

**CITY OF BELLEVIEW  
REGULAR COMMISSION MEETING  
MINUTES**

**BELLEVIEW CITY HALL  
COMMISSION CHAMBERS**

**February 15, 2005  
7:00 PM**

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

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

**1. APPROVAL OF MINUTES**

2/1/05 COMMISSION MEETING

**Commissioner Nadeau made a Motion to Approve the Minutes and Commissioner Chaffin seconded the Motion.**

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

**2. FINAL READING:**

a) ORDINANCE 2005-03, HARRELL LAND DEVELOPMENT LLC  
Mayor Bairstow stated that this was a Public Hearing and Deputy Clerk DeGennaro read Final Reading of Ordinance 2005-03, Title Only.

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

**Commissioner Chaffin made a Motion to Approve Final Reading of Ordinance 2005-03 and Commissioner Nadeau seconded the Motion.**

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

b) ORDINANCE 2005-04, PKD LAND DEVELOPMENT  
Mayor Bairstow stated that this was a Public Hearing and Deputy Clerk DeGennaro read Final Reading of Ordinance 2005-04, Title Only.

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

**Commissioner Chaffin made a Motion to Approve Final Reading of Ordinance 2005-04 and Commissioner Nadeau seconded the Motion.**

City of Belleview  
Regular Commission Meeting  
February 15, 2005

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

### **3. FIRST BAPTIST CHURCH OF BELLEVIEW**

Reverend Walker came forward and asked to use Lake Lillian for Easter Sunrise Services on March 27, 2005.

**Commissioner Nadeau made a Motion to Approve the request and Commissioner Chaffin seconded the Motion.**

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

### **4. BELLEVIEW SOUTH MARION CHAMBER OF COMMERCE**

Virginia Higginbotham came forward and asked to use the City's facilities during Chamber Week: City Hall Parking lot and stage on March 7, 2005 from 5:00 PM - 8:30 PM; Commission Room on March 20, 2005 from 5:00 PM - 6: 30 PM for Chamber Week.

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

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

### **5. TOMMY SKINNER**

Tommy Skinner came forward and asked to use the COB parking lot for the FAA Alumni Pileau fundraiser on March 19, 2005 from 7:00 AM - 5:00 PM.

**Commissioner Nadeau made a Motion to Approve the request and Commissioner Chaffin seconded the Motion.**

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

### **6. PENTECOSTAL CHURCH**

Susie Munford came forward and asked to use the City Hall Parking Lot for a yard sale fundraiser for the Youth Group of True Pentecostal Temple of God on April 2, 2005 from 8:00 AM - 5:00 PM.

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

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

## **7. VOLUNTEER HANDBOOK**

Clerk McKamey stated changes were made to the Handbook that were discussed at the last meeting and some additional changes were made that Attorney Landt suggested. All of the changes were in the Handbook for final approval.

Commissioner Anderson discussed the wording on Pg. 41 of the Agenda under Procedures/Requirements, #J, of the Handbook, which states “who work with children, the elderly and/or the disabled” must go through a background check. Attorney Landt stated to change it to “all volunteers” must go through a background check.

### **Commissioner Nadeau made a Motion to approve the Volunteer Handbook as amended and Commissioner Chaffin seconded the Motion.**

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

The Motion passed with a 5-0 vote.

## **8. COMMISSION ROOM USE**

Clerk McKamey stated that the use of the Commission Room by different organizations has increased to the point of being a problem for the City to schedule meetings when it needs to. The Clerk stated she went back after the last meeting and she was making a new recommendation changing the policy to allow the use of the Commission Room for special events, and one time use only, rather than regular use of the room.

### **Commissioner Chaffin made a Motion to Approve the changes and Commissioner Nadeau seconded the Motion.**

Commissioner Nadeau stated that he felt groups’ meeting in the room on regular bases was not appropriate, but that one time events and special events were appropriate. The Commissioner stated that the City has other places that groups could meet for regular meetings.

Commissioner Nadeau suggested deleting “one time use” but to keep for special events and Commissioner Abshier added to put in that the room was not for regular meetings.

Commissioner Abshier stated that we are still using the same chairs and carpet with no improvements in nine years and it seems silly to restrict the usage when we have not had any major problems. Clerk McKamey stated that there have been conflict problems.

Attorney Landt stated that there needs to be a notification that the room was for COB official meetings and it subject to cancellation without notice. The Clerk stated that is on the form that they sign when they use the room and the Attorney stated it should be incorporated in the policy as well.

### **Commissioner Chaffin made a Motion to Approve the changes as Friendly Amendments and Commissioner Nadeau accepted the Friendly Amendments.**

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

The Motion passed with a 5-0 vote.

#### **9. MITCHELL DENKER'S PROPERTY**

Clerk McKamey stated that Mr. Denker has approached her in regards to the City purchasing his property. Commissioner Anderson asked what the asking price was and the Clerk stated that an appraisal would have to be done first and then possible negotiations.

Mayor Bairstow stated that he would expect Mr. Denker to present to the Commission a proposal which included an appraisal that they could look at and discuss. Commissioner Abshier stated he would be interested in hearing from Mr. Denker and would consider ranking this parcel along with the other parcels for future use by the City. Commissioner Nadeau stated that the City could expand the park by purchasing this property.

Commissioners Chaffin and Anderson agreed they would want to review a proposal from Mr. Denker.

#### **10. TASK AUTHORIZATIONS/ABSHIER ENGINEERING INC.**

a) FDOT/COB 484 Sidewalk Project - PWD Monroe stated that this was the sidewalk project that was funded by DOT. The City is the planning agency and the plans for the construction survey are included in the price. The PWD stated that he recommends that the Commission approve this task authorization so this project could get started.

Commissioner Anderson asked if the sidewalks were 100% budgeted including permits by DOT and PWD stated it was and includes this engineer. The permits the City would have to apply for, but we don't expect any charges for the permits. The PWD stated that his understanding is that DOT is funding the whole project and the City would have only minor cost i.e. attorney time, staff time, copying cost, etc.

Commissioner Abshier stated from his understanding the Attorney and staff time and line locates would not be reimbursable, but he has been trying to get this done for 10 years and DOT has earmarked these monies for this project.

**Commissioner Nadeau made a Motion to Approve the Task Authorization for FDOT/COB 484 Sidewalk Project and Commissioner Chaffin seconded the Motion.**

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

Commissioner Abshier abstained from voting because of a conflict - the Engineer is a relative. The Motion passed with a 4-0 vote.

b) COB, Silver Springs Shores Water Main - PWD Monroe stated that the City will have a signed Developer's Agreement for this project.

Commissioner Anderson stated that the City should not approve the authorization until 1) the City has an agreement with the Developer stating he will hook up water when it comes to that

area. 2) Are there any other properties that the City can have the people hook up within this time frame. PWD Monroe stated no there was not. 3) If the City runs this line a mile and it cost over \$20,000 is there enough out there to pay for that expense over 5 years. PWD Monroe stated this was multifamily project and had been discussed with the Commission before and he was told to go ahead with this project. Commissioner Anderson stated he wanted the contract signed before he would spend the City's money.

Mayor Bairstow stated that he shares the concerns of Commissioner Anderson to the extent that the developer's agreement does not give us the assurance we want and what if the developer doesn't follow through on this project. Attorney Landt stated that there is language in the developer's agreement that covers that contingency and the City needs to recoup its money within a certain amount of time.

PWD Monroe stated that the developer was 1/3 developed now and the existing units would also hook up. Commissioner Nadeau asked if he is already developed why would he sign a developer's agreement. Attorney Landt clarified that the Developer's Agreement would cover properties that would be developed. This development is out in the county and he doesn't need a developer's agreement. PWD Monroe stated that the existing properties that it would cover have wells and they would stop and hook up to the City which was covered in this agreement.

Commissioner Nadeau stated that a portion of our cost will be covered over time and the PWD stated that the City would spend the water impact fees on this project. PWD Monroe stated he would bring this task authorization back before the Commission after the Agreement is completed.

#### **11. BIDS FOR ROOF/CITY HALL**

PWD Monroe stated that the City needs to replace the entire roof at City Hall and in order for the City to dispute the insurance company assessment; it would have to be put out to formal bid.

Commissioner Abshier asked how much damage the entire city sustained from the hurricanes and Clerk McKamey stated approximately \$70,000, with a \$20,000 deductible which was taken into account.

#### **Commissioner Abshier made a Motion to Approve formally bidding out the re-roofing of City Hall and Commissioner Nadeau seconded the Motion.**

Commissioner Anderson stated that he was told that the Friends of the Library was in need of a new roof and would like to have that bid out as well.

Commissioner Abshier left the room at this time.

Commissioner Chaffin was in agreement with Commissioner Anderson.

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

The Motion passed with a 4-0 vote.

**Commissioner Anderson made a Motion to put the Friends of the Library roof out to bid and Commissioner Nadeau seconded the Motion.**

Commissioner Chaffin stated to put City Hall and the Friends of the Library out as one bid.  
**On roll call vote, YES: Chaffin, Nadeau, Anderson, Bairstow**

The Motion passed with a 4-0 vote.

Commissioner Abshier re-entered the meeting at this time.

**12. LAND AND WATER CONSERVATION FUND PROGRAM**

Pulled from the Agenda.

**13. PUBLIC RECORDS REQUEST**

Commissioner Abshier stated that the City has had a request to release every utility customer's name, address, driver's license numbers and social security numbers. The Statute has penalties if the party misuses the information, however, I do not want anyone to have my information. The Statute also states that you must comply within a reasonable time. The Commissioner stated he wants to have a public hearing to explain why the City is doing this and that it is not the City's choice. The Commissioner stated in his business, you have to shred Social Security numbers.

Attorney Landt gave a brief review of the public records request that was made by Express Track Data LLC and stated that even though it is not what you want to hear but you cannot deny the request. Several of the neighboring governments have had similar request and both have come to the same conclusion that Attorney Landt came to and that was that the requester was in compliance with the Statutes and to release the records to him.

Mayor Bairstow asked what the company is going to use the records for and Attorney Landt stated Florida Statute 119.072(3) states what they can and cannot be used for.

Commissioner Chaffin stated she has a strong conviction and does not want anyone to have her Social Security number. The Commissioner stated when she called Sterns office they were appalled that this Statute existed and it is the State Legislature's fault for passing this law in October 2002.

Commissioner Nadeau asked why we collect individuals Social Security numbers and the Clerk stated for collection purposes. The collection agencies require the numbers or they cannot research individuals. Attorney Landt stated that you could stop collecting the numbers and have a larger deposit.

Commissioner Nadeau stated he feels the same way, but this law has been set up and we are going to have to comply at some point; nothing that we do can change that.

Commissioner Abshier stated that the School Board fought this same issue and they are now exempt and they cannot give out that information.

City of Belleview  
Regular Commission Meeting  
February 15, 2005

Commissioner Chaffin stated to delete all S.S. numbers if we are only collecting them for collections because we write off \$3,000-4,000 each year that are uncollectible.

Attorney Landt stated don't ignore the law, follow the law or wait for the legislature to change the law. The Clerk stated if we don't produce the information we have to recite why we are not.

The Clerk stated she has to submit an annual report to the State that list every company that has made a request and we send it to the Speaker of the House and Secretary of State.

Clerk McKamey asked Attorney Landt what was the definition of "reasonable time." Attorney Landt stated no exact definition but they would look at how your store information and what is required to retrieve it. The methodology to employ what would be considered reasonable time under the circumstances for that (request) to be accomplished.

Mayor Bairstow asked if the minutes from tonight's meeting would be considered and Attorney Landt stated definitely and with all that has been said tonight, a person with an open mind with no particular point to pursue, could not come to anything other than the conclusion that you are stalling from doing what the Statute tells you to do. Attorney Landt stated and that is why when Commissioner Anderson asked him a question, he did not want anyone to misunderstand what his advice to the Commission was.

Clerk McKamey stated that under the penalty section of the Statute for not disclosing Social Security numbers, which is a non-criminal infraction, there is a \$500 fine and under Section 119.102, failure to provide data could result in suspension, removal and impeachment, misdemeanor in the first degree which is punishable with a year in prison.

Commissioner Abshier stated he wanted to do additional research and he felt that two more weeks would not be considered unreasonable. He had some questions he wanted to ask Representative Baxley and he wanted to get more information on what the State Legislator is considering doing as per Commissioner Chaffin's discussion with Congressman Cliff Stern's office.

Mayor Bairstow stated the Clerk is looking either for a Motion to proceed with releasing the requested data or a motion not to comply with the request.

**Commissioner Abshier made a Motion not to comply with the request until after the first meeting in March to allow him time to do additional research.**

Mayor Bairstow stated then you might want to make a motion to table the item until a later date and Commissioner Abshier stated then for clarity he would and

**Commissioner Abshier made a Motion to table this item until a later date and Commissioner Anderson seconded the motion.**

Commissioner Nadeau stated he felt that the motion needed a specific later date because of the reasonable time issue. Attorney Landt stated that IT Towne would need to do certain things in order to provide the information and that would take him some time as he stated in the staff meeting. IT Towne needs to begin doing that while Commissioner Abshier is seeking his answers and that would not extend this, and that would be considered reasonable.

**Vote YES: Abshier, Chaffin Anderson**

**NO: Nadeau, Mayor Bairstow**

Motion to table passes 3-2

Commissioner Chaffin questioned the other motion and Mayor Bairstow stated it is tabled indefinitely.

#### **14. DEPARTMENT HEAD COMMENTS**

PWD MONROE: Nothing at this time.

CHIEF STRICKLAND: Nothing at this time.

IT COORDINATOR TOWNE: Nothing at this time.

CITY CLERK McKamey: Discussed that the American Red Cross was looking for long term recovery cases of those affected by the hurricanes and if anyone knew of a person who was in need to contact the Red Cross.

#### **15 UNSCHEDULED AUDIENCE**

N/A

#### **16 COMMISSION COMMENTS**

Commissioner Abshier – discussed a) the article in the Star Banner on the Library sites. The Commissioner stated that the County ranked the top three properties out of the top eight. The Amdor property ranked first. Commissioner Nadeau sent a letter to the Amdors and stated that the City would buy the property, but the owner wants to sell all of the property or nothing. Would the City purchase the whole 27 acres, and if so, would it sell 5 acres to the County. Commissioner Abshier stated he needed some direction from the Commission.

Commissioner Nadeau stated that there has been no price mentioned at this point, but they have turned down offers from developers.

Commissioner Abshier stated that at the County Commission Meeting they were interested in finding an ideal place to relocate the Tax Collector's office and the Superintendent of Elections Office. The Commissioner stated he did not know how to proceed because if the City doesn't buy the property then the County could buy it.

City of Belleview  
Regular Commission Meeting  
February 15, 2005

**Commissioner Nadeau made a Motion for the COB to proceed with the acquisition of the 27 acres and Commissioner Abshier seconded the Motion.**

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

The Motion failed with a 2-3 vote.

**Commissioner Nadeau made a Motion to proceed with the purchase of the 27 acres in a joint venture with the County and Commissioner Abshier seconded the Motion.**

Commissioner Nadeau stated he would rather the City bought the property than have the County tell us what to do with the property; he was sure the City could find use for the property over time.

Commissioner Abshier stated he would rather have the County purchase the property as a joint purchase with COB. The City could identify the acres that we need and the County could hold onto the rest. The County has appointed a negotiation team and County Commissioner Stan McClain is going to facilitate the process. Commissioner Abshier asked Commissioner Nadeau if he would agree to serve on this team and Commission Nadeau stated he would.

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

The Motion passed with a 3-2 vote.

b) Commissioner Abshier stated that he had the opportunity to go down to the ballpark and people are doing so much work down there. The new Parks Director has done an excellent job and the concession stands have new drywall and are being painted. It is now a first class operation and most of the materials have been donated.

Commissioner Chaffin - Nothing at this time.

Commissioner Nadeau - stated that March 5 would be opening day for the leagues and the Commission was invited to attend. The Commissioner discussed the accomplishments of the Code Enforcement Board and the fact that they are going out and finding things in the community. One case a neighbor had placed a sign pointing out the junk that was in their neighbor's yard and this case is back in the process. Commissioner Abshier stated that he felt we need a workshop on this problem to make sure the City's Ordinance gives the City the power to do something about a problem such as this.

Mayor Bairstow stated if an Ordinance cannot be enforced he wants it on the next Agenda for review. Clerk McKamey stated that the City does not actively pursue Code Enforcement violations. The City enforces violations by complaint only; however, if the Code Enforcement Officer sees something while out, it is acted upon. Commissioner Nadeau stated that the Code Enforcement Board is together and moving forward.

City of Belleview  
Regular Commission Meeting  
February 15, 2005

Commissioner Anderson stated that he wanted all Code Violations routed to him so he would be aware of what was going on in the City and Commissioner Abshier agreed with Commissioner Anderson. The Clerk stated to Commissioner Anderson to come to her office so he can decide what he wanted to be distributed to him.

Commissioner Anderson - discussed the status of the beautification of 441 and the PWD stated that he was trying to get permitted through DOT. The PWD stated he has to get a waiver from the billboard people or redesign the project; one of the companies has given a waiver, but he was waiting for another one. The PWD stated that there are not supposed to be any trees by turning lanes and he has applied for a waiver from DOT on that issue.

Commissioner Anderson asked about the sidewalks on 441 and PWD Monroe stated he received the final plans for that project and waiting for a representative to contact PWD. DOT provides the plans and the City is doing the bidding and is in charge of the work.

Commissioner Anderson asked about the 484 sidewalks and the PWD stated that will be completed in July.

Mayor Bairstow – Nothing at this time.

The meeting was adjourned at 9:20 P.M.

ATTEST:

---

Sandi McKamey, CMC, CPM  
City Clerk/Administrator