

**CITY OF BELLE ISLE
WORKSHOP SESSION and
SPECIAL CALLED SESSION
April 1, 2009
8:30 A.M.**

The Belle Isle City Council met in Workshop Session on Wednesday, April 1, 2009 at 8:30 A.M. in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, FI 32809.

The following members were present:

William G. Brooks	Mayor
Thomas G. Petruzzi	District 1
Commissioner Prince	District 2
Charles Scott	District 3
Vice Mayor Ady	District 4
Harvey Readey	District 5
Lydia Pisano	District 6

Not present was Commissioner Spaulding District 7

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

Mayor Brooks called the Special Session to order.

Mrs. Bateman deferred to Chief Tegg and then we'll move to the special item.

Chief Tegg said we are fully staffed, we will have them all come on Tuesday for the ceremony at the Council meeting, all qualified on the gun range. They are going to the jail this morning for the booking process. Under the special session you will have the contract for the Motorola Radios. Chief Tegg introduced Will Perkins, with Motorola and said we are going into a payment plan with the radios. Total cost is \$93,000 payable in seven years with our first payment is not due until a year after we receive the radios.

Mrs. Bateman said we would like to ask Council to approve the radio contract with Motorola.

Vice Mayor Ady moved to approve the radio contract with Motorola subject to approval by legal counsel.

Commissioner Petruzzi seconded the motion.

Commissioner Scott asked what happens if Mr. Bennett does not approve the contract.

Mrs. Bateman said we will have the option to negotiate.

Mr. Bennett said if we make substantial changes, it will have to come back before Council. The reason we are putting this off is it refers to a section in the internal revenue code and I would need to speak to Lucia and see if we qualify.

Mayor Brooks asked if there is a maintenance agreement.

Chief Tegg said we will look at a maintenance agreement.

Motion passed unanimously.

City Manager said we have an agreement for dispatch service with Orange County.

Chief Tegg said the dispatch with Apopka is taking a little longer than I thought. We can look at a contract with Apopka next October. It also gives Edgewood a chance because their contract ends also in October. There is a sixty day out on this contract. I would suggest we move forward with the Orange County contract. They would have to flash our computers.

Commissioner Petruzzi said the issue of economics, \$19,000 for six months, did we not have an issue with them on charging per call? Is it a fixed figure?

Chief Tegg responded yes

Commissioner Pisano asked with home security systems, do we need to do anything?

Chief Tegg said it goes to the County, if and when we change to Apopka, the home security system would get a new number.

Commissioner Pisano asked what happens when Orange County takes over the whole channel?

Chief Tegg said we can go to another channel.

Commissioner Scott asked do you contemplate Apopka rate to be lower?

Chief Tegg responded right now is lower going in with Edgewood.

Commissioner Scott asked if there was a penalty to the residents for multiple false alarms

Chief Tegg said no.

Commissioner Pisano asked for an update on the Mutual Aid Agreement.

Chief Tegg said Edgewood got theirs the other day, we are waiting for ours. They kept it the same.

Mayor Brooks asked about the police department attorney.

Attorney Bennett said we will probably require three bids.

Mayor Brooks said we should advertise, if we only get one at least we went through the process.

Chief Tegg also said the Belle Isle Police Department phone number is 407-240-BIPD (2473) and the patrol unit cell phone number is 407-947-1680.

Vice Mayor Ady moved to approve the agreement for dispatch services at \$19,000 for six months.

Commissioner Readey seconded the motion which passed unanimously.

Mayor Brooks closed the Special called meeting at 9:05 AM and opened the Workshop Session.

Mayor's Report

Mayor Brooks said Vice Mayor Ady and I attended the National league conference in Washington. They are offering a prescription program sponsored by CVS.

There is a service that does website video productions of our community and provides links to our website. They don't charge a dime, they charge the sponsors.

Mayor Brooks said she inquired a couple of meetings ago regarding county maintenance and reflectors needing to be replaced.

Mrs. Bateman said she did follow up and requested that they be replaced.

Mayor Brooks said there were some places on Hoffner where the pavement between Granlac and Darden and Lake Conway Shores, the edge is looking bad, they might want to fix that.

Mrs. Bateman said that our crew was going to look and repair the part beyond Hoffner, they have been busy doing a demolition across the street.

CITY MANAGERS' REPORT

Mrs. Bateman said we have two large pieces of equipment that were not included in the last surplus list, it is an old Elgin sweeper and an old dump truck value is less than \$5000 for both pieces. Larry Allen has an offer on the sweeper I believe for \$2500 and he may have a buyer for the dump truck as well. These items will be added to the agenda.

Mrs. Bateman said she was at Attorney Bennett's office yesterday discussing the annexation of three parcels on the west side of Matchett Road who wish to be annexed. They are property owners that have approached the city.

Mayor Brooks said this is different from what we discussed previously. What is the reason that we are not getting the other properties?

Mrs. Bateman said we went back and did a voter's search and we had an idea of favorable vs. unfavorable and when we started counting votes, we found that the votes were too close or not positive enough and these three property owners are very eager to come in as soon as possible and work on the additional parcels later.

Mayor Brooks asked if we have met all the requirements. Mrs. Bateman responded yes Sir.

Mrs. Bateman said regarding the request to revisit Ordinance 08-06 Sec 10-101 (9) the hanging of clothes or similar items on fences shall be prohibited. I don't know if it's important enough to want to do this. I am really looking for guidance from the Council.

Mayor Brooks said this property has been a problem for a lot of years, filling land without a permit; building a boat dock out of telephone poles, carport full of junk. This issue is in the back of the house visible to neighbors. I think it is our duty to act.

Commissioner Prince said I think it is deliberate, I think he will come up with something else to annoy the neighbors.

Mayor Brooks said we have been told that we have not yet passed our own nuisance abatement ordinance.

Attorney Bennett said we have never done that, I don't think this would have anything to do with that.

Mayor Brooks asked why have we not dealt with the nuisance abatement ordinance, I think it gives us the tools we need them.

Mrs. Bateman said I will look at the code and see how much latitude I have to declare this a nuisance.

Mrs. Bateman informed Council that Waste Management's contract is coming up for renewal with a rate increase. It is Council's call if you want to go out for formal bids.

Vice Mayor Ady said let's see what Waste Management has to offer first.

CITY ATTORNEY'S REPORT

Attorney Bennett spoke on Ordinance 09-05 appointing a special magistrate for code enforcement.

Commissioner Scott asked how do we contract for the magistrate?

Attorney Bennett said we request for proposals. He suggested we give the headstart to the fellow on the board now.

Mrs. Bateman said the proposed ordinance allows us to use a special magistrate and still allows us to have a board.

Commissioner Pisano asked Attorney Bennett about the appellate process.

Attorney Bennett responded it would be the same process as now the circuit court.

Attorney Bennett said council wanted to revisit Ordinance 09-04 portable storage units.

Mayor Brooks said what I wanted to make sure is we had discussed in the last meeting, we advanced to second reading with 72 hours and after you would need a permit.

Attorney Bennett said regarding the appeal from CVS, my interpretation was a distance requirement, they were asking for a sign that P&Z moved to deny. When I got back to the office I found out that our code doesn't prohibit those signs.

Mrs. Bateman said this is how we are dealing with this issue. They can have a lit sign. They can't have a rapidly changing sign. They agreed to this.

Mayor Brooks asked to see the minutes when this was passed (**MINUTES OF JANUARY 2007 ATTACHED**).

Mrs. Bateman said she talked directly to the applicant and told them if they violate that, they will get a code violation.

Mayor Brooks said he would like the sign off when the store is closed.

CITY COUNCILS' REPORTS

COMMISSIONER READY said my concern about Nela Park is the condition of the trailers. We realize these are hard times for the developer; but we think it's time that we get some action on these trailers. I would like to invite the property owner to come in and let us know why we can't move forward. I have handed out photos of the property.

Robert Collins, property owner, thanked the Mayor and Council for letting him come in and update you on the project. Property is still licensed as a trailer park. I bought the park to revitalize the area, there has been a large investment.

Commissioner Scott asked what would you do today if you were to move forward with the project?

Mr. Collins said I could easily pull some equity from the project and move the trailers out. There are underground utilities and septic tanks. I live here and I drive by this thing every day. I want to see the project move forward.

Vice Mayor Ady asked if Brian Hunt lived on the property. Mr. Collins said yes, he does. If we move the trailers, Orange County is going to want to remove the septic tanks and the utilities.

Commissioner Prince asked what kind of time frame are you looking at?

Mr. Collins said I think we are entering that time frame. We are looking to joint venture with a larger partner that has liquidity, maybe about a year.

Mrs. Bateman said from a code enforcement perspective, is there anything in the development process that he has outlined that will supersede the normal process of code enforcement.

Attorney Bennett responded no.

Mrs. Bateman said I wanted to clarify that because it has been mentioned in the past that it is time to move forward on code enforcement with that property. It is really up to Council to determine what they find acceptable to this parcel property.

Mr. Collins said I would like to clarify I have looked at constructing a fence around the property to secure the property. The fencing that I have seen would solve the security problem but not the screening problem, what I am proposing is spend a few thousand dollars and put up a wooden stockade fence and awnings on the windows..

Commissioner Readey said I would like to see a nice painted fence.

Mr. Collins said ideally we would like all of the 18 trailers out. We have a proposal of \$36,000 to move them and the septic tanks not including the utilities.

It was agreed that Mr. Collins will look into meeting with Mayor Hand and come to a satisfactory solution to the problem.

Commissioner Readey said there is a grant we should be applying for in the City of Belle Isle for a bicycle path.

Mrs. Bateman said Steve Gillis will be working with you on that.

VICE MAYOR ADY spoke on the Gondola traffic light and mentioned that the Trimble Park looks nice.

Mayor Brooks said we need an event to involve Jo Trimble.

COMMISSIONER PETRUZZI said some months ago I distributed some additional ordinance information about cities recognizing nuisance problems and establishing and identifying properties themselves as a nuisance property, giving City Managers and Code Enforcement Officers significant authority and control to eliminate those problems.

I did not intend to discuss that today but this is not something that is not unique to Belle Isle, this is happening all over the country. The other thing it does is establish a property history. Winter Park has an established number of 3 unrelated adults in their rental ordinance; we have four.

Attorney Bennett said it is the same as Orange County.

Commissioner Petruzzi asked should we consider to make it part of the rental application process to list all persons renting and their relationship? This may eliminate the dorm concept we have. There are about nine cars overnight in some neighborhoods, having these controls in place published and identified. My point is to eliminate renting by the night, renting by the room. Down the road, should we change to three? I am open.

COMMISSIONER PRINCE – No report

Commissioner Scott asked if Edgewood took any action on the shared services agreement.

Mayor Brooks said they approved.

Commissioner Scott asked about the McCrory case.

Attorney Bennett said last I checked with Stacey, he was in compliance there is no pending suit.

Commissioner Scott asked once the appeal was over, where is that money now?

Mrs. Bateman said she will check with Lucy and get back to the Council.

Attorney Bennett said the Joyce Davis appeal has not been dismissed.

Commissioner Pisano asked how long she has on this case.

Attorney Bennett said it is a three judge panel, we have to wait for them to get together to dismiss it.

Commissioner Scott asked about the Conway Crest property.

Mayor Brooks said he has some units sold, property is being maintained, pool is kept clean

Mayor Brooks said I was approached by an employee who wanted to come before Council, she asked that the City Manager not be present.

Mayor Brooks asked the City Attorney what would be his advice, should Mrs. Bateman be present or not.

Attorney Bennett said as far as Mrs. Bateman being present you have no right to exclude her. I would recommend against hearing the employee at the workshop meeting. If the employee comes to the Council meeting on Tuesday, she can be heard during Citizens' comments.

Mayor Brooks stated, but isn't this really why we created a Personnel Committee?

Attorney Bennett asked what is the status of that?

Mrs. Bateman said procedures will be presented to Counsel.

Mayor Brooks said at this point Counsel has not adopted those procedures. I just want to make sure we provide this option to employees. Having been approached today, am I under any obligation to have her speak at a workshop meeting?

Mrs. Bateman said if she is more comfortable coming before Council, that is her prerogative.

Mayor Brooks said we cannot take action in a workshop meeting, we can take input. I want to take counsel from the attorney and tell her she can show up Tuesday night and speak under Citizens' comments.

Commissioner Prince said sometimes, it has been my experience, that more comes out from venting, sometimes that is what they want and not an action.

Mayor Brooks said my personal feeling is we can do it now or we can do it later. My preference doesn't count.

Attorney Bennett said you can do it if you want to, you are not obligated to do it.

Mayor Brooks said her words to me; she doesn't want to wait for the Personnel Committee because she has been threatened.

Attorney Bennett said I don't think it will be productive.

Mayor Brooks said I don't see the difference except that Commissioner Spaulding and Commissioner Readey are not here.

Commissioner Petruzzi said we have been aware that we have had this void, but I think the fact is that we should let the employee vent.

Mayor Brooks said if it's ok with Council, I don't see why we can't let the employee speak. I am going to basically advise her that there will be no action taken.

Mrs. Bateman excused herself to allow employee to speak freely.

Mayor Brooks said Stacey has elected to speak today and not wait until Tuesday as the matter is of importance. I have advised her that she will have at her disposal the Personnel Committee when it becomes effective. I have advised her that we cannot take action today. If it requires action, Council can do it on Tuesday.

Stacey Ribeau stated, I have asked Mrs. Bateman not be present because of a sad situation. Some things have occurred and I have been talked to in a negative manner. I don't know if they are true. An incident happened last Friday between me and Lucia Ramos. I have everything in a letter form and a police report was taken. I chose not to prosecute to try to minimize the problem. I thought appropriate actions would be taken here at City Hall. When I spoke to Mrs. Bateman after the incident, the other person was only counseled. I was threatened; there was a lot of profanity and yelling. I left; I felt threatened and called the Sheriff's Department. I asked the Belle Isle Police Department to do a report, they said they couldn't. I was sent home that day, I felt that was wrong. This happened in front of Mrs. Bateman, Yolanda, Casper and Darron. I will hand out a packet. I am going to request some public records to back up what I am trying to right here that is wrong. Thank you.

There being no further items to come before the Council, meeting was adjourned at 12:10 pm

Miriam Rodriguez
City Clerk