

City of Gainesville

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



Meeting Minutes

Tuesday, July 23, 2002

6:00 PM

City Commission Special Meeting

City Hall Auditorium

City Commission

Mayor Tom Bussing (At-Large)

Mayor-Commissioner Pro Tem Warren Nielsen (At-Large)

Commissioner Chuck Chestnut (District 1)

Commissioner Edward Braddy (District 2)

Commissioner Tony Domenech (District 3)

Persons with disabilities who require assistance to participate in this meeting are requested to notify the Equal Opportunity Department at 334-5051 or call the TDD phone line at 334-2069 at least 48 hours in advance.

CALL TO ORDER - 6:05 PM

ROLL CALL

Present: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

ADOPTION OF THE AGENDA

Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to adopt the agenda.

(VOTE: 5-0, MOTION CARRIED)

RESOLUTIONS - ROLL CALL REQUIRED

001117 Petition 142SUB-00PB (Phase I), (Formal Quasi-Judicial Hearing). Jerome Kelly, agent for Luther E. Blake, Jr. and Irene Blake Caudle, final plat of Walnut Creek, a Planned Development, Phase I 73-lot, single-family residential subdivision. Located in the 2600 Block of Northwest 39th Avenue. (B)

MOTION 1: Commissioner Domenech moved and Commissioner Nielsen seconded to accept the Glen Springs Preservation Association as an affected party.

(VOTE: 5-0, MOTION CARRIED)

MOTION 2: Commissioner Domenech moved and Commissioner Nielsen seconded to accept Bonnie O'Brien as an affected party.

(VOTE: 5-0, MOTION CARRIED)

MOTION 3: Commissioner Chestnut moved and Commissioner Domenech seconded to accept Elizabeth Furlow as an affected party.

(VOTE: 5-0, MOTION CARRIED)

Chair Bussing recognized Brian Wilcox who spoke to the matter.

Assistant City Attorney Elizabeth Waratuke asked the City Commission to disclose any ex parte' communication.

(No disclosures were presented)

The Clerk of the Commission Kurt Lannon swore in the Petitioner's, City staff and the witnesses (22 total) who would be testifying.

Assistant City Attorney Elizabeth Waratuke explained the Quasi-Judicial Process and the set of rules that the City Commission must follow.

MOTION 4: Commissioner Domenech moved and Commissioner Chestnut seconded to waive the Commission's Quasi-Judicial Rules in order to stipulate that Attorney for the Petitioner Ron Carpenter and Attorney for certain affected parties Sam Mutch receive 2 hours each for their presentations.

(VOTE: 5-0, MOTION CARRIED)

*Assistant City Attorney Elizabeth Waratuke asked if the affected parties agreed to the stipulation that this hearing would only include stormwater issues.
(There were no objections)*

*MOTION 5: Commissioner Nielsen moved and Commissioner Chestnut seconded to waive the rules to hear the City staff presentation first.
(VOTE: 4-0, Commissioner Braddy - Absent, MOTION CARRIED)*

STAFF PRESENTATION:

City of Gainesville Senior Planner Carolyn Morgan gave a presentation.

NOTE: Planning Staff submitted City Exhibits 1, 1A, 7, 7A, 9, 9A, 11, and 11A, as evidence.

Both counsels stipulated to the admission of all of the exhibits except for City Exhibit 7 and 7A (St. John's River Water Management District Permit) and City Exhibit 11 and 11A (Professional Staff Resume's).

*Commissioner Braddy moved and Commissioner Chestnut seconded to accept the stipulation for the list of evidence with the exception of City Exhibits 7, 7A, 11 and 11A.
(VOTE: 5-0, MOTION CARRIED)*

PETITIONER'S PRESENTATION:

Attorney Ron Carpenter gave opening statements and called Geoengineering & Testing, Inc., President Fred Rwebyogo, P.E., as an expert witness.

*Commissioner Chestnut moved and Commissioner Domenech seconded to accept Mr. Rwebyogo's Resume as Petitioner's Exhibit 1; and Geotechnical Engineering Services Report as Petitioner's Exhibit 2 into evidence.
(VOTE: 5-0, MOTION CARRIED)*

*Commissioner Braddy moved and Commissioner Nielsen seconded to accept the Portion of United States Department of Agriculture - Soil Survey of Alachua County (map Page 228) as Petitioner's Composite Exhibit 3 into evidence.
(VOTE: 5-0, MOTION CARRIED)*

RECESS: 8:12 PM

RECONVENE 8:20 PM

Attorney Sam Mutch cross examined witness for the Petitioner Fred Rwebyogo, P.E..

Affected party Ramesh Shah cross-examined Fred Rwebyogo.

Attorney Ron Carpenter called SDII Global Corporation Principal Engineer Kenneth

Hill, P.E., as an expert witness.

Attorney Ron Carpenter entered the SDII Global Corporation Report - Seasonal High Groundwater Table Evaluation - Walnut Creek as Petitioner's Exhibit #4 into evidence.

(There were no objections)

Attorney Sam Mutch cross-examined witness for the Petitioner Kenneth Hill.

Attorney Sam Mutch entered Test Boring Records for Palm Grove Subdivision, NW 39th Avenue Proposed Retention Pond as Glen Springs Exhibit 1; and a letter from Universal Engineering Sciences, Inc. to George Cotton Fletcher Re: Proposed Retention Pond dated August 20, 1996; as Glen Springs Exhibit 2 into evidence.

(There were no objections)

Affected party Ramesh Shah cross-examined Kenneth Hill.

RECESS - 9:55 PM

RECONVENE - 10:05 PM

Attorney Ron Carpenter called Engineer H. Jerome Kelly, P.E. of Kelly Engineering, Inc. as an expert witness.

Attorney Ron Carpenter entered Jerome Kelly's Resume' as Petitioner's Exhibit 5; St. John's River Water Management District Permit as Petitioner's Exhibit 6; and Surface Water Management Report for Walnut Creek prepared by Kelly Engineering as Petitioner's Exhibit 7 into evidence.

(There were no objections)

Attorney for certain affected parties Sam Mutch cross-examined witness for the Petitioner Jerome Kelly.

Attorney Sam Mutch entered a document from St. Johns River Water Management District (Attachment D) as Glen Springs Exhibit 3; and Attachment O (two sets of construction drawings and attachments) as Glen Springs Composite Exhibit 4.

(There were no objections)

Attorney Ron Carpenter re-directed questions to Jerome Kelly.

Affected party Ramesh Shah cross-examined Jerome Kelly.

Attorney Sam Mutch re-directed questions to Jerome Kelly.

WAIVER OF THE RULES

Commissioner Braddy moved and Commissioner Domenech seconded to extend the meeting until 12:00 PM.

(VOTE: 5-0, MOTION CARRIED)

Affected party Greg Beckner cross-examined Jerome Kelly.

Attorney for the Petitioner Ron Carpenter concluded his presentation at 11:30 PM.

RECESS: 11:40 PM

RECONVENE: 11:46 PM

Commissioner Domenech moved and Commissioner Nielsen seconded to continue Petitions #001117 and #020125 to the Special Meeting Wednesday, August 7, at 6:00 PM and remove the budget item from that agenda.
(VOTE: 5-0, MOTION CARRIED)

RECOMMENDATION Staff to the City Commission - City Commission approve with condition: "A Resolution approving the final plat of "Walnut Creek, A Planned Development, Phase I", located in the vicinity of the south side of Northwest 39th Avenue between Northwest 25th Court and Northwest 27th Court; authorizing the Mayor and Clerk of the Commission to execute a Tri-Party Agreement and accepting a Letter of Credit for the construction of improvements; and providing an immediate effective date."

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Continued for August 7, 2002. The motion carried by the following vote:

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

020125

Petition 142SUB-00PB (Phase II) (Formal Quasi-Judicial Hearing). Jerome Kelly, agent for Luther E. Blake, Jr. and Irene Blake Caudle, conditional plat of Walnut Creek, a Planned Development, Phase II, a 62-lot, single-family residential subdivision. Located in the 2600 Block of Northwest 39th Avenue. (B)

This item continued to August 7, 2002 at 6:00 PM.

RECOMMENDATION Staff to the City Commission - City Commission approve with condition: "A Resolution approving the conditional final plat of "Walnut Creek, A Planned Development, Phase II", located in the vicinity of the north side of Northwest 31st Avenue between Northwest 25th Court and Northwest 26th Drive; and providing an immediate effective date."

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Continued for August 7, 2002. The motion carried by the following vote:

Votes: Aye: Tony Domenech, Edward Braddy, Chuck Chestnut, Warren Nielsen and Tom Bussing

ADJOURNMENT - 11:55 PM

Kurt M. Lannon, Clerk of the Commission