

APRIL 10, 2007 – SPECIAL WORKSHOPS/REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a special workshop at the South Walton Courthouse Annex on Tuesday, April 10, 2007, at 3:00 p.m. The purpose of the workshop was to discuss Fire Rescue Impact Fee Study.

The following Board members were present: Kenneth Pridgen, Chair, Cindy Meadows, Vice-Chair, Commissioner Larry Jones, and Commissioner Scott Brannon. Ms. Shirl Williams, Assistant County Administrator, and Mr. Mike Burke, Interim County Attorney, were also present.

Ms. Marguerite McCauley, Government Services Group, Inc., and Ms. Christie Carey, Nabors, Giblin and Nickerson, were present to discuss the Fire Rescue Impact Fee Study. Ms. McCauley briefly described the purpose, acceptable uses, and calculations of the impact fees. Ms. Carey discussed the method of imposing the rates and of the proposed ordinance. She explained that many policy decisions need to be implemented by the Board before the ordinance can be adopted. They also discussed the use of affordable housing units or industries which bring jobs to Walton County as methods of mitigating impact fees. A copy of the Fire Rescue Impact Fee Study and summary of the information discussed was submitted.

Commissioner Jones requested comparisons with other counties regarding rates for commercial, industrial and institutional categories.

Commissioner Brannon questioned restraints regarding areas of the county where impact fees can or cannot be spent. Ms. Carey replied that the funds are not restricted to particular zones.

Commissioner Jones asked if the impact fees will apply to independent fire districts. Ms. Carey replied that those districts have the ability to implement their own impact fees.

Motion by Commissioner Meadows, second by Commissioner Brannon, to schedule the appropriate public hearing on May 22, 2007, at the South Walton Courthouse Annex. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, and Brannon Aye.

The Board recessed at 3:30 p.m. and reconvened at 3:40 p.m. into a special workshop to discuss the Coyote Landfill.

The following from the Florida Department of Environmental Protection were present to discuss the issue: Mr. Dick Fancher, District Director, Mr. Mike Kennedy, Waste Management Administrator, Mr. Marshall Seymore, Solid Waste Supervisor, and Ms. Sally Coeey, Public Outreach. Mr. Fancher discussed the history of the landfill. He stated that level of contaminates were detected at the site in 1999, which led to a system of monitoring and corrective actions. He added that in 1995, the DEP required a site assessment report to determine the extent of the contamination. Mr. Fancher explained that the report was not received in the required timeframe and a notice of violation for failure to submit the report was sent to Coyote Landfill in November 2006. He added that renewal of the construction and demolition permit application was denied due to the violation. According to Mr. Fancher, the report was submitted on March 13, 2006, the owners paid a fine, and entered into a consent order with DEP; therefore, the notice of violation was withdrawn and the permit renewal application is currently under review. Mr. Fancher then addressed complaints of an odor wafting from the Coyote Landfill. He stated that the facility was instructed to draft an odor monitoring plan and to implement corrective action. Mr. Fancher added that the monitoring plan has received, but not reviewed by DEP. He discussed possible methods for handling and controlling the issue.

Commissioner Brannon asked if the permit application was filed for any type of expansion. Mr. Francher stated that the application was for renewal of the existing permit.

Commissioner Jones asked if the monitoring plan included investigating the source of the odor. Mr. Fancher stated that Coyote Landfill committed only to submitting a monitoring plan. He added that he has not reviewed the document, but that someone should monitor the site on a regular basis and attempt to remediate the problem.

Commissioner Brannon asked if DEP noticed the odor at the time of their evaluation and when a remedy would be sought. Mr. Fancher replied that representatives noted that at times there is a “definite” odor. He stated that other facilities use covering to control odor which may be an effective or ineffective solution in this case. If the remedial actions chosen by Coyote Landfill are ineffective, Mr. Fancher explained that they will have to implement other action. Mr. Kennedy explained that facilities are required to cover once per week and that some cover more often if necessary to control odors which are not to drift beyond the facilities’ borders.

Commissioner Pridgen questioned other possible methods for odor control, including the use of lime.

Commissioner Brannon questioned the timeframe for the monitoring and solution process. Mr. Fancher stated that they have not required such a policy from another facility.

Commissioner Jones questioned the point at which monitoring will move to correction and when the process is to begin. Mr. Seymore replied that corrections are to be made in conjunction with monitoring.

Commissioner Brannon questioned how often DEP will monitor the facility. Mr. Seymore stated that routine monitoring, including progress reports, will be conducted after review of the monitoring plan.

Commissioner Meadows questioned fines and the timeframe.

Commissioner Brannon questioned what is included in a site assessment needed for

permit renewal. Mr. Seymore stated that DEP investigates the level and extent of contaminants by way of geology reports.

Mr. Gary Billingsly requested that the Board consider implementing a county permit process for landfills so that Code Enforcement may address complaints.

The Board recessed briefly at 4:00 p.m. and reconvened at 4:10 p.m. into a regular meeting. Commissioner Jones led with prayer followed by the Pledge of Allegiance to the American Flag. Chairman Pridgen called the meeting to order.

(Commissioner Comander arrived at 4:15 p.m.)

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 1,001,935.88
County Transportation	\$ 596,891.08
SHIP	\$ 49,872.68
Fine & Forfeiture	\$ 951,179.00
Debt Service Hospital	\$ -
Mosq. Control State	\$ -
Mott Sign Grant	\$ -
Section 8 Housing	\$ 304.89
Tourist Dev. Council	\$ 733,518.40
N.W. Mosquito Control	\$ 1,095.95
W. Co. Library	\$ 16,335.04
Tax Deed Surplus Trust	\$ -
Recreation Plat Fee	\$ 15,459.33
Public Safety- 911	\$ 17,088.17
Solid Waste Enterprise	\$ 297,967.59
Mossy Head VFD	\$ -
Glendale VFD	\$ 3,265.43
Darlington VFD	\$ -
Red Bay VFD	\$ -
Preservation	\$ -
Sidewalk Fund	\$ -
Local Option Gas Tax	\$ -
Special Law Enf. Trust	\$ -
Driftwood Debt Service	\$ 2,250.00
Criminal Justice Ed Fund	\$ -

Bldg Dept/Enterp. Fund	\$ 2,223.72
Capital Projects Fund	\$ 1,311,672.58
Imperial Lakes MSBU	\$ 885.00
Totals	\$ 5,001,944.74

2. Approve Minutes: March 26, 2007 - Regular Meeting
3. Approve to surplus two computers from the Building Department
4. Approve State Aid to Libraries FY 2007 Grant Contract
5. Approve Modification #1 to the Shelter Retrofit Grant Contract

Mr. Rick Helfand, Chair, Seaside Neighborhood School, was present to discuss the ½ marathon 5k race held to benefit the school and to present the Board with t-shirts. He stated that this was the fifth year for the annual race in which 2200 runners participated, with 40% staying in Walton County accommodations. Mr. Helfand added that approximately \$600,000 was raised. He requested the Board's continued support.

Commissioner Pridgen called to order the public hearing to discuss the proposed amendment to the SHIP Program Budget.

Mr. Bill Imfeld, Finance Director, presented a draft resolution to amend the SHIP Program budget to reflect \$64,062 in interest funds earned during 2006.

There were no public comments.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the resolution as presented (**2007-33**). Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Imfeld presented a request from the State Attorney for the Board to enter into an Interlocal Agreement to fund 25% of a full-time computer support employee from the Court Technology Fund. He explained that the funds come from fees collected by the Clerk of Court.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the Interlocal Agreement as presented. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye,

Brannon Aye, and Comander Aye.

Mr. Bell presented a list of suggested projects for the Board to rank in order of importance to utilize FWCC Florida Boating Improvement Program Grant funds. He stated that the county received four full-funding and one partial funding grant in 2006. The deadline for submitting the application is April 22, 2007. A list of eligible and ineligible projects; as well as, those which received funding in 2006 was submitted.

Major Danny Glidewell, Department of Corrections Manager, requested that the Board approve the implementation of a Corrections Officer Reserve Program. An overview of the proposed program was submitted.

Motion by Commissioner Jones, second by Commissioner Comander, to approve the request as submitted. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Major Glidewell submitted and discussed a quarterly report for the Walton County Justice Facility. He stated that the facility was under budget for the first quarter.

Mr. Bill White, member, Majestic Sun Board of Directors, requested that the Board schedule a public hearing to consider the proposed parking facility planned for construction as part of Phase III of the Beautification Project for Scenic Gulf Drive. He submitted a list of contact information for adjacent condominium owners.

Motion by Commissioner Meadows, second by Commissioner Jones, to schedule the appropriate public hearing on June 12, 2007, at the South Walton Annex at 4:00 p.m. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Pridgen read the Board's rankings of the boat ramps in to the record. The rankings, listed in order of highest priority, are as follows: Bayfield (west side of US Highway

331), Cessna landing, Hogtown Bayou (removal of derelict vessels), Lake Jackson, Choctaw Beach, Point Washington, and Lakewood Park.

Motion by Commissioner Jones, second by Commissioner Meadows, to approve the list and priority of boat ramps as read by Commissioner Pridgen. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

(Commissioner Comander exited briefly at 4:25 p.m.)

Mr. Matt Douglass, Deputy Emergency Response Director, requested approval of a Memorandum of Agreement between the West Florida Regional Planning Council and Walton County to prepare the Small Quantity Hazardous Waste Assessment Notification and Verification Program. The cost of \$5000 is to be funded through the ERD Administrative Account, but will be budgeted in the 2008 EOC budget.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the request as presented. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, and Brannon Aye.

Mr. Douglass requested approval of the Certificate of Public Convenience and Necessity for Air Methods dba Life Net, who provides medical transport and will be based from the DeFuniak Springs Airport.

Motion by Commissioner Brannon, second by Commissioner Meadows, to approve the request as presented. Ayes 4, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, and Brannon Aye.
(Commissioner Comander returned at 4:30 p.m.)

The discussion regarding a Services Agreement between First Communications, Inc. and Walton County was removed from the agenda.

Ms. Cathy Potter and Ms. Rhonda Cloutier, both of the Mission Playpark! Organization, were present to discuss a request for a park in south Walton County. A proposal was submitted.

Commissioner Meadows reported that the Board acquired 10 acres adjacent Helen McCall Park for a recreational facility and intend to construct a park at that location. She estimated completion by October or November of 2007. Commissioner Meadows added that grants will be sought.

Ms. Mary Konovsky, Scenic Corridor Association, requested the Board's direction regarding the \$300,000 awarded through the Florida Highway Beautification Council grant to landscape a one-mile section of the medians of US Highway 98 between Mack Bayou and West Hewitt Roads.

The Board directed Ms. Konowsky to work with Ms. Angie Biddle, Grants Coordinator, and staff to include the maintenance on the RFP for multi-use path maintenance.

(Commissioner Comander exited briefly at 4:45 p.m. and returned at 4:50 p.m.)

Mr. Bob Smith, Economic Development Council, gave an update on the council and submitted an activity report. He briefly discussed the Walton County Industrial Park and requested clerical assistance and help in developing properties.

Commissioner Meadows questioned the affect of the new airport in Bay County.

Commissioner Brannon felt that property prices in Walton County are a disadvantage. Mr. Smith agreed and discussed incentives to bring industry.

Commissioner Comander discussed the issues with Lagrange Bayou.

Ms. Blackshear discussed the need to expedite land use changes to facilitate the influx of new industry.

Mr. Rick Millard, Construction Manager, presented a change order increase of \$28,711.98 for cabling and conduit for the MIS Department and Sheriff's Department's special needs to be completed by Peter Brown Construction, Inc. A copy of the change order was

submitted.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the change order as submitted. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Millard gave an update on the Animal Shelter and the South Walton Annex. He stated that the plans for the Animal Shelter were submitted and will be reviewed before beginning the bid process. Mr. Millard stated that Carr Riggs & Ingram is conducting a needs assessment of the Annex and estimated that a fourth floor may be needed. He stated that the “green concept” was used. Mr. Millard showed the Board the architectural rendering. He stated that furniture is to be moved into the new courthouse addition during the last week of June.

Mr. Robert Larson, Shoal Sanctuary, submitted additions to the petitions previously submitted to the Board and a proposal for lighting ordinance for Shoal Sanctuary.

Commissioner Pridgen directed Ms. Blackshear to work with Mr. Larson.

Ms. Sonny Mares, TDC, Director of Administration, requested renewal of the South Walton Turtle Watch Group, Inc., Sole Source Contract for May 1, - October 30, 2007.

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

(Commissioner Meadows exited briefly at 5:12 p.m. and returned at 5:15 p.m.)

Mr. Billy McKee, Environmental Planner, requested approval to place signs at Coastal Dune Lake outfalls to encourage the public not to “dig out” the Dune Lakes. He stated that permits were obtained to install the signage.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve the

request. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and ComanderAye.

The Board recessed briefly at 5:15 p.m. and reconvened at 5:35 p.m.

Mr. Burke introduced the discussion regarding coastal armoring and briefly reviewed the suggestions by Commissioner Meadows at the special meeting on April 3, 2007. He submitted a memo regarding the issues and read what he perceived to be the intent of Commissioner Meadows's motion. Mr. burke stated that the motion should address the following four categories:

Group 1- Of the 260 Temporary Permits (totaling 324 lots) 188 lots have requested a consistency letter from the county. 136 lots (69 Temporary Permits) have not received consistency letters and 52 lots (19 Temporary Permits) have not received consistency letters. Total of 88 letters sent or pending.

Group 2- 136 lots received a Temporary Permit, but have not requested a consistency letter from the county.

Group 3- 10 lots (not included within the 260 permits/324 lots) received the consistency letter, but did not have Temporary Permits. These structures were built during the emergency period or the FDEP application was started during the emergency period.

Group 4- New requests for consistency letters that did not request a Temporary Permit or built or begin an application during the emergency period.

He explained that the motion should not include reissuing letters to those who previously received them and that those who never requested a consistency letter will need to prove that they applied to DEP within 60 days of completion of construction to be eligible to receive a consistency letter or be processed as new applicants. Mr. Burke added that new applicants,

described in group four, will be subject to the new procedures drafted by staff.

Motion by Commissioner Meadows, second by Commissioner Comander, to direct staff to issue consistency letters to anyone that 1) applied for a temporary permit during the time of the emergency period and 2) applied for a permanent permit with FDEP within the time required to file for a permanent permit. Any permit which does not meet the aforementioned criteria shall follow the "Procedures for New Applications".

The floor was opened to public comments.

Ms. Sherry Rayborn questioned who makes the determination of completion. Mr. Burke replied that the determination is made by a contractor or FDEP.

Mr. Bob Dobes expressed concern over the effects of armoring on adjoining neighboring counties, state properties, and parks.

Mr. Bill Higgins objected to use of the categories outlined by Mr. Burke and of seawalls not built to the proper criteria or properly assessed for threats of erosion or damage to adjacent properties.

Ms. Blackshear stated that the county will assess erosion and DEP will assess the threat to property.

Commissioner Comander questioned the ability to alter the document. Ms. Blackshear replied that changes will require Board approval.

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

Mr. Patrick Krechowski, Lewis, Longman, & Walker, P.A., was present to represent eight property owners who constructed coastal armoring structures on county property. He asked that the Board approve a licensing agreement to allow those armoring structure to remain and the

issuance of consistency letters. He submitted a letter and draft of a licensing agreement.

Commissioner Meadows felt that the Board should address all issues where seawalls encroach onto county property in one meeting. Commissioner Jones concurred.

Commissioner Meadows asked that Mr. Burke provide the pros and cons of a licensing agreement.

Chairman Brannon requested a map to detail the encroachment.

Mr. Eric Sallis submitted photos of seawalls which are in disrepair or are not covered with sand and questioned how the Board proposes to keep the beaches beautiful and safe in the presence of the structures.

Commissioner Meadows stated that she favored the use of categories due to the Board's decision to stop issuing compliance letters although some citizens who applied during the emergency order had already received them.

Ms. Blackshear stated that seawalls on county property should be treated differently.

Commissioner Meadows felt that the Comprehensive Plan would either need to be amended to disallow armoring or to implement new procedures which include technical analyses.

Mr. Alan Facerra understood the Board's position regarding existing walls, but felt that the Board should apply the technical suggestions of Dr. Dean to existing walls.

Ms. Blackshear stated that the emergency order did require sand coverage and proper slope.

Mr. Leonard Anderson felt that the seawall on his property was constructed and is being maintained properly.

Ms. Williams discussed a new informational package regarding the Value Adjust Board

process which will be subject to the VAB members' approval.

Discussion regarding the lease of Government Lot 45 at the northeast corner of CR 3 for a parking lot was pulled.

Commissioner Meadows requested that Mr. Burke draft an agreement for use of the Huettel Property and questioned the ability to charge a nominal fee. Mr. Burke replied that a reasonable fee can be established.

Commissioner Meadows requested that \$8500 be added to the Glatting Jackson Wayfinding Services Contract for the inclusion of additional roads with access to the Timpooshee Trail.

Motion by Commissioner Meadows, second by Commissioner Brannon, to amend the contract as requested and to divide the \$8500 between the recreation plat fees of District 1 and District 5. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Meadows reported that the State Parks and Recreation Services are planning to close the driving access to the Topsail Hill Park. She encouraged the public to direct their comments to the State Parks and Recreation Services.

Commissioner Meadows requested that the Board approve resubmitting the Florida Forever Grant application for the seven acre Town Center park plan on J.B. Miller Road with a 40% matching funds agreement of up to \$700,000.

Motion by Commissioner Meadows, second by Commissioner Brannon, to resubmit the grant application as requested with the agreement to match funds using District 5 recreational plat fees. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Commissioner Meadows questioned where the county's computer data is stored and recommended that it be stored out-of-state.

Commissioner Jones reported that FDOT connection permits were received for SR 285 near the Mossy Head Industrial Park.

There were no public comments.

The Board entered into a public hearing to discuss an ordinance and major developments.

Commissioner Meadows stated that St. Joe Towns & Resorts requested that Watersound North NOPC Number 1 be removed from the agenda.

Motion by Commissioner Brannon, second by Commissioner Comander, to remove Watersound North NOPC Number 1 from the agenda as requested. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen Aye, Brannon Aye, and Comander Aye.

Mr. Brian Martinez, Planner, presented the proposed Lighting Ordinance which would amend Chapter 5 of the Walton County Land Development Code by adding a new section (5.09.00 Outdoor Lighting), amend the glossary of the Land Development Code; establish standards and recommendations for exterior lighting; provide for intent and purpose; applicability; definitions; standards; enforcement and penalties; interpretation, authority; severability; and an effective date. He reviewed an amendment drafted by staff to apply exemptions when federal and state laws, rules, and regulations take precedence and to exempt single-family residences from a photometric analysis, properties currently receiving an agricultural classification for ad valorem tax purposes, and public schools. A staff report, document including names of citizens supporting the amendment, and staff's proposed language was submitted (**Lighting Ordinance Exhibit #1 & #2**).

Ms. Blackshear discussed the suggestions of exemptions for agricultural properties.

Commissioner Jones felt that properties receiving the exemption should be currently using the property for agricultural purposes. Ms. Blackshear stated that the evaluations for the classifications are done annually.

Commissioner Brannon questioned the ability to receive the tax classification when the areas are not specified on the land use map. Ms. Blackshear stated that those areas can be addressed through the EAR amendments.

Commissioner Jones felt that complainants who make repetitive, unfounded complaints should be penalized. Mr. Burke felt that the issue can be addressed through a review of the Code Enforcement provisions.

Mr. Matthew Avery, Mr. J.B. Hillard, and Ms. Susan Horn, all of the Lighting Committee, felt that the Board should adopt the ordinance as drafted by the committee without the additional exemptions. Ms. Horn felt an expert should review the proposal by Shoal Sanctuary.

Mr. Ron Mizan spoke in support of the agricultural exemption and in opposition to the overlay for Shoal Sanctuary.

Commissioner Comander stated that she received several calls from farmers in support of the exemption who were not able to attend the meeting.

Commissioner Meadows felt that the exemption protects the agricultural areas of Walton County.

Motion by Commissioner Jones, second by Commissioner Brannon, to approve the ordinance as presented with the four exemptions proposed by staff and language granting an agricultural exemption for properties receiving the ad valorem tax classification and being utilized for bonafied agricultural purposes. Ayes 5, Nays 0. Jones Aye, Meadows Aye, Pridgen

Aye, Brannon Aye, and Comander Aye.

Attorney Burke administered the oath to all who intended to present testimony regarding the quasi-judicial item.

(Commissioner Comander exited briefly at 6:45 p.m. and returned at 6:49 p.m.)

Ms. Lois LaSeur, Planning Manager, introduced Nature Walk Beach Club, a major development proposal application submitted by Seagrove at the Beach, LLC and Kimley-Horn Engineering consisting of a four story, 66,736 sq. ft. building with a beach club and 18 condominium units on 1.21± acres with a future land use of Neighborhood Planning Area/Residential Preservation. This site is located at 3031 E County Hwy 30-A. She explained that the new plans are no longer for a PUD; that the 65% width requirement for the scenic corridor and setback requirements have been met; and that the request for a variance on the size of the parking facility was dropped. Contingent upon the concessions listed above and the Planning Commission's recommendations, Ms. LaSeur stated that staff finds the project consistent with the LDC and Comprehensive Plan based on the applicant's assertion that the use, density, and intensity of the site is controlled by the covenants and restrictions and not the assigned future land use category. A staff report was submitted into the record (**Nature Walk Beach Club Exhibit #1**).

Attorney George Ralph Miller was present to represent the applicant.

Attorney Patrick Hodges, Olsen & Associates, was present to represent the applicant and reviewed the proposed development and the covenants and restrictions. He discussed and submitted a letter of understanding between Nature Walk and residents of the Seahighland Subdivision. (**Nature Walk Exhibit #2**)

Commissioner Meadows questioned the enforcement of the agreement once the project is

turned over to the homeowner's association. Mr. Hodges replied that the agreement will be included in the covenants and restrictions and the rules and regulations for operation of the beach club.

(Commissioner Pridgen exited briefly at 6:50 p.m. and returned at 6:53 p.m.
Commissioner Jones exited briefly at 6:53 p.m. and returned at 6:54 p.m.)

Commissioner Brannon and Commissioner Comander questioned the parking facilities. Mr. Hodges replied that the development exceeded the parking requirement by five spaces, with additional spaces in the parking garage for staff. He added that stickers will be issued to identify illegally parked vehicles.

Commissioner Meadows questioned how the project was reviewed by staff. Ms. Blackshear replied that the project was reviewed by using the non-conforming language as a standard; however, the applicant submitted a letter which stated that they would submit a project using the guidelines of covenants and restrictions. She stated that there are no definite standards in the Comprehensive Plan regarding this method; therefore, the current impacts are used as a benchmark for compatibility. Ms. Blackshear explained that the burden of proof that the proposed development meets the covenants and restrictions is on the applicant.

Commissioner Meadows asked if other applicants were denied due to expired covenants and restrictions. Ms. Blackshear stated that the LDC does not specify expired or unexpired, but that there is no record that other projects were denied for that reason.

Commissioner Meadows recalled that non-conforming uses cannot be expanded.

(Commissioner Comander exited briefly at 7:07 p.m. and returned at 7:13 p.m.)

Commissioner Brannon questioned expansions of non-conforming uses and historical uses. Ms. Blackshear stated that expansions refer to square footage, intensity, and density. She

stated that staff tried to determine compliance by way of impacts.

Commissioner Meadows felt that applicants choose the covenants and restrictions methods because there are no definite standards.

Mr. Hodges discussed the impacts of the project and of meetings and agreements with neighboring property owners.

Commissioner Meadows questioned the impacts of a pool deck, bar, and dining hall, and the nuisance of noise and lighting. She felt that a major impact would be from those visiting for activities, not the residents. Commissioner Meadows suggested imposing restrictions on amplified music and weddings. She asked if the compatibility study addressed those issues. Mr. Hodges stated that the compatibility report addressed all of those issues and that no surrounding property owners expressed concern.

Mr. Hodges agreed not to conduct or allow vending outside of umbrella/chair rentals.

The floor was opened to public comments.

Attorney Gary Vorbeck was present to represent Mr. Elton Stephens and Ms. Dell S. and Mr. F. Dixon Brooks, who are by choice not party to the letter of understanding submitted by the applicant's representative. Mr. Vorbeck stated that the position of his clients is that the project is non-compliant with the LDC and Comprehensive Plan and that use of the covenants and restrictions are not an adequate reason to approve the project and do not allow the proposed uses. He examined Mr. Tim Brown, Planning Manager, regarding the staff report, impacts, and the current land use determination of Residential Preservation Area. At Mr. Vorbeck's request, Mr. Brown read excerpts from the LDC and Comprehensive Plan into the record. Mr. Brown maintained that staff's findings were based on the applicant's legal determination that the proposed project is in accordance with the current covenants and restrictions. Mr. Vorbeck

submitted affidavits from his clients and information from the Walton County Property Appraiser's website (**Nature Walk Exhibits #3 & #4**).

Mr. Brown read staff's findings into the record.

(Commissioner Comander exited at 7:40 p.m. and returned at 7:42 p.m.)

Attorney Rick Peterman, Peterman Group, was present to represent his clients, Mr. Rhet and Ms. Karen Bennett, Mr. John and Ms. Judy Miller, Mr. Dale and Ms. Peggy Coplandger, Mr. Kevin Cleveland, Ms. Kelly Mitchell, and Mr. Russell Etheridge, all of which live within 600 ft. of the proposed project. He examined Mr. Brown regarding the existing uses of property, the proposed uses, and maximum densities for other projects. Mr. Peterman submitted a copy of Mr. Miller's legal findings with a copy of a May 1953 deed attached (**Nature Walk Exhibit #5**).

Attorney George Miller was present to represent Mr. Rick Olsen, principle partner, Seagrove by the Beach, LLC. He examined Mr. Brown regarding the questions posed by Mr. Miller and Mr. Peterman and of the zoning, proposed uses and densities. Mr. Miller questioned whether the existing land use determination of Residential Preservation Area is erroneous. At Mr. Miller's request, Mr. Brown read a portion Comprehensive Plan regarding covenants and restrictions into the record.

(Commissioner Pridgen exited briefly at 8:10 p.m. and returned at 8:20 p.m.)

Commissioner Brannon questioned Mr. Peterman's view of the land use determination. Mr. Peterson felt that the implication may have been for commercial use. He felt that the lots in question were excluded from the covenants and restrictions and that Mr. McGee, the alleged creator of the covenants and restrictions, was no longer in ownership of the lots in question at the time of recordation in 1988. He felt that the deed does not create an exemption to the Comprehensive Plan.

Commissioner Meadows questioned the covenant and restrictions exclusion of bars. Mr. Miller replied that the lots which will include the bar are not included in the covenants and restrictions.

The floor was opened to public comments.

Mr. Elton Stephens, Seagrove, Mr. Bob Dobes, Old Seagrove, Mr. Russell Ethridge, Montgomery Street, and Ms. Leslie Ann Brown, Board of Directors, Grove by the Sea Homeowner's Association, spoke in opposition to the proposed development.

(Commissioner Jones exited briefly at 8:29 p.m. and returned at 8:31 p.m.)

Mr. Miller submitted copy of a deed recorded in May 1950 which includes the same covenants and restrictions as included in the deed submitted by Mr. Peterman (**Nature Walk Exhibit # 6**). He asked that Mr. Brown review the deed and the exclusion of lots 14, 15, 16 & 17 from the covenants and restrictions. Mr. Miller asked Mr. Brown if he still felt that the project is in compliance with the Comprehensive Plan and the LDC. Mr. Brown replied that the only exception is the 50 ft. setback on the east side of Residential Preservation Area. He explained staff's original position regarding that issue. Mr. Brown discussed the criteria of peaceful coexisting when allowing commercial uses in Neighborhood Planning Area/Residential Preservation and of promoting vertical mixed use by allowing living units above commercial uses.

Mr. Peterman submitted a title report to demonstrate the chain of ownership for lots 14, 15, 16, & 17 of Block 7 in relationship to the deed submitted by Mr. Miller (**Nature Walk Exhibit # 7**). He questioned Mr. Brown regarding the deeds submitted into the record and the covenants and restrictions.

Commissioner Meadows questioned Mr. Brown's opinion as a professional planner. Mr.

Brown replied that he has not reviewed the covenants and restrictions in depth because onus of compliance is on the applicant. She asked if the proposed project is compatible and if it meets the Comprehensive Plan and the LDC exclusive of the applicant's legal findings. Mr. Brown felt that it does with the exclusion of the provisions in the covenants and restrictions regarding density, intensity, and use. Commissioner Meadows felt that density, intensity, and use are the main criteria used to determine compatibility and that the proposed project exceeds the code's provisions. She felt that the issue is a legal matter.

Commissioner Brannon questioned the compatibility study. Mr. Brown explained that the density and intensity are a reduction from the current usage.

Ms. Blackshear stated that the policy needs to be revised for issues such as this, but that staff processed this application as the Comprehensive Code and LDC currently read.

Mr. Dobes questioned the language of peacefully coexisting and felt that an approval would bring litigation against the county.

Motion by Commissioner Brannon, second by Commissioner Jones, to approve Nature Walk as presented contingent upon staff's approval of the technical review and the conditions set forth by staff and the Planning Commission.

Commissioner Jones felt that the decisions made by staff should be based on the evidence and that the Board should support staff's decision.

Commissioner Meadows felt that the project is incompatible with the neighborhood and that the proposed project has continually changed from the original plan.

Commissioner Comander stated that she will not support the project due to the number of objections from neighboring property owners.

The vote was called for the motion of the floor. Ayes 3, Nays 2. Jones Aye, Meadows

Nay, Pridgen Aye, Brannon Aye, and Comander Nay.

There being no further business to discuss, the meeting adjourned at 9:00 p.m.

Commissioner Pridgen, Commissioner Comander, and Commissioner Brannon submitted ex parte communications forms regarding Nature Walk Beach Club. Commissioner Brannon also submitted forms regarding the Lighting Ordinance.

APPROVED: _____
Kenneth Pridgen, Chair

ATTEST: _____
Martha Ingle, Clerk of Court