

MINUTES

PLANNING & ZONING COMMISSION

MEETING

SEPTEMBER 23, 2010

6:00 PM

PRESENT:

Chair Diane Sheffield
Larry Ganus, Vice-Chair
Frank Rowan
Ed Allen
John Yerkes
Mari VanLandingham
Judge B. Helms - School Bd. Rep

ABSENT:

Dr. Tony Arnold
Catherine Robinson
Alonzo McBride
Dr. Gail Bridges-Bright
Willard Rudd

Staff Present

Anthony Matheny, Growth Management Dir.
Jean Chesser, Deputy Clerk

CALL TO ORDER:

Chair Sheffield called the September Regular Public Meeting to order at 6:02 PM with a quorum present and then led in the pledge of allegiance to the U.S. Flag.

Each member stated his/her name and district for the record, and Chair Sheffield then turned the meeting over to Mr. Matheny.

APPROVAL OF MINUTES:

UPON A MOTION BY MR. GANUS AND A SECOND BY MR. YERKES TO APPROVE THE P&Z MINUTES OF THE AUGUST 18, 2010 AND THE AUGUST 25, 2010, WORKSHOPS WITH NOTED CORRECTIONS, THE COMMISSION VOTED 7-0, BY VOICE VOTE, IN FAVOR OF THE MOTION. (Correction pg. 10 of 8/25 meeting - Changed language to reflect "Mr. Helms left to attend previously scheduled Church Activity.)

PUBLIC HEARING --: New Israel Church of Jesus Christ, Inc., -- Special Exception Use with Site Plan Review (SE-2010-10, SP-2020-10 -

Location: 532 Dusty House Road - 1,200 feet south of Cox Road, 0.45 mile east of Mt. Hosea Church Road, one mile east of SR 267 (Old Bainbridge Hwy) and 6.5 miles north of Quincy

Tax Parcel ID #: 1-35-4N-4W-0000-00341-1200

Type Hearing: Quasi Judicial

Mr. Matheny said this is the only item being presented for consideration by the Commission at tonight's meeting and he was then sworn by the Deputy Clerk.

Mr. Matheny said the request, as shown in the agenda package is a Class II type action (Quasi Judicial) with the applicant requesting a special exception use with site plan review, with departures to allow a 1918 sq. foot church on a 1.237 acre parcel. "It is a special request to deviate from the normal procedures to get approval for a church in a residential area. You can have a church in a residential area, but this church does not meet the site requirements listed in the LDC. There are a number of requirements that the church does not meet; one of the main ones being that you are not allowed to enter access to another type of use through a residential area."

Mr. Ganus said one of his major concerns is the safety issue with the water; only a 3" water line in the area which is one-half of the requirement for fire use. He asked if there is a 6 inch line anywhere in close proximity to this area and Mr. Matheny said not that he is aware of, and if there was it would have to run down the side of the main paved road which is where it would need to be.

In response to questions from Mr. Yerkes, Mr. Matheny said the line, according to Code, is supposed to be a 6 inch line and is also supposed to be within 500 feet of the structure.

Mr. Yerkes asked if the applicant discussed any alternate sites and Mr. Matheny said they had not; not with him or his staff.

Mr. Matheny said the applicants are using a mobile home that had previously been approved as a mobile home in a residential area, but then they started holding church functions in that mobile home. They were not approved for a church and they had moved modular units onto the property that had not been approved to be placed there. He said the applicant has a 60

foot easement going from the main paved road back into the property. "On that easement they have a dirt road of varying widths - I'm sure it's -- what we require is a minimum width of 22 feet and in some places it may be more than 22 feet, but it's a dirt road. There's no drainage, no - it presents a lot of problems not only for potential flooding and pooling, but it presents problems with emergency vehicles being able to safely access the site; especially if it became muddy and you had numerous vehicles creating ruts and you had safety vehicles following behind. You've just got a lot of concerns about safety in this project."

Mr. Yerkes "If they had a big event; a storm that came through that was a deluge and they were trying to get help in there with emergency vehicles or whatever, there would be potential problems is what you're saying?"

Mr. Matheny "It would be a potential problem because there is no clearly defined drainage structures, whether that be swales, culverts, or whatever. It's just, now the water flows off the property and there is a grade where it flows off the property but we're not sure of the rate of flow and we're not sure of the pooling depth or anything like that. Those figures have not been provided by their engineer."

Ms. VanLandingham "Well, ya'll in my packet I have a piece of paper from EMS - Don Crum - that says he does not anticipate having any problems getting in or out of this location as far as EMS and fire is concerned."

Mr. Yerkes "In good weather?"

Ms. VanLandingham "He doesn't say that; he doesn't say in good weather or in bad weather."

Mr. Matheny "And that may be true. I mean, it may come - that's an unknown. That's an unknown on how a heavy rain event could affect that area. I can just tell you there's not normal drainage so I don't know. It's an unknown."

Mr. Ganus "What type of construction will this be?"

Mr. Matheny "They're going to put the modular units together. They're going to take out the mobile home and put the modular units together and use that as the Church."

Mr. Ganus: "Will it be the modular units that are on site now?"

Mr. Matheny "That's my understanding."

Mr. Ganus asked what type of condition the modular units are in and if they are up to Code and Mr. Matheny said "they look to be OK, but I can't tell you that. That would be a building official call. They would have to inspect the units; they would have to see if they are up to State of Florida and International building codes but that would be only if they got approval for the land use to go ahead and the building official would step in at that point."

Mr. Ganus "Well, let's just do a 'suppose' here. Suppose they had applied for an upgrade to their facility as a dwelling unit. Would we be having this discussion now?"

Mr. Matheny "If they wanted to go back to a dwelling unit like the mobile home that's there? Not really. We're having a discussion because it's a whole different use; they want to go to a general assembly use where the public assembles and its--"

Mr. Ganus "Do you know what their membership is? What their typical attendance is?"

Mr. Matheny "I think they would have to answer those questions. They are here, I believe."

Mr. Helms "The land use, is there enough acreage to build what they're anticipating?"

Mr. Matheny "Yeah, there's enough room to do it. It's the fact; again, these other concerns. There's enough room to do it, but now they're going to have to - if they were approved they would have to put in a storm water facility behind where they want to assemble the modular structures. That's got to be done correctly and there's got to be the correct opacity. That is a buffer that is in a thickness that meets Code. They've got to save trees. They did not mark, they indicated on their site plan that they had trees that were under our 18" protection. That's not correct. We went out and measured those trees so they would have to work out a plan. I think in Option #2 I gave you a long list of what they would have to correct to be approved. Now those are going to be costly. Those are going to take time. If it was approved it would be up to them to have to follow those, each of those items so,

but my recommendation is, you know as you've seen, to deny the project. I don't think it meets the intent spirit of our Comprehensive Plan."

Chair Sheffield "I had a concern about the trees that need to be protected and I can't understand how trees could be miss-measured."

Mr. Helms "I see that they have a survey and had all of the surrounding people sign and no one objected to having the church built there, is that correct?"

Mr. Matheny "That's what they've indicated. That's what we know."

Mr. Allen "I notice here that the membership will not have the financial resources to pave any road in the future and that, along with the water issue - I believe the water issue is one of the bigger things in public safety. Of course, they would have to fund that project, too. So, it is hard to agree to this with the special exceptions that are involved."

Mr. Matheny "Exactly, again you have option 2 but there is 20 items to be addressed. You know, it can be done but it's not following the spirit of our Comprehensive Plan or the intent."

Mr. Helms "These items that we are addressing that do not meet Code; if this is not approved tonight do they have the option of going back and correcting some or most of these items and bringing it back for approval?"

Mr. Matheny "Well they do, but you're not going to correct - you're not going to correct one of the big ones and that's the fact that the first thing I said was you're accessing a non-residential use through a residential neighborhood and the use terminates where the neighborhood ends back there so you're not going to correct that one."

Ms. VanLandingham "Is what they're doing now an illegal use?"

Mr. Matheny "They're not supposed to be there."

Mr. Ganus "What's the penalty for them being there now?"

Mr. Matheny "Well, the penalties, if you read our Comprehensive Plan and Land Development Code are -it's kinda all over the board - there's a lot of grey area there and a

lot of it is at the discretion on how it is perceived by the County Administrator through staff recommendations and the County Administrator can take it to a judge and the judge can, I think, exercise a lot of different options as far as monetary damages or tell them to cease and desist. There's things that we try, that can be done, that we try to avoid doing."

Mr. Ganus "One of the reasons that I'm asking some of the questions I've asked is that I know church groups a lot of the time get their start in homes, and this is zoned for a home to be on this piece of land. Sometimes the groups get on up into the teens and twenties at some of these homes that hold church meetings and nobody ever says anything about that, so first thought that occurred to me was that if this was a home and they wanted to meet in it, there's no rule against that that I know of, is there?"

Mr. Matheny "Another one where there's grey area. I mean it's just like people have large gatherings and meetings and don't get permits to do things on their property and generally we're not out policing those kinds of activity. If somebody now was using; let's just say a neighborhood was having regular church service in that neighborhood and using that home as a church, you've got parking concerns, you've got ingress/egress concerns, you've got fire safety, you've got noise, you've got all kinds of concerns so once somebody complains, yes we would address that as a use that was not allowed up in that neighborhood. "But to say there aren't people - I'm sure there are people doing that in homes, but"

Mr. Ganus "Well this one apparently has been going on for a while and there's no mention in here of anybody complaining about them being there doing that, so--"

Mr. Yerkes "It probably wouldn't be that unusual."

Mr. Matheny "No, I'm sure they're not the only ones doing it in the County but it's the fact that it was brought to our attention and when it's brought to our attention we have to address it and see if it meets Code, so --"

Mr. Ganus "Right."

Mr. Matheny "You have a situation here that should not be allowed and that's the way --"

Mr. Yerkes "I've got one more question before the Chair asks them to come up. If this is approved that would mean that this Section 5611.g5, 'Accessing Non-Residential Uses' that you're concerned about; that would mean that any other thing that would come before the County that would be similar to this that a precedent has been set and you can't very well approve this for that reason without approving other ones coming?"

Mr. Matheny "Well, you know, good practice would tell you that if you didn't approve this one for that reason, you wouldn't want to approve future uses that fell in the same category, but all the time boards do things that aren't -- you know I can't tell you that that's not going to happen in the future, that either this Board or the BOCC is not going to approve something just because they turned something down in the past. I don't know, but the spirit of what you're saying is true."

Mr. Yerkes "Ok, so if this is approved and then somebody else, maybe not even a church and somebody comes in to complain about there's something going on in a closed in residential area and you find out that what it is is a use other than residential and then whoever is doing it says 'well, you approved this and then you're up the creek -"

Mr. Matheny "Yeah, they certainly could do that and then again it's up to you all and the BOCC whether or not to follow precedent or not. I mean, I can't tell you what would happen but they could make an argument with that, that you allowed it and people do that all the time in other places that I've been, you know, they'll say 'well back in 1992 you let this go in' so that happens all the time. It's a problem if you deviate from the Comprehensive Plan and the Land Development Code. In my opinion, you're setting yourself up for future problems. But, that's why ya'll are here to exercise your judgment and the BOCC to exercise their judgment."

Mr. Yerkes "And we don't always agree."

Mr. Matheny "No, sir, all I can do is give you facts and let you decide."

Mr. Helms "So what we're saying is that we discuss it and we talk about it and we make a recommendation and this group also has the opportunity to go before the Board of County Commissioners to make a final decision."

Mr. Matheny "Right."

Chair Sheffield "All that we do is make a recommendation."

Mr. Yerkes "And if we make a recommendation and you don't agree, then you can go before the Board of County commissioners as an individual stating your contrary position and most of us have done that before, but you may get scolded."

Mr. Ganus "Yeah, you may get scolded, but you can still do it."

Chair Sheffield "Let's hear from the applicant."

Mr. Peter Okonkwo, Professional Engineer representing the applicant appeared before the Board and was sworn by the Deputy Clerk.

Mr. Okonkwo "I'm here on behalf of the Church to try and explain what they are trying to do. This church has been at this location for 15 years and has never been an issue. The thing with the roadway that he mentioned, I took a map of the site and if you look there is absolutely no problem with drainage; it slopes real well and there will be no flooding or forming of water and that's why you got the letter from EMS saying they don't have an issue getting in and out of there because there are no issues with that. Now with respect to the water line, Talquin only has a 3" line around that area and this issue is not uncommon in the county. There are quite a few places within the County that doesn't even have enough interest to serve the community."

Ms. VanLandingham "Do you know where the nearest 6" line is located?"

Mr. Okonkwo "Almost a mile away. We have spoken with Talquin and they don't have any interest in digging a bigger line in the area. The danger of fire goes beyond the church - houses are vulnerable, too and they have quite a few residences in the area so it is not just the church; it also represents these houses in case of a fire, because these houses would also like to have water line to fight it, but that isn't available. So, I don't think that is something that could be held against the church because Talquin doesn't have the line or is not willing to provide any of these services for the community - forget the church. Now there is a 3" line and a 3" line roughly is not the ideal capacity to provide for a fire, but it has been done. It has been done in the past."

Mr. Okonkwo went on to explain he understands the danger of fire and it could happen, but it hasn't in the 15 years they've been there. He discussed the capability of placing a booster pump on a 3" line to provide sufficient pressure, just in case it is needed. He said this could be an option if the commission should choose to look at it. He also discussed possibility of a fire hydrant being installed closer to the church, as well as the possibility of installing "2 hour" walls (fire wall - doubling up on sheetrock that would deter/slow fire) that would allow a 2 hour time for fire department to get there. He responded to Mr. Yerkes that if they didn't have the water supply, it wouldn't do any good to try and install a sprinkler system. He said there is the option of installing a booster pump on the 3" line to provide additional pressure if there is ever a need, installing the fire walls for additional 2 hour time for fire department to get there.

Mr. Yerkes said generally when there is a facility with people in it, maybe they have never had a fire, but when they do have a fire in that situation and people get hurt, it is usually because they don't have appropriate exits and nobody knows how to get out.

Mr. Okonkwo explained the church will have enough exit areas or doors to get out of should there be a fire. He said there will be two regular exit doors and one emergency exit door.

Mr. Yerkes referred to the site map Mr. Okonkwo had presented and Mr. Matheny had mentioned earlier that if there were heavy rains and it got flooded that it could be hard to get out of there, but when looking at the elevations on the map it looks like there is about a 10 foot drop in elevation across about 50, 60 or 100 feet.

Mr. Okonkwo stated the church has good drainage and whoever the person was that said it has poor drainage has not walked or been over that property; is not very familiar with the site. He said drainage has never been an issue and that is why there is the letter from EMS because they have been to that property.

Mr. Okonkwo said they have been through the community and they have talked to everyone in the community and no one has a problem with the church being there. He said the key issues that have been mentioned here, really are not key issues. The issue about the road is not; the issue about the water is not - they have options to deal with that.

Ms. Sharon Smiley Gainous, owner/applicant was sworn by the Deputy Clerk.

Ms. Gainous explained they had not started out to be where they are today; that they had just started out having prayer meeting at the house that led to where they are now. "We are not law breakers and I understand by Code that we have broken the law but it was not our intention. What we have is a very small membership of about 20 people with their little children. We serve the community with a food pantry. We have been there for 15 years and we would like to be legal. We need extra room where we can provide more food for the community, or a larger place to store some of that food. Some of the members from the community are here; and some of them have come to receive food from that pantry. What we want to do is to be able to meet there legally, with our small group and provide services for this community. What we need to do, we will do that, providing that we are able to do it. We are not rich people, we just support people in a poor community; therefore, we saw the need for this pantry there so we are asking you in this case, if there is anything that you can do to help us out - we're willing to work if you could just help us out. I want to ask this question though. If the place, if I was just living there what is the concern for safety for me as a citizen, just living there and not having a prayer meeting there?"

Chair Sheffield "On that issue, residential homes are going to have two, five, six people in them and when you have a larger group of people meeting at one time, I mean that's where the safety issue comes in. It's not the same as a residential -"

Mr. Yerkes "And, there may be more disparity with a larger group than with a close knit family. But, it looks like everything he (Okonkwo) is talking about doing would be a - the booster, the break-out walls and the windows - all of those things will lower the chances of something happening; and of course if you end up limiting anything that is stored in the Church - don't have closets with a lot of stuff in it that may be flammable and all of that then I think you're back to his (Matheny) main concern which is going through a residential area to have access to something that wasn't residential; that's the biggest problem right there."

Ms. Gainous said she doesn't understand that because they own the easement and Mr. Yerkes asked that Mr. Matheny explain this to Ms. Gainous and that he can appreciate how they are all concerned or confused about it.

Mr. Matheny said the Code does not allow it - doesn't allow access to a non-residential use through a residential neighborhood.

Chair Sheffield "Let me make one point. The access road is not considered a public road -"

Mr. Matheny "it's a driveway."

Ms. VanLandingham "It's an easement isn't it?"

Mr. Matheny "It's an easement but it's a driveway on the easement that goes back to the Church."

Chair Sheffield "It's not a County-maintained public road?"

Mr. Matheny "No, it is not a County-maintained public road."

Chair Sheffield "Because I'm sitting here thinking of other churches that I know of that you drive through residential areas to get to them - like one that is on Richbay Road, but that is a public road."

Mr. Matheny "That is a public road. You can go through neighborhoods to get through - you can't - this is a private driveway and also another issue, too, which they want to deviate from the reason for a special exception was to be allowed to keep that dirt road - that's supposed to be a paved road going back - that drive is supposed to be paved."

Chair Sheffield "So if the County owned that road this would not be an issue, right?"

Mr. Matheny "Well, I would have to look at that but the County doesn't own the road --"

Chair Sheffield "I know that, but I'm just trying to make it understood."

Mr. Matheny "It's still, it's a - the use is within a residential neighborhood at the end of a private road so it's not allowed. Now the County is not going to take over that road so it's not even a scenario to entertain."

Chair Sheffield "Oh yeah, but I wasn't suggesting that. I was just trying to make that part understood, that if it was a public road it would be a different story."

Mr. Okonkwo explained this is a driveway coming off of a County road and is the same situation as when you drive on any County road and when you get to the Church you drive on the driveway at the site of the Church.

Mr. Yerkes asked if the property, Dusty House Road property fronted on the edge of the paved road, could the church be located there and not be a violation.

Mr. Matheny said "that would be Ok there."

Mr. Yerkes "Ok, now if this was a driveway - I'm just working my way down through it - if what he's saying is a driveway back to where the Church is going to be, that's a driveway to get to the property is that not different than going through a residential section?"

Mr. Matheny "No."

Mr. Yerkes said he didn't understand what the difference would be.

Ms. VanLandingham asked how many people the Church's food bank serves every month, and Ms. Gainous said they serve anywhere from 80-100 people per month; there are designated times and the people are familiar with the times and they are all served pretty quick.

Mr. Allen asked how close the nearest fire department is to the property.

Ms. Dawn Jones was sworn by the Deputy Clerk and said there are other businesses in the same neighborhood - the Shiloh Church, a truck stop and a volunteer fire department that are in the same area as Church. She asked what the difference is because you have to go through the residential area to get to where they are because Mr. Matheny had said there is nothing bigger than a three inch line out there - what's the difference, they could all catch fire and would all need water strong enough to fight a fire?

Ms. VanLandingham said maybe Mr. Matheny could answer that question.

Mr. Matheny "Those uses would have no bearing on your decision on this. We haven't researched that and I don't know what line they are on. I don't know the capacity. I don't know how that happened."

Ms. Jones said she could walk from the volunteer fire department down to the Church.

Mr. Rowan explained in his area there are no water lines, but they have a volunteer fire department and they do have fire protection and that he believes this is the same situation the applicant is in. He said in his area the volunteer fire department has a tanker truck and pumper that they use in fighting fires and he believes that is one of the requirements of the volunteer fire departments.

Mr. Matheny "Ya'll let's go back to the access through a residential area again. The reason for that is two things - to prevent folks from going through residential neighborhoods to access other uses like stores, industrial, whatever. You generally access those uses off county roads, State roads and highways. That's the way you access those uses so you're trying to prevent folks from having transportation corridors going to those uses through residential neighborhoods. That's the intent of it. Now, having said that, when you look at a special exception you are considering on a case by case basis, (inaudible) uses, benefits, and impact; any other mitigating factors which affect the other surrounding areas of the County so you have great discretion here if you think it's not going to be a major impact, if you think what they've been doing for a long time is fine - you need to take all of that into consideration and it is a little bit unusual case. It's not an everyday typical thing and I asked Jill how many she had seen come through like this and I think in four years she hasn't seen one exactly like it."

Mr. Yerkes "I think if we approved it that it needs to be stipulated in our comments that we had the consideration that they own the road that goes out to the main road and normally that is not what you run into. It's like a long driveway to the back of your property."

Mr. Matheny "Well you could, if ya'll feel that's important to state."

Mr. Yerkes "I would, to keep it from coming back as an exception use somewhere else when we don't want to do it. You could see, and it could be obvious in another case where they have to go through a big residential area and they are aggravating a lot of people in that residential area."

Mr. Matheny "--You have to take all those factors into consideration and you also have other options - you have Option # 2 which is to approve this with the other stipulations that they make the required changes to make it a more conforming use.

Mr. Allen Williams was sworn by the Deputy Clerk and asked the Commission give favorable consideration and approval to the request. He said no one in the community has any objection to the applicant's request and it is so needed and appreciated by the residents in the community.

Ms. Adream Struger was sworn by the Deputy Clerk and asked that the Commission also give careful consideration and approve the request as the Church has a great food (boxed and canned goods mostly, sometimes some cheese, etc) ministry program, a needed service and they are providing food through their food harvest to residents in the community.

There was additional discussion on the financial difficulty the applicant/church would have in complying with some of the proposed conditions and Mr. Okonkwo asked that the Board look at those conditions being required by staff for approval and suggested staff work with the applicant as some of the recommended conditions are extremely costly and the church cannot afford to do them - they don't have a lot of money.

When asked if all of the things the applicant was proposing to do - the three doors, the fire walls, the smoke detectors because when these people would probably be more diligent about smoke detectors than the average person would be in their own home, Mr. Matheny said "anything they do to improve safety, and if they're approved and are not instructed to make all these other changes which we identified - anything they can do is obviously going to make it a better situation and we support that. Now, as far as when -- if they are approved on the land use to go ahead and do the church as far as construction of the building, ingress, egress, safety exits, lights, firewalls; that's all a building official - Clyde will be monitoring that. They will have to do a number of those things. Anything they do above and beyond Code is, of course,

welcomed." He further stated he thought everyone in the Community was in support of this request.

Ms. VanLandingham said she thought she read in the application that they were going to take those modular units existing on site now and put them together, and Mr. Matheny responded "That's correct, so they could put - when you put them together I think there are some different techniques you can use to use the fire separation but that would be something the building official would have to monitor; that would not be in our department."

Mr. Ganus asked if this is approved tonight will it have to come back before Planning & Zoning and Mr. Matheny said it would not because it is for a special exception to go ahead and do what they want to do here.

Ms. VanLandingham explained it is her inclination to try and work with this group because they are doing a good thing in the community and even though they were not permitted in the beginning they are willing to try to work with the Commission and address some of the issues. She said she would be in favor of looking at Option # 2 and maybe striking, deleting or adding - just go through each condition.

In depth discussion and consideration was given to each condition listed in Option #2 of the attached agenda request; conditions a-t and the following action was taken.

UPON A MOTION BY MS. VANLANDINGHAM AND WITH A SECOND BY MR. GANUS TO APPROVE OPTION # 2 WITH CONDITIONS "A-M" AS SHOWN IN AGENDA PACKAGE EXCEPT IN CONDITION "L" - DELETE THE WORD 'PAVED'. STAFF IS TO WORK WITH APPLICANT ON CONDITION "N" TO COME UP WITH A REASONABLE SOLUTION. DELETE CONDITIONS O,P,Q. CONDITION "R" ADD LANGUAGE THAT 'NO PROTECTIVE TREES ARE TO BE CUT, WITHOUT CUT TREES BEING REPLACED'. CONDITIONS "S" AND "T", ADD WORDING 'AS PROVIDED BY STAFF'. THE BOARD VOTED 7-0, BY VOICE VOTE, IN FAVOR OF THE MOTION.

Appreciation was shown by the audience with a resounding round of applause.

Chair Sheffield inquired about the workshops on the rest of the EAR Amendments and Mr. Matheny said the workshop is scheduled for September 30 and the Public Hearing would be the regular scheduled Planning Commission Meeting in October, and he recommended moving the October meeting to the 21st of

October rather than the 14th. He said that would give the consultants some additional time to prepare everything and it would also give them one more out, if the meeting next Thursday (September 30) runs out of allotted time, if the Commission feels they have finished with their work-shopping, then staff can quickly advertise for another workshop and get it in if they have to. He said I'm not going to recommend that because I think we've met; you know I think we are kind of taxing our consultants in asking them to meet more than what they had actually planned on meeting and what they're doing, so you know they are charging for that, too; and we have a finite budget with them." He also said he thinks they can get it all done next Thursday; that they have spent considerable time with Mr. Allen and Mr. Haber on the Wetumpka-Lake Talquin Overlay Plan and also considerable time with Mr. Yerkes on the US 90 East Corridor and that Ms. Pennington is making the changes as best she can. "No, they are not all going to be exactly what they want but -"

Ms. VanLandingham "Why not?"

Mr. Matheny "Because some of it is - we have to stay focused on what's required in the Settlement Agreement. Some of the items that these gentlemen have indicated probably fall outside of that, and those are - we can't solve every problem in those two areas with this. We've got to solve the area plan problems and move on. Now that doesn't mean we can't come back at some later date and fix some things. We can, but Marina is the expert in what DCA is expecting from us, and again she has spent plenty of time receiving these comments via email, and many of them by both email and personal meetings."

Ms. VanLandingham asked if all of the changes, everything the Commission did in their previous workshops was addressed in this new package and Chair Sheffield responded "No."

Mr. Ganus "That is all under the bridge there".

Mr. Yerkes "You just cross your fingers that it's in there."

Ms. VanLandingham said she counted six times where the Commission had asked specific questions of staff or Preble Rish and the questions just were not answered; they said that either they didn't know or the questions were ignored.

Mr. Yerkes said the one he has been following is the one from last November where they have been trying to get liquor sales and liquor distribution out of the residential areas and that keeps staying in there.

Ms. VanLandingham "I have a ton of questions about where stuff was --"

Mr. Ganus "You're too late."

Ms VanLandingham "I have never seen minutes from this Board that contained so much 'confusion' it seemed like --"

Chair Sheffield "Well, we're going to see a final copy before the Public Hearing, right?"

Mr. Matheny "No --"

Chair Sheffield "No?"

Ms. VanLandingham "I have a real problem with that. Number one, I'm not voting - I don't feel comfortable voting for anything I haven't read, especially with all of this confusion as to what's in and what's out, and if we are going to be provided a copy of it to review prior to voting on it, I need it more than a week."

Mr. Ganus "We will get a copy to review before the Public Hearing though, will we not?"

Chair Sheffield "They're saying No."

Mr. Matheny "No now there's nothing that - you talking about everything that we have worked on?"

Mr. Ganus "Yeah, a comprehensive copy of everything we've done."

Mr. Matheny "Sure"

Ms. VanLandingham "And, I want it more than a week in advance of voting on it."

Chair Sheffield "Well, we're going to be voting on it in October --"

Mr. Allen "Not only that, but they got a revision in last week just before the meeting."

Chair Sheffield "You understand that we've seen where we discussed changes that weren't added and then they don't come back as changes, or they were different than what we talked about which is why we want to see a final copy."

Mr. Matheny "Well, hopefully they'll be in that final copy that you get prior to the meeting."

Ms. VanLandingham "And in a timely manner to give us time to review it?"

Mr. Matheny "The consultants are going to do the best they can to get it to you."

Mr. Ganus "Well, let's just say a what if here. What if there's a lot of stuff that's not in the final copy, or it's wrong and we vote the thing down. What happens then?"

Chair Sheffield "Uh Oh."

Mr. Ganus "I'm not going to vote for something that does not contain what we have changed and approved."

Ms. VanLandingham "Exactly, all this work that we did."

Mr. Matheny "That inaudible with the consultants, not me."

Mr. Ganus "Well, there's no sense in us going through this exercise if we're not getting the results that we offered."

Mr. Yerkes "There's a good answer that came back from DCA that Ed wants to tell you about. Ed what did they tell you that if you just can't make it - what should you do?"

Mr. Allen "To just delay it."

Mr. Yerkes "And why did they say you should delay it? What did they say about other counties."

Mr. Allen "Because you don't want to vote on something that you didn't approve or something that was wrong" He said DCA had told other counties the same thing "just delay it."

Chair Sheffield "And if we delay it, then there's no telling what's going to get changed in there if Amendment IV passes."

Mr. Allen said in a response to him from Ms. Pennington she had said "we will have a draft ready for September 30. If they get the draft on September 30 and they have to vote on it October 14, that he will not vote on it."

Mr. Matheny said what Ms. Pennington was referring to was information that is being delivered to the Commission tonight and what will be delivered Monday. He said "staff's reviewed that. You are not going to get all the other things - you're just doing this on the 30th. Now we will have to get everything that you've discussed in workshops with her; her updated revisions based on your comments. Based on what happened in the workshops, we'll have to get that to you."

Mr. Allen "And when are we going to review that, or are we going to review it? If our workshop is scheduled for September 30 and our public hearing is October 14, when will we review what we've done?"

Mr. Matheny "As soon as - I'm going to talk with her tomorrow and as soon as we can get that to you, we'll get it to you."

Chair Sheffield "What Ed is saying is we don't have a meeting scheduled to discuss the final draft, right?"

Mr. Matheny "No, you don't."

There was additional discussion concerning the mining issue and the need to have that issue addressed now and Ms. VanLandingham said her question is whether the Commission is being told by Staff and the consultants "not to do what we're supposed to be doing." Mr. Ganus said "These are the kinds of things we are going to have to look at real close - the things we remember and wrote down in our notes and we're going to have to lay them down side by side with the final copy and see if it's in there and if it's not then it's going to have to be delayed."

Mr. Matheny suggested the Commission email any concerns they have and if it's something they want to delay or whatever it is they want to do because he needs to make sure Ms. Pennington is aware of it. He suggested they email directly to Ms. Pennington or to him.

Chair Sheffield said she didn't want to delay because that could be really dangerous and Mr. Ganus added "not unless there is a good and sufficient reason for delaying; if it's not complete or not correct then it should be delayed."

Chair Sheffield "Right, I agree with that but I don't want to just tell Marina we're going to delay this."

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION
AT THIS TIME, THE MEETING WAS ADJOURNED AT 8:30 PM**

DIANE SHEFFIELD, CHAIR

Jean Chesser, Deputy Clerk