

REVISED 8/20/07 AT 9:25 AM

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 21, 2007

6: 00 PM

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*IF A PERSON SHOULD DESIRE TO APPEAL ANY DECISION MADE BY THE BOARD OR COMMISSION A VERBATIM RECORD OF THE PROCEEDINGS WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED MAY BE NEEDED. IT IS YOUR RESPONSIBILITY TO HIRE A COURT REPORTER TO MAKE A VERBATIM TRANSCRIPT, OR A TAPE OF THE MEETING CAN BE PURCHASED FOR \$5.00/TAPE AT THE CITY CLERK'S OFFICE. THE CITY IS NOT RESPONSIBLE FOR ANY MECHANICAL FAILURE OF RECORDING EQUIPMENT*

This meeting has been properly noticed **PD**

**INVOCATION AND PLEDGE**  
AGENDA ITEMS

**COMMISSIONER DOBKOWSKI**

1. APPROVAL OF MINUTES: 06/19/07 Commission Meeting (Pg. 2)
2. PUBLIC READING: FINAL READING: Ordinance 2007-24 Rezoning
3. PUBLIC HEARING: RESOLUTION 07-09 – FRDAP (Pg. 20)
4. PUBLIC READING: FIRST READING: Ordinance 2207-25 Impact Fees (Pg. 22)
5. NEIGHBORHOOD STORAGE – COMMUNITY EVENT (Pg. 26)
6. M.T. CAUSLEY – BUILDING PERMIT FEES (Pg. 27)
7. PATCH POOL UPDATE (Pg. 31)
8. RACE TRAC – UPDATE (Pg. 32)
9. DIANE SCHOFIELD – REQUEST FOR REIMBURSEMENT (Pg. 33)
10. UNSCHEDULED AUDIENCE (Pg. 35)
11. BILLBOARD ORDINANCE – Discussion (Pg. 36)
12. BILLBOARD ON SE MIMOSA ROAD (Pg. 37)
13. STAFF COMMENTS (Pg. 39)
14. COMMISSION COMMENTS (Pg. 40)
15. SENTRY STORAGE (Pg. 41)

**CITY OF BELLEVIEW  
REGULAR COMMISSION MEETING  
SYNOPSIS**

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**BELLEVIEW CITY HALL  
COMMISSION CHAMBERS**

**August 21, 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

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**AGENDA ITEMS**

1. APPROVAL OF MINUTES: 06/19/07 Commission Meeting

***ACTION: APPROVED MINUTES***

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2. PUBLIC HEARING: FINAL READING: Ordinance 2007-24 Rezoning

***ACTION: APPROVED CONTINUING UNTIL THE NEXT MEETING***

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3. PUBLIC HEARING: RESOLUTION 07-09 - FRDAP

***ACTION: ADOPTED RESOLUTION 07-09***

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4. PUBLIC HEARING: FIRST READING ORDINANCE 2007-22 Impact Fees

***ACTION: APPROVED FIRST READING ORDINANCE 2007-22***

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5. NEIGHBORHOOD STORAGE - COMMUNITY EVENT

***ACTION: PULLED FROM AGENDA***

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6. M.T.CAUSLEY - BUILDING PERMIT FEES

***ACTION: TO BE BROUGHT BACK***

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7. SCOTT PATCH

***ACTION: APPROVED GRAVEL SIDEWALK;  
APPROVED NOT REFUNDING BUILDING PERMIT FEE***

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8. RACE TRAC – UPDATE

***ACTION: APPROVED CONTINUING THE PERMIT***

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9. DIANE SCHOFIELD – REQUEST FOR REIMBURSEMENT

***ACTION: APPROVED REIMBURSING THE SPECIAL EXCEPTION FEES***

#### **10. UNSCHEDULED AUDIENCE**

- a) Clay Waldron/Chamber of Commerce came forward and asked to use the Commission Room for a Chamber Of Commerce General Meeting;
  - b) Mike McMurrer came forward and discussed the City making exceptions for non-profit organizations;
  - c) Terry Harris came forward and stated he agreed with Mr. McMurrer.
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#### **11. BILLBOARD ORDINANCE – Discussion**

***ACTION: APPROVED ATTORNEY TO WORK ON AN RESOLUTION FOR AN OFFSITE SIGN ADVERTISING MORATORIUM***

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#### **12. BILLBOARD ON SE MIMOSA ROAD**

***ACTION: APPROVED ATTORNEY PREPARING A DOCUMENT GIVING THE OWNERS THE RIGHT TO POSSESSION OF THE PROPERTY WHERE THE SIGN AND AIR CONDITIONER WERE LOCATED FOR THE TERM OF THE SIGN LEASE; THE CITY TO MAINTAIN AN EASTMENT FOR CITY PURPOSES.***

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#### **13. STAFF COMMENTS**

***DENNIS MONROE: STATED THEY WERE WORKING ON THE NEXT FRDAP APPLICATION AND DISCUSSED POSSIBLE PROJECTS***

***CHIEF STRICKLAND: DISCUSSED THE RED LIGHT CAMPAIGN***

***INFORMATION TECH TOWNE:***

***ACTION: APPROVED PURCHASING THE LEXIS NEXISPROGRAM FOR THE POLICE DEPARTMENT FROM AUTOMATION FUNDS***

***CLERK McKAMEY: DISCUSSED FL LEAGUE OF CITIES CONFERENCE SHE ATTENDED;  
DISCUSSED THE LEGISLATIVE MEETING SET FOR 10/9/07***

***JEFF SHRUM: DISCUSSED SCHOOL CONCURRENCY WORKSHOP SET FOR NOVEMBER***

***ATTORNEY LANDT: ABSENT***

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#### **14. COMMISSION COMMENTS**

***COMMISSIONER GOLDMAN:***

***ACTION: DISCUSSED FLORIDA LEAGUE OF CITIES CONFERENCE AND WHILE THERE HE TALKED TO A GRANT WRITING FIRM GAVE THE CITY CLERK THE INFORMATION HE RECEIVED FROM THEM.***

***COMMISSIONER NADEAU:***

***ACTION: DISCUSSED THE FL. LEAGUE OF CITIES CONFERENCE AND THE EVENTS; STATED IT WAS A GREAT LEARNING EXPERIENCE;  
THANKED THE STAFF FOR GETTING OUT THE CITY'S ENTRY TO THE FLORIDA LEAGUE OF CITIES CONTEST FOR THE 2006 FREEDOM WALK;  
STATED THAT THE SPECIAL EXEMPTION THAT WAS GIVEN TO THE HOME SHOULD BE DELEGATED TO CODE ENFORCEMENT OR P&Z BOARD;  
THE RAILROAD CROSSING AT FOSS ROAD WAS DETERIORATED AND NEEDED REPAIRS***

**COMMISSIONER LOAR:**

***ACTION: DISCUSSED THE WITHLACOCHEE PLANNING COUNCIL MEETING THAT SHE ATTENDED***

**COMMISSIONER DOBKOWSKI:**

***ACTION: DISCUSSED THE VIDEO VAULT BILLBOARD ISSUE***

**MAYOR MOORE:**

***ACTION: DISCUSSED A CITEZEN'S PROBLEM CITIZEN: SHE MOVED INTO A HOME IN BELLEVIEW AND PAID THE SAME BILL AS THE PERSON WHO MOVED OUT OF THAT HOME;  
DISCUSSED COMPLAINTS REGARDING LAKE LILLIAN NOT BEING MAINTAINED AROUND THE WATER TOWER;  
DISCUSSED THE FLOOD MAPS***

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**15. SENTRY STORAGE**

***ACTION: APPROVED: THE ELECTRIC PERMIT FOR THE BACK GATE;  
REQUIRED SENTRY STORAGE TO SUBMIT A NEW SITE PLAN;  
APPROVED USE OF THE DIRT ROAD ENTRANCE;  
DIRECTED STAFF TO DEVELOP A POLICY WITHIN THE SITE PLAN STRUCTURE;  
ENCOURAGED THE APPLICANT TO SEEK LEGAL ADVICE FOR SITE PLAN ISSUES***

The meeting was adjourned at 11:10 P.M.

**CITY OF BELLEVIEW  
COMMISSION MEETING MINUTES**

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**BELLEVIEW CITY HALL  
COMMISSION CHAMBERS**

August 21, 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

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

**1. APPROVAL OF MINUTES: 06/19/07 Commission Meeting**

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

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

**2. PUBLIC READING: FINAL READING: Ordinance 2007-24 Rezoning**

Commissioner Goldman entered the meeting at this time.

Clerk McKamey stated that this Ordinance should be continued until the next meeting to ensure proper advertising.

**Commissioner Nadeau made a Motion to Continue Ordinance 2007-24 Until the Next Meeting and Commissioner Loar seconded the Motion.**

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

**3. PUBLIC HEARING: RESOLUTIONS 07-09 - FRDAP**

**a) Resolution 07-09 FRDAP**

Clerk McKamey read Title Only, of Resolution 07-09 FRDAP and PWD Monroe stated this was for an addition of a Soccer Field with lights and additional lights for an existing soccer field, and addition of a Restroom.

The Clerk stated that it also included the infrastructure and improvements in our Comprehensive Plan Capital Improvement Program pending receipt of funding from the State.

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 Goldman made a Motion to Approve Resolution 07-09 with Additions to the Belleview Sports Complex and Commissioner Nadeau seconded the Motion.**

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

**4. PUBLIC HEARING: FIRST READING: ORDINANCE 2007-XX IMPACT FEES**

Clerk McKamey asked that this Ordinance be pulled from the Agenda to allow Staff time to revise the payments of the impact fees since they were going from 3 years to 5 years. The Clerk stated she wanted to look at possible regulations and would come back with recommendations.

**Commissioner Goldman made a Motion to Table Ordinance 2007-XX and Commissioner Nadeau seconded the Motion.**

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

**5. NEIGHBORHOOD STORAGE - COMMUNITY EVENT**

Pulled from the Agenda.

**6. M.T. CAUSLEY - BUILDING PERMIT FEES**

Mike Causley, President of M.T. Causley, came forward and Tom Rodgers, COB Building Official who was an employee of M.T. Causley, also came forward.

Commissioner Nadeau asked how these fees compare with other areas that they dealt with. Mr. Rodgers stated that Marion County fees look lower, but they charge for every inspection and their administrative fees were charged upfront so you don't know what the total was until the project was finalized.

Their Goal was to get the residential permit fees up to 1% of total valuation. The commercial fees for a typical \$250,000 home were currently \$1,800 without the administration or impact fees. The new fee proposed would push it up to \$2,505 or 1% of the total valuation of the \$250,000 home. The existing fee for a typical new commercial construction of \$450,000 was .94%; the proposed increase would go up to 1.34% of the total valuation. Mr. Causley stated that in this area they were up to 1% and south of Belleview they were up to 5%.

Commissioner Goldman stated that currently it was \$1,800 and it would go up to \$2,500 which equaled a 27% increase in the expenses. Mr. Causley stated that they had increases: their fuel, wages, insurance and taxes were all increased. They were also spending more time in this community as a result of your new Planning Department so the Building Clerk would need to spend more time in the City as well. The counter would be opened eight hours a day for the increase in services and this would benefit the City as well as their office.

Commissioner Goldman stated that Marion County in June 2006 had 594 building permits pulled; in June in 2007 they had 194 building permits pulled; so they were raising prices to cover their losses. Mr. Causley stated that Mr. Rodgers was brought back to the COB because it was one of the few cities that services were picking up and they needed to raise these fees by 25% with the increases. Mr. Causley stated that he did not want to come back every year so they wanted to get it on an even keel and it would give the City some extra revenue.

Commissioner Dobkowski stated the medium income in the COB was below \$30,000 so this was not the right time to raise any prices for the citizens.

The Clerk stated that the fees had not been raised in 3 years and Florida Statutes required the Building Department to support itself. These fees were user fees so the over all citizenry would not pay them. Mr. Shrum stated there were increases in the budget for the development and planning fees. Commissioner Dobkowski stated we need to have affordable housing based on our economy so she would not feel comfortable raising these fees.

Commissioner Nadeau stated he didn't like higher fees, but the cost of doing business had gone up. Affordable housing was not new houses but was usually existing facilities. Commissioner Loar stated there were minimum fees which she was content with.

Commissioner Goldman stated the Clerk stated that the Building Department had to pay for itself and the Clerk stated that was correct and the Building Department included the building and planning reviews. Commissioner Goldman stated he would like to see how close they would be with these new fees.

Mayor Moore stated this would be brought back on the next agenda.

Mr. Causley stated if the City had its own building department, legally none of the fees could be used for anything, but for building not even for planning. The other 25% was used for Administration so the City could use that; however, if you had your own building people, you would not be allowed to do that.

## **7. PATCH POOL UPDATE**

PWD Monroe stated he received another site plan and based on Mr. Riddle's submittal they were able to get down to the 35% by taking some additional concrete coverage out. They removed some sidewalk and replaced it with gravel.

PWD Monroe stated that the staff had no objection to the gravel because that had been approved by the Commission before in isolated cases. It was also discussed with the City Engineer. Mayor Moore stated she wanted them to put the grass back so it does not wash out.

Attorney Bob Wilson, Representing Mr. Patch, came forward and stated they would replace it with the grass.

**Commissioner Nadeau made a Motion to Accept the Gravel Sidewalk on Mr. Patch's Property In Order For It To Comply With The Drainage Coverage Ratios and Commissioner Goldman seconded the Motion**

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

The Motion passed with a 5-0 vote.

The Clerk stated their refund was not issued and the Mayor stated not to issue it because the pool cost \$32,000 and their building permit listed it at \$15,000. Attorney Wilson stated Mr. and Mrs. Patch just wanted to get back to their project. Commissioner Dobkowski asked if the City had any obligation since the Commission had voted to refund that money.

Attorney Landt stated if the Commission felt the refund was not due because of the circumstances, then the Commission could reverse that action.

**Commissioner Nadeau Made A Motion That The City Not Refund The Building Permit Fee To Mr. and Mrs. Patch Because Of All The Additional Hours Of Time That Staff Had To Put In To Enforce The Rules That Were Set And Commissioner Goldman Seconded The Motion.**

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

**8. RACE TRAC - UPDATE**

Sarah Logan, Attorney for Race Trac, came forward and stated that the subcontractor tested the line for the second time. The camera showed they had to tear up the 10 ft. drive through the property; Sonny's Restaurant gave them permission. At 5 AM the pavement would be torn up to make corrections on the line; gravel would be in place by 10 AM and repaved by the evening. The Attorney stated they would do whatever it took to get it done.

Mr. Shrum stated their temporary permit expired on the 24<sup>th</sup>

**Commissioner Goldman Mike Made A Motion To Authorize The Continuation Of The Temporary Permit Until The Next Meeting If They Do What They Said They Would Do And Commissioner Nadeau Seconded The Motion.**

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

**9. DIANE SCHOFIELD - REQUEST FOR REIMBURSEMENT**

Dianne Schofield, HOME, came forward and asked the Commission to waive the \$500 Special Exception Fee since there was no zoning class that they fit into. Commissioner Dobkowski stated she did not have a problem waiving the \$500 fee for the nonprofit organization.

Mr. Shrum stated that the Special Exception was approved by P&Z with conditions. Mr. Shrum stated the advertising fee was \$119.00 had not been paid and staff put in 11 hours on this project. Mayor Moore asked how much had the City spent and the Clerk stated close to \$400.

Mayor Moore stated they would have to come back and make this request every year and the Clerk stated that the Commission revised the ordinance a few years ago. Initially, the Special Exception goes back to the P&Z Board annually for a review, in case there were any changes in what they were doing. Mayor Moore asked if they could appeal to the Commission when the P&Z Board denied the Special Exception. The Clerk stated that the P&Z Board recommends on annexations and comprehensive plans and on rezoning. The P&Z Board had the final say on issues that were temporary in nature. The Special Exception would be vacated if they moved. They were asking for additional people in this group home which might be compatible for unwed mothers, but a group home for drugs users might not be so compatible.

Commissioner Dobkowski stated that Ms. Schofield did not realize she was supposed to count the babies; she was not adding more pregnant girls. Mr. Shrum stated they were expanding the

building and that was when the issue of counting the babies came up; there would be 22 total residents and currently there were only 14.

Mayor Moore stated if they had to come back every year before the P&Z to pay the fees, it would be cheaper to apply for a rezoning. The Clerk stated the rezoning process was more Ms. Schofield would have to change the City's zoning code because the City does not have that provision in its zoning code and then she would have to apply for a rezoning.

Attorney Landt stated the reason for having a process in place to review it yearly was to make sure the situation continued. One incident that the City had was where parents lived in an apartment on the residence of their children. The City allowed that as a hardship exception on the single family residence. The City discovered that when the parent went to a nursing home the children rented the apartment out using their R-1 property as an R-2 or R-3 parcel and that was the reason behind the annual review.

Commissioner Dobkowski restated that she had no problem waiving the fee.

Mr. Shrum stated this would give the City a chance to look at it annually to see if it was a use the City wanted continued and the P&Z Board had discussed this very issue and to look at it annually.

Commissioner Goldman stated he agreed partially with the ordinance, but he did not want to levy fees against operations that were trying to help people. Commissioner Goldman stated he agreed with Commissioner Dobkowski.

Commissioner Nadeau stated there had to be some compensation paid back because the City designated personnel to track and set these things up and the City was also a nonprofit organization. We pay salary to staff and now you want the tax payers to pay for this Special Exception each year. We need to revisit the process for nonprofit organizations. Commissioner Goldman agreed to revisit the entire ordinance because he would never suggest that the whole citizenry should offset individual charities.

Commissioner Nadeau stated the staff invested over \$400 into this. The nonprofit organization came to us and said do we need to pay \$500 to do this. Now it was after the fact; the work was done and they want their money back. The Commissioner stated he was hesitant to refund the money.

Commissioner Dobkowski stated she understood that, but she and Mr. Shrum and went out and spoke with Ms. Schofield and she asked them about a waiver.

Commissioner Loar stated she agreed with Commissioners Nadeau and Goldman about revisiting the ordinance regarding the Special Exception. Mr. Shrum stated that would entail updating the Land Development Regulations because there was no provision to allow that class for group homes.

**Commissioner Dobkowski made a Motion to Reimburse the \$500 Special Exception Fees and Commissioner Loar Seconded the Motion.**

Commissioner Nadeau asked what the Motion was and the Clerk stated that the Motion was to reimburse the \$500 Special Exception Fee.

**Commissioner Loar withdrew her second**

because she thought she was seconding revising the Ordinance not reimbursing the fee. Commissioner Loar's withdrawal was accepted and

**Commissioner Goldman Seconded the Motion**

**The roll call vote, YES: Goldman, Dobkowski, Moore**

**NO: Loar, Nadeau**

The Motion passed with a 3-2 vote.

**10. UNSCHEDULED AUDIENCE**

a) Clay Waldron, Chamber of Commerce, came forward and asked to use the Commission Room for a Chamber Of Commerce General Meeting. The Commission agreed.

b) Mike McMurrer came forward and stated that what the Commission was trying to do was noble. However, once you make exceptions for charities and nonprofits, you were putting the City in judgment because you made one charity more important than the others. You would not be able to shut that door, because if you do, you would be discriminating. The City would not want to fight this battle every time and because of what you did tonight another group would present itself to catch you.

c) Terry Harris came forward and stated that he agreed with Mr. McMurrer and he felt that waiving the fee was not necessary. Nursing homes get everything for nothing and the students get government financing. Mr. Harris and Mr. McMurrer both stated they agreed with Commissioner Nadeau.

**11. BILLBOARD ORDINANCE - Discussion**

Mr. Shrum stated he had done research and there were a lot of legal aspects when it came to regulating billboards. He would need ten months to allow the City time to review the situation, the issues that had to be addressed and to look over the ordinance.

Attorney Landt stated the recommendation was not to do away with existing sites, but to place a moratorium on granting permits for new locations.

Mr. Shrum stated that as the City limits grow, there would be more billboard requests and our ordinance was different than Marion County. The amount of properties that we annex would have an impact and the potential to do more harm; the sign ordinance had not been updated in 15 years.

Attorney Landt stated that this ordinance was old and Mr. Shrum was recommending a moratorium so he could do an orderly process regarding planning for the future of the City. Attorney Landt stated that the existing ordinance does not reflect the overall vision of the development of the City and the protection of the property values and the character of the community.

Mr. Shrum stated that at the last meeting the representative for Target Outdoor Advertising stated we had the most lenient ordinance around and for that reason the billboard people would

take advantage of that once they hear that we were updating our ordinance. The Attorney stated this would ensure that no detrimental change would take place while this ordinance was being prepared and that was the reason for the moratorium.

**Commissioner Nadeau Made A Motion To Direct Staff to Draft a 10 Month Moratorium Ordinance for Offside Advertising and to Initiate Reviews and Revisions of the Existing Sign Regulations and Commissioner Loar Seconded The Motion.**

Attorney Landt stated it should be a Resolution not an Ordinance for the Moratorium; an ordinance would be needed to change the existing offsite advertising ordinance.

**Commissioner Nadeau Made Amendments to His Motion To Direct Staff to Draft a 10 Month Moratorium Resolution for Offside Advertising and to Initiate Reviews and Revisions of the Existing Sign Regulations and to Hold a Public Hearing at the Next Meeting on the Moratorium and Commissioner Loar Seconded The Amendment to the Motion.**

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

**12. BILLBOARD ON SE MIMOSA ROAD**

The Clerk stated the Staff had further discussions this afternoon so she wanted to bring this back at the next meeting. Commissioner Dobkowski stated that since the owners were in the audience, she wanted to discuss the issue.

Attorney Landt stated the recommendation was going to be to abrogate the land that the sign sits on, but the issue that came up was how long was the sign lease. So instead of abrogating the land permanently, The City could release the possessory right to the land owners for the length of time the billboard had on the lease; then it would come back to the City and the billboard would come down.

Commissioner Dobkowski stated the road may be closed and that sign had been there forever. They made a decision to buy that property because of the income from the sign. The Clerk stated they talked about closing that road, but not abrogating it and it would be retained by the City.

Commissioner Nadeau asked how close to the building was the billboard pillars and Mike Novella, came forward and stated 4 ft., but the air conditioner units were also out there. His lease with Clear Channel was for 20 years and Mr. Evans had been receiving money since the 1960's; presently they were no longer receiving the money because the contract was voided when the City contacted them. The City gave him 18 months to remove the air conditioner units, but he wanted to keep the billboard and the air conditioner units there.

Attorney Landt stated that he had two concerns: 1) that this was not the only persons who had an encroachment in the City right of ways. The City should not pick and choose who they were going to allow to encroach. The Attorney stated you also need to 2) treat everyone the same that comes before the Commission. You could not pick and give people City property. If the City felt a site plan was submitted or that the City should have known about this encroachment then you could restore their possessory rights for this strip so they could collect the billboard money until

the lease ran out. If the City converted the street behind them to a parking lot, at that time you could abrogate the 4 ft. strip that had the air conditioner units and sign on it, as long as you reserve the utility easement underneath it in case the City needs that at some time. That would give the gentleman the benefit of the bargain he thought he would get and allow him to keep the air conditioners in place and then give him the property if the City ever stops using that through street.

The Attorney stated that the justification for allowing the use would be how long it had gone on and the City recognized the site plan, but did not pick up on it until he bought the property. PWD Monroe stated he agreed to everything except for transferring the property especially since there was no sign lease/contract now. Attorney Landt stated he suspected there was still a contract, but the billboard advertiser was not paying because the Novellas had no right to collect the money. The PWD stated under those conditions there was no contract and the City should ask for a shorter time to get the billboard off of the right of way. Attorney Landt stated the City should contact the billboard company and tell them they owe the City the rent money for the 10 months that this dispute had been going on.

Commissioner Nadeau stated the City could sell the 4 ft. behind the building and maintain an easement for utilities.

**Commissioner Dobkowski Made A Motion That The City Would Create A Document That Gave The Novellas The Right Of Possession Of The Property On Which The Air Conditioner Sits And The Property The Billboard Sits On; The Minimum Amount Necessary To Cover Those Items. They Would Have The Billboard Site For The Term Of Their Lease With Clear Channel Which Was Originally 20 Years. The City Was Entitled To The Rental Value Of That Sign During The Time Of This Dispute Up To Tonight. If The City Converts The Street, The City Would Convey The 2 Small Parcels Of Property To The Land Owners, As Long As, The City Reserved An Easement For City Purposes Underneath Those Properties And Commissioner Nadeau Seconded The Motion**

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

### **13. STAFF COMMENTS**

**Chief Strickland** – Requested purchasing out of Automation Funds the Accurint Lexis Nexis Investigative Technology for Law Enforcement. The Chief stated this was a great investigative tool and could also be used for employment searches for background checks. The cost of the program was \$95/month for the first year and \$105/month starting with the second year.

**Commissioner Goldman Made a Motion to Approve the Request and Commissioner Nadeau seconded the Motion**

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

**Clerk McKamey** – Gave an update on the FL. League Of Cities Conference she attended. She stated that the Legislative Delegation Meeting would be held October 9<sup>th</sup> at CFCC and staff was working on the next grant request.

**PWD Monroe** – Discussed the FRDAP application for the Collegiate Baseball Field they were working on and that the deadline was September 14<sup>th</sup>. The PWD stated that they wanted to get the basics which included bathroom and concession stand in this grant because they could not build it all at once.

Commissioner Nadeau asked what was the priority for the grant and Donna McMurdy, PW Staff Assistant, stated the field itself and they would have to find other ways to fund the other items.

Commissioner Goldman stated to go with the \$150,000 grant which paid 75% and that would cover the field, lights, bleachers, press box and bathroom. Commissioner Dobkowski agreed and stated that the team would get the facilities in place over the years. PWD Monroe stated for \$150,000 you would only get the basic field, no concession stand and no lighting. The PWD stated the County property would require a long term lease. Ms. McMurdy stated a minimum of 30 years lease from the date of the application deadline which was September 14, 2007. Ms. McMurdy suggested presenting both a 99 year lease and a 30 year lease to the County.

**IT. Coordinator Towne** – Nothing at this time.

**Attorney Landt** – Nothing at this time.

**Land Development Coordinator Shrum** – discussed holding a School Board and Commission workshop in November.

#### 14. COMMISSION COMMENTS

**Commissioner Dobkowski** – asked that staff call individuals who were on the Agenda to let them know when their item was being discussed ex. Video Vault. The Commissioner also discussed the Withlacochee Planning Council meeting she attended.

**Commissioner Goldman** – discussed the FL. League Of Cities Conference and especially the Home Town aspect.

The Commissioner stated he also spoke with an individual from Synergy Solutions, a grant writing firm, and gave that information to the Clerk.

**Commissioner Loar** – asked Commissioner Goldman if the Synergy firm could write grants for purchasing land and Commissioner Goldman stated they handled existing land, purchasing and new park construction.

**Commissioner Nadeau** – stated he attended some of the events at the FL. League Of Cities Conference but the most interesting thing was the speed bumps being made out of recycled tires. The Commissioner thanked the staff for getting the entry in for the 2006 Freedom Walk.

Commissioner Nadeau stated the railroad crossing was deteriorated at Foss Road.

**Mayor Moore** – stated a citizen called her 1) regarding the house she sold 3 days into the next billing cycle and she was charged for water and sewer for those 3 days. The person who moved in also was charged for those same 3 days and trash was paid for as well. Commissioner Dobkowski asked how complicated was it to prorate the fees daily. PWD Monroe stated that was done manually and it takes staff time; it was a tracking issue.

Commissioner Loar stated they both paid the base rate for the same month. Commissioner Goldman stated we had this discussion before and the PWD stated this was different that was a vacation rate. This was someone who moved out and we have not had this problem before.

Mayor Moore stated to refund the garbage because she did not use the garbage. Attorney Landt stated if you did that for one person, you had to do it for everyone. The PWD stated he would see if staff could come up with a recommendation.

2) discussed the blue house on Front St. could not mow to the street because of the lime rock out by the road;

3) discussed complaints about the back area by the water tower by Lake Lillian was not being kept up.

4) asked when the Flood Map Review would be finished and the PWD stated it was not finalized. They were going through the appeals process now. Mr. Shrum stated the City would need to do large scale amendments to our comprehensive plan for the maps.

## **15. SENTRY STORAGE**

Attorney Landt stated that the property was previously owned by Max Dempsey and now owned by Sentry Storage. The Attorney stated that the following was his attempt to put the events in order so that the Commission would understand them as they happened regarding this property.

### **Outline Of Harbin (Dempsey) Development:**

The Harbins acquired lots in The Cedars from Mack Dempsey and his wife;

- 1.) City enacts Ordinance 80-06. Required to provide Drainage Retention for 10 year storm if cover 35% (Ord. 80-0);
- 2.) Dempsey submits plans to build storage building on lot 20. Over 35% coverage, site plan and DRA submitted and approved;
- 3.) Lots 1, 2 and 3 developed by Dempsey in the County, as these lots were outside the City limits of Belleview;
- 4.) Marion County approves Development of Lot 17, based on November 16, 1990 Site plan to develop lots 4, 5, 15, 16 and 17 (this site plan will also be submitted to COB at a later date);
- 5.) Ordinance 90-12 enacted by COB. 35% coverage - must have site plan and DRA must store 6.9" / 24 hours and perk within 7 days;
- 6.) July 1998 Dempsey notifies COB that he was building a 3300 sq. ft building on lots 15 & 16 (this building was not built at this time). Less than 35% coverage, no site plan and no DRA required;
- 7.) November 20, 1998 approved request to build one building on lot 17. Submits site plan approved by County in Exhibit 4 Site plan and drainage calculations recertified by engineer Nov. 1998;
- 8.) August 5, 1999 approved revised site plan to build a building on lot 16 (revision of the July 1998 project, exhibit 6);
- 9.) November 29, 2000 Site Pan submitted for lot 18;
- 10.) Feb. 13, 2001 Site Committee meets with Harbin and their Engineer, Paul Riddle. The PWD advised he wanted all buildings included in one parcel to meet current regulations and that existing drainage retention area needed recalculation and validation;
- 11.) March 1, 2001 Dempsey Deeds property to Harbin;
12. March 20, 2001 Harbin met with Site Committee. Discussed building I building on lots 18 & 19 to stay under 35% coverage, formal site plan and DRA not required then (as Dempsey had done);
- 13.) Harbin submitted informal site plan for 1 building on lots 18 & 19;
- 14.) Feb. 2002 Site Plan approved for lots 4,5,15 19. Consolidated all lots but 1, 2, 3 and 20 Met DRA requirements with DRA on lot 12 Requested back entrance onto SE 109' Street Advised must pave entrance onto 109<sup>th</sup> Street;
- 15.) Made entrance to SE 109<sup>th</sup> street for emergency vehicles "gate locked;

- 16.) Existing conditions including improvements never approved by COB. Concrete Slab Approx, 12' by 20' and impervious material added on lot 19 -- exceeds 35% coverage Impervious material on lots 4 & 5 -- exceeds 35% coverage;
- 17.) Requested 2 permits to install remote operated electric gate at approved access points. Request approved;
- 18.) Requested Permit to install remote operated electric gate at emergency entrance on SE 109<sup>th</sup> Street. Request denied.

Attorney Landt stated in response to Mr. Harbin's letter which listed her complaints:

a) that when the traffic control striping and parking designations were removed so the City wanted to see the site plan. Through the process of paving the strip of the road right of way, the City noticed the impervious coverage had exceeded 35% and pointed it out to the Harbins. The last site plan that the City approved showed drainage retention area on lot 12 which would put them in compliance, but it was not constructed. Additionally, the development utilized parking on SE 55<sup>th</sup> Ct. which resulted in the cars parking on the public right of way which was prohibited; people were maneuvering into traffic. For all of those reasons, the City wanted to see a site plan because of the changes that were made.

b) Permit for Routine maintenance on an existing parking lot on SE 66<sup>th</sup> Ct. PWD Monroe stated he was concerned about this particular parking being a code violation. He advised the contractor that there could be some liability issues and that the contractor would need a permit to resurface the existing pavement and he also had concerns about the water meters. The contractor stated he was only patching pot holes; the PWD replied, in that case, the contractor would not need a permit.

c) Harbins were denied an electrical permit for the gate on 109<sup>th</sup> St. PWD Monroe stated that was for emergency access only and it was locked. The heavy traffic caused erosion of the road which was already rutted up to 4 inches. This would only get worse if you allow a remote gate there. If they paved the road and showed a site plan for adequate draining for that paving, a permit would have been approved for an electric gate there.

d) Harbins complained about a written request they made for a copy of the file on April 2<sup>nd</sup> to the PWD. Ms. Harbin was told the City could not complete the request that day and she would be called when it was completed. On June 12<sup>th</sup> a second request was made for the file and that request was completed on July 14<sup>th</sup> they picked up the copies and were charged \$114.00; the Harbins to date had not paid for the copies as charged. The Clerk stated that the problem was the PWD was not the person who handled records request in the City and he did not accept a public records request from Ms. Harbin so when she made the request to Administration, she got the records; she was not denied any records and charged appropriately.

e) Jack & Bore Permit for 56<sup>th</sup> Ct. Ms. Harbin stated that the City required a survey. Attorney Landt stated that was not true; the City requested a better drawing or a survey. Their contractor submitted a crude drawing by hand when he applied for the permit and was told that was not adequate because they could not locate the receiving pit for the bore. The pavement that was placed down by the Harbins made it difficult to ascertain where the right of way was. An old survey was submitted and accepted. Additionally, they claimed that the City made them pour an additional 10 ft. at a cost of \$150.00; that extra 10 ft. was to get the receiving pit out of the City's right of way and put it on the developer's property. When this was done, the Harbins said the receiving pit should be repaved. The City felt it was on their property if they did not want to pave

it, they did not have to. The contractor stated to the PWD that this was purely political. Attorney

Landt stated it was not political as it was done per the reasons stated. The Harbins paid the \$150.00.

f) Harbins claimed that the City refused to trim the trees on the north side of 109<sup>th</sup> street, but the PWD did not think they needed trimming on that unpaved road since that was only supposed to be used for emergency vehicles.

g) Harbins claimed that the City did not pay for the pavement for their driveway when resurfacing 65<sup>th</sup>. The PWD stated the City did not over lay the road. The road contractor pulverized the underlay and compacted it back into the underlay and resurfaced which resulted in very little change. Their problems were not because the City did not resurface the road. On commercial sites the City's policy was not to taper in; The City paves the road and the business site could do what ever with their pavement.

h) Ms. Harbin complained to Commissioner Dobkowski about the sewer clean out and that was replaced with a metal cap and they agreed it was not as soon as it should have been.

i) Harbins complained that trucks were driving through their parking lot. On February 20, 2007 it was discussed at the Commission meeting. No official action was taken and there was no direction by the Commission to put up any "no truck signs" on C-25. March 6, 2007, at the next Commission Meeting, there was more discussion of same and another request for signs. When the Commission approved the request, the PWD put up the signs.

j) New lighting in climate control building - the Building Inspector told them to bring the building into compliance and then they would get a building permit.

k) The documentary stamp issue: before the Harbins bought this property they were told if they did any improvements to this site the PWD expected a consolidated site plan and adequate drainage. They were forewarned they would need to do recalculations on their drainage because requirements had changed. The Harbins consolidated the property into one parcel. The City stated that the Dempseys availed themselves not to consolidate this site and if they had taken title in that fashion it would be acceptable.

They went back and re-deeded the property and then the Department of Revenue told them there was a tangible tax on this transaction; the Harbins said the City should pay that tax. The City, the Attorney stated, should not pay that because they choose to take title that way to avoid some expensive requirements i.e. drainage and site plan.

The City was at the point that the consolidated site plan that they presented with drainage on lot 12 needed to be done if the Harbins developed out there. That site plan was more than one year old and had expired. The City's concerns were: a) that the drainage retention was not constructed; The City received information from the Harbins that that strip of concrete was not 12x20 as stated earlier, but really 14x50 feet of impervious material. The perimeter of building with lime rock around it was approx 10 ft. wide. On C-25 new pavement, which was impervious material had been added. Those are the concerns of the PWD and City staff regarding to changes to this site.

Under Section 127-7 the Ordinance stated no site improvement should be developed without submission and approval of the required site and drainage plans which included the 14x50 slab and the concrete strip etc.

Ms. Harbin came forward and stated her husband was a Commercial General Contractor and he knew the rules and tried to do the proper procedure with every thing. Ms. Harbin reviewed the documents that she gave the City which included the following:

1. New Site Plan due to paving some of county right of way
2. Permit for routine maintenance on parking area
3. Electrical Permit for Gate on 109<sup>th</sup>
4. Request for copy of property file
5. Jack & Bore Permit
6. Tree Limbs 109<sup>th</sup> right of way
7. Swale Damage
8. Open Sewer Clean-Out Pipe
9. Request for "No Truck Sign"
10. New lighting building permit
11. Belleview correspondence re: DOT Doc Stamps

Ms. Harbin stated that the building on lot 19 was built, but lot 18 was never built. They removed the building, but the slab that they supposedly put in was still there. A letter from Paul Riddle to the City, dated June 26, 2001 asked for a signature from the City confirming that the information on those lots was accurate and to please sign and return but Mr. Harbin stated she did not know if that had been done. Attorney Landt stated that letter was not inconsistent with what he had said earlier in this meeting; they needed to be deeded separately.

Attorney Landt stated that the Harbins took title to a unified site so they were going to have to have a unified site plan. How they chose to avoid that was their business and Attorney Landt stated to Ms. Harbin that he was not their lawyer and he had never given her or her husband any legal advice. Attorney Landt stated that the City had not done the Harbins a disservice, but Max Dempsey did.

Commissioner Nadeau asked Ms. Harbin how she wanted to draw these events to a conclusion and Commissioner Dobkowski asked what the ultimate resolution was. Attorney Landt stated the Harbins did not understand why they had to do a site plan when they had one from the County. The Clerk stated she told them when there were changes, they had to go back through the site plan process. As to the deeding of the property, they were not told they could do whatever the County told them to do. It was also clear that the Harbins had to comply.

Attorney Landt stated that their engineer did recertify in 1998 for specific stages in development. There was nothing there that said they were not going to have to pave or that they had to pave. That slab doesn't matter if they poured it or that they did not remove the entire building. The letter from St. Johns does not mean that they don't have to meet the COB requirements.

Ms. Harbin stated that the City had an obligation in order to accomplish a goal for the City to know what consequences could happen. Mayor Moore stated to Ms. Harbin that she was not going to allow her to attack the City Attorney on this; lots 18 and 19 was what she kept talking about.

Ms. Harbin stated there were no memos in the file regarding the site plan meeting which was approved in 7/2001. That building permit which was submitted entitled them to build on 2 lots without any egress or ingress. They could have sold the lots individually, but they could not get building permits for property that had no ingress and egress. That site plan expired in 2003 and that site plan was as if it never happened.

Mayor Moore stated you had to submit another new site plan. The site plan you showed to the Commission was not approved; it did not have a City seal. Attorney Landt stated that was not a site plan that was approved.

Ms. Harbin stated that 1/22/2002 was the last site plan that was approved. The City had to have something in order to issue a building permit on July 24<sup>th</sup>. Attorney Landt stated there was a letter to St Johns showing a drawing of one storage building provided to the City and that could be the informal site plan that the City relied on at that time. Ms. Harbin stated go back to April 5<sup>th</sup> and the Clerk stated if some one did not take action within a year it was null and void. They had to submit a new site plan.

Commissioner Dobkowski stated the issue was that the COB required a new site plan. Mayor Moore asked Ms. Harbin what she wanted and Ms. Harbin stated a permit for the electronic gate on 109<sup>th</sup> St. or a variance. They only added one building

Commissioner Nadeau stated a dirt road at your back door was not a problem and Ms. Harbin stated no. PWD Monroe stated it had always been the City's concern and the direction to the Harbins was if that road was paved, the City would not have any problems, but the Harbins do not want to pave the road. Commissioner Nadeau stated the site plan does not show it as a gate, but as a primary entrance. Attorney Landt stated the City had not approved a site plan, but it had been used. Commissioner Dobkowski asked if that gate was used as an entrance before they bought that property and Ms. Harbin stated yes. Attorney Landt stated that he had answered that already and PWD Monroe restated when their contractor said he was only patching pot holes, they did not get a permit and we did not require them to have one for patching holes.

PWD Monroe stated that Max Dempsey came in with a site plan showing lots 15, 16, 17, 4 and 5. Entrances were out on C-25 and building 3300 was under 35% coverage and that was how he built those buildings; a lot of other types of coverage were on this site as well. A site plan needed to be done on the entire site. It was simple, if they pave it, they could have it.

**Commissioner Nadeau made a Motion to Allow the Issuance of a electric permit for the back gate so they could continue to use the back gate; require a new site plan; allow them to use the dirt road entrance; direct staff to develop a policy within the site plan structure encouraging applicant to seek legal advice when they encounter site plan issues and Commissioner Goldman seconded the Motion.**

Attorney Landt stated he would draft a statement to that effect regarding seeking legal counsel into the written application that they fill out. Ms. Harbin stated that both the PWD and the Attorney said a new site plan would make them repave 109<sup>th</sup> street. Attorney Landt stated if the Commission passed this motion they would not have to pave 109<sup>th</sup> Street.

Attorney Landt asked if that motion was based on what the Commission heard tonight including Mr. Shrum's summary of the City's rules and what was required of the Harbins. The City

would still require a new site plan for the other items of which the key one was that the site had been altered and when they added to the impervious area that might drain onto the site then under the City Code they were required to file a new site plan and Commissioner Nadeau stated that was correct.

Commissioner Dobkowski asked if the only pavement added was the right of way because the County said that the pavement had to come up and Attorney Landt stated that the City would still require a new site plan based on the other matters that were discussed tonight.

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

The Motion passed with a 5-0 vote.

Meeting was adjourned at 11:10 PM

ATTEST:

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Sandi McKamey, MMC, CPM  
City Clerk/Administrator