



## CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

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

Held the 1st and 3rd Tuesday of Every Month

Tuesday, January 5, 2021, \* 6:30 pm

### MINUTES

#### City Council Commissioners

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 – Harvey Readey | District 6 Commissioner – Jim Partin

District 7 Commissioner – Sue Nielsen

Also present was Attorney Ardaman, City Manager Francis, Chief Houston and City Clerk Yolanda Quiceno

Absent was: Comm Sue Nielsen and Comm Harv Readey

1. Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order, and the City Clerk confirmed quorum.

2. Invocation and Pledge to Flag

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

3. Public Hearing: Informal Subdivision 7710 Daetwyler Drive

City Manager Francis said the Public Hearing is for an information subdivision for a large tract of land "Larkinville" located at 7710 Daetwyler Dr. The property is zoned R-2. It will be divided into three single-family lots with a width of 78.3 ft. The Planning & Zoning Board has recommended approval of the proposed subdivision. The proposed subdivision meets all the required criteria, and staff recommends approval.

Comm Carugno asked for clarification of the rumors of a mini subdivision or ten homes. The applicant, Mr. Murphy, said that information was from the previous owner. He has met with staff and plans to build (3) three-lots because he felt it would pass easily and move quickly through the process.

**Comm Sims move to approve the proposed informal subdivisions application submitted by applicant Murphy Development Inc. located at 7710 Daetwyler Drive, Orlando, FL 32812 Parcel #29-23-30-0000-00-013.**

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

4. Consent Items – n/a

5. Citizen's Comments

Mayor Fouraker called for citizen's comments.

There being none, he closed citizen comments.

6. Unfinished Business

Ordinance 21-01

Mayor Fouraker opened for Public Comment.

Nita Martin and Madison Singleton were present representing the Orlando Regional Realtor Association.

Speaking on behalf of the Orlando Regional Realtor Association, Nita Martin, residing at 1330 Lee Road Orlando FL, expressed concerns regarding the proposed ordinance 21-091 on "After-the-Fact Permit Fees." Ms. Martin said there is reasonable concern that the regulation is inconsistent with its stated purpose and its standards for inspecting and approving ATF improvements and WEWP permits are unclear. She addressed the basis of their dissent and possible solutions. Ms. Martin read the letter dated December 31 for the record and submitted it for the file. She asked that the City reject the Ordinance or provide steep modifications in the areas outlined in the letter.

City Manager Francis said the Ordinance might be read for the First Reading, and over the next two weeks, the Council can look over the changes and adopted the changes or table for further review. Mr. Francis said Ms. Martin had suggested a workshop. Mr. Francis said the City staff could meet with them and report to Council later. He spoke briefly on the points addressed. Mr. Francis

said he does not believe the AFT Permit is punitive, nor the fees excessive.

**Comm Shuck moved to table Ordinance 21-01 to the first meeting in February or until the Council has time to review the comments as it applies to the proposed Ordinance.**

**Comm Sims seconded the motion.**

**Comm Gold asked if the motion can also include that the Orlando Regional Association works with the City Manager to present any Council changes for consideration.**

**The motion passed unanimously 5:0.**

#### Golf Carts

City Manager Francis said it had taken the staff until now to develop a process and have the logistics in place. The staff has contacted the HOA's and addressed their concerns. One of the issues that may become problematic is the requirement to have windshield wipers on golf carts. There is no law required to have windshield wipers; however, we need them for the safety of the riders and pedestrians in the rain. The Police Department is ready to start safety inspections on January 11. To operate a golf cart in the City, they must pass the safety inspection and receive a sticker. Mr. Francis clearly said that this safety inspection is not a vehicle registration. He further added that carts must have headlights to be operated in the evening hours; failure to have working headlights will be a violation, and a ticket will be issued.

Comm Carugno asked if the resident must bring the golf cart to the Police Department or schedule an inspection at their home. Chief Houston said a resident could call the Community Service Office and schedule an appointment. The CSO will accommodate and schedule locations as requested.

**Mayor Fouraker asked for a motion to excuse Comm Nielsen and Comm Readey from tonight's meeting for obvious reasons.**

**Comm Gold moved to excuse Comm Nielsen and Comm Readey.**

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

Mayor Fouraker welcomed District 5, Comm-Elect Rick Miller.

#### 7. New Business

##### Crosswalk Bids

City Manager Francis said the City has been working with Orange County to install a solar rectangular rapid flashing beacon (RRFB) and upgrade the crosswalk at Hoffner and Monet. There is currently an existing striped crosswalk. The County did not allow the City to piggyback off the County's contract but did provide a list of their approved contractors. If the County approves installation on Hoffner Avenue, the City also asked for alternative bids to install a hardwire RRFB if the solar was not possible and for an in-pavement lighting system, which lights the roadway the RRFB activates.

The City received three bids, 1) Traffic Control Devices-\$19,672, 2) Florida Industrial Electric-\$39,362, and 3) Siemens Mobility, Inc.-\$14,500. Mr. Francis requested approval of the bid submitted by Siemens Mobility Inc. for the crosswalk at Hoffner and Monet.

**Comm Gold moved to approve the Siemens Mobility proposal, Inc for \$14,500 for the Hoffner Crosswalk RRFB. Comm Carugno seconded the motion, which passed unanimously 5:0.**

##### New Lease with CCA

Mayor Fouraker said this is an important subject for Comm Nielsen and asked if the Council would like to table the discussion until her return. Comm Gold said he would like to hear a summary on the remaining issues.

City Manager Francis said this issue is well over a year in discussion by both the Council and the Cornerstone Charter Academy (CCA) Board. The new lease will allow CCA to borrow \$12-13 million to expand the campus, and if it occurs, the debt will come off the City's books, and a new lease will be redeveloped. The staff and the City's Budget Committee reviewed the draft lease for consideration and highlighted the areas for discussion: Calculation of Annual Rents, Rent Adjustments, and Rent Credits. He also included a spreadsheet on what the City received in the past in excess rent. Mr. Francis asked for Council consensus that they support the draft agreement to send to the CCA Board for further negotiations.

Mr. Miller, Chairman of the Budget Committee, said the Budget Committee spoke specifically on Rent Credits associated with the number of Belle Isle residents currently attending the school. The school incentives will enhance the community, create a priority list for Belle Isle residents, and increase property values. Mr. Miller said the Committee recommended the City/Council partner with a professional on commercial leasing/rent options.

Comm Carugno asked if the City should seek a commercial real estate professional's advice before moving forward.

Mayor Fouraker said the City owes the residents accountability, and it would be prudent to attain a third party expert to establish a rent structure and appraisal. He further shared his concerns with renegotiating a 20-year lease option. Discussion ensued.

Mr. Francis said one of the reasons for the 20-year lease is to allow CCA to receive Grants and State funding by showing longevity with their current lease.

After discussion, Council consensus was to solicit an opinion from a commercial professional/certified MAI so that the City can send a complete product to CCA for consideration.

Mr. Francis said he would reach out to the group that provided the Bank of America proposal and bring forward any findings to the Council for review.

**Comm Partin moved to have the City Manager move forward with contacting the three previous appraisal companies for obtaining an appraisal for the said property having to do with the CCA lease.**

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

#### Impact Fee RFP

City Manager Francis provided background information for impact fees on all new residential and commercial construction. He noted that currently, the City only collects two impact fees, one for transportation (\$1,430) and the other is for school impact fees for residential properties. The City does not collect fees for commercial development, parks, police, or fire. Before submitting for additional fees, the City must perform a study to make recommendations to Council. Mr. Francis asked for approval to advertise for an Impact Fee Study.

Attorney Ardaman said impact fees must be assessed and tied to new growth and expansion. However, to the extent that it will increase and burden the City's infrastructure, it will fall under a different mechanism, Special Exception, based on a special benefit granted to properties fairly assessed throughout the City. Impact Fees cannot be used to repair existing deficiencies.

**Comm Sims moved to advertise the Request for Proposal for an Impact Fee Study.**

**Comm Partin seconded the motion.**

**Comm Gold asked if it will affect new construction only. Mr. Francis said he would seek Counsel advice on impact fees imposed on new construction and reconstructed homes.**

**After discussion, the motion passed unanimously 5:0.**

#### Budget Committee Appointments

City Manager Francis presented the following individuals for reappointment to the Budget Advisory Committee: District 1-Clay Van Camp, District 5-Rick Miller, and District 7-Ralph Yarborough.

Mr. Francis said with the election of Mr. Miller, and the Council will have to revisit his reappointment for District 5. Mr. Francis said we already have a vacancy on the Committee. They asked if the Council would like to start advertising for District 4 and District 5 in anticipation of Mr. Miller's April swear-in.

Mr. Miller said he is interested in continuing to serve until his swear-in in April. He asked that his continuing on the Board will be based on the Attorney General's Opinion.

Comm Carugno shared his concern on voting for Mr. Miller for another term. The Charter allows for the position; however, he is opposed based on Sunshine Law and transparency. Discussion ensued.

**Comm Partin moved to re-appoint Clay Van Camp-District 1, Rick Miller-District 5, and Ralph Yarborough-District 7 for another term on the Budget Committee. Also, moved to advertise for candidates for District 4 and District 5 in anticipation of Mr. Miller vacating his seat in April.**

**Comm Gold seconded the motion, which passed 4:1 with Comm Carugno, nay.**

#### 8. Attorney Report

Attorney Ardaman reported on the Lake Conway issues. He said the City had sent an MOU to the Sheriff's Department, and we expect comments within the week.

Concerning the Attorney Generals' Opinion, we have the document ready for submittal, however; we need to submit either an approved resolution or the approved minutes of the motion where the Council approved the request.

He said the minutes are not attached tonight for approval; however, the City Clerk has a set of draft minutes for approval. He asked if Council would approve the section of the minutes where the motion was made to submit it with the application to the Attorney General.

Comm Carugno asked if the City already has an opinion on this matter from a previous request. He does not want to waste taxpayer dollars on revisiting this issue. Attorney Ardaman said there are conflicting opinions due to the recent change of the Charter that made some potential difference.

Attorney Ardaman said, as the City's representative, in their opinion, the Mayor is subject to the Sunshine Law because he is a member of the City Council. As per Council's direction, they will weigh-in if they agree or disagree with the counsel's opinion by sending the Attorney General's request. Discussion ensued.

Mayor Fouraker called for a motion to approve the minutes to seek the Attorney General's Opinion.

**Comm Shuck moved to approve the section of the minutes that addresses Rick Miller's request for the motion on the Attorney General's Opinion on December 1, 2020.**

**Comm Sims seconded the motion, which passed 3:2 with Comm Partin and Comm Carugno, nay.**

**Comm Partin moved to suspend the rules of Council and reconsider the vote to have the City Attorney submit an opinion to the Attorney General's office.**

**Comm Gold was seconded for discussion.**

**After further discussion, Comm Partin said the reason for his reconsideration of the motion is that it wastes time and resources. Mayor Fouraker shared his frustration and concern with the request because both opinions received from the City Attorney and Attorney General's office are written very differently. He believes the request is not moot.**

**Comm Gold withdrew his second.**

**Comm Partin moved to suspend the rules of Council and reconsider the vote to have the City Attorney submit an opinion to the Attorney General's office.**

**Comm Carugno seconded the motion and called for the vote.**

**The motion failed 3:2 with Comm Partin and Comm Shuck, nay.**

## 9. City Manager Report

### Issues Log

- Speed Humps: Staff contacted residents regarding placing speed humps on Seminole Drive. Before making a decision, the City will temporarily put a traffic device in the area to determine if it will decrease/slow down traffic. Until that time, we will have more vigorous enforcement on the speed limit. He noted that Seminole's average speed is between 26-28 miles an hour and get total vehicle traffic of 10-11,000 a week.
- Orange County is taking public comment on the 20/20 Visioning Process.
- Possible Public Hearing for a fence installation on 6838 Seminole Drive if the applicant and neighbor cannot agree.
- ICMA has credentialed Mr. Francis for his 12<sup>th</sup> year.
- Street Paving – Working on cost base for street maintenance-remainder of the year will be allocated to the Sol paving project.
- Storm Drainage – 50% plans complete for Stafford/Pam. Locates have been completed for Sol Avenue. Two street linings: Jade Circle and St. Moritz, are complete.
- Traffic Study – Beacon scheduled for install on Hoffner and Monet.
- Wallace Field – Continue with the appeal of the P&Z decision on the Special Exception. He submitted an extensive report and has forwarded it to Council for review.
- City Financing is complete with the BOA building. The BOA building has been added to the draft lease with CCA for consideration. Mr. Francis would like to plan an open house at the BOA and include the traffic plan drawings for Daetwyler and Judge and the site plan of Wallace Field.
- Comp Plan – Working on it with City Planner

- Sienna Condos – Awaiting response.
- The City was contacted by a Conway resident who is interested in annexing into the City.
- Publix Shopping Center – Awaiting response.
- Grady House – Reaching out to the property owners and will ask if they are still interested in annexing into the City.
- Lancaster House – Communicating with Comm Uribe. If their proposal to relocate does not move forward, it will come back to Council for reconsideration.
- BOA Building Parking Lot – Used Car Company has been noticed by the Police Department not to park on private property. Mr. Francis asked if Council if would like to negotiate a parking contract. Chief Houston said she could place no trespassing signs on the property before citing them for no parking on private property.

#### Chief's Report

Chief reported on the following,

- Chief thanked those residents who have donated for the families over the holidays.
- Chief will be attending the Police conference next week.
- In December, the Agency has made 6-DUI arrests, 43-traffic stops, and 30-citations.
- The City focuses on traffic problem areas in the City: Seminole Drive, Wawa, and Cork & Fork.
- Wyndham Hotel incident – 2 suspects, apprehended on Trentwood.

#### 10. Mayor's Report

Mayor reported on the following,

- The Mayor thanked the Special Events Committee for a successful Santa Ride Event.
- Call for Volunteers: House Clean Up on 6220 Matchett Avenue – January 16 at 8 am

#### 11. Items from Council

**Comm Shuck moved to extend the meeting by 15 minutes.**

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

Council thanked the Special Events Committee for a great Santa Ride Event.

The Boat Parade was also a great success; the residents enjoy the event.

Comm Shuck shared his frustration and concern about the timing of Council meetings. He recommended rescheduling workshops to allow for active discussions on important issues.

#### 12. Adjournment

There being no further business, Mayor Fouraker called for a motion to adjourn. Motion passed unanimously at 9:11 pm.