

**CITY OF BELLE ISLE
SPECIAL SESSION
JANUARY 29, 2008**

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

The following members were present:

William G. Brooks	Mayor
Thomas G. Petruzzi	District 1
Trudy Prince	District 2
Charles Scott	District 3
Larry Ady	District 4
Lydia Pisano	District 6
Eric S. Spaulding	District 7

Absent was Commssioner Readey, whose absence was excused.

Also present at the meeting were City Manager Larry Williams, City Attorneys John Bennett and Gayle Owens, and City Clerk Belinda Bateman

Mayor Brooks called the meeting to order and Commissioner Pisano gave the Invocation and led the Pledge to the U.S. Flag.

ORDINANCE 08-01 PASSED FIRST READING

Mayor Brooks asked the City Clerk to read Ordinance 08-01 by title only. The ordinance was read by title only as follows:

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA FOR THE PUPOSE OF ADOPTING THE 2007 COMPREHENSIVE PLAN AMENDMENTS, PHASE II AS SET FORTH WITHIN THE 2007, PHASE II EVALUATION AND APPRAISAL REPORT, ATTACHED HERETO AS EXHIBIT "A" AND WATERS UTILITIES WORK PLAN ATTACHED HERETO AS EXHIBIT "B" PURUSANT TO FLORIDA ADMINISTRATIVE RULE 9J-11 TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS.

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

Commissioner Prince moved to advance the ordinance to second reading. Commissioner Ady seconded the motion which passed unanimously by the six Commissioners present at the meeting.

ADOPTED RESOLUTION 08-02:

Mayor Brooks asked the Clerk to read Resolution 08-02 by title. It was read by title as follows:

**A RESOLUTION OF THE CITY OF BELLE ISLE
ADOPTING SOCIAL SECURITY NUMBER
COLLECTION POLICY AND PROVIDING AN
EFFECTIVE DATE.**

Commissioner Ady moved to adopt Resolution 08-02. Commissioner Petruzzi seconded the motion. Upon roll call the vote to adopt was passed unanimously by the six Commissioners present at the meeting.

Mayor Brooks closed the Special Session and opened the City Council Workshop.

MAYOR'S REPORT:

Mayor Brooks reported the following:

Advised he had received calls from Conway Isles regarding recent criminal activity in the area; calls from Lake Conway East regarding the proposed alignment of Cove Drive; calls from Windsor Place regarding speeding – several calls with officers responding and apparently some of the residents are the speeders within the neighborhood.

He also advised there have been complaints regarding speeding on Randolph, Matchett, Gondola and westbound on Hoffner.

It was suggested a traffic study be done for Windsor Place and Conway East to determine if speed tables and additional traffic control signs are appropriate for traffic calming in those areas.

Mayor Brooks stated there is a lot of vehicles/boats for sale on the weekends not displaying the appropriate "For Sale" permit from the City.

He advised he had reported an accessory structure at Oak Island Road and Hoffner that did not appear to meet building codes.

Mayor Brooks stated he had been asked to present his vision for the city to the Council and suggested Council take up the issue of updating the vision for the city at its annual work/retreat. He also stated he preferred having it somewhere local such as at Regal Marine.

Mayor Brooks thanked the City Manager and Staff for the excellent job they did in putting together the Tri-County League of Cities luncheon. He advised members of the Tri-County League were still complimenting the city on its outstanding lunch.

CITY MANAGER'S REPORT:

City Manager Williams reported the following:

Stated he will be meeting next week with the Board of Trustees of Pine Castle United Methodist Church regarding annexation.

Discussion ensued regarding information that would be beneficial to the presentation.

Mr. Williams also advised he would be meeting with Michelle Katz, Edgewood representatives and Sharon Wilson regarding the Orange Avenue corridor.

He also advised he and Attorney Bennett will meet with representatives from the Southwest annexation area next week and they have asked that a letter of intent be prepared for that meeting.

City Manager Williams stated that MetroPlan is still looking for a Belle Isle appointee to the Citizens' Advisory Board.

Commissioner Prince volunteered to serve and Council asked the item be added to the next meeting consent agenda.

COUNCIL REPORTS:

Commissioner Ady – reported the aerators at Lagoon Park are not working.

The City Manager responded that the water level continues to drop which is causing the problem with the aerators. He stated he would have maintenance make sure the pump is off.

Commissioner Spaulding – advised the Windsor Place HOA is making a formal request to the City that a traffic study be done to determine whether speed tables are warranted to calm traffic.

City Manager Williams stated the Council will have to authorize the study. It was suggested that a cost estimate be obtained and brought to Council for consideration.

Commissioner Spaulding stated there is a serious problem in the neighborhood with vehicles blocking sidewalks overnight. He also reported a commercial vehicle is parked in the evenings on Hawford Circle at Deerhurst. He described it as a box truck with “Peace of Mind” lettering on the side of the truck box.

Commissioner Spaulding asked, on behalf of the Windsor Place HOA, if the city will consider a NIMGrant for reimbursement on a completed beautification project.

City Manager Williams advised the grant program does not fund reimbursement for completed projects.

Commissioner Spaulding asked when the Windsor Place streets will be repaved.

City Manager Williams advised that he will be meeting with Pam Miller of HDR next week to look at the streets in Windsor Place and analyze the cracking.

Commissioner Spaulding advised he had received complaints about members of the city staff are dumpster diving/scavenging while driving a city truck.

Commissioner Spaulding advised he had a complaint from a resident who was upset with the way in which the way the City Manager responded to him.

Commissioner Pisano: advised Conway Isles is having security cameras installed and reported that Conway East had a break-in while a resident was at home. The resident ignored a knock on her front door and a few moments later a 22 year old male was entering her home.

Commissioner Pisano advised she will be attending a Conway Road widening meeting at which the Cove Drive intersection will be discussed.

Commissioner Spaulding stated it was his understanding that there will not be a right turn lane onto Judge Road from southbound Conway Road.

Mayor Brooks responded that was his understanding and it will only encourage traffic to continue using the right-of-way as a make-shift right-turn lane.

Commissioner Pisano asked what could be done to eliminate truck traffic on Judge and Daetwyler.

Mayor Brooks responded that MetroPlan has designated truck routes identified and that placing a weight limit on a road way is about the only way to discourage heavy truck traffic.

Commissioner Pisano advised that a loophole in the tree ordinance needs to be addressed to prevent a tree from being trimmed to the trunk and left standing.

Commissioner Pisano advised that Pete Vogt, appointee to the Planning and Zoning Board, has not been notified of his appointment and needs to be contacted.

She reported that M/IHomes has sold most of the undeveloped lots in the Belle Vista Subdivision to a new developer.

Mayor Brooks stated the PD does not change.

General discussion ensued regarding owner-occupied information and it was suggested letters be sent to the property owners stating the city's position that the properties are to be owner-occupied.

City Manager Williams responded that a letter should be send to The Palms, Phase I, Conway Breeze, The Palms, Phase II and to Robert Collins for Bella Piazza.

The need to track sales and send new owners notice regarding restrictions on owner-occupancy, short term rental prohibition, etc.

Attorney Bennett suggested we need to know the per cent of properties that are rentals versus homesteaded properties.

Additional discussion ensued.

Commissioner Pisano asked about her suggested new owner survey.

City Clerk Bateman stated she would find it and provide a copy to the Commissioner.

Commissioner Scott – no report.

Commissioner Prince – asked that a note of appreciation be sent to Ralph Winterhoff to thank him for his work on the City website.

The possibility of having paperless agendas was discussed with a majority of the Commissioners present supportive of moving in that direction.

Commissioner Petruzzi – reported there have been snipe signs on Hoffner for three months which he has previously reported at two previous meeting that have not been removed.

He reported one address, 1919 Hoffner, has a Collis Roofing sign at the mailbox that has been there 2 ½ months. He advised it was his understanding the contractor signs were to be removed within 4 – 6 weeks of the work being completed.

Commissioner Petruzzi also reported illegal parking on the curves on Hoffner and a pontoon boat that is hanging over the sidewalk.

It was also reported that a number of strange people have been seen in the Oak Island/Pleasure Island Road area. He stated the Oak Island, 2nd Replat owners are considering hiring off-duty police officers to patrol their area.

City Manager Williams stated he has a meeting scheduled for 9:00 a.m. on Monday to discuss these issues.

CITY ATTORNEY REPORT:

Attorney Bennett advised the Rental Licensing Ordinance is the same as previously reviewed by Council with the deletion of the interior inspection provision. In response to the Council's inquiry as to whether it is enforceable he advised he had contacted other cities with similar ordinances. The City of Deltona stated they respond to complaints from residents rather than doing any pro-active enforcement.

Attorney Gayle Owens advised that Deltona has a licensing provision and has adopted the International Building Maintenance Code but rely upon tenants to report substandard conditions and allow access. Deltona does not use the ordinance pro-actively.

Mr. Bennett advised that Orange County is the same. Gayle spoke with George Dorset and he stated they don't generally deal with interior issues unless a tenant calls to complain and provides access to the interior.

He advised that to deal with external issues they look to non-homesteaded properties versus homesteaded properties to determine if a property is likely to be a rental unit.

Commissioner Petruzzi asked if adopting International Building Maintenance Code (IBMC) by ordinance is required for enforcement.

Mr. Bennett stated Orange County only adopted portions of the IBMC. He also stated that the Council can adopt the rental licensing ordinance without adopting a nuisance abatement ordinance. But if the Council wants to go further with it they should adopt both a rental licensing ordinance and nuisance abatement ordinance.

He further stated the staff version of the ordinance has portions of nuisance abatement within the ordinance.

Commissioner Petruzzi asked if between the two proposed ordinances would the city have enough teeth to deal with our issues.

Attorney Bennett responded that he believed so.

Mayor Brooks stated he wanted the city to take pro-active measures and plan to send letters to non-homesteaded properties to let tenants know they can report substandard conditions to the city when landlords are not maintaining the property.

Commissioner Petruzzi stated this would not be a change in our policy but would provide the tools necessary to enforce the code.

Commissioner Pisano asked Attorney Bennett about the definition of single family residential units.

Mr. Bennett responded that our code stated three non-related adults can live in one single family unit and be considered a "family".

Discussion ensued regarding what would be reasonable steps to discourage abuse of the code by tenants who move in additional tenants without the property owners knowledge or consent.

Discussion regarding provisions in the rental licensing ordinance ensued.

Mayor Brooks suggested that the property owner be required to provide a copy of the rental license to the tenant.

General discussion ensued as to whether the license should be posted within the unit and, if so, where.

Mayor Brooks recommended requiring the property owner to attach a copy of the rental unit license to the lease provided to the tenant.

Mayor Brooks also suggested a fine of double the fee for failure to obtain a rental license per rental unit.

It was determined by Council the annual fee per unit should be \$50.00; late renewals and failure to obtain \$100 per unit; that permits are renewed prior to August 1 each year. Initial year permits will be issued beginning April 1, 2008 and expire on July 31, 2009.

Mayor Brooks asked that the ordinance be placed on the February agenda for first reading and the revised version be distributed to Council as soon as possible.

Discussion of Ordinance 08-___ regarding Belle Isle's ability to enforce the International Building Maintenance Code began.

Mr. Bennett stated the city would have the authority to enforce some aspects of the IMBC.

City Manager Williams advised the staff could probably enforce about 90% of it; the remainder would required the hiring of licensed inspectors for plumbing, electrical, etc.

General discussion ensued regarding possible methods for regulating the number of vehicles permitted per residence. After lengthy discussion Mayor Brooks suggested the following for consideration:

In addition to vehicles parked enclosed within garage the following also allowed:

- 2 vehicles per 1 bedroom home
- 4 vehicles per 2 bedroom home
- 5 vehicles per 3 bedroom home
- 6 vehicles per 4 or more bedroom home

Commissioner Pisano asked if the City could adopt a provision prohibiting sub-leasing.

Mr. Bennett stated he thought so and would check into it further.

Mr. Bennett distributed a handout on Florida litter laws in response to an inquiry by Council as to the fines for littering.

DISCUSSION REGARDING AD HOC COMMITTEE RECOMMENDATIONS FROM REVIEW OF EMPLOYEES SATISFACTION SURVEY

The Council discussed the recommendations made by the committee and agreed to have those items added to the Regular Council agenda for action.

Commissioner Spaulding left the meeting at 1:30 p.m.

The initial report from Landrum was distributed to Council and City Manager Williams stated he was glad to have an opportunity to review the report. He stated he had not had an opportunity to be aware of any issues contained within the report. He felt the study was unprofessionally conducted and he had not been included in the survey process.

Mayor Brooks advised the survey was intended to be independent of any interested parties and he could not answer to whether or not the surveys were conducted in a professional manner or not. He asked Mr. Bennett to provide copies of the report to the Commissioners as soon as possible.

Commissioner Prince responded that it had been her past experience that the firm hired was very professional and that they have an excellent reputation. She suggested some employees may have not understood the intent of the questions which would naturally include questions regarding the City Manager since he is responsible for the personnel management and working environment of the staff.

There being no further business to discuss, the Workshop Session was adjourned at 2:03 p.m.

Belinda L. Bateman, MMC
City Clerk