

**GADSDEN COUNTY PLANNING COMMISSION  
PUBLIC HEARING MEETING MINUTES  
Thursday, August 14, 2014**

**6:00 p.m.**

Board of County Commissioners Meeting Room  
7 East Jefferson Street  
Quincy, Florida

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**Present:** Commissioner Regina Davis, At - Large Member, Chair  
Commissioner Edward Allen, Vice – Chair  
Commissioner Dr. Gail Bridges – Bright  
Commissioner Diane Sheffield  
Commissioner Larry Ganus  
Commissioner Mari VanLandingham  
Commissioner David Tranchand  
Commissioner Frank Rowan  
Commissioner William Chukes  
Commissioner Edward J. Dixon  
Commissioner Catherine Robinson (Absent)  
Commissioner Judge Helms, School Board Representative  
Jill Jeglie, Senior Planner  
Allara Gutcher, Planning & Community Development Director  
Beryl H. Wood, Deputy Clerk

**1. PLEDGE OF ALLEGIANCE**

Chair Davis called the meeting to order at 6:00 p.m. with a quorum and led in the Pledge of Allegiance to the U.S. flag.

**2. INTRODUCTION OF MEMBERS/ROLL CALL**

Each member present stated his or her name and district for which they are appointed for the record.

**3. APPROVAL OF MINUTES – April 10, May 15 and July 10, 2014**

**April 10, 2014/May 15, 2014**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DR. BRIDGES-BRIGHT, THE COMMISSION VOTED 11 – 0, BY VOICE VOTE, FOR APPROVAL OF THE APRIL 10 AND MAY 15, 2014 MINUTES WITH NECESSARY CORRECTIONS.**

**July 10, 2014**

**UPON MOTION BY COMMISSIONER CHUKES AND SECOND BY COMMISSIONER SHEFFIED, THE COMMISSION VOTED 11 – 0, BY VOICE VOTE, FOR APPROVAL OF THE JULY 10, 2014 MEETING MINUTES WITH NECESSARY CORRECTIONS.**

**4. DISCLOSURES AND DECLARATIONS OF CONFLICT – None**

**GENERAL BUSINESS**

**5. PUBLIC HEARING (Quasi-Judicial): Crossroad Academy Charter School Variance (V-2014-01) request to allow the removal of six (6) protected trees and the technical removal of two (2) protected trees.**

Mrs. Gutchler commented per the Attorney that the July 10, 2014 Minutes must be entered as evidence. She stated that all who were present needed to disclose that information and a vote would need to be taken.

Chair Davis asked for a show of hands of those present at the last meeting. It was noted by the Deputy Clerk. Commissioners present were Regina Davis, Edward Allen, Diane Sheffield, Mari VanLandingham, David Tranchand and Frank Rowan.

**UPON MOTION BY COMMISSIONER SHEFFIELD AND SECOND BY COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 11 – 0, BY VOICE VOTE, TO INCLUDE THE JULY 10, 2014 MINUTES AS EVIDENCE.**

Mrs. Jeglie gave an update on the Crossroad Academy Charter School Variance to allow the removal of six (6) protected trees. The Community and Economic Development Organization (CEDO), the property owner, represented by Ms. Millie Forehand and, Brad Begue of Barkley Consulting Engineers, Inc. as the agent; are requesting approval of a variance to Subsection 5404.C.2 Tree Protection Area of the Gadsden County Land Development Code (LDC) to allow the removal of six (6) protected trees (20" or greater diameter at breast height (DBH)) and the technical removal of two (2) additional protected trees to allow the expansion of the Crossroads Academy Charter School located at 470 Strong Road (Tax Parcel I.D. # 3-20-2N-3W-000000221-0000). Ms. Jeglie said the applicant has addressed the variance criteria as listed Subsection 7301.C.1-7 of the LDC and they have complied with the criteria. Staff recommends approval of the Crossroads Academy Charter School Variance Request.

A motion was made by Commissioner Tranchand and second by Commissioner Dr. Gail Bridges – Bright.

Commissioner Ganus questioned the number of trees to be removed.

Ms. Jeglie said there are six (6) trees to be removed in addition to the technical removal of two (2) trees, providing ninety (90”) caliper inches of tree replants.

Commissioner Allen inquired about the 24ft drop-off.

Ms. Jeglie yielded to Mr. Begue.

Commissioner Helms asked for the reason for the removal of the trees.

Brad Begue, of Barkley Consulting Engineers, Inc. replied to Commissioner Allen’s question and said it would be a horseshoe retaining wall. He also stated in response to Commissioner Ganus’ question that the trees to be removed are in close proximity of the proposed high school and gymnasium and are only being removed in order to construct the buildings.

**UPON MOTION BY COMMISSIONER TRANCHAND AND SECOND BY COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 11 – 0, BY VOICE VOTE, FOR APPROVAL OF THE CROSSROADS ACADEMY CHARTER SCHOOL VARIANCE REQUEST (V-2014-01) TO REMOVE SIX (6) PROTECTED TREES AND TWO (2) TECHNICALLY REMOVED TREES, PROVIDING NINETY (90”) CALIPER INCHES OF TREE REPLANTS, AND ADOPT THE FINDINGS PRESENTED BY THE PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT AND THE APPLICANT’S AGENT AS DEMONSTRATING COMPLIANCE WITH ALL THE CRITERIA OF SUBSECTION 7301.C OF THE LDC. RECOMMEND THE BOARD CHAIR SIGN VARIANCE RESOLUTION #V-2014-01.**

**6. PUBLIC HEARING (Legislative): Transmittal of Intergovernmental Coordination Element to the Department of Economic Opportunity for review.**

Mrs. Gutcher gave update of the Intergovernmental Coordination Element of the Gadsden County Comprehensive Plan. In 2012, the Comprehensive Plan was presented to the Planning Commission as a required update based on the adopted Evaluation and Appraisal Report (EAR) and statutory time limitations to adopt EAR – based amendments as a result of the findings of the EAR. After public hearing by the Planning Commission, the Plan was then never forwarded to the BOCC for public hearing nor transmitted to the Department of Economic Opportunity for review. This step is required in the adoption process of the Plan. She said attached was a strikethrough version and a clean version for the Commission’s review.

Commissioner Helms questioned attachment 2 page 2. Policy 7.1.4 E. “Where it states: The County shall include an ex-officio non-voting member on the Local Planning Agency from the Gadsden County School Board.” He pointed out that it was his impression it was changed, due to the fact they have been voting.

Commissioner Ganus recalled it initially started as a non-voting position but, it was soon changed. He said the wording also was included on page 3 section (f).

Additionally, he added on page 4, attachment 2 under Policy 7.2.1 the odd policy was 7.1.5 which was struck through instead of having one-mile boundary it had a half-mile boundary. He asked was this changed on purpose.

Commissioner Sheffield commented since you're talking local governing body a mile sounds acceptable to notify local governing body.

Commissioner Tranchand asked what the determined impact distance would be.

Commissioner Dixon responded it is different for every program.

Chair Dixon asked did anyone have any objection to the one-mile.

Consensus was the Commission would be fine as is.

Mrs. Gutcher responded to the question regarding Policy 7.1.4 (e) and (f) that it's not statutory wording. It was taken from the Interlocal Agreement that was signed between the School Board and the Board of County Commissioners, the planning efforts were mandated by the State between the local governments and the School Board, and therefore the language came from that agreement.

Commissioner Sheffield said somewhere they changed it, but not in an official manner.

Mrs. Gutcher said the current Interlocal Agreement is still valid until dissolved by the participant agencies.

Commissioner Ganus asked did the change to allow the School Board Member to become a voting member ever go before BOCC.

Mrs. Gutcher said they could make a motion and move forward and see if the BOCC would look at that. She said they can make a motion to request the BOCC amend the Interlocal Agreement. She said there is a transmittal stage of the Plan amendment where changes can be made between transmittal and adoption stages of the process.

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DR. BRIDGES -BRIGHT, THE COMMISSION VOTED 11 – 0, BY VOICE VOTE, TO MOVE FORWARD WITH THE PROCESS AND MAKE A RECOMMENDATION TO BOCC THAT THEY MOVE FORWARD AND AMEND THE INTERLOCAL AGREEMENT.**

Commissioner Ganus inquired about the minutes from the last meeting where they referenced Lake Talquin in Policy 7.4.1 page 5 adding to the list of bodies of water that are to be observed. He asked would it be added.

**UPON MOTION BY COMMISSIONER VANLANDINGHAM AND SECOND BY COMMISSIONER SHEFFIELD, THE COMMISSION VOTED 11 – 0, BY VOICE VOTE, TO ADD TO POLICY 7.4.1 TO THE LIST OF BODIES OF WATER TO BE OBSERVED – LAKE TALQUIN.**

**UPON MOTION BY COMMISSIONER DIXON AND SECOND BY COMMISSIONER DR. BRIDGES – BRIGHT, THE COMMISSION VOTED 11 – 0, BY VOICE VOTE, FOR RECOMMENDATION TO MOVE INTERGOVERNMENTAL COORIDINATION ELEMENT OF THE COMPREHENSIVE PLAN TO BOCC AS AMENDED.**

**OTHER ITEMS:**

7. **DISCUSSION ITEMS** - Discussion of policies within the Comprehensive Plan regarding mining activities.

Mrs. Gutcher said she did research with other counties that have heavy mining such as Polk and Hernando Counties to see how mining activities was addressed in their Comprehensive Plans. She stated some of these policies come from those plans. After reviewing what was in the Gadsden County Plan, she highlighted the policy to attempt to determine what the goal was but, it found the Plan is unorganized and confusing. She said she would rephrase the policy to be more precise and direct. The remainder of the policies are from other counties that have had heavy mining activities. She referenced the maps included in the Commission packets that show current mining with current DEP permits and a Gadsden County Mining Operations Map.

Commissioner Allen commented that CW Roberts was listed, but they aren't mining.

Mrs. Gutcher replied they have the permit and could if they chose. The map only referenced the sites with active DEP permits.

Commissioner Allen questioned the one-hundred foot setback distance. He said not only should it include public right-of-ways, but rivers, streams, lakes and creeks.

Chair Davis asked was there currently a setback.

Mrs. Gutcher replied there is not.

Commissioner Sheffield asked was this the only policy on the book.

Mrs. Gutcher it is not, it's the only policy which was confusing and uncertain.

Chair Davis asked if they don't have setbacks, what would be his concern.

Commissioner Dixon voiced there are state regulations.

Mrs. Gutcher said that is correct, mining activities are heavily regulated by the State.

Chair Davis said if it's heavily regulated by the State and the State supersedes the County. She asked why we are discussing this, was there a problem or had a situation arose that

should be brought to their attention.

Commissioner Allen asked why the State would allow mining in the rivers, creeks and lakes if the County doesn't.

Mrs. Gutcher said she would have to get with the State.

Commissioner Dixon said the rivers, creeks and lakes are State resources not County resources.

Mrs. Gutcher stated the Army Corps has jurisdiction over navigable water ways, if it is a jurisdictional wetland DEP has authority over it. She said they both could have jurisdiction.

Commissioner Dixon said they should have the professionals get into the regulations of mining. It is a large operation, with millions of dollars. There may be no reason to make additional law.

Commissioner Dr. Bridges – Bright said it should go to the State; it's out of the County's jurisdiction.

Commissioner Sheffield said they should be able to add recommendations as long as it didn't go against what the state requires.

Commissioner Dr. Bridges – Bright asked would they be creating undue hardships.

Chair Davis said the State regulates.

Mrs. Gutcher addressed the issue of undue hardships by saying she didn't believe any of the policies listed would create undue hardship. She said the Attorney had reviewed packet and he didn't point out any concerns. She said they don't want to be contrary to what the State requires.

Mr. Craig Clary, Gadsden County resident, spoke concerning public health and asked would it affect lives. He discussed the earth shifting and sinkholes that could possibly occur due to mining in some areas.

Chair Davis asked Mrs. Gutcher did the Attorney say that it was not in conflict with the State.

Mrs. Gutcher replied no, he didn't speak on it to that level. She said he commented on the hardship.

Commissioner Sheffield said they should look at what is on the books now.

Chair Davis asked if the Commission wanted to establish new policy, those in favor were asked to show by hands raised and they were Commissioner's Sheffield, Ganus, VanLandingham, Allen and Tranchand.

Commissioner Tranchand suggested some type of presentation of what the State requires from the Mining Companies. A workshop would be appropriate for the Attorney, DEP, and the public to be in attendance.

It was directed by Chair for staff to come back with workshop with the above mentioned components.

#### **8. PUBLIC COMMENTS**

Craig Clary commented as a resident of the County. He said they need to be aware of the danger imposed from the mining within the County.

#### **9. DIRECTOR'S COMMENTS**

Mrs. Gutcher discussed several grants they have applied for on the County's behalf: Technical Assistance Grant from the Department of Economic Opportunity (DEO) to help with the creation of an Economic Development Element to the Comprehensive Plan. She said they have not received word if it would be granted. She mentioned they are applying for another grant with DEO called the Competitive Florida Partnership Program which is another Economic Development Initiative that would provide technical assistance to help create data analysis. It would also help create an Economic Development to Plan or a Plan by itself. She said they are working with the Gadsden County Development Council (GCDC). The application deadline is August 27, 2014. She stated that the Tourist Development Council (TDC) through Visit Florida received a \$2,500 Mobile App Grant for events and locations within the county.

Chair Davis reminded the Commission about the Sunshine Law of Commissioner's communicating to each and asked that they be mindful.

**10. ADJOURNMENT**

**THERE BEING NO FURTHER BUSINESS TO COME BEFORE THE COMMISSION, THE CHAIR DECLARED THE MEETING ADJOURNED AT 7:00 P.M.**

**GADSDEN COUNTY, FLORIDA**

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**REGINA DAVIS, PC CHAIR**

**ATTEST:**

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**BERYL H. WOOD, DEPUTY CLERK  
For NICHOLAS THOMAS, CLERK  
Gadsden County, Florida**