



city council minutes

MINUTES
June 19, 2018
City Council Regular Session:
Regular Session 6:30pm

The Belle Isle City Council met in a regular session on June 19, 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 Gold
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Mike Sims
Commissioner Sue Nielsen

Absent was:

Commissioner Jim Partin

Also present was City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston and Admin Assistant Heidi Peacock.

CALL TO ORDER

Mayor Pisano called the regular session to order at 6:33 pm and the City Clerk confirmed quorum.

Comm Sims gave the invocation and led the Pledge to the flag.

Mayor Pisano called for a motion to excuse Commissioner Jim Partin.

Comm Gold motioned to excuse Commission Jim Partin's absence.

Comm Weinsier seconded the motion which passed unanimously.

CONSENT ITEMS

- a. Approval of the City Council meeting minutes for June 5, 2018
- b. Resolution 18-06 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AUTHORIZING COUNCIL MEMBERS AND THE CITY MANAGER AS SIGNATORIES ON THE CITY CHECKING ACCOUNTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE
- c. RESOLUTION NO. 18-07 - RESOLUTION AUTHORIZING COLLECTION OF SOLID WASTE FEES FROM THE RESIDENTS OF THE CITY OF BELLE ISLE FOR TAX YEAR 2018
- d. RESOLUTION 18-08 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AUTHORIZING TRANSMISSION OF A PROPOSED NON-AD VALOREM STORMWATER UTILITY ASSESSMENT ROLL TO THE ORANGE COUNTY PROPERTY APPRAISER FOR INCLUSION ON THE NOTICE OF PROPOSED PROPERTY TAXES AND NON-AD VALOREM ASSESSMENTS PURSUANT TO SECTION 200.069, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

Comm Sims motioned to approve the consent items a-d as presented.

Comm Nielsen requested grammatical changes to the motion on Page 5 of the minutes.

Comm Gold requested adding the motion to the minutes which excused Comm Weinsier' and his absence.

Comm Carugno seconded the motion, with the changes as discussed. The motion passed unanimously 6:0.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Carla Stalker residing at 7410 Daetwyler Drive spoke in opposition of the short term rentals/AirBnBs.
- Pam Crotty residing at 6642 The Landings Drive spoke in support of the short-term rentals/AirBnBs.
- Machele Rowe residing at 3544 Country Lakes spoke in support of the short-term rentals/AirBnBs.
- Tam Nguyen residing at 3666 Country Lakes spoke in support of the short-term rentals/AirBnBs.
- Jerry Edge residing at 1806 Swann Avenue spoke in support of the short-term rentals/AirBnBs.
- Chris Shenefelt residing at 1722 Hoffner Avenue spoke in support of the short-term rentals/AirBnBs.
- Pam Lowe residing at 3543 Country Lakes Drive spoke in support of the short-term rentals/AirBnBs.

- Peter Kovachec residing at 5120 St. Germaine Avenue spoke in support of the short-term rentals/AirBnBs.

There being no further comments, Mayor Pisano closed citizen comments and opened for Board discussion.

UNFINISHED BUSINESS

a. Discussion on short term rentals

Mr. Francis presented a draft ordinance and stated that the staff has discussed and drafted the ordinance at length for Council review and approval. The proposed use allows very little economic value to the City of Belle Isle and Code Enforcement can be problematic. A few questions have been asked and not previously discussed is, what is the purpose for the policy change to allow short-term rentals? Is it beneficial to the community and Belle Isle in the long run?

Comm Nielsen said she believes there are other kinds of value besides economic. The idea of property owners sharing their homes with a traveler is a "Belle Isle" thing to do. In addition, we should respect that the older, long-term residents want to stay in Belle Isle and help them make that possible. The ordinance should be two pages because in the long run there are not going to be many short-term rentals in the City.

Comm Nielsen said most of the existing short-term rental homes are maintained because the extra income helps them keep their homes in good shape. She realizes that the City of Orlando does have the additional staff to enforce restrictions and we do not; however, there are currently only seven businesses operating in the City limits and believe an owner-occupied residence is the right course to take.

Comm Readey asked Mayor Pisano if she has any vested interest personally or with the company she is employed at with allowing short-term rentals/AirBnBs in the City. Mayor Pisano said no, she does not have any vested interest.

Comm Readey said there are several reasons to restrict the use mainly because we do not have the resources in this small City to enforce the ordinance. There are many who claim they will suffer financially if they cannot continue their business however, he is also on a fixed income and if he can no longer provide for his home he will sell and move on. He would like to maintain the integrity of the neighborhood for the benefit of its residents and the children.

Comm Gold asked what will be the burden to law enforcement or the City resources. There is currently no difference in regulation or enforcement of a short-term rental or a property owner who has daily visitors. He is in favor of regulating the laws for the purposes of telling success stories and lessons learned and cannot see any reason to prohibit the use.

Comm Carugno said Section 207.30 states no short-term rentals allowed in the City. This was placed in the code for a reason. Council has received several emails and letters in support and opposition from both sides and asked if it is possible to place the question on the next election ballot to get a response for everyone in the City and not just those who attend the meeting. Attorney Ardaman said there are prohibitions on placing certain questions on the ballot. He will have to research the request further and report back to Council at the following meeting.

Comm Weinsier discussed passing the ordinance, as restricted, then add or subtract as needed moving forward. Attorney Ardaman said amending the ordinance after the adoption is allowed as long as it doesn't prohibit or impose an inordinate burden on an allowable use. They further discussed passing the ordinance on a trial basis. Attorney Ardaman said he is reluctant to do so because it may cause other issues and impose an expensive proposition to those homeowners. Comm Weinsier shared his concern with owner-occupied homes and further guidance on the over burdensome ordinance.

Attorney Ardaman further added that the City cannot prohibit the number of short-term rentals or restrict the duration or frequency.

Discussion ensued on the regulation process. After discussion, Comm Readey motioned to schedule a work session to discuss short-term rentals further before passing the ordinance.

Comm Nielsen seconded the motion for discussion.

Comm Gold asked that the ordinance is re-written in a simpler form.

Comm Carugno asked to table to the discussion.

Comm Nielsen amended the motion to allow the existing AirBnB operators continue their business in the interim and not enforce the City's code to those who have identified themselves. Discussion ensued.

Comm Gold seconded the motion.

Comm Readey accepted the amendment.

Upon roll call, the motion to pass the amendment failed 3:3,

Comm Readey, nay
Comm Weinsier, nay
Comm Carugno, nay
Comm Gold, aye
Comm Sims, aye
Comm Nielsen, aye

Comm Readey motioned to schedule a work session to discuss short-term rentals further before passing the ordinance.

Upon roll call, the motion to schedule a work session passed 4:2,

Comm Readey, aye
Comm Weinsier, aye
Comm Carugno, aye
Comm Gold, nay
Comm Sims, aye
Comm Nielsen, nay

Comm Nielson motioned to instruct Code Enforcement not to enforce the ordinance on the existing AirBnB operators until City Council passes an ordinance. Attorney Ardaman said he does not recommend overruling enforcement of an ordinance on the books.

Comm Gold seconded the motion.

Upon roll call the motion to not enforce the ordinance in the interim passed 4:2,

Comm Readey, aye
Comm Weinsier, nay
Comm Carugno, nay
Comm Gold, aye
Comm Sims, aye
Comm Nielsen, aye

Council consensus was to schedule the workshop to further discuss short-term rentals for July 29th, 2018 at 9:00 am.

- b. ORDINANCE NO. 18-06 - FIRST READING AND CONSIDERATION: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY CODE ENACTING A FERTILIZER MANAGEMENT ORDINANCE REGULATING THE APPLICATION OF FERTILIZER TO LAWNS AND TURF IN THE CITY OF BELLE ISLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR SEASONAL RESTRICTIONS ON FERTILIZER APPLICATION; PROVIDING RESTRICTIONS FOR FERTILIZER CONSTITUENTS PHOSPHORUS AND NITROGEN; PROVIDING FOR RESTRICTIONS IN RATES OF FERTILIZER APPLICATION; PROVIDING FOR TRAINING REQUIREMENTS FOR COMMERCIAL APPLICATORS OF FERTILIZER; PROVIDING FOR EXEMPTIONS; PROVIDING FOR VARIANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR LIBERAL CONSTRUCTION; PROVIDING FOR INCLUSION INTO CODE; AND PROVIDING FOR CONFLICTS, CODIFICATION AND AN EFFECTIVE DATE.

Comm Nielsen motioned to advance Ordinance No. 18-06 to a second reading and adoption.

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

- c. **ORDINANCE NO. 18-07 - FIRST READING AND CONSIDERATION: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING A 90-DAY MORATORIUM ON LOT SPLITS AS GOVERNED BY SECTION 50-33(6) OF THE CITY CODE; PROVIDING THAT THE CITY SHALL NOT ACCEPT, PROCESS, OR CONSIDER LOT SPLIT APPLICATIONS DURING THE MORATORIUM; PROVIDING FOR EXTENSION, EXPIRATION, AND RENEWAL OF THE MORATORIUM; PROVIDING FOR SEVERABILITY, CONFLICTS, NONCODIFICATION, AND AN EFFECTIVE DATE.**

**Comm Nielsen moved Ordinance No. 18-07 to a second reading and adoption.
Comm Carugno seconded for discussion and asked why?**

Mr. Francis said the 90-day moratorium on lot splits per Section 50-33(6) must be done by ordinance and will give staff time to research problems, issues and long-term detrimental impacts to residents, structures, property values or any other adverse impacts from lot splits. The City will not accept any lot splits for 90 days. Mr. Francis said the City has not received any new applications to date. Discussion ensued.

Council discussed the purpose and need for the Ordinance. Comm Nielsen said the Planning & Zoning Board have been granting variances that do not meet the criteria in the City's land development code. The City must decide if (1) we need to keep the land development code as written, or (2) provide training to the Planning & Zoning Board members.

Upon roll call, the motion to advance Ordinance 18-07 passed 4:2,

**Comm Readey, aye
Comm Weinsier, aye
Comm Carugno, aye
Comm Gold, nay
Comm Sims, nay
Comm Nielsen, aye**

**Comm Nielsen moved to direct the City Attorney and City Manager to provide training for the Planning & Zoning Board on an annual basis so that they understand their role under Sunshine Law and Ethics Training.
Comm Sims seconded the motion which passed unanimously 6:0.**

- d. Discussion of proposed charter change requiring 60% public support for future charter changes.
Mr. Francis said at a previous meeting Council discussed a charter change requiring a 60% elector change.

Comm Weinsier said the change allows for a larger majority to make any future charter changes.
Comm Weinsier motioned to direct the City Attorney to prepare a proposed change that must pass by at least 60% of the total vote at an election.

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

ATTORNEY'S REPORT – no report.

CITY MANAGER'S REPORT

Mr. Francis reported on the following,

- a. NAV Board June 12, 2018 meeting synopsis attached for review.
- b. Mr. Francis asked if the City will be having the July 3rd Council meeting. Council consensus was yes.
- c. Dock at 2495 Trentwood – Mr. Francis said he met with the homeowner and have come to a mutual agreement and will soon be repaired.
- d. Issues Log
 - a. *Gene Polk Park – The City is waiting for a letter from EPD to move forward*
 - b. *Street Paving – He is awaiting a few curb repair quotes before moving forward with the milling projects.*
 - c. *Stormwater – LCS project started yesterday and should take about 2-months.*
 - d. *Traffic Study – On June 21st from 6-8pm the consultant will be available for a community meeting to discuss the City Wide Transportation Master Plan.*

- e. *Fountain – The fountain at Overlook and Nela has been delivered and the staff is scheduling the project start date.*
- f. *Wallace & Matchett – Recently zoned open space. The City has received a donation from Community Fruit Trees and staff has planted 11 fruit trees against the wall towards the athletic field.*
- g. *Perkins Boat Ramp – Project has been completed. There is a new rule in place that will allow parking of the trailers inside the gate and vehicles must be parked outside on the street due to parking issues.*
- h. *Acquisition of City Property – Waiting on the appraisal for Cross Lake. He will be ordering a Phase 1 Environmental report before extending a purchase. He just received the survey, metes, and bounds for 2635 McCoy being donated to the City.*
- i. *Charter School – A letter was sent to the Cornerstone Board asking for a joint meeting.*
- j. *Strategic Plan – Council will need to schedule a strategic plan in the near future.*
- k. *Municipal Code Update – Annexation has been completed for the Hoffner and Randolph area and will present to Council at a future meeting.*
- l. *Tree City USA – The application has been approved by the State and forwarded to the National Arbor Foundation for approval.*
- m. *Sustainability – Waiting for a quote for solar panels for the Police Department.*
- n. *Bird Sanctuary – The staff had a special meeting on the continued court case with FWC. The Settlement Agreement has been accepted. The agreement states that the area will be a restricted hunting area which includes a 200-foot buffer from the shoreline on the entire south, central and south shore of the north lake.*
- o. *Mr. Francis provided a proposed budget calendar for the upcoming meetings.*
- p. *OC Public Works - They are requesting a letter of support from the City to promote Quiet Zones around the railroad crossings.*
- q. *Mr. Francis will add Traffic concerns on the issues log for continued updates.*
- r. *Wallace Field – The school has changed on how they are applying their fertilizer and the City will continue to work with the school to get the runoff resolved.*

CHIEF'S REPORT

Chief Houston reported on the following,

- a. The Officers continue to enforce traffic on Hoffner. They have issued 70 tickets in a 2-day period.
- b. Telephone scams continue on the high. If anyone is aware of any scams please notify the office.
- c. Several felony arrests out of the Wawa location. The Agency continues to protect the borders around the City.
- d. Chief Houston reported that the FL Department of Law Enforcement - JAG Grant Program has issued a Grant for funding of body cameras in the amount of \$10,000. They are asking for a letter from the Mayor that the City approves the distribution of the funds.

Comm Weinsier moved in compliance with State of Florida Rule 119-D-9 FAC the Belle Isle City Council approves the distribution of \$10,000 of Federal Fiscal funds 2016 from the Edward Memorial Justice Assistance Grant regular funds for the Body Camera project from Orange County to the Belle Isle Police Department.

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

MAYOR'S REPORT – no report.

COUNCIL REPORTS

- **Comm Sims reported that his representative Greg Templin from the Planning & Zoning Board has resigned. He would like to publicly thank him for his 8-years of service. As the District 4 Commissioner, he is nominating Randy Holihan as the replacement for the Planning & Zoning Board – District 4.**
Comm Gold seconded the motion which passed unanimously 6:0.
- Mr. Weinsier reported that he will not be available for most of the month of July and would like to request Council approval.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 8:37 p.m.

Yolanda Quiceno, CMC, City Clerk