



city council minutes

MINUTES
August 15, 2017 * 6:00 p.m.
City Council Regular Session

The Belle Isle City Council met in a City Council Regular Session on August 15, 2017 at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present:

Mayor Pisano
Vice Mayor Readey
Commissioner Gold
Commissioner Carugno
Commissioner Weinsier
Commissioner Lance
Commissioner Mosse
Commissioner Nielsen

Absent:

Also present: Attorney Tom Lang, City Manager Bob Francis, Chief Houston, and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website at www.cityofbelleislefl.org and at City Hall.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm. Comm Weinsier gave the invocation and led the pledge to the flag.

Presentation to Molly Houston

Chris Martin from Millennium Fire and Security presented Molly Houston with a college scholarship for her submittal of a letter in response to the Pulse events.

CONSENT AGENDA

- a) Approval of the City Council Regular Session minutes for July 18, 2017.
- b) Approval of the City Council Budget Workshop and Regular Session minutes for August 1, 2017.
Comm Weinsier motioned to approve the consent agenda items as presented.
Comm Lance seconded the motion, which was unanimously approved.

CITIZEN'S COMMENTS

Mayor Pisano opened for Citizen Comments.

- Ed Purzinski residing at 5209 Pleasure Island spoke of the safety issues caused by the overgrown shrubbery and hedges on Hoffner. He asked if the City can trim down the bushes to allow for an easier view of oncoming traffic off of Orange Avenue. He further shared his concern on some of the newly paved driveways that extend past the sidewalk. He stated that some of the pavers that are placed beyond the sidewalk are not even and can cause a safety issue and a legal obligation from the City.
- Gayle Bouck residing at 2205 Cross Lake spoke on the Cross Lake Beach issue and asked that the City maintain the access of Cross Lake Beach as a community park.
- Georgette Pickarski residing at 5250 Pleasure Island shared her concerns with Cross Lake Beach and said it should remain as green space and not be allowed to go into private hands.

There being no further comment, Mayor Pisano closed the citizen comment section.

UNFINISHED BUSINESS

- a. **ORDINANCE 17-05 SECOND READING AND ADOPTION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING SURPLUS OF CITY PROPERTY; BY AMENDING ARTICLE V., DIVISION 2. SURPLUS OF CITY PROPERTY SECTION 2.24 – DISPOSAL WHEN VALUE \$100.00 TO \$5,000.00; PROVIDED FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND [PROVIDING FOR AN EFFECTIVE DATE.

Comm Weinsier motioned to adopt Ordinance 17-05 as presented.

Comm Mosse seconded the motion, which was unanimously approved.

- b. **ORDINANCE 17-06 SECOND READING AND ADOPTION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING CHAPTER 10, "ENVIRONMENT", ARTICLE II "PUBLIC NUISANCE" OF THE CODE OF THE CITY OF BELLE ISLE BY THE ADDITIONS OF SECTIONS 10-37, "PROHIBITION": 10-38, EXEMPTIONS"; 10-39, "DELIVERY TO PRIVATE RESIDENCES AFTER NOTICE OF OBJECTION"; AND 10-40, "VARIANCES", ALL REGARDING THE PLACING OF PAPER, MERCHANDISE OR DISCARDED MATERIAL ON RESIDENTIAL LAWNS AND DRIVEWAYS, MOTOR VEHICLES OR ON PUBLIC STREETS AND SIDEWALKS.

Comm Gold motioned to adopt Ordinance 17-06 as presented.

Comm Mosse seconded the motion, which was unanimously approved.

NEW BUSINESS

- a. Designate Council Member for Mediation Proceeding
City Manager Francis stated in response to the Request for Relief by Comins Development the City Attorney has requested City Council to appoint a City Council member to be present at the mediation proceedings.

Vice Mayor Readey motioned to appoint Comm Weinsier as the designated member.

Comm Lance seconded the motion, which was unanimously approved.

- b. AED Ordinance 17-07 review

City Manager Francis proposed a draft Ordinance to direct the placement of AED equipment in public places and gathering areas with over 100 capacities. The Belle Isle Police Department currently teaches AED classes and there are many other programs in place throughout the State and the County.

After Council discussion, Comm Lance motioned to refer proposed Ordinance 17-07 to the P&Z Board for review and comment at their September meeting.

Comm Nielsen seconded the motion, which was unanimously approved.

- c. Bird Sanctuary Ordinance 17-08

City Manager Francis said under Florida Administrative Law 68a-19.002, there are specific requirements needed to be considered as a Bird Sanctuary. Additionally, a new section SB130 pertaining to the discharge of firearms on public or residential property was adopted last year. The City's current code does not include these criteria therefore an updated ordinance needs to be adopted. Mr. Francis further noted that is seeking support of a bird sanctuary from the Orange County Audubon Society and an Attorney opinion on air rights. If City Council passes the Ordinance he will request that it be heard at the FWC meeting in January 2018.

Council requested a change to the ordinance that pertains to the definition of firearms that will be allowed. Council further discussed enforcement on the north side of the lake, legally posted signs and permits.

Comm Nielsen motioned to approve Ordinance 17-08 for first reading and consideration.

Comm Lance seconded the motion, which was unanimously approved.

- d. Cornerstone Charter Academy (CCA) use of Wallace field

Mr. Francis reported that there has been a standing request to use the Wallace Field for athletic activities specifically for football practice. He would support this request if CCA entered into an agreement with the City that provides certain items such as an engineered site plan, a maintenance commitment, a priority use clause and indemnification.

Council discussed the maintenance and fertilizing of the football field and open space. Mr. Francis the maintenance of the drainage issue can be added to the agreement.

Comm Mosse moved to direct the City Manager to draft an agreement, for review by Council, to allow Cornerstone Charter Academy to use the Wallace Field.

Comm Gold seconded the motion, which was unanimously approved.

e. Rezone of Wallace Field

City Manager Francis provided an application for a zoning classification change for the Wallace property as expressed by City Council.

After discussion, Comm Nielsen moved to direct the City Manager to start the process to change the zoning of the Wallace parcel from residential to open space.

Comm Readey seconded the motion, which was unanimously approved.

f. BING Grant – Oak Island Point Road

Mr. Francis presented a BING grant application from the Oak Island Home Owners Association in the amount of \$6,000 for landscaping improvements of their entrance way; overall it looks like a very good project.

Comm Gold moved to approve the Oak Island Bing Grant as presented.

Comm Nielsen seconded the motion, which was unanimously approved.

g. RESOLUTION NO. 17-17 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, OPPOSING THE EROSION OF HOME RULE AUTHORITY EFFECTED BY THE ADVANCED WIRELESS INFRASTRUCTURE DEPLOYMENT ACT; SUPPORTING THE HOME RULE AUTHORITY GRANTED AND GUARANTEED LOCAL GOVERNMENTS BY THE FLORIDA CONSTITUTION; ENCOURAGING THE FLORIDA LEGISLATURE TO RETURN FULL HOME RULE AUTHORITY TO LOCAL GOVERNMENTS WITH RESPECT TO WIRELESS FACILITIES IN THE PUBLIC RIGHTS-OF-WAY; EXPRESSING SOLIDARITY WITH OTHER LOCAL GOVERNMENTS OF ORANGE COUNTY, FLORIDA, IN SUPPORTING TECHNOLOGICAL ADVANCEMENT WHILE PRESERVING THE AUTHORITY OF LOCAL GOVERNMENTS TO ENACT REGULATIONS THAT PRESERVE AND PROTECT LOCAL COMMUNITY VALUES AND INTERESTS; PROVIDING AN EFFECTIVE DATE.

Mayor Pisano gave a brief overview of the resolution requesting Governor Scott to uphold home rule in regulating the placement of unsightly and potentially unsafe wireless communications equipment on City property. The City currently does not have any open applications and are in a good position to pass Resolution 17-17 and a Moratorium to get our infrastructure in place.

Comm Nielsen moved to approve Resolution 17-17 as presented.

Comm Lance seconded the motion, which was unanimously approved.

h. RESOLUTION NO. 17-18 - RESOLUTION IMPOSING A TEMPORARY MORATORIUM OF ONE HUNDRED EIGHTY (180) DAYS UPON THE APPROVAL, ISSUANCE, AND/OR PROCESSING OF ANY PERMITS ALLOWING THE CONSTRUCTION, INSTALLATION, AND/OR MODIFICATION TO FACILITIES PERTAINING TO MINI CELL TOWERS WITHIN THE RIGHT-OF-WAYS AND/OR RESIDENTIAL AREAS OF BELLE ISLE, FLORIDA

Comm Gold moved to approve Resolution 17-18 as presented.

Comm Carugno seconded the motion, which was unanimously approved.

ATTORNEY REPORT – no report

CITY MANAGER REPORT

- Bob Francis reported that he has received three requests from residents to remove the black muck that has accumulated on their shoreline. He asked if it is the City's responsibility to remove the black muck that appears on residential homes shoreline. After discussion, Council consensus was that it is the responsibility of the homeowner to maintain their shoreline and obtain the necessary permits from Orange County EPD if necessary. Council discussed notifying and reminding residents on maintenance options for shoreline upkeep.

Attorney Lang stated, at this time, the City does not have any legal obligation to deal with the muck.

- Mr. Francis asked if Council would like to schedule for a 90-day City Manager evaluation or move forward with a 6-month review. Council consensus was to move forward with a 6-month review.
- Bob Francis reported that he met with Senator Stewart and others. He discussed the Gene Polk Park renovation and was told that the City may be eligible for a \$250,000 grant from the State. He further asked for funding for a citywide transportation study fee and a Marine Patrol Boat.
- After looking at the entrances and exits to Belle Isle, Mr. Francis provided a draft layout of new signs for discussion. Council agreed to have the sign shop design a few other layouts using different fonts before moving forward.
- Bob Francis opened discussion on boating on the lake and FWC regulation. He contacted the FWC boating division and asked how the City can obtain boat restriction zones on Lake Conway. He was advised that the City must complete the steps in Florida SS 327.46 which requires the City to pass an ordinance, complete a FWC uniform waterway permit and provide periodical data, videos or letters describing incidents. Mr. Francis further spoke on Florida SS 327.39(4), which refers to reckless boating, issuing citations and obtaining data for reporting purposes. Council shared their concerns with the reckless driving on the lake and the safety issue it is causing.

After discussion, Comm Lance moved to authorize the City Manager to complete the steps to obtain boat restriction zones on Lake Conway and prepare a draft for Council approval.

Comm Carugno seconded the motion, which passed unanimously.

Project Update

Bob Francis reported on the following updates,

- The City is in the process of finalizing a draft design for Gene Polk Park; once received they will schedule a neighborhood meeting.
- The City is going to meet with the Orange County Attorney to determine the correct level of the lake before completing the design of City park signs.
- The engineers have completed their inspection of the Cornerstone Charter School facilities and formalizing a capital facilities plan within 30-40 days.
- He has been requested by Attorney Kruppenbacher to schedule a charter review workshop. The proposed changes have been made. The City Clerk will send an email with some available dates.

CHIEF'S REPORT

Chief Houston reported on the following,

- Chief Houston reported on the improvement to the school traffic.
- Reported on two residential properties one on Flowertree and the other at Country Lakes.
- The agency has received numerous training documents and equipment on handling fentanyl.

MAYOR'S REPORT

- Mayor Pisano gave a brief overview of the meeting with the Governor regarding the narcans and heroin issues in local governments.
- Orange County delegation is meeting in October and she will bring forward the City's duck hunting issue and giving lake control back to the municipalities. In addition, the Charter Review Commission will be meeting in September where she will bring forward the same.
- She received a letter from the Florida League of Cities and the City was not chosen for the grant for the messaging board.
- Special Events Committee is scheduled to meet in September.
- Mayor Pisano spoke of organizing a time capsule for the City and a Meet & Greet with the District Commissioners.

COUNCIL REPORTS

Comm Gold – District 1

- Comm Gold said he is interested in having Cross Lake open to all Belle Isle residents.

Comm Carugno – District 2

- Comm Carugno shared his concerns with the trash left behind on private property by those who use the Lake. He requested additional patrol by the BIPD between 6-8am.
- Carugno addressed the rope swing property. He asked for the City to determine the property line and post private property signs. Bob Francis asked, since it is State land, would Council consider having him communicate with the State to have the property in the City's name. Council consensus was to have the City Manager send a letter to the State communicating the City's interest of ownership.
- Comm Carugno addressed the safety on Judge and Daetwyler Drive. After discussion, he asked the City to request placing a flashing speed sign going west on Hoffner Avenue.

Comm Weinsier – District 3

- Comm Weinsier addressed the two way stop at Gondola and Perkins. Council discussed working with Orange County on some solutions before it becomes a safety issue.

Comm Lance – District 4

- Comm Lance reminded the City Manager of the flooding issues at the home on the southwest corner of Daetwyler Drive.
- Comm Lance reported on a noise complaint with Mattamy Homes working on the property at 1am-5am.
- Comm Lance addressed the possibility for the City to purchase the commercial property behind Trentwood on the south side as a City park.
- He further asked for approval to place on the next agenda a proclamation presented to Attorney John Bennett for his 30+ years of service and naming a park or street in the City for Commissioner Larry Ady.
Council consensus was to have the City Manager bring forward a draft resolution for guidelines on naming parks and streets.

Comm Mosse – District 6

- Comm Mosse spoke on the standardization of signs throughout the City, Bing Grants and the importance of strict procedures on handling Fentanyl.

Comm Nielsen – District 7

- Comm Nielsen spoke of the Ordinance on blowing grass clippings into the street. Mr. Frances said the Code Enforcement Officer is working towards citing violations and educating the contractors and residents on proper removal.
- Comm Nielsen said she would like to instruct the City Manager to investigate the possibility of annexation in the various bordering areas. She noted that the last City annexation did not seem to make any difference to the revenue. Bob Francis said he was looking at the code and researching how to square off the City and contiguous areas. After discussion, Council consensus was to have the City Manager report at a future meeting.

Other Business

Bob Frances asked if Council would like to schedule a workshop between City Council and the Charter School Board to talk about how to come together and move things along. The workshop will be opened to the public.

Council discussed the use of the field, hygiene concerns to be addressed by the Charter School Board and the selection process of the open Board seats. Discussion ensued.

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 8:50p.m.

Yolanda Quiceno
CMC-City Clerk

APPROVED