

**AT A REGULAR MEETING OF THE PLANNING
COMMISSION HELD IN AND FOR GADSDEN COUNTY, FL
ON FEBRUARY 11, 2021 AT 6:00 P.M., THE FOLLOWING
PROCEEDING WAS HAD, VIZ:**

Present: Rev. Dr. Joe Parramore, Chair, District 5
Lori Bouie, Vice-Chair, District 5
Jeff Diekman, District 1 - absent
William Chukes, District 1 - absent
John Youmans, District 2 - absent
Tracey Stallworth, District 2 - absent
Frances Brown, District 3
Wayne Williams, District 3
Charles Hayes, District 4
Anthony Powell, District 4
Charles Roberts, At Large
Steve Scott, School Board Representative – appeared remotely

Staff Present: Clayton Knowles, County Attorney
Diane Quigley, Growth Management Director
Jill Jeglie, Principal Planner
Marcella Blocker, Deputy Clerk
Hannah Pope, Clerk's Office

Due to the restrictions on gatherings as a result of the COVID-19 virus, 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.

1. PLEDGE OF ALLEGIANCE

Chair Parramore welcomed everyone and read the above COVID-19 statement. He asked Vice Chair Bouie to lead in the Pledge of Allegiance to the U. S. Flag.

Chair Parramore then called the meeting to order.

2. INTRODUCTION OF MEMBERS – ROLL CALL

The following commissioners who were in attendance were Charles Hayes, Wayne Williams, Frances Brown, Anthony Powell, Steve Scott (appeared remotely), Lori Bouie, and Rev. Dr. Joe Parramore. There was a confirmed quorum present.

3. DISCLOSURES AND DECLARATIONS OF CONFLICTS

There were no disclosures or declarations of conflicts.

PUBLIC HEARINGS

4. OAK GROVE SUBSTATION EXPANSION SPECIAL EXCEPTION USE (Quasi-Judicial Hearing) (SEU 2021-01) – Consideration of a special exception use to allow the expansion of an existing electric substation located at 1165 Atwater Road, Chattahoochee and referred to as Tax Parcel ID #2-16-3N-5W-0000-00411-0100.

Jill Jeglie, Gadsden County Senior Planner, was sworn in by Deputy Clerk Blocker and gave a brief description of the Agenda item. She explained it was for a Talquin Electric Substation that is located on a 2-acre parcel. Talquin Electric was proposing to expand their substation from 14,000 sq ft to 24,150 sq ft. The substation expansion will include the replacement of substation equipment, structures, transformers, upgrading the driveway and a 192 square feet control building to increase the output to match Talquin’s existing network and to improve capacity and reliability of service. This site is designated Agriculture 2 on the Future Land Use Map. The total impervious area post development will be 34.3% of the entire two-acre site. This is a special exception use and should it be approved, then they would consider a site plan. In the Special Exceptions Findings, the Planning Commission shall prepare written findings of facts which shall include the criteria for approval for SEU as adopted in Section 7300 of the LDC and as addressed by the applicant in the attachments and on pages three and four, the criteria were listed and she summarized them for the Commissioners. She stated the applicant was also present if there were any questions. The did hold a Citizen’s Bill of Rights meeting on January 6, 2021 and nine residents were present. All public notice requirements were met and the public hearing was noticed in the three local newspapers. She listed the options and said staff had recommended Option 1.

There were no questions at this time.

Tony Holly, Jim Stidam and Associates, 547 N Munroe St, Suite 201, Tallahassee, FL 32301, appeared before the Commission and was sworn in by Deputy Clerk Blocker. He said he was there strictly as an agent and to answer any questions the commission might have.

Commissioner Bouie stated that item number 11 indicated that the applicant was to use the proposed setbacks and buffers and asked if the County was receptive or if there was anything in mind.

Ms. Jeglie stated that there were no buffer requirements at this time.

Chair Parramore said the Chair would now entertain a motion to accept the Board’s recommendation for the special land use exemption on the Oak Grove substation special exception.

COMMISSIONER BOUIE MADE A MOTION FOR OPTION 1 AND COMMISSIONER POWELL MADE THE SECOND. A ROLL CALL VOTE WAS TAKEN.

COMMISSIONER SCOTT YES

CHAIR PARRAMORE	YES
COMMISSIONER BOUIE	YES
COMMISSIONER POWELL	YES
COMMISSIONER ROBERTS	YES
COMMISSIONER HAYES	YES
COMMISSIONER WILLIAMS	YES
COMMISSIONER BROWN	YES
COMMISSIONER CHUKES	NOT PRESENT
COMMISSIONER DIEKMAN	NOT PRESENT
COMMISSIONER YOUMANS	NOT PRESENT
COMMISSIONER STALLWORTH	NOT PRESENT

MOTION PASSED 8-0

5. OAK GROVE SUBSTATION CONCEPTUAL/PRELIMINARY SITE PLAN (Quasi-Judicial Hearing) (SP 2021-01) - Consideration of a conceptual/preliminary site plan to expand the existing electric substation parcel located at 1165 Atwater Road, Chattahoochee and referred to as Tax Parcel ID #2-16-3N-5W-0000-00411-0100

Chair Parramore gave a brief introduction of the Agenda item.

Jill Jeglie (who was still under oath) reappeared before the Board. She said they approved the special exception use in the previous item and was now moving on to the Conceptual and Preliminary site plan. She said it was a proposal to expand the existing substation and to add approximately 19,855 square feet of impervious area. They met the impervious surface area; setbacks will be met and/or exceeded and there was no parking proposed. She added the existing driveway would have to be improved to meet the current standards; there would be no additional daily traffic generated; buffers were not required. She said there was an active gopher tortoise burrow located on the north side of the site and the applicant will add protective measures to not disturb the site. They did have a Citizens' meeting and comments are provided and all public notice requirements were met. She listed the options with the conditions and the recommendation was Option #1.

Chair Parramore asked if there were any questions and there were none at this time for Ms. Jeglie.

Mr. Holly approached the podium, Chair Parramore asked if the Commissioners had any questions and there were none.

Chair Parramore said he would entertain a motion.

COMMISSIONER BOUIE MADE A MOTION TO APPROVE OPTION 1 AND COMMISSIONER WILLIAMS MADE THE SECOND. CHAIR PARRAMORE ASKED FOR A ROLL CALL VOTE.

COMMISSIONER ROBERTS	YES
COMMISSIONER WILLIAMS	YES
COMMISSIONER BROWN	YES
COMMISSIONER HAYES	YES
COMMISSIONER POWELL	YES

COMMISSIONER SCOTT	YES
COMMISSIONER BOUIE	YES
CHAIR PARRAMORE	YES

MOTION PASSED 8-0

Chair Parramore announced he would entertain a five-minute recess before beginning the workshop portion of the meeting.

COMMISSIONER BROWN MADE A MOTION FOR A 5 MINUTE RECESS AND COMMISSIONER BOUIE MADE THE SECOND. THE BOARD VOTED 8-0 TO APPROVE A SHORT RECESS AT 6:32 P.M.

WORKSHOP

6. TELECOMMUNICATION TOWER REGULATIONS WORKSHOP (SECTION 5800) (LDR 2021-01) – Discussion of amendments to the telecommunication regulations located in Section 5800 Communication Towers, Chapter 2 Definitions and Section 7200 Review Procedures of the Land Development Code.

Meeting re-convened at 6:38 P.M.

Chair Parramore introduced the above item and said they would now discuss amendments to the telecommunications tower regulations.

Ms. Jeglie re-appeared before the Board and stated some of them had already seen some of this information from previous meetings. She went over some of the background information for the new commissioners and stated they were overhauling Section 5800 to add definitions and exemptions. She said the Deviation section was moved into its own section and they have added requirements for additional information; asked for a visual impact analysis to be provided when making decisions for deviations. She said it was the intent upon adopting new setbacks that there would not be very many deviations. She said there was now a demand for service with technology going to 5G and other technologies and there had been a number of applications.

Chair Parramore asked why they had not considered rural residential for potential tower sites when a large majority of the population was relying on cell phones and not land lines now. He added that a sometimes the cell phone might be a person's only way of communicating in a life-or-death situation.

Ms. Jeglie replied the current code said you had to be setback ½ a mile from rural residential. She said if they wanted to allow that, they would come back and remove setbacks protecting rural residential properties, but as it was, they were reducing that particular setback from ½ mile to 500 feet. She added that a deviation could also be requested.

SETBACKS

Currently, the setback from right-of-way was applied through a restriction on a 'Use by Right'. Towers may not be closer than 2x the tower height from any county right of way. She added

that 2x the typical tower height was 250' and would usually run at least 500' from a county right of way. They were proposing to maintain a minimum setback of at least 500' from the roadway, right of way for the roadway easement. With the current code with visual corridors, there were certain roads that the prior boards had wanted to maintain setbacks and have a green corridor. That setback was 3x the height of the tower and they were proposing to maintain that and with camouflaged towers to retain 150' setback from the right of way.

Property Lines and Residences

She said the existing setbacks are 5x the height of the tower or 450', whichever was greater for unlit towers. She said if there was a 250' tower, it was required to be lit and had not been an issue.

The second setback was towers that were lit by red lights was 7x the height of the tower from parcels of land with a residence on it. She said they were proposing to have a minimum setback of 1½ x the height of a tower, which meant a 250' tower would be 350' from the property line. Towers shall be setback 500' from property designated rural residential or residential areas. roads where they name

Commissioner Bouie was concerned about the lighting for citizens and could a citizen request that the lights be dimmer than what they were.

Ms. Jeglie stated they would have to go through the FCC (Federal Communications Commission) and did not know their process. This was for safety purposes. Ms. Jeglie said the red lights were better than the white ones.

Commissioner Bouie asked if the County could have that information on hand in case it was requested.

Commissioner Roberts said they know do something that was called "coning" with grey on the bottom and depending on how close it was to the residence, the fan of the light did not come down, only went up and out for aviation.

Chair Parramore said that was a good point and those lights were specifically for air traffic. Commissioner Bouie said she did call the Control Tower in Tallahassee and they did dim them, she wanted citizens to know and she posed the question out of concern. She added that even with it being a fair setback, it was still close in a rural area.

Ms. Jeglie continued and stated that towers had a setback of 500' from rural residential or residential areas as opposed to the 1750 or 7x, however, deviations cannot be permitted to allow towers to be in the setback less than the fall zone of the tower from a property line, rural residential or in a vested plat.

Rural Residential/Restriction on Use by Right

The tower may not be located currently on property that is within ½ mile or 2640' from land designated as rural residential on a future land use map and proposed that be reduced from 2640' to 500'.

Camouflage Towers

In the existing regulations, the maximum height is 150' (2x the height of the tower setback from residential property with a residential structure on it) and there are no other setbacks proposed.

Structural Support and Equipment

Currently, there are no setbacks and were proposing a 25' setback from any property line or the building setback, whichever was greater.

Maximum Tower Height

The existing height is 250' except in Agricultural I district and was proposing maintaining 250' maximum in all districts. Camouflage was 150' in height maximum and are maintaining that and proposing deviations not be allowed to height.

Deviations from Standards in this Section

She stated currently there were deviations, criteria and standards buried in the application process and they have taken them out and placed them in their own section and clarified and provided some proposals for deviations that shall be prohibited. That was from tower height, setback reductions less than the fall zone area of telecommunication towers located adjacent to property designated as Rural Residential on the Future Land Use Map or adjacent to a vested or platted residential subdivision. Construction of telecommunication towers, equipment, fences, etc. within the setback of the underlying future land use category or within required buffers unless otherwise as outlined in the Code. Construction of telecommunication facilities within an environmentally sensitive area or a required natural buffer. Setback reductions less than the fall zone area of a telecommunication tower adjacent to a residence, property line or roadway.

Commissioner Bouie stated she was concerned about the setback being less than the fall zone. Ms. Jeglie explained they could not request a deviation to allow the setback to be less than the fall zone.

Visual Impact Analysis

Ms. Jeglie said this was something they were looking at previous applications for deviations, the Planning Commission had indicated they wanted some site-specific information to help them with their decisions. So, they were proposing a visual impact analysis, which would include a map indicating a location and various viewpoints from different calibrations, i.e., north, south, east and west. Also, a comparison and/or rendering pre-development and post-development to they could assess what the tower might look like if was built to Code and what would look like with deviation. She added that if camouflage towers request a deviation, need to provide their design in color scheme from camouflage tower and an analysis of the visual impact of the tower base, accessory buildings and overhead utility lines from abutting properties and streets.

Utility Pole Mounted Wireless Facilities

She said these particular facilities would be allowed in all districts, including Rural Residential and basically, the most common form was a small antenna on top of an existing post or pole or electrical light. There are requirements that the height of the pole must not exceed that of the existing poles within 1000'; lighting will be illuminated unless required by federal or local laws unless on a lighted pole; it will be permit only and a site plan required.

Revised Deviation Criteria and Standards

She stated this was very similar to the Standards they had and whether it was the minimum deviation necessary, whether it be detrimental to the public good or surrounding properties; suitable alternative design is not available, etc.

She said with the next portion, they have taken pictures of various towers and went on Google Maps and this was not comprehensive and was ones that could be easily gotten to from a right-of-way. But it would give them an idea of what some of the setbacks look like.

Camouflaged Tower

She said as far as she knew in the County was only one, or at least that has been permitted since 2001, and was off Concord Road in Havana on Strange Farm Road and was way in the back. This particular tower was 950' from property that was rural residential and they opted to build a camouflaged tower. She showed pictures of the tower to the Commissioners.

Variety of Towers

She showed pictures of a variety of towers. One was an FDOT tower that was located at the east corner of I-10 and Pat Thomas Parkway.

Chair Parramore asked if FDOT allowed other providers to use their tower or was it DOT specific?

Ms. Jeglie said she was not sure of that answer.

She shared with the Commission other slides of various towers in the area.

Commissioner Bouie asked if her office permitted all towers in the County and Ms. Jeglie responded only the towers that were in the County's jurisdictional boundaries. Each local government had their own regulations.

Commissioner Roberts asked, if there was a life cycle plan and if they were putting them up because of new technology with 5G, what happened to the tower that was 3G? Are they left in place?

Ms. Jeglie stated they were required to co-locate or changing the co-location. She further stated there were towers that have been dismantled when they have outlived their lifespan. Chair Parramore asked on that note, on page 1 it stated "5G service providers are not able to use the same communication towers as existing 4G services", and on page 37 of 73 under Definitions and Interpretations under Co-location, there was nothing there that reflected 5G and 4G could not share space. He asked if they were saying if they were going to use 5G towers, they had to be stand-alone and nothing could be co-located with that?

Ms. Jeglie stated no, what they were told when they were discussing the 84HHH tower deviations, with the 5G service they were utilizing different towers. The County was not prohibiting anyone from co-locating, they would continue to encourage that.

Ms. Quigley approached the podium and said they did add a Standard for density and was recommending that towers be at least ½ to 1 mile apart for safety purposes and to not be saturated. She added that State Statutes strongly encouraged co-locating as well.

Ms. Quigley said they may could include when the tower has met its useful life, usually around 30 years, they would have to dismantle it, the providers and/or landowner.

Commissioner Roberts asked if they could recommend language that stated “operational versus non-operational” because he has been places where they were left standing.

Chair Parramore said if being told by service providers that 5g, 3G, 4G could not co-mingle together, there should be delineation in language when it comes specific to 5G towers and might could be delineated under co-location of 5G towers, that they could not be with 4G.

Ms. Jeglie said she believed the delineation was more technology not a County thing.

Robert Volpe, Esquire, Hopping, Green & Sams, appeared before the Board. He stated he did represent several contractors and wireless service providers in several counties and cities across Florida. He added he felt the proposed Code was well balanced and the existing Code is 20 years old and one of the most restrictive he has seen. He added it was a difficult process and detoured service in areas where it was most needed.

Ms. Quigley asked if he knew more about the 3G versus 5G.

He said he dealt more with siting and location but one of the major considerations they would have to look at is the Federal Telecommunications Act allows local governments to regulate the location of cell towers. He said they were not allowed to regulate spectrum, could not regulate radio frequency, the lighting that was an FAA (Federal Aviation Administration) requirement, design structure. He said a local government could not impose a building code that was different from federal design standards. They could say where it was to be located, but could not regulate the type of tower in an area. He said the 1-mile separation that was proposed could violate the Federal Telecommunications Act because a local or state government could not effectively prohibit the proliferation of wireless services. He explained if 1-mile separation resulted in a provider not being able to provide wireless services to a certain area at all, it would be a violation. He gave some examples of situations.

Commissioner Bouie said her concern was with the language as it was, what was to prevent a company coming in and having a tower every mile and citizens not being able to get away from lighted towers everywhere. She added she wanted service for everyone but they needed to have in mind language that would not happen. She said they wanted to follow federal standards but also protect citizens.

Mr. Volpe said the towers were not just for cell service, they were used for emergency personnel, State emergency services for other communications, etc. Building towers was expensive so the providers did not want to build towers unless they need to get to that area. They would try to co-locate first and the revised Code pushes towards co-location. He added the least expensive way was the way they were going to go. He said on the 3G, 4G and 5G, there was a realistic expectation that while some might be on 5G, some don't have cell service at all.

He further stated he felt coverage was more important in the County right now than being on the cusp of the next technology. He said if the Code were to restrict a technology that was still not proliferated where people could not connect to 3G, 4G technology, maybe putting too many restrictions that limit what the issues were that they were trying to address currently.

Commissioner Bouie agreed there was a need for balance but they needed to protect the citizens.

Chair Parramore asked that understanding that the Gadsden County Code was not more restrictive than the FCC guidelines, should a situation arise that was called into question, was there a process where the County had the ability to negotiate with the FCC for variances.

Mr. Volpe said that would arise through a federal lawsuit.

Ms. Quigley said they could only regulate the location and the height of them and with camouflaged techniques.

Commissioner Roberts asked if there was a 3G tower and they want to put a 5G tower close to it, could they tell them as soon as the tower was activated with newer technology, the older tower needed to be deactivated. Mr. Volpe responded eventually because they may have different customer base and he expounded on that and added. He added when the technology is no longer used, the best course is to get rid of the tower.

Ms. Quigley reiteration as Mr. Volpe said earlier, a lot of the 5G do prefer the smaller antennas. She said they did add language regulating where they could be, etc. She then commented on Rural Residential and said it was their primary residential category. She said it was a balancing act because if they allow them in residential areas, it opens a can of worms and felt it would bring up a lot of neighborhood issues. She said also the Florida Statutes allow local governments to prohibit towers in rural residential areas. They recognize it in residential areas and that this may be an issue. She said they were reducing the setbacks but was not bringing them into the residential areas.

Chair Parramore said for clarity purposes in the language of this section, could they do a bracket or parenthesis defining rural residential as 1:1 or however it was being defined in the Land Use code?

She responded they do include some other residential communities because there were some in the agriculture areas that are neighborhoods that have smaller areas. They will also allow for deviations.

Chair Parramore said this was obviously a subject that would take a lot of time and recommended, if there was a consensus, could they do a second workshop and how soon?

Ms. Quigley said they could do another one before the next meeting on March 11th and if there were no public hearings or other quasi-judicial items, they could do it in place of the meeting.

Chair Parramore suggested they do a workshop prior to the next meeting starting at 5:00 p.m.

Don Stewart appeared remotely before the board. He stated he became interested in the towers through a platform called “Nextdoor”. There were basically two complaints, high-speed internet and weak cell signal. Where he lives in Reston, many have had to spend their money on adding external antennas and inside boosters because the signal was not strong for the area. He said the closest tower to the area was on the Fla-Ga highway and made it where the residents in the area could talk and text fairly well but was still not strong enough for streaming. The people are still going to want more towers but he did not want more towers although there was a need for more. There was further discussion. Please see <http://www.gadsdenclerk.com/meetings/MEETINGS.htm>. to hear more of the discussion.

Marion Lasley appeared remotely before the board. She stated that the lights on the towers light up the sky and when it was cloudy, would light up the whole horizon. She added that instead of adding more towers, the industry needed to upgrade their equipment and co-location was critical. She added the reason the providers wanted to build towers was to be able to rent space off the towers to other companies and to the best of her knowledge, no towers have been dismantled ever. She asked that there be a public hearing for each tower. There was further discussion. Please see <http://www.gadsdenclerk.com/meetings/MEETINGS.htm>. for more of the discussion.

Chair Parramore announced this workshop would be continued prior to the next Planning Commission meeting on March 11th.

GENERAL BUSINESS

7. PLANNING COMMISSION DISCUSSION- New Business

Chair Parramore said the continuation of the workshop will be added and asked if there were any other items that needed to be added.

Commissioner Bouie asked concerning the Citizens Bill of Rights and new applicants bringing forth issues before them and in the Citizens participation meeting, how could they give clarity to the citizens so they know they still have a right for a review.

Ms. Quigley explained the BOCC did vote to delete the CBOR completely so there will be no community meeting unless requested or remanded by them or the Board to have such before it went to a public hearing.

Commissioner Bouie asked what could they do but was not proposing to change what was already done.

Ms. Quigley stated if it was wanted, they could add language into one of the sections that they still hold community meetings.

Commissioner Brown sked if the community wanted to have a community meeting, who would they contact? Ms. Quigley said probably their County Commissioner.

Commissioner Bouie asked the attorney if they were allowed to contact the County Commissioner and ask questions of them and he stated as long as there was no pending business.

8. PLANNING DIRECTOR’S COMMENTS

Ms. Quigley stated there was an heir property workshop being developed.

She asked if they wanted to recognize the former Commissioners. Chair Parramore suggested a Certificate of Appreciation and stated that was the most economical and expeditious way of recognizing them.

She also mentioned she was looking into a way to share the training session they had with those that were unable to come.

9. ADJOURNMENT OF MEETING

UPON MOTION BY COMMISSIONER BOUIE AND SECOND BY COMMISSIONER HAYES, THE MEETING WAS ADJOURNED AT 8:14 P.M.

GADSDEN COUNTY, FL

**REV. DR. JOE PARRAMORE, Chair
Planning Commission**

ATTEST:

NICHOLAS THOMAS, Clerk