

**CITY OF BELLE ISLE  
REGULAR SESSION  
OCTOBER 3, 2006  
5:30 P.M.**

The Belle Isle City Council met in regular session on Tuesday, October 3, 2006, 5:30 p.m. in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Florida 32809.

Mayor Brooks called the meeting to order at 5:30 p.m., gave the Invocation and led the Pledge to the Flag.

Present were:

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
Eric S. Spaulding	District 7

Upon roll call Commissioner Pisano was absent.

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

**MAYOR'S REPORT:**

Mayor Brooks reported the following:

1. City of Orlando will be hosting a scoping meeting to discuss major land use plan issues, transportation and affordable housing. The meeting is scheduled for October 12, 9:00 a.m.
2. Read a letter from Ms. Sandra Mellow, 5006 Louvre Avenue, and asked that it be made part of the official records.
3. Asked that discussion of overpopulated housing be put on the October workshop for discussion.
4. Thanked Regal Marine and Waste Management for sponsoring the Tri County League luncheon hosted by Belle Isle. He was pleased with the turnout and being able to showcase Belle Isle's largest commercial business.

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

City Manager Williams reported the following:

1. Advised the next Regular Session conflicts with the November 7, 2006 elections and asked that a change in date to Wednesday, November 8, 2006, 5:30 p.m. be considered.

Commissioner Spaulding moved to change the November City Council Regular Session to Wednesday, November 8, 2006. Commissioner Ady seconded the motion which passed unanimously.

2. Stated the boat tour will begin at Cecil Glass, Sr.'s home on Matchett Road at 8:30 a.m. He reminded the elected officials to bring their hats and sunscreen.
3. Waste Management's request for a CPI increase was reviewed and the contract allows for a maximum 3% CPI increase in residential rates; no such provision is included in the contract for commercial rates.

Attorney Bennett stated he would also look at the request to make sure their calculations are correct.

Commissioner Petruzzi questioned the rate request.

City Manager Williams advised he spoke with Mr. Jim Swan at Waste Management and Belle Isle has the lowest contract rates. We can expect increases at contract renewal.

The roll-off rates are no longer competitive with other companies.

Other vendors in the area dropped their rates after our rates were approved in the contract.

Commissioner Petruzzi asked that other firms published rates be examined.

Mayor Brooks advised that at the time the city negotiated the roll-off rates with Waste Management we were also working to get the lowest residential rate and prevent unsafe roll-off containers from being placed within our city. It was determined to be for the greater good to the city to recoup franchise fees on roll-offs.

Commissioner Petruzzi stated when this issue is discussed with the residents the staff should be aware of and relate the significant benefits to the city.

Mayor Brooks asked Attorney Bennett to prepare a memo for the next meeting outlining the relevant sections of the contract.

4. City Manager Williams stated that while Council has granted him the authority to issue temporary parking permits a request has been made that he was not comfortable dealing with and is seeking Council's direction. An area resident is asking for a temporary parking permit for his rv for every U of F home game.

General discussion ensued and it was determined by the Council the intent of the ordinance is to provide residents with an opportunity to load and unload but not allow long term storage.

It was the consensus of Council that the request was within the intent of the ordinance.

It was suggested that a record of the number of requests and lengths of time per request for each address be kept.

5. City Manager Williams reported the Maintenance facility wall is under construction. The easement for stucco finish has been secured.
6. City Manager Williams showed a sample of banner material for the clock tower.

Mayor Brooks asked that a rendering showing what the banners would look like be brought to Council.

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

Attorney Bennett reported the following:

1. He will prepare a letter to Clear Channel asking for LED sign locations.
2. It is his understanding the City Engineer and City Staff have visited the Lake Conway Shores/Partin Groves site and apparently there is no indication of a problem at this time.

Commissioner Petruzzi asked what about the developer agreeing not to use the adjacent neighborhood for access?

City Manager Williams responded that the developer is doing working with the city on this issue and the only construction traffic using Lake Conway Shores appears to be some of the subcontractors. The developer is working to stop the access through Lake Conway Shores.

3. Mr. Bennett advised that apparently the shopping cart ordinance is having some impact as his wife was told she couldn't take the cart out of the store.
4. Mayor Brooks asked Larry T. Ray and Connie Owens if they could address the drainage concerns raised by Lake Conway Shores residents. He asked if the drainage plan for Partin Groves will impact Lake Conway Shores.

Mr. Ray responded the drainage within the Partin Groves development is designed to drain away from both Lake Conway Shores and Windsor Place.

Ms. Linda Albine, a Lake Conway Shores resident, stated the Lake Conway Shores residents had been assured by the city there would not be access to the new development through their neighborhood.

Mr. Ray stated the problem appears to be with the contractor hired by the Partins for the three lot development which is separate from the Partin Groves/MI Homes development. He added he has been in contact with the MI Homes developer and MI Homes is working to prevent the problem. He further stated he is doing everything he can to alleviate the problem for the adjacent residents and the access will be closed within approximately three months.

Mr. Ray stated the drainage system was designed to the best of their experience.

Mayor Brooks thanked Mr. Ray for his input.

Ms. Albine stated the Lake Conway Shores roadways are taking a beating from the construction traffic and asked if there could be a request from the city for reparations from the contractor to cover the damage.

#### **COUNCIL REPORTS:**

**Commissioner Ready** – expressed his support for removing the stop signs on Nela as recommended in the DRMP Traffic Study.

**Commissioner Scott** – asked that the overcrowded housing issue be discussed at a workshop prior to the City Attorney putting a lot of work into it. He suggested we first need to determine if there is a need for the ordinance.

Mayor Brooks responded that the City Council should be providing information to the city on properties that are a problem or have the potential for becoming a problem in the near future. We need to deal with absentee landlords and overcrowded residences as code violations.

Commissioner Scott stated he felt the problem we are trying to fix needs to be defined first.

Commissioner Scott asked that the letter read for the record not be posted on the website.

Mayor Brooks responded that it would not be on the website, but would become a part of the official record at City Hall.

**Commissioner Spaulding** – brought the following issues of concern to the Council:

- a. Speeding on Hoffner and asked for the portable radar sign be placed on Hoffner east of the Bridge near Lake Conway Shores, as a deterrent.
- b. Asked for an update of neighborhood crime and reported a car break-in that occurred in Windsor Place.
- c. Asked if the deputies can do anything about the thumping base from cars.

**Commissioner Petruzzi** – asked about the status of the lift station on Cullen Lake Shore Drive.

He also stated he was accosted by residents upset with rentals in their residential neighborhoods and encouraged Council to move forward with a license requirement.

Commissioner Petruzzi reported residents of Lake Conway Estates are very receptive to an MSTU to complete their subdivision wall.

He reported that the sidewalk contractor has been disrespectful of adjacent private property.

City Manager Williams advised that the contractor has been working to the city's satisfaction and he had been out to examine the work sites. The debris will be picked up and the area adjacent to the sidewalk repairs will be restored.

Commissioner Petruzzi reported calls about the street sweeper going down Cullen Lake Shore Drive much too fast to do any good.

City Manager Williams asked that he identify the street sweeper as not belonging to the City of Belle Isle.

Commissioner Petruzzi responded that it was the sweeper contracted by the LCNAB.

Mayor Brooks stated it might be the right time to take our issue of getting out of the LCNAB taxing district to the legislative delegation. If we intend to accomplish that the legislators must be lobbied to understand our position.

Commissioner Petruzzi asked if complaint calls are being forwarded to Linda Stewart's office.

Commissioner Petruzzi also reported complaints that the sidewalk workers were being unprofessional and were horsing around with the bobcat and riding in the bobcat bucket.

City Manager Williams responded he had been through all the work orders and there were no calls regarding the sidewalk workers behavior or complaints on the LCNAB street sweeper.

Commissioner Petruzzi stated he related this information to Miriam as a "heads up" and a work order should have been written.

City Manager Williams replied the check to the sidewalk vendor will not be released until he (Mr. Williams) is satisfied with the completion of the work.

Mayor Brooks stated the vendor needs to get the sites cleaned up as soon as possible after repairs are complete.

Commissioner Petruzzi expressed his discontent with the parking ordinance allowing two large buses; two commercial vehicles in a back yard.

Mayor Brooks advised that the Council's intent when the parking ordinance was adopted was to look at it a year later and see what might need tweaking.

**Commissioner Prince** – asked when Progress Energy will remove the old power poles on Matchett.

City Manager Williams responded that BellSouth finally removed their lines from the poles in October.

Commissioner Scott asked about poles in other parts of the city.

Commissioner Prince stated the Matchett poles still have the cable lines attached to the old poles.

She asked about the status of Cay Circle.

Mr. Williams responded that he sent her a status report. He added that he had everything set up for the shed to be moved and the fence to be installed. Landscape bids are due in a couple of days.

Commissioner Prince advised the gang graffiti or tag art is encroaching more and more closely to our community. She asked if there is any information from the Sheriff's Office about the significance of the graffiti.

City Manager Williams replied that he had spoken to Orange County about the problem and advised them we have require graffiti to be removed within 48 hours.

Mayor Brooks stated the Sheriff is not going to focus on graffiti but on the major crimes.

City Manager Williams advised the information has been provided to the Sheriff's Office.

Commissioner Petruzzi asked if we can have residents directly contact the S.O. about problems they see.

Commissioner Readey responded that other citizens are welcome to join C.O.P.s and information can be relayed to any of the COPs participants. As volunteer patrol for the S.O. they can check things out and determine if something needs to go to the S.O.

Commissioner Prince asked that the S.O. be made aware of our concerns.

Mayor Brooks advised Council to pay attention to Land Use changes proposed by Orlando and Orange County. Some of these changes will impact our community.

**Commissioner Ady** – advised his grandson will be presenting an Eagle Scout project and he would appreciate the city's support.

City Manager Williams responded that the City has worked with several Scouts and the most recent Eagle Scout project, Cross Lake Beach, has just been completed.

City Manager Williams stated that staff has removed the bike path signs as directed by Council and today Council is making a request to put more signs up?

He stated he would have the new law posted on the web site.

**CITIZENS' COMMENTS:**

Charles Storey, 6409 St. Partin Place, expressed his concerns with a boat dock issue in which he disagrees with the city's calculations.

Mayor Brooks stated that this is not the forum in which he can seek relief. We have seen letterhead with an attorney's name.

Attorney Bennett responded that there is a "threatened litigation" and the issue has been forwarded to me, the City Attorney.

City Manager Williams stated that once litigation was threatened the matter was immediately turned over to the city attorney. All discussion and correspondence on this matter will go through the city attorney.

Commissioner Readey asked if the 75% damage to the decking was all that was considered?

Mr. Storey stated he was instructed to measure the square footage.

City Manager Williams stated the City Engineer went out to the site.

Mr. Storey asked if Council would allow discussion of this matter at a workshop.

Mayor Brooks stated Commissioner Readey and City Manager Williams can review the information.

Attorney Bennett stated that if Mr. Storey is not pleased with the city's decision in this matter he needs to contact his attorney.

Mr. Storey stated he is just asking that the information and data be reviewed.

Helen Lawrence, 5820 Woodbine Drive, asked if the city can do anything about the neighbor that leaves his garbage can out in front of his garage all the time; advised that there are tree limbs and wood chips piled up against the fence

between here property and the adjacent subdivision retention area; and that the house facing Hoffner adjacent to the city's Wilks Street right of way use the right of way as a private drive and up to ten cars are parked there all the time along with heavy construction equipment.

City Manager Williams responded that he would contact the HOA responsible for the retention pond area maintenance.

He advised that he will look into the garbage can issue and if there is anything in the code that can be enforced, it will be.

**APPROVED CONSENT AGENDA:**

Commissioner Petruzzi moved to approve the consent agenda which included Minutes of August 19, 2006 Workshop Session and September 6, 2006 Regular Session; August 2006 Monthly Financial Report; and award of a NIMG to Lake Conway East HOA. Commissioner Ady seconded the motion which passed unanimously.

**PUBLIC HEARING ON ORDINANCE 06-09 AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF BELLE ISLE, FLORIDA TO REZONE CERTAIN PARCELS OF REAL PROPERTY FROM R-1-AA TO R-1-AAA:**

Mayor Brooks asked for the Ordinance to be read by title only:

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE OFFICIAL ZONING MAP OF THE CITY TO REZONE CERTAIN REAL PROPERTY AS SHOWN THEREON FROM R-1-AA TO R-1-AAA; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

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

Mayor Brooks advised the ordinance will be on the November agenda for second reading and adoption. He stated that due to an error published for the date of the public hearing it will be advertised for public hearing for the November regular session. He stated a motion to continue the matter to the November meeting would be in order.

Commissioner Spaulding moved to continue the public hearing to the November Regular Session. Commissioner Ady seconded the motion which passed unanimously.

**APPROVED REMOVAL OF STOP SIGNS AT THE INTERSECTIONS OF NELA AVENUE AND EASTER STREET AND NELA AVENUE AND ISLAND STREETS; AND AT THE INTERSECTIONS OF HOMEWOOD AND EASTER STREET AND HOMEWOOD AND ISLAND STREET.**

Mayor Brooks advised that copies of the DRMP Traffic Study had been provided to Council and opened the discussion.

Mayor Brooks stated the traffic study recommended the removal of the stop signs on Nela at Easter and Island Streets. It also recommended an additional speed table on Nela, east of the Nela/Homewood east intersection.

Commissioner Readey proposed the addition of a median at the east end of the Nela Bridge. He advised that the traffic study recommended 3" high speed tables and the height of those installed is actually 6".

City Manager Williams responded that the first installation was at 3" and did not appear to be very effective. A Maitland traffic study recommended 6" high tables. He and Mayor Brooks rode over speed tables around Lake Sybelia in Maitland. The results were reported to Council and it was determined the Nela/Homewood speed tables needed to be raised to 6", and they were.

Commissioner Readey moved to remove the stops signs on Nela at Easter and Island Street; and to remove the stop signs on Homewood at Easter and Island Streets. Commissioner Ady seconded the motion.

Commissioner Petruzzi asked if the traffic study recommended putting up "Cross Traffic Does Not Stop" signs and asked if that could be added as an amendment to the motion. Commissioner Readey and Commissioner Ady agreed to the amendment.

Mayor Brooks called for the vote on the amendment: To add "Cross Traffic Does Not Stop" on Easter and Island Streets at the intersections with Homewood and Nela.

Commissioner Spaulding asked if we are adding eight more signs?

Mayor Brooks stated the signs, which should be neon green with flags, can be bolted to the stop sign post.

Mayor Brooks called for the vote and the amendment to the motion passed unanimously.

Mayor Brooks called for the vote on the motion as amended which passed unanimously.

Discussion ensued regarding lowering the speed limit on Nela Avenue and Homewood from 25 MPH to 20MPH between the Nela Avenue Bridge and the east end of Nela Avenue.

Commissioner Readey moved to set the speed limit on Nela and Homewood at 20 MPH between the Nela Bridge and the east end of Nela Avenue. Commissioner Ady seconded the motion.

City Manager Williams expressed concern that there has not been a traffic study recommending the lower speed limit.

Mayor Brooks stated he was not sure a traffic study is required and 20 MPH would err on the side of caution. He stated it will not lower the capacity of the street.

Commissioner Ady stated lowering the speed limit to 20 MPH will aid in keeping the traffic speeds down.

Mayor Brooks added the "Cross Traffic Does Not Stop" neon green signs will alert area residents to the changes.

The motion passed with five ayes and one nay, the nay vote being expressed by Commissioner Spaulding.

Commissioner Scott moved to lower the speed limit from 25 MPH to 20 MPH from the intersection of Overlook/Nela/Lake to the east end of the Nela Bridge.

Commissioner Ady seconded the motion which passed unanimously.

There being no further business to discuss, the meeting adjourned at 7:24 p.m.

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Belinda L. Bateman, MMC  
City Clerk