

City of Gainesville

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



Meeting Minutes

Monday, September 17, 2007

6:00 PM

City Commission Special Meeting

City Hall Auditorium

City Commission

*Mayor Pegeen Hanrahan (At Large)
Mayor-Commissioner Pro Tem Rick Bryant (At Large)
Commissioner Jeanna Mastrodicasa (At Large)
Commissioner Scherwin Henry (District 1)
Commissioner Ed Braddy (District 2)
Commissioner Jack Donovan (District 3)
Commissioner Craig Lowe (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 - 6:09 PM

ADOPTION OF THE AGENDA

Commissioner Lowe moved and Mayor-Commissioner Pro Tem Bryant seconded to adopt the agenda.

(VOTE: 5-0, Commissioners Henry and Braddy - Absent, MOTION CARRIED)

Chair Hanrahan recognized UF Student Jason Lutin, Pat Fitzpatrick and Evelyn Fox who spoke to the adoption of the agenda.

ROLL CALL

Present: Edward Braddy, Pegeen Hanrahan, Rick Bryant, Craig Lowe, Jack Donovan, Jeanna Mastrodicasa and Scherwin Henry

CITY MANAGER

070213. Amend Existing Sam's Club Planned Development - (Quasi-Judicial) (B)

Petition 4PDA-07 PB, CPH, agent for Wal-Mart Stores, Inc. Request to amend an existing Planned Development to allow for a building expansion of an additional 25,857 square feet and a gasoline fueling station at the existing Sam's Club. Located at 2801 Northwest 13th Street. (Quasi-Judicial)

INTRODUCTIONS: City Attorney Marion Radson gave opening comments.

Affected Party Attorney Thomas Hawkins made comments.

NOTE: Commissioner Braddy entered the meeting room at 6:23 PM and Commissioner Henry entered the meeting room at 6:24 PM.

PUBLIC COMMENT TO THE PETITION: Chair Hanrahan recognized the following citizens who spoke to the petition.

- 1. Melanie Barr*
- 2. Evelyn Fox*
- 3. Amy Richard*
- 4. Ron Nichols*
- 5. Joe Richard*
- 6. John Hudson*
- 7. Rob Brinkman*
- 8. Jeanette Hinsdale*
- 9. Rob Lilkendey*

AGENTS FOR THE PETITIONER (REBUTTAL): Bernard Kinney, Quenta Vettel, Peter Such and Ron Carpenter gave presentations.

City Planning Manager Ralph Hilliard gave a presentation.

Attorney for the affected parties Tom Hawkins and Dr. Ruth Steiner gave presentations.

ORIGINAL MOTION (MAIN MOTION): Mayor-Commissioner Pro Tem Bryant moved and Commissioner Henry seconded to: 1) Approve staff's recommendation, as edited; 2) move the location of the gas station which is currently adjacent to the cemetery to the retention pond directly behind the bank; 3) a noise study be completed at the end of the project and must be submitted within three months of completion of the project to ensure that all the neighborhood concerns are dealt with (and that it meets the Noise Ordinance); and 4) limit the number of pumps to (12) twelve.

NOTE: See Part One of the Main Motion listed below, following the amendments.

FIRST AMENDMENT TO THE ORIGINAL MOTION: Commissioner Donovan moved and Commissioner Lowe seconded that City staff shall review pedestrian and bicycle connectivity between the NW 13th Street Activity Center and the Stephen Foster neighborhood across the eastern or southern border of the property as part of the TCEA review. Location and design of pedestrian and bicycle access may be determined at development plan review (New Condition A of Affected Party Conditions, as modified by staff).

(VOTE: 7-0, MOTION CARRIED)

SECOND AMENDMENT TO THE ORIGINAL MOTION: Commissioner Lowe moved and Commissioner Donovan seconded that:

1) the fuel station be at least 125 feet from the cemetery;

(VOTE: 4-3, Commissioners Bryant Henry and Braddy, No - MOTION CARRIED)

2) there be an evaluation of the noise attenuation, if the changes as a result of the expansion are not sufficient, the City can require additional structural or operational modifications, including, but not limited to, restricting hours of loading dock operations;

(VOTE: 4-3, Commissioners Bryant Henry and Braddy, No - MOTION CARRIED)

3) the petitioner develop and implement a plan to ensure that no trash or contaminants enter the creek;

(VOTE: 6-1, Commissioner Braddy, No - MOTION CARRIED)

4) a vegetative barrier to separate the cemetery from the gas station and Sam's Club;

(VOTE: 7-0, MOTION CARRIED)

5) if the noise attenuation program (including but not limited to the wall construction) does not satisfy the requirements of the Noise Ordinance, the property owner shall provide additional sound attenuation as recommended by an independent noise consultant; and the expense associated with the hiring of a independent noise consultant shall be the responsibility of the property owner.

(VOTE: 7-0, MOTION CARRIED)

WAIVER OF RULES: Mayor-Commissioner Pro Tem Bryant moved and Commissioner Lowe seconded to waive the rules to extend the meeting until 11:30 PM.

(VOTE: 7-0, MOTION CARRIED)

DIVIDE THE QUESTION MOTION: Commissioner Braddy requested that the above second amendment to the main motion be divided. There was no objection.

TABLE THE ITEM MOTION - (By consensus)

TAKE OF THE TABLE MOTION - (By consensus)

WAIVER OF RULES: Commissioner Lowe moved and Commissioner Henry seconded to waive the rules to extend the meeting until 12:00 Midnight.

(VOTE: 7-0, MOTION CARRIED)

ITEM ONE OF THE MAIN MOTION:

NOTE: The conditions in the motion listed below are taken from the document entitled "Petition 004PDA: Conditions Modified By City Plan Board" The original numbers were used in listing the conditions. Any condition that was changed or added back, was typed.

- 1) Condition 1 - Leave as is.*
- 2) Condition 2 - (Add back and change) - Construction of a future gasoline fueling station "as shown on the PD layout Plan map in the drainage area adjacent to the existing bank" must go through the Transportation Concurrency Exception Area (TCEA) Special Use Permit (SUP) review process, as well as the Wellfield Protection Special use Permit review process. The applicant shall meet the Concurrency Management Element requirements for an "up to" twelve (12) fueling position gas station, as well as meet standard Special Use Permit requirements as shown on the City of Gainesville Land Development Code.*
- 3) Condition 3 - Delete.*
- 4) Condition 4 - Leave as is.*
- 5) Condition 5 - Leave as is.*
- 6) Condition 6 - Delete.*
- 7) Condition 7 - Leave as is.*
- 8) Condition 8 - Leave as is.*
- 9) Condition 9) (change) - Strike "The minimum wall height shall be 8 foot" and add "The wall shall be 8 feet of which 6 feet shall be masonry".*

10) Condition 10 - Leave as is.

NEW NUMBER CONDITION 10) (changed) - Condition 10 - Along the north and east side of the subject property adjacent to single-family residences, perimeter fencing shall be constructed as shown on the PD layout plan map.

11) Condition 11 - (Add back in) Development associated with a future gas fueling station shall comply with applicable development standards and shall implement safe and efficient vehicular, pedestrian and bicycle circulation.

12) Condition 12 - (Add back in) - If more than six (6) months has elapsed since adoption of this planned development amendment and a gas fueling station has not been applied for through the Transportation Concurrency Exception Area (TCEA) Special Use Permit Process, the applicant for the gas fueling station must provide an updated traffic study at application for the TCEA Special Use Permit process.

13) Condition 13 - Leave as is.

14) Condition 14 - Leave as is.

15) Condition 15 - Leave as is.

16) Condition 16 - Leave as is.

17) Condition 17 - Delete.

18) Condition 18 - Leave as is.

19) Condition 19 - Leave as is.

20) Condition 20 - Leave as is.

21) Condition 21 - Leave as is.

22) Condition 22 - Leave as is.

23) Condition 23 - Leave as is.

RECOMMENDATION

City Plan Board to City Commission - The City Commission approve Petition 4PDA-07 PB with Plan Board modifications that gas stations be prohibited as an allowable use, restrict loading dock operating hours to 6:00 AM to 10:00 PM, construct and improve screening walls, and allow the Plan Board to review the final development plan. Plan Board vote 5-0.

Staff to Plan Board - Approve with conditions that would allow the gasoline fueling station through the development review process.

Alternative Recommendation A: The City Commission deny Petition 4PDA-07 PB.

A motion was made by Mayor-Commissioner Pro Tem Bryant, seconded by Commissioner Henry, that this matter be Approved (Petition) with Staff and Plan Board Conditions, as amended. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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070417. Advertisement for General Manager for Utilities Selection Process (B)

The City Commission review the public advertisement for the General Manager for Utilities Position.

City Manager Russ Blackburn and GRU General Manager for Utilities Karen Johnson gave presentations.

NOTE: The following are amendments to the Advertisement provided to the City Commission by Mycoff, Fry & Prouse, LLC.

AMENDMENTS TO THE RECOMMENDATION:

- 1) Strike the line that reads: "The GM will be expected not only to live within the City limits of Gainesville, but also become an integral part of the community" and replace with: "It is expected that the General Manager will maintain an ongoing appreciation and understanding of the diverse character and needs of our citizens to best serve them".*
- 2) Strike "an MBA is desired" and replace with an "advanced degree is desired".*
- 3) Strike the words "difficult issues" and replace with "challenges".*
- 4) Strike "political savvy" and replace with "political sensitivity".*
- 5) Strike "an ongoing Superfund site"; and replace with "potential impacts to our wellfield from an ongoing Superfund site".*
- 6) Strike "generation exposure" and replace with "power generation experience".*
- 7) Insert missing periods in the text.*

8) After the phrase "reporting directly to a seven member City Commission"; add "including a Mayor elected at large, 2 Commissioners elected at large; and 4 Commissioners elected from single member districts".

9) Add to the phrase "The Commission seeks a GM with strong leadership qualities, political sensitivity"; add "understanding of Utility Financing Structures".

10) Add to General Manager title "/CEO".

WAIVER OF RULES: Commissioner Lowe moved and Commissioner Henry seconded to waive the rules to extend the meeting to 11:45 PM.

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

Chair Hanrahan recognized Rob Brinkman who spoke to the matter.

RECOMMENDATION *The City Commission approve the advertisement and accompanying salary range.*

Alternative Recommendation A:

The City Commission discuss the advertisement and accompanying salary range and take action as appropriate.

A motion was made by Commissioner Lowe, seconded by Commissioner Henry, that this matter be Approved as Amended. The motion carried by the following vote:

Votes: Aye: Jack Donovan, Jeanna Mastrodicasa, Scherwin Henry, Craig Lowe, Edward Braddy, Rick Bryant and Pegeen Hanrahan

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070479. Fire Services Special Assessment (B)

This item is to provide the City Commission with an overview of the pros and cons of a Fire Services Special Assessment and the process to implement one.

RECOMMENDATION *The City Commission: 1) hear a presentation from staff and Government Services Group, and 2) take action as deemed appropriate.*

Alternative Recommendation A:

Continue to fund all of the Fire Rescue budget with ad valorem taxes.

Continued

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ADJOURNMENT - 11:50 PM

Kurt M. Lannon, Clerk of the Commission