

AT A WORKSHOP OF THE BOARD OF COUNTY
COMMISSIONERS (CBOR) HELD IN AND FOR
GADSDEN COUNTY, FLORIDA ON JUNE 21, 2018
AT 4:30 P.M., THE FOLLOWING PROCEEDING
WAS HAD, VIZ:

Present:

Brenda Holt, Chair, District 4
Dr. Anthony "Dr. V" Viegbesie, Vice Chair, District 2
Eric Hinson, District 2
Gene Morgan, District 3 (absent)
Sherrie Taylor, District 5
Dee Jackson, Interim County Administrator
David Weiss, County Attorney
Beryl Wood, Deputy Clerk

AGENDA ITEMS

1. **Welcome**
(Brenda A. Holt, Chairperson)

Chair Holt gave general housekeeping rules and commented they would begin the meeting when the remainder of Commissioners arrived. She welcomed everyone to the workshop. She thanked the public for taking more interest in government. She spoke of the upcoming Annual Meeting that the BOCC would attend.

Mrs. Jackson presented Ordinance number 2010-005 and Mrs. Gutcher, the Planning Consultant who would present the remainder of the Workshop.

Commissioner Taylor arrived at 4:40 pm; Commissioner Viegbesie arrived at 4:55 p.m.; Commissioner Hinson arrived at 5:07 p.m.

2. **ORDINANCE NO: 2010-005**
(Allara Mills Gutcher, AICP Principal, The Planning Collaborative)

Mrs. Gutcher presented Ordinance 2010 - 005 which states: An Ordinance of Board of County Commissioners of Gadsden County Florida Adopting a Citizens Growth Management and Planning Bill of Rights. She said it was adopted in the year of 2010 and then she gave a history of the process since that date. She provided a chart that had the language already broken down. She went through section by section.

She said this section established additional requirements for Comprehensive Plan Amendments and Major Land Development Reviews including but not limited to variances, special exceptions, major site plans and major subdivision in Gadsden County. All small scale and large scale

Comprehensive Plan Amendments and Major Land Development Reviews shall comply with the following requirements.

Section 1 of the chart – Sub. 7001.1 – *Necessary Corrections – Gadsden County does not have “major site plans” or “major land development reviews.”* Comments – Is the intent to require this for all comprehensive plan amendments, or to apply to map amendments? A text amendment may or may not impact a particular property but be a county-wide policy. The Land Development Code refers to major development orders (Sec. 1303) and major subdivisions (Sec. 5605, 6002, 6200). Consider deletion of the last sentence for clarity.

Chair Holt discussed the Comprehensive Plan to match the map amendments. She said when it is changed in the Comp Book the map should be updated.

Mrs. Gutcher concurred they need to make the necessary changes.

Commissioner Taylor said she agreed with the comment. She said comments on replacing the term with the developer (she agreed); renaming of Planning and Zoning; deleting homeowner association, they register with the Clerk’s Office with some degree (restrictions in place) and she felt it should remain. She said it should be some type of mechanism to track it.

Chair Holt commented on the Home Owners Association and as to why they don’t monitor because it is a private organization. “I am against us getting involved”.

Mrs. Gutcher move to A. Mandated Citizen Participation Plan – Developers must prepare a citizen participation plan; Developers must notify by mail and newspaper impacted property owners and neighborhood associations within on half mile; Growth Management Department must verify that proper notification has occurred; Developer shall conduct workshops with citizens impacted to identify all issues of concern prior to any public hearing; The developer must present to the Planning Commission and BOCC a list of all issues raised, and indicate if and how they were resolved; Unresolved issues then become the focus of P & Z and BOCC discussion.

She said the necessary corrections were not all applicants are developers. Replace “developers” with ‘applicants’. She said the comments were: The steps that should be taken (notification, conduct the workshop) are outlined. Need to identify what the purpose is in the citizen participation plan. If retained, identify at what point in the timeline this is prepared.

Developers must notify by mail and newspaper impacted property owners and neighborhood associations within a half a mile. She said the necessary corrections: Not all applicants are developers. Replace “developers” with “applicants”. Need to define what an impact is. Comments: What is an impact/who is an impacted property owner? The recommendation was adding language to outline notice requirement format, timing, etc.

Growth Management Department must verify that proper notification has occurred. The necessary corrections; Change to correct department or division name. Comments: A method to verify proper notification has occurred is needed to clarify this requirement. This can be achieved by requiring the applicant to send notices with a certificate of mailing. According to the

USPS website. “Have evidence that you send the item when you say you did. This official record shows the date your mail was presented to USPS for mailing.” The current price is \$1.40 per letter. Certified Mail is \$3.45 per letter. Certified Mail allows the applicant to see a delivery attempt was made.

Developer shall conduct workshops with citizens impacted to identify all issues of concern prior to any public hearing. Necessary corrections presented: Replace “developers” with “applicants”. Need to define what an impact is. Comments: Note the meeting is referred to as a workshop; Use this term throughout for consistency; Consider timing requirements for workshops.

The developer must present to the Planning Commission and BOCC a list of all issues raised, and indicate if and how they were resolved. Necessary comments presented: Replace “developer” with “applicants”. Comments: Consider replacing “list” with “report”.

Unresolved issues then become the focus of the P&Z and BOCC discussion. Comments: Consider removing this and as the focus, as a public hearing should be open to the subject matter. She said these issues are included in the aforementioned report.

Mrs. Gutcher said they could no longer than 30 days. She said the transmittal hearing

Chair Holt gave, for example, Hwy 267 and you have a company that would like to come out there and they have to get the property rezoned she asked for the process. Mrs. Gutcher said if they were coming in and need a map amendment (large scale – 20 amendments), they would have to have a pre-application meeting, outside of the CBOR, this meeting would be with staff first, 30 days prior to which the application was filed. She said then CBOR; Planning Commission would hear and make a recommendation to BOCC and then BOCC would vote yes then it would be sent to the State for requirements (DOT, Water Management, etc). Then the adoption hearing – another 30 days of waiting; the whole process takes – CBOR 30 days before application days is filed; it would be about 6 months.

Commissioner Viegbesie said the transmittal to State to vote; did it require supermajority; Adoption requires also. We need 4 votes each time.

Attorney Weiss said most are state requirements.

B: Neighborhood Participation – Gadsden County’s Department of Planning and Community Development Department (Department) must compile a list of all valid neighborhood associations (with contact person) operating within the unincorporated areas. Within 10 business days of filing of any application or proposals filed for comprehensive plan amendments or land development regulations, the Department shall notify potentially impacted neighborhood associations of such filings, Prior to submittal to DCA of plan amendments that would change future land use map a Community or neighborhood meeting must be held 30 calendar days before the application is filed and the application must verify that the meeting was held. A second Community or Neighborhood meeting must be held 15 business days before the amendment adoption hearing after review by DCA.

Mrs. Gutcher discussed the breakdown with the Neighborhood Participation: Department of Planning and Community Development must compile a list of all valid neighborhood association (with contact person). She said the necessary correction was the County does not maintain a list of neighborhood associations. Neighborhood associations are not a government function. Contact persons often in neighborhood associations.

She said the comments received where: Consider removing this requirement this requirement since the County does not have these records.

Within 10 business days of the filing of any application or proposal filed for comprehensive plan amendments or land development regulations, the Department shall notify potentially impacted neighborhood associations of such filings. She said the necessary corrections same comments applied.

Prior to submittal to DCA of plan amendments that would change future land use map a community or neighborhood meeting must be held 30 calendar days before the application is filed and the application must verify that the meeting was held. She said the necessary corrections were: "DCA" should be amended to "DEO". Refer to the meeting as "workshop" for consistency. Define at what stage this occurs; prior to transmittal hearing or adoption hearing. The comments were: This requirement only applies to plan amendments. This is covered in requirements in Part A above for all meetings.

A second community or neighborhood meeting must be held 15 days before the amendment adoption hearing after review by DCA. The necessary corrections were: "DCA" should be amended to "DEO". Refer to the meeting as "workshop" for consistency. She said the comments were: Consider the intent/resolve of this requirement. This would not allow time for any comments as a result of the meeting to be included in BOCC packets.

Chair Holt commented on the Pre – App Meeting, is it necessary to meet with anyone else but the staff. Mrs. Gutcher replied no, just staff. She said the timing needs to be defined.

C: Seven Day "Cooling Off" Period –Plan amendments cannot be changed in the seven (7) business days prior to the advertised public hearing. This will allow the citizens, commissioners, and others to fairly evaluate the document. If the plan amendment is revised within that period, the hearing will be postponed unless all affected parties agree otherwise. Any material change to proposed plan amendments must be submitted and made available to the public at least five (50 business days prior to the hearing at the adoption stage.

Mrs. Gutcher commented on the Plan amendments cannot be changed in the seven (7) business days prior to the advertised public hearing. This will allow the citizens, commissioners, and others to fairly evaluate the document. She said the comments were: Clarify if this only applies to the adoption hearing, as mentioned in the last section. Any change with only seven days notice prior to a public hearing may not be received in time for adequate distribution to the hearing body (weather P&Z or BOCC) advertised hearing. She said they recommend only allowing changes at the public hearing.

She discussed if the plan amendment is revised within that period, the hearing will be postponed unless all affected parties agree otherwise. She discussed the necessary corrections that were: Define "affected" party. How is the agreement made?

Any material changes to the proposed plan amendments must be submitted and made available to the public at least five (5) business days prior to the hearing at the adoption stage. Conflicts with "plan amendments cannot be changed in the seven (7) business days prior to the advertised public hearing". Consider how the application was advertised vs. how it was changed since there will not be time to readvertise prior to the hearing.

D: Supermajority (needs to be clarified) she then gave a summary she said it currently reads: "Super-Majority" – Votes for ALL COMPREHENSIVE PLAN amendments and Major Land Development Reviews including but not limited to variances, special exceptions, major site plans, and major subdivision shall require a "super majority" vote of BOCC. A supermajority vote of the BOCC is required to amend or repeal this ordinance.

Chair Holt commented on rural residential if you are changing your property from a rural residential to 5 acres that are lot size, 1 house per acre and you weren't zoned for it she said then they would have to go through this process. She said she it also applies to family property. She went through the process.

Commissioner Taylor commented on family exemptions. She asked the Attorney when it comes to family development, about major subdivision development. She said 5 acres or less does not fit on this criteria. She said her understanding is when dealing with the CBOR it is referring to major development. She is asked for clarity she said her understanding and what Chair Holt is stating is totally different.

Attorney Weiss said there were two separate issues; if you need a Comprehensive Plan Amendment to develop which is going from one category on the map to another. He said then you would have to go through the process of Comprehensive Plan Amendment. He said it may or may not be that involved. He said if there is a large scale map amendment that is when you have to go through state review. If it is a small scale map amendment less than 20 acres you don't have to go through the state review you could do it under a quicker process. He said what Commissioner Taylor is referring to is a subdivision that's assuming you are in the right land use category, you are not moving from ag to commercial, you want to subdivide your property. He said what you are referencing is the immediate family exception. He said that is not a major subdivision. He said it did not apply in those circumstances. He said you won't have to have a CBOR Meeting and you don't have to have supermajority vote. He said it doesn't go through the state it is all done internally; it just depends on the situation.

Commissioner Taylor said only if it's a major development. She gave for example if a family had 10 acres and they wanted to subdivide the acres with the family members. She said it wouldn't come back here under the CBOR. She said there still would be a process. She said on several occasions they Board has entertained family exceptions. She said her position was families should be able to do what they want with their property which regards to their family members. She said she would never support anything that would restrict a family from giving property, dividing it out. She said if a company does not want to take the time and come and talk about what is being placed in your backdoor. She asked is that something you want. She said she did

support some of the recommendations such as correction of the language in regards to DCA and DOE, get rid of the term of the developer to the applicant and taking the last sentence out of the first stanza when you start off with the CBOR. She said the Chair and herself are different when it comes to the Homeowner Association but said she her opinion was that they need to notify if they are doing something in the neighborhood. She said, “things that come into the community should mirror what is there.” She said the Homeowners Association should be respected.

Chair Holt said what the Attorney is referring to when it comes to families is if you are already zoned correctly it doesn't matter if you are fifty acres or five acres. The family has parts of land that is not zoned correctly. She said if you look at the map and you are zoned in AG1 and you want to be residential whether its 5 acres or 10 acres you have to go through this process. She said the families would have to go through this process the CBOR. She asked Ms. Jeglie to come forward and clarify.

Ms. Jeglie said the reference person was not a family exception property. She said he was in a recorded subdivision or plat. She said the State Statue said if you are going to replat you through the platting process because it was noticed as a due process assumption. She said with the family exemption the last reiteration limited it to ag2 and ag3 properties, possible 1, you could do 3 acre lots. It is a limited number of 3 acres. She said prior to that it was sunsetted and prior to that it was 1 acre. She said the thing that has been loosened up is the original family exception said when you gave as a family exception property you couldn't sell it reverted back to whoever the parent track was, you lost all the rights. She said that part was changed, but the parcel size and location was limited to those agriculture properties because there would be too many smaller parcels. She said he wanted to replat. The family exception was Ag 2 and 3 properties limited to 3 acres. Jeglie comments

Commissioner Hinson asked for the last minutes for the revised section that occurred around 2013/14 on the Family Exception Amendment. He recalled a great conversation, a lot of which they had already discussed. Ms. Jeglie said they would make that request from the Clerk's Office.

Commissioner Taylor said the CBOR does not have anything to do with Family Exemption. She said they just heard from the Planning Staff that if a family wants to subdivide. She said a plat was not a part of the CBOR; it would not affect what a family can do with their property. She said it doesn't get in the way of family issues. She advised that they read the Ordinance. She said she has shared with others. She said there are some things that needed to be corrected. She asked them to get understanding for themselves.

E. (no header) Environmental Protection Issue, “Environmental Resources’ are not defined. The Plan refers to “environmentally sensitive” lands and defines then in Policy 5.2.1.

F. No Free Density, necessary corrections are: Define “appropriate locations” this statement infers that no land should be converted from the Agriculture Future Land Use Category. What is considered “natural” and “open space”? Needs more clarification.

G. Establish Reasonable Urban Services Boundaries recommended correction was for DCA should be amended to “DEO”.

More discussion was held amongst the Board.

3. **Gadsden County Land Development Code Citizens Bill of Rights Subsection 7001.1**
(Allara Mills Gutcher, AICP Principal, The Planning Collaborative)

Citizens requesting to be heard on Non-Agenda Items (3-minute limit)

- **Lori Bouie**, member of the Planning Commission was concerned with the overall growth of County and super-majority was adopted the Legislature. She recalled when the state of Florida had to vote on pigs. Concern for guidelines we use it across the Board. Small County should use majority rule. One person can swing votes. Needs clarity on application process; recalled different situations on the application process; Complimented Staff and just asked for more clarity. She mentioned the neighborhood meetings; family exemption; supermajority is an abuse of the rule. Mrs. Bouie explained that she was on the Planning Commission and voted yes CBOR and no to the supermajority vote.
- **Linda Dukes**, 4332 Attapulugus Hwy, Quincy, FL, Gadsden has been stagnant over the years. She said she was in support of business; "We need to get away for the 4 – 1 vote." She too wanted to do away with super- majority. "This county is broke and people have no jobs." She asked that they do the right thing.
- **Charles Morris**, 23201 Blue Star Hwy, Quincy, FL, Reverend at New Bethel, Quincy, spoke of the 5 step process and asked that they repeat. Chair Holt repeated the process and asked where was the list on Neighborhood Association. Chair Holt said they are registered at the Clerk's Office. He echoed supermajority comment of Ms. Bouie. He commented that how could a county would with 29,000, 74% democrat adopt language from the Friends of Florida lobbying. He said there are errors in our policy. He asked how a majority democrat county adopted a conservative policy. He said it came about in 2010 when the Board makeup was different.

Commissioner Taylor said there are not two CBOR workshops and she explained the other workshops the applicant goes through are mandated by the State. She said if there is a way that they can reduce the number of workshops. She said they can get businesses ready. She said it has not stopped development and had staff put together a list. There was no growth and infrastructure in incorporated areas. "Yes, there are some things we need change. We are not perfect. We need to fix some things." She said you want the 5 people working together. "You don't want 3 people running County." She said they should be working together as a Board. She said they all should work together as a body.

Commissioner Holt commented on the counties that have a super-majority vote. She said they don't have companies coming because they have this in place. She commented on Commissioners not being present. She said there are 38 counties in small county association and none have this. We must change this. She clarified about the plat. She discussed 4 Star Freight being in Midway because they didn't have to go this CBOR. The zoning needs to be correct. She said they need to fix this to become competitive. She said they must prepare for companies to come into Gadsden County.

Commissioner Taylor left at 5:45pm; Commissioner Viegbesie stepped out at 6:33pm returned at 6:37pm

- **Arrie Battle**, 919 Hardin St, Quincy, FL, concurred with the other comments against the super-majority vote. She talked about personal property that she owned. She asked that they go out to districts and explain this CBOR. She said the BOCC is voting for them.
- **Sam Palmer**, 1225, Berry St, Quincy, FL appeared before the Board representing himself and NAACP, said he was in favor of removing the Super – Majority and it going back to Planning and Zoning. He said they should be trying to make business more accessible.
- **Marion Lasley**, 5 Dante Court, Quincy, FL, Planning Commission, spoke on the time frame on the CBOR Meeting - wording about second meeting, she agreed with the removal of second meeting; supermajority vote, if it is a good project and good location, it can get 4 votes. Infrastructure needs to be in place. She suggested the Board work on getting grants. She asked what happens next, would it go through the Planning and Holt said BOCC. **Marion Lasley** (*came back up for additional comments*) variances and special exceptions need to be included in the CBOR. They don't fit into the Code.
- **Thomas Hawkins**, 308 N. Monroe, Tallahassee, FL, 1000 Friends of Florida, non-partisan. He said he didn't know any community that had used it as it was printed. He said it is Quasi-Judicial in some counties use, urban growth boundaries (8 counties); unique rules exist in most counties. He said Gadsden County needs to do what is best for the County; Public Notice in the era of the internet needs to change. He said as for Comp Plan Amendments if 6 months is your timeline that is great. He suggested they be proactive about the kind of community you want, the growth. He said there is a lot of different ways to look at this. Commissioner Holt said the (FLUM) map needs to be updated. Commissioner Hinson said he believed in being proactive. He thanked the Chamber and GCDC and asked that they be more proactive.
- **Antonio Jefferson**, P.O. Box 220 Gretna, FL, said he supported the changes brought up by Mrs. Gutcher. He discussed the super-majority vote. He said they support community participation. They don't want super-majority and asked do they want to be last in everything. He said this is an important issue. "We have no jobs and students are leaving the county." He mentioned none of the counties around us have super-majority vote. He said they need to be competitive. "We support citizen participation. You should know what is being placed around you." He said everything impacts this.
- **Debra Chatham**, 6277 Flat Creek Road, Chattahoochee, FL thanked the Commission for the supermajority and was in favor of it. She said it worked. She commented on family property split. She said things are getting done in the county. "We do need to change zones, FLUM." She said in Subsection 7001.1 they should strike the last sentence *shall comply; we still need to make sure they comply*. They are in place to protect all of us. She said they need to make sure the citizens are notified of things. She suggested they be simple, be mindful and be slow. She said if the BOCC is clear there would be no problem in getting a super-majority vote. She said she wanted to see growth in the County, but the right kind.
- **Kathie Grow**, 465 John Yawn PL Havana, FL, CBOR, name was called but left before giving her testimony before the Commission.

Mrs. Gutcher said she appreciated Mr. Hawkins talking about being proactive by changing the map means involving the property owner. She said it was her belief that the property owners should change the map. She said some of the suggestions were overlay districts and find appropriate change. Commissioner Holt – Community overlays she explained the process. She said they need to make decisions. Commissioner Viegbesie commented that Mrs. Gutcher is working with us. He said he is ready to vote up or down on the suggestions given. Commissioner Hinson commented what we can get out this right now. He said they should focus on the land. He said they could get 4 votes. He said they went over Comp Plan parts of it, every two weeks.

He said Ag zoning in a residential area and a whole set of additional rules. He said Residential 1 house per acre. Commissioner Holt said it has to come back and then they can vote it up or down. He said they had the Planning Commission to work this and they did and sent to us.

Commissioner Hinson commented on the workshop date. He suggested they pick a time and referenced the time of this workshop would be great in advance. Commissioner Holt said they need to make a decision and bring it to a regular board meeting. He said Commissioner Taylor brought up comments, they need clarity, and we must give citizens a vote. This has already gone to the Planning Commission.

Commissioner Viegbesie said he was in favor of making the needed changes and brings it to the Board for a vote. He said let's make the changes and then vote up or down.

Chair Holt asked Mrs. Gutcher to take comments and make changes, present to BOCC and they would vote it up or down. "We need to fix this in the eyes of the outside world." She then referenced the golden triangle and that it referenced good development. She asked that the Attorney get ethics rules for missing meetings.

Adjournment

THERE BEING NO OTHER BUSINESS BEFORE THE COUNCIL, THE CHAIR DECLARED THE MEETING ADJOURNED AT 6:52 P.M.



ATTEST:



NICHOLAS THOMAS, CLERK



ANTHONY O. VIEGBESIE, CHAIR