



## CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, August 17, 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 – Rick Miller  
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 6:39 pm, and the City Clerk confirmed quorum.  
Also present were Attorney Ardaman, City Manager Francis, Chief Houston, and City Clerk Quiceno.

**2. Invocation and Pledge to Flag - Commissioner Shuck, District 3**

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

**3. Consent Items**

- a. Approval of the August 3, 2021 meeting minutes
- b. July Reports: Code Enforcement, BIPD UCR Report 2020, Marine Stats, NAV Board, and OC Fire Unit Responses

**Comm Miller asked to pull item b for discussion.**

**Comm Holihan moved to approve the Consent Item "a" as presented.**

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

**Comm Miller asked at a previous meeting to add Red Light Camera Reports to the Consent Agenda moving forward.**

**Comm Miller moved to approve Consent Agenda "b."**

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

**Comm Holihan asked to rearrange agenda items 6c-f as the next agenda item for discussion.**

- c. Appointment of Vinton Squires to Planning & Zoning Commission (District 4)

Comm Holihan moved to appoint Vinton Squires to the Planning & Zoning Board District 4.

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

- d. Appointment of Katharine Stinton to the Budget Committee (District 5)

Comm Miller called for a point of order and asked how this item was placed on the agenda.

Mayor Fouraker warned Comm Miller not to speak out of order.

Mayor Fouraker welcomed Katharine Stinton and gave a brief overview on cleared some confusion on the Board's consideration. Mayor Fouraker read a discussion item from a previous meeting where Comm Miller stated that he would relinquish the seat to someone else until filled. Katharine Stinton spoke briefly on how she came about to apply for the open Board seat. She noted that the application was sent to the Mayor and then forwarded to the City and Comm Miller.

Mayor Fouraker said Ms. Stinton is here because she deserves the opportunity to speak to the Council for consideration from Comm Miller and all Council members.

Comm Miller continued with his point of order and asked how the item came to be on the Council agenda. Per the City Charter, the Mayor lacks the authority to appoint members and respectfully asks that the request be withdrawn from the agenda because he did not agree to the appointment. He continues to occupy the seat and has the prerogative to continue to hold the seat until someone appropriate applies to fill the position, or he reappoints himself at the end of the term.

For clarification, Mayor Fouraker said his position is to assist the City Manager in preparing the agenda and requesting items. He asked the City Attorney for clarification. Attorney Ardaman read and noted that Section 3.08 does provide for the Mayor and City Council to place items on the agenda. After the clarification from the City Attorney, Mayor Fouraker said there would be no further discussion on the matter.

Comm Miller spoke again, and Mayor Fouraker said Comm Miller was out of order and removed the Commissioner from the meeting for disorderly conduct.

Mayor Fouraker said as a reminder there will be order and decorum at these meetings at all times. There is a bonafide candidate to replace Comm Miller on the Budget Committee. He read the statement made by Comm Miller from a previous meeting and would like Comm Miller to honor his word. Mayor Fouraker said he would like the candidate to be considered by Council. If the Council would like to table the discussion, he would be okay with that to allow the agenda to move forward.

Comm Gold asked if there were three seats open on the Budget Committee. Mr. Francis said yes, District 2, 5, and 7. Before the Council changed the resolution to At-Large, it required that it be advertised for the District. If there are no candidates, then Council can appoint at large. If the two advertised periods go by with no response, Ms. Stinton can then be nominated At-Large.

Comm Gold said no one has the authority to make Comm Miller resign from the Budget Committee. What Comm Miller said then is not how he feels now. Per Section 2.54(b)(1), Attorney Ardaman said if Comm Miller does not want to relinquish his position, there will be no vacancy to fill.

Comm Partin said the applicant is from the District and a bonafide candidate.

Comm Holihan stated that he is officially resigning from the Redistricting Committee because of a conflict of interest. He is curious on what is the difference between his position and Comm Miller on the Budget Committee.

Comm Carugno stated that he shared his concerns with the conflict of interest and his dual seat on the Council and Committee when Comm Miller was elected. He added that he does not appreciate the entire backlash on Facebook, miscommunication, and mistruths broadcasted. Comm Miller promised that he would give up the seat when a person applied in his District. He is confused about the events from the past two weeks.

Comm Carugno stated that he would like to have each new Commissioner immediately attend a Code of Ethics class. In addition, he would like to have the Council approve a Strategic Planning session to ensure that everyone is on the same page.

Mayor Fouraker shared his concern with the current confusion. Mayor Fouraker shared his concerns and was shocked by the numerous Facebook posts by Comm Miller. Mayor Fouraker provided a copy for the record. Comm Miller spoke on Council member's decisions at a particular meeting knowing well that they cannot rebut and defend themselves. There are other ways to deal with a conflict, and this behavior is a distraction to the government functionality.

Mayor Fouraker spoke on and provided an email thread of the conversation between Comm Miller and the City Manager. On August 13, 2021, he read an email that may be a directive to staff and a valid threat to an employee against the Ordinance.

Mayor Fouraker said in public meetings Commissioner Miller freely publicizes how well he knows our budget and charter. Tonight he even tried to correct me. To think he did not understand that you cannot give directives to staff would be hard to believe. The charter put the rules in place to protect the staff and public from being weaponized against other council members and protect them from being manipulated. This rule is sacred ground.

Asking the Belle Isle City Manager to put his contract on the agenda is a prolific example of weaponizing a directive that leaves the receiver of the message with little doubt as to the conclusion: the sender wants you terminated. How am I or the Council to console and assure Mr. Francis his job is secure? Suffice it to say, this is not normal behavior between

employee and employer. Next, Commissioner Miller may threaten our Chief with her contract if she does not arrest or ticket someone he thinks deserves it. Again, this is why the policy we have in place is sacred ground.

Comm Miller crossed a dangerous line in overreaching his power as a council member. He would surely ask others to do this if someone else did this, he needs to be held accountable by facing the consequences of his egregious behavior. As the Mayor of the City, I will not ever allow our staff to be bullied, marginalized or subject to constant fear by having their contract threatened. Moreover, I will be subject to the public humiliation of a Facebook post every time there is a disagreement on how to handle something. It should be handled in our City Hall Chambers.

I presume Commissioner Miller knows he does not have the votes on Council to get what he wants, so in my humble opinion, he is attempting to disillusion the voters to think there is something nefarious going on at City Hall, particularly Mr. Francis, so that the voters will pressure the Council members to align with Comm. Miller on a potential vote.

I will not sit quietly as a bystander to Commissioner Miller turning his position into a tyranny; therefore, we must act swiftly to correct these various misdeeds. Consequently, I am requesting your help in addressing these actions to protect the City?

Mayor Fouraker said he was the one who asked that the agenda item be added and not the City Manager; he, however, was still attacked. After the posts were made on Facebook and the miscommunication, he received an email from John Evertsen to remove the City Manager for misconduct.

Mayor Fouraker said he believes Council should revisit and discuss Council members on Boards and Committees, Facebook policy, preserving the record, Social Media Policy, and if we should continue with a Budget Committee or tighten the scope and restructure.

Comm Shuck shared his concern and said we are a Council that makes decisions as a Body, not an individual. To have a Commissioner use Facebook as a platform is extremely derisive and stirs up the community. Anyone who posts on Facebook has every opportunity to come to a Council meeting and discuss their concerns.

Comm Nielsen said she agrees with Comm Shuck. She also said Facebook posts of this sought to violate Sunshine Law. Attorney Ardaman said there should not be any discussion between two Committee members outside of a noticed meeting related to City business.

Comm Partin shared his concerns and said he was shocked about the comments posted by Comm Miller regarding the August 3<sup>rd</sup> Council approval of the bonus program moving forward. As he may disagree with Comm Miller's views all the time, he values his opinion. For the record, he voted against the program as written. However, Comm Miller took the opportunity to post his position, knowing full well that none of the six council members could comment without risking a violation. The average citizen doesn't get involved in politics, and someone might receive in the public that the six commissioners don't care or that he is right. We are a mix of different people making the best decisions based on what is presented.

He shared his concern with several issues, conflict of interest for Council members to serve on Boards and Committees, (2) violation of the Sunshine Law between two or more members, (3) and the ability for Comm Miller to control such behavior. The actions felt divisive because someone did not get their way. Comm Partin said that he interacts with staff and the City Manager consistently, and he has not seen anything nefarious with the City Manager and the staff.

Comm Holihan said as a Council, he believes Council made a good decision in hiring Mr. Francis, and we have to let him do his job; if not, it makes no sense. He resents that Council was called out on Facebook and ruling that Council members should not post on Facebook. There needs to be clarification on what a Council can post on Facebook and not allow such behavior.

Comm Gold asks what the conflict of interest issue is with a Council member serving on the Budget Committee. Attorney Ardaman said conflicts could arise on any committee. In and of itself, there is a policy and practical issue; is it a good idea? A dual office requires that individuals be cautious. If a conflict was to arise, there needs to be a recusal concerning that conflict.

Comm Gold said a conflict can arise at some time and can see why Council should change the rules on dual office for Commissioners in the future. As far as Facebook, he was not in favor of the posts. He strongly objects to throwing out Commissioners and was not expecting to be in this type of discussion without it being on the agenda. He stated that he would like to have shown leniency and speak for himself or table the discussion. Discussion ensued.

Mayor Fouraker said he had the opportunity tonight to listen to what others have to say. He will not allow the staff or Council to be attacked, rules are circumvented, and its respect has been disintegrated.

After Comm Carugno gets to speak, Comm Gold recommends that the meeting be adjourned because a Commissioner's absence will skew any motion made today. Comm Carugno said this is an emotional time. One of the main concerns is the interruptions and amendments to motions that eventually do not move forward. The Facebook posts were a personal attack on staff, and there is an intimidation factor and leads to residents not wanting to get involved. He said he would like to disband the Budget Committee due to its ineffectiveness or regroup and remove the Commissioner from that Committee.

Mayor Fouraker reported that Commissioner Miller newly posted on Facebook during the meeting and read the post as written. He asked Council to take action on this type of behavior because it is unacceptable.

**Comm Carugno moved to remove Mr. Miller as Commissioner of District 5.**

**Comm Nielsen seconded the motion.**

**Comm Gold said Council does not have the authority the people elected him.**

Attorney Ardaman said the Council has the authority to make the motion and is the judge of qualifications of each individual on the Commission. However, he recommends that Council provide Comm Miller due process and the opportunity to be heard then decide if there is a basis for removal.

Discussion ensued. Comm Carugno restated his motion.

**Comm Carugno motioned to move forward with a hearing on whether Comm Miller has violated the charter and is subject to forfeiture and removal from office. The Council can send a notice of a hearing and the audio for his review and preparation.**

**Comm Nielsen seconded the motion.**

Comm Gold said he was duly elected by lack of an opponent. He said no one says a Commissioner has to be a team player. The Council can formally censor him at this time and agrees to due process.

**The motion passed unanimously 5:1 with Comm Gold, nay.**

**Comm Carugno moved to disband the Budget Committee.**

**Attorney Ardaman said per Section 2-54(c) of the Code Council has the authority to disband a Committee.**

Comm Nielsen said she would prefer to have the Committee restructured.

**Comm Holihan seconded the motion for discussion.**

Comm Francis said the Budget Committee has made some demands of the staff creating additional work. The Finance Department is a staff of one, and the other reports and research requested have added to the workload. He initially asked to create a Budget Committee and thought it could work well if structured correctly. The Council tasked the Committee with research on alternative sustaining funding revenue; however, they are too focused on expenses.

**Comm Holihan pulled his second.**

**The motion dies for lack of a second.**

**Comm Holihan moved to remove the Chairman of the Budget Committee and make a conservative effort to fill the vacancies and direct the Budget Committee with clear guidance.**

Comm Gold said the Budget Committee serves an incredibly valuable purpose and can provide reasonable recommendations to Council. He would like to see the City get as many residents as possible on Committees and not allow a Commissioner to hold dual roles.

Comm Partin said the adjustments can allow citizens to be more involved and adds another level of transparency.

Comm Carugno said he would prefer to disband and restructure the process and requirements with a fresh start.

**Comm Nielsen seconded the motion failed 3:3 with Comm Nielsen, Comm Carugno, and Comm Gold, nay.**

**Comm Gold moved to adjourn the meeting.**

Mr. Francis said Comm Miller has been very supportive of the ARPA Funding and would like to allow the Mayor to sign the Approval of the Agreement with FDEM for the American Rescue Plan Act Funding.

**Comm Gold moved to approve the Agreement with FDEM for American Rescue Plan Act Funding**

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

#### **4. New Business**

- e. Reappointment of Craig Huff to the Special Events Committee
- f. Reappointment of Maggie Burdette to the Special Events Committee

**Comm Carugno moved to reappoint Craig Huff and Maggie Burdette to the Special Events Committee.**

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

**Comm Gold moved to restructure the Budget Committee and add At-Large seat (1-each district and 1-at-large).**

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

**Comm Gold moved to appoint Katharine Stinton to the At-Large position on the Budget Committee.**

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

**Comm Carugno moved to adjust the Code to not allow Council members on Committees and Boards.**

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

#### **b. Approval of Deed Restriction for Wallace Field**

, The City Manager provided a Deed Restriction for Wallace Field recommended by the Planning & Zoning Board. He said one of the conditions of approval was to prevent lighting (stanchion or portable lighting) for athletic purposes on the field. It does not include security lighting on a building or a gate on the wall or determining that a street light is required.

**Comm Partin moved to approve the Deed Restriction for Wallace Field as discussed.**

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

#### **4. Unfinished Business**

##### **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 Clerk read Ordinance 21-08 by Title.**

**City Manager Francis said the Committee must consist of members of the business jurisdiction within the municipality.**

**Comm Holihan moved to adopted Ordinance 21-08.**

**There being no discussion, Comm Nielsen seconded the motion which passed unanimously 6:0.**

**Mayor Fouraker said the next Vaccine event will be held on August 23, 2021, and will be held at the Bank of America building.**

**Comm Gold moved to table Resolution 21-17 to the next meeting.**

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

**Comm Holihan stated that he formally resigned from the Redistricting Committee.**

#### **5. Adjournment**

There being no further business, Mayor Fouraker called for a motion to adjourn. The meeting adjourned at 8:55 pm.