



## city council minutes

## MINUTES September 4, 2018 City Council Regular Session: Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on September 4, 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 Mike Sims  
Commissioner Harv Readey  
Commissioner Jim Partin  
Commissioner Sue Nielsen

### Absent was:

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

### CALL TO ORDER

Mayor Pisano called the City Council Budget Hearing session to order at 6:30 pm and the City Clerk confirmed quorum. Commissioner Nielsen gave the invocation and led the Pledge to the flag.

### LIFE-SAVING AWARD PRESENTATION

Chief Houston awarded Deputy Chief Grimm with a Life-Saving Award.

Mayor Pisano announced that on August 21, 2018, the Belle Isle Police Department was awarded the 2017 Rocky Pomerance Award and has been recognized as exemplifying the image of an innovative and visionary leader who furthered the mission of the Florida Police Chiefs Association and the law enforcement profession within Florida.

### CONSENT ITEMS

- a. Approval of the City Council Regular Session minutes – August 21, 2018  
**Vice Mayor Readey moved to approve the City Council Regular Session for August 21, 2018**  
**Comm Weinsier seconded the motion which passed unanimously 7:0.**

### FIRST PUBLIC BUDGET HEARING

Mayor Pisano opened for Public Comment on the First Public Budget Hearing FY 2018-2019.

There being no public comment, she closed public comment and opened for Council discussion.

City Manager Bob Francis said at the Budget Workshop he gave an overview of the highlights and structure of the Budget. He gave a brief summary of some of the changes as follows,

- Moving some funds from the General Fund to Public Works.
- A 5% total increase for employees that include a 3% COLA and 2% merit. In addition to the 5%, he is asking for an additional 1% increase for the Police Officers.
- Increase the retirement contributions from 9.5% to 11% for non-uniformed employees and from 12.5% to 15% for uniformed employees.
- Transfer \$150,000 from the General Fund to the Charter School Fund to repay the cost of the purchase of the Wallace Field
- The millage rate remains the same; and
- Increase in waste services from \$200 to \$235. This will be the last year for the current Republic Services contract. The City will go for an RFP in 2019.

**Comm Sims moved to approve the Preliminary Budget and move to a second reading on September 18, 2018.  
Comm Nielsen seconded the motion which passed unanimously 7:0.**

#### **CITIZEN COMMENTS**

Mayor Pisano opened for citizen comments.

- Richard Weinsier residing at 6824 Seminole Drive spoke in opposition of the lot split at 6820 Seminole Drive. He said he would like the record to show that he is against the variance and provided a written statement for the record. He asked if Council received the email he sent on September 3, 2018. Council members said they had and Mr. Weinsier stated that he will provide a copy to the City Clerk for the record.

Mr. Francis asked Mr. Weinsier when this variance was presented in 2017 he was in support of the request. What has changed from then to now? Mr. Weinsier said at the time he did not have an idea of all the rules on applying for a lot split. He said he knew the developer very well and knew his actions and reasons for the request. This time he is not sure of the intent of the current owner.

- Greg Gent residing at 2924 Nela Avenue shared his concern on lot splits in general. The information that was provided is very vague and the fact that there is a bargaining to solve a denial on a lot split is strange and should not have been considered. He is in agreement with Mr. Weinsier.
- Regarding Ordinance 18-10, Pam Lowe residing at 3543 Country Lakes said if approved she would like to offer her assistance and support to all residents and staff who would like to learn more about starting a short-term rental business.

Mayor Pisano welcomed former Mayor Crotty.

- Peter Kovechev residing at 5120 St. Germaine Avenue said the City of Orlando has allowed short-term rentals. He doesn't see any difference in the City of Belle Isle and ask that Council focus on the facts before making a decision.

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

**UNFINISHED BUSINESS** – no report.

#### **NEW BUSINESS**

ORDINANCE 18-10 - FIRST READING AND CONSIDERATION: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REGARDING VACATION RENTALS; CREATING A NEW ARTICLE III, CHAPTER 7 OF THE CITY CODE REGULATING VACATION RENTALS; PROVIDING FOR DEFINITIONS, PENALTIES, ENFORCEMENT, RESPONSIBILITIES OF DEPARTMENTS, APPEALS, NOTICE, IMMUNITY FROM PROSECUTION, CONSTRUCTION OF ARTICLE; PROVIDING FOR LICENSE REQUIREMENTS AND PROVISIONS INCLUDING BUT NOT LIMITED TO PROCEDURES, APPLICATIONS, MODIFICATIONS, DURATION, RENEWALS, AND NONTRANSFERABILITY; PROVIDING FOR VESTED RIGHTS/WAIVER/ESTOPPEL; PROVIDING FOR DUTIES OF VACATION RENTAL OWNER; PROVIDING FOR INSPECTIONS; PROVIDING FOR STANDARDS AND REQUIREMENTS FOR VACATION RENTALS INCLUDING BUT NOT LIMITED TO SAFETY, OCCUPANCY, BEDROOMS, FIRE SAFETY, PARKING, QUIET HOURS VIOLATIONS OF THE LAW, ADVERTISING, PROHIBITION OF OCCUPANCY, POSTING OF INFORMATION, AND OTHER PROVISIONS; PROVIDING FOR THE CONTINUED VALIDITY OF SECTION 7-30, CITY CODE; PROVIDING FOR SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

City Clerk read by title.

City Manager Francis said the only change, at the request of Council, was to add a sunset clause to the ordinance which should not substantially change the ordinance.

Comm Nielsen requested the following change to Section 7-65(b) as follows,

Sec. 7-65. - Duties of Vacation Rental Owner.

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. (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.

Sec. 7-70. – Parking Standards.

Discussion ensued on parking standards and having a car parked inside a ~~garage or carport~~. Attorney Ardaman said the code is a policy and not a requirement and not legally required. Mr. Francis said the purpose of this regulation is to avoid having homeowners turn their garage into a living space and will align with the existing parking ordinance. After discussion, Council Consensus was to leave the provision as written.

The word “Host” was not defined and should be changed to “Vacation Rental Owner”.

Sec. 7-78 – Sunset Clause.

Council discussed having the Sunset Clause modified to be approved on a year-to-year basis. Attorney Ardaman said the clause does provide flexibility.

**Comm Readey moved to advance Ordinance 18-10 to second reading and adoption.**

**Comm Nielsen seconded the motion which passed 6:1 with Comm Carugno, nay.**

DISCUSS/APPROVE PROPOSAL TO RESOLVE THE APPEAL OF THE P&Z BOARD ON 6820 SEMINOLE DRIVE

Mr. Francis said on July 24<sup>th</sup> the P&Z Board denied the lot split request for 6820 Seminole Drive. He believes if the appeal is upheld the City will be involved in another Request for Relief. He met with the Engineer of the property owner and discussed other options. It looks as though the owner would be in agreement to build 10-12 homes on his Daetwyler property since the majority of the residents were in favor of single-family homes in exchange for the possibility of allowing the lot split. This will save the City some attorney’s fees and mediation costs. However, after speaking with the City Attorney this may not be possible. Mr. Francis clarified for the record, that neither he nor the City is giving this developer any special treatment or services due to his community involvement.

Attorney Ardaman said depending upon how Council would like to proceed the City may not want to combine the two options and act on them independently.

Comm Weinsier said he finds it disturbing that a developer feels they can use leverage from a decision on one property to another. He feels that the Council should defend the Code and the decision of the Planning & Zoning Board.

Comm Nielsen shared her concern with the developer and said she believes the current PD decision should stand and the developer should start his project. There is a moratorium in effect and Council cannot vote yes on any lot splits. She asked Attorney Ardaman if Council is required to approve his appeal. Attorney Ardaman said the actual appeal is of the denial of the variance, and the moratorium does not have any bearing on the hearing.

Comm Carugno shared his concerns and said the offer to have 10 homes instead of the 30 townhomes is a good idea to eliminate the added density, pollution, and boat and car traffic. Comm Carugno also stated that the City approached the developer with the proposed option and the developer was willing to open discussion. Mr. Francis said he saw an opportunity to resolve the concern and save the city additional legal fees and time.

Comm Gold said, for the record, he is not opposed to working with the contractor and avoid litigation.

Attorney Ardaman said there is no appeal before Council tonight and a decision is not required. The appeal is scheduled at a later date, on its own merits, and tonight’s discussion should have no bearing at all on granting or denying the appeal.

**After discussion, Comm Weinsier moved to deny the proposed request.**

**Comm Nielsen seconded the motion which failed 2:5 with Comm Gold, Comm Carugno, Comm Sims, Comm Readey and Comm Partin, nay.**

**Motioned failed. No action was taken.**

## SOCIAL MEDIA POLICY

Mr. Francis presented a revised Social Media Policy. The only significant change addressed was who is responsible for archiving a social media post. Mr. Francis found that, according to the Attorney General's office, when it comes to public officials they are responsible for maintaining the post for public record and should get a copy of that post to the custodian of record for archiving.

Council discussed the responsibility of responding to a public records request and the custodian of records under the law. Council consensus was to have the policy effective upon approval.

**After discussion, Comm Sims moved to adopt the Social Media Policy and require all officers and employees to adhere to the policy.**

**Comm Nielsen seconded the motion which passed unanimously 7:0.**

## **ATTORNEY REPORT**

Attorney Ardaman gave an update on the Cornerstone Charter School issue. The City of Edgewood has expressed their interest on the Board and would like to have the school remain as a Municipal school. He has not received an update from Orange County Schools on the number of students and homes that attend the school.

## **CITY MANAGER'S REPORT**

- Mr. Francis reported that, at the request of the Tree Committee, he will add a Tree Board report under City Manager comments moving forward.
- October 2<sup>nd</sup> at 2 pm the Board of County Commission will hold a public meeting on the Cross Lake Beach issue. The NAV Board did recommend approval.
- A reminder of the 3<sup>rd</sup> quarter deadline for articles is up and coming for the Belle Isle Newsletter.
- Mr. Francis gave an update on the issues log items.
  - Cornerstone is reviewing contracts changes for use of the field.
  - Due to a large amount of rain, the Lake Conway Shores project is on hold.
  - Working towards finalizing the Transportation Plan Traffic Study.
  - Orange County has notified the City that they will be looking at the significant traffic issues on Conway/Wawa. He will also be meeting with Orange County staff to discuss formalizing a partnership to discuss other problem traffic areas throughout the City that we do not have jurisdiction over.
  - Continue to look at funding options to purchase the Bank of America.
  - Charter School proposed purchase from the City - Mr. Francis submitted a few comments to the proposal for Council review and comment. The consultant is asking for comments before the school meeting.
  - FWC signs are being printed and should have by next week.
  - Pine Castle Urban Center meetings are scheduled for November–Community meeting, December–County Commissioners meeting, January–First Hearing and February – Second Hearing and Adoption.
  - Forensic Audit – the Draft report was received for review and Council should have a final document by the next City Council meeting.

## **CHIEF'S REPORT**

- Chief Houston reported that the property owner of the rope swing area will be reviewing the property to curtail unwanted activity.
- PD has solved two crimes in the City with fingerprint hits.

## **MAYOR'S REPORT**

Mayor Pisano provided a budget and brief overview for the "Teach a Kid to Fish Day". Mayor Pisano asked for approval of the event to be held in the City on October 20<sup>th</sup> with 100% of the funding to be received by grants. Council discussed holding the event at the Perkins Boat Ramp.

**Comm Weinsier motioned to approve the "Teach a Kid to Fish Day" to be held in the City on October 20<sup>th</sup>.**

**Comm Partin seconded the motion which passed unanimously 7:0.**

## **COUNCIL REPORTS**

### **Comm Nielsen – District 7**

- Comm Nielsen said Gilbert Park needs to have weeds cut.
- She also announced that she will be scheduling a District Meet and Greet at the Wawa on Hoffner.

### **Comm Readey – District 5**

- Comm Readey reported that Jack Kennedy has passed away and services will be held on Friday at St. John Vianney at 11:30 am.
- He has been reading about Academica and has found some unfavorable articles and cautioned Council for future meetings.

### **Comm Carugno – District 3**

- Comm Carugno asked for an update on the Balloon test on the McCoy property. Chief Houston said they used a certified laser and measured the distance. The results were sent to the City Manager for review. He reported that most of the trees were between 53-63 feet in height in the 150-foot buffer zone.
- He received an email and a few calls on the lake levels and asked if the City can speak with Orange County to remove some of the boards. Mayor Pisano said the NAV Board said the water is at the high end however, they are not planning to remove any boards at this time.
- Reported the proposed Boat Parade suggested dates were December 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup>.

## **ADJOURNMENT**

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 8:30 p.m.

Yolanda Quiceno, CMC, City Clerk