

## MARCH 13, 2012 – REGULAR MEETING

The Board of County Commissioners, Walton County Florida called to order the Regular Meeting on March 13, 2012 at 3:00 p.m. at the Walton County Courthouse Annex in Santa Rosa Beach, Florida in order to recess into Executive Session.

Chairman Scott Brannon called the meeting to order.

Attorney Toni Craig, County Attorney, stated that the Board of County Commissioners had requested to meet in Executive Session to discuss Suzanne Harris v. Walton County (09-CA-800).

The following Board members were present for the Executive Session: Commissioner Scott Brannon, Chairman; Commissioner Kenneth Pridgen, Vice-Chairman; Commissioner Larry Jones; Commissioner Cecilia Jones; and Commissioner Sara Comander. Also in attendance were Mr. Gregory Kisela, County Administrator; Attorney Toni Craig, County Attorney; and a certified court reporter.

In accordance to Florida Statue 286.011(8), Executive Sessions are closed to the public.

The Regular Meeting was recessed at 3:05 p.m. and the Commissioners went into Executive Session.

The Executive Session recessed at 3:47 p.m. and the Regular Meeting was reconvened at 3:48 p.m.

Attorney Craig stated that direction was needed to proceed with Suzanne Harris v. Walton County (09-CA-800).

Motion by Commissioner C. Jones, second by Commissioner Comander, to ask for a declaratory opinion of the final judgment. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, of no conflict. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

The Regular Meeting was recessed at 3:50 p.m. to reconvene into a second Executive Session to discuss Suzanne Harris v. Walton County (Case No.: 11-CA-1027).

Also attending the second Executive Session were Attorneys Bill Warner and Tim Warner, Special Counsel to the Board.

The Executive Session adjourned at 4:43 p.m. and the Regular Meeting was reconvened at 4:47 p.m.

Commissioner C. Jones led the invocation and pledge to the American Flag. Chairman Brannon called the meeting to order.

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

1. Addition: Consent Agenda 8-Reinstate TDC's budgeted FTE position
2. Addition: Consent Agenda 9-Reappoint Mr. John Dalton, Mr. Johnny Smith, and Mr. Randall Yates to the Contractor Competency Board
3. Addition: Consent Agenda 10-Accept Easement for a Communications Tower for the SLERS Project
4. Addition: Commissioner C. Jones-Pedestrian Access for Padgett Park via Paladini's property
5. Deletion: Ms. Dawn Moliterno-Beach Neighborhood Criteria
6. Deletion: Commissioner Comander-Projects

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

1. Approve Expenditure Approval List (EAL)

General Fund	\$1,043,089.32
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County Transportation	\$ 743,306.45
SHIP	\$ (25,000.00)
Fine & Forfeiture	\$1,428,853.00
Mosq. Control State	\$ 754.75
Section 8 Housing	\$ 308.02
Tourist Dev. Council	\$ 482,651.41
N.W. Mosquito Control	\$ 418.10
Recreation Plat Fee	\$ 34,150.74
Tax Deed Surplus Trust	\$ 3,486.93
Solid Waste Enterprise	\$ 476,413.73
Bldg Dept/Enterp. Fund	\$ 564.01
Imperial Lakes MSBU	\$ 2,517.66
Inmate Canteen Fund	\$ 8,381.51
Capital Projects Fund	<u>\$ 680.21</u>
<b>Totals</b>	<b>\$4,200,575.84</b>

2. Approve Minutes of February 28, 2012 Regular Meeting and February 28, 2012 Special Meeting
3. Reappoint Commissioner Kenneth Pridgen and Commissioner Cecilia Jones to the Value Adjustment Board
4. Approve surplus equipment from the Clerk's Office (CC#: 1150 and 1155)
5. Approve to reject all submittals for firms applying for the County Attorney position
6. Approve surplus items from the Probation Department
7. Approve to surplus three vehicles from the TDC and transfer one vehicle to the Legal Department and to surplus one vehicle from the Tax Collector's Office
8. Reinstate TDC's budgeted FTE position
9. Reappoint Mr. John Dalton, Mr. Johnny Smith and Mr. Randall Yates to the Contractor Competency Board
10. Accept Easement for a Communications Tower for the SLERS Project

Mr. Gregory Kisela, County Administrator, requested that ITB 012-005 Highway 2 Road Improvements be award to H & T Contractors, as lowest bidder, in the amount of \$178,747.50.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to award ITB 012-005 to H & T Contractors, as lowest bidders, in the amount of \$178,747.50 . Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Kisela requested approval of the Grayton Beach Homeowner's right-of-way agreement. The Grayton Beach Neighborhood Association is seeking permission to do landscaping within the right-of-way of Hotz Avenue.

Motion by Commissioner C. Jones, second by Commissioner L. Jones, to approve the Grayton Beach Homeowner's right-of-way agreement.

Commissioner C. Jones stated that two additional handicapped parking spaces would be provided.

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

Mr. Kisela requested approval to provide funding of the Choctawhatchee Basin Alliance in the amount of \$25,000 for water quality sampling and analysis in support of the County's Coastal Dune Lakes efforts.

Motion by Commissioner C. Jones, second by Commissioner Pridgen, to approve funding of the Choctawhatchee Basin Alliance in the amount of \$25,000. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Kisela requested to begin contract negotiations with Oasis Management Services for RFP 012-007 Inmate Commissary Services, as top ranking firm.

Commissioner Comander asked Maj. Stan Sunday to explain the commissary services. Major Sunday stated it is to allow inmates to purchase personal items such as hygiene items, food and various necessities on a weekly basis.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the negotiation process with Oasis Management Services. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Kisela reported that the Boys and Girls Club is requesting full use and management of the Recreation Center, and enter into an agreement with the City of DeFuniak Springs. The organization wants to expand their programs and will need to utilize the entire space. He requested to give the County Attorney authorization to draft and send letters to the City of

DeFuniak Springs and the Boys and Girls Club cancelling agreements; and give authority to the County Administrator to close out those agreements including signing documents on behalf of the County.

Motion by Commissioner Comander, second by Commissioner C. Jones, to give the County Attorney authorization to draft and send letters to the City of DeFuniak Springs and the Boys and Girls Club cancelling agreements; and give authority to the County Administrator to close out those agreements including signing documents on behalf of the County. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Kisela requested that RFP 012-008 Financial Advisor be awarded to The PFM Group as top ranked firm and to start the negotiation process.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to award RFP 012-008 Financial Advisor to The PFM Group as top ranked firm, and begin negotiations. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Kisela presented an update on the Highway 331 Four Laning Project. He discussed the recent visit with the FDOT District 3 Secretary and Rep. Brad Drake to request consideration of additional funding. He reported that FDOT committed to completing the U.S. 331 Corridor from the Clyde Wells Bridge to Interstate 10 and extended the county's deadline to July 1 to submit a decision. Mr. Kisela submitted a letter from Mr. James T. Barfield, District Three Secretary which states what will be provided and expected to complete the expansion of U.S. 331 by 2017. He said that Secretary Barfield suggested that tolling the bridge be revisited as possible funding. A preliminary report of the Toll and Revenue Study will be available in July, 2012. Mr. Kisela reported that the special referendum will continue as adopted by the Board.

Commissioner C. Jones questioned if the referendum could be moved to the first week in May. Mr. Kisela stated that the referendum could not be held prior to April 24, but that a later date would be admissible.

Commissioner Comander suggested that the toll option be put back on the table and require two public hearings to determine whether to continue with the referendum.

Commissioner Pridgen acknowledged the work the Walton County Taxpayers' Association has done to help get the funding for this project. He felt that this new offer is a great opportunity for Walton County.

Ms. Bonnie McQuiston, Walton County Taxpayers Association, thanked the Board for the opportunity to address the State and discussed the package presented by the State.

Chairman Brannon reported that the project is currently broken into segments, but the new offer from the State would complete the project in total. He felt that this offer would be more efficient. Chairman Brannon questioned the printing of the ballots for the special referendum. Mr. Kisela stated that funding for the absentee ballots has not been spent. He asked if the Commissioners wished to continue with the special election or have public hearings to reconsider the toll issue. Commissioner L. Jones stated that his earlier opposition to the toll was based on the original offer presented by the State; however since the circumstances have changed, he felt that the toll issue should be revisited.

Chairman Brannon suggested that the referendum continue as scheduled and then should the referendum fail, consider the toll option. Mr. Kisela and Attorney Craig confirmed that a motion would be required to reconsider the toll option.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to reconsider the toll option. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Commissioner Comander asked if there would be enough time to hold public hearings prior to the referendum on April 24. Mr. Kisela stated that a new ordinance changing the referendum date could be presented for consideration on March 27. Discussion continued on setting a May 8, 2012 referendum date and the need for public hearings to discuss the toll option.

Commissioner L. Jones said that there were two factors to consider in four-laning U.S. 331: 1. Look at development standards and; 2. Create a community redevelopment plan which would dedicate specific tax monies to pay off the bridge debt.

Chairman Brannon stated that the language of the referendum would not change. Mr. Kisela voiced concern that the public will want specific information on the toll study which will not be available until July. Commissioners C. Jones and Comander felt that the public needed the time to be educated on the project issues and voiced support in moving the referendum to May 8.

Chairman Brannon questioned if a referendum delay would cause any problems in preparation timelines. Mr. Kisela stated that his only concern is that some of the Commissioners are scheduled to be in Washington D.C. on March 27 and a quorum would be needed to vote on an ordinance. Discussion continued on insuring a quorum and advertising the meeting.

Commissioner Comander recognized Ms. Kitty Whitney's service to the Chamber of Commerce.

Ms. Whitney expressed her gratitude in being able to work with the County and discussed the Chamber's role in educating the public on the options to complete the project.

Mr. Jim Bagby stated that he had read the letter from Secretary Barfield and voiced three concerns: 1. The letter is only signed by the District 3 Secretary. The FDOT State Secretary has authority over the Turnpike Enterprise and the District 3 Secretary does not; 2. The language does not specifically guarantee funding for expansion and widening U.S. 331 from the Clyde Wells Bridge to the Interstate 10 corridor; and 3. The amount of funding committed by FDOT is not clearly stated.

Dr. Don Riley spoke in favor of the delay and stated that the language of the letter needed further study.

Motion by Commissioner C. Jones, second by Commissioner Comander, to rescind the April 24, 2012 Special Referendum, and re-advertise a Public Hearing for March 27, 2012 to consider an ordinance setting the Special Referendum for May 8, 2012. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Motion by Commissioner Pridgen, second by Commissioner Comander, to direct County Administration to set and advertise two Public Hearings to consider the tolling issue to be held prior to the special referendum. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Attorney Craig reported that she had prepared a litigation update to be sent to each Commissioner. This information is considered confidential under the attorney/client privilege.

Ms. Dawn Moliterno, TDC Executive Director, discussed the working terms between Walton County TDC and the Florida Division of Forestry to draft an agreement for land acquisition to build the new South Walton Discovery Center on Highway 98, and requested approval. She said that the project will be submitted to the Acquisition and Restoration Council (ARC) for review and approval. She also requested to advertise an RFP for architectural and

design services. She reported that it is within the State Statute to use Bed Tax funds to build the Discovery Center.

Attorney Clay Adkinson, TDC Attorney, addressed the town center impact on the property.

Commissioner Comander stated that she had received an email indicating that a lease had been signed and submitted to the Florida Division of Forestry (DOF). Attorney Adkinson stated that the DOF had sent two agreement templates for TDC review. Upon review of these documents, the TDC chose which document best suited the needs of the project, and submitted their selection with changes to DOF for review only. Ms. Moliterno stated that an agreement cannot be executed and submitted without Board and ARC approval.

Commissioner C. Jones questioned if this land did not gain approval from the committee, would other property need to be considered. Ms. Moliterno stated that the TDC did not deviate from the original recommendation to acquire that parcel.

Ms. Anita Page, South Walton Community Council, discussed the settlement agreement and voiced concern with the mediation provision within the agreement. Attorney Adkinson addressed Ms. Page's concern. Ms. Page voiced concern with the removal of public conservation land and felt that other alternatives should be sought. She also recommended rejecting the RFP advertising siting that there are too many questions needing answers. She asked if the Memorandum of Agreement will be brought back to the Board for approval prior to presenting it to the ARC. Ms. Moliterno replied that these are the working terms agreed upon by the TDC and DOF to be presented to ARC for review, not execution. Discussion continued on the agreement process.

Commissioner C. Jones asked if the TDC would be on the April 14, 2012 ARC Agenda. Ms. Moliterno stated that there is a possibility that the TDC would not be placed on that agenda.

Ms. Susan Paladini and Ms. Jackie Markell discussed the Discovery Center project, and felt that there had not been adequate public input.

Mr. Bagby discussed the use of Bed Taxes for closing costs. Mr. Bagby stated that a public hearing was needed to adopt Resolution 2011-53. Attorney Craig stated that she would have to review the adoption process for Resolution 2011-53. Mr. Bagby also asked how the current building was paid for. Ms. Moliterno stated that the building was paid for by the TDC.

Commissioner Pridgen stated that there were still a lot of unanswered question and felt that the issue should be continued to give more time for review. Commissioner Comander agreed and felt that a Public Hearing on April 10, 2012 Regular Meeting would give time for further review.

Mr. Alan Ficarra asked if Ms. Moliterno was allowed to look at other parcels. Ms. Moliterno stated that she was only authorized to consider this particular property.

Motion by Commissioner Pridgen, second by Commissioner L. Jones, to set a public hearing for April 10, 2012-Regular Meeting at the South Walton Courthouse Annex to consider the working terms between Walton County TDC and the Florida Division of Forestry for land acquisition to build the new South Walton Discovery Center on Highway 98. BCC Meeting. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Commissioner Comander recommended that staff present other land options, and present answers to the questions posed during public comment.

Ms. Moliterno requested approval of the expenditure to paint the Sandestin Water Tower and include the welcome identifier – Visit South Walton. The cost to paint the water tank is

\$144,500 for a 10 year application. She reported that after 10 years when the tank is in need of repainting, South Walton Utilities would be responsible for the base paint job and TDC will be responsible for applying the welcome identifier in the amount of \$14,000 in today's market. Ms. Moliterno also noted that the job has to be sole sourced due to Homeland Security requirements and that the South Walton Utility approved contractor may be used.

Motion by Commissioner C. Jones, second by Commissioner Comander, to approve the expenditure to paint the Sandestin water tower and include the Visit South Walton welcome identifier in the amount of \$144,500. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno requested approval of a one year agreement with the E. O. Wilson Biophilia Center in the amount of \$119,500. This agreement allows the center to be opened to the public and promoted to Visit South Walton visitors.

Motion by Commissioner Pridgen, second by Commissioner C. Jones, to approve a one year agreement with the E. O. Wilson Biophilia Center in the amount of \$119,500. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Ms. Moliterno requested to award RFP 012-009 Marketing Services to DPA as top ranked firm and to begin the contract negotiation process.

Motion by Commissioner C. Jones, second by Commissioner Comander, to award RFP 012-009 Marketing Services to DPA as top ranked firm and to begin the contract negotiation process and reject other RFPS. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye.

Mr. Brad Pickle, Seahaven Consulting, gave an update on the Federal Shore Protection Project.

Mr. Jennifer Jenkins, LKM, gave an update on the Visit South Walton brand recognition program, and reported that Walton County was the recipient of the Gold ADDY award in five categories for consumer or trade publication.

Attorney Craig announced that Attorney Adkinson has requested an Executive Session be held on March 27, 2012 Regular Meeting to discuss the BP Oil Spill claim. Attorney Adkinson stated that attorneys from the Beasley-Allen Firm would attend the Executive Session.

Commissioner C. Jones discussed the need for a pedestrian access for Padgett Park via Ms. Susan Paladini's property. A memorandum was submitted preserving the conceptual agreement of a direct access from Ms. Paladini's property to Padgett Park.

Commissioners Pridgen, Comander and L. Jones had no items to present.

Mr. Brian A. Ammons was not available to present his request for a one-time emergency repair to Catahoula Road. Chairman Brannon stated that the issue would be presented at the next meeting.

Mr. Ron Thomasson, Agent for Mr. James Griffith, reported that his client is in the process of applying for a small scale land use amendment and that an adjacent property had also recently changed its land use. He requested that the traffic study requirement be waived for Mr. Griffith's application citing that a study has already been performed on that area. He also recommended that traffic studies be eliminated as a requirement of the small scale land use amendments in accordance to the Growth Management Act.

Commissioner L. Jones asked if the Board had the ability to grant a variance waiver. Mr. Thomasson stated that it was an administrative procedure. Mr. Wayne Dyess, Planning and Development Director; stated that it was in the LDC and Comprehensive Plan that variance issues must go to the Board of Adjustments. Mr. Kisela stated that Legislature gave counties the

option to eliminate concurrency. He recommended that staff bring back information regarding the legislation to aid in the evaluation of the merits of this situation. Chairman Brannon asked Mr. Dyess how long the variance process would take. Mr. Dyess stated that the Board of Adjustments meets once a month and the length of the process was dependent upon when the variance request was submitted.

There being no further items to discuss, the meeting recessed at 6:45 p.m. and reconvened at 7:00 p.m.

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

Mr. Jason Bryan, Planning and Development, presented The Driftwood Restaurant, a major development order application submitted by Bonezzi Development Company, consisting of 6,792 square feet of restaurant with a future land use of Coastal Center. The project is located on Scenic Gulf Drive approximately 240 feet east of Miramar Beach Drive. Staff found that the evidence presented is consistent with the Land Development Code and the Comprehensive Plan with conditions as stated in the Staff Report. **(Exhibit 1-Staff Report)**

Attorney David Theriaque, Theriaque & Spain, Council for the Petitioner, gave a brief overview of the project and submitted a packet containing site plans, maps, photos and resumes. **(Exhibit 2)** He briefly discussed the lawsuits and notice of appeal associated with the property and requested that discussion regarding private-restrictive covenants be considered irrelevant and not a part of the Board's review. He requested approval of the project.

Attorney Craig asked if the applicant agreed to the conditions set forth in the Staff Report. Attorney Theriaque stated yes.

Attorney Dana Matthews, Council for Avalon Dune Homeowners' Association, spoke in opposition to the project. He voiced concern regarding the increased traffic, the private use of public property, the future land use, and the demolition of buildings south of the CCCL. He submitted a packet containing memorandum, letters, affidavits, court, and planning documents.

**(Exhibit 3)**

Commissioner L. Jones questioned the suggested agreement with the county for use of the public property for private use. Attorney Theriaque stated that the client had been interested in having San Antonio Street improved to provide additional beach access and parking. The agreement was delayed and the site plan stands without needing the road improvements. He reported that the 24 foot graveled access was a request from the Planning Commission.

Attorney Theriaque voiced objection to Exhibit 3: items 2, 6, 7, 9, and 10.

Attorney Matthews responded to Attorney Theriaque's objections and stated that the submissions were viable evidentiary material. He addressed Commissioner L. Jones' questions regarding the use of public property. Attorney Theriaque clarified that the applicants' road improvement request was withdrawn. Commissioner C. Jones stated that the Board could not enter into an agreement due to a reverter clause in the deed. She also felt that safety would be an issue.

Attorney Craig asked that the exhibits be addressed and recommended that all exhibits be entered into the record.

Attorney Matthews discussed the scenic gulf drive corridor and LDC 13.04.00 Scenic Gulf Drive Corridor (§G, §I) and stated that the eastern border access is not permitted by LDC standard.

Commissioner L. Jones asked for Staff's position on the San Antonio Street access to the project. Mr. Bryan reported that the agreement listed in the conditions was discussed during the initial stages. It was the recommendation of the Planning Commission for the petitioner to enter into a maintenance agreement of the existing conditions at this time. He stated that it is the discretion of the Board to make any changes to the project.

Mr. Tom Cournow spoke in opposition to the project, and discussed the beach access and traffic.

Attorney Theriaque asked if the respondents had rested their case. Attorney Matthews stated that neither side had rested and that anyone speaking to the Board has been sworn in and can be considered as a witness.

Mr. Cournow continued his discussion and submitted into evidence pictures and a map of the area. **(Exhibit 4)** Attorney Matthews and Attorney Theriaque cross examined Mr. Cournow.

Mr. Bob Fisher spoke in opposition to the project. He submitted photos that he had taken in November, 2011. **(Exhibits 5a-5d)** Attorney Craig requested that Attorney Theriaque review the pictures prior to discussion. Attorneys Theriaque and Matthews cross examined Mr. Fisher.

Mr. Bob Sullivan spoke in opposition to the project.

Mr. Lonnie Owen spoke in opposition to the project. Attorneys Matthew and Theriaque cross examined Mr. Owen.

Mr. Allen Osborne questioned the attorneys about the current lawsuits concerning the property. Discussion ensued regarding the Attorneys' role in a quasi judicial setting. Mr. Osborne stated that the project should not be granted approval until the lawsuits are resolved. He felt that the Board should consider what is in the best interest of the citizens.

Commissioner Comander stated that this project had been previously postponed to await a court decision and felt that the project should wait until the appeal is complete. Attorney Theriaque voiced opposition to a possible delay, and stated that the original lawsuit had nothing to do with the LDC or Comprehensive Plan. He also stated that the Board lacked the legal authority to base its decision on a private restricted covenant. Chairman Brannon questioned the similarities between deed restrictions and the LDC. Attorney Theriaque discussed a recent case challenging restricted covenants. He reported that should the appeal on the current lawsuit be granted, the judge's order would determine whether the project could continue. He stated that there is nothing in the LDC or Comprehensive Plan to require a project to comply with private covenants and restrictions. Attorney Matthews argued that the Board does have a right and discussed the appeal process.

Mr. Robert Burgess spoke in opposition to the project. He presented and discussed photos of churches, and the traffic associated with their services. **(Exhibit 6)**

Chairman Brannon exited the meeting; Commissioner Pridgen assumed the Chair position.

Mr. Osborne stated that the Board has the authority to make a decision in the best interest of the citizens. Attorney Theriaque voiced objection to any evidence presented on private restricted comments.

Mr. Tim Stewart spoke in opposition to the project and voiced concern with the traffic issues.

Mr. James Grantham spoke in opposition of the project and felt that it was incompatible with the neighborhood. Attorney Theriaque cross examined Mr. Grantham.

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

Attorney Craig asked that those speaking limit their discussions to issues and opinions not yet discussed.

Mr. Robert Shone, Mr. Shane Cochran, and Mr. Al Christopher spoke in favor of the project.

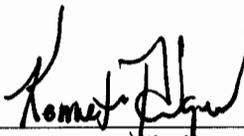
Ms. Diane Shapiro spoke in opposition to the project.

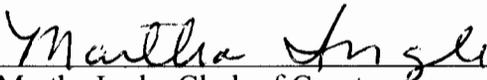
Mr. Bill Bard stated that he had not been sworn in but wished to speak. Attorney Craig administered the Oath to Mr. Bard. Mr. Bard spoke in opposition to project.

Chairman Brannon suggested that due to the lateness of the hour, that the issue be continued to the April 10, 2012-Regular Meeting.

Motion by Commissioner L. Jones, second by Commissioner Pridgen, to continue Driftwood Restaurant to April 10, 2012 at 5:00 p.m. or soon thereafter. Ayes 5, Nays 0. Brannon Aye, Pridgen Aye, L. Jones Aye, C. Jones Aye, Comander Aye. **(Exhibits: 1-Staff Report; 2-Petitioner Submission; 3 thru 6-Respondent Submissions; Ex Parte: Brannon, Comander, C. Jones, and Pridgen)**

There being no further business to discuss, the meeting was adjourned at 9:00 p.m.

  
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Scott Brannon, Chair

  
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Martha Ingle, Clerk of Courts