

**CITY OF BELLEVUE
REGULAR COMMISSION MEETING
MINUTES**

**BELLEVUE CITY HALL
COMMISSION CHAMBERS**

**June 15, 2004
7:00 PM**

Mayor STEVE BAIRSTOW
Seat 1 EMERY ABSHIER
Seat 2 KENNETH R. NADEAU
Seat 3 PAULA CHAFFIN
Seat 4 PAUL ANDERSON

PRESENT: MAYOR BAIRSTOW; COMMISSIONERS: ABSHIER, ANDERSON, CHAFFIN, NADEAU; ATTORNEY LANDT, CHIEF STRICKLAND; PUBLIC WORKS DIRECTOR MONROE; INFORMATION TECH. TOWNE; LAND/CODE SPECIALIST PITTSLEY

ABSENT: CITY CLERK/ADMINISTRATOR McKAMEY, DEPUTY CITY CLERK DeGENNARO

<p>1. FINAL READING, ORDINANCE 2004-13 AND 2004-14 COUNTY FIRE/EMS PROPOSALS</p>

a) Mayor Bairstow stated this is a Public Hearing and Land/Code Specialist Pittsley read Final Reading, Title Only, of Ordinance 2004-13. Mayor Bairstow gave a brief review of the Ordinance.

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 2004-13 and Commissioner Nadeau seconded the Motion.

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

The Motion passed with a 5-0 vote.

b) Mayor Bairstow stated this is a Public Hearing and Land/Code Specialist Pittsley read Final Reading, Title Only, of Ordinance 2004-14. Mayor Bairstow gave a brief review of the Ordinance.

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 2004-14 and Commissioner Nadeau seconded the Motion.

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

The Motion passed with a 5-0 vote.

2. FIRST READING: ORDINANCE 2004-11 CODE ENFORCEMENT BOARD

Mayor Bairstow stated this is a Public Hearing and Land/Code Specialist Pittsley read First Reading, Title Only, of Ordinance 2004-11. Mayor Bairstow gave a brief review of the Ordinance.

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 Nadeau made a Motion to Approve Ordinance 2004-11 and Commissioner Chaffin seconded the Motion.

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

The Motion passed with a 5-0 vote.

3. CUB SCOUT PACK 441

Kristy Randall came before the Commission and asked permission for the Cub Scouts to use the City Hall Parking Lot on February 5, 2005 from 8:00 AM to 3:00 PM for a fundraiser.

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

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

The Motion passed with a 5-0 vote.

4. BUILDING SERVICES CONTRACT AND READING-RESOLUTION 2004-03, BUILDING PERMITS

Commissioner Nadeau stated that the Contract with M.T. Causley is in the Agenda for review. The contract appears to be satisfactory in nature, but a couple areas were negotiated.

The first area was that we agreed not to terminate the agreement within the first 90 days, after that 30 days notice to cancel the agreement. Originally, there was no wait time, but Causley requested 6 months and the City cut that back to 90 days and that was agreed upon by both sides.

Secondly, the table used for the building evaluation data will go back to the standard building codes. The Commissioner stated that he has heard reports that these figures which are a more standardized code list are rated higher than the standard in the COB. Causley would hold to these standard building codes without wavering and currently we use a modification of this system based more on the values the builders place on their property.

Commissioner Chaffin stated then if a builder comes in and says his property is valued at \$50,000 and the list says it should be valued at \$70,000, they would pay the \$70,000 rates and

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Commissioner Nadeau stated correct. Commissioner Abshier stated that is different then what Causley said when we questioned them; their answer was we will work with the builder. Mike

Causley, President of M.T. Causley, cane forward and stated that they agreed that as long as they were given proof of the value by the builder, they would go along with the builder.

Commissioner Nadeau stated originally they stated that they would work with the builders, but we cannot use that terminology in the contract. Mr. Causley stated that they would talk to the builder and see what they have shown the bank. Commissioner Chaffin stated a builder came to see her several months ago and stated that he had a problem having to bring in a contract showing proof of cost every time he needed a permit. Mr. Causley stated that the Code has regions and every region has different costs and he was not sure what region Belleview would be in. Commissioner Anderson stated Orlando and Commissioner Chaffin stated that she was not comfortable with that because Orlando is a lot more expensive and Mr. Causley agreed.

Commissioner Nadeau stated that the prior fee arrangement with Independent gave the City 10% and Causley gave the City 20% in their agreement; then Independent called back and gave the City 20% also.

Commissioner Abshier asked how does the City presently establish value of a property and Land/Code Specialist Pittsley stated that now the City takes the word of the builder as long as it is reasonable. Commissioner Abshier asked Causley if they were comfortable with that procedure and Mr. Causley stated everyone is accountable and if a contractor is building a \$200,000 home and states otherwise, we would need proof. Mr. Causley stated that they were here to protect the City, the builder, and your tax rolls.

Commissioner Abshier asked on Pg. 3, Section I.1. of the Resolution states for “information purposes only” what does that mean? Mr. Causley stated if a builder brings us out, and we have to go back for a re-inspection then we charge a fee, but we do not charge a fee the first time out. If a builder calls us out to do a punch list on the final, we would charge them because we don’t do the punch list normally. Attorney Landt stated you may have a homeowner acting on his own instead of having subs, they would use the inspector to do the punch list. Mr. Causley stated we explain this policy to the builder.

Attorney Landt stated that the Attorney for M.T. Causley, Inc. called and asked him about Paragraph 26 of the contract and he explained that was a specific provision established by the Commission in the last contract and it was nonnegotiable. Attorney Landt stated that he would mention this to the Commission that M.T. Causley, Inc. would like that to be a mutual provision.

The Attorney stated that in regards to the value of the homes, the problem he could see is M.T. Causley is telling us that if the contract price or information for financing does not agree with what logic tells us the value is, then we need to have something to look to. You would go straight to the code counsel evaluation data in cases where there was a dispute. You could consider all relevant data which would include any contract or purchase agreement, documents regarding construction loans, and go to the International Code Counsel. The Attorney stated that if the

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Commission has a concern now on how the City and M.T. Causley, Inc. would resolve disputes, you need to work it out this evening.

Mr. Causley stated when we have a dispute, we normally look at the chart and come back and say to the builder these are the figures we got and if the builder can prove something different then that is fine. We have our basis to say this is what we think and they can come back and say, but this is what we took to the bank and this is what they said, etc.

Mayor Bairstow asked how does the current resolution address the current fees and Ms. Pittsley stated she believed it was the same as the proposed. Mayor Bairstow stated that phrase "I believe" concerns him and Ms. Pittsley stated she would go pull the current resolution. The Mayor stated if it tracks the current language then the current language works.

Commissioner Chaffin asked why can't we use a contract or proof of cost as we did in the past and take their word. The Commissioner asked Mr. Causley since he was not an appraiser, how do they determine the value of homes and Mr. Causley stated the permit application asks for the worth of the property and it is not what is being built, but what the house is worth.

When Ms. Pittsley returned to the meeting, the Mayor read Section 4 of the current Resolution:
Section 4. CONSTRUCTION PERMIT FEES. Construction permit fees shall be calculated based upon the total valuation applicable to construction, except as specifically listed herein.

Mayor Bairstow read Section 4 of the proposed Resolution:
Section 4. CONSTRUCTION PERMIT FEES. The value of construction permits will be determined by the most recent publishing of the International Code Council (ICC), building valuation data (BVD), estimates per square foot, including the regional modifier, of all areas under roof according to the type of construction and use, or contractual data as necessary.

Mayor Bairstow stated that the existing resolution seems to work and it addresses the concerns of the Commission and if you found a gross disparity between the total evaluation applicable to construction as opposed to the ICC Building Evaluation, you would with your own professional ethics be inclined to say that you would not authorize this permit and you would go to the Commission to resolve the issue. With that in mind, what would be the problem with carrying the language from Section 4 over from the old Resolution. Mr. Causley stated he did not think that would be a problem.

Commissioner Nadeau made a Motion to Approve the Contract with M.T. Causley, Inc. and Commissioner Chaffin seconded the Motion.

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

The Motion passed with a 5-0 vote.

Commissioner Nadeau made a Motion to Approve Resolution 2004-03 with the one change of taking the written language in the first paragraph of existing Section 4 and transferring

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that verbatim to the same place on the new Resolution and Commissioner Chaffin seconded the Motion.

Mayor Bairstow asked the Clerk to read Resolution 2004-03, Title Only, and Land/Code Specialist Pittsley read Title Only, of Resolution 2004-03.

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

The Motion passed with a 5-0 vote.

Commissioner Nadeau stated that he would like to express his appreciation to Independent Inspections, Ltd. and looks forward to a smooth transition with Causley. Commissioner Anderson asked when does this contract take effect and Ms. Pittsley stated that Independent will finish out any permits that are issued regardless of how long they take, if issued prior to July 1, 2004.

Don Harrell, Contractor, came forward and stated that he currently has a permit open and if it goes past the 7/1/04 date they just stated that would continue working on his permit until completed. Mr. Harrell stated he wanted to thank Independent because his experience with them has been wonderful. They are courteous, professional, and always available and every other builder has had the same experience with them. Independent has been the best inspectors that he has ever worked with.

5. GREG SLAY MPO - INTERLOCAL AGREEMENT

Commissioner Abshier stated that Mr. Slay was here a few weeks ago and he is here to address the issues the Commission asked him to take back to the MPO Board.

Greg Slay, MPO, came forward to discuss the following issues:

1. Formal name change
2. Change in membership

Mr. Slay stated that after a fair amount of discussion, the Board decided that it was more appropriate to leave things as status quo because Ocala is the County Seat of Marion County. The Mayor stated that Belleview was also a part of the Lady Lake urbanized area and they are not mentioned. Mr. Slay stated that was addressed in the first paragraph. The Mayor stated that he understands that Ocala is the County Seat, but hoped that the MPO would understand that the documents this organization signs and the lobbying this organization does would be stamped with Marion County. Mr. Slay stated any documents that go out contain all of the jurisdictions that are represented by the MPO.

Mayor Bairstow stated that he wished they would recognize our desire to be recognized regionally wide and/or state wide. Commissioner Nadeau stated that he agreed with the Mayor, but Ocala/Marion County have caused the COB the transportation problems we now have.

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Commissioner Nadeau made a Motion to Approve the Interlocal Agreement and Commissioner Abshier seconded the Motion.

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

The Motion passed with a 4-1 vote.

6. FACILITY PLAN FOR STP AND RESOLUTION 2004-04

PWD Monroe stated that Angie Brewer and Associates called today and requested that this item be pulled from the Agenda. The PWD stated that he was not clear on the reasoning, but he would inform the Commission by memo when he got all the facts.

Commissioner Anderson asked if the City was putting in for any grants under construction. The PWD stated it was his understanding if the funds were available the City would apply for them, but he has not heard of any schedule. Mayor Bairstow stated it was his understanding that we have a State Revolving Loan, but will continue to look at grants.

Commissioner Anderson asked if the City was on schedule and Mayor Bairstow stated at the last workshop the PWD stated that we were not on schedule.

Commissioner Abshier asked what the City could use the \$500,000 for and the PWD stated it was his understanding the City could use it for anything associated with the wastewater project.

7. BOONE - ADDENDUM

PWD Monroe stated that the original developer's agreement was entered into when Wal-Mart was planning to build on Mr. Boone's property. That has changed, and Mr. Boone has made changes to his developer's agreement which originally was going to be a gated community with a private road, and private drainage and that is why this addendum is on the Agenda.

PWD stated that there are some things that have happened in general with developments and he would like the Commission to consider an occupancy level instead of the one year requirement for developments before the City takes over the street lights, roads, drainage, and lift stations, etc. The PWD stated he would like to make this change because if a development sits undeveloped for a long period of time, the City would not have to take over the maintenance of the development until it is more fully occupied.

Mayor Bairstow stated that originally he thought the changes were changing our master developer's agreement, but as he read on the addendum was for a particular developer's agreement. The PWD stated that the Mayor was correct and his intention was to make the memo a synopsis, but it did not include everything.

Mayor Bairstow asked if the Addendum should go back to the Planning & Zoning Board because there are some substantial changes to this Developer's Agreement and to the nature of this

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community. The PWD stated that the developer is anxious to get started and Commissioner Nadeau asked if the site plan changes were included and PWD stated they were not included. Commissioner Chaffin stated that this would make a huge impact because it is double the number of homes originally discussed and agreed with the Mayor that it should go back before the P&Z Board.

Kirk Boone, Developer, came forward and stated that the relocation of the Wal-Mart store is the reason for all these changes, but he would like to move ahead. The property is in a Comprehensive Plan, is High Density Residential, and Zoned, Mobile Home Park in the County. The site is serviced by the COB and he realizes he would have to work with the P&Z Board and the City Commission.

Commissioner Abshier stated that this is a substantial deviation to their original discussion and it would definitely make more of an impact to the city with a 180 subdivision. Mr. Boone stated that he was going to form a Homeowners Association and intends for this subdivision to be somewhere between the markets. Mr. Boone stated that he would not come in with a development that was not reasonably valued; it would be something that we are all proud of and marketable. The 180 number was the high ceiling that was put on for the engineering plan, but since then, we have been discussing 150 units.

Commissioner Abshier stated that if Mr. Boone can prove that it is beneficial to the public streets, he would consider it. Mr. Boone stated if it carries itself and it has privacy and he puts together a homeowners association and maintains the retention area, he would forego some of the things put in there so that he could move forward. Mr. Boone stated that it will be smaller than 180 units and the average size would be ¼ acre lots.

Commissioner Nadeau stated his concern was the low sections which could be in the flood areas and the access to Highway 441. You would need a turn lane north and south or from another entrance to avoid highway tragedies. Mr. Boone stated that he discussed that with DOT, but had no luck, but he would try to discuss it again with both the City staff and with DOT present. Commissioner Abshier asked Greg Slay, MPO, if he could help the City with DOT. Mr. Slay stated that DOT has become very stingy, but he would take a closer look at it and give the City his opinion.

Commissioner Anderson asked how close would this development be to Santos School and the PWD stated that there is a section of property that someone else owns between the school and Mr. Boone's property.

Mayor Bairstow stated if Mr. Boone is going to make additional adjustments it would have to go back to P&Z Board. Ms. Pittsley stated that Mr. Boone has asked that the property be annexed so it will be going back to P&Z.

PWD Monroe stated that he wanted it clarified that we are going to include sidewalks as a standard in all developments and the Mayor stated whatever was decided we would do.

8. SUBORDINATION AGREEMENT FOR C-25

PWD Monroe stated that DOT has asked us to deed our easement on the Baptist Church side of C-25 to them and he did not think that would be acceptable by the Commission so they came back with this Subordination Agreement. The document describes a total of 875 square feet and it is in relation to developing the 3 lanes on C-25. PWD Monroe stated that he would recommend that the City approves this document.

Commissioner Nadeau made a Motion to approve the Subordination Agreement for C-25 and Commissioner Chaffin seconded the Motion

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

The Motion passed with a 5-0 vote.

Mayor Bairstow asked the Clerk to read Resolution 04-05, Title Only, and Land/Code Specialist Pittsley read Title Only, of Resolution 04-05.

Commissioner Chaffin made a Motion to approve Resolution 04-05 and Commissioner Nadeau seconded the Motion

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

The Motion passed with a 5-0 vote.

9. RIGHT OF WAY SURVEY ESTIMATES

Kim Holder, PW Projects Staff Assistant, stated that she had received one response from the RFP for a right-of-way survey of Foss and Front Street. That one estimate was from Snyder Surveying and we are recommending that the City hire Snyder Surveying.

Commissioner Abshier made a Motion to approve hiring Snyder Surveying and Commissioner Nadeau seconded the Motion

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

The Motion passed with a 5-0 vote.

Commissioner Anderson asked when would the City get the survey and PWD stated he would get a start date from the surveyor tomorrow since it has now been approved and the scope of the survey would be from C-25 to the City limits.

10. PREPAY IMPACT FEES

Mayor Bairstow stated that he was told this item was pulled from the Agenda.

PWD Monroe stated that this was brought to us at the last meeting and staff was directed to talk to Marion County and get their input on the situation. The PWD stated he spoke with Ms. Tutt and she said she had time to review the files. The letter that the COB sent to the Development Review Committee was very clear that the City can and will serve the subdivision with water and sewer and as far as they are concerned this is the end of the matter.

Commissioner Nadeau made a Motion that the City does not establish a Prepay Impact Fee policy and Commissioner Chaffin seconded the Motion

Attorney Landt stated he has spoken to the Attorney for the Developer and they were hoping that the City would put in place a prepay policy because they wanted to prepay. They will be requesting that the City would agree, as part of their agreement, that if the time comes and they are ready to build and hook up to the COB wastewater treatment system and the City does not have capacity at that time, then they could at their expense extend the line to any other wastewater treatment plant that could handle it. So if Marion County put another plant out in Silver Springs Shores or any other area then they could send from the lift station to another plant and they would be allowed to do that. Attorney Landt advised the Attorney that it would be on the Agenda tonight and that he would call him to inform him of the outcome.

Mayor Bairstow stated that this has been on the Agenda for some time and we have a developer that wants to prepay for services. The Mayor suggested that the City adopt this policy. Commissioner Nadeau stated it is a simple policy, but it makes more work for our staff. Commissioner Anderson added that it also states in the agreement that they get their money back after one year. The Mayor stated that time frame probably could be extended.

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

The Motion passed with a 3-2 vote.

11. DEPARTMENT HEAD COMMENTS

PWD MONROE: Nothing at this time.

IT COORDINATOR TOWNE: Nothing at this time.

CHIEF STRICKLAND: Nothing at this time.

LAND/CODE SPECIALIST PITTSLEY: Nothing at this time.

ATTORNEY LANDT: Submitted a brief to the Special Master and when we get a response he would inform the Commission.

12 UNSCHEDULED AUDIENCE

N/A

13 COMMISSION COMMENTS

Commissioner Abshier: Discussed his meeting with Julie Seig and that they looked at two more locations for the new library. The Commissioner stated that the one over by the American Legion should be included on the City's list and the PWD stated that property was included on the list and he had done the maps.

The Commissioner stated that they looked at the City Hall property as well and the Fowler property which is about 1.24 acres. The Commissioner stated even if we don't put the new library there, we should consider purchasing this property for future growth. Commissioner Nadeau stated he would like the City to investigate the option of purchasing that property.

Commissioner Abshier asked if the City had made any headway on the program for the Water & Sewer Department that he requested. Kevin Towne, IT Coordinator stated that he is looking at a program and will bring it before the Commission when he has all the information.

Commissioner Nadeau: Discussed the Soccer League sign ups which will take place over three week-ends and they want to use the City Hall Parking Lot on August 14, 21, and 28, 2004 for that purpose.

Commissioner Nadeau made a Motion to approve the Soccer League using the City Hall Parking Lot for sign ups on August 14, 21, and 28, 2004 and Commissioner Abshier seconded the Motion

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

Commissioner Chaffin: Nothing at this time.

Commissioner Anderson: Nothing at this time.

Mayor Bairstow: Nothing at this time.

The meeting was adjourned at 8:40 P.M.

ATTEST:

ANGELIA PITTSLEY
LAND/CODE SPECIALIST