

**CITY OF BELLEVUE
REGULAR COMMISSION MEETING
MINUTES**

**BELLEVUE CITY HALL
COMMISSION CHAMBERS**

**April 6, 2004
7:00 PM**

Mayor STEVE BAIRSTOW
Seat 1 EMERY ABSHIER
Seat 2 KENNETH R. NADEAU
Seat 3 PAULA CHAFFIN

PRESENT: MAYOR BAIRSTOW; COMMISSIONERS: ABSHIER, ANDERSON, CHAFFIN, NADEAU; ATTORNEY LANDT, CHIEF STRICKLAND; PUBLIC WORKS DIRECTOR MONROE; INFORMATION TECH. TOWNE; CITY CLERK/ADMINISTRATOR McKAMEY, DEPUTY CITY CLERK DeGENNARO; LAND/CODE SPECIALIST PITTSLEY; PROJECTS STAFF ASSISTANT HOLDER

1. KNIGHTS OF COLUMBUS

The Knights of Columbus came forward and presented the City with an American Flag to fly at City Hall. Mayor Bairstow thanked the Knight of Columbus and presented them with a Certificate of Appreciation.

2. PROCLAMATION - AMERICAN LEGION AUXILIARY

Clerk McKamey read the Proclamation and Mayor Bairstow declared May 7, 2004 and May 8, 2004 as Poppy Days in the City of Bellevue.

3. PROCLAMATION - NATIONAL PUBLIC WORKS WEEK

Clerk McKamey read the Proclamation and Mayor Bairstow declared the week of May 16, 2004 through May 22, 2004 as Public Works Week in the City of Bellevue. PWD Monroe thanked the Mayor and the Citizens for acknowledging the work that the PW Department does throughout the year.

4. APPROVAL OF MINUTES

01/28/04 WORKSHOP MEETING
02/05/04 SPECIAL MEETING
03/10/04 WORKSHOP MEETING
03/16/04 REGULAR MEETING

Commissioner Nadeau made a Motion to Approve the Minutes as written and Commissioner Abshier seconded the Motion.

On roll call vote, YES: Chaffin, Nadeau, Anderson, Abshier, Bairstow
The Motion passed with a 5-0 vote.

**FINAL READING - a) ORDINANCE 2004-03 MODEL AIRPLANE
b) ORDINANCE 2004-04 FENCE**

a) Mayor Bairstow stated this is a Public Hearing and Clerk McKamey read Final Reading, Title Only, of Ordinance 2004-03 Airplane.

Mayor Bairstow asked if anyone in the audience who was opposed or in favor of the proposed Ordinance wanted to come forward. No one came forward.

Commissioner Chaffin stated that she spoke with Chief Strickland who was trying to get some information on having the model planes on the roadways and streets. Chief Strickland stated that the Florida Statutes do not address the issue and he had e-mailed the concerns to the Aeronautic Model Association and they responded while he was on vacation. The Chief stated that he is assuming that they are researching the issue, but at the present time he has not gotten an answer for the Commissioner. Commissioner Chaffin stated that the Ordinance as written does not do what she wanted it to do. The Commissioner stated that there is nothing to prohibit the model planes being used from the streets and roads which would enable them to get in the flight path of the airplanes flying at Leeward Ranch.

Commissioner Nadeau made a Motion to Approve Ordinance 2004-03 and Commissioner Abshier seconded the Motion.

**On roll call vote, YES: Nadeau, Anderson, Abshier, Bairstow
NO: Chaffin**

The Motion passed with a 4-1 vote.

b) Mayor Bairstow gave a brief update on this Ordinance and then stated that this is a Public Hearing. Clerk McKamey read Final Reading, Title Only, of Ordinance 2004-04 Fence.

Mayor Bairstow asked if anyone in the audience who was opposed or in favor of the proposed Ordinance wanted to come forward. No one came forward.

Commissioner Chaffin made a Motion to Approve Ordinance 2004-04 and Commissioner Abshier seconded the Motion.

Mayor Bairstow stated that he was in opposition to this proposed Ordinance. The Mayor stated had no problem with the fences going to the middle of the house, but that does not solve the entire problem and he would like to amend the Ordinance to allow 6ft side fences to the front of the house. The Mayor stated that he would vote against the Ordinance and would like to encourage the Commissioners to agree with him. The Mayor stated that no one has come forward and complained about the Ordinance until the last meeting where the citizens came forward and stated that the fences should be extended to the front property line. No one has come forward in support of the proposed Ordinance which runs a fence line to the midpoint of the house. The Commission needs to listen to the audience and vote no on the Motion.

Mayor Bairstow asked if anyone would agree to extend the fences to the front of the house. Clerk McKamey stated that when this issue was brought up as a result of violation notices and if this Ordinance is adopted it would go into effect immediately and that would not help those residents who are in violation. Commissioner Abshier asked what date would be necessary to put the residents in compliance. The Clerk stated to amend the Ordinance to make the effect date September 30, 2003.

Commissioner Abshier amended the motion to include the effective date of September 30, 2003 Attorney Landt asked Commissioner Chaffin if she would accept that change as a friendly amendment and the Commissioner was in agreement. The Attorney asked Commissioner Nadeau if he would accept the friendly amendment and the Commissioner stated he would accept the friendly amendment.

Clerk McKamey asked Angilia Pittsley, Land/Code Specialist if the fences in violation all came to the midpoint of the homes. Ms. Pittsley nodded her head in agreement.

Mayor Bairstow relinquished the Chair to Pro Tempore Abshier and made a **Motion to Amend the proposed Ordinance not only to solve Cobblestone situation with the effective date of September 30, 2003, but to solve the other situations that exist in the COB by allowing a 6 ft. side fence to the front of the house and Commissioner Nadeau seconded the Motion.**

On roll call vote, YES: Nadeau, Bairstow
NO: Chaffin, Anderson, Abshier

The Motion failed with a 2-3 vote.

Mayor Bairstow asked for a roll call on the original Motion with the modifications that were approved and seconded.

On roll call vote, YES: Chaffin, Abshier, Anderson, Nadeau
NO: Bairstow

The Motion passed with a 4-1 vote.

6. FINAL READING, ANNEXATION ORDINANCE 2004-09 (COOPER)

Clerk McKamey read Ordinance 2004-09 Final Reading, Title Only, Cooper.

Mayor Bairstow asked if anyone in the audience who was opposed or in favor of the proposed Ordinance wanted to come forward. No one in the audience came forward.

The Clerk stated that there had been a question on Easton Ave and that property was annexed into the City with the Counsell annexation Ordinance.

Commissioner Nadeau made a Motion to Approve Ordinance 2004-09 for Final Reading and Commissioner Abshier seconded the Motion.

On roll call vote, YES: Chaffin, Nadeau, Anderson, Abshier, Bairstow

The Motion passed with a 5-0 vote.

7. MICHAEL CRIMI - COMMERCIAL PROPERTY PROPOSALS

Michael Crimi came before the Commission and stated that he wanted to purchase the Friends of the Library property. Mr. Crimi stated that he had an appraisal done on the Friends property and on an additional property that he wanted to trade, but that second property is not working out. Mr. Crimi asked the Commission to reconsider selling the Friends property to the Bellevue

Medical Center for the purpose of expanding the Marion County Diagnostic Center. They would allow the Friends to continue using the building until the present library became available to them or until accommodations are made for them.

Mr. Crimi stated that he has spoken with the Friends, but the price would ultimately be up to the City. Helen Kimberl, Friends of the Library, came forward and stated that their main concern is the parking for their book sales and the maintenance. Presently, the Friends pay the first \$500 and then the City picks up the rest. Ms. Kimberl stated that until the new library was built and the Friends can get into the old library, they would need to stay in this building. Mayor Bairstow stated that the problems presented previously were the roof and daylight coming through the walls. Ms. Kimberl stated that is correct and Mr. Crimi stated he would fix the roof.

Commissioner Abshier stated that the existing library would require funds to operate and maintain and to get it from its current use to that of the Friends. If the City sells this property to Mr. Crimi then the City could earmark those dollars specifically for the old library and that would help eliminate some budget concerns. The Commissioner stated that he was in favor of selling the property to Mr. Crimi because it would put the property back on the tax roll.

Commissioner Anderson stated if the Friends do not get the old library where are they going to go if you sell this building to Mr. Crimi. Commissioner Abshier stated that he did not know and maybe a time certain of 5 years or so would be appropriate and the City would have \$80,000 to aid in that effort.

Ms. Kimberl stated that the Library Board has agreed that the old library would be a good place for the Friends, but we would still need help with the maintenance on that building as well. Commissioner Anderson stated there are too many unanswered questions and he wanted to hold onto the property until the City knows what would happen with the new library. The Commissioner stated he has had people showing interest in bidding on that property. If we need to sell that property, declare it surplus and put a minimum bid on it and putting it out to bid.

Commissioner Chaffin stated a bid might mess up the Friends because whoever gets the bid might not want the Friends there. Commissioner Abshier stated that Ms. Kimberl brought up a good point that the Library Board would decide what happens to that building, but the Library Board does not have the money to maintain that old building. The Commissioner stated he feels that COB has an obligation to maintain and preserve that building for now and in the future.

Mayor Bairstow stated to Mr. Crimi that the you were prepared to let the Friends use that building as long as they need it, open ended. Mr. Crimi stated that is correct. Attorney Landt stated that the City would have to go through a competitive bidding process with options. The provisions in the bidding would be to allow the Friends to stay there. The Mayor asked with the restrictions would it be a fair bidding process. The Attorney stated no problem because you are not putting a condition on the bid to favor a prospective purchaser, but you are putting that condition on to favor people who have been using the property all this time as a public service for the City of Belleview.

Commissioner Anderson stated 1) put the restriction on there that the buyer has to maintain it for the Friends and the Friends get to stay on the property as long as they need to. 2) put a minimum bid of \$82,000 on the property and put it out to bid. We have let the citizens know that this

property is surplus by the City and we are not showing favoritism and the public would have a chance.

Commissioner Nadeau asked if we have the right to sell that building and what is the City's relationship with the Friends. Attorney Landt stated the concept is you are not going to violate the City's lease you would maintain. The Attorney stated you would sell it subject to the lease. Commissioner Nadeau stated we would have to be sure that the terms follow through to the buyer of the property.

Mayor Bairstow stated to authorize the furtherance of this project by way of Mr. Crimi, Ms. Kimberl and the Attorney working together. Attorney Landt stated that he would work with Ms. Kimberl because Mr. Crimi is a prospective buyer.

Commissioner Anderson asked about the reality of the COB getting the new library. Ms. Kimberl stated that the Marion County has talked about building a new jail, and the State Attorney Building was discussed to be built, but the library in Belleview was not mentioned. Ms. Kimberl stated if the City can come up with some land that would be appropriate and make a deal with county we can probably get something going, otherwise we might not get a library here. Commissioner Anderson stated that he was afraid that the COB name has been dropped from all conversations that deal with the library, so we need to discuss it before we get left out.

Commissioner Abshier stated that the City will get the library in or close to the City. However, it is not the COB burden to find a location for the library. There is a timeline in the County budget when the money would be spent. Commissioner Parnell Townley came down here and pleaded to give the COB the \$600,000 which was what the City would have been entitled to based on that additional tax. The majority of those Commissioners would not go back on their word, and I feel very confident on that, and that is what the Commissioner stated he was basing his opinion on.

Commissioner Abshier stated that he was motivated to have the Attorney and the Friends of the Library meet and draw up a formal bid and advertise the bid for sale.

Commissioner Abshier made a Motion for the Attorney to work with the Friends of the Library to draw up a formal bid and advertise that bid for sale of the Magnolia Road property owned by the COB and Commissioner Chaffin seconded the Motion.

Attorney Landt stated that since we would be looking to see if the City can sell the property if we could declare the property as surplus then the **Motion should be to direct the Attorney to work with the Friends and come back to the Commission with a plan to do that, if we can.** Mayor Bairstow asked Commissioner Abshier if that was his Motion and **Commissioner Abshier stated yes; Commissioner Chaffin then seconded the Motion.**

On roll call vote, YES: Chaffin, Nadeau, Anderson, Abshier, Bairstow

The Motion passed with a 5-0 vote.

8. AMERICAN CANCER SOCIETY - RELAY FOR LIFE

Stephanie McGillis came before the Commission and asked that Cancer Society be allow to use the Sports Complex for a Relay for Life Program on August 13-14, 2004. Ms. McGillis also requested that the Commission waive the event curfew since the event would run for 18 hours straight.

Commissioner Nadeau made a Motion to approve the use of the Sports Complex and to waive the curfew subject to the Cancer Society group working out the logistics with the PWD and Commissioner Abshier seconded the Motion.

On roll call vote, YES: Chaffin, Nadeau, Anderson, Abshier, Bairstow
The Motion passed with a 5-0 vote.

9. FLORIDA LEAGUE OF THE SOUTH

Mr. Profulla Singh came forward and asked that the National Confederate Flag fly at half-staff on 4/26/04, the Confederate Memorial Day.

Commissioner Abshier made a Motion to approve the request and Commissioner Nadeau seconded the Motion.

PWD stated that the Confederate flag could be flown at half-staff and the State flag at full-staff. Brian Ellis, COB Police Officer, stated that he did not think it would be a problem because at one time it was an acknowledged flag.

Michael Slattery stated that there are 8 or 11 people buried out in the COB cemetery who fought under the Confederate Flag. Mayor Bairstow stated he would like to budget for a ceremonial flag post for the front of City Hall for this group and other groups as well. Commissioner Chaffin stated that she agreed with it, but was afraid it would become a nightmare, but she liked the idea of a third pole being placed out front. Commissioner Abshier stated that he would not penalize this group for some other group that would follow.

On roll call vote, YES: Anderson, Abshier, Nadeau
NO: Chaffin, Bairstow

The Motion passed with a 3-2 vote.

10. SWEARING IN OF OFFICER JONATHAN BUTCHER

Chief Strickland read a brief bio of Jonathan Butcher and then Mayor Bairstow swore Officer Jonathan Butcher in as a COB Police Officer.

11. a) ORDINANCE 2004-10 EXEMPT SIGNS **b) ORDINANCE 2004-11 CODE ENFORCEMENT**

a) Clerk McKamey stated that both of these issues are on the Agenda for discussion after workshop was held. The Clerk stated that the City is adding to the sign exemption the help wanted signs for businesses and the league signs for teams out at the Sports Complex. Commissioner Chaffin asked if there were any size restrictions on the signs. Ms. Pittsley stated that normal is 2x2 and Commissioner Nadeau suggested 3x2.

Commissioner Abshier made a Motion to schedule Ordinance 2004-10 for first reading and to include the size of the signs which should be 2x3 and Commissioner Chaffin seconded the Motion.

Mayor Bairstow stated to limit Subsections 20 and 21 to 2x3 signs and Commissioner Nadeau stated Subsection 21 reads for league signs and signs for the sponsors of leagues and teams at the Belleview Sports Complex; so those signs are only for recruitment. Attorney stated that was my best attempt to cover what you wanted covered from the minutes of the workshop. If they are for Sign Up signs only, then we would have to change the language in subsection 21. The Commissioners decided that Recruitment only was the intent and both subsections would be limited in size to 2x3.

Commissioner Anderson asked what the motion was for and the Clerk stated approve the Ordinance with the changes of limiting the size of the signs to 2x3 for both Subsection 20) Help Wanted Signs and Subsection 21) league signs which were for recruitment of players only.

On roll call vote, YES: Chaffin, Nadeau, Anderson, Abshier, Bairstow

The Motion passed with a 5-0 vote.

b) Clerk McKamey stated this Ordinance will create a Code Enforcement Board that would be separate and a part from the P&Z Board of Adjustments which hears appeals on Code Violations. This Ordinance would set up the Board, define the powers and duties and send appeals to the Circuit Court.

The Mayor asked the Clerk if it was going to be difficult to get 7 regular members and 2 alternate members for this Board. The Clerk stated she would be more comfortable with 5 and 2 instead of 7 and 2. Commissioner Chaffin stated she agreed with the Clerk because it will be easier to find 7 rather than 9 people. Commissioner Anderson stated that he wanted the Board to consist of 7 regular members and 2 alternates. Commissioner Nadeau asked how large the P&Z Board was and the Clerk stated 7 and 2. Commissioner Nadeau stated to be consistent he would want 7 regular members and 2 alternate members for the Code Enforcement Board.

Commissioner Nadeau made a Motion to schedule Ordinance 2004-11 for first reading

Mayor Bairstow stated that he had questions. Mayor Bairstow stated that under Section 2-222 he would strike the last sentence which states what types of members should be on the Board. Commissioner Anderson stated he wanted to add to it not delete it. Attorney Landt stated that the Statute reads whenever possible those professions should be on the Board. The Attorney stated he would check to see if it was mandatory, but it did come straight out of the Statute. Commissioners Abshier, Chaffin, Anderson and Nadeau were in favor of leaving the sentence in as written and Mayor Bairstow was not.

Mayor Bairstow stated that under that same Section 2-222 (g) states that there should be one meeting per month and the Mayor stated he wanted to strike that and add "as needed". Attorney Landt stated that is per the Statute also. Commissioners Abshier and Anderson were in agreement with the Mayor to change it to read "as needed." Commissioners Chaffin and Nadeau stated to keep it as written. The Clerk stated that it helps the City to better coordinate the Boards and to get a forum when there is a set schedule.

Mayor Bairstow stated that under Section 2-226(a) it should read that "shall be in the form prescribed by the Commission" and not by the Code Enforcement Board. All the Commissioners were in agreement to make the change to Commission.

Mayor Bairstow stated that this same section talks about the Citation and Notice to Appear - what is the difference between these two and are they procedurally different. Ms. Pittsley stated that the citation from the City sends out to people notify people that they are in violation. Notice to appear would be to come to Code Enforcement Board or to Court. The Mayor stated that the Ordinance does not make the difference clear and he would like to postpone this discussion until Ms. Pittsley was comfortable with the difference and can explain when she would issue both of these documents.

Sec-2-226(a)(9) - the form of the notice in the citation and Attorney Landt stated that wrote that and he would address that.

Sec 2-226(b) states to serve the notice (not clear if it means citation or notice to appear) at the option of the Code Enforcement Board and that should be changed to Code Enforcement Officer. Ms. Pittsley stated that per Florida Statute the City has to go through the Board to do the publication and posting. Commissioner Chaffin stated to change that to Officer if the State Statute would allow it and all the Commissioners were in agreement.

Sec 2-230 Citation review - sounds like a rehearing back in front of the Code Enforcement Board, but that needs to be explained to us. The whole document should also be gender neutral.

Attorney Landt stated that he would meet with Ms. Pittsley and go through the Ordinance. The Mayor stated it would be on the next meeting.

Commissioner Chaffin left the meeting at this time.

12. COMMISSION GOALS

Commissioner Abshier:

1. Would like a program to estimate fee costs out at the front office which would include a disclaimer for when rates are raised. When people come in and based on the data given to the staff, the staff could produce a written form showing the costs for each item.
2. Would like a disposition of library by working with Library Board. The Commissioner stated he is not worried about the new library, but he was worried about the old one and how to fund the building.

Commissioner Anderson:

Would like a time schedule on road construction from the County and State because the Commissioner feels that the City has been overlooked.

Commissioner Nadeau:

1. Would like a better working relationship with House Member, Dennis Baxley, and with Senate Member, Nancy Argenziano.
2. PW Department is growing and the new sewer plant begins the steps to separate this department and the City would need another Department Head. The City could have one Department Head over Water and Sewer and one over Public Works. The PWD is outgrowing the ability to cover all the bases and in looking forward to Belleview being a growing city we need to plan to do these things.

3. Would like to see the future needs met in the recreation department. Commissioner Abshier stated that more land needs to be acquired at the Sports Complex.

Mayor Bairstow:

1. Would like to have the adopted City policies in one place with an index ; target date 12/04.
2. The questionnaire from the Florida League of Cities on Great Places to Work that was done last year, should be sent out again and then compare the results from last year with this year and see what is needed, ex. training, etc.; target date 8/04.
3. City employees are the City's biggest asset and expense. Would like to recognize the employees who do good through the newspaper in the "People in Changes" section.
4. The sewer treatment plant is top priority for the City.
5. Would like to see landscaping at the weigh station; target date 8/01/04.
6. Management of the Sports Complex needs to be revisited and should start a preliminary review as soon as possible. Management approach should make changes to make the Sports Complex more economical and more efficient to manage; target date for suggestions 8/01/04.
7. Citizen apathy - need to keep the citizens informed. Citizen Academy for the Police Department to be put together. 2-3 hour tour presented to the citizens every few weeks; target date for the First Academy, 09/04
8. The library location to be developed which is acceptable to the majority of the Commission and then be aggressively presented to the County. Location should be inside COB and the majority need to decide where the City wants the library and present it to the selection committee and fight for it; target date 09/01/04.
9. Find a new location for Fire Department in the COB; target date 09/01/04.
10. City is continually growing, expanding and spending money. We tried to use long range plans which are hard to do especially when the ideas are not funded. Need to adopt policy for implementing and redefine the 5 year plans.
 - a) 5 year plan formation and presentation needs to be closer to budget time;
 - b) present approach to budget- general ledger, account number, page by page; if we look realistically at the budget there has to be an alternate way to do this;
 - c) biggest single item is salary, with no new personnel, we can predict what the costs for salaries over the next 2-3 years will be;
 - d) revenue - we know the sources and what the amounts revenues will be with some degree of accuracy over the next 2-3 years. Once we have revenue, operating expenses, proposed revenue, and proposed operating expenses we can then see how much money is left over. If there isn't any money left over, we have a problem; if there is, we look to the 5 year plans to see how spend the money.
 - e) this new approach needs to be implement with this years budget

13. SPRINT AGREEMENT

PWD Monroe stated that after the last review of this contract, his staff sent it back to Sprint and they have come back and stated that the highest percentage Sprint would go up to is 3% each year. Sprint also stated that any more than that and it may be a deal killer.

Commissioner Nadeau stated guaranteed 3% each year and Sprint will sign it. Mayor Bairstow stated that is tied to consumer price index. The Mayor stated this is a 30 year agreement with five 5 year renewals. If Sprint wants it in effect for 30 years it will be in effect for 30 years. Commissioner Abshier stated if they don't do that, then we want a shorter agreement. Mayor

Bairstow stated tie it to consumer price index with a 10 year agreement. Commissioner Abshier stated that he would be comfortable with the \$2,500 because he did not think they would go that high.

Mayor Bairstow stated that under 5(c) it states that the CPI would be recalculated. PWD Monroe stated he thinks that Sprint was afraid it would go above the 3% and that is why that is in the Agreement. Mayor Bairstow stated under 9 it stats that they can terminate the agreement if it if no longer economically feasible for Sprint.

Commissioner Abshier stated to go with the CPI or a 20 year agreement. Mayor Bairstow stated that the CPI is fine and lets ride with it. Commissioner Abshier was in agreement.

Commissioner Anderson stated under item 3 it talks about the elevation of all antennas on the tower. The Commissioner asked if the City has this information and the PWD stated that he had provided all of that to Sprint. The Mayor stated that item 4 it reads 90 days should change that to 30 days. The PWD stated that in would take time to get online and get the equipment, so the 90 days is reasonable.

Mayor Bairstow asked if Item 12 means that Sprint can place a lien against the water tower and the Attorney stated not this agreement would not result in a lien against the water tower, but they can put a lien against the equipment. Attorney Landt stated that Sprint can assign its interest to its parent company or successor to its parent company or stock. Attorney Landt stated if he was Sprint he would not enter into this contract if he could not do that. Commissioner Nadeau stated that the lease is binding on the new owner if they assign their interest over.

Attorney Landt stated that item 7 the language needs to be broader to make it clearer that they cannot interfere with the operation of the water tower.

Item 14 maintaining the premises needs to be broader also. It should read" if the aggregate way to all of the users causes a problem then the last to attach has to unattached first.

Mayor Bairstow stated in item 9(v) add by the City if the City determines that the premises are not appropriate for economic or technological reasons. Commissioner Abshier stated that he thought that would be a deal breaker and it should state causing specific damage to the tower itself would result in immediate termination. Attorney Landt stated that he would come up with a paragraph because down the road the City might not be able to tell who caused the problem.

Commissioner Anderson stated that item 15 would that cause the City more money for cleaning and painting the water towed and the PWD stated that would do anything necessary to move the antennae when we clean the tower. The Commissioner asked who would pay the engineer. Commissioner Abshier stated that the City requires that we get the plans prior to the execution of the agreement; Sprint will pay the engineer. The Clerk stated that if the City charges fees according to our developer's fees they would pay fees for the site review. Attorney Landt stated that the last time a Wind Engineer from another state was brought in. PWD Monroe stated that these plans do not call for 15 lbs antennae. 5 days would be a problem because we cannot do it in 5 days, we would need 30 days minimum and it would be at their expense per the options we chose. Mayor Bairstow stated to send the agreement back to Sprint and see if they will agree with us prior to our review.

14. LETTER TO MARION COUNTY, RE: WAL-MART
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Commissioner Abshier stated that he sent a letter to Marion County Administrator, Pat Howard, stated that if Wal-Mart rezones out in the county the City of Belleview had some concerns and issues that the Commissioner wanted to address up front. He stated the letter was left open ended so that any additional concerns from the other Commissioners could be sent to the County. The Commissioner stated that once they rezone they will develop in the City of Belleview and he wanted to make sure that the City had control.

Commissioner Anderson stated that he has a concern and that is with the traffic. The Commissioner stated that when Cobblestone came before the Commission Withlacoochee stated that the traffic trips would be 3300/day. Commissioner Abshier stated that the people create impact no businesses. It is not to that point yet, but Wal-Mart would do a traffic study once they are past the zoning issue first. Commissioner Anderson asked if Highway 441 would have any chance of becoming a 6 land road to alleviate traffic and Commissioner Abshier stated that is not going to happen because there is not enough right of way.

Commissioner Nadeau asked about Target coming to Belleview and the PWD stated that they have not contacted the City. Clerk McKamey stated that they have contacted the county and are looking around the Belleview Access Road at this time. Commissioner Nadeau told Commissioner Abshier that he appreciated his effort because if the City doesn't make the first move we would be lost.

15. MARION COUNTY JOINT MEETING

Pulled from Agenda.

16. FOSS AND FRONT STREET INTERSECTION

Commissioner Abshier stated that PWD did not know how much right of way the City has at this intersection. So we need to have a survey done before we can make any recommendation and that is why it on the Agenda tonight.

PWD stated lets see what we have out there and go from there. The PWD stated that he has been told by a surveyor that the CSX right of way goes up into the NS lane of Front Rd. If that is the case, we would have to acquire right of way to widen Front. Foss is one of the widest street in Belleview 60-80 feet wide. Commissioner Abshier stated he wanted to survey the intersection of Foss and Front and also Baseline Road. Commissioner Anderson stated that DOT may have the information on Baseline. The PWD stated that we need to have a survey done and he got estimates ranging from \$3500 to \$5000 for the survey.

Commissioner Abshier made a Motion to approve the survey for the identified area, but not to exceed \$5000 and the funds would come from gas tax and Commissioner Nadeau seconded the Motion.

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

The Motion passed with a 4-0 vote.

17. SPORTS COMPLEX FINANCIAL REPORT

Postponed until the next meeting.

18. PUBLIC WORKS REPLACEMENT VEHICLE

PWD Monroe stated that he was one vehicle short because of an accident. The PWD stated he was requesting that since the paving project only costs \$145,000 instead of the \$183,000 budgeted, he wanted to use some of the gas tax funds along with any funds from the insurance to purchase a new vehicle.

Commissioner Nadeau made a Motion to grant the request and use the money from the gas tax funds and Commissioner Abshier seconded the Motion.

Commissioner Anderson asked to vote last. The Mayor stated that the Charter dictates that the Mayor votes last and Attorney Landt confirmed that, so the request was denied.

On roll call vote, YES: Nadeau, Abshier, Bairstow

NO: Anderson

The Motion passed with a 3-1 vote.

19. TENNIS AGREEMENT

Kim Holder, Projects Staff Assistant, stated that the City was approached by a tennis expert who wanted to use the Sports Complex to give tennis lessons. The agreement is in the Agenda for review by the Commission.

Mayor Bairstow asked if this was a nonprofit business and Ms. Holder stated it is a business for profit. The Clerk stated that the tennis courts were on the City's property and the PWD stated that a portion of them are on County's portion.

The Commissioners and Mayor Bairstow were not in favor of allowing a for profit business to give lessons at the Sports Complex. All the Commissioners were in agreement with the Mayor. Commissioner Anderson stated the City needs to have tennis lessons, but it has to be from a non-profit league. Ms. Holder stated she would ask him if he would be interested in doing that.

20. POLICE PENSION BOARD

Clerk McKamey stated the most recent AGO on Commissioners serving on Boards was in the agenda and she wanted the Commissioners to review the document. Commissioner Nadeau stated that he was resigning from the Police Pension Board after reading the recommendation of the Attorney General's Opinion.

Mayor Bairstow stated to the Clerk to run this AGO past Commissioner Chaffin also.

21. DEPARTMENT HEAD COMMENTS

PWD MONROE: Nothing at this time.

CHIEF STRICKLAND gave the monthly report:

Total cases worked 700

Traffic Citations 328

8 were assigned to CID and 5 were cleared by CID

2 DUI arrests

17 D.L. Arrests

4 Drug arrests
29 Miss. arrests
02 Juvenile arrests
52 people were taken to jail
26 accidents on the roadway

IT COORDINATOR TOWNE: Nothing at this time.

CLERK/ADMINISTRATOR McKAMEY: Discussed the upcoming workshop schedule.

22. ANNUAL COMMITTEE APPOINTMENTS

Mayor Bairstow announced the following Board members were up for appointment:
Norma Sanders, John Rodda and Royce Jacques for alternate members

Commissioner Nadeau made a Motion to appoint Norma Sanders and Royce Jacques as the alternate members of the P&Z Board and Commissioner Abshier seconded the Motion.

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

The Motion passed with a 4-0 vote.

23. UNSCHEDULED AUDIENCE

N/A

24. COMMISSION COMMENTS

Commissioner Abshier – Discussed the Spray Field Agreement with Spruce Creek would on the Agenda for the 4/14/04 Workshop.

Commissioner Chaffin – Left the meeting

Commissioner Nadeau - Discussed soccer club installing a concrete slab for a concession area and also constructing a kicking wall. Commissioner Nadeau stated that this would bring revenue back to the COB. Clerk McKamey stated to run it by the Building Inspector and Attorney Landt stated that the league needs to provide a description to the City and get permission from the Commission.

Commissioner Nadeau made a Motion to move forward with these projects and Commissioner Abshier seconded the Motion.

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

The Motion passed with a 4-0 vote.

Commissioner Anderson stated he had some concerns about the parking area would be taken away from the tennis courts and Commissioner Nadeau stated they could move it behind the tennis courts.

Commissioner Nadeau made a Motion that the kicking wall would be placed west of the tennis courts and Commissioner Abshier seconded the Motion.

PWD Monroe stated to put the 10x10x10 wall perpendicular to the tennis courts. Commissioner Abshier stated he had some concerns about who would be maintaining the wall. Commissioner Nadeau stated that the League would maintain the wall. Attorney Landt stated that the league is responsible for the wall while using it. The staff would need to review the contract and make appropriate changes.

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

The Motion passed with a 4-0 vote.

Commissioner Anderson – Nothing at this time.

Mayor Bairstow – Stated that the City has requested a Special Master and that if there were no objections, Attorney Landt and the Mayor would rank the Special Masters.

The meeting was adjourned at 10:45 P.M.

ATTEST:

Sandi McKamey, CMC, CPM
City Clerk/Administrator