

OCTOBER 27, 2009 - REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, called to order the regular meeting on October 27, 2009 at 3:15 p.m., at the Walton County Courthouse in DeFuniak Springs in order to recess into Executive Session.

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. Lyle Seigler, Interim County Administrator; Attorney Lynn Hoshihara, Staff Attorney and Attorney Harry Chiles, Nabors Giblin & Nickerson, were also present.

Attorney Lynn Hoshihara, County Attorney, stated that litigation strategy for K & H Sand, Inc. & Bla-lock Destin Development Group, Inc. v. Walton County (09-CA-000837) would be discussed during the Executive Session. Attending the Executive Session will be County Commissioners, Interim County Administrator, a certified court reporter, and County Attorney staff.

The meeting recessed at 3:18 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.

Attorney Mike Burke, County Attorney; and Ms. Martha Ingle, Clerk of Courts, was present during the regularly scheduled meeting.

Commissioner Pridgen led the invocation followed by the Pledge of Allegiance to the American Flag. Chairman Comander called the meeting to order.

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

1. Addition by Commissioner C. Jones - a resolution supporting Spirit Productions to locate in South Walton
2. Addition by Chairman Comander to discuss the Nuisance Ordinance
3. Deletion of item 2a Administration – Animal Shelter Adoption & Fee Policy
4. Deletion of item 3c Administration - Helen McCall Mission Play Park Phase I bid award

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Consent Agenda as follows.

Commissioner L. Jones stated that items five through seven of the Consent Agenda are due to the copiers and computers being irreparable.

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

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| 1. Approve Expenditure Approval List (EAL) | |
| General Fund | \$ 1,005,644.70 |
| County Transportation | \$ 181,629.80 |
| SHIP | \$ 58,888.93 |
| Mosq. Control State | \$ 1,496.14 |
| Section 8 Housing | \$ 142,302.00 |
| Tourist Dev. Council | \$ 402,799.55 |
| N.W. Mosquito Control | \$ 1,761.56 |
| W. Co. Library | \$ 5,052.24 |
| Recreation Plat Fee | \$ 7,840.80 |
| Solid Waste Enterprise | \$ 16,413.35 |
| Bldg Dept/Enterp. Fund | \$ 516.19 |
| Inmate Canteen Fund | \$ 11,217.00 |
| Capital Projects Fund | \$ 43,512.13 |
| Totals | \$ 1,879,074.39 |

2. Approve Minutes of October 13, 2009 Regular Meeting
3. Advise of the removal of the Walton County Code Enforcement gravel driveway
4. Approve for the Budget Office to surplus two copiers (BCC #: 3999, and 5703)
5. Approve for the Planning Department to dispose of two computers (BCC #: 5055, and 5122)

6. Approve for the Building Department of dispose of three computers (BCC #: 4815, 4816, and 4418)
7. Approve for the HUD Office to dispose of one copier/printer (BCC #: 3222)
8. Approve a **Resolution (2009-89)** to amend the budget to roll forward revenues and expenditures for encumbrances, projects and grants from fiscal year 2008-2009 into fiscal year 2009-2010
9. Approve renewal Agreement with The Ferguson Group, LLC
10. Amendment #5 for the Bay Loop Storm Water Restoration Project
11. Approve a **Resolution (2009-90)** to approve the Comprehensive Emergency Management Plan
12. Approve a **Resolution (2009-91)** to accept the “old alignment” (SR 883) of U.S. 331 between SR 20 in Freeport and Owl’s Head

Mr. Lyle Seigler, Interim County Administrator, presented a **resolution (2009-92)** in support of lifting the cap on Housing Trust Funds, and full appropriations of Housing Trust Funds in the 2010/2011 State budget. He recommended approval.

Motion by Commissioner Pridgen, second by Commissioner Brannon, to adopt a **resolution (2009-92)** supporting full appropriation in the 2010/2011 State budget, and cap removal of the Housing Trust Funds. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney Mike Burke, County Attorney, stated that the issues discussed during the Executive Session should be addressed.

Attorney Harry Chiles, Nabors Giblin & Nickerson, briefly discussed the settlement proposal for K & H Development Group, Inc. & Bla-Lock Destin Development Group, Inc. v. Walton County, (09-CA-000837) addressed in the Executive Session. He recommended that a public motion be made regarding the approval or denial of the settlement.

Attorney Lisa Minshew, K & H & Bla-lock attorney, stated that Ms. Pat Blackshear, Planning Director, testified in a deposition that the development rights were

the only issue holding up the development order (DO) approval. She felt that the proposal was fair and urged the Board to resolve the issue.

Attorney Carrie Roth, Attorney with Bryant, Miller, Olive, spoke in favor of the rights of the developer.

Commissioner L. Jones stated that the DO application submitted for the parcel in question is being reviewed according to the Land Development Code (LDC) standards. It has not been approved nor denied. The settlement request is for the Board to direct staff to approve the DO. However, this specific DO application is for a minor development. According to the LDC, approval or denial of minor developments are made by staff, not by the Board. He felt the process of appeals should be followed if the applicant disagrees with the staff's decision; this process does not include the BCC. He felt that the BCC had no jurisdictional right to approve or deny the request as put forth in the settlement agreement. Attorney Chiles encouraged the Board to make a decision as this proposal is to settle a lawsuit. Attorney Burke stated that he had a conflict of interest in that his law firm has represented the Howard Group prior to his becoming County Attorney. He advised that the Board accept, reject, or accept with modifications the settlement proposal presented. Commissioner L. Jones felt that this decision should not be before the Board. Attorney Chiles stated that any settlement agreement of a litigation or lawsuit would come before the Board for approval or rejection. Attorney Burke said that the Board had the right to accept or reject a settlement offer.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to deny the settlement proposal based on the statements made by Commissioner L. Jones. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler presented the following board and committee appointments for approval: Mr. Russ Tommey, Design Review Board appointment; and Commissioner Pridgen, Tri-County Community Council Board of Directors reappointment.

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

Mr. Seigler recommended that RFP 09-048 (Cadaver Services for the Animal Shelter) be awarded to Song Dogs Wildlife and Animal Removal, LLC as lowest bidder in the amount of \$9.00 per animal.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to award RFP 09-048 to song Dogs Wildlife and Animal Removal, LLC in the amount of \$9.00 per animal. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler presented an agreement with Redfish Village for the installation of new signs on 30A to indicate available services. Public Works has reviewed and approves the placement of these signs.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the agreement with Redfish Village for sign placement on County Road 30A.

Commissioner L. Jones asked if the Design Review Board (DRB) had any jurisdiction over signage. Mr. Gerry Demers, Development Director, stated they did not.

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

Mr. Seigler stated that to continue with the road improvements to Raley Road and Engles Road, an agriculture well belonging to Mr. Joe Johnson will need to be destroyed. He requested that the county reimburse Mr. Johnson the cost of the well in the amount of \$2,850. The well will not be replaced.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the reimbursement to Mr. Joe Johnson in the amount of \$2,850 for the destruction of an agriculture well.

Mr. Alan Ficarra asked if the well was in the county right of way. Chairman Comander stated the Mr. Johnson is giving the land to the county.

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

Mr. Seigler presented the Dirt to Pave/Reconstruction Road List for Fiscal Year 2009-2010 which includes approximately 9 miles of construction. The funds for these projects have been budgeted. The roads are as follows: McKinnon Bridge Road, Pompano Street, Campbell Street, Cook Road, Punchbowl Road, Fairfield Drive, Raley Road, Hinote Road, Quail Ridge Road, Darby Road, Marsh Drive and Chat Holly Road. He recommended approval.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve the Dirt to Pave/Reconstruction Road List for Fiscal Year 2009-2010. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler recommended awarding ITB 09-042 (Scenic Gulf Drive Phase III Parking Improvements) to Utility Solutions as lowest bidder in the amount of

\$860,150.50. This amount includes the base bid and the alternate of thermoplastic striping.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to award ITB 09-042 to Utility Solutions in the amount of \$860,150.50. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Bobby Beasley, Walton County Supervisor of Elections, reported that legislation has been passed to require paper ballot voting and that touch screen voting machines be replaced. He requested that the Board submit a **resolution (2009-95)** requesting the use of Touch Screen voting systems be extended from 2012 to 2016 to allow counties to obtain funding to purchase updated equipment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt a **resolution (2009-95)** supporting the extension of the use of touch screen voting systems to 2016. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Hugh Williams, H. W. Lochner, Inc.; and Ms. Rosemary Woods, PBS&J, presented an update of the Westbay Parkway/County Road 388 roadway extension and expansion. Mr. Williams stated that meetings have been scheduled to obtain public input. Mr. David Kramer asked if there was any information on the environmental impacts. Mr. Williams gave internet directions to find the information. Mr. Kramer asked if there was any like kind funding being used toward this project. Mr. Williams stated that there are currently no funding sources beyond the cost of the study.

Ms. Woods gave an update on the County Road 3280, State Road 20, and Highway 81 Intersection PD&E study. She stated that a public meeting is scheduled for

November 17, 2009 at 6:00 p.m. at the Bruce United Methodist Church to give an update on the project. Mr. Kramer asked how this project would be funded. Commissioner Brannon stated that this project is crucial and funding sources are still being sought.

Attorney Burke gave a brief background of the Driftwood Phase II building permits issue and the Driftwood special hearings. He reported that the builder has met all the DO requirements. He presented three options to address the issuance of permits: 1. Direct County staff to issue building permits/DO's for Driftwood Estates Phase II; 2. Direct County staff to cease issuance of building permits/DO's until the Special Magistrate issues his recommendation; or 3. Direct County staff to accept building permit/DO applications for review, but delay issuing any building permits/DO's until the Special Magistrate's recommendation has been received. Attorney Burke stated that the Special Magistrate's recommendation is expected within the next two weeks and recommended the third option. Since the LDC requires up to 30 days for application review, option three will not delay anyone from seeking a building permit/DO. Chairman Comander questioned if the DO's would be delayed until the requirements of the Special Magistrate's recommendations have been met. Attorney Burke stated that it will depend upon the requirements which may or may not be related to the issuance of permits.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to move forward with option three.

Mr. Rupert Phillips, former Vice President of Olsen and Associates, stated that the developer has complied with the list of requirements. He said there is currently a buyer for Driftwood Estates who wants to obtain 15 building permits immediately. He

felt that any delay would damage their pending sale and other lot owners within Driftwood.

Chairman Comander voiced concern about the promises made to Driftwood Estates residents that nothing would be done until the Special Magistrate's recommendations were reviewed. Attorney Burke stated that was why option three was recommended. Commissioner Pridgen asked if the special hearings were for Phase I and II. Attorney Burked stated that it was for all of Sandestin and Driftwood Estates. Discussion continued on the issues which were addressed during the special hearings.

Commissioner Pridgen asked how option one would affect the DO's and the Special Magistrate's recommendation. Attorney Burke felt that choosing option one could cause more problems if the Special Magistrate's recommendation was contrary to prior county approvals. Commissioner C. Jones asked if the recommendations could be received sooner than two weeks. Attorney Burke stated that the Special Magistrate had requested an extra two weeks.

Commissioner Pridgen withdrew his second and asked if there were any other options available. Attorney Burke stated that he was unaware of a buyer for the Olsen and Associates property, and said that there may be another option but more research would have to be done. He felt that by allowing applications to be submitted, the developers would be ahead in the permit process since it takes up to 30 days to review and approve or deny the application.

Mr. Phillips stated that the sale of the property is contingent upon the ability to receive building permits.

Attorney Burke stated that Mr. Seigler suggested as option four that Letters of Intent be issued if the permit application is in order and all criteria have been met prior to the Special Magistrate's recommendation.

Discussion continued on the review process for permit applications.

Commissioner C. Jones amended her motion, second by Commissioner Pridgen to move forward with option four (accept permit applications for Driftwood Estates Phase II, and issue a Letter of Intent for approved applications pursuant to the LDC), and direct the County Attorney to contact the Special Magistrate to determine when a final recommendation would be rendered.

Mr. Phillips stated that the developer has complied with the county requirements and feels that the Special Magistrate's ruling is immaterial.

Ayes 3, Nays 0. Comander Aye, C. Jones Aye, Pridgen Aye. Commissioner L. Jones and Commissioner Brannon recused themselves from this issue. **(Memorandum of Voting Conflict: L. Jones, Brannon)**

Mr. Seigler presented ITB 09-036 (Surplus of Property on Ed Brown Road). He asked Attorney Burke to discuss the issue. Attorney Burke stated that there was a large range in bid amounts which may or may not include reclamation of the property. He requested that the Board allow staff to request the bidders keep bids open for 45 days, prepare a plan of reclamation to submit to the three bidders, and return to the Board in 45 days with the best bid.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to allow staff to request the bidders keep bids open for 45 days, prepare a plan of reclamation to

submit to the bidders, and return to the Board in 45 days with the best bid. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler presented an Interlocal Agreement with South Walton Mosquito Control District. The agreement would allow each entity to provide mosquito control services in both north and south Walton County during emergencies.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Interlocal Agreement with South Walton Mosquito Control District.

Attorney Lorraine Bytell spoke in favor of the agreement.

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

Mr. Seigler requested to advertise for a continued Public Hearing to consider the Beachview Heights MSBU.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to advertise for November 10 a continued Public Hearing to consider the Beachview Heights MSBU.

Mr. Kramer asked that a public hearing not be extended due to the financial constraints that would be placed on some of the homeowners by a MSBU.

Mr. Philip Fleet, Beachview Heights HOA, stated that the emergency access issue has been temporarily addressed and encouraged the continuing of the MSBU process.

Commissioner C. Jones exited the meeting.

Chairman Comander stated that a public hearing held November 10 would not meet the required advertising date. The appropriate date would be December 8.

Commissioner Brannon withdrew his second.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to advertise for December 8, 2009, at the South Walton Annex, a continued Public Hearing to consider the Beachview Heights MSBU. Ayes 4, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones, Pridgen Aye.

Commissioner C. Jones returned to the meeting.

Mr. Seigler presented for consideration an Environmental Enforcement Unit Proposal. Commissioner Brannon stated that he had brought this issue to Sheriff Mike Adkinson's attention due to mining issues and the inability of Code Enforcement to cover all areas. Sheriff Adkinson briefly discussed some of the issues that have been reported. He suggested a trial period of one year to justify the existence of an Environmental Enforcement Unit.

Mr. Robert Hudson, Walton County Taxpayers' Association (WCTPA), and Mr. Gerry Demers, Development Services Director, spoke in favor of the unit.

Sheriff Adkinson stated that other counties' Environmental Enforcement units would be used as models for the Walton County unit. He also said that the unit would be stationed in South Walton.

Attorney Burke stated that the County Attorney's office, the Sheriff's Department and Development Director needed to develop a Memorandum of Understanding/Interlocal Agreement to establish the protocols for the program.

Motion by Commissioner Brannon, second by Commissioner Pridgen, to direct staff to develop a Memorandum of Understanding/interlocal agreement. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Attorney W. C. Henry, County Attorney, presented for consideration an ordinance establishing maximum rates for towing and wrecker services. He stated that both the Sheriff's Department and the Florida Highway Patrol have a rate and rotation system in place and recommended that the Board not consider the ordinance. The Board concurred not to go forward with the ordinance.

Attorney Mike Burke, County Attorney, stated that Water Oaks, LLC, former owner of Water Oaks Subdivision, was found to be in violation of the LDC for failing to maintain its Irrevocable Standby Letter of Credit. Trustmark became the owners of the subdivision around July 1, 2008. Code Enforcement sent the new owners a Notice of Violation on February 2, 2009. Trustmark has shown a desire to settle this matter and agreed to enter into a consent agreement. He recommended approval and briefly discussed the provisions of the agreement.

Motion by Commissioner C. Jones, second by Commissioner Brannon, to approve the Consent Agreement with Trustmark. Ayes 4, Nays 1. Comander Aye, Brannon Aye, L. Jones Nay, C. Jones Aye, Pridgen Aye.

Attorney Burke presented for consideration a Settlement Agreement between Reel Knotty, LLC, 30-A Restaurant Group, Inc., and Walton County for the operation of a restaurant (Ballyhoo Bar and Grill). The property owner, 30-A Restaurant Group, Inc., was found in violation of the LDC due to a previous non-conforming use on the property in excess of six months. He stated that two settlement agreements were prepared (Exhibits A and B). Exhibit A is the settlement agreement that was negotiated and executed by 30-A and Reel Knotty. Exhibit B is a settlement agreement with suggested

changes by the community. This issue is pending before the Board of Adjustment. Attorney Burke discussed recommended changes that would apply to the south deck.

Mr. Jack Abbott, Gulfview Subdivision representative, discussed the issues related to the southern deck use. He encouraged approving Exhibit B.

Chairman Comander asked for clarification of the type of music to be allowed on the southern deck. Attorney Burke read an excerpt from Exhibit A, page three of nine, that defines the type of music allowed and the times the southern deck can be used. Discussion continued on the language to determine the type of music to be played.

Ms. Sandra Luchtefeld, neighboring property owner, felt that criteria should be set to simplify enforcement.

Attorney Burke recommended approving Exhibit A with changes made to 3b outlining the deck usage and closure.

Motion by Commissioner C. Jones, second by Commissioner L. Jones, to approve Agreement A with changes to item 3b as discussed. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Comander called to order the public hearing to consider a **resolution (2009-93)** and Interlocal Agreement authorizing Walton County to participate in the Escambia County Housing Finance Authority Single Family Mortgage Revenue Bonds Program.

Mr. Elbert Jones, Escambia County Housing Financing Authority, spoke in favor of the resolution and discussed some financial options available to home buyers. There is no cost or liability to the county.

Motion by Commissioner Brannon, second by Commissioner C. Jones, to adopt a **resolution (2009-93)** and approve an interlocal agreement authorizing county participation in the Escambia County Housing Finance Authority Single Family Mortgage Revenue Bonds Program. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Comander called to order the public hearing to approve a **resolution (2009-94)** to amend the budget to fund vehicle purchases for the Sheriff's Department in the amount of \$380,000.

Mr. Bill Imfeld, County Finance Director, stated that since the July Budget Scrubs, it was found that reserve funds are available in the Sheriff's budget to purchase the necessary vehicles.

Mr. Hudson, WCTPA, stated that the budgets have not been posted to the website for review, and questioned where the funds were found. Mr. Imfeld stated that in the beginning, the Sheriff had requested over \$600,000 for capital outlay purposes (cars, equipment, etc.). The budget passed by the Board reduced the Sheriff's capital budget to \$391,000. The Sheriff reduced the number of vehicles requested from the standard 22 that had been used in previous years. Mr. Imfeld stated that on September 30, 2009 (the end of the 2008/2009 budget year) there were enough unspent funds not in the Sheriff's possession to augment the needed amount to increase the number of vehicles back to the original 22. Discussion continued regarding the Sheriff's budget.

Motion by Commissioner Brannon, second by Commissioner L. Jones, to adopt a **resolution (2009-94)** amending the budget for the purchase of vehicles for the Sheriff's

Department in the amount of \$380,000. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Comander directed Mr. Imfeld to work on getting the budget published on the county website.

Chairman Comander called to order the continued public hearing to consider an ordinance clarifying the requirement to show proof of address to obtain permits to drive on the beach.

Attorney Burke submitted a memo listing changes to the ordinance since the last BCC meeting and discussed the changes. He stated that over the past five years, 1,835 permits have been issued, of which 488 were not full-time Walton County residents. Some suggestions made were: a cap of the number of permits issued (1,400 resident/435 non-resident/20 charter fishing operations), two permits per parcel, and a permit lottery should the applications exceed 1,000.

Chairman Comander suggested that the permits be limited to parcels with existing homes. She also felt that the number of permits issued should be limited to less than 1,400. Commissioner L. Jones questioned Attorney Burke on the origin of the number 1,400. Attorney Burke reported that was the average number of permits sold per year.

Commissioner C. Jones suggested limiting the number of permits issued to 750 residents and 250 non-residents on a first come first serve basis.

Discussion followed regarding the safeguarding of the beaches, full-time renters, handicapped drivers and long-term property owners.

Commissioner L. Jones reminded Attorney Burke that the language was to be changed to say Florida registered vehicles rather than Walton County vehicles. He

questioned the limiting of businesses to one permit. Attorney Burke stated that the ordinance would allow for two permits per parcel of property with proof of entitlement. Commissioner C. Jones suggested limiting the non-resident property owners to one permit. Commissioners Brannon and L. Jones concurred that obtaining a permit on a first come first serve basis would be more sufficient.

Mr. Grant Blackwell, Ms. Anne Murrell, Mr. Jim Kovakas, Ms. Shirley Shalie, and Mr. Bill Buzzett all spoke in favor of the ordinance.

Chairman Comander felt that the number of permits issued should be limited, one permit allowed per lot with existing home, and no permit lottery. Commissioner C. Jones concurred with Chairman Comander and also suggested greater enforcement on holidays.

Discussion ensued regarding the possibility of “grandfathering” existing permits.

Commissioner L. Jones felt that the public hearing should be continued. Chairman Comander directed that input be given to Mr. Seigler prior to the last day for submitting agenda items for the December 8, 2009 meeting.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to continue the public hearing to December 8, 2009 at 4:00 at the South Walton Annex. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Motion by Commissioner C. Jones, second by Commissioner L. Jones, to direct staff to draft a resolution to support the locating of Spirit Productions to South Walton County. 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 asked when the nuisance ordinance would be presented to the Board. Attorney Burke stated December 8, 2009.

There were no further comments from the public.

Mr. Gerry Demers, Development Services Division Director, requested modification of the Final Order for Topsail West Conceptual PUD. He stated that the modification clarifies that some items would be phased. He recommended approval.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve the modification of the Final Order for Topsail West Conceptual PUD. Ayes 5, Nays 0. Comander Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

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

Mr. Demers presented the T-Mobile Wireless Telecommunications Facility project, a major development application submitted by Mr. Thad Watson as agent for Powertel/Memphis, Inc., d/b/a T-Mobile. Staff found the project consistent with the Land Development Code and Comprehensive Plan contingent upon the conditions set forth in the staff report. He recommended approval.

Commissioner L. Jones asked if the developer had met with the staff and residents as directed at the last meeting. Attorney Mary Parker, T-Mobile, stated that they had supplied the information showing no alternative site location requested by Attorney Bytell, attorney for Ms. Leigh Grantham. Attorney Bytell stated that the information has been reviewed, and withdrew Ms. Grantham's objection to the selected site.

Motion by Commissioner L. Jones, second by Commissioner Brannon, to approve the T-Mobile Wireless Telecommunications Facility project. Ayes 5, Nays 0. Comander

Aye, Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(Exhibits: Staff Report, Ex Parte: Comander)**

There being no further items to discuss, the meeting was adjourned on motion by Commissioner Brannon at 6:55 p.m.

APPROVED _____
Sara Comander, Chair

ATTEST _____
Martha Ingle, Clerk of Courts