

POLICE KILLING

Judge dismisses deputy's charge

By Curtis Anderson
The Associated Press

FORT LAUDERDALE — A judge on Wednesday dismissed a manslaughter charge against a Florida deputy who claimed self-defense in the 2013 fatal shooting of a 33-year-old black man carrying what turned out to be an air rifle.

Circuit Judge Michael Usan ruled in favor of suspended Deputy Peter Peraza of the Broward Sheriff's Office under Florida's "Stand Your Ground" self-defense law that eliminates a requirement to retreat — for civilians and law enforcement officers, the judge said — when facing a dire threat.

The now-dismissed manslaughter charge carries a potential 30-year prison sentence. Prosecutors immediately said the decision will be appealed.

The ruling was issued the same day all remaining charges were dropped against Baltimore police officers in the death of Freddie Gray, who was injured while being transported in a police van. And it comes in the midst of a tense national discussion of policing and race, including the fatal shootings of officers in Dallas and Baton Rouge, Louisiana, and recent police killings of black men in Baton Rouge and Minnesota.

Peraza, 37, who identifies himself as a white Hispanic, testified during a hearing that Jermaine McBean initially refused commands from him and other deputies to drop the authentic-looking weapon and then turned and pointed it toward the deputies in July 2013. Peraza fired three shots, killing him.

"I've never been so scared in my life," Peraza testified.

In his 36-page order, the judge called the shooting a "tragedy" and noted the ongoing national debate involving the shootings by police officers of black people and the hostility and threats sometimes directed at police.

But Usan said that debate has "no place in this courtroom concerning this case" and said Peraza's use of deadly force was justified under Florida law.

"This case involves the tragic death of one man and the liberty of another. To allow the conflicting agenda of supporters of



In this June 16 photo, Peter Peraza, a Broward County sheriff's deputy, testifies at his trial in Fort Lauderdale. RAFAEL OLMEDA/SOUTH FLORIDA SUN-SENTINEL VIA AP, FILE

either side to invade this legal process would be a far greater injustice," he said.

Peraza attorney Eric Schwartzreich praised the decision and said the deputy should never have been charged.

"All police officers should feel confident that, in this dangerous day and age, they can now protect and serve without fear of being indicted," said Schwartzreich, who represents Peraza along with attorney Anthony Bruno. "Regardless, this case is a tragedy all around. This case was never about race; it was about self-defense."

McBean family attorney David Schoen said he will continue to pursue a federal civil rights lawsuit against the sheriff's office over the shooting.

"It is (a) complete travesty and miscarriage of justice," Schoen said of the ruling. "It should have been impossible for any judge to take this case away from a jury."

A spokesman for State Attorney Michael Satz said in an email that the ruling will be appealed. Satz's office added in a statement that the "Stand Your Ground" defense should not apply in a law enforcement case.

"While there is conflicting evidence, we feel a jury should resolve those conflicts. We believe that the facts of the case do not support that this was a justifiable shooting," the statement said.

Amid national debate over police tactics involving minorities, Peraza was the first Florida law enforcement officer in three decades charged with a crime for an on-duty shooting.

On June 1, fired Palm Beach Gardens officer Nouman Raja was charged with manslaughter and attempted first-degree murder for killing stranded motorist and musician Corey Jones, who was black, while Jones waited for a tow truck. Raja, of South Asian descent, has pleaded not guilty.

White House — Florida, we've got our own cleanup to do, right at home," he said.

Levine ticked off some of his accomplishments in Miami Beach, from addressing global warning to working on setting up a trolley system to approving a "living wage," something expected to draw a lawsuit from the state. Those things "aren't just Miami Beach, but they're statewide issues," Levine pointedly said.

He also laid out an early frame for how he might look to distinguish himself in a statewide run.

"I think today, across the country, people are looking for leaders that have the background of actually getting things done," Levine said.

An address from perhaps the biggest name considering a run for statewide office will come Thursday, when delegates are set to hear from Democratic Congresswoman Gwen Graham. The daughter of former U.S. Sen. and Gov. Bob Graham is actively considering a bid for governor in 2018.

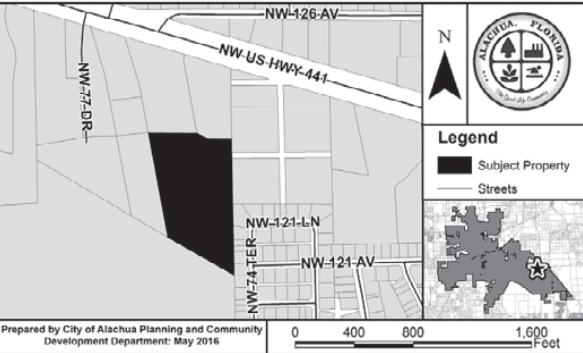
PUBLIC NOTICE OF ENACTMENT OF AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA

Notice is hereby given that the City Commission of the City of Alachua will hold a public hearing on a proposed ordinance. The hearing will be held on August 8, 2016, at 6:30 p.m., in the James A. Lewis Commission Chambers in City Hall, located at 15100 NW 142nd Terrace, Alachua, Florida.

The ordinance title is as follows:

ORDINANCE 16- 14

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE AMENDMENT OF THE OFFICIAL ZONING ATLAS; AMENDING THE OFFICIAL ZONING ATLAS FROM LIGHT AND WAREHOUSE INDUSTRIAL (ILW) TO COMMERCIAL INTENSIVE (CI) ON APPROXIMATELY 9.32 ACRES; SOUTH OF NORTHWEST US HIGHWAY 441 AND POLARIS OF GAINESVILLE, AND WEST OF THE TURKEY CREEK SUBDIVISION; A PORTION OF TAX PARCEL NUMBER 05920-001-002; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.



At the public hearing, all interested parties may appear and be heard with respect to the proposed ordinance. Copies of the proposed ordinance and related materials are available for public inspection at the Planning and Community Development Department, 15100 NW 142nd Terrace, on any regular business day between the hours of 7:30 a.m. to 6:00 p.m. Written comments on the proposed ordinance may be sent to the following address: City of Alachua, Planning and Community Development, P.O. Box 9, Alachua, FL 32616. Notice is given pursuant to Section 286.0105, Florida Statutes, that, in order to appeal any decision made at the public hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any persons with a disability requiring reasonable accommodation in order to participate in this meeting should call the City Clerk at (386) 418-6100 x 101 at least 48 hours prior to the public hearing.

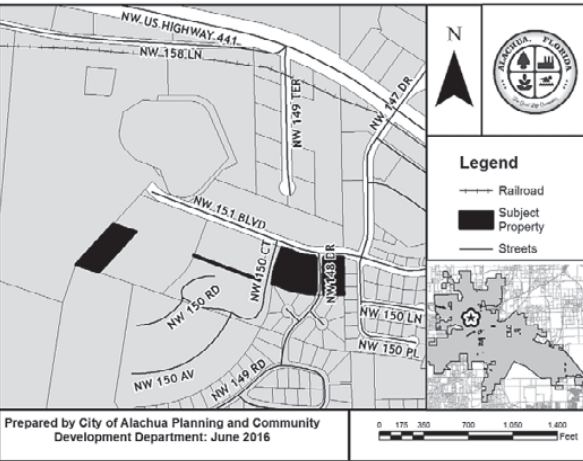
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At the public hearing, all interested parties may appear and be heard with respect to the application. Copies of the application are available for public inspection at the Planning and Community Development Department, 15100 NW 142nd Terrace, Alachua, Florida, on any regular business day between the hours of 7:30 a.m. to 6:00 p.m. Written comments on the application may be sent to the following address: City of Alachua, Planning and Community Development, P.O. Box 9, Alachua, FL 32616. Notice is given pursuant to Section 286.0105, Florida Statutes, that, in order to appeal any decision made at the public hearing, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, any persons with a disability requiring reasonable accommodation in order to participate in this meeting should call the City Clerk at (386) 418-6100 x 101 at least 48 hours prior to the public hearing.

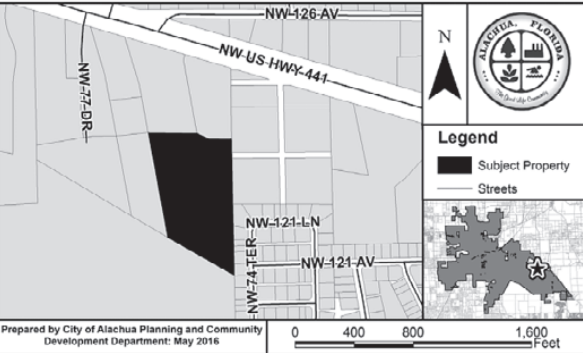
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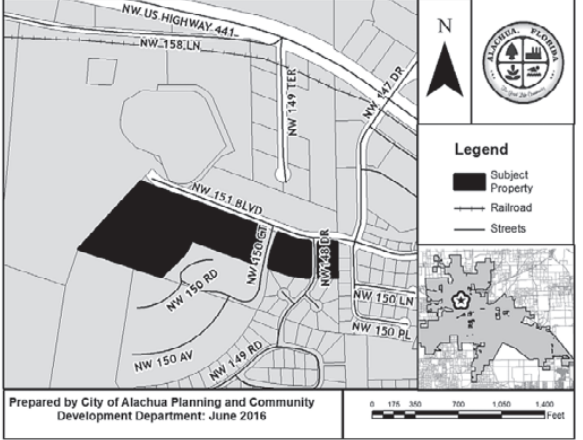
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ELECTIONS

Continued from B1

Referring to a lobbyist for gun-rights groups, Buckhorn added: "We know what it's like to have a government that pays more attention to Marion Hammer and less attention to Mother Teresa."

Gillum's speech hit Scott, Attorney General Pam Bondi and Agriculture Commissioner Adam Putnam. The Tallahassee mayor noted that Putnam, a likely candidate for governor in 2018, has said he will vote for Republican presidential candidate Donald Trump.

"I actually had a higher level of respect for him prior to that. Don't get me started on Pam Bondi, and, God, the governor is out to lunch," Gillum said.

Like the other mayors, Gillum expressed confidence that former Secretary of State Hillary Clinton, the Democratic presidential nominee, will win the White House in November with the help of Florida's 29 electoral votes. "When we put her in the



City of ALACHUA

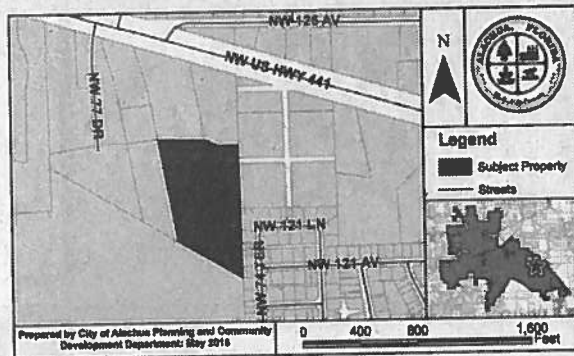
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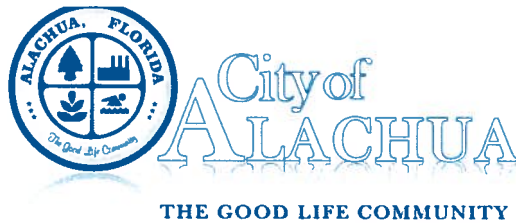
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(Published: Alachua County Today - July 28, 2016)



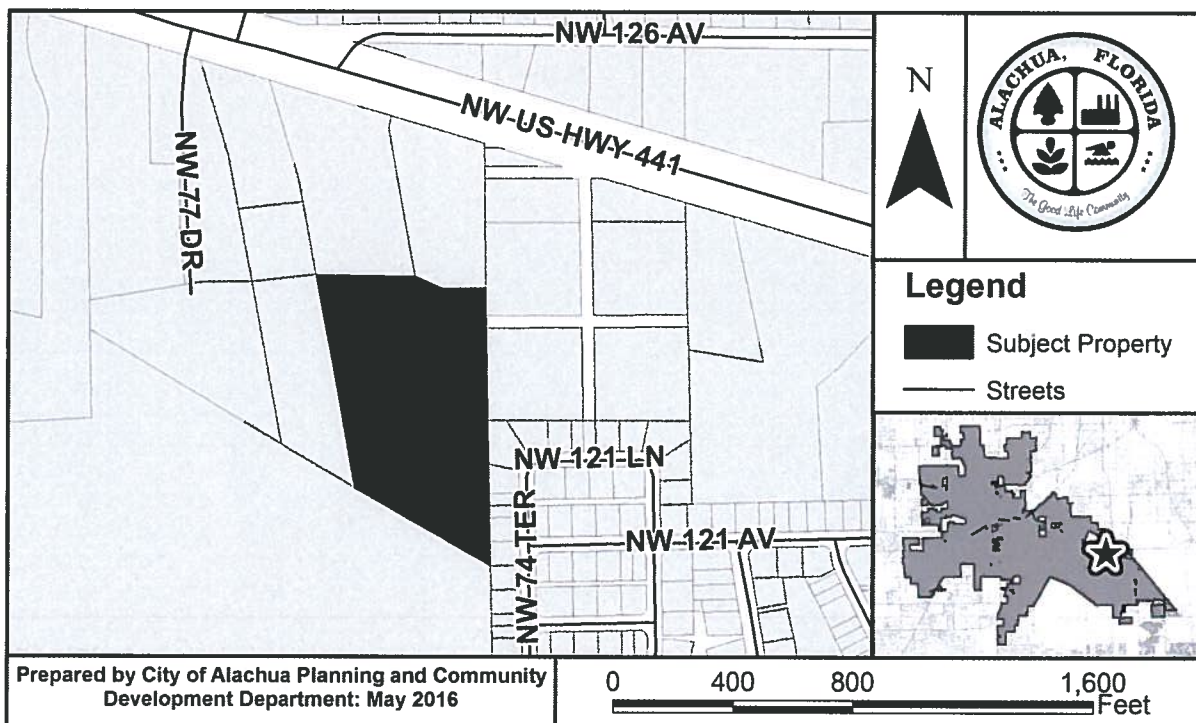
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P.O. Box 9 ♦ Alachua, Florida 32616-0009
Phone: (386) 418-6121 ♦ Fax: (386) 418-6130



05900-903-022

05900-903-030
JARED SNYDER
12122 NW 74TH TER
ALACHUA, FL 32615

05920-001-000
CROCKER & RODGERS
12310 NW 77TH DR
ALACHUA, FL 32615

05895-001-001
FREELAND & TANNER
12528 NW US HIGHWAY 441
ALACHUA, FL 32615

05955-000-000
FREELAND & TANNER
12528 NW US HIGHWAY 441
ALACHUA, FL 32615

05920-001-002
AMES/DETRICK TRUCK CO
12556 US HIGHWAY 441
ALACHUA, FL 32615-8506

05920-001-003
JOHN A DAVIS
12580 US HIGHWAY 441
ALACHUA, FL 32615

05920-001-007
JOHN A DAVIS
12580 US HIGHWAY 441
ALACHUA, FL 32615-8505

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ALICE P ROARK
14822 NW STATE ROAD 45
HIGH SPRINGS, FL 32643-3315

05900-913-009
THOMAS L POURCHOT
17881 NW 105TH TER
ALACHUA, FL 32615-5614

05860-000-000
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DENVER, CO 80209-2913

05859-003-000
HELENA CHEMICAL CO
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COLLIERVILLE, TN 38017

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ALACHUA, FL 32615

05920-001-006
HAMMOCK GROUP VENTURE LLC
2406 NW 43RD ST
GAINESVILLE, FL 32606

05894-000-000
STEPHANIE TRUSTEE HARRINGTON
24113 NW OLD BELLAMY RD
HIGH SPRINGS, FL 32643

05920-000-000
RAJAEI LLC
2573 NW 140TH TER
GAINESVILLE, FL 32606-9303

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TED WESEMAN BUILDER INC
2705 NW 27TH PL
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BOEHLER & RIESER
292 TURKEY CREEK
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05920-002-000
DONALD WESLEY TRUSTEE
MCBRIDE
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ALACHUA, FL 32615

05920-001-004
MCB OIL COMPANY
327 TURKEY CREEK
ALACHUA, FL 32615

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THAD W BEAVERS
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ALACHUA, FL 32615-9367

05859-004-000
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05900-913-005
CHOONG H KIM
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ALACHUA, FL 32615

05900-903-032
JAMES M WEIST
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ALACHUA, FL 32615

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GARLAND & KELLER
416 TURKEY CREEK
ALACHUA, FL 32615

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ALACHUA, FL 32615

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DEMPSEY & SANTOS
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ALACHUA, FL 32615

05900-903-036
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426 TURKEY CREEK
ALACHUA, FL 32615

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John Tingue
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Alachua, FL 32615

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Jeannette Hinsdale
P.O. Box 1156
Alachua, FL 32616

Lynn Coullias
7406 NW 126th Ave
Alachua, FL 32615

Lynda Coon
7216 NW 126 Avenue
Alachua, FL 32615

AFFIDAVIT FOR POSTED LAND USE SIGN

I Melissa Watson, POSTED THE LAND USE
(name)
SIGN ON 6.23.16 FOR THE Polaris (SSCPA)
(date) (state type of action and project name)
LAND USE ACTION.

AS PER ARTICLE 2.2.9 D OF THE LAND DEVELOPMENT REGULATIONS.

THIS WILL BE INCLUDED IN THE STAFF REPORT.

Melissa Watson
(signature)

2
(number of signs)



City of Alachua

TRACI L. GRESHAM
CITY MANAGER

PLANNING & COMMUNITY DEVELOPMENT
DIRECTOR KATHY WINBURN, AICP

July 21, 2016

RE: PROPOSED CITY OF ALACHUA COMPREHENSIVE PLAN AMENDMENT (SMALL SCALE)

To Whom It May Concern:

Please find attached to this letter a copy of the draft ordinance (Ordinance 16-13) for a proposed Small Scale Comprehensive Plan Amendment (SSCPA) to the City of Alachua Comprehensive Plan. The amendment is being sent to you in accordance with Policy 1.2.a of the City of Alachua Comprehensive Plan Intergovernmental Coordination Element. Neither the expedited state review nor the state coordinated review is applicable to this SSCPA. The City of Alachua Planning and Zoning Board, serving as the City's Local Planning Agency (LPA), held a public hearing for the SSCPA on July 12, 2016, and recommended approval to the City Commission. The application is scheduled to be heard by the City of Alachua City Commission at a public hearing on **August 8, 2016**.

The proposed SSCPA to the City of Alachua Future Land Use Map (FLUM) would change the FLUM Designation from Industrial to Commercial on an approximate 9.32 acre subject property. The subject property is comprised of a portion of Tax Parcel No. 05920-001-002. The proposed amendment is not applicable to an area of critical state concern.

The proposed SSCPA is further described as follows:

1. Ordinance 16-13: a request by Clay Sweger, AICP, LEED AP, of eda engineers – surveyors – planners, inc., applicant and agent for AMES/Detrick Truck Company, owner, for the consideration of a Small Scale Comprehensive Plan Amendment (SSCPA) to the City of Alachua Future Land Use Map (FLUM,) amending the FLUM from Industrial to Commercial on an approximate 9.3 acre subject property. The subject property is comprised of a portion of Tax Parcel No. 05920-001-002.

A copy of this letter and attached draft ordinance was transmitted simultaneously to the following entities: the North Central Florida Regional Planning Council, the Suwannee River Water Management District, the City of Gainesville, the City of High Springs, and Alachua County.

The name, title, address, e-mail, telephone number, and fax number of the local contact person is:

Justin Tabor, AICP
Principal Planner
City of Alachua
PO Box 9
Alachua, FL 32616
jtabor@cityofalachua.com
office: (386) 418-6100 ext. 107
fax: (386) 418-6130

If you have any questions regarding this amendment, please call Justin Tabor, AICP, at the contact information above.

Respectfully,



Ms. Kathy Winburn, AICP
Director of Planning and Community Development

Enclosure: Draft Ordinance 16-13

cc: Scott Koons, AICP, Executive Director, North Central Florida Regional Planning Council
Steven Minnis, Director of Governmental Affairs, Suwannee River Water Management District
Dr. Lee Niblock, County Manager, Alachua County
Anthony Lyons, City Manager, City of Gainesville
Ed Booth, City Manager, City of High Springs

cc (letter only): Traci Gresham, City Manager
Marian B. Rush, City Attorney
Adam Hall, AICP, Planner
Justin Tabor, AICP, Principal Planner

ORDINANCE 16-13

AN ORDINANCE OF THE CITY OF ALACHUA, FLORIDA, RELATING TO THE SMALL SCALE AMENDMENT OF THE CITY OF ALACHUA COMPREHENSIVE PLAN FUTURE LAND USE MAP; AMENDING THE FUTURE LAND USE MAP FROM INDUSTRIAL TO COMMERCIAL ON APPROXIMATELY 9.32 ACRES, LOCATED SOUTH OF NORTHWEST US HIGHWAY 441 AND POLARIS OF GAINESVILLE, AND WEST OF THE TURKEY CREEK SUBDIVISION; A PORTION OF TAX PARCEL NUMBER 05920-001-002; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

RECITALS

WHEREAS, an application for a Small Scale Comprehensive Plan Amendment (“Amendment”), as described below, to the Comprehensive Plan Future Land Use Map has been filed with the City; and,

WHEREAS, a duly advertised public hearing was conducted on the proposed Amendment on July 12, 2016, by the Planning and Zoning Board, sitting as the Local Planning Agency (“LPA”), and the LPA reviewed and considered comments received during the public hearing concerning the application and made its recommendation to the City Commission; and,

WHEREAS, the City Commission held duly advertised public hearings on August 8, 2016, and August 22, 2016, on the proposed Amendment and provided for and received public participation; and,

WHEREAS, the City Commission has determined and found said application for the Amendment to be consistent with the City of Alachua Comprehensive Plan; and,

WHEREAS, for reasons set forth in this Ordinance that is hereby adopted and incorporated herein as findings of fact, that the City Commission finds and declares that the enactment of this Amendment is in the furtherance of the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE PEOPLE OF THE CITY OF ALACHUA,
FLORIDA:**

Section 1. Findings of Fact and Conclusions of Law

1. The above recitals are true and correct and incorporated herein by reference.
2. The proposed Amendment is consistent with the Comprehensive Plan.
3. The Amendment will not cause a reduction in the adopted level of service standards for transportation, water, sewer, waste, stormwater, recreation, and public schools.

Section 2. Comprehensive Plan Future Land Use Map Amended

1. The Comprehensive Plan Future Land Use Map is hereby amended from Industrial to Commercial on±9.32 acres for a portion of Tax Parcel Number 05900-001-002, in accordance with the legal description found in Exhibit "A" and map found in Exhibit "B" attached hereto and incorporated herein.

Section 3. Ordinance to be Construed Liberally

This ordinance shall be liberally construed in order to effectively carry out the purposes hereof which are deemed to be in the best interest of the public health, safety and welfare of the citizens and residents of Alachua, Florida.

Section 4. Repealing Clause

All ordinance or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 5. Severability

It is the declared intent of the City Commission of the City of Alachua that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by any court or agency of competent jurisdiction, such holding of invalidity or

unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of the ordinance after the exclusions of such part or parts shall be deemed to be valid.

Section 6. Effective Date

This Ordinance shall become effective immediately upon passage and adoption. The effective date of this plan Amendment, unless timely challenged, shall be 31 days after adoption in accordance with Chapter 163.3187, Florida Statutes. If timely challenged, this Amendment shall become effective on the date the state land planning agency or Administrative Commission enters a final order determining this adopted Amendment to be in compliance in accordance with Chapter 163.3187, Florida Statutes. No development orders, development permit, or land uses dependent on this Amendment may be issued or commenced before this plan Amendment has become effective.

PASSED on first reading the 8th day of August, 2016.

PASSED and **ADOPTED**, in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 22nd day of August, 2016.

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Gib Coerper, Mayor

ATTEST:

Traci L. Gresham, City Manager/Clerk

EXHIBIT "A"

A PORTION OF TAX PARCEL NUMBER 05920-001-002

A portion of fractional Section 29, Township 8 South, Range 19 East, City of Alachua, Alachua County, Florida; being more particularly described as follows:

Commence at the northeast corner of fractional Section 29, Township 8 South, Range 19 East, Alachua County, Florida and run thence South 00°42'41" East, along the east boundary of said fractional Section 29, a distance of 393.87 feet to the northeast corner of that certain parcel of land as described in Official Records Book 1577, page 2244 of the Public Records of Alachua County, Florida; thence continue South 00°42'41" East, along the east line of said certain parcel of land and along said east boundary of fractional Section 29, a distance of 479.40 feet to the Point of Beginning; thence continue South 00°42'41" East, along said east boundary, 940.46 feet to the southeast corner of said certain parcel of land; thence North 58°30'45" West, along the southerly line of said certain parcel of land and along the northerly line of the Fernandez Grant, 523.11 feet to the southeast corner of that certain parcel of land as described in Official Records Book 1590, page 2082 of said Public Records; thence North 10°19'10" West, along the east line of said certain parcel of land (Official Records Book 1590, page 2082), a distance of 711.62 feet; thence North 89°17'19" East, 285.87 feet; thence North 89°59'37" East, 30.51 feet; thence South 66°17'50" East, 95.68 feet; thence North 89°17'19" East, 157.93 feet to the Point of Beginning.

Containing 9.32 acres, more or less.

EXHIBIT "B"

