

**CITY OF BELLEVUE
REGULAR COMMISSION MEETING
MINUTES**

**BELLEVUE CITY HALL
COMMISSION CHAMBERS**

**October 19, 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, CHAFFIN, NADEAU;
ATTORNEY LANDT, CHIEF STRICKLAND; PUBLIC WORKS DIRECTOR
MONROE; INFORMATION TECH. TOWNE; CITY
CLERK/ADMINISTRATOR McKAMEY, DEPUTY CITY CLERK
DeGENNARO

LATE: COMMISSIONER ANDERSON

<p>1. PUBLIC HEARING - SMALL SCALE COMPREHENSIVE PLAN AMENDMENTS CYCLE 2 a) Ordinance 2004-23 BLC Real Estate b) Ordinance 2004-24 Dinkins & Dinkins Inc.</p>

a) Ordinance 2004-23 BLC Real Estate

Mayor Bairstow stated this is a Public Hearing and Clerk McKamey read, Title Only, Ordinance 2004-23 and gave an update of the Ordinance.

Craig Braiser, Withlacoochee, came forward and discussed the Comprehensive Plan report and stated that the amendment is consistent with the goals, objectives and policies of the Comprehensive Plan. He stated that at the P&Z meeting the benefits of making use of this abandoned property was discussed. Mr. Braiser also discussed the updated Trip Generation Impact Assessment chart that became available for this property and stated that the maximum development of traffic would go from a .7 to 1.25 because commercial is higher than residential; maximum trips would be 1802 and the roadways are already deficient, so there would be no additional negative impact.

Clerk McKamey stated that P&Z recommended the approval to the Commission and the City sent out 30 letters to the adjacent property owners and had received no responses.

The Mayor asked if anyone in the audience who had comments in favor of the proposed Ordinance wanted to come forward. Ms. Vadwatti Reis, who requested the change, came forward and stated that she had a contract to purchase Angel Wings, but was told she had to change the zoning in order to reopen the assisted living retirement home which was abandoned for over a year. Ms. Reis asked the Commission to consider rezoning the property because it would bring jobs to Bellevue and would revitalize the area.

Dr. Ron Shelly came forward and stated that he was from the Bellevue Medical Center which was three blocks away from this property and he made house calls to this institution when it was opened before. Dr. Shelly stated this building was run down, but a change from industrial to B-2 zoning would be an asset to the community and he would endorse this project.

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The Mayor asked if anyone in the audience who had comments in opposition of the proposed Ordinance wanted to come forward. No one came forward.

Commissioner Nadeau made a Motion to Approve the First Reading of Ordinance 2004-23 and Commissioner Chaffin seconded the Motion.

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

Ordinance 2004-24

b) Mayor Bairstow stated this is a Public Hearing and Clerk McKamey read, Title Only, Ordinance 2004-24, and gave an update of the Ordinance.

The Clerk stated that currently this property is residential and the P&Z recommended that the R-3 zoning be changed to R-2 which would allow duplexes rather than multifamily. P&Z was deadlocked with a 3-3 vote on the R-2 zoning and made the recommendation to the Commission to deny the R-3. 58 letters were sent out to adjacent property owners and there were 2 responses, both negative.

Craig Braiser, Withlacoochee, came forward and discussed the Comprehensive Plan report and stated that the amendment is consistent with the goals, objectives and policies of the Comprehensive Plan. He stated that this is a high density area surrounded by ranges of low density residential, businesses, commercial, high density and medium density residential. Within the City it is consistent with adjacent properties and outside the City, the land is rural. The three types of soil on the property all present one of the following severe limitations to development: for shallow excavations, construction of dwellings (with and without basements), small commercial structures, and local roads and streets due to wetness, high risk of corrosion to uncoated steel or deterioration of concrete, and risk of cutbanks caving. The traffic and storm water are very minimum and not as severe as the actual site's environmental issues and as mentioned, the P&Z Board deadlocked on their vote.

Attorney Steve Gray, representing Dinkins& Dinkins, Inc., came forward and stated that at the P&Z hearing it was discussed and his client determined that they would request to reduce their application to a land use designation of low density residential and an R-2 zoning. The purpose would be for a platted duplex subdivision and should be allowed since it is lower density than what was advertised. This is a transitional parcel from B-2 Quick King Convenience store on 484, back to residential area, and RMH to the South so this area is a mixed area. It is not really single family residential and his client feels it fits the neighborhood. Attorney Gray stated that was why he was asking the Commission to approve the application with a low density residential land use and with R-2 zoning.

Commissioner Chaffin stated 6 units per acre equals 12 households per acre. Attorney Gray stated that under the COB Comprehensive Plan the low density would allow up to 6 units per acre. There are 13 lots on this parcel, but that may adjust one way or the other. 13 duplexes or 26 residential units which would be a perfect transitional land use for this property.

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

Commissioner Chaffin stated that on Pg. 35, proposed land use would be 609.96 trips generated and now it is only 19.14 total trips generated by the land use. Mr. Braiser stated that there are not any FDOT traffic count locations near this site so the impact would be spread out over US 441/US 27/US 301, SR 484 which are the major roadways in Bellevue and it comes to less than one percent (1%) to the overall traffic counts for the major impacted roadways. The Commissioner asked how recent were these figures and Mr. Braiser stated that those counts were done as of 2003. The Commissioner stated that 55th Ave cannot take any additional traffic.

Commissioner Nadeau stated that on Pg. 34 it reads that the water table is within 10 inches for 1-4 months during most years and Mr. Braiser stated that percentage wise ¼ of the time you are close to the water table. The Commissioner asked during heavy rains if it can go down a foot we would hit the aquifer and Mr. Braiser stated in those regions that are defined by this soil.

Commissioner Nadeau stated Pg. 36, Recreation, if families move there with children, will the City need additional recreation facilities for the west end of town. Mr. Braiser stated that is based on the population and these studies were done with the higher zoning so it would not be as negative an impact because of the lower zoning. Clerk McKamey stated that R-2 would limit it to duplexes only. Commissioner Nadeau asked if the City could require them to construct sidewalks and the Clerk stated that would be addressed in the site plan, but they could be required to put sidewalks in.

Commissioner Abshier stated they cannot construct sidewalks west of SR 484 because you would need another crossing guard and you would be encouraging kids to cross if you put sidewalks west of the school, so they should not consider sidewalks on 484

Commissioner Abshier stated that there were concerns about the entrance coming out on 55th Avenue because that entrance was too close to two other intersections. Commissioner Abshier stated that when he travels 55th Avenue there has not been an overabundance of traffic and he would be comfortable with this project being 4 units per acre as an R-2.

Commissioner Abshier asked if the City could dictate not to exceed 13 units in the Ordinance. Attorney Landt stated each half of a duplex would be a residential unit so therefore you would have 26 residential units, and Mr. Gray could agree to that. Attorney Gray stated they would agree to that through a 163 Developer's Agreement.

Paul Sullivan came forward and stated that Agnew Rd south and the corner of 55th Ave out to 484 is a nightmare now and care should be taken to alleviate it.

Commissioner Chaffin stated that at the P&Z meeting the neighbors had problems beside the traffic. The Chicken Ranch is already there and even though it is a bigger development than this one, we know what we got on that side. The lift station is also a concern and this will impact the lift station on 114th Place. The lift station problems have not been completed and this would make the problems worse.

Commissioner Abshier stated he was in favor of the project as amended a) setting a cap and b) the entrance on Agnew Road. Commissioner Abshier stated there were too many conditions and would like a new Agreement before the Commission votes on it. Mayor Bairstow stated high to low density and R-3 to R-2 zoning and Commissioner Abshier stated that the entrance should be changed to Agnew Road. The Mayor stated that is part of the site plan. Commissioner Nadeau stated that the developer's agreement would address those things and then be approved by the Commission. Attorney Landt stated the proposed Florida Statute 163 Developer's Agreement should be in front of the Commission when you make the decision.

Attorney Gray stated that Chapter 163 Developer's Agreement anticipates this kind of question. His office does them in parallel with comprehensive plans and zoning. The 163 requires a public notice, one week notice, in advance of the first of the two public hearings. Not unusual to produce 163 Agreement and he would not have a problem producing one with access on 112th and the maximum number of lots or buildings. Attorney Landt stated that this would be the first that the COB has done a Chapter 163 Agreement, if the Commission agrees to it.

Mayor Bairstow stated that tonight we would table this issue and come back in the future after we have a Developer's Agreement that parallels with this. Attorney Landt stated that the City would have to readvertise and notice the public hearings that Attorney Gray mentioned on the 163 Developer's Agreement. Attorney Gray stated that there are a lot of big elements, but they are fairly simple: number of units, the entrance, and the sidewalks so this could be done in time for the next hearing. The City could continue this hearing until then and republish for the last one.

Commissioner Abshier stated for the City staff to help with the agreement and encouraged the site plan committee to call the MPO office to obtain the exact locations of the planned sidewalks.

Commissioner Abshier made a Motion to table the issue and Commissioner Nadeau seconded the Motion.

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

2. PUBLIC HEARING - RESOLUTION 04-13, FRDAP GRANT

Mayor Bairstow stated this is a Public Hearing and Kim Holder, PW Staff Assistant, came forward and discussed the grant process. Ms. Holder stated that the grant would be for \$125,000 and there will be a 25% match by the City, but it would totally renovate the restroom concession stand in the oldest part of the sports complex. The City will redo the restroom and make it handicapped accessible.

Commissioner Nadeau made a Motion to adopt Resolution 04-13 and Commissioner Abshier seconded the Motion.

Clerk McKamey read Resolution 04-13, Title Only, and the "Wherefore Clause" as requested by the Mayor.

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

The Motion passed with a 4-0 vote.

3. WEIGH STATION SIGN

Charlotte Herring and Linda Bowman, Belleview Beautiful Group, came forward and presented color copies of the sign to the Commission for review. Ms. Herring stated that they wanted the Commission to decide which design to use. The signs will be placed on US 301 South of City limits, in the City on US 441 and US 27 South over the bridge.

Commissioner Abshier and Mayor Bairstow stated they liked number one. Commissioner Chaffin stated she liked number two. Mayor Bairstow stated he also like number one.

Commissioner Anderson entered the meeting at 8:05 PM.

Commissioner Nadeau stated he liked one also, but not the font that was used in number one. The Commissioner liked the shape of #1 and the wording on #2.

Commissioner Chaffin made a Motion to approve the signs using the shape of number one and the wording of number two and Commissioner Nadeau seconded the Motion.

Commissioner Abshier asked when the Commission would decide what material the sign would be made of and Ms. Herring stated that the sign would be made of redwood and the post would be old pine.

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

The Motion passed with a 5-0 vote.

4. FOP CONTRACT

Commissioner Chaffin made a Motion to approve the FOP contract and Commissioner Nadeau seconded the Motion.

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

The Motion passed with a 5-0 vote.

5. GENERATOR PURCHASE

Kim Holder, PW Assistant, stated that this was on the agenda for the Commission to approve the purchase of generators from Florida Rural Water Association. The City is guaranteed one generator with the possibility that we might be able to purchase three so that is why we are asking for approval of all three.

Commissioner Chaffin made a Motion to Approve the purchase of \$16,500 from Water & Sewer Fund Balance and Commissioner Nadeau seconded the Motion.

Commissioner Anderson asked if FEMA would pay for the generators and Ms. Holder stated that these are not through FEMA. FEMA would start a program for grants in a few months and with

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that money the City could purchase additional generators. The Clerk stated the generators need to be purchased “at the time of need” or they are not reimbursable through FEMA.

Commissioner Anderson asked if the amps that would be put out were enough to run the items for the City and Ms. Holder stated that they would run City Hall, Police Department, traffic lights and lift station. Ms. Holder stated that on Pg. 56, it shows the cost of a new generator would be \$20,054.

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

6. DEPARTMENT HEAD COMMENTS

PWD MONROE: Nothing at this time.

CHIEF STRICKLAND: Nothing at this time.

IT COORDINATOR TOWNE: Nothing at this time.

CLERK/ADMINISTRATOR McKAMEY: Nothing at this time.

7. UNSCHEDULED AUDIENCE

N/A

8. COMMISSION COMMENTS

Commissioner Abshier – a) Discussed contacting Progress Energy and SECO for the lights that are burning in the middle of the day in the City; b) Discussed purchasing a wireless microphone for guests to use. c) The Commissioner also discussed that County Commissioner Townley reached an agreement on the new library property and it would be on the County’s Agenda for November 2, 2004 for approval.

Commissioner Chaffin – Nothing at this time.

Commissioner Nadeau - a) Discussed the P/T Recreation Coordinator job and stated that the position would be advertised this week-end starting Sunday; b) Discussed the appreciation barbecue that the County was holding Thursday night for all the hurricane responders.

Mayor Bairstow – Nothing at this time.

The meeting was adjourned at 8:18 P.M.

ATTEST:

Sandi McKamey, CMC, CPM
City Clerk/Administrator