

City of Gainesville

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



Meeting Minutes

Thursday, May 1, 2003

5:00 PM

City Commission Special Meeting

City Hall Auditorium

City Commission

Mayor Tom Bussing (At-Large)

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

Commissioner Chuck Chestnut (District 1)

Commissioner Edward Braddy (District 2)

Commissioner Tony Domenech (District 3)

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

CALL TO ORDER - 5:14 PM

ROLL CALL

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

ADOPTION OF THE AGENDA

Commissioner Chestnut moved and Commissioner Domenech seconded to adopt the agenda with one modification:

(VOTE: 4-0, Commissioner Braddy - Absent, MOTION CARRIED)

MODIFICATION:

File # 020125 & 001117 - Walnut Creek - Letter from Sam Mutch regarding dates of his availability should the City Commission decide to continue the hearing.

RESOLUTIONS

020125 **A Resolution (Formal Quasi-Judicial) approving the conditional final plat of "Walnut Creek" A Planned Development, Phase II", located in the vicinity of the north side of NW 31st Avenue between N.W. 25th Court and N.W. 26th Drive; and providing an immediate effective date. (B)**

NOTE: Commissioner Braddy entered the meeting room.

Attorney for the Petitioner Ron Carpenter gave a presentation.

NOTE: Previously File #'s 020125 and 001117 had been combined. At the May 1, 2003 meeting these items were separated and File # 020125 was stricken from the agenda.

RECOMMENDATION *Staff to City Commission - The City Commission strike Resolution 020125 from the agenda.*

A motion was made by Commissioner Domenech, seconded by Commissioner Chestnut, that this matter be Striken From the Agenda. The motion carried by the following vote:

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

001117 **A Resolution (Formal Quasi-Judicial) approving the final plat of "Walnut Creek, a Planned Development, Phase I", located in the vicinity of the south side of N.W. 39th Avenue between N.W. 25th Court and N. W. 27th Court; authorizing the Mayor and Clerk of the Commission to execute a Tri-Party Agreement for the construction of improvements; and providing an immediate effective date. (B)**

City Attorney Marion Radson and Senior Planner Carolyn Morgan gave presentations.

NOTE: Staff changed the recommendation to "hear the matter and adopt the resolution and execute the tri-party agreement."

NOTE: Paula Stahmer and Attorney Deborah Andrews stated that they were representing Attorney for Glen Springs Preservation Association Sam Mutch and other certain affected parties for this hearing.

Paula Stahmer gave a presentation.

NOTE: City Attorney Marion Radson notified the City Commission of new ownership (petitioner's), in this matter; (Phase I Walnut Creek). The City Attorney also stated that the parties that were previously sworn-in were still under oath.

RECESS: 5:31 PM

RECONVENE: 5:36 PM

STAFF PRESENTATION

City Senior Planner Carolyn Morgan gave a presentation.

Chair Bussing asked if there had been any ex-parte communications.

Mayor Bussing - None

Commissioner Braddy - None

Commissioner Nielsen - None

Commissioner Domenech - None

Commissioner Chestnut - None

FIRST MOTION: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to accept staff exhibits 18-23 and the pleadings information file into the record.

(VOTE: 5-0, MOTION CARRIED)

PETITIONER PRESENTATION

Attorney for the Petitioner Ron Carpenter gave a presentation and asked that petitioner's exhibit's 8-23 be accepted into evidence.

SECOND MOTION: Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded to accept petitioner's exhibits 8-23 into the record.

(VOTE: 5-0, MOTION CARRIED)

Attorney Ron Carpenter called consultant engineer for the petitioner Jerome Kelly to give testimony.

Chair Bussing recognized Paula Stahmer and Attorney Deborah Andrews who accepted the petitioner's stipulation to submit only 1 (one) set of construction plans.

Assistant City Attorney Dana Crosby (staff's attorney) called JEA Engineer Brent Cunningham to give testimony.

Attorney Deborah Andrews cross-examined Brent Cunningham.

GLEN SPRINGS PRESERVATION ASSOCIATION PRESENTATION

Attorney Deborah Andrews gave a presentation and stated that they were not opposed to Phase I of Walnut Creek.

*THIRD MOTION: Commissioner Domenech moved and Commissioner Chestnut seconded to accept affected party exhibits 8-16 into the record.
(VOTE: 5-0, MOTION CARRIED)*

REBUTTAL:

Attorney Ron Carpenter - None

Staff - None

Glen Springs Preservation Association, et al - None

Chair Bussing recognized Paula Stahmer who thanked the City Commission, Mr. Carpenter and Mr. Fletcher.

CLOSED PRESENTATIONS

PUBLIC HEARING

Chair Bussing recognized Citizens Chris Ebersoll and Francine Robinson who spoke to the matter.

CLOSED PUBLIC HEARING

QUESTIONS AND COMMISSION DELIBERATION

*FOURTH MOTION (MAIN MOTION): Commissioner Domenech moved and Commissioner Nielsen seconded to authorize the City Attorney to prepare a final order and bring the resolution approving the final plat back to the next regular City Commission Meeting (May 12, 2003).
(VOTE: 5-0, MOTION CARRIED)*

Chair Bussing recognized JEA Engineer Brent Cunningham and JEA Engineer John Horvath who gave presentations regarding hydraulic conductivity.

Chair Bussing recognized Attorney Ron Carpenter who requested that this item be heard first on the evening agenda of May 12, 2003.

*ADDITIONAL MOTION: Ed Braddy moved and Commissioner Nielsen seconded to hear the resolution at 6:00 PM (Time Certain), after the proclamations.
(VOTE: 5-0, MOTION CARRIED)*

RECOMMENDATION *Staff to City Commission - The City Commission: 1) hear the final plat hearing for Walnut Creek; A Planned Development Phase I, 2) adopt the Resolution; and 3) execute the tri-party*

agreement.

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

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

ADJOURNMENT - 6:32 PM

Kurt M. Lannon, Clerk of the Commission