natural vegetation. In the case of three lots where the 50 ft. setback is not possible, a minimum setback of 35 ft. will be maintained.

He stated that the developer had agreed to the first two conditions and had tentatively agreed to the third, but had since changed his mind regarding the setbacks.

Mr. Burgis was present to represent the applicant, Peninsula Point, LLC., he stated that the applicant concurred with the conditions set forth by staff and the assessment of the lake by the CDLA. He stated that a 25 ft. wetland buffer will be provided, but that it will not be possible to include the additional setbacks. Mr. Burgis stated that the developer will zero scape the lots which abut the lake. He added that the roadways and some of the retention areas will be filled.

Mr. McKee stated that the CDLA had determined that the lake is a wetland which is important to and influences the Coastal Dune Lakes. The floor was opened to public comments.

Ms. Marsha Anderson, CDLA, stated that there is not enough scientific data to make a clear determination on the lake. She felt that the Board should back the decisions of the CDLA.

Mr. Mark Brady, resident of Maralago on Little Deer Lake, spoke on behalf of approximately 25 of his fellow homeowners. He feels that Little Deer Lake is a Coastal Dune Lake and is therefore in need of additional protection. He submitted two aerial photos into the record (**Exhibits # 2A & 2B-exhibit 2B was submitted to the Board, but not to the Clerk**).

Commissioner Meadows made suggestions which she felt would allow a 35-50 ft. setback instead of the 25 ft. setback agreed to by the developer. Mr. Burgis felt that her suggestions were not plausible due to the potential impacts to a drainage easement. Mr. Burgis felt that the developer's concessions met and exceeded those of the FDEP and Walton County.

Ms. Constance Brady spoke in support of providing additional protection to Little Deer Lake. She discussed the impacts of other developments She submitted an aerial photo into the

record (**Exhibit # 3**).

Commissioner Pridgen asked Mr. Burgis if he was in attendance when the CDLA met and made their recommendations and what he agreed to at that time. He replied that he was in attendance and had agreed to the first two conditions and had agreed to review the setback recommendation.

Ms. Anderson recalled that Mr. Burgis did agree to all conditions and submitted a draft of the minutes from the March 16, 2006, CDLA meeting into the record (**Exhibit # 4**). She stated that the Outstanding Florida Water standards are to have 100 ft. setbacks and that the lesser setbacks were agreed to as a concession to the developer. Mr. Burgis stated that the Outstanding Florida Water standards specify water treatment standards, not setback length.

Ms. Blackshear added that the county does not currently have a zero scape ordinance.

There were no further public comments.

Motion by Commissioner Meadows, second by Commissioner Cuchens, to approve Peninsula Pointe contingent upon lots 4, 7, and 8 having a rear set back of 35 ft. thereby reducing the front yard setback to less than 20 ft. if necessary, lots 5, 6, 9, 10, and 11 having a 50 ft. rear setback with necessary relief of the front yard setback, lots 4-11 are to have a variance of the 20 ft. front yard set back sufficient to the position of the building. The project is also subject to the school concurrency provision set by the Board and the conditions of the Planning Commission. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented McCall Park Village, a major development proposal which consists of a 20-lot single family subdivision on a 10.12 acres with a future land use designation of Conservation Residential (2 units per acre). This site is located on the west side of Moll Drive across from Helen McCall Park. Staff found the project consistent with the LDC and Comp Plan

contingent upon an agreement to increase the lift station capacity to allow for extension of the sewer line to McCall Park, permits are to be provided prior to the issuance of the DO, and the school board provision. A staff report was submitted into the record (**Exhibit #1**). (Commissioner Jones stepped out at 8:28 p.m.)

Mr. Jack Rhodes was present to represent the applicant, Matthews Development Company, Inc. He requested that the Board allow the developer to run the line and stub it to the right-of-way on the applicant's side of the project in lieu of running it to the park. He stated that the developer will coordinate the specifications of the pump to accommodate the park. Mr. Rhodes stated that no letter was received from the WCSD regarding school concurrency and that he does not want the school board provision as a condition of the DO. He stated that there was no mention of an outstanding school concurrency issue in the technical review for this project. Mr. Rhodes referenced LDC section 3.03.03 and stated that it is silent in regards to school concurrency. He stated that the developer will meet with the WCSD if required by the Board.

Commissioner Meadows felt that continuing the sewer line to the park would be beneficial to the children who utilize it. Mr. Rhodes stated that the pipe can be extended to the park if the DO is issued based on the specifications submitted and approved by the county engineer for the purpose of issuing a DO permit; if the applicant agrees to amend the DE permit in conjunction with the county to accommodate a specification upgrade to the lift station to facilitate the county's request. (Commissioner Jones re-entered at 8:37 p.m.)

Commissioner Meadows also requested that the homeowners be notified of the lights and traffic generated by the park. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Meadows, to approve McCall Park Village subject to the agreement to extend the sewer through the right-of-way to the

McCall Park and to meet with the WCSD regarding concurrency. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented Seacroft Cottages PUD, major development proposal which consists of a 20 lot single family subdivision on 2.51 acres with a future land use designation of NPA/Infill. This site is located on the south side of Seacroft Drive, west of Satinwood Drive and east of CR 393. Staff found the project consistent contingent upon conditions set forth by the Planning Commission. A staff report was submitted into the record (**Exhibit #1**).

Mr. Darrell Barnhill, of Barnhill, Barnhill, and Barnhill, stated that the applicant will address the school concurrency issues and added that no letter was received from the WCSD. There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve Seacroft Cottages PUD as presented contingent upon the final recommendations of the Planning Commission. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented a request for conditional approval of a 150 ft. monopole T-Mobile Communications tower on a 0.02 acre leased parcel. The site is located at the end of Clayton Lane, west of CR 283 S and has a future land use designation of Village Mixed Use. She stated that an email from Mr. Felix Beukenkamp was received which stated a concern that the project would be a violation of the covenants and restrictions. She stated that his concern would be a civil matter. Staff found the project consistent with the LDC and Comp Plan. A staff report was submitted into the record (**Exhibit #1**).

Mr. Jim Anders was present to represent T-Mobile.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the T-Mobile Communications tower as present by Ms. Blackshear. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented Old Point Washington, a major development proposal which consists a 31-lot single-family subdivision on six acres with a future land use designation of NPA/Infill. The site is located on the west side of north CR 395, south of Gilmore Road. Staff found the project consistent contingent upon the conditions set forth by the Planning Commission as listed in the staff report. A staff report was submitted into the record (**Exhibit #1**).

Mr. Burgis was present to represent the owner/applicant, Mr. Jim Ryan. He stated that the applicant had agreed to the conditions.

Commissioner Cuchens stated that biking enthusiast within the county have requested that 10 ft. bike paths be constructed. Ms. Blackshear stated that the developer preferred to use an 8 ft. path for connectivity to surrounding areas. Mr. Burgis added that the new bike path will be connected to paths on either side. He stated that he would like to coordinate with the county as the additional paths are installed.

There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve Old Point Washington as presented with the Planning Commission's final recommendations and coordination of placement of the bike paths. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented Cottages at Peach Creek, a major development proposal which consists of a 62 lot single-family subdivision on 9.27 acres. The site is located on the east side of

Old Ferry Road, north of Coochee Road with a future land use designation of NPA/Infill.

Staff found the project consistent contingent upon the Planning Commission's final recommendations. A staff report was submitted into the record (**Exhibit #1**).

Mr. Barnhill was present to represent the applicant, DMF Development Corporation, LLC. He stated that the applicant is in agreement to the conditions.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Jones, to approve Cottages at Peach Creek as presented contingent upon the final recommendations of the Planning Commission. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented Mack Bayou Townhomes, a major development proposal which consists of 25 townhomes on 4.33 acres with a future land use designation of NPA/Infill. This site is located between East Mack Bayou Drive and Mack Bayou Road, north of Monarch Drive and south of Kenai Circle. Staff found the project consistent with the LDC and Comp Plan contingent upon the final recommendations of the Planning Commission and submission of the required permits prior to final plat approval. A staff report was submitted into the record (**Exhibit #1**).

Mr. Jeremy Prestell was present to represent the applicant, Donovan Construction, Inc. he stated that a CLOMA-F will not be required as was stated in the staff report.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Jones, to approve Mack Bayou Townhomes as presented contingent upon the Planning Commission's final recommendations and submission of the necessary permits. Ayes 5, Nays 0. Jones Aye,

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

Mr. Zobel requested that major development proposal identified as Downtown Seagrove be continued until the May 23, 2006, BCC Meeting, to be held at the DeFuniak Springs Courthouse at or after 5:00 p.m.

Motion by Commissioner Jones, second by Commissioner Cuchens, to continue the Downtown Seagrove as requested. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Zobel stated that the proposed major development, Rose Haven Townhomes would be continued until the May 23, 2006, BCC Meeting, to be held at the South Walton Annex at or after 5:00 p.m. The request for continuation is due to erroneous advertising on the applicant's part. No action was required.

Ms. Blackshear presented Central Park South, a major development proposal which consists of 83 multi-family units with a pool amenity area on 9.51 acres. The site has a future land use designation of Village Mixed Use (VMU) and Conservation Residential (CR 2 units/acre) and is located along the southeast side of Sugar Drive, approximately 500 ft. south of the US Highway 98 west and Sugar Drive intersection. Staff found the project consistent contingent upon the Planning Commission's final recommendations. She reported that only the third recommendation is outstanding. A staff report was submitted into the record (**Exhibit #1**).

Mr. Burgis was present to represent the applicant Fudpuckers Properties of South Walton, LLC., and stated that the applicant concurs with the conditions.

There were no public comments.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve Central Park South as presented contingent upon the third of the Planning Commission's final



recommendations. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Zobel presented a request from the applicant, The Eagle Group, Inc., for continuance of the major development proposal identified as Waterfalls by The Bay until the May 9, 2006, BCC Meeting.

Mr. Scott Jenkins, Jenkins, Sanford, and Associates, was present to represent the applicant. He stated that the request is due to a discrepancy between the LDC and Comp Plan regarding the definition of coastal high hazard areas.

Ms. Christie Colloway, East Hewitt Road, requested that all deficiencies noted by the Planning Commission be addressed prior to approval.

Motion by Commissioner Meadows, second by Commissioner Jones, to continue Waterfalls by The Bay as requested. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Ms. Blackshear presented a request for continuance for the major development proposal identified as Watermark at Inlet Beach until the May 23, 2006, BCC Meeting.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to continue Watermark at Inlet Beach as requested. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Mark Jordan, Project Manager, presented Grand Ridge, a major development proposal which consists of 18 single-family residential lots on a 2.52 acre parcel of property with a future land use designation of NPA-Infill. This site is located at the northwest corner of the Dolphin Drive and Solitude Avenue intersection. Staff found the project consistent contingent upon the Planning Commissions final recommendations. A staff report and email from Mr. Gary

d'Andrea regarding mosquito control were submitted into the record (**Exhibit #1 & #2**).

Mr. Dave Lovell, PBS&J, was present to represent the applicant, Grand Ridge, LLC. He stated that the applicant concurs with the conditions. He briefly explained the storm water management system per Commissioner Meadows's request.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve Grand Ridge as presented contingent upon the final recommendations of the Planning Commission. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Jordan presented Bay Nest, a major development proposal which consists of 114 multifamily units, four three-story condominiums and a 10,000 sq. ft., two-story commercial building, developed in three phases, on a 9.91 acre parcel of property with a future land use designation of Village Mixed Use. This site is located along the east side of CR 393, approximately 500 feet north of the US Highway 98 and CR 393 intersection. Staff found the project consistent contingent upon the final recommendation of the Planning Commission. A staff report was submitted into the record (**Exhibit #1**).

Mr. Barnhill was present to represent the applicant, DMF Development, LLC. He briefly discussed the variances requested.

There were no public comments.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve Bay Nest contingent upon the final recommendation of the Planning Commission. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Cuchens Aye.

Mr. Jordan presented Bear Creek PUD, a major development proposal which consists of 267 single-family residential lots and 84 multi-family dwellings on a 197 acre parcel with a

future land use designation of RV (2 units per acre). This site is located along CR 3280, approximately 1.05 miles east of the US Highway 331 north and Black Creek Road intersection. Mr. Jordan stated that staff received a copy of the letter from the WCSD. Staff found the project consistent contingent upon the final recommendations of the Planning Commission. A staff report and list of recommendations from the Engineering Department were submitted into the record (**Exhibit #1 & #2**).

Mr. Graham stated that staff had the following conditions of the developer: dedication of a 50 ft. right-of-way along CR 3280, removal of the 90 degree parking on one way streets, use of one way streets boulevards only, and use of a 24 ft. width for drive aisles. He stated that staff is working with the applicant to resolve the traffic concurrency issues. He stated that a fair share contribution may be required. Mr. Graham also requested that Buffy Laney Road be upgraded to county standards from this project up to CR 3280.

Mr. Ricky Rookis, Managing Member of Bear Creek Development, LLC., stated that he concurs with all of the conditions except the 50 ft. of right-of-way on CR 3280. He stated that negotiations with FDEP are currently underway which may undermine the county's request. Mr. Rookis stated that he will meet with county staff when his negotiations with FDEP are complete.

There were no public comments.

Motion by Commissioner Meadows to continue the project until the May 9, 2006, Regular BCC Meeting. Motion failed due to a lack of a second.

Motion by Commissioner Cuchens, second by Commissioner Pridgen, to approve Bear Creek PUD contingent upon the written conditions included in the Board packet and the requirement that Mr. Rookis work with county staff regarding the county's acquisition of a 50' right-of-way after his negotiations with FDEP are complete. Ayes 5, Nays 0. Jones Aye,

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

Commissioner Pridgen submitted an ex parte communications form for Bay Breeze Cottages dated March 10, 2006.

There being no further business, the meeting adjourned at 9:30 p.m.

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

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