



city council minutes

MINUTES
November 7, 2017 * 6:30 p.m.
City Council Regular Session

The Belle Isle City Council met in a Regular Session on November 7, 2017 at 6:30 p.m. in the Belle Isle City Hall Council Chambers.

Present was:

Mayor Lydia Pisano
Vice Mayor/Commissioner Harvey Readey
Commissioner Gold
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Bobby Lance
Commissioner Sue Nielsen

Absent was:

District 6 - OPEN

Also present was City Manager Bob Francis, Attorney John Bennett, Chief Laura Houston and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm and the City Clerk confirmed quorum. Comm Nielsen gave the invocation and led the Pledge to the flag.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Steve Upp residing at 5415 Pasadena Drive shared his appreciation to the City for paving Venetian Circle.
- Andrew Thompson 4058 Isle Vista Avenue introduced himself to Council, staff and the residents and stated that he will be running for the District 6 Commission seat in the March Election. He said it would be prudent for the Council to wait until after the qualifying period before making an appointment and has submitted his letter of intent.
- Rick Miller residing 2001 Nela Avenue asked for clarification on the payments made to Pete Madison of \$514,000 for debris removal because of the Force Majeure clause submitted by Republic Services. He asked that the City be proactive and look into obtaining contract agreements with other companies with regards to Hurricane services moving forward.

In addition, he asked Comm Lance to clarify for the record his resident status. Comm Lance stated that his official address is currently 3401 Trentwood Blvd, Belle Isle, FL.

There being no further comments, Mayor Pisano closed citizen comments.

UNFINISHED BUSINESS

Final Charter Changes discussion.

- City Manager Francis said over the past months Council held workshops to discuss changes to the City Charter. Most of the changes were in Article 2 and 3 and were due to the Supervisor of Elections by November 17th. The City Clerk has confirmed with the office of Supervisor of Elections and now has a deadline of January 16, 2018. Mr. Francis reviewed the charter changes and asked Council to direct the City Attorney to bring forward an ordinance with and the changes in ballot form and for approval for first reading on November 21st, 2017. Mr. Francis reviewed Sections 3.02 through 4.13

After review, Council corrected the following,

- Add Section 3.01 - There shall be a city council with all the legislative powers of the city vested therein. The city council may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised. The city council shall consist of seven (7) commissioners; one residing in each of seven (7) election districts, elected at large by the qualified voters of the city. The Mayor shall be a non-voting member of the city council. The term city council in this Charter shall include the commissioners and the mayor.
- Section 3.07 - Council discussed the "boni-fide resident" status. Council consensus was that a boni-fide resident constitutes having homestead exemption on the address of record.

- Section 3.08(b)(ii) - The Mayor shall preside over the meeting, participate in discussion but not vote. If the Mayor needs to abstain from any portion of the proceeding due conflict of interest as defined under state law or under this charter, the mayor shall set pass the gavel to the Vice Mayor or in its his/her absence to a commissioner designated by council

**Vice Mayor Readey moved to approve the Charter changes as discussed.
Comm Gold seconded the motion, which passed unanimously.**

CONSENT ITEMS

- a. Approval of the City Council regular session minutes for October 17, 2017
- b. Approval of the City Council regular session minutes for October 30, 2017

**Comm Weinsier motioned to approve the consent agenda as presented.
Comm Lance seconded the motion, which passed unanimously.**

NEW BUSINESS

ORDINANCE 17-03 – First reading and Consideration

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA REZONING THAT CERTAIN REAL PROPERTY LOCATED AT 7710, 7728 AND 7740 DAETWYLER DRIVE, BELLE ISLE, FLORIDA, HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBERS 29-23-30-0000-00-013, 29-23-30-4986-00-010 AND 29-23-30-4986-00-040 OWNED BY COMINS DEVELOPMENT I, LLC, FROM MULTIPLE-FAMILY DWELLING (R-2) TO PLANNED DEVELOPMENT (PD); APPROVING A PLANNED DEVELOPMENT (PD) DISTRICT CONCEPT PLAN; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

City Manager Francis said based on the Settlement Agreement that was approved at the last meeting by City Council, he asked for the following corrections assuming this is not considered substantive changes;

- Sheet C3 – The owner of record should be corrected from Larkinville USA.
- Sheet C4-C5/N12 – In conjunction with C4-C5 they show two boat docks and one observation platform. He wanted to clarify that the maximum size of the terminal platform allowed is 3600ft based on a combination of the total square footage.
- Sheet C5 - Fishing and Observation Piers should be singular.

Miranda Fitzgerald from Lowndes, Drosdick, Doster, Kantor & Reed, P.A., with offices at 215 N Lake Eola Drive, Orlando, representing the applicant, said the applicant has stayed within the agreed upon parameters. For public transparency and disclosure, the diagram provided is a place holder to show a configuration of a proposed boat dock. Since this is a first reading of the ordinance there will be an opportunity to make revisions as discussed before going to second reading.

Attorney Bennett said it appears that the proposed boat dock shown is being approved. He requested that the drawing of the boat dock be removed and a note be added, to the plans and the Ordinance that reads that the boat dock will be reviewed under a separate permit.

Attorney Fitzgerald stated that there is a boat dock note already on the plans that reads as follows, “approval of this plan does not constitute approval of a permit for the construction of any boat dock (including: boardwalks or observation piers in Lake Conway, wetlands or in a wetland buffer areas). Any person desiring to construct a boat dock within the Silver Isle PD shall first apply for a permit prior to the installation. A boat dock shall require additional permitting under the applicable provisions of the City Code and the Settlement Agreement approved by the City Council on 10/03/2017”.

In addition Attorney Fitzgerald requested, on page 18-N7, the reference to southern fishing/observation be removed.

N7 should read, “vii. No overnight mooring, or other mooring more than 1 hour per vessel in a 24-hour period, shall be allowed on a fishing/observation pier. Drop-off and pick-up of boat passengers from the ~~southern~~ fishing/observation pier is allowed.”

Mayor Pisano opened for Council discussion.

Comm Lance referenced the last discussion on boat docks and asked if the proposed dock will fall under the new ordinance or the existing. If it is approved with the new terminology the plan may change. Attorney Fitzgerald stated that the applicant addressed that concern in the language in the Settlement Agreement and will super-cede in the respect where there are any inconsistencies in the Ordinance.

Vice Mayor Readey suggested adding a statement on the drawings that the boat dock is not to scale and is for reference only.

Attorney Fitzgerald requested to remove note 17(a-e) on page C4 because it is only a partial representation of the list in the settlement agreement and the ordinance. Attorney Bennett agreed to the change.

Comm Carugno shared his concern with the language in the Settlement Agreement that states that the negotiated conditions will control any changes made to the boat dock ordinance. He further noted the confusion to some of the inconsistencies with the documents provided in the packet. Attorney Fitzgerald stated that this is an iterative process and the applicant is trying to provide the best product that they can, recognizing that this is a public process.

Comm Weinsier and Comm Carugno shared their concerns with the ordinance language referring to the square footage of a boat dock walkway, terminal platform and fishing/observation piers which may create an issue on future commitments. City Manager Francis stated and clarified that the Settlement Agreement will take precedence over any Ordinance change.

After further discussion on the allowable square footage of a terminal platform, consensus was to revise the Ordinance, Section N (xii) as follows,

- xii. The location, length and layout and design of the boat dock and fishing/observation piers shall be determined through a separate Belle Isle permitting process in accordance with the Belle Isle boat dock regulations, except that the terminal platform of the fishing/observation piers shall be no larger than ten feet by twenty feet (10' X 20'), the height of the dock and the fishing/observation piers shall be no greater than five feet (5') above the Normal High Water Line ("NHWL"), and the maximum size of the ~~boat dock~~ terminal platform cumulatively shall not exceed ~~shall be~~ 3,600 square feet.

Comm Nielsen moved to advance Ordinance 17-03 to second reading.

Comm Lance seconded the motion to include the revisions as discussed and the edits to the plan.

Motion passed 4:2 upon roll call with Comm Weinsier and Comm Carugno, nay.

ORDINANCE NO. 17-16 - First Reading and Consideration

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY CODE TO PROHIBIT MEDICAL MARIJUANA DISPENSING FACILITIES WITHIN THE BOUNDARIES OF THE CITY OF BELLE ISLE AS AUTHORIZED BY SECTION 381.986, FLORIDA STATUTES; CREATING CHAPTER 15, ARTICLE III REGARDING DISPENSING FACILITIES; PROVIDING FOR INTERPRETATION AND DEFINITIONS; PROVIDING LEGISLATIVE FINDINGS; PROVIDING FOR CODIFICATION; PROVIDING FOR A MORATORIUM CONTINGENCY; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

City Manager Francis said after attending the Florida League of Cities meeting Council decided to ban Medical Marijuana Dispensaries. Part of the reason to ban the dispensaries was to wait until adequate regulations be developed and allow dispensaries at a later time.

Comm Weinsier moved to advance Ordinance 17-16 to second reading on November 21, 2017 or December 5, 2017.

Comm Nielsen seconded the motion.

Motion passed unanimously upon roll call, 6:0.

OPEN SPACE ZONING CLASSIFICATION

City Manager Francis said the only classification in the City Code for this is Public buildings district (PUB). As directed by Council, a new Open Space classification has been drafted to protect the Wallace Field. He clarified that this new classification, if passed, will be applied to all parks and open space inventory in the City. One distinction of the proposed open space classification is the active and passive recreation definitions.

Council consensus was to revise d(2) to include public municipal government buildings with a minimum and maximum height requirement.

Comm Lance moved to advance the Open Space Classification Ordinance with the proposed changes and direct the City Attorney to prepare the ordinance for first reading on November 21, 2017.

Comm Gold seconded the motion.

Motion was unanimously passed 6:0.

DOCK ORDINANCE

City Manager Francis presented the revised Boat Dock Ordinance for the regulation, construction and repair of docks. Mr. Francis read the changes as proposed for discussion. Council discussed the following sections,

- Sec 48-31(a)(3) - Boundary survey should be signed, sealed and be no more than 5 years old. Attorney Bennett said the City may ask for a certified Affidavit from the home owner stating that there have not been any substantial changes to the property if the survey is older than 5 years old.
- Sec 48-31(5) - Council discussed the minimum side setback of five feet. City Manager Francis opened discussion to change the proposed setback to 10 feet from the property line to prevent a navigational hazard.
 - Steve Upp residing at 5415 Pasadena said it is preferred to allow the docks closer to not affect the view of the lake.
 - Holly Bobrowski residing at 2400 Hoffner Avenue also shared her concern and said she prefers the five foot setback.Council discussed the options to defer all boat dock permits to Orange County, variance options and enforcement of the code revision. Attorney Bennett stated that Lake Conway is navigable, sovereign waters which cannot be enforced by the City. After discussion Council consensus was to leave the five foot setback as written.
- Sec 48-31(5) - Council discussed the access walkway and it being included as part of the total square footage of the dock. Council consensus was to leave as written.
- Sec 48-31(6)(b)(3) – Comm Lance asked why limit the width of the docks to **be constructed in canals** if it is not impeding or restricting the flow of the traffic and asked that this section be removed. After discussion, Council took no action.
- Sec 48-31(4) - Council discussed the NHWE and said the consensus of the Planning & Zoning Board was to have the maximum height of dock decks to 14 feet above the NWHE of Lake Conway. He requested that the proposed 13 feet be changed back to 14 feet as written. Council agreed to the revision.
- Sec 48-31(v) - Comm Carugno requested removal of the references to section (i) and (ii) exempting this provision for a HOA. After discussion, Council took no action.

Comm Lance moved to approve the draft ordinance as amended leaving out the square footage for the terminal platform and directed the City Manager to publicize for first reading on November 21, 2017.

Comm Lance withdrew his motion.

Comm Lance moved to approve the draft ordinance for the docks as amended to state that the square footage of the walkways are not included in the total of the square footage and publicize for first reading on November 21, 2017.

Motioned failed 4:2 with Comm Nielsen and Comm Lance, aye.

Comm Carugno motioned to table discussion until Council has time to discuss at a future meeting.

Comm Lance seconded the motion for discussion.

Motioned failed 3:3 for lack of quorum.

Comm Nielsen moved to approve the draft ordinance as amended.
Comm Weinsier seconded the motion for discussion.
Motioned failed 3:3 for lack of quorum.

City Manager Francis stated that he will revise the proposed Ordinance as discussed and present for review and discussion at the following meeting.

ATTORNEY REPORT – no report

CITY MANAGER REPORT

City Manager Francis reported on the following,

- The next Council meeting will be on November 21, 2017.
- November 10th is the deadline for articles for the 4th quarter bulletin
- On November 16 at 5:00pm he will be meeting with resident regarding Gene Polk Park.
- Paving has been completed in all areas of the City that were contracted.
- The fence at the Venetian Boat Ramp is ready to be installed.
- Perkins Boat Ramp signage is into the printer. Once installed the City will start with the driveway issues at the ramp.
- Bird Sanctuary Ordinance was sent to FWC for consideration at their January 2018 meeting. He asked Council and residents to send letters to Legislators in support of the request.
- He has received approximately five applications for the Social media Specialists.
- November 15th he will be meeting with the Daetwyler Home Owners Association to discuss the Trentwood Traffic Study.

CHIEF'S REPORT

- Chief Houston reported that the Agency is working with the Charter School staff to assist in the control of the traffic issues. Council discussed scheduling a workshop to discuss annexation possibilities.

MAYOR'S REPORT

- Appointment of District 6 Commissioner
Mayor Pisano appointed Alexa Dowlen for District 6 Commissioner for the remaining 7 meetings of the term. Mayor Pisano stated that Alexa Dowlen does not have any desire to run for the position in the March 2018 Election. Mayor Pisano stated that she does not feel that it would be fair to appoint someone who is interested in running for the position.
After discussion, Vice Mayor Readey motioned to ratify the appointment.
Comm Lance seconded the motion which passed unanimously upon roll call.
- Holiday Budget Approval
Mayor Pisano presented Holiday Event Budgets for the Tree Lighting and Snow Night, Santa Ride through the City and Pre-Toy Drive Kick Off. She noted that the Tree Lighting and Snow Event have been revised to omit the post cards and postage. The event will be published in the upcoming Belle Isle Newsletter/E-alert.
After discussion, Comm Carugno motioned to accept the budgets as presented for the four Christmas events.
Comm Gold seconded the motion which passed unanimously.

COUNCIL REPORTS

Comm Nielsen – District 7

Comm Nielsen spoke on the removal of trees on lots that are to be developed. Trees are important for the Community and would like to know if the City can place something in the code to control tree removal on empty lots.

Comm Weinsier said the issue is that the tree ordinance only protects a small number of trees. The Ordinance should be extended to include some invasive trees as well to address any further issues. Council discussed enforcement of the code.

Richard Weinsier residing at 6844 Seminole Drive asked if a developer cuts down the trees are they not suppose to replace the trees with one from the list. Mr. Francis said usually they do, if they do not want to replace the trees they can contribute \$250.00 per tree to the Tree Fund. For reference, as they develop the land, the trees that were removed will require a landscape plan showing what trees will be replanted.

Very shortly we will be hiring a Community Service Officer that will assist with after hour enforcement in conjunction with parking violations. If need be the City can adjust the schedule of the Code Enforcement Officer for weekend coverage.

Comm Weinsier asked if it will be appropriate to address the Tree Board members at the next meeting with the concerns as discussed. City Manager Francis said yes.

Comm Lance – District 4

- Comm Lance asked if the State of Emergency Order still enforced. City Manager Francis said he is not sure and will check on the status.
- Along with the reduction of the fees for sea wall permitting, Orange County also included shore line restoration.
- Comm Lance asked the City to research who is responsible for the maintenance of the side walk on the west side of Daetwyler.

Comm Carugno – District 2

- Comm Carugno addressed the dumping of trees and debris on the east side of the Highlands on Avocado. The City Manager stated that the Code Enforcement Officer is aware and taking appropriate action.
- Comm Carugno reported that the Hoffner Avenue street sign says "Road". Mayor Pisano said Orange County is aware and will be replacing the sign shortly.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 9:40 p.m.

Yolanda Quiceno, CMC, City Clerk