

**CITY OF BELLE ISLE  
WORKSHOP SESSION  
AUGUST 30, 2006  
8:30 A.M.**

The Belle Isle City Council met in workshop session on Wednesday, August 30, 2006, 8:30 a.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
Thomas G. Petruzzi	District 1
Trudy Prince	District 2
Charles R. Scott	District 3
Larry I. Ady, Vice Mayor	District 4
Harvey Readey	District 5
Lydia Pisano	District 6
Eric S. Spaulding	District 7

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

Mayor Brooks asked the City Manager to go ahead with his report.

**CITY MANAGERS REPORT:**

City Manager Williams advised the first item of his report is a presentation by Clear Channel and asked the Clear Channel representatives to proceed with their presentation:

Mr. Lou Musica, Clear Channel, presented a program showing how the changeable face LED billboard face looks and explained the advantages to the LED type sign face versus the existing sign face with is lit from the front and the lighting spills over the face of the sign. He advised one advantage with the LED sign is by having the ability to have more advertisers on one sign the cost to the advertisers is more reasonable, the signs can be changed on very short notice for emergencies such as amber alerts, etc.; and the signs faces are lit and there is not spill over lighting as all the lighting projects outward from the front face of the sign.

General discussion ensued. Several points were made including affordability for local advertisers, contract provisions can be included for the city to have public service notice time, and there is no cost for public service notices to the city.

Mayor Brooks asked if they needed our permission for such a sign.

City Manager Williams advised there is no provision currently in the code allowing this type sign and the Council would have to support a change to the sign codes to allow it.

Mayor Brooks asked the Clear Channel representatives to provide additional information to the City Manager and the City Attorney so they can make a recommendation to the Council. Mayor Brooks also asked if they would be willing to limit the types of advertisers they sell space to on the sign.

Mr. Musica stated there are certain types of advertising they do not solicit and they would be willing to consider some limitation in that area in the agreement with the city.

Mr. Williams thanked the Clear Channel representatives for their presentation.

Mr. Williams advised the city has received a request from Pine Castle Pioneer Days for a contribution of \$1,000.00.

General consensus of Council was favorable and the item will be added to the City Council agenda for action.

Mayor Brooks asked that consideration of a one-half page advertisement be given for the \$1,000.00 contribution.

The item will be on the Council agenda for consideration.

City Manager Williams stated there will be a Sole Source Bid Resolution authorizing purchase of the City Hall Clock Tower from Verdin on the consent agenda.

City Manager Williams reported on the citizens' input meeting held to discuss the plans for Gene Polk Park at Delia Beach and Montmart Park.

He advised that an adjacent resident to Montmart had asked for an 8' wall instead of a 6' wall. Due to the limited budget for the project an 8' wall is not feasible and is not in keeping with the standard height fence/walls being installed at other park locations.

A resident adjacent to the Delia Beach project has asked that consideration be given to installing a 6' wall between his property and the park. He stated it would enhance the park visually and provide some protection to the residents adjacent.

Mayor Brooks advised the long sidewalk/path in the Delia Beach plan is an enticement to skateboarders and asked that consideration be given to making the path less attractive to that activity.

General consensus of Council was to add areas of pavers to discourage skate activity on the sidewalk.

Mayor Brooks advised the concrete could be brick stamped and accomplish the same objective.

City Manager Williams advised the adjacent property east of LaBelle Beach is under development and the developer has asked if he can, at his cost, replace the chain link fencing with wrought iron looking fence and asked if the City would take on the cost of the gates across the beach right-of-way.

It was the consensus of Council that the city should pay for the gates across the front of the park.

Commissioner Spaulding asked if the revised engineering fees must be adopted by resolution.

Mayor Brooks advised it is an adopted Administrative Policy that requires fee increases be adopted by resolution.

General discussion of the fees ensued.

Mayor Brooks advised it is the City Manager's role to manage the fees charged by Boyle.

City Manager Williams advised that he is still looking into re-submittal fees which will be added to the fee schedule.

Commissioner Readey asked if another firm can be used.

Mayor Brooks responded that the city has several continuing service agreements with various engineering firms that specialize in various types of work. He asked that a list of the firms and their specialization, and expiration of term, if applicable, be prepared and distributed to Council.

City Manager Williams advised he had a very serious discussion with Tommy Brown and Keith Rice of Boyle Engineering and is comfortable with the fees.

Commissioner Scott asked that a fee comparison chart be distributed to Council so they can be compared side by side.

Mayor Brooks also asked that comparisons be made to other cities such as Edgewood and Windermere.

Commissioner Petruzzi asked about a flat fee for administrative services.

Mayor Brooks said our staff is paid in salary to do the administrative work.

City Manager Williams stated he is working with Boyle to get fees for re-submittal when a submitted plan is found to be non-compliant.

Mayor Brooks stated he wanted Boyle to understand that their review should be complete. He said he did not want the reviewer to reject plans multiple times for items that were non-compliant in the initial review. He stated it is not right for a reviewer to keep rejected a submission for items that were on the plans during the initial review. All comments should be included the first time around.

Commissioner Scott asked that the resolution be on the consent agenda with the re-submittal fees included.

City Manager Williams advised that Mr. Kinsley from the City of Orlando will not be able to attend the workshop as they are on emergency alert due to Hurricane Ernesto.

Commissioner Readey presented his request for amendment to the ordinance which includes the following modifications:

1. **Add a new definition to Section 48-63 to read:** Defines an arborist as a professional arborist recognized and certified by the International Society of Arboriculture (ISA) as an ISA Certified Arborist Municipal Specialist (preferred) or an ISA Certified Arborist.

2. **Section 48-63 paragraph (d) Permit Requirements to read:**

No recommended tree (as defined by subsection paragraph (3) a, of this subsection (d) shall be removed from any developed property and no land clearing for development shall occur in the city without the owner first obtaining a permit from the city, except where noted. The city manager of the city manager's designee may issue a tree removal permit for the

removal of specific trees. If the tree removal permit is denied by the city manager, the owner may appeal the city manager's decision and request a review by a city designated arborist. If the designated arborist certifies the tree meets the criteria of part (2)f., of this subsection (d), the city manager shall issue the permit.

3. **Section 48-63 paragraph (d) Permit Requirements, add a new paragraph (1) g. to read:**

- g. If the city denies an owner's request for removal of a tree and the owner submits a written request for an arborist review of the denial, the owner's request shall include a submittal deposit equal to the current fee for a city designated arborist for this review. Should the arborist rule in favor of the owner, the city shall return the fee to the owner and pay the arborist fee out of the city treasury. If the arborist rules in favor of the city decision for denial, the city shall pay the arborist fee from the money deposited by the owner.

Commissioner Readey stated he wanted the city to be fair and balanced in its approach with the residents.

Commissioner Prince stated she would like to hold off on until Andy Kinsley from Orlando can discuss the tree ordinance with us at a workshop session. She stated she has some concerns with what we are doing and would like to make sure we are doing the it right.

City Manager Williams said he agrees with Commissioner Prince.

Mayor Brooks stated a 6" tree from a tree nursery is not unreasonable.

Commissioner Spaulding arrived at 9:45 a.m.

Mayor Brooks stated, "We have missed the boat. There are thirty less trees today than three weeks ago.

City Manager Williams responded that the trees that were removed were necessary for the proposed development of the properties.

General Services Coordinator Suzanne O'Shea stated there will be 75 new replacement trees planted.

City Manager Williams advised the property owners secured permits for the trees that were removed and not every tree they wished to have removed were approved.

Commissioner Petruzzi stated Progress Energy's arborist will be happy to come and talk with us about trees.

Commissioner Prince asked that Andy Kinsley be rescheduled.

Commissioner Readey asked for another amendment be added to the new paragraph on permit requirements stating "the appeal must be filed with the City Manager with ten days" or however the city attorney needs to word it.

Mayor Brooks also asked that the tree permit fee be added to the fee amendment resolution under consideration.

Commissioner Readey said he would like to see his proposed changes incorporated into the ordinance and would like to hold off on taking any action on the tree ordinance until we have a revised draft to discuss at a workshop.

Mayor Brooks responded the language, if accepted by Council will be incorporated into the first reading draft ordinance.

Commissioner Petruzzi stated he saw no reason the city should pay the fee for an arborist.

City Manager Williams agreed, stating it is a citizen initiated action, just like a variance request. A fee is paid for the applicant's cause to be considered by the Planning and Zoning Board and an appeal in which they are challenging a city determination on a tree permit is the same type of matter.

Commissioner Scott stated the city is initiating the action by adopting the tree removal requirements.

Mayor Brooks suggested the city maintain a list of ISA arborists the citizens can select one from the list.

City Manager Williams reported the utility improvements for Lake Conway Estates, both water and sanitary sewer, are in the County budget for FY 2006-2007; Conway East and Lake Conway Park water system improvements are also in the County's FY2006-2007 budget. He advised he has not yet been able to confirm the Daetwyler Shores/Conway Shores project is in that same budget.

City Manager Williams advised Council the city will be changing from First Health to United Health Care for health care coverage.

Mid State Fence has provided a quote for the gates at LaBelle Beach to be replaced with the same type metal fence being used in other parks. It will be a walk through for park visitors and a drive through to provide city access to the property.

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

City Attorney Bennett presented an overview of the Government In the Sunshine law and public records law.

Commissioner Petruzzi asked if elected officials were in violation of the law if they attended other meetings, such as home owner's associations or community council meetings, and engaged in discussion.

Attorney Bennett stated that nothing prohibits them from attending and discussing issues of concern in the community. However, they should avoid discussing issues that were coming before the Council. If an issue was discussed that was not anticipated to be before Council, then they should disclose any Ex Parte communication related to that issue when it is brought before Council.

Penalties for violations of the Sunshine Law are fines up to \$500 and a maximum of 60 days in jail.

In discussing the public records law he advised that all correspondence, including e mail, addressing city issues should be a part of the public record and should be maintained at City Hall and open to public review.

City Manager Williams stated that if a Commissioner receives an e mail from home it would be advisable to automatically forward the email and any related response to City Hall for public records maintenance.

Mr. Bennett advised that he forwards all his Belle Isle related e mail to City Hall so he doesn't have to be concerned about the retention requirements and it makes it accessible to the public.

Mayor Brooks asked if the material council considers in a de novo hearing encompasses all the material considered at the Planning and Zoning Board meeting?

Attorney Bennett stated all the material reviewed by the Planning and Zoning Board and minutes from the Board meeting at which the matter was heard should be included as part of the evidence provided to Council in the de novo hearing.

Attorney Bennett advised that the Code Enforcement Board did not uphold the code violation relating to signage and asked if the Council wished to pursue the issue with Mr. Cline.

Mr. Bennett called Council's attention to the "Proportionate Fair Share Ordinance" and advised the commentary included was for explanation only would be deleted from the final draft of the ordinance. He also advised that the two blanks were left pending Council's agreement on the fill-in information. He made a recommendation.

Commissioner Scott asked what is the reason or purpose of the ordinance. He asked is this required by the State.

Mayor Brooks responded affirmatively.

Mayor Brooks advised Council that, without any objection, the application fee (on page 4) in the ordinance will be \$1,800.00 and on page 5 the per centage will be 120% and the notes will be removed for second reading/adoption.

Attorney Bennett advised the LaBelle lot split resolution will be added to the agenda for September 19, 2006.

Commissioner Petruzzi asked if we were all set for adoption of the Estate zoning ordinance.

City Manager Williams responded the ordinance will be advertised for first and second reading, as required by Florida Statutes. First reading will be on September 19, 2006 and second reading and adoption will be held on October 3, 2006.

#### **MAYOR'S REPORT:**

Mayor Brooks asked about the status report for the Nela Bridge.

City Manager Williams responded he would provide a status report at each meeting.

Mayor Brooks advised the South Orlando YMCA ribbon cutting ceremony is going to be on September 7, 2006 at 10:30 a.m.

Mayor Brooks reported that the Transportation Technical Committee has submitted a proposal for TRIP funding for Conway Road. City of Orlando's budget for the project is deficient by approximately \$10 million.

It will probably be October before the Board will consider the request to fund the project for the FY 2006-2007 and FY2007-2008. This funding will include the traffic signal for the Cove/Conway intersection.

If TRIP funding is awarded the project could start by the end of this calendar year.

Mayor Brooks advised he had received a letter from the firm of Gray & Robinson regarding the Storey vs. Raad boat dock issue.

Mayor Brooks reported a police drug bust at the corner of Hoffner & St. Denis. The Department of Children and Families removed the children from the home.

Mayor Brooks reported that a body was found in the water at the Randolph Boat Ramp. Apparently it was a murder victim as the body was duct taped to a tire. Mayor Brooks advised he and other City officials get calls about the Randolph ramp regularly because the County seems to be unwilling to do anything about the problems there.

He called Orange County and encouraged others to do the same until the County takes the matter seriously enough to take some action.

#### **COUNCIL REPORTS:**

**Commissioner Prince** stated she has received three calls from a Mrs. Walton that lives adjacent to the Maintenance Warehouse.

City Manager Williams responded that she is not alone in have calls from Mrs. Walton. He explained the contractor is dragging his feet in getting the wall/fence done and the adjacent neighbors are upset with the current situation. The matter will be resolved as soon as the contractor gets the project done.

Commissioner Prince advised she had another call from Mr. Garner on Cove Drive that the construction trucks are, once again, using Cove Drive.

City Manager Williams responded that Mr. Crittenden had given an easement across his property for the construction vehicles to have ingress and egress. After talking with Mr. Crittenden and the construction manager, it was agreed the trucks would limit the time period in which they use Cove and that it will be limited to right turn in/right turn out. Construction vehicles will enter the construction site by turning right off Conway Road; and exit by turning right off Cove onto Conway Road. This should minimize the impact of area traffic. They have also agreed to limit their vehicle activities to non-peak traffic hours.

Commissioner Prince stated she had another call from Mr. Foshee regarding drainage erosion on his property.

City Manager Williams advised the engineer is putting together the bid package and it will be going out to bid soon.

**Commissioner Ady** reported a broken sprinkler and broken picnic table at Lagoon Park. He added that the retention pond needs attention and there is some fence repair needed as well.

**Commissioner Petruzzi** asked why there were "open" code enforcement cases on the report.

General Services Coordinator Suzanne O'Shea responded there is some time lapse within the process we have to follow.

Commissioner Petruzzi asked about the newsletter.

City Clerk Bateman responded that the newsletter was in the mail and had been delayed getting to the printer to allow additional Council submissions beyond the original deadline.

He asked if the non-emergency number for the Sheriff's Office is in the newsletter.

Ms. Bateman responded it was not and she would include it in the next issue.

City Manager Williams reported hiring a sidewalk vendor whose prices are \$.50 a yard higher than the previous vendor for a 4" to 6" depth we are matching. This will substantially increase the costs of the repairs. He advised he will bring the issued to Council for consideration.

City Attorney Bennett suggested Council may wish to adopt a provision by which they can override, by a super majority, the requirement to re-bid in unusual circumstances, especially when you are mid-project.

City Manager Williams suggested new RFP's for continuing services for small job contractors be considered.

Commissioner Petruzzi asked if any sidewalk is getting done.

City Manager Williams responded that he hoped the new contractor worked out better the previous ones and he felt getting a continuing service contract like we had before with Flynn Construction would help.

Commissioner Petruzzi asked if all the broken sidewalk is being repaired.

Mr. Williams responded only those areas that are badly broken or have lifted more than ¼" .

Commissioner Petruzzi suggested Council look at a Charter Review and asked if the Charter Review Committee is appointed by Council like other committees.

Commissioner Petruzzi stated he would prefer finding out about issues affecting Belle Isle before the workshop. He asked the City Manager to call Council when he is aware of a problem or issue. For instance, he stated, he learned about all the phone lines being cut at the Nextel store at the Publix shopping center.

Mr. Williams responded that he did not think issues outside of Belle Isle were of critical concern to Belle Isle.

General discussion ensued.

City Manager Williams advised that he would not interject himself into police actions. If there is something of importance that the Commissioners should be aware of, they will be informed. He further stated that due to the small size of staff and the amount of workload, there is limited time to for non-important issues. He said that if an incident is reported to him he will contact the Commissioner whose district the incident occurred within and will contact the Mayor.

Commissioner Spaulding stated that he feels the Council is looking for timely information and that we all need to be talking to each other, the Council and City Manager, of such incidents.

City Manager Williams stated he was reluctant to put out too much information.

Commissioner Readey added that the "COPs" (Citizens on Patrol) units are provided that sort of information from the OCSO.

Commissioner Prince stated there was a bank robbery she was aware of because of working in the industry, but she hadn't heard about the Nextel store break-in.

City Manager Williams advised he is not given information on unincorporated Orange County or City of Orlando local incidents.

Mayor Brooks asked if the City Attorney would look into what means are available to limit the number of non-related people in a house or number of cars.

Mr. Bennett responded he had been doing some preliminary work on the issue and would look at methods that have been upheld by the court.

Commissioner Petruzzi asked Mr. Bennett if the legal fees billed to Belle Isle can be detailed to separate actual legal costs to the city from prospective applicants looking for information to be provided to them. In other words, identify internal costs from external costs.

City Manager Williams advised that we are having Boyle do a total break out of costs.

Commissioner Petruzzi said he would like to know how much legal time is being incurred to bring issues to the Code Enforcement Board.

**Commissioner Readey** asked if it was a Belle Isle Ordinance that deals with blocking sidewalks.

City Manager Williams responded it is State Statute.

Commissioner Readey reported an expired tag on a vehicle parked on the street.

Commissioner Readey stated the \$10,000 spending authority cap on the City Manager is too low and should be increased. He asked that Council consider raising the limit.

City Manager Williams suggested Council could take action to place that item on the ballot.

**Commissioner Spaulding** stated that a sign on Warren Park Road has been run over and needs replacement.

He also reported a jeep parked on the middle of a front yard on Hawford Circle.

Commissioner Spaulding stated that many small towns print their police calls in the local paper and maybe we could do something like that in our newsletter or on the website to keep residents informed.

**Commissioner Pisano** advised City Manager Williams she was still trying to get a date to meet with the HOA's.

Mayor Brooks suggested Mike Mannix be advised of the October Clean up and coordinate his project with ours.

Commissioner Pisano stated she was unaware that he had a clean-up planned.

**Commissioner Scott** asked if the commercial vehicle ordinance deals with semi-trucks. He asked that semi-trucks be added to the definition prior to it being advertised for adoption.

Mayor Brooks also asked that Attorney Bennett look into the "State" tag issue.

Mayor Brooks asked that Code Enforcement be vigilant with the Commercial property at Conway and Hoffner.

He also asked if there is a limit to height for real estate signs. By way of example, along a roadway a "for sale" sign is mounted on the inside of a subdivision wall and sticks up above the wall to be seen from the adjacent roadway.

There being no further business to discuss, the meeting was adjourned at 11:36 a.m.

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Belinda L. Bateman, MMC  
City Clerk