

**CITY OF BELLE ISLE  
REGULAR SESSION  
August 2, 2005  
5:30 P.M.**

The Belle Isle City Council met in regular session on Tuesday, August 2, 2005, 5:30 p.m. in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Florida, 32809.

The following members were present:

William G. Brooks	Mayor
David L. Jacquot	District 1
Charles R. Scott	District 3
Larry I. Ady	District 4
Bill Ravenel	District 5
Sarah G. Goodwin	District 6
Eric S. Spaulding	District 7

Absent was Commissioner Trudy Prince, District 2.

Also present were City Manager Larry Williams, City Attorney John Bennett, City Clerk Be Bateman, and others.

**INVOCATION AND PLEDGE TO FLAG:**

Commissioner Spaulding gave the Invocation and led the Pledge to the Flag.

**MAYOR'S REPORT:**

Mayor Brooks reported the following:

- a. Asked Council to look at limiting the number of vehicles that can be parked at a single residence.
- b. Advised the illuminated street sign at Orange and Nela is gone and asked that the Manager check into having the County replacing it.

**CITY MANAGER'S REPORT:**

City Manager Larry Williams reported the following:

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Any person needing assistance to participate in these proceedings should contact the Office of the City Clerk at least 24 hours in advance of the meeting at 407-851-7730.

Should any person wish to appeal any action taken by the Council at this meeting, a verbatim record of the proceedings may be necessary to include testimony and evidence upon which the appeal is to be based.

- a. Advised the current codes do not limit the number of vehicles that can be parked at a single family home.
- b. Responded that he would check on the illuminated street sign.
- c. Distributed an updated Nela Bridge project schedule.

Mayor Brooks asked if the project had been through Orange County plan review?

City Manager Williams responded it will be submitted to Orange County for the building permit.

- d. Fred Fox Enterprises, Inc. will be working with the city to apply for two FRDAP Matching Grants for Delia Beach and Montmart Park. If awarded the grants will be 75% funded to a 25% city match. The consultant fee is 3% of the grant amount if the grant is funded.
- e. He advised that on National Night Out 2006 which is August 1<sup>st</sup> he has obligated the Mayor and Council to cook hot dogs and burgers and serve them to the residents. He asked that they mark their calendars now to reserve that date.

#### **CITY ATTORNEY'S REPORT:**

Attorney Bennett reported the following:

- a. Asked Council to submit comments to him on the parking variance criteria.
- b. Advised that Mrs. Bryant's attorney had called regarding the three proposals and is filing a motion to dismiss.
- c. McCrory case is on schedule for August 24<sup>th</sup>.

City Manager Williams asked that the second reading of Ordinance 05-15 be moved to the next item on the agenda so the city engineers will not be on city time longer than necessary. Council had no objections.

#### **Adopted Ordinance 05-15 Re: Stormwater Utility assessment report, ERU, rate schedule and the non-ad valorem assessment roll.**

Any person needing assistance to participate in these proceedings should contact the Office of the City Clerk at least 24 hours in advance of the meeting at 407-851-7730.

Should any person wish to appeal any action taken by the Council at this meeting, a verbatim record of the proceedings may be necessary to include testimony and evidence upon which the appeal is to be based.

Mayor Brooks asked that the Ordinance be read by title only. The City Clerk read the ordinance by title as follows:

**An ordinance of the City Council of the City of Belle Isle, Florida, adopting the stormwater utility assessment report; adopting the numerical value for one equivalent residential unit; adopting a stormwater utility rate schedule, adopting the non-ad valorem stormwater assessment roll, providing for severability; and providing an effective date.**

Mayor Brooks opened the public hearing.

Alan Gray, 4230 Cranmore Court, asked how the gated communities that have their own stormwater systems are being recognized?

Tommy Brown, Boyle Engineering advised the individual property owners would be eligible to apply for a discounted rate of 50%.

Mo Rigante, 2115 Nela Avenue, stated that he is opposed to paying more than he is already paying through the LCNAB. He asked if there are specific projects for which the collected fee would be used.

Mayor Brooks responded that the city held public meetings and a copy of the presentation presented at those meetings is available. The need for the fee is due to the fact that the State and Federal governments pass on mandated programs without funding them. The stormwater infrastructure is old and needs to be improved to meet newer standards.

City Manager Williams advised that the LCNAB seems to be only responding to navigational projects. The City needs 1.6 million in repairs and replacement and there is not adequate funding in the general fund to cover the needs. The Stormwater Utility fee will enable the city to bond the funding necessary for the repairs.

Bernard Porchack, President Conway Isles HOA, asked if there is a cap on the assessment.

City Manager Williams responded that while there is no cap, the fee is based on the engineering assessment of the projects that need to be done.

Ed Hodapp, Seminole Drive, asked how the ERU's are determined.

Mr. Williams responded that the engineering firm developed a formula by which the ERU was determined.

There being no further comments, the public hearing was closed.

April Stevens, Boyle Engineering, reported on the applications for the discounted rate that were received. She advised 90 applications from gated communities had been received and approved and one application from Regal Marine Industries, Inc. was also approved. One application from Scott and Jennie Anderson, Hoffner Avenue, did not meet the criteria and was denied. The approved applications will reduce the annual stormwater assessment revenue by approximately \$5,000 resulting in an annual revenue of approximately \$138,000.

Commissioner Ady moved to adopt the ordinance and the applications approved for reduction of the assessment. Commissioner Ravenel seconded the motion.

Commissioner Ady stated the city should pursue opting out of the LCNAB through our legislative delegation and request the special act of the legislature to accomplish it.

Upon roll call the vote was as follows:

Commissioner Ravenel	Aye
Commissioner Scott	Aye
Commissioner Spaulding	Aye
Commissioner Goodwin	Aye
Commissioner Prince	Absent
Commissioner Jacquot	Absent
Commissioner Ady	Aye

With five ayes and no nay votes the ordinance was therefore adopted.

#### **COUNCIL REPORTS:**

**Commissioner Ady** – inquired about the objections raised by residents on Sunny Lane about the city public works building. He suggested placing slats in the chain link fencing to provide a visual barrier to the facility.

City Manager Williams responded the city is following the process recommended by Mr. Melvin Pittman, Orange County Zoning Department. We have applied for

a variance to the wall and are asking that an 8' stockade type fence be permitted instead. The variance request was denied and is being appealed.

(Commissioner Jacquot arrived at 6:00 p.m.)

**Commissioner Goodwin** – reported on a meeting with City of Orlando representatives regarding the traffic study at Cove and Conway. She stated the results of the meeting were not satisfactory. Mr. Burns is to do a visual inspection and said he would meet with them again in the fall and after the first of the new year.

**Commissioner Spaulding** - asked if the criteria for a traffic light were provided.

Mayor Brooks responded the criteria is published by the state.

Commissioner Spaulding reported on his site visit to Cullen Lake Shore Drive with Excel Engineering representative Ben Bartlett. Orange County has done some repairs and those repairs are already beginning to fail. He reported several new depressions that are forming in the St. Moritz/Cullen Lake Shore Drive area and that the curb inlet at St. Germain is broken.

City Manager Williams responded that Orange County has been contacted and is trying to get St. Moritz in as a change order to a project that is funded.

Mayor Brooks asked if the County has demobilized from the area.

**Commissioner Scott** – asked about the First Day of School Proclamation and Mayor Brooks advised it is on the agenda.

He asked if the public works building has been re-roofed.

City Manager Williams responded that they have received some lower bids than they received three months ago and a contract has been issued in the amount of \$8,075.

Commissioner Scott asked about the stormwater assessment discount in future years.

Tommy Brown, Boyle Engineering, responded the property owners must apply annually and will receive notice annually.

**Commissioner Ravenel** – no report.

**Commissioner Jacquot** - reported the back fence is down at Montmart Park.

He asked if there has been any response to the decorative light that was broken during the debris removal.

Mr. Williams responded that Zack Johnson has been contacted and will be in next week.

The fence at Montmart will be repaired. The work order was issued and scheduled with the contractor.

**CITIZENS' COMMENTS:**

Chad Rocheford, Pam Circle, asked if anything can be done about the noise and light trespass from the commercial properties behind his home. He advised the public address system is used all hours of the day and night and the light is blinding.

Sandy Smith, 1710 Fulmer, asked that something be done about the number of vehicles and tractor/trailers in front yards. trespass from the commercial properties behind his home. He advised the public address system is used all hours of the day and night and the light is blinding.

Sandy Smith, 1710 Fulmer, asked that something be done about the number of vehicles and tractor/trailers in front yards.

Ray Vaus, 3427 Nela Avenue, expressed concern regarding the number of vehicles running stop signs.

**CONSENT AGENDA:**

Commissioner Spaulding moved to approve the consent agenda which consists of the following items:

- a. Minutes of July 12, 2005 Regular Sessions.
- b. Monthly Financial Reports for March and April, 2005.

Commissioner Scott seconded the motion which passed unanimously.

**Adopted Ordinance 05-16:**

Mayor Brooks asked that the ordinance be read by title only. The Clerk read the ordinance by title as follows:

**An ordinance amending and superseding Ordinance 90-8 providing for the granting of non-exclusive franchises to install, maintain and operate a cable system for the distribution of television signals, cable/fiber optic related services; closed circuit television programs for a specific term; setting forth findings on minimum standards for the award of the franchise; providing for city regulation of its operation, payments, service, construction, maintenance, prohibitions, penalties; and providing an effective date.**

Mayor Brooks opened the public hearing. There were no public comments and the public hearing was closed.

Commissioner Ady moved to adopt the ordinance. Commissioner Ravenel seconded the motion.

Upon roll call the vote was as follows:

Commissioner Ravenel	Aye
Commissioner Scott	Aye
Commissioner Spaulding	Aye
Commissioner Goodwin	Aye
Commissioner Prince	Absent
Commissioner Jacquot	Aye
Commissioner Ady	Aye

With six ayes and no nay votes the ordinance was therefore adopted.

**Adopted Resolution 05-21 authorizing execution of a franchise agreement with BrightHouse for cable/fiber optic television service within the boundaries of the city.**

Commissioner Ady moved to adopt Resolution 05-21. Commissioner Scott seconded the motion.

Upon roll call the vote was as follows:

Commissioner Ravenel	Aye
Commissioner Scott	Aye
Commissioner Spaulding	Aye
Commissioner Goodwin	Aye
Commissioner Prince	Absent
Commissioner Jacquot	Aye
Commissioner Ady	Aye

With six ayes and no nay votes the ordinance was therefore adopted.

**TRIM COMPLIANCE: Motion to adopt tentative millage rate for FY 2005-06 and setting time, date and location of first public hearing on the FY2005-2006 Budget.**

Commissioner Ady moved to adopt a tentative millage rate of 3.6655 mils for FY 2005-2006. Commissioner Ravenel seconded the motion which passed unanimously.

**Granted Appeal to Parking Citation 005813 by Alex (Sandy) Smith, 1710 FulmerRoad, Belle Isle, Fl.**

Sandy Smith, 1710 Fulmer Road presented his appeal. He advised the parking decal was on another vehicle and he just made a mistake of using the wrong vehicle.

Officer Brunsuma stated he had no objections to the Council considering Mr. Smith's appeal.

Commissioner Scott moved to grant the appeal and overturn the citation and refund the appeal fee to Mr. Smith.

**Appeal to Parking Citation 005184 by Bhargan Gajjon, 5408 Parkway Drive, Belle Isle, Fl.**

Bhargan Gajjon presented his appeal and submitted a photo as evidence that he was parked in his front yard and there is not a No Parking sign on his side of the street.

Officer Mike Mason stated there are four No Parking signs on the side of the street where the car was parked but it can be confusing because of the location of the signs.

Mark Pelletier, 5408 Parkway Drive, advised that the No Parking signs on the homes' side of the roadway were put up a short time ago.

Mayor Brooks advised he has had a call from an area resident asking for clarification on where they can park in the area.

Officer Mike Mason stated the No Parking signs have arrows pointing in both directions which he took to mean there was no parking anywhere along the roadside.

City Manager Williams advised he did not remember any signs being put up on the outside of the street from the park. He stated the officer did what he was supposed to do.

Mayor Brooks stated the issue may be due to the location of intersections and fire hydrants.

Commissioner Scott stated the signs are up and like speed limit signs, there isn't one in front of every house or building.

Officer Mason stated the double arrow sign should state where the limitation applies.

Commissioner Jacquot stated that he would be inclined to grant the appeal due to the confusion on where then can park.

Commissioner Jacquot moved to grant the appeal and overturn the citation. Commissioner Ady seconded the motion which passed with four ayes and two nays the nay votes being from Commissioners Scott and Ravenel.

**Denied Appeal to Parking Citation 005182 by Bill Priest, 2842 Alsace Court, Belle Isle, Fl.**

Mr. Priest was not present to present his appeal.

Officer Mason stated the citation was issued to a commercial vehicle parked in a residential district and that it was a repeat offense.

Commissioner Ady moved to deny the appeal. Commissioner Spaulding seconded the motion which passed unanimously.

**Appeal to Parking Citation 005827 by Jackie Andino, 4100 Winnona Drive, Orlando, Fl.**

The City Clerk advised that Mr. Andino had requested the hearing be postponed as he would be out of town.

Council decided to consider the matter.

Commissioner Ravenel moved to uphold the ticket and deny the appeal. Commissioner Goodwin seconded the motion which passed with four ayes and one nay, the nay being from Commissioner Jacquot.

**Appeal to Parking Citation 005814 by Chad Rocheford, 1750 Pam Circle, Belle Isle, Fl.**

Chad Rocheford presented his appeal. He presented documentation to demonstrate that his registered tow vehicle had recently had the windshield replaced and he forgot to have a new decal issued.

Officer Brunsuma stated he had no objection to the Council's consideration of the appeal.

Commissioner Ady moved to grant the appeal and overturn the citation. Commissioner Spaulding seconded the motion which passed unanimously.

**Appeal of Parking Citation 001621 by Margaret or John Lombardo, 5287 Jade Circle, Belle Isle, Florida.**

Mr. Lombardo, 5287 Jade Circle, presented his appeal and stated less than 1/3 of the vehicle was blocking the sidewalk.

Commissioner Jacquot moved to deny the appeal. Commissioner Ady seconded the motion which passed unanimously.

General discussion ensued regarding whether the driveway apron is allowed to be used for parking.

The City Attorney will get that issued clarified and respond to the Officer's question.

There being no further business to discuss, the meeting was adjourned at 7:13 p.m.

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Belinda L. Bateman, MMC  
City Clerk