

MINUTES

PLANNING & ZONING COMMISSION

WORKSHOP

SEPTEMBER 30, 2010

6:00 PM

PRESENT:

Chair Diane Sheffield
Ed Allen
John Yerkes
Larry Ganus
Dr. Tony Arnold
Judge B. Helms – School Bd. Rep

ABSENT:

Catherine Robinson
Frank Rowan
Mari VanLandingham
Willard Rudd
Alonzo McBride
Dr. Gail Bridges Bright

Staff Present:

Anthony Matheny, Growth Management Director
Jill Jegli – Senior Planner
Jean Chesser, Deputy Clerk

The meeting was called to order at 6:35 PM, and Chair Sheffield recommended the Overlay Plans for Highway 90 East Corridor and Wetumpka-Lake Talquin not be considered at tonight's Workshop. Both of the Overlay Plans will require a lot of time for both P&Z Commission input and public input; that the County Attorney needs to review the language first and that she doesn't feel the Commission should be working on language that may not even be legal. Chair Sheffield said she has discussed this with Mr. Matheny and they agree this would be the best way to proceed with the Overlay Plans; to have separate meetings for the Overlay Plans in order to give them the time and consideration needed, rather than try and hurry them up tonight or to hurry them up before the 21st of October. She said "for one thing there just hasn't been enough time to finish both of those Overlays; there's been so many changes to them. In fact, I'm seeing one here on the 90 Corridor that was updated the 29th, and what we have in our package is on the 26th, but I think you've pretty much incorporated all of the changes that need to be incorporated into that, but I agree with Anthony that the attorneys need to look at these Overlays to make sure we are on the right track."

Mr. Yerkes "Justin also has new maps, too."

Chair Sheffield "So, that's my thinking on it. Anthony do you want to add anything?"

Mr. Matheny "Sure. I agree totally. We had talked over a series of days and culminating in a meeting just a little while ago about our concerns with all of the recent changes that Marina's been receiving. Now she has been incorporating those changes from whatever commissioner was sending her the changes. We, they're all put in there but there was one today that I think

came from Commissioner Yerkes that we have not been able to incorporate yet, but we were going to hand it out as a supplement tonight if we went forward, but I do think the smarter move would be to wait until we've had a chance to have some more in-depth workshops. The way it works here in our County is the County Administrator has to approve all of the attorney's time working on anything and so far we have not given these to the attorney to look at but – Frankly they were changing so much, our area plans, that we wanted to wait until we had a final version for her to look at. I think the smart thing to do would be to let me talk to the County Administrator, get approval for our attorney to review all these plans. Look at them to make sure they're legal. We have concerns coming in from parties that are going to be affected greatly by these plans so I don't think it would be fair to try and get that approved on the 21st and then nine (9) days later try to send it to the County Commissioners for their consideration. I think we're opening up a lot of potential problems so I do agree with Chairman Sheffield that we need to wait.”

There had been questions as to whether or not the Workshop could continue without having a quorum present and BOCC Chairman Lamb advised Chair Sheffield they could continue with the meeting, but could not take any action.

Mr. Ganus asked if that meant they couldn't make suggestions on changes and Chair Sheffield said she thought they could go ahead and discuss the Transportation Element.

Mr. Matheny “Right and I would recommend tonight just focusing on the two elements. I would recommend waiting completely on the area plans until we get back as staff and with our consultants, look at some appropriate dates. The important thing right now is to stay on track with our EAR based amendments and these are the last two that you have in front of you, the Transportation and the Capital Improvement Elements. And, we can do those tonight as a workshop environment. You will get all eight amendments on Monday, revised in a new packet so you will have plenty of time to review them between now and the 21st when we have the public hearing and you vote on them. But, the area plans will come later. It's going to be delayed.”

Mr. Ganus “So they will not be a part of the EAR based amendments then?”

Mr. Matheny “No they will not be. They will be a totally separate issue. They will come at a later date after the attorneys have reviewed everything, we've had a chance to set up any additional workshops that ya'll may feel that we need to set up or that the attorney feels we need to set up. That's my recommendation tonight. We can go ahead and discuss the two elements and then we're ready to move forward with our meeting on the 21st.”

Mr. Yerkes “Anthony, one thing. Marina sent me questions and comments and things – suggestions for reviewing, certain things for changes and they were worked on and sent back. The revisions that I sent back that had been revised, the 29th version, is there any reason why that couldn't be given out for them to look at or do you want to wait until that is finalized or is there further reviews ya'll want to do before it's passed out?”

Mr. Matheny “I don’t mind – we did bring that tonight as a supplement and I don’t mind giving you that when you leave tonight. That’s not a problem at all. We just don’t want to get into that discussion.”

Mr. Allen “Anthony on the EAR based Amendments meeting on the 21st, can we made changes to that – to the elements?”

Mr. Matheny “Yeah, you can do anything you want to on the 21st, but hopefully after tonight and what you’ve already done on the other six – you know, you’ve hopefully made most of your changes. You know where on the 21st we’re ready to go.”

Mr. Allen “Well this document that I was given just before the last meeting, I didn’t have time to go through it at the last meeting and I think we need to discuss it because it wasn’t even discussed. It was with a revision and a new policy so –“

Mr. Matheny “Well, I think we can do that on the 21st. In the meantime if you see anything else that concerns you, send your comments on to Marina, but on – not on the area plans again, but just on the ear based. We’ll discuss them on the 21st and then if ya’ll want to make changes to anything then we’ll leave out of that meeting as soon as you officially vote on it and we’ll make whatever changes and then we have to quickly get those changes to the County Commission because the County Commission will get the same package that you’ll get Monday. They’re going to get it at the same time so they can start reviewing these EAR based amendments as well.”

Mr. Ganus “Will we get a packet with all of our revisions on Monday – a complete set?”

Mr. Matheny said that was correct and Ms. Pennington added that she has provided County staff with the first six (6) elements and that she had done her very best to make certain everything that had been discussed in the workshop of August 18th; so those six elements have those changes from the workshop and some additional comments that Mr. Allen had submitted on those elements; all of that will be in the County’s hands Monday. She also said she is anticipating no major changes in the two elements being discussed tonight – Transportation and Capital Improvements Elements and if there are no changes then she can have them to the County tomorrow morning. She said if there are any changes she should still have these two elements to the County by Monday morning. She asked that the Commission review their packages to their notes from the meeting of the 18th to be certain she had not missed anything, and if they saw something to let her know.

CAPITAL IMPROVEMENTS ELEMENT:

Ms. Pennington said there were some recommendations in the EAR Report for changes to the Capital Improvement Element; the changes being updating the definition of financial disability which was changing the Statute in the last few years; and they have made that change. She discussed changes made to Policy 8.4.6 and 8.4.7 of the Capital Improvements and said those policies must comply with the new definition by December 2011 – she said that is not a deadline set by them; it is required by the Statute. She also discussed Policy 8.3.7 requiring the county to

adopt a proportionate fair share mitigation ordinance. Ms. Pennington said this is a requirement that came into play several years ago; the county should have done it but they haven't and it must be done by July 2011. She said there was a recommendation on the EAR to re-evaluate the Concurrency Management System and it is shown as Policy 8.5.6.

Mr. Ganus asked for clarification on the format of the new draft as the word "Policy" on almost all of the pages in the Capital Elements Element is in red and he asked if that meant there was a change to those specific Policies.

Ms. Pennington responded No, that she did that because the word "Policy" was not included in the format she had been provided by staff, but if the word Policy was already in the format as Mr. Ganus explained, then there would be no change.

Mr. Ganus also asked about some of the policies that have been re-written, re-worded, changed around, additions and none of that is shown in red. He said the deletions, strike-throughs, etc. none of that is shown. He said he thought to begin with his old book was out of date and he went to the Internet and printed it off there and it is almost identical to his old book but is nothing like the new one.

Chair Sheffield asked if possibly the Internet had not been updated and Ms. Pennington said it had not.

Mr. Ganus "Then how are we supposed to know what we're dealing with here, how do we make comparisons on what's been added, subtracted, moved, missing, or whatever. We're back to where we were in the first meeting. If you recall, we had nothing to compare to without laying the books side-by-side."

Ms. Pennington "The language we have taken is what the County adopted. The last amendment to the Capital Improvements Element was done in 2009 when the County adopted the Public Schools Facilities Element. I believe what happened is that the web site hasn't been updated."

Mr. Ganus "Yeah, because it's dated June, 2001."

Ms. Pennington "Oh, well this one (indicated copy she had been given by staff) is dated 2009 – 2013 and that is the one she has been using as the current one."

Mr. Ganus "Then how do we know, as Planning Commissioners, what we have now, other than just seeing the finished product here, we don't have that transition document. Does anybody have a copy of it?"

Chair Sheffield "Do you see any glaring problems with it?"

Mr. Ganus "Well there are things left out that was in the old plan and I couldn't figure out where they went." He also said a road paving list has been left out and Ms. Pennington said all of that was the data and analysis. She said what is adopted in each of the elements is the goals, the objectives and the policies.

Mr. Ganus then asked if it was going to be part of the Comp Plan when they revise it and Mr. Ford explained the data and analysis is basically a supplement to the Comp Plan – it's why you put in policies; goals, objectives and policies – it's why you did that; why you adopted those goals, objectives and policies.

Mr. Ganus “Then where will it go if it is not a part of the Comp Plan?”

Ms. Pennington said “It is a supporting document, but what the County adopts is the goals, objectives and policies. The data and analysis is supporting in goals to the State; the agencies review it, but it is not adopted.”

Mr. Ganus “Well up until this point in time, or 2009 whenever it was changed, all of that was in the Comp Plan.”

Mrs. Pennington “In fact once a year the County has to adopt, every local government has to adopt by December 1st an updated list to the Capital Improvement Plan and that list comes from the budgeted process that the local government does, so the local government does the list on every capital project they are going to be doing –“.

Mr. Ganus inquired as to where he could get a copy of that list and Ms. Pennington said it has to be adopted by December 1st and it is not part of the EAR based amendments. It is a regular amendment that every local government has to do, and Mr. Ford added it is a separate document; it is a Capital Improvements Plan.

Mr. Ganus “So you're saying that's not any longer a part of the Comprehensive Plan like it used to be?”

Ms. Pennington referred to Policy 8.4.3 of the Capital Improvements Element and said if the County complies with that Policy by December 1st it will be incorporated into the 2010-2014 –

Mr. Matheny “But it probably won't be done by December 1st.”

Mr. Ganus “Well as long as, there still is going to be a list, right?”

Mr. Ford said he “Preble-Rish” met with Mr. Williams and helped the Public Works Department generate that specific road paving list, so there is a list and it's being prioritized by Mr. Williams because there has been some turnover in personnel in Public Works. He said the list is being refined again, and that he is sure it's in an effort to make the update that is due in December. He said he knew Charles Chapman has the '09 update to that element because they have to use that when they apply for Grant Funds. Mr. Ford said he also has a copy of the Capital Improvements Plan and would be happy to get the Commission a copy of it.

Mr. Ganus “Ok, if it could be included with what we're getting next week would be fine; and when can we get the web site updated? Who does the web site?”

Mr. Matheny “That’s under Charles’ department. We give them the information. Sometimes they get it when we want them to and sometimes they don’t, but it’s under him – they’re, he’s managing that along with about –“

Mr. Ganus “Anthony, if you could just put this on your mental list of things– could we get things when they’re updated –the things that are updated on a regular basis so that we can stay current On what we’re dealing with because it’s a little frustrating to have old documents, documents that are ten years old and then you go to the web site and get the same thing, you know.”

Mr. Matheny “Of course in the past history I’ve go no idea of what you have, so I’m going from this point forward.”

Mr. Ganus “Well we haven’t been updated on this Commission in about ten (10) years that I’m aware of.”

Mr. Matheny “Then it’s time to get it updated.”

Mr. Ganus “Yeah it is.”

TRANSPORTATION ELEMENT:

Ms. Pennington said the highlight of the Transportation Element is that it used to be called The Traffic Circulation Element. She briefly discussed Objective 2.5 which is required for the promotion and support of an efficient public transit service. She said the Legislature had passed legislation a couple of years ago requiring local governments to adopt policies and objectives in their Comp Plan to review the greenhouse gas emissions from the transportation sector and that Objective 2.6 as shown in the Transportation Element does that. Ms. Pennington said she had worked early on with CRTPA for data and analysis regarding this Element. She also said she sent a copy of this draft Element to the Florida Department of Transportation; they reviewed and said it looks great.

Mr. Yerkes asked about the information concerning the promotion of all the public transportation systems, sidewalks, park and ride etc. – All of these policies with the economic situation the way it is and the uncertainty of inflow of funds coming into the County, and when all of these policies go in and there is no funding at all, how is that viewed?

Ms. Pennington said if it’s not done, it’s just not done, and the County can set up a more realistic date. She said she had previously advised the Commission there are a lot of things that should have been done and have not been done and that is why she chose 2012 for getting most of those things done; but if the Commission has a better date that she will be glad to change it. She said they could leave the 2012 date and if the economic conditions don’t improve then the county can change the date if they need to.

Mr. Yerkes discussed the Federal Government requiring States to do certain things when the States have no funding available, and then the States doing the same thing to the counties, and with putting dates in there that he thinks it would a better mechanism if the dates could be called

or referred to as a “soft date”; and then something that would require great expenditures to have some sort of safety net to go out without having to come back and go through a bunch of amendments. He said that may not be practical, but he wanted to ask the question, particularly on things like this when talking about going green.

Mr. Matheny said the County has been awarded a Bike Ped Master Plan Grant to do an assessment and find out how the County can do better with multi level planning with those elements. He said that will be put out to bid around March of next year and they are waiting on Capital Regional Transportation to do their own study and identify bike ways, trail ways, walkways, etc.; they will be doing a lot of the basic research and data collection for the County. Once that is received (in February or March) it will go out for bid and a consultant will be hired to help the County do their own plan so they can meet some of these requirements. He said on the other unfunded mandate that is as unsure as Amendment IV.

Mr. Yerkes said to tie into that situation, there was a situation in Midway where a sidewalk project was done (\$300,000.00) going to nowhere and it had become a big joke with citizens in the area. He said the money should never have been spent by the County on that sidewalk and if the people in the area say they are not going to use these things, and then the County shouldn't spend the money on it – that's hundreds of thousands of dollars. So, on these policies would it not be a smart thing when the planning for it begins to check with the citizens in those areas to find out if there is a legitimate case to spend the money on.

Mr. Matheny said they will be doing that through the Bike Ped Grant in assessing the walkways, bike ways, trail ways, etc. connect to others. He said as long as he is here there will not be any situations like that where there is no inner-connectivity. He also responded to Mr. Yerkes as to the cost for these types of things that all of that information and data will be part of the assessment; the usage, the population, the community patterns.

Mr. Allen said the same thing had occurred on Joe Adams Road where \$300,000.00 was spent on sidewalks and antique lamp poles. He said the previous Board of County Commissioners was responsible for that, and the only thing he could add would be that “the Commissioners have the last say.”

Mr. Yerkes responded, No Comment and then added that money could have been used in a situation just like the request of the New Israel Church that came before P&Z on September 23. That money could have been used to build a road into that Church and that would have been a great project rather than some of these other things being talked about.

Mr. Ganus asked to go back to the Land Development Code – Capital Improvements Element – He said Policy 8.3.1 as shown in his old book is probably better covered by Policy 8.2.1 in what they have now. He said in the old book there were policies on level of service standards that impact development and re-development – sanitary sewer, potable water, solid waste, drainage, roads and recreation. He asked where they would find those now.

Ms. Pennington said each Element has policies with those levels of service; they haven't been deleted and may have been repeated in the Capital Improvement Element, but definitely each Element has that.

Mr. Ganus said the one he is most interested in is on drainage and he doesn't recall that information being included anywhere with those specific numbers and so forth.

Mr. Ford said that is included in the data and analysis for the Settlement and Mr. Ganus asked if the data back-up and analysis has the same full force that the Comp Plan does, and is it a part of the Comp Plan.

Mr. Allen "Anthony, you did say that data and analysis will be in our packages that we get Monday, right?"

Mr. Matheny "No."

Ms. Pennington responded No,

Mr. Matheny "No, it is a separate document; it's a support back-up document."

Mr. Ganus asked if a developer, anyone, or even the County could get a variance to those levels of service rather than doing what is supposed to be done and Ms. Pennington said if the level of service is in the Comp Plan there is no variance on that.

Mr. Ganus "But he just said it wasn't in the Comp Plan."

Ms. Pennington "It is in the Comp Plan. He's saying it's on the data and analysis and I'm looking in the Comp Plan to find it."

Mr. Ganus "I don't think it's in there. I don't recall seeing those specific; that list that's in the Old Comp Plan."

Ms. Pennington "I know we haven't deleted it." She then referred to Infrastructure Element Policy 4.6.1 addressing Mr. Ganus' questions. Mr. Ganus said that also brings up another issue which is the Gadsden County Storm Water Policy and Procedure Manual also has not been updated either –

Mr. Matheny "Let me jump in here for a second. Larry, respectfully, are we talking about – are we still on the Transportation or Capital Improvement Element, or have we just gone off to another –"

Mr. Ganus "Well, I'm bringing us back to that with my next statement that the Gadsden County Storm Water Policy has not been updated latterly either because it references; it says in here that 'there are several policies in the Comp Plan listed, but not limited to below that are applicable to storm water management in Gadsden County. It is these policies and objectives that serve as the basis of the policies and procedures herein. Therefore the actual language in the Comp Plan is

used as an understanding of the intent of the policies and procedures outlined herein'. "Mr. Ganus said if the Comp Plan has changed then all of the Storm Water Management policies and procedures have changed but have not been updated; so we have a hodge-podge of documents here that none of them cross-reference any more."

Mr. Matheny "Then that's something that we'll need to look at and address if that's a fact then we'll need to look at it. "

Mr. Ganus "Good luck because there's a bunch of work to be done and who knows what has been changed. You're going to have to go back through every item and look at it."

Mr. Matheny "And I can tell you, respectfully it won't be done in any short period of time because there's two elements there and that's people and money. It takes quite a while to do the new research to whatever you're talking about, it doesn't matter so we'll – I will take note of that and get back to look at what we need to change."

Ms. Pennington said she did not see anything in the Infrastructure Element that made specific reference to the cross drainage that Mr. Ganus inquired about.

Mr. Ganus asked if it was possible the drainage portion was deleted when the 2009 update was done and Mr. Matheny responded he has no historical context on that so he has no idea.

Mr. Yerkes said they have heard for years that there are so many things that need to be changed. He said he agrees there is not enough staff and he would be willing to do anything to help with the Board of County Commissioners that they need to hire a couple of additional employees to get in there and help get this done – it is extremely important.

Mr. Matheny said what they need to do will take years and they need to go through and look at everything systematically – make all the language in the Comp Plan and the other supporting documents mesh. He said that would be a monstrous job.

Ms. Pennington said the Comp Plan has been changed and the next step is to change the Land Development Code because the Land Development Code obviously doesn't reflect these changes and probably doesn't reflect a lot of changes in the Comp Plan over the years. She said what is even more critical is the adoption of a zoning map. Gadsden County doesn't have a zoning map and they need to adopt one, otherwise in the land uses they are putting into the Comp Plan a level of details that doesn't need to be there. She said the Zoning Map has to be consistent with the land use, with the Comp Plan.

Mr. Matheny said he is looking at talking with the County Administrator for additional help next year for a complete revision to the Comp Plan.

After some additional discussion Mr. Pennington said she will have both elements discussed today to staff for packages that will be sent out to the Commission members Monday.

THERE BEING NOTHING FURTHER TO COME BEFORE THE COMMISSION AT THIS TIME, THE MEETING WAS ADJOURNED AT 7:30 PM

DIANE SHEFFIELD, CHAIR

Jean Chesser, Deputy Clerk