

**AT A WORKSHOP OF THE BOARD OF COUNTY
COMMISSIONERS HELD IN AND FOR GADSDEN
COUNTY, FLORIDA ON MARCH 10, 2020 AT 4:00 P.M.,
THE FOLLOWING PROCEEDING WAS HAD, VIZ:**

Present: **Dr. Anthony “Dr. V” Viegbesie, Chair, District 2**
 Brenda Holt, Vice Chair, District 4
 Eric Hinson, District 1
 Gene Morgan, District 3-absent
 Sherrie Taylor, District 5-absent
 Wesley Hall, Interim County Administrator
 Clayton Knowles, County Attorney
 Marcella Blocker, Deputy Clerk

GENERAL BUSINESS

1. Welcome

Chair Viegbesie called the workshop to order at 4:04 p.m. and welcomed everyone.

2. Discussion of the CBOR – (ALL)

Chair Viegbesie said since this was a Workshop, he invited the public to speak on the proposed revisions.

Commissioner Hinson appeared at 4:05 p.m.

- a) Proposed Revisions to the CBOR (Super Majority included based on previous Board recommendations)
- b) Chronology of Meeting since CBOR Adoption
- c) Table of Proposed Revisions since April 12, 2018
- d) Adopted Section 7001.0, Citizen’s Growth Management and Planning Bill of Rights
- e) 1000 Friends of Florida Citizen’s Bill of Rights
- f) Board and Planning Commission Minutes and Agenda Requests since April 12, 2018

CITIZENS REQUESTING TO BE HEARD ON NON-AGENDA ITEMS

Don Stewart, 102 Timber Run, Havana, FL appeared before the Board and spoke on behalf of the CBOR and argued to keep the CBOR. He asked the Commission to look at the proposed changes and what they would be fixing or, as some have proposed in the past and wanted to repeal it altogether, he asked they explain what problems it was correcting. He said he and his Wife moved over to Gadsden County in 2005 because they wanted a rural, quality experience and has been his observation that friends he has made and people he’s met, that was what they were after in Gadsden County as well, a healthy, rural experience. He added to him and his wife, that meant a right to participate in the planning process from the beginning and with

CBOR, especially within ½ mile from their home and because of the required notification, it allowed the to participate beyond that ½ mile if they chose to support friends and neighbors and insure “smart development”. He added they also supported the Super Majority vote on major decisions including amendments to the Comprehensive Plan that directly affect the County’s uniqueness and the relatively unspoiled rural natural beauty and health of the County. He said the CBOR was one of twelve Ordinances in Counties and Municipalities throughout Florida and except for the City of South Miami, this CBOR either offers the most comprehensive protections or the most restrictive rules, depending on the point of view.

Comments on Proposed Changes:

Proposal to Remove Comprehensive Plan Amendments from Citizen Notification part and the Super Majority. He said it made sense to remove it from the beginning but certainly did not think they should remove the Comprehensive Plan from the Super Majority. He said he viewed the Comprehensive Plan like the Constitution and the Board was more like the Senate rather than the House of Representatives because they were disproportionately representing the citizens that live in the County because the districts did not have an equal amount of people in them. He further stated even if the voters were equally distributed, he felt the Super Majority was still advised because that would ensure the rights of most of the County were protected and it would continue to take four Commissioners to put something in a District that a Commissioner might not want in his or her district. He said the other argument for keeping the Super Majority was the citizens only were able to vote for or against ONE of the Commissioners whereas all of them could vote for or against all of the citizens.

Major site plans:

While it was true none of the other Super Majority governments include major site plans, one of his associates inquired of Jane West of 1000 Friends of Florida, who is also the Chair of St. Augustine Beach, of why they should keep that and her response was it was true none of the others had that but she wished they had it in St. Augustine Beach because one of the most egregious hotels was approved as a special exception there.

Variances:

He said he was on the fence on that and would like to hear more on that subject. He said it was being discussed in the Planning Meetings he attended, it reached the point where people were too tired, the meeting ended and they did not get anywhere on it. He said he attended a CBOR meeting with a communications tower recently and no-one else showed up and he was able to talk with the attorney representing Verizon. He informed Mr. Stewart they were there asking for a variance asking for the tower to be closer to the property line and to the road than what the Code said. He said if that was the case where he lived, he would want to know about it.

Notice Requirements:

He said he wanted to keep that. He said he went to the CBOR meeting on Bainbridge Highway concerning the Dollar General store and more than one attendant complained that the notice had a return address of Lynn Haven because the former Director, Allara Gutcher, did consulting for them and it was mailed from there and they almost threw it away, not knowing what it was. He said he liked the sign idea but was unsure if 2 x 2 was big enough.

Chair Viegbesie said before recognizing the next speaker, he said he received two emails and would forward same to the Deputy Clerk for the record so their position could be entered into the record.

Commissioner Hinson said he spoke with Mr. Sherman and he got one view and once he told him what was going on, they shared the same thing and not reflected in his writing because it was based on someone else's opinion. Chair Viegbesie pointed out their email specifically asked their view be put on record.

Commissioner Holt said for him to give it to the Manager and it would go on file.

Lori Bouie, 4237 High Bridge Road, Quincy, FL appeared before the Board and said she has served on the Planning Commission since November, 2015 and has tried the past year to get a complete copy of the Citizens Bill of Rights. In April they voted to acknowledge certain portions of the CBOR. She said she voted against the super majority and felt this County was disproportionately and could not, in her opinion, mathematically achieve the goal of Super Majority. She said that was designed by legislative bodies to ensure that when there were certain unfair circumstances that created a deficit in one position or another, they would use the Super Majority to be able to feel as though they were being fair to everyone that was affected. She added that in a small County with a small consideration of a Commissioner Board, she did not feel it necessary to have a Super Majority. She further stated the State of Florida provides that citizens have the right to voice their opinions when there are changes that affect property use or affect their property and certain rights that they try to establish in Gadsden County are already established in the State of Florida and for the United States government. She said she was concerned that they hired the only public organization in the State of Florida body that actually sued the State of Florida to draft the CBOR. She stated she had a problem with having a document that would take a legal-wise property attorney to understand. She felt if they were ever challenged about this, they would be challenged on the State and Federal level. She asked them to start from ground zero and draft a simple document that a lay-person could understand.

Dr. Steward re-appeared before the Board. He said when he goes to the Planning Meetings, he really listens to her because she struck him as someone that really cared about the County and the people of the County. One thing Ms. Bouie brought up about heir property, he looked into that and have talked extensively with Dale Summerford regarding that. He said CBOR was not the problem and was not why people lost their property after someone died. They lost their property after someone died because they did not go through Probate and establish ownership and that way, they could apply for dividing of the property. He added that an established owner could divide their property now under the Comprehensive Plan. That Plan was what stated how the property could be divided with the Family Exception. He said doing away with CBOR would not solve the problem of heirs not being able to (inaudible) on how the property would be divided up going through probate.

He said he also spoke with David Gardner with the Gadsden County Chamber of Commerce and was told there was no hardened data that suggested the CBOR had hampered economic development in the County.

Lori Bouie re-appeared before the Board. She asked they put a document before them that was inter-relational.

Commissioner Holt said this was not a law to help Gadsden County, it was a property grab by certain citizens of the County. She said the scenario behind the CBOR was if you contained growth, the blacks and poor whites would not be able to afford their property and their property would be able to be gotten cheap.

She said they give the Chamber \$80,000 and do not receive reports. The County is a very expensive member of the Chamber. They set up a company for economic development and should have kept funding it. She said she encouraged different groups to sue the County because this was not what they wanted.

Chair Viegbesie said as for him personally, he strongly believed the CBOR needed to be revised and was a good thing to have but the Super Majority was one thing that needed to be taken away. He further stated if anyone would come and say "We need Super Majority because of representation" if simple majority, 3 Commissioners would be the ones to determine what the Board does for everything. He added if it took Super Majority on everything, then nothing would be done in the County because four people would not agree on the same thing at every point.

He added you could not say you were for economic growth when and you were for Super Majority when that would stand as an impediment to anyone even considering them. He added they needed to keep some of the elements of the CBOR. His position was there were elements that were very good, but one part was scaring away investors. Most of the things in CBOR were already in the Land Development Code.

Commissioner Holt asked if the document was being vetted to come back to the Board. Chair Viegbesie said he thought Commissioner Taylor was the one that asked for the workshop.

Jill Jeglie, Interim Planning Director appeared before the Board. She said there had been a lot of discussion by the Planning Commission and there was also discussion that they felt very strongly they had looked at this before, had made recommendations and asked Ms. Bouie to correct if necessary, but said there had been discussions pro and con over the Super Majority but overall, there was deep dissatisfaction that it come back to them.

Commissioner Holt said she was very interested in taking out the Super Majority, the Planning had already voted on taking it out. She said there was three things they could do; they could vote it out, be sued and take it to Court or they could change the Board and the new Board could vote it out.

Chair Viegbesie said having heard what he just heard, what they needed to do was, if Planning has prepared a document that they have voted on and approved, that document was what needed to come before the Board to be voted up or down.

Ms. Bouie re-appeared before the Board. She said the document came back to them and in Spring 2018 they voted to remove the Super Majority language and the version she had in

Spring 2018 was not so complicated. She stated she was notified in Fall 2018 that changes had to be made and in January 2019 they voted again that the Super Majority should be removed. She said after that, they did not have a quorum because persons that had served their full terms were asked to be removed prematurely only portions of document was brought before them. Between Directors they had, felt like they were being played with as far as how it was presented to them. The third time it was brought to them, she suggested they not vote on it because it was not a complete document. Her recommendation was to have the document put in laymen's friendly terminology, take out the super majority and vote on it.

Mr. Knowles said he had concerns, understood where citizens and Commissioners were coming from with wanting it in more layman's terms, but the issue they may encounter in doing that may not hold up in Court.

Ms. Bouie stated she found only one other CBOR published and was in South Florida and was in layman's terms and was protective and only, in essence, outlined what the State provided for citizens anyway. She said she did not mind doing a layman's term version and he could add the legalese to it.

Commissioner Holt said her only issue, the Board decided the Planning Commissioners needed to live in their district and that was crazy because intelligence was not bound by district lines. She added the issue of it being done at that particular time after the vote to remove it was very strategic in keeping it in place because you removed the Commissioner that had done all the research in order to let everyone know what was going on with the CBOR. She said she could not figure it out because they had the best attendance. Ms. Bouie confirmed the ones removed were the best two commissioners. Commissioner Holt said the kicker behind it was, they have to figure out a way, in order to say this is what was done. She said they should not be selective.

Commissioner Hinson said if the Board changed, that could have been why. Ms. Bouie said the Board did change, however, there was a lot of misinterpretation in the process as well. That person spent a lot of money achieving, before it got to the Board, that person had spent well over \$100,000 over a ten-year span only to miss the grant and not be able to put the business in place. She added what they put on their books does affect the citizens.

Chair Viegbesie said they should not marginalize documents that were prepared. It should be placed on the Agenda and vote it up or down.

Commissioner Hinson said he echoed everything the Chair just said. He asked if they wanted change or fact. He said they had to start doing what was right for the County. He added he was sick and tired of foolishness.

Commissioner Holt said her point was on the literature itself was the imbalance. She added she was not discussing whether the CBOR was good, bad or ugly. She was saying when the Planning Commission made a recommendation, it should not be debated.

Gadsden County Board of County Commissioners
March 10, 2020-Growth Management and Planning Bill of Rights Workshop

MOTION TO ADJOURN

**THERE BEING NO FUTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR VIEGBESIE DECLARED
THE WORKSHOP ADJOURNED AT 5:25 P.M.**

GADSDEN COUNTY, FLORIDA

**ANTHONY VIEGBESIE, Chair
Board of County Commissioners**

ATTEST:

NICHOLAS THOMAS, Clerk