

COMMISSIONERS:

DeLoris Roberts, Mayor
Eleanor Randall, Vice Mayor
John Martin
Terry Knowles
William Carlton

CITY MANAGER:

Chad M. Shryock, City Manager
Donna R. Mayes, City Clerk

CITY ATTORNEY:

Patricia Carter

**MINUTES
REGULAR COMMISSION MEETING
DECEMBER 5, 2005**

A. Call To Order

Mayor Roberts called the meeting to order at 6:30 PM. Board present was: Mayor Roberts, Vice Mayor Randall, Commissioners Martin and Carlton. Also present was City Manager Shryock, City Clerk Mayes and Attorney Carter. It was noted that Commissioner Knowles was expected later in the meeting.

B. Commissioner Martin gave the Invocation and Commissioner Carlton led the Pledge of Allegiance.

C. Approval of Agenda

Moved to approve the agenda with amendment to #G.6, adding “and recommended changes”.

Motion – Commissioner Martin

Second – Vice Mayor Randall

Vote – 4-0

D. Citizen Comments

Vivian Wagner make comments about all the Commissioners not being present at the Christmas Festival, their nonsupport looks bad on the City. The stop signs are faded and intersections not clear and the Porta Potties at the City Park are in bad dirty condition. Ron Kelly should get a letter of accommodation for the railroad house property.

A discussion issued on the park bathrooms and a solution to the problem was addressed such as keeping the park open only in the daytime. Wayne Shaw interjected that people were on the lake often after dark. Jane Segal urged that the Board address getting restroom facilities at the trailhead.

E. Consent Agenda

Moved to approve the Consent Agenda on items 1, 3, & 4, taking off item 2.

Motion – Vice Mayor Randall

Second – Commissioner Carlton

Vote – 4-0

F. Public Hearings

1. Ordinance 2006-08 First Reading – Future Land Use Plan Amendment – Florida Septic. City Manager Shryock explained this request to change 85.50 acres from Agricultural to Industrial land use. The Planning & Zoning Board reviewed this request and recommends approval of the Ordinance. Commissioner Carlton was concerned about the drainage that it not flow onto property owned by him. Ms. Enid Erbar of the North

Central Florida Regional Planning Council was present to answer questions and give the concurrency report which stated that sewer and water was available and all concurrency issues were met. She also explained that this was a land use amendment not a rezoning issue but did note what the land could be used for if rezoned to Industrial. Commissioner Martin expressed his concern about the buffer between this property and the recreational area adjacent to it. Attorney Carter related that the Board could do a change in the Land Development Regulations to include buffer areas for recreational lands. Ms. Erbar emphasized that this amendment must go to the state for review and will probably take sixty to ninety days, so there would be time to add the buffer language. Mayor Roberts directed staff to begin the process of the LDR change making it as strict as residential requirements.

Moved to adopt Ordinance 2006-08 on first reading by Title Only.

An Ordinance of the City of Hawthorne, Florida, relating to an amendment of more than ten acres of land to the Future Land Use Plan Map of the City of Hawthorne Comprehensive Plan, as amended, pursuant to an application by the property owner, under the amendment procedures established in sections 163.3161 through 163.3215, Florida Statutes, as amended; providing for changing the land use classification from Agricultural (less than or equal to 1 dwelling unit per 5 acres) to Industrial of certain lands within the corporate limits of the City of Hawthorne, Florida; providing severability; repealing all ordinances in conflict; and providing an effective date.

Motion – Commissioner Carlton

Second – Vice Mayor Randall

Vote – 5-0

2. Resolution 2006-05 – Fire Assessments. Attorney Carter advised the Board that State Law requires the City use the Tax Bill to collect fire assessment therefore they should adopt a resolution in order to use the tax bill each year for collection. The required advertisement has been done which was to run four consecutive weeks in Alachua Today. This will also put the Tax Collector on notice that the City intends to use their service for collection. This Resolution does not do the actual levy, just authorizes use of the property tax collection method if the Commission continues to levy this assessment.

Moved to adopt Resolution 2006-05 by Title Only

A Resolution of the City Commission of the City of Hawthorne, Florida electing to use the uniform method of collecting non-ad valorem special assessment levied in the corporate limits of the City; stating a need for such levy; providing for the mailing of the Resolution; and providing for an effective date.

Motion – Commissioner Martin

Second – Vice Mayor Randall

Vote – 4-1 NO VOTE cast by Commissioner Carlton

G. Regular Agenda

1. Ordinance 2006-05 – First Reading on Annexation of Landmarc, Inc./Higginbotham Properties LTD.

This annexation is a triangle of 1.74 acres of land located on North Highway 301 which was mistakenly not included in an annexation approximately six months for the Hawthorne Business Park.

Moved to adopt Ordinance 2006-05 on first reading by Title Only.

An Ordinance of the City of Hawthorne, Florida, relating to voluntary annexation; making findings; annexing to and including within the boundaries of the City of Hawthorne, Florida, certain real property as described herein and depicted on schedule A: location map, attached to this ordinance and incorporated herein by reference, which is

reasonably compact, and contiguous to the boundaries of the City of Hawthorne, Florida; redefining the boundaries of the City of Hawthorne, Florida; providing that effective January 1, 2006, the real property to be annexed shall be addressed for payment of municipal ad valorem taxes and be subject to all general and special assessments; providing that existing licensed businesses, trades, or professions operating within the real property to be annexed may continue such businesses, trades or professions throughout the entire boundaries of the City of Hawthorne, Florida; directing the City Clerk within seven days of the effective date of this ordinance, to file certified copies of this ordinance with the Florida Department of State, Tallahassee, Florida, the Clerk of the Circuit Court of Alachua County, Florida, the Chief Administrative Officer of Alachua County, Florida, The Property Appraiser of Alachua County, Florida, the Tax Collector of Alachua County, Florida, and all public utilities authorized to conduct business within the City of Hawthorne, Florida; providing severability; repealing all ordinances in conflict; and providing an effective date.

Motion – Commissioner Martin

Second – Commissioner Carlton

Vote – 5-0

2. Ordinance 2006-06 – First Reading on Annexation of Blakewood Properties.

This Ordinance begins the process of annexation of 7.46 acres of land, owned by Sally Blakewood, and lying between SE 65 Lane and the railroad as indicated on the attached map.

Moved to adopt Ordinance 2006-06 on first reading by Title Only.

An Ordinance of the City of Hawthorne, Florida, relating to voluntary annexation, making findings; annexing to and including within the boundaries of the City of Hawthorne, Florida, certain real property as described herein and depicted on schedule A: location map, attached to this Ordinance and incorporated herein by reference, which is reasonably compact, and contiguous to the boundaries of the City of Hawthorne, Florida; redefining the boundaries of the City of Hawthorne, Florida; providing that effective January 1, 2006, the real property to be annexed shall be assessed for payment of municipal ad valorem taxes and be subject to all general and special assessments; providing that existing licensed businesses, trades, or professions operating within the real property to be annexed may continue such businesses, trades, or professions throughout the entire boundaries of the City of Hawthorne, Florida; directing the City Clerk within seven days of the effective date of this ordinance, to file certified copies of this ordinance with the Florida Department of State, Tallahassee, Florida, the Clerk of the Circuit Court of Alachua County, Florida, the Chief Administrative Officer of Alachua County, Florida, the Property Appraiser of Alachua County, Florida, the Tax Collector of Alachua County, Florida, and all public utilities authorized to conduct business within the City of Hawthorne, Florida; providing severability; repealing all ordinances in conflict; and providing an effective date.

Motion – Commissioner Martin

Second – Vice Mayor Randall

Vote – 5-0

3. Ordinance 2006-07 – First Reading on Annexation of Little Orange Development.

This Ordinance begins the process for annexation of 20.58 acres of land owned by Little Orange Development, LLC. This land lies on the northwest shore of Little Orange Lake as indicated on the attached map.

Moved to adopt Ordinance 2006-07 on First Reading by Title Only

An Ordinance of the City of Hawthorne, Florida, relating to voluntary annexation; making finding; annexing to and including within the boundaries of the City of

Hawthorne, Florida, certain real property as described herein and depicted on schedule A: location map, attached to this Ordinance and incorporated herein by reference, which is reasonably compact, and contiguous to the boundaries of the City of Hawthorne, Florida; redefining the boundaries of the City of Hawthorne, Florida; providing that effective January 1, 2006, the real property to be annexed shall be assessed for payment of municipal ad valorem taxes and be subject to all general and special assessments; providing that existing licensed businesses, trades, or professions operating within the real property to be annexed may continue such businesses, trades, or professions throughout the entire boundaries of the City of Hawthorne, Florida; directing the City Clerk within seven days of the effective date of this ordinance, to file certified copies of this ordinance with the Florida Department of State, Tallahassee, Florida, the Clerk of the Circuit Court of Alachua County, Florida, the Chief Administrative Officer of Alachua County, Florida, the Property Appraiser of Alachua County, Florida, the Tax Collector of Alachua County, Florida, and all public utilities authorized to conduct business within the City of Hawthorne, Florida; providing severability; repealing all ordinances in conflict; and providing an effective date.

Motion – Commissioner Martin

Second – Vice Mayor Randall

Discussion - It was established for Commissioner Carlton that the land is contiguous to the city. The decision was made to have staff research the requirements of lake developments in conjunction with the wetland requirements.

Vote – 5-0

4. Resolution 2006-04 – Refuse Collection Rates – For information on this item a letter was furnished from Janie Coleman of Waste Management concerning their scheduled rate increases for 2006. This Resolution establishes city rates to recoup the increased rates by Waste Management.

Moved to adopt Resolution 2006-04 by Title Only

A Resolution of the City Commission of the City of Hawthorne, Florida, adopting solid waste collection charges and providing an immediate effective date with the new charges applying from January 1, 2006.

Motion – Commissioner Carlton

Second – Commissioner Martin

Discussion – Commissioner Carlton inquired on the distinction between small business and small backdoor, pointing out that garbage was piling up in the back of businesses on SE 221st Street. City Clerk Mayes advised she had spoken to Waste Management about this problem with several businesses and they were supposed to write letters advising them they needed to get a dumpster. City Manager Shryock interjected that the contract with Waste Management would expire in May and the City would look at going out for bid early in the coming year.

Vote – 5-0

5. Ashley Oaks Zoning Agreement – City Attorney Carter announced that the staff has been working with Mr. Ben Campen on a rezoning application for the past several months on lots fronting Highway 20 at the Ashley Oaks Subdivision. The application went before the Planning & Zoning Board who voted against recommending the zoning request. Mr. Campen has since come to the City and offered to donate the six lots if the City would correct the zoning to show lots B1-B3 as CG and lots B4-B6 as CIW. She directed attention to the draft agreement between the City of Hawthorne and Mr. Campen voicing that the agreement was based upon negotiation between City Staff, Mr. Campen and his attorney. The concept presented is that the City corrects the zoning map

administratively so that it reflects the zoning based on the original zoning designations in 1976. If the City does this, Mr. Campen will then donate the property to the City. The City can then sponsor an application to rezone the property to a zoning classification consistent with the adjoining properties. Commissioner's Carlton and Martin were of the same mind this was a reasonable solution.

Moved to accept the Ashley Oaks Zoning Agreement between the City of Hawthorne and Mr. Ben Campen be signed by December 31, 2005.

Motion – Commissioner Carlton

Second – Commissioner Martin

Vote – 5-0

Moved to authorize the City Manager to proceed with the arrangement.

Motion – Commissioner Martin

Second – Commissioner Carlton

Vote – 5-0

6. Charter Committee Appointments and Recommended Changes – City Manager Shryock informed that the City Charter requires that the Board appoint a Charter Revision Commission every five years to review and recommend amendments to the City Charter. This will consist of five people, one of whom shall be a member of the Commission serving a second consecutive term as Commissioner, another of whom shall have served as a member of the previous Charter Commission and three who shall be electors of the City. He voiced the Mayor is not eligible for appointment to this committee. It was noted that Commissioner Martin was the only one serving a consecutive second term. Commissioner Carlton voiced his difference of opinion on consecutive but Attorney Carter stated that it means current. Mayor Roberts accepted Mr. Martin as the Commissioner to serve on this committee. Vice Mayor Randall named Pat McCullough, Commissioner Knowles named Wayne Shaw, Commissioner Martin named Eddie L. Martin, Commissioner Carlton named Tim Logan and Mayor Roberts named George Pinkney. It was determined that Mr. Eddie Martin and Mr. George Pinkney were both members of a previous charter committee; Mayor Roberts made the decision to drop Mr. Martin from the committee and keep Mr. Pinkney. Attorney Carter informed that the committee could talk to citizens but they are under the Sunshine Law.

Moved to accept the names for the five Member Charter Committee.

Motion – Vice Mayor Randall

Second – Commissioner Knowles

Vote – 5-0

7. Review and Adopt Commission's 2006 Legislative Agenda – City Manager directed the Board's attention to the attached legislative agenda in the packet, which was developed based on the list of priorities identified by the Commission at the November Workshop. Once adopted the Legislative Agenda will be distributed to both the legislative and congressional delegations with a request they consider our agenda when making decisions in the upcoming sessions. On December 14th at the Alachua County Legislative Day we will address our agenda to the delegations. The list consists of: Infrastructure Funding, (Wastewater Plant, Water storage tank, Streets and Downtown redevelopment), Law Enforcement Funding, Park and Recreation Funding, and also support the Florida League of Cities Legislative Priorities. Suggestions were made to add the rusty water and street conditions due to diverted traffic onto SE 221 by DOT and CSX, to the agenda.

Moved to adopt staff recommended 2006 Legislative Agenda with added changes.

Motion – Commissioner Martin

Second – Commissioner Carlton

Vote – 5-0

8. Review and Adopt Commission Priorities and Action Plan – City Manager Shryock called attention to the proposed work plan listing seven priorities set forth at the November Workshop. Develop Additional Sewage Treatment Plant Capacity, Improve the City’s Drinking Water Quality By Minimizing Rust Accumulation in the Distribution System, Develop Additional Water Capacity to Serve the Needs of Anticipated Developments, Enforce the City’s Nuisance Ordinances to Abate Hazardous Conditions on Private Property and Enhance the Visual Appearance of the City, Improve the Quality of Law Enforcement by Increasing Crime Prevention, Improve the Condition of the City’s Streets, Encourage Well-Planned and High Quality Commercial & Industrial Growth.

Moved to adopt 2006 City Priorities and Action Plan.

Motion – Commissioner Martin

Second – Commissioner Carlton

Vote – 5-0

9. City Park Restrooms and Lights – City Manager Shryock advised that staff has been working to identify ways to fund the restoration of the restrooms and the lights at the City Park. As a result, it has been determined that it is possible for the City to utilize Community Redevelopment Agency (CRA) funds to complete these projects. In order to tap into this funding source the Commission must adopt a new Community Redevelopment Plan. This usually has a shelf life of 5-years and the last plan was adopted in 1993. Attorney Carter informed this would be conducted according to State Law, meetings processed as CRA and then the Commission approves. Commissioner Carlton observed this was a simple solution to an otherwise complicated situation. General consensus was that staff development a new plan and begin this process.

10. Reports

- a. Attorney Carter had no other reports
- b. City Manager Shryock informed his was written out to save time.
- c. Commissioner Carlton charged that the Board had not been informed nor voted on a Christmas Luncheon. He reported on a home that had burned and questioned the condition of City Fire Hydrants. He voiced he was elected to represent the citizens and they have the right to be heard. Mayor Roberts informed that was why they moved the citizen’s comments to the top of the agenda so they could be heard early on. Discussion issued on the homeless man in the park being put on the payroll to clean and lock up the park. City Manager Shryock conveyed this was not the way to resolve the problem. Ms. Edna Berry requested an audience with the City Manager to discuss areas of concern about her property. Mr. Al Green agreed to assist Ms. Berry in her meeting. At this point Ms. Pat McCollough emphatically announced that she hated coming to City Hall. Per Ms. McCullough, she was told she could not get on the agenda unless it was something that had to be voted on by the Board. How do you get to see anyone; moral very low in Hawthorne. Mayor Roberts interjected that a Town Hall Meeting had been held at Shell Elementary for the purpose of the citizens talking with City Officials; the city has been reaching out to the citizens to work together. Commissioner Knowles informed that anyone can fill out the citizen comment form and speak to the Commission on any subject.

- d. Commissioner Martin noted that he was in the book and could be called anytime. He suggested the citizen comments be scheduled for a time certain. He reported that the Christmas Festival was good this year. Hopefully the bathroom issue at the park can be resolved within a couple of months. He announced that former Commissioner Eddie Martin had been appointed by the Governor to serve on the Regional Planning Council Board. Also, the Gators will be playing Iowa and if the Gators win the City Manager must wear a gator hat but if Iowa wins Commissioner Martin will wear the Iowa hat.
- e. Commissioner Knowles agreed that a time certain should be set for citizen comments. He voiced his opposition to the bridge being closed early and questioned also why the fire hydrant had not been used for the house fire.
- f. Vice Mayor Randall reported there would be an exhibit with Martial Arts on Dec. 9th to help a local Hawthorne family with tickets selling for \$5.00. She will be attending a meeting on Saturday to gather information on free life insurance program. They will be taking applications on January 14th from 10-3 at 1028 NE 14th Street. Ages 19-42 have the opportunity to have a ten year free life insurance if they are attending college. Martin Luther King will be coming up starting on the 10th of December. Vice Mayor Randall issued a challenge to support the “Toys for Tots” Drive and give the names to Pat McCullough for the children up to age 12. She voiced her concern over the outbreak of robberies in the city. The Heart of Florida Prosperity Campaign will do tax returns December 16 & 17. Mr. Lenton Herring is the contact for the cemetery.

City Manager Shryock related that he would put on the sign in front of City Hall “Drop off Toys for Tots Here”. Mayor Roberts voiced her concerns about citizens saying their not heard and would like to invite everyone to come and be a part of the meetings. Audience member Mr. Al Green expressed his appreciation to the staff stating they did a good job.

Moved to adjourn the meeting at 9:20 PM.

Motion – Commissioner Martin

Second – Commissioner Carlton

Vote – Unanimous

These Minutes of the December 5, 2005 Regular Commission Meeting are submitted for approval.

Chad M. Shryock, City Manager

DeLoris Roberts-Cheatham, Mayor

Donna R. Mayes, CMC/City Clerk