

MINUTES OF A REGULAR MEETING OF THE GILCHRIST COUNTY BOARD OF COUNTY COMMISSIONERS HELD JULY 20, 2017

The Gilchrist County Board of County Commissioners, in and for Gilchrist County, Florida, convened in a **Regular Meeting** on **Thursday, July 20, 2017**, at **4:00 p.m.**, in the Board of County Commissioners Meeting Facility, located at 210 South Main Street, Trenton, Florida, with the following members' present to-wit:

<i>District I</i>	<i>Commissioner Sharon A. Langford</i>
<i>District II</i>	<i>Commissioner D. Ray Harrison, Jr., Chairman</i>
<i>District III</i>	<i>Commissioner Todd Gray, Vice Chairman</i>
<i>District IV</i>	<i>Commissioner Marion Poitevint</i>
<i>District V</i>	<i>Commissioner Kenrick Thomas</i>

Others in Attendance

Todd Newton, Clerk of Court; Richard Romans, Finance Director; Patty McCagh, Board Secretary/Deputy Clerk; David Lang, County Attorney; Bobby Crosby, County Administrator; Donna Creamer, Administrative Assistant; Ralph Smith, EM Director; Sheriff Bobby Schultz, Chief Deputy Jeff Manning and Lt. Steven Cruse, GCSO; Chief James Campbell, GC Fire Rescue/EMS; Greg Bailey, P.E. NFPS, Inc.; Dan Cavanah, ForVets; Robin Celeste, GC 911 Coordinator; Tommy Langford, Mr. Smith and Mr. Stine, Hudson Food Stores; Mr. Bill Wilson, CFEC; Katherine LaBarca; Mr. Greg Franzese, Correctional Programs Administrator, Lancaster Correctional; and Ms. Betty Smithson, M.S.

Call to Order

Chairman D. Ray Harrison, Jr., called the meeting to order at 4:00 p.m. Pastor Chris Ruggles, New Beginning Baptist Church delivered the invocation and Mr. Bobby Crosby, County Administrator led the pledge of allegiance.

Agenda

Mr. Todd Newton, Clerk of Court, presented the following change(s):

1. Change: Change #3 on report to Budget & Proposed Millage Discussion
2. Addition: Phone quote from Hayes

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Todd Gray, to approve the Agenda, as presented, with noted change(s). Motion carried unanimously.

Consent Agenda

Approval of Minutes

Regular Meeting May 15, 2017

Regular Meeting June 05, 2017

Approval of Pay Requests

Dixie County Sheriff's Office

Inmate Housing, June 2017 \$31,038.00

Anderson Columbia Company, Inc.

Inv#72643, CR341, Period Ending May 01, 2017 \$87,077.29

Inv#72920, CR341, Period Ending June 30, 2017 \$24,412.50

Motion made by Commissioner Todd Gray, seconded by Commissioner Marion Poitevint, to approve the Consent Agenda, as presented. Motion carried unanimously.

County Administrator's Report

Mr. Crosby, County Administrator, presented the following documents, and/or addressed the following issues:

Update/FYI: Mr. Crosby informed the Board that he has received the check, in hand, for the donation made by Sabal Trail, in the amount of \$140,000.00. A thank you letter will be sent out.

911

- 911 Coordinator: Mr. Crosby requested the Boards' approval on the appointment of Robin Celeste, as 911 Coordinator. Discussion took place.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Sharon A. Langford, to approve the appointment of Ms. Robin Celeste as 911 Coordinator. Motion carried unanimously.

Animal Control

- Obedience Dog Training Program: Mr. Crosby addressed the issue of participating in a program, in cooperation with Lancaster Correctional, for Obedience Dog Training Program.

Mr. Greg Franzese, Correctional Programs Administrator, was present for discussion. He explained the program and how the County would benefit .

Mr. Crosby requested approval to enter into an agreement with Lancaster Correctional regarding the Obedience Dog Training Program. Discussion took place.

Motion made by Commissioner Todd Gray, seconded by Commissioner Marion Poitevint, to approve entering into an agreement with Lancaster Correctional, for Obedience Dog Training Program, subject to Attorney's review. Motion carried unanimously.

Hart Springs

- New Rule for Swimming Attire: Mr. Crosby stated that there has been some complaints, about swimming attire, by guests visiting the park. He informed the Board that research has been done, looking at other large water parks, in Florida and South Georgia on rules and how the rules were worded. He explained the findings and presented the following new rule, for Hart Springs Swimming Attire as follows:

In keeping with our family-friendly atmosphere, traditional swimwear is required, no thongs allowed, no oversized or baggy clothing that cannot remain at or above the waistline without a belt or other support.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Todd Gray, to adopt the new rule for Hart Springs Swimming Attire as presented. Motion carried unanimously.

General

- Request from ForVets: Mr. Crosby presented a request from Mr. Dan Cavanah, President/Founder of ForVets, Inc., requesting that the County consider the impact that the *Payment In Lieu of Taxes for 2017* will have on our project, and that the *Payment In Lieu of Taxes* clause in our lease be waived for 2017, and the remainder of the lease. Mr. Cavanah was present for discussion.

Mr. Cavanah addressed the Board and provided an update on the progress of the park as well as the financial hardships taken on by ForVets. Discussion took place.

Motion made by Commissioner Todd Gray, seconded by Commissioner Kenrick Thomas, to approve forgiving 2017 PILT for ForVets, for Otter Springs; and to revisit year to year if requested. Motion carried unanimously.

FYI

- FDOT Update: Mr. Crosby informed the Board that the FDOT sent out an update reflecting that the project for NW 30th Street/NW 20th Avenue to US 129 / CR 340, is being moved from Fiscal Year 2019 to Fiscal Year 2021, due to budget adjustments. FYI only.
- Monthly Reports: Mr. Crosby presented monthly reports for Animal Control, Library, Road Department, Solid Waste, Building Department, as submitted by Department Heads.

4:30 p.m. Time Certain

Mr. David Lang, County Attorney presented VAR 2017-01 on behalf of Ms. Laura Dedenbach, County Planner's absence. He reminded the Board and those attending that this is a quasi-judicial

hearing and such procedures will be followed. Mr. Lang asked if anyone has any ex-parte communication with the applicant, if so they needed to be announced for the record.

Chairman Commissioner D. Ray Harrison, Jr., stated that Mr. Stoney Smith had called him requesting that he support his cause.

Commissioner Marion Poitevint stated that Mr. Tommy Langford had contacted her.

Proceeding forward...

Mr. Lang presented the Request Summary for VAR 2017-01: A request by Hudson Food Stores for a variance from Section 9.05.03(A)(2), LDC (increasing sign height from 12 feet to 32 feet) and from Section 9.05.03(A)(3), LDC (increasing sign area from 64 square feet to 192 square feet) for a proposed sign located at 3862 NE CR 340, High Springs, FL. Tax Parcel#07-08-16-0000-0001-0035. Mr. Lang presented Ms. Dedenbach's Staff report as follows:

Subject Property Description:

The subject property is an approximately 7.36-acre lot at the intersection of SR 47 and CR 340. The subject property is the location of a gas station and convenience store approved by the Board of County Commissioners as SUP 2015-04, SP 2016-03, and FDP 2017-03. The requested variances are for a permanent accessory sign related to the gas station and convenience store.

Variance Analysis

The applicant is requesting variances from the maximum sign height and maximum sign area for permanent accessory signs (Section 9.05.03(A)(2), LDC (increasing sign height from 12 feet to 32 feet) and from Section 9.05.03(A)(3), LDC (increasing sign area from 64 square feet to 192 square feet). Variances to the requirements of the Land Development Code are governed by Section 12.05, LDC.

Article 9, LDC – Signs

Definitions: The sign at issue is a permanent accessory sign and not a permanent outdoor advertising sign. The important distinction between the two sign types is that a permanent accessory sign is subordinate to the principal use of the property (in this case, a gas station and convenience store). The sign would not exist on its own without the business to which it is accessory. A permanent outdoor advertising sign is a billboard. Permanent outdoor advertising signs are principal uses and are only allowed on otherwise undeveloped property.

*Section 9.01.05, LDC, defines **accessory sign** as "a permanent ground or building sign that is permitted under this Article as incidental to an existing or proposed use of land."*

*Section 9.01.05, LDC, defines **outdoor advertising sign** as "a permanent ground sign located on an otherwise undeveloped parcel of property."*

Regulations for Permanent Accessory Signs: The sign at issue is a ground sign to be placed as shown on the above drawing provided by the applicant. Ground signs are regulated by Section 9.05.03, LDC, regarding number of signs per property, maximum height of the sign, and maximum sign area.

9.05.03. - Number, area, spacing and height.

A. Ground Signs.

- 1. Each multiple occupancy complex and each occupant not located in a multiple occupancy complex shall be allowed 1 ground sign.*
- 2. The maximum height of the sign shall be 12 feet.*
- 3. The maximum sign area shall be 64 square feet.*

The applicant is requesting a variance from the maximum permanent accessory sign height of 12 feet. At the requested 32 feet, the sign would be almost three-times the maximum sign height.

The applicant is requesting a variance from the maximum permanent accessory sign area of 64 square feet. At the requested 192 square feet, the sign would be three-times the maximum sign height.

Section 12.05, LDC, -Variances

Section 12.05.01(a)(5), LDC, prohibits the Board of County Commissioners from granting a variance to "the limitations on the size of signs." Section

12.05.01(a)(5), LDC, is supplied in its entirety below.

12.05.01. - Generally.

(a) The Planning Commission may grant a variance from the strict application of any provision of this Code, except:

- (1) Where such variance is prohibited by state law; for example, use variances and variances from concurrency management or consistency with the comprehensive plan.*
- (2) From any provision in this code limiting development in wetlands or other environmentally sensitive lands.*
- (3) From floodplain regulations, except as specifically provided for in such regulations.*
- (4) The parent tract regulations.*
- (5) The limitations on the size of signs.*

(emphasis supplied)

Section 12.05.01(b), LDC, as referenced in the application merely refers to the ability for a variance application to be considered at the same time as the Board of County Commissioners would also consider a site plan, special use permit, or development

approval. In this instance, the variance application is a stand-alone application since the Board has already approved the special use permit and site plan.

In addition to the prohibition on granting variances to the limitations on the size of signs, Section 12.05.04, LDC, establishes an initial test for proposed variances:

12.05.04. - Limitations on granting variances.

- (a) *The Planning Commission shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the Commission shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Commission shall make the required findings based on the cumulative effect of granting the variance to all who may apply.*

(emphasis supplied)

The subject property sits at the intersection of CR 340 and SR 47. This intersection is a four-way stop, and the approved site plan shows access to the site from SR 47 and CR 340. There is nothing unusual or unique to this property that would necessitate an increase in sign height or area by three- times that which is allowed by the LDC. Need for the proposed variances do not arise out of the physical surroundings, shape, topographical condition, or any other physical or environmental conditions that are unique to the specific property involved. This criterion is in place so that the Board may determine if the conditions which cause the need for the variance are not the creation of the applicant. The application states that the need for the variance is to provide advertising for four businesses.

As the LDC is written, if the Board cannot make a positive finding for Section 12.05.04(a), LDC, then consideration would not continue to the findings contained in Section 12.05.04(b), LDC. However, pursuant to Section 12.05.04 (b)(5), LDC (citation provide below), the effect of the proposed variance is NOT in harmony with the general intent of the LDC and the specific intent of Article 9, LDC, and Section 12.05, LDC. Specifically, the variances are not allowed to the limitations on sign size (Section 12.05.01(a)(5), LDC) and the proposed variances do not arise out of the physical surroundings, shape, topographical condition, or any other physical or environmental conditions that are unique to the specific property involved (Section 12.05.04(a), LDC).

12.05.04.- Limitations on granting variances.

- (b) *The Planning Commission shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial competent evidence, on each of the following:*

...

- (5) *The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.*

(emphasis supplied)

Recommendation

The Gilchrist County Board of County Commissioners DENY the request by Hudson Food Stores for a variance from Section 9.05.03(A)(2), LDC (increasing sign height from 12 feet to 32 feet) and from Section 9.05.03(A)(3), LDC (increasing sign area from 64 square feet to 192 square feet) for a proposed sign located at 3862 NE CR 340, High Springs, FL. Tax parcel#07-08-16-0000-0001-0035.

The Application for Variance should be denied on the following bases:

1. *Section 12.05.01(a)(5) prohibits the granting of variances to the limitations on the size of signs.*
2. *The proposed variances to increase the sign height and sign area do not arise out of the physical surroundings, shape, topographical condition, or any other physical or environmental conditions that are unique to the specific property involved (Section 12.05.04(a), LDC).*

Discussion took place.

Mr. Allen Stine, Project Manager, for Hudson Food Store, Inc., addressed the Board and distributed an additional handout regarding Sign Ordinance Issues – CR 340 & SR 47. The information provided to the Board reflected as follows:

1. **THE ORDINANCE DID NOT ANTICIPATE A HIGHWAY BUSINESS SIGN NEED OF THIS TYPE**
2. **POTENTIAL SIGNAGE SIZES ALLOWABLE UNDER VARYING CIRCUMSTANCES**
3. **OTHER FACTORS TO CONSIDER**

Discussion took place on the issue of the requested size of the sign, which is not regulated by County Ordinance.

Mr. Lang stated the he and Ms. Dedenbach both expressed to Mr. Stine and Hudson Food Store Applicants, on numerous occasions, that the size of the sign requested is not in compliance with County Code.

Knowing and understand such, the applicants still chose to move forward with requesting a variance, which they have the right to do.

Mr. Lang stated that in the County Code, it states that the Commission has no power to act on

something that is in violation of this code. He also stated that what could be done by the Commission is to re-write the code, which would open up, to any where in the County, a 32' sign could be placed. Discussion took place.

Chairman Harrison called for the pleasure of the Board. Chairman Harrison asked if there were anymore public comments...none noted.

Motion made by Commissioner Kenrick Thomas, seconded by Commissioner Sharon A. Langford to deny Variance 2017-01 due to Section 12.05.01 a (5) and allow leave for applicant to reapply with fee waived. Motion carried unanimously.

Motion made by Commissioner Sharon A. Langford, seconded by Commissioner Marion Poitevint to set a workshop to discuss ordinance regarding variances on signage. Motion carried unanimously.

Attorney's Report

Mr. David M. Lang, Jr., County Attorney, presented the following documents, and/or addressed the following issues:

NO issues presented/discussed at this time.

Clerk's Report

Mr. Todd Newton, Clerk of Court, presented the following documents, and/or addressed the following issues:

Jail Workshop: Mr. Newton stated that the Sheriff had contacted him inquiring about the next workshop date for continued discussion on the jail project. Discussion took place.

It was consensus of the Board to set a workshop for "Jail Discussion" on August 7th at 1:00 p.m.

Eighth Judicial Circuit 2018 Holiday Calendar: Mr. Newton presented the Eighth Judicial Circuit Holiday schedule for 2018, for the Boards consideration, relating to 2018 County Holiday Schedule, ~~removing~~ Rosh Hashanah and Yom Kippur and adding President's Day, as follows:

New Year's Day	Monday, January 1, 2018
Martin Luther King, Jr. Birthday	Monday, January 15, 2018
<u>President's Day</u>	<u>Monday, February 19, 2018</u>
Good Friday	Friday, March 30, 2018
Memorial Day	Monday, May 28, 2018
Independence Day	Wednesday, July 4, 2018
Labor Day	Monday, September 3, 2018
Rosh Hashanah	Monday, September 10, 2018
Yom Kippur	Wednesday, September 19, 2018

Veteran's Day (Observed)	Monday, November 12, 2018
Thanksgiving Day	Thursday, November 22, 2018
Friday after Thanksgiving	Friday, November 23, 2018
Day before Christmas	Monday, December 24, 2018
Christmas Day	Tuesday, December 25, 2018

Motion made by Commissioner Todd Gray, seconded by Commissioner Marion Poitevint, to approve the Holiday Schedule as presented with noted changes, to be observed by Gilchrist County BOCC, County Courthouse and all County Departments during the calendar year of 2018. Motion carried unanimously.

Budget & Proposed Millage Discussion: At this time, Mr. Newton brought to the Boards' attention that the 2017/2018 proposed budget books have been handed out. He highlighted some areas of interest.

Mr. Newton also discussed the issue of setting the proposed millage rate and budget workshop dates. He recommended advertising the millage rate at 9.5 mills. Discussion took place.

Motion made by Commissioner Todd Gray, seconded by Commissioner Kenrick Thomas to approve adopting the proposed millage rate of 9.5 mils and MSTU rate of 1.0996 mils for advertising purposes. Motion carried unanimously.

Motion made by Commissioner Todd Gray, seconded by Commissioner Sharon A. Langford, to set the TENTATIVE Budget Hearing for Thursday, September 7, 2017 at 5:15 p.m. during regular meeting at 4:00 p.m. and the FINAL Budget Hearing for Monday, September 18, 2017 at 5:15 p.m. during the regular meeting at 4:00 p.m.

It was the consensus of the Board to set the following dates for Budget Workshops: Monday, July 31st at 1:00 p.m. and Thursday, August 3rd at 3:00 p.m. and on Monday, August 7th at 1:00 p.m.

FYI; Fuel Cost Report: For the Boards' information, Mr. Newton presented the Fuel Cost report for the Quarter Ending June 2017.

Agenda Changes

- Phone quote from Hayes: Mr. Newton presented a quote from Hayes E-Government Resources for a new upgrade on the phone system utilized by the Courthouse, Sheriff's Office and Building Department. Discussion took place.

Motion made by Commissioner Todd Gray, seconded by Commissioner Kenrick Thomas to approve the State Contract, Hayes E-Government Resources for a new upgrade on the phone system utilized by the Courthouse, Sheriff's Office and Building Department, at a cost of \$58,796.30 to be financed by CISCO, interest free; funds will come out of Fund 1110 and 33 from 911 Funds. Motion carried unanimously.

Commissioners Reports

- Commissioner Marion Poitevint asked about the US Flag at Station #2; **Chief Campbell informed the board that the flag pole is broken and maintenance department is to look into and repair, issue is not being ignored**
- Commissioner Todd Gray indicated there may be some infrastructure money available through Enterprise Florida
- Commissioner Todd Gray will be going to Washington D.C. to discuss Jail Issue and Broadband as well as other issues we are facing

Old Business: None

New Business: Ms. Betty Smithson addressed the Board with her intent, they advised her to apply for a SUP to run a business out of her home.

Public Participation: None

Adjourn

With there being no further business... a *Motion was made by Commissioner Sharon A. Langford, seconded by Commissioner Todd Gray, to adjourn. Motion carried unanimously.* Chairman Harrison adjourned the meeting at **6:08 p.m.**

*Board of County Commissioners
Gilchrist County, Florida*

Attest:

Approved:

Todd Newton, Clerk of Court

D. Ray Harrison, Jr., Chairman