



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, January 07, 2025 * 6:30 PM
MINUTES

Present was:

Mayor - Nicholas Fouraker
District 4 Vice Mayor – Jason Carson
District 1 Commissioner – Frank Vertolli
District 2 Commissioner – Holly Bobrowski
District 3 Commissioner – Danny Otterbacher
District 6 Commissioner – Stan Smith
District 7 Commissioner – Jim Partin

Absent was:

District 5 Commissioner – Beth Lowell

1. Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order at 6:30 pm, and the Clerk confirmed quorum. City Manager Rick Rudometkin, Attorney Dan Langley, Chief Grimm, Public Works Director Phil Price, and City Clerk Yolanda Quiceno were also present.

2. Invocation and Pledge to Flag - Commissioner Stan Smith, District 6

Comm Smith gave the invocation and led the Pledge to the Flag.
Mayor Fouraker called for a motion to excuse Comm Lowell for today's meeting.

Comm Smith moved to excuse Comm Lowell from the meeting.
Comm Partin seconded the motion, which passed unanimously 6:0.

3. Presentations

Chief Grimm presented

a. PD - Swear In - Officer Doug Kimberlin
Mayor Fouraker Swore in Officer Doug Kimberlin

b. PD - Awards Ceremony
Chief Grimm presented the following awards:

- Patrol Officer of the Year - Officer Rodriguez
- Distinguished Officer of the Year – Officer Shabaz
- Supervisor of the Year – Sergeant Wasmund
- Community Service Award – Jeffrey Hernandez
- Award of Accommodations – Deputy Chief Millis
- Life-Saving Awards - Officer Diaz and Officer Lopez
- The Chief's Award - Office Lopez, Diaz, Burns, Rodriguez, Sgt Wasmund, and Sgt Ferraiuolo

Mayor Fouraker announced a Policeman Department Appreciation event on January 11th from 11 a.m. to 1 p.m. at Warren Park, sponsored by A&W Root Beer, A1 Septic, and Orange County Comm Uribe.

4. Public Comments & Announcements

Mayor Fouraker opened for public comments.

Anthony Carugno, residing at 2323 Hoffner Avenue, announced that the next ANAC meeting will be held on January 10th at 10 a.m. He noted that the Belle Isle representative seat for the ANAC Committee is up for reelection. Mr. Carugno asked for consideration of having the Mayor's Election in March as a mail-in ballot to save the City additional costs.

There being no further comment Mayor Fouraker closed public comments.

5. Consent Items

- a. Approval of the City Council Meeting Minutes - December 17, 2024
Comm Smith moved to approve the minutes of December 17, 2024, as presented.
Comm Otterbacher seconded the motion, which passed unanimously 6:0.

6. Unfinished Business - na

7. New Business

- a. Comp Plan Amendment - ORDINANCE NO 25-01 FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, ADOPTING A COMPREHENSIVE PLAN AMENDMENT RELATING TO THE WATER SUPPLY FACILITIES WORK PLAN, PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

City Manager Rudometkin said the ordinance is for updating and incorporating the required Comprehensive Plan Task 8 Water Supply Facilities Work Plan.

The City Clerk read Ordinance 25-01 by Title.

Comm Smith moved to advance Ordinance 25-01 to Second Reading and Adoption at the next Council meeting.
Comm Vertolli seconded the motion, which passed unanimously upon roll call 6:0.

- b. JJ's Waste/Recycling Hurricane Helene/Milton debris clean-up invoices

Due to disaster debris blown down by Hurricanes Helene and Milton, JJ's was asked to go over and above the requirements of their city contract and keep track of the debris caused by these two hurricanes. We have paid them for this service in the past and discovered no language in their current contract stating that they are to be used for storm debris cleanup. This was an oversight and should have been addressed earlier. After talking with FEMA, we are not eligible for reimbursement since the disaster cleanup language and how it was procured were not done. The City Manager is requesting payment for Helene, \$14,190.16, and Milton, \$21,085.75, be paid this one time until contract language and a negotiated disaster clean-up cost are agreed upon.

Mayor Fouraker said the City had historically paid for additional pickups. He asked the Council what they believe they should limit the number of days hurricane storm debris picked up.

Comm Vertolli thanked JJs for their continued service. He said JJs is already contracted for pick-up yard services on Monday. He asked if there is a maximum amount to be picked up per household. He agrees that JJs worked additional time; however, he believes the City should be reimbursed for the missed contracted day's pick-up. Mayor Fouraker said it would be ideal to quantify a normal Monday pick-up versus the additional Hurricane pickup charge.

Comm Carson said he would like to see the differential between a regular Monday and Hurricane Monday pick-up totals.

Darren Bateson said he was called to pick up the excess waste from the City. The volume was outstanding. Numerous pickups were completed because each pickup had to be taken to the landfill before continuing the service. There was mixed vegetation and trash, and multiple trucks and staff were scheduled, with the City Manager's approval, to service the City.

Comm Partin said he would have liked the vendor to provide the truck videos of the pickups for the record.

Comm Otterbacher also asked if the vendors could return to the paperwork and footage to review the volume and quantify it between a regular day and a hurricane pick-up day.

Comm Smith said he thanked JJs for their continued service. In his opinion, since the City authorized the pickups, the City owes it to JJs to pay the invoices.

Comm Bobrowski said she understands the extra pick-ups and disposal of the potential projectiles. She agrees with Comm Smith, and if the City and JJs had the conversation, the invoices should be honored.

Phil Price, Public Works Director, said Milton fell on a Wednesday and does not believe JJs missed any pick-up days.

After discussion, Comm Bobrowski moved to approve the two invoices JJ's submitted for Hurricanes Helene and Milton, \$14,190.16 and \$21,085.75, to be paid one time until contract language and negotiated disaster clean-up costs are agreed upon. Comm Smith seconded the motion, which passed 5:1 with Comm Vertolli, nay.

City Manager Rudometkin said the staff would notify the residents and add language to the notices, posts, and electronic signs, stating that there would only be a specific hurricane pickup period and asking for Council approval before the clean-up starts.

c. Hurricane Ian State DEP/FDEM, FEMA Reimbursement Information Update

City Manager Rudometkin said the city has been waiting on the FEMA reimbursement as of October 2023 from the state (FDEM) for \$1,265,039.13 for debris removal from Hurricane Ian. The State Auditor KPMG requested documentation on tree removals and stump grinding and informed us that some load tickets did not match the vendor invoices. The staff found some issues, such as incomplete and incorrect load tickets, possible billing errors and double charges, and a possible significant discrepancy where we may have been invoiced for tree removals instead of logs. These discrepancies could result in overpayment to our vendor. With the issues found, the amount we could ask for reimbursement is significantly reduced. Additionally, we may still lack documentation even to be reimbursed for the items that have been substantiated. Mr. Rudometkin asked for the Council's direction on whether they would like him to investigate the possibility of overpayment or continue with FEMA and submit what we currently have to receive as partial payment.

Comm Otterbacher said that without trying, there would be zero reimbursements; he said it is the Council's duty to continue with FEMA and be reimbursed for half. Does the City have any repercussions if the forensic auditor finds cause but cannot prove it to FEMA? Attorney Langley said if the contract were overpaid, the City would have recourse for breach of contract.

City Attorney Langley asked what is the actual number that can be reimbursed for Hurricane Ian. Mr. Rudometkin said the total is \$740,000, and we are asking for reimbursement of \$580,000 with our current documentation. Attorney Langley noted that when dealing with requests from the State or a Federal agency, the staff does not request an amount exceeding the amount we can justify. Mayor Fouraker said the City could only apply for what we knowingly feel we owe and is short of the 1.65m; he does see why the Council would not investigate where the difference is.

Comm Partin shared his concerns and said having over \$500,000 that cannot be accounted for is a problem, and something needs to be done to recoup the funds. The City needs to investigate if it was an administrative mistake or something more nefarious underfoot.

Mayor Fouraker said this is the second time bad record-keeping has occurred since his tenure. We were not reimbursed during Hurricane Nicole, and the Council never authorized the six-figure payment. Mr. Rudometkin said we were not reimbursed because it was not a declared Hurricane. Mayor Fouraker asked if the city would be able to submit through the insurance company for errors and omissions due to the errors made by former staff. Attorney Langley stated that it is possible. If the contract was overpaid by mistake or intentionally, the City has a contract claim or equitable claim for reimbursement through a statute of limitations. Attorney Langley said he would look into it further.

Vice Mayor Carson said this is unacceptable, and something was dropped and should be investigated.

Comm Bobrowski is hesitant to spend the money on a forensic audit. She recommends the city manager perform an internal investigation and speak with the sitting Commissioners (Karl Shuck and Rick Miller). She stated that she remembers taking a training class, and when she called for duty, she was not needed. Comm Partin said the same thing was instructed to the City Clerk.

Comm Smith said we have submitted invoices and paid without the attached tickets. Mr. Rudometkin said a spreadsheet was created, and the documentation was not submitted. Yes, the invoice was paid without documentation in anticipation of the documents; the problem was if it would be the correct documentation. Comm Smith said we did poor documentation and cannot substantiate what we spent. Mr. Rudometkin said the State Auditor KPMG recently returned a spreadsheet noting the discrepancies and will not be eligible for reimbursement. Discussion ensued.

Chief Grimm stated that in 2023, he met with FEMA and reviewed the documents, and the City was obligated to pay the money. The invoices were paid way ahead of any submitted documentation, where the confusion begins. For Milton, City Manager Rudometkin said they did not pay any invoices until the paper was reconciled on both sides. The money for Nicole was obligated; however, the State Auditor KPMG, through further review, found discrepancies and revoked the obligation. In the next couple of meetings, the State may give us a deadline; if not met, they will close the application for reimbursement.

Attorney Langley said he does not believe there is anything more staff can do for an internal review. Currently, the City can only ask for \$550,000-\$580,000 from FEMA. Unfortunately, the next steps are (1) to get more reimbursement from FEMA and (2) to receive reimbursement for overpayments. We need to contract with an outside forensic auditor to see if we can provide more evidence to FEMA or reimbursement from the contractor. Once the results are received, the Council can decide.

Comm Partin said the City may also want to research previous Hurricanes voluntarily. He shared his disappointment with the events and felt defrauded.

Comm Bobrowski moved to direct the City Manager to speak with the vendor involved and the key players for Hurricane Ian. After the discussion, Comm Smith seconded the motion, which passed unanimously 6:0.

Comm Bobrowski moved to direct the City Manager and City Attorney to research the cost of a forensic audit for approval and discussion at the next council meeting.

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

8. Attorney's Report - na

9. City Manager's Report

a. City Manager Task List Update

City Manager Rudometkin summarized each task item in the January 7, 2025, list.

- Hoffner Grant- The council discussed staff speaking with the County regarding the design and improvements for funding. Mr. Rudometkin said he talked to the County, which has stated it will not contribute to the match for Hoffner improvements. The council agreed to have the Mayor contact Orange County representatives to discuss joint grant-matching options.
- Lancaster Updates – Mr. Rudometkin received a response from the CCA Chair. They are awaiting 51% of the governing board to proceed with the CCA agreement.
- Sol Grant – Finalizing document submittal to the State.
- Judge Daetwyler Grant – Continued discussions with Congressman Soto’s office regarding the awarded no-match grant.
- Vulnerability Assessment Grant – Working with the vendor to implement the scope of work.
- Purchasing Policy/CC/Cyber Security – Updating current policies and will formally bring to Council for consideration.
- Comp Plan – Water Plan Amendment – final approval in February.
- Property Acquisition – Meeting with Bio-Tech on Jan 13, 2025, to review report/findings.
- City Hall Renovation – Landscape, Painting, LED lights, and updated furniture.
- Annexation – Drafting a planning agreement with Orange County to allow negotiations similar to those in Winter Park.
- Condemnation—The City will not receive a reimbursement. Bids will be on the next agenda for consideration.
- Revenue Streams & Road Show - Budget Committee meeting scheduled for Jan 17, 2025.
- RFPS 2025 – Lobbyists, IT Services and Auditing Services.
- Golf Cart Ordinance Update - Mr. Rudometkin discussed the update to the golf cart ordinance. He mentioned a call from a resident who received a ticket from the Orange County Sheriff’s Office for riding his golf cart on Conway Road. The staff is working on maps and handouts for information purposes.
- Stormwater Fees – A meeting is scheduled with consultants on fee increases.
- Lot Splits – Flag lot language under review and will be on the P&Z Agenda before April 2025.
- Tree Board amendments will be considered on the next agenda.

b. Chief's Report

Chief Grimm spoke briefly about the holiday events. He stated that the agency had retired the centennial badge and showed the new branding badge for the agency. He spoke briefly of the Chief’s Conference and hurricane preparedness. As part of the Legislative Committee, he will be in Tallahassee lobbying for the Police Officer Safety Bill.

c. Public Works Report

Phil Price reported the projects are ramping up: Trimble Park, tree trimming, and City Hall updates.

10. Mayor’s Report

Mayor Fouraker thanked the staff, residents, Boards, and Committees for the successful Holiday events. He reported the start of parking, pick-up, and drop-off on Wallace. He asked for assistance to eliminate traffic and place no-parking signs in the area.

Mayor Fouraker, what would be the process for reappointments to external Committees? CM Rudometkin said it would be up to the Council. Mayor Fouraker asked if the Council would like to reappoint Mr. Carugno to the Anac Committee.

Comm Smith moved to reappoint Anthony Carugno to the ANAC Committee as the Belle Isle representative.

Vice Mayor Carson seconded the motion, which passed unanimously 6:0.

Mayor Fouraker shared his frustration with the audio system and streaming meetings on Facebook. He asked staff to work towards a dependable communication channel since attendance at the meetings is low.

Mayor Fouraker asked the Council if they would like to schedule a workshop to start in 2025. CM Rudometkin said he is not in favor of workshops. However, he will place no-vote action items for discussion following consent at the following meeting to allow residents to chime in on the debate.

Mayor Fouraker called for a motion to extend the meeting by 15 minutes.

Comm Vertolli moved to extend the meeting by 15 minutes.

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

Mayor Fouraker spoke briefly on the Joint Agreement on Wallace Field. CM Rudometkin said CCA staff continues to work on permits, DEP, and bid trade pricing on the project. Mayor Fouraker said the project has been active for a couple of years and would like to move it forward quickly. After discussion, the Council agreed to add the discussion to the next meeting agenda.

The Mayor reminded everyone of the Meet the Officer Event at Warren Park on Saturday, Jan 11, 2025, from 11 a.m. to 1 p.m.

11. Commissioners Report

The Council thanked the staff and PD for their support and hard work.

12. Adjournment

There being no further business, Mayor Fouraker called for a motion to adjourn the meeting, which passed unanimously at 8:55 pm.