

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, November 3, 2005**

**10:00 AM**

**City Hall, Room 16**

## **Community Development Committee**

*Commissioner Craig Lowe, Chair  
Mayor-Commissioner Pro Tem Chuck Chestnut, Member*

*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 two business days in advance.*

## CALL TO ORDER

*The meeting was called to order at 11:05*

## ROLL CALL

Present: Chuck Chestnut and Craig Lowe

## ADOPTION OF THE AGENDA

*Approved with modifications.*

## APPROVAL OF MINUTES

### 050522 Minutes of October 6, 2005 (B)

RECOMMENDATION *The Committee approve the minutes of October 6, 2005.*

**Approved as Recommended**

## DISCUSSION OF PENDING REFERRALS

### 001198 Graffiti Abatement (NB)

*Paul Alcantar, Solid Waste Manager, reported on the graffiti program. He explained that there was now an inmate crew for clean up and negotiations were underway with Keep Alachua County Beautiful for graffiti cleanup for the remainder of the year. He noted that the inmate crew was involved in cleaning up litter and illegal dump sites. He indicated that staff was working with Code Enforcement and the Police Department's Environmental Task Force to set up a better line of communication for graffiti and help prosecute persons who deposit material at illegal dump sites.*

*Commissioner Chestnut stated that he had noticed that there was graffiti on the retaining wall on 34th Street. He requested that staff try to find vegetation that would grow to cover the retaining walls.*

*Mr. Alcantar indicated that he would contact the Parks Division to address the vegetation on retaining walls.*

RECOMMENDATION *The Community Development Committee keep this item active and staff to report back for annual updates.*

**Approved as Recommended**

**050389 Board of Adjustment - Legislative No. 050389 (B)**

*Mr. Saunders explained that the item was before the Committee for final review of the recommended language. He noted that the only remaining issue to be resolved was the appeals process.*

*Mr. Radson stated that he recommended that all of the previous proposals from the Community Development staff move forward to the City Commission. He noted that they were timely, clear, and would require ordinance changes.*

*Mr. Radson distributed new procedures regarding appeal of administrative decisions to the Committee. He recommended that decisions of an administrative official must relate to the Building or Land Development Code and not other codes of the City; must affect a specific piece of real property; the affected person must have a legal interest in the real property; and an administrative decision must relate to the denial of a permit for which an application for permit is filed. He stated that once a decision is made, he recommends that there be some notification to the party that is affected. In order to appeal the administrative action, a petition must be filed, and if there are no facts in dispute, a hearing is scheduled before the Board. At the end of the hearing, the Board would render its decision. Legal staff is recommending that the City Commission consider increasing the thresholds to require four members of the Board to reverse an administrative decision. If there are facts in dispute, a hearing is scheduled before a hearing officer. A hearing officer's decision is a recommended order, that would go back to the Board, and the Board would accept or reject the hearing officer's recommendation, and then render its decision by a minimum vote of four to reverse the decision of the administrator, or if they can't come to a vote of four, then the decision of the administrator is final. When the Board reaches the decision, if the Commission wants to get involved, Legal staff's recommendation would be that there be a time limit within which there would be an appeal to the Commission and the Commission would be limited to the record. There would be an oral argument presented by parties for or against the Board's recommendation, and the Commission would issue a final order, and from that decision appeal to the Circuit Court. His suggestion would be for the City to contract with a hearing officer, and to propose a new filing fee at \$500 - \$1,000. The City can expect each appeal to cost approximately \$1,500.*

*Jimmy Harnsbarger, citizen, requested that the proposed recommendation not require a super majority vote.*

**RECOMMENDATION** *Community Development Committee to the City Commission: 1) move forward with the previous draft recommendations; and 2) approve the proposed new procedures drafted by the City Attorney's office to appeal certain administrative decisions; and 3) remove this item from the referral list.*

**Approved as Recommended**

**NEW BUSINESS****050155 Gainesville-Alachua County Regional Airport Authority (GACRAA) Request to**

**Transfer Title of Properties (B)**

**RECOMMENDATION** *The Community Development Committee hear a report to request the transfer of airport lands from the City to the Airport Authority.*

*Mr. Rick Crider, Chief Executive Officer of the Airport Authority, stated that the Authority was requesting a transfer of City lands. He stated that, when the Authority implements its Master Plan, ownership of the property would allow it to function more effectively as a public body and make better use of public resources. He reported to the Committee on: 1) land transfer discussions; 2) passenger activity; 3) increase in jet service; and 4) terminal renovations. Mr. Crider noted that the Airport Authority was established in 1989 as a dependent district, and in 1995 legislation allowed it to become an independent district. He explained that City employees working at the airport had either retired with full benefits, or taken another job with the City. He indicated that the Airport Authority established its own benefit program in 2004 and was reviewing plans to establish a Risk Management Program autonomous of the City's plan. He stated that the Authority was implementing its Master Plan and reviewing the Airport Property Map (ALP-13).*

*Commissioner Chestnut requested information on the status of the fire station at the airport if the City transfers the property to the Authority.*

*Mr. Crider explained that the fire station only supported the airport, and was a separate issue from land ownership. He noted that there were negotiations that included provisions for reimbursement to the City for fire service expenses.*

*Chair Lowe wanted to know why the airport became independent.*

*Marion Radson, City Attorney, explained that there were concerns that the City was overly engaged in the administration and activities of the airport, and there was a special act to create the dependent district.*

*Mr. Stringfellow gave the Committee a history of the airport.*

*Chair Lowe stated that members of the community had expressed concerns about future actions if the property were given to the airport. He noted that the concerns included possible privatization or relocation of the facility.*

*Mr. Crider stated that there are grant assurances in place that preclude sale of the property without FAA concurrence. He also stated that the City appoints five of the governing board members, so the City has some board control.*

*On the question of relocations, Mr. Stringfellow stated the City of Ocala, in the past, was not willing to work with the airport on a different location.*

*Chair Lowe asked if there would be a problem with the City maintaining the ownership and operation of Gumroot Park.*

*Mr. Crider stated that the park would technically be airport land, and it would be more consistent to have the entire airport lands owned by the governing body.*

*Charlie Hauck, Senior Assistant City Attorney requested that he be provided with documentation from the airport that restricted the use of the Gumroot property to airport functions.*

*Mr. Radson stated that there are a number of operational issues that still need to be identified and resolved.*

*Commissioner Chestnut asked about the financial soundness of the Airport Authority, and how citizens could express their concerns and complaints.*

*Mr. Crider stated that citizens could voice their complaints and concerns to the Governing Board and the Airport Authority Board. He stated that the Airport Authority worked as a partner with the City. Regarding financial stability, he stated that local lending institutions are partnering with the airport for improvements. He stated that all audits were up-to-date, and the 2005 audits would be complete in a few months.*

*Commissioner Chestnut asked about the fairground property.*

*Mr. Crider stated that discussions were underway with Alachua County for the airport to acquire the fairground property. He explained that the County Commission had been supportive in previous discussions, however, they wished to assure that the airport addressed the need for a fairground.*

*Chair Lowe stated that he did not believe the City owning the property in question would hinder the growth of service at the airport. He indicated that the City should retain the property because the existing operations were successful. He noted that privatization and relocation were his concerns. He explained that, while he is open to continuing the discussion, he was not ready to endorse transferring the property at the present time.*

*Commissioner Chestnut asked if there would be some type of a reverter clause. He cited concerns about the City being held responsible for airport debts. He also agreed that discussions could continue, however, like Commissioner Lowe, he was not prepared to transfer the property at the present time.*

*Mr. Crider stated that he was willing to work with the City on all of the issues.*

*Mr. Radson stated that the issues could be very time consuming to work out.*

*Chair Lowe stated that he believes staff and the Airport Authority were looking for some indication from the Commission as to whether it would be willing to commit the necessary resources to pursue the matter. He noted that it would be an extensive undertaking.*

*Mr. Saunders explained that the Airport needed to submit a current zoning layout map to be adopted by the City before any transfer of property could take place. He noted that development at the airport is to be reviewed against the map. He noted that the Code required such an comprehensive layout to be provided by the Airport.*

**RECOMMENDATION** *Commissioner Chestnut provide legal staff with specific questions regarding his concerns, and staff report back at a*

*subsequent meeting to determine what action the Committee would take on a recommendation to the City Commission.*

**Approved as Recommended**

**NEXT MEETING DATE**

*December 1, 2005 10:00 A.M.*

**ADJOURNMENT**

*The meeting adjourned at 12:30 P.M.*