



## **Regular City Commission Meeting Minutes December 8, 2014**

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

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

The City Commission will conduct a  
**Regular City Commission Meeting**  
**At 6:30 PM**  
to address the item(s) below.

**Meeting Date:** December 8, 2014

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

**Commissioners Absent:** Commissioner Robert Wilford

**Citizens Present:** Gussie Lee, Robert Wallace

**Staff Present:** Adam Boukari, Marcian Brown, Marcus Collins, Roland Davis, Alan Henderson, Diane Morgan, Cap Wilson, Kathy Winburn

**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.**

### **CITY COMMISSION MEETING**

#### **CALL TO ORDER**

Called to order by Mayor Gib Coerper.

#### **INVOCATION**

Led by Commissioner Shirley Green Brown.

## **PLEDGE TO THE FLAG**

Led by Mayor Coerper.

## **APPROVAL OF THE AGENDA**

**Vice Mayor Gary Hardacre moved to approve the agenda; seconded by Commissioner Brown.**

**Passed by unanimous consent.**

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

**Commissioner Ben Boukari, Jr., moved to approve reading of proposed ordinances and resolutions by title only; seconded by Vice Mayor Hardacre.**

**Passed by unanimous consent.**

### **I. SPECIAL PRESENTATIONS**

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

Owner of Chestnut Hill Tree Farm, Robert Wallace informed the commissioners that his tree farm along with Grandiflora Nursery are the only two accepted applicants for the northeast region under the medical marijuana rules. He provided a summary of the allowed practices of dispensaries and the history of the law that came out of the Florida Senate for low-THC, medical marijuana. He said that he is also new to this business and its implications but he knew the City Commissioners would be considering a moratorium on the issue tonight and he wanted to tell them what he has learned and understands so far.

**(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

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

#### **A. Senior Resources Advisory Board Appointments**

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

Deputy City Clerk Alan Henderson conducted the balloting to fill one seat for a remaining one-year term; one seat for a remaining two-year term; and two seats for three-year terms.

Grants Specialist Diane Morgan notified the commissioners the results were Gussie Lee and Ella Thomas for the three-year terms, Velma Edwards for the two year term, and Jackie Edwards for the one-year term.

**Commissioner Boukari moved to accept the results announced and make the appointments; seconded by Commissioner Brown.**

Mayor Coerper opened the floor for comments.

There were no comments.

**Passed 4-0 on roll call vote.**

#### **B. Senior Resources Advisory Board (SRAB) Annual Report**

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

**Vice Mayor Hardacre moved to accept the SRAB Annual Report; seconded by Commissioner Boukari.**

Mayor Coerper opened the floor for comments.

There were no comments.

**Passed on 4-0 roll call vote.**

#### **IV. PUBLIC HEARINGS AND ORDINANCES**

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

A. Ordinance 15-02 Moratorium on Medical Marijuana Dispensing Organizations

**City Attorney Marian Rush provided the first reading of Ordinance 15-02 by title only.**

Planning and Community Development Director Kathy Winburn introduced the item and provided the staff report.

City Attorney Rush clarified the findings of the order that struck down part of the implementing rules on the medical marijuana act that was of concern to the City. She addressed the conflict between what the order is doing and Federal law. She said the City did not want to be the test case in a conflict between State and Federal laws. She said she thought a moratorium until some of the issues were resolved was a good idea.

Vice Mayor Hardacre asked if the City not doing anything to get ready for this Act and not having its own zoning and other considerations addressed, would stop a local business who met the State's criteria from moving ahead with their business. He said his concern was that a citizen might not be able to avail themselves of the opportunity.

City Attorney Rush said this could not be answered until the State provided an acceptable framework that the City could study. She said that in the next six months while the State works out the legislative rules and language to implement the Act the City would be watching as well as studying what other cities and towns have done.

Vice Mayor Hardacre asked why a moratorium was necessary if nothing could be done and no one could move forward until the legislative problems were resolved with new rules.

City Attorney Rush said that not all of the rules were stricken. She said the reason for the moratorium was to allow the City to refuse to accept applications from interested businesses until the City had time to study and make its determination about allowing such business after review of all the ramifications of the finished work of the legislature, the risk inherent with state and federal law being in conflict, and the solutions to similar dilemmas in other communities faced with this legalization effort.

Commissioner Boukari said the moratorium was the best way to mitigate the potential for risk to the City until the situation had resolved itself.

Mayor Coerper agreed that while the law itself is unsettled and the legalities are unknown it was putting the City in jeopardy to take any action other than to agree to the moratorium until these issues and legalities were worked out at the state and federal levels.

**Commissioner Boukari moved to adopt Ordinance 15-02 on first reading and schedule second reading January 12, 2015; seconded by Commissioner Brown.**

Mayor Coerper opened the floor for comments.

City Attorney Rush said she would welcome any information from Robert Wallace as he moves through the process.

Mr. Wallace said he would keep the City informed of all he learned going forward. He said assuming the Act will be implemented in time, his question as to zoning and locations was whether the City would consider this an agricultural business or a medical enterprise.

Mayor Coerper said he believes the Commission's mind is open on the matter but this was the type of discussion and decision that the moratorium would suspend until the legalities were resolved.

Vice Mayor Hardacre asked Mr. Wallace if he was comfortable with the moratorium.

Mr. Wallace said that he is as it will be at least that long before the legislature and the various agencies work out the present problems with the Act.

**Motion passed 4-0 on roll call vote.**

**V. AGENDA ITEMS**

**A. Updated Interlocal Agreement for Public School Facilities Planning**

Planning and Community Development Director Winburn introduced the item and presented the staff report.

Mayor Coerper asked the commissioners for questions or comments.

**Commissioner Brown moved to approve the updated Interlocal Agreement for Public School Facility Planning; seconded by Vice Mayor Hardacre.**

Mayor Coerper opened the floor for comments.

There were no comments.

**Motion passed 4-0 on roll call vote.**

**B. RFB 2015-02 Overhead Electric Line Construction Project**

Public Services Director Marcus Collins introduced the item and presented the staff report.

Mayor Coerper asked the commissioners for questions or comments.

**Commissioner Boukari moved to accept the low bid in the amount of \$158,904 submitted by All Florida Electric, Inc., and to authorize the City Manager to enter into a contract with All Florida Electric, Inc., to complete the work as needed under the provisions of the contract.**

Mayor Coerper opened the floor for comments.

There were no comments.

**Motion passed 4-0 on roll call vote.**

**C. RFB 2015-03 Directional Bore Annual Contract**

Finance Director Collins introduced the item and presented the staff report.

Mayor Coerper asked the commissioners for questions or comments.

**Commissioner Boukari moved to accept the low bid submitted by General Underground, LLC and to authorize the City Manager to enter into a contract with General Underground, LLC to complete work as needed for FY 2014-2015; seconded by Vice Mayor Hardacre.**

Mayor Coerper opened the floor for comments.

There were no comments.

**Motion passed 4-0 on roll call vote.**

D. Operations Center Contract Amendment

Compliance and Risk Management Director Cap Wilson introduced the item and presented the staff report.

Mayor Coerper asked the commissioners for questions or comments.

**Commissioner Brown moved to approve and authorize the Mayor to execute the First Amendment to the Contract between the City and AGT Partners, LLC to lower the purchase price, identify easements to be obtained and/or corrected, and extend the closing date to on or before January 30, 2015; seconded by Commissioner Boukari.**

Mayor Coerper opened the floor for comments.

There were no comments.

**Motion passed 4-0 on roll call vote.**

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

There were no 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.)

## **VII. COMMENTS FROM CITY MANAGER AND CITY ATTORNEY**

City Manager Traci Cain wished everyone happy holidays. She reminded staff that the annual Christmas banquet was Friday. She reminded everyone that the annual Christmas parade was on Saturday followed later in the day by the Senior Fashion Show. She also said that Tuesday the City and County's interlocal agreement on Project Legacy is on the agenda at the County Commission meeting. She said staff would be present at the meeting to answer any questions.

City Attorney Rush wished everyone a merry Christmas and expressed her pleasure working with the City this past year.

## **VIII. COMMISSION COMMENTS/DISCUSSION**

Commissioner Boukari thanked the new members to the Senior Resources Advisory Board and all the board members, the staff, the City Attorney, and the commissioners for their service. He wished everyone a merry Christmas.

Commissioner Brown thanked everyone and wished all a happy Christmas and a joyous New Year.

Vice Mayor Hardacre thanked everyone and wished them a merry Christmas and a safe New Year. He said he had a great time at the tree lighting ceremony. He expressed his pleasure at the progress of the work going on at Brooke Point and said the swales are all cleaned out, most of the sidewalk repairs are completed, and the

sod is soon to be planted.

Mayor Coerper thanked all the volunteers and the staff. He wished everyone safe travels if they were going away. He said he is looking forward to the Senior Fashion Show.

**ADJOURN**

**Commissioner Boukari moved to adjourn; seconded by Vice Mayor Hardacre.**

**Passed by unanimous consent.**

## CONSENT AGENDA

### CONSENT AGENDA ITEMS

ATTEST:

CITY COMMISSION OF THE  
CITY OF ALACHUA, FLORIDA

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Traci L. Cain, City Manager/Clerk

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Gib Coerper, Mayor