

MAY 23, 2006-REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a Regular Meeting on Tuesday, May 23, 2006, at 4:00 p.m. in Courtroom A of the Walton County Courthouse.

The following Board members were present: Vice-Chairman Kenneth Pridgen, Commissioner Larry Jones, and Commissioner Rosier Cuchens. Ms. Shirl Williams, Assistant County Administrator, and Mr. David Hallman, County Attorney, were also present.

Commissioner Jones led with prayer followed by the Pledge of Allegiance to the American flag.

Vice-Chairman Pridgen called the meeting to order.

Ms. Williams announced that Chairman Brannon was unable to be present because he had been asked to be a guest speaker at the Vision 2015 Summit in Okaloosa County. She said that he planned to attend the meeting after the conference.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the consent agenda consisting of the items below. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

1. EAL Approval		
General Fund	\$	501,224.24
County Transportation	\$	835,709.25
SHIP	\$	4,479.50
Fine & Forfeiture	\$	93,264.89
Debt Service Hospital	\$	-
Mosq. Control State	\$	-
Mott Sign Grant	\$	-
Section 8 Housing	\$	17,281.58
Tourist Dev. Council	\$	605,401.18
N.W. Mosquito Control	\$	2,642.81
W. Co. Library	\$	13,253.89

Tax Deed Surplus Trust	\$	-
Recreation Plat Fee	\$	2,165.55
Public Safety- 911	\$	9,121.26
Solid Waste Enterprise	\$	151,057.51
Mossy Head VFD	\$	604.00
Glendale VFD	\$	27,043.96
Darlington VFD	\$	-
Red Bay VFD	\$	-
Preservation	\$	-
Sidewalk Fund	\$	-
Local Option Gas Tax	\$	-
Special Law Enf. Trust	\$	10,000.00
Driftwood Debt Service	\$	-
Criminal Justice Ed Fund	\$	-
Bldg Dept/Enterp. Fund	\$	9,071.23
Capital Projects Fund	\$	1,023,881.62
Imperial Lakes MSBU	\$	-
Totals	\$	3,306,202.47

2. Approve Minutes of May 9, 2006 – Regular Meeting
3. Investment Report for quarter ended March 2006
4. Approval to surplus various computers from the District 5 Commissioners Office
5. Request to transfer funds for extended tax discount

Ms. Rachel Jones, Miss Walton County, addressed the Board and introduced the following “Miss Queens” for Walton County:

Teen Miss Walton County – Allie Alford

Junior Miss Walton County – Teia Fields

Young Miss Walton County – Jamison Minniefield

Tiny Miss Walton County – Tori Manning

Ms. Ashley Garcia, Miss DeFuniak Springs, addressed the Board and introduced the following “Miss Queens” for DeFuniak Springs:

Teen Miss DeFuniak Springs – Mary Beth Bishop (unable to attend)

Teen Miss Ambassador – Heather Lamb

Junior Miss DeFuniak Springs – Jasmine Minniefield

Young Miss DeFuniak Springs – Megan Matthews

Tiny Miss DeFuniak Springs – Paige Howell

Ms. Jones and Ms. Garcia will both be representing Walton County in the 2006 Peanut Festival Pageant.

Mr. Rick Millard, Construction Manager, addressed the Board to discuss the concept of constructing a second housing pod at the Walton County Justice Facility. This issue was raised due to the expectations that the new facility could reach capacity soon after opening. The new pod will incorporate the 38 modules remaining from the jail purchase in 2004 plus an additional 6 modules. The new pod will increase bed capacity from 328 pod beds to 584 beds. Mr. Millard informed that the modules are currently being stored at a cost of approximately \$6,500.00 per month. He said that by the commissioners being proactive the taxpayers will save at least 2 million dollars. He pointed out that the County will have the option to sell space to the federal government to recover some of the cost.

Circuit Judge Kelvin Wells and Sheriff Ralph Johnson were present and expressed support of expanding the facility. Judge David Green was also present in the audience and voiced supporting comments. Judge Wells stated that Judge Howard LaPorte was also in support of the project.

The Board ensued discussion concerning the related costs associated with operating the additional space. The commissioners agreed to continue the discussion regarding the financial aspects of the project until Chairman Brannon arrived.

Mr. Ryan Douglass, Public Works Staff Engineer, presented a letter from APAC-Southeast, Inc., requesting a change order in the amount of \$61,085 for revised

Maintenance of Traffic plans for the State Road 83 and Rock Hill Road project. APAC also requested an additional 30 days to be added to the contract time plus the days from the date of their request to the date of the signed change order. Mr. Douglass recommended approval of the change order request contingent upon DOT's reimbursement of the full cost of \$61,085, plus the cost to provide a Law Enforcement Officer during work hours (approximately \$8,000).

Motion by Commissioner Pridgen, second by Commissioner Jones, to approve the requests contingent upon full reimbursement from DOT. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Vice-Chairman Pridgen announced that the item placed on the agenda by Mr. Gary Mattison, Human Resource Director, had been pulled.

Mr. Ed Baltzley, Emergency Response Director, stated that the item placed under his name on the agenda had also been pulled.

Mr. Baltzley presented a request from the Glendale Volunteer Fire Department for approval to submit a grant application to the State Division of Forestry for a forestry grant in the amount of \$1,656. He stated that the 50% match will come from Glendale's operating line item of their budget.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the request. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Ms. Kriss Titus, Tourist Development Director, requested approval to transfer \$350,000 from contingency funds into TDC's marketing funds for a Summer Ad Campaign to improve bed tax collections during the upcoming summer season.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve Ms. Titus's request to transfer \$350,000 from contingency funds to for a Summer Ad Campaign. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Vice-Chairman Pridgen requested that discussion concerning the items placed on the agenda by Mr. David Kramer be postponed until Ms. Blackshear arrived from the Vision 2015 Summit.

Attorney Hallman pulled the first item he had placed on the agenda.

Attorney Hallman presented a request for approval to enter into an interlocal agreement with the City of DeFuniak Springs to extend utilities to the new Walton County Justice Facility. A revised copy of the agreement was entered into the record.

Attorney Hallman stated that a construction contract for the utility facilities will be brought back to the Board for approval.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve proceeding with an agreement with the City of DeFuniak Springs for the expansion of utilities to the Walton County Justice Facility. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Ms. Candy Nowling addressed the Board on behalf of her son, Brandon T. Elkins, to request a contribution to assist with the tuition associated with attending the 2006 *LeadAmerica* Congressional Student Leadership Conference.

Motion by Commissioner Jones, second by Commissioner Cuchens, to grant \$1,000 to Brandon Elkins to assist with the expenses associated with attending the 2006 *LeadAmerica* Congressional Student Leadership Conference. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

The Board invited Mr. Elkins to come back and share his experience after the conference.

Ms. Williams gave an update on the status of the application for a Joint Coastal Permit. She stated that the Department of Environmental Protection had issued a Notice of Intent to issue a permit for the opening of Eastern, Western, and Alligator Lakes when the lakes reach a certain water level. This notice will be published as required and there will be a 30 day period in which any affected person may challenge it. Ms. Williams stated that the County is currently waiting on a permit from the Army Corp of Engineers, which will most likely be issued after the 30 day period.

Ms. Williams presented a request from the Walton County School District for the Board to adopt a resolution supporting a request to the State of Florida to swap a parcel of land the State owns in Walton County for a parcel of land the School Board owns in Walton County. An aerial photograph depicting the subject parcels was entered into the record.

Mr. Phillip Ellis with the Choctawhatchee Basin Alliance explained that this request was initially brought to the County's attention by the Coastal Dune Lake Advisory Board as an effort to protect Stallworth Lake.

Motion by Commissioner Cuchens, second by Commissioner Jones, to adopt a resolution supporting the School Board's request (2006-50). Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Commissioner Pridgen stated that he received a letter from the City of Paxton requesting assistance in determining the best method to expand their water system. It was

the general consensus of the Board to direct staff to work with the City of Paxton to research options.

Commissioner Cuchens gave a brief overview of the issues discussed at the Vision 2015 Summit.

Vice-Chairman Pridgen, on Chairman Brannon's behalf, read a letter from the Florida Department of Health.

Attorney Hallman advised Mr. Kramer as he approached the Board that it is not appropriate to discuss any issue that is scheduled to be heard by the Code Enforcement Board.

Mr. David Kramer addressed the Board to discuss his concerns regarding "repeated GIS inconsistencies" and "non-binding land use determinations". He spoke of two incidents he recently incurred involving inaccuracies on the adopted GIS version of the Future Land Use Map. He strongly encouraged the Board to budget more money for the GIS Department and to direct the Planning Department to incorporate corrections to the FLUM into the 2006 EAR amendment.

Ms. Pat Blackshear, Planning & Growth Management Director, agreed with the comments made by Mr. Kramer. She added that the GIS version of the Future Land Use Map was removed from the website and staff was making on-going efforts to correct the inconsistencies between the two adopted FLUM maps of 1996.

Mr. Kramer began to read a statement that he prepared concerning a parcel of property that he felt was improperly designated as NPA/RPA. A copy of the statement was entered into the record.

Attorney Hallman advised the Board that he felt that Mr. Kramer was about to address a matter that is currently pending before the Code Enforcement Board.

After discussion was held, Ms. Blackshear agreed to review solutions to resolve the issue and report that information back to the Board.

Ms. Blackshear presented a proposed resolution to support Okaloosa County in conducting a Growth Management Plan and Joint Land Use Study.

Motion by Commissioner Jones, second by Commissioner Cuchens, to adopt a proposed resolution as presented by Ms. Blackshear (2006-51). Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Ms. Chris Sammelmann, GIS Analyst, submitted a proposed grant application for the ESRI and Trimble Mobile Government Program, Coastal Communities Edition. She requested that the Board agree to write a letter in support of the grant proposal.

Motion by Commissioner Cuchens, second by Commissioner Jones, to prepare a letter of support for the Government Mobility Demonstration Program proposal put forth by the Planning and Development Services Division. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

The Board recessed briefly.

The Board transitioned into the land use portion of the meeting and Attorney Hallman administered the oath to those individuals intending to present testimony during the quasi-judicial proceedings.

Vice-Chairman Pridgen submitted ex parte communications disclosure forms into the record.

Chairman Pridgen called to order the advertised public hearings to consider final approval of the following final plats: Laurel Grove Phase IV, Odom Subdivision, Windsor Court, Royal Palms Subdivision, Sundance Subdivision, and Alys Beach Phase 2 A-1.

Mr. Rick Tooke, County Surveyor, presented a request for final approval of the plat for Laurel Grove Phase IV, a 23-unit townhome subdivision located at Sandestin Resort, approximately ½ mile on the left in the Sandestin East Gate. Staff's findings were that the proposed project meets the technical requirements of the Comprehensive Plan and Land Development Code. Staff recommended that approval of the plat be contingent upon final review by the County Attorney.

There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the final plat for Laurel Grove Phase IV for recordation contingent upon final review by the County Attorney. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tooke presented a request for final approval of a replat of three parcels in Odom Subdivision into a 4-lot subdivision. This site is located on the north side of Highway 90 West at Old Airport Road. Staff's findings were that the proposed project meets the technical requirements of the Comprehensive Plan and Land Development Code.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the final plat for Odom Subdivision for recordation. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tooke presented a request to continue the final approval of the plat for Windsor Court to the Tuesday, June 13, 2006, meeting to be held at the South Walton Courthouse Annex, at 5:00 p.m. or as soon thereafter as may be heard.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the request to continue Windsor Court. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tooke presented a request to continue the final approval of the plat for Royal Palms Subdivision to the Tuesday, June 13, 2006, meeting to be held at the South Walton Courthouse Annex, at 5:00 p.m. or as soon thereafter as may be heard.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the request to continue Royal Palms Subdivision. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tooke presented a request for final approval of the plat for Sundance Subdivision, an 8-lot single-family subdivision located on the south side of Payne Street, approximately 500 feet east of the Ellis Road intersection. Staff's findings were that the proposed project meets the technical requirements of the Comprehensive Plan and Land Development Code. Staff recommended that approval of the plat be contingent upon final review by the County Attorney.

There were no public comments.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve the final plat for Sundance Subdivision for recordation contingent upon review by the County Attorney. Ayes 5, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, Pridgen Aye, and Meadows Aye.

Mr. Tooke presented a request for final approval of the plat for Alys Beach Phase 2A-1, 67-lot single-family subdivision located on the north side of CR 30-A within the Alys Beach PUD. Staff's findings were that the proposed project meets the technical requirements of the Comprehensive Plan and Land Development Code. Staff recommended that approval of the plat be contingent upon final review by the County Attorney.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the final plat for Alys Beach Phase 2A-1 for recordation contingent upon final review by the County Attorney. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Before presenting the Susan McLeay petition abandonment, Mr. Tooke presented a request from Chelco for a 10' utility easement along Howard Street prior to the abandonment of the right-of-way.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve the request for the Chelco/Walton County 10' easement along Howard Street. Ayes 3, Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye.

Mr. Tooke presented a petition from Ms. Susan McLeay for the abandonment of a small remnant triangular shaped parcel of right-of-way containing 0.04 +/- acres on Crestview Street in Villa Tasso.

(Mr. Ronnie Bell and Chairman Scott Brannon entered at 5:40 p.m.)

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Cuchens, to approve by resolution the proposed Susan McLeay Petition for Abandonment (2006-52). Ayes 3,

Nays 0. Jones Aye, Cuchens Aye, and Pridgen Aye. Chairman Brannon did not vote regarding this matter as he was not present at the time the item was presented.

Mr. Tooke presented a petition from Mr. John C. Sims III for the abandonment of the existing 30' Wildwood Street public right-of-way, lying north of SR 20 and south of the former Joseph Street right-of way. Staff requested that approval of the abandonment be contingent upon the following condition: "no portion of the right-of-way lying 100 feet north of the centerline of SR 20 shall be abandoned". Mr. Tooke explained staff requested that the abandonment exclude 50' of the right-of-way adjacent to SR 20 for future connectivity.

Mr. John Sims stated that the land use designation of the property had been incorrectly changed to Rural Village without notification. He requested a letter from the Planning Department stating that the correct land use designation for the property is Industrial.

Ms. Blackshear stated that there had been a scrivener's error and the proper zoning of the parcel was Industrial. She informed that the GIS map had been corrected and agreed to send Mr. Sims a letter.

Mr. Tooke requested that if it was the Board's decision to grant the abandonment without retaining the portion recommended by staff that the abandonment be subject to a utility easement for the maintenance of a waterline installed by the City of Freeport.

Mr. Sims stated that he had offered a perpetual easement, but could not grant an easement until the property was abandoned.

Mr. Greg Graham, Staff Engineer, encouraged the Board to accept staff's recommendation so DOT would not have to acquire the right-of-way at a later date for

connectivity. He agreed to research whether there is additional right-of-way needed in Villa Tasso and report that information back to the Board.

Mr. T.F. Turberville, engineer for the applicant, was present to answer any questions.

Attorney Hallman explained for the record that it was his understanding that if the abandonment was granted, half of the property would go to each property owner on either side.

In response to Attorney Hallman's comment, Mr. Sims stated for the record that in previous incidents the property was not split between two property owners. He pointed out that Eglin Air Force Base owned the property and previously had taken no action to acquire the property.

Motion by Commissioner Cuchens, second by Commissioner Jones, to approve by resolution the proposed John Sims Petition for Abandonment as presented (2006-53). Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

The Board revisited the item presented earlier by Mr. Rick Millard, Construction Manager, regarding the construction of an additional housing pod at the Walton County Justice Facility.

Motion by Commissioner Jones, second by Chairman Brannon, to approve the construction of a second Walton County Justice Facility housing pod. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Chairman Brannon addressed the item he had placed on the agenda regarding lobbying services. He pointed out that the County does not currently have a federal lobbyist firm and he felt it was a good opportunity to acquire federal funding to assist

with the Base Realignment and Closure (BRAC) impacts. He suggested that the Board consider advertising a request for qualifications (RFQ) to acquire funding on behalf of Washington, D.C.

Commissioner Cuchens suggested proceeding with a RFQ at this time.

Motion by Commissioner Cuchens, second by Chairman Brannon, to move forward with a RFQ for funding for a federal lobbying firm. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Chairman Brannon presented his nomination to appoint Mr. George Schissler Jr. to serve on the District 1 seat of the Recreation Board.

Motion by Chairman Brannon, second by Commissioner Jones, to appoint George Schissler Jr. to serve on the District 1 seat of the Recreation Board. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Ms. Lois La-Seur, Planner, presented a request for approval of a major development identified as “Watermark at Inlet Beach”. Mr. Hal Hayes, Managing Member for The Eagle Group, Inc., and Mr. Tim Spears, Seaside Engineering and Surveying, requested approval of a proposed project consisting of 20 single-family lots with a pool amenity on a 2.68 acre parcel of property with a future land use designation of Neighborhood Planning Area/Infill. This site is located along US Highway 98 east, approximately 400’ east of the North Wall Street and US Highway 98 east intersection. Staff’s findings were that the proposed project will be consistent with the Walton County Land Development Code and the Comprehensive Plan. A staff report was entered into the record (**Exhibit #1**).

Mr. Tim Spears with Seaside Engineering and Surveying was present to answer any questions.

There were no public comments.

Motion by Commissioner Cuchens, second by Chairman Brannon, to approve Watermark at Inlet Beach as presented. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Ms. La-Seur presented a request for approval of a major development identified as “The Preserve at Mallet Bayou”. Mr. David Carlee, Tetra Tech, Inc. requested approval of a proposed project consisting of a 28-lot single-family subdivision on 29.27 +/- acres with a land use designation of Rural Village. This site is located on Laird Drive. Staff’s findings were that the proposed project will be consistent with the Walton County Land Development Code and the Comprehensive Plan. A staff report was entered into the record (**Exhibit #1**).

Mr. David Carlee was present to answer any questions.

There were no public comments.

Motion by Chairman Brannon, second by Commissioner Cuchens, to approve The Preserve at Mallet Bayou as presented. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Ms. La-Seur informed the Board that all applicants were being required to meet with the School Board to ensure that there is a sufficient amount of available seats to serve the prospective developments.

Ms. La-Seur presented a request for a major development identified as “Quattor”. Mr. Dan Arner, Engineer, requested approval of a proposed project

consisting of a 4-lot single-family residential subdivision on 1.14 acres with a land use designation of NPA/Infill. This site is located at 10942 CR 30-A East. Staff's findings were that the proposed project will be consistent with the Walton County Land Development Code and the Comprehensive Plan. A staff report with a revised compatibility analysis was entered into the record (**Exhibit #1**).

Mr. David Bush with Applied Engineering & Surveying was present to answer any questions.

There were no public comments.

Motion by Commissioner Jones, second by Chairman Brannon, to approve Quattor as presented. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Ms. La-Seur presented a request to continue Waterfalls by the Bay to the Tuesday, June 13, 2006, meeting to be held at the South Walton Courthouse Annex, at 5:00 p.m. or as soon thereafter as may be heard.

Motion by Commissioner Jones, second by Chairman Brannon, to approve the request to continue Waterfalls by the Bay. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

Ms. La-Seur presented a request for approval of a major development identified as "Downtown Seagrove". Mr. George Hartley, Managing Member for DST Carnival, LLC, and Kelen Shostak, P.E., PBS&J, proposed a project consisting of 10 residential condominiums, 28 hotel rooms with a lobby and lounge area and additional commercial (restaurant/spa/bank) on 1.40 acres with a future land use designation of Neighborhood Planning Area/Residential Preservation Area (NPA/RPA), with covenants and

restrictions allowing for commercial uses. This site is located at the northwest corner of the CR 30-A and CR 395 intersection. Ms. La-Seur reviewed the modifications that were made to the original proposal in response to neighborhood concerns, including eliminating retail space, eliminating one rooftop pool and bar, and redesigning traffic circulation. The developer has also volunteered to pay for the design of a roundabout at the intersection of CR 30-A and CR 395 and has agreed to dedicate the necessary right-of-way to facilitate the construction of the roundabout. In addition, the developer has volunteered to dedicate an area on the west side of the property to the County to be used as a park. Staff's findings were that the proposed project will be consistent with the Walton County Land Development Code and the Comprehensive Plan. Ms. La-Seur stated a revised compatibility analysis was included in the staff report that was entered into the record (**Exhibit #1**).

Several documents pertaining to the proposed project were entered into the record by staff prior to the meeting (**Exhibit #2-Staff's Recommendations & Conditions, Composite Exhibit #3-E-mails & Letters, Exhibit #4-Letter from Brian Bruns, and Exhibit #5-Letter from Joe Appleton**).

Attorney Ken Goldberg addressed the Board as representative of the applicant noting that the e-mails and letters submitted into the record were in reference to the original proposal. He also pointed out that the applicants had reached a settlement agreement with Mr. Elton Stephens since the Planning Commission meeting.

Mr. Roger Godwin used demonstrative aids to review the modified site plan and overall site views of the project.

Ms. Blackshear mentioned that the final design of the project would have to include appropriate turtle lighting as specified in the proposed Turtle Lighting Ordinance. She further stated that a commitment had been made to Mr Elton Stephens that the design of the roundabout would be “pedestrian-friendly”.

Attorney Gary Vorbeck addressed the Board as representative of Elton Stephens, Dixon Brooke and Dell Brooke, adjacent property owners to Downtown Seagrove. He read into the record the provisions of the Memorandum of Understanding that were agreed to by all the parties involved. He requested that approval of the project be contingent upon the provisions (1-6) as conditions, along with the recommendation suggested by Ms. Blackshear. Mr. Vorbeck further advised that his clients had hired Moore Bass Consulting to perform a study to determine the best method for the intersection. He said that the group would schedule an appointment to meet with Ms. Blackshear to discuss their findings. A copy of the Memorandum of Understanding was entered into the record (**Exhibit #6**).

Mr. Bruns requested that the trees on West Grove Avenue be preserved and that no construction related parking be permitted on Grove Avenue or other neighborhood streets.

Attorney Goldberg stated that the applicant was willing to agree to the following conditions: (1) to preserve the trees located within the right-of-way and on the north side of the property that are not within the envelope of the development; (2) the contractor will enforce the construction plan by towing all non-compliant subcontractors and other employees who park off-site.

Mr. Elton Stevens commended the developers for their efforts to address his concerns regarding landscaping, architecture, size, noise, and traffic.

Mr. Robert Ignasiak, adjacent property owner, spoke in support of the project.

Discussion ensued regarding existing deed covenants and restrictions. Additional discussion was held regarding concerns about the section of the project containing parking next to residential homes. Mr. Godwin stated that they would agree to provide a fence along the property boundary to prevent car lights from shining into the homes. Mr. Godwin also addressed concerns regarding commercial lighting shining into the adjacent homes at night. Attorney Goldberg stated that the applicant would agree to stipulate that the lighting would be low-level turtle standard lighting. Mr. Godwin also agreed to provide signage depicting that the area dedicated to the County by the developer is for public use.

Mr. George Hartley, DST Carnival, LLC, addressed the Board and spoke in regards to the proposed project.

Mr. Joe Appleton with Batson-Cook was present to answer questions regarding the construction phase of the project.

The following citizens expressed concerned regarding various aspects of the proposed project: Ms. Nancy Franklin and Mr. Bob Dobes expressed concerns regarding underground setbacks, and Mr. James White expressed concern that the developers would abandon the existing covenants and restrictions.

Motion by Chairman Brannon to approve Downtown Seagrove as presented with the provisions (1-6) of the Memorandum of Understanding as conditions along with the following additional conditions:

1. A sign marked dedicated public area;
2. Project will include low level turtle friendly lighting;
3. Project shall not impact existing trees in affected right-of-way;
4. Applicant to provide offsite area designated for construction parking;
5. Applicant to construct a fence along the western portion of the project along the adjacent residential boundary;
6. There shall be no parking in the county right-of-way.

Commissioner Jones seconded the motion.

There were additional comments expressed by citizens in the audience concerned about the six commercial parking spaces on Grove Avenue. The citizens were concerned that the parking spaces would require backing out onto the local residential street and create an unsafe condition near the already potentially dangerous intersection.

Attorney Goldberg stated that the developers agreed to limit the commercial parking spaces to three and attempt negotiations with the bank to totally eliminate the area. The developers also committed to meet with the adjacent property owners to update them on the progress of the negotiations.

Chairman Brannon amended his motion to incorporate the stipulations agreed to by the developers to limit the commercial parking spaces to three and to commit to meet with the adjacent property residents. Commissioner Jones seconded the motion. Ayes 4, Nays 0. Jones Aye, Brannon Aye, Cuchens Aye, and Pridgen Aye.

There being no further business, the meeting adjourned at 7:40 p.m.

APPROVED: _____
Scott Brannon, Chairman

ATTEST: _____
Martha Ingle, Clerk of Court