



## city council minutes

## MINUTES CC Regular Session June 16<sup>th</sup>, 2020 Virtual Conference 6:30 pm

The Belle Isle City Council met in a Regular Session on June 16th, 2020, at 6:30 p.m. on a Virtual Webinar (<https://us02web.zoom.us/j/81460398517>).

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 6:30 pm and confirmed quorum.  
Comm Readey led the invocation and pledge to the flag.

### CONSENT ITEMS

- a. Approval of the City Council meeting minutes – May 5, 2020
- b. Approval of the City Council meeting minutes – May 19, 2020
- c. May Monthly Reports: Finance Report, and OC Fire

Comm Partin motioned to approve the consent items as presented.  
Comm Sims seconded the motion which passed unanimously.

### CITIZEN COMMENTS

Mayor Fouraker opened for citizen comments.

City Clerk said she received three citizen comments for the record. She read the following comments as follows,

1. Barbara Kelly, received June 15, 2020; re Storm Water Drainage Issue on St Partin – She is requesting the City continue to plan for the expense of this project until a proper drainage solution is provided.
2. Rick Miller, received June 15, 2020: re Police Salary Adjustments – Shared his concerns and is not in favor of the increase due to the lack of financial information (total costs).
3. John Evertsen, received June 15, 2020; re Police Salary Adjustments – Shared his agreement with Mr. Miller and is not in favor of adjustments.

Mayor Fouraker opened for discussion and response from the City Manager. He also asked if Harris Engineering would be able to provide a final report.

Mr. Francis said it would be beneficial to have Ms. Kelly's expert assess the entire problem and provide his findings to the Council for review. One of the other issues is that this involves four property owners – Council will have to determine if this is a public benefit issue or private flooding issue. Mr. Francis reported, during the beginning of the project, the City asked the homeowner if she would be willing to make some corrections and to the drain pipes diverted into the low spot. She has yet tried to divert the water and correct the problem on her property. Mr. Francis said he does not believe the City should spend 150,000 of taxpayers' dollars to fix a problem the homeowner herself does not even want to address. Discussion ensued.

Comm Readey said many of the issues were created by the homeowner and are private drainage issues. The problem requires further research. Comm Nielsen said she is waiting for the homeowner to take responsibility and make corrections to the downspouts.

#### **UNFINISHED BUSINESS**

**a. Proposed Ordinance for Electric Franchise Fee and Proposed Ordinance for repealing Municipal Utility Tax -**

Upon a recommendation from the Budget Committee, the City Council approved repealing the 3% Municipal Utility Tax for Electricity and replacing it with a 3% Franchise Fee for Electricity.

**b.**

City Manager Francis reported that the Budget Committee discussed substituting the current utility fee of 3% for a franchise fee of 3%. This is to provide a wash for residents paying the utility fee; however, there are approximately 50 accounts that are exempt from paying the utility fee. They will not be exempt from paying the franchise fee. According to Duke Energy, the fee will increase the revenue by \$77,000 if approved.

Comm Partin asked how many of the 50 accounts are with non-profit/government facilities. Mr. Francis said those currently exempt would see a 3% increase in their bill. Mr. Francis said Duke Energy said we are about the only City that has not put in for a franchise fee. Discussion ensued on moving forward with additional revenue options or increasing the fee to 4% at a later date.

**Comm Sims motioned to draft the final ordinances with a 3% franchise fee and read the ordinance for the time at the July 7<sup>th</sup>, 2020 meeting.**

**Comm Nielsen seconded the motioned, which passed 6:1 with Comm Readey, nay.**

**c. Proposed Golf Cart Ordinance -** At the June 2 Council Meeting, City Council directed that the staff research and report on the use of golf carts on city streets within Belle Isle.

City Manager Francis said Ocala and Winter Springs appear to have good programs and provided their ordinances for review. If the Council would like to move forward, he requests Council approval to approve the Plan and have staff present an administrative process for consideration. He also suggested a registration fee of 30-50 dollars.

**Vice Mayor Carugno moved to approve the use of golf carts on City streets and direct the staff to prepare the ordinance and administrative process for the use of golf carts.**

**Comm Sims seconded the motion.**

**Vice Mayor Carugno amended the motion to include an application registration fee.**

**Comm Sims seconded the amended motion.**

**Comm Shuck asked that seatbelts be a required part of the use. Attorney Ardaman said if the Council's direction is to make sure the golf carts have all of the equipment that the law requires for all other vehicles, they will include to the maximum extent that the law allows.**

**The amended motion passed 6:1 with Comm Shuck, nay upon roll call.**

#### **NEW BUSINESS**

**a. Approval of the Capital Improvement Plan (CIP) for Stormwater -** The Budget Committee reviewed a new CIP for Stormwater and the Committee recommended it to Council for approval. The Plan is based on the City Engineer's inspection of the stormwater system last year.

City Manager Francis presented the Stormwater Capital Improvement Program (CIP), which ensures the City has reliable storm drainage services. The CIP identifies capital improvement projects, identifies and forecasts funding source, prioritizes improvements based on funding available, and estimate a timeline for completion.

**Comm Carugno motioned to approve the Stormwater Capital Improvement Plan as presented.**

**Comm Sims seconded the motion, which passed 6:1 with Comm Readey, nay upon roll call.**

Comm Gold asked for clarification on the Budget Committee's recommendation for additional stormwater revenue on vacant lot properties. City Manager Francis reported that staff is not ready to bring forward the Budget Committee's recommendation on taxing a stormwater fee on all vacant lot (non-developed) properties in Belle Isle; research is ongoing and will be brought forward at a future Council meeting.

- b. Approval of Policy Salary Plan** - Since establishing the BIPD, the department has lagged behind many of the other Central Florida Police Departments. This results in officers working for Belle Isle for a few years and then moving on to another department that has better compensation. The Budget Committee reviewed the Plan, and the Committee recommended approval.

City Manager Francis presented the Police Salary Plan, which was reviewed and recommended for approval to the Council by the Budget Committee. Mr. Francis clarified that throughout the 3-4 year plan, it be a total of 7%; however, the initial cost will be approximately 18% because most of the officers will have to be brought up to parity.

After speaking with the Budget Committee, Comm Partin said the Plan calls for an upfront cost of 225,000+. The Committee noted that they were not presented with all the information at the budget hearing. He said the Committee would like an opportunity to re-evaluate the Plan and research additional revenue before approval.

Comm Gold said he is in favor of the Plan however would like to give the Committee another opportunity to review before moving forward

Comm Nielsen said it is essential to show the Agency our support. She would like to see the Budget Committee and Council help staff find additional revenue sources to fund the Plan.

For the record, Comm Readey said the Police Department is extremely important to the residents. He would like it to be "top priority" and implement the adjustments in planning our budget.

Mayor Fouraker and Council discussed the importance of this pay plan and are in support of the increase. Mayor Fouraker said he would like to see the Council, the Committee, and staff research additional funding resources to fund this program.

Until we find out the effects of the Pandemic, and how it will affect our budget and economy, Mr. Francis stated that he is recommending, even if the Plan is approved, that all salaries and hirings are frozen for this next year.

**Comm Carugno motioned to approve the Police Pay Plan as presented with the caveat that the salary increase will not take place until such time that the staff can determine the financial resources of the City.**

**Comm Sims seconded the motioned with a request not to have a delay in implementation.**

**Comm Carugno moved to amend his motion to include approval of the Pay Plan with no delay in implementation.**

**Comm Gold said he would like to have the Pay Plan as a priority and have the money taken from another part of the budget, ie. Capital Improvement Plan.**

**After discussion, the motion passed unanimously 7:0 upon roll call.**

### **c. Approval of Emergency Generator for City Hall**

City Manager Francis said City Hall functions as the City's Emergency Operation Center during disasters. The City sent quotes to three vendors and received two quotes as follows: (1) Brock's Electrical Service - \$19,400, and (2) Accurate Power and Technology - \$21,578.

**Comm Sims motioned to approve the generator proposal from Brock's Electrical Services for \$19,400.**

**Comm Nielsen seconded the motion, which passed 4:2 with Comm Gold and Comm Readey, nay upon roll call.**

### **ATTORNEY REPORT**

Attorney Ardaman gave an update on the ongoing discussions with Orange County Commission, FWC, and OC Special Counsel on Lake Conway matters who have agreed to facilitate a meeting with the legal Council, the City Manager, and himself. He will keep the Council updated at future meetings.

### **CITY MANAGER REPORT**

City Manager Francis reported on the following,

#### Issues Log

- Cross Lake Deed has been received and sent to Orange County for recording.
- Hoffner's median improvements continue.
- CCA is almost complete with the site plan for Wallace Field.
- MetroPlan is looking at improvements on Hoffner Road.
- Report on Reopening City Facilities - Full staff on-site, Plexiglas installed at the front desk, and hand sanitizers are available. Meetings are by appointment only and held in the Council Chambers. We are discouraging cash and check payments and accepting credit card payments. City meetings should commence in short order. PD continue to schedule appointments as needed.

#### FLC Conference Voting Delegate

Mr. Francis said he received a call for a Belle Isle Voting Delegate on the Florida League of Cities Board.

**Comm Partin motioned to appoint Comm Readey as the Voting Delegate and Comm Carugno as a stand-in.**

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

#### Chief's Report

Deputy Chief Grimm reported on the following,

- Implementing 2-hour Officer Training on Positional Asphyxia. Based on State and Federal, the Agency has updated its procedures and sent it to legal for approval.

### **MAYOR'S REPORT**

Mayor Fouraker shared an observation on the Perkins boat ramp parking permits. He referenced an email he received from a resident and thanked her for her request for additional No Parking signs along with the neighborhood. She allowed staff to respond without posting negative statements on social media. He thanked the City staff for their proactive response of three business days.

### **COUNCIL REPORT**

#### **Comm Carugno**

- Comm Carugno asked for an update on the Ethics Training. Mr. Francis said Council and Board members could fulfill the requirements online by visiting the FLC website. He further requested the City Attorney and City Manager to emphasize the importance to the NAV Board of having Police Patrol on Lake Conway.
- Comm Carugno gave an update on the FAA/Noise Abatement issues. The residents have 60-days to submit comments on the Florida Metro Plex website.

#### **Comm Sims**

- Comm Sims shared his concern with citizen's interjecting themselves during Council discussion randomly via text or email.

**CommShuck**

- Comm Shuck thanked the Police Department for meeting with him and for protecting the citizens of Belle Isle.

**Comm Partin**

- Comm Partin asked for an update on the BOA deposit and CCA Debt consolidation. Attorney Ardaman said he understands there has been some discussion. City Manager Francis is waiting for BOA's response—as soon as that is received, it will be forwarded to the City Attorney. Mr. Francis said he reached out to the CCA Chairman and asked for a written letter on their position on Council recommendations.
- He shared his disappointment with the lack of resident comment on the last resident survey.

**Comm Readey**

- Comm Readey shared his concerns with Council attending Board meetings due to sunshine law. Attorney Ardaman said there are challenges that can arise from attending and participating in a Quasi-Judicial Board meeting. Attending may taint a Council member's impartiality. Discussion ensued on receiving emails to one member and the Sunshine Law during a session.

**ADJOURNMENT**

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion was passed unanimously at 9:00 p.m.

Yolanda Quiceno, CMC, City Clerk