

REGULAR MEETING – APRIL 28, 2009

The Board of County Commissioners, Walton County, Florida, held a regular meeting on April 28, 2009 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.

Chairman Comander led the Pledge of Allegiance to the American Flag. The invocation was said at the 2:00 p.m. Budget Workshop. Chairman Comander called the meeting to order.

Chairman Comander stated that item six of the Consent Agenda had been removed.

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

1. Approve Expenditure Approval List (EAL)	
General Fund	\$ 1,503,494.19
County Transportation	\$ 957,760.17
SHIP	\$ 99,992.00
Section 8 Housing	\$ 132,562.50
Tourist Dev. Council	\$ 690,643.78
N.W. Mosquito Control	\$ 3,482.78
W. Co. Library	\$ 10,965.54
Recreation Plat Fee	\$ 2,714.26
Public Safety- 911	\$ 1,313.69
Solid Waste Enterprise	\$ 27,751.54

Sidewalk Fund	\$ 3,250.00
Bldg Dept/Enterp. Fund	\$ 1,691.03
Inmate Canteen Fund	\$ 15,891.66
Driftwood Debt Service	\$ 790,400.00
Capital Projects Fund	\$ 15,149.02
<b>Totals</b>	<b>\$ 4,257,062.16</b>

2. Approve Minutes of April 7, 2009 EAR Workshop; April 14, 2009 Regular Meeting
3. Approve a Resolution **(2009-42)** to amend the budget for the award of grant funds for the 2009-09 E-911 State Grant from the Florida 911 Board, Florida Department of Management Services in the amount of \$485,000.00
4. Approve a Resolution **(2009-43)** to amend the budget for the award of grant funds for the 2008-09 E-911 Rural Grant from the Florida 911 Board for E-911 Maintenance in the amount of \$33,331.00
5. Approve a Resolution **(2009-44)** to amend the budget for the award of grant funds for the 2008-09 E-911 Rural Grant from the Florida 911 Board for E-911 Coordinator Training in the amount of \$6,000.00
6. Approve to surplus one computer from the Walton County Central Purchasing Division **(REMOVED)**
7. Approve a Resolution **(2009-45)** proclaiming May as Older Americans Month as requested by Kay Brady, Council on Aging
8. Approve request from Sheriff Adkinson to retain the \$25.00 fee collected for the Civilian Firearms Training Course in order to pay for class supplies
9. Designate \$15,000.00 of District One Recreational Plat Fee Funds to purchase a new pump and well for Douglass Crossroads Park and \$10,000.00 for lighting, garbage cans and other items needed at Four Mile Park
10. Approve the redaction of the scrivener's error in item 1 of Exhibit A to the approved Franchise Agreement with DAYCO to reflect the actual intent of the parties, to wit: that only household garbage pick ups shall be weekly. Pick up of white goods, yard debris, and furniture shall occur monthly.
11. Approve to transfer \$500,000.00 from 001-7040-526.6200 account to a separate capital project account for the Red Bay Fire Station
12. Approve for Walton County Sheriff's Office to submit an Edward Byrne Memorial JAG Formula Program Local Solicitation Grant Application

Commissioner Brannon read, for the record, his response to Driftwood Estates and the alleged conflict of interest. He recused himself from discussing or voting on any

future Driftwood Estates issues until he has received a written opinion from the Florida Commission on Ethics. He submitted the written statement to the Clerk.

Chairman Comander welcomed the Constitutional Officers present at the meeting.

Miss Devero Bogart, Teen Miss Okaloosa Walton NWFL, introduced several local youth ambassadors and requested photographs be taken with the Commissioners.

Chairman Comander called to order the public hearing to discuss a budget amendment resolution regarding the redemption of outstanding bonds for the Driftwood Debt Service.

Mr. Bill Imfeld, County Finance Director, gave a brief history of the Driftwood Debt Service and presented a resolution **(2009-46)** to roll forward remaining reserves in the amount of \$74,755 for the Driftwood Debt Service Fund to redeem all remaining outstanding bonds. There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt a resolution **(2009-46)** to roll forward remaining reserves in the amount of \$74,755 for Driftwood Debt Service Fund. Ayes 4, Nays 0. Comander Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. Commissioner Brannon abstained

Chairman Comander called to order the public hearing to discuss a budget amendment resolution to correct a budget error in the Capital Projects Funds.

Mr. Imfeld presented a resolution **(2009-47)** to roll forward funds from Solid Waste Fund Reserves to correct the budget error for Capital Projects Funds for debt service and roll forwards. He reported that the funds are available, and ad valorem taxes would not be affected. There was no public comment.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to adopt a resolution (2009-47) to roll forward funds from Solid Waste Fund Reserves to correct a budget error for Capital Projects Funds. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Martha Ingle, Clerk of Court, thanked Mr. Imfeld and his staff for their labors in assisting with the Comprehensive Annual Financial Report (CAFR).

The request for permission to use four-wheel ATV's on paved public roadways by Beach Safety Patrol was pulled from the agenda.

Mr. Thom Brooks, Argyle Volunteer Fire Department, presented a discussion of current practices used relating to the Argyle Volunteer Fire Department. He discussed the billing of services, the new radio equipment versus the old equipment, and possible use of surplus emergency equipment from the county. Chairman Comander suggested that Mr. Brooks meet with Mr. Ed Baltzley, Emergency Response Director, Mr. Eddie Rivers, Fire Manager, and Mr. Matt Douglass, EMS Manager, to discuss his concerns and bring back recommendations to the Board.

Commissioner Brannon questioned if the recently grant funded position of Volunteer Coordinator would handle this type of situation.

Mr. Ronnie Bell, County Administrator, asked the Chairman's permission to facilitate the meeting between Mr. Brooks and the Emergency Response Division. He also suggested that representatives from all of the Emergency Services agencies attend the meeting. Chairman Comander concurred.

Mr. Allen Osborne suggested consulting Eglin Air Force Base regarding the radio system and a better communication system.

Chairman Comander addressed the allegations Mr. Osborne made against the Board and the Department of Community Affairs (DCA) at the April 14, 2009 BCC Meeting. She stated that his allegations against the Board should have been made to the Ethics Commission. Any concerns with employees should be taken to the County Administrator and if he has a problem with a State agency, then he should approach that agency directly.

Chairman Comander then addressed the issue of Driftwood Estates drainage. The county has taken measures to correct the issue by opening the Edmonds Outfall, acquiring other easements, and reviewing the use of a pump system to remove the standing water. She stated that after the Board reviews the recommendations from Public Works, those recommendations would be given to the Homeowner's Association representative.

Chairman Comander spoke to the matter of the San Destin wall. She stated that two courts have determined that the county was blameless regarding that issue.

Chairman Comander also addressed Mr. Osborne's request to DCA for information regarding the Development of Regional Impact (DRI). DCA has requested more information from the county. Time is needed by both agencies to review the questions and provide answers.

Chairman Comander felt that to bring an end to the Driftwood issue, a Special Master should be utilized to hear and review all issues related to Driftwood Estates. The Special Master must be a highly respected attorney, have extensive knowledge of the Comprehensive Plan, the DCA and other agencies, and rules that affect the Driftwood

issue. She asked that Attorney Mike Burke, County Attorney, and Mr. Bell meet with the homeowner's association to discuss the appointment of a Special Master.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to obtain a Special Master to review all issues relating to Driftwood Estates and to direct the County Attorney and the County Administrator to meet with the Driftwood Homeowners. Ayes 3, Nays 0. Comander Aye, C. Jones Aye, Pridgen Aye. Commissioners Brannon and Jones abstained.

Attorney Burke clarified that a fair party will hear the issues and present a recommended course of action. Mr. Osborne asked if this would be a mediation. Attorney Burked stated that it would be an arbitration with a recommended course of action. He suggested that the Department of Administrative Hearings be contacted to get a list of Special Masters. He said that a petition, which outlines all of the issues, will be filed, and all parties involved will be invited to attend the hearing. The voting Commissioners concurred. Attorney Burke stated that he would meet with Mr. Bell and the representatives of the Driftwood Homeowners' Association to work out a course of action. He said that a contract will be needed for the Special Master. All information and the contract will be brought back to the May 11, 2009 meeting. Attorney Burke stated that there will be an opportunity for all sides to be heard.

Chairman Comander stated that since the Board has approved to address the Driftwood issue through an arbitrator, Mr. Osborne's comments should be held until the arbitration hearing. Chairman Comander stated that this issue would not be addressed again until the arbitrator had made his recommendations.

Mr. Bell requested approval of a Memorandum of Understanding Agreement between Okaloosa County 911 and Walton County 911 and Embarq for regional 911 call routing. This will aid in the Panhandle Regional Routing System, and is grant funded.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Memorandum of Understanding Agreement as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell stated that due to illness, Mr. Gary Mattison, County Human Resources Director, would be unable to present for second reading the revision of Personnel Policies and Procedures, Policy 16.14 and Policy 15.7, and asked that the issue be tabled until a later date.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to table the Personnel Policies and Procedures Policies 16.14 and 15.7 until a later date. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell recommended awarding ITB 09-021, Removal and Replacement of Emergency Operations Center Roof to Escambia Roof Masters, as low bidder in the amount of \$50,425 (\$44,650.00 plus \$5,775.00 for an alternate for vapor barrier). The project will consist of the removal/replacement of approximately 6,000 linear foot of built up roofing with installation.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to award ITB 09-021 to Escambia Roof Master as low bidder in the amount of \$50,425.00.

Commissioner Brannon asked if the funds had been budgeted. Mr. Bell stated yes.

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

Mr. Bell presented a resolution **(2009-48)** to execute a Joint Participation Agreement (JPA) for the design of US 331 from Owl's Head Road to Edgewood Circle. The Board previously approved to de-obligate TRIP funds for the two one-mile passing lanes construction. FDOT has approved a JPA for \$2,732,600 for the design of the project. Mr. Bell stated that he had concerns regarding the timeframe of June 30, 2010 for design completion. He requested a second motion that would allow Mr. Lyle Seigler, Public Works Director, and Mr. Imfeld to meet with PBS&J to re-negotiate the design agreement to be brought back to the Board for consideration.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to adopt the Joint Participation Agreement resolution **(2009-48)**. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Commissioner Brannon asked if all the right-of-way easements had been acquired. Mr. Bell stated that the agreement covers the easement donation given by Mr. M. C. Davis, but eight to nine more easements were needed. He reported that the more easements donated would maximize the amount of money used for construction.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to direct Mr. Seigler and Mr. Imfeld to meet with PBS&J and re-negotiate the design agreement to be brought back to the Board for consideration. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented for approval the YMCA Renewal Agreement in the amount of \$45,520. The agreement will provide management services for the Freeport Swimming Pool in 2009. Although the current contract expires on June 1, 2009, an immediate approval is needed to begin securing and training personnel for the summer months.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the YMCA Renewal Agreement in the amount of \$45,520.

Chairman Comander questioned how many lessons were taught at the facility. Mr. Bell stated that he could get that information. Mr. Richard Kimmons, YMCA Branch Director, stated that the pool is opened eight hours each day with swimming lessons being taught approximately two hours, two days a week.

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

Mr. Bell presented a request from the City of Paxton for Facilities Maintenance to install a 200 amp electrical service at one of the facilities in Paxton.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the request to install a 200 amp electrical service for the City of Paxton by Facility Maintenance. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented a proposal and agreement from Sheriff Mike Adkinson for the transfer of the Emergency Management Function, the Joint Dispatch Center, and E-911 Program to the office of the Sheriff for day to day operation.

Sheriff Adkinson spoke briefly on the benefits of the transfer. He felt that the move would increase the level of public safety, and would be a financial savings to the county. Chairman Comander asked how much the county would save. Sheriff Adkinson stated that the amount would be approximately \$683,000, but safety was the most important factor. He said that the transition would take between nine to 12 months to complete. Commissioner Jones agreed with Sheriff Adkinson that safety was the number

one issue and suggested that staff work with him to determine timeframes, personnel, and budget proposals, and bring that information back to the Board for consideration. Sheriff Adkinson stated that with hurricane season beginning June 1, action needs to be taken as soon as possible. Commissioner Pridgen gave a brief review of his findings after touring three emergency centers in south Florida. He would like to see Walton County achieve the same high level of efficiency. Mr. Bell stated that the proposal included an interlocal agreement, but he preferred a contract be drawn and presented for signature. Sheriff Adkinson agreed to the change. Mr. Bell said that he would appoint a transition team, which would include representatives from the Sheriff's Office, Finance, and Legal, to work out the details of the proposal and contract.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to accept the transfer proposal as a concept, and begin the process to finalize documentation. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Burke said that he and Commissioner C. Jones were going to do more investigation into the method for disposal of the Kellogg Property house and will bring their findings to the Board.

Attorney Burke presented an update on the Sony Roy v. Walton County. He said that the Federal District Court dismissed Mr. Roy's complaint, found in favor of the County, and rebuked Mr. Roy's attorney for bringing the claim. He said that he would begin proceedings to seek attorney's fees on behalf of the county.

Attorney Burke also presented an update on the K & H Development Group, Inc. v. Walton County, et al. He reported that the Federal and State claims were dismissed by the Federal District Court and cannot be appealed. Information received April 28 shows

that a new lawsuit was filed in State Court. He said that he would begin proceedings to seek attorney's fees on behalf of the county in the Federal Court Claims.

Chairman Comander announced that the Mining Ordinance issue had been continued.

Commissioners Brannon, Pridgen, L. Jones, and C. Jones had no items to present.

Chairman Comander presented an update on the Visioning Project. She reported that two meetings have been held to discuss the future of Walton County. She announced that Mr. David Getz has agreed to donate his time and act as moderator. Public meetings will begin in May to receive citizen input. Mr. Chris Mitchell, Public Information Officer, and Mr. Jason Bryan, Planner, are working on questionnaires and surveys to be posted on the website. Chairman Comander said that the public meetings would be advertised, and she is hoping that a final project could be brought to the Board for consideration within a year.

Chairman Comander called for public comments.

Mr. David Carlee, Botany Bayou Subdivision, spoke against a cut through road that was placed on the March 24 BCC Agenda under Public Works. He asked that no further work be done by the county or the developer on the road connection until the southern portion to Goldsby Road is designed and permitted. Mr. Bell stated that the Board did not approve for work to commence, but instead approved a conceptual agreement to be brought back for final approval and public comment would be heard at that time. Mr. Allen Brown, Public Works, stated that road work was still in conception and not prepared to begin; and that the developer had only removed landscaping.

Mr. Nik Halatsis stated that there is a safety hazard and asked if a fence could be erected to prevent usage of that area as a roadway. He reported that the neighbors would be willing to bear the cost of a fence. Chairman Comander suggested that Mr. Halatsis meet with Mr. Brown and Mr. Seigler. Attorney Burke stated that the neighbors should not be responsible for erecting a barricade, he stated that it was a county use.

Mr. Michael Combs stated that he needed a Letter of Intent from to be able to finalize the purchase of the Lucky 13 Truck Stop, and to acquire a Community Development Block Grant (CDBG). Mr. Bell stated that Mr. Combs did submit his agenda request but it was too late for this meeting. He said that the process of abandoning the waste water treatment permit had begun. He said that the facility was presented for auction with no bidders. He stated that an inadequate amount of information had been submitted with the agenda request. Chairman Comander asked Mr. Imfeld if the county was allowed more than one CDBG per year. Mr. Imfeld stated that only one economic development CDBG is allowed per year. The Commissioners concurred that more information is needed and that the request should be presented in an appropriate manner. Mr. Combs stated that he would present a proposal and information at the May 11, 2009 meeting. Mr. Bell suggested that Mr. Combs meet with Mr. Imfeld and Ms. Angie Biddle, Grants Coordinator.

The meeting recessed at 5:26 p.m. and reconvened at 5:45 p.m.

Mr. Bell announced that staff was still working on the mining ordinance. Ms. Pat Blackshear, Planning and Development Director, stated that the ordinance had been continued many times and significant changes made now would require additional public hearings. She requested Board direction on the changes to be made and recommended

removing the ordinance from the agenda and to re-advertise the public hearings. Chairman Comander felt that with the numerous comments submitted that further review is needed. Commissioner C. Jones stated that she had received several comments and phone calls. She would like to review the draft again.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to remove the draft mining ordinance from the agenda, and authorize staff to re-advertise the public hearings.

Mr. Bell stated that a draft would be returned to the Board for review. After comments have been submitted, the draft would be brought back to the Board for final approval.

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

Mr. Gary Demers, Development Service Director, presented a request from Dr. Tim Hamon, CEO Christian International Kingdom Properties, for a Letter of Support for the application for Rural Development Section 528 Funding for the conceptual plan for 98 multi-family affordable housing units. The proposed development is on 44 acres on the north side of US 98 across from the Christian International Church campus.

Dr. Hamon briefly discussed the project and distributed development information which listed the facilities and amenities. He stated that application for State funding is due by May 5 and feels this project would be beneficial to the county. Attorney Burke voiced concern that Dr. Hamon would need more than a Letter of Support. Dr. Hamon stated that the letter was to be submitted with the funding application and that he would

return at a later date for the appropriate approvals and resolutions. He said that a conceptual plan should be completed before May 5.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Letter of Support.

Mr. Art Dees, WZEP, asked if the property was located near the church property. Dr. Hamon stated that the property was currently owned by the church and was located on the north side of U.S. 98 across the road from the church. Commissioner Jones questioned who would draft the letter. Dr. Hamon stated that he had a letter prepared and presented it to Attorney Burke.

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

Ms. Blackshear requested that the draft Future Land Use Element be continued to May 26, 2009 for final decision. Staff needs more time to prepare an updated draft. She asked that any Board comments or recommendations be submitted so they could be included in the draft. There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to continue the Draft Future Land Use Element to May 26, 2009. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Demers presented for first reading Whispering Shores Scrivener's Error Corrective Ordinance amending Ordinance 2005-16 to correct the legal description of a parcel receiving a small-scale future land use map amendment.

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

Mr. Demers presented Owens Mini Warehouse & Office Complex, a major development order application submitted by Greg Goodwin Construction requesting approval for a 5,967 square foot office building, 2 warehouse buildings totaling 7,000 square feet, 380 mini-storage units totaling 51,500 square feet, for a total of 64,467 square feet of commercial use on approximately 4.01 acres with a future land use of commercial. This site is at 26 Site C-6 Road, on the northeast corner of the intersection with Highway 20. Staff found the project meets the minimum technical requirements of the LDC and is in compliance with the State approved Comprehensive Plan contingent upon the conditions listed in the staff report.

Mr. Ken Boydston, homeowner, asked to insure that the shared right-of-way be included. Chairman Comander stated that it was.

Mr. Greg Goodwin, applicant, stated that the only condition to be met is the septic tank permitting.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve Owens Mini Warehouse & Office Complex with conditions as listed. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibits: Staff Report)**

Mr. Demers presented McDaniel's Fish Camp a/k/a RVC USA Freeport, a major development order application submitted by Porterfield Engineering, Inc., proposing to develop a commercial recreational vehicle park on 71.08 acres with a future land use of rural village. The site is on McDaniel's Fish Camp Road. Staff found the project meets the minimum technical requirements of the LDC and is in compliance with the State approved Comprehensive Plan contingent upon the conditions listed in the staff report.

Mr. Eric Johnson felt that the small roads and the intersection of C.R. 3280 would not be adequate for RV traffic. Commissioner Brannon stated that there are engineering conditions regarding the safety issues for the roads.

Mr. Les Porterfield, Porterfield Engineering, stated that the design of the park will allow for a turn around area and the vehicles will enter without impeding the road. He distributed documents with a visual of the turn around area. He reported that the county has plans to widen and improve C.R. 3280. Commissioner Brannon said that he was aware of two projects that would: 1) address storm water management, and 2) widening of C.R. 3280. He did not know if either project would affect the intersection in question. He said that widening of the intersection would be reviewed.

Mr. Werner Brielmayer agreed that the traffic problems are a major issue. He suggested that a sign be erected to alert incoming traffic that Pitts Bayshore Drive is a dead end road. Commissioner Brannon stated that he would have a road foreman review the issue.

Ms. Becky Andrews, representative for Mr. Wallace B. Kinsaul, voiced opposition to the project. She stated that there is an archaeological issue to be addressed. She felt that the project is being hurried through the development process without notification of the vesting to adjoining neighbors. Attorney Burke stated that the purpose of the vesting was to allow the continued commercial use that had been allowed for several years. Ms. Andrews asked if the property had an original land use designation of commercial. Attorney Burke stated that it was designated as residential rural village when the Comprehensive Plan was created, however, the commercial aspect allowed the property to continue as a fish camp. This hearing is for the approval of a major

development order not for a land use change. Chairman Comander asked how long this project had been in process. Mr. Tim Brown, Assistant Planning Manager, stated that the application was submitted on December 6, 2008.

Commissioner Brannon felt that the travel lane issue needed to be addressed and there is additional county right-of-way to use toward improvements.

Mr. Brown asked for clarification as to which county department would perform the review of the intersection at C.R. 3280 and McDaniel's Fish Camp Road for large wheel based vehicles as recommended by the Planning Commission. Chairman Comander suggested that the study be assigned to Public Works.

Mr. Johnson reported that the land has been vacant and not in use for approximately 2-3 years. Attorney Burke stated that the intention of the non-conforming use applies to abandonment; however, this property is being prepared for the future project.

Mr. Brielmayer stated that it is the county's responsibility to make sure that the ingress/egress is sufficient to meet the needs of the project.

Mr. Porterfield stated that an engineering analysis had been done to show that a RV sized vehicle could make the turn. He also said that permit applications were made in the proper manner.

Chairman Comander voiced concern regarding condition six and questioned whether Mr. Porterfield would be willing to proceed with the left turn lane evaluation rather than wait the allotted three years. Mr. Porterfield said until there is operational data, that an evaluation cannot be made which was the intent for the three year timeframe. Commissioner Brannon felt that it would be reasonable to allow Public Works

to evaluate that intersection prior to the three year deadline. Attorney Burke stated that the developer is required to perform the study no later than three years; however, if the county has sufficient data to show that improvement is needed prior to the deadline then the developer can be required to address the issue earlier. Commissioner Brannon felt that with the current traffic, Public Works should review the area for possible safety improvements. Commissioner Jones felt that condition six needed to direct Public Works to assess the traffic situation on a continual basis. Discussion continued on the Intersection Traffic Evaluation.

Ms. Karen Kolenburg reported that the fish camp property was inactive when she purchased her home two years ago. She spoke against the project and felt that it would negatively affect the environment and the surrounding residents. Mr. Porterfield stated that many of the large oak trees will be preserved and are part of the amenities of the property. Chairman Comander questioned if buffers were included. Mr. Porterfield confirmed that they were. Attorney Burke stated that RV's could not be used as permanent residences and owners were not allowed to stay more than six months.

Motion by Commissioner Brannon, second by Commissioner L. Jones, to approve McDaniel's Fish Camp a/k/a RVC USA Freeport with conditions, and clarify condition six to direct Public Works to assess the intersection of C.R. 3280 and McDaniel's Fish Camp Road on a continual basis to determine when a traffic study is needed. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibits: 1-Staff Report, 2-Petitioner Map; Ex Parte: Comander, Brannon, C. Jones)**

Mr. Demers presented Whispering Shores, a major development application submitted by Jason Daniel, requesting approval for 17 single-family lots on 4.47 acres with a future land use of NPA-infill. The site is at 40 Whisper Lane. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report.

Mr. Steve Neese, Anderson Engineers, briefly discussed the details of the project. He stated that approval from Regional Utilities is still pending.

Mr. Allen Ficarra spoke in favor of the project and briefly discussed the possibility for the county to solve access problems that occurred when the subdivision was first platted. He suggested that after approval of the project that the Board direct the Engineering Department to draft a Developer's Agreement between the County and Jason Daniel, applicant, to allow for a 10 foot wide drainage easement. Mr. Neese stated that this issue had been addressed at a public meeting. He feels that it is a separate issue from the Development Order. He said Mr. Daniels is not opposed to the easement agreement, but felt that including it at this stage of the Development Order would delay the project's progress. Commissioner L. Jones asked if Mr. Daniels would be willing to address this issue now. Mr. Daniel stated that he was told by the Planning Department that this was a Public Works issue that should not be included in the Development Order. He is willing to work with Public Works and Mr. Ficarra.

Motion by Commissioner Brannon, second by Commissioner L. Jones, to approve Whispering Shores. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibits: 1-Staff Report, 2-Respondent Maps and Letter)**

Mr. Demers presented Sawyer Commercial PUD f/k/a Sawyer Commercial, a major development application submitted by North Florida Capital, LLC, requesting conceptual approval of a commercial planned unit development. The applicant proposes to refurbish an existing structure and build 70,544 square feet of hotel in two phases on 5.67 acres with a future land use of coastal center. The site is at 11610 U.S. Highway 98 West. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report. Chairman Comander requested that a traffic light study be included in the conditions. Mr. Demers stated that it was included as condition six.

Mr. Ed Stanford, CORE Engineering & Consulting, stated that the existing building would be refurbished and agreed to the six conditions.

Mr. Larry Davenport, the Baybridge Landing Homeowner's Association, requested that a traffic signal be required at the intersection. Chairman Comander stated that the request would have to go through DOT since a State highway is involved.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to request a FDOT study to determine the need for a traffic signal at the project intersection.

Mr. Stanford suggested looking at the entire area to see if there is a better access for other developments as well.

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

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve Sawyer Commercial PUD f/k/a Sawyer Commercial. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibits: Staff Report 1)**

There being no further business, the meeting was adjourned on motion by  
Commissioner Brannon at 7:09 p.m.

APPROVED \_\_\_\_\_  
Sara Comander, Chair

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