



## **F. PUBLIC HEARINGS**

### **1. Ordinance 2007-05 Second Reading – Annexation A06-2, Eastern Annexation Referendum**

Mayor Knowles opened the Public Hearing and ask for staff report.

Intern Planner Shane Laakso directed attention to the map provided on schedule A of the ordinance showing the complete area referred to as a “pocket” by the Alachua County Annexation Team and Board of County Commissioners. This area is the subject of the lawsuit currently filed against the City. Annexation of this property will absolve the merits of the lawsuit, barring the outcome of a referendum vote. The Urban Services Report was approved on November 6, 2006 and first reading of this ordinance on December 18, 2006. City Manager Shryock related that just prior to the meeting staff was informed by the surveyor that a section had been left out of the legal advertisement; therefore he recommended a continuation of the Public Hearing until the next meeting on March 5<sup>th</sup>. Mr. David Schwartz, Assistant County Attorney asked if there was a time on when the referendum vote would be conducted. Mr. Shryock explained it would have been ninety (90) days from tonight’s meeting but with the delay in passing of the ordinance the date will have to be postponed for a two (2) week time period. He stated notification would be given on the election by the Supervisor of Elections and advertised in the newspaper. Moved to continue the Public Hearing on Ordinance 2007-05 until the next regular meeting date of March 5<sup>th</sup> 2007.

Motion – Commissioner Martin

Second – Commissioner Carlton

Vote – 5-0

### **2. Ordinance 2007-06 Second Reading – Annexation A06-3, Southern Annexation Referendum**

The Southern Annexation Referendum shown on the map provided as schedule A of the ordinance is referred to as a “pocket” by the Alachua County Annexation Team and County Commission. This annexation will completely alleviate any conflict with the County, barring the outcome of a referendum vote. Prior to the meeting the decision was made to amend the legal’s and drop the lower Parcel 1 of the attached legal descriptions because of too much opposition in the area of SE 225 DR. deemed a pocket. Mr. Ken Ringer inquired where 1001 SE 225 Drive was located in reference to these properties and was informed the referendum did not extend that far down. Ms. Kristen Nowicki of Alachua County Growth Management questioned if the density requirements would continue to be met taking into consideration the removal of this large portion of land. Attorney Lee advised the City will continue on with the process until it is researched and looked at further.

Moved to continue the Public Hearing on Ordinance 2007-06 until the March 5<sup>th</sup> meeting

Motion – Vice Mayor Randall

Second – Commissioner Carlton

Discussion – Commissioner Martin asked if there was any legal way to amend tonight since Parcel 1 would be dropped and keep the people in the area from

having to come back for another meeting. City Manager Shryock informed it would have to be treated as an amended ordinance on first reading and advertise for second reading again.

Vote – 5-0

### **3. Ordinance 2007-14 Second Reading – Annexation A06-12 & A06-13 William H. & Delores Hall**

This annexation consist of two lots approximately 80 acres located south of town east of US Highway 301 and are contiguous to the City's boundaries on their eastern boundaries respectively. The Urban Service Report was approved on October 16, 2006 and first reading of this ordinance was approved on December 18, 2006. Staff recommends approval of this ordinance.

Mr. Eddie Higginbotham advised he was representative for Mr. & Mrs. Hall and they were voluntarily annexing into the city. Commissioner Martin voiced his concerns about adjacent property not in the city and the police having to go into the County to get to City property to service the area. Mr. Higginbotham voiced that adjoining land owner Maurice Stewart has already filed and paid the fees to annex in. City Manager Shryock responded this was undeveloped property and would not be an issue at this time. Mr. Glen Molander asked would it not create a pocket as a result of annexing land all the way to Lake Jeffery and could someone define "pocket"? Attorney Lee advised the County claims there are "pockets", but it is a subject of litigation; the City says there are no such thing as a pocket and no definition. Mayor Knowles interjected that Mr. Molander's property was in the parcel being dropped from the referendum. Mr. Schwartz, Assistant County Attorney, stressed their opposition to these annexations stating they view these as subject to a lawsuit. They must be contiguous and those on the agenda tonight will be invalidated if those to the north are ruled to be a pocket by the court. He asks that no action be taken on these annexations until the referendums do or do not pass. Mayor Knowles inquired if the area adjacent on Holden Park Road went away; in the eyes of the County would it take away the pocket? Attorney Schwartz agreed that it could be a possible solution. He defined "pocket" as an isolated area, or peninsula. City Manager Shryock informed that was the County's definition but there was no such legal definition. There was discussion on de-annexation of the "anvil" piece of property on Holden Park Road if the referendum did not pass. Ms. Nowicki stated the area in pink was the pocket of challenge and if the referendum did not pass 06-12 and 06-16 would be invalidated. Mr. Steve Halstader of the Alachua Count Annexation Team pointed out that the City must protect the environmental resources and buffer the wetlands by complying with ST. Johns Water Management District. Attorney Lee advised these issues are irrelevant; annexation does not change anything until the comprehensive plan is changed. Commissioner Martin interjected that no land annexed into the city had been degraded or harmed environmentally to date.

Mayor Knowles closed the Public Hearing

Mr. Eddie Higginbotham, agent for Plum Creek, advised that if the referendum did not pass they will drop the parcel out that would cause what the county refers to as a pocket but does believe the City can win the lawsuit. He further



was included in an earlier urban services report and was removed from the report because it only had corner to corner contiguity with the city boundary. Recent annexations have made the property contiguous with the City's limits on its eastern boundary. Maps were shown on screen. Urban Services Report was approved on April 3, 2006 and first reading of this ordinance was approved on February 5, 2006. Staff recommends approval of this ordinance.

Attorney Lee corrected that this property was not removed from the Urban Service Report as Attorney Schwartz is also aware of in a conversation earlier before the meeting, but was removed from the annexation ordinance at that time.

There was no public comment and Mayor Knowles closed the Public Hearing.

Moved to approve Ordinance 2007-17 on Second Reading approving Annexation A07-1 Plum Creek Timberlands

Motion – Commissioner Roberts

Second – Vice Mayor Randall

Vote – 4-1 Commissioner Carlton NO Vote

## **G. REGULAR AGENDA**

### **1. Commission Raises – Commissioner Martin**

Commissioner Martin had the research on the populations of the cities from the previous meeting as requested. City Manager Shryock related the population was not a good indicator of related duties the board members must perform; but a better comparison would be to talk to other colleagues comparable to the City. Vice Mayor Randall and Commissioner Roberts voiced their approval of the raises while Commissioner Carlton wanted to see the audit before spending money. Mayor Knowles directed City Staff to prepare and put together a Resolution to have at the next meeting for Commission raises.

### **2. Visioning Committee Update – City Manager**

City Manager Shryock informed he had been working with the visioning group over the past few months as they tried to get organized. At their February 12<sup>th</sup> meeting he realized they needed assistance in getting organized and volunteered to guide them through that phase. He had made it clear the process needed to be driven by the community and not the City government; however to get them started it appeared they needed him to act as a catalyst in the early stages and he would like the Boards approval before getting too involved. Upon doing research, it seems as though the best way to organize the group is through the creation of a Community Foundation. This is common in larger cities and has become popular with smaller communities. Mr. Shryock directed the Board's attention to attached information he had provided them on Community Foundations and expressed unless otherwise directed he would keep working with the group. The Board was in complete agreement with this arrangement.

### **3. FLC Property Tax Reform Packet – City Manager**

City Manager Shryock provided a packet from the Florida League of Cities on Property Tax reform stating it was also a platform in the City's Legislative Policy.

