

**CITY OF BELLEVIEW
WORKSHOP MEETING
MINUTES**

**BELLEVIEW CITY HALL
COMMISSION CHAMBERS**

August 24, 2005

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, ANDERSON, NADEAU; INFORMATION TECH. TOWNE; PW DIRECTOR MONROE; CHIEF STRICKLAND; RAY DWYER; CITY CLERK/ADMINISTRATOR McKAMEY; DEPUTY CLERK DeGENNARO

ABSENT: COMMISSIONER CHAFFIN

CITY OF OVIEDO SEXUAL OFFENDERS ORDINANCE
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Mayor Bairstow opened the workshop and turned the meeting over to Commissioner Nadeau.

Commissioner Nadeau stated that the City of Oviedo drafted an ordinance for zones on where sexual offenders who had prior offenses could and could not live in the City. The Commissioner stated that the FDLE website showed that one offender had moved near Belleview Elementary School. The Commissioner stated that the City of Belleview should take a look at establishing something similar in Belleview.

Commissioner Nadeau asked if the Commission was interested in the concept of placing restricted areas in the City. Commissioners Abshier, Anderson, and Mayor Bairstow stated they were.

Commissioner Nadeau stated if they were living in the City limits now, they would not be affected by this Ordinance and would be grandfathered in. This would only restrict those who want to move to the City in the future. Commissioner Abshier asked if they were treating offenders and predators the same and Commissioner Nadeau stated this ordinance would affect both.

Commissioner Nadeau stated we can not completely zone out the City so this ordinance would be similar to the Adult Entertainment Ordinance where they could open their establishments in the restricted areas if they met all the requirements.

Commissioner Nadeau stated that the City lacks any laws preventing sexual predators from moving into the City at the present time and he chose three sections for discussion:

- 1- What type of offender should be restricted
- 2- What facilities should be considered
- 3- What distance should be set

1. What type of offender should be restricted: Detective Ray Dwyer came forward and gave the following statistics: Currently there are 6 registered sexual offenders in the City. Only one

was classified as a predator and lives in an adult mobile home park which would not come under any of the guidelines we have here: of the five: two live in Lake View Apartments which was less than 1000' from the park so they would be affected by the Ordinance.

Detective Dwyer stated that the difference between Offenders and Predators can vary. A predator most of the time was involved with children under the age of 12, but the newest person to be added to our list was 18 at the time of the offense and had sex with a 14 year old girl, soon to be 15. That was serious, but alerts get set off when you have a 30+ year old male with a 14 year old girl, so you must look at each individual case.

The City has information on all the offenders in the City minus one or two because some offenses were so old that copies of the records were no longer available. Most of the cities that have these ordinances had criteria that must be met. They monitor each case limiting the age of the victim so a 15 year old or under would meet the criteria whereas a 20 year old involved with a 16 or older person would not meet the criteria. Those ordinances focused on the victim's age, but you could put the focus on the victim's age or the ages of both the victim and the offender.

Commissioner Abshier stated they were both serious offenses, but the less serious offense would be the 16 year old involved with an 18 year old versus the 30 year old with a 14 year old. Detective Dwyer stated that the State Attorney classifies the offenses if an 18 to 23 year old was involved with a 16 year old or older the 16 could consent with a 23 year old.

Dennis Woroszylo stated that the Public Defender's office makes a deal with the State Attorney's office for the offender to do 5 year's probation and they use intimidation to force the individual to take probation and then they are labeled as such. When a landlord consents to rent to sex offenders, Marion County makes the landlord aware of who would be living there. If you look in the public record, you see mistakes were made in the system and that system does not get corrected, so the reputation of the individuals continues to be smeared and that stigma would always be there. The problem was not with the people who were registered, but with the unregistered.

Detective Dwyer stated that the Police were not in a position to make any one's life harder. What they try to do was have a record in case of a tragedy or if a child was missing. We can at that point find out from our record who was in that area and who had moved recently. Judges ask each person, do you understand what you were pleading, to make sure that they were properly represented. The effort was for safety and not to ridicule anyone.

Mr. Woroszylo stated a murderer can live any where they want when they get out of jail; the sex offender has a difficult time living within the system. They cannot go to the Salvation Army or to any Half-Way House in Marion County; they are told to go to Arcadia where all the sex offenders live.

Commissioner Nadeau asked if the concept of limiting the age of a victim with a sexual predator fall under this ordinance and Detective Dwyer stated for a predator there would be no question of age because a predator involves children under the age of 12.

Commissioner Abshier asked what constitutes a predator and Detective Dwyer stated an adult person with someone under the age of 12. An offender can be a 14-15 year old with an 18 year old or older person. When the police out in the neighborhood, they try to explain the situation to the neighbors to the best of their knowledge. Recently a 26 year old who at the time he was 18 was labeled an offender because he was 18 and the girl 14 about ready to turn 15. He now has 2 children by that girl. The police tell the neighbors that they could go and look at the police files, but most of them have already spoken to the offenders before the police get to them and they know the situation.

Commissioner Abshier asked Chief Strickland what was his opinion if the age of the victims should be included in the ordinance and the Chief stated the age of the victim, but he would not restrict the age lower than 15-16. Commissioner Abshier stated that he agreed with that.

Commissioner Nadeau stated that Groveland and Mascotte Ordinances have both listed violations as per the FL Statute; Groveland used less than 18 years of age for the victim; Oviedo used 16 years or less for the victim. Commissioner Nadeau stated he was inclined to go with the victim's age being 16 or less.

Mayor Bairstow stated that you are saying then that all predators would be subject to the proposed ordinance; and offenders with victims who are younger than 16 years of age. Commissioners Anderson, Abshier, Nadeau, and Mayor Bairstow were in agreement.

2. What facilities should be considered:

Commissioner Nadeau stated that there were 6 schools close to the City limits

Belleview Elementary
Belleview Middle
Belleview High School
Belleview Santos Elementary
Little Friends
Souls Harbor

Daycare centers:

Creative Kids (behind City Hall)
Jeannes (Blackman's)
Play Land (Hwy 25)

The Clerk stated looking at these other ordinances they established the criteria 2500' and then listed the types of establishment, without using specific names.

Commissioner Nadeau stated there are 4 parks:

Cherokee
Lake Lillian
Sports Complex
Cobblestone

Commissioner Anderson asked about the Dansan Park walking trail and PWD Monroe stated that was a passive recreation area. The Clerk stated that the ordinances include mini parks and recreation open spaces so the park in Cobblestone would be included.

Commissioner Anderson asked if the predator/offenders can go to church. Detective Dwyer stated that some predators can't have contact with kids, so those individuals could not go to church. The Clerk stated that once the guidelines were established the Police Department would have to determine that the individuals who register meet the criteria of the ordinance.

Commissioner Abshier asked what the procedure was for offenders. Chief Strickland stated they report to the Sheriff who relays all the information they have on the offender to COB. Detective Dwyer stated that they were pre-approved before they could move here and they would know the areas that they would not be allowed in.

Commissioner Nadeau asked if the schools in the County would apply to this ordinance and the Clerk stated they would, but it needs to be stated in the ordinance by specifying incorporated and corporate areas.

Commissioner Nadeau stated the ordinances list schools, parks, daycare centers, some have churches, and bus stops. Mayor Bairstow stated list the library. The Chief stated some areas have moved their bus stops and Commissioner Abshier stated the Statute requires the School Board to move the bus stops.

Commissioner Nadeau asked if they wanted to include churches. Commissioner Abshier stated a lot of youth activities go on in churches and volunteers watch the children, so include churches. Mayor Bairstow stated they cannot reside within 2500 feet of a church, but you could not prohibited there attendance.

Commissioner Abshier stated parks were recreational and non-recreational and the Mayor stated some of the ordinances specify parks and playgrounds. Mr. Woroszylo stated Lake County restricted those areas and only a guardian or parent can go in there; no other adult should be in that restricted area. He stated that certain predators should never be around any children and should stay behind bars.

Mr. Woroszylo stated for the Commission to tread lightly because it would affect people lives. They have been living with this situation for the last 3 years. The police told their neighbors and now there was no place for his son to live even though the system saw fit to release him. There have been a couple of suicides because of that and he doesn't want to see his son become the third suicide.

3. What distance should be set.

Mayor Bairstow asked what was the rational explanation for 2500' in those ordinances. Commissioner Nadeau stated one factor was a child walking to school and the Chief

stated the cut off distance for buses was 2 miles and the distance for kids who walk and ride bikes was also 2 miles. Mayor Bairstow stated that children can permeate out 2500 feet.

Commissioner Nadeau stated if you include parks, schools, and churches you would effectively shut out the whole City of Belleview. Mayor Bairstow asked who was being shut out of the City and Commissioner Nadeau stated the predators/offenders that go after children under the age of 16. Mayor Bairstow stated then those individuals who meet our certain criteria.

Commissioner Abshier stated he was fine with the 2500' because kids inside of that distance would walk to school. Mayor Bairstow stated it makes sense why you would use that distance and Commissioner Anderson agreed with the Mayor.

Commissioner Nadeau stated he would work with the City Clerk and the Attorney to draft the ordinance.

Tammy Moore, former Commissioner, came forward and stated that a 16 year old in 9th grade was dating a 12th grader. The parents got mad at the boy, and reported them and he was labeled as a sex offender. Predators were one thing, but be careful how you label offenders. They do what they are supposed to do and their neighbors know them. That 12th grader and the girl in 9th grade married have been married 9 years and had 3 kids and he remains labeled.

Commissioner Abshier stated if he was a senior dating someone in 9th grade this risk would be a deterrent not to date a ninth grader. He stated if he knew there was the potential of not being able to live in the COB because a victim could lead the person to believe she was older than what she was, he would make sure he knew how old she really was.

Ms. Moore stated that every case needs to be looked at individually and these people need to be able to live. They register and try to do what was right. The ones you need to look out for were the ones that don't register. She had no problem with predators not living within the 2500'. Mayor Bairstow asked her what she would suggest and Ms. Moore stated that predators cannot live within those guide lines and offenders should have to notify the Police Department where they locate.

Mr. Woroszylo stated this was a life time label; you can not change the label. This was the type of discrimination that the blacks went through in 50 and 60's.

Mayor Bairstow stated for offenders, the law must be notified, but they could live within the 2500' or whatever distance the City puts in its ordinance.

Brenda Woroszylo came forward and stated she agreed 100% for the predators not living inside the City limits. Just be careful because you do not know what would come to you in your life time. Think and pray to God that you do the right thing; because every case was different.

Commissioner Nadeau stated do we want to explore the issue of classifying by offense or victim's age. Detective Dwyer stated if a 40 year old man had sex with a 16 year old that was lewd and lascivious behavior and if found guilty he would be labeled as a sex offender. Detective Dwyer stated there was one 42 year old male whose victim was 12-15 year olds and he was classified as an offender and not as a predator.

The Clerk stated that Oviedo had the most reputable ordinance. It specifies repeat sex offenders who use violence; sex offenders who prey on children; sex offenders who were an extreme threat to public safety. Some ordinances had exceptions to the 2500' distance. The Clerk stated she could meet with the Attorney and have him come up with something acceptable.

Commissioner Nadeau stated to do that and come back with some recommendations at a Commission Meeting.

2. CITY MANAGER POSITION

Mayor Bairstow stated this position was discussed at budget. The Mayor stated we need to accomplish three things tonight: a) approve a job description with associated salary range; b) set the time table to accomplish this task; and c) appoint a committee consisting of the Department Heads and one Commission Member.

Commissioner Abshier stated item #7, of the COB job description, should be expanded to include any issue that may impact the City of Belleview; they can delegate tasks, but somebody should bring the report to the Commission. The Mayor stated have it read "Fully advises the Commission as to all matters that would substantially affect the City." The Clerk stated #7 came directly out of the COB Charter and the Mayor stated lets add that clause.

Commissioner Nadeau asked where would we require this person to live. Mayor Bairstow stated he would not require them to live within the City limits that would be an unrealistic expectation.. Commissioner Nadeau stated some reasonable distance and the Mayor stated he was hesitant to put 10 miles radius because then they would want to live 10.5 miles out of the City.

Commissioner Abshier stated #12 was that list provided by the Charter. The Clerk stated that currently the Mayor and the City Clerk sign those items, but it could be Mayor and Manager or Manager and City Clerk.

Commissioner Abshier stated if there was a contract for a \$250,000 road project and the Clerk stated the City's Purchasing Ordinance requires any thing like that to come before the Commission for approval; especially bonds which are usually millions of dollars that the City would be going into debt for.

Commissioner Abshier asked if the City Manager could obligate the City to various contracts and if this would supersede the limit that was currently in place. Mayor Bairstow stated that the Clerk could do that now; she could enter a contract with whomever, but in the Charter it states that the Mayor's signature was required, so this would actually be a second signature.

Mayor Bairstow stated on a bond, people would insist for the Mayor's signature. The Clerk stated in Section 7.01 of the Charter requires multi-signatures on contracts, leases, and agreements and you could certainly expand that because that was the minimum.

Commissioner Abshier asked if #2 should be changed to include all personnel. The Clerk stated the Mayor acts in that capacity until the City Manager was appointed and then it would transfer to the City Manager's position.

Mayor Bairstow stated do we want to put any qualifications on education or years of experience in particular areas. The Clerk stated most job descriptions have a BA Degree and/or a certain number of years of experience, or both. Commissioner Abshier stated he would not care what the degree was, the fact that you have 20 years experience in another Governmental Agency that value would far outweigh the degree.

Commissioner Abshier stated use 10 years experience without a degree and Mayor Bairstow and Commissioner Nadeau agreed.

Commissioner Abshier stated you may not want to include it at all, but it was important that they have some connection to this community. If they were removed from this community, then they would not know what was important to us.

Commissioner Anderson stated he wanted the best person suitable to do the job it was not necessary for them to be from Marion County. You could put that in the ranking, but he wanted experience and knowledge to help move the City forward. Commissioner Abshier and Nadeau and the Mayor agreed with Commissioner Anderson.

Penny Byrd, Payroll/Benefits Coordinator, stated that you could request an individual with specialty areas, it just depends on what you are looking for the City. If you determine that certain areas were stronger than others, you could put that in your ranking as well.

Mayor Bairstow and Commissioner Abshier preferred planning experience and Commissioner Anderson preferred finance experience. Ms. Byrd suggested you could look at their secondary experience and incorporate that into the ranking scale. By doing that you might end up with a specialty area that you had not even thought of and would like what that brought to the City.

Chief Strickland stated that if you want a particular area of knowledge, then you need to put that in the job description. PWD Monroe stated leave it as general as you can, and you would be surprised at who applies. IT Coordinator Towne stated it would be a good thing to have someone specific to the City's needs. The City Clerk agreed with the PWD leaving it general and then look at what comes in.

The Mayor asked if they were all comfortable with the job description that comes out of the Charter and Commissioner Abshier stated he was, but asked if the City Manager oversees the Police Department in most Cities. The City Clerk stated that the Mayor oversees the Police Department in Ocala. The COB Charter makes no references to the Mayor except in cases of an emergency. The Clerk stated it does say that the City Manager hires and fires all Department

Heads, except for the City Clerk. The Commission had to approve that position because it was a Charter position.

Commissioner Abshier stated outside of a weekly staff report he was more comfortable in the Mayor having authority over the Police Department. He treats that department differently from the others because of the contract negotiations and public safety issues. The Clerk interjected that in most small towns the City Manager was over the Police Department.

Mayor Bairstow stated it had not been that way in COB for the last three years. He was involved with the union negotiations and he met with the Chief as a liaison; if the Chief needed help, the Mayor was always available. The Mayor stated he deferred the operational aspects of the Police Department to the Chief including his budget.

Commissioner Abshier stated he could see that the City Manager would be more involved than the Mayor would be. Mayor Bairstow stated he hoped he would be. Commissioner Abshier stated from what the Mayor had just said, he would not want the City Manager to oversee the Police Department because that dept was better left to those people who have a career in it.

The Mayor stated that he disagreed with Commissioner Abshier because each department had their own unique skills, but they need to work as a unified team which would include the Police Department.

Commissioner Nadeau stated that he holds the 4 department heads in high esteem and 3 are going to retire within 10 years. The City Manager would oversee those departments because we would have to replace those department heads.

Mayor Bairstow asked if they were comfortable with the job description with the modifications and now the salary range. Ms. Byrd stated she would research and find out what the range was in this area, but she had done that as yet. Mayor Bairstow stated we need to establish a time table to advertise.

The Mayor asked when would you want the City Manager in place and Commissioner Anderson stated to use January 1, 2006 as the goal.

Commissioner Abshier stated three members of the Commission were not running for reelection so develop the job description and advertise and receive applications and then let the new Commission pick the City Manager; cut off by 11/1/05. Commissioner Nadeau stated that was reasonable except he had a concern and wanted to speed up the process to make the deadlines shorter. This Commission would be here until November, so the time table should be adjusted to 10/01/05, and then we would have a month to prescreen and hire.

Commissioner Anderson stated he felt that the task needs to be in place as soon as possible; advertise by 9/1 /05 and interview by 10/1 /05. Commissioner Anderson stated he agreed with Commissioner Nadeau with three new Commissioners coming on board the first couple of months are hard in different ways. The meetings would not slow down for the department heads

because as the time goes by, the City business still goes on. Commissioner Abshier stated that the incoming Commission might not like anything we do or want.

Tammy Moore, Former Commissioner, stated that she was opposed to a City Manager. The Mayor had the job to oversee the City of Belleview. The City Clerk had always done the job of the City Manager. You were taking things away from the Mayor so why would we then need a Mayor. You need to look at this more because those things were already being done by the City Clerk and the Mayor.

Commissioner Abshier asked Ms. Moore if she was elected Mayor would she prefer rather this Commission selected her City Manager. Ms. Moore stated she would like to look over and chose the individual, because they would have to work together and was this a trial position like the IT Coordinator's position or forever. The Mayor stated that at budget time we agreed to fund this position for two years from fund balance and then review the position.

Ms. Moore stated that everyone now goes to the City Clerk for advice no matter what department they were in.

Mayor Bairstow stated we need to resolve this as quickly as possible, so advertise by 9/1/05 and close out the applicants by 9/30/05. Commissioner Anderson asked where would they advertise and the Mayor stated the League of Cities and the Clerk added the Data Gram.

Mayor Bairstow stated to incorporate Commissioner Abshier suggestions in the job description because that was what we approved and the City Charter.

Commissioner Abshier stated 10 years experience and running a business would be valuable not necessarily Government. The Mayor stated 10 years experience in Government because what we expect a City Manager to do they would need Government experience and the Clerk stated with increasing responsibility.

The Clerk stated that she had researched the pay ranges a year ago and they were in the \$75,000 range and you would not want a City Manager paid less than the Department Heads. Ms. Byrd stated she would compute the salary and benefits for that and also look at the area. The Clerk stated that the contracts would come before the Commission for approval.

Mayor Bairstow stated that the Clerk had stated the salary should not be less than the Department Heads, but he felt it should be. The Mayor stated to hire the City Manager at a lower salary with the understanding they would get a salary raise.

Mayor Bairstow stated salary range between \$65,000 – \$75,000; Commissioner Abshier agreed. Commissioner Nadeau suggested \$60,000 - \$75,000. Commissioner Abshier stated the factor was the responsibility that position holds, regardless of who had been here the longest or shortest; what they were accountable for. Commissioner Anderson stated he would go along with the \$60,000 - \$75,000 range.

Ms. Byrd who do you want to advertise with and Commissioner Abshier stated going with the local newspapers, Florida League, those who would be appropriate and Ms. Byrd also suggested One Stop also.

Ms. Byrd asked about designating a Committee and Commissioner Abshier stated he wanted it narrowed down to 10 applications for the Committee and then present them to the Committee. City Clerk McKamey stated she wanted to recuse herself from that Committee because she would be an applicant. Mayor Bairstow stated he had no problem with the City Clerk staying on the Committee and neither did any of the other Commissioners.

Mayor Bairstow stated as far as the Committee he would defer to Commissioner Abshier, but he felt the Commission Representative should be Commissioner Anderson or Nadeau since the Mayor and Commissioner Abshier were not seeking reelection and this could go beyond the election date. Commissioner Anderson stated he did not want to do it; Commissioner Nadeau was chosen by default.

Meeting was adjourned at 8:15 PM

ATTEST:

Sandi McKamey, CMC, CPM
City Clerk/Administrator