



## CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, January 3, 2023, \* 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 – Stan Smith  
District 7 Commissioner – Jim Partin

Absent was:

District 1 Commissioner – Ed Gold

#### 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 Chumley, Deputy Chief Grimm, Planner Raquel Lozano, Public Works Director Phil Price, and City Clerk Yolanda Quiceno.

#### 2. Invocation and Pledge to Flag – Commissioner Beth Lowell, District 5

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

#### 3. Consent Items - n/a.

Approval of City Council meeting minutes – December 20, 2022

**Comm Holihan moved to approve the minutes as presented.  
Comm Lowell seconded the motion, which passed unanimously 6:0.**

#### 4. Citizen's Comments

Mayor Fouraker opened for Citizen Comments.

- Annette Nielsen, residing at 2625 Nela Avenue, spoke on artificial turf. She researched the proposed installation and found two reports on the scientific principles from the University of Florida and the University of Alabama. She discovered that we do not know enough to install it in our City. The artificial turf forms a unified barrier to the soil surface, preventing natural rain from percolating, missing three natural properties to filter out pollution, and goes straight into our lakes. It is a great idea in theory, but we do not have the knowledge base and highly implore Council to be cautious, research the installation process, and pause for a few years before approving the use in the City.
- Lynn DeJarnette residing at 6513 Matchett Road, VP of the Pine Castle Historical Society, announced the 7<sup>th</sup> Annual Chili Cook-Off to be held at Fish on Fire from 11 am - 2 pm.
- Susan Collins residing at 6210 Red Oak Court, said she is the newly elected Orange County Soil and Water Conservation Board member for Belle Isle residents. She said that her coverage area is concurrent with Orange County Commissioner Mayra Uribe- District 3. She announced that the Board would meet the second Friday of every month at 3:30 pm at 201 Rosalind Avenue, Orlando, FL.

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

#### 5. Unfinished Business - na

## 6. New Business

### a. Approve Proposal to Update Rate Study for Stormwater

The City Council authorized issuing a Request for Proposal from qualified individuals or firms to prepare an updated Utility Rate Study for stormwater services. The current rate structure has been in place since 2003. Stormwater is assessed by Equivalent Residential Unit (ERU) at the rate of 4,087 sqft. However, homes are getting larger with more impervious surfaces. The City received three proposals (Stantec Consulting Services-40,000, Raftelis Consulting-49,869, and Willdan Financial Services-49,368.)

After staff review, the staff recommends approval of the Willdan Financial Services proposal. One of the proposed items staff liked was having one council workshop and two public hearings to explain all findings and public input. They also have an Engineer that works with Orange County. The study was not included in the current budget; therefore, it will be included in the semi-annual budget amendment.

Comm Holihan asked if Stantec did not propose the same services. Mr. Francis said no, they focused on video conferencing. Comm Holihan asked if City could call the other bidders and ask if they could meet the services and price. Attorney Chumley stated that the review is based on qualifications, and staff cannot negotiate prices under the Statute.

**Comm Smith moved to accept the Willdan Financial Services proposal for \$49,368 and move forward. Comm Shuck seconded the motion.**

Comm Partin asked if this was a proposal that the Budget Committee should review. Mr. Francis spoke on the previous discussion regarding the Budget Committee's role and said that by Charter, the Council makes time-sensitive supplemental changes to the budget, not the committee. When Council revised the requirements for the budget committee, there was nothing in those duties that they would not look at anything after the budget had passed; they approved the budget and made a recommendation to Council. Regarding the discussion of the Assistant City Manager, he believes the Council should have allocated the position and then had the budget committee recommend how to fund it. City Manager Francis said he does not feel the Rate Study Proposals should go to the Budget Committee.

Comm Partin says the discussion is a departure from what has been done in the past. He said he believes the Council has set a precedent that they would run everything by the Budget Committee. Mr. Francis said the staff brings the amendments to the Budget Committee for review, discusses upcoming projects, and meets quarterly. He reminded Council that the Resolution was revised a couple of years ago.

Mayor Fouraker said if the Budget Committee is routinely meeting, it makes sense to have oversight for the City, residents, and Council. Mayor Fouraker noted there is a spirit created with the creation of volunteer boards and committees, and Council is responsible for managing the talent that is part of the process.

Comm Shuck said that as far as the Budget Committee discussion, if the Council must run everything through the Budget Committee, who is making the decision, the elected representatives or the volunteer board/committee? Where does it stop? He said their expertise is valuable, but at the same time, that is what the Council is elected to do. Comm Partin said he would have liked to review all three proposals before deciding.

After discussion, the motion passed 4:2 with Comm Partin and Comm Carugno, nay.

### b. Discuss Draft Ordinance for Septic Waste Haulers

City Manager Francis presented draft language to register septic haulers who operate in the City and said an ordinance would be drafted after the Council discussion. The staff noted that the City does not charge a fee to register a contractor working in the City. Universal Engineering does not issue septic company permits; the Department of Health issues them. Mr. Francis stated that Septic Companies must be registered with the State,

and Orange County has its permitting process with haulers. He noted that we have not had many issues with septic haulers in the City. Once registered, we can provide residents with a list of those haulers upon request; we don't provide a recommendation.

Comm Holihan asked if we require insurance and if we can collect a bond to do business in the City. Attorney Chumley said he is unaware of bonds being posted for vendors doing work in the City. Most agencies are familiar with insurance requirements, and they are easier to obtain. He is not sure if the City can require vendors to have a certain amount of insurance. The City has sovereign immunity and does not recommend having the City as a second insured if we are acting in a regulatory capacity.

Com Lowell asked if a card was provided to the registered contractors. Mr. Francis said we do not offer anything that identifies that they are registered with the City. The homeowner can advise a contractor to register with the City before doing any work.

Mayor Fouraker said this came about because a septic hauler violated the County's ordinance in the City and filled their entire truck with the County's water at a fire hydrant. With this ordinance in place, will staff be able to cite the hauler and deter that behavior? Mr. Francis said if there were pumping water without permission or a meter, they could be charged with Theft for Service. We do not have anything currently in the ordinance to cite the hauler; however, we can add Theft for Service if any of the City requirements are violated. Mayor Fouraker said it is essential to know who is operating in our City dealing with sanitary standards and hold them accountable.

Comm Lowell asked if the City could list a code of conduct for contractors working in our City. Attorney Chumley said his concern is the preemption elements by State/Federal Law. Regarding the Code of Conduct, it is better to deal with hard guidelines from an enforcement perspective.

Council consensus was to add the insurance requirement, as discussed before the first reading.

**Comm Lowell moved that we direct the City staff to finalize the ordinance to register septic haulers and place the Ordinance on January 17, 2023, Council Agenda for a first reading.  
Comm Smith seconded the motion, which passed unanimously 6:0.**

## 7. Attorney's Report - na

## 8. City Manager's Report

### a. Issues Log

- Francis announced the following community meetings,
  - Jan 5<sup>th</sup> – 6 pm at the Extension Center to discuss the Future Land Use for the Clarion Hotel=. The Community Notice states 339 units; however, the literature calls for 440 units, waivers for parking, and the size of apartments. The staff is in the process of drafting a letter objecting to the proposal. Mayor Fouraker said he would like the team to object to the meeting due to the inconsistencies in the proposed plan and Notice. Comm Holihan said he would prefer to have the City Attorney send a formal letter to the OC Commissioner objecting to the meeting and inconsistencies with the legal advertisement.
  - January 10 - 6:30 pm at the OC Facilities Management Training Room to discuss MSTU Millage Rate
  - January 12 – 5:30 pm CCA Auditorium to discuss the Campus Expansion Plans
  - January 13 – Airport Noise report to be delivered to ANAC Committee
- Mr. Francis announced and introduced Phil Price as the Public Works Director.
- City Manager Francis gave an overview of the January 3, 2023, Issues log. He further added that he received an email from Ed Harris FWC on Weed Management. He requires a weed mapping study and probably will not issue a permit for the entire Lake. Mr. Francis reached out to a company for an estimated cost for a study.
- Mr. Francis noted that David Miracle, St. Johns River Management, is the new representative for Belle Isle regarding Weir Management.

## b. Chief's Report

Deputy Chief Grimm reported on the following,

- 5,513 Calls for Service for 2022.
- Three newly hired Officers will be all active and out on patrol next week.
- Deputy Chief said he encourages all residents to use GoGov for code enforcement and other city requests. Using the GoGov platform will connect the staff with the residents and track habitual violations and accountability.

## 9. **Mayor's Report**

Mayor Fouraker reported on the following,

- Mayor Fouraker said he has received resident complaints about Red Coach's excessive noise and working before 7 am and after 10 am.
- Mayor Fouraker spoke about the Hoffner Avenue accident and resident concerns regarding traffic safety. He noted that he would like better communication with the staff and Council regarding traffic accidents when they occur. He stated that he would like to schedule a meeting with Orange County to discuss the ongoing road safety issues on Hoffner Avenue.

Mayor Fouraker called for a motion to excuse Comm Gold from today's meeting.

**Comm Smith moved an excused absence for Comm Gold.**

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

## 10. **Items from Council**

- Comm Holihan asked for additional Code Enforcement on McCoy regarding the commercial property's upkeep.
- Comm Lowell asked if Marine Patrol was out on the water. Deputy Chief said Marine Patrol would be on the Lake during the winter months as needed and encourages residents to call if they need assistance. Comm Lowell further noted that she would like to see if the City can charge for using the Lake.
- Comm Carugno shared his concerns and said he agrees with Mayor Fouraker that something must be done about the traffic safety on Hoffner Avenue.
- Comm Partin thanked the staff for installing the left turn signal at Sienna Place.

## 11. **Adjournment**

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

The motion passed unanimously at 8:15 pm.