

**AT A WORKSHOP OF THE BOARD OF  
COUNTY COMMISSIONERS HELD IN  
AND FOR GADSDEN COUNTY,  
FLORIDA ON APRIL 30, 2019, THE  
FOLLOWING PROCEEDING WAS HAD,  
VIZ:**

**Present:** Dr. Anthony O. Viegbesie, Ph.D., District 2 Chair  
Brenda Holt, District 4  
Sherrie Taylor, District 5  
Dee Jackson, County Administrator  
Attorney Weiss, County Attorney  
Suzanne Lex, Planning and Growth Management Director  
Muriel Straughn, Clerk's Office

**Absent:** Eric Hinson  
Gene Morgan

**Welcome**

**1. Anthony O. Viegbesie, Ph.D., Chair**

Chair Viegbesie welcomed everyone and called the meeting to order at 4:30 p.m.

**General Business**

**Citizens Requesting to be Heard on Non-Agenda Item (3-minute limit)**

Chair Viegbesie called for Public input on non-agenda items. There was no response.

**2. Proposed changes to the Citizens Growth Management and Planning Bill of Rights**

Dee Jackson, the County Administrator, introduced the Planning and Growth Management Director Suzanne Lex, who addressed the board.

She made the following points:

- The Citizens' Bill of Rights came into being approximately ten years

ago by county ordinance.

- It has been a topic of discussion of the county commission for the last eight years.
- Each time it was revisited, the board declined to take action despite the recommendations for change by the planning commission.
- One factor that prevented a change is that it would require a supermajority vote by the county commission.
- The staff and the development committee (comprised of professionals) has been hampered in delivery of development review services due in part to the requirements set forth in the Citizens' Bill of Rights for additional public hearings which also imposes additional costs to the potential developer.
- Staff is looking to find a balance between the need for public hearings and public input with the need to expedite the development process and costs to potential developers.
- At their last meeting, the planning commission recommended that changes be made such that the county would **retain the mandated citizens' participation plan** for the special exception Class 2 commercial uses. They are listed in the future land use category (of the Land Development Code) and uses that could create some incompatibility with adjacent properties. (RV Parks, truck stops, flea markets, taverns, outside kennels, light industrial uses, theaters, auditoriums, circuses and other land use activities that may not be classified, but, if determined by staff to be recommended by staff as a Class 2 such as daycare facilities, adult day care and adult release (inaudible)). Of these 12 items listed as special exception uses, 11 specific (inaudible), they will come before the board, and they will have a citizen participation meeting. Ms. Lex recommended that these be retained.
- She recommended that they **retain the public (citizen) meetings** on the comprehensive plan amendments. Comprehensive Plan amendments are noticed once before the planning commission and again before the county commission **along with the citizens' participation meetings.**
- The planning commission **recommended deleting** the neighborhood association notification process because they already have a citizens meeting which notifies affected parties that live within ½ mile proximity being noticed.
- Remove the Seven-Day "Cooling Off" period – Plan amendments

cannot be changed in the seven business days prior to the advertised public hearing. If revised within this period, then the hearing must be rescheduled.

- Remove the supermajority vote that is now required for all comprehensive plan amendments, major land development review, variances, special exceptions, major site plans and major subdivision(s).
- Remove the clause requiring protection of environmental resources on all comprehensive plan map amendments and “site development applications.” This already occurs. It is a given. It is in the Land Use Code and the Comprehensive Plan. The county is required to do this by State law.
- Remove the “No Free Density.” There is no definition for “Free Density.”
- Remove the establishment of a reasonable urban service boundary. This mandate came from the State in 2014 to Gadsden County. Since Gadsden County has no urban services, the mandate was futile, and there is no need for this provision. If the county should ever have services to offer, regulations over the urban service boundary would become necessary.

Chair Viegbesie called for comments from the public. He recognized the following people.

**Debra Chatham 6277 Flat Creek Road, Chattahoochee, FL**

Good evening. Debra Chatham, 6277 Flat Creek Road, Chattahoochee, FL. I am just coming back to talk to you again. You have heard me before, but, I wanted to bring something up.

She was just talking about urban services. I was at the last meeting, and you were talking about an overlay at the I-10 interchanges. Until we have some sort of infrastructure in place for those things, we can't grow there. We see the giant mounds of septic tanks still out there at the old Jai-Lai facility. They are huge, and they are still there. They never had any infrastructure. I guess that they have their own giant well out there also. We don't seem to have the ways to provide those services to those exchanges.

I keep hearing that this “Bill of Rights” is holding us back from growth, but, I think it is our lack of infrastructure in areas such as the I-10 interchanges.

**Chair Viegebesie:**

I think that sound was from Commissioner Hinson on the phone.

**Ms. Chatham:**

It just doesn't sound reasonable to me. I know that I want growth in the county, too. I don't want bad growth. I want good growth. I want it in the appropriate places.

I am still for holding onto the supermajority requirement. I think it is a good thing to do. It keeps things in check. I have told ya'll before. I have seen it when things are right; everybody comes together and votes on it. You have a consensus among the group, and it goes through. I have seen it work several times and I spend more time than I should here at these meetings, but, I am here, and I want to stand up for what we need. We citizens do need to know when things are happening around us. I like the part when you tell us that something is going on. I have had a personal experience with that where if I had not known it, I would have had a junkyard leaking all sorts of junk next to my property and ruining the environment. I just want to keep bringing it forward. Keep working together. I know ya'll can.

Thank you.

**Chair Viegbesie:**

Thank you, Ms. Chatham.

Mr. Don Stewart?

**Don Stewart:**

My name is Don Stewart, 102 Timber Run, Havana, FL I don't know whose voice that is, but – (laughter) thank you for this opportunity to learn more and speak on the Citizens Bill of Rights.

On April 16<sup>th</sup> when I appeared before the board, I asked for a meeting where all parties could ask questions and have input into the discussion. I didn't learn until today that is not what this is. This is basically a public hearing with 3 minutes for each participant. So, it is not what I envisioned when Commissioner Hinson said: "teamwork makes stream work."

I was told by multiple people that when you participate in these

workshops that they have been to these before and nothing came of it, so, they were not going to come today. That was disappointing, and I certainly hope that is not the case. I hope that the commission can come to some kind of consensus and we can move on because like Ms. Lex and Ms. Chatham said, you have revisited this over and over and over for several years.

I wanted to say that number one of my main influences has been in the field of mental health. I am a retired physiologist, mostly in the prison system, but, also in the community and in private practice. There is a psychiatrist named Gerald Jopolski. Last week when Dr. V invoked love from his faith during the meeting, it reminded me of Gerald Jopolski because in his books, tapes and workshops, he simplifies things for people by saying that we are motivated by some form of fear, which can take the form of anger, frustration, anxiety, etc. or some form of love, which is respect, care, concern, peace and that sort of thing. Gerry says that we make better decisions when we are motivated by some form of love.

That doesn't mean that all decisions will be a "yes." A loving decision can be a "no." It doesn't mean that two people who believe they are coming from that space are always going to agree. It has been my experience that people who are at different consciousness of love; there is a greater probability that individuals will treat others with respect and often increase the possibility of agreement. So, I am inviting everybody to listen to this. I have learned that when we are tuned into our bodies, we can tell what is going on in the outside person is invoking fear or love. It manifests as tension in our bodies, or butterflies or something like that. I invite everybody while we are discussing this to tune into from time to time. If you notice that you are getting some tension or frustrations, maybe anger – just breathe in and wrap that around what is happening and then breathe out. That is what works for me, and it works for everybody. Breathe, release, relax and repeat.

Now, I will move on. I will also submit that what former President Bill Clinton said in his 2012 democratic convention is relevant. "We are all in this together." That is better philosophy and being on your own.

With respect to land use, I believe that each of us needs to consider the impact of any proposed change will have on our

neighbors, our community including our community of plants, animals, air, water and the food that sustains all of us rather than the idea of we should be able to do whatever we want to do with our real estate. Since we don't have the opportunity to ask questions when someone else speaks or when ya'll say something, ask questions, I am going to have to move on and say that from where I am right now, these are the specific changes I would like to see in the Citizens Bill of Rights.

I think Section 7001.1 needs to be clarified. I have been told by people who are not county staff, but, people who have been involved in this for a very long time, that this does not apply to any exceptions, lot splits or minor subdivisions. If that is true, I think that needs to be clarified in those sections because many people still believe that it does. I think that is because it lists special exceptions and small scale comprehensive plan amendments. If I am not correct about that, then that is something that you definitely need to look at. I don't think it should apply to family exceptions, lot splits, etc.

**In Section 7001.1 (A) & (B)**

I think that should be revised so that the county notifies property owners and neighborhood associations impacted by the relevant proposed developments or changes and someone from the county, logically from the planning department, would conduct one meeting with the developer and affected owners and neighborhood associations with a deputy present in order to assure civil respect for meetings and to streamline the process. I have been told by a developer, Danny Miller, that there had been meetings that got pretty rowdy and disrespectful and I would like to see that not be the case.

It is my understanding and correct me if I am wrong that developers have to pay an application fee at the outset. It seems to me that money could be used to pay for the notification and the conduction of the meeting. With a county planning representative present, minutes are taken, a second meeting should not be necessary. Of course, I think that DCA doesn't exist anymore. That doesn't need to be in there. But, I would also ask that citizens be allowed to submit questions and input in writing that is read into the record in case they are unable to attend.

My wife and I plan to do a lot more traveling. If a subject came up while we are gone, I could shoot an email and have my input in there. I want to do that.

Now, here are the changes to which I am opposed:

Proposal to eliminate the Super-majority vote (Mr. Stewart was in support of the supermajority vote.)

As I said last time at the commission meeting, Gadsden County consists of 6 incorporated municipalities that together include just 39% of the population. The majority of the population (61%) lives in the unincorporated areas, which is spread out through your five districts. So, since there are no "At-Large" commissioners, you five folks really represent the whole county collectively. You represent the whole county. There is no single point of contact like our good sister county of Leon where they have "at-large" commissioners.

When I was looking at this issue (and I didn't seek out this issue,), I was contacted last September by a couple of people and made me aware of it. So, the universe sort of presented it to me and I had to get educated about it. One of the things I did since the last meeting is that I contacted my former commissioner, Doug Croley. His sister-in-law was a friend of our families, and I knew him indirectly that way, but, I also contacted former Commissioner Lamb along with Commissioner Taylor and Commissioner Morgan who unanimously approved this ordinance back in 2010. I wanted them to tell me why they thought the super-majority was important then and if they thought it was still important to continue. I even invited them to the meeting. Mr. Croley is in Pittsburg today, and Mr. Lamb is in Tallahassee, so they were not able to be here.

Mr. Lamb stated that the supermajority is critical to maintain so that the county makes the best decisions for all of the county. It is like four heads are better than three idea. Mr. Croley was the person that reminded me that we don't have at-large commissioners and he posited that a supermajority vote provides a form of checks and balances. He said this, "You (I would add any citizen) can only vote for or against one single commissioner, but all five get to vote for or against you." He also said, "It's my opinion that it has worked pretty well and if it is not broke, don't fix

it.”

I wanted to reiterate and clarify what I said on April 16 because it was then said after I spoke that contradicted what the actual facts are. Thomas Hawkins of the 1,000 Friends of Florida, has provided the commission a list of 10 governments in Florida (and I present that to you today) but, for the audience, I will list a few of them that have the Citizen Bill of Rights that includes a supermajority. It was said after at the last meeting that they didn't. But, that is not correct. They do. There are now 11 of them. Ten of them require a supermajority vote for land use actions and as of today, the City of South Miami requires unanimous approval to amend land use and development regulations in any manner to make them less restrictive.

Gadsden County is not alone in having a supermajority vote. The way I would like to see it is that Gadsden County is taking the lead in providing the wisest use of planning.

Now, I have reviewed all of the minutes concerning this. I did not find that anybody presented any clear evidence that the Citizens Bill of Rights is hindering development in Gadsden County. There were opinions stated that it was, but, I didn't see any evidence that it was the case.

I would like to remind folks that our bigger and wealthier sister county of Leon doesn't have a supermajority vote and they are always constantly struggling to attract economic development in businesses and jobs. So, if a supermajority vote is a problem, it just can't be true.

That being said, I do believe we can attract green energy and jobs to our county, and we should be working with FAMU and FSU and the UF to help us do that. I believe we can have more affordable housing, too. We need to figure out how to do that in a wise, respectful way.

To the folks who say, “Well, none of the other neighboring counties have it,” reminds me of when our children were in elementary school and would say something like, “Johnny’s parents let him stay up until 10 p.m., why can't I?” We were really strict about, especially on a school night. My wife and/or I would respond, “Well we think this is best for all of us if you go to bed by 9 p.m.



We didn't say was, "we want time alone for the health of our relationship." But, that was certainly part of it, and we are going to do what is best. What Johnny's parents do in that regard is their right, but, not what we think is best.

This is why it is not particularly relevant that only 11 governments have this. Twelve, counting Gadsden County. It is just like Johnny's parents. We are doing what is best for our county and in my opinion, they are not.

It certainly is not a good reason to abandon the supermajority.

Thank you for your time. If you have any questions, I gladly will yield.

**Dr. Viegbesie:**

Thank you, Mr. Stewart.

Ms. Diane Sheffield?

**Diane Sheffield:**

Diane Sheffield, I live in Lake Tallavana. (291 Tallavana Trail, Havana, FL) It has been a long time since I have been in this room. I actually was on the planning commission for almost 20 years, and I participated in the writing in the Citizens Bill of Rights. I can tell you that we spent many, many, many, many meetings putting that bill together. I am still in favor of the supermajority vote. I don't want to see the notification cut down too much. For example, I didn't know about this meeting until about 3:00 p.m. today. I apologize, I didn't have time to read all the information, which I am going to do. I will probably attend the next meeting. This is just a workshop, right? You aren't making any decisions tonight? O.K.

I think it is important for there to be a 30-day notice. People have busy lives and to get involved in something like this is something you have to work into your time.

I appreciate what you do. I will come back to your next meeting when you discuss the subject. But, I don't want to see many changes. I haven't had time to read all the changes that they are proposing. I think we did a good job writing the bill and I would like to see it stand.

**Chair Viegbesie:**

Thank you, Ms. Sheffield.

Elva Peppers?

**Elva Peppers:**

Good afternoon. Elva Peppers, 221-4 Delta Ct. Tallahassee, FL 32303.

I wanted to come as someone who actually comes and presents and deals with people on a regular basis who are trying to get these land use amendments and subdivision developments. I can speak to my experience and their experience. I have some notes which I will provide afterward to the planning department so they can be shared with you later.

I went through the agenda item and just kind of made some notes upfront before I even read the analysis at the end. It was interesting to me that a lot of the notes that I wrote were the same notes that they wrote — the same experience for all of us.

To me, the underlying question of the Citizens Bill of Rights is "Are the citizens getting notified adequately and do they have adequate time to make comments?" Really, that is the underlying question other than the supermajority vote. Those are the two items.

I will just read some of my comments.

I would suggest eliminating the requirement for small scale comp plan amendments and minor variances from being subject to the Citizens Bill of Rights. They have been incorporated into their review.

**The Citizens Participation Plan** – I find it unnecessary to have the second citizen meeting. You have the first citizens meeting then it goes to the planning and zoning and then it goes to the board of county commissioners. Then it gets sent off. If it is a major amendment, then the applicant is required to have another Citizens Bill of Rights meeting after the DEO reviews it and sends it back to the county with comments or no comments. I have consistently found that at the second Citizens Bill of Rights meeting, no one comes. They have already had a lot of opportunities throughout the whole process to review it and to

attend meetings, to provide written comments and so forth. Nobody has ever come to the second one in my experience. I don't know that it is being utilized.

I will get to the schedule in a minute, so I will skip it for now.

Another item that I saw was that (I didn't refer to what section this is in) there will be no changes to the application after a certain date. It seems like that should be clarified as to substantial changes. I don't think that changing a road name should trigger a changed item and I don't know if it does or not, but, that is something that should be clarified as substantial or not.

I don't like the supermajority vote. I have been caught in that. Recently, this year, I had an amendment come through, and all commissioners were here except for one who was calling in by phone. That call dropped off; therefore, it was a "no pass." No pass means that it is a fail. My client had spent \$10,000 on this application and because it was a "no pass," it was dead. They chose not to pursue it and that economic opportunity was gone. They got very frustrated with the process and walked away.

That is one example of how a supermajority can catch in a situation.

The other comparison that the gentleman before me was comparing supermajority in the City of Miami to Gadsden County. That was not relevant. We are completely and totally different communities. That was an inner-city, and this is very rural. That was not comparing apples to apples.

In addition, I would be interested to see in those other counties and cities that use a supermajority how many commissioners are on their board. Each commissioner vote is weighed less as the more commissioners sit on the board. We are a very small board, and each commissioner has a very large vote. I have not done that math exercise, but, it is just a suggestion that if you are going to fall back on that, I would say that the criteria should be analyzed.

The requirement to do a fair and equitable exchange – that quote is not defined at all for land for development. It really should be.

Protect environmental resources – they are not defined either. There are so many options there. I would say just to get rid of that.

There is plenty of protection in the Code that protects natural resources.

Major Subdivisions – I am not sure why this process is necessary. It also applies to subdivisions, but, you know, I can see that there is another opportunity there for the owners to get involved and to weigh in. There are three different meetings associated with major subdivisions already: the conceptual, the preliminary and the final. There are opportunities available to adjacent property owners and nearby residents to weigh in.

Notifications of Neighborhood Associations – It is too burdensome and really opens the county up for liability because there is no very good way to track that.

Now, it is time for Show and Tell. Some of you guys have seen this before. This is the schedule that refers to the time frame for a comprehensive plan future land use map amendment for 2019/2020. I wouldn't want you to have to go through this right now, but, if you have the opportunity, pretend that you have a piece of property and try to figure this out. Honestly, I dare you. It is very, very complicated. One thing that is not included in this schedule is the newspaper schedule, which really dictates a whole other insert because the newspapers only publish once a week.

**Commissioner Holt:**

Mr. Chairman.

**Chair Viegbesie:**

Yes, Commissioner Holt.

**Commissioner Holt:**

May I ask a question? Go across this chart starting with December 1 and go straight across. Tell us about it. December 1, 2018.

**Elva Peppers:**

O.K. This is with the Citizens' Bill of Rights for a major land use amendment. December 1. Before you can submit the application, you have to advertise and hold a community meeting 30 days prior to even submitting your application. So, that means that with the newspaper, you would be 45 days potentially ahead of that. You have to give people adequate notice, and you have to get it to the

paper at least ten days ahead of them publishing it.

To begin with, it is not really December, and you better get your stuff in order in November.

So, on December 16<sup>th</sup> will be the pre-application meeting, which is required to be held within 15 days of filing an application. The pre-application meeting, I think the requirement of it being in a certain time frame and located in the Citizens Bill of Rights, is probably not the best place for it. Honestly, your staff is great. If I call them, I will get an appointment, and we have a pre-application meeting. We can work things out, and they are available if I have any questions. I have never had an issue with that.

So, if you look at the way it is worded, it says, "Pre-application is required to be held within 15 days filing of an application." I ask you, does that mean 15 days and then you submit or prior to the 15 days? It is not clear. That wording is very confusing.

**Commissioner Holt:**

O.K. go to the next one.

**Elva Peppers:**

The application must be filed 15 calendar days prior to the public hearing notice mail-out to allow completion review and processing of public notice. So, once we get the application, we have to wait another 15 days to submit that public hearing notice mail-out. The public hearing notice must be mailed, and the application filed within 30 calendar days prior to the planning commission hearing. I think that is self-explanatory, but that brings up to December 20<sup>th</sup>. Newspaper legal ads must be submitted within 21 calendar days prior to the Planning Commission meeting. So, that would be December 27<sup>th</sup>. Again, subject to when they publish. As you can see, who in the heck knows when they are going to publish. It is very confusing.

Notification to the local newspaper of general circulation at least ten calendar days and sign placed. – Now that is all on the planning department which has to do that by January 3.

The planning commission meeting is held the 2<sup>nd</sup> Thursday after the first Tuesday Board Meeting. Again, this is the very soonest that this can happen if everything goes according to plan. **I might**

**add that in the past couple of years, some meetings with the planning and zoning commission have not had a quorum. Then all this starts over again from the beginning.**

January 31<sup>st</sup>. Newspaper legal advertisement to be submitted 19 days prior to the public meeting to meet the ten-day notice requirement.

February 19<sup>th</sup> – Board of County Commission meeting and hearing. Assuming that it is approved, March 1<sup>st</sup>, it is transmitted to the Florida Department of Economic Opportunity within ten days of board approval. March 1 is potentially the first day it can be sent.

DEO Comment letter within 30 days. Final for small scale amendments. That is April 1<sup>st</sup>. After that, it comes back, the applicant will be notified, and at that point, we try to get back on the newspaper schedule and schedule another community meeting. So, you figure 10 days to get back on that schedule and then you want to give people at least a week. I prefer two weeks notice of a community meeting. So, that is another month before the community neighborhood meeting would be held. So, April 1<sup>st</sup>, now we are on May 1<sup>st</sup>.

Newspaper legal ads to be submitted 19 days prior to a public meeting for the Board of County Commission adoption hearing. I don't know when the actual adoption would occur. But, according to this schedule, if everybody meets every possible first date and the quorums are achieved by the Planning Commission and the County Commission, there is a minimum of seven (7) months.

**Commissioner Holt:**

Mr. Chairman, may I?

**Chair Veigbesie:**

Yes, Commissioner Holt, you have the floor.

**Commissioner Holt:**

There was a young lady who spoke earlier (and I didn't get her name) made a statement about what I said about doing an overlay at the I-10 exits. The overlay means that you go in and look at those I-10 exits and determine if the commercial land use designation would be more appropriate than the Ag category.

After a period of time, if no commercial development has occurred on it, it would revert to whatever it was before. There is a misunderstanding in that to be designated as commercial use; the interchange would have to already have the commercial designation as well as have the infrastructure in place. It is not necessarily true. With the commercial overlay, then you would be able to apply for federal funding for the CDBG, the \$750,000, to come in and put in the infrastructure. They don't have to give you a penny for Ag designation. The federal government will fund infrastructure in a commercial area. That is the whole purpose of it.

The reason that I am bringing this up now is because I am glad you did this chart. If you did the overlay at the places where we want to have the infrastructure and development, if we did that first, then we would be able to say, "Businesses, we have done this for you." The County Commission would have had the meetings. The County Commission would invite everyone into this room or wherever (we need a larger venue,) with the community and ask them, "Do you want this business at this intersection?" You may not want it. But, the County Commission would be responsible for that. No businesses are going to come in and do this. They are not interested in doing this at all simply because they can go to other locations where it is already done. That is the problem with not being prepared for development.

What we are saying now is that we want the businesses to do all of this. That is not going to happen. This right here explains it. The same thing at DCA. Is it DCA. It used to be DCA. When I spoke with Secretary Pelham that was over DCA under the previous governor, he said, "If you prepare for the type of growth you want, then you will get what you want. If you do not prepare, you are not going to get anything, or you are going to get something that you do not want."

There is a certain industry here now about which people are complaining. But, that was done through the Legislature where we were not at. So, when we are looking at this, ladies and gentlemen, I don't think anybody has a problem with the Citizen's Bill of Rights supermajority vote if you were out there aggressively planning for development and the type of development we want. People who are unemployed are complaining about not having

jobs. The reason they are complaining about not having jobs is that we are not planning.

The Planning Commission recommended these changes because they see exactly what the people in the planning department see. The developers do not want to come. They do not want to be responsible for this. Now, we can do this. The county can do it.

**Suzanne Lex:**

Commissioner Holt, just to clarify, in terms of new development, that is a very good approach. If you have the infrastructure there with the interstate, you want to serve the interstate and the traffic. If we were to go forward, currently, the developer would still have to go through this process under the special exception. (inaudible) So, if we are going to approach that, I would also suggest that we consider that that development be approved as a whole with these uses. It is typically what you see. That way you would be able to avoid that happening on the back end. I just wanted to point that out to you so you understand that is a good approach and we can work with that if it is something that the board wishes.

**Commissioner Holt:**

My point in that and you are totally correct. My point in that is saying, "If we plan for this, there is not such a big fight throughout the county because you are looking at the areas that we've got the development council to designate those areas where we (you, as citizens) may want to develop. That means that if we do those improvements there, the developers don't have to do it. You are totally correct. The infrastructure, the sewer, the water, the electricity – unless we have the money to do it, it is not going to come at any of those areas unless we look at the zoning first. That is why we do the overlay. You may say after ten years; maybe they weren't. But, if the board rezones it as commercial (it may be ag right now,) but, if the overlay is commercial when the developers look at it on the map, they see, "Yes, they have done all the groundwork, and I don't have to do that. I can come in and make my proposal there. That way we make the top three.) Usually, three top locations are identified. Right now, we are not making anything at all. It is not really one or the other. It is how well do we plan to be successful.



Thank you, I am sorry, I didn't mean to interrupt you.

We need about 2,000 more of these charts. Jill Jeglie. We need about 2,000 more of these.

**Elva Peppers:**

I have a few other comments. Back to my original point – there are two questions I wanted to address. 1) The supermajority and 2) Does the public have adequate time to comment and weigh in on the new projects in their area?

I know you guys hear it all the time. I hear it almost every time I am here. Someone will always say, "I didn't know about this." But, I just wanted to read through the notifications that people actually do get through the regular process and then the additional ones that they get through the Citizens Bill of Rights as it is written at this time.

Public Notifications: I will count them on my fingers.

1. There is a sign placed out front.
2. The Planning and Zoning advertisement is put in the paper.
3. There is a Planning and Zoning public hearing.
4. They can write in anytime. I will add that one as well. They can also call in anytime.
5. There is a mail-out to the adjacent property owners.
6. There is a Board of County Commissioners advertisement in the paper.
7. There is a Board of County Commissioners public hearing.
8. I will add in the DEO comments because DEO actually takes comments from other agencies. If you have a problem with something, you can write in to this agency as well.
9. If it is a major change, you get another Board of County Commission advertisement in the paper.
10. If it is a major change, you get another public hearing for the adoption.

That is ten (10) opportunities for people to have been noticed and invited to participate in the process. In addition to those ten (10), the Citizens Bill of Rights requires a personal mailing by someone like myself or an applicant to every person and landowner within a ½ mile of the property. That does not include tenants. I have to

point that out, so, a tenant does not get personal notification. It goes to the property appraiser's address of record.

The Citizens Bill of Rights meeting is noticed in the newspaper. You hold the Citizens Bill of Rights meeting. With a major land use amendment, you have another personal mailing, another newspaper filing and another Citizens Bill of Rights meeting. So, that would be a total of 16 opportunities for someone to weigh in with their comments.

I have called this office many times, and they always take your call and emails. So, I think there is ample opportunity with the ten (10). If we keep part or all of the Citizens Bill of Rights, sixteen (16) are certainly an ample number of opportunities to weigh in, call in, or attend.

One final thing. I have a client who has a small piece of property. He is trying to move back to Gadsden County. He has been living in Miami, I think. This is his home. He doesn't have a lot of money. He has to do a land use amendment to put a mobile home on his piece of property. The Citizens Bill of Rights requirements – My point being, he doesn't have a ton of money. He wants to be home in Gadsden County. Let's welcome him. The Citizens Bill of Rights has added \$1,300 through newspaper advertisements, mail-outs, and my representation at the additional meeting required for minor land use change.

I appreciate the opportunity to spill my guts up here. I am available if you have questions. I will be happy to participate further during the process.

**Chair Viegbesie:**

Thank you, Ms. Peppers.

I don't have any other speaker request forms before me, but, is there anyone in the audience who has anything to say, please feel free to come down to the podium and let us hear what your contributions are to this conversation.

Until I see any other person in the audience who wants to speak, Commissioners, do you have any comments?

**Commissioner Taylor:**

Yes, I have a few.

**Chair Viegbesie:**

Commissioner Taylor, the floor is yours.

**Commissioner Taylor:**

Thank you. I apologize for having to go in and out of the meeting. I needed to take care of some business matters.

In the analysis in this packet, **Item A**, the current version of the Citizen Bill of Rights requires the following: “A mandated citizen participation plan – this step requires public notice to property owners and neighborhood association within one-half mile of the development site property boundaries.”

You know we asked for this workshop, or at least I did, because I thought there were some things that we really did need to change in the Citizens Bill of Rights and there are some things we need to keep. In particular, I believe where the mandated citizen participation plan comes in, that language should include staff and the commissioner that represents that particular district. But, I think it should be planning and zoning staff that should be responsible for notifying the citizens and not the business. I am willing to support that language change as far as staff – planning and zoning picking up a principle part in notifying the citizens.

I also think it should be increased from one-half mile radius to a mile radius. I don't think it should be just a half-mile. I think it should be a little larger than that because if something comes into that area with regard to industry or commerce, it will probably have a lot more citizens than just a half mile around that area. I think it should be changed to one mile.

I agree with the gentleman who came to the podium with regards to there being no language whatsoever, possibly some language, Mr. Attorney, that says that this particular Bill of Rights has nothing to do with subdividing your personal land, your residential land. We need to have some language in there that says that or eliminate – I will not support any language that is in here that has to do with this Citizens Bill of Rights impacting what people can do with their land. So, I know that it is not in there, but, people are being told something different about that language being in there

about you not being able to subdivide your land because of the Citizens Bill of Rights. It needs to be spelled out clearly that there is no such language and this Bill has nothing to do with that.

I agree with the seven-day cooling-off period.

**Item B** - Oh, let me go back to **this Neighborhood Participation**. I have to agree with Ms. Peppers on this calendar of activities. By the way, it is a little bit more convoluted. All of these are projected things that can happen. These are not things that have happened. I am looking at your dates. These are projected things that happen. It makes it look like, "My god, how in the world can you get anything done in this county?"

We have always echoed the same sentiment. Let's streamline the process to get people turning dirt immediately. But, as someone so eloquently said, "We want smart growth and development." Not just growth and development. We have seen what growth and development happen out in Midway. It cost them more than it helped them.

Going back to this 10-day, 15-day, 30 days and all this – I agree that all this should be streamlined and a lot better done.

I don't know why DEO has to be notified. I think we should change that language with regard to DEO being notified or how was it said. I think there has to be a community meeting prior to a submittal to DEO. A 30 day required meeting prior to submittal to DEO. I don't think we should keep that in there either. I think that we should be more responsible for the county government and whatever applications and whatever response needs to come before this county government as opposed to DEO unless it is a mandate. And I don't think there is such a mandate that we submit. I know that at some point in time any business development has to be submitted to DEO, but I don't know if this is the right kind. It does hold progress with regards to turning dirt. I don't agree with that. I think that we should have a better streamline moving forth in Item B under the Analysis.

**Supermajority** – I am not going to touch it. I am still concerned with some of the mindsets around this daises. I am concerned with businesses being sprung up just about everywhere. I can tell you where it worked against me. That was out on Strong Road when

they brought the idea of putting that industrial park back up in a bedrock community. You are going to put a plant that makes paint in a community where there are convalescent homes, where there are rehab centers, dialysis, a school, apartment complex with families – you want to put an industrial business in the middle of that? Someone said, “Well, it was there some time ago when they were making paper or whatever it used to be called.” But, when that was over there, the community had not been built up the way it is now. What was the name of it? It was called Paper something. (She was referring to the Printing House.) It closed down. Someone said, “Well, they used to do it.” But, at that time, you didn’t have a school out there when that mill was open and running. You didn’t have all those other bedrock communities around the area. So, I have a big problem with them putting it in that neighborhood. But, four out of five commissioners voted to put it there. But, God said, “No.” I am proud to say that. That thing has not opened. That has been five years ago. Four of the five voted to put it there in that bedrock community.

**Item E - Requires all comprehensive plan map amendments and “site development applications’ to protect environmental resources.** Let’s keep that out of there.

**Item F. No Free Density** – If we don’t have a definition or a total understanding for what “no free density” is, then, yes, I agree that it should come out as well if we are not able to find it and can’t understand it. But, before we take it out, let’s make sure or that there isn’t anything that could replace it.

Now, when I think of density, I think of something in an area that is – how do I put it? A target for that particular area – it mirrors what is there when I think of density. If I am going to be in an area where it is Ag3, then don’t bring me commercial. If I am going to be in an area that is commercial, then let Ag3 stay where it is at. If I am going to be in area where it is just residential, then don’t come and put a commercial business right in the middle of that. I don’t know if that is what it means. I am not for sure, but, I don’t want to take anything out that might help citizens continue to live in a community that is safe.

**Requires the establishment of urban service boundaries by 2014.**

Now I heard the young lady say that there aren't any urban service boundaries. But, I am not at the position of getting rid of that statement. What I would rather say is, "Regulations will be set forth when urban service boundaries are established."

I don't want to set limitations on us in our growth and development. If we are going to grow, let's grow and not take away what can help us with the development of it. So, I will have to say keep that sentence in there, but, write it in such a way that if it should happen in the future, then we would come up with regulations.

That is pretty much all that I have. I guess it is a quick little wrap up and then I am going to have to skedaddle. I asked for this meeting and I am grateful that it happened.

- Real quick, staff along with commissioners, if they choose, can and should attend and hold these workshops with the citizens. That is the way I would like to see it go.
- We should be responsible for public noticing the meeting with the citizens and not the business. Someone from that business should be there so that citizens can ask questions and get them answered intelligently. I don't want to cause a hardship on a business.
- I think this 10-day, 15-day and 30 days is confusing and I voted for it. So, we should streamline that.
- No, you don't need to make 2,000 of these charts. Let's just get rid of all of these different activities that are happening so that we can get people to turn dirt. That is what we are here for – smart growth and development.
- The cooling-off period – let it stay.
- Supermajority – let it stay. I know there are some developers that would like to see it go away. I don't see any commissioner turning away economic development. We don't do that. I voted against putting that thing out there in that bedrock community, and I will vote against it 1,000 times when you try to put something like that in the back door of a community that is not built for industrial. You would, too.
- There is a question as to where these meetings should be held. I think we should go to the community. I think you

will get more participation in you are in their back yard. I think they should be held at a time when people can come. We need to get a consensus of what these people are thinking. If 4:30 is better than 6:00. – Some are leery of driving at night. If we could send some notices out and get some feedback as to when then find a location in that area. That is better than having them come down here.

I think that is all I have. Thank you.

**Chair Viegbesie:**

The only thing I am going to say is that the hearing is to hear comments and the things that they have to say is very valuable. So, Mr. Attorney, if you can get a copy of these statements that have been recorded, you can take on some of those positive things that he articulated – not about the “breathing in and breathing out,” I think it is valuable input.

**Ms. Lex:**

I wanted to request a point of clarification.

**Chair Viegbesie:**

That is from whom? Commissioner Taylor?

**Ms. Lex:**

When you said the community meeting, the 30 days prior to filing of the application- is that what you were referring to that should be done by staff?

**Commissioner Taylor:**

The community meeting, yes. Now, there is a neighborhood association meeting. I thought that was one that was convoluted with 5-day, 15-day, I am exaggerating here a little bit. But the Neighborhood Association is where there were so many different blocks of days.

**Ms. Lex:**

I will be sure to do some built in charts so we can be very clear and I will visit with the attorney for any suggested changes.

**Commissioner Taylor:**

You don't have to do a chart. Just get rid of some of those steps in there. There are too many. That is too obvious. Streamline them.

**Ms. Lex:**

Thank you for the clarification.

**Chair Viegbesie:**

Commissioner Holt.

**Commissioner Holt:**

I have two or three things. One thing, I definitely want the chart. This is too impressive.

The other thing is that this does not affect family or residential land. If it affects residential, then we need to get rid of it. If it does not, then why is Ms. Pepper representing someone putting in a mobile home here that is going through the Citizens Bill of Rights. That is proof right there that it does represent residential land. I would not want it included in the Citizens Bill of Rights at all. So, there are families out there dealing with this.

Family exemption is something that is totally different. That is something that is different in this process. So, if you are talking about family exemptions, those are ones with immediate family. But, this could be property that is owned that is not necessarily the immediate family, but, they cannot put a mobile home on. It needs to be five acres or 10 acres depending on how it is zoned. So, if you are going to say, "It doesn't affect residential land," then that statement is fine. See what we need to do with that. I need to make sure that it is in your suggested possibilities.

The county notifications – great. We had those before. We need to push for that.

The minor subdivisions – we do need to look at that because if it is five (5) acres and it could be residential land and the residential land may be relatives, but, not immediate relatives. So, minor subdivisions are what you are going to find when you are looking at a lot of people that are distant relatives. We have a large population of people that have heir property. So, they will qualify as immediate family. There are 20 acres, 30 acres, and there is a



lady right now dealing with 48 acres. She can't do anything with it other than what has already been done. She is zoned 1:20. She cannot do anymore because they have two houses on 48 acres. She cannot do anything with her property. She is elderly, and she wants to be able to give it to her children and have them come back and build houses on it.

I am absolutely for everything that the Planning Commission recommended. The reason for that is it looks like planning. That is what they do. They are looking at how we plan the county. I feel like they have looked at these over and over and over again. So, they are not absent-minded enough to think that this is going to work if we don't make these changes. At the planning board meetings, they see this over and over again.

A developer told me this morning – I called two. One that I have worked with before and the other one I have talked about because I want to see another mural in the city, so I was talking to him about that. He said he would no way try to put any homes or developments outside of the city limits in this county because he doesn't want to touch the Citizens Bill of Rights. They do not want to have to be involved in this.

We need to plan better. We need to work with the developers and the citizens and see if we can get this out of here. If it is terrible, we need to look at it. If it is good, we need to look at it.

This workshop will not solve the problem. We need to sit down with the planning and zoning board. There have to be reasons why they recommended this. We are meeting with a few citizens, but, we are not meeting with the group that recommended these changes. We need to see what those changes need to be and get it done.

I don't see any sense in meeting like this. I will be honest with you. I think I said that in the County Commission meeting. We don't have any reason to meet like this. The board members that are going to vote; we already know how they are going to vote. They never voted to change it before. The only way this is going to change is that the citizens are going to have to change it. They are either going to have to change us, or they are going to have to make sure that we vote the way we need to vote. That is it. You

do it at election time.

Thanks a lot, Mr. Chairman. I am ready to go home.

**Chair Viegbesie:**

Thank you, Commissioner Holt.

If there are no other comments from the audience, let's consider this meeting adjourned.

**3. General Discussion**

There was no general discussion.

**Motion to Adjourn**

Chair Viegbesie adjourned the meeting at 5:49 p.m.

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Anthony Viegbesie, Chair

ATTEST:

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Nicholas Thomas, Clerk