

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

April 15, 2008

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. PROCLAMATIONS:
 - a) American Legion Poppy Days
 - b) Therapy Dog Awareness
2. COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM
3. VILLIE SMITH, PROPERTY APPRAISER
4. APPROVAL OF MINUTES: 03/04/08 REGULAR MEETING
5. PURVIS GRAY – PRESENTATION OF ANNUAL AUDIT THROUGH 9/30/2007
5. FINAL PUBLIC HEARING:
 - a) ORDINANCE 2008R-02 – IMPACT FEES
6. FIRST READING AND TRANSMITTAL HEARING:

LARGE SCALE COMPREHENSIVE PLAN – PUBLIC SCHOOLS ELEMENTS

 - a) Ordinance 2008-08: Establishing Public Schools Facility Element 6.5
 - b) Ordinance 2008-09: Amending Intergovernmental Governmental Coordination Element
 - c) Ordinance 2008-10: Amending Capital Improvements Element
7. ABA PROPOSAL – WATER FACILITIES PLAN DOCUMENT
8. NAPA AUTO PARTS – WAIVER OF CODE
9. JOHN WILLISON – PROPOSED ORDINANCE
10. BELLEGROVE SUBDIVISION – PRELIMINARY PLAN APPROVAL
11. HOME ALLEY ABROGATION
12. UNSCHEDULED AUDIENCE

13. FRED KING PLAYGROUND RESTROOMS
14. SEWER IMPACT FEE USE REQUEST
15. PROPOSED REUSE WATER ORDINANCE
16. STAFF REPORTS
17. COMMISSION COMMENTS

In accordance with the Americans with Disabilities Act, persons needing assistance in any of these proceedings should contact the Deputy City Clerk's Office listed below at least 48 hours prior to the meeting: 5343 SE Abshier Boulevard, Belleview, Florida 34420, 352-233-2109

**CITY OF BELLEVIEW
REGULAR COMMISSION MEETING
SYNOPSIS**

**BELLEVIEW CITY HALL
COMMISSION CHAMBERS**

**April 15, 2008
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. PROCLAMATIONS:

- a. American Legion Poppy Days
- b. Therapy dog Awareness

ACTION: PRESENTED PROCLAMATIONS

2. COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM

ACTION: RECEIVED COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM

3. VILLIE SMITH – PROPRTY APPRAISER

ACTION: HEARD REPORT ON EFFECT OF AMENDMENT 1 ON CITY PROPERTY TAX

4. APPROVAL OF MINUTES: 03/04/08 REGULAR MEETING

ACTION: APPROVED AS RECEIVED

5. PURVIS, GRAY – PRESENTATION OF ANNUAL AUDIT

ACTION: RECEIVED AUDIT FOR FISCAL YEAR ENDING 9/30/2007

5. FINAL PUBLIC HEARING: ORDINANCE 2008R-02 – IMPACT FEES

ACTION: APPROVED ORDINANCE 2008R-02

6. FIRST READING AND TRANSMITTAL HEARING: LARGE SCALE COMPREHENSIVE PLAN – PUBLIC SCHOOL ELEMENTS:

- a. Ordinance 2008-08: Establishing Public Schools Facility Element
- b. Ordinance 2008-09: Amending Intergovernmental Coordination Element
- c. Ordinance 2008-10: Amending Capital Improvements Element

***ACTION: APPROVED FIRST READING OF ORDINANCES AND TRANSMITTAL TO DCA
APPROVED SENDING DRAFT INTERLOCAL AGREEMENT WITH TRANSMITTAL***

7. ABA PROPOSAL – WATER FACILITIES PLAN DOCUMENT

ACTION: APPROVED AGREEMENT

8. NAPA AUTO PARTS – WAIVER OF CODE

ACTION: ADVISED OF PROPER PROCEDURE THROUGH PLANNING AND ZONING

9. JOHN WILLISON – PROPOSED ORDINANCE

ACTION: DENIED REQUEST TO SCHEDULE PUBLIC HEARING

10. BELLEGROVE SUBDIVISION – PRELIMINARY PLAN APPROVAL

***ACTION: APPROVED PRELIMINARY PLAN
APPROVED MOTION TO REVISIT SIDEWALK ORDINANCE***

11. HOME ALLEY ABROGATION – RESOLUTION 08-05

ACTION: APPROVED RESOLUTION 08-05

12. UNSCHEDULED AUDIENCE:

- 1. Steve Hering – Presented: MCSB version of proposed Interlocal School Agreement**
 - 2. Mike Slattery – Approved: Flying Confederate Flag at ½ mast on April 26**
 - 3. Tom Cafaro – Discussed: Proposed Developer’s Agreement**
 - 4. Mike Slattery – Approved: Use of Commission Room for public information**
-

13. FRED KING PLAYGROUND RESTROOMS:

ACTION: APPROVED ALLOCATION OF UP TO \$2,000 FROM G/F RESERVES FOR CONCRETE FOR RESTROOMS

14. SEWER IMPACT FEE USE REQUEST:

ACTION: APPROVED ALLOCATION OF UP TO \$25,000 FROM SEWER IMPACT FEES WITH BALANCE TO COME OUT OF WATER AND SEWER MAINTENANCE RESERVES

15. PROPOSED REUSE WATER ORDINANCE:

ACTION: INSTRUCTED STAFF TO SCHEDULE FOR FIRST READING

16. STAFF REPORTS

PWD MONROE REPORTED:

NOTHING FURTHER AT THIS TIME

INFORMATION TECH TOWN REPORTED:

NOTHING AT THIS TIME

JEFF SHRUM REPORTED:

***RECEIVING NOTICE OF INTENT FROM DCA
REVIEWED PROPOSED LEGISLATION AT STATE LEVEL***

CHIEF STRICKLAND REPORTED:

NOTHING AT THIS TIME

CLERK MCKAMEY REPORTED:
NOTHING AT THIS TIME

ATTORNEY LANDT REPORTED:
MEETINGS ON SCHOOL CONCURRENCY

17. COMMISSION COMMENTS

COMMISSIONER LOAR:
INQUIRED ABOUT THE STATUS OF PATCH POOL: ATTORNEY LANDT REPORTED CLERK HAD RECEIVED RECORDS REQUEST

COMMISSIONER NADEAU:
INQUIRED ABOUT CLEAR TITLE ON HWY 484 PROPERTY: ATTORNEY LANDT REPORTED THAT HE NEEDED AFFIDAVIT FROM RELATIVE WHO KNEW DECEASED OWERS WERE MARRIED

INQUIRED ABOUT ROAD DIP NEAR 55 AVE LIFT STATION: PWD MONROE STATED THEY WILL PATCH UNTIL THEY CAN FIX

COMMISSIONER GOLDMAN:
REPORTED HAD MET WITH JEFF ABOUT PROPOSED ABONDANED VEHICLE ORDINANCE REPORTED ON LDR REWRITE COMMITTEE AND RECEIVED COMMISSION DIRECTION ON: EXCEPTIONS TO CODE NON-CONFORMING USES DRAINAGE REQUIREMENTS ON DEVELOPMENT OF SMALL PRE-EXISTING LOTS

COMMISSIONER DOBKOWSKI:
REPORTED SPEAKING WITH REPRESENTATIVE KELLY ON CURRENT CBIR APPLICATION

MAYOR MOORE:
DISCUSSED PURCHASE OF CITY FLAGS: APPROVED PURCHASE OF SIX FLAGS FROM CURRENT COMMISSION PROMOTIONS ACCOUNT

REVIEWED UPCOMING COMMISION SCHEDULE

MEETING ADJOURNED: 8:58 P.M.

**CITY OF BELLEVUE
COMMISSION MEETING MINUTES**

**BELLEVUE CITY HALL
COMMISSION CHAMBERS**

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

April 15, 2008

6:00 PM

PRESENT: MAYOR MOORE; COMMISSIONERS: DOBKOWSKI; GOLDMAN; LOAR;
NADEAU; INFORMATION TECH TOWNE; CHIEF STRICKLAND; PUBLIC
WORKS DIRECTOR MONROE ATTORNEY LANDT; DEVELOPMENT
SERVICES DIRECTOR SHRUM;

ABSENT: CITY CLERK/ADMINISTRATOR McKAMEY; DEPUTY CITY CLERK
DeGENNARO

1. PROCLAMATIONS:

Mayor Moore presented the following proclamations:

- a) American Legion Poppy Days – declared May 2 and May 3, 2008 as Poppy Days in the COB;
- b) Therapy Dog Awareness – declared May 10, 2008 as Therapy Dog Awareness Day in the COB.

2. COMPREHENSIVE EMERGENCY MANAGEMENT PROGRAM

Captain Chip Wildy, Marion County Sheriff's Dept., came forward and discussed the Comprehensive Emergency Management Program, and stated the new facility will be running soon.

3. VILLIE SMITH, Property Appraiser

Villie Smith, Property Appraiser, came forward and give a presentation on property values in Belleview and across the County. Marion County was one of the fastest growing counties in the State. The estimated population increase in 2010 would be 350,000.

In 2008 construction sales would equal 10 years ago with new construction sales around \$700,000,000. The average selling price in 2007 was \$202,294. In the City of Belleview, the average sale was \$146,250, but there was not a large drop in sale price. Biggest drop was in vacant land which dropped about 20%. Marion County's average tax bill was \$1,160.00 in 2006 and in 2007 was \$1,487.00. The increases that incurred were due to the School taxes.

In 1992 another Constitutional Amendment caused his office not to access more than 3% per year. Access and market values have gotten further apart and now the average exemption for homestead property was \$56,000 in the County and total impact to County \$5.5 billion because of Amendment 10. The average exemption for homestead property in Belleview was approximately \$40,000 with total impact of \$40 million.

We had a lot of people moving from the coastal area to Marion County due to taxes and insurance. There was an increase in population but a decrease by \$10,000,000 on taxable values from last year. Total property taxes for 2006 were \$344,000,000; 2007 were \$388,000,000 and that difference went to the School Board.

Legislative issues: 2008 Constitutional Amendment showed deductions to taxes due to rollback; Belleview had -5%. The vote in January gave an additional \$25,000 exemption on an average home with a homestead of \$94,000; after all deductions were taken the end result was \$1,082. Now with the additional exemption, the end result would be \$879. There were two calculations because the School Board did not have a cut in tax and one for other mileage. This removed about \$1.6 billion from the tax roll in Marion County for 2008.

Portability of Save our Homes would allow the movers to bring with them their homestead exemption. They could bring their percentage from their previous homestead up to a maximum of \$500,000.00.

Tangible Personal Property accounts which had a \$25,000 exemption would result in a reduction of taxable value of \$195,000,000 in 2008.

2008 Legislation Session: Bill Taxation Budget and Reform Commission voted to replace the local effort of the School Board, which would save individuals about 30% on their taxes. They were also discussing lowering all other property's caps from 10% to 5%. The recapture would require that the assessed value would increase even if the market value decreased.

4. APPROVAL OF MINUTES: a) 03/04/08 Regular Meeting;
Commissioner Nadeau made a Motion to Approve the Minutes; Commissioner Loar seconded the Motion.

The Motion was unanimously approved by the Board (5-0)

5. PURVIS GRAY – Presentation of Annual Audit through 9/30/2007

Helen Painter with Purvis Gray and Company came forward and discussed that they performed the annual audit for 2007. Ms. Painter stated there were about \$39,000.00 in reduced general fund revenues and there also may be a decrease in State Revenue shares due to the economy and she wanted the Commission to be aware of that.

The City was going through a lot of growth. \$10,000,000 in grant revenue to build the new STP facility. The account and compliance requirements were substantial and Mary Ann Davis, Finance Manager, came on board at the right time to work through those issues. There were comments regarding the grants and the City was issued an unqualified opinion which was the highest you could receive.

Ms. Painter stated what was new this year was the Recreation/Parks impact fees which had to be set aside and only spent on the those items. An ordinance was required to meet the new standards and the City's future revenues would be decreased.

Commissioner Nadeau stated that he was pleased with the report and that the City had a Finance Manager who understood accounting practices.

Commissioner Nadeau made a Motion to Receive the Annual Audit As Presented; Commissioner Goldman seconded the Motion.

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

6. PUBLIC HEARING, FINAL READING: Ordinance 2008R-02 Impact Fees

Clerk McKamey read Final Reading, Title Only, of Ordinance 2008R-02 and gave a brief review of the Ordinance.

Mayor Moore stated 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 Adopt Ordinance 2008R-02; Commissioner Dobkowski seconded the Motion.

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

7. PUBLIC HEARING – First Reading and Transmittal Hearing: LSC Plan – Public Schools Elements

- a) Ordinance 2008-08 Establishing Public Schools Facility Element**
- b) Ordinance 2008-09 Amending Intergovernmental Governmental Coordination Element**
- c) Ordinance 2008-10 Amending Capital Improvements Element**

a) Ordinance 2008-08

Clerk McKamey read Final Reading, Title Only, of Ordinance 2008-08 and Development Services Director Shrum explained this was regarding the public schools concurrency.

The components consist of a staff report to evaluate the recommendations on Pg. 65 and on Pg. 67 the data analysis. Mr. Shrum stated he took what Ocala transmitted to the State and adjusted it to fit Belleview. It would be updated in the future to meet the deadline. The Interlocal Agreement, which was not completed, would impact these documents. There would be comments from the State that would change the document as well.

b) Ordinance 2008-09

Clerk McKamey read Final Reading, Title Only, of Ordinance 2008-09 and Development Services Director Shrum explained that the State required an update on the latest version of the Interlocal Agreement as a draft. Mr. Shrum asked for permission to submit the latest version with the other documents to the State.

c) Ordinance 2008-10

Clerk McKamey read Final Reading, Title Only, of Ordinance 2008-10.

Mayor Moore stated this was a public hearing and asked if anyone in the audience would like to speak for or against the ordinances. No one came forward.

Commissioner Nadeau Made a Motion to Approve First Reading and Transmittal of Ordinance 2008-08; Seconded by Commissioner Loar

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

The Motion passed with a 5-0 vote.

Commissioner Nadeau Made a Motion to Approve First Reading and Transmittal of Ordinance 2008-09; Seconded by Commissioner Dobkowski

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

NO: Goldman,

The Motion passed with a 4-1 vote.

Commissioner Nadeau Made a Motion to Approve First Reading and Transmittal of Ordinance 2008-10; Seconded by Commissioner Goldman

Mr. Shrum stated that at the present time the City did not have projects from Marion County that would actually go into this, but that would be worked out.

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

The Motion passed with a 5-0 vote.

Mr. Shrum stated he needed some direction to submit the draft Interlocal Agreement.

Commissioner Nadeau Made a Motion to Approve Submitting the Interlocal Agreement; Seconded by Commissioner Goldman

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

The Motion passed with a 5-0 vote.

8. ABA PROPOSAL – Water Facilities Plan Document

Mark Brewer, Angie Brew and Associates, came forward and stated it was time to add a new project. The State Department of Environmental Protection had a low interest loan of 2.7% for water as well as waste water. The Bonding Agencies were looking harder at everything right now.

Angie Brew and Associates wanted to help the City move forward with more identified projects that and the facilities plan was one of the elements. In order to qualify for the loan, the City had to have an approved facilities plan with environmental clearance for its project; approved plans and specifications; an approved permit from the local agency and site certification.

Commissioner Nadeau asked PWD Monroe if the City needed this loan and the PWD stated when the City did the waste water projects we expanded the waste water collections system along 441 to our service area. This included the water in those projects to expand service down that 441 corridor.

Commissioner Dobkowski stated the money would come from the impact fees we had and the PWD stated that was correct.

Commissioner Nadeau Made a Motion to Approve Proposal #121-100-0101 in the amount of \$39,500 for the Water System Improvements Facilities Plan with the Funding to come from Water Impact Fees; Seconded by Commissioner Goldman

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

9. NAPA AUTO PARTS – Waiver of Code

NAPA Auto Parts, Wally Sanderlin, and Doug Iannarelli, P.E., Moorhead Engineering Company, came forward and stated that they were requesting a waiver of the COB code to allow the redevelopment of the site to provide for on-site treatment of water quality volume in accordance with St. John's River Water Management regulations.

The problem was the site conformed to St. Johns but not Belleview's code. In order to conform, a 4 ft. pit had to come around front which would require a concrete wall and maintenance. Therefore, they thought it would be reasonable to ask for a variance. The existing site does not comply with the current City Code and to bring it up to code would be unsightly; it would be a very nice upgraded facility if granted.

Mayor Moore asked if the trucks from NAPA would be able to unload and Mr. Iannarelli stated they would have to do some maneuvering, but they would be able to unload at the loading dock.

Mayor Moore stated that variances were done through the Planning & Zoning Board and this request had to go before that Board. However, the Board would get a copy of the Commission comments.

Mr. Sanderlin commended the City for opening the meeting with a prayer and a pledge.

10. JOHN WILLISON – Proposed Ordinance

Mr. John Willison came forward and stated that he would like to have an Ordinance (which he drafted) stating if the City was going to apply for an eminent domain that the city does not transfer the title to private enterprise for 50 years and it should be done with a 5-0 vote.

Mayor Moore stated that the U.S. Supreme Court voted that cities could do that but Florida decided not to allow that. Commissioner Nadeau stated Amendment 8 to the FL. Constitution stated that the City could not sell or convey property that was acquired through eminent domain for private usage unless the FL. House of Representatives and the State Senate approved it.

Mr. Willison stated that people should not be forced to annex into the City; it should be voluntary. Commissioner Nadeau stated if someone does not sign a petition to be annexed into the City, there must be 1) a vote of the residents of the annexed area; and 2) a vote of the municipality; they must both pass. Attorney Landt stated that was correct it was a dual election process.

Mayor Moore stated that this was a democracy and everyone had the right to vote and a workshop on this topic was scheduled for tomorrow evening. Currently, the City annexed property one at a time. Mr. Willison stated that there were people who did not want to be annexed and Mayor Moore stated that was why there was a dual vote; there were two sides to annexation.

Commissioner Dobkowski asked Mr. Willison if he was requesting a super majority and Mr. Willison stated he wanted more than 51%. Attorney Landt stated the main thing was that they had to have a majority not of the quorum, but a majority of the Commission in order to enact Ordinances. It comes into play if you held a meeting with a Commission of 4 and one Commissioner had a conflict then you would need an anonymous vote of those left because you need 3 Commissioners; other than that, there were no provisions for a super quorum.

Commissioner Nadeau restated that the City could not vote for involuntary annexation, but it could vote to place it on the ballot. Commissioner Goldman stated a lot of communities around the state were adopting the super majority on their board level to make sure the Commission was looking at the annexations. This may not be a bad idea regarding land use items and comprehensive plans.

Mayor Moore stated she would agree with that for land use, but not annexations. Mayor Moore asked if Commissioner Nadeau would be in favor of the super majority. Commissioner Nadeau stated The Hometown Democracy would be on the ballot in the next 2 years and what we decide here would not affect the voters in Florida.

Commissioner Goldman stated that the super majority was something that communities were looking at and we may want to consider. Commissioner Nadeau stated the comprehensive plan was a living document that gets changed over time. He would like the power of the people at the ballot box to change the Commission if they were not doing their job.

Commissioner Dobkowski Made a Motion to Bring the Ordinance that Mr. Willison had Proposed Forward at a Public Hearing to See How the Citizens Felt; Seconded by Commissioner Goldman

Mayor Moore asked if the Attorney should review this ordinance and Commissioner Nadeau stated that ordinance was in conflict with State Statutes. Commissioner Dobkowski stated the attorney could modify or amend it if it was in conflict.

Attorney Landt suggested that the City hold a public hearing on this ordinance and he would comment if there were conflicts and he would also answer questions; then, if there was enough interest he would draft a ordinance based on the results of that public hearing.

The roll call vote, YES: Goldman, Dobkowski

NO: Nadeau, Loar, Moore

The Motion failed with a 2-3 vote.

11. BELLEGROVE SUBDIVISION – Preliminary Plan Approval

Jeff Shrum stated the Bellegrove Subdivision preliminary plan was on the agenda for approval. Staff looked it over and the PWD commented that he had not seen the improvement plans but had discussions with the Engineers and it would require a lift station.

Commissioner Goldman asked about restricting the private wells and if sidewalks would be required. Mr. Shrum stated the City does not have a well head protection ordinance in place but because of the nearness, the Commission could restrict the irrigation wells.

Tom Cafaro came forward and stated that the City could not restrict irrigation wells per the State, but he would put in a deed restriction or private restriction to protect the City from liability if his partner agreed. The concern on this property was there was not enough space for sidewalks because it only had a 40' right of way.

Commissioner Goldman stated we need a provision that the developer could contribute a lower percentage if their development would not permit sidewalks. Commissioner Nadeau stated this subdivision was within walking distance to Publix and he could envision people in the future walking on the sidewalks to the shopping center.

Mr. Cafaro stated in this economy where affordable housing was key he would have to pay \$18,000 to put sidewalks in front of his subdivision on 98th because of the road frontage. Commissioner Nadeau stated those who wanted affordable housing would also want to walk to the shopping center.

Mr. Shrum, stated in his opinion he would go along with not requiring sidewalks on the internal cul-de-sacs so the staff should look at the sidewalk ordinance.

Commissioner Goldman Made a Motion to Direct Staff to Look at a New Sidewalk Ordinance; Seconded by Commissioner Loar

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

Mr. Shrum stated there needed to be some clarification from the developer that he would put in sidewalks if the City changed the ordinance.

Commissioner Goldman Made a Motion to Approve the Preliminary Plan Contingent on the City Reviewing the Sidewalks and that the Aspect of No Irrigation Wells be Placed in the Deed Restrictions and in the Developer's Agreement; Seconded by Commissioner Nadeau

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

12. HOME ALLEY ABROGATION – Resolution 08-05

Clerk McKamey read Title Only of Resolution 08-05 and gave a brief review of the Resolution.

Commissioner Nadeau Made a Motion to Adopt Resolution 08-05; Seconded by Commissioner Loar

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

13. UNSCHEDULED AUDIENCE

a) Mr. Steven Herring, MC School Board, came forward and read the proposed Interlocal Agreement and stated that they were trying to comply with the State deadline of 5/1/08.

Mayor Moore stated that the Attorney had not had a chance to review it and we were not prepared to vote on it at this time. The Mayor asked that it be placed on the next Commission Meeting.

b) Mike Slattery came forward and stated that the Sons of the Confederate Memorial Day was on April 26 and asked that the Confederate Flag be flown at half mast like in the past and he would provide the flag.

Commissioner Nadeau Made a Motion to Approve the Request; Seconded by Commissioner Goldman

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

c) Tom Cafaro came back to the podium and stated regarding the subdivision they had discussed earlier, if the law prohibits him to do the deed restrictions would he still be held to it. Attorney Landt stated that the law does not prevent the City from protecting its well head.

Attorney Landt suggested Mr. Cafaro state the well head concerns in his developer's agreement.

d) Mike Slattery came back to the podium and asked permission to show videos at City Hall regarding the issues of democracy. They would probably show the videos at the County level also.

Clerk McKamey stated that the City's policy prohibits regular meetings, but occasional meetings would be permissible. Commissioner Nadeau stated a couple of times a year would be fine, but there were utility fees to be paid. Mr. Slattery stated if there were fees they would pay them.

Commissioner Nadeau stated since there were utility cost that the City had to cover he was not in favor of holding it every month but a couple times a year would be fine.

Commissioner Nadeau Made a Motion to Approve Using City Hall Periodically For Public Educational Movies the Request; Seconded by Commissioner Dobkowski

The Motion was unanimously approved by the Board (5-0)

14. FRED KING PLAYGROUND RESTROOMS

Mayor Moore presented the Fred King Playground restrooms concept and that the City had a donation to build the restrooms.

The PWD drew up plans showing shade over the picnic area with restrooms down at the end which were not a part of the donation. The Mayor asked for permission to move forward with the site plans to have the pavilion and the donated bathrooms built at the same time. There may be cost of \$1,800 for concrete since our concrete vendor passed away.

Commissioner Nadeau Made a Motion to Approve Appropriating Up TO \$2,000 Towards Concrete To Provide a Foundation for the Bathroom and For The Pavilion With the Funding to come from the General Reserve; Seconded by Commissioner Goldman

PWD Monroe asked if that included the sidewalks and handicapped parking and Commission Nadeau stated you asked for \$1,800 so he went up to \$2,000 for any extras.

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

The Motion passed with a 5-0 vote.

15. SEWER IMPACT FEE USE REQUEST

Commissioner Dobkowski left the meeting at this time.

PWD Monroe stated that the use of the sewer impact fees was to spend up to \$25,000 for the Palm Tree Villas lift station pump and the gravity line to the 27 acre site on Highway 484 with the balance to be paid from current year water and sewer maintenance reserve funds.

Commissioner Nadeau made a Motion to Approve the Sewer Impact Fee Use Request; Commissioner Loar seconded the Motion.

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

The Motion passed with a 4-0 vote.

Commissioner Dobkowski was out of the room and did not vote

16. PROPOSED REUSE WATER ORDINANCE

Pulled From the Agenda

Commissioner Dobkowski returned to the meeting at this time.

17. STAFF COMMENTS

PWD Monroe- Nothing at this time.

IT Coordinator Towne – Nothing at this time.

Development Systems Director Shrum - Stated that he did get the DCA letter on Large Scale 2007 Second Cycle Amendments and there was a 21 day appeal period; this Amendment included the 27 acres;

- Discussed the proposed litigation regarding the super majority vote issue and another change was that the P&Z Board should be a separate entity which it is in the COB.

Chief Strickland - Nothing at this time.

Clerk McKamey - Nothing at this time.

Attorney Landt – Discussed the School Concurrency Meetings and stated that the final draft would be completed and presented soon.

18. COMMISSION COMMENTS

Commissioner Dobkowski – Discussed the CBIR grants.

Commissioner Goldman – Discussed the abandon vehicle ordinance which would be brought back for review by the Commission at the next meeting;

- Discussed the LDR Committee concerns: 1) exceptions to the LDR would only be by a variance or special exception which takes the responsibility off of this Board. What do we do if someone was annexed that was a non-conforming use, were they required to conform to our codes or could they rebuild and stay nonconforming. Example: a tree fell on property and destroyed up to 50% or something was burnt, do we allow them to rebuild. Mayor Moore stated she felt if the loss was due to a natural disaster, they should be able to rebuild as they were within a reasonable time frame. Attorney Landt stated that would be six months, but the debate was do you let them rebuild if the property was 50% + damaged or if the property was destroyed they could not rebuild at all.

Commissioner Nadeau stated it should come back to the Commission for approval or disapproval for the reconstruction of the nonconforming property because defining the percentage of the damage was tricky. Commissioner Loar felt they should be able to rebuild back to the standards they had before and Commissioner Dobkowski agreed. Attorney Landt asked what would trigger that review above or below 50% value of the improvements. The Commissioners agreed 50% value of the improvements vs. value of property. 2) what to do with the development of small commercial lots.

PWD Monroe stated the drainage was the issue. His suggestion was any businesses, in effect prior to our drainage ordinance which was adopted in 1984 and lots developed prior to that date, if they wanted to redevelop then at the very least they must meet the St. John's water quality which would cover 80-90% rainfall. If they developed after that ordinance, they already had to meet that standard. Attorney Landt stated the property owner would have to go to the Property Appraiser's office to get proof that their property was developed prior to 1984.

Commissioner Loar – asked about the Patch pool status and Attorney Landt stated that Mr. Patch hired an attorney who made a significant public records request. He also asked the attorney to put his comments concerning this case in writing and submit it to him, but so far he had not received them.

Commissioner Nadeau – asked about the status of the 27 acres and Attorney Landt stated the documents were sent off to be signed. Attorney Landt stated he was looking for a member of the community who could swear that the Amdor's were married. Commissioner Nadeau stated he would find someone who knew them and who could swear to that fact.

- discussed 55th Ave Road and the PWD stated the crew was instructed to safe up until this project was started.

Mayor Moore – discussed purchasing a COB flag to be presented at the new library's grand opening. Commissioner Goldman stated he wanted to pursue donating a flag to the Belleview High School marching band. The Clerk stated she recommended purchasing six flags because she also considered the schools.

Commissioner Nadeau made a Motion to Approve Purchasing 6 COB Flags in the amount of \$748.00 With The Funds Coming From Commission/City Promotions Account and Commissioner Goldman seconded the Motion.

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

Mayor More stated the Employee Awards Banquet was scheduled for April 18th and the LDR Committee meeting was next Wednesday. Founders Day was scheduled on the 3rd of May.

Meeting was adjourned at 8:58 PM

ATTEST:

Sandi McKamey, MMC, CPM
City Clerk/Administrator