

# **City of Gainesville**

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



## **Meeting Minutes**

**Monday, September 26, 2005**

**1:00 PM**

**City Hall Auditorium**

## **City Commission**

*Mayor Pegeen Hanrahan (At Large)  
Mayor-Commissioner Pro Tem Chuck Chestnut (District 1)  
Commissioner Warren Nielsen (At Large)  
Commissioner Rick Bryant (At Large)  
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 Equal Opportunity Department 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

## ROLL CALL

Present: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Pegeen Hanrahan

## INVOCATION

## CONSENT AGENDA

*Commissioner Nielsen moved and Commissioner Donovan seconded to adopt the Consent Agenda with the following modifications:*

*(VOTE: 5-0, Mayor Hanrahan and Commissioner Braddy - Absent, MOTION CARRIED)*

### *MODIFICATIONS:*

*1. File #050410 - Award of Tennis Professional Services for the City of Gainesville - (Additional language added to the recommendation and revised back-up submitted).*

*2. File # 050442 Advisory Board/Committee Appointment of Glenda Currie to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan - (Remove from the Consent Agenda and place on the Regular Agenda for discussion).*

*3. File #050437 - Special Meetings - (Add New Joint Workshop with the City of Newberry October 13, 2005 @ 6:30 PM at the GRU Multi-Purpose Room) & (change date of GRU Deerhaven Retrofit from December 1, 2005 to January 5, 2006 @ 6:00 PM, City Hall Auditorium).*

## CITY MANAGER, CONSENT AGENDA ITEMS

### 040597

#### **Funding for Gainesville Police Department Police Beat Television Show (NB)**

##### RECOMMENDATION

*The City Commission: 1) authorize the City Manager to execute the extension to the contract, subject to the approval of the City Attorney as to form and legality; and 2) approve the expenditure and issuance of a purchase order to Studio 601, Inc., Gainesville, Florida, in the amount of \$44,200 for the continuation of funding of the Police Beat Television show.*

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

**040629****Extension of Florida Concrete Recycling Inc. Demolition Contract (NB)****RECOMMENDATION**

*The City Commission: 1) authorize the City Manager or designee to execute the First Extension to the contract with Florida Concrete Recycling Inc. for Demolition Services, extending the term of the contract from October 1, 2005 to September 30, 2006; and 2) approve issuance of a purchase order in a not to exceed amount of \$45,000, subject to final appropriation of funds for FY2006.*

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

**050046****Change Order Number One for Stream Debris Removal Project at Lenox Place (B)****RECOMMENDATION**

*The City Commission: 1) authorize the City Manager or designee to execute Change Order Number One to the contract for the Stream Debris Removal Project at Lenox Place with Nichols Construction, Inc., subject to approval of the City Attorney as to form and legality; and 2) authorize the modification to increase the purchase order to Nichols Construction, Inc. from \$38,850 to a not to exceed amount of \$53,697.*

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

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**050193****Hogtown Creek NW 8th Avenue Culvert Sediment Removal (B)****RECOMMENDATION**

*The City Commission: 1) authorize the City Manager or designee to execute a modification to the existing contract for the sediment removal from the Hogtown Creek NW 8th Avenue Culvert, subject to approval of the City Attorney as to form and legality; and 2) issue a purchase order modification to Subaqueous Services, Inc., for additional work, increasing the amount of the purchase order from \$89,069 to \$129,069.*

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

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**050198****Amended Funding Amount for the Agreement with Human Services Associates, Inc. (HSA) to Provide Security at the Juvenile Assessment Center (NB)****RECOMMENDATION**

*The City Commission: 1) authorize the City Manager to*

*execute the agreement with Human Services Associates, Inc., subject to the approval of the City Attorney as to form and legality; and 2) authorize the issuance of a purchase order in an amount not to exceed \$90,000 for this agreement.*

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

**050410**

**Award of Tennis Professional Services for the City of Gainesville (B)**

**RECOMMENDATION**      *The City Commission: 1) approve award of the Tennis Professional Services Contract to Mike Oransky; and 2) authorize the City Manager or designee to execute all contract documents with Mike Oransky for Tennis Professional Services, subject to approval by the City Attorney as to form and legality.*

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

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**050411**

**Bid Award for Resurfacing the Airport Industrial Park Driving Range Facility (B)**

**RECOMMENDATION**      *The City Commission: 1) award the bid for resurfacing the driving range facility at the Airport Industrial Park to John C. Hipp Construction Equipment Co., of Alachua, Florida, in the amount of \$202,336.55; 2) authorize the City Manager or designee to execute the contract, subject to approval of the City Attorney as to form and legality; and 3) authorize the issuance of a purchase order to John C. Hipp Construction Equipment Co. in the amount of 202,336.55.*

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

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**050412**

**Bid Award for Repair/Rebuild of Allison Transmissions (B)**

**RECOMMENDATION**      *The City Commission: 1) award the bid to TransDiesel of Ocala for the repair/rebuild of Allison Transmissions for RTS and the Fleet Management Department; and 2) authorize the City Manager or designee to execute the initial one-year contract and any subsequent annual extensions, subject to approval of the City Attorney as to form and legality.*

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

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**050413****Application for Disability Retirement (B)**

**RECOMMENDATION**     *The City Commission approve the submitted application for disability retirement for RTS Transit Operator Bobby Boyd.*

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

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**050414****Contract Extension to Lewis Oil Company of Gainesville for Fuel Management Services (B)**

**RECOMMENDATION**     *The City Commission: 1) approve the extension of the current contract with Lewis Oil Company of Gainesville for a period of one-year; and 2) authorize the City Manager or designee to execute the contract extension.*

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

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**050415****Amending the International City Management Association Retirement Corporation ("RC") Administrative Services Agreements Plans 108827, 109056, and 300646 (B)**

**RECOMMENDATION**     *Authorize the City Manager to execute the amendments.*

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

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**050416****Florida Department of Transportation "Gainesville Police DUI Specialist" Grant Award Notification (B)**

**RECOMMENDATION**     *The City Commission authorize the City Manager to: 1) accept the grant award totaling \$39,276 from the Florida Department of Transportation; 2) appropriate \$13,092 from the General Fund balance for the match; and 3) execute any other necessary documents, pending review by the City Attorney as to form and legality.*

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

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**050417****FEMA Hazard Mitigation Grant Program Application for Gainesville Urban Area LiDAR (NB)**

**RECOMMENDATION**      *The City Commission: 1) authorize the City Manager to apply for HMGP Planning funds; 2) authorize the encumbrance of the required matching funds; and 3) execute the grant agreement, subject to approval of the City Attorney as to form and legality.*

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

**050418**

**Florida Food Service, Inc. - Proposed Option and Purchase and Sales Agreement to Facilitate Expansion (B)**

**RECOMMENDATION**      *The City Commission: 1) approve the attached Option and Purchase and Sales Agreement for the purchase of the proposed 3.51 acres in the Airport Industrial Park; 2) authorize the City Manager to sign the contract which has been approved by the City Attorney as to form and legality; and 3) authorize the Mayor and Clerk of the Commission to execute the closing documents.*

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

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**050419**

**Co-Sponsorship Guidelines for Thomas Center Building "A" (B)**

**RECOMMENDATION**      *The City Commission approve the additional language to the Building Use Regulations and Fees guidelines.*

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

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**050420**

**Proposed Name Change for the Public Recreation Advisory Board (B)**

**RECOMMENDATION**      *The City Commission approve the requested change in the Board's name from the Public Recreation Advisory Board to the Public Recreation and Parks Advisory Board.*

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

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**GENERAL MANAGER FOR UTILITIES, CONSENT AGENDA ITEMS****050427****Approval of Contract Amendment and Issuance of Purchase Orders for Herbicides (NB)****RECOMMENDATION**

*The City Commission authorize the General Manager or his designee to execute an amendment to extend the contract with Helena Chemical Company for herbicides for GRU's Vegetation Management Division for a one-year period and approve the issuance of a purchase order in an amount not to exceed \$50,000.00, subject to the final appropriation of funds for FY 2006.*

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

**050428****Approval of a Contract Amendment and Issuance of Purchase Orders for Limerock (NB)****RECOMMENDATION**

*The City Commission authorize the General Manager or his designee to execute an amendment to extend the contract with Limerock Industries, Inc. for limerock for a one-year period and approve the issuance of purchase orders for FY 2006, not exceeding budgeted amounts and subject to the final appropriation of funds for FY 2006.*

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

**CITY ATTORNEY, CONSENT AGENDA ITEMS****CLERK OF THE COMMISSION, CONSENT AGENDA ITEMS****050408****City Commission Minutes (B)****RECOMMENDATION**

*The City Commission approve the minutes of September 12, 2005, as circulated.*

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

**050429****Resignation of Advisory Board/Committee Member Joel Houston (B)****RECOMMENDATION**

*The City Commission accept the resignation of Joel Houston*

*from the Public Recreation Board effective immediately.*

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

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**050430**

**Resignation of Advisory Board/Committee Member Joanne J. Orrick (B)**

**RECOMMENDATION**     *The City Commission accept the resignation of Joanne J. Orrick from the Public Recreation Board effective September 13, 2005.*

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

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**050431**

**Resignation of Advisory Board/Committee Member Rachael Gibas (B)**

**RECOMMENDATION**     *The City Commission accept the resignation of Rachael Gibas from the Gainesville/Alachua County Cultural Affairs Board effective immediately.*

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

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**050437**

**Special Meetings (NB)**

**RECOMMENDATION**     *The City Commission schedule special meetings as follows:*  
*\*Long-Term Energy Supply Plan RFP - October 3 @ 6:00 pm - City Hall Auditorium*  
*\*Joint City of Gainesville/City of Newberry Workshop - October 13, 2005 - GRU Multipurpose Room*  
*\*City Commission Retreat - December 2 @ 9:00 am - Ironwood Golf Course*  
*\*GRU Deerhaven Retrofit - January 5, 2006 @ 6:00 pm - City Hall Auditorium*

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

**050438**

**Advisory Board/Committee Appointment of Robert Dilts to the Pension Review Committee. (NB)**

**RECOMMENDATION**     *The City Commission appoint Robert Dilts to the Pension Review Committee for a term to expire July 2010.*  
*Commissioner Braddy: Dilts*  
*Commissioner Bryant: Dilts*



*Commissioner Chestnut: Re-Advertise*

*Commissioner Donovan: Dilts*

*Commissioner Lowe: Dilts*

*Commissioner Nielsen:*

*Mayor Hanrahan: Dilts*

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

**050439**

**Advisory Board/Committee Appointment of John A. Dickinson to the Tree Advisory Board (NB)**

**RECOMMENDATION**

*The City Commission appoint John A. Dickinson to the Tree Advisory Board for a term to expire January 2, 2007.*

*Commissioner Braddy: Re-Advertise*

*Commissioner Bryant: Dickinson*

*Commissioner Chestnut: Re-Advertise*

*Commissioner Donovan: Dickinson*

*Commissioner Lowe: Dickinson*

*Commissioner Nielsen:*

*Mayor Hanrahan: Dickinson*

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

**EQUAL OPPORTUNITY DIRECTOR, CONSENT AGENDA ITEMS**

**COMMITTEE REPORTS, CONSENT AGENDA ITEMS**

**PUBLIC SAFETY COMMITTEE, CONSENT**

**050322**

**Alachua County School Board Safety Reflectors Program from State LECFTF (NB)**

**RECOMMENDATION**

*The City Commission approve the appropriation and expenditure of \$5,000.00 from the State Law Enforcement Contraband Forfeiture Trust Fund to the School Board of Alachua County for the development and issuance of the backpack safety reflectors.*

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

**REGIONAL UTILITIES COMMITTEE, CONSENT**

**040240****Referral Item #040240 - Fire Hydrant Fees (NB)**

*NOTE: The first part of this item was removed from the RUC Referral list and the remaining issues were re-referred to the RUC with the new number of #050457.*

**RECOMMENDATION**

*The City Commission: a) Remove Item #040240 - Fire Hydrant Fees from the Regional Utilities Committee (RUC) referral list; b) Refer the issue of streetlights and electric rates to the Regional Utilities Committee for continued discussion, and; c) Recommend that the Regional Utilities Committee (RUC) consider additional information on the practices of billing for public streetlighting.*

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

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**050457****Streetlights and Electric Rates (NB)**

*Related to closed Referral item #040240.*

**RECOMMENDATION**

*The City Commission: 1) Refer the issue of streetlights and electric rates to the Regional Utilities Committee for continued discussion; and 2) the Regional Utilities Committee consider additional information on the practices of billing for public streetlighting.*

**This Matter was Approved as Recommended and Referred to the Regional Utilities Committee, due back on March 26, 2006 on the Consent Agenda.**

**050168****Rain Sensor Analysis, RUC Referral #050168 (B)****RECOMMENDATION**

*The City Commission remove item #050168 from the Regional Utilities Committee referral list.*

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

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## COMMUNITY REDEVELOPMENT AGENCY, CONSENT ITEMS

### 041161

#### **Acquisition and Stabilization of Two Houses Owned by Santa Fe Community College (NB)**

**RECOMMENDATION**     *The City Commission authorize the City Manager to negotiate and enter into an agreement with the CRA to transfer the title of parcel 14479 to the CRA.*

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

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### 040992

#### **Ranking for City Parking Lot # 10 Proposals (NB)**

**RECOMMENDATION**     *The City Commission authorize the City Manager to negotiate with the top ranked proposer use of the parking garage by the project concurrently with the Development Agreement negotiations.*

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

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## **Passed The Consent Agenda**

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

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Pegeen Hanrahan

## **END OF CONSENT AGENDA**

## ADOPTION OF THE REGULAR AGENDA

*NOTE: Commissioner Braddy entered the meeting room at 1:06 PM.*

*Commissioner Nielsen moved and Commissioner Donovan seconded to adopt the Regular Agenda with the following modifications.*

*(VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)*

- 1. File #050426 - City Commission Referral Status Report - (Additional back-up submitted requesting removal of PWC referrals).*
- 2. File #050446 - (New Resolution) - National Incident Management System (NIMS) for Citywide Use - (Add to the agenda).*
- 3. File #050448 - New Item - Open-Container Issue - (The City Commission to hear a report from the City Manager).*

## CHARTER OFFICER UPDATES

## CLERK OF THE COMMISSION

### 050426

#### **City Commission Referral Status Report (B)**

*MOTION: 1) Refer the outstanding referrals back to staff for an update and consultation with the committee chairs and committee members as deemed appropriate; and 2) remove the items as indicated by staff from the referral list.  
(VOTE: 6-0, Mayor Hanrahan - Absent, MOTION CARRIED)*

**RECOMMENDATION**      *The City Commission review the attached Referral Status Report and take appropriate action.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Braddy, that this matter be Approved as shown above and Referred to the City Manager, due back on March 26, 2006. The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Pegeen Hanrahan

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## CITY MANAGER

**050421****Findings of the Countywide Visioning and Planning Committee (B)**

*City Strategic Planner Karen Snyder and OMB Director Becky Rountree gave presentations.*

*MOTION: 1) Accept the findings of the Countywide Visioning and Planning Process; 2) refer the action items to staff/City Manager for implementation and negotiation with Alachua County and the other political entities and bring back to the City Commission; and 3) designate Commissioner Lowe as the City's representative at the September 29, 2005 Countywide Visioning and Planning Committee meeting.*

**RECOMMENDATION**      *The City Commission: 1) accept the findings of the Countywide Visioning and Planning Process; 2) designate a representative for the City to attend the September 29, 2005 meeting; and 3) discuss the Committee's recommended Action Strategies and take action, if appropriate.*

**A motion was made by Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Approved as shown above and Referred to the City Manager, due back on March 26, 2006. The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Pegeen Hanrahan

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**050422****Excess Workers Compensation Insurance Program Renewal (B)**

*Risk Management Director Steve Varvel gave a presentation.*

**RECOMMENDATION**      *The City Commission: 1) approve the selection of the Preferred Governmental Insurance Trust as the provider of workers compensation excess coverage; 2) authorize the payment of the requisite premium of \$797,320; and 3) authorize the City Manager or designee to execute the Participation Agreement, and any other documents necessary to obtain the workers compensation excess coverage provided by the referred Governmental Insurance Trust, subject to approval by the City Attorney as to form and legality.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Approved as Recommended. The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant and Jack Donovan

Absent: Pegeen Hanrahan and Craig Lowe

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**050448 Open Container Issue (NB)**

*Gainesville Police Chief Norm Botsford gave a presentation.*

*Chair Pro Tem Chestnut recognized Fraternal Order of Police President Jeff McAdams and Citizen Mary Anderson who spoke to the matter.*

**RECOMMENDATION**      *The City Commission hear a report from the City Manager regarding open container violations.*

**Heard**

**GENERAL MANAGER FOR UTILITIES**

**CITY ATTORNEY**

**CITY AUDITOR**

**EQUAL OPPORTUNITY DIRECTOR**

**COMMITTEE REPORTS (PULLED FROM CONSENT)**

**PUBLIC SAFETY COMMITTEE**

**050115 Laws Related to Sexual Offenders/Predators (B)**

*Gainesville Police Chief Norm Botsford and Police Captain Lynne A. Benck gave presentations.*

*Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.*

**RECOMMENDATION**      *The City Commission 1) accept the Public Safety Committee's report, 2) hear a presentation from staff on the proposed Sexual Offender and Sexual Predator ordinance, 3) authorize the City Attorney to draft and the Clerk of the Commission to advertise an ordinance in substantially the same form as included in the back up, and 4) remove this item from the*

*Public Safety Committee's pending referral list.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Bryant, that this matter be Approved as Recommended. The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Pegeen Hanrahan

Sexual OffenderBuffer Map1500 2000 2500 Schools no Parks.pdf

Sexual OffenderBufferMap 1500 2000 2500 Schools wParks.pdf

Sexual Offenders and Sexual Predators Ord Ver2.doc

Sex Offender Ordinance Highlights (2).doc

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## 050228

### **Security Cameras in Public Places (B)**

*Gainesville Police Chief Norm Botsford gave a presentation.*

#### **RECOMMENDATION**

*The City Commission accept the Public Safety Committee's recommendation, authorize the City Attorney to draft and the Clerk of the Commission to advertise the rescission of ordinance Section 21-10, and remove this item from the committee's pending referral list.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Donovan, that this matter be Approved as Recommended. The motion carried by the following vote:**

**Votes:** Aye: Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Pegeen Hanrahan and Warren Nielsen

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Camera Use Bullet Points CAO.doc

Camera Use Highlights GPD.doc

Cameras in Public Places Section 21-10 Ordinance.doc

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## **RECREATIONAL & CULTURAL AFFAIRS COMMITTEE**

## 041098

### **City Co-Sponsorship and Expense Allocation for Public Events (B)**

*City Grants Program Specialist Margery Maines gave a presentation.*

#### **RECOMMENDATION**

*The Commission hear a presentation from staff.*

**Heard**

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## ADVISORY BOARDS/COMMITTEES (APPOINTMENTS/REPORTS)

### 050442

#### **Advisory Board/Committee Appointment of Glenda Currie to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan (NB)**

*Chair Pro Tem Chestnut recognized Fraternal Order of Police (FOP) President Jeff McAdams, International Association of Firefighters (IAFF) President Jeff Lane, Interim Administrative Services Director Mark Benton and Human Resources Director Tom Motes who spoke to the matter.*

*MOTION: 1) Re-advertise the position for the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan; and 2) encourage Mrs. Currie to serve whenever called upon as a consultant and an expert on these pension issues if she is willing.*

#### **RECOMMENDATION**

*The City Commission appoint Glenda Currie to the Board of Trustees of the Consolidated Police Officers' and Firefighters' Retirement Plan for a term to expire September 26, 2007.*  
*Commissioner Braddy: Re-Advertise*  
*Commissioner Bryant: Currie*  
*Commissioner Chestnut: Currie*  
*Commissioner Donovan: Currie*  
*Commissioner Lowe: Currie*  
*Commissioner Nielsen:*  
*Mayor Hanrahan: Currie*

**A motion was made by Commissioner Donovan, seconded by Commissioner Braddy, that this matter be Approved, as shown above. The motion carried by the following vote:**

**Votes:** Aye: Chuck Chestnut, Edward Braddy, Rick Bryant and Jack Donovan  
Nay: Warren Nielsen and Craig Lowe  
Absent: Pegeen Hanrahan

## OUTSIDE AGENCIES

## MEMBERS OF THE CITY COMMISSION

### **Commissioner Jack Donovan**

*Questions regarding the GRU Request for Proposal for Gainesville's Future Energy*



*Needs.*

**COMMISSION COMMENTS (if time available)**

**RECESS - 5:14 PM**

**RECONVENE - 5:40 PM**

**CITIZEN COMMENT**

**Nora Gibbons**

*Heart of Florida Airshow - Lack of water complaint*

**Tom Cunilio**

*Biomass Issues*

**Walter Willard**

*Various Issues*

**Rob Brinkman**

- 1. Heart of Florida Airshow - Water Concerns*
- 2. Save Our Parks Initiative*

**Annette Kennedy**

*Buck Bay Code Enforcement Issues*

**COMMISSION COMMENTS (if time available)**

**PLEDGE OF ALLEGIANCE (6:00pm)**

**Gainesville Job Corps Center**

**PROCLAMATIONS/SPECIAL RECOGNITIONS**

**050423**

**Florida Recreation and Parks Association 2005 Excellence in Youth Sports Award (B)**

**RECOMMENDATION**      *The City Commission recognize the accomplishments of the Recreation and Parks Athletics Staff in winning this important award.*

**Discussed**

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**050432**

**Race Equality Week - September 26-30, 2005 (B)**

**RECOMMENDATION**      *City of Gaineville Equal Opportunity Director Jimmie Williams to accept the proclamation.*

**Heard**

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**050436**

**Distribution Education Clubs of America "Delta Epsilon Chi" Week - October 9-16, 2005 (B)**

**RECOMMENDATION**      *Buchholz High School National Student Marketing Association Officers Danielle Good, John Wilson, Victoria Lauramoore, and Alicia Corona to accept the proclamation.*

**Heard**

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**050443**

**Gay and Lesbian Pride Days - October 7-16, 2005 (B)**

*This item was postponed to the next Regular City Commission meeting (October 10, 2005).*

**RECOMMENDATION**      *Pride Celebration of Gainesville Co-Presidents Jeannie Keene and Timothy Stokes to accept the proclamation.*

**Postponed**

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**PUBLIC HEARINGS**

**NOTE: THESE RESOLUTIONS TO BE HEARD AS CLOSE TO 6:00 PM AS POSSIBLE.**

**050433**

**FINAL MILLAGE RATE RESOLUTION (B)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO THE LEVY OF GENERAL MUNICIPAL PURPOSE AD VALOREM TAXES FOR THE 2005-2006 FISCAL YEAR; ADOPTING THE FINAL MILLAGE RATE; DIRECTING THE TRANSMITTAL OF CERTIFIED COPIES; AUTHORIZING A SPECIFIED ADJUSTMENT TO THE FINAL MILLAGE RATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*City Office of Management and Budget (OMB) Director Becky Rountree and Interim Administrative Services Director Mark Benton gave presentations.*

*FIRST MOTION: Commissioner Bryant moved to reduce the millage rate to 4.9.  
(NO SECOND - MOTION FAILED)*

*SECOND MOTION: Commissioner Lowe moved and Commissioner Nielsen seconded to adopt Resolution #050433 (4.9416 millage rate) as recommended.  
(VOTE: 3-3, Commissioner's Lowe, Nielsen and Mayor Pro Tem Chestnut - Yes; and Commissioners Bryant, Braddy and Donovan - No; MOTION FAILED)*

*THIRD MOTION: Commissioner Bryant moved Commissioner Braddy seconded to:  
1) Reduce the millage rate to 4.92; and 2) direct the City Manager to find other reductions in the budget to make up the \$75,000 difference.*

*AMENDMENT TO THIRD MOTION: Commissioner Bryant moved and Commissioner Braddy seconded to amend the previous motion to reduce the millage rate to 4.9355 (\$25,000 difference), deleting the Annexation Marketing Program from the budget.  
(VOTE: 5-1, Mayor Pro Tem Chestnut - No, MOTION CARRIED)*

*Chair Pro Tem Chestnut recognized Walter Willard and Mark Goldstein who spoke to the matter.*

*FOURTH MOTION (MAIN MOTION): Commissioner Braddy moved and Commissioner Donovan seconded to adopt the resolution with new millage rate of 4.9355.  
(VOTE: 5-1, Mayor Pro Tem Chestnut, No, MOTION CARRIED)*

*NOTE: City Attorney called for a "point of order" regarding a change of language in the resolution on page 2 line 11, as a result of the new millage rate.*

*RECONSIDERATION MOTION: Commissioner Lowe moved and Commissioner Bryant seconded to reconsider the vote on the previous motion (MAIN MOTION).  
(VOTE: 6-0, MOTION CARRIED)*

*RECESS - 7:11 PM*

*RECONVENE - 7:19 PM*

*MODIFICATION TO MAIN MOTION: Commissioner Braddy moved and Commissioner Donovan seconded to adopt the resolution with new millage rate of 4.9355; and with modifications on Page 2, Section 2, line 11, changing .4539 mill to*

.4478 and 10.11% to 9.98% increase in property taxes.

(VOTE: 5-1, Mayor Pro Tem Chestnut, No, MOTION CARRIED)

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

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

**Votes:** Aye: Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

Nay: Chuck Chestnut

Absent: Pegeen Hanrahan

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#### **050434**

#### **GENERAL GOVERNMENT BUDGET (B)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA; RELATING TO ITS GENERAL GOVERNMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005 AND ENDING SEPTEMBER 30, 2006; ADOPTING THE GENERAL OPERATING AND FINANCIAL PLAN BUDGET; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*OMB Director Becky Rountree gave a presentation.*

*MODIFICATIONS: 1) Exhibit A - decrease the amount of total sources in the budget by \$25,175 for a total of \$85,940,405; and 2) page 1 Line 22 insert the date adopted (September 26, 2005 and Resolution #050433).*

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

**A motion was made by Commissioner Donovan, seconded by Commissioner Bryant, that this matter be Adopted (Resolution) as modified. The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

Nay: Chuck Chestnut

Absent: Pegeen Hanrahan

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#### **050435**

#### **GAINESVILLE REGIONAL UTILITIES BUDGET (B)**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF GAINESVILLE, FLORIDA, RELATING TO THE BUDGET FOR THE CITY OF GAINESVILLE REGIONAL UTILITIES FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2005, AND ENDING SEPTEMBER 30, 2006; PROJECTING REVENUES AND ADOPTING A BUDGET TO PAY FOR PERSONAL SERVICES EXPENSES, OPERATING AND MAINTENANCE EXPENSES AND OTHER EXPENSES, FOR CAPITAL OUTLAY, AND FOR**

**DEBT SERVICE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

*Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.*

**RECOMMENDATION**      *The City Commission adopt the proposed resolution*

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

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Pegeen Hanrahan

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**ORDINANCES, 1ST READING- ROLL CALL REQUIRED****ORDINANCES, 2ND READING- ROLL CALL REQUIRED****050374****APPENDIX A - UTILITIES - WATER RATES (B)****Ordinance No. 0-05-84**

**An Ordinance amending Appendix A, Section UTILITIES (3) Water, Gainesville Code of Ordinances; By Increasing Water Base Rates, Customer Charges and Water Connection Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.**

*Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.*

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

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

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Pegeen Hanrahan

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**050326****APPENDIX A - UTILITIES - WASTEWATER RATES (B)****Ordinance No. 0-05-85**

**An Ordinance amending Appendix A, Section UTILITIES (4) Sewerage, Gainesville Code of Ordinances; By Increasing Wastewater Base Rates,**

**Customer Charges and Wastewater Connection Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.**

*Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.*

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

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

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Pegeen Hanrahan and Edward Braddy

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### **050327**

#### **APPENDIX A - UTILITIES - ELECTRIC RATES (B)**

##### **Ordinance No. 0-05-86**

**An Ordinance amending Appendix A, Section UTILITIES (1) Electricity, Gainesville Code of Ordinances; By Increasing Electric Base Rates and Customer Charges; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.**

*Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.*

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

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

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Rick Bryant, Craig Lowe and Jack Donovan

Nay: Edward Braddy

Absent: Pegeen Hanrahan

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### **050328**

#### **CHAPTER 27 - UTILITIES - NATURAL GAS SURCHARGE (B)**

##### **Ordinance No. 0-05-87**

**An Ordinance Creating Section 27-272.1 of Chapter 27, UTILITIES Article VI. Natural Gas, Gainesville Code Of Ordinances; By Establishing A Surcharge to Base Rates to Customers Outside the Corporate Limits of the City of Gainesville Equal To The Amount Of The City Utility Tax Charged to Consumers Inside The City Limits; Providing for a Repealing Clause; Providing for a Severability Clause; and, Providing an Effective Date in Accordance with the Schedule Provided Herein.**

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

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

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Craig Lowe and Jack Donovan

Nay: Rick Bryant

Absent: Pegeen Hanrahan

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**050120**

**APPENDIX A OF THE CODE OF ORDINANCES - INCREASE OF FEES (B)**

**Ordinance No. 0-05-88**

**An ordinance of the City of Gainesville, Florida, amending the City of Gainesville Land Code of Ordinances, relating to fees; removing fees to Appendix A from section 6-187, certificates for journeymen; section 14.5-63, application for license; application fee, consent by applicant (adult performance and escort services); section 14.5-67, annual license fee for adult performance; section 14.5-69, name change for an adult performance or escort service business; section 14.5-93, application fee and application for escort license fee; section 14.5-96, annual license fee; section 23-105, registration required for communications facilities or other wire line occupants of public rights-of-way; section 27-80, franchise fees; and section 28-5, duration of franchise, annual reports, fees; amending Appendix A to include fees stated in the above-referenced sections of Code and to increase fees in Appendix A by approximately 5% (rounded to the next quarter) except fees related to the category of utilities, home occupational permit, and fire rescue and the subcategories of special building inspection and trespass towing fees; amending section 23-105, repealing obsolete sections of Code relating to fees; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an effective date.**

*Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.*

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

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

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Craig Lowe and Jack Donovan

Nay: Edward Braddy and Rick Bryant

Absent: Pegeen Hanrahan

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**050314****NON-AD VALOREM ASSESSMENT FOR SOLID WASTE MANAGEMENT  
(B)****Ordinance No. 0-05-83**

**An ordinance of the City of Gainesville, Florida, providing consent for the entire corporate limits of the City of Gainesville, Florida to be included in a non-ad valorem assessment for a municipal service benefit unit created by Alachua County for the provision of solid waste management costs; providing conditions for the consent; providing that the consent is for a one year period; and providing an effective date.**

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

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

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Pegeen Hanrahan

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**050075****STREET VACATION - PORTION OF S.E. 12TH STREET (B)****Ordinance No. 0-05-80, Petition No. 168SVA-04PB**

**An ordinance of the City of Gainesville, Florida, to vacate, abandon and close a certain portion of the right-of-way located in the vicinity of Southeast 12th Street between Southeast 2nd Avenue and Southeast 4th Avenue, as more specifically described in this ordinance; reserving a public utilities easement; 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 Commissioner Nielsen, seconded by Commissioner Lowe, that this matter be Adopted on Final Reading (Ordinance). The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Pegeen Hanrahan



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**050297****URBAN SERVICES REPORT - BEVILLE-KING PARCELS (B)****Ordinance No. 0-05-82**

**An Ordinance of the City of Gainesville, Florida; adopting an Urban Services Report which sets forth the plans to provide urban services to an area comprised of Tax Parcels 06706-001-000 through 06706-018-000, 06706-031-000 through 06706-034-000, 06714-000-000, and a portion of 06715-000-000, located generally south of the city limits, west of SW 34th Street and the city limits, north of the vicinity of SW 20th Avenue and east of Tax Parcel 06724-000-000; the area is proposed for annexation by the City of Gainesville pursuant to Chapter 90-496, Special Acts, Laws of Florida, as amended, known as the Alachua County Boundary Adjustment Act; providing directions to the City Manager, the City Attorney and the Clerk of the Commission; providing a repealing clause; providing a severability clause; and providing an immediate effective date.**

*Chair Pro Tem Chestnut recognized Walter Willard who spoke to the matter.*

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

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

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Pegeen Hanrahan

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**RESOLUTIONS- ROLL CALL REQUIRED****031309**

**(Quasi-Judicial) Final Plat approval of Forest Creek Cluster Subdivision, for 28 lots on 11.26 acres more or less, having a density of 2.4 dwelling units per acre. Located at 3309 and 3425 Northwest 17th Street. Zoned: RSF-1 (single family residential, 3.5 du/acre). Petition 139SUB-03DB (B)**

*City Planner Bedez Massey, Agent for the Developer Ralph Eng and Developer Richard Schackow gave presentations.*

*Chair Pro Tem Chestnut recognized Citizens Scot Davis, Tim Strauser, Ewen Thomson and Nancy Lasseter who spoke to the matter.*

*Community Development Director Tom Saunders made comments.*

*AMENDMENT: Adoption of resolution conditioned on thorough construction review by the City Arborist.*

**RECOMMENDATION**      *The City Commission approve the following resolution: A Resolution approving the final plat of "Forest Creek Cluster Subdivision," located in the vicinity of the 3300 and 3400 Blocks of Northwest 17th Street, authorizing the City Manager or designee to execute a four-party agreement to secure the construction of improvements, providing directions to the Clerk of the Commission, and providing an effective date upon adoption by the City Commission.*

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

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant and Jack Donovan  
Nay: Craig Lowe  
Absent: Pegeen Hanrahan

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## **050424**

### **Tri-State Hazardous Materials Response Mutual Aid Resolution and Agreement (B)**

*Interim City Fire Chief Bill Northcutt gave a presentation.*

**RECOMMENDATION**      *The City Commission: 1) the Mayor and Clerk of the Commission to sign the Resolution that allows the City Manager to sign the Tri-State Hazardous Materials Response and Mutual Aid Agreement; and 2) authorize the City Manager to execute the agreement. Both the resolution and agreement will be subject to approval by the City Attorney as to form and legality.*

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

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy and Rick Bryant  
Absent: Pegeen Hanrahan, Craig Lowe and Jack Donovan

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050425**Resolution Increasing Rates for Spaces and Services for Evergreen Cemetery (B)**

RECOMMENDATION      *The City Commission adopt the proposed resolution.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant and Craig Lowe  
Absent: Pegeen Hanrahan and Jack Donovan

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050441**ADOPTION OF SISTER CITY (B)**

**RESOLUTION OF THE CITY OF GAINESVILLE, FLORIDA, ADOPTING THE CITY OF \_\_\_\_\_, MISSISSIPPI, AS A SISTER CITY UNDER THE LOCAL GOVERNMENT DISASTER RELIEF ASSISTANCE PROGRAM; MAKING FINDINGS; AUTHORIZING THE PROPER CITY OFFICIALS TO IMPLEMENT THE PROGRAM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.**

RECOMMENDATION      *The City Commission adopt the proposed resolution.*

**Postponed**

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050446**Resolution Adopting the National Incident Management System (NIMS) for Citywide Use (B)****Background**

The Federal Emergency Management Agency's NIMS Integration Center acknowledges that "The initial response to most domestic incidents is typically handled by local "911" dispatch centers, emergency responders within a single jurisdiction, and direct supporters of emergency responders. Most responses need go no further. In other instances, incidents that begin with a single response discipline within a single jurisdiction may rapidly expand to multidiscipline, multijurisdictional incidents requiring significant additional resources and operational support. Whether for incidents in which additional resources are required or are provided from different organizations within a single jurisdiction or outside the jurisdiction, or for complex incidents with national-level implications (such as an emerging infectious disease or a bioterror attack), the ICS provides a flexible core mechanism for coordinated and collaborative incident management. When a single incident covers a large geographical area, multiple local ICS organizations may be required. Effective cross-jurisdictional coordination using processes and systems described in the NIMS is absolutely critical in this instance."

For this reason the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer NIMS to provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prepare for, prevent, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

Effective with FY 06, federal preparedness funding grants require that a local government have adopted NIMS.

*Interim City Fire Chief Bill Northcutt gave a presentation.*

**RECOMMENDATION**      *The City Commission adopt the Resolution.*

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

Votes: Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Pegeen Hanrahan

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## PLAN BOARD PETITIONS

### 050158

**Amend Sec. 30-159 amending the criteria for level of review and creating a level of review for minor plans that will be subject to the consent agenda process of the development review board; amending Sec. 30-350 to restructure the neighborhood meeting requirements, eliminate the requirement for an advertisement in a newspaper of general circulation and add an architectural/design consultant procedure for development located in community redevelopment districts and Special Area Plan districts; amending Sec. 30-351(d) notice of development plan review to provide notice for certain minor plans; amending Sec. 30-23 providing a definition for developed industrial area; and, amending Sec. 30-352(b) to revise the background and expertise requirements of the persons who may serve as development review board members. Petition 107TCH-05PB (B)**

*City Community Development Director Tom Saunders gave a presentation.*

*Chair Pro Tem Chestnut recognized Citizens Mark Goldstein, Joe Schmidt and Stuart Cullen who spoke to the matter.*

**RECOMMENDATION**      *City Plan Board to City Commission -The City Commission approve Petition 107TCH-05 PB, recommending that the language in Section 30-350(b)(2) regarding neighborhood workshops remain as currently written, and adding language for neighborhood workshops in community redevelopment districts and special area plans. Plan Board vote 4-1.*

*Staff to Plan Board -This petition implements the recommendations of the Economic Development/University Community Committee (EDUCC) to the City Commission and the subsequent direction of the City Commission and recommends a rule change to the Development Review Board to create a consent agenda procedure.*

**A motion was made by Commissioner Lowe, seconded by Commissioner Braddy, that this matter be Continued (Petition) for November 14, 2005. The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Pegeen Hanrahan

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### 050159

**Amend Sec. 30-338 and Sec. 30-188 to eliminate requirements to provide sidewalks on lands designated Industrial on the City's Future Land Use Map or zoned I-1 (limited industrial) district or I-2 (general industrial) district as a requirement for development plan approval and for subdivision improvements. Petition 108TCH-05PB. (B)**

*City Planning Manager Ralph Hilliard gave a presentation.*

#### RECOMMENDATION

*City Plan Board to City Commission -The City Commission approve the petition and request that staff provide language that would eliminate the requirement for sidewalks in industrial districts except on arterials and major collector roads. Plan Board vote 5-0.*

*Staff to Plan Board -The City eliminate the requirement for sidewalks in industrial areas.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Donovan, that this matter be Approved (Petition). The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Pegeen Hanrahan

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### 050255

**Amend the Cluster Subdivision section of the City of Gainesville Land Development Code to establish criteria for classifying cluster subdivisions as either environmental or infill, establishing minimum lot sizes, clarifying the**

**cluster open space requirement and modifying the criteria for the review of cluster subdivisions. Petition 121TCH-05 PB (B)**

*City Planning Manager Ralph Hilliard gave a presentation.*

*MODIFICATIONS: Approve the petition with the modifications: 1) That 50% of the drainage area may count toward open space requirements; and 2) that such drainage areas should provide recreation or an aesthetic amenity, providing environmental quality and ecological value, utilizing native plants to create an aquatic or a temporary aquatic type of ecosystem.*

*Chair Pro Tem Chestnut recognized Stuart Cullen and Tom Spain who spoke to the matter.*

**RECOMMENDATION**

*City Plan Board to City Commission - The City Commission approve Petition 121TCH-05 PB. Plan Board vote 5-0*

*Staff to Plan Board - Approve*

**A motion was made by Commissioner Lowe, seconded by Commissioner Nielsen, that this matter be Approved (Petition) as Modified. The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan

Absent: Pegeen Hanrahan

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## **DEVELOPMENT REVIEW BOARD PETITIONS**

## **SCHEDULED EVENING AGENDA ITEMS**

## **UNFINISHED BUSINESS**

## **COMMISSION COMMENT**

### **Commissioner Ed Braddy**

1. *Passing of Fred Ryebogo*
2. *Annette Kennedy - Buck Bay Code Enforcement Issues - See following item #050456.*

### **050456**

**Code Enforcement Violations Re: Burgreen Enterprises within the Buck Bay Mobile Home Community (B)**

**RECOMMENDATION**

*The City Commission: 1) Direct the City Manager provide a written update to the full City Commission as to the nature of this issue; and 2) provide an explanation of why the issue is delayed in going to the Code Enforcement Board, especially as it may or may not relate to the eviction of certain residents in that area.*

**A motion was made by Commissioner Braddy, seconded by Commissioner Lowe, that this matter be Referred to the City Manager, due back on March 26, 2006. The motion carried by the following vote:**

**Votes:** Aye: Warren Nielsen, Chuck Chestnut, Edward Braddy, Rick Bryant, Craig Lowe and Jack Donovan  
Absent: Pegeen Hanrahan

**CITIZEN COMMENT****Tom Spain**

*Annette Kennedy Issue - Buck Bay Mobile Home Community*

**Nora Gibbons**

*Airport Issues*

**ADJOURNMENT - 11:02 PM**

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Kurt M. Lannon, Clerk of the Commission