



## CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, July 6, 2021, \* 6:30 pm  
**MINUTES**

Present was:

District 1 Commissioner – Ed Gold  
District 2 Commissioner – Anthony Carugno  
District 3 Commissioner – Karl Shuck  
District 4 Commissioner – Mike Sims  
District 5 Commissioner – Rick Miller  
District 6 Commissioner – Jim Partin  
District 7 Commissioner – Sue Nielsen

Absent was:

Nicholas Fouraker, Mayor

### 1. Call to Order and Confirmation of Quorum

Vice Mayor Partin called the meeting to order at 6:30 pm, and the City Clerk confirmed quorum. Also present were Attorney Ardaman, City Manager Francis, Chief Houston, and City Clerk Quiceno.

### 2. Invocation and Pledge to Flag - Commissioner Shuck, District 3

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

City Council welcomed Derreck Adkins as the newly hired Public Works Director.

Vice Mayor Partin announced that the Mayor will not attend the meeting and asked for a motion to excuse the absence.

**Comm Miller motioned to excuse Mayor Fouraker for the July 6, 2021, City Council meeting.**

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

### 3. Public Hearing

- a. Appeal of Public Hearing #2021-04-005 decision for 6814 Seminole Drive- Pursuant to Belle Isle Code Sec. 50-102 (B) (5), SEC. 50-102 (B) (16) AND SEC. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, Chris George, at 6814 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-031.
- b. Appeal of Public Hearing Case #2021-04-003 - Pursuant to Belle Isle Code Sec. 50-102 (b) (5), Sec. 50-102 (b) (16) and Sec. 42-64, the Board shall consider and take action on a requested variance to place decorative columns with a gate in the front yard of a residential property, submitted by the property owner, 6806 Seminole LLC, at 6820 Seminole Drive, Belle Isle, FL 32812 also known as Parcel # 29-23-30-4389-02-040.

Vice Mayor Partin opened the Public hearings.

City Manager Francis said the basis of the appeal is to add decorative columns and gates at a residential property. In the June Council meeting Council approved two homes on Seminole with similar requests. Council's direction at that meeting was to allow the other two properties (6814 and 6820 Seminole) to submit an appeal for consideration.

Vice Mayor Partin asked if there are any exparte communications.

Comm Gold said he would like to disclose and incorporate the June meeting comments at the June meeting. Since then, he has not had any further communication.

Vice Mayor Partin called for public comment. There being none, he closed public comment.

Comm Miller said these applications are the same and aesthetically will align with the other addresses approved in June.

Mr. Francis said 6806 Seminole Drive is not included in the appeal process because of the proximity to the Stop Sign.

Comm Carugno moved to approve the variances of 6814 Seminole and 6820 Seminole Drive for decorative columns with gates with the condition that the columns are set back 20-feet from the road.

Comm Miller seconded the motion for discussion.

**Comm Miller said the motion should be amended to include the P&Z board's conditions on April 27.**

**Comm Carugno amended his motion to approve the variances of 6814 Seminole and 6820 Seminole Drive for decorative columns with gates with the condition that the columns are set back 20-feet from the road to include and mirror the conditions placed by the P&Z Board as follows,**

- **The height of the decorative columns be no higher than 6-foot-6-inches; and**
- **The center of the gate to be no higher than 7-foot-6-inches**

**The motion passed 4:1 upon roll call with Comm Nielsen, nay.**

#### **4. Consent Items)**

- a. Approval of the June 15, 2021 meeting minutes
- b. Approval of the June 22, 2021 meeting minutes

**Comm Gold moved to approve the Consent Items as presented.**

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

#### **6. Citizen's Comments**

Vice Mayor Partin called for citizen comments. There being none, he closed citizen comments.

#### **7. Unfinished Business**

- a. Ordinance 21-06 Second Reading and Adoption - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING § 10-36 OF ARTICLE II OF CHAPTER 10 OF THE BELLE ISLE CITY CODE OF ORDINANCES PERTAINING TO CONDITIONS PRECEDENT TO ENFORCEMENT OFFICER'S ENTRY ONTO PRIVATE PROPERTY FOR INSPECTION OR COMPLIANCE PURPOSES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, DIRECTION TO CITY STAFF, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

City Clerk read Ordinance 21-06 by title.

City Manager Francis said this part of the code is problematic for the City. Many residents question why the Code Enforcement Officer (CE) 'doesn't go on to the property where there is a violation. The outdated language in code is a source of frustration for the person reporting and the office. For the CE to enter a property to investigate a complaint, the ordinance amendment states that the City must first seek an inspection warrant signed by a judge and state good cause for entry.

**Comm Nielsen moved to adopt Ordinance 21-06.**

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

- b. Ordinance 21-07 Second Reading and Adoption - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING CHAPTER 34, ARTICLE II OF THE CITY CODE GOVERNING BOAT EQUIPMENT AND OPERATION; CREATING A NEW 34-39 DESIGNATING SWIM AREAS, AND ESTABLISHING A RELATED VESSEL-EXCLUSION ZONE, ON THE LAKE CONWAY CHAIN OF LAKES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, DIRECTION TO CITY STAFF, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

City Clerk read Ordinance 21-07 by title.

Comm Miller said the inclusion of the sand bar should be stricken from the first "Whereas" in the ordinance. Mr. Francis said he was correct and will have it stricken from the ordinance.

**Comm Nielsen moved to adopt Ordinance 21-07.**

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

## 8. New Business

- a. Approval of Resolution 21-09 Increase Non-Ad Valorem Rate for Solid Waste - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AUTHORIZING AN INCREASE IN THE ANNUAL NON-AD VALOREM SOLID WASTE COLLECTION ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE.

City Manager Francis said the City contract allows the Contractor to request an increase in the annual rate not to exceed 3%. The Contractor has a 3% increase, and the will increase from 21.07 to 21.70 monthly.

**Comm Nielsen moved to approve Resolution 21-09.**

**Comm Gold seconded the motion, which passed unanimously upon roll call 5:0.**

Comm Miller asked that any contracts relating to tax increases or budget adjustments be given to the budget committee for recommendation before City Council approval.

- b. Approval of Resolution 21-10 Increase Non-Ad Valorem Rate for Stormwater - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AUTHORIZING AN INCREASE IN THE ANNUAL NON-AD VALOREM STORMWATER ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE.

City Manager Francis said City Council adopted the Stormwater Capital Program in 2019. The program called for rate increases of \$5/year starting in FY 2022. The rate will increase from \$120 to \$125 annually.

**Comm Nielsen moved to approve Resolution 21-10.**

**Comm Shuck seconded the motion.**

**Comm Miller said he would like to know the end date and stop increasing so the City can let the residents know of the small incremental change throughout the 5-years to help the fund balance for major projects.**

**The motion passed unanimously 5:0 upon roll call.**

- c. Approval of Resolution 21-11 Approval to Piggyback Multiple Contracts for Pipe Lining - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO VENDORS APPROVED BY POLK COUNTY, THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), AND ST 'JOHN'S COUNTY FOR CURED IN PLACE PIPE (CIPP) SERVICES, PIGGYBACKING POLK COUNTY ITB NO. #20-577, FDOT E5V49-R0, AND ST. JOHNS COUNTY BID #21-05; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.
- d. Approval of Resolution 21-12 Approval to Piggyback Multiple Contracts for Basin/Pipe Cleaning and CCTV - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER TO VENDORS APPROVED BY POLK COUNTY, THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), AND ST 'JOHN'S COUNTY FOR STORMWATER SYSTEM CLEANING AND CCTV SERVICES, PIGGYBACKING POLK COUNTY ITB NO. #20-577, FDOT E5V49-R0, AND ST. JOHNS COUNTY BID #21-05; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

City Manager Francis said the City issued two requests for proposals for these services (Res 21-11 and 21-12). The RFP's were issued because other governmental entities were not allowing others to piggyback off their contracts. The City staff persisted in requesting piggybacking and found three that would allow it, and staff canceled the RFP. The City has received the ok from St. Johns County, Orlando, and Polk County, who have local representation.

**Comm Nielsen moved to approve Resolution 21-10 and Resolution 21-11.  
Comm Gold seconded the motion, which passed unanimously 5:0 upon roll call.**

- e. Approval of Resolution 21-13 Establishing Rules for Board Member Attendance vs. Communications Technology Media - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, ESTABLISHING RULES FOR BOARD MEMBER ATTENDANCE VIA COMMUNICATIONS TECHNOLOGY MEDIA; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

City Manager Francis said City Council and other City boards and Committees do not attend a meeting in person due to extraordinary circumstances. Still, they may have access to conferencing resources that would allow them to participate remotely. The Council directed that the City Attorney develop a resolution establishing procedures to allow remote participation due to extraordinary circumstances. The City Attorney drafted Resolution 21-13 that outlines the procedures for remote participation.

There are not many reasons for an extra ordinary circumstance, so the Resolution speaks to definitions to include physical disability or illness, out of town, state, or country. He said remote participation would count for discussion. However, it will not be counted as part of the quorum.

Comm Miller said he would like to increase the number of circumstances to a total of four (4) a year.

Attorney Ardaman said a physical absence does not stop the meeting from occurring. However, a quorum must be present. The Resolution is an attempt to formalize a process and understand what is accepted by the Council and can be changed if necessary.

**Comm Miller moved to approve Resolution 21-13 with the amendment to the total number of remote participation to four(4) meetings.**

**Comm Carugno seconded the motion, which passed unanimously 5:0 upon roll call.**

- f. Approval of Resolution 21-14 to dispose of Surplus Property - A RESOLUTION DECLARING SURPLUS CERTAIN PERSONAL PROPERTY AND DIRECTING THE CITY MANAGER TO DISPOSE OF THE PROPERTY FOR VALUE THROUGH AN OPEN PUBLIC PROCESS.

Under Section 2-221, City Manager Francis said the City Council should have the discretion to classify surplus property. With the cleanout of the warehouse, there are several old tools, consumable supplies, and materials that are not needed. The City will conduct a yard sale at the Public Works Warehouse on Saturday, July 10, 2021, from 8 am-1 pm.

**Comm Nielsen moved to approve Resolution 21-1, sale of surplus property.**

**Comm Miller seconded the motion, which passed unanimously 5:0 upon roll call.**

- g. Appoint Alternate for MAC Committee on Orlando Metroplan Board  
Their Bylaws require Metroplan Orlando to contact municipalities to reaffirm their intent to participate as a member of the Municipal Advisory Committee. He is requesting that the Vice Mayor be voted in as the alternate. MAC meets monthly on the first Thursday at 9:30 am at 250 S Orange Avenue, Suite 200, Orlando

**Comm Gold moved to appoint the Vice-Mayor as the alternate representation to the Municipal Advisory Committee.**

**Comm Nielsen seconded the motion, which passed unanimously 5:0 upon roll call.**

h. Sol Avenue Reconstruction Project

City Manager Francis said Sol Avenue had had water and pavement deterioration problems due to the roadway and drainage being poorly designed and built. The road should have at least 1 ½ - 2 inches of pavement, and some places have only ½ inch of pavement. The project includes upgrading the drainage system and rebuilding the road to form a new road base. The project is ARPA eligible. If not, a large portion of the funds will come from the 2020 Bond Issue. In talking with the FLC representative, he said the entire project would be covered under ARPA because it is based on stormwater correction.

**Comm Nielsen moved to approve the request to advertise the Sol Avenue Construction Project.**

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

**9. Attorney's Report**

Attorney Ardaman said he provides Council the Attorney General's opinion concerning the Mayor's [participation with Council, Boards, and Committees. The opinion states that the Mayor is subject to the Sunshine Law in his discussion with individual's discussion with the Council, Boards, and Committees. The rule started to apply when the City changed the Charter making the Mayor part of the Council.

Attorney Ardaman spoke on the new Legislative Laws preemptive rules that may affect the City such as Land Development Regulation, Comp Plan Review, Home-based Businesses, Posting of Legal Ads and Tax receipts.

**10. City Manager's Report**

a. Issues Log

- Mr. Francis reminded the Council of the following;
  - July 14 mandatory FLC Ethics Training.
  - July 20, the staff will bring forward candidates for the District 4 Council seat.
  - August 5<sup>th</sup> – Orange County approval of moving the Lancaster House. If not approved, Council will decide if the home should be dismantled.
  
- Mr. Francis gave an overview and provided the issues log dated 7/6/ 2021.
  - Upon review of the Wallace Park project, Comm Miller said he understood the Council's direction to be that the City move forward with the site plan. He asked if the City Clerk can forward the minutes and audio of the meeting in question for review. City Manager Francis said he would research Council direction further and respond accordingly.
  - Mr. Francis reported that at the last CCA Board meeting, the CCA Chairman asked if he, Bob, and the City Attorney can sit and revisit the agreement with an end date of December 2021. He asked if Council would like to direct him to meet with the CCA Chairman. Comm Nielsen said that would be another delay in the process. She would like to see the BOA Building developed for the Police Department and close to the school. Discussion ensued on proposed development plans for the school.  
**Comm Gold moved to have Bob Francis, and Comm Miller represent the City to discuss and further negotiate the CCA Agreement.**  
**Comm Shuck seconded the motion, which passed 4:1 with Comm Nielsen, nay.**
  - Discussion ensued on Duke Energy power poles on Hoffner Avenue. Comm Carugno shared his concern with the total number of poles placed on Hoffner. Mr. Francis said he contact TUG for the status of the project.

c. Chief's Report

Chief Houston reported on the following,

- Chief Houston reported that Marine Patrol wrote 27 citations on the lake – 3 warnings and five parking tickets.
- Traffic focus – McCoy and Jetport Drive
- DUI Operation Countywide – Multiple moving violations were issued.
- Police Advisory Board meeting – Friday, July 9.
- Nav Board Meeting Tuesday, July 13 at 6:30 at the OC Maintenance Facility.
- Public Works Warehouse Garage Sale - Saturday, July 10, 2021, from 8 am-1 pm.

**11. Mayor's Report** – No report.

**12. Items from Council**

- Comm Gold reminded Council to submit their Statement of Financial Interest.
- Comm Shuck asked all residents (car, golf carts, bicycle, and pedestrian) to be safe on the road.
- Comm Partin stated that he would not attend the July 20 meeting due to prior engagement.

**13. Adjournment**

There being no further business, Mayor Fouraker called for a motion to adjourn. The meeting adjourned at 8:20 pm.