

**CITY OF BELLEVUE
REGULAR COMMISSION MEETING
MINUTES**

**BELLEVUE CITY HALL
COMMISSION CHAMBERS**

**June 21, 2005
6:00 PM**

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

PRESENT: MAYOR BAIRSTOW; COMMISSIONERS: ABSHIER; CHAFFIN; NADEAU;
ATTORNEY LANDT; PUBLIC WORKS DIRECTOR MONROE;
INFORMATION TECH TOWNE; CHIEF STRICKLAND; PENNY BYRD,
PAYROLL/BENEFITS COORDINATOR

ABSENT: COMMISSIONER ANDERSON; CITY CLERK/ADMINISTRATOR
McKAMEY, DEPUTY CITY CLERK DeGENNARO

1. APPROVAL OF MINUTES

5/25/05 Workshop Meeting

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

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

The Motion passed with a 4-0 vote.

2. FIRST READING - ORDINANCE 2005-08, ALCOHOLIC BEVERAGES

Mayor Bairstow stated that this is a Public Hearing and Penny Byrd, Payroll/Benefits Coordinator read Ordinance 2005-08, Title Only. Mayor Bairstow gave a brief description of the current Ordinance and the changes to the Ordinance.

Mayor Bairstow asked if anyone in the audience who was in favor or opposed to the proposed Ordinance wanted to come forward.

The following individuals were opposed to the Ordinance:

1. Nancy Pancho was opposed to drinking seven days a week because she had seen the damage it can do. She picks up bottles and garbage on her lots and she has seen DUI accidents. She is a mentor at the woman's prison in Marion County and the prisons are over-crowded. More women are imprisoned in Marion County than any where else in the United States and it costs \$65/day to house one incarcerated prisoner. Ms. Pancho was opposed to the seven days a week drinking because it leads to other things that would not help this community

2. Ken Smith stated he felt it was not necessary to extend the hours. Mr. Smith had a son 19 years of age who went to a pizza parlor and had dinner and some drinks. When he left the pizza parlor, he was in a wreck and was thrown out of the car and killed. Mr. Smith stated that he does

not believe in unbridled growth because we don't need to be bigger, larger, and faster. Mr. Smith stated that he belongs to American Legion Post #284 which is non-alcoholic and one of the most successful posts; it has 675 members. Some people do steer away from that post because there is no alcohol, but it is not always necessary. His daughter, whose twin brother, was the son who was killed, invested in a home here and plans to move here when she retires. Mr. Smith hopes that Belleview would not turn out like Miami which serves alcohol 24 hours a day; he urged the Commission not to pass the Ordinance.

3. Victoria Woodard lives in Summerfield was opposed, because she would hate to see the morality of the town change as a result of the Ordinance. Her mother died from a drunk driver and she objects to the Ordinance.

4. Chuck Coddle opposed the Ordinance because it does cause problems and it would be a waste to pass this Ordinance. We are not like Daytona or Ocala and if someone wants a drink let them go somewhere else; we don't need it here.

5. Profulla Singh stated that the Commission was here to listen to the residents input, but the Commission can make errors. Mr. Singh hopes that the Commission would see that this Ordinance does not pass. Belleview is "The City with the Small Town Charm" keep it that way and don't pass the Ordinance. It would change Belleview from "The City with the Small Town Charm" to a little city with big city problems; just say no to alcohol. Mr. Singh stated Belleview would fall with the passing of the Ordinance and he would rather see Belleview safe without the Ordinance.

Ocala with its Red Lobster Restaurants have alcohol and those who are in favor of this Ordinance say they were losing money. They have not had sales on Sunday; they were only greedy.

6. Pastor Mike Slattery came forward and read the petition and the names of the 200 signatures that he put together. Belleview does not need to encourage this Ordinance and have more bars. He did an inquiry of drunk drivers in Belleview and there were none on Sunday or Monday; there were some on Tuesday, Thursday, Friday, and Saturday. Don't pass this Ordinance; protect Belleview and say no. If you pass this Ordinance, Belleview would turn into the Villages. Would the person who sells the alcohol sign a statement that they would be responsible for the people they are serving.

7. Paul Lane, Pastor of the Church by the Recreation Complex stated he sees what alcohol can do to families. He was a previous addict and he sees in his church how it causes problems. Pastor Lane stated he would plead with the Commission not to pass this Ordinance because it can bring nothing good to the City.

8. Danny McClough was concerned with the children and stated that his children have not been exposed to this, because he has chosen not to expose them. We patronage these establishments, but he does not see that it would be beneficial for the city.

9. Michael Sitangelo was against the selling of alcohol as it stands right now. He feels that the City does not need one more day of drunks getting in their cars and killing men, women and children. We don't need drunks coming home and beating their wives. The people that are for this Ordinance do not have Belleview's best interest at heart.

10. Larry Brentsfield, Pastor of the Church of the Nazarene, asked the Commission to consider the morality and results this would cause to families. He has seen the damage it can do and would like the Commission to please consider all the other problems as well.

11. Donald Corbett, Pastor of Belleview United Methodist Church, stated he has for some time been against the use of alcohol. The Pastor asked if this was about increased revenue or about our families. Are we going to support a few businesses that do not live in the City, or stand and encourage not to sell alcohol on Sunday.

12. Mr. Shivon stated that he was here as a young person and wanted to encourage young people not to let alcohol be a part of their lives. A lot of people have talked about God and he agreed with that, but felt that this was not good. He had been in the military and has seen people that could not hold their liquor; he had friends die from drunk drivers. He works in the hospital at the Villages and sees the effects of alcohol everyday. People drive drunk because they do not feel intoxicated. There are other avenues to go to get increased revenue. As a young person, he felt that he had to state his point because he had friends who have died and their families go on and mourn. If you do not let this Ordinance pass, it would be a blessing.

13. Ron Evans, Pastor of the Covenant Church in Belleview, as a new comer to Belleview he wanted to voice his opposition. He stated that if this Ordinance needs to be changed, then fix it. Was this Ordinance in place because you are anti-business, he did not think so. When Publix was run by Mr. Jenkins, he stated that they were closed on Sunday because they were family oriented. After Mr. Jenkins passed away, his children quickly opened the stores on Sunday. Pastor Evans stated that he hoped that the City was not that way and he was concerned that Belleview would not become a Pottersville.

14. Sam Riggs, Pastor in Summerfield, stated that the Commissioners whether they were in favor of this Ordinance or not, would have to make a decision. First you will have to answer to God; I hope that when you lay your head on your pillow you will be fine. Don't make a decision because of money. Pastor Riggs stated that he works for the Sheriff's office and has seen wives heads bashed in because husband came home drunk. Sunday should be a family day, whether you worship or not.

15. David Wallaby, a businessman in Ocala has dealt with drunken people and does not want that in Belleview. The communities do not provide the services to help people affected by alcohol. We do not need alcohol on Sunday in Belleview.

The following were in favor of the Ordinance:

a) Geoff Hames a Belleview citizen for 25 years stated that it pleased him to hear how much every one loves Belleview. He came here originally as a business person and after hearing the speakers before him, he comes here as a business person of Pasta Faire. A lot of the people here come to his business. He felt that the problem was with the law and it needs to be removed. Mr. Hames asked if the Commission would rather the City stay in the dark and the patrons go to the north and south to buy. It is not about money it is about the law. We have the right to do what we want; so why not be allowed to drink on Sunday. As a business person, he would like to get over the old world problems.

b) Anne Raduns, Attorney, moved to Belleview 2 yrs ago and went to Publix. She stated she had a cart full of groceries and the clerk told her she could not buy the wine. She stated she would have put all the groceries back but, when she talked to the Manager, she was told that they put back a cart of wine every Sunday. You can buy beer and wine coolers on Sunday, but not a bottle of wine to make a meal. She sees a lot of domestic violence and alcohol was not one of the components. You are talking about an additional day and she does not understand why you cannot buy a bottle of wine. The youth need to know the reasons why not to drink and drive and that should be up to the parents to teach their children. How many people smoke, how many don't wear seats belts. The people who have drinking problems have dependency problems. She feels that she doesn't need a pastor to protect her, she can protect herself. You are talking about drunk driving and domestic violence. She feels that she should be able to buy a bottle of wine.

c) Charlotte Marion who does not drink felt that if she wanted a bottle of wine with her dinner that was her right. She stated that most of the people in jail have drug related problems. You can't judge everybody, and feels that business owners are responsible people and would stop people from drinking. She stated that she knows people who have died from alcohol, but she knows a lot more that have died from drugs.

d) Francine Hickson, a Catholic stated her church drinks wine on Sunday. She doesn't do it nor does she let her children do it, but we do not look down on people who do. I do not look at other churches as bad, but you look at our church as being wrong.

e) Tony Manserra, owner of Belleview Pizza, was there to discuss fairness and to support long time customers. Customers don't come in on Sunday because they enjoy their beer on Sunday. We do not serve people that are drunk or who just want to drink. When we hear that they just want to drink, we tell them to go somewhere else, but then we are asking them to drive that much further drunk. He stated he knows the Commissioners and they are Christians and he felt that they would be fair. He was not there to make money from alcohol; it was about being fair.

f) Burt Ritter was pleased to see that the City had taken on the task of changing the Ordinance. He felt this was a choice issue and he should have the right to make a choice if he wants a drink with dinner. If you can go buy beer and drink it, then why not be able to have a drink with dinner.

g) Ilene Ritter has had to go to other places to have a drink with her dinner. She went to Belleview years ago and wanted a drink and they had to send someone around the corner to the store to get some. She felt that citizens have a false sense because they do not allow alcohol on Sunday.

She doesn't drink because she doesn't like it and had no intention of speaking tonight. However, she was tired of having moral issues shoved down her throat and felt it was her right to be able to have that right. This town has grown and she does not see a problem with a person who can control alcohol. She deals with domestic violence and that does not deal with alcohol. It was her right to drink and she wants that right.

h) Azaad Husein, owner of A-1 Beverage Store, had a problem and felt that alcohol should not be banned; no one puts it in your mouth. Everyone keeps blaming Belleview; it is not Belleview. Belleview is a little town - it is the people. If someone wants to drink they will drink. The older individuals go and buy for the youngsters. The City of Belleview had nothing to do with it. Belleview is a nice town. He moved here from New York and everyone was blaming this little town, but they should blame themselves. He had men come in to his store very high and he stops selling to them, and then they start screaming and we have to call the police. They want it and they scream, they have even put a gun in his face. He has seen the use of drugs and has told the Belleview police, but we have to make money to pay the rent.

i) Bob Dobkowski was offended that as a business owner he did not get a letter from the City. He stated that the Catholic Church does not serve wine on Sunday. 114 hours was how long you can sell alcohol. Everyone has the right to drink alcohol. He stated that the Mayor made comments to work together as a community; we bought homes here in Belleview because we like Belleview.

j) Carl Thompson he would like to help everyone understand that the government gave us our rights here in Belleview. Everyone has rights, but they are in the framework; you determine the guidelines and you have that responsibility. Rights and laws were granted to us by the laws of this country. If you go outside of those rights, you have a problem. Our Founding Fathers did not want alcohol sold on Sunday and if you change that law then that changes our rights. You make the laws for us; whatever you decide, we will abide by that decision.

Mayor Bairstow stated that it appears to be a very emotional issue because lots of people spoke and had good issues for one side or the other. The Mayor stated that he doesn't know if it would be more difficult to stop the sale of alcohol. The issue was whether or not we should lift the restriction on alcohol. The issue tonight was more of a rights issue. He believes that the legislative members pass laws to regulate as to what you do and they should be the least restrictive and not the most restrictive. Mayor Bairstow stated that he believes the City should change the Ordinance tonight.

Commissioner Abshier stated that a lot of the issues that he was going to bring up have already been discussed and this Ordinance has been on the books since the 50's. Most of the residents

have moved here knowing that the Ordinance was on the books. This issue came up several years ago and someone stated the Ordinance was bizarre, but after researching, a lot of people don't want to be in a restaurant where other people were drinking. Six days a week they are receptive to this.

The Commissioner stated that his ancestors had been on City Boards for years and he knows why they put this Ordinance on the books. It was put there to allow those people, one day out of the week, not to have to deal with it. That was why it was that way. Someone said people in Ocala allow alcohol, are they heathens. If we pass this, we would be the most liberal and would that make us the heathens. The Commissioner stated that he has had no one come to him and say they were in favor of this Ordinance and he was somewhat involved in the community.

The Commissioner stated his dad was Mayor and stated when it came up the vote was 3-1. This was about morality and if we are going to represent the public, then we should have sent letters to the voters that we answer to. We are talking about changing an Ordinance because of three businesses. If I have to side with one side then he would go with the 47 business that did not ask to change it. Since Mayor Bairstow had been in office, he had stated that we are the "The City with Small Town Charm"; the Commissioner stated he would like to put a wall around the City and not change it. He urged the Commission on the input that they heard tonight, to vote no for the Ordinance and not to change it to comply with Ocala. If you put it on the ballot, it would be the will of the people; no one would question it then.

Commissioner Chaffin stated that she would like to thank everyone for coming tonight. She has had people come up to her and they had requested changing the Ordinance. She raised her children here and her grandchildren here. She cannot control what others do and someone can go to the store and buy alcohol and go home and drink. She stated that Commissioner Abshier felt that it was a 3-1 vote, but she doesn't believe that it was, because she thinks about the decisions she makes.

Commissioner Nadeau stated that the reason he brought this issue to the table was consistency. There was a line drawn out there and on one side you could buy alcohol and on the other you could not. He doesn't want businesses locating outside of the City so that they can sell alcohol

Commissioner Chaffin made a Motion to Approve First Reading of Ordinance 2005-08 and Commissioner Nadeau seconded the Motion.

Commissioner Abshier stated that this would make us more liberal than the County; Commissioner Nadeau agreed with Commissioner Abshier.

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

The Motion passed with a 3-1 vote.

Commissioner Chaffin left the meeting at this time.

3. 2004-05 RENEWAL OF THE ANNUAL FEDERAL ANTI-DRUG ABUSE GRANT

Matt Matthews came forward and asked that the Commission endorse the Federal Anti-Drug Abuse Grant for 2004-05. Mr. Matthews stated that they needed 51% of the County municipalities to endorse the grant because that represents 51% of the population.

Commissioner Abshier made a Motion to Endorse the Anti-Drug Abuse Grant and Commissioner Nadeau seconded the Motion.

Commissioner Nadeau asked what programs would affect the Belleview Area and Mr. Matthews stated the Boys and Girls Club, TEAM Program, DARE Program and even the Howard Middle School because it was a magnet school.

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

The Motion passed with a 3-0 vote.

4. PURVIS GRAY ENGAGEMENT LETTER

Jessica Schimborski, Purvis Gray, came forward and stated that she was there to field any questions regarding the Engagement Letter.

Mayor Bairstow stated that he had talked to the City Clerk before she left for her conference and the Clerk recommended that the Commission approve the Engagement Letter.

Commissioner Abshier made a Motion to Approve the Engagement Letter and Commissioner Nadeau seconded the Motion.

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

The Motion passed with a 3-0 vote.

5. POLICE DEPARTMENT: PACA BODY ARMOR PRICE QUOTE

Police Chief Lee Strickland stated he was asking the Commission to approve buying 13 Level 3A bulletproof vests for the Police Officers in the amount of \$6,513.00 from General Fund Fund Balance.

Officer Butcher was given one of these Level 3A vests by the company when he was shot recently. The Chief stated he saw this vest get shot 51 times and no projectiles went through it. It is also very lightweight, but stops more projectiles than the one the officers are currently wearing; the life cycles for vest is 5 years. Commissioner Nadeau asked what happens to the current vests when they are replaced and the Chief stated they would be recycled or donated.

Commissioner Abshier asked if they could be purchased out of the restricted funds and the Chief stated they could not. Commissioner Nadeau asked if grants could be obtained to purchase the vests and the Chief stated no and the City at one time had a vest program, but not any longer.

Commissioner Abshier made a Motion to grant the request for the level 3A bulletproof vests from the General Fund Fund Balance and Commissioner Nadeau seconded the Motion.

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

The Motion passed with a 3-0 vote.

6. SECURITY/ID BADGE SYSTEM

Kevin Towne, IT Coordinator, stated that he wanted to automate both City Hall and Police Department security systems.

PD recently had a door security failure that was not repairable so he asked them to wait until the security system could be approved. What would happen was that each access door would have a card and a pin that would open the doors. This system would go along with the payroll process system that was in next year's budget. It would include two video cameras in the lobby at City Hall and one at the Emergency Phone at PD which was in place, but not operational.

Mayor Bairstow stated this appears to be funding for PD's portion, so we assume you have the funding for City Hall's portion. Mr. Towne stated that was correct. The Mayor asked if the employee badges would be coming next and Mr. Towne stated that the same system would provide the badges; it was an integrated system.

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

Commissioner Abshier asked if this system included security cameras because he suggested at a Safety Meeting that cameras be put out in the lobby. The City Clerk, Commissioner Anderson and the Deputy Clerk were at that meeting and no one knew that was in the budget and they thought it was a wonderful idea.

Barbie Clendening stated that \$7,500 had been allocated for a security system to be implemented. Commissioner Abshier stated he would like some input on where the cameras would be placed. Mr. Towne stated that originally one camera was going to be used for the lobby, but the way the room was laid out, he was told by the agency giving the quote stated we would need to place two cameras out there. Commissioner Abshier stated the cameras would be helpful for when citizens say they have been treated unfairly as well as for safety reasons and asked if there would also be audio available and Mr. Towne stated there would.

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

The Motion passed with a 3-0 vote.

7. SUMMERCREST DEVELOPER'S AGREEMENT

PWD Monroe stated that this agreement was for a development on 441 and Baseline Road and consists of 700 homes; it is in the county, but they would be using COB water and sewer. The

agreement had been sent to the Developer and was on the Agenda for the Commission to approve.

Commissioner Abshier asked if part of the Developer's Agreement had a covenant to annex the entire subdivision and PWD stated that was in there. The Commissioner asked why on Pg. 10 under Section C, was #2 deleted. Attorney Landt stated that was language in a previous covenant for people who wanted to be treated as outside the City after being annexed into the City. The System Development charges would be outside, if they stay outside. We needed a covenant that ran with the land so that they could be treated outside once they came inside.

Mayor Bairstow asked if there was a section that states that if the developer does not start construction in a certain time it would be null and void and the PWD stated that was in there on Pg. 12, #9. Mayor Bairstow asked if on Pg. 14, #4, would it help to change the wording in the covenant from "may" to "shall." Attorney Landt stated the developer would rather put it in the plat and the Mayor stated maybe it would help to put it in the covenant. The Attorney stated he would change that wording to "shall."

Attorney Landt stated on throughout the agreement it should say Summercrest rather than property.

The PWD stated on Pg. 5, #8 even though it was being built in the county, we eventually would annex it in and it should say it would be built to COB standards. Attorney Landt stated he would have to look at that and it should be built to City standards. If the City standards are more restricted, they should comply with our standards so we can annex them in.

Commissioner Nadeau stated knowing the problems the City had with Golf Park I Annexation, on Pg 37, #15 should we change this and do we need to tell purchasers that sometime in the future the City may annex their property. The Attorney stated that he would add to this section that the City would require that the Developer tell the buyers. The Attorney stated he would combine both suggestions from the Mayor and Commissioner Nadeau and come up with a suitable paragraph.

Commissioner Abshier stated he wants to make certain that the City gets the covenant. The Attorney stated it would be better if when we refer to the annexation petition, a copy would be attached to the Agreement. The Commissioner stated in his opinion if they fail to execute the Covenant, the Developer's Agreement would be void because if they want the City's utilities, than he wants the covenant.

Commissioner Abshier made a Motion to approve the Developer's Agreement as amended and Commissioner Nadeau seconded the Motion.

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

The Motion passed with a 3-0 vote.

8. DENSAN DEVELOPER'S AGREEMENT

PWD Monroe stated this project would be a gated apartment complex on 102nd Place. The Developer, on Pg. 7, Paragraph 3, made a change that the City was not comfortable making and we left it the way it was.

Attorney Landt stated a continuing default wanted it to state that the developer had 30 days to make a claim. If we do it the way the developer wants, it will give him a longer time to complain. Leaving it the way it was now, could also be a problem because if he doesn't complain and then later on if he has another complaint and could bring this one up at that point.

Mayor Bairstow stated he does not like "should have known" of said default, but would like to leave it the way it was written. All the Commissioners agreed with the Mayor.

Commissioner Abshier asked if the sidewalks should be in the Developer's Agreement. The PWD stated sidewalks are in the site plan, but they are also in this agreement on Pg. 5, #17. Commissioner Abshier stated that municipalities in Marion County made developers put in that infrastructure to the nearest adjacent pedestrian mode of transportation on those that are going to have significant impact; 170 families times 2 or 3 people per family was a significant size.

Mayor Bairstow stated should we take no action until we have more information about the sidewalks and Attorney Landt stated that you could amend to add the sidewalks.

Commissioner Nadeau made a Motion to approve the Agreement as amended to add sidewalks to connect with existing sidewalks on Highway 441 and Commissioner Abshier seconded the Motion.

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

The Motion passed with a 3-0 vote.

9. 441 MEDIAN LANDSCAPING PROJECT

PWD Monroe stated that this was the same project that was presented before, but now it had gone through all the other approvals. There were changes made to the species of trees due to the height requirements. The PWD explained the plans and listed the plants that would be put in place and asked for permission to put the project out to bid; the project was funded by a grant.

Commissioner Abshier asked where the irrigation would come from and the PWD stated it would run under 441 and that was included. The Commissioner asked why were there changes and the PWD stated because some of the billboards in that area were guaranteed clearance.

Commissioner Abshier made a Motion to approve the concept and Commissioner Abshier seconded the Motion.

On roll call vote, YES: Nadeau, Abshier, Bairstow
The Motion passed with a 3-0 vote.

10. DEPARTMENT HEAD COMMENTS

PWD MONROE: Nothing at this time.

CHIEF STRICKLAND: Stated that Denise Meredith, PW Customer Service, has just graduated from the Criminal Justice Institute, Law Enforcement Academy, and would be working with the COB Police Department as a Reserve Officer as soon as she passed the FDLE State Certification Exam.

IT COORDINATOR TOWNE: Nothing at this time.

PENNY BYRD: Nothing at this time.

11. UNSCHEDULED AUDIENCE

a) Belleview Beautification Committee presented to the City the "Welcome to Belleview" sign that cost \$2,638.00. The Committee donated the balance of the money, \$400.00, to the City and thanked everyone who was on the committee and who helped with the project.

Mayor Bairstow stated the City needs to say thank you to all of the Committee members.

b) Penny Byrd stated she was speaking as a City employee and wanted to thank the Rotary Club for giving the City Employees the Quarterly Luncheon.

12. COMMISSION COMMENTS

Commissioner Abshier - Nothing at this time.

Commissioner Chaffin - Absent

Commissioner Nadeau - Asked for Copies of the City of Oviedo Ordinance on regulating sex offenders and the County's Ordinance on sign restrictions.

Commissioner Anderson - Absent

Mayor Bairstow - Nothing at this time.

The meeting was adjourned at 9:30 P.M.

ATTEST:

Penny Byrd
Payroll/Benefits Coordinator