

**CITY OF BELLE ISLE  
REGULAR SESSION  
MARCH 3, 2009  
5:30 P.M.**

The Belle Isle City Council met in Regular Session on Tuesday, March 3, 2009 at 5:30 p.m. 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 Scott	District 3
Vice Mayor Ady	District 4
Harvey Readey	District 5
Lydia Pisano	District 6
Eric S. Spaulding	District 7

Also present were City Manager Be Bateman, City Attorney John Bennett, City Clerk Miriam Rodriguez, and others

Mayor Brooks called the meeting to order.

- **CITIZEN'S COMMENTS –**  
Mayor Books opened the public hearings for citizen's comments. There being no comments, Mayor Brooks closed the public hearing
- **CONSENT AGENDA:**
  - a) Minutes of January 28, 2009 Workshop Session and February 3, 2009 Regular Session
  - b) PROCLAMATION – North American Occupational Safety and health Week (NAOSH).

Commissioner Petruzzi moved to approve consent agenda.

Vice Mayor Ady seconded the motion which passed unanimously.

- **PUBLIC HEARING:**

Consideration of an appeal requested by CVS of 5190 South Conway Road, to the P&Z Board's denial of a variance request to replace existing pole sign and relocate with a new double pylon sign with an electronic variable message board.

Mayor Brooks reminded the Council that the appeal request will be conducted as a Trial de Novo and that new evidence or testimony may be presented during the hearing, as well as the evidence from the Planning and Zoning Board's hearing on the request.

Mr. Jason Welch of Bell Signs said we are asking for a double pylon and an electric variable message board. What CVS is asking for is considered their usual sign. We feel the sign is appealing.

Mayor Brooks said we actually passed an ordinance barring LED signs as well as neon signs.

Attorney Bennett said the variance is because you want to put the sign closer to the road or allowing the LED message board, generally variance requests are for measurements and not usage.

Mrs. Bateman said I believe that Stacey Ribeau talked to Gayle Owens initially about this. I think the reason this was presented as a variance request was due to the competitive nature of the Walgreens across the street.

Attorney Bennett said let me research that; I would suggest maybe with his consent we table the matter.

Mr. Welch stated that would be fine.

Mayor Brooks said Mr. Bennett will research it further and get back to Mr. Welch.

Vice Mayor Ady moved to table the appeal.

Commissioner Spaulding seconded the motion which passed unanimously.

Mayor Brooks said the Council discussed about having Dwight Saathoff come and speak to you on the charter school system, we need to do something proactive for our high school children in Belle Isle. Two weeks from tonight, the City of Edgewood will be entertaining the second half of this agreement.

Mr. Dwight Saathoff said, I really was not prepared to make a formal presentation. I have a business and real estate law degree with finance background.

My partner and I, Taylor Smith, we try to find solutions for communities, putting the private sector with the public sector; we have put together five schools on an accelerated basis. With regard to your present school situation we will try to bring you options.

Mayor Brooks said at the same time Dwight will become familiar with the demographics of the City. His proposal is in your packet. Our portion would be a \$20,000 fee, future fees may be part of the deal.

Commissioner Pisano asked if the graduates of a charter school have the same academic responsibilities as the graduates from the public schools.

Mr. Saathoff responded absolutely.

Commissioner Scott asked if a charter school is still considered a public school.

Mr. Saathoff said the city can establish boundaries. You can convert a public school to a charter school and the kids attending that school can stay there or you can expand the attendance boundaries.

Commissioner Pisano asked what are the disadvantages of a charter school.

Mr. Saathoff responded I don't think there are any disadvantages to the students, I think it is an advantage. I think for a city like this and the issues you have, I can only see this becoming an advantage to the City.

Mayor Brooks asked Mr. Saathoff if they had an idea of a ballpark schedule.

Mr. Saathoff responded sixty days or sooner.

Commissioner Pisano moved to proceed with the feasibility report at our cost of \$20,000 of our share and contingent to the City of Edgewood share.

Commissioner Petruzzi seconded the motion which passed unanimously.

- **PUBLIC HEARING**

Consideration of an appeal requested by Alan Twichell of 3025 Indian Dr., to the P&Z Board's denial of a variance request to increase the size of a proposed detached garaged from 600 SF to 720 SF.

Mr. Alan Twichell of 3025 Indian Drive presented his request and introduced his builder, Mr. Kevin Rhodes.

Mr. Rhodes said I sent you a letter in which I also spoke with Mr. Bennett and he was kind to give me a copy of the code. Given the configuration of the Twichell home, there is no reasonable way to do an attached garage. He also has big trees; and if we had to do a breezeway, we would have to remove these trees. The minimum for an additional size is 120sf because he has two vehicles, jet skis and a trailer. The request we are making is the minimum for use he is proposing.

Commissioner Pisano asked if it's going to have the same arch lines as the house.

Mr. Rhodes responded yes.

Mayor Brooks said I was looking at the Planning and Zoning notes where you mentioned that you would be prepared to take down other sheds in the property.

Mr. Twichell said there is an 8 x 10 shed attached to the deck, same color as the house.

Attorney Bennett said at the Planning and Zoning meeting that would have been a condition to the variance.

Mr. Rhodes said at that time we indicated that that was fine with us.

Mr. Twichell said I don't desire to build another structure.

Attorney Bennett asked if the appeal was granted, how long after construction would the shed be removed.

Mr. Twichell said as soon as I find a place to put the boating and lawn equipment.

Commissioner Readey moved to approve grant appeal.

Vice Mayor Ady seconded the motion.

Commissioner Petruzzi said I would like to include the removal of the metal shed within a year of granting the appeal and total of 720 SF as the limit for the detached garage.

Amended motion seconded by Commissioner Scott which passed unanimously.

- **Chief Tegg update –**

Chief Tegg said we are still waiting on dispatch, we are interviewing Monday-Friday, those accepted will be going for physicals and drug testing. We will be getting three cars instead of four. Talked to a buddy of mine at UCF, we may have saved another 7k on a server and software that we need. Everything is going well.

- Second Reading and adoption of Ordinance 09-01

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 30, SECTION 30-1 OF THE BELLE ISLE CODE OF ORDINANCES DEFINING COMMERCIAL VEHICLE AND BOX TRUCK; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brooks opened the public hearing, there being no comments; he closed the public hearing and opened it to Council for discussion.

Commissioner Petruzzi moved to adopt Ordinance 09-01

Commissioner Prince seconded the motion which passed unanimously upon roll call.

- Second Reading and adoption of Ordinance 09-02

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 30, ARTICLE 3, DIVISION 1 OF THE BELLE ISLE CODE OF ORDINANCES TO ADD A NEW SECTION PROHIBITING NON-ROUTINE MAINTENANCE OF MOTOR VEHICLES IN RESIDENTIAL ZONES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brooks opened the public hearing, there being no comments; he closed the public hearing and opened it to Council for discussion.

Commissioner Prince moved to adopt Ordinance 09-02

Commissioner Pisano seconded the motion which passed unanimously upon roll call.

- **PUBLIC HEARING** – Second Reading and adoption of Ordinance 09-03

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 30, SECTION 30-1 OF THE BELLE ISLE CODE OF ORDINANCES DEFINING ABANDONED, JUNKED, AND WRECKED VEHICLES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Mayor Brooks opened the public hearing, there being no comments; he closed the public hearing and opened it to Council for discussion.

Vice Mayor Ady moved to adopt Ordinance 09-03

Commissioner Spaulding seconded the motion which passed unanimously upon roll call.

- Consideration and first reading of Ordinance 09-04

**AN ORDINANCE OF THE CITY BELLE ISLE, FLORIDA, AMENDING CHAPTER 50, ARTICLE IV OF THE CITY OF BELLE ISLE LAND DEVELOPMENT CODE TO PROVIDE FOR THE REGULATION AND PERMITTING OF PORTABLE STORAGE UNIT IN RESIDENTIAL DISTRICTS; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Prince moved to advance to second reading with the 72 hours and two storage units per year maximum.

Commissioner Spaulding seconded the motion which passed unanimously

Mayor Brooks asked Mrs. Bateman to review the prescription plan offered by the National League of Cities and report back to Council the feasibility.

Mrs. Bateman said she had a couple of things to bring before Council. One is the Lake Conway East agreement, we budgeted \$210,000 it might come in at \$143,000 to \$153,000. It was not approved on the CIP. I would like Council to sign the agreement.

Vice Mayor Ady moved to approve the agreement.

Commissioner Pisano seconded the motion which passed unanimously

Mrs. Bateman said the other item is a request that is being made for Council consideration and that is replacing the Darden sign to match the Montmart Park sign, it would be about \$2500. We have budgeted money for community beautification. I would ask Council to consider authorizing the City to replace it.

Commissioner Petruzzi moved to authorize City Manager to replace the sign.

Commissioner Pisano seconded the motion which passed unanimously.

Vice Mayor Ady stated that he attended the conference in Washington and gave a brief review of the conferences he attended.

Commissioner Readey said he had a quick item, he said Metroplan has money available for bicycle lanes and sidewalks. There is a deadline of April 15<sup>th</sup>. I would like to see a bicycle lane around Daetwyler.

Mayor Brooks said he supports it.

Mrs. Bateman said we just need to make sure we have the right of way.

Mrs. Bateman said we have applied for our certificate number for COPS grant program to fund at least five positions and we are still waiting on that number.

Commissioner Petruzzi said we all received a communication from an anonymous employee.

Commissioner Spaulding said it was delivered by a Hispanic male in a white minivan, the communication complained that the time of attendance is not being applied equally

Commissioner Petruzzi said this is not the venue to discuss the specifics of the anonymous complaint and that is not why I mentioned the letter. We have known since the results of the personnel survey, the city has not had a procedure to enable employees to express themselves without concern for the possibility of reprisal. The Personnel committee we appointed has recognized this as well as a number of other "Human Resource" areas that needed refinement and/or updating. They are carefully reviewing, discussing and will be presenting their recommendations to us for inclusion in the city policies.

Mrs. Bateman said we don't have a policy in place yet.

Commissioner Pisano offered to have her HOA look into the video to see if it was clear as to the person or minivan making the delivery of the communication.

Mrs. Bateman also said that the new maintenance foreman has a truck that he wants to donate to the city.

There being no further items to come before the Council, meeting was adjourned at 8:10 PM.

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Miriam Rodriguez  
City Clerk