

John R. "Jack" Durrance Auditorium
County Administration Building
12 Southeast First Street
Gainesville, Florida



Board of County Commission Minutes

Tuesday, April 10, 2018

5:00 P.M.

Board of County Commissioners

District 1 Commissioner Mike Byerly

District 2 Vice Chair Lee Pinkoson

District 3 Robert "Hutch" Hutchinson

District 4 Chair Ken Cornell

District 5 Charles "Chuck" Chestnut

Assistant County Manager

Deputy County Manager Jim Harriott

County Attorney

Sylvia Torres

Tuesday, April 10, 2018 – 5:00 P.M.

The meeting was called to order at 5:01 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.

Deputy County Manager Jim Harriot asked that the Chair Letter to be sent to surrounding municipalities regarding the bicycle and recreation master plan be added to the agenda for discussion.

Commissioner Cornell presented comments.

Commissioner Cornell moved the agenda as modified adding the Chair Letter regarding the bicycle and recreation master plan as Item 6B for discussion.

Commissioner Byerly and Commissioner Cornell presented comments.

The motion carried 5-0.

Proclamations and Presentations

2. Approval of a Proclamation Declaring April 8th through 14th, 2018 as "National Public Safety Telecommunicators Week" in Alachua County, FL

Fiscal Consideration: N/A

Recommended Action: Proclaim April 8th through 14th, 2018 as "National Telecommunicators Week" in Alachua County, FL.

Chair Pinkoson and Alachua County Sheriff Sadie Darnell presented comments.

Chair Pinkoson presented the Proclamation declaring April 8th through 14th, 2018 as "National Public Safety Telecommunicators Week" in Alachua County, FL to Sheriff Sadie Darnell.

Samantha Murphy and Commissioner Cornell presented comments.

3. Approval of a Proclamation Declaring April 2018 as "Fair Housing Month" in Alachua County, FL

Fiscal Consideration: N/A

Tuesday, April 10, 2018 – 5:00 P.M.

Recommended Action: Proclaim April 2018 as "Fair Housing Month" in Alachua County, FL.

Commissioner Cornell presented the proclamation declaring April 2018 as "Fair Housing Month" in Alachua County, FL to Aaron Kelly.

Chairman of Human Rights Board Aaron Kelly presented comments.

Legislative Items

4. Transmittal Hearing for CPA0318: Fuel station Design in TND/TOD and Springhills Activity Center

Fiscal Consideration: N/A

Recommended Action: Staff recommends that the Board of County Commissioners approve transmittal of CPA0318 to the State Land Planning Agency and other agencies for review and comment.

Growth Management Planner Mehdi Benkhatar presented the above item to the Board.

Commissioner Byerly, Senior Transportation Planner Chris Dawson, Commissioner Byerly, Senior Transportation Planner Dawson, Commissioner Byerly, Senior Transportation Planner Dawson, Commissioner Byerly, Senior Transportation Planner Chris Dawson, Commissioner Byerly, Commissioner Cornell, Commissioner Hutchinson, Senior Transportation Planner Dawson, Commissioner Cornell and Chair Pinkoson presented comments.

Break for Public Comments at 5:30 P.M.

Commissioner Byerly moved to transmit this to the State for comments when it returns to the Board the discussion should focus on the following:

1. Issue of locating the facilities to the side and rear rather than just the rear
2. Changing the policy requiring the location to the facility in a multitenant building instead allowing it as one stand-alone building on a block.
3. Staff should bring back to the Board at the adoption hearing examples of worst case scenarios of how the code might be interpreted.

The motion carried 5-0.

Public Comments (The earlier of 5:30PM or at the conclusion of the agenda)

5. Public comments

Tuesday, April 10, 2018 – 5:00 P.M.

Fiscal Consideration: N/A

Recommended Action: Hear Public Comments.

Jim Konish, Adele Franson and Commissioner Cornell presented comments.

QuasiJudicial/Zoning Items

6. ZOM0318: A request to rezone Parcel 04333002000 from BR (Retail Sales and Services) district and R1a (Single Family Residential) district to mixed use PD (Planned Development) district on approximately 3.0 acres

Fiscal Consideration: N/A

Recommended Action: Adopt the resolution (Z1805) approving the request with the bases and conditions as found in the resolution and staff report.

County Attorney Sylvia Torres 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.

County Attorney Torres 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.

Commissioner Byerly and Chair Cornell asked that anyone who wished to be recognized as a party please come forward and identify themselves.

Mary Garber, Irek Debicki, Jamie Gilliam, Colonel David Huckstep and Barry Wagner introduced themselves as parties who wish to speak about ZOM0318.

Commissioner Cornell moved that Mary Garber, Irek Debicki, Jamie Gilliam, Colonel David Huckstep and Barry Wagner be named as parties. The motion carried 5-0.

Tuesday, April 10, 2018 – 5:00 P.M.

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).

Commissioner Hutchinson stated he received emails.

Commissioner Cornell had a discussion with Jen Garrett about the process and the rights that parties may or may not have and thought she would be asking for a continuance or delay.

Chair Pinkoson had discussions with Vinnie Macchi and Colonel David Huckstep about concerns with the zoning item.

Commissioner Chestnut and Commissioner Byerly stated they received emails.

Deputy Clerk Steve Donahey swore in any parties who wish to provide evidence regarding ZOM0318.

Growth Management Sr. Planner Jerry Brewington presented the above item to the Board.

Chair Pinkoson, Commissioner Hutchinson, Sr. Transportation Planner Dawson, Commissioner Hutchinson, Commissioner Byerly, Commissioner Cornell, Chair Pinkoson and Attorney Steve Diebenow presented comments.

Zoning Application Presentation

CHW Vice President Gerry Dedenbach gave a presentation to the Board.

Commissioner Hutchinson, Commissioner Cornell, Senior Transportation Planner Dawson, Commissioner Cornell, Chair Pinkoson, Commissioner Cornell, Chair Pinkoson, County Attorney Torres, Chair Pinkoson and Commissioner Cornell presented comments.

Party Questions:

Irek Debicki, Chair Pinkoson, Mary Garber, Chair Pinkoson, Senior Transportation Planner Dawson, Mary Garber, Commissioner Cornell, Jerry Brewington, Jamie Gilliam, Colonel David Huckstep, Chair Pinkoson, Colonel David Huckstep, Barry Wagner, Commissioner Cornell, Gerry Dedenbach and Concept Development Matt Kaysen presented comments.

Tuesday, April 10, 2018 – 5:00 P.M.

Commissioner Cornell moved to deny the adoption of resolution (Z1805) approving the request with the bases and conditions as found in the resolution and staff report. The motion failed for lack of a second.

Commissioner Byerly moved to adopt the resolution (Z1805) approving the request with the bases and conditions as found in the resolution and staff report with following conditions 1, 6, 8 and 9:

- A. 8 foot tall fence (opaque, non-chain link) on the south parcel boundary and 6 foot fence for the East and West sides of property. Fence at property setback line/or current chain link fence location to maintain current views of homeowners.
- B. No 2nd story balconies on any building to protect current home owner's privacy.
- C. Loading areas on west side of property (near FDOT retention pond).
- D. Cut off luminary lights for sight lighting so lights are not aimed at single family residences.

Conditions

"Prevent nuisance to surrounding residences... prevent sprawl" –Alachua County Comprehensive Plan

1. 10 foot tall fence (opaque, non chain-link) surrounding E/W/S sides of property. Fence at property setback line/or current chain link fence location to maintain current views of homeowners. (Residents would prefer brick wall, was told more trees would come down)
2. 40 ft, high density buffer on E/W/S sides of property (Use existing tree line/vegetation on all borders to protect wildlife habitat)
3. Limit store hours for safety and consistency, 8am-8pm (current store open M-F, 8a-10p)
4. Limit delivery hours to decrease excessive noise and traffic, M-F 9am-4pm
5. Limit all building sizes for area consistency. Heights 35 feet max, sqft capped at 6k sqft each building
6. No 2nd story balconies on any building to protect current home owners privacy
7. All garbage receptacles should be located in one central area, surrounded by fence (Northwest corner of property, near FDOT retention pond)
8. Loading areas on west side of property (near FDOT retention pond)
9. No lights aimed at single family residences
10. Consider parking lots and entrances facing the north side of property (Newberry Road) to prevent increased lighting and noise towards single family residences

Chair Pinkoson, Commissioner Byerly, Sr. Planner Jerry Brewington, Chair Pinkoson, Commissioner Hutchinson and Chair Pinkoson presented comments.

Public Comments:

Nick Gilliam, Growth Management Missy Daniels, Mary Garber, Senior Planner Chris Dawson, Jeff Martins, Concept Development Matt Kaysen, Commissioner Cornell, Senior Planner Chris Dawson, Commissioner Cornell, Missy Daniels, Commissioner Byerly, Joyce Vigil, Vincent Moreschi, Sr. Planner Jerry Brewington, Karen Freeze, Ken Vogel, Irek Debicki, Andi Lister, Mary Hellen Wheeler, Commissioner Hutchinson, Sr. Planner Jerry Brewington, Commissioner Byerly, Sr. Planner Jerry Brewington, Commissioner Byerly and Commissioner Cornell presented comments.

Tuesday, April 10, 2018 – 5:00 P.M.

Commissioner Cornell moved the substitute motion to delay the adoption of resolution (Z1805) approving the request with the bases and conditions as found in the resolution and staff report. This motion failed for lack of a second.

Commissioner Byerly and Concept Development Matt Kaysen presented comments.

The motion carried 4-1 with Commissioner Cornell voting “Nay”.

Commissioner Byerly, Commissioner Cornell, Commissioner Byerly, Commissioner Cornell, Chair Pinkoson, Commissioner Hutchinson, Commissioner Cornell and Senior Transportation Planner Dawson presented comments.

Public Hearings

7. Local Option Fuel Tax Ordinance

Fiscal Consideration: N/A

Recommended Action: Adopt the ordinance re-imposing and levying the 1st, 2nd, and 3rd cent local option fuel tax, the 4th, 5th and 6th cent of the local option fuel tax, and the five cent additional local option fuel tax upon every gallon of motor fuel and diesel fuel sold in Alachua County.

Transportation Planning Manager Jeff Hayes presented the above item to the Board.

Deputy Manager Harriot, Commissioner Hutchinson, Commissioner Byerly, Transportation Planning Manager Hayes, Chair Pinkoson, Commissioner Byerly, Transportation Planning Manager Hayes, Commissioner Byerly, Commissioner Cornell, Commissioner Byerly, Chair Cornell, Public Works Director Ramon Gavarrete, Deputy County Manager Harriott and Commissioner Byerly presented comments.

Commissioner Cornell moved to adopt the ordinance re-imposing and levying the 1st, 2nd, and 3rd cent local option fuel tax, the 4th, 5th and 6th cent of the local option fuel tax, and the five cent additional local option fuel tax upon every gallon of motor fuel and diesel fuel sold in Alachua County.

Commissioner Cornell, Commissioner Byerly, Commissioner Cornell and Commissioner Hutchinson presented comments.

Commissioner Byerly moved the substitute motion to adopt the ordinance re-imposing and levying the 1st, 2nd, and 3rd cent local option fuel tax, the 4th, 5th and 6th cent of the local option fuel tax, and the five cent additional local option fuel tax upon every gallon of motor fuel and diesel fuel sold in Alachua County with at least fifteen percent for bike/pedestrian projects. The motion failed for a lack of a second.

Tuesday, April 10, 2018 – 5:00 P.M.

Commissioner Byerly, Commissioner Hutchinson, Commissioner Cornell, Deputy County Manager Harriott, Transportation Planning Manager Jeff Hayes, Chair Pinkoson, Commissioner Chestnut, County Attorney Torres, Chair Pinkoson, Commissioner Byerly, Chair Pinkoson and Commissioner Cornell presented comments.

Commissioner Byerly moved the substitute motion to postpone the adoption the ordinance re-imposing and levying the 1st, 2nd, and 3rd cent local option fuel tax, the 4th, 5th and 6th cent of the local option fuel tax, and the five cent additional local option fuel tax upon every gallon of motor fuel and diesel fuel sold in Alachua County and continue on April 24, 2018 at 5:01 P.M. and request that staff provide the kind of allocation for discretionary County transportation funding for at least the last ten years.

Transportation Planning Manager Hayes, Commissioner Byerly, Commissioner Hutchinson, Commissioner Byerly, Commissioner Hutchinson and Transportation Planning Manager Hayes presented comments.

Public Comment:

Christine Young presented comments to the Board.

The motion carried 5-0.

Chair Letter Regarding Bicycle and Recreation Master Plan

Commissioner Byerly will create a new rough draft of the letter to the BOCC Special Meeting at 10:00 A.M. on 4/17/18 to be potentially adopted by the Board.

Closing Comments

8. Closing comments from the public

Fiscal Consideration: N/A

Recommended Action: Hear closing comments from the public.

No comments were presented to the Board.

9. Closing comments from Commissioners

Fiscal Consideration: N/A

Recommended Action: Hear closing comments from Commissioners.

Commissioner Cornell and Commissioner Byerly discussed the affidavits provided to the Commissioner by Adele Franson alleging animal neglect.

Tuesday, April 10, 2018 – 5:00 P.M.

County Attorney Torres stated that Staff is continually looking into this and if any evidence is found Staff will take action.

There being no further business before the Board, the meeting was adjourned at 9:02 P.M.