



city council minutes

MINUTES
September 28, 2017 * 9:00 a.m.
Special Called Session

The Belle Isle City Council met in a Special Called session on September 28, 2017 at 9:25 a.m. in the Belle Isle City Hall Council Chambers.

Present was:

Mayor Lydia Pisano
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Bobby Lance
Commissioner Sue Nielsen

Absent was:

Vice Mayor/Commissioner Harvey Readey
Commissioner Gold
Commissioner Lenny Mosse

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

CALL TO ORDER

Mayor Pisano called the meeting to order at 9:25am and the City Clerk confirmed quorum. Mayor Pisano gave the invocation and led the Pledge to the flag.

City Manager Bob Francis said the purpose of this special meeting is to discuss rescinding the State of Emergency Proclamation and Emergency Ordinance 17-13 establishing the Idle Speed/No Wake Zone. He does not believe that there is any longer a State of Emergency in the City of Belle Isle. He requested a motion to rescind the State of Emergency Proclamation.

Comm Nielsen motioned to rescind the State of Emergency Proclamation.

Comm Lance seconded the motion.

Mayor Pisano opened for public comment. There being none, she closed public comment and opened for Council discussion.

Mayor Pisano asked if there are residents who have not yet submitted for FEMA assistance during the State of Emergency would this hinder their application. City Manager Francis said, no, it would not hinder their application and the City can provide them a copy of the Proclamation that was passed if needed.

Comm Lance asked if rescinding the Ordinance will change anything for those who need to collect from FEMA. City Manager Francis said no, it will not change the process.

Motion was unanimously approved 4:0

City Manager Francis asked for Council discussion to rescind Emergency Ordinance 17-03 establishing an idle speed/no wake zone. This ordinance was passed due to the extensive damage due to docks, boats, vessels and watercrafts in the Lake Conway Chain of Lakes and the submerged debris. Because the lake was so high, there was the continued possibility of more damage caused by wakes to other docks and shorelines. As far as the level of the lake, it has come down since the passage of this Ordinance; however, it may still be in a condition to be considered hazardous. There are no submerged issues as referenced in the Belle Isle Police Report dated September 26, 2017. In addition, he stated that Orange County has opened both of their public ramps but that does not necessarily mean that the no wake zone is off. He asked for a Council motion to rescind the Emergency Ordinance.

Comm Lance said before he makes a motion, he would like the City to continue the strong enforcement of the no wake activity on the lake because there are many residents with damaged seawalls. City Manager Francis stated if the Emergency Ordinance is rescinded the lake activity restrictions will be off and the City will be enforcing the normal pre-hurricane rules. Discussion ensued.

Chief Houston stated that the City is out of NAV Board hours and the Belle Isle Police staff will be the only agency enforcing the ordinance on the lake at this time. Council discussed contacting the NAV Board and the Orange County Marine Patrol to patrol Lake Conway until the NAV Board budget is finalized. Comm Nielsen asked if the City can fund the OC Officers for the weekend and get reimbursed by the NAV Board.

Comm Lance asked if it was possible to deputize citizens to be vigilant. Chief Houston said it may deter some activity however it will not have any legal standing.

Comm Carugno said yesterday Orange County opened the public boat ramps and shared his concern with the speeding of boats and jet skis a few hours later. There are seawalls and property collapsing in the Lake. He would like to give the residents on the lake a few more days to allow them to rebuild and secure their property. He is opposed to lifting the no wake zone at this time.

City Manager Francis asked if there are wakes on the lake is there potential damage, by wakes, to boat docks and shorelines. Comm Carugno further shared his concern with the safety issue and the water level.

Comm Nielsen said since there are so many unanswered issues for Lake front homeowners, she motioned to postpone the No Wake Ordinance until the Tuesday City Council meeting. Comm Lance seconded the motion.

Chief Houston stated that she does not believe the Orange County Sheriff's office will be able to enforce a City Ordinance.

Comm Weinsier said he is very sympathetic for the lake shore homeowners; however, as per the City Attorney, the longer this Ordinance stays in effect the greater chance the City is going to be in a position to be sued. Comm Weinsier said this Ordinance will punish the people who follow the rules for the few who violate the law.

Comm Lance said he is in agreement but the Attorney also said the Ordinance has to be approved by the State. By the time we get approval or disapproval we would have lifted the Ordinance and we need to protect our residents.

City Manager Francis said, through Home Rule and our City Code, the City is allowed to pass Emergency Ordinances for the sake of protecting the citizens and their property. In addition, the Ordinance does state that it will repeal itself after 60-days.

Chief Houston said the Ordinance is enforceable with a City Code violation only. There is a Florida State Statute 327.46 referencing No Wake and the Police Officers will give citations in violation of that Statute. Discussion ensued on enforcement of the No Wake on Lake Conway by Belle Isle Police Department and the County.

After discussion Comm Nielsen withdrew her motion to postpone Ordinance 17-13. Comm Lance seconded the motion.

Comm Lance moved to rescind Ordinance 17-13. Comm Nielsen seconded the motion.

Comm Carugno asked if Council repeals this Ordinance now, there is no going back. However, if we postpone the motion it will allow the City more time to gather more information and secure the patrolling of the Lake by the Belle Isle Police Department and Orange County. Council consensus was to contact Comm Pete Clarke and Mayor Jacobs and ask for some assistance with protecting the rights of the Lakeshore property owners and enforcement of the no wake zone. Discussion ensued.

Comm Lance stated that his main concern is that the rights of the property owners be protected. He said the City has been very proactive and would support the motion with a caveat that the City follows the strictest of the laws to protect the shoreline of our property owners.

City Manager Francis suggested that the City pass another Emergency Ordinance reducing the no wake zone for the entire lake within 500 feet of the lakeshore and forward same to the Florida Wildlife Commission (FWC) for consensus in protecting our shoreline.

Comm Lance called for the question.

Comm Weinsier seconded the motion which unanimously passed.

Comm Lance moved to rescind the No Wake Zone Ordinance.

Comm Nielsen seconded the motion, which passed 3:1 with Comm Carugno nay.

Comm Weinsier moved that the City enact an Emergency Ordinance establishing an idle speed no wake boat restricted area,

- a) **Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.**
- b) **Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.**
- c) **Inside or within 300 feet of any dock structure.**

Comm Lance seconded the motion.

Comm Carugno shared his concern that the motion does not include reference to the shoreline and residential properties.

Comm Weinsier amended his motion to include that there is,

- d) **An idle speed/ no wake boating restricted area within 500 feet of any shoreline.**
- e) **Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway.**

Comm Lance seconded the amended motion which passed upon roll call,

Comm Nielsen, aye

Comm Lance, aye

Comm Weinsier, aye

Comm Carugno, aye

Other Business

Mayor Pisano requested Council consensus to read a Proclamation at Pete Madison's 60th birthday party proclaiming September 29, 2017 as Pete Madison Day.

Comm Lance moved to approve the Proclamation.

Comm Carugno seconded the motion which was unanimously approved.

City Manager Francis reported that the Belle Isle Police Department provided a list of addresses that still have hurricane debris. The list will be given to Pete Madison who will collect one additional sweep of the City. Once the items are collected there will be no more Hurricane debris pickups. Any further yard brush will need to be bagged and scheduled as regular pickup for Republic.

Adjournment

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 10:30 a.m.

Yolanda Quiceno, CMC, City Clerk