

**CITY OF BELLEVUE
REGULAR COMMISSION MEETING
MINUTES**

**BELLEVUE CITY HALL
COMMISSION CHAMBERS**

**February 3, 2004
7:00 PM**

Mayor STEVE BAIRSTOW
Seat 1 EMERY ABSHIER
Seat 2 TAMMY MOORE
Seat 3 PAULA CHAFFIN
Seat 4 PAUL ANDERSON

PRESENT: MAYOR BAIRSTOW; COMMISSIONERS: ABSHIER, ANDERSON, MOORE; ATTORNEY LANDT, CHIEF STRICKLAND; PUBLIC WORKS DIRECTOR MONROE; INFORMATION TECH. TOWNE; CITY CLERK/ADMINISTRATOR McKAMEY, DEPUTY CITY CLERK DeGENNARO

ABSENT: COMMISSIONER CHAFFIN

1. APPROVAL OF MINUTES

1/20/04 Regular Commission Meeting

Commissioner Moore made a Motion to Approve the Minutes and Commissioner Anderson seconded the Motion.

On roll call vote, YES: Moore, Anderson, Bairstow
The Motion passed with a 3-0 vote.

2. POLICE DEPARTMENT COMMENDATIONS

Chief Strickland presented commendations to Jessica Clark, Hope Kelly and Cindy Wilson who helped rescue a child from a parked vehicle in the parking lot of Publix.

Commissioner Abshier entered the meeting at this time.

3. CHAMBER OF COMMERCE

Jeff Stewart, President of the Bellevue Chamber of Commerce came before the Commission and asked permission to use the Commission Room for a Candidate Forum on February 24, 2004 at 7:00 PM.

Commissioner Moore asked what the format for the forum was going to be and Mr. Stewart stated that they would be giving each candidate about 10 minutes to talk and then there would be questions from the audience.

Commissioner Abshier made a Motion to Approve the Request and Commissioner Moore seconded the Motion.

On roll call vote, YES: Moore, Anderson, Abshier, Bairstow
The Motion passed with a 4-0 vote.

4. FOP

Union Representative pulled this item from the Agenda.

5. WATER AND SEWER BILL DISPUTE

Ms. Julia Deveraux came before the Commission to ask for an adjustment on her water and sewer bill that had been excessive for two months.

Commissioner Moore stated that the policy recently has been to reduce a monthly bill by their average use and only done once every 20 years. Commissioner Abshier asked how long this customer had been on the system and Commissioner Moore stated since April 2002. Commissioner Abshier asked where the water went and Ms. Deveraux stated into the sewer.

Commissioner Moore made a Motion to grant the adjustment and Commissioner Abshier seconded the Motion.

Mayor Bairstow stated that it is his opinion that the current policy does not allow us to grant this relief. Commissioner Anderson asked why this problem went on for 3 months and where was the leak. Ms. Deveraux stated that the leak was coming from the faucet and she works a lot so she did not see the increase. She stated that she owned the property at the time of the occurrence, but has since sold the home.

On roll call vote, YES: Moore, Anderson, Abshier
NO: Bairstow

The Motion passed with a 3-1 vote.

6. RESOLUTION - FLORIDA LEAGUE OF CITIES

Clerk McKamey stated that the Florida League of Cities is asking the City to endorse the League's priorities for the upcoming year and gave the priorities as follows:

1. Water conservation – FLC endorses Cities being allowed to create their own conservation measures to meet state mandates.
2. Code Enforcement – FLC endorses repealing the legislation that requires the Cities to pay the courts \$200 for local enforcement and the Cities can no longer contract with the City Attorney.
3. Annexation – FLC endorses making the annexation procedures for enclaves and adjacent land easier for cities.

Mayor Bairstow read the pertinent parts of the Resolution to the audience. Commissioner Anderson stated there was an article in the paper regarding fees to be paid by the Municipalities. The Clerk stated that was issue number 2. Mayor Bairstow stated that this Resolution urges the removal of that \$200 filing fee, but it does not stop it.

Commissioner Abshier asked if there was going to be additional powers for municipalities to annex. The Clerk stated yes and it would make annexation easier. The Commissioner stated he was not in favor of forcing annexation on someone who does not want to be annexed. The Clerk stated that the League of Cities legislation that they would support would require counties to

comply with the land use plans when granting development approval. Commissioner Abshier stated that he had reservations over blanket endorsements to give Cities more power.

Commissioner Anderson stated that he has not read over all the items and asked if the Commission had to vote tonight. Clerk McKamey stated that the Resolution has to be forwarded to the State by February 6, 2004.

Resolution 04-01 failed for lack of a motion.

7. COBBLESTONE FENCES

The Clerk stated that there was a memo in the Agenda explaining the proposed change to the Fence Ordinance. The Clerk stated that recently Notices of Code Violations were sent to several homeowners in Cobblestone for putting up fences without pulling permits. The fences were out of compliance with the City Code, but were in compliance with the deed restrictions and Home Owners' Association requirements.

The Clerk stated that she researched surrounding cities and found the following:

Dunnellon:	4' front/6' side and rear as long as there were no visibility issues
Ocala:	place on property line; no other height or placement restrictions
Marion County:	no fence restrictions except permit required for fence over 6'
Belleview:	4' front and side to back of house; 6' rear

The Clerk stated that she spoke with Kirk Boone and some of the homeowners and they stated that their fence restrictions were put in place so that they could hide things that they felt were unsightly i.e. air conditioners, meter boxes. They have the option to come before P&Z for a Special Exemption or the City could change the Fence Ordinance.

The Clerk recommended considering changing the code to allow the 6' high fence to begin approximately 15' behind the setback line or no closer than 10' from the front corner of the house, whichever is greater. Presently our 6' high fence can go up to the back corner of the house and back.

Commissioner Moore stated that she likes Marion County's ordinance because it is your property and you pay the taxes and should be able to do what you want with your property. The Commissioner stated that she always thought that this should be a personal thing or a deed restriction. Mayor Bairstow stated that Dunnellon has a 4' requirement in the front yard; 6' on the side and rear as long as there are no visibility issues and Ocala is on the property line. Marion County has no fence restrictions unless the fence is over 6' then a permit is needed. The Mayor stated that he was in favor of the Ocala Ordinance.

Commissioner Abshier stated that Cobblestone is a concern and he likes the midway point of the house. The Commissioner stated to have a privacy fence flush with the house, would not look good. The Commissioner stated that the midway point is his preference not only for privacy but also for concealing unsightly things.

Commissioner Anderson asked about public safety and if the height of the fence would make any difference because there would be fences around pools and enclosing meters. Commissioner Moore stated that Florida Power now scans the meters from the road. Chief Strickland stated that the height of the fence will not prevent someone from getting into your house if they want to.

Commissioner Abshier stated we need to make some modifications tonight or resolve it later because there are people in Cobblestone who are not in compliance and some of them had their fences put up before they got a CO and they think everything is fine.

Mayor Bairstow relinquished his chair to Assistant Mayor Pro-Tempore Moore.

Mayor Bairstow made a Motion to change the fence ordinance to coincide with Marion County that being no fence restrictions except a permit is required for a fence over 6'

Motion fails for lack of second

Mayor Bairstow resumed his chair.

Commissioner Abshier made a Motion to change the fence ordinance to read that the 6' fence can come to the midway point of the house and Commissioner Anderson seconded the Motion

Commissioner Anderson asked Commissioner Abshier if a 4' or 6' fence that came to the midpoint of the house would require a permit and the Commissioner stated that is correct and the midway point would not make anyone unhappy and Cobblestone would be in compliance.

PWD Monroe asked Commissioner Abshier if his motion states the fence could be the midpoint or no closer to the midpoint to the road or the front of the house or side of the house. What if you want to put your fence at the back of the house like the Code says you can now and the Commissioner stated you could, but no further right.

Attorney Landt asked Commissioner Abshier if it would include porches when you do the measurements.

Commissioner Abshier stated "the midpoint of what is under roof"

Mayor Bairstow stated we have an amendment to the Motion which states no further than the midpoint of the house and a clarification and

Commissioner Anderson seconded the amendment.

On roll call vote, YES: Anderson, Abshier

NO: Moore, Bairstow

The Motion failed with a 2-2 vote.

Mayor Bairstow relinquished his chair to Assistant Mayor Pro-Tempore Moore.

Mayor Bairstow made a Motion to adopt a fence ordinance similar to Dunnellon which indicates restrictions on fences in front yards are limited to 4' fence, side and rear yards are limited to 6' fences as long as there are no visibility issues

Motion fails for lack of second

Mayor Bairstow resumed his chair.

Commissioner Abshier stated that you could still conceivably have a 6' fence flush with the front of the house. The Commissioner stated that there is no call to abandon what we have now we are just trying to make it easier to have more of our yards fenced.

Mayor Bairstow relinquished his chair to Assistant Mayor Pro-Tempore Moore.

Mayor Bairstow made a Motion to amend the fence ordinance with a 4' limit on front property line fences and 6' limit on side and rear property line fences as long as there are no visibility issues and fences parallel to the front property line not on the front property line should not exceed 4'

Commissioner Abshier stated that you can see from the front the sides of the house if you were standing in the front of the property. The Commissioner stated that you cannot match up a 4' and 6' fence and you cannot butt up a 4' and 6' fence.

Motion failed for lack of a second.

Mayor Bairstow resumed his chair and stated this would be placed on the next Agenda.

8. DUE PUBLIC NOTICE ADS

Clerk McKamey stated that she was recommending changing the code for Due Public Notice. There is a conflict in our zoning code when it comes to advertising requirements detailed in our Due Public Notice when compared to Florida Statutes. The zoning portion on less than 10 acres according to the City Code needs double advertising. City Codes also require sending out letters to owners and posting notices on the property. The double notices must be put in the newspaper 10 days and 5 days prior to the P&Z Meetings and the Commission Meetings and it gets expensive. The costs of the ads run between \$200 and \$600 depending on the size and we are placing two ads when we could use just one. The Clerk stated she would like to recommend that we change our Due Public Notice Definition to coincide more with Florida Statutes.

Commissioner Abshier made a Motion to Change the Ordinance to coincide with Florida Statutes and Commissioner Moore seconded the Motion

On roll call vote, YES: Moore, Anderson, Abshier, Bairstow

The Motion passed with a 4-0 vote.

9. MODEL AIRPLANES AT SPORTS COMPLEX

Mayor Bairstow stated that he had a call about folks flying model airplanes at the north end of the Bellevue Sports Complex and using the paved roadways as landing runways for the model planes.

PWD Monroe stated that there is some potential for this to be dangerous. The PWD stated that some of his pilot friends have told him that on several occasions they have had model airplanes over them when they were landing and that is a dangerous situation.

Commissioner Moore agreed that it was a dangerous situation and needs to be restricted. Chief Strickland, who is a model airplane enthusiast, stated that the City could put signs up out there and he had a Police Officer check the Sports Complex over the week-end, but because of the weather, no one was there.

Attorney Landt stated that the City needs to restrict the area because there are power lines out there. Mayor Bairstow stated to the Clerk to have staff follow up and present a proposed Ordinance by no later than the March 2, 2004 Agenda.

10. DEPARTMENT HEAD COMMENTS

PWD MONROE: Nothing at this time.

POLICE CHIEF STRICKLAND: Stated that he would be presenting the monthly report at the next meeting.

IT COORDINATOR TOWNE: Handed out an example of the invitation that would be sent out announcing the rollout of the City's website. Mr. Towne stated the invitation's wording will be changed a little, but the date is Feb 18, 2004 at 7:00 PM in the Commissioner Room.

CLERK/ADMINISTRATOR McKAMEY: Reminded everyone that during February the following events are scheduled:

February 11, 2004, Workshop on the Sewer Treatment Plant Options;

February 24, 2004, the Candidate Forum;

February 18, 2004, the Website rollout;

February 20, 2004, Employees Award Banquet;

February 25, 2004, Workshop on Solid Waste.

15 UNSCHEDULED AUDIENCE

N/A

16 COMMISSION COMMENTS

Commissioner Abshier – asked PWD about the street lights in Diamond Ridge. The Commissioner stated that there has been vandalism and parties out there and some residents have no street lights and are concerned for their safety. The lights need to be put up on the sections that are being developed. Public Works Staff Assistant Pattie Hill stated the earliest they would

put up lights is March. Commissioner Abshier stated that time frame would not work and call again and ask them to speed that up.

Commissioner Chaffin – Absent

Commissioner Moore - Nothing at this time.

Commissioner Anderson – Stated that the rollout of the City’s website is scheduled for February 18, 2004 and the Commissioner invited Mayor Bairstow to take part in the website rollout and be the emcee for that night.

Mayor Bairstow – Nothing at this time.

Commissioner Abshier stated that he was incorrect about needing another alternate for the MPO, which the intent was for that person to be his alternate even though he goes to all the meetings. Upon researching State Statutes, they found it indicates that there needs to be an elected official as the alternate from a municipality. Since they are having trouble getting a quorum at the meetings, they could take one of those positions and give it to Dunnellon or Belleview. The Commissioner stated that he is still working on this. Mayor Bairstow asked the Clerk to talk to Commissioner Chaffin since she had agreed to be the alternate at the MPO meetings.

The meeting was adjourned at 8:15 P.M.

ATTEST:

Sandi McKamey, CMC, CPM
City Clerk/Administrator