



city council minutes

MINUTES
June 4, 2019
Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on June 4, 2019, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

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

Absent was:

NA

Also present were City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston and Admin Assistant Heidi Peacock.

CALL TO ORDER

Mayor Fouraker called the City Council Regular Session to order at 6:30 pm and confirmed quorum. Commissioner Readey gave the invocation and led the Pledge to the flag.

CONSENT ITEMS

No report.

CITIZEN COMMENT

Mayor Fouraker opened for citizen comment.

- Sue Judd residing at 1503 Conway Isle Circle shared her concern with the overbrush blocking the sidewalk in some of the areas in the City and asked if she can speak to someone about her concern. City Manager Francis said he would contact her regarding her concern.
- Greg Gent residing at 2924 Nela Avenue, shared his concern and continued problems with the Planning & Zoning Board decisions. He spoke of the most recent example for a fence at 6806 Seminole Drive. He noted, in his opinion, the Board continues to often not speak of the variance criteria when approving a request. He asked for assistance from the Council to hold the Board members accountable to uphold the criteria when approving all variances.

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

UNFINISHED BUSINESS

Ordinance 19-03 First Reading and Consideration

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, RELATED TO LOT SPLITS AND LOT AGGREGATION; AMENDING SECTIONS 50-32, 50-33, 50-37, 54-2, AND 54-171 OF THE CITY LAND DEVELOPMENT CODE; PROHIBITING VARIANCES FOR LOT SPLITS RESULTING IN NON-CONFORMING LOTS; PROVIDING DEFINITIONS; PROVIDING FOR APPLICATION FEES; PROVIDING FOR TREATMENT OF APPLICATIONS RECEIVED PRIOR TO ENACTMENT OF ORDINANCE; PROVIDING FOR ADOPTION OF DIAGRAMS ILLUSTRATING HOW TO MEASURE LOT DIMENSIONS; AMENDING AND CLARIFYING THE AGGREGATION REQUIREMENTS FOR SUBSTANDARD LOTS OF RECORD; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Manager Francis read Ordinance 19-03 by title.

Comm Nielsen motioned to advance Ordinance 19-03 for a second reading and adoption.

Comm Partin seconded the motion.

Mayor Fouraker opened for Council discussion.
Comm Shuck asked for clarification of Section 50-32.
After discussion, the motion passed 6:1 with Comm Carugno, nay.

NEW BUSINESS

Approve Solid Waste and Recycling Proposal

City Manager Francis reported that he and the Solid Waste Committee advertised for RFP Services and received a total of three proposals (Republic Services, Waste Pro and Waste Connection). Also, he noted that Waste Management presented a letter with reasons why they did not submit for the project.

The RFP required the companies to provide two bids, (1) with a 5% franchise fee and, (2) a bid without a 5% franchise fee. The Committee did not recommend either as the decision on a franchise fee is a decision for the Council to make. The contract is Solid Waste and Recycling services for 5-years with options to renew for additional 1-year periods.

After review of the proposals, the Committee recommends the proposal submitted by Waste Pro. Although the Committee is not making a recommendation on the franchise fee, the City Manager is recommending that the City Council accepts the bid with the 5% franchise fee.

Mayor Fouraker opened for Council discussion.

Council asked the following,

- What is the current cost of the contract?
Current cost is \$236 per household/19.65 a month
- What is the “favorite nation’s language?” in the contract that caused Waste Management not to bid.
If another vendor offers the City a better price after awarding the contract; the awarded contract is bound to give the same price.
- What will the 5% franchise fee cover?
If adopted, the Council will be asked to create a special district/restricted fund to cover any costs for our roads, curbs, and right-of-ways. Comm Readey shared his concern with the administrative cost and the pass-through to the residents or a tax increase. Mayor Fouraker spoke on the difference between a millage increase and alternative revenue sources. City Manager Francis spoke on the current/ongoing paving projects and estimated maintenance cost currently on the schedule.
- How much will 5% increase be monthly?
The 5% will add \$13 a month to each bill as opposed to a tax increase that can fluctuate with property values.

City Manager Francis gave a brief overview of the proposed services from the new vendor. He stated that all the vendors are good, reliable company’s however, unfortunately, it all came down to cost. Mr. Francis stated the Council could open for another bid and RFP if they are not comfortable with the proposed contract.

Mayor Fouraker recognized Mr. Van Kamp, who shared his concerns with the Commercial properties not complying with the franchise agreement, which will cover the proposed 5% increase.

Don Collins from Republic Services with offices at 11255 Rocket Blvd, Orlando said from a Commercial standpoint 99% of the business in Belle Isle is compliant. There is an exclusive franchise with the Republic Services by contract and ordinance. He has been informed by some of his drivers that there have been a few other vendors who have sneaked into the City, but he has not pushed the issue. However, because some of the businesses choose to use other vendors, the City is losing the opportunity to receive a franchise fee from the dumpsters because competitors are not part of the contract. Discussion ensued on non-compliant commercial properties around the City, specifically Regal Boats. He further added that he had not been contacted by anyone in the City, per the negotiation requirements of the RFP, and the proposed bid submitted by Waste Pro does not include event services which can explain the price differences.

Council consensus was that all commercial business should comply with the franchise agreement moving forward before approving a tax increase.

City Manager Francis stated that he is aware of two commercial properties in the City who were not in compliance and the City responded accordingly to the businesses. He stated that he has never heard of the comments made of Regal Boats. The City does not have many commercial businesses, so the City has allowed the waste hauler to deal with them directly. However, if the Council would like the vendors to submit a commercial bid to regulate and put requirements on the commercial businesses, the City can reject the submittals and resubmit the RFP to include commercial. Discussion ensued.

Mayor Fouraker shared his concerns in opposition to the recommended proposal.

Mr. Francis stated that the vendors were invited to speak with the Committee, and no one requested time to meet or attended any of the Committee meetings.

Comm Gold requested Council to defer judgment to allow all the vendors to meet with Council and research the concerns shared regarding Regal Boats. In light of the request, Mayor Fouraker said the process suggested is not allowed per the RFP process.

Attorney Ardaman said under the circumstances; it may be in the best interest of the City to defer the decision until Council can get more information before making a decision.

**After discussion, Comm Carugno motioned to reject all the bids and readvertise the RFP as discussed.
Comm Shuck seconded the motion for discussion.**

Comm Nielsen asked if the City can require all residential and commercial properties in the City of Belle Isle to use the company contracted with the City. She asked for the City Attorney to research the information and reconvene at the next meeting.

Attorney Ardaman said he would like to research the prior ordinances and agreements, if any, further before providing a recommendation.

**Comm Nielsen motioned to table the approval of the Solid Waste and Recycling Proposals.
Comm Readey seconded the motion.**

Motion failed 4:3 with Comm Carugno, Comm Partin, Comm Shuck, and Comm Gold - nay and Comm Nielsen, Comm Sims and Comm Readey - aye.

Mayor Fouraker opened for vendor comment and consideration.

Tim Dolan Regional VP from Waste Pro with offices at 3705 St. Johns Parkway, Orlando clarified the following proposal highlights,

1. The 5% increase will be 60-70 dollars a year /6-7 dollars a month with a 20% difference in price.
2. Monday yard waste and Wednesday garbage pick up.
3. No Regal Boats pick up was included in the submittal or included in the RFP documents provided.
4. RFP was responded by Waste Pro as requested.

Mayor Fouraker recognized Gary Maloon.

Gary Maloon residing at 6101 Matchett Roaf stated Regal Boats produces a high volume of hazardous, resin and fiberglass waste. There may be an environmental reason as to why they cannot use our vendor and are required to dispose of the material by other means.

Comm Sims stated the RFP process is an expensive and labor-intensive process and Council should keep that in mind. Also, it is a rash move to have the vendors resubmit their proposals when it has been discussed tonight in length.

**After discussion, Comm Carugno motioned to reject all the bids and readvertise the RFP as discussed.
Comm Shuck seconded the motion.**

The motion failed 5:2 with Comm Sims, Comm Partin, Comm Gold, Comm Readey and Comm Nielsen – nay and Comm Shuck and Comm Carugno – aye.

Comm Nielsen motioned to table the motion and have the City Attorney and City Manager research any existing waste pick up documents or agreements with Regal Boats to determine whether or not the City will move forward with the 5% franchise fee. City Manager Francis said after researching the concern the City will put together a comprehensive list of all commercial accounts so that all the vendors are working on the same information.

Comm Nielsen withdrew her motion for consideration.

After discussion, Comm Carugno motioned to reconsider to reject all the bids and readvertise the RFP as discussed.

Comm Shuck seconded the motion.

The motion passed 4:3 with Comm Readey, Comm Sims, Comm Nielsen - nay, and Comm Partin, Comm Carugno, Comm Gold and Comm Shuck – aye.

Mayor Fouraker opened for discussion.

Comm Carugno motioned to reject all the bids and readvertise the RFP as discussed.

Comm Gold seconded the motion for discussion

Mayor Fouraker opened for discussion.

The motion passed 4:3 with Comm Gold, Comm Carugno, Comm Shuck and Comm Partin – aye and Comm Sims, Comm Readey and Comm Nielsen – nay.

Discuss Proposed Ordinance 19-04 Parking Amendments

City Manager Francis gave a brief overview of the previous work sessions on parking issues. Mr. Francis provided an amended ordinance and requested the following changes,

- Page 30 – Section 30-132
(d) No vehicle shall be occupied for permanent living purposes, nor connected to public utilities (sewer or water, ~~or electric~~) while stored at a residence, except that if the owner of the property has a valid building permit for extensive remodeling or renovation of the residence and the residence cannot be inhabited due to such remodeling or renovation, then the property owner may use a recreational vehicle for a temporary dwelling until the remodeling or renovation is complete. The resident must provide the City with a valid building permit.
- Page 31 – Section 30-133
(1) All areas designated as parking or driveway shall be constructed of the following materials: asphalt, concrete, pavers, 4” gravel or crushed rock, mulch, or other material approved by the City Manager or City Manager designee.
- City Manager Francis asked for Council consideration to change the ordinance to require residents, with short yards, to have a prepared surface 75 feet from the front of the road to the yard.
City Manager Francis clarified if a resident needs to park on an unprepared surface on their property, they will be able to request a parking permit by calling City Hall and obtaining approval by the City Manager. Discussion ensued on Section 30-84 criteria/requirements designating parking districts.

After discussion, Comm Nielsen motioned to approve the changes as discussed and advance Ordinance 19-04 to First Reading and Consideration.

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

Approval of Resolution 19-06, Amendments to Rules of Council

City Manager Francis presented and reviewed the changes made by the City Attorney as discussed by Council to conform to the Belle Isle Municipal Charter. The following changes were presented as follows,

Section 2.3 Meetings Shall Be Public.

Section 2.8 Work Sessions.

Article 4. Packet Preparation, Posting, and Agenda Order.

Article 4.1 Packet Preparation and Posting.

Comm Partin addressed some scrivener's errors before approval.

Discussion ensued on packet preparation and posting.

Comm Carugno motioned to extend the meeting for an additional 15 minutes to 9:15 pm.

Comm Gold seconded the motion.

Comm Sims shared his concerns with the extended time given to public hearing comments at Council meetings.

After discussion the motion passed 4:3 with Comm Nielsen,

Comm Sims and Vice Mayor Readey – nay.

After discussion, Comm Gold motioned to table the discussion on Rules of Council for further review.

Vice Mayor Readey seconded the motion which passed unanimously 7:0.

ATTORNEY REPORT – No report.

CHIEF'S REPORT

Chief Houston reported that the Police Department had had a patrol phone for several years, and residents have been using calling this line, which should be recorded and dispatched, for emergency 911 calls (i.e., overdose, home invasions, and possible awing drawing). As of June 5th, 2019 the Belle Isle Police Department will begin forwarding all patrol phone calls to the Orange County Sheriff's Non-Emergency number to ensure all calls will be handled by trained dispatchers and 911 operators and recorded per Florida State Statue and Sunshine Law. Residents should update the non-emergency call number to the Orange County non-emergency 407-836-HELP or 911 for emergencies where approximately 40 dispatchers will be ready to take your call. This change is for the safety of the residents in the City of Belle Isle.

Chief Houston reported that the Belle Isle Police Department had issued 79 citations for the May. Out of the total citations written 39 citations was issued to personal watercraft on Lake Conway.

MAYOR'S REPORT– No report.

CITY MANAGER'S REPORT

Issues Log update

City Manager Francis provided an update on the Issues Log as follows,

- Gene Polk park funding in pace and wills tart next year.
- I am adding two-speed tables at the crosswalk at Matchett/Nela and in front of City Hall on Nela. If Orange County transfers Seminole to the City, then there might be an additional speed table added in that area to control traffic.
- Traffic Study – Consultant, sent the final study of the plan and will be sent to the Council for review.
- Fountain – Waiting for Duke Energy to install the meter. The City is also looking to beautify the panel beautifully to give an aesthetically pleasing appearance.
- Wallace Field – City sent proposed Bylaw changes, Usage Agreement and the names of the four board candidates to the CCA Board for review and approval at their June 26th CCA Board meeting.

- Property Acquisition – He and the Mayor will be meeting with Comm Uribe on Cross Lake.
- Strategic Plan Schedule – Mr. Francis gave three dates for consideration for Friday and Saturday sessions – August 9-10, August 16-17 or September 13-14.
- Comp Plan Update – Updates are not required until 2024.
- North Lake Concerns – Mr. Francis reported that the residents on the North Lake shared their concerns on the lake boarding and how it is affecting their property. Mr. Francis asked if the Council would like the City to contact FWC or allocate \$10,000-15,000 to the City Attorney for initial research on how the City can take control of the lakes. The residents at the North Shore will be having a meeting on Monday at 9 am.

Comm Readey motioned to allocate no more than \$15,000 to the City Attorney for initial research on how the City can take control of the lakes.

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

COUNCIL REPORT – No report.

ADJOURNMENT

There being no further business Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 9:17p.m.

Yolanda Quiceno, CMC, City Clerk