

DECEMBER 16, 2003-LAND USE HEARING

The Board of County Commissioners, Walton County, Florida, held a Land Use Hearing on Tuesday, December 16, 2003 at 4:30 p.m. at the South Walton High School.

The following Board members were present: Larry Jones, Chairman, Commissioner Ro Cuchens, Commissioner Lane Rees, and Commissioner Kenneth Pridgen. Mr. Mike Underwood, County Administrator, and Attorney Gary Vorbeck, Legal Services Director, were also present.

Chairman Jones led with prayer followed by the pledge of allegiance to the American flag. He then called the meeting to order. Attorney Vorbeck re administrated the oath to those individuals who would be speaking on the matter.

Attorney Dana Matthews called Mr. Jimmie Ray as his next witness. Mr. Ray spoke of the property that he owns in Flamingo Village and stated that he felt that the greatest thing that could happen to his property was a Boys & Girls Club. Attorney Thomas Tomasello cross-examined Mr. Ray concerning the location of Mr. Ray's home in regards to the proposed project.

Mr. Matthews called his next witness, Mr. Crawford Bare Henley, President and Chief Professional Officer of the Boys & Girls Club. Mr. Henley addressed the Board to give his testimony and address the public concerns. He spoke about the steps taken during the process of the project. Mr. Matthews introduced his next exhibit into the record, a 2000 Fall Program Guide for the Waterville Area Boys & Girls Club and the Waterville Area YMCA (**Exhibit #8**). Mr. Henley presented a power point presentation illustrating the design of the facility in Waterville, Maine. He discussed the facility's membership fees and lighting. The power point presentation also demonstrated lighting

used at a middle school in Cartersville, Georgia. Mr. Henley spoke about the proposed lighting for the project in south Walton. Mr. Henley stated that one of the issues of concern was if the project could be seen from the beach. Mr. Matthews entered four photographs taken from the beach into the record (**Composite Exhibit #9 (1-4)**). Mr. Henley reviewed and explained each of the photos.

Commissioner Rees questioned Mr. Henley regarding what would happen to the facility if it were closed. Commissioner Pridgen inquired about the outside activities at the Waterville Area facility.

Attorney Tomasello cross-examined Mr. Henley regarding his education background in engineering, his participation in the 20/20 Recreation Visioning Committee, and the Youth Demographic Analysis. Mr. Tomasello introduced a Youth Demographic Analysis (**Exhibit #10**) into the record. Mr. Tomasello also questioned about the four key characteristics that “define the essence of a Boys & Girls Club,” the mission statement of the proposed project, and the adult usage of the facility.

Ms. Christine Guard cross-examined the witness concerning various aspects of the proposed project including: the populations of other counties where similar facilities were reviewed, the proposed lighting for the project, spill light, buffers, habitat in the area, characteristics of a scrub area, and a maintenance plan for the buffer area. Ms. Guard also questioned about the public address system.

Mr. Matthews asked Mr. Henley to identify the documents in tabs 30 and 31 in exhibit #4 as true and accurate copies. Mr. Henley stated that they were. Ms. Guard objected to Mr. Henley authenticating the documents.

Mr. Matthews entered three computer discs containing the information that was presented by Mr. Henley into the record (**Composite Exhibit #11**). Mr. Shirley objected to any material such as citizen interviews that may be contained on the discs. Ms. Guard objected to the discs being entered into the record. Mr. Matthews also entered five aerial photographs of the site into the record (**Composite Exhibit #12**). Mr. Shirley objected to the photographs being entered into the record because he had not had a chance to review the photographs. The Board recessed briefly to allow Mr. Shirley to review the photos.

The Chairman noted that exhibit #2, Planning Department staff report, had been returned to the clerk and was reentered into the record. There were no objections to this being done. Mr. Matthews asked Mr. Durbin, Planning Technician II, to identify where Noble Dunes Subdivision, Topsail Village, Butler Elementary School, and Beach Place were located on a map contained in exhibit #2.

Mr. Matthews called Mr. Mark McMullen as his next witness. Mr. Matthews questioned Mr. McMullen regarding the aerial photographs that were entered into the record as composite exhibit #12. Ms. Guard and Mr. Shirley objected to the photographs. The Board noted that the photos would be entered into the record. Mr. McMullen reviewed and explained each of the photographs. Further discussion was held regarding the photos. Mr. Matthews questioned Mr. McMullen regarding the document contained in tab 16 of exhibit #4. Ms. Guard objected to the document in the notebook and also to the computer discs being entered into the record. Mr. Matthews further questioned Mr. McMullen regarding the various documents contained in tabs 19, 23, 26,27,28, 32, 34, and 36 of the notebook. Mr. Shirley objected to all of the documents contained in exhibit

#4. Mr. Shirley requested an opportunity to review the computer discs that had been entered into the record by Mr. Matthews.

Mr. Matthews called Mike McManus as his next witness. Mr. McManus presented a petition in support of the Boys & Girls Club to the Board. Mr. Matthews questioned Mr. McManus about the data contained in the petition and then submitted the petition into the record (**Exhibit #13**). Mr. Tomasello objected to the petition being competent substantial evidence. Discussion was held regarding whether or not to accept the petition as an exhibit. With the objections noted, it was the Board's decision to accept the exhibit into the record. Mr. Shirley reserved the right to recall Mr. McManus for re cross-examination if there were any further comments after review of the petition.

Attorney Tomasello gave his opening statement and submitted into the record an amended list of aggrieved or adversely effected parties (**Exhibit #14**). Mr. Matthews objected to Mr. Tomasello's opening statement. Mr. Tomasello stated that through the testimonies of his witnesses he would be able to demonstrate that the project is not an allowable use. Mr. Matthews objected to exhibit #14 being entered into the record.

Mr. Tomasello called Mr. Lynn Dell, Electrical Engineer, as his first witness. Mr. Tomasello entered into the record a white notebook containing several documents (**Exhibit #15**). He also entered into the record a separate document identified as Mr. Dell's resume (**Exhibit #16**). Mr. Dell spoke about various elements associated with exterior lighting including: glare, light spill and sky glow. He felt that because of these items the proposed lighting for the project is inconsistent with the area. Mr. Dell reviewed and explained several of the documents and photographs contained in exhibit #15. The Board recessed briefly.

Mr. Tomasello questioned Mr. Dell regarding the proposed lighting for the project. Mr. Matthews cross-examined the witness regarding lighting standards and the impact of surrounding projects on sky glow in the area. Ms. Guard questioned Mr. Dell regarding the type of proposed lighting that would be used for the project. Mr. Matthews further inquired about the recommended maximum illuminance levels for Zones E1-E4.

The Board held discussion regarding a date to schedule another meeting to consider the South Walton Athletic Facility. It was the general consensus of the Board to hold a meeting on Thursday, January 15 at 4:00 p.m. Another meeting was scheduled for Tuesday, January 20 at 4:00 p.m.

Attorney Tomasello called his second witness, Mr. Martin Regan. Mr. Tomasello questioned Mr. Regan regarding his opinion of whether the activities for the proposed project qualify the facility as a non-profit organization. Mr. Tomasello also questioned Mr. Regan about his opinion of the facility's tax-exempt status. Mr. Regan spoke about the possibility of the facility losing its tax-exempt status and the possible outcomes if this were to happen. Attorney Matthews cross-examined the witness.

Mr. Tomasello called his next witness, Mr. Patrick Culligan, President of The Hospitality Consulting Group, Inc. Mr. Tomasello questioned Mr. Culligan regarding the Boys and Girls Club Youth Demographic Analysis and the "demonstration of need" for a South Walton Athletic Facility. Mr. Tomasello felt that the Youth Demographic Analysis was not a demonstration of need for a facility such as the one proposed. Attorney Matthews cross-examined Mr. Culligan regarding the 20/20 Recreation Visioning Committee Report located in tab 23 of exhibit #4. Attorney Tomasello furthered

questioned Mr. Culligan and entered Mr. Culligan's resume into the record as an exhibit **(Exhibit 17)**.

Motion by Commissioner Rees, second by Commissioner Pridgen, to continue the meeting on Thursday, January 15, 2003. Another meeting will be scheduled for January 20, 2003 if necessary. Ayes 4, Nays 0. Rees Aye, Pridgen Aye, Jones Aye, Cuchens Aye.

There being no further business, the meeting was adjourned at 10:00 p.m.

APPROVED: \_\_\_\_\_  
Larry D. Jones, Chairman

ATTEST: \_\_\_\_\_  
Martha Ingle, Clerk of Court