

**CITY OF BELLEVUE
REGULAR COMMISSION MEETING
AGENDA**

**BELLEVUE CITY HALL
COMMISSION CHAMBERS**

October 4, 2005

6:00 PM

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

IF A PERSON SHOULD DESIRE TO APPEAL ANY DECISION MADE BY THE BOARD OR COMMISSION A VERBATIM RECORD OF THE PROCEEDINGS WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED MAY BE NEEDED. IT IS YOUR RESPONSIBILITY TO HIRE A COURT REPORTER TO MAKE A VERBATIM TRANSCRIPT, OR A TAPE OF THE MEETING CAN BE PURCHASED FOR \$5.00/TAPE AT THE CITY CLERK'S OFFICE. THE CITY IS NOT RESPONSIBLE FOR ANY MECHANICAL FAILURE OF RECORDING EQUIPMENT

This meeting has been properly noticed PD

**INVOCATION AND PLEDGE
AGENDA ITEM**

COMMISSIONER CHAFFIN

1. APPROVAL OF MINUTES: a) August 16, 2005 Regular Meeting
b) September 6, 2005 Regular Meeting
2. BOB WHITE
3. PUBLIC HEARING: FINAL READING: a) Ordinance 2005-16 Myers CPA
b) Ordinance 2005-17 Harrell CPA
4. CHAMBER OF COMMERCE
5. PUBLIC HEARING: FIRST READING: Ordinance 2005-27 Lot Coverage
6. DON HARRELL - CPA 05-05
7. CITY MANAGER COMMITTEE REPORT
8. COST RECOVERY SERVICE AGREEMENT
9. DIAMOND RIDGE VILLAS AGREEMENT
10. PAVING PROJECT 2006-01
11. LAND DEVELOPMENT ORDINANCES
12. COB RE-ROOF PROJECT
13. DEPARTMENT HEAD COMMENTS
14. UNSCHEDULED AUDIENCE
15. COMMISSION COMMENTS

**CITY OF BELLEVIEW
REGULAR COMMISSION MEETING
MINUTES**

**BELLEVIEW CITY HALL
COMMISSION CHAMBERS**

October 4, 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; ANDERSON; NADEAU;
ATTORNEY LANDT; CITY CLERK/ADMINISTRATOR McKAMEY; DEPUTY
CITY CLERK DeGENNARO

ABSENT: COMMISSIONER CHAFFIN; CHIEF STRICKLAND; PUBLIC WORKS DIRECTOR
MONROE; INFORMATION TECH TOWNE

1. APPROVAL OF MINUTES

- a) August 16, 2005 Regular Meeting
- b) September 6, 2005 Regular Meeting

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

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

2. BOB WHITE

Pulled from Agenda because Mr. White was not in the audience.

3. PUBLIC HEARING: FINAL READING, Ordinance 2005-16, Myers CPA

a) Clerk McKamey read Final Reading of **Ordinance 2005-16, Title Only**, and gave a brief review of the Ordinance. The Clerk stated that the First Reading was approved by the Commission on September 6, 2005.

Mayor Bairstow stated this was a public hearing and asked if anyone wanted to come forward in favor or in opposition to the Ordinance. No one came forward.

Commissioner Nadeau made a Motion to Adopt Ordinance 2005-16 and Commissioner Abshier seconded the Motion.

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

b) Ordinance 2005-17 Harrell CPA

Clerk McKamey read Final Reading of **Ordinance 2005-17, Title Only**, and gave a brief review of the Ordinance. The Clerk stated that the First Reading was approved by the Commission on September 6, 2005.

Mayor Bairstow stated this was a public hearing and asked if anyone wanted to come forward in favor or in opposition to the Ordinance. No one came forward.

Commissioner Nadeau made a Motion to Adopt Ordinance 2005-17 and Commissioner Abshier seconded the Motion.

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

The Motion passed with a 4-0 vote.

4. CHAMBER OF COMMERCE

Pat Biel from the Belleview/South Marion Chamber of Commerce came forward and stated that they were requesting holding Light Up Lake Lillian on December 2, 2005 and then on December 4, 2005 the Christmas Parade.

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

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

The Motion passed with a 4-0 vote.

5. PUBLIC HEARING: FIRST READING, Ordinance 2005-27 Lot Coverage

Clerk McKamey read First Reading of **Ordinance 2005-27, Title Only**, and gave a brief review of the Ordinance.

Mayor Bairstow stated this was a public hearing and asked if anyone wanted to come forward in favor or in opposition to the Ordinance.

Fred Kurzhals came forward in opposition and stated that the engineer's figures were 38% runoff and drainage. The majority of the City was 30%. Engineer needs to use 38% for runoff, storms, sewer etc the impact would be on sewer and water retainage jumps from 30-40%; this would take more money out of the City for future development of up to 25% increase.

Commissioner Abshier stated that the City always had 30% storage capacity to handle that and if we went to 40% the engineer would certify that the ponds would hold that water. The Engineer study needs to be done to insure that there was enough capacity to handle the runoff.

Commissioner Anderson stated that the City was 35% and then it went down to 30% so why not stay at 35%. The Clerk stated that in 1983 it was 35% which included the roof portion of structures and the buildings. Commissioner Nadeau stated right now there was no procedure to go over the 30%.

Commissioner Nadeau made a Motion to Adopt Ordinance 2005-27 and Commissioner Abshier seconded the Motion.

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

NO: Anderson

The Motion passed with a 3-1 vote.

6. DON HARRELL - CPA 05-05

Don Harrell came forward and stated that his Comprehensive Plan Amendment was turned down because he was out of town and he was told that he would have to reapply. The 7.3 acres were turned down because of a B-4 commercial zoning.

He wanted to develop either all commercial but we thought it would be nicer if the back was residential. He planned to build an attractive, quiet higher end condominium. If he could get a B-4 if he had to he would take that for the entire 7.3 acres, but feels this would be more acceptable to everyone. He had spoken to the opposition and when Mr. Sutter saw what we wanted to do; he was 100% in favor of it.

Commissioner Abshier suggested some changes and we liked them and adopted them in our plans. He wanted to make it attractive and professional. The house on top of hill will be a law office, and in the back, it drops off a steep hill and the condos would not be seen from the highway. The north side has an easement for Publix's water; north side would have a berm fence and hedging with a proposed condo privacy fence and a gate across at the top of the hill. You would have to either peek through the bushes or go to a lot of effort to see this project in the back. The benchmark would be Brownstone which is nice, but he wanted to improve on Brownstone, especially the parking.

Mr. Harrell stated there was a problem mentioned about turning right and the crossover; DOT stated they would close that cross over any way and would develop a triangular island so no one could possibly turn left by mistake. So he did not feel that would be a problem. Mr. Harrell stated that he feels certain the condos would be occupied by retired people and since this was a dead end road there would not be any through traffic. Mr. Harrell stated he could get the whole 7.3 acres as commercial, then he would go with a B-4 which had a wide range of possibilities; but he hoped the neighbors would understand that this was a nicer plan by far.

Mr. Harrell stated he wanted to let them know what the opposition was because he needs to be a good neighbor to the neighbors and he was going to reapply for the zoning and land use change.

Commissioner Abshier stated his concern was where the hill was so the Commissioner suggested forcing people to go north and make them turn at the next medium cut.

Mr. Harrell stated that DOT would dictate what we could and could not do, but this was not unique, numerous places have had the same problem.

Mr. Harrell stated that the City's well was the 30 ft easement across from lot 4 and straight across from the house. Commissioner Anderson asked where the public water retention was and Mr. Harrell stated directly behind his own property; could consider an eminent domain for the road problem.

Lt. Holland asked what Mr. Harrell was planning for lots 1, 2, 3, 4 and Mr. Harrell stated he doesn't know right now, it just depends on the zoning ex: upscale offices, motel or go all commercial.

Commissioner Anderson stated he would like to hear from Mr. Sutter and Ms. Grimm. Commissioner Nadeau stated that at the September 6, 2005 Commission Meeting the following were the public objections that were voiced: Ms. Grimm wanted to talk to DOT about the traffic; Bob Dobkowski was concerned that the school system was over the limits; Mr. Sutter had mules and people would complain about them and Mike Slaugherty had 8 kids and so did Bob Dobkowski. The P&Z Board had concerns about the high density and traffic.

Mr. Harrell stated that was because of a lack of information. If we put commercial in there, they would be very upset with a dance hall being in there. The future would enhance the value of their land which is not going to be good for anything but residential. When they retire and want to sell they would be happy to get a residential zoning contiguous to this property. This is the information you need to pass on to the new Commissioners because he was going to go ahead.

Commissioner Abshier stated he would think that residential would be less dangerous of a use that close to the City's well. There would be no commercial machinery or garages, but that could be close to our well; he would much rather see residential than commercial 55 gal. drums of toxic waste. The City would not have to deal with things like that.

Commissioner Anderson stated to have DOT tell you what they would accept and Mr. Harrell stated that he was doing that.

Attorney Fred Landt stated the problem was coming back for rezoning since it was denied; he cannot apply for six months. Mr. Harrell stated he could permit stuff for B-5 right now as long as he had access to the highway. The Clerk stated he would have to develop to the County standards and Mr. Harrell had already been told that he could not reapply for six months.

7. CITY MANAGER COMMITTEE REPORT

Commissioner Nadeau Ken stated 32 people applied and the Payroll/Benefits Coordinator went through the resumes and pull the applications out that did not meet our basic guidelines. That limited the group to 15. Then the Commissioner, Ms. Byrd, Lt. Holland, Mr. Towne and Ms. DeGennaro, the members of the committee, reviewed the remaining applications.

The Commissioner stated that he was quite impressed with most of them. The Committee talked about each one and held a basic voting system. Eight were found to be worthy of an interview. Presently we lost one applicant so we would interview seven on Wednesday, October 12, 2005. The seven consist of the following individuals:

Cathryn Thomas, Webster, NY

William E. Howe, Ocala, FL
Rick Dodge, S. Petersburg, FL
Ron Landon, Apoka, FL
Sandi McKamey, Belleview, FL
Gordon L. Gallagher, Saugatuck, Mich
Newall J. Daughtrey, Miami, FL

Ms. Byrd stated that PWD Monroe was also part of the committee and reviewed the applications and sent in his comments. Commissioner Nadeau stated that Ms. Byrd was verifying references and backgrounds of the applicants. The interviews on 10/12/05 start at 6:00 PM and the Mayor interjected that we would continue until they were finished.

8. COST RECOVERY SERVICE AGREEMENT

Lt. Holland stated this was on the Agenda for approval. It had been on a previous Agenda and some changes were made, but it was never brought back for final approval.

Commissioner Nadeau made a Motion to Approve the Agreement and Commissioner Anderson seconded the Motion.

Commissioner Abshier stated that he voted in favor of the Agreement before because it would not make a difference because Insurance Companies were not required to pay any expense to vehicular accidents as outlined by this ordinance. However, he had been overwhelmed by clients because they felt it shifts the cost from the City to the insurance company which would put it back on the consumer. The Commissioner stated that citizens felt that was redirecting costs that should be paid for by the City of Belleview as opposed to the insurance company; dilutes where the costs are coming from. The City was doing the same thing but he would rather have the City do it and it made more sense that it should be paid for here. The City could locally manage the cost more effectively and he was taken back by the number of people who called him regarding this issue. The Commissioner stated as a result he would not approve this contract or any other.

Commissioner Nadeau stated he was in support of this because when he asked the Lt. Holland what percent of traffic accidents involved Cob citizens, the Lt. stated less than 1% of all traffic accidents. As a result, they were working accidents when they could be out on patrol.

Commissioner Abshier stated 99% were from outside the City of Belleview, but they still had insurance and the insurance companies would pass it on to the consumer. The Commissioner stated to charge our own fees and keep that money here in the City instead of passing it on to another entity. The City was already paying the officer's salary and if this passes the insurance company would also be paying his salary.

Commissioner Anderson stated that he looked at this as a user fee that the city could charge for service to non-citizens and non-taxpayers. Now that we have it in place, it would help recoup taxpayers' money that was being spent on police department for writing up these reports. A user fee that could hold down our taxes on citizens and be another way to generate revenue coming in so that we don't have to raise taxes here.

Commissioner Anderson stated what was generated would stay in the police department and the Chief has stated over the last few years that we need another officer. He looks at this as a way to take and hire a resource officer to work these wrecks and not use one of our full certified officers to do that.

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

The Motion passed with a 3-1 vote.

9. DIAMOND RIDGE VILLAS AGREEMENT

The clerk stated that Ed Abshier, Engineer for the project, was in the audience, but she stated the changes that were made to the agreement were on Pg. 86 item #19 and 20 which deals with notification to property owners concerning the Recreation complex and the installation of an apron into the Sports Complex. The Clerk stated that the PWD recommends approval of the Agreement.

Commissioner Anderson stated there were two entrances and exits to control what goes on and now this one would be third. That area was not designated to be a parking area. The parking was supposed to come in the other entrances inside the park. Commissioner Nadeau stated that they talked about putting a walkway through the berm instead of the parking. Lt. Holland stated 50-75 cars park there during events. Engineer Abshier stated that was an isolated area and it serves a lot of people who go to the park especially the tee ball teams.

Attorney Landt stated he asked the PWD about that issue at the last staff meeting and he was comfortable with this language. Commissioner Abshier stated we could designate it as a parking lot and if there were safety issues that we need to be aware of this seems like it would be a good proposal because it would stop tearing the shoulder and still allow people to park there.

Commissioner Anderson asked what would keep cars from going over that hill. Commissioner Abshier stated it was not like a roll down the hill because you could drive over it. The Commissioner stated you don't need to eliminate the parking but you could make the hill smaller. Commissioner Anderson reiterated that it was not designed as a parking lot and there was a danger so before you put up an entrance you need to have a sign there saying there was a cliff, but for safety reasons it should not be a parking lot or put a fence or berm or walk across.

Engineer Abshier stated that on the original map from 1996 it was designated as parking area. Commissioner Anderson since Tee Ball had played there, there was now a wall. Commissioner Anderson stated to make it a safe parking area.

Mayor Bairstow stated Paragraph 20 states to install a paved apron rather than do that, we could install a berm or fence. Commissioner Abshier stated he parks there all the time and in his opinion it was not unsafe parking; there was a hill, but there were hills all across there.

Attorney Landt stated if it was unsafe you need to discourage parking there until you made it safe or do what you could do to reduce the risks. Lt. Holland was familiar with the park and investigates the traffic accidents. Lt. Holland stated it was unsafe and needs direction because the cars enter and exit and

no one knows where the kids come from. The Lt. stated it could be controlled, but right now it was unsafe parking. Attorney Landt stated you were put on notice.

Mayor Bairstow stated we were told it was unsafe and we need to do something about it.

Commissioner Abshier stated to put in an apron with a berm and the Lt. stated that would be 100% safer.

Commissioner Nadeau made a Motion to Enter into the Agreement and Commissioner Anderson seconded the Motion.

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

The Motion passed with a 2-1 vote.

Commissioner Abshier abstained from voting because of a conflict; the Commissioner was related to the Engineer on this project.

10. PAVING PROJECT

Commissioner Anderson made a Motion to Table The Paving Project and

Mayor Bairstow stepped down and gave his seat to Mayor Pro Tempore Abshier and

Mayor Bairstow seconded the Motion.

The Mayor stated he agreed with Commissioner Anderson that the list was not exhaustive and needs to be so we don't have to come back and do it.

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

The Motion passed with a 3-0 vote.

Commissioner Abshier abstained from voting because of a conflict; the Commissioner was related to the Engineer on this project.

11. LAND DEVELOPMENT ORDINANCES

Pulled from the Agenda.

12. COB RE-ROOF PROJECT

Penny Byrd and stated that she was asked by the PWD to present this item because she worked with the insurance company and FEMA. The request was to award the bid to re-roof City Hall and to add a change order to include the small building behind City Hall, funds permitting.

The low bid was from Lea Brothers. We asked them to reevaluate and we were waiting for final decision on the amount we would receive from our insurance company and FEMA had looked at our records.

Ms. Byrd stated we would get funding for the majority of the roofing and Commissioner Abshier stated we have money in bank and unless we are going to be penalized, go ahead and fix it.

Commissioner Abshier made a Motion to Award the Roof Bid Proposal to Low Bidder which is Lea Brothers Roofing and Commissioner Nadeau seconded the Motion.

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

The Clerk stated we would get the bid for the change order and if necessary it would come back before the Commission.

13. DEPARTMENT HEAD COMMENTS

PWD Monroe – Absent

IT Coordinator Towne – Nothing at this time.

Lt. Holland – Discussed the outstanding work that Corporal Paddock had done she made in 2 traffic stops and got information from the juveniles that she passed onto Detective Dwyer who passed it on to the Sheriff Department. The information enabled the Department to solve 6 burglaries in the City and 40 in the County; both officers are up for an award with the County.

Clerk McKamey - Discussed how well the Legislative Meeting Project was received

14. UNSCHEDULED AUDIENCE

N/A

15. COMMISSION COMMENTS

Commissioner Abshier – Discussed the speed limit on Agnew Road. Lt. Holland stated that road was 30 mph. The Commissioner stated at the First Baptist Church he witnessed when the train was going through there was a backup of traffic on 484, C25, and 441 to railroad tracks at Hames Road. People turn left at the furniture store and go down to the highway so they can by-pass all the traffic to 484. There are 77 kids in that school, so it could be that we need to put up a flashing sign and lowering the speed limit to 20 mph and to enforce the speed zone when kids were dropped off and picked up. This was a short term situation until that road was three lanes.

Lt. Holland stated he would recommend that because he has written some tickets there. Commissioner Anderson stated to put a speed bump there. Lt. Holland suggested a raised crosswalk and Attorney Landt stated you would have to reduce your speed before you get to the crosswalk.

Mayor Bairstow stated to reduce the speed limit to 20 mph, find out the costs and approach the Church. Attorney Landt stated put up the sign now and then research the costs.

Mayor Bairstow stated 20 mph speed limit on Agnew Road immediately.

Commissioner Abshier made a Motion to change the speed limit on Agnew Road to 20 mps and Commissioner Nadeau seconded the Motion.

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

Commissioner Chaffin - Absent

Commissioner Nadeau – Discussed a) the Rotary holding a Candidates Forum on October 28, 2005 at Lassie’s Restaurant at 7:30 AM; b) the flyer he received on the Belleview Bypass.com; the right of way acquisition and construction was not scheduled.

Commissioner Abshier stated that the TPO meeting was scheduled for tomorrow here at City Hall from 4-8 PM and everyone needs to come.

Commissioner Anderson – Nothing at this time.

Mayor Bairstow - the good news was that the bypass had not been funded and he would like a motion to send to the appropriate authorities to change the name from the Belleview Access road to the Belleview Loop.

Commissioner Nadeau made a Motion to send to the appropriate authorities to change the name to the Belleview Loop instead of Belleview Bypass and Commissioner Anderson seconded the Motion.

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

The Meeting was adjourned at 8:05 PM.

ATTEST:

Sandi McKamey, CMC, CPM
City Clerk/Administrator