



# CITY OF BELLEVIEW REGULAR COMMISSION MEETING AGENDA

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**BELLEVIEW CITY HALL**  
**Commission Room**

November 5, 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

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## **MOMENT OF SILENCE/PLEDGE OF ALLEGIANCE - COMMISSIONER ERNST**

1. PROCLAMATION: Voice of South Marion
  - a. Voice of South Marion 50th Anniversary
2. APPROVAL OF MINUTES:
  - a. August 29, 2019 and September 3, 2019
3. FINAL READING:
  - a. PH: Final Reading: Ordinance 2019-21 Toomey Annexation
  - b. PH: Final Reading: Ordinance 2019-22 Clifford Annexation
4. PUBLIC HEARING: FIRST READING
  - a. PH: First Reading: Ordinance 2019-23 Special Magistrate
  - b. PH: First Reading: Ordinance 2019-25 Internet Cafe Amendment
5. PUBLIC HEARING: RESOLUTION
  - a. PH - Resolution 19-22: Community Garden Plot Fee
6. SCHEDULED AUDIENCE/COMMENTS:
  - a. Scheduled Audience: Reopening Willow Reed, Inc DBA Briar Patch MH Community
  - b. Administrator: Residential Solid Waste Agreement
  - c. Unschedule Audience
7. OTHER CITY BUSINESS/DEPARTMENT UPDATES:
  - a. City Clerk: Updates
  - b. Development Services: Update
  - c. Finance: Updates
  - d. Public Works: DEP Septic to Sewer Grant Phase 1 Design
  - e. Public Works: Kimley - Horn & Associates, IPO #12
  - f. Police Department: Updates
  - g. Information Technology: Updates
  - h. Legal Services: Updates
  - i. Administrator: Animal Ordinance

8. 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)

# CITY OF BELLEVIEW

## COMMISSION MEETING MINUTES

**BELLEVIEW CITY HALL**  
**Commission Room**

November 5, 2019  
6:00 PM

Mayor CHRISTINE K. DOBKOWSKI  
Seat 1 MICHAEL J. GOLDMAN  
Seat 2 GARY W. ERNST  
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### **1. PROCLAMATION: Voice of South Marion 50<sup>th</sup> Anniversary**

Mayor Dobkowski read and presented Sandy Waldron, with the Proclamation declaring November 5, 2019 as the Voice of South Marion day in the City of Belleview.

### **2. APPROVAL OF MINUTES: a. August 29, 2019 and September 3, 2019**

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

### **3. FINAL READING:**

#### **a. PH: Final Reading: Ordinance 2019-21 Toomey Annexation**

Mayor Dobkowski read title only of Ordinance 2019-21. DSD Chancey gave a brief review and stated this vacant property is owned by Timothy Toomey and is 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 Ernst to Approve Ordinance 2019-21; Seconded by Commissioner Livsey. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey, Smith.

#### **b. PH: Final Reading: Ordinance 2019-22 Clifford Annexation**

Mayor Dobkowski read title only of Ordinance 2019-22. DSD Chancey gave a brief review and stated this vacant property is owned by Judith Clifford and is the result of the City's HWY 441 Commercial Corridor Annexation Initiative. Parcel #3924-008-003 is located on 441 just SE of Big Al's and The Dog House. The 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 Smith to approve Ordinance 2019-22; Seconded by Commissioner Ernst. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey, Smith.

### **PUBLIC HEARING: FIRST READING:**

#### **a. PH: First Reading: Ordinance 2019-23 Special Magistrate**

Mayor Dobkowski read title only of Ordinance 2019-23. DSD Chancey gave a review and stated

Ordinance 2019-23 was presented for first reading at the October 15, 2019 meeting. To allow further consideration, the Commission voted to postpone the first reading.

The Code Enforcement Board frequently suffered from low citizen participation and meeting cancellations as a result of not having a quorum, causing delays in case hearings. This is not a new issue. Because of the difficulty in maintaining a full board, the Commission approved Ordinance 2007-20 on July 24, 2007 which reduced the board members from seven to five, with up to two alternates. The City had to cancel its first meeting for lack of a quorum in February 2008.

Since 2014 there has been a full five member Board present on only two occasions (1/3/18 & 3/7/18). Staff has cancelled three board meetings this year alone for lack of quorum. As of 10/30/19 another Board Member has resigned leaving only one member, the Chair, on the Board. Staff has received four board member applications, which would bring the board up to five members. The advantages to hiring a Special Magistrate is they will be Florida bar certified (attorneys or judges), understanding city laws as well as how they integrate with state and federal laws and other regulatory agencies.

Mayor Dobkowski stated this was a public hearing and asked if anyone in the audience had any comments. Pam Moore, Chair of the CE Board, stated she was against the Special Magistrate. As far as getting citizens to be on the board, the City only had 4 posts this year; no social media and zero public announcements. No one shared this information about a Special Magistrate with her. Commissioner Smith stated he wanted to get more citizens involved.

Mayor Dobkowski asked for a Motion to approve Ordinance 2019-23 Special Magistrate. Failed for lack of a Motion. Attorney Landt stated you need to amend the Code Enforcement Board to 7 members at the next meeting.

#### **b. PH: First Reading: Ordinance 2019-25 Internet Cafe Amendment**

Mayor Dobkowski read title only of Ordinance 2019-25. DSD Chancey gave a review and stated Staff presented concerns with security, staff time to monitor internet cafes, and application fee increases at the October 15, 2019 Commission meeting. Staff made several suggested changes, which the Commission discussed. The Commission directed staff to revise the Internet Café Ordinance to reflect the changes as discussed below.

- 1) Internet Café application fee increased from \$500 to \$1,000 to offset the City's staff time and expense in reviewing the application, zoning, location, premises, and parking.
- 2) Zoning- Internet Cafe's limited to a zoning designation of B5
- 3) Unlawful to operate an internet café within 1,000 feet of a fixed school bus stop
- 4) Method of determining distance limitations clarified
- 5) Provide security for the parking area during hours of operation and until one hour after the close of business, or until the last patron and employees depart the premises
- 6) To provide security for the parking area of internet cafés, security guards shall be posted so that their presence is visible to patrons and the public
- 7) When the security guard is absent from their post in the parking area for more than ten (10) minutes, a replacement security guard shall be provided
- 8) Each violation by an owner or operator, constitute a separate offense and constitute a civil infraction. The citation penalty is due within 30 days after issuance. If the person elects to contest the citation, they must request a hearing with the Code Enforcement Board or Special Magistrate within 30 days

Mayor Dobkowski stated this was a public hearing and asked if anyone in the audience had any comments. Jim Casselman stated the Fish Games are gambling facilities with incidents of crime. The County decided that each place would have a security guard. You can't violate the constitutional rights of the businesses or the citizens. Mayor Dobkowski stated she agreed and their

constitutional rights were discussed when we put this ordinance in place. We had 100 phone calls in less than a year and the business around them were hurt from the crime going on around them. We want to fix some of the problems we have but not outlaw their business.

Commissioner Smith asked DSD Chancey if there was anything in the ordinance regarding the amount of complaints or fines that could close these facilities. Attorney Landt stated to amend this ordinance so you don't target one store.

Motion made by Commissioner Ernst to approve First Reading of Ordinance 2019-25; Seconded by Commissioner Goldman. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey, Smith.

## **5. PUBLIC HEARING: RESOLUTION**

### **a. PH - Resolution 19-22: Community Garden Plot Fee**

Mayor Dobkowski read title only of Resolution 19-22 and stated at the last regular meeting, the Commission approved the use of the property known as the Mary Ann Cafaro Park to be used as a Community Garden. They met with representatives of the Association of Fitness and Nutrition in Schools, Active Marion Project, Feed the Need Gardens, and the Marion County Health Department as well as Adam's Earth Cubes to discuss the implementation of the Community Garden. Our goal is to get ten participants for the first garden planting scheduled for November 23.

We are using the City of Ocala's model for the Community Garden. Costs will be offset primarily by donations and grants. We are recommending the City implement a \$10.00/ year plot fee for use. If anyone wanted a plot to contact her.

Mayor Dobkowski stated this was a public hearing and asked if anyone in the audience had any comments. Ms. Terry Casselman stated her place borders this place and there were two (2) large trees falling down; one tree was split and there was a sinkhole. PWD Phillips stated he would check the sinkhole. Ms. Casselman asked about the parking plan and Mayor Dobkowski stated in front, there was parking for 1-2 cars at a time. The people will come and go. Ms. Casselman stated their biggest concerns were maintaining the trash and the parking.

Motion made by Commissioner Smith to approve Resolution 19-22 Community Garden Plot Fee; Seconded by Commissioner Goldman. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey, Smith.

## **6. SCHEDULED AUDIENCE/COMMENTS:**

### **a. Scheduled Audience: Reopening Willow Reed, Inc. DBA Briar Patch MH Community**

Mayor Dobkowski stated that Gayle Reed requested to be on the agenda regarding the reopening of the Willow Reed, Inc. DBA Briar Patch MH Community. There were no documents submitted by the citizen for the Commission to consider. Staff included a timeline of her development and the previously approved, now expired developer's agreement.

Ms. Reed stated when she was annexed in 2005-6 PWD Dennis Monroe did a large-scale amendment then things fell apart because the investors left. In 2011, Jeff Shrum rezoned the mobile home park then things again fell apart. Bob Rogers, Engineer, came in and did a new design and Cobblestone came in as well but failed to run the pipes. Decided to open the park again because the W&S was going to come but then the W&S was gone. Marion County charged taxes for Briar Patch in the amount of \$32,000. They were charged \$150,000 dollars for the infrastructure by the City of Belleview.

Ms. Reed stated she wants to get the development open for revenue for the city. The distance is the difficulty. Who is going to pay to open it? In May 2019, there was a meeting and she tried to get things completed. Her Engineer got a letter stating they needed a Developer's Agreement. Attorney Landt stated in order to move forward, she would need to get the permission and consent of the Commission. Attorney Jerry Buhr, Representing Ms. Reed, stated they can't get a lawful agreement from the city and that was holding up the project. She has her own utility system and a private well. Needs to do Phase 1 and then connect to the City's system. The line needs to run from Cobblestone.

Mayor Dobkowski asked about the original Developers Agreement, which split into phases, and she could hook to our water and sewer system in Phase 1. In Phase 2 she would hook to the City. Ms. Reed stated that Agreement was done by Engineer Bob Rodgers and was no longer active. There has been no fire protection, water or sewer since 2006. We need to do Phase 1 and get it done and then Phase 2 would run lines for permanent water and hydrants.

Attorney Landt stated he met with Ms. Reed; Attorney Buhr; City Administrator McKamey and PWD Phillips. At that meeting, the two main issues of contention were to draft the Developer's Agreement. The outline, that PWD Phillips prepared, called for Ms. Reed to pay all system development charges or water and sewer up front. We agreed the system development charge would be paid when each building permit was pulled for each unit as requested. There are around 92 units.

Attorney Landt stated Ms. Reed wants to use her existing well. PWD Phillips was not in favor of using their existing well instead of connecting to the city's water. If they use the well when Phase 2 is on line, they would connect to the city water and sewer system. Attorney Landt stated they had to come to the Commission to get permission and the Commission could agree not to extend the lines.

Commissioner Livsey asked why not the well and PWD Phillips stated she can't hook up to the city water system per the City's Code. In 2014, they agreed to run the line and pay for the difference in the upsize of the line down to the corner property. PWD Phillips stated there are individual meters inside the park and that could be a liability issue because a private water line would be serving a public meter that is serving residential. Attorney Landt stated he agreed with PWD Phillips that the property needs to have a Master Meter when they come off the well if that is approved but they need to follow DEP's guidelines.

Commissioner Goldman stated we have no information at all to make a decision. I need all the information to do this job. Commissioner Ernst agreed with Commissioner Goldman and stated this was an ongoing situation for years. Commissioner Smith asked PWD Phillips if it was Cobblestone's failure to run the pipes and Attorney Landt stated they were supposed to run the lines to the property and it was not done.

Attorney Landt stated the issue is what to do about the service of the water. The City agreed to run the waste water line down to her property. Impact fees would be due only when the building permit was pulled. They want to add a septic system also if they can get it permitted.

Mayor Dobkowski stated in Phase 2, they would hook on to the city. Mayor Dobkowski stated the Commission's consensus was they needed more information before the next agenda meeting. Ms. Reed stated she would provide the information to the City Administrator. Attorney Landt stated the Commission needs information on permitting for the Well and permitting for the Package Plan.

**b. Administrator: Residential Solid Waste Agreement**

Attorney Landt stated Florida Express Environmental, requested to make some changes to the proposed franchise agreement. Attorney Avery Smith, Representing the Paglias, asked if Attorney Landt got the most recent version and he stated he did not. Attorney Landt stated one major point to discuss was no plastic bags for yard trash for yard trash. The Commission specifically addressed that issue and they did not want to prohibit using plastic trash bags.

Attorney Smith stated plastic bags have additional cost and separation time. If you want a bag, it should be combustible. Some cities are going with the no bags option. Attorney Smith stated the waste comes in and it takes a lot of time to separate it out if it isn't bio-degradable. They will pick it up if it is biodegradable and they were asking the Commission to consider that.

Mayor Dobkowski stated it cost more for yard waste in plastic bags. Commissioner Smith stated if it wasn't bio-degradable but a combustible bag it would be okay. Mr. Paglia stated they discourage plastic because the industry was moving forward toward a more friendly process.

Attorney Landt stated you can modify things that don't change the bid process. It has been brought to our attention that yard trash does have something to do with the cost.

Commissioner Livsey stated once a week pick up; no plastic trash bags and 95-gallon cans were going to upset the residents. Attorney Smith said we were asking the citizens to move forward and to put this in a policy like the other cities around you.

After some discussion, Mayor Dobkowski stated to leave it as it was in the RFP. Attorney Landt stated to go with the 95-gallon can and once a week pickup. Recognize that State Law defaults to combustible trash bags for yard trash. White Goods cost \$.23 a customer with the once a week pickup.

Commissioner Livsey asked what is recyclable and Mr. Paglia stated fiber (cardboard) and metal.

**c.            Unscheduled Audience**

1. Cindy Polcyn stated to do the right thing and adopt the County's ordinance.
2. Commissioner Livsey stated he wants microchipping but he was uncertain about prohibiting the sale of dogs.
3. Pat Lunardelli stated 1% of Marion County line up and the City of Belleview should have the same.
4. Sandra Shaw read a letter from her rescued dog and stated for the City to take a stand about puppy mill stores.
5. Jim Casselman stated puppy mills sell at stores and sometimes dogs need to be chained.
6. Dale Kreutzer stated he was advocating for healthy animals.
7. Karen Ahrman stated the solution was to adopt the ordinance and to be of service to the Commission.
8. Pam Moore came back to the podium and stated to renegotiate the Residential Solid Waste Agreement. No recycling for plastic or glass; just paper, cardboard or metal.
9. Jim Casselman came back to the podium and stated 65 lb. or 95 lb. some people will not be able to move the cans.

**7. OTHER CITY BUSINESS/DEPARTMENT UPDATES:**

**a.            City Clerk: Update: N/A**

**b.            Development Services: Update N/A**

**c.            Finance: Updates**

- 1)        FD Strausbaugh stated information was mailed from Florida Express directly to our customers.

2) FD Strausbaugh stated \$750,000 was redirected to the wrong bank account. This was a procedural issue and we want to prevent that from happening.

**d. Public Works:**

1) DEP Septic to Sewer Grant Phase 1 Design

PWD Phillips stated the City received \$300,000 (LP42074) from the Florida Department of Environmental Protection for the Belleview Reduction of Nutrient Loading Study (Septic to Sewer). That study was completed.

Amendment No. 1 to Agreement No. LP42074 is being amended to provide an additional \$150,000 for the design and permitting of the first phase of the Septic to Sewer project. This item was reviewed by the City's grant consultant to insure compliance with grant application and all state and federal requirements as well as the City's Attorney.

Motion made by Commissioner Goldman to approve Amendment No. 1 to Agreement No. LP42074 in the amount of \$150,000 for the design of the first phase of the Septic to Sewer project; Seconded by Commissioner Smith. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey, Smith.

2) Kimley - Horn & Associates, IPO #12

PWD Phillips stated reference was made to the previous agenda item "Septic to Sewer Phase 1 Design. KHA IPO # 12 was for the design and permitting of Phase 1 (Region 4B) of the Septic to Sewer project.

Motion made by Commissioner Goldman to approve KHA, IPO #12 in the amount of \$150,000; Seconded by Commissioner Ernst. Motion was approved as presented by roll call vote. Ayes: Dobkowski, Ernst, Goldman, Livsey, Smith.

**e. Police Department: Updates N/A**

**f. Information Technology: Update: N/A**

**g. Legal Services: Updates**

Attorney Landt stated he was making the following changes to the existing Animal Ordinance:

- ✓ Incorporate tethering
- ✓ Cat Community
- ✓ Dangerous Animals
- ✓ Nuisance
- ✓ Microchipping
- ✓ Definition of Puppy Mill
- ✓ City of Belleview prohibits Puppy Mill sales
- ✓ Puppy shop in its own model
- ✓ Kennel restricted to agricultural zone
- ✓ Existing store and new store - animals
- ✓ Post notice of Florida Statute in the store

**h. Administrator: N/A**



**8. COMMISSION UPDATES:**

**a. Seat 1 - Michael J. Goldman**

Commissioner Goldman discussed his idea for abandoned lots inside developments; vacant lots offering incentive reduction impact fees or hookups. There were 307 lots in his subdivision. Mayor Dobkowski agreed and Attorney Landt stated to seek infill not spiders and that is how small cities grow.

**b. Seat 2 – Gary W. Ernst N/A**

**c. Seat 3 – Ronald T. Livsey N/A**


**d. Seat 4 – Robert “Bo” Smith N/A**

**e. Mayor – Christine K. Dobkowski**

Mayor Dobkowski stated the audience needs to stay on topic.

The meeting was adjourned at 6:58 PM

Attest:

  
Sandi McKamey MMC, CPM  
City Administrator