



CITY OF BELLE ISLE, FL
CITY COUNCIL MEETING

Held in City Hall Chambers 1600 Nela Avenue

Tuesday, April 05, 2022, * 6:30 pm

MINUTES

Present was:

Nicholas Fouraker, Mayor
District 1 Commissioner – Ed Gold
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
District 7 Commissioner – Sue Nielsen

Absent was:

n/a

Also present were City Manager Francis, Attorney Chumley, Chief Houston, Public Works Director Adkins, and City Clerk Yolanda Quiceno

1. Oath of Office

Swear-In: Nicholas Fouraker, Mayor

Bob Harrell swore in Nicholas Fouraker to the Office of Mayor. Bobby Lance led the prayer.

Swear-In: Anthony Carugno, District 2 Commissioner

Swear-In: Karl Shuck, District 3 Commissioner

Swear-In: Randy Holihan, District 4 Commissioner

Mayor Fouraker swore in the following, Anthony Carugno-District 2 Commissioner, Karl Shuck-District 3 Commissioner, and Randy Holihan-District 4 Commissioner.

2. Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order at 6:45 pm, and the Clerk confirmed quorum.

3. Invocation and Pledge to Flag - Commissioner Gold, District 1

Comm Gold gave the invocation and led the pledge to the flag.

4. Interview, Selection, and Appointment of District 6 and 7 Commissioner

Mayor Fouraker opened for candidate selection for Districts 6 and 7. Mayor Fouraker read the order of the interview process and introduced the candidates. He asked that the candidates wait in the lobby until they were called. Once they have completed the interview, they can join the meeting until the process is complete. Each Council member was provided a list of questions, and they were asked to pick two questions on the list (or two of their own), asking each candidate the same questions. After the interview process for the District, the Council will be making a formal appointment effect immediately. As part of the process, he asked the candidates not to temporarily use their electronic devices and turn them into the City Clerk for professional courtesy.

Attorney Chumley noted that this is a Sunshine meeting, and there is nothing in the law not to exclude them from viewing the meeting. The candidates can agree not to view the meeting as a courtesy to the other candidates.

District 6 Stan Smith
Kathy McCoy

Comm Lowell disclosed that she received an email from Rick Miller, a constituent, and asked that it be read for the record. Mayor Fouraker said it did not have to be read if the email was sent to everyone on Council.

Comm Gold stated that the process for choosing an appointee was not disclosed and seemed to be an abbreviated procedure. In the spirit of the law, he would like to avoid appointing a candidate because this is supposed to be an elected position. He would like to decline Comm Partin's resignation, let him finish his term, and not have to make an appointment that will serve the people's will through an electoral process. Comm Gold further explained his thoughts for consideration on implementing a more transparent strategy for Council appointments in the future.

Attorney Chumley said no one has the authority to make a Commissioner finish their term. Comm Partin resigned on March 22 in an email to the City Manager, creating a vacancy in that office. Addressing Rick Miller's concerns, he does not see any other indicia other than where he sat at a workshop meeting serving in his capacity as a Council member. Also, he said he hereby resigns, and an absolute date given hereby indicates a present intent to resign at that time by virtue of the email. The Council can discount the concerns of Rick Miller in his legal opinion.

After interviewing both candidates, the Council voted as follows,

In favor of Kathy McCoy,

Comm Gold aye
Comm Carugno nay
Comm Shuck aye
Comm Holihan nay
Comm Lowell nay
Upon roll call, the motion was 3-nays, 2-ayes.

In favor of Stan Smith,

Comm Gold aye
Comm Carugno aye
Comm Shuck nay
Comm Holihan aye
Comm Lowell aye
Upon roll call, the motion was 1-nay, 4-ayes.

Mayor Fouraker swore in Stan Smith as Commissioner for District 6.

District 7 John Evertsen
Jim Partin

After interviewing both candidates, the Council voted as follows,

In favor of John Evertsen,

Comm Gold aye
Comm Carugno nay
Comm Shuck nay
Comm Holihan nay
Comm Lowell nay
Upon roll call, the motion was 4-nays, 1-ayes.

In favor of James Partin,

Comm Gold aye
Comm Carugno aye
Comm Shuck aye
Comm Holihan aye
Comm Lowell aye
Upon roll call, the motion was 5-ayes.

Mayor Fouraker swore in James Partin as Commissioner for District 7.

Mayor Fouraker called for a 15-minute comfort break. The meeting reconvened at 7:55 pm.

5. Consent Items

- a. Arbor Day Proclamation
- b. Approval of City Council meeting minutes - March 1, 2022
- c. approval of the City Council Workshop minutes - March 29, 2022

Comm Holihan moved to approve the Consent Agenda as Presented.

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

Mayor Fouraker read the Arbor Day Proclamation for the record.

6. Citizen's Comments

Mayor Fouraker opened for citizen comments.

Bobby Lance residing at 6615 Matchette Road, said he is not for or against item #7a; however, he wanted to share some of his research on the truck size on Judge and Daetwyler Road. He spoke on the gross vehicle weight rating (GVWR), the total ton weight of a truck consisting of fuel, load, and occupant. All the trucks F250-F350 fall under the GVWR. He asked Council to consider restricting semi-trucks and not straight trucks for enforcement. He gave a brief history on the speed limits and additional traffic on the beech line before installing the tolls on/off of Boggy Creek to the trail and believes the City is due a rebate. City Manager Francis said he could meet with Mr. Lance, and if his findings have merit, he can bring them forward to the MetroPlan Board.

Mayor Fouraker rearranged some of the agenda items to allow for discussion and appointment of CCA representatives.

7. Unfinished Business

- a. **Ordinance 22-05 - Prohibit heavy trucks on Judge/Daetwyler and reduce the speed limits on Judge Daetwyler from 35mph to 30mph.** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA PERTAINING TO REGULATION OF TRAFFIC UPON MUNICIPAL ROADS, AMENDING THE BELLE ISLE MUNICIPAL CODE, CHAPTER 30, ARTICLE I, SECTION 30-3 – HEAVY TRUCKS PROHIBITED ON CERTAIN STREETS TO PROHIBIT HEAVY TRUCKS FROM TRAVELING ON JUDGE ROAD AND DAETWYLER DRIVE; PROVIDING FOR A NEW SECTION 30-05 – SPEED LIMITS ADJUSTING SPEED LIMITS IN THE CITY; AUTHORIZING THE CITY MANAGER TO IMPLEMENT SUCH CHANGES; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Manager Francis asked for Council consideration to table the second reading to May 3, 2022, to allow Orange County BOCC to respond to clarification on lowering the speed to 35mph per the Interlocal agreement on their April 26 consent agenda.

Comm Gold moved to table Ordinance 22-05 for Second Reading and Adoption to May 3, 2022.

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

Comm Gold moved to extend the meeting to 9:15 pm.

Comm Holihan seconded the meeting, which passed 6:1 with Comm Carugno, nay.

Mayor Fouraker said the Council currently does not have a vice mayor. City Manager Francis said the first meeting in May is when the vice mayor is nominated per Charter. The council consensus was to wait until the first meeting in May.

8. New Business

- a. Selection of CCA City Representatives

City Manager Francis said the terms for Charlyne Cross and Ralph Armstead are up for reappointment. The City staff advertised a Call for Applicants and received an application from Jason Hunter, Ms. Cross, and Mr. Armstead, who submitted an email, out of the process, to Chairman Brooks on March 30 for reappointment. Mr. Francis recognized and recommended Ms. Cross for reappointment because of her continued support and active participation on the Board.

Mayor Fouraker recognized Ms. Cross for her outstanding work on the CCA Board and hopes that the Council considers her reappointment. To correct the miscommunication with Mr. Armstead's submission, he recommends scheduling another date to interview Mr. Armstead and Mr. Cross to serve on the Board.

Comm Gold moved to reappoint Charlyne Cross's term to the CCA Board and defer the interviews for Mr. Cross and Mr. Arstead to April 19 for consideration.

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

- b. Ordinance 22-06 Moratorium on Artificial Turf

City Manager Francis said that many homeowners are turning to install artificial turf. The City does not have anything in the Code that prevents or allows the use, determination or specifications. Those in the City who have installed artificial turf said they installed it because nothing in the Code stated they couldn't. At the last Planning & Zoning meeting, the Board had many questions and could not decide without further research. They recommended the Council pass a moratorium on the installation in a residential district for 6-months to allow further study and discussion before changing the Land Development Code. If the Council decides to add it to the Code, then those who have already installed it will have to conform to the maintenance specifications in the Code.

Comm Shuck motion to direct the City Attorney to finalize the Ordinance 22-06 to place a 6-month moratorium on the use of artificial turf in the City of Belle Isle.

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

Comm Gold shared his concern with taking away homeowner rights on their property as long as there is no environmental impact. Mr. Francis said that was one of the concerns, and the research will include research on the permeable materials and compaction installation that can cause run-off. Discussion ensued on sample installations on Cove and Hoffner.

Comm Carugno asked if the moratorium would apply to commercial and public properties. Mr. Francis said it solely deals with artificial turf on residential properties. If the application is allowed, those grandfathered in must follow the new Code when replaced.

- c. Approval of Memorandum of Agreement with OCSO for the Orlando/Orange County Urban Area Grant Funding
Chief Houston presented the Memorandum of Agreement with OCSO for the Orlando/Orange County Urban Area Grant Funding for approval. The grant focused on terrorism and weapons of mass destruction.

Comm Gold moved to approve the Memorandum of Agreement with OCSO for the Orlando/Orange County Urban Area Grant Funding.

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

- d. Appointment of Police Advisory Board - District 4

Comm Holihan is stepping down from the Police Advisory Board and would like to recommend Bruce Lincoln for consideration.

Comm Holihan moved to appoint Brice Lincoln to the Police Advisory Board for District 4.

Comm Smith seconded the motion, which passed 7:0.

9. Attorney's Report - No report.

10. City Manager's Report

- a. Issues Log

City Manager Francis reported on the following,

- April 7 pm at the Lake Conway East Lake lot, the staff will hold a stakeholder meeting for the Sol project. The projected start time is April 17.
- Mr. Francis reported on the Issues log dated April 5, 2022
 - City Acquisition of Property – Comm Holihan offered to assist the newly hired Planner with reviewing PD.
- Annexation: May 11 – Sienna Place Condo Mail Ballot Annexation. Staff is working on the Welcome Packets, looking into having them web-based. Council expressed having some items to hand out to new residents.
- ARPA Funding's first report is due April 30.

- b. Chief's Report

Chief Houston reported on the following,

- The agency has received numerous complaints about dangerous motorcycle activity. Chief Houston explained that the Belle Isle Police Department and no other agency would engage in the pursuit of those motorcycles for safety concerns for the officers, motorcycle riders, and other residents. Discussion ensued, and the Council consensus was to have a statement posted on social media so that the residents could understand the City's policy.
- Chief Houston encouraged residents not to engage the lawless thugs for their safety.

c. Public Work's Report – Mr. Adkins reported that the construction on Nela Avenue should be completed on April 6.

11. Mayor's Report

Mayor Fouraker gave an update on upcoming events as follows,

- Easter Egg Hunt – April 16 from 9 am -11 am
- CCA Wizard of OZ Theatre – Weekend April 16-17

Comm Smith moved to extend the meeting to 9:30 pm.

Comm Gold seconded the meeting, which passed 6:1 with Comm Carugno, nay.

12. Items from Council

- Comm Lowell said a resident has asked if water fountains and a pet spout be placed at Gilbert Park. She would like to see time limits on the use of fireworks. Comm Shuck added that he would like to regulate the fireworks debris going into the lake. Attorney Chumley said there are State Statutes on fireworks that regulate use.
- Comm Carugno said he has received concerns about the Police Department's non-emergency number and would like staff to review the message used when calling.

City Manage Francis stated that he would contact the Florida League of Cities to schedule some dates to start the process of Strategic Planning.

13. Adjournment

There being no further business for the order, Mayor Fouraker called for a motion to adjourn, unanimously approved at 9:30 pm.