



CITY OF BELLE ISLE, FL
CITY COUNCIL MEETING

Held in City Hall Chambers, 1600 Nela Ave, Belle Isle, FL

May 4, 2021
MINUTES

Present was:

Nicholas Fouraker, Mayor
District 1 Commissioner – Ed Gold
District 2 Commissioner – Anthony Carugno
District 3 Commissioner – Karl Shuck
District 4 Commissioner – Mike Sims
District 5 Commissioner – Rick Miller
District 6 Commissioner – Jim Partin
District 7 Commissioner – Sue Nielsen

Absent was:

1. Call to Order and Confirmation of Quorum

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

Mayor Fouraker welcomed City of Edgewood Mayor John Dowless.

2. Invocation and Pledge to Flag

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

3. Approval of Resolution 21-07

- a. Resolution 20-07 - A Resolution by the City Council of the City of Belle Isle supporting the City of Edgewood, Florida for the realignment of the Orange Avenue, Gatlin Avenue Intersection and providing for conflict and providing for an effective date.

Mayor Dowless spoke briefly on the project and thanked the Council and Mayor for their support of the realignment of Holden and Gaitlan.

Comm Gold motioned to approve Resolution 21-07 as presented.
Comm Carugno seconded the motion, which passed unanimously 7:0 upon approval.

4. Appointment of Vice Mayor

- a. Appointment of Vice Mayor - Code Section 4.03
Mayor Fouraker opened for Council discussion and nomination for Vice Mayor.
After discussion, Commissioner Nielsen moved and nominated Jim Partin.
Comm Carugno seconded the motion, which passed unanimously 7:0 upon roll call.

- 5. Citizen's Comments - Persons desiring to address the Council MUST complete and provide to the City Clerk a yellow "Request to Speak" form located by the door.** After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff, or audience. Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes. Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent, or slanderous remarks are not permitted. Thank you.

Mayor Fouraker said he would like to re-arrange some of the agenda items to allow some time for the City Manager to arrive and asked for a motion to approve.

Comm Carugno moved for approval to reorder agenda items as necessary.

Comm Gold seconded the motion, which passed unanimously 7:0 upon roll call.

6. **Consent Items** - These items are considered routine and have been previously discussed by the Council. They will be adopted by one motion unless a Council member requests before the vote on the motion to have an item removed from the consent agenda and considered separately. If any item were removed from the Consent Agenda, it would be considered immediately following approval of the remainder of the Consent Agenda.
- a. Approval of April 20, 2021, City Council minutes
 - b. Proclamation: Declaring May 2021 Neurofibromatosis (NF) Awareness Month
 - c. Proclamation: Celebrating Dottie Wood's 100th Birthday

Mayor Fouraker read for the record the Proclamation: Celebrating Dottie Wood's 100th Birthday.

Mayor Fouraker read for the record the Proclamation: Declaring May 2021 Neurofibromatosis (NF) Awareness Month.

Comm Shuck moved to approve the Consent Items as presented.

Comm Gold seconded the motion, which passed unanimously 7:0

Comm Carugno asked for clarification from the City Attorney regarding his vote at the last Council meeting and asked if the votes established at that meeting need to be retaken. Attorney Ardaman said the votes taken by the Council regardless of his vote would have the same result. There will be no need to adjust the minutes because they are written in the minutes as they occurred.

7. New Business

- a. Appointment of P&Z Member - District 3

Comm Shuck moved to appoint Michael Stratham for the District 3 – Planning & Zoning Board.

Comm Nielsen seconded the motion, which passed unanimously 7:0 upon roll call.

- b. Prepare for Redistricting (City Charter Section 6.06)

Attorney Ardaman spoke on the redistricting process. He said the Charter (Sec 6.06) provides for official certification of the census and Federal and State law. He reiterated the following as outlined in the memo dated May 4, 2021, from the City Manager as follows,

1. The City Council shall redraw district boundaries from the seven districts,
 2. The City Council shall appoint eight-city electors creating redistricting Committee,
 3. The time frame for submittal for Council approval will be 120 days from the committee appointment. The districting Committee shall provide a report containing an official designation plan for adjustment of district boundaries if any,
 4. The Council shall adopt the recommendation 90 days before the next regular city election. If the Council fails to do so, the report of the redistricting Committee shall go into effect as an ordinance. The next City election is scheduled for March 8, 2022.
5. Adjustment of the council district boundaries are to comply with these specifications:
- Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the centerlines of streets whenever possible.
 - The districts shall be based upon the principle of equal and effective representation as required by the United States Constitution and as represented in the mathematical preciseness reached in the legislative apportionment of the state.
6. Additional District boundary criteria may include:
- District boundaries may also follow visible natural and man-made features, not necessarily street lines and City boundary lines, whenever possible.
 - District boundaries will respect communities of interest to the extent practicable. A community of interest is defined as a geographic area comprised of residents who share similar interests, including, but not limited to, social, cultural, ethnic, geographic, or economic interests, or formal government or quasi-governmental relationships, but not including relationships with political parties, incumbents, or candidates.

- District boundaries will be drawn without regard for advantage or disadvantage to incumbents or challengers.
 - District boundaries will be drawn without regard for advantage or disadvantage to any political party.
7. In 2010, the City of Belle Isle annexed Brighton Park, Royal Palm Condos, and Belle Vista; therefore, it may be necessary to adjust the District Boundaries.

Attorney Ardaman said staff recommends direction and Council approval to post for members to the Redistricting Committee as soon as possible. The positions are public figures and shall follow the Sunshine Law requirements.

Comm Gold asked if a sitting Commissioner's districting lines fall outside of the new district, will they still be able to serve in their current capacity and retain their Commission. Attorney Ardaman said he would need to research the question further; however, he believes they will still finish their term outside the district not to disenfranchise the voters.

Comm Nielsen moved to direct the staff to advertise for Redistricting Commission Members.

Comm Gold seconded the motion, which passed unanimously 7:0

Comm Sims moved to discuss items c-e when the City Manager is present.

- c. Discuss City Hall Reopening
- d. RFP for Continuing Services Contract for Pipe Lining
- e. RFP for Continuing Services Contract for Drainage

The motion was not seconded but taken as a directive.

City Manager Francis joined the meeting.

8. Public Hearing

a. Public Hearing - Appeal of Wallace Field Site Plan

Mayor Fouraker stated that this is a De Novo Hearing, and the appellant will provide testimony for their request for appeal.

City Manager Francis said the Zoning Commission approved the site plan with seven conditions that are now being appealed by residents who surround Wallace Field. He asked Council to declare any ex-parte communication for the record.

Attorney Ardaman said the Council members should identify any communication re: the Public Hearing before the start of the quasi-judicial hearing.

Mayor Fouraker disclosed that Gary Meloon contacted him before he was leaving on vacation. He stated that he did not respond to his requests due to extenuating circumstances and apologized for not responding.

Comm Carugno disclosed that he was contacted and met with the following

- Families: Meloon, Maull, Altice, McCrae, Koonce, and Mike Stuart. The extent of the discussion was to hear their concerns on the Wallace project.
- He also received an email from John Evertsen, who asked if he was against the project. Comm Carugno responded and said he does not have an opinion and will decide after the public hearing.
- Contacted by Michael Jennings and Alexander Muszynski.

Comm Gold disclosed that he spoke with Gary Meloon and shared an email he sent to John Evertsen asking for his opinion. He summarized all the facts of the case. Mr. Evertsen rebuttal the email, and he didn't respond. Mr. Evertsen asked that Comm Gold recuse himself from the vote. Comm Gold stated that he did not have to recuse himself because there is no financial interest or legitimate justification. He also was contacted by Michael Jennings and Alexander Muszynski.

Comm Shuck disclosed that he received four emails expressing their support from Michael Jennings, Charlyne Cross, Alexa Dowlen, and Alexander Muszynski.

Comm Sims disclosed that he spoke with Gary Meloon, who expressed his concerns with the project. He talked to Mike Jennings, who shared that he is in favor of the project. He also received emails from Charlyne Cross.

Comm Miller disclosed that he spoke with Gary Meloon, who shared his concern with the project. He said with Michael Jennings and received emails from Charlyne Cross and Alexander Muszynski. He responded to all that they document their information, and he will decide after the public hearing.

Comm Partin declared communications the Gary Meloon, who shared his concerns with the project. He received emails from Michael Jennings, Alexa Dowlen, Charlyne Cross, and Alexander Muszynski. He also read Facebook posts and saw many different opinions.

Comm Nielsen disclosed that she also received the emails as the other Commissioners and responded to them. She had conversations with Gary Meloon and decided not to meet with the group. She also spoke with Michael Jennings on both sides of the issue.

Mayor Fouraker opened the Public Hearing and applicant testimonies.

Jim McCrae residing at 1303 E Wallace Street, shared his concerns with the project. He gave a summary of the prior hearings with the P&Z Board and City Council. Mr. McCrae shared his objection with the proposed public building, parking, and astroturf on the field. He asked for a screen wall buffer or fence to protect the abutting properties.

Gary Meloon residing at 6101 Matchett Road, shared his concerns and stated that he is not against the school using the field. He opposed the proposed project and asked for careful consideration of the lake's environmental health, underground stormwater management control and use agreement (lighting and hours), and termination clause with CCA. He would like to have a deed recording to avoid future changes.

Ardis Meloon residing at 6101 Matchett Road, shared her concerns with the proposed site plan and the impact on the surrounding residents (water runoff, noise, trespassing/privacy, blocking driveways, CCA student safety/policing, and lighting intrusion).

Mayor Fouraker reported and said he has requested from CCA Board Mayor Brooks for consideration on installing a field goal net on the softball field to abate any fly balls into private property.

Hilary Maull residing at 1130 Wallace Street, shared her concerns on the site plan and proposed conditions. She expressed the need for a privacy wall on the north side of the property and stormwater drainage control plans approval before construction begins.

James Koonce residing at 1311 E Wallace Street, said he is pro-school. He shared his opposition to the proposed site plan, CCA use agreement, restrooms, drainage, and environmental health of the lake. He also was in favor of the build-out of a wall for the privacy of the neighboring residents.

Mayor Fouraker opened for public comment.

Kelly Rogers, residing at 2825 Montmart, spoke in favor of the proposed plan and the necessity of restrooms for the visitors to the field.

Holly Bobrowski residing at 2400 Hoffner Avenue, spoke in opposition to the site plan. She shared her concern with the primary use of the field by CCA and the astroturf.

Alexander Muszynski, residing at 1438 Belle Vista Drive, spoke in opposition to the proposed site plan, health of the lake, water management, and parking. He favors the installation of a wall for privacy and the creation of a deed to prevent changes in the future.

Charlyne Cross residing at 5260 Chiswick Circle, spoke in favor of the proposed site plan. She shared her concerns with the objections from neighbors and would like to see the project move forward. She said the Council needs to consider the petition with 427 signatures and make it a useable space.

Alexa Dowlen residing at 4306 Quando Drive, spoke in favor of the proposed site plan. She said of the 427 signatures in favor of the proposed plan. Ms. Dowlen stated that she made a public request for Orange County regarding the public restrooms at Warren Park and found only three incidents in 12 years. She believes the proposed bathrooms will not cause issues to the neighbors.

Michael Jennings spoke in favor of the proposed plan and asked the Council to do the will of all the people and not just the adjacent neighbors. The park is not usable in its current state and does not work for all citizens.

David Evertsen residing at 5131 St Michael, spoke in favor of the proposed site plan. He shared his concerns with the appeal specifically, with the drainage and the astroturf. He would like to see a safe playing area and event space for all residents and asked for approval of the site plan.

City Manager Francis said he also called Orange County and was relayed the same information on the public restrooms at Warren Park. He noted that the City recommended the bathroom and the parking because it is necessary to accommodate all visitors to the field.

Mr. Francis spoke on the drainage issue. He said, before the site plan approval, the Lake Conway lake study was not completed. There is water drained from other areas running through to the same basin. The outlet at the end of Wallace drains approximately 35 acres of nonpervious surface up on Orange Avenue. One of the NAV Board Lake study issues was to place a large baffle Box with filtration. Before the Lake Study results, he had submitted a plan to St John's Water Management to install an underground vault to capture stormwater and reuse it on Wallace field, similar to the Lake study recommendations. It is a water harvesting system that will take about 18-months to complete. This project is now getting noticed and may move forward partnering with Orange County NAV Board and St. Johns Water Management District. In the interim, the City can start to build out parts of the field that will not interfere with the drainage project, including leveling of the field and laid down sod.

As far as the residents' privacy, he recommends moving the current fence forward to protect the private driveway. At the homeowner's expense, the residents may want to electrify the fence with an automatic gate and protect the private roads.

He would like to ask the resident to consider allowing visitor parking in the right-of-way until the final site plan is finalized. The City will monitor the flow, and if it gets out of control, the City will place no parking signs. He will also contact the church and the private property owner behind the old maintenance building to see if we can use it as a parking area.

Mr. Francis suggested creating a Committee consisting of two members from each group (CCA, Council, and Community). The Committee will review the site plan and provide updates to the CCA Board, the Council, and the residents to allow for open and up-to-date communication.

Mayor Fouraker reported and encouraged resident participation at the next NAV Board meeting on May 11 at 6:30 pm at 3165 McCrory Place – Suite 200, Orlando, FL.

Brian Leahy representing CCA Facilities Department, said in response to some of the discussion the artificial turf installation would take approximately 90-110 days. Hopefully, the installation of the turf would be completed before school starts in August.

Comm Nielsen asked if the artificial turf is impervious. Mr. Leahy said yes, and it will go through the filtration system when draining. She would like to move forward with the process as discussed by the City Manager and would want Council to consider installing the privacy wall. City Manager Francis said if her recommendation is to have the City pay for the wall, it must be added to the site plan.

Comm Carugno moved to extend the meeting to 9:30 pm.

Comm Partin seconded the motion, which passed unanimously 7:0

Comm Partin asked if the seven items listed in the P&Z Board packet were included in the site plan. Mr. Francis said yes. Comm Partin asked if the City can provide some protection to the neighboring residents with a memo of understanding, including the seven conditions and installation of a tall hedge along the north side.

Attorney Ardaman said this is a City application. The Council can choose to modify the Site Plan as discussed.

Comm Miller asked if the baffle box has to be installed on Wallace Field. Mr. Francis said until the engineers finalize their report, he does not know of any other location to capture the water for irrigation.

Comm Miller believes the concept of a wall can create a complex issue and a safety concern. The park is an asset of the community and should not be dictated by a few.

Comm Sims shared his concerns and said what is needed to make this area useful for the entire City is restrooms, parking, and a quality surface with no holes and pivots. This area may be similar to Wallace Park, and he does not feel that Wallace Park has hurt their property values. He would like to support the site plan with the seven conditions and deny the appeal.

Comm Shuck asked if Council makes any changes to the site plan will it go back to the P&ZX Board for approval. Attorney Ardaman said no because this is a De Novo meeting.

Comm Shuck asked with the astroturf in the middle of the field; he does not know how it can cause a drainage problem. He further noted that he is not in favor of the City paying for a brick wall and should be at the homeowner's expense.

Comm Gold said the common theme tonight is that goalposts keep moving. He gave a summary of the events that led to the open space designation. He asked if there was anything that Council can do to prevent future changes to the property. Attorney Ardaman said it is up to the City Council to consider the zoning and site plan. There are ways to avoid future restrictions with an HOA or Developer agreement; however, given the current posture of this application and appeal, it is not part of the appeal.

Comm Gold said he would like to add safeguards for the neighboring residents to the site plan before approval

Mayor Fouraker said this had been a very conservative and lengthy process. He said he would like to see Council place a deed restriction on the park's lighting in response to some of the neighboring resident concerns.

Comm Carugno shared his concerns and proposed creating,

- a 10-person committee consisting of 2-residents from Wallace Street, 2-CCA members, 2-Commissioners, and 4-residents)
- condemnation of the empty church property to the south to accommodate the bathrooms
- CCA should provide a solution for a wall or hedge with the neighboring residents

Comm Carugno further added that he is opposed to the installation of the astroturf.

Comm Carugno moved to postpone development on the park until the City Manager can have the drainage systems engineered, re-sod the park, and create a 10-member Committee to develop the future site plan.

Comm Gold seconded the motion for discussion.

Comm Gold said he would like to see the site plan to include the protections on light and sound pollutions and trespass.

Discussion ensued.

After discussion, the motion failed 2:5 with Comm Carugno and Comm Gold, aye.

Comm Partin moved to extend the meeting to 9:45 pm.

Comm Gold seconded the motion, which passed 6:1 with Comm Carugno, nay.

Comm Sims moved to approve the Wallace Field site plan with the P&Z conditions and deny the appeal.

Comm Miller seconded the motion for discussion.

Comm Partin said he would like to see the following protections in the motion to include,

1. Include an 8ft min hedge placement on the north/east side behind the neighboring homes
2. Deed restriction lighting
3. Turf installation postponed allowing the City time to address the drainage issues with Orange County NAV and St Johns Water Management. Attorney Ardaman said this last condition could cause a considerable delay in the project.

Attorney Ardaman recommended amending the condition to read,

- a. Include an 8ft min hedge placement on the north/east side to the adjacent property owners
- b. Deed restriction lighting
- c. No artificial turf. Installation of grass turf subject to review and approval by the Council at a later time.

Comm Partin asked if Comm Sims will amend his motion to include,

- a. Include an 8ft min hedge placement on the north/east side to the adjacent property owners**
- b. Deed restriction lighting**
- c. Denial of the appeal**

The motion passed 6:1 with Comm Carugno, nay.

8. Unfinished Business – No report.

10. Attorney's Report – No report.

11. City Manager's Report

City Hall Reopening

City Hall will reopen its doors at the closed of this meeting. City Hall will require a mask and social distance when visiting City Hall until the Council decides it is unnecessary.

Support of Orange County Ordinance re: Use of Puppy Mills

Orange County will have a meeting on May 11 to request a Countywide ban on puppy mills and know if Council will support their efforts.

Comm Nielsen moved to support Orange County in their support to ban Puppy Mills.

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

12. Mayor's Report – No report.

13. Items from Council – No report.

14. Adjournment

There being no further business, Mayor Fouraker called for a motion to adjourn. The meeting adjourned at 9:41 pm.