



city council minutes

MINUTES CC Regular Session June 2nd, 2020 Virtual Conference 6:30 pm

The Belle Isle City Council met in a Regular Session on June 2nd, 2020, at 6:30 p.m. on a Virtual Webinar (zoom.us/j/82573537226).

Present was:

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

Absent was:

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

CALL TO ORDER

Mayor Fouraker called the meeting to order at 6:37 pm and confirmed quorum.
Comm Sims led the invocation and pledge to the flag.

CONSENT ITEMS – No report.

CITIZEN COMMENTS

Mayor Fouraker opened for citizen comments.
City Clerk said there were no citizen comments received for the record.

UNFINISHED BUSINESS

Ordinance 20-05 Non-Exclusive Franchise Waste Haulers – Second Reading and Adoption - AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, GRANTING A NON-EXCLUSIVE FRANCHISE TO FRANCHISEES QUALIFIED TO PROVIDE "ROLL-OFF" CONTAINER COLLECTION AND DISPOSAL OF WASTE IN THE CITY OF BELLE ISLE, FLORIDA, PURSUANT TO CITY OF BELLE ISLE CHARTER, ARTICLE III, SECTION 3-12; PROVIDING FOR THE TERM OF YEARS FOR THE FRANCHISE; PROVIDING FOR FRANCHISE FEE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE

City Manager Francis gave an overview of the proposed ordinance, which provided for other haulers to agree with the City to provide service and a fee to be charged.

Mayor Fouraker opened for public comment.

There being no public comment, Comm Gold motioned to adopt Ordinance 20-05 as presented.

Comm Nielsen seconded the motion, which passed unanimously 7:0 upon roll call.

Update on Bank of America property purchase and approval of deposit

City Manager Francis gave a brief update regarding the purchase of the Bank of America building. Through negotiations, the following was presented for approval within 45 days from the date of the executed agreement,

- Negotiated a lower deposit of \$60,000 (non-refundable)
- One-time relocation of the ATM; after 5-years BOA will pay a market-rate rental fee
- Negotiations continue on the cost for the relocation of the ATM
- Sale price remains at \$2,000,000

City Manager Francis said if Council does not want to accept the offer, BOA will put the property or for public bid. The terms of a public bid may be more favorable, and the offer can be less expensive; however, there is no guarantee.

Mayor opened for discussion.

Comm Partin shared his concern with the overpayment for the property and the budget shortfalls due to the pandemic. Attorney Ardaman clarified that the City should revisit the option payment of the \$60,000 to be paid without having a formal agreement in place for the 45 days. Mayor Fouraker said this contract had not been sent to the Attorney until the business points have been finalized. Upon Council approval to move forward, the agreement will be reviewed by the City Attorney.

City Manager Francis spoke on the “earnest money” as written in the Purchase Agreement. Attorney Ardaman shared his concern with the provision of a non-refundable fee before a determined due diligence period. Mr. Francis said the City had completed the building inspection and Phase 1 Environmental inspection. Mr. Francis said he believes the scrutiny will be paying the \$2,000,000 sales price and finding continued revenue sources to fund the purchase.

Comm Gold said he is much more worried about how the City will fair through the year and the financial uncertainty. He believes fiscal prudence would dictate the actions of the City during these times. He recommends not moving forward with the purchase.

Comm Nielsen asked if the down payment of \$60,000 will be included in the purchase price and if the staff has determined alternative uses for the building. Mr. Francis said yes, it would be part of the purchase price. During these uncertain times, she continues to be in favor of the purchase.

Comm Readey recommends having the BOA go back on the market and take our chances on the open market a few months down the road. He also shared his concerns with the additional debt and the funds needed for renovations of the building.

Comm Shuck asked how much more money would the City have to provide for the construction of a new City Hall/PD offices. Also, what would be the use of the current city buildings?

Comm Carugno agrees that it is a hefty price tag; however, he believes it would be a beneficial purchase for the City.

Comm Sims said with the uncertainty of the economy, and the use of the building suggests that the City slows down on the negotiations.

Mayor Fouraker said he wants the best for the City and maintains fiscal policy. As it relates to the purchase of the BOA building, he believes the staff can work through the negotiations and purchase the BOA property. He spoke of the upcoming Pine Castle Rezoning District and the possible co-mingling of the City infrastructure, maximizing public safety, and protecting our future.

After discussion, Comm Sims moved to accept the offer of Bank of Americas for the property located at 6300 Hansel Avenue and the \$60,000 deposit.

Comm Nielsen seconded the motion.

Council discussed the possibility of renegotiating a lower price.

The motion passed 4:3 upon roll call with Comm Readey, Comm Gold and Comm Partin, nay.

NEW BUSINESS

Recommendation from Budget Committee to replace Utility Tax for Electric with Franchise Fee for Electric Utility

City Manager Francis presented the Budget Committees recommendation to substitute the current utility fee of 3% for a franchise fee of 3%. This change will provide a “wash” for residents paying the utility fee; however, those entities currently exempt from paying the utility fee would not be exempt from paying the franchise fee. The City Attorney recommended an ordinance to rescind the current utility tax and institute a franchise fee. He said there are currently 50 accounts exempt from paying the utility fee. Mr. Francis gave a brief overview of the possible adjustments to the increased revenue. Discussion ensued.

Comm Carugno motioned to initiate the process to replace the electrical utility tax with an electrical franchise fee at the rate of 3%.

Comm Gold seconded the motion.

Mayor Fouraker opened for discussion.

Comm Nielsen recommended a 4% increase to continue to take care of business in the City or consideration to raise it by 1% for the next five years.

After discussion, the motion passed 6:1 upon roll call with Comm Readey, nay.

Accept donation of 1968 Ford Galaxy Police Car and consider 1968 Ford Galaxy Police Car as Surplus

City Manager Francis said the Belle Isle Police Department received a donation of a vintage 1968 Ford Galaxy police car from the estate of Robert Picerne. The gift is valued over \$5,000, and according to the policy, it must be presented to the City Council for approval and acceptance. The BIPD would like to surplus the vehicle.

Comm Gold moved to approve the donation of the police car from the estate of Robert Picerne and declare the vehicle as surplus to be sold according to the process outlined in the BIMC.

Comm Sims seconded the motion, which passed unanimously upon roll call.

On behalf of the City, Mayor Fouraker thanked the estate of Robert Picerne for their generous donation.

ATTORNEY REPORT – No report.

CITY MANAGER REPORT

City Manager Francis reported on the following,

- Statement of Financial Interests is due by July 1st.
- Street Paving – Paving will on hold until next year.
- Traffic Study – The median on Hoffner is completed. Wawa is looking to create a right-way in/out. The County is responsible for the signage and stripping along the roadway.
- Acquisition - Waiting on a response on the BOA offer and Cross Lake Deed is signed, and the money was wired. A fence will be installed at Cross Lake as per the agreement.
- Annexation – Will work on Annexation for the next two weeks.

Appointment of Steve Jackson to the Solid Waste Committee

City Manager presented Steven Jackson for the Solid Waste Committee.

Comm Sims moved to appoint Steven Jackson to the Solid Waste Committee for the 2-year term and accept, with regret, the resignation of Greg Gent.

Comm Nielsen seconded the motion, which passed unanimously upon roll call.

Chief's Report

Chief Houston reported on the following,

- Judge and Daetwyler enforcement: 40 citations and 53 citations on Hoffner.
- Mayor Demings established a curfew in Orange County from 10 pm-5 am until further notice.
- There is an uptick in vehicle burglaries in Belle Isle and Edgewood. She reported that a suspect was apprehended at the Florida Mall during the use of the stolen property.
- COVID 19 grant received for 50,000

MAYOR'S REPORT

Mayor Fouraker spoke on the following,

Use of Golf Carts

Mayor Fouraker presented the use of golf carts in the City. He noted that there had been more golf carts on the streets during the pandemic and recommends the City revisit the use of golf carts with the necessary safety measures.

Council consensus was to add to a future agenda research the recently passed ordinance in the City of Ocala.

After discussion, Comm Carugno moved to add the review at a future agenda and research the recently passed ordinance in the City of Ocala.

Comm Nielsen seconded the motion, which passed 6:1 with Comm Shuck, nay.

COUNCIL REPORT

- Comm Carugno spoke on the police enforcement on Hoffner Avenue and Lake Conway. He spoke on the FAA, pushing Metroplex and new routes and announced the upcoming FAA meetings on June 8th – 6 pm and June 12-3 pm.
- Comm Nielsen asked if the eastbound traffic can turn left into the shopping center across the road from the Wawa. Mr. Francis said drivers should still be able to turn left.
- Comm Readey asked if the staff can be around during the weekend to ensure that the residents are not doing unpermitted work.
- Comm Gold said he is interested in seeing a new plaque for former auxiliary officer Robert Picerne.
- Comm Shuck reported on complaints received from residents on the Lakes & the Landings of the water quality and garbage left behind by the sand bar. He would like to request sometime in the summer to have a water quality test performed in that area.

ADJOURNMENT

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 8:30 p.m.

Yolanda Quiceno, CMC, City Clerk