



**CITY OF BELLE ISLE, FL
CITY COUNCIL FIRST BUDGET HEARING AND CITY COUNCIL MEETING**

Tuesday, September 5, 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 (Zoom)
District 7 Commissioner – Jim Partin

Absent was:

District 6 Commissioner – Stan Smith

Budget Hearing & Adoption

1. Call to Order and Confirmation of Quorum

Interim City Manager Grimm stated that Mayor Fouraker is currently at a prior engagement and asked for a motion to have the Vice Mayor start the hearing.

**Comm Holihan moved to nominate Comm Jim Partin to preside over the meeting.
Comm Gold seconded the motion, which passed unanimously.**

Comm Partin called the meeting to order at 6:30 pm, and the City Clerk confirmed the quorum. Also present were Interim City Manager Grimm, Attorney Langley, Public Works Director Phil Price, Finance Director Tracey Richardson, and City Clerk Yolanda Quiceno.

2. Invocation and Pledge to Flag - Comm Randy Holihan, District 4

3. First Public Hearing - FY 2023-2024

a. Budget Presentation - Interim City Manager Grimm

Interim City Manager Grimm presented the First Public Budget Hearing. CM Grimm provided a PowerPoint presentation with a summary of the FY2023-24 Budget as follows,

Budget Highlights

- No millage rate increase while maintaining the current level of service
 - Millage rate of 4.4018 since FY 2010/2011
- ARPA funding for essential projects not included in the budget
- Hurricane Ian's expenditures have impacted our financial position, but we will be relieved when we receive reimbursement from FEMA
- Stormwater Fund continues to have a negative fund balance
 - Stormwater utility rate study in process
- Removal of Capital Improvement Revenue Note 2020 Project Fund as remaining bond proceeds were to be spent in FY 22/23
- No budgeted transfers or expenditures for the Capital Equipment Replacement Fund until a plan can be established

Millage Rate Calculations

- The rollback millage rate is 4.0398
- Proposed millage rate for approval is 4.4018
- Percentage increase over rolled-back rate is 8.96%

- Requires a two-thirds vote of the governing body
- The rolled-back rate is the rate that would generate the same amount of property tax revenue as the prior year.
- Reasons for Increase
 - Maintain the current level of service
 - Competitive salary increases
- FY 22/23 Gross Taxable Value \$955,343,578 with Ad valorem Proceeds of \$4,205,231
- FY 23/24 Gross Taxable Value \$1,045,718,431 with Ad valorem Proceeds of \$4,603,043

Comm Holihan asked for clarification on the difference between the revenues and expenditures fund balance on Page 5. CM Grimm said the City expects funding from FEMA to make up the shortfall.

Comm Shuck asked for clarification on the NAV Board project reimbursement. CM Grimm said the item was budgeted. However, the Barby Lane project has not started.

c. Citizen Comments

Comm Partin opened for citizen comments on the Budget presentation.

- The resident of Siena Place, located at 4808 Conway Road, asked if the City would negotiate with JJs Waste and Recycling for a better price for the residents. He noted that other vendors are considerably less. CM Grimm said JJs is still under contract; however, the Council can consider it during contract negotiations in 2024.

There being no further comment, Comm Partin closed citizen comments on the budget presentation.

d. Resolution 23-07 Adopting Tentative Millage Rate

Interim City Manager Grimm read Resolution 23-07 by Title.

Comm Holihan moved to approve Resolution 23-07 Adopting Tentative Millage Rate.

Comm Shuck seconded the motion, which passed by roll call 6:0.

e. Resolution 23-08 Adopting Tentative Budget

Interim City Manager Grimm read Resolution 23-08 by Title.

Comm Shuck moved to approve Resolution 23-08 Adopting Tentative Budget.

Comm Holihan seconded the motion, which passed by roll call 6:0.

Close Public Budget Hearing

There being no further business, Mayor Fouraker closed the Budget Hearing at 6:48 pm.

Open Regular City Council Meeting

4. Consent Items

- a. Approval of the City Council minutes - August 15, 2023
- b. Approval of the City Council Workshop minutes - August 15, 2023

Comm Holihan moved to approve the consent agenda items as discussed.

Comm Gold seconded the motion, which passed unanimously.

5. Citizen's Comments

Comm Partin opened for citizen comments.

- Diana Santos, residing at 4884 Conway Road, shared her concerns about the tax collected on Stormwater fees for Siena Place. She noted that the amount for FY22/23 is not what was proposed by the City Manager during the annexation discussions. Additionally, in 2020, Siena had a stormwater drainage system issue and found that they owned it. During that time, she contacted the City and had discussions with the City Manager, who noted that if they annexed into the City, they may be able to assist with the cost of repairs. She feels the City Manager miscommunicated them and would like the

Council to reconsider reevaluating the stormwater fee and partnering with Sienna Place in fixing the damaged stormwater lines.

There being no further comments, Mayor Fouraker closed the citizen comments.

6. Unfinished Business

a. Resiliency Grant – Sol Project Update

Interim City Manager Grimm stated that he has confirmed that the City will not receive the Resiliency Grant funding. The project was completed before the grant agreement, making us ineligible for funding of \$198,000. He will continue to work with DEP for future grant opportunities. The Council discussed possible solutions to prevent deadlines from being missed in future projects.

7. New Business

a. Appeal Public Hearing 2506 Homewood

Interim City Manager Grimm opened the de novo Public Hearing and stated that the P&Z Board's decision to deny the variance was a two-part motion with a denial of the dock extension since it did not meet the requirements per Code as follows,

- Board member Woods moved TO DENY a dock to extend greater than 15 feet lakeward of an existing dock within 300 feet of the proposed location.
- Board member Thompson moved TO APPROVE a dock to extend greater than 15 feet lakeward of an existing dock within 300 feet of the proposed location.

Comm Partin asked the Council for any ex-parte communication. The Council noted that they do not have anything other than emails sent to council members.

Edward Harrison, the homeowner of 2506 Homewood Drive, provided copies of the proposed dock location for the file. He referenced the Code on the length of a dock and shared his concern when applying that Code to his circumstances. His lot is 100 feet wide, but his dock could only be 36 feet because of the rule. He is not asking for anything different from others on the Lake. He is penalized because his neighbor has a small 23-foot dock in 6 feet of shallow water. Mr. Harrison said the fourth dock pictured in the photo will be demolished before build-out if approved.

Comm Gold asked why he was demolishing the existing dock. It is possible to have it remain and build a dock. The City would be more likely to approve a variance if it doesn't obstruct a neighbor's view.

Attorney Chumley clarified the request and said the Council should base their approval on the fact that the applicant meets the criteria of Section 42-64 (Page 17). The applicant has explained how he meets the requirements (Pages 19-20). The P&Z Board found that the applicant did not have competent substantial evidence to support meeting the criteria. At a de novo hearing, the Council will hear a re-hearing of the P&Z Public Hearing and stay within the confines of the Code.

Comm Carugno spoke of the angle of the property, which may be confusing. Discussion ensued on the location of the existing docks and the measuring line.

Raquel Lozano, City Planner, said the application for 2506 Homewood Drive seeks a variance from Sec. 48-32 (a) (6) (a) to build a dock that projects more than 15 feet lakeward of an existing dock within 300 feet. The applicant's existing dock is approximately 30 feet from the neighboring dock. The proposed dock location would not project 15 feet lakeward of the existing dock. The applicant must apply for a variance for rebuilding in the same position or demolishing and building new. Based on the submitted plans, one dock is proceeding more than 15 feet lakeward. Based on the four criteria, if the applicant meets only one of the four, the Board shall not approve an application for a variance until all four criteria are met. Discussion ensued on the linear line used as a reference and the minimum use of the Code.

Ms. Lozano noted that the applicant's Contractor that the neighbor's dilapidated boat dock may be removed and may change the outcome of the proposed dock. Staff indicated that they cannot approve plans until the dock impacting the approval is removed.

Comm Partin opened for Citizen comments for Public Hearing 2506 Homewood.

- Gary Paskell, homeowner of the neighboring dock, said he owns the 23-foot dock. He clarified that it is not a dock but a walkway. The dock was destroyed during a past hurricane. They intend to rebuild soon. Ms. Lozano said the "walkway" is still classified as a dock. He added that the applicant can build his dock on the right side where the water is deeper and not create a hazard.
- Roy Baker, residing at 2432 Homewood Drive, opposed the proposed dock. He noted that in the proposed location, there is no water. The applicant has alleged that their boat ramp was created and put sand on his property. The issue was not created by him but by a past property renter who brought in trailer loads of sand to create a beach in that area. His ramp to the Lake, since 1970, is the same elevation it has always been. Placing a dock in that location would create a hardship for him getting in and out of his dock.

Ms. Lozano defined a dock for Council consideration as any permanently fixed or floating structure, slip, or platform (covered or uncovered) extending from the upland into the water".

Comm Lowell asked if the Council must consider the application, four conditions criteria, and new findings of the condition of the neighboring dock before deciding on approval. Ms. Lozano said that based on the latest findings, the Staff is requesting to move to a continuance to allow Staff to research further on the demolition of the neighboring walkway, showing that it does/does not have a footprint in the waterway.

Attorney Chumley said the question for the Council is if the applicant has met the variance criteria. If the Council has enough information to decide, they can move forward with a motion. The applicant can resubmit because no variance will be required based on the "new findings."

Comm Holihan moved to stand behind the Planning & Zoning Board's decision to deny the variance based on the information presented.

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

Mayor Fouraker joined the meeting at 7:30 pm.

Mayor Fouraker announced that he was delayed because he attended the Woman's Center regarding the presentation of a site plan for a new development by the Cerveza House.

Mayor Fouraker reopened citizen comments.

- Charlene Mertz, a resident, asked why Orange County continues draining Lake Conway's water. Mayor Fouraker provided a contact from Orange County who may be able to answer the question regarding the weir - Jeff Charles. He further noted that he could also provide her contact information for Lake Level reports made available through the Orange County NAV Board. She also asked for an update on Artificial Turf. Mayor Fouraker said the City has passed an ordinance and will have Staff send her a copy for review.
- b. 1711 Hoffner Avenue Lot Split Concerns
Interim City Manager Grimm provided a brief history of the property owned by Marvel Quevedo, requesting a lot split to create a new single-family residence on the proposed new lot while maintaining the nonconforming structures and uses on the existing site. The property currently features a single-family home, an office building, and a greenhouse. Mrs. Quevedo inquired about the development of the land to

the City Manager. She obtained a Zoning Certification Letter from the former City Manager dated February 4, 2019, and April 21, 2022.

Mrs. Quevedo was informed that the request to build more than one principal building on 1711 Hoffner Avenue was not presented to the City's Planning and Zoning Board or the City Council for review or approval. Under Section 42-62, the City Manager has the authority to enforce and interpret the land development code but cannot grant variances to the Code. Due to the Zoning Certification Letter presented to the homeowner, the Staff requests direction from the City Council.

**Comm Holihan moved to uphold the 2023 Zoning Certification denial letter presented.
Comm Gold seconded the motion.**

Comm Gold said he would like to know the expenses after receiving Mr. Francis's letter. He does not like that someone acted on our behalf and made deals unbeknownst to the Council.

Mayor Fouraker said the Council needs to put a policy in place moving forward that no City Manager should make any land use determinations for the City. This could have been avoided if there had been a policy in place.

Mayor Fouraker said he would like to see a site plan before deciding. Ms. Lozano, the City Planner, stated that the office building is closer to the main road, and the residential property is towards the Lake. She did receive an application, a formal survey, and the site plan. They are seeking a lot split and seeking to build a new home on the parcel by the Lake. The property is non-conforming with two different uses, which is not allowed by the Code.

Mayor Fouraker recommends that the Council table the discussion to allow the applicant to be present. Ms. Lozano said she spoke with the homeowner about what the Code allows, specifically public street frontage for a single-family residence. Discussion ensued on creating a road similar to Avocado Lane.

After discussion, the motion passed unanimously.

c. Sienna Place Stormwater ERUs

Interim City Manager Grimm provided a brief history of the annexation. The City adopted Ordinance 22-01 for involuntary annexing Sienna Place. On August 18, 2023, Diana Santos, Sienna Place COA President, emailed the City about her concerns with the Belle Isle taxes imposed for Stormwater, JJ's contracted dumpster charge, and repairing the main circle paving project.

Staff investigated the concern regarding the stormwater assessment and confirmed each unit was assessed \$135.00 in accordance with the Stormwater Utility Assessment Program. The Program Manual states that if condominiums are individually owned, each unit/parcel will be assessed the stormwater non-ad-valorem rate of 1 ERU (for FY 23/24, this is \$135.00). Staff confirms that the other condominiums in the City are being assessed similarly.

The charter states that the fee for a residential developed property shall be the rate for one ERU multiplied by the number of dwelling units on the property. Provided, however, that properties that are developed with five or more dwelling units may be assessed a fee per dwelling unit calculated as follows: the rate of one ERU shall be multiplied by a numerical factor, which factor shall be obtained by dividing the number of ERUs on the property by the number of dwelling units. The number of ERUs shall be calculated by dividing the total impervious surface area on the property by the square footage of one ERU as outlined in the rate schedule.

Staff were not previously directed to use the above method and were unaware that the \$38/unit calculation was provided to Sienna Place. The Sienna Place calculation used a 65% impervious surface ratio (ISR), which the previous City Manager would have provided to do the calculation. Unfortunately, we

do not know if this ISR is correct. If the Council approves the option to assess using this method, we must research whether the \$38/unit calculation used the correct ISR.

Interim CM Grimm stated that the City staff must approve the non-advalorem assessment by September 15, and any changes must be made before that date. Mayor Fouraker asked what the practical option is to approve a dollar value or ISR calculation.

April Fisher, Planning Consultant, said Sienna Place is multifamily/single-family units. Stormwater is based on the number of units. Calculation and the ISR would be important; working on the calculation of this property would be fair. Interim Grimm said all other multifamily in the City are being charged \$135/p ERU.

The Council agreed to uphold the \$38/unit for the first year and have staff research the calculation further. Attorney Chumley said the Council could approve the \$38; he does not foresee any challenges because it is substantially lower; however, the question is that it may not be correct.

Mayor Fouraker said the reason to annex Sienna Place was not solely over tax dollars. Sienna Place residents wanted an identity with Belle Isle, to be part of our programming, and to have better security with the Police Department. He would like the Council to consider directing the City Manager to work with the vendors for a better price or allow commercial properties to go to another vendor.

Mayor Fouraker asked the City Attorney what distinguishes townhomes as commercial properties and not residential if they are considered single-family residences. Attorney Chumley said he would have to research the question further.

Ms. Santos further noted that JJ Waste and Recycling billing is high, and residents will be impacted with a payment of over \$4,000 monthly in 2024, with no bulk or recycling pickup.

Comm Lowell moved to extend the meeting by 15 minutes.

Comm Gold seconded the motion, which was passed 5:1 with Comm Carugno, nay.

Ms. Santos asked for a decision on the discussed items. Mayor Fouraker said some conversation items were not on the agenda and could not be voted on. However, the stormwater fee of \$38 can be considered for this year, and the Council can approve a study to be completed.

For clarification, Attorney Chumley said the stormwater fees for the system go toward the City's general system and everything that runs through it.

Interim City Manager Grimm stated that the \$38 was estimated based on the 120 ERU rate; currently, it is 135; each parcel will be \$43.20 at this year's current rate. Attorney Chumley agreed with the assessment.

After discussion, Comm Partin instructed the City Manager to charge the \$43.20 ERUs for the current year and instruct Staff to research the ISR calculation as discussed.

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

d. Review and Approve the Updated Wallace Field Use Agreement

April Fisher, Planning consultant, presented the updated CCA Use Agreement. She has worked with the CCA Board on the Use Agreement, which is part of the Site approval process. CCA would like to use the park during school daylight hours and will have keys to the property, as will the City. The City will be responsible for unlocking the gates when not in CCA use. CCA will be building the property improvements and will not need parking for the school. It is a 10-year term with an automatic 10-year unless terminated earlier.

Comm Carugno shared his concerns about the limited use of residents on the weekend if CCA is not used for practice. He further asked if those Commissioners that children attend the school have a conflict of interest in voting. Attorney Chumley said there is no monetary interest, and the decision to approve the Use Agreement affects a large class of people, not creating a conflict.

Ms. Fisher said the idea of the Use Agreement is to create a mutual benefit. When working with a school, the difficulty is having members of the public interact with the students without a background check. The Council discussed operating hours, security, and limited resident park hours.

Comm Partin noted that recess has been added to the agreement and was not the original intent. Brian Leahy said recess has been added for transparency.

Comm Holihan said daylight hours can go up to 8:30 pm during the summer. The Council discussed adding language to reflect specific hours of use. April Fisher said she can return to the CCA Board for specific use times for consideration.

Comm Holihan moved to table the discussion. Comm Carugno was not present for the vote. Comm Gold seconded the motion, which passed 5:0.

d. Ducktoberfest Sponsorship 2023

Comm Gold moved to approve a donation of \$450.00 for Ductoberfest sponsorship. Comm Holihan seconded the motion, which passed unanimously.

e. Control Specialist Contract Renewal 2023

Comm Gold moved to approve the Control Specialist Contract Renewal as presented. Comm Holihan seconded the motion, which passed unanimously.

8. Attorney's Report – No report.

9. City Manager's Report – No report.

10. Mayor's Report – No report.

11. Items from Council

Comm Holihan shared his concerns about the weeds in the Lake. He wants to create a committee and partner with Edgewood, other cities, and the NAV Board to discuss the weed situation with FWC.

12. Adjournment

With no further business, Mayor Fouraker called for a motion to adjourn.

The motion passed unanimously at 9:30 pm.