



city council minutes

MINUTES
CC Regular Session
July 7, 2020
Virtual Conference 6:30 pm

The Belle Isle City Council met in a Regular Session on July 7th, 2020, at 6:30 p.m. on a Virtual Webinar (zoom.us/j/86976620762).

Present was:

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

Absent was:

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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 and confirmed quorum.
Comm Partin led the invocation and pledge to the flag.

CONSENT ITEMS

- a. Approval of the City Council meeting minutes – June 2, 2020
- b. Approve Resolution 20-02 Amend Personnel Policy for Drug-Free Workplace
- c. Approve Resolution 20-07 Budget Amendment
- d. Approve Resolution 20-08 Amend City Purchasing Policy
- e. Approve Resolution 20-09 Approve Non-Ad Valorem tax for Stormwater
- f. Approve Resolution 20-10 Approve Non-Ad Valorem tax for Solid Waste

Comm Gold moved to approve the consent items as presented.

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

CITIZEN COMMENTS

Mayor Fouraker opened for citizen comments.

City Clerk reported that she received five emails and read the following for the record,

1. Charlene Cross residing at 5260 Chiswich Circle shared her concerns and sent an email dated July 7, 2020, for the record. She referenced the loud music played by the street racers and motorcycles, becoming more of an issue, the use of the non-emergency number, and asked for an update on future enhancements to the Wawa/Commons entrance.

Chief Houston responded and said the loud music has been occurring in the unincorporated area of Orange County. Residents can call the non-emergency line at 407.836.4357 to report the noise. She said she could not speak about where the breakdown is in calling the non-emergency number as BIPD did not receive the call. If a resident needs to meet with an officer for an issue, other than just reporting the noise violation, ask the call taker to have the officer schedule a meeting. If the noise is coming from the County, a Belle Isle officer will not handle that call for service. The Belle Isle Police Department did a 24 hour a day assessment by all officers regarding motorcycles speeding through the City. There were no incidents reported. Orange County Sheriff's Office has units monitoring motorcycle groups, and they could probably provide more information.

Bob Francis addressed the concern and said the real estate agent for Wawa said they would have to reconfigure the entrance directly across from the Belle Isle Commons. Due to the COVID pandemic, this may take up to 3-5 months to address. Wawa rep said they would like it to be a right-in/right-out and not allow left turns. Mr. Francis said if it is not done fairly soon, he will request the Council to close the entrance in the interim until a solution can be agreed upon by the City, County, and Property Owner. Discussion ensued.

2. Linda Chapin residing at 2022 Hoffner Avenue submitted an email dated July 6, 2020, and shared her support for keeping the Lancaster House and asked Council to table the discussion until the City can have in-person meetings.
3. Charline Kennedy resident of Belle Isle submitted an email dated July 7, 2020, and shared her support for keeping the Lancaster House and possibly starting a "Go Fund Me" account.
4. Kelly Harden residing at 6409 St. Partin Place submitted an email dated July 7, 2020, reported that she has been experiencing flooding in her driveways and yard after every rain and after sprinklers are used. It takes almost 14-16 hours for this water to filter out and she would like to have this issue resolved as soon as possible.
5. John West residing at 6504 St. Partin Place submitted an email dated July 7, 2020, and shared his concerns regarding the flooding problem that he and many of his neighbors have been living with since he moved into the home 14 years ago. He would like to see the project addressed and hopes that it will move forward.

Council discussed the St Partin project and agreed that the burden is on the homeowners. The challenge is the determination of where the public and private stormwater management collides. The City has requested from the homeowners a professional engineering determination for their purposes, not the City's report to help determine, whether or not this is a City issue. He has submitted proposals for approval up to this point; however, he is not willing to ask Council to approve a project with a total cost of \$150,000 that may not provide an absolute solution.

Mr. Francis said the email received from Mr. West does not portray the existing problem. Mr. Francis shared a photo of a pipe in front of Mr. West's home. It showed the pipeline full of sediment and an illegal PVC pipe going through the drain, which is causing most of the flooding. He further provided a map of the area showing the homes and the elevated swales not allowing them to convey water. Mr. Francis discussed a conservative plan to lower the swales, repair the storm drain, and remove a tree. After further discussion, he said he request the final determination report from Harris Engineering on a solution.

Comm Gold spoke on the use of the instant messaging feature during virtual meetings. Attorney Ardaman said concerning the virtual conferences if the public cannot see the messages, he recommends not using them, and all comments should be stated verbally for complete compliance and transparency.

UNFINISHED BUSINESS

- a. Ordinance 20-08 First Reading and Consideration: Electric Franchise Fee - 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 USE AND OCCUPANCY OF MUNICIPAL STREETS AND RIGHTS OF WAY IN THE CITY OF BELLE ISLE, FLORIDA, FOR THE PURPOSE OF PROVIDING ELECTRIC SERVICE; PROVIDING FOR FINDINGS, SHORT TITLE, DEFINITIONS, GRANT OF AUTHORITY, PAYMENTS, FAVORED NATION CLAUSE, INDEMNIFICATION, RECORDS AND REPORTS, PROVISIONS IN THE EVENT OF RETAIL WHEELING, SEVERABILITY OF PROVISIONS, GOVERNING LAW, DISPUTE RESOLUTION, ASSIGNMENT/DELEGATION, DEFAULT AND TERMINATION, SOVEREIGN IMMUNITY, STATUS OF GRANTEE, LIENS, INDEMNIFICATION, INSURANCE, AND OTHER TERMS; PROVIDING FOR SEVERABILITY OF PROVISIONS; AND PROVIDING AN EFFECTIVE DATE

Mayor Fouraker read Ordinance 20-08 by title

Comm Nielsen moved to advance Ordinance 20-08 to second reading and adoption at the next City Council meeting.

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

- b. Ordinance 20-09 First Reading and Consideration: Repeal Electric Utility Tax - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING SECTION 28-31 OF THE BELLE ISLE CITY CODE; PROVIDING FOR FRANCHISE FEE FOR ELECTRIC UTILITY SERVICES AS ALTERNATIVE TO PUBLIC SERVICE TAX; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE

Mayor Fouraker read Ordinance 20-09 by title

Comm Sims moved to advance Ordinance 20-09 to second reading and adoption at the next City Council meeting.

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

c. Discuss disposition of Lancaster House

Bob Francis gave a brief update on the efforts over a year on saving this home. Mr. Francis reported Kimberly Stevens, contacted the City and stated she is having zoning and funding complications on the project and will have to forego the moving of the house.

Comm Readey said he has had numerous discussions on this project and was asked to start a fundraiser to accomplish the task. He said, he is not able to take on the responsibility but was hoping someone would step forward.

Comm Partin shared a statement on salvaging the Lancaster Home. He said he would support more time for the pursuit to allow Pine Castle Historical Society (PCHS) to attempt to raise funds needed and present a final plan to the City by September 1 with a deadline for the home to be moved by October 1, 2020. The statement was provided to the Clerk for the record.

Comm Nielsen shared her concerns with CCA's response and lack of repair to the Lancaster House. She supports postponing the decision and destruction until September 1, 2020, and digital archiving the building and its contents.

Comm Gold shared a few options that will allow additional time to pursue a "Go Fund Me" campaign.

Discussion ensued.

Comm Shuck moved to direct the City Manager to salvage what can be sold and demolish the remainder of the house and garage located at 5903 Randolph Avenue.

Comm Sims seconded the motion with the addition of adding deadlines to the motion.

Comm Shuck asked for a second to the motion as initially read.

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

Comm Nielsen moved to delay the destruction of the house until these items can be accomplished, (1) complete a digital replica of the Lancaster House, and (2) inform all residents via alerts and a newsletter.

Comm Readey seconded the motion.

Comm Gold recommended an amended motion to delay until the City can have in-person meetings.

The motion failed 4:3 without the amendment with Comm Carugno, Comm Partin, Comm Sims, and Comm Shuck, nay.

Comm Partin moved to allow the PCHS, or other parties, to attempt to raise funds needed and present their relocation plan to The City of Belle Isle By September 1, with a deadline for the home to be moved by October 1. If the PCHS, or other parties, is unable to raise funds needed and or do not submit their plan for the relocation of the home by September 1, then the City is left with no other choice but to dismantle the house. To retain as much of this historical treasure as possible I would suggest the removal of the home be conducted in part as a salvage operation to be able to give as much of the reclaimed lumber and possible artifacts found to the PCHS, or other entity, to use in future endeavors, i.e., a museum, or restoration of current or future projects.

Comm Sims seconded the motion.

Comm Gold asked why to give the PCHS more time; it should be open to anyone.

The motion passed 5:2 with Comm Gold and Comm Shuck, nay.

d. Discuss Cornerstone Board Letter responding to Council Conditions for Refinancing 2012 Bonds

Mr. Francis provided a copy of the City Memorandum of Conditions and CCA's response rejecting all Council conditions. He spoke with the Board Chairman and believes there are still some items that can be renegotiated. If this moves forward, the Bond Debt will not be on the City's books when the bond paperwork is completed. The City will still own the property, and the refinancing will trigger a new lease.

Comm Gold said if CCA is not willing to work with the City, we should move on.

After discussion, Comm Sims moved to direct the City Manager to continue negotiations on the conditions with CCA Board Chair on some of the terms and refinance the bond issue.

Comm Partin seconded the motion.

Comm Carugno asked if this should go to the Budget Committee before the Council vote. Discussion ensued. Mr. Francis read a Chat message from Chairman Miller of the Budget Committee, which said, "not so fast, we still own the land which will be encumbered by the Bond and should come to the Budget Committee for financial impact." Mr. Francis said in speaking with the Financial Advisors for the City, this bond will not encumber the

land, and the City will still own the property. If there is a default on the loan, the bondholders may want to place another charter school or some other entity on the property.

The motion passed 5:2 with Comm Gold and Comm Carugno, nay.

NEW BUSINESS

a. Budget Committee Recommendation to assess the vacant property for stormwater fee City Manager Francis said the Budget Committee discussed vacant properties in the City that are not currently assessed a stormwater fee. They made a recommendation that all vacant residential/commercial land should be evaluated for stormwater. Under Section 10-124G it states, "All vacant land separately taxed shall be exempt from the stormwater utility assessment fee." Mr. Francis said Comm Carugno is on that list and may need to recuse himself from the vote.

Attorney Ardaman said on the issue of conflict; there are approximately 30 vacant residential properties that are subject to the assessment. If any commissioner owns more than 1% of the total, he recommends that they recuse themselves from the vote; however, they can participate in the discussion.

Mayor Fouraker shared his opinion with the recommendation and said the policy overall does make sense as budget revenue.

Comm Carugno asked if it matters if the property had a residence or commercial building before being vacant. Attorney Ardaman said if the vacant parcel is part of a homestead, it may make a difference. Comm Carugno shared his concern with the proposed ordinance and said the City should be more focused on commercial impact fees. Comm Carugno recused himself from the vote.

After discussion, Comm Sims moved despite the Budget Committee's recommendation the City does not access fees on a vacant property for stormwater.

Comm Nielsen seconded the motion, which passed 6:0 with Comm Carugno recusal from the vote.

Attorney Ardaman said the Commissioner should submit Form 8B to the City Clerk for the record.

ATTORNEY REPORT

Attorney Ardaman gave an update on the Lake Conway matters. He reported that County Comm Mayra Uribe requested the City to outline the points under consideration to present to the NAV Board and FWC for public comment as follows:

- Maximum speed on the lake of 50 mph
- Excluding bass fishing tournaments and barefoot skiing from interfering the events
- Life preservers to be optional for skiers who are training for competition
- Establishing 300 no vessel zone from the spillway on the south lake
- Establishing no-wake zone In the narrows on the north lake for a distance of 300 feet

CITY MANAGER REPORT

City Manager Francis reported on the following,

Issues Log

- Crosswalk on Hoffner & Monet - OC reported that they will work with the City to coordinate the installation of a rectangular beacon off of Hoffner & Monet.
- Bank of America Purchase – All references to the ATM on the property have been removed in the contract and will be forwarded to the City Attorney for review.

Chief's Report

Appointment of members to the Police Advisory Board

Comm Nielsen presented Charlotte Hobbs to the Police Advisory Board for consideration.

Comm Carugno asked if there will be a Sunshine Violation because her husband is on the Planning & Zoning Board.

Attorney Ardaman said no.

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

Comm Partin presented Alexa Dowlen to the Police Advisory Board for consideration

Comm Sims nominated Alexa Dowlen representing District 6.

Comm Gold said he would like to see other members of the Community presented for consideration rather than rotating the same individuals.

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

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

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

Chief Houston reported on the following,

- Two officers have been quarantined and are COVID positive. Also, due to a COVID positive suspect apprehended last night, a few other officers will be tested for COVID.

MAYOR'S REPORT

Mayor Fouraker said he is challenged with allowing interjection of public chat comments on Council agenda items outside of the public comment section. Attorney Ardaman said the chat feature should not be permitted as the proper process for public comment. Mr. Francis said the City Clerk should turn off the function as a matter of practice.

Mayor Fouraker announced a Food Give Away sponsored by Action Church on Saturday, July 11th, at Regal Boats on Jetport Drive.

COUNCIL REPORT

- Comm Carugno reminded the residents that the FAA comments are due by July 10th regarding the MetroPlex Plan.
- Comm Partin asked if the City can push Wawa to complete the right-in & right-out exits sooner rather than later.
- Comm Readey said he would like to see the Police Payment Plan implemented now rather than the beginning of the fiscal year, if at all possible.

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