



## Joint City-County Commission Meeting Minutes May 11, 2015

**Mayor Gib Coerper**  
**Vice Mayor Ben Boukari, Jr.**  
Commissioner Gary Hardacre  
Commissioner Robert Wilford  
Commissioner Shirley Green Brown

**City Manager Traci Cain**  
City Attorney Marian Rush

**Chair Charles S. Chestnut IV**  
Vice Chair Robert Hutchinson  
Commissioner Mike Byerly  
Commissioner Ken Cornell  
Commissioner Lee Pinkoson

The City Commission conducted a  
**Joint City-County Commission Meeting**  
**At 6:30 PM**  
to address the item(s) below.

**Meeting Date:** May 11, 2015

**Meeting Location:** James A. Lewis Commission Chambers

### **MEETING ATTENDEES:**

Karen Arrington, Stephen Boyes, Chris Bird, Sandy Burgess, Dorothy Burnham, Arjuna Bush, Michael Canney, Diana Carson, Anette Colee, Angela Cornell, Lynn Coullias, Shawna Doran, David Gold, Marilyn Hawley, Jeannette Hinsdale, Nyron Jenkins, June Littler, June Locklim, Whitey Markle, Erich Marzolf, Doris Maurico, Bruce Nelson, Kathy Nichols, Harry Patterson, Garrett Quinlivan, Thomas Riherd, Tamara Robbins, Andrew Romero, Rudy Rothseiden, Jim Thomas, Darryl Tompkins, Charles Wallace, Ernest Wigglesworth, Jr., Anthony Wright.

### **STAFF PRESENT:**

Robert Bonetti, Adam Boukari, Marcian Brown, Alan Henderson, Diane Morgan, Chad Scott, Justin Tabor, Melanie Anne Westmoreland, Cap Wilson, Kathy Winburn

## **Joint City-County Commission Meeting**

Notice given pursuant to Section 286.0105, Florida Statutes. In order to appeal any decision made at this meeting, you will need a verbatim record of the proceedings. It will be your responsibility to ensure such a record is made.

### **CALL TO ORDER**

Called to order by Chair Charles Chestnut IV.

## **APPROVAL OF THE AGENDA**

**Commissioner Ken Cornell moved to adopt the agenda and strike item 4, the Boundary Adjustment Act; seconded by Commissioner Lee Pinkoson.**

Chair Chestnut asked for discussion then opened the floor for comments.

There were no comments.

**Passed by unanimous consent.**

**Vice Mayor Ben Boukari, Jr., moved to approve the agenda, striking item D, the Boundary Adjustment Act; seconded by Commissioner Shirley Green Brown.**

**Passed by unanimous consent.**

## **WELCOME**

### **I. AGENDA**

#### **A. Alachua Commerce Rezoning**

Assistant City Manager Adam Boukari introduced the item.

Assistant City Manager Boukari and City Planning Director Kathy Winburn provided background information.

Alachua County Environmental Protection Director (EPD) Chris Bird provided background information.

Commissioner Pinkoson commented on the different objectives of rezoning and site development planning and asked Mr. Bird about the extent and nature of the conversations between County and City staffs before and since the City approved the rezoning.

Mr. Bird spoke about the 2006 Dye Trace study again; referencing the County preparations to challenge the storm water permit issued by Suwannee River Water Management District (SRWMD) to WalMart at that time. He explained the reason for the short window of activity in County staff involvement at the present time resulted because this was when it was initiated by the commissioners.

Commissioner Pinkoson clarified his question saying he wanted to know if County staff had talked with City staff.

Assistant City Manager Boukari provided the timeline of communications from the County. He characterized them as recent, limited and generalized, with no clear indication of the County's concerns other than the presence of sinkholes on the subject property.

Commissioner Pinkoson asked if the County's intention was to challenge the rezoning or to form work groups and discussions with the City and SRWMD and other interested parties about storm water management.

Mr. Bird said staff hoped to be having discussions with all of the groups and clarified for the Commission that the County's issue was storm water management and downstream water supply.

Commissioner Pinkoson asked if staff would be recommending at tomorrow's meeting that the County challenge the City's rezoning or look for solutions to the storm water concerns.

Mr. Bird said that staff's recommendation would be for the Commission to direct them how to proceed.

Commissioner Pinkoson pointed out that staff brought this issue to the Commission and Mr. Bird corrected him saying that staff was requested to bring it to them.

Mayor Coerper asked Mr. Bird who made that request and how County staff was directed.

Mr. Bird said his first recollection was staff being asked to present at a special meeting of the County Commission in April, then a conversation with City staff, and after that being directed to send staff to express the County concerns at the City's April 27th Commission meeting.

Commissioner Pinkoson asked County Attorney Michele Lieberman if the Commission was going to be asked to challenge the rezoning passed at the April 27th City Commission meeting.

County Attorney Lieberman said staff was asked to make a presentation expressing their concerns at the next County Commission meeting as there had been no report from staff on the issue to date. She said what to do after that was a policy decision and the commissioners would decide how to direct staff.

Commissioner Mike Byerly said the issue for him was not about the rezoning, but was about the water. He said the area of the rezoning was unique and sensitive, and perhaps required higher development standards when it came to managing storm water.

He said the 2001 Charter Amendment 1 gives the County the authority to prevail over municipalities in issues of water quality.

He said he wanted to use the rezoning issue in Alachua as part of a broader goal to determine what needed to be done, and what could legally be done, for the good of the community in establishing better water management standards than those historically accepted.

Commissioner Cornell said the County comprehensive plan encouraged growth in and around its cities. He said the growth had to be managed to protect the water. He said he thought the discussion was important since he was going to be asked to vote about the City's rezoning.

He asked City staff about the source of the environmental data used to prepare the report recommending the rezoning. He questioned why City staff had not used the County's 2006 Dye Trace study in its staff report.

Assistant City Manager Boukari provided the environmental sources used in the initial report. He said staff was unaware of the study in its initial report, but after it was brought to their attention, it was reviewed and subsequently provided to the Commission for its deliberations.

He said a geologist provided a report his findings to the Commission relative to the claims made in the study and by County staff to the presence of sinkholes on the property.

Commissioner Cornell asked Assistant City Manager Boukari to confirm that the City intended to use the study at a later stage in the site planning process if everyone decided to accept the raised level of development intensity the rezoning allowed.

Assistant City Manager Boukari said that the issues flagged by the dye trace study were site specific and at site planning the applicant would have to meet the standards established by the City as well as SRWMD and others as part of the normal site development process.

Commissioner Cornell asked professional geologist Stephen Boyes to summarize the 2006 Dye Trace study he co-authored.

In his presentation Mr. Boyes provided a synopsis of the connection of Lee Sink and Mill Creek Sink to downstream local springs and well water, and the Florida aquifer. He said any storm water discharge into the Mill Creek Sink resulting from development in the area would end up in the aquifer.

Commissioner Cornell asked what could be done to mitigate that risk.

Mr. Boyes said to put in a public water supply system to bring any part of the community determined to be affected off well water and to aggressively treat any storm water before it was discharged into the runoff areas.

Mayor Coerper pointed out that the study only referenced one well sample in the High Springs area under discussion and asked about the other wells and water supply systems between Mill Creek Sink and Hornsby Springs.

Mr. Boyes said it had been 10 years and he could not clearly recall but private wells were not tested.

Vice Mayor Boukari asked if the dye in the study entered the water system through the ground or if it was distributed directly into Mill Creek Sink; and if all water that entered the ground through the land in Alachua county ended up in the aquifer.

Mr. Boyes said the dye was put directly into Mill Creek Sink. He said the flow of storm water was different in different areas. He said that water from the duck pond area of Gainesville would first go through Sweetwater Branch Creek, then all the way through town, before directed to enter the sinkhole at Paynes Prairie where it would return to the aquifer.

Commissioner Robert Wilford asked about the Paynes Prairie water and the environmental conditions it presented.

Mr. Boyes said this was GRU, but that it was storm water re-entering the aquifer although it was not in an area where well water could be affected.

Commissioner Wilford said that if water quality for all of Alachua county was the issue, and storm water recharging the aquifer was the primary concern, he thought the development already underway with Celebration Pointe and Butler Plaza should be part of the conversation.

Mr. Bird said the dynamics were different in that area because Haile Sink is further from the springs, and because GRU discharges a lot of waste water into the aquifer there, providing a barrier that makes it take longer for the water to travel out of the area.

He said the Mill Creek Sink is closer and moves faster. He said that in the site development of Celebration Pointe the developers put in a lot of work including setting aside a large part of the land to conservation to mitigate the risk.

Mayor Coerper pointed out that 125 acres around and above Mill Creek Sink up to the creek was put into conservation and will remain protected.

He said that the runoff from the six lanes of I-75 was more than would be from any development of the subject properties and asked why the County had only stepped forward with these environmental concerns about storm water from a potential WalMart 50 feet from the same location, when it never raised any concerns during the whole process of DOT widening I-75 to six lanes.

He said he welcomed the discussions to make sure the environment was protected throughout the County, but he said he disliked the double standard being applied to the City and the conversation being the threat of lawsuits.

He said the City has always done a good job of guarding the environment and has the projects, rezoning, and protections in its history to prove it; and that the City would continue to practice those policies to ensure the environment was protected.

Commissioner Byerly said he wished the County did have the authority to enforce water management on USDOT, but it does have the authority from the Alachua county voters to manage water quality in regards to the County.

He said he did not want to hold the City to a different standard, but he wanted to see the project slowed down and used to develop standards that could be applied throughout the County.

He said negotiations on water standards might come to an agreement so any litigation or legal objections could be withdrawn, but he said if the County wanted recourse further down the road beyond the water permitting process, it had a small legal window to make those objections and declare its interests now.

He said the County was considering contesting the rezoning as a means to have its concerns about water quality addressed, and he asked the County Attorney what the basis was that the County was using to contest the rezoning and establish its standing.

County Attorney Lieberman said at the later stages of site planning the Environmental Resource Permitting (ERP), the ultimate site plan approval could still be challenged, but that the County had to file its objections within 30 days of the rezoning if it wanted to have a say in the allowable density or intensity of development of the property.

Commissioner Byerly instructed Mr. Bird to find out for tomorrow the differences in the standards used and in the way the County and the City would approach and move through the site development process. He said he wanted to know if the rezoning application would have been conducted any differently if it had been done by the County.

Commissioner Pinkoson asked County Attorney Lieberman to clarify if they were going to have to decide whether to challenge water permits at the County's meeting.

County Attorney Lieberman said no because the only issue that was time sensitive was on the rezoning.

Commissioner Pinkoson said his question would also be finding out the differences between the policies of the County and City as the water quality issues seemed to be the motivation behind the County injecting itself into the City's rezoning. He said he

wanted to know why the County seemed to think that the City or City staff was incapable of managing this development.

Mr. Bird said that one reason was that the County had a water quality ordinance and also Amendment One in the County Charter.

Commissioner Pinkoson asked if the City did not have any regulations or policies about water quality.

Mayor Coerper said that the City's water quality and all of water projects were always excellent.

Assistant City Manager Boukari said that the City did have water quality policies in the City's Comprehensive Plan as well as its Land Development Regulations (LDR).

He said that he did not know how they compared to the County's but that the County's ambiguity regarding the standards it would like to see implemented has been part of the problem. He said that after a month of the County's expressing concerns, the City still did not know what the County actually wanted it to do.

Mr. Bird said that without knowing the specific intended use of the properties in the parcel, it was impossible at the rezoning stage to determine what standards should be applied.

He said that at the potential level of intensity allowed and from the permitting of the TK Basin, the County was not confident that the SRWMD requirements for this area were capable of providing the safeguards the County feels is required.

He said at the rezoning stage he could do no more than provide speculative ideas or strategies because that is normally sorted out at the site plan or permitting stage.

Commissioner Pinkoson asked if County staff came to the City April 27 meeting for the purpose of challenging the zoning.

Mr. Bird talked about the 2006 Dye Trace study and what he believed of the City's lack of a framework for adequate pollution and advanced storm water policies for development.

Vice Mayor Boukari reviewed the development of Celebration Pointe by the County; comparing the similar environmental distinctions and classifications, effected water systems and features, and planned density of development. He asked what was the County doing with that development that it considered the City would not do with the rezoned property.

Commissioner Byerly and Mr. Bird said the environment conditions were different and the developments were different. Commissioner Byerly continued to describe buffers, environmental classifications, and standards of the development.

He said that the County would challenge the zoning because it would remove the PUD status from the property by going to straight zoning.

Assistant City Manager Boukari pointed out that with the present PUD, the attachments of the environmental standards at that point would also require legislative action.

## **B. County Road Maintenance**



Commissioner Gary Hardacre introduced the item. He said the City's questions were: what does the county plan to do about maintaining the county roads in the City limits and how is the county planning to prioritize its road maintenance?

County Public Works Director Dave Cerlanek provided the staff report.

Commissioners engaged in discussion.

**C. Recreation Programming**

Commissioner Hardacre introduced the item. He said the City would like to know what the county's position is on funding recreation in the county?

Commissioners engaged in discussion.

**D. Boundary Adjustment Act**

**II. COMMISSION GENERAL AND INFORMAL DISCUSSION**

**III. CITIZEN COMMENTS**

(Please Limit to 3 Minutes. Any citizen who did not speak during the Citizen Comments period at the beginning of the meeting may do so at this time.)

Stan Richardson expressed his concerns for the environment and the care of the area's unique springs and water system in regards to the Alachua Commerce Rezoning.

Bruce Nelson expressed his appreciation for the standard of living, the jobs, and the quality of life that the City of Alachua provides for its residents.

Lynn Coullias expressed her concerns with the City of Alachua government, its City Attorney, its staff, its care of TK Basin, its integrity, its Board members and its processes.

Karen Arrington expressed her concerns about the karst features and the water issues as they are being addressed by the City.

Doug Burnell expressed his disappointment with the quality of the commissioners' discussion.

Lynn Horton expressed her appreciation for watch dog groups and her disappointment with the City commission as stewards of the land.

Darryl Tompkins expressed his appreciation for the work done in several City development projects with specific examples and his concern for the step the County is contemplating by interfering in local government.

Rudy Rothseiden said his concerns with the Alachua Commerce Rezoning were water quality and the environment. He expressed his concerns that the Dye Trace Study was not included in City staff's recommendation, and in the direction of growth in the community.

Tamara Robbins expressed her disapproval of the City Commission, the City Attorney, and the City Staff. She expressed her appreciation for the County's presence.

Michael Canney expressed his concerns for the guardianship of the environment and his lack of confidence in the City to protect the water.

Sandy Burgess said the comments were the same things said and the same worst case scenarios that were rolled out as reality when Progress Park was being developed in the 1980s. She said zoning did not give a developer any *carte blanche* approval. She said hearings and the many layers of site development planning would identify conditions that were applicable to any site development approvals.

Phil Hawley said the City does a wonderful job of safeguarding the natural resources entrusted into its charge. He said the property to the north of the Alachua Commerce parcel already has 55% of it put into conservation. He used the property formerly owned by the Copeland sausage plant as an example of how the City addresses environmental cleanup, compliance with land use regulations, and bringing good jobs to the community.

#### **IV. ADJOURN**

Chair Chestnut adjourned the meeting.

### **City Commission Meeting**

#### **INVOCATION**

Led by Commissioner Robert Wilford

#### **PLEDGE TO THE FLAG**

Led by Mayor Coerper.

#### **APPROVE READING OF PROPOSED ORDINANCES AND RESOLUTIONS BY TITLE ONLY**

**Commissioner Hardacre moved to approve the agenda; seconded by Commissioner Shirley Green Brown.**

**Passed by unanimous consent.**

#### **V. SPECIAL PRESENTATIONS**

##### **A. Recognition of Officers Young & Moses**

Deputy Chief Scott introduced the item.

Officers Brandon Young and Jason Moses were recognized for the life-saving measures they practiced in the course of their duties in March 2015.

##### **B. E-Cigarette Presentation - Kathy L. Nichols**

Assistant City Manager Boukari introduced the item.

University of Florida AHEC Associate Director Kathy Nichols provided the presentation.

##### **C. National Public Works Week**

Assistant City Manager Boukari introduced the item.

Mayor Coerper read the proclamation.

##### **D. Fiscal Analysis for the Period Ended March 31, 2015**

Assistant Finance Director Robert Bonetti introduced the item and provided the staff report.



## **VI. COMMENTS FROM CITIZENS ON SUBJECT OF CHOICE**

(Please Limit to 3 Minutes.Any citizen who is unable to speak at this time will have an opportunity to speak at the end of the meeting

There were no comments.

## **VII. COMMITTEE REPORTS/COMMITTEE APPOINTMENTS/CITY ANNOUNCEMENTS**

### **A. Appointments to Citizen Advisory Task Force (CATF)**

Grants Specialist Diane Morgan introduced the item and provided the staff report.

Mayor Coerper asked the commissioners for questions or comments.

**Vice Mayor Boukari moved to accept the CATF recommendation to appoint two members (Diana Felver and Thelma Hammon) to terms of office beginning May 1, 2015 and ending April 30, 2018; seconded by Commissioner Wilford.**

Mayor Coerper opened the floor for comments.

Mayor Coerper said how happy he was to see Ms. Hammon still active in the community.

**Passed 5-0 on roll call vote.**

## **VIII. PUBLIC HEARINGS AND ORDINANCES**

(Presentations, other than the applicant, please limit to 3 Minutes)

### **A. Ordinance 15-05, Second Reading, to Amend the Official Zoning Atlas from Planned Unit Development to Planned Development - Residential on +/-41.21 Acres (Heritage Oaks) Quasi-Judicial**

City Attorney Marian Rush said this was a quasi-judicial hearing and advised that any person who wished to speak must be sworn-in.

**City Attorney Marian Rush provided the second reading of Ordinance 15-05 by title only.**

Assistant Deputy City Clerk Melanie Anne Westmoreland administered the oath for testimony.

Principal Planner Justin Tabor provided the staff report.

Mayor Coerper asked for the commissioners for questions or comments.

**Vice Mayor Boukari moved that based upon the competent substantial evidence presented at the hearing, the presentation before the Commission, and Staff's recommendation: (1) Approve the Planned Development Agreement for the Heritage Oaks PD-R Project and authorize the Mayor the sign the Agreement; (2) Approve Ordinance 15-05 on second reading, subject to the 27 conditions provided in Exhibit "A" located on page 32 of the April 14, 2015 Staff Report to the Planning & Zoning Board, which have been incorporated into Ordinance 15-05; and, (3) Authorize the Planned Development Agreement for the Heritage Oaks PD-R Project to be recorded with the Alachua County Clerk of Court; seconded by Commissioner Hardacre.**

Mayor Coerper opened the floor for comments.

There were no comments.

**Passed 5-0 on roll call vote.**

## IX. AGENDA ITEMS

### A. RFP 2015-01 Federal Fiscal Year (FFY) 2014 and RFP 2015-03 FFY 2015 for Community Development Block Grant (CDBG) Administration Services Award

Grants Specialist Morgan introduced the item and provided the staff report.

Mayor Coerper asked the commissioners for questions or comments.

**Commissioner Hardacre moved to (1) Approve the Selection Committee's ranking of respondents for RFP 2015-01 and 2015-03; (2) Authorize the negotiation of professional services contracts with Summit Professional Services, Inc.; and (3) Authorize the Mayor to execute the contracts; seconded by Commissioner Shirley Green Brown.**

Mayor Coerper opened the floor for comments.

There were no comments.

**Passed 5-0 on roll call vote.**

### B. Suwannee River Water Management District (SRWMD) Regional Initiative Valuing Environmental Resources (R.I.V.E.R.) Grant Award Agreements for Drainage and Stormwater Projects

Finance Director Marcian Brown introduced the item and provided the staff report.  
Mayor Coerper asked the commissioners for questions or comments.

**Commissioner Hardacre moved to authorize the Mayor's Signature to execute both R.I.V.E.R. Grant Agreements on behalf of the City; seconded by Commissioner Brown.**

Mayor Coerper opened the floor for comments.

There were no comments.

**Passed 5-0 on roll call vote.**

### C. Resolution 15-12 Amending the 2014-2015 Budget; Recognizing Unanticipated Revenue in the General Fund and the Community Redevelopment Agency (CRA) Fund; Providing an Effective Date.

**City Attorney provided the reading of Resolution 15-12 by title only.**

Finance Director Brown provided the staff report.

Mayor Coerper asked the commissioners for questions or comments.

Commissioner Brown moved to approve Resolution 15-12 and Authorize the Mayor's Signature; seconded by Commissioner Wilford.

Mayor Coerper opened the floor for comments.

There were no comments.

Passed 5-0 on roll call vote.

**D. RFB 2015-07 Copeland Park Roadway Improvements Award**

Assistant City Manager Boukari provided the staff report.

Mayor Coerper asked the commissioners for questions or comments.

**Commissioner Wilford moved to (1) Accept the revised bid in the amount of \$940,000 submitted by O'Steen Brothers, Inc. (2) Authorize the Mayor to enter into a contract for the base bid services with O'Steen Brothers, Inc. to complete work under the provisions of RFB 2015-07 and the recommended value engineering alternatives; seconded by Commissioner Brown.**

Mayor Coerper opened the floor for comments.

There were no comments.

**Passed 5-0 on roll call vote.**

**X. COMMENTS FROM CITIZENS ON SUBJECT OF CHOICE**

**(Please Limit to 3 Minutes.)**Any citizen who did not speak during the Citizen Comments period at the beginning of the meeting may do so at this time.)

There were no comments.

**XI. COMMENTS FROM CITY MANAGER AND CITY ATTORNEY**

City Manager Traci Cain reminded everyone of the City's strategic planning meeting being held at the Swick House on Wednesday, May 13 from 8:00 a.m. to 5:00 p.m. She said Santa Fe College is offering a free job-skills training class at the Perry Center Tuesday, May 19 and the Health Fair is Saturday, May 16 at the ST Luke AME church 9:00a.m. to 2:00 p.m.

She reminded everyone that the next City Commission meeting is June 8 as there is no second meeting in May on the calendar for 2015.

City Attorney Rush said she wanted to commend the commissioners, and especially Assistant City Manager Boukari and Planning Director Winburn, for the work done preparing for and conducting the meeting held with the County.

**XII. COMMISSION COMMENTS/DISCUSSION**

Commissioner Brown said the Health Fair on Saturday starts at 9:00 a.m. with the walk starting at 8:00 a.m.

Commissioner Wilford said he attended the Hague Cemetery dedication on Saturday. He said he thought the Commission did a good job tonight and he was proud to serve. He said he would like staff to look into replacing the audio system in the commission chambers.

Commissioner Hardacre said he will not be attending the Suwannee River Water Management District meeting tomorrow.

Vice Mayor Boukari said he appreciated the professionalism of the commissioners in the meeting. He said he understood the County's position but he prefers to honor Home Rule and the people who elected him.

Mayor Coerper said he wanted to thank the Alachua Elementary students for the letters he and Chief DeCoursey received after their visit.

**ADJOURN**

Commissioner Wilford moved to adjourn; seconded by Vice Mayor Boukari.

Passed by unanimous consent.

<b>CONSENT AGENDA</b>
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**CONSENT AGENDA ITEMS**

- A. March 23, 2015 Meeting Minutes

CITY COMMISSION OF THE CITY OF ALACHUA

ATTEST

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Traci L.Cain, City Manager/Clerk

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Gib Coerper, Mayor