



city council minutes

MINUTES
October 17, 2017 * 6:30 p.m.
Regular Session

The Belle Isle City Council met in a Regular session on October 17, 2017 at 6:30 p.m. in the Belle Isle City Hall Council Chambers.

Present was:

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

Absent was:

Commissioner Lenny Mosse - resigned

Also present was Attorney Kurt Ardaman, City Manager Bob Francis, 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 Gold gave the invocation and led the Pledge to the flag.

Consent Items

- Approval of the City Council Regular session minutes for September 19, 2017
- Approval of the City Council Regular session minutes for October 3, 2017
- Proclamation declaring November 4th-11th, 2017 Week of the Family

Mayor Pisano read the Proclamation and presented same to Stefanie and Chris Dowdy.

Comm Lance motioned to approve the consent agenda as presented.

Comm Weinsier seconded the motion, which passed unanimously.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.
There being none, she closed citizen comments.

UNFINISHED BUSINESS

Approval of agreement between the City of Belle Isle and the Cornerstone Charter School Academy (CCA) for use of the Wallace Field.

City Manager Francis presented a draft agreement, in final form, for review as per Council discussion at the October 3rd meeting. He is not asking for an approval of this agreement tonight however; recommends Council consensus to send the agreement to CCA for their review and approval. Once CCA approves the agreement, it can be put on a future Council Agenda for action.

Comm Weinsier asked that Section 3(c) be modified to not allow any pickups or parking at the Wallace field. Mr. Francis clarified that the road is a public right away.

Comm Nielsen stated that the contract should clearly state that students should be picked up and dropped off at the school parking lot only.

Comm Gold asked if the Tree Board can research landscaping that will prohibit parking and drop off on the Wallace property. City Manager Francis said CCA will be required to bring forward a site plan for review and Council can require specific landscaping options.

After discussion, Council consensus was to move forward with the proposed changes and send the agreement to CCA for their review and approval. The proposed changes are as follows,

- **Item 2(e) of the agreement to read, “(e) *Ownership*. This Agreement grants a license to CCA for the express purposes set forth herein and does not convey any property...”**
- **Item 3(c) should clearly state, dropping-off and picking-up of students is prohibited in this area.**

ORDINANCE 17-12 – SECOND READING AND ADOPTION

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF “LOT 2 WALLACE STREET” AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO PUBLIC BUILDINGS DISTRICT(PUB); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

Mayor Pisano opened for public comment.

- Gary Meloon residing at 6101 Matchett Road shared his concerns and asked that the property be restricted to recreational open space areas and no garages, storage units or buildings be allowed to be built. The reason for the City purchasing this property was to fulfill the City’s requirement of open space. He further asked that Council to take a good look at the parking issue before approving any agreement.
- Donella Altice residing at 1309 E Wallace Street owns the property adjacent to the field. She shared her concern with the school’s use of the field, parking on the City’s property and her private road. She gave for the record a few pictures that show the coach and the students on her property blocking her private driveway in addition to a few cars parked illegally on the road. There is no respect for private property or the parking rules. She is also concerned about the school having too much access to the property and monetary investment on their part.
- James Koonce residing at 1311 E Wallace Street shared his concern with the school’s continued use of the field, parking and trash left on the property. He would like to see the zoning conditions to include an additional statement that it is used for recreational use only and the parking restriction be enforced on Wallace Street.
- Comm Carugno read an email from Jeff and Hilary Maull residing at 1130 Waltham Avenue addressing items 5(a) and (b) of the CCA agreement referencing the recreational open space.

There being no further comment, Mayor Pisano closed public comment and opened for Council discussion.

City Manager Francis asked the public if they will be willing to attend the Cornerstone Charter School Board meeting and express the same concerns.

Comm Carugno asked if the City will be able to create a new classification of open space in our Code for all parks within the City along with the Wallace property. Attorney Ardaman said yes it can be done by Ordinance.

Chief Houston stated that the Agency has had some traffic issues in that area creating a safety hazard. Council discussed traffic enforcement on political boundaries in our city and partnering, through an interlocal agreement, with the Orange County Sheriff’s office.

After Council discussion, Comm Nielsen motioned to authorize the City Manager and the City Attorney to explore if there is any enforcement options, with respect to roadway issues through the Sheriff’s Office or the County. Comm Lance seconded the motion, which passed unanimously.

Comm Carugno stated that he would like to halt moving forward with the CCA agreement until the City can correct the drainage, approve the zoning change and solve traffic enforcement issues. Comm Carugno motioned to deny advancing to second reading and adoption.

Comm Lance seconded the motion, which passed 6:0 on roll call,

Comm Nielsen, aye
Comm Lance, aye
Comm Weinsier, aye

Vice Mayor Readey, aye
Comm Carugno, aye
Comm Gold, aye

NEW BUSINESS

RESOLUTION 17-24 - A RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE DEFINED CONTRIBUTION RETIREMENT PLAN FOR THE EMPLOYEES OF BELLE ISLE; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Francis said the Resolution is for the changes that City Council made to the retirement plan for the Police department and non-uniform staff. The defined contribution increase will be from 7 to 9.5 for general employees and from 10 to 12.5 for Law Enforcement.

**Comm Lance made a motion to approve Resolution 17-24.
Comm Weinsier seconded the motion, which passed unanimously.**

• ATTORNEY'S REPORT

Attorney Ardaman asked, with respect to the email related to the constitutional revisions, please forward any responses and information to him to submit to the League of Cities Attorneys who are working on a proposed amendment to the Florida Constitution that will enhance the Home Rule provision.

• CITY MANAGER'S REPORT

- a. City Manager Francis spoke on the Medical Marijuana Dispensaries and the Moratorium that ends on November 30, 2017. Comm Nielsen said there are many citizens in the community that may benefit from the convenience of having a business in the City. She believes the City should explore the options, and noted the tough regulations from the State.

Attorney Ardaman said the City can prohibit the dispensaries or allow them in the City and regulate them as you would a pharmacy.

**Comm Weinsier motioned to ban the dispensaries for now and revisit at a later date.
Comm Lance seconded the motion for discussion.
For the record Comm Carugno said he is in agreement with Comm Weinsier.**

Attorney Ardaman said if the City annexes new property that has an existing dispensary that particular business will be a non-conforming use.

After discussion, Comm Lance said, "...the worst thing a City can do in this case is to adopt regulation without first having figured out how they will enforce it". The City should not move forward and adopt something until it is researched further.

Comm Weinsier withdrew his motion and Council consensus was to bring forward an ordinance to prohibit the use at the following meeting. Comm Lance agreed and withdrew his seconded to the motion.

City Manager Francis reported on the following,

- Gene Polk Park final plans have been developed. He will be scheduling a meeting with the residents around Delia Beach.
- They have started to mil Windsor Place and will start Lake Conway East on the 19th. The City will distribute door hangers advising residents accordingly.
- New City limit signs are going up around the City.
- He reported on the Wallace storm water discharge. He said the engineers are working on this issue. The waddles were all choked up and have been replaced. The City is going to continue to keep the ditch dry until the testing results have been completed. The most important part is the discharge that is coming from an unknown location; however, the engineers found three pipes at the school that are not connected to anything and may be the cause of the problem.
- Over the Veteran's Day weekend he will be flying out to Oregon attending another funeral service and will be out of the office from the 8th to the 12th.
- Mr. Francis reported that the Mayor and the Council have executed a letter to FWC to strengthen the Bird Sanctuary Ordinance according to FWC guidelines. If this request is not approved by FWC the other recourse is to write to the Legislature for support.

- **CHIEF'S REPORT**

Chief Laura Houston reported that two officers are completing their Marine Patrol classes. Five officers will be working at the Richard Spencer Protest in Gainesville. Deputy Chief Grimm has been activated to the National Guard.

- **MAYOR'S REPORT**

- Mayor Pisano asked if Council would like to reschedule the November 21st and the December 19th Council meeting due to the holidays. Council consensus was to bring forward at the Nov 7th meeting for discussion.

Mayor Pisano asked for approval for the Snow Day event on the first Wednesday of the Month in December at CCA. Comm Nielsen asked for a holiday budget from the Special Events committee before approval. Discussion ensued on a proposed budget, cost of the snow and Santa toy giveaways. Karl Shuck residing at 1658 Wind Willow Road said the Special Events Committee Policy was drafted in June and specifically outlines the requirements for approval of events by City Council.

Comm Weinsier said the committee was just formed and Council should give them a little leeway. At this time the event cannot be approved until a budget is presented and when the Mayor and the Committee are ready to provide a budget for approval, Council can schedule a special meeting.

Council discussed their concern on the liability of any injuries on the school property. City Manager Francis said he will check with the insurance company to ensure that the City event and the Charter School are covered under the general liability.

After discussion, Council consensus was to schedule a Special Meeting on October 30, 2017 at 6:00pm to discuss and approve a proposed budget for holiday events.

- Mayor Pisano reported that Comm Lenny Mosse resigned effective immediately. She will be bringing forward a candidate for Council approval at the next regular session. Comm Nielsen and Comm Weinsier recommended that Council wait until after the qualification period in November to appoint any new candidate for the remainder of the term.

COUNCIL REPORTS

Comm Gold – District 1

- Comm Gold reported a cave in at the tennis court in Lake Conway Estates due partially to the pumping of water from the condo property and party to Hurricane Irma. The cave in was reported to the City and he asked if the Home Owners Association will be eligible for a BING grant. Attorney Ardaman said it would be beneficial to have the HOA hire an engineer to evaluate the issue and submit a report of the findings.

Comm Carugno – District 2

- Comm Carugno requested that the City pull the CCA agreement at this time. City Manager Francis said he would still like to have the City be held harmless or indemnified from anything that happens from the use of field.

Comm Gold recommended that the agreement be changed to not allow CCA to put any expenditures into the upgrades, include the insurance riders and use the field as is, stay as far away from the residents as possible and no pickups, drop offs or parking.

Comm Nielsen said the agreement is well written and will not give CCA additional ownership rights to the property. The City can revoke the agreement within 90 days if the agreement guidelines are not followed.

After discussion, Comm Nielsen moved that the City Manager forward the amended agreement as discussed to CCA for review and comment and back to City Council for final approval.

Vice Mayor Readey seconded the motion.

Comm Gold added the following stipulations to include no pickups, drop offs, no cars around the property and no citizens within 50 yards from the neighboring resident's property.

Comm Lance said there is no way for the City and the Belle Isle Police Department to enforce the use of the field and may need to be researched further.

Comm Nielsen withdrew her motion.

Vice Mayor Readey withdrew his second.

Council consensus was to bring back the agreement for discussion at the November 7th, 2017 Council session.

- Comm Carugno said he would like to have the City be more aggressive on annexation options. Attorney Ardaman said he will forward a copy of the amended Statute that allows non-contiguous property to be annexed into a City for discussion.
- City Manager Francis said there are some tree branch hangers throughout the City that will be removed as part of the Hurricane cleanup.
- The Boat Parade will be held on Saturday, December 16th for the Center and South Lake and Sunday, December 17th for the North Lake.

Vice Mayor Readey – District 5

Vice Mayor Readey shared his concern with the flow of the meeting and Council discussions. He asked that the Mayor take more control over the meeting and not allow others to talk out of turn.

Comm Weinsier – District 3

Comm Weinsier spoke on the confusing traffic signs on Swann and Idaho. City Manager Francis said he spoke to the Orange County Traffic Engineer who said that they will not allow a four way stop because it is their job to make traffic flow as easily as possible. There is no crash data available at the intersection however he would look into placing additional signage that will notify oncoming traffic before they get to the intersection.

Comm Lance – District 4

- Comm Lance gave a NAV Board report and said they have more than doubled the Belle Isle Police Marine Patrol hours. He was not pleased to report that EPD reported that it wasn't appropriate to give the City funds for a new marine boat, street sweeper or drainage repair. City Manager Francis shared his displeasure with his request to the NAV Board being received and answered by the liaison and the manager instead of by the Orange County Commission directly.

Comm Nielsen – District 7

No report.

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