



## CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, February 7, 2023, \* 6:30 pm

### MINUTES

Present was:

Nicholas Fouraker, Mayor  
District 1 Commissioner – Ed Gold  
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:

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

Mayor Fouraker called the meeting to order at 6:30 pm, and Admin Heidi Peacock confirmed the quorum.

Also present were City Manager Francis, Attorney Chumley, Chief Houston, DC Grimm, LT Millis, Public Works Director Phil Price, and Admin Asst Heidi Peacock.

#### 2. Invocation and Pledge to Flag

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

#### 3. Presentations

DC Grimm and Lt Millis introduced and recognized the following individuals,

- a. Good Citizenship Awards were presented to Donald and Jeanet Abbott for assisting BIPD
- b. Life-Saving Awards presented to Corporal Oscar Lugo, Officer Jacob Tapia, Officer Christian Rodriguez, and Officer Kevin Grisales
- c. Supervisor of the Year Award presented to Corporal Oscar Lugo
- d. Officer of the Year Award presented to Officer Jon Paul Gargano
- e. Distinguished Officer of the Year Award presented to Corporal Andrew Clark

City Manager Francis shared a letter he received from Chief Laura Houston. He read the letter for the record and said that Chief Laura Houston had submitted a letter of intent to retire with an effective date of May 16<sup>th</sup>. She thanked the Mayor, Council, staff, and residents for their ongoing support.

#### 4. Consent Items

- a. Proclamation for Pioneer Days
- b. Approval of the City Council meeting minutes – January 17, 2023
- c. Approval of Equipment donation to the City

**Comm Smith moved to approve the consent items as presented.**

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

#### 5. Citizen's Comments

Mayor Fouraker opened for Citizen Comments.

Richard Weinsier residing at 6824 Seminole Drive, said he is a member of the Solid Waste Committee. He shared some ideas they had started regarding household recycling, batteries, fluorescent bulbs, and most

electronics. He asks that Council consider some of these programs and ask that no changes be made until a new contract is introduced. At this time, he asks that the Council approve the contract increase.

There being no comments, Mayor Fouraker closed citizen comments.

**Comm Carugno moved to discuss Item #7a ahead of the agenda. There being no objection, the motion passed unanimously 7:0.**

- a. Request for JJs Waste & Recycling for rate increase fee to increase at the Recycling Facility  
City Manager Francis said the City had received a request for a rate increase from JJs Waste & Recycling passed along to them from the Materials Recovery Facility (MRF) of \$72.70 to \$95.00, an increase of 22.30/ton). Mr. Francis said that the Council approved an 8% cost of living increase in October. Usually, in May, JJs Waste and Recycling will submit a cost-of-living increase with justification. By contract, they are allowed to petition the Council on pass-through costs that are beyond their control. Mr. Francis said JJs, and the residents had done a great job with recycling in the City. The pass-through petition, if approved, will come out of the general fund, and next year it can be included in the Ad Valorem Tax. Mr. Francis stated and gave examples of JJ's continued partnership with the City and its resident needs. If the request is not approved, he recommended the opportunity to negotiate equitable costs.

Mr. Francis said the Solid Waste Committee has not been able to fill the vacant seats to meet a quorum. Mr. Francis said the staff has advertised the position but has not received any responses. Comm Gold stated that he would work to fill the necessary seats. Comm Gold noted that the Committee's purpose in connecting the residents with the Council is very important. Mr. Francis said if the Committee is reconstituted, he would like for them to discuss a cart system for solid waste and the cost of implementation.

Regional Managers of JJs Waste & Recycling, Darren Bateson and Darrell Corbet were in attendance.

**Comm Carugno moved to direct the City Manager to negotiate the cost increase with JJs Waste and Recycling. Comm Gold seconded the motion for discussion.**

City Manager Francis said the recommended motion to negotiate this year's increase moving forward is instead of rejecting the request altogether.

For the record, Comm Carugno stated that he received an email from a resident. They recommended that the Council not approve the increase and open an RFP for the new trash service. Mr. Corbet, offices at 3995 Elroy Road, Orlando, FL, spoke on the direct pass-through costs from the Recovery Facility in the past 4-months and stated that the 2.8% increase is not benefiting JJs. He would like to continue the service for the residents; however, the increase cannot be sustained with the current contract and would need to be compensated.

Council asked how many cities are walking away from recycling due to increased costs. Mr. Corbet said they are many and will forward documentation/stats to the staff. The US does not have the infrastructure to recycle many products, causing many challenges. He stated that walking away from recycling in the City would be a mistake, and JJs would not back-charge for the previous months.

Comm Smith said he supports the direct pass-through increase and appreciates JJ's service. Council discussed the process of receiving recycling items at the Recovery facility and the pass-through cost increases throughout the Country.

**After discussion, the motion passed 5:2 with Comm Partin and Comm Holihan, nay.**

**Comm Gold made a motion to reconsider the motion.**

**Comm Smith seconded the motion, which passed 6:1 with Comm Shuck, nay.**

Comm Partin said he would prefer to have the motion to approve or disapprove the proposed increase for the pass-through costs. In this case, JJs has taken it upon themselves to handle the increase for the past 6-7 months, which is unfair to expect JJs to continue to carry losses. The increase will be approximately .64 cents a month/\$7.64 per year per household. **Comm Partin moved to approve the proposed increase of \$7.64 per year per household totaling \$20,368.24 for the purpose of recycling.** City Manager Francis said he based the increase on the difference in the tonnage, not by household. **Comm Smith seconded the motion.**

Mr. Corbert said there is no easy way to calculate the monthly recycling expenses other than submitting the monthly recycling costs or charging a monthly average from February 1, 2023, through October 2023. Comm Smith said the Council must remember that the amount can fluctuate if the residents continue to recycle their trash.

**Comm Partin moved to revise the motion to approve the proposed increase of \$13,573.52 for the purpose of recycling for the next eight months. Comm Smith seconded the amended motion. The motion passed 6:1 with Comm Holihan, nay.**

## 6. Unfinished Business

**Ordinance 23-01 - Second Reading and Adoption:** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, PROVIDING FOR REGISTRATION OF SEPTAGE HAULERS AND TRANSPORTERS OPERATING WITHIN THE CITY; PROVIDING FOR ENFORCEMENT; AND PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Manager Francis read Ordinance 23-01 by Title.

**There being no discussion, Comm Holihan moved to adopt Ordinance 23-01 as presented.**

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

**Resolution 23-01 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, EXTENDING A MORATORIUM ON THE USE OF ARTIFICIAL TURF FOR LANDSCAPING; PROVIDING THAT THE CITY SHALL NOT ACCEPT, PROCESS, OR CONSIDER APPLICATIONS FOR THE INSTALLATION OF ARTIFICIAL TURF DURING THE MORATORIUM; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

City Manager Francis read Resolution 23-01 by Title.

Mr. Francis said the P&Z Board recommended that staff do additional research and develop criteria for the variance process if needed. The P&Z Board requested Council to extend the moratorium for another 180 days until a determination can be reached.

**There being no discussion, Comm Gold moved to adopt Resolution 23-01 as presented.**

**Comm Lowell seconded the motion, which passed 5:2 upon roll call with Comm Holihan and Comm Partin, nay.**

## 7. New Business

### b. Appoint a new Representative to the PMRS Insurance Board

City Manager Francis said the City's insurance carrier requests that the Council name a Board member for the City of Belle Isle.

**Comm Partin moved to appoint Comm Stan Smith as the Board member for the PMRS Insurance Board, and he will remain as the alternate.**

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

### c. Approve Donation to Pioneer Days Annual Event

City Manager Francis presented a sponsorship submittal for the acoustic stage for the Pioneer Days event on February 25 & 26. The City has budgeted \$3,000 for donations this year, with \$2,000 remaining.

**Comm Lowell moved to approve the request of the Pioneer Days Committee to sponsor the acoustic stage for \$600.00.**

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

d. Approve Recommendations of the Budget Committee for Equipment and Personnel

City Manager Francis said the Budget Committee discussed and recommended the following at the last meeting.

- Conduct a Staffing Study for the City before creating an Assistant City Manager position and additional city staff. Depending on the scope of the study, the average cost could be approximately \$20,000-\$25,000. The process may take roughly 4-months before approval.
- Approve the purchase of a dump trailer; and
- Approve hiring another Public Works Laborer; and
- Approve the use of grant funds to purchase two license plate readers.

**Comm Partin moved to approve the recommendations of the Budget Committee.**

**Comm Smith seconded the motion.**

Comm Gold said he would prefer residents who work in the field volunteer their time to generate the necessary studies at low or no cost to the City. The Council consensus was that a company would not be biased when generating a report for Council approval.

Comm Carugno read for the record an email sent by a resident stating that the study should also contain a time management study to ensure that the City is moving forward with the correct staffing assignments.

**There being no further discussion, the motion passed unanimously 7:0.**

e. Discuss Change to Municipal Code for RV Parking

City Manager gave an overview of previous Council discussions regarding RV parking in the front yard of a residential property and aesthetic issues. The code states, "No recreation vehicle or utility trailer shall be parked, stored or kept in the property', or on any vacant or undeveloped property." He said certain cases might allow exceptions if there are good criteria.

**Comm Carugno moved to direct the staff to develop changes to the parking code that would allow exceptions to RV parking on residential properties based on certain circumstances/exceptions.**

**Comm Lowell seconded the motion.**

Comm Carugno said, for example, there are several properties 500 feet deep or greater or flag properties. Mayor Fouraker said he would like clear direction and criteria in the revisions if allowed. In addition, he would like to see a process for objecting to the City's decision on variance applications. Mr. Francis said an Ordinance would make all changes, and Council would have a couple of opportunities to make any changes to the criteria and process before approval. The Council consensus was to review changes carefully and be mindful of any changes.

**After discussion, the motion passed unanimously 6:1 with Comm Holihan, nay.**

f. Discuss Report from Orange County Traffic on Hoffner Avenue Speed Study

City Manager spoke of the email outlining what needs to be done to bring Hoffner Avenue under control. Mr. Francis provided Council with a copy of the Executive Summary portion of the Orlando Metroplan report. He asked for direction from Council on how to move forward. He would like to get County Commissioners together with the Council and staff to develop a long-term plan for Hoffner Avenue improvements. He would also like to discuss adding jersey barriers or portable rumble strips, safety over aesthetics. The City staff or Law Enforcement cannot do it alone. We need physical improvements,

temporary or permanent, to assist the staff in their job. Mr. Francis and Mayor Fouraker agreed that the speed study provided by the Metroplan is valid and should be included in the safety plan for Hoffner Avenue.

Mayor Fouraker said he and the City Manager would schedule a meeting with the County Commissioner.

Comm Shuck asked if the safety issues on Gondola (between Perkins and McCoy Road) could also be discussed. Mr. Francis said we could request a jurisdictional agreement with Orange County, like the agreement on Hoffner Avenue, to promote safety and allow Belle Isle PD to patrol and monitor.

**Comm Gold moved to allow the City Manager to contact Orange County to discuss the possibility of a jurisdictional agreement on Gondola/South of Perkins.**

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

Comm Partin said he supports having the City Manager follow up with Orange County staff after the upcoming meeting with the OC Commissioner.

Mayor Fouraker called for a five-minute break. The meeting reconvened at 8:49 pm.

**Comm Carugno made a motion to extend the meeting to 9:30 pm.**

**Comm Smith seconded the motion, which passed 4:3 with Comm Gold, Comm Partin, and Comm Holihan, nay.**

## **8. Attorney's Report - na**

### **8. City Manager's Report**

City Manager Francis said he received a request from Cornerstone to sign the PD Rezoning application. Mr. Francis asked if Council would like the City Manager to sign the application or the Mayor. Council consensus was to have the City Manager sign the application to move it forward to the Planning & Zoning Board for recommendation to Council.

City Manager Francis said he had received three applications for the Traffic Committee. We have not received the applications to fill the committee seats and ask to either disband the Committee before it starts or to have the committee At-Large so that staff can repost for interested candidates.

**Comm Lowell moved to have staff resubmit a resolution for the Traffic and Comp Plan Committee to change appointments to At-Large.**

**Comm Smith seconded the motion, which passed 6:1 with Comm Carugno, nay.**

Mr. Francis referred to an email regarding Wallace Field. If the Council would like to revisit the Use Agreement, it will have to be placed on the agenda for discussion. If not, he can contact the school and have them submit their development plans.

**Comm Carugno moved to terminate the Use Agreement for Wallace Field.**

**Mayor Fouraker said Comm Carugno could not make the motion because he did not approve the initial vote.**

Comm Shuck asked Council to ask the question at the next Cornerstone Board meeting to see where they are at with their plans. The Council consensus was to have the City Manager request a workshop to discuss their timeline for development.

Comm Carugno said he has asked for open workshops with CCA to discuss the Wallace development; and has not received any response. He stated that the Police Department is overcrowded, and Wallace Field is the only real estate the City has to house a new City Hall/Police Department station.

#### **a. Issues Log**

- City Manager Francis provided a copy of the Issues Log dated February 7, 2023. Council did not give any comments. He noted that he is waiting for more information on the lake mapping per Ed Harris from FWC.

Mayor Fouraker said John Evertsen asked the NAV Board if he could perform the report using the county's program. Mr. Francis said if he is granted permission, they should contact Ed Harris and ask if it will be an acceptable format or does it have to be completed by a professional weed control company.

b. Chief's Report

Chief Houston reported on the following,

- Two grants have been approved 1) Less Lethal Weapons and 2) Radars.
- In January, officers issued 286 Traffic citations on Hoffner Avenue.
- 1615 Idaho Avenue is moving forward with replacing the drain field.
- The drone is up and running, and will be providing reports shortly. The Department will be reviewing legal standards and privacy laws before use.
- On March 2 we will have a new Code Enforcement Officer.
- Officer Training in February.

c. Public Works Report

Phil Price gave reported the following,

- The dump truck repair is a considerable cost and is being evaluated. He would like to keep both the dump truck and trailer.
- Barriers were placed on Quando Drive to assist with the ongoing work.
- The Northwest Side of Sol and Kandra is a portion of the sidewalk to be repaired. Comm Smith asked that the markings be more visible.

**10. Mayor's Report**

Mayor Fouraker reported on the following,

- Attended Metroplan meeting – no report.

**11. Items from Council**

Comm Shuck asked for an update on the NAV Board MSTU Tax and creating a fund for the proposed fee increase. Mayor Fouraker said he is in contact with the County Commissioner and will follow up.

**12. Adjournment**

There being no further business, Mayor Fouraker called for a motion to adjourn.  
The motion passed unanimously at 9:30 pm.