



city council minutes

MINUTES
August 21, 2018
City Council Regular Session:
Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on August 21, 2018, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Lydia Pisano
Commissioner Gold
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Harv Readey
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

Commissioner Mike Sims

Also present was City Manager Bob Francis, Attorney Kurt Ardaman, Deputy Chief Grimm and City Clerk Yolanda Quiceno.

CALL TO ORDER

Vice Mayor Readey called the regular session to order at 6:30 pm and the City Clerk confirmed quorum.

Commissioner Partin gave the invocation and led the Pledge to the flag.

Mayor Pisano reported that Commissioner Sims will not be able to attend and asked for a motion to excuse his absence.

Vice Mayor Readey motioned to excuse Commissioner Sims absence.

Commissioner Gold seconded the motioned which passed unanimously 6:0.

CONSENT ITEMS

- a. Proclamation – 2019 Election
- b. Approval of the City Council Regular Session minutes – July 17, 2018
- c. Approval of the City Council Regular Session minutes – August 7, 2018

Comm Gold moved to pull items b and c from the consent agenda for discussion.

Comm Weinsier seconded the motion which passed unanimously 6:0.

Comm Weinsier moved to approve item a - Proclamation for the 2019 Election.

Comm Gold seconded the motion which passed unanimously 6:0.

Mayor Pisano read the Proclamation for the record.

Council discussed the format to which the minutes should be recorded during public comments. Comm Gold said he would like to see a summary of the public comments that were raised and discussed. After discussion, Council consensus was to approve the edited minutes as follows,

Page 1 of 5 reads, "Comm Clarke responded to questions and concerns from the following attendees;

- Trish Russell residing at 1128 Nela Avenue spoke in opposition to the proposed plans.
- Lisa Newman residing at 1115 Nela Avenue spoke in opposition to the proposed plans.
- Gary Meloon residing at 6101 Matchett Road spoke in opposition to the proposed plans.
- Holly Bobrowski residing at 2400 Hoffner Avenue spoke in opposition to the proposed plans.
- Emily Wakley residing at 3019 Indian Drive spoke in opposition to the proposed plans.
- Beth Lowell residing at 2416 Homewood Drive said better communication between Orange County and the City would be beneficial."

Should read, "Comm Clarke responded to questions and concerns from the following attendees;

- Trish Russell residing at 1128 Nela Avenue ~~spoke in opposition to the proposed plans.~~

- Lisa Newman residing at 1115 Nela Avenue ~~spoke in opposition to the proposed plans.~~
- Gary Meloon residing at 6101 Matchett Road ~~spoke in opposition to the proposed plans.~~
- Holly Bobrowski residing at 2400 Hoffner Avenue ~~spoke in opposition to the proposed plans.~~
- Emily Wakley residing at 3019 Indian Drive ~~spoke in opposition to the proposed plans.~~
- Beth Lowell residing at 2416 Homewood Drive ~~said better communication between Orange County and the City would be beneficial."~~

Page 5 of 5 – Unfinished Business reads, "I. Bird Sanctuary – Second Reading of the Ordinance will be on the next agenda."

Should read, "I. Restricted Hunting Area Bird Sanctuary – Second Reading of the Ordinance will be on the next agenda."

Comm Carugno requested the following changes to the minutes of August 7, 2018.

Page 4 of 4-Council Reports reads, "Comm Carugno – Shared concerns with the jet skiers on the water.

Should read, "Comm Carugno – Shared concerns with the dock damage and erosion of property due to the high water."

Gary Meloon residing at 6101 Matchett Road said he was in attendance at the August 17th meeting and for the record, he is very much opposed to the Orange Avenue project.

Comm Weinsier moved to approve the July 17th minutes as amended.

Comm Nielsen seconded the motion which passed unanimously 6:0.

Comm Weinsier moved to approve the August 7th minutes as amended.

Comm Nielsen seconded the motion which passed unanimously 6:0.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Gary Meloon residing at 6101 Matchett Road addressed the annexation project. He believes the City Council missed the mark in the August 17th meeting to include those non-Belle Isle residents who were in attendance. He spoke of the campaign that has been initiated within the community to stay with Orange County. To overlook those interested Orange County residents who could be the force to counter the campaign would be a mistake.

There being no further comments, Mayor Pisano closed citizen comments and opened for Council discussion.

UNFINISHED BUSINESS

Short Term Rental Discussion

City Manager Francis addressed some of the changes that have been made at the June 29th workshop to make the document a more "owner-occupied" ordinance. Mr. Francis provided a redlined copy for discussion and comment.

Comm Carugno said the City Attorney recommended against the revision. If the ordinance is not revised, a resident will have less of a chance in legally challenging the ordinance. He is in agreement with the Attorney's recommendation and of the opinion that the Ordinance should be left in its current state.

Attorney Ardaman recommended that the City will have a better legal position if the changes are taken in baby steps instead of changing the ordinance in its entirety because it may create a weakness for the City in defending the prohibition.

Commissioner Weinsier said, for clarification, the proposed ordinance does have a sunset provision. Attorney Ardaman said he would prefer that the sunset provision is removed from the pilot program. An owner-occupied business will be more inclined to challenge the revised ordinance after the year because it is not a full prohibition under the Statute, therefore, it does not apply.

Comm Carugno asked if the City would be able to grandfather-in existing short-term rentals. Attorney Ardaman said it can be achieved by providing a definition for a public purpose; however, it may be challenged. Comm Weinsier said the grandfather clause will not apply in this situation due to the nonconforming use.

Council discussed the proposed 364-pilot program and/or the ability to repeal by Resolution.

Comm Nielsen said the City may create an application with an acknowledgment that states the conforming use is good for only one year. Approval by the applicant of this acknowledgment will not give the applicant false expectations. After discussion, Council consensus was to require the owner to be accessible on the property should a situation arise.

Comm Partin asked what has been expended for this pursuit. Council needs to be aware of what is being spent on a handful of people.

Comm Carugno moved to not move forward with the revision of Ordinance 17-30 which prohibits the short term of rentals; short-term rentals, i.e., rentals for a term of fewer than seven months, are prohibited.

Comm Partin seconded the motion.

The motion failed 2:4 with Comm Nielsen-nay, Comm Readey-nay, Comm Weinsier-nay and Comm Gold-nay.

Comm Nielsen motioned to read the short-term rental ordinance for First Reading at the September 24, 2018, Council meeting.

Comm Readey seconded the motion which passed 4:2 with Comm Carugno-nay and Comm Partin-nay.

Comm Gold discussed a few revisions to the draft ordinance as follows,

Page 40 – Sec 7-89, Duties of Vacation Rental Owner, reads as follows,

Every Vacation Rental Owner shall:

- a. Be available by landline or mobile telephone answered by the Vacation Rental Owner at the listed phone number 24-hours a day, seven days a week to handle any problems arising from the Vacation Rental; and
- b. Be willing and able to be physically present at the Vacation Rental within a coordinated period of time ~~thirty (30) minutes~~ following notification from a Vacation Rental Occupant, law enforcement officer, emergency personnel, or the City of Belle Isle for issues related to the Vacation Rental, and shall actually be physically present at that location in that time frame when requested; and
- ~~c. The Vacation Rental Owner must reside on the property at all times that the Vacation Rental Property is occupied by the Vacation Rental Occupants (guests).~~

Page 34 - Sec. 7-58. - Permitted by HOA.

Prior to the application for a Vacation Rental License: If a residential property is within a homeowners association (HOA), the homeowner should check whether there are further limitations on the use of the property through their particular HOA's private Codes, Covenants, and Restrictions (CC&R's). ~~The city will be asking residents for HOA sign-off if you are part of a mandatory HOA.~~ –OR- if the building or neighborhood in which the Vacation Rental is proposed to be located is overseen by an HOA, the resident shall notify the HOA prior to applying for a license. The written notification to the HOA shall be included with the City application.

Council consensus was to move forward with the revisions as discussed.

NEW BUSINESS

Approval of the Interlocal Agreement with Orange County Fire Department

Mr. Francis said the current Interlocal Agreement with Orange County Fire was set to expire in September 2018. He met with the Fire Chief and the OC Attorney and negotiated a ten-year contract with the same fee we are currently paying. Orange County requested some revisions to the City's Code on the Fire Burn Ban to the contract which were forwarded to the Orange County Attorney for approval. Mr. Francis asked for approval contingent on the revisions being approved by all parties.

Comm Nielsen moved to approve the Inter-local Agreement with Orange County Fire for providing emergency services to the City of Belle Isle contingent upon the City Attorney of Orange County approving the language.

Comm Gold seconded the motion.

Attorney Ardaman said Orange County is requesting Belle Isle to modify our Code to be consistent with the Fire Burn Ban in the Orange County Code. The City cannot contractually motion to change the code. He recommends if all parties approve, the City will modify the code accordingly and will have the contract effective on the date the ordinance is approved with the requested revisions.

After discussion, the recommendation stated by Attorney Ardaman passed unanimously 6:0.

BING Grant

Mr. Francis presented a BING Grant for Windsor Place in the amount of \$6,487.90. The grant meets the criteria and the fund available; however, the policy calls for a 50% match which clearly exceeds. They are requesting a grant for the total balance. After discussion, Council consensus was to approve the Grant for the total amount of \$6,487.90 and agreed that beginning the next budget year Council will be consistent with the policy as written.

**Comm Nielsen moved to approve the BING Grant for Windsor Place for security cameras, lighting, and signage at the tennis courts in the requested amount of \$6,487.90.
Comm Gold seconded the motion which passed unanimously 6:0.**

Social Media Policy

The Council directed that a Social Media Policy is developed to establish guidelines. The City Attorney made substantial changes to the Policy; therefore the Council must adopt the new policy.

Comm Nielsen asked if Council would like to add a provision that requires any post on social media be copied and sent to the City Clerk for archiving. Discussion ensued on proper procedure and methods to archiving social media posts, texts, emails, and correspondence.

After discussion, Council consensus was to add some provided methods to archiving media and revisit the proposed social media policy at a later date.

Council Procedures

Over the past year, Council has requested rules on the procedures for meetings decorum. He provided a sample document from Hood River for consideration.

Comm Nielsen asked of the City Manager can research policies in other Cities in Florida.

After discussion, Council consensus was to revisit the proposed council procedures at a later date.

Cancellation of the November 6th City Council meeting

Mr. Francis requested to reschedule the November 6th meeting due to the use of the facility for the Primary Election.

Comm Carugno motioned to cancel the November 6th meeting.

Comm Gold seconded the motion for discussion.

The motion passed 5:0 with Vice Mayor Readey-nay.

Comm Nielsen motioned to reschedule the November 6th to October 30th, 2018.

Comm Readey seconded the motion which passed unanimously.

ATTORNEY REPORT

Attorney Ardaman reported that he spoke with the City Attorney and Commissioner for the City of Edgewood with respect to the Cornerstone Charter School matters. He will continue to gather the necessary data and will hopefully have a full report shortly.

Mr. Francis said he spoke with Mayor Bagshaw with regards to the letter distributed by Joann Rice. Mr. Francis suggested a joint response to the letter and the misinformation that is listed.

CITY MANAGER'S REPORT

- The Issues Log will be updated and distributed at the next meeting.
- Mr. Francis reported that the Chief and Deputy Chief are attending the Police Chief Association Conference. Sgt. Millis was awarded the Lee McGee Police Office of the Year from the Florida Police Chief Association for a small agency and the Belle Isle Police Department was awarded the Rocky Palmer Award for Excellence in Policing. He congratulated Chief Houston and the Department for their outstanding recognition.

MAYOR'S REPORT

Mayor Pisano read, for the record, the letter distributed by Joann Rice, June Schulman, Jacqueline Davenport, William and Zara Chapin regarding the proposed Belle Isle Annexation. Mayor Pisano said she will try to print a legible copy for the record.

COUNCIL REPORTS

No report.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 8:16 p.m.

Yolanda Quiceno, CMC, City Clerk

DRAFT