

**CITY OF BELLE ISLE
SPECIAL SESSION AND
WORKSHOP SESSION
JANUARY 2, 2008
8:30 A.M.**

The Belle Isle City Council met in Special Session on Wednesday, January 2, 2008, 8:30 a.m., in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Orange County, Florida 32809.

The following members were present:

William G. Brooks	Mayor
Thomas G. Petruzzi	District 1
Trudy Prince	District 2
Charles S. Scott	District 3
Larry I. Ady	District 4
Harvey Readey	District 5
Lydia Pisano	District 6

Absent was Commissioner Eric S. Spaulding, District 7.

Council approved Commissioner Spaulding's absence.

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

MAYOR'S REPORT

Advised the Florida League of Cities has asked member cities to pass a resolution opposing the proposed property tax reform. The bill, if passed, is not fair or equitable and will negatively impact the cities' revenues and abilities to deliver services and comply with the State unfunded mandates such as Comprehensive Growth Planning. A resolution is included on the Consent agenda and I would ask Council's consideration in adopting the resolution.

Mayor Brooks thanked Mr. Jim Swan, Waste Management representative, for being at the meeting. He advised they would ask him to join them in discussion during the workshop portion of the meeting.

Mayor Brooks extended his appreciation to the entire City Staff for their efforts in putting together the Tree Lighting and Santa Ride. He said both events were a huge success and the residents thoroughly enjoyed them.

CITY MANAGER'S REPORT – deferred to workshop portion of the meeting.

CITY ATTORNEY'S REPORT

City Attorney Bennett advised that Winn Dixie is reconsidering its appeal.

Mayor Brooks stated the property is not in compliance and the longer they wait the more fines will accumulate.

Attorney Bennett responded that the Code Enforcement Board ruled to hold the fines in abeyance.

Mr. Bennett reported that the Court did grant McCrory another 30 day extension.

Attorney Bennett advised that Florida Statutes Section 119.07 (1) is a new requirement dealing with social security numbers and that local governments must adopt by ordinance, resolution or administrative policy, a policy that clearly defines the methods by which they will comply with the new law.

GRANTED APPEAL TO PLANNING AND ZONING BOARD'S DENIAL OF A VARIANCE TO ALLOW A PATIO DECK EXTENSION TO ENCROACH INTO THE REQUIRED SIDE SETBACK.

Ms. Claramargaret H. Groover, attorney representing Mr. and Mrs. Eric Trumble, 390 N. Orange Avenue, Suite 2300, Orlando, Fl. 32801, presented the appeal. She advised that over the past few years two significant changes were made to the home. The Trumbles have removed the previously existing pool and deck and have a new pool and patio area that was permitted through Belle Island and Orange County. She stated ISR is not an issue on the property and the Trumbles are asking to increase the patio/deck area on one side of the pool to provide an area for recreation and adult supervision of the pool when the children are present. The current area is inadequate for poolside activities.

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

Mayor Brooks asked if the non-conformity being requested is less than before.

Attorney Groover responded affirmatively.

Commissioner Scott asked what the hardship is.

Attorney Groover stated the existing deck area is too small to be safe.

Mrs. Trumble advised there is no other place to place the deck area and still accommodate traffic around the 20' X 40' pool area.

Commissioner Ady stated he had no problem with the request and supported the variance being granted.

Commissioner Readey advised there is nothing wrong with a grass area instead of deck for poolside recreation.

Commissioner Petruzzi stated the property is unique and he saw no reason to deny the request.

Commissioner Ady agreed the property is very unique.

Commissioner Ady moved to overturn the denial of the Planning and Zoning Board and grant the variance for a pool deck encroaching into the required setback.

Commissioner Readey seconded the motion.

Upon roll call the vote was as follows:

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

With six ayes and no nay votes the variance request was granted on appeal.

DENIAL OF AN APPEAL BY MRS. FAY SCOTT EVANS FOR A VARIANCE TO ALLOW THE INSTALLATION OF PAVERS FROM 5' FROM THE SIDE PROPERTY LINE TO 0' FROM THE SIDE PROPERTY LINE.

Mr. Ronald Evans, 1614 Overlook Road, spoke on behalf of Mrs. Evans. He advised the purpose of the pavers is to provide a base surface for a spa that is medically necessary for his wife, Mrs. Evans. He advised that the paver surface needs to be the full width of the side yard to provide adequate access to the spa.

Mayor Brooks opened the public hearing.

Ann Baldasari, Overlook Road, stated he objections to the appeal and advised that she does not believe the Planning and Zoning Board erred in its decision to

deny the request. She advised the applicant did not meet the criteria for a variance to be granted in that there is no hardship and it is not the minimum variance for reasonable use as other locations on the property are possible. She continued by saying her concerns were that the actual intent of the paved area is that the homeowner wishes to put up a temporary cover and make the area a garage/storage area. She also stated her concerns with the property already exceeding 35% ISR now. She asked the Board to deny the appeal and uphold the decision of the Planning and Zoning Board.

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

Commissioner Petruzzi moved to deny the appeal and uphold the decision of the Planning and Zoning Board to deny the variance request. Commissioner Pisano seconded the motion.

Upon roll call the vote was as follows:

Commissioner Ady	Nay
Commissioner Prince	Aye
Commissioner Petruzzi	Aye
Commissioner Pisano	Aye
Commissioner Scott	Aye
Commissioner Readey	Aye

With five ayes and one nay vote by Commissioner Ady, the appeal request was denied.

COUNCIL REPORTS

Commissioner Readey – Suggested there may be less expensive alternatives to replacing the lighting under the Nela Bridge. He suggested local residents have the expertise to design and build a cover for the lights that would deter the vandalism.

Commissioner Readey advised that several folks, even some on the Planning and Zoning Board were asking when the remainder of the engraved brick order would be received and installed.

City Manager Williams responded that it would be very soon.

Commissioner Readey asked if the Mayor would share his long term vision for the city in a presentation to the Council. He stated he would like to see the Council get into some long range planning for the city. He also asked that the Council be more compassionate in adopting new policies and regulations. He

stated there are a number of residents who are on very limited income and some of our regulations are financially burdensome to them.

Mayor Brooks stated the City has adopted a mission and vision statement at the time he became Mayor. He stated he would be happy to share his personal vision with the Councilmembers.

Commissioner Scott – asked if there would be discussion with Council on the proposed resolution 08-01.

Mayor Brooks said there will be prior to Council being asked to vote.

Commissioner Pisano – no report.

Commissioner Petruzzi – reported that the LCNAB contracted street sweeper is racing through Lake Conway Estates and not doing any good. He asked that the City go on record with LCNAB to let the Board know their contracted street sweeper is not working up to standard.

Mayor Brooks stated it may be the time to push for the LCNAB to be sunset. To accomplish that, the support of the Legislative Delegation will be necessary.

Commissioner Ady moved to direct the Mayor to issue a letter to Orange County regarding the poor surface of the roadway after the County's public works project was completed. Commissioner Petruzzi seconded the motion which passed without objection.

Commissioner Petruzzi advised there were snipe signs and many other code violations over the past weekend.

He commented that residents have been encouraged by the additional code enforcement coverage they have been seeing.

Commissioner Petruzzi asked if the Council needed to respond to the issues raised by Planning and Zoning Boardmember Haan.

City Manager Williams Mr. Haan did receive a response to the issues he brought forward.

Commissioner Prince – expressed her appreciation for the increased law enforcement coverage and traffic enforcement.

Mayor Brooks reported several residents have seen a man with two backpacks walking through various neighborhoods. The Mayor advised that the man had been approaching children.

Commissioner Prince asked if the City would move forward with annexing the three houses on Hoffner that face into the neighborhood but are in Orange County?

She also asked if there has been any significant increase in foreclosures in Belle Isle.

Commissioner Petruzzi stated the tell-tale sign will be when the "for sale" signs become "for rent" signs. He stated Lake Conway Estates experienced a significant lack of participation in the holiday luminaries display.

Commissioner Scott – asked if the man with two backpacks had been seen on Gondola?

City Manager Williams stated he would meet with the County to cover the issues of concern. He also reported he had met with Orange County regarding the FDOT Ditch at east side of Lagoon Park and the fence is well within the FDOT right-of-way.

Commissioner Ady – suggested now might be the right time to approach Lake Conway Woods about annexation. He stated he believed there was some interest in the subject.

Commissioner Ady stated Pine Castle United Methodist Church is ready to work on annexation.

City Manager Williams advised a letter of intent will be sent.

Commissioner Petruzzi stated that we need to do what is right for the city.

DISCUSSION WITH JIM SWAN, WASTE MANAGEMENT GOVERNMENT LIAISON

Mayor Brooks asked Mr. Swan to talk about the age and condition of their service fleet.

Mr. Swan advised new trucks cost about \$190,000 each. He advised the maintenance of the trucks is constant and the route driver is responsible for making sure the trucks are getting the repair and maintenance they need.

Commissioner Scott asked if new employees get training on where to return the cans?

Mr. Swan responded affirmatively and said the cans are to be returned to the spot where they were picked up. He reminded Council that empty cans are susceptible to being blown over and into the street by traffic and weather conditions.

Commissioner Petruzzi said the he has been very complimentary of the collection crew in the past. However, in 2007 he had four cans destroyed and on pick up day it is common to have trash everywhere. He asked if there is a speed limit the drivers are to maintain in residential neighborhoods and how many men are on the truck.

Mr. Swan responded that he was very disappointed that this is the first he has heard of Commissioner Petruzzi's complaints. He stated he has provided his cell phone number to the Commissioners and would expect them to call him directly should there be a problem. He advised that if he doesn't get a call from them, he can't take the immediate steps to correct the problem.

Mr. Swan provided his cell phone number to the Mayor and Council.

Commissioner Prince stated she has no complaints with Waste Management's service and said they do a great job.

Commissioner Petruzzi asked if the drivers shouldn't pull off to the side of the road to let traffic go by.

Mr. Swan responded that there are very limited areas that will accommodate a garbage truck to safely pull off and re-enter the roadway. Typically they are to stay on the roadway and continue collecting their route.

City Manager Williams offered an apology to Mr. Swan, stating he had not heard the complaints cited prior to today except that they were sometimes not getting all the bags out of the cans.

Mayor Brooks stated that two weeks ago a truck was driving through our streets with a spill line coming out of the back of the truck. He stated he had been in Winter Park and their trucks were new. He advised the truck servicing his neighborhood was old and nasty. He said he is not questioning the work of the collection crews and knows they work long and hard. He asked that we all do a better job communicating with the city and residents with complaints.

Mr. Swan advised the life cycle of a typical collection vehicle is ten years. The drivers are responsible for pre and post route maintenance inspections.

CITIZENS' COMMENTS

Paul Johnson, a resident of Gibson Drive, expressed concerns regarding trash on the ground after pick-ups and property rights protection.

APPROVAL OF CONSENT AGENDA

Mayor Brooks discussed resolution 08-01 which finds expenditures of monies in opposition to a proposed constitutional amendment serves a public purpose and therefore is essential to the health, safety, protection and welfare of the city and its citizens. He stated the Save Our Homes initiative is a bad idea that is unfair- and portability is a good idea but withstand a court challenge.

Commissioner Scott moved to approve the consent agenda which included minutes of the November 7, 2007 City Council meeting, authorized additional services agreement with Miller Legg for Gene Polk Park not to exceed \$29,600; and authorized additional services agreement with Miller Legg for Montmart Park not to exceed \$28,500; and adopting Resolution 08-01 authorizing expenditure of revenues to oppose a proposed constitutional amendment found by the city to be a threat to the health, safety, protection and welfare of its citizens. Commissioner Prince seconded the motion which passed without objection.

Mayor Brooks adjourned the regular session.

WORKSHOP SESSION

ATTORNEY'S REPORT:

DISCUSSION OF RENTAL ORDINANCE/NUISANCE ABATEMENT:

Attorney Bennett stated it was his understanding the rental ordinance Council wished to proceed with was the one previously presented but with the interior inspection portion deleted.

Commissioner Petruzzi asked if we can have a rental ordinance that can be enforced?

Mr. Bennett responded that the example Commissioner Petruzzi presented in the past relating to DeLand, Florida was written specifically aimed at college students in residential areas and was not to attempt enforcement elsewhere in DeLand.

Commissioner Petruzzi stated the Deltona Ordinance first paragraph references the International Building Maintenance Code. Why are we not incorporating the International Building Maintenance Code?

Mayor Brooks stated that before we proceed with consideration of adopting the International Building Maintenance Code we need to know if it is enforceable by the City, if it has already been adopted and is in force with Orange County does the county have the ability and authority to enforce it within Belle Isle.

City Manager Williams responded that Orange County Building Department inspectors were able to inspect and condemn properties within Belle Isle during the 2004 hurricane aftermath.

Mayor Brooks asked if it is enforceable on existing property which is deemed to be below standard conditions.

Commissioner Ady stated the national average for rental properties is 31%. He stated it would be interesting to know what per cent of Belle Isle properties are now rental instead of homesteads.

Attorney Bennett stated he would get a definitive answer from Orange County regarding their authority and ability to inspect properties within Belle Isle.

City Manager Williams stated he thought we were considering the ordinance presented by Commissioner Pisano with the deletion of the interior inspections.

Commissioner Petruzzi stated we can do that but the question is whether it is enforceable.

City Manager Williams stated we should put Commissioner Pisano's ordinance, as amended to delete interior inspections, on the next meeting agenda for first reading.

Mayor Brooks stated we don't know if it is enforceable.

Attorney Bennett summarize that he understood Council to be directing that the Rental Ordinance, as modified, be on the next Council agenda for first reading; that we will consider sections from other city ordinance for the nuisance abatement ordinance at the next workshop and tentatively place on next regular meeting agenda for first reading.

Mayor Brooks stated we will start with Commissioner Pisano's ordinance for first reading at the next regular meeting; and that Attorney Bennett will have a definitive answer for the workshop as to whether it is enforceable, whether we

need to adopt the International Building Maintenance Code, if Orange County has adopted it and do we need to adopt theirs by ordinance. Mr. Bennett will have a meeting with Orange County Staff to get the right answers.

City staff has revised the Nuisance Abatement Ordinance and it is to be on the January workshop agenda for discussion.

CITY MANAGER'S REPORT

City Manager Williams stated that after finally getting a grant to build shelter around the dedicated generator at Lake Conway Shores HOA lot, the HOA is objecting to having the generator there.

Mayor Brooks stated the generator wasn't purchased to be dedicated to that site. However, it does need to be kept under cover and protected from the elements.

It was the consensus of Council to remove the generator from HOA lot as requested.

Mayor Brooks stated the removal does not mean use of the generator would be withheld from the HOA should it be necessary to protect the area from flooding.

City Manager Williams advised sales tax revenue has been revised from \$253,661 to \$245,793. Several other adjustments to revenue are also being made. The end result for the FY 2007-08 Budget will reduce the estimated budget surplus to offset the reduction in revenues.

Mayor Brooks talked about the outfall on La Belle that is 100 % exposed due to the low water elevation. He asked that the site be declared an emergency and we have the engineers redesign the outfall and that it be done correctly to avoid future problems.

Mayor Brooks also stated we need to accelerate the installation of the CDS units as they are making a difference in the quality of water flowing into the lake.

Commissioner Prince asked that photos of the sites being recommended for repairs/redesign and CDS units be furnished along with a cost estimate per project to the Council for consideration.

There being no further business to discuss, the meeting was adjourned at 12:40 p.m.

ATTEST: _____
Belinda L. Bateman, MMC