



city council minutes

MINUTES April 3, 2018 City Council Regular Session: Regular Session 6:30pm

The Belle Isle City Council met in a regular session on April 3, 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
Vice Mayor/Commissioner Harvey Readey
Commissioner Gold
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Mike Sims
Commissioner Alexa Dowlen
Commissioner Sue Nielsen

Absent was:

N/A

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

CALL TO ORDER

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

Mayor Pisano asked for consideration to move Item #7-Consent Items up on the agenda to allow Comm Dowlen and Council the opportunity to approve the minutes before swearing in the new commissioners.

CONSENT ITEMS

- a. Approval of the City Council meeting minutes for March 6, 2018
- b. Approval of the City Council meeting minutes for March 20, 2018

Comm Nielsen motioned to approve the Consent Items as presented.
Comm Dowlen seconded the motion which passed unanimously.

SWEAR-IN OF COMMISSIONERS

Mayor Pisano thanked Commissioner Dowlen for her service.
Mayor Pisano welcomed and swore-in Harv Readey as Commissioner for District 5.
Mayor Pisano welcomed and swore-in Jim Partin as Commissioner for District 6.

LIFE SAVING AWARD

Chief Houston recognized and presented Officer Andrew Clark with a Life Saving Award.

CEREMONIAL SWEAR-IN OF OFFICER LILLO

Mayor Pisano welcomed and recognized Officer Michael Lillo.

INTRODUCTION OF COMMUNITY SERVICE OFFICER (CSO) ROMAN WATKINS

Chief Houston recognized and welcomed CSO Roman Watkins.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Adam McGinnis addressed his concern of some emails he has received from the Department of Environmental Protection (DEP) in which the City has discussed with them certain issues that have not be placed on the City agenda to reflect the representations made to DEP. He reminded Council of the Sunshine Law and possible open violations and would hope that the City will allow him the time to bring forward an issue.

There being no further comments, Mayor Pisano closed citizen comments.

UNFINISHED BUSINESS

ORDINANCE 18-04: FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 48 ARTICLE II CONCERNING DOCK REGULATIONS, INCLUDING BUT NOT LIMITED TO PERMITTING, CRITERIA, EXCEPTIONS, REQUIREMENTS, MAINTENANCE, REPAIR, VARIANCES, APPLICATION PROCEDURES, DEFINITIONS, NONCONFORMING DOCKS, NUMBER, LOCATION, AND RELATED MATTERS; PROVIDING FINDINGS BY THE CITY COUNCIL; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Bob Francis, City Manager presented Ordinance 18-04 incorporating the changes as discussed at the Planning & Zoning Board meeting. The P&Z Board made changes to the ordinance that included sentence structure, grammar, or to make a passage clearer. The changes included:

- *Boat(s)* means all inboard and outboard motorized and non-motorized vessels, including, but not limited to, rowboats, sailboats, canoes, kayaks, skiffs, rafts, dugouts, dredges, personal watercraft, paddleboards, and other vehicles of transportation for use on water, including any and all objects tied to or connected therewith while being propelled through the water.
- This term does not include any boat that is temporarily docked, moored, or anchored for less than 10 hours in any one day.
- *Semi-private dock* means a dock, which may be used by a group of residents living in and authorized by a subdivision, Association, or multifamily development and their usual and customary guests.
- *Terminal platform* means that portion of a dock beginning at the point where the lateral width of the dock exceeds the maximum allowed width of the access walkway or provision is made for mooring boats. The terminal platform shall be designed for the mooring and launching of boats, or other water-dependent activities.
- (iii) The exact distance between the shoreward end of the proposed dock and two permanent objects (e.g., house, tree) to be used as reference points;
- (iv) The exact distance of setbacks from adjacent property lines and projected property lines to the nearest portion of the proposed dock and mooring area, and an approximation of the distance from the closest dock on each side of the property;
- Remove: The depth of the water at the end of the proposed terminal platform;
- (1) *Setbacks.* Private docks shall have a minimum side setback of five (5) feet from the projected property lines of all abutting shoreline properties. Public and Semi-private docks shall have a minimum side setback of twenty-five (25) feet from the projected property lines of all abutting shoreline properties. For purposes of setback, the terminal platform includes any moored boats. Any reduction from the minimum side setback will require a variance. (Shoreline should be changed to waterfront)

- (3) *Total area.* The terminal platform of the dock collectively may not exceed the square footage of ten times the linear shoreline frontage for the first 75 feet of shoreline and then five times the linear shoreline frontage for each foot in excess of 75 feet thereafter, and the total of each when combined shall not to exceed a maximum of 1,000 square feet. A maximum terminal platform area of 400 sf shall be allowed for properties with less than 40' of linear shoreline frontage. The area for the docking and mooring of boats and other appurtenances is included in the dock area calculation
- The length, size and location of a Dock on a canal are further limited to no more than a width of 14 feet along the canal frontage if boat traffic in the canal is not impeded or restricted by the proposed Dock.
- A navigable travel way of 25' width along the axis (center) of the canal shall be maintained between all docks and potential docks.
- (5) Storage lockers shall not exceed 30 inches in height above the deck and 67 cubic feet of volume. Storage lockers on a dock shall not be used to store boat maintenance and/or repair equipment and materials, fuel, fueling equipment, and hazardous materials or hazardous wastes. Storage lockers are prohibited on semi-private or publicly owned docks.
- (c) *Nonconforming "grandfathered" docks.* A dock that was duly permitted and authorized by the County when under County jurisdiction, or by the City under a previous version of the City's dock regulations, which dock does not conform with the City's current dock regulations under this article, shall be considered a "grandfathered" dock and shall be an authorized legally non-conforming structure, with the exception of those docks that are have active permits or enforcement actions on them at the time of the passage of this ordinance. Except for maintenance and repair activities allowed by this article, the expansion or modification of a legally non-conforming (or "grandfathered") dock is not permitted except in situations where: (i) the dock is brought into conformance with the then current dock regulations of this article, or (ii) the city determines that the dock will be modified in such a way as to substantially decrease or mitigate the dock's non-conformity with the current dock regulations of this article. However, when a grandfathered dock is damaged or requires any maintenance or repairs, the costs of which equal or exceed 75 percent to repair the dock, such maintenance or repair shall not be permitted unless the dock is brought into compliance with the current regulations under this article and any other relevant City regulation.
- (d) *Minor modifications to permitted docks.* Minor modifications to all existing docks must be approved by the city. The applicant must submit a request for the proposed deviation change or modification to the original site plan to the city manager for consideration. Additional information may be requested from the applicant in order to complete the review. Minor modifications must comply with the provisions of this article. Any modification that may require a variance or waiver of any provision of this article shall not be considered a minor modification. Any modification that increases the size of the terminal platform, or increase the horizontal or vertical footprint of the dock shall not be considered a minor modification. The city manager may require notification of abutting shoreline property owners of the application for minor modification. City approval or disapproval shall include a statement regarding requirement or no requirement for a permit.

Council discussed in depth the proposed side setback minimum design criteria of five feet. David Woods, Vice-Chairman of the Planning & Zoning Board gave a power point presentation in support of the proposed five foot criteria stating:

- Property owners want a clear view of the lake.
 - 95% of docks are near the property line.
- Property owners prefer to cluster docks.
 - 52% of docks are paired with adjoining docks.
- Setback is to dock or mooring area.
 - Terminal platform starts where provision is provided for mooring boats. 48-30
- Mooring area is included in terminal platform area 48-32 (a) (3)
 - If physical dock is less than boat width from setback line no mooring should be allowed.
- Side Yard setback should be 5'.

Mayor Pisano opened for public comment.

- Steve Up residing at 5415 Pasadena Drive spoke in favor of the change and said he is in agreement with the 5ft setback.
- David Trapper residing at 7836 Holiday Isle Drive spoke in favor of the 5 ft set back.
- Debra Dunham residing at 6904 Seminole Drive spoke in favor of the 5 ft setback.
- Rick Miller residing at 5437 Pasadena Drive said he is in agreement with the 10ft setback as addressed by Commissioner Carugno. He further asked who will be policing this code.

After discussion on the 5ft setback, Council consensus was to allow the five foot setback 6:1 with Comm Carugno nay.

Council discussed mooring hours for overnight guests. After discussion, consensus was to change the mooring time to 72hrs.

- David Trapper residing at 7836 Holiday Isle Drive spoke in favor of the proposed mooring time. He addressed the current issues at his HOA boat dock and overnight guests.

Bob Francis asked for approval of a definition for the linear shoreline frontage throughout the document. Mr. Woods read the definition as follows; linear shoreline frontage shall be a distance measured in a straight line between the two outer most properties corners at the normal high water contour.

**Comm Nielsen moved to have the City Manager incorporate all the changes as discussed for First Reading at the next Council meeting. Comm Readey seconded the motion.
Motion passed 6:1 with Comm Carugno, nay.**

NEW BUSINESS

Approval of Cost Increase to Lake Conway Shores Storm Water Project

Mr. Francis requested approval for an increase in funding for the Lake Conway Shores Storm Water project. Lake Conway Shores has had a long standing problem with flowing during periods of intense rain. There are two areas that are a problem, (1) at the entrance and (2) at the lake lot. The solution is to channel all the storm water to the lake front lot and get it to Lake Conway without it flooding the area. After reviewing the request, he has decided that the Engineers will revisit the scope of work and reengineer the project to re-grade the swales starting at Honeysuckle. After further discussion, Council consensus was to have the City Manager go back to the current contractor or rebid the project.

Approval of Proposal for Traffic Management Plan

Mr. Francis provided his recommendation for the City-wide Traffic Management Plan Request for Proposal. He recommended approval of the Nelson Nygaard Consulting Group proposal in the amount of \$74,740.00.

Comm Gold moved to approve Nelson Nygaard Consulting for the Transportation Master Plan in the amount of \$74,740.00. Comm Carugno seconded the motion which passed unanimously.

Discussion on Funding the CCA Capital Facilities Plan and Responsibilities for Repair

Mr. Francis opened discussion the funding for funding of the CCA Facilities Repair and Replacement. Atkins Engineering provided an assessment and other estimates received it allowed the City to form a Capital Facilities Plan. The entire envelope of the school was assessed and placed the repairs in an immediate, short range and long range repair. All items were within the immediate to short plan repair. As per Section 6.3 of the lease the landlord will be required to make HVAC, exterior and structural repairs as may be required and the tenant is required to make all others repairs. He further addressed the lease interpretations that need to be clarified and resolved with the CCA School Board before moving forward. In addition, Mr. Francis briefly reviewed the proposed Capital Facilities Plan and discussed repayment of the funds that were used to pay for the purchase of the Wallace property.

After discussion of the proposed plan, Comm Nielsen moved to approve the proposed capital facilities plan as discussed contingent upon CCA's approval of the City's allocations.

Comm Sims seconded the motion which passed unanimously 7:0.

RESOLUTION NO. 18-02 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA TO RESTRICT THE USE OF FUNDS IN THE CHARTER SCHOOL DEBT SERVICE FUND (FUND 201); AND PROVIDING AN EFFECTIVE DATE.

Mr. Francis presented Resolution 18-02 proposing that the Charter School Debt Service Fund be restricted to expenses directly related to the governance and administration of the Charter School, Revenue Bond and Lease Agreement.

Comm Partin motioned to adopted Resolution 18-02.

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

RESOLUTION NO. 18-03 - A RESOLUTION DECLARING SURPLUS CERTAIN PERSONAL PROPERTY AND DIRECTING THE CITY MANAGER TO DISPOSE OF THE PROPERTY FOR VALUE THROUGH AN OPEN PUBLIC PROCESS.

Mr. Francis requested approval to surplus the Code Enforcement Smart Car. He stated that the City will solicit three bids for the property

Comm Nielsen motioned to adopted Resolution 18-03.

Comm Gold seconded the motion which passed unanimously 7:0.

RESOLUTION NO. 18-04 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO TRANE US, INC. OR OTHER VENDOR APPROVED BY ORANGE COUNTY PUBLIC SCHOOLS FOR THE PURCHASE AND INSTALLATION OF EQUIPMENT FOR HVAC EQUIPMENT, PIGGYBACKING ORANGE COUNTY PUBLIC SCHOOL DISTRICT ITB NO. 1302039; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RESOLUTION NO. 18-05 - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO ANY OR ALL VENDORS APPROVED BY ORANGE COUNTY PUBLIC SCHOOLS FOR ROOFING SERVICES, PIGGYBACKING ORANGE COUNTY PUBLIC SCHOOL DISTRICT ITB NO. 1410214; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Mr. Francis requested approval to authorize purchase of equipment by piggybacking on Orange County Public School contracts for replacement of HVAC and roofing repair. The pricing is competitive and comparable to other estimates and will save the City research cost and time.

Comm Partin motioned to adopted Resolution 18-04 and Resolution 18-05.

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

ATTORNEY'S REPORT

- Attorney Ardaman stated that the City will be meeting with the CCA Board next week on a number of issues and will report back at the following City Council meeting.
- He gave a brief update on the FWC Administrative Hearing. He said FWC is receptive to hearing a potential resolution. He has discussed some ideas with the City Manger and will enter into further substantive discussion with FWC. If the discussion is something that will be desirable by the City Council he will bring it back to the City Council for vetting and decision.

CITY MANAGER'S REPORT

- Mr. Francis gave an update on the issues log;
 - Venetian Boat Ramp sign is almost complete and will be installed the following week.
 - In addition, the City has filled the void at the basin at the Perkins Boat ramp and will be placing the wheel stops. In the near future the City will place stone on the driveway to eliminate some of the dust and runoff into the lake. The surveyor will be installing the gauge in the water within the next week or two.
- Mr. Francis addressed the comments made by Adam McGinnis and would like to see the emails from FDEP. One of the issues is that the City has upland rights of Cross Lake Beach. Apparently the City relinquished the rights in the 1960's for that part of the beach which then went back under State control. We have a public right of way from the intersection to the bollards. Mr. McGinnis is interested in buying the land but the State said he will not be able to purchase the property without the City's approval. Mr. Francis said he told Mr. McGinnis if the City has the opportunity to purchase the land the City will move forward with the purchase. Mr. Francis has sent the application to the State to purchase the land he then applied to the Orange County Board of Commissioners for their recommendation and resolution.

Mr. Francis asked if Council does not want to continue with the process to purchase the property he would welcome other options and direction. Comm Sims asked what will be the advantages for the City to purchase the property verses the neighboring homeowner. Comm Sims said he would like to slow down and understand why Mr. McGinnis wants to buy the property.

Mr. Francis said Mr. McGinnis explained that he is currently land locked and this will give him the opportunity to build and access his property. Cross Lake Beach is part of the City's Comp Plan since 1990 and goes towards the required open space total.

Comm Carugno stated that this is the only park on the of the north side of the City.

Council consensus was to have the City Manager proceed with the process and to allow Mr. McGinnis the opportunity to present his proposal at a future City Council meeting. In addition, Comm Nielsen would like to verify that the park is consistently utilized by the residents.

CHIEF'S REPORT

Mr. Francis reported that the State is making it mandatory to have Resource Officers full time at all schools. Because of this change the City will have to place a full time Resource Officer at Pine Castle Elementary per contract and will incur some overtime. He has authorized for her to place an officer as required until the end of the contract this year.

Chief Houston reported that the State passed the Marjorie Stone Douglas High School Public Safety Act which mandates all superintendents to ensure that there is a sworn law enforcement officer on site. To be in compliance, the Agency will be required to have a full time officer at both schools which will be supplemented financially a few days a week by Orange County Public Schools.

MAYOR'S REPORT

Mayor Pisano reported the following,

- School Board meeting is scheduled for April 25th at 3:00pm
- The final Easter Egg Hunt budget will be provided at the April 17th meeting.
- AirBnB will be placed on the April 17th agenda.
- "Isle" Clean Up event is scheduled for May 5th. With the City Manager's approval the Special Events committee is looking to put out a survey to see what type of events interest the residents.

COUNCIL REPORTS

Comm Nielsen - District 7

- Comm Nielsen said Council is supposed to approve events and would like to see a description of the Clean Up event before moving forward. After discussion, Mayor Pisano asked for approval of the date only for the "Isle" Clean Up.
 - **Comm Carugno motioned to approve the date only of May 5th for the "Isle" Clean Up event.**
 - **Comm Sims seconded the motion which passed unanimously 7:0.**
- Comm Nielsen asked for an update on the Delia Beach project. Mr. Francis said the contract is also complete and is looking to go out to bid shortly.

Comm Partin – District 6

Comm Partin reported that parent were asking about the school safety meeting and continue to ask for transparency.

Comm Sims – District 4

Comm Sims spoke of some of the concerns on the s-curve damage on Trentwood. He said he will not be in attendance at the following meeting and asked for consideration on approving AirBnBs.

Comm Readey – District 5 – no report.

Comm Weinsier – District 3

Comm Weinsier spoke on the last election and the resident support on the charter changes. He would like to see the vote to be similar to the Florida Constitution to be 60%+ of the voters instead of current 51%. He would like to request staff to draft an ordinance to see what it would look like.

Comm Weinsier motioned to have staff draft an ordinance for discussion at a future agenda.

Comm Sims seconded the motion which passed unanimously 7:0.

Comm Carugno – District 2

- Comm Carugno shared his concern with Council making motions on non-agenda items.
- Comm Carugno spoke on the quality of the lakes and the floating algae and floating weeds.

Comm Gold – District 1

- **Comm Gold thanked the City Manager for putting out the video on the Charter changes.**

City Manager Francis reported that the City has hired a part time media specialist Sloan Waranch.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 9:35 p.m.

Yolanda Quiceno, CMC, City Clerk