

**CITY OF BELLE ISLE
REGULAR SESSION
APRIL 1, 2008**

The Belle Isle City Council met in regular session on April 1, 2008 in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Fl. 32809

The following members were present:

William G. Brooks	Mayor
Thomas G. Petruzzi	District 1
Trudy Prince	District 2
Charles R. Scott	District 3
Larry I. Ady	District 4
Harvey Readey	District 5
Lydia Pisano	District 6
Eric S. Spaulding	District 7

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

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

CITIZENS' COMMENTS:

There were no citizens' comments.

CONSENT AGENDA:

Commissioner Prince moved to approve the consent agenda which included minutes of the February 27, 2008 Workshop and March 4, 2008 Regular session; acceptance of the FY 2006-2007 Annual Audit Report; and appointment of John Neusaenger to the Personnel Committee. Commissioner Ady seconded the motion which passed unanimously.

Items "c" and "d" were discussed separately.

Commissioner Scott stated we need to be sure the majority of the residents in Windsor Place want traffic calming installed.

Mayor Brooks stated a meeting to discuss other alternatives could be held.

It was decided to hold over consideration of the traffic study until the May regular meeting.

Steve Gillis of Miller Legg was asked to evaluate the bids for the Montmart and Gene Polk parks and to give his recommendation.

Mr. Gillis advised that there were a couple of bids that were close and also reasonably close the bid estimate. Price Construction was the low bidder. However, their bid was rejected as they did not include the pump or irrigation in their bid and failed to submit a required document.

He stated both Groundwerks and Barracuda Construction were in line with the bid estimate and he recommended Groundwerks due to their experience with installation of water features similar to what will be installed at Gene Polk Park.

City Manager Williams advised there is FRDAP grant funding totaling \$112,500 for each park, which also requires some matching funding from the city.

Mayor Brooks advised he would like to see the brick looking wall on both portions of the wall to give the park and neighborhood a unified look. He also asked if the wall could have the brick imprinting on both sides so the adjacent neighbors would not be looking at an unattractive wall. He asked how soon the project would start.

City Manager Williams advised that he would check into the cost of adding the brick imprinting to the back side of the wall and expected construction to begin within 30 days.

Mayor Brooks suggested the project bids be awarded subject to information on imprinting the wall on both sides being provided to the City for consideration.

Commissioner Ady moved to award the bids for Montmart Park and Gene Polk Park to Groundwerks and Groundwerks is to come back to the city with a cost estimate for the brick imprinting to be added to the back side of the wall. Commissioner Pisano seconded the motion which passed unanimously.

PARKING CITATION #1926 UPHELD

City Council was presented the documentation on parking citation #1926 appealed by Maria Rios, 5323 Wendalees Court, Orlando, FL 32812. Ms. Rios was not present.

A statement from Cdr. Wynne, the issuing officer, was presented to the Council in which he stated the citation was issued to a vehicle that was parked in a handicapped parking space and there was no permit visible.

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

GRANTED A VARIANCE FOR A WALL/FENCE IN A FRONT YARD

Mr. Alan Richards, builder for Francisco Rosa, property owner of 5253 Oak Island Road presented a request for a variance for a 5' high wall in a front yard. He advised the Planning and Zoning Board had granted the variance contingent upon the Council determining which property line is considered the front. The Planning and Zoning Board had asked him to adjust the location of the wall adjacent to the Hoffner Avenue side for better line-of-sight visibility at the intersection. Mr. Richards submitted photos to demonstrate there will be no line-of-sight issued with the new proposed location of the wall along Hoffner.

Mayor Brooks opened the public hearing.

Rich Holaday, 5270 Oak Island Road, spoke in support of the request.

Rose Marie Maderro, 5254 Oak Island Road spoke in support of the request.

Commissioner Prince stated she was in support of the request.

Commissioner Readey asked if input from the neighbors had been sought.

Commissioner Prince responded that she had spoken with a number of the neighbors and the response was all positive.

There being no further discussion the public hearing was closed.

Commissioner Prince moved to approve the variance as presented in the drawings and subject to the site plan. Commissioner Ady seconded the motion which passed unanimously.

GRANTED APPEAL REQUESTED BY ERIC STOSKSTILL, IVEY ENVIRONMENTAL LLC, ON BEHALF OF CHRIS DERING, 2550 OAK ISLAND POINTE ROAD FOR LENGTH OF A BOAT DOCK FROM 40' TO 145' WATERWARD OF THE 86.9 NHWE OF LAKE CONWAY

Ms. Stockstill presented the request for an appeal to the Planning and Zoning Board's denial of a variance to boat dock length from 40' to 145' waterward of the 86.9 NHWE of Lake Conway.

Mayor Brooks opened the public hearing.

Mayor Brooks advised the Council cannot consider the depth of the water and asked if the dock could be moved further southward on the property.

Ms. Stockstill responded they could move the dock approximately 6' further to the south. She advised that the closest docks are 1500' to the south and 350' to the north and around a point from the proposed dock location being presented.

Discussion ensued regarding navigational safety.

Ms. Stockstill stated the owner is willing to provide lighting on the dock for enhanced safety and reminded the Council that due to the shallow lake bottom the watercraft tend to stay out in the middle of the channel.

Ms. Stockstill was asked about aquatic vegetation and the shoreline.

She responded the property owner has already obtained his permit from FDEP and all the requirements of the permit will be met.

Commissioner Prince asked if the dock could be moved back toward the shoreline and if so, how far.

Ms. Stockstill responded with moving the dock southward 7' they would be able to reduce the length by 5' and would add safety reflectors, lighting and any other reasonable safety feature required by the city.

Mayor Brooks closed the public hearing.

Commissioner Prince moved to grant the appeal and allow the proposed boat dock to be 140' in length waterward from the 86.9 NHWE and that the proposed location of the dock be moved southward on the property by 7'; and that reflectors and safety lighting be installed and used to minimize any unforeseen navigational hazard. Commissioner Ready seconded the motion which passed unanimously.

SECOND READING OF ORDINANCE 08-05 LIMITING VEHICLES ON RESIDENTIAL PROPERTY

Mayor Brooks asked that the Ordinance be read by title only. City Clerk Bateman read the ordinance by title as follows:

**AN ORDINANCE OF THE CITY OF BELLE ISLE,
FLORIDA, AMENDING CHAPTER 30 ARTICLE
III, VEHICLES ON RESIDENTIAL PROPERTY;
PROVIDING FOR SEVERABILITY; AND
PROVIDING AN EFFECTIVE DATE.**

Mayor Brooks opened the public hearing.

Charles Goodwin, 4324 Kandra Court, spoke in opposition to the ordinance.

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

Commissioner Readey stated his agreement with the objections stated by Mr. Goodwin and advised we are assuming more and more authority that should belong to the citizens and without adequate personnel to enforce all the rules we are passing.

Commissioner Pisano moved to take the ordinance back to workshop for further consideration. Commissioner Scott seconded the motion.

Commissioner Petruzzi stated while he had no objection to further discussion he felt the Council had adequate time previously to discuss it.

Mayor Brooks stated the ordinance has been through two workshops and modifications had been made to address the concerns raised by the Council.

Commissioner Readey stated he felt there were provisions within our existing codes that can be used to address the few problem properties.

The motion passed with five ayes and one nay vote being recorded by Commissioner Readey.

**FIRST READING OF ORDINANCE 08-06 ESTABLISHING A MINIMUM
MAINTENANCE CODE FOR RESIDENTIAL DWELLINGS.**

Mayor Brooks asked that the Ordinance be read by title only. City Clerk Bateman read the Ordinance by title as follows:

**AN ORDINANCE OF THE CITY OF BELLE ISLE,
FLORIDA AMENDING CHAPTER 10 OF THE
BELLE ISLE CODE OF ORDINANCES**

**ESTABLISHING A MINIMUM MAINTENANCE
CODE FOR RESIDENTIAL DWELLINGS,
PROVIDING FOR SEVERABILITY AND
PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Pisano moved to take the ordinance back to workshop for further consideration. Commissioner Ady seconded the motion.

General discussion ensued. The motion passed unanimously.

FIRST READING OF ORDINANCE 08-01A

Mayor Brooks asked that the ordinance be read by title only. City Clerk Bateman read the ordinance by title only as follows:

**AN ORDINANCE OF THE CITY OF BELLE ISLE,
FLORIDA FOR THE PURPOSE OF SUPERCEDING
ORDINANCE 08-01 AND ADOPTING THE 2007
EVALUATION AND APPRAISAL REPORT,
ATTACHED HERETO AS EXHIBIT "A" AND
PURSUANT TO FLORIDA ADMINISTRATIVE
RULE 9J-11 OF THE FLORIDA DEPARTMENT OF
COMMUNITY AFFAIRS.**

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

Commissioner Ady moved to advance Ordinance 08-01A to second reading. Commissioner Petruzzi seconded the motion which passed unanimously with 7 ayes and no nay votes.

Mayor Brooks reported the death of James Trimble. He stated that Jim had served for many, many years on the Planning and Zoning Board and that both he and Jo Trimble had been active and concerned citizens of Belle Isle and supportive of charities and the South Orlando YMCA. He stated Jim will be sorely missed by all who knew him.

There being no further business to discuss the meeting was adjourned at 7:27 p.m.

ATTEST: _____
Belinda L. Bateman, MMC City Clerk