

CITY OF BELLEVUE
REGULAR COMMISSION MEETING
AGENDA

BELLEVUE CITY HALL
COMMISSION CHAMBERS

Mayor TAMMY C. MOORE
Seat 1 MICHAEL J. GOLDMAN
Seat 2 KENNETH R. NADEAU
Seat 3 WILMA C. LOAR
Seat 4 PAUL B. ANDERSON

October 17, 2006

6: 00 PM

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

FREEDOM WALK DVD VIEWING

INVOCATION AND PLEDGE

COMMISSIONER ANDERSON

AGENDA ITEM

1. APPROVAL OF MINUTES: 09/19/06 REGULAR MEETING
2. PROCLAMATION – VFW Poppy Days
3. PUBLIC HEARING: FINAL READING:
 - a. Ordinance 2006-37, Sexual Predator
4. PUBLIC HEARING: FINAL READING:
 - a. Ordinance 2006-38 PUD Prohibitions
 - b. Ordinance 2006-39 PUD Setbacks
5. PALM TREE VILLAS, PRELIMINARY PLAN
6. UNSCHEDULED AUDIENCE
7. RECREATION LEVEL OF SERVICE
8. PURCHASE OF PROPERTY
9. SEWER JETTER PURCHASE
10. CITY TELEPHONE SYSTEM PURCHASE
11. MAYOR MOORE - CONSENT AGENDAS
12. DEPARTMENT HEAD COMMENTS
13. COMMISSION COMMENTS

**CITY OF BELLEVIEW
REGULAR COMMISSION MEETING
SYNOPSIS**

**BELLEVIEW CITY HALL
COMMISSION CHAMBERS**

**October 17, 2006
6:00 PM**

Mayor TAMMY C. MOORE
Seat 1 MICHAEL J. GOLDMAN
Seat 2 KENNETH R. NADEAU
Seat 3 WILMA C. LOAR
Seat 4 PAUL B. ANDERSON

AGENDA ITEMS

1. APPROVAL OF MINUTES: 9/19/06 Regular Meeting

ACTION: APPROVED MINUTES

2. PROCLAMATION – VFW Poppy Days

ACTION: PRESENTED PROCLAMATION

3. PUBLIC HEARING: FINAL READING: Ordinance 2006-37, Sexual Predator

ACTION: ADOPTED ORDINANCE 2006-37, Sexual Predator

4. PUBLIC HEARING: FINAL READING:

- a) Ordinance 2006-38, PUD Prohibitions
- b) Ordinance 2006-39, PUD Setbacks

ACTION: ADOPTED ORDINANCES: 2006-38, PUD Prohibitions 2006-39, PUD Setbacks

5. PALM TREE VILLAS, Preliminary Plan

ACTION: TABLED

6. UNSCHEDULED AUDIENCE

ACTION: N/A

7. RECREATION LEVEL OF SERVICE

ACTION: APPROVED LEVEL OF SERVICE STAYING AT 10 ACRES/1000 POPULATION;

8. PURCHASE OF PROPERTY

ACTION: DISCUSSION ON NEXT AGENDA ON GRANT MONEY AND POSSIBLE PAYMENTS

9. SEWER JETTER PURCHASE

ACTION: APPROVED PURCHASE TO COME OUT OF W&S 05-06 Budget

10. CITY TELEPHONE SYSTEM PURCHASE

ACTION: APPROVED PURCHASING SYSTEM AND RECORDER FOR PD

11. MAYOR MOORE – CONSENT AGENDAS

ACTION: PULLED FROM AGENDA

12. DEPARTMENT HEADS

PWD MONROE: N/A

CHIEF STRICKLAND: HALLOWEEN CARNAVAL SET FOR OCTOBER 31, 2006

INFORMATION TECH TOWNE: N/A

CLERK McKAMEY: DISCUSSED THE LEGISLATIVE MEETING THAT WILL BE HELD ON 12/13/06 IN OCALA;

DISCUSSED THE PUBLIC HEARING FOR THE ADOPTION OF THE FACILITIES PLAN FOR THE SEWER TREATMENT PLANT SCHEDULED FOR 11/21/06;

DISCUSSED THE PROPORTIONATE SHARE ORDINANCE FOR TRANSPORTATION AND PLANNING ON THE 11/07/06 AGENDA;

AUDITORS WOULD BE IN OFFICE FOR 2 WEEKS STARTING OCTOBER 30, 2006

ATTORNEY LANDT: N/A

13. COMMISSION COMMENTS

COMMISSIONER GOLDMAN:

ACTION: DISCUSSED COBBLESTONE CODE ENFORCEMENT VIOLATION - THE COBLESTONE HOMEOWNERS BOARD HAD APPROVED MAINTAINING THE STRIP OF LAND UNTIL THEY FOUND A PERMANENT ARRANGEMENT;

COMMISSIONER NADEAU:

ACTION: DISCUSSED THE LIFT STATION ON 114TH STREET;

***DISCUSSED HOLDING OFF RENAMING BELLEVIEW BYPASS UNTIL AFTER THE ELECTIONS;
DISCUSSED CANDIDATES FOR GOVERNOR INCREASING HOMESTEAD EXEMPTION AND ASKED
WHAT THE LOSS IN REVENUES TO THE CITY WOULD BE***

COMMISSIONER LOAR:

***ACTION: DISCUSSED THE NEGATIVE REPORTS ON THE TAX INCREASE AND HOW THE ELECTION WOULD
TURN OUT AS A RESULT OF THAT TAX***

COMMISSIONER ANDERSON: NOTHING AT THIS TIME

ACTION: NOTHING AT THIS TIME

MAYOR MOORE:

ACTION: NOTHING AT THIS TIME

The meeting was adjourned at 8:20 P.M.

**CITY OF BELLEVUE
COMMISSION MEETING MINUTES**

**BELLEVUE CITY HALL
COMMISSION CHAMBERS**

Mayor TAMMY C. MOORE
Seat 1 MICHAEL J. GOLDMAN
Seat 2 KENNETH R. NADEAU
Seat 3 WILMA C. LOAR
Seat 4 PAUL B. ANDERSON

October 17, 2006

6:00 PM

PRESENT: MAYOR MOORE; ANDERSON; GOLDMAN; LOAR, NADEAU; PUBLIC WORKS DIRECTOR MONROE; INFORMATION TECH TOWNE; CHIEF STRICKLAND; ATTORNEY LANDT; CITY CLERK/ADMINISTRATOR McKAMEY; DEPUTY CITY CLERK DeGENNARO

1. APPROVAL OF MINUTES: 9/19/06 Regular Meeting

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

On roll call vote, YES: Anderson, Loar, Nadeau, Goldman, Moore
The Motion passed with a 5-0 vote.

2. PROCLAMATION – VFW Poppy Days

Clerk McKamey read the Proclamation and Mayor Moore presented the Proclamation to Nick Bock which declared 11/11/06 through 11/12/06 as Buddy Poppy Days in the City of Bellevue.

3. PUBLIC HEARING: FINAL READING: Ordinance 2006-37, Sexual Predator

Clerk McKamey read Final Reading, Title Only, of Ordinance 2006 -37. Mayor Moore stated that this was a public hearing and asked if any one in the audience wanted to come forward. No one came forward.

Commissioner Nadeau made a Motion to Adopt Ordinance 2006-37, Sexual Predator and Commissioner Goldman seconded the Motion.

On roll call vote, YES: Anderson, Loar, Nadeau, Goldman, Moore
The Motion passed with a 5-0 vote.

**4. PUBLIC HEARING: Final Reading: a) Ordinance 2006-38 PUD Prohibitions
b) Ordinance 2006-39 PUD Setbacks**

a) Clerk McKamey read Title Only, of Ordinance 2006-38, PUD Prohibitions. Mayor Moore stated that this was a public hearing and asked if anyone in the audience wanted to come forward. No one came forward.

Commissioner Nadeau made a Motion to Adopt Ordinance 2006-38, PUD Prohibitions and Commissioner Goldman seconded the Motion.

Commissioner Anderson asked if the Commission wanted to do this and Jeff Shrum, Land Development Coordinator, came forward and stated that there were a number of issues you have to consider so that you present the character of the community that you want out there: the impact to recreational open space and parks; onsite yard space and the need for more park spaces. LDC Shrum stated that when you go through the PUD process you would have the ability to look at each one to determine whether it was appropriate or not.

Attorney Landt stated one of these PUD ordinances provides the standards for the setbacks but the City would have to judge each project individually because they may all be different i.e. a PUD condo vs. rentals; a 3 bedroom apartment with children vs. efficiency with no children. You would have to consider all of these things when you decide each setback and you would also have to take into consideration all the other things in our code that go into each mix.

On roll call vote, YES: Anderson, Loar, Nadeau, Goldman, Moore

The Motion passed with a 5-0 vote.

b.) Ordinance 2006-39 PUD Setbacks

Clerk McKamey read Title Only, of Ordinance 2006-39, PUD Setbacks. Mayor Moore stated that this was a public hearing and asked if anyone in the audience wanted to come forward. No one came forward.

Commissioner Nadeau made a Motion to Adopt Ordinance 2006-39, PUD Setbacks and Commissioner Goldman seconded the Motion.

On roll call vote, YES: Anderson, Loar, Nadeau, Goldman, Moore

The Motion passed with a 5-0 vote.

5. PALM TREE VILLAS, Preliminary Plan

The Clerk stated that this was a condo/townhouse subdivision on 52nd Court which was annexed into the City in 2005 and changed zoning to an R-3 in 2006. It meets the minimum code requirements and the Commission needs to approve the preliminary plan before any further planning of the development could take place.

Commissioner Nadeau stated the average lot length was between 25 ft. and 35 ft. wide and length was 130 ft. The Clerk stated that these were townhouses with 4 units/ building and that was why the lots were narrower. The PWD stated there would be 8 buildings total, with 4 lots per building. Mayor Moore stated that some had 5 units/building.

Commissioner Anderson stated this project had been brought up before and the Commission stipulated certain requirements. PWD Monroe stated this project had not come before the Commission before; there were some that were similar that came before the Commission but this one had not. Mayor Moore stated there was another development in this same area but it was on the other side of the road.

Tim McGinnis came forward and discussed this project. He said all the units would have garages. There were 4 buildings with 4 units and 4 buildings with 5 units. He also stated that there would be a privacy fence all around the development and that it would be gated.

Commissioner Anderson asked when do we discuss the particulars of this project and the Clerk stated this was the preliminary plan so you should discuss it at this point because this would not come back before the Commission until final plat approval.

Mayor Moore asked if this issue could be tabled so the minutes could be checked to see if any restrictions were placed on this development. Attorney Landt stated that they could table it.

Commissioner Loar made a Motion to Table this Item until the next meeting and Commissioner Anderson seconded the Motion.

**On roll call vote, YES: Anderson, Loar, Nadeau, Moore
NO: Goldman**

The Motion passed with a 4-1 vote.

6. UNSCHEDULED AUDIENCE

N/A

7. RECREATION LEVEL OF SERVICE

The Clerk stated that at the workshop the Commission discussed decreasing the level of service from 10 acres per 1000 residents to 5 acres per 1000 residents. As a result, there would be less land that the City would have to set aside for recreational purposes. The Clerk stated she had spoken with the Land Development Coordinator and we would have to change the Comprehensive Plan, but there was no time to prepare the required text amendment for this cycle. Therefore, it would have to go on the next cycle which would put the lower level of service recommendation off for approximately a year. The Clerk stated her recommendation was to leave the level of service at 10 acres per 1000 residents.

The Clerk stated that the City would need time to put the City's data into the Deland Ordinance for a defensible impact fee for recreation and it would be presented to the Commission in January 2007. The public hearings for adoption would then be scheduled.

Commissioner Goldman asked if they needed a motion to maintain the 10 acres and the Attorney stated you don't need a motion to do that but the Clerk wanted a straw vote that the Commission does not want to change the level of service so there would not be any confusion in the future.

Commissioners Goldman and Anderson stated to leave it the way it was.

The Clerk stated Mr. Shrum had detailed what would be required for the recreation impact fee ordinance as well as listed the items the City had to prepare in the near future, i.e. the Transportation Fair Share Ordinance; large scale comprehensive plan amendments; School

Concurrency Agreement; fees that need to be developed and the Recreation Impact Fee Ordinance.

Commissioner Anderson stated what was more important the School Board or the City of Belleview's money. The Commissioner stated his pockets come first.

Mayor Moore asked what happens if the things that were mandated by December 1, 2006 were not completed and the Clerk stated for the State could issue sanctions against the City.

Attorney Landt stated that if the City doesn't meet deadlines, one sanction would be that the City could not do comprehensive plan amendments. The Attorney stated that the Land Development Coordinator has done an excellent job setting out the things the City needs to do which were logical and rationally connected to real data and therefore defensible. You need to be able to defend your actions by looking at the function of government, the real government purpose and not guess or plug in our figures into the Deland Ordinance.

The Attorney stated we need to talk about the way to look at land development regulations and refine them so there were not so many inconsistencies. We need to have a rational reason for imposing a tax or fee and not use another City's ordinance as a boiler plate. This would take months to do. The Attorney urged the Commission to look at this as an intellectual analysis of what the COB needs and what would be a fair impact fee and how to assess it.

Mayor Moore stated we need to pay attention to the School Board Concurrency issue because the school board wants to stop growth in this area so we need to fight for our rights.

The Clerk stated that the Land Development Coordinator would attend the meetings on the Interlocal Agreement between the School Board and the governments in the County. The School Board is present at and participates in these meetings. The Clerk stated that one of the issues is look at schools on a County wide area versus a district wide area. The School Board would like to see it more restrictive. The Clerk stated Senate Bill 360 was adopted a year ago and every government was trying to meet the requirements.

Commissioner Goldman stated he had no problem taking care of things that need to be done but if the School Board shuts down our development then we would not need the impact fee. Based on information from the previous workshop, he would like to see it meet the criteria, but he did not want an ordinance that would need a band aid in six months. If these other things had to come first, then so be it, but when we do the ordinance we need it done right.

Mayor Moore asked if the Commission was in favor of keeping the level of service at 10 acres all the Commissioners were in agreement of keeping the level of service at 10 acres per 1000 population.

Commissioner Anderson stated everyone knew about cutting growth here but him, and he was finding out 2 months before the deadline. Mayor Moore stated that Mr. Hering, School Board Member, came here and stated that they wanted to cut growth. Commissioner Anderson stated the Commission had nothing to read about this issue and the Clerk stated that was not true. Mr.

Hering had been before the Commission a couple of times and she had also reviewed the process with the Commission a number of times starting in March 2006 when she gave the Commission her first report.

Attorney Landt stated that School Board Member Hering expressed concerns that the schools were overcrowded in this area. The Clerk stated it accurately, that the Statute calls for implementation of agreements between local governments and the School Board regarding the issue of sufficient seats and classes for the anticipated students from development. The Statute allows in the initial agreement to call for the level of service to be established County wide but there were those who want to make it a district concept, which was the current high school district. If you do that, you would find that some school districts would have empty seats and some would be crowded. At this time, the sentiment seems to be going to County wide level of service and the statement made to you was a little strong but fair to say that there was some sentiment on the School Board to have the first agreement on a high school district basis rather than County wide basis. Mr. Herring came to many of our meetings and had spoken to many people about his concerns.

The Clerk stated she had not sent any thing out yet because the draft was not completed even though the target date for approval was December 2006.

Attorney Landt stated this was an agreement between the school board and local governments, which was mandated by Florida Statutes. The Clerk stated DCA supplied a model agreement, but it had to fit Marion County and the local governments' needs. This agreement would be approved by every government in Marion County. The Clerk stated the planners from all the agencies had monthly meetings since March to try to get some of the items ironed out. December 2006 was the deadline for the County's grant requirements.

The Attorney stated that Clerk McKamey touched on something that was important, December 1st was not the statutory deadline. The State of Florida made grants available and Marion County was a recipient of one of those grants. The Clerk stated this was phase one of a two phase process. The agreement was first and then the deadline for all of us to amend our comprehensive plan was December 2008.

8. PURCHASE OF PROPERTY

Kirk Boone came forward and stated that he needed to know if the City was still interested in purchasing some of his property for recreation land so he could go forward with his development. Basically, he wanted to know what direction the City wanted to take if any because the longer it takes there was the real potential that the cost would go up. Mr. Boone stated the last conversation he had with the Commission there was no interest. Mr. Boone stated that it was on the public record what he paid for the land but he would need direction from the Commission and fairly quickly.

Mayor Moore did a poll of the Commission:

1) Commissioner Nadeau stated that a portion of the 27 acres could be used for recreation, but adding on to the existing sports park also made sense. Implementing a recreation impact fee made sense as well and was a good plan to pay back the loan.

2) Commissioner Loar asked if the 27 acres was concrete and Commissioner Nadeau stated it was all 27 acres or nothing. Commissioner Loar stated she would go for 10 acres from Mr. Boone for the park.

3) Commissioner Goldman agreed with Commissioner Loar with 10 acres. Commissioner Goldman agreed with Commission Nadeau that a 15 acre park on the 27 acre site would be great and PW could have 5 acres and the fire Department could have 2 acres as well.

4) Commissioner Anderson stated he did not know how many acres the City would need for recreation land because it would depend on what the staff was planning to build. Mayor Moore stated that staff had not been given any direction on what we want or need and the 10 acres was a big step for the City.

5) Mayor Moore stated she wanted 20 acres but would be happy with 10 acres any thing was better than nothing.

Commissioner Goldman stated to direct the staff to keep our level of service at 10 acres. The PWD gave us the information that there would be 2800 new residents within the next three years living in the COB. The City would be lacking park and recreation space 6 years from now which was only a portion of what we needed and this 10 acres borders our park which was always crowded. The staff did enough work for us to know that we would have to provide recreation space for those people.

Mayor Moore asked the Clerk to get a State revolving loan payment structure for the 10 acres and the 20 acres. Commissioner Nadeau stated that next year after we purchased this property then we could discuss changing the level of service. PWD Monroe stated that they recently finalized COB's service area and we have in excess of 30 square miles to serve.

9. SEWER JETTER PURCHASE

PWD Monroe stated this was for the high pressure water jet that cleans out sewer lines. It was budgeted in the 05/06 fiscal year but when it went through the bid process and they needed some clarification of the specifications. After careful review and comparison of the machine and attachments, Environmental Products was the low bidder at \$30,000.

Commissioner Nadeau made a Motion to Approve purchasing of the high water pressure jet from Environmental Products in the amount of \$30,000 out of the W&S 05/06 Budget and Commissioner Loar seconded the Motion.

On roll call vote, YES: Anderson, Loar, Nadeau, Goldman, Moore
The Motion passed with a 5-0 vote.

10. CITY TELEPHONE SYSTEM PURCHASE

Kevin Towne, IT Coordinator, stated he was asking the Commission to approve the Vertex Telephone Communication System which was a telephone system and authorize the Mayor signing the appropriate documents.

Mr. Towne stated he was requesting an additional amount up to \$5000 for the replacement of the Police Department's recorder. Their recorder was working with only one drive of a two drive system and one of those drives was bad, but he could not get replacement parts. The total budgeted was \$30,000; the current proposal in the Agenda packet was \$28,418. This system had been out for approximately 5 years. This telephone package comes with 2 years of updates at a cost of \$900/year.

Mr. Towne explained that this system was an IP telephone system and could be expanded to 1500 phones. It should last for at least 10 years and would not be outdated like our current system in only a few years. This system would be City wide.

The Clerk stated that the \$5000 we anticipate would come from Fund Balance. Commissioner Anderson asked Chief Strickland if he had a line item in his budget for new equipment and the Chief stated he did not budget for any this year, but they had a line item for repair and maintenance. The Clerk stated the Chief did not want to use up his entire repair and maintenance budget and then have to come back for budget amendments. The Chief stated that he did not want to spend any money out of his automation fund this year. Mr. Towne stated he was talking to Vertex about the price and might be able to get it as low as \$2000-\$3000. The Clerk stated she would look for the funds within the Police Department's budget.

Commissioner Nadeau made a Motion to Approve the Purchase of the Vertex Phone System and Commissioner Goldman seconded the Motion.

On roll call vote, YES: Anderson, Loar, Nadeau, Goldman, Moore
The Motion passed with a 5-0 vote.

11. MAYOR MOORE – Consent Agenda

Mayor Moore stated that she talked to staff about using a consent agenda since the County and other municipalities all use consent agendas. This would lump certain items into one group and then the Commission would vote on all of them together as one motion. Example in tonight's agenda, items 1, 5, 9, 10 could all come under one motion and the meeting would go smoother.

Commissioner Anderson stated he felt that each item needed to be looked at and he would pull each item off of the consent agenda. Commissioner Goldman stated he agreed with Commissioner Anderson except when we were reading annexations with 17 different pieces of property, why not do it all in one.

Attorney Landt stated that some things could go on the consent agenda and not cause problems but he would prefer that annexations were read one at a time so there could not be a question of it being legitimate or not. Mayor Moore stated that the title would have to be read, but there could be one motion but the routine things would be on the consent agenda

Attorney Landt restated that his recommendation was on annexations and rezonings would have to be read separately. The Attorney stated he would recommend adopting a consent agenda for the routine items but not for things of input.

The Attorney stated the consent agenda you would have a motion to approve or adopt the consent agenda. The Clerk would have to read the titles for all the ordinances in that consent agenda. You could do it, but someone could be sitting in the audience waiting to talk about an ordinance and would not realize that the ordinance they wanted to discuss was on the consent agenda and had been approved.

Mayor Moore stated each item could be read out loud but have only one motion for the 25 items on the consent agenda. After some discussion, Mayor Moore pulled this item from the Agenda.

12. DEPARTMENT HEADS

PWD Monroe – Nothing at this time.

IT Coordinator Towne – Nothing at this time.

Chief Strickland – Discussed the Halloween Carnival scheduled for 10/31/06 at 5:30 PM.

Clerk McKamey – a) Discussed scheduling a workshop on 11/16/06 for the Proportionate Share Ordinance for transportation and other planning issues for the City of Belleview. b) Discussed the Legislative Meeting which was scheduled for 12/13/06 in Ocala and asked if a Commissioner wanted to go and present the project to them. c) Discussed the public hearing for the adoption of the facilities plan for the sewer treatment plant CBIR grant on 11/21/06. d) Stated that the Auditors would be at City Hall starting October 30, 2006 for a 2 week period.

Attorney Landt – Nothing at this time.

13. COMMISSION COMMENTS

Commissioner Goldman – stated the Cobblestone Homeowners Association approved the Board cutting and maintaining the strip of land that was in violation of the City's code until some other arrangements could be made. Commissioner Goldman asked that a note that no more letters go out to the home owners at this time. The Association was putting this out to bid until they could work out a permanent solution.

Commissioner Nadeau – asked if there was any improvement at the lift station on 114th Street and the PWD stated he had heard nothing since the last time the neighbors came before the Commission. The City gets reports and everything was fine and, hopefully, under control.

Stated that he was going to wait until after the election to rename the Belleview Bypass because of the one cent sales tax that was on the ballot.

Stated that the candidates running for governor would increase the Homestead Exemption to \$50,000 and if that happens it would decrease the revenues to City.

Commissioner Loar – stated that she had received some negative reports on the one cent sales tax and was wondering how the election would turn out.

Commissioner Anderson – Nothing at this time.

Mayor Moore – Nothing at this time.

Meeting was adjourned at 8:20 PM

ATTEST:

Sandi McKamey, MMC, CPM
City Clerk/Administrator