

Tuesday, June 13, 2017 – 5:00 P.M.  
John R. "Jack" Durrance Auditorium  
County Administration Building  
12 Southeast First Street  
Gainesville, Florida

The Alachua County Board of County Commissioners met for their Regular Public Hearing session.

**PRESENT:** Chair Ken Cornell, presiding, Vice-Chair Lee Pinkoson, Commissioners Mike Byerly, Charles S. "Chuck" Chestnut, IV, and Robert "Hutch" Hutchinson

**ALSO PRESENT:** Deputy County Manager James Harriott, County Attorney Michele Lieberman, Deputy Clerk Bob Decker

The meeting was televised on Cox Cable Channel 12.

Chair Cornell opened the meeting at 5:00 P.M.

### **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.

**Commissioner Pinkoson moved** adoption of the agenda. **The motion carried 3-0** with Commissioners Byerly and Chestnut out of the room.

### **Proclamations and Presentations**

2. Approval of a Proclamation Declaring June 16th through 22nd, 2017 as "National Week of Making" in Alachua County, FL

**Fiscal Consideration:** N/A

**Recommended Action:** Proclaim June 16th through 22nd, 2017 as "National Week of Making" in Alachua County, FL.

Chair Cornell read and presented the proclamation to Joseph Floyd and Leslie Ladendorf who accepted it with gratitude

Commissioner Byerly entered the room at 5:01 P.M.

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Commissioner Chestnut entered the room at 5:02 P.M.

Chair Cornell recognized Joseph Floyd and Leslie Ladendorf who presented comments to the Board.

## **REGULAR MATTERS**

### **Legislative Items**

3. CPA0317: Small Scale Comprehensive Plan Amendment in the Tower Rd./SW 24th Avenue Activity Center

**Fiscal Consideration:** N/A

**Recommended Action:** Staff recommends that the Board of County Commissioners hear and approve the ordinance implementing the application for a small scale land use amendment and text amendment (CPA0317) with the bases as noted in the staff report.

Planner Mehdi Benkhatar presented the above item.

**Commissioner Pinkoson moved** to approve Ordinance 17-04 implementing the application for a small scale land use amendment and text amendment (CPA0317) with the bases as noted in the staff report.

Chair Cornell recognized Senior Planner Missy Daniels who presented comments to the Board.

Chair Cornell opened the Public Hearing at 5:13 P.M.

There were no citizens present who wished to speak on behalf of or in opposition to the above item.

Chair Cornell closed the Public Hearing at 5:13 P.M.

**The motion carried 5-0.**

### **Quasi-Judicial/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.

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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.

County Attorney 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 Bob Decker asked if any Commissioner had received oral or written communication regarding the items. Mr. Decker requested that Commissioners disclose the substance of the communication and identify the person(s) making the communications(s).

There was no ex-parte communication disclosed.

Deputy Clerk Bob Decker SWORE those present who wished to provide evidence regarding ZOM-02-17 Bellamay Planned Development.

4. ZOM0217: Bellamay PD Major Amendment and Multimodal Transportation Mitigation Agreement

**Fiscal Consideration:** Adoption of the MMTM Agreement will allow the developer to utilize the MMTM Program. Payment of MMTM fees will occur prior to Certificate of Occupancy for any residence. Fees will be utilized for eligible projects in the Capital Improvements Element of the Comprehensive Plan. 3557910329.3150 \$28,000 in FY18.

**Recommended Action:** Staff recommends that the Board of County Commissioners approve resolution Z-17-04, a resolution for a major amendment to the Bellamay PD, with the conditions and bases as noted in the staff report and authorize the Chair to sign the Multimodal Transportation Agreement between Greystone Healthcare Management Corporation and Alachua County.

Planner Mehdi Benkhatar presented the above item.

**Commissioner Pinkoson moved** to approve resolution Z-17-04, a resolution for a major amendment to the Bellamay PD, with the amended conditions and bases as noted in the staff report, changing delivery hours from 9:00 A.M. to 5:00 P.M. to 7:00 A.M. to 7:00 P.M.

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Chair Cornell recognized Growth Management Director Steve Lachnicht who presented comments to the Board.

Chair Cornell opened the Public Hearing at 5:20 P.M.

There were no citizens present who wished to speak on behalf of or in opposition to the above item.

Chair Cornell closed the Public Hearing at 5:20 P.M.

**The motion carried 5-0.**

Chair Cornell recognized Planner Mehdi Benkhatar who presented comments to the Board.

**Commissioner Pinkoson moved** to authorize the Chair to sign the Multimodal Transportation Agreement between Greystone Healthcare Management Corporation and Alachua County.

Chair Cornell opened the Public Hearing at 5:21 P.M.

There were no citizens present who wished to speak on behalf of or in opposition to the above item.

Chair Cornell closed the Public Hearing at 5:21 P.M.

**The motion carried 5-0.**

## **PUBLIC HEARINGS**

6. Public Hearing to Adopt an Ordinance Reimposing and Levying the 4th, 5th and 6th Cent of the Local Option Gas Tax

**Fiscal Consideration:** The County will receive approximately \$1.98 million from this tax.

**Recommended Action:** Adopt the Ordinance, authorizing the Chair to sign.

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

**Commissioner Hutchinson moved** to adopt Ordinance 17-05 and authorize the Chair to sign.

Chair Cornell opened the Public Hearing at 5:22 P.M.

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There were no citizens present who wished to speak on behalf of or in opposition to the above item.

Chair Cornell closed the Public Hearing at 5:22 P.M.

**The motion carried 3-2** with Commissioners Byerly and Pinkoson voting nay.

**PUBLIC COMMENTS (the earlier of 5:30PM or at the conclusion of the agenda)**

5. Public Comments

**Fiscal Consideration:** N/A

**Recommended Action:** Hear Public Comments

Chair Cornell recognized Jim Konish who presented comments to the Board.

7. Stormwater Assessment Final Rate Resolution Adoption Hearing

**Fiscal Consideration:** The proposed stormwater assessment will establish a dedicated funding source for the County to comply with its stormwater management obligations. The assessment will reduce the historic dependency upon the Gas Tax and Municipal Services Taxing Unit property tax to pay for stormwater management. The proposed Financial Hardship exemption will require the County to make up the loss of an estimated \$7,500 in revenue assuming that 250 properties qualify for the exemption. Recommended Rate of \$30.00 per ERU will generate approximately \$1,327,133 in revenue. This will be divided 50/50 between Public Works for Stormwater Operation/Maintenance and EPD for Capital Projects.

**Recommended Action:** Hold the Public Hearing and adopt the Final Rate Resolution for the Stormwater Assessment proposed rate of \$30 per ERU.

Chair Cornell gave a brief overview of the process for handling public hearings.

Commissioner Hutchinson requested an opportunity for members of the public to ask questions of staff.

Commissioner Byerly stated that previous boards allowed citizens to ask questions during their public comments that staff would answer. He further stated that there was an emphasis on not allowing a back-and-forth.

EPD Director Chris Bird presented the above item.

Chair Cornell recognized Sandi Walker of Government Services Group and County Engineer Ramon Gavarrete who presented comments to the Board.

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**Commissioner Byerly moved:**

1. Hold the Public Hearing and adopt the Final Rate Resolution for the Stormwater Assessment proposed rate of \$30 per ERU.
2. Adopt a water quality project list that includes the Phase II Newnan's Lake Improvement Initiative in a range between \$100,000.00 and \$200,000.00 and the Project Development proposal in a range between \$40,000.00 and \$60,000.00, and bank the remainder of the first year's revenues pending completion of the Project Development proposal. Staff will return to the BoCC with a prioritized 5 year project list based upon the results of the Project Development proposal that achieves the maximal storm water nutrient reduction per dollar invested.

Chair Cornell recognized Water Resources Manager Gus Olmos and Environmental Protection Director Chris Bird who presented comments to the Board.

**Commissioner Byerly moved the amended motion:**

1. Hold the Public Hearing and adopt the Final Rate Resolution for the Stormwater Assessment proposed rate of \$30 per ERU.
2. Adopt a water quality project list that includes the Phase II Newnan's Lake Improvement Initiative in a range between \$100,000.00 and \$200,000.00 and the Project Development proposal in a range between \$40,000.00 and \$60,000.00, and bank the remainder of the first year's revenues pending completion of the Project Development proposal. Staff will return to the BoCC with a prioritized 5 year project list based upon the results of the Project Development proposal that achieves the maximal storm water nutrient reduction per dollar invested.
3. An application or notice of intent to comply with agricultural best management practices received by the Florida Department of Agriculture prior to August 31 will be eligible for a one year agricultural exemption from this fee.

Chair Cornell recognized Sandi Walker of Government Services Group and County Attorney Michele Lieberman who presented comments to the Board.

**Commissioner Byerly moved the amended motion:**

1. Hold the Public Hearing and adopt the Final Rate Resolution for the Stormwater Assessment proposed rate of \$30 per ERU.
2. Adopt a water quality project list that includes the Phase II Newnan's Lake Improvement Initiative in the range of \$100,000.00 to \$200,000.00 and the Project Development proposal in a range between \$40,000.00 and \$60,000.00, and bank the remainder of the first year's revenues pending completion of the Project Development proposal. Staff will return to the BoCC with a prioritized 5 year project list based upon the results of the Project Development proposal that achieves the maximal storm water nutrient reduction per dollar invested.

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3. An application or notice of intent to comply with agricultural best management practices received by the Florida Department of Agriculture prior to August 31 will be eligible for a one year agricultural exemption from this fee.
4. Approve Hardship exemptions based on the same requirements as the Solid Waste and Fire assessments.

Chair Cornell recognized County Engineer Ramon Gavarrete and Environmental Protection Director Chris Bird who presented comments to the Board.

Commissioner Pinkoson requested the addition of a part 5:

5. Approve exemptions for charitable and religious non-profit organizations, burial grounds, and Disabled Veterans.

Commissioner Byerly stated that he would request the motion be split for the purposes of voting.

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

Commissioner Pinkoson requested the addition of a part 6:

6. Direct staff to develop a proposal for a system of credits for parcels whose owners have invested in steps to reduce stormwater output that could potentially be applied as a credit for the following year.

Chair Cornell recognized County Attorney Michele Lieberman, EPD Director Chris Bird, County Engineer Ramon Gavarrete, and Water Resources Manager Gus Olmos who presented comments to the Board.

**Commissioner Byerly moved the amended motion:**

1. Hold the Public Hearing and adopt the Final Rate Resolution for the Stormwater Assessment proposed rate of \$30 per ERU.
2. Adopt a water quality project list that includes the Phase II Newnan's Lake Improvement Initiative in the range of \$100,000.00 to \$200,000.00 and the Project Development proposal in a range between \$40,000.00 and \$60,000.00, and bank the remainder of the first year's revenues pending completion of the Project Development proposal. Staff will return to the BoCC with a prioritized 5 year project list based upon the results of the Project Development proposal that achieves the maximal storm water nutrient reduction per dollar invested.
3. An application or notice of intent to comply with agricultural best management practices received by the Florida Department of Agriculture prior to August 31 will be eligible for a one year agricultural exemption from this fee.
4. Approve Hardship exemptions based on the same requirements as the Solid Waste and Fire assessments.

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5. Approve exemptions for charitable and religious non-profit organizations, burial grounds, and Disabled Veterans.
6. Direct staff to develop a proposal for a system of credits for parcels whose owners have invested in steps to reduce storm water output that could potentially be applied as a credit for the following year.

Chair Cornell recognized Anthony Johnson, County Attorney Michele Lieberman, Winston Rushing, EPD Director Chris Bird, Elaine Young, Garret Evans, Jessica Elliot, Cheryl Bennet, Mel Foster, Joe Kirby, Gail Murray, Ora Washington, Walker Moran, Scott Camil, Lauren Murray, Phil Courson, Terry Martin-Back, David Niblett, Charles Kelly, Jonathan Visscher, Marilyn Bates, Richard Fletcher, Orion Marshall, William Gracy III, Wilbur Holloway, Calvin Lewis, Frank Murray, Andy Bryson, Steve Summerlin, Eric Benson, Dan Daugherty, Betsy Hurst, Caffer Carol, Matthew Hurst, and Kristen Young who presented comments to the Board.

Chair Cornell recognized County Attorney Michele Lieberman, Environmental Protection Director Chris Bird, Sandi Walker of Government Services Group, and Deputy County Manager James Harriott who presented comments to the Board.

Commissioner Byerly withdrew his request to divide the question.

Chair Cornell recognized Environmental Protection Director Chris Bird, County Engineer Ramon Gavarrete, County Attorney Michele Lieberman, and Deputy County Manager James Harriott, who presented comments to the Board.

**Commissioner Byerly moved the amended motion:**

1. Hold the Public Hearing and adopt the Final Rate Resolution for the Stormwater Assessment proposed rate of \$30 per ERU.
2. Adopt a water quality project list that includes the Phase II Newnan's Lake Improvement Initiative in the range of \$100,000.00 to \$200,000.00 and the Project Development proposal in a range between \$40,000.00 and \$60,000.00, and bank the remainder of the first year's revenues pending completion of the Project Development proposal. Staff will return to the BoCC with a prioritized 5 year project list based upon the results of the Project Development proposal that achieves the maximal storm water nutrient reduction per dollar invested.
3. An application or notice of intent to comply with agricultural best management practices received by the Florida Department of Agriculture prior to August 31 will be eligible for a one year agricultural exemption from this fee.
4. Approve Hardship exemptions based on the same requirements as the Solid Waste and Fire assessments.
5. Approve exemptions for charitable and religious non-profit organizations, burial grounds, and Disabled Veterans.



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6. Direct staff to develop a proposal for a system of credits for parcels whose owners have invested in steps to reduce storm water output that could potentially be applied as a credit for the following year.

**The motion carried 4-1** with Commissioner Chestnut voting nay.

#### **CLOSING COMMENTS**

8. Closing Comments from the Public

**Fiscal Consideration:** N/A

**Recommended Action:** Hear closing comments from the public.

There were no citizens present who wished to provide comments to the Board.

#### **Adjourn**

There being no further business the meeting was adjourned at 10:11 P.M.

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Jesse K. Irby, II, Clerk to the Board  
of County Commissioners

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