



city council minutes

MINUTES
April 17, 2018
City Council Regular Session:
Regular Session 6:30pm

The Belle Isle City Council met in a regular session on April 17, 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:

N/A

Also present was City Manager Bob Francis, Attorney Kurt Ardaman, Deputy Chief Grimm, Code Enforcement Office Winters 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 Gold gave the invocation and led the Pledge to the flag.

CONSENT ITEMS

- a. Proclamation: Celebrating Arbor Day April 28, 2018
- b. Approval of the City Council meeting minutes for April 3, 2018

Comm Gold motioned to approve the Consent Items as presented.
Comm Weinsier seconded the motion which passed unanimously.

CITIZEN COMMENTS

Mayor Pisano opened for citizen comments.

- Kent Perroux residing at 7222 Seminole Drive spoke on the boat dock ordinance and stated that there is a loop hole that remains open. He said Section 48-34c regarding grandfathering of boat docks remains open to interpretation for anything that is changed or repaired that the City does not know about to be grandfathered. He would like City Council to review the section before adoption of the ordinance.

There being no further comments, Mayor Pisano closed citizen comments.

Mayor Pisano stated that she will be changing the order of the agenda to allow those in attendance to speak on item number 5b.

UNFINISHED BUSINESS

Request by Adam McGinnis: Petition of City Waiver of Riparian Rights

Mr. Francis said the City received a petition of Riparian Rights of Cross Lake Beach from Adam McGinnis. The City Attorney, upon review, said the petition was deficient for a number of reasons and communicated same with Mr. McGinnis. However, at the last Council meeting Cross Lake was discussed because the City has filed a petition with the State and Orange County to purchase Cross Lake. At that meeting Council consensus was to have the City Manager contact Mr. McGinnis to discuss why he would like to purchase the property at Cross Lake Beach and what he intends to do with the property.

Carlo Baez with offices at 1018 East Robinson Street, Orlando FL representing the applicant said his client does not have any intention of purchasing the State owned land in an attempt to keep anyone from enjoying the lake access. There has been a lot of misinformation via Facebook and in person. In an attempt to clarify he gave a brief overview of the events and stated the following,

- In the 1990 Comp Plan Cross Lake Beach was designated
- The City has never obtained rights from the State of Florida to have a park in that location. They did however; obtain permission for all the other parks in the City.
- For the past few years, residents have been dealing with riparian rights because of the overcrowding on the lake.
- Eight months ago, his client started dialogue with the City Manager and City Attorney with regards to Cross Lake Beach
- City Council directed the City Manager to meet and discuss options and/or remedies.
- City Attorney drafted a memorandum. This memorandum was drafted after their meeting and should have been given to Council for review; for reasons unknown it never occurred. The memorandum accurately reflects the applicants intent
- About one month ago, the applicant found that the land is owned by the State of Florida and was contacted by FDEP and was informed of the City's intent to purchase the land. The City's purpose was to have it as a public park and/or beach.
- In an abundance of caution the applicant filed an application with the City asking them to waive certain riparian rights to preserve any rights the applicant may have.
- The City and County believed the area was a right of way given the applicant more access to their property. Once it was discovered that there was no right of way the purchase of this property would have landlocked the applicant's property causing personal harm.

Attorney Baez stated that the applicant never demanded to block access, public structures, fences, walls on the subject property. They do have severe concerns on the limitation of access, the increase of out of town residents and the abuse of open space. The applicant is asking for a resolution mutually. They will be improving the land with landscaping, create a buffer from the park and create access to their property.

City Manager Francis stated that the Attorney memorandum referenced was about a year old and drafted by the previous City Attorney. The Council was not given time to review the memorandum because the previous attorney upon his departure did not complete his findings. After the previous Attorney left he was contacted by the current City Manager and the final letter was provided. City Manager Francis further stated that he has not been able to find in the Comprehensive Plan the reference to Cross Lake Beach ever having a boat dock

Mayor Pisano opened for public comment.

1. Steve Upp residing at 5413 Pasadena Drive spoke in opposition for the sale of the Cross Lake Beach property to the applicant and was in favor of the City purchasing the property as a park/open space. He would like to see the City and the resident work together to provide the homeowner access to their property.
2. Gayle Bouck residing at 2205 Cross Lake Road spoke in opposition for the sale of the Cross Lake Beach property to the applicant and was in favor of the City purchasing the property as a park/open space. Ms. Bouck provided signed petitions from the neighborhood for the record. Anna Maria Fiola residing at 2493 Trentwood Blvd gave her time to speak to Ms. Bouck.
3. Tom Bouck residing at 2205 Cross Lake Road spoke in opposition for the sale of the Cross Lake Beach property to the applicant and was in favor of the City purchasing the property as a park/open space.
4. Ted Spruill residing at 3218 Cullen Lake Shore Drive spoke in favor of the City's purchase of the Cross Lake as a park and to allow in/egress to the applicant.
5. Sheena Hesson residing at 5120 Pleasure Island spoke in favor of the City's purchase of the Cross Lake Beach property.
6. David Middleton residing at 5238 Pleasure Island spoke in opposition of the City's purchase of the property. He would like to see the Council come forward with a better plan of action to give the applicant access to their property.
7. Cheryl Leonard residing at 5124 Oak Island spoke in opposition for the sale of the Cross Lake Beach property to the applicant and was in favor of the City purchasing the property as a park/open space.
8. Holly Bobrowski residing at 2400 Hoffner Avenue spoke in favor of the City's purchase of the Cross Lake Beach property.
9. David Evertsen residing at 5131 St. Michael spoke in favor of the City's purchase of the Cross Lake Beach property.

10. Michael Repass residing at 5009 Pleasure Island spoke in reference to two flyers he received stating that the City will be building a boat dock on the Cross Lake Beach property. He is not in favor of any boat dock and would like assurances that the City will not place a boat dock on the property.
11. Luddy Goetz 4948 Oak Island Road spoke in favor of the City's purchase of the Cross Lake Beach property and asks for the City's assurance that they will never build a boat dock on that property.
12. Sara Cunnard 3752 Gaitlan Place spoke in favor of the City's purchase of the Cross Lake Beach property.
13. Jocelyne Graviano residing at 2305 Cross Lake Road spoke in favor of the City's purchase of the Cross Lake Beach property and provided pictures for the record.
14. Nicholas Graviano residing at 2305 Cross Lake Road spoke in favor of the City's purchase of the Cross Lake Beach property.
15. Janet Spruill residing at 3218 Cullen Lake Shore Drive spoke in favor of the City's purchase of the Cross Lake Beach property. Ms. Spruill provided a copy of her comments for the record.
16. Josiane Cathey residing at 2305 Cross Lake Road spoke in favor of the City's purchase of the Cross Lake Beach property.
17. Susan Maloof residing at 817 N. Summerlin Avenue said she is in opposition of the City's purchase of the Cross Lake Beach property. For the record she read and provided emails from the following residents, Jeff Husby, Keith Ingersoll, Chris Whittaker and Agent B. Woolwine.
18. Anita Sacco residing at 4913 Jinou Avenue provided for the record additional signatures in favor of the City's purchase of the Cross Lake Beach property. She also asked, what is the cost of the property, what the standard is and what determines the use for a city park.
19. Jason Asa residing at 6563 Gibson Drive shared his concern if a boat ramp was to be placed on Cross Lake Beach.

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

Attorney Baez said the issue is the absence of a right of way. He would like to ensure that the applicants continue to have access to their property.

Comm Nielsen said she believes a City is required to provide in/egress to a homeowner who is landlocked adjacent to the land. She would like to have the City purchase the property and dedicate a piece of the park as a driveway for the applicant.

Comm Gold spoke in favor of working towards a solution to dedicate a piece of the park as a driveway for the applicant.

Comm Carugno said the homeowner knew of their limitations when the home was purchased and the City should not start giving ownership to any private individual. He is in favor of the City Manager moving forward with the purchase of the property. After the property is purchased by the City the other issues can be addressed.

Comm Readey said he is in favor of the City purchasing the property. In addition, he would like staff to provide a plan to provide the applicant with a driveway.

Comm Sims said he is in favor of the City purchasing the property and providing an easement for the applicant.

Mayor Pisano said she is in favor of the City purchasing the property for to preserve residential access and environmental issues. She is also in favor of allowing the applicant access to their home.

Comm Partin spoke in favor of the City purchasing the property and providing access to the applicant.

Comm Weinsier said he is in favor of the City purchasing the property and has received a number of emails in favor of. He further inquired whether the open space ordinance would prohibit a boat dock from being constructed on the property.. In addition, he would like to see the City provide in/egress access to the applicant.

After discussion, Council consensus was to continue with the purchase of the property and work with the applicant to guarantee them access to their property.

Mayor Pisano called for a five minute recess.

Mayor Pisano reported that Former First Lady Barbara Bush passed away and asked for a minute of silence.

AirBnB / Short Term Rental Discussion with Public Comment

Mayor Pisano opened for public comment.

1. Jennifer Baggs residing at 5109 St. Germaine Avenue spoke in opposition to AirBnB as a use in the City. She shared her concerns on the negative impact to local communities, lost of property values and the quality of the neighborhood.
2. Jennifer Baggs residing at 5109 St. Germaine Avenue spoke in opposition to AirBnB as a use in the City.
3. Chris Shenefelt residing at 1722 Hoffner spoke in favor of AirBnB's with restrictions and said it is a preferred way of travel for his family. For the record he also provided a letter from Bill Kennedy residing at 1724 Hoffner who is in favor of AirBnBs.
4. Chris Grenier was not present.
5. Michael Jengen residing at 2010 Hoffner Avenue said the current municipal controls are a bit outdated with the new and is in favor of AirBnBs with controls.
6. Pam Love residing at 3563 Country Lakes Drive is an AirBnB host and is in favor of the use in the City.
7. Peter Kovachev residing at 5120 St Germaine Avenue is an AirBnB host and spoke in favor of the use in the City. He gave a brief overview of the AirBnB process and further added that Section 7-30 effectively bans an activity that allows homeowners to earn a living for their family. He would like to see the City relax on the code
8. Charles Motely residing at 1805 Swann Avenue is an AirBnB host and is in favor of the use in the City.
9. Fran Sowicz residing at 5114 St. Germaine Avenue said she is the neighbor of an AirBnB. She was unaware that they have been in business for over a year. They are good neighbors and have never had a complaint. She is in favor of AirBnBs as long as they are regulated and licensed.
10. Pam Crotty residing at 6642 The Landings spoke in favor of AirBnBs.

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

Comm Nielsen said the City should change the City code and allow short term rentals in an owner occupied home that are regulated and structured.

Mayor Pisano spoke in favor of short term rentals in an owner occupied residence.

Comm Sims spoke in favor of allowing the use as long as it is permitted with conditional renewal.

Comm Partin said he was contacted by some residents who are not in support of AirBnBs

Comm Readey said he is favor of a change to the code; however, he would not like to see every home in the City as an AirBnB.

"Comm Weinsier stated that his biggest concern is that state law will not allow the city to change its short term rental ordinance back once it has been relaxed. While AirBnB might not be causing many problems in the city right now, we don't know what the landscape will look like in 5-10 years."

Comm Carugno said most of feedback he has received from residents is that they are not in favor of AirBnBs. For the record, Comm Carugno provided a letter from Daniel Hillman not in favor of AirBnBs.

Comm Gold said he is in favor of the use however, once there is one complaint the license will be voided or revoked.

Person spoke out from the audience.

Matt Gifford residing on Oak Island said he was not aware of AirBnBs in the City and believes in less government regulation.

Holly Bobrowski residing at 2400 Hoffner Avenue asked staff to prepare a proposal for review that includes code, regulations and specifications on use before making a decision.

Person spoke out from the audience.

Karl Shuck residing at 1658 Wind Willow Road shared his concern with the conduct of the meeting and the lack of control and orderly process. He asked that Council come up with a proposal for review and decision at the next meeting.

Rick Wilson 5437 Pasadena Drive spoke in opposition of allowing AirBnBs in the City. He feels it should be placed on a ballot and voted for by the citizens.

Robyn Winters, Code Enforcement Officer said the City cannot enforce AirBnBs because they are not easy to find. She is in support of updating the code to allow the staff to track, permit and enforce and control a neighborhood from becoming a rental district.

Comm Nielsen motioned to have the City Manager move forward in changing the code to allow owner-occupied only AirBnBs; to be able to enforce, license and create a fine structure for violations to protect the neighborhoods.

City Manager Francis clarified the direction from Council as follows,

- **Allow owner-occupied only AirBnBs with restrictions and strict permitting**
- **Poll residents of the City and put out more information**
- **Do not allow for clustering of permits for AirBnBs**
- **Can we ever go back to the current code if the landscape changes**
- **Staff should research and prepare a formal presentation as discussed before approval**

Comm Sims motioned to adjourn the meeting and discuss the remaining agenda items at the next schedule session.

Comm Readey seconded the motion.

After discussion, the City Clerk was asked to cancel the legal notice for Ordinance 18-04 and report as required for the following scheduled meeting.

Comm Gold motioned to table the motion by Comm Sims.

Motion failed for lack of a second.

The motion to adjourn the meeting passed 4:3 with Comm Weinsier-nay, Comm Carugno-nay and Comm Gold-nay.

ADJOURNMENT

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 9:35 p.m.

Yolanda Quiceno, CMC, City Clerk