

JUNE 11, 2013 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on Tuesday, June 11, 2013, at 3:30 p.m., at the South Walton Courthouse Annex.

The following Board members were present: Commissioner Kenneth Pridgen, Chairman; Commissioner Sara Comander, Vice-Chair; Commissioner Bill Imfeld; Commissioner Bill Chapman; and Commissioner Cindy Meadows. Mr. Mark Davis, Interim County Attorney; Mr. Gerry Demers, Interim County Administrator; and Ms. Dede Hinote, Interim Assistant County Administrator, were also present.

Chairman Pridgen called the meeting to order.

The public hearing was recessed at 3:31 p.m. and an Executive Session was called to order to discuss the following cases: 1) Kenneth W. Cox, Jr. v. Walton County, Case No. 2008-CA-529, and 2) Suzanne Harris v. Walton County Board of County Commissioners, et al, Case No. 2009-CA-800. This meeting was not open to the public pursuant to Florida Statute 286.011(8).

Attorney Mark Davis, Interim County Attorney, read aloud the notice of Executive Session. The following will be in attendance: Commissioner Pridgen; Commissioner Comander; Commissioner Imfeld; Commissioner Chapman; Commissioner Meadows; Mr. Gerry Demers, Interim County Administrator; Mr. Mark Davis, Interim County Attorney; Attorney William Warner, Special Counsel; and Ms. Sharon Payne, Certified Court Reporter.

Motion by Commissioner Imfeld, second by Commissioner Comander, to open the Executive Session. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

The meeting reconvened 3:51 p.m.

Motion by Commissioner Chapman, second by Commissioner Comander, to close the Executive Session. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

The meeting recessed at 3:51 p.m. and reconvened at 4:00 p.m.

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

Attorney Davis requested to accept or deny the settlement agreement presented at the Executive Session for the Suzanne Harris v. Walton County Board of County Commissioners, Case No. 2009-CA-800.

Motion by Commissioner Comander, second by Commissioner Imfeld, to approve the settlement agreement presented at the Executive Session for the Suzanne Harris v. Walton County Board of County Commissioners, Case No. 2009-CA-800. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

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

ADDITIONS:

1. Public Works Item 1 – Selection of the Public Works Director
2. Administration Item e – Request a Joint Special Meeting with the City of Freeport Council members as requested by the City of Freeport
3. Economic Development Alliance – Mr. Steve Jaeger, EDA Executive Director, provide an EDA update

DELETIONS:

1. Removal of the addition previously added to the agenda for Ms. Joan Kennett, resident of Beach Highland Subdivision, requesting “No Parking” signs

Motion by Commissioner Comander, second by Commissioner Chapman, to approve the changes to the agenda as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Motion by Commissioner Comander, second by Commissioner Meadows, to approve the agenda as amended. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Ms. Jan Bowerman questioned if the Beach Highlands request would be addressed. Mr. Demers confirmed that there is an Ordinance that covers “No Parking” signs and a procedure that must be followed, no action can be made at this time.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to approve the consent agenda as follows. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

1. Approve Minutes of May 28, 2013 Regular Meeting
2. Approve Expenditure Approval List (EAL)

General Fund	\$ 1,398,613.16
County Transportation	\$ 1,071,421.05
SHIP	\$ 21,400.00
Fine & Forfeiture	\$ 1,477,416.88
Section 8 Housing	\$ 999.95
Tourist Dev. Council	\$ 661,914.71
N.W. Mosquito Control	\$ 5,364.91
Recreation Plat Fee	\$ 1,208.35
Solid Waste Enterprise	\$ 380,049.54
Bldg Dept/Enterp. Fund	\$ 1,215.50
Inmate Canteen Fund	\$ 13,720.39
Leisure Lake MSBU	\$ 1,812.00
Totals	\$ 5,035,136.44

3. Approve to surplus/dispose of BCC 5056 Lexmark C912 laser printer as requested by the Planning Department
4. Approve to allow the Sheriff’s Office to participate and apply for the FY 2012 Edward Byrne Memorial Justice Assistance Local Grant Program
5. Approve Resolution (2013-34) amending the General Fund Budget for FY 2012-2013 to account for an unanticipated donation from the Dollar General

Foundation for the Walton County Public Library Summer Reading Program in the amount of \$2,000

6. Approve Resolution (2013-33) amending the County Transportation Trust Budget for FY 2012-2013 to account for unanticipated additional grant revenue from the Florida Department of Transportation for the County Road 2 Local Agency Program (LAP) Project in the amount of \$2,519,000
7. Approve Amendment #4 to the CDBG Grant Agreement extending the expiration date to February 17, 2014
8. Approve for the Chairman to sign the Certificate of Participation for the FY 2013 Edward Byrne Memorial JAGC Grant Program and to designate Angie Biddle, Grants Coordinator, to point of contact for the Grant

Mr. Demers stated that the selection process had been completed for the Public Works Director and nominated Mr. Wilmer Stafford.

Motion by Commissioner Comander, second by Commissioner Imfeld, to appoint Mr. Wilmer Stafford as the Public Works Director. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Demers requested to purchase floor scales for the Landfill Recycling Operations in the amount of \$1,265.00. The current scale only weighs up to 20 pounds.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to approve the purchase of floor scales for the Landfill Recycling Operations in the amount of \$1,265.00 as requested. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Ryan Douglass, Public Works Department, presented information on the South Walton Parking Needs Assessment, RFQ 013-016. There are two highly qualified firms that the evaluation team ranked closely and that information will be provided to the Board for consideration at the next meeting.

Mr. Demers requested to begin negotiations with the top ranked firm, Crowder Gulf, for RFP 013-012 for Disaster Response Services, as recommended by the staff evaluation team.

Motion by Commissioner Comander, second by Commissioner Chapman, to begin negotiations with Crowder Gulf for RFP 013-012 for Disaster Response Services as recommended. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Larry Jones, Special Projects Coordinator, requested approval for staff to apply to the National Fish and Wildlife Foundation (NFWF) to fund a Sedimentation Risk Index Analysis for the Choctawhatchee River Basin. Through the discussions over the past several weeks regarding moving the process forward, they have determined the best solution would be to conduct an analysis to identify the crossings with the most detrimental impact. The study will cost approximately \$1 million and some funds are available. He asked for staff to work on submitting the application for those funds from the state.

Motion by Commissioner Comander, second by Commissioner Meadows, to allow staff to apply to the NFWF to fund a Sedimentation Risk Index Analysis for the Choctawhatchee River Basin as requested. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Jones requested approval to utilize an appraiser to establish enhanced value of the Hwy 331 corridor parcels due to planned improvements. He explained that this would not be a tax increase, but shifting of the ad valorem taxes already in place based on the increased values of the improvements to the corridor. They have been advised to hire a consultant which could cost approximately \$50,000, however a similar study could be conducted by utilizing state certified appraisers at a much lower cost. He requested to move forward with utilizing state certified appraisers with a cost not to exceed \$5,000 from the BCC Professional Services Budget.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to allow staff to move forward utilizing state certified appraisers to establish enhanced value of the Hwy 331 corridor parcels due to planned improvements not to exceed \$5,000. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Jones presented draft information for review on the Comprehensive Plan for Oil Spill Restoration. He asked to receive any comments or recommendations by June 14, 2013 to incorporate those into the document and allow further review at the June 24, 2013 meeting.

Commissioner Comander stated that she had reviewed the document and questioned if a tentative approval would help the fund application process. Mr. Jones explained that a tentative approval would be beneficial with the understanding that further action is needed by the Board, the Local Restore Committee, and the public.

Motion by Commissioner Comander, second by Commissioner Chapman, to tentatively approve the Comprehensive Plan for Oil Spill Restoration and fund application process. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Demers explained that the Freeport City Council had asked that the Board consider holding a Joint Special Meeting with the council to discuss the Bay Area Sewer Loan, options and ideas regarding loan payoff and customer connections.

Commissioner Imfeld stated that part of the request would relate to the TIF study that Mr. Jones had just discussed. He questioned if the study should be accomplished before meeting with the council. Mr. Demers explained that the council wants to discuss the Bay Area Sewer Loan specifically. Commissioner Imfeld explained that part of that loan pertains to an area that is going to be under the study from the Hwy 331 Corridor.

Commissioner Meadows felt that the meeting should be held to address any concerns both parties may have.

The Board concurred to allow Administration to determine a location and date for the Joint Special Meeting.

Mr. Bob Hudson discussed the need to collect on the loan.

Motion by Commissioner Comander, second by Commissioner Meadows, to hold a Joint Special Meeting with the Freeport City Council for a date/location to be determined. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Stan Sunday, Interim TDC Executive Director, requested approval to amend the FY 2012-2013 budget from unanticipated revenue to allow funding of the South Walton Artificial Reef Project – Phase 1, in the amount of \$394,840. He explained that there had been concerns and questions as to whether the funds could be reimbursed by NRDA and RESTORE. The TDC recommended continuing the item until submission to the local NRDA and RESTORE for consideration and clarity is received for fund reimbursement from the Treasury.

Ms. Michelle Ray, TDC, expressed appreciation to Mr. Stan Sunday for serving as Interim TDC Executive Director. The Board also expressed their appreciation to Mr. Sunday. Mr. Sunday stated it has been a rewarding challenge.

Ms. Ray requested permission to develop an RFP for title search services for the Walton County Federal Shore Protection Project.

Motion by Commissioner Comander, second by Commissioner Chapman, to begin the RFP process for title search services for the Walton County Federal Shore Protection Project as requested.

Commissioner Imfeld asked Mr. Brad Pickel, Seahaven Consulting, what impacts Sequestration on the federal level has had with regard to the potential for federal funding. Mr. Pickel provided an update and stated that funding will be a large issue moving forward. He stated that they have been very successful and money has been reprogrammed from another project to be able to fund the last approved phase. They have also been reviewing the impact for overall funding, but the district is adamant that they will have the funds. He stated that they will work and continue to pursue state funding as well as the project moves forward.

Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Mr. Steve Jaeger, Economic Development Alliance (EDA) Executive Director, presented an update on the Mossy Head Industrial Park certification process.

Attorney Davis requested to approve a License Agreement for John C. and Jennifer P. Steck to plant protective vegetation on a dune structure located on county property seaward of their property line in Seagrove Third Addition. There are provisions in the agreement to protect against interference with sea turtle nests.

Motion by Commissioner Meadows, second by Commissioner Comander, to approve the License Agreement for John C. and Jennifer P. Steck to plant protective vegetation on a dune structure located on county property in Seagrove Third Addition as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Attorney Davis requested to approve an Interlocal Agreement with the Walton County School Board regarding the construction of approximately 1,375 square feet of additional parking at Bay Elementary School. The amendment allows the School District to pay for materials and the county will pay for the labor.

Motion by Commissioner Imfeld, second by Commissioner Chapman, to approve the Interlocal Agreement with the Walton County School Board regarding the construction of approximately 1,375 square feet of additional parking at Bay Elementary School as presented. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Attorney Davis requested to approve a revised Employment Agreement with Mr. James B. Bagby as the TDC Executive Director. He stated that there have been some issues regarding health insurance and retirement, and those changes were submitted to the Human Resources Advisory Firm. He stated that a response has not been received from the firm and requested to continue the agreement for consideration to the next meeting. Mr. Bagby can continue to operate as TDC Executive Director under the old agreement.

Chairman Pridgen called to order the public hearing to consider a Waterways and Beach Activities Ordinance (2013-13) amending the current Chapter 22 of the Walton County Code of Ordinances, Amending Section 22-57 (d)(3)e, to specify the amount of liability insurance required; amending Section 22-60 (D)4, to stipulate the times beach vendors are allowed on the beach during sea turtle nesting season; amending Section 22-62 to designate the disposition of the fees and fines collected.

Motion by Commissioner Comander, second by Commissioner Meadows, to open the public hearing. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Chairman Pridgen asked for public comment.

Mr. Brian Peterson questioned the time for vendors to be allowed on the beach and the ability for public to set up but the inability for vendors. Mr. Demers explained that the time for

vendors to access the beach is after 8 a.m., or after the sea turtle nesting surveys are complete, and until sunset. The Turtle Watch Group had requested a later time but compromised at 8 a.m.

Mr. Peterson, Mr. Bill Osterloh, Mr. MC Davis, Mr. Darrick Lund, and Ms. Lisa Lindhoff suggested allowing the vendors to volunteer to complete the beach surveys.

Discussion ensued regarding ways to notify vendors when the turtle surveys have been complete to allow them on the beach.

Commissioner Meadows suggested that members from TDC, the Turtle Watch Group, and Administration work to provide a solution for notifying the vendors. Chairman Pridgen agreed.

Motion by Commissioner Comander, second by Commissioner Meadows, to close the public hearing. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Motion by Commissioner Imfeld, second by Commissioner Meadows, to adopt the Waterways and Beach Activities Ordinance (2013-13) as presented with the addition of language to state vendors are allowed on the beach beginning at 8 a.m. or the completion of the sea turtle nest survey, whichever is earlier. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Ms. Karen Meadows, Ms. Amy Stoyles, and Mr. Craig Baranowski requested to close both lanes of CR 30A for 3.1 miles for the Second Annual 30A 10K Road Race to be held on Thanksgiving Day at Rosemary Beach from 7:30-9:30 a.m. This race would include the road closure of both lanes, increase the attendance rate to 2,000, and the addition of two more charities.

Commissioner Imfeld questioned the efficiency of traffic if both lanes are closed. Major Joe Preston, Sheriff's Office, explained that the traffic would be rerouted. Ms. Meadows explained that there was very little traffic last year during the race and chose Thanksgiving Day because the traffic is lighter. Commissioner Meadows questioned if the race could start earlier. Ms. Karen Meadows stated that it could.

Brief discussion ensued regarding the ability to reopen one traffic lane as the race progresses.

Mr. Jim Bagby, Rosemary Beach Town Manager and TDC Executive Director, spoke in favor of the request and suggested closing both lanes for 30 minutes of the race from Rosemary Beach to Watersound Parkway, then reducing back to a one lane closure.

Chairman Pridgen asked for public comment.

There was no public comment.

Motion by Commissioner Meadows, second by Commissioner Chapman, to approve the Second Annual 30A 10K Road Race with both lane closures for 30 minutes of the race from Rosemary Beach to Watersound Parkway and reducing to a one lane closure for the remainder of the race. Ayes 5, Nays 0. Pridgen Aye, Comander Aye, Imfeld Aye, Chapman Aye, Meadows Aye.

Ms. Shari Judkins discussed the Code Enforcement complaint on Holiday Road and the appeal filings against Coastal Cruisers' business uses.

Attorney Davis explained that the appeal filing fees (after the initial filing fee) have been reimbursed to Ms. Judkins and there was no appeal to be made because the answer had been given regarding the business uses for Coastal Cruisers. Mr. Wayne Dyess, Planning and Development Services Director, explained that Code Enforcement had investigated the

complaint against Coastal Cruisers and found the business was in compliance. The Board of Adjustments made a decision in 2010 that the business was in compliance for a similar complaint.

Commissioner Meadows questioned if the decision was provided in writing to Ms. Judkins. Mr. Dyess stated that all complaints have been responded to in writing. Commissioner Meadows stated that the previous complaint was for scooters whereas the recent complaint is about motorcycles, boats, golf carts, and four-wheelers. Mr. Dyess stated there had been several instances where the employees had driven their personal motorcycles and the business owner had placed their personal boat at the business location, but those were moved upon request. Commissioner Meadows suggested creating a policy to state which items are allowed and notify Ms. Judkins.

Ms. Judkins provided pictures of the displayed merchandise and stated that no filing fees had been reimbursed.

Brief discussion ensued regarding the ability to address repeat Code Enforcement violations.

Commissioner Comander asked Attorney Davis to ensure the funds are reimbursed to Ms. Judkins. Attorney Davis stated he would look into that issue and draft repeat violation language will be presented to the Board for review in the near future. He explained that they would file the pictures provided as another Code Enforcement complaint for investigation.

Ms. Judkins discussed the Planning and Zoning Department and the lack of Ordinance enforcement. She urged the Board to stop adopting new Ordinances and stop all development projects because they are not meeting the code.

Commissioner Meadows explained that land use and development are very controversial. She asked that Ms. Judkins provide a list of the developments/projects that she feels have been approved and do not meet the code.

Commissioner Comander stated that one issue with Code Enforcement is that they are complaint driven and cannot address the issues unless a complaint is made. Attorney Davis explained that the state statute limits the authority of Code Enforcement.

The meeting recessed at 5:41 p.m. and reconvened at 5:52 p.m.

The request by Ms. Joan Kennett, resident of Beach Highland Subdivision, to place "No Parking" signs within the subdivision was removed from the agenda.

Commissioner Meadows recommended consideration of a 36 +/- acre parcel north of US Hwy 98 for purchase for a sports complex.

Mr. MC Davis discussed the history of the property and believes strongly in the education of youth.

Ms. Mary Lou Lammom presented information regarding the proposed South Walton Sports and Recreation Complex to combine a world class sports facility with the beaches of Walton County to enhance the sports tourism market on the Gulf Coast. There have been many reports on the emphasis of youth travel teams in recent years and the facility would accommodate and allow families to plan their vacations around the traveling team trips. This would create a huge economic impact on the host cities/counties. The current facilities are not generating tourism to the area. The focus for the facility is for recreation activities that are year round.

Commissioner Chapman expressed concern that the location has limited hotels and fast food restaurants in close proximity. Ms. Lammom stated that the families who travel with the

teams tend to rent houses and condos rather than hotels. Commissioner Chapman stated that there will be a significant cost for the purchase and development of the property. Ms. Lammom explained that a construction estimate was proposed at \$8 million for a highly upgraded park but could be much more affordable with less costly upgrades. Mr. Davis stated that several corporations in the county have expressed interest to provide some funding for the park.

Commissioner Meadows explained that during previous research, suitable property for a sports complex could not be found. There is development along Hwy 98 to accommodate the park. She encouraged the Board to consider the land for a sports complex, research the costs, and analyze the property.

Lengthy discussion ensued regarding the ability to maintain the park, adhering to the current Land Acquisition Ordinance procedures, the ability to use TDC funds, and the need to ensure the area is in need of a sports complex. Several audience members spoke in favor of the sports complex and the need to fulfill the needs for the youth, and not focus on tourism.

The Board concurred to allow Mr. Jones to work with Mr. Bagby to explore the options and bring recommendations back for review.

Commissioners Comander, Imfeld, Chapman, and Pridgen had no items to present.

Chairman Pridgen asked for additional public comments.

Mr. Matthew Jones questioned if the “No Parking” signs on Highland Avenue would be fulfilled. Mr. Demers stated that the request would be processed in accordance with the Ordinance on how to designate “No Parking” areas. Commissioner Meadows stated that the structures placed in the county right-of-way would be addressed in the parking assessment of south Walton. Mr. Jones expressed concern for the liability of the county with obstructions

placed in the right-of-way, and the need for right-of-way maintenance. Mr. Demers explained the process to install "No Parking" signs.

Mr. Ron Romano encouraged the Board to look at a sports and recreation complex for the future.

Ms. Suzanne Harris spoke in favor of a sports and recreation complex in south Walton for the youth.

Ms. Dianne Cover expressed appreciation for the assistance with the Beach Highland Subdivision parking issues and increased surveillance to ensure safety of the citizens.

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

Commissioner Imfeld provided a Voting Conflict Form 8B for the Sandestin DRI Amendment and exited the meeting at 6:58 p.m.

Attorney Davis questioned if there was any objection to the published notifications. There were no objections made.

Motion by Commissioner Comander, second by Commissioner Meadows, to continue the request for Vested Rights Determination by Mr. Gregory and Ms. Carla Hard to the June 24, 2013 meeting. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Meadows Aye.

(Exhibits: Staff 1) (Ex Parte: Comander)

Commissioner Comander questioned if the regular meetings should be adjourned at 5:00 p.m. and starting the Quasi Judicial hearings as advertised. Attorney Davis explained that he had some ideas for reorganization of the meetings and will present those in November for consideration, one being to hold Land Use items at a separate meeting.

Ms. Renee Bradley, Planning and Development Services, presented the application submitted by Carlton & Fields, Inc. to amend the Sandestin Development of Regional Impact (DRI) Development Order for parcel 208/308 to change building G formerly approved as a hotel (commercial), to multifamily apartments (residential). The previously approved hotel, consisting of 14 stories and 225 rooms, would convert to 250 multifamily apartments. As a condition of the approval, the applicant must make a selection in writing for the intent of developing the property as a hotel or multifamily development within 2 years of the amendment approval. If notification is not received in writing, the property shall only be approved for the development of the hotel. Staff found that the applicant met all the notification requirements and received a letter from the Department of Economic Opportunity that the amendment request is considered a non-substantial deviation.

Commissioner Meadows questioned Ms. Bradley if they had determined where the missing 46 acres of open space was within the DRI. Ms. Bradley answered that at this time they did not see a total of 46 acres missing, they had a determination that the major right-of-ways could be counted towards the open space. Commissioner Meadows questioned how one parcel in the DRI can be approved when the complete DRI is not in compliance. Ms. Bradley answered that DEO has not found the DRI to be in non-compliance at this time. Commissioner Meadows questioned the original staff recommendation of denial for the project. Ms. Bradley stated that there had never been a staff report for denial.

Brief discussion ensued regarding the compliance of the DRI.

Attorney Davis explained that due to a conflict of interest he was unable to provide counsel to staff.

Commissioner Chapman questioned the ability to increase the residential density. Ms. Bradley stated that she understood the intensity would be taken from other areas of the DRI.

Mr. Darren Taylor, Carlton & Fields, discussed the project and explained the conversion from a hotel to multifamily apartments. The change would reduce the traffic to that area. The option for 2 years to make a decision will allow time to complete due diligence and ensure that a market is in place for apartments. The first floor would remain as retail while the upper area would convert to multifamily apartments. There will be no reduction in commercial square footage other than the hotel.

Ms. Bradley explained that the applicant has the right to retain the original retail that was requested and approved.

Mr. Alan Osborne spoke in opposition of the amendment change from a hotel to multifamily apartments and felt that the request is a major development change. He explained that the development order is not in compliance and stated that new projects do not need to be approved.

Attorney Doug Hall explained that there is an existing development order and the request would not change the physical aspect of the project. The request is a conversion from a hotel to multifamily apartments. He stated that DEO has reviewed and approved the project, it is in compliance with the statutes, and outside legal counsel has also approved the amendment request.

Brief discussion ensued regarding the Sandestin DRI Amendment changes from a hotel to multifamily residential apartments and the inability to seek legal opinion since Attorney Davis had a conflict of interest.

Commissioner Comander recommended continuing the request to allow Attorney Stewart's presence for legal counsel.

Motion by Commissioner Chapman to approve the Sandestin DRI Amendment as presented. The motion died for a lack of second.

Motion by Commissioner Comander, second by Commissioner Meadows, to continue the Sandestin DRI Amendment to the June 24, 2013 meeting in DeFuniak Springs, at 9:00 a.m. or soon thereafter. Ayes 3, Nays 1. Pridgen Aye, Comander Aye, Chapman Nay, Meadows Aye. **(Exhibits: Staff 1, Respondent 2-6) (Ex Parte: Pridgen, Comander, Meadows, Imfeld) (Form 8B: Imfeld)**

Mr. Dyess presented the Settlement and Forbearance Agreement and an Addendum to Settlement and Forbearance Agreement in the matter of Avalon Dunes Condominium Owners Association, Inc. v. Walton County Board of County Commissioners, et al, Case No. 2012-CA-744, and requested approval of a Revised Site Plan pursuant thereto. He stated that the left and right turn lanes are being removed and the site plan had to be modified. Staff found no opposition and recommended approval.

Attorney David Theriaque was present to address any concerns and requested approval of the settlement agreement and revised site plan.

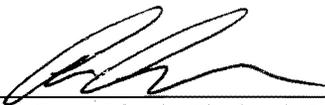
Chairman Pridgen asked for public comment.

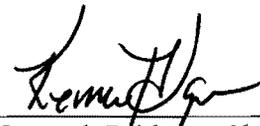
Mr. Osborne expressed his appreciation for the project requirements to be in compliance.

Motion by Commissioner Comander, second by Commissioner Chapman, to approve the Settlement and Forbearance Agreement in the matter of Avalon Dunes Condominium Owners Association, Inc. v. Walton County Board of County Commissioners, et al, Case No. 2012-CA-

744, and the revised site plan. Ayes 4, Nays 0. Pridgen Aye, Comander Aye, Chapman Aye, Meadows Aye. (Exhibits: Staff 1)

Motion by Commissioner Meadows, second by Commissioner Chapman, to adjourn the meeting at 8:05 p.m.

ATTEST 
Alex Alford, Clerk of Courts
and County Comptroller

APPROVED 
Kenneth Pridgen, Chairman