

APRIL 13, 2010 – REGULAR MEETING

The Board of County Commissioners, Walton County, Florida, called to order the regular meeting on April 13, 2010, at 3:00 p.m., at the Walton County Courthouse Annex in Santa Rosa Beach, Florida in order to recess into Executive Session.

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

Attorney Lynn Hoshihara requested that an Executive Session be held to discuss the litigation strategy for Drake/Hemby v. Walton County (02-CA-000381). Attending the Executive Session will be the County Commissioners, County Administrator, a certified court reporter, and County Attorneys Lynn Hoshihara and Greg Stewart.

Motion by Commissioner Pridgen, second by Commissioner C. Jones to hold an Executive Session to discuss Drake/Hemby v. Walton County. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

The meeting recessed at 3:03 p.m. and reconvened at 4:00 p.m.

Ms. Martha Ingle, Clerk of Court, was present for the regularly scheduled meeting.

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

Mr. Rick Hefland, Seaside School Foundation Chairman, and Ms. Kathy Brubaker, School Principal, gave an update on the annual Seaside School Half Marathon and 5K Run, and thanked the Board for their continued support. Mr. Hefland requested permission to begin the permitting process and preparations for the 2011 event.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to allow Seaside School Foundation to begin the permitting process and preparations for the 2011 event. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

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

1. Addition: Consent Agenda: Florida Association of Counties Trust **resolution (2010-31)**
2. Addition: Commissioner L. Jones: One percent transportation system surtax **resolution (2010-30)**
3. Addition: Chairman Brannon: Florida Forever Program **resolution (2010-29)**
4. Addition: Chairman Brannon: Fair Housing Month **resolution (2010-32)**
5. Deletion: Consent Agenda Item 3: Budget Amendment resolution
6. Deletion: Citizen Services-Extension Services Director appointment

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

1. Approve Expenditure Approval List (EAL)		
General Fund	\$	957,226.19
County Transportation	\$	568,363.05
SHIP	\$	60.00
Fine & Forfeiture	\$	124,945.20
Mosq. Control State	\$	5,489.75
Section 8 Housing	\$	306.75
Tourist Dev. Council	\$	629,087.63
N.W. Mosquito Control	\$	3,726.84
W. Co. Library	\$	13,328.61
Recreation Plat Fee	\$	102,065.45
Solid Waste Enterprise	\$	359,262.20
Bldg Dept/Enterp. Fund	\$	3,317.42
Inmate Canteen Fund	\$	17,759.79
Capital Projects Fund	\$	51,675.19
Totals	\$	2,836,614.07

2. Approve Minutes of March 23, 2010 Regular Meeting

3. ~~Approve resolution to amend the budget to roll forward monies for the Basin Bayou Project in the amount of \$20,000 for Bearflats/Eglin from fiscal year 2008-2009 into fiscal year 2009-2010~~
4. Approve **resolution (2010-35)** to amend the budget for the award of federal grant funds from the Natural Resources Conservation Service through the Emergency Watershed Protection program in the amount of \$756,900
5. Approve Florida Association of Counties Trust **resolution (2010-31)**

Mr. Lyle Seigler, County Administrator, requested approval to allocate \$15,400 and obtain the Chairman's signature on the Notice to Tax Collector to apply for tax deed on applicable tax certificates.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the allocation of \$15,400 and the Chairman's signature on the Notice to Tax Collector. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Seigler requested adoption of a **resolution (2010-34)** declaring April 17, 2010 as Parents and Children's Day in Walton County.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt **Resolution 2010-34** declaring April 17, 2010 as Parents and Children's Day in Walton County. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Ken Little, Citizen Services Director, requested approval of "Food for Fine" option during National Library Week. This option would allow patrons to receive \$1.00 off of their over due fines in exchange for a food donation.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the "Food for Fines" option during National Library Week. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. West Ritchie, Coastal Area Council Chairman, presented for adoption a **resolution (2010-33)** declaring May 24 – 31, 2010 as National Beach Safety Week.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to adopt **Resolution 2010-33** declaring May 24-31, 2010 as National Beach Safety Week. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Starskey Harrell, Interim Public Works Director, gave an update on the Williams Road Property. He presented two options for consideration: 1. purchase the Williams Road property; or 2. seek proposals from other property owners who may be interested in selling their property for mining. He stated that the property owners would be responsible for providing the appraisal, boring samples, and asking price. He requested the Board's direction.

Chairman Brannon stated that the Board had directed Public Works staff to look at the long range needs and current material inventory. He asked if the specifics and criteria will be given to those submitting proposals. Mr. Harrell stated that it had been and reported that resources are running low and would be depleted within a few years. Commissioner C. Jones voiced concern that a hurricane would hasten the depletion of the materials. Mr. Harrell agreed that it would. Commissioner Pridgen stated that funding sources should also be considered.

Mr. Harrell recommended option two. Commissioner L. Jones expressed support for the recommendation and felt that a solution needed to be found quickly due to the upcoming budget cycle.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to move forward with the RFP process. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Commissioner L. Jones stated that the advertisement for the RFP should be done as quickly as possible. He also stated that the property owner should be responsible for the

appraisal, boring samples showing the quality/quantity information, and price. Discussion continued on the RFP process requirements.

Mr. Seigler requested approval to purchase an air/hydraulic jack (\$1,300 - \$1,600) and a computer for AutoCAD software (\$1,400 - \$1,700). He reported that funding is available in the existing budget for both items.

Motion by Commissioner Comander, second by Commissioner C. Jones, to approve the purchase of an air/hydraulic jack and a computer for AutoCAD software. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Seigler requested approval for the Clerk of Court to collect on the Audubon Point Letter of Credit (No. 109) in the amount of \$78,408.00 if another surety or final inspection release has not been obtained prior to the expiration date of April 28, 2010.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to collect on the Audubon Point Letter of Credit (No. 109).

Commissioner L. Jones expressed concern that the County could be held responsible for the completion of projects whose Letters of Credit had been collected. He asked that staff look at alternative methods to secure the work to be done. He stated that this action was not necessary to this motion, and could be addressed at a later date.

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

Mr. Seigler stated that staff would work with Legal to review the methodology, and bring the information back to the April 27, 2010 meeting.

Mr. Harrell reported that a privacy fence belonging to Botany Bayou Subdivision was damaged by a contractor during the paving of Los Roblas Grande. The Botany Bayou Homeowners' Association has obtained quotes for the fence repair. He requested granting \$4,800

to the HOA for the quote received from Fence It, LLC. Commissioner L. Jones felt that the amount should be reimbursed by the contractor. Mr. Harrell stated that the project had been completed a couple of years ago but was recently notified of the damage. Commissioner C. Jones reported that the damage was located in a not so obvious area.

Motion by Commissioner Comander, second by Commissioner C. Jones, to grant \$4,800 to the Botany Bayou HOA for fence repair and to seek reimbursement from the contractor. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Allen Brown, Public Works, gave a brief history and update of the Linda Lane Agreement. He stated that the county's portion of the agreement would be \$148,734.

Chairman Brannon asked if there were other ways to achieve the same goal but at a lesser price. Mr. Brown stated that one of the county's obligations would include the construction of stormwater ponds which is a major cost component. Commissioner Pridgen asked if this project had been budgeted. Mr. Brown stated that it had not. Commissioner L. Jones questioned why it has taken four years to address. Mr. Brown replied that revisions and leadership changes have caused the delay. Commissioner Comander asked if a contract had been signed. Mr. Brown stated that it had not and requested direction whether to move forward to obtain a signed contract. Chairman Brannon asked if there were litigations associated with the project or if it was a simple request for road paving. Mr. Brown confirmed that it was a paving request. Commissioner Comander questioned how many homes were on the street. Mr. Brown stated approximately 12 with possible future construction.

Commissioner L. Jones stated that the dynamics of the project have changed over the past four years.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to direct Public Works Staff to review the economical and material impact to the county, the number of citizens it would serve, and bring the information back to the Board. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Gary Mattison, Human Resources, announced that Mr. Sonny Mares had retired as TDC Executive Director and that Ms. Tracy Louthain, Director of Communications, had taken the leadership role. He reported that other county departments are assisting in the areas of human resources, finance, and administration. He requested Board direction on how to move forward. Commissioner C. Jones asked what options were available. Mr. Mattison stated that in the past a search committee was formed to find qualified people to fill the position. This process could take three to six months to find a replacement. Commissioner C. Jones asked if partnering with the Walton Area Chamber of Commerce (WACC), on an interim level, would be an option to consider. She felt that the work the WACC has done with the new international airport should be considered. Mr. Mattison stated that was an option. Commissioner C. Jones voiced concern that this is the busiest time of year for the TDC and a qualified leader is needed. She felt that Ms. Dawn Moliterno, WACC President, would be the most qualified person. Chairman Brannon discussed the importance of the international airport to Walton County. He felt that pooling the resources of the TDC and WACC would be beneficial. He also felt that a management agreement with the WACC would be similar to the one with the Economic Development Alliance (EDA). Mr. Mattison stated that it would be an interim arrangement while an executive director was sought. Commissioner Comander asked if the county finance department would continue to monitor the financial records. Mr. Mattison stated that they would.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to enter into a management agreement with the WACC on an interim basis to oversee the TDC operations. Ayes 4, Nays 1. Brannon Aye, L. Jones Nay, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Bob Hudson, Walton County Taxpayers Association, voiced concern that the public had not been allowed to voice their opinions on the matter. Commissioner C. Jones and Commissioner Pridgen withdrew their motion and second.

Mr. Hudson addressed the improper usage of funds and actions by the TDC. He requested that an audit of all credit cards used by TDC employees, signatures on documents be validated, existing contracts reviewed, and an evaluation of the current TDC Board be completed. He felt that the control of the TDC operations should not be placed with a private group.

Mr. Malcolm Patterson voiced concern over the misuse of TDC funds and the lack of leadership within the TDC. He spoke against the TDC being turned over to a private organization for leadership.

Ms. Anita Page asked if a draft management agreement existed. Commissioner L. Jones replied that he had voted no because there was not enough information. He expressed respect for the WACC and its President. Commissioner C. Jones stated that her motion could be changed to reflect a review of a draft agreement by the BCC. Commissioner L. Jones felt that a more sufficient solution would be to bring the TDC under the BCC Administration on a temporary basis. Administration could provide the oversight without interrupting the WACC's efforts in preparing for the airport opening. He did not oppose an interim management contract being drafted. He agreed with Mr. Hudson and Mr. Patterson stating that oversight is the key to resolving the current issues.

Chairman Brannon stated that one outstanding issue is the interlocal agreement with Bay County and why he feels that the WACC is the best choice for interim leadership.

Ms. Moliterno stated that she, along with the business community and the TDC Board, believe that tourism is a driving force in Walton County. She stated that the appointment of the WACC would not be to replace nor to take over, but to work as team with the TDC. Chairman Brannon questioned if the interlocal agreement is still pending. Ms. Moliterno stated that it has been submitted to Bay County. Commissioner L. Jones expressed confidence that the WACC would do what was necessary for the TDC, but he needed more information regarding the contract. Ms. Moliterno reported that the WACC would only provide specific services and provide recommendations to the TDC Board. Discussion continued on the oversight of the TDC by either Administration or the WACC.

Ms. Martha Ingle, Clerk of Court, suggested that Mr. Bill Imfeld, County Finance Director, review the bills until a decision could be made. Mr. Mattison requested Board approval to appoint Mr. Imfeld to oversee the finances of the TDC and to execute the role of TDC Finance Director on an interim basis. Mr. Imfeld stated that all decisions and oversight would be based on Florida Statute.

Motion by Commissioner Comander, second by Commissioner C. Jones, to appoint Mr. Bill Imfeld, County Finance Director, as the Interim TDC Finance Director to review and oversee the finances of the TDC according with State Statute.

Mr. Don McQuaid, Mr. Steve Hillard, Mr. Robert Camp, Ms. Casey Cuchens, and Mr. John Russell, all spoke regarding the importance of good interim leadership within the TDC and felt that Ms. Moliterno and the WACC would be the most qualified.

Mr. Tim Norris and Ms. Mary Jo Tommas felt that the TDC staff was capable of handling the day to day operations until an executive director could be appointed.

Mr. Ken Gifford voiced support in following the Board's direction and expressed praise for the TDC staff for the hard work they have done.

Ms. Jennifer Steele-Saunders, TDC Council member, asked if the contract would be with the WACC or Ms. Moliterno. She felt that more information was needed.

Mr. Patterson asked that a clause be included that a search committee be formed to search for an executive director.

Mr. Hudson spoke in opposition to the appointment of the WACC to oversee TDC operations. He voiced concern that with the appointment, the TDC would no longer be held accountable to the Sunshine Law.

Attorney Lynn Hoshihara, County Attorney, stated that a management agreement would not preclude the TDC from the Sunshine Law.

Motion by Commissioner C. Jones, second by Commissioner Comander to enter into an agreement with the WACC on an interim basis to oversee the TDC operations and to direct the County Attorney to draft an agreement to be reviewed at the April 27, 2010 Commission meeting.

Commissioner Pridgen requested that the search for an executive director be added to the agreement.

Commissioner L. Jones felt that the Board should not enter into an agreement prior to the agreement being drafted and presented. Commissioner C. Jones agreed to amend her motion.

Motion by Commissioner C. Jones, second by Commissioner Comander, to direct the County Attorney to draft an agreement with the WACC to oversee the TDC operations on an

interim basis, and to present the agreement for review at the April 27, 2010 Commission meeting. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Fred Fox, Fred Fox Enterprises, addressed the redevelopment of the Lucky 13 Truck Stop. He requested to work with staff to apply for a Community Development Block Grant in the Economic Development category to construct public improvements needed for the renovation of the facility. He stated that two public hearings would be held explaining the details of the program. Chairman Brannon asked if the Board had already sponsored a CDBG. Mr. Fox stated that a CDBG application was made on behalf of Florida Transformer. Mr. Seigler stated that there have been two applications made for such grants.

Motion by Commissioner Comander, second by Commissioner C. Jones, to work with staff to apply for a Community Development Block Grant in the Economic Development category to construct public improvements needed for the renovation of the facility. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Seigler requested that bids be sought on the landscaping maintenance of the U.S. Highway 98 medians. Effort is being made to work with the Florida Department of Transportation's Scenic Highway Program for the beautification of these areas. Currently, inmate labor is being utilized for the maintenance. He requested approval to seek bids on the maintenance of those medians and to approach the FDOT regarding funding sources.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to seek bids on the landscaping maintenance of the U.S. Highway 98 medians. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Seigler requested an additional 30 days extension of Dr. Hart's contract, as Medical Director, to allow staff to meet with the County Attorney. Attorney Hoshihara recommended rejecting the current proposals and go out for a revised RFP giving the new criteria which is in line with the Florida Administrative Code. A recommendation would be brought back to the May 11, 2010 Commission meeting.

Motion by Commissioner Comander, second by Commissioner Pridgen, to reject the current proposals for Medical Director. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner Pridgen, second by Commissioner Comander, to approve the extension of Dr. Hart's contract by 30 days and advertise a revised RFP include the new criteria as required by the Florida Administrative Code. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

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

Attorney Hoshihara gave an update on the Special Magistrate's recommendations regarding Driftwood Estates. She reported that Intrawest is currently in the process of filing a NOPC and annual report; the GIS Department has updated the county maps to reflect the abandonment of Driftwood Drive and has submitted a letter to the Clerk of Courts requesting that a notation also be placed on the plat of Driftwood Estates reflecting the abandonment; Sandestin Homeowners' Association has denied the request for a second emergency gate but has agreed to allow the Emergency Response Division, the South Walton Fire District (SWFD), and the Sheriff's office to open the gate during emergencies; and the Public Works Department has prioritized the elevation upgrade and replacement of culverts on Harborview Drive. She

addressed the letter that was received from DCA addressing the Special Magistrates recommendations urging the hiring of an independent third party engineer. Attorney Hoshihara reserved the right to make a recommendation pending communication with DCA. She will present a recommendation at the April 27, 2010 Commission meeting.

Commissioner Comander asked for an update from Public Works regarding the installation of culverts on Harborview Drive. Mr. Greg Graham, Public Works Engineer, stated the process has begun to apply for a grant to upgrade the culverts and raise the elevations. Commissioner Comander asked how long the process would take. Mr. Graham said that he would bring that information back.

Mr. Allen Osborne addressed the issues presented by Attorney Hoshihara. He asked that the Sandestin Homeowners' Association be reminded of the legal agreement. He discussed a letter from the DCA addressing the drainage issue and the violation of the development order. He challenged the Board to hold the developer responsible for the problems. Commissioner Pridgen asked Attorney Hoshihara how the engineer study was progressing. Attorney Hoshihara stated that she had questions for DCA regarding the hiring of a third party engineer. Commissioner Comander asked if a face to face meeting has been held with the Sandestin HOA. Attorney Hoshihara stated that Mr. Graham has had a meeting with the HOA. Commissioner Comander asked that Attorney Hoshihara meet with the HOA to work out the emergency gate issue. She asked if emergency personnel have had a meeting with the HOA. Attorney Hoshihara stated that the SWFD and the Sheriff's office are working on a Memorandum of Understanding (MOU) agreement. Commissioner Comander directed that the agreement be clear as to who will be responsible for opening the gate during an emergency. She also asked for a cost estimate and a time line on the Harborview Drive project. Mr. Graham stated he did not have that information

but would speak with Mr. Allen Brown, Public Works, and Ms. Angie Biddle, Grants Coordinator. He reported on his meeting with Sandestin HOA. The HOA did not feel that a gate was necessary at Harborview Drive and would not install one.

Commissioner Pridgen addressed the cost of hiring a third party engineer. Attorney Hoshihara stated that an estimated cost of the study would be approximately \$200,000 but does not include the design and permitting. Commissioner Pridgen felt that the money could be spent on solving the problems. Mr. Osborne stated that a plan did not exist that was ADA compliant. He asked that the Board not approve the NOPC if the emergency gate is not installed and to hold the developer responsible.

Mr. Alex Kish spoke regarding the hiring of a third party engineer and felt that the county should hold the developer responsible for repairing the drainage.

Chairman Brannon and Commissioner L. Jones returned to the meeting and Chairman Brannon resumed the chair position.

Commissioners C. Jones and Pridgen had no items to present.

Motion by Commissioner L. Jones, second Commissioner C. Jones to adopt a **resolution (2010-30)** requesting legislation authorizing non-charter counties that are part of a regional transportation authority to levy the up to one percent transportation system surtax authorized by Section 212.055 (1), Florida Statutes subject to approval by a majority of the electorate of the county. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Commissioner Comander requested a **resolution (2010-37)** be adopted supporting the effort to return the remains of WWII Hero 1st Lt. Ewart Sconiers to Walton County. She gave a

brief history of Lt. Sconiers' time in the service and stated that his family is attempting to bring his remains home to Walton County.

Motion by Commissioner Comander, second by Commissioner C. Jones, to adopt **Resolution 2010-37** supporting the effort to return the remains of WWII Hero 1st Lt. Ewart Sconiers to Walton County. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Chairman Brannon requested a **resolution (2010-32)** be adopted declaring April 2010 as Fair Housing Month.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to adopt **Resolution 2010-32** declaring April 2010 as Fair Housing Month. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Chairman Brannon requested adoption of a **resolution (2010-29)** supporting the acceptance of the Seven Runs Creek project into the Florida Forever Program.

Motion by Commissioner Comander, second by Commissioner C. Jones, to adopt **Resolution 2010-29** supporting the acceptance of the Seven Runs Creek project into the Florida Forever Program. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. David Kramer questioned whether the Special Magistrates recommendations are legally binding and would the county be held in contempt if it were not followed. Attorney Hoshihara stated that it is not legally binding. Mr. Kramer thanked the commissioners for obtaining Federal grant funding. He asked if the funds had been earmarked for specific projects. Mr. Graham stated that two projects had been earmarked for this funding.

There being no further items to discuss, the meeting adjourned at 6:16 p.m. and reconvened at 6:29p.m.

Mr. Gerry Demers, Planning and Development Director; requested Board direction regarding the issuance of permits for bonfires and fireworks on the beach. Currently the permits are being issued by Code Enforcement and Planning. He reported that the South Walton Fire Department (SWFD) has requested to take over the issuing of the permits. Mr. Demers supported the change stating that it is a life safety issue. An amendment to the Beach Activities Ordinance would be required to show the change. Commissioner Pridgen asked the cost of a permit. Mr. Demers stated \$50 for a 24 hour bonfire permit, no fee for annual bonfire permits, and no fee for annual fireworks permits. Commissioner C. Jones stated that would be a loss of \$13,000. Commissioner Comander felt that the fire department would be the logical department to issue the burn permits.

Motion by Commissioner L. Jones, second by Commissioner Comander, to authorize the Planning Department and the SWFD to bring back an amendment to the ordinance for Board review.

Mr. Bill Bard questioned if this change would affect burnings on private property. Commissioner Comander stated that it is for beach fires only. Mr. Bard felt that all burn permits should be issued by the fire departments. Mr. Sammy Sanchez, SWFD Fire Marshall, stated that the Division of Forestry issues permits for yard and trash burnings. He said that the issue could be researched to see if authority could be given to SWFD to issue yard and trash burn permits.

Commissioner L. Jones amended his motion to include directing staff to investigate the ability of the SWFD to issue yard and trash permits south of the Choctawhatchee Bay.

Mr. Jack Boyd, Papa Jack's Beach Bonfire, spoke in favor of beach bonfires and stated that it is greatly enjoyed by the tourist.

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

Mr. Demers requested Board direction regarding the recognition of Point Washington existing neighborhood planning efforts. He asked that the neighborhood be allowed to begin at stage two. Commissioner L. Jones asked if specific neighborhoods were exempt in the NP ordinance. Mr. Demers stated that the ordinance provides allowances for neighborhoods that have been working to establish a neighborhood plan. Chairman Brannon stated that this has been an ongoing effort and gave a brief history of the Point Washington neighborhood plan.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve the Point Washington Neighborhood Plan beginning at stage two. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

Mr. Demers presented for first reading the Flood Plain Protection and Damage Prevention Ordinance. An ordinance amending the Land Development Code to provide for protection of flood-prone areas; providing definitions, providing for a floodplain administrator; providing permit procedures; providing standards for construction in A zones and V zones; providing for variance procedures; providing for adopted references and standards. He briefly discussed the changes made to the ordinance as listed in the Staff Report.

Mr. Kramer spoke regarding the prohibition of motor homes in the A Zone areas.

Mr. Hudson, South Walton Mosquito Control District Chairman, spoke regarding the effect the ordinance would have on the SWMCD. He requested language changes to allow for the SWMCD efforts in maintaining and installing mosquito ditches. Mr. Demers stated that the

definitions included in the ordinance were State requirements. He reported that the county only has to be notified when a mosquito ditch is altered and that permitting is done through DEP.

Mr. Kramer readdressed the RV issue stating that they are allowed only in existing RV parks but not as temporary fixtures on private property. Mr. Demers stated that the issue was with the V and Coastal A Zones. This standard is not required by the state and can be removed.

Mr. Hudson requested that Attorney Hoshihara meet with Attorney Lorraine Bytell, SWMCD Attorney, prior to the final hearing of the ordinance to discuss the language changes.

Motion by Commissioner Comander, second by Commissioner C. Jones, to move to second hearing. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye.

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

Mr. Terry Anderson, Anderson Engineering and representative of the Kirby Family, presented the Carnrite Petition for Abandonment (**resolution 2010-36**). The abandonment is a 40 foot long portion of the southern 13 feet of the overall 66 foot right-of-way known as Winston Lane within parcel number 36-3S-18-16100-000-1311. The site is located on the south side of Winston Lane, approximately 514 feet south of Walton Rose Lane. The purpose of the abandonment is to construct a carriage house within the setbacks. There will be 53 feet of easement left for roadway. Chairman Brannon questioned if the easements adjacent to this petition had been abandoned. Mr. Anderson stated that they had.

Ms. Melissa Ward, Planning Department, gave a brief overview of the abandonment petition. Staff found that the proposed abandonment maintains the minimum 50 feet right-of-way

requirement and does not appear to contravene the goals, objectives, or policies of the Walton County Comprehensive Plan and Land Development Code.

Mr. Alan Ficarra spoke against the abandonment and felt that it would not be beneficial to the county.

Motion by Commissioner C. Jones, second by Commissioner Comander, to adopt **Resolution 2010-36** establishing the Carnrite Petition for Abandonment. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye. **(Exhibits: Staff Report)**

Ms. Ward presented the Naturewalk Developer Agreement. Naturewalk Development proposes to enter into a Developer Agreement for the purpose of securing and ensuring installation of improvements for the remaining unimproved lots platted in “Naturewalk at Seagrove PUD” as recorded in the Official Records (Plat Book 17, Page 34 and Plat Book 18, Page 8, respectively). The proposal is to submit a letter of credit for the remainder of work in Phase 1 and 2. Language within the agreement would include the incorporation of covenants and restrictions, and the county would have the ability to deny building permits until the infrastructure is complete in phase three. Staff found that the agreement is compliant with the Florida Statutes, Walton County Comprehensive Plan and the Land Development Code.

Attorney Lloyd Blue, representing the applicant, was available for questions. Commissioner Comander questioned how much of the third phase had been completed. Attorney Blue stated that 15% of the infrastructure has been done. There will be no building or lot sales until the infrastructure is completed.

There was no public comment.

Motion by Commissioner Comander, second by Commissioner Pridgen, to approve the Naturewalk Developer Agreement. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye. **(Exhibits: Staff Report-1)**

Mr. Mac Carpenter, Planning Department, after being sworn in, presented Spirit Productions, a conditional use application submitted by Howard Company of the S.E., Inc., requesting a conditional use, for a one-year period, on Parcel G of Grand Boulevard. The applicant is requesting an 18,500 square foot temporary entertainment tent facility, having 1,200 seats, for Le Grand Cirque Outdoor Theatre. The site is on 3.96 acres with a future land use of coastal center, and is a part of the Sandestin DRI. The site is located at 640 Grand Boulevard. An adjustment has been made to allow for 1,100 seats rather than 1,200. He submitted an updated Staff Report.

Commissioner Comander asked if the tents would be lowered or taken down to meet the six month criteria for temporary structures. Mr. Carpenter stated that temporary structures cannot be erected more than 180 continuous days. He gave a brief overview of the updates in the new Staff Report. Commissioner Comander asked that Mr. Carpenter address the availability of restrooms. Mr. Carpenter stated that restroom facilities would be available for performers and staff in the performers' tent, public restrooms will be available approximately 225 feet from the entrance with the handicap route to these restrooms approximately 330 feet away. They meet the building code requirements and have the appropriate number for the anticipated crowd size. He did say that the restrooms are not within the tent facility. Commissioner Comander asked if the tent would stay below the 50 feet height limit, and if the traffic and noise issues had been addressed. Mr. Carpenter replied that it would stay within the height limit and that the other issues had been addressed. He requested that all of the 451 trips, approved for the hotel on the

same site, be reserved for this project. Staff found that the project is consistent with the Comprehensive Plan, Land Development Code, and Sandestin DRI contingent upon the conditions set forth in the staff report.

Mr. John Heiser, Howard Group Executive Vice President; gave a brief overview of the project and Spirit Productions.

Mr. Kramer voiced concern with the temporary use extension. He questioned what criteria would be required to meet the 180 days time frame. Mr. Demers stated that the structure is governed by the Florida Building Code and that it cannot be up longer than 180 days. Mr. Kramer asked if the site would be cleared or only the center pole taken down then immediately reconstructed to meet the criteria. Mr. Demers stated that determination would be made by Mr. Billy Bearden, Building Official.

Individuals speaking on this issue, who were not sworn in during the initial Quasi Judicial investiture, were sworn in at the beginning of their testimony.

Mr. Hollis Risley, Mr. Tom Kelly, Ms. Ann White, Mr. Pat Marshall, Mr. Kent Lillie, Mr. Tom Cooper, Mr. Jim Watling, and Mr. Larry Gibson spoke regarding this issue. Some voiced concern that the public did not have ample time to review the changes addressed in the updated Staff Report. Some expressed concern regarding traffic, noise, handicap accessibility, and the availability of restrooms. Mr. Cooper asked which department would address noise concerns. Mr. Demers replied that Code Enforcement would be responsible.

Mr. Robert C. Schleh felt that Spirit Productions should be required to pay taxes on this structure.

Ms. Moliterno stated that, as a resident and WACC President, she is excited about this venue and supports this project. She felt that this event would help build the family brand for the Beaches of South Walton.

Mr. Heiser addressed the public concerns. He does not anticipate any problems.

Commissioner L. Jones asked Mr. Demers if the concerns raised during public comment have been met by the LDC and Comprehensive Plan. Mr. Demers stated that the issues do meet the requirements. Commissioner Comander asked if hazardous weather and hurricane safety plans were adequate. Mr. Demers stated that those were reviewed and approved by the Sheriff's Department and Emergency Management.

Motion by Commissioner L. Jones, second by Commissioner C. Jones, to approve Spirit Productions as presented. Ayes 5, Nays 0. Brannon Aye, L. Jones Aye, Pridgen Aye, C. Jones Aye, Comander Aye. **(Exhibits: Staff Report, Updated Staff Report-2, Ex Parte: C. Jones, Comander, Brannon, and Pridgen)**

There being no further items to present, the meeting adjourned at 8:01 p.m.

APPROVED _____
Scott Brannon, Chair

ATTEST _____
Martha Ingle, Clerk of Courts