



## CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, May 02, 2023, \* 6:30 pm

### MINUTES

Present was:

Nicholas Fouraker, Mayor  
District 1 Commissioner – Ed Gold  
District 2 Commissioner – Anthony Carugno  
District 3 Commissioner – Karl Shuck  
District 4 Commissioner – Randy Holihan-Zoom  
District 5 Commissioner – Beth Lowell  
District 7 Commissioner – Jim Partin

Absent was:

District 6 Commissioner – Stan Smith

#### 1. Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order at 6:30 pm, and the City Clerk confirmed the quorum.

Also present were Attorney Chumley, Acting Chief Millis, Public Works Director Phil Price, and City Clerk Yolanda Quiceno.

#### 2. Invocation and Pledge to Flag

Comm Carugno gave the invocation and led the pledge to the flag.

Mayor Fouraker announced that Comm Holihan would be attending the meeting via Zoom, and City Manager Grimm is attending a pre-scheduled training. He also called for an excused absence for Comm Smith.

**Comm Lowell moved to excuse Comm Smith from tonight's meeting.**

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

#### 3. Consent Items

- a. Approval of the City Council Meeting Minutes - April 18, 2023

**Comm Shuck moved to approve the consent item.**

**Comm Lowell seconded the motion, which passed unanimously 6:0. Comm Smith was not in attendance.**

#### 4. Citizen's Comments

Mayor Fouraker called for citizen comments.

- Gary Meloon residing at 6101 Matchett Road, spoke in opposition to the school expansion.
- Randolph Rimes residing at 1125 Lacon Avenue, Orlando, FL, spoke in opposition to the school expansion.
- Albert Rimes residing at 5603 Marinell Drive, Orlando, FL, spoke in opposition to the school expansion.
- Susan Day, residing at 3821 Seminole Drive, was absent and submitted a card supporting the school expansion.
- Janelle Barfield, residing at 3848 Isle Vista Drive, spoke to support the school expansion.
- Paula Downey residing at 1400 Nela Avenue, spoke to support the school expansion.
- Kellie West residing at 6504 Saint Partin Place, spoke to support the school expansion.
- Michelle Casey residing at 5121 Oak Island Road, spoke in support of the school expansion.
- Amy Trendafilov residing at 2727 Nela Avenue, spoke to support the school expansion.
- Courtney Luckado residing at 1714 Conway Isle Circle, spoke to support the school expansion.
- Joey Lockado residing at 1714 Conway Isle Circle, spoke to support the school expansion.
- London Downey residing at 1400 Nela Avenue, spoke to support the school expansion.
- Yrianna Colon residing at 428 W Oak Ridge Road, Orlando, spoke in favor of the school expansion.
- Silas, a CCA student, spoke in support of the school expansion.
- Allen Gatlin residing at 4907 Jinou Avenue, spoke to support the school expansion.
- Anthony Tiani residing at 5603 Marinell, spoke of the school expansion and stated that the lottery system used is unfair.
- Comm Partin read for the record an email received by Charlyne Cross dated April 30, 2023.-

## 5. Unfinished Business

- a. Ordinance 23-02 Second Reading and Adoption - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA REZONING THOSE CERTAIN PROPERTIES OWNED BY THE CITY OF BELLE ISLE LOCATED AT 5903 RANDOLPH AVENUE, 906 WALTHAM AVENUE, 6300 HANSEL AVENUE, "SUB OF HARNEY HOMESTEAD C/53 LOT 9 (LESS W 224.28 FT OF LOT 9 & LESS E 228.47 FT OF SAID LOT 9 & LESS R/W ON N & S)", AND 6049 RANDOLPH AVENUE, ALSO KNOWN AS ORANGE COUNTY TAX PARCELS # 24-23-29-3400-00-073, 24-23-29-3400-00-092, 24-23-29-3400-00-094, 24-23-29-3400-00-095, AND 24-23-29-3400-00-114, FROM C-1, C-2, R-1A, AND R-2 ZONING DISTRICTS TO PLANNED DEVELOPMENT DISTRICT (PD); REZONING THAT CERTAIN PROPERTY OWNED BY CORNERSTONE CHARTER ACADEMY, INC. LOCATED AT 5929 HANSEL AVENUE, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL #24-23-29-8820-00-050, FROM C-1 ZONING DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PD); REZONING THAT CERTAIN PROPERTY OWNED BY PINE CASTLE METHODIST CHURCH, INC. LOCATED AT 942 FAIRLANE AVENUE, ALSO KNOWN AS ORANGE COUNTY TAX PARCEL #24-23-29-3400-00-093, FROM C-1 ZONING DISTRICT TO PLANNED DEVELOPMENT DISTRICT (PD); PROVIDING FOR CERTAIN PERMITTED, PROHIBITED AND SPECIAL EXCEPTION USES AND DEVELOPMENT STANDARDS AND REQUIREMENTS WITHIN THE PLANNED DEVELOPMENT; DESCRIBING THE PLANNED DEVELOPMENT INCLUDING ALL THE AFORESAID PROPERTIES AS THE CORNERSTONE CHARTER ACADEMY PD; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Fouraker reminded the Council that this hearing is procedural and a zoning matter that cannot be unreasonably withheld.

Comm Holihan asked when the Council and residents will have the opportunity to speak on the Site Plan and include conditions. Raquel Lozano, City Planner, said questions and concerns should be asked at this meeting regarding what has been submitted. With a PD application, there is a 2-Phase process, (1) Approval of the Concept Plan (rezoning); and, if approved, (2) 9 months to receive approval of the Development Plan from other entities, including Belle Isle, FDOT, and St. Johns Water Management. She added that if the Development Plan has any significant changes/deviations from the Concept Plan, it must be resubmitted, and the process must be restarted, per Code.

City Attorney Chumley read Ordinance 23-02 by Title.

William Brooks, Chairman of Cornerstone Charter Academy Board, gave an overview of the school's accomplishments and presented a PowerPoint presentation on the school expansion. He said they had abided by the rules, law, and Code. He noted P&Z Board and Staff approval of the requested rezoning per Ordinance 23-02;

### Staff Recommendations

- Concept Plan and Code Provisions
- Permitted Uses and Special Exception Uses
- Maximum Building Height ▪ 4 stories / 57 feet
- Setbacks consistent with the Concept Plan and Intensity
- 0.45 Floor Area Ratio and Maximum Impervious Surface o .70
- Architectural Features Consistent with the Concept Plan
- Vehicular Parking / Ingress / Egress, Lighting, Landscaping, Landscaping Buffers, Recreation, Open Space, Development Plan, Expiration and Violation

### Planning & Zoning Board Conditions

- Randolph Ave is to be closed ONLY during the Pick-up and Drop-off hours of the school and shall include appropriate safety measures.
- Eliminate "Required" and "Allowable" columns on the site plan and reflect the floor area ratio, impervious surface ratio, and building setbacks standards.
- Under sec.54-77(e) (5), the Code requires the next phase of the PD process to govern "the use of land and the construction, modifications, or alterations of any buildings, structures or other improvements" on the property. The Site Note must be modified to reference the Development Plan, not the Final Construction Plans.
- The Title of the Plan Set needs to be Cornerstone Charter School CONCEPT Plan, not Development Plan. Consistency with Code verbiage is important to eliminate any confusion in the future.

Rolando Llanes presented the project and spoke specifically on the site plan facilities and proposed conditions for traffic simulation for the elementary and high school shifts. Based upon the preliminary assessment of trip generation/ trip distribution, they determined that the roads would not be significantly impacted. Data was collected for further analysis, and results show that these intersections will operate at acceptable Levels of Service at buildout.

**Comm Shuck moved to adopt Ordinance 23-03.  
Comm Partin seconded the motion.**

Comm Lowell asked if some items, such as the lighting and traffic pattern, may not constitute a major change to the development plan but asked if they can be reevaluated within 180 days of installation.

Comm Carugno asked if conditions could be placed later if approved. Mayor Fouraker said Ms. Lozano outlined the process, clarified the dual process, and said conditions might be set at either approval hearing. Attorney Chumley noted the Council is approving the Concept Plan primarily on the Land Use Development Code (lighting, landscaping, buffers, open space requirements, parking, egress, and ingress). Noise is not part of this process and should be addressed by Code.

Comm Carugno clarified that most of the complaints and concerns by the residents deal outside of the Concept Plan; noise, traffic patterns, student classrooms spacing, belle isle resident enrollment, and size. Attorney Chumley said operational aspects of the project could be addressed later with the Use Agreement, assuming they arise.

Comm Partin asked what level of scrutiny Orange County, FDOT, and St Johns will provide in the next steps to assist with project approval. Jean Abi-Aoun said other agencies would complete a full review of the project improvements. CCA would be required to submit a complete traffic study, drainage and construction plans, and approval of the Concept Plan. Some changes may come from the reviews; the staff will work through them for compliance, and a final Engineered Development Plan will be provided for Council approval. He further spoke of the proposed traffic patterns conservative analysis.

Comm Gold asked what protection the residents in the surrounding area will have regarding light and sound pollution. And what would be a legitimate reason to deny the zoning change? Attorney Chumley said the noise and light concerns are speculation and can be negotiated later if there is an objection to the concept plan, unreasonable building placement, or exit plan. Comm Gold said he would like policy changes and a large vegetative barrier to respond to the noise and light concerns.

Comm Holihan asked the Council if they wanted to add conditions now or if they could do it later. He believes that once the site plan is approved, they may be unable to place any conditions regarding the Concept Plan. Mayor Fouraker said if the Council has any conditions, they must place them now. He said he respects the motion on the floor; however, he would like to table the discussion to discuss other conditions that the City may be comfortable with.

**Comm Shuck called for the question.  
Comm Carugno called for a Point of Order.  
Attorney Chumley recommends tabling the request but continuing approval to a time certain if desired by Council.**

Mayor Fouraker called for a 5-minutes recess.  
The meeting was reconvened at 8:53 pm.

Mayor Fouraker addressed the process for calling a motion per Rosenberg's Rules of Order. He then asked Comm Carugno to State his Point of Order.

Comm Carugno asked if Comm Holihan made a motion to table discussion.

Comm Holihan said he did not table the motion before Comm Carugno called Point of Order.

**However, Comm Holihan said he would like to make a motion to continue to discuss conditions at the next City Council workshop date. There being no response, the motion dies for lack of a second.**

Attorney Chumley said if there is no substantive change to alter the Title of the ordinance, then it will not have to go back to the first reading.

Mayor Fouraker called for a motion to extend the meeting by 30 minutes.

**Comm Lowell moved to extend the meeting by 30 minutes.**

**Comm Gold seconded the motion, which passed 4:2 with Comm Carugno and Comm Holihan, nay.**

After discussion, Comm Gold said he would like staff and the applicant to agree to light and noise provisions. Mr. Brooks said they would be open to entertaining further review of the traffic patterns in 180 days, as requested by Comm Lowell. The Development Order is for the details of Engineering (stormwater and environmental). If the CCA staff violates the noise ordinance, they should be treated like everyone else and cited. In addition, he noted that they are not adding lights other than what already exists. They will be required to install security lights per Code. Mr. Brooks said,

- The lighting plan will be per Florida Building Code – they are not altering the athletic field lighting.
- Rooms and spacing in the Concept Plan meet Florida standards for schools.
- Queuing can be started earlier and updated as they continue to build the campus—the traffic plan will not occur all at once and will occur in phases.
- The traffic study is very conservative and assumes no bikers, golf carts, walkers, and after-school kids.
- 40-nights a year of events on the field, and very rare (district tournament or rain) that they will go past 9-10 pm.
- Meet and exceed landscaping standards.
- 222 spaces required by law – they propose 298.
- They fully complied with the PD submission and agreed to work with staff and the Council on the site plan permits.

Jean Abi-Aoun said the right time to ask questions had been asked in the last three meetings. They are asking for a zoning change for consistency. This project has several permits that will be further reviewed for compliance, which the State and Local agencies highly regulated. He further added that schools must comply with traffic standards and believe they have presented and met the requirement.

Attorney Chumley read Section 54-77 of the City Code, which provides the preliminary concept plan. Applications for PD districts shall be accompanied by a preliminary concept plan and supporting documents that properly present the necessary basic data:

- a. Location and size of the entire proposed development.
- b. Existing topographic character of the land.
- c. Existing and proposed land use classifications.
- d. Table showing existing and proposed use by type, density, and building sizes.
- e. Location of existing and proposed streets and roadways.
- f. Identification of areas to be dedicated to the public.
- g. Identification of areas for recreation and open space.
- h. Typical examples of each building type proposed.
- i. Location of proposed buildings.
- j. Surrounding zoning.
- k. Other information from the pre-application conference.

Within nine months, if approved, the applicant should bring forward a development plan with provisions for necessary improvise of water, sewage, drainage, lighting, row easements, pedestrian/building locations, conditions, agreements, etc. The Council is granting the Concept Plan tonight, and a Development Plan will be addressed later to discuss the more technical issues.

Comm Carugno asked if he could request a change to the motion to add a workshop before approval.

**Mayor Fouraker called for a roll call vote to adopt Ordinance 23-03 set by Comm Shuck.  
The motion passed 4:2 upon roll call with Comm Carugno and Comm Holihan, nay.**

**Comm Carugno moved to discuss CCA noise, traffic, and lighting concerns at the next workshop.  
Comm Partin seconded the motion, which passed 4:2 with Comm Gold and Comm Shuck, nay.**

**Comm Lowell moved to extend the meeting an additional 15 minutes.  
Comm Gold seconded the motion with passed 5:1 with Comm Carugno, nay.**

#### **6. New Business**

- a. Appointment of Vice Mayor – Sec. 4.03. Vice-mayor: Election.

**Comm Carugno moved to nominate Comm Beth Lowell.**

**Comm Smith seconded the motion, which passed unanimously 6:0.**

- b. Approval of RFP 23-03 Bid for Sidewalk Repair and Replacement

Mr. Price, Public Works Director, said after a careful review of all the bids received for the Sidewalk Repair and Replacement, he recommends that the Mayor and Council members award this RFP to Groundwerks Inc. Groundwerks Inc. meets all criteria outlined in the packet and has performed many other projects for the City of Belle Isle. There was a total of six bidders that submitted a bid as follows,

○ Associates Cost Engineers, Inc. of Delaware	644,442.60
○ Algat Enterprises, Inc.	306,300.00
○ Schuller Contractors Incorporated	330,800.00
○ Garcia Civil Contractors	338,775.08
○ AJ General Construction Services, Inc.	420,750.00
○ Groundwerks Inc.	280,200.00

Comm Gold said he would like staff to review piggyback options before approval. The Council discussed additional sidewalk projects. If there is overage, it should be returned to the Budget Committee for review and funding commitments.

**Comm Carugno moved to approve the proposal submitted by Groundwerks Inc for \$280,200.00.**

**Comm Lowell seconded the motion, which passed 5:1 with Comm Gold, nay.**

#### **11. Adjournment**

With no further business, Mayor Fouraker called for a motion to adjourn.

The motion passed unanimously at 10:00 pm.