
The of Live Oak City Council met Tuesday, February 9, at 5:30 p.m. in City Hall located at 101 SE White Ave., Live Oak, Florida 32064. The following officials were present: Mayor Garth R. Nobles, Council President Councilman Keith Mixon, Councilman Bennie L. Thomas, Councilman Jacob Grantham, Councilman John W. Yulee Sr., Councilman Frank Davis, Attorney Fred Koberlein, and City Clerk John Gill.

Council President Keith Mixon called the meeting to order. Mr. George Curtis then led the invocation, which was followed by the pledge of allegiance to the flag.

Councilman Mixon then presented for approval the January 6th council workshop minutes, January 12th regular council meeting minutes, January 26th recessed council meeting minutes, and the January 26th council workshop meeting minutes.

Councilman Thomas moved to approve the minutes as presented, which Councilman Yulee seconded. The motion carried unanimously.

Councilman Mixon then turned the floor over to Mayor Nobles who presented for approval, the recommendation to appoint John Murray and Joe Skierski to serve a three-year term as board members on the Suwanee County Museum Association. Councilman Thomas moved to approve John Murray and Joe Skierski to serve a three-year term as board members for the Suwanee County Museum Association. Councilman Yulee seconded the motion. The motion carried unanimously.

Mayor Nobles then presented a recommendation from Dr. Helen Miller to join the Suwanee River Basin "Original Florida" Outdoor Recreation Regional Compact as a stakeholder. Councilman Grantham moved to approve the recommendation, which Councilman Yulee seconded. The motion carried unanimously.

Councilman Mixon then turned the floor over to City Clerk, John Gill for discussion regarding the city manager selection process. The Council consensus was for each Councilman to pick up to five applicants, present their choices for discussion and then proceed with selecting applicants from this pool to interview. It was discussed that tonight's meeting would be recessed and reconvened February 16, following the council workshop at 4:00 PM or soon thereafter. The Council would then present their five applicants and proceed with selecting a date to hold the interviews.

At this time, Councilman Davis recommended that Ms. Parkhurst stay on as the City Manager up to the time that a City Manager is found and then continue until August of 2016, as the Finance Director.

Councilman Davis then moved to approve the employment of Ms. Parkhurst on a month-to-month basis, having a contract, to continue as the City Manager until a City Manager is selected, as well as continuing to assist the city as Finance Director. The motion was then amended to include that Ms. Parkhurst stay on up to 30 days following the employment of a new city manager, if requested by the candidate that is selected for the position. Councilman Grantham seconded the motion for the purpose of discussion.

Council Mixon then requested that the motion be withdrawn and re-submitted for clarification.

Councilman Davis moved that Ms. Parkhurst remain as City Manager until a new City Manager is selected, and then transfer back to being the Finance Director at that time, continuing as the Finance Director through August. Councilman Grantham then seconded the motion. The motion carried 4 to 1 with Councilman Thomas dissenting.

Councilman Mixon then turned the floor over to Ms. Parkhurst. Ms. Parkhurst presented her first item regarding possible Council action and authorizing the Mayor to sign a maintenance contract renewal with Tim Taylor Air-Conditioning, Heating and Refrigeration for the City Hall HVAC system. Councilman Grantham moved to authorize the renewal of the contract with Tim Taylor Air-Conditioning Heating and Refrigeration, which Councilman Davis seconded. The motion carried unanimously.

Ms. Parkhurst proceeded with her next item regarding possible Council action on the Florida Gas Utility (FGU) proposed pipeline capacity rates. It was discussed that the FGU's recommendation was for 75% of the proposed pipeline capacity but that this would not allow for any growth within the city. FGU also recommended that 85 to 90% would also be acceptable.

Discussion was then held regarding the incentives for gas utilities, and it was noted that the five-dollar maintenance fee led many customers to have their meters removed. It was then noted that the matter of having the five-dollar maintenance fee abolished then be added to the next Council meeting agenda.

Councilman Grantham moved to approve a 90% load factor, which Councilman Davis seconded. The motion carried unanimously.

Ms. Parkhurst proceeded with her next item pertaining to the approval of deeds for Ichetucknee road right-of-way and turned the floor over to City Engineer Lane Lucas, of Eutaw Utilities, to present the matter (the deeds were for the following individuals: Flowers, Burch, Poole, McCullers, Billups, Logan Family, Howard Family).

Mr. Lucas discussed concessions/stipulations that the property owners requested in exchange for the right of way. It was identified that the two remaining deeds to be signed were for the properties belonging to Mr. Flowers and Mr. Burch.

The concessions included driveway connections with a culvert, that fences be reset, and waiver of future connection fees. It was discussed that in Mr. Flowers particular case the waiver of connection fees would be a wash when compared to what the city would have to pay to purchase the property from him.

Councilman Grantham moved to approve the deeds for the Ichetucknee right-of-away, with all the addendums. Councilman Thomas seconded the motion. The motion carried unanimously.

Ms. Parkhurst then presented for discussion the matter of a request for partial waiver of impact fees for Mr. Milton Smith, representing Canyon Vista Assisted Living Facility.

Mr. Koberlein then opined on the matter discussing that per the ordinance, it was not in his opinion that the Council had the authority to reduce the impact fees. Mr. Koberlein noted the usage of the word "shall" within the ordinance, meaning it was mandatory. Mr. Koberlein then offered the alternative that the individual petition the Council to change that portion of the code to a two-step ordinance process to allow the Council or Planning and Zoning Board the authority.

The consensus of the Council was not to allow for the waiver of impact fees.

Councilman Mixon then discussed that the next item had been removed from the agenda (the matter regarding possible Council action on the release of liens for code enforcement cases regarding Mr. Clark Driggers and Mr. Marlon Ivey).

Ms. Parkhurst explained that item had been removed upon the recommendation of the City Attorney. Mr. Koberlein, had referred the matter back to the Code Enforcement Special Magistrate. Mr. Koberlein identified the Magistrate as the individual with the authority to make the change in releasing the lien.

Mr. Koberlein then spoke to the matter discussing that he did not view the Council as having the authority to release the lien. Mr. Koberlein continued stating that the Special Magistrate or the city administration could release the lien. Mr. Koberlein then asserted that it appeared that the lien should not have been filed and that within 2 to 3 weeks the matter should be cleared up.

Ms. Parkhurst introduced her final item regarding the approval to extend the OMI utility contract for an additional five years, commencing October 7, 2017 and authorizing the Mayor to sign the contract.

Councilman Yulee then recommended that the Council take time to consider the contract given the fact that in a few months there would be new Council members joining the City Council. Councilman Mixon then discussed that corporations will often begin addressing contract renewals 24 months prior to their contract's expiration; this practice is common in order to prevent getting down to the expiration date and having to work through negotiations.

Councilman Davis suggested that the time frame to renew/cancel the contract be adjusted to reflect 90 days where as it currently read as 120 days.

AMENDMENT NO. 19

1. Article 7.1 is hereby deleted in its entirety and replaced with the following Article 7.1:

7.1 The current term of October 1, 2012 through September 30, 2017 will be extended for an additional five (5) years commencing on October 1, 2017. Thereafter, the Agreement shall be automatically renewed for successive terms of five (5) years unless cancelled by either party no less than one hundred and twenty (120) days prior to expiration.

Councilman Grantham moved to approve extending the OMI utility contract for an additional five years, commencing October 7, 2017, authorizing the Mayor to sign the contract, with a 90-day period for either party to cancel the contract. (Mr. Jon Mantay then addressed the Council stating that CH2M Hill/OMI would also agree to the 90-day period.)

Councilman Davis then seconded the motion. The motion carried 3-2, with Councilman Yulee and Councilman Thomas dissenting.

Councilman Mixon then turned the floor over to Development Manager George Curtis.

Mr. Curtis presented his first item concerning the nomination of a candidate and appointment to the Live Oak Planning and Zoning Board seat #4. Mr. Curtis then opened the floor for nominations. Councilman Mixon then moved to nominate Brantley Helvenston. Councilman Grantham seconded the motion. The motion carried unanimously

Mr. Curtis presented his next item regarding the **first** reading of Ordinance 1386, an ordinance amending the Future Land Use Classification from Commercial (Suwannee County) to Commercial (City of Live Oak)

AN ORDINANCE OF THE CITY OF LIVE OAK, FLORIDA, AMENDING THE FUTURE LAND USE CLASSIFICATION TO ONE ACRE (MOL) OF LAND ON THE FUTURE LAND USE PLAN MAP OF THE CITY OF LIVE OAK COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION, **CPA 15-3**, BY THE PROPERTY OWNER(S) OR THEIR AUTHORIZED, DESIGNATED REPRESENTATIVE, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED, AND ARTICLE THREE OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR A CHANGE IN THE ASSIGNED FUTURE LAND USE CLASSIFICATION **FROM COMMERCIAL (SUWANNEE COUNTY) TO COMMERCIAL (CITY OF LIVE OAK)**, ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF LIVE OAK, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE

No one from the audience was present to speak for or against the ordinance.

Councilman Yulee moved to approve Ordinance No. 1386, which Councilman Davis seconded. The motion carried, with four Councilmen voting unanimously. Councilman Grantham recused himself and submitted a form 8B.

Mr. Curtis presented his following item regarding the **first** reading of ORDINANCE No. 1387

ORDINANCE NO. 1387

AN ORDINANCE OF THE CITY OF LIVE OAK, FLORIDA, AMENDING THE ZONING DISTRICT TO ONE ACRE (MOL) OF LAND ON THE OFFICIAL ZONING ATLAS OF THE CITY OF LIVE OAK LAND DEVELOPMENT REGULATIONS, PURSUANT TO AN APPLICATION, **LDR 15-5**, BY THE PROPERTY OWNER(S) OR THEIR AUTHORIZED, DESIGNATED REPRESENTATIVE, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN ARTICLE THREE OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING FOR A CHANGE IN THE ASSIGNED ZONING DISTRICT **FROM COMMERCIAL – INTENSIVE (C-I) (COUNTY) TO COMMERCIAL – INTENSIVE (C-I) (CITY)**, ON CERTAIN LANDS WITHIN THE CORPORATE LIMITS OF THE CITY OF LIVE OAK, FLORIDA; PROVIDING SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING AUTHORITY; AND PROVIDING AN EFFECTIVE DATE

No one from the audience was present to speak for or against the ordinance.

Councilman Yulee moved to approve Ordinance No.1387, which Councilman Davis seconded. The motion carried, with four Councilmen voting unanimously. Councilman Grantham recused himself and submitted a form 8B.

Mr. Curtis presented his next item regarding the **final** reading of Ordinance 1382.

ORDINANCE NO. 1382

AN ORDINANCE OF THE CITY OF LIVE OAK, FLORIDA, RELATING TO CHANGING THE LAND USE CLASSIFICATION OF MORE THAN TEN ACRES OF LAND ON THE FUTURE LAND USE PLAN MAP OF THE CITY OF LIVE OAK COMPREHENSIVE PLAN, PURSUANT TO AN APPLICATION, **CPA 15-2**, BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, FLORIDA, UNDER THE AMENDMENT PROCEDURES ESTABLISHED IN SECTIONS 163.3161 THROUGH 163.3215, FLORIDA STATUTES, AS AMENDED, AND ARTICLE THREE OF THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF LIVE OAK, FLORIDA; PROVIDING FOR CHANGES IN THE LAND USE CLASSIFICATIONS, OF CERTAIN LANDS WITHIN SUWANNEE COUNTY AND THE

CORPORATE LIMITS OF THE CITY OF LIVE OAK, FLORIDA, SAID AREAS IDENTIFIED AS BEING THOSE PREVIOUSLY AQUIRED BY THE CITY WITH A FLORIDA COMMUNITIES TRUST GRANT WHICH ENCOMPAS THE HERITAGE PARK AND GARDENS PROPERTY AS WELL AS THE ADJACENT RAILROAD RIGHT-OF-WAY FOR CURRENT AND FUTURE PHASES OF HERITAGE TRAIL; PROVIDING AUTHORITY AND SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

No one from the audience was present to speak for or against the ordinance.

Councilman Yulee moved to approve Ordinance No. 1382, which Councilman Davis seconded. The motion carried unanimously.

Mr. Curtis presented his final item regarding the removal of a Heritage Oak tree located on Douglas Street. This item was tabled for further review.

Councilman Mixon then proceeded to the matters of the City Council and presented for discussion the item of designating a historic district in the city of Live Oak. It was discussed that each councilmember would bring back a nomination to appoint to a committee that would then designate a historic district.

Council Mixon then turned the floor over to Councilman Thomas for his item regarding authorizing the city attorney to take steps to accept the North portion of Horne Avenue between Madison Street and US-90. Councilman Thomas then referred to Mr. Curtis regarding the matter. Mr. Curtis discussed that this portion of Horne had never been platted as a street and that per employees of OMI/CH2M Hill the only part of this particular portion of Horne that was maintained was for a gas line easement. It was identified that the city would need to conduct further due diligence in determining the maintenance that had occurred on this portion of Horne.

Councilman Mixon then turned the floor over to Dr. Alvin Jackson for an economic development update. Dr. Jackson began with the recommendation that the Council have Fox Enterprises (grant writer) to pursue a Commercial CDBG grant to assist with infrastructure improvements.

Dr. Jackson also noted that part of the incentive program allows a business owner to fund infrastructure improvements in exchange for a 100% ad valorem rebate equivalency.

Ms. Parkhurst inquired that in pursuing his recommendation, would this preclude the city from applying for other CDBG grants. Dr. Jackson responded that he believed that the city could apply for the Commercial CDBG grant under economic development and that it would not exclude the city from pursuing other infrastructure grants.

Dr. Jackson then added that historic districts become economic vehicles, and are noted for being the most visited places in the world and within this country.

Dr. Jackson then updated the Council on the progress with the new restaurant (Beef 'O' Brady's) locating off of US-129. Continuing, Dr. Jackson discussed three other potential retailers seeking to locate in the area. Dr. Jackson did not specify the retailers by name.

Dr. Jackson then briefly updated the Council on the eight announced economic development projects, one of which being inside the city and one that the city would benefit from through utilities.

Lastly, Dr. Jackson discussed the possibility of Amtrak extending services to include a route from New Orleans to Jacksonville. Dr. Jackson invited the City Council to participate in a trip from New Orleans to Jacksonville, being held February 16 to the 18th, in order to advocate the extension of services and Live Oak being made a location.

With no other agenda items to discuss, the meeting was adjourned.

Councilman Mixon
City Council President

Attest:

Mr. John Gill
City Clerk