



city council minutes

MINUTES
March 5, 2019
Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on March 5, 2019, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Lydia Pisano
Commissioner Gold
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Mike Sims
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

Commissioner Harv Readey

Also present were City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston and City Clerk Yolanda Quiceno.

Mayor Pisano welcomed Romeo Maxwell Shaw from Cornerstone Charter Academy who is Mayor of the Day.

CALL TO ORDER

Mayor Pisano called the City Council Regular Session to order at 6:30 pm and the City Clerk confirmed quorum. Commissioner Sims gave the invocation and led the Pledge to the flag.

CONSENT ITEMS

- a. Approval of the City Council meeting minutes – January 15, 2019
- b. Approval of the City Council meeting minutes – February 19, 2019

Mayor Pisano called for a motion to approve the consent items as presented.

Comm Nielsen motioned to approve the January 15th and 19th City Council minutes.

Comm Sims seconded the motion which was unanimously approved 6:0.

GIRL SCOUTS STORM DRAIN MARKING PROJECT

The Girl Scout Troops 7002 presented a brief overview of their Storm Drain Marking Silver Project on April 13, 2019, at City Hall. A flyer was provided for the record.

US CENSUS BUREAU

Channa Lloyd, Partnership Specialist for the Census Bureau with offices at 400 Marietta Street, Atlanta GA gave a brief overview of the 2020 Census Data Collection Operations and Community Involvement recruit effort. Ms. Lloyd stated that the representatives would be provided a badge as an identifier during the data collection process. For the additional record information was submitted to share with the residents.

Mayor Pisano reported that Comm Readey requested an excused absence today and called for a motion.

Comm Gold motioned to excuse Comm Readey for tonight's meeting.

Comm Nielsen seconded the motion which was unanimously approved 6:0.

CITIZEN COMMENT

Mayor Pisano opened for public comment.

- Barbara Kelley Residing at 6416 St Partin Place asked for an update on the street paving project for her neighborhood. Mr. Francis stated that the St Partin Place drainage project is projected for this budget year and is third on the list. The Nela and Wind Drift project are priorities because it affects street flooding.

There being no further citizen comments Mayor Pisano closed and public comments.

UNFINISHED BUSINESS

ORDINANCE 18-05 – FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING PLANNED DEVELOPMENT DISTRICTS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ZONING CLASSIFICATIONS; BY AMENDING SECTION 54-77, PLANNED DEVELOPMENT DISTRICT PD; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

City Clerk read by title.

City Manager Francis said the P&Z Board discussed changing the Land Development Code at the April 24, 2018 meeting. Council had concerns on the removal of the table regarding residential densities. In speaking with the City Planner, she informed him that the table is part of the City's Comprehensive Plan and did not belong in the Land Development Code. Having a comprehensive plan language also in the land development code could create internal conflicts between the documents if the text of the comprehensive plan or land development code is amended.

April Fisher, City Planner said the Comprehensive Plan is the policy document that is required by the State and establishes future land use classifications. Some of the languages are also in the Land Development Code creating some internal inconsistencies and can create problems down the road. The staff will be proposing clean-up to the entire Land Development Code, and this is the first request. It is not taking any protection away from the City.

Comm Carugno asked if the changes are comparable with Orange County. Ms. Fisher said the changes to the Land Development Code are based on what Belle Isle requires however, are similar to Orange County.

**Comm Sims moved to adopt Ordinance 18-05 to second reading and adoption at the following Council meeting.
Comm Nielsen seconded the motion which passed unanimously 6:0.**

NEW BUSINESS

Lot Split Application for 7020 Seminole

City Manager Francis said The City had received an application for a lot split at 7020 Seminole Drive. Under Section 50-33 it reads, with the prior approval of the city council, any lot or parcel not located within a planned unit development may be divided by lot split also long as the two resulting lots or parcels meet in every respect the Land Development Code's requirements for newly created lots or parcels. During previous discussions, it is determined by the Council that the request did not meet the required minimum lot width requirement. Since then the new application is requesting approval for two lots, one with a frontage of 85 ft and the other rear lot width of 85 ft. It depends on Councils interpretation of the definition of lot width will determine if the application meets every aspect of the Land Development Code.

Mr. Francis stated that the Land Development Code defined lot width as the horizontal distance between the side lot lines, measured at right angles to the depth. The definition of Lot Depth is the distance measured from the midpoint of the front line to the midpoint of the opposite rear line of the lot. Mr. Francis said as part of the application the City received a letter from the applicant's attorney stating if this is not approved it will be the grounds of legal action. He said he doesn't believe the intent of that statement was a threat and legal action. The intent was to continue the application with the 70-51 Request for Relief process.

Mr. Francis stated that he was remiss in forwarding the application to the City Planner for review and has asked her for a report. April Fisher reported that two main areas are a "Cause to Pause." Before this lot split can be considered by Council she addressed the two variances required as follows,

1. The requirement for aggregation of lots (Section 54-2(b)) – She said Section 54-2(b) is important because these lots were previously aggregated. The current home was built in 1948 and sits on both lots. This application will need to have that variance to be heard by the P&Z Board and decided first.
2. Meeting minimum lot width – Concerning the 85ft lot width, there are several sections of code that identify how a lot width is determined. From the definition section, if you measure with right angles to the depth that is a 90-degree angle. If there is anything less than that, on any portion of the lot, it will be less than the required 85ft.

In the letter submitted by the applicant, Section 50-35(b)(3) deals with access of a lot and makes provisions for areas that have a cul-de-sac. The applicant left out some additional language that included remnant (flag lots) cannot be created. Also, Section 50-35(b)(4) identifies that lot widths be measured as perpendicularly possible with the expectation that there will be lots with right angles which is how lots are predominantly built out in the City.

Because of those two items, the two variances will have to be dealt with before the Council can discuss and approve a lot split. The lot split will not become legal without the approval of the two variances.

Discussion ensued on previous code revisions and lots platted before 1957.

April Fisher recommended that the variance process is exhausted by the applicant before the lot split can be considered by City Council.

Comm Nielsen moved to send the question to the Planning & Zoning Board if the applicant agrees.

Attorney Ardaman asked if the applicant would like to move forward or will they be willing to go through the variance process as recommended by the City Planner.

Attorney Logan Opsahl representing the applicant with offices at 921 Bradshaw Terrace, Orlando, FL 32804 said, in regards to those who will speak in opposition, the 7020 Seminole Lot Split application does meet all aspects of the Code. He asked for clarification on the definition of the midpoint of lot depth before moving to forward.

April Fisher said the lot depth definition is the distance measured from the midpoint of the front line to the midpoint of the opposite rear line of the lot. This definition is not part of the lot width definition.

Attorney Logan Opsahl clarified that this application is preserved against any possible future moratoriums on lot splits if the applicant moves forward with the variance process as discussed. Attorney Ardaman recommended if a moratorium is passed the Council agree to the request and build in a pending application. Attorney Opsahl asked that the staff preserve all emails and comment cards for the record.

Comm Pete Clarke

Mayor Pisano recognized Comm Clarke. Comm Clarke thanked Mayor Pisano for her years of service.

Franchise Agreement with Duke Energy

City Manager Bob Francis presented and gave an overview of the utility franchise tax between the City and Duke Energy. The City currently does not receive any form of compensation from Duke in exchange for the use of public right-of-ways. The franchise fees are a pass-through cost, from the customers within the city's jurisdiction to the City. We currently collect franchise fees for garbage, propane gas and telecommunications. Mr. Francis said the taxes could be held in a restricted fund used only for the maintenance of its public right-of-ways. Mr. Francis proposed a 5-6% franchise fee as a revenue source.

Council discussed the following,

- using the restricted funding for underground power
- using the restricted funding to repair the broken infrastructure
- passing a franchise fee vs. raising the mileage
- raise fees slightly higher for commercial properties
- explore partnering with the City of Edgewood
- not a good revenue source for new annexation

Mr. Francis said it is important to know that the City can also explore franchise fees for water and sewer.

Comm Nielsen moved to authorize the City Manager to move forward with an ordinance concerning a 5% franchise fee and designate the funds for road right-of-way maintenance.

Comm Sims seconded the motion for discussion.

After discussion, the motion passed 5:1 with Comm Gold, nay.

Police Advisory Committee (PAC)

City Manager presented consideration in creating a Police Advisory Board to assist the Police Department as a liaison with the community.

Chief Houston said the creation of the Advisory Board would assist with the communication between the Agency and the community. Some of the benefits are outlined in the Resolution and also included,

- help the public develop realistic expectations regarding actions a police officer may take to fight crime
- promote the goals of the police department and public outreach
- help identify needs for resource deployment
- improve the department's relationship by helping maintain the reputation and fairness of the department

Comm Weinsier moved to adopt Resolution 19-04 creating a Police Advisory Committee.

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

ATTORNEY REPORT

Attorney Ardaman provided a Memorandum of Law for an advisory opinion in respect to vacation rental properties and pilot programs submitted to the Florida Attorney General's Office at Council's direction. Attorney Ardaman reported that he had not received any information at this time.

CITY MANAGER'S REPORT

Issues Log update

City Manager Francis provided the following updates,

- Gene Polk Park - Mr. Francis reported that he applied for a mitigation program with FEMA and signed other documents today.
- Paving Around City Hall and Nela Avenue – The contractor will provide a start date and cost on March 6th.
- Traffic Study – He will be meeting with the consultant to finalize the project. The social media group is looking to schedule a webinar with the consultant and the residents on March 21st.
Mr. Francis reported that the City was directed by Orange County to remove the barricades on Conway/Hoffner intersection. The City will submit for a permit to put them back up.
- Fountain at Nela/Overlook – no report.
- Wallace/Matchett – He received renderings from the school. He reported that the City has installed additional no parking signs on Wallace/Matchett.

- Acquisition of Property – The Mayor and City Manager met with Comm Uribe and the adjacent property owners on Cross Lake. They are going to submit to the City a possibility to designate some of the property as a right-of-way instead of open space. Mr. Francis also reported that he met with the oak Island HOA for a piece of property on Kissam Court. Also, he is waiting for further information on the Bank of America building.
- Charter School – The consultant would like to meet to discuss a land lease. Mr. Francis said he does not have much experience on land lease contracts and would look to Comm Partin or Mayor Pisano for direction on how that would work for the City — He is also researching Solar Power at the Charter School.
- Municipal and Comp Plan Updates – Ongoing.
- Parking – Ordinance is being drafted and looking to present sometime in April.

Chief's Report

Chief Houston reported,

- Car burglaries. Lock your car doors and harden the target.
- The Police Department applied for a grant for overtime and message board.

Mayor's Report

Mayor Pisano gave a brief overview of the legislative updates.

Mayor Pisano asked for open dates for the City Manager review. Council consensus was to schedule a meeting a March 27th at 6:30 pm.

Legislative update

Mayor Pisano reported that she met with Senator Stewart and discussed,

- Funding for Delia Beach.

COUNCIL REPORT

Comm Gold - no report

Comm Carugno

- Update on Airbnb's
- Shared his concerns on the dirt bikes and 4-wheelers on Hoffner
- He requested an update for a 3rd boat on the water. Mr. Francis said he would follow-up with the NAV Board on an Interlocal Agreement

Comm Weinsier – no report

Comm Sims – no report

Comm Partin – no report.

Comm Nielsen - Comm Nielsen reminded Council of a report received on Oct 1, 2018, from the City Manager on lot splits. She would like the Council to give the City Manager direction on how to move forward. She provided a few suggestions for discussion at a future workshop.

Mr. Yarborough was recognized. He shared his gratitude to the Police Department for their timely response.

ADJOURNMENT

There being no further business Mayor Pisano and Mayor for the Day Shaw called for a motion to adjourn. The motion was passed unanimously at 8:40 p.m.

Yolanda Quiceno, CMC, City Clerk