

Tuesday, December 13, 2016 – 5:00 P.M.
County Administration Building
Jack Durrance Auditorium
12 Southeast First Street
Gainesville, Florida

The Alachua County Commission met for the Regular Meeting.

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

ABSENT: Commissioner Chuck Chestnut

ALSO PRESENT: Assistant County Manager Jim Harriot, County Attorney Michelle Lieberman, and Deputy Clerk Steve Donahey

The meeting was televised live on Cox Cable Channel 12.

Approval of Public Hearing Agenda

1. Approve the agenda

Fiscal Consideration: N/A

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

Chair Cornell requested to add to the Agenda the approval of the letters to the City of Gainesville and Walmart to the end of the agenda.

Commissioner Pinkoson moved to approve the agenda as amended. The motion carried 3-0 with Commissioner Byerly out of the room.

Public Hearings

2. Adoption of a resolution electing to use the uniform method of collecting nonad Valorem assessment for the cost of providing stormwater services

Fiscal Consideration: N/A

Recommended Action: Hold the Public Hearing and Adopt the Resolution

EPD Director Chris Bird presented the item above.

Commissioner Byerly moved to adopt the Resolution electing to use the uniform method of collecting non ad valorem assessment for the cost of providing storm water services.

(There was no one present who wished to address the Board.)

The motion carried 4-0.

6. Public Comments

Fiscal Consideration: N/A

Recommended Action: Hear Public Comments

There was no one present who wished to address the Board.

3. NW 23rd Avenue corridor

Fiscal Consideration: Approve the applications; additional roadway funding may be provided to the County in the future.

Recommended Action: Direct staff to proceed with development of NW 23rd Avenue – Option 3 – Four Lane and submit County Incentive Grant Application and authorize Chair to sign application for design and construction.

County Engineer Ramon Gavarrete presented the above item.

County Transportation Manager Jeff Hayes, Ramon Gavarrete, Chair Cornell, County Engineer Ramon Gavarrete, Chair Cornell, County Engineer Ramon Gavarrete, Chair Cornell, Deputy County Manager James Harriott, Chair Cornell, and Commissioner Pinkoson presented comments.

Commissioner Pinkoson moved to direct staff to proceed with Option 3 Four Lane and submit County Incentive Grant Application and authorize Chair to sign application for design and construction.

Commissioner Byerly, County Engineer Ramon Gavarrete, and Commissioner Hutchinson presented comments.

Commissioner Cornell stated that he would like to have staff working on a design that is a fallback position if the funding does not come through such as the modified 3 lane design with a lower speed.

Commissioner Pinkoson moved the following amended motion:

1. Direct staff to proceed with Option 3 Four Lane and submit County Incentive Grant Application and authorize Chair to sign application for design and construction.

2. Direct staff to start working on a design that is a fallback position if the funding does not come through such as the modified 3 lane design with a lower speed.

Commissioner Hutchison, Commissioner Byerly, Senior Transportation Planner Chris Dawson, Commissioner Byerly, Senior Transportation Planner Dawson, Commissioner Byerly, Senior Transportation Planner Dawson, Commissioner Byerly, Senior Transportation Planner Dawson, Commissioner Byerly, Senior Transportation Planner Dawson, Commissioner Byerly, County Engineer Gavarrete, Commissioner Byerly, County Engineer Gavarrete, Commissioner Hutchison, County Engineer Gavarrete, Commissioner Hutchison, Chair Cornell, Commissioner Pinkoson, Transportation Planning Manager Jeff Hays, Commissioner Pinkoson, Chair Cornell, Transportation Planning Manager Hays, Chair Cornell, County Engineer Gavarrete, Chair Cornell, Commissioner Byerly, County Engineer Gavarrete, Commissioner Byerly, Deputy County Manager Harriet, Commissioner Pinkoson, Commissioner Byerly, Commissioner Hutchison, Commissioner Byerly, and Chair Cornell presented comments.

Chair Cornell recognized Carol Murphy, Bernard Hankerson, Bob Carp, Steve Rappenecker, and Kyle Gates who presented comments.

Commissioner Byerly, County Engineer Gavarrete, Chair Cornell, Deputy County Manager Harriott, County Engineer Gavarrete, Deputy County Manager Harriott, Commissioner Pinkoson, and Chair Cornell presented comments.

The motion carried 4-0.

Regular Matters

Legislative Items

5. CPA0716 (Small Scale Comprehensive Plan Amendment) a request for a small scale map amendment to the 2030 Future Land Use Map of the Comprehensive Plan changing the land use designation from 'Tourist/Entertainment' to 'Office'

Fiscal Consideration: None

Recommended Action: Staff recommends that the Board of County Commissioners approve the proposed map amendment (CPA0716) with the bases as noted in the staff report.

Public Comments (immediately following Public Hearing(s) or at 5:01)

Planner Mehdi Benkhatar presented the above item.

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Commissioner Byerly moved that the Board of County Commissioners approve the proposed map amendment (CPA0716) with the bases as noted in the staff report.

(There was no one present who wished to address the Board.)

The motion carried 4-0.

QuasiJudicial/ Zoning Items

County Attorney Michele Lieberman stated that while the Board welcomes comments from all persons with an interest in this proceeding, Florida law requires that the County Commission's decision in a quasi-judicial action be supported by competent substantial evidence presented to the Commission during the hearing on the application. Competent substantial evidence is such evidence, as a reasonable mind would accept as adequate to support a conclusion. There must be a factual basis in the record to support opinion testimony from both expert and non-expert witnesses. Persons presenting testimony may rely on factual information that they present, that is presented by County staff, that the applicant presented, or on factual information included in the County staff report to support their testimony.

Mrs. Lieberman further stated that all persons wishing to participate and speak on an issue at the public hearing would be sworn in prior to speaking during this proceeding. All persons will have the right, through the Chair, to ask questions, seek clarification of comments made and to respond to the comments or presentations of staff or other speakers; or to refute or respond to any ex-parte communication. All persons who present written materials to Commissioners for consideration must ensure that a copy of such materials is provided to the Clerk for inclusion in the Board's record of proceedings and official minutes.

Deputy Clerk Steve Donahey asked if any Commissioner had received oral or written communication regarding the items. Mr. Donahey requested that Commissioners disclose the substance of the communication and identify the person(s) making the communications(s).

All Commissioners disclosed that they received emails regarding the matter.

7. ZOX0116 (Special Exception) a request for a special exception to permit a major utility (a solar array) in an 'A' (Agricultural) district on approximately 413.80 acres

Fiscal Consideration: There are no direct fiscal impacts to the Alachua County budget. Construction of the array may result in an increased valuation of the parcel by the property appraiser's office.

Recommended Action: Staff recommends that the Board adopt Resolution Z1608 approving the proposed special exception with the bases and conditions as noted in the resolution.

Senior Planner of Growth Management Jerry Brewington presented the above.

County Attorney Lieberman, Commissioner Hutchinson, Commissioner Pinkoson, Chair Cornell, Commissioner Byerly, Commissioner Pinkoson, and Chair Cornell presented comments.

County Attorney Michele Lieberman, and Chair Cornell presented comments.

Chair Cornell, David Coffee, Jim Bush, Josh Long, Jeff West, Chair Cornell, Commissioner Byerly, EPD Michael Drummond, Commissioner Byerly, Senior Planner Brewington, Commissioner Byerly, Commissioner Hutchison, Chair Cornell, County Attorney Lieberman, Chair Cornell, EPD Drummond, Chair Cornell, EPD Drummond, Chair Cornell, Growth Management Director Steve Lachnicht, Chair Cornell, Public Works Michael Faye, and Chair Cornell presented comments.

Commissioner Byerly moved that the Board adopt Resolution Z1608 approving the proposed special exception with the bases and conditions as noted in the resolution.

Chair Cornell recognized Dr. Richard Cain, Sherry Cain, Michael Tate, Monica Tate, Susan Davenport, Mr. Burgin, Commissioner Byerly, Michael Faye, Commissioner Byerly, Jeff West, Chair Cornell, Jeff West, Chair Cornell, Michael Faye, and Chair Cornell, presented comments

The motion carried 4-0.

4. Resolution of intent to use uniform method of collecting non ad valorem assessment for fire protection

Fiscal Consideration: 1.The County will develop the Non Ad Valorem Assessment to fund Fire Protection Services to be collected through non ad valorem assessments on the property tax bill for Fiscal Year 20172018. 2. The County will not develop the Non Ad Valorem Assessment to fund Fire Protection Services.

Recommended Action: Adopt the resolution of intent to use the uniform method of collecting non ad valorem assessment to fund Fire Protection Services throughout Alachua County excluding the incorporated area of Gainesville

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Commissioner Pinkoson, Chair Cornell, Commissioner Pinkoson, Michelle Lieberman, Commissioner Pinkoson, Michele Lieberman, Commissioner Pinkoson, Commissioner Byerly, Chair Cornell, Commissioner Byerly, Assistant County Manager Carl Smart, Commissioner Byerly, Chair Cornell, and Commissioner Byerly presented comments.

Commissioner Hutchison moved to adopt the resolution of intent to use the uniform method of collecting non ad valorem assessment to fund Fire Protection Services throughout Alachua County excluding the incorporated area of Gainesville.

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

The motion carried 3-1 with Commissioner Byerly voting “Nay”.

Added Items:

Letter to Walmart and other retailers involving Replica Toy Guns

Commissioner Hutchinson stated that he would like to send the letter from the Chair to retailers selling Replica Toy Guns asking them to cease sales or place them behind the counter with the real firearms.

Commissioner Hutchison moved to authorize the Chair to sign and transmit the letter.

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

The motion carried 3-1 with Commissioner Pinkoson voting “Nay”.

Letter to the City of Gainesville regarding the RTS Environmental Matters

Commissioner Byerly moved to authorize the Chair to sign and transmit the letter to the City of Gainesville.

Commissioner Byerly presented comments.

The motion carried 4-0.

Closing Comments

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Public Comments

8. Closing comments from the public

Fiscal Consideration: N/A

Recommended Action: Hear closing comments from the public.

County Attorney Lieberman, Chair Cornell, County Attorney Lieberman, and Commissioner Hutchison presented comments.

There being no further business before the Board the meeting was adjourned at 8:34 p.m.

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