



## city council minutes

### AGENDA February 7, 2017 \* 6:30 p.m. City Council Regular Session

The Belle Isle City Council met in a City Council Regular Session on February 7, 2017 at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Pisano  
Vice Mayor Readey  
Commissioner Gold  
Commissioner Carugno  
Commissioner Weinsier  
Commissioner Lance  
Commissioner Mosse  
Commissioner Nielsen

Absent was:

Attorney Kruppenbacher

Also present was Attorney Callan, Interim City Manager April Fisher, Chief Houston and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website and at City Hall.

**CALL TO ORDER**

Mayor Pisano called the meeting to order at 6:35pm. Comm Weinsier gave the invocation and led the pledge to the flag.

**PRESENTATION**

Chief Houston gave a special Life Saving Award recognition to Officer Cornwell and Officer Garcia.

Interim City Manager April Fisher requested a continuance of agenda item #10 and item #13(a) to a future Council meeting.

In respect to Item #10, Ordinance 17-02, there are some specific questions with respect to some of the numbers and terms used. She would like to open discussion with Chairman Woods and Comm Lance; both have extensive knowledge to these regulations, to work through some of the concerns before presenting to Council for approval.

We had a request from the homeowners association to have the engineer who prepared the plans for the Lake Conway Shores Drainage Improvement Program (Item #13a), meet with them on site before presenting the plan to City Council for approval.

**CONSENT ITEMS**

- a) Approval of City Council Regular Session December 6, 2016 minutes
- b) Approval of City Council Regular Session January 3, 2017 minutes
- c) Approval of City Council regular Session January 11, 2017 minutes

**After discussion, Comm Nielsen moved to approve consent agenda items as corrected.  
Comm Weinsier seconded the motion which was passed unanimously.**

### **CITIZEN COMMENTS**

Mayor Pisano opened for public comment.

Steve Upp residing at 5413 Pasadena Drive spoke on the Venetian Boat Ramp. He shared his concerns and asked to be part of the discussion that will help mitigate a solution that will help the residents on either side of the ramp without restricting access to others.

There being no further public comment cards, Mayor Pisano closed citizen comments.

### **RESOLUTION NO. 17-01**

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO ACCOUNT FOR OFF-DUTY PAY WITHIN THE POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

**Comm Lance moved to approve Resolution No. 17-01.**

**Comm Gold seconded the motion.**

**Comm Nielsen asked for clarification on the routine process for these types of Resolutions.**

**April Fisher said the Police Officers are allowed to provide off duty police services. The City recognizes that it should not be subsidizing this service and the City follows the procedures to account for the incoming revenues and ensures that they are accounted for within the budget.**

**After discussion, Resolution 17-01 was unanimously approved.**

### **RESOLUTION NO. 17-02**

A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO ACCOUNT FOR MARINE PATROL SERVICES WITHIN THE POLICE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE.

**Comm Gold moved to approve Resolution No. 17-02.**

**Comm Nielsen seconded the motion.**

**April Fisher stated that this is the same situation as the previous resolution, however, it does fall under a separate line item. When police officers perform marine patrol we receive revenue and the City is not subsidizing the services. This Resolution recognizes the actual incoming amount.**

**After discussion, Resolution 17-02 was unanimously approved.**

### **APPLICANT MATTAMY ORLANDO LLC - Case No. 2017-01-011**

Pursuant to City of Belle Isle Land Development Code Sec. 50-33(3)(b)4, City Council shall review and take action on a final plat, submitted by applicant Mattamy Orlando LLC consisting of four tax parcels referenced by their Orange County Tax Parcel ID Numbers as follows 29-23-30-0000-00-011, 29-23-30-0000-00-018, 29-23-30-0000-00-019 AND 29-23-30-0000-00-020 Belle Isle, Orange County, Florida.

**Mayor Pisano opened for public comment.**  
**There being none she closed the public comment section.**

Clarke Sprinkle, representing Mattamy Homes with offices at 1900 Summit Powell, Orlando, FL requested approval of the presented plat for the Brighton Park project. He stated the device that would shield traffic and have it right-in and left-out only will be installed in approximately three weeks.

Comm Lance said the device will deter those coming out of the townhomes from going straight at the entrance. Mr. Sprinkle said yes.

Comm Lance further shared the concern of the Daetwyler Shores residents regarding those heading south on Daetwyler Road and the left turn off of Daetwyler Road into Daetwyler Shores. Mr. Sprinkle said he is currently working with Orange County MOT to ensure safety and consistency.

Comm Carugno asked about the numbering of the parcel identification numbers. Mr. Sprinkle said those parcels are designated by the Orange County Appraisers office. Once the plat is recorded there will be one parcel created for the project. Discussion ensued on the use of the open space.

Attorney Callan asked if the City Attorney has reviewed the association documents and declarations of conditions and covenants. Mr. Sprinkle said it was provided, however, he has not received any comments. Attorney Callan clarified that the roads, conservation and storm water tract are private. Mr. Sprinkle said yes, there will be nothing in this community that will fall upon the City to maintain. It will be solely maintained by the Homeowners Association and no City tax dollars will be used.

Attorney Callan made the following comments before approval,

1. On paragraph 2 and 3 of the cover sheet it reads “dedicated” and he would like to request to have it changed to, “reserved” or “conveyed”; and
2. He further asked for Council approval upon the City Attorney’s satisfaction and review of the association documents; and
3. The plat should refer to the recording of the association documents for an orderly recording of the document.

Mr. Sprinkle requested a small change to the request. He asked if the plat can be recorded and have the documents reference the page name and recording.

Comm Carugno asked if the drainage pond Tract B contained. Mr. Sprinkle explained that the out flow structure will flow to Orange County drainage canal.

Attorney Callan asked if they are planning to build anything on the Tract A conservation. Mr. Sprinkle said it is a conservation area in perpetuity. Attorney Callan asked if he will be willing to have the City place a restriction on Tract A that it cannot be developed. Mr. Sprinkle agreed with the changes and referenced Note #2 on the plat cover page.

**Comm Lance moved to approve and accept the final plat submitted by applicant Mattamy Homes Orlando LLC consistent with the four tax parcels referenced by their tax identification numbers as written in the agenda, including the caveats agreed upon by the applicant and Attorney Callan.**  
**Comm Nielsen seconded the motion.**

Comm Weinsier, in abundance of caution, recused himself from the vote due to his family’s prior ownership of the property. Attorney Callan noted that he will not need to provide a Form 8B.

Comm Carugno asked if the additional homes will affect and increase the traffic. Mr. Sprinkle said they did look at that concern and part of the study was to eliminate the ability to have resident going straight through Daetwyler Shores. Another consideration was to add one left turn lane to not disrupt traffic.

Comm Carugno further asked if the City of Belle Isle Police Department will have jurisdiction on that section of Daetwyler road.

Discussion ensued and Comm Lance stated that it is a County Road. He is working with Comm Pete Clarke as to the traffic light on McCoy and Daetwyler. In addition, he received information from the State Attorney's Office which states that it is not possible to place a control structure on McCoy Road. He, however, found precedence that this was done once in Orange County and is working to have this approved.

**Motion passed 6:1, with Comm Weinsier recusing himself from the vote.**

#### ORDINANCE 17-01 FIRST READING AND CONSIDERATION

AN ORDINANCE BY THE CITY OF BELLE ISLE, FL AMENDING THE CITY OF BELLE ISLE CODE OF ORDINANCES TO REPEAL ORDINANCE 78-17 and ORDINANCE 15-04; TO ADOPT A NEW **FLOOD DAMAGE PREVENTION ORDINANCE**; TO ADOPT FLOOD HAZARD MAPS, TO DESIGNATE A FLOODPLAIN ADMINISTRATOR, TO ADOPT PROCEDURES AND CRITERIA FOR DEVELOPMENT IN FLOOD HAZARD AREAS, TO ADOPT TECHNICAL AMENDMENTS TO THE FLORIDA BUILDING CODE, AND FOR OTHER PURPOSES; PROVIDING FOR APPLICABILITY; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

**Comm Gold moved to approve Ordinance No. 17-01 for second reading and adoption.**

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

#### ORDINANCE 17-02 FIRST READING AND CONSIDERATION

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING BOAT DOCK REGULATIONS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 48, ENVIRONMENTAL REGULATIONS, ARTICLE II, BOAT DOCKS; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS; BY AMENDING SECTION 54-1, RESTRICTIONS UPON LAND, BUILDING AND STRUCTURES; BY AMENDING SECTION 54-79, RETAIL COMMERCIAL DISTRICT C-1; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

**Comm Nielsen moved for continuance to the February 21, 2017 agenda.**

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

#### ATTORNEY'S REPORT

Attorney Callan said Council may need to reopen discussion on hiring a permanent City Manager. April Fisher has graciously provided a drop dead date to get action on this issue. Council is the governing Board of the City and has the discretion to move forward with the following options, (1) continue with process where it was left off; (2) start a new, (3) or any version in between.

Vice Mayor Readey said due to the fact that we do have a date for April's resignation we need to move fast and feel it appropriate to bring forward the two candidates from the last act.

Comm Lance clarified that we had three candidates, however one of them has accepted another job.

Comm Mosse, Comm Lance and Comm Nielsen agreed to move forward and bring the two candidates back for a final interview. Comm Nielsen said the City should quickly schedule interviews with both candidates and allow them to speak with any citizens that chose to come and ask questions.

Comm Carugno was not part of the vetting process, but has faith in the decision of Council. He prefers to start the process over but understands there is not much time.

Comm Gold said he doesn't entirely agree, this is one of the biggest decisions that is going to affect the City in the most dramatic of ways. He does not like the idea of rushing into anything.

Mayor Pisano agrees this is one of the most crucial decisions. Attorney Kruppenbacher said we can move forward however, the investigation is not over on the alleged sunshine violations. She expressed, in transparency for the City, the process should start over again. Discussion ensued.

Comm Mosse moved to have the City Clerk contact the two candidates for interviews.  
Vice Mayor Readey seconded the motion.

Attorney Callan asked if one of the two was not available what Council would like to do then.

Council said they can bring the one back or decide to restart the process.

Council expressed their concerns with the current process. After discussion, Comm Nielsen stated a substitute motion to offer a contract to Bob Francis because there are no questions there at all. Mayor Pisano said her dilemma is that the first interview was a phone interview and one cannot offer a contract to a City Manager with only a phone interview.

Comm Nielsen then restated, that she strongly supports Comm Mosses' motion however would like to add that they have an opportunity to speak with citizens. Comm Nielsen stated that she would like to have the City Clerk contact both candidates and scheduled within the week. The request should include travel expenses for both candidates.

**Motion passed 5:2 to bring both candidates for a second interview with Comm Gold and Comm Carugno, nay.**

#### **CITY ATTORNEY'S REPORT**

Attorney Callan opened discussion on the Venetian Boat Dock on Parkway and Pasadena. The issue has come up on having the gate being locked and giving residents access. Attorney Callan provided a legal opinion from Attorney Kruppenbacher dated February 7, 2017 recommending providing control of such a gate to one or more private citizens but recommends an alternative approach as described in the document, read by Attorney Callan as follows,

1. The city will be legally responsible for the acts of any individual who is provided the key as it relates to their use. The city's insurance carrier has confirmed this concern. Additionally, the city would also potentially be liable in the event the individual with the key was hurt in the process of locking and/or unlocking the gate.
2. The Attorney General has previously opined on the Florida Constitution prohibiting the use of tax dollars to provide a benefit to a few private citizens and not to the general public. This argument may not hold validity but is one that can be raised.
3. Emergency Services would be delayed in responding to any emergency relating to the lake in the event the gates were locked. This concern can be addressed.
4. Either assign the task of opening or closing the gate(s) to city employees or hire a part-time employee to do same. The part-time employee would then be properly covered for liability both from a third party and in the event they are injured. The city having non-employee personnel perform this task is neither professional nor an appropriate way to perform a city function and opens the city to unnecessary risks.

Discussion ensued on resident concerns, personnel, sovereign immunity and other various options.

Mayor Pisano opened for public comment.

1. Rick Wilson residing at 5437 Pasadena Drive shared his concerns with certain incidents that have occurred. He stated that he doesn't call the Police Department anymore because they do not respond in a timely manner. If the City chooses to delegate the citizens to have keys he doesn't have a problem because he believes the citizens will respect their rights. He would appreciate that Council pass something that would protect their privacy, their property and protect the liability that may come before the City. He stated that he has made it public record in a letter to the City Manager.
2. Steve Upp residing at 5413 Pasadena Drive shared his concern and said he is opposed to the gate being closed all the time without residents having keys.
3. Greg Gent residing at 2924 Nela Avenue said if residents do not have access they will go somewhere else. His concern is that if keys are provided to residents they will make copies for friends and family.
4. Phil Price residing on Daetwyler Drive asked if keys will be issued for all parks or just Venetian Boat Ramp.
5. Karl Shuck residing at 1658 Wind Willow Road said Trimble/Lagoon Park should also be included in the discussion.
6. Mr. Marsh residing at 5858 Cove Drive said control of the gates using technology, not just a manual lock, can be used and will go a long way.

Mayor Pisano asked Comm Carugno if he would be interested in having a public meeting with the neighbors of that neighborhood and bring back their comments to Council.

**Comm Carugno motioned to table this issue for a future date to allow discussion of possible options with the citizens in the neighborhood. He further motioned to have the City Manager direct the Police Department to be proactive in scanning and patrolling the area throughout the day.**

**Attorney Callan said the 1925 plats have many layers of issues attached to them. Pasadena, Parkway and Conway have a unique status under the Florida Law and have the implied right to use that road as well as the public at large. He believes tabling the item for further discussion is recommended.**

**Comm Weinsier questioned if the ordinance is going to be changed or is it staying the way it is.**

**Comm Lance seconded the motion to table item #12 on the agenda for public discussion.**

**Motion was unanimously approved 7:0.**

**Comm Carugno motioned for the City Manager to direct the Police Department to be proactive with their patrolling of the Venetian Boat Ramp area throughout the day.**

**Comm Lance seconded for discussion.**

**Comm Lance spoke of a State Legislative action which greatly reduced the powers of the police department as far as who they can approach on a boat ramp. It will be very difficult to have the officers do their job. However having the police presence around will make the residents feel better.**

**Comm Weinsier said he does not feel it appropriate to direct the police department and micro manage their job. Vice Mayor Readey stated bringing up the concern at this meeting should be sufficient for the police department to act.**

**Motion passed 5:2 with Vice Mayor Readey and Comm Nielsen, nay**

## **CITY MANAGER'S REPORT**

### **City Comprehensive Plan Evaluation Report**

April Fisher reported every seven years the State asks local governments to evaluate their comprehensive plan to determine if an update is needed. She has reviewed our comprehensive plan and has evaluated that it is currently up to date with respect to the State requirements. We have to provide notice to the State as to whether we are going to do an EAR process. If we do not notify the State we run the risks of not being able to update our comprehensive plan. She recommends, since we are up to date with our comprehensive plan that we do not enter into an EAR process. There are some updates that are needed with respect to the future land use amendment which includes assigning a future land use to the Brighton Park property and that can be done at anytime. A letter has been prepared for the Mayor's signature to send to the State notifying them that the City has evaluated the plan and will not be doing an EAR process.

### **Tree Board**

The Tree Board will be having their first meeting on February 9, 2017 at 10:30 – 12:00pm.

## **MAYOR'S REPORT**

Mayor Pisano reported on the following events,

- The second annual Easter Egg Hunt is scheduled for April 15, 2017 and would be covered by sponsors.

Comm Nielsen said Council should look at what special events the City should have for the rest of the year. She shared her concerns with the Christmas Snow Day Event and said the shaved ice creates a safety issue. Discussion ensued.

**Comm Nielsen motioned that no special events are scheduled, and no one can access money from the budget for special events until Council has considered whether it is in the best interest of the City.**

**Discussion ensued on the Arbor Day and Lake Clean up celebration on April 29, 2017. Comm Nielsen stated one of the requirements to becoming a Tree City is having an Arbor Day celebration and asked if both events can be on the same day.**

- Cornerstone Charter School Board met on January 25, 2017. Cornerstone continues to be an A school. Mayor Pisano also reported that the Charter School has purchased the Texaco Station and will be building admin offices and possibly a cafeteria to free up office space for additional classrooms.  
Mayor Brooks will be presenting an architectural plan to Council for grading and landscaping for the Wallace property so that they can use it also as a practice field for lacrosse and soccer.
- Orange County Delegation met and she spoke about the Duck Hunting issue. She will be meeting with Representative Miller next week as a follow up.
- Tri County League luncheon will be held at Regal Marine and catered by Jay's catering company. The luncheon is being sponsored by A-1 Orange and will not be coming out of the City's budget.

Comm Carugno asked if the Wallace Property can be reserved for use and if Council approves the requests. Attorney Callan said the City should establish procedures on each City own facility and can be considered at some point and time.



Comm Nielsen said the property was purchased as a City open space city park for the use of the citizens. Council has not placed any restrictions or made any improvements on the property. She has reservations on the property being grading because it may affect the storm water drainage.

April Fisher added that this is one of the properties that will require a future land use designation and probably a rezoning. It is currently zoned as a single family residential and if the City starts to have commercial uses on the property it may cause an issue.

Vice Mayor Readey stated when the property was purchased it was his understanding that it was not going to be turned over to the Charter School to redevelop as an athletic auxiliary field for the school; that is yet to be discussed. He stated any proposals should be presented to Council for approval.

Mayor Pisano further mentioned that there are two openings on the Cornerstone Charter School Board. The applications are filled out on their website and automatically sent to Academica. Once the deadline is met, Academica will vet the applications, and then send to the City. Comm Nielsen said she did not hear anything about that process in the agreement that Attorney Kruppenbacher presented to Council. She understood these are City appointments, the City should be in charge of the process. Academica should not have anything to do with this process and neither should Cornerstone. Mayor Pisano said the applications go to Academica for compliance. Discussion ensued.

Mayor Pisano said she will add to the following agenda for the City Attorney clarification. Comm Nielsen said in the meantime the City should publish the openings on our website and in the newsletter. Mayor Pisano said the deadline for all applications is the last Wednesday of April.

## **COUNCIL REPORTS**

### **District 1 – Comm Gold**

Comm Gold asked if the Landscape Maintenance bids have been finalized. April Fisher said it already has been bid and she will be bringing forward her recommendations at the next meeting. She further added that she will bring forward her recommendations for the upcoming paving projects.

Mayor Pisano asked for a consensus for the Easter Egg Hunt. Council was in agreement with the event.

### **District 2 – Comm Carugno**

Comm Carugno stated that he feels Council is letting the City down; lots of talking and very little action. He feels that the City is losing a lot of good people and it is due to no continuity and no communication. He shared his concerns on certain issues surrounding the city which included,

- He stated that he was not aware of the Landscape Proposals
- Newsletter should be delayed until after the election
- Council members should not campaign for any candidates or incumbents
- Concerned about the communication that is coming out of the Public Works department
- Current email system should not be changed and is not in agreement with the change to Gmail
- Will the Bing grants be awarded separately or can they be pooled
- Does not understand the drainage solution for the Cornerstone Football field runoff
- Concerns on the Cornerstone school traffic and the police department involvement
- He shared resident complaints on the Police Officers congregating in certain areas and their response time for calls. Chief Houston provided a chart showing their response time and discussed the different types of response codes. Discussion ensued on marine patrol and the importance of more lake presence.
- Discussed the use of security cameras and LED lighting on the Nela Bridge and the Venetian Boat ramp area.



In conclusion, Comm Carugno discussed the traffic on Daetwyler Road and Conway and asked if the City can annex the County Road. Attorney Callan said he will address the concern with Attorney Kruppenbacher and report back at a future meeting.

### **District 3 – Comm Weinsier**

- Comm Weinsier said he has been using the Gmail system exclusively and does not have any access to anyone's email accounts and system. The City Clerk is currently the only administrator for the account.
- Comm Weinsier motioned to proceed to the next step in implementing Gmail and instruct the I.T. Manager to take the old system and begin forwarding all emails from the old system into the new addresses. The old emails will be available for a limited time and forwarded to Gmail simultaneously.

Mayor Pisano asked if the previous emails will be available through Gmail. She is concerned that she will lose nine years of emails. Discussion ensued.

**Comm Weinsier restated his motion to instruct the IT Manager to implement whatever is necessary to transfer all old emails into the new system and begin forwarding the new emails as they come in.**

**Comm Nielsen seconded the motion.**

**April Fisher stated the IT Manager said the current server is owned by the City and will remain in place at no additional cost. He is willing to be the IT consultant for the Gmail component and manage both systems. Discussion ensued on the transition process.**

**Comm Gold asked for an addendum to make sure this will not have an astronomical cost to implement.**

**Comm Weinsier amended the motion to move Council and staff old emails and forwarding the new emails so long as it can be accomplished for under \$1,000. If it cannot be accomplished for under \$1,000 it should be brought back to Council for discussion and approval.**

**Comm Nielsen agreed to the amendment unanimously approved.**

- Comm Weinsier shared his concern and disagreement with the discussion that Council is talking too much and nothing is being accomplished.

### **District 4 – Comm Lance**

- Comm Lance thanked April Fisher for all she has done for the City and wished her well.
- Comm Lance said in the 2016 budget there was money budgeted for repair to the Perkins Boat Ramp and wanted to make sure it has been carried forward. There is a lot of erosion going into the lake and we cannot afford any fines from Orange County.
- He asked if there is a resident along the Nela Bridge with a camera system pointed at the road, can it be used by the Police Department if needed. Chief Houston said yes.

**Comm Mosse left the meeting 9:00pm.**

### **District 7 – Comm Nielsen**

- Comm Nielsen shared her concern that we will use the school for the interviews. She does not want the interviews to be delayed due to venue. She motioned that we should schedule the interviews within the week for both candidates than set the location once the date is confirmed. Council agreed that using the school was not part of the original motion.
- There is some misinformation circulating in the City and does not believe this is a good time for the City to withhold communication and should stick with the date of February 15th for release of the bulletin for early March distribution. Mayor Pisano recommended, if a City Manager is selected before the date, we should wait a day or two before sending to print to include the news in the bulletin.
- Comm Nielsen asked if we can work with the NAV Board for additional funding for our marine patrol or try to have the NAV Board patrol available when needed. Comm Lance said yes, they did allocate \$12,000 for Belle Isle. He personally would like to see us get more of the pie due to the fact that they have more availability, staff and water crafts. He looks forward to working more with Orange County and the NAV Board. Mayor Pisano stated that she will formally request for additional funds at the next NAV Board meeting and assure them that we are willing to work with them.
- Comm Nielsen asked for clarification on the Lake Clean Up and Arbor Day celebration. Discussion ensued. Council agreed that the two events should be combined on April 29<sup>th</sup> and held at the Wallace property.

#### **ADJOURNMENT**

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 9:15 p.m.

Yolanda Quiceno  
CMC-City Clerk