

NOVEMBER 13, 2012 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, November 13, 2012, at 4:00 p.m., at the South Walton Courthouse Annex.

The following Board members were present: Commissioner Scott Brannon, Chairman; Commissioner Kenneth Pridgen, Vice-Chair; Commissioner Larry Jones; Commissioner Sara Comander; and Commissioner Cecilia Jones. Ms. Toni Craig, County Attorney; Mr. Gerry Demers, Interim County Administrator; and Ms. Dede Hinote, Interim Assistant County Administrator, were also present.

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

Commissioner Comander recognized Chairman Brannon and Commissioners L. Jones and C. Jones for their service to Walton County.

Mr. Gerry Demers, Interim County Administrator, presented the following changes to the agenda for approval:

ADDITIONS

1. Consent Agenda Item 18 – Approve a Right-of-Way Easement from CHELCO to install and maintain guy wires and anchors adjacent to County Highway 1084

DELETIONS

1. County Attorney Item 3 – Release of Lien, Ocean Quest, LLC
2. County Attorney Item 6 – Corrected Dedication at Olney Garden Center Development

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

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 1,373,592.98
County Transportation	\$ 270,617.80
SHIP	\$ 9,180.00
Fine & Forfeiture	\$ 1,417,894.00
Section 8 Housing	\$ 147,168.78
Tourist Dev. Council	\$ 299,267.15
N.W. Mosquito Control	\$ 57,270.95
Recreation Plat Fee	\$ 53,380.82
Solid Waste Enterprise	\$ 374,768.05
Bldg Dept/Enterp. Fund	\$ 1,028.89
Imperial Lakes MSBU	\$ 5,035.32
Inmate Canteen Fund	\$ 21,515.43
Crime Prevention Trust Fund	\$ 5,000.00
Capital Projects Fund	\$ 1,550,854.84
<b>Totals</b>	<b>\$ 5,586,575.01</b>

2. Approve Minutes of October 23, 2012 Regular Meeting and November 5, 2012 Special Meeting, November 8, 2012 Special Meeting, and corrected November 28, 2005 Special Meeting
3. Approve 2013 Holiday Schedule
4. Approve 2013 Board Meeting Schedule
5. Approve Contract WS659 between the Department of Corrections and Walton County and Addendum A
6. Approve to designate \$500 from District 1 Recreation Plat Fees for the Flowersview Project
7. Approve Post Disaster Redevelopment Plan Resolution (2012-69)
8. Approve the set-up of operations for newly elected Commissioner Bill Chapman for his District 1 Office not to exceed \$25,000
9. Approve to reappoint Hal Rhodes to the Coastal Dune Lake Advisory Board for another three year term
10. Approve to begin advertisement for Request for Proposals for Uniform Services for the Public Works Division, including Mosquito Control, Landfill, Facility Maintenance, and Parks Departments
11. Approve to allow District 2 to purchase an ice machine to replace BCC #3589 for approximately \$1,600
12. Approve a Resolution (2012-70) to amend the FY 2013 budget to account for revenues and expenditures for new grants for FY 2012-2013

13. Approve Resolution (2012-71) to amend the FY 2013 budget to roll forward revenues and expenditures for encumbrances, projects and grants from FY 2012 into FY 2013
14. Approve the Walton County Public Library Annual Plan for FY 2012-2013
15. Approve Letter of Agreement between Walton County and the State of Florida, through its Agency for Health Care Administration for the Health Department's Low Income Pool (LIP) funding
16. Approve to allow Public Works to assist in the site work at the Freeport Industrial Park
17. Approve to designate \$70,000 from District 5 Recreational Plat Fees for the Scenic Gulf Drive Boardwalk Project
18. Approve a Right-of-Way Easement from CHELCO to install and maintain guy wires and anchors adjacent to County Highway 1084

Mr. Demers discussed the plans to submit the Kellogg Property improvement project for Natural Resource Damage Assessment (NRDA) funding. The proposed project consists of renovations and improvements to the improved property on Nellie Drive and a low impact nature trail on the 9.75 acre undeveloped parcel northwest of the intersection of Nellie Drive and Nursery Road.

Mr. Billy McKee briefly discussed the history of the project and proposed repairs to make it suitable for educational services and a nature trail.

Commissioner C. Jones explained that this project is for property that Pat Kellogg deeded to the County and they have an obligation to move forward.

Mr. Demers requested approving the funding for the Choctawhatchee Basin Alliance (CBA) Contract in the amount of \$25,000 for water quality sampling and analysis in support of the County's Coastal Dune Lakes efforts. The request is a renewal of the existing contract.

Mr. McKee briefly explained what the CBA does for the County in support of the Coastal Dunes Lakes program and providing education for the community.

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

Mr. Buddy Wright, Public Works Director, requested to allow the Clerk's Office to collect on the Windsor Estates Letter of Credit, for the amount of \$53,588.15, if an extension, cash surety, or final inspection is not received by the November 27, 2012 expiration date.

Commissioner Comander questioned the progress of the Letter of Credit policy. Attorney Toni Craig, County Attorney, explained that during the collection process the procedures will be followed. They have discussed and reviewed some security methods to help resolve these issues in the future.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve collection on the Windsor Estates Letter of Credit as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Wright requested to reject Bid #013-001 for the Scenic Gulf Drive Western Boardwalk Handrail Retrofit and re-bid the project to properly incorporate the installation of cables along the TDC parking facility. TDC will fund the portion of the retrofit at the parking facility.

Motion by Commissioner C. Jones, second by Commissioner Comander, to reject Bid #013-001 and re-bid the project as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Demers requested to award Bid #012-024 for the Records Management Consultant to Steve M. Lewis, Inc., for the amount of \$48,000. The selection committee reviewed the two bids submitted.

Motion by Commissioner Comander, second by Commissioner C. Jones, to award Bid #012-024 for the Records Management Consultant to Steve M. Lewis, Inc. as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Demers requested to approve the CSX Facility Encroachment Agreements to facilitate utility extensions under the CSX railroad right-of-way. This will address the water and sewer to the Mossy Head Industrial Park.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the CSX Facility Encroachment Agreement as presented. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Demers requested to advertise for a Public Hearing to consider an Ordinance granting an Economic Development Ad Valorem Tax Exemption to Professional Products, Inc. to be held on December 11, 2012 at 4:00 p.m., or soon thereafter, at the South Walton Courthouse Annex.

Motion by Commissioner Comander to approve the request.

Commissioner L. Jones suggested following the ordinance process for the request. Commissioner Comander suggested that Attorney Craig and Mr. Demers draft an ordinance for review prior to the December 11, 2012 meeting.

Commissioner Comander withdrew her motion to approve the request.

Mr. Dean Stanton, Professional Products General Manager, explained the time sensitive nature of the request due to the recent building purchase and construction improvements.

Brief discussion ensued regarding the ordinance process and advertisement requirements.

Ms. Dede Hinote, Interim Assistant County Administrator, suggested reviewing the Ordinance to grant an Economic Development Ad Valorem Tax Exemption to Professional

Products at the Special Meeting on November 20, 2012 to allow advertisement and timeframe requirements.

Ms. Hinote discussed the County Administrator selection process and matrix worksheet presented. She stated that the 48 applications/resumes will be reviewed and determine which applicants meet the qualifications. The matrix and applications will be provided to the Board at the November 20, 2012 Special Meeting for review. At the last meeting in December the Board will then decide which 5-7 applicants they wish to interview for the County Administrator position. At the January 8, 2012 meeting a selection will be made.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the County Administrator selection process and matrix outline as presented. Ayes 3, Nays 0. Brannon Aye, Pridgen Aye, Comander Aye. (Commissioners L. Jones and C. Jones abstained from voting due to applying for the County Administrator position.)

Chairman Brannon called to order the Public Hearing to consider a Resolution **(2012-72)** to amend the FY 2013 budget to move \$86,603 from the Solid Waste/Landfill Fund Reserves to fund a Special Projects Coordinator for Economic Development in the General Fund for FY 2012-2013.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Pridgen, to adopt Resolution **(2012-72)** to amend the budget to fund a Special Project Coordinator for \$86,603 as presented. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Attorney Craig announced that an Executive Session will be held to discuss the settlement proposal in the matter of Kenneth W. Cox, Jr. v. Walton County, Case No. 2008-CA-529 and Susan B. Vallee v. Walton County Tourist Development Council, Case No. EEOC-425-2011-0039.

Brief discussion ensued regarding the date to hold the Executive Sessions.

Motion by Commissioner Comander, second by Commissioner Pridgen, to hold two Executive Sessions at the Special Meeting on Tuesday, November 20, 2012 at 10:00 a.m., or soon thereafter, to discuss Kenneth W. Cox, Jr. v Walton County, Case No. 2008-CA-529 and Susan B. Vallee v. Walton County Tourist Development Counsel, Case No. EEOC-425-2011-0039 as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Attorney Craig presented the release of lien request from Ms. Linda Conrad for Lot 6 Eagles Landing of Inlet Beach. She discussed the conditions of the request because the property is currently in noncompliance with the code. She suggested tabling the request until after the Code Enforcement Board can review it and provide a recommendation to the Board.

Commissioner L. Jones stated that he would feel more comfortable having a recommendation from the Code Enforcement Board.

Chairman Brannon directed Attorney Craig to take the issue before the Code Enforcement Board and bring a recommendation back for review.

Mr. Demers asked if there are similar cases that arise, but are asking for forgiveness if those cases need to go to the Code Enforcement Board first as well. Commissioner Comander confirmed that those cases would also need to go before the Code Enforcement Board.

The discussion for the release of lien for Ocean Quest, LLC was removed from the agenda.

Attorney Mark Mustian, Nabors, Giblin & Nickerson, discussed the request to lease-back properties from the County to Regional Utilities. He stated that some time ago Regional Utilities deeded the property to the County which now has title to it rather than being a lease holder. He suggested that they fix the issue and deed those properties back to Regional Utilities and release them again so they are in compliance with the bond documents.

Motion by Commissioner Comander, second by Commissioner C. Jones, to adopt Resolution (2012-73) for the lease-back of properties from the County to Regional Utilities, the lease agreement, and an updated deeded trust as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

The Park Avenue West application will be discussed during the Planning Department requests.

The request for the corrected dedication at Olney Garden Center Development was removed from the agenda.

Ms. Dawn Moliterno, Tourist Development Counsel Executive Director, requested to award RFP #012-019 for the TDC Existing Building Design/Build to the highest ranking firm, Lord & Son Construction, Inc., for the amount of \$228,160, in association with DAG Architects, to address the health/safety deficiencies of the existing TDC Building and seek direction on whether to proceed with any other options presented in the submitted proposals. The TDC building assessment was conducted in April 2011 which identified a number of deficiencies that were health and safety related. They were then authorized to move forward to deal with those issues identified. The review panel reviewed the proposals submitted. Ms. Moliterno requested

that they negotiate on options 1 and 2 that were presented in the proposal because there were two additional health/safety issues identified that were not addressed in the original assessment. She stated that the prices and recommendations would be brought back for review. She also requested to advertise for a public hearing to amend the TDC budget to move funds from the reserves.

Ms. Moliterno discussed the health issues that would be addressed to provide a safe and functional facility.

Motion by Commissioner Comander, second by Commissioner C. Jones, to award RFP #012-019 to Lord & Son Construction, Inc., for the amount of \$228,160, in association with DAG Architects, negotiate on options 1 and 2 of the proposal, and advertise for a public hearing to amend the budget as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Dave Sell, Tourist Development Counsel, requested to approve the task order for the design and permitting of the Grayton Beach Walkover, in the amount of \$9,350 or \$17,800, with Preble-Rish, Inc. There were two amounts submitted in the proposal, one which includes a field permit, the other is if DEP requires a complete permit. The walkover is older and constantly needs maintenance.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the task order for the design and permitting of the Grayton Beach Walkover, for the amount of \$9,350 or \$17,800, with Preble-Rish, Inc., as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Mr. Sell requested to award BID #012-021 for the Miramar Regional Beach Access Remodel to low bidder, Empire Builders Group, Inc., for the amount of \$88,687.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to award BID #012-021 for the Miramar Regional Beach Access Remodel to low bidder, Empire Builders Group, Inc., for the amount of \$88,687, as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

Ms. Moliterno presented an update on the following: the public parking workshops are ongoing; accepting TDC Council applications; four public workshops will be held to address general TDC topics on December 3, 2012 at 5:00 p.m. at the South Walton Annex, December 4, 2012 at 9:00 a.m. and 5:00 p.m. at the DeFuniak Springs Courthouse, and December 5, 2012 at 9:00 a.m. at the Bayou Arts Center; and the regular TDC Council meeting will be held on December 11, 2012 at 9:00 a.m. at the Celebration Hall in Santa Rosa Beach.

Commissioner C. Jones expressed her appreciation for the opportunity to serve Walton County.

Commissioner Comander had no items to present.

Commissioner Pridgen stated that it has been an honor working with those that have served on the Board.

Commissioner L. Jones expressed his appreciation for the opportunity to serve Walton County, the honor of working with those serving on the Board, and all the staff members' hard work and dedication.

Chairman Brannon expressed his appreciation for the opportunity to serve Walton County and the honor of working with those serving on the Board.

Chairman Brannon asked for public comments.

Mr. Randy Gardner expressed appreciation to those Board members who are no longer serving another term. He discussed the Chat Holley right-of-way acquisition process and stated

that clarification is needed for all those involved, especially for Mr. Lloyd Blue and Mr. George Ralph Miller.

Mr. Alan Osborne discussed the influence and how conducted business has affected the citizens throughout the years.

The meeting recessed at 5:08 p.m. and reconvened at 5:24 p.m.

Commissioner L. Jones did not return to the meeting.

Mr. Mac Carpenter, Planning Department, requested that the following items be continued to the December 11, 2012 meeting at 5:00 p.m., or soon thereafter: LSA 12-01.02, Recreation Fees Ordinance, Preservation Fee Ordinance, Murphy Express, Sugar Sand Lane Plat, and Whites Gulfview Estates Petition for Abandonment.

Motion by Commissioner Comander, second by Commissioner C. Jones, to continue the above mentioned items to the December 11, 2012 meeting at 5:00 p.m., or soon thereafter, as requested. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, Comander Aye, C. Jones Aye. **(Exhibits: Staff 1 – submitted for all continued Quasi-Judicial items)**

Mr. Carpenter requested that the Amos Benton Hester III Petition for Abandonment be continued to the January 8, 2013 meeting at 5:00 p.m., or soon thereafter.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to continue the Amos Benton Hester III Petition for Abandonment to the January 8, 2013 meeting at 5:00 p.m., or soon thereafter, as requested. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, Comander Aye, C. Jones Aye. **(Exhibits: Staff 1) (Ex Parte: Comander)**

Commissioner L. Jones returned to the meeting at 5:29 p.m.

**LSA 12-01.05-** Mr. Carpenter presented the request from Walton County to amend the Future Land Use Map designation on 70 +/- acres, located in the Mossy Head area on the west

side of W.T. Hulion Road approximately 1,000 feet west of the intersection of W.T. Hulion Road and Laird Road, from Large Scale Agriculture (1du/40 acres) to Rural Residential (1du/2.5 acres). The error was made due to a scrivener's error during the remapping and amendment process in March 2012. The request is to transmit the LSA to the Department of Economic Opportunity (DEO), once it has been reviewed it will come back to the Board for adoption.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner C. Jones, to transmit LSA 12-01.05 to the DEO as requested. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye.

**LSA 12-01.06-** Mr. Carpenter presented the request from Walton County to amend the Inlet Beach Traditional Neighborhood Plan to change the Inlet Beach Neighborhood Plan Land Use Map designation on 8.34 +/- acres, located on the north side of Hwy 98 and southwest of the intersection of Pinewood Lane and North Wall Street, from Residential to Village Mixed Use. The request is to transmit the LSA to the DEO as well.

Chairman Brannon asked for public comment.

Ms. Susan Byrd expressed concern with the impact that could occur to the area with the land use change.

Mr. Carpenter explained that there is a portion of the land that is not being considered for the land use change because it has been identified as preservation land.

Brief discussion ensued regarding the land use change process before a project approval.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve LSA 12-01.06 as requested. Ayes 3, Nays 2. Brannon Aye, Pridgen Aye, L. Jones Nay, Comander Nay, C. Jones Aye.

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

**SSA 2012-04-** Ms. Vivian Shamel, Planning Department, presented the request from applicant Mr. Peter DeFranco to adopt Ordinance **(2012-27)** amending 0.259 +/- acres from a future land use of Residential Preservation Area to Neighborhood Commercial. The property is located east of DeFuniak Street at the intersection of Pine Street in Grayton Beach. She stated that the request is consistent with the Comprehensive Plan and Land Development Code.

Mr. Dean Burgis, Emerald Coast Associates, was present to address any concerns.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner C. Jones, second by Commissioner Comander, to adopt Ordinance **(2012-27)** for SSA 2012-04 as presented. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye. **(Exhibits: Staff 1)**

**SSA 2012-11-** Ms. Shamel presented the request from applicant Mr. Michael O' Donnell to adopt Ordinance **(2012-28)** amending 10 +/- acres from a future land use of Conservation Residential 2:1 to Light Industrial, or a lesser intense category. The property is located on the east side of Goldsby Road, approximately ¼ mile north of US Hwy 98. She stated that the request is consistent with the Comprehensive Plan and Land Development Code.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner C. Jones, to adopt Ordinance (2012-28) for SSA 2012-11 as presented. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye. **(Exhibits: Staff 1)**

**SSA 2012-12-** Ms. Shamel presented the request from applicant Mr. Gilbert Ziel to adopt Ordinance (2012-29) amending 10 +/- acres from the future land use of Conservation Residential 2:1 to Light Industrial. The property is located on the west side of Goldsby Road, approximately ½ mile north of US Hwy 98. She stated that the request is consistent with the Comprehensive Plan and the Land Development Code.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to adopt Ordinance (2012-29) for SSA 2012-12 as presented. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye. **(Exhibits: Staff 1)**

**SSA 2012-27-** Mr. Carpenter presented the request from applicant Mr. James Griffith to adopt Ordinance (2012-30) amending 2.15 +/- acres from the future land use of Estate Residential to General Commercial. The property is located on the east side of US Hwy 331 and Sherwood Road. He stated that the request is consistent with the Comprehensive Plan and the Land Development Code.

Mr. James Griffith, applicant, was present to address any concerns.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt Ordinance (2012-30) for SSA 2012-27 as presented. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye. **(Exhibits: Staff 1)**

**SSA 2012-28-** Ms. Shamel presented the request from applicant Mr. Thomas Helderle to adopt Ordinance (2012-31) amending 0.224 +/- acres from a future land use of Residential Preservation to Neighborhood Commercial, or a lesser intense category. The property is located ¼ mile east of the 395 and 30-A intersection. She stated that the request is consistent with the Comprehensive Plan and the Land Development Code.

Mr. Tom Helderle, applicant, was present to address any concerns.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner C. Jones, to adopt Ordinance (2012-30) for SSA 2012-28 as presented. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye. **(Exhibits: Staff 1) (Ex Parte: Brannon, Pridgen, Comander)**

**SSA 2012-30-** Mr. Carpenter presented the request from applicant Mr. Louis Graffeo to adopt an Ordinance amending 0.153 +/- acres from a future land use of Residential Preservation to Neighborhood Commercial. The property is located north of 30-A, at the intersection of Gardenia Street in the Seagrove Area. He stated that staff did not recommend approval of the request, and the Planning Commission recommended denial as well.

Mr. Burgis, representative, discussed the request and stated that the property can be developed for a small restaurant and meet all the parking and landscape requirements. The Planning Commission was concerned with the property size and the need for a paved road. He

stated that the applicant has agreed to pave the road at the time of the development order upon approval of the request.

Brief discussion ensued regarding the lot size and a commercial land use for that property.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner Comander, to deny the request as recommended by staff for SSA 2012-30. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye. **(Exhibits: Staff 1) (Ex Parte: Pridgen, Comander)**

Mr. Carpenter requested approval of the WaterSound Phase 4A Plat application to redistribute the interior lot lines of parcels 35-38 (4 lots) to create 5 lots within the existing WaterSound PUD, Phase 3-D development, to add an additional unit to bring the total to 49 units. The project is on 0.62 +/- acres with a future land use of Coastal Village 1.

Commissioner C. Jones exited the meeting at 6:02 p.m.

Chairman Brannon asked for public comment.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the WaterSound Phase 4A Plat application as presented. Ayes 4, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye. **(Exhibits: Staff 1)**

The meeting recessed at 6:04 p.m. and reconvened at 6:32 p.m.

Commissioner C. Jones returned to the meeting after the break.

Attorney Doug Hall, applicant representative, agreed to continue the Lupin Beach request under the condition that no further continuance will be made for the request.

Motion by Commissioner L. Jones, second by Commissioner Comander, to continue the Lupin Beach request to the December 11, 2012 meeting at 5:00 p.m., or soon thereafter, with the condition there will be no further continuance of the request. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye. **(Exhibits: Staff 1) (Ex Parte: Brannon, Comander)**

Mr. Carpenter presented the request for approval of the Park Avenue West PUD major development order application submitted by Inlet Beach Capital Investments, requesting site plan and development design approval for a planned unit development consisting of 4,800 square feet of commercial space and three single family lots. The site is approximately 0.82 acres with a future land use of Neighborhood Planning Area/Infill within the Inlet Beach Neighborhood Planning Area. The project is located on the south side of Hwy 98 and abutting West Park Place, approximately 0.4 miles south of Orange Street.

Attorney Craig administered the oath to those intending on speaking.

Mr. Burgis gave a general overview of the project, the location, commercial element of the project, and maximum residential capacity and square footage limitations. He discussed previous staff reports approving the project and presented Exhibits A-F for review. He discussed the project process from the beginning under the prior Comprehensive Plan to date.

Brief discussion ensued regarding the prevailing Comprehensive Plan document of which to follow.

Mr. Carpenter explained that the recommendation from the Planning Department is a reduction from three units to two units.

Commissioner L. Jones explained that the confusion with the Planning Commission needs to be addressed.

Mr. David Pearson thoroughly discussed his background in development, the project, and the history of the Comprehensive Plan versions. He stated that the project is in compliance.

Ms. Pat Blackshear explained that the Inlet Beach Neighborhood Plan prevailed and was not amended, and presented Exhibit H for review. The requested land use change is much more compatible for the area than a Commercial land use.

Attorney Matthews explained that Mr. Pearson had met his due diligence and presented Exhibits G-L for review. He stated that the code can be interpreted many ways and if this information had been provided to Mr. Pearson earlier in the process it would have given him a different idea of what the property could be used for.

Attorney Gary Vorbec, Historical Inlet Beach Neighborhood Association representative, stated that the project has to be in compliance with the Comprehensive Plan and that plan supersedes the Land Development Code. The property was purchased by Mr. Pearson after the Comprehensive Plan was changed and adopted. He recommended denial of the application because it is in violation of the Comprehensive Plan.

Attorney Matthews stated that there are several more cases that are similar to this and support the case. The Comprehensive Plan was adopted but was not effective until May 12, 2011.

Chairman Brannon asked for public comment.

Ms. Betty Letcher spoke in opposition of the request and expressed concern with the parking and size of the single family homes.

Mr. Richard Whitaker questioned the neighborhood plan and whether or not the project meets that plan.

Attorney Vorbec explained he had not reviewed the Inlet Beach Neighborhood Plan.

Mr. Carpenter explained that the Inlet Beach Neighborhood Plan is a component of the Comprehensive Plan.

Mr. Burgis discussed the site plan to address the parking and residence size concerns expressed by Ms. Letcher.

Chairman Brannon closed public comment.

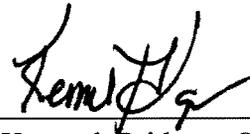
Attorney Craig stated that it is very clear that the current Comprehensive Plan applies to the project, no leniency is allowed.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve the Park Avenue West PUD with two residential lots, with houses not to exceed 5,837 square feet per the Planning recommendation, and the commercial property. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, Comander Aye, C. Jones Aye. **(Exhibits: Staff 1, Petitioner 2-13)**

**(Ex Parte: Pridgen)**

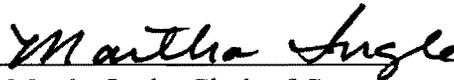
There being no further business, the meeting adjourned at 9:08 p.m.

APPROVED



Kenneth Pridgen, Chairman

ATTEST



Martha Ingle, Clerk of Courts