

FEBRUARY 18, 2010 – SPECIAL MEETING

The Board of County Commissioners, Walton County, Florida, held a special meeting on February 18, 2010 at 5:00 p.m., at the South Walton County Courthouse in Santa Rosa Beach to discuss the Special Magistrate's recommendations of the Driftwood Special Hearings.

The following Board members were present: Commissioner Kenneth Pridgen; Commissioner Cecilia Jones; and Commissioner Sara Comander. Ms. Shirl Williams, Assistant County Administrator; and Attorney Lynn Hoshihara, Interim County Attorney, were also present. In the absence of Chairman Scott Brannon, Commissioner Kenneth Pridgen assumed the Chair position.

Chairman Pridgen read the following statement: At the recommendation of the Board and upon concurrence of all parties, a hearing was held before a Special Magistrate on August 24 and 25, 2009, to consider the issues surrounding Driftwood Estates. The parties agreed to a selection of a Special Magistrate who was charged with the duties of administering and presiding over the process and after considering all of the evidence presented, to determine a basic set of facts to the recommendation of a course of action. The parties further agreed that the finding and recommendations are not legally binding nor are they admissible in a court of law. Today we have with us Special Magistrate Carlos Alvarez who will present the findings and recommendations.

Attorney Carlos Alvarez, Magistrate for the Driftwood Special Hearings, presented a brief overview of his findings and recommendations regarding Driftwood Estates. He stated that this presentation would be in summary form and that a detailed recommendation had been submitted.

Attorney Alvarez stated that two issues were addressed: the Driftwood Drive abandonment issue, and the storm water flooding issue. He gave a brief history of the Driftwood Drive issue. He found that the abandonment was legally valid and recommended that all lawsuits in this matter should be dismissed. He also recommended that the Sandestin DRI Master Plan reflect the abandonment of Driftwood Drive. This should be achieved through the Notice of Proposed Change (NOPC) process for amending DRI's. He stated that there was only one roadway (Mack Bayou Road) connecting Driftwood Estates to U.S. 98. A gated emergency exit is available off of Harborview Road. In the case of an emergency where Harborview Road and Mack Bayou Road were impassable, he recommended that an emergency gate be placed at the abandoned portion of Driftwood Drive. Both emergency gates should be monitored by emergency personnel.

Attorney Alvarez addressed the storm water flooding issue. He gave a brief overview of the systems currently in use in Driftwood Estates and the problems that are occurring with those systems. He discussed the two key functions to storm water systems: flood control and removal of pollutants through means of retention and detention. The Walton County storm water modeling system (detention) for Driftwood Estates meets the Level of Service Standards. The Sandestin DRI storm water modeling system (retention) Level of Service Standards are not being met. He recommended that an independent, qualified, and experienced storm water engineer be retained, at the cost to Walton County, to review the exterior and interior storm water system models. This should be done as soon as reasonably possible. He briefly covered the criteria that the engineer

would be required to meet and stated that the engineer is to report all results to Walton County, Driftwood Estates, and the Department of Community Affairs (DCA).

Attorney Alvarez stated that a representative from the Walton County Public Works Department should meet with Driftwood Estates residents in a community meeting at least twice a year to report updates on improvement and maintenance activities, and receive residents' feedback. He requested that all sides act in a collaborative fashion.

Chairman Pridgen opened the meeting to public comment.

Mr. Steve Abbott requested that the county suspend the issuance of building permits for the interior phase of Driftwood Estates until all the issues have been resolved.

Mr. Allen Osborne stated that he was not in agreement with all of Mr. Alvarez's recommendations. He read portions of the DCA opinion and asked that a Notice of Violation be issued to the developers and their successors to correct the drainage.

Mr. Jim Hobson, Greater Driftwood Home Owners' Association (HOA) president, expressed his gratitude to Attorney Alvarez. He briefly addressed the road abandonment and the emergency exit. He stated that the HOA will not pursue additional litigation regarding the abandonment. He discussed the flooding problems that prevent the use of the Harborview Road emergency exit. He felt that the emergency exits should be used for emergency vehicles, hurricane evacuation, and traffic flow in the case of an emergency. He also addressed the storm water and pollution issues. Mr. Hobson stated that the HOA requested that the county hire an independent engineer to review the drainage system, reduce lot density in the portion of Driftwood that has not been built, that building permits not be issued until the problems have been resolved, that the work

on Harborview Road be continued, that the maintenance of the swale system in the community be continued, allow the review of future homes by the HOA Architectural Review Board, and consider driveway replacement with culverts.

Mr. Alex Kish asked Mr. Alvarez if he felt that new development should be ceased. Mr. Alvarez stated that the idea of a moratorium would be good in that it gives more options for resolving the issue. However a moratorium will also open the door for legal issues. He said the recommendation states that all options should be considered. Mr. Kish asked when the county would be able to give the residents an answer as to the Special Magistrate's recommendations, Mr. Osborne's request, and Mr. Abbott's request. Chairman Pridgen stated that the first step is to get Public Works involved; then a firm will have to be hired. He also stated that the Board will have to find funding sources in which to pay the firm. Discussion continued on the steps that would be followed to begin complying with the Special Magistrate's recommendations.

Mr. Kish requested that another meeting be scheduled to discuss the information that the county has gathered. Chairman Pridgen stated that a meeting would be scheduled. Commissioner C. Jones said that some areas can be addressed sooner, most importantly the safety issues. She voiced support of South Walton Fire Department being the one who controls the emergency gates. Commissioner Comander stated that the first seven recommendations could be easily addressed.

Attorney Hoshihara stated that there are currently two cases, which have been consolidated, for oral arguments on the abandonment issue. She asked if the Plaintiffs would be willing to dismiss the current litigation. Mr. Kish felt that legal proceedings should continue until something is done. Attorney Hoshihara stated that not dropping the

litigation would require the county to spend more funds that could be used toward solving this issue. Mr. Hobson stated that the HOA will not take further legal action on the abandonment of the road and that he could not speak for the individuals also involved. Attorney J. Layne Smith stated that the HOA said that they would follow the recommendations and that the four individuals have not directed any action other than going forward with the appeal. The individuals are expecting the county to move forward on good faith.

Ms. Marie Baretta stated that the current drainage solution has made matters worse. She voiced concern over the drainage that is collecting on her property.

Ms. Ileana Osborne voiced concern that the Board had not reviewed the DCA recommendations. She asked that they review the document prior to the next Driftwood Estates Meeting.

Mr. James Rothchild voiced concern for public safety.

Mr. Robert Monk addressed the drainage issue. He felt that the ditches should be filled in.

Ms. Baretta stated that the county did a wonderful job on drainage repairs on East Shipwreck. She requested that the same solution be applied to the rest of Driftwood.

Mr. Jessup Eberhart addressed the drainage that flows through his property. He asked that the ditches not be filled in.

Chairman Pridgen closed public comment portion of the meeting.

Attorney Alvarez had no further comments regarding the issues.

Chairman Pridgen stated that there were a lot of issues that had to be dealt with. He stated that Mr. Starskey Harrell, Interim Public Works Director, told that his

department would be able to get primary information back to the Board within 30 to 60 days. He stated that the first step is getting an independent engineer to assess the property to see what can be done.

Commissioner Comander stated that grant funding is being sought to help solve part of the problems. She felt that the first seven recommendations could be started immediately. She stated that Sandestin is working on their NOPC. Whether the development can be stopped is a legal issue that needs to be researched.

The Board directed Attorney Hoshihara to research the moratorium legalities.

Mr. Osborne stated that issuing a Notice of Violation would effectively enact a moratorium. Chairman Pridgen and Commissioner Comander stated that they have to review the DCA recommendations first.

Motion by Commissioner C. Jones, second by Commissioner Comander, to adjourn. Ayes 3, Nays 0. C. Jones Aye, Pridgen Aye, Comander Aye.

There being no further items to discuss, the meeting adjourned at 7:00 p.m.

APPROVED _____
Scott Brannon, Chair

ATTEST _____
Martha Ingle, Clerk of Courts