

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



Board of County Commission Minutes

Tuesday, November 13, 2018

9:00 A.M.

Board of County Commissioners

District 1 Commissioner Mike Byerly

District 2 Commissioner Marihelen
Wheeler

District 3 Commissioner Robert
"Hutch" Hutchinson

District 4 Commissioner Ken Cornell

District 5 Chair Charles "Chuck"
Chestnut

County Manager

Michele Lieberman

County Attorney

Sylvia Torres

Tuesday, November 13, 2018 – 9:00 A.M.

Invocation

Pledge of Allegiance

Approval of Regular and Consent Agendas

2. Commission Induction Ceremony

Fiscal Consideration: N/A

Recommended Action: 1. Take Oaths of Office; 2. Recognitions; 3. Election of Officers; 4. Remarks; 5. Motion to Recess.

The Honorable Judge Walter Green administered the Oath of Office to Commissioner Cornell.

The Honorable Judge Walter Green administered the Oath of Office to Commissioner Mary Hellen Wheeler.

Commissioner Cornell moved nomination of Vice Chair Chestnut as Chair and Commissioner Hutchinson as Vice Chair. The motion carried 5-0.

1. Approve the Agenda and Waive Rules of Procedure

Fiscal Consideration:

Recommended Action: A Motion to Approve the Agenda and Waive Rules of Procedure: (a) approve any amendments to the Regular Agenda; (b) adopt the Regular Agenda; and (c) waive rules of procedure to defer all public comment to the conclusion of the morning session.

Commissioner Cornell moved adoption of the agenda and to waive rules of procedure to defer all public comment to the conclusion of the morning session. The motion carried 5-0.

(Approval of items on the Consent Agenda are generally considered to be routine matters and the motion to adopt the Agenda approves all items on the Consent Agenda and is the first action taken by the Board at the beginning of the meeting. There will be no discussion on these items unless requested. Anyone wishing to speak to an item on the Consent Agenda may come forward and request the item be moved to the Regular Agenda prior to the approval of the agenda.)

Commission Induction Ceremony

30 Minute Recess

Announcements

Tuesday, November 13, 2018 – 9:00 A.M.

3. Announcements

Fiscal Consideration: N/A

Recommended Action: Hear Announcements by Mark Sexton Communications and Legislative Affairs Director.

1. A Video on the groundbreaking for the eco industrial park was presented to the audience.

Proclamations Approval and Presentation

4. Approval of a Proclamation Declaring November 2018 as "Veterans and Military Families Month" in Alachua County, FL

Fiscal Consideration: N/A

Recommended Action: Proclaim November 2018 as "Veterans and Military Families Month" in Alachua County, FL

Chair Chestnut read and presented the Proclamation to Veteran Services Director Kim Davis who accepted it with gratitude.

Presentations

5. Update on Working Food and Local Food Economics Progress

Fiscal Consideration: As part of the FY18 budget, the Board approved \$50,000 for Working Food's Community Food Center. Local Food and Agriculture represents a significant and ongoing economic benefit to the County. Working Food assists the local food system by supporting local farmers, processing, incubation, distribution and food related businesses.

Recommended Action: Hear Presentation.

Working Food Board President Anna Prizzia presented the above item.

Commissioner Hutchinson, Commissioner Cornell

Commissioner Cornell moved to direct staff to work with Working Foods and the Institute of Food and Agricultural Sciences (IFAS) to develop institutional procurement standards and present the draft standards and opportunities to the Rural Concerns Advisory Board and the Economic Development Advisory Board. Return to the Board in the spring with additional ideas that could help expand this process. The motion carried 5-0.

6. Presentation from Hoteliers regarding the Investment of the Third Percent of the Tourist Development Tax (currently earmarked for Tourist Product Development and Conference grants)

Fiscal Consideration: N/A

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Recommended Action: Hear Presentation from Hoteliers regarding the Investment of the Third Percent of the Tourist Development Tax (currently earmarked for Tourist Product Development and Conference grants).

Tourist Development Council Member Bruce Gibbs presented the above item.

Commissioner Cornell, Assistant County Manager Tommy Crosby, Commissioner Byerly, Commissioner Hutchinson, Chair Chestnut, Commissioner Byerly, and Tourism Manager Jessica Hurov presented comments.

Commissioner Hutchinson moved the following:

1. To refer to the Tourist Development Council (TDC) and the County Manager's Office a request for their recommendation on how to create and operate multimedia channels to showcase events and features in the County.
2. It should include partnerships with the University of Florida, Santa Fe College, area high schools and private media producers.
3. The recommendations should be available in time for budget considerations this spring.
4. Staff to provide their recommendations on how to grade the destination enhancement grants as well as how the Tourist Development Council meets whether that be monthly or quarterly. Look into opportunities to fund professional organizations out of TDC funds to overcome budget shortfalls in the State's budget.

Terry Fleming, Tony Sicario, Adam McGovern, Rochelle Trigard, and Adam Anderson presented comments.

The motion carried 5-0.

7. Rural Concerns Advisory Committee Annual Work Plan FY 20182019 and Accomplishments Report FY 20172018

Fiscal Consideration: N/A

Recommended Action: Receive the Rural Concerns Advisory Committee Annual Work Plan and Accomplishments Report.

Rural Concerns Advisory Board Member Ward Scott presented the above item.

Commissioner Cornell and Commissioner Wheeler presented comments.

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8. Presentation: Hurricane Michael Disaster Deployment
Fiscal Consideration: N/A
Recommended Action: Hear Presentation.

Deputy Chief Harold Theus, Mutual Aid Communications Leader Kevin Rolfe, and Lt. Paramedic Justin Patterson presented the above item.

Commissioner Cornell and Commissioner Hutchinson presented comments.

ACTION ITEMS

County Attorney's Office

9. Ordinance Banning Conversion Therapy Request to Advertise a Public Hearing
Fiscal Consideration: A determination by the respective administrating officials will need to be made as to the appropriate department assignment regarding investigations, presentations, and enforcement. Additional, resources will be needed based upon complaints and the sensitivity of matters. In addition, if enforcement action is through the courts, funding will be needed for filing costs, discovery, investigation, and other. In addition, with the likelihood of legal challenges present, the Board should consider the need to fund a complex litigation defense.
Recommended Action: Approve the request to advertise a public hearing to consider the adoption of an ordinance banning conversion therapy by licensed therapists.

Senior Assistant County Attorney Michael Durham presented the above item.

Commissioner Hutchinson, County Attorney Sylvia Torres, and Commissioner Cornell presented the above item.

Commissioner Hutchinson moved to approve the request to advertise a public hearing to consider the adoption of an ordinance banning conversion therapy by licensed therapists.

Terry Fleming, Bruce Blackwell, Seth Smith, Bob Karp, Susan Butcher Simone Chriss, Commissioner Byerly, and Commissioner Hutchinson presented comments.

Commissioner Hutchinson moved the amended motion to have the County Attorney schedule a public workshop so the public can provide recommended modifications to the proposed Ordinance and the Board can provide the County Attorney's Office direction. The motion carried 5-0.

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10. Authorization to Advertise Amendment to Chapter 72 (Animals) Alachua County Code

Fiscal Consideration: N/A

Recommended Action: Authorize staff to advertise a Public Hearing of the proposed ordinance.

Assistant County Attorney Corbin Hanson presented the above item.

Commissioner Cornell moved to authorize staff to advertise a Public Hearing of the proposed ordinance. The motion carried 5-0.

ADDED ITEM:

Request for 2 additional FTE for Animal Services Investigators

County Manager advised the Board that the cost would be \$118,878.00. These employees would not be animal control officers but investigators which is a higher function. She stated that with the number of complaints and the issues within the department it is important to get the staff on board immediately.

Commissioner Cornell moved to authorize and fund the 2 FTE for additional Animal Control Investigators to be funded from the County Reserves.

Commissioner Hutchinson and Commissioner Byerly presented comments.

The motion carried 4-1 with Commissioner Byerly voting "Nay".

Commissioner Hutchinson presented comments regarding the potential needs for funding for the Supervisor of Elections. He stated that he is concerned with the added expense of the recount that the Supervisor of Elections Office may experience some budget shortfalls.

County Manager Lieberman stated that she has a very good working relationship with the Supervisor of Elections Kim Barton. She feels confident that if Supervisor of Elections Office has any concerns that will be brought to her attention and staff will bring a recommendation to the Board to deal with any issues that occur.

County Manager's Office

11. Select Artist for New Public Defenders Public Art Project: CTA for New Public Defender Building Public 18814

Fiscal Consideration: Not to exceed \$40,000, budgeted through the Art in Public Spaces Fund, via the Public Defender's Building construction Fund 118. FY19 does not currently have funding for art at the Public Defender Building, but

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unspent funds of \$40,660 will be available after carry forward, if approved at today's meeting.

Recommended Action: Select Artist for Public Defenders Public Art Project and authorize the Manager to negotiate and execute a contract with the selected Artist in an amount Not to Exceed \$40,000 after full funding is carried forward from FY18.

Assistant County Manager Gina Peebles presented the above item.

Commissioner Hutchinson presented comments.

Commissioner Hutchinson moved to authorize the staff to negotiate with the top two artists of the sculpture and the interactive art piece to negotiate contracts with both for an amount not to exceed \$40,000.00.

Commissioner Byerly, Public Defender Stacy Scott, and Commissioner Wheeler presented comments.

Commissioner Cornell moved the following substitute motion:

1. To negotiate a contract with Jay Gabbert for the 7' outdoor statue and authorize the County Manager to negotiate a contract not to exceed \$40,000.00 after full funding is carried forward from fiscal year 2018.
2. The County Manager is to work with Facilities and staff to provide the proper lighting solution of the artwork.

Chair Chestnut and Commissioner Hutchinson presented comments.

The motion carried 5-0.

Visitors and Convention Bureau

12. Request Approval of 2018 Fall Conference Grants as Presented

Fiscal Consideration: Not to exceed \$75,000.00, funded through 15% of one Tourist Development Tax penny. There is sufficient funding in the account for this award list.

Recommended Action: That the Board make the legislative determination that each of the events described in the grant applications that are recommended for approval have as one of their main purposes the attraction of tourists to Alachua County as is evidenced by the promotion of the event to tourists, and approve the 2018 Fall Conference Grants as Presented.

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Commissioner Hutchinson moved that the Board make the legislative determination that each of the events described in the grant applications that are recommended for approval have as one of their main purposes the attraction of tourists to Alachua County as is evidenced by the promotion of the event to tourists, and approve the 2018 Fall Conference Grants as Presented. The motion carried 5-0.

CLOSING COMMENTS

13. Closing comments from the public

Fiscal Consideration: N/A

Recommended Action: Hear closing comments from the public.

Kim Pence and William Toreki presented comments expressing concerns of connecting the road in the Ricelands neighborhood to a new development which will make a bypass for Archer Road through their neighborhood. The bypass will destroy the character of their neighborhood. The requested that the Board consider not allowing the connection to be made.

Commissioner Cornell moved to refer the matter of blocking SW 47th or only allowing an emergency access would create any problems with the Comprehensive Plan and direct staff to return to the Board with recommendations. Staff should consider vehicle/bicycle pedestrian traffic.

Commissioner Hutchinson, Chair Chestnut, County Attorney Sylvia Torres, Commissioner Cornell, and Deputy County Manager Harriot presented comments.

The motion carried 5-0.

14. County Attorney comments

Fiscal Consideration: N/A

Recommended Action: Hear County Attorney Comments.

There were no comments offered.

15. County Manager comments

Fiscal Consideration: N/A

Recommended Action: Hear County Manager Comments.

County Manager Lieberman presented comments regarding Commissioner Hutchinson's appointment to the GRU Oversight Board.

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Commissioner Hutchinson moved to advertise the appointment as the County would do with any other Advisory Board Application. The County should seek to determine the applicants area of expertise related to the utility. The motion carried 5-0.

16. Board Reports by Commissioners

Fiscal Consideration:

Recommended Action: Hear reports if applicable.

There were no comments offered.

17. Commission comments

Fiscal Consideration: N/A

Recommended Action: Hear Commission Comments.

Reclassifications Report

Commissioner Cornell stated that the audit report provided recommendations for reclassifications. He stated that a policy was recommended to be developed if the Board wishes to have involvement in reclassifications.

Chair Chestnut stated that there were concerns prior to Ms. Lieberman's ten year were that reclassifications were being done through the budget process which eliminated opportunities for other employees apply for the position. He stated that

Commissioner Cornell requested that it be scheduled for a discussion at a Policy Meeting.

Union County Mining Lawsuit

Commissioner Cornell advised the Board that the Union County Commission has hired a Bert Harris Act expert to defend the County in the pending lawsuit. He wanted to make sure the Board is aware of the situation in case Union County requests any assistance from Alachua County in the matter. Commissioner Cornell stated that he may go to the Union County meeting on Monday to introduce himself to the newly elected Commissioners.

No Fault Replat Proposal

Commissioner Hutchinson stated that there are many historical plats that were simply drawn in a grid pattern with no consideration of natural features such as trees and environmentally sensitive areas. He would like to see a process by which the plat lines can be moved to accommodate features such as trees and not punish the land owner for the old plat.

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Commissioner Hutchinson would refer to the County Manager/Growth Management for consideration.

Commissioner Wheeler thanked everyone for welcoming her to the Commission.

Commissioner Byerly stated that since the Union County Mine matter has moved into a new legal phase it may be necessary for the County to review its decision for assisting Union County in the matter. Whether it be providing expert resources, legal services, or financial assistance to pay for the defense. He thinks it is a conversation the Board needs to have.

Commissioner Cornell requested that staff provide the previous direction to the Board so the matter can be addressed.

Commissioner Hutchinson stated that Commissioners need to be very diligent in keeping records regarding the matter so that there will not be any legal issues regarding any conversations or communications.

Chair Chestnut stated that he received a letter from a Joe Gibbs who expressed his appreciation for the service he received from the County's Veteran's Affairs Department. He would like to make sure that recognition is passed on to Director Kim Davis and her staff. The gentleman expressly mentioned Mrs. Davis and Keith Brandon.

There being no further business before the Board the meeting was adjourned at 1:32 P.M.

Adjourn

Consent Items

Other Governmental Units

18. Request approval for the attached BOCC minutes
Fiscal Consideration: N/A
Recommended Action: Approve attached minutes from prior BOCC meetings.
19. FY18 Sheriff's Annual Equitable Sharing Agreement and Certification
Fiscal Consideration: N/A
Recommended Action: Review and authorize the FY18 Annual Equitable Sharing Agreement and Certification.
20. Signatories on Alachua County's Bank Accounts
Fiscal Consideration: N/A
Recommended Action: Adopt the Resolution and authorize the Chairman and Vice Chairman to execute all bank signature cards.

Commission Services Office

21. Approval of a Proclamation Declaring October 2018 as "Altrusa International of Gainesville, Inc and Altrusa House of Gainesville, Inc. Appreciation Month" in Alachua County, FL

Fiscal Consideration: N/A

Recommended Action: Proclaim October 2018 as "Altrusa International of Gainesville, Inc and Altrusa House of Gainesville, Inc. Appreciation Month" in Alachua County, FL.

County Attorney's Office

22. Authorization for County Attorney to initiate or defend cases

Fiscal Consideration: N/A

Recommended Action: Approve the County Attorney's authority to initiate or defend in the attached List of Cases.

Equal Opportunity

23. Alachua County Human Rights Board appointment

Fiscal Consideration: N/A

Recommended Action: Appoint Catharina Appadoo in the Citizen at Large position of the Human Rights Board with a full term ending October 31, 2021.

Facilities Management

24. Contract with BBI Construction Management, Inc. for the State Attorney Building Training / Break Room Renovations

Fiscal Consideration: State Court Facility Cap Preservation 037.34.3450.712.46.00 \$179,900 Project #8181910 Funding includes the \$30,000 budgeted for State Attorney for FY19, \$116,870 unspent from FY18 by the State Attorney (which is subject to Board approval of the carry forward budget item on the 5:01 public hearing), and the attached budget amendment using \$40,000 from reserves within Fund 037, with approval of all parties that have access to this funding.

Recommended Action: Approve the Contract between Alachua County and BBI Construction Management Inc. to complete the renovations of the lunchroom area of the State Attorney's Office Building. Approve budget amendment 20190333, attached.

Fire Rescue

25. Transfer of 911 Capital Reserve Funds to Purchase and Install an Air Conditioning (A/C) Unit to Support New 911 Telephone Equipment

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Fiscal Consideration: The E911 Reserve for Capital purchases has a \$922,270 balance for FY19. Amount budgeted not to exceed \$19,000.

Recommended Action: Approve the transfer of funds and the expenditure.

26. Supplemental Agreement with Zoll Medical Corporation to purchase cardiac monitors

Fiscal Consideration: The FY19 budget includes funding to replace half of the cardiac monitors.

Recommended Action: Approve and sign the Supplemental Agreement and Acknowledgment Form with Zoll Medical Corporation, in the amount of \$363,952.41, for the purchase of thirteen (13) X Series Manual Monitor/Defibrillators and Accessories.

Growth Management

27. Westside Baptist Church Private School 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 use. Fees will be utilized for eligible projects in the Capital Improvements Element of the Comprehensive Plan. 3547910329.3150 \$14,000 in FY19.

Recommended Action: Approve and authorize the Chair's signature on the Multimodal Transportation Mitigation Agreement between Alachua County and Westside Baptist Church of Gainesville, Florida, Inc.

28. Joint Planning Agreement / Joint Mobility Fee Methodology Letter to the City of Gainesville

Fiscal Consideration: N/A

Recommended Action: Approve the proposed letter and authorize the Chair's signature.

29. Third Amendment to Purchase and Sale Agreement with the Trust for Public Land for Purchase of the High Springs to Newberry Rail Trail

Fiscal Consideration: As proposed, this Third Amendment does not create any additional fiscal considerations for the Board. The cost of the soil management and capping plan is included in the Scope of the Phase 2 Environmental Assessment. These funds have previously been appropriated by the Commission. If, during continued discussions with TPL and CSX, additional testing is determined to be necessary, Staff would return to the Commission with a revision to the Agreement and identify the party responsible for funding the testing. Any cost of mitigation would return to the Board for identification of the responsible party and funding alternatives.

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Recommended Action: Approve and authorize the Chair's signature on the Third Amendment to the Purchase and Sale Agreement with the Trust for Public Land.

30. Arbor Greens Phase IV Unit 2 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 use. Fees will be utilized for eligible projects in the Capital Improvements Element of the Comprehensive Plan. 3547910329.3150 \$750,000 in FY19.
Recommended Action: Approve and authorize the Chair's signature on the Multimodal Transportation Mitigation Agreement between Alachua County and Arbor Green Apartments, LLC.

Office of Management and Budget

31. Budget Amendment FY18 Combined Communication Center (CCC) Contributions/Revenue Based on Actual Call Load Data
Fiscal Consideration: The original budgeted funding ratios were projected based on several factors including historical call load data. The attached budget transfer adjusts the proportional CCC funding from the contributing jurisdictions based on the actual call load data for FY18. Board related funding adjustments include: A \$784,665 reduction in the General Fund's funding responsibility A \$751,360 increase in the MSTU Law Enforcement's funding responsibility A \$215,654 increase in the MSBU Fire's funding responsibility Each of these adjustments are offset through each fund's respective reserves.
Recommended Action: Approve budget amendment and adjustments to reserves for FY18 to adjust the budgeted contribution amounts to the CCC based on actual call load data.

Parks & Conservation Land

32. Addition of certain land conservation project to the Alachua County Forever Active Acquisition List
Fiscal Consideration: Pre Acquisition Services: \$6,800 Fund 021414160537 (Wild Spaces Public Places surtax funds).
Recommended Action: Approve addition of the Lochloosa Slough Flatwoods – Lochloosa Slough property to the Active Acquisition List.

Public Works

33. NW 16th Ave Slope Stabilization & NE 21st St Box Culvert Construction Agreement

Fiscal Consideration: Total budget for NW 16th Ave Slope Stabilization is \$850K and the total budget for NE 21st St Box Culvert is \$1,500,000. NW 16th Avenue is partially funded by FHWA (\$84K) and the remainder will be funded with the Additional 5cent Local Option Gas Tax; NE 21st St.is funded by the General Fund with the anticipation of reimbursement from FEMA. The referenced budget will be finalized with the approval of the Carry Forward Budget Amendment. 164.00.0050.592.63.00 \$1,500,000 350.79.7910.541.63.99 \$850,000 project (9187909).

Recommended Action: Approve Capital Construction Agreement with Commercial Industrial Corporation for Bid 18821 for NW 16th Ave Slope Stabilization & NE 21st St Box Culvert (Federal Funds).

Solid Waste and Resource Recovery

34. Surveying Services Agreement E.D.A Engineers Surveyors Planners

Fiscal Consideration: Contracts will be used on an as needed basis and surveying services are included in department annual operating budgets and capital project budgets. The contracts for RFP1923 have an annual not to exceed amount of \$1,500,000

Recommended Action: Approve continuing services agreement for annual surveying services (RFP 1923) with EDA Engineers Surveyors Planners.

35. Agreement for Contractual Services Between Alachua County and Frankel Media Group RFP 19150

Fiscal Consideration: Solid Waste Assessment Funds from accounts 405.76.7620.534.48.00 (\$83,500.00) and 148.76.7600.534.48.00 (\$55,000.00) are budgeted for FY19. Fund 400.76.7605.534.48.00 (\$150,000.00) will be carried forward from FY18.

Recommended Action: Approve Agreement for Contractual Services Between Alachua County and Frankel Media Group RFP 19150 and authorize chair to sign agreement.

36. Revised Certification of Non Ad Valorem Assessment Roll Solid Waste

Fiscal Consideration: Fiscal impact of certification of Non Ad Valorem Assessment Roll is estimated to increase revenues by \$6,704.29 from the roll certified at the September 11, 2018, BOCC meeting. This is a difference of \$78.31 from the previous revised certification of the nonad valorem assessment roll.

Recommended Action: Accept the Revised Certification of NonAd Valorem Assessment Roll for Solid Waste and authorize the Chair to sign it.

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37. Request for Authorization to Advertise Notice of Intent to use Uniform Method of Collecting Non Ad Valorem Assessment

Fiscal Consideration: By approving the request to Advertise Notice of Intent and the public hearing, the County will continue to fund the collection, disposal, recycling, and management of solid waste throughout Alachua County and fund community maintenance in the Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District through Non Ad Valorem assessments on the property tax bill. These assessments generate approximately \$7.9 million to fund these programs and services.

Recommended Action: Approve and authorize the publication of the Notice of Intent, and the public hearing, for using Non Ad Valorem Assessments for the collection, disposal, recycling, and management of solid waste and for community maintenance in the Sugarfoot Oaks/Cedar Ridge Preservation and Enhancement District.

Notation for Record

38. Minutes of the County Historical Commission September 2018

Fiscal Consideration: N/A

Recommended Action: Accept the Minutes.

39. County Historical Commission Annual Report and 20182019 Workplan

Fiscal Consideration: N/A

Recommended Action: Accept the Workplan and related information.

40. Rural Concerns Advisory Board Minutes of September 18, 2018

Fiscal Consideration: N/A

Recommended Action: No Action necessary. For Informational purposes only.

41. Local Planning Agency and Planning Commission Meeting Minutes

Fiscal Consideration: N/A

Recommended Action: No Action necessary. For Informational Purposes only.

42. Environmental Protection Advisory Committee (EPAC) Annual Report and 20182019 Workplan

Fiscal Consideration: N/A. If any of the projects in the Workplan require funding there will be future agenda items detailing the project information and funding request.

Recommended Action: Accept the Workplan and related information.