

**CITY OF BELLE ISLE
WORKSHOP SESSION
SEPTEMBER 30th, 2009
8:30 A.M.**

The Belle Isle City Council met in Workshop Session on Wednesday, September 30th, 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
Commissioner Severns	District 2
Charles Scott	District 3
Vice Mayor Ady	District 4
Harvey Readey	District 5
Lydia Pisano	District 6

Not present were Thomas G. Petruzzi, District 1, and Commissioner Spaulding District 7

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

Mayor Brooks called the meeting to order.

Mayor Brooks recognized guests and welcomed and thanked the P&Z Board members present.

P&Z Chairman McGee said the board asked to be on the agenda because we noticed we don't always seem to be on the same page, in fairness to those residents who don't appeal, we would just like to get it right.

Mayor Brooks said he appreciates that, I am going to rely on Attorney Bennett on this, when we have our meeting and you have your meeting, we rely on legal advice. We make sure that Attorney Bennett is counseling the City Council. The ordinances are your guidance. I certainly want to get everybody's input. I would like Attorney Bennett to give us some perimeters.

Attorney Bennett said is the problem that there is vaguely in the standards or just being applied differently.

P&Z Chairman McGee said I think they are being evaluated differently, the minimum variance, the reasonable use, if you have a standard of 500 SF

for a boat dock, to have someone come before us, how do we address that. What sort of demonstration need to be made. I think my fellow board members might agree.

Boardmember Haan said as of right now almost every month there is one or two without a questions.

Attorney Bennett said that standard is pretty clear, Council can change that standard if it applies to boat docks.

Mrs. Bateman said we have about 80% of the variance request are for boat docks.

Mayor Brooks said when is that many, it may be too strict.

Attorney Bennett said I would not recommend that you have different square footage for different footages, you have so many different frontages, you may change the standard but stick with 500SF

P&Z Chairman McGee said I don't want to avoid the issue, we want to make sure and understand why we are reading such different results in the same variance, what we are concerned with is we are applying the same standards.

Boardmember Haan said I think again boat docks and everything else we will urge from our Council to follow the rules to a "T" we too do that as a team and if we turn it down unanimously and then it comes here and it gets approved, we feel really not needed. We turned down at least ten boat docks this year. We are seeing that overall 90% of the cases we have turned down have been approved by Council. We try not to listen when it gets overturned but it is frustrating to us.

Mrs. Bateman said also remember that when it comes before city council it is a new trial, they may come with new evidence.

P&Z Chairman McGee said we feel we are wasting your time too if we don't interpret the ordinance correctly. We would like to improve the consistency. What does the standard mean? What is the intent of that standard? How should they be interpreted?

Commissioner Scott walked in at 8:50 AM

Mayor Brooks said there is enough that the standard is probably not sufficient and people are able to do elsewhere. Are we going to be

competitive with other cities? Maybe we should look at other standards. We should probably look at the code and the size standard.

Boardmember Bruning said the problem I have is, the code is black and white, if you want a variance under the code, it is mostly black and white. We as a board go out and look at the property, we look at the ground, touch the dirt, so we can truly understand the issue. If you look at the code, citizens must show a number of things and we truly try to help them, we go through each point, we make our decision and then it is overturned by Council.

Mayor Brooks said we base our decision not what they told you but what they tell us.

Commissioner Scott said I apologize for being late, I appreciate the work you do but the fact that your decision is reversed does not mean your decision is wrong; it is not always a 100% agreement. There is a difference of opinion in your board and our board you don't always have 100% agreement on every decision you make.

Mayor Brooks said your point is well taken, I am not sure if it would be appropriate to provide guidance, the guidance the Council will ask Attorney Bennett or whoever comes to the meeting is what is standard to grant the appeal. We have the same sample motions to grant or deny.

Commissioner Pisano said thank you for all you do. I and most of us go out to the property and call Attorney Bennett just so we are prepared as well. I don't want you to think we just let them come in and talk, I promise.

Mayor Brooks said to the black and white issue. I think your board should strictly go by the code, the fact that a case gets overturned it does not reflect on you. I wouldn't ask you to change anything. I still think you are doing the right thing what happens here is different hearing and it should not reflect your decision, separate hearings, separate groups of people, the Council from time to time weigh them differently. I think other cities experience similar situations.

P & Z Chairman McGee said I appreciate your comments, for me personally is not so much frustration and getting the cases overturned is for those citizens that do not appeal, that accept our decision, that's what troubles me. What do we do? Are we being fair?

Mayor Brooks said we can't solve this today, we can make pledges but the next case will be a unique case. Obviously we can minimize the frustration but honoring exactly the black and white...

Boardmember Bruning said I want you to understand we did not come here to create unrest, maybe there's an issue of a little communication breakdown and maybe what happens is we get a result, perhaps communication between us perhaps you could let our board members know if an appeal comes to you that has been granted or denied and then basis of the decision and that educates us if anything else.

Mayor Brooks said I have always had interest what the P&Z agenda is, I don't think it is appropriate for Council to go to a P&Z meeting, sometimes I see an agenda, sometimes I don't see an agenda. I think we should communicate better, that is a very good point. P&Z might want to attend Council meetings where it is an appeal and if indeed you feel you may need an officer present, we can make that happen as well.

P&Z Chairman McGee said I appreciate your time this morning. The P&Z Board has a lot of talent, we are very proud of what we do.

Mayor Brooks said we are very proud of what you all do as well.

Boardmember Spicer said we are having problems getting a quorum

Mrs. Bateman said we are looking into that.

Mayor Brooks thanked the P&Z Board for coming.

PRESENTATION BY SOLARFIED

Mayor Brooks said I will ask you to make your presentation today. I want to get Council's feedback whether we are interested to move forward or not, because the grant cycle is coming to a close.

David Swanson of Solarfied said I sent out a packet, most of you heard my presentation already what I thought, just to save time I would like to know if you want to move forward. Solarfied is certified to approve your application, what happens you submit the application electronically, which we help you with once it is installed it is submitted with a picture. I get a message, I approve and return.

Commissioner Pisano asked which one are you recommending.

David Swanson said 5KW on the roof.

Mayor Brooks asked what kind of structure is required for the canopy?

David Swanson said you can wrap that on the zero percent loan, it would be considered the mounting for the solar panels.

Commissioner Pisano asked who would install the canopy.

David Swanson said we can or we can work with whoever you have, that is not a problem.

Mrs. Bateman said, Council would you like us to add as a consent agenda item based on the zero percent loan, that would be my recommendation. We are looking at \$42,000 for system plus the structure.

Mayor Brooks said to David Swanson, if you work with Mrs. Bateman to see what we need to do to get the rebate, then the Council will know what their decision is.

Mayor Brooks thanked David Swanson.

Mayor Brooks said we received a certificate of financial achievement for excellence, congratulations to Be and Lucia and staff for their financial reporting.

Mayor Brooks said Yolanda is putting some information together regarding lowering medication cost for elders.

Mayor Brooks recognized Doug Brunk.

Mr. Brunk said thank you for having me, I just wanted to get feedback on the Conway Crest project, I would like to request to allow fractional sales, hoping that the City will give us an amendment to PD over at Conway Crest so we can go ahead and do this.

Commissioner Scott said do you have any assurance that going to fractional sales will improve your changes of selling units.

Mr. Brunk said, statistically people that buy fractional will pay cash, there are no banks that are lending.

Commissioner Scott said how can our granting you the ability to fractional sales, how will that allow you to sell them?

Mr. Brunk said they are not paying \$600,000 for a nit they would pay \$30,000

Commissioner Severns asked is that you doing the fractional?

Mr. Brunk said a marketing company would do that. It does not work out as long term rental, the numbers are just not there.

Attorney Bennett asked if you sold 25% of your units, are you still under water?

Mr. Brunk responded I guess we would be; I don't know where the economy is going. I don't know why we would stop at 25%

Mayor Brooks asked how many units are there

Mr. Brunk responded 29 units

Mayor Brooks asked if you allowed people to do the short term rental, it would generate money to the city just on the rental income

Vice Mayor Ady asked what is the time frame if this does not happen.

Mr. Brunk said it would just sit there and rot

Commissioner Pisano asked are you planning on having a property manager on site.

Mr. Brunk responded that was an option. This might help us later on to take away the trailer park and later put more fractional units.

Mayor Brooks asked what is the debt on the property now?

Mr. Brunk responded twelve million

Mayor Brooks said you mentioned fractional sales has done well what evidence do you have in Orange County?

Mr. Brunk said off of John Young parkway, I can get that information for you.

Mayor Brooks asked what are your costs on the units now?

Mr. Brunk said \$405 per month per unit times 29 including insurance, upkeep, and electrical.

Mrs. Bateman asked who is paying for the maintenance now?

Mr. Brunk said bank is maintaining now. We are not running water or sewage or trash pickup.

Commissioner Severns asked if we could get a game plan from the marketing company

Mrs. Bateman said what we need to know at this point is whether or not we need to proceed with this issue as a request for modification to planned development.

Mayor Brooks asked do you have anything in writing proforma, prepared investors come in to meet with the council? We would need to see something in writing.

Mr. Brunk said I can do that.

Attorney Bennett the final decision will have to be according to our code. We are going to have a public hearing after receipt by P&Z Board.

Mayor Brooks asked is there interest from Council to move forward and if so he would get additional information.

Commissioner Readey said this is in my district and I don't want to see this go downhill. We have to do something to help these people cause the market is not going to help them. This is a plant that we need to look into.

Commissioner Pisano asked Attorney Bennett what would this do to future zoning.

Attorney Bennett said this is a planned development.

Commissioner Severns said I think what we are hearing is we are open to this but we need to get something in writing and have some people come in with a game plan. We are talking workshop, then P&Z then Council, we are talking at least three months down the road.

Mayor Brooks said Attorney Bennett will research it and let Mrs. Bateman know. And Mrs. Bateman will let Mr. Brunk know.

MAYOR'S REPORT

Mayor Brooks spoke on graffiti and crime along Hoffner this past weekend, there were about 15 different spray paint incidents. I have a CD of the pictures I took, I would like for our police department to share with gang unit. I would like to hear back from the police department, I would like Council to hear back from the police department. Mayor Brooks said he would like to hear back from Mrs. Bateman on her recommendation regarding the ROW maintenance, once we can start that, that will free up

our staff to get back to sidewalks, potholes, plant trees, that should actually improve the level of maintenance.

The legislature is going to meet in November; I just want everybody to please pay attention to what is going out of senate's office regarding taxes and revenues.

He also gave an update on the charter school, the proposal would be to break off and be independent from the Pine Castle church.

CHIEF TEGG'S REPORT – Mrs. Bateman gave the Chief's report in his absence. She said the issue with the graffiti, they have an idea of who may be responsible. We have not found any eye witness. Orange County is aware of that particular individual, one of our officers made contact with one of the young people, it may be in retaliation of being questioned.

Commissioner Severns asked if this was somebody local.

Mrs. Bateman said from Belle Isle Apartments.

CITY ATTORNEY'S REPORT

Attorney Bennett said the only two things I have is Ordinance 09-10 which I have made the necessary adjustments and Ordinance 09-11 which we will need to be in a position to discuss at the next workshop.

Mayor Brooks said I read what you gave us, the light part is ok, the noise part we don't need it according to Chief Tegg, the point was in discussing enforcing it, we need to have the ability to codify

Attorney Bennett asked do you agree to bring it back to workshop?
The other thing I was going to bring up was Mr. Readey asked me about allowing golf carts. If anybody is interested in going forward, let me know.
Mrs. Bateman said they can only be used on public streets at 35 MPH or less, they can cross busier streets. I think what Mr. Readey was proposing was building a golf cart pass, we don't have the ROW.

Commissioner Scott asked about the parking ordinance, and where would we park the golf carts.

Mrs. Bateman said I don't want to move in a direction that would create a position where we would have to pave.

Mayor Brooks said the other comment was bicycles, I think in areas where we have sidewalks is not a problem, my concern is the part where we don't have sidewalks.

CITY MANAGER'S REPORT

Mrs. Bateman said we are re-visiting Ordinance 07-05 as we were putting together our codification package we found that it didn't go to second reading, we are bringing this back giving it a new number as it was not formally adopted.

Mrs. Bateman said Resolution 09-18 deals with the reduction from 6% to 4% on the employee benefit contribution for the 401K plan.

Mrs. Bateman said I don't have an update on the annexation, it is on my list of priorities for the southern property, we are still wanting to pursue the Pine Castle Methodist Church.

Mrs. Bateman gave an update on the Windsor Place and Conway Isles project which has been completed.

Mrs. Bateman said on the landscaping contract we have selected three low bidders. Steve is visiting all three offices to see crew, equipment, location, etc, we had excellent bid results.

Mayor Brooks said based on your review, you will come to Council with a recommendation.

Mrs. Bateman said yes, it will be in the agenda for award of bid.

Mayor Brooks asked Attorney Bennett to review the bids.

Mrs. Bateman said we are waiting on the award of bid to come back on the Horizon Court and La Belle projects.

Mayor Brooks asked when do we expect the bids on those.

Mrs. Bateman said I think end of this week, HDR is collecting the bids.

CITY COUNCIL'S REPORT

Vice Mayor Ady said as you enter Trimble Park there is a sign, the backside of that sign has been removed. Also on the sidewalk there is a maple tree that needs to be trimmed. A work order was done but I still see the limbs hanging.

Commissioner Scott asked about the drainage project, are we putting irrigation there?

Mayor Brooks said no, vent pipes

Commissioner Scott asked about the donation to the victim's center

Mrs. Bateman said it will be on the consent agenda for Tuesday's meeting

Commissioner Scott asked about the vacancy on District 3 P&Z board, I would like to nominate Mrs. Ben Bateman.

Mayor Brooks asked Attorney Bennett to look into that and see if it would be an issue with Mrs. Bateman being the City Manager, is there a conflict?

Attorney Bennett said there was not a conflict while she was City Clerk. I will look into that as City Manager

Mayor Brooks said I support that nomination.

Commissioner Severns asked if the police department could post a patrol car on La Belle and Hoffner maybe to have a little more presence, might be a little more deterrent.

Commissioner Pisano said the adult entertainment ordinance is going for a second reading.

Mayor Brooks asked if anything else.

Mrs. Sarah Goodwin said I would like to address Council if I may. Now at the budget has been approved, Lake Conway sidewalks are on the budget, I would like to see if Council would consider the drainage problem from Quando Circle. Before any work is considered for the pavement, I would like Council to consider and visit the area on Old Cove and the erosion on our lake lot is so great. I didn't realize how much water is standing on Old Cove. I was wondering if curbing could be done on old cove to direct the water from the lake lot. Can the city build that up for us.

Mrs. Bateman said Steven has been over there to look at it and the engineering firm has given us an estimate at \$60,000 for engineering, there are no drains in that area to capture the water. I think because of the erosion that has occurred there is a trench in the soil eroding into the soil and on to the canal. The canal will have to have some repairs. I believe there is a less expensive fix but I need somebody with civil

engineer background to design the fix. There no drainage in that area the only thing we could put in would be some sort of dry inlet.

Mayor Brooks said there is more than one firm at our disposal that you can get more input from. I will go out there and take a look, you should contact Miller Legg.

Mayor Brooks thanked everyone.

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

Miriam Rodriguez
City Clerk