

# **City of Gainesville**

*City Hall  
200 East University Avenue  
Gainesville, Florida 32601*



## **Meeting Minutes**

**Thursday, January 21, 2010**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Scherwin Henry (District 1)  
Commissioner Lauren Poe (District 2)  
Commissioner Jack Donovan (District 3)  
Commissioner Craig Lowe (District 4)  
Commissioner Thomas Hawkins (At Large)  
Commissioner Jeanna Mastrodicasa (At Large)*

*Persons with disabilities who require assistance to participate in this meeting are requested to notify the Office of Equal Opportunity at 334-5051 or call the TDD phone line at 334-2069 at least two business days in advance.*

**CALL TO ORDER - 1:04 PM****ROLL CALL**

Present: Pegeen Hanrahan, Craig Lowe, Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Lauren Poe and Thomas Hawkins

**INVOCATION**

*The City Commission observed a moment of silence.*

**CONSENT AGENDA**

*Commissioner Donovan moved and Commissioner Lowe seconded to adopt the Consent Agenda, as modified.*

*(VOTE: 6-0, Commissioner Scherwin Henry - Absent, MOTION CARRIED)*

*MODIFICATION - File #090664 - Federal Legislative Agenda - (Additional back-up submitted).*

**CITY MANAGER, CONSENT AGENDA ITEMS****090649. Settlement of Worker's Compensation Claim - Juanita Fort (NB)**

**This item involves the full and final settlement of Juanita Fort's worker's compensation claim(s), which will include all future medical, indemnity and Medicare Set-Aside payments. The total settlement amount is \$107,168 and represents a significant cost advantage to the City.**

**RECOMMENDATION**      *The City Commission authorize Special Counsel to prepare and execute the appropriate documents for a lump-sum settlement of the Worker's Compensation Claim of Juanita Fort in the amount of \$107,168.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**090664. 2011 Federal Legislative Agenda (B)**

**RECOMMENDATION**      *The City Commission approve the 2011 Federal Legislative Agenda.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**090669. Federal LECFTF Funding for Black on Black Crime Task Force for the**

**Reichert House Youth Academy To Purchase Music Production and Recording Equipment (B)****RECOMMENDATION**

*The City Commission approve the appropriation of the amount of \$6,000 from the Federal Law Enforcement Contraband Forfeiture Trust Fund for music production and recording equipment for the Reichert House Program.*

*Alternative recommendation: The City Commission deny funding.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****090694. Utility Bill Presentment and Payment (B)**

**Staff recommends awarding a contract to Total Billings, Inc. for utility bill rendering, printing, mailing, electronic presentment and payment.**

**RECOMMENDATION**

*The City Commission: 1) authorize the General Manager, or his designee, to negotiate and execute a three-year contract with Total Billings, Inc. for utility bill rendering, printing, mailing, electronic bill presentment and payment, subject to approval of the City Attorney as to form and legality; and 2) approve the issuance of purchase orders for these services in amounts not exceeding budgeted amounts for each year of the contract, subject to the final appropriation of funds for these services for each fiscal year.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**CITY ATTORNEY, CONSENT AGENDA ITEMS****CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****090697. City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of January 7 & January 11 2010, as circulated.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS****COMMUNITY DEVELOPMENT COMMITTEE, CONSENT****090509. Maxine Bethea and Pastor Joseph Lewis Housing Complaint (B)****RECOMMENDATION**

*The Community Development Committee to the City Commission: 1) recommend to the City Commission the repairs recommended by staff outlined in Attachment 1, the letter dated August 11, 2009, contingent upon the requirement to follow all legal requirements of the funding source for these repairs; and 2) remove this item from the Community Development Committee referral list.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS****END OF CONSENT AGENDA****Passed The Consent Agenda**

**A motion was made by Commissioner Donovan, seconded by Commissioner Lowe, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe and Pegeen Hanrahan  
Absent: Scherwin Henry

**ADOPTION OF THE REGULAR AGENDA**

*Commissioner Lowe moved and Commissioner Mastrodicasa seconded to adopt the Regular Agenda, as modified.*

*(VOTE: 6-0 Commissioner Henry - Absent, MOTION CARRIED)*

*Mayor Hanrahan recognized Pat Fitzpatrick who spoke to the matter.*

*MODIFICATION: File #090698 - Update on Strategic Initiative 7.1 - Monitor the Progress of the Clean-up of Cabot Carbon/Koppers Superfund Site - (Added text file, back-up and power point presentation).*

**CHARTER OFFICER UPDATES****CLERK OF THE COMMISSION**

**090693. City Commission Special Meeting (NB)**

**RECOMMENDATION**      *The City Commission schedule a joint meeting with the School Board of Alachua County, as needed, on or prior to February 10, 2010.*

**A motion was made by Commissioner Donovan, seconded by Commissioner Mastrodicasa, that this matter be Approved as Recommended. The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe and Pegeen Hanrahan  
Absent: Scherwin Henry

**CITY MANAGER****090698. Update on Strategic Initiative 7.1 - Monitor the Progress of the Clean-up of Cabot Carbon/Koppers Superfund Site (B)**

**During the past few months, there has been a variety of actions that are related to Strategic Initiative 7.1. This item will provide and update of those actions, and possible modifications to the Strategic Initiative. This item will include briefings from Beazer East, Inc., and from EPA. Mayor Hanrahan and GRU staff will report on a recent meeting with the EPA Interim Regional Administrator.**

*PRESENTATIONS: Assistant City Manager Fred Murry, Strategic Planning Manager Karen Billings, USEPA Region IV Representative Scott Miller, Beazer East Representative Mitchell Brouman, GRU Supervising Engineer Rick Hutton, Alachua County Environmental Protection Engineer Dr. John Mousa, Consultant Dr. Pat Cline and Alachua County Health Department Director Anthony Dennis gave presentations.*

*MOTION: Commissioner Lowe moved and Commissioner Donovan seconded to adopt the following language for Strategic Initiative 7.1 as part of our strategic plan as read into the record as follows: 1) It is the objective of the City of Gainesville for the Cabot Koppers Superfund Site to be remediated to standards safe for residential uses and in a manner protecting air, soils, surface water, groundwater quality, the drinking water supply and the water utility service area of Gainesville Regional Utilities; and 2) refer this issue to the Regional Utilities Committee and bring back to the City Commission.*

*(VOTE: 6-0, Commissioner Henry - Absent, MOTION CARRIED)*

*Mayor Hanrahan recognized Kim Popejoy, Robert Pearce, Ann Lowry, Mr. Pais, Kaya Idekar and Rob Brinkman who spoke to the matter.*

*NOTE: Staff provided Beazer East Representative Mitchell Brouman's toll free*

number as follows: (877) 678-9790.

**RECOMMENDATION**      *The City Commission 1) receive a report from the Mayor and Rick Hutton, Supervising Engineer/GRU, on their recent meeting; 2) hear an update from Beazer East, Inc. on the future land use of the site; 3) hear a brief update from EPA; 4) discuss modifications to Strategic Initiative 7.1; and 5) refer the item to the Regional Utilities Committee.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Donovan, that this matter be Approved as shown above and Referred to the Regional Utilities Committee, due back on July 21, 2010. The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe and Pegeen Hanrahan  
Absent: Scherwin Henry

## GENERAL MANAGER FOR UTILITIES

### **090557.      Awards and Recognition for Water Quality, Wastewater Management, Telecommunications, Solar Business Achievement, Climate Protection Initiatives and United Way Campaign (NB)**

- \* **SEPA (Solar Electric Power Association) Award for Solar Business Achievement in the area of Community Outreach and Public Awareness**
- \* **Florida Water Environment Association William D. Hatfield Award**
- \* **First Place in American Water Works Association Region XI Best Tasting Drinking Water Contest**
- \* **FDEP (Florida Department of Environmental Protection) Plan Operations Excellence Award**
- \* **Utilities Telecom Council "Apex Award"**
- \* **ICLEI (International Council for Local Environmental Initiatives) Milestone Awards**
- \* **APPA (American Public Power Association) Award of Continued Excellence**
- \* **FMEA (Florida Municipal Electric Association) Community Service Award**
- \* **Nomination for United Way's Inspiring Success Award**

*GRU Representative Lewis Walton, GRU Community Relations Director Nona Jones, and Assistant General Manager for Customer Support Services Kathy Viehe gave presentations.*

**RECOMMENDATION**      *The Awards are hereby presented for acknowledgement by the Gainesville City Commission. The awards recognize the ongoing commitment exhibited by GRU, the City of Gainesville, their employees and the community in supporting innovation and excellence.*

**Heard**

**090695. Manufactured Gas Plant (MGP) Remediation - Update (B)**

Staff is providing an update on the GRU MGP Remediation. Phase 1 construction is currently underway by the remediation contractor Environmental Consulting & Technology (ECT). Phase 1 remediation work began in July 2009 and is scheduled to be substantially complete by June 2010. Phase 2 work is scheduled to begin this month and to be substantially complete by September 2010.

*GRU Strategic Planning Engineer Patty Hart and Alachua County Environmental Protection Director Chris Bird gave presentations.*

**RECOMMENDATION**      *The City Commission receive a presentation from GRU Staff on recent progress and a schedule update on the MGP Remediation project at Depot Park.*

**Heard**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)**

**OUTSIDE AGENCIES**

**MEMBERS OF THE CITY COMMISSION**

**COMMISSION COMMENTS (if time available)**

**Commissioner Thomas Hawkins**

*Historic Preservation Issues - Referral to CDC.*

**090737. Historic Preservation Issues - Referral to the Community Development Committee (B)**

**RECOMMENDATION**      *The City commission refer the issue of Historic Preservation to the Community Development Committee to schedule a joint*

*meeting with the Historic Preservation Board to discuss current ordinances and historic resources.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Lowe, that this matter be Referred to the Community Development Committee, due back on July 21, 2010. The motion carried by the following vote:**

Votes: Aye: Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe and Pegeen Hanrahan  
Absent: Jeanna Mastrodicasa and Scherwin Henry

### **Commissioner Jack Donovan**

#### **090736. Memorial for Former Mayor-Commissioner Roberta Lisle (NB)**

**RECOMMENDATION**

*The City Commission refer the issue of honoring former Mayor-Commissioner Roberta Lisle with some type of memorial in honor of her being one of the first elected officials in Gainesville to the Recreation, Cultural Affairs and Public Works Committee.*

**A motion was made by Commissioner Poe, seconded by Commissioner Donovan, that this matter be Referred to the Recreation, Cultural Affairs and Public Works Committee, due back on July 21, 2010. The motion carried by the following vote:**

Votes: Aye: Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe and Pegeen Hanrahan  
Absent: Jeanna Mastrodicasa and Scherwin Henry

### **Mayor Pegeen Hanrahan**

*City of Gainesville ICLEI Membership - Former Commissioner Braddy's article.*

### **RECESS - 4:01 PM**

### **RECONVENE - 5:45 PM**

*NOTE: Mayor-Commissioner Pro Tem Henry was present during the evening session of the meeting.*

### **PLEDGE OF ALLEGIANCE (5:30pm)**

### **PROCLAMATIONS/SPECIAL RECOGNITIONS**

#### **090682. Eleanor Blair Day - January 21, 2010 (B)**

**RECOMMENDATION**

*Gainesville Alachua County Cultural Affairs Board Chair*



*Sheldon Packer and Eleanor Blair to accept the proclamation.*

**Heard**

**090683. N'Kwanda Jah Day - January 21, 2010 (B)**

**RECOMMENDATION** *Gainesville Alachua County Cultural Affairs Board Chair Sheldon Packer and N'Kwanda Jah to accept the proclamation.*

**Heard**

**090684. Michael Blachly and the University of Florida Performing Arts Day - January 21, 2010 (B)**

**RECOMMENDATION** *Gainesville Alachua County Cultural Affairs Board Chair Sheldon Packer and University of Florida Performing Arts Director Michael Blachly to accept the proclamation.*

**Heard**

**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**

**Ricky Sullivan**

*Transgender Ordinance.*

**Taeber Rapczak**

*130 Meal Limit.*

**Pastor R. Palmer - Grace Presbyterian Church**

*130 Meal Limit.*

**Kirk Reeb**

*Property Lien - See following File #090740.*

**090740. Citizen Comment - Kirk Reeb - Property Lien (B)**

**RECOMMENDATION** *The City Commissioner hear comments from Mr. Kirk Reeb, and place back-up submitted on file.*

**Placed on File**

**Kali Blount**

*Poverty, Affordable Housing, Transportation Assistance and Child Care.*

**Rob Brinkman**

*Clean Energy.*

**PUBLIC HEARINGS****RESOLUTIONS- ROLL CALL REQUIRED****090677. INDUSTRIAL DEVELOPMENT BONDS - GOODWILL INDUSTRIES OF NORTH FLORIDA, INC. (B)**

**A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF GAINESVILLE, FLORIDA TO ISSUE INDUSTRIAL DEVELOPMENT REVENUE BONDS IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$4,800,000 FOR THE PURPOSE OF REFUNDING THE JACKSONVILLE ECONOMIC DEVELOPMENT COMMISSION'S OUTSTANDING VARIABLE/FIXED RATE DEMAND REVENUE BONDS (GOODWILL INDUSTRIES OF NORTH FLORIDA, INC. PROJECT) SERIES 2003 AND LOANING FUNDS TO GOODWILL INDUSTRIES OF NORTH FLORIDA, INC. OR ITS SUCCESSORS OR ASSIGNS FOR THE FINANCING AND REFINANCING OF THE ACQUISITION, CONSTRUCTION AND EQUIPPING OF SOCIAL SERVICE CENTER FACILITIES IN GAINESVILLE, FLORIDA, JACKSONVILLE, FLORIDA AND FLAGLER COUNTY, FLORIDA; AUTHORIZING THE EXECUTION OF A MEMORANDUM OF AGREEMENT PERTAINING TO THE ISSUANCE OF SUCH BONDS; AUTHORIZING THE EXECUTION OF INTERLOCAL AGREEMENTS WITH THE CITY OF JACKSONVILLE, FLORIDA AND FLAGLER COUNTY, FLORIDA; AND PROVIDING CERTAIN OTHER DETAILS WITH RESPECT THERETO.**

*Goodwill Industries Attorney Ed Vogel gave a presentation.*

**RECOMMENDATION**      *The City Commission adopt the proposed Resolution.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Mastrodicasa, that this matter be Adopted (Resolution). The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry and Pegeen Hanrahan

**ORDINANCES, 1ST READING- ROLL CALL REQUIRED**

**090340. REZONING - 1500 NORTHWEST 45TH AVENUE (B)****Ordinance No. 0-09-59, Petition No. PZ-09-60ZON**

An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain property, as more specifically described in this Ordinance, from the City of Gainesville zoning categories of "BUS: General business district"; "RSF-1: 3.5 units/acre single-family residential district"; "RMF-5: 12 units/acre single-family/multiple-family residential district"; and "RMF-6: 8-15 units/acre multiple-family residential district" to "CON: Conservation district"; consisting of approximately 61.6 acres; located in the vicinity of 1500 Northwest 45th Avenue; providing a severability clause; providing a repealing clause; and providing an effective date.

**RECOMMENDATION**      *The City Commission adopt the proposed ordinance.*

**A motion was made by Commissioner Hawkins, seconded by Commissioner Poe, that this matter be Approved (Petition) and Adopted on First Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry and Pegeen Hanrahan

**ORDINANCES, 2ND READING- ROLL CALL REQUIRED****090528. URBAN SERVICES REPORT – TOWER CENTER (B)****Ordinance No. 0-09-74**

An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcel Numbers 06654-003-000 and 06654-003-001, generally located south of the vicinity of Newberry Road, west of Interstate 75 and the City limits, north of West University Avenue, and east of Tower Road; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date. (B)

**RECOMMENDATION**      *The City Commission adopt the proposed ordinance.*

**A motion was made by Commissioner Donovan, seconded by Mayor-Commissioner Pro Tem Henry, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry and Pegeen Hanrahan

**090119. MINIMUM SECURITY AND SAFETY STANDARDS FOR CONVENIENCE BUSINESSES (B)**

**Ordinance 0-09-73**

**An ordinance of the City of Gainesville, Florida, creating a new Article VII of Chapter 14.5 of the Code of Ordinances, relating to Miscellaneous Business Regulations; requiring minimum security and safety standards for convenience businesses as defined in this ordinance; providing penalties; amending section 2-339 of the Code of Ordinances to permit enforcement by civil citation; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

**RECOMMENDATION**      *The City Commission adopt the proposed ordinance.*

**A motion was made by Commissioner Mastrodicasa, seconded by Mayor-Commissioner Pro Tem Henry, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry and Pegeen Hanrahan

**PLAN BOARD PETITIONS**

**090650. Southwest Annexation Large-Scale Land Use Amendment (B)**

**Petition PZ-09-145LUC. City of Gainesville. Southwest Annexation Land Use Changes. Amend the City of Gainesville 2000-2010 Future Land Use Map for annexed areas from multiple Alachua County land use designations (Low Density Residential (1-4 DU/acre); Medium Density Residential (4-8 DU/acre); Medium High Density Residential (8-14 DU/acre); High Density Residential (14-24 DU/acre); Recreation; Commercial; Tourist/Entertainment; Institutional; and Industrial/ Manufacturing) to multiple City of Gainesville land use designations (Residential Low-Density (up to 12 units per acre); Residential Medium-Density (8-30 units per acre); Residential High-Density (8-100 units per acre); Mixed-Use Medium-Intensity (12-30 units per acre); Urban Mixed-Use 1 (UMU-1: up to 75 units per acre); Commercial; Conservation; Public Facilities; and Business Industrial). Located in the vicinity of Southwest 20th Avenue and Southwest Archer Road, east of Interstate 75 and west of SW 34th Street; and consisting of approximately 690 acres. Related to PB-09-146 ZON.**

*Senior Planner Susan Niemann, Agent for the Petitioner Gerry Dedenbach and Planning Manager Ralph Hilliard gave presentations.*

*Mayor Hanrahan recognized Bruce DeLaney and Walter Willard who spoke to the matter.*

*MOTION: 1) Continue the petition; 2) direct staff to re-advertise if necessary at that time; 3) refer the petition to the Community Development Committee the specific issues of the proper zoning designations of the RH-1, or any other zoning categories that may be applied to this to see if we do need new policy direction, not solely*

specific to this project, but including this project; 4) direct staff to contact the property owners in the existing PD's that came from the County and also a complete analysis of the content of those PD's to the City Commission; and 5) direct staff to continue moving forward with the Special Area Plan Overlay.

**RECOMMENDATION**

*City Plan Board to City Commission- The City Commission approve Petition PZ-09-145LUC with the proposed changes from RH to UMU-1 as suggested by Mr. Dedenbach and agreed upon by staff, and with the additional direction that staff prepare text changes to the comprehensive plan directing preparation of a special area plan that implements the MTPO's direction for the urban village area. The Plan Board voted 5-1.*

*Staff to City Commission - The City Commission approve Petition PZ-09-145LUC as recommended by the City Plan Board.*

*Staff to City Plan Board - Approve Petition PZ-09-145LUC.*

**A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this matter be Continued (Petition). The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry and Pegeen Hanrahan

**090651. Southwest Annexation Rezoning (B)**

**Petition PZ-09-146ZON. City of Gainesville. Southwest Annexation Rezoning. Rezone the annexed lands from multiple Alachua County zoning districts (Agricultural (A); Single family, low density (R-1a); Single family, low density (R-1c); Multiple family, medium density (R-2); Multiple family, medium-high density (R-2a); Multiple family, high density (R-3); Business and professional (BP); Retail sales and services (BR); Highway oriented business services (BH); Automotive oriented business (BA); Industrial services and manufacturing (MS and MP); Planned development (PD); Manufactured mobile home park (RM); Residential professional (RP); and Conservation (C-1)) to multiple City of Gainesville zoning districts (RMF-5:12 units/acre single-family/multiple-family residential; RMF-8: 8-30 units/acre multiple-family residential; RH-2: 8-100 units/acre residential high density; BUS: General business; MU-2: 12-30 units/acre mixed use medium intensity; UMU-1: Up to 75 units/acre urban mixed-use; BI: Business industrial; CON: Conservation; PS: Public services and operations; and PD: Planned Development). Located in the vicinity of Southwest 20th Avenue and Southwest Archer Road, east of Interstate 75 and west of SW 34th Street; and consisting of approximately 690 acres. Related to PB-09-145 LUC.**

*Senior Planner Susan Niemann, Agent for the Petitioner Gerry Dedenbach and Planning Manager Ralph Hilliard gave presentations.*

*Mayor Hanrahan recognized Bruce DeLaney and Walter Willard who spoke to the matter.*

*MOTION: 1) Continue the petition; 2) direct staff to re-advertise if necessary at that time; 3) refer the petition to the Community Development Committee the specific issues of the proper zoning designations of the RH-1, or any other zoning categories that may be applied to this to see if we do need new policy direction, not solely specific to this project, but including this project; 4) direct staff to contact the property owners in the existing PD's that came from the County and also a complete analysis of the content of those PD's to the City Commission; and 5) direct staff to continue moving forward with the Special Area Plan Overlay.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition PZ-09-146ZON with the proposed changes from RH-2 to UMU-1 as discussed during the hearing, and find that it is consistent with the Comprehensive Plan and the land development regulations. The Plan Board voted 6-0.*

*Staff to City Commission - The City Commission approve Petition PZ-09-146ZON as recommended by the City Plan Board.*

*Staff to City Plan Board - Approve Petition PZ-09-146ZON.*

**A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, that this matter be Continued (Petition). The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry and Pegeen Hanrahan

**090643. Sexually Oriented Businesses (B)**

**Petition PB-09-124 TCH. City of Gainesville. Amend the Land Development Code by revising the definitions, criteria and standards for regulating sexually oriented businesses, distinguishing between retail and entertainment type uses, allowing retail uses in the BT (Tourist-oriented business district), BUS (General business district) and I-2 (General industrial district), and allowing entertainment type uses in the BT (Tourist-oriented business district) and I-2 (General industrial district).**

*Planning Manager Ralph Hilliard, Consultant Eric Kelley and Assistant City Attorney Nicole Shalley gave presentations.*

*Mayor Hanrahan recognized Jim Painter who spoke to the matter.*

**RECOMMENDATION** *City Plan Board to City Commission - The City Commission approve Petition 124TCH-09PB.*

*Staff to City Commission - The City Commission approve Petition 124TCH-09PB with Plan Board recommendations*

*and modification.*

*Staff to City Plan Board - Approve Petition 124TCH-09PB.*

**A motion was made by Mayor-Commissioner Pro Tem Henry, seconded by Commissioner Mastrodicasa, that this matter be Approved (Petition) as Modified. The motion carried by the following vote:**

**Votes:** Aye: Jeanna Mastrodicasa, Thomas Hawkins, Craig Lowe, Jack Donovan, Lauren Poe, Scherwin Henry and Pegeen Hanrahan

## **DEVELOPMENT REVIEW BOARD PETITIONS**

## **SCHEDULED EVENING AGENDA ITEMS**

## **UNFINISHED BUSINESS**

## **COMMISSION COMMENT**

### **Commissioner Scherwin Henry**

*Transgender Ordinance.*

## **CITIZEN COMMENT**

*There were no citizens who wished to speak during this time.*

## **ADJOURNMENT - 10:00 PM**

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Kurt M. Lannon, Clerk of the Commission