

City of Gainesville

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



Meeting Minutes

Monday, March 17, 2003

5:30 PM

City Hall Auditorium

City Commission

*Mayor Tom Bussing (At-Large)
Mayor-Commissioner Pro Tem Warren Nielsen (At-Large)
Commissioner Chuck Chestnut (District 1)
Commissioner Edward Braddy (District 2)
Commissioner Tony Domenech (District 3)*

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

CALL TO ORDER - 5:34 PM

ROLL CALL

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

INVOCATION

ADOPTION OF THE REGULAR AGENDA

*Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to adopt the agenda with the following modification:
(VOTE: 5-0, MOTION CARRIED)*

MODIFICATION: File # 020911 - RESOLUTION: Interlocal Agreement for the County-Wide Visioning and Planning Process - (Item to be heard immediately after the Pledge of Allegiance).

CHARTER OFFICER UPDATES

CLERK OF THE COMMISSION

CITY MANAGER

GENERAL MANAGER FOR UTILITIES

CITY ATTORNEY

CITY AUDITOR

ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

OUTSIDE AGENCIES

MEMBERS OF THE CITY COMMISSION

COMMISSION COMMENTS (if time available)

CITIZEN COMMENT (5:30pm)

Candy

Homeless Programs

Debbie Martinez

City Election Issues

Ted Nichols

United Gainesville Community Development Corporation - Emergency Funding

Vincent Mallet

Iraq War - Oppose

Sydney Bertisch

Iraq War - Oppose

Emily Brown

Neighborhood Meetings - Mailing Lists

See following file # 021016.

021016 Neighborhood Meetings - Mailing Lists (B)

RECOMMENDATION *The City Commission hear a presentation from Emily Brown and place back-up submitted on file.*

Ray Bennett

Iraq War - Support Troops

Charles Willett

Iraq War - Bring Home Troops

Scott Camil

Living Wage Ordinance

Mike Mullis

Iraq War - Support Troops

COMMISSION COMMENTS (if time available)

PLEDGE OF ALLEGIANCE (6:00pm)

Troop #613

PROCLAMATIONS/SPECIAL RECOGNITIONS

020973 Rib Festival Award Presentation (NB)

Attorney Ted Nichols and GRU Community Relations Director Albert White gave presentations.

RECOMMENDATION *The City Commission acknowledge the award recipients.*

Heard

CITIZEN COMMENT - (Continued)

Jerry Williamson

Police Issues

Wendell Watson

Police Issues

Rosa Williams

Young Men's Baggie Shorts

Ted Nichols

Recognized Rosa Williams and Tom Coward for their years of service to United Gainesville Community Development Corporation.

PUBLIC HEARINGS

RESOLUTIONS

- 020911** **Interlocal Agreement for the County-Wide Visioning and Planning Process. A Resolution of the City Commission, of the City of Gainesville, Florida, approving the Interlocal Agreement between Alachua County and the municipalities of Alachua, Archer, Gainesville, Hawthorne, High Springs, Lacrosse, Micanopy, Newberry and Waldo, implementing a County-wide Visioning and Planning Process; and providing an immediate effective date. (B)**

Alachua County/Municipal Leaders Steering Committee Members Jim Gabriel, Tommy Hines and Steve Elder gave presentations.

RECOMMENDATION *The City Commission adopt the proposed Resolution.*

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

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

ORDINANCES, 1ST READING- ROLL CALL REQUIRED

- 020900** **BUDGET AMENDMENT FY 2002-2003 (B)**

ORDINANCE NO. 0-03-18

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, 2002 AND ENDING SEPTEMBER 30, 2003; AMENDING ORDINANCE NO. 020351, 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 Chestnut, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

RECESS - 6:57 PM

RECONVENE - 7:05 PM

- 020948** **WALNUT CREEK PLANNED DEVELOPMENT - EXTENSION OF TIME**

PERIODS (B)**ORDINANCE NO. 0-03-31**

An Ordinance of the City of Gainesville, Florida; amending the Planned Development commonly known as "Walnut Creek" located in the vicinity of the 2500 block of Northwest 39th Avenue, south side; by amending City of Gainesville Ordinance No. 991267 by extending the time periods for obtaining final plat or conditional plat approvals; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Bussing recognized Citizens Paula Stahmer and Brian Wilcox; and Attorney for the Developer Ron Carpenter who spoke to the matter.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

A motion was made by Commissioner Braddy, seconded by Commissioner Domenech, that this matter be Adopted on First Reading (Ordinance). The motion carried by the following vote:

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

ORDINANCES 2ND READING- ROLL CALL REQUIRED**002469 COMPATIBILITY REGULATIONS FOR NEW MEDIUM AND HIGH DENSITY MULTI-FAMILY DEVELOPMENTS (B)**

Ordinance No. 0-03-26; Petition No. 21TCH-02PB

An ordinance of the City of Gainesville, Florida, relating to compatibility of medium and high-density multi-family development with abutting single-family property; amending section 30-53 (multi-family medium density residential districts) providing setback and height requirements; amending subsection 30-55(e) (residential high density districts) providing setback and height requirements; adding and creating subsections (j) and (k) to section 30-56 (general provisions for residential districts) providing additional requirements for medium and high density multi-family developments when abutting single family property or abutting PS or CON zoning that abuts single family property; amending subsection 30-64(c)(1) (mixed use low intensity district) to require certain developments to comply with RMF-6 and section 30-56 regulations; amending subsection 30-64(d)(1) requiring certain developments to comply with RMF-6 and section 30-56 regulations; amending subsection 30-64(e) providing certain developments to comply with section 30-56 regulations; amending subsection 30-65(c) (mixed use medium intensity district) requiring certain developments to comply with section 30-56 regulations; amending subsection 30-65(d)(1) requiring certain developments to comply with RMF-7 and section 30-56 regulations; amending subsection 30-65(e)(2) requiring certain developments to comply with RMF-7 and section 30-56 regulations and include increased buffers; 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 Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Braddy, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:

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

002562 LAND DEVELOPMENT CODE AMENDMENT - SPECIALLY REGULATED USES (B)

Ordinance No. 0-03-25; Petition No. 31TCH-02 PB

An ordinance of the City of Gainesville, Florida, reformatting and amending subsection 30-70(c)(2) of the Land Development Code related to uses by special use permit in the general industrial district (I-2); to provide for special reporting requirements and exemptions for certain industrial uses to be allowed by special use permit; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

Chair Bussing recognized Attorney Dick Jones representing I-2 Land Owners who spoke to the matter.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

Chair Bussing recognized Citizen Jim Painter who spoke to the matter.

MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Domenech seconded to continue this item to April 14, 2003.

RECOMMENDATION *The City Commission adopt the proposed ordinance*

A motion was made by Mayor-Commissioner Pro Tem Nielsen, seconded by Commissioner Domenech, that this matter be Continued (2nd Reading) for April 14, 2003. The motion carried by the following vote:

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

020587 LAND DEVELOPMENT CODE AMENDMENT - CITIZEN PARTICIPATION PROCESS (B)

Ordinance No. 0-03-17; Petition No. 113TCH-02 PB

An ordinance of the City of Gainesville, Florida, amending subsection 30-350(b) of the Land Development Code, modifying which development applications require a neighborhood workshop; providing directions to the codifier;

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

Chair Bussing recognized Citizens Sarah Poll and Rob Brinkman who spoke the matter.

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *The City Commission adopt the proposed ordinance.*

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

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

020663

LIVING WAGE ORDINANCE (B)

Ordinance No 0-02-10

An ordinance of the City of Gainesville, Florida, creating Article IX, of Chapter 2 of the City of Gainesville Code of Ordinances, establishing a living wage requirement for certain employees of contractors providing selected services to the city; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing a delayed effective date with a sunset provision.

City of Gainesville Human Resources Director Tom Motes, Finance Director Mark Benton and Small Business Development Manager Arline Hampton gave presentations.

AMENDMENT TO MAIN MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to amend Page 5, Line 12 of the draft ordinance as follows: Provided further, however, that in no event shall the living wage (Non-health Benefit Wage) exceed the lowest hourly base rate of pay of any regular, full time City employee in effect at the time bids/proposals for contracts are solicited, or in the case of extensions/amendments of then existing contracts, the rate in effect at the time such extension/amendment is entered into. The applicable living wage shall be noted in all solicitations for covered services, and disclosed during negotiations for extensions/amendments of contracts for covered services.

(VOTE: 3-2, Commissioner Braddy and Domenech - No, MOTION CARRIED)

Chair Bussing recognized Citizens Betsy Whitaker, Jim Painter, Jeff McAdams, Charles Willett, Lynne Rigney-Barolet, Elsie Allen, John Skelly, Rob Brinkman, Ray Bennett, Emily Brown, Brent Christensen, Allen Kane, Kayla Sausnell, Fred Rwebyogo, Frederick Peterkin and Sarah Poll who spoke to the matter.

ADDITIONAL MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded that the City Manager, City Auditor and the General Manager for Utilities file an assessment as to the incremental costs of this

ordinance to the City at six month intervals, beginning six months from the effective date of the ordinance.

(VOTE: 5-0, MOTION CARRIED)

City Auditor Alan Ash made comments.

RECOMMENDATION *The City Commission adopt the proposed ordinance, as amended.*

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

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

RESOLUTIONS- ROLL CALL REQUIRED

001660 **Petition 69SUB-01DB. (Quasi-Judicial) Eng, Denman & Associates, agent for Larry Ross. Final plat approval of Blues Creek, Unit 5, Phase I, for ten (10) lots on 6.26 acres more-or-less, having a density of 1.597 dwelling units per acre. Located in the vicinity of Northwest 80th Avenue and west of Northwest 56th Way. Zoned: PUD (Alachua County). (B)**

City of Gainesville Planning Manager Ralph Hilliard gave a presentation.

RECOMMENDATION *Planning Staff to City Commission -The City Commission adopt the following resolution: A Resolution approving the final plat of "Blues Creek Unit 5, Phase I", located in the vicinity of Northwest 80th Avenue and west of Northwest 56th Way; authorizing the Mayor and Clerk of the Commission to execute a Tri-Party Agreement to secure the construction of improvements; and providing an immediate effective date.*

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

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

PLAN BOARD PETITIONS

DEVELOPMENT REVIEW BOARD PETITIONS

SCHEDULED EVENING AGENDA ITEMS

UNFINISHED BUSINESS

COMMISSION COMMENT

Commissioner Chuck Chestnut

United Gainesville Community Development Corporation request for funding.

City Manager Wayne Bowers made comments.

Commissioner Tony Domenech

Wetland Charter Amendment

NOTE: City Manager Wayne Bowers and General Manager for Utilities made comments. (Item will be discussed at the March 24, 2003 City Commission Meeting).

Commissioner Edward Braddy

Proclamation of Support for U.S. Military Personnel

See following File # 021010.

021010 Proclamation of Support for U.S. Military Personnel (B)

FIRST MOTION (MAIN MOTION): Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded that the City Commission adopt the proposed proclamation.

(VOTE: 3-2, Mayor Bussing and Commissioner Chestnut - No, MOTION CARRIED)

WAIVER OF RULES: Commissioner Domenech moved and Commissioner Nielsen seconded to waive the rules to extend the meeting to 11:15 PM.

(VOTE: 5-0, MOTION CARRIED)

Chair Bussing recognized Citizens Bruce Gagnon, Norman Balabanian, Michael Adler, Charles Willett, Rob Brinkman, Jeff McAdams, Kayla Sausnell, Frederick Peterkin and Sarah Poll, who spoke to the matter.

FRIENDLY AMENDMENT TO MAIN MOTION: Mayor-Commissioner Pro Tem Nielsen inserted the phrases: 1) " inclusive of descent and differing points of view" after the word liberties in the fifth paragraph; and 2) replaced the word "soldiers" with the phrase "service men & women and all innocent people in harms way" in section 3 of the Proclamation.

WAIVER OF RULES: Commissioner Domenech moved and Commissioner Braddy seconded to waive the rules to extend the meeting to 11:30 PM.

(VOTE: 4-1, Commissioner Chestnut - No, MOTION CARRIED)

Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen to propose the following amendment.

*AMENDMENT MOTION: Mayor Bussing moved that the City Commission add a section to the proclamation that says "The City of Gainesville requests that no US forces engage in hostilities in Iraq unless and until a specific vote by the Congress of the United States of America has been taken declaring that a state of war exists between the United States and Iraq".
(NO SECOND, MOTION FAILED)*

RECOMMENDATION *The City Commission hear a presentation from Commissioner Edward Braddy regarding a Proclamation of Support for U.S. Military Personnel.*

A motion was made by Commissioner Domenech, seconded by Mayor-Commissioner Pro Tem Nielsen, that this matter be Approved (Proclamation). The motion carried by the following vote:

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

CITIZEN COMMENT

Sarah Poll

Opposition of Commissioner Braddy's Proclamation

Adam Guillette

Support for Commissioner Braddy's Proclamation

ADJOURNMENT - 11:30 PM

Kurt M. Lannon, Clerk of the Commission