



city council minutes

MINUTES CC Regular Session May 19th, 2020 Virtual Conference 6:30 pm

The Belle Isle City Council met in a Regular Session on May 19th, 2020, at 6:30 p.m. on a Virtual Webinar (zoom.us/j/82747304256).

Present was:

Mayor Nicholas Fouraker
Commissioner Ed Gold
Commissioner Anthony Carugno
Commissioner Karl Shuck
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

Commissioner Mike Sims
Commissioner Harv Readey

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 6:48 pm and confirmed quorum.
Comm Shuck led the invocation and pledge to the flag.

Mayor Fouraker called for a motion to excuse the absence of Comm Sims from tonight's meeting.

Comm Gold motioned to excuse Comm Sims from tonight's meeting. Comm Partin seconded the motion, which passed unanimously upon roll call On those present Comm Gold, Comm Shuck, Comm Carugno, and Comm Partin.

APPROVAL OF EMERGENCY ORDINANCE

EMERGENCY ORDINANCE NO. 20-07 - AN EMERGENCY ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA DECLARING A STATE OF EMERGENCY WITHIN THE CITY OF BELLE ISLE IN ACCORDANCE WITH THE DECLARATION OF EMERGENCY BY THE GOVERNOR; ADOPTING EMERGENCY REGULATIONS TO ADDRESS MITIGATION OF COVID-19; REPLACING EMERGENCY ORDINANCE 20-02; RATIFYING EXECUTIVE ORDERS; PROVIDING FOR SEVERABILITY, NON-CODIFICATION, AND AN EFFECTIVE DATE.

Mayor Fouraker read by title.

Comm Partin moved to approve Emergency Ordinance 20-07, as presented.

Comm Gold seconded the motion. Comm Gold asked what the consequences to the City for not following the rules set by the Governor are. He shared his concern on the section and said the suspension of quorum did not provide for proper representation.

After discussion, the motion passed unanimously upon roll call.

Mayor Fouraker called for a motion to excuse the absence of Comm Readey from tonight's meeting. Council briefly discussed excused and unexcused absences. No action was taken, and the absence by default is unexcused.

CONSENT ITEMS

Mayor Fouraker called for a motion to approve Consent items,

- a) Approval of City Council Special Called meeting minutes – April 30, 2020
- b) April Monthly Reports: Finance report, Code Enforcement, and OC Fire

Comm Gold motioned to approve consent items as presented.

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

CITIZEN COMMENTS

Mayor Fouraker opened for citizen comments.

Mayor Fouraker read the email for the record.

Anita Sacco residing at 4913 Jinou Avenue forwarded an email dated May 19 at 5:21 pm as follows,

She has looked over the agenda cover sheet regarding the use of mini-vehicles.

And without any further information, other than the City Managers cover sheet, she will be opposed to such vehicles.

She does not know what purpose they would serve or whom they would benefit. Based on the definitions, one uses a speed of 25 per hour, whereas a mini truck can have a top speed of 55 miles an hour.

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

UNFINISHED BUSINESS

Ordinance 20-06 Proposed Ordinance to Adopt Orange County Boating Codes - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING BOAT EQUIPMENT AND OPERATIONS BY AMENDING CHAPTER 34, CODE OF ORDINANCES; PROVIDING FOR BOAT EQUIPMENT AND OPERATION, MINIMUM SAFETY EQUIPMENT, GENERAL OPERATION OF VESSELS, SPEED LIMITS, PROVIDING FOR WAKE REGULATIONS DURING STATES OF EMERGENCY; ESTABLISHING SLOW SPEED, MINIMUM WAKES ZONES; PROVIDING FOR PERSONAL WATERCRAFT, SWIMMERS AND DIVERS, TAMPERING AND TRESPASS TO BOATS, BOATHOUSES, AND DOCKS, DAMAGE TO CHANNEL MARKERS, BUOYS, SIGNS OR SIGNALS, AND MUFFLING EQUIPMENT; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Manager Francis proposed that the City post a draft ordinance on-line and requested public comment for the next two weeks. Based on the feedback received, the City Attorney will create an ordinance accordingly for consideration.

Council consensus was to post the ordinance for public comment for the following two weeks as proposed.

Ordinance 20-05 Non-Exclusive Franchise Waste Haulers – First Reading and Consideration - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO FRANCHISEES QUALIFIED TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF BELLE ISLE, FLORIDA, PURSUANT TO CITY OF BELLE ISLE CHARTER, ARTICLE III, SECTION 3-12; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Mayor Fouraker read by title.

City Manager Francis said the ordinance grants non-exclusive franchise agreement with various waste haulers that provide large roll-off dumpsters (10 cubic yards+), requires companies to have adequate insurance and register with the City.

Comm Carugno approved the first reading and moved to advance Ordinance 20-05 to second reading.

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

NEW BUSINESS

Discussion of low-speed vehicles or mini-trucks on City Streets

City Manager Francis gave a brief overview of low-speed vehicles. He stated that the request does not include the use of golf carts. Currently, low-speed vehicles are allowed on the City streets where the posted speed limit is 35 mph or less. However, the Council can prohibit the operation of the low-speed vehicles and mini-trucks on any streets if they determine that it is a public safety issue or approve the use as long as they meet the requirements for safety, equipment, and insurance.

Comm Shuck stated that the operator also is required to have a valid driver's license.

Comm Nielsen said the use of golf carts and low-speed vehicles will be dangerous on Hoffner Avenue and is a safety concern.

Comm Carugno said he understands the challenges on Hoffner Avenue, but it is not the only road in the City. The State and County allow the use of low-speed vehicles and recommends that the City follow the County and State law.

Comm Gold said the vehicles should be allowed if they are proven to meet the definition of street-legal (seat belts, headlights, license plate, etc.).

Attorney Ardaman stated that the Statute presented provides the low-speed vehicles that are allowed provided they meet the requirement specified in the Statute.

Chief Houston read SS 316.1995-Driving Upon Sidewalk or Bicycle Path for the record and said although the low-speed vehicles and mini trucks are legal, they cannot be driven on the sidewalk.

For the record, Mayor Fouraker acknowledged some of the following comments received regarding the use of golf carts as follows,

Danny Dell, Emily Taylor, Mike Weston, Kevin Murphy, Nicole Bell, and Pam Carter. A brief discussion on the use of golf carts ensued.

After discussion, Comm Shuck moved not to allow low-speed vehicles or mini trucks to be operated in the City of Belle Isle. The motion died for lack of a second.

Update on COVID-19 & City Operations

City Manager Francis gave a brief overview of City reopening following the CDC guidelines during the COVID19. He reported the following.

- Belle Isle has no reported cases.
- Open City Parks (Waterfront). Following the CDC guidelines, if the social distancing is violated, the parks will close accordingly.
- The City ramps will reopen May 22nd to coincide with the County ramp reopening. Discussion ensued on limiting to residents only during the reopening.
- Swann Park will remain closed due to the ongoing construction.
- City Hall remains closed to the public. Staff can be reached via phone and email.
- Elerts/Website will continue to be used as a source of information.
- City Council will continue to meet remotely through July 1st per Governors Executive Order.
- Committees and Boards will start to meet remotely as needed.
- PD will continue to serve the community. PD front lobby is closed to the public; however, it can be reached via email, phone.
- Public Works crew continues to work around the City. Warehouse closed to the public.

Discussion ensued on the use of City ramps for residents only during COVID19.

Comm Carugno motioned to limit the use of the Perkins and Venetian ramps opened for residents only during the soft openings due to safety concerns and in conjunction with Emergency Ordinance 20-07. Comm Gold seconded the motion.

Attorney Ardaman recommended further discussions to continue with staff outside a City meeting. He said some Cities had improved access to City-owned properties by requiring permits.

Chief Houston stated enforcement requires Officers at both ramps 24-hr checking identifications. There is a cost associated with the proposed motion. In the past, the City has placed barriers in nearby locations to discourage parking. Discussion ensued.

After discussion, the motion passed unanimously 5:0.

ATTORNEY REPORT

Attorney Ardaman gave a brief overview of the ongoing discussions with Orange County and said he would hopefully have a formal report in two weeks.

CITY MANAGER REPORT

City Manager Francis reported on the following,

- Gene Polk Park – Items are completed and opening soon.
- Street Paving – Will not be scheduled at this.
- Storm Drainage – Brief overview of the project and stated that the St. Partin project would not move forward. There are two items under review before moving forward with any other plan.
- Traffic Study – County continues to meet on the Hoffner matter and has marked off the median project. MetroPlan continues to finalize the report for Hoffner Avenue.
- CCA - CCA is working with City Planner on Wallace Field. CCA rejected all conditions proposed by the City.
- Acquisition - Waiting on a response on the BOA offer and Cross Lake Deed.
- Strategic Plan – Complete.
- Annexation –, The planner, completed the first report – under review.
- Deeds have been transferred for the County roads. BIPD can now patrol those roads.
- FAA/Orlando Workshop on June 8th.

Chief's Report

Chief Houston reported on the following,

- Judge and Daetwyler routine patrol and weekly detail.
- Mayor Fouraker signed off on grant for two message boards.

MAYOR'S REPORT

Mayor Fouraker spoke on the following,

- Mayor Fouraker shared the event of the CCA graduates drive-by and shared a video of the event – Congrats CCA Graduates!
- Provided a brief update on his meeting with Sheriff Mina which included Lake Conway.
- Saturday Event – Mayra Uribe, Action Church Food Drive/Mask Giveaway 12-2 pm.
- He will be scheduling an exploratory conversation with the City Manager and City of Edgewood Mayor Dowles re Waste Vendors.

COUNCIL REPORT

Comm Carugno

- Comm Carugno gave a brief report on the ANAC Committee meeting.
- FLC Council Q&A – May 20th – 10 am.

Council shared their appreciation to the City Manager and the staff during these times and Congratulated CCA Graduates.

ADJOURNMENT

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 8:58 p.m.

Yolanda Quiceno, CMC, City Clerk