

Jefferson County Planning Commission  
Meeting Minutes  
May 13<sup>th</sup>, 2021

Chairman Michael Schwier called to order at 6:00 pm.

Commissioner Roy Faglie led the group in an opening prayer and Pledge of Allegiance to the Flag.

Physically in attendance: Commissioner Roy Faglie, Commissioner John Floyd Walker, Commissioner Jacqueline Seabrooks, Commissioner Michael Schwier, Commissioner Byron Arceneaux, Commissioner Thomas Chancy, Commissioner Andrew Wellman, Planning Official and Interim County Coordinator Shannon Metty.

Attended via Zoom: Planning Attorney Scott Shirley and Sheriff Mac McNeil.

Agenda Item #2: Approval of Draft Minutes-March 10<sup>th</sup>, 2021 Meeting:

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

Agenda Item #3: Additional Language for Temporary Use:

- Mrs. Metty opened the discussion with a brief review of the previous meeting discussion.
- Attorney Shirley continued the opening discussion by reviewing the purpose of this initial draft of the Temporary Use Language and then began the workshop.
- Discussion for Revisions of Temporary Use Permit Regulations-Led by Attorney Shirley.
  - Topic-New definition on the term “temporary use”:
    - Attorney Shirley stated that once the Commission agrees on the new information and it has been properly vetted, it will be added into the LDC.
    - Commissioner Seabrooks asked does the term “gathering” include school and church functions? Attorney Shirley replied the term is more of a free form group for large crowds. Events held at a venue for a school or church would not be categorized under this term.
    - Mrs. Metty asked if we used the term “commercial” in describing those who need to apply? Attorney Shirley replied that would then exclude the non-profits.
  - Topic-Application submission timeframe:
    - Commissioner Schwier suggested a minimum deadline. Commissioner Walker expressed concern as sometimes plans change and people do not always know in advance.
    - Attorney Shirley suggested a 45-day submission window. He states that in Article 2 of the Land Development Code (LDC) 20-days are standard. He feels by having a 45-day it encourages the applicant to rectify any issues or obstacles they may have.

- Topic-Types of activities covered by this permit:
  - Commissioner Chancy asked what about Aunt Louise’s Trunk or Treat? He states that there are about 5 different churches involved and there’s an admission price which is given to Backpack Buddies. Commissioner Schwier feels that she is operating under Agritourism. Attorney Shirley states that we can exempt non-profit entities. Commissioner Chancy agrees with that exemption. Commissioner Schwier asked if by exempting non-profits, would that allow for “Burning Man” type events to be exempt? Commissioner Faglie said yes, so he feels the term should be narrowed down.
  - Commissioner Wellman mentioned that he would like to exclude the constriction on religious entities. Attorney Shirley states that there are important limits when exempting churches vs not for profit. He suggests broadening the exemption to include churches rather than excluding them.
  - Commissioner Schwier asked about a carnival or midway that used to setup in the Winn Dixie parking lot or at an open field. Attorney Shirley stated yes, they would need the permit because it is not typical use for those locations.
  - Commissioner Schwier asked if I hosted a revival at my home, would I need to pull this permit? Attorney Shirley replied yes because that is not something typical for your home and you are an individual not a church.
- Topic-Allowable land use districts for this permit:
  - Attorney Shirley suggests allowing this to be used in any district that allows business activity, specifically Ag-5, Ag-20, and Interchange. Commissioner Faglie and Commissioner Seabrooks agree.
  - Commissioner Schwier asks does it matter if an event is held on business property vs residential property, meaning something like the Industrial Park vs a field at home? Attorney Shirley said it may depend on the individual hosting the event.
  - Commissioner Faglie asked if a person is using an event venue to host their event, will they be required to pull this permit? Attorney Shirley replied no because it is a permitted venue.
- Topic-Number of uses allowed by this permit:
  - Mrs. Metty stated that in her review of other counties, she found they have a limit of 14 days per calendar year. Commissioner Schwier suggested 7 to 10 days.
  - Attorney Shirley feels that there needs to be a limit of how many consecutive days an event can last. He suggests the limit of 5 consecutive days. Commissioner Walker stated that the car sales that occasionally set up would potentially need more like 7 days given the day to set up and tear down. Commissioner Schwier asked if the length were too short for the requested event, could someone apply for a back-to-back permit? Attorney Shirley said yes if it did not exceed the total number of days allowed by permit.

- Sheriff McNeil suggests limiting the number of music events allowed to 2-3 per year. He feels that the noise from music events are the main concern with residents.
- Attorney Shirley recommends a limit of 6 events per year with up to 3 of the events being music or concerts and an aggregate of 14 days. Commissioner Schwier agrees.
- Topic-Amplified Sound and Lights:
  - Mrs. Metty reviewed the current limitations on noise is not to exceed 60 decibels between the hours of 10pm and 7am as measured at the property line. Sheriff McNeil feels that 10pm is too late for the noise to be allowed.
  - Commissioner Seabrooks asked how is the sound going to be measured? Mrs. Metty stated that the Sheriff's Department has a decibel reader that would be able to stand up in a court of law if necessary.
  - Sheriff McNeil suggests a shutdown of around sundown, especially for music events. He feels this would help keep the surrounding neighbors happier. Commissioner Faglie suggested taking the Sheriff's idea into mind which was to cut the noise out around dark. Attorney Shirley reminded the commissioners that this was not a "cut off" time being set it is a "tone down" time.
  - Commissioner Schwier suggested 9pm to 9am. Commissioner Chancy suggested 9pm to 7am. All agree the change from 10pm to 9pm.
- Topic-Attendance and Traffic Control:
  - Sheriff McNeil expressed numerous opinions on this topic. First and foremost, he feels that for public safety and the safety of the officers, there should be two off duty deputies at the larger events. Commissioner Schwier asked for clarification of "larger events." Sheriff McNeil explained that in the past, around the 300 participants seems to be when the issues arise. He feels events under 300 participants can be left to the Planning Commission to decide if they want the law there or not. Attorney Shirley clarified that it would need to be decided on while during the workshops, it should not be based on a case-by-case basis because the event holder could potentially feel it to be a free speech issue.
  - Mrs. Metty asked how would attendance be tracked? Commissioner Chancy stated that this is hard to do unless you have a set number of tickets to be sold for entry.
  - Sheriff McNeil also expressed the need for a medical team or EMS to be present and available. Attorney Shirley reviewed the current ordinance and suggested that EMT be on standby for all events and that larger events should have EMT on site. Commissioner Chancy questioned who would cover the EMT fees? Mrs. Metty stated they would be paid by the event host, not the county.

- Topic-Parking:
  - Attorney Shirley noted that in an old festival ordinance the requirement was 1 spot/5 participants. In review of the Land Development Code, 5.5.0 page 72, states 1 spot/75 square feet.
  - Commissioner Schwier suggested 1 spot/3 participants.
  - Commissioner Faglie feels that it is important to have a safe way in and out.
  - Mrs. Metty asked, how do you monitor how many spots are in an open-unmarked field?
- Topic-Sanitation
  - Attorney Shirley states that when an applicant submits their site plan, the sanitary facilities should be noted. He states that this needs to include hand washing stations. These facilities should be within reasonable distance to the event.
  - Mrs. Metty asked if the applicant needs to specify who will be providing the facilities? Attorney Shirley said yes, the applicant must be clear as to how the facilities will be available (already onsite, rented from, etc.)
- Topic-Food Vendors:
  - Mrs. Metty asked if an applicant would be required to make note of who the vendors will be?
  - Mrs. Metty asked if a vendor is present, would the county receive sales tax? Attorney Shirley said yes, the county would receive a portion of the sales tax based on state records.
  - Mrs. Metty asked if a vendor had to be licensed? Attorney Shirley stated yes, an active license must be displayed while serving the public. He also clarified that if the vendor was not licensed through DBPR, then they more than likely were not paying sales tax.
  - Commissioner Faglie mentioned that when the Masonic Lodge does their fish fry, as a non-profit, they are still required to pay sales tax to the state.
- Topic-Failure to Comply:
  - Sheriff McNeil feels that there should be an enforcement if someone fails to comply with the rules of the permit. His suggestion is denial of future permit.
  - Attorney Shirley agrees with Sheriff McNeil on a suspension of future permits if violation occurs during an event.
  - Commissioner Seabrooks asked how are the permits assigned to an individual/entity or to the property itself? Mrs. Metty feels that it would be best to issue a permit to the parcel to keep from having any issues of other people applying for a permit once someone was suspended.
  - Attorney Shirley said that penalties should be for adjudicated violations. Commissioners Schwier asked for clarification on what that includes? Attorney Shirley said that it would include noise and anything else that was violated

twice. Commissioner Schwier feels that after 2 violations, the applicant should lose the right to permit for a 24-month period. All commissioners agree.

Comments and Questions from the Planning Commission:

- Commissioner Walker asked how much does the permit cost and who sets that amount? Mrs. Metty stated that it is \$100.00, and it is an amount that was set by previous council.
- Mrs. Metty mentioned that in applying for this permit there would be required information that would need to be provided and taken into consideration. i.e., lease or property agreement, insurance, traffic control, etc.
- Commissioner Arceneaux asked is there a provision for an exception that does not fit this policy? Attorney Shirley stated that would be the Planning Official. In the event the applicant disagreed with the decision made, an appeal can be made and would then go before the Planning Commission.

Public Comments:

- Mr. Bernard Barrington of Gamble Road stated that he agrees with everything that has been discussed. His only concern is the limit of events. Attorney Shirley clarified that 6 events would be allowed with 3 of them being allowed music events. Mr. Barrington also stated that with past events, the biggest issue was guests having amplified music systems in the vehicles. He noted that moving forward he will have a strict policy prohibiting them and anyone who fails to comply will be asked to vacate. He also stated that he feels having 2 off duty officers and onsite EMT services is a good idea.
- Mrs. Metty asked Mr. Barrington how do they monitor admittance for events? Mr. Barrington said generally they charge a gate fee or pre-sale tickets.

Attorney Shirley closed by saying he felt this was a good start to building a working draft to review at the next workshop.

Commissioner Schwier motioned to adjourn. Commissioner Seabrooks and Walker second. Commissioner Schwier adjourned meeting at 7:16pm.

Respectfully submitted,

*Renee' Long*

Renee Long  
Jefferson County Planning Assistant