

City of Gainesville

City Hall
200 East University Avenue
Gainesville, Florida 32601



Meeting Agenda - Final

March 7, 2013

1:00 PM

City Hall Auditorium

City Commission

Mayor Craig Lowe (At Large)
Mayor-Commissioner Pro-Tem Lauren Poe (At Large)
Commissioner Thomas Hawkins (At Large)
Commissioner Yvonne Hinson-Rawls (District 1)
Commissioner Todd Chase (District 2)
Commissioner Susan Bottcher (District 3)
Commissioner Randy Wells (District 4)

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**AGENDA STATEMENT**

"Citizens are encouraged to participate in City of Gainesville meetings. In general, speakers will be limited to 3 (three) minutes per agenda item. Additional time may be granted by the Mayor or by the City Commission as directed. The City of Gainesville encourages civility in public discourse and requests that speakers limit their comments to specific motions and direct their comments to the Chair. Signs or Props are not permitted in the meeting room. Citizens are encouraged to provide comments in writing to the Clerk of the Commission before meetings and/or during meetings for inclusion into the public record. Citizens may also provide input to individual commissioners via office visits, phone calls, letters and e-Mail, that will become public record. In some instances, i.e., Quasi-Judicial Hearings, these particular contacts may be prohibited."

ROLL CALL**INVOCATION****Prophet George Young****CONSENT AGENDA****CITY MANAGER, CONSENT AGENDA ITEMS**[090925.](#)**Strategic Initiative 6.1 - Develop Creative Ways to Measure Progress in Code Enforcement (B)**

This item outlines the responsibilities of the Special Magistrate for Code Enforcement, proposes an implementation process, and directs the City Attorney to draft required ordinance(s) to implement the Special Magistrate for Code Enforcement.

Explanation: On September 20, 2012, the City Commission approved the Community Development Committee's recommendation to implement a Special Magistrate for Code Enforcement in lieu of the currently utilized Code Enforcement Board. The following information will outline the proposed responsibilities of the Special Magistrate and propose an implementation process including the sunset of the Code Enforcement Board.

F.S.ch.162, Pt. 1, authorizes the City of Gainesville to adopt a Code Enforcement system that gives Special Magistrates designated by the local governing body, the authority to hold hearings and assess fines against violators of city codes and ordinances. The City Commission, by approving the recommendation of the Community Development Committee, has given staff direction to implement such a system in lieu

of the Code Enforcement board. The Special Magistrate shall be an attorney, licensed to practice law in the State of Florida, a resident of Alachua County, and in good standing with the Florida Bar Association. The Special Magistrate will have all powers granted under F.S.ch.162, Pt. I, including:

1. Adopt rules for the conduct of its hearings;
2. Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county or police department of the municipality;
3. Subpoena evidence to its hearings;
4. Take testimony under oath; and
5. Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

The following sections of Ch. 2, Div. 8 of the City of Gainesville Code of Ordinance will remain the same except as modified, when required, to reference the Special Magistrate:

2-377 Applicability; Jurisdiction
2-385 Enforcement Procedures
2-387 Hearing; Proceeding; Orders
2-388.1 Administrative Fines; Costs of Repair; Liens
2-388.2 Duration of Lien
2-389 Appeals
2-390 Notices

The Special Magistrate will have the same jurisdiction as the Code Enforcement Board as provided in Section 2-377 of the City of Gainesville Code of Ordinances.

When the required ordinance(s) are adopted and an implementation plan approved, staff will issue a Request for Proposals for a Special Magistrate and an alternate to serve in the absence of the Special Magistrate. The selected candidate will be offered a one-year contract with three one-year optional extensions. Once a Special Magistrate is selected, the Magistrate will work with staff for a period of no longer than (60) sixty days to acclimate with city staff, city codes and ordinances, city processes and policies, etc. At the conclusion of the (60) sixty days the Code Enforcement Board will sunset and the Special Magistrate will assume the board's duties and responsibilities. The regular Special Magistrate hearing will continue to be scheduled for the second Thursday of each month at 9:00AM with additional hearings scheduled as needed to accommodate work load.

Fiscal Note: The City Commission has included a funding in the FY2013/14 budget for the Special Magistrate.

RECOMMENDATION

The City Commission: 1) direct the City Attorney to draft an ordinance to implement the Special Magistrate for Code Enforcement; and 2) once the required ordinance is approved, direct staff to issue a RFP for the Special Magistrate for Code

Enforcement and begin the process of sun setting the Code Enforcement Board.

Legislative History

3/4/10	City Commission	Referred to the Community Development Committee
5/24/11	Community Development Committee	Approved as shown above (See Motion)
5/22/12	Community Development Committee	Approved as shown above (See Motion)
9/20/12	City Commission	Approved as Recommended

[090925B May 24 2011 Minutes 20120522.pdf](#)

[090925 CDC 5-22-12 Minutes 20120920.pdf](#)

[090925 CDC 5-22-12 Minutes 20130307.pdf](#)

[090925A Presentation 20120522.pdf](#)

[120805.](#)

Strategic Plan Quarterly Report - 1st Quarter of Fiscal Year 2013 (B)

This item provides a report on the progress of the City Commission's Strategic Goals and Initiatives for the 1st Quarter of Fiscal Year 2013.

Explanation: As part of the City of Gainesville Fiscal Year 2013 - 2014 Strategic Planning process, the City Manager prepares a quarterly report on accomplishments related to the City Commission strategic goals and initiatives for each quarter of the Fiscal Year. This is the first quarter report for Fiscal Year 2013.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission receives a quarterly report from the City Manager on the progress of the City Commission Strategic Goals and Initiatives for the 1st Quarter of FY 2013.

[120805_Report_20130307.pdf](#)

[120814.](#)

Human Resources Policy B-2, Employee Assistance Program (B)

Explanation: Human Resources Policy B-2, Employee Assistance Program - this amendment clarifies that the "formal referral" by the supervisor is not a request for a Fitness for Duty examination, but that information provided by our contractor may include a recommendation for a full Fitness for Duty which must be authorized by the appropriate Charter Officer under Section 2-145 (b), City of Gainesville Code of Ordinances.

Fiscal Note: There is no fiscal impact.

RECOMMENDATION

The City Commission approve revisions to Human Resources Policy B-2, Employee Assistance Program.

[120814A_B2 Revised Policy_20130307.pdf](#)

[120814B_B2 Strike Out Policy_20130307.pdf](#)

120816.**Solving Cold Cases with DNA Analysis (B)**

GPD requests permission to accept and execute the grant award and any other necessary documents through the new grant ending date of May 31, 2013.

Explanation: The Alachua County Sheriff's Office was awarded a federal grant from the U.S. Department of Justice to pay overtime wages and travel costs for law enforcement agencies to evaluate and resolve unsolved homicide, missing person, unidentified human remains and sexual battery cases. A Memorandum of Understanding has been previously approved and expired September 30, 2012. The Alachua County Sheriff's Office requested an extension from the U.S. Department of Justice to extend the grant through May 31, 2013. The extension was approved.

Fiscal Note: The Gainesville Police Department will be eligible to bill the Alachua County Sheriff's Office up to \$53,309 for investigative activities associated with this grant award through May 31, 2013. The Gainesville Police Department must continue to provide documentation of time worked and policies associated with overtime pay and benefits to the Alachua County Sheriff's Office Grant Administrator.

RECOMMENDATION

The City Commission authorize the City Manager to accept and execute the grant award and any other necessary documents through the new grant ending date of May 31, 2013, subject to approval by the City Attorney as to form and legality.

[120816_DNAAnalysisMOU](#)

120862.**2014 Federal Legislative Agenda (B)**

This is a request for the City Commission to approve the 2014 Federal Legislative Agenda.

Explanation: On December 18 and 19, 2012, each City Commissioner and city staff held meetings with the City's Legislative Consultant, Marilyn Berry Thompson to develop an annual federal agenda. The use of annual federal agendas has proven to be effective on several fronts. The agenda serves as the starting point by which the city is able to measure

specific outcomes and achievements at the end of each year. The agenda also helps the city and members of the Florida Congressional Delegation, as well as the Governmental Relations Team, to focus their energies on a very clear and specific set of Federal grant and legislative priorities and initiatives.

Based on the meetings, staff and the Team recommended several items and initiatives for the annual Federal Agenda. Initiatives include: Economic Development; Premium Transit Services; Environment and Natural Resources; and Crime Prevention. Staff and the Government Relations Team will work with the Congressional Delegation to identify resources available to successfully meet the goals set forth in the legislative agenda.

Fiscal Note: No fiscal impact at this time.

RECOMMENDATION *The City Commission approve the recommended federal agenda.*

[120862_2014 Federal Agenda_20130307.pdf](#)

[120801.](#)

“TD Greenstreets” Grant Application (NB)

This item involves a request to accept a “TD Greenstreets” grant from the Arbor Day Foundation and TD Bank, if awarded, to support an urban forestry project to plant 100 trees, and provide urban forestry support education and information for the Cedar Grove and Duval neighborhoods.

Explanation: The City of Gainesville’s Department of Parks, Recreation and Cultural Affairs (PRCA) has submitted an application for a “TD Greenstreets” grant from the Arbor Day Foundation and TD Bank to support tree planting and urban forestry education and information for the Cedar Grove and Duval neighborhoods. The proposed project involves multiple facets. The City’s Urban Forestry program will plant 100 trees in the Duval and Cedar Grove neighborhoods. Urban Forestry program staff will hold a tree planting at Duval Elementary School and involve the fifth grade science classes as an educational event in May, 2013. The Urban Forestry program will also create a new informational brochure (or brochures), with the assistance of the Tree Advisory Board, that inform people about the benefits of the urban forest in Gainesville, what trees can do for them (i.e. reduce home energy costs, raise property values, etc.), and inform citizens about and promote the City’s “Tree Sponsor” program. A contractor will be hired to assist with an update and upgrade of the Urban Forestry webpage hosted on the PRCA web site to be easily searchable, have more current information (including who to contact for specific questions), and links to additional information from partner agencies. Both the Duval and Cedar Grove neighborhood residents will be invited to the “Urban Forestry Workshop” in December 2013, where a number of seats will be held just for them, or

alternatively, the department will have a workshop just for those neighborhoods. The workshop will be focused primarily on the benefits of the urban forest canopy, appropriate selection of tree species (native, drought tolerant, "right tree, right place") and planting, care, and basic maintenance of trees in the home landscape. The City is required by the City's comprehensive plan to plant at least 400 trees per year. This project will contribute to the required planting amount. If awarded the grant activities will take place from April, 2013 until December, 2013.

Fiscal Note: The grant application requested \$20,000 from the "TD Greenstreets" grant. The City's funding match will be in-kind salary and equipment costs that are included in PRCA's FY 2012/2013 budget.

RECOMMENDATION

The City Commission: 1) approve the request to accept a grant, if awarded, from the Arbor Day Foundation and TD Bank, and 2) if the grant is awarded, authorize the City Manager or designee to execute the grant agreement and other grant-related documents, subject to approval by the City Attorney as to form and legality.

GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS

CITY ATTORNEY, CONSENT AGENDA ITEMS

[120863.](#)

LORETTA MALLARY VS. THE CITY OF GAINESVILLE, FCHR NO.: 201300697 (NB)

Explanation: On February 14, 2013, the City of Gainesville received a Notice of Charge of Discrimination from the Florida Commission of Human Relations. Ms. Loretta Mallary, a former employee with the City, alleges that she was discriminated and retaliated against based on her race.

RECOMMENDATION

The City Commission authorize the City Attorney to represent the City in the case styled Loretta Mallary vs. the City of Gainesville; FCHR No.: 201300697

CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS

[120880.](#)

City Commission Minutes (B)

RECOMMENDATION

The City Commission approve the minutes of January 17, February 7 and February 21.

[120880_Minutes_20130307.pdf](#)

EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS

COMMITTEE REPORTS, CONSENT AGENDA ITEMS

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE, CONSENT

[110876](#)

Policy Review of Public Property Not Being Used for Public Purposes (B)

This item is a referral from the City Commission for a policy review of public property not being used for public purposes. The focus of the Committee's efforts has been addressed in the Real Property Policies that are recommended for City Commission approval.

Explanation: At their January 31, 2013 meeting the Recreation, Cultural Affairs & Public Works Committee last discussed this item regarding a policy review of public property not being used for public purposes. In July 2012, the Recreation, Cultural Affairs & Public Works Committee requested four changes to the draft City of Gainesville Real Property Policies. The Real Property Policies have been amended to address these suggested changes:

1. Narrow the exemptions from the competitive manner requirement;
2. Better define surplus so that property still serving a public purpose can be eligible to be declared surplus property;
3. Give greater detail of the process for the City Commission to declare property as surplus and require a formalized hearing on the evening agenda (mirroring requirements of State law); and
4. Increase the City Manager's authorization level to settle condemnation cases up to 120% of the appraised value.

Fiscal Note: None

RECOMMENDATION

The City Commission direct the City Attorney to prepare a resolution for City Commission approval of the City of Gainesville Real Property Policies.

Legislative History

3/15/12 City Commission Referred to the Recreation, Cultural Affairs and Public Works Committee

[110876_Real Estate Policies Draft_20120702.pdf](#)

[110876_Real Estate Policies_20130128.pdf](#)

[110876_Real Estate Policies_20130307.pdf](#)

[110876_Minutes_20130502.pdf](#)

EQUAL OPPORTUNITY COMMITTEE, CONSENT

COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

END OF CONSENT AGENDA

ADOPTION OF THE REGULAR AGENDA

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

[120909.](#)

Canvassing Board (NB)

RECOMMENDATION

The City Commission appoint a member to the 2013 Canvassing Board.

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

EQUAL OPPORTUNITY DIRECTOR

COMMITTEE REPORTS (PULLED FROM CONSENT)

RECREATION, CULTURAL AFFAIRS AND PUBLIC WORKS COMMITTEE

PERSONNEL & ORGANIZATION STRUCTURE COMMITTEE

PUBLIC SAFETY COMMITTEE

AUDIT, FINANCE AND LEGISLATIVE COMMITTEE

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

[120879.](#)

Nominations - Library District Board of Trustees (B)

RECOMMENDATION

The City Commission nominate three applicants for consideration of appointment by the Library

District Governing Board.

[120879 Nominations 20130221.pdf](#)

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

RECESS-2:18PM

RECONVENE

PLEDGE OF ALLEGIANCE (5:30pm)

PROCLAMATIONS/SPECIAL RECOGNITIONS

[120875.](#)

2012 Albert "Ray" Massey Citizen Volunteer Award Recipients Day - March 7, 2013 (B)

RECOMMENDATION

City Of Gainesville Heatwave Program and Porters Community Neighborhood Organization Coach and President Gigi Simmons, Gainesville Fast Pitch Booster Club President Sara Emmanuel and City Of Gainesville Environmental Education Programs Volunteer and Program Participant Margaret Cook to accept the proclamation.

[120875_MasseyAward_20130307.pdf](#)

[120876.](#)

Florida Tourism Day - March 13, 2013 (B)

RECOMMENDATION

Visit Gainesville Executive Director Roland Loog and City of Gainesville Parks, Recreation and Cultural Affairs Department Tourism marketing Technician Sean Plemons to accept the proclamation.

[120876_FloridaTourism_20130307.pdf](#)

[120877.](#)

Ellen West, Gilbert Levy and Tioga Town Center and Lennie Kesl Day - March 7, 2013 (B)

RECOMMENDATION

Artist Ellen West, Tioga Town Center Gilbert Levy and Artist, Musician, Instructor and Inspiration the Family of the late Lennie Kesl to accept the proclamation.

[120877_ArtsAward_20130307.pdf](#)

[120878.](#)

Daniel Royston and Leah Cobb Day - March 7, 2013 (B)

RECOMMENDATION

*Star Volunteer Daniel Royston and Leah Cobb,
Nature Operations Program Coordinator Stefanie
Nagid and Nature Centers Commission Chair
Pearse Hayes to accept the proclamation.*

[120878_StarVolunteer_20130307.pdf](#)

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

PUBLIC HEARINGS

RESOLUTIONS- ROLL CALL REQUIRED

ORDINANCES, 1ST READING - ROLL CALL REQUIRED

[110373](#)

**LAND DEVELOPMENT CODE AMENDMENT -
DEVELOPMENT REVIEW PROCESS AND FEES, SPECIAL USE
PERMITS AND CITIZEN PARTICIPATION (B)**

Ordinance No. 110373, Petition No. PB-11-74TCH

An ordinance of the City of Gainesville, Florida, amending the Land Development Code and Appendix A, Schedule of Fees, Rates and Charges of the City Code of Ordinances related to the development review process, special use permits and citizen participation; by deleting existing Sections 30-151 through 30-166; by creating new Sections 30-151 through 30-164 relating to the development review process; by amending Sections 30-234 and 30-235 relating to special use permits; by amending Section 30-350 relating to citizen participation; by amending Section 30-356 relating to the Development Review Coordinator and Technical Review Committee; by amending Appendix A. Schedule of Fees, Rates and Charges to reflect the new levels of and fees for the development review process; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.

*Explanation: PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF
REPORT*

This ordinance proposes text amendments to the Land Development Code related to the development review process including the development review coordinator and technical review committee, special

use permits, citizen participation, and to Appendix A fees related to the development review process. The proposed amendments include the reorganization of the levels of development review, an update of the development plan submittal requirements and clarifications to the process for development review and approval, including the development review coordinator and technical review committee. The amendments update the process for special use permits to make them consistent with the proposed revisions to the development review process. The amendments also specify the types of projects that will require a neighborhood workshop, the notification requirements, and the timing of workshops.

The proposed amendments were presented to the Development Review Board on January 13, 2011. In addition, the proposed amendments to the levels of development review were discussed with the Community Development Review Committee in 2011.

After public notice, the City Plan Board held a public hearing on June 23, 2011 and, by a vote of 3-1, recommended the City Commission approve the petition, with revisions. On October 20, 2011, the City Commission approved the petition, by a vote of 7-0, with revisions from the City Plan Board and City Staff.

City Planning and Legal staff have extensively reviewed and reorganized the petition language to provide clarity to the requirements and review processes.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

10/20/11 City Commission Approved (Petition) with recommended changes from the Plan Board and additional revisions from Staff

[110373A_cpb & staff revisions_dev_review_LDC_new_20111020.pdf](#)

[110373B_cpb & staff revisions_Sec 30-350 Citizen Participation_20111020.pdf](#)

[110373C_staff report_20111020.pdf](#)

[110373D_attach A_proposed amendment to Article VII_20111020.pdf](#)

[110373E_attach B_existing article VII dev review_20111020.pdf](#)

[110373F_attach C_proposed amendment to Sec 30-350_20111020.pdf](#)

[110373G_cpb minutes_20111020.pdf](#)

[110373H_staff ppt_20111020.pdf](#)

[110373_draft ordinance_20130307.pdf](#)

[110373A_MOD_20130321.pdf](#)

[110373_finalordinance_20130321.pdf](#)

[120597.](#)

AMENDMENTS TO CHAPTER 27 AND APPENDIX A OF THE CITY CODE OF ORDINANCES RELATING TO NATURAL GAS (B)

ORDINANCE NO. 120597

AN ORDINANCE OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO NATURAL GAS, AMENDING ARTICLE VI, NATURAL GAS, OF CHAPTER 27, UTILITIES, SECTIONS 27-271, 27-272, 27-273, 27-275, 27-277, 27-283, 27-286 AND AMENDING APPENDIX A, UTILITIES (5) NATURAL GAS, OF THE CITY OF GAINESVILLE CODE OF ORDINANCES; PROVIDING A REPEALING CLAUSE; PROVIDING DIRECTIONS TO THE CODIFIER; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Explanation: At its meeting on December 6, 2012, the City Commission authorized the City Attorney to draft and the Clerk of the Commission to advertise an ordinance amending Chapter 27 and Appendix A of the Code of Ordinances. GRU staff recommended that certain language in Chapter 27, Article VI, Natural gas, and Appendix A warranted updating and clarification. Such instances include the terms and conditions required to qualify for and to receive the Large Volume Service rate, the responsibilities of the City and the customer following a force majeure event, and removing references to the Contract Interruptible Service Rate. Additionally, there are currently two categories of Purchased Gas Adjustment (PGA) in the code: firm and interruptible. In that the utility no longer reserves natural gas pipeline capacity from the supplier on an interruptible basis, an interruptible PGA is no longer necessary and is being deleted. Corresponding revisions are also being made to the portion of Appendix A that relates to fees and charges for natural gas.

This ordinance requires two readings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

12/6/12 City Commission Approved as Recommended

[120597_Draft_Ordinance.pdf](#)

[120597_finalordinance_20130321.pdf](#)

ORDINANCES, 2ND READING- ROLL CALL REQUIRED

[120220.](#)

REZONING - VICINITY OF 3500-3700 BLOCKS OF SW

WILLISTON ROAD (B)

Ordinance No. 120220; Petition No. PB-11-50 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 24 acres of property located in the vicinity of the 3500-3700 blocks of SW Williston Road, north side, west of SW 41st Boulevard, as more specifically described in this ordinance, from the Alachua County Highway oriented business services (BH) zoning district to the City of Gainesville General office (OF) zoning district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

This petition/ordinance rezones certain property, as more specifically described in the ordinance, from the Alachua County Highway oriented business services (BH) zoning district to the City of Gainesville General office (OF) zoning district. The approximately 24 acre property is located in the vicinity of the 3500-3700 blocks of SW Williston Road, on the north side of the road, west of SW 41st Blvd. This petition/ordinance is related to Ordinance No. 120221, a large-scale land use amendment to change the future land use map from Alachua County Heavy Industrial to City of Gainesville Office land use. The zoning and related land use changes apply City of Gainesville land use and zoning designations on property that was annexed in 2008. The OF zoning district was selected to provide for the opportunity of office development with residential use, reflecting existing conditions and compatibility with adjacent properties. Typically for annexed properties, the City considers the current Alachua County zoning category and proposes a similar City designation. However, in this situation it was determined that an office zoning and land use designation would be more compatible and appropriate for the area due to the residential use south of the property. In addition, the OF zoning district is compatible with the sensitive environmental features on the property.

After public notice was published in the Gainesville Sun on August 9, 2011, the City Plan Board held a public hearing on August 25, 2011, and by a vote of 4-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings. This ordinance shall become effective immediately upon final adoption; however, the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120221 becomes effective as provided therein.

RECOMMENDATION

The City Commission adopt the proposed ordinance.

Legislative History

2/21/13 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[120220A draft ordinance 20130221.pdf](#)

[120220B staff report 20130221.pdf](#)

[120220C Comp Plan GOPs 20130221.pdf](#)

[120220D LDC Exh B-1 20130221.pdf](#)

[120220E Supplement Docs 20130221.pdf](#)

[120220F Petition application 20130221.pdf](#)

[120220G CPB minutes 20130221.pdf](#)

[120220H staff ppt 20130221.pdf](#)

[120220 ORDINANCE 20130307.pdf](#)

120223.**REZONING - VICINITY OF 4600-5000 SW 41ST BLVD. (B)**

Ordinance No. 120223; Petition PB-11-52 ZON

An ordinance amending the Zoning Map Atlas of the City of Gainesville, Florida, by rezoning approximately 285 acres of property located in the vicinity of the 4600-5000 blocks of SW 41st Boulevard, west side, as more specifically described in this ordinance, from the Alachua County zoning districts of Industrial services and manufacturing (MS), Multiple family, high density (R-3), Single family, low density (RE-1), and Agricultural (A) to the City of Gainesville Business industrial (BI) zoning district; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

Explanation: This petition/ordinance changes the zoning of certain property, as more specifically described in the ordinance, from the Alachua County zoning districts of Industrial services and manufacturing (MS), Multiple family, high density (R-3), Single family, low density (RE-1) and Agricultural (A) to the City of Gainesville Business Industrial (BI) zoning district. The approximately 285 acre vacant property is located in the vicinity of 4600 - 5000 blocks of SW 41st Blvd, on the west side of the road. This petition/ordinance is related to Ordinance No. 120222, which amends the property's land use from Alachua County Heavy Industrial, Light Industrial, and Low Density Residential (1-4 DU/acre) to the City of Gainesville Business Industrial (BI) designation.

This petition/ordinance applies a City of Gainesville zoning designation on property annexed in 2008. The BI zoning district was selected to provide an opportunity for development of certain office, business and industrial uses in a combined setting. Business park development is facilitated with this zoning district, reflecting the large amount of acreage available to provide sufficient space for a variety of uses that support

and complement each other and reduce external trips for goods and services. Typically for annexed properties, the City considers the current Alachua County zoning category designation and proposes a similar City designation. In this case, the BI zoning district is considered more appropriate given the proposed BI land use category for the property and the broader uses allowed in the zoning district. The BI zoning district supports businesses involved in light manufacturing, processing or fabrication of products and machinery, research and development operations, business retail, medical uses and wholesale or storage distribution concerns. In addition, the BI zoning district offers the opportunity for development in a business park setting that can be designed around the sensitive environmental areas on the site (this includes strategic ecosystem area as delineated in the Future Land Use map series).

After public notice was published in the Gainesville Sun on August 9, 2011, the City Plan Board held a public hearing on August 25, 2011, and by a vote of 4-0, recommended approval of this petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two readings. This ordinance shall become effective immediately upon final adoption; however, the rezoning implemented by this ordinance shall not become effective until the amendment to the City of Gainesville Comprehensive Plan adopted by Ordinance No. 120222 becomes effective as provided therein.

RECOMMENDATION The City Commission adopt the proposed ordinance.

Legislative History

2/21/13 City Commission Approved (Petition) and Adopted on First Reading (Ordinance)

[120223A draft ordinance 20130221.pdf](#)

[120223B staff report 20130221.pdf](#)

[120223C Comp Plan GOPs 20130221.pdf](#)

[120223D LDC Exh B-1 20130221.pdf](#)

[120223E Supplement Docs 20130221.pdf](#)

[120223F Petition application 20130221.pdf](#)

[120223G CPB minutes 20130221.pdf](#)

[120223H staff ppt 20130221.pdf](#)

[120223 Quasi-judicialform 20130221.pdf](#)

[120223 ORDINANCE 20130307.pdf](#)

[120179.](#)

**TEXT CHANGE - TEMPORARY PARKING - UMU-2 ZONING
(B)**

Ordinance No. 120179; Petition No. PB-12-59 TCH

An ordinance of the City of Gainesville, Florida, amending Section 30-65.2 Urban mixed-use district 2 (UMU-2) of the Land Development Code by adding surface parking to the list of permitted uses by special use permit within the University Heights Area and providing regulations for surface parking; providing clarifying amendments related to surface and structured parking; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Explanation: **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT STAFF REPORT**

This petition/ordinance allows temporary surface parking lots by Special Use Permit for the University Heights Area (which includes the Innovation Square area) within UMU-2 zoning as a transition parking strategy. Currently, the UMU-2 zoning district allows structured parking as a principal use-by-right and surface parking as an accessory use. This petition/ordinance adds surface parking as an allowable principal use through the special use permit process for the University Heights Area within UMU-2 zoning. This special use permit for surface parking may be granted for 5 years, with a potential 5-year extension, if an applicant demonstrates, through an approved master plan, that the surface parking lot will be replaced with either a building or structured parking.

The overall concept of UMU-2 zoning is a compact urban environment with concentrated live, work and play activities. Shorter trip distances and transit options will decrease the need for automobile parking. Structured automobile parking facilities will ultimately replace both principal and accessory surface parking lots. However, given that new building and urban form will emerge incrementally, surface parking lots are needed temporarily until development is completed.

Public notice was published in the Gainesville Sun on June 12, 2012. On June 28, 2012, the City Plan Board held a public hearing and, by a vote of 4-1, recommended approval of the petition.

CITY ATTORNEY MEMORANDUM

This ordinance requires two hearings.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

Legislative History

2/21/13	City Commission	Approved (Petition) and Adopted on First Reading (Ordinance)
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[120179A_draft_ordinance_20130221.pdf](#)
[120179B_staff_report_20130221.pdf](#)
[120179C_Innovation_Map_20130221.pdf](#)
[120179D_Innovation_Square_Parking_Strategy_20130221.pdf](#)
[120179E_Proposed_Parking_Changes_20130221.pdf](#)
[120179F_CPB_minutes_20130221.pdf](#)
[120179_ORDINACE_20130307.pdf](#)

PLAN BOARD PETITIONS

[120839.](#)

Small-scale Comprehensive Plan Amendment from Commercial (C) to Mixed-Use Low-Intensity (8-30 units/per acre) (MUL) (B)

Petition PB-12-161 LUC. Brown & Cullen Inc., agent for Iris McWilliams. Amend the City of Gainesville Future Land Use Map from Commercial (C) to Mixed-Use Low-Intensity (8-30 units/per acre) (MUL). Located at 2029 NW 13th Street. Related to PB-12-162 ZON.

Explanation: This requested land use change from Commercial to Mixed-use low-intensity (8-30 units per acre) pertains to a 0.71-acre property located at 2029 NW 13th Street, on the east side of NW 13th Street. The property is developed and includes an unoccupied, 6,700 sq. ft. building towards the front of the lot, and a 1,960 sq. ft. warehouse at the rear. This property was part of the former Brasington automotive dealership that closed in 2008 after having been in business since 1935, and it is in need of redevelopment.

This petition for a small-scale land use amendment is related to Petition PB-12-162 ZON, which proposes rezoning from the Automotive-oriented business district (BA) to the MU-1 (8-30 units/acre mixed use low intensity) zoning district.

This small-scale amendment to the Future Land Use Map, if approved, will facilitate future redevelopment of the property by changing the land use from Commercial to Mixed-use low-intensity (8-30 units per acre), which allows for residential use and various non-residential uses. As stated in Policy 4.1.1 of the Future Land Use Element, "This category allows a mixture of residential and non-residential uses such as standard lot single-family houses, small-lot single-family houses, duplex houses, townhouses (attached housing), accessory dwelling units, group homes, multi-family housing (if compatible in scale and character with other dwellings in the proposed neighborhood), offices scaled to serve the surrounding neighborhood, retail scaled to serve the surrounding neighborhood, public and private schools, places of religious assembly and other community civic uses..."

Several residents of the nearby Lake Meta area expressed concern about the potential of this petition to add residential rather than commercial development for this part of the NW 13th Street corridor. Several residents also requested that this petition, its related zoning petition, and Petitions PB-12-159 LUC and PB-12-160 ZON that pertain to properties to the east, be considered together.

This petition and its related zoning petition are also related to land use (PB-12-159 LUC) and zoning (PB-12-160 ZON) petitions affecting two properties to the east (one of which is contiguous to property that is the subject of this petition) that are adjacent to or within the Hidden Lake apartment complex.

Public notice was published in the Gainesville Sun on January 8, 2013. The City Plan Board held a public hearing on January 24, 2013, and voted 6-0 to approve the petition after discussion.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-161 LUC. The Plan Board voted 6-0.

Staff to City Commission - The City Commission approve Petition PB-12-161 LUC.

Staff to City Plan Board - Staff recommends approval of Petition PB-12-161 LUC.

[120839A_Staff report_20130307.pdf](#)

[120839B_Comp Plan GOPs_20130307.pdf](#)

[120839C_Supplemental Docs_20130307.pdf](#)

[120839D_Application Pkg_20130307.pdf](#)

[120839E_CPB minutes_20130307.pdf](#)

[120839F_staff ppt_20130307.pdf](#)

[120840.](#)

Rezoning from Automotive-oriented business district (BA) to Mixed-use low intensity district (MU-1) (B)

Petition PB-12-162 ZON. Brown & Cullen Inc., agent for Iris McWilliams. Rezone property from Automotive-oriented business district (BA) to Mixed-use low intensity district (MU-1). Located at 2029 NW 13th Street. Related to PB-12-161 LUC.

Explanation: This rezoning request pertains to a 0.71-acre property located at 2029 NW 13th Street (see map on previous page), on the east side of NW 13th Street. The property is developed and includes an unoccupied, 6,700 sq. ft. building towards the front of the lot, and a 1,960 sq. ft. warehouse at the rear. This property was part of the former Brasington

automotive dealership that closed in 2008, and it is in need of redevelopment.

This zoning petition is related to a proposed small-scale land use amendment (Petition PB-12-161 LUC) from Commercial to Mixed-Use low-Intensity (8-30 units per acre).

The proposed rezoning will facilitate future redevelopment of the property by changing from the Automotive-oriented business district (BA) to the MU-1 (8-30 units/acre mixed use low intensity) zoning district, which allows for residential use and various non-residential uses. As stated in the purpose section of Section 33-64, "The mixed-use low intensity district is established for the purpose of allowing coordinated developments designed to offer a mixture of residential, convenience-type retail, professional and consumer service uses primarily for residents of mixed-use and adjacent residential neighborhoods, and places of religious assembly. The district is intended to reduce the length and number of vehicular trips by providing for basic needs within close proximity to residential areas, by encouraging pedestrian access, and by the combining of trips. This district is established to allow uses compatible with each other and with surrounding residential areas to be developed near each other."

Several residents of the nearby Lake Meta area expressed concern about the potential of this petition to add residential rather than commercial development for this part of the NW 13th Street corridor. Several residents also requested that this petition, its related land use petition, and Petitions PB-12-159 LUC and PB-12-160 ZON that pertain to properties to the east, be considered together.

This petition and its related land use petition are also related to land use (PB-12-159 LUC) and zoning (PB-12-160 ZON) petitions affecting two properties to the east (one of which is contiguous to property that is the subject of this petition) that are adjacent to or within the Hidden Lake apartment complex.

The proposed rezoning to MU-1 (8-30 units/acre mixed use low intensity) is consistent with the City's Comprehensive Plan and will implement the related, proposed MUL (Mixed-Use Low-Intensity (8-30 units per acre)) land use category.

Public notice was published in the Gainesville Sun on January 8, 2013. The City Plan Board held a public hearing on January 24, 2013 and voted 6-0 to approve the petition after discussion.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-162 ZON. The Plan Board voted 6-0.

Staff to City Commission - The City Commission

approve Petition PB-12-162 ZON.

Staff to City Plan Board - Staff recommends approval of Petition PB-12-162 ZON.

[120840A_staff report_20130307.pdf](#)

[120840B_Comp Plan GOPs_20130307.pdf](#)

[120840C_Supplemental Docs_20130307.pdf](#)

[120840D_Application Pkg_20130307.pdf](#)

[120840E_CPB minutes_20130307.pdf](#)

[120840F_staff ppt_20130307.pdf](#)

[120841.](#)

Small-scale Comprehensive Plan Amendment from Conservation (CON) to Mixed-Use Low-Intensity (8-30 units/per acre) (MUL), and Residential Medium-Density (8-30 units per acre) (RM) (B)

Petition PB-12-159 LUC. Brown & Cullen Inc., agent for Hidden Lake SFR LLC. Amend the City of Gainesville Future Land Use Map from Conservation (CON) to Mixed-Use Low-Intensity (8-30 units/per acre) (MUL), and Residential Medium-Density (8-30 units per acre) (RM). Located at 1015 NW 21st Avenue. Related to PB-12-160 ZON.

Explanation: This is a request for a small-scale amendment of the Future Land Use Map from Conservation to Residential Medium-Density (8-30 units per acre). The 0.31-acre property is the western edge of a 20.24-acre parcel that is the site of the 260-unit, Hidden Lake apartment complex. It is on the south side of NW 21st Avenue approximately 375 feet east of NW 13th Street.

The property is a narrow, vegetated strip of vacant land that provides stormwater retention on the east side of the NW 21st Avenue entrance to the Hidden Lake apartment complex. The City once used Conservation land use and zoning to provide a buffer between potentially conflicting uses, but now has various land development regulations to address potential impacts due to different abutting uses.

The Hidden Lake apartment complex (east of the 0.31-acre property with Conservation land use) has Residential Medium-Density (8-30 units per acre) (RM) land use. Mixed-use low-intensity (8-30 units per acre) (MUL) land use is to the west and to the north across NW 21st Avenue. Office land use is on the north side of NW 21st Avenue.

This proposed comprehensive plan amendment is related to Petition PB-12-160 ZON, which proposes rezoning from Conservation to RMF-6 (8-15 units/acre multiple-family residential district). The proposed small-scale amendment to Residential Medium-Density (8-30 units per acre) is consistent with the City's Comprehensive Plan. The proposed

land use will allow for infill development proximate to the NW 13th Street corridor that is in need of infill development and redevelopment.

Several residents of the nearby Lake Meta area expressed concern about the loss of urban green space that will occur if the land use and zoning are changed from Conservation. The desirability of bicycle and pedestrian connectivity from non-contiguous NW 12th Avenue to the south and NW 21st Avenue to the north was also discussed. Lake Meta area residents were concerned that the proposed land use and zoning changes could make such connectivity more difficult to attain. City staff noted that the City's negotiations for easements or acquisitions needed for connectivity are not dependent on the land use or zoning category and that the negotiation tends to occur at the time of development review.

This petition and its related zoning petition are also related to land use (PB-12-161 LUC) and zoning (PB-12-162 ZON) petitions pertaining to an adjacent property to the west and along NW 13th Street.

Public notice was published in the Gainesville Sun on January 8, 2013. The City Plan Board held a public hearing on January 24, 2013, and voted to approve the petition 4-2 after discussion.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-159 LUC, as recommended by staff. The Plan Board voted 4-2.

Staff to City Commission - The City Commission approve Petition PB-12-159 LUC, with the clarification that the sole proposed change in land use category is Residential Medium-Density (8-30 units per acre) for the Conservation area.

Staff to City Plan Board - Staff recommends approval of Petition PB-12-159 LUC, with the clarification that the sole proposed land use category is Residential Medium-Density (8-30 units per acre) (RM).

[120841A Staff report 20130307.pdf](#)
[120841B Comp Plan GOPs 20130307.pdf](#)
[120841C Supplemental Docs 20130307.pdf](#)
[120841D Application Packet 20130307.pdf](#)
[120841E citizen comments 20130307.pdf](#)
[120841F CPB minutes 20130307.pdf](#)
[120841G staff ppt 20130307.pdf](#)
[120841MODPresentation HiddenLake 20130307.pdf](#)
[120841A Staff report 20130404.pdf](#)
[120841B Comp Plan GOPs 20130404.pdf](#)
[120841C Supplemental Docs 20130404.pdf](#)
[120841D Application Pkg 20130404.pdf](#)
[120841E citizen comments 20130404.pdf](#)
[120841F CPB minutes 20130404.pdf](#)
[120841G Property Owner Affidavit 20130404.pdf](#)
[120841H staff ppt 20130404.pdf](#)
[120841 MOD HL CC Presentation 2013-04-04.pdf](#)

[120842.](#)

Rezoning from Conservation (CON) to Mixed-use low intensity district (MU-1), and RMF-6 (8-15 units/acre multiple-family residential district) (B)

Petition PB-12-160 ZON. Brown & Cullen Inc., agent for Hidden Lake SFR LLC. Rezone property from Conservation (CON) to Mixed-use low intensity district (MU-1), and RMF-6 (8-15 units/acre multiple-family residential district). Located at 1015 NW 21st Avenue. Related to PB-12-159 LUC.

Explanation: This is a request for a zoning change from Conservation (CON) to RMF-6 (8-15 units/acre multiple-family residential district) and to MU-1 (8-30 units/acre mixed use low intensity district). The vacant, 0.46-acre site proposed for rezoning includes: a 0.31-acre property that is the western edge of the otherwise developed, 20.24-acre, 260-unit, Hidden Lake apartment complex; and a contiguous 0.15-acre property to its west along NW 21st Avenue. It is on the south side of NW 21st Avenue approximately 375 feet east of NW 13th Street. This petition proposes changing the 0.31-acre property to RMF-6 and changing the 0.15-acre property to MU-1.

The 0.31-acre property is a narrow, vegetated strip of vacant land that provides stormwater retention on the east side of the NW 21st Avenue entrance to the Hidden Lake apartment complex. The adjacent 0.15-acre property to the west is partially paved and is mostly vegetated. The City once used Conservation land use and zoning to provide a

buffer between potentially conflicting uses, but now has various land development regulations to address potential impacts due to different abutting uses.

The Hidden Lake apartment complex (east of the 0.31-acre property with Conservation zoning) has RMF-6 (8-15 units/acre multiple-family residential district). MU-1 (8-30 units/acre mixed use low intensity) zoning is to the west and to the north across NW 21st Avenue. Office zoning is on the north side of NW 21st Avenue.

The proposed rezonings to RMF-6 (8-15 units/acre multiple-family residential district) and MU-1 (8-30 units/acre mixed use low intensity zoning district) are consistent with the City's Comprehensive Plan and with, respectively, the proposed Residential Medium-Density (8-30 units per acre) land use category and the existing Mixed-Use Low-Intensity (8-30 units per acre) designation on the Future Land Use Map. The proposed RMF-6 and MU-1 zoning designations are supportive of infill development proximate to the NW 13th Street corridor that is in need of infill development and redevelopment.

This zoning petition is related to Petition PB-12-159 LUC, which proposes a small-scale amendment of the Future Land Use Map from Conservation to Residential Medium-Density (8-30 units per acre). This petition and its related land use petition are also related to land use (PB-12-161 LUC) and zoning (PB-12-162 ZON) petitions pertaining to an adjacent property to the west and along NW 13th Street.

Several residents of the nearby Lake Meta area expressed concern about the loss of urban green space that will occur if the zoning and land use are changed from Conservation. The desirability of bicycle and pedestrian connectivity from non-contiguous NW 12th Avenue to the south and NW 21st Avenue to the north was also discussed. Lake Meta area residents were concerned that the proposed land use and zoning changes could make such connectivity more difficult to attain. City staff noted that the City's negotiations for easements or acquisitions needed for connectivity are not dependent on the land use or zoning category and that the negotiation tends to occur at the time of development review.

Public notice was published in the Gainesville Sun on January 8, 2013. The City Plan Board held a public hearing on January 24, 2013, and voted to approve the petition 4-2 after discussion.

Fiscal Note: None.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition PB-12-160 ZON. The Plan Board voted 4-2.

Staff to City Commission - The City Commission approve Petition PB-12-160 ZON.

Staff to City Plan Board - Staff recommends approval of Petition PB-12-160 ZON.

[120842A_Staff report_20130307.pdf](#)
[120842B_Comp Plan GOPs_20130307.pdf](#)
[120842C_Supplemental Docs_20130307.pdf](#)
[120842D_Application Pkg_20130307.pdf](#)
[120842E_citizen comments_20130307.pdf](#)
[120842F_CPB minutes_20130307.pdf](#)
[120842G_staff ppt_20130307.pdf](#)
[120842_quasijudicialform_20130307.pdf](#)
[120842MODPresentation HiddenLake_20130307.pdf](#)
[120842A_Staff report_20130404.pdf](#)
[120842B_Comp Plan GOPs_20130404.pdf](#)
[120842C_Supplemental Docs_20130404.pdf](#)
[120842D_Application Pkg_20130404.pdf](#)
[120842E_citizen comments_20130404.pdf](#)
[120842F_CPB minutes_20130404.pdf](#)
[120842G_Property Owner Affidavit_20130404.pdf](#)
[120842H_staff ppt_20130404.pdf](#)
[120842_MOD HL CC Presentation_2013-04-04.pdf](#)

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

[100672.](#)

Update on the Status of the Cabot-Koppers Superfund Site (B)

This item involves receiving a presentation from the Local Intergovernmental Team (LIT) on the US Environmental Protection Agency's Proposed Consent Decree for the Cabot-Koppers Superfund Site.

Modification - Added to the Agenda

Explanation: The Local Intergovernmental Team (LIT) consists of representatives from the Alachua County Environmental Protection Department (ACEPD), Gainesville Regional Utilities (GRU), Alachua County Health Department (ACHD), Gainesville City Manager's office, as well as City Consultants. The LIT has provided written and verbal comments to United States Environmental Protection Agency (EPA), Florida Department of Environmental Protection (FDEP) and Beazer East, Inc. on a variety of issues related to the Cabot-Koppers Superfund Site including the feasibility study, off-site soil sampling, groundwater, storm

water, creek sediment and health risk issues. The City Commission and Board of County Commissioners submitted technical comments to the EPA's Proposed Plan for cleaning up the site in October 2010.

On February 2, 2011, the USEPA released the Final Cleanup Plan approved for the Cabot-Koppers Superfund Site. The cleanup plan, also known as the Record of Decision (ROD), on the Cabot-Koppers Superfund Site is available to the public on the EPA website at <http://www.epa.gov/region4/waste/npl/nplfln/cabkopfl.htm>. The City Commission and Board of County Commissioners submitted comments to the ROD in March 2011.

The proposed Consent Decree was filed and lodged with the United States District Court for the Northern District of Florida Gainesville Division on February 7, 2013. It was advertised in the Federal Register Notice on February 13, 2013, which opens up the thirty (30) day comment period for the proposed Consent Decree through March 15, 2013. The City of Gainesville Cabot-Koppers Web page and the Alachua County Environmental Protection Department Cabot-Koppers Superfund Web page provide direct links to the U.S. Department of Justice Web page where the Consent Decree, Appendixes, Federal Register Notice and other related documents may be downloaded and examined.

The EPA hosted a public meeting on February 27, 2013 at Stephen Foster Elementary School, 3800 NW 6th Street, Gainesville, FL to receive feedback on the proposed Consent Decree. LIT members attended the public meeting. The LIT's comments to the proposed Consent Decree are as follows:

1. Expedited Offsite Soil Remediation

The expeditious remediation of the offsite neighborhood dioxin contaminated surface soils is an issue of critical importance to the County and local community. The confirmed contamination in the neighborhood soils is an issue of constant concern to the residents of the neighborhood and has led to increased anxiety about health impacts and has seriously impacted property values in the neighborhood. We believe that expeditious clean-up of this contaminated soil will also have a major impact on relieving resident concerns about indoor dust contamination in the neighborhood. We urge USEPA to take all appropriate actions to make sure this critical remediation task is given the highest priority in the schedule for remediation activities planned for this site. It is our understanding that Beazer East and USEPA plan to begin offsite soil remediation by the end of 2013. We request that USEPA and Beazer East to make meeting of this deadline and schedule a high priority. This will require a strong commitment from Beazer East and USEPA to continue their coordination with neighborhood groups and the City of Gainesville and the County to address and expedite logistical issues and public outreach and communication.

2. Household Dust Health Concerns

Certain property owners and residents in the Stephen Foster neighborhood near the Cabot Koppers Superfund site have raised concerns about indoor dust contamination with dioxins in their homes. The City of Gainesville and Alachua County in their October 2010 joint comments on the USEPA Proposed Plan for the Cabot Koppers Superfund (July 2010) urged the USEPA to study and take appropriate action to address these citizen concerns. USEPA in Appendix A , Responsiveness Summary of the Cabot-Koppers Amended Record of Decision (ROD)(February 2011) stated that it would convene a workgroup to study the issue and determine what, if any, indoor air quality sampling would be conducted. If indoor dust sampling was recommended, the USEPA stated it would conduct or require the responsible party to conduct the indoor dust sampling. USEPA subsequently conducted indoor dust sampling for dioxins in May 2012.

Based on the information released by USEPA (November 2012) to the residents participating in the indoor dust study, the USEPA has not identified a significant concern about the levels of dioxins in the tested Stephen Foster neighborhood homes near the former Koppers site based on USEPA derived risk criteria. As stated in Appendix A of the ROD, the Florida Department of Environmental Protection (FDEP) has confirmed that its risk-based corrective action soil clean-up level standards do not apply to indoor dust. The Florida Department of Health (FDOH) under a Cooperative Agreement with the US Department of Health and Human Services, Agency for Toxic Substances and Disease Registry (ATSDR) has also issued a preliminary health review (December 2012) and has determined that the levels of dioxins do not pose an imminent health threat. The ROD and the Consent Decree Statement of Work of February 2013 do not provide for any remediation actions for indoor dust.

The FDOH is expected to issue a health consultation on the indoor dust study which will provide more information on the long term health impacts of the dioxin levels observed. If the health consultation from FDOH indicates a significant long term health risk or there are future changes in federal or state standards which would suggest greater health risk, then we request and urge USEPA to re-evaluate the indoor dust levels found in the neighborhood and the need for any remediation including amending the Record of Decision as appropriate. At a minimum, we request that USEPA consider an evaluation of this issue as part of the 5 year review process for the Superfund remedy. Notwithstanding this indoor dust issue, we support the approval of this Consent Decree and urge the USEPA to expeditiously implement the offsite and onsite soil, sediment and groundwater remedies for this site.

3. On-site Surface Soil Remediation

We request the USEPA seriously consider input from the County, the LIT and neighborhood organizations including Protect Gainesville Citizens, Inc. on possible alternative design approaches to implementing the ROD remedy for contaminated on-site surface soils outside the Groundwater Containment Zone/Soil Consolidation Area. For example,

the Statement of Work, Appendix B of the Consent Decree, indicates that in a few highly contaminated areas surface soils will be excavated to meet groundwater leaching performance standards. However, it appears that for the majority of this area, a surface cover of 2 feet of clean soil will likely be used to meet clean-up goals. We believe that covering contaminated soils in the majority of the site would place undue restrictions on the future development of this site. An alternate design approach which removes a few feet of contaminated surface soils from this area prior to application of clean fill surface covers is feasible and consistent with the remedy described in the ROD. This alternative would allow for more unrestricted development of this large area of the site and should be considered by USEPA to meet its requirement for implement a remedy which allows for appropriate future land use of the land.

4. In-Situ Solidification/Stabilization (ISS/S) Treatment Depth
Appendix B page 2, the final sentence of the second to last paragraph of the proposed Consent Decree states that "The final depth of ISS/S treatment will be based on pilot tests designed to determine the site-specific practical depth limit of effective ISS/S application." The ROD (page 120, last paragraph) specifies that application will extend to the Hawthorn Group Middle clay layer, approximately 65 ft deep. We acknowledge that any of the remediation approaches being implemented at the site should be modified appropriately if field data indicate technological issues, or site conditions which warrant modification. However, we are concerned that the proposed Consent Decree appears to deviate from the ROD on this issue, and that EPA appears to be relaxing the requirement for penetration depth of the ISS/S treatment. If the ISS/S treatment does not extend to the middle Hawthorn Group clay layer, this is likely to reduce its effectiveness since there are likely to be pockets of creosote located just above this clay layer which can continue to cause deeper contamination if not treated. Therefore, every effort should be made to extend the treatment down to the desired depth, and there should be a stringent burden of proof if the technology cannot be extended to this depth due to site conditions. As pointed out by EPA in the ROD Responsiveness Summary (Appendix A, page 31, third paragraph), "there have been other deep soil mixing uses of ISS/S of up to 110 ft below ground surface without negative unintended effects."

5. On-Going Involvement of LIT and Community
We appreciate that EPA has provided the County and the LIT the opportunity to be actively engaged in technical review and discussions throughout the remedial investigations and development of the ROD. We request a commitment from USEPA to continue to allow the County and the LIT to be actively engaged in the process of reviewing and commenting on the remedial design and construction documents. Also, we request that EPA continue to be actively engaged with the community by providing updates to the community and seeking input where appropriate. Also, if new information becomes available which requires additional actions, we expect that EPA will amend the remedial

actions, and amend the ROD if appropriate.

The LIT has reviewed the proposed Consent Decree and prepared a presentation to be heard by the City Commission.

Fiscal Note: None

RECOMMENDATION

The City Commission: 1) hear a presentation from staff; 2) discuss the US Environmental Protection Agency's Proposed Consent Decree for the Cabot-Koppers Superfund Site; and 3) authorize the Mayor to transmit a letter to the Department of Justice with the City of Gainesville's comment regarding the Proposed Consent Decree.

Legislative History

2/17/11 City Commission Approved as shown above (See Motion)

[100672 MOD Koppers PPT 20110217.pdf](#)

[100672A-MOD Presentation 20130307.pdf](#)

[100672B-MOD Letter 20130307.pdf](#)

UNFINISHED BUSINESS

COMMISSION COMMENT

CITIZEN COMMENT (If time available)

ADJOURNMENT (no later than 11:00PM - Mayor to schedule date and time to continue meeting)