

FEBRUARY 23, 2010 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, held a regular meeting on February 23, 2010 at 4:00 p.m., at the Walton County Courthouse in DeFuniak Springs.

The following Board members were present: Commissioner Scott Brannon, Chair; Commissioner Larry Jones, Vice-Chair; Commissioner Cecilia Jones; and Commissioner Kenneth Pridgen. Mr. Lyle Seigler, Interim County Administrator; Attorney Lynn Hoshihara, Interim County Attorney; and Ms. Martha Ingle, Clerk of Courts, were also present.

Chairman Brannon called the meeting to order. He stated that Commissioner Comander would not be attending tonight's meeting due to illness.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the agenda additions and deletions as follows: Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

1. Addition: Administration Item 3C-Award ITB 010-011 Fencing of Sheriff's Impound Yard to Champion Construction
2. Deletion: Item 10 from the Consent Agenda
3. Deletion: Item 11 from the Consent Agenda

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve the Consent Agenda as follows: Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

1. Approve Expenditure Approval List (EAL)

General Fund	\$ 1,040,302.59
County Transportation	\$ 333,383.17
SHIP	\$ 19,454.00
Fine & Forfeiture	\$ 123,874.16
Section 8 Housing	\$ 147,731.44
Tourist Dev. Council	\$ 426,430.08
N.W. Mosquito Control	\$ 1,078.95
W. Co. Library	\$ 4,163.14
Solid Waste Enterprise	\$ 11,117.19
Bldg Dept/Enterp. Fund	\$ 2,156.75

Imperial Lakes MSBU	\$	2,765.91
Inmate Canteen Fund	\$	1,180.54
Capital Projects Fund	\$	7,849.48
Totals	\$	2,121,487.40

2. Approve Minutes of February 9, 2010 Workshop and Regular Meeting
3. Approve to surplus one computer from the TDC
4. Approve to trade in BCC 5347 & 5348 (Topcon Survey Total Stations) and purchase new equipment for Public Works
5. Approve to utilize the remainder of the Blue Mountain Beach/Hutcheson Property fund to be used to pay for burying the power and cable TV lines
6. Approve NFWMD Grant Agreement 04-055 Amendment #8 Oyster Lake Restoration Project
7. Approve 2010 Work Squad Contract WS 503 – Amendment #1
8. Request to submit a letter to Choctawhatchee River, Soil, and Water Conservation District for additional funding for repairs to the Darlington Community Center/Old School House
9. Approve an Interlocal Agreement between Walton County and the City of DeFuniak Springs for sanitary sewer connection service to the Walton County Jail facility
- ~~10. Interlocal Agreements between Walton County and the City of Freeport, School Board and City of DeFuniak Springs~~
- ~~11. Approve the renewal of the contract with South Walton Turtle Watch Group for turtle monitoring~~

Ms. Mary Lou Reed, Workforce Development Board, and Ms. Linda Sumlin, Workforce Development Chief of Operations, provided updated information on Workforce activities and audit as of June 30, 2009. Ms. Sumlin spoke on the work being done with BRAC families, the activities and support services being offered to them.

Mr. Lyle Seigler, Interim County Administrator, requested to collect on the Beach Community Bank Letter of Credit #152 (Sundance Subdivision) in the amount of \$232,177 in the event an extension or any other approved surety is not received prior to the expiration date, March 5, 2010. The letter of credit has been extended three times since it was first issued on February 28, 2006. Currently zero percent of the items listed on the cost estimate for the letter of credit have been completed.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to collect on the Beach Community Bank Letter of Credit #152 (Sundance Subdivision) if an extension or any other approved surety has not been received prior to the expiration date. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler recommended the Board award ITB 10-009, Walton County Utility Improvements Sunrise Road/Sate Road 83, to Martin Construction, as lowest bidder, in the amount of \$113,475.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to award ITB 010-009 to Martin Construction, as lowest bidder, in the amount of \$113,475. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler recommended approval of a maintenance agreement with Florida Department of Transportation (FDOT) for resurfacing of C.R. 1087 from U.S. 90 to CR 2A (New Harmony Loop). This is a part of the American Recovery and Reinvestment Act (ARRA) stimulus package. A proposed start date will be brought back to the Board.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the maintenance agreement with FDOT. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Commissioner L. Jones exited the meeting.

Mr. Seigler requested permission to advertise for Request for Proposal (RFP) for Solid Waste Services. He reported that the award recommendation would be presented to the Board on June 8, 2010.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the request to advertise for RFP for Solid Waste Services. Ayes 3, Nays 0. Brannon Aye, C. Jones Aye, Pridgen Aye.

Commissioner L. Jones returned to the meeting.

Mr. Starskey Harrell, Public Works Interim Director, requested direction whether or not to proceed with the replacement and reconstruction of Leisure Lake Road and Leisure Lake Dam. He stated that the Home Owners' Association (HOA) is in the process of establishing an MSBU for the construction of the dam. He said that drainage and dam safety is a concern and will be addressed in the design. He recommended allowing Public Works to budget and construct the road over the dam once the repairs are made by the HOA.

Mr. Harry Riley, HOA Representative, thanked the commissioners and county for the work that had already been done to neutralize the problem. He gave a brief update on the MSBU process for the dam repair. The HOA feels that it would be in the county's best interest to not reopen the road. The HOA requested that the county funds be used in areas with greater needs.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve staff recommendations to allow Public Works to budget and construct the road over the dam once the repairs are made. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Ryan Douglas, Assistant Engineering Services, gave an update on the Grayton Beach/Hotz Avenue congestion and safety issues. He stated that the process is still on going and will be bringing a design to the Board at a later date.

Mr. Seigler announced that Ms. Brenda Hunt, North Walton Mosquito Control Manager, has been recognized by the Florida Department of Agriculture and Consumer Services with the

Directorship Award for 2008-2009. Mr. Billy McKee, Environmental Manager, presented the award to Ms. Hunt and the Mosquito Control team.

Attorney Lorriane Bytell requested adoption of a resolution **(2010-16)** rescinding Resolution 2009-10 which increased the South Walton Mosquito Control District commissioners from three to five. She stated that the SWMC Board felt that it would be better use of funding to keep the commission at three.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to adopt a resolution **(2010-16)** rescinding Resolution 2009-10. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler requested that ITB 010-011 Fencing for Sheriff's Impound Yard be awarded to Champion Construction, as lowest bidder, in the amount of \$32,866.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to award ITB 010-011 to Champion Construction, as lowest bidder, in the amount of \$32,866. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Sonny Mares, Tourist Development Council Executive Director, presented RFP 09-037 Feasibility Study for a South Walton Multi-Purpose Sports Complex and an Arts Complex. He requested to award the feasibility study for a Multi-Purpose Sports Complex to Crossroads Consulting Services, for a flat fee amount of \$40,000 and the feasibility study for a South Walton Arts Complex to Tomlinson Graham Group for a flat fee amount of \$57,900.

Commissioner C. Jones asked when these building projects could be started. Mr. Mares stated that there was not a specific date, and that issues such as cost, location, build-out time, and funding will be a determining factor. Chairman Brannon questioned why two different

companies were chosen. Mr. Mares replied that the review committee scored both companies equally and that each company had specific qualifications which were needed for each study.

Motion by Commissioner C. Jones, second by Commissioner L. Jones, to award RFP 09-037 Feasibility Study for a South Walton Multi-purpose Sports Complex to Crossroads Consulting Services, for a flat fee amount of \$40,000, and a Feasibility Study for a South Walton Arts Complex be awarded to Tomlinson Graham Group for a flat fee amount of \$57,900. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Mares stated that four applications and letters of interest were received for the opening on the TDC Advisory Board. He recommended that Mr. Steven Hilliard, Vice President of Resort & Club Operations for St. Joe Company, be appointed for a four year term effective March 1, 2010.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to appoint Mr. Steven Hilliard to the TDC Advisory Board. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Hilliard was introduced to the Board and he expressed his appreciation for having been chosen to serve.

Attorney Lynn Hoshihara, Interim County Attorney, stated that on July 28, 2009, the Board directed Mr. Randy Layman, Air Methods a/k/a Airheart Services, to work with the county staff to provide a reasonable payment plan for emergency air flight patient services. She reported that Mr. Layman is no longer with Air Methods. She requested that the Board direct Mr. Gary Mattison, Human Resources; and Mr. Matt Douglas, Emergency Response; to meet with Air Methods as soon as possible to negotiate rates and payment options. She also asked that current pending claims be reviewed.

Mr. Billy Ray Wilcox and Mrs. Michelle Wilcox stated that in 2008 their son had to be flown to Sacred Heart Hospital in Pensacola, Florida from Healthmark Regional in DeFuniak Springs. The total bill was \$18,000, insurance paid \$6,000, and Air Methods turned the account over to collections for \$12,000. They requested the Board's assistance in resolving this situation.

Commissioner Pridgen stated that Mr. Layman indicated at the July Board meeting that the patients would not be turned over to collections and that the accounts would be written off.

Attorney Hoshihara stated that other vendors may be considered.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to direct Mr. Gary Mattison, and Mr. Matt Douglas to meet with Air Methods as soon as possible to negotiate rates and payment options, and review current pending claims.

Commissioner L. Jones stated that he is also having problems with Air Methods.

Mr. Wilcox stated that they tried making monthly payments, but Air Methods wanted \$575 per month, which was more than they could pay.

Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Seigler stated that he and Attorney Hoshihara will keep in contact with the families affected by this issue.

Mr. Ted Pryor and Mrs. Jean Pryor stated that their son Timothy Pryor, a county landfill employee, was flown to the Burn Center in Mobile, AL and that the bill was \$19,569. She reported that she and her son have been turned over to collections, due to her signature on hospital paperwork. Her negotiations with Air Methods have been unsuccessful. She stated that Air Methods was asking for bank statements and transactions that she felt was confidential information not needed by the company. Chairman Brannon stated that Mr. Mattison and Mr. Douglas will work quickly to get this settled.

Mr. Seigler requested that the public hearing to consider the MethCheck Ordinance be continued to March 23, 2010.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to continue the public hearing to consider the MethCheck Ordinance to March 23, 2010. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Brannon called to order the Public Hearing to consider the Final Assessment Resolution (**2010-19**) for the Four Mile Village Municipal Services Benefit Unit (MSBU). Ms. Marguerite McCauley, Government Services Group, and Ms. Heather Espinosa, Nabors, Giblin and Nickerson, gave a brief overview of the Four Mile Village MSBU process.

Mr. Joe Sanders, President of Four Mile Village HOA, spoke in favor of the MSBU.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt **Resolution 2010-19** creating the Four Mile Village MSBU. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Judea Kring, Walton County Prevention Coalition (WCPC) and Miss Lindsey Shelby Students Working Against Tobacco (SWAT) presented a resolution (**2010-18**) urging tobacco retailers to stop the sale and marketing of flavored tobacco products in Walton County.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to adopt **Resolution 2010-18**. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Commissioner C. Jones requested that the Board initiate steps to form a Local Transportation Committee to provide a forum to identify transportation needs and requirements. The committee will look at means for providing safe transportation to and from Walton County. The committee will consist of seven members, five appointed by the BCC, one appointed by the Walton County Chamber of Commerce, and one Public Works representative. She requested that

County Administration work with the Chamber of Commerce to develop the roles and responsibilities of the committee to be presented at the March 9, 2010 BCC meeting.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve County Administration and the Walton County Chamber of Commerce to develop the roles and responsibilities for a Local Transportation Committee to be presented March 9, 2010. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Chairman Brannon opened the Public Comment portion of the meeting.

Attorney John Moyale, Waste Management Representative, spoke against the Solid Waste RFP. He stated that there were inconsistencies in the document presented and encouraged the Board to review the RFP prior to advertising. He also questioned how the RFP would impact the current contracts that expire in 2013 and 2015. He reported that legislation is being considered for recycling and felt that it would be in the Board's best interest to wait on advertising until that legislation is decided. Mr. Greg Graham, Engineering Services Manager, stated that an updated RFP was presented to the Board prior to the meeting. He reported that the RFP was to bring back various plans and to look at alternatives in accordance to the Solid Waste Strategic Plan. He said that he would give Mr. Moyale a copy of the updated RFP.

Mr. Bill Register, Sub Contractor, reported that he and other sub contractors were having difficulties obtaining their retainage from Dooly-Mack for their work on the Animal Shelter. Dooly-Mack is claiming that the county had not paid them their retainage. He stated that liens had been filed against Dooly Mack's bond by sub-contractors. Mr. Bill Imfeld, County Finance Director, addressed Mr. Register's concerns. He stated that he has been contacted by several sub-contractors who have not been paid. He also reported that the paperwork needed from Dooly-Mack to release the funds has not been received. He stated that a meeting was held

approximately one week ago with Dooly Mack. He was assured that the paperwork would be submitted. As of this meeting, the paperwork still has not been received. He stated an option to consider is legal recourse forfeiting the retainage to Dooly Mack and paying the sub-contractors directly. Chairman Brannon asked how long the fund release paperwork has been pending. Mr. Imfeld stated the last billing was more than four months ago. The Notice of Final Release has not been received. He reported there are at least one dozen sub-contractors that have not been paid. Chairman Brannon suggested that Mr. Imfeld work with the County Attorney's office to determine what procedures are necessary to quickly resolve the issue. Commissioner L. Jones felt that it would be appropriate to also grant them the authority to move forward.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to grant the authority to Mr. Imfeld and the County Attorney's office to determine and follow any procedures necessary to quickly resolve the issue of Dooly Mack non-payment. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

The meeting recessed at 5:00 p.m. and reconvened at 5:16 p.m.

Mr. Gerry Demers, Planning and Development Director, presented for second hearing the Eglin Joint Land Use Study (EJLUS) Resolution (**2010-17**) supporting the related community initiatives, and transmit the documents to the surrounding governments and military installations.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt the EJLUS **Resolution 2010-17**. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Demers presented for first reading two EAR-based amendments to the Walton County Comprehensive Plan.

1. Traffic Circulation Element
2. Capital Improvements Element

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to move forward to a second public hearing, the Traffic Circulation Element EAR-based Amendments as presented. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to move forward to a second public hearing, the Capital Improvements Element EAR-based Amendments as presented. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Demers presented, for second hearing, the Water Supply Facilities Work Plan to transmit to the Department of Community Affairs (DCA).

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Water Supply Facilities Work Plan for transmittal to DCA. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Vivian Shamel, Project Manager, presented, for second public hearing, an ordinance **(2010-04)** amending Chapter 13 of the Walton County Land Development Code (LDC) to add Scenic Gulf Drive as a Scenic Corridor; establishing a defined boundary; establishing that the intent of Corridor Design Standards shall be to preserve and maximize the views of the Gulf of Mexico, to enhance the visual characteristics of the north and south side of Scenic Gulf Drive, and to eliminate roadside clutter; establishing public right of way policy; establishing provisions for permitted uses and structures, prohibited uses and structures, setbacks, landscaping standards, driveway/access/parking standards, sign control, uses of the public right-of-way, and fences and walls.

There was no public comment.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to adopt **Ordinance 2010-04** to designate Scenic Gulf Drive as a Scenic Corridor. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Ms. Shamel presented for second public hearing an ordinance (**2010-03**) amending Section 2.03.02 of the LDC to adopt the Gulf Trace Neighborhood Plan as an overlay district; establishing a defined boundary; establishing that the intent of the plan is to preserve the residential character of the Gulf Trace neighborhood and to ensure the continued stability of the subdivision minimum and maximum lot sizes, minimum and maximum unit sizes, setbacks, build-to-lines, lot coverage, building height, allowable densities and accessory structures, prohibited uses, prohibited structures, parking requirements, parking restrictions landscape guidelines, beach access areas, garbage and waste corral design standards, noise restrictions, outside lighting requirements, signage standards and variance notification procedures; establishing restrictions on further subdivision of lots; establishing provisions for legal non-conformities; and providing for the incorporation of the Gulf Trace Neighborhood Plan as Appendix NP-5 to the LDC.

Mr. Jan Rieveschl thanked the planning staff for the hard work put into creating this ordinance.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt **Ordinance 2010-03** amending Section 2.03.02 of the LDC to adopt the Gulf Trace Neighborhood Plan as an overlay district. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

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

Mr. Demers asked that the Lupin Beach Abandonment and Lupin Beach PUD issues be presented as one. Attorney Hoshihara stated that Board action would be made in two separate motions.

Attorney Gary Vorbeck, representative for Moore-Bass Consulting, presented Lupin Beach Conceptual PUD, a major development order application submitted by Moore-Bass Consulting, requesting approval for a conceptual planned unit development. The development consists of a 20 lot single-family subdivision with one amenity on 6.36 acres with a future land use of NPA/infill. The site is located on the south side of Walton Magnolia Lane, adjacent to the Bay-Walton County line. He also presented a resolution **(2010-20)** for an abandonment application submitted by EBSCO Development, abandoning a 33 foot easement along the South side of Government Lot 248, in Section 36, Township 3 South, Range 18 West per Walton County Deed Book 134, Page 308; also, a 33 foot easement along the South side of Government Lot 249, in Section 36, Township 3 South, Range 18 West per Walton County Deed Book 145, Page 283; also, a 33 foot easement along the North side of Government Lot 256, in Section 36, Township 3 South, Range 18 West per Walton County Deed Book 136, Page 383; also, a 33 foot easement along the North side of Government Lot 257, in Section 36, Township 3 South, Range 18 West per Walton County Deed Book 134, Page 109; also, a 33 foot easement along the North side of Government Lot 258, in Section 36, Township 3 South, Range 18 West per Walton County Deed Book 141, Page 319; also, the western 18 feet of a 33 foot easement along the East side of Government Lot 259, in Section 36, Township 3 South, Range 18 West per Walton County Deed Book 137, Page 256. The proposed abandonment site is within Lupin Beach PUD, on the south side of Walton Magnolia Lane. Attorney Vorbeck submitted Petitioner's Exhibits 3-13, discussed the details of each issue, and addressed the concerns raised by the public. He

reported the Department of Environmental Protection (DEP) has issued permits to enhance dunes, and permits to build seaward of the CCCL have not been issued.

Mr. Jason Comer, EBSCO Gulf Coast Development Applicant, gave an overview of the history of the property ownership and addressed concerns previously raised regarding the project. He requested the Board approve the abandonment and PUD application.

Commissioner C. Jones asked for clarification on the location of the abandonment. Attorney Vorbeck detailed the location of the abandonment and discussed the dune walkover that would be built for neighborhood beach access.

Mr. David Smith, Senior Project Engineer Moore-Bass Consulting of Destin, Inc., described the existing conditions of the site and discussed the abandonment issues.

Mr. Jim Martelli, Senior Project Engineer Moore-Bass Consulting of Destin, Inc., described and discussed the conceptual site plan.

Mr. Micheal Dombrowski, President and Principal Engineer of MRD Associates, Inc., discussed the dune enhancement plan and the coastal control line permitting.

Ms. Wendy Grey, Wendy Grey Land Use Planning, LLC, discussed the project's compatibility and consistency with the Walton County Comprehensive Plan and the Land Development Code.

Chairman Brannon called for public comment.

Mr. Michael Parsonnet spoke against the development and discussed the negative affects of the project. He asked that the Board review the drainage problems and meet with the surrounding residents.

Chairman Brannon exited the meeting and Commissioner L. Jones assumed the Chair position.

Attorney Vorbeck and Mr. Martelli addressed the issues raised by Mr. Parsonnet.

Chairman Brannon returned to the meeting and resumed his position as Chair.

Mr. Jim Connelly discussed concerns with several issues of the project and requested that it be tabled for review.

Attorney Vorbeck stated that this project is conceptual and the issues would be addressed during the PUD process.

Mr. Hank O'Neal, Ms. Betty Letcher, Mr. Kerry Burklow, Mr. Doug Williamson, and Ms. Sue Parsonnet voiced concerns regarding beach access, dune destruction, storm water drainage, conceptual approval, traffic, and parking.

Chairman Brannon asked Mr. Demers if each technical phase would come back before the Board. Mr. Demers stated that the phases would go before the Technical Review Board for approval and there will be opportunity for public input at those meetings.

Mr. Mack Carpenter, Project Manager, reported that staff found that the proposed abandonment does not appear to contravene the goals, objectives, or policies of the Walton County Comprehensive Plan. He stated that the Staff Report Addendum for the PUD acknowledges the receipt of the revised Traffic Study and resulting Certificate of Transportation Concurrency. All conditions in the previously issued Staff Report remain the same except condition one which is revised in accordance with the Certificate of Transportation Concurrency. Staff found that unless evidence is presented to the contrary, the proposed project can be found consistent with the Comprehensive Plan and LDC subject to conditions. He discussed Staff Report condition seven which requires the developer to overlay Walton Magnolia Lane from the curve to the west, to the T-turnaround to the east, due to the expected large number of heavy trucks involved in the site work and beach dune enhancement components of the project.

Chairman Brannon closed the public comment portion of the discussion.

Discussion ensued clarifying the abandonment of the easement.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to adopt the Lupin Beach Abandonment Resolution **(2010-20)**. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(LUPIN BEACH EXHIBITS: Staff Reports: 1-2; Petitioners: 3-13; Respondents: 14-15)**

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve Lupin Beach Conceptual PUD with conditions. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

Mr. Demers presented Magee Industrial Park, a major development order application submitted by Emerald Coast Associates, Inc., requesting approval for 68,400 square feet of industrial development. This development consists of 30,400 square feet of manufacturing and 38,000 square feet of product storage warehouse on 11.45 acres, with future land uses of medium industrial and rural village. The project is at 9646 Highway 20 West, on the northeast corner of the intersection with Rogers Road. Staff found the requested project is consistent with the Comprehensive Plan and LDC upon conditions as listed in the Staff Report.

Mr. Dean Burgis, Emerald Coast Associates, Inc.-Applicant, stated that he was available for questions. He stated that he concurred with the conclusions and recommendations in the Staff Report, and requested approval.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to approve Magee Industrial Park with conditions as stated in the Staff Report. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(EXHIBITS: Staff Report 1)**

Mr. Demers presented Gulf Cove of Seagrove PUD Development Agreement for final plat approval, a proposed agreement between Walton County and Branch Banking and Trust for the purpose of securing and ensuring restoration of damaged or removed native vegetation which was required as preservation in the originally issued development order (05-001-00059), known as Gulf Cove of Seagrove PUD, a 17 lot residential subdivision off Sugar Sand Lane with a future land use of Neighborhood Planning Area/infill. Staff found the requested development agreement and final plat for Gulf Cove of Seagrove PUD meets the minimum requirements of F.S. Chapter 177, Comprehensive Plan and the LDC and the approved Development Order (05-001-00059) with conditions as stated in the Staff Report.

There was no public comment.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve the Gulf Cove of Seagrove PUD Development Agreement for final plat with conditions as listed in the Staff Report. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye.

(EXHIBITS: Staff Report 1)

Mr. Ken Goldberg, representative for Moore-Bass Consulting Applicant, presented Hotel Viridian (f/k/a Downtown Seagrove), an application proposing to amend the previously approved Development Order (05-001-00158). This amendment request would establish a master plan, and request Phase 1 technical approval. Phase 1 of the master plan consists of a 6,678 building having 4,772 square feet of restaurant and 1,906 square feet of future hotel lobby and operations. Phase 2 of the master plan consists of a 15,326 square foot, 20-room hotel, a 7,200 square foot spa, 1,060 square feet of retail, and 10 condominium units. The project is on 1.4 acres with a future land use of NPA/RPA. The site is located on the northwest corner of C.R. 395 and C. R. 30A.

Mr. Jason Bryan, Planning Project Manager, stated that this is a previously approved development order. The request is to amend the project by: 1. phase the build-out; 2. re-allocate the uses within the development; 3. reduce the number of hotel rooms; and 4. remove the bank from the development plans. Staff found the project consistent with the Comprehensive Plan and LDC with conditions as listed in the Staff Report.

Mr. Goldberg reported that the Proportionate Fair Share was paid with the original development order.

Mr. Jim Mathis voiced concern with the adjacent property and the lack of information that was given regarding the project. Mr. Goldberg stated that the project was approved in 2006 and what is being presented was a site change. The exterior footprint has not changed from the 2006 approval.

Mr. Edward Cloos voiced concern with the lack of parking. Mr. David Smith, Moore-Bass, addressed the parking issues. Chairman Brannon asked if adequate parking was available for the phase that was presented. Mr. Demers stated that there was.

Mr. Steve Durbin questioned if an access would be available on Grove Street. Mr. Goldberg stated that it had been eliminated.

Mr. Alan Ficarra questioned where the parking for the restaurant would be located while the rest of the project was being completed. Mr. Goldberg stated that the restaurant would be closed during that time.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to approve Hotel Viridian (f/k/a Downtown Seagrove) with conditions as stated in the Staff Report. Ayes 4, Nays 0. Brannon Aye, L. Jones Aye, C. Jones Aye, Pridgen Aye. **(EXHIBITS: Staff Report 1)**

There being no further items to discuss, the meeting adjourned at 7:38 p.m.

APPROVED _____
Scott Brannon, Chair

ATTEST _____
Martha Ingle, Clerk of Courts