



city council minutes

MINUTES May 1, 2018 City Council Regular Session: Regular Session 6:30pm

The Belle Isle City Council met in a regular session on May 1, 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 Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Mike Sims
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

Commissioner Gold (*arrived 6:45pm*)

Also present was City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston, Finance Manager Tracey Richardson, Admin Assistant Heidi Peacock 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 Weinsier gave the invocation and led the Pledge to the flag.

CAFR PRESENTATION

Tracey Richardson, Finance Manager for the City, welcomed and introduced Matt Lee, Auditor from McDirmit Davis.

Mr. Lee gave an overview of the CAFR highlights for 2017-2018 as follows,

- Audit Opinion – unmodified
- General Fund balance decreased \$63k to \$2.49m. Unassigned fund balance is \$2.28m, or 40% of 2017 expenditures.
- Irma expenditures through 9/30/17 of \$733k.
- Stormwater fund increased \$59k, to \$664k.
- Charter schools no longer presented as blended component units due to change in board composition.
- Management comment from 2016 regarding segregation of duties has been repeated.

Comm Nielsen asked for clarification on the reporting of the school funds and how it will be shown on the City budgeting reports. Mr. Lee said the Charter School is still a component of the City. The City continues to be responsible for the Bond and will be shown as a component unit in the Government Wide reporting and will not be co-mingled with the City's budget.

Comm Carugno asked if the City changes the Charter and continue to have the City Council on the School Board will the reporting go back as previous. Mr. Lee said yes, if the City changes the Charter School's Charter to allow City Council to also be the School Board the reporting of funds will be shown as major funds of the City.

There being no further comments, Mayor Pisano called for a motion to approve the CAFR as presented.

Comm Nielsen moved to accept the CAFR year ended September 30, 2017 as presented.

Vice Mayor Readey seconded the motion which passed unanimously 6:0.

APPOINTMENT OF VICE MAYOR

Mayor Pisano called for nominations for Vice Mayor.

Comm Nielsen moved to nominate Harvey Readey as Vice-Mayor.

Comm Sims seconded the motion which passed unanimously 6:0.

Comm Gold joined the meeting at 6:45pm.

CONSENT ITEMS

- a. Approval of the City Council meeting minutes for April 17, 2018
- b. Proclamation: Declaring May 2018 Neurofibromatosis (NF) Awareness Month
- c. Proclamation: Municipal City Clerk Week May 6-12, 2018
- d. Approval of FEMA contract

Comm Nielson motioned to pull Item d: Approval of FEMA Contract for discussion.

Comm Weinsier seconded the motion which passed unanimously 6:0.

Mayor Pisano called for approval of items a-c on the consent agenda.

Comm Weinsier motioned to approve Consent Items a, b and c as presented.

Comm Nielsen seconded the motion which passed unanimously 6:0.

Comm Nielsen asked for an overview of the FEMA contract before approval.

Mr. Francis said the City will start receiving FEMA reimbursement contracts on a regular basis to cover the total cost of expenditures. Mr. Francis asked if Council would prefer to pass a motion to give authority for approval to the standard contract seeking reimbursement or would Council prefer to approve as an agenda item as they are received.

After discussion, the Attorney's advice was to add the FEMA Contracts on the agenda for approval as they are received.

Comm Nielsen moved to approve the FEMA contracts as presented based on the Attorney's advice.

Comm Carugno seconded the motion for discussion.

After discussion, the motion passed unanimously 7:0.

Mayor Pisano read the City Clerk Week Proclamation and presented the Proclamation to the City Clerk.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

There being no comments, Mayor Pisano closed citizen comments.

UNFINISHED BUSINESS

ORDINANCE NO.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.

Mayor Pisano opened for discussion.

Mr. Francis presented Ordinance 18-04 incorporation the changes discussed by City Council and the Planning & Zoning Board. He addressed two concerns,

1. Grandfathering docks loophole as addressed by a resident; and
2. 48-32 Design Criteria and setbacks addressing a 5 or 10 foot setback.

Mr. Francis first spoke on item #2 and provided pictures on an overhead showing a classic example of someone mooring a boat along side of a dock. He asked for Council discussion to approve a setback from 5 feet to 10 feet. If a resident requires anything less than 10 feet they will be able to apply for a variance which will force the City to send a letter to the surrounding neighbors letting them know of the request. This change can alleviate many problems for the Police Department and Code Enforcement who will need to enforce this code.

Vice Mayor Readey shared his concern with the placement of boat houses and is opposed to the 10 Foot request because most people on the lake will prefer to leave it at 5 feet.

Comm Gold stated that there were an overwhelming number of residents who shared their support for a 5 foot setback.

Comm Nielsen said she agrees with the residents input at the previous meeting and is in support with the 5 foot setback.

Comm Carugno shared his concern on the enforcement of this code. In addition, he asked for clarification on the terminal platform which will be added to the 10 foot request giving a total of 15ft for new docks.

Mr. Francis continued and addressed the change to grandfathering of docks located on page 9 as follows,

- Nonconforming "grandfathered" docks. A dock that was duly permitted and authorized by the County when under County jurisdiction, or duly permitted and authorized by the City under and that complied with 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.

Comm Nielsen asked for clarification of the following to change as follows,

- Dock means any permanently fixed or floating structure, slip, platform (whether covered or uncovered) extending from the upland into the water, capable of use for boat mooring and other water-dependent recreational activities. The term "dock" also includes the area used to dock or moor a boat, and any device or structure detached from the land that is used for or is capable of use as a swimming or recreational platform, boat lift and/or for other water-dependent recreational activities, or as a platform for non-boating use. This term does not include any boat that is temporarily docked, moored, or anchored for less than 72 ~~consecutive~~ hours in a week.

City Clerk read Ordinance 18-04 by title.

Comm Gold motioned to advance Ordinance 18-04 to second reading and adoption.

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

LAKE CONWAY SHORES DRAINAGE PROJECT BID APPROVAL

Mr. Francis reported, based on the Engineer's report, the contractor has revised the plans decreasing the cost from a previous bid to \$396,372. With this increase it may cause a delay with other projects on St. Partin, Nela Road and Wind Drift until the new budget year in October. Lake Conway Shores has been waiting for quite some time and he recommends approval of the project. Council asked the possibility of any NAV Board funds. Mr. Francis said this is a type of stormwater project that may not be funded by the NAV Board.

After discussion, Comm Nielsen moved to approve the contract submitted by Price Construction in the amount of \$396,372 for the Lake Conway Shores Stormwater Project.

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

ORDINANCE NO. 18-03 - FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF "LOT 2 WALLACE STREET" AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO OPEN SPACE (OS); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

City Clerk read Ordinance 18-03 by title.

Mr. Francis said, at the request of Council Ordinance 18-03 was draft to rezone the Wallace property as open space. After discussion the Planning & Zoning Board has recommend approval of Ordinance 18-03 as presented.

Comm Gold motioned to advance Ordinance 18-03 to second reading and adoption.

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

LOT SPLIT 1303 WALLACE STREET - A request for Council to approve a lot split pursuant to Belle Isle Code Ch. 50, Art. II, Section 50-33(6) for the parcel located at 1303 E Wallace Street, also known as Parcel ID: 24-23-29-3400-00-074. The applicant is requesting the lot split in order to convey a portion of the property to an abutting parcel at 1130 Waltham Avenue.

Mr. Francis said lot splits come to City Council for approval and gave an overview of the lot split and subsequent purchase by the Maull family.

Comm Nielsen asked for clarification, for the record, that the City is not conveying any City property to anyone. Mr. Francis said yes, the City does not own part of the proposed property.

Comm Carugno motioned to approve the lot split at 1303 E Wallace Street.

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

CORNERSTONE ACADEMY HVAC BID

Mr. Francis reported that he has looked at the available funding to submit for a bid to repair the HVAC at the school. City Council has approved a resolution to piggyback off the OCPS contract. Mr. Francis introduced Chris St. John from TRANE, who is under contract with OCPS, to give an assessment of the repairs at the Elementary and Middle School.

Mr. St John said he was originally contacted by the City in 2016 to provide a professional engineering audit of the HVAC Systems at the Elementary and Middle charter school building. He reported on the following key notes,

Elementary School:

- the individualized controls in the Elementary school at every classroom does not work;
- one of the major components in the outside area does not work and the units do not provide the necessary outside air
- the TRANE equipment is about 15 years old and the refrigerant has been phased out in 2010

Middle School:

- Middle school is in similar condition with the equipment being a little older.

Mr. St John is recommending a full scale HVAC replacement with some energy efficiency upgrades which will get both buildings running efficiently tied together with a control system.

Mr. Francis stated they also reviewed the High school system and it appears that it should be in working condition for another 2-3 years before replacement is needed.

Mr. Francis gave an overview of the three options available for funding which include:

- **Option 1:** Fund the project in phases by doing the Elementary School first, followed by the Middle school. The pro to this option is, of course, reduced cost in the short run; the cons are that the Middle School won't get new HVAC this budget year and the cost for the equipment will increase next year. I will have to ask TRANE for a new cost estimate but it should be about \$530,000. Funding would be a combination of Repair and Replacement Fund (\$250,000); and Debt Service Fund (\$300,000).
- **Option 2:** Fund the entire project with a combination of Repair and Replacement Fund (\$250,000), the Debt Service Fund (\$300,000), and GF Reserve (\$140,000). With reimbursements for FEMA still not received, this would put our reserve at a critically low level. We anticipate that by June, most if not all, FEMA funds will be received.
- **Option 3:** Fund the entire project with a combination of Repair and Replacement Fund (\$250,000), the Debt Service Fund (\$300,000), and Short Term Borrow (\$140,000). The short term borrow would be probably using the City's line of credit with the Bank (no prepayment penalty) and we would pay off the loan next budget year or when the remaining FEMA funds are received.

Mr. Francis recommended approval of the TRANE bid for the replacement of the Elementary and Middle school equipment in the interest of the kids.

Comm Sims motioned to approve the TRANE bid totaling \$687,888 using option #3 for funding.

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

ATTORNEY REPORT

Attorney Ardaman reported that the FWC Commission has advised the City that they have not yet discussed the proposed settlement with the Executive Director and key staff. He is looking for a response this week for any traction for a potential settlement.

CITY MANAGER'S REPORT

1. City Manager Francis reported on the issues log. He reported an update on the following,
 - Approval of Gene Polk Park – May 15th
 - Street paving – review the open projects specifically the overlay on Nela Avenue from the Nela Bridge to Matchett
 - Storm drainage for St Partin and Nela Avenue possibly schedule for this year's budget
 - Mattamy Homes is going to contribute \$6,500 to replace the chicane damaged by Orange County.
 - Staff will staff begin the process for the Transportation Master Plan
 - Venetian and Perkins Boat Ramp signs have been installed
 - Fence is schedule to be installed at the Wallace Field next week
 - Short Term Rental reminder of agenda item for May 15th
 - Schedule Strategic Plan for the City
 - Annexation reports will be on the agenda in June
2. On May 7th the Forensic Auditors would like to meet with Council and schedule time.
3. Florida league of Cities Ethics training is on May17th – please let the City Clerk know if you will be attending. If you cannot make it you can visit their website and take the required Ethics Training webinar.
4. Rules of Council to be scheduled for discussion in early July.
5. After Action Report on the Easter Egg Hunt was distributed.
6. Mr. Francis reported that he was contact by Alexa Dowlen who applied to be a Cornerstone Charter School Board Member. He asked if Council would like to consider Alexa Dowlen for the open seat and present her as one of the two candidates appointed by City Council.

Comm Partin motioned to nominate Alexa Dowlen's for the open seat of the Cornerstone Charter School Board.

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

Mr. Francis said he will send notice to the school on her appointment to be placed on their next agenda for consideration.
7. Holly Bobrowski gave a brief after action report on the Arbor Day event. There were several local vendors including Gator Land and nine Japanese blueberry trees were planted. The event was not hugely attended but a good start for a bigger and better event in 2019.

CHIEF'S REPORT

Chief Houston reported the following.

1. There is a change in the Marine Patrol schedule to include their presence on the Lake Saturday and Sunday, noon to dark.
2. The Belle Isle PD will be enforcing traffic detail on Hoffner and Conway.
3. New hire of an officer with extensive marine patrol experience.

MAYOR'S REPORT

Mayor Pisano reported on the following,

1. The Easter event budget was \$290 under budget.
2. AirBnB Town Hall meeting will be an action item for the May 17th City Council meeting. Council consensus was to not have a Town Hall meeting and place on the agenda as an item for discussion.
3. Mayor Pisano thanked the Tree Board, staff, Dwayne Bennett and his team from Public Works and sponsors for their participation with Arbor Day.

4. She has received many complaints on the enforcement of the parking ordinance throughout the City and the associated increase. Mr. Francis said residents are getting surprised by the enforcement efforts and the officer has the discretion of given a warning first, where possible.

COUNCIL REPORTS

Comm Nielsen – District 7

- Comm Nielsen said she was appointed to work with the City Attorney and City Manager on the Charter School Issues with the Governing Board. Some approaches were discussed. The City Manager and City Attorney then had a meeting with Chairman Brooks and the Board Attorney Gayle Owens and were told some things that did not turn out as discussed. The City cannot ethically stand by and watch the school's Governing Board violate State Laws in regards to posting public meetings, requirements of Public Board members including reporting requirements. Comm Nielsen shared her concerns and stated that City Council should address these concerns in order to move forward. The Governing Board is a public entity subject to Sunshine Law and the City Council has a responsibility to ensure that the Board is following the law and have more involvement.

Mr. Francis noted that there was a meeting of the School Board on April 25th and on the 26th it was not posted or published in a timely manner which calls for concern.

Comm Nielsen motioned to direct the City Manager and City Attorney to actively work on this issue, with periodic updates, and get a resolution before the next school year begins. Comm Nielsen also asked for verification from Orange County that this school is a municipal school and that the City of Belle Isle holds the charter.

In addition, Comm Gold asked that the City research exactly what the Charter Schools Incorporated is, who owns it and controls it.

Council consensus was to move forward with the request as discussed.

Comm Partin – District 6

Comm Partin reported another round of vehicle break in the City. He would like the City to send out a reminder to residents on locking their car doors.

Comm Readey – District 5

Comm Readey said District 5 has been very peaceful and thanked everyone for the great job.

Comm Sims – District 4

Comm Sims thanked Mr. Francis for his communication regarding the paving of Via Flora.

Comm Weinsier – District 3

Comm Weinsier asked if the City has a plan to rezone the remainder of the parks throughout the City. Mr. Francis said it can be changed all at once. Comm Weinsier said he would like to start the process.

Comm Carugno – District 2

- Comm Carugno asked if residents can obtain a parking pass for parties and family gatherings. Chief Houston stated no one can park on public right of ways. If the resident is able to park on their own front lawn or at their neighbor's lawn the City does issue parking passes for that special occasion.
- Comm Carugno asked for staff to follow-up with Orange County/FDOT on correcting the road sign on Hoffner and Conway that reads Hoffner Road instead of Hoffner Avenue.
- He further asked for review of the traffic pattern into Wawa which has become a traffic safety issue.

Comm Gold – District 1 - na

Bobby Lance residing at 6615 Matchett Road reported the following,

- Expecting high hydrilla in the lake – Orange County will be spraying to control.
- Canoe Launch signs have a sign that say no fishing – Comm Pete Clarke will be correcting the sign to allow fishing.
- Issues concerning loading and unloading at the launch ramp – Marine Patrol officers have been notified and will be issuing tickets to offenders of that rule.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 8:15 p.m.

Yolanda Quiceno, CMC, City Clerk

DRAFT