

# **City of Gainesville**

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



## **Meeting Minutes**

**Wednesday, August 28, 2002**

**7:00 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 - 7:04 PM****ROLL CALL**

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

**ADOPTION OF THE AGENDA**

*Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to adopt the agenda.*

*(VOTE: 5-0, MOTION CARRIED)*

**CITY MANAGER**

**001117      Petition 142SUB-00PB (Phase I), (Formal Quasi-Judicial Hearing). Jerome Kelly, agent for Luther E. Blake, Jr. and Irene Blake Caudle, final plat of Walnut Creek, a Planned Development, Phase I 73-lot, single-family residential subdivision. Located in the 2600 Block of Northwest 39th Avenue. (B)**

*Chair Bussing recognized Attorney for certain affected parties Sam Mutch, Attorney for the Petitioner Ron Carpenter, and Attorney Debra Andrews who spoke regarding affected parties.*

*NOTE: Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen in order to second the following motion.*

*WAIVER OF RULES: Commissioner Chestnut moved and Mayor Bussing seconded to waive the rules to open the Public Hearing to all parties who wanted to speak. (VOTE: 2-3, Commissioners Chestnut and Mayor Bussing - Yes; Commissioners Braddy, Domenech and Nielsen - No, MOTION FAILED)*

*Mayor Bussing re-assumed the gavel.*

*WAIVER OF RULES: Mayor-Commissioner Pro Tem Nielsen moved and Commissioner Chestnut seconded to waive the rules to allow for closing statements, maximum 10 minutes, by each affected party. (VOTE: 5-0, MOTION CARRIED)*

*MOTION: Commissioner Domenech moved and Mayor-Commissioner Pro Tem Nielsen seconded that no more public hearing cards would be accepted. (VOTE: 5-0, MOTION CARRIED)*

*PUBLIC HEARING:*

*Chair Bussing recognized Bob Degner, Janet Degner, Paula Stahmer, Phil Hartley, Mike McElwee, Chris Ott, Debbie Martinez, James Godwin, Robert Hartley, Nancy Wilcox, Steve Hartley and Nina Postlethwaite who spoke to the matter.*

*RECESS: 9:00 PM*

*RECONVENE: 9:10 PM*

*Chair Bussing recognized Brian Wilcox, John Dame, Merrill Wilcox (submitted a video tape of the Development Review Board meeting of February 8, 2001); Herb Platt for Tom O'Brien; and Leonard Furlow who spoke to the matter.*

*Chair Bussing recognized Richard Murphy, Mark Goldstein, Mary Helen Wheeler, Florence Clements and William Reck representing Reverend James Johnson who spoke to the matter.*

*The Public Hearing was closed.*

*Closing Statements:*

*Attorney for the Petitioner, Ron Carpenter gave closing statements.*

*Attorney for City staff, Walter Matthews gave closing statements.*

*Attorney for Ramesh Shah, Deborah Andrews gave closing statements.*

*Affected party Jeff Malpass gave closing statements.*

*Affected party Greg Beckner gave closing statements.*

*Attorney for certain affected parties, Sam Mutch gave closing statements.*

*City Attorney Marion Radson gave the City Commission gave deliberation instructions.*

*RECESS: 10:41 PM*

*RECONVENE: 10:47 PM*

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

*(VOTE: 5-0, MOTION CARRIED)*

*Mayor Bussing passed the gavel to Mayor-Commissioner Pro Tem Nielsen.*

*MOTION: Mayor Bussing moved and Commissioner Domenech seconded that the City Commission accept as a finding of fact that the Jones Edmunds Report which states that the stormwater system would not meet the standards established by the City's code; and also moved that the City Commission deny the petition.*

*NOTE: The previous motion was later divided and re-stated by the City Attorney.*

*WAIVER OF RULES: Commissioner Domenech moved and Mayor Bussing seconded*

to waive the rules to extend the meeting to 12:00 AM.  
(VOTE: 5-0, MOTION CARRIED)

Commissioner Braddy moved and Commissioner Chestnut moved to divide the previous question.  
(VOTE: 4-1, Mayor Bussing - No, MOTION CARRIED)

WAIVER OF RULES: Mayor Bussing moved and Commissioner Domenech seconded to waive the rules to extend the meeting to 12:15 AM.  
(VOTE: 5-0, MOTION CARRIED)

FIRST PART OF THE DIVIDED MOTION: Mayor Bussing moved and Commissioner Domenech seconded that the City Commission finds that the plans as submitted meet all requirements of the City of Gainesville's Codes with the exception of the stormwater management requirements; and based upon the conclusions of the Jones Edmunds report with regard to the Stormwater Management Plan, the plan does not meet City Code.  
(VOTE: 3-2, Commissioner Braddy and Commissioner Chestnut - No, MOTION CARRIED)

SECOND PART OF THE DIVIDED MOTION: Mayor Bussing moved and Commissioner Domenech seconded to deny the two petitions.  
(VOTE: 3-2, Commissioner Braddy and Commissioner Chestnut - No, MOTION CARRIED)

Chair Pro Tem Nielsen recognized Attorney Ron Carpenter who spoke to the matter.

WAIVER OF RULES: Mayor Bussing moved and Commissioner Domenech seconded to waive the rules to extend the meeting until 12:30 AM.  
(VOTE: 5-0, MOTION CARRIED)

Chair Pro Tem Nielsen recognized Attorney's Sam Mutch and Deborah Andrews who spoke to the matter.

Chair Pro Tem Nielsen passed the gavel back to Chair Bussing.

MOTION: Commissioner Domenech moved and Commissioner Chestnut seconded to waive the rules requiring that the final order appear on the next regular City Commission Meeting September 9, 2002; in order for it to appear on the September 23, 2002, Regular City Commission Meeting Agenda.  
(VOTE: 4-1, Mayor Bussing - NO, MOTION CARRIED)

Chair Bussing recognized Attorney's Deborah Andrews and Sam Mutch who spoke to the matter.

WAIVER OF RULES: Commissioner Domenech moved Commissioner Braddy seconded to waive the rules to extend the meeting until 4:00 AM.  
(VOTE: 1-4, Commissioner Domenech - YES; Commissioner's Braddy, Chestnut, Nielsen and Mayor Bussing - No - MOTION FAILED)

*WAIVER OF RULES: Commissioner Braddy moved and Commissioner Domenech seconded to waive the rules to extend the meeting until 12:33 AM.  
(VOTE: 5-0, MOTION CARRIED)*

*MOTION: Commissioner Braddy moved and Commissioner Domenech seconded to approve the City Attorney's recommendation that the final order be prepared and submitted to the other parties within 7 days; and then submitted to the City Attorney's Office within 5 days after that.  
(VOTE: 4-1, Mayor Bussing - No - MOTION CARRIED)*

**RECOMMENDATION** *Staff to the City Commission - City Commission approve with condition: "A Resolution approving the final plat of "Walnut Creek, A Planned Development, Phase I", located in the vicinity of the south side of Northwest 39th Avenue between Northwest 25th Court and Northwest 27th Court; authorizing the Mayor and Clerk of the Commission to execute a Tri-Party Agreement and accepting a Letter of Credit for the construction of improvements; and providing an immediate effective date."*

**A motion was made by Mayor Bussing, seconded by Commissioner Domenech, that this matter be Denied (Petition). The motion carried by the following vote:**

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

**020125**

**Petition 142SUB-00PB (Phase II) (Formal Quasi-Judicial Hearing). Jerome Kelly, agent for Luther E. Blake, Jr. and Irene Blake Caudle, conditional plat of Walnut Creek, a Planned Development, Phase II, a 62-lot, single-family residential subdivision. Located in the 2600 Block of Northwest 39th Avenue. (B)**

**RECOMMENDATION** *Staff to the City Commission - City Commission approve with condition: "A Resolution approving the conditional final plat of "Walnut Creek, A Planned Development, Phase II", located in the vicinity of the north side of Northwest 31st Avenue between Northwest 25th Court and Northwest 26th Drive; and providing an immediate effective date."*

**A motion was made by Mayor Bussing, seconded by Commissioner Domenech, that this matter be Denied (Petition). The motion carried by the following vote:**

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

**ADJOURMENT - 12:33 AM**

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Kurt M. Lannon, Clerk of the Commission