

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
JANUARY 9, 2006**

Mayor Roberts called the meeting to order at 6:30 PM. Present was: Mayor Roberts, Vice Mayor Randall, Commissioner's Martin, Knowles, and Carlton. Also present was City Manager Shryock, City Clerk Mayes and Attorney Carter. City Manager Shryock led gave the Invocation and Commissioner Knowles led the Pledge of Allegiance.

Motion was made to approve the agenda

Motion – Commissioner Martin

Second – Commissioner Knowles

Vote – 5-0

Commissioner Martin, a die-hard Gator Fan, revealed a wager between himself and City Manager Shryock, who is from Iowa, that, if the Gators won over Iowa the City Manager would wear the Gator Hat for the meeting and vice versa Mr. Martin would wear the Iowa colors if they won.

Citizens Comment:

Vivian Wagner alleged no one was checking on the City Park and that the homeless man was taking care of it. She asks about the fees collected and what was done with them. She also complained that the city was not getting any cleaner, it was a mess. She questioned when the Great American Clean-up would be.

City Manager Shryock informed that there was an agenda item that would address the issue of getting the funds to fix the bathrooms. Mayor Roberts suggested getting the schools cooperation and maybe have a February clean up. She announced that Mr. Hurska, who handles the clean-up project, had surgery and was recuperating. Mr. Al Davis, Code Enforcement Officer, interjected that a Code Board Meeting was scheduled for the 26th of this month with seventeen (17) cases on the agenda.

Molly Lloyd inquired about the status of the mobile home put on SE 64th Place in the Reservation stating that it had been sited by the County Code Department for no permit. City Manager Shryock informed that plans had been submitted but the permit had yet to be issued. There was no consistency with the plans and what has been set up. Mr. Davis explained that it was red tagged because of no permit but if it is not set up according to the plans upon final inspection they will be made to take it out and set it up right. So far no DCA stamp has been found to certify that the home is a modular. He also related to the Board that a modular structure cannot be denied per State Law and the deed restrictions was the home owners responsibility, the City cannot get involved in that issue.

Pat McCollough thanked the citizens for their participation in the “Toys for Tots” informing that 130 families were served. She thanked City Manager Shryock for advertising on the City sign, Commissioner Martin for storage facilities and Vice Mayor Randall for all her assistance.

CONSENT AGENDA

Moved to approve number’s 1-4 and move #5 to discussion

Motion – Commissioner Martin

Second – Commissioner Knowles

Vote – 5-0

5. Appointment to Planning & Zoning Commission

City Manager Shryock related this board needed two alternates and staff was recommending Mr. Eddie Higginbotham for one of those positions. Staff felt this would be a good choice with his business experience. Commissioner Carlton wanted to know who has the authority to say who is recommended to these boards. Mr. Shryock explained that staff does the research and brings the names to the Commission for approval or denial.

Moved to appoint Mr. Eddie Higginbotham as an alternate to the Planning & Zoning/Board of Adjustment.

Motion – Commissioner Martin

Second – Vice Mayor Randall

Discussion – Commissioner Knowles expressed concern that so many of the issues involve Mr. Higginbotham’s business, wouldn’t that interfere with his position on this board. City Manager Shryock voiced that he would only be an alternate and used less than 50% of the time interjecting that for the next meeting two board members would excuse themselves for a conflict of interest.

Vote – 5-0

PUBLIC HEARING

1. Ordinance 2006-04 – Second Reading by Title Only

An Ordinance of the City of Hawthorne, Florida, amending the Land Development Regulations of the City of Hawthorne by imposing impact fees for the water and sewer systems; providing definitions, rules of construction and providing findings; providing for imposition of water and sewer impact fees; providing for payment and use of monies; providing for exemption; providing for collection of impact fees upon changes in size and use; providing interest to be paid on certain refunds; providing for developer contribution credit; providing for review hearings; providing for periodic review of the imposed impact fees for water and sewer; declaring exclusion from administrative procedures act; providing for conflict and severability; providing directions to the codifier; and providing effective dates.

Commissioner Knowles had several questions one concerning the difference in the 7 and 5 year dialogue. Attorney Carter informed they were different issues. Page 15, line 19 was changed to read, “The processing, review and audit fee, less than the amount incurred for reviewing plan and staff time at 25%, shall be returned”.

Public Comment – None

Moved to adopt Ordinance 2006-04 on second and final reading with modifications by Title Only

Motion – Commissioner Martin

Second – Commissioner Knowles

Vote – 5-0

Closed Public Hearing

REGULAR AGENDA

1. Resolution 2006-07 – Supporting Alachua General Hospital

Representatives supporting the facility of Alachua General gave a presentation of success of the hospital serving the Gainesville area for over 75 years as well as communities in the outlying areas. They ask for support in keeping the facility in the area by passing this resolution supporting collaboration between the University of Florida, College of Medicine, Shands Healthcare, The City of Gainesville, The County of Alachua and the community physicians in bring Alachua General Hospital and communities to the next level of accomplishment.

Moved to adopt Resolution 2006-07 in support of Alachua General Hospital

Motion – Commissioner Martin

Second – Commissioner Knowles

Vote – 5-0

2. Presentation on Choices Health Care Program

Ms Candice King revealed that the quarter of cent sales passed on the ballot two years ago for a seven year period. It is projected to raise 9.5 million in one year. This program will serve full time working low income people with no health care as well as those who are not eligible for health insurance such as private, Medicaid, Medicare or VA benefits. The Choices Health Services has two parts, Direct Health Care Services and Disease Management and Health Education. Ms. King stated the program will continue until all funds are depleted; this being only a band aid not a fix. She agreed this would reduce the emergency room patients that go there because they have no regular doctor or insurance. There are program out there to help; she advised calling the number on the brochure or go on line for more information on this program.

3. Request for Reduction of Fines for Calvin McCone

Linda McCone, daughter of Mr. McCone, requested to postpone this item until next month when her father could be present. Code Enforcement Officer Al Davis reported that the property was in compliance and recommended the fine not be reduced below \$500.00, this being the approximate cost of processing this case. Tabling this item will not change the recommendation of staff.

Moved to reduce the fine by \$3,020.00 the remaining balance applied to the cost of processing the case.

Motion – Commissioner Martin

Second – Vice Mayor Randall

Discussion – Commissioner Knowles questioned why they had waited so long to ask for a reduction and let this go and was in favor of waiting until Mr. McCone could be here to answer some questions.

Commissioner Martin retracted his motion.

Moved to table this item until the next scheduled commission meeting

Motion – Commissioner Knowles

Second – Commissioner Carlton

Vote – 5-0

Mr. Davis explained to the board how the cases were assessed by coming up with the estimated time spent in processing. He emphasized that Code Enforcement does not pay for itself; he has been involved in it for 40 years and never seen it do so. The main objective is to try and get compliance. Mayor Roberts suggested the Code Ordinance be an agenda item at the next workshop session.

4. Ashley Oaks Zoning Agreement

Attorney Carter expressed her concerns with the proposed agreement by Ben Campen as part of the deed of lots B1 through B6 and the restrictions contained in deeds already recorded on the property. This agreement permits Mr. Campen or his assigns to maintain or replace the current billboard signs that are now located on the property, forever. The right to erect and maintain this sign has already been assigned to American Land & Mortgage Corporation, which is Mr. Campen. The City codes states it is a violation to erect signs on public property other than signs erected by a public authority for memorial or charitable purposes. The agreement as currently written does not conform to the regulations concerning nonconforming structures; so it would have the effect of allowing the billboard owner to violate city regulations. The agreement also prohibits use of the property as a public park for the next thirty years without the written consent of Ben Campen or his assigns. It would be for the best to determine what the concerns are about a public park and include provisions addressing those issues. Ms. Carter reported that a title search of the property reported that Deeds of Conveyance had been recorded in December 2005. A Corrective Deed is attached granting easement over the south 65 feet of lots B5 and 6 for the purpose of erecting new and/or maintaining the billboard along with the right to clear any vegetation or structure from that area. It also grants the right to clear on parts of Lots B3 and B4 in order to allow a viewing area for the signs. Nothing can be put in ay of this area without written consent of the Land and Mortgage Corporation. Attorney Carter stated she would not recommend this agreement with the restrictions in place but advised negotiations with Mr. Campen. Mayor Roberts called attention to the fact that Mr. Campen had his attorney's representation at the beginning but does not appear so with this instrument. She conveyed her concern over the "forever" clause. Commissioner Martin inquired what the City's position would be if they do not agree to these stipulations, could Mr. Campen sue. Attorney Carter responded that yes he could do that, claiming the property was never properly rezoned. After substantial discussion regarding the issue, the consensus of the Board was the following:

Moved to instruct the Attorney and City Manager to continue negotiations with Mr. Campen on the area of contention and bring the results back to the Board.

Motion – Commissioner Knowles

Second – Vice Mayor Randall

Vote – 5-0

5. Set Meeting Date for Community Redevelopment Agency

City Manager Shryock informed that in identifying funding for the restoration of the restrooms and lightning of the park, he was looking at the use of the City's Redevelopment Trust Fund, which is the tax increment money. As a part of utilizing these funds, the City must have a Corridor Redevelopment Plan. The current plan was effective for 1994 through 1998 and needs updated. The Redevelopment Trust Fund is administered by the Hawthorne Community Redevelopment Agency (CRA). This is a separate entity from the City of Hawthorne and its members consist of the members of the City Commission and they may appoint two additional members to the CRA. At this time the City Attorney is drafting a primer on CRA'S and the process to go through to adopt a revised corridor. He recommended the Board set a meeting date for the Commission to meet in a workshop session as the CRA to discuss drafting and adopting a new Corridor Redevelopment Plan.

6. Set Meeting Date for Workshop Meeting on City Manager Evaluation

Mayor Roberts set the date of the Workshop for Wednesday, January 25th at 5:30 PM for discussion on the Code Enforcement Ordinance, City Manager Evaluation and the CRA.

CITIZEN COMMENT:

Vivian Wagner asked what was happening with the Scout House and the Hurricane Shelter, understanding that a grant of \$100,000 had been applied for to renovate the Scout House. City Manager Shryock informed that he was working with Ms. Segal on this grant. Commissioner Carlton emphatically pronounced things were going on that the Board was being left out of. Mayor Roberts explained that after information is compiled, it always comes back to the Commission for final approval or denial and for the Mayor to sign.

The clock showed 10:00 PM at the top of the hour, which is the time for the meetings to be over. Commissioner Martin moved to extend the meeting beyond 10:00 PM and Commissioner Knowles gave the second with a unanimous vote.

REPORTS

- a) City Attorney Carter had no report
- b) City Manager Shryock reported the Board had his report in writing and added that he did have a set of plans for the landscaping on Highway 20.
- c) Mayor Roberts recommended meeting with the Chamber in a joint at a later date to work toward revitalizing the City. She asked that the Board Members make an effort to bring a photo of them to the workshop.
- d) Vice Mayor Randall had no report
- e) Commissioner Knowles just encouraged enforcing of the City Codes
- f) Commissioner Martin reported the Commission is dedicated to getting the restrooms at the City Park fixed. He thanked City Manager Shryock for wearing the Gator Hat. He wished everyone a Happy New Year
- g) Commissioner Carlton inquired if anyone had met and talked to Ms. Barry after the last meeting. The City Manager informed action was taken on this.

Adjourn

Moved to adjourn the meeting at 10:20 PM

Motion – Commissioner Martin

Second – Commissioner Carlton

Vote – Unanimous

These Minutes of the Regular Commission Meeting on January 9, 2005 are submitted for approval.

Chad M. Shryock, City Manager

DeLoris Roberts-Cheatham, Mayor

Donna R. Mayes, CMC
City Clerk