

**AT A WORKSHOP/MEETING OF THE
PLANNING COMMISSION HELD IN AND
FOR GADSDEN COUNTY, FL ON
FEBRUARY 16, 2023 AT 5:30 P.M., THE
FOLLOWING PROCEEDING WAS HAD,
VIZ:**

Present: Rev. Dr. Joe Parramore, Chair, District 5
Eugene Sherman III, District 1
Tracey Stallworth, District 2
John Youman, District 2
Mark Moore, District 3
Wayne Williams, District 3
Charles Roberts, At Large
Karema Dudley, School Board Representative

Staff Present: Justin Stiell, Planning and Zoning Director
Clayton Knowles, County Attorney
Crystal Jimenez, Deputy Clerk

Not Present: William Chukes, District 1
Lori Bouie, Vice-Chair, District 5

WORKSHOP (5:30 p.m.)

1. PLEDGE OF ALLEGIANCE

Chair Parramore welcomed everyone to the workshop at 5:30 pm. They proceeded with the Pledge of the U.S Flag.

The commissioners went around the room to introduce themselves.

2. INTRODUCTION OF MEMBERS – Roll Call for Workshop

Rev. Dr. Joe Parramore, Chair, District 5	PRESENT
Eugene Sherman III, District 1	PRESENT
Tracey Stallworth, District 2	PRESENT
John Youman, District 2	PRESENT
Mark Moore, District 3	PRESENT
Wayne Williams, District 3	PRESENT
Charles Roberts, At Large	PRESENT
Karema Dudley, School Board Representative	PRESENT

2. Planning Commission and Staff discussion of items to be heard during Public Hearings portion of the Regular Meeting (see below).

Justin Stiell said Attorney Knowles will explain the difference between the both hearings. They have provided copies of the comprehensive plan with policies for them to take home.

Attorney Knowles went over the difference of quasi-judicial and legislative hearings. Quasi-judicial make a decision based on evidence. They will be able to be heard, usually there is a time limit on their comments, but they need to give them more time. That applies for all parties. They will all be sworn in by the deputy clerk.

A legislative hearing will have less to do with the applicant's case. They can not like something in a particular area.

Commissioner Sherman asked about the court reporter and if they have their own minutes taken. Attorney Knowles said deputy Clerk, Mrs. Jimenez takes the minutes. Those are just minutes as an opposed to a transcription. So, if they have a court reporter, they will need to make sure all comments are on the record. Commissioner Sherman said should there be a difference between minutes and transcription? Does one take precedent over the other? Attorney Knowles said the transcription could be used in court. If the recorder went off, they could go back to the video. Quasi-judicial will be a little more slowly. Attorney Knowles also talked about conflicts of interests. Contact with an applicant could create a conflict. People will contact to discuss issues. If someone says anything about their quasi-judicial, state that during the meeting.

Chair Parramore said when it comes to those conflicts, at what point would one have to abstain from a vote on an issue? This is based on the relationship with the applicant. Attorney Knowles said it would be based on their best judgement. They need to know if they can fairly evaluate. It is a large board, so if there is a large amount, they may not be getting a full opinion.

Chair Parramore asked if it applies to just the vote or the entire hearing. Attorney Knowles said both, because they don't want to influence at all. They can vote however they like, but the issue is swaying board members based on comments. If you do recuse, get a form to turn in.

Commissioner Youmans asked if they didn't announce that they had a conversation with the person, what would happen? Attorney Knowles said it is about best practices, it is not something that is written in stone. It is not required but it is about best practices. It is about protecting yourself and the county.

Commissioner Moore asked if he was talking about when they have witness and their time limit? Attorney Knowles said it is an opportunity to be heard. The rules of evidence are more relaxed, can take hear say. At a certain point they will end the conversation, just give them an opportunity to present their evidence.

Chair Parramore said in quasi-judicial, they never use a clock. They need to get all of the information they need to make a decision. Attorney Knowles said if it goes off the rails, they can try and reel it back in.

Mr. Stiell added that if they vote for denial, they need to state the reason of denial. Chair Paramore concluded the workshop at 5:53 p.m.

REGULAR MEETING (6:00 p.m.)

4. INTRODUCTION OF MEMBERS – Roll Call for Regular Meeting

Chair Parramore welcomed everyone to the meeting at 6:00 pm.

[Virtual Meeting Access Details]

This meeting and public hearings may be viewed by accessing the Gadsden County Board of County Commissioners Facebook Page, www.facebook.com/GadsdenCountyBOCC.

Those wishing to provide public testimony for the meeting and public hearings will be able to do so by accessing the Zoom platform, with virtual meeting access details that will be posted to the Gadsden County website, www.gadsdencountyfl.gov. Anyone wishing to speak on agenda items should schedule or notify the County Public Information Officer at 850-875-8671 or emailing media@gadsdencountyfl.gov at least 3 hours before attending the meeting and will be asked to follow the Gadsden County Public Meetings Citizens Access Guidelines. Public comment for the meeting and public hearings should be submitted via email to CitizensToBeHeard@gadsdencountyfl.gov until noon on the day of the meeting in order to allow sufficient time for provision to the Planning Commission prior to the meeting and public hearings. Any comments submitted after this time will be accepted and included as part of the official record of the meeting. Chair Parramore read the above statement aloud.

He then proceeded with the Pledge of Allegiance of the U.S. Flag.

Roll call was completed:

Rev. Dr. Joe Parramore, Chair, District 5	PRESENT
Eugene Sherman III, District 1	PRESENT
Tracey Stallworth, District 2	PRESENT
John Youman, District 2	PRESENT
Mark Moore, District 3	PRESENT
Wayne Williams, District 3	PRESENT
Charles Roberts, At Large	PRESENT
Karema Dudley, School Board Representative	PRESENT

5. APPROVAL OF AGENDA

Chair Paramore asked for changes of the agenda. He stated that staff pulled item #9. There were no other changes.

COMMISSIONER YOUMAN MADE A MOTION TO APPROVE THE AMENDED AGENDA AND COMMISSIONER STALLWORTH MADE THE SECOND. THE BOARD VOTED 8-0 BY VOICE VOTE TO APPROVE.

Rev. Dr. Joe Parramore, Chair, District 5	YES
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Eugene Sherman III, District 1	YES
Tracey Stallworth, District 2	YES
John Youman, District 2	YES
Mark Moore, District 3	YES
Wayne Williams, District 3	YES
Charles Roberts, At Large	YES
Karema Dudley, School Board Representative	YES

6. APPROVAL OF MINUTES – December 15, 2022, January 12, 2023 ITEM 6
COMMISSIONER YOUMAN MADE A MOTION TO APPROVE THE MINUTES AND COMMISSIONER WILLIAMS MADE THE SECOND. THE BOARD VOTED 8-0 BY VOICE VOTE TO APPROVE.

Rev. Dr. Joe Parramore, Chair, District 5	YES
Eugene Sherman III, District 1	YES
Tracey Stallworth, District 2	YES
John Youman, District 2	YES
Mark Moore, District 3	YES
Wayne Williams, District 3	YES
Charles Roberts, At Large	YES
Karema Dudley, School Board Representative	YES

COMMISSIONER SHERMAN MADE A MOTION TO APPROVE THE MINUTES AND COMMISSIONER DUDLEY MADE THE SECOND. THE BOARD VOTED 8-0 BY VOICE VOTE TO APPROVE.

Rev. Dr. Joe Parramore, Chair, District 5
Eugene Sherman III, District 1
Tracey Stallworth, District 2
John Youman, District 2
Mark Moore, District 3
Wayne Williams, District 3
Charles Roberts, At Large
Karema Dudley, School Board Representative

7. DISCLOSURES AND DECLARATIONS OF CONFLICT
Chair Paramore asked if there were any disclosures and declarations of conflict? There were none.

PUBLIC HEARINGS

8. Havana Learning Center Conceptual/Preliminary Site Plan (SP 2022-03) (Quasi-Judicial) - Consideration of a conceptual/preliminary site plan to construct a classroom building and a gymnasium to an existing school facility on a 7.72 acre parcel located at 2434 Kemp Road, Havana (Parcel ID 2-25-3N-2W-0000-00440-0100). ITEM 8
Chair Parramore presented the above item.

Justin Stiell was sworn in by the deputy clerk. He said the Havana Learning Center is being represented by Carmen Greene. It was approved by the planning commission in October of 2019. He went over the agenda request.

Commissioner Dudley stepped out at 6:08 pm

Commissioner Dudley returned at 6:08 pm

Commissioner Roberts had a question on the review committee, development order, and asked if these are saying that these things have to be done prior to? Mr. Stiell said yes. Commissioner Roberts asked what are they voting on? Mr. Stiell said they are voting on consideration of approval or denial of the application. If they vote to approve as staff has recommended, then they would say they approve this, but before they can get the final development order, they need to meet these standards and provide the documentation. Commissioner Roberts second question is on the new permit requested. Mr. Stiell said for them to read on page 35.

Conditions listed under option 1.

Commissioner Sherman said with the conditions listed, what entity will ensure the conditions are on that shall they move forward? Mr. Stiell said if they recommend approval, the Board of County Commissioners will have the final vote. If they approve, then they would send a letter that they need to have to met all the requirements before giving approval for their application. After providing that, they can apply for a final site plan review, then it will be staff level reviewing and making all the fine details, then they will get their final development order. Commissioner Sherman asked should there be non-compliance with one or more of these stipulations, what are the actions or consequences? Mr. Stiell said if they don't meet the recommendations, the staff cannot approve additional development.

Commissioner Youman said from what he sees listed, he recommends they approve this applicant and that all requirements are met.

Chair Parramore said he is assuming that the original land use amendment had to be submitted to DEO? Mr. Stiell said correct. Chair Parramore asked if they have that approval from DEO? Mr. Stiell said he has not seen that but yes, the land use has been changed on their future land use. Chair Parramore asked about the stormwater management and the well issue. He asked if they have any information from DOH as to what they are looking for in terms of the management of stormwater and then the expanded use of well water? Mr. Stiell said for stormwater, the requirement is that for 72 hours, the stormwater on site be treating in a stormwater facility. Also required by the Gadsden County land development code. For the well, there is a limit on the number of sizes. Mr. Stiell said he does not have the number of people by DOH standards. That is a state permit that they wouldn't have any say on or have any jurisdiction over. Chair Parramore said for the stormwater pond, in the land use code, there are ordinances

requiring it to be secured by fencing for protected of public safety. Mr. Stiell said depending on the design of the stormwater pond, it could require fencing, depending on how deep it is. Chair Paramore said his concern is that it is a school that needs to be considered as a requirement. He asked if it is not specifically required in this case? Mr. Stiell said he understands. He asked if he would like to add that as an addition.

Commissioner Stallworth said he has conducted business with the applicant but that does not sway his decision.

Commissioner Moore asked if a permit has been received from the Department of Health about the well? He is particularly concerned about septic tank issue. Mr. Stiell said based on the comments of the Department of Health, it does not appear that has happened. However, he is not sure what has happened between the time the comments were received and today.

Chair Parramore said to be clear, before a commencement order is issued, that DOH issue has to be satisfied? Mr. Stiell said that is correct.

Commissioner Sherman asked if there are any time elements that would bring this issue to them today versus a later time with some of these items being addressed? Mr. Stiell asked with it coming back to them? Commissioner Sherman said yes. Mr. Stiell said it would stop progress, if they don't have approval, then there would be no need for them to move forward. Everything is in limbo until they know from the Board of County Commissioners.

Carmen Greene c/o Magnolia Eng., 1150 E. Tennessee St. Tallahassee, FL 32308 – Havana Learning Center: 850-385-0203

She thanked the board to be able to speak. She gave more background on the school. She was not involved in the first part of it, but there was the rezoning in 2019. It was rezoned as a special exception use. When they started the second process, there was a different director, they had a pre-application meeting with him. They discussed they would have to go through the special exception use again. She advised them if they have to go through that every time they make an addition, go through everything within a timeframe. They went ahead and applied on that basis. The school is a private school, it serves students that may not fit in mainstream schools, it got a lot of support at the first go around. They are providing a valuable community service. There were about 60 student enrollments to begin with and since she started, the enrollment has dropped at about 42 students. She said 100 students is their maximum projection. One of the things requested is a traffic study on the agenda. She pointed out that there is no traffic data for the estimated 15 employees and no AM peak hour data for the 100 students were provided. The traffic data is based on ITE studies that are done on an independent variable. It is number of trips vs students. The number of trips recorded is not just for students, it is for everybody. That is just the independent variable. When she looked at the current FDOT level of service standards, it looked like it was going to be a tremendous traffic impact, even with 100 students. They just became aware of those

comments this week. They would like the opportunity to work with staff and see if the traffic study is really needed. They want to comply with all reasonable provisions of the code, but they do not want to put a burden on the school.

She mentioned sidewalks and said this is a rural area. They want to see if they are really warranted. There is a steep ditch and they can provide an easement. Will it serve any purpose? She knows they want to provide buffering and she noted that the owner of the school is the residents to the west. What is reasonable in terms of buffering? She said another thing mentioned is the Talquin easement and that the signage be removed. The sign that is being referred to is fiber optic cable markers and the school can not relocate those. For the well and septic, they will get with DOH and get that taken care of. Fencing is not required if slopes of 4 in 1 or less ft. The southern half of the property, there is an existing fence. They can put existing fence to address it. The kids don't go on that portion of the property, it is fenced off. The time urgency is that they missed one school year, if they don't keep things moving. They are requesting a little bit of flexibility to work with staff to determine what they need to do to bring this school in compliance with the code. She asked if there were any questions? She said the stormwater will go through the water management district.

Chair Paramore said the back of the property joins some woodland area and a pond. Has there been any environmental impact study done and where is the retention pond planning on being placed in relation to that back corner of the property? Ms. Greene went up to the Dias to show Chair Paramore the layout.

Commissioner Roberts asked in the research of the traffic study, was there consideration if the students will be on a bus or a van? She said they do have a bus. He asked if each student will provide their own transportation or will they provide it? She said the number they used was out of the ITE manual. It is studies on private schools k-12 and using the bus will probably reduce the traffic.

Commissioner Williams asked who provides security for the school? She said they have cameras but is not sure because they typically do not look at security. She will give them a response as part of their response to give on comments.

Commissioner Moore said the road in front of the school is a rural road, just a ditch, he asked how far is it or is it just a ditch? Ms. Greene said the closest sidewalk is on the westside of the middle school. There is no infrastructure on that road. She said only ditch and electric. He said having to do with private schools, he understands the concern. Chair Parramore thanked Ms. Green.

Chair Parramore referred the commissioners to page 6 and 7 of the package to see the options. He entertained a motion.

Commissioner Youman motioned to give the applicant approval of their application and when these items are approved, it comes back to the planning

department. Chair Parramore said there is a motion on option 1. Commissioner Williams second the motion.

Commissioner Moore asked if that recommendation they made be where they can give their staff the authority? He does not think they should make an incumbent upon a private school to put public infrastructure where there has never been any because it may open up a whole pandora's box of issues. He is concerned about putting those sidewalks in that tie into curbs that do not exist. He asked if they can make some kind of recommendation there?

Commissioner Roberts said on that note, on that road, the drop-off is about 6 to 8 ft. So, he does not know where they are going to put sidewalks to go to the school. That is going to cost them a lot of money. Someone needs to go look at that.

A roll call was done on the motion:

Rev. Dr. Joe Parramore, Chair, District 5	NO
Eugene Sherman III, District 1	NO
Tracey Stallworth, District 2	YES
John Youman, District 2	YES
Mark Moore, District 3	NO
Wayne Williams, District 3	YES
Charles Roberts, At Large	YES
Karema Dudley, School Board Representative	NO

The motion fails due to a tie. Now the chair entertained another round of motions.

Chair Paramore made the motion to recommend option 3, discretion of the planning commission referring it back to staff to discuss with the applicant, the traffic study issues, mediate the sidewalk issues, and get clarity from Talquin on the fiber optic cable markers that exist and then bring it back before this commission. Commissioner Moore second the motion.

Rev. Dr. Joe Parramore, Chair, District 5	YES
Eugene Sherman III, District 1	YES
Tracey Stallworth, District 2	YES
John Youman, District 2	YES
Mark Moore, District 3	YES
Wayne Williams, District 3	YES
Charles Roberts, At Large	YES
Karema Dudley, School Board Representative	YES

The motion carries 8-0.

9. *Havana RV Park Conceptual/Preliminary Site Plan (SP 2022-04) (Quasi-Judicial) - Consideration of a conceptual/preliminary site plan to construct a recreational vehicle park on a 6 acre parcel located west of U.S. 27 (FL-GA Hwy), south of Bush Street, and east*

of the FL Gulf & Atlantic Railroad line (Parcel ID 2-22-3N-2W-0160-00001-0120). - ITEM WILL BE PULLED.

10. 205 Glade Road, Peavy Small Scale Future Land Use Amendment (SSPA 2023-01) (Legislative) – Consideration of a of transmittal to the Florida Department of Economic Opportunity of a Comprehensive Plan Small Scale Future Land Use Map (FLUM) amendment to change the future land use from Commercial to Agriculture 1 on a 16.72 acre parcel located at 205 Glade Road, Havana (Parcel ID 2-14-3N-2W-0000-00243-0300). **ITEM 10**

Chair Paramore presented the above item.

Mr. Stiell presented item #10 as it is shown on the agenda request. Commercial feature land use does not allow for any new residential development. So, in order for this to go forward, they need to complete a future land use map amendment. Staff's recommendation is for approval of the Peavy Small Scale Comprehensive Plan Land Use Map amendment.

Commissioner Roberts said he hates the term amendment because when you amend it, it makes it open for everybody, instead of saying exception to policy. It gives anybody a reason why they would approve or disapprove this for this usage. When you say amendment, you change an entire rule, and now it is for everyone. If they change the language to exception of policy then they will give a reason to say yes you can do this because of these criteria. He has been saying it for 3 years asking to change that because if you amend it, it is now for everybody.

Commissioner Moore asked if that assessment is correct? Mr. Stiell said the future land use map is what they sent to the state that guides growth. The area they are looking to build on is a commercial, which has zero residential development anticipated for that at this point in time. The way that Florida Statute requires the code to be written, in future land use, they are not allowed to have any residential units, when that policy was written. There wouldn't be a way to do an exception to the rule because that will be against Florida Statute and what has been approved by the Department of Economic Opportunity. Commissioner Roberts asked how do they fix that because if they amend, it would change the rule? Attorney Knowles said this is small scale, so they will change the use of that parcel not the entire rule. If they change the entire rule, it would change the land development code, then it would require an ordinance change. They are only making the change for this particular applicant at this particular site. A large scale would be different. They are not changing the rule in the book for this applicant. Commissioner Moore asked if they make this amendment for this small scale change, does it just affect that property or a section? Mr. Stiell said it is just this particular parcel. Attorney Knowles said if a neighbor wanted to do same, would have to do the same process.

Chair Paramore asked if the applicant plans on keeping the property continuous, or separating it into two parcels? Mr. Stiell said yes to both, the parcel will be continuous.

They have an 11.05-acre parcel and a 5.67-acre parcel that are continuous, but before doing the lot split, they need the future land use be amended so that they can identify this as a residential structure. Otherwise, it would have to be a major subdivision based on it being commercial.

Chair Parramore asked Ms. Steele if there was anyone that requested to speak online? There was no response.

COMMISSIONER SHERMAN MADE A MOTION TO APPROVE OPTION 1 AND COMMISSIONER DUDLEY MADE THE SECOND. THE BOARD VOTED 8-0 BY VOICE VOTE TO APPROVE.

Rev. Dr. Joe Parramore, Chair, District 5	YES
Eugene Sherman III, District 1	YES
Tracey Stallworth, District 2	YES
John Youman, District 2	YES
Mark Moore, District 3	YES
Wayne Williams, District 3	YES
Charles Roberts, At Large	YES
Karema Dudley, School Board Representative	YES

GENERAL BUSINESS

11. TRAINING AND EDUCATION

Chair Paramore said he failed to comply with the request of last months meeting. He requested that their next immediate workshop be on sunshine law and ethics. For reference, he was a part of a workshop with the city of Tallahassee on ethics. He wants to see if they can come spend an hour with them. The presentation was phenomenal. Mr. Stiell asked Chair Parramore to send him the information. He said they will have a joint workshop with the Planning Commission and Board of County Commissioners to have the same training.

Mr. Stiell said they discussed some training opportunities and they did not vote on what was presented. He said he did not have it with him. They will need to come back to that.

12. PLANNING DIRECTOR'S COMMENTS

Mr. Stiell said they have a new staff member, Amy, who is the planning permit tech. She just started. The Board of County Commissioners requested a meeting for a workshop on the comprehensive plan land development code about 2 weeks ago. He said the discussion was really good, and they will look into bringing that to the Planning Commission at a future meeting.

13. PLANNING COMMISSIONERS' COMMENTS

Commissioner Roberts said he ran into this problem before so he read the definition of an amendment and the definition of exception of policy.

Attorney Knowles said that is the term the legislature uses. He said he hears his concern but for the sake of ease, and it's a small-scale amendment, they are not changing the actual ordinance. There is process they have to go through. They could try and change it but it could create problems. Commissioner Roberts will go to session to let them know.

Chair Paramore said there are ways to go about getting that change.

Mr. Stiell said Attorney Knowles addressed what he was going to say. He said 1633177 identifies what a future land use map amendment is and this is only for future land use map, it does not change any of the policies in Gadsden County. He understands it more as a variance.

14. ADJOURNMENT OF MEETING
WITH NO FURTHER BUSINESS TO COME BEFORE THE BOARD, CHAIR PARRAMORE
ADJOURNED THE MEETING AT 7:06 P.M.

The next regularly scheduled meeting is March 16, 2023 at 6:00 pm.

GADSDEN COUNTY, FLORIDA

JOE PARRAMORE, Chair

ATTEST:

NICHOLAS THOMAS, Clerk