

JUNE 10, 2008 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on June 10, 2008 at 4:05 p.m., at the South Walton Courthouse Annex.

The following Board members were present: Commissioner Larry Jones, Chair; Commissioner Sara Comander, Vice-Chair; Commissioner Scott Brannon; Commissioner Cindy Meadows; and Commissioner Kenneth Pridgen. Mr. Ronnie Bell, County Administrator; Attorney Mike Burke, County Attorney; and Ms. Martha Ingle, Clerk of Courts, were also present.

Commissioner Pridgen led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Jones called the meeting to order.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the consent agenda as follows. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

1. Approve Expenditure Approval List (EAL)	
General Fund	\$ 950,194.04
County Transportation	\$ 467,942.71
SHIP	\$ 41,750.40
Fine & Forfeiture	\$ 109,187.73
Section 8 Housing	\$ 1,524.27
Tourist Dev. Council	\$ 288,487.98
N.W. Mosquito Control	\$ 681.73
W. Co. Library	\$ 17,863.35
Recreation Plat Fee	\$ 8,794.44
Public Safety- 911	\$ 22,636.98
Solid Waste Enterprise	\$ 325,788.00
Driftwood Debt Service	\$ 3,000.00
Bldg Dept/Enterp. Fund	\$ 2,481.13
Capital Projects Fund	\$ 551,984.05
Imperial Lakes MSBU	\$ 937.50
Totals	\$ 2,793,254.31

2. Approve Minutes: May 27, 2008, Workshop and May 27, 2008, Regular Meeting

3. Pull BCC 2794 from the auction and transfer it to Walton Correctional Institution
4. Approve 2008-2009 Small County Solid Waste Management Grant

Chairman Jones recognized Miss Annie Lynch and presented her with a certificate honoring her 100th birthday.

Ms. Crystalyn Carey, Nabors Giblin & Nickerson, presented the Daughette Canal MSBU Assessment Program Initial Assessment Resolution (**2008-59**). The resolution requires that a Public Hearing date of July 8, 2008 be set to discuss the creation of the MSBU, imposition of the assessments, and collection of the assessments pursuant to the Uniform Assessment Collection Act. Property owners will be notified of the Public Hearing by certified mail and publication.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to adopt the Daughette Canal MSBU Assessment Program Initial Assessment Resolution (**2008-59**) and set a Public Hearing date for July 8, 2008 at 4:00 p.m. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Chairman Jones called to order the Public Hearing to consider an ordinance amending Ordinance 2003-07 (Beach Activities Ordinance) also known as the Leave No Trace Program.

Ms. Mary Neilson and Ms. Cindy Roehm spoke against the ordinance stating that the private property owners' rights are being violated.

Ms. Sherry Rayborn stated that she agreed with the Leave No Trace Program but feels that the language of the ordinance should be revised. She stated that the ordinance would increase vehicle traffic and cite private homeowners for items that may belong to tourists. Commissioner Meadows stated that the ordinance being presented follows the

same guidelines used in the Leave No Trace Program with allowances for permitted items.

Mr. Emmett Hildreth spoke against the ordinance stating that it was neither economically nor legally sound.

Mr. Mike Burke, County Attorney, stated that the ordinance fulfills one requirement of the Department of Environmental Protection (DEP) to maintain the beaches for habitat conservation. Commissioner Comander asked what the consequences of noncompliance would be. Attorney Burke stated that criminal sanctions and or fines were potential penalties. He said the ordinance is needed to not only protect sea turtle nesting and the environment, but also for the safety and welfare of the citizens. Items left on the beach could obstruct beach safety vehicles from getting to an emergency situation in a timely fashion. He stated that Tourist Development Council (TDC) research shows that the cleanliness of the beaches is what attracts most tourists. He said that the ordinance allows for permitting of certain items to be left on the beach.

Commissioner Comander stated that the penalties need to be clarified so that the homeowners' are not held responsible for items not owned by them.

Mr. Leonard "Andy" Anderson and Ms. Sue Paladini all spoke in favor of the ordinance.

Discussion ensued regarding the types of items that would be permissible.

Ms. Suzanne Harris spoke in favor of the ordinance with the allowance of permitted items.

Mr. Allen Osborne suggested that permitted items be recorded and tracked through a GPS system.

Commissioner Comander asked where the citizens would be able to obtain a permit. Attorney Burke stated that Code Enforcement would be the responsible department.

Discussion ensued regarding permissible storage areas.

Motion by Commissioner Comander, second by Commissioner Meadows, to set a second Public Hearing for July 8, 2008 at 4:00 p.m. at the South Walton Courthouse Annex to consider an ordinance amending Ordinance 2003-07 (Beach Activities Ordinance). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Chairman Jones called to order the Public Hearing to consider an ordinance amending Ordinance 1973-03 relating to Musical or Entertainment Festivals. Mr. Bell stated that the proposed changes were recently sent to the Commissioners for review. He recommended continuing the Public Hearing to July 8, 2008 to give the Board time to review the changes. Chairman Jones allowed public comment to be presented.

Mr. Rick Helfand, Seaside Neighborhood School Chairman, asked that allowances be made in the ordinance for school fund raising events.

Commissioner Comander stated that she had researched other counties' and cities' mass gatherings/outdoor activities policies. She said that the areas of greatest concern were medical provisions, liability insurance, and fees. She will submit her findings to the Planning staff. She said that the Fairgrounds would be exempt from the ordinance since it is located within the city limits of DeFuniak Springs and not owned by the county.

Commissioner Pridgen stated that other issues that should be incorporated into the ordinance are school band concerts, and church related events.

Commissioner Brannon voiced concern with the fee structure included within the ordinance.

Motion by Commissioner Pridgen, second by Commissioner Comander, to continue the Public Hearing to July 8, 2008 at the South Walton Courthouse Annex at 4:00 p.m. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Attorney Matt Burns, representative of Sheriff Ralph Johnson, requested a Public Hearing to amend the budget for the upgrade of the E911 System. He asked that a Public Hearing be set for July 8, 2008.

Commissioner Comander stated that grant funding for 911 systems may be available starting in July. She asked if the grant could be applied for by July 1. Attorney Burns stated that it would have to go through the Grant Coordinator.

Motion by Commissioner Meadows, second by Commissioner Brannon, to set a Public Hearing held on July 8, 2008 to discuss the budget amendment requested by Sheriff Johnson. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Ronald Larson's request to accept the streets in Paradise Retreat Subdivision into county maintenance was pulled from the agenda.

Mr. Sonny Mares, Tourist Development Council Executive Director, recommended approval of the WilsonMiller Task Order, Phase II-Inlet Beach Restroom Facility permitting and design in the amount of \$42,563.00.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve WilsonMiller Task Order, Phase II-Inlet Beach Restroom Facility permitting and design

in the amount of \$42,563.00. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Chairman Jones called to order the Public Hearing to consider the adoption of a resolution approving the inventory list of county owned real property that is appropriate for use as Affordable Housing. The resolution is required by Florida Statute to be adopted by July 1, 2008.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt a resolution (**2008-60**) approving the inventory list of county owned property appropriate for use as Affordable Housing. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Ronnie Bell, County Administrator, presented for review a resolution establishing a policy for the naming of county facilities, buildings parks, and other properties. The resolution will be presented for adoption at the July 8, 2008 meeting.

Mr. Bell recommended approval to accept the Firefighter Assistance Grant and hire a temporary Coordinator/Trainer in the amount of \$195,000. The five year grant will allow for 100% (\$65,000) of the salary during the first two years. The next two years, the grant will provide 50% (\$32,500) of the salary and the County would be responsible for the other 50%. The last year, the County would be responsible for 100% of the salary. The position would not start until October 1, 2008 to coincide with the annual budget and would run concurrent with the grant.

Commissioner Comander asked if the position could be filled by someone already employed by the county. Mr. Eddie Rivers, Fire Manager, stated that the monies could not be used to supplement a permanent position.

Commission Brannon asked if this position would be used to facilitate the consolidation of volunteer stations throughout the county. Mr. Rivers stated that the position would not only assist the Walton County Fire and Rescue but also with other departments throughout the county.

Commissioner Brannon asked if this position would aid in the certification process. Mr. Rivers stated that some responsibilities of the position would be recruitment retention and training throughout the county including municipalities.

Motion by Commissioner Pridgen, second by Commissioner Comander, to accept the Firefighter Assistance Grant. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell presented an update on the temporary installation of the Fire Rescue Station at Black Creek. The station will be on the lease provided by North American investments, LLC for five years. County Fire Rescue, Public Works, and Construction Management will survey and clear the area. A trailer will be purchased and installed along with a storage barn, pole barn, septic tank and well. Current year funds, in the estimated amount of \$100,000, will be used. An ambulance team will be assigned to the location once the area and facilities are completed.

Mr. Bill Bard, Animal Control Advisory Committee Chair, presented the Animal Control Advisory Committee Mission Statement. The Mission Statement is “to improve the safety and welfare of animals through the Walton County Animal Control Ordinance

through the topics provided by the Board of County Commissioners and make recommendations to the Board through the chair person of the working group”.

Commissioner Comander stated that she had received a letter from a person on the Animal Control Advisory Board who felt that there was not equitable county representation.

Mr. Bell requested acceptance of Vicki Street into county maintenance. This street is the only street in the subdivision not maintained by the county.

Motion by Commissioner Brannon, second by Commissioner Comander, to accept Vicki Street into county maintenance. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell gave an update from Public Works that stated that 467 recorded plats are either dedicated or presumed to be dedicated as public, while 692 were dedicated as private. He stated that they are now comparing which roads within those subdivision have been accepted for maintenance.

Mr. Bell presented a request from the Muscogee Nation to clean Antioch and Dead River Cemeteries in Bruce. The Muscogee Nation is a non-profit, non-federal Creek Indian Tribe. The cemeteries do meet the criteria.

Motion by Commissioner Pridgen, second by Commissioner Comander, to allow a one time cleaning of the Antioch and Dead River Cemeteries. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell presented a request from Mr. Worth Williams to purchase Government Lot 13 adjacent to the Eastern Lake Outfall. Mr. Williams is willing sell the lot to the County. He stated that if the Board considers purchasing this property, an appraisal

would be needed. The Board concurred to take no action at this time due to monetary constraints and to look into grant funding for possible future purchase.

Mr. Bell requested that the Board meeting scheduled for June 24, 2008 be cancelled due to the Florida Association of Counties Conference.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the cancellation the June 24, 2008 Board meeting. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell asked that a special meeting be scheduled for June 20, 2008 at 8:30 a.m. at the Courthouse in DeFuniak Springs. This meeting will be held to approve bills for payment.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Special Meeting for June 20, 2008 in the Walton County Courthouse in DeFuniak Springs at 8:30 a.m. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell requested to schedule a Public Hearing for July 8, 2008 to consider amending the Animal Control Ordinance.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to set a Public Hearing on July 8, 2008 at 4:00 p.m. to consider the Animal Control Ordinance. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell requested to advertise for Request for Qualifications (RFQ) for engineering design stormwater and permitting services for children's playground equipment at Helen McCall Park. Funding will be obtained through the District 5 Recreational Plat Fee Funds.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve advertisement of a RFQ for engineering design stormwater and permitting services for Helen McCall Park. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Osborne spoke regarding the RFQ. He stated that there are drainage problems around the batting cages and asked that this problem also be addressed in the RFQ. Commissioner Meadows stated that the area would be considered.

Mr. Bell presented the staff recommendations on the best management practices for borrow pits and mining operations. The recommendations were based on the advice of the Northwest Florida Water Management District.

Commissioner Comander presented a resolution (**2008-58**) declaring June 10, 2008 as Odon Russell Day in recognition of his retirement from the Walton County School District (40 years).

Motion by Commissioner Comander, second by Commissioner Meadows, to adopt a resolution (**2008-58**) proclaiming June 10, 2008 as Odon Russell Day. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Commissioner Meadows presented the proposed Will and Sikes Amended Contract for discussion. Attorney Burke reported that Mr. Wilson is waiting to execute the contract until all investors have signed on. The contract remains unsigned.

Commissioner Meadows stated that the proposed first annual Walton Earth Day Festival 2009 would be held on April 18, 2009. This will be a community wide event.

Ms. Bonnie McQuiston stated that there are still unanswered questions regarding the Will and Sikes contract. She asked that the benefits to the public be well defined prior to execution.

Chairman Jones and Commissioner Pridgen exited the meeting. Commissioner Comander assumed the Chair position.

Mr. Allen Osborne stated that he had met with Chairman Jones, Mr. Bell and Attorney Burke to discuss the drainage issue at Driftwood Estates.

Chairman Jones and Commissioner Pridgen returned to the meeting.

Mr. Osborne stated that some of the issues are that houses have been built over one drainage easement and the storm water would have to flow uphill on another. Another issue that must be addressed is the noncompliant drainage swells. He read a statement from Campbell Engineering which said that the Sandestin DRI guidelines were followed and the drainage was connected to outfalls designed and permitted years before. He urged the Board to rescind the plat due to noncompliance and require total compliance before any more construction begins.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to rescind the present plat based upon noncompliance and record a new plat once the drainage has been brought into compliance.

Commissioner Brannon asked if county staff had determined that this issue cannot be brought into compliance without rescinding the plat. Mr. Osborne stated that he had the deposition that stated that the drainage was not built to standard. Commissioner Meadows stated that the problem is the developer has no funding to repair the issues. Attorney Burke stated that the rescission would have to be held during a Quasi Judicial

Public Hearing. All parties involved have a right to submit evidence. He suggested setting a hearing date that is not during a regular meeting.

Commissioner Jones exited the meeting

Commissioner Comander voiced concern that this issue was not placed on the advertised agenda.

Ms. Marie Baretta, Driftwood Resident, voiced concern that the developers did not do what was promised. She feels that the plat should be rescinded.

Commissioner Comander closed the public comment and called for a vote on the motion.

Ayes 1, Nays 3. Comander Nay, Brannon Nay, Meadows Aye, Pridgen Nay.
Motion failed.

Commissioner Pridgen felt that proper procedure should be followed.

Discussion ensued regarding the time and date for a special meeting.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to schedule a Quasi Judicial Public Hearing date for July 8, 2008 at the South Walton Annex at 2:00 p.m. to consider the Driftwood Phase IIC Plat rescission. Ayes 4, Nays 0.
Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Attorney Burke stated that the meeting would be advertised for July 8, 2008 and notices would be sent to all the property owners.

Mr. Osborne stated that Phase IIC has never met the requirements of the Board to be recorded and asked for an Administrative Removal rather than a rescission.

Chairman Jones returned to the meeting.

Commissioners Pridgen and Brannon had no items to present.

The meeting recessed briefly.

Chairman Jones called to order the Executive Session to discuss the Roessler Properties, Inc. v. Walton County. This meeting was not open to the public pursuant to Florida Statute 286.011(8). The Executive Session adjourned at 7:00 p.m.

The regular meeting reconvened at 7:05 p.m.

Ms. Pat Blackshear, Growth Management Director, presented a request from the Coastal Dune Lake Advisory Board for Walton County to ask the Department of Environmental Protection to enforce the warning letter previously issued for the removal of the armoring at the Oyster Lake Outfall.

Ms. Meg Nelson, Coastal Dune Lake Advisory Board Chairman, stated that the community of Oyster Lake was requesting help in resolving the armoring issues at the Oyster Lake outfall. She briefly discussed the issues related to the outfall. She said that the Department of Environmental Protection (DEP) issued a warning letter with sanctions to be imposed should the armoring not be removed from the outfall. The property owners have not complied. She asked that the Board remit a letter to the DEP asking for immediate enforcement.

Chairman Jones asked if there was any action that could be taken by the Board. Commissioner Meadows stated that Mr. Cliff Knauer, Preble-Rish, Mr. Bell as well as other individuals have met with DEP and asked for enforcement. DEP will not enforce the sanctions.

Attorney Burke stated that he could draft a letter asking for enforcement that will not be detrimental to the present litigation. Commissioner Comander asked for clarification on the litigation. Attorney Burke stated that the lawsuit was the result of the

property owners wanting to build on a particular lot and was not approved by the county due to it being an outfall. Commissioner Brannon asked if DEP had options since this is a clear violation of the statutes. Attorney Burke stated that they do have discretion to pursue as they see fit.

Mr. Ed Underwood stated that the armoring is a safety hazard with it being hurricane season. He urged the Board to send a letter asking for enforcement of sanctions.

Commissioner Comander suggested contacting the Legislature for support. She asked what the next recourse would be should the DEP opt not to enforce their warning letter. Attorney Burke stated that a Writ could be filed, but he did not recommend this action. It would be safer to try to encourage the DEP to enforce the letter. He said that once the appeal is resolved, the ability to enforce would be available. Ms. Nelson stated that the owners continue to file appeals and this is affecting the grant funding process. Attorney Burke stated that the Water Management District, which is the grant agency, has been sympathetic to the issues. They too have contacted the DEP and were told that the lawsuit must be settled first.

Commissioner Brannon recommended sending a letter to the DEP and to the Attorney General's office. Attorney Burke stated that he would draft the letter. Ms. Blackshear suggested including the grant issue to protect the dune lakes.

Discussion ensued regarding the lack of enforcement by the DEP.

Ms. Jackie Martell urged the Board to take action to protect the outfall.

Ms. Blackshear stated that the BDR, LLC, Letter of Credit for Topsail Walk Subdivision in the amount of \$18,961.25 was pulled from the agenda. An updated letter was submitted.

Ms. Blackshear presented a request for a county sponsored small scale amendment of Assisi Village Phase II consisting of 5.07+/- acres from current conservation residential to NPA/Small Neighborhood. The owner will dedicate and construct a community access to the Helen McCall Park site located to the east of the property and provide affordable/workforce housing as per the county SHIP requirements. Ms. Blackshear recommended approval contingent upon the approval of the SHIP committee. Mr. Darrell Barnhill, Barnhill, Barnhill, and Barnhill, LLC, stated that he had met with Mr. Ken Little, Citizens Services Director, and was provided with the required affidavits, exhibits and addenda to proceed with the project.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve the county sponsored small scale amendment of Assisi Village Phase II. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear requested a Public Quasi Judicial Hearing be scheduled to discuss vesting determination for McDaniel's Fish Camp. The property is a 50+ year old mobile home/recreational vehicle site located north of Jolly Bay and south of Black Creek Road north of the Choctawhatchee Bay. The property was cleared as a condition of sale and the issue to be discussed is whether the land use would change or if the property would fall under the "grandfather" clause in the Land Development Code.

Motion by Commissioner Pridgen, second by Commissioner Comander, to schedule a Quasi Judicial Hearing regarding McDaniel's Fish Camp. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Gerry Demers, Deputy Building Official, presented for second hearing the Construction Permit Fee Ordinance (**2008-22**) amending portions of Sections 2.0 Fee Schedules and Tables of Ordinance 2005-29 in the Walton County Code of Ordinances, known as the Walton County Construction Permit Fee Authorization Ordinance, providing for severability, and providing for repeal of conflicting provisions.

Commissioner Brannon asked if the fees were consistent with the surrounding counties. Mr. Demers stated that they were.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt the Construction Permit Fee Ordinance (**2008-22**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear presented for second hearing the Development Order Extension Ordinance (**2008-23**), an ordinance amending sections 11.01.05.b and 11.01.06.c of the Walton County Land Development Code to extend the time in which minor and major development permits shall remain valid by one year; providing a sunset provision; and providing for retroactive effect of the amendment.

Motion by Commissioner Comander, second by Commissioner Pridgen, to adopt the Development Order Extension Ordinance (**2008-23**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear presented LSA 07.01.1-School Concurrency Amendment-an amendment to the Walton County Comprehensive Plan creating a Public School

Facilities Element in accordance with the requirement of §163.31777, Florida Statutes; establishing goals, objectives, and policies implementing school concurrency; establishing criteria for locating schools; establishing procedures for coordinating new development with school capacity; establishing school concurrency service areas; adopting methodologies for determining school generation multipliers, school capacity, and enrollment; providing for mitigation of impacts; providing for monitoring and evaluation amending the intergovernmental Coordination Element of the Walton County Comprehensive Plan to provide for coordination between Walton County, the Walton County School Board, the City of DeFuniak, and the City of Freeport, and the Town of Paxton; amending the Capital Improvement Element to provide level of service standards for schools; providing for proportionate fair share mitigation; and adopting the 9-07 School Facility Work Plan. Staff finds that the proposed text amendments are consistent with the Walton County Comprehensive Plan and are in compliance with all applicable local, state, and federal regulations.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt LSA 07.01.1-School Concurrency Amendment (**Ordinance 2008-12**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear presented LSA 07.01.2-Walton County School Board New School Site. The Walton County School Board is requesting adoption of a large scale amendment to change 40.33 +/- acres in Walton County south of Choctawhatchee Bay from CR 2:1 to institutional to build new school facilities. The property is located north of U.S. 98 and east of C.R. 395 in the Point Washington area. Staff found the request to change the future land use map designation is consistent with the Comprehensive Plan by

providing school sites to accommodate South Walton County's present and future populations, thereby implementing the school concurrency provisions of the comprehensive plan.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve LSA 07.01.2-Walton County School Board New School Site (**Ordinance 2008-13**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear presented the ORC Response 07-1, Walton County's response to the Department of Community Affairs' Objections, Recommendations and Comments report on proposed large scale amendments 07.01.1 and 07.01.2.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the ORC Response 07-1 report on proposed large scale amendments 07.01.1 and 07.01.2. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear stated that the Southland Concrete Plant applicant requested a continuance until the July 8, 2008 meeting. Staff supports this request.

Commissioner Brannon stated that he had been contacted by a property owner regarding road configuration. He directed the property owner to talk with Mr. Allen Brown, Public Works, regarding the industrial congestion. Mr. Brown is currently looking into the issue.

Motion by Commissioner Brannon, second by Commissioner Meadows, to continue Southland Concrete Plant until July 8, 2008. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

The Quasi Judicial Hearing was called to order and Attorney Burke administered the oath to those intending on speaking.

Ms. Blackshear presented Bella Blu Inn at Miramar Beach D.O. Extension. Bella Blu Developers, LLP and BankFirst, jointly request an additional one year extension of an already approved minor development order for Bella Blu Inn at Miramar Beach. The project consists of a 150-unit hotel with condominium ownership of 3.065 acres with a future land use of coastal center. The site is located on the north side of Scenic Gulf Drive, just west of Geronimo Street. Staff found the project consistent with the Land Development Code contingent upon the adoption of the ordinance allowing further extensions of development orders.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve Bella Blu Inn at Miramar Beach D.O. Extension. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. **(Bella Blu Inn Exhibits: Staff Report)**

Ms. Blackshear presented Laurel Woods D.O. Extension. MTC Holdings, LLC is requesting a one year extension of an already approved major development order for Laurel Woods. The project consists of 33 single-family lots on 9.84 acres with a future land use of NPA/infill. The site is located on the west side of Harstvedt Road, .5 miles north of Chat Holly Road. Staff found the project consistent with the Land Development Code.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve Laurel Woods D.O. Extension. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. **(Laurel Woods Exhibits: Staff Report)**

Ms. Lois LaSeur presented a request for vested rights determination for Villas at Inlet Beach, Lots 12, 1, 2, 3, and 4. She stated that the project was originally submitted in 2003. She said that due to the proximity to the residential preservation areas, concerns were raised regarding the additional setbacks. It was agreed during public hearings that the project would be limited to two floors plus one floor designated for parking. She said that the developer added to the plans the following information: ground level definition, elevation of each finished floor, and the total height of the building. Ms. LaSeur stated that the development order form used at that time simply listed the projects as four story buildings which led to confusion later. Five building permits have been issued; two buildings are near completion, two buildings have not begun construction, and the last has only pilings for the foundation in place.

Commissioner Meadows asked if the forms should be reviewed in tandem; the D. O., the one page form, and the approved plan. Ms. LaSeur stated that they should. At the time of approval, the plans for single family homes were not reviewed by a planner before permits were issued. Ms. Blackshear stated that planners now review the entire development order file.

Commissioner Meadows asked for clarification of what the developer was asking to be vested. Ms. LaSeur stated that there were three issues to address. First the two completed homes, second the three permits issued and third the remaining lots. She said that permits would not be issued unless it is in compliance with the development order.

Chairman Jones asked if item five, page two, in the letter from Knight Engineering was the basis of the D. O. issuance. Ms. LaSeur stated that it was.

Commissioner Brannon clarified that what was on the plans was inconsistent with the D.O. Ms. LaSeur stated that the plans and the letter both said plans plus parking. Discussion continued on the limitation and misinterpretation of the D. O.

Chairman Jones stated that the non-permitted undeveloped lots would be held in compliance. He stated that the issues to be decided are the two completed homes and the three issued permits.

Commissioner Brannon asked if the front and rear setbacks are consistent. Ms. Blackshear stated that those have changed.

Dr. John Naftel spoke against the vested rights of the development. He felt that the plan and codes have been violated and the development should be brought into compliance. He submitted pictures of the structures near completion.

Mr. Darrell Russell spoke against the development and felt that it should be brought into compliance. Commissioner Meadows asked Mr. Russell if the homes had more than one kitchen or if there were separate units inside. Mr. Russell stated that he had not gone inside the structure. Dr. Naftel stated that he had been inside the structure on Lot 12 and found one kitchen, four bedrooms, and enclosures in the garage. Ms. Betty Letcher said that a real estate flyer stated that the homes had four bedrooms with two parking spaces. Commissioner Meadows asked if the two parking spaces were underneath. Ms. Letcher replied yes.

Chairman Jones stated that the Villas at Inlet Beach needed to be broken down into three issues: the lots remaining to be developed, the three issued building permits,

and the two nearly completed structures. The Board concurred that the undeveloped lots will be required to meet compliance before permits can be issued.

Chairman Jones opened the discussion on the three issued building permits. Two of the lots have not begun construction and one has pilings installed. Commissioner Pridgen asked how noncompliance could be addressed if the structure is over the specifications. Ms. Blackshear stated that a certified copy of the approved plan must be posted on sight for the review by the building inspector. Mr. Demers stated that two of the three permits have exceeded the 180 days allowed which would result in revocation. The Board concurred to revoke the permits that have exceeded the 180 days.

Commissioner Brannon stated that the information put into the D.O. was different than what was noted on the plan. The whole issue is centered on the height versus stories. Ms. Blackshear stated that presently these differences are being caught earlier since there is a much larger planning staff.

Motion by Commissioner Comander, second by Commissioner Meadows, to direct the building officials to revoke the permits based upon misinformation submitted, and noncompliance with the D. O. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Chairman Jones opened the discussion regarding the completed structures.

Commissioner Meadows stated that she felt that the developers knew what was obligatory, and should be held in compliance by requiring them to remove one story of the building. Commissioner Brannon asked how many feet were over the allotted amount. Mr. Demers stated that the buildings were poured insulated concrete forms. The Building Code does not consider the first level, which is used for parking and access, a story.

Commissioner Meadows feels that there should be retribution for exceeding the height limit.

Ms. Blackshear asked Mr. Demers, in the capacity of building professional, if the top habitable area floor of the structure could be removed to give the developers two floors above parking. Mr. Demers stated that it would not be viable. It could be done at the same expense of rebuilding the entire structure.

Commissioner Meadows asked how much over the height limit the second structure was. Mr. Demers stated that the second was not measured because the height was not questioned until the issue with the first building was discovered. He said the second structure was approximately 10 feet less than the first.

Chairman Jones stated that one area that could be addressed is the parking. More parking is required with four to five bedroom homes which would require the developer to provide a larger parking area. He feels that this would cause interference with a structure being built on the adjacent lot.

Ms. Blackshear suggested that the developer be required to remove any habitable space and make it open, vacant space and reduce down to the bedroom numbers. Chairman Jones stated that since the Certificate of Occupancy had not been issued, then the developer could be held noncompliant. Mr. Demers pointed out that the enclosure in the parking area is also an issue to be addressed.

Commissioner Brannon asked if the number of stories supersedes the height. Ms. Blackshear stated that the developer was only allowed to construct two habitable floors above the parking level and stay at the approximate 40 foot height level.

Commissioner Comander asked Ms. Blackshear how the developer could remove the habitable area. Ms. Blackshear stated that the walls could be removed and the area be used for storage only.

Commissioner Meadows stated that changing the habitable area would not settle the height issue. There is not enough parking, and codes and directives were violated. She felt that this infraction has lowered the value of the surrounding properties. She also stated that regulations should be strictly enforced.

Ms. Blackshear stated that she had experienced a situation similar to this issue in which the structure was in violation of height and floors. The developer was required to remove the top of the structure. The type of construction allowed for the removal. However, the type of construction used on the buildings in question does not provide for this option. She stated that one option would be to tear the building down and start over.

Commissioner Brannon stated that the D. O. states that a plat would be required and the plat clearly states what the building requirements would be.

Motion by Commissioner Meadows, second by Commissioner Brannon, to direct the developer to remove a floor or whatever is necessary to bring the structure into compliance. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Commissioner Meadows asked what the difference was between revoking a building permit and revoking a plat without a Public Hearing. Ms. LaSeur stated that the vesting determination was advertised as a Public Hearing to be held where the plat discussion was not.

Ms. Blackshear presented for second Public Hearing Bayport SSA 2008-01 (**Ordinance 2008-14**) a small scale amendment to change 9.74 +/- acres from rural village, with an allowed residential density of two dwellings per acre, to commercial, with no allowed residential density. The parcel is located north of the Choctawhatchee Bay and more specifically on the north side of C. R. 3280 (Black Creek Road), approximately 1,000 feet east of the intersection of C. R. 3280 and U.S. 331. Staff found the proposed land use change request to commercial is consistent with the Comprehensive Plan.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve Bayport SSA 2008-01 (**Ordinance 2008-14**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. (**Exhibit: Staff Report**)

Ms. Blackshear presented Strickland SSA 2008-02 (**Ordinance 2008-15**). Mr. Jim Strickland is requesting a small scale amendment to Change 9.82 +/- from rural residential to rural village, or any less dense or intense category. The parcel is located north of Choctawhatchee Bay in the Mossy Head area on the west side of Hinote Road, approximately 1.4 miles north of U.S. 90. Staff found the project consistent with the Comprehensive Plan.

There was no public comment.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve Strickland SSA 2008-02 (**Ordinance 2008-15**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. (**Exhibit: Staff Report; ExParte: Pridgen**)

Ms. Blackshear presented for second Public Hearing Justice SSA 2008-03 (**Ordinance 2008-16**). Mr. Joe Justice is requesting a small scale amendment to change 2.93 +/- acres from rural village to commercial, or any less dense or intense category. The parcel is located north of Choctawhatchee Bay at the northeast corner of Jolly Bay Road and U.S. 331. Staff found the project consistent with the Comprehensive Plan.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve Justice SSA 2008-03 (**Ordinance 2008-16**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. (**Exhibit: Staff Report**)

Ms. Blackshear presented for second Public Hearing Powersouth Energy Cooperative SSA 2008-04 (**Ordinance 2008-17**) a request for a small scale amendment to change 2.0 +/- acres from conservation to public facilities, or any less dense or intense category. The parcel is located south of the Choctawhatchee Bay on the east side of East Hewitt Road, approximately 1,250 feet north of U.S. 98. Staff found the project consistent with the Comprehensive Plan.

There was no public comment.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to approve Powersouth Energy Cooperative SSA 2008-04 (**Ordinance 2008-17**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. (**Exhibit: Staff Report**)

Ms. Blackshear presented for second Public Hearing South Walton Fire District SSA 2008-05 (**Ordinance 2008-18**) requesting a small scale amendment to change 0.28 +/- acres from public facilities, with no allowed residential density to infill with an

allowed residential density of up to eight dwelling units per acre. The parcel is located south of the Choctawhatchee Bay on the east side of C.R. 395, approximately 0.4 miles north of C.R. 30A. Staff found the project consistent with the Comprehensive Plan.

There was no public comment.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve South Walton Fire District SSA 2008-05 (**Ordinance 2008-18**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. (**Exhibit: Staff Report; ExParte: Pridgen**)

Ms. Blackshear presented for second Public Hearing M.C. Davis SSA 2008-07 (**Ordinance 2008-19**) requesting a small scale amendment to change 10.0 +/- acres from conservation to conservation residential 2:1, or any less dense or intense category. The parcel is located south of the Choctawhatchee Bay on the west side of Church Street, approximately 3,200 feet north of U.S. 98. Staff found the project consistent with the Comprehensive Plan.

There was no public comment.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve M. C. Davis SSA 2008-07 (**Ordinance 2008-19**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. (**Exhibit: Staff Report**)

Ms. Blackshear asked to continue the Bushee SSA 2008-09 to July 22, 2008.

Motion by Commissioner Meadows, second by Commissioner Comander, to continue Bushee SSA 2008-09 to July 22, 2008. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear presented for second Public Hearing Burgess SSA 2008-10 (**Ordinance 2008-20**). Ms. Susan Burgess is requesting a small scale amendment to change 0.255 +/- acres from residential preservation to infill, or any less dense or intense category. The parcel is located south of the Choctawhatchee Bay in the Homestead platted subdivision on the south side of C.R. 30A, approximately 1.2 miles east of C.R. 395. Staff found the project consistent with the Comprehensive Plan.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve Burgess SSA 2008-10 (**Ordinance 2008-20**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. (**Exhibit: Staff Report**)

Ms. Blackshear presented for second Public Hearing M.C. Davis SSA 2008-11 (**Ordinance 2008-21**). Mr. M. C. Davis is requesting a small scale amendment to change 10.0 +/- acres from conservation to conservation residential 2:1 or any less dense or intense category. The parcel is located south of the Choctawhatchee Bay on the west side of Church Street, approximately 2,500 feet north of U.S. 98. Staff found the project consistent with the Comprehensive Plan.

There was no public comment.

Motion by Commissioner Brannon, second by Commissioner Comander, to approve M.C. Davis SSA 2008-11 (**Ordinance 2008-21**). Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. (**Exhibit: Staff Report**)

Ms. Blackshear stated that a FEMA meeting would be held on July 7, 2008 at the SW Annex and encouraged the Board to attend.

There being no further business the meeting adjourned at 8:16 p.m.

APPROVED _____
Larry Jones, Chairman

ATTEST _____
Martha Ingle, Clerk of Courts