



# city council minutes

## **AGENDA December 6, 2016 \* 6:30 p.m. City Council Regular Session**

The Belle Isle City Council met in a City Council Regular Session on December 6, 2016 at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

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

Absent was:

Commissioner Carugno  
Commissioner Gold

Also present was Attorney Kruppenbacher, Interim City Manager April Fisher, Chief Houston and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website and at City Hall.

**CALL TO ORDER**

Mayor Pisano called the meeting to order at 6:30pm. She stated that Comm Gold was not going to be in attendance tonight. On behalf of Comm Gold, Mayor Pisano led the invocation and the pledge to the flag.

**CONSENT ITEMS**

a) Approval of City Council Regular Session minutes – November 15, 2016

**Vice Mayor Readey moved to approve consent agenda item as presented.  
Comm Nielsen seconded the motion which was passed unanimously.**

**RESOLUTION NO. 16-17**

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO ACCOUNT FOR A DONATION RECEIVED FOR THE POLICE DEPARTMENT BUILDING RENOVATION, REMODELING AND REHABILITATION; AND PROVIDING AN EFFECTIVE DATE.

**Vice Mayor Readey moved to approve Resolution 16-17 as presented.  
Comm Nielsen seconded the motion.  
Comm Lance stated for the record, at the time of approval Council was not aware of who the benefactor was.  
Motion passed unanimously.**

**RESOLUTION NO. 16-19**

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, PERTAINING TO ESTABLISHING A TEMPORARY MORATORIUM FOR A PERIOD OF 180 DAYS FROM THE EFFECTIVE DATE OF THIS ORDINANCE ON THE ACCEPTANCE, REVIEW, APPROVAL OR ISSUANCE OF ANY LAND DEVELOPMENT PERMITS AS THE TERM IS DEFINED IN FLORIDA STATUTES SECTION 163.3164(16), BUSINESS TAX RECEIPTS OR ANY OTHER LICENSE OR PERMIT FOR THE ESTABLISHMENT OR OPERATION OF DISPENSING FACILITIES WITHIN THE CITY ENGAGED IN THE ON-SITE DISTRIBUTION, SALE, DELIVERY OR RETAIL OF LOW-THC CANNABIS, MEDICAL CANNABIS OR CANNABIS DELIVERY DEVICES PURSUANT TO SECTIONS 381.986 AND 499.0295 OF THE FLORIDA STATUTES, IN ORDER TO PROVIDE THE CITY WITH AN OPPORTUNITY TO REVIEW AND ENACT REGULATIONS GOVERNING THE ESTABLISHMENT AND OPERATION OF DISPENSING FACILITIES; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE.

April Fisher said the Resolution is modeled from Miami Beach, Fl which creates the amount of time for the City to evaluate any zoning districts that may be considered, to allow for a dispensary.

**Comm Mosse motioned to discuss.  
Comm Lance seconded the motion for discussion.**

**Comm Mosse asked for consideration to have the moratorium to be 90 days instead of the proposed 180 days. He said medical marijuana is for those suffering from cancer and terminal diseases; it will not be for recreational use.**

**After discussion, the motion passed unanimously.**

**ORDINANCE No.: 16-11 – READING AND ADOPTION**

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING TEMPORARY CONSTRUCTION DUMPSTERS; BY AMENDING CHAPTER 24, SOLID WASTE, ARTICLE II; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

April Fisher said the change is to clarify residential properties use of roll off dumpsters. The amendment will strike from the code the provisions that require residential properties to use dumpsters from Republic Services or any other franchise. It also strikes all references from a “franchise” to a “vendor” and defined vendor being that which is selected by the property owner. Discussion ensued on review of the general provisions section to add a time provision on use for residential properties.

**Vice Mayor Readey motioned to approve Ordinance 16-11.  
Comm Nielsen seconded the motion which passed unanimously.**

**CITIZEN COMMENTS**

Mayor Pisano opened for public comment.  
There being no public comment cards, Mayor Pisano closed citizen comments.

## CITY MANAGER'S REPORT

April Fisher gave an update on the following items,

- Ms. Fisher said the purchasing policy will be provided for review before the January 3<sup>rd</sup> meeting and will include the thresholds and safeguards for determining what type of process and bid is required to approve different purchases. The approval of the policy may require an amendment to the code.
- The personnel policy is currently being reviewed and will provide a draft in mid-January.
- Ms. Fisher reported that the City has completed the internal demolition of the existing Police Department building. The City has run into some issues with the current contractor and will be searching for a new contractor. Mr. Cumins has indicated that he would like to be in charge of the renovations through this process. The City Attorney said it is possible; however the City must have the right contract in place to make that happen. Ms. Fisher indicated that green measures have been incorporated into the renovation plan.

April Fisher noted that the Attorney is building into the contract that the City is the third party beneficiary to the donation. It is actually a common thing to have this type of donation for a local government. She is confident, as long as the City has the right contract in place, there will be no ethical issue.

Council addressed the concern of having the benefactor and contractor being the same person. They also clarified and that the benefactor will not receive any special treatments and an A1A contract will be utilized. Discussion ensued on the scope of the project.

- The City is moving forward with the Lake Conway Estate improvements. Accuright has submitted their report. Once the report is reviewed by the City and a contractor has been selected the City will schedule a community meeting before moving forward.

## MAYOR'S REPORT

- Mayor Pisano asked for consensus on adding the Planning & Zoning meeting audio on the website. Comm Lance motioned to place the Planning & Zoning meeting audio on the website. Vice Mayor Readey seconded the motion which passed unanimously.

Attorney Kruppenbacher stated, to the extent that Council listens to the audio, if a quasi judicial meeting should arise it must be disclosed at a public meeting to avoid any challenges or the objectivity of a vote. Discussion ensued.

- Mayor Pisano reminded residents of the Belle Isle Tree Lighting event tomorrow, December 7.

## COUNCIL REPORTS

### Comm Nielsen - District 7

- Comm Nielsen requested revisiting discussions and review of possible charter changes. She asked for Council consensus to schedule a workshop to start the process in January. Discussion ensued on the process and steps moving forward.

**Attorney Kruppenbacher suggested incorporating public hearings after each workshop for public input. After discussion, Council agreed to schedule a workshop on Wednesday, January 11, 2017 at 5:30pm for charter review.**

- Comm Nielsen spoke on the boat ramps and locking the gates. She asked the City Attorney if he was able to research if it is legal for the City to restrict access of the boat ramps. Attorney Kruppenbacher said he was requested by the district commissioner to postpone the discussion for January.

- Comm Nielsen spoke on the budgeted item on special events. She said Council may like to have more involvement in making decisions for future events, for example, when does the City start using the open space on Wallace. It would be beneficial for Council to open discussion on how events are selected and how to have more resident involvement and attendance.

#### **Comm Mosse - District 6**

- Comm Mosse reported that residents at Lake Conway East are complaining that their streets are not getting swept as often as other areas. April Fisher said she would look into the schedule and report back to Council.

#### **Comm Lance – District 4**

- Comm Lance reported, south of the convenience store on Daetwyler, a few branches on the road due to some tree cutting from the power company and asked if the City can call to have the branches cleared from the road.
- Comm Lance wished everyone a happy holiday and asked all to be safe and look after their elderly neighbors.

#### **Comm Weinsier - District 3**

- Comm Weinsier inquired on the status of Google Apps. The City is currently paying for the service and will not be able to cancel the subscription without going through the whole setup process. Attorney Kruppenbacher said he will be able to get a legal opinion from Tallahassee in the beginning of the year.
- Comm Weinsier commented on the City pamphlet and noted that it is very professional and would like to see the pamphlet available for the public. Attorney Kruppenbacher said there is a small structural substantive issue that will be corrected.
- Comm Weinsier reported that his Planning & Zoning Board member resigned in November and requested to have the newly appointed P&Z Member on the January agenda.
- Comm Weinsier asked for an update on the ongoing Lake Conway East project. April Fisher said she will pull the records to research the history of the project along with how the City's Bing Grant can help with their needs. Discussion ensued.

#### **CITY ATTORNEY'S REPORT**

Attorney Kruppenbacher reported that the City will be sending a memo to the Chairman of the School Board and Ms. Swahilly laying out very clearly the responsibilities of the facilities and property owner. They also were asked to provide a copy of the contract of the company that maintains the field to address the illicit discharge concern.

#### **ADJOURNMENT**

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 7:55p.m.

Yolanda Quiceno  
CMC-City Clerk