

CITY OF BELLEVIEW
REGULAR COMMISSION MEETING
AGENDA

BELLEVIEW 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 CHRISTINE K. DOBKOWSKI

June 19, 2007

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

INVOCATION AND PLEDGE

MAYOR MOORE

AGENDA ITEMS:

1. APPROVAL OF MINUTES:
 - a) 05/01/2007 Commission Meeting
2. PUBLIC HEARING: FINAL READINGS:
 - a) Ordinance 2007-12 Animal
 - b) Ordinance 2007-13 Agricultural
 - c) Ordinance 2007-14 Temporary Certificates of Occupancy
3. OCALA MARION COUNTY COMMUNITY COUNCIL AGAINST SUBSTANCE ABUSE
4. REQUEST FOR WAIVERS – NURSING SCHOOL ON HWY 484
5. GINGER HARBIN
6. CAFARO LAND SWAP
7. FINAL APPROVAL – CORAL GABLES DEVELOPER'S AGREEMENT
8. FINAL APPROVAL – SUMMERFIELD PLACE DEVELOPER'S AGREEMENT
9. UNSCHEDULED AUDIENCE
10. FINAL PAY REQUEST – Reclaimed Water Main
11. RESOLUTION 2007-04: COMP PLAN SUBMITTAL SIGNATURES
12. RESOLUTION 2007-05: DEPUTY CITY CLERK
13. PROGRESS ENERGY GOVERNMENTAL ATTACHMENT AGREEMENT

14. SAFETY COMMITTEE – Disaster Preparedness Procedures

15. RELEASE OF LIEN

16. CHARTER AMENDMENT – COMMISSION TERMS

17. BELLEVIEW BY-PASS ROAD

18. STAFF COMMENTS

19. COMMISSION COMMENTS

**CITY OF BELLEVIEW
REGULAR COMMISSION MEETING
SYNOPSIS**

**BELLEVIEW CITY HALL
COMMISSION CHAMBERS**

**June 19, 2007
6:00 PM**

Mayor TAMMY C. MOORE
Seat 1 MICHAEL J. GOLDMAN
Seat 2 KENNETH R. NADEAU
Seat 3 WILMA C. LOAR
Seat 4 CHRISTINE K. DOBKOWSKI

AGENDA ITEMS

1. APPROVAL OF MINUTES: 5/1/07 Commissioner Meeting

ACTION: APPROVED MINUTES

2. PUBLIC HEARING: FINAL READING: a) Ordinance 2007-12 Animals
b) Ordinance 2007-13 Agricultural
c) Ordinance 2007-14 Temporary CO

ACTION: ADOPTED ORDINANCES 2007-12 THROUGH 2007-14

3. OCALA/MARION COUNTY COMMUNITY COUNCIL AGAINST SUBSTANCE ABUSE

ACTION: APPROVED PROGRAMS ON GRANT APPLICATION

4. REQUEST FOR WAIVERS – Nursing School On Hwy 484

ACTION: DISCUSSION ON THE WAIVERS

5. GINGER HARBIN

ACTION: TABLED

6. CAFARO LAND SWAP

ACTION: APPROVED THE LAND SWAP AGREEMENT

7. FINAL APPROVAL – Coral Gables Developer’s Agreement

ACTION: APPROVED THE DRAFT DEVELOPER’S AGREEMENT

8. FINAL APPROVAL – Summerfield Place Developer’s Agreement

ACTION: APPROVED THE REVISED DEVELOPER’S AGREEMENT

9. UNSCHEDULED AUDIENCE

ACTION: N/A

10. FINAL PAY REQUEST – Reclaimed Water Main

ACTION: APPROVED THE FINAL PAYMENT

11. RESOLUTION 2007-04: Comprehensive Plan Submittal Signatures

ACTION: APPROVED RESOLUTION 2007-04

12. RESOLUTION 2007-05: Deputy City Clerk

ACTION: APPROVED RESOLUTION 2007-05

13. PROGRESS ENERGY GOVERNMENTAL ATTACHMENT AGREEMENT

ACTION: TABLED

14. RELEASE OF LIEN

ACTION: APPROVED RELEASING THE LIEN

15. SAFETY COMMITTEE – Disaster Preparedness Procedures

ACTION: APPROVED THE RECOMMENDATIONS

16. CHARTER AMENDMENT – Commission Terms

ACTION: TO BE BROUGHT BACK

17. BELLEVIEW BY-PASS ROAD

ACTION: DISCUSSION ON THE NAME OF THE ROAD

18. STAFF COMMENTS

DENNIS MONROE: NOTHING AT THIS TIME

CHIEF STRICKLAND: DISCUSSED SGT. LADD'S RETIREMENT

INFORMATION TECH TOWNE: NOTHING AT THIS TIME

***CLERK McKAMEY: DISCUSSED THE REVISIONS TO THE BUSINESS LICENSE STATUTE;
DISCUSSED THE NEW FIREWORKS ORDINANCE;
DISCUSSED STATUS REPORT OF THE COMPENSATION STUDY;
STATED THE JOINT WORKSHOP WITH THE COUNTY WAS SCHEDULED FOR 6/27/07***

***ACTION: APPROVED CHANGING THE CODE ENFORCEMENT ORDINANCE FROM 7 REGULAR MEMBERS TO 5
REGULAR MEMBERS WITH 2 ALTERNATE MEMBERS***

JEFF SHRUM: DISCUSSED SIDEWALK WAIVERS

ATTORNEY LANDT: NOTHING AT THIS TIME

15. COMMISSION COMMENTS

COMMISSIONER GOLDMAN:

ACTION: DISCUSSED THE SIDEWALK ISSUE

COMMISSIONER NADEAU:

**ACTION: DISCUSSED THE TREE AT THE SANTIAGO HOUSE;
DISCUSSED COVENANTS AND ANNEXATION COVENANTS THAT WERE ON FILE
DISCUSSED THE FL. LEAGUE OF CITIES BULLETIN RE: NOMINATIONS FOR CITY EMPLOYEES
AND CITY EVENTS:**

ACTION: NOMINATED THE CITY CLERK, THE MAYOR AND COB'S FREEDOM WALK FOR THOSE AWARDS

COMMISSIONER LOAR:

ACTION: NOTHING AT THIS TIME

COMMISSIONER DOBKOWSKI:

ACTION: DISCUSSED THE LOCKED GATE ON 67TH AVENUE AND THAT CHILDREN WERE PLAYING TEE BALL IN THE STREET;

**DISCUSSED THE BROKEN PLAYGROUND EQUIPMENT AT SPORTS COMPLEX;
ASKED THAT THE SPEED TRAILER BE PLACED ON 112TH ST;
DISCUSSED TREES IN THE RIGHT OF WAY ON 110TH ST AND 51ST CT;
DISCUSSED A CITIZEN'S COMPLAINT THAT THEY SHOULD NOT CALL THE COMMISSIONERS FOR MINOR ISSUES**

MAYOR MOORE:

**ACTION: DISCUSSED THE HOLES IN THE PAYMENTS BY THE RAILROAD CROSSING ON BABB ROAD;
DISCUSSED THE TIME GARBAGE COULD BE PICKED UP AT THE VILLAS;
DISCUSSED THE FREEDOM WALK MEETINGS**

The meeting was adjourned at 9:29 P.M.

**CITY OF BELLEVUE
COMMISSION MEETING MINUTES**

**BELLEVUE CITY HALL
COMMISSION CHAMBERS**

June 19, 2007

6:00 PM

Mayor TAMMY C. MOORE
Seat 1 MICHAEL J. GOLDMAN
Seat 2 KENNETH R. NADEAU
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Seat 4 CHRISTINE K. DOBKOWSKI

PRESENT MAYOR MOORE; DOBKOWSKI; GOLDMAN; LOAR, COMMISSIONER NADEAU; PUBLIC WORKS DIRECTOR MONROE; INFORMATION TECH TOWNE; CHIEF STRICKLAND; ATTORNEY LANDT; LAND DEVELOPMENT COORDINATOR SHRUM; CITY CLERK/ADMINISTRATOR McKAMEY; DEPUTY CITY CLERK DeGENNARO

1. APPROVAL OF MINUTES: 5/01/07 Commission Meeting

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

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

2. PUBLIC HEARING: FINAL READINGS:

a) Ordinance 2007-12 Animals

Clerk McKamey read Title Only of Ordinance 2007-12 and gave a brief review of the ordinance.

Mayor Moore stated that this was a Public Hearing and asked if anyone who was in favor or against the Ordinance wanted to come forward. Clay Waldron came forward and asked if there was an exemption for 4-H projects. The Clerk stated that the schools had a place to keep the animals,

Terry Harris, Chairperson of the P&Z Board came forward and stated that both the Code Committee and P&Z Boards discussed that the schools had good facilities for this thing. Mayor Moore stated they could always come back to the Commission and be given a Special Exemption. Attorney Landt stated that with this ordinance they could not do that and the present ordinance disallows it also. The Clerk stated it had been years since that was requested by a citizen.

Commissioner Dobkowski stated that just because no one had requested it does not mean they won't and not everyone would be able to use the school facility. The Commissioner stated she felt it should be incorporated into this ordinance that they could get permission from the Commission. Attorney Landt stated if you were going to provide exceptions for 4-H projects it needs to be in this ordinance as an exception to the prohibition.

Commissioner Nadeau Made A Motion To Amend The Ordinance To Allow A Section For School Students That Were Involved In Organizations That Promote The Raising Of Animals Such As FFA And 4-H Could Obtain Permission From The Commission As A One Time Exception During The School Year And Commissioner Dobkowski Seconded The Motion.

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

Commissioner Nadeau made a Motion to Adopt Ordinance 2007-12 As Amended and Commissioner Dobkowski seconded the Motion.

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

b) Ordinance 2007-13 Agricultural

Clerk McKamey read Title Only of Ordinance 2007-13 and gave a brief review of the ordinance.

Mayor Moore stated that this was a Public Hearing and asked if anyone who was in favor or against the Ordinance wanted to come forward. No one came forward.

Commissioner Nadeau made a Motion to Adopt Ordinance 2007-13 and Commissioner Loar seconded the Motion.

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

c) Ordinance 2007-14 Temporary Certificates of Occupancy

Clerk McKamey read Title Only of Ordinance 2007-14 and gave a brief review of the ordinance.

Mayor Moore stated that this was a Public Hearing and asked if anyone who was in favor or against the Ordinance wanted to come forward. No one came forward.

Commissioner Nadeau made a Motion to Adopt Ordinance 2007-14 and Commissioner Goldman seconded the Motion.

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

3. OCALA MARION COUNTY COMMUNITY COUNCIL AGAINST SUBSTANCE ABUSE

Matt Mathews, Prevention Coordinator for Ocala Marion County Community Council Against Substance Abuse came forward and asked that the COB endorse the four programs listed on the

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

Commissioner Nadeau stated he was the Liaison for the City and he was impressed on how many agencies come together to fight not just substance abuse and addictions, but and other causes as well.

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

4. REQUEST FOR WAIVERS – NURSING SCHOOL ON HWY 484

Diane Brumm and Steve Small came forward and gave a brief review of the impact that the Nursing School's program had in the past on the communities.

Mr. Small stated that the school would provide a tremendous benefit to this community because students who could not get into schools in Ocala could get into this school and economic depressed individuals would be raised to a higher level.

Mr. Small stated that the City asked for several things from the school which comes to a total cost of \$144,000 and the School was asking for fee waivers of \$33,000. The items were: a) retention area - the school would like the City to reconsider the size of the retention area; b) sidewalks - the City wants the sidewalks to be put in now and we were requesting an extension of time to build the sidewalks until Phase 2 was completed or until other sidewalks were in place to connect to - which ever happened first. c) Tree ordinance – the City wants us to replant trees around the retention area off of SE 125th and the school wants to wait until Phase 2 was constructed; this would be just a delay and there were plenty of trees there now that would not be cut down; d) Emergency Operation Fee – City was asking for \$9500 emergency operation fees in case the City needs to repair or fix a malfunction of the lift station. The School would like to have that fee spread out over a longer period so it would be more affordable.

Mayor Moore stated that the Transportation Impact Fee was a County fee not the City of Belleview. Mr. Small stated that was correct but wanted to get that negated by asking for a waiver of the Building Fee; Fire Rescue Permit fee; W&S and Radon Fee. Commissioner Dobkowski stated that they could go to the County and ask them to grant a credit to the school for the Transportation Impact fee. Commissioner Goldman agreed for them to try to get on the County Agenda to request Transportation Impact Fees be negated because of what they were doing as far as improvements. It was not COB's call but the County does allow fees to be waived when you were making improvements.

David Register, Commercial Structures, came forward and stated he was trying to find ways to help these folks and his experience with Marion County has been there was zero percent chance of getting the Transportation Fee waived. The COB could get the W&S connection charges and sewer impact fees on the new sewer lines waived. Building permits were a discretionary fee for the COB and the City of Ocala had waived some of these fees for individuals in the past. The

school could have put in a septic tank and a public well and opened for business with a total cost of about \$40,000 since they were in the County.

Mayor Moore stated that the school was in our service area and they could not have put a well in. Mr. Register stated if they built in the County they would not have to put in the number of oaks or sidewalks so those were the types of things they were asking for help from the City.

Mayor Moore asked if the City had ever waived these fees before and Attorney Landt stated he did not recall the City doing that but the Commission recently allowed someone to make a time payment on something that was not normally a time payment.

Ms. Brumm came forward had stated that the grant was tedious, but they appreciated the City's assistance and support. The additional \$5,000, \$20,000 and \$60,000 had put a hold on this school. She stated they wanted as this school grows into college courses to be part of the City.

Commissioner Goldman asked how much money were you talking about; there were no totals on these papers. Mr. Small stated they were asking, with the exception of the Transportation Fee, for waivers on the remaining \$33,000 plus or minus other impact fees that include Fire and Rescue Fee; Sewer Impact fee; Water Impact Fee; Building Permit fees; Irrigation Connection fees; Sewer Connection fees and Water Connection fees; the total impact fees waived from the COB would be between \$21,000 and \$33,000.

Commissioner Dobkowski asked what was the cost to the City and the PWD stated he had no input on the Transportation Fees because that was a County fee nothing we could do there.

Commissioner Nadeau stated we were requiring them to pave from 484 to the entrance of the school and the PWD stated that was correct. That was on the site plan when it was submitted to the City by the Engineer. He put it in there because the right of way was narrow the Engineer put in the curb and gutters and he had to collect storm water.

Construction of 8" fire manes were service lines to serve the property, again that was the Engineer's decision and DEP regulations; this was not a City requirement, but the school believes that was over sized. The City had not issued any impact fee numbers because we had not seen the capacity for the building. The impact fee was based on the number of students which was based on capacity of the building and we have not seen any of that stuff yet. Commissioner Nadeau stated the City pledged water and sewer impact fees towards the bond and the PWD stated W&S impact fees they buy the capacity in our treatment system and we use that money to replace them later.

PWD Monroe stated that the connection fees were being done by their contractor so we made provisions for that in our ordinance which was a Class 2 so they have received a break there already. They talked about the drainage and right of way that was common practice you had to put the water in the retention on the development. Storm water drainage impact fees do not exist in the City and if we ever did it would be on commercial.

The School was requesting that the City maintain that DRA, but the City policy requires private roads and private drainage so the PWD stated he would not recommend that.

The PWD stated regarding the tree issue we could work with that because we were revising our tree ordinance. Mr. Shrum stated that a revised site plan similar to 3 Seas where they had arborist go out and evaluate the trees and determined the trees that would be taken down and suggest the number of inches for replacement.

Mr. Register stated the only clearing would be in Phase 2 for water and sewer lines and retention lines; they were only talking about the new trees which had to be planted in the Phase 2 area and they wanted to leave that out so the school could open at a lesser cost. That could be controlled and regulated and enforced when Phase 2 was done because if we plant those trees now we would have to irrigate them and then when we clear everything it would be difficult not tearing up the irrigation system.

PWD Monroe stated the Emergency Operation Fee was dictated by the County. This property does slope off towards the back and the pump station was required to serve with sewer and was already designed before they looked at it. The pump station had to override the pressure in the other pump station and the size was dictated by that. The City would not take over the maintenance as long as it was a private station and it would not become a City station until another user connected to it and the fee would become due at that time and that could be put in the developer's agreement if it was acceptable.

Mr. Register stated that was good news and would help. The \$9500 fee would not be applicable to this project right now because no one else would be using that station and the school would not have to make annual payments. Mr. Small stated when the developer's agreement was in place and other users came on then that fee would be due from the school and PWD Monroe stated that was correct.

PWD Monroe stated other arrangements had been made for other people for sidewalks. The School could escrow the money so when they were built later the money would go towards that and the City had done that for other people in the past.

Mayor Moore stated if we waive these fees for this school everyone else would want that as well. A payment plan over a period of time was fine; take the \$35,000 spread over a 4 year period which would be \$8700/year fee. The Clerk stated to keep in line with the 3 years and then have the attorney amend the ordinance.

Mr. Register stated what they wanted to do was postpone that portion of sidewalk that was in Phase 2 until we get to Phase 2. They would have to go in and clear land and have heavy trucks going in there and cross that sidewalk which makes no sense to do that. We asked if the back portion of that sidewalk could be deleted and we were told that could not be done and we would have to put the whole sidewalk in per the Civil Engineer.

Commissioner Nadeau stated to put in the developer's agreement that the entire sidewalk project would be a part of the future expansion because the sidewalks would not be used now. PWD Monroe stated that was the whole point and that was the problem with some of our ordinances requires sidewalks to be put in and they were maintenance issues and putting money in an escrow account when ready we would build the sidewalks.

The Clerk stated it would be an ordinance change and checking the emergency operations it was not allowed in there either. The PWD stated it would not be a City pump station and the fee would be due when it becomes one whatever the fee was at that time and the fee could be higher. Attorney Landt stated if you don't pay the \$9500 now under the private theory and it becomes a line that others connect to then you would be required to make the contribution for the generator and it may be more than the \$9500 at that time.

Commissioner Goldman stated he liked the 5 year period and we should do whatever we could to be business friendly. Commissioner Goldman stated that DOT throws money in for sidewalks so if we had to adjust the ordinance to go from 3 to 5 years. The Commissioner stated he was extremely confused by the numbers was it \$20,000 - \$30000.

Commissioner Goldman asked about the Emergency Operations Fee and if this was for generators. PWD Monroe stated this came about because the City had an event where we were out of service for one week, so we came up with this fee for the generators to get the City up and working and this fee generates the money so we would have those generators.

Commissioner Dobkowski stated she was in favor of the 5 year period if we wanted quality business to come in. This school was out where we would not need a sidewalk for a long time. Commissioner Nadeau stated somewhere down the road there would be a grant to run sidewalk from the Elementary School out to the library so kids can get there.

Commissioner Loar stated she was in agreement with \$33,000 for 5 year plan because she was interested in seeing this school grow to be an asset to the; however, the sidewalks were not needed at this time and leave them out until Phase 2.

Attorney Landt stated the City would need 2 ordinances:
1- to extend the time payments from 3 years to 5 years; 2- an ordinance that addressed the sidewalks so people could come and seek relief from the Commission.

The PWD stated he wanted to clarify: the fee for the W&S impact fee would up to 5 year payments only and Attorney Landt stated that was correct the Operations Fee had to be there because the Commission stated they were willing to go for time payments also. The PWD stated once the lift station was in place someone had to operate it and the City could use that money to buy the generator and operate it.

Mr. Small stated the school was asking for waiver on all the system development charges. Attorney Landt stated the connection fees were not system development charges. The Attorney stated he was instructed to develop an ordinance which deals with the System Development Fees

which consist of the Water and Sewer and the Emergency Operations.

Commissioner Dobkowski stated on Pg. 36, the costs of the water line was \$21,200 and connection fees \$10,750 were those combined and was that what they were asking the payments on. PWD stated the water and sewer impact fees were the \$10,750 and that may not be exact depending on the capacity of the building, but not the \$21,200.

Mr. Shrum stated fire and transportation fees were County. Attorney Landt stated the City had only 3 system development charges which were the water, sewer and emergency operations to provide generators were all the system development charges, but there were other fees.

The Clerk stated that the building permit fees gets paid to MC Causley and the radon t gets paid directly to the State. Mayor Moore stated an ordinance for 5 year payment plan for the W&S impact fees. Mr. Smith stated the \$21,000 was a moot issue and PWD stated not to include the Emergency Operations. Initially it would not be a City pump station and they would not have to pay that fee until some time in the future. If they want to pay the fee, we could write in the developer's agreement that in case of an emergency, the City would operate it. When we build a pump station someone has to buy a generator, because if it goes down, the school would be out of business; either way, they pay the City to run it or they buy the generator.

Attorney Landt stated that when the pump station goes on line a generator must be purchased. As the PWD stated: a) if they want the City to purchase it then that would financially impact his department; b) the City budgets the cost to purchase generators because you were carrying a credit plan for developers who don't buy their generators when they put stations on line that require them. PWD stated it also took time to track the payments and Attorney Landt stated the financial impact was up front.

Mr. Small stated he would like to see this deferred for the school. The PWD stated they could defer it until someone else connects to it and the Clerk stated to put it in the Developer's Agreement.

5. GINGER HARBIN

Ginger Harbin and Jerry Harbin came forward and stated that two meetings ago they were told to put on the agenda information regarding the past as well as the current issues because Commissioner Goldman felt they needed to discuss this with the entire Commission.

Electrical permit for the gate on 109th St. – the electrician was denied a permit on 109th St. She met with the PWD and his position was that the site plan that was submitted called for that gate to be for emergencies only and it was to be locked and they also had to pave 109th. Mr. Harbin stated we do not know if it was ever approved. At a meeting, we talked about the cost and our master plan and got a revised site drawing from our engineer at the City's request for only 2 lots. We had enough capacity for those two buildings; however, we only constructed one building so we were under the approved sq. ft. that we were told we could do by the PWD and City Clerk.

The former owner, Max Dempsey, donated to the City offsite water retention. Based on that, they did not have to incur any expense for water retention on site and were allowed to put two

more lots back there. That gate was the only access to Sentry Storage property on 109th St. Now they were not allowed to use it and it does not make sense to them because it was there and the site plan was revised and was not approved. We abandoned that site plan and a new site plan was approved with 2 lots and we only constructed one building and we now use the same gate which we were now denied a permit for.

PWD Monroe stated this property was in the County when Mr. Dempsey was the owner. It was annex into the COB after he had developed the original site; nothing was included but the original site. It never included any property along side of it; that was purchased later. The site plan showed a gate in the back. The City said if you want to use that street, it would have to be paved up past that entrance which was the requirement and they did not want to do that. That was why the permit was refused. That street was undeveloped right of way and they did not want to do that and that was when they came up with this emergency use. That was why the gate permit was denied because it was not supposed to be there.

Mayor Moore stated they said it was there when they purchase it and the City said it was not. Mr. Harbin stated they have photographs showing the gate was there. Commissioner Nadeau stated the City knew it was an emergency entrance. Ms. Harbin stated the Master Plan showed our plans for total development of that property in phases because we could not do it without the phases. Ms. Harbin stated that Mr. Shrum told her that the gate was not addressed in the site plan and they only built one of the two buildings. There was no attempt by the City to make us stop using that and if we did not use the back gate then all the tenants would come out on C-25 which was a dangerous road. When she met with the Engineer from the County, he stated all municipalities know to make exists and entrances on side streets not on C-25.

Commissioner Nadeau stated when Mr. Dempsey owned the property we were told it was an emergency access. PWD Monroe stated the entrance on 109th was not the issue; the issue was paving the road and then we would not have a problem with 109th street. The Clerk stated the initial development was done in the County and the COB annex it later after the Harbins purchased the property. The PWD stated that was also when the site plan started appearing showing the gate and other stuff.

Attorney Landt stated when the property was annex it came into the City in a certain situation. The problem was not that the City went out and suddenly said we noticed that the Harbins were using this gate. The problem was that the Harbins made an alteration to the premises and your rules provide that when someone does that they had to provide adequate drainage and the modify site plan had to meet the COB rules and regulations. Our rules were that their access road had to be paved and if you add to the impervious area you had to have adequate drainage for it.

Mr. Harbin stated regarding the paving of the road, when they abandoned the original Master Plan this plan (a plan brought with him) was approved with no modifications; nothing was mentioned about paving the road or the gate which was 4 years ago and now they were saying we had to go back and do this. Changing the land and making it impervious he agreed and understood all those rules. This site plan was addressed by PWD Monroe and City Clerk McKamey and because they had enough green area and onsite retention, they would not have to do anything at that time.

Ms. Harbin stated that 109th was never going to be paved all the way through so it seems ridiculous for us to have to pave some of it.

The Clerk stated regarding the document that was just presented, there was no City approval on that site plan the only thing on it was the engineer's seal and certification that he had submitted it.

Mayor Moore stated that the County gave them a permit but since this road was in the City they also needed a City permit. The PWD stated the additional pavement was in the County right of way which was extended parking lot out 10 ft. into the City right of way. It was sloped so the water would flow back on their site plan. The City discussed if the County took the water the COB would have no problem; otherwise they would need a revised site plan to show what would happen with the water and retention site. There was also a debate whether the County Engineer approved it.

The County situation caused the damage and the County Engineer would not take our calls but Mr Atkins, County Employee, came down and took pictures. The problem stated when the COB called the County. Mayor Moore stated we had drainage issues in the City and because of the flooding in the past so we need to make sure that the drainage was taking care of.

Mr. Harbin stated going back to the onsite retention, we only construction 1500 sq ft less than what we were approved for. They also demolished two houses our front and that took away 3800 sq. ft including the sidewalks that was now pervious area; we added more than 5000 sq ft that was pervious. They were still about 2900 sq ft less than what they were approved for.

Attorney Landt stated that no original site plan was found and most of it was approved out in the County. The problem was the changes which make you submit an additional site plan and then you have to comply. . Not going to pave the road that the City has done something that relieves them from following the code. What they brought into the meeting does not show any access it was a plat of land but does not show access. Suggesting that the staff is allowed to search the records and then give a report at the next meeting.

Mr. Shrum stated he spoke to Ms. Harbin and to the County and he told her to get a copy of the County permit. The County Engineer stated he was not aware of the permit and for her contractor to get with the County Engineer. In this case, when adding new asphalt someone had to accommodate the drainage.

The PWD stated those two old houses that were adjacent to Mr. Dempsey's original property which he did not own when he developed that property so they were never included in the drainage calculations; there was no credit so to speak for removing those buildings.

Mr. Shrum stated they developed in the County now they were in the City and things were there

and through one process we need to address all these issues. There was a lot of different information out there and maybe we need to step back and start over.

Mr. Harbin stated he agreed because there was a lot of conflicting information out there Mr. Dempsey owned those properties and they were a part of the property when they purchased it. The PWD stated but they were not a part of it when he developed the original site.

Attorney Landt stated circumstances like this Mr. Dempsey may have been owned by him and could have been turned down, but they were not part of the calculations for the drainage retention. Mr. Harbin stated they were and the PWD stated they were not.

Commissioner Dobkowski stated to start over with a clean slate and have the Harbins submit a basic site plan and then have it evaluated by Ed Abshier, City Engineer, and then waive the fees for the site plan just to have a clean start with this whole thing. The revised site plan would show what was on the property right now and any changes they want to make over the next 12 months and after that they would be subject to any resubmitted fees.

Mayor Moore stated that the staff wants time to look at what they had and to respond.

Commissioner Goldman stated that if the staff needs the time to review some of the things he would accommodate that but this had been around for six meetings and he wanted to resolve some things tonight.

Commissioner Nadeau stated we need to have staff present a time line at the next meeting and some alternatives from the staff and Attorney.

Commissioner Loar stated there was negligence on our part and the best thing to do was to do the research on this and a new site plan since the Harbins required the property to bring this to a conclusion.

Ms. Harbin stated they felt they were being picked on. We had to hire an engineer and draw up new site plan. Commissioner Dobkowski stated they have a site plan that could be revised and then they may or may not need an engineer. Mr. Shrum stated that an engineer would need to look at what was there and then they need to get the site plan recertified so at some point they would need an engineer. Mr. Harbin stated it would cost \$10,000 - \$15,000 for a new site plan. The Clerk stated to allow the City time to go through the file and put a time line together.

Ken table issue until next meeting time to develop time lines

Commissioner Nadeau made a Motion to Table This Issue Until the Next Meeting to Allow Staff And Attorney Time To Develop Time Lines And Action Suggestions and Commissioner Loar seconded the Motion.

The roll call vote, YES: Dobkowski, Loar, Nadeau, Moore

NO: Goldman

The Motion passed with a 4-1 vote.

Mr. Harbin stated there were problems on the site since the three lanes were put in and more trains were coming through and the traffic in town has increased 10 fold over the last two years. Their parking lot was a cut through and turn around for vehicles and semi trucks. They had everyone out there to help us, but our parking lot was not designed for semi truck traffic. Mr. Harbin stated he would like to make it one way and put a large boulder to keep semis out of there; does making it one way constitute a site change. Mr. Shrum stated it would change the circulation pattern. Mr. Harbin if he drew up a revised parking lot stripe plan for approval and Mr. Shrum if just changing the configuration to one way circulation on site plan then you would not have to have an engineer sign the site plan.

6. CAFARO LAND SWAP

PWD Monroe stated that this Agreement was to enable the City to trade property with Mr. Cafaro located along SE 113th Street for property along SE 107th Place for future development of recreation area.

Mr. Cafaro would develop a water retention area on 113th St. property that would accommodate his drainage and the drainage from the surrounding area. If the fencing he develops does not require fencing and the addition of the City capacity causes it to be fenced, then City would pay the cost of the fence. If the original design calls for fencing then the City would pay for half of the fencing and Mr. Cafaro would maintain the fence.

The PWD stated he was recommending that Mr. Cafaro not be required to replace any trees over 24 "that fall within the retention area.

Commissioner Dobkowski asked what were the changes to the agreement and PWD Monroe stated the trees and fence, but they also found that there were 3 parcels instead of 2 so we had to include that third parcel.

Commissioner Nadeau made a Motion to Approve the Land Swap Agreement and to Authorize the Mayor to Sign the Documents and Commissioner Goldman seconded the Motion.

The roll call vote, YES: Dobkowski, Loar, Nadeau, Goldman, Moore

The Motion passed with a 5-0 vote.

7. FINAL APPROVAL – CORAL GABLES DEVELOPER’S AGREEMENT

PWD Monroe stated this was on the Agenda for approval of the draft Developer’s Agreement; the property was located on SE 52nd Court.

Commissioner Nadeau made a Motion to Approve the Draft Developer’s Agreement and Commissioner Loar seconded the Motion.

The roll call vote, YES: Dobkowski, Loar, Nadeau, Goldman, Moore

The Motion passed with a 5-0 vote.

8. FINAL APPROVAL – SUMMERFIELD PLACE DEVELOPER’S AGREEMENT

PWD Monroe stated this Agreement was formerly approved by Commission on May 1, 2007, but the developer requested additional minor changes to paragraph A1 and A2.

Donna McMurdy stated the changes were that water and sewer line extensions would be completed “within 10 months of the expiration date” that phrase was added to both A1 and A2.

PWD Monroe stated this was developed in the County and the City was supplying water and sewer.

Commissioner Nadeau made a Motion to Approve the Revised Developer’s Agreement and Commissioner Loar seconded the Motion.

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

9. UNSCHEDULED AUDIENCE

N/A

10. FINAL PAY REQUEST – RECLAIMED WATER MAIN

PWD Monroe stated the construction of Reclaimed Water Main at the Treatment Facility at Spruce Creek. The line was incomplete because of minor issues with the contractor which would be addressed.

Commissioner Nadeau made a Motion to Approve the Final Payment and Commissioner Dobkowski seconded the Motion.

Commissioner Goldman stated you want to approve the final payment before all the issues were resolved. The Clerk stated the check would not be issued until everything was resolved. The PWD stated the issues were clean up issues nothing substantial and they would be resolved in a few days.

The roll call vote, YES: Dobkowski, Loar, Nadeau, Moore
NO: Goldman

The Motion passed with a 4-1 vote.

11. RESOLUTION 2007-04 COMP. PLAN SUBMITTAL SIGNATURES

City Clerk McKamey stated that the Comprehensive Plan amendments were approved by the Commission and submitted to the State in accordance with applicable procedures as outlined in the Florida Statutes and Florida Administrative Code. Those procedures require a transmittal letter signed by the Chief Elected Official or their designee. This resolution designates the City administrator and the City Planner to sign the letter and related correspondence when needed.

Commissioner Nadeau made a Motion to Approve Resolution 2007-04 and Commissioner Loar seconded the Motion.

Commissioner Dobkowski stated the letter was very straight forward so why would you need to redraft this letter. Mr. Shrum stated this was a typical staff letter submitted by staff and giving options to staff to sign if necessary. The Clerk stated this was just a technical cover letter that recaps what the Commission had already approved.

Mayor Moore stated last year a grant had to get in that day and if the Mayor Pro-Tempore had not been nearby; we would have lost that grant. This was just a transmittal letter that staff had been doing all along in the past. The Mayor stated she and the Mayor Pro-Tempore were nearby, but in case they were not available and there were last minute changes to meet the requirements our designee would be able to sign. The Clerk stated there were times we work on tight strict deadlines that had to be met.

Commissioner Nadeau stated this only concerns the cover letter. And the Clerk stated that was correct.

The roll call vote, YES: Loar, Nadeau, Moore
NO: Dobkowski, Goldman

The Motion passed with a 3-2 vote.

12. RESOLUTION 2007-05 DEPUTY CITY CLERK

Clerk McKamey stated that per the City Charter and the job description sets forth the duties of the City Clerk including attesting signatures on official documents. In the Clerk's absence, the Deputy City Clerk would act on behalf of the City Clerk. This resolution delegates that authority to the Deputy Clerk in order to carry out the responsibilities and duties associated with the Clerk's office and would formalize that process.

Commissioner Nadeau made a Motion to Approve Resolution 2007-05 designating the Deputy City Clerk to act on behalf of the City Clerk and Commissioner Loar seconded the Motion.

The roll call vote, YES: Dobkowski, Loar, Nadeau, Goldman, Moore

The Motion passed with a 5-0 vote.

13. PROGRESS ENERGY GOVERNMENTAL ATTACHMENT AGREEMENT

PWD Monroe stated now Progress Energy wants an agreement to attach Christmas Decorations and other attachments to their light poles. They were requesting a \$5 million dollar liability and the City had \$1 million. The City was waiting to hear back from Progress Energy, but have not heard back from them as of yet.

The Clerk stated she had not had time to check with our insurance company to see what it would do to our rates. Attorney Landt stated to get a rider for the one event for the \$5 million, but first

see if they would accept the \$1 million.

Commissioner Nadeau made a Motion to Table This Issue and Commissioner Goldman seconded the Motion.

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

14. RELEASE OF LIEN

The Clerk stated that a lien in the amount of \$155.00 was placed on parcel number 38013-000-00 for mowing and cleaning of the property for non-compliance of City code. On May 10, 2007 payment was received that fully satisfied the lien and per Florida Statutes the Commission is required to release the lien.

Commissioner Nadeau made a Motion to Approve Releasing the Line for Non-compliance of City code on Parcel 38013-13-000-00 and Commissioner Goldman seconded the Motion.

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

15. SAFETY COMMITTEE – DISASTER PREPAREDNESS PROCEDURES

Commissioner Loar stated the Safety Committee came up with three changes to the Disaster Preparedness Manual at the meeting in May: 1) allow PD to work out of their own building as a result of their obtaining an emergency generator through grant funding. 2) assign a police officer to City Hall for security during any disaster event; 3) implement a post-event telephone communications tree with all employees to verify well-being.

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

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

16. CHARTER AMENDMENT – Commission TERMS

Commissioner Loar stated she wanted the Commissioners to consider having all the elected officials terms extended to four year terms. The Commissioner stated that it takes the better part of the any first two year term. Changing the terms to four years would allow the newly elected officials the opportunity to acclimate and better complete projects started later in their term. The Commissioner stated she also wanted to recommend that the elections be held every other year, rather than on a yearly basis, thereby saving election costs and staff time. The City Charter would have to be changed by a referendum on the November ballot.

Commissioner Goldman stated if the elected official does a decent job then you could go and finish your job. If you really go out there and botch things up, they don't have to wait too long to get rid of you. The Commissioner stated he thought that a 4 year term would help elected officials to accomplish things.

The Clerk stated if you want it to be charter amendment you have to approve an ordinance which would be placed on the ballot for approval by citizens.

Commissioner Nadeau stated he liked the way it was right now because over the years they have seen some weak links. Also the November election's turn out would be pathetic and he would rather put a Charter Amendment on the ballot when the Presidential Race was taking place, but would consider a nonbinding referendum on the ballot.

Mayor Moore stated as Mayor she would go to a 6 year or 4 year term.

The Clerk stated if you went with 4 year terms they should be staggered so you only hold one election every even number years to save staff time and cost to the voters. Commissioner Loar stated that Ocala, Dunnellon and High Springs went to 4 year terms and the people there agreed that 2 years was not enough time to get in and do what you like to do and carry through with them.

Commissioner Goldman stated he agreed with Commissioner Nadeau's comment regarding going with a nonbinding referendum to see how people felt. Commissioner Nadeau stated that in March of 1990, 600 people voted which was only 25% of the registered citizens; in 2000 with 3000 registered voters in the City, only 300 showed up to vote. Within 10 years the loyal faithful number of voters dropped in half. Mayor Moore stated the individuals who care would come out to vote. This issue would be placed on the next agenda to decide if we want to go with a Charter Amendment or not at all.

17. BELLEVIEW BY-PASS ROAD

Mayor Moore stated SE 92nd Street had been commonly referred to as the Belleview By-Pass. This road would eventually connect to the new Highway 484. The naming of that road would be on the Joint City/County Commission meeting. Mayor Moore stated she would like to propose that the road be called the Belleview Beltway.

Commissioner Loar stated that sounds harsh; a beltway sounds like a truck, but she would go along with it.

Commissioner Goldman stated he would go with either bypass or beltway and Commissioner Dobkowski also agreed with either one.

14. STAFF COMMENTS

Chief Strickland – discussed the retirement of Steve Ladd and stated he would be missed. Sgt. Ladd worked at the COB for 23 years and left a big impact on the City. Whatever he does and wherever he goes, he would be successful.

Clerk McKamey – discussed the updates to the Business License Statute would require the City to send out invoices July 1st instead of August 1st so the ordinance would have to be changed.

- discussed the new ordinance that went into effect that firework stands were temporary sales;
- discussed status report of the Compensation Study and they received 3 proposals: HR Management; Evergreen solutions and Management Advisory Group; Commissioner Loar, City Clerk McKamey and Payroll/Benefits Coordinator Byrd would review them;
- discussed the joint session with the County scheduled for 6/27/07 at 6:00 PM and the topics were listed on Pg. 155 of the Agenda;
- reminder that the first meeting in July had been changed to 7/10 because of July 4th;

Clerk McKamey stated that the Code Enforcement Board when the Ordinance was first adopted we could choose 7 regular members and 2 alternate members or 5 regular members and 2 alternate members for the Board. The City went with the 7 members even though the population was below 5,000. Since we were having such a hard time getting a quorum of 4 as required with 7 members, we would like to go down to the 5 member board which would only require 3 people for a quorum.

Commissioner Nadeau made a Motion to Draft an Ordinance changing the Board to 5 Regular Members and 2 Alternates and Commissioner Dobkowski seconded the Motion.

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

PWD Monroe – Nothing at this time.

IT. Coordinator Towne – Nothing at this time.

Attorney Landt – Nothing at this time.

Land Development Coordinator Shrum – discussed the DOT study on the turn signal and they stated there was not enough to warrant putting in the dedicated signal.

Also gave maps showing County land use and earlier the sidewalks comment having access to state funds dot funds to do sidewalks in the future. Their staff looks at how many waivers government had given for sidewalks; they try to enforce more restrictive requirements and not get waivers on sidewalks. These issues were on how do you want COB to look and it was a timing thing. If the sidewalks were going in there now there were maintenance costs and if done now, there were escrow cost so keep that in mind.

15. COMMISSION COMMENTS

Commissioner Dobkowski – discussed the gate on 67th that was locked and if there was something that could be done to give the Diamond Ridge citizens access to the park;

- discussed the broken children's playground equipment at the Sports Complex;
- discussed the complaints she received that people were playing tee

- ball on 67th in the street;
- asked if speed trailer could be placed on 112th St.;
- gentleman called her regarding the tree in the right of way at 110th St and 51st Ct;
- a citizen complained that they were told by Staff not to call Commissioners regarding certain minor issues but she felt that no issue was a minor. The Clerk stated the deadline for the agenda was on Wednesday at noon for a reason. This lady did not meet the deadline and the Clerk called her on Thursday at noon and she stated that a Commissioner had given her a waiver of the deadline and she did not have to submit the information. The Clerk told her that she needed to call the Clerk because she was the one that prepares the Agenda and as it turned out because of waiting for this information the agenda was not done until late Thursday. The Clerk stated that she needs to know what was going on and she tried to help this person get the information on the Agenda. The Clerk stated that she did not tell her that she should not call the Commissioners.

Commissioner Goldman –discussed the sidewalk issue and stated that he could not see running pavements that go nowhere so he would fight the sidewalk issue at the Nursing School because communities grow on commercial endeavors not residential. Everyone in this town drives to their destinations and there was no public transportation.

Commissioner Loar – N/A

Commissioner Nadeau – stated the tree in the right of way was at the Santiago house;
- discussed covenants and annexation covenants that were on file;

Commissioner Nadeau discussed the Florida League Of Cities bulletin that asked for nominations for City people and City events by August 10th. The Commissioner stated he was looking at the performance of our City and our people. The one condition was it had to pass with a majority vote of the Commission. He would like to nominate the City for the Spirit Award for the Freedom Walk and nominate the City Clerk and Mayor Moore also.

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

The roll call vote, YES: Dobkowski, Loar, Nadeau, Goldman, Moore

The Motion passed with a 5-0 vote.

Commissioner Loar asked if the City could accept honors for something that the City was asked to do and Mayor Moore and Commissioner Goldman said yes.

Mayor Moore –Appoint Code Enforcement Board Members:

- a) Paula Chaffin, as a Regular Board Member

Commissioner Nadeau made a Motion to Approve Ms. Chaffin as a Regular Board Member and Commissioner Goldman seconded the Motion.

The roll call vote, YES: Dobkowski, Loar, Nadeau, Goldman, Moore

The Motion passed with a 5-0 vote.

- b) Wanda Johnson, as an Alternate Board Member

Commissioner Nadeau made a Motion to Approve the Ms. Johnson as the Alternate Board Member and Commissioner Goldman seconded the Motion.

The roll call vote, YES: Dobkowski, Loar, Nadeau, Goldman, Moore

The Motion passed with a 5-0 vote.

- discussed the road crossing at Babb's where there were big holes in payments because of work at that intersection;
- discussed the phone calls from the Villas the garbage trucks coming into City of Belleview at 5:00 AM and our residential contract states they could not come in until 6:30 AM;
- Freedom Walk Meeting here at City Hall on July 5th at 5:30 PM

Meeting was adjourned at 9:29PM

ATTEST:

Sandi McKamey, MMC, CPM
City Clerk/Administrator