

Jefferson County Planning Commission
Meeting Minutes
February 10th, 2022

Commissioner Michael Schwier called to order at 5:59 pm.

Commissioner Andrew Wellman led the opening prayer and Pledge of Allegiance to the Flag.

Physically in attendance: Commissioner Michael Schwier, Commissioner Byron Arceneaux, Commissioner John Floyd Walker, Commissioner Bud Wheeler, Commissioner Althera Johnson, Commissioner Kimberly Odom, Commissioner Jacqueline Seabrooks, Commissioner Roy Faglie, Commissioner Andrew Wellman, Commissioner Thomas ‘Bobo’ Chancy, Attorney Scott Shirley, and Planning Official Shannon Metty.

Agenda Item #2-Approval of Minutes: December 9th, 2021:

- Commissioner Wheeler motioned to approve. Commissioner Chancy second motion. Motion passed with unanimous approval.

Agenda Item #3-: Appeal to Planning Official Decision-Dollar General N. US. 19:

- Commissioner Schwier announced the subject of the meeting and stated that before any further discussion took place a disclosure of Ex Parte Communication needed to occur. Attorney Shirley explained this process.
 - Each Commissioner stated their communications:
 - Commissioner Seabrooks: in person with Mrs. Bonnie King; email from Mrs. Lynn McGrady
 - Commissioner Wellman: phone with Property Appraiser regarding the land; email from Mrs. Lynn McGrady
 - Commissioner Faglie: phone with a private citizen; email from Mrs. Lynn McGrady
 - Commissioner Schwier: phone with a private citizen; phone with Property Appraiser regarding the land; email from Mrs. Lynn McGrady
 - Commissioner Arceneaux: email from Mrs. Lynn McGrady; wife visited site
 - Commissioner Wheeler: spoke with a few private citizens in town; phone with Mayor Julie Conley; phone with Mrs. Susan Simmons (neighbor to proposed site); spoke with Mr. David Ward (adjacent owner to proposed site)
 - Commissioner Johnson: email from Mrs. Lynn McGrady
 - Commissioner Walker: phone with Planning Official Mrs. Metty
 - Commissioner Chancy: no communications
 - Commissioner Odom: email from Mrs. Lynn McGrady
- Attorney Shirley swore in witnesses: Rob Jacquette, Brad Bogue, Jeff Lang
- Mrs. Metty opened the discussion by explaining the project and her official review. She noted that the project met the Land Development Code and was approved. After approval, a mailout to neighboring owners was sent and on December 23, 2021, an appeal was received.
- Attorney Shirley explained only the issues brought up in the appeal can be discussed. He explained the process of an appeal meeting:
 - The appellant presents
 - The project applicant responds
 - The Planning Official presents her review

- Commissioner Faglie asked, if the appeal is withheld would the applicant be allowed to reapply?
 - Attorney Shirley stated no, this is final action.
- Commissioner Chancy asked, if this application would go before the Board of County Commissioners?
 - Attorney Shirley stated no, this is final action.
- Mrs. Bonnie King, appellant, chose not to be sworn in as she stated she only speaks the truth. She then thanked the Commissioners and presented her case for appeal. She stated that after she filed the appeal, Mr. Luke Strickland of Urban Catalysts contacted her to discuss her opinions. She asked him if the existing Dollar General would be closed once this project was complete, he answered that he was not concerned with the daily operations of the stores. She then noted an article from the Tallahassee Democrat regarding stores in the historic area of Carrabelle, Fl. and the excess vacant buildings that have been created. Mrs. King then reviewed her appeal letter.
 - Generalized concerns:
 - Why would a developer not be required to tap into an existing sewer line that runs nearby on the Eastern side of US-19?
 - What was a sewer line installed if they do not use and obtain tap fees?
 - Why would a developer not be required to tap in or pay for upgrade into an existing water line that runs nearby on Lake Road?
 - Why would a developer not be required to tap into an existing water line that runs nearby on Boston Highway?
 - When did the city limit boundaries change and why? She added that the existing sign does not actually reflect the city limits, it just suggests that they are nearby.
 - Who owns the easement on the Northern end of the proposed development? There is conflicting information from the County Appraiser, City Officials, etc.
 - Would approval of this development render the Monticello Court Subdivision Plat as abandoned or obsolete?
 - Specific concerns:
 - The development review checklist requires plantings along roadway to prevent headlight reflection on the road at night, will this occur and in what locations?
 - The waterlines on Lake Road and Shiver Road undergo multiple repairs which then results in numerous potholes and breaking down of the roadway, this proposed project will cause more traffic and further degrading of the road. She suggests requiring future developments to participate in the cost of waterline upgrades so the city can benefit from future users. She also suggests the applicant be assessed the cost to resurface the Lake Road to Shiver Road sector.
 - The application reflects a 45-mph speed limit on Lake Road, this is incorrect, the actual posted speed limit is 35-mph.
 - The Welcome to Monticello sign is the approximate location of the city limits, yet this project is in the County.
 - The submitted traffic memo was submitted and had spelling errors.
 - The area of US-19 and Lake Road are referred to as “rural” in the memo, yet on a phone call with Mr. Strickland he stated this area was not rural.
 - The image provided in the traffic memo does not give an accurate depiction of the intersection. Boston Highway was not depicted yet it was mentioned in location description. The intersection shows as a 90-degree angle but is not accurate. These issues warrant the question if they physically visited the proposed site.
 - The traffic projection should have had a longer timeline beyond 2022 as the county is rapidly growing and that needs to be taken into consideration. She noted that limiting the study to 2022 was short sighted and she feels it was submitted because it favored the developer.

- The traffic distribution reflects there to be no traffic from the East. She questioned this because of the residents who frequently use Texas Hill Cutoff Road and Louisiana Street, therefore they create traffic which should have been accounted for and their safety should be considered.
 - The Traffic Count Study and the Two-way Stop Control Report which occurred reflects inaccurate location and should make the report suspect.
 - She noted that the Peak Hour Chart does not match that The All-Traffic Data Services Chart.
 - She closed by stating that in her opinion, due to the lack of detail and misrepresentations, Mr. Rob Jacquette has not physically seen the site and created a shoddy report with the hopes the Planning Department/Commission would be fooled.
- Attorney Shirley stated that Mr. David Theriaque would be allowed to cross examine Mrs. King.
- Commissioner Schwier noted that Mrs. King mentioned items which were not part of the appeal letter and asked could these be discussed or taken into consideration?
 - Attorney Shirley stated no, only items in the appeal letter can be discussed.
- Mr. David Theriaque, attorney for the project, thanked the commission and asked Mrs. King to return to the podium for cross examination.
 - Are you a transportation engineer?
 - No, I am not.
 - Are you a certified planner?
 - No sir, I am not.
 - Do you have any expertise or training in transportation or planning?
 - I do not.
 - End of cross examination.
- Mr. Theriaque presented and explained his exhibits and asked to be entered into the record, no objections and exhibits were accepted into the record. He stated that Mr. Luke Strickland could not be present as he has Covid-19. He stated Exhibit 4-established the standards for the appeal process as laid out in the Land Development Code and reminded the commission that to overturn a planning official's decision the reason must clearly meet code. He explained that it was important to ask Mrs. King the questions pertaining to her qualifications as she is not trained to speak on those subjects. He reiterated that the purpose of tonight's meeting was to discuss the appeal letter nothing more could be reviewed.
- Mr. Rob Jacquette, Traffic Engineer of Keck & Wood Inc. He thanked the commission and stated he was the one who prepared the traffic analysis. He is here to respond to the two concerns which were raised in the appeal, traffic volume and traffic safety. Looking at traffic volume, using US standard practice the proposed project is estimated to generate 561 new daily trips-a trip is considered in and another on the way out, so the actual count is half of that. Based on analysis none of these trips will be turning movements from Texas Hill Road and US-19 intersection. He added that based on the driveways in the development this would not cause a turning issue.
 - Commissioner Schwier interjected and asked for road clarification.
- Mr. Jacquette continued by explaining the reason Texas Hill Cutoff Road is noted on these documents is that is what is listed on Google Earth. He verified with the Planning Office and a site visit that this was not the correct name, so he changed it on some documents to reflect the correct names.
 - Commissioner Schwier asked for the purpose of this meeting let's refer to them as Lake Road and Boston Highway (East-West). All agreed.
- Mr. Jacquette continued explaining the analysis of the projected traffic patterns.

- Commissioner Odom asked about the increased traffic at that area and if pedestrian traffic was considered?
 - Yes, traffic will increase, but the analysis, which was done does not cover foot traffic, so they were not able to generate that projection.
- Commissioner Arceneaux asked about the path for delivery trucks?
 - Brad Begue explained the slope at Lake Road will cause all deliveries to be done from US-19. The trucks would pull in and then back up into loading zone.
- Commissioner Arceneaux asked about the loading zones location and if there was a second location?
 - Mr. Begue stated there was a dumpster area and only one loading zone location.
- Mr. Theriaque asked how were the traffic counts generated?
 - Mr. Jacquette answered that they subcontracted with All-Traffic Data Services
- Mr. Jacquette continued by reviewing the last 5 years of crash data in or around the project location. He noted that there had been 13 crashed total in that time. Of those crashes 12 of them resulted in no injury; 4 of them were single car accidents; 8 of them were low impact incidents.
 - Commissioner Odom asked, if there was a comparison done to show the crash comparison to those that were within the city limits?
 - Mr. Jacquette explained that the mapping system which is used is interactive and in looking at the Monticello area, this intersection is minimal for crashes.
 - Commissioner Wheeler stated that in his history as a law enforcement officer, he has seen and worked more wrecks that what is shown in his 26 years.
- Mr. Jacquette continued by explaining Florida DOT requires a minimum of 530 feet sight distance for a driveway located in the 45-mph speed limit.
 - Commissioner Odom asked, how many feet was the proposed entrance?
 - Mr. Jacquette answered roughly 580 feet.
 - Commissioner Arceneaux asked, what was the sight distance at the entrance on Lake Road as it looks like there may be roughly 300 feet? There is a safety concern for that not meeting the DOT minimum requirement.
 - Mr. Jacquette answered that was not part of the study because the trip distance was minimal from that direction.
 - Commissioner Schwier suggested making it a directional driveway to minimize the risk.
 - Commissioner Wheeler interjected the idea of a directional driveway and asked who would enforce that, he noted there are issues enforcing the current laws.
 - Commissioner Arceneaux asked, what is the purpose of the Lake Road driveway?
 - Mr. Jacquette answered it is for those that live further down Lake Road, it is projected that very few will use this entrance.
 - Commissioner Faglie asked, if there was a code requirement for having two entrances?
 - Mr. Begue answered no it was just a way of accommodating customers.
 - Commissioner Faglie asked, why are there were no depictions of sidewalks? He also expressed concern for the additional entrance on Lake Road and the effects it would have on the foot traffic. He explained the safety concerns of the way the road is built at that intersection and mentioned the high volume of senior living close by. He feels the entrance would have been better and safer located on the North end.
 - Mr. Jacquette stated that the video study that was conducted did show any pedestrians near or crossing that intersection.
 - Commissioner Schwier noted that the sidewalk ends at Lake Road.
 - Commissioner Wheeler asked, why doesn't the developer didn't just use the old Fred's building instead of building new?
 - Commissioner Schwier noted that we may agree with that, but it isn't the topic at hand.

- Commissioner Arceneaux asked, why is the driveway on Lake Road was designed at a skewed angle instead of a 90 degree? He noted that it seemed to be more of a safety concern at the angle.
 - Mr. Begue answered that it was more of a spatial concern and that based on analysis the line of sight was still within boundaries.
- Commissioner Odom asked, does the proposed driveway meet DOT Standards?
 - Mr. Begue answered the Lake Road is not maintained by DOT.
 - Commissioner Schwier answered that Lake Road is county maintained.
- Commissioner Seabrooks clarified that the DOT permit was regarding the US-19 entrance.
- David Theriaque interjected and noted that he tendered Mr. Rob Jacquette as an expert witness.
 - Commissioner Schwier asked, are you licensed in the State of Florida?
 - Mr. Jacquette said yes.
 - Mr. Theriaque asked in your professional opinion are there any safety concerns with this project?
 - Mr. Jacquette answered, no.
- Mr. Jeff Lang of Teramore Development stated that they are here to partner with the county, not destroy. They are semi-local, located in Thomasville. He stated he is here to answer any questions on behalf of the developer.
 - Commissioner Faglie asked, who owns the land?
 - Mr. Lang stated Mr. Steve Huffstetter owns Teramore Development and Teramore Development owns the land.
 - Commissioner Odom clarified it was lots 1-16 of the original plat. Mrs. Metty displayed map on the Property Appraiser website.
 - Commissioner Faglie asked, have you developed other Dollar Generals?
 - Mr. Lang stated yes including the one located in Boston, Ga.
 - Commissioner Faglie asked, in developing do you consider the fit for the existing environment? He noted that in his opinion this area is rural and would not like to see it cluttered up with cookie-cutter buildings and the purpose of the Planning Commission is to look at those issues.
 - Mr. Lang explained that there is a lot of initial analysis, and they always meet or exceed any codes involved in the project. He noted that they are going over the code requirement for the buffer that is going to be installed. He stated there was going to be 200 azalea bushes and 17 shade trees.
 - Commissioner Faglie stated there was 5-6 trees shown on the depiction and the lot itself is covered in trees, so why would you clear just to replant? You also depict sodding what is already seeded, my concern is the unnecessary clearing of the property.
 - Mr. Lang explained that per code there is a required planted buffer of certain plants and areas, they intend to exceed the code and they expect to keep the 5-6 larger trees in addition to what they install. This to replace what is removed and disturbed during construction.
 - Commissioner Odom clarified that the 5-6 trees depicted were those of a certain size and didn't necessarily mean they were the only trees being left.
 - Commissioner Odom asked is there a reason not to tap into city water and sewer?
 - Mr. Lang stated that during initial evaluation they were told they couldn't tap into it, but as a developer would be more than happy to design into it and pay tap fees once the sewer system is closer. We have obtained a septic permit from Department of Health.
 - Commissioner Odom mentioned the sidewalk concern for pedestrian traffic and seniors being enticed to walk to the store.
 - Mr. Lang stated they would be more than happy to work with the county and DOT on the sidewalk situation, it may take some time but would do it.
 - Commissioner Odom confirmed with Mrs. Metty that this project met Land Development Code and the purpose of the meeting was because of an appeal.

- Commissioner Arceneaux questioned the parking plan and landscaping requirements. The plan shows 45 parking spaces but the application states 43, the question was to convert 2 of the shown spaces into additional landscape islands.
 - Mr. Lang stated he would be more than happy to adjust without losing parking spots.
 - Mr. Begue explained the way it was laid out was to help prevent light reflection and was consistent with the code.
 - Mr. Lang stated he would be more than happy to shift and adjust the plantings to make the commission happy and exceed meeting the code.
 - Mr. Theriaque referenced and submitted for the record Section 5.3.5.C1E, noting the mentioned parking spaces are perpendicular to the landscape buffer. But even if we disagree with this, Teramore Development has authorized him to make necessary adjustments even though he feels they do comply with code.
- Opened Public Comment:
 - Mike Willis thanked the commission and stated that he can't discuss his opinions on the lack of processing or lack of employees at other locations, but he can speak on his experience as a driver and safety concerns. He stated he was not an engineer or an expert but explained how he felt the driving patterns in that area were dangerous. Many people can attest to the logging traffic and now adding semi traffic, raises concern. The elderly who lives across the street will want to come to this store and they will cross traffic with no care to vehicles. His opinion from a safety concern, this project should be denied.
 - Lynn McGrady, the woman who emailed each of the commissioners. She attested to being an expert witness in the fact she travels the area on a regular basis. In her understanding Dollar General wants stores in minority/low-income areas. In her opinion, the safety of pedestrians who will be enticed to cross US-19 to get to the store needs addressed. She noted that when Fred's was in operation there was always foot traffic, and this will be the same situation. There has been no discussion of how to safely cross US-19 for the children and elderly who live across the street. She added that currently that sector of US-19 is limited visibility and unsafe, projecting and analyzing an area that is currently undeveloped does not give the appropriate data to compare with a developed area. Meaning the existing traffic patterns will be very different once there is a store, currently there is nothing so there is no need to have the traffic, but a store will bring traffic. She added that the drainage and angles of the roads are poor conditions, at best. In referencing the current location in town, the visible pallets and boxes just create an eyesore that is not wanted in the Lake Road area. In her opinion, if the store does get approved the only entrance should be on US-19 not Lake Road. In closing, she urged Teramore to "save their money" on the back entrance and stick to the US-19 only. She closed by stating the appeal fee Mrs. King paid was unnecessary and the codes need to be further studied before allowing any development approval.
 - Kevin Patel as a business owner in the area asks, why is this store need? There are plenty of stores located here already and using a pie scenario, the pie isn't getting bigger, you are just slicing it smaller. There is no company too big to fall, so what happens when it goes bankrupt? The county and residents are left with another empty building to look at while the developer moves on to other towns.
 - Sonny Patel as a family who owns multiple small businesses on the North side of town, this Dollar General will hurt us. Business is all about competition, but small stores cannot compete with chain stores. He noted that his family is here to stay and strives to make the community better and nicer. In 2020, his family bought and reconstructed multiple run-down stores and intend to stay, an owner is available to assist with any issues, and this won't happen with a chain store. He added that the seniors come and are a big part of the community and we offer them interaction with their service, this is going to be replaced by self-checkout.

- Closing Comments:
 - Mrs. Bonnie King appreciated the opportunity to address her concerns and opinions. She stated the reason she included other items in her discussion that was not in her original appeal was because she was unaware of the items that were included in the application at the time of her appeal. She asked the board to listen to the concerns and not be fearful of a lawsuit from a big corporation.
 - Commissioner Faglie asked, if she was aware of the appeal process?
 - Mrs. King stated no, she received a certified letter because she was a neighboring property owner and said how to file an appeal.
 - Attorney Shirley explained the letter format and standards to file an appeal as per Code 9.18.0 which was noted in the letter sent to property owners.
 - Commissioner Schwier asked, if Mrs. King accessed documents or spoke with the Planning Office prior to filing the appeal?
 - Mrs. King stated she spoke but doesn't remember how or when.
 - Mrs. Metty stated she spoke on the phone but does not remember an in-person meeting.
 - Commissioner Arceneaux questioned Code Section 9.18.3 it indicates the records to consider on an appeal is any information submitted at the time of appeal, any additional documents submitted and any testimony.
 - Attorney Shirley clarified that due process principal allows for you to consider testimony on the subjects at hand, but not new issues as the appellee must be noticed ahead of time on the subject matter.
 - Mr. David Theriaque thanked everyone for time. He read and reviewed Land Development Code 9.18.0 and the basis for a reversal of a planning official's decision.
 - Commissioner Odom asked about Section 5.90, bicycle and pedestrian access, is there a plan to build sidewalks on the residential street? She noted that in her opinion this area is located on a residential street because people live in that area.
 - Mr. Begue explained that area was not directly residential, so it was not considered.
 - Mr. Lang stated that Teramore Development would work with the county to extend sidewalks to the location.
 - Commissioner Odom asked about the provision of the code referencing the sidewalks and bike lanes?
 - Mr. Lang explained they would be happy to extend the existing sidewalk and would work with the county and DOT to figure out a means of crossing US-19.
 - Commissioner Schwier stated that DOT will be resurfacing this section in the next few years and potentially this intersection could be looked at, at that time.
 - Commissioner Wheeler joked this would be the introduction of the first caution light for Monticello.
 - Mr. Theriaque stated that Teramore Development has authorized him to commit to put \$25,000.00 towards the FDOT needs of a crosswalk/intersection across US-19.
 - Mr. Theriaque asked for clarification for the record of the exact location of the sidewalk addition?
 - Mr. Lang explained from the proposed driveway located at US-19 headed south to the intersection at Lake Road.
 - Attorney Shirley asked about the need for crosswalk or striping or signage?
 - Mr. Lang stated yes at the Lake Road intersection, if it is needed.
 - Commissioner Odom asked about the road on the plat, Myrtle Street?
 - Mrs. Metty stated she believes it is abandoned.
 - Mr. Theriaque, for the record, does the extended sidewalk stipulation satisfy the commissioner's concern?
 - Commissioner Odom stated yes it does.

- Mr. Theriaque continued his closing comments by noting for the record that the landscape issue and the pedestrian issue are not Land Development Code requirements. In his experience he sees this a lot of what a district wants to see and what they code states. He respectfully submitted that the obligation of a property owner is to comply with the code not something above the code that local government wants to require. There has been no competent and substantial evidence introduced to the commission to overturn the approval. He noted that Teramore wants to be a good neighbor and make good efforts to work with county. With that, and after extensive conversation for the options of the Lake Road entrance, he suggested that given approval they would close the Lake Road entrance and only have the US-19 entrance.
- Commissioner Discussion:
 - Commissioner Faglie stated that he opposed to stripping the lot of all the natural vegetation, he feels modifications to plans would allow the project to blend better.
 - Mr. Theriaque asked for clarification on how to do that?
 - Commissioner Faglie referenced plan C-107, with closing the Lake Road entrance, the concern is leaving the natural under growth instead of installing seed and sod.
 - Mr. Lang explained that would be difficult because of the need for the drain field, etc. but he would work to leave as much as he could.
 - Commissioner Arceneaux suggested a 10-foot perimeter buffer be done in good faith instead of a 10-foot landscaping strip.
 - Mr. Lang stated the intent was to plant over 200 azaleas and over 17 trees but will in good faith will agree to increase to 30 trees and attempt to leave as much natural vegetation as possible.
 - Commissioner Odom **motioned** to deny the appeal and approve the project with the condition that the 5.9.0 pedestrian access, the \$25,000.00 agreement for FDOT crosswalks.
 - **Motion withdrawn** to allow for further discussion.
 - Commissioner Walker feels that this is not a safe idea for this location.
 - Commissioner Odom agrees but feels it meets the code.
 - Commissioner Wheeler does not feel it to be a safe idea.
 - Commissioner Wellman asked that the Board understand the task and be clear of any conditions of approval.
 - Commissioner Seabrooks stated that she too is concerned for the safety but everyday is a risk that people take and understands the concerns raised, but based on the Land Development Code this application cannot be denied. She feels that staff did what they were supposed to do.
- Commissioner Odom **motioned** to reject the appeal and to approve the application with the conditions of 5.9.0 bicycle and pedestrian access with the good faith contributions to the crosswalk and other mentioned items. Commissioner Seabrooks seconded motion.
 - Attorney Shirley clarified the conditions which were discussed.
 - Include sidewalk from entrance at US-19 south to Lake Road intersection
 - Look into signage and striping for a crosswalk at Lake Road intersection
 - Commit to \$25,000.00 for a crossing of US-19 if it is determined to be advisable
 - Preserve as much existing vegetation as possible
 - Raise the tree planting count from 17 to 30 trees
 - Close Lake Road entrance
 - Mr. Theriaque stated for the record, Teramore agrees to the conditions.
 - Commissioner Schwier noted that the need for the \$25,000.00 will take some time and study from DOT to justify. These studies may be post-construction.
 - Mr. Lang stated that they would be happy to submit the funds by means of a bond.
- Mrs. King asked for clarification of the location of the sidewalk.
 - Commissioner Schwier and Commissioner Wellman explained.

- **Vote:** In favor of the motion-Commissioner Seabrooks, Commissioner Wellman, Commissioner Schwier, Commissioner Odom, Commissioner Johnson. Opposed to the motion-Commissioner Faglie, Commissioner Arceneaux, Commissioner Wheeler, Commissioner Chancy, Commissioner Walker; 5-5.
- Attorney Shirley stated that another motion could be made, he urged for continuation of the debate to form a clear action.
 - Commissioner Odom asked those who were opposed what it is in the code that makes them say no.
 - Commissioner Chancy his choice in voting against it, it's unsafe.
 - Commissioner Walker it's a moral decision because it's a dangerous location.
 - No other comment was given.
- Commissioner Schwier noted that with a tie motion, the motion has failed and the board must provide justification based on the code.
 - Attorney Shirley clarified that currently there was no action in regards to the appeal. If there is a motion to reverse staff action and that too fails, the appeal in essence fails because there was no approval or denial. So it stands as unresolved.
 - Commissioner Schwier asked, if we have a motion to approve the appeal and it deadlocks, what happens?
 - Attorney Shirley stated that then stands as no action was taken and therefore the appeal is not reversed or sustained and further action would be required.
- Commissioner Walker **motioned** to approve the appeal and overturn staff approval, Commissioner Wheeler seconded motion.
- **Vote:** In favor of the motion-Commissioner Chancy, Commissioner Walker, Commissioner Faglie, Commissioner Wheeler, Commissioner Arceneaux. Opposed to the motion-Commissioner Johnson, Commissioner Odom, Commissioner Schwier, Commissioner Wellman, Commissioner Seabrooks; 5-5.
- Attorney Shirley reiterated that the only way the planning official's decision can be reversed and invalidated is if there is an affirmative vote to grant the appeal. That vote was taken, tied and due to lack of majority it failed. The planning official's decision stands as valid as a result of this proceeding. It cannot be in limbo forever with a deadlock.
- Commissioner Schwier clarified the motion to deny the appeal tied 5-5, then the motion to approve the appeal tied 5-5; so if the meeting is adjourned as it stands then the project will be approved because the planning official's decision stands. The meeting is still open to further discuss.
 - Commissioner Odom asked, would it still move forward with the conditions noted?
 - Mr. Theriaque stated yes, they would still agree to those stipulations.
- Commissioner Walker **motion** to approve the appeal and deny the project. Commissioner Chancy seconded motion.
 - Commissioner Faglie stated that based on information provided, he doesn't feel another motion would be appropriate.
- Commissioner Johnson stated that most of the appeal was based on safety which is a concern for all the board members, looking at the code it was found that Section 5.9.0 and 5.9.1 were not included without being a condition. She asked, is that grounds for denial based on code?
 - Commissioner Schwier explained that the developer agreed to include those items as a condition of approval, meaning they now meet the code.
- Commissioner Wellman asked, is it was important to note that the extension of the sidewalk won't connect to an existing sidewalk? For the record, the developer is making a concession to help the safety situation but doesn't connect to other sidewalks.
 - Commissioner Faglie asked, the sidewalk from Lake Road doesn't actually start until you pass Mrs. Bonnie's store?

- Mrs. King stated there is a right of way jog that would not allow the sidewalks to connect without purchasing a right of way from her.
- Commissioner Wellman explained that safety was not being improved with this conception except right in front of the property owner's project as it would not connect to existing sidewalks.
 - Commissioner Schwier stated that there is a very short gap and the existing sidewalk starts in front of Mrs. Bonnie's store.
 - Mrs. King corrected him and stated what was in front of her store was private paver stones so the sidewalks would not connect without purchasing an easement from her, which she noted was unlikely.
- **Vote:** In favor of the motion-Commissioner Chancy, Commissioner Walker, Commissioner Wheeler. Opposed to the motion-Commissioner Johnson, Commissioner Odom, Commissioner Arceneaux, Commissioner Wellman, Commissioner Schwier, Commissioner Faglie, Commissioner Seabrooks; 3-7. Motion failed.
- Attorney Shirley stated the applicant has agreed to all conditions and it will be written into their approval letter.
- Commissioner Arceneaux asked to add on the next agenda to discuss having a third party engineer review for plans to assist Mrs. Metty and adjust the fee schedule to be at the expense on the applicant.
 - Attorney Shirley agreed.
- Commissioner Faglie asked to talk about the idea of limiting purchases of property in the county by foreign entities.
 - Attorney Shirley stated that would be foreign policy and we cannot do that.
 - Commissioner Faglie explained he meant the purchase of Agriculture land for Commercial use.
- Commissioner Odom stated she feels the code needs to be updated, all agreed.

Commissioner Chancy motioned to adjourn at 8:50pm. Commissioner Seabrooks seconded motion.

Commissioner Schwier adjourned meeting at 8:52pm.

Respectfully submitted,

Renee' Long

Renee' Long
Jefferson County Planning Assistant