

I have found a new position working outside of this organization. The position of Forester/Landscaping inspector has become too politically charged. I have been unable to perform the straightforward job duties of my position because I have to run every situation up through management for approval before I am allowed to proceed, if allowed to proceed at all. The approval to pursue code enforcement is dependent on whom the violator is. This has resulted on me being on a personal improvement plan (PIP) with progressive disciplinary action since my previous supervisor retired and the department promoted my current supervisor from within the department. I do not believe that I had a below satisfactory evaluation prior to my change in supervision. I believe that these charges have been brought due to my persistence in pursuing code enforcement, regardless of the economic status or affiliation of the violator. I am required to ask my supervisor and/or director before pursuing code enforcement action against any business that may be connected to the County Manager or the Deputy County Manager. The Growth Management Department managers choose to implement the letter of the law on some applicants and they let others follow only a select set of rules. Just ask the Hare Krishnas at the Iskcon Temple hear Alachua. They seem to be a personal hobby for my supervisor. There is no problem pursuing code enforcement action against that organization. I guess they don't know the right people. I am not saying that the property is completely code compliant either.

There is always some discretion in allocating efficient use of limited staff time. As you will see below, it appears that the management of the Growth Management Department has a difficult time in determining where to invest it's time for the greatest good. The Department seems to be allocating it's time to those entities that do not know to whom to complain.

The hesitancy and randomness by which the County's Unified Land Development Code (ULDC) is enforced has changed over my 13+ years with the County. I came on board with the County when Randy Reid was the County Manager. My only direct interaction with him during his tenure was when I was called into a Commissioner's office with him, my Director at the time Steve Lachnicht and my coworker who was the 2nd Forester/ Landscaping Inspector at the time. During this meeting it was made clear that my coworker and I were to follow the letter of the ULDC with regard to canopy preservation. Prior to this meeting, my position and the related County codes that we implemented were considered the lowest priority within the development review personnel. After the meeting, my position and the ULDC sections that I implement were on equal footing with my other development review coworkers and made it easier for me to preserve trees on proposed development in the County. After Mr. Reid left the Manager position, there were a few temporary managers from within the organization and it seemed that the County was on a cruise control or status Quo trajectory. When Dr. Niblock was hired, it seemed that the County started to decline in morale and people in my department became fearful to implement the ULDC evenly across all applicants. We were specifically directed by Deputy County Manager Mr. Jim Harriott to "find a way to yes" with regard to new development proposals. This has been taken to heart by my department. My coworkers seem to bend (interpret) the code in whatever way necessary to keep projects moving toward approval, which makes it difficult to implement the code equally across applicants. In my opinion, the County does not need a building full of planners if the developers are allowed to do whatever they want. Our department seems to effectively be working for the developer by figuring out how to creatively interpret the ULDC to suit what the developer wants to propose.

The current County Manager, Ms. Michelle Leiberman, sent a chill down the spine of the entire Growth Management Department when she fired our department's Director Steve Lachnicht. This has created a

situation where people seem to be more afraid than ever to do their jobs for fear of following in Mr. Lachnicht's footsteps. Decisions seem to be made based on how they will be viewed by the County Manager as opposed to how they are written in the County Commission adopted ULDC. I guess that I am an idealist, as I dutifully enforce the ULDC as it is written. I believe that this is why I am following Mr. Lachnicht's footsteps in leaving County employment.

I do not believe that the citizens deserve an "arborist" that is a stuffed shirt position holder that is there to make the County look like it cares for its tree canopy while justifying to its citizenry how the standard looking Florida development next door needed to removed 95 percent of its trees because it is so innovative and progressive. The trees have been sacrificed in order to increase density. This has been continually bucked by the developers. The market apparently does not want density because the developers continually look for ways to develop in the old standard ways. When the "new" development products below were pitched by Growth Management staff there was a promise of vertical development with walkable, pedestrian friendly streets. What the County gets is standard development with a sidewalk off the "back" porch.

The Transit Oriented Development (TOD) standards are routinely circumvented by the developers. The County reduced its tree preservation requirements for TODs and Traditional Neighborhood Developments (TNDs) from 20% to just 5% in order to get higher density and urban design standards such as front facades and front doors facing the street instead of a parking lot and compact blocks with a gridded street network. Most of these code requirements do not get implemented as intended. What the County gets is traditional, standard, anywhere USA development with drastic reduction tree preservation. The good example of this is the Mayfair apartments at Park Lane. In this case the developer was required by code to face the front of the building toward the street to create a walkable city block. The developer did not want that. So during construction they neglected to build the sidewalks to the "front" doors of the buildings along Archer Road. That is because these are not the actual front doors to the units. The front doors are internally accessed in these apartments. The developer was eventually required to build the sidewalks to the "back" porches and they had to retrofit the railing to allow a gate for access. The other side of the block is "fronted" by the backs of rows of detached garages with no doors "fronting" the "street" which is indistinguishable from a parking lot drive isle to the untrained eye. This "innovative" design and the developer circumventing the ULDC is a theme in Alachua County as you will see below.

Many of the "streets" that the buildings on these "blocks" face have been allowed to have angled parking all down the "street". This results in a standard parking lot situation in most apartment complexes throughout the County. This was not the original intent of this section of code. The original intent was to have a more pedestrian friendly street with sidewalks and street trees with the building façade near the back of sidewalk. The parking lots were supposed to be internal to the block behind the buildings. This concept does not fit into the developers' standard template so the developers' agents have had to get creative and they have either convinced staff that streets lined on both sides by angled parking are still pedestrian friendly or the code is inadequate to force the issue. This can be seen in the most recent proposal by Park Lane. It is also found in Park Avenue apartments on the SE corner of NW 39th Ave. and 98th Street and Newberry Park at Newberry Rd. and SW 122nd Street.

Celebration Pointe has been able to erect a huge sign fronting I-75, and then change the County's Code to only apply to itself in order to keep that signage after the fact. Celebration Pointe has also been able to avoid the landscaping inspection of most of their stormwater management facilities (SMFs) for years. My supervisor (the Development Review Manager), has been repeatedly requesting a schedule for these inspections from Celebration Pointe's representatives and they ignore her. In my opinion, this is when code enforcement should be utilized. A Notice of Violation could be issued with a specified time to correct, further plan approvals could be held, Certificate of Occupancy could be held and referral to the Code Enforcement Board could be made for not following the approved plan. None of this has occurred. It is no wonder the developer does what they want and asks for permission after the fact, if they ask at all. Required design standards such as the front doors facing the street become fire department access doors or mechanical room doors while the actual front is facing the internal (back) parking lot. This can be seen on the eastern side of Celebration Pointe's main road SW 45th Street just south of Dave and Busters. In another example, the "block" that Bass Pro Shop is on, is supposed to be lined by buildings along SW 50th Terrace. Buildings were proposed on the plan, because it is required, but it is known by staff and the developer that there is no intention of building these structures and there is insufficient language in the ULDC to force the developer to build these structures. The structures look like single wide mobile homes lined up end to end on the approved plan. The landscaping did not even get installed according to the plan in this area because it would have looked odd when the buildings were not constructed. The trees were not required by code to be in those locations so the field changes to their locations did not make the trees out of compliance with the Unified Land Development Code (ULDC).

Another example of a development that circumvented the Code is the CVS on the corner of NW 43rd Street and NW 23rd Ave was required to have a door facing the street. Staff required the door to ultimately face the intersection of the roadways mentioned above on the SE corner of the building. Placement of the door away from the parking lot is not the standard template of this business so the CVS requested a 2nd door on the parking lot side of the building on the NE corner of the building. Staff agreed to this proposal. Today the "primary" door required by staff facing the intersection for pedestrian traffic is locked with a sign directing people to the door near the parking lot.

The public library on Tower Road had an expansion within the last few years. As part of this expansion, the library had to make drainage changes to their stormwater facility. The approved plan required the facility to be landscaped with the minimum standards for all new SMFs. Somehow the facility was given a Certificate of Completion of a Certificate of Occupancy without the standard landscaping inspection. When I discovered this, I brought it to my Supervisor and eventually to my Director prior to issuing a Notice of Violation, as the facility was out of Compliance with the approved development plan. I was not allowed to issue this Notice. It is my understanding that this action would have been looked upon unfavorably by upper County Management and it may bring heat down upon the Department.

The Parks Edge development, which you will probably be seeing the plat of soon, went through so many iterations of to shoehorn a 7 lot subdivision into an existing "subdivision", unfortunately for the existing neighbors, this subdivision occurred so long ago, these lots are considered parent tracts and able to be subdivided again. The existing deed restrictions prohibit lots less than one acre to be created but the County does not enforce existing deed restrictions. There are a minimum of 7 lots as required by the ULDC, presumably for increased density purposes. Five of the lots meet the deed restrictions and are an acre or more. These lots

are also the product that the developer perceives a market for and is looking to sell. Two of the lots in this subdivision look like they are created for 2 single wide mobile homes. They are there according to the ULDC but it doesn't take a brain surgeon to figure out that they will never be built upon. The developer gets their 5 lots and the County gets its 7 lots. Sounds like a win/win. This development also plowed new ground in tree preservation. This site is loaded with large live oaks scattered all over the site. The tree mitigation total estimate was cost prohibitive so the developer had to get creative. In order to "preserve" these trees, the lots and the open space had to be "massaged" into contorted shapes so the canopies could be outside of the building setbacks. Historically, in order for these trees to be considered saved, the trees and their driplines would have to be in open space or common area and off the lots. This makes it nearly impossible for the tree to be damaged during construction and almost guarantees survival. If the trees were on the lots, they would typically be mitigated as the County cannot guarantee their survival with impacts from the structures under their canopies. Since the County "found a way to yes" and approved this subdivision I suppose it will be up to the citizens of the neighborhood to sue to enforce their deed restrictions.

The School "I" at Oakmont development representative inquired with County staff, including myself, to see if this facility would be required to preserve trees according to the standards applied to traditional development within the County. My answer was yes, as public schools are not exempt from the requirements of the ULDC. The representative stated that it was the school's assertion that retaining any trees internal to the site would constitute a safety hazard to the students. Prior to submittal, all projects require a pre-design on-site meeting where an evaluation of the existing trees is performed so that the best trees can be selected for inclusion into the development plan. After the initial inquiry, and prior to submittal, the school system preemptively removed a cluster of live oaks, a persimmon from the center of the site and removed a couple of large sugar berries that leaned inward from the northern edge of the site. This was done without a tree removal permit or any County approvals. When I brought this to the attention of my supervisor and the director of the department, I was not allowed to issue a Notice of Violation and the mitigation was eventually handled through the development plan approval. This plan was initially given to another staff member to review, but they had a time conflict and it was given back to me to review. When I reviewed the plan, I made a comment to avoid the dripline impacts on the only trees that remained on site which was a line of fence line trees along the southern property line. No attempt was made by the applicant's agent for clarification prior to resubmittal of the plan. The comment was not addressed in the second submittal. I clarified the comment during my second review. This comment was omitted by planning staff and was not included in the insufficiency report. I was unaware of this omission so during the third review I discovered that the comment was not addressed again. I also noticed that the staff report did not reflect the totality of my comments. When I questioned my supervisor about the omission, she informed me that I missed my opportunity to be clear in the first round of comments and that it was too late to address. The entrance drive on the south side of the school is approximately half the distance away from the trunk, rather than outside of the drip line as required by the ULDC. It was also the contention of the school board representative that trees in the parking lot were a safety hazard. The development review manager agreed, so the parking lot does not have the standard ULDC required paved ground surface area tree canopy coverage.

The Oakmont site contractor created a large unpermitted haul route through the development plan approved open space preservation area. In the process, they hit about a dozen live oaks and damaged the root

system under the canopy of those trees and other nearby trees. Staff had multiple meetings to discuss the situation with the County Environmental Protection Departments (EPD). EPD took immediate decisive action to protect the sinkhole resource under their jurisdiction by requiring a chain link fence to be erected. My supervisor and director were afraid to pursue the tree related issues because of the potential political fallout. My director stated that she did not want to get "yelled at again by management." This case was brought to the Growth Management Department's attention in early August. A case was not allowed to be opened until months later when a neighbor complained that this same contractor was piling soil, storing materials, mixing cement and parking an employee's car within and just outside the dripline of a 100" live oak with no tree barricading erected on another part of the development. This tree and the area immediately surrounding it were supposed to have tree barricading erected and the area is also part of the approved open space for the subdivision.

The Hudson home located south of Haile Plantation on 91st Street preemptively cleared and the department took immediate action to remedy the trees removed without a permit. The GM Department, however, was hesitant to try to cite the contractor responsible for the work. This organization is great at making rules but afraid to implement them on anyone that appears to be able to contact the County Manager or Assistant Manager due to fear of its consequences. It is obvious to all internal viewers that the GM Director is fearful of the possibility of getting fired due to an incorrect calculation in her decisions to implement the County Code of Ordinances as written regardless of the entity it needs to be implemented upon. This is selective code enforcement. It also sends a clear signal to the large business interests in the area that the County is scared of them and can be intimidated into submission.

It is my opinion that I am being targeted for removal from my position of 13+ years by my department (Growth Management) because of the above situations. I cause political pressure on GM Department management (director and immediate supervisor) due to the ordinances that I enforce and who I have to enforce them upon. I have been under attack from my direct supervisor since she was promoted to her current position. At least one of the situations referenced in one of my PIPs occurred prior to her being appointed to the position. My position has lots of demands and it is difficult to keep up with the workload at times. This has created the opportunity for my direct supervisor to add new and more time consuming processes to my workload to precipitate and expedite my failure to adequately perform my required job duties. Her solution to help me get the tasks completed is to bury me in paperwork such as tracking all of time in my Outlook calendar. I also had to prepare standard operating procedures (SOPs), and compile lists of my open code cases, which are required to be continually updated. The code cases are searchable in the County's current system, but due to its antiquated and user unfriendly design, only a few staff members know how to work the program. Falling behind is especially acute if I take any time off from work. There is no one in the department that is capable of competently fulfilling the duties of my position in my absence. Staff is able to fulfill the paperwork side of the job but not the technical tree expertise.

For the past 13 years the GM Department has not prioritized updating its software program to a user friendly version (possibly due to cost and the required staff time to find or create such a product). This has unfortunately resulted in 13+ years of inefficient processes to develop. The Department is currently working with an outside vendor to create a program to streamline some of its processes. Tree removal permitting recently was added to this list due to my complaints of inefficiency during one of my personal improvement plan

meetings. This has put additional workload on me to work to create an efficient final product. During this same time, my direct supervisor thought it would be a good idea for me to create a standard operating procedure (SOP) for the old process that has been around since the tree removal permitting ordinance was adopted in the 80's. This SOP will likely be rendered effectively useless or require an almost complete rewrite in a few months when the new computer based system is implemented.

My direct supervisor also implemented a policy to require a notarized affidavit from all property owners for a tree removal permit after a public records request for a couple of trees permitted in Haile Plantation. The situation that sparked the increased bureaucracy was the permitting of the removal of a couple of groups of street trees that were interfering with a private residence and a business. These street trees were planted in an area between the street and sidewalk. This space was inadequate and unable to support the long-term growth of the live oaks without them causing damage to the nearby structures. This is why the trees were permitted for removal. These trees existed within Home Owners Association (HOA) property and the nearby neighbor was being negatively affected. The neighbor applied for the permit and I issued the permit contingent upon approval by the property owner (the HOA). The owner was also required to replant a smaller growing tree species. I believe that the requirement to pay \$90.00 and to have husbands and wives both get their signatures notarized puts an unnecessary burden on the citizens of Alachua County for what is typically a tree of compromised health close to their home. This has not been an issue in the past 13 years and for the many years prior to my employment. The other issue is that the information required for a tree removal permit is specifically spelled out in the ULDC. A notarized affidavit from all property owners is not mentioned.

I am not opposed to change. If the citizens of Alachua County and the Commission desire to eliminate all impediments to development by removing the tree protection standards within the land development code, so be it. If this is the desire, I would advise the organization to not rehire my vacated position. I however do not believe that this is the will of the people. I have spoken to numerous citizens on both sides of the issue over my tenure with the County and it seems like the majority like Alachua County's tree canopy. My hope for my replacement is that they will experience a more positive course correction for the County.

Responses to Letter from Steven Kabat

Paragraph 1. Steven's supervisor changed in 2018. The Growth Management director position changed that March. Steven was never required to get approval to pursue code enforcement. Much of what he states in the first paragraph were issues with Steven's own performance. As the Forester position is a split position between codes enforcement and plans review, in previous years Steven had been basically unsupervised on the Codes enforcement end. A new supervisor brought new expectations especially with communication, time management, and consistent code application, never with whether or not the Code should be enforced.

Paragraph 3. Cannot speak to the issues or direction with Randy Reid and Steve Lachnicht. When a deputy county manager was hired and placed over Growth Management, this was the first time someone other than the County Manager was over our department. The involvement in development issues was new as well as was the perspective in many cases. Every project requires give and take as each development site is different and has different issues. This does not mean that a development will not be required to meet the Code and Comprehensive Plan.

Paragraph 4. Obviously having a long-time staff member, who was at the time Director, leave the department abruptly was a major change for everyone. The circumstances surrounding this were discussed and worked through. There may be a few people that have not moved on but for the most part we see positive direction forward now. Steven was asked on multiple occasions to enforce the code consistently and questioned, to get an understanding, when he seemed to be enforcing the code differently depending on the person or project. This complaint by him throughout this letter was one of the issues the development review manager has been having with his performance.

Paragraphs 5-7 The next few paragraphs (5-7) deal with issues in the Code that have been acknowledged and discussed with the Board and will be addressed with the Code update. Mayfair in particular became a problem because of third party review of plans that did not ensure it was consistent with the development plan and building permits were issued. This process has been corrected for better coordination between plans review and development review staff.

The signage at Celebration Pointe was requested by Celebration Pointe and approved by the Board, and was not a recommendation or change proposed by staff.

Paragraph 8. There are issues at Celebration Pointe especially with landscaping compliance. Celebration Pointe was able to get comprehensive plan language specific to their development approved to allow alternative compliance to some of the regulations, one of which was the allowance for them to get approval to phase landscaping. This has not occurred yet. There have been several meetings to get things corrected. One of Celebration Pointe's employees has a prior relationship with the Deputy County Manager and as such Celebration Pointe is one of the developers that consistently goes to him first, sometimes because they think they might, or have received a no from staff. Them doing this does not

result in an automatic yes and the deputy manager seeks the facts when they do come to him but as this is one of the developers that has consistently involved him first or quickly that is probably the reason for the comments from Steven.

He also mentions issues with liner buildings at Celebration Pointe, again one of the TOD/TND codes issues to be addressed in the Code update.

Paragraph 9. The door on the street at CVS was being used as recently as a month ago. The code does not say they cannot also have a door in the parking lot and does not have teeth to require any business to unlock a door, if it is in fact locked.

Paragraph 10. The public library on Tower Road received a final CO without the landscaping release, either because it was a building addition, and not a new structure, so did not get caught in the building department or because we had not yet put the landscape release comments on the CO checklist. When Steve brought this to our attention he was never told he cannot issue violations, but an attempt was first made to address this through the site engineer since we issued the CO without the landscaping release. Honestly this may have gotten lost and not followed up on afterward.

Paragraph 11. Parks Edge subdivision is a lot in an old large lot unrecorded subdivision that by our Code can be subdivided and redeveloped. The existing deed restrictions require one acre lots but are defunct and not enforceable by the neighborhood and never enforceable by the County. The applicant still included one acre lots for all but two lots. This meets County Code. The tree preservation on this subdivision did not chart new ground, as trees have been preserved on lots in other developments though not very often. None of the required tree canopy in this development is either on lots or has a drip line on the lots. There are many other very nice trees, most in the open space areas, that warranted protection but they had a part of their drip lines over into lots lines. The code does not prohibit this and in an effort to save these trees, buildable area was required to be included on the plat that avoids any area near the tree or within the drip line. If these areas were not respected or if trees are removed, mitigation will be required. This is a code issue that needs to be addressed with the tree code update coming forth as a recommendation from EPAC and as part of the ULDC update. The common interpretation of drip line protection entirely off lots when there are other means of protection has an adverse effect of requiring mitigation so encouraging trees that could easily be saved to be removed for ease of development. This plat is on the Board's agenda for February and may have citizens present, not because of the trees but because of the subdivision of the lot and the greenway to the County park.

Paragraph 13. School I at Oakmont. Meetings were held with Jim, the developer CHW, and school board representatives regarding new state requirements for school safety, many of which involved trees near the school. At the pre-application meeting the developer said that the property owner had already cleared some hackberries and it was determined to handle the mitigation at development plan review as that would be the normal remedy with an NOV. As to the trees on the southern property line, when development review staff reviewed this more carefully, many of trees were not on the school site

property and therefore could not be counted as canopy or have requirements placed on them. The driveway in question was already on site as part of the initial improvements on Parker Road when the school site was donated by Oakmont.

Paragraph 14 and 15. The comments in this paragraph about potential political fallout and not wanting to get “yelled at by management” or simply untrue. Both Oakmont and Hudson were issued irreparable harm NOVs and will be going to Code Board on February 6th. This process took a while with Oakmont as EPD had been onsite and was working with the applicant on correcting several items, and progress was being made.

As for Hudson, Steve was not intending to cite them initially but the clearing was major. Apparently, and learned as part of this discussion, it is not uncommon for a homebuilder or property owner to clear trees in preparation for building and many times Steve finds out after the fact. In this case, however, they also filled in a large area of floodplain without any approvals. We did have discussions on this as to whom to cite with the County Attorney’s office because there are issues to be considered when you cite other than the property owner. The contractor and property owner were cited.

Paragraph 16 Steve had an issue with communication, time management and an unwillingness to follow his supervisor’s direction. HR has been consulted with and involved since the beginning and no steps have been taken without their guidance and review.

Paragraph 17. We are updating our software now, cannot really comment on the “past 13 years of not prioritizing this”. The requested Standard Operating Procedures and other information repeatedly requested from Steven was to get an understanding of what he was doing, how he was doing, and in many cases this was to see how we could shift some of the workload. GM created standard operating procedures about six years ago for most processes and tree permitting should have been done then. The new software system may make it easier but will not fundamentally change issuing permits.

Paragraph 18. The notarized affidavits for tree removal permits was a response to trees being removed in the common area at Haile Plantation by a property owner without the consent of the HOA. Staff was called by an attorney on the issue.

Paragraph 19. The County does enforce the tree protection and landscaping codes. I would agree with Steve that his position was overburdened, especially now with the current building boom. GM used to have two arborists but one was removed in budget cuts a number of years ago. Part of the request of Steve, from his supervisor and the director, was please document what you are doing so we can have backup to show we need another position. This proved impossible to ascertain.