



## city council minutes

### MINUTES May 15, 2018 City Council Regular Session: Regular Session 6:30pm

The Belle Isle City Council met in a regular session on May 15, 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 Jim Partin  
Commissioner Sue Nielsen

Absent was:

Also present was City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston , , Code Enforcement Officer Robyn Winters, Admin Assistant Heidi Peacock and City Clerk Yolanda Quiceno.

#### CALL TO ORDER

Mayor Pisano called the regular session to order at 6:30pm and the City Clerk confirmed quorum.  
Comm Sims gave the invocation and led the Pledge to the flag.

Mayor Pisano asked for a moment of silence for the family of Jim Rhiney a long time resident of the City and active volunteer for St. Johns Vienney who passed recently.  
Mayor Pisano also recognized and welcomed Mayor Crotty.

#### CONSENT ITEMS

- a. Approval of the City Council meeting minutes for May 1, 2018

Comm Sims motioned to approve the minutes of May 17, 2018 as presented.

Comm Nielsen seconded the motion.

Comm Gold asked that the minutes reflect his attendance and that his late arrival be excused.

After discussion, the motion was approved unanimously and Comm Gold's excused late arrival was noted for the record.

#### CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

1. Emily Wakley residing at 3019 Indian Drive spoke in opposition of the lot split application because it doesn't meet the criteria for approval and intent and takes away from the neighborhood.
2. Daniel Boytos residing at 224 Homewood Drive spoke in opposition of the lot split application and said approval would set a bad precedent.
3. Beth Lowell residing at 2416 Homewood Drive spoke in opposition of the lot split application and stated that it will increase the density and traffic in the neighborhood.
4. Greg Furneaux residing at 1713 Idaho Avenue shared his concern with the new parking ordinance and the current enforcement. He asked if Council will be willing to initially give warnings instead of issuing a parking ticket. He further asked for a clearer definition in the code of a solid service.
5. Sam Meiner residing at 6319 Gibson Drive shared his concern with the numerous cars on front years throughout the City. He would like staff to examine the code to allow adjustments so that Belle Isle remains a beautiful community and

not a parking lot. The purpose of his request is so that he can determine (1) what the rules are; (2) how they are being enforced; and (3) how can the City reduce the impact on the number of vehicles in the front yard that include boat trailers, motor homes and automobiles.

6. Debra Donham residing at 6904 Seminole Drive is in support of allowing AirBnBs.
7. Michael Jungen 2010 Hoffner Avenue spoke in support of allowing AirBnBs.
8. Pam Love residing at 3523 Country Lakes Drive is in support of allowing AirBnBs.  
City Manager Francis asked if Ms. Love checked with the City to inquire about the allowable use before starting her business. Ms. Love said no.
9. Charles Motley residing at 1805 Swann Avenue spoke in support of the AirBnBs.
10. Peter Kovechev residing at 5120 St Germaine Avenue spoke in favor of AirBnBs. He shared his concerns with the current Ordinance and the "soft" reference to short term rentals. He provided for the file 15-pages supporting AirBnBs in a city and asked for the Ordinance to be changed to regulate the use.
11. Michelle O'Shea residing at 5319 Jade Circle shared her concerns with the parking enforcement. She asked for a waiver for her parking ticket or a reduction in the fine.
12. Blanca Wolek residing at 3537 Country Lakes Drive spoke in support of allowing AirBnBs.

There being no comments, Mayor Pisano closed citizen comments.

### **DISCUSSION OF SHORT TERM RENTALS**

**Comm Gold said he has received at least 22 letters in favor of the use. He moved to grant temporary amnesty to the active AirBnB businesses and nullify the cease and desist orders that have been issued. He further motioned to allow the established AirBnBs to operate for 90 days and for the City to cease enforcement of the current policy until City Council can pass a revised ordinance.**

Attorney Ardaman said the City Council can authorize to cease the enforcement mechanism on the violations that have been noticed. However, in respect to the motion to authorize the allowed use can only be done by passing an ordinance.

Comm Carugno and Comm Partin both agreed that AirBnBs are currently not an allowable use and the Council should follow the code as written until changed.

Comm Carugno asked if it will be possible to have this change on a ballot for residents input. In addition, due to some conflicts of interests he asked for clarification on voting on the allowable use considering that he owns several rental properties in the City.

Attorney Ardaman said the Statute that speaks to a member vote that adheres to a special gain or loss will apply if the category of properties in question is greater than 1-2% of the total rental properties in the City. He believes the Council member can vote without having a conflict of interest.

### **The motion dies for lack of a second.**

Comm Nielsen addressed the ordinance and asked if the City Manager can develop the ordinance to allow the use to meet the residents living expenses. She believes the homes should be owner-occupied, a tax should be imposed and a registration fee is required.

**Comm Nielsen moved to change the ordinance on short term rentals to allow rentals such as AirBnB but require a registration fee, collect taxes and be owner-occupied only. No short term rentals if the owner is absent from the home for any period of time. In addition, if there are verifiable complaints a violation will be issued and the registration may be revoked.**

**Comm Partin seconded for discussion.** Comm Partin would like to ensure that the City control the density and limit the number of registrations that will be issued.

Comm Carugno said he would like to review and open discussion on the proposed rules and regulations before approving any changes.

Comm Sims motioned if the previous motion can be amended to include cease of enforcement.

**The motion dies for lack of a second.**

**After discussion, Comm Weinsier substituted Comm Nielsen's motion to direct the City Manager to bring back a draft ordinance that incorporates the ideas discussed and agreed upon by City Council.**

**Comm Nielsen agreed to the clarification to her original ordinance.**

**Comm Partin seconded the motion which passed 5:2 with Comm Carugno and Comm Gold, nay.**

**Comm Nielsen motioned to relax the penalties for those individuals who have come forward and not enforce the ordinance at this time.**

**The motion failed for a lack of a second.**

**Comm Nielsen motioned for the Council to not enforce the fines on the operating AirBnBs but not to allow them to operate until the new ordinance goes into effect.**

**The motion failed for a lack of a second.**

**Comm Gold motioned to grant temporary amnesty to allow them to operate until the new ordinance goes into effect.**

**Comm Sims seconded for discussion.**

**Attorney Ardaman recommended Council not to move forward with this motion because it goes against and changes the ordinance in place which is not advisable without going through the required process of a first and second reading.**

**Comm Gold withdrew his motion.**

## **NEW BUSINESS**

### Discussion on Parking

Comm Gold shared his concerns with the parking ordinance and the recent enforcement. He would like to forgive the parking tickets that have been issued and replace it with a warning for specific instances of parking on their front yards. Comm Gold shared his concern that the fine increase was to primarily deter those illegally parking at the Perkins and Venetian boat ramps and not to cite those parking on their grass.

Comm Nielsen said appeals are already a structure in place for those residents who would like to appeal the citation. Mr. Francis said in our Code of Ordinances - Section 30-76(b) provides a hearing request for appeals within 5-days of the citation.

Mr. Francis stated parking on the grass and on the right-of-way has always been in the ordinance the only thing that has changed recently is the \$150.00 fine. Mr. Francis clarified that the City did not issue fines because the fee was adjusted; it was because of the large amount of complaints the City has received on parking issues in their neighborhood.

Comm Nielsen said the issue is not the fine but clarification on a definition of a prepared surface. The ordinance needs to be revisited to address the small driveways and lack thereof.

Comm Sims said a warning before issuing a citation to allow the resident to comply is fair.

**Comm Nielsen motioned to authorize the City Manager to provide a proposed ordinance in an upcoming meeting, for Council consideration, and make adjustments in the fine or the process of issuing warnings before a citation.**

**Comm Readey seconded the motion which passed unanimously.**

City Manager Francis asked if the City can consider upholding or waiving the ticket for those present at this time. Attorney Ardaman said the Council should follow the process as written in the Code.

**Comm Weinsier motioned that City Council extend for 30-days, from the date of this meeting, the deadline for filing an appeal to those \$150.00 parking tickets issued within 60 days and notify those affected. Notification should go out to those affected as soon as possible.**

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

#### Discussion on adopting Orange County Fertilizer Ordinance

City Manager Francis said as part of the City's stormwater program and permit the City must adopt a fertilizer ordinance. Orange County has adopted the ordinance, acceptable by the State, which was updated and adopted last year. He is requested that City Council adopt the Orange County Ordinance and direct the City Attorney to draft the ordinance to be read at the next meeting.

**Comm Sims motioned to accept Orange County's Ordinance as discussed.**

**Comm Carugno seconded for discussion only.**

**After discussion, Council consensus was to have the City Manager propose a draft ordinance to adopt Orange County's fertilizer ordinance for review at a future meeting.**

**Comm Sims withdrew with motion.**

#### Discussion of possible traffic changes at WaWa area

City Manager Francis said he observed traffic congestion in the area going northbound on Hoffner and Conway. He showed a few pictures of some lines of traffic back up almost to Darden over the other side of the double yellow line. He addressed the shopping center and Wawa current exits. He asked if Council would allow the City to place flexible dividers on the yellow line to force traffic to stay on their side of the road. He spoke with Orange County and they agreed to work with the City and FDOT to alternate the traffic signals. City Manager Francis said he would like to hear Council member's opinion or a temporary solution until the traffic study is completed.

Comm Nielsen agreed that there is a traffic problem and suggested alternating the signal lights so that all of the east bound traffic (left or right) goes at the same time; then the west bound traffic. There should not be two lanes of traffic coming from the other side of Hoffner across Conway going west. She believes there should be barriers on the yellow line to not allow lefts coming out of the shopping plaza. Comm Nielsen noted when this was in the planning process City Council, at that time, discussed and approved a right-in and a right-out only in that intersection.

Comm Readey suggested the City approach an engineer to do a traffic study before moving forward with any changes.

Comm Carugno asked if it was illegal to make a left turn over a yellow line. Chief Houston said while she will never recommend to make a left turn out of Cork & Fork for safety reasons, she does not see any left turn signs erected by FDOT that are enforceable.

Comm Gold said he is in agreement with some of the solutions discussed.

City Manager Francis said he will continue to work with the Orange County Engineer and direct the Police Department, on occasion, to enforce the area until a solution is met.

#### Approval of BING Grant for Lake Conway Shores Pavilion

City Manager Francis reported that the Lake Conway Shores pavilion was destroyed by Hurricane Irma and submitted for a BING Grant in the amount of \$8,000. Mr. Francis said due to some miscalculation the funding for the project came up short. After discussion with some Council members, Comm Nielsen contributed \$500 and Comm Carugno contributed \$500 from their budget to complete the request if approved.

**Comm Gold motioned to approve the BING Grant for the Lake Conway Shores HOA pavilion for the requested grant amount of \$8,000 with \$500 coming from Comm Nielsen and \$500 coming from Comm Carugno.**

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



## **UNFINISHED BUSINESS – no report.**

### **ATTORNEY REPORT**

Attorney Ardaman reported with respect to the litigation with Florida Wildlife Commission the City has received a counter proposal for consideration at a special called Executive Session. After discussion, Council consensus was to schedule an Executive Session for May 29<sup>th</sup>, 2018 at 6:00pm.

### **CITY MANAGER'S REPORT**

- City Manager Francis reported on the NAV Board meeting held on May 8, 2018. Under the first bulletin of the synopsis, there is a typo and clarified that it should read that Cindy Lance stated, "...that the Belle Isle Police Department should not be the only one patrolling the Lake...". He further provided a Lake Conway Marine Patrol report for review showing combined Belle Isle non-duty hours paid for by the NAV Board. He briefly spoke of the NAV Board and the six-project priorities on their upcoming budget.
- Mr. Francis provided an after action report overview of the Arbor Day Celebration held on April 28<sup>th</sup>, 2018. The City had some good sponsorship, except for a low attendance, it was a great event. He further reported that the fence has been completed around the Wallace Field.
- The City Clerk is working with Holly Bobrowski on obtaining the Tree USA designation.
- The lot split for 7020 Seminole Drive is being appealed and will be on the agenda for the June 5<sup>th</sup> City Council meeting.
- The issues log was provided for review.
- The City has submitted payment to the State of Florida for an appraisal of Cross Lake Beach. Once it is completed and received it will be submitted to the NAV Board agenda for consideration and the Orange County Commissioners for approval.

### **CHIEF'S REPORT**

Chief Houston reported the following.

- There will be strong enforcement on the lake for Memorial Day. Boater Safety Course booklets are available and free to residents if anyone is interested.
- Three areas of focus have been traffic on Hoffner, Lake Activity and parking violations.

### **MAYOR'S REPORT – no report.**

### **ATTORNEY REPORT – cont'd**

City Attorney Ardaman briefly spoke in respect to the Cornerstone Charter School Board concerns addressed at the last meeting.

- He stated posting of agendas of any public meeting is to give the public an opportunity to attend the meeting. However, the courts do not speak directly to the amount of days or time.
- There are two charter schools 1) Cornerstone Charter Academy and 2) Cornerstone Charter High School both owned and by the City of Belle Isle Charter Schools, Inc. operated by its Board.
- The Cornerstone Charter School is a Municipal Charter School per Florida Statute and per discussions with Orange County Public Schools. He then provided an overview of the provisions of the application and the minutes on the creation of the school. The question that requires further research is, have the By-Laws, which were allowed to be changed, beyond the scope that was allowed to happen without the City Council's involvement.

Mr. Francis spoke briefly on the appointment of Board members. He asked for Council consensus to,

1. Approach the school on the process for ratification of new Charter School Board Members.
2. The creation of a sub-committee whom will discuss issues and concerns on both sides and brief the City Council and the Charter School Board for consideration.
3. Last year the Charter School Board voted to make the eight-member board a nine member board. He would like to ask the Charter School Board to consider giving the third seat to the City.
4. He would like to schedule a meeting to have the Charter School Board consultant present to the City Council their proposal to purchase the property. At that time the City Council can decide to move forward with the proposal or deny the request.
5. Present Alexa Dowlen and Karl Shuck as the City's representatives on the Cornerstone Charter School Board;
6. Ask that the Cornerstone Charter school Board place the request on their next agenda for discussion and approval.

Comm Carugno made a motion to have Karl Shuck continue the duration of his two year term on the Charter School Board. Comm Weinsier seconded the motion which was passed unanimously 7:0.

Comm Nielsen believes there should be a time limit to accept the proposal. She would like to give the residents assurance that the school will continue to be a community school.

**COUNCIL REPORTS – no reports.**

#### **ADJOURNMENT**

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 8:35 p.m.

Yolanda Quiceno, CMC, City Clerk

DRAFT