

**CITY OF BELLE ISLE
SPECIAL SESSION
September 3, 2008**

The Belle Isle City Council met in a special session on Wednesday, September 3rd, 2008 at 5:30 p.m. in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Orange County, Florida 32809.

The following members were present:

Larry I. Ady	Vice 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

Mayor Brooks was not present, as he was out of the Country.

Also present were Be Bateman, City Manager, John Bennett, City Attorney and Miriam Rodriguez, Administrative Assistant

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

CITIZENS' COMMENTS

1. Mr. Chuck Goodwin of 4324 Kandra Court spoke in opposition to the City's action.
2. Kathy Hayes of 4325 Quando spoke in opposition to the City's action
3. Dominic Fiacco of 4345 Quando spoke in opposition to the City's action.
4. Melanie Moore of 1413 Kandra Court spoke in opposition of the City's action
5. Paul Porter of 4115 Arajo Ct spoke in support of the City's action
6. Tom Goodman of 4340 Cove Drive spoke in opposition of the City's action

Vice Mayor Ady said we will bring this to a close and wait for the comments from Orlando.

Commissioner Readey said what we have here is a City Manager council. When the Mayor says something, he is only speaking his own views.

ITEM 5 - PUBLIC HEARING

Consideration and approval by motion of tentative millage rate for FY 2008-2009 of 3.5378 mills

Mrs. Bateman said this millage rate is the roll back rate. While it is a slight tax increase it is the roll back rate.

Vice Mayor Ady opened the public hearing. There being no comments. He closed the public hearing and opened it to the Council.

Commissioner Petruzzi moved to approve the tentative millage rate for FY 2008-2009 of 3.5378 mills

Commissioner Pisano seconded the motion which passed unanimously.

ITEM 6 – PUBLIC HEARING

Consideration and approval by motion of tentative budget for FY 2008-2009 in an amount of \$7,298,396.00 as presented in Exhibit "A"

Mrs. Bateman said, point of clarification for the audience, we do not operate on a seven million budget. It includes revenues from bonds, our budget is about 3 million.

Vice Mayor Ady opened the public hearing, there being no comments, he closed the public hearing and opened it to the Council.

Commissioner Spaulding moved to approve tentative budget for FY 2008-2009 in an amount of \$7,298,396.00 as presented in Exhibit "A"

Commissioner Petruzzi seconded the motion which passed unanimously.

ITEM 7 PUBLIC HEARING

Consideration and approval by motion of tentative Five Year Capital Improvement Program for FY 2008-2009 through FY 2012-2013 as presented in Exhibit "A" FY 2008-2009 Annual Budget document.

Vice Mayor Ady opened the public hearing, there being no comments, he closed the public hearing and opened it to the Council

Commissioner Prince moved to approve the tentative Five Year Capital Improvement Program for FY 2008-2009 through FY 2012-2013 as presented in Exhibit "A" FY 2008-2009 Annual Budget document.

Commissioner Spaulding seconded the motion which passed unanimously

ITEM 8 Motion to set date time and location of second public hearing on the budget as September 16, 2008 at 5:30 PM or as soon thereafter as possible, in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Orange County, Florida 32809

Commissioner Petruzzi moved to set the date time and location as stated.

Commissioner Pisano seconded the motion which passed unanimously.

ITEM 9 CONSENT AGENDA

- a. Addendum No. 7 to the Agreement Dated July 3, 2007 between the City of Belle Isle, Florida and Ivey Planning Group LLC for General Planning and Development Services.
- b. Addendum No. 8 to the Agreement Dated July 3, 2007 between the City of Belle Isle, Florida and Ivey Planning Group LLC for Geographic Information Systems (GIS) and Mapping Services.
- c. Addendum No. 9 to the Agreement Dated July 3, 2007 between the City of Belle Isle, Florida and Ivey Planning Group LLC for Comprehensive Planning Services.
- d. Mayoral Proclamation: Who Named America?
- e. Mayoral Proclamation: Bachelor Degreed Teachers for All Pre-K Classrooms.
- f. Approval of June 2008 Monthly Financial Report
- g. Approval of July 2008 Monthly Financial Report

Commissioner Prince moved to approve Consent Agenda Items "a" through "g"

Commissioner Petruzzi seconded the motion which passed 5:1 as Commissioner Readey voted NAY to item "e"

ITEM 11

Consideration of an appeal requested by Joyce Davis, property owner of 3709 Quando Circle, Belle Isle, Orange County, Florida 32812 also known as Parcel ID # 20-23-30-1646-01-500, Belle Isle, Orange County, Florida, to the Planning and Zoning Board's denial of a variance to side set back for an accessory structure on a corner lot from 20 feet to 2.2 feet from the right-of-way.

Mrs. Bateman said we received a letter from Mr. Wise. She asked Mrs. Wise if she will be reading the letter. Mrs. Asked Mrs. Bateman to read it

Mrs. Joyce Davis of 3709 Quando said I am requesting from the Council to keep my shed in the spot where it stands. I have a grove of trees, in order to take this shed and move it, I would have to cut down at least four trees. I was told by the builder that the fence permit was good enough for my shed. I later learned that I was not in compliance. I also found out that some of my neighbors have no problem. I did not get a legal document. I do have a lawyer on retainer, unfortunately due to the time I was not able to contact him. I have a signed letter from my neighbors. When I built my shed I didn't know the code of 22 ft. if you decide not to allow me to keep it I will have to cut at least four trees on my property.

Vice Mayor Ady opened the public hearing.

1. Theresa O'Donnell, 3708 Quando the shed is fine, it matches the home. I believe it would be a hardship for her to move it at this point. She keeps a nice yard.
2. Ray Hurton 3701 Quando – Ms. Davis and I have been neighbors for many years. Planning and Zoning denied her variance request. I don't have a problem with her shed, I have a problem with the fact that it is too close to the fence

There being no further comments, Vice Mayor Ady closed the public hearing and opened it to Council.

Mrs. Bateman read the letter from Mr. Wise who opposed to the shed.

Attorney Bennett said your motion has to be decided on the criteria. The fact that it was placed there without a permit, it is not considered a hardship.

Commissioner Scott asked if she would have come for a permit before she placed it where it is.

Mrs. Bateman said it would have been denied at the current location.

Commissioner Prince asked if it was built from the ground up.

Mrs. Davis said it was brought in by a tractor. It can be taken out the problem is I would have to cut down five oak trees at a cost to me of 800 to 1,000 dollars per tree.

Commissioner Prince said we have a very strict tree ordinance

Mrs. Davis said she didn't want to cut her trees.

Vice mayor Ady asked what is your decision

Commissioner Pisano said unfortunately because you did not get the permit, my motion is to uphold the decision of the P&Z board.

Commissioner Prince seconded the motion which passed unanimously

Commissioner Petruzzi said we have to respond and protect our community and enforce our code. The contractor should have the liability to make this right. I support the motion.

ITEM 12 PUBLIC HEARING:

Authorization of Transmittal of the Ten Year Water Supply Facilities Work Plan and Comprehensive Plan Amendments to the Infrastructure Element, Intergovernmental Coordination Element, Capital Improvements Element and the Conservation Element to the Florida Department of Community Affairs and other Appropriate Review Agencies.

Matt West of Ivey Planning said you have before you another unfounded mandate that requires all local government to protect Florida water usage. This is aimed at those that control water wells. In your case you are pretty much built out. You don't control the water supply, you would not create additional water supply. Rebecca Hammock of our firm did a lot of research. If you really wanted to know if the City is conserving water we can work with the County and OUC and estimate how much water is the City using.

Commissioner Petruzzi moved to recommend transmittal to DCA

Commissioner Prince seconded the motion which passed unanimously.

ITEM 13

Consideration and first reading of Ordinance 08-24:

AN ORDINANCE AMENDING THE CITY OF BELLE ISLE COMPREHENSIVE PLAN; BY ADOPTING AND INCORPORATING THE WATER SUPPLY FACILITIES WORK PLAN INTO THE COMPREHENSIVE PLAN, AMENDING THE INFRASTRUCTURE ELEMENT, INTER-GOVERNMENTAL COORDINATION ELEMENT, CONSERVATION ELEMENT, AND THE CAPITAL IMPROVEMENTS ELEMENT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING SEVERABILITY AND EFFECTIVE DATE.

Mrs. Bateman said we are asking you to advance to second reading.

Commissioner Petruzzi moved to advance Ordinance 08-24 to second reading.

Commissioner Spaulding seconded the motion which passed unanimously.

ITEM 14

Consideration of Confirmation of City Clerk Appointee

Mrs. Bateman said the City Clerk position was advertised through the City Clerk's website and through the Florida League of Cities. Several of the candidates were interviewed. I would like to recommend Council consideration of confirmation of Miriam Rodriguez as City Clerk.

Commissioner Petruzzi said with all due respect, I think we have to evaluate all candidates. My recommendation might be to search harder.

Commissioner Scott moved to approve appointment.

Commissioner Spaulding seconded the motion which passed 5:1 as Commissioner Petruzzi voted NAY.

Mrs. Bateman said I will be glad to supply copies of resumes of the other candidates.

ITEM 15

Consideration and Discussion of RFP's for Legal Services

Mrs. Bateman said we did re-advertise for legal services. We have these two to choose from and I would like for you to review. We will have a workshop; we can make a decision in October.

There being no further items to come before the Council, Commissioner Readey moved to adjourn. Commissioner Spaulding seconded the motion which passed unanimously.

ATTEST:

Miriam Rodriguez
Administrative Assistant