

**CITY OF BELLE ISLE  
CONTINUED REGULAR SESSION  
AGENDA  
JULY 14th, 2009  
5:30 PM**

The Belle Isle City Council met in a Continued Regular Session on Tuesday, July 14th, 2009 at 5:30 PM. in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, FL 32809.

The following members were present:

William G. Brooks	Mayor
Keith Severns	District 2
Charles Scott	District 3
Larry Ady	District 4
Harvey Readey	District 5
Lydia Pisano	District 6

Not present were Commissioner Petruzzi, District 1 and Eric Spaulding, District 7

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

**CITIZENS COMMENTS:**

(CONTINUED from July 7<sup>th</sup>) Presentation by Mr. and Mrs. Brad Arenz regarding Planned Development for Bed and Breakfast on Daetwyler Drive.

Mrs. Arenz said I wanted to find out if the City of Belle Isle would rezone my property to establish a bed and breakfast in my home, two or three night stay maximum. It is a family run business; we would live in the house as well.

Mayor Brooks said I think that the attorney has explained that there is a process.

Attorney Bennett said to do this we are going to have to rezone the property, amend the comp plan.

Mrs. Bateman said she is looking to see if she should go forward with putting in the application.

Commissioner Readey asked are you going to have enough parking spaces.

Mrs. Arenz said yes.

Commissioner Readey asked if she would have to make any modifications to the house.

Mrs. Arenz said we don't have to change the footprint, we have three bedrooms to use, we live on 1.7 acres, there are only going to be three added cars on the property.

Mayor Brooks asked you will have full time management on the premises, unlike a vacation home, and you will have property prepared surface for parking. The question now is not whether to approve it, it is whether the concept should go forward.

Commissioner Readey said it is lake front that should be very attractive.

Mrs. Bateman said the property is zoned R1AA, T2 zoning on either side, it is a mixed use zone.

Commissioner Severns asked did you speak to the neighbors.

Mrs. Arenz said she has put in a couple of calls.

Commissioner Pisano said Mrs. Arenz thank you for coming back, you mentioned last week, the tenants would not have lake use.

Mrs. Arenz said no boats no jet skis.

Commissioner Pisano asked in rezoning this property how would it affect the Brunk property.

Mayor Brooks said I guess we still have to determine in our code what a Bed and Breakfast classifies, there is probably something in other cities. We need to research that. He asked Attorney Bennett, the PD stays with the property.

Attorney Bennett said yes

Mrs. Bateman said to Mrs. Arenz you would have to come in for an application.

Mayor Brooks said you may need to get a planner

Mrs. Bateman said if you want to leave the plans for Steven Gillis and call him tomorrow and he can tell you what the process is.

Mayor Brooks recognized Carl Howard.

Mr. Carl Howard of 2129 J. Lawson Street, Orlando, FL 32824 said I am the elected Chair of the orange County Soil and Water Board, and also the Treasurer of the local professional association of teachers, the Orange County Classroom Association as well as a member of the Governance Board of the Florida Education Association. I mention this because I want you to know from where and how I have formed my opinions and experience, not because I represent any of the before mentioned groups. Rather, I am here today solely as a concerned member of the community and as someone who cares for children and the rights and opportunities of children, teachers and Education Support Personnel.

In my brief comments, I will be asking a lot of questions for you to consider, as you deliberate on your interest in converting Pine Castle Elementary into a Charter school. Some of these questions you will have already considered, no doubt, so I hope my remarks are not too redundant, given your level of preparation. Nevertheless, I hope to assist you as you take on the very monumental task of considering the conversion of Pine Castle Elementary. Let me also say that, in my research, I have heard that you are looking at Pembroke Pines Charter and Villages Charter as model examples. In my conversations with peers from across the state and nation, I have discovered dark tendencies to block the rights of workers to unionize and the exclusion of students based on inappropriate criteria including level of academic achievement. I have also received reports of overly-restrictive enrollment criteria, and the practice of not allowing professional contracts for teachers.

So, let me point out that, as a union advocate, I would like you to know that the American Federation of Teachers and the National Education Association are not opposed to charter schools. Indeed, Al Shanker, past President of AFT was a champion for charter schools as a model of reform in education. AFT locals across the country have worked successfully in negotiating contracts and facilitating conversion processes. The National Education Association has called for careful scrutiny of charter schools so that full equity between their students and public school students can be attained. In Florida, the NEA and AFT have merged, and I have been involved in governance at the local state and national level of both organizations.

Our state affiliate in Florida, the Florida Education Association, has called for caution when expanding any alternative school structures, and have neither supported nor opposed charter school legislation. What, then, you might ask, are the issues most important to consider? If you did ask, I would be glad, and I would be happy to tell you the issues nearest and dearest to my heart.

First, it is important that teachers have a negotiated contract. Do you have a plan to make sure that the salary and benefits for any new charter school have representatives at the table not just from management but also from teachers and support personnel as well?

As you can imagine, equity is of primary importance. Is there a plan to make sure that the students at a new charter school have the same opportunities as students in public school—and more importantly that they are held to the same level of accountability and transparency as their peers in public school?

I have a few other questions for you to consider:

Will you guarantee, in writing, that the employees of your charter school have the explicit right to form unions, should they choose to do so?

Will you state without equivocation, that every child under the new structure will have a highly qualified teacher, a teacher with opportunities for professional development and time to collaborate with peers?

Will you ensure that curriculum, finances, student learning outcomes, student demographics and all matters of policy are communicated openly to the public?

Will you ensure complete equity in admittance policies and have consistent standards and policies concerning who is and isn't admitted to the new charter school?

Are you solidly committed to actively pursue high academic learning outcomes, on par with public schools?

Will you work to be tuition-free, not-for-profit and open to all students on an equal basis?

My final question this afternoon is this: What is the history of success of charter schools? And, by extension, what will you do to ensure success for a charter school model in your community during these turbulent economic times.

I have numerous other questions that I would ask you to consider, but won't take up your time now. Instead, I will email each of you a copy of my comments, as well as position statements from AFT, NEA, and FEA as well as a report from 2006 from Education Sector, an independent policy group. I will also forward to you contact information for Joel Camp, Vice President of the Sumpter County Education Association, the county where Villages Charter School is located, and for Andy Ford, President of the Florida Education Association. Thank you for your time, and have a good night.

I noticed on the city webpage there is a tab for charter schools but it is empty.

Mayor Brooks said we had to continue the meeting for tonight. A lot of your questions are answered in the FAQ sheet we have.

Mr. Howard said I didn't know you were doing a conversion, a lot of the questions are for the private sector.

Mayor Brooks thanked Mr. Howard.

There being no further comments. Mayor Brooks closed the citizen's comments session.

### **CONSENT AGENDA:**

- a) Minutes of May 27<sup>th</sup>, 2009 Special Called Meeting, Workshop Agenda, June 2<sup>nd</sup>, 2009 Regular Session,
- b) Resolution 09-09 Reaffirmation for Support of SunRail
- c) Resolution 09-10 Census 2010
- d) Amendment No. 1 to Addendum No. 2009-04 to the Agreement dated June 25, 2007 between the City of Belle Isle and HDR Engineering Inc.

Commissioner Readey asked to pull Item B

Vice Mayor Ady moved to approve Items A, C and D on the Consent Agenda. Commissioner Pisano seconded the motion which passed unanimously.

Commissioner Readey, Item B Resolution 09-09 Reaffirmation for support of SunRail. I cannot support this Resolution. We (the state, county, etc) are just going to spend more money on a proposal (SunRail) that if built will never be used as advertised. Also, there remains many open issues including settlement of the rail road liability. The state legislation has spoken overwhelmingly to kill SunRail.

Mayor Brooks asked, any other questions or comments. Do you want to table it or vote on it.

Vice Mayor Ady moved to approve Resolution 09-09.

Commissioner Pisano seconded the motion which passed 3:2 as Commissioner Scott and Commissioner Readey voted nay.

### **CONTINUED PUBLIC HEARING:**

Thomas Hannah, property owner of 6811 Barby Lane requested to change chain link fence with white vinyl four feet high picket fence. Planning and

Zoning Board recommended approval of the replacement fence at its meeting of June 23<sup>rd</sup>, 2009 and applicant hereby requests determination by Council.

Mayor Brooks re-opened Public Hearing, he said P&Z Board has approved and requested action by Council.

Mrs. Demetra Rodriguez of 3212 Indian Drive spoke in favor of the fence.

There being no further comments, Mayor Brooks closed the public hearing and opened it to Council for discussion.

Mayor Brooks said this is an existing non conforming fence, it is grandfathered in, it is an improved non conforming. It is non conforming because it is a front yard fence. The issue was for you to determine if the change would be less non conforming.

Vice Mayor Ady moved to approve the change of the fence from chain link to vinyl.

Commissioner Readey seconded the motion which passed unanimously.

Mrs. Bateman advised he would have to come to City Hall and apply for the fence replacement.

**CONTINUED PUBLIC HEARING:**

Consideration of approval of informal subdivision. Wilfredo and Demetra Rodriguez, Kenneth and Maria McCormack, property owners or agents of the property located at 3204 and 3212 Indian Drive received a recommendation of approval for an informal subdivision of the referenced property from the Planning and Zoning Board at its meeting on May 26<sup>th</sup> at 7:00 PM and applicant hereby requests consideration of approval by the City Council.

Mrs. Rodriguez said I am here to request approval as recommended by the P&Z Board to create an informal subdivision which is taking 3212 and 3204 which is owned by the McCormacks' to create three lots. They each have the required 10,000 SF

Mayor Brooks re-opened Public Hearing. There being no comments, he closed the public hearing and opened it to Council for discussion.

Attorney Bennett said any motion to approve this needs to be subject to the mortgage company.

Commissioner Scott asked Mrs. Rodriguez if they plan to build on the three lots.

Mrs. Rodriguez said there are two houses on the property now. We don't know if we are building yet.

Mrs. Bateman said, the engineer brought complete plans, she met all the requirements of the code.

Commissioner Severns asked each lot is over 10,000 SF?

Mrs. Rodriguez said yes.

Commissioner Pisano asked have you looked into any green initiative.

Mrs. Rodriguez said she has

Vice Mayor Ady moved to approve the subdivision subject to the mortgage company.

Commissioner Pisano seconded the motion which passed unanimously.

## **CONTINUED PUBLIC HEARING**

Fitzgerald Robeants, property owner or agent of the property located at 1767 McCoy Road requested a use determination for an auto transport equipment parking business on the above location. Planning and Zoning Board recommended approval of the use determination at its meeting on May 26<sup>th</sup>, 2009 at 7:00 PM and applicant hereby requests consideration of approval by the City Council.

Mayor Brooks re-opened Public Hearing. There being no comments, he closed the public hearing and opened it to Council for discussion.

Mr. Robeants is not present. This public hearing was opened on the July 7<sup>th</sup> meeting and continued until tonight.

Vice Mayor Ady said I have a problem with this, if we are going to move these vehicles all night, I would be concerned with that. This is adjacent to home owners, maybe we should postpone until applicant shows up.

Mrs. Bateman said I would like to remind Council that they came to us years ago for a sales-rental lot; as well as a car rental agency. At that point the discussion excluded large trucks. What they are proposing now is to rent truck space, is not an allowed use in C-1 so they are asking because there is a truck rental

space down on McCoy, they are asking the Council that this is a similar use to that and that is why it is before Council to determine a comparable use.

Commissioner Scott said I would like to hear from him on the activity business.

Mrs. Bateman said this is parking for empty transport vehicles.

Vice Mayor Ady moved to continue until such time as applicant can be present.

Commissioner Severns seconded the motion which passed unanimously.

**CONTINUED PUBLIC HEARING: Second Reading and Adoption of Ordinance 09-07**

**AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 52, SECTION 52-33(5) OF THE BELLE ISLE CODE OF ORDINANCES REGULATING ILLUMINATED SIGNS; PROVIDING SEVERABILITY AND PROVIDING AN EFFECTIVE DATE**

Mayor Brooks reopened public hearing, there being no comments; he closed it and asked for Council discussion and a motion.

Vice Mayor Ady moved to adopt Ordinance 09-07

Commissioner Scott seconded the motion which passed unanimously.

**CONTINUED RESOLUTION 09-11** Authorizing City of Belle Isle to move forward with the Charter School as the applicant.

Mayor Brooks introduced Mr. Dwight Saathoff.

Mr. Saathoff said in brief, a charter application requires an applicant. We have asked City of Belle Isle to be the applicant. We are working with Academica for a charter mid grade to high school level. We put together a fact sheet which as a mission statement.

Commissioner Severns moved to adopt Resolution 09-11

Commissioner Pisano seconded which passed 4:1 as Commissioner Readey voted nay.

Mayor Brooks said we will ask City Manager now to post FAQ on the website.

Mayor Brooks called for a break. Meeting reconvened at 6:55 PM

Mrs. Bateman said you have a proposed budget and a five year CIP, last time I checked it was a balanced budget. We do have a 22% deficit in the current fiscal year over the project revenues so we are trying to deal with a leaner budget. This is a true document, all the CIP projects are accounted for. All of the funds are separated. What we are proposing as staff and I would entertain a motion to approve. A proposed millage rate of 4.0378 mil last year it was 3.537 mil. This is needed for us to break even. In addition to that the solid waste collection fee is estimated at \$193 per house per year as we renew with WM on a five year extension. We will have a written proposal from WM to adopt before we have to adopt the budget and at that time the Council will need to decide if we go out to bid.

Vice Mayor Ady said the citizens have not been paying for garbage, this will be an impact on them.

Mrs. Bateman said Lucy would like to ask Council if we could move money from the Florida Municipal Investment account to a bank where there is no risk of losing any more of it. That would require 2/3 of the votes.

Mayor Brooks asked that Lucy speak to the Florida League of Cities and then we can come back to the workshop on recommendation.

Commissioner Pisano asked if we qualify for any state of the emergency money.

Mrs. Bateman said we have applied and have not heard back from them, we don't have confirmation from CHIRP, the local grants. The other thing that we are still holding under our wings, we are looking to outsource some of the landscape maintenance to see if that is more economical. If we find that there is substantial savings we would bring it before the Council. We have had a couple of offers from different companies. We are preparing the documents to go out to bid. I do need a motion by Council tonight to approve the proposed millage rate of 4.0378 mil that will be advertised by Property Appraiser Donegan.

Commissioner Scott moved to approve staff recommendation of 4.0378 mil for fiscal year 2010 ad valorem rate.

Mayor Brooks said if there is no second, we would require staff to go back and come up with a new number and meet again before the end of the month.

Mrs. Bateman said this has to be in July 30<sup>th</sup>.

Vice Mayor Ady asked can we take this home review it and meet again next week?

Mrs. Bateman said I gave you all a draft back in May, I asked for input. I advised Council last summer that this year we would experience 20-30% deficit in revenue.

Mayor Brooks withdrew the motion until next week; I would suggest at that time that Lucy be present as well as support from League of Cities. We will advertise meeting as required.

There being no further items to come before the Council, meeting was adjourned.

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Miriam Rodriguez  
City Clerk