



city council minutes

MINUTES MARCH 6, 2018 City Council Regular Session: Regular Session 6:30pm

The Belle Isle City Council met in a regular session on March 6, 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 Laura 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 Sims gave the invocation and led the Pledge to the flag.

CONSENT ITEMS

- a. Proclamation: Declaring the Month of March as Problem Gambling Awareness Month
- b. Proclamation: Declaring the Month of April as Water Conservation Month
- c. Approval of the City Council combined Workshop and City Council meeting minutes for February 20, 2018

Vice Mayor Readey made the following corrections to the minutes for February 20, 2018 as follows, Page 5, reads, "Council consensus was to post all reports."

Should read, "Council voted 6:1, with Vice Mayor Readey, nay to post all reports."

Comm Dowlen motioned to approve the Consent Items a and b and the minutes as amended.

Comm Nielsen seconded the motion which was unanimously approved 7:0.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Linda McCollum spoke in favor of Airbnb short term rentals. She stated that she has been an Airbnb rental for 2 years. She added that the business has been a good supplement to her income and she has not experienced any disruption in her home. She asked Council for consideration on changing the ordinance and spoke briefly on the services she provides.
- Charles Motley residing at 1805 Swann Avenue spoke in favor of Airbnb short term rentals and spoke of the City policy and the minor complaints he has received. He shared his concern with the hardship this will cause if the City decides not to approve short term rentals.

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

UNFINISHED BUSINESS

- a. ORDINANCE 18-01: SECOND READING AND ADOPTION - An Ordinance of the City of Belle Isle, Florida, amending the City's Land Development Code to add a new section 54-84 creating an Open Space Land Use and Zoning Classification; Providing for the intent and purpose of the classification; Providing for definitions; Providing for permitted uses, special exceptions, prohibited uses, development standards, and general requirements; providing for severability, conflicts, codification and an effective date.

Mr. Francis said, per Council direction, he has made the requested change to eliminate the 35ft maximum height and restrict it to 20 feet. As a special exception it does allow for a municipal government building under Section 42-63.

After discussion, Vice Mayor Readey motioned to adopt Ordinance 18-01.
Comm Nielsen seconded the motion which passed 7:0 upon roll call.

NEW BUSINESS

- a. ORDINANCE 18-02: Tree Ordinance Discussion - An ordinance of the City of Belle Isle, Florida, Amending the Belle Isle Land Development Code, Chapter V, Article B, Section 2 – Tree Protection; Providing Severability; and providing an effective date - Mr. Francis reported that the Tree Board did an outstanding job in revising the tree ordinance. Some of the major points are the list of approved/restricted trees and the fines/fees will be set by Resolution and adopted by Council. Discussion ensued on enforcement of the ordinance.

After a review and discussion of a few minor changes, Comm Nielsen motioned to have the City Manager place the changes in ordinance form for first reading.

Vice Mayor Readey seconded the motion which passed unanimously

- b. Approval of Canvassing Board Criteria and to allow the Elections Office to open the Vote-By-Mail Ballots -

The City Clerk provided for approval the Orange County Canvassing Board Criteria 2018 to be used by the City of Belle Isle Canvassing Board for the Municipal Election to be held on March 13, 2018. As part of the approval of the Canvassing Criteria the City Clerk requested that Council appoint a Commissioner to sit on the Canvassing Board as required by Code.

Comm Weinsier moved to appoint Vice Mayor Readey and Comm Sims as the alternate.

Comm Gold seconded the motion.

After discussion, Comm Weinsier revised his motion to appoint Vice Mayor Readey and Comm Carugno as the alternate. Comm Dowlen seconded the motion which passed unanimously.

Comm Gold moved to approve the Canvassing Criteria as presented by the Elections office and to allow the Elections office staff to start the canvassing of the ballots.

Comm Nielsen seconded the motion which passed unanimously.

ATTORNEY'S REPORT

Attorney Ardaman gave a brief overview of the petition filed in the Florida Wildlife Commission (FWC) matter to designate the City as a bird sanctuary. He reported that the City will need to file a response to the FWC Executive Director's denial by March 7th, 2018. The Florida Constitution gives the Commission certain authority and the Commission has adopted the Administrative Procedures Act and have filed that they are not required to have a hearing before them. He stated that the City will respond to the denial and move forward with the proceedings.

CITY MANAGER'S REPORT

- a. Appointment of Tree Board candidate Patricia Reid – Mr. Francis stated that Chairman Holly Bobrowski has recommended approval to appoint Patricia Reid for the open seat on the Tree Board.

Comm Nielsen moved to appoint Patricia Reid to the Tree Advisory Board.

Comm Weinsier seconded the motion which passed unanimously.

- b. Cornerstone Charter Academy (CCA) Update on Joint Meeting – Mr. Francis reported, as per Council direction, that he has sent a letter to the Chairman of the Board of CCA requesting a joint meeting to discuss more control of Council on the CCA Board and the proposed sale of the school property. To date he has not received a response.

- c. Universal Engineering Public Meeting – Mr. Francis reported that he has scheduled a meeting on March 21 at 5:30pm with Universal Engineering and the Community to allow the residents the opportunity to express their comments in an attempt to provide better customer service.

- d. Charter Changes – There have been many questions and comments on why the City has made the charter changes. He asked for Council approval to create a short video to give a neutral overview of why the charter changes have been proposed.
Comm Nielsen moved to instruct the City Manager to prepare a video and post as necessary to the community.
Comm Readey seconded the motion.

Attorney Ardaman stated that the City must be cautious expending public dollars with respect to a matter that is going to be voted on by the voters. It is allowed as long as it is on an electioneering matter encouraging a vote in favor or opposed. He will forward the Statute to the City Manager to allow him the opportunity to present a factual outline and give the responses objectively.

After discussion, the motion was passed unanimously.

- Marine Boat/NAV Board Update – Mr. Francis reported, at a previous meeting, that he approached the Lake Conway NAV Board for funding of a marine boat. The NAV Board motioned for the request to go forward for approval at their next meeting. City staff has looked at a few boats and have selected a model that will fit the City's purpose; however it will be available in May. In the meantime, he will be approaching Orange County to see if there is a boat the City can use. Mr. Francis said he has not received final approval from the NAV Board but would like to move forward with the purchase of a new Marine Boat and take advantage of the discounted State contract price offered.

After discussion, Comm Nielsen moved to direct the City Manager to move forward with the purchase in order to save money and have the boat before the beginning of summer.

Comm Carugno seconded the motion which passed unanimously.

Mr. Francis reported that he and Chief Houston have been speaking with Mr. Gary Meloon regarding a donation of a pontoon boat for use by Marine Patrol and will keep Council updated.

- Issues Log – Mr. Francis reported on the following,
 - Mr. Francis reported that on March 28th the City will be meeting with the NPDES representative regarding the Best Practices Stormwater Discharge Permit inspection.
 - Orange County DEP is allowing the City to divert water from the Athletic Field and land applicate to the Wallace Field to avoid it getting into Lake Conway.
 - The Traffic Management Plan RFP is due March 21st, 2018 and have 4-5 companies request for packages.
 - The fountain at Nela and Overlook has been ordered and will arrive within 14-15 weeks and hope to see the demo begin shortly.
 - Perkins Boat Ramp metal fence will be replaced within the next couple of weeks. The boat dock is currently being repaired and Perkins Boat Ramp will remain closed until completion. As soon as the ramp is completed, the City will place wheel stops and an elevation gauge will be installed.
 - District 2 Commissioner will be scheduling a meeting with the residents on Wallace and Matchett to discuss the open space and the proposed fencing.
 - Mr. Francis asked Council to think about a future meeting for a Strategic Plan workshop.
 - He has received 4-5 resumes for the Social Media position and will be scheduling interviews after review.
 - He is looking into sustainability and solar roofs for the Police Department and Charter School buildings.
 - FEMA Update – The City currently has 17 projects in for FEMA reimbursement totaling approximately \$800,000. He continues to work with the representative and will update Council at the next meeting. He further spoke on protective measures currently in place for reimbursement, damage to the stormwater system and other areas in the City that suffered during Hurricane Irma.
 - Mr. Francis reported that the City has postponed the Lake Conway Shores/Jade Circle Drainage project last year. The construction company that was involved with the project informed the City that they will no longer want to do the project and withdrew their submittal. He has contacted other contractors for a proposal and will keep Council updated. The HOA has been updated and understand the delay.
- e. Chief's Report - Chief Houston reported on the following,
 - Chief Houston said two incidents were not reported to the Agency by CCA. The result of sending the letter for correction has caused a much better working relationship with the school.
 - Chief Houston reported that the Agency is extremely ready for emergency response at the school.
 - Chief Houston spoke briefly on recently incidents in the City.

MAYOR'S REPORT

- a. Egg Hunt - Easter Egg Hunt will be on March 31st from 10:00-12:00pm.
- c. Legislative Update – Mayor Pisano gave a brief overview and said the CRA, Tree Trimming and Vacation Rental discussion has been delayed.
- d. Social Media Threats – Mayor Pisano briefly spoke of a social media threat by a student in Orange County. The City of Orlando passed an ordinance and asked in the Belle Isle Police Department would like to pass a similar Ordinance. Chief Houston stated not at this time.
- e. School Safety Meeting – There will be a Safety Meeting on March 14 at 5:30 at the Atrium at the school. Mayor Pisano stated that she sent an email to Chairman Brooks requesting a joint session. She has not received a response.
- f. Rental Ordinance – Mayor Pisano said she has had a few residents ask, “If a resident can they deviate from the code if the home is owner occupied to supplement their income”. Discussion ensued on a citizen opinion poll, enforcement and regulation on short term rentals. Mayor Pisano asked Council if they would like to change the ordinance and add for discussion at a future meeting.

Attorney Ardaman said no one knows what the Legislature is going to do and if we change the ordinance to increase/decrease its effect we can jeopardize what we have in place now; or the Legislature may pass the change and pre-empt the entire arena.

Comm Weinsier shared his concern that this ordinance appears to be enforced on some and not others. He asked if the City can temporarily allow owner occupied AirBnB's until this is resolved. Attorney Ardaman advised against not following the code and said it will be the City Manager's decision to temporarily allow the use.

Mayor Pisano opened for public comment.

- Pam Lowe residing at 3543 Country Lakes Drive spoke as an AirBnB homeowner and gave a brief over of the start-up process, company insurance, being an AirBnB host and her experiences with past/current customers. She further asked for Council consideration in allowing the use in the City.
- Rick Wilson residing at 5437 Pasadena said he would like to see the City reach out to the community to allow for more involvement.

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

Comm Nielsen motioned to add to the agenda for the March 20th City Council meeting. In addition, she would like the City staff to research AirBnB regulations and report back to Council.

Comm Gold seconded the motion.

After discussion, Comm Nielsen amended the motion to present the AirBnB Ordinance for First Reading at the April 17th, 2018 session. Comm Dowlen seconded the motion. Motion failed 1:6.

Council consensus was to hold on discussion until after the Legislative Session.

Mayor Pisano asked if the City would be able to extend the Code Violation date for Mr. Motley and other who have received violations. Mr. Francis said not at this time, he will speak with the Code Enforcement Officer and propose a plan.

- g. Wawa Grand Opening – Mayor Pisano reminded all of the Wawa Grand Opening.

COUNCIL REPORTS

Comm Nielsen – District 7 – no report.

Comm Dowlen – District 6

Comm Dowlen encourages everyone to vote next Tuesday and thanked all for their participation at the Candidate Forum

Comm Sims – District 4 – no report

Comm Readey – District 5 – Comm Readey said he is not sure on how the City will be able to effectively enforce the AirBnB ordinance if passed.

Comm Weinsier – District 3 – Comm Weinsier confirmed the UES Community Meeting on March 21, 2018. He thanked Connor Bradley for all his work on Lesser Park. Mayor Pisano stated that on March 20th the City will honor Connor with a Certificate of Appreciation.

Comm Carugno – District 2

Comm Carugno thanked staff and Holly Bobrowski for their support and hard work.

Comm Gold - District 1 – no report.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 9:05 p.m.

Yolanda Quiceno, CMC, City Clerk