

CITY OF BELLEVIEW REGULAR COMMISSION MEETING AGENDA

**BELLEVIEW CITY HALL
Commission Room**

October 15, 2019
6:00 PM

Mayor CHRISTINE K. DOBKOWSKI
Seat 1 MICHAEL J. GOLDMAN
Seat 2 GARY W. ERNST
Seat 3 RONALD T. LIVSEY
Seat 4 ROBERT "BO" SMITH

MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE - COMMISSIONER ERNST

1. SCHEDULED AUDIENCE:
 - a. Scheduled Audience: Christmas Parade
 - b. Scheduled Audience: Community Garden
 - c. Scheduled Business: Residential Solid Waste Bid Award
2. PUBLIC HEARING: FINAL READING
 - a. PH: Final Reading: Ordinance 2019-20 Solid Waste Revisions
3. PUBLIC HEARING: FIRST READING
 - a. PH: First Reading: Ordinance 2019-21 Toomey Annexation
 - b. PH: First Reading: Ordinance 2019-22 Clifford Annexation
 - c. PH: First Reading: Ordinance 2019-23 Special Magistrate
 - d. PH: First Reading: Ordinance 2019-24 Animal Control
4. OTHER CITY BUSINESS/DEPARTMENT UPDATES:
 - a. City Clerk: Updates
 - b. Development Services: Internet Cafe Ordinance Revision
 - c. Finance: Resolution 19-20: Fund Balance Restatement
 - d. Finance: Resolution 19-21: Restated FY 2019 Budgete
 - e. Finance: September 2019 Financial Report
 - f. Public Works: Water & Sewer Rate Increase
 - g. Police Department: Updates
 - h. Information Technology: Updates
 - i. Legal Services: Updates
 - j. Executive and Adminstrative: MOU with MC Health Department

- k. Executive and Administrative: Joint City County Commission Meeting
5. COMMISSION UPDATES:
- a. Seat 1 - Michael J. Goldman
 - b. Seat 2 - Gary W. Ernst
 - c. Seat 3 - Ronald T. Livsey
 - d. Seat 4 - Robert "Bo" Smith
 - e. Mayor - Christine K. Dobkowski

In accordance with the Americans with Disabilities Act, persons needing assistance in any of these proceedings should contact the City Clerk's Office at least 48 hours prior to the meeting: 5343 SE Abshier Blvd. Belleview, FL 34420 (352-245-7021 Ext. 2109)

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COMMISSION MEETING MINUTES

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Mayor CHRISTINE K. DOBKOWSKI
Seat 1 MICHAEL J. GOLDMAN
Seat 2 GARY W. ERNST
Seat 3 RONALD T. LIVSEY
Seat 4 ROBERT "BO" SMITH

1. SCHEDULED AUDIENCE:

a. Scheduled Audience: Christmas Parade

James Hanshaw and John Tuminaro, Chamber of Commerce, came forward and stated the Chamber would like to schedule both the Christmas Parade and the Winter Festival at Lake Lillian, on Sunday, December 15, 2019.

Motion made by Commissioner Goldman to approve the request pending receipt of required application; Seconded by Commissioner Smith. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey, Smith.

b. Scheduled Audience: Community Garden

Mariah Banks came forward and presented an idea for a Community Garden for the needy areas in the community. It would show children the hard work that goes into a garden.

Mayor Dobkowski stated she met with Ms. Banks a couple weeks ago and the Maryann Cafaro's park on 55th Avenue would be a perfect place. The concept was families working together in the garden.

Motion made by Commissioner Goldman to approve the Community Garden; Seconded by Commissioner Smith. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey, Smith.

c. Scheduled Business: Residential Solid Waste Bid Award

City Administrator McKamey stated the city recently placed an RFP for Residential and Small Business Solid Waste Collection and Disposal. Bids were received on September 30th and reviewed by myself, Finance Director Marge Strausbaugh, Deputy Finance Director Donna Morse, PWD Bruce Phillips and Commissioner Goldman.

Qualified bids for services came in higher than anticipated resulting in a considerable monthly increase to Belleview citizens/customers. In looking at ways the City could help reduce this cost, a recommendation was to take out the free services at all city locations and events, similar to what was previously recommended for the sludge pickup. The City would then bid all services at city parks, buildings and facilities and sludge as one commercial contract separate and apart from the residential and small business solid waste bid. As with the recommendation for the sludge pickup, this spreads that cost over all Belleview citizens and businesses and not just to the Residential Garbage customers.

Mayor Dobkowski stated this was a public hearing and asked if anyone in the audience had any comments.

Pat Lunardelli stated to go with twice a week and use the mechanical arm one week. Ms. Lunardelli stated she was happy with Waste Pro.

Commissioner Ernst stated one day would be for yard trash pickup and the second day would be for the garbage pickup. John Paglia, Florida Express, stated the trash would be picked up on Monday and recycling on Wednesday. The cost for twice a week would be \$22.42 with the customer supplying the cans. Once a week would cost \$17.42 with the contractor supplying the cans.

Commissioner Smith asked about the yard waste and Attorney Landt stated per the bid is the way it would be done.

Mayor Dobkowski stated the \$17.42 once a week pickup includes yard trash, recycling and the white goods. Commissioner Smith asked how long was this contract and FD Strausbaugh stated 5 years.

Attorney Landt stated as he understood it, staff wanted to get the cost lower so instead of multiple options the Commission should decide what they want. If you want twice a week manual or once a week mechanical and take out the free services. If you have free service rolled into residential, then only the residents would pay. If it is done like the sludge is paid, then every tax payer of the city would pay. The Commission needs to decide once a week mechanical or twice a week manual.

Mike Paglia, Florida Express, came forward and stated you already have mechanical and manual and free services so there was no gain for a rebid. It is already there.

Commissioner Goldman stated we don't need twice a week with a 95 gallon can and they provide the can.

Joe Lourenco, Waste Pro, stated they had this contract for the last 15 years. Once a week will not work in the City of Belleview. Twice a week is the option. We represent over 20,000 customers with the recycling once a week in Ocala. You need twice a week service for recycling, yard trash and garbage.

Attorney Landt stated if you reject the bids tonight, you have time to do another RFP. City Administrator McKamey stated it would be tight. Attorney Landt stated you wanted to get a better price but if you don't reject the bids you have to decide between once a week mechanical or twice a week either manual or mechanical.

Attorney Landt stated you need to make a decision based on the RFP that was received and not any amendments added because that would be unfair.

Mr. Lourenco stated once a week was great idea but it won't work because of the growth of the city. He was born here and knows the people in Belleview. Commissioner Smith stated this is a big decision so he would like to table this item until the next meeting. Attorney Landt stated you have to make a decision within 30 days of the bid and City Administrator McKamey stated it was not confidential anymore so November 5, 2019 would be fine.

Commissioner Livsey stated there was loyalty here because they have picked up our garbage for 15 years. He likes the 1 day service pick up. Attorney Landt stated that loyalty should not be the basis of your decision and he doesn't feel there was a reason to rebid.

Pam Moore: stated once week was plenty with mechanical. It would be best if they come through on Wednesday.

Alissa: stated if you go with twice a week that would require more gasoline.

Pat Lunardelli: stated trash pickup 2 twice a week but she could certainly use it only once a week.

Danita Webber: once a week is fine. Currently we have Waste Pro and are very happy with their service.

Mark: stated they have twice a week but they don't always use both days.

Dale Kreutzer: stated they love Waste Pro's service.

Motion made by Commissioner Ernst to approve twice a week service; Seconded by Commissioner Goldman.

Motion failed by a 2-3 roll call vote. Ayes: Dobkowski, Ernst Nays: Goldman, Livsey, Smith.

Motion made by Commissioner Goldman to approve the once a week pickup by Florida Express at the cost of \$17.42; Seconded by Commissioner Livsey. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey, Smith.

2. PUBLIC HEARING: FINAL READING

a. PH: Final Reading: Ordinance 2019-20 Solid Waste Revisions

Mayor Dobkowski read title only of Ordinance 2019-20. City Administrator, McKamey stated this ordinance allows the collection and frequency to be set out in the franchise agreement and deletes the requirement for the hauler to provide free service for the sewer treatment plant and sludge pick-ups. The Commission approved first reading at the October 1st meeting.

That would eliminate the hauler having to provide free service to all city facilities, parks, events as well as the sludge and treatment plant pick-ups.

Mayor Dobkowski stated this was a public hearing and asked if anyone in the audience had any comments. No one came forward.

Motion made by Commissioner Livsey to approve First Reading of Ordinance 2019-20; Seconded by Commissioner Smith. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Livsey, Smith. Commissioner Goldman was absent.

PUBLIC HEARING: FIRST READING

a. PH: First Reading: Ordinance 2019-21 Toomey Annexation

Mayor Dobkowski read title only of Ordinance 2019-21. DSD Chancey stated this vacant property was owned by Timothy Toomey and was a result of the City's HWY 441 Commercial Corridor Annexation Initiative. Parcel #3924-021-007 is located on 441 just SE of Toomey Tools and meets the requirements of the annexation initiative as well as the City's Comprehensive Plan.

Mayor Dobkowski stated this was a public hearing and asked if anyone in the audience had any comments. No one came forward.

Motion made by Commissioner Livsey to approve First Reading of Ordinance 2019-21; Seconded by Commissioner Goldman. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey. Commissioner Smith was absent.

b. PH: First Reading: Ordinance 2019-22 Clifford Annexation

Mayor Dobkowski read title only of Ordinance 2019-22. DSD Chancey stated this vacant property was owned by Judith Clifford and was a result of the City's HWY 441 Commercial Corridor Annexation Initiative. Proposed Annexation meets the requirements of the annexation initiative as well as the City's Comprehensive Plan.

Mayor Dobkowski stated this was a public hearing and asked if anyone in the audience had any comments. No one came forward.

Motion made by Commissioner Ernst to approve Ordinance 2019-22; Seconded by Commissioner Livsey. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey. Commissioner Smith was absent.

c. PH: First Reading: Ordinance 2019-23 Special Magistrate

Mayor Dobkowski read title only of Ordinance 2019-23. DSD Chancey stated the Code Enforcement Board suffered from low citizen participation and frequent meeting cancellations due to no quorum, causing delays in case hearings. The Commission directed staff to develop an ordinance creating a procedure to implement a special magistrate.

Ordinance 2019-20 will allow an alternate code enforcement system that gives the city and special magistrates the authority to hold hearings and assess fines against violators of the City of Belleview Code of Ordinances, Land Development Codes and the Belleview Comprehensive Plan. Staff will seek one or more Attorneys to alternate and assure availability for meetings.

Mayor Dobkowski stated this was a public hearing and asked if anyone in the audience had any comments: 1) Pam Moore came forward and stated she opposes this Ordinance because she was on the Code Enforcement Board for 10 years and never heard of dissolving the Code Board. The magistrate has to be an attorney and that would make it look like a criminal matter. Ms. Moore discussed several ways to get people on board and keep the citizens involved.

Commissioner Smith stated it was hard to have a board when no one wants to be on it. DSD Chancey stated they put it out on Facebook; on our website and in the newspaper. Ms. Moore stated she saw it on Facebook. Mayor Dobkowski stated to take 2 weeks to campaign for board members.

Mark Wertman came forward and stated the Code Enforcement Board meetings were cancelled for the Internet Cafe issue because there were not enough board members to hold the meeting. A Magistrate would be impartial but you would have to pay travel and other expenses for the Magistrate.

Motion made by Commissioner Smith to postpone for 2 weeks; Seconded by Commissioner Ernst. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey, Smith.

d. PH: First Reading: Ordinance 2019-24 Animal Control

Mayor Dobkowski read title only of Ordinance 2019-24. DSD Chancey stated Ordinance 2019-19, Animal Control, was defeated for a lack of a second at the October 1, 2019 Commission Meeting, with the consensus to present an ordinance that mirrors Marion County's Animal Control. Ordinance 2019-24 is a replica of the Marion County ordinance with the following exceptions:

1. Changing references from Marion County to City of Belleview were appropriate.
2. Inclusion of city's current code Sections 18-01 through 18-10, addressing birds, poultry, livestock and swine.
3. Inclusion of city's current code (now renumbered 18-70) limiting the number of dogs or cats or combination to four in one dwelling unit.

Mayor Dobkowski stated this was a public hearing and asked if anyone in the audience had any comments.

- a) Cindy Polcyn stated retail stores must be banned and tethering no more than 2 hours a day.
- b) Pat Lunardelli stated animals need to be protected; the city needs to pass Marion County's ordinance.
- c) Karen Ahrman stated treat animals with respect because they feel like we feel. Adopt the Marion County Ordinance.
- d) Lisa Roman stated to adopt the Marion County's Ordinance.

Mayor Dobkowski asked if Michele Chapman was in the audience and no one came forward.

- e) Breanne Wilson stated the statements that were made in regards to ordinances throughout Florida were false. Marion County's ordinance was unconstitutional.
- f) Cheryl Lindsay stated the city should adopt the County's ordinance and not grandfather anyone in.
- g) Vickie Ramsey stated she lives under the Marion County's ordinance and you should adopt that ordinance.
- h) Sandra Shaw came forward and read a letter regarding her rescue dog and stated to vote for Marion County's ordinance.
- i) Bob Dobkowski read a number of comments that were on Facebook.
- j. Danita Webber stated we are the voice for animals that cannot speak.
- k) Kelly Barthlow stated the County's ordinance was well researched and you should adopt it.
- l) Sharon Newman stated animal lovers were against the puppy mills and for the County's ordinance.
- m) Cheryl Lindsay came forward and stated it was upsetting to see the comments on Facebook because we care for our animals in Belleview.

Commissioner Livsey asked Ms. Wilson if they breed dogs and she responded they have 27 years of breeding in different counties. Animals were their lively hood and we sell our dogs. The Marion County's ordinance keeps them from selling their dogs at their shop.

Attorney Landt stated regarding the grandfathering clause. If you want your ordinance to not generate litigation, the safest way to avoid that would be to not disrupt the business model of an existing business. Whatever restriction you want to put on a new business, I guess, you could do it if you have a legitimate public purpose and a legitimate exercise of your police power.

Attorney Landt stated if you are concerned about the puppy mills as you have indicated you were, then put together an ordinance that says the existing business in COB can continue to function under their present business model but no one can sell puppies from puppy mills.

Mr. Livsey also asked about the issue of Trade Secrets. Attorney Landt stated I would not answer a question off the top of my head but I will tell you that there is a Trade Secret Act, Federal and in State of Florida they are recognized and legitimate concern to businesses that have them. They are a valuable commodity and they are protected.

Motion was made by Commissioner Goldman to approve Ordinance 2019-24; Seconded by Commissioner Ernst. Commissioner Smith stated there were too many little things in this ordinance. Motion failed by 2-3 roll call vote with Commissioner Livsey: Commissioner Smith and Mayor Dobkowski dissenting.

Commissioner Smith stated if Attorney Landt drew up our own ordinance can we get the County's assistance. Mayor Dobkowski stated Mr. Sweet, Marion County, gave us a positive response but we won't know until the County Commissioners make that determination. Mayor Dobkowski stated the Ordinance Attorney Landt draws up will be on the next agenda as a discussion item.

4. OTHER CITY BUSINESS/DEPARTMENT UPDATES:

a. City Clerk: Updates

b. Development Services: Internet Cafe Ordinance Revision

DS Director Chancey stated Staff determined, with careful monitoring of the Internet Café Ordinance provisions that a revision is needed. Security and game device monitoring has resulted in increased staff time.

Security violations have become a concern for the Police Department as well as citizens and fellow business owners. Revision suggestions from staff include:

1. Issuance of citations to have fines attached as opposed to going through the Code Enforcement process. Citations with fines issued to business owner and / or security officer on site will serve as immediate action and speed up the code enforcement process should the business be determined a nuisance.
2. If a licensed and armed security guard is not site, the business must close until one arrives.
3. Security guards not permitted to sit in vehicles where their presence is not visible.
4. After a determined amount of repeated violations, the Internet Café will be declared a nuisance business, which will result in the business tax being revoked and the business closing. Business owners with a revoked business tax will be prohibited from opening another internet café within the City limits.
5. Declare a maximum amount of internet cafés within the City limits. Staff suggests a maximum of 5 cafés.
6. Increase the initial Internet Café application fee from \$500 to \$1,000 to help cover increased staff time in processing and monitoring.
7. Limit Zoning to B5 properties that do not abut residential neighborhoods to more closely align with the Adult Entertainment ordinance.

Mayor Dobkowski stated she didn't like #5 and Attorney Landt stated not being able to open another café could be a problem. You can close a nuisance business and the City has a public interest to protect. This is a business we don't favor so we need to establish a problem and look at how to solve the problem in the least restrictive way.

Commissioner Livsey asked DSD Chancey if the first time application cost \$500; repeat offenders the fee escalates. Will this ordinance interfere with the business model and DSD Chancey stated she would look into it.

Mayor Dobkowski stated this was a public hearing and asked if anyone in the audience had any comments:

1) Mark Wertman stated we don't disagree with the ordinance. We are in the parking lot 100% of the time: meals, breaks and breakfast. When the climate has hurricane conditions, we use the military black flag situation, in excess of 90 degrees we bring troops inside for 40 minutes. Our job is to improve safety of the citizens: but we can't monitor what was going on inside the facility. Gamers change things on the table. We have to stay 1 hour after the parking lot is empty but no one is there because they all leave quickly. Most of the security guards were in the military or law enforcement and they know the safety regulations for a business.

Chief Terry Holland stated Mr. Wertman's place of business is the best one. They have a fan so there was not an excessive heat situation and they have cameras inside. The gamers are not considered cheating per the Florida ordinance. The issue is seeing them sit in their cars when they should be on patrol and should be outside 90% of the time. We need to stay with our ordinance. When we find an establishment, before it can go before Code Enforcement, they have changed the owners.

Mayor Dobkowski stated everything is good except #5 and the Commissioners agreed.

Don Harrell came forward and stated he had a problem with Section 14-509 location C. DSD Chancey stated it was the distance from the school.

c. Finance: Resolution 19-20: Fund Balance Restatement

Mayor Dobkowski read title only of Resolution 19-20 and FD Strausbaugh stated at the end of the 2019 fiscal year adjustments were made to the Fund Balance for activity occurring during that year. This also assists in preparing for the next fiscal year, the 2020 fiscal year's budget. These entries are made as part of the audit of the 2019 fiscal year.

The City is making sure money is designated for the Lake Lillian and Community Center projects and is increasing the cash reserves to move closer to reserving enough funds to cover three months of operating costs. Additionally, this denotes that there are enough funds to cover what is budgeted in 2020 out of unrestricted reserves.

Mayor Dobkowski stated this was a public hearing and asked if anyone in the audience had any comments. No one came forward.

Motion made by Commissioner Goldman to approve Resolution 19-20; Seconded by Commissioner Emst. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Emst, Goldman, Livsey, Smith.

d. Finance: Resolution 19-21: Restated FY 2019 Budget

Mayor Dobkowski read title only of Resolution 19-21. FD Strausbaugh stated at end of the year, we do a restated budget which is the final budget amendment of the year. Attached is the Resolution for that restated budget and backup information of all the amendments completed throughout the year.

Motion made by Commissioner Smith to approve Resolution 19-21; Seconded by Commissioner Livsey. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Emst, Goldman, Livsey, Smith.

e. Finance: September 2019 Financial Report

FD Strausbaugh gave a review of the September 2019 Fiscal Year Financials. This is an abbreviated report since the City on this agenda is adopting the final restated/amended budget for the 2019 fiscal year.

f. Public Works: Water & Sewer Rate Increase

PWD Phillips / City Engineer stated the City Commission passed Resolution 18-17, based upon a rate study, which recommended a 5% increase in water and sewer user rates effective with the billing cycles for November, 2018 and November 2019. The rate increase was necessitated by the aging infrastructure throughout the city which must be repaired and / or replaced. This rate increase is effective in November, 2019 which will be reflected on the December 1st utility bills.

PWD Phillips also discussed:

- a) The 30, 40 and 50 year old pipes and manholes;
- b) FDOT extended time on median landscaping around Lake Lillian.
- c) County gave permission for the city to bid the Lake Lillian Community Center.

g. Police Department: Updates

Chief Holland stated numerous counties were looking at our Internet Cafes Ordinance.

h. Information Technology: Updates : N/A

i. Legal Services: Updates: N/A

i. Executive and Administrative: MOU with MC Health Department

City Administrator McKamey stated to assist in the prevention and spread of Hepatitis A, the Marion County Health Department is offering free Hepatitis A vaccinations. Two vaccinations must be administered six months apart to help control this disease. They can be administered in their mobile clinics, but do not have to be administered at the same location for each vaccination.

We requested they bring their mobile clinic on site to offer this service to our employees and citizens. We have tentatively scheduled the event to be held the afternoon of October 30 at the City Hall parking lot. They have forwarded a Memorandum of Understanding for approval by the City Commission.

Motion made by Commissioner Goldman to approve the Memorandum of Understanding with the Marion County Health Department pending legal review; Seconded by Commissioner Smith. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey, Smith.

j. Executive and Administrative: Joint City County Commission Meeting


City Administrator, McKamey stated it has been recommended to change the joint city / county meeting to: Monday, December 9, 2019, 2:00 pm at the MC Library Headquarters in Ocala.

5. COMMISSION UPDATES:

- a. **Seat 1 – Michael J. Goldman**
- b. **Seat 2 – Gary Ernst N/A**
Testing Holiday lights
- c. **Seat 3 – Ronald T. Livsey N/A**
- d. **Seat 4 – Robert “Bo: Smith**
Commissioner Smith stated we need patience with Marion County’s Ordinance
- e. **Mayor Christine K. Dobkowski N/A**

Meeting was adjourned at 9:07 PM

Attest:


Margaret DeGanaro MMC, CPS
City Clerk