

**CITY OF BELLE ISLE  
REGULAR SESSION  
JUNE 6, 2006  
5:30 P.M.**

The Belle Isle City Council met in regular session on Tuesday, June 6, 2006, Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Florida 32809. The following members were present:

William G. Brooks	Mayor
Thomas G. Petruzzi	District 1
Trudy Prince	District 2
Charles R. Scott	District 3
Larry I. Ady	District 4
Harvey Readey	District 5
Lydia Pisano	District 6
Eric Spaulding	District 7

Also present were Larry Williams, City Manager; John F. Bennett, City Attorney; Scott Lee and Kristen Dion, Boyle Engineering; Belinda L. Bateman, City Clerk; and others.

**MAYOR'S REPORT:**

Mayor Brooks reviewed the items on the City Manager's report that was distributed at the workshop session on May 31, 2006. He also advised the Sole Source Bidder on the Nela Bridge has agreed to honor the bid and award of the bid is on the agenda for Council's consideration.

He reported he had verified the lake level with Dave Woods and Monday, June 5 it was 84.43 feet at three different sites around the lake.

Mayor Brooks advised he met with resident Bruce Lincoln, 3013 Trentwood Bvd., regarding a deteriorated outfall pipe. He requested the City Manager follow up on the issue and suggested the pipe repair was something the City maintenance crew could do.

Mayor Brooks also reported a request from Daetwyler Shores residents for an outbound gate to be installed at the east end of Trentwood for use by the residents. Mayor Brooks asked the City Attorney to determine if such a restriction would be allowed.

Mayor Brooks asked that steps be taken to have a masonry wall replace the chainlink fencing on the Gondola side of the commercial property at the southeast corner of Gondola and McCoy Road.

City Manager Williams advised that same issue had been researched some time ago and it was advised by legal counsel and the city engineer that the Gondola side of the subject property does not abut residential property.

Mayor Brooks responded that he disagreed with that position and would encourage the city to take a hard stand on this issue and push for a masonry wall.

Mayor Brooks he requested Council be copied on the traffic signal warrant study done at McCoy and Gondola. Copies of the study had been distributed to Council.

He reported an armed robbery at a business located on Conway Road, north of Belle Isle city limit, near the intersection of Gatlin Avenue.

Mayor Brooks stated he was seeing improvements in the area of code enforcement and complimented Code Enforcement Officer Susan O'Shea's efforts.

Mayor Brooks expressed disappointment that the clean-up work he witnessed at the Conway-Hoffner intersection did not include the area in most need of improvement.

Mayor Brooks stated the area west of the Wendy's to the entrance of Conway Shores was still without street lights.

City Manager Williams responded that the seven requested street lights had been installed and Mayor Brooks responded they were not.

Commissioner Spaulding concurred there were no street lights in that area.

Mayor Brooks reported discussions with Edgewood Mayor Michael Teague regarding various issues of common interest, including law enforcement and annexations. He suggested the Council may want to enter into a joint study with Edgewood to explore whether or not a merger of cities or services would be beneficial. Mayor Brooks stated he was not advocating any particular action but knowing the pros and cons would at least indicate whether any joint services or merger would be beneficial.

Mayor Brooks advised that the issue of contractual law enforcement will likely be raised again by Orange County. He stated he would like to see a second deputy on duty in Belle Isle.

#### **CITY MANAGER'S REPORT:**

City Manager Williams introduced Sgt. Garrison and Officer Tom Lin of the Orange County Sheriff's Office Marine Patrol unit. He stated they were available this evening to discuss marine coverage on Lake Conway, answer questions about marine law enforcement and provide information.

Sgt. Garrison advised that the East Side Unit was training another officer that is close to completion of his training, which will increase the available patrol staff for his unit. Manpower limitations and a lack of Marine Patrol Certified officers to work off-duty hamper the Marine Unit's ability to provide off-duty coverage.

Sgt. Garrison advised he is meeting with or has already met with all the key departments that need to be working together on the water.

Several issues were discussed regarding what limits, if any, can be placed on public ramps versus non-public ramps.

Mayor Brooks advised the complaint calls he receives are mostly Friday, Saturdays and Sundays and weekday evenings. He asked if there is a "safe" maximum number of watercraft on the lake? He stated the 1st Baptist Church of Pine Castle has historically not allowed parking of vehicles & trailers in their lot. It appears that in the past months, they are no longer enforcing the restriction.

Sgt. Garrison advised that is one of the issues to be discussed with the Church representatives.

Further discussion ensued and Sgt. Garrison encouraged attendance at the public meeting on June 12, 7 pm at the 1<sup>st</sup> Baptist Church of Pine Castle, located at Randolph and Hoffner.

Commissioner Prince asked if the number of accidents on the lake were increasing.

Officer Lin responded the number of incidents appear to be about the same. He advised that serious incidents should be called in to 9-1-1 and less serious incidents should be reported through the new non-emergency number: 407-836-HELP.

Commissioner Spaulding suggested the numbers be posted at the ramps.

Commissioner Petruzzi asked about noise complaints.

Sgt. Garrison advised EPD has the decimeter to measure noise and that if calls are made to the non-emergency number there is a chance of EPD being able to determine the violation. He stated the Marine Officers do what they can to reduce the noise by doing safety checks and strongly encouraging the noise be reduced.

City Manager Williams advised an increased street patrol presence at the ramps is also a good deterrent.

Mayor Brooks thanked the officers for their input and encouraged attendance at the June 12 Orange County scheduled meeting.

#### **CITIZENS' COMMENTS:**

Dan Lucey, 1707 Wind Willow Road, submitted a packet of information he got from a public records request relating to annexation of properties south of McCoy Road.

Carl Shook, 6428 Wind Willow Road, stated he did not agree with the city expending unknown amounts of money and would expect invoices to be issued in a timely manner.

#### **UPHELD PARKING CITATION #3694:**

Betty Ostrom, 3128 E. Michigan Street, Orlando, Florida asked Council to consider her appeal to parking citation #3694. She advised that at the time the citation was issued she has been parked on the right-of-way for approximately fifteen minutes. She stated the reason the car was parked at that location was she had spent many hours at the hospital with the resident whose home she was parked out. The resident's spouse had expired late that evening and she brought the widow home in the early morning hours and escorted her into her house to talk with the resident and her daughter, remaining there only fifteen minutes.

She went on to say that a couple of days later she came over to take the resident to the funeral home to make arrangements for the services and the resident found the ticket in the grass on the right-of-way. She advised that when she left the resident's home the morning the citation was issued she did not see the ticket either on the car or on the ground.

Officer Doty, the issuing officer, stated it is his practice to place citations under the windshield wiper. He stated the citation was issued in the early morning hours on the 23<sup>rd</sup>.

City Manager Williams asked Officer Doty if the violation for which the citation was issued is covered in the Florida Driver's Manual.

Officer Doty responded affirmatively.

Commissioner Petruzzi moved to uphold the ticket. The motion was seconded by Commissioner Scott and passed unanimously.

Mayor Brooks asked that new parking citation books be ordered with the new fines.

**CONTINUED APPEAL HEARING REQUESTED BY DOUG BRUNK:**

Mayor Brooks advised that due to a publication error the public hearing on the appeal requested by Mr. Doug Brunk would need to be continued.

Mayor Brooks opened the public hearing.

Cindy Lance, 3401 Trentwood Bvd., spoke in support of the variances granted.

Bobby Lance, 3401 Trentwood Bvd., spoke in support of the variances granted.

Larkin Tribou, property owner advised the property is very unique and the Planning and Zoning Board approved the variances. He asked that the Council support the variances as granted.

It was also advised that Mr. Brunk has entered into a sales contract on the subject property.

Commissioner Petruzzi moved to continue the public hearing to the July City Council meeting. Commissioner Prince seconded the motion which passed unanimously.

**CONTINUED APPEAL HEARING REQUESTED BY STEPHEN FARLEY:**

Mayor Brooks advised that due to a publication error the public hearing on this matter will also need to be continued.

Mayor Brooks opened the public hearing.

There were no public comments.

Commissioner Ady moved to continue the public hearing to the July City Council meeting. Commissioner Spaulding seconded the motion which passed unanimously.

**APPROVED CONSENT AGENDA:**

Commissioner Ady moved to approve the consent agenda. Commissioner Scott seconded the motion.

The consent agenda was approved unanimously and included the following items: Minutes of the April 4, 2006 regular session; March 28, 2006 workshop session; May 2, 2006 regular session; April 26, 2006 workshop session; March 2006 Monthly Financial Report; Miller Legg Amendment No. 2 to Addendum No. 1 – Nela Bridge Improvements in the amount of \$2,150.00; Miller Legg Amendment No. 3 to Addendum No. 1 Nela Bridge Improvements in the amount of \$61,245.00; Miller Legg Amendment No. 3 to the Agreement for Montmart Park in the amount of \$32,105.00; Boyle Engineering Amendment No. 1 to Addendum No. 06-01 in the amount of \$153,400; Resolution 06-02 authorizing closure of Perkins Ramp at elevation of 83.5'; and Resolution 06-03 authorizing transmittal of Phase II EAR based Comp Plan Amendments.

**AWARD OF SOLE SOURCE BID FOR NELA BRIDGE IMPROVEMENTS:**

Commissioner Readey moved to award the bid for the Nela Bridge Improvement Project to the Sole Source Bidder, M & J Construction in the amount of \$1,383,315.00. Commissioner Petruzzi seconded the motion.

General discussion ensued including an inquiry as to whether there were penalties for going past a deadline. Mayor Brooks advised that no payments should be made prior to work being completed for the work being invoiced. Commissioner Readey moved to award the bid for the Nela Bridge Improvement Project to the Sole Source Bidder, M & J Construction in the amount of \$1,383,315.00. Commissioner Petruzzi seconded the motion.

General discussion ensued including an inquiry as to whether there were penalties for going past a deadline. Mayor Brooks advised that no payments should be made prior to work being completed for the work being invoiced.

Commissioner Spaulding asked how sure the city is of securing the funding.

City Manager Williams stated he had been assured by the Florida League of Cities that the bond issue was as sure as any bond issue can be. Alternatives were discussed, including use of city reserve funds if necessary.

There being no further discussion the motion passed unanimously.

### **ADVANCED ORDINANCE 06-07 TO SECOND READING**

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

#### **ORDINANCE 06-07**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 30 OF THE BELLE ISLE CODE OF ORDINANCES REGULATING THE PARKING OF VEHICLES FOR THE PURPOSE OF SALE; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Ady moved to advance the ordinance to second reading. Commissioner Pisano seconded the motion which passed unanimously.

### **ADVANCED ORDINANCE 06-08 TO SECOND READING**

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

#### **ORDINANCE 06-08**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 10, OF THE BELLE ISLE CODE OF ORDINANCES TO ADD A NEW SECTION TO BE NUMBERED 10-2 TO PROVIDE FOR ON-SITE RETENTION OF SHOPPING CARTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Ady moved to advance the ordinance to second reading. Commissioner Spaulding seconded the motion which passed unanimously.

## **AUTHORIZED SETTLEMENT AGREEMENT IN BRYANT VS. CITY OF BELLE ISLE**

Attorney Bennett reviewed the settlement agreement with City Council, Ms. Bryant and Ms. Bryant's legal counsel Felicia Ziegler.

Commissioner Prince moved to authorize the settlement agreement as described by Attorney Bennett with the amendments discussed and approved by the Council. Commissioner Ady seconded the motion.

City Manager Williams advised that the Florida League of Cities Risk Management Department should also be included in the review and acceptance of the agreement.

Attorney Bennett advised he has been keeping the FLC attorney Scott Pendley fully apprised.

Mr. Bennett stated the settlement agreement will be presented to the Court. The Court will approve the settlement agreement, but withhold jurisdiction to enforce it. Depending on the Judge's schedule the process could be completed within a few days to a couple of weeks.

The motion to authorize the settlement agreement passed with six ayes and one nay vote. The nay vote was cast by Commissioner Scott who stated he did not object to the agreement, just to not knowing how much it was going to cost.

### **COUNCIL REPORTS:**

Commissioner Prince advised her neighbor had mail stolen from her mailbox and the checks stolen were manipulated and cashed.

Commissioner Readey asked Council to consider authorizing removal of unnecessary signage in the city.

Mayor Brooks suggested he make a motion to that effect.

### **AUTHORIZED REMOVAL OF BIKE/PED SIGNS THROUGHOUT CITY**

Commissioner Readey moved to remove the bike/pedestrian signs throughout the city. Commissioner Petruzzi seconded the motion which passed unanimously.

Vice Mayor Ady asked if a determination has been made as to whether a gate could be installed across the east end of Trentwood Blvd.

Attorney Bennett stated he was looking into the issue but has not made a determination yet.

Commissioner Spaulding asked about information on banners for the clock.

City Manager Williams responded that he is seeking that information and the previous vendor he spoke to was no longer in business.

Commissioner Spaulding said he heard the property recently sold on Hoffner adjacent to the Price property was going to be developed into a five lot subdivision.

Whether or not that property and others which Council had previously considered for the "estate zoning" designation was discussed and Mayor Brooks stated he wanted to know why the zoning wasn't put into effect after the ordinance was adopted.

Mayor Brooks also stated it had been determined the 90 day grace period for RV's and watercraft had expired.

There being nothing further to discuss, the meeting was adjourned at 8:00 p.m.

---

Belinda L. Bateman, MMC  
City Clerk