



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, January 4, 2022, * 6:30 pm
MINUTES

Present was:

Nicholas Fouraker, Mayor
District 2 Commissioner – Anthony Carugno
District 3 Commissioner – Karl Shuck
District 4 Commissioner – Randy Holihan
District 5 Commissioner – Beth Lowell
District 6 Commissioner – Jim Partin

Absent was:

District 1 Commissioner – Ed Gold
District 7 Commissioner – Sue Nielsen

Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order at 6:30 pm, and the Clerk confirmed quorum.

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

Invocation and Pledge to Flag

Mayor Fouraker gave the invocation and led the Pledge to the Flag.

Mayor Fouraker stated that Comm Gold and Comm Nielsen were not feeling well and asked for an excused absence.

Comm Holihan moved to excuse Comm Gold and Comm Nielsen for tonight's meeting.

Comm Carugno seconded the motion, which passed unanimously 5:0.

Recognition of Officers

Chief Houston announced the following,

- a. Introduction of Code Enforcement Officer Christian Rodriguez
- b. Oath of Office administered to Police Officer Elijah Shabazz
- c. Recognition of Sergeant Jeremy Millis

Consent Items

- a. Approval of the City Council Meeting Minutes - November 2, 2021
- b. Approval of the City Council Meeting Minutes - November 16, 2021
- c. Approval of the City Council Workshop Minutes - November 30, 2021
- d. Approval of the City Council Meeting Minutes - December 7, 2021
- e. Monthly Reports-November 2021: Statement of Rev & Exp/Check Register, Red Light Camera, BIPD Case Log, NAV Board Report, and Fire Unit Responses

Comm Shuck moved to approve the consent agenda items as presented.

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

Citizen's Comments

Mayor Fouraker opened for citizen comments.

- Kimberly Stevens, along with Elizabeth Frazier, residing at 5817 Randolph Avenue, spoke on the future of the historic Lancaster home. Until recently, she and her mother were negotiating to move the Lancaster house onto their property. Ms. Stevens gave an overview of the events, and an email was received stating that Pinecastle Pioneers Days is interested in renovating the home and awaiting CCA approval. She is asking that the City uphold its commitment to pay the \$20,000 towards the move and have staff continue to work with Duke Energy to assist. Upon execution of the contract, they will preserve and relocate the home at no cost to the City within 90-days. She stated that they would be willing to copy all estimates, available funds correspondence, approved variance, and site plan necessary to move forward.

Mayor Fouraker said the item is not on the agenda for discussion; however, this Council has been very good in keeping their word.

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

Unfinished Business

- DRAFT ORDINANCE 21-16: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A NEW CHAPTER 17, CITY OF BELLE ISLE CODE OF ORDINANCES ESTABLISHING REQUIREMENTS FOR A PROPERTY ASSESSED CLEAN ENERGY PROGRAM ("PACE"); PROVIDING FOR MULTIPLE, NON-EXCLUSIVE PACE PROGRAMS IN ORDER TO ALLOW FOR THIRD-PARTY ADMINISTRATORS TO ADMINISTER THE PACE PROGRAM WITHIN THE CITY PURSUANT TO STATE LAW AND THE REQUIREMENTS SET BY THE CITY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Manager Francis said Ordinance 21-16 was read for the first time in the December 7, 2021 session. The legal ad was not published due to some issues with the advertising deadline. The Council has additional time to review the Ordinance. If the Council favors moving forward, it will be advertised for second reading at the January 18th 2022 meeting.

Mr. Francis said the staff would upload information of the PACE Program on the website before Council adopts it.

Chris Peterson, representing Florida Financial, said they have a ramp-up period of 4-5 weeks once approved by the Council.

New Business

- a. **ORDINANCE 22-01 - FIRST READING AND CONSIDERATION:** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, RELATED TO ANNEXATION; MAKING CERTAIN FINDINGS AND PROPOSING TO ANNEX THAT CERTAIN PROPERTY KNOWN AS SIENNA PLACE CONDOMINIUM CONSISTING OF ONE HUNDRED AND SIXTY-EIGHT (168) INDIVIDUAL CONDO UNITS AND THE COMMON ELEMENTS DESCRIBED IN THAT CERTAIN DECLARATION OF CONDOMINIUM RECORDED AT BOOK 0841, PAGE 1959-2091, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND GENERALLY LOCATED ADJACENT TO AND WEST OF SOUTH CONWAY ROAD, EAST OF THE EAST LINE OF LAKE CONWAY ESTATES SECTION SIX, AS RECORDED IN PLAT BOOK "Z" PAGE 17 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SOUTH OF THE SOUTH LINE OF LAKE CONWAY WOODS AS RECORDED IN PLAT BOOK 4 PAGES 41-42 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, AND NORTH OF HOFFER AVENUE; REDEFINING THE CITY BOUNDARIES TO GIVE THE CITY OF BELLE ISLE JURISDICTION OVER SAID PROPERTY; CALLING FOR A REFERENDUM TO BE HELD FOR ELECTOR APPROVAL OF THE ANNEXATION FOR ELECTORS RESIDED IN THE ANNEXED AREA; PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

City Manager Francis read Ordinance 22-01 by title.

Mr. Francis said the Ordinance is to Annex Sienna Place Condominiums. Diana Santos is working extremely hard to work towards a voluntary annexation. However, not all property owners would sign a consent. Mr. Francis gave an overview of the process and noted that the staff advertised two public hearings and sent notices to the property owners. The City must adopt the Ordinance and provide a copy to the Supervisor of Elections to place on a ballot. If the referendum fails, the City will have two wait 2-years before trying again.

Mayor Fouraker opened for citizen comments.

- Edith Bretz, a homeowner at Sienna Condominiums, asked about the benefits of joining the City of Belle Isle. Mr. Francis said a letter was mailed to all residents. He said the first and most important benefit is the rapid response time from the Belle Isle Police Department vs. Orange County. Also, the City is more responsive when it comes to planning and building permits. He noted that current utility services would not change. Mr. Francis said one of the reasons for the request to annex is the repairs needed to a major storm drain affecting the proposed annexed area. Diana Santos said she would provide the resident with an additional copy of the letter provided by the City.
- Greg McCruill, Vice President of Sienna COA, said they are considered a COA and not an HOA for clarification.

Comm Holihan moved to read Ordinance 22-01 for the second reading at the next City Council meeting.

Comm Lowell seconded the motion, which passed unanimously 5:0.

- b. Approve Bid for Replacement of Swann Beach Deck

City Manager Francis said the City advertised for proposals and received one bid from Price Construction. The bid had two options: pressure-treated lumber or a composite. The staff is recommending approval of option two - composite material. The completion time is approximately 120 days. The total bid amount is \$38,680.00 from the Public Works Budget.

Mr. Francis said the City would review later to cover the two pipes with a connecting walkway. Once the project has started, the staff will provide a cost for the additional work for Council approval

**Comm Shuck moved to approve the bid contract of \$38,680 for composite material for the Swann Deck project.
Comm Carugno seconded the motion, which passed unanimously 5:0.**

c. Approve Budget Increase for Daetwyler/Seminole Crosswalk Project

City Manager Francis reported since the City assumed ownership of this area, the staff has researched the cost of installing a rectangular rapid flashing beacon and in-road lighting to make it safer. The cost of the flashing beacon is \$19,500. The Council approved to fund a crosswalk at Peninsular and Hoffner for \$22,500; however, Orange County is not going to allow for a crosswalk at this location. The staff requests to transfer those funds dedicated from the Peninsular/Hoffner installation of \$22,500 to the Daetwyler Crosswalk project. In addition, the staff is recommending that Council approve 30,000 from the General Fund reserve to install the in-road lighting to bring an additional safety feature to pedestrians.

Mr. Francis said there had been a discussion to change the rapid flashing beacons lights from yellow to red. However, FDOT said it is not a standard and cannot be changed. They are going to the federal level to see if it can, and, to date, it has not been allowed.

Comm Shuck said he is disappointed that Orange County is unwilling to work with us. Mr. Francis clarified and said Orange County at this time is not going to allow the crosswalk at Peninsular/Hoffner. He reached out to Orange County and the City of Orlando to assist in funding the Daetwyler project, and they are both taking it under consideration. Instead of waiting, the staff would like to move forward.

Comm Lowell asked if there was a traffic study in the area. Mr. Francis said there is a recent traffic count report.

Comm Carugno said he would like to see lights in the roadway on the crosswalks. He would like to see in-road lights on Hoffner, specifically. Since we are moving funds if Orange County decides to allow the project on Hoffner, would we have the money to respond to the Peninsular/Hoffner project immediately? Mr. Francis said the staff could submit for a budget amendment if that happens.

Comm Partin asked what prevents the City from sending out an RFP for these projects. Mr. Francis said the City currently piggybacks from Orange County's Yunex contract. Comm Partin asked if the City would send a bill to the County and City of Orlando for their portion of the total cost. Mr. Francis said that the current project is not under Comm Uribe's umbrella – however, they are considering the other projects. Discussion ensued on the process and stripping design of the crosswalk. Mr. Francis said if Council would like to place any traffic-calming device on the road, it will have to be approved by the Board of County Commissioners (BOCC).

Comm Carugno asked Council if they would be willing to have staff submit a request to BOCC for a raised crosswalk in the City with the texture and the in-road lights. Also, request funding from the City of Orlando.

Comm Shuck is in favor of pedestrian safety; however, he expressed his concern with the City picking up the total cost because that road is primarily for individuals outside of the City limits.

Comm Partin moved to approve the proposal of Yunex Traffic for the Daetwyler/Seminole crosswalk improvements for \$49,500 and approve using additional funds from the General Fund reserve, but hold off on the installation of the in-road lighting until we hear back from Orange County.

Comm Lowell seconded the motion, which passed unanimously 5:0.

d. Discuss Draft ordinance for Noise and Light - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 10, ARTICLE III SECTION OF THE BELLE ISLE CODE OF ORDINANCES REGULATING NOISE AND LIGHT POLLUTION; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

City Manager Francis reported that the staff received many complaints from its residents about excessive noise. The draft addition to the current Ordinance will make the noise ordinance more restrictive, strictly on the road and waterways. If Council agrees, the City Attorney can finalize the Ordinance for first reading at the next Council meeting.

Comm Holihan asked for clarification, Page 85: modification to exhaust systems. His concern is that some residents currently have vehicles that violate the revised Ordinance. Mr. Francis said if the exhaust system had not been altered and is a factory/dealer build, it would not violate the Ordinance. Discussion ensued on enforcement.

Comm Lowell moved to have the City Attorney prepare a final draft of the Ordinance proposing changes to the municipal code for noise violations.

Comm Partin seconded the motion, which passed unanimously 5:0.

8. **Attorney's Report – No report.**

9. City Manager's Report

City Manager Francis announced that the Florida Police Benevolent Association had contacted the City. They filed a petition with the State of Florida Public Employees Relations Commission to represent the City of Belle Isle Police Department employees to form a union. The petition was sufficient, and within a month, the Commission will schedule an election among the Police Department employees to move forward. City Manager Francis advised Council to refer them to the City Manager or the Chief of Police if they are approached with any questions. If Council feels they should respond, they should never threaten, interrogate, promise, or spy on an officer – TIPS.

a. Issues Log

City Manager presented the Issues Log dated 1/04/2022 and gave an overview of the next steps for each item as written. In addition to the notes, he added the following,

Grady Lancaster House – He informed Ms. Stevens that CCA might consider it if she signs a contract with the movers with an approximate date and wants to attend the CCA meeting on 01/19. Once CCA signs the new agreement, they control all buildings on the grounds.

City Council agreed to re-open public comment.

- Ms. Stevens asks if the City no longer controls the Lancaster house once the CCA contract is signed. Mr. Francis said once signed, CCA is responsible for subletting, demolition, or renovation of all buildings on the grounds.

For the record, Mr. Francis said the City could not get additional funding because he could not find a public funding source that would fund moving a house for a private residency and not open to the public, which is why CCA denied the funding.

There is \$20,000 allocated for the disposition of the Lancaster house. As part of the allocated monies, \$6,900 was used to fumigate the house, part of the move process.

Ms. Stevens sent an email to the City asking us to lead the project. Mr. Francis stated as part of his email to Ms. Stevens that, from the beginning, he has said that he nor the staff has the time to dedicate to the move of the house. It was Ms. Stevens' responsibility to lead the project.

Discussion ensued on the events to date that led to the concern by Ms. Stevens. After discussion, Ms. Stevens shared that she wants to move forward with the relocation and organize the move. She further asked that the \$20,000 be available for their use for the move.

- Michelle Meyers residing at 304 S Prospect Street Crescent City, FL, said we are dealing with government vs. resident and miscommunication of the process.
- Elizabeth Frazier shared her concern and confusion on the process that led them to lose the opportunity to move the home.

Mayor Fouraker said we have a conundrum. We pledge to wait until February to allow Pioneer Days to submit a proposal to CCA. But, we will also be going back on our word to Ms. Stevens. Mayor Fouraker asked Council for direction to save the house or a favorable proposal. He cautioned that he wouldn't want to be responsible for inducing someone to have a life change or lose their home. Discussion ensued.

From a legal standpoint, Attorney Chumley said he is concerned with the City's commitment, and he cautioned Council in providing a guarantee of any sought outcome concerning this property.

Comm Shuck said Council should not be making any decisions until Pioneer Days have had the opportunity to submit a plan to CCA as discussed.

Comm Holihan said he would like Council to step back and continue the conversation later because it was not on the agenda for discussion.

b. Chief's Report

Chief Houston reported on the following,

- The agency is in the process of interviewing new candidates.
- Chief Houston spoke on the concerns by residents on the lack of speed control and enforcement. The agency has bigger problems in other locations (i.e., McCoy-Driving 66 on a 35 – DUI arrest, Traffic Stop on Lindos- 2 year warrant of heroin and drug trafficking, Car break-ins on Peninsular, Crash on Hoffner-3 cars serious injuries). McCoy/Hoffner, at this time, is a crime highway encroaching onto our City. We want to keep the crime and the felons out of the City.
- Noise complaints on Orange and Nela – Community meeting at Oakridge High School – Tues, Jan 18th – 6 pm. Comm Lowell and Comm Shuck volunteered to attend the Community meeting.

b. Public Works Report – No report.

10. Mayor's Report

a. Discuss Annual Evaluation of City Manager

Mayor Fouraker asked for direction on the process and available date. Discussion ensued on ICMA participation and the process of evaluations.

After discussion, Comm Holihan moved to evaluate the City Manager in-house, the same as done in the past. Comm Lowell seconded the motion, which passed unanimously 5:0.

Comm Carugno moved to extend the meeting an additional 15 minutes.

Comm Partin seconded the motion, which passed unanimously 5:0.

- Mayor Fouraker thanked the Special Events Committee for the year's events – Kudos!

11. Items from Council

Comm Partin

- Comm Partin asked for an update on the Cross Lake Issue. Mr. Francis said Public Works had addressed the issues.
- Comm Partin shared an email he received from Vance Dawson dated January 4, 2022, re: Daetwyler/Judge road safety.

Comm Holihan

- Comm Holihan asked for a possible 3-way stop sign and McCoy and Via Flora. Mr. Francis said it is not allowed in a functional classified road.
- He asked for additional waste cans at Trimble Park. Mr. Francis said the request had been given to Public Works.

Comm Shuck

- Comm Shuck thanked the PD for their efforts in keeping the community safe.

Comm Carugno

- Comm Carugno announces the next ANAC Committee meeting will be on Jan 14th – 10 am at the Airport Terminal.

12. Adjournment

There being no further business, Vice Mayor Partin called for a motion to adjourn. The meeting adjourned at 9:10 pm.