



**CITY OF BELLE ISLE, FL**  
**CITY COUNCIL REGULAR SESSION**  
Held in City Hall Chambers, 1600 Nela Avenue

Tuesday, September 7, 2021, \* 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 – OPEN  
District 6 Commissioner – Jim Partin  
District 7 Commissioner – Sue Nielsen

Absent was:

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

Mayor Fouraker called the meeting to order at 6:30 pm, and the Clerk confirmed quorum.  
Also present were Attorney Chumley, City Manager Francis, Chief Houston, and Admin Asst Heidi Peacock.

**2. Invocation and Pledge to Flag - Commissioner Holihan, District 4**

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

Mayor Fouraker recognized the Belle Isle Police Department, Corporal Wasmund, and Officer Hernandez for their professionalism and efforts as a First Responder on August 29, 2021.

**3. Public Hearing – F.Y. 2021-2022 Budget**

City Manager Francis presented the F.Y. 2021/22 Proposed Budget and reported the following,

- Percentage increase in the millage over the rollback rate – Proposed Millage 4.4018/Roll Back 4.2152 (4.3 increase over the rollback rate).
- Ad Valorem Revenues are increasing due to the increase in assessed values. The reason for the proposed increase is to sustain the services currently provided to the public. (2021 assessed value \$839,942,676.00. This year the assessed value is \$875,503,298.00 = an increase difference of 35,560,617.00.)
- Some Unknown in the General Fund
  - COPS Grant-Sept 30<sup>th</sup>-\$200,000 if allocated to the City.
  - New lease with CCA between \$400-500.00-Sept 23<sup>rd</sup>, if approved. On September 21, CC Meeting – Council will be able to vote on the lease. If approved by CC, then on September 22 CCA Board will then vote for approval.
  - CC Workshop – Sept 29<sup>th</sup> discussion on property purchases
  - September 21 Second Budget Hearing. Budget amendments can be made in October to recover the unknown items.
  - Recommend power poles for P.D. Boat be taken off the Capital Plan list–Fund internally through P.D. Equipment Plan
- Changes since the workshop are as follows,
  - General Fund (001)
    - REVENUE
      - Added ARPA Funds for Lost Revenue - \$498,693
      - Total Increase in Revenues of \$498,693
    - EXPENDITURES
      - Moved into FY21/22 Budget from Needs List:
      - Frozen Police Officer Position - \$90,994
      - New Police Officer Position- \$112,269

- Police Vessel - \$50,000
- Cay/Stockbridge/Delia Resurfacing- \$150,585
- Total Increase in Expenditures of \$403,848
- ENDING FUND BALANCE
  - It went from a deficit of \$78,014 to a surplus of \$16,833 for a total ending fund balance of
  - \$3,016,833 (39% Reserves)
  - Budget Committee recommended a 25% Reserve
- Stormwater Fund (103)
  - REVENUE
    - Added ARPA Funds for Stormwater - \$1,314,397
    - Total Increase in Revenues of \$1,314,397
  - EXPENDITURES
    - Added CIP – Capital Improvements – ARPA - \$1,141,250
    - Total Increase in Expenditures of \$1,141,250
  - Revised Five Year Capital Improvement Plan due to budgeting of ARPA funds

Comm Gold spoke about the Ad Valorem changes and asked if it was necessary. The City has additional resources coming in along with the increase of property taxes and believes that would be sufficient to cover costs. Mr. Francis said the City is not recommending a change to the Ad Valorem; it has been consistent at 4.4018 for the past 12 years. Mr. Francis spoke on the Roll Back Rate and said it offsets the increase of the assessed value. Discussion ensued.

Comm Holihan clarified that the excess reserves might be used for other lands for the City to purchase. Mr. Francis said yes. The Council can pass a Resolution that would reflect the change if Council agrees to move forward. Comm Holihan said he is hesitant because he does not want to impede the staff on their ability to provide the same services. Discussion ensued.

Comm Nielsen and Comm Shuck agreed that the Council should stay the course and stay with the current Millage Rate of 4.4018 and not entertain the Roll Back Rate as discussed.

Mayor Fouraker called for a motion on the F.Y. 21-22 Budget proposed budget.

There being none after discussion City Manager Francis said he would continue with the 4.4018 Millage Rate.

#### **4. Consent Items - No items presented.**

#### **5. Citizen Comments**

Mayor Fouraker opened for citizen comment.

Gary Meloon residing at 6101 Matchett Road, said he emailed each Commissioner about the zip code change. He is very much opposed to the recommendation. It is not a benefit to the residents and will be more of an inconvenience. Second, he addressed the Red Light Camera and asked what revenue has it generated for the City; they were necessary. He shared his concerns with the needs list submitted for consideration, specifically an Asst City Manager.

Mayor Fouraker stated that the full benefits package is included in the proposed salary amount listed on the needs list. The needs list items were added for discussion only and are not included in this year's budget.

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

#### **6. Unfinished Business**

- a. Ordinance 21-08 (Second Reading and Adoption)** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING SECTIONS 28-91 THROUGH 28-100 AND CREATING NEW SECTIONS 28-101 AND 28-102 OF CHAPTER 28, ARTICLE IV OF THE CITY CODE; UPDATING AND MODERNIZING CITY CODE PROVISIONS GOVERNING OCCUPATIONAL LICENSES/BUSINESS TAX RECEIPTS AND RELATED MATTERS, INCLUDING CHANGES NECESSARY FOR CONSISTENCY WITH THE CURRENT STATUTES UNDER CHAPTER 205, FLORIDA STATUTES, WITH RESPECT TO TERMINOLOGY, RULES,

REGULATIONS, PROCEDURES, AND OTHER MATTERS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND THE EFFECTIVE DATE OF THIS ORDINANCE.

City Manager Francis read Ordinance 21-08 for the record.

City Manager Francis said the Ordinance was reviewed and recommended by the P&Z Board. The Ordinance conforms to the new State Law as of July 2021 and calls for creating an Equity Study Commission before making any future changes in the rate structure.

**Comm Gold moved to adopt Ordinance 21-08 as presented.**

**Comm Holihan seconded the motion, which passed unanimously upon roll call 6:0.**

Mayor Fouraker said he recommends that Council send out an elert to solicit the business community to establish a Committee to review and access residential and commercial business tax receipt rates. Discussion ensued.

Attorney Chumley said the rate structure is governed by Section 205.0535. There is a statutory limitation on how much one can increase the percentage but also it is tied into the revenue base and cannot exceed 10%. Council's consensus was to table the discussion on creating a Committee to allow the City Manager to obtain more information.

- b. Ordinance 21-09 (Second Reading and Adoption)** AN ORDINANCE OF THE CITY OF BELLE, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF BELLE ISLE TO ADOPT A PRIVATE PROPERTY RIGHTS ELEMENT TO COMPLY WITH SECTION 163.3177, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.

City Manager Francis read Ordinance 21-09 for the record.

City Manager Francis said the Ordinance was reviewed and recommended by the P&Z Board. The Ordinance conforms to the new State Law and is needed so that the City can adopt changes to the Comp Plan at a later date.

**Comm Gold moved to adopt Ordinance 21-09 as presented.**

**Comm Holihan seconded the motion, which passed unanimously upon roll call 6:0.**

- c. Ordinance 21-10 (First Reading)** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING SECTION 50-103(a) OF THE CITY'S CODE OF ORDINANCES AS SUCH PERTAINS TO HOME BASED OCCUPATIONS; PROVIDING FOR HOME BASED BUSINESS REGULATIONS CONSISTENT WITH GENERAL LAW; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

City Manager Francis read Ordinance 21-10 for the record.

City Manager Francis said the Ordinance was reviewed and recommended by the P&Z Board. The Ordinance conforms to the new State Law and prohibits the City from regulating a home base business inconsistent with the new State Law. Attorney Chumley said the Ordinance prohibits discrimination on home-based businesses that would not be against other companies similarly situated in the City. If a business is not allowed in the City in a Commercial area, it will not be permitted in a residential area.

**Comm Gold moved to advance Ordinance 21-10 for second reading as presented.**

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

- d. Resolution 21-17 (Zip Code Change)** A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, DECLARING THE NECESSITY FOR MODIFICATION OF THE ZIP CODE DESIGNATION BOUNDARY ASSIGNED FOR THE CITY OF BELLE ISLE AND AUTHORIZING THE CITY MANAGER TO PROCEED WITH THE PROCESS OF CHANGING THE UNITED STATES POSTAL SERVICE ("USPS") ZIP CODE BOUNDARIES AFFECTING THE CITY OF BELLE ISLE.

City Manager Francis read Resolution 21-17 for the record.

City Manager Francis said this Resolution was tabled at a previous meeting. The staff recommends scheduling two public meetings before moving forward. If the Council adopts the Resolution and signs it by the Mayor, it will go to the U.S. Post Office for approval. Mr. Francis said the request for a new zip code came about because there was a concern by some residents and Council, at that time that the Communications Taxes were forwarded to the City of Orlando due to the two zip codes.

Mayor Fouraker read an email from Alexander Muzinsky opposing Resolution 21-17.

Comm Partin said perhaps Council jumped the gun with moving forward with the process. Comm Partin, Comm Holihan, and Comm Carugno stated that they received a few calls from residents in opposition.

Comm Shuck said if approved by Council, the Post Office will require 51% of the respondents to support the request before approval to change zip code. He would like to see the City send out the residents a list of Pros and Cons. He added that if a zip code change is denied, the City will not be allowed to resubmit for another 2-years. Discussion ensued.

**Comm Nielsen moved to table Resolution 21-17 indefinitely.**  
**Comm Gold seconded the motion, which passed unanimously 6:0.**

**She stated if the City chooses to pursue it in the future, she recommends sending out a City survey.**

## **8. New Business**

- a. **Ordinance 21-11 (First Reading)** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA AMENDING SECTION 2-54 OF THE CITY'S CODE OF ORDINANCES; DISALLOWING MEMBERS OF THE CITY COUNCIL FROM BEING APPOINTED TO OR REMAINING ON ADVISORY COMMITTEES; AUTHORIZING THE CITY COUNCIL TO ESTABLISH QUALIFICATIONS FOR MEMBERSHIP TO ADVISORY COMMITTEES AND ADDRESSING COUNCIL AUTHORITY FOR THE REMOVAL OF ADVISORY COMMITTEE MEMBERS; AND PROVIDING FOR ENFORCEMENT, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

City Manager Francis read Ordinance 21-11 for the record.

Comm Gold asked if this also changes the Mayor as being a de-facto member of all committees. He believes Ordinance 21-11 is presented in haste. Comm Nielsen said the idea of having committees is to have more citizen involvement; we are already involved and do not have dual seats.

**Comm Nielsen moved to advance Ordinance 21-11 for second reading as presented.**

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

- b. **Resolution 21-18 (Budget Committee Revisions)** A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, REVISING THE A CITY BUDGET ADVISORY COMMITTEE.

City Manager Francis read Resolution 21-18 for the record.

This is a change that staff requests to make the meetings quarterly, review budget amendments, and have the committee research new revenue resources.

**Comm Holihan moved to approve Resolution 21-18 as presented.**

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

- c. Discuss Council Training Workshop (Florida Institute of Government)

City Manager Francis said we hadn't had a training workshop since 2019. This should be done annually to refresh the rules of the Council and effective communication. The cost for a three-hour Effective Training session is \$1,050. Mr. Francis asked Council to email him with their availability.

**Comm Gold moved to approve scheduling an Effective Training session.**

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

- d. Discuss/Approve Impact Fee Study

City Manager Francis said he sent a copy of the Impact Fee Study report to the Council on August 18. He has not received any comments to date. The Study provides for commercial fees, park, and private-sector impact fees. Currently, we charge \$1,431 for residential transportation, and it hasn't changed since 2005. He provided a list of other municipalities for comparison. He is not sure how much commercial developable land we have in the City. He emailed the City Attorney for an opinion. Staff recommends approval.

Comm Holihan asked if the City could charge a School Impact fee on a Charter School. Mr. Francis said he would have to research further.

**Comm Shuck moved to approve the Impact Fee Study and direct staff to draft an Ordinance.**

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

e. Discuss/Approve adding Carolyn Holihan to the Redistricting Committee

City Manager Francis said Comm Holihan resigned from the Committee once he took office. We received a letter from Carolyn Holihan-District 4 at the same address. We looked at nepotism and any violation of the Code of Ethics under FL S.S. 112.3135(2)(a) allows the appointment. Mr. Francis stated we did not receive any more applications.

**Comm Carugno moved to appoint Carolyn Holihan to the Redistricting Committee.**

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

**9. Attorney's Report** – No report.

**10. City Manager's Report**

a. Issues Log

- Mr. Francis reported that he and the Lobbyists have a meeting with Senator Stewart's office to go over some of the Council's priorities for state funding.
- Mr. Francis reviewed the Issues log dated September 7, 2021.

b. Chief's Report

Chief Houston reported the following,

- 69 Citations have been written on Lake Conway
- Over 150 traffic citations in the City
- September 13 is the next vaccine event
- Chief Houston spoke briefly on the incident in Idaho. The Officers have available Employee Assistance if needed.

c. Public Works Director's Report - Covered under City Managers Report.

Mr. Francis reported that Public Works staff Daniel Fleming has resigned to pursue other opportunities. The staff will be placing an Ad for a new employee.

**11. Mayor's Report**

Mayor Fouraker reported o the following,

- In the interest of transparency, mayor Fouraker asked if calls have been received and reported by staff/council, they should be identified for the record.
- He thanked the Council for all their efforts and constructive discussion among members.

**12. Council Reports**

- Comm Gold said they had received a letter from Rick Miller stating some action against the City and if the City is preparing for such legal action. Mr. Francis said yes.
- Comm Carugno reported another Sand Hill Crane death on Hoffner – speed is still a safety factor. He spoke of the continuous littering on the canal blocking the culvert.
- Council thanked the P.D. for their support in keeping the lake safe – they are making a difference!
- As per the newly passed Ordinance, Comm Holihan stated that he is officially resigning from the Police Advisory Board effective immediately.
- NAV Board scheduled for next Tuesday at 6:30 pm – Dredging and Navigability on the Canal discussion. If one cannot make the meeting, please send a letter to approve the agenda items to Mr. Francis.

**13. Adjournment**

There being no further business, Mayor Fouraker called for a motion to adjourn. The meeting adjourned at 9:00 pm.