



CITY OF BELLE ISLE, FL
CITY COUNCIL MEETING

Held in City Hall Chambers 1600 Nela Avenue Belle Isle, FL 32809

Tuesday, May 17, 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 – Stan Smith
District 7 Commissioner – Jim Partin

Absent was:

1. 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 City Manager Francis, Attorney Langley, Chief Houston, Public Works Director Adkins, Admin Assistant Peacock, and City Clerk Yolanda Quiceno.

2. Invocation and Pledge to Flag - Comm Randy Holihan, District 4

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

3. Life-Saving Award Presentations

Chief Houston presented the Life Saving Awards to Officer Shabaz and Officer Moffett.

4. Consent Items

- a. Approval of the City Council meeting minutes - April 19, 2022.
- b. Monthly Reports-April 2022: Finance Reports and Fire Unit Responses.

Comm Carugno moved to approve the consent items as presented.

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

5. Citizen's Comments

Mayor Fouraker opened for citizen comments. There being none, he closed citizen comments.

6. Unfinished Business

a. Sidewalk and Replacement Program

Mr. Francis said the City receives complaints from residents regarding potential trip hazards on sidewalks. Each year the City repairs sidewalks, whether in front of a resident's home or on a public sidewalk. The Municipal Code clearly states that adjacent property owners are responsible for their sidewalks and the prevention of tripping hazards; however, the City has made the repairs over the years. The staff has recommended approval of a proactive program/10-year master plan and requests consideration of one of the three options, (1) Adjacent property owner responsible for repair or replacement of sidewalk and ROW, (2) City is responsible for all existing sidewalks, or (3) Cost Share Funded Program where the City and the adjacent property owner will agree to a cost-shared program.

At a previous meeting, the Public Works Director discussed a proposed \$352,600 budget for some immediately sidewalk repairs, not including ADA ramps, driveway aprons, and City-owned sidewalks. If Council decides that the City will repair sidewalks, staff recommends the City look into creating an Ad valorem assessment of the 2023-24 budget year.

There are many areas in the City with no sidewalks, and staff has received requests from residents requesting new sidewalks. The staff will develop a 10-year sidewalk master plan for the design and construction of new sidewalks in those areas of the City that do not have sidewalks for Council consideration.

Mr. Francis asked, specifically, how Council would like to have the City pay for sidewalks. He notes that the staff sent the draft policy to the City's insurance company, and they favor having the Council adopt a policy.

Council discussed if having the residents responsible for maintaining their sidewalks would the City assume less or greater liability. Attorney Langley said if the sidewalk is on the right-of-way, the City has certain duties to ensure no danger. If the City is not made aware of the hazard, the City has sovereign immunity. However, if the City is aware of the situation, the City has some liability exposure to repair or place caution signs in the interim. Having a code that requires adjacent property owner responsibility mitigates the liability because there is a situation in which another party on-site knew of the hazard but did not take action. It will not deter from having someone sue the City if they slip and fall. He added that the City could also create a special assessment with a 50/50 split.

Comm Holihan shared his concerns and noted that the most reasonable approach was to create a cost-sharing program with upkeep/permitting/construction standards with the homeowners.

Comm Partin suggested having the City bring all sidewalks to compliance before passing a cost-sharing program. He shared his concern and challenges in allowing residents to be responsible for the repair. He would like to know if there is a standard from the surrounding cities on active maintenance, repair, and a shared cost with residents.

Comm Gold said it would benefit from having a city-wide review of all sidewalks and then creating an Ad valorem to all residents to have uniformity, similar to a school and stormwater/waste fee. Discussion ensued on the City's responsibility for managing the repairs and paving specifications.

Comm Carugno shared his concerns and said he would like to focus on the area of Judge/Conway. He received an email from Mr. Weinsier regarding imposing an Ad Valorem tax. Comm Carugno said he is not in favor of having the resident responsible for any sidewalk repairs; however, the apron's repair should not be the City's responsibility. He would like to see the residents accountable for the upkeep and maintenance only (i.e., clear sidewalks of debris and mold) and have the City continue the repairs until a master plan can be adopted.

Mayor Fouraker said he is not in favor of adding additional sidewalks unnecessarily and would like to ensure that the neighbors what them. He would like to see a shared cost option that is equitable to all residents and the use of a scale/plan in maintaining the sidewalks throughout the City.

Derek Adkins, Public Works director, shared his opinion and said the City owns the right-of-way; however, it is used by all whether you walk or ride a bike. He would like to see a Shared Cost option with the residents.

After further discussion, the Council consensus was to research the cost-sharing option with the City's responsibility for managing all repairs and paving.

Comm Partin moved to have the City Manager prepare a draft ordinance that will address,

- **The City will implement and submit an assessment to replace all sidewalks, driveway aprons, and ADA ramps and will be charged as a special assessment to all residents.**
- **Immediately residents are responsible for maintenance**
- **If a sidewalk repair is required down the road, there will be a 50/50 Capital Split.**

Comm Gold seconded the motion. After further discussion, Comm Gold withdrew his second because he does not agree with the 50/50 Capital Split.

Comm Holihan seconded the motion.

The motion passed 4:3 with Comm Smith, Comm Carugno, and Comm Gold, nay

b. Right-of-Way Policy/Program

City Manager Francis said the Right-of-Way Program ranges from installing trees, landscaping, and fences on the City right-of-way. The City works with the Utility companies very well; however, the City needs to create a better policy for residents that will make the adjacent owner responsible for anything they have on the ROW. The agreement in the policy is similar to that used for installing pavers on the ROW. Mr. Francis said the Council decided at the last meeting that the fee for the permit would be \$100.

Comm Shuck moved to approve the Policy for Right-of-Way permits with an application fee of \$100.

Comm Partin seconded the motion.

After discussion, the motion passed unanimously 7:0.

7. New Business

a. Approval to Amend Lease Agreement with Cornerstone Charter Academy (CCA)

The City was contacted by CCA requesting a minor amendment to the lease. One of the notable changes is in Section 6.1. Their bond Council has asked for the change to meet the new bond's Florida Department Finance Corporation (FDPC) requirements. The City Attorney reviewed the request and amendment and changed the original amendment proposed by CCA. Both attorneys agreed with the changes.

Comm Smith moved that approve the amendment to the Lease with Cornerstone Charter Academy.

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

b. FY2022-2023 Budget Schedule

City Manager Francis presented a copy of the 2022/2023 Budget calendar for important posting dates. The schedule denotes Council participation in blue highlighted boxes.

8. Attorney's Report

a. New Law on Legal Notices – HB7049

Attorney Langley gave an overview of the new law on Legal Notices that can allow for revamping how local governments can post legal notices. The law will go into effect on January 1, 2023.

9. City Manager's Report

- City Manager Francis updated a Strategic Planning Session scheduled for June 11-12. Due to scheduling conflicts, the Council consensus was to have the City Clerk send out a survey with available dates in July and August for consideration.
- Mr. Francis reported on a few upcoming meetings as follows,
 - FLC – Aug 11-13, 2022 Hollywood, Florida – Naming a Voting Delegate
 - May 19 – Ethics Training in Casselberry
 - Strategic Planning – New Survey on new dates in August will go out in July for consideration
 - The City has three positions in the MetroPlan for City of Belle Isle representation (1) Metro Plan, (2) MAC, and (3) TISMO-voting delegate. Mr. Francis recommended the appointment of Derek Adkins to the TISMO Committee.

Comm Smith moved to appoint Derek Adkins to represent the City on the TISMO Committee.

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

a. Issues Log

Mr. Francis gave an overview of the Issues Log dated May 17, 2022.

b. Council Budget Goal Setting Workshop

City Manager Francis presented samples of three different budget goal outcomes for review before the upcoming budget discussions. He asked for consideration to schedule a workshop on June 21 to discuss Council policy and direction that will guide the upcoming fiscal year budget development.

Comm Lowell moved to schedule a workshop on June 21 following the City Council session.

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

Council discussed the NAV Board discussion on marine patrol on Lake Conway.

**Comm Carugno moved to extend the meeting by 15 minutes.
Comm Smith seconded the motion, which passed unanimously 7:0.**

c. Chief's Report

Chief Houston reported on the following,

- Police Advisory Board Forum – May 25 at 6 pm
- Recruiting new Officers – Posted on Indeed
- The Agency is addressing recent Noise Complaints.
- Discussion ensued on parking on narrow streets and parking rules.
- New Code Enforcement Office completed training and will start a 7-day a week rotation.

d. Public Works Report

Derrek Adkins gave an overview of the Public Works projects List dated May 17, 2022.

10. Mayor's Report - na

11. Items from Council

Residents who have Airport Noise Complaints should be addressed to GOAA Rich Lapone at 407-825-6274.

12. Adjournment

There being no further business, Mayor Fouraker called for a motion to adjourn.

The motion passed unanimously at 9:15 pm.