

# **City of Gainesville**

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



## **Meeting Minutes**

**Thursday, February 3, 2011**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Craig Lowe (At Large)  
Mayor-Commissioner Pro Tem Jeanna Mastrodicasa (At Large)  
Commissioner Scherwin Henry (District 1)  
Commissioner Lauren Poe (District 2)  
Commissioner Warren Nielsen (District 3)  
Commissioner Randy Wells (District 4)  
Commissioner Thomas Hawkins (At Large)*

*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 - 1:04 PM

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## ROLL CALL

Present: Warren Nielsen, Craig Lowe, Jeanna Mastrodicasa, Scherwin Henry, Lauren Poe and Thomas Hawkins  
Absent: Randy Wells

## INVOCATION

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## Prophet George Young

[Play Video](#)

## CONSENT AGENDA

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*Commissioner Poe moved and Commissioner Hawkins seconded to adopt the Consent Agenda, as modified.*

*(VOTE: 5-0, Commissioner Nielsen and Commissioner Wells - Absent, MOTION CARRIED).*

### *MODIFICATION:*

*1. File #100647 - City Support for Boys and Girls Club (Rotary Campus) - (Item added after the agenda was released and corrected version of the item was updated on February 3, 2011 @ 11:25 AM).*

## CITY MANAGER, CONSENT AGENDA ITEMS

### **100609.**

#### **Lowe's Charitable and Educational Foundation Community Grant (NB)**

**This item requests that the City Commission authorize an application for the 2011 Lowe's Charitable and Educational Foundation Community Grant.**

#### **RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to submit an application for the LCEF Community Grant; and 2) if awarded accept the award.*

*Alternative Recommendation A: The City Commission not authorize an application for the LCEF Community Grant.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100647.****City Support for Boys and Girls Club (Rotary Campus) (B)**

**This item involves a request to provide financial assistance to the Boys and Girls Club (Rotary Campus).**

**RECOMMENDATION**

*The City Commission: 1) amend the motion of November 18, 2010 to declare \$3,326 unallocated funds in the Community Grant Program as surplus funds and reduce the program budget by this amount for FY11; 2) authorize the City Manager to utilize the \$3,326 surplus funds and expend \$1,674 from the FY11 PRCA budget for a total combined award of \$5,000 to support the Boys and Girls Club Rotary Campus program; and 3) authorize the City Manager or his designee to execute any and all necessary documents, subject to approval as to form and legality by the City Attorney.*

*Alternative Recommendation:*

*The City Commission not approve funding for the Boys and Girls Club Rotary Campus program.*

**This Matter was Approved as Recommended on the Consent Agenda.**

100647-MOD\_11182010 Minutes\_20110203.pdf

**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****CITY ATTORNEY, CONSENT AGENDA ITEMS****CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****100649.****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of January 6, 2011 and January 20, 2011, as circulated.*

**This Matter was Approved as Recommended on the Consent Agenda.**

100649\_jan 06,2011\_20110203.pdf

100649\_jan 20, 2011\_20110203.pdf

**100654.****Joint Meeting at County Commission (NB)****RECOMMENDATION**

*The City Commission schedule joint meetings with Alachua County Commission at 3:00PM on March 31, August 29 and December 5, 2011*

**This Matter was Approved as Recommended on the Consent Agenda.**

**100655.**

**Special City Commission Pension Workshops (NB)**

**RECOMMENDATION**

*The City Commission schedule two workshops on pensions in Room 16 on April 14, 2011 at 4:00PM and April 25, 2011 at 5:00 PM.*

**This Matter was Approved as Recommended on the Consent Agenda.**

**Passed The Consent Agenda**

**A motion was made by Commissioner Poe, seconded by Commissioner Hawkins, including all the preceding items marked as having been adopted on the Consent Agenda. The motion carried by the following vote:**

**Votes:** Aye: Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Scherwin Henry and Thomas Hawkins  
Absent: Randy Wells and Warren Nielsen

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS**

**END OF CONSENT AGENDA**

**ADOPTION OF THE REGULAR AGENDA**

**[Play Video](#)**

*Commissioner Henry moved and Commissioner Poe seconded to adopt the Consent Agenda, as modified.*

*(VOTE: 6-0, Commissioner Wells - Absent, MOTION CARRIED)*

*NOTE: Commissioner Nielsen entered the meeting room at 1:07 PM.*

**MODIFICATIONS:**

*1. File #100671 - (New Item) Commissioner Scherwin Henry - Business Development in the Inner City Core - (Add to the agenda under "Members of the City Commission".)*

2. File #100634 - Board of Adjustment Appeal petition BA-10-07 - (Add Board of Adjustment minutes as back-up to the item).

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

## CITY MANAGER

## GENERAL MANAGER FOR UTILITIES

## CITY ATTORNEY

## CITY AUDITOR

## EQUAL OPPORTUNITY DIRECTOR

## COMMITTEE REPORTS (PULLED FROM CONSENT)

## ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

## OUTSIDE AGENCIES

## MEMBERS OF THE CITY COMMISSION

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### **100671. Commissioner Scherwin Henry - Business Development in the Inner City Core (NB)**

*Commissioner Scherwin Henry gave a presentation.*

*MOTION: Commissioner Henry moved and Commissioner Hawkins seconded to: 1) Create an Ad Hoc City Commission Committee to study economic development in the Eastside and the Central City core; 2) appoint Commissioners Henry, Poe and Hawkins to the Committee; 3) request that CRA, Planning and Economic Development staff attend the Committee meetings; 4) that the Committee sunset on August 3, 2011, unless the Committee decides to extend.*

**RECOMMENDATION**      *The City Commission hear a presentation regarding business development in the inner city core.*

**A motion was made by Commissioner Henry, seconded by Commissioner Hawkins, that this matter be Approved as shown above (See Motion). The motion carried by the following vote:**

**Votes:** Aye: Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Scherwin Henry, Thomas Hawkins and Warren Nielsen  
Absent: Randy Wells

## **COMMISSION COMMENTS (if time available)**

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### **Commissioner Lauren Poe**

- 1. Consequences for outbursts during citizen comment.*
- 2. Lincoln Estates - Victim of advertising scheme with small plastic bags filled with rocks and fake \$50.00 bills - (Issue brought up during Black on Black Crime Task Force meeting).*
- 3. Congratulations to Anthony Lyons for Leader in Innovation Award given by the Chamber of Commerce.*

### **Commissioner Scherwin Henry**

- 1. Predatory business advertising stunts in low income neighborhoods.*
- 2. Letter from US Postmaster regarding US Mail Processing Study in the City of Gainesville.*

### **Mayor Craig Lowe**

- 1. Cabot-Koppers Superfund Site - Record of Decision being reviewed and analyzed now. Mayor may call for special meeting or for placement on next Regular City Commission meeting for discussion.*
- 2. North Main Street and Grove Street Charette to discuss land use and zoning, Tuesday, February 15, 2011 @ St. Patrick's Parrish cafeteria.*

## **RECESS - 2:25 PM**

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## **RECONVENE - 5:42 PM**

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## **PLEDGE OF ALLEGIANCE (5:30pm)**

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**PROCLAMATIONS/SPECIAL RECOGNITIONS**[Play Video](#)**100640. Hazardous Materials Awareness Week - February 13-19, 2011 (B)**[Play Video](#)

**RECOMMENDATION**      *Gainesville Fire Rescue Special Operations Chief Don Sessions to accept the proclamation.*

**Heard**

100640\_HazMat\_20110203.pdf  
100640\_HazMatFinal\_20110203.pdf

**100641. School Crossing Guard Appreciation Day - February 4, 2011 (B)**[Play Video](#)

**RECOMMENDATION**      *Gainesville Police Department Specialty Units Commander Lieutenant Larry Seale and Supervisor of School Crossing Guards Sergeant Chuck Reddick to accept the proclamation.*

**Heard**

100641\_CrossingGuard\_20110203.pdf

**100642. Rosa Parks Day - February 4, 2011 (B)**[Play Video](#)

**RECOMMENDATION**      *Rosa Parks Quiet Courage Committee President and Founder Reverend Milford Lewis Griner to accept the proclamation.*

**Heard**

100642\_RosaParks\_20110203.pdf  
100642\_RosaParksFinal\_20110203.pdf

**CITIZEN COMMENT (6:00pm) - Please sign on sign-up sheet**[Play Video](#)**Gabriel Hillel**

1. *Butterfly issues.*
2. *Local government - charter officer issues.*

**John Davies**

1. *GPD and Sheriff Dept. Merger.*
2. *Taxes.*

**Harold Saive**

1. *911 Issues.*
2. *Chemtrails.*

**Vicki Mena**

*St. Francis House 130 meal limit.*

**Mica**

*St. Francis House 130 meal limit.*

**Summer**

*St. Francis House 130 meal limit.*

**Abby Goldsmith**

*St. Francis House 130 meal limit.*

**James Smith**

*St. Francis House 130 meal limit.*

**Duncan**

*St. Francis House 130 meal limit.*

**Lauren Byers**

*St. Francis House 130 meal limit.*

**Eric Lankfort**

*St. Francis House 130 meal limit.*

**Katie Walters**

*St. Francis House 130 meal limit.*



**Sean Larson**

*St. Francis House 130 meal limit.*

**Karim Kahn**

*St. Francis House 130 meal limit.*

**Jose Montero**

*St. Francis House 130 meal limit.*

**Jose Soto**

*St. Francis House 130 meal limit.*

**Richard Blake**

*St. Francis House 130 meal limit.*

**Joe Richard**

*St. Francis House 130 meal limit.*

**Joe Cenker**

*St. Francis House 130 meal limit.*

**Sheila Payne**

*St. Francis House 130 meal limit.*

**Pat Fitzpatrick**

*St. Francis House 130 meal limit.*

**RESPONSE TO CITIZEN COMMENT**

*The following item was distributed by Mayor Lowe during the response to Citizen Comment - File #100687.*

**100687.****Code of Behavior for Program Participation at St. Francis House (B)****RECOMMENDATION**

*The City Commission review the attached Code of Behavior and place on file.*

**Placed on File**

100687\_St. Francis Code\_20110203.pdf

## PUBLIC HEARINGS

## RESOLUTIONS- ROLL CALL REQUIRED

## ORDINANCES, 1ST READING- ROLL CALL REQUIRED

[Play Video](#)

### 100217. OPEN CONTAINER VIOLATIONS (B)

#### **Ordinance No. 100217**

**An Ordinance of the City of Gainesville, Florida, amending section 4.4 relating to consumption, consumption and sale and possession of alcoholic beverages; providing that the open consumption and/or possession of an open container of any alcoholic beverage on certain designated public places and motor vehicles may be enforced by civil citation; amending section 2-239, adding open consumption and/or possession of an open container of any alcoholic beverage on certain designated public places and motor vehicles to codes that may be enforced by civil citations and designating class of offense and amount of penalty; providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.**

[Play Video](#)

*Assistant City Attorney Thomas Arden gave a presentation.*

**RECOMMENDATION**      *The City Commission adopt the proposed ordinance.*

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

**Votes:** Aye: Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Thomas Hawkins and Warren Nielsen

Nay: Scherwin Henry

Absent: Randy Wells

100217\_OpenContainerFeesPPt\_20101129.pdf

100217\_DraftOrdinance\_20110203.pdf

100217\_DraftOrdinance\_20110217.pdf

100217\_ordinance\_20110217.pdf

### 100588.

### GAINESVILLE TRAFFIC SAFETY ENHANCEMENT ACT AMENDMENT (B)

#### **Ordinance No. 100588**

**An Ordinance of the City of Gainesville, Florida amending Chapter 26, Article II, Division of the Gainesville Code Ordinances, The Gainesville Traffic Safety**

**Enhancement Act to comply with the “Mark Wandall Traffic Safety Act,” as codified in section 316.0083, Florida Statutes; authorizing the City of Gainesville to use Traffic Infraction Detectors to enforce violations of red light traffic control signals; amending Appendix A, Schedule of Fees, Rates and Charges, providing directions to the codifier; providing for severability; providing a repealing clause; and providing an immediate effective date.**

[Play Video](#)

*Assistant City Attorney Thomas Arden gave a presentation.*

*Mayor Lowe recognized P. Machoni who spoke to the matter.*

**RECOMMENDATION**      *The City Commission adopt the proposed ordinance.*

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

**Votes:** Aye: Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Scherwin Henry, Thomas Hawkins and Warren Nielsen  
Absent: Randy Wells

100588\_2-19-09 Minutes\_20101216.pdf

100588\_COG MuniCode\_20101216.pdf

100588\_FS 316.0083\_20101216.pdf

100588\_DraftOrdinance\_20110203.pdf

100588\_ordinance\_20110217.pdf

## **ORDINANCES, 2ND READING- ROLL CALL REQUIRED**

### **PLAN BOARD PETITIONS**

### **DEVELOPMENT REVIEW BOARD PETITIONS**

### **SCHEDULED EVENING AGENDA ITEMS**

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#### **100634.      Petition BA-10-07 APP Appeal (B)**

**This item is an appeal of a recent decision by the Board of Adjustment to the City Commission regarding an administrative decision rendered by Planning staff.**

[Play Video](#)

*INTRODUCTIONS: City Attorney Marion Radson gave introductory comments.*

*STAFF PRESENTATION: Principal Planner Ralph Hilliard gave a presentation.*

*APPELLANT PRESENTATION: Michael Bowe gave a presentation.*

*BOARD OF ADJUSTMENT REPRESENTATIVE (RESPONDENT): Lead Planner Lawrence Calderon gave a presentation.*

*STAFF COMMENTS: Planning and Development Services Director Erik Bredfeldt and Code Enforcement Manager Chris Cooper made comments.*

*CITIZEN COMMENT: Mayor Lowe recognized the following citizens:*

- 1. Angela Houseman*
- 2. Carla Burkle*
- 3. Mark Goldstein*
- 4. Albert Metheny*
- 5. Andrew Hart*
- 6. Rolf E. Hummel, Board of Adjustment Member*
- 7. Lynn Lutz*
- 8. June Bowe*
- 9. Debra Neill-Mareci, Board of Adjustment Member*

*AFFECTED PARTY: Agent for Bruce Wayne Baber, Sondra Randon, Esquire.*

*MOTION (MAIN MOTION): Commissioner Poe moved and Commissioner Henry seconded to reverse the Board of Adjustment decision for Petition BA-10-07 APP Appeal.*

*(VOTE: 5-1-1 Commissioner Hawkins - No, and Commissioner Wells - Absent, MOTION CARRIED)*

*ADDITIONAL MOTION: (REFERRAL): Commissioner Mastrodicasa moved and Commissioner Hawkins seconded to refer the issue of amending the Code to consider possibilities like pet sitting in single family neighborhoods to the Community Development Committee.*

*(VOTE: 6-0, Commissioner Wells, MOTION CARRIED)*

*See following referral item #100686.*

**RECOMMENDATION** *Staff to the City Commission - The City Commission: 1) hear the appeal of Petition BA-10-07 APP; and, 2) make a decision and issue a final order affirming, amending or reversing the Board's decision.*

**A motion was made by Commissioner Poe, seconded by Commissioner Henry, that this matter be Approved as shown above, (Main Motion). The motion carried by the following vote:**

**Votes:** Aye: Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Scherwin Henry and Warren Nielsen  
Nay: Thomas Hawkins  
Absent: Randy Wells

100634\_notice of appeal\_02032011.pdf  
100634A\_final order\_02032011.pdf  
100634B\_staff report\_02032011.pdf  
100634C\_exhibits 1-8\_02032011.pdf  
100634\_appeal\_20110124.pdf  
100634-MOD\_BOA Draft Minutes from 11-2-10\_20110203.pdf  
100634\_appeal\_20110124.pdf  
100634\_Dogsittingappeal\_20110221.pdf

**100686.****Pet Sitting in Single Family Neighborhoods (NB)****RECOMMENDATION**

*The City Commission refer the issue of amending the Gainesville Code of Ordinances to possibly include pet sitting in single family neighborhoods to the Community Development Committee.*

**A motion was made by Mayor-Commissioner Pro Tem Mastrodicasa, seconded by Commissioner Hawkins, that this matter be Referred to the Community Development Committee, due back on August 3, 2011. The motion carried by the following vote:**

**Votes:** Aye: Lauren Poe, Jeanna Mastrodicasa, Craig Lowe, Scherwin Henry, Thomas Hawkins and Warren Nielsen  
Absent: Randy Wells

100686A\_Attorney Presentation\_20110322.pdf  
100686B\_City Comm Minutes 2-3-11\_20110322.pdf  
100686C\_Memo dated 8-30-10\_20110322.pdf  
100686D\_Review of Home Business\_20110322.pdf  
100686E\_City Comm Agenda 11-22-10\_20110322.pdf  
100686F\_Attorney Email dated 9-1-10\_20110322.pdf  
100686G\_BOA Packet 11-02-10\_20110322.pdf

**UNFINISHED BUSINESS****COMMISSION COMMENT**

[Play Video](#)

**Commissioner Scherwin Henry**

*130 Meal Limit at the St. Francis House.*

*Assistant City Manager Fred Murry made comments.*

**Commissioner Lauren Poe**

*130 Meal Limit at the St. Francis House.*

**Commissioner Warren Nielsen**

*130 Meal Limit at the St. Francis House.*

**Mayor Craig Lowe**

*130 Meal Limit at the St. Francis House.*

**CITIZEN COMMENT**

[Play Video](#)

*There were no citizens who wished to speak during this time.*

**ADJOURNMENT - 9:08 PM**

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Kurt M. Lannon, Clerk of the Commission