

Tuesday, December 6, 2016 – 10:00 A.M.
County Administration Building
Jack Durrance Auditorium
12 Southeast First Street
Gainesville, Florida

The Alachua County Commission met for a Special Meeting.

PRESENT: Chair Ken Cornell; Vice Chair Lee Pinkoson presiding; Commissioners Mike Byerly, Chuck Chestnut, and Hutch Hutchinson

ALSO PRESENT: Deputy County Manager Jim Harriott, Attorney Michelle Lieberman, OMB Director Tommy Crosby and Deputy Clerk Steve Donahey

The meeting was televised live on Cox Cable Channel 12.

1. Approve the Agenda

Fiscal Consideration: N/A

Recommended Action: A Motion to Approve the Agenda: (a) approve any amendments to the Agenda; and (b) adopt the Agenda

Chair Cornell requested to amend the agenda to remove item 2 and move items 7 and 8 to immediately after item 3.

Commissioner Hutchinson moved adoption of the agenda as modified. The motion carried 5-0.

Commissioner Proposed Items for Discussion

(The following item was removed from the agenda by motion of the Board.)

2. Limitations on campaign spending

Fiscal Consideration: N/A

~~**Recommended Action:** Discuss limitations on campaign spending.~~

3. Discussion leading to approval of agreement with the City of Gainesville for Wild Spaces Public Places funded joint projects

Fiscal Consideration: Not to exceed \$3 million funded through the County's Wild Spaces Public Places allocation.

Recommended Action: (1) Discussion of proposed agreement with the City of Gainesville for Wild Spaces Public Places funded joint projects (2) determine the specific joint projects, not to exceed \$3 million, for inclusion in Exhibit A (3) approve the agreement with changes agreed to by the Commission.

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Assistant County Manager Gina Peebles presented the above item.

Chair Cornell, Commissioner Pinkoson, Commissioner Byerly, Gina Peebles, City of Gainesville Parks, Recreation and Cultural Affairs Director Steve Phillips, Chair Cornell, Commissioner Byerly, Steve Phillips, Commissioner Cornell, Gina Peebles, Commissioner Hutchison, and Chair Cornell presented comments.

Commissioner Pinkoson moved to direct staff to bring back an Interlocal Agreement with the City of Gainesville regarding the Wild Spaces Public Places Agreement for three million dollars incorporating the changes as requested by the City of Gainesville. Exhibit A will be determined after further discussion after the Board receives a rough draft and staff is to provide a map and a list of projects with a scope of the project.

Commissioner Byerly, Gina Peebles, Commissioner Hutchison, Commissioner Byerly, Gina Peebles, Commissioner Chestnut, Gina Peebles, Chair Cornell Commissioner Byerly, Commissioner Hutchison, Steve Phillips, Chair Cornell, OMB Director Tommy Crosby, Commissioner Hutchison, Gina Peebles, Chair Cornell, County Attorney Michele Lieberman, Commissioner Byerly, and Chair Cornell presented comments.

The motion carried 5-0.

7. Former RTS administration and maintenance facility litigation update

Fiscal Consideration: N/A

Recommended Action: Hear update and direct County Attorney whether to reinstate the Florida Conflict Resolution process with the City of Gainesville

County Attorney Michele Lieberman presented the above item.

Deputy County Manager Jim Harriott, Michele Lieberman, Chair Cornell, Alachua County Environmental Protection Director Chris Bird, Commissioner Byerly, Michele Lieberman, Chris Bird, Chair Cornell, Commissioner Byerly, Commissioner Hutchison, Chris Bird, Commissioner Pinkoson, Michele Lieberman, Commissioner Pinkoson, Chair Cornell, Commissioner Pinkoson, Chair Cornell, Commissioner Hutchison, Commissioner Chestnut, and Commissioner Byerly presented comments.

Commissioner Byerly moved to direct the County Attorney to initiate the Florida conflict resolution process with the City of Gainesville and provide a Chair letter setting a date for the first joint meeting between staff.

Commissioner Pinkoson, Michele Lieberman Chair Cornell, Commissioner Byerly, Commissioner Hutchison, Commissioner Byerly, Chair Cornell, Commissioner Pinkoson, Chair Cornell, Commissioner Byerly, Chair Cornell

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The motion carried 3-2 with Commissioner Hutchison and Chair Cornell voting "Nay".

8. Discussion of renewal of local option fuel taxes

Fiscal Consideration: The local option fuel taxes are the primary funding source for the maintenance of the County's transportation infrastructure.

Recommended Action: Hear the presentation and discuss options regarding renewal of the local option fuel taxes.

Deputy County Manager Jim Harriott and Transportation Planning Manager Jeff Hays presented the above item.

Jeff Hays, Jim Harriott, Commissioner Byerly, Chair Cornell, Tommy Crosby, Jim Harriott, Commissioner Byerly, Commissioner Hutchison, Michele Lieberman, Commissioner Hutchison, Jeff Hays, County Engineer Ramon Gavarrete, Jeff Hays, Commissioner Byerly, Ramon Gavarrete, Commissioner Chestnut, Ramon Gavarrete, Jeff Hays, Chair Cornell, Commissioner Byerly, Ramon Gavarrete, Jeff Hays, Commissioner Byerly, Jim Harriott, Chair Cornell, Tommy Crosby, Jeff Hays, Jim Harriott, Chair Cornell, Jeff Hays, Jim Harriott, Jeff Hays, Commissioner Byerly, Chair Cornell, Jeff Hays, Chair Cornell, Jeff Hays, and Commissioner Hutchison presented comments.

Commissioner Hutchinson moved the following:

1. To propose to the City of Gainesville that they take over Route 75 and provide a guarantee that they will not reduce the service.
2. To propose to the City of Gainesville that they take over the remainder of Main Street between 8th Avenue and 39th Avenue.
3. If the City agrees to these conditions the County will accept the 45/45/10 split.

The motion carried 5-0.

Michele Lieberman, Commissioner Hutchison, Tommy Crosby, Commissioner Hutchison, Commissioner Pinkoson, Ramon Gavarrete, Tommy Crosby, Chair Cornell, Jim Harriott, Jeff Hays, and Chair Cornell presented comments.

MEETING RECESSED 11:55 A.M.

MEETING RECONVENED 12:10 P.M.

4. Comprehensive discussion on the County's general fee policy including a review of all department recommended fees derived from the recently completed Alachua County cost study

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Fiscal Consideration: The fees included as part of this discussion are statutorily referred to as Regulatory Fees and as such should not exceed the County's cost of providing the service. Although full cost recovery would be ideal as a financial matter, given the mentioned fee limit, it could not be achieved in most instances. In addition, there are other factors to consider when determining an appropriate fee including, but not limited to:

1. How elastic is the fee?
2. Is there a desired incentive to charge a certain amount or not charge a fee at all?
3. Would increasing/decreasing a fee achieve the sought after effect or outcome?

Recommended Action:

1. Discuss the Board's current policy on fees and make any changes deemed appropriate.
2. Apply agreed upon policy to the fees recommended by the departments

Chair Cornell, John Brower Office of Management and Budget, Chair Cornell, John Brower, Commissioner Hutchison, Commissioner Byerly, Environmental Protection Director Chris Bird, Water Resources Manager Gus Olmos, Commissioner Byerly, Chris Bird, Commissioner Byerly, Development Program Manager Michael Fay, County Engineer Ramon Gavarrete, Tommy Crosby, Michael Fay, Commissioner Byerly, Chief of Fire Rescue Bill Northcutt, Administrative Support Manager Kenneth Fair, Commissioner Byerly, County Attorney Michele Lieberman, Commissioner Pinkoson, Ramon Gavarrete, Chair Cornell, Commissioner Byerly, Ramon Gavarrete, Commissioner Byerly, Commissioner Hutchison, Growth Management Director Steve Lachnicht, Commissioner Byerly, Steve Lachnicht, Commissioner Byerly, Commissioner Pinkoson, Steve Lachnicht, Commissioner Byerly, Commissioner Pinkoson, Financial Analyst John Brower, Chair Cornell, Waste Management Director Sally Palmi, Tommy Crosby, Commissioner Byerly, Sally Palmi, and Michele Lieberman presented comments.

Commissioner Byerly moved the following:

1. Direct staff to schedule a meeting to discuss fees for Animal Services, Growth Management and Public Works.
2. Approve recommended fees for other departments.
3. Growth Management staff is directed to determine why costs are not being fully recovered.

Tommy Crosby, Commissioner Pinkoson, Tommy Crosby, Commissioner Hutchinson, and Gina Peebles presented comments.

The motion carried 5-0.

Tommy Crosby, Commissioner Hutchison, Michele Lieberman, Commissioner Pinkoson, Commissioner Hutchison, Chair Cornell, and Commissioner Hutchison presented comments.

Commissioner Hutchinson moved to direct animal services to explore a regional approach to service and fees to stem the flow and/or offset cost.

The motion carried 5-0.

5. Update on strategies for Countywide protection of wetlands for water quality benefits

Fiscal Consideration: N/A

Recommended Action: Receive the update.

Environmental Protection Director Chris Bird presented the above item.

Steve Hofstetter, Commissioner Pinkoson, Steve Hofstetter, Chair Cornell, Chris Bird, Commissioner Pinkoson, Steve Hofstetter, Commissioner Byerly, Chris Bird, Steve Hofstetter, Chris Bird, Steve Hofstetter, Commissioner Pinkoson, Commissioner Byerly, Commissioner Hutchison, Steve Hofstetter, Commissioner Pinkoson, and Steve Hofstetter presented comments.

By consensus, the Board requested that staff bring a letter to the December 13, 2016 meeting for Board consideration to transmit to the municipalities requesting their input on the matter.

Commissioner Byerly, Commissioner Pinkoson, Commissioner Byerly, Commissioner Hutchison, Commissioner Byerly, Commissioner Hutchison, Commissioner Byerly, Commissioner Hutchison, Chris Bird, Commissioner Byerly, Commissioner Hutchison, Commissioner Byerly, Chair Cornell, Commissioner Byerly, Commissioner Pinkoson, Commissioner Byerly, Commissioner Hutchison, Commissioner Byerly, Commissioner Pinkoson, Commissioner Chestnut, Chair Cornell, Steve Hofstetter, Chair Cornell, Commissioner Byerly, Commissioner Hutchison, Steve Hofstetter, Chair Cornell, Chris Bird, Commissioner Hutchison, Chris Bird, Commissioner Pinkoson, Chris Bird, Commissioner Pinkoson, Chris Bird, Chair Cornell, Commissioner Pinkoson, Gus Olmos, and Steve Hofstetter presented comments.

Commissioner Byerly moved the following:

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1. Direct staff to develop options for the Board's consideration that would compensate for or offset the effects of wetland loss pursuant to urban development approvals applicable on a case by case basis.
2. Direct staff to draft a chair letter to the municipalities soliciting their involvement for the December 13, 2017 meeting.

Chair Cornell recognized Karen Arrington and Tom Cunilio who presented comments.

The motion carried 5-0.

Commissioner Byerly moved the following:

1. Direct staff to find out if the MTPO asked for information on the perennial peanut experiment on South Main and if so, return with that information.
2. If the MTPO did not, direct staff to find the information on the perennial peanut experiment and return with it to the Board.

The motion carried 5-0.

Chris Bird, Commissioner Pinkoson, Chair Cornell, and Commissioner Hutchison presented comments.

Commissioner Hutchison moved to request staff to look into the feasibility of the County operating a septic tank utility or some equivalent operation that would retrofit septic tank drain fields to a higher standard.

Commissioner Pinkoson requested that the motion be amended to direct staff to return with a blue sheet at a future policy meeting in regards to septic tanks.

Commissioner Hutchinson moved the substitute motion to direct staff to return at a future Policy discussion meeting ready to discuss the implications of higher standards for septic tanks and who might implement that.

Commissioner Byerly, Commissioner Hutchison, Chair Cornell and Commissioner Hutchison presented comments.

The motion carried 5-0.

6. Presentation of Energy Conservation Investment Program Financial Policy and Administrative Procedure

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Fiscal Consideration: The ECIP policy addresses issues found within the 2016 USRP audit and keeps the Board's commitment to utility conservation, efficiency, and renewable energy capital projects.

Recommended Action: Direct staff to bring back a consent item to the next available regular Board meeting adopting the Energy Conservation Investment Program financial policy and begin a related comprehensive plan amendment to Energy Element Policy 5.1.3

Chair Cornell presented the above item.

Commissioner Hutchison motion to direct staff to bring back a consent item to the next available regular Board meeting adopting the Energy Conservation Investment Program financial policy and begin a related comprehensive plan amendment to Energy Element Policy 5.1.3.

Strategic Initiatives Manager Sean McLendon, Assistant County Manager Tommy Crosby, Sean McLendon, Commissioner Byerly, Tommy Crosby, Commissioner Byerly, Tommy Crosby, Commissioner Byerly, Tommy Crosby, Chair Cornell, Tommy Crosby, Chair Cornell, Commissioner Pinkoson, Commissioner Byerly, Tommy Crosby, Commissioner Byerly, Commissioner Hutchison, Commissioner Byerly, Commissioner Pinkoson, Commissioner Byerly, Commissioner Pinkoson, Tommy Crosby, Commissioner Byerly, Tommy Crosby, Commissioner Byerly, Commissioner Chestnut, Tommy Crosby, Commissioner Byerly, Tommy Crosby, Jim Harriet, Commissioner Chestnut, Tommy Crosby, Commissioner Chestnut, Tommy Crosby, Commissioner Hutchison, Commissioner Byerly, Chair Cornell, Commissioner Chestnut, Tommy Crosby, Jim Harriet, Tommy Crosby, Commissioner Pinkoson, Tommy Crosby, Sean McLendon, Chair Cornell, Tommy Crosby, Chair Cornell, Commissioner Byerly, and Tommy Crosby presented comments.

Commissioner Hutchinson moved the substitute motion to direct staff to bring back a consent item to the next available regular Board meeting adopting the Energy Conservation Investment Program financial policy and begin a related comprehensive plan amendment to Energy Element Policy 5.1.3 with a fund balance of \$460,000 and a base level of \$100,000 for five years as well as any amount added to the account as a result of savings from the program. The mechanism for estimating the savings will be the best estimate of savings at the time of the investment which accumulates and will be brought back to the Board as a running total as part of the Budget process.

The motion carried 5-0.

9. Public comments

Fiscal Consideration: N/A

Recommended Action: Hear public comments

Chair Cornell recognized Karen Arrington and Tom Cunilio who presented comments.

Commission Comments

10. Commission comments

Fiscal Consideration: N/A

Recommended Action: Hear Commission comments

Commissioner Hutchison requested an update on the road closing for Lusier Dairy.

Chair Cornell recognized Deputy County Manager Jim Harriott who presented comments to the Board.

Commissioner Byerly read a motion previously passed regarding perennial peanuts. He further stated that there is a pass-through charge at the Celebration Pointe CDD and requested staff explain the charge.

Chair Cornell recognized Assistant County Manager Tommy Crosby who presented comments to the Board.

Commissioner Hutchison requested to know if renters would be charged the charge when apartments are built on the property.

Chair Cornell recognized Assistant County Manager Tommy Crosby and Deputy County Manager James Harriott who presented comments to the Board.

Commissioner Byerly stated that citizens have been told that the County has levied the charge.

Commissioner Hutchison stated that the County should post a sign at the entrance to Celebration Pointe stating that the fee is not levied by Alachua County.

Commissioner Pinkoson stated that the sign could state the fee is for infrastructure costs.

Chair Cornell recognized County Attorney Michele Lieberman who presented comments to the Board.

Commissioner Byerly stated that the fee is for overhead costs and that the citizen's point is that the fee appears to be a tax indistinguishable from the County's sales tax.

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Chair Cornell stated that the charge is a separate line item on the receipt.

Commissioner Pinkoson requested to know at what point the businesses in Celebration Pointe would stop collecting the fee.

Chair Cornell recognized Deputy County Manager Jim Harriott who presented comments to the Board.

Commissioner Hutchison stated that operations and management of Celebration Pointe would continue indefinitely.

Commissioner Byerly requested to know at what point would the infrastructure be paid off.

Chair Cornell recognized Growth Management Director Steve Lachnicht and Assistant County Manager Tommy Crosby who presented comments to the Board.

Commissioner Hutchinson requested that staff bring the item back to the Board with representatives from Celebration Pointe present.

Chair Cornell recognized Assistant County Manager Tommy Crosby and County Attorney Michele Lieberman who presented comments to the Board.

Commissioner Pinkoson stated there should be some point at which Celebration Pointe stops collecting the fee in the future and that the fee should not be a source of profit.

Commissioner Hutchinson stated that toll roads never go away.

Commissioner Pinkoson stated that the role of a toll road operator is different from that of Bass Pro Shop or Celebration Pointe.

Commissioner Hutchinson stated that his concern is that Alachua County is being cited as the cause for the charge.

Chair Cornell recognized Deputy County Manager Jim Harriott and Growth Management Director Steve Lachnicht who presented comments to the Board.

Commissioner Pinkoson moved to have staff to come up with an idea to explain the .01% user fee in Celebration Pointe. The motion carried 4-0 with Commissioner Chestnut out of the room.

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Commissioner Byerly stated that he has received several complaints that the Living Wage Ordinance is not being properly implemented. He stated that he has received complaints that vendors are not paying the employees the required salary.

OMB Director Crosby stated that there is a process in place to deal with complaints. He also advised the Board that Constitutional Officers are exempt from the Ordinance. Mr. Crosby stated that the Office of Equal Opportunity is the department to contact with a complaint.

Commissioner Byerly further stated that he has received a complaint regarding the County mowing practices. He stated that a citizen expressed concerns that the County mows the areas when the wild blooms are occurring. He stated that he would like someone to review the policy and determine what the actual practice of the Public Works Department.

By consensus the Board directed staff to review the mowing practices of the County.

Commissioner Byerly stated that he would like to refer to staff how the County mows the Parks. He stated that there are practices that would be cheaper and more environmentally sensitive at the same time. He advised the Board that he is discussing it with staff and intends to bring it before the Board in the future.

Chair Cornell stated that he would like to have a Special Meeting on the Fairgrounds and that it may take a couple of hours. He asked the Commissioners when they would prefer to have the meeting. He stated that he would also like to add a Plat Approval to the same meeting to accommodate the applicant.

By consensus the Board agreed to have the meeting on January 3, 2017 with the Plat Approval.

Chair Cornell stated that he would like to have Joint meeting with both full county commissions to discuss the Melrose Fire Station with Putnam County and Joint Meetings Bradford and Union Counties regarding the mining concerns. He would like to send a Chair letter to each County if the Board agrees.

Commissioner Pinkoson moved to authorize the Chair to transmit Chair Letters to each County to see if they wish to have a discussion regarding the proposed topics and inquire if they would like to add a topic for discussion as well. The motion carried 5-0.

Chair Cornell stated that it would be nice to have a staff liaison to coordinate with the City of Gainesville on events such as CRA projects and other formal events.

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Commissioner Hutchinson moved to refer to the County Manager to review the matter and propose a recommendation to the Board. The motion carried 5-0.

There being no further business before the Board the meeting was adjourned at 3:57 p.m.

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