



CITY OF BELLE ISLE, FL
CITY COUNCIL MEETING - UPDATED

Tuesday, October 17, 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
District 6 Commissioner – Stan Smith
District 7 Commissioner – Jim Partin

Absent was:

NA

1. Call to Order and Confirmation of Quorum

Mayor Fouraker 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, and City Clerk Yolanda Quiceno.

2. Invocation and Pledge to Flag - Vice Mayor Beth Lowell, District 5

3. Gray Robinson Legislative Update and 2024 Projects

Christopher Dawson, Lobbyists/Advisor from Gray Robinson, presented a recap of the 2023 legislative session, including City of Belle Isle appropriation projects, a preview of the 2024 regular session of the FL Legislature, and a preview of major races/topics during the 2024 election cycle.

4. Consent Items

- a. Approval of the City Council meeting minutes - September 5, 2023
- b. Approval of the Budget Hearing and Council Meeting minutes - September 19, 2023
- c. RESOLUTION 23-13: RENEW LINE OF CREDIT WITH SOUTHSTATE BANK
- d. RESOLUTION 23-16: A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE FISCAL YEAR ANNUAL BUDGET, BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, and budget BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, CREATING A PARKS IMPACT FEE FUND AND GENERAL GOVERNMENT IMPACT FEE FUND.
- e. Proclamation - 20th Anniversary Week of the Family

Mayor Fouraker called to approve the consent items and pull the Proclamation for presentation. Comm Carugno requested moving agenda item 6a before the Consent Items.

Comm Smith moved to pull item e for presentation.

Vice Mayor Lowell seconded the motion, which passed unanimously.

Mayor Fouraker read and presented the Proclamation for the record. Elizabeth Rahter was present to receive the Proclamation on behalf of the organization.

5. Citizen's Comments

Mayor Fouraker opened for citizen comments.

Comm Carugno recommended hearing item 6a on the agenda. Upon Council consensus, Mayor Fouraker opened for comments on the CCA Site Plan Approval and said he would reopen Citizen comments on other matters after the presentation.

Randolph Rimes, residing at 1125 Lacon Avenue, said he would like to hear more about the traffic issues and how the school will manage the new plan.

Tony and Dache' Marrone, residing at 1129 Waltham Avenue, shared their frustrations with parents and students of CCA. Many parents have accosted him and his family. They consistently block their driveway and, when confronted, are threatened and spoken to with much disrespect. The Police Officers continued telling them they could not do anything because it was not their jurisdiction.

There being no further comments, Mayor Fouraker closed citizen comments for the CCA Site Plan.

6. Unfinished Business

a. Cornerstone Charter Academy Development Site Plan Approval

Mayor Fouraker opened for Development Plan discussion.

April Fisher, the City's Planning Consultant, said the PD rezoning is a two-step process. The City Council approved the Concept Plan in May and adopted Ordinance 23-02. The staff and the City Consultants have determined them to be consistent with the approved PD preliminary concept plan approved by the Council. This final step will complete the PD approval process. There are no changes with respect to use, and all items remain the same. CCA has also received Approval from the required regional agencies, which include OC Engineering, OC Fire Department, FDOT, and St Johns River Management District. The staff recommends Approval of the development plan as presented.

Jean Abi-Aoun, Civil Engineer with Florida Engineering Group, said the Development Plan complies fully with the Concept Plan. Since that Approval, CCA has gone through a full engineering plan approved by the regional agencies. They are awaiting final Approval from FDOT driveway connection, OUC, and OC Utilities for sewer, who had minor comments before Approval. They anticipated construction no later than 30 days.

Regarding the traffic comments, the OC Fire Department reviewed the plans and ensured they could access the property and not block the existing Fire Department. Mr. Abi-Aoun requested Approval of the Development Plan to allow them to move forward with submittal for construction.

Comm Carugno requested a full set of printed plans from the City Clerk and asked for clarification on installing the force beams from the concession stand.

Vice Mayor Lowell asked if the Lancaster House would remain as is. Mr. Abi-Aoun said they would not be touching the property.

Comm Shuck moved to approve the final Development Plan in compliance with Ordinance 23-02. Comm Partin seconded the motion, which passed 5:2 with Comm Carugno and Comm Holihan, nay.

William Brooks, Chairman of the CCA Board, said he was unaware of the issues along Waltham and would speak with Dr. Pancoast and deal with the issue.

Comm Gold said he would like to discuss the Lancaster House. The Council was promised that the Lancaster House would be part of the renovation process, which was mainly why he voted in favor. In recent discussions, he found that CCA has no intention of renovating the property. Comm Shuck said he believes it was intended that CCA maintain the property.

Mayor Fouraker recommended a letter be sent to CCA for an update on the plans for the Lancaster House for discussion at the November 7th Workshop in the Use Agreement.

- b. RFP 23-08 - Selection of Contractor for Cross Lake Road Improvements
Interim Manager Grimm presented the submittals for the Cross Lake Road Improvements RFP for Approval. The Council approved \$200,000 in funding from ARPA in the budget for this project.

Phil Price, Director of Public Works, recommended Approval of the submittal by Garcia Civil Contractors for \$229,338.83.

Comm Smith asked if the City Engineer, Harris Engineering, had any dealings with any of the three companies in the past. Nicole Lund, City Engineer, said she has not personally worked with any companies. Phil Price said they anticipate the construction start date in January so as not to affect the residents during the holidays. Comm Holihan noted how the staff will deal with fee escalation if the project starts after 30 days. Mr. Price said he would speak with the contractor and return to the Council if the price increases.

Vice Mayor Lowell asked if there was language in the contract for project completion. Mr. Price said yes, there is a time frame; however, he does not believe any penalties exist. Access will be given to residents while the construction is ongoing, and the waste and recycling pickup will be discussed at the preconstruction meeting.

Comm Carugno moved to approve the bid submitted by Garcia Civil Contractors for the Cross Lake Road Improvements and fund the remaining balance with ARPA Funds and General Fund.
Comm Holihan moved to second the motion to include the addition of any cost escalation.
Comm Carugno agreed to the addition.

Adam McGinnis, a resident, said he favors the project as presented.

Comm Partin said he would like the motion to clarify that the funds are made with ARPA Funds.

Comm Carugno said he further amends his motion to include the costs paid with ARPA Funds.
Comm Holihan seconded the amended motion with the amendments, which was unanimously approved 7:0.

- c. Discussion on City Manager Candidate and Employment Agreement
Mayor Fouraker reported on the background of the process and presented a redlined copy of the final contract, as presented to Rick Rudometkin. A lot of research looked at different city contracts across the State. Mayor Fouraker reported that the contract was initially given to Mr. Carlisle, who declined the offer. He then started negotiating the same contract with Mr. Rudometkin, who counter-offered the following and incorporated by the City Attorney,

The Council discussed,

- Start January 1, 2024
- City Manager resides in the City with a starting Salary of \$140,000; within six months of living there, the salary will be \$165,000. If he cannot comply with the 6-month relocation to the City, the termination clause will be in effect with no severance' or Council discretion.
- 20 PTO days and five paid days added to the date of hire
- Severance of 9-12 months or Florida State Statute standard
- 2-year term on relocation allowance of \$20k
- Insurance with 50% for dependents
- four months to hire an Assistant CM
- Full salary retroactive upon residence requirement
- Executive leave of 40 hours effective October 1
- \$700 car allowance per month with a start date
- Retirement at 18.5% - creating a need to draft a Resolution to change for all staff or CM only.

Comm Carugno said he was under the impression that the Council would discuss the contract and all its contents before negotiations. He further added that he disagreed with canceling the previous meeting because discussing the contract revision would have been helpful. He is considering tabling the discussion until the Council can further review the updated contract and provide input.

Comm Gold said he would favor tabling discussion since the candidate cannot start until January 2024. He further noted that the taxpayers may have a problem with the additional \$30,000 compensation, totaling \$203,000.

Comm Carugno moved to table discussions until all the details are clear and the Council can discuss and consider the contract presented.

Comm Gold seconded the motion, which passed 5:2 with Comm Partin and Comm Holihan, nay.

Comm Smith moved to schedule a special meeting for October 24, 2023, at 5:45 pm.

Vice Mayor Lowell seconded the motion, which passed unanimously.

Mayor Fouraker said if Council members cannot attend, they should send any comments to the City Manager before the meeting for consideration.

7. New Business

a. Consideration to Appoint Jason Carson to the District 4 Commissioner seat

At the June 6th meeting, Comm Holihan submitted his resignation effective December 31, 2023. On August 15 the Council agreed to post the position. The staff received one application for the position, Jason Carson. Comm Holihan is willing to resign effective immediately as Commissioner for District 4 and has submitted consideration to represent District 3 on the Planning & Zoning Board.

After discussion, the Council accepted Comm Holihan's resignation. Comm Holihan moved to appoint Jason Carson as the District 4 Commissioner for the remainder of the term, effective October 24, 2023, at the Special Called Session starting at 5:45 pm.

Vice Mayor Lowell seconded the motion, which passed unanimously.

b. Consideration to Appoint Randy Holihan as the District 3 Planning & Zoning Board Member

Comm Partin moved to appoint Randy Holihan as District 3 Planning & Zoning, effective October 24, 2023. Comm Holihan said he would attend the Planning & Zoning Meeting following the Special Called Session.

Vice Mayor Lowell seconded the motion, which passed unanimously 7:0.

c. JJ's Request for Solid Waste Increase

CM Grimm presented JJs' request to increase the recycling rate to 12% due to the increase approved by the Board of County Commissioners effective October 1, 2023.

Darren Bateson from JJs Waste & Recycling said the City approved a 5.4% increase in April. Orange County, effective October 1 is raising its rates. JJs are requesting an increase in their transfer rate fee of an additional 6.6% (\$1.63 - 2,643 residents) to cover the increase from the County.

Comm Lowell said having this for the incoming City Manager may be appropriate.

Mr. Bateson further shared his concerns with the landscapers doing work in the City and not taking their yard waste with them. It has increased the amount of waste in the City. Any information provided to the residents to address this concern would be appreciated.

CM Grimm said the City has approved the rate for this year and will not be able to pass it along to the residents. Until 2024/2025.

The Mayor shared his concern with the increase and said he is not in favor of the increase out of the General Fund, and staff may want to draft an RFP this year for consideration. He noted that the Council may be open to discussing mitigating efforts and policies.

Comm Gold said it would be hard to sell this to the residents. The City is privileged to have pickups two times a week and may have to cut back on services to one day a week, similar to all of Orange County.

After discussion, Comm Gold moved to continue the discussion for JJ's increase at the upcoming workshop. Comm Carugno seconded the motion, which passed 6:1 with Comm Smith, nay.

Comm Carugno moved to extend the meeting by 15 minutes.

Comm Smith seconded the motion, which passed 5:2 with Comm Holihan and Comm Smith, nay.

- d. Sienna Place: Discussion on Waste Management Contract
Council consensus was to move the discussion to the upcoming workshop.

8. Attorney's Report

a. 3904 Arajo Court Title Search

Interim City Manager Grimm said staff had not moved this Code Enforcement issue to a close. Staff are requesting a title search for the property to determine if any other liens have an interest in the property. The City Attorney has recommended the title search as a starting point and move from there. Attorney Langley said the staff requests Approval to submit for a title search, initiate a lawsuit, foreclose the property, and collect the due liens.

Comm Smith moved to instruct the City Attorney to obtain a title search for 3904 Arajo Court and move forward. Comm Holihan seconded the motion, which passed unanimously.

Consent Items

- a. Approval of the City Council meeting minutes - September 5, 2023
- b. Approval of the Budget Hearing and Council Meeting minutes - September 19, 2023

Mayor Fouraker moved to approve the consent items a and b.

Comm Carugno requested the following corrections.

Minutes of September 5, 2023, read as follows,

Page 4 - 2nd Paragraph: "There being no further comments, Mayor Fouraker closed the citizen comments."
Should read, "There being no further comments, ~~Mayor Fouraker~~ Acting Mayor Comm Partin closed the citizen comments."

Minutes of September 19, 2023, read as follows,

Page 12 - 4th Paragraph: "Comm Lowell seconded the motion, which passed 5:2 with Comm Carugno and Comm Shuck, nay."

Should read, "Comm Lowell seconded the motion, which passed 5:2 with Comm Carugno and Comm ~~Shuck~~ Holihan, nay."

Comm Smith moved to approve consent items a and b.

Vice Mayor Lowell seconded the motion, which passed unanimously.

RESOLUTION 23-13: RENEW LINE OF CREDIT WITH SOUTHSTATE BANK

Interim City manager Grimm read Resolution 23-13 by Title.

Comm Holihan moved to approve Resolution 23-13.

Vice Mayor Lowell seconded the motion, which passed unanimously upon roll call.

RESOLUTION 23-16: A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE FISCAL YEAR ANNUAL BUDGET, BEGINNING OCTOBER 1, 2022, AND ENDING SEPTEMBER 30, 2023, and budget BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, CREATING A PARKS IMPACT FEE FUND AND GENERAL GOVERNMENT IMPACT FEE FUND.

Interim City Manager Grimm read Resolution 23-16 by Title.

Comm Smith moved to approve Resolution 23-16.

Vice Mayor Lowell seconded the motion, which passed 6:1 upon roll call with Comm Holihan, nay.

9. City Manager's Report – No report.

10. Mayor's Report – No report.

11. Items from Council

Comm, Smith said there are 75 days left for the new year. The new State Statute-Form 6 may have Commissions, not knowing if they will be rerun. He asks the Council to consider sharing, no later than November 1, to share their intentions on remaining on the Council to allow the City to advertise and interview any replacements.

12. Adjournment

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

The motion passed unanimously at 9:15 pm.