

**CITY OF BELLE ISLE
REGULAR SESSION
MINUTES
TUESDAY, MARCH 2nd, 2010
5:30 P.M.**

The Belle Isle City Council met in Regular Session on Tuesday, March 2nd at 5:30 p.m. in the Belle Isle City Hall Council Chambers, 1600 Nela Avenue, Belle Isle, Fl 32809.

The following Council members were present:

William G. Brooks	Mayor
Sam Butler III	District 1
Keith Severns	District 2
Charles Scott	District 3
Harvey Readey	District 5
Lydia Pisano	District 6
Eric Spaulding	District 7

Not present was Vice Mayor Ady

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

Mayor Brooks called the meeting to order.

CITIZENS COMMENTS:

Mayor Brooks opened the Citizens Comments session. There being no Citizens Comments, Mayor Brooks closed the session.

CONSENT AGENDA

- a) Minutes of January 27, 2010 Workshop Special Session, Minutes of February 2nd, 2010 Regular Session
- b) Proclamation National Public Works Week
- c) Proclamation North American Occupational Safety and Health Week
- d) Exemption of solid waste and storm water fees for 100% disabled veterans.

Commissioner Scott made edits on minutes of January 27th, 2010

Commissioner moved to approve consent agenda with edits on minutes.

Commissioner Pisano seconded the motion which passed unanimously.

Mayor Brooks recognized Chief Tegg who presented awards to Spencer Nielson, Michael J. Harman and Mr. Bob Bakewell, citizens of Belle Isle.

Traffic Violation Appeal by Mr. Michael McKie of 4323 Kandra Court, Belle Isle, FL

Mr. Michael McKie said he had pictures of the access, he said he doesn't have a copy of the law or the code, where I parked there is access next to it but its 16' long, I'm not actually parked in the handicap parking.

Mayor Brooks said our violation is a \$250 violation plus the appeal fee. You can submit your photos, essentially your appeal is on the grounds of the location where you parked the scooter.

Mr. McKie said yes, it is a 200 lb scooter my intention was to save room, every other handicap parking has 8' on the sides, the only time that they have that stretch of length is when there are three handicap spaces.

Mrs. Bateman asked where on Conway was this

Mr. McKie said by the Planet Fitness.

Mayor Brooks said we will take some time for Council to look at the photos and see if they have any questions.

Commissioner Butler asked is this normal striping?

Commissioner Readey asked is this checkered or is this a pedestrian walkway?

Mayor Brooks said Officer Cadiz will let us know the answers to these questions.

Officer Cadiz said I understand his point of view, but where that space is, is an island and the way it is designed when a handicapped person gets out of the car and that is why the stretch is there in order for them to get around. State law designates he is in violation of the statute. It's clearly marked even if it is a bad design it is still marked as a handicap area.

Commissioner Readey moved to deny appeal

Commissioner Scott seconded the motion.

Upon roll call Commissioner Pisano and Commissioner Spaulding voted nay.

Attorney Bennett said ticket stands

Commissioner Pisano asked Mr. McKie are you still parking there?

Mr. McKie said no

Commissioner Pisano said I would make a motion that we overturn the ticket that grant appeal

Commissioner Severns seconded the motion.
Upon roll call four votes in favor to grant appeal.
Commissioner Scott and Commissioner Readey opposed.

Mayor Brooks said appeal is granted. Mayor Brooks asked Chief Tegg to contact the property owners to post a sign.

Mayor Brooks said he is going off the agenda and recognized Kelly Leary of McDirmit, Davis and Co.,

Kelly Leary said I am here to briefly go over the audit report fiscal year ending 2009. The City did get the Certificate of Achievement for the 08 audit for the ninth year in a row.

Mayor Brooks said we would need a motion to accept report.
Commissioner Readey moved to accept report from McDirmit, Davis and Co.,
Commissioner Spaulding seconded the motion which passed unanimously.

Mayor Brooks said thank you Kelly and your team for working with us so well again this year and answering all our questions.

Second Reading and Adoption of Ordinance 09-16

**AN ORDINANCE OF THE CITY OF BELLE ISLE,
FLORIDA, AMENDING CHAPTER 48, ARTICLE II, OF
THE BELLE ISLE CODE OF ORDINANCES
REGULATING THE CONSTRUCTION, REPAIR AND
MAINTENANCE OF BOAT DOCKS; PROVIDING
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 and a motion.

Commissioner Readey moved to adopt Ordinance 09-16
Commissioner Butler seconded the motion which passed unanimously upon roll call.

Presentation by Rebecca Hammock of Ivey Planning on proposed text amendment to update the Capital Improvements Element (CIE) of the Comprehensive Plan with the City's current Capital Improvement Program FY 2010-FY 2013 and First Reading of Ordinance 10-02

AN ORDINANCE AMENDING THE CITY OF BELLE ISLE COMPREHENSIVE PLAN; AMENDING THE TEXT OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN; ADOPTING THE CURRENT FIVE YEAR CAPITAL IMPROVEMENT PLAN; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY ; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

Rebecca Hammock of Ivey Planning said the items before you this evening is a legislative mandated. The purpose is to adopt the capital improvement which is a state requirement.

Mayor Brooks said to summarize that this is a standard insert to our comp plan

Rebecca Hammock said yes and an update.

Commissioner Spaulding moved to advance to second reading and adoption

Commissioner Pisano seconded the motion which passed unanimously.

Consideration and adoption of RESOLUTION 10-02

**RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA
ADOPTING FEES FOR BELLE ISLE POLICE DEPARTMENT
SERVICES**

Mrs. Bateman said this resolution establishing set fees for the Belle Isle Police Department, our charter requires that the Council adopt by resolution.

Commissioner Spaulding moved to adopt Resolution 10-02

Commissioner Pisano seconded the motion which passed unanimously.

Consideration and Adoption of Personnel Manual

Mayor Brooks said we are in possession of Commissioner Scott's edits.

Mrs. Bateman said those modifications will be made before it will be reprinted. What we would like to do is get the Personnel Manual adopted.

Commissioner Scott moved to adopt Personnel Manual with edits provided.

Commissioner Butler seconded the motion which passed unanimously.

Mayor Brooks said again for the record, I would like to thank the Personnel Committee for the tons of hours doing research and getting together at meetings

Consideration and adoption of Resolution 10-03

A RESOLUTION OF THE BELLE ISLE CITY COUNCIL EXPRESSING SUPPORT FOR THE SOUTH ORLANDO YMCAS, PINE CASTLE LITTLE LEAGUE AND HEAD START CENTER LOCATED ON OAK RIDGE ROAD IMMEDIATELY WEST OF OAK RIDGE HIGH SCHOOL

Commissioner Pisano moved to adopt Resolution 10-03

Commissioner Spaulding seconded the motion which passed unanimously.

Commissioner Scott said I have a question as board member of the charter school, are we still under the Sunshine Law.

Mayor Brooks said, yes technically speaking, until our contract is approved, we are simply a nonprofit board.

Attorney Bennett said he will research and get back to Council.

Commissioner Butler said he has an appointee for the District 1 Planning and Zoning Board, his name is David Woods and credentials were attached with the agenda packet.

Mayor Brooks said it is done.

Mayor Brooks gave an update on the charter school.

Commissioner Pisano advised of the tree giveaways dates and locations by Orange County.

Mayor Brooks asked her to forward to Yolanda to be posted on website.

There being no further business to come before the Council, meeting was adjourned at 6:40 PM

Miriam Santiago
City Clerk