



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, January 18, 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:

Call to Order and Confirmation of Quorum

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

Also present were Attorney Langley, City Manager Francis, Chief Houston, Deputy Chief Grimm, and City Clerk Yolanda Quiceno.

Invocation and Pledge to Flag - Commissioner Jim Partin, District 6

Vice Mayor Partin gave the invocation and led the Pledge to the Flag.

Vice Mayor Partin stated that the Mayor and Comm Shuck are at a Community Meeting at Oakridge High School with Orange County Commissioner Myra Uribe. The meeting addresses concerns affecting the City of Belle Isle and may attend later in the evening.

Consent Items – None.

- a. Resolution 22-01: A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AUTHORIZING COUNCIL MEMBERS AND THE MAYOR AS SIGNATORIES ON THE CITY CHECKING ACCOUNTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.
- b. Monthly Reports-December 2021: Red Light Camera, BIPD Case Log, NAV Board Report, and Fire Unit Responses

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

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

Citizen's Comments

Vice Mayor Partin opened for citizen comments.

- Adam McGinnis, Belle Isle resident, shared his concerns about the ongoing overgrown brush and garbage pickup issues. He said that his trash had not been picked up in about 2-weeks. Mr. McGinnis said nothing has changed from the last meeting he attended in November. He stated that the plants on the north side keep growing, structures and furniture are still 25 feet in the right of way. He has had conversations with the trash company, and they said they would not be driving down the road to pick up trash because of the overgrown brush, and if the cans are in front of his home, they are not visible for pick up by the workers. The City cut some of the brush and removed two posts on the other side of the street. However, nothing has been removed from his side of the road. He said he could not place his garbage cans to the south of the right of way, per the City, and asked for assistance to correct this issue.
 - Comm Nielsen asked why the brush had not been cleared when the resident asked in November. Derreck Adkins said staff trimmed the palm trees and increased the area for the trash truck to pass to the east of the property.
 - City Manager Francis said he could leave his cans for pick up on the south of the right of way; he can't leave them there once the trash is picked up. The City has trimmed the palm trees, and the neighbor said she would remove her furniture and pots once the trimming is completed. Mr. McGinnis asked why he couldn't leave it in front of his house like everyone else.
 - Comm Carugno shared his concerns and said that this is a case of a disagreement with two neighbors, and the City is in the middle. Comm Carugno stated that he receives complaints regarding Mr. McGinnis's numerous cars, a boat, and garbage cans parked in front of the park.
 - Mr. McGinnis stated that he does not have any issues with his neighbors. He has come to the Council to share his concerns and would like the Council to commit to seeing that this issue is corrected.

**Comm Nielsen made a motion to have the City commit to responding to the request within a week.
The motion failed for lack of a second**

Comm Gold said the City is obligated to have the contractor fulfill their duties per contract, and removing vegetation is a secondary issue.

Vice Mayor Partin said the Council would provide the City Manager with direction to move forward.

Unfinished Business

- a. **Ordinance 21-16 - Second Reading and Adoption:** 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 read Ordinance 21-16 by title.

Mr. Francis said the Ordinance would be corrected as follows,

Section 17-5(b)(2) reads, "The ~~30~~-day right to cancel the financing;"

Section 17-5(b)(2) should read, "The 3-day right to cancel the financing;"

Vice Mayor Partin opened for public comment.

- o Jennifer Suarez, Regional Government Affairs Director of Renew Financial, residing in Miami, Florida, favors the Ordinance and answers any questions.

Comm Holihan moved to adopt Ordinance 21-16.

Comm Gold seconded the motion, which passed unanimously upon roll call 6:0.

- b. **Approval of Resolutions 22-03, 22-04, 22-05 and 22-06**

RES 22-03: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A PARTY MEMBERSHIP AGREEMENT AND ITS INCORPORATED INTERLOCAL AGREEMENT IN ORDER TO JOIN THE FLORIDA GREEN FINANCE AUTHORITY'S PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM UNDER SECTION 163.08, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Francis read Resolution 22-03 by title.

As presented, Comm Nielsen moved to adopt Resolutions 22-03, 22-04, 22-05, and 22-06.

Comm Lowell seconded the motion, which passed unanimously upon roll call 6:0.

RES 22-04: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A PARTY MEMBERSHIP AGREEMENT AND ITS INCORPORATED INTERLOCAL AGREEMENT, IN ORDER TO JOIN THE FLORIDARESILIENCY AND ENERGY DISTRICT'S PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM UNDER SECTION 163.08, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

RES 22-05: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A MEMBERSHIP AGREEMENT AND ITS INCORPORATED INTERLOCAL AGREEMENT, IN ORDER TO JOIN THE GREEN CORRIDOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) DISTRICT UNDER SECTION 163.08, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

RES 22-06: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A NON-EXCLUSIVE INTERLOCAL SUBSCRIPTION AGREEMENT, IN ORDER TO JOIN THE FLORIDA PACE FUNDING AGENCY PROPERTY ASSESSED CLEAN ENERGY (PACE) PROGRAM UNDER SECTION 163.08, FLORIDA STATUTES; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Francis read Resolution 22-04, 22-05, and 22-06 by title.

As presented, Comm Nielsen moved to adopt Resolutions 22-03, 22-04, 22-05 and 22-06.

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

- c. **Ordinance 22-01 Second Reading and Adoption:** 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.

Comm Gold moved to adopt Ordinance 22-01.

Comm Lowell seconded the motion, which passed unanimously upon roll call 6:0.

- d. **Approval of RESOLUTION 22-07** - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, APPROVING A BALLOT QUESTION AND SUMMARY FOR THE ANNEXATION REFERENDUM REQUIRED BY ORDINANCE 22-01 CONCERNING THE ANNEXATION OF SIENNA PLACE CONDOMINIUM; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Francis read Resolution 22-07 by title.

Comm Gold moved to adopt Ordinance 22-07.

Comm Lowell seconded the motion, which passed unanimously upon roll call 6:0.

- e. **Discussion of issues regarding Ordinance 21-15** - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, REPEALING ARTICLE VII OF CHAPTER 46 OF THE CITY'S LAND DEVELOPMENT CODE PERTAINING TO ROAD IMPACT FEES AND REPLACING SAME WITH NEW ARTICLE VII OF CHAPTER 46 OF THE LAND DEVELOPMENT CODE PERTAINING TO IMPACT FEES, THEREBY CREATING AND IMPOSING A NEW SYSTEM OF IMPACT FEES TO BE IMPOSED UPON DEVELOPMENT WITHIN THE CITY LIMITS; CREATING A NEW IMPACT FEE PROGRAM AND ADOPTING RELATED PROVISIONS PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT THEREOF; ADOPTING AN IMPACT FEE STUDY IN SUPPORT OF IMPACT FEES IMPOSED; AND PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Manager Francis said in December 2021, before the second reading and adoption, the Council wanted to have a couple of questions answered. City Manager Francis read the questions and responded to the 4-questions in a memo dated January 18, 2022, for a second reading and effective date in March.

Questions related to Impact Fee Ordinance:

- Question 1: Why can't the developer receive a credit if the proposed development or redevelopment results in a lower impact generating development? Section 46-193 (d) prevents this.
- Question 2: Why can't impact fees offset if the developer pays for the off-site development? Section 46-195 doesn't allow for this.
- Question 3: When is the payment of impact fees due? It doesn't specifically say when; it just says that it can't be paid prior to issuing a building permit, so it's assumed at the time the permits are paid for.
- Question 4: What is General Government?

Comm Holihan said he and the City Manager have reviewed and discussed the questions and believe this is good for the City.

There being no further discussion, Comm Nielsen moved to have the Ordinance read for a second reading in February for an effective date in March.

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

New Business

- a. **Ordinance 22-02 - First Reading and Consideration:** Code Changes to Noise and Light Pollution: 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 read Ordinance 22-02 by title.

Comm Nielsen asked for clarification on the definition of property lines.

Comm Lowell moved to advance Ordinance 22-02 to a second reading at the February 1, 2022, City Council meeting.

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

- b. Resolution 22-02 Declaring Surplus Property:** A RESOLUTION DECLARING SURPLUS CERTAIN CITY PROPERTY AND DIRECTING THE CITY MANAGER TO DISPOSE OF THE PROPERTY.

City Manager Francis read Resolution 22-02 by title.

The City has not declared the Lancaster house as surplus property, and this Ordinance will officially declare the Lancaster House as surplus property with an estimated value of \$1.00.

Comm Gold moved to approve Resolution 22-02.

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

- c. Agreement to move Lancaster House**

At the last Council meeting, Kimberly Stevens and Elizabeth Frazier discussed their interest in the Lancaster House. Since that time, they emailed the City saying that they would not save the home because the cost has gone up so substantially. Mr. Francis said they are aware of their first right of refusal. In addition, they are aware of the unknown risks and will incur inherent risks. Mr. Francis said the Council has two options, demolish the house or allow Pioneer Days to present to Cornerstone Charter Academy Board and receive approval to sublet the property. Discussion ensued.

Comm Gold asked if Ms. Stevens was not aware of the cost differences. Mr. Francis said he told them that the March 1 date is negotiable. According to their email to the City, there are many spiraling costs, and they opt out of the move. For the record, Mr. Francis read the email received on January 18, 2022.

Comm Nielsen asked if it would be wise to get a written agreement to clear everyone before moving forward. Attorney Langley said the City is not required to have an agreement with Ms. Stevens to dispose of the property. The email serves the purpose that the move of the house doesn't work for them. In addition, Comm Nielsen said she would like the City to contact Billy Morgan and let him know what has transpired to see if they are still willing to update the home and present their plan in February to Council. Discussion ensued.

Mr. Francis said, with Council approval, he can contact Pioneer Days to contact the CCA Board about subletting the home at the January 26th meeting.

- d. Appointment of Canvassing Board**

According to Section 8.11 of the City Code, the City Council must designate a member for the canvassing board for the March 8th election.

Comm Gold moved to nominate Comm Nielsen for the canvassing board.

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

- e. Donation Request - CCA Febtoberfest**

Comm Nielsen moved to donate \$175 Silver sponsorship for the Febtoberfest Event.

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

After further discussion, Comm Gold moved to augment the cost to a Gold sponsorship for an additional \$175 with a total of \$350.

Comm Carugno seconded the motion, which passed 4:2 with Comm Nielsen and Comm Lowell, nay.

- 8. Attorney's Report – No report.**

Mayor Fouraker and Comm Shuck joined the meeting.

- 9. City Manager's Report**

- a. Issues Log**

City Manager presented the Issues Log dated 1/18/2022. Mr. Francis said moving forward, and he would have Derreck summarize some of the open projects in Public Works.

- Traffic Issues: In addition to the next steps on the issues log, he asked the County, after speaking with some residents, to look at placing a crossing on Avocado and Hoffner instead of Peninsular/Hoffner.
- P&Z Meeting – At the next P&Z meeting, there is a variance request from an applicant on Gibson requesting to redo the boathouse with enclosed walls.
- New City Zip Code: Mr. Francis requested that the item be deleted if the Council takes no further action.

b. Chief's Report

Chief Houston announced a couple of officers out with COVID and impacting staffing. Chief Houston announced a new hire, Raquel Lozano, as the PD Administrative Assistant.

Deputy Chief Grimm provided and gave a brief breakdown of the 2021 Crime Reporting.

b. Public Works Report

Derreck Adkins provided a list and gave an overview of the open Public Works projects as follows,

- Sol Road Repair – Revamped the plans and will be resubmitted for bid.
- Street Paving – 8 streets that will be milled – South/North of Nela
- Swan Beach Deck – Awarded the contract. Looking to add 600 sq ft and will bring it forward for approval
- Sidewalk Repairs – 25,000 budgets – Oak Island repair will be a total of 17,000. Mr. Francis said under the municipal code (Chapter 10), residents are responsible for their sidewalks. Mr. Francis said Council would have to decide moving forward to have staff enforce the code or eliminate it from the code and have the City pick up all sidewalk repairs by passing a non-ad Valorem assessment.
- Cross Lake – Currently in the design stage for a total road rebuilt of the intersection by Oak Island Road. Mr. Adkins said it might affect the project discussed earlier with Mr. McGinnis.

10. Mayor's Report

- Mayor Fouraker reported that the Orange County (OC) meeting was well attended. OC provided many explanations on the technical reasons for the noise issues from the Cervesa House and Casa Vieja.; however, there is not much about solutions regarding resident noise concerns, 28- parking spaces, port-a-lets, and open dumpster. He applauded Comm Mayra Uribe for holding the meeting and continues pushing to hold everyone accountable. If Belle Residents want to report light/noise complaints, they should call the Orange County Sheriff's office, and Belle Isle PD will call for a Deputy to take the complaint.
- Community Events –Pinecastle Chili Cook-off – 11 am-2 pm at Fish on Fire
- City Manager Evaluations have been submitted, and Mayor Fouraker asked for confirmation of a Special Meeting. Council consensus was to schedule a special session on January 27, 2022, at 6:00 pm.
- Mayor Fouraker gave a summary of the ANAC meeting. They discussed refining the alert process for our residents for better transparency and random compliance testing.

11. Items from Council

Comm Gold said MSTU's is a good tool for paying for sidewalks. Some residents posted a 15 mph speed limit in our City and would like to know if they can be placed in his district. City Manager Francis said he had not given any direction in establishing a 15 mph speed limit and noted that Belle Isle is a subdivision conglomerate and may have existed before his tenure. Mr. Francis said a 15mph speed sign could not be placed without a study. Discussion ensued on high speeds on local streets and existing stop signs around the City.

Comm Carugno spoke on the 15 mph speed signs on Oak Island. When he requested a 15mph speed limit years ago, he was told by the staff that the City must follow FDOT procedures before moving forward.

Comm Shuck gave a summary of the OC meeting. His take was that the owners of Cerveza House had met all the requirements of the County. He further added that the 15mph on Cove Drive has been in existence when he was a postman many years ago. By State Law, we cannot place a speed limit less than 25 mph. Chief Houston directed Council to FSS 316.189 – County Speed Zones and said the City could not establish a 15mph speed sign without a study. Mayor Fouraker said one should not base their facts on Facebook and research before acting.

Comm Partin said he remembered 15mph on Cove Drive through the groves many years ago. At some time, the City or the County did the appropriate research, and we can indeed enforce them.

Mr. Francis said if Council would like to look into this further, he would request that Council move to have staff complete a Traffic Speed Study to see if a 15 mph speed limit is warranted in certain areas.

**Comm Gold moved to have staff complete a Traffic Speed Study in certain areas of the City.
Vice Mayor Partin seconded the motion, which passed 6:1 with Comm Shuck, nay.**

City Manager Francis said he spoke with the Mexican Restaurant owners (Cork & Form), who stated that they had internal problems moving the project forward. They should be opening soon, hopefully.

A resident contacted him on St Regis regarding an island of grass that beached up on their property. He reached a NAV Board representative for some assistance, who contacted EPD.

12. Adjournment

There being no further business, Vice Mayor Partin called for a motion to adjourn. The meeting adjourned at 8:45 pm.