



city council minutes

MINUTES CC Regular Session May 5th, 2020 Virtual Conference 6:30 pm

The Belle Isle City Council met in a Regular Session on May 5th, 2020, at 6:30 p.m. on a Virtual Webinar (zoom.us/j/89227708558).

Present was:

Mayor Nicholas Fouraker
Commissioner Ed Gold
Commissioner Anthony Carugno
Commissioner Mike Sims
Commissioner Karl Shuck
Commissioner Harv Readey
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

Also present were Attorney Ardaman, City Manager Francis, Chief Houston, and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Fouraker called the meeting to order at 6:35 pm and confirmed quorum.
Comm Nielsen led the invocation and pledge to the flag.

Mayor Fouraker called for a motion to excuse the absences of Comm Readey, Comm Nielsen, Comm Gold, and Comm Sims from the April 30, 2020 meeting.

Comm Sims motioned to excuse Comm Readey, Comm Nielsen, Comm Gold, and Comm Sims from the April 30th meeting. Comm Partin seconded the motion, which passed unanimously upon roll call.

CONSENT ITEMS

Mayor Fouraker called for a motion to approve Consent items,

- a) Approval of City Council minutes – April 21, 2020
- b) Resolution No 20-06 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, PROVIDING AN EFFECTIVE DATE.
- c) Proclamation declaring May 3-9, 2020 City Clerk Week

Comm Sims motioned to approve consent items as presented.

Comm Readey seconded the motion, which passed unanimously upon roll call.

CITIZEN COMMENTS

Mayor Fouraker opened for citizen comments.

Mayor Fouraker announced that he received a few public comments and read the following emails for the record,

1. Email dated May 5, 2020, from Randy Holihan
2. Email dated May 5, 2020, from Rick Wilson
3. Email dated May 5, 2020, from Woody Johnson

City Manager Francis said many of the questions raised have been discussed at the workshop and can be quickly addressed. The proposed Ordinance will not be passed tonight. Once the City Council reviews the proposed Ordinance, it will be forwarded to two readings before adoption. In regard to the life vests, professional water-skiers, and the recommended speed limit, they can be overcome with an exception or including a regulation on speed for professional or barefoot skiers.

The comment on the removal of Section 34-37 was referred to the City Attorney because this section was established based on Ordinance 17-13 Emergency during Hurricane Irma. Mr. Francis said the Ordinance may have been mistakenly codified; once the emergency was over, the Ordinance should have sunset.

After further discussion, Mr. Francis said this is not a dead issue with the County or the City, and the draft ordinance is proposed for review and consideration. He said the questions raised could be easily overcome.

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

UNFINISHED BUSINESS

Discussion of Lancaster House

Mayor Fouraker opened for discussion of the Lancaster House. The Pine Castle Historical Society sent a letter to the City declining the City's donation of the Lancaster House to the PCHS due to time, funding, and historical preservation reasons. There are several options for the City to discuss.

City Manager Francis said the Pine Castle Historical Society (PCHS) declined the City's donation of the house due to time, funding, and preservation issues. He reported that the City was contacted by a private individual who lives across the street in Orange County who would like to move house if the City would donate it to them to live in. The Bond Trustee told him that it would not cause any concern with the bond.

At the request of the City Manager, Comm Gold said he spoke with the individual who said they would take care of all the restoration and asked if the City will be able to help with the move. The individual also stated that they do not want to designate the home on the preservation register because she does not want it open to the public and does not want to be limited to what they can replace and restore. Also, Comm Gold said he would like to see the City donate a plaque to be placed on the home

Comm Gold stated that he has a counter-offer and proposed the City restore the home in place. He believes it may be the cheapest opportunity to get it done with the turn of the economy. He suggested the City pay CCA \$20,000-30,000 a year until paid, which can be restored with the funds received by renting the home to commercial business. Mr. Francis said, according to the lease, the sublet cannot lease or rent to a third party.

City Manager Francis said, as far as moving the house, he doesn't feel the City would like to take on that responsibility, however, the City can reach out to CCA to see if they are still willing to contribute to the move of the home. He further added that one of the conditions of the donation would be to have it placed on the preservation registry.

Comm Nielsen said it would be a shame to demolish the building when we have someone who wishes to move and live in it. She does not believe the cost to move is more than demolition. Mr. Francis said the cost to move might be up to 13,000, and the quote for demolition he received was \$5,000.

After further discussion, the Council consensus was not to pay for any of the moving expenses and no further action was taken.

Mayor Fouraker called for public comment.

The City Clerk said she received a comment from Joy Fox and placed it on the chat board for the panelist. Mayor Fouraker read as follows; Joy Fox is in favor of keeping the house in its original homestead. It is the oldest house in Orange County and is worth preserving. She is willing to work with the Council to preserve the house.

Mayor Fouraker suggested a resolution to include,

- authorize the City Manager to research preservation, relocation and demolition costs
- send a formal letter to CCA requesting a donation amount for the relocation and establish a timeline

Comm Shuck motioned to hold fast on the July 1st date for anyone interested in moving the building and to take it upon them to move it or proceed with demolition.

Comm Gold said he would like to open the offer to other parties before making a decision or organize a group of people to try to preserve and renovate the home.

Comm Readey seconded the motion, which passed 5:2 upon roll call with Comm Nielsen and Comm Gold nay.

NEW BUSINESS

Appointment of Vice Mayor (BI Code Sec. 4.03 - Vice-mayor: Election)

Comm Shuck motioned to nominate Anthony Carugno for the position of Vice Mayor.

Comm Partin seconded the motion, which failed 2:5 with Comm Gold, Comm Readey, Comm Nielsen, and Comm Carugno nay.

Comm Gold motioned to nominate Harvey Readey.

After discussion, the motion failed for lack of a second.

Comm Partin moved to reconsider the nomination of Anthony Carugno.

Comm Sims seconded the motion with passed unanimously 7:0 upon roll call.

Comm Partin moved to nominate Anthony Carugno for Vice Mayor.

Comm Sims seconded the motion, which passed unanimously 7:0 upon roll call.

Proposed Ordinance Adopting Orange County Boating Codes

Mayor Fouraker said this is a proposed ordinance for review of Orange County boating codes. Hence, the City and Orange County marine patrols are on the same page when enforcing safety on Lake Conway. It is essential to have the same codes when the County and City apply to the FWC for approval.

City Manager Francis said the Ordinance does focus on two substantial issues,

1. the use of professional water skiers vest; and
2. Setting a proposed speed for everyone up to 50mph or two different types of speed.

He noted Section 34-37 was passed as an emergency ordinance during Hurricane Irma and should not have been codified and has been stricken from the draft ordinance.

Attorney Ardaman said the strike-through language is appropriate if the emergency ordinance sunset or became non-enforceable after the event.

Comm Carugno asked if the lake advisory board need to be in effect before moving forward with the change. Attorney Ardaman said no, the strike-through text could move forward with Council approval and enacted at a later date if necessary.

Comm Carugno moved to accept the staff recommendations.

Comm Sims seconded the motion.

Comm Readey stated Section 34-37 should remain in effect because, once removed, we will not have a speed on the record. The removal of the section can be accomplished once the committee is formed.

Comm Carugno agreed and amended his motion to accept the staff recommendations with paragraphs 34-37 still in effect. The motion seconded by Comm Sims, which passed unanimously 7:0 upon roll call.

Proposed Ordinance on Non-Exclusive Franchise Waste Haulers

Mayor Fouraker said although JJ's Waste and Recycling has the exclusive franchise for hauling residential and commercial waste, the City does not have any agreements with waste haulers who provide large dumpsters or roll-offs for large projects. This proposed Ordinance provides for provisions for other haulers to enter into an agreement with the City to provide this service and also adds a franchise fee for these large containers.

City Manager Francis said the proposed Ordinance will apply to dumpsters above ten cubic yards. Throughout the City, many different companies do not pay for any permits. We do not have a franchise fee for other commercial haulers fewer than ten yards. This proposed Ordinance provides us a vehicle to collect a franchise fee, place requirements of liability, and enter into an agreement with commercial hauling.

After discussion, Comm Sims moved to approve the staff recommendations and move the Ordinance to the first reading at the next available meeting.

Comm Nielsen seconded the motion, which passed unanimously 7:0 upon roll call.

ATTORNEY REPORT

Attorney Ardaman gave an update on Lake Conway enforcement proposal. He has received information from the Assistant Orange County Attorney. He expects to have an opinion that will affect how the City, County, and NAV Board will deal with FWC concerning independent authority to regulate watercraft vehicles on the lake.

Secondly, he finally received the Attorney General opinion on vacation rentals. The City submitted asking if the City will be able to enter into a pilot program without waiving our rights in the interim. The opinion was that the City would not. If the City did adopt a carve-out (modified code) that would allow owner-occupied rentals, then that would not invalidate our provision against all other rentals. Her opinion was not based on statutory advice. Attorney Ardaman said it is a policy issue for the City; however, he recommends if the City wishes not to allow vacation rentals, then the pilot program should not be approved. He said because our Ordinance predates the prohibition, the City is good as a prohibiting City, and our Ordinance is valid.

Comm Nielsen asked why we cannot enforce then if what we have now allows us to implement the prohibition on vacation rentals. City Manager Francis said enforcement is complaint-driven. The problem with AirBnB's is that sometimes the location map pins are not placed properly and this makes them hard to locate.

Council consensus was that the City should leave the existing prohibition in force for all circumstances.

CITY MANAGER REPORT

City Manager Francis reported on the following,

- The Deeds and recording fees have been delivered to Orange County for the four roads. On receipt, we will own the four roads and start enforcement.
- The City Planner has submitted the first annexation report. He will reach out to the property owners on Conway & Hoffner and ask if they would like to enter into a voluntary annexation.
- Bob's Diner contacted the City and asked what guidance the City will issue on the State requirement on the 25% capacity and on tables outside. The only two restaurants this will impact are Bob's Diner and the Thai Restaurant. He said the City of Orlando has a good guideline for temporary use permits and would like to research it further and approve the use for any restaurants in our City.

Chief's Report

Chief Houston reported on the following,

- Many calls have come in regarding the boat ramps reopening. We have responded and said we will consider reopening once Orange County opens theirs.
- Working on a few grants: Corona Virus Response and Traffic Safety Equipment
- The agency has seen an increase in drug activity. As a result, we have done curfew violations.
- Welcome to our new office, Jennifer Bosch.

MAYOR'S REPORT

Mayor Fouraker spoke on the following,

- He has seen several comments on Face book on JJ's Waste & Recycling issues. He appreciates the many comments on Face book; however, the City cannot control those comments as a matter of public record. He asks that residents please call the City and speak with the staff directly. He said the Solid Waste Committee did a great job in their selection process. Regrettably, JJ's is not meeting the standards. Mr. Francis is well aware of the issues and addressing the comments accordingly.
 - Comm Shuck and Comm Partin addressed some yard waste issues in their districts regarding yard clean-up and the continued use of plastic bags for yard waste and recycling items.
- The City Manager is due for a review, per the Charter, and this is critical to his professional growth goals and objectives. Forms will be sent to Council for completion.

COUNCIL REPORT

Comm Carugno

- He complimented the PD for their enforcement on Hoffner Avenue and Marine Patrol.
- He asked to add an agenda discussion of the use of low-speed vehicles and mini trucks
- Comm Carugno and City Manager Francis spoke briefly of the discussion at the NAV Board meeting about recording near misses on Lake Conway to be used as substantial evidence for reporting purposes.

ADJOURNMENT

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 8:38 p.m.

Yolanda Quiceno, CMC, City Clerk