

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 CHRISTINE K. DOBKOWSKI

July 10, 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

COMMISSIONER Nadeau

AGENDA ITEMS

1. APPROVAL OF MINUTES: 5/15/07 Commission Meeting
2. PUBLIC HEARING: FIRST READINGS:
 - a) Ordinance 2007- 15 COB Annexation
 - b) Ordinance 2007- 16 Edward Abshier Annexation
 - c) Ordinance 2007- 17 Jimmy Sanchez Annexation
 - d) Ordinance 2007- 18 K&M Holdings LLC Annexation
Autumn Glen LLC Annexation
Jack Wane Stephen Annexation
 - e) Ordinance 2007-19 Center Point Development Group and Ford of Ocala Annexation
 - f) Ordinance 2007-20 Code Enforcement Board
3. LIGHT UP LAKE LILLIAN
4. TARGET OUTDOOR ADVERTISING
5. TIM MCGINNIS – Palm Tree Villas
6. TOM CAFARO
7. EMERY ABSHIER
8. NURSING SCHOOL DEVELOPER'S AGREEMENT
9. BELLEHAVEN DEVELOPER'S AGREEMENT
10. UNSCHEDULED AUDIENCE
11. PROGRESS ENERGY AGREEMENT
12. SIDEWALK PROGRAM DISCUSSION and Proposed Ordinance
13. IRRIGATION WELLS DISCUSSION and Proposed Ordinance
14. STAFF COMMENTS
15. COMMISSION COMMENTS

**CITY OF BELLEVIEW
REGULAR COMMISSION MEETING
SYNOPSIS**

**BELLEVIEW CITY HALL
COMMISSION CHAMBERS**

**July 10, 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: 5/15/07 Commissioner Meeting

ACTION: APPROVED

2. PUBLIC HEARINGS: FIRST READING:

- a) Ordinance 2007- 15 COB Annexation
- b) Ordinance 2007- 16 Edward Abshier Annexation
- c) Ordinance 2007- 17 Jimmy Sanchez Annexation
- d) Ordinance 2007- 18 KM Holdings LLC Annexation
Autumn Glen LLC Annexation
Jack Wane Stephen Annexation
- e) Ordinance 2007-19 Center Point Development Group and Ford of Ocala Annexation
- f) Ordinance 2007-20 Code Enforcement Board

ACTION: APPROVED FIRST READING FOR ORDINANCES 2007-15 THROUGH 2007-20

3. LIGHT UP LAKE LILLIAN

ACTION: APPROVED THE REQUEST

4. TARGET OUTDOOR ADVERTISING

ACTION: PULLED FROM AGENDA

5. TIM MCGINNIS – Palm Tree Villas

ACTION: TO BE BROUGHT BACK

6. TOM CAFARO

ACTION: DISCUSSION REGARDING THE SERVICE AREA

7. EMERY ABSHIER

ACTION: DISCUSSION REGARDING EAGLE TRACE DEVELOPMENT

8. NURSING SCHOOL DEVELOPER'S AGREEMENT

ACTION: PULLED FROM AGENDA

9. BELLEHAVEN DEVELOPER'S AGREEMENT

ACTION: DISCUSSION ON CHANGES TO THE AGREEMENT

10. UNSCHEDULED AUDIENCE

SCOTT PATCH CAME FORWARD AND DISCUSSED HIS BUILDING PERMIT PROBLEMS

ACTION: SURVEY TO BE DONE AND DEPENDING ON THE RESULTS THE COB OR MR. PATCH WOULD PAY THE COST OF THE SURVEY

11. PROGRESS ENERGY AGREEMENT

ACTION: APPROVED

12. SIDEWALK PROGRAM DISCUSSION and Proposed Ordinance

ACTION: PROCEED WITH THE DRAFT FOR FINAL READING

13. IRRIGATION WELLS DISCUSSION and Proposed Ordinance

ACTION: TO BE BROUGHT BACK

14. STAFF COMMENTS

DENNIS MONROE: NOTHING AT THIS TIME

CHIEF STRICKLAND: NOTHING AT THIS TIME

INFORMATION TECH TOWNE: ABSENT

CLERK McKAMEY: STATED THE BUDGET WORKSHOPS WERE SCHEDULED FOR THE LAST WEEK IN JULY; STATED SENTRY STORAGE WOULD BE ON THE 7/24TH AGENDA; STATED ALL WORKSHOPS WOULD NOW BE ON THE 2ND AND 4TH MONDAYS STARTING IN AUGUST; STATED THE SURPLUS BIDS WOULD BE AWARDED AT THE NEXT MEETING

JEFF SHRUM: STATED THE LANDSCAPE ORDINANCE WOULD GO BEFORE P&Z

ATTORNEY LANDT: NOTHING AT THIS TIME

15. COMMISSION COMMENTS

COMMISSIONER GOLDMAN:

***ACTION: DISCUSSED THE TREE ORDINANCE;
DISCUSSED MIKE SIZEMORE HOLDING A WORKSHOP IN SEPTEMBER***

COMMISSIONER NADEAU:

***ACTION: DISCUSSED THE OPENING CEREMONY FOR SOCCER WAS SCHEDULED FOR 9/22ND
DISCUSSED THE FRDAP GRANT DEADLINE
ASKED FOR A BREAK DOWN ON THE PLAYERS' FEES FOR EACH SPORT***

COMMISSIONER LOAR:

ACTION: NOTHING AT THIS TIME

COMMISSIONER DOBKOWSKI:

***ACTION: STATED THAT SHE FELT THE JOINT MEETING WITH THE COUNTY WENT WELL;
DISCUSSED GETTING COPIES OF THE STAFF MEETING AGENDAS***

MAYOR MOORE:

***ACTION: DISCUSSED EXTENDING THE BALLPARK BY BUYING PROPERTY FROM MR. BOONE;
DISCUSSED THE DATES FOR THE MEMORIAL SERVICES;
DISCUSSED THE WEEKLY FREEDOM WALK MEETINGS AND REQUESTED A BANNER BE PLACED
ACROSS THE HIGHWAY TO ANNOUNCE THE FREEDOM WALK;***

The meeting was adjourned at 9:45 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 CHRISTINE K. DOBKOWSKI

July 10, 2007

6:00 PM

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

1. APPROVAL OF MINUTES: 5/15/07 Commission Meeting

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

The roll call vote, YES: Nadeau, Goldman, Dobkowski, Moore
The Motion passed with a 4-0 vote.

2. PUBLIC HEARING: FIRST READINGS:

a) Ordinance 2007-15 COB Hwy 484 Annexation

Clerk McKamey read First Reading, Title Only, of Ordinance 2007-15 and Mr. Shrum 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. The Clerk stated that the P&Z Board on June 12, 2007 voted to recommend approval of the annexation.

Commissioner Nadeau made a Motion to Approve First Reading of Ordinance 2007-15 and Commissioner Goldman seconded the Motion.

The roll call vote, YES: Nadeau, Goldman, Dobkowski, Moore
The Motion passed with a 4-0 vote.

b) Ordinance 2007-16 Edward Abshier Annexation

Clerk McKamey read First Reading, Title Only, of Ordinance 2007-16 and Mr. Shrum 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. The Clerk stated that the P&Z Board on June 12, 2007 voted to recommend approval of the annexation.

Commissioner Nadeau made a Motion to Adopt Ordinance 2007-16 and Commissioner Dobkowski seconded the Motion.

The roll call vote, YES: Nadeau, Goldman, Dobkowski, Moore
The Motion passed with a 4-0 vote.

c) Ordinance 2007-17 Jimmy Sanchez Annexation

Clerk McKamey read First Reading, Title Only, of Ordinance 2007-17 and Mr. Shrum 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. The Clerk stated that the P&Z Board on June 12, 2007 voted to recommend approval of the annexation.

Commissioner Goldman made a Motion to Adopt Ordinance 2007-17 and Commissioner Nadeau seconded the Motion.

The roll call vote, YES: Nadeau, Goldman, Dobkowski, Moore
The Motion passed with a 4-0 vote.

d) Ordinance 2007-18 KM Holdings Annexation

Clerk McKamey read First Reading, Title Only, of Ordinance 2007-18 and Mr. Shrum 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. The Clerk stated that the P&Z Board on June 12, 2007 voted to recommend approval of the annexation.

Commissioner Nadeau made a Motion to Adopt Ordinance 2007-18 and Commissioner Dobkowski seconded the Motion.

The roll call vote, YES: Nadeau, Goldman, Dobkowski, Moore
The Motion passed with a 4-0 vote.

e) Ordinance 2007-19 Center Point Development Group and Ford of Ocala Annexation

Clerk McKamey read First Reading, Title Only, of Ordinance 2007-19 and Mr. Shrum 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. The Clerk stated that the P&Z Board on June 12, 2007 voted to recommend approval of the annexation.

Commissioner Nadeau stated these annexations were leading to the potential large exposure of commercial growth area to the south of the City.

Commissioner Nadeau made a Motion to Adopt Ordinance 2007-19 and Commissioner Goldman seconded the Motion.

The roll call vote, YES: Nadeau, Goldman, Dobkowski, Moore
The Motion passed with a 4-0 vote.

f) Ordinance 2007-20 Code Enforcement Board

Clerk McKamey read First Reading, Title Only, of Ordinance 2007-20 and gave a brief review of the ordinance. The Clerk stated that this change would enable the City to have a board of 5 members to ensure a quorum instead of 7 members until the City reaches a population of 5000. At that time, the City would switch back to a 7 member board.

Commissioner Nadeau made a Motion to Adopt Ordinance 2007-20 and Commissioner Goldman seconded the Motion.

The roll call vote, YES: Nadeau, Goldman, Dobkowski, Moore
The Motion passed with a 4-0 vote.

3. LIGHT UP LAKE LILLIAN

Dawn Kitzmiller came forward and requested using Lake Lillian for Light Up Belleview on December 8, 2007.

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

The roll call vote, YES: Nadeau, Goldman, Dobkowski, Moore
The Motion passed with a 4-0 vote.

Mr. Dobkowski came forward and stated that the Belleview Little League Team won the State Championship and Bon Jons was holding a fund raiser on Thursday and the proceeds would go to help the team get to the nationals.

4. TARGET OUTDOOR ADVERTISING

Pulled from the Agenda

5. TIM MC GINNIS – PALM TREE VILLAS

Ed Abshier, Engineer for Palm Tree Villas, came forward and stated that the basic infrastructure was in place so they were requesting to get the building permits prior to the plat being finalized.

Attorney Landt stated that the problem was staff had told the applicant that he did not qualify under the City's code to get the permit because the infrastructure was not completed. The staff suggested that the subdivision ordinance provided that they could post a bond and get building permits before the infrastructure was completed.

Mr. Abshier did not think that was applicable and stated that was to record a plat. You bond the

plat and once recorded then you could sell lots so the buyers would be guaranteed that the infrastructure would be put in. If Mr. McGinnis bonds the plat, he was bonding himself so he did not see and point in doing that. Attorney Landt stated the point was to ensure that the money was there to finish the improvements.

Attorney Landt stated that per the City Code, the City could not issue a permit under its rules unless he completed the infrastructure or he had recorded the plat and posted a bond for the value of the improvements not yet constructed. The Attorney stated it would be on the next agenda with the indemnification agreement.

6. TOM CAFARO

Tom Cafaro came forward and stated he wanted to discuss one thing: the economic growth of the City.

The City has a new Water treatment plant coming on line this year and state grants and local funds were used to build that plant. Our goal should be to be good stewards of this money. This was an Enterprise Fund for the City and we were faced with tax rollbacks that could affect the economic health of our City. In return, we should try to get our W&S lines out to the designated service area to protect the City's future revenue stream.

Mr. Cafaro stated we need to be visionaries of our economic growth by expanding revenues and resolidify the cooperation with the County by sending a letter to the County informing them that the COB had an interest in their decisions that impact the COB. The City would like a joint planning process and before doing things in this area they should first contact the City.

Mayor Moore stated she thought that was a good idea if they would do it. Commissioner Dobkowski stated she thought it was a great idea to work with the County as much as possible. Commissioner Goldman stated he had no problem working with the County. Commissioner Goldman stated regarding the economic rollback and property taxes the estimates are coming in at 3-8% and if this City could not take a 3-8% hit in revenues as estimated and find some way to mitigate them then we were in bad shape. The City was extending sewer lines all over the place; commercial was a great idea, but the residential side would be a huge problem with the open space issue. Homes cost the City more than the tax dollars they bring in.

Commissioner Nadeau stated he had no problem with the concept, but you had to keep in mind that the sewer plant was built to meet a certain capacity. We had to meet what was inside our service area before we look outside our service area because we were committed. Mr. Cafaro stated he was definitely referring to inside the service area and we need to protect our service area as well. Mr. Cafaro stated the County was talking about putting a well site out by Golden Oaks subdivision that would affect our service area.

Mr. Shrum stated that the County staff recently made a presentation involving the areas to the west of the City and he questioned them if they were looking at doing a joint planning area with COB and they were open to that idea; would be a good discussion item for the upcoming joint meetings in the future.

Mayor Moore stated the County intends to put everyone on water and sewer. The Clerk stated that the City gets notified through Marion County's Planning regarding all their planning amendments and rezoning and she now gives that information to Mr. Shrum. Mayor Moore stated to change that policy and when Mr. Shrum receives anything pertaining to our service area he brings it up and the Commission would look at it and possibly make a recommendation to the County. Mr. Shrum agreed with Mayor Moore.

Commissioner Goldman stated that communication with the County within the service area had been a point of contention. The County had built in our service area and buried our water meters and the PWD mentioned it to County Commissioner Kesselring. Commissioner Dobkowski stated this also fits in with the transportation concurrency and we need to have an open communication and the ability to voice our opinion on these things.

7. EMERY ABSHIER

Emery Abshier came forward and discussed the water and sewer system and the proposed subdivision that was scheduled to be built in the County. He stated that he lived in the City, but recently bought property a mile outside of the City limits. He purchased 12 acres of a 98 acre horse farm on 115th Street and a developer was now trying to develop that parcel.

The development was Eagle Trace and they would develop approximately 280 homes on a parcel of only 86 acres. Cobblestone was 88 acres and only 138 homes were built there; this was double the density of Cobblestone. Mr. Shrum had advised him that 280 homes basically translated to 619 people and because of the location of this parcel it would use our parks and roads.

The smallest lots would be 1/6 an acre and the only place in the City with that size lots was the Villas. Most of the lots in the City were 1/4 of an acre and around Lake Lillian there were larger lots. He stated when he moved from Cobblestone he thought he would be out in the county, but the lot he lived on in Cobblestone was larger than most of the lots in this development. The developer had not offered any of his profits from this development to mitigate the traffic that this development would generate.

This development would bring a whole new definition of urban sprawl as defined by the County and it was in the middle of nowhere. There would be road maintenance and additional police protection and this road would probably never be inside the City limits. There would not be any infill for the City to annex nor would the City collect any ad valorem taxes or franchise fees from utilities or recreational impact fees. This development would tax the City's system, but there would be no economic benefit at all to the City.

Mr Abshier stated if his memory was correct, the City had never been able to lower the water and sewer rates. The Clerk agreed that had never happened since she had been working for the City.

Mr. Abshier asked the PWD what the City's capacity for the new plant was and the PWD stated the City was permitted for 750 gls/day, but the actual infrastructure would treat 1.4 million. He stated that the Boone project on Baseline had around 550 units; Cobblestone North had 180; the apartments on 102nd had 160; apartment project on 102nd would bring in 700 additional units;

200 proposed homes on C-25 that was being annexed tonight and Rudnianyn had 200 units on 92nd ; Goulsby piece near the By-pass had 240 units; Diamond Ridge condos had 32 and another 32 units on 52nd which totals 2198 units x 350 gls/day = 770,000 gls/day. That did not take into account any commercial so a lot of your available capacity would be gone and you would have to consider borrowing money to build another sewer plant right away.

Mr. Abshier stated that an article recently in the Star Banner quoted the City Planner, Mr. Shrum, as saying that the City would still have the impact of traffic and use of County fire services whether developed in the County or in the City so it would make sense to have it developed in the City to get the taxes; hence, Eagle Trace would never be in the COB.

Mr. Abshier stated For the Record: when he served on the Commission he was a pro-growth Commissioner and we demonstrated that with Cobblestone, and Cobblestone North by making them PUD's and making the residents pay for the streets and the street lights etc. Mr. Abshier stated he supported new subdivisions and as a result he was called a "nimby" which means "not in my back yard." There was a distinct difference in what he did and this proposed development. This development was turned down by 4-0 vote by the County Planning Committee because it was not compatible; turned down by 5-0 vote by the County Commission and currently in mediation with the County. The developer wants to build the same 280 units and if mediation does not go his way the developer was prepared to sue the County to allow him to develop this property.

Mr. Abshier stated he was here tonight because it occurred to him that the COB Commission holds the keys and the power to end this discussion of this developer's intent to profit at the expense of his neighbors. Even though this developer was in our service area and located in the County urban reserve designation, the comprehensive plans of the City and the County provide certain criteria to be met before development could be considered. His question to the Commission was who would it hurt except for the developer's request to make money, if the COB refused to offer utilities to this development, and how would the City benefit by running utilities to this development.

Mayor Moore stated she met with the developer and she agreed that the lots were small but she would not personally say they would not run the service lines there because that was the goal to run those lines to get impact fees for revenue for future expansion. Cobblestone was a unique subdivision and very few subdivisions ever build out like they had and the School Board was concerned about capacity. Mr. Abshier stated these homes would put the City at 1.3 million gls/day and with this development the City would need a new plant now. Mr. Abshier stated you could even temporarily say no to the water and sewer because that was not where we want growth to occur even though they were in our service area. We want to encourage development of existing lots in the City where the revenues would come in.

Commissioner Nadeau stated 280 units were not appropriate for that location; 40 units was more appropriate for that section from a planning stand point. It was in mediation now, but he was not sure what we could do but that level of density did not sit well with him. Mr. Abshier stated the City could control that density by refusing to send utilities.

Commissioner Nadeau interjected that the developer could rebuild 115th Street and Commissioner Goldman stated that 115th was a horrible road, but maybe they could resurface the entire road from 467 to the stop sign. Commissioner Goldman stated there were be no impact fees from an of those lots, but we passed a recreation impact fee to help take care of the situation in the City. This would be 668 people which would generate over a 1100 trips a day while they drive to and from downtown Bellevue.

Commissioner Dobkowski stated the City would not be able to say tonight that we would not provide W&S. The Commission had not heard anything about the improvements and what the developer would do to benefit the City.

Mr. Abshier stated he was not asking them to vote tonight he wanted them to think about it, but he would not wait until the County approves something before you try to negotiate. At that point, you would not be able to negotiate with them; the City needs to be proactive and not just sit back. Mr. Abshier stated he cares about the COB because he was an immediate neighbor even though it may sound self-serving.

Bruce Hall, Developer, came forward and stated that everyone had their opinion but there were some inaccuracies in what Mr. Abshier said. When he was in Seminole, the Mayor and staff determined the lot sizes and the lot sizes in this location would be determined by some one else not him. It was not his intention to come in at that density; it would be more around 240 units. There were green space areas in there which would never be built on. He had not expected real small lots, but they would be a little bigger than Cobblestone but the County would determine how many houses per acre.

He had a preliminary developer's agreement with the COB, but he did not sign it because the time frame would have expired. Kimberly Horn did the traffic study in this area and the traffic count with 380 units would be less than a third of what the road was designed for. He intended the subdivision to be a jewel, not an eyesore and it would not run down the values of the homes around there. It was in the urban reserve area and had been for some time, but it was also in the dedicated water service area for COB.

Commissioner Goldman asked how many houses were determined by the County and Mr. Hall stated that the mediator said he felt 3 houses/acre would be correct.

Mayor Moore asked Attorney Landt if they were in our service area and wanted to hook up could the City refuse them if we had capacity. Attorney Landt stated you could look at the feasibility and if it would tax your system and put you in a position that you would not be able to provide service to those within your service area or soon to be annexed which would be a valid concern.

Mr. Abshier returned to the podium and stated he had to respond because he was using Mr. Hall's numbers and 60x120 was 7200 which goes into 43,560 sq. ft. a little less than 1/6th. Therefore, his largest lot would be about a 1/4 acre. Mr. Hall also returned to the podium and stated that Mr. Abshier did not have accurate information; the figures he was using were changed a few times and improved every single time.

8. NURSING SCHOOL DEVELOPER'S AGREEMENT

Pulled from the agenda.

9. BELLEHAVEN DEVELOPER'S AGREEMENT

Mr. Shrum stated the developer had completed a transportation study and in the agenda was the list of improvements for the Commission to review. The time frame for the traffic study was 01/01/2012 and all improvements had to be completed.

Commissioner Nadeau asked about the turn lane construction and Mr. Shrum stated the development was proposing two access points onto state road 35. One was 102nd and the other one would be south of the church. The improvements they were talking about were turns lanes for that southern entrance.

Commissioner Nadeau asked if there should there be a 102nd street entrance because there would be a left turn lane going south and a right turn lane as well. Mr. Shrum stated that was correct and that road would be widened to accommodate those turn lanes. Commissioner Nadeau stated we need to look at a left turn lane for trucks going north and Mr. Shrum stated that would be outside of these perimeters, but in this case it would inadvertently impact. Mr. Shrum stated that would be a north bound left and actually this stage would be the time to ask for it. However, the State would expect the developments in that area to pay for it.

Mayor Moore asked how far apart were these two entrances and would they connect. Mr. Shrum stated 102nd was the proposed entrance and the other one was south of the church which would connect to 102nd. Mayor Moore stated she wanted a connection between the two entrances to be a service road. Mr. Shrum agreed to add language regarding that second road.

Jimmy Gooding, Attorney for Bellehaven, came forward and stated they could not put in a connection road because of the Church so they did not have a problem getting rid of that entrance and having the sole entrance on 102nd. Mr. Shrum stated then that church entrance would go away per this discussion. Mr. Shrum stated that the intent tonight was to get the Commission's input.

Commissioner Goldman stated he liked all the improvements but it would be easier to understand with maps showing the improvements and Attorney Gooding stated they could and would do that.

10. UNSCHEDULED AUDIENCE

Scott Patch came forward and stated he had problems getting his building permit issued for his pool in Cobblestone. The permit had been sitting in the building permit office since he applied on 6/9/07 until 7/6. The permit was ready, but the Building Clerk was out sick and they were told to pick it up on Monday after she had signed off on it. At that time, he was told they had to amend the building application because they were over on the sq. footage and 300 ft of concrete had to be removed.

Mr. Patch stated that when you take out the 284 concrete slab in the back of his house, he would be under the sq. footage. We were told that the permit was approved and the pool people showed up but then the City said they did not say it was approved. The pool people said the City stated we anticipated the permit would be approved, but it only matters when we sign the actual permit. Now we were told to get a variance to get the pool put in because we were less than 1% over to get our pool in.

Mayor Moore asked if Mr. Patch was proposing to remove the existing slab and Mr. Patch stated 284 sq ft. had to come out to fit the pool in.

Mr. Shrum stated that the application was received on 6/28/07 and we had it approximately 7 working days. It appears that the early contracts were signed on 6/7/07 and the pool company turned it over to a permitting agency out of Citrus County which was standard procedure. The original application did not have calculations for impervious area and staff initiated the calculations instead of returning it to the applicant which should have been done. It came up over the 35%. As to whether or not comments were made regarding if the permit was ready, our staff knows that if one was not ready, they do not tell people it was ready.

The Clerk stated this was part of Cobblestone which was a PUD and approved at 35%. They spoke with the original design engineer for Cobblestone, who looked at increasing it to 40%, but would not certify it at 40% and insisted on the 35%. The Engineer would also have had to recertify the whole subdivision. Mr. Patch needs to have an engineer certify and the Cobblestone engineer would not do that for anything over 35%.

Attorney Landt stated that the engineer would not certify which means they would not swear and risk their license that there was adequate drainage for a higher impervious area in that subdivision. The first thing that needs to be done would be to look to see whose calculations were correct. The Clerk stated the City recommended that Mr. Patch get a survey because the numbers were so close and when they were that close, we require a survey and it had to be certified by a surveyor. The dispute was that 284 sq ft. piece that was taken out was never included in the original calculations.

Attorney Landt stated that you need to take the lot size multiply it out and take the size of improvements that would be on property when the project was finished and see what the percentage was. Mr. Shrum stated that was what he recommended and the engineer should have certified the numbers. The Clerk stated his house was permitted first and then the pool came later.

Mr. Patch stated that the total sq. ft. of the home was 4159 according to the sealed drawings from the architect and that concrete slab was there. When we put the pool in, we would take out the 284 sq. ft. from the 4159 and when you do that, he was 76 ft under.

Attorney Landt stated he was not going to speak for staff about usual procedures, but if an engineer or surveyor certified the sq. ft. of the lot and the sq. ft. impervious area then there was no problem and no need for a variance. Mr. Patch would get his permit. The Clerk stated that was what we requested from Mr. Patch. Attorney Landt clarified that the City was not

demanding a full blown survey.

Commissioner Nadeau stated when the City received the application none of the calculations were done. The Clerk stated on the original plans for the pool the calculations were not on there and staff went in and put the hand calculations in and since the calculations came within 1% or 2% the City requires a survey.

Commissioner Dobkowski stated a variance could be granted if the survey was over. Mr. Shrum stated that this was not just a subdivision, but a Planned Unit Development and he was not sure you could give a variance in a PUD. PWD Monroe stated that there was a liability issue – if the engineer of record said the maximum coverage was 35% and the City granted coverage higher than that the City was assuming liability for the drainage.

Attorney Landt stated that the City could not grant people the ability to create more impervious area than the engineer certified in the drainage plans because the City had incidents of flooding. If you vary from the PUD which was a special type of development where the Commission contracts with the developer to establish what would be the rules then you would have to amend the PUD so that everyone in there was treated the same. This was not an ordinary development. This drawing was not a rectangle but a parallelogram it was narrower at the bottom than at the top; the calculations would need to be accurate and certified.

Commissioner Goldman asked if this drawing should have been kicked back immediately because all the calculations were not on it. Mr. Shrum stated that staff should not have done the calculations for Mr. Patch. Commissioner Goldman stated if it was not accepted the applicant would have had ample time to go back to the Engineer to get the information needed to make it fit.

Mr. Patch stated the pool company was ready and came from Citrus County to pick up the permit and post it. They were told we did not have a permit so they left. Mr. Shrum was courteous, but the problems happened before Mr. Shrum became involved.

The Clerk stated to put this back in prospective we were talking about 6 working days with a holiday in there. The building inspector received it but she did not know what time on the 28th it was dropped off. He might not have had time to look at it on the 29th and there was a turn around time. For residential permits there was at least a 2-3 day turn around. It had not been held here in the City a very long period of time; they were talking about 6 work days.

Mr. Patch stated he signed the contract on the 7th and they were told the application was delivered on June 9th 2007. The Clerk stated the City's building department did not receive it until the June 28, 2007, and staff tried to help them. Staff should have said it could not be submitted without the calculations attached.

Commissioner Nadeau stated it looked simple enough to do, but when someone did the calculations there was an unpleasant surprise.

Mayor Moore asked if he calculated this and Mr. Shrum stated he would not have calculated the

numbers and staff should not be doing that. The applicant should be calculating the numbers or the engineer who was certifying those numbers; at any point staff should not be calculating the numbers. PWD Monroe stated the City asked for those numbers as part of the application.

Commissioner Dobkowski stated who should be certifying that and Mr. Shrum stated either the engineer or the surveyor. PWD Monroe stated that most engineers would not calculate numbers without personally going on site, but a surveyor could use the measurements.

Mayor Moore stated we could not give a variance without changing the whole subdivision. PWD Monroe stated before we passed this ordinance we had this same issue a lot of time and if we don't ask, the City would be liable.

The Clerk stated within a certain percentage the engineer had to certify that it was correct. Mayor Moore stated if we did this and it was 1% off the City would be liable if there was any flooding.

Attorney Landt stated the only way the City could administer this and protect itself was with uniformity; if we were to allow this, then we fail to use due care so you allow people to cover their lot up to a certain percentage and Cobblestone was 35%. To cover more than 35%, the citizens would need to enlarge their retention area. If the city allowed coverage at a higher percentage than what the engineer certified because of a flood problem area downhill from this subdivision, the City would be held liable.

Mayor Moore stated to Mr. Patch to contact the engineer for Cobblestone and see what he said about this subdivision and then there should be no reason why they would not certify. Commissioner Goldman asked if the City could call the engineer and take care of it since it should have been kicked back immediately. Attorney Landt stated if you were going to do that you need to engage the City engineer to give the description.

Mayor Moore stated what happened to the application between June 7th and June 28th. Mr. Shrum stated the June date was when the company gave it to the permitting agency. The permitting agency held on to it for a few weeks before it was submitted to the City. The City stamped it in on the 28th which was when we received it.

Commissioner Nadeau stated do we accept homeowners calculation from time to time and Mr. Shrum stated in the site plan process they allow for minor developments without a certification. Attorney Landt stated that was answered by the City Clerk and she said when it was very close then staff does not just accept it and they tried to verify calculations and if concerned then they ask for a certification.

Attorney Landt asked Mr. Shrum or Clerk McKamey to go and get a copy of the date stamped application for Mr. Patch to review the date the document was turned into the City; they both left the meeting at this time.

Commissioner Nadeau asked if it was within the realm of things could this homeowner submit calculations tomorrow that show this was less than 35% with a commitment to have a survey

done at the end of the project to verify his numbers and if he was over he would have to tear things out at his own expense. Mayor Moore stated she would say no because 1)it was so close; 2)because of the flooding issues and 3)that the ground would not perk.

Mr. Terry Harris came forward and said that in the past the Commissioners went that extra half inch for Mr. Emery Abshier's friend who wanted a barbecue or patio and he was over by 1.5 feet. They made a new ordinance for Mr. Abshier's friend. Diamond Ridge had 40% coverage, but Cobblestone had 35% coverage because the engineer would not qualify the entire project. Then they come into the Commission which gives them the 1/2 inch credit and the water runs down into his house. He had water 36" deep in his house and it was expensive and no one came to help him when the water flooded his house.

Mr. Shrum and Clerk McKamey reentered the meeting at this time with the document.

Commissioner Dobkowski stated that Commissioner Nadeau suggested requiring a survey at the end of the project.

Commissioner Nadeau stated from time to time we accept homeowners calculations for minor improvements so he would be willing for this homeowner to submit calculations tomorrow that show this was less than 35% with a commitment to have a survey done at the end of the project to verify his numbers; if he was over he would have to tear things out at his own expense. The Clerk stated before the CO would be issued.

Mr. Patch stated he appreciated that but by agreeing to that not only does he have \$35,000 of his own money plus the other expenses incurred and now the pool was in and he could not use the pool and the cost to get it right would be unknown.

Commissioner Goldman stated that Mr. Harris brought up a good point we have rules to help prevent flooding down hill and the Clerk interjected that it was so close and we show it over and he shows it under and that was why we required a survey.

Commissioner Dobkowski stated if the engineer of Cobblestone would sign off on 36% could we go that route. Mayor Moore stated he would have to certify that that property would not flood and not cause a problem at 36% and that would be changing the PUD.

Attorney Landt stated Mr. Patch needed to get a survey or have an engineer certify he was right. If the certification comes back under the 35%, the City would pay the \$350.00; if it comes back over the 35% Mr. Patch would pay that cost. If Mr. Patch did not trust his own calculations why should he expect the City to trust him. Mr. Patch stated it was always another \$350.00 and he knew his numbers were correct.

Commissioner Goldman stated it should have been sent back to them at the beginning.

Commissioner Goldman made a Motion to Approve the Resolution Suggested by Attorney Landt Bur Not to Exceed \$350.00 and Commissioner Dobkowski seconded the Motion.

The roll call vote, YES: Nadeau, Goldman, Dobkowski, Moore
The Motion passed with a 4-0 vote.

11. PROGRESS ENERGY AGREEMENT

PWD Monroe stated Progress Energy accepted our insurance limitations for the Christmas decorations.

Commissioner Goldman made a Motion to Approve the Agreement and to have the Mayor Sign the Appropriate Documents and Commissioner Nadeau seconded the Motion.

The roll call vote, YES: Nadeau, Goldman, Dobkowski, Moore
The Motion passed with a 4-0 vote.

12. SIDEWALK PROGRAM DISCUSSION and PROPOSED ORDINANCE

Mr. Shrum stated this was a draft ordinance which would set up the process to build sidewalks and to expand sidewalks.

Commissioner Dobkowski asked if the money could be used anywhere in City for sidewalks and Mr. Shrum stated that was correct but they would be ranked and prioritized.

Commissioners Nadeau stated he liked the draft and Commissioner Goldman stated it was exactly what he wanted especially the City sidewalk fund. Mr. Shrum stated he would proceed with first reading.

13. IRRIGATION WELLS DISCUSSION and PROPOSED ORDINANCE

Mr. Shrum stated that this was a draft ordinance and he was looking for comments.

Commissioner Goldman stated the Commission was the steward of our water and people need irrigation meters not irrigation wells. This was the first step and we could not control what was outside of our service area.

Commissioner Nadeau stated that the public would be storming in here to discuss Section b. Attorney Landt stated if you don't put in a Sunday provision that they had to change over at a certain time then this would be an unenforceable ordinance and people put in wells without permits.

Mayor Moore stated it could be a problem with a one year stipulation on the well when we gave them a permit to put it in. Commissioner Dobkowski stated she could not put a stipulation on it at all. Attorney Landt stated that agricultural land in the City was exempt and should be added to the ordinance and then the City would hold a public hearing.

Commissioner Dobkowski stated people were honest and some people would care enough about the environment that they would voluntarily give up their irrigation well.

PWD Monroe stated that the cost of the well could equal the cost of the irrigation meter and amortized it out and that would be the timeline in the future when they had to replace it. That

way they would get the use out of their investment. Attorney Landt stated that was a good point - the future value of irrigation well and the time line equals the cost of the meter and that would be when they cease using the well; they would get a free meter.

Commissioner Goldman stated to bring back the second draft of the Ordinance.

14. STAFF COMMENTS

Chief Strickland – nothing at this time.

Clerk McKamey – stated the only workshops scheduled in July were for the budget;
- stated that Sentry Storage would be on the 7/24/07 agenda;
- reminded the Commission that starting in August the workshops would be held on the 2nd and 4th Mondays;

PWD Monroe – Nothing at this time.

IT. Coordinator Towne – Absent

Attorney Landt – Nothing at this time.

Land Development Coordinator Shrum – stated that the next annexation cycle would be in October and that the Landscaping Ordinance was going before the P&Z Board for review.

15. COMMISSION COMMENTS

Commissioner Dobkowski – felt that the Joint meeting with the County went well, but would like in the future to have a consensus and discussion ahead of time of the items to be placed on the agenda.

- requested copies of the staff meeting minutes be distributed to the Commission.

Commissioner Goldman –discussed the tree ordinance and thanked Mr. Shrum for doing such a good job on the ordinance. The Commissioner stated he was not in favor of a tree bank, but he liked Commissioner Dobkowski's suggestion. Mr. Shrum stated that was a different approach with a new design.

-discussed Mike Sizemore coming before the Commission at a workshop in September to discuss water/soil conservation.

Commissioner Loar – Absent

Commissioner Nadeau – stated September 22nd was open ceremony for the Soccer teams and discussed the next FRDAP Grant cycle which begins September 14th.

- asked for a print out of the players' fee accounts for each sport.

Mayor Moore –discussed the ballpark expansion and felt if the City did not pursue it at this

time, they would never get the land back. Commissioner Goldman stated that possibly the City could do a joint venture with the County to purchase that land because he liked the idea to add to the ball field. Commissioner Nadeau stated he was not sure that the County would be able to do that because they have no room to annex while the COB does. Commissioner Goldman stated if the City could not get it then we should at least try a joint venture with the County.

Mayor Moore discussed the dates for the memorials services and PWD stated that the plaques were done and the Chief went to the School and picked out a spot for the plaque. The school requested waiting until the children were back in school before holding the memorial service. Commissioner Nadeau stated that the plaque for Mr. McLain should be done at the park during the ball season for a good turnout.

- discussed placing banner across the highway to announce the Freedom Walk and PWD Monroe stated they would have to go back and discuss that with DOT and Progress Energy;

- Freedom Walk Meeting here at City Hall every Thursday at 5:30 PM

Meeting was adjourned at 9:45 PM

ATTEST:

Sandi McKamey, MMC, CPM
City Clerk/Administrator