



city council minutes

MINUTES May 2, 2017 * 6:30 p.m. City Council Regular Session

The Belle Isle City Council met in a City Council Regular Session on May 2, 2017 at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present:

Mayor Pisano
Vice Mayor Readey
Commissioner Gold
Commissioner Carugno
Commissioner Weinsier
Commissioner Lance
Commissioner Mosse
Commissioner Nielsen

Absent:

Attorney Kruppenbacher

Also present: Attorney Tom Callan, City Manager Bob Francis, Lt. Travis Grimm and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website at www.cityofbelleislefl.org and at City Hall.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm. Comm Weinsier gave the invocation and led the pledge to the flag.

ORANGE COUNTY PINE CASTLE ELEMENTARY SCHOOL PARKING PRESENTATION

Tyrone Smith from Orange County Public Schools (OCPS) gave and presented a brief overview of the proposed on-site improvements for parent drop-offs, school buses, and parking for the temporary swing school conditions created by the addition of the Pershing Elementary School students to Pine Castle Elementary School located on the north side of Waltham Avenue. Also present were George Castillo-Zyscovich Architects, Jay Kleimer-Civil Engineer and Rick Baldocchi -Avcon Inc.

CITIZEN'S COMMENTS

Mayor Pisano opened for Citizen Comments.

- Dave Snavely residing at 2800 Alsace Court read into the record an email he sent to all Commissions regarding the City Attorney contract. He formally registered a protest against approval of a contract until a RFP and bid process is established.

There being no further comment, Mayor Pisano closed the public comment session.

Mayor Pisano changed the order of the agenda items and called for reading of Ordinance 17-03 and 17-04.

The City Clerk read Ordinance 17-03 – First Reading and Consideration as follows,

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE APPLICATION OF COMINS DEVELOPMENT I, LLC, PROPERTY OWNER OF 7710-, 7728 AND 7740- DAETWYLER DRIVE AND REZONING THAT CERTAIN PROPERTY LOCATED ON DAETWYLER DRIVE, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 29-23-30-0000-00-013, 29-23-30-4986-00-010 AND 29-23-30-4986-00-040 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA. FROM R-2 TO PD; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

Mayor Pisano called for the staff report presentation.

April Fisher, City Planner Consultant gave an overview of the proposed application for a Planned Development (PD) that includes 28 townhomes with recreational amenities. She provided a Staff Report and recommended approval of the requested PD application including staff recommendations (a-d) and items (e-f) as recommended by the Planning and Zoning Board as follows,

- a) that the existing boat docks and boat ramp on the property be removed prior to the installation of the proposed 10-slip boat dock and fishing and observation docks;
- b) that the proposed 10-slip boat dock not be permitted by the City nor constructed prior to 25% of the total number of units approved with this PD are permitted, constructed, and receive a certificate of occupancy;
- c) that the 10-slip boat dock be deed restricted to use only by residents/property owners within the development and not utilized for commercial lease or profit;
- d) that no mooring be allowed on the fishing and observation docks; and E. that architectural renderings of the proposed townhomes be required at the Development Plan approval process and become part of the development plan design standards.
- e) that the layout and design of the boat dock shall be determined through a separate Belle Isle permitting process following the Belle Isle boat dock regulations, except that the terminal platform of the fishing and observation docks shall be no larger than ten feet by twenty feet (10' X 20'), no storage lockers are allowed, the height of the docks shall be no greater than five feet above the Normal High Water Line (NHWL), and, the maximum size of the 10-slip boat dock terminal platform shall be 3600 square feet; and,
- f) that copies of the State Department of Environmental Protection (DEP) and Orange County permits issued for lakefront clearing shall be provided with the Development Plan submittal.

Miranda Fitzgerald, Attorney from Lowndes, Drosdick, Doster, Kantor & Reed, P.A., representing the applicant said the background on this site is interesting and most important is that this site was already approved for higher density use than single family residential because of the medium density Comp Plan designation. This opportunity will allow the applicant to create a site specific zoning which will provide more open space and recreational facilities. Ms. Fitzgerald clarified that approval of the PD request will set the parameter of what the dock structure would look like; it does not approve the proposed dock structure. The applicant will have to go through a permitting process and subject to the newly passed boat dock ordinance before any potential boat docks can be approved. She noted that they have received approval, by FDEP, for the permits necessary to start lake shore clearing of nuisance vegetation.

Discussion ensued on the site plan concept with a 30ft height requirement per unit, impact of environmental issues, enforcement and the use of 1.3.5 blighted conditions as a viable option for consideration. Comm Carugno asked if the property to the North will be included in the proposed plan. Jean Abi-Auon, Civil Engineer with FEG Engineering Group with offices at 5127 S. Orange Avenue, Orlando, FL said the property to the North is not part of this proposed project. Commissioner Carugno continued to address concern on blighted conditions and stated that approval of this project will set a precedent and be detrimental to the neighborhood.

Attorney Fitzgerald stated within the Comp Plan the blight option was one of the policies available and recommended by staff, but should not be the only basis on which this application is moving forward. She further reminded Council that this property was previously approved as a PD zoning by Council, however, it reverted back to R-2 when that project fell through. Attorney Callan clarified the differences between multi family policies in the Comp Plan and Land Development Code under Section 54-77 for a PD and an R-2 development that allows for a 20 ft. separation between two units and the PD does away with the requirement.

After further discussion of the site conceptual design, Comm Carugno stated that a traffic study be considered before approving the proposed PD project. Attorney Callan stated it is important to know that under the PD Ordinance the applicant will have 6-9 months after approval of the conceptual plan to submit a development plan for approval. If the conceptual plan is not approved, the applicant will have to come back to City Council with a revision. Council must balance the interest as depicted by Code and the clustering and non-clustering between an R2 and PD. The technical drainage issues will be discussed at a later time. Comm Nielsen shared her concerns and said the important issues to consider is the traffic on the lake and increased traffic on Daetwyler Road. Comm Mosse shared his concerns and agreed on several of the points raised by Comm Carugno.

Attorney Callan stated that a R2, under Section 54-76 of the code, allows a two family attached dwelling structure and requires a setback between the two structures and you would not have the ability to have what is depicted on the third row of houses on the lake to have six units together. He further noted, on this property at one time there was a trailer park with approximately 34 units. If the law requires consideration of the pre-existing use regarding traffic impact it may be possible that this property may not generate any more additional traffic as previous. Attorney Callan said he encourages Council to base consideration on the R2 design characteristics or craft an acceptable PD compatibility plan as discussed. Council discussion ensued on the traffic impact and the intensity on the lake front.

Mayor Pisano opened for Citizen Comments.

- Greg Gent residing at 2924 Nela Avenue spoke in opposition and stated that he does not feel the project fits into the look of the community. He provided a power point presentation and said the proposed total number of dwellings on the property is not in question. However, the type and quantity of dwellings on the lakeshore is. He requested that the City reject the request for PD, or require modifications to the proposal so that a lower density of dwellings (in line with R2 zoning requirements) is created on the lakeshore. He further requested that the City require a smaller number of dock slips associated with the property so as not to create a marina type environment and not further congest an already busy South Lake Conway.
- Daniel Botyos residing at 2224 Homewood Drive spoke in opposition and shared his concern with the amount of homes and traffic that is being proposed.
- Charlene Kennedy residing at 2624 Homewood Drive spoke in opposition to the plan as presented and gave her time to Greg Gent.
- Andy Dunigen residing at 2416 Homewood Drive spoke in opposition and shared his concern with the blight condition option presented.
- Beth Lowell residing at 2416 Homewood Drive opposed the R2 rezoning and echoed the sentiments of Greg Gent. She stated that she sent an email to all Commissioners regarding her concerns
- Cathie Rising-Clarke homeowner of 7600 Daetwyler Drive spoke in opposition of the rezoning and shared her concerns on the look and feel of the project and the community.
- Jack Liberty residing at 7501 Lake Drive spoke in opposition of the rezoning and shared his concern with the number of boat docks proposed.
- Rick Cutter residing at 2213 Hoffner Avenue spoke in opposition of the rezoning and shared his concern with developer and the vision of the proposed project.
- Mike Gentile residing at 7606 Daetwyler spoke in opposition of the rezoning.
- Debra Donham residing at 6904 Seminole Drive spoke in opposition of the rezoning.
- Mike Malagian residing at 2318 Homewood Drive spoke in opposition of the rezoning.
- Randall Ellington residing at 6904 Barby Lane spoke in opposition of the rezoning.

There being no further comment, Mayor Pisano closed the public comment section and opened for Council discussion.

Attorney Callan said this is a legislative act and the key component of a Planned Development rezoning is the conceptual plan required by city code. He referenced the recommended conditions provided by staff and the Planning and Zoning Board, F and G on page 109, of the application and restated the differences of a R2 and PD zoning. He clarified that the depictions of the boat dock in the plans, in size, was not approved. City Manager Bob Francis further elaborated on blighted conditions.

Comm Weinsier motioned to deny the request for PD and leave the zoning as R2.

Comm Carugno seconded the motion.

Comm Lance suggested leaving the shore line property as R2 to reduce the amount of homes on the lake and change the property on the Daetwyler side to a PD.

Mayor Pisano asked Attorney Fitzgerald if she would like time for a rebuttal. Attorney Fitzgerald said not at this time.

Comm called for the question. Mayor Pisano called for roll call to deny and not move to a second reading;

Nielsen	aye, to deny
Mosse	aye, to deny
Lance	aye, to deny
Weinsier	aye, to deny
Readey	aye, to deny
Carugno	aye, to deny
Gold	aye, to deny

The motion to deny the request passed unanimously, 7:0.

The City Clerk read Ordinance 17-04 – First Reading and Consideration as follows,

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING HEIGHT; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 54, ZONING DISTRICTS AND REGULATIONS; BY AMENDING ARTICLE IV. SUPPLEMENTARY REGULATIONS, DIVISION 3. BUILDINGS; BY AMENDING SECTION 54-153, HEIGHT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

April Fisher, City Planning Consultant, said this item is moving forward with the ongoing land development code updates. It was discussed at the Planning & Zoning meeting that it was customary in most land development codes to have some allowance for additional height over district height requirements for certain appurtenances such as cupolas and elevator shafts or bulk heads, anything that is going to extend above the building that is not habitable space. She presented the Planning and Zoning Boards recommendation with limitations as follows,

Sec. 54-153. - Height.

- (a) ~~Chimneys, water, fire, radio and television towers, church spires, domes, cupolas, stage towers and scenery lofts, cooling towers, elevator bulkheads, smokestacks, flagpoles, parapet wall and similar structures and their necessary mechanical appurtenances may not be erected above the height limits herein established.~~ Exceptions to height restrictions. The height limitations

contained in the site and building requirements of district regulations do not apply to spires, belfries, cupolas, antennas, water tanks, elevator penthouses and bulkheads, ventilators, chimneys, or other appurtenances that extend above the roof and will not allow for human occupancy so long as they are limited to less than ten feet more than the allowable district height limitations and have a projected width of no more than ten feet or fifteen percent of height limitations and have a projected width of no more than ten feet or fifteen percent of design of the building. A site plan must be reviewed and approved by the Board to exceed district height limitations pursuant to this section.

- (b) Applicants/owners may apply for a variance to this section in accordance with the regulations set forth in this Land Development Code; however, the heights of these structures or appurtenances thereto shall not exceed the height limitations prescribed by the Federal Aviation Administration within the flight approach zone patterns of airports.

Comm Carugno asked if the height restrictions would also apply to commercial properties such as billboards and cell towers. Attorney Callan said it does not; billboards and cell towers are conditional uses under a separate section of the code. This proposed change must be incorporated into the design plan with a site plan to be approved by City Council. Discussion ensued on height requirements and FAA clearance.

Comm Weinsier asked what the City would be gaining in approving the proposed change. Ms. Fisher said the proposed change would be geared to those properties that have elevator shafts or architectural designs. It will also encourage good development, in residential and commercial properties; with some ability to do a little more than what the code restricts but show that it is architecturally integrated. Discussion ensued on permitting limitations, notices and permitting process.

Mayor Pisano opened for Citizen Comments.

- Debra Donham residing at 6904 Seminole Drive spoke in opposition.
- Andy Dunigan residing at 2416 Homewood Drive asked if the proposed code will allow for lighted billboards or signs on the elevated portion of the building. April Fisher stated if an applicant was requesting such a design it would have to come to the Board for approval.

Comm Carugno motioned to deny Ordinance 17-04 as presented.

Comm Lance seconded the motion for discussion.

Comm Gold requested to table the Ordinance.

After further discussion, Mayor Pisano called for roll call;

Nielsen	aye
Mosse	aye
Lance	aye
Weinsier	aye
Readey	nay
Carugno	aye
Gold	aye

The motion to deny the Ordinance to second reading passed unanimously, 6:1.

Vice Mayor Readey excused himself from the meeting.

APPROVAL OF CITY ATTORNEY CONTRACT

Comm Nielsen motioned to approve the City Attorney contract but limited to a 6-month review.

Comm Lance seconded for discussion.

Comm Nielsen said the City needs to continue with the current Attorney due to some pending projects in the City and would like to request a consistency with the Attorney attending City meetings. Discussion ensued.

For the record, Comm Carugno stated that he has received many complaints and visits from residents with regards to the current City Attorney. He would like the City to send out a Request for Qualifications for Attorney services. Discussion ensued on the City's previous process for request for services, monthly retainers, hold harmless and indemnifications verbiage in the contract. Comm Gold spoke to the verbal agreement between the City and Attorney Kruppenbacher and said there was no basis for the accusations by others on social media.

Attorney Callan requested the following corrections to the City Attorney Services Agreement as follows,

Section 4B reads, "...those services will be charged to the CITY at an hourly rate of ~~\$120~~ per hour..."

Should read, "...those services will be charged to the CITY at an hourly rate of \$250 per hour..."

Section 9 -1 reads, "...single limit of One Million Dollars (~~\$3,000,000.00~~)."

Should read, "...single limit of One Million Dollars (\$1,000,000.00)."

Section 9 – 3 – should be deleted completely.

Section 9 – 4 reads, "... claims made basis in an amount not less than ~~Three Million Dollars (\$3,000,000.00)~~."

Should read, "... claims made basis in an amount not less than One Million Dollars (\$1,000,000.00)."

Comm Weinsier stated that he also has received calls from residents asking for the City to have a temporary contract with the current City Attorney and seek for bids in the interim.

After further discussion, Comm Nielsen restated the motion to approve the City Attorney contract limited to a 6-month term with a 3-month extension.

Comm Lance seconded the motion.

The motion passed 4:2 with Comm Mosse and Comm Carugno in opposition.

CONSENT ITEMS

- a) Proclamation: Declaring May 2017 Neurofibromatosis (NF) Awareness Month
- b) Proclamation: Declaring "May 12th as FIBROMYALGIA (FM), MYALGIC ENCEPHALOMYELITIS (ME)/CHRONIC FATIGUE SYNDROME (CFS) AND MULTIPLE CHEMICAL SENSITIVITY (MCS) AWARENESS DAY"; and the month of May as "FIBROMYALGIA, MYALGIC ENCEPHALOMYELITIS/ CHRONIC FATIGUE SYNDROME AND MULTIPLE CHEMICAL SENSITIVITY AWARENESS MONTH"
- c) Approval of the revised City Council regular session minutes of February 21, 2017
- d) Approval of the City Council regular session of March 21, 2017
- e) Approval of the City Council regular session of April 4, 2017
- f) Approval of the City Council regular session of April 18, 2017

Comm Lance motioned to approve the consent items as presented

Comm Weinsier seconded the motion.

UNFINISHED BUSINESS

Approval of the BING Program Policy

City Manager Francis provided an amended Bing Grant policy with the requested changes made by Council at the April 18th meeting for approval.

Comm Lance motioned to approve the Belle Isle Neighborhood Grant (Bing) Policy as amended.

Comm Mosse seconded the motion which passed unanimously.

Approval of the Use of City Facility Policy

City Manager Francis provided an amended Facility Use Agreement with the requested changes made by Council at the April 18th meeting for approval.

Comm Gold motioned to approve the Facility Use Agreement as amended.

Comm Nielsen seconded the motion which passed unanimously.

NEW BUSINESS

Vice Mayor Election

Mayor Pisano stated according to Section 4.03 of the City charter, at the first Council meeting in May, after each City election, the Council shall elect one of its members as vice-mayor.

Comm Mosse motioned to nominate Comm Gold as Vice Mayor.

Comm Carugno seconded the motion.

Mayor Pisano opened for discussion.

Comm Nielsen requested nomination of Harvey Readey.

Comm Weinsier was in agreement and said the City should continue to recognize Vice Mayor Readey for his years of service. Discussion ensued.

Motion to nominate Comm Gold failed 6:0.

Comm Nielsen motioned to nominate Vice Mayor Readey as Vice Mayor.

Comm Gold seconded the motion.

Motion to nominate Vice Mayor Readey passed 5:1 with Comm Carugno, nay.

ATTORNEY REPORT

No report.

CITY MANAGER REPORT

Discussion of Perkins Boat Ramp

Due to the late hour, Council agreed to postpone discussion on the Perkins Boat Ramp for a future meeting. Bob Francis stated that there are continuing and unresolved issues and would prefer if Council would consider holding a work session to discuss the current issues regarding the ramps and open space. Council consensus was to schedule a workshop discussion for a later date.

Request for Proposal for Strategic Planning Services

Bob Francis provided a Request for Proposal for Strategic Planning Services to conduct the strategic planning process. He stated that the cost may be between \$10-15,000 for the consultant to conduct a two-day course. He asked for Council approval and said once the consultant is approved he will then proposed some meeting dates.

Comm Nielsen motioned to instruct the City Manager to proceed with the request for strategic planning services. Comm Gold seconded the motion which was unanimously approved.

Request for Qualifications City Engineering Service

Bob Francis provided a Request for Qualifications for Engineering Services. The City does not have an Engineer of Record for the City and every once in a while we have small projects and may not have priority when we need someone quickly.

Comm Nielsen motioned to approve the Request for Qualifications for an Engineer of Record. Comm Mosse seconded the motion which was unanimously approved.

Request for Proposal for Tree Care Services

Bob Francis provided a Request for Proposal for Tree Services. He said in preparation of the Hurricane Season the City would benefit from having a tree contractor locked in to provide emergency services.

Comm Lance motioned to approve the Request for Proposal for Tree Services. Comm Mosse seconded the motion which was unanimously approved.

Request for Qualifications for Attorney Services

Comm Weinsier motioned to instruct the City Manager to solicit for a Request for Qualifications for City Attorney services at a flat rate providing the same services that is being provided by the current City Attorney and his associates.

Comm Carugno seconded the motion.

City Manager Francis said it will take approximately 90-days to complete the process and would like to request one or two Council members to assist in evaluating the applications. He added, if Council is happy with the services after the 6-month review with the current City Attorney then Council can cancel the RFQ.

Comm Mosse suggested the City create an advisory committee.

After discussion, motion passes 4:2 with Comm Nielsen and Comm Lance, nay.

Project Update

- Bob Francis reported on the Lake Conway Shores Drainage. Due to scheduling conflicts, the City will reschedule the May 17th community meeting. The project is scheduled to start on May 22nd.
- He reported the following paving projects for Windsor Place, Venetian, Lake Conway East and McCauley Court. He also reported that he has requested an additional estimate from Middlesex for Jetport and Peninsular. Discussion ensued on drainage issues and repair to the Perkins Boat Ramp area.
- Bob Francis reported that Wawa has submitted sign applications and building plans for approval. FEG is the City's representative for site Engineer and he will meet with them for an update. Mayor Pisano requested a copy of the Landscape Plan for Windsor Place residents before it is approved by the Planning & Zoning Board.
- Mr. Francis reported that he will be going to Oregon from May 3rd -11th to finalize his move to Florida.

MAYOR'S REPORT

- Mayor Pisano requested that the City send a resident survey before the Strategic Planning Session to see what is important to the residents.

CCA Board Update

Mayor Pisano reported that the Cornerstone School Board voted down both candidates. They have returned five new names for consideration which will be provided to Council at the following Council session. They have added a new position on the Board and nominated Dr. Vyos.

Comm Nielsen stated that the School Board has violated their By-Laws by appointing a new person and adding a new position without having the action noticed and not publishing an agenda. Comm Nielsen spoke of a few options moving forward for discussion at the following meeting. Discussion ensued and Council consensus was to gather the remaining applications for discussion and approval at the next meeting.

- Mayor Pisano gave a legislative update on the Short Term Rental, CRA, Expanded Homestead and Charter School Bill.
- Mayor Pisano reported on the Earth Day event. She stated that it was well attended with a large amount of discarded electronics.

COUNCIL REPORTS

Comm Carugno – District 2

- Comm Carugno requested that the City find an alternative communication method to get information to the residents.
- Nela Bridge lights still come on in the daytime. Mr. Francis stated that he is in the process of scheduling an appointment for repair.
- He further addressed additional PD Grants, speeding on Hoffner and the signage at Pleasure Beach on Matchett and Wallace. Council Consensus was to add City signage on the agenda for a future date.

Comm Weinsier – District 3

- Comm Weinsier shared his concern regarding House Bill 843 allowing Council members to meet behind closed doors.

Comm Lance – District 4

- Comm Lance spoke on the Council approval for the traffic study on Daetwyler and Trentwood Blvd. After discussion, Mr. Francis said he would like to research the project further before moving forward.

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 10:05p.m.

Yolanda Quiceno
CMC-City Clerk