



Regular City Commission Meeting Minutes January 12, 2015

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: January 12, 2015

Meeting Location: James A. Lewis Commission Chambers, City Hall

Citizens Present: Sylvia Anglen, Lauren Belgrade, Ada Bonamie, Wendy Bryant, Lynn Coullias, Annette Colee, Belinda Cunningham, Jerry Cunningham, Melissa Dixon, Valdenora Fortner, Camden Hill, Jason Hill, Alison Long, Chris Long, Gabriel Long, Brandy Mincey, Mia Mincey, Wayne Poore, Tamara Robbins, Crystal Roell, John Roell, Tamar Roell, Carol Thomas, Layne Thomas, Erin Vanzant, Dan Wharton, Charles Williams, Kari Williams, Retta Williams, Matt Winter.

Staff Present: Adam Boukari, Diana Felver, Chad Scott, Ernest Wigglesworth, Cap Wilson, Melanie Westmoreland, and 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

City Manager Traci Cain asked that Item C, the Edward Byrne Grant under Agenda items, be removed from the agenda. She explained some late information about the scope and the deadline of the grant had been presented and the item could not be concluded today but would be brought back at a following meeting.

Vice Mayor Gary Hardacre moved to approve the agenda minus Item C; seconded by Commissioner Robert Wilford.

Passed by unanimous consent.

APPROVE READING OF PROPOSED ORDINANCES AND RESOLUTIONS BY TITLE ONLY

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

Passed by unanimous consent.

I. SPECIAL PRESENTATIONS

A. City Hall W.W. Irby Elementary Art Showcase

W.W. Irby Elementary teacher Lauren Belgrade introduced W.W. Irby Elementary principal Valdenora Fortner to introduce the item and announce the children as Mayor Coerper presented each student-artist with a certificate of appreciation from the City.

II. COMMENTS FROM CITIZENS ON SUBJECT OF CHOICE

Lynn Coullias addressed concerns regarding the enforcement of fowl in the City. She said a deceased neighbor's house is out of compliance with the 6-inch growth rule. She complained of snakes as well.

Tamara Robbins said she was at a County Commission meeting where she spoke against the County offering an extension to the City of Alachua for the Project Legacy grant. She said she felt threatened and was filing a police report because Recreation Director Hal Brady told the County Commission that he was there to speak because of her.

Carol Thomas said she wanted to know why Recreation Director Brady was being paid to follow citizens.

Annette Colle said she was the person whose kittens were killed nine months ago by the turkey in the Hague neighborhood. She complained of the turkeys and fowl enforcement.

(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

IV. PUBLIC HEARINGS AND ORDINANCES

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

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

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

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

Mayor Coerper asked the commissioners for comments or questions.

Commissioner Boukari moved to adopt Ordinance 15-02 on second reading; seconded by Commissioner Brown.

Mayor Coerper opened the floor for comments.

Tamara Robbins thanked Vice Mayor Hardacre for the questions he asked on this issue at the first hearing on the Ordinance. She said the City should not involve itself in something that is an issue only between the State and the Federal government. She said marijuana was a plant and this was an agricultural question. She said it was a state permitted activity and did not require local permitting. She wanted to know who initiated the Ordinance and she wanted a sunset date in any ordinance that passed. She stated her support against the motion.

Lynn Couallis spoke against the moratorium. She said she has a niece whose medical condition will benefit from the Medical Marijuana Compassionate Act. She said if the Commission really cares about the quality of life of the citizens of Alachua they cannot entertain this moratorium. She said she viewed the debates in the State Senate on the issue and that the State had covered everything from the seed to the sale.

City Attorney Rush clarified that the Act has passed but that the rules to implement the Act have been called out by the courts. She explained that the Moratorium does not express any opinion on the Act. She said it is only putting a hold on the City doing anything about moving forward on the issue until those rules about how it will be implemented have been clarified.

Mayor Coerper reminded everyone that the one person in the City who has been accepted by the State under its permitting guidelines spoke at the last public hearing on the ordinance. He said Mr. Wallace had been clear the City's moratorium would not hurt or hinder him at all.

Commissioner Wilford said as he understood City Attorney Rush's explanation, that this was like any other legislation that passes with a law and the rules to implement that law. He clarified that the moratorium was only the City agreeing to wait no longer than six months until the rules were clear before it would proceed.

City Attorney confirmed this was true. She said many of the rules had been passed, but that 13 had been set aside by the court as unenforceable. She also said the Act had called for the appointment of a person to be the liaison between the State and Federal governments to resolve some of their issues. She said this moratorium was only to provide a waiting period until these issues were resolved at the State level.

Vice Mayor Hardacre explained there were two businesses in the County accepted according to the State's permitting process and that one of them was in the City of Alachua. He said the City of Alachua business owner spoke and explained the process of selection and some of the background on the Act as well as the emerging industry. Vice Mayor Hardacre explained he had specifically asked Mr. Wallace if the City's moratorium would hinder or harm his efforts to develop this business and Mr. Wallace responded that it would not. Vice Mayor Hardacre said this was why he supported the moratorium.

Commissioner Wilford said that he had watched the video of the previous meeting and agreed with this assessment. He said it was not a question of it being legal or anyone in the City trying to stop a legal activity from proceeding.

Passed 5-0 on roll call vote.

V. AGENDA ITEMS

A. New/Updated Waste Pro Disaster Response Plan

Compliance and Risk Management Director Cap Wilson introduced the item and presented the staff report. He noted that Waste Pro Division Manager Dan Wharton was present. Mr. Wharton said he appreciated working with the City and the opportunity to introduce himself.

Mayor Coerper asked the commissioners for questions or comments.

Mayor Coerper reminded every one of the storms in 2004 and 2005 with trees down everywhere. He said that the City was pleased with how Waste Pro had responded to that in an organized and efficient manner.

Vice Mayor Hardacre asked for clarification on one item within the contract to determine if the work was done by person or machine because of the greater unit pricing allotted to the item.

Compliance and Risk Management Director Wilson said that all of the items and the costs allotted to them were consistent with FEMA (Federal Emergency Management Agency) schedules for reimbursements in natural disasters. Mr. Wharton said that he did not have the answer.

Commissioner Wilford asked about the wording that allowed the City Manager to “negotiate and approve” future revisions.

Compliance and Risk Manager Wilson said the normal procedure is for the City Manager to just sign off on minor changes or revisions. He said the matter was brought before the Commission this time because it is a comprehensive revision.

City Manager Cain said that any motion could be worded to include “minor changes” in what she could approve with major changes being brought back before the Commission.

Commissioner Wilford said that was not necessary. He said it was enough that the discussion was on the record clarifying that major revisions to annual agreements were always brought before the Commission even when the City Manager had the authority to sign-off on changes.

Commissioner Boukari moved to approve the revised Waste Pro of Florida Inc., Disaster Response and Debris Management Plan, authorize the Mayor to execute the recommended agreement, and direct the City Manager to negotiate and approve future annual renewals; seconded by Commissioner Wilford.

Mayor Coerper opened the floor for comments.

There were no comments.

Passed 5-0 on roll call vote.

B. Ratification of City-APD/FOP Contract for 2014-15

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

Mayor Coerper asked the commissioners for questions or comments.

Vice Mayor Hardacre asked what the vote was on the contract.

Compliance and Risk Management Director Wilson said he had no official tally but he was told in a sidebar conversation by a member of the bargaining unit that it was about 66% for the agreement. He said he was told about a third voted against ratifying the contract but that the only issue they had was the reduction in holiday pay.

Vice Mayor Hardacre asked for clarification on the probationary period and the acquisition of seniority when the probationary period is a result of a promotion.

Compliance and Risk Management Director Wilson said all probation periods are one-year with possible extensions of six months. He said with promotions the probationary period was to determine whether the person would stay in the new position, but that seniority continued to accrue with time on the job with the APD.

Commissioner Brown moved to accept the recommendation of the City Manager and ratify the contract ratified January 5, 2015 by the FOP and APD bargaining unit; seconded by Vice Mayor Hardacre.

Mayor Coerper opened the floor for comments.

There were no comments.

Passed 5-0 on roll call vote.

- C. Federal Fiscal Year (FFY) 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Florida JAG Direct Grant Application

Moved forward to next meeting.

VI. 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.)

VII. COMMENTS FROM CITY MANAGER AND CITY ATTORNEY

City Manager Cain requested the Commission to schedule a workshop to discuss Project Legacy. She proposed January 26, 2015 at 5:00 p.m. prior to the next City Commission meeting. The commissioners agreed.

She reminded everyone about the City's annual Martin Luther King, Jr. Day Celebration at Cleather Hathcock, Sr Community Center on Monday, January 19. She recognized Youth Advisory Council Chair Joni Perkins who was awarded \$10,000 with the Edna M. Park Keeper of the Dream scholarship.

She asked if the commission wanted her to answer some of the citizen comments. Commissioner Boukari said no as none of them wanted to wait for the answers and their e-mails were selectively sent. He said he has asked to be included when they are sent but he has never received any.

Vice Mayor Hardacre said for the benefit of the people who would view the meetings online he thought the questions should be answered. Commissioner Brown said she would like to hear the answers.

Commissioner Wilford said he thought it was important the answers should be provided but he agreed the e-mails are selectively sent. He said all e-mails sent to him he forwards to the City Manager and usually because she has not been copied on the e-mail. He said no one should be sending e-mails to the commissioners or staff that are not copied to the City Manager and any that are received that have not been

copied to her should be forwarded at once.

Commissioner Boukari said he agreed with Vice Mayor Hardacre but questioned if they expected the City Manager to respond to questions like wanting to know why the City Manager and staff should attend the County Commissioner's meeting on City time. He said as commissioners they also attend meetings without intent to speak when the issues involve the City or to communicate support of the issue or staff.

Vice Mayor Hardacre agreed she should not answer those questions that had nothing to do with City business and should answer those about City business, but only what she had information about and could answer.

City Manager Cain said she did not consider it appropriate from the dais to respond to personal comments like those pointed out by Commissioner Boukari or the threats to involve the police because of a staff member's public comments at a public meeting.

She said she did have knowledge on those issues related to city business and would be glad to respond. She addressed the two code enforcement issues raised by Mrs. Coullias.

She said on the overgrown property the owner passed away and the property is in foreclosure. She said the property is in violation of City Code and there is a code enforcement action but until the ownership of the property is determined there is no one the City can compel to bring the property into code. She said the enforcement proceeding is held in abeyance until the bank or other owner has been determined. She said Mrs. Coullias has been made aware of this and does not like the answer, but that the City will not be going on to mow the property.

City Manager Cain said on the issue with the turkeys and other fowl that code enforcement had visited the property and spoke to the owners. She said the owners for this and past complaints were not in violation of any City ordinances. She said the County does have LDRs that limit the number of animals that can be held but this does not cover properties within the City limits. She said the City does have an interlocal agreement for the enforcement of various animal issues, but the County says it does not cover fowl.

She said the animals were clean and within a fenced area. She said the turkeys' wings were clipped so they could not fly to escape the fenced area. She said the City as well as the County has found that the owners are not in violation of any applicable municipal code and the Health Department has declined to take any action. She said Mrs. Coullias has been kept informed by the various parties since the initial complaint. She said the County Attorney had suggested to Mrs. Coullias that perhaps she should file a private suit for public nuisance.

City Attorney Rush said the City has engaged the attorney David Theriaque to continue the Heritage Oakes case and attorney Skip Kohlmeyer has requested to withdraw from the case. She said that as the adverse jury verdict in the trial has been aside and the appeal upheld, and there is another attorney on the case she recommends the commission agree to allowing Skip Kohlmeyer to withdraw from the case. She asked the commission to waive its rules and procedures so she could ask for a motion to recommend this.

Commissioner Wilford moved that the commission waive its rules and procedures; seconded by Commissioner Brown.

Passed by unanimous consent.

Commissioner Boukari moved to allow the City Manager to sign the consent to allow Skip Kohlmeyer to withdraw from representing the City of Alachua in Heritage Oakes vs City of Alachua; seconded by Commissioner Brown.

Mayor Coerper opened the floor for comments.

There were no comments.

Passed 5-0 on roll call vote.

VIII. COMMISSION COMMENTS/DISCUSSION

Commissioner Boukari extended his congratulations to Joni Perkins. He said she is the drum major at Santa Fe High School as well a member of the Youth Advisory Council and is extremely smart with a great personality. He said he is supporting the Oregon Ducks.

Commissioner Wilford said he was pleased that so many spots were filled for the Senior Resources Advisory Board. He said he was out of town at the last Commission meeting but he watched it on the website. He said April 15 is Senior Day at the capital this year. He congratulated City Manager Cain on 23 years with the City. He said Thursday, Alachua County Schools Superintendent Dr. Owen Roberts, would be speaking at the Alachua's Women's Club. He congratulated Joni Perkins

He said he would respect City Manager Cain's decision not to address some of the comments from citizens, but he was going to say that if she chooses to send staff to represent the City at any meeting whether they are speaking or not then that is her call and he trusts her judgment and she has every right to do it. He said he is rooting for Oregon, too, since Alabama is out.

Commissioner Brown wished everyone a happy new year. She said she is going to Gainesville to hear Joni Perkins speak for the Precious Pearls group.

Vice Mayor Hardacre said he wanted everyone to know that he always forwards e-mails to the City Manager when they are sent to him. He said perhaps Ms. Colle should be included in e-mail responses on the fowl issue instead of hearing everything second-hand from a neighbor. He said he is behind Oregon.

Mayor Coerper wished everyone a good night and stated his support for Oregon.

ADJOURN

Commissioner Boukari moved to adjourn; seconded by Commissioner Wilford.

Passed by unanimous consent.

CONSENT AGENDA

CONSENT AGENDA ITEMS

- A. November 24, 2014 City Commission Minutes
- B. December 8, 2014 City Commission Meeting Minutes

ATTEST:

CITY COMMISSION OF THE
CITY OF ALACHUA, FLORIDA

Traci L. Cain, City Manager/Clerk

Gib Coerper, Mayor