

NOVEMBER 25, 2008 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on November 25, 2008 at 4:00 p.m., at the Walton County Courthouse in DeFuniak Springs.

The following Board members were present: Commissioner Sara Comander, Chair; Commissioner Scott Brannon, Vice-Chair; Commissioner Larry Jones; Commissioner Cecilia Jones; 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 Larry Jones led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Comander called the meeting to order.

Chairman Comander presented a token of appreciation to Commissioner Larry Jones in recognition of his service as Chairman during 2007-2008.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve the Consent Agenda as follows. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

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|--|-----------------|
| 1. Approve Expenditure Approval List (EAL) |                 |
| General Fund                               | \$ 767,508.96   |
| County Transportation                      | \$ 238,174.14   |
| SHIP                                       | \$ 22,976.00    |
| Fine & Forfeiture                          | \$ 1,627,433.00 |
| Section 8 Housing                          | \$ 142,525.09   |
| Tourist Dev. Council                       | \$ 289,329.24   |
| N.W. Mosquito Control                      | \$ 1,543.11     |
| W. Co. Library                             | \$ 4,911.75     |
| Recreation Plat Fee                        | \$ 1,313.23     |
| Public Safety- 911                         | \$ 14,151.22    |
| Solid Waste Enterprise                     | \$ 3,721.65     |
| Bldg Dept/Enterp. Fund                     | \$ 860.34       |
| Imperial Lakes MSBU                        | \$ 1,000.00     |

|                        |    |              |
|------------------------|----|--------------|
| Driftwood Debt Service | \$ | 9,152.04     |
| Capital Projects Fund  | \$ | 81,681.54    |
| Totals                 | \$ | 3,206,281.31 |

2. Approve Minutes of November 10, 2008 Regular Meeting and November 18, 2008 Special Meeting
3. Approve a resolution **(2008-106)** to roll forward revenues and expenditures for projects from fiscal year 2007-2008
4. Approve to surplus one Check Signer machine from the Clerk's Office
5. Approve the following individuals to fill TDC Board vacancies as recommended by the TDC Board: Ken Gifford, re-appointment for a four year term and Jennifer Steele Saunders, Cultural Arts Association, appointment for a four year term. Each term would begin 12/2008
6. Approve to de-obligate \$10,000 from Liberty Park to Wee Care Park for construction of a restroom; de-obligate \$20,000 from Liberty Park to Oakwood Hills Park; and de-obligate \$23,344 from Mossy Head Children's Park to Juniper Lake Park improvements
7. Approve to de-obligate \$9,629 from Flowersview Park and transfer to Lakewood Park Pavilions and de-obligate \$10,297 from Gaskin Pocket Park and transfer to Glendale Park
8. Re-appropriate \$50,000 from Punchbowl Road Project to Natural Bridge Road
9. Approve the State and Federally Funded Sub-grant Agreement for the Emergency Management Performance Grant

Mr. William Imfeld, County Finance Director, requested approval of a resolution **(2008-103)** to bring \$515,370 from Reserves into the budget for transfer to Escambia County for Administration of Court Technology Funds for the States Attorney and Public Defender. He stated that these funds were a part of the restricted funds that were not available to the Board.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve Resolution 2008-103 to bring \$515,370 from reserves for Administration of Court Technology Funds. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Ronnie E. Bell, County Administrator, presented for approval the following Board and Committee Appointments/Reappointments: Mr. Christian Wagley, Coastal

Dune Lake Advisory Board; Mr. Jim Ryan, Zoning Board of Adjustments; Mr. Richard Fowlkes, Code Enforcement Board; Ms. Marsha Anderson, Coastal Dune Lake Advisory Board; Mr. David Kramer, Code Enforcement Board; Ms. Judy Allen, Early Learning Coalition of Okaloosa and Walton Counties. Mr. Ken Little, Citizen Services Director, stated that Mr. Wagley's name had been pulled and that a replacement would be sought.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Board and Committee appointments and reappointments as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented the Embarq E911 Equipment and Service Renewal Contract. He stated that this is the annual maintenance contract and recommended approval.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve Embarq E911 Equipment and Service Renewal Contract. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented Bay Loop Bike Path Change Order in the amount of \$141,333.14 for additional driveway culverts. County crews will be used to install a pedestrian bridge across Bear Creek, and Pentel Bridge in lieu of a retaining wall. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve the Bay Loop Bike Path Change Order. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented Walton Road Improvements Change Order #3 in the amount of \$64,860. This is for additional asphalt needed for the surface and leveling course.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve Walton Road Improvements Change Order #3. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented a request from Escambia County to adopt a resolution (**2008-105**) requesting the US Army Corp of Engineers assign artificial reef permitting to the Mobile, Alabama District. Okaloosa and Santa Rosa Counties have adopted similar resolutions.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the Artificial Reef Permitting Resolution (**2008-105**). Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested approval of an Interlocal Agreement between Walton County and the Cities of DeFuniak Springs, Paxton and Freeport regarding the Communities for a Lifetime Project. All the cities involved have approved the agreement.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve an Interlocal Agreement between Walton County and the Cities of DeFuniak Springs, Paxton and Freeport regarding the Communities for a Lifetime Project. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested approval of the 2009 WC386 Contract between FL Department of Corrections and Walton County for a corrections crew for Parks and Recreation.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the 2009 WC386 Contract. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented for approval the 2009 schedule of Commission Meetings. Chairman Comander stated that the March 10<sup>th</sup> meeting would conflict with the NACo Conference and would need rescheduling.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the 2009 Schedule of Commission Meetings as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented for approval the 2009 Holiday schedule.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the 2009 Holiday schedule as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested that the December 23, 2008 Regular Commission Meeting be cancelled due to the Christmas Holiday.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to cancel the December 23, 2008 Regular Commission meeting. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Mike Burke, County Attorney, stated that the Coastal Armoring issue had been resolved.

Attorney Burke requested that a public hearing be scheduled to engage the Audit Committee to consider a selection of an auditor for the Sheriff's audit. He requested that the item be placed on the December 9, 2008 agenda.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to schedule a public hearing for December 9, 2008 to consider the engaging of the Audit Committee

to consider a selection of an auditor for the Sheriff's audit. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney W. C. Henry, County Attorney, stated that a motion to adopt the Multi-Use Path Ordinance was not made during the September 9, 2008 meeting. The motion was to make changes to the ordinance. He requested that the public hearings be reopened at the next available meeting to adopt the ordinance.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to reopen the public hearings to adopt the Multi-Use Path Ordinance.

Attorney Matthew Gaetz, Edgewater Beach Homeowners Association Representative, questioned if the ordinance would regulate activities between the tow of the dune and the erosion control line. Attorney Henry stated that the issue would be reviewed.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Henry recommended that the performance and payment bonds for the Paxton Batting Cages be waived. Florida Statute allows for waiving of bonds for contracts under \$200,000 and these particular contracts will be \$25,000 to \$30,000.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the Paxton Batting Cages performance and payment bond waiver. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

The Commissioners had no items to present.

Chairman Comander reported that Ms. Wanda Smith, Paxton Mayor, had requested county assistance in maintaining the city owned cemetery. Attorney Burke

stated that an interlocal agreement would be necessary. Chairman Comander stated that clarification must be made that the assistance would be periodical and would utilize inmate labor when available. Commissioner L. Jones felt that precautions should be taken before entering into the agreement. Attorney Burke asked if a cost would be associated with the agreement. Commissioner L. Jones said that he wanted all the information that would be involved with the agreement such as cost and labor. Attorney Burke stated that with the Board's approval he would meet with Mr. Bell and the officials from Paxton to draft an interlocal agreement regarding the cemetery maintenance. Chairman Comander requested information on other cemeteries that may require county maintenance. Discussion continued regarding the maintenance of privately owned cemeteries and the criteria associated with acceptance. The Board concurred to allow Attorney Burke, Mr. Bell and Paxton officials to draft an interlocal agreement and bring it back for review.

Chairman Comander requested adoption of a resolution (**2008-104**) recognizing December 2, 2008 as Military Spouses Day.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to adopt the resolution **2008-104** recognizing December 2, 2008 as Military Spouses Day. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

There being no additional public comment and no further business, the meeting recessed at 4:22 p.m. and reconvened at 5:00 p.m.

Attorney Henry requested Board direction on the amending of Ordinance 2002-13 to include language that would allow the Contractor's Competency Board (CCB) to waive the examination requirement for contractors who failed to renew their license for two consecutive years due to extraordinary circumstances. Chairman Comander asked if

this would be on a case by case basis. Attorney Henry stated that it would be granted through criteria stated in the amended ordinance.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to include language to waive the examination requirement for contractors who failed to renew their license due to extraordinary circumstances Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Scott Jenkins, Jenkins Engineering, presented a development agreement between Walton County and the Boys and Girls Club of the Emerald Coast, Inc., a Florida non-profit corporation, regarding the development of approximately 30 acres designated on the future land use map as Town Center One. The development will include up to 55,000 square feet of youth recreational, educational, and community support center, and up to 10,000 square feet of pool and pool deck area. The Boys and Girls club will share parking with the Walton County Coastal Branch Library, will share a joint stormwater facility with adjoining properties, and will dedicate right-of-way for a future public road. The site is located at 427 Greenway Trail, near the Walton County Coastal Branch Library. Staff found the agreement consistent with the Land Development Code (LDC) and is in compliance with the State approved Comprehensive Plan Statutes, for Development Agreements upon the conditions set forth in the Staff Report. Mr. Jenkins presented a diagram that shows the areas that would be affected by the agreement.

Commissioner Brannon asked if this project would tie into the current bike path system. Mr. Jenkins stated that it would. Commissioner L. Jones asked if the agreement



components would be incorporated into the development order application. Mr. Jenkins stated that it would.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the Boys and Girls Club Development Agreement with conditions as stated in the staff report. Ayes 5, Nays 0. L. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Pat Blackshear, Growth Management Director, presented a memorandum from staff regarding the Special Flood Hazard Area Protest of unnumbered A Zones. She stated that The Federal Emergency Management Agency (FEMA) has proposed changes to the Walton County Flood Insurance Rate Maps (FIRM). The changes will impact area that may not be subject to flooding and may not provide warning or notice that an area may be subject to flooding. She asked for authorization to submit a letter of protest to FEMA regarding the impending changes. Appeals are due by December 3, 2008. Commissioner Brannon questioned who had created the maps in the package submitted by staff. Ms. Blackshear stated that the maps were developed by the GIS Staff to show the problems with the new FIRM maps. The greatest concern lies with all isolated wetlands and wetlands under the National Wetlands inventory will now be in A Zone.

Ms. Jennifer Christensen stated that she would be submitting at least 10 protests for individual pieces of property by December 1, 2008. She discussed the conflicts with the field data. She felt that more protests would be filed if there was a greater public knowledge. Ms. Blackshear said that she would follow up with Mr. Chris Mitchell, Public Information Officer, regarding a Press Release.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve the transmittal of a Letter of Protest to FEMA regarding FIRM changes. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Blackshear presented for first public hearing the C.R. 30A Scenic Corridor. The ordinance amends Chapter 13 of the Walton County LDC to add Churchill Bayou Road, Chat holly Road, and South Church Street to the C.R. 30A Scenic Corridor.

Mr. Lloyd Blue raised concerns for the slowly changing regulations associated with the ordinance and felt that continuing to add more regulations is unnecessary.

Mr. Bill Bard spoke in favor of the ordinance.

Ms. Blackshear stated that the Planning Commission has heard the issue and voted four to three in favor of the ordinance.

Ms. Blackshear stated that when the LDC is rewritten after the EAR Amendments are in compliance, standards for the roads other than 30A will be addressed and clarified.

Chairman Comander questioned whether the issue should wait until the provisions for the LDC have been made. Commissioner L. Jones voiced concern that the roadway issues should be addressed individually rather than collectively. Commissioner Brannon discussed the problems resulting with increased traffic flow on the roads listed, and felt that the individual issues needed to be addressed. Ms. Blackshear stated that the ordinance would be brought back to the Board in a better format.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to not continue to second public hearing for the C.R. 30A Scenic Corridor ordinance as it is presented, and revisit, at the appropriate time, the individual issues regarding each roadway.

Chairman Comander questioned whether Chat Holley be the only roadway removed from the ordinance. Commissioner L. Jones stated that all the other roads be removed. Ms. Blackshear asked if the ordinance was to be brought back with a more comprehensive approach not under 30A standards. Commissioner L. Jones said that one was to be brought only at the appropriate time as directed by the Board.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Blackshear presented for first public hearing the Sidewalk Ordinance. The ordinance amends the Walton County LDC §5.04.03h to allow the County engineer discretion to waive the construction of sidewalks and/or a contribution to the sidewalk fund for sidewalks in rural areas. Staff found the ordinance consistent with the LDC and Comprehensive Plan and is in compliance with all applicable local, state and federal regulations. There have been financial hardships on smaller rural projects that are required to pay into the sidewalk fund.

There was no public comment.

Commissioner Brannon said that the requirements of the project should be reviewed to determine the need for sidewalks. Commissioner L. Jones suggested establishing more objective criteria, and that the language on page 2 item 4 regarding discretion be clarified.

Commissioner Brannon questioned whether areas in the county have been identified as walkable communities. Ms. Blackshear stated that the Capital Improvements Program (CIP) will provide guidance to those areas.

Ms. Blackshear stated that this was a first public hearing and that an improved draft would be brought back to the Board.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to proceed with the second public hearing for the Sidewalk Ordinance. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Blackshear requested that Alys Beach Phase III, Blocks KK & MM Plat final approval be continued to the December 9, 2008 regular commission meeting. She also requested that SSA 2008-16 (Aldyne Holub) and SSA 2008-17 (HSH Properties, LLLP) be moved to the end of the agenda. The Board agreed to move the items.

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

Mr. Dean Burgiss, Emerald Coast Associates, presented Topsail Plaza Conceptual PUD a major development order application consisting of 275 multi-family units and 103,807 square feet of commercial space on 31.3 acres with a future land use of VMU/CR 2:1. The site is at the northeast corner of US 98 and CR 30A. He requested conceptual approval. Staff found the project meets the minimal technical requirements of the LDC and is in compliance with the State approved Comprehensive Plan contingent upon the conditions set forth in the staff report.

Chairman Comander asked if a timeline had been established to meet the conditions. Ms. Blackshear stated that each condition would be met during different phases of the project.

There was no public comment regarding the project.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve Topsail Plaza Conceptual PUD with conditions as stated.

Commissioner L. Jones stated that he supported the project, however he did have concerns regarding conceptual approvals of PUD's and suggested the Board review the approval procedure. Ms. Blackshear stated that it would be addressed in the LDC review process. Discussion continued regarding the LDC criteria for approving PUD's.

Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibits: Staff Report)**

Mr. Lloyd Blue, attorney and agent for the applicant, presented Town Center at Black Creek PUD Amendment a major development order application submitted by P & B Management requesting conceptual approval of a mixed-use development consisting of 658 single family lots, 12 multi family units, and 265,000 square feet of commercial space on 1,051.66 acres with a future land use of NBNPA/rural town center and large scale agricultural. The site is located on the north and south side of CR 3280, near the intersection of Magnolia Lodge Road. He discussed the history of the Black Creek/Nokuse Project. He stated that one of the provisions of the project was the presence of a town center that had high intensity residential and commercial developments. He is working with the Emerald Glenn Project and Mr. M. C. Davis to carry on the development vision of central Walton County. He reviewed the environmental, governmental, and citizen related benefits of the project. Staff found that the project will meet the minimum requirements of the LDC and will be consistent with the Comprehensive Plan contingent upon the conditions set forth in the staff report.

There was no public comment on the project.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve Town Center at Black Creek PUD with conditions as stated in the Staff Report. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. **(Exhibits: Staff Report, Maps, Staff Exhibit F)**

Ms. Blackshear presented the revised traffic report for the Town Center at Black Creek PUD. Ms. Christensen stated that the traffic report would remove some of the conditions.

Ms. Blackshear requested a one year extension for the Mossyhead Mini-storage D.O., an already approved major development order issued December 7, 2007 as prescribed by code. The development order approved 385 mini storage units on 3.26 acres with future land use of commercial. The site is on the north side of US 90, 1.5 miles west of Highway 285.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the one year extension for the Mossyhead Mini-storage D.O. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye. **(Exhibits: Staff Report)**

Ms. Christensen, agent for Tiger Joint Ventures, applicant, presented a resolution **(2008-102)**, an abandonment petition. The site is located on the south side of Winston Lane, approximately 514 feet south of Walton Rose Lane. The Board requested, at an earlier presentation, to have a county surveyor evaluate and document the encroachments within the easements on adjoining lots. The results are included in the updated Staff Report. The request is for the abandonment for 13 feet and leave 53 feet of easement. The utilities are located in the northern easement and would not be impacted. Mr. Rick

Tooke, County Surveyor, stated that he had completed the survey and presented a diagram of the survey. He said that there are four encroachments on the right-of-way.

Ms. Melissa Ward, Project Manager, said that there was confusion that the area at the end of the Winston Lane was abandoned during platting, but research shows that it was not. The property lines were moved further south to accommodate Villas at Inlet Beach. Another concern was that the adjacent property owners, Barbary Coast Subdivision, would ask to have the northern portion of the easement abandoned. The through road was platted as right-of-way and could not be abandoned. Commissioner Brannon verified that the county had not abandoned any property. Ms. Ward stated that interest in the 33 foot easement was waived not abandoned.

There was no public comment.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the Tiger Joint Ventures abandonment petition as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibit: Staff Report)**

Mr. Darrell Barnhill, agent for applicant Aldyne Holub, presented SSA 2008-16 a request to change the future land use map designation on .098 +/- acres north of the Choctawhatchee Bay in the DeFuniak Springs area and more specifically about 580 feet north of Walton Road, on the east side of, and abutting, State Road 83. The site is across the street from the DeFuniak Springs City limits. The request is to change from urban residential, with an allowed residential density of four dwelling units per acre, to commercial, with no allowed residential density.

Mr. Barnhill discussed the compatibility of the change with the surrounding property. He submitted evidence supporting the change, and recommended approval for a second public hearing.

Commissioner Brannon asked if the current use is non-conforming. Ms. Blackshear confirmed that it was. Mr. Barnhill stated that the requested land use change would correct the non-conforming issue and allow the applicant to proceed with the proper buffering and other criteria required to comply with the LDC.

Ms. Blackshear reported that the previous ruling by staff, which stated that the request was consistent, was based on the non-compliance issues being brought into compliance with the code. Had the project been properly designed it would have been a good transition buffer for the residential area; however, the property is already built-out and is non-compliant with the current land use.

Commissioner Brannon asked if a Code Enforcement complaint had been filed. Ms. Blackshear stated that there was a complaint filed, but that it could not be considered

Commissioner Pridgen questioned if other SSA's had buildings present. Ms. Blackshear stated that she did not recall any having been presented. She voiced concern that the setbacks and buffers, and the structures on site would require uses being removed and buildings torn down which would be detrimental to the applicant. Mr. Barnhill said that the applicant has been informed of the concerns.

Commissioner L. Jones questioned Mr. Barnhill if the letter from Ms. Latilda Henninger, indicated that the current usage was compliant. Mr. Barnhill stated that the letter was strictly to give a history of the property.



Commissioner Brannon asked if the applicant was planning to expand the existing use. Ms. Blackshear stated that it had already expanded beyond what the county authorized. Some of the concerns are with the buffers, setbacks, and stormwater. Mr. Barnhill stated that whether or not this request is approved; there will be outstanding issues that must be resolved. Currently there is nothing that can be done with the existing land use to enable the applicant to comply with code. Discussion continued on the reasons for the non-compliance.

Commissioner Brannon questioned whether the property across the street was zoned industrial by the City of DeFuniak Springs. Ms. Blackshear stated that the information had not been researched but assumed that it was either zoned commercial or industrial.

Commissioner Pridgen voiced his concern regarding the several issues to be considered to bring the area into compliance.

Chairman Comander asked if the land use change was approved could the project be denied later. Ms. Blackshear stated that if the plan amendment was approved, any project will have to proceed through a new development order process.

Attorney Karen Ward, attorney for the applicant, objected to any alleged code violations.

Mr. Jack Rhodes, agent for Ms. Iva Adkinson and Mr. Steve and Ms. Nina Porter, adjoining property owners, spoke in opposition of the future land use change citing conflicts with the LDC and requested that the application be denied.

Chairman Comander questioned if the water and sewer being supplied to the County Jail could be tapped for use. Commissioner Brannon stated that it is a forced main

and cannot be tapped. Mr. Rhodes said that no information was given by the applicant stating that water and sewer could be provided to the site.

More discussion continued on the non-conforming and non-compliant issues related to the application.

Mr. Barnhill commented that the applicant agreed with all of the assessments of the property. He felt that changing the use to general commercial is the only solution to allow the applicant to bring the area into compliance.

Commissioner L. Jones felt the applicant had prior opportunity to bring the area into compliance but failed to do so.

Commissioner Brannon asked if the code complaint against the applicant would close down the business or not allow the expansion. Ms. Blackshear stated the requirement would be to bring the area into compliance. She said that Code Enforcement could rule to give the applicant 60 days to conform. Attorney Burke stated that should the Code Board rule against the applicant, there would be two ways to come into compliance. The avenues to resolve the issues would be to either cease commercial business operations and use it as a neighborhood commercial or residence, or change the land use to match the current use of the property.

Chairman Comander raised concerns that the allowable uses of the property were not investigated prior to purchase.

Ms. Blackshear stated that if the applicant actively pursued a development order, then the staff would recommend that the final order set a time to come into compliance and would work with the applicant to come into compliance. However there has been no application submitted that would determine whether or not the applicant can come into

compliance with the existing structure. Mr. Rhodes stated that the applicant could have already submitted a development order application to bring the site into compliance. He felt the change would intensify the use of the site.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to deny proceeding to a second public hearing based upon evidence presented which does not support the request. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibits: Staff Report, Petitioner Numbers 2- 6)**

Ms. Christensen presented HSH Properties, LLP SSA 2008-17, a small scale amendment to change 8.205 +/- acres from large scale agriculture to NBNPA/mixed use residential, or any less dense or intense category. The parcel is located north of the Choctawhatchee Bay on the north side of SR 20, near the junction of Black Creek Boulevard. Staff found the project consistent with the Comprehensive Plan. The density proposed is compatible with surrounding development within the current future land use districts.

There was no public comment.

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

There being no further business, the meeting adjourned at 7:00 p.m.

APPROVED \_\_\_\_\_  
Sara Comander, Chairman

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