

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

August 7, 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 DOBKOWSKI

AGENDA ITEMS

1. REPRESENTATIVE KURT KELLY
2. PROCLAMATION – COB Election
3. PUBLIC HEARING: FIRST READING: Ordinance 2007-21 Charter Amendment
Ordinance 2007-22 Landscape Irrigation Regulation
Ordinance 2007-24 Rezoning
4. PUBLIC HEARING: RESOLUTION 07-06 Water/Sewer Rates
5. TARGET OUTDOOR ADVERTISING
6. BELLEHAVEN AGREEMENT
7. NURSING SCHOOL – Draft Agreement
8. ABA- Project Update
9. ABA – Contract Approval
10. PROPOSED BUILDING PERMIT FEES
11. SCOTT PATCH – Pool Permit
12. RACE TRAC
13. UNSCHEDULED AUDIENCE
14. COB ENGINEER CONTRACT EXTENSION

15. RANKIN PROJECT
16. FLEX NET METER READING SYSTEM
17. PERSONNEL CONDITIONS
18. PROPOSED LANDSCAPE ORDINANCE
19. HIGHWAY 484 - Update
20. MEETING SCHEDULE
21. FREEDOM WALK – Pole Attachments
22. STAFF COMMENTS
23. COMMISSION COMMENTS

**CITY OF BELLEVIEW
REGULAR COMMISSION MEETING
SYNOPSIS**

**BELLEVIEW CITY HALL
COMMISSION CHAMBERS**

**August 7, 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. REPRESENTATIVE KURT KELLY

ACTION: INTRODUCED HIMSELF TO THE COMMISSION

2. PROCLAMATION – COB ELECTIONS

ACTION: READ PROCLAMATION DECLARING NOVEMBER 6, 2007 AS ELECTION DAY IN THE COB

**3. PUBLIC HEARING: FIRST READING: a)ORDINANCE 2007-21 CHARTER AMENDMENT
b) ORDINANCE 2007-22 REZONING**

***ACTION: ORDINANCE 2007-21 FAILED;
ORDINANCE 2007-22 APPROVED FIRST READING***

4. PUBLIC HEARING: RESOLUTION 07-06 WATER/SEWER RATES

ACTION: ADOPTED RESOLUTION 07-06

5 TARGET OUTDOOR ADVERTISING

ACTION: APPROVED TARGET REPLACING 60" OF TREES

6. BELLEHAVEN AGREEMENT

ACTION: APPROVED AGREEMENT PENDING LEGAL REVIEW

7. NURSING SCHOOL

ACTION: APPROVED AGREEMENT PENDING LEGAL REVIEW

8. ABA - PROJECT UPDATE

ACTION: UPDATE DISCUSSED

9.ABA – CONTRACT APPROVAL

ACTION: APPROVED CONTRACTS: #0701 AND 0702

10. PROPOSED BUILDING PERMIT FEES

ACTION: PULLED FROM AGENDA

11. SCOTT PATCH – POOL PERMIT

ACTION: STOP ORDER ISSUED

12. RACE TRAC

ACTION: APPROVED EXTENDING THE AGREEMENT

13. UNSCHEDULED AUDIENCE

ED ABSHIER REPRESENTING PALM TREE VILLAS – APPROVED ISSUING PERMIT FOR CONCRETE WALL VS. FENCE

14. CONSULTING ENGINEER AGREEMENT EXTENSION

ACTION: APPROVED EXTENSION

15. RANKIN PROJECT

ACTION: APPROVED AGREEMENT

16. FLEX NET METER READING SYSTEM

ACTION: APPROVED PURCHASE

17. CITY EMPLOYMENT POLICY

ACTION: APPROVED

**18. PROPOSED ORDINANCES: a) WATER CONSERVATION
b) LANDSCAPING AND TREES**

ACTION: APPROVED SCHEDULING ORDINANCES FOR FIRST READING

19. HIGHWAY 484 – UPDATE

ACTION: UPDATED NAMES OF ROADS

20. MEETING SCHEDULE

ACTION: APPROVED

21. FREEDOM WALK – POLE ATTACHMENTS

ACTION: APPROVED FUND BALANCE BUDGET AMENDMENT NOT TO EXCEED \$2,500.00

22. STAFF COMMENTS

DENNIS MONROE: *NOTHING AT THIS TIME*

CHIEF STRICKLAND: *DISCUSSED THE RED LIGHT CAMPAIGN*

INFORMATION TECH TOWNE: *NOTHING AT THIS TIME*

CLERK McKAMEY: *DISCUSSED*

JEFF SHRUM: *DISTRIBUTED SITE PLAN APPLICATIONS*

ATTORNEY LANDT: *ABSENT*

23. COMMISSION COMMENTS

COMMISSIONER GOLDMAN:

**ACTION: *DISCUSSED FREEDOM WALK BRICKS;
DISCUSSED THE FINANCING OF THE ROAD PROJECTS DISCUSSED AT MPO MEETING***

COMMISSIONER NADEAU:

ACTION: *NOTHING AT THIS TIME*

COMMISSIONER LOAR:

ACTION: *NOTHING AT THIS TIME*

COMMISSIONER DOBKOWSKI:

ACTION: *DISCUSSED THE MEETING ON THE 27TH AND THAT A CITIZEN WOULD BE GIVING A PRESENTATION*

MAYOR MOORE:

**ACTION: *DISCUSSED THE FEMA WORKSHOP ON AUGUST 13TH;
DISCUSSED THE BURN ORDINANCE***

The meeting was adjourned at 10:15 P.M.

**CITY OF BELLEVIEW
COMMISSION MEETING MINUTES**

**BELLEVIEW CITY HALL
COMMISSION CHAMBERS**

August 7, 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

PRESENT MAYOR MOORE; COMMISSIONERS DOBKOWSKI; Commissioner LOAR; GOLDMAN; 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. REPRESENTATIVE KURT KELLY

Representative Kelly introduced himself to the Commission and stated he was available for any support the City might need.

Five Boy Scouts from Troop 113 who were not able to come to the July 24th meeting were welcomed by Mayor Moore. The Scouts were working on their Citizenship In the Community Merit Badge.

2. PROCLAMATION – COB Elections

Clerk McKamey read the Proclamation and Mayor Moore declared November 6, 2007 as the date of the General Election in the City of Belleview.

3. PUBLIC HEARING: FIRST READINGS

a) Ordinance 2007-21 Charter Amendment

Clerk McKamey read First Reading, Title Only, of Ordinance 2007-21 and gave a brief review of the ordinance.

Commissioner Goldman stated that he and Commissioner Nadeau had made some good arguments against changing the Charter. Commissioner Nadeau said it best when he said that the citizens would have to wait four years to remove someone that was not effective.

Commissioner Nadeau stated we should put this on the ballot in 11/08 instead of 2007 because there would be a higher turn out rate of voters; it could be in the 50-60% range because of the presidential election. This year it could possibly be the only item on the ballot outside of the candidates.

Commissioner Nadeau made a Motion to Amend Section 3 of the Ordinance from 2007 to 2008 and Commissioner Dobkowski seconded the Motion.

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.

Mayor Moore stated she was not in favor of changing the Charter. Commissioner Dobkowski also stated that she was happy with the two year term and she agreed with Commissioner Nadeau on the 2008 date.

Commissioner Loar stated that it was her understanding if passed, it would be presented to the voters in 2008.

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

The Motion passed with a 3-2 vote.

Commissioner Loar made a Motion to Approve the Ordinance as Amended and Commissioner Dobkowski seconded the Motion.

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

The Motion failed with a 2-3 vote.

b) Ordinance 2007-24 Rezoning

Clerk McKamey read First Reading, Title Only, of Ordinance 2007-24 and Land Development Coordinator 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.

Tom Cafaro came forward and stated that he was the developer of Landsport and Coral Gables and he was proactive to prevent future problems. Mr. Shrum asked him to get an arborist report and he gets to save every tree on this property because of that. He used Environmental stewardship which uses less water and therefore requires mowing and less pests.

Mr. Cafaro sated that in his staff report it recommended 15ft. wide buffers with 6 ft. of trees and 20 shrubs, but he felt that with 6 trees you could see right through there and he planned on planting 36 shrubs per 100 ft. and he would fill the existing trees with a berm. Mr. Shrum stated that proposal was based on the upcoming landscaping plan which the Commission would review tonight.

Commissioner Nadeau made a Motion to approve First Reading and Commissioner Loar seconded the Motion.

Commissioner Goldman stated to Mr. Cafaro that the hedge idea was better than a stucco wall going around it. and he seems to always think of the City when he puts a development together.

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

4. PUBLIC HEARING: RESOLUTION 07-06 Water/Sewer Rates

Clerk McKamey read Title Only, of Resolution 07-06 and gave a brief review of the Resolution.

Clerk McKamey stated this was a public hearing just for the sewer rates, not the water rates.

PWD Monroe stated this was the last step in the rate structure based on the study done by the Consulting Engineer which was budgeted.

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 Resolution 07-06 and Commissioner Goldman seconded the Motion.

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

5. TARGET OUTDOOR ADVERTISING

John Jennings came forward and stated that he represented Target Outdoor Advertising. Two large trees were removed when placing a billboard on CR 484. He was requesting a reduction in the inch/inch requirement in the City's code to replace those two trees.

Mr. Jennings stated that he did not lease the property and would not put a billboard by a house; there should be space in between. His function as a Representative of Target Outdoor Advertising was to facilitate the result that was decided on tonight.

Mr. Jennings stated the owner of the lot where the sign was, wanted the lot cleared so she could see her neighbors house. As a result, we cleared two significant trees to open up a view for the sign.

The corner lot was overgrown with vegetation and was in violation of the code before he cut the trees. Mr. Jennings stated that he spoke with Mr. Shrum who suggested crape myrtles and the property owner was in agreement. They would comply with what the Commission wanted him to do. Mrs. Tapp had dementia and her brother was near death.

Mayor Moore stated that both lots were commercial and Mr. Jennings stated in Belleview the houses were on agricultural and their businesses on residential lots. Mr. Shrum stated the lots on 484 were all B-2, but the Clerk stated the zoning was commercial.

Mayor Moore asked what kind of trees were there and Mr. Jennings stated Live Oaks. The Mayor stated to have an arborist check out what kind of trees they were because if they were

Water Oaks there was no reason to replace them.

Mr. Jennings stated that they wanted to do a cash payment, but in the COB there was not a cash payment option. Commissioner Dobkowski asked if Mr. Jennings was aware of this ordinance and Mr. Jennings stated he was not. Mr. Jennings stated 500 ft. was too close for billboards; it should be at least a 1000 ft. apart. Mr. Winn, Target Outdoor Advertising, told him to clean this up; 10 trees and some crepe myrtles would be in excess of the 60 inches.

Commissioner Goldman stated they had to replace 102" per the Ordinance. Mr. Shrum stated it would not be possible to put 102" back on that property and that was why Mr. Jennings was asking for a reduction in the inch/inch requirement.

Commissioner Nadeau stated the billboard was between two houses and across from a school. The lot without the billboard was an eyesore. The billboard needs to be moved up closer to the forefront because it just does not look right and Mr. Shrum stated they could not put back 102".

The Mayor stated that there should have been some kind a reference so they would have known they could not take the trees down. Mr. Shrum stated that the ordinance required a minimum of 50" per acre and this lot was only 94x70.

Commissioner Dobkowski stated she felt that his proposal was reasonable; there was a provision was for residential homes located on commercial lots, but when people live there they don't have the same rules. Mr. Shrum stated that was correct if zoning was commercial you had to abide by that. Mayor Moore stated the sign lot had one tree cut down so they should only have to replace 60" not 102". Mr. Shrum stated that was reasonable.

Commissioner Dobkowski made a Motion to Accept Mr. Jennings's Proposal of Ten 3 Gal. Crepe Myrtles with 6" Trunks on the Billboard Property and Commissioner Loar seconded the Motion.

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

NO: Nadeau, Goldman

The Motion passed with a 3-2 vote.

6. BELLEHAVEN AGREEMENT

PWD Monroe stated he met with the developer and his Attorney. The major difference was the transportation improvements which had been included in this Agreement. PWD Monroe stated that Attorney Landt had not reviewed the agreement since Attorney Gooding made the changes, but he was asking the Commission to approve the Agreement pending legal review.

Commissioner Dobkowski stated on Pg. 69 under Section 8b the phrase "unreasonable delay" was used and she wanted to take that out because it was difficult to determine what was unreasonable.

Attorney Gooding came forward and stated that was approved by Attorney Landt and he actually put that in there. They agreed that it would be difficult to determine. Local governments could use unreasonable delays in order to stop development. Attorney Gooding stated they would take it out

Commissioner Goldman stated he was very content with the quality of work on both sides and Commissioners Nadeau and Loar agreed.

Commissioner Nadeau made a Motion to Approve the Developer's Agreement Pending Legal Review and for the Mayor Moore to Sign the Agreement and Commissioner Goldman seconded the Motion.

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

7. NURSING SCHOOL – Draft Agreement

Attorney Jimmy Gooding came forward and stated that this school was approved in the County where the owner, Diane Brumm, would not be faced with a price tag that was alarming for this nursing school. They did not budget for the type of costs that were presented and it was a burden for Ms. Brumm.

Attorney Gooding stated he reviewed the whole process and water was being run to the school. She had to build a lift station at her expense for the sewer instead of a gravity line and maintain that lift station until someone else hooked up to it.

They agreed to do all the easements and under #9 installation of both water and sewer mains and/or force mains installed by others in accordance with City code. This would be a huge hit for them and Attorney Gooding stated that he tried to get an estimate. If done on a distance charge, she would pay \$17,000, but the sewer was calculated on sewage so it would run between \$17,000 to \$25,000. Ms. Brumm would like to pay this over time because it was such a large amount.

#10 Lift station - they would have to connect the sewage pumping station serving the property to the school's emergency back-up electric power system and provide emergency electrical power to said pumping station during power outages or pay the – emergency operations fee. That was a good idea, but in this case they were the only ones using the lift station and they don't have backup power. The staff said if the school was the only one then they would not have to do it. The school puts it in for free and would not be reimbursed. If the school was not operating then they were not producing the sewage so they would either have to provide a backup generator or pay the emergency operations fee. The school doesn't have back up electricity so Ms. Brumm. would not have to pay the emergency fee or provide backup power.

Pg 8 – Streetlights – Attorney Gooding stated in his opinion the site lighting was appropriate. He talked to SECO and this would make the school put in street lights and they would pay the utility cost for the first year. Attorney Gooding stated he wanted to get the street light obligation

Pg 11 – System Development Charges would run about \$25,000 and Ms. Brumm was requesting that the Commission allow her to finance that amount and pay that loan over 5 years. The Code states 12% interest and 3%. PWD Monroe interjected and stated that was a mistake it should have said a \$3.00 charge. Attorney Gooding asked the Commission to work with Ms. Brumm on the emergency back up; the emergency operations fees that they don't pay unless they use it, streetlights and the charges for the extension of 484.

David Register, Commercial Structures, came forward and stated they had a check list of the cost and they called the PWD and asked what the charges would be for system improvement connections and hook up fees and system charges and we got a written response that there would be no front footage assessment charges on this property which was the \$25,000 fee. The street lights and parking light pole lights would conflict with each other and we would have the battling lights with one going on and off.

The PWD stated on Pg. 3 – the City went through months to pursue grants for this property, but once it was determined that the library would be located there it was obvious that the line would be built. They had to sign a statement saying "the only way the school could be built was if this grant was obtained" and since the grant was to install water and sewer lines, we could not make that statement so they could not pursue the grant. Mr. Vandervin was going to ask for reimbursement when they built the line per City code; he now stated he was going to do that, but they were never told by anyone in his office that there would be no front fees. Going to Pursue the line under this Ordinance and we would have to collect those front fees for the developer. Mayor Moore stated they get paid to the developer that was running the lines to the library. PWD Monroe stated that the line had not been put out to bid. When someone connected to a line under that ordinance they pay the City and the City pays the developer.

Commissioner Dobkowski stated that the City was responsible for this fee regardless of who paid it. Mayor Moore asked if the school could come up with a separate agreement with the developer and the PWD stated that would be fine with the City, but they had to come up with a separate agreement they could do that.

Attorney Gooding stated he would try to have Ms. Brumm get in touch with Mr. Vandervin, the Developer, because this was adding on to their economic burden.

Commissioner Nadeau stated the developer paid \$7000 to apply for that grant and then we learned that the City could not meet the grant conditions therefore, the grant was withdrawn; could the City get the grant application fees refunded. The Clerk stated they refunded Ms. Brumm what the City was not billed. Once Angie Brewer & Associates sent a final bill, the City refunded a minor amount back to Ms. Brumm.

PWD Monroe stated on the electrical backup they were told they were required to build the pump station and that was true but the Engineer Mr. London stated that a pump station would be required because of the topography they could still choose to build it under the front footage of this same ordinance, but they were not interested because of the time frame.

When we had the hurricane there was no power at City Hall or throughout the City, but the water and sewer was working. Even without power the City was still able to have water and that would be the same for the school as well.

The PWD stated what Attorney Gooding stated was correct it would be pretty slim that someone would hook up to this station and it might be able to be converted to a gravity system through the church and back towards the library. We could work with them on this one as long as they were not contributing sewer they won't have to pay the fee.

Street lights – the PWD stated it was a public street and they had been required street lights, but if the streets were lit enough he would have no problem not putting them in, but it was part of the development regulations. The Clerk stated that former Commissioner Anderson pushed for street lights and that was why the City required them. The PWD stated it was the same in all residential areas where we require lights. The Clerk stated that the parking lot lights would have to be spaced by SECO.

Commissioner Loar stated to just use the City street lights and take out the parking lots and the Clerk interjected that they would definitely want parking lot lights. Commissioner Goldman stated if he was a neighbor he would not like both street lights and parking lot lights because that was overkill.

Commissioner Dobkowski stated she was fine with just one and Mayor Moore stated then the street lights were waived if they had adequate parking lot lights.

#11 last item was fine with the 5 year payments and can not change that one. Commissioner Goldman stated he disagreed with the 12% interest and we should review this part of the Ordinance. The PWD stated it was done that way because the City was not in the lending business, but under certain circumstances people could not get a bank loan and Commissioner Nadeau stated he understood that the City was the lender of last resort.

The Clerk stated we had the business of W&S to run and pay our debt service. Attorney Gooding stated make it 3 - 4% over prime on the date the transaction was made because 12% may be too low. Make it enough over prime, but don't punish people. Commissioner Nadeau stated prime was now 8.2%.

Mayor Moore recapped:

9 stands, but the school would work it out with the developer themselves;

#20 no problem as long as not using and there were no new hook ups;

#33 parking lot lights instead of streetlights and the Clerk stated that was part of the site plan process. The PWD stated the lighting of the road was not anticipated. Mayor Moore stated the lights had to be aimed the right way

7 was already agreed to was the extension from 3 years to 5 years at 12%.

Commissioner Nadeau made a Motion to Approve the Developer's Agreement Pending Legal Review and for the Mayor to Sign the Agreement after the Review and Commissioner Goldman seconded the Motion.

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

8. ABA – Project Update

Ted Fylstra, Angie Brewer & Associates, came forward and gave an update of the City projects. Mr. Fylstra stated that \$3.6 million had already been spent on the projects, but \$1.48 million was left to pay on the contracts with the majority of that being in the WWT Plant Expansion.

The City could end up with \$5 million of expenditures with fully using \$1.5 million existing LP grants.

There were some remaining projects to be done which come to \$3.4 million. There was one more grant application to be done which pays over \$1 million, but the City might have to go to SRF for the balance of the \$2.4 million.

9. ABA – Contract Approval

Mr. Fulstra stated that the City was awarded a Community Budget Issue Request Grant by the State in the amount of \$1,062,000 but need to have the contract executed with the Department of Environmental Protection. Assuming the City was going forward with the collection lines and manhole rehabilitation projects that would be for our technical services for those projects.

The contracts 0701 and 0702 were for the administrative and technical services provided by ABA in conjunction with the grant. Contract 0701 was for the Administrative Services in the amount of \$3,870.00; Contract 0702 was for the Technical Services in the amount of \$43,010.00.

Commissioner Goldman made a Motion to Approve Contract 0701 in the amount of \$3,870 and Contract 0702 in the amount of \$43,010 and Commissioner Nadeau seconded the Motion.

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

10. PROPOSED BUILDING PERMIT FEES

Pulled from the Agenda

11. SCOTT PATCH – Pool Permit

Mayor Moore stated the surveyor included the easement for Cobblestone which would be fine if the easement had not been used when the developer developed the property.

PWD Monroe stated that the letter from the surveyor certifying the project was turned in at the request of Commission and the letter said it would work. However, more property was used than what Mr. Patch owned. The street right of way was also used in the calculation; therefore what

was submitted was not an accurate surveying statement.

Mayor Moore stated she told them to stop the permit because of the liability issue of flooding that the City had to everyone in the City. Attorney Le Peer, standing in for City Attorney Landt, stated that the permit was not valid when issued on incorrect and unreliable information. The permit was not warranted it could not be justified to go ahead with that permit. Practical reason would be if you allow a permit that deviates from the requirements the requirements become excused or over looked and that would be contrary to public policy behind your code.

Government action was valid when the information that evoked it was correct and reliable. If they had supplied all the required information the government was estopple. The issue was whether or not the permit was issued on incorrect or unreliable information and in his opinion it was not and would be error to proceed with that permit.

Commissioner Goldman stated there was a hole in the back yard and PWD Monroe stated the next morning Building Inspector stated that the shell of the pool was there and there were discrepancies in the rebar and he turned it down and that was when they talked; but the shell was in place. Mayor Moore asked Mr. Patch if he could come up with 35% off of his property line. Mr. Patch stated that the shell was in the ground two weeks ago inspected and passed 7/25/07. The letter that was giving to him and Commissioner Nadeau suggestion was to go ahead and issue the permit without knowing what the final outcome would be; he decided not to do that. He got the survey and as per the letter he provided, there was 1963 Statute and used as recently as 2007 the equitable estoppel could used against the municipality if permit issued and property owner incurred expense. He was \$20,000 into the project and the City had no right to evoke the permit; now all of a sudden you were changing the rules.

Mayor Moore stated you did not give us an adequate survey and she spoke with three developers who said you never include the right of way. You provided this information and we were not going to approve this and say go ahead and build it.

Remove the coverage on your property and still had 35% coverage for it. Mr. Patch stated he had full use of the easement and his sod was on that easement and pipes were underneath it. They submitted the numbers and the City approved them and we went forward. The City does not want us to go forward, but the City's negligence was responsible for the costs he incurred today.

Mayor Moore stated that the permit said it was only going to be worth \$15,000. Mr. Patch stated he got a loan for \$30,000 to cover the cost of the pool and equipment and screen room. The Mayor stated your contractor was deceptive and the City turned the permit over in 5 days. Your surveyor used the right of way and he knew better because you do not own that. Mr. Patch stated he went and got a site survey and he took up 251 ft. of driveway and that was what he did in good faith. Mayor Moore stated that his surveyor should be reported to the Ethical Board for what he had done here. The City does not have to abide by this permit unless you could show us that you had 35% coverage.

Mr. Patch stated he did not have 650 ft. the way the City said he needs to do the calculations and he does not have any more.

Mayor Moore asked the City Engineer, Ed Abshier, with a site plan like this how would he calculate it; would he use the easement. Mr. Abshier stated no it would be calculated only on the property that the individual owned. The Mayor asked why a surveyor submit this calculation and Mr. Abshier stated he did not know, but when he does site plans he computes it on what the individual owns.

Commissioner Nadeau stated to Mr. Patch that he did what he asked him to do, but unfortunately you engaged someone who did not do the job for you and they were liable. The Commissioner stated he knew that person, but he did not do the job for you and you had recourse against him.

Mr. Patch stated this was not an issue two weeks ago when he was here and at what point 3 to 4 weeks after permit was issued, do we stop and recheck figures that had already been cleared by the City. Mr. Shrum stated the requirement with the site plan submitted and the calculations as they built; this was on the permit and we would be having the some conversation after it was built. We would be doing the same thing then.

Commissioner Nadeau stated the letter from Mr. Gaudet was not a site survey. Mr. Patch stated that the permit had to be submitted to the City before we called for final inspection and the City approved the permit. The Clerk stated that Mr. Shrum was trying to say was that we would have picked the problem up at that final point and you would have to go before Code Enforcement. We thought we were being helpful to you before you got to that final point.

Mr. Shrum stated that when we received the certification it was signed and sealed, Mr. Gaudet put his license on the line with the information they were submitting and the City finds that consistent with our ordinance, but the fact was the information was incorrect and that was what was submitted.

Commissioner Goldman stated he felt horrible for Mr. Patch because he had a shell in the ground based on information that was obviously incorrect; it was horrible for the City because we issued a permit on information that was incorrect.

PWD Monroe stated the engineer who designed that subdivision they came up with drainage plan for the subdivision. They allow for driveways roads and drainage structures in his calculations when they size the drainage retention areas that was why you only figure what was on the lot itself and the engineer had already accounted for those areas and for the green areas. You cannot let home owners count that area in front of their house for lot area because the engineers had already accounted for those areas.

PWD Monroe stated that subdivision had poor drainage. Commissioner Goldman stated to mitigate the drainage problems down hill like another Cobblestone owner did. That person who lives on the corner put in a drainage system that attached to the DRA that was already there. The PWD stated you would have to enforce that on every lot in the subdivision. The City should never have been put in this position; this was not done by

staff or by the Commission. This was done by a professional in the field and it should never have happened; Mr. Patch should not be in this position either.

Attorney Le Pierre stated if you do that you still had to decide about the stop order on the permit. You had to continue the stop order on the permit. You could not let the permit go forward until there was some way to make the lot coverage comply with the ordinance, or disregard it.

PWD Monroe stated the lot coverage on this property was not enough for 35% coverage so if there was property coverage available by his neighbors to make this big enough that could be a solution. Mr. Patch stated he talked to his neighbor who was under on his lot coverage so was there any way to get a 250 ft. variance. The Clerk stated the application for a variance had to go before the P&Z Board and it had to be advertised and your neighbors notified.

Mr. Shrum stated this was a PUD and the lot coverage was specified in the agreement for all the lots in that subdivision. The variance process was not available.

Commissioner Goldman asked if it would be possible for Mr. Patch to get an agreement from his neighborhoods. The PWD stated that were have to be willing to give up their development rights to Mr. Patch and that they were not over their percentage. Mr. Abshier stated it would have to be neighbors that drain to that same retention pond and Commissioner Goldman stated if the community could sell some of their community property. PWD Monroe stated if they gave up their legal development rights to their development and it could not be community area, but property off of a lot.

Mr. Patch stated he had 385 ft. and PWD Monroe stated that he was not allowed more than 35%; 6239 was what he was allowed to cover on that lot. Commissioner Goldman stated his driveway was a poured concrete slab, he could take that up and use grass. Mr. Patch stated he had 380 ft. and the 660 ft. number was before he took it all the way back, but then he would no longer have access to his garage.

Commissioner Nadeau stated he was not comfortable and at the last meeting we requested a professional surveyor did the calculations and that was done but not in a professional manner when he calculated the lot coverage. PWD Monroe stated that they did not have the numbers that the surveyor had. It would take a surveyor to go and get those numbers. Mr. Patch stated the city was making calculations from day one. He took out 264 ft. and then added in 380 ft. which included the removal of the patio which equals 644 ft.; so 300 ft. would cover it.

Mr. Abshier stated he did not believe there was anything legally that you could do to allow more than 35% without changing the PUD. Mr. Patch stated there was no place for it to come out without digging up his entire driveway.

Mr. Patch asked the Commission if he could continue on with his pool. Mayor Moore emphatically stated right now NO, not until we come up with some way to do it.

The Clerk stated they would need a recordable document that would attach to the property if the neighbor did anything. Attorney Le Peer stated that would be for subsequent owners would know their rights. Attorney Le Peer stated that the estoppel case that Mr. Patch referenced to did not apply to this case.

Mr. Patch stated that the City was liable for some of this and in some places they count pools as retention areas on the property so that would be 330 ft. PWD Monroe stated you always count pools as lot coverage. PWD Monroe asked the Commission if they wanted to pursue the matter of the surveyor and Commissioners stated yes, put a letter together.

12. RACE TRAC

PWD Monroe stated that when they did an inspection they found another problem. They had two separate plumbing contractors come and look at the problem and neither one wanted the job. A third one came today and agreed to do it and the Race Trac authorized him to do it.

Sarah Logan, Gray Robinson, Attorney for Race Trac, came forward and stated that this was a newly discovered issue with this line under the ground. If Race Trac had known about it, they would have corrected the problem. They had a two subs come out and one agreed to do the work and they were asking for an extension granted up to the September meeting in the event the issue was more complicated and they did not know what it would entail, but Race Trac wanted to correct it.

Mayor Moore stated she was in favor of extending it up to 10 days because she could see them out there trying to get it done.

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

Commissioner Dobkowski asked about the meeting in September and Mr. Shrum stated that they issued a temporary permit for 30 days from July 26th pending any other changes you wanted to do at this meeting; the Commission could modify that permit if they wanted to.

Mr. Shane Sharpe came forward and stated he would appreciate the Commission giving them ample time but would like them to consider taking the weather into account. Mr. Shrum asked if August 24th was enough time and Commissioner Dobkowski stated that was better than extending it into September. Attorney Sarah Logan stated she would give the Commission an update on August 21st.

Commissioner Goldman made an Amended His Motion to Include August 24, 2007 as the Date the Temporary Permit would Expire and Commissioner Nadeau seconded the Amendment to the Motion.

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

13. UNSCHEDULED AUDIENCE

Ed Abshier came forward and stated that he had a problem with the fence ordinance.

Palm Tree Villas project a fence ordinance says side yard fence could only 6 ft. high until it comes to the center and then it had to be 4 ft. tall. Along front was a track for gardening and landscaping and the owners wants to put a 6 ft. concrete block wall for security reasons and set it back 7 ft. from the right of way. The City could not issue a permit because it was over 4 ft. in height. There would be a note on the plat that those landscape tracks would include a 6 ft. fence and when you approve the plat it would be considered a waiver on the plat.

The Clerk stated that the fence addressed in the Fence Ordinance was for residential yards and this was a barrier fence to the subdivision so it was not addressed.

Commissioner Nadeau made a Motion to Allow The City To Issue A Permit To Construct the Wall Now And The Final CO Would Not Be Done Until The Plat Was Recorded With The Note And Commissioner Goldman Seconded The Motion.

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

14. COB CONSULTING ENGINEER CONTRACT EXTENSION

PWD Monroe stated that the City Consulting Engineer Contract was up for renewal and Mr. Abshier requested a renewal for 3 years and the salary would remain the same.

Commissioner Goldman made a Motion to Renew the Consulting Engineer Contract Extension for Three Years and Commissioner Nadeau seconded the Motion.

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

15. RANKIN PROJECT

PWD Monroe stated that houses were being built within the City's service area within 500 ft. of the Marion County landfill. The utility that services that area must give a waiver for a well to be put in. The City wanted to have the owner enter into an agreement that would bind owners to connect to City water or sewer when the water or sewer becomes available or contiguous to their property.

Commissioner Nadeau asked how close our lines were now and PWD Monroe stated the water main was 200-300 ft. away from it. This was just for one house, but when other homes come on line the owners would also sign this document. Commissioner Goldman stated these people were putting water and sewer in now and when the City goes through there they would willingly hook up to our system. The PWD stated that was correct and it was worked about between the City Attorney and the Developer's Attorney.

Commissioner Nadeau made a Motion to Approve the Agreement and for the Mayor Moore to Sign the Documents and Commissioner Loar seconded the Motion.

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

16. FLEX NET METER READING SYSTEM

The PWD stated they had been talking about this for some time and they were ready to purchase because the item was developed and functioning properly. This puts the transmitters in our reading boxes and transmits the reading through the water tower and gathered and downloads through the fiber optic in place and transmitted back to City Hall.

Mayor Moore stated this was a Capital Outlay item for the 2006/2007 budget year.

Commissioner Nadeau Made a Motion to Approve the Purchase of the Meter Reading System and Commissioner Goldman seconded the Motion.

Commissioner Goldman stated this was a labor saving devise.
Commissioner Dobkowski left the room at this time.

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

Commissioner Dobkowski was out of the room and did not vote.

17. PUBLIC WORKS HIRES

PWD Monroe stated the present policy mandates that all employees have a high school diploma or GED. This had been incorporated into all the job descriptions and the City does not accept applications from any one who does not have one or the other. The PWD was requesting that the Commission reconsider changing the policy to delete that requirement for the entry level field positions only because he does not get any applications from kids without diplomas. The high school diploma or GED would still be a requirement for any promotions.

Commissioner Loar asked if the City could put a policy in place for a scholarship for the kids to get their GED and the PWD stated that was in place already.

The Clerk stated there was a low unemployment rate and not a lot of people were looking for jobs and the applicants had to pass a test and provide a driver's licenses.

Commissioner Nadeau stated you may get more applications, but not necessarily quality ones.

Commissioner Dobkowski came back into the room at this time.

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

Commissioner Dobkowski stated that she did not see what a diploma had to do with their ability to do a good job. PWD Monroe stated a few years ago the City wanted to send a message to the kids.

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

18. PROPOSED ORDINANCES:

a) Water Conservation: PWD Monroe stated that this ordinance would regulate lawn & landscape irrigation for two (2) days per week on designated days for monitoring purposes. PWD Monroe stated that he heard a lot about water and water restricting for years. it would be two days a week, but you could pick the 2 days and there was really no way to regulate that. St. Johns recommended that Cities had an ordinance specifying what days they could water. In the packet was a copy of the St. Johns River Water Management District's Model Ordinance formatted to the City of Belleview for your review.

Pg. 143, Paragraph 3 this gives the option for different days for irrigation and remove that paragraph and make residential and commercial the same days. Pg. 144 option to establish who would enforce this ordinance: Police Department or Code Enforcement and Mayor Moore stated to use both; delete sentence about previous ordinance since we don't have a previous order and this would be put on Agenda for first reading.

Ed Abshier came forward and asked about a subdivision with a common irrigation system and PWD Monroe stated the City would have to assign those days and the Clerk stated there was a provision for no addresses. Mr. Abshier stated an office park out in front of Cobblestone with a common irrigation system. PWD Monroe stated that each system would have to be assigned days. Mr. Shrum stated in the site plan process they would be notified on days they could water and PWD Monroe agreed that any thing new would be addressed in the site plan process.

Mayor Moore stated that the concept was good, but we seem to be doing all this stuff to save and preserve water yet St. John's wants to come down and take our water. Commissioner Goldman stated that two wrongs don't make a right and we should be a beacon of light. Commissioner Loar stated setting a good example would be in our favor.

Commissioner Dobkowski stated subsequent violations of the ordinance would be decided by the Code Enforcement Board and the PWD stated it would follow the process that was in place. The Commissioner stated she wanted a schedule of violations i.e. a 3rd violation would be \$75 and the 4th violation \$100 dollars.

Mayor Moore stated to put it on the Agenda for first reading. Commissioner Nadeau asked who enforces the sprinkler systems now and PWD Monroe stated the police department had the authority, but it was hard to enforce.

b) Landscaping

Mr. Shrum stated he was replacing Chapters 90 Vegetation and Chapter 114 Landscaping and

with a new Chapter 114 Landscaping and Trees. These were working documents and they would be brought back and changed as needed. This amendment seeks to combine these two chapters and provide the City with regulations that will promote a more healthy aesthetically pleasing, and give flexible design approach to developers regarding landscaping within the City.

The main premises was understanding that there was a value to trees and economic costs. The Planning and Zoning Board voted 6-1 to approve the proposed amendments to the Land Development Regulations (Chapter 114) and Code of Ordinances (Chapter 90) as proposed by staff. This was a move towards better ascetics not quantity, but quality. There were options, but at the same time what they put in they would have to maintain throughout the development.

They could use, if available, reuse water in their landscaping. Protection with erosion control measures and buffering using a major matrix system. Replacement trees would have minimum DBH of 50" per acre with an aggregate of 3"

Commissioner Dobkowski stated on Pg. 158, Section 114-50 it stated that the property owner and tenant will be jointly responsible for maintenance and enforcement. The property owner should designate if they want the tenant to be responsible for maintenance of all required landscape, irrigation, and landscape buffering improvements as originally approved for the site. Mayor Moore stated it would be on the next agenda for First Reading.

19. HIGHWAY 484 - Update

Mayor Moore stated that at the Joint County/City meeting, it was decided not to rename the old highway 484; it would remain 484. Both commissions also discussed the renaming of the road commonly known as the "Bellevue Bypass" to the "Bellevue Beltway"; officially it would be 92nd Loop and SE 132nd Street Road.

Commissioner Dobkowski stated that Commissioner Stan McClain stated we could call it the "Bellevue Beltway" if we did not have any addresses on it.

20. MEETING SCHEDULE

Mayor Moore stated that the first Commission meeting in January 2008 falls on January 1st. She recommended the meetings for the month of January 2008 be rescheduled to the 2nd and 4th Tuesdays or January 8th and January 22nd.

Commissioner Nadeau made a Motion to Approve rescheduling the January 2008 Meetings to January 8th and January 22nd and Commissioner Goldman seconded the Motion.

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

21. FREEDOM WALK – Pole Attachments

Mayor Moore stated that he Freedom Walk Committee wanted to attach flags to the electric poles along the Freedom Walk path again this year. The reusable attachments for the poles would cost \$1000 and she wanted to request the Commission approve up to \$2500 to cover the

one time cost of the purchase of the attachments and flag poles for the flags to be placed all along the Freedom Walk path.

Commissioner Goldman Made a Motion to Approve A Fund Balance Budget Amendment to Purchase the Attachments and Flag Poles for the Flags to be Placed Along the Freedom Walk Path Not to Exceed \$2500 and Commissioner Nadeau Seconded the Motion.

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

22. STAFF COMMENTS

Chief Strickland – discussed the running the red light campaign; PD had issued 25 citations in two mornings.

Clerk McKamey – Nothing at this time

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 new application form for site plans and checklist form

19. COMMISSION COMMENTS

Commissioner Dobkowski – stated that on August 27th meeting she would present a power point presentation with the help of Tom Cafaro.

Commissioner Goldman – discussed the possibility of raising money for the Freedom Walk by selling Freedom Walk Bricks.

The Commissioner stated he attended the TPO meeting and it was projected to cost \$451 million for our road project, but Marion County was fourth from the bottom. TPO Slay stated he would try to get Representative Kelly working on it at the State level to get our road project money back.

Commissioner Loar – Nothing at this time.

Commissioner Nadeau – Nothing at this time.

Mayor Moore – discussed the Burn Ordinance and the FEMA Workshop Meeting scheduled for 8/13/07 at 6:00 PM.

Meeting was adjourned at 10:15 PM

ATTEST:

Sandi McKamey, MMC, CPM
City Clerk/Administrator