

REGULAR MEETING – JUNE 30, 2009

The Board of County Commissioners, Walton County, Florida called to order the regular meeting on June 30, 2009 at 2:45 pm. Chairman Comander stated that the prayer and invocation would be said at the scheduled 4:00 pm meeting.

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; and Attorney Mike Burke, County Attorney, were also present.

Attorney Mike Burke, County Attorney, stated that two issues would be discussed during the Executive Session: Aldyne Holub v. Walton County (2009-AP-000003); and a combined session to discuss D & H Sand, Inc. v. Walton County (2009-AP-000001), and Walton County v. D & H Sand, Inc. (2009-CA-001034).

The meeting recessed at 2:51 p.m. and entered into Executive Session. This meeting was not open to the public pursuant to Florida Statute 286.011(8).

The Executive Session adjourned at 3:45 p.m. and the regular meeting reconvened at 4:00 p.m.

Ms. Martha Ingle, Clerk of Court, was present during the regular meeting.

Commissioner Comander led the invocation followed by the Pledge of Allegiance to the American Flag.

Mr. Ronnie Bell, County Administrator, stated that the following items needed to be added to the agenda: 1) Public Works Change Order Request for Scenic Gulf Drive Phase II; 2) A letter from Attorney Mark Davis, Attorney for the Clerk of Court, regarding litigation in which the Clerk has been added.

Commissioner C. Jones asked to address the lifeguard storage building at the Ed Walline Beach Access during her portion of the agenda.

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

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 1,654,303.64
County Transportation	\$ 608,903.57
SHIP	\$ 20,115.00
Fine & Forfeiture	\$ 35,023.00
Section 8 Housing	\$ 10,325.15
Tourist Dev. Council	\$ 672,716.93
N.W. Mosquito Control	\$ 2,145.71
W. Co. Library	\$ 16,412.43
Recreation Plat Fee	\$ 19,721.79
Public Safety- 911	\$ 99,110.31
Solid Waste Enterprise	\$ 80,565.02
Bldg Dept/Enterp. Fund	\$ 559.16
Imperial Lakes MSBU	\$ 2,765.91
Inmate Canteen Fund	\$ 16,797.77
Capital Projects Fund	\$ 460,182.52
Totals	\$ 3,699,647.91

2. Approve Minutes of June 9, 2009 Regular Meeting and Workshop
3. Approve correction of the May 11, 2009 Minutes to reflect that Philip Fleet is the vice president of the Beachview Heights Homeowners Association rather than Gulfview Heights.
4. Approve to move \$2,000 from the District 1 recreational plat fee account to Red Bay Community Center for punch list items.
5. Approve to move \$75,208.10 from District 1 recreational plat fee account to the Boat Ramp Project Fund for Alaqua (Portland Park), Black Creek and River Road Boat Ramp projects.
6. Approve to move approximately \$4,017.40 from the District 5 recreational plat fee account to the South Walton Little League.

7. Approval of Amendment #2 to the Cowford Boat Ramp FBIP Grant Contract number 06079.
8. Approval of the Amendment #2 to the Cedar Log Lake FBIP Grant Contract number 060147.
9. Approve a records disposition request from the Clerk's Office.

Mr. Bell requested that the Board approve the signature of the Chair on HUD Form 50077-CR which certifies that Walton County Housing Agency will conform to the Civil Rights Act of 1964, the Fair Housing Act of 1973, and the Americans with Disabilities Act of 1990. The Jacksonville Regional HUD office is requesting that the form be submitted for the current year plan by July 15, 2009.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Chair's signature on HUD Form 50077-CR. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented a resolution **(2009-62)** committing Walton County to a partnership with the U. S. Census Bureau to ensure a full and accurate census count in 2010.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve **Resolution 2009-62** partnering Walton County and the U.S. Census Bureau for the 2010 Census. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Michael J. McCombs requested approval of a Community Development Block Grant (CDBG) for the Lucky 13 Truck Stop, and a fuel tax rebate. Mr. McCombs stated that he had bank approval to purchase the facility and needed grant approval to proceed with the bank loan.

Attorney W. C. Henry, County Attorney, stated that he had not seen the information for the fuel tax rebate submitted by Mr. McCombs. Mr. McCombs stated that a \$.04 per gallon fuel tax rebate would aid in the loan process, and would enable him to be more competitive with other truck stops. He said that it would also help increase revenue. Attorney Henry stated that the diesel fuel tax, according to Florida Statute section 206.87 and section 336.025, can only be used for transportation expenditures or infrastructure construction. It cannot not be refunded or rebated to a private company or individual. He said that there are other funding sources and tax incentives that are available for economic revitalization. Commissioner L. Jones stated that the fuel tax rebate could not legally be considered and that the county did not award grants. State application would have to be made and the proper procedures followed. He also stated that he had not seen the loan documents and information. Mr. McCombs stated that he did not have the bank information with him but would be able to get it to Administration. Mr. Bell asked Ms. Angie Biddle, Grants Coordinator, how many CDBG grants applications could be submitted during a year's time. Ms. Biddle stated that one economic development CDBG application was allowed per year. Another option would be to apply for a commercial revitalization CDBG. She stated that Florida Transformer had applied for the one economic development grant for this year. Ms. Biddle reported that if Mr. McCombs was still interested in the economic development grant then application could be made in March, 2010. She recommended that Mr. McCombs apply for the commercial revitalization grant and submit it for staff review.

Chairman Comander instructed Mr. McCombs to continue to work with Ms. Biddle. Mr. McCombs asked if a letter of support could be written for submission with

the loan documents. Ms. Biddle stated that she could prepare the letter. Commissioner L. Jones suggested that a generic letter stating that at the appropriate time and with the appropriate party, the Board would be willing to support the grant. Mr. McCombs stated that the paperwork required assuming the responsibility of the wastewater treatment permit is nearly complete.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve a generic letter stating that at the appropriate time and with the appropriate party, the Board would be willing to support the grant application. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented a Memorandum of Understanding (MOU) between the Florida Department of Agriculture and Consumer Services (FDACS) and Walton County. The county would be responsible for the storage and upkeep of a trailer with pet friendly shelter equipment and supplies to aid animals during emergencies. It will also be used to support ESF 17 operation within the county, the region, and the Department of Emergency Management in other locations as directed. The State would be responsible for insuring and maintaining the tags for the trailer. He recommended approval.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve the Florida Department of Agriculture and Consumer Services agreement as presented. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell requested approval of a right-of-way easement for CHELCO to run underground electrical power to the new animal shelter.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the right-of-way easement. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented the appraisal for the Walton County Sand Mining Acreage on Ed Brownfield Road. The appraisal, completed by Teel and Waters, estimated the “As Is” value to be -\$100,000 to -\$350,000. Mr. Bell requested that the Board allow him to meet with Mr. Lee Perry to discuss a purchase proposal. Chairman Comander asked if the sale of this property had to be bid out. Attorney Burke stated that if it fit the criteria for the Statute, then it did not need to be bid out. Commissioner L. Jones suggested to surplus the property, and to seek proposals.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to declare the property as surplus and request for proposals.

Commissioner L. Jones asked if a time frame would be needed. Attorney Burke stated that the process to surplus the property should be followed. Chairman Comander asked how long that process would take. Attorney Burke was uncertain of an exact time frame. Mr. Bell stated that it would be at least 60 to 90 days before proposals would be brought to the Board.

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

Mr. Ryan Douglass, P.E. Staff Engineer, gave an update on the Bay Loop Bike Path Improvement Project. He stated that the project has experienced significant erosion, and a serious neglect of slope maintenance. He reported that DEP had sent notification of the problems. The contractor has brought the project into compliance. Mr. Douglass felt

that measures should be taken to avoid situations like this in the future. He recommended that a contractor grading system, similar to that used by FDOT, be implemented. The grading system would be used in the presentation of bidders. The Board concurred to allow Mr. Douglass to work with Legal and Purchasing to create a Capital Improvement Grading System.

Mr. Lyle Seigler, Public Works Director, gave an update on the solid waste evaluation and the structural analysis on the existing transfer building. He reported that a feasibility study was being done by Brown, Burdine & Associates regarding solid-waste options. He stated that the firm would return to the Board within a six to eight month period and present a list of options suitable for the solid waste program. He said that the condition of the transfer station was one of great concern. According to an analysis done by a structural engineering firm the transfer station building needed to be reinforced. The structural changes have been made. Chairman Comander requested that the options be presented within 6 months.

Mr. Bell requested the Board approve a proposal by Southern Earth Sciences, Inc. for Geotechnical Services for the Walton County Landfill Expansion in the amount of \$29,600. Preble-Rish is the engineering firm in charge of the project.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve Southern Earth Sciences for geotechnical services for the landfill expansion in the amount of \$29,600. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell recommended awarding ITB 09-026 (bridge material for Chat Holley Road) to Conecuh Bridge Company, as the lowest bidder, in the amount of \$89,224.00.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to award ITB 09-026 to Conecuh Bridge Company, as low bidder, in the amount of \$89,224.00.

Commissioner C. Jones asked Mr. Seigler to give an update on the Chat Holley paving project. Mr. Seigler stated that after the Board gave approval to create a capital improvement project for Chat Holley, \$100,000 was put toward improvements. The budgeted amount for the two bridges was \$128,000; a portion of the \$38,776 remaining will be put toward the road improvements.

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

Mr. Bell presented his first approved addition to the agenda: Scenic Gulf Drive Phase II change order 6. Upon recommendation of the TDC, the pedestrian boardwalks will be constructed with a more durable Trex Decking in the amount of \$71,604. The amount will be divided between TDC in the amount of \$32,000; and Public Works in the amount of \$39,604. He recommended approval.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve the Scenic Gulf Drive Phase II Change Order 6, in the amount of \$71,604. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Leigh Morrison, Life Enrichment Senior Center Director, presented the Operations Report for the first quarter of 2009.

Mr. Bell reported that the Portland Community Center conveyance to Walton County by the School Board contained an inaccurate legal description. He requested approval for a Corrective Quit Claim Deed to be recorded.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to approve the Corrective Quit Claim deed for the Portland Community Center conveyance. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell presented the proposed procedure for enforcing the Leave No Trace Ordinance (2003-07 (Section 4G)).

Mr. Sonny Mares, TDC Executive Director, reported that many staff meetings, involving the TDC, County Administration, Planning Department, and Code Enforcement, were held to determine how to effectively enforce Ordinance 2003-07 (Section 4G). The County Attorney advised that all items left on the beach must be tagged and a specific time period given to remove the items. Said items would be considered abandoned and taken to the designated retention facility by Code Enforcement if not removed during the specified time period. The County Attorney also recommended that a specific time frame of 48 hours be set to retrieve the items from the retention facility. The TDC will be responsible for educating the residents and tourist about the beach rules and regulations. A Beach Ambassador will patrol the beaches as a way to welcome visitors and to remind them to remove all personal items when leaving the area.

Attorney Burke discussed the goals and objectives of each department in enforcing the ordinance.

Mr. Mares stated that the TDC would be responsible for purchasing an \$11,875.96 John Deere "Gator" for use by the ambassador for beach patrol. Mr. Bell stated, upon approval of the Board, the ambassador will patrol the beaches for a few weeks before Code Enforcement begins tagging items. Attorney Burke stated that the ultimate goal is to protect people, property, and nature.

Attorney Matthew Gaetz, Attorney for Edgewater Beach Owners Association, submitted an advertisement, article, and letters regarding the ordinance enforcement, and requested that clarification be made as to the county's position on the enforcement of the ordinance. Chairman Comander briefly discussed how other beaches in the State removed their items nightly. She felt that a common position could be agreed upon. Attorney Gaetz stated that his client has agreed to pick up their own trash.

Commissioner Pridgen stated that if the client was cleaning up after themselves, then the ordinance would not apply to them. Attorney Gaetz expressed concern over the more permanent items such as volley ball nets. Commissioner Pridgen stated that if the item was permitted it would not be removed. Attorney Burke firmly stated that the Board would continue enforcing the Leave No Trace Ordinance. He said that Code Enforcement wanted people to comply.

Chairman Comander questioned whether agreements could be made with larger property owners to clean up their own property. Attorney Burke did not think that individual agreements would be a feasible solution.

Ms. Sharon Maxwell, South Walton Turtle Watch, spoke in favor of the ordinance.

Ms. Mary Nielson asked that the word beach, in Mr. Mares' proposal, be clarified to state whether it is private or public. She also asked that clarification be made as to who would be held responsible for the items left on the beach; the land owner or the personal property owner. She felt that a lot of issues still needed to be resolved.

Mr. Bobby Stewart spoke in favor of the ordinance stating that Walton County is an ecological gem in dire need of protection.

Commissioner L. Jones clarified that the personal property owner would be held responsible for the items left on the beach.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to approve the proposed procedure for enforcing Beach Ordinance 2003-07 (Section 4G) and the purchase of the John Deere "Gator" in the amount of \$11,875.96. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bell submitted a letter from Mr. David Kramer asking for a moratorium on MSBUs. He stated that Beachview Heights and Four-Mile Village are the only outstanding MSBUs. He stated that the second ballots for Beachview Heights are due on July 2, and Four-Mile Village has not come before the Board for second ballot approval.

Mr. Kramer requested that the Board place a moratorium on current and proposed MSBU's until after the Future Land Use Element has been adopted. He also requested information as to why the State is exempt from the Beachview Heights (UNR) MSBU. He said that MSBUs would raise the taxes on property owners and given the current economic situation, would be detrimental to certain property owners. Chairman Comander stated that she needed more time to review Mr. Kramer's information.

Mr. Bell stated that the Beachview Heights second ballot results would be presented to the Board at the July 14, 2009 meeting.

Mr. Bill Wyrough, Beachview Heights resident, spoke in favor of the MSBUs.

Mr. Bell stated that if the Board agreed to move forward after the results of the second Beachview Heights ballot, then two public hearings would be held to receive public input.

Mr. Bell presented his second approved agenda addition: letter from Attorney Mark D. Davis. Mr. Bell stated that Attorney Davis is representing Mrs. Martha Ingle, Clerk of Court, who has been named as a party defendant in litigation 09CA800 which involves county records. The Clerk's office is the agency which retains and maintains the records for the County Information Technology Office. He recommended Board approval to reimburse the Clerk's attorney's fees.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve the reimbursement of attorney fees to the Clerk of Court. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Sonny Mares, TDC Executive Director, gave a report on the recently damaged Miramar Beach parking deck. Vehicles exceeding the 10,000 gross pound limit are still driving onto the structure. He recommended approval of the construction of height restrictor devices at three potential entry points. He said the cost is non-budgeted and that the funds would be provided through the TDC Administrative reserve account in the amount of \$48,436

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the construction of height restrictor devices at the Miramar Beach Parking Deck. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney W. C. Henry, County Attorney, recommended that a resolution (**2009-63**) be adopted to amend Resolution 2007-69 to clarify procedures and responsibilities for making a determination on whether a coastal armoring design is consistent with the Comprehensive Plan. DEP requires a consistency letter stating that the property owner is in compliance. (Commissioner C. Jones exited the meeting.) This amendment will direct

Dr. Robert Dean to render his expert opinion to be reviewed by Mr. Billy McKee, Environmental Manager. Mr. McKee will in turn forward the opinion, with his recommendations, to Mr. Gary Demers, Development Services Director. Mr. Demers will determine its consistency with the Comprehensive Plan. Also provided in the amendment is the ability of the applicant to provide their own expert opinions, and their right to appeal.

Attorney Henry also recommended approval of the contract renewal with Dr. Robert Dean for expert services on coastal armoring in which to review applications of property owners for coastal armoring structures.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to adopt a resolution **(2009-63)** amending Resolution 2007-69. Ayes 4, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve the contract renewal with Dr. Robert Dean for expert services on coastal armoring. Ayes 4, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, Pridgen Aye.

Chairman Comander called to order the public hearing to discuss the proposed noise ordinance.

Chairman Comander questioned Attorney Burke whether the vote should be made during the current meeting or during the meeting scheduled for the South Walton Annex. Attorney Burke stated that the decision should be made by the Board.

Attorney Burke pointed out a typographical error on page two of the draft ordinance. The fourth paragraph should contain a period following the word faculties and the remainder of the sentence struck. (Commissioner C. Jones rejoined the meeting.)

Sheriff Mike Adkinson voiced his appreciation for the efforts made by the County Attorney and the Board in dealing with the noise issue. He felt that there was too much detail and questioned if a more simple ordinance could be written so that Code Enforcement and the Sheriff's Office could effectively enforce the rules. He stated that his officers rely on the "Breach of Peace" statute rather the county ordinance. He asked for more time to review the ordinance.

Ms. Annette Senn spoke in favor of the ordinance. She briefly spoke about an event that had caused problems. Both Chairman Comander and Attorney Burke stated that the event did not follow proper procedures in getting a festival permit.

Mr. Bill Chapman, Undersheriff, said several complaints were received regarding the event discussed by Ms. Senn. He stated that the festival coordinators failed to follow the requirements of the permit.

Mr. Daniel Uhlfelder, representing Jana and Jack Chevalier, stated that the Chevaliers rented out their property and felt that the ordinance restricted their property use. He felt that the ordinance leaned toward unconstitutionality, and suggested the language be clarified and changed. He also felt that his clients would be held accountable for the possible actions of their tenants.

Sheriff Adkinson stated that anonymous complaints would not be accepted by his office. Attorney Burke stated there were two issues to be reviewed; the Sheriff's ability to enforce criminal infractions according to the Florida "Breach of Peace" Statute, and the Code Enforcement's abilities to enforce civil infractions based on the Code. Attorney Burke stated that a policy decision by the Board is to accept anonymous calls for civil complaints. Sheriff Adkinson stated that in regards to "Breach of Peace", his office

cannot accept anonymous complaints. He briefly discussed the procedures followed by his office when a complaint is received. Sheriff Adkinson stated that the ordinance is needed to enforce civil infractions. Commissioner Brannon asked if Code Enforcement would be able to accept anonymous complaints. Mr. Bell stated that they could.

Ms. Sharon Gold, Vice President of Development and Assets, Sandestin Golf and Beach Resort, spoke against the ordinance. She stated that Sandestin has a master association that polices the noise levels. She requested that language be added to include the definition of a planned mixed use development, identification of residential uses, and exemptions to protect the DRIs.

Mr. David Rauschkolb felt that more clarification was needed. He suggested using decibel measuring devices for enforcement.

Ms. Tammy Reinhart spoke in favor of decibel measuring devices. She felt that a standard must be set for the noise ordinance.

Mr. Wes Ritchey, Rum Runners representative, agreed with Mr. Uhlfelder that more clarification is needed in the language. He voiced concern regarding who would be held responsible for violations.

Mr. Chuck Hinson and Ms. Jennifer Lewis asked that the ordinance guidelines be clearly defined.

Mr. David Bryant spoke in favor of the ordinance and felt that more clarification was needed, and guidelines better defined.

Mr. Sam Dodson, Ms. Mary Nielson, and Mr. Bill Bard all spoke in favor of the noise ordinance. Ms. Nielson submitted information stating the effects of noise on a person's physical well being.

Ms. Karen Bennett stated that the South Walton area has been built around tourism which brings noise. She suggested requiring offenders to pay fines and arrest continuous offenders, and to fine individuals who make numerous unfounded calls.

Sheriff Adkinson stated that officers do not use decibel meters to uphold the “Breach of Peace” statute. Courts have ruled that law enforcement officers can use their best judgment to determine a noise disturbance. A warning will be issued and if the offender willfully chooses to ignore the warning, then the officers will enact the “Breach of Peace” statute.

Chairman Comander directed Attorney Burke to work with Sheriff Adkinson on refining the ordinance. She suggested including the definitions of mixed use.

Commissioner L. Jones felt that a blanket provision to exempt DRIs should include that each DRI have a mechanism in affect that is more stringent than the county ordinance to control noise levels within that development.

Chairman Comander closed the public hearing. She asked that the Commissioners give their thoughts and ideas to Attorney Burke.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to continue the public hearing for the Noise Ordinance to August 11, 2009 at the South Walton Courthouse Annex.

Commissioner L. Jones questioned if public comment would be accepted at that hearing. Attorney Burke stated that with changes being made to the ordinance it would be advisable to accept limited public input.

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

Commissioner C. Jones stated that some of the constituents had expressed objections to the proposed lifeguard storage facility at the Ed Walline Beach Access. She was asked by TDC to request a rejection of the previous bids for the storage facility and re-bid with a new design.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve the bid rejection of the Ed Walline Beach Access lifeguard storage facility and re-bid with a new design. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

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

Chairman Comander stated that she had received correspondence from the Code Enforcement Board regarding safety during their meetings. Since there are no security devices in place at the Courthouse Annex, she asked that the BCC consider the issue and present their ideas for security for other county board meetings to Mr. Bell. Mr. Bell stated that security has been provided when the other boards have asked.

Chairman Comander requested a resolution **(2009-64)** be drafted adopting a stand against Offshore Drilling in the Gulf of Mexico within the military flight zone.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to approve a resolution **(2009-64)** against Offshore Drilling in the Gulf of Mexico within the military flight zone. Ayes 5, Nays 0. Jones Aye, Comander Aye, Brannon Aye, Meadows Aye, Pridgen Aye.

Chairman Comander recognized and welcomed Mr. Bill Arnett, Walton County Economic Alliance Director.

Mr. Enos Ali requested direction on an economic project that he would like to bring into Walton County. The project would bring over 600 jobs into the county. The project is a complex for youth with 300 units for housing, food pantry, café and various other subsidies. He has obtained private funding of approximately \$200 million. He stated that land for the project has not been purchased. Chairman Comander suggested that Mr. Ali meet with Mr. Arnett and Mr. Gary Demers, Development Services Director.

There being no further comment or issues to present, the meeting recessed at 6:52 pm and reconvened at 7:09 pm.

Ms. Pat Blackshear, Planning Division Director, presented for first public hearing an ordinance amending the Walton County Land Development Code to establish a height limitation for all of Walton County. She distributed a new draft and briefly discussed the changes that were made.

Commissioner L. Jones asked if the word non-habitable was a new term added to 5.00.06(A), and if a building would be allowed to have four habitable floors, one non-habitable floor, and still be less than 50 feet. Ms. Blackshear stated that non-habitable was a new term and that the intent of the policy was to have four floors of habitable or non-habitable space. Commissioner L. Jones felt that it needed to be clarified that a building can have four habitable floors above the parking as long as it is 50 feet or less. Ms. Blackshear stated that the Inlet Beach Plan clarified the policy. Discussion continued on the allowance of four habitable floors and one non-habitable floor in a building less than 50 feet. Ms. Blackshear said that she would research the original documents for clarification.

Commissioner Brannon said that this ordinance addressed issues for both the north and south portions of the county; he was under the assumption that this ordinance was for north Walton County. Ms. Blackshear stated that to make the ordinance more consistent, both south Walton and north Walton had to be addressed. Commissioner Jones felt that any changes made to the south Walton portion of the ordinance needed to be identified.

Commissioner L. Jones addressed section 5.00.06(B). He stated that he would not object to a building in north Walton being higher than 50 feet with increased setbacks. He also suggested changing the language to include special exceptions for industrial uses higher than 100 feet. Ms. Blackshear stated that case by case exceptions could be considered such as health care facilities and civic centers. She stated that the language would be added for the second hearing.

Discussion ensued regarding the removal of the DRI (Section 1.F). Ms. Blackshear stated that it had been removed due to numerous comments and objections. Commissioner Brannon voiced concern that the policies for a prior approved DRI and the ordinance would be conflicting. Ms. Blackshear said that previously approved DRIs would maintain their vested rights. She asked for direction regarding the language of the DRI section. Commissioner L. Jones urged caution in drafting the DRI language.

Mr. David Kramer spoke in favor of the ordinance. He felt that the focus should be on height not density, and that heights of 75 or 100 feet could limit industry growth. He questioned if hotels were considered commercial. Ms. Blackshear stated yes. Chairman Comander asked if the term “structures for economic development” could be

added after the term hospitals in Section 5.00.06 (D). Ms. Blackshear stated that she would work on the language.

Mr. Alan Ficara said that chimneys would require Board approval since they are to be built two feet higher than the building being constructed. Ms. Blackshear said that an ordinance (2001-12) was adopted that provided relief for chimneys. She stated that she would modify the language to address the issue.

Mr. John Heiser, Howard Group, felt that a vesting provision in accordance with State law should be included. He submitted proposed language for the provision.

Ms. Jennifer Christenson agreed with the suggestions regarding chimneys. She stated that (D) should say “may apply” rather than “may not.” She also felt that (E) needed clarification.

Mr. Bill Bard stated that (D) should limit windmills to designated areas of the county. His research has shown that windmills drive away wildlife, and are controversial. He also suggested using the term hospital rather than health, safety and welfare.

Chairman Comander stated that the next hearing would be held on July 14, 2009 at the South Walton Courthouse Annex.

Mr. Mac Carpenter, Development Services Division, presented a Developer Agreement for Forest Park to reconcile a preservation encroachment within the platted 33-lot single-family subdivision. He stated that the mortgagee for the first lot sold has refused to sign the consent to allow the replat. The Developer Agreement would allow lot sales to continue with the provision that the preservation that was encroached upon be moved to a different location in the recorded platted subdivision. He recommended approval subject to final review and approval by the County legal department.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve the Forest Park Developer's Agreement. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Carpenter requested that the Boys and Girls Club Master Plan be continued to July 14, 2009.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to continue the Boys and Girls Club Master Plan to July 14, 2009. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

There being no other items to present, the meeting was adjourned at 7:45 pm on motion by Commissioner L. Jones.

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

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