



## CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, May 18, 2021, \* 6:30 pm

### MINUTES

#### City Council Commissioners

Nicholas Fouraker, Mayor

Vice-Mayor District 6 Commissioner – Jim Partin

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 7 Commissioner – Sue Nielsen

#### Present was:

Nicholas Fouraker, Mayor

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:

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

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

Also present were Attorney Geller, City Manager Francis, Chief Houston, and City Clerk Quiceno.

#### 2. Invocation and Pledge to Flag - Commissioner Ed Gold, District 1

Comm Gold gave the invocation and led the Pledge to the Flag.

#### 3. Consent Items

- Approval of City Council May 4, 2021 minutes
- Proclamation Celebrating Arbor Day/Earth Day
- April Monthly Reports: Police Department and OC Fire

Comm Gold said he made several comments during the Council ex parte disclosure discussions during the May 4 meeting that is not written in the minutes. He said he would like the minutes to show that all the contacts stated by other Commissioners also contacted him. Attorney Geller said the minutes could be approved to include the amendment to the minutes as requested by Comm Gold.

**Comm Gold moved to approve the Consent Items with the amendments to the minutes as noted.**

**Comm Miller seconded the motion, which passed unanimously 7:0 upon roll call.**

#### 4. Citizen's Comments –

- Ray Hurtin residing at 3701 Quando Circle, shared his concerns with the sand bar. Mr. Hurtin spoke about the unsafe activities on the weekends and said it had become an awful location. He said he lives a bit away from the Lake, and he can still hear the loud music. He would like the City to do something about the situation.

Mayor Fouraker read the Arbor Day proclamation for the record.

#### 5. Unfinished Business

- RFP for Continuing Services Contract for Pipe Lining

City Manager Francis said much of the City's infrastructure comprises corrugated metal pipe with a life expectancy of 10-35 years. Instead of removing the pipe, the City used pipelining to repair instead of replacing the CMPs in danger of collapse. The challenge is that staff does not know when the pipes will collapse. Instead of fixing the pipes one at a time, Mr. Francis said he would like to move forward with a continuance service contract and RFP for a competitive bid. The RFP would allow for a better budgeting process and provide access to multiple contractors when needed.

Comm Miller asked if the City can piggyback off of an existing Orange County contract. Mr. Francis said Orange County's current contract does not allow for piggyback options.

Comm Miller also asked if there was a reason for the difference in insurance liability. Attorney Geller said after review he noticed that the insurance liability was low and recommended a revision to increase the insurance rate and make them equal. Attorney Geller said for clarification, the motion to approve the RFP can be subject to modifications by the City Attorney and approval by the City Manager.

Comm Miller said if scoring or contract substance has to be changed, it should come back to City Council for approval.

**Comm Nielsen moved to approve the RFP for pipelining services and directed the City Manager to advertise the RFP. Comm Partin seconded the motion, which passed unanimously 7:0 upon roll call.**

b. RFP for Continuing Services Contract for Basin Maintenance

City Manager Francis said the RFP is a continuing service contract to clean the 100+ storm basins throughout the City. The City does not have the equipment necessary to clean out the basins and will have to call a contractor as needed. This RFP would allow the staff to contract with several different companies. This contract will also assist with the City's hurricane preparation.

Mr. Francis said the County contract does not allow us to piggyback as an option.

**Comm Shuck moved to approve the RFP for Basin Maintenance Cleaning Services. Comm Nielsen seconded the motion, which passed unanimously 7:0 upon roll call.**

c. Approval of Bid for Council Chambers A/V Equipment

Mr. Francis said the City received two bids to upgrade to the Council Chambers audio/visual system. The RFP was sent to nine companies that attended the pre-bid meeting. Out of the nine companies, we received two bids for consideration. The staff and our IT consultant, and Ms. Jackson, who currently broadcast our meetings, reviewed the bids. Although there was one lower bid, we are asking that the proposal submitted by Diversified be accepted because they provided a little more service and equipment. One other item he addressed with the City Attorney is the mediation clause. They are saying that any legal action at all will be handled in the State of Georgia. The City will request the change to the contract to state that it stay in Orlando. If they are not in Agreement, then we can then take the next bidder.

Comm Gold asked, what are the benefits for such a high price tag. The complaint from the residents is that they can't hear us, and he can fix that for \$130.00 connecting the existing audio system to the iPad with an audio cord. Mr. Francis said Comm Gold had the opportunity before presenting the RFP. Discussion ensued.

Mayor Fouraker said he appreciates Comm Gold's commitment and values his effort in presenting other options. However, one of the reasons we moved forward with the RFP is to provide public accountability. Ms. Genevieve may need to go on vacation, and we will not be able to provide the audio/video service she provides. We owe the public a consistent performance in providing transparent meetings. The iPad does not have good video and doesn't afford us the needed technology. In addition, the Mayor made a random cross-reference on the equipment recommended by Diversified and found that they are providing discount savings. Mayor Fouraker asked if we are to move if the equipment is transferable. Mr. Francis said he was not sure but will ask the vendor.

Mr. Francis said one of the new system features is that it will be ADA compliant and a one-person operation. He also noted that this system is not only for City Council meetings but all Advisory Committee and Board meetings.

Comm Nielsen said the City had received a strong recommendation from our IT expert. We can't overstate the importance of making the process open to the Citizens. Comm Gold has had the opportunity to bring forward a different option and has not been able to. Contracting with a company is the better option because they will have the time and expertise to provide a good solution. Comm Shuck agreed with Comm Nielsen and said a new audio system might invite more citizen participation.

**After discussion, Comm Nielsen moved to approve the RFP proposal from Diversified for \$59,563.62 to modernize the Council Audio Visual System. Comm Partin seconded the motion for discussion.**

Comm Partin said the City needs a better system; however, the proposed plan cost is excessive.

**Upon roll call, the motion passed 6:1 with Comm Gold, nay.**

## **6. New Business**

### **a. Discussion/Approval of New CCA Lease**

Mr. Francis said the Budget Committee reviewed the draft lease. He noted that the CCA Board requested an additional clause to the Lease; if the City acquired any other property such as the Oasis building, it would be built into the Lease as the first right to rent.

The Budget Committee reviewed rent credit options based on the number of Belle Isle students enrolled at the beginning of the school year as a percentage of the total student enrollment. The Budget Committee discussed four tiers: 25%-15% rent credit, 28%-15% rent credit, 33+-33% rent credit max. Mr. Francis asked for a Council consensus to move forward.

Comm Nielsen discussed the following concerns,

- a. Clarification on "Fee" – should be Fee Simple.
- b. The Agreement states that there is a limit on the number of students enrolling as the lease date. That is not correct; when they became a high-achieving school, that limit rule no longer applies.
- c. Two options to lease additional space – Does the market base the lease rate (1) per student or (2) square feet.
- d. If the school stops operating for any reason, the Charter states that the school must return all items purchased with taxpayer dollars to Orange County Public Schools. Do the buildings/structures and any upgrades have to be returned to Orange County. Mayor Fouraker said no, based on conversations he had with Linda Colbert.
- e. What is PILOT? Mr. Francis said it stands for Payment In Lieu Of Taxes.
- f. Rent Adjustments – Comm Nielsen said she likes the first option; however, she is uncomfortable with the alternative. It waits too long before adjustments can be made on the rent based on the number of students. It appears that the Landlord won't consider additional rent for a long time, and we should consider an increase when the student count increases or every three/five years. Discussion ensued.
- g. Use of Maintenance – This section states premises are for elementary school and middle school purposes. This Section should include the High school. The Charter views the schools as K-8 and 9-12 and agreement should be amended as such.

Discussion ensued on Belle Isle student population breakdown.

Comm Miller said the Budget Committee recommended removing item (c) The Lease will terminate upon no bonds are outstanding. Mr. Francis agreed and said he would remove that item from the Lease.

Mayor Fouraker said based on the discussion topics of the rent base and other items. He recommends a workshop to review the Lease further. Mayor Fouraker provided an article for further information on Academica Charter School third-party landlord reimbursements. Discussion ensued.

Mayor Fouraker recommended adding the following to the Lease,

- a. School defaults if they do not accept Belle Isle nominated members
- b. Expand Board seats
- c. Expand terms of Commission
- d. Mechanism for accountability
- e. Site plan of new development and improvements

**After discussion, Mayor Fouraker called a Special Called Session to discuss the CCA Lease on Friday, May 21, 2021, at 3:00 pm. He asked that the City Attorney be present.**

### **b. Discussion on draft Ordinance to designate swim area**

Mr. Francis said several places around the City (Swann, Delia, Cross Lake, Labelle, and Peninsular) allow swimming. There are instances where boats pass to drop off and pick up passengers while people are swimming. In speaking with FWC, they said as long as the City doesn't consider the entire shoreline as a swim-only area, the City can pass an ordinance that does not have to go before the FWC Commission. The City must apply for waterway markers (buoys and signage) to mark the designated areas' as motorized vessel exclusion zones. He clarified that this has nothing to do with eliminating wakes.

Comm Miller asked how far it will be around the shore and the sand bar. Mr. Francis said it would be the length of the parcel and 75ft out from the shore. As for the Sand bar, it will require Council discussion.

Mayor Fouraker opened for public comment.

- Ryan Holihan residing at 4114 Waterfront Parkway, Orlando, shared his concern about the swim area at the Sand Bar. He said the proposed swim area around the Sand bar would create a safety issue for young children having to swim to the sand bar because the boats are moored away from the sand bar. In addition, when boats moored in a half-moon situation, some inexperienced boaters do not know how to get in or out, creating a bigger problem.
- Al Muszynski residing at 1438 Belle Vista Drive, said he lives adjacent to Labelle Beach. During the summer months at Labelle Beach, there is an increase in traffic to and from the Sand Bar. He asked if the no swim only zone includes pets which a consistent problem is creating an unsafe privacy situation for the neighboring residents. Several boaters, primarily jet skiers, on the Lake after dark without their lights on at high speed.

Chief Houston said she is tasked with creating a summer plan for Lake Patrol. The proposed schedule is as follows,

- On-Duty Officer working 1 ½ hour after dusk Monday-Friday
- 10 am –10 pm Saturday and Sunday weather permitting - On-Duty Officer
- 12 pm -8 pm or 1 pm-9 pm Sunday – Request for additional NAV hours
- 12 pm -8 pm Saturday - On the Sand Bar with approved overtime allotment
- June 7-August 10 - School Resources Officer Re-assigned to Marine Patrol
- Effective May 30 - Thurs-Sun – Community Service Officer (Boats Ramps & Parks)

Chief Houston said the City is looking to purchase a third boat and have found a gently used pontoon boat for Marine patrol. They have found a rental for the summer to accommodate the new schedule.

In addition, she submitted to the City Manager a memo to the NAV Board to approve additional 200 NAV Board hours. The Officers have logged an estimate of 736 hours of on-duty time on the water. They wrote 204 boating citations in the last twelve months; all but 11 were issued to Jet Ski riders.

Chief Houston said if someone finds that the rules are not being followed and are a nuisance, they should contact the non-emergency number 407-836-8357. Chief Houston stated that if residents go on Facebook and choose not to call the non-emergency number, the Lake nuisance cannot be logged in and documented. FWC said if the City does not have any data recorded, the City cannot ask for additional services.

Mr. Holihan offered his pontoon boat from June-July to the Police Department if needed.

**Comm Gold moved to accept Mr. Holihan's offer to lease his pontoon boat for \$1.00 for the months of June-July 2021. The City will write an agreement to include insurance requirements.**

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

- Mike Stuart residing at 1307 E Wallace Street said the issues at the sand bar have existed for several years. He said roping it off will create a bigger problem. It will not change the behaviors of the boaters but migrate elsewhere. He would like to see the City require a \$500 permit and valid registration to use the Lake rather than a swim-only area.
- Matthew Brannon, residing at 7219 Lake Drive, said the issues have existed for a long time. The jet skiers are causing many of the problems and should be addressed and heavily enforced. The City should focus on providing boater safety etiquette.

Discussion ensued on parking logistics for the area around the Randolph Boat ramp. City Manager Francis said it would be up to Council to direct staff to review. Council consensus was to not move forward at this time.

There being no further comments from the public, the Vice Mayor closed and opened for Council discussion.

Comm Nielsen said she would like to move the ordinance and support swim areas around the Lake before addressing the sand bar issues. She would like to get further input from the residents in the surrounding area.

Comm Carugno shared his concerns and said the City should keep everyone happy and not a selected few. Based on his input, a better solution at the sand bar is to have consistent enforcement on the Lake and Randolph ramp instead of a vessel exclusion area. He shared some of the safety concerns with prior events at the sand bar.

**Comm Nielsen moved to direct the City staff to draft the Ordinance to Designate Swim Areas Only at 75ft from the shoreline and the length of the parcel and not include the Sand Bar to be read for First Reading at the June 1, 2021 meeting.**

**Comm Miller seconded the motion.**

**Comm Carugno shared his concern with the swim areas based on the safety issues the Swim Zones can create and not allowing access to visitors who do not live on the Lake.**

**The motion passed 5:2 with Comm Gold and Comm Carugno, nay upon roll call.**

c. Discussion on draft Ordinance for Code Enforcement

City Manager Francis said the proposed ordinance looks to revise the code to allow the Code Enforcement Officer to enter a property to investigate a complaint. Currently, the City must first seek an inspection warrant signed by a judge showing good cause. The code is problematic for the City as many residents question why the Code Enforcement Officer doesn't go on the property.

Comm Carugno moved to read the Ordinance for First Reading at the June 1, 2021 meeting.

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

**7. Attorney's Report - No report.**

**8. City Manager's Report**

a. Issues Log

City Manager Francis gave an overview of the issues log dated May 18, 2021. Mr. Francis provided an updated calendar for the upcoming Budget dates. The two scheduled City Council meetings in September will be conducted as Budget hearings.

Mr. Francis reported that the bid for the AV Audio RFP would be submitted under the recovery act to see if it is eligible for recovery.

b. Chief's Report

Chief Houston reported on the following,

- Police Advisory Forum at City Hall is scheduled for May 19 at 6:00 pm.
- CCA requested an Off-Duty Officer for Summer School for a total of 15 days.
- The City has been awarded a \$10,000 grant for PD safety supplies and a new fence for the PD Admin building.
- The City will apply for COPS Hiring Grant for two additional officers.
- Apex Tree Service has been soliciting all over the City, and we have been received many complaints from residents – If anyone is aware of concerns, please call the Police Department.

c. Approval of new Tree Advisory Board member - Darcy Fritz

Mayor Fouraker presented Darcy Fritz for nomination to the Tree Advisory Board member.

**Comm Carugno moved to accept the nomination of Darcy Fritz to the Tree Advisory Board.**

**Comm Partin seconded the motion, which passed unanimously 7:0 upon roll call.**

**9. Mayor's Report – No report.**

**10. Items from Council**

Comm Miller said, at the Budget Committee meeting, there were discussions on continuing with Zoom meetings. Can the City pass an Ordinance or Resolution to continue using Zoom meetings and have members attend remotely? Mr. Francis said in speaking with the City Attorney he said once everything is lifted re COVID, the City must go back to quorum meetings. The City Attorney will have to provide an opinion in writing.

Comm Carugno thanked the PD for their continued efforts on the Lake. He further noted that he might have some volunteers for the redistricting committee.

**11. Adjournment**

There being no further business, the Mayor called for a motion to adjourn. The motion passed unanimously, and the meeting adjourned at 9:00 pm.