



## city council minutes

**MINUTES**  
**October 1, 2019**  
**CC Regular Session 6:30 pm**

The Belle Isle City Council met in a Regular Session on October 1, 2019, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Mayor Nicholas Fouraker  
Commissioner Harv Readey  
Commissioner Ed Gold  
Commissioner Anthony Carugno  
Commissioner Karl Shuck  
Commissioner Jim Partin  
Commissioner Mike Sims  
Commissioner Sue Nielsen

Absent was:

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

### **CALL TO ORDER**

Mayor Fouraker called the meeting to order at 6:30 pm

Before the Invocation and Pledge to the flag, City Manager Francis introduced Darrell Corbett, Vice President of JJ Waste & Recycling Operations. He said JJ's Waste started their contract today, and we welcome him to the City. Darrel Corbett introduced himself and spoke briefly on his company and welcomed the opportunity to serve the residents of Belle Isle.

Mayor Fouraker reported that a resident donated the recycle bin to Conway Estates Lake lot. However, to promote the recycling program, JJ's Waste and Recycling said that they would provide a bin to all HOA common areas as designated by the Council. Mayor Fouraker said he meets with all Commissioners and creates a list of the HOAs in their district.

Comm Shuck led the invocation and pledge to the flag.  
Mayor Fouraker opened for consent agenda approval.

### **CONSENT ITEMS**

- a. Proclamation: Nela Avenue Roundabout Fountain Dedication
- b. Proclamation: Week of the Family November 2-9, 2019
- c. RESOLUTION NO. 19-10 - RESOLUTION OF THE CITY OF BELLE ISLE DEDICATING THE FOUNTAIN AT THE NELA AVENUE ROUNDABOUT AS THE "HARVEY READEY FOUNTAIN"
- d. RESOLUTION NO. 19-16 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE DEFINED CONTRIBUTION RETIREMENT PLAN FOR THE EMPLOYEES OF BELLE ISLE; PROVIDING FOR CONFLICTING RESOLUTIONS, AND PROVIDING AN EFFECTIVE DATE.

Mayor Fouraker presented the Proclamations to the recipients and read the Resolutions by title.

**Comm Nielsen moved to approve the consent agenda items as presented.**

**Comm Sims seconded the motion.**

**Comm Gold asked to pull item d. He said he had received an email from a resident who shared concerns on Resolution 19-16 and asked to pull the item for discussion.**

To respond to the concern raised by Comm Gold, City Manager Francis provided a summary of the creation of the Resolution. City Manager Francis said the City at one time had horrific benefits, and we were losing officers. Newly trained Officers were hired and would leave for better pay and benefits. In 2016, City Council decided to provide a good retirement plan for staff

instead of going into the Florida Retirement System. They decided to raise the percentage every year, budget permitting, to a cap of 19% for Police Officers and 17% for non-uniformed employees. Mr. Francis clarified that FRS Systems do not separate staff from Uniformed to Civilian; the City will be accepted as one if enrolled in the FRS program.

Comm Nielsen stated she researched along with Chief Ring in 2016. She discovered that the City is second to the bottom from surrounding agencies in the Central Florida area in providing retirement benefits and starting salaries.

**After the discussion, the motion passed 6:1.**

Comm Gold called a point of order. He said if anyone objects to a consent agenda item, it must be removed for discussion and does not require a majority vote. He believes the Council is not following protocol. Attorney Ardaman said the rules do provide that the Consent Agenda be approved for adoption and shall be deemed passed by a majority of City Council that is seated. It also provides that any member of the Council may request during the consideration of approval that an item is removed and considered separately and shall be honored as if the majority vote passed it. The rule may be waived by Council if desired.

Mayor Fouraker asked Council if they would like to have the approval of the item d for discussion and approval.

Comm Gold said in the future he would like Council to follow the rule and will rescind his request to pull item d.

**CITIZEN COMMENTS**

Mayor Fouraker opened for citizen comments.

- Anita Saaco residing at 4913 Jinou Avenue – Lake Conway Estates, shared her concerns with the Cross Lake negotiations. She said the City's request to Orange County regarding Cross Lake has been held in limbo in the District 3 office and asked why it is taking so long. She complimented the excellent work accomplished by Mayor Fouraker to date; however, she feels there may be a conflict of interest he being part of the District 3 Mayra Uribe reappointment campaign. She feels it appropriate that the Mayor recuse himself from any motions as it relates to the Cross Lake project moving forward.

Comm Nielsen, Comm Shuck, and Com Carugno disclosed that they had some brief contact with Mayra Uribe in regards to Cross Lake Park. City Manager Francis gave a brief update on the Cross Lake project. He said the adjacent property owner has a claim against their title company for not having ingress and egress on a land lock property. The adjacent property owner asked if the City will provide him a written letter stating that the City will provide him an easement to their property if purchased. The City sent two options (1) non-exclusive easement access, or (2) the City can extend Cross Lake Road and connect to his property. The letter was sent to Mayra Uribe for review. The City is awaiting a response.

Attorney Ardaman said concerning the question of conflict, unless the Mayor has received any personal gain or loss, he does not see any problem. And, as long as there is no quid-pro-quo, the Mayor can participate in any public official's campaign.

- Bryce Guignard residing at 2104 Homewood shared his concerns with the bar being developed on the corner of Nela Avenue and Orange Avenue and asked what can the City do about it. Mayor Fouraker said he is not sure what is being constructed because he has learned that it may be a Bakery. Mr. Guignard said he believes it is another location for the Cerveza House. City Manager Francis said he has a call into the Orange County Planning Department for further information and will report to Council as soon as he receives feedback. Mayor Fouraker said he and the City Manager had been strategically working with Orange County to give the City control over Nela Avenue as one of the main entrances into our City.

**UNFINISHED BUSINESS** - No report.

## **NEW BUSINESS**

### Appointment to the Solid Waste Committee

City Manager Bob Francis reported that the Council passed Resolution 19-11, creating a Solid Waste and Recycling Advisory Committee. The City advertised for the at-large positions and received interest from six applicants. The initial appointments to the City Solid Waste and Recycling Advisory Board are recommended as follows,

- a. 3-year term – Richard Weinsier and Kate Durni
- b. 2-year term – Clay Van Camp and Frank Noge
- c. 1-year term – Greg Gent and Richard Baggs

There is still one vacancy for a 2-year term, and the appointments are made at-large.

**Comm Nielsen moved to appoint the terms as described.**

**Comm Gold seconded the motion, which passed unanimously 6:0. Comm Sims was not present for the vote.**

### Budget Advisory Committee

The Council directed that a Budget Advisory Committee be formed. The purpose is to review the City budget with objectivity and transparency and to make recommendations to City Council. Committee members will review information on fund structures, revenues, and expenses. For this committee, the staff is requesting the positions to be filled by District Appointments and not at-large. Comm Nielsen suggested Council commitment re-establishing quarterly Council budget workshops to allow joint meetings with the Budget Committee.

**After discussion, Comm Gold moved to create a Budget Advisory Committee under Section 2-54 of the Municipal Code and direct the staff to draft a resolution creating the Committee for the next City Council meeting.**

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

Mayor Fouraker re-opened for public comment.

- Nash Shook, residing at Lake Conway East, shared his interest in being a participating member of the Budget Advisory Committee. During the last year, he has had increased attention in the resources for Lake Conway, the City, and its finances. He gave a summary of his financial background and offered his support.

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

### Policy on Council benefits

The Council has, for some time, received dental and vision insurance from the City. There is nothing in writing that authorizes the City to pay for the benefits for the elected officials. Currently, the Council receives dental and vision coverage at 100%, which is authorized under Florida Statute 112.08(2).

City Manager Francis asked for approval to draft an ordinance and continue with the benefit and memorialize the benefit.

Comm Nielsen clarified that the coverage is for routine care. The elected officials will be covered 100% employee rate and will not have an increased premium.

**Comm Sims moved to approve the draft ordinance prepared by the staff and direct it to be read for the first time at the next City Council meeting.**

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

### Policy on Conflict of Interest

City Manager Francis said one of the recommendations of the forensic audit was for the City to adopt a conflict of interest policy due to findings they produced in the audit. The policy addresses both City Employees and Elected Officials.

**Comm Nielsen moved to approve the conflict of interest policy.**

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

#### PRM, Inc. – Designation of Board Member and Alternate

City Manager Francis said the City has a new insurance company and is now a part of their Board of Directors. The City is required to appoint a representative and an alternate. Mr. Francis called for any interested members of the Council.

**Comm Readey motioned to appoint Comm Nielsen to the PRM Board on behalf of the City and Comm Partin as the alternate.**

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

#### **ATTORNEY'S REPORT**

Attorney Ardaman said the County Attorney's response is consistent with his preliminary research, and the NAV Board has authority that most did not know they had. The NAV Board may want to step in and exercise that authority. He said he has a report on the Lake Conway Jurisdictional issues available at the next Council meeting.

#### **CITY MANAGER'S REPORT**

##### Issues Log update

City Manager Francis reported the following,

- Gene Polk Park – Project Bid packet will be available next week.
- Street Paving – Gathering an estimate on paving projects for the New Year.
- Wind Drift Project – Project is complete and correcting issues on St Partin.
- Hoffner/Conway – Working with the County to finalize permits on Hoffner Avenue to place a concrete median strip.
- Fountain – Dedication will take place at 6 pm on October 15, 2019, before the City Council meeting.
- Wallace Field – Council adopted use agreement without the language of the by-law changes. The updated Use Agreement was submitted to CCA for approval.
- City Acquisition of Property – City Attorney has reviewed the BOA Purchase Agreement. BOA reviewing and will respond to the unsolicited offer.
- Financial Advisory – City has issued an RFP for a Financial Advisory with a deadline of mid-October for a November approval.
- Strategic Plan – The staff is preparing an action plan for approval.
- Planning – There are zoning discrepancies with the 2009 Comp Plan Map and the Orange County Property Appraiser's office. The staff is researching to correct the issue.
- Sustainability – The staff is contacting solar companies for City property and at the CCA campus.
- Forensic Audit – The remaining policies recommended by the auditor will be presented to Council at the next meeting.
- Gmail vs. Outlook – Chief Houston and City Clerk will provide an update at the October 15th Council meeting.
- Ad valorem Taxes – City has researched approximately 40 residential properties that have not paid out ad valorem taxes. All the findings will be added to the upcoming tax year for reporting.
- October 16<sup>th</sup> from 11:30-2:30 – FEMA Training for Staff and Elected Officials regarding debris monitoring.

#### **CHIEF'S REPORT**

Chief Houston reported the following,

- Coffee with a Cop Event – 9 am at the Wawa on October 2, 2019
- False Alarm Registration forms will be submitted in an E-lert and enforced on November 1, 2019.

#### **MAYOR'S REPORT**

Mayor Fouraker reported the following,

- He is in the process of selling his home, and the closing for the new home is scheduled for the end of October. The new home is infested with mold and has delayed the closing. He was not able to find an available rental home in the City limits and found a lease outside of the City in the interim. To comply with the Charter, and due to the circumstances, he is requesting Council approval for the short term residence outside the City limits until the renovations are completed. He stated that his bonafide residence continues to be in the City of Belle Isle.

**Comm Readey motioned that Mayor Fouraker continues to meet the qualifications as Mayor under the circumstances stated. Comm Nielsen seconded the motion, which passed unanimously 7:0.**

- Mayor Fouraker reported that Comm Nielsen has agreed to be appointed to the Community Action Board and asked for a motion.

**Comm Readey motioned to appoint Comm Nielsen to the Community Action Board (CAB).**

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

**Comm Readey motioned to appoint Comm Partin as the alternate to the Community Action Board (CAB).**

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

- Mayor Fouraker announced the Pine Castle Historical Society event on October 5<sup>th</sup> from 6 pm – 9 pm. BBQ served by the Steer.

## **COUNCIL REPORT**

### Comm Carugno – District 2

- Comm Carugno reported the following Holiday Events:  
     Tree Lighting – December 11<sup>th</sup>  
     Santa Ride – December 18<sup>th</sup> -19<sup>th</sup>  
     Toy Drive commencing in November  
     Boat Parade December: South Lake, 13<sup>th</sup>, Center Lake, 14<sup>th</sup>, and North Lake, 15<sup>th</sup>
- Overabundance of weeds in the lake and asked if the NAV Board can respond

### Comm Shuck – District 4

- Comm Shuck asked for Council consideration on a donation to the CCA Ductoberfest on October 26, 2019. The PTSA is raising money for school activities and scholarships. The platforms are Platinum-700, Gold-500, Silver-250, and Bronze-100.  
**Comm Nielsen motioned to donate \$500 to the Ductoberfest.**  
**Comm Partin seconded the motion, which passed unanimously 7:0.**
- Comm Shuck asked if the E-lert system email addresses are separated by District. The City Clerk said it is not an easy process; however, she will research and provide an update.

## **ADJOURNMENT**

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 8:20 p.m.

Yolanda Quiceno, CMC, City Clerk