



city council minutes

AGENDA June 7, 2016 * 6:00p.m. City Council Regular Session

Mayor Lydia Pisano	Frank Kruppenbacher City Attorney/ Acting City Manager	Ed Gold District 1	Katy McGinnis District 2	Jeremy Weinsier District 3	Bobby Lance District 4	Harv Readey District 5	Open District 6	Sue Nielsen District 7
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The Belle Isle City Council met in a City Council Regular Session on June 7, 2016 at 6:30p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Pisano
Commissioner Gold
Commissioner McGinnis
Commissioner Lance
Commissioner Readey
Commissioner Weinsier
Commissioner Nielsen

Absent was:

Open-District 6

Also present was Attorney Kruppenbacher, Deputy Chief Houston and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm.
Commissioner Nielsen gave the invocation and led the Pledge to the Flag.

CONSENT AGENDA ITEMS

- a) Approval of City Council Meeting Minutes May 3, 2016
- b) Approval of City Council Meeting Minutes May 17, 2016

**Comm Gold motioned to approve the minutes as presented.
Comm Lance seconded the motion which passed unanimously.**

CITIZEN COMMENTS

- Cindy Lance residing at 3401 Trentwood Blvd, Belle Isle said the meetings and records page on the website needs to be corrected to show the schedule change for City Council meetings. She further added that it is her understanding that both Chief Ring and Deputy Chief have resigned. It was not added to the agenda, and asked if it was going to be addressed. She stated for the record, Chief Ring and Deputy Chief Houston are a great asset to the City and respected by the citizens, staff and their peers. Chief Ring embodies what Belle Isle should be. He is a community person and she would hate to lose him and ~~hoping~~ hopes ~~that~~ Council will not accept his resignation. He has been current with the agency, technology and new recruits.
- Gary Meloon residing at 6101 Matchett ~~R~~oad seconded Mrs. Lance's comments, and added ~~that~~ he hopes City Council understands how important the Police Department is for the city. He appreciates their hard work, especially Chief Ring. The Chief of Edgewood speaks very highly of our Chief and it is a shame that we are losing two of the most important assets to this community.

ORDINANCE NO.: 16-07 – Second Reading and Adoption

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, RELATED TO A VOLUNTARY ANNEXATION; MAKING CERTAIN FINDINGS; PROPOSING TO ANNEX THAT CERTAIN PROPERTY CONSISTING OF FOUR TAX PARCELS REFERENCED BY THEIR ORANGE COUNTY TAX PARCEL ID NUMBER 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, ALL AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Attorney Kruppenbacher addressed the Council and stated that there is a modification for recommendation to Section 2 on Page 9 of 13 as follows:

SECTION 2.: Land Use. The Area to be annexed has been granted a future land use category of Medium Density Residential in Orange County. Furthermore, the Area to be annexed has been granted a PD zoning designation in Orange County. The Preliminary Subdivision Plan, attached hereto as Exhibit "B", shall be used by the City of Belle Isle for purposes of development. Florida Statutes Sec. 171.062(2) states that if an area annexed was subject to a county land use plan and county zoning or subdivision regulations, these regulations remain in full force and effect until the municipality adopts a comprehensive plan amendment that includes the annexed area. It is intended that the county approvals remain in place to complete the development process and that the City of Belle Isle will process a subsequent comprehensive plan amendment assigning City MDR Future Land Use to the property.

Attorney Kruppenbacher stated that this modification will bring the City into compliance with the Florida Statute. It does not change any agreements that have been made, but establishes zoning for the City.

Mayor Pisano opened for citizen comment.

Matt Giglio residing at 3101 Trentwood Blvd, Belle Isle said he understands that the City has been speaking with his HOA subdivision. He asked once the property is annexed, unless there is a variance, there will be no community involvement. How can they continue to have a voice?

April Fisher recommended if there are any comments in respect to the preliminary plan exhibit, they should be heard and added for the record.

Cecelia Bonifay, Attorney representing Mattamy Homes said what may be helpful tonight is to allow the applicant who is present and answer some of the community concerns for the record.

Comm Lance, Comm Gold, Comm McGinnis and Mayor Pisano stated that they spoke with Mattamy Homes representatives and submitted an ex parte form for the record.

Clarke Sprinkle representing Mattamy Homes, with an office at 1990 Summit Tower Blvd, Orlando FL spoke to the project access into the community shown on Page 6 of the handout. He noted that they provided a raised median island on the exit of the project, which will limit traffic exiting the project by turning left or right only. They will not be able to go forward into Trentwood. He understands, in speaking with Comm Lance, that the traffic is mainly caused by traffic coming off of McCoy, cutting through Trentwood, to Daetwyler. He is proposing adding a turn lane in their community. He is also proposing installing a key-pad one-arm gate with a single left turn lane for Trentwood residents only. The initial installation cost will be provided by Mattamy homes. After the project, Mattamy homes will turn over to the City or Daetwyler Shores HOA for upkeep and maintenance.

Attorney Kruppenbacher stated that a City is not allowed to gate a public road in Florida. The City may need to make it a private road for the community, which will make all maintenance for the road the responsibility of that HOA. Attorney Kruppenbacher said he will need to working with the AG for further information

Matt Giglio stated that the gate is essential however; shared his concern that it may create more traffic for incoming/outgoing residents during rush hour. He proposed adding a traffic light on McCoy. Discussion ensued.

Mr. Sprinkle said he is not a traffic engineer however; he will certainly look into his concern and research some alternatives, like striping. He does not believe that a traffic light will be viable. In closing, he stated that he would like to move forward with the project as proposed, adding the additional turn lane.

Attorney Kruppenbacher said he will work with the developer and report back to Council.

Comm Lance motioned to approve Ordinance 16-07 as presented.

Comm Gold seconded the motion.

Comm Weinsier recused himself from the vote due to his family's trust involvement with the property and will provide a Form 8B for the record.

Motion passed 5:0 with Comm Weinsier recused from the vote.

PUBLIC HEARING CASE #2016-04-019

Applicant Christopher M. Comins, property owner, will request for approval a formal subdivision consisting of a combination of three parcels with a total land area of approximately 3.79 acres, a 13 lot single residential subdivision and a four slip boat dock at 7710, 7728 and 7740 Daetwyler Drive, Belle Isle, Orange County, Florida, also described as Parcel ID #29-23-30-0000-00-013, Parcel ID #29-23-30-4986-00-010 and Parcel ID #29-23-30-4986-00-040. Preliminary plat available at City Hall.

Jean Abi-Auon, Civil Engineer ~~of with~~ FEG representing the developer Chris Comins on the project located on the west side of Daetwyler between Meriwether Drive and Randolph Drive by the lake. The project consists of a combination of three parcels with a total of land area of 3.79 acres. He provided a zoning map and showed that the project complies with the standards of the R2 zoning district and is not requesting any variances for the subdivision. He provided a comparison to an approved project passed in December 2013, and said in essence they are reducing the impact from the existing conditions with a larger lot size. He noted that they are proposing an 8-slip boat dock shown on the handout. At the P&Z meeting they submitted the wrong request, and were informed ~~that~~ after discussion, they understand that they will have to go to DEP for approval. He is respectfully requesting approval of the proposed plan.

Mayor Pisano said one of the recommendations at the P&Z Board meeting is the 8ft masonry wall. Mr. Abi-Auon spoke of the eight-foot wall on the north side of the property and agreed. He requested, in addition, similar to what was approved on December 2013, to keep the last 40 feet of wall approaching the lake be leveled down to four feet to not block the lake view.

April Fisher, Consultant for the City, commented that there are provisions that will allow the eight foot wall without a variance under certain situations of safety and public welfare. She stated that if there is a substantial change to the original variance request it will need to be re-advertised for approval. She noted that the applicant was aware of the additional variances if it is the plan to increase the number of boat slips.

Mayor Pisano opened for public comment, there being none she closed for Council discussion.

Comm Nielsen asked for clarification on the name of the applicant and asked who the current owner of property is. Mr. Abi-Auon said the plan is submitted by the Florida Engineering Group and the current owner is Chris Comins. He stated that Mr. Fusilier was the broker on the initial application, and his name was kept on the application for continuity. The application will be corrected on final submittal.

Attorney Kruppenbacher said if Council approves the project it should be based upon the representation that the property is owner/applicant Chris Comins.

Comm Lance stated that he feels the project is too much density for the City. He asked for specifications on the retention. Mr. Abi-Auon said that the plans have not been finalized. Comm Lance stated that the ~~lakes~~ are a high priority and suggests the City ask for 95-100% of water treatment before it reaches the lake. Comm noted that there are many trees on that property and ~~hoping that~~ they will preserve as many of the mature oaks as possible. In regards to the docks, once a project hits a certain amount of boat docks, it falls under different regulations. He is having a hard time approving the number of docks. The boat dock will be ~~created~~ with joint ownership, and the State of Florida states that anyone who does not live on the lake does not have any Riparian Rights, and will create a dangerous precedence. .

Mr. Abi-Auon responded that the proposed plan is in compliance with the City Development Code, State requirements and St. Johns River Management. He stated that what is being asked is above and beyond, and may put his client ~~at~~ a disadvantage. He asks that they be held to the same standards as everyone else, and to the land development code. In respect to the docks, he is also complying with the Land Development Code with regards to setbacks. Discussion ensued.

April Fisher said that this meeting is to approve the plan as submitted to the P&Z Board. She recommended giving the applicant the opportunity to address some of the various issues during the final preliminary subdivision plan submittal and speak to how they meet the code. Discussion ensued. Comm Lane stated that he had researched this issue and had found that in both the State of Florida and Orange County, this plan would not pass.

Attorney Kruppenbacher recommended tabling the matter until the next meeting because the documents had only been received this evening and had not been reviewed by the City.

Comm Weinsier motioned for a continuance to the next meeting June 21, 2016.

Comm Gold seconded the motion which passed unanimously

Amy Trendafilov, address withheld from public record, asked that City Council keep in mind the resources that Belle Isle has when expanding the community. When new proposals are approved and the City is expanded, it places stresses on the current staff.

ATTORNEY'S REPORT

Attorney Kruppenbacher said last week Mayor Pisano, Chairman Brooks of Cornerstone Charter, himself and Chris Bernier, Associate Superintendent School of Choice for Orange County met to discuss the Cornerstone Charter Board. After much discussion, an agreement was reached by Mayor Pisano and Chairman Brooks that Mr. Bernier approved. This agreement is subject to approval by the City of Belle Isle City Council and the Cornerstone Charter Academy Board. The recommended agreement is that the current Mayor of Belle Isle Florida will immediately join the Board as a voting member. Upon the current Mayor of Belle Isle Florida no longer serving as the Mayor, the position of the Mayor of the City of Belle Isle Florida shall become ex officio to the Board. In April 2017, the terms of two Cornerstone Charter Board positions will expire. Those two positions will be filled by non elected individuals nominated by the City of Belle Isle City Council and confirmed by the Cornerstone Charter Board. At that time, one position will be voting and one will be non-voting. The non-voting position will convert to a voting position when the current City of Belle Isle Mayor no longer is in office, and the Mayor's position becomes ex officio.

The Cornerstone Charter governance documents will be modified to conform to the agreement. Finally, it is recommended that the City Council pass a motion approving the terms as set forth.

After Council discussion on alternative scenarios, Comm Nielsen said it will be beneficial to keep some city governance involved to continue to keep this as a charter school in a municipality, as it was founded.

Comm Nielsen motioned that the City accept the City Attorney's recommendation as presented. In addition, in the event that the Cornerstone Charter Board does not approve the recommended agreement, the Mayor is authorized to write a letter to the Orange County School Board to explore litigation on the City's behalf.

Comm Readey seconded the motion which passed unanimously.

Mayor Pisano opened for Council discussion.

Comm Lance asked for clarification on the Mayor's and City Council's involvement with the school administration, because it can be considered a conflict of interest. Attorney Kruppenbacher said he always thought that the City should have representation at the school but the Mayor and City Council should not be involved in the day-to-day or the decisions of the operating components. Discussion ensued. Comm Weinsier shared his concern on the residents continued participation with the school and would like the process be followed.

Comm McGinnis asked when and how will the two individuals be elected. Attorney Kruppenbacher said towards the end of March the City can solicit individuals to apply, and then send to the Charter School Board to confirm at the following meeting.

Karl Shuck resident ~~spoke strongly~~ stated that he ~~strongly~~ resented ~~strongly~~ the discussion that political reasons are the reasons for the way things are done by the Governing Board. He shared his concern on the political reference that occurred. Mayor Pisano noted and Mr. Kruppenbacher clarified that the political reference made referred to the Orange County School Board.

David Evertsen residing at 5131 St Michael Avenue ~~of St. Michael Avenue~~ thanked Attorney Kruppenbacher and Mayor Pisano for working out a solution and moving the process along.

Attorney Kruppenbacher noted he had several discussions with Chief Ring and noted that he has other opportunities he wishes to pursue and will be available for transition. Deputy Chief Houston will become the Acting Chief until a new City Manager is hired. Attorney Kruppenbacher asks that Chief Ring be appropriately acknowledged for his contributions to the City. Council discussed an adjustment in salary for the Acting Chief.

Mayor Pisano stated in the absence of not having a City Manager one of the concerns is having some approve payroll. Mayor Pisano stated that someone needs to be assigned to take care of those duties. Discussion ensued and Attorney Kruppenbacher asked that he be authorized to be acting City Manager, in consultation with the Mayor.

Comm Gold made a motion to give Attorney Kruppenbacher the legal authority, in consultation with the Mayor, to execute what needs to be executed and to take the steps to keep the City operational.

Council discussed ~~edion~~ adopting a Resolution that speaks to these matters so that it does not happen in the future.

Comm Nielsen stipulated that there should be limits, such as hiring new staff. Attorney Kruppenbacher stated if that was necessary; it would be brought back before the Council. He said, nothing will be changed, salaries will not be changed, and no money will be spent without coming back before the Council. He noted, after speaking with April Fisher, if there is any need to hire developers the City will be billed for any fees incurred.

Vice Mayor Readey seconded the motion; which passed unanimously.

Attorney Kruppenbacher addressed Comm Gold's concern on the police officer pension. He recommended that the discussion be tabled until the next meeting so that appropriate information can be researched and presented. Mayor Pisano also asked ~~eds~~ for research on the 401k contribution.

MAYOR'S REPORT

Mayor Pisano presented her District 6 City Council seat Lenny Mosse, the owner of Conway Cafe. The Mayor noted that there had been two responses to the posting of the open council seat. Mr. Mosse is involved in the community, and he is her choice for Mayoral appointment to fill the vacancy, as per the Charter.

The other applicant was in attendance, and Comm McGinnis ~~ask-asked~~ if he will be able to address Council. Discussion ensued on the process to fill a vacancy.

Vice Mayor Readey made a motion to accept the Mayor's appointment to District 6.

Comm Nielsen seconded the motion, which passed unanimously.

Commissioners were reminded of the required State ethics workshops so that they would be in compliance with State requirements.

Mayor Pisano addressed the City's proactive approach to the AIRBNB. April Fisher said the City may want to strengthen the current short term rental Ordinance 08-03.

COUNCIL REPORT

Comm Gold - District 1

Comm Gold stated he had ~~had~~ discussions with five of Belle Isle's police officers who are ready to leave the PD if no pensions are offered to them by the City. He shared his research regarding retention of officers, and feels the City is being hurt financially by not offering the officer's pension plans.

Comm McGinnis - District 2

Comm McGinnis presented the cost of signs that will be used to advertise City Council meetings. It was agreed that she obtain three quotes for approval.

Comm Weinsier - District 3

- Comm Weinsier would like more information about the permitting process for the removal of trees. He asked if there was a way to simplify the process and the requirements to remove a tree. Attorney Kruppenbacher stated that he will bring to the next meeting an outline of the process for review.
- Comm Weinsier asked if the city manager's position has been posted, and if so, where has it been posted. Comm Nielsen responded that it has been sent to the League of Cities, it is on the City website. The City Clerk noted that \$595 has been paid for the job to be posted on the ICMA (International City Management Association). She further added that it has been sent to the Florida League of Cities. The City Clerk noted that the City has received a total of 18 applications to date. Discussion ensued about how the applications will be reviewed and considered. Attorney Kruppenbacher stated that the resumes will be sent to Council 7-days in advance of the workshop.
- Comm Weinsier asked ~~on~~ the status of Agenda Pal. The City Clerk commented that there have been some problems with sending the audio and it is not compatible with I Pad at present. Comm Weinsier offered his help in moving it forward, if needed.
- Comm Weinsier would like the City to move to Google Apps for Government and registering a new domain name, and then migrating to the new address, belleisle.gov. Council agreed to move forward.
- Comm Weinsier asked ~~is-if~~ all council members are authorized to sign checks. The City Clerk stated the paperwork must be re-done. This is from the departure of the Interim City Manager.
- Comm Weinsier stated, for the record, that Chief Ring's resignation has nothing to do with the current Council. He further added that he supports the school and no one questioned the decisions that have been made. The one decision that was questioned was the process by which the By-laws were changed.

Comm Lance - District 4

- Comm Lance pointed out that at one time the permitting process within the City had been done through Orange County Inter-local Agreement, ~~then~~ and then was transferred to Universal Engineering. He would like to bring back inter local agreements with EPD for environmental issues, and is requesting it be on the agenda for the next meeting.
- Comm Lance would like Council to consider the number of days an agenda should be completed prior to a meeting. He is proposing that a period of five days be used to receive an agenda so that Council can make an educated decision about what will be ~~voting~~ voted on.

Vice Mayor Readey - District 5

- Vice Mayor Readey, commenting on Comm Lance's suggestion, stated that restructuring is a great idea, but not always practical because of limited City staff. He does agree that documents should not be presented ~~at~~ the day of a meeting for review.

Comm Nielsen - District 7

- Comm Nielsen stated that she continues to be concerned about the benefits and pay of Belle Isle police officers. She stated that Belle Isle pays its officers less than any other city in Orange County except Eatonville. She wants to know if people are willing to put more money into the police department. Comm Nielsen commented that citizens need to understand that a good police department doesn't just happen; you have to pay for it. She further noted that the Police Department building is inadequate. If we value our police department we need to put funds behind them and make them our priority. She stated that the FRS plan should not be ruled out and should be considered.

Comm Nielsen asked that this matter be included on the agenda for the next meeting. She said she would like to speak to Finance to see where the money can be found. Comm Nielsen said the City may have to look at increasing the ad valorem

- Comm Nielsen commented that Council may need to revisit Tree City USA. Every new commissioner should appoint a resident from their district to get the ball rolling. Comm Nielsen motioned that the Belle Isle City Tree Board be represented from their District and appointed by their Commissioner. Seconded by Comm Weinsier, unanimously approved.

ADJOURNMENT

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 9:45pm.

Yolanda Quiceno
CMC, City Clerk