

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, June 28, 1999**

**3:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Paula M. DeLaney (At-Large)  
Mayor-Commissioner Pro Tem Bruce L. Delaney (At-Large)  
Commissioner Edward L. Jennings, Sr. (District 1)  
Commissioner John R. Barrow (District 2)  
Commissioner Pegeen Hanrahan (District 3)*

## Invocation

Present: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

## Assistant Pastor Tom LaMee, Westside Baptist Church

## Brd of Trustees of the General Employees Pension Plan

## Secretary

### 990177 Board of Trustees Minutes of May 24, 1999

**RECOMMENDATION** *The Trustees approve the minutes as circulated.*

**A motion was made by Commissioner Barrow, seconded by Commissioner Hanrahan, that this matter be Approved as Recommended. The motion carried unanimously.**

## Trust Administrator

### 990176 Applications for Retirement

**RECOMMENDATION** *The Board of Trustees for the General Employees' Pension Plan approve the submitted applications for retirement for the below listed employees:*

- 1. Gerald E. Daughtry, Power System Coordinator II, GRU - Energy Supply*
- 2. Richard A. Hasson, Water/Wastewater Crew Leader, Reclamation Facility - Kanapaha*
- 3. Brendel E. Lovette, Staff Assistant, Human Resources*
- 4. Joe H. Norton, N/A, Vested Retirement*
- 5. James O. Woulard, Carpenter, Facilities Management*

**A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Approved as Recommended. The motion carried unanimously.**

## Consent Agenda

*With the following modification: 1) File No. 990184 - Remove From Consent and Place on Regular Agenda*

A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Hanrahan, to Pass the Consent Agenda, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried unanimously.

### City Manager, Consent Agenda Items

**990150 Purchase Order to Gordon's Painting & Janitorial Service**

**RECOMMENDATION** *The City Commission approve the issuance of a Purchase Order in an amount not to exceed \$43,450 for the painting of the Gainesville Police Department Facility.*

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

**990152 National Highway Traffic Safety Administration (NHTSA) and Florida Department of Transportation Grants for Automated Crash Reporting Software Purchase**

**RECOMMENDATION** *The City Commission approve the issuance of a purchase order to Data Nexus, Inc., of College Station, Texas, as a specified source provider, for the purchase of Automated Crash Reporting Software Data Collection Modules and Administrator Modules at a cost not to exceed \$40,000.*

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

**990153 Cox Communication's Annual FCC filings for maximum permitted rates charged for installation and equipment and basic cable service for the Projected Period from July 01, 1999 through June 30, 2000.**

**RECOMMENDATION** *The City Commission approve Cox Communication's maximum permitted rates, as filed on FCC Forms 1240 and 1205 for the Projected Period from July 01, 1999 through June 30, 2000.*

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

**990155 Provision of Quick Copy Services**

**RECOMMENDATION** *The City Commission authorize the City Manager or designee to execute a Contract with Kinko's for the provision of quick copy services for the period October 1, 1999 through September 30, 2000, with an option of two 1-year extensions upon satisfactory performance, subject to the approval of the*

*City Attorney as to form and legality and subject to appropriation of funds for FY 1999/2000.*

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

**990156      Approve an Interlocal Agreement with Alachua County and Purchase of EMS Equipment**

**RECOMMENDATION**    *The City Commission authorize the City Manager to: 1) execute the Interlocal Agreement with the County, and any other necessary documents pending review by the City Attorney as to form and legality; and 2) authorize award and issuance of a purchase order to the most responsive, responsible vendor meeting specifications for two (2) thermal imagers, two (2) multi-gas detectors, and one (1) personal computer in an amount not to exceed \$48,550.00.*

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

**990158      Alachua County Recreation Bid**

**RECOMMENDATION**    *The City Commission: 1) authorize the Recreation and Parks Director to submit a Request for Proposal to Alachua County on its recreation programs; 2) should the Recreation and Parks Department be the successful bidder in this process, authorize the City Manager to enter into negotiations for the award of the contract for recreational programming with Alachua County for the period of October 1, 1999 through September 30, 2002, with the possibility of two one-year extensions; and 3) authorize the City Manager to execute a contract for recreational programming with Alachua County for the same time period, subject to the approval of the City Attorney as to form and legality.*

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

**General Manager for Utilities, Consent Agenda Items**

**990159      Purchase Order for Roofing Project at the Deerhaven Generating Station (B)**

**RECOMMENDATION**    *The City Commission approve the issuance of a purchase order to Ferber & Osteen Company, Inc. for replacing the roof on the maintenance building at the Deerhaven Generating Station in an amount not to exceed \$25,960.*

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

**990160 AT&T Long Distance Service (NB)**

**RECOMMENDATION** *The City Commission authorize the General Manager or his designee to continue AT&T Long Distance Service in an amount not to exceed \$48,000 per year for FY 1999 and 2000.*

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

**City Attorney, Consent Agenda Items****Committee Reports, Consent Agenda Items****Public Works Committee, Consent****981433 Gateway Corridor Planning Study**

**RECOMMENDATION** *The City Commission refer the idea of doing joint grants (County and City) on roads that traverse the City Limits to the Land Conservation Committee.*

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

**Personnel & Organizational Structure Comm, Consent****Public Safety Committee, Consent****Audit & Finance Committee, Consent****990065 Review of Workers' Compensation**

**RECOMMENDATION** *The Audit and Finance Committee recommend that the City Commission: 1) Accept the City Auditor's report and the City Manager's response; and 2) Instruct the City Auditor to follow-up on recommendations made and report the results to the Audit and Finance Committee.*

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

**990067 Fiscal Year 1999 Operating Funds Quarterly Monitoring Report - Quarter Ending March 31, 1999.**

**...Explanation**

The City's General Government Budget Policy requires staff to prepare and submit a quarterly budget compliance report in substantially the same form as the final budget document, for all major operating funds, including the status of General Fund fund balances, to the Audit and Finance Committee.

**...Recommendation**

The Audit and Finance Committee reviewed and recommended that the City Commission receive the quarterly budget monitoring report for the quarter ended March 31, 1999.

**RECOMMENDATION** *The Audit and Finance Committee reviewed and recommended that the City Commission receive the quarterly budget monitoring report for the quarter ended March 31, 1999.*

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

**Legislative Committee, Consent****Regional Utilities Committee, Consent****Recreation and Cultural Affairs Committee, Consent****Clerk of the Commission, Consent Agenda Items****990123 Bicycle/Pedestrian Advisory Board**

**RECOMMENDATION** *The City Commission appoint Margaret Davison to a vacancy on the Bicycle/Pedestrian Advisory Board to expire December 31, 1999.*

*Commissioner John Barrow - Davison*

*Commissioner Pegeen Hanrahan - Davison*

*Commissioner Edward L. Jennings, Sr. - Davison*

*Mayor-Commissioner Pro Tem Bruce Delaney - Davison*

*Mayor Paula DeLaney - Davison*

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

**990124 Citizens' Advisory Committee for Community Development**

**RECOMMENDATION** *The City Commission appoint William J. Brown and Jennifer E. Sanders to vacancies on the Citizens' Advisory Committee for Community Development to expire November 1, 2000.*  
*Commissioner John Barrow - Brown and Sanders*

*Commissioner Pegeen Hanrahan - Brown and Sanders  
Commissioner Edward L. Jennings, Sr. - Brown and Sanders  
Mayor-Commissioner Pro Tem Bruce Delaney - Brown and Sanders  
Mayor Paula DeLaney - Brown and Sanders*

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

**990125 City Beautification Board**

**RECOMMENDATION** *The City Commission appoint Erick Smith to a vacancy on the City Beautification Board to expire November 1, 2001.  
Commissioner John Barrow - Smith  
Commissioner Pegeen Hanrahan - Smith  
Commissioner Edward L. Jennings, Sr. - Smith  
Mayor-Commissioner Pro Tem Bruce Delaney - Smith  
Mayor Paula DeLaney - Smith*

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

**990127 Development Review Board**

**RECOMMENDATION** *The City Commission appoint Edward B. Borden to a vacancy on the Development Review Board to expire November 1, 2001.  
Commissioner John Barrow - Borden  
Commissioner Pegeen Hanrahan - Borden  
Commissioner Edward L. Jennings, Sr. - Borden  
Mayor-Commissioner Pro Tem Bruce Delaney - Borden  
Mayor Paula DeLaney - Borden*

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

**990128 Gainesville/Alachua County Regional Airport Authority**

**RECOMMENDATION** *The City Commission reappoint W.E. "Mac" McEachern to a term on the Gainesville/Alachua County Regional Airport Authority to expire July 31, 2002.  
Commissioner John Barrow - McEachern  
Commissioner Pegeen Hanrahan - McEachern  
Commissioner Edward L. Jennings, Sr. - McEachern  
Mayor-Commissioner Pro Tem Bruce Delaney - McEachern  
Mayor Paula DeLaney - McEachern*

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

990129

**Public Recreation Board****RECOMMENDATION**

*The City Commission reappoint Bill Richards to a term on the Public Recreation Board to expire June 1, 2002.*

*Commissioner John Barrow - Margaret Davison and Richards*

*Commissioner Pegeen Hanrahan - Richards and Readvertise*

*Commissioner Edward L. Jennings, Sr. - Richards and Readvertise*

*Mayor Commissioner Pro-Tem Bruce Delaney - Richards and Readvertise*

*Mayor Paula DeLaney - Richards and Readvertise*

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

990130

**Regional Transit System Advisory Board****RECOMMENDATION**

*The City Commission appoint Michael E. House to a term on the Regional Transit System Advisory Board to expire June 1, 2002.*

*Commissioner John Barrow - House*

*Commissioner Pegeen Hanrahan - House*

*Commissioner Edward L. Jennings, Sr. - House*

*Mayor-Commissioner Pro Tem Bruce Delaney - House*

*Mayor Paula DeLaney - House*

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

990118

**Gainesville/Alachua County Cultural Affairs Board****RECOMMENDATION**

*The City Commission accept the resignation of member Kimberly Rose from the Gainesville/Alachua County Cultural Affairs Board effective immediately.*

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

990131

**City Beautification Board****RECOMMENDATION**

*The City Commission accept the resignation of member Martin Rosenzweig from the City Beautification Board effective immediately.*

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

990149

**Historic Preservation Board**

**RECOMMENDATION**    *The City Commission accept the resignation of member Andrea Valdyke-Tootle from the Historic Preservation Board effective immediately.*

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

**990161            City Commission Minutes of June 14, 1999**

**RECOMMENDATION**    *The City Commission approve the minutes as circulated.*

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

**Community Redevelopment Agency, Consent Items**

**End of Consent Agenda**

**Adoption of the Agenda**

*The Agenda was adopted with the following modifications: 1) Consider File No. 980731 prior to Resolutions; and 2) File No. 990126 - New Item Submitted - Proclamation*

**Citizen Comment (3:00 PM - 3:30 PM)**

**Skip Walker - TCEA Proposal (NB)**

*Citizen Skip Walker stated he owns property located in the proposed Transportation Concurrency Exemption Area, which is due to be considered by the City Commission on July 12, 1999. He asked the Commission not to postpone consideration of this issue.*

**990185            Tom McKnew - Charter Change Regarding Increase of Two Commissioners Upon Population Increase to 110,000.**

*The County Charter Review Committee has completed their work*

**RECOMMENDATION**    *The City Commission refer the issue of not increasing the Commission upon the population increase of 110,000 to the Legislative Committee.*

**A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Hanrahan, that this matter be Assigned to the Legislative Committee, due back on December 28, 1999. The motion carried unanimously.**

**Rev. Tim Keyes - RTS Issues, Use of City Funds & Speeding Ticket Process (NB)**

*Rev. Tim Keyes made comments on the following: 1) Discontinuance of RTS Route serving Robinson Heights; 2) Use of City funds for Private Operations; and 3) Process involved to correct a mistake in ticketing by GPD.*

*City Manager Wayne Bowers stated that he would provide a report on the process and in specific the ticket received by Rev. Tim Keyes' wife.*

## **City Commission Comment (If time available)**

## **Charter Officer Updates**

## **Clerk of the Commission**

### **990126 City Plan Board**

*Chair P. DeLaney recognized Citizen Rev. Tim Keyes who spoke to the matter.*

**RECOMMENDATION** *The City Commission appoint Jane D. Myers to a vacancy on the City Plan Board to expire November 1, 1999.*

*Commissioner John Barrow - Myers*

*Commissioner Pegeen Hanrahan - Davonda E.D. Brown*

*Commissioner Edward L. Jennings, Sr. - Brown*

*Mayor-Commissioner Pro Tem Bruce Delaney - Myers*

*Mayor Paula DeLaney - Myers*

**A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Barrow, that this matter be Approved as Recommended. The motion carried by the following vote:**

**Votes:** Aye: Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

Nay: Pegeen Hanrahan and Edward L. Jennings, Sr.

## **City Manager**

### **990162 Metropolitan Transportation Planning Organization (MTPO)**

*Public Works Director Teresa Scott gave a presentation.*

**RECOMMENDATION** *The City Commission hear a report from staff regarding the July 8, 1999 meeting of the Metropolitan Transportation Planning Organization (MTPO).*

**This matter was Discussed**

### **990163 Revision to Ordinance: Sale and Possession of Alcohol on Closed Streets During**

**City's New Year's Eve Celebration**

*Cultural Affairs Director Dr. Lemuel Moore, Events Coordinators Holly Peterson and Kent Knox gave presentations.*

*Chair P. DeLaney recognized Citizens Rev. Tim Keyes, Linda McGurn, Ray Brammel, Cindy Robinson, Billy Scheel, IAFF President Jeff Lane and Sarah Cain who spoke to the matter.*

**RECOMMENDATION**

*The City Commission authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Section 4-4 of the Code of Ordinances, providing that consumption and possession of alcoholic beverages shall be permitted at the Gainesville Community Plaza and that consumption and possession of alcoholic beverages and the sale of alcohol by commercial establishments shall be permitted on designated downtown streets when properly closed to traffic and utilized as part of the event area for a City-produced New Year's Eve event.*

**A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Barrow, that this matter be Approved as Recommended. The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Bruce L. Delaney, John R. Barrow and Paula M. DeLaney  
Nay: Edward L. Jennings, Sr.

**General Manager for Utilities****City Attorney****City Auditor****Committee Reports (Pulled from Consent)****Public Works Committee****Personnel & Organizational Structure Committee****Public Safety Committee****Audit & Finance Committee****Legislative Committee**

**Regional Utilities Committee****Recreation & Cultural Affairs Committee****990142 Trinity United Methodist Church Building**

*Chair P. DeLaney gave a brief overview.*

*Assistant City Manager Carl Harness and Finance Director Mark Benton gave brief presentations.*

*Chair P. DeLaney recognized Agent Tom McKnew, Citizens David Cook, Ken Lowman and Elaine Robbins who spoke to the matter.*

*MOTION: Ask the Mayor to write a letter to the church thanking them for presenting us with an opportunity, letting them know that at this time we see significant fiscal concerns, but we are going to continue to consider it relative to all of the recreational needs and we will have a formal discussion with the neighborhood association to find out what might be acceptable to them on the property if there is appropriate funding identified at a budget hearing.*

**RECOMMENDATION** *The City Commission: 1) hear a report from the Recreation and Cultural Affairs Committee; and 2) make a decision on the purchase of this property as deemed appropriate.*

**Approved, as shown above**

**Advisory Boards/Committees (Appointments/Reports)****Outside Agencies****Members of the City Commission****Commission Comments****Recess Until 6:00 PM****Pledge of Allegiance****Troop #80****Proclamations/Special Recognitions**

990184 Bradley H. Tschorn Day

**RECOMMENDATION** *City of Gainesville Firefighter Bradley H. Tschorn to accept the Proclamation.*

**This matter was Placed on File**

## Public Hearings

## Ordinances - 1st Readings- ROLL CALL REQUIRED

980747 Ordinance No. 0-99-21

**An ordinance of the City of Gainesville, Florida, creating and adding Article III of Chapter 11.5 of the Gainesville Code of Ordinances entitled Hazardous Material Incident Cost Recovery; providing the City of Gainesville with the power and authority to recover from the Responsible Party, the costs and related expenses incurred by the City and other agencies or organizations when responding to a hazardous materials incident; providing for hazardous material cost recovery; providing for authority; providing for intent and purpose; providing for rules of construction; providing for definitions; providing for hazardous materials incidents - liability for costs; providing for collection and disbursement of funds for cost recovery; providing for verification and supervision; providing for conflict with other laws; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

*Chair P. DeLaney recognized BTP U.S.A. Director of Responsible Care Keith B. Baucom and IAFF President Jeff Lane who spoke to the matter.*

*ADDITIONAL MOTION: Commissioner Hanrahan moved and Commissioner B. Delaney seconded to refer the comments from Keith Baucom to Alachua County Environment Protection Agency Director Chris Bird, Gainesville Fire/Rescue Chief Richard Williams and North Central Florida Regional Planning Association Subcommittee for review and recommendation prior to Second Reading of the Ordinance (Vote 4-1, C/Jennings Voted Nay).*

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

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

**Votes:** Aye: Pegeen Hanrahan, Bruce L. Delaney, John R. Barrow and Paula M. DeLaney  
Nay: Edward L. Jennings, Sr.

981158

**Ordinance No. 0-99-45**

**An ordinance of the City of Gainesville, Florida, amending Appendix A of the Code of Ordinances to add rates for curbside and backyard service for residential solid waste collection from 18 gallon carts; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Solid Waste Manager Steve Hiney gave a presentation.*

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

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

990068

**Ordinance No. 0-99-58**

**An ordinance of the City Commission of the City of Gainesville, Florida; Relating to its General Government Budget for the Fiscal Year Beginning October 1, 1998 and Ending September 30, 1999; Amending Ordinance No. 980398 as Amended, by Making Certain Adjustments to the General Financial and Operating Plan Budget; and Providing an Immediate Effective Date.**

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

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

990186

**Process of Budget Amendments by Gainesville Regional Utilities (NB)**

**RECOMMENDATION**    *The City Commission refer the issue to the Audit & Finance Committee.*

**A motion was made by Commissioner Jennings, seconded by Commissioner Hanrahan, that this matter be Assigned to the Audit and Finance Committee, due back on December 28, 1999. The motion carried unanimously.**

990079

**Ordinance No. 0-99-57**

**An ordinance of the City of Gainesville, Florida, concerning parking; creating and adding section 26-50.2 to the Code of Ordinance relating to parking in the central city district, allowing the City Manager or designee to issue parking permits to accommodate unusual parking needs under certain circumstances;**

amending Chapter 26, Article III, Division 4 of the Code of Ordinances relating to controlled vehicular parking, removing certain operational details and providing that such details will be set out in guidelines for each controlled vehicular parking area; changing the list of relatives considered "immediate family" for purpose of obtaining a decal; allowing special fraternity/sorority meal decals to be used for a program year; amending Appendix A of the Code of Ordinances to set fees for replacement parking decals; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

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

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

## **Ordinances - 2nd Readings- ROLL CALL REQUIRED**

### **980874                      Ordinance No. 0-99-28, Petition No. 225ZON-98PB**

**An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City consisting of approximately 44.6 acres (M.O.L.) and amending the Zoning Map Atlas from "AGR: Agriculture district" to "I-2: General industrial district"; located in the 7600 block east of U.S. 441 and west of SR 121; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**RECOMMENDATION**    *The City Commission (1) approve the petition, and (2) adopt the proposed ordinance.*

**A motion was made by Commissioner Hanrahan, seconded by Commissioner Jennings, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

### **980990                      Ordinance No. 0-99-53; Petition No. 249TCH-98PB**

**A ordinance of the City of Gainesville, Florida, amending subsections 30-51(c)(1) (single-family residential districts), 30-52(c)(1) (residential low density districts), 30-53(c)(1) (multiple-family medium density residential districts), and 30-55(c)(1) (residential high density districts) to allow public schools other than institutions of higher learning as a use permitted by right; amending section 30-77(e)(2) regarding educational services district (ED) providing exemption from development plan approval for public school facilities when such exemption is required by state law; providing directions to the codifier;**

providing a severability clause; providing a repealing clause; and providing an immediate effective date.

**RECOMMENDATION** *The City Commission: (1) approve Petition 279TCH-98PB, and (2) adopt the proposed ordinance.*

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**990031**

**Ordinance No. 0-99-56**

**An ordinance of the City of Gainesville, Florida, amending section 27-76(f)(6) of the Code of Ordinances relating to the ability of owners of buildings containing two to four dwelling units to be excluded from residential solid waste service, extending the expiration of the exclusion to September 30, 2004; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

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

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

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

**981306**

**Ordinance No. 0-99-52; Petition No. 47TCH-99PB**

**An ordinance of the City of Gainesville, Florida, amending section 30-62 regarding the automotive-oriented business (BA) district to allow home furniture, furnishings and equipment stores (MG-57) as a use permitted by right; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.**

**RECOMMENDATION** *The City Commission (1) approve Petition 47TCH-99PB, and (2) adopt the proposed ordinance.*

**STAFF REPORT**

*The applicant is requesting an amendment to the "BA" zoning district (automotive-oriented business district) to add home furniture, furnishings, and equipment stores (MG-57) as a use by right. The zoning district presently allows a range of retail, office and light industrial uses in areas generally concentrated along North Main Street and Northwest 13th Street.*

*Many uses allowed in the BA zoning district, however, are also similar in type, impacts, and scale as those encompassed by Major Group 57. For instance, BA allows retail sale of building materials, hardware, garden supply, and mobile homes (MG-52) food stores (MG-54), and miscellaneous repair services (MG-76), which include electrical repair shops, watch and jewelry repair, and furniture reupholsters. These uses are conducted indoors primarily with some outdoor storage and typically generate less noise and air pollution impacts than the uses mentioned above.*

*The proposed text change will not add uses to the BA district that are more intensive in scale and operation nor will it generate traffic impacts on adjoining properties or the City's road network in excess of those already allowed. Thus, the petition is consistent with the zoning district.*

*The Plan Board recommends approval of this petition.*

*Public notice was published in the Gainesville Sun on March 30, 1999. Letters were mailed to all owners of property in the BA (automotive-oriented business district) on March 31, 1999. The Plan Board held a public hearing April 15, 1999. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 47TCH-99PB. Plan Board vote: 6-0.*

**A motion was made by Commissioner Hanrahan, seconded by Commissioner Jennings, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Edward L. Jennings, Sr., Bruce L. Delaney, John R. Barrow and Paula M. DeLaney

## **Resolutions- ROLL CALL REQUIRED**

**990164**

**Petition 68SUB-98 DB, Rory Causseaux, agent for Emmer Development Corporation. Conditional final plat approval of Capri Cluster Subdivision Phase V, 39 lots located on 9.964 acres more or less. Located in the vicinity of Northwest 34th Drive and Northwest 44th Avenue, south side. Zoned RSF-1.**

**RECOMMENDATION**

*Staff to City Commission - The City Commission approve the following resolution: A Resolution approving the conditional final plat of "Capri Cluster Subdivision Phase V", located in the vicinity of Northwest 34th Drive and Northwest 44th Avenue, south side; and providing an immediate effective date.*

**A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Hanrahan, that this matter be Adopted (Resolution). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Bruce L. Delaney, John R. Barrow and Paula M. DeLaney  
Absent: Edward L. Jennings, Sr.

**990165**

**Petition 068SUB-98 DB, Rory Causseaux, agent for Emmer Development Corporation. Conditional final plat approval of Capri Cluster Subdivision Phase IV, 63 lots located on 14.572 acres more or less. Located in the vicinity of Northwest 35th Terrace and Northwest 44th Avenue, south side. Zoned RSF-1.**

**RECOMMENDATION** *Staff to City Commission - The City Commission approve the following resolution: A Resolution approving the conditional final plat of "Capri Cluster Subdivision Phase IV", located in the vicinity of Northwest 35th Terrace and Northwest 44th Avenue, south side; and providing an immediate effective date.*

**A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Barrow, that this matter be Adopted (Resolution). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Bruce L. Delaney, John R. Barrow and Paula M. DeLaney  
Absent: Edward L. Jennings, Sr.

**990166**

**Public Hearing for Special Assessment for Demolished Property at 908 NE 18th Street**

**RECOMMENDATION** *Staff recommends that the City Commission 1) hold a public hearing and hear recommendation from staff; 2) levy a special assessment for \$1,950.00 for the demolition of this property; 3) adopt the attached resolution; 4) direct the Clerk to publish the adopted resolution each week for four consecutive weeks in a newspaper of general circulation within the city; and 5) direct the Clerk to file the resolution in the public records of Alachua County after publication has occurred.*

**This matter was Postponed for September 13, 1999**

**990167**

**Public Hearing for Special Assessment for Demolished Property at 403 Northwest 8th Street**

**RECOMMENDATION** *Staff recommends that the City Commission 1) hold a public hearing and hear a recommendation from staff; 2) levy a special assessment for \$2,845.78 for the demolition of this property; 3) adopt the attached resolution; 4) direct the Clerk to publish the adopted resolution each week for four*

*consecutive weeks in a newspaper of general circulation within the City; and 5) direct the Clerk to file the resolution in the public records of Alachua County after publication has occurred. (A copy of the demolition notice records are on file in the Clerk of the Commission's office. After June 28, 1999 a copy of the demolition notice records will be on file in the Community Development Department.)*

**A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Postponed for September 13, 1999. The motion carried unanimously.**

**990169**

**Public Hearing for Special Assessment for Demolished Property at 1714 Southeast 2nd Avenue, 1714 1/2 Southeast 2nd Avenue, and 1720 Southeast 2nd Avenue.**

**RECOMMENDATION**

*Staff recommends that the City Commission: 1) hold a public hearing and hear a recommendation from staff; 2) levy a special assessment for \$7,675.00 for the demolition of this property; 3) adopt the attached resolution; 4) direct the Clerk to publish the adopted resolution each week for four consecutive weeks in a newspaper of general circulation within the City; and 5) direct the Clerk to file the resolution in the public records of Alachua County after publication has occurred. (A copy of the demolition notice records are on file in the Clerk of the Commission's office. After June 28, 1999 a copy of the demolition notice records will be on file in the Community Development Department.)*

**A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Postponed for September 13, 1999. The motion carried unanimously.**

**990172**

**Public Hearing for Special Assessment for Demolished Property at 1417-1419 Southeast 1st Terrace**

**RECOMMENDATION**

*Staff recommends that the City Commission: 1) hold a public hearing and hear a recommendation from staff; 2) levy a special assessment for \$3,145.78 for the demolition of this property; 3) adopt the attached resolution; 4) direct the Clerk to publish the adopted resolution each week for four consecutive weeks in a newspaper of general circulation within the City; and 5) direct the Clerk to file the resolution in the public records of Alachua County after publication has occurred. (A copy of the demolition notice records are on file in the Clerk of the Commission's office. After June 28, 1999 a copy of the demolition notice records will be on file in the Community Development Department.)*

A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Postponed for September 13, 1999. The motion carried unanimously.

**990175                      Public Hearing for Special Assessment for Demolished Property at 2406 Northeast 4th Avenue**

**RECOMMENDATION**     *Staff recommends that the City Commission: 1) hold a public hearing and hear a recommendation from staff; 2) levy a special assessment for \$2,645.78 for the demolition of this property; 3) adopt the attached resolution; 4) direct the Clerk to publish the adopted resolution each week for four consecutive weeks in a newspaper of general circulation within the City; and 5) direct the Clerk to file the resolution in the public records of Alachua County after publication has occurred. (A copy of the demolition notice records are on file in the Clerk of the Commission's office. After June 28, 1999 a copy of the demolition notice records will be on file in the Community Development Department.)*

A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Postponed for September 13, 1999. The motion carried unanimously.

**Plan Board Petitions**

**980731                      Petition 212LUC-98 PB. Phil Emmer/Rory Causseaux, agents for Susan C. Glikes. Amend the City of Gainesville Future Land Use Map of the Comprehensive Plan 1991-2001 from SF (single-family, up to 8 units per acre) to PUD (planned use district) on 19 acres to allow the following uses: commercial, office, residential and open space development. Located in the 4200 block of Newberry Road.**

*Chair P. DeLaney recognized Petitioner Phil Emmer, Citizens David Coffey, Susan Glikes, Wuni Ryschkewitsch, George Ryschkewitsch, Fred Doran, Richard Glikes, Ken McGurn, Peg Lyons, Clark Wheeler, Howard Rothman, David Martin and Paul Urone who spoke to the matter.*

*Petitioner Representatives Jeff Braswell, Billy Brame and Rory Casseaux gave presentations.*

*Chair P. DeLaney recognized Alachua County Environmental Protection Representative Michael Drummond who spoke to the matter.*

*Petitioner Phil Emmer made comments.*

**RECOMMENDATION**     *City Plan Board to City Commission - The City Commission deny Petition 212LUC-99 PB. Plan Board vote 3-1*

*Staff to Plan Board - Approve, with conditions.*

**A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Approved, as Recommended (Deny Petition). The motion carried by the following vote:**

**Votes:** Aye: Pegeen Hanrahan, Bruce L. Delaney and John R. Barrow

Nay: Edward L. Jennings, Sr. and Paula M. DeLaney

## **Development Review Board Petitions**

## **Scheduled Evening Agenda Items**

## **Unfinished Business**

## **Commission Comment**

## **C/B. Delaney - Rave Report (NB)**

*Commissioner B. Delaney asked when the Commission would discuss the Rave Events.*

*City Manager Wayne Bowers stated that the item would be on the next regular City Commission agenda.*

## **C/B. Delaney - Report on Attendance at APPA Conference (NB)**

*Commissioner B. Delaney made brief comments on his attendance at the American Public Power Association (APPA) Conference and stated that he will give a further report at a meeting in the future.*

*General Manager for Utilities Mike Kurtz made comments.*

## **990220 Environmental Overlay**

**RECOMMENDATION** *The City Commission refer to staff the issue of an overlay classification for the remaining environmentally sensitive lands in the City of Gainesville that are subject to development.*

**A motion was made by Mayor-Commissioner Pro Tem B. Delaney, seconded by Commissioner Hanrahan, that this matter be Referred to the City Manager, due back on December 28, 1999. The motion carried unanimously.**

## **C/Barrow - Scheduled Destruction of Houses in Pleasant Street Neighborhood (NB)**

*Commissioner Barrow shared a concern from Citizen Frederick Veterquist regarding proposed demolition of houses in the Pleasant Street neighborhood involving Santa Fe Community College.*

*Community Development Director Tom Saunders stated that SFCC would be required to follow the City process relating to demolition.*

*Chair P. DeLaney stated that SFCC was involved in the previous Dover Kohl meeting; and further, stated she would re-contact them for the August Dover Kohl meeting.*

*Commissioner Hanrahan suggested a one on one meeting with Dover Kohl and SFCC.*

### **C/Barrow - Comments on Board Appt. From Afternoon Session (NB)**

### **C/Jennings - Affirmative Action (NB)**

*Commissioner Jennings stated that he would be reporting statistics at every meeting and read the GRU and General Government promotions by demographics.*

*Commissioner Jennings also stated that he would be contacting the Blind Council to promote a candidate for City Commissioner from the Blind Council.*

*City Attorney Marion J. Radson, General Manager for Utilities Mike Kurtz and City Manager Wayne Bowers made comments.*

### **C/Hanrahan - Police Chief Recruitment Issues NB)**

*Commissioner Hanrahan suggested a close look at the GPD budget for appropriate allocations to help the police officer on the street,*

### **C/Hanrahan - Recreation Facility (NB)**

*Commissioner Hanrahan suggested using geographical information system to do a needs assessment on recreation for discussion at the future budget sessions.*

### **C/Hanrahan - House Moving (NB)**

*Commissioner Hanrahan stated continued support of the Commission's decision regarding the house moving/ Robert Pearce issue.*

**990221**

### **C/Hanrahan - City Commission Retreat**

**RECOMMENDATION**    *The City Commission ask the Clerk of the Commission to schedule quarterly, 2 hour special meetings to discuss policy*

*issues other than items on the regular agenda.*

**A motion was made by Commissioner Hanrahan, seconded by Mayor-Commissioner Pro Tem B. Delaney, that this matter be Approved as Recommended. The motion carried unanimously.**

**C/Hanrahan - RTS/ ADA Problems (NB)**

*Commissioner Hanrahan asked when the issue of RTS ADA problems would be discussed.*

*City Manager Bowers stated that the issue would be part of the budget discussions.*

**Citizen Comment**

**Susan Carter - Land Use Decisions & Business Community & City Plan Board Appt (NB)**

**Rev. Tim Keyes - House Moving Issue & Land Use Decision (NB)**

**Adjournment - 12:43 am**

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Kurt M. Lannon, Clerk of the Commission