

SEPTEMBER 23, 2008 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, September 23, 2008 at 4:00 p.m., at the Walton County Courthouse in DeFuniak Springs.

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 Pridgen, second by Commissioner Meadows, to approve the consent agenda as follows.

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 1,911,422.41
County Transportation	\$ 1,736,526.58
SHIP	\$ 35,838.00
Fine & Forfeiture	\$ 110,241.22
Section 8 Housing	\$ 149.38
Tourist Dev. Council	\$ 429,667.44
N.W. Mosquito Control	\$ 3,963.72
W. Co. Library	\$ 12,760.22
Recreation Plat Fee	\$ 22,444.69
Public Safety- 911	\$ 1,260.61
Solid Waste Enterprise	\$ 230,453.58
Sidewalk Fund	\$ 2,650.00
Bldg Dept/Enterp. Fund	\$ 3,126.96
Capital Projects Fund	\$ 379,897.58
<b>Totals</b>	<b>\$ 4,880,402.39</b>

2. Approve Minutes of September 9, 2008 – Regular Meeting

3. Approve rolling forward budgeted amounts remaining at 9/30/08 for incomplete grant and capital projects at the October 2008 BCC meetings
4. Approve the 2008-2009 State Aid to Libraries Agreement with the Florida Department of State
5. Approval that after deducting September premiums, allow OMB to reconsolidate unspent Board funded Worker's Compensation amounts back to the General Fund
6. Approve Records Disposition Request
7. Approve Geocortex Hosting Agreement for fiscal year 2008-2009 with latitude Geographics for the Internet Mapping Application
8. Approve the fiscal year 2008-2008 West Florida Regional Planning Council Memorandum of Agreement
9. Approve the E911 State Grant Program for the Panhandle Regional Backup Next Gen Solution
10. Approve the E911 State Grant Program for the South Walton Fire District – Viper Upgrade
11. Approve the E911 Rural County Grant Program for Conference and Training
12. Approve the Federally-Funded Subgrant Agreement EMPG Supplemental Grant Contract

Mr. Ronnie Bell, County Administrator, reported that item 9 of the Consent Agenda is a grant between Walton and Okaloosa Counties that will provide for an inter-county back-up system should one county system fail. A regional system is being considered to include Holmes and Santa Rosa Counties. Item 10 covers a VIPER System upgrade for the South Walton Fire District. This is the same system used by the County and the DeFuniak Springs Police Department. Item 11 is for training and attending conferences. These three items show that Walton County is cooperating with other counties to provide protection for the citizens.

Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. John S. Platt, Representative for Mr. Roger McCombs, requested approval to submit a Community Development Block Grant (CDBG) under the Commercial Revitalization category on behalf of the Great American Travel Center (formerly known as Lucky 13). The grant monies will allow the reopening of the travel center with the needed modifications, and possibly reopen the motel and repair facilities. He said that there would be no matching funds required from the county. Reopening of the Great American Travel Center would supply approximately 100 jobs and approximately \$730,000 in tax revenue.

Mr. Bill Imfeld, County Finance Director, stated that the Department of Environmental Protection issue dealing with the wastewater station should be addressed before Board approval. Mr. Platt said that he understood Mr. McCombs to say that an agreement had been reached regarding the issue. Mr. Bell stated that no agreement existed and that Mr. McCombs was told that the deficiency issues that must be brought into compliance before grant application could be made. Mr. Bell said that any approval should be done based contingently upon all bills being paid to the labs, the transfer of permit ownership to Mr. McCombs, the area cleaned, and any fines assessed against the county be paid by Mr. McCombs. Commissioner Brannon asked why the permit ownership had not been transferred. Mr. Bell stated that in 1995 when a CDBG Economic Development Grant was received to build the package plant and install a roadway to the truck stop, the county was required to be the permit holder. The property owner would not take over ownership of the permit after all was complete.

Commissioner Meadows asked the amount of the fines. Mr. Bell stated that DEP has not assessed fines as of yet, and a county response is due by September 27, 2008. Commissioner Brannon suggested that the issues be resolved before moving forward.

Commissioner Comander asked if there was a timeline for grant application. Mr. Platt stated that the deadline is September 29, 2008. Commissioner Meadows asked the length of time given to Mr. McCombs to submit the information needed for compliance. Mr. Bell stated that a letter was received from DEP on September 12, 2008. Last year the Board approved to pay the cost of the penalties assessed by DEP. Soon after, one of the owners closed the truck stop and had the power turned off; this is the cause of the issues now. Commissioner Meadows asked if the county could be fined again and felt that the county should not be held responsible. Mr. Bell confirmed that fines could be charged.

Motion by Commissioner Meadows, second by Commissioner Brannon, to deny the grant application request based upon non-performance.

Commissioner Comander stated that she was divided over the issue. She feels the county would lose jobs and sales revenue if the center is not opened, however Mr. McCombs has not complied with the requests.

Attorney W. C. Henry, County Attorney, stated that the area would be required to be compliant. The company that performed the lab reports and flow reports will not release that information until the bill has been paid. The holding basins are full of wastewater and need to be cleaned out. DEP will not allow the permit to be transferred until compliance is met.

Mr. Platt stated that Mr. McCombs plans to use the funds to bring the business into compliance. The money will go to the County not to Mr. McCombs. Chairman

Jones stated that the monies from the grant would be earmarked for that project and compliance would have to be met or the monies would be sent back to the State.

Mr. Bell stated that the permit could be abandoned, but it would take eight to nine months to reinstate the permit if the property was sold and fines would still have to be paid. Commissioners Meadows and Pridgen voiced concern for a guarantee that McCombs would complete the work. Chairman Jones reported that if the money is returned to the State unused, then the county would lose the ability to have an active grant.

Commissioner Brannon asked if the money could be used for other industrialization projects. Ms. Angie Biddle, Grant Coordinator, said that the CDBG Program has several categories. This project falls into the Commercial Revitalization Category and is site specific. Chairman Jones asked if the money could be used on the truck stop by a different owner. Ms. Biddle answered that DCA would have to be contacted to request an amendment to the grant contract.

Commissioner Comander asked why Mr. McCombs has not complied. Mr. Platt said that Mr. McCombs has every intention to bring the center into compliance. Chairman Jones reminded Mr. Platt that the county took responsibility to clean up the center and bring it into compliance and Mr. McCombs has failed to keep it as such. Mr. Platt stated that the center is now under a different management group.

Commissioner Comander expressed concerns that if the grant application is denied then the county would ultimately be responsible for cleaning up the area. However, if it is approved under the condition that Mr. McCombs is required to clean it up and pay the necessary fines then he will be held responsible. Attorney Burke said that

the issue was not only bringing the area into compliance but also the transference of the permit and reimbursement to the county. Mr. Bell stated that he had sent Mr. McCombs the letter from DEP listing the requirements.

Commissioner Comander asked how much it cost to clean up the area last year. Mr. Bell stated that the fine was approximately \$10,000 and was unsure as to the costs of the lab reports. Attorney Henry corrected the amount stating the fine was \$65,000 and that the operator paid the other charges.

Motion by Commissioner Meadows, second by Commissioner Brannon, to deny the grant application request based upon non-performance. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to seek damages and abandon the permit. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Sonny Mares, Tourist Development Council Executive Director, requested the contract for materials and installation of gates and fencing for the Walton County Maintenance Facility be awarded to Ft. Walton Fence, Inc., as lowest bidder, in the amount of \$31,013.00. The fencing is necessary for security purposes.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to award the Walton County Maintenance Facility Fencing contract to Ft. Walton Fence, Inc., as lowest bidder, in the amount of \$31,013.00. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

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

Mr. Allen Osborne stated that the recent storm surges from Hurricane Ike caused flooding within Driftwood Estates. He presented photographs of the flooding. He said that a public safety issue exists and urged the Board to direct the County Attorney's Office to petition the Court for an earlier court date based on public safety. Commissioner Meadows asked what date was set. Mr. Osborne reported August 26, 2009.

Commissioner Comander asked Mr. Osborne how far above sea level was Driftwood. Mr. Osborne stated that some areas are approximately 8 feet above while other areas are 5 feet or less.

Attorney Burke stated that it was inappropriate for the County to directly petition the court; the proper procedure is to contact Nabors, Giblin & Nickerson (NGN) and ask them to meet with Attorneys Masterson and Smith, Driftwood counsel of record, to find a date suitable for both sides and jointly petition the court for an earlier date. Attorney Steve Masterson, Driftwood counsel, said that at the time, the date set was the earliest available date. He feels that a statement declaring a public safety hazard would aid in setting an earlier date. He agreed that both sides should file a joint petition requesting an earlier date.

Commissioner Meadows reported that there is an emergency gate owned by Sandestin that is to be opened when requested by the county. Mr. Bell said that Sandestin was contacted and agreed to open the gate when the water reached the pavement. Commissioner Meadows felt that it would be safe to petition on the grounds of public safety. Attorney Burke stated that there is no need for the Board to direct, it is matter that

needs to be litigated as soon as possible. His staff will contact NGN to discuss with Attorney Masterson the motion to draft requesting an earlier court date.

Motion by Commissioner Meadows, second by Commissioner Comander (Commissioner Comander stepped down as Chair to second the motion, and Commissioner Pridgen assumed the position as Chair.), to direct the County Attorney to contact Nabors, Giblin, & Nickerson to petition the courts in order to obtain an earlier court date in the interest of the public.

Commissioner Comander clarified that the County could not petition the court as an individual party. Attorney Burke said that a joint motion would be made that is in the interest of the public that a court date be set as soon as possible.

Ayes 2, Nays 2. Comander Aye, Brannon Nay, Meadows Aye, Pridgen Nay.  
Motion failed.

Commissioner Pridgen stated that he was not against an earlier date; however, by stating that there is a public safety issue, the county could be held liable. Commissioner Brannon stated that the high tide event was not normal and that it does not warrant changing the date. Commissioner Comander noted that due to Driftwood being at or near sea level, any rain or storm event will cause water to rise in the neighborhood. Attorney Burke asked if the Board still wanted him to contact NGN about obtaining an earlier date. The Board concurred.

Mr. Osborne presented a request for the County to join a lawsuit against the developers of Driftwood. Attorney Burke stated that he had reviewed the lawsuit and feels that it is not the appropriate avenue for the Board to take; this is a civil matter between private parties. The Board's goal is to have the Driftwood Phase IIC-Olsen

Properties brought into compliance. He reported that funding for the improvements has been secured with a start up date of September 24, 2008 and finished within two weeks. An inspection will be made upon completion to determine if the area is compliant.

Attorney George Ralph Miller confirmed the start date and stated that the agreement lacked one signature. He stated that his client is working hard to complete the project.

Commissioner Meadows asked that she be notified when the agreement has been fully executed. Attorney Miller agreed to the request.

Mr. Osborne stated that only residents of Driftwood have petitioned the Board. He said that Driftwood Estates owns more bay front lots than any other development in south Walton County. He maintained that the reason that no one wants to buy or build in Driftwood Estates is due to the lack of drainage and access.

Discussion continued on the benefits and downfalls of entering into lawsuit.

Mr. Burke stated again that the lawsuit is not the appropriate action for the Board to gain compliance. He felt that the county should continue working to come into compliance with the DRI.

Commissioner Meadows asked who would be held responsible for repairing a system failure after the work is completed and inspected. Attorney Burke stated that it is a matter of speculation and the cause of the failure. He reported that compliance is being slowly reached. He requested the Board proceed with caution to remedy the issues and felt that a lawsuit would complicate the matter further.

Commissioner Meadows asked the progress of the Edmonds Outfall suit. Attorney Burke said that his recent communication with Mr. Layne Smith, Attorney for

the Edmonds, has proven productive and that only a couple of items are left on which to agree. The Edmonds would be leaving during the month of October and wants the issue resolved quickly. In reference to the lawsuit brought up by Mr. Osborne, he feels that to file a lawsuit would impede the work already being done. He stated that several issues affect Driftwood Estates and recommended taking a cautious approach. Commissioner Meadows feels that a re-evaluation is needed. Attorney Burke stated that the system being installed is what was originally permitted. The Board has an obligation to make sure that this is completed and in compliance.

Commissioner Comander requested that the Edmonds issued be resolved prior to the next Board meeting.

Commissioner Jones returned to the meeting and resumed the position of Chair.

Mr. Bell presented for approval vacant or expiring committee appointments. The following appointments were recommended: Commission Scott Brannon and Commissioner Larry Jones to the Regional Utility Authority; reappointments are Mr. Cary McWhorter and Ms. Sue Grill to the Design Review Board; and Mr. Rob Neale to the Zoning Board of Adjustments.

Commissioner Meadows questioned whether Mrs. Cecila Jones, newly elected District 5 Commissioner, would be required to continue the appointments previously appointed for that district. Mr. Bell said that the Board has the latitude to change that if so desired, however these positions are expiring and need to be filled to insure a quorum. He said that none of the appointments being considered directly involve District 5.

Motion by Commissioner Comander, second by Commissioner Pridgen, to

approve committee appointments as presented. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell requested approval through two separate motions of the Walton County Health Department Core Contract for 2008-2009, and the Walton County Health Department Fee Schedule Resolution (**2008-93**) for 2008-2009. The Walton County Health Department operates under a core contract between the Florida Department of Health and the Walton County Board of Commissioners. This contract is updated and approved each year.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the Walton County Health Department Core Contract for 2008-2009 and approve execution of said document by the Chairman. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell asked Ms. Gail Allen, Walton County Health Department Administrator, if the fee schedule had changed. Ms. Allen explained the fee schedule and the changes it included. Some fees did increase, but not all areas were affected.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Walton County Health Department Fee Schedule Resolution (**2008-93**) for 2008-2009. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell requested ITB 08-038 Evaluation of Moll Drive Multi-Use Path be awarded to Tindle Enterprises, as lowest bidder, in the amount of \$181,105.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to award to Tindle Enterprises, as lowest bidder, ITB 08-038 in the amount of \$181,105. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell requested ITB 08-039 Evaluation of Seahorse Circle Bridge Improvements be awarded to RedFish Marine Construction, as lowest bidder, in the amount \$241,777.00.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to award to RedFish Marine Construction, ITB 08-039, in the amount of \$241,777.00. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell requested ITB 08-041 Evaluation of Gulfview Heights and Mack Bayou Pedestrian Paths be awarded to Gum Creek Farms, as lowest bidder, in the amount of \$386,315.38.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to award ITB 08-041 to Gum Creek Farms, as lowest bidder, in the amount of \$386,315.38. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell stated that \$70,000 will be left in the sidewalk fund after these projects are completed.

Mr. Bell requested that a \$1.6 million Letter of Credit be released to Crystal Beach Development/Freeport Park. The project has been completed. There was a problem with the tennis courts and Crystal Beach Development will fix the problem. Permission is needed to move forward. A \$150,000 line of credit will replace the \$1.6 million to cover the cost of the repairs to the tennis courts.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to release the \$1.6 million Letter of Credit to Crystal Beach Development, replace it with a \$150,000 line of credit and proceed with the repairs to the tennis court. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell presented an amendment to Florida Department of Agriculture Contract #1269 dated July 19, 1988. The change will show an increase of \$.04 per acre in cost to provide fire protection to the total forest and wild land acreage of the county; an increase to 425,577 acres of forest and wild lands to be protected; and an increase to \$29,790.39 for shared costs of providing such fire protection.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the amendment to Florida Department of Agriculture Contract #1269 as presented and approve execution of said document by the Chairman. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell requested approval to install a flashing traffic beacon at the intersection of State Road 83 (U.S. 331) and Rock Hill Road. The county will be responsible for maintenance once the light is installed.

Motion by Commissioner Comander, second by Commissioner Brannon, to approve the installation of a flashing beacon at U.S. 331 and Rock Hill Road. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell requested that the Board meeting scheduled for November 11, 2008 be rescheduled to November 10, 2008. This is due to November 11 being Veteran's Day.

Motion by Commissioner Meadows, second by Commissioner Brannon, to reschedule the Board meeting to November 10, 2008. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell requested dates and times for the EAR Amendment Public Workshop and Transmittal Hearing be set for October 30, 2008 at 9:00 a.m. to 4:00 p.m. with understanding staff will advertise for EAR Amendments for the November 10, 2008 Board meeting for transmittal hearing.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to schedule the EAR Amendment Public Workshop for October 30, 2008 and Transmittal Hearing for November 10, 2008.

Mr. Alan Ficarra questioned when the hearing information would be available to the public. Mr. Bell stated that it would be available October 17, 2008 which is 10 days prior to the Planning Commission Meeting.

Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Mr. Bell reminded the Board of the recent awarding of RFQ 08-036-Engineering Services for Mission Play Park at Helen McCall Park to Preble-Rish, Inc. He requested approval of Mr. Cliff Knauer's, Preble-Rish, proposal of \$55,000 for the Mission Play Park Design. The amount includes permitting, design, review, construction management, inspection, and geo-technical.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve Preble-Rish, Inc.'s proposal of \$55,000 for the Mission Play Park Design. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

The Commissioners had no other items to be presented.

Mr. Bell requested adoption of a resolution (**2008-94**) amending the budget for the Daughette MSBU Fees for Fiscal Year 2007-2008 recognizing revenues and expenditures in professional services in the amount of \$15,939.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve a resolution (**2008-94**) amending the budget for the Daughette MSBU Fees for Fiscal Year 2007-2008. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Attorney Burke requested permission to begin the public hearing process for the Height Ordinance for all of Walton County. The ordinance adopted last year is set to expire on November 27, 2008.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve beginning the public hearing process for the Height Ordinance. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

The meeting recessed at 5:20 p.m. and the Commissioners entered into Executive Session to discuss Edgewater Beach Owners Association, Inc. vs. Walton County (Case No. 08-CA-000006). This meeting was not open to the public pursuant to Florida Statute 286.011(8).

The Executive Session recessed at 6:05 p.m. and the regular meeting reconvened at 6:13 p.m.

Ms. Pat Blackshear, Growth Management Director, requested direction to advertise for a Planning Commission Public Hearing to present and consider a draft ordinance adding additional roads to the 30A Scenic Corridor Guidelines.

Motion by Commissioner Meadows, second by Commissioner Comander, to advertise a Planning Commission Meeting for November 12, 2008 to consider an ordinance adding additional roads to the 30A Scenic Corridor Guidelines. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear announced Mr. Carl Hammon's retirement. A retirement party will be held in his honor at The Red Bar on October 1, 2008 at 5:30 p.m.

Ms. Blackshear stated that the issues have been worked out regarding the Letter of Credit for Bayou View Subdivision and asked that the item be removed from the agenda.

Motion by Commissioner Meadows, second by Commissioner Comander, to remove Bayou View Subdivision Letter Of Credit from the agenda. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Ms. Blackshear presented the continued hearing for the Festival/Special Events Amendment Ordinance **(2008-29)**. She stated that staff had received additional comments for consideration and the changes have been inserted into the draft and noted in red. The ordinance does not regulate family reunions and yard sales.

Motion by Commissioner Pridgen, second by Commissioner Meadows, to approve the alternative version of the Festival/Special Events Amendment Ordinance for consideration. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

The floor was opened to public comment to consider the Alternative Festival/Special Events Amendment Ordinance presented on September 9, 2008.

Commissioner Comander asked if people who are hosting events advertised in the Calendar of Events were required to obtain a separate permit. Ms. Blackshear stated that they would not.

Ms. Blackshear voiced concerns for county liability by participants crossing county owned roadways and right of ways to private events. Attorney Burke felt that the county liability does not increase if a participant is crossing the roadway to attend a private function.

Chairman Jones stated that contact information should be provided to show who will be held responsible for the event. Attorney Burke suggested changing the language of Section 4.27 B-2 to state exempt organizations should be qualified under 501C3 of the Internal Revenue Code.

Ms. Myra Williams spoke in favor of the ordinance. She felt the language of Section 4.27 B-4 should be changed to reflect the county exemption of public liability. There should also be a definition of public exposure. She also asked for flexibility on the 45 days advanced application. A lot of non-profit organizations plan events in less than 30 days. Attorney Burke suggested giving a timeframe of when events will be held with the consideration that changes may occur. Ms. Blackshear stated that if change should occur after a calendar of events has been approved, written notification of that change will need to be submitted to the proper authorities. Commissioner Meadows suggested changing the language to state that last minute events can be amended with written notification to the Planning Department.

Mr. Kevin Chilcutt, WZEP, asked if a church group would be required to obtain a permit to host an event to raise funds for specific purposes. Chairman Jones stated that if the event was held on private property then it would be exempt.

Attorney Burke stated that Emergency Management as quoted in the ordinance would mean South Walton Fire District, Walton County Fire Rescue, or any appropriate fire and rescue agency.

Attorney Burke asked if the term lease meant long term. Chairman Jones stated that it meant gaining the owner's permission to hold the event on the property.

Attorney Burke clarified the changes to be made to the ordinance: change to Section 4.27 Section B-3 to mean organizations qualifying under the Internal Revenue Code 501C3; public liability would mean the citizens of Walton County; Emergency Medical Services clarification; and last minute events within an approved calendar of events can be amended with written notification to the Planning Department.

Motion by Commissioner Pridgen, second by Commissioner Comander, to adopt the Festival/Special Events Amendment Ordinance (**2008-29**) with changes as discussed. 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. Jennifer Christenson, presented for first Public Hearing SSA 2008-08. M. C. Davis is requesting to change the future land use map designation of a 10.00 +/- acre parcel generally located south of the Choctawhatchee Bay in the Santa Rosa Beach area and more specifically about 2,800 feet north of U.S. 98 on the east side of Mussett Bayou Road, from Conservation (with no allowed residential density) to Conservation

Residential 2:1, with an allowed residential density of two dwelling units per acre. Staff found the project consistent with the Walton County Comprehensive Plan.

Mr. Darrell Barnhill, presented for first public hearing SSA 2008-13, County sponsored. Hanie Nasri is requesting to change the future land use map designation on 5.07 +/- acres in the Santa Rosa Beach area and more specifically on the east side of Thompson Road, approximately 1,400 feet south of U.S. 98. The request is to go from Conservation Residential two dwellings per acre, with an allowed residential density of two dwelling units per acre, to Small Neighborhood, with a standard allowed residential density of four dwelling units per acre and with a maximum allowed workforce/affordable housing density bonus of eight dwellings per acre, consistent with Section 2.04.00 and Appendix C.4, and with a maximum neighborhood planning area density bonus of up to 10 dwellings per acre, consistent with Appendix C.1. If the future land use is changed as requested, the applicant will develop the property for single family residences, including 25 percent of permitted lots, for affordable/workforce housing units, contingent upon the applicant's meeting the requisite density bonus requirements through the Development Order process. Staff found the project consistent with the Walton County Comprehensive Plan. **(Exhibits: Staff 1 & 2; ExParte: Brannon, Comander)**

Mr. Ficarra stated that the Planning Commission recommended changing it to infill rather than small neighborhood. Ms. Blackshear stated that the request is being added to an existing project. Mr. Ficarra stated that the parcel being presented is not physically connected to the existing project and that infill would be a more appropriate designation. Commissioner Meadows stated that this project was discussed at an earlier

meeting which would have an affordable housing component. To achieve affordable housing, small neighborhood density is needed.

Commissioner Brannon asked if it was the same ownership. Ms. Blackshear stated that it was. Mr. Carl Hammons, Senior Planner, said that there is a total of two 5.07 acre parcels owned by the applicant.

Mr. Moll spoke in opposition of the project. He stated that a walkway to Helen McCall Park will require purchasing of more land. Commissioner Meadows stated that there is a corner to corner connection of the two parcels.

Mr. Bill Bard spoke against the project. He stated the housing and flood insurance for that area should be considered and would greatly affect the affordability of the homes.

Mr. Moll stated that he had not been notified of the second project.

Ms. Christenson presented for first Public Hearing SSA 2008-14, Black Creek Village Development, LLC, a request to change the future land use map designation on 10.00 +/- acres north of the Choctawhatchee Bay in the Black Creek area and more specifically on the south side of CR 3280 (Black Creek Road) about 1.7 miles east of the junction of Magnolia Lodge Road and CR 3280 and about 1 mile west of the intersection of Smokehouse Lake Road and CR 3280. The request is to change from Large Scale Agriculture, with an allowed residential density of one dwelling unit per 40 acres, to North Bay Neighborhood Planning Area-Mixed Use Residential, with an allowed residential density of six dwelling units per acre. Staff found the project consistent with the Walton County Comprehensive Plan.

Ms. Blackshear requested that Somerby PUD be continued to the October 14, 2008 meeting.

Motion by Commissioner Meadows, second by Commissioner Pridgen, to continue Somerby PUD to October 14, 2008. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

There being no further business, the meeting adjourned at 6:48 p.m.

APPROVED \_\_\_\_\_  
Larry Jones, Chairman

ATTEST \_\_\_\_\_  
Martha Ingle, Clerk of Courts