



city council minutes

AGENDA July 19, 2016 * 6:30 p.m. City Council Regular Session

The Belle Isle City Council met in a City Council Regular Session on July 19, 2016 at 6:40 p.m. in the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

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

Absent was:

Also present was Attorney Kruppenbacher, Deputy Chief Houston and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:40 p.m.
Comm Weinsier gave the invocation and led the Pledge to the Flag.

Mayor Pisano announced that she will re-order the agenda items to accommodate staff presentation on the millage rate.

DISCUSSION OF BUDGET/MIL RATE

Attorney Kruppenbacher opened discussion on the millage rate and stated that the City may have to raise the millage or modify the reserves in order to accomplish the high priority items discussed at the last meeting. The current reserves are at 41%, and out of line with what financial advisors and auditors would say is an appropriate reserve to maintain. He recommends two options, (1) raising the millage and bringing it down, if necessary or (2) leave it as it is knowing that he will be presenting a recommendation regarding both the investment to the reserve coupled with a reduction of the reserve, that would save more money in the back end. He believes we can accomplish dealing with maintaining a healthy reserve and not raise the millage.

Comm Nielsen commented if Council leaves open the option to raise the taxes one mil it will give us time to find out how the residents feel about it, before it becomes a definite. She understands one of the big reasons not to raise taxes is that it may interfere with future annexation; however she believes that the citizens want to do right by the police officers and staff. She noted that the residents would not want to have staff working out of a building filled with mold and where the air conditioner cannot be made to work. At this time, we are not sure on how much it is going to cost to repair the police department building however, hopefully we will have enough time to get an estimate.

Attorney Kruppenbacher said this City does not have a history of raising taxes then going back down. If Council chooses that option to raise the millage he urges immediate communication to the public would be critical to avoid unnecessary angst.

Mayor Pisano said the City has been under so much scrutiny; it is a bad time and may create a fire storm. Good news is that there may be approximately a 4-5% increase in property value which will help.

After discussion, Comm Nielsen agreed that there are other options and that communication to the residents has to be done first.

Comm Gold shared his concern with raising the millage and seeking out future annexation opportunities.

After discussion Council agreed to keep the millage the same and thanked Tracey Richardson for her support.

Comm Gold motioned to keep the millage the same.

Comm Mosse seconded the motion which passed unanimously with no opposition.

P&Z Board Member – District 3

Comm Weinsier introduced Tom Leftwich as his appointment for the open Planning and Zoning Board seat for his District.

Comm Weinsier motioned to appoint Tom Leftwich for the Planning & Zoning Board District 3 seat.

Comm Nielsen seconded the motion which passed without opposition.

CITIZEN'S COMMENTS

Anita Sacco residing at 4913 Jinou Avenue addressed two quick comments. She said the agenda's of late do not have the name boxes, and asked that it be placed back on the agenda pages because it makes it easier for her to check off those Council members in attendance. The other comment is, as Council address issues it would be helpful if Council quantifies the number of people they are referring to when saying, "I spoke with a couple of people" when contemplating some decisions

In addition, she shared her concern with the Warren Park proposed dock. It seemed that it would be favorably received by all. She attended a meeting a number of months prior where it was discussed that we will not move forward, and at the time the discussion made sense. She would like to know if permitting is approved and what options the City has on the use of the ramp.

Heather Ramos residing at 7454 Daetwyler Drive, Belle Isle FL and her son Malbec Ramos asked the City to consider allowing chickens and hens as pets. She noted that there are about 40 communities in the State of Florida that allow chickens with specific rules and regulations.

There being no further comments, Mayor Pisano closed the citizen's comments session.

CONSENT AGENDA

- a. Approval of City Council Meeting June 7, 2016 minutes
- b. Approval of City Council Meeting June 21, 2016 minutes
- c. Approval of City Council Meeting July 1 2016 minutes
- d. Approval of City Council Meeting July 5, 2016 minutes

Mayor Pisano called for a motion to approve consent agenda items a-d.

Comm Lance requested the following changes to the minutes of June 7, 2016,

Page 2, Paragraph 10 reads, "He is also proposing installing a key-pad one-arm gate with a single left turn lane for Trentwood residents only. The initial installation cost will be provided by Mattamy homes."

Should read, "He is also proposing installing a key-pad one-arm gate with a single left turn lane for Trentwood residents only. The initial installation cost **and maintenance for one year** will be provided by Mattamy homes."

Page 6, Paragraph 10 reads, "Comm Lance pointed out that at one time the permitting process within the City had been done through Orange County Inter-local Agreement, and then was transferred to Universal Engineering. He would like to bring back inter-local agreements with EPD for environmental issues, and is requesting it be on the agenda for the next meeting.

Should read, "Comm Lance pointed out that at one time the **boat dock/seawall** permitting process within the City had been done through Orange County **EPD** Inter-local Agreement, and then was transferred to Universal

Engineering. He would like to bring back inter local agreements with EPD for environmental issues, and is requesting it be on the agenda for the next meeting.

Comm Lance motioned to approve the Consent Agenda items as amended.

Comm Gold seconded the motion which passed unanimously with no opposition.

ORDINANCE NO. 16-08 – FIRST READING AND CONSIDERATION

AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, ESTABLISHING A MORATORIUM ON ANY APPLICATION FILED AFTER 5pm ON JULY 5, 2016 FOR BUILDING PERMITS, SITE OR MASTER PLAN, REZONING FOR ANY PROPERTY THAT IS NOT ZONED SINGLE FAMILY RESIDENTIAL LESS THAN FOUR UNITS PER ACRE, WHICH MORATORIUM SHALL END NO LATER THAN OCTOBER 5, 2016; PROVIDING FOR SEVERABILITY; CONFLICTS AND EFFECTIVE DATE.

Ordinance 16-08 was pulled from the agenda.

PUBLIC HEARING CASE #2016-04-019 (CONTINUANCE)

Applicant Christopher M. Comins, property owner, will request for approval of a formal subdivision consisting of a combination of three parcels with a total land area of approximately 3.79 acres, a 13 lot single residential subdivision and a four slip boat dock at 7710, 7728 and 7740 Daetwyler Drive, Belle Isle, Orange County, Florida, also described as Parcel ID #29-23-30-0000-00-013, Parcel ID #29-23-30-4986-00-010 and Parcel ID #29-23-30-4986-00-040. Preliminary plat available at City Hall.

Attorney Kruppenbacher introduced April Fisher to present the City's position on Public Hearing Case 2016-04-019.

April Fisher, City consultant said the proposed preliminary subdivision plan does meet all the requirements in the code, which is the first process for approval. She addressed two specific items that have come up for discussion. First is the willingness on the applicant's part to provide an 8ft concrete wall adjacent to the property to the north, based on a request from the adjoining property owner, as long as written consent from the adjacent property owner is received. Second is the boat dock portion of the proposed plan. She added that the boat dock is permitted, and the code does provide for this type of request. Typically, in a subdivision a single family lot requires a building to be on the lot before permitting a boat dock. One of the provisions of the code also states, if there is land owned by the home owners association, a dock may be permitted on that lot. There are additional requirements of maximum size; however, there are no limitations on the number of boat slips, as long as they meet the setback requirements. She added, in addition to the provision, they will have the availability to have storage lockers for multiple users. In addition, they will still need to follow the checks and balances provided by code. With the items being covered per code, she recommends approval of the preliminary plan. Upon approval tonight, the applicant will have the authority to move forward and submit their final plat application for approval.

Mayor Pisano stated that she believes the provision for storage lockers was removed from the code. Ms. Fisher stated that it will be one of the upcoming code revisions.

Comm Lance stated that the applicant did not meet the maximum 1,000 square feet, and is not in favor of the four or eight slip boat docks. As far as the four slips including walkway, it is over 1100 square feet. The City needs to hold this dock as well as all docks to the same standards.

Mrs. Fisher said for the purposes of this application, approval of the boat dock slips is not required. Within the regulations for consideration of a preliminary plat, the applicant is required to provide the proposed improvements to be considered for the property, showing their vision for the property.

Comm Lance asked for clarification of Section 48-32, 7(a) of the code which states; "all boat docks shall adhere to the following restrictions: a. No work shall be within areas which constitute easements for ingress or egress, or for drainage." April Fisher said the way the plan shows a proposed sidewalk. The other is because it is a preliminary site plan; it is too early in the process. Once the plans are final it may be relocated and will require Planning & Zoning approval. The approval is for the development of the property not approval of the dock location. Comm Lance shared his concern, and said by approving anything other than a standard dock; it is going to be a hardship on the residents to the north and south of this property. It will set a dangerous precedent.

Comm Nielsen understands if Council votes to approve the preliminary plan, it is not addressing the dock.

Comm Weinsier said he believes approval of the preliminary plan will set expectations that a boat dock will be approved moving forward.

Randy Fitzgerald, Attorney for the applicant spoke on the events of the last hearing. She clarified that at this time the applicant does not have a boat dock proposal for approval. She provided a brief summary of the previous meetings and noted at the planning and zoning meeting the drawings submitted were originally for eight slips, however, the applicant's cover letter submitted for the variance noted four slips, in error, which trumped the posted application. Where it got confused is that the applicant thought they have been given authorization to show the picture of the proposed plan for eight slips. As the City Attorney clarified, at this point they are not asking for approval for any boat dock just the conceptual plan letting the City know in advance that there may be a boat dock attached to this application. She further clarified that she is aware of the issues addressed by Council however; the code today gives the authorization for build out of a boat dock owned by an home owners association, and that cannot be changed as to this application.

Attorney Kruppenbacher stated since Council will not be dealing with the dock tonight he proposed that the applicant present the development plan only for approval, with a line on the drawing showing the location of a proposed dock. This will avoid any expectations and clearly defines approval of the subdivision only. With the understanding that there may be an application for boat docks at a later date, which will have to meet all components of code Section 48.

After discussion, Attorney Fitzgerald requests approval for 13 lots of the proposed subdivision, with all the concepts that meet the code, with a straight line from the home owner's association (HOA) lot with an understanding that they will return with the intention to comply with the codes and not request a variance.

Attorney Kruppenbacher asked that the City place a moratorium on construction of docks with the direction to rewrite the ordinance that deal with any concerns they have received. The moratorium will not affect this application or others that have been filed before today's date. He will provide an ordinance for review and first reading at the next meeting.

Comm Weinsier asked if Council will receive a copy of the final plat before approved. Attorney Kruppenbacher said yes.

Mayor Pisano opened for public comment.

- Thomas Marks residing at 3213 Trentwood Blvd, Belle Isle spoke in opposition of proposed subdivision. He shared his concerns and stated that the current drawings showing the slips will set a dangerous precedent for the quality of the water and the welfare of the residents. He is interested to see the moratorium and is happy to see that Council recognizes there is a potential problem. Secondly, he spoke of what is a HOA lot. He asked if the open space is a homeowner association lot or a retention pond, and would like Council to review this further.
- Anna Maria Fiola residing at 2493 Trentwood Blvd agreed with the previous speaker. In addition she noted that she has witnessed residents blowing landscape clippings into the drain and asked if the City can send educational information in a newsletter. Mayor Pisano asked if Code Enforcement can send out an e-lert.
- Steve Fusilier residing at 7221 Seminole Drive, Belle Isle spoke in regards to recreational areas vs. ponds, and recreational activity on the lake and water quality and retention. He noted if everyone really cares about the water quality, adding a boat ramp to Warren Park is not environmentally friendly.
- Bob Harrell residing 2800 Trentwood Blvd, Belle Isle spoke in favor of the positive attributes to the proposed subdivision. However, he is not in favor of a "neighborhood dock/walkway" with the proposed boat slips. He hopes if approved today that the planning of the boat dock is removed.

Comm Lance motioned to approve Public Hearing Case No. 2016-04-019 with the plans presented minus any boat docks and references to boat docks on the general notes of the plans #13 and #14.

Comm Mosse seconded the motion.

Mayor Pisano opened for Council discussion.

Comm Weinsier stated that he would like to have an updated document to review before there is a preliminary approval. April Fisher said the final plat submitted for approval must comply and reflect all of the items discussed, and on the record as of this hearing.

Attorney Fitzgerald asked for clarification on the motion. The preliminary subdivision plans submitted for approval had a dock with four slips. For the purposes of this meeting, discussion was that the applicant will have the ability to resubmit the plans with a line representing an HOA boat dock. The spirit of the discussion was not to take away the opportunity for a boat dock, but approval of the concept that this particular lot can have an HOA boat dock.

After discussion, Attorney Kruppenbacher said the record clearly reflects the approval of the preliminary subdivision plan. Council is not approving a boat dock or anything related to a boat dock, and references to a boat dock on the general notes of the plans #13 and #14, with an understanding that the applicant has the right to file in accordance with the current code for a dock permit and not subject to the moratorium.

Mayor Pisano opened for citizen's comments.

- Joseph Shively residing at 2228 Hoffner Avenue, Belle Isle stated for the record that he has many concerns with the proposed plan and agrees with Council's discussion and motion.
- Tony Carugno residing at 2372 Hoffner Avenue, Belle Isle feels that the plans are not clear and shared his concern with approval of the preliminary plat and the designated retention area.

Mayor Pisano asked if Council has any ex parte communication. Comm Mosse and Comm McGinnis disclosed ex parte communication with the applicant and provided a form for the file. Mayor Pisano disclosed that she attended a function at the applicant's home. She did not discuss the project and noted that she is not a voting member.

After discussion, Comm Lance motioned for approval as clarified by the City Attorney. Comm Mosse seconded the motion which passed with no opposition.

ATTORNEY'S REPORT

Attorney Kruppenbacher recommended a motion to direct the City to prepare a draft Ordinance that addresses a number of the boat dock issues. The motion will open a pending ordinance doctrine that gives certain legal rights as a City.

Comm Weinsier made a motion to allow the City Attorney to prepare a draft Ordinance as discussed. Comm Gold seconded the motion which passed with no opposition.

Attorney Kruppenbacher recommended a motion to approve by resolution with a motion, a 90 day moratorium on the acceptance of any new applications for boat docks with the exception of those currently being processed prior to the date of this meeting.

Comm Nielsen motioned to approve the 90-day Resolution Moratorium. Comm Gold seconded the motion which passed with no opposition.

Warren Park Launch Ramp Permit

Attorney Kruppenbacher welcomed Comm Pete Clarke and invited him to speak on the proposed Warren Park launch boat dock permit. Comm Clarke said he emailed a set of plans to all Commissioners for review. *(Note: Copy was not provided to the Clerk for the file).* He stated that the proposed permit is for a boat dock for kayaks, paddle boards and canoes and believes it will be primarily used by Belle Isle residents. He noted that he has visited Warren Park on a number of days and weekends and did not notice any concerns with parking. He stated that the final plans will show a boat dock with a number of slips for parking of kayaks.

Mayor Pisano stated that there are no swimming signs at the beach area and was wondering if it will cause a concern. Comm Clarke said this area is not intended as a congregation area and signs can be posted as required by the City.

Attorney Kruppenbacher and Mayor Pisano asked if this location will be available for use by a commercial enterprise. Comm Clarke said they may allow for paddle board lessons on request. Attorney Kruppenbacher stated that he is not sure how this aligns with the neighborhoods and may create an unintended consequence.

Mayor Pisano asked if this opens a liability to the City. Attorney Kruppenbacher stated not if signs are posted accordingly.

Comm Nielsen clarified that the park is Orange County property and the lake is State property, and believes it is a nice idea for those residents who do not live on the lake. Discussion ensued and a question was asked how far an individual will be able to back up to the beach area and unload a kayak. Mayor Pisano asked what will stop someone with a jet ski. Comm Clarke said he may propose a turnabout area for trailers to load and unload kayaks about 10 yards from the beach area.

Attorney Kruppenbacher stated that he was just made aware that the Belle Isle Police Department may not have any jurisdiction on this property. The property is currently under the jurisdiction of the Sheriff's Office. Attorney Kruppenbacher noted that he would like to research the jurisdiction issue further and report back to the City before moving forward.

Matt Suedmeyer, Orange County Parks Recreation Regional Manager clarified the Mayor's questions regarding motorized boats, and stated that motorized vehicle launching will not be allowed. He reminded Council that the area previously was a swimming abatement beach impacting the waterways, and it is the opinion that the proposed plan will have less of an impact. He further hopes that the City of Belle Isle Police Department will respond to calls regarding Warren Park because it is within the city limits.

Attorney Kruppenbacher reminded that Orange County must submit a site plan to the City of Belle Isle Planning & Zoning Board for review. Council consensus was positive and agreed to move forward.

Discussion of Police Department Pension Plan

Attorney Kruppenbacher reported that he is building into the budget an increase to the pension for our employees as follows, 10% contribution to the 401K for law enforcement and 7% for general employees, as a start to improve the situation. He will then be researching what will be the best retirement plan moving forward. Additionally, he will be building into the plan any officer who stays satisfactorily with the City for five years will receive a \$10,000 longevity incentive. It will also state in the agreement, if an officer leaves within a three year period they will have to repay the City the cost for training.

Comm Gold asked if Deputy Chief Houston is officially chief. Attorney Kruppenbacher said yes, she has demonstrated all characteristics of leadership.

Environmental Protection Agency

Attorney Kruppenbacher reported that he will be scheduling a meeting with the Agency and will report at the next meeting.

Tree City USA

Attorney Kruppenbacher reported that Council will be required to make a motion to reappoint the members. He asked that the Tree Board members be invited to the following meeting to formally authorize their responsibilities. He further noted that the Tree Board members will not be required to file any financial disclosure forms.

Surplus of PD Vehicle #703 Ford Ranger

Attorney Kruppenbacher requested consideration to surplus police department vehicle #703 Ford Ranger. The vehicle was used at the school and is not capable of towing for the marine patrol. The surplus will be used as a trade-in for the new Public Works truck.

Comm Weinsier motioned to approve surplus of vehicle #703 Ford Ranger.

Comm Nielsen seconded the motion which passed with no opposition.

City Council Expenses

Attorney Kruppenbacher stated that Council decided previously to lump Council expenses into one pot. He will bring for approval a resolution to re-allocate the funds by district.

Sunshine Law Workshop

Attorney Kruppenbacher said he would like to schedule a workshop with the Planning & Zoning Board and City Council to discuss roles, responsibilities and the Sunshine Law. He will bring forward dates for approval.

Paving Projects

Attorney Kruppenbacher reported that the City will immediately move on paving at McCauley Court and Perkins boat ramp. In addition, repair of the boat dock at Perkins will also be repaired in this year's budget.

Attorney Kruppenbacher reported that he will be recommending closing down the transportation impact fee ordinance.

Attorney Kruppenbacher announced that the City did not receive the St. Johns Water Management grant for Delia Beach.

MAYOR'S REPORT

Mayor Pisano reported that Council has narrowed down the City Manager applicant list from 55 to 28. She would like to schedule the next workshop to review the remaining applications. After discussion, Council agreed to schedule and post Monday, July 25, 2016 at 6:30 p.m.

Mayor Pisano reminded Council of the following events,

- Older But Wiser Tea Party for seniors on Wednesday, July 27
- 94 year old resident home clean up day on Saturday, July 23
- Christmas in July & PD Meet and Greet at the Cork and Fork to benefit the Belle Isle toy drive, Thursday, July 28 – 6-9 p.m.
- Movie Night on Saturday, August 13

COUNCIL REPORTS

Comm McGinnis – District 2

- Inquired about the candidate forum at the Woman's Club. Mayor Pisano will provide an update.

Comm Readey – District 5

- Provided a City Manager form to guide Council during the candidate selection for review.

Comm Lance – District 4

- Invited everyone to the Taft Orange County Community Health Fair on Saturday, July 23 – 10 a.m. – 1 p.m.
- Orange County is distributing duck hunting signs to all municipalities and HOA's.
- He received a complaint that the city project at the Wind Harbor HOA lake lot is running all night disturbing the residents.

Comm Weinsier – District 3

- Reported on a rental home on Nela and the concerns reported by the neighboring residents. He asked how the City can enforce the ordinance to ensure that they are following the code. In this situation, notification was given to Code Enforcement and the Police Department. The issue was that the homeowner did not care to correct the matter. Attorney Kruppenbacher noted that the City has standing to seek an injunction if they can prove that there is a safety hazard.

Attorney Kruppenbacher reported that a resident was given a key, by past administration, to open and close the Venetian boat ramp gate. There is a lot of liability associated with this. He stated that the gates will remain open and have advised the Police Department to monitor the area. He further added that he directed the Chief to install security alarms at City Hall for safety.

ADJOURNMENT

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 9:00 p.m.

Yolanda Quiceno
CMC, City Clerk

DRAFT