

**CITY OF BELLE ISLE
REGULAR SESSION
APRIL 4, 2006**

The Belle Isle City Council met in regular session on Tuesday, April 4, 2006 at 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
Trudy Prince	District 2
Charles R. Scott	District 3
Larry I. Ady	District 4
William F. Ravenel	District 5
Eric S. Spaulding	District 7

Absent was Sarah G. Goodwin, District 6.

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

Mayor Brooks gave the Invocation and led the Pledge to the Flag.

ADMINISTRATION OF OATH OF OFFICE:

Mayor Brooks introduced the two new Commissioners; Harvey Ready, District 5 and Lydia Pisano, District 6. He administered the oath of office to the new Commissioners who then took their respective seats on the dais.

Upon roll call, all were present with District 1 having a vacancy.

APPOINTMENT OF THOMAS G. PETRUZZI TO FILL DISTRICT 1 VACANCY:

Mayor Brooks announced Thomas G. Petruzzi as his appointment to the District 1 vacancy.

Commissioner Prince moved to approve the Mayor's appointment of Thomas G. Petruzzi to the District 1 seat. Commissioner Pisano seconded the motion.

Upon roll call the vote was as follows:

Commissioner Readey	Aye
Commissioner Scott	Nay
Commissioner Spaulding	Aye
Commissioner Pisano	Aye
Commissioner Prince	Aye
Commissioner Ady	Aye

With five ayes and one nay vote the appointment was confirmed.

Mayor Brooks administered the oath of office and Commissioner Petruzzi took his seat on the dais.

CITIZENS' COMMENTS:

Bob Pizzeti, 3509 St. Moritz, asked about the status of code enforcement regarding the motor home parked next to his property line and advised there is now a utility trailer there also.

Dan Lucey, 1707 Wind Willow Road, expressed concerns regarding any possible annexation of Rachel's and advised that in the past 13 months there have been 30 calls for law enforcement at the location.

City Attorney Bennett advised the city has not received any petitions for annexation to date.

Carsten Mohr, 3130 Cullen Lake Shore Drive, complained that nothing has been done to improve the odor or noise at the lift station next to his home. Four other residents were present to express the same complaint.

City Manager Williams responded that last September he was assured by Orange County that by Spring of 2006 the problem would be corrected. He advised he will make a follow up call to determine the status of the matter.

Other residents present for the same issue included Paul Kelly, 4907 Gramont; Susan and Trey Miller, 3100 Cullen Lake Shore Drive, who are next door to the equipment; and Pat Anthony, 4906 Belleville.

Ken Meinke, 2826 Cullen Lake Shore Drive, asked if the Council would consider limiting the number of vehicles parked at a residence and a length of time after which holiday lighting would have to be removed.

Frank Borgon, 6517 Cay Circle, addressed his concerns regarding the status of the carport and shed structures on the Bryant property across from his home.

City Attorney Bennett advised that the object is to find the least objectionable solution to the problem since by moving the carport structure a few feet it would be in compliance.

Mr. Borgon took exception to Mr. Bennett's assessment of the structure only needing to be moved a few feet.

Mr. Borgon stated his property value has decreased.

Commissioner Prince stated that while the issue has been frustrating, at not time has it been set aside. She stated the intent is to make a good solution and fix it so it is visually appealing from all directions while still allowing the property owner some privacy. Her intent is to settle, but not without working out a solution that is fair and equitable.

Mayor Brooks asked Mr. Bennett how soon some settlement plan will be presented to Council.

Mr. Bennett advised it will be available for the next Council meeting.

Commissioner Petruzzi stated he was concerned there has been no communication with Mr. Borgon and that we agreed to keep the neighbors informed.

Attorney Bennett responded that Mr. Borgon was at the meeting in Mr. Bennett's office where the plan was submitted and nothing has transpired since.

Mayor Brooks encouraged cool heads and asked that the City Council stay on top of the issue.

Gene Aiello, Belleville Avenue, asked if there were any restrictions on the number of vehicles as a single address and suggested Council look as such a restriction if one does not exist.

CITY COUNCIL REPORTS:

Commissioner Readey: no report.

Commissioner Scott: no report.

Commissioner Spaulding – asked if we could ask Waste Management to change the direction of the route where the curb inlets are continually broken so the trucks will turning in the opposite direction.

Commissioner Petruzzi: no report.

Commissioner Pisano: no report.

Commissioner Prince: no report.

Commissioner Ady – reported that the Florida League of Cities is opposing legislation that would require all franchises to be held by the State. He also advised legislation is being considered that would erode home rule by requiring County approval on annexations.

CONSENT AGENDA:

Commissioner Ady asked that item d. be pulled from the consent agenda as he is not yet prepared to make an appointment to the Code Enforcement Board vacancy.

Commissioner Readey asked that item f. be pulled from the consent agenda as he is not yet prepared to make an appointment to the Planning and Zoning Board.

Commissioner Spaulding moved to approve the remaining items on the consent agenda. Commissioner Ady seconded the motion which included the minutes of the March 1, 2006 workshop session and March 7, 2006 regular session; February Monthly Financial Report; Resolution 06-01 amending the budget; and a Proclamation supporting National Crime Victims' Week.

The motion passed unanimously.

ADOPTED ORDINANCE 06-04 PROVIDING FOR BOAT DOCK CONSTRUCTION ON WATERWAYS OTHER THAN LAKE CONWAY:

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

**AN ORDINANCE OF THE CITY OF BELLE ISLE,
FLORIDA, AMENDING CHAPTER 48, ARTICLE 2
OF THE BELLE ISLE CODE OF ORDINANCES TO
PROVIDE BOAT DOCK CONSTRUCTION
REQUIREMENTS FOR BOAT DOCKS**

CONSTRUCTED IN INDUSTRIALLY ZONED DISTRICTS; PROVIDING SEVERABILITY 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 Spaulding seconded the motion.

Upon roll call the vote was as follows:

Commissioner Readey	Aye
Commissioner Scott	Aye
Commissioner Spaulding	Aye
Commissioner Petruzzi	Aye
Commissioner Pisano	Aye
Commissioner Prince	Aye
Commissioner Ady	Aye

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

ADOPTED ORDINANCE 06-05 AMENDING CHAPTER 32, ARTICLE II OF THE BELLE ISLE CODE OF ORDINANCES TO PROVIDE RESTRICTIONS FOR LANDSCAPE IRRIGATION.

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 32, ARTICLE II OF THE BELLE ISLE CODE OF ORDINANCES TO PROVIDE RESTRICTIONS FOR LANDSCAPE IRRIGATION, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Mayor Brooks opened the public hearing. There were not public comments and the public hearing was closed.

Commissioner Petruzzi moved to adopt the Ordinance. Commissioner Ady seconded the motion.

Upon roll call the vote was as follows:

Commissioner Readey	Aye
Commissioner Scott	Aye
Commissioner Spaulding	Aye
Commissioner Petruzzi	Aye
Commissioner Pisano	Aye
Commissioner Prince	Aye
Commissioner Ady	Aye

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

**GRANTED APPEAL REQUEST BY LESLIE JOHNSON, 2735 NELA AVENUE,
FOR VARIANCE TO PARK RECREATIONAL VEHICLE IN A FRONT YARD:**

Leslie Johnson, 2735 Nela Avenue, presented her request for an appeal hearing to the Planning and Zoning Board's denial of a variance request to allow a recreational vehicle to be parked in a front yard.

City Attorney John Bennett advised that Commissioner Readey had been on the Planning and Zoning Board when this issue was considered. Upon legal research, Mr. Bennett stated that since Commissioner Readey will gain no direct benefit in regards to this matter he may not recuse himself and must vote on the issue.

Mrs. Johnson presented her evidence upon which she wished the Council to consider granting the variance. She stated that she was not certain the Board even considered the variance criteria and it was stated in the Board meeting that the Board should deny all such requests and let the applicants appeal to City Council.

She advised that her situation does meet the criteria for a variance in that she cannot access the side or rear yard without removing very mature oaks and landscaping; there is a hardship in that there is no space available in local and secured off-site parking facilities, it meets the setback requirements, and a motor home has been parked on her driveway for 20 plus years.

She further stated that the surrounding neighbors have no objection to its placement and that due to the mature landscaping in her front yard the vehicle is only visible when you are in front of her property. Other wise it is screened from view both east and westbound by tall landscaping.

She stated if the Council so wished, she would add a strip of concrete adjacent to her driveway to move it somewhat closer to the westerly property line, but feels it looks better parked centered on the west garage door.

She objected to the imposition of the new regulations after being allowed to have a recreational vehicle parked in a front driveway for 54 years. She stated our neighborhoods are unique and have their own individual character. She advised Belle Isle is different from the new "cookie cutter" developments and should not be modeled after them.

She stated if her neighbors objected she would move it immediately out of respect for their wishes.

She did not agree with the "boating community" attitude where the ugliest boat in a front yard is okay but other personal life style equipment is not.

She stated the recreational vehicle is not adverse to the character of her neighborhood and asked the Council to consider granting the variance.

Mayor Brooks opened the public hearing.

Steve Upp, 3413 Pasadena Drive, spoke in support of the appeal request.

Bill Ravenel, 2705 Nela Avenue, spoke in opposition to the appeal request.

Mrs. Johnson advised that she also does rehab and care of injured animals through the State of Florida. During the 2004 hurricanes she handled 160 orphaned animals. The motorhome made it possible to keep the necessary conditions maintained for the critical patients. In some instances we utilize the motorhome to isolate certain patients from the rest.

Mayor Brooks asked if there were further comments from the public and hearing none, closed the public hearing.

Attorney Bennett advised Council that the ordinance they adopted sets forth certain criteria which is to be considered:

1. Access to side or rear yard cannot be gained
2. Literal enforcement of the code is unreasonable
3. It is in harmony with the neighborhood
4. It is the minimum variance to overcome the hardship

Commissioner Petruzzi asked if there is any prospect of gaining access to the rear yard.

Mrs. Johnson replied there is no way to access the rear yard.

Commissioner Readey stated there is no way for it to be parked on the side or in the rear yard and it fits with the spirit of the neighborhood. He also stated he believes the request meets all the criteria for a variance.

Commissioner Prince asked if a restriction can be placed on the variance.

Mr. Bennett responded affirmatively advising that the Council could include a sunset provision which would end the variance upon the sale of the property or transfer of ownership or occupancy of the property.

Commissioner Petruzzi asked if Mrs. Johnson is operating in accordance with Wildlife regulations and that adding the variance is granted only so long as she is in conformance with State Wildlife Regulations.

Commissioner Ady moved that the criteria of Chapter 30, Article III, Division 3, Section 30-137(4) of the Belle Isle Land Development Code having been met to approve this request for a variance to permit parking/storage of a recreational vehicle in the driveway of the residence on the property described as 2735 Nela Avenue, Belle Isle, Orange County, Florida 32809, also described as Parcel I.D. # 19-23-30-5892-00-051, Belle Isle, Orange County, Florida providing that upon the sale or transfer of ownership or occupancy of the property should occur the variance expires; and that the unit continued to be used as a refuge for high stress or intensive care animal patients; and that proof of current State licensing be provided to the city. Commissioner Readey seconded the motion which passed with six ayes and one nay, the nay vote being recorded by Commissioner Scott.

APPROVED SIGNATORIES FOR CITY CHECKING ACCOUNT:

Commissioner Prince moved to authorize Commissioners Readey, Ady, Scott and Prince as signatories on the City Checking Account. Commissioner Ady seconded the motion which passed unanimously.

A copy of a survey dated and sealed, was submitted to Council by Mr. Borgon.

There being no further discussion the meeting was adjourned at 7:10 p.m.

