

**CITY OF BELLEVUE  
WORKSHOP MEETING  
AGENDA**

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**BELLEVUE CITY HALL  
COMMISSION CHAMBERS**

**November 9, 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

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*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

**AGENDA:**

**1. ATTORNEY LANDT:**

- a) Sunshine Law
- b) Conflict Of Interest
- c) Ex Parte Communications
- d) Roberts Rules Of Order

**2. CRAIG BRAISHER, WITHLOCHOOEE**

- a) Comprehensive Plan Amendments

**3. INTRODUCTION OF DEPARTMENT HEADS AND COMMENTS**

**CITY OF BELLEVIEW  
WORKSHOP MEETING  
MINUTES**

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**BELLEVIEW CITY HALL  
COMMISSION CHAMBERS**

**November 9, 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

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**PRESENT: Mayor Bairstow; Mayor Elect Moore  
Commissioners Anderson and Nadeau; Commissioners Elect Loar and Goldman**

**TRAINING WORKSHOP**

**1. ATTORNEY FRED LANDT**

(a) Sunshine Law: Attorney Landt came forward and stated that all meetings and official acts taken by City Commission were covered by the Sunshine Law which was Section 286 of the Florida Statutes. Under the Sunshine Law as Board Members may not meet and discuss any matter that you reasonably expect to vote on in meetings or in future meetings.

Each meeting has to be appropriately noticed and the City Clerk shows you the agenda and declares it to have been properly noticed. The City Clerk was responsible for the minutes that are taken and they need to be approved by the Commission; please read them before you get here so when you are asked to approve them you can do that or ask for corrections to the minutes.

The Sunshine Laws apply to all boards and it applies to you. There is an obligation to keep accurate records for the meetings and also a tape. We do review minutes and review old tapes when necessary. Sunshine applies to your discussions as well. When an item comes up on the Agenda, you could not go to Sonny's restaurant and talk about that issue with other members of the Commission because you would be required to vote on that issue.

You may not discuss outside of the meeting, with your fellow Commissioners or the Mayor, any matter that could likely come before you for a vote even if it was not on the agenda or under consideration. If two Commissioners were present at a function, one must leave. If one Commissioner comes into a restaurant and wants to talk to you, you can have dinner, however the Attorney suggested that they don't, because of the impression it could give. The night of a meeting, people would think you were discussing those things on the Agenda even though you were not.

On the same line, you cannot use a third person as a go between to get around the Sunshine Law. Commissioner Anderson calls Mayor Elect Moore, this would be the same as talking in person; you cannot send memos around discussing what you think and how you plan on voting on an issue. You cannot call the PWD and ask him to tell Commissioner Nadeau some facts and ask him to find out what the Commissioner thinks. No third party telephone or written communications to share your own thoughts; these are all violations of the Sunshine Law.

Committees take action and committees meet and must be noticed within a reasonable time usually 24 hours or more if possible. There must be an agenda for official meetings and the press needs to be

contacted. The main thing to remember is don't discuss anything that you might be voting on unless you are in a public meeting.

b) Due process is when a matter comes before the Commission and the parties want a fair hearing. People who were opposed to this matter are given the opportunity to be heard and we invite public comment. This is their opportunity to know why the Commission acted like it did on their issue. When the Mayor asks for any comments and no one says a word and a motion to deny the request is made and seconded and still there was no discussion and when the vote was called it was denied. The individuals would leave thinking that they did not have a fair hearing. That is why when we have public hearings we ask for some comments for and against the issue. When the motion is made you give reasons for your being for it or against it and he urged the Commission to engage in some meaningful discussion. If no one says anything and just votes, you give the impression that you made your mind up before the meeting; there needs to be open discussion on the record.

c) **Ex Parte Communications** relying on what you heard outside of a meeting, you must share that with the Commission so everyone relies on the same information; you share what was a part of your consideration in making your decision. Everyone knows what is going on and you give each party a fair chance to voice their reasons. People will have a fair hearing and they will know they had a fair hearing. Do not talk about it outside of your meetings, but put it on the record to protect yourself.

The Attorney recapped the benefits: It removes the impression that no one paid attention. Removes the impression that a decision was not going on because no one said anything. Gives ample opportunity if there were any Ex Parte communications or observations, for you to fully discuss it and it becomes a part of the record and the other side had due process and could respond. There was a Marion County Commissioner and when he voted against people they left with a smile because he told them how the other side outweighed their position. When you vote against someone and give the findings of facts, it should be from a rational and well thought out basis.

d) **Roberts Rules Of Order** – a motion is made and second and the vote is called after discussion and you vote because you cannot abstain unless you have a conflict. If you have a conflict, you have to declare the conflict and abstain from voting and fill out the form that the Clerk will give you. You can only abstain if you have to inure pecuniary interest gain/loss that would result in gain/loss to you or a close relative; ex: awarding a contract to the City Engineer, Ed Abshier, would be a conflict for Commissioner Emery Abshier, his brother, and he would have to abstain from voting.

The City wants to contract for garbage from your relative, you would have to abstain; if they raise the City water rates you would not have to abstain because you are a customer.

In order for Ordinances or Resolutions to be adopted, the affirmative vote of three Commissioners would be needed. If an Ordinance was brought back before the Commission that had already been voted on and if your vote was 2-1 that issue would fail for lack of appropriate majority; on other issues a majority of the quorum would be sufficient.

If the City had a conflict with the Chief of Police or Clerk, they would have to get their own lawyer because as the City's Lawyer he represents you and is your lawyer. The City Attorney does not render

advice to the public, because he is the lawyer to the Commission. He would not advise the public what they have to do because it would be inappropriate to engage with residents and to give them legal advice. If they accuse the Commission of wrong doing and turn to him to back them up - his job is to defend you, unless he was told otherwise.

Mayor Bairstow stated that in Belleview it has been the procedure that the Mayor votes last and the City Clerk stated that was in the Charter. Attorney Landt stated as a result the Mayor breaks ties and you want the Mayor to do that.

The Attorney stated if he was asked to prepare an ordinance and the Commission does not like it and it is put on the agenda and then gets changed again and again, that would be fine because it does not bother him if you want to change his work.

## **2. CRAIG BRAISHER, WITHLOCHOOEE**

### **a) Comprehensive Plan Amendments**

Craig Brashier, Withlacoochee, came forward and handed out a copy of a Comprehensive Plan and stated that he would provide information on this Comprehensive Plan Amendment and he wanted to provide the Commission with the best information so they could make a decision.

Mr. Brashier stated that in Article II, Local Planning Agency, gives the City the authority to establish the local planning agency for the City and discusses the responsibilities and rules and procedures under the Local Government Comprehensive Planning and Development Regulation Act. The Plan, even though prepared by Withlacoochee, the Local Planning Agency Board would have to approve or make changes to the Comprehensive Plan as required.

All the records for the Comprehensive Plan Amendments were public records and there were time requirements for both small scale and large scale Amendments. Many State Departments look at and review the Plan as required. The governmental agencies provide comments to the State within 30 days after receipt of the proposed amendment. That was why the public facilities items were discussed because they could be impacted by this amendment. In the future, the School Board would be listed for the impact to the schools. Mr. Brashier stated that he puts the plan together from the application; the City holds a public hearing before the P&Z Board and then holds public hearings before the Commission. The State looks at it, approves it, denies it, or makes recommendations to the City.

**Land use:** in his report he states what could be listed under the proposed zoning, but there are Statutory guidelines that deal with land use. He writes the information up from the books he uses and the maps and then he goes out and looks at the site and makes changes if necessary. Based on information obtained, he makes statements which are consistency with surrounding land uses.

**Tree issue:** your Land Development Regulations had a tree ordinance and he picked up that this was an important issue to the City.

**Surrounding Land uses:** maps are always at the end of the report showing current and proposed zoning and land use; the level of development based on the site visit and what was actually on the ground.

**Environmental Suitable:** this was a requirement to state if it was in a wet land or flood zone. The FEMA flood map to his knowledge had not been approved; when they are presented, people always challenge them and it takes awhile. Marion County's GIS was still the flood map he had to use.

**Soil makeup:** he uses aerial photos which provide information of the site and if the soil was an issue. There were tables for limitations on small structures, local roads and streets and that was what he uses to base the information on.

**Public facilities impacts:** traffic was always an important issue and we use the maximum development potential numbers. If you could put 90 units on a parcel, but are only putting 30, we still have to use that maximum because you could sell it and then later on, that maximum number could be placed on that property.

In the County medium density means 4 units per acre, but in the COB it means 11 units per acre. Look at the proposed land use and see what that would come up to and then take the existing, minus the proposed, and that is what you would end up with.

The nearest traffic count locations were compared to this parcel and that determined the impact on the roadways. Take the total number of trips, show how it was dispersed among the affected traffic count locations, add in the number from this amendment and get a total number. We check to see if it exceeds the City's level of service.

**Level of service:**

**Potable Water:** Residential outside list 74 gals per capita per day with 4 units per area based on 2.44 people per unit and you arrive at 3250 gals/day (existing); do the same for proposed with the 11 units and you come up with 8586 gals/day; the amendment impact comes to 5336. Based on 3/2004 the average daily use was 905,936 gals of potable water per day, with a reserve capacity of .894 million gals of potable water per day and that would not make a negative impact on the City's potable water system.

**Sanitary Sewer:** level of service was based on Comprehensive Plan and lists 60 gals per capita per day for residential outside city limits and 373 gals per unit per day for commercial uses inside city limits. The proposed amendments would not make a negative impact on the City's sanitary sewer system.

**Solid Waste:** no level of service was given for commercial uses in the Comprehensive Plan. The COB does not have a solid waste program it goes through Marion County Landfill. The proposed amendment would not make a negative impact the County's landfill.

**Storm Water Management:** According to Chapter 110 of Belleview Land Development Regulations, peak post-development runoff shall not exceed peak pre-development runoff. The proposed amendment would not make a negative impact on the City's drainage facilities.

**Recreation:** no recreation level of service was established for commercial uses in the Comprehensive Plan. The proposed Amendment would not have a direct impact on the City's recreational facilities.

Commissioner Anderson stated that on the reports the traffic flow was the biggest concern and Mr. Brashier stated that was because we are not working with exact numbers and we are dealing with trips that are not there. We begin with the traffic count and the new development might not be near the traffic count locations, but are still distributed through them. We miss more local roads because they are not analyzed. You could ask for a detailed traffic study, but it is very expensive and you would have to send it to us and then we would send it to our traffic engineer for review.

Commissioner Anderson asked what was the county doing and Mr. Brashier stated that a lot of trips are passing through trips. You should receive notice of the land use changes in the County and you can go and voice your opinions.

PWD Monroe asked if they could get their own traffic counts and combine those numbers with the County numbers and Mr. Brashier stated you could do that, but you would also have to provide the technique that you used.

### **3. INTRODUCTION OF DEPARTMENT HEADS:**

a) PWD Monroe stated he had been with the City for 18 years and his PWD consist of W&S; Streets; Parks and Recreation; Animal Control and whatever the other Department Heads don't cover, his does. At the present time, the treatment plant is the major project. We were out growing the present treatment plant and the Commission let us go ahead and plan to replace it; we are in the design stage and pursuing grant money with the bids to go out early next year and the plant should be completed by the end of next year.

Paving projects – the PWD stated he keeps a project list which includes planning with developers and he invited each of the new Commissioners to visit him and go over the list in detail and to take a trip to see the wells and plant because it would give them a clearer picture when someone comes before the Commission.

b) IT Coordinator Towne stated he had been with the City for 3 years this coming February. He is responsible for the City's computer system in four locations and to come up with new solutions for hardware and/or software. He is the support person for employees with their applications and is the PC Trainer and hopes to hold computer trainer for the new Commission as well. He was currently working on repairing the phone system and after tonight's problems, the sound system.

He has also been responsible for the new software for Police Department, Laserfische, Website. He would like to meet with each member of the Commission on a one to one basis.

c) Police Chief Strickland stated he had been with the City for 18 years and the last six years he has been the Police Chief before that he worked for the City of Ocala for 9 years. He has 14 sworn officers, one school crossing guard and 3 civilians. He put into effect the Cost Recovery Program where the City bills the insurance companies for the Police Departments time working on accidents. The Police Department holds a Halloween event each year for the children and at Christmas holds the Shop With A Cop for 10 kids; they receive money donations throughout the year, but by far the biggest contributor is Wal-Mart. They hold a substance abuse class for 5<sup>th</sup> graders at Belleview Elementary School and the kids graduate at the end of the 13 weeks. The Police Department will have a Citizens Academy beginning the first of

the year. The additional software that is in use is very efficient and easier to work with which keeps the officers on the road more and it also computes their time on each call. The funds for the software came out of our Automation Funds which comes from traffic citations that we issue. The Chief stated to the Commission to come and visit his department; meet his secretary and ride with the officers.

d) Clerk McKamey stated she has been with the City for 26 years and 21 of those years she has been the City Clerk. The Clerk is a charter officer of the City as is the City Manager and Mayor. All three sign bonds and the Clerk is responsible for anything that pertains to the Commission. Commission, including agenda preparation and distribution, meeting notices and legal ads receiving and filing conflict of interest forms. The Clerk also manages the City records which include maintaining the official minutes, ordinances, resolutions, proclamations, contracts, deeds, and easements. As Records Custodian, the Clerk purges records in accordance with Florida Statutes and complies with all records requests submitted to the City. The Clerk is the City Election Supervisor and works with the Marion County Supervisor of Elections on all city elections. Assisting in everything in the Clerk's Office is Peggy DeGennaro, Deputy City Clerk, who can be reached at extension 309.

As Finance Director she does the financial budget preparation and monitors the payroll, grants, loans, and the annual audit which is held to make sure the City stays in compliance. Barbie Clendening assists works in that Department and has been with the City for 17.5 years. The City has a \$5 million dollar budget both in General Fund and W&S; grants come under a separate budget. The City carried forward \$390,000 from general fund – fund balance in this year's budget, most of which was for unfinished road projects from previous years. There was also money which had been specifically set aside for specific projects, such as recreation, which was included in that amount. The City operates a "zero balance" budget, which means that it closes out to zero at the end of each fiscal year, with any left over funds rolling into fund balance. General Fund is healthy, and Water and Sewer is now operating in the black.

As Personnel Director she is busy because there are 48 full time employees; 7 part-time and the five elected officials. and insures compliance with federal and state laws. As Personnel Director, I implement and maintain the personnel files, job descriptions, office procedures, and the Employee Manual. The Personnel Department also conducts employee meetings, coordinates employee benefits, including worker's compensation benefits. The Personnel Director also participates in the FOP negotiations and is now overseeing the Risk Management area of the city. Penny Byrd assists in the area of Personnel and can be reached at extension 306.

As Planning & Zoning Director she oversees the annexations; rezoning; comprehensive plans; special exceptions; variances; site plans, platting, the subdivision ordinance, occupational licenses, building permits, and code enforcement. MT. Causley, Inc. does the building Inspections for the City and their Permit Clerk is here every day. Assisting in this area is Angie Pittsley, who is also the City's Code Enforcement Officer, who can be reached at extension 303.

The Meeting was adjourned at 7:35 PM

ATTEST:

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Sandi McKamey, CMC, CPM  
City Clerk/Administrator