



# city council minutes

MINUTES  
CC Regular Session  
September 1, 2020  
Virtual Conference 6:30 pm

The Belle Isle City Council met in a Regular Session on September 1<sup>st</sup>, 2020, at 6:30 p.m. on a Virtual Webinar (zoom.us/j/84991977807).

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:

Also present were Attorney Ardaman, City Manager Francis, Chief Houston, and City Clerk Yolanda Quiceno.

## CALL TO ORDER

Mayor Fouraker opened the meeting at 6:30 pm, and City Clerk confirmed quorum.

Comm Shuck gave the invocation and led the Pledge to the Flag.

## CONSENT ITEMS

- a. Approval of the City Council Budget Workshop meeting minutes – August 25, 2020

**Comm Partin moved to approve the consent items as presented.**

**Comm Sims seconded the motion, which passed unanimously upon roll call, 6:0. Comm Readey was not present for the vote.**

## CITIZEN COMMENTS

Mayor Fouraker opened for citizen comments.

City Clerk reported that she did not receive any citizen comments for this meeting.

## UNFINISHED BUSINESS

- a. Ordinance 20-08 Second Reading and Adoption: 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.**

**Mayor Fouraker opened for Council discussion and motion.**

**Comm Sims moved to approve Ordinance 20-08.**

**Comm Gold seconded the motion, which passed unanimously upon roll call, 6:0. Comm Readey was not present for the vote.**

Ordinance 20-09 Second Reading and Adoption: 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.**

**Mayor Fouraker opened for Council discussion and motion.**

**Comm Sims moved to approve Ordinance 20-09.**

**Comm Nielsen seconded the motion, which passed unanimously upon roll call, 6:0. Comm Readey was not present for the vote.**

Comm Readey joined the Zoom meeting.

## **NEW BUSINESS**

- a. Ordinance 20-12 First Reading and Consideration: Home Occupancy Ordinance - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 28, ARTICLE IV, SECTION 28-91 – OCCUPATIONAL LICENSE REQUIRED, AND SECTION 28-94 – ISSUANCE; TRANSFERABILITY AND CHAPTER 50, ARTICLE IV – ACCESSORY STRUCTURE; SECTION 28-99 - REVOCATION AND USES, SECTION 50-103 – ACCESSORY USES; PROVIDING FOR AN APPEAL PROCESS AND PROCEDURES; PROVIDING SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

City Manager Francis reported that the Council directed the staff to review and revise the Zoning Occupational Code. This change will modify Section 50-103 of the code. He said it is necessary to rewrite the section to better define the BIMC “Home Occupations” for the following reasons,

- provides for a new review and revocation process,
- provides for an appeal process; and
- provides for fines in the event a permit is revoked or not applied for

**Comm Sims moved to advance Ordinance 20-12 to a second reading at the next Council meeting.**

**After Council discussion, Comm Nielsen seconded the motion, which passed unanimously upon roll call, 7:0.**

## **ATTORNEY REPORT**

Attorney Ardaman reported that the Board of County Commissioners has a meeting tomorrow with the County Attorney regarding the lake issues. He has open communications with the County Attorney concerning lake county navigation district.

## **CITY MANAGER REPORT**

City Manager Francis gave an overview of the upcoming budget meetings and said it is essential to have a quorum present on September 15<sup>th</sup> and September 23<sup>rd</sup> to be able to approve the budget.

- September 7, 2020 – Mayor, City Manager, and City Clerk. At this meeting, the Mayor will open the meeting and continue it to a date certain of September 15, 2020.
- September 15, 2020 – First Budget Hearing and City Council meeting
- September 23, 2020 – Second Budget Hearing and Adoption

## **Issues Log**

Mr. Francis gave a brief overview as follows

- Storm Drainage – The City has reconditioned some of the swales on the 5200 block of Jade Circle. The process was adequate, and the City will follow the same approach to condition the swales to the north (Barby Lane, Sol, and Wind Willow). He spoke on some of the existing drainage challenges on Sol.
- He and the Mayor are meeting with Comm Uribe tomorrow to see if they can partner on some drainage projects.
- We are reviewing the site plan of Wallace Field before the Planning & Zoning meeting on September 22<sup>nd</sup>.
- Acquisition of Property – The City is redoing the Phase 1 Environmental Report to ensure compliance.
- CCA – Awaiting a new term sheet for the refinancing project.
- Municipal Code – The Comp Plan update is due no later than April 2024. He is working with April Fisher on the updates.
- Annexation – He reported that residents on Wilks, Randolph, and Waltham area that would like to be part of Belle Isle. He also said on the Lancaster House, the new location, funding, and coordination with Duke Energy; the project hinges on Orange County, allowing the move across the street and allowing annexation of that property.

### Chief's Report

Chief Houston reported on the following,

- Chief reminded residents on the police department call-in numbers
  - 911 – Emergency Only
  - Non-Emergency Dispatch 407-826-4397
  - Admin Office - 407-240-2473
- The Agency has received a tremendous number of calls regarding the loud music on the lake; she has published a Facebook post on how to report the nuisance. Also, she spoke on the aggressive behavior of individuals on the lake and stated that the Agency would step up the Marine Patrol enforcement.
- Chief Houston provided a sample Uniform Crime Reporting Program report monitored by the FBI that access and monitor types of crimes in the City. The report provides reliable information to assist the Agency in making decisions on best practices.

### **MAYOR'S REPORT**

Mayor Fouraker reported on the following.

- Mayor Fouraker addressed the continued loud music complaints on the lake, dangerous behavior, and exorbitant amount of trash on all areas of the lake and at the sandbar. Residents have noted safety concerns and feel like they are being invaded. He shared a video taken over the weekend of where he observed unacceptable behavior and provided a copy for the record. He said he would continue to work with the residents and NAV Board on different options/solutions to encourage better behavior.
- Mayor Fouraker spoke on the lowering of the Weir. He said he continued to work with the NAV Board on this issue and conveyed the concerns by the residents on the canal. Mayor Fouraker said the current water level is not the issue, but the amount of debris that is accumulating in the canal. He has requested action on this to the NAV Board and Orange County and has not been successful; he will continue to push for a positive result.
- Mayor Fouraker said he joined the Police Advisory Board (PAB) meeting and gave a brief overview of the discussion on current issues. He said the PAB is looking to raise funds for a new PD boat. The staff is reviewing the Gift Policy to ensure there are no improprieties.
- Mayor Fouraker shared his concern with Comm Readey's lack of participation and apparent commitment to the City and duties as a commissioner. He regrettably and formally asked for his resignation and said his district deserves a commissioner that can actively serve. He further added instead of waiting for something that will eventually transpire; he would like to put a plan in place for succession. He tried to handle this situation in a private setting with Comm Readey with no positive result. Comm Readey stated that there will be no action on his part. The Mayor said the City deserves an active Council member and will ask for a formal resignation on the next meeting agenda.

### **COUNCIL REPORT**

- Comm Shuck thanked the Chief for the report and said there is still crime occurring from outside the City.

Comm Carugno reported on the following:

- Comm Carugno asked if the City was to change power companies in the future does the Council have to re-advertise for a new ordinance. Mr. Francis said no; however, the Council will need to renegotiate the terms.
- He said he had received several complaints from residents on the noise and safety concerns in the slow zones and Venetian boat ramp.
- He said a resident requested belle isle residents to place blue lights on their homes in support of the Police Officers and the Department around the Country.
- Comm Carugno asked for an update on the drowning on the lake. Chief Houston said once the investigation is complete, anyone can request a copy of the report through the public records process.
- Comm Carugno announced that he would be meeting with the FAA on Friday. Please email or call him with any questions or concerns.

Comm Partin reported on the following,

- Comm Partin also spoke on the noise nuisance. If the behavior is not curtailed, it may cause someone to get hurt.

Comm Sims reported on the following

- Comm Sims shared his satisfaction with the hotel on McCoy. The fourth floor has been completed, and residents can barely see the roof because of the 150 Foot buffer negotiated by the City. He thanked the staff for their support.

Comm Nielsen reported on the following

- Comm Nielsen said it might be beneficial to let the residents of the Lakes and Landings know that they can request the City Manager to make their neighborhood a restricted parking district. It may be a solution to the current parking problem.
- Comm Nielsen spoke on the drainage leaf baskets on Cullen Lake Shore. She said they are not, apparently, in every location and have witnessed the discharge at a resident's home to be horrible. She asked if the City Manager can look into adding more baskets on the north lake area. City Manager Francis asked for the location of the inlet, and he will contact EPD.
  - Comm Gold stated that the City negotiated the installation of 19 baskets.

Comm Readey reported on the following

- Comm Readey said proudly that his grandson has just enrolled in CCA.
- Comm Readey addressed some of the concerns addressed by the Mayor. He acknowledged that the Mayor had approached him on this issue before; however, he is feeling well and will continue to serve.

Comm Gold shared his concern with the process and was not in favor of the Mayor's approach and said the Charter speaks on how to remove someone from office. After further discussion, the Mayor asked Attorney Ardaman how he can have Comm Gold removed from the meeting.

Attorney Ardaman said it is a decision made and approved by the Council.

Mayor Fouraker warned Comm Gold if the interruption continued, he would ask Council for a motion to remove Comm Gold from the meeting.

**Comm Carugno motioned to remove Comm Gold from the meeting.**

**The motion failed for lack of a second.**

**Mayor Fouraker asked Comm Gold from refraining from speaking out of term for the remainder of the meeting. He said they might not agree on everything but must be respectful in their disagreements.**

**Comm Gold apologized for the interruptions.**

Mayor Fouraker announced that the proposed changes of the Transportation Plan for Hoffner and Daetwyler/Judge are open for residents to review at City Hall. If anyone is interested in looking at them, please schedule an appointment with the City Clerk at 407-851-7730. All feedback must be received by September 4<sup>th</sup>, 2020, to the City Manager.

## **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