

**CITY OF BELLE ISLE
REGULAR SESSION
JANUARY 9, 2007
5:30 P.M.**

The Belle Isle City Council met in regular session on Tuesday, January 9, 2007, 5:30 p.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
Harvey Readey	District 5
Lydia Pisano	District 6
Eric S. Spaulding	District 7

Absent was Larry I. Ady, District 4.

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

Mayor Brooks called the meeting to order at 5:30 p.m.

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

MAYOR'S REPORT:

Mayor Brooks reported the following:

- a. Advised there will be a meeting this evening at 7:00 p.m. at Pine Castle Elementary School to discuss the proposed closing of the school. Rick Roach will be in attendance to meet with concerned citizens.
- b. Distributed handouts relating to paperless agendas, traffic calming and information on the U. S. Government Purchasing Alliance.
- c. Provided information on accessing the National Cities Network which allows public access to a huge data base for research on government issues.

CITY MANAGER'S REPORT:

City Manager Williams presented the following information:

- a. The Annual Audit will be presented at the January 31, 2007 workshop and on the February 6, 2007 Regular Session agenda for action.
- b. The City staff work schedule is being changed to four ten-hour days effective January 22, 2007. City offices will be open from 7:30 a.m. to 6:00 p.m. Along with the ten-hour day/four day work week the lunch schedule has been reduced to 30 minutes. This new schedule is being implemented on a three months trial basis.

ATTORNEY'S REPORT:

Attorney John F. Bennett reported the following:

- a. Advised he had distributed information regarding removal of a Planning and Zoning Board member in response to Council's inquiry.
- b. The Clear Channel Outdoor developer's agreement distributed this evening is the latest version.

CITIZENS' COMMENTS:

Bill Haan, 2499 Trentwood Bvd., spoke to Council regarding the stop work order issued on 3501 Cullen Lake Shore Drive. He provided information regarding recent thefts on the property and asked for consideration of allowing work to continue that is not related to the problem of the porte cochere columns encroaching beyond what was granted in the variance to front setback.

He asked if the stop work order impacted the separate permit for the a/c system which was pulled by the a/c contractor.

City Manager Williams responded that the stop work order was issued and that means all work is stopped.

After general discussion the City Manager stated he did not have a problem with tarps being placed on the roof to protect the property from leaks.

Commissioner Petruzzi moved to allow the contractor to cover the roof of the property at 3501 with tarps to protect it from any additional water damage. Commissioner Spaulding seconded the motion which passed unanimously.

There were no further citizen comments.

APPROVAL OF CONSENT AGENDA:

Mayor Brooks asked that item d. Developer's Agreement with Clear Channel be pulled from the agenda and considered separately.

Commissioner Petruzzi moved to approve items a., b., and c. on the Consent Agenda which included minutes from the November 29, 2006 Workshop Session, minutes of the December 5, 2006 Regular Session; and award of bid for Swan Basin Drainage Improvements to Slaughter Construction in an amount of \$788,467.00. Commissioner Pisano seconded the motion which passed unanimously.

The Developer's Agreement with Clear Channel Outdoor was amended and the Mayor asked Attorney Bennett to go over the changes made since the City Council Workshop Session held on January 3, 2007.

Those modifications included: specifying the west bound face of the signs are to be the approved face(s) of the existing billboard signs for LED; the language has been clarified regarding the city's use for community service messages to "two, two week periods each year" and there is a change from "permitted" to "installed".

Clear Channel Outdoor representative Stan Musica approved the changes.

It was determined the vote to approve the Developer's Agreement should be held after adoption of the enabling ordinance 07-01.

ADOPTED ORDINANCE 07-01

Mayor Brooks read the ordinance by title only as follows:

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA AMENDING CHAPTER 52, OF THE BELLE ISLE CODE OF ORDINANCES TO PERMIT AND PROVIDE REGULATIONS FOR DIGITAL BILLBOARDS IN NON-RESIDENTIAL ZONING DISTRICTS; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

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

Commissioner Prince moved to adopt Ordinance 07-01. Commissioner Spaulding seconded the motion.

Upon roll call the vote was as follows:

Commissioner Ady	Absent
Commissioner Prince	Aye
Commissioner Petruzzi	Aye
Commissioner Pisano	Aye
Commissioner Spaulding	Aye
Commissioner Scott	Aye
Commissioner Readey	Aye

With six ayes and no nay votes the ordinance was therefore adopted.

DENIED APPEAL TO PARKING CITATION # 5878 REQUESTED BY GARY LEYMAN, 1611 PERKINS ROAD:

Mayor Brooks asked for Mr. Leyman to present his appeal. Mr. Leyman was not present.

Commissioner Petruzzi moved to uphold the citation and deny the appeal requested. Commissioner Scott seconded the motion which passed unanimously.

GRANTED APPEAL TO GRANT VARIANCE TO SIDE SETBACK FROM 5' TO 1' FOR TEMPORARY STRUCTURE LOCATED AT 1750 PAM CIRCLE

Mayor Brooks asked the appellant to present his request.

Mr. Steinbrook presented his request and submitted photographs of similar structures in residential areas, submitted a letter of support for the request from abutting property owners and advised he could move the boat and shelter further back, but it is not possible to maneuver the boat trailer into the side or rear yard in a manner that will provide the required setback. He stated there just isn't enough clearance in the front or side yard to maneuver the tow vehicle and boat trailer to accommodate the five foot setback.

Mr. Steinbrook advised he was only looking to have a temporary variance that would cease upon the sale of his boat or home to new owners.

Commissioner Prince moved to grant the variance to side setback from the required 5' to 1' for the temporary carport conditioned upon the height of the structure being lowered to a maximum of 7' in height, and that it be screened from view by six foot fencing in the side or rear yard and behind the electric

meter serving the house, and that the variance shall expire on or before January 9, 2013 or upon sale of the boat, whichever comes first. Commissioner Petruzzi seconded the motion which passed with five ayes and one nay, the nay vote being expressed by Commissioner Readey.

CONSIDERATION OF AN APPEAL REQUESTED BY MR. JOHN RAMSEY, OWNER OF 3521 ST. MORITZ STREET, FOR A VARIANCE TO SETBACK FOR A PARKED RECREATIONAL VEHICLE CONTINUED TO FEBRUARY 6, 2007 REGULAR SESSION:

Mayor Brooks asked if Mr. Ramsey was present.

City Manager Williams advised Mr. Ramsey was unable to attend the meeting this evening and had requested Council continue this matter to the February 6, 2007 Regular Session.

Attorney Bennett advised that it would be prudent for the Council to consider the request for continuance to ensure the appellant receives due process.

Mayor Brooks opened the public hearing and advised the Council would hear public comments on the matter this evening and again on February 6, 2007 when the issue is continued.

Mr. Bob Buzzetti, 3509 St. Moritz Street, presented his comments regarding the fence being moved 2' further forward than the previous fence had been; Mr. Buzzetti stated he house sits further back on his lot and the extension of the fence further blocks his view of traffic; stated the recreational vehicle was brought to the property in the same fire damaged condition it is still in 18 months later and that there is not a current tag on the vehicle; and he cited sections of Belle Isle Code and that he believes the subject property is in violation of those city codes.

Mr. Buzzetti advised he would have additional comments when the issue is continued on February 6, 2007.

Commissioner Scott moved to continue the item to the February 6, 2007 City Council Regular Session. Commissioner Spaulding seconded the motion which passed unanimously.

APPROVED CLEAR CHANNEL OUTDOOR DEVELOPER'S AGREEMENT:

Commissioner Prince moved to approve the Developer's Agreement with Clear Channel Outdoor as revised relating to Light Emitting Diode signage.

Commissioner Petruzzi seconded the motion which was adopted with six aye and no nay votes.

ORDINANCE 07-02 REGULATING AND LICENSING FOR THE RENTAL OF RESIDENTIAL DWELLINGS:

Mayor Brooks read the ordinance by title only as follows:

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADDING A NEW CHAPTER AND ARTICLE TO THE BELLE ISLE CODE OF ORDINANCES ESTABLISHING REGULATIONS AND LICENSING REQUIREMENTS FOR THE RENTAL OF RESIDENTIAL DWELLINGS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

After some discussion it was moved by Commissioner Prince to discuss this ordinance again at the January 31, 2007 workshop. Commissioner Scott seconded the motion which passed unanimously.

ADVANCED ORDINANCE 07-04 TO SECOND READING:

Mayor Brooks read the ordinance by title only as follows:

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 10, SECTION 10-30(c) OF THE BELLE ISLE CODE OF ORDINANCES DECLARING THE EXISTENCE OF GRAFFITI ON PUBLIC OR PRIVATE PROPERTY AND THE EXISTENCE OF UNCOVERED OR UNSCREENED COMMERCIAL DUMPSTERS TO NUISANCE CONDITIONS REQUIRING CORRECTION WITHIN 48 HOURS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

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

AWARD OF BID FOR HOFFNER SWALE RESTORATION PROJECT TO BARRACUDA CONSTRUCTION:

Mayor Brooks advised that Barracuda Construction, Inc. is the second low bidder and all bid requirements were met.

Mayor Brooks advised the plan calls for six trees to be removed and he would like to see the plans revised to save the trees. He suggested the swale could be redirected around the trees or the trees could be protected by other means. He stated that if no alternative is found to preserve the trees, he would recommend abandoning that portion of the project.

The engineer from Excel responded that the plan has been reworked to preserve all but the last tree, which is a dead tree, in the middle of the swale.

It was the desire of the Council that the five live trees should be preserved by re-working the project.

The Excel Engineer stated that one of the trees is very close and perhaps a wall to protect the tree could be incorporated into the project.

Commissioner Scott asked if the project will have to be re-bid.

City Manager Williams responded that it would not as this would be a change order to the contract.

Mayor Brooks stated the Council needs first to award the bid and then a change order would come before Council at a later date.

City Manager Williams advised a budget adjustment will need to be made and the city may have some portion of the expense not covered by the FEMA allowance of \$490,000.

Discussion ensued that money would be saved by not having to remove the trees and that should off-set some of the cost of the change order.

Commissioner Petruzzi moved to award the bid to Barracuda Construction, Inc. in an amount of \$459,960.00 and to save five of the six identified trees within the construction area, eliminating the dead pine tree. The motion was seconded by Commissioner Spaulding and passed with five ayes and one nay vote. The nay vote was expressed by Commissioner Scott.

COUNCIL REPORTS:

Commissioner Readey: no report.

Commissioner Scott: no report.

Commissioner Spaulding: requested additional police presence in Windsor Place due to the recent rash of auto break-ins and thefts in the area.

City Manager Williams advised the Belle Isle Officers had made an arrest in Windsor Place and the suspect apprehended was in a vehicle.

Commissioner Pisano: no report.

Commissioner Petruzzi: no report.

Commissioner Prince: reported she attended a wireless network workshop and she would like to see the Council look into the issue.

She also requested the Council look at under-grounding utilities within the city. Even though it is expensive, the city should begin under-grounding in phases doing the oldest service plant areas first.

City Manager Williams responded that Council had considered and rejected a franchise fee on electricity, which would have been a funding source for under-grounding utilities.

There being no further business to discuss the meeting was adjourned at 8:35 p.m.

Belinda L. Bateman, MMC
City Clerk

