



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Held in City Hall Chambers, 1600 Nela Avenue

Tuesday, March 30, 2021, * 6:30 pm

MINUTES

The Belle Isle City Council met in a workshop session on March 30, 2021, at 6:30 pm at the City Hall Chambers, 1600 Nela Avenue.

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 4 Commissioner-Elect – Rick Miller
District 7 Commissioner – Sue Nielsen

Absent was:

District 5 Commissioner – Harvey Readey
District 6 Commissioner – Jim Partin

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.
The City Clerk said Comm Partin would not be in attendance.

2. Invocation and Pledge to Flag – Commissioner Gold – District 1

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

3. New Business

a. DISCUSSION/DIRECTION ON CANOE TRAIL DISCUSSION

City Manager Francis said the City's Comp Plan dating back to 1990, laid out a canoe trail along the center and south Lakes of Conway. City Manager Francis asked for direction from Council to continue to pursue a canoe trail to the South and Center Lake with FWC. The shoreline's distance should be 100 feet or 100 feet from the docks and discussion on the area around the Nela Bridge. Mr. Francis said the effort to put forward the application to FWC is very extensive. However, many questions may arise; he will not answer those specific to signage and the trail until he receives a response from the FWC Planner. Mr. Francis stated that the application has to go to the FWC before approval of the City Council's ordinance. If Council disagrees with moving forward, he said it can be removed from the City's Comp Plan at the next revision date in 2024.

Mayor Fouraker welcomed Comm-Elect Rick Miller. Mayor Fouraker opened for discussion.

Comm Nielsen and Comm Shuck spoke in favor of a canoe trail and did not see any downside to the proposed request. They agreed that they would like to see everyone enjoy the Lake, which may discourage boaters from driving too fast. Comm Sims also shared the same. Comm Sims further added that he had not received any feedback from his district.

Comm Gold said he had not received any feedback from his district.

Comm-Elect Miller said he would like to make sure the City has the authority to pursue the request before moving forward. He said it is very important to receive public input and provide community awareness. He shared his concern on enforcement issues and asked if we have sufficient staffing to see this through.

Comm Carugno shared his concerns with the following,

Q-With the canoe trails in place, should we expand the 100 ft no-wake zones (i.e., by the Nela Bridge)

Q-Will it be marked with navigational markings or similar to the "No Duck Hunting" post signs, which are now fading away?

a-Mr. Francis said many of the questions would be answered once he receives feedback from the FWC Planner.

However, under FI Code Section 68(d)(3), we apply to FWC for standard waterway markings.

Q-Will we monitor and enforce when motorized boats are not in the zone?

Q-Why are we putting the Canoe Trail in place?

a-As far as the Comp Plan, it reads that the City shall require launches/ramps as a level of service standard per 1,500 residents.

Q-Is this for control of personal watercraft and other motorized vehicles to keep them out of the zone.

a-No, this is strictly created as it is stated in the Comp Plan. Mr. Francis referenced FL S.S. 27.33(2), which prevents such exclusion. Discussion ensued.

Q-Is the Canoe Trail no-wake zone for Center and South Lake from the property line-100ft offshore.

Q-Canoes and kayaks do not have lights. Will it be in effect after dusk – how will it work.

Q-If non-motorized boats are in the zone and get "rocked," would they be able to use their video evidence.

Q-Can we get support and joint effort from surrounding municipalities for the North Lake and post on the Randolph Bridge.

Q-Why are we pursuing this process if we do not have FWC and Orange County on our side to enforce any of the rules and laws.

a-Mr. Francis said the ordinance currently in our Code and Orange County Code had not been sent to FWC for approval to be enforced. Moving forward, if we want our ordinances to "have teeth," an application must be initiated and submitted by the City. Mr. Francis referenced Code 327.46(1)(b)(3).

Mr. Francis said at this time, we are searching for a lobbyist to initiate the process.

Attorney Ardaman said one of the problems is that some of the rules have been preempted by the State. He believes the NAV Board has the authority to approve the rules and ordinances as written in 1957. However, since that has not been done, we will have to apply to FWC as discussed. Discussion ensued.

Q-Does the Council think it would be good to have the proposed Canoe trail and Swim Area as a referendum on the next election ballot.

a-Attorney Ardaman said if approved by Council, it can be placed as a referendum.

Mayor Fouraker asked if the staff has a budget for legal expenses if Council moves forward. City Manager Francis said we do not have a designated budget, and it would fall under regular legal expenditures. It should not be substantial because staff will do most of the work. If the City hires a lobbyist, it would be that cost included. Mayor Fouraker spoke briefly on some events he has experienced and said we need to have a more refined procedure for the safety of motorized and non-motorized users of the Lake.

Comm Nielsen said other cities, such as Winter Park, have canoe trails, and maybe staff can do some research. Mr. Francis said he would research further.

Mayor Fouraker opened for public comment.

- Donella Altice said she does not have much knowledge of the demand for non-motorized vehicles. However, are we opening up for more boat traffic on the Lake that will require more enforcement?

Attorney Ardaman clarified that the Canoe Trail refers to all "non-motorized vehicles" – Section 327.46(1)(c)(3). Discussion ensued on the challenges on a "vessel exclusion area," specifically around the Nela Bridge and the Slalom Ski Course.

- Gary Meloon shared his concern with the outdated Comp Plan. He would like to see the City update the 30-year Comp Plan in its entirety to bring it up to date; however, would the cost be worth the change. He further addressed his concern about the no-wake "exclusion" zone related to lakeshore homeowners when docking onto their property.
- Randy Holihan agreed with Mr. Meloon and said to spend staff time and city funds on a 30-year old idea are not worth the time and think it would be best to remove it from the Comp Plan. He said his immediate reaction to the discussion was that it is another way to restrict motorized vehicles within a certain distance to the shoreline. Mayor Fouraker said he would like to see a compromise for all users of the Lake to make it work with the Comp Plan; this is about safety, not motorized vehicles.

There being no further comment, Mayor Fouraker closed public comment.

Comm Miller said he would like more public testimony and recommended having Zoom available to all residents along with a general information/education piece before first reading on an ordinance. He is not a fan of Survey Monkey because the surveys can be skewed.

Chief Houston said she had received approximately ten complaints regarding kayaks/paddleboards on the Lake. A safe zone for non-motorized vehicles by Warren Park would be ideal as a safe zone. She is wondering, however, if those users would use the safety zone. Officer Millis shared his concerns from a law enforcement standpoint and said this is a safety issue and needs to be addressed.

Council agreed to move forward with communication with the FWC Planner, create rules and regulations, broaden the avenues to allow public comment, and create an educational/alert flyer before the first reading. Comm Carugno believes the City is over controlling the situation and said the City needs to keep it simple and user-friendly. Discussion ensued on the use of permits to access the Lake and the funding issues from the State.

Mayor Fouraker said the Lake belongs to everyone, and we have to compromise on how we all can share the Lake. City Manager Francis said he favors education and cooperation to "Share the Lake"; however, he shared his concern on enforcement to those who violate the rules. The staff will research how to communicate with all the groups and allow public comment via Zoom, walk-in, and in-person. Also, he will contact Winter Park and continue to reach out to the FWC Planner.

b. DISCUSSION/DIRECTION ON DESIGNATING SWIM AREA

City Manager Francis spoke briefly on a swim area around the sand bar and around five City parks (Cross Lake, Peninsular, Swan Beach, Labelle, and Delia). City Manager Francis said swimming is not allowed around the City boat ramps. He said one of the issues we are experiencing is the running engines on the boats when picking up and dropping off people on the shore. If Council wants to consider a swim-only area 50-75 feet out from the small 50-foot beach area, it can be accomplished by passing an Ordinance and having FWC approve the signage.

Comm Nielsen, Comm Shuck, and Comm Sims said they favor designated swim areas around City parks.

Comm Carugno asked the following,

- Are the swim areas also exclusion areas?
- Where will they be located? Have the parks been defined
- Will there be a swim area around the sand bar
- How will they be monitored and enforced
- Will Warren Park be considered for a swim area; liability, will there be a lifeguard.
- Are residents allowed to request a swim area, and will they allow speaking for public comment?
- He has received numerous complaints about boaters using City parks and beaches for pickups and drop-offs. He favors the swim area but is concerned that it may limit access to the Lake and create a liability to the City. He also said he would like to see the swim area and canoe area established at the same distance from the shore.

Comm Miller said he is in favor of a designated area around the city parks. He would like to hear from residents before moving forward. Discussion ensued.

Mayor Fouraker opened for public comment.

Donella Altice shared her concern with the swimmers and the animals in the Lake and the high weeds in certain areas of the shore. City Manager Francis said Cross Lake, Swan, and Delia are sandy beaches and do not have many weeds on the shore. The staff will research the designated locations and will clean the area where necessary. He said signs are currently posted not to feed the alligators, beware of the animals and swim at your own risk. He referred to an article regarding Bird Island and said it might be worth researching the process with EPD before moving forward.

Attorney Ardaman said if the areas are not designated as a bathing beach or swim, there is nothing to stop a motorized boat from entering the area. The City does have some sovereign immunity to ensure that we do not invalidate the shield that protects the City and the taxpayers.

There being no further comment, the Mayor closed public comment.

Mayor Fouraker spoke briefly on some events, visitor behavior, and the surrounding homeowners' plight around the sand bar. Officer Millis commented that the homeowners must provide their information to attach to a formal complaint for the Police Department to act. Discussion ensued.

4. Adjournment

There being no further business, Mayor Fouraker called for a motion to adjourn. Motion passed unanimously at 9:12 pm.