



city council minutes

MINUTES
January 7, 2020
CC Regular Session 6:30 pm

The Belle Isle City Council met in a Regular Session on January 7, 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

City Manager Francis called the meeting to order at 6:30 pm.

City Manager Francis reported that the Mayor is running behind due to a prior meeting at the City of Orlando Development meeting for the Hoffner project.

City Manager Francis asked for a motion to appoint a Vice Mayor.

Comm Nielsen made a motion to appoint Commissioner Mike Sims.

Comm Gold seconded the motion which passed unanimously 6:0

Acting Mayor Sims confirmed quorum.

Comm Shuck led the invocation and pledge to the flag.

City Manager Francis asked for a motion to excuse Comm Harv Readey from tonight's meeting.

Acting Mayor Sims made a motion to excuse Comm Readey.

Comm Nielsen seconded the motion which passed unanimously 6:0

LIFE-SAVING AWARD PRESENTATION

Acting Mayor Sims called the presentation of the Life-Saving award.

Chief Houston presented Officer Ruiz and Corporal Ferraiuola, the Life-Saving Award.

OFFICER OF THE YEAR PRESENTATION

Chief Houston presented Sergeant Jeremy Millis with the 2019 Officer of the Year award.

GOOD CITIZENSHIP AWARD

Chief Houston presented the Good Citizenship Award to John and Jeannie Harvey from Oakridge Gun Range for their continued support to the City of Belle Isle Police Department.

CONSENT ITEMS

Acting Mayor Sims called for a motion to approve Consent items,

- a) Approval of City Council minutes – November 5, 2019.
- b) Nov 2019 Monthly Reports: Finance, Code Enforcement, Fire, NAV Board, Marine Patrol, and PD

Comm Nielsen moved to approve the Consent Items.

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

CITIZEN COMMENTS

Acting Mayor Sims opened for citizen comments.

Mayor Fouraker joined the meeting.

- Liz Price from the Orange County Tax Collectors office with offices at 200 S. ~~O~~orange Avenue introduced herself and announced that the Tax Collector's office will be opening a new office on Lee Vista offering more services to residents with a soft open in mid-February.
- Cheryl Leonard residing at 5124 Oak Island Rd spoke in opposition to the Cross Lake proposal and did not know why the neighboring resident's property is being improved. She further read for the record an email submitted by Sheena Hesson residing at 5120 Oak Island Road in opposition to the Cross Lake proposal.
- Gayle Bouck and Tom Bouck residing at 2205 Cross Lake Rd shared their concerns with the proposal and spoke in opposition to the Cross Lake proposal and extending the public right-of-way. Ms. Bouck provided pictures of the neighboring Cross Lake properties showing the mulched areas and the vehicles utilizing the parking area by the park.
- Emily Wakely spoke on the proposed franchise fees. She asked for Council consideration to allow for the Budget Committee to review the proposed ordinance before moving forward and approving the utility fees. She spoke in favor of targeted utility underground improvements in certain areas around the City in partnership with Duke Energy, further communication, and careful consideration.
- Nash Shook residing at 5700 Cove Drive said from a citizen standpoint, the current structure of the Council may not work in all of our best interests but can be improved. He spoke on the proposed franchise fees and is in favor of a budget committee providing oversight and added input. He wants the City to do better and be able to ~~be~~-suggestive-of where the City can make improvements.
- Paul Johnson resident of Belle isle spoke on the proposed franchise fees. He said if a fee is required, he can support the request if a master plan is provided on the intended use of the funds and posted on the website. He would also like ~~to~~ funds to be used to assist the elderly and low-income families with alternative sources of electricity.
- Anita Saaco spoke on the proposed Cross Lake property and asked if a perk test for underground contamination has been completed before the purchase of the Cross Lake property from the State to guard against any liability. In the documents, it appears that the parking area is being diminished and the parking is increasing. She would like clarification on the egress/ingress of the northern side of the park and the parking that will be designated for the residents and the neighboring property owners. Also, she asked if covering a permeable surface increase the possibility of run-off.
- Jan Spruill and Ted Spruill residing at 3218 Cullen Lake Shore Drive spoke in opposition of the proposed Cross Lake proposal. She provided an email for the record dated January 7, 2020, that addressed (1) the placement of the fence so far back onto the property and preserved the green space and (2) grandfather in the picnic table and bench. She asked If the fencing is desirable, the City may consider a more gracious and aesthetically pleasing low picket fence style to delineate park space.

Mayor Fouraker recognized Commissioner Mayra Uribe and thanked her for her support and for working with the City on various projects.

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

UNFINISHED BUSINESS

Approval of Cross Lake Beach Proposal

Mr. Francis gave a brief overview of the inception of the parking area in 1954 creating a dead end, no parking area. The ordinance overwrites the original ordinance for parks passed by Council that allows ingress/egress for a landlocked property. As a point of reference, Mr. Francis said that he had been told that parking has never been a problem. Since April 2017, there was a complaint of mulch floating into the lake. Throughout this process, there have been many confusing issues involving rights-of-way, property lines and city/private ownership. Many of the records are incomplete or do not exist including the permitted approval of the gate placed on Mr. Walker's property. The purpose of the proposal is to keep everything the way it is now, have it in writing and formularized to ensure that all are following the Comp Plan. Once the City purchases the property, the property will be surveyed to memorialize the resolution and to define the property lines of all properties in the surrounding area. After the discussion Council consensus was to move forward with the purchase and compromise with the abutting property owners.

For the record, Comm Carugno shared his disagreement with some of the provisions under Section A and D. He asked if the City would entertain purchasing the abutting property to the north and have Cross Lake Park remain in its natural state.

City Manager Francis said he would recommend a City Council motion to purchase Cross Lake and acquiring the park. Then, negotiate the opening of the fence and purchasing the property to the north to add to the park area. He further spoke on the City's decision on paving the road leading to Cross Lake mainly because the intersection floods creating run-off problems; it was not a request from the abutting property owners. Discussion ensued.

The abutting property owner clarified some of the misunderstandings and questions raised ~~by~~ as follows,

- Property purchased in 2013 with a title search, survey, and property records;
- City-provided 1997 survey which showed a right-of-way that dead-ended into the lake;
- Eagle Scout project with two benches on the row;
- 2 1/2 years ago they were informed that the information was not accurate;
- In 1950 the City relinquished their rights to the backyards on Oak Island, including the lot behind the Walker property (exhibits were provided to the City). This property has been fenced in since and was never a retention area.
- When it was found that it was not owned by the City, they researched other options. Through research, they found an Ordinance recognizing 80 feet of frontage-no parking and the abutting property owners are exempt from the park rules.
- The proposed plan addresses and memorializes the Comp Plan, the no parking ordinance, the ingress/egress right-of-way issue. The only thing not in accordance is the no parking request in front~~m~~ of the Bouck House which was added to the proposal to be neighborly.
- With regards to the fencing, paving and drainage ~~is-are~~ part of the City's plan for their park maintenance and in harmony with the Code.

Comm Carugno motioned to table the vote on the agenda to allow the City Manager to negotiate the purchase of the abutting property.

The motioned dies for lack of a second.

Comm Sims motioned to approve the proposal as presented. After ownership has been acquired, the City Manager is directed to pursue the purchase implied.

Comm Gold seconded the motion for discussion.

Comm Gold asked that the paving and drainage repairs be approved after the purchase of the Cross Lake property has been obtained.

After discussion, the motion passes 4:2 with Comm Shuck and Comm Carugno, nay.

Review of the Proposed Ordinance on Franchise Fees

After hearing some of the testimonies, Mr. Francis clarified that the suggested uses (i.e., new projects, underground electrical and not to be used for re-paving streets) of the fund ~~have been heard, but actual uses~~ are determined by Council decision. Mr. Francis provided clarification and a response to an email received by City Council on January 7, 2020. Mr. Francis stated that he was not copied on the email and ~~it was~~ forwarded ~~it~~ to him by City Council. Mr. Francis spoke on how dangerous such an email can be when individuals don't bother to talk to the City, City Manager or Finance Manager before posting information. He addressed the chart that was provided in the email stating gross overspending. Mr. Francis gave a summary with corrections to the information and provided budget documents for FY16/17, FY 17/18 (Resolution 18-01 Amendment) and FY 18/19 in support of the clarification.

Mayor Fouraker read ~~en-an~~ excerpt from an email he received in conjunction with the email discussed by City Manager Francis. Unfortunately, many are making assumptions. He does believe that the authors care about the City. Mayor Fouraker said we should use this as a teachable moment to 1) talk to each other; speak to the City Manager or staff directly, (2) give the benefit of the doubt to get on the right track so that everyone has ~~the~~ confidence that we are all making the right decision.

Mr. Francis said the City has been in contact with Duke Energy regarding underground service. Many of the utility lines on the north side of Hoffner Avenue are located in the back yards of many homes. Duke Energy would like to abandon those lines in the back yards along St. Denis to Darden and replace them with new lines underground in the public ROW.

The franchise fees are different than a utility tax placed on utilities. The main difference between the utility tax and a franchise fee is that everyone pays the franchise fee, including government, schools and churches.

Comm Sims moved to read the franchise fees ordinance for a first reading.

Comm Nielsen seconded the motion for discussion.

- Comm Gold said he strongly ~~supports~~ opposes the franchise fee. He said he would rather see, instead of a franchise fee added to the power bill, a fixed amount fee much like the storm water fee or solid waste disposal fee that is placed on the tax bill with the ad valorem ~~would prefer to cut the middle man and add Ad-Valorem to have a uniformed fee for every resident.~~
- Comm Nielsen stated that she has circulated a petition in support of the franchise fee to those areas that have streets that need to be paved this year and found that they do not have a problem with the franchise fee by and large. The rey are more in support of the fee than those who have spoken in opposition.
- Comm Shuck said he would like to see a chart or bullet list created for all repairs before any fees are passed.
- Comm Carugno asked that all residents include the City Manager on all emails so that he would be able to respond on a timely basis.
- City Manager Francis clarified for the record, if the City does not pass a franchise fee and Council wants to move forward to pave roads, they will need to pass a motion to transfer money from the General Fund to the Right-of-Way fund to provide for roads. **Discussion ensued.**

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

Budget Advisory Committee Appointments

City Manager Francis reported that the City had received four letters expressing interest in the Budget Advisory Committee. Those citizens are

District 1 - Clay Van Camp

District 2 - Rick Wilson

District 3- Vacant

District 4- Vacant

District 5- Vacant

District 6- Nash Shook

District 7- Ralph Yarbrough

Mr. Francis reported that he had received a letter of interest from Rick Miller; however, he is very limited on the days that he can attend. If the Board can accommodate a meeting on Fridays, he would like to represent District 5.

Comm Carugno motioned to appoint those listed from their respective districts and Rick Miller provided the Board can meet on Fridays.

Comm Sims seconded the motion, which passed 5:1 with Comm Shuck, nay.

NEW BUSINESS

Approval of Officer's Certificate for 2012 Bond

City Manager Francis reported that the City Council, along with the Cornerstone Charter School Board must approve the Officer's Certificate, in accordance with the 2012 Bond Issue donating or demolishing the Crawford House, Log Cabin, Blue House and gazebo). For the record, when the City donated the Crawford House and sold the Log Cabin the then Mayor and City Manager were members of the school board and should have been aware of this requirement. He recommends that the Council approves the Certificate to comply with Bond requirements, and on January 22, 2020, the School Board will place on their agenda for approval and counter-signature.

Comm Gold moved to approve the Officer's Certificate.

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

Request to Use Wallace Field for Archery

Mike Weaver residing at 5343 Jade Circle, a certified archery instructor, requested for consideration the use of Wallace Field to provide archery instruction. He is an Olympian trained archery coach and has a stellar background in providing such service for children and adults. He provided the city with a copy of his insurance, certification and named the City as an additional insured on his policy.

The Council discussed,

- Days and Time of classes
Classes will be offered on Thursday, Friday, and Saturday afternoons.
- How do we protect and limit the liability to the City from non-licensed vendors?
Attorney Ardaman said a license agreement must be signed and agreed upon, and signage should be posted that say "By Permit Only."
- Parking issues need to be addressed before commencing classes
- Is there a participation Fee?
There will be a club fee of \$15 yearly subscription to join USA Archery that covers the liability policy.
- Will this have any impact of the Use Agreement by CCA and the City
The City does have priority over the use of the field. With the license agreement, it will allow termination if a conflict arises on the use of the field,

Comm Gold motioned to extend the meeting to 9:15 pm

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

Comm Gold moved to approve the request of Mike Weaver to use the Wallace field for archery instruction subject to the terms agreed upon by the City Manager and CCA.

Comm Carugno seconded the motion, which passed 5:1 with Comm Shuck, nay.

Appointment of Allen Haskins to Police Advisory Board – District 3

Comm Shuck motioned to nominate Allen Haskins to service on the Police Advisory Board.

Comm Gold seconded the motion, which passed 6:0.

Approval of the Traffic Camera Safety System RFP

City Manager Francis presented the RFP for solicitation of a Traffic Camera Safety System for approval. The operation will be a turnkey solution for design, maintenance, and implementation. Upon submittal, the proposals will be brought forward for review and consideration. The system is submitted as a Public Safety issue and will significantly improve the intersection especially in the area of Cornerstone Charter Academy (Fairlane and Orange Avenue).

Comm Partin moved to approve the RFP and direct the City Manager to advertise the RFP.

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

ATTORNEY'S REPORT – No report.

CITY MANAGER'S REPORT

Issues Log

City Manager Francis reported the following,

- On Friday, January 17th at 8:30 am the City Manager and the Mayor will be meeting with the CCA and City's Financial Advisors. If the Mayor cannot be present Comm Partin has agreed to participate in the meeting. The City Clerk is to post the meeting as required.
- Carol Burkett, Deputy Chief of Staff of Mayor Deming's office, asked if the City will entertain a Public Forum on January 15th at 6:30 pm regarding Transportation Initiatives. The council consensus was to schedule the meeting as requested.

CHIEF'S REPORT – No report.

SPECIAL EVENTS REPORT – Postponed to the following meeting.

MAYOR'S REPORT

Mayor Fouraker reported the following,

- Mayor Fouraker reported on the meeting regarding the proposed Apartment Complex on Hoffner. Mr. Francis requested that the meeting not be held at this time to allow our Council to be present. The Attorney for the applicant denied the request. He attended in representation of the City. The City is looking for corrective action through an interlocal agreement from Orange County, City of Orlando, and the Department of Transportation to find a solution to the congestion on Hoffner.

COUNCIL REPORT – No report.

ADJOURNMENT

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 9:15 p.m.

Yolanda Quiceno, CMC, City Clerk