

**CITY OF BELLE ISLE
SPECIAL SESSION
WEDNESDAY, NOVEMBER 29, 2006
8:30 A.M.**

The Belle Isle City Council met in special session on Wednesday, November 29, 2006 at 8:30 a.m. in the Belle Isle City Hall Council Chambers. The following members were present:

William G. Brooks	Mayor
Thomas G. Petruzzi	District 1
Trudy Prince	District 2
Charles R. Scott	District 3
Harvey Readey	District 5
Lydia Pisano	District 6

Absent were Commissioners Ady, District 4 and Spaulding, District 7.

Also present were City Manager Larry Williams, City Attorneys John F. Bennett and Gayle Owens, City Clerk Belinda Bateman, Code Enforcement Officer Suzanne O'Shea, and others.

FIRST READING OF ORDINANCE 06-12:

Mayor Brooks asked that the ordinance be read by title only. The Ordinance was ready by title 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.

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

City Manager Williams stated the ordinance is approving the bond loan Council had previously approved by resolution.

There was discussion regarding the repayment of the bond not having a designated fund source. City Manager Williams responded that the Florida League specifically did not want this loan repayment to be designated to a specific source of revenue.

Commissioner Readey asked about the rate.

Mr. Williams responded the final rate has yet to be determined.

Commissioner Scott asked if this is a new bond loan.

City Manager Williams responded that the city has \$2 million in bond loans already and this is a new bond loan for \$1.5 million dollars.

Commissioner Prince moved to advance the ordinance to second reading. Commissioner Petruzzi seconded the motion. Upon roll call the vote was as follows:

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

With four ayes and no nay votes the ordinance was advanced to second reading.

Mayor Brooks adjourned the Special Called Session at 8:40 a.m.

WORKSHOP SESSION:

Mayor Brooks called the workshop session to order at 8:40 a.m.

MAYORS REPORT:

- a. Read a letter from the Lake Conway Estates Residents Association encouraging the Council to stricter adherence to code compliance. It states they applaud recent efforts to stick to the code.

- b. Venetian Ramp – Asked about pursuing the repairs to the ramp using the grant monies.

City Manager Williams advised the grant was lost. He stated FRDAP grants will only hold the money for a maximum of three years.

Mayor Brooks stated it was the first he heard we lost the grant monies and suggested we re-apply.

City Manager Williams stated he would re-apply for the grant. He added that losing the Venetian Grant opened the door to apply for the Delia Beach grant.

Mayor Brooks stated the Venetian ramp is still in disrepair.

Commissioner Petruzzi asked what happened after the residents came to an agreement about what they would like in the park.

City Manager Williams responded that Rita Ventry was called and complaints were made by the residents. After all the compromise, there were not enough of the points elements left in the plan to qualify for the grant.

Commissioner Prince asked that information be gathered on repairing the drainage and the ramp.

- c. Mayor Brooks stated he was concerned with signs on residential properties advertising off-site businesses. He wanted to know if our code allows that and if so stated it should be changed.

City Manager Williams responded the current sign code does not address the issue.

Attorney Owens responded that residential on-site signs have a maximum size limitation to 4 square feet. This is in sign regulations; however the home occupational licensing code prohibits any other sign other than a 1 square foot sign. She stated there is a conflict between the two sections that should be remedied. Residential district signs are limited to on-site signs; commercial zoning districts address both on-site and off-site signage.

Mayor Brooks stated this issue will be on the next workshop for further discussion.

Attorney Bennett stated there is also the issue of off-site signs during construction that should be considered.

- d. Mayor Brooks reported complaints from a resident on Peninsula stating a new house under construction is blocking the lake view to the east. There have also been considerable objections to the Bitterman construction on Hoffner.

Mayor Brooks asked Council to consider what “acceptable” building finishes in residential zoning should be.

It was also suggested that Council consider a ratio of living space to non living space.

Commissioner Pisano arrived at 9:12 a.m.

CITY MANAGER'S REPORT:

- a. Information from the boat tour has been distributed to the Council. Floating docks are not disallowed by Code.

Mayor Brooks asked if there were some “teeth” in the second part?

Attorney Owens responded that the code limits each parcel to one dock.

Mayor Brooks asked that the second paragraph be added to our code to provide something we can enforce.

Commissioner Readey stated there are some merits to a floating dock.

Attorney Owens advised that our code currently limits each property to one dock so a second dock is prohibited.

Attorney Owens asked Council to give some direction as to what they wanted to do about the drive on docks and the suspended boat covers.

Attorney Owens advised that docks are limited to 500 square feet so if an existing dock is 500 square the addition of a floating dock would not be in compliance with the code.

City Manager Williams stated the free standing jest ski independent lifts are addressed as safety hazards in the proposed language.

Commissioner Petruzzi agreed that they were hazardous.

City Manager Williams stated the language will limit that type of structure in the future.

Commissioner Petruzzi asked what other communities are doing about the structures? Is permitting required?

Attorney Owens advised that the installation of such structures may have required a permit and a violation could be issued for failing to obtain the permit.

Discussion ensued regarding suspended boat covers. It was determined that such covers would be allowed and a permit would only be necessary if electrical work was necessary.

Commissioners Prince and Scott expressed that they did not feel it was an issue we should address at this time.

- e. Fee Schedule: A modified fee schedule is being presented to off-set the un-recouped costs for permit reviews and resubmittals. The new fees provide for the city to recoup engineering costs for plans review.

Commissioner Petruzzi advised that fees which were already some higher than the new proposed fees be left at the higher rate. He asked if city staff time was considered in the fees.

City Manager Williams responded city staff time was not included.

General Services Coordinator/Code Enforcement Officer Suzanne O'Shea responded that there is some staff time required for research.

Commissioner Scott stated he agreed with Commissioner Petruzzi that where the new fees are lower we should stick with the higher rate. It was suggested that the \$150 review fee be adjusted back to \$165 and that the \$75 review fee be increased to \$90.

Commissioner Prince suggested the fees be revisited in 12 months to see if further adjustment is necessary.

- f. Nela Bridge is closed.

Mayor Brooks advised he had received complaints about the detour signs being inadequate.

Commissioner Scott asked about the Montmart and Delia Park plans.

Mr. Williams responded at the January meeting we should have 90% plans for both projects.

Commissioner Scott asked about the status of the Sunny Lane Avenue wall.

Mr. Williams responded the fence is up. The swale work and sidewalk repair are underway. We were delayed by having to remove a tree, at the County's request.

- g. City Manager Williams commended City Clerk Be Bateman on the Annual Calendar.

City Commissioner Readey stated he would like to adopt the newer logo.

Mayor Brooks advised the fee schedule would be brought back to Council. He suggested the logo issue be held until the bridge project is complete and then we can have a new image of the bridge done to consider for the logo.

- h. City Manager Williams asked Council to consider going to a paper-less agenda. He advised that each Commissioner could be issued a lap top computer and staff could then electronically transmit the agendas to the Council.

- i. Mr. Williams also stated Staff supports the request for permit extension of six months for Belle Piazza.

He advised that Connie Owens was present to ask for a six month extension on the building permit for The Palms, Phase II, which is also supported by staff and will be added to the consent agenda.

CITY ATTORNEY'S REPORT:

- a. Rental Licensing – Gayle Owens advised that a proposed ordinance is in the packet for Council review. She stated that she looked at the

Kissimmee ordinance but very little was relevant to what the Council expressed they would like to address.

Commissioner Pisano stated that any rental less than seven months requires the resort tax be collected.

City Manager Williams advised the City can charge and collect the resort tax.

Commissioner Pisano asked when the occupational permit was necessary.

Gayle Owens responded it would have to be obtained prior to renting the property.

Mayor Brooks stated that "for rent" signs should trigger an investigation to make sure the property is compliance with the rental licensing regulations.

Commissioner Prince asked how you can enforce a regulation when we have no way to determine if the occupants are related by blood or marriage?

Mayor Brooks stated that the ordinance would at least provide specific standards and inspection to ensure those standards are maintained. He asked that a handout be prepared covering the requirements of the code.

Attorney Bennett responded that the Code Enforcement Officer will know what needs to be addressed.

City Manager Williams advised the \$50 fee can be incorporated into the occupational licensing ordinance provisions.

Commissioner Pisano suggested a site investigation "no show" fee of \$50 also be incorporated to encourage property managers/residents to keep their appointments for the inspections.

Commissioner Petruzzi added that a provision requiring a copy of the lease agreement to be provided to the city be included in the ordinance.

It was agreed to bring this issue back to the next workshop for further discussion.

- b. Digital/LED Sign Ordinance: The draft ordinance presented includes a provision to prohibit adult advertising with 2500' of residential zoned property. It includes public service announcement accessibility for the city

and emergency announcement accessibility. Clear Channel has provided the model agreement from which we will be working.

The model agreement provides for allotted public service time for the first two years.

Mayor Brooks stated he would like to see the two year provisions extended beyond the two years.

General discussion ensued.

Commissioner Prince asked if Council has agreed to the concept of the sign?

Mayor Brooks responded affirmatively and added that the light emanating from the face will eliminate the spill over lighting from front lighted signs.

City Manager Williams and the City Attorney are to negotiate further with Clear Channel. City Manager Williams advised the ordinance will be on the December agenda for first reading.

- d. Tree Ordinance Discussion: Attorney Gayle Owens advised the Orlando Tree Ordinance was not what we thought it would be so very little of it accomplishes what we are looking for.

Mayor Brooks left the meeting at 11:20 a.m.

Commissioner Petruzzi asked that a tree bank be established now as an option to the residents.

Attorney Bennett suggested a stand alone ordinance dealing with the tree bank should be drafted.

Commissioner Petruzzi stated Council should allow the City Manager to determine the unit cost numbers and allow for low income residents to use the tree bank for planting new trees.

Attorney Bennett stated the City Manager can interpret the code which allows for some discretionary judgement.

Commissioner Petruzzi asked that the Tree Trust be initiated and the ordinance be appropriately amended.

Commissioner Prince stated she thought \$250 per tree was reasonable.

CITY COUNCIL REPORTS:

Commissioner Pisano – asked if the traffic study for speed tables has been done for Conway Lakes and The Landings.

City Manager Williams responded it has not and he is still waiting for the new HOA president to meet with staff.

Commissioner Readey – reported he learned a good lesson from the Nela Island stop sign issue.

Commissioner Readey advised there is a deep rut on the Warren Park Road right-of-way; an overgrown lot on Barby Lane; and asked Council to consider the installation of a median island at Homewood and Nela as proposed in the traffic study.

City Manager Williams advised such a project would need to be included in the Capital Improvements Program. He stated the City will also be going out for bid on the paving and curb work for the Nela Isle Island.

Commissioner Readey stated there is no traffic on the Island with the bridge closed. He asked about the status of the curb and repaving project.

Commissioner Readey stated he would like to see a City sponsored incentive program to encourage residents to plant trees.

Commissioner Scott – advised the Proclamation of Election contains one typo showing the year as 2006 instead of 2007.

Commissioner Petruzzi - reported problems with parking on the right-of-way, blocking the sidewalk after 4 p.m. in the vicinity of Hoffner and Oak Island/Pleasure Island Roads.

Commissioner Petruzzi stated he is hearing from Lake Conway Estates Residents they want to parking rule amended to prohibit the parking of all RV's in residential districts.

Commissioner Petruzzi reported that a Lake Drive resident called him to complain that repeated calls to city hall about a street light out on Lake Drive have not had any results. Commissioner Petruzzi stated he got the information from the resident and called it in himself and it was repaired within 24 hours.

Commissioner Scott – asked about a DCA letter regarding a CDBG.

Attorney Bennett responded that the letter was in reference to contractors only and is a part of the “Stop Corruption in Government” program.

Commissioner Prince – stated she has received complaints about train noise and a request for speed tables on Matchett.

City Manager Williams responded Matchett is a county road.

Commissioner Prince expressed concern that the large, vacant buildings in Pine Castle are negatively impacting the community.

City Manager Williams advised Council to the Wednesday evening Snow and Santa event which begins at 5:30 p.m.

There being no further comments or business to discuss, the workshop session was adjourned at 11:40 a.m.

BELINDA L. BATEMAN, MMC
CITY CLERK