

**CITY OF BELLE ISLE
REGULAR SESSION
MARCH 6, 2007
5:00 P.M.**

The Belle Isle City Council met in regular session on Tuesday, March 6, 2007 in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Orange County, Florida 32809.

Mayor Brooks called the meeting to order at 5:00 p.m. and asked the Clerk to call the roll. Upon roll call Commissioners Ady and Scott were absent. Commissioners Prince, Petruzzi, Pizano, Spaulding and Readey were present.

Mayor Brooks introduced Orange County Property Appraiser Bill Donegan to present a program on the current tax legislation proposals.

Commissioner Ady arrived at 5:30 p.m. and Commissioner Scott arrived at 5:40 p.m.

Mr. Donegan completed his presentation and there was a question and answer period.

Mayor Brooks closed the meeting for a five minute break and reconvened the meeting at 6:00 p.m.

MAYOR'S REPORT:

Mayor Brooks reported the following:

1. He attended the Conway Community Council meeting at which issues, including Conway Road and the most recent proposed multi-family housing project, were discussed.

Mayor Brooks stated he is providing accurate information to our elected County Officials regarding alternative uses for the proposed site and designated land use. He stated that both Shenandoah and Conway Middle school are at the bursting point with overcrowding. School capacity should be an issue and he encouraged all the Commissioners to express their position on the issues.

2. Pine Castle Elementary School was on the list as one of the schools being considered for closure. Once the School Board realized the proposed closures and consolidations would not meet the standard for desegregation they were trying to obtain, they backed of the proposal.

This does not mean it will not be back in the future. Please encourage the School Board Chairman and members that Pine Castle is a Nationally Ranked elementary school and a great neighborhood school and should remain as such.

3. Discussed a joint meeting date to meet with Edgewood, Pine Castle Safe Community Committee, Orange County Commissioner Linda Stewart and Belle Isle. Edgewood will host the meeting in their Council Chambers. Final date and time will be provided as soon as possible.
4. Asked if trees will be replaced that have been removed for the Swann Drainage Project.

Mr. Williams responded that trees will be planted where possible.

5. Asked if the Belle Vista revised subdivision wall plan has been submitted.

Mr. Williams responded he did not recall seeing it and will check with staff.

6. Mayor Brooks asked to pull from the consent agenda the item relating to Amendment to the Agreement re: Monitoring the Nela Bridge Project.

City Manager Williams advised Mr. Fraser from Miller Legg was here to discuss the amendment.

Mr. Fraser advised that the level of monitoring of the project has increased significantly due to a number of unforeseen issues. He added that the amount requested in the addendum is based on the increased level of oversight required of this project and should be adequate to complete the project.

General discussion ensued with Commissioners Ready and Petruzzi questioning the need for the additional funds and the scope of work included in the contract.

Commissioner Readey moved to accept the item for the consent agenda. Commissioner Ady seconded the motion.

Additional discussion occurred with Commissioner Scott and Spaulding asking questions regarding the number of hours estimated in the amendment.

Mr. Fraser he doesn't like having to come before Council to ask for additional funds, but the level of oversight that has been provided for this project significantly exceeds what was estimated. He stated they anticipate twelve hours a week will be required through the completion of the project. He stated that he believes the request is fair based on the level of work being done.

At the conclusion of the discussion the motion pass unanimously.

7. Discussion of Nela Bridge Change Order:

City Manager Williams advised that Attorney Bennett, Harvey Readey, Miller Legg and M & J Construction met and discussed the unforeseen conditions that attributed to the delays.

Mr. Fraser stated that to his understanding, the utility locator for Bell South mislocated the phone lines.

General discussion ensued regarding who was liable for the delay.

During the discussion it was stated that Bell South did their own utility locate.

Mr. Boutzoukas of M & J Construction responded that the utility location was within one foot of the sheet wall and 15' deep. He stated that due to pilings below the old sheet wall and a cable that ran through the bridge, the new sheet piling was moved 18" further away from the utility locate flag.

After lengthy discussion, Mayor Brooks asked if the portion of the change order related directly to the utility location issue could be deducted from the change order, since liability for that cost is still being debated. He stated he wanted to be fair to the Belle Isle taxpayers and to the contractor.

Discussion of the item was delayed for the contractor and Miller Legg to determine the change order amount after deducting the amount related to the utility mislocation delay.

Mr. Boutzoukas and Mr. Fraser returned with an amended amount for the change order reducing it to \$97,679.91.

Commissioner Petruzzi moved to accept the change to \$97,679.91 and allow the revised change order, excluding items 5,6,7,8, & 9 on the

spread sheet, to be on the consent agenda. Commissioner Scott seconded the motion which passed unanimously.

CITY MANAGER'S REPORT:

City Manager Larry Williams reported the following:

1. Swann Drainage Basin project letters to the residents have been sent. Some trees removed to accommodate the drainage project will be replaced if the location doesn't interfere with the drainage structures.
2. Hoffner Swale Restoration Project is on the agenda.
3. We received a letter from the Lake Conway Estates Residents' Association that was generic in nature regarding enforcement of the ordinances and the associations position on variances. Attorney Bennett advised that in order for a document to be submitted for the record in a particular variance hearing, it must be specifically addressed to that item. Therefore, should anyone wish to express an opinion regarding any variance request, it would need to be on a specific case to be entered for consideration on a variance request or subsequent appeal.

CITY ATTORNEY'S REPORT:

Mr. Bennett had nothing new since the Council Workshop to report.

CITIZENS' COMMENTS:

Ralph Winterhoff, 3708 Rothbury Drive, thanked the Commissioners that attended the Conway Community Council meeting. He stated the concern regarding the 156 proposed apartments includes school overcrowding, crime and traffic. He stated the City of Belle Isle has a definite interest in what happens as it will impact the abutting area and therefore, impact our residents, property values and perception as a community.

Gene Aiello, 5008 Belleville Avenue, expressed concerns about some recent decisions made by the city. He said he believed some precedents are being set that are unfavorable to our city. He encouraged the city to enforce the codes.

Ken Meinke, 2627 Cullen Lake Shore Drive, asked that the five foot setback from the side lot line for boats and rv's be enforced.

Dean Michael, 5024 Mortier Avenue, stated that Lee Vista was to be commercial development, not residential and the apartments will be in the flight path.

Mayor Brooks responded that the area where the proposed development would be located is not within the loudest part of LDN curve of the flight path.

Carl Shott, 5628 Wind Willow Road, advised of a daytime break-in in his neighborhood and heard there was another break in today around noon.

Commissioner Prince stated there has been increased activity in the middle of the day in her area as well. Two individuals in an older model white car have been observed driving through the neighborhoods and checking doors where no one appears to be home.

APPROVED HOFFNER STREET SCAPE MATCHING GRANT PROJECT

A proposed project to tree scape Hoffner Avenue was presented to Council. Estimated cost of the project is \$50,000 with a \$25,000 match in grant funds. Estimated engineering costs for plans, specs and bid documents is \$7,755.00 pending grant approval.

Commissioner Ady moved to approve the project pending award of the grant. Commissioner Spaulding seconded the motion which passed unanimously.

APPROVAL OF CONSENT AGENDA

Commissioner Scott asked that item (c) be pulled from the consent agenda for discussion.

Commissioner Ady moved to approve items a – k on the consent agenda which included minutes of the Regular Session on February 6, 2007; January Monthly Financial Report for January 2007; Resolution 07-02 authorizing an Agreement with the Urban and Community Forestry Grant Memorandum of Agreement with the State of Florida Department of Agriculture and Consumer Services, Division of Forestry; authorization to enter an Agreement with Barracuda Construction and AAPEC, Inc. for General Contracting Services; Award of bid to M & M SI Construction for the Nela Avenue/Homewood Drive Milling and Resurfacing project; acceptance of resignation of James Trimble from the District 4 seat on the Planning and Zoning Board; acceptance of appointment of Bill Haan to fill District 4 seat on Planning and Zoning Board; authorization to submit grant application for Swann Drainage Area Improvements, Phase II, with a City Match of \$250,000; authorization of change order for Hoffner Swale Restoration project resulting in reduction of approximately \$60,000 to an amount of \$399,000; authorization to purchase a Stirling COE50 chassis dump truck through a lease purchase agreement of \$44,780 to be paid in five annual installments of approximately \$10, 734.93 each; approved Addendum 1 to the Agreement of

May 5, 2003 with Miller Legg for additional work beyond the scope of the original work estimate due to unforeseen conditions relating to the Nela Isle Bridge project; approved change order requested by M & J Construction relating to unforeseen conditions relating to the Nela Avenue Bridge Project; approved Addendum 4 to the Agreement with Miller Legg on May 5, 2003 for engineering and planning services related to the Hoffner Avenue Street Planting project in an amount of \$7,755.00.

Commissioner Ady moved to approve the consent agenda except for item c. Commissioner Scott seconded the motion which passed unanimously.

Commissioner Scott asked Linda Albine, the Lake Conway Shores HOA representative if she had a drawing of the proposed landscape Improvements.

She responded that they have a rendering done by the architect, but she did not bring it with her this evening. She described the improvements and advised new landscape plantings will include lariope and indica hawthorne.

Commissioner Scott moved to approve the NIMG in an amount not to exceed \$5,000 in matching funds. Commissioner Petruzzi seconded the motion which passed unanimously.

ADOPTED RESOLUTION 07-03 VACATING AND ABANDONING A PORTION OF THE NORTHERLY RIGHT OF WAY ADJACENT TO COVE DRIVE

Mr. White, Common Sense Solutions, representing Mr. Earl Crittenden, presented the request to vacation a portion of the Cove Drive right-of-way that abuts Mr. Crittenden's property. He stated Mr. Crittenden had given this land as right-of-way many years ago.

Commissioner Ady moved to adopt Resolution 07-03. Commissioner Pisano seconded the motion which passed unanimously.

DENIED AN APPEAL REQUESTED BY MR. DEAN MICHAEL

Mr. Dean Michael, property owner of 5024 Mortier, presented his appeal to the Planning and Zoning Board denial of a variance to allow a temporary carport set back from the side lot line to be reduced from five feet to zero feet. He advised the Planning and Zoning Board granted the variance for his recreational vehicle, but denied the temporary carport cover that protects it from the elements.

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

Commissioner Readey expressed his concern that such temporary structures are safety hazards to the community in high winds.

City Manager Williams stated that when Council adopted the set backs for recreational vehicles and boats the same minimum setback for accessory structures was supported for the vehicles as well as any accessory structures.

Attorney Bennett read the criteria to the Council for granting a variance. He advised them that code requires all the criteria be met to grant a variance.

Commissioner Petruzzi moved to uphold the Planning and Zoning Board's denial of the variance based on the how our residents feel about enforcing our codes. Commissioner Readey seconded the motion which passed unanimously.

Mr. Michael was advised his next step in the process, should he wish to appeal, is to file a petition for Writ with the Circuit Court.

ADOPTED ORDINANCE 07-03 REGULATING THE REMOVAL OF TREES FROM DEVELOPED PROPERTIES

Mayor Brooks asked that the Ordinance be read by title which was done as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 48, ARTICLE III SECTION 48-63 OF THE BELLE ISLE CODE OF ORDINANCES TO PROVIDE REGULATIONS FOR THE REMOVAL OF TREES FROM DEVELOPED PROPERTIES, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

Commissioner Ady moved to adopt the ordinance. Commissioner Spaulding seconded the motion.

Upon roll call the vote was as follows:

Commissioner Ady	Aye
Commissioner Prince	Aye
Commissioner Petruzzi	Aye

Commissioner Pisano	Aye
Commissioner Spaulding	Aye
Commissioner Scott	Aye
Commissioner Readey	Aye

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

PASSED FIRST READING OF ORDINANCE 07-05

Mayor Brooks asked for the ordinance to be read by title and the City Clerk read the ordinance by title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA AMENDING CHAPTER 52, ARTICLE II, SECTION 52-32 OF THE BELLE ISLE CODE OF ORDINANCES TO PROHIBIT OFF-SITE SIGNS IN RESIDENTIAL DISTRICTS AND TO ALLOW FOR SIGNS IDENTIFYING CONTRACTORS DURING CONSTRUCTION OF IMPROVEMENTS ON A RESIDENTIAL PARCEL; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Commissioner Readey asked that the ordinance include a small amendment which was approved by Council.

Commissioner Scott moved to advance the ordinance to second reading, as amended. Commissioner Prince seconded the motion which passed unanimously.

ACCEPTED REVISED BID FROM BARRACUDA CONSTRUCTION FOR HOFFNER SWALE RESTORATION PROJECT

The revised bid submitted includes a reduction in total cost of approximately \$60,000 resulting in bid price of \$399,000.

Commissioner Ady moved to accept the revised bid from Barracuda Construction. Commissioner Pisano seconded the motion which passed unanimously.

ADOPTED RESOLUTION 07-04

Mayor Brooks advised Resolution 07-04 authorizes an increased fee for Variance and Special Exception Application fees from \$100 to \$150, effective April 1, 2007.

Commissioner Petruzzi moved to adopt Resolution 07-04. The motion was seconded by Commissioner Ady and passed unanimously.

ADOPTED RESOLUTION 07-05

Mayor Brooks advised Resolution 07-05 is a resolution of support for the Conway Road Widening Project and for the installation of a traffic signal at Cove Drive and Conway Road. He pointed out that Cove Drive is shown as Cove Road on the document and asked that the resolution be amended.

Commissioner Spaulding moved to adopt Resolution 07-05. Commissioner Readey seconded the motion which passed unanimously.

ADOPTED RESOLUTION 07-06

Mayor Brooks advised Resolution 07-06 states the city's objections to the proposed apartment development on Conway Road south of the Belle Isle Apartments.

Commissioner Ady moved to adopt the resolution. Commissioner Spaulding seconded the motion which passed unanimously.

PASSED FIRST READING ORDINANCE 07-06

Mayor Brooks advised ordinance 07-06 deals with the definition of "dwelling" and more particularly to preclude time shares and short term rentals to be excluded from the definition.

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

COMMISSIONER'S REPORTS:

Mayor Brooks advised Council of the ongoing personnel training that is being provided to the city staff.

Commissioner Prince asked that a Professional Survey of the employees be conducted. She stated she would like to see we are being responsive to the employees.

It was suggested that a routine survey template may be available through the Florida League of Cities.

Commissioner Scott asked if Council directing an employee survey to be done is an infringement on the Charter?

Mayor Brooks responded that this is a policy issue and a tool for the City Council and City Manager to use. Mayor Brooks stated he would like to see the entire city surveyed to get an idea of how the citizens think we are doing.

City Attorney Bennett stated it was appropriate under the Charter.

Commissioner Scott asked if we are going to hire a professional and are we prepared to follow through once we have the results.

Commissioner Williams suggested a three member committee.

Commissioner Pisano said she was supportive of the idea and thinks a great deal of good will come of it.

Mayor Brooks asked Attorney Bennett, Commissioner Prince and City Manager Williams to serve on the Committee.

Discussion about the location for the annual retreat ensued. It was the direction of the Council to meet off-site, but close enough in that it would not appear the public were being excluded. Regal Marine Industries Board room was suggested and City Manager Williams stated he would see if the facility would be available.

Commissioner Ady asked that the next workshop date be changed as he and Commissioner Readey would be in Tallahassee attending the Legislative Action Day. He suggested March 23rd or 26th. It was the consensus of Council to hold the next workshop on Monday, March 26th at 8:30 a.m. with the City Council meeting held on Tuesday, April 3rd, 5:30 p.m.; and the retreat on Thursday, April 26th.

Commissioner Readey: advised Joe McCawley has had more vandalism at his home and has requested the Council pass a motion to fund a security person at the east end of the Nela Bridge from 6 pm to 12 midnight.

Commissioner Readey moved to fund and authorize security coverage at the east end of the Nela Bridge from 6:00 p.m. until midnight, Friday, Saturday and Sunday nights until the Bridge project is completed.

The motion died for lack of a second.

City Manager Williams advised he would talk to the contractor about completely fencing off the construction site.

Commissioner Scott asked when the annual audit would be done.

City Manager Williams responded the audit will be presented at the next workshop and on the following Council agenda for acceptance.

Commissioner Scott advised we are only meeting one time next month.

Mayor Brooks responded that if necessary a special meeting can be called.

Commissioner Pisano asked about the plans for Conway East water service improvements.

City Manager Williams responded he has received 60% plans and there will be another meeting next week.

Commissioner Spaulding advised the new HOA president for Windsor Place is Fred Fenwick.

There being no further business to discuss, the workshop was adjourned at 8:45 a.m.

Belinda L. Bateman, MMC
City Clerk