

**CITY OF BELLEVUE
REGULAR COMMISSION MEETING
MINUTES**

**BELLEVUE CITY HALL
COMMISSION CHAMBERS**

**October 5, 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; PUBLIC WORKS DIRECTOR MONROE; INFORMATION TECH. TOWNE; CHIEF STRICKLAND; ATTORNEY LANDT; CITY CLERK/ADMINISTRATOR McKAMEY, DEPUTY CITY CLERK DeGENNARO

1. APPROVAL OF MINUTES

08/09/04 Workshop Meeting
08/12/04 Workshop Meeting

Commissioner Chaffin made a Motion to adopt the Minutes and Commissioner Abshier seconded the Motion.

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

2. PROCLAMATION: VFW POPPY DAYS

Clerk McKamey read the Proclamation and Mayor Bairstow declared November 12, 2004 through November 13, 2004 as Poppy Days in the City of Bellevue.

3. FINAL HEARING: ORDINANCE 2004-22 BOONE ANNEXATION

Mayor Bairstow stated this is a Public Hearing and Clerk McKamey read Final Reading, Title Only, of Ordinance 2004-22, Boone Annexation.

Clerk McKamey 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 adopt Ordinance 2004-22 and Commissioner Nadeau seconded the Motion.

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

4. COBBLESTONE NORTH DEVELOPER'S AGREEMENT

PWD Monroe stated that the agreement was worked out with Mr. Boone on 100th Street and the concerns were that the only entrance was onto 467 and the lift station. The engineers have

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assured PWD that the a new lift station would not be required. The agreement does change from 25 acres to 70 acres and would allow Mr. Boone to develop up to 180 homes.

Commissioner Nadeau questioned on Pg. 31 Paragraph 2(a)6. Attorney Landt stated that paragraph includes the lift station language and would not be needed in this agreement. PWD Monroe stated that 3(b)4 would be modified also as it references the lift station.

Commissioner Nadeau made a Motion to approve the Developer's Agreement as amended a) Pg. 30 (of the Agenda), 60 acres changes to 70 acres; b) Pg. 31 section 2(a)6 delete all reference to sewage pumping station so delete from "Pay all costs" to the end of the paragraph; c) Pg 32, Section 3(b)4 delete from "After 50%" to the end of the paragraph; d) Pg. 32, #16 change 160 single family homes to 180 single family homes and Commissioner Abshier seconded the Motion.

Commissioner Anderson asked about the policy for generators. The commissioner stated that the City has not had a chance to come up with a policy for generators and it is not fair to hold up this development; when the City has a policy then we can put the developer on notice.

Commissioner Nadeau asked if that lift station serves the whole area or the subdivision exclusively. PWD Monroe stated that there are two lift stations on 100 street and they serve the middle school and the high school as well as Cobblestone - they are regional lift stations. Commissioner Abshier stated that developer is not adding new lift stations they are already in place and we do not have a policy in place. If we had a policy in place and it stated if it creates additional lift stations from the development then the Commissioner would be inclined to support Commissioner Anderson issue.

Commissioner Anderson amended the Motion to include generators.

Commissioner Nadeau stated that the Amendment was not a friendly Amendment because it was too wide open and the City does not know what it would be trying to enforce. The Commissioner stated the concept is good, but there are more than one user and how can you make one user the full use of the generator.

The Amendment to the Motion failed for lack of a second.

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

5. WITHLACOOCHEE REGIONAL PLANNING COUNCIL SERVICE CONTRACT

Clerk McKamey gave a review of the service contract and recommended that the Commission approve the Contract.

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Commissioner Chaffin made a Motion to Approve the WRPC Service Contract and Commissioner Nadeau seconded the Motion.

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

The Motion passed with a 5-0 vote.

6. UTILITY BILLING WRITE OFF

Pattie Hill, PW Staff Assistant, came forward and stated that the City writes off balances for our bookkeeping every year.

Last year the \$3,917.44 was written off for accounts with a balance through January 30, 2001. This year the amount is \$4,486.60 for accounts with a balance through January 30, 2002. This amount is 1/3 of 1% of the Water & Sewer budget.

Commissioner Chaffin questioned how a water bill could get to \$759 and Ms. Hill stated that was a contractor and he went out of business. Ms. Hill stated that the deposits were taken by the City, then the accounts were sent to a collection agency.

Commissioner Abshier asked what mechanism the City has in place in case one of these individuals tries to get utilities again after the bill was written off. Ms. Hill stated that they when their name comes, comments automatically come up with the information, and they have to pay the written off bill first before being connected.

Commissioner Chaffin made a Motion to approve the write offs 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. COB ELECTIONS

Mayor Bairstow stated that the City's Charter states that City Elections are held the first Tuesday in March. The Commission discussed changing the elections from March to November for a larger number of voters to turn out. The methods that could be used to accomplish that were a City Ordinance or Referendum. The City changed the date to November by Ordinance. The Mayor stated the topic that had been discussed with him was not whether the Commission changed the date, but that the approach was wrong and it should have been placed on the ballot. The citizens should have had some input on the topic and it should be changed only if the citizens wanted it changed. The Mayor stated he would like to reset the election date to March and then place a nonbinding referendum on the ballot in 2005.

Mayor Bairstow relinquished the Chair to Mayor Pro Tempore Abshier.

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Mayor Bairstow made a Motion to reset the election date to the first Tuesday in March and place the issue of moving the election to November on the November 2005 ballot as a nonbinding referendum or question and Commissioner Anderson seconded the Motion.

Commissioner Nadeau stated that the Mayor wanted to revoke the Ordinance that was already passed and hold an election in March 2005. The Mayor stated that in November of 2005, the citizens would vote on the issue of changing the date.

Commissioner Chaffin stated she was an advocate for the November election date. In the last March election, the turn out was less than 100 people who voted and the City was hoping that more people would take an active role in voting. The Commissioner stated that financially, the change would allow the City to share the cost of the elections with the County in November. Commissioner Chaffin stated that no one has mentioned the issue of changing the date with her and she feels the Commission made the right choice and she would stick with that choice.

Commissioner Nadeau stated that he was not in favor of revoking the Ordinance that was passed. He would have no problem with a nonbinding referendum on the November 2005 ballot and then the City could work with those results.

Mayor Bairstow stated that the whole concept is to let the citizens have input on the election date before the fact. Reschedule the date to March and tack on the nonbinding question of changing the election date to November. Commissioner Nadeau stated he would not agree with that because we have told the citizens and we are now voting in November.

Commissioner Abshier stated that the Commission did this and we debated this issue for many minutes and as candidates it would force us to work harder because there would be more voters in November than in March. The Presidential race there are more people to vote for and more people show up who live in the City. Commissioner Abshier stated that the Commission made a good decision and it would be hard to go back. The Commission had the burden of making the decision because we are the elected officials and we can't always ask for a referendum.

Mayor Bairstow stated it was the method used to change the election date. The Commission amended the City Charter by Ordinance and the citizens should have had input in that change. Commissioner Anderson stated that he was the only one who did not want to move the date and he felt that the citizens should make the decision when the Charter is changed. The Commissioner stated he felt that the City should let citizens come and say if they like March or if they wanted to change it to November.

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

The Motion failed with a 2-3 vote.

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Mayor Bairstow made a Motion to reset the election date to the first Tuesday in March and place the issue of moving the election to November on the March 2005 ballot as nonbinding, referendum or question thereby eliminating the need for a November 2005 Special Election and Commissioner Anderson seconded the Motion.

Commissioner Abshier stated he would worry about the consequences and why would you make it nonbinding. Commissioner Chaffin stated it should be binding if you are worried about the citizens input. Commissioner Abshier stated that he has had no one complain about the date change and it was already changed and it was in the papers.

Commissioner Anderson stated this was not a major change, but it is the principle. Commissioner Chaffin stated that citizens have asked her why the City voted in March and we have talked about this for hours.

Commissioner Nadeau stated if it was binding in the November 2005 election, he would agree to that, but he would hate for this Commission to be foreseen as a Commission that flip-flops. Commissioner Abshier asked if it was possible to have a binding referendum next November along with the City election, but the Commission has gone down that path and Commissioner Abshier stated he was comfortable with what the Commission decided.

Commissioner Anderson asked the Mayor why nonbinding instead of binding and the Mayor stated to gather support from Commissioner Nadeau.

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

The Motion failed with a 2-3 vote.

Mayor Bairstow made a Motion to reset the election date to the first Tuesday in March and place the issue of moving the election to November on the March 2005 ballot for a binding referendum and Commissioner Anderson seconded the Motion.

Commissioner Nadeau stated he did not want the City election in March of 2005.

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

The Motion failed with a 2-3 vote.

Mayor Bairstow made a Motion to reset the election date to the first Tuesday in March and place the issue of moving the election to November on November 2005 ballot as a binding referendum and Commissioner Anderson seconded the Motion.

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Commissioner Abshier asked how this Motion was different from previous ones and the Mayor stated it is a binding referendum in November. Commissioner Nadeau stated he wanted no election in March 2005 and in November 2005 support the standard election for those seats for

that year and additionally have a binding referendum on which month the citizens would continue to vote in.

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

The Motion failed with a 2-3 vote.

Mayor Bairstow took the Chair back from Mayor Pro Tempore Abshier.

8. DEVELOPMENTS OF MARION, INC.

Attorney Landt stated that PWD received the letter that is in the packet from this group. The group asked that the City release the Developer's Agreement between Marion Inc and COB in 2001. The Attorney stated he reviewed the Agreement with the PWD and the PWD would prefer that the City release the Developer's Agreement since the new owners would be developing differently than what was proposed in the Agreement and because our developer's agreements are different now. The Attorney stated that they were looking for the approval of the Commission to enter into a release for this Developer's Agreement.

The Attorney stated the changes are: a) Policy regarding sewage pumping station and sewer lines reads that the developer would maintain until 50% occupancy and connection to the City system and this agreement does not provide for that. It states s soon as anyone connects to the lines they put in, the City would take over ownership and maintenance of the pumping station and laterals. b) The developer's agreement reads that they would pay \$3,000 for upgrades to station 11 behind K-Mart and those upgrades would cost more that amount now. c)Pg 6, Paragraph 5, states that the property would be served with individual garbage service and the City has a franchise garbage service.

Commissioner Nadeau made a Motion to extinguish the existing Developer's Agreement between the City of Belleview and the Developments of Marion, Inc. and Commissioner Abshier seconded the Motion.

The Attorney stated that with the original entity, assuming the original entity exist, the City can release the owners from the terms that we have imposed upon them. Commissioner Chaffin stated if they don't own the property how is it a valid agreement. The Attorney stated it creates a cloud on the title and if the Commission gives its approval, he would ask the Sanders Law Group to send him a copy of the document that would accomplish what they have requested. Commissioner Nadeau asked how they could execute a document when they do not own the property and the Attorney stated we need to see what they have in mind.

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Commissioner Abshier asked if the zoning change was not tied to the execution of the developer's agreement of this parcel and the Clerk stated that the zoning was a separate issue.

Commissioner Nadeau amended his Motion to support the extinguishment of the Developer's Agreement and ask the City Attorney to pursue the steps to extinguish the agreement and Commissioner Abshier seconded the Motion.

PWD stated to Commissioner Nadeau that he should amend to include the costs because the City incurred cost in doing this. Commissioner Chaffin stated the City should have checked to see who owned the property before we signed the agreement. The Attorney stated that they are asking to extinguish this agreement because the party did not have title and could not lawfully bind this property. Commissioner Chaffin stated the City was told we would get title insurance and the City put its name on it before we checked that or before we got the insurance.

Mayor Bairstow stated there is some due diligence on our part, we could ask the developer to bring in the deed, but that does not guarantee ownership in the future. Attorney Landt stated attorney fees could be part of the policy in the future. He does not think these fees would be very significant, but he could be wrong. Commissioner Nadeau stated they will come back to us when the development is developed.

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

9. ANNEXATION OF GOLF PARK I SUBDIVISION

Clerk McKamey asked for direction from the Commission on whether to annex Golf Park 1 Subdivision into the City.

Commissioner Abshier made a Motion to authorize the Clerk to proceed with the necessary steps to annex into the City, Golf Park 1 Subdivision and Commissioner Nadeau seconded the Motion.

Commissioner Anderson asked what utilities would be need in that subdivision and the Clerk stated that it is developed, but there are some vacant lots. Attorney Landt stated that if you annex property in a reasonable time, the City would then have to provide services within a reasonable time. Commissioner Abshier stated that the subdivision would have to pay impact fees.

Commissioner Nadeau asked if the Developer's Agreement discusses sewer and the Mayor stated we would annex and provide the Water & Sewer if they ask us to. PWD Monroe stated that the developer put in the water lines and Commissioner Abshier stated that the goal is to provide sewer service to every resident in Belleview, if it is financially feasible the City will do it.

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Mayor Bairstow asked the Department Heads what impact this annexation would make on their departments. The PWD stated that there would be a pump station there and the water rates would

reduce from 1.5 to regular rate and the Street Department would assume maintenance of 2-3 miles of road and debris pick up. Chief Strickland stated that the additional people would provide some revenue by working the traffic out there, but at the present time he did not see the need for any additional officers. Clerk McKamey stated that she did not see any real impact except for Code Enforcement might be a problem.

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

The Motion passed with a 3-2 vote.

10. DEPARTMENT HEAD COMMENTS

PWD MONROE: Discussed debris crews were working the second sweep in Cobblestone and Villas and then will circle around Lake Lillian and expand outward. Mayor Bairstow stated that Highway 484 and his property have not had the first sweep yet.

IT COORDINATOR TOWNE: Nothing at this time.

CHIEF STRICKLAND: Discussed that there is an 800 Mega Hurst System meeting set for next week.

CLERK McKAMEY: Nothing at this time.

11. UNSCHEDULED AUDIENCE

N/A

12. COMMISSION COMMENTS

Commissioner Abshier: a) Discussed the street lights that were burning all day in the City; b) Discussed Norma Sanders calling DOT regarding the flap closing at the flood area between the Villas and the pond. PWD Monroe stated that more water came in and filled up the back and the flap was designed to go the other way. The Commissioner stated that security should not depend on Ms. Sanders calling DOT. The PWD stated DOT would have to come and change it and redesign the whole pond since they said it did not work; DOT did put in a pump. c) Challenged the Mayor to show where growth does not pay for itself. The Mayor replied that Cobblestone and gated communities, FEMA would not pay for debris removal.

Commissioner Nadeau: a) Discussed that the Soccer League is pursuing plans for a bathroom facility at the ballpark and they are using the same plans as the bathroom at the old football field. They want to build a \$55,000 building at no expense to the City; b) Stated for the record that

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spring training for professional teams could possibly come to Marion County, if they decide to come near Belleview, the City would be receptive to working with them and see if we can assist them in that endeavor.

Commissioner Chaffin: Discussed the lift station at her house and asked when the problem was going to be fixed instead of just running a pipe up the tree. PWD stated it was caused by the hydrogen sulfide gas and because the left station is not be used enough, but the new development would help. The Commissioner stated she wanted something done.

Commissioner Anderson: Discussed the trash was picked up by the railroad on Robinson Road.

The meeting was adjourned at 8:55 P.M.

ATTEST:

Sandi McKamey, CMC, CPM
City Clerk/Administrator