

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

November 6, 2007

6: 00 PM

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

This meeting has been properly noticed PD

INVOCATION AND PLEDGE

MAYOR MOORE

AGENDA ITEMS

1. APPROVAL OF MINUTES: 7/31/07 and 8/1/07 Budget Workshop Meetings
2. RACE TRAC - Limited Visibility Issue
3. DON HARRELL – Change of Use/Occupancy Inspections
4. SATROHAN RAMNATH – Impact Fees – Creative Kids
5. LIFT STATION ON SE 55TH AVE. Rd. – Paula Chaffin and Wanda Johnson
6. AUTUMN GLEN PRELIMINARY PLAN
7. UNSCHEDULED AUDIENCE
8. ZONING BOARD RESIGNATION/APPOINTMENT
9. ARCHITECT PROPOSALS
10. STAFF COMMENTS
11. COMMISSION COMMENTS

**CITY OF BELLEVIEW
REGULAR COMMISSION MEETING
SYNOPSIS**

**BELLEVIEW CITY HALL
COMMISSION CHAMBERS**

**November 6, 2007
6:00 PM**

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

AGENDA ITEMS

1. APPROVAL OF MINUTES: 07/31/07 and 8/1/07 Workshop Meeting

ACTION: APPROVED MINUTES

Walk On - PROCLAMATION - VFW Poppy Days

ACTION: PRESENTED PROCLAMATION

2. RACE TRAC – Limited visibility Issue

ACTION: TO BE BROUGHT BACK

3. DON HARRELL – Change Of Use/Occupancy Inspections

ACTION: PULLED FROM AGENDA

4. SATROHAN RAMNATH – Impact Fees – Creative Kids

ACTION: TABLED TO NEXT AGENDA

5. LIFT STATION ON SE 55TH AVE RD. – Paula Chaffin and Wanda Johnson

ACTION: APPROVED GETTING A SECOND OPINION

6. AUTUMN GLEN PRELIMINARY PLAN

ACTION: FAILED

7. UNSCHEDULED

ACTION: N/A

8. ZONING BOARD RESIGNATION/APPOINTMENT

ACTION APPROVED

9. ARCHITECT PROPOSALS

ACTION: APPROVED ACCEPTING THE RANKING OF THE PROPOSALS AND APPOINTED COMMITTEE TO NEGOTIATE THE CONTRACT

10. STAFF COMMENTS

DENNIS MONROE: GAVE AN UPDATE OF THE ONGOING PROJECTS

CHIEF STRICKLAND: DISCUSSED POLICE PAK SOFTWARE

INFORMATION TECH TOWNE: DISCUSSED THE CONFERENCE HE ATTENDED WITH CHIEF STRICKLAND

***JEFF SHRUM: DISCUSSED SMALL SCALE AMENDMENTS RESPONSE;
DISCUSSED TPO COMMENTS REGARDING SR25/CR35***

***CLERK McKAMEY: DISCUSSED SWEARING IN CEREMONY;
DISCUSSED THE HIRING OF MARYANN DAVIS IN THE FINANCE DEPARTMENT;***

ACTION: APPROVED EXTENDING THE LOBBYIST SERVICE CONTRACT FOR 2007/2008 FISCAL YEAR

ATTORNEY LANDT: NOTHING AT THIS TIME

11. COMMISSION COMMENTS

MAYOR PRO TEMPORE GOLDMAN:

***ACTION: DISCUSSED THE MANHOLE BY COBBLESTONE NORTH;
DISCUSSED THE MPO MEETING HE ATTENDED IN ORLANDO***

COMMISSIONER NADEAU:

***ACTION: STATED THE HALLOWEEN CARNIVAL THAT THE POLICE DEPARTMENT HELD WAS GREAT FUN;
STATED THAT REPRESENTATIVE KELLY OPENED AN OFFICE IN BELLEVIEW;
ASKED ABOUT THE SIDEWALKS AT WALGREENS AND PWD MONROE STATED THEY WOULD BE
FINISHED BY 12/15/07;***

COMMISSIONER LOAR:

***ACTION: ASKED THAT A LETTER BE SENT TO RAMAH CHURCH EXPRESSING WHAT A GREAT JOB THEY DID IN
BEAUTIFYING THAT AREA.***

COMMISSIONER DOBKOWSKI:

ACTION: DISCUSSED THE MARQUEE AND IT TOWNE STATED HE WAS WAITING ON THE COST AND DESIGN

MAYOR MOORE:

ACTION: ABSENT

The meeting was adjourned at 8:35 P.M.

**CITY OF BELLEVUE
COMMISSION MEETING MINUTES**

**BELLEVUE CITY HALL
COMMISSION CHAMBERS**

November 6, 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: COMMISSIONERS: DOBKOWSKI; LOAR; GOLDMAN; NADEAU;
PUBLIC WORKS DIRECTOR MONROE; INFORMATION TECH TOWNE;
CHIEF STRICKLAND; ATTORNEY LANDT; DEVELOPMENT SERVICES
COORDINATOR SHRUM; CITY CLERK/ADMINISTRATOR McKAMEY;
DEPUTY CITY CLERK DeGENNARO

ABSENT: MAYOR MOORE

1. APPROVAL OF MINUTES: 7/31/07 and 8/01/07 Budget Workshop Meetings

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

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

PROCLAMATION : VFW - Poppy Days

Clerk McKamey read the Proclamation declaring November 9, 2007 through November 10, 2007 as Buddy Poppy Days in the City of Bellevue.

2. RACE TRAC – Limited Visibility Issue

Jay Minner, Race Trac, came forward and stated that there were a number of trees on the City property adjoining the Race Trac site that limited the visibility of the business. Race Trac was proposing to increase the visibility by removing those trees. If the Commission agreed, the changes would be completed in compliance with current City Code but an agreement had to be entered into between Race Trac and the COB. Race Trac was seeking a conceptual approval before any significant funds were committed for surveys and agreements.

Mr. Shrum stated the traffic had conflicts with turning movements and asked if they would consider putting in a right turn to exit the property to eliminate that conflict. Mr. Minner stated they would put up a right turn lane as well.

Commissioner Dobkowski asked if this was contingent on the trees and Mr. Minner stated it was not, but the trees had to be replaced. Attorney Landt stated since Race Trac was not doing this as part of their development plan, they could put in whatever the Commission wanted. The PWD stated the pine trees were healthy and very mature.

Commissioner Nadeau asked why was this hurting their business and Mr. Miner stated when driving you could not see the Race Trac canopy until you were 20 ft. away. This plan would also clear out that area and put more functional shade trees in place on that exterior area to the left where there were no trees.

Commissioner Nadeau stated he did not mind replacing the pine trees, but he was not convinced that was the answer because the Chamber's building was the real problem. However, the addition of shade trees would add some ambience to that area. The PWD stated his concern was not to obligate the City to maintain the clear zone because we might build a building there at some point.

Commissioner Goldman stated most of the other businesses had billboards so he agreed with Commissioner Nadeau.

Mr. Miner stated that moving the Chamber building was not an option for Race Trac. He was looking for direction on the obstruction of their billboard and the removal of the four pine trees and trimming of the oak tree would open that area up.

Commissioner Loar stated she saw no reason to take the trees down because people knew Race Trac was there and taking the trees down would not add more customers to your business.

Commissioner Dobkowski asked how old were the pine trees and Mr. Shrum stated if you replace them with 3" trees it would take 25-30 years to grow, but the shade trees would be much more beneficial.

Commissioner Goldman stated he wanted to discuss the PWD's concern since this was City property and in the event those trees were removed because the City decided to build a new building which would make it harder to see Race Trac and Mr. Minner stated that was correct it certainly would, but there was no visibility restrictions placed on the Race Trac building.

Commissioner Goldman asked about the tables and trees being placed there and Mr. Miner stated they would be placed further back from the right of way with tables so people could walk and sit down. Commissioner Goldman stated he would be willing to have staff work with Race Trac to develop a park like plan for that area and Commissioner Nadeau agreed.

Mr. Shrum stated that they would come back and show their idea to the Commission before they move forward.

Commissioner Nadeau made a Motion to Authorize Staff to Meet with Race Trac and Bring back a Park Plan for the Area Between City Hall and Race Trac Which included Removal of the Pine Trees, the Palm Trees and the Trimming and Commissioner Dobkowski seconded the Motion.

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

The Motion passed with a 3-1 vote.

3. DON HARRELL – Change of Use/Occupancy Inspections

Mr. Shrum stated that the City required a building inspection every time there was a change of use or change of occupancy in a building. Mr. Harrell wanted to discuss this policy with the Commission.

Mr. Shrum stated he did research and checked with Ocala, Dunnellon and Marion County and they all had the same process with the fees varying from \$100.00 to \$45.00. This process was not uncommon

Commissioner Goldman stated since Mr. Harrell was not present, he would like to discuss this issue with him at an open meeting.

4. SATROHAN RAMNATH – Impact Fees – Creative Kids

Satrohan Ramnath came forward and stated that he had purchased the Creative Kids Day Care. During that process, it was determined that the number of children attending had increased from 50 to 100. As a result, the water and sewer impact fees had increased. Section 86-82(c) read in part: “However, if the nature of an industrial or commercial establishment changed or if the nature of use by an industrial or commercial establishment changed, whether by change by an existing owner or by sale to a new owner, the city shall have the right to re-compute the water system development charges at the then prevailing rate based upon the current nature of the establishment or current usage.” Mr. Ramnath did not feel that he should pay the fee of \$10,000; that should have been paid in full by the previous owner.

Mr. Ramnath stated that nothing was ever said until he came in to change the utilities. At that time, he was told by the PWD and by the City Clerk that the change in the occupancy was supposed to be reported. Mr. Ramnath stated he did not think it was fair to make him pay those fees.

Commissioner Goldman asked how the impact fee was calculated and the PWD stated the original owner paid for 50 kids. The City did not learn about the increase of 100+ kids until Mr. Ramnath came in to change the utilities. The PWD stated that the impact fee for that type of school was based on the number of children and it was for the capacity in our treatment plant.

Commissioner Nadeau stated that when the building was built the owner said there were no more than 50 kids, but if the owner had come in and told the City about the increase, he would have been charged for the difference. The Clerk stated the City assesses for the children he had, not for the maximum use by the fire department. The City had a payment plan and would work with Mr. Ramnath.

Commissioner Goldman stated that the PWD was correct that the fee was there to maintain a capacity in the treatment plant. If the City had known about the increase, we would have charged for that because as more people come in and use our utilities, they tax the capacity of our treatment plant.

Commissioner Nadeau stated this was a disclosure issue between the people Mr. Ramnath bought the school from and himself. The difference had to be absorbed by Mr. Ramnath, but he had recourse towards the former owner.

Fred Schweitz, former owner of Creative Kids, came forward and stated he owned the school since 1991 and used the same capacity for 13 years. This should not affect by Mr. Ramnath taking over that business. He did not realize he was doing anything wrong by not reporting the increase in children and he paid the same water bill over the 12 years.

Commissioner Dobkowski stated that the previous Commission established the policy on calculating fees on the number of students, but what was the mechanism to report an increase. The PWD stated the only mechanism was when the business changed owners.

Commissioner Goldman asked how long impact fees had been in effect and the PWD stated since the 80's and our bonds require us to collect that fee. The Clerk stated that the City tried to reach a compromise, in that it was accessing on a capacity which was more than double. The impact fee was to pay for what the highest use was on any given date. The PWD stated they use the highest flow per day based on the highest use.

Commissioner Nadeau asked what the maximum capacity was and Mr. Ramnath stated 171 children.

Attorney Landt stated the intention was that if someone came and told us that their use had increased then the impact fees would be based on the prevailing rate at the time. If they don't tell us, then they would pay the rate that was in place when it was discovered.

If you operate your business and don't pay the impact fees that you should pay, then you go and sell that business the result would be that no one pays the fees. However, all the citizens would have to pick up that short fall either through increased ad valorem or in increased utility fees or in a reduction in the services that they pay for.

Commissioner Loar asked when the payments would start and the Clerk stated they had to remit a 10% down payment and the actual payments would start the following next month. Commissioner Loar asked if they could give him a 3-6 month deferment and Attorney Landt stated the Commission could do anything it wanted, even limit the number of children in the school.

Commissioner Goldman asked about the City bonds and the Clerk stated we recently went through a federal audit and the bonds had specific language on waiving fees and giving free service.

Mr. Schweitz came forward and stated that he did not remember the number of kids he had when they opened, but they had 5000 sq. ft. for 10 years and had the same water consumption. Attorney Landt stated to continue this decision to a date certain after the City got the numbers from the State and then the Commission could make an educated decision from an informed position.

Commissioner Nadeau made a Motion to Table The Discussion Until the Next Commission Meeting and Commissioner Loar seconded the Motion.

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

5. LIFT STATION ON SE 55TH AVE. RD. – Paula Chaffin and Wanda Johnson

Ms. Paula Chaffin and Ms. Wanda Johnson complained of the odor coming from the lift station located near their residences. The City had continuously worked on resolving the issue. The City had not received any complaints since the 2006 meetings.

Ms. Chaffin and Ms. Johnson stated that the lift station at the end of their road had buckets filled with chemicals. A black box was sitting behind the lift station without a lock and children could open it. An array of empty buckets were on the ground. Ms. Chaffin stated it was not safe and children could get in there and play and they wanted some kind of resolution.

Ms. Johnson stated the lift station was not large enough to handle the growth. The smell was right out side of her front door. When her brother visited her, he told her it was unhealthy and to call the EPA and file a complaint. Ms. Johnson stated it was raw sewage and she wanted the Commission to understand that the smell came in her door everyday.

Ms. Chaffin stated she wanted a professional to tell them that their health was not being damaged.

Commissioner Goldman stated they should not have to live with that kind of smell. The PWD stated the City had a professional come in and did a study. This was a regional station and served a large area from Belleview Middle School and most of that residential area and then pumps directly into the treatment plant. The City was spending \$20,000/year to have a consultant treat that station.

Ms. Chaffin asked what was in the white tub and the PWD stated that was a mixture that the consultant mixed with water and the City had one at 3-4 other stations. Ms. Chaffin asked why it was not locked and the PWD stated he did not know that answer.

Commissioner Goldman asked if the smell factor had changed since they started treating it and Ms. Chaffin stated when it rained it was worse. The PWD stated they put a charcoal filter in the vent and raised it as high up in the wind stream as possible to disperse it.

Commissioner Goldman stated to get a second opinion and the Clerk suggested contacting Engineer Ron Ferland to take a look at it.

Commissioner Nadeau made a Motion to Enhance the Quality of the Odor and to Enhance the Security of the Lift Station And If It Cannot Be Included In The Engineer's Scope of Services from Barnes and Ferland or If They Were Not Interested In Pursing This Project

Then the City Could Go Ahead and Do An RFP and Commissioner Dobkowski seconded the Motion.

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

6. AUTUMN GLEN PRELIMINARY PLAN

Mr. Shrum stated that the Autumn Glen properties included in this Preliminary Plan application were recently approved by the City Commission for future land use and zoning transmittal to the Department of Community Affairs (DCA) for their review.

The proposed Future Land Use was Neighborhood Residential and the proposed Zoning was R-1. Pending DCA review, a final adoption hearing was not scheduled at this time. The applicant submitted a Preliminary Plan with the understanding that moving forward at this time was at the applicant's risk (pending the future land use adoption). Approving the preliminary plan would allow the applicant to move toward development of improvement/site plans.

Commissioner Dobkowski made a Motion to Approve the Autumn Glen Preliminary Plan and Commissioner Loar seconded the Motion.

Commissioner Goldman stated he would like the assurance of future connectivity out to Baseline Extension and mitigating traffic was important because it would be horrible on C-25. Commissioner Nadeau stated he agreed with Commissioner Goldman regarding the connectivity and traffic. Mr. Shrum stated staff was still working on comments, but the developer knew he still had to go through our processes and this was just conceptual. The PWD stated he was looking for the development plans for water and sewer and more details than just the lot layout.

Commissioner Nadeau asked about the possibility of a second entrance and the PWD stated the plans were to put a road on his other piece of property.

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

The Motion failed with a 2-2 vote.

Commissioner Nadeau stated to communicate to the developer that the preliminary plan should have two entrances.

7. UNSCHEDULED AUDIENCE

N/A

8. ZONING BOARD RESIGNATION/APPOINTMENT

Clerk McKamey stated that Michelle Harris resigned from the Planning and Zoning Board and the Commission needs to appoint Tom Cafaro as a regular member of that board to complete the term until 2009.

Mrs. Theresa Harris, who was on the Police Pension Board requested to serve as an alternate to the Planning and Zoning Board to fill the alternate vacancy.

Commissioner Nadeau made a Motion to appoint Tom Cafaro as a Regular Member of the Planning and Zoning Board to complete the term expiring in March 2009 and to appoint Mrs. Theresa Harris as an Alternate Member of the Planning and Zoning Board to complete the term expiring in March 2008 and Commissioner Dobkowski seconded the Motion.

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

9. ARCHITECT PROPOSALS

Commissioner Nadeau stated that the committee appointed to review and rank the architects met and ranked the top three architectural firms as follows: 1. Starmer, Ranaldi 2. Johnson Peoples Architects, PA 3. Bentley Architects + Engineers, Inc.

Commissioner Nadeau stated that any of the 5 firms would have done a fine job for the City. The Committee scored and ranked them and Starmer Ranaldi was selected. This firm's projects included county fire station and they also use Joe London, Civil Engineer. The committee felt that was a good local connection and an engineer that the City had great experience with; those were the factors that ranked them the highest.

The Clerk gave a brief overview of the RFP and stated that if the Commission approved the ranking the Commission would need to appoint a committee to negotiate the contract.

Commissioner Nadeau Made A Motion To Accept The Ranking Of The Committee and Appoint the Committee To Begin Negotiations and Commissioner Dobkowski seconded the Motion;

Commissioner Nadeau Amended His Motion To Accept The Ranking Of The Committee and Appoint A Committee To Begin Negotiations with the First Ranked Firm and If that Failed, Then to Move on to the Second Ranked Firm; The Committee Would Consist of PWD Monroe, PW Administrative Assistant Mc Murdy, Lt. Holland, Mary Ann Davis, Finance Manager, and Commissioner Nadeau and and Commission Dobkowski Approved the Amendment.

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

10. STAFF COMMENTS

Chief Strickland – stated that he learned at the conference the potential of the Police Pak software and it worked well.

Clerk McKamey – stated that the Swearing In Ceremony would be held right before the next Commission meeting;
- stated that Mary Ann Davis was offered fulltime employment with the City;

Discussed the contract with the lobbyist that expired on September 30, 2007. The Clerk stated that the funds had been budgeted and recommended that the Commission extend the contract for the 2007-08 fiscal year.

Commissioner Nadeau made a Motion to Extend the Lobbyist Contract for the 2007-08 Fiscal Year and Commission Loar seconded the Motion.

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

Commissioner Nadeau stated the City spent \$72,000 for their services but received \$2 million back.

PWD Monroe – stated the C-25 construction had begun;
- stated that the library's water and sewer project was underway;
- force main from the corner of the 27 acres down 484 to Souls Harbor Church was on schedule and the gravity sewer line on 27 acres was completed

IT Coordinator Towne – stated that he and the Chief attended a conference last week on the Police Pak software and would implement through Laserfische.

Attorney Landt – Nothing at this time.

Development Services Director Shrum – stated he had already gotten a response back on the Small Scale amendments that were approved at the last meeting;
- stated that the TPO came down and review with staff C-25 and State Rd. 35.

11. COMMISSION COMMENTS

Commissioner Dobkowski –asked about the marquee and IT Coordinator Towne stated he had not heard back on the designs and cost.

Commissioner Goldman – stated the asphalt was eroding around the lift station by Cobblestone North and the PWD stated that call came in and the work order was finished;
- stated he and the MPO were in Orlando for a conference last week and the Hometown Democracy was sweeping across the State;
- met with Mr. Herring, School Board, and it was important that the City meet with the School Board and the County on concurrency;

Mr. Shrum stated that he spoke with the School Planner about a meeting with the School Board. Commissioner Dobkowski stated to see if the first workshop in December would work for the School Board.

Commissioner Loar – stated Ramah Church moved the old building and would like the City to send a letter regarding their beautifying that area.

Commissioner Nadeau – thanked the police department and the City staff that worked on the Halloween party last week;

- asked for the City to send a letter to Representative Kelly who opened an office here in Belleview.
- discussed the sidewalks by Walgreens and PWD Monroe stated that the contractor was on site and the project should be finished by December 15, 2007.

Mayor Moore – Absent

Meeting was adjourned at 8:26 PM

ATTEST:

Sandi McKamey, MMC, CPM
City Clerk/Administrator