



city council minutes

MINUTES
August 6, 2019
Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on August 6, 2019, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Nicholas Fouraker
Commissioner Ed Gold
Commissioner Anthony Carugno
Commissioner Karl Shuck
Commissioner Jim Partin
Commissioner Harv Readey
Commissioner Mike Sims
Commissioner Sue Nielsen

Absent was:

Also present were City Manager Bob Francis, Attorney Kurt Ardaman, Chief Houston and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Fouraker called the City Council Regular Session to order at 6:30 pm and confirmed quorum.
Commissioner Sims gave the invocation and led the Pledge to the flag.
Mayor Fouraker gave a brief overview of the meeting process.

PRESENTATION OF THE FY2019-2020 BUDGET

Per the Charter City Manager Francis provided a draft copy of the FY 2019-2020 Budget and budget message for review and discussion at the following scheduled meeting.

CONSENT ITEMS

- a. Approval of the City Council meeting minutes for July 16, 2019
- b. Proclamation Announcing the 2020 Election for District 1 and District 7

Mayor Fouraker read the Proclamation according to Ordinance 13-07 for the 2020 Municipal Election.

Comm Nielsen moved to approve the Consent Agenda as presented.

Comm Sims seconded the motion.

Comm Gold asked for corrections to the names of the public speakers.

The motion was unanimously approved 7:0.

CITIZEN COMMENT

Mayor Fouraker opened for citizen comment.

- Anita Sacco residing at 4913 Jinou Avenue asked for an update on the Cross Lake Park purchase from the State of Florida as discussed at the June 18, 2019, City Council meeting. City Manager Francis stated that the City had not received a response from the County on the request.

There being no comments Mayor Fouraker closed citizen comment.

UNFINISHED BUSINESS

Ordinance 19-05 First Reading and Consideration

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING CHAPTER 34: WATERWAYS, ARTICLE II BOAT EQUIPMENT AND OPERATION, BY REPLACING SECTION 34-37 WAKE REGULATIONS WITH NEW SECTION ENTITLED ESTABLISHMENT OF SPECIAL SLOW SPEED MINIMUM WAKE ZONES; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES OF THE CITY OF BELLE ISLE, FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR ENFORCEMENT AND PENALTIES; AND PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE

Mayor Fouraker opened for a preliminary report from Attorney Ardaman on Ordinance 19-05.

Attorney Ardaman addressed Council regarding the preliminary research he did on Lake Conway. He reported to Council that the Lake Conway Navigation District Board, which is the County Board of Commissioners, was created by an act of the legislature in 1957. That act gave the Commissioners control over the operation of vessels on Lake Conway. Attorney Ardaman said there is the ability concerning jurisdictional issues on the Conway Chain of Lakes, for the City and Orange County, to have regulatory markers that speak to speed, no wake, and minimum wake matters. Informational markers can also be used to regulate speed that does not have to meet the regular marker requirements (such as adopted in Winter Park). Also, items that can be regulated under the current Statutes are noise disturbances, charges for the use of the lake, litter, alcohol consumption and open containers, placement of diver flags and vessel speed. Under the current code there are five areas that the City can regulate on the lake which include reckless operation, careless operation of vessels, and equipment on the lake, no-wake zones if established properly and safety violations. He stated, later when the legislature put in its new laws that currently govern the control of vessels on the lake, they did not rescind the 1950's law, so it's his opinion that the Board of County Commissioners may still have control on the Lake. He has made calls to the County Attorney to discuss what he found, but the County has not called him back. He will continue to reach out to the County Attorney for their opinion, but it looks to him as though the County has a good case for controlling activity on the lake. He further made a final recommendation involving Chief Houston, Marine Patrol, and Legal with respect to each item they believe the City, FWC and County should regulate.

With respect to the information provided, City Manager Francis agreed that the Ordinance should be tabled until the County can provide further information on current control measures. There has been a lot of misinformation out in the City. He clarified that the purpose of the Ordinance was strictly to (1) provide a safety zone in the narrows of the north lake to avoid jet skiers racing around blind spots and (2) to place a 300 foot buffer around the lake from the shoreline as a safety measure to protect many of the people swimming and enjoying their docks.

Mr. Francis stated City Code, Section 34-35 specifically reads,

General operation of vessels. Damaging wake prohibited; canal and shoreline speed limits. Care shall be taken by the operators of all motorboats to prevent damage from their wash, bow wave or stern wave, or from objects towed by such vessels, to other vessels, docks, piers, shorelines, and boathouses. Vessels and motorboats shall not operate at more than five miles per hour within 100 feet of the shoreline, docks, piers or boathouses, except when picking up or dropping off a water skier. Vessels being operated in canals shall not operate at more than five miles per hour unless a higher speed is posted.

Minimum distance requirements. All vessels and motorboats shall, whenever possible, keep at least 300 feet behind any vessel towing a skier, and shall stay clear of, by at least 100 feet, any vessel or motorboat anchored or used for fishing. When a ski jump is in use, all other vessels shall, whenever possible, stay at least 100 feet away on either side and 500 feet behind the ski jump.

He said FWC had not acknowledged these ordinances and if Orange County can have their Ordinances enforced, then there will be no need for the proposed change and the City can adopt their ordinance. He suggested until that happens, the Council can read the proposed ordinance for first reading, take citizen comments or meet with the wakeboarding community to formulate a draft ordinance for consideration.

After discussion, Mayor Fouraker recommended and requested a motion to table the discussion until such a time that the City can schedule additional workshops, a suitable venue and receive additional legal guidance before moving forward.

Comm Sims moved to table Agenda item 6a as recommended to allow for the requested items articulated by the Mayor be formulated.

Comm Nielsen seconded the motion.

Comm Carugno added to have the City Manager post a public notice to include the creation of a Committee for the purposes of allowing public input.

Comm Sims agreed to amend the motion as requested.

The motion was unanimously approved 7:0.

Appointment of District 6 Planning & Zoning Board member

**Comm Partin introduced and motioned to appoint Andrew Thompson to the District 6 Planning & Zoning Board.
Comm Gold seconded the motion which passed unanimously 7:0.**

Mayor Fouraker welcomed and recognized on behalf of Linda Stewart's office, Daniel Rutledge and Cortez Watley on behalf of OC Comm Mayra Uribe's office.

Approval of the Solid Waste and Recycling Proposal

Mayor Fouraker opened for discussion and approval of the Solid Waste Proposal.

Mayor Fouraker opened for public comment.

Platt Loftis from Waste Pro with offices at 1400 Orange Blossom Trail, Orlando, FL addressed the solid waste Committee discussion. He pointed out the overwhelming primary opinion was over one issue; price. He stated there are other considerations for award of the contract which include contract approach, customer service, experience, and qualifications. He asked Council for consideration on all the factors other than just price.

There being no further comment Mayor Fouraker closed public comment and opened for Council discussion.

On July 23rd, the Solid Waste Committee opened the Solid Waste and Recycling bids. The City received four proposals: JJ's Waste & Recycling, Waste Connections, Waste Pro, and Republic Services. Waste Management chose not to bid. The low bid was actually monthly collection with residential yard waste on a non-Monday. The lowest bid was JJ's at \$20.47p/residential customer, Waste Pro at \$22.48, Republic at \$24.95 and Waste Connections at 29.11.

On July 26th, the Solid Waste Committee recommended to Council to accept the offer of JJ's Waste & Recycling. The Council did receive full packets on all the bidders.

Comm Nielsen asked for clarification on trash collection on a day other than Monday. Mr. Francis said the RFP asked for proposals for collection on Monday and non-Mondays and JJ's was still the same at \$20.47.

Comm Carugno shared his concerns and said he would like to put aside the highest and lowest bidder and keep the two middle bids for consideration.

Comm Shuck asked if the Chairman of the Solid Waste Committee can speak on their recommendation. Richard Weinsier, Chairman of the Solid Waste Committee, said JJs may be a new vendor and not have any local contracts; however, they have a strong portfolio and are a well-established company. Mr. Weinsier noted that some of the Committee members did visit their plant location for a 2-hour tour and Q&A.

Comm Gold asked if Regal Boats would be able to use this new vendor for their waste services. Mr. Francis said the City Attorney is currently researching the current situation with Regal. He is not sure what the ramifications would be if a commercial business does not choose to go with the existing franchise agreement. Attorney Ardaman said the City might pursue the violation against the provider currently servicing Regal with a cease and desist letter or the provider may have to void their contract with Regal because it is in contravention to the City Franchise Agreement.

Solid Waste Committee member Clay Van Kamp said JJ's financials are very strong. In regards to the RFP, this is the first time he found that the second round of an RFP will receive high prices from one of the vendors. JJ's has over 30-years experience in residential solid waste services and have made big in roads in the commercial business side locally. JJ's prices are not the lowest; it is within limits around our City. Mr. Van Kamp said the following,

- Winter Park and Windermere will still be paying less than the City of Belle Isle, and he believes the proposed price is within range.
- The Committee visited Republic Services and JJs facilities which he found to be similar.
- Republic Services did not agree to all the terms of our contract, which should eliminate them from consideration.
- Waste Pro is asking for a significant increase of \$7-8 for a non-Monday pick-up.

Mr. Van Kamp said the City would have to submit for a new RFP to cover the commercial accounts because the new vendor does not have exclusive commercial rights under this contract. At this time, any commercial vendor can come into the City and pay the franchise fees to do business.

Comm Nielsen moved to accept with gratitude the Solid Waste Committee recommendation and offer the contract to JJ's Solid Waste & Recycling Services.

Comm Readey seconded the motion.

The motion passed 6:1 with Comm Carugno, nay.

Approval of the Transportation Master Plan (TMP)

City Manager Francis said as a result of the Workshop on April 9th the City Council requested some changes to the plan. During that time, he and the Mayor met with Orlando Metro Plan and received further information showing other data. The consultant was provided the information and redrafted the Transportation Plan which was provided to Council for review. Mr. Francis asked for approval of the revised Plan.

Mayor Fouraker said if this Plan is adopted, Metro Plan, at their cost will provide technical planning support to the City. The City will also try to get LAP Certified (Local Agency Program) to be eligible for federal funding. At this time, the City of Belle Isle will not be eligible for funding until certification is obtained.

Comm Carugno asked if this plan will allow for annexation. Mr. Francis said the Plan would need to be amended for new annexation. The City's projects are found in Chapter 6 of the TMP report.

Comm Nielsen said approval of the TMP is extremely important for our City. Comm Nielsen motioned to approve the Transportation Master Plan as presented.

Comm Carugno seconded the motion.

The motion was unanimously approved 7:0.

Approval of Property & Casualty Insurance Coverage

Mr. Francis requested Council table item 6e: Property & Casualty Insurance Coverage until August 20th for further review.

Comm Sims motioned to table item 6e: Property & Casualty Insurance Coverage until August 20th.

Comm Carugno seconded the motion which passed unanimously.

NEW BUSINESS

Proposed Agreement with Regal Boats to use Venetian Ramp

Mr. Francis requested Council table item 7a: Proposed Agreement with Regal Boats to use Venetian Ramp to an agreeable date for both the City and Regal's representative.

Comm Carugno motioned to table item 7a: Proposed Agreement with Regal Boats to use Venetian Ramp to an agreeable date for both the City and Regal's representative

Comm Sims seconded the motion which passed unanimously 7:0.

Appointment of Special Events members

City Manager Francis said the Special Events Committee is down to one member and asked for a motion to approve Betty DeJarnette and Mayor Fouraker ex-officio to the Special Events Committee.

Comm Readey motioned to approve Betty DeJarnette and Mayor Fouraker to the Special Events Committee.

Comm Gold seconded the motion.

Comm Carugno asked that the Mayor not be part of the Committee to allow for a more relaxed setting when deciding on City events. Mr. Francis said the Mayor might participate and serve on any committee as ex-officio under Chapter 2.54(3) of the municipal code.

After discussion, the motion passed 7:0.

ATTORNEY REPORT

Attorney Ardaman said he would have more detail on the Lake jurisdiction at a later date once they receive information from the task committee appointed by the City Manager per prior discussion

CITY MANAGER'S REPORT

Issues Log update

City Manager Francis reported the following,

- Cornerstone Charter Academy Board requested a new date for the Joint meeting for August 28th at 8:30 am.
- August 16-17th Strategic Planning Session has been scheduled at the DoubleTree by the airport. The questionnaire is due August 9th to the consultant.
- Mr. Francis asked for approval to work on an offer for the Bank of America building. The City's representative would like to make an offer on the City's behalf and submit for approval. In addition, he would like to negotiate a price for the Oasis building. Once offered the City can discuss future funding options for the purchase.

Comm Nielsen motioned to authorize the City Manager to negotiate the purchase of the Bank America building and the Oasis building.

Comm Sims seconded the motion which passed 6:1 with Comm Readey, nay.

CHIEF'S REPORT

Chief Houston reported the following,

- Chief Houston said there have been a lot of active shootings and would like everyone to remember what you can do is RUN...FIGHT...HIDE. Mental preparedness can save your life.
- Chief Houston reported several car break-ins at Crunch Fitness. She reminded everyone not to leave valuable items visible in your vehicles. The PD will place an educational piece on the Sign Board to promote awareness.
- School is in session; she asked that everyone drive safely and has patience in the next few days.

MAYOR'S REPORT

Mayor Fouraker reported on the following,

- He has been having a lot of issues with Gmail and asked if the City would be able to switch back to Outlook. Chief Houston noted that other agencies have said that Gmail/Google is not very secure. Comm Nielsen said the City might need to consider all the options and the cost of the current system vs. what the City had before. She would like to see this as an agenda item for a future meeting.

Comm Nielsen asked for the item to be placed on the issues log for further research and recommendation.

Comm Gold seconded the motion which passed unanimously.

- He announced CCA certification and rating of an "A" school.

COUNCIL REPORT

- **Comm Gold**
Comm Gold asked for a better audio/video solution for City meetings. Mr. Francis said he has reached out to Oakridge HS, who have agreed to help the City with a new video process.
- **Comm Carugno**
Comm Carugno asked if there was an opening for the City to work with the Orange County School Board to acquire the Pine Castle Elementary school building. Mayor Fouraker said he has communicated the need to Linda Colbert and are looking to collaborative efforts moving forward. He further added that Orange County has expressed that they will not be selling the property and will repurpose the building.
- **Comm Nielsen**
Comm Nielsen said the fountain is now up and running and asked for consideration to dedicate the fountain to Comm Readey. She asked for consideration as an action item for a future agenda.

ADJOURNMENT

There being no further business Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 8:16 p.m.

Yolanda Quiceno, CMC, City Clerk