

**AT A SPECIAL MEETING OF THE BOARD OF COUNTY COMMISSIONERS HELD IN AND FOR GADSDEN COUNTY, FLORIDA ON TUESDAY, MAY 3, 2011 AT 4:30 P.M., THE FOLLOWING PROCEEDINGS WERE HAD, VIZ**

**Present:**       **Sherrie Taylor, Chair, District 5**  
                  **Gene Morgan, Vice-Chair, District 3**  
                  **Eugene Lamb, District 1**  
                  **Doug Croley, District 2**  
                  **Brenda Holt, District 4**  
                  **Debra Minnis, County Attorney**  
                  **Arthur Lawson, Interim County Administrator**  
                  **Muriel Straughn, Deputy Clerk**

**CALL TO ORDER**

Chair Taylor called the meeting to order explaining that the purpose of the meeting was to review Ordinance 2010-005 – Citizens Growth Management and Planning Bill of Rights.

**CITIZENS GROWTH MANAGEMENT AND PLANNING BILL OF RIGHTS**

Growth Management Director Anthony Matheny stated that since the board met last, he had a meeting with the county attorney which resulted in the Power Point presentation which he then presented.

Ordinance 2010-005 went into effect in May 2010. The intent of the ordinance was to increase citizen participation in land use decisions.

He continued, “The requirements of the Citizen’s Bill of Rights: Must conduct a meeting when applying or submitting Comp Plan Amendments and Major Land Use Department Reviews including, but not limited to variances, special exceptions, major site plans, major subdivision plans and small and large scale map amendments. Some of these are defined, as a matter of fact; all of them are defined later on in the presentation. So, if you will bear with me until we get to that, I will be happy to elaborate.

Continuing on with the requirements, you’ve got to mail out to citizens within ½ mile of whatever site is affected. A perfect example is a land use amendment that we are working on right now out off Highway 12. We sent out a notice to those within ½ mile and those folks got the notice and came to the meeting. Quite a few, actually. You have to put an ad in newspapers. So far, we have been doing all three newspapers as required by our past administrator. We made sure that everything we did went into all three newspapers. The applicant must conduct a meeting on their property at the sight that is going to be affected. The Planning Department must receive and verify that the meeting took place and whatever attendees were there. They have a signup sheet. We put all of that into our file to make sure that they actually did have a meeting. The applicant must show any concerns and issues that were

resolved as a result of that meeting. If folks were concerned about something, how the applicants address that? If they didn't address it, they have to bring it before the Planning Commission and this board for further review and discussion and consideration.

### **Neighborhood Participation**

The Planning Department must compile a list of neighborhood associations. We contact them to let them know what the applicant is doing and how it might affect their neighborhood. If you are doing a change in the Comprehensive Plan or our Land Development Code, you have to have your meeting 30 days before the action is sent to DCA. Whatever the applicant is doing, before we send it to DCA, the meeting has to be 30 days before that. Now, we don't know what is going to happen in the future with DCA. This may not even be required in the coming months. Everybody is up in the air. I keep trying to find out what is going to happen, but nobody knows for sure. So, that may not be required in the future. But, you have to have a second meeting 15 days before the adoption hearing. So, before this board meets to adopt the change in the Comp Plan or Land Development Code, you have to have a second Citizen Bill of Rights meeting. That is the way that it currently stands.

You have a cooling off period. Comp Plan amendments cannot be changed seven days prior to the public hearing. That gives folks a chance to digest what is going on without putting a change in there that they might not have time to digest. So, you can't do anything seven days prior to the public meeting. Material changes must be available to the public at least 5 days before the public hearing. So, any changes you made prior to the seven, you've got to make sure that the public has notice of it at least five days before the public hearing.

### **Changes Require Super Majority Approval of BCC**

All items requiring a Citizens' Bill of Rights Action requires a **supermajority** approval by the board. That means that four of the five commissioners have to vote to approve it. Also, to amend this ordinance or to repeal this ordinance, you also have to have four out of five votes. All actions requiring a Citizens Bill of Rights action must protect Gadsden County environmental resources and adhere to the Comp Plan and LDC. So, if it is contrary to what is in the Comp Plan or the LDC, you shouldn't even consider it.

There is no free density. What this means is that AG lands converted to urban density such as rural residential, shall only be undertaken with additional land is provided for public use in exchange. It doesn't not say specifically 1:1. If you convert 10 acres of AG, it doesn't say to urban density. It doesn't say that you are going to get 10 more of them. It is not specific on it. It is implied, I think, but it says AG lands converted to urban density shall only be undertaken when additional land is provided for public use in exchange. Like a park.

Urban Service boundaries shall be developed around the county's municipalities by 2014. This is actually already in our Comp Plan. Objective 1.1.5. That is nothing new.

Some definitions we thought would be helpful. We define developer as any person, including the governmental agency undertaking any development as defined in the code. A development is defined in Chapter 380 in the Florida Statutes. For the purposes of this chapter, development is defined as man made changes to improve the unimproved real estate including, but not limited to buildings, septic tanks or other structures. Mining, dredging, filling, grading, paving, excavating, drilling operations for permanent storage of materials. The term development includes activities described and redevelopment.

We continue on with our definitions. A **variance** is a relaxation of the terms of the ordinance. Such variances shall not be contrary to the public interest. A variance may be made when there are conditions peculiar to the property and not the result of the actions of the applicant. A literal enforcement of a regulation would result in unnecessary and undue hardship. A good example of a variance would be somebody asking for relaxation on their setbacks for whatever reason. It may be due to natural concerns or the historic shape of the property or whatever that they can't meet the setbacks. So, instead of being 10 ft. away from the property line, they are asking to be five feet. That is a good example of a variance.

**Special Exceptions** – certain proposed uses may only be permitted in a given land use district by special exception approval as a Type II application, meaning that it has to go to the Planning Commission and the County Commission to be heard. Special exceptions are considered on a case by case basis weighing its proposed use and its benefits and impacts and any other special mitigating or other factors that would affect the surrounding properties and the county. Projects approved by special exception are not considered to set a precedent due to the individual attention paid to siting, buffering and mitigation and other factors during permitting. A special exception might be someone wanting to have a business – a neighborhood commercial would be a special exception. You are going to hear each one individual and judge it on a case by case basis. If it doesn't fit in with the character of the county, the neighborhood, what impacts it's going to have off-site. In fact, you are going to look at all those things. It has to go the Planning Commission and it has to come before this board for approval.

**Major Subdivision** – means that a subdivision of existing parcel or parcels into six or more platted lots. Eight or more lots with a limitation of site built homes. So, that is the breakoff when it becomes a major and not minor. Major subdivisions also include subdivisions of proposed subdivision that require provisions for publicly dedicated infrastructure. Major subdivisions are considered class II requiring Type II process. Again, what that means is that it is going to the Planning Commission and it is coming to ya'll for review and consideration. All major subdivisions require a formal plat of the property consistent with Chapter 177, FS. All replats or resubdivisions of recorded subdivisions and certain minor subdivisions require subdivision review. An applicant may undergo a major subdivision review for a subdivision of less than 6 lots if desired by the developer. That rarely ever happens.

**Site Plans** – a lot of folks – I know that one of the areas where there have been many questions about – the development plan for one or more lots or parcels, which is shown existing proposed conditions of the lots and parcels including all the requirements set forth under Code.

There are site plans and then there are site plans. A site plan for someone wanting to put into a trailer or to build a house is much less stringent about than a site plan for a major development such as a subdivision or a commercial or industrial development where there are storm water concerns, traffic concerns, and those kinds of things – buffering concerns. The site plans grow much more complex as the actual development grows and there are going to be more off-site impacts.

**Small Scale Map Amendment** – This is when you amend the Future Land Use Map (FLUM) to go from one land designation to another land use designation. You could go from zero to ten acres. It does not currently require DCA and approval. All we do is notify DCA if you all approve.

**Large Scale Map Amendment**- Amending an area of the Future Land Use Map to go from land use designation to another that is great than ten acres. DCA will be involved in that unless it is showing that it is between ten and 20 acres and it shows an economic development benefit. An example would be Rural Residential going to Commercial and you were going to show some type of future economic development benefit such as the creation of jobs. At that point, they might approve it as a small scale. But I didn't want to get into that. It can get really confusing. But, in general – small scale/large scale. Excuse me, I will be glad when the attorney can talk some and give me some rest.

**Possible Changes to Consider** – These are just things that you might want to look at. These are not suggestions from me or our attorneys. These are things that you might want to look at. If you want to make it less arduous on applicants, people that want to take specific actions, you may want to remove the variance, special exception, major site plan from actions that require a Citizen's Bill of Rights meeting. Major Site plans, as those plans require an in depth class II review, which we talked a little bit about a while ago, heard by the Planning Commission and this board. Site Plans for Single Family Housing applications will not be considered major site plans.

A little language that our attorney helped us with – all Citizen Bill of Rights requirements are in addition to the requirements under the LDC, which requires the County to publish and mail a notice to all property owners within 1,000 feet of the proposed development. We do that already. I have been told by staff that has been here that we have sent out notices to 2500 ft. just as a courtesy or a half mile, as a courtesy. We are not required to, but 1000 ft. is the requirement. So, that could be something that ya'll want to look at in the future, but we are already doing that as a courtesy.

There are also requirements for publishing and mailing notices prior to any public hearing on a proposed Comprehensive Plan Amendment. We have been putting all the notices in all three papers. You may want to look at whether that is necessary. For instance, if one of these actions is taking place in

Chattahoochee, would you want to limit it to the Twin City News or do you continue to put it in all three? That is something for you all to consider.

So, that is a breakdown of the document that you have. I will be happy; best I can, to answer any of your questions. Our attorney, of course, is also here.

Taylor:

Ms. Minnis, Can you shape it up for us from where he left off or are you prepared to answer any questions?

Minnis:

I am not sure what you mean by “shape it up”, but arguably, he has given you the layout of when it applies at this point in time. The ordinance is extremely broad. It covers, as you can see, just about all kinds of land use changes, variances, exceptions. He did mention some options that you could look at in amending the ordinance if you so choose.

There is the requirement for the super majority to amend or repeal. I think that is the thing that you have to be mindful of. Normally, when you do an ordinance, you don’t have to do the super majority, but, the way this particular ordinance was adopted, that would be required for you to amend it or to repeal it. But, it is something that can be amended by the super majority.

Taylor:

With that being said, I know that there are some areas in this ordinance that is confusing to all five of us. Taking a look at the minutes from our previous meeting, there are some areas that we need to clarify. I think that word kind of fits there in between amending and repealing. We may not need a super majority to get that in – to clarify as to the intent of this ordinance.

Before I move to that area, let me see if, indeed, we have a majority that is willing to look at certain areas and amend. That is what I am looking at now because there are some components that certainly that this county can use and some that we probably need to do away with.

Backing up just a little bit, the reason why we came up with this Bill of Rights, and I am sure all of you are aware, was because we were facing the possibility of Amendment 4. Amendment 4 and its interpretation would have had this county in gridlock in trying to move forward with land use changes. We didn’t want that to happen. It would have put too much burden on the citizens to become educated about an issue, go to the polls, vote on it, and then we give directions to the developer. We did not want that to happen, so, instead, we look at the Home Rule provisions and came up with our own interpretation so that we didn’t have to adopt that legislation, had it been passed on through the State. But, it wasn’t. So, we have quite a bit to look at.

First of all, let's back up. Now, are we willing (and I am asking the board) – to look to see if there are at least four of us who will look at amending this and moving forward? So, I am going to move through each commissioner to give your input as to whether or not, at this time, you are looking at the possibility of amending this particular item and let us give a good piece of legislation to our county to move forward. So, I will start with Commissioner Croley. Are you looking at the possibility, sir? We need to input to amend portions of this particular item.

Croley:

Well, so far, I haven't seen anything that is broken about it nor have I gotten any complaints about it. My position is – I listen to Planning and Zoning, I listen to constituents out in my district have had to say. Many, where there has been more growth activity, have been very interested in making sure that their property rights are protected by being informed about what is going on. So, I am not in a position to say "Yes," or "No" to any carte blanche question about supporting any changes. What I will support is hearing what the public has to say. If I find that there is merit and based upon advice of the county attorney and staff, I would certainly always listen responsibly. That is to say that I will keep an open mind. But, today, I have not seen anything yet presented that is causing me to say that there is a problem.

Taylor:

Very good point. I want you to hold that one.

Mr. Matheny, will you come back to the microphone? Just stand there for a moment and then we will move.

Matheny:

Sure.

Taylor:

We will hear from the rest of our commissioners if you don't mind, if that is o.k. with you. Stay in the room.

Mr. Morgan?

Morgan:

Thank you, Madam Chair.

Anthony, thank you for the information you presented to us. My understanding is that the original intent of this ordinance was to provide information and communications to the citizens of the county. Is that correct?

Matheny:

That is what I have been told.

Morgan:

O.K. Well, I have never known clear communication to ever present a problem. I just have never understood that to be the case. So, to echo Commissioner Croley's remarks, we are up here with open minds and we certainly want to listen and hear from anyone who has concerns about it. I have talked extensively with different members of the Planning and Zoning Board. None of the individuals that I have spoken with, not one time, ever, have had an issue and they strongly highly promote this. They think is actually one of the best things that we have actually done for them as far as what they do on the board. These are citizens of the county who donate their time to this board as volunteers and I know that it takes them a lot of energy and effort and time and attention to the matters that come before them on a regular basis. These are not easy issues that they face. I would say that it is one of the toughest jobs to serve on and to do. You always have citizens inquiring and wanting you to understand their particular situation, which I think all of them do very well.

I do just have, so the answer to your question, Madam Chair, I would certainly consider any discussion that we have, but at this point, I think it is a very good bit of legislation, for lack of better word, that we have here in the county. I hope that it would remain strong and help keep our citizens informed.

I do have a couple of questions for Mr. Matheny when it gets to that point. It may not be now. I don't know.

Taylor:

Let's move through, then we will come back we will hear from him and the attorney.

Morgan:

O.K.

Taylor:

Commissioner Lamb.

Lamb:

Thank you, Madam Chairman.

Mr. Matheny, my biggest concern is trying to help the citizens to have to go through so many loop-holes to get to where they want to go. To make this thing as simple and possible. Now, we shouldn't have to carry it - Well, your large scale subdivision or small scale - your Major Subdivision vs. Minor Subdivision. I can understand them going through so many things. But, when a person wants a small business or whatever - Now, it is going to cost them, number 1 to go through all these newspapers. You all are

going to put the charge on them. They should have to do that. If somebody wanted to do something in Chattahoochee, why would you put it in the paper in Havana or the Gadsden County Times? Just put it in the Chattahoochee paper. Whatever you spend, you are going to pass on to the developer or whoever is trying to establish the business.

A variance – why do we have to go back to meetings when they are trying to get a variance? That is what we have been doing all the time. The Board of County Commissioners is grants the variance.

Special Exceptions – Why would put them through – it is not you, but us, why would we want to put them going through all of that when they are asking for a special exception? That should come to us. They can go to the citizens and we could still turn them down. I think we are asking them to do too much and it all comes back down and they are going to give you a real hard time in your office and then they are going to come to this board and give the Board of County Commissioners a hard time because we are carrying them through too many loop holes. WE need to make this ordinance as simple as we can.

Now, I want to ask the attorney something about this super majority. We can't do anything to this ordinance now as commissioners without getting a super majority.

Minnis:

That is correct.

Taylor:

That is what we are trying to work through tonight. I think we can work through it.

Lamb:

But, we can make amendments to this ordinance without a super majority?

Minnis:

No.

Lamb:

We can't make amendments? We can create another ordinance without a super majority?

Minnis:

It depends on what that ordinance does. If that ordinance basically deals with the same subject that this ordinance does and acts as superseding this ordinance – technically that is a repeal of this ordinance and I would think that the ordinance that you have would have to be based on a supermajority. If it is basically dealing with the same issue and you've got two conflicting ordinances, then one of them has to go. So, at that point, you would basically supersede your prior ordinance. Since this ordinance requires



a supermajority vote to get rid of it, I think the new ordinance would have to be passed by a supermajority vote also.

Now, clarification is a different issue, but clarification is not amending. Clarification just means explanation of the language already contained within the ordinance. But, if you start excluding things and accepting stuff, that is more of an amendment than clarification. Unless you can find enough evidence in the minutes to indicate that somehow it wasn't clear what was intended when the ordinance was passed.

Lamb:

Can we rescind this ordinance?

Minnis:

That is the same as repeal. You can only repeal it or rescind it with a supermajority vote.

Lamb:

What would we have to do in order to limit some of the things that we have on here?

Minnis:

To make significant change to it or to make exceptions to the ordinance, you would have to amend it. It would require a supermajority vote to instruct Anthony's office and my office to go back and draft significant changes to the ordinance.

Lamb:

So, you are telling me that whatever we do, it is going to have to be a supermajority vote.

Minnis:

Yes, unless all you are doing is clarifying based on evidence already contained in the minutes. For example, if the minutes indicated what was meant by a major site plan was "X" and that definition is not in the ordinance, we could clarify the ordinance without a supermajority. But, if what we try to do and there is nothing in the minutes that say that, you basically try to create a definition for it that excludes a group, then we are amending it and it would need four votes.

Lamb:

Can we add onto this ordinance?

Minnis:

That would be an amendment also.

Lamb:

I will have to come back later in the agenda.

Taylor:

Thank you.

Ms. Holt?

Holt:

Thank you. What I would like to ask, if possible, I would like to ask the Planning and Zoning Director, what was the process before? Didn't you send notices to those within 2500 ft. of the proposed site? Did they advertise in the paper before?

Matheny:

Well, we have to, yes.

Holt:

Right. And it was advertised in the paper before when they would come before each board to get a variance. Right?

Matheny:

Correct.

Holt:

They had to come before each board to get each one of these items done. So, there was no reason to draft this with a supermajority vote requirement unless you wanted to stop the growth in the county. I don't mean you, but this board and the Planning and Zoning Board. That was the only reason to do this. What is happening on the state level is that they are relaxing the zoning to get industries to come to Florida. They have already done that. The other counties that had this have already gotten rid of it. So, this right here will stop growth and make Gadsden County a bedroom community to Tallahassee. That is all it is doing. I am glad to see what is happening because Commissioner Lamb, let me tell you something, if you relax it, then people will get their friends through there. O.K. They will get through there who they want for development and who they don't. But, if you keep it just like this, the citizens will vote us out. They will change it. That is what we really need. You can make more room for everybody. Everyone fill out the same form and the citizens will have people gone from here next year because of this.

If I can't replace my house because I am in the wrong zone, but it was approved by the County. The county Planning and Zoning and the County Building Inspection approved the person putting the house there. That house burned down and they wanted to replace it. They were told, "You are in the wrong zone, and you can't replace your house." That is wrong. Let me tell you this, in that instance, you've got

to get a variance because you are in the wrong zone. Don't sit there and say you don't know it. But let me say this, Commissioner, this was done effective on May 4. Now, listen at this. This is the Citizens Growth Management and Planning Bill of Rights Ordinance 2010-005 effective May 4, 2010. "All submittals requiring Planning and Zoning and Board of County Commissioners review and approval must include written verification of compliance with Ordinance (and it gave the ordinance number), the Citizens Growth Management and Planning Bill of Rights including but not limited to a citizens participation plan. Verification of mail and newspaper notifications conducting workshop and issues raised."

Now, I have presented to I bet 40 citizens. They say to me, "What does that mean?" The advertisement – that is why I said that last time. You have to tell people what you are talking about. If you are talking about their homes and property, you talk about that. Now, there were commissioners who sat right here that said that it didn't apply to homes. That is not true. That is not true. It says variances. In order for you to get anything on your property to make sure that you can replace or add a house to it, you must get a variance or get some kind of leniency from this board and the Planning Commission. Now, that is why this needs to be revisited. It is not telling people the truth. I can show you a good example.

Right here on this side of Gretna, the community right there. The whole community of about 60 houses, they never will fit the Comp Plan because they put the houses there before the Comp Plan. Planning and Zoning, Building Inspection and the Commission approved for those new houses to be put there. We had to go back and grandfather them in as Rural Residential and take them out of Agriculture because they would never fit. St. John has some. Commissioner Croley, your district has some. Commissioner Morgan and Commissioner Lamb, your districts have people that do not comply. Whole communities. So, what you have to do is go back and sit down and you have to look at the laws and you have to go back and make sure that they fit first before you tell people you can have this, you can have this, and you can have this. You keep on telling people that they can have it.

Those people on the Planning Commission, I appreciate what they do. I really do. But, they are advisory. They advise us. They do not tell us what to do. I said that in that meeting that night. That is not what the board is for. See, first of all, you've got to make sure that you comply with something first. Let's go out there in those communities and see where those homes are and see if we can get some compliance first. Then we can go back and see how we can fix the problem. That is very true. When I look at that zoning up there, there is a circle. What in the world does a circle mean? When I look at that map, I always wonder, "What does that mean?" I cross across people's property. So, that is what we are really dealing with. "How do we take care of that?" Then we fix the problem here. But, some don't fit and they will never fit. So, it doesn't matter is we say "You can't do this or you can't do that. You never fixed the zoning in the first place. That is why we had to go back and look at those communities. They are still sitting there. They are not going to comply. When they come in, they are not going to have the money. They didn't understand the advertisement.

Our job as a community, you could put all of that in the second paragraph. First paragraph in the paper, and I said this back in 1999, should state how it relates to the property owner. How does it relate to you? How does it affect you? You can always put the state statute under it. As I said back in 1999, when you are going to put a development on a piece of property, put a huge sign there that says, "This is what is going to be there." The lady in Planning and Zoning at the time asked, "What color?" I said, "Red, so that the people will see it when they pass by."

We need to know what is going on in our community, but we also need jobs. You can't be a bedroom community for Tallahassee if Tallahassee doesn't have jobs. The crime rate is going up and it is supposed to because you are not looking after your population. That is what is going to happen. Those that do not have will take from those that do have. It is going to happen. So, instead of doing that – and the only thing I agree with Rick Scott on is "Let's go to work." Where does the Chamber of Commerce fit in here? Where does the growth fit in here? In here?

I keep saying I-10. Four exists. Where does it fit in here? You've got a plan that covers everything at one time. It doesn't fit the citizens. How does it fit commercial? What about heavy industrial? Light industrial? So, why can't we get those 400 – 500 jobs over here or over there that we need? That is what we have to do. We can't just sit up here and say, "No." You keep telling the citizens, "No. No. No." And you are going to be gone, gone, gone. And you may not even need the job and it doesn't matter. But, the bottom line is what kind of service they are getting while you are here. I am saying that they are getting no service with this.

I can understand it – Judge Helms said it better than anyone else on the board – he said that he disagreed because of the supermajority vote. I was sitting out in the audience and I said the same thing. The forefathers of this country and even thought they were not my fathers, but maybe one of them was, but they did not say a supermajority vote. They said a majority vote. So, you are superseding what the founders of this country even wanted. You are causing more problems than it is worth. I am going to continue to say this and it is not going to matter to those of you that do not agree. But, I said it before and I am going to say this again, if you move from Broward County, Miami-Dade, Duval and all the other places to come here to retire, there were people here who had lives before you got here. They had families here. It is their time for them to develop their property. You are putting laws into place to make sure that their families do not progress and what you are doing is wrong. We must have a way for those that do not have to make a living. I am for changing this and I don't care what we have to do. I don't care if we have to go to court. We need to change this. This is wrong.

Taylor:

Thank you, commissioner. I, too, would like to see some amendments made. I have already echoed that so I won't reiterate it. But I will ask a question to you, Mr. Matheny.

Based on your interpretation and your experience as an expert, obviously development is important to you because that is your job. Economic Development is important and you need to make sure that businesses come in that we can manage. In other words, businesses that are conducive to the environment that the citizens will appreciate. We certainly need to be able to exercise our ability to encourage and motivate businesses to come. Otherwise, as has been said, this county will perish.

I did hear one of the commissioners kind of lend to your expertise. I am going to do that now and ask - looking at this particular item, this Citizens Bill of Rights, and your expert opinion, could there be some areas where we could relax some of the criteria to ensure that we get businesses coming toward our county? What is your professional opinion at this point?

Matheny:

Commissioner, I am going to answer that in saying possibly. What my priorities would be and I guess that is the best way for me to answer it is to tell you what my priorities are. There are the larger actions such as Major Developments and Major Subdivisions and those types of things are a greater priority to have maximum notification on those items. More notification that variances – someone who is asking for a five foot variance to a set back or something.

I understand there are folks – I am giving you Nelson’s anecdotal data. When we just did Mr. Murray Seay’s Citizens Bill of Rights at his home, he is going to be asking the Planning Commission and this board to change some of the property around his area from Commercial to Rural Residential. Well, we had not that many people show up. We probably had 10, maybe, if I remember correctly. And, it is nothing that is really controversial or at least, it is not viewed as controversial. Nobody opposed it. That may change when it gets to Planning Commission next week and it may change when it gets to ya’ll. But, if I had to prioritize, I would say that the major developments are the ones that are most important to give additional notification. It is a little bit hard. I understand hard times. When folks come in and they complain that I am having to pay to put it in all three papers and that kind of thing. It is expensive. I do sympathize. That is not the only thing that I sympathize with people on. I sympathize with them on a lot of things. I understand that they are struggling and it costs a lot of money to do some of these things. I see the benefit in leaving it the way that it is – I see the benefit of prioritizing it to those major developments. I am being honest with you. I see the benefit of both ways.

Taylor:

I can appreciate that, but it is like you are either going north or you are going south. The Equator won’t do. I can appreciate your position. Indirectly, these are your employees through the manager. Your statement has to be one that balances your position. You said a moment ago that you can see and concur with major development having some constraints and I agree 100%. We were almost overrun by Adage, for example. They could have caused some backlash in this county. Could have. I say that lightly because I don’t know as much, but had those constraints been in place, then those citizens would have been well notified and a lot would have been staged off. So, something like that would have done well,

which is why I am asking for an amendment at this time. When you've got small scale businesses, which you and I know and so do my colleagues around this board know that is what is moving now. It is not your major businesses that are saving the economy. It is the 45-50 job businesses that are saving us. It is the middle class that is saving us. I think you and I are on the same page, but you want to be particular here. These particular businesses should not have as much hardship as the major developments. Someone said to me eloquently before I got here that this ordinance is more in line for rich people, for a wealthy man, someone that can afford the advertisements.

Something that I also read in it that is contradictory to me. You have to go out there and meet with the citizens 30 days before you even put in an application. I didn't understand the validity to that. But, commissioners, I am going to back up just a little bit and talk with us around this board, especially two of us that didn't want to move on it.

You did say a moment ago that if Mr. Matheny and the attorney, who I have not yet polled, gave an exception that you would consider it. I think Mr. Matheny said very capably about his position that he would like to see some sort of change as far as small scale (inaudible.) This is all that we are asking for. I am still with you and I will stand with you with the supermajority as far as us voting on land development. I will not change that, but as far as being able to amend it or repeal it, I am going to ask that we do that because, you see, what we are doing now is setting precedent for times to come. That is not fair. We don't know what changes might be in the future, so we have got to be able to think intelligently. At least have three people to say, "Well, let's look at this again." But, as far as actual development coming into this county, we still need to maintain that four votes and I am going to stick with that. Reason being is that three people have run this county too long. It scares me for everyone not to have an opinion. But to amend it, we need to have an open mind, Commissioners, to amend it. I am not going to repeal it because I am also in favor of the citizens knowing what is coming into their back yards. One person asked me a while ago, "What is the most valuable resource that a person has?" I thought about it for a while. I said, "Themselves." That is true and the second is their home. But the foremost value is themselves. So, I am saying that to say that I want to protect the people that put us into these chairs, Commissioner Holt. I want to protect their rights. I want to be able to protect their rights. I want to be able to address the middle man when he comes so that we can get him through and get the bricks on the ground and the building up. Let's do that. I don't want to bother with the supermajority to approve these land use changes. But to amend it and to be able to repeal it, we need to be able to do that.

Now, what I did, Commissioner Croley, you are a very bright guy. I looked at some of the minutes that we had at our previous meetings. You said something in one of your comments to the tune that "if there is a misconception that people are not able to understand, and then we need to clarify. That is in your statement and I think that is where we are here. We can clarify and we can clean it up so that we can move forward and not stop or stifle growth and development. I am sure; especially you and I have come to respect you on your echoing economic development. I have come to respect that. You can see

here in this, you can see it because you are an intelligent guy, where some of these things may run away from us. You can see that. Having to go out into the community before you even give us an application, having to advertise in three newspapers, having to put a half mile radius on your send out notices, you know – major developments, I am with you. Medium and small developments – let's not put that hardship on them. Let's get them in here. Let's get them in here.

Our Code that we have in place, Commissioner Holt, Commissioner Croley, Commissioner Lamb, in my opinion, you guys are the board experts. Our Code already has language that will already get citizens informed in the event that anything comes into their community. There is already something there. There is already language in there to protect anything coming in, so, we are o.k. As far as the Citizens Bill of Rights, I am going to implore you all, just to work with us, Commissioners, so we can take this hour and a half that we have set aside and get some intelligent dialogue going forward so that we can make it more conducive so that it benefits everybody, especially economic development. I see the change sitting here. If a developer has all these hoops to go through, they are not coming and that is obvious and we don't want to deter people from coming. All I am asking for, if you all would consider, Commissioners, just to relax that one where we need a supermajority to amend. Let's look at some of them. If you don't agree with them, then give us a good explanation and then we won't move on it. I am asking you all to just entertain it and let's just move forward on it.

Morgan:

I've got some questions for Mr. Matheny.

Taylor:

Not a problem. Not a problem. I did hear him make a motion (you did, too, I am sure you did, too)

Morgan:

No, I didn't make a motion.

Taylor:

He didn't make a motion, but he made a motion for me to shut up and I just kept on talking.

Lamb:

No, my biggest concern is the cost. You won't have any small businesses because of the cost and it will end up here for us to waive the fees. Most likely, we are going to favor that. It doesn't take four to do that.

(laughter)

Yeah, it doesn't take four to waive the costs and I will definitely be in favor of waiving the costs when they come here. But, we could stop it before it they even come here by not going through all these hoops.

Taylor:

Let's see if we can get one of our colleagues to reconsider.

Morgan:

You are leaning this way aren't you?

Taylor:

Yeah, cause, I guess you and I have a kindred spirit.

Morgan:

You think I am easier to deal with than him. That is what you think.

(Laughter)

O.K. I say that in jest, obviously.

O.K. Mr. Matheny, you mentioned that this has been in effect for one year. In your opinion, have we had any major problems occur because of this Citizens' Growth Management and Planning Bill of Rights?

Matheny:

I can't say that we have had any major problems to occur, but I am going to give you the full story. We have had folks to come in and said, "I am applying for a variance here and you are already charging me \$750 for a variance and it has to go to the Planning Commission and to the County Commission so why do I have to advertise in three papers and do those other things? Several folks have come in and said that it is a real hardship on them. But, as far as having a problem, I wouldn't know how to define that. So far as being sued or going beyond that, no, we have not had that. We have had people that are very concerned about the costs.

Morgan:

You are familiar with the Comp Plan and with the Future Land Use Map that we have now. Would you say that is easy to understand or makes a lot of sense - in your opinion - as to how it has developed over the years?

Matheny:

It needs a lot of work.



Morgan:

How do you think it got to the point now where it needs a lot of work?

Matheny:

Matheny:

I am not sure how we got to that point. I will be honest with you. It has been around since 1991. It has been 20 years. There were original mistakes in it and things have been added that may need some tweaking and changing. That is one of the things that we want to do in our department when we get time.

Morgan:

Do you think that if we had some screws tightened down a little bit and maybe an extra hoop to jump through that may not be convenient, but may be able to possibly have avoided some of the things that we find ourselves facing now?

Matheny:

Say that again, please.

Morgan:

Do you think if there were some more stringent clear guidelines in place or maybe extra hoops to jump through or an extra small fee to pay, that we could avoid some of the issues that we find ourselves facing now?

Matheny:

Possibly.

Matheny:

I took my son to get his driver's license the other day. I haven't been in there since the major changes that have taken place, but you know that is completely different than it was just a few years back when I went in to get mine. I had to provide all this information for him. I had to pay more money. The last time I got a tag for my car, I had to go through a different process and pay more money. Times and ways of doing things are, in fact, becoming more complicated because we have so many more things to consider because it is what it is.

That being said, I didn't particularly like having to go through all those tests and pay that extra money, but I understood the reason that it was put into place. Some made sense and some of them I wondered, "Why in the world do I have to do this?" But I asked that question and it was explained to me. So, all that to say no, things aren't like they used to be and I doubt that five years from now it will be like it is now. There are going to be some additional items and things that we are going to have to do. If you go

to the bank to borrow money today, it is not like it was five years ago. It won't be like that five years from now. Everything is changing and we don't like some of those things.

You had listed in here on one of your slides "Possible Changes to Consider." You had prefaced that by saying that, "This was not you that was asking for the changes" and it wasn't our county attorney. My question is who suggested these possible changes? Where did this information come from as far as – like the first one for example – "Remove variance for special exceptions and major site plan from actions that require a meeting."

Matheny:

Let me clarify what I said earlier or rather what I meant to say if it didn't come out right. I am not proposing that you change anything. I am saying that if you wanted to change something, here are some possible things that you might consider. So, that is me. And, I talked to the attorneys about it, too. We didn't sit around and say that these things have got to be changed. We said, "Here are some things that if you wanted to look at the areas that are not as major as major subdivisions and Comp Plan changes and those kinds of things, if you were going to make changes, these could be some things that you would consider." That is all that means.

Morgan:

O.K. I appreciate that.

Then next, I wanted to address the area of economic development. Madam Chair, you said before, that I am very in tune with that and I want to help promote that. I will tell you that there may be some economic development that we do not want. I may be turned away because of these steps they have to go through. I think it is better for us to find out on the forefront of that rather than to go down the road and then it comes back saying, "Hey, we've got an issue here that could have been addressed much sooner." It may be hard to tell some businesses that, "We don't want you in the county." There may be a very good reason that we don't. So, I think there is some argument for both of those statements. But, our Chamber is here and they may want to make a statement. They may not. I don't know, but I would love for somebody to talk about economic development and if you think this would impact it strictly from a negative standpoint or if, in fact, it may provide some more effective clear information and communications so that not only the citizens in the county, but businesses here in the county. I don't know if David wanted to comment on that you did.

Taylor:

Just hold on for a second. Being mindful of our time set – we only have about 30 minutes left, so what I will do is hear from Commissioner Croley then if time permits we will do that. Hopefully we are going to have a consensus around this board to move forward to do something with this ordinance. If not, then it won't be necessary to hear from anybody else. That is what we need to do at this point in time – see if there is a consensus around this board.

Yes, sir?

Croley:

You are correct. I said before that I thought the issue was a public understanding. Now, let's go back and clarify some things I have heard.

First of all, I said that I don't think that the way Ms. Minnis and her associate drafted the ordinance was a bad job. I think it is a very good job. Here is where we are having a problem. I appreciate the points that Commissioner Holt makes and I appreciate Commissioner Lamb's concerns and your own. But let's look at some of the things that you brought up. First of all, you said that they have to have a meeting 30 days before they make their application for a land use change. That is not correct. Not because I mean that disrespectfully to you. But what that said was that you have to have 30 days before it went to the DCA, not to come in and make the application to Growth Management. If I go in to make an application for a land use change, I don't have to have a meeting 30 days before I do that. This is only before going to DCA. I want to clarify that.

The other thing is that, and I have said it repeatedly, that map is a big mess and I agree with Commissioner Holt on that. There are all kinds of errors in it. The Murray Seay situation was represented as being a mapping error from way back. But let's look at this. We had a lot of people who, for instance, put an additional home on their property, which before you came, was under the immediate family exemption. They did that legally. They got a housing permit to put that house out there. If they should happen to lose that house through fire and have to get a housing permit, I don't believe Growth Management is in any legal position to turn them down and they are certainly not going to be subjected to the Citizens Growth Management and Planning Bill of Rights in my mind, as far as that process is concerned.

I don't believe that if I am doing a land use change in Concord that I should have to advertise it. The way the ordinance reads, it says "newspaper," singularly; it doesn't require me to advertise over in Quincy News or in Chattahoochee or vice versa. I think what we really need to do before we consider making any changes, or before I will personally consider making any changes, I think what we need to do is have Growth Management get with Planning and Zoning and work with the staff and the attorney to come up with an administrative guide for this ordinance. Let's see if these concerns that are raised by the commissioners and any concerns raised by the public - that we have the opportunity to take those points down, allow them to work on this and come back with an administrative guide that may address all the concerns without creating a problem.

For instance, you mentioned about economic development. Well, guess what? You've got a commercial park zone and you want to open a business there (like at the Tri Eagle Sales area), you don't need to come through this. If you want to open a Country Boys restaurant and your neighbors are

satisfied in the neighborhood and you do your little meeting with them and they are o.k., there shouldn't be any problems at all in getting four votes. In fact, I think that went through here unanimously, once we knew what the community wanted.

But, on the other hand, if a developer came and developed 100 acres and sold 10 of us 10-acre tracts and said that we were going to have a horse farm out there for everybody and limit the lighting so you could look at the stars, and we all had our horse farm, then one of us said, "O.K. We want to come in and put in a motorcycle repair shop. I think everybody within a half mile radius of that should have the right to know because, as you pointed out, that is our property right. When we hear it, I think that person should meet with us and say how they are going to handle the noise, what is it going to do? Are you going to put lights in? Or, if somebody wants to put a liquor store in front - and you heard this from the folks out on Highway 90. The people didn't want it. This is a property rights issue. They have a right to know, as Commissioner Morgan said, to know what is going on.

I think it will address a lot of concerns if we could have an administrative guideline developed. Working with Planning and Zoning and Growth Management and take input from citizens and from the commissioners and let them see if they can put something together. That might create a compromise. But as it stands right now, given the amount of - shall we say misinformation and misunderstanding, I am not ready, myself, to move forward with any change. But I will entertain some interpretation.

Holt:

Madam Chair.

Taylor:

Just a second.

I will not. I will not entertain that administrative guide. I will not entertain that. What I am going to do now is talk with the attorney. It is your time to get on the spotlight.

Question number 1. You had an opportunity to look at this. I think you and I spoke. Legally, I know where our hands are tied at, but - Well, your interpretation and you have had time to talk with Mr. Matheny, your interpretation of this particular ordinance gets this county where? I mean, are you seeing where there may be some issues that would keep us from moving forward with development? I lending to you just to give us your interpretation of what is here. It is in a broad spectrum to me. Commissioner Croley mentioned a couple of circumstances that might not fall under these that is written here, but it sounds like to me that it will, indeed, because this particular item covers everything. So, I need to know - What are the exceptions? If were to look at development, who doesn't have to go through this process, If there are any, based on what is in front of us? Again, I have a second question to that>

Minnis:

Based on my interpretation of the land uses, there are no exceptions built into the ordinance. Basically, if you want a variance, and exception, or all the things listed here, my understanding of the way this is written and the legal language is interpreted, anything that has to come to Planning and Zoning or the board, has to go through this process.

Taylor:

Mr. Matheny?

Minnis:

As Mr. Matheny said, if you want a variance to change your setback from, you know, you need 5ft. because you don't have the 10 ft., then a variance would have to go to Planning and Zoning so they would have to go through this process also.

Taylor:

With that being said, Commissioner Croley, there are no exceptions. You see, what I am hearing and what I understand is that there is still some confusion even around this board. You are not submitting to a powerless situation, you are still very much in control, but we do need to back up from this and truly look at it. Based on our legal interpretation, there are no exceptions.

You are saying the same. Matheny:

I do.

Are there any exceptions?

Thank you very much. You concur with the attorney.

Everything that comes before you has to go through this process, is that correct?

Matheny:

That has to go on to the Planning Commission and to this board.

Taylor:

That has to go through the process that we have. Thank you. That is all I have for you.

So, Commissioner, based on the statement that you just made, it is not a true statement. Like you said to me and you showed me the utmost respect and you always do, and I am showing you the utmost respect, sir, all I am asking at this time is that we just take a look at it like professionals who have 46,000 people in mind, let's just take a look at this idea and see if we can move forward.

Croley:

May I get a clarification from her?

Taylor:

Sure, you may sir.

Croley:

Ms. Minnis, I certainly concur with you that everything that we are addressing must go through the process. What I am asking you, though, is if the property is zoned commercial, if it doesn't require a variance, if it doesn't require any special thing addressed in this Growth Management and Planning Bill of Rights, isn't Mr. Matheny able to issue a permit, a housing permit or a building permit?

Minnis:

If it is not in one of those 5 categories, then this does not apply to it.

Croley:

That is what I am saying. The examples of these events are rather limited. There is a limited – now, Mr. Matheny – Madam, please?

You answered and reinforced what Ms. Minnis. There is no question that variances must go through this, special exceptions must go through this, major site plans must go through this, major subdivisions and small and large scale map amendments. But, if you are already zoned for 1:1, I can come in and get a housing permit without going through this. If I to build a new commercial building in an industrial park or commercial park, I don't need to go through this. The only time this applies is some unique circumstance that requires one of those five things to occur. Correct?

Matheny:

Correct.

Croley:

That is what I am saying. When you say, "Everything goes through this." That is not correct.

Taylor:

Hold on, Commissioner. I did not say that. There was a question asked and answered. Now, what I am saying to you is there are little to no circumstances or situations where these five would not kick in. Now, let me say this to you. When you say to Mr. Matheny, that he now has the authority to supersede when it becomes subjective to his opinion because these five, and correct me if I am wrong, stand please, and Mr. Weiss, David Weiss, Give me an example of a situation where this particular items that we are looking at – these five – where, as he said, he just fore-mentioned that every situation that

comes before you will have to go through this whole litany. You just said that there are situations where they will not have to go through it.

Matheny:

Situation might be where somebody wants to open up a small business that doesn't require a major site plan or a variance or a special exception. They meet all the qualification standards, rules and regulations and they can open up without having to go through that.

Taylor:

Now, you have an area and you want to put a restaurant in an area where there has never been a restaurant there before, but it is zoned commercial, are you telling me that you don't have to go through this?

Matheny:

It depends. It depends on whether or not they are going to submit a major site plan. We have to look at the rules and regulations and see what kind of restaurant, what kind of review is required, will it require major storm water review, site plan review. If it is a major site plan, like I discussed early on in the presentations. You have to look at all those items, traffic analysis, and other things. Then they would have to have the meeting.

Taylor:

Good explanation. In what cases would you not have to look at traffic, where you would not have to look at a site plan? Give me a case where you would not meet these things.

Matheny+

I can give you an everyday case. One is when the public comes in and want to build a house or put up mobile home where it is allowed. Whether it is AG, Rural Residential, or wherever and they meet our rules and regulations on our form, if they meet setbacks, they don't have to have a special exception, it is not a major site plan.

Taylor:

You are talking about residential development?

Matheny:

Mostly, yeah. But

Taylor:

If they need a special exception, they still have to come before us.

Matheny:

If they don't meet the zoning or they don't meet the setbacks like we talked about earlier. If they are going to have to have a variance to setbacks on the property, they will have to go through this process.

Taylor:

Let's talk about commercial. Let's talk about businesses because that is what we need – economic development. Give me a business case scenario that would not have to go through this process.

Matheny:

A simple one would be where you've got a building in a commercial area and I don't have all the ordinances here, so I will temper this with saying this is what I can remember, where a business used to be a florist and another business is coming in that wants to open up a flower shop or same kind of thing or a Chicken restaurant or something like that.

Taylor:

Keep in mind, Keep in mind that we are rural development. We are in the county where most of the development will be going, there won't be buildings. You are talking about cities that has buildings existing, so most of where our development is, where the trees and the mountains are, you are not going to find any established buildings there. So keep that in front of you. Are you saying that where our development is going to be that we are not going to have these developers go through this process?

Matheny:

I can't tell you because it varies.

Taylor:

The time has been well spent.

Holt:

Commissioner?

Taylor:

No, no. Hold on for just for a second. I can appreciate us going a little farther, but I think this is a dead horse.

Holt:

The reason I wanted to say this is because the other commissioners got two comments and I would like my second.

Taylor:

I will, but remember I told the attorney that I did have a second question.

Holt:



O.K.

Taylor:

It was mentioned earlier that we may have to seek legal avenues to repeal this or repeal this. What is our course of action in the event this board may need to go into the court and get this thing repealed so that we can work?

Minnis:

I am not aware of that as an option for you because that is a legislative body; it is your decision to enact your ordinances. I don't think a court would get involved in that legal process.

Taylor:

How can we offset this particular one, outside the supermajority?

Minnis:

Like I said, the only option you have is to have a supermajority to repeal or amend or if there is clarification issue with evidence that is already in the minutes that this particular thing means a certain thing and that is not clear in the language of the ordinance, those kinds of things can be done, but to amend or repeal it in total, you would have to have a supermajority vote.

Taylor:

At the beginning of this particular item, this Citizens Bill of Rights, it clearly states that this amendment was brought forth because of the Amendment 4. This is the reason why this county entertained this particular item in the first place. I am leaning to weigh that particular statement since Amendment 4 was not passed. Are there any legal standings to then seek judgment to offset this given that we are really at an impasse and there is still a majority around this board that is indicating that this item can stifle the growth of this county? So, I am trying to see, since the Amendment 4 was never passed or presented in the first place, do we have some kind of legal ground to go and see if we can have this thing repealed?

Minnis:

I am not aware right off the top of my head if the fact that Amendment 4 didn't pass would change that scenario. If so instructed, I will look into that area. I am just not aware right off the top of my head that since the county is the legislative body and the courts and the state don't really get involved in the legislative process under normal circumstances. That is something that I would have to look into a little bit further, but to me, the fact that Amendment 4 did not pass – that may have been the impetus, but I don't know that was the total controlling reason why the ordinance was passed.

Taylor:

It was. It was the total controlling reason and it is so mentioned in the body of the beginning of this particular item.

Minnis:

If so instructed, I will be more than happy to do that.

Taylor:

I am going to get a consensus from the board to do that. If we get a majority.

Commissioner Holt, we have only 10 minutes and there are some citizens to be heard on this and I will get to you in just a minute.

Holt:

It is what it is and this is not the job of the government to make it difficult on the citizens. They were being notified, there was advertisement being done, so there are no excuses. Economic development and I am still saying that we are not hearing from the Chamber and the people out in the county that are saying "What is it that we are going to do to help those businesses come in?" It was stated earlier that the businesses may be something that we don't want. We can always tell them, "No." We just want to try to open the county up well enough so that Mr. Gardner can do his job. We never agree on anything, but I agree that he needs some help and we need to help him bring these businesses in here.

As we were saying before, Commissioner, legal action by this commission. I am saying legal action by the citizens. The citizens may be the ones that may need to take legal action to make this change. I think that is something that we may need to do. If we are not seeking economic development quickly when the other counties in the State of Florida, when the economy becomes aggressive again, we are not going to be ready and one of our chamber directors said before. We were not photo ready for that Dollar General. Well, we don't need a photo, we want to be ready. There are not a lot of businesses coming in here at all. Legal action.

Taylor:

Again, I apologize; we have had so much dialogue we went through. Real quick, Michael Dorian? Michael, I am going to have to give you only a minute or two. I apologize to you, sir.

Dorian:

I am Michael Dorian. I live at 145 Alligator Run. I think it is much more important that we hear from the Planning and Zoning people and are on Planning and Zoning. I think Mr. Matheny has talked too much and I would like to hear from the Planning and Zoning Commissioners, themselves.

Taylor:

Thank you so much, I think I see one from here. Dian Sheffield?

Diane Sheffield:

I am Diane Sheffield. I live at Lake Tallavana. I will be really quick.

I ran through a scenario today, assuming that I was going to put a beauty parlor in my home. I went to the tax assessor's office and in less than 30 minutes time and getting my information, I had a list of citizens that I needed to notify and I figured out what printing my post cards, my postage, my mailing labels, and my total expense was \$108. You've got to remember that I live in a very dense area, so I had 200 people to notify.

I checked on notices for the newspaper. A 1.5" x1.5" is \$9.00. A 3"x1.5" is \$18.00 and that is plenty size. So it is not that expensive to go through this process.

I listened to Ms. Holt and I think a lot her problem is not a result of the Citizens Bill of Rights. Her problem is actually with the Comprehensive Plan because a lot of the things that she mentioned, you have to do anyway. The Citizens Bills of Right does not make you get approval for a variance or make you get approval for a special exception. I also want to say that I have been on the Planning and Zoning for many years and special exceptions are often what cause the most problems for people. If they find out that somebody wants to do a liquor store right down at the end of their street, those people have a right to know that someone is planning a liquor store. So the special exceptions are not that minor an issue. It is a big issue in a lot of ways. With that, I will let Larry come up and have a few things to say.

Taylor:

Again, state your full name and we will hear from Arrie Battles, then Pastor Battles. And you guys have about 9 minutes.

Ganus:

I am Larry Ganus and I live at 2174 Frank Smith Road in Quincy. I don't have any problems with this. We discussed it at length in the Planning Commission. It was like beating a dead horse. When we got to the end, we were all whipped with it, but there are still a lot of things that could be clarified better.

Number 1 – the advertisement in the newspaper – our intent was that it only had to be advertised in one of the county newspapers, whichever one was in the area that was affected, and not all three. We didn't go by the guidelines that the county uses for public hearings. This was entirely different and was not intended to put an extra burden on those that were participating in this. Only one newspaper and Dian gave you the cost of that.

To us, the whole intent of this was for the developers was to provide information to the surrounding area, to communicate what was going to happen, what was planned and accept feedback from those that would be near it and be most affected.

Taylor:

I am going to have to get you to wrap it up right there. I apologize.

Ganus:

In the Planning Commission, we have had a lot of people to show up opposing projects. We have to go through that process of weeding through all of that and it takes a lot of time. If all of that is taken care of before they get to us, then they know what the issues are they resolve most of them and we get the exceptional problems that they can't resolve. It saves us a lot of time and effort dealing with compatibility issues and other things that come up.

Taylor:

That is it, Mr. Ganus, I am going to have to stop you right there. I've got two people still to speak.

Ganus:

I've got one more comment. If ya'll want to save people money, consider reducing your fees that you charge for all these plan amendments.

Taylor:

Thank you, sir.

Pastor, I mean, Ms. Battles.

Battles:

Commissioners, my name is Arrie Battles and I live in Gadsden County.

I wanted to ask the question because I am sort of confused because my grandparents left property in the county and there were 11 children. Of course, all but two of those children are dead and the property now is up for division with the kids whose parents are dead. It is going to be less than an acre of land for each descendent. What am I supposed to do with less than 1 acre? If I want to put a house on it, I've got to come before you and say, "My grandmother left me  $\frac{3}{4}$  acre of land and I want to put a house on it?" That was her intent in the first place. She purchased this property before there was a Comp Plan. The intent was for her children and her great grandchildren and on down through the generations to have a place to stay if they wanted to move back to Gadsden County. I am confused.

Taylor:

From what he just said, you shouldn't have a problem.

Battles:

I also heard him say that there are no exceptions.

Taylor:

But, what he said a moment ago when he brought that back up, he indicated that

Battles:

Commissioner, I have a friend of mine who wanted to replace a house because she wanted to upgrade and she was denied putting a trailer where the house is now. You know, we want businesses here, but we do want citizens to stay to get the employment. That is my concern.

Taylor:

We are going to have to move on this one. I hear you loud and clear.

Battles:

O.K. Alright. Thank you.

Taylor:

Pastor Battles?

Battles:

Pastor Battles, 43 Lucille Berry Lane.

Commissioner, can you tell me what the intent to increase the citizens participation in land use decisions has to do with a super majority vote?

Taylor:

The intent to - No, sir, I cannot answer that.

Battles:

I know you can't. And another thing – to the attorney, what you said here is like there is no hope. Couldn't you inform the board that they can put this on the ballot and let us get rid of it?

Minnis:

Ordinances, generally, are not put on the ballot.

Battles:

So, what you are saying is that we cannot get signatures – now, I have been talking to the Supervisor of Elections office and we can get signatures. We can't bring them enough signatures and this placed on the ballot and let the voters decide. That should have been done in the first place. Let us decide something of this magnitude. Not let this commission dictate to us. I guarantee you, we will blow this out. This won't even be a race.

Minnis:

All I have been dealing with is the ordinance itself. Now, if you are talking about a referendum of some sort, that is a whole different issue. I am only talking about this particular ordinance.

Battles:

Will somebody answer this then, could this board vote now to have a referendum placed on the ballot? Can't ya'll do that?

Taylor:

If you would just give us a moment with the attorney, and let us give her some directions on what she needs to do when she comes back to us.

Battles:

Alright. We will win hands down.

Taylor:

Thank you. O.K.

Madam Attorney, back to you. You had mentioned earlier if we can get a consensus around this board to have you take a look at – you had mentioned issues or areas where there might be something in the minutes on how this ordinance was derived. I guess we are going to instruct you to look at those and see if there is any recourse there. As well, you might want to look at the legal side of this as to how this whole thing derived and as to whether or not there are any legal standings that we might be able to appeal to get this thing overturned so that we can make some amendments, but still keep some in place.

Citizens, please understand. You are very, very important. The whole goal here is to make sure that your interest is not going without when the businesses come. But, I want them here in order for us to reject, they have to come through our doors first. What we have in place won't encourage that. So, look at whatever legal issues we can to try and come back with this thing so that we can move forward and bring this board back together. That is very important. I don't like to leave things like this.

Lamb:

We probably need to set another meeting.

Taylor:

I will try to do that in our regular meeting. I plan to do exactly that. Then, of course, have the chamber to lead us in the thing at our very next meeting.

**Adjournment**

UPON MOTION BY COMMISSIONER HOLT, CHAIR TAYLOR ADJOURNED THE SPECIAL MEETING AT 5:59 P.M.

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Sherrie Taylor, Chair

ATTEST:

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Muriel Straughn, Deputy Clerk