



## CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, June 15, 2021, \* 6:30 pm  
**MINUTES**

Present was:

Nicholas Fouraker, Mayor  
District 1 Commissioner – Ed Gold  
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:

District 2 Commissioner – Anthony Carugno

### 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

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

Mayor Fouraker said that Comm Carugno will not be in attendance due to a medical procedure and asked for a motion to excuse the absence.

**Comm Gold moved to excuse Comm Carugno's absence as requested.**

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

### 3. Consent Items

- a. Approval of City Council Special Called meeting minutes - May 21, 2021
- b. Approval of City Council Special Called meeting minutes - May 27, 2021
- c. Approval of City Council meeting minutes - June 1, 2021
- d. Approval of City Council Special Called meeting minutes - June 4, 2021
- e. May Reports: Finance, PD Activity Report, Marine Patrol Stats, Code Enforcement, Solid Waste, and OC Fire Unit Responses

Attorney Geller said the June 1<sup>st</sup> minutes should be corrected and reflects Attorney Ardaman as being present.

**Comm Nielsen moved to approve the Consent Items and correction to the June 1<sup>st</sup> minutes as presented.**

**Comm Sims seconded the motion, which passed unanimously 6:0.**

### 4. Citizen's Comments

Mayor Fouraker called for citizen comments. There being none, he closed citizen comments.

### 5. Unfinished Business

- a. Ordinance 21-07 First Reading and Consideration - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING CHAPTER 34, ARTICLE II OF THE CITY CODE GOVERNING BOAT EQUIPMENT AND OPERATION; CREATING A NEW 34-39 DESIGNATING SWIM AREAS, AND ESTABLISHING A RELATED VESSEL-EXCLUSION ZONE, ON THE LAKE CONWAY CHAIN OF LAKES; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, DIRECTION TO CITY STAFF, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

City Clerk read Ordinance 21-07 by Title.

City Manager Francis said Comm Carugno volunteered to go out and look at some of the swim areas around the lake. He and Comm Carugno concluded that Labelle and Delia Beach were best for swim areas only, Cross Lake and Peninsular were best to allow vessels to pull up, and Swan Beach is best for both swim and vessel inclusion.

The change to the ordinance was based on a 75-foot distance from the shore out. The four coordinates for measurement have been included in the packet with the map for consideration.

**Comm Partin moved to place Ordinance 21-07 for second reading and adoption on the July 6, 2021 agenda.  
Comm Nielsen seconded the motion, which passed unanimously 7:0.**

## 6. New Business

- a. Resolution 21-08 - A Resolution authorizing the City of Belle Isle (herein referred to as this "Governmental Unit") to join the State of Florida and other local governmental units as a participant in the Florida Memorandum of Understanding and Formal Agreements implementing a Unified Plan.

Mayor Fouraker read Resolution 21-08 by Title.

**Comm Sims moved to approve Resolution 21-08.**

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

- b. Discussion and Approval of the CCA Lease

City Manager Francis said the Lease was amended based on Councils's prior discussions and staff highlighted the most important areas to the City.

The Budget Committee recommended that the staff reach out to the insurance company for any changes. The insurance company said there were two changes, (1) Umbrella Liability in Exhibit B and (2) under Section 11.5 Insurance Requirements. Under Section 11.5, they recommend that the insurance company not be written with a specific name.

- Section 11.5 should be as follows, "... (b) must be effected under valid and enforceable policies issued by ~~either the Florida Municipal Insurance Trust or by~~ any reputable and independent insurers permitted to do business in the State of Florida...".
- Exhibit B should be as follows, Excess/Umbrella Liability Insurance \$10,000,000 each occurrence / ~~\$5,000,000~~ \$10,000,000 aggregate

Council recommends the following edits,

7.1 (c) clarifications that any changes will be submitted to the Planning & Zoning Board for compliance and approval.

8.1 reads, "...Tenant, to substantially the condition that existed prior to the damage."

Should read, "...Tenant, to substantially restore the condition that existed prior to the damage."

12.4 reads, "...Landlord Tenant assumes all responsibility for and...".

Should read, "...~~Landlord~~ Tenant assumes all responsibility for and...."

14.1(f) reads, 'The phrase "dissolution or liquidation of the Tenant," as used in this subsection, shall not be construed to include the cessation of the corporate existence of the Tenant resulting either from a merger or consolidation of the Tenant into or with another domestic corporation or a dissolution or liquidation of the Tenant following a transfer of all or substantially all of its assets under the conditions permitting such actions contained in Section 13.3 hereof.'

Should read, "The phrase "dissolution or liquidation of the Tenant," as used in this subsection, shall not be construed to (1) include the cessation of the corporate existence of the Tenant resulting either from a merger or consolidation of the Tenant into or with another domestic corporation or; (2) a dissolution or liquidation of the Tenant following a transfer of all or substantially all of its assets under the conditions permitting such actions contained in Section 13.3 hereof."

**Comm Sims moved to approve the CCA Lease with the changes discussed for submittal to the Cornerstone Charter School Board.**

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

c. Appointment of Jackie Hoevenaar to the Redistricting Committee District 2.

**Comm Nielsen moved to appoint Jackie Hoevenaar to the Redistricting Committee representing District 2.  
Comm Partin seconded the motion, which passed unanimously 7:0.**

**7. Attorney's Report** – No report.

**8. City Manager's Report**

City Manager Francis informed the Council of an upcoming Florida League of Cities Conference on August 12-14<sup>th</sup>. He asked Council if someone would like to volunteer as a voting delegate for the City.

**Comm Partin moved to appoint Comm Miller as the City's voting delegate and Mayor Fouraker as the alternate.  
Comm Partin seconded the motion, which passed unanimously 6:0.**

Comm Francis reported that the Budget Committee has requested from Council a Resolution for Zoom meeting participation under extraordinary circumstances to allow some Council/Board members to attend and participate in meeting discussions. The City Attorney recommended that Council define an extraordinary circumstance? Mr. Francis clarified that if there is not a physical quorum present, that person participating remotely cannot be counted for a quorum.

**After discussion, Comm Partin moved to have staff and the City Attorney draft a Resolution as discussed.  
Comm Gold seconded the motion, which passed unanimously 6:0.**

Mr. Francis reminded the Council of the scheduled Special Council Session on June 22 with the Lobbyist to determine priorities. He asked if Council would consider an additional hour to open discussion on the 20/21 Budget on City priorities and Sustainable Revenues. Comm Miller reminded Council that he will be away on business and will participate via Zoom. Council consensus was to include Budget discussions on the agenda.

Mr. Francis announced the new hire of Derrick Atkins, Public Works Director, with a start date of June 28, 2021. Mr. Atkins has a background in Land Development Infrastructure. He further informed Council that he would be on vacation starting June 16 and return on June 20.

a. Issues Log

Mr. Francis provided an overview of the issues log dated 6/15/ 2021.

b. Chief's Report

Chief Houston reported on the following,

- Chief Houston reported some severe incidents in the City of attempted break-ins. She encourages all residents to lock all vehicle doors and entry doors in the home.
- PD has scheduled an Active Shooter Training at Regal Boats.
- Partnering with Action Church on a Community Event on Saturday from 10 am-2 pm.
- An Oversized Vehicle Monitoring System has been placed on Nela, then on Hoffner Avenue. This device will monitor the trucks passing through the City; those violators will receive a courtesy letter in the mail. At this time, the Uniform Traffic Statutes do not support local governments to write tickets on the data collected on electronic devices.
- In our Grant efforts, the City applied for a grant through the eCivics opportunity.
- The Pontoon Boat is not working well for the City. The Pontoon boats are too heavy to maneuver around the Sand Bar and maybe a safety liability. She was informed that the new boat the City purchased for the Agency should be received by August.

**9. Mayor's Report**

Mayor Fouraker gave a NAV Board meeting update and said the Board approved for the City to receive an additional 200 hours. Unfortunately, the motion was appealed due to a technicality and will be on the agenda at the next meeting.

## 10. Council Reports

### Comm Sims

Comm Sims informed Council that he had submitted a formal resignation to the Mayor and will step down effective immediately due to some personal reasons. He thanked the Mayor, Staff, and Council for the opportunity to serve the City of Belle Isle.

### Comm Miller

Comm Miller gave an overview of the Florida League of Cities Administration Committee. He spoke of the open grant opportunities to all cities, including the ARPA-American Recovery Stimulus Package and employee bonus supplements.

Comm Miller shared his concern with the City Bank signature cards and the bank verification of only one signature for check controls. He would like to direct staff to send out an RFP to look for a new bank with a two signature verification system. Mr. Francis said some banks require two-signature verification; however, he disagrees with the request because we have strong internal controls of two signatures on all bank items. We also reached out to the City Auditors, and they agree that the two signatures are for internal control. Center State Bank said that their verification process agreement is the same for all customers, and if there is any fraud, it will occur at the local level.

**Comm Miller motioned to direct the staff to put out an RFP for Banks that identify two signatures for all checks. Comm Gold seconded the motion for discussion.**

Council consensus was to not move forward with the motion at this time. Comm Sims asked that the discussion topic should be placed on the next agenda for discussion.

**After discussion, the motion was tabled for discussion at the next meeting agenda.**

Council discussed the Newsletter and reminded residents that it would be sent electronically moving forward; however, a hard copy can be mailed if requested.

## 11. Adjournment

There being no further business, Mayor Fouraker called for a motion to adjourn. The meeting adjourned at 7:45 pm.