
COMMISSIONERS:

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

CITY MANAGER:

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

CITY ATTORNEY:

Steve Lee

**MINUTES
REGULAR COMMISSION MEETING
DECEMBER 18, 2006**

A. CALL TO ORDER

Mayor Knowles called the meeting to order at 6:30 PM. Present was, Mayor Knowles, Vice Mayor Randall, Commissioners Carlton, Martin and Roberts. Staff Present was, City Manager Shryock, City Clerk Mayes, Intern Planner Laakso and City Attorney Lee.

B. INVOCATION AND PLEDGE

Commissioner Roberts gave the Invocation and Mayor Knowles led the Pledge of Allegiance.

C. APPROVAL OF AGENDA

Moved to approve the agenda of December 18, 2006

Motion – Commissioner Martin

Second – Vice Mayor Randall

Vote – 5-0

D. CITIZEN COMMENTS

Lt. John Redmond of the Alachua County Sheriff's Office, District 2, informed that they would have a representative present at one meeting a month to give a report and to answer any questions.

E. CONSENT AGENDA

Moved to approve Consent Agenda approving Annexations A06-12 – Hall, A06-15 & A06-16 – Horizontal Development, LLC, A06-14 – Plum Creek Timberlands, LP and amend to remove 3.i and 3.ii Eastern and Southern Annexation, for discussion

Motion – Commissioner Roberts

Second – Commissioner Carlton

Vote – 5-0

3.i Eastern Annexation Referendum A06-2 Ordinance 2007-05

City Manager Shryock informed the County is referring to this Eastern Annexation as pockets. After the second reading, he proposed having the election date for this referendum. The annexation's to the North was the one he advised holding off until after the referendum. The Southern annexation can be worked out if the referendum fails. Attorney Lee stated these items were pulled from the last agenda because property legals were not available at the time of the meeting.

Moved to approve annexation A06-2 Eastern Referendum Ordinance 2007-05 on first reading

Motion – Commissioner Martin

Second – Commissioner Roberts

Discussion – Commissioner Carlton stated he does not support this action in view that he knows of no one coming forward from that area, wanting to be annexed. City Manager Shryock conveyed several properties, some City owned, have had interest but the action would create pockets. Mayor Knowles pointed out that the referendum vote gives the citizens the right to choose. This Election will probably be held in March or April for both referendums.

Vote – 4 – 1 NO Vote Commissioner Carlton

3.ii Southern Annexation Referendum A06-3 Ordinance 2007-06

This area is the complete area referred to as a Pocket by the Alachua County Annexation Team and County Commission. City Manager Shryock explained that if the referendum fails the property owner will drop or invalidate one parcel to remove the pocket and if it passes there will be no reason for objection. Attorney Lee advised that the County has filed two lawsuits on both of the annexations but has put them on hold until after the Referendum Election.

Move to approve annexation A06-3 Southern Annexation Referendum Ordinance 2007-06 on First Reading

Motion – Vice Mayor Randall

Second – Commissioner Martin

Vote – 5-0

F. PUBLIC HEARINGS

1. Ordinance 2007-07 – Second Reading Annexation A06-4 Lussier Dairy, Inc.

Mayor Knowles opened the Public Hearing. City Manager Shryock gave an overview indicating the location of 113.53 on North US Highway 301 on the area map.

Public Comment – None

Closed Public Hearing

Board Discussion – In answer to Commissioner’s Martin question, City Manager Shryock informed the County has not voiced any opposition to this annexation.

Moved to approve Ordinance 2007-07 on Second Reading for Annexation A06-4 Lussier Dairy, Inc

Motion – Commissioner Roberts

Second – Commissioner Carlton

Vote – 5-0

2. Ordinance 2007-08 – Second Reading Annexation A06-6 David Wayne & Brenda Newman & A06-7 David W. Newman

Mayor Knowles opened the Public Hearing. Intern Planner Laakso presented the annexation of 2.39 acres on West Highway 20, owned by David Wayne and Brenda Newman.

Public Comment – None

Closed Public Hearing

Moved to approve Ordinance 2007-08 on Second Reading for Annexation A06-6 and A06-7 David Wayne and Brenda Newman

Motion – Commissioner Carlton

Second – Vice Mayor Randall

Vote – 5-0

3. Ordinance 2007-09 – Second Reading Annexation A06-9 Ammar Ateyah

Mayor Knowles opened the Public Hearing. City Planner presented the 1 acre located south of the City on US HWY 301.

Public Comment – None

Closed Public Hearing

Board Discussion – Mayor Knowles questioned if the owner was the same as the trailer park property to which City Manager Shryock informed he was not.

Moved to approve Ordinance 2007-09 on Second Reading for Annexation A06-9 Ammar Ateyah

Motion – Commissioner Carlton

Second – Commissioner Roberts

Vote – 5-0

4. Ordinance 2007-10 – Second Reading Annexation A06-10 Elite Resorts

Mayor Knowles opened the Public Hearing. City Planner reviewed the 19 acres owned by Elite Resorts at Little Orange Lake, Inc. on Holden Park Road, directing attention to the location on the map.

Public Comment – None

Closed Public Hearing

Board discussed the exact location of the property in question.

Moved to approve Ordinance 2007-10 on Second Reading for Annexation A06-10 Elite Resorts

Motion – Vice Mayor Randall

Second – Commissioner Roberts

Vote – 5-0

5. Ordinance 2007-11 – Second Reading Annexation A06-11 Shirley Stepp

Mayor Knowles opened the Public Hearing. Intern Planner Laakso reviewed the 2.68 acres on Holden Park Road, owned by Shirley Stepp pointing out the location on the map.

Public Comment – None

Close Public Hearing

Moved to approve Ordinance 2007-11 on Second Reading for Annexation A06-11 Shirley Stepp

Motion – Commissioner Roberts

Second – Vice Mayor Randall

Vote – 5-0

6. Ordinance 2007-12 – Second Reading CPA 07-1 Ledford

Mayor Knowles opened the Public Hearing. City Manager Shryock advised the hearing was moving into the Comp Plan and Rezoning section. This is a request for a future land use classification change from Industrial to Commercial

Public Comment – Brenda Newman requested she go on record as opposing this action. Joseph Dubois who has church property on the north side of Highway 20 also opposed the action.

Mayor Knowles stressed that the Board cannot let the nature of business affect their decision, the property owner is the legal applicant and cannot be denied the right to change his land use. City Manager Shryock added the Board must base their decision on the best use for the property.

Closed the Public Hearing

Board Discussion – Commissioner Martin inquired if this was in the best interest of the City to reduce the amount of Industrial use. City Manager Shryock explained that the CIW use benefits the frontage to a four lane highway and is compatible to the area.

Moved to approve Ordinance 2007-12 on second reading approving Comp Plan Amendment CPA 07-1 Charles D. and Vivian Ledford

Motion – Commissioner Martin

Second – Commissioner Carlton

Vote – 5-0

7. Ordinance 2007-13 – Second Reading LDR 07-1 Ledford

Mayor Knowles opened the Public Hearing. City Manager Shryock informed this was the follow up on the previous item for a rezoning change from Light Industrial to Commercial Intensive Warehousing.

Public Comment – None

Closed the Public Hearing

Board Discussion – In answer to the Board’s inquiry, City Manager Shryock informed the same application applies to this item in regards to going before the Planning and Zoning Board.

Moved to approve on second reading Ordinance 2007-13 for LDR 07-1 Charles D. & Vivian Ledford

Motion – Commissioner Martin

Second – Vice Mayor Randall

Vote – 5-0

8. Ordinance 2006-08 – Second Reading Approving a Large Scale CPA 05-3 Florida Septic

Mayor Knowles opened the Public Hearing. City Manager Shryock reviewed the request for 85.5 acres change from Agriculture to Industrial. First reading and transmittal hearing to DCA was approved in December 2005.

Public Comment – Ms. Ellen Vause, Florida Septic owner, stated she would answer any questions and noted the location of this property at the end of SE 211th Street. Joyce Johnson spoke in opposition to this change of expansion stating she cannot keep her house clean from all the dust created by the concrete plant. Ms. Vause informed that they comply with all State of Florida rules and regulations and do a dust control program through DEP, rating the best on all inspections. When it was determined that Ms. Johnson lived over on SE 65th Avenue, City Manager Shryock directed attention to the fact that several members of the Planning and Zoning Board live in closer proximity to the plant and they recommended the change.

Closed Public Hearing

Board Discussion – In answer to questions from the Board, Ms. Vause stated that Florida Septic first opened in 1964. She also disclosed they would not be able to use all of the 85 acres because of buffers and wetlands and it would depend upon St. Johns Water Management District whether they could do manufacturing or storage.

Moved to approve Ordinance 2006-08 on second reading approving a large scale Comp Plan Amendment 05-3 for Florida Septic

Motion – Commissioner Roberts

Second – Commissioner Carlton

Vote – 5-0

9. Ordinance 2006-23 – Second Reading Approving a Large Scale CPA 05-2 Little Orange Development, LLC

Mayor Knowles opened the Public Hearing. City Manager Shryock reviewed the request for change of land use from County Agricultural to Residential Low Density, first reading and transmittal hearing to DCA in March of 2006.

Public Comment – Mr. Kenny Gibbs informed with the low density there would be one house per one half acre.

Close Public Hearing

Board Discussion on Mobile Home Parks Zoning and that DCA Stamped Modular Homes cannot be restricted from residential neighborhoods. The homes in this area will have septic tanks until such time as sewer is available.

Moved to approve Ordinance 2006-23 on second reading approving a large scale Comp Plan Amendment 05-2 for Little Orange Development, LLC

Motion – Vice Mayor Randall

Second – Commissioner Martin

Vote – 5-0-

10. Ordinance 2006-13 – Second Reading Approving CPA 05-5 Higginbotham Properties

Mayor Knowles opened the Public Hearing. City Manager Shryock gave staff report, stating the applicant Agent, Sanjay Chaudhari was requesting a land use change from commercial to residential, high density. First reading had been approved at transmittal hearing to DCA.

Mr. Chaudhari informed the Board the entrance to the townhouses would be from the access road running parallel with Highway 301 and they planned to build 12-14 units per acre. City Manager Shryock explained that the sewer impact fees would be based on the water meter size for the units.

Closed Public Hearing

Moved to approve Ordinance 2006-13 on second reading approving CPA 05-5 on the Higginbotham Properties

Motion – Commissioner Martin

Second – Vice Mayor Randall

Vote – 5-0

11. Ordinance 2006-17 – Second Reading Approving LDR 05-8 Higginbotham Properties

Mayor Knowles opened the Public Hearing. City Manager Shryock gave the staff report, stating this was the same property as the previous item, changing from commercial zoning to residential high density.

Public Comment – None

Close Public Hearing

Moved to approve Ordinance 2006-17 on second reading approving LDR 05-9 on the Higginbotham Properties

Motion – Commissioner Roberts

Second – Commissioner Carlton

Vote – 5-0

12. Ordinance 2006-14 – Second Reading Approving CPA 05-6 Landmarc, Inc.

Mayor Knowles opened the Public Hearing. City Manger Shryock gave the staff report, stating this ordinance had first reading and was transmitted to DCA. The applicant is Agent, Sanjay Chaudhari, who is applying for a land use change from commercial to residential, high density and goes with the two previous items for development of townhouses.

Public Comment – None

Close Public Hearing

Moved to approve Ordinance 2006-14 on second reading approving CPA 05-6 Landmarc, Inc.

Motion – Commissioner Roberts

Second – Commissioner Carlton

Vote – 5-0

13. Ordinance 2006-18 – Second Reading Approving LDR 05-9 Landmarc, Inc.

Mayor Knowles opened the Public Hearing. City Manager Shryock gave the staff report stating this request was for change of zoning from commercial to residential, high density.

Close Public Hearing

Moved to approve Ordinance 2006-18 on second reading approving LDR 05-9 Landmarc, Inc.

Motion – Vice Mayor Randall

Second – Commissioner Carlton

Vote – 5-0

G. REGULAR AGENDA

1. Approve Legislative Agenda

City Manager Shryock directed attention to the attached proposed copy of the City's Legislative Agenda for 2007. He noted the majority of the items were carryover items from 2006 with some minor changes. He added to the list, Property Tax Reform and its effect on small Cities, Annexation of Enclaves, Pockets and City owned Property, Annexation into Putnam County and Representation on MTPO. Commissioner Carlton voiced he was opposed to Putnam County Annexation and cited that the City not get involved. Commissioner Martin communicated that DOT had to relocate the City's water and sewer lines when they widened Highway 20 and now they want the City to pay them back for this expense. He suggested adding to the agenda to ask the Legislature to forgo this debt, which was created by the State of Florida in the 20 project.

Moved to approve the Legislative Agenda as amended with additional language requesting release of DOT debt of \$254,000 for moving lines on Highway 20

Motion – Commissioner Martin

Second – Vice Mayor Randall

Vote – 4-1 NO Vote Commissioner Carlton

2. Approve Development Agreement – Elite Resorts

City Attorney Lee advised in addition to the Development Agreement the City still needs an attachment for an irrevocable line of credit. The developer can ask for full refund if the plant is not completed in 3 years. City Manager Shryock informed the completion date is scheduled for March of 2008. Commissioner Martin suggested putting in the name of the bank the developer plans to use, in the agreement.

Moved to approve the attached agreement with added recommendations Legal Counsel made on errors and omissions with a letter of credit to include a national recognized bank

Motion – Commissioner Martin

Second – Commissioner Carlton

Vote – 5-0

3. Approve Development Agreement – Silver Companies

City Manager Shryock informed the agreement was the same as for the previous item.

Moved to approve the attached agreement between Silver Companies and the City of Hawthorne with added changes

Motion – Commissioner Martin

Second – Vice Mayor Randall

Vote – 5-0

4. Approve Resolution 2007-04 – Authorizing City to Execute Promissory Note with Florida Dept. of Transportation

Moved to table issue until such time as City Manager and Attorney can review contract and provide necessary language that will not obligate ad valorem tax and investigate how other cities handled this issue

Motion – Commissioner Martin

Second Commissioner Roberts

H. CITIZENS COMMENTS - None

I. REPORTS

- 1) City Manager Shryock reported City Hall would be closed the 25th & 26th of December and also January 1st and 15th. The 8th of January is obligated to the Florida game so he suggested the 22nd for a Regular Meeting and plan a Workshop in between. January 4th will be the interviews with the three candidates for the Chief of Police.
- 2) Mayor Knowles reported that Shirley Stepp was donating radios to the City of Hawthorne. He will be meeting with the EOC in January.
- 3) Vice Mayor Randall reported she was involved with the “Toys for Tots” for the second year and the turnout was very good.
- 4) Commissioner Roberts voiced her thanks to the City Manager and Staff for delivering turkeys over the holidays. She would like to get back on schedule with the HAPP Project in 2007.
- 5) Commissioner Martin reported that as the representative on the MPTO Board, he reviewed the 5-year work plan that was approved for 2007-2012 and the road between Hawthorne and Interlachen was not on the plan. He also informed that an overpass for Orange Heights was priority on the DOT list and when he brought up the intersection in Hawthorne, Mr. Bennett responded that it would not be changed. He added that the county was discussing raising gas taxes but proposing to take all the revenue.

J. ADJOURN

Moved to adjourn the Regular Meeting of December 18, 2006, at 10:30 PM.

Motion – Commissioner Roberts

Second – Vice Mayor Randall

Unanimous

These Minutes of The Regular Commission Meeting of December 18, 2006 are submitted for approval.

Chad M. Shryock, City Manager

Terry Knowles, Mayor

Donna R. Mayes, CMC/City Clerk