



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, June 01, 2021, * 6:30 pm
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 Geller, City Manager Francis, Chief Houston, and City Clerk Quiceno.

2. Invocation and Pledge to Flag - Commissioner Shuck, District 3

Comm Shuck gave the invocation and led the Pledge to the Flag.
Mayor Fouraker read and presented the Proclamation celebrating Mark Robinson to his wife, Shirley Robinson.

3. Public Hearing

- a. APPEAL OF CASE # 2021-04-002 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, AT 6810 SEMINOLE DRIVE, BELLE ISLE FL 32812, ALSO KNOWN AS PARCEL # 29-23-30-4389-02-021.
- b. APPEAL OF CASE # 2021-04-004 - PURSUANT TO BELLE ISLE CODE SEC. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, THE BOARD SHALL CONSIDER AND TAKE ACTION ON A REQUESTED VARIANCE TO PLACE DECORATIVE COLUMNS WITH A GATE IN THE FRONT YARD OF A RESIDENTIAL PROPERTY, SUBMITTED BY THE PROPERTY OWNER, STEVEN KNEIPP, AT 6822 SEMINOLE DRIVE, BELLE ISLE, FL 32812 ALSO KNOWN AS PARCEL # 29-23-30-4389-02-050

Leslie Kinsella, the property owner of 6810 Seminole, said he is seeking an appeal to allow two decorative columns with hedges with a setback of 20 ft from the roadway. He planted some trees by the property line and is too expensive to remove and replace. Mr. Kinsella stated out of the 20 homes on the block, 12 have fenced in their front yards. He has two young daughters and would like the fence for the security and safety of his family.

Comm Carugno asked if the home has existing columns. Mr. Kinsella said no, he only has existing hedges in the front.

Mayor Fouraker asked Council if they had any exparte communication with the appellant. Council members said no.

Comm Nielsen stated that Code Section 51-02 clearly says that no fences shall be permitted in front yards. As far as the Code reads, a gate is silent in the Code and is technically classified as a fence. We have an assortment of fences in front yards around the City, even though the Code prohibits fences in the front yard. Before moving forward with the appeal, Comm Nielsen asked that Council revisit the Code and make the necessary changes to establish a criteria design standard to allow front yard fences and gates throughout the City and clarify variances to the prohibition of front yard fences. Discussion ensued.

Comm Sims said Council could revisit the Code at a later date as suggested by Comm Nielsen. He moved to approve the variances of 6806-6822 Seminole Drive for decorative columns with gates with the condition that the setback is set 20 feet from the road.

Comm Carugno seconded the motion for discussion.

Comm Carugno asked if the motion includes the four P&Z applications. Comm Sims said yes; he would like his move to include Appeal #2021-04-002 and #2021-04-004. He asked if 6806 Seminole is included in the motion. Mr. Kinsella said the homeowner at 6806 Seminole with different issues.

Attorney Ardaman said the Council does not have the authority to act on anything not before the Council. Unfortunately, those other applications must apply for an appeal and come back to the Council for consideration.

City Manager Francis said, since this is a De Novo hearing, and although there are only two appeals of the four, he believes the other two would be allowed the same variance and allow for uniformity with those homes along with Seminole.

Attorney Ardaman said if the Council is so inclined, Council can approve the two appeals tonight contingent upon receiving requests from the other two, or Council can table the vote. Either way, the City has a chance of being challenged on the motion for the other two properties that are not present.

The City Clerk stated that the appeal waiting period of 15-days has run out for the other two applicants, and the neighbors have not been noticed.

Comm Nielsen asked if the motion includes the conditions set by the Planning & Zoning Board. Comm Sims said no. Discussion ensued.

Mayor Fouraker asked if there was opposition to the hearings. City Manager Francis said yes, from Nancy Weinsier and Greg Gent on the hearings tonight. Mr. Gent did oppose the original hearings via email.

Comm Sims said in approving the motion for all the properties thereof; the Council saves themselves from future public hearings.

Comm Miller said he is concerned that the other parcels were not properly noticed, and there is a potential of variance and not following the appeal rights. He would like to act on the cases before us individually and then allow the other properties to apply for the appeal.

Attorney Ardaman said the Council has the authority to waive the 15-day waiting period. He recommends acting on the two applications appearing tonight.

Mayor Fouraker called for a motion to open Appeal Case #2021-04-004.

Comm Sims moved to open Public Hearing Appeal Case #2021-04-004.

Comm Carugno seconded the motion, which passed 6:2 upon roll call with Comm Shuck and Comm Nielsen, nay.

Comm Sims restated his motion to approve the variances of 6806 and 6822 Seminole Drive for decorative columns with gates with the condition that the setback is set 20 feet from the road.

Comm Carugno seconded the motion for discussion.

Comm Shuck said the P&Z Board approved 20-feet from the right-of-way and shorten the distance from the road to the gate. He shared his concerns with the short distance creating a safety concern.

Comm Partin also shared his concern with a vehicle blocking the road when pulling onto the property. Most of the columns at existing homes in the area are similar to the request. Comm Partin shared his concern with adding 6806 Seminole to the motion due to safety concerns and would prefer to keep the properties separate.

Mr. Francis said 6806 Seminole, back in 2018-19, requested a similar variance that the P&Z Board denied. At the time, it didn't seem to staff that it would be a problem. There is a guardrail by the property that protects the sidewalk. The sight distance is caused by the large oak trees that sit in the corner.

Upon roll call, the motion failed 2:5 with Comm Nielsen, Comm Partin, Comm Miller, Comm Shuck, and Comm Gold, nay.

Comm Miller moved to approve the Appeals for 6810 and 6822 Seminole for the 20ft setback from the road, including the staff conditions on height and aesthetics with the properties.

Comm Gold seconded the motion, which passed 5:2 with Comm Nielsen and Comm Shuck, nay.

Mayor Fouraker asked if Council would like to waive the waiting period to allow the other applicants the opportunity to appeal.

Comm Miller moved to waive the 15-day waiting period for 6814 Seminole and 6820 Seminole to allow an extension to appeal within 15-days from today's date.

Comm Sims seconded the motion, which passed 6:1 with Comm Shuck, nay.

Mayor Fouraker said he believes it will be beneficial to consider Comm Nielsen's request to review the Code regarding fences in the front yard. Mr. Francis said he had the City Planner provide a summary of the variance request. He said from 2017, there were 20 applications: 16 were approved, two denied, and two continued. After discussion, the Council consensus was to have staff review the Code regarding fences and include strict street/criteria and overlays on Seminole and Hoffner.

4. Presentation

- a. Discussion with Gray Robinson (Lobbyist) on Council priorities

Chris Dawson, Shareholder at Gray Robinson, and Kathy Flory gave a presentation on the highlights of the Florida Legislation Session. Discussion ensued on Council priorities:

- Resilience Grants – Stormwater/DEP Environmental Waste Water
- Airport Regulation
- Senior Citizen Outreach
- Grant Funds for the Historical Society and preservation of historic houses

Council consensus was to schedule a workshop to discuss Council priorities for the City further. Council agreed to schedule a workshop on Tuesday, June 22 at 6:00 pm.

5. Consent Items)

- a. Approval of the May 4, 2021 meeting minutes
- b. Approval of the May 18, 2021 meeting minutes
- c. Proclamation celebrating Mark Robinson's 100th Birthday

Comm Sims moved to approve the Consent Items as presented.

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

6. Citizen's Comments

Mayor Fouraker called for citizen comments. There being none, he closed citizen comments.

7. Unfinished Business

- a. Ordinance 21-06 First Reading and Consideration - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING § 10-36 OF ARTICLE II OF CHAPTER 10 OF THE BELLE ISLE CITY CODE OF ORDINANCES PERTAINING TO CONDITIONS PRECEDENT TO ENFORCEMENT OFFICER'S ENTRY ONTO PRIVATE PROPERTY FOR INSPECTION OR COMPLIANCE PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, DIRECTION TO CITY STAFF, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

City Clerk read Ordinance 21-06 by title.

Comm Nielsen moved to approve Ordinance 21-06 to a second reading and adoption.

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

- b. Ordinance 21-07 First Reading and Consideration- AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING CHAPTER 34, ARTICLE II OF THE CITY CODE GOVERNING BOAT EQUIPMENT AND OPERATION; CREATING A NEW 34-39 DESIGNATING SWIM AREAS, AND ESTABLISHING A RELATED VESSEL-EXCLUSION ZONE, ON THE LAKE CONWAY CHAIN OF LAKES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, DIRECTION TO CITY STAFF, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

City Clerk read Ordinance 21-07 by title.

During a discussion at the last Council meeting, Comm Miller said Council designated 75-foot swim area, and it is not in the Ordinance. Mr. Francis said staff could change the Ordinance at the second reading, and GIS coordinates will be provided with the Council agreement.

Comm Carugno asked if Council would like to postpone adoption until further research can be done. He shared his concerns and said he does not want to exclude those residents that do not have lake access. Comm Sims agreed and said it might exclude many visitors from the enjoyment of the Lake.

Mr. Francis clarified and said if we create a swim area, all of the lakeside parks will create a vessel exclusion zone and will not allow vessels to come ashore for drop-off/pick-up. Comm Partin said it might be a good idea to designate some, and not all, city parks with a swim area. Mayor Fouraker said the swim area designation might mitigate the current issue with "uber-like" services in various locations on the Lake.

Mayor Fouraker said at the next meeting Council can review a study of the beaches that are less navigable and asked if Comm Carugno can take the lead. Based on the results researched by Comm Carugno, Council can give staff direction. Ordinance 21-07 was tabled.

8. New Business

- a. Approval of Redistricting Committee members
City Manager Francis reported that the staff had received seven applications for the Redistricting Committee. We are missing appointments from the Mayor and District 2. He would like to move forward and approve the applicants to get the maps organized before releasing the official Census Data.

Mayor Fouraker said his appointment to the Committee is Katherine Stiton.

Mr. Francis said the staff advertised for a few weeks. He asked for approval of the following Committee members: Katharine Stiton, Brandon Shaw, Meg Sharf, Charlotte Brown, Randy Holihan, Emily Wakley, Alexa Dowlen, and David Evertsen.

**Comm Sims moved to appoint the Redistricting Committee members as presented.
Comm Carugno seconded the motion, which passed unanimously 7:0.**

9. Attorney's Report – No report.

10. City Manager's Report

- a. Issues Log
Mr. Francis provided the issues log dated 6/1/ 2021.
- b. Approval of Purchases with Approved Grant
City Manager Francis presented an FDLE Grant received today for the Police Department purchases for \$49,902. He asked for Council approval on the PD/COVID residual approval purchases. Chief Houston said the grant has a specific list of equipment that could be purchased. Some of the items purchased were, i.e., trailer, Plexiglas, tents, tables, chairs, Zoom services, new microphones, and COVID-related supplies.

Mayor Fouraker asked how the items are procured. Chief Houston said she typically gets three quotes.

Comm Sims moved to approve the request of Chief Houston to purchase items for \$49,902 to be purchased with funds received from the Florida Department of Law Enforcement grant.
Comm Gold seconded the motion.

Comm Miller said, in the future, he would like to see a detailed list of the items being approved. Chief Houston said the list is attached to the grant paperwork for the record.

The motion passed unanimously 7:0.

c. Chief's Report

Chief Houston reported on the following,

- Chief Houston reported that the lake level is currently 84.4. If the lake level goes down to 83.5, there is a requirement to close the Perkins Boat ramp. Mayor Fouraker asked that an alert be sent in anticipation of the close.
- 14 Marine Patrol citations and eight parking tickets were issued in three days.
- The sand bar has expanded considerably due to the low water level.
- The vaccine event with Edgewood went very well, with approximately 100 participants.

11. Mayor's Report

Mayor Fouraker reported on the following,

- He thanked Randy Holihan for the City/PD use of the pontoon boat.
- CCA Graduation was held at Gaylord Palms and was very successful.
- Mayor Fouraker thanked Council and Bob Harrell for their input in reviewing the CCA Lease. He asked if the group would like to meet again on Friday, June 04, at 3:00 pm. Council agreed, City clerk to post agenda.

12. Items from Council

- Comm Gold spoke on the Roberts Rules of Order and the 2/3 rule to close a debate on any topic.
- Comm Carugno spoke positively of the PD lake presence. He shared his concerns with the safety issues on Hoffner and would like to ask Council for approval of additional officer hours.

Comm Carugno motioned to extend the meeting an additional 15 minutes.

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

- Comm Nielsen said she was contacted by a resident who would like to use the Perkins ramp at night. She asked if there was a way staff can research the possibility. Mayor Fouraker said it might infringe on those surrounding residents.
City Manager Francis said he is opposed to using keys or codes. He spoke with the same resident on Friday and said he needs to come to Council and explain how he wants to go about it and propose a solution for consideration. The Code also states that City parks close at dusk. Any change would have to be made by Ordinance. Discussion ensued.

13. Adjournment

There being no further business, Mayor Fouraker called for a motion to adjourn. The meeting adjourned at 9:15 pm.