



city council minutes

MINUTES
January 21, 2020
CC Regular Session 6:30 pm

The Belle Isle City Council met in a Regular Session on January 21, 2020, 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 Mike Sims
Commissioner Karl Shuck
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

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 6:30 pm.
Comm Shuck led the invocation and pledge to the flag.

Mayor Fouraker asked for a motion to excuse Comm Harv Readey from tonight's meeting.

Comm Nielsen made a motion to excuse Comm Readey.

Comm Gold seconded the motion for discussion.

The Council discussed the number of consecutive absences and District 5 representation.

Mayor Fouraker stated that a discussion be added to the Mayor's report.

After discussion, the motion passed 5:1 with Comm Carugno, nay.

Comm Sims gave a summary of the importance of keeping meeting times and the duties of a timekeeper. Out of respect to those who attend the meetings, the Council must be courteous and respectful of their time. Furthermore, if Council does not hold the time allotted to the agenda items, the Council cannot execute the agenda properly, and the back half of the agenda will have to be tabled or discussion will be required to be shortened. He asked that Council be mindful of the time.

CORNERSTONE CHARTER ACADEMY "CCA" REQUEST FOR COUNCIL PARTICIPATION ON THE DANCE MARATHON KIDS VIDEO

CCA Students, Channelle and Alyssa spoke on behalf of CCA's Dance Marathon. All proceeds benefit the Children's Miracle Network, Arnold Palmer and Winnie Palmer Hospital. They invited the Mayor and Council to participate in the video "What For the Kids Mean to Me." They invitation is to have an interview with each council person on what "kids" mean to them. Mr. Francis asked the students to send them an email with the dates and time and he will coordinate with the Mayor and Council.

APPEAL OF PARKING CITATIONS P0001475-P0001550

Attorney Daniel Lopez from Pearson Doyle Mohre & Pastis, representing the applicant Park to Fly, Inc., located at 1900 Jetport Drive, appeared to appeal the 86 parking citations issued at Park & Fly on January 2, 2020. Out of the 86 citations, 16 citations do not cite any code violation. Some of the citations were handwritten or printed. Some of the citations that cite a code were cited under Section 30-73 which only deals with parking in residential areas. It is his position that the citations are invalid as it relates to Park & Fly and should be dismissed.

Attorney Ardaman said he had not seen any of the responses before the meeting to research the allegations. In speaking with the City Manager, there may be some form of a break on the cost of the citations or a continuance of the hearing. Attorney Lopez said he agrees with a continuance to allow for further research.

Attorney Ardaman said one of the problems is that there is an ongoing violation. Under provision Section 30-102 – Any motor vehicle when parked on commercial property shall be parked on a solid surface specifically prepared for parking, pursuant to the requirements for such a surface as described in subsection 50-72(d). Regardless if Attorney Lopez is accurate with respect to the allegations, there is a relevant code section and there is a code violation.

Mayor Fouraker stated for the record that in December 2019, there was dialogue and an agreement between the City Manager and the company owner. The same offer was made for January, which was declined.

Attorney Ardaman said the applicant has asked for a continuance. The Council can consider whether they want to proceed or approve the continuance. City Manager Francis said the City has Ordinance 19-04 that is effective and binding, however, it has not been codified to MuniCode. One of the provisions in Ordinance 19-04 states vehicles that pay a fee to park are considered commercial vehicles. The citations should have been written under Ordinance 19-04-Section 30-102(d) Regulations of Parking and Storing.

The City has been working with the applicant since August 20, 2017, on various issues. In various emails, he acknowledges that he is violating the code, including his last email on December 18, 2019. The City has tried to have the applicant and the property owner with parking on a hard dustless surface and stop parking on the south part of the lot. The City agreed with the applicant to avoid the company experiencing irreparable harm and agreed to a payment of \$5,000 to park on the south side on or before December 19th for December. The City then required another payment of \$5,000 through January 14th due December 31, 2019, to get them through the holiday reservations. The applicant appeared in front of the Planning & Zoning Board in October with five variances which were denied. The applicant at that time had a 15-day window to appeal to the Council and did not. City Manager Francis spoke of various emails received by the applicant acknowledging the agreement and having the vehicles moved from the grassy area. In these emails, City Manager Francis clarified if he does not comply with the agreement he will have the Police Department go to the property and issue violations to all illegally parked vehicles on the lot January 1st. In conclusion, City Manager Francis recommended the possibility of having a public hearing, according to the Code under Section 28-99, revoking Park & Fly's license to operate until the applicant comes into compliance.

Attorney Lopez said the report provided by Mr. Francis is the larger issue current existing and would prefer to deal with the narrower issue on hand which is the appeal of the parking tickets issued. He is asking Council to dismiss all 86 citations based on the findings as discussed. He especially asked that the citations that do not cite a code whatsoever be dismissed entirely.

Chief Houston stated that she officially amends parking citations written under Section 30-73 to be written under Section 30-102. The 16 citations referred to are also amended to include Section 30-102 Regulation Parking and Storage. On December 3rd, Chief Houston stated that she contacted the property owner and applicant that they are currently in violation of the City Code and will be issued parking tickets if the property is not brought into compliance.

Comm Sims stated that the citations had been made valid on an ongoing violation. Comm Sims motioned to deny the appeal of the Park & Fly to excuse the tickets.

Comm Shuck seconded the motion.

Comm Gold shared his opinion on the current code or lack thereof. He said he would like to see a reduction of the assessed fees to \$3,000 and change the code to support these kinds of businesses.

The motion passed 5:1 with Comm Gold, nay.

CONSENT ITEMS

Mayor Fouraker called for a motion to approve Consent items,

- a) Approval of City Council minutes – November 5, 2019.
- b) Approval of City Council minutes – November 19, 2019.
- c) Approval of City Council minutes – December 3, 2019.
- d) December 2019 Monthly Reports: Finance, Code Enforcement, Fire, NAV Board (January 14), Marine Patrol and PD
- e) Nov 2019 Monthly Reports: Finance, Code Enforcement, Fire, NAV Board, Marine Patrol, and PD

Comm Carugno motioned to pull item d for discussion.

Comm Nielsen motioned to pull items a and b for discussion.

Comm Nielsen asked for a correction to the corrected City Council minutes motioned on November 5, 2019.

Correction of October 1, 2019, City Council minutes read as follows,

Page 5 reads, "Comm Nielsen motioned to donate \$500 to the Ductoberfest."

Should read, "Comm Sims motioned to donate \$750 to the Ductoberfest."

New correction for the October 1, 2019 minutes should read as follows,

Page 5 reads, "Comm Nielsen motioned to donate \$500 to the Ductoberfest after asking the City Manager how much money the City had set aside for donations."

Motion dies for lack of a second.

"Comm Sims motioned to donate \$750 to the Ductoberfest."

Comm Partin seconded the motion, which passed unanimously.

Correction to November 19, 2019, City Council minutes reads to follows,

Page 4 reads,

Comm Nielsen motioned to direct the City Manager to prepare the franchise ordinance for electric and read it for the first time at the December 3, 2019, Council meeting.

Comm Sims seconded the motion for discussion.

The motion failed 2:3 with Comm Shuck, Comm Carugno, and Comm Gold, nay.

Should read, Comm Nielsen, motioned to direct the City Manager to prepare the franchise ordinance for electric and read it for the first time at the December 3, 2019, Council meeting.

Comm Sims seconded the motion for discussion.

The motion failed 2:3 with Comm Partin Shuck, Comm Carugno, and Comm Gold, nay.

Comm Gold motioned to approve items a and b as amended.

Comm Sims seconded the motion, which passed unanimously 6:0.

Comm Partin asked to pull item c discussion.

Comm Partin said on Page 17 of the Agenda in the December 19 meeting the Council motioned proposed dates for a workshop. There was a motion made to place the franchise fee ordinance back on the agenda in January. It is his understanding that the motioned should not have been made given that it failed 2:3 on November 19, it should not be revisited for at least six months, nor should it be on the agenda tonight for discussion. Comm Partin said he does not believe moving forward is the right thing to do due to the circumstances.

Attorney Ardaman said the rule to motion is that a Commissioner on the prevailing side can bring back the discussion and yes, the motion was procedurally improper. In the meeting on January 7th, the City Council made a different motion and even though the motion made on Dec 19th was procedurally incorrect, it does not stop the Council from making another motion. The Council has the right to waive its rules of Council. As of today, if the Council chooses to proceed with a workshop or with the first reading on a particular matter, it can be made by a Commissioner on the prevailing side of the January 7th motion.

City Manager Francis said that at this time, the City does not have the money budgeted for repaving and sidewalk maintenance this year because it is in the ROW Fund. If the Council decides to move forward with the paving and sidewalk schedule Council will have to transfer money from the General Fund into the ROW Fund for this year.

Comm Gold motioned to approve item c as amended.

Comm Partin seconded the motion, which passed unanimously 6:0.

Comm Carugno asked to pull item d – Reports for-discussion.

Comm Partin asked to pull the Finance report from item d because it was not included in the packet he received. Council consensus was to pull the Finance report and add it to the next agenda.

Comm Carugno asked for further clarification on the NAV Board meeting discussions on the MSTUs.

City Manager Francis said the report on the NAV Report would be discussed during City Manager comments.

Comm Sims motioned to approve item d and to have the December Financial reports added to the next agenda for approval.

Comm Partin seconded the motion, which passed unanimously 6:0.

CITIZEN COMMENTS

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

UNFINISHED BUSINESS

Ordinance # 20-01 – First Reading and Consideration - AN ORDINANCE GRANTING TO DUKE ENERGY FLORIDA, LLC. d/b/a DUKE ENERGY, A NON-EXCLUSIVE ELECTRIC UTILITY RIGHTS OF WAY UTILIZATION FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS RELATED TO THE OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS OF WAY IN THE CITY OF BELLE ISLE, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

City Manager Francis reported that the Budget Committee met for their first meeting on January 17th, 2020. The Budget Committee is requesting that the City Council table any discussion on the franchise fee to a future date to allow them to do some further research. Also, Kari Connelly, Duke Energy Manager, is in attendance to present a new program called TUG – Targeted Underground. City Manager provided maps to the north and south of Belle Isle showing underground updates within three years. Under this program, municipalities do not pay for any of the installations if the area falls under the requirements. If there are areas that do not meet the requirements, the municipality will be responsible for the cost.

Comm Carugno motioned to table the first reading of 7a-Ordinacne 20-01 to a future date.

Comm Sims seconded the motion, which passed unanimously 6:0.

Budget Advisory Committee Appointments

City Manager Francis presented appointments District 3-Charlotte Brown and District 4- Randi Holihan for consideration to the Budget Advisory Committee

Comm Shuck motioned to approve the two appointments.

Comm Nielsen seconded the motion, which passed unanimously 6:0.

NEW BUSINESS

Approval of Landscape Bids

City Manager Francis reported that the current contract for Dora Landscaping ends January 31, ~~2019~~2020. The City received two bids from Groundwerks and Trimac Outdoor. The staff's recommendation is to approve the bid of Trimac Outdoor for \$42,000 for landscaping services.

Comm Gold motioned to approve Trimac Outdoors for \$42,000 for landscape maintenance services.

Comm Partin seconded the motion, which passed unanimously 6:0.

ATTORNEY'S REPORT – No report.

CITY MANAGER'S REPORT

Reschedule Workshops

The City schedule a workshop to be held on January 16, 2020, to discuss issues related to Lake Conway. The meeting had to be canceled and should be rescheduled. City Manager Francis said he would like to be able to allow public comment at the workshop and invite Representatives of the County, NAV Board and members of the public. Another workshop to consider will be to discuss the financial options for the future expansion of Cornerstone charter Academy.

Comm Shuck motioned to conduct a workshop on February 4th regarding CCA Financing Options and March 3rd regarding Lake Conway Jurisdiction, both at 6:30 pm.

Comm Sims seconded the motion, which passed unanimously 6:0.

NAV Board Meeting Update

City Manager Francis gave a brief overview of the NAV Board meeting. He reported that the NAV Board said the revenues they are currently receiving are flat and are just able to complete routine maintenance and not save any money to do large projects. With the study results, they are going to receive, and there is going to fall out many projects from that report. She is suggesting the possibility of raising the MSTU Tax this year to approximately .4107%. During these NAV Budget hearings, Mr. Francis recommends all residents try to attend to voice their concerns.

Mayor Fouraker reported that he had received calls from residents along the canal on Willoughby and Barby regarding the lack of service on the canal. He further said he is willing to work on identifying these groups of residents and bring the information to the NAV Board. City Manager Francis said it would be a benefit to research the duties of the NAV Board moving forward.

For the records, Comm Carugno said mostly all in the City ~~is~~are paying into this MTSU to maintain the quality of the Lake. He asked if the City will be able to make the lakes private.

Issues Log

City Manager Francis

- Gene Polk Park – Mr. Francis said there is a delay in the baffle box materials. The start date should be at the beginning of February. Completion date scheduled approximately March 20th.
- Street Paving – Staff will be looking and financial options and bring it forward to the Budget Committee for discussion.
- Storm Drainage – Meeting on Jan 23rd with the residents of St Partin. Contractors continue to research Derine and Chiswick, which are small projects.
- Traffic Study – Met with Metro Plan on starting a new plan with the Traffic Study looking at Hoffner, Nela, and other projects for the City.
- Wallace Field – The Wallace Field use agreement is on the CCA Agenda for discussion on Jan 22 at 3:30 .
- City Acquisitions – Bank of America accepted the City's offer. We will receive a contract for review within 30-45 days. We are speaking with the Financial Advisors on options and at our Workshop on February 4th.
- Forensic Audit – Completed.
- No update on Solar
- January 29th meeting with Orange County discussing Hoffner Road jurisdiction.

Chief's Report

Chief Houston reported on the following,

- The Agency has received additional grants for computers and barricades. They have submitted a grant for police vehicles.
- The City sent out an E-alert on calling 911 and Streamlining the process She advises residents to identify themselves when calling the non-emergency number.

Special Events Committee

Holly Bobrowski reported on the following,

- Special Events and Tree Board will be having a Spring Fling/Arbor Day celebration on April 25th.
- She is working with Orange County to use their portable stage for the event and an obstacle course.
- Compliments of the Shuck Family the City has gifted a Santa Mailbox for next year's celebration.

MAYOR'S REPORT

Mayor Fouraker reported that Comm Readey has been battling some health issues and has had consecutive absences. It has come to the Council's attention that District 5 is without representation. He asked for Council consideration and direction on how to move forward.

Comm Gold said he would like to direct the City Attorney to liberally research Section 3.07 of the Code and have Council fill the District 5 seat in the interim without having Comm Readey forfeit his seat. Discussion ensued.

Council consensus is to have the Mayor and Chief Houston meet with Comm Readey and address a transition of the position.

Mayor Fouraker further reported that the Transportation meeting was very successful.

COUNCIL REPORT

Comm Gold

- Comm Gold said he would like to have the City Manager be the point person to ask the County what they will do with the money they receive from the Transportation plan and divert services on Hoffner and Daetwyler roads.
- Comm Gold said he would like the City to revisit the parking ordinance to allow for other parking sources for commercial businesses.

Comm Carugno

Comm Carugno shared his concern with Hoffner Avenue and how much it is deteriorating by the increased traffic. He would like staff to look into the continued maintenance on Hoffner and discuss future repairs with Orange County.

Comm Partin

Comm Partin asked with the creation of new committees is there a provision on how many committees one person can sit on. He asked if the staff can research policies from other municipalities.

Comm Nielsen

Comm Nielsen shared her concern with committees when they ask Council to postponed items that affect the budget. She asked how long the City can move forward without additional revenue and drawing from the reserve.

ADJOURNMENT

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 8:30 p.m.

Yolanda Quiceno, CMC, City Clerk