

**CITY OF BELLE ISLE
REGULAR SESSION
DECEMBER 5, 2006**

The Belle Isle City Council met in regular session on Tuesday, December 5, 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:

Larry I. Ady	Vice Mayor & District 4
Thomas G. Petruzzi	District 1
Trudy Prince	District 2
Charles R. Scott	District 3
Harvey Readey	District 5
Lydia Pisano	District 6

Absent were Mayor William G. Brooks and Commissioner Eric S. Spaulding, District 7.

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

MAYOR'S REPORT:

Vice Mayor Ady presented a special Mayorial Proclamation to Kyle Jensik, Eagle Scout, proclaiming December 5, 2006 as Kyle Jensik Day in the City of Belle Isle and expressing the city's appreciation for the Cross Lake Beach beautification project Kyle undertook as his Eagle Scout project.

Vice Mayor Ady presented Commissioner Harvey Readey with a certificate of completion for his attendance at the Institute for Elected Municipal Officials from the Institute of Government, University of Central Florida.

Vice Mayor Ady read the following Proclamation of Election into the record:

PROCLAMATION

By the authority vested in me, Larry I. Ady, Acting Mayor of the City of Belle Isle, Florida, I do hereby proclaim and pronounce, as required by law, that a Municipal Election of the City of Belle Isle will be held on Tuesday, March 13, 2007; said election to be held between

the hours of 7:00 a.m. and 7:00 p.m., for the purpose of electing a Mayor and individual Commissioners to represent Districts 2, 3 and 4 respectively, each to serve a term of three years beginning April 1, 2007.

Each candidate for such office shall file qualification papers and pay a qualifying fee to the City Clerk of the City of Belle Isle at City Hall, located at 1600 Nela Avenue, Belle Isle, Florida, at any time after 12:00 noon on Monday, January 8, 2007 and before 12:00 noon on Friday, January 12, 2007.

Candidates wishing to qualify for any office of Council must be a resident of the City for one year prior to the date of the election.

This election will be held in the Pine Castle Lodge #368 F & AM, 1216 Hoffner Avenue, and in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Florida 32809.

CITY MANAGER'S REPORT:

City Manager Larry Williams reported the following:

- a. Council may want to change the date of the January 2, 2007 City Council meeting.

Commissioner Petruzzi moved to change the December 2006 workshop to Tuesday, January 3rd, 2007 at 8:30 a.m. and to change the January 2nd Regular Session to Tuesday, January 9th, 2007 at 5:30 p.m. Commissioner Pisano seconded the motion which passed unanimously.

City Manager Williams advised he would have those changes posted to our website and in the front lobby and at the maintenance facility.

CITY ATTORNEY:

City Attorney John F. Bennett had nothing to report.

CITY COUNCIL REPORTS:

Commissioner Prince – no report.

Commissioner Petruzzi - stated he would like to make sure that Commercial rental property was included in the rent control ordinance we are considering.

Commissioner Pisano – no report.

Commissioner Scott – asked if there were any problems with vehicles being misdirected by the detour signs.

City Manager Williams responded that there was some confusion but the signs are being modified to make it easier to follow the detour.

Commissioner Scott asked if there is a detour route.

Mr. Williams responded that the local traffic has access to Lake Drive and Overlook but there is no through traffic crossing the bridge.

Commissioner Readey – asked that all City Council packets containing Planning and Zoning Board appeal issues include the minutes from the P & Z Board meeting so Council can understand the Board's action.

Attorney Bennett cautioned that when an appeal is heard by the City Council, the Council is to make its determination based on the information being presented before the Council.

Commissioner Readey stated his purpose for the request was to make sure the Council was making decisions on appeals in an objective manner.

Commissioner Readey relayed a request from residents on Homewood Drive that street parking be restricted to one side of the street only.

City Manager Williams suggested area residents be included in discussion to determine which side of the street should be "no parking" prior to the Council taking any action on the request.

Mr. Williams stated the item will be on the next workshop agenda for discussion.

Commissioner Scott asked if City Commissioners should attend Planning and Zoning Board meetings.

City Attorney Bennett responded that they may attend as long as they remember that on appeal only the current testimony and evidence is to be considered.

Commissioner Petruzzi – stated it was great to see the kids enjoy the snow and he commended the staff on a great event.

Commissioner Pisano expressed her agreement with Commissioner Petruzzi's comments on the event.

CITIZENS' COMMENTS:

There were no citizens' comments.

DENIED APPEAL REQUESTED BY KATHERINE AND VINCENT DEFILIPPO, PROPERTY OWNERS OF 3501 CULLEN LAKE SHORE DRIVE, TO THE PLANNING AND ZONING BOARD'S DENIAL OF AN AFTER THE FACT VARIANCE TO ALLOWED SQUARE FOOTAGE FOR A BOAT DOCK FROM 500 SQUARE FEET TO 786 SQUARE FEET:

Mrs. Katherine DeFilippo, property owner of 3501 Cullen Lake Shore Drive, Belle Isle, Florida, 32812 presented her request to the City Council. She advised that a contractor had been hired and she had assumed the proper permits had been acquired. She stated that as soon as she was aware there was an issue, she began working with the City. She continued presenting her understanding of the boat dock variance process and that she was aware that each variance granted stands on its own merits and does not set a precedent.

City Attorney Bennett advised that there are specific criteria that must be met in order for a variance to be granted.

Mrs. DeFilippo responded by stating the criteria and advising that she felt each one had been met. She specifically addressed safety issues and how the enlarged dock will better accommodate the entire length of their boat rather than having the rear portion and prop extending beyond the dock.

Mrs. DeFilippo distributed photographs which were entered into evidence and spoke to each one submitted. She advised that her dock is not close to other docks and is more exposed to boaters and skiers getting too close as it is harder to see than those clustered together.

It was brought to the Council's attention that a typo in which numbers were transposed indicated the square footage being requested was 678 square feet and that, in fact it is 768 square feet that is being requested.

Mrs. DeFilippo stated that the request is in harmony with the code as it allows the reasonable use and storage of recreational water craft and it is not injurious to the neighborhood, but is in keeping with the character of the neighborhood as evidenced by the many boats and jet skis at docks along the shoreline.

She stated that it is her belief, as evidenced by the photographs submitted and testimony presented that the request meets all the criteria and that it also is within all the other requirements of the Belle Isle Code, except the square footage.

She stated it is similar in configuration to other docks in the area, is not contrary to the public interest, and the proposed dock is making the structure as safe as possible.

Mrs. DeFilippo stated the abutting neighbor can't see the dock because of a tall hedge dividing the properties from one another; other docks are closer together and more easily seen by boaters and skiers; and the walkway is only as long as needed to encompass the boat.

Vice Mayor Ady opened the public hearing.

Lucien Johnson, 3433 Cullen Lake Shore Drive, and resident to the left facing DeFilippo's property, stated his objections to the appeal.

Patti Johnson, 3433 Cullen Lake Shore Drive, stated her objections to the appeal.

Wilda Washburn, 3407 Cullen Lake Shore Drive, stated her objections to the appeal.

There were no more public comments and the public hearing was closed.

Mrs. DeFilippo stated that a stop work order was issued after she received a call from the city stating they had their permit.

Commissioner Readey stated what no work should have been started without the permit being posted "on site".

City Manager Williams said that the city's normal plans review process in that plans are submitted to the City and forwarded to Boyle Engineering for review. When the plans come back to the city, Boyle sends a letter of compliance or non-compliance. The City staff calls the applicant to tell them the plans are back from review. No work should have been begun without a building permit in hand.

Commissioner Readey stated that a boat extending beyond the dock is no different from a car parked on the street. In addition, there are rules requiring water craft and skiers to stay at least 100' from structures on the lake and from the shoreline. That being said he added he did not believe there was a safety issue with the dock.

Commissioner Petruzzi stated he believed we must adhere to the regulations. He moved to deny the appeal, upholding the Planning and Zoning Board's denial of a variance request for allowed square footage of a boat dock from 500 square feet to 768 square feet. Commissioner Pisano seconded the motion.

Commissioners Prince, Petruzzi, Pisano, Scott and Readey voted for the motion. There were no votes opposing the motion. Therefore the appeal requested by Mrs. Katherine De Filippo was denied.

APPROVAL OF CONSENT AGENDA:

Commissioner Petruzzi asked that item (g) Fee Schedule be removed from the consent agenda. Commissioner Petruzzi moved to approve items a – f on the consent agenda which included minutes of the November 1, 2006 Workshop Session and November 8, 2006 Regular Session; October 2006 Monthly Financial Report; Interlocal Agreement with Orange County re: School Capacity; Six Months Extension of the Building Permit issued to Bella Piazza Planned Development; and Six Months Extension of the Building Permit issued to the Palms, Phase II. Commissioner Prince seconded the motion which passed unanimously.

Commissioner Petruzzi asked why the Tree Trust Fee had not been added to the fee schedule. He stated it was his understanding it was to be added so the city could implement it on a voluntary basis by the citizens and once an ordinance is adopted it would be enforceable.

City Manager Williams stated he did not have the impression it was to be on the schedule prior to the ordinance being adopted. He recalled that it was to come back to the Council.

Commissioner Scott stated he thought the same.

Commissioner Petruzzi responded that it was the Council's intent to get it on the books by adding it to the fee schedule. It was to be called Tree Trust Fund and the fee is to be \$250.

City Manager Williams asked that the fee be held until the ordinance is amended.

Commissioner Petruzzi moved to approve item g. Fee Schedule. Commissioner Prince seconded the motion which passed unanimously.

**ADOPTED ORDINANCE 06-11 COMPREHENSIVE PLAN AMENDMENT
ADOPTING AMENDMENTS TO THE HOUSING, INTERGOVERNMENTAL
COORDINATION AND CAPITAL IMPROVEMENTS ELEMENTS OF THE
1990 COMPREHENSIVE PLAN:**

Vice Mayor Ady asked that the ordinance be read by title. City Clerk Bateman read the ordinance by title only as follows:

**AN ORDINANCE OF THE CITY OF BELLE ISLE,
FLORIDA, ADOPTING AMENDMENTS TO THE
HOUSING, INTERGOVERNMENTAL
COORDINATION AND CAPITAL
IMPROVEMENTS ELEMENTS OF THE 1990 CITY
OF BELLE ISLE COMPREHENSIVE PLAN,
PURSUANT TO PHASE II OF THE EVALUATION
AND APPRAISAL REPORT, AND
INCORPORATING THE COMMENTS OF THE
FLORIDA DEPARTMENT OF COMMUNITY
AFFAIRS; PROVIDING FOR SEVERABILITY AND
PROVIDING AN EFFECTIVE DATE.**

Commissioner Prince moved to adopt the ordinance. Commissioner Petruzzi seconded the motion.

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

There were no further comments from Council and Vice Mayor Ady called for the vote. Upon roll call the results were as follows:

Commissioner Readey	Aye
Commissioner Scott	Aye
Commissioner Pisano	Aye
Commissioner Petruzzi	Aye
Commissioner Prince	Aye

With five aye votes and no nays the ordinance was therefore adopted.

**ADOPTED ORDINANCE 06-12 AUTHORIZING A BOND LOAN IN AN
AGREGREGATE AMOUNT NOT TO EXCEED \$1,500,000:**

Vice Mayor Ady asked the City Clerk to read the ordinance by title only. The title of the ordinance was read as follows:

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AUTHORIZING THE NEGOTIATION OF A LOAN IN AN AGGREGATE AMOUNT NOT TO EXCEED \$1,500,000 FROM THE FLORIDA MUNICIPAL LOAN COUNCIL; APPROVING THE ACQUISITION AND CONSTRUCTION OF CERTAIN CAPITAL PROJECTS; APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE FLORIDA MUNICIPAL LOAN COUNCIL; APPROVING THE EXECUTION AND DELIVERY OF A BOND PURCHASE CONTRACT; APPROVING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT; PROVIDING CERTAIN OTHER MATTERS IN THE CONNECTION WITH THE MAKING OF SUCH LOAN, AND PROVIDING AN EFFECTIVE DATE.

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

Commissioner Petruzzi moved to adopt the ordinance. Commissioner Pisano seconded the motion. Upon roll call the vote was as follows:

Commissioner Readey	Aye
Commissioner Scott	Aye
Commissioner Pisano	Aye
Commissioner Petruzzi	Aye
Commissioner Prince	Aye

With five aye votes and no nays the ordinance was therefore adopted.

ADVANCE OF ORDINANCE 07-01 TO SECOND READING:

Vice Mayor Ady asked the Clerk to read Ordinance 07-01 by title only. The ordinance was read by title as follows:

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING SIGN REGULATIONS CHAPTER 52, ARTICLE II OF THE LAND DEVELOPMENT CODE ALLOWING SIGNS TO BE ILLUMINATED WITH LED LIGHTING.

Commissioner Prince moved to advance Ordinance 07-01 to second reading. Commissioner Readey seconded the motion which passed unanimously.

Commissioner Petruzzi asked about the agreement with Clear Channel. City Manager Williams stated he is working on it.

EXCUSED ABSENCES:

Commissioner Pisano moved to excuse the absences of Mayor Brooks and Commissioner Spaulding. The motion was seconded by Commissioner Prince and passed unanimously.

The regular session was adjourned at 6:30 p.m.

Belinda L. Bateman, MMC
City Clerk