



city council minutes

MINUTES
February 6, 2018 * 6:30 p.m.
City Council Regular Session

The Belle Isle City Council met in a Regular Session on February 6, 2018 at 6:30 p.m. in the Belle Isle City Hall Council Chambers.

Present was:

Mayor Lydia Pisano
Vice Mayor/Commissioner Harvey Readey
Commissioner Gold
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Alexa Dowlen
Commissioner Mike Sims
Commissioner Sue Nielsen

Absent was:

n/a

Also present was City Manager Bob Francis, Attorney Kurt Ardaman, 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.

Mayor Pisano reported that item #5c has been pulled from the agenda. Mr. Comins rescinded the offer of the marine patrol boat.

CONSENT ITEMS

- a. Approval of City Council regular session minutes – January 2, 2018
- b. Approval of City Council workshop session minutes – January 11, 2018
- c. Approval of City Council regular session minutes – January 16, 2018
- d. Proclamation Celebrating Pine Castle Pioneer Days
- e. Proclamation Honoring Mayor Bruce Mount Sr.

Comm Dowlen motioned to approve the consent agenda as presented.

Comm Sims seconded the motion, which passed unanimously.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Andrew Thompson residing at 4058 Isle Vista Avenue shared his concern that the City is being denied on an issue that is not based on a legal opinion or on the required status to qualify. He further stated that he has heard many different concerns on the purchase of the Cornerstone Charter Academy. He asked Council for a plea for clarity on the proposal to purchase the school.
- David Woods residing at 3482 Hoffner Avenue stated that he believed the Boat Dock ordinance revisions were to be brought back to the Planning & Zoning Board before Council approval. Mr. Francis responded and said the reason it is presented on the agenda is to clarify Council request for changes before going back to P&Z for recommendation for approval.

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

UNFINISHED BUSINESS

Forensic Audit Proposal

City Manager Francis reported that he advertised twice and did not receive any proposals. After speaking with representatives the City received proposals from two audit firms. Because of how the proposals were received he was not able to perform an apple-to-apple comparison. He is recommending Council to postpone the consideration for approval until he has been able to review both proposals. Representative William Blend from Moore Stephens Lovelace, PA (MSL) is presents to answer any questions. William Blend gave a brief overview between a typical audit and a forensic audit.

Council discussed the time frame for the audit and cost difference between both proposals.

Vice Mayor Readey motioned to move forward with MSL and audit for the last five years.

Comm Nielsen seconded for discussion.

After discussion, the motioned failed.

Vice Mayor Readey motioned to move forward with MSL and audit for the last seven years.

After discussion, the motioned failed.

Vice Mayor Readey withdrew his motion to allow the City Manager to provide a scope for the audit.

Comm Nielsen seconded the motion and withdrew her second.

Boat Dock Ordinance

City Manager Francis presented Ordinance 17-19 with the proposed changes for discussion and approval. He said since its adoption, there has been difficulty in administering this ordinance due to places where it conflicts with itself. Council discussed the following policy issues for clarification, (1) definition of boat dock "covers/enclosures", (2) grandfathering non-conforming docks and housekeeping items that conflict in the code. Discussion ensued on automated canvas covers and other accessories fastened to the outside of the supports of the dock.

Attorney Ardaman addressed grandfathering non-conforming docks and stated that the City can require the homeowner to remove the dock; it is an unpopular, difficult process however it can be done. Natural attrition is usually the way most government agencies enforce; however, it does take a long time.

Council discussed permits issued in err of the City and inconsistent with the Code. Attorney Ardaman stated if a permit was issued in error by the City, the City does have the option to have the permit rescinded and the structure removed.

The following proposed changed were review and discussed,

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- *Normal High Water Elevation (NHWE)* means the water surface elevation of Lake Conway and its directly connected water bodies as defined by Orange County. As of December 2016 the NHWE was 85.45, NAVD 88.
- Definitions - ***Personal watercraft*** (Florida Statutes 327.39) means a vessel less than 16 feet in length which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

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- Application process - (3) The survey of the property, performed within the last three (3) years, shall be a boundary survey signed and sealed by a surveyor holding a current license with the State of Florida and certifying to the applicant and the City accuracy of the information list below. If the Applicant submits a survey over ~~five (5) three (3)~~ years old, the applicant shall submit an affidavit stating there is no change to land.

- (v) The NHWC line across the property;
- (vi) Elevation 79.5 (NAVD 1988) ~~NHWC~~ of the lake bottom closest to the upland subject of the application established by Orange County.
- (vii). Elevation 80.0 (NAVD 1988) contour of the lake bottom closest to the upland subject of the application.

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(vi) The depth of the water at the end of the proposed terminal platform;

(1) *Setbacks.* Private docks shall have a minimum side setback of ten (10) ~~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 deviation from the minimum side setback will require a variance.

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(iii) 40' from the NHWC shoreline.

(3) *Total area.* 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. The minimum dock area for any dock shall be 400 feet or ten times the shore linear frontage, whichever is more. The area for the docking and mooring of boats, ~~jet skis~~ personal watercraft, watercrafts and other appurtenances is included in the dock area calculation.

(v) Dock(s) that are semi-private or owned by a homeowners association (HOA) or governmental agency shall be adjacent to and attached to upland property that is semi-private or owned by the HOA or public agency. These docks shall be exempt from the provisions of subsection 6(i) and (ii) of this section so long as the HOA, public agency, or other relevant owner owns the attached upland property and is the applicant.(OR: Docks that are owned by a public agency will be exempt from the provisions of subsection 6(i) and (ii). Docks that are semi-private or owned by the HOA are exempt from subsection 6(i); however before a permit will be issued for a semi-private or HOA-owned dock, the upland property shall have at least one principal building constructed on the property. Only one dock per parcel may be located on the property. The term "parcel" as used in this subsection (v) shall mean all contiguous property owned by a HOA or by a public entity.

Attorney Ardaman said Council can add to the definition as language that will allow two adjoining homes to share a single dock".

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(2) No flat roofs. Minimum roof pitch (slope) is 2:12; Maximum roof pitch (slope) is 5:12. ~~The maximum pitch of the roof on a boathouse on a dock shall be a slope of 5:12.~~

(3) ~~Except as describe in Section 38-44 if the BMC, no~~ No structure having enclosed sidewalls shall be permitted on any dock. The term "enclosed" shall include, by way of example but not by limitation, plastic, canvas and other screening enclosures, chain link and lattice fencing, or any form of paneling. For the purposes of this section, a power curtain canvas, boat lift canopy skirt, retractable canopy curtain, or any other similar product made for the protection of a boat will not be considered as a dock enclosure.

(5) Storage lockers shall not exceed 30 inches in height above the deck; 36 inches in width; 9 feet in length. ~~be limited on a dock to a cumulative maximum of sixty five (65) cubic feet.~~ 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 non-conforming use, 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.. However, when a grandfathered dock is damaged or requires any maintenance or repairs, the costs of which equal or exceed 75 percent of the assessed value of 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.

Vice Mayor Readey motioned to approve the proposed revisions as corrected to be referred to the Planning & Zoning Board for approval. Comm Gold seconded the motion which passed unanimously.

Mayor Pisano opened for citizen comment.

- Nelson Wright residing at 2025 Hoffner shared his concern on blocking the view and safety from the use of boat dock power covers.
- Randy Holihan residing at 2513 Trentwood spoke in favor of the covers because it protects the boats.
- Gary Maloon residing at 6101 Matchett said the covers do protect the boat from the sun and is the next best alternative.
- Bobby Lance residing at 6615 Matchett Road said the closer the homes are to the airport, the cover will protect the boats from the black film coming from the airplanes.
- Phil Price residing at 2414 Daetwyler said he is not in agreement and does not think it would be fair to have existing covers be removed because they are non-conforming.
- Holly Bobrowski residing at 4400 Hoffner said she believes it should be allowed and be only one per slip.

Discussion on Annexation

City Manager Francis gave a brief overview of the annexation workshop held on January 21, 2018. The Council discussed four areas that could be annexed: Vicinity of Hoffner and Hansel, properties n {ie Castle Urban Center from Sand Lake Road to Hoffner, Conway Road and Daetwyler Road from Judge Road to McCoy Road, commercial properties in the Conway and Hoffner area and several properties to be determined on the north shore of Little Lake Conway. He asked for Council direction of the most favorable areas to help City Staff plan and move forward. Discussion ensued on the area on Orange Avenue towards Sand Lake and the north properties on the north side of the lake.

Comm Carugno inquired if this process would be in partnership with the City of Edgewood. Mr. Francis stated that it would be a courteous to let the Mayor know what our intent will be on the north part of the lake.

After further discussion, Council consensus was to have the City Manager start the research to annex the areas as discussed.

NEW BUSINESS

Cornerstone Charter Academy Proposal to Purchase School Property from City

City Manager Francis reported that Cornerstone Charter Academy Governing Board had a meeting on January 24, 2018 and has requested negotiating the purchase of the property for the school to acquire the property and any other assets from the City of Belle Isle. Before moving forward with their consultant services and submitting a formal request CCA is asking for City Council consensus to entertain the idea and discuss the concept of selling the property in the future. Mr. Francis provided a memo with an explanation of the proposed request dated February 6, 2018 with staff recommendation and suggested motions.

Mr. Francis suggested holding a special meeting on this subject and take public comment on the proposal to discuss the benefits of accepting the proposal.

Comm Dowlen stated many constituents shared their concerns with the proposal and asked if the City was not going to make an effort to start the necessary repairs at the school.

Gayle Owens, CCA Attorney with offices at 1802 Alafaya Trail, Orlando FL briefly said that the Board proposed a feasibility study to address some of the concerns being discussed. The report would address if the purchase would be feasible for the school; how it would impact the City; and what benefits could be had. Based on the report findings they will bring it forward to City Council for further discussion.

Taylor Smith, CCA Consultant with offices at 1819 Goodwin Street, Jacksonville, FL said the idea of the study is to provide objective data. He stated that he was the City's consultant in 2009 which led to the creation of the Charter School. He said he has been hired to engage a Community meeting with the City and set forth with the Scope of Services listed in the letter dated January 23, 2019. Taylor Smith gave a brief overview of the scope of service.

Mr. Francis stated that the City is moving forward with the repairs of the school and will introduce a Capital Facilities Plan with funding options on how the City can best accomplish the repairs. Council consensus was to allow the City Manager, City Attorney and Comm Nielsen to continue researching repairs funding options. The Council will solicit input from their constituents and the City Manager will write a letter to the school to schedule a Joint Meeting for sometime in the future.

After discussion, Comm Weinsier clarified that this was an unsolicited offer from CCA. Council is not in favor of selling the property at this time and planning on moving forward with the repairs. However, Council will be open to review any information for consideration if CCA decides to move forward with their consultant.

Letter from FWC on Bird Sanctuary Application

Mr. Francis reported that he, Mayor Pisano and Comm Carugno met with the Florida Wild Life Commission (FWC) to discuss the City's request for the Bird Sanctuary designation and several issues on duck hunting on Lake Conway in general. Mayor Pisano was presented with a letter dated January 22, 2018 stating that FWC is denying the City's request to be a designed bird sanctuary based on Rule 68A-19.002 FAC stating that the area is not "sufficiently developed". FWC also stated that the City's application will not be on the FWC Commission agenda for February. However, if the City wishes to speak they can appear under public comment.

Mr. Francis briefly spoke on the noise ordinance and baiting on the Lake. In an effort to control access to our ramps, he instructed Chief Houston to ensure that the boat dock ramps are locked in the evenings and opened during the day. For the record, Mr. Francis thanked Senator Stewart for hearing our concerns and her assistance with coordinating the meeting with the FWC Director. After discussion, Council consensus was to have the City Attorney explore appealing the administrative decision to deny the application and bring back the appeal process to Council for approval.

ATTORNEY REPORT

Attorney Ardaman gave a brief overview of the CRC Commission agenda and the Bill on Home Rule.

MAYOR'S REPORT

Legislative Update

- Mayor Pisano stated that she will be in Tallahassee and will be meeting with the State Representatives. She will testify on the Vacation Home provision. Mayor Pisano gave a brief overview on Home Rule and other Legislative Bills on the table for approval.
- Easter Egg Hunt has been scheduled for March 31, 2018 and is asking for Council approval. Mayor Pisano stated that the event will be a sponsored event. After discussion Comm Dowlen motioned to approve the date of March 31st for the Easter Egg Hunt. Comm Carugno seconded the motion which was unanimously approved. Council requested a proposed budget be presented for approval before approval of the event.

CITY MANAGER REPORT

- FDOT Inspection of Nela Bridge - Mr. Francis provided the FDOT District 5 Nela Bridge Inspection Report. The rating for the bridge set in 1990 still applies. There are a few minor repairs that need to be completed and will be budgeted for the next budget year.
- Mr. Francis reported that his \$250,000 grant request for the renovation of Gene Polk Park was submitted by Senator Stewart and was approved the Senate. The request will now be presented to the House for approval.
- Issues Log - Mr. Francis provided a copy of an updated Issues Log.
- Mr. Francis reminded all that the voting for the Nela Fountain Centerpiece is on the website until March 19th.
- Mr. Francis reported that the Conway Estates Lake lot requested a clean out of residue/debris. He went over to the area and was not able to find any deep muck or residue.

CHIEF'S REPORT

Chief Houston report on the following,

- CSO starts tomorrow and will start the training process.
- Chief Houston proudly announced that a Belle Isle Police Office has been selected to move forward with the Orlando Police Department.

Chief Houston reported that the person's charged with stealing packages from residential porches have been caught and will be prosecuted.

COUNCIL REPORTS

Comm Nielsen – District 7

- Comm Nielsen suggested that the City start scheduling a Candidate Forum. Council consensus was to have the City Manager schedule a date, extend the offer to the Candidates and selected a moderator.
- Comm Nielsen spoke briefly of resident Charles Motley and his Airbnb concern. She would like Council to discuss relaxing the rental code to allow for the use of an Airbnb.

Dowlen – District 6

- Comm Dowlen asked when the Social Media position was going to be reposted.
- She received a complaint on the homeless issue in the Conway/Hoffner parking lot.
- She stated that Lake Conway East has had negative responses to Airbnb in her neighborhood and is not in favor of changing the code.

Comm Sims – District 4

- Comm Sims said apparently there is Statute where a municipality is required to have a certain amount of undeveloped wood land. At the last P&Z meeting there was discussion of available State grant dollars available to municipalities to procure. He would like to know if the City can pursue these funds to purchase the 2635 McCoy property. Mr. Francis said the City has offered the land owner to purchase the property and they were not interested in selling. After discussion, Council consensus was for the City Manager to pursue further.

Comm Readey – District 5, No report.

Comm Weinsier – District 2, No report.

Comm Carugno – District 2

- Comm Carugno asked for an update to for the Traffic Study. Mr. Francis said he is waiting for the final scope of work.

Comm Gold - District 1

- Comm Gold said he was contacted by the residents of Lake Conway Shores regarding a new Pavilion and grant funds.
- Comm Gold said he is interested in having a social media workshop.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 9:30 p.m.

Yolanda Quiceno, CMC, City Clerk