

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 20, 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. **SWEARING IN CEREMONY**
2. APPROVAL OF MINUTES: 8/07/07 Regular Meeting
3. PROCLAMATION – American Legion
4. PUBLIC HEARING: FIRST READING: Ordinance 2007-39 Bellehaven Rezoning
5. BUDGET AMENDMENTS: a)Resolution 07-19  
b) Final Budget Amendments for Fiscal Year 06-07;  
c) Fund Balance Amendment for W&S 07-08
6. JUSTICE FOR ALL, LLC
7. UNSCHEDULED AUDIENCE
8. PERSONNEL POLICIES
9. KaBOOM AGREEMENT
10. STAFF COMMENTS
11. COMMISSION COMMENTS

**CITY OF BELLEVIEW  
REGULAR COMMISSION MEETING  
SYNOPSIS**

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**BELLEVIEW CITY HALL  
COMMISSION CHAMBERS**

**November 20, 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. SWEARING IN CEREMONY**

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**2. APPROVAL OF MINUTES: 8/07/07**

***ACTION: APPROVED MINUTES***

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**3. PROCLAMATION – American Legion**

***ACTION: PRESENTED PROCLAMATION REGARDING NATIONAL FAMILY WEEK***

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**4. PUBLIC HEARING: FIRST READING: Ordinance 2007-39 Bellehaven Rezoning**

***ACTION: APPROVED FIRST READING***

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**5. BUDGET AMENDMENTS: a) Resolution 07-19  
b) Final Budget Amendments for Fiscal Year 06-07  
c) Fund Balance Amendment for W&S 07-08**

***ACTION: APPROVED AMENDMENTS***

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**6. JUSTICE FOR ALL, LLC**

***ACTION: SCHEDULE A SITE PLAN MEETING***

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**7. UNSCHEDULED**

TOM CAFARO CAME FORWARD AND DISCUSSED HOLDING A CITY FOOD DRIVE

***ACTION: APPROVED THE CITY FOOD DRIVE***

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**8. PERSONNEL POLICIES**

***ACTION: APPROVED POLICY FOR ANNIVERSARY DATE TO BE THE DATE OF THE ORIGINAL APPOINTMENT;  
POLICY ON SICK LEAVE - TO BE BROUGHT BACK;  
DENIED POLICY FOR THE CHRISTMAS EVE HOLIDAY***

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## 9. KaBOOM AGREEMENT

***ACTION: APPROVED THE GRANT AGREEMENT***

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## 10. STAFF COMMENTS

***DENNIS MONROE: NOTHING AT THIS TIME***

***CHIEF STRICKLAND: NOTHING AT THIS TIME***

***INFORMATION TECH TOWNE: DISCUSSED THE MARQUEES THAT WOULD BE ON DISPLAY AT THE NEXT MEETING***

***JEFF SHRUM: DISCUSSED THE CITY ENGINEER ATTENDING SITE PLAN MEETINGS;***

***CLERK McKAMEY: DISCUSSED THE SCHOOL BOARD WORKSHOP TO BE HELD ON 1/7/08 OR 1/16/08***

***ATTORNEY LANDT: NOTHING AT THIS TIME***

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## 11. COMMISSION COMMENTS

***MAYOR PRO TEMPORE GOLDMAN:***

***ACTION: DISCUSSED FOUNDERS DAY ACTIVITIES;  
DISCUSSED THE HISTORICAL VALUE OF THE TREES BY RACE TRAC***

***COMMISSIONER NADEAU:***

***ACTION: DISCUSSED COMMISSIONER GOLDMAN BEING ON THE COMMITTEE FOR THE HEART OF FLORIDA REGIONAL WATER FORUM;  
STATED THAT RACE TRAC BEING CONSIDERED A CORPORATE CITIZEN OF THE COB***

***COMMISSIONER LOAR:***

***ACTION: NOTHING AT THIS TIME.***

***COMMISSIONER DOBKOWSKI:***

***ACTION: DISCUSSED THE LEGISLATIVE CONFERENCE SHE ATTENDED***

***MAYOR MOORE:***

***ACTION: DISCUSSED THE CHRISTMAS PARADE TO BE HELD ON 12/2/07;  
DISCUSSED LIGHT UP LAKE LILLIAN TO BE HOLD ON 12/8/07***

The meeting was adjourned at 8:15 P.M.

**CITY OF BELLEVUE  
COMMISSION MEETING MINUTES**

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**BELLEVUE CITY HALL  
COMMISSION CHAMBERS**

**November 20, 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; GOLDMAN;  
NADEAU; INFORMATION TECH TOWNE; CHIEF STRICKLAND;  
ATTORNEY LANDT; DEVELOPMENT SERVICES DIRECTOR SHRUM;  
CITY CLERK/ADMINISTRATOR McKAMEY; DEPUTY CITY CLERK  
DeGENNARO

ABSENT: PUBLIC WORKS DIRECTOR MONROE

**1. SWEARING IN CEREMONY**

Commissioner Goldman and Commissioner were sworn in by Judge Rogers.

**2. APPROVAL OF MINUTES: 8/7/07**

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

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

The Motion passed with a 5-0 vote.

**3. PROCLAMATION – American Legion**

Clerk McKamey read the Proclamation and Mayor Moore declared the week of November 19, 2007 as National Family Week in the City of Bellevue.

**4. PUBLIC HEARING: FIRST READING: Ordinance 2007-39 Bellehaven Rezoning**

Clerk McKamey read First Reading, Title Only, of Ordinance 2007-39. Mr. Shrum stated that BR Bellevue Development LLC., was requesting an amendment to the City's Zoning map, by changing the zoning classification of Parcel ID# 37914-000-00, 37912-006-00, 37912-005-00, 37912-000-00, and 37912-000-01 from A-1 General Agriculture (Marion County) to Residential Planned Unit Development RPD (City) on 213.57 +/- acres of land and B-4 (City) on 5.58 +/- acres of land to allow for a residential planned development with a maximum of 550 units and office/retail development with a maximum of 50,000 square feet in accordance with the limitations as set forth in Ordinance 2006-44. Through the RPD zoning designation, the developer was requesting flexible design for lot coverage of up to a maximum of 50%.

Mr. Shrum stated that the Planning and Zoning Board recommended by a 7-0 vote approval with changes to the zoning on the subject property from A-1 Marion County to RPD City of Bellevue and B-4 City of Bellevue. The Planning and Zoning Board discussed buffering,

landscaping and fencing standards and had concerns to have consistent design and assurance toward continued maintenance.

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.

Mike Lapate, Landscape Architect, came forward and stated the things they wanted to do would enhance the character of Bellehaven and be a credit to the community as a whole. The walkways would enhance the area and the buffers would meet or exceed the COB requirements. The buffering would occur where residential was up against commercial and would make it a livable neighborhood. The street lights and signs would bring a comfortable feeling to the community and there would be 4 ft. bike paths and 5 ft. sidewalks.

**Commissioner Nadeau made a Motion to Approve First Reading of Ordinance 2007-39 and Commissioner Goldman seconded the Motion.**

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

The Motion passed with a 4-1 vote.

**5. BUDGET AMENDMENTS:**

- a) Resolution 07-19; Final Budget Amendments for fiscal year 06-07;**
- b) Fund Balance Amendment for W&S 07-08**

a) Clerk McKamey stated that Florida Statutes state that Cities could amend their budget up to 60 days after the closure of its fiscal year. This amendment would amend the budget for fiscal year 2006-07. There were \$1.4 million in amendments and most pertained to the purchase of the property on Highway 484; also included were the Cafaro land swap and the Mega Hurst system for the Police Department.

Commissioner Nadeau stated he remembered that the Commission passed the budget before this land was purchased. The Clerk stated that the Commission had already approved these amendments, so this was just a bookkeeping issue.

**Commissioner Nadeau made a Motion to Adopt Resolution 07-19 and Commissioner Goldman seconded the Motion.**

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

b) Clerk McKamey gave a brief review of the W&S amendment.

**Commissioner Nadeau made a Motion to Approve W&S Fund Balance Budget Amendment in the amount of \$3,037 for Leak Detector and Commissioner Dobkowski seconded the Motion.**

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

The Motion passed with a 5-0 vote.

**6. JUSTICE FOR ALL, LLC**

Catherine Saunders, Justice for All, LLC, came forward and stated the reason she was at the meeting was because of the problem she had with the Site Plan Application she submitted for 5762 S.E. Agnew Road.

Ms. Saunders stated that before she signed the purchase and contract for this property, she called the City to see what she needed and was told the basic site plan. She was informed about the coverage and preparations that were needed and then she made her budget on the information that was provided. She had John Allen, Secretary, call the City to double check on that information before she signed the contract for the purchase.

Ms. Saunders stated that their closing was scheduled for August 31<sup>st</sup> and she met with her contractor and he told her how many parking spaces she would need. When the contractor came to the City the next day, he was told that the basic site plan was not what was needed; a full site plan was needed. However, she made their budget for this property on the initial information that was provided which was based on the basic site plan. Ms. Saunders stated since the basic site plan was not what they needed they were misinformed from the beginning by the City.

When she came back the next day, Mr. Shrum explained that he did not know who gave her that information because that was not the current code. On October 22<sup>nd</sup> she attended a (recorded) meeting with Mr. Shrum and were given further disruptive information that sidewalks, and a retention area were also needed. It was at that time that they hired Ed Abshier, Engineer, to see if he could help them. The end result was a \$9,000 plan and a special survey.

Mr. Allen suggested an alternate site plan since they were misled when they bought the building. They were told they could not put any more impervious material on the property without putting in retention area even though it was less than 30% coverage. Mr. Allen suggested removing 900 sq. ft. of existing impervious material on the property to put in an ADA concrete handicapped parking area and ramp which would be less than the 900 sq. ft.

Mayor Moore asked if they ever came in and reviewed their site plan with staff and Mr. Shrum stated there was no pre-application meeting. Mr. Allen stated they were given a basic plan packet when they came in and staff told them what they needed.

Ms. Saunders stated that the City employee who waited on them checked the basic site plan and handed the packet to her. Mr. Allen recalled that this employee double checked on her computer and told him they could put another 956 sq. ft. of impervious material on that property and that was prior to their purchasing that building. Mr. Allen stated they relied on that information when they purchased the building.

Ms. Saunders stated she had Mr. Allen check on the information and her lease was up in November; this occurred in August.

Mr. Shrum stated he met with both of them in October and the employee gave them the basic plan in August. Ms. Saunders stated that they came back after the closing during the first week of September and added 5 spaces.

Commissioner Goldman stated their proposal was to remove 900 sq. ft. of pavement and reconfigured the 900 sq. ft. or less so they would be ADA compliant. Mr. Shrum stated our ordinance would not allow that. This was zoned B-2 and his recommendation to Ms. Saunders would be to apply for rezoning. If they put in one handicapped space but not the rest of the paved parking that would not be consistent with what the City required and our regulations.

Commissioner Dobkowski asked if they could get a temporary CO and Attorney Landt stated the problem would be if they operate on a temporary basis and then the rezoning was deemed inappropriate or was rejected. Attorney Landt stated they could give a temporary CO, but he preferred that the City did not do it. If the Commission was not going to make them abide by the rules because of what they said, then they should rezone it rather than do something that was contrary to our code.

Mayor Moore asked what they needed to do and Mr. Shrum stated this was a B-2 and if they were going from a residence to a business and put in offices they had to provide paved access from the roadway and paved parking in accordance with the requirements; that would not be possible with this structure. It required a B-1 zoning which allowed for mulch and gravel under 10 spaces, but they would still have to pave and provide handicapped access.

Attorney Landt stated it would not be contrary to the City's code if they converted the zoning to B-1; used mulch; removed the imperious area that was there; put in the paved handicapped ramp and sidewalk to the door. That would be the best alternative.

Commissioner Goldman stated that the Attorney stated we could give them a temporary CO, but he would not recommend it. The Clerk stated that in order to give a temporary CO, they had to meet the handicapped requirements; they could not do that until they made the improvements.

Mayor Moore stated they need to do a formal site plan but she would give them a temporary CO for 90 days.

Commissioner Dobkowski stated that she agreed with the Mayor but they still had to come back with a site plan. If the B-2 stands then they had to provide a retention area which was an affordability issue. In the mean time, let them move forward and make application for B-1 zoning and give them occupancy when they qualify for it.

Mr. Shrum stated simultaneously they could submit the zoning application and the site plan application. The Clerk stated we need to review the site plan and let the building inspector look at it before we say what had to be done.

Commissioner Nadeau stated there were some things that they would have to give up because a B-1 was more restrictive than a B-2 so they could have problems when they sold this property.

## **7. UNSCHEDULED AUDIENCE**

Tom Cafaro came forward and asked if the City would sponsor a City food drive. He would provide a pod for the food and put out signs. Clerk McKamey stated that the City was collecting food for the poor at our Christmas luncheon and it would be great to expand it to the citizens as well.

Mr. Cafaro asked if the City could write a letter to the businesses to ask them to support the food drive. Commissioner Loar stated in the letter ask the citizens if they had friends who wanted to donate as well as the businesses. Mayor Moore stated that the churches and schools know who need the food so contact all the churches in the area. Commissioner Dobkowski stated she spoke to St. Theresa's and they could use the food. Attorney Landt stated the City had to donate the food to a nondenominational charity or it make it available to all charities that ask to participate; in this way you treat everyone equally.

### **Commissioner Nadeau Made A Motion To Approve Placing The Collection Units On The City's Parking Lot For A Christmas Food Drive And The Proceeds To Be Divided Upon Local Agencies That Request To Share In The Collection And Commissioner Loar Seconded The Motion.**

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

## **8. PERSONNEL POLICIES**

The Clerk stated a survey of the employees showed the policies that the employees requested the Commission to consider making changes to:

- a) Anniversary Date: The recurring date of original appointment or the date of the latest promotion. The reason for the recommended change was because when an employee was promoted under the current language, they oftentimes lose their merit increase for the year when their anniversary date was changed as a result of the promotion.

### **Commissioner Nadeau made a Motion to Amend the Personnel Manual As to the Change To the Anniversary Date and Commissioner Loar seconded the Motion.**

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

- b) Sick Leave - the current policy was very specific in allowing care for employee's immediate family if there was a "contagious illness" and defines immediate family. It also allows care for members of the family "within the household of the employee". It does not, however, allow an employee to charge time to their sick leave when they must care for an aging parent or other close relative that does not have a contagious illness or live in the household of the employee.

The Clerk stated that the proposed policy will bring the City policy more in accord with the Federal Family Medical Leave Act definitions of family and allow an employee to charge the time to available sick leave. An attending physician's statement may still be required in any event.

Commissioner Goldman stated how employees accrue sick time and the Clerk stated one day a month. The proposed change would expand the scope of when the employee could use their sick leave.

**Commissioner Nadeau made a Motion to Amend the Personnel Manual As to the Change To the Sick Leave Policy and Commissioner Dobkowski seconded the Motion.**

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

Commissioner Dobkowski asked about the definitions of in-laws. The Commissioner stated to add the grandparents and grandchildren, but not in-laws.

Commissioner Goldman stated he would want to know what the legal definition for in-laws was because this was a society of blended families. Attorney Landt stated that the definition of in-laws needed to be defined in the policy.

**Commissioner Nadeau Withdrew His Motion and Commissioner Dobkowski Withdrew her second.**

The Clerk stated that the Sick Leave Policy would be brought back at the next meeting.

c) Christmas Eve – request the Christmas Eve Holiday Policy be changed to read as follows: When Christmas falls on a Tuesday, the previous Monday would be observed for Christmas Eve. When Christmas falls on Wednesday, Thursday, or Friday, one-half day off for Christmas Eve day would be observed.

Commissioner Goldman stated he did not think it was a good idea.

The Clerk stated that changing the policy to allow a full day for Christmas Eve when Christmas falls on a Tuesday would be a rare occurrence, as this was only the fourth time that had occurred since 1984. The previous three years were 1984, 1990 and 2001. Additionally, if Christmas fell on a weekend day or Monday, there was no time off for Christmas Eve and Christmas Eve was a very slow day for governmental public service traffic. There would be a minimal cost for those few employees who would work on the holiday. Both Marion County and the City of Ocala were closed the Monday before Christmas this year.

The Clerk stated that currently our policy reads: When Christmas falls on Tuesday, Wednesday, Thursday, or Friday, one-half day off for Christmas Eve day will be observed. The holiday itself will be the day off with pay, unless: \*the holiday falls on Saturday, the observed day will be the

preceding Friday. \*the holiday falls on Sunday, the observed day will be the following Monday  
Reason for recommended change: The City awards its employees ½ day off for Christmas Eve if Christmas falls on a Tuesday, Wednesday, Thursday or Friday.

Mayor Moore stated she was against it. Commissioner Nadeau stated nobody buys life insurance on Christmas Eve and it could cause more problems with a skeleton crew. The police department was there and he did not see a problem with it since it only occurs once every 7 years.

Commissioner Loar stated having a skeleton crew work was better than walking up to a locked door. Commissioner Dobkowski stated that she had no problem with it and thought it was fine since someone was on call at Public Works.

Payroll/Benefits Coordinator, Penny Byrd, stated the issue was paying double time to the employees for that day and a lot of people would want to work and that would create more of a hardship.

**Commissioner Nadeau made a Motion to Amend the Personnel Manual As to the Change To the Christmas Eve Policy and Commissioner Dobkowski seconded the Motion.**

**The roll call vote, YES: Nadeau, Dobkowski**

**NO: Goldman, Loar, Moore**

The Motion failed with a 2-3 vote.

#### **9. KaBOOM AGREEMENT**

Carla Wheeler, PW P&R Staff Assistant stated that the City had been awarded a grant for playground equipment at Cherokee Park. There was work that had to be done before the new playground was installed on 2/13/08. Everyone in the office was excited and Fred King, PW P&R Coordinator, worked very hard getting this grant for the City. The Agreement was between COB, Community Partner, and KaBoom!, Community Partner Agreement, and The Home Depot, Funding Partner.

Attorney Landt stated he requested changes in the agreement on liability and they made concessions on liability.

Ms. Wheeler stated they needed volunteers and Kaboom! was building 1000 playgrounds in 1000 days and our playground was near that end so it would be a big celebration. Bill McClain, The Home Depot higher up and a representative from Canada would be coming in on our build day. She was holding a meeting on December 6<sup>th</sup> at Belleview Elementary School to initiate community involvement and to set up the build day events.

**Commissioner Nadeau made a Motion to Approve The Grant Agreement and to Have Mayor Moore Sign the Agreement and Commissioner Goldman seconded the Motion.**

Commissioner Goldman asked where the \$10,000 was coming from and the Clerk stated from Fund Balance bit it was already approved.

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

#### 10. STAFF COMMENTS

**Chief Strickland** – Nothing at this time.

**Clerk McKamey** – stated the School Board suggested January 16, 2008 as the date to hold their meeting. Mayor Moore and Commissioner Goldman stated to ask for January 7<sup>th</sup> if possible. The Clerk stated she would check with the School Board and get back to the Commission.

**PWD Monroe** – Absent.

**IT Coordinator Towne** – stated that the marquis sign would be placed out front before the first meeting in December

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

**Development Services Director Shrum** – stated it was important to give out correct information so he was requesting that the City Engineer attend the Site Plan meetings; currently the building inspector sits in on those meetings. Commissioner Dobkowski stated that the money it would save the City would be worth it. Mr. Shrum stated he would speak to the City Engineer and bring it back.

#### 11. COMMISSION COMMENTS

**Commissioner Dobkowski** –stated she attended the Legislative Conference and sat in on the Urban Planning Council which was very informative.

**Commissioner Goldman** – stated he would like to have a pie throwing contest and a dunk tank event for Founders Day. The Commissioner stated he had a history lesson from a citizen regarding the trees next door that Race Trac wanted to remove.

**Commissioner Loar** – Nothing at this time.

**Commissioner Nadeau** – stated he appreciated that Commissioner Goldman was serving as a panelist for the Heart Of Florida Regional Water Forum. The Commissioner stated that the City should communicate with Race Trac to see if they would consider being a corporate citizen instead of just a business that serves people.

**Mayor Moore** – apologized for not being at the last meeting. The Mayor stated even though the City did not win the Spirit Award, it was a wonderful luncheon and experience. The Mayor stated that the Christmas Parade would be held on December 2<sup>nd</sup> and Light Up Lake Lillian on December 8<sup>th</sup>.

Meeting was adjourned at 8:15 PM

ATTEST:

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Sandi McKamey, MMC, CPM

City Clerk/Administrator