



## CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, December 07, 2021, \* 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  
District 5 Commissioner – Beth Lowell  
District 6 Commissioner – Jim Partin  
District 7 Commissioner – Sue Nielsen

Absent was:

### Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order at 6:30 pm, and the Clerk confirmed quorum.  
Also present were Attorney Chumley, City Manager Francis, Chief Houston, and City Clerk Yolanda Quiceno.

### Invocation and Pledge to Flag - Commissioner Jim Partin, District 6

Comm Partin gave the invocation and led the Pledge to the Flag.

Mayor Fouraker, with Council consent, rearranged agenda items and opened discussion on item 7. New Business for consideration.

### New Business

- c. Appointment of Police Advisory Board member, Ted Spruill, District 1  
**Comm Gold moved to appoint Ted Spruill to the Police Advisory Board.**  
**Comm Holihan seconded the motion, which passed unanimously.**
  
- d. Appointment of Police Advisory Board member, Woody Johnson, District 2  
**Comm Carugno moved to appoint Woody Johnson to the Police Advisory Board.**  
**Comm Gold seconded the motion, which passed unanimously.**  
  
Wood Johnson was awarded a Certificate of Appreciation from the City and the Belle Isle Police Department.
  
- e. Appointment of Police Advisory Board member, Andrew Dunigan, District 5  
**Comm Lowell moved to appoint Andrew Dunigan to the Police Advisory Board.**  
**Comm Holihan seconded the motion, which passed unanimously.**
  
- f. Appointment of Police Advisory Board member, Dale Dennis, District 6  
**Comm Partin moved to appoint Dale Dennis to the Police Advisory Board.**  
**Comm Nielsen seconded the motion, which passed unanimously.**
  
- g. Approval to Cancel December 21 Council Meeting  
**Comm Holihan moved to cancel the December 21 City Council meeting.**  
**Comm Carugno seconded the motion, which passed unanimously.**

**Consent Items – None.**

## Citizen's Comments

Mayor Fouraker opened for citizen comments.

James Koontz, residing at 3619 Quando Drive, shared his experience with the Police Department and Code Enforcement. He spoke of a violation he received of \$500 to remove a rotting tree. He noted that the dangerous tree was removed at his insurance company's request. He shared his frustration with the appeal process, which was denied due to not meeting the compliance date(s). He stated that he never received the certified letter, which was not delivered to him but handed to him when he visited the Police Department. He shared his frustration with the conflicting information from Code Enforcement on the appeal process and eventually paid the fine. He said it is evident that the PD made some mistakes and wanted to share his experience.

Mr. Francis said Mr. Koontz received the infraction for using an unregistered tree removal company and not obtaining an arborist report before removing a tree. Mr. Francis noted on the permit it states. "...no permit or fee is required if an arborist report is provided." Mr. Francis said before removing the tree, Mr. Koontz did not call City Hall for clarification or additional information. Also, the certified letter was not delivered for the record because the Post Office returned it as a return to sender.

After discussion, Comm Carugno said he would like to change the Code to allow the City to fine an unregistered tree company instead of the homeowner. He does not believe it is fair to charge a homeowner unaware of the Code.

**Comm Carugno moved to refund the \$500 fine to the homeowner to correct the unfair situation.  
Comm Gold seconded the motion for discussion.**

Chief Houston clarified some of the statements made and said Apex Company was working on the property and had been issued over 15 citations for being an unregistered vendor in the City. The compliance dates were provided to the homeowner who failed to meet the deadlines provided.

Comm Nielsen reminded Council of the large amount of time they spent tightening up the Code. Under Chapter 162-Code Enforcement, Attorney Chumley said he warned on setting a precedent of allowing residents to appeal a Code Enforcement order or violation to Council outside the local ordinance framework.

Comm Carugno moved to withdraw his motion to deal with the issue later.

## Unfinished Business

- a. Ordinance 21-15 (First Reading and Consideration) Impact Fees - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REPEALING ARTICLE VII OF CHAPTER 46 OF THE CITY'S LAND DEVELOPMENT CODE PERTAINING TO ROAD IMPACT FEES AND REPLACING SAME WITH NEW ARTICLE VII OF CHAPTER 46 OF THE LAND DEVELOPMENT CODE PERTAINING TO IMPACT FEES, THEREBY CREATING AND IMPOSING A NEW SYSTEM OF IMPACT FEES TO BE IMPOSED UPON DEVELOPMENT WITHIN THE CITY LIMITS; CREATING A NEW IMPACT FEE PROGRAM AND ADOPTING RELATED PROVISIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT THEREOF; ADOPTING AN IMPACT FEE STUDY IN SUPPORT OF IMPACT FEES IMPOSED; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Manager Francis read the Ordinance by Title.

Mr. Francis provided a study of the City's impact fees to determine if the current fees can be changed. The Ordinance will allow not only for commercial but also for residential. We only have transportation at this time but will allow for the general fund, police, parks, and multifamily dwellings. If approved, a second reading will be held 90-days after the first reading in March 2022.

Comm Holihan shared his concern and asked the following,

- Section 4(d): Credits or refunds – Would a retail use converted to residential use have to pay a full impact fee credit and not receive a credit for the converted use. Mr. Francis said yes. Staff will review before the second reading.
- Section 46-195 Site-related road improvements – Is there any offset against the developer's impact fees if they make improvements that benefit the community. Mr. Francis said staff would review and discuss with the City Attorney.

- General Government Category – What does this category consist of? Mr. Francis said any improvements made to City buildings would fall under the Government category.
- Commercial Fees – Commercial fees are \$200,000+ not including County fees. Most impact fees are for Cities that provide water, roads, schools, and police. He would like staff also to review the proposed fees for consistency.

Discussion ensued. There was no motion or other discussion Ordinance 21-15 was tabled to allow the City Manager to research the questions and revisit them later. Regarding the 90-day posting rule, Attorney Chumley said he would review the process and get back to staff.

**Public Hearing: Appeal of P&Z Decision for a front yard fence at 5115 La Croix Avenue, Belle Isle, FL 32812**

City Manager presented De novo Hearing Case Number 2021-09-031. The P&Z Board did not approve the variance at the October 26, 2021 hearing. If the Council is to deny the variance, the applicant will have to conform to the current Code. He asked Council to disclose exparte communication before opening any remarks.

There was no exparte communication disclosed.

Attorney Chumley reminded the Council that this is a De novo hearing and is entitled to review all the facts presented at the P&Z Board meeting. Attorney Chumley added for consideration that the criteria to approve or deny the appeal are outlined in Section 51-102(b)(16) printed on the staff report.

Michael Rice and Angela Dellefave residing at 5115 La Croix Avenue, said they have a unique situation where two lots border Hoffner and La Croix. The fence currently on the property has been in its location for over 40-years. They submitted a variance because the Code requires a 30-foot front yard. The fence is technically not in the front yard, but at the back yard, which is considered the 2<sup>nd</sup> lot. They have the 30-feet required to meet the Code because the front yard borders Hoffner and is the smallest distance from the lot line. In addition, at the P&Z Board meeting, they had a couple of neighbors present who spoke in favor of the variance.

Comm Gold said he believes the new fence will add to the neighborhood's character. He asked if they had to make any changes and if the fence could be left since it is grandfathered in. The applicant said if they remove the fence, they will have to comply with the current Code. They would like to move the fence to provide better security for their personal property.

Comm Nielsen said the case as presented did not appear to need a variance and asked for staff clarification.

City Manager Francis said the Code does not allow front yard fences. The property is designated as one parcel and 18-feet of the front yard and does not conform to the Code. The staff felt that the required criteria for approval were not met under hardship and recommended that the application be denied.

Mayor Fouraker opened for public comment.

Comm Gold testified that he has never received any complaints as the District 1 representative in his nine years. George Barfield residing at 5112 La Croix for over 30-years, spoke in favor of the proposed variance.

Mayor Fouraker said part of the City's plight has been that they received heavy criticism as arbitrary or bending too much and not upholding the Code. He has seen many applications with nuances and support approval. This fence will improve and have support from the surrounding neighbors.

**Comm Gold moved to approve the variance.**

**Comm Partin seconded the motion for discussion.**

Comm Lowell asked if the applicant could replace the fence while abiding by the Code. The applicant said the property already has a 30-foot setback and is arbitrary. If they leave the fence, they lose 15-foot of their yard and limit their use.

**After discussion, the motion passed unanimously upon roll call 7:0.**

**Attorney Chumley said the applicant should wait for 30-days before submitting a permit to allow for any appeals.**

Ordinance 21-16 (First Reading and Consideration) Establishing PACE Program - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A NEW CHAPTER 17, CITY OF BELLE ISLE CODE OF ORDINANCES ESTABLISHING REQUIREMENTS FOR A PROPERTY ASSESSED CLEAN ENERGY PROGRAM ("PACE"); PROVIDING FOR MULTIPLE, NON-EXCLUSIVE PACE PROGRAMS IN ORDER TO ALLOW FOR THIRD-PARTY ADMINISTRATORS TO ADMINISTER THE PACE PROGRAM WITHIN THE CITY PURSUANT TO STATE LAW AND THE REQUIREMENTS SET BY THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Manager Francis read Ordinance 21-16 by title.

Upon approval of the Ordinance, the City will have Resolutions with individual agreements with the Pace providers for consideration

**Comm Gold moved to advance Ordinance 21-16 to January 4, 2022, City Council meeting with program details on the City's website.**

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

#### Disposition on Lancaster House

In speaking with Billy Morgan, Chairman from Pine Castle Pioneer Days Inc. (PCPD), City Manager Francis said that he requested approval of his agreement to renovate the Lancaster House and remain at its location.

Comm Nielsen asked Council to allow for a Pine Castle Pioneer Days Inc representative presentation.

Billy Morgan proposed renovating the Lancaster House dated December 7, 2021.

Comm Nielsen said she would like the City to consider the proposal presented and recognize the home as a historic structure. She does not believe saving the home is at the expense of the expansion of the school. It will be an asset to the school, a partner to the curriculum and development of students, and an appreciation of history.

The Council shared the following concerns,

- Q: What funding is available for the renovation?
  - A: The funds will be raised through fundraising efforts. The PCPD does have private individuals ready to donate for the renovation.
- Q: How will the parking be managed/provided?
  - A: It will be managed by appointment only and not be used as an office.
- Q: Comparing it to the Crawford House project, how will it differ.
  - A: We are not the same group that managed the other project and looked forward to moving this forward.
- Q: What was the tipping point to submit a proposal now after so much time?
  - A: We are not the same group that the City has been working with and would like to make a final attempt to keep the Lancaster House by entering into a formal lease agreement for one year.
- Q: What does keep the house do with the Lease to the school?
  - A: Mr. Francis said he would have to review the current Lease; however, CCA does have plans for that property, and if it were to be kept at its location, that section of the Lease would have to be revisited or removed from the CCA lease agreement.
- Q: What kind of numbers has been proposed for renovation costs, if any?
  - A: PCPD has preliminary numbers based on the prior organization. They have not had the opportunity to speak with City staff, insurance company and review the house's current condition.
- Q: Has the school signed the new Lease.
  - A: City Manager Francis said not at this time.
  - Mayor Fouraker said he has some legal concerns with the proposal. In addition, the request has to be made to the school because they control the leasehold (sublease) improvements. He shared his concerns with the school's security plan and vetted visitors visiting the Lancaster home.
  - Attorney Chumley said the Council already approved the Lease before CCA for approval. The proposal will have to be also proposed to CCA for consideration.

Mr. Francis clarified for the record said CCA did not have a problem with contributing to the move; they did have a concern with contributing funds to move the home to a private homeowner.

**Comm Carugno moved for the City Manager to discuss with Pioneer Days to develop an agreement and provide all details to lease the house by the February 1, 2022, Council meeting.**  
**Comm Gold seconded the motion for discussion.**

Comm Gold said the parcel represents 13-parking spaces for CCA. The City can remedy that by fencing off the house independently; negotiating with the BOA building and Wallace Field. Mayor Fouraker shared his concern with the discussion and said the traversing of children and the proximity of the Lancaster house to school property is not that easy. Wallace Field and the BOA building are already in the Use Agreement and not a "bargaining chip."

After discussion, City Manager Francis said the Council needs to agree on moving forward or taking the house down. If Council wants to move forward, he recommends the proposal be presented to CCA Board in January for approval. He encourages those parties interested in preserving the Lancaster home to be present to show their support. In the interim, he will meet with Billy Morgan and the City Attorney before the CCA January 2022 school board meeting.

Comm Partin cautioned Council on making statements that may or may not be true. He stated many parents pleaded and were opposed to keeping the home because of the safety issues and infestation. In the past, there has been a challenge in raising the money and hopes that this extension proves different.

Comm Shuck said he believes there is a conflict of interest for some Council members who sit and are part of the Pine Council Historical Society and Pine Castle Pioneer Days.

Mayor Fouraker said he would like to see PCPD present a proposal to save the Lancaster House with financials to the CCA Board for consideration.

After discussion, the motion passed unanimously 7:0.

Mayor Fouraker opened for public comment.

- David Martens, President of the Lake Eola Heights Historic Neighborhood Association in Orlando and Board member of the Preservation Trust, spoke in favor of the renovation and saving of the Lancaster House.
- Vivian Oviedo residing at 1027 Waltham, spoke to save the Lancaster House.
- Park Lion expressed his appreciation to the City for preserving history.

## **7. New Business**

### **a. Approval of bid for Sol Avenue Project**

City Manager Francis said the City received two bids for the Sol Avenue Project. When the project was posted on DemandStar, there were 24-interested parties. The two bids received were Cathcart Construction at \$862,148 and DB Civil Construction at \$1,369,900. The Engineer's project estimate was \$490,000. Mr. Francis requested that Council reject both bids after reviewing the project. After further review of the project, the staff believes the City can piggyback off other contracts.

**Comm Partin moved to reject both bids as presented for the Sol Avenue project.**

**Comm Holihan seconded the motion, which passed unanimously 7:0.**

### **b. Update on Holiday Events by Special Events Chair**

Holly Bobrowski gave an update on the Holiday Events. Expenses down to \$13,705. \$6,150 in sponsorships and donations, leaving us under our \$10,000 budget. \$1400 bids on auction items and VIP wristbands are selling fast. The Special Events Committee is on track and under budget. The beer and wine have been donated and will not be included in the City's budget.

## **8. Attorney's Report – na**

## **9. City Manager's Report**

### **a. Issues Log**

City Manager presented the Issues Log dated 12/7/2021.

- Acquisition of project – space needs analysis moving forward
- Chambers IT Update – All equipment has been delivered and will start on Monday.
- Traffic Calming – Quotes received for Pleasure Island and Hoffner, and Light install at Seminole and Daetwyler.
- Code Updates – If residents read something they disagree with within the Code, they should bring it to Council for review. Staffs job is to follow the Code, and he impresses the public to call City Hall with any questions or concerns.
- Neighborhood meeting on December 13 re speed humps installation at Seminole and Indian.

b. Chief's Report - na

**Comm Carugno moved to extend the meeting until 9:15 pm.**

**Comm Gold seconded the motion, which passed unanimously.**

#### **10. Mayor's Report**

- Mayor Fouraker opened for a brief discussion on the Cullen Lake speed humps. Jeff Hewitt residing at Cullen Lake Shore Drive, said excessive speeding in the area. He advocated a solution to traffic calming and is in favor of speed humps. Comm Gold said he had received comments from residents that stop signs are ineffective. He said speed humps work 24/7 and can be strategically placed if they do not interfere with handicap crossing. Mr. Francis said the City would evaluate setting speed tables similar to those located at City Hall's.
- Boat Parade: Dec 17, 18, and 19.
- Santa Ride: Dec 20 and 21.

#### **11. Items from Council**

Comm Lowell said she received an email from a resident who asked for a weight restriction on Judge and Daetwyler. If not, is it possible to have one established? Council consensus was to have the City Manager communicate with Orange County on the possibility of placing an alternative truck route or weight restriction.

#### **12. Adjournment**

There being no further business, Mayor Fouraker called for a motion to adjourn. The meeting adjourned at 9:10 pm.