



## city council minutes

**MINUTES**  
**December 4, 2018**  
**Regular Session 6:30 pm**

The Belle Isle City Council met in a regular session on December 4, 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  
Commissioner Gold  
Commissioner Anthony Carugno  
Commissioner Mike Sims  
Commissioner Jim Partin  
Commissioner Sue Nielsen

Absent was:

Commissioner Harv Readey  
Commissioner Jeremy Weinsier

Also present were City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston, CSO Rabeau, Code Enforcement Officer Winters and City Clerk Yolanda Quiceno.

### **CALL TO ORDER**

Mayor Pisano called the City Council Regular Session to order at 6:30 pm and the City Clerk confirmed quorum. Commissioner Nielsen gave the invocation and led the Pledge to the flag.

Mayor Pisano moved some of the agenda items to the beginning of the meeting. Mayor Pisano read a Proclamation celebrating former Mayor Ross Tibbits Dexter and presented the Proclamation to the Dexter family.

### **SWEAR-IN OF OFFICER RODRIGUEZ AND CSO CLARK AND RABEAU**

Chief Houston welcomed and sworn-in Officer Andy Rodriguez, CSO Malik Clark, and CSO Matthew Rabeau.

Mayor Pisano shared and presented Chief Houston with an award for the successful completion of the Chief Executive Seminar presented by the Florida Department of Law Enforcement and signed by Governor Scott.

### **APPEAL OF PARKING CITATIONS**

Mayor Pisano opened the Hearing and discussion on the appeals of parking citations.

City Manager Francis said as per the City Code any person may appeal a parking citation by providing a request in writing to the City to excuse a parking ticket. He recognized R. Witkins and T. Phuoc.

- Appeal of Parking Citation – R. Witkins

Laura Heatwole Attorney and property owner of 5375 Chiswick Circle and Ray Witkins residing at 5375 Chiswick Circle addressed the appeal of the citation received for not having a license plate on the vehicle while parked on the driveway. Ms. Heatwole is requesting dismissal of the ticket due to the lack of consistency with the Code and failure to give notice per Section 30-32 of the City Code. Also, the ticket is not in conformity with the current Code with improper timelines and citation fees. In conclusion, she believes this does not rise to the level that the Code wants to govern. The owner of the vehicle was in the process of transferring the plates to the new vehicle. She stated that it did not make sense to incur other charges when the value of the vehicle that was cited by Car Max was \$200. The vehicle since then has been moved and no longer on the property. She is requesting dismissal of the ticket and a refund of the \$35.00 fee for the appeal.

Chief Houston said the ticket issued does reflect the old code, and since it is not in compliance, she is requesting that the ticket is dismissed.

Comm Nielsen stated that the ticket was issued by having no tag on the vehicle. The applicant has addressed the inconsistencies on the ticket, however; State Law requires that all vehicles have a tag or it will be in violation. Chief Houston

did note that the CSO was tasked to enforce and issue tickets on all abandoned vehicle on private property in the City as was acting in good faith.

Comm Carugno asked why there are two different addresses. Ms. Heatwole said that the applicant does own other properties however they do reside at 5375 Chiswick Circle.

**Comm Gold motioned to dismiss the citation issued to Ray Witkins and refund the \$35.00 fee.**

**Comm Carugno seconded the motion which passed unanimously 5:0.**

- Appeal of Parking Citation – Phuoc Tran

Tran Phuoc residing at 7307 Lake Drive presented his case and stated that his son has been issued two tickets for exceeding the number of vehicles on his property and three tickets for vehicles with no tags. He has two sons, two daughters-in-law and his mother living at his home. Each of the members in his household has vehicles, including himself and his wife, and he was not aware that he was limited to the number of cars allowed on his property and believes this not to be a fair violation.

CSO Rabeau stated that he informed the applicant before giving them a citation for the number of vehicles that are over the limit and with no tags per the Code. He said he gave them a time frame to correct and when he returned the vehicles were still on the property and he cited them accordingly.

Code Enforcement Officer Winters stated that this is not the first time this property owner was cited for numerous vehicles on the property, parking on grass and for no tags. She stated that the appellant was issued tickets for the same violations prior on November 2017, December 2017, January 2018, February 2018 and November 2018. She and Officer Rabeau spoke with the resident at their home and on the phone, and they said they would remove the vehicles as advised. As a clarification, Ms. Winters said according to the code any home with four or more bedrooms is allowed six vehicles.

Robert Tran residing at 7307 Lake Drive said he spoke with CSO Rabeau and explained why he had the vehicles on the property. He stated that that officer said if the vehicles were parked in reverse and the tags were not visible it may give him more time.

Tina Wynn residing at 7307 Lake Drive shared her concerns with the conflicting information she received from the Officers and believes the all the tickets should be dismissed.

Comm Nielsen said she would recommend reducing the cost of the tickets to \$375 to settle the violations.

Comm Gold asked for clarification on the dates for the previous violations. Code Enforcement Officer Winters said there had been numerous discussions with the resident on compliance with prior violations as stated.

Council discussed the prior violations and the importance of the chance to remedy the situation.

Comm Nielsen moved to have the fines reduced from \$750 to \$400 to settle the outstanding tickets and stated that the City would not look favorably to repeat violations.

After discussion, Comm Nielsen clarified her motion to eliminate two tickets and prorate the no tag fines to \$400. Comm Gold seconded the motion for discussion.

Comm Carugno shared his concern with the repeat violations and does not believe the City should dismiss the tickets.

Comm Partin said there is a history of violations on this property and efforts have been made to rectify the issue. He is willing to dismiss the two tickets that exceeded the total number of vehicles; however, the tickets issued for no tags should remain.

After discussion, Comm Gold withdrew his second to the motion.

Comm Nielsen amended her motion to reduce the fine to \$450 for all tickets issued.

Comm Gold seconded the motion for discussion.

Comm Sims said he believes the tickets were appropriate and seconded the motion for a reduced rate which passed 5:1 with Comm Carugno, nay.

#### **CONSENT ITEMS**

- a. Approval of the City Council meeting for November 30, 2018
- b. Proclamation celebrating William C. Finley's 100<sup>th</sup> Birthday

**Mayor Pisano called for a motion to approve the consent item.**

**Comm Nielsen motioned to approve the consent agenda.**

**Comm Gold seconded the motion which passed 4:1 with Comm Carugno nay.**

Comm Carugno asked for the following edits to the minutes as follows,

Page 1 – Paragraph 10

Reads, "Comm Weinsier – District 2."

Should read, "Comm Weinsier – District 23."

Page 2 – Paragraph 2

Reads, "Comm Sims – District 6."

Should read, "Comm Sims – District 64."

Comm Carugno stated that he was not present for this meeting and did not have time to listen to the audio. He motions nay on approval of the minutes.

#### **CITIZEN COMMENT**

Mayor Pisano opened for public comment.

- Karl Shuck residing at 1658 Wind Willow Road said he didn't realize that discussions on ordinances, penalties, and fines were a negotiated tool. He further shared his frustration with the response to his public records request he submitted for the Mayor's personal phone records from June 7, 2018. He gave a brief update of what he has received to date.

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

#### **UNFINISHED BUSINESS**

**ORDINANCE 18-02 FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 48, ARTICLE III, SECTION 48-63 – TREE PROTECTION; PROVIDING SEVERABILITY; CODIFICATION AND PROVIDING AN EFFECTIVE DATE.**

Mr. Francis said this Ordinance was introduced at the last Council meeting. He stated that some sentence structures need to adjusted, but no substantial changes are needed.

**Comm Sims motioned to advance Ordinance 18-02 for second reading and adoption.**

**Comm Nielsen seconded the motion which passed 5:0.**

**ORDINANCE No. 18-05 FIRST READING AND CONSIDERATION** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING PLANNED DEVELOPMENT DISTRICTS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS, ARTICLE III, ZONING CLASSIFICATIONS; BY AMENDING SECTION 54-77, PLANNED DEVELOPMENT DISTRICT PD; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION, AND AN EFFECTIVE DATE.

Mr. Francis said Comm Nielsen requested two revisions for consideration.

**Page 41 – Line #21**

**Reads, “...sequences shall be reviewed and approved by the mayor based upon”**

**Should read, “...sequences shall be reviewed and approved by the City Manager ~~mayor~~ based upon.”**

**Page 42 – Line #5**

**Reads, “..., provide a written request is filed with the mayor at least 30 days...”**

**Should read, “..., provide a written request is filed with the City Manager ~~mayor~~ at least 30 days...”**

**Page 43 - Dates on Section 6 should have been corrected to reflect the current dates.**

**Comm Sims motioned to approve the edits as discussed and advance Ordinance 18-05 for second reading and adoption.**

**Comm Nielsen seconded the motion which passed 5:0.**

**ORDINANCE NO. 18-14 FIRST READING AND CONSIDERATION** - AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF BELLE ISLE, FLORIDA PROVIDING FOR THE REGULATION AND CONTROL OF SECURITY ALARMS; PROVIDING FOR A TITLE; PROVIDING FOR DEFINITIONS; PROVIDING FOR REGULATIONS CONCERNING THE INSTALLATION, MAINTENANCE AND OPERATION OF ALARMS; PROVIDING FOR REGULATIONS CONCERNING FALSE AND NUISANCE ALARMS; PROVIDING FOR CORRECTIVE ACTION AND PENALTIES FROM FALSE ALARMS; PROVIDING FOR A CITATION PROCEDURE; PROVIDING FOR RESPONSE AND ENFORCEMENT BY LAW ENFORCEMENT OFFICERS; PROVIDING FOR THE PROHIBITION OF AUTOMATIC ALARM COMMUNICATION SYSTEMS; PROVIDING FOR THE LIMITATION OF LIABILITY; PROVIDING FOR THE DISPOSITION OF PENALTIES AND FINES; PROVIDING FOR INCLUSION INTO THE BELLE ISLE CITY CODE; PROVIDING FOR LIBERAL NON-CONFLICTING CONSTRUCTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

Mr. Francis said this was Ordinance was introduced at the last Council meeting. Council discussed changes to the penalties as follows

**Page 54 – Line #3**

**Reads, “No fine shall be imposed for the first false alarm within any ~~(365)~~ day period.”**

**Should read, “No fine shall be imposed for the first false alarm within any ninety (90) day period.”**

**Page 54 – Line #8**

**Corrected to include a fine in the amount of Fifty Dollars (\$50).**

**Comm Gold motioned to approve the edits as discussed and advance Ordinance 18-14 for second reading and adoption.**

**Comm Sims seconded the motion which passed 5:0.**

**ORDINANCE NO. 18-15 FIRST READING AND CONSIDERATION** - AN ORDINANCE OF THE CITY OF BELLE ISLE CREATING A NEW ARTICLE III IN CHAPTER 14 OF THE CITY CODE RELATING TO SUPPLEMENTAL CODE ENFORCEMENT CIVIL CITATION PROVISIONS AND REGULATIONS; PROVIDING ALTERNATIVE PROCESSES AND PROCEDURES FOR CODE ENFORCEMENT CITATIONS; PROVIDING FOR THE COLLECTION OF FEES AND PENALTIES; PROVIDING A POST-DEPRIVATION HEARING PROCESS AND PROCEDURES; PROVIDING ADDITIONAL APPELLATE JURISDICTION POWERS TO BE EXERCISED BY THE SPECIAL MAGISTRATE; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

Mr. Francis said this ordinance was introduced at the last Council meeting. This Ordinance change will shorten the code enforcement procedure on shorten code violations. The proposed change will provide the code enforcement immediate citation capabilities.

**Comm Carugno motioned to advance Ordinance 18-14 for second reading and adoption as written.**  
**Comm Partin seconded the motion which passed 5:0.**

#### Adoption of Council Rules and Procedures

**RESOLUTION 18-16** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE RULES OF PROCEDURE FOR MEETINGS OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE; AND PROVIDING AN EFFECTIVE DATE

Mr. Francis said this was introduced at the last Council meeting.

**Comm Nielsen moved to adopt Resolution 18-16 Council Rules and Procedures.**  
**Comm Gold seconded the motion which passed 5:0.**

#### **NEW BUSINESS**

Request for an Extension Request - Silver Isles Planned Development (P&Z Case #2017-02-013) to allow approval of the Development Plan / Final Engineering Plan for the Comins Isles Townhome Project

City Manager Francis said the Silver Isles Project is under a Planned Development by a settlement agreement. As part of the settlement agreement, if the process has not been completed within a certain period, it will revert to its R2 zoning. The Developer is requesting an extension and representing him is Miranda Fitzgerald.

Miranda Fitzgerald from Lowndes, Drosdick, Doster, Kantor & Reed said it has taken a while to move forward with this project and would like to request additional time to allow for review and submittal of the engineering plans. There is nothing in the settlement agreement that addresses the timeline; it is strictly a Code provision.

**Comm Nielsen said there has been a lot of time and effort placed on this project and would like to avoid going through the process again. She recommends a year one extension from today's date to get started on the project.**  
**Comm Gold seconded the motion for discussion and asked if the time will be sufficient.**

Jean Abi-Auon Civil Engineering with the Civil Engineering Group said the extension would be sufficient to move forward.

Comm Carugno said there was a discussion on this project to build townhomes or single family homes. Mr. Abi-Auon said they would be submitting plans for 30 townhome units.

**Comm Nielsen moved to approve the Silver Isles request for an extension request for one year to date to start the project. Comm Gold seconded the motion which passed 4:1 with Comm Carugno, nay.**

#### Approval of Tree Trimming and Removal Bid

City Manager Francis said the City currently does not have a contract for a specific tree services company. At times it has been difficult to get a tree service when needed especially during emergency services. The City put out a Request for Proposal for services requiring that they must respond to the City's emergency first before attending to private customers. There were 18 requests for packets however only two submitted a response Albert Moore and Budget Services. Mr. Francis recommended approval of the proposal of Albert Moore LLC for tree trimming and maintenance services and authorize the City Manager to execute the contract. Albert Moore was the contractor who responded to the City's needs during the hurricane season and did an outstanding job. Also, his total prices overall are approximately 20% lower than the other services.

**Comm Gold moved to approve Albert Moore LLC for tree trimming and maintenance services.**

**Comm Sims seconded the motion which passed unanimously 5:0.**

#### Metro Plan Orlando Technical Advisory Committee Appointment

Mr. Francis reported that the City received a letter from Metro Plan Orlando requesting if Comm Readey is still willing to serve on the Technical Advisory Committee. He spoke with Comm Readey and, due to the current circumstances, Mr. Francis asked if he could take his position on the Committee. Mr. Francis asked for Council approval to appoint the City Manager to the Metro Plan Technical Advisory Committee.

**Comm Carugno moved to appoint City Manager Bob Francis to the MetroPlan Technical Advisory Committee.**

**Comm Gold seconded the motion which passed unanimously 5:0.**

#### Discuss canceling or rescheduling City Council meetings Dec 18th, Jan 1st, and Jan 15th

Mr. Francis asked for Council consensus to cancel the December 18<sup>th</sup>, January 1<sup>st</sup>, and January 15<sup>th</sup> meetings.

Comm Sims said due to the holidays he agrees to have only one meeting a month in December and January. He recommended canceling the December 18<sup>th</sup> meeting and the January 1<sup>st</sup> meeting.

**After discussion, Comm Sims moved to cancel the December 18<sup>th</sup> and January 1<sup>st</sup> meeting and hold the January 15<sup>th</sup> as scheduled. Comm Gold seconded the motion which passed unanimously 5:0.**

**ATTORNEY REPORT**—no report.

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

Mr. Francis reported on the following updates,

- Mr. Francis stated that the Resident Guide: Rules of Procedures have been updated and is ready for print. He asked the Council to review the final draft and communicate with him any changes by December 11<sup>th</sup>.
- Lake Conway Shores project is starting to wrap up. They are working on the main gravity line at the lake lot.
- Strategic Planning all-day sessions have been scheduled for January 11<sup>th</sup> and 12<sup>th</sup> – location TBD.
- Reminded Council of the December 14<sup>th</sup> Parking workshop from 9am-10:30 am
- He will be out of the office Dec 19<sup>th</sup> through the 22<sup>nd</sup> and will be available via phone.
- Mr. Francis said the Council might need to discuss, at a future meeting, the appointment of a temporary vice-mayor in Comm Readey's absence.

#### Chief's Report

Chief Houston reported on the following,

- Reported a scam targeting the older residents. She asked that all residents check on the elderly neighbors during the holiday season.
- Chief Houston reported that the PD would have a heavy presence on Hoffner Avenue over the weekend and reminded all not to Drink and Drive this holiday season.

#### Tree Board Report

Holly Bobrowski, Tree Board Chairman, reported on the following,

- Ms. Bobrowski reported the City would be replanting trees on Kandra Court
- The Tree Board will be scheduling their next events on February 12<sup>th</sup> re Bee Keeping and April 27<sup>th</sup> re Arbor Day.
- She also reported that the Tree Board members would be overseeing the Tree Removal inspections once the permit has been approved and issued by the City.

## MAYOR'S REPORT

Mayor Pisano report on the following,

- Santa Night – Thursday, December 6<sup>th</sup> from 5:30-8:30.
- Santa Ride – Thursday, December 20<sup>th</sup> will include Santa Stops, and a map will be provided and posted on the website.
- Boat Parade will be on December 14<sup>th</sup>, 15<sup>th</sup> and 16<sup>th</sup> and Orange County will be leaving Warren Park open for viewing on the shore.
- 2018 Toy Drive is underway, and attached is a proposed budget for Council approval. She noted that the Toy Drive is for the Community. Mayor Pisano said next year she would like to continue heading the toy drive and will take the toy drive event with her as a resident. Mr. Francis asked if all the toys remaining will stay with the City. Mayor Pisano said she would do her best to give all the toys away.

Mayor Pisano asked for a motion to approve the use of the chambers for the toy drive.

**Comm Gold moved to approve the use of the chambers for the Toy Drive.**

**Comm Sims seconded the motion which passed unanimously 5:0.**

## COUNCIL REPORT

- Comm Gold reported a call he received of midge attacks and asked for Orange County to spray the area. Also, he reported that Lake Conway Shores would be submitting a Bing Grant for assistance towards their beautification project.
- Comm Carugno spoke on the following,
  - o He asked for a heavier presence of the Police Officers on Hoffner Avenue to control the use of the road by semi-trucks.
  - o Comm Carugno asked the City Manager to move forward with the proposed LED Lighting on the crosswalks. Council consensus was to have the City Manager review options.
  - o Traffic Cameras Update – Chief Houston said the City purchased a new speed trailer for data collection to be placed in designated areas. Also, another agency has loaned the City a data collection device for use and installation in the larger complaint areas.
  - o Comm Carugno requested that speed limit signs be reviewed and lowered in certain neighborhoods that do not have sidewalks throughout the City. Mr. Francis said the State law requires that lowering a speed limit can only be done in a school zone area and FS 316.189 requires other agency approval for State and County roads. However, the City can perform a traffic study showing the need and may be able to enforce and change the speed limit by ordinance. Discussion ensued.
  - o Comm Carugno asked if the City will be opening City parks similar to Orange County. Mr. Francis said yes, and those locations have been provided to Mr. Gent for publishing.
- Comm Sims addressed the filming project and the additional traffic. He thanked the Police Department for a great job in controlling the flow.
- Comm Partin addressed the Wawa Hoffner area traffic and asked if there is any new information. Mr. Francis said Orange County is working on making a right turn only into Wawa and a right-in/right-out only to CVS
- Comm Nielsen thanked the Police Department for their focus on Hoffner Avenue because it is getting worst.
- Attorney Ardaman said in response to Mr. Francis question, in the first meeting in May the Council shall elect a vice-mayor. He recommends that the Council appoints a vice-mayor until Comm Readeys return.

**Comm Partin said during the absence of Vice-Mayor Readey he appoints Comm Carugno as Vice-Mayor.**

**Comm Nielsen seconded the motion which passed unanimously 5:0.**

## ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn. The motion was passed unanimously at 8:50 p.m.

Yolanda Quiceno, CMC, City Clerk