



city council minutes

MINUTES September 25, 2019 Budget Hearing and CC Regular Session 6:30 pm

The Belle Isle City Council met in a Budget Hearing session on September 25, 2019, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

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

Absent was:

Commissioner Harv Readey

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

CALL TO ORDER

Mayor Fouraker called the City Council Budget Hearing session to order at 6:30 pm and confirmed quorum. Commissioner Nielsen gave the invocation and led the Pledge to the flag.

Mayor Fouraker opened for the presentation of the Budget Hearing FY2019-20.

City Manager Francis said there are two very important things occurring in October, approval of the budget and change out of the solid waste and recycling hauler. The City has been doing its best to get the information out to the public. There are many citizens who may be frustrated, and the City asks that any calls to City Hall be made with professional courtesy and respect. In the event, there is a shortfall of revenue; some of the projects in the budget may not be able to be completed and will be scheduled for the following budget year.

City Manager Francis presented the proposed Budget for FY 2019-20 for adoption. As required by Florida Statute City Manager Francis read for the record the following, "In the City of Belle Isle Florida, the current taxable value of the real property for operating purposes is \$765,628,802. The current year rollback rate is 4.1863 per \$1,000 of assessed valuation. The current year proposed operating millage rate is 4.4018 per \$1,000 of assessed valuation. The proposed rate is a percentage change of rollback rate of 5.15%."

The Council had a few changes, including reduction of the Urban Forestry Fund from 85,000 to 60,000. Mr. Francis explained at the September 12th Hearing why some of the Fund amounts increased and other concerns that Council and the public had. He does not have any other items to report.

Mayor Fouraker opened for Council discussion.

Comm Gold asked if the City will account and include the \$970,000 reimbursement from FEMA. Mr. Francis said the FEMA money is not in the budget because it has not been received to date. The reimbursement has been allocated; however, until that time, it will not be added. Once the reimbursement has been received the staff will record and will submit a budget adjustment for approval. Comm Gold shared his concern and said he would like to see the reimbursement added to the budget to allow the City so hold off another year before increasing taxes.

Mayor Fouraker opened for public comment.

- Clay Van Kamp residing at 5452 Ming Drive shared his concern with Council and said he does not feel Council did enough due diligence on revenue sources. He said the current process is flawed. In comparison to other cities, the budget does not show any actual and projected balances. He disagrees with the revenues, and the FEMA reimbursement should be accounted for or posted for next year's numbers. He believes the City should have a budget committee in place to see if the City can cut some costs and assist with review of budget items. He asked that the Council revisit the franchise fees for next year and allow for further research. He further shared his concern with the Gene Polk Park project and asked for it to be added to next year's budget because it is an unnecessary expense. Mr. Francis said because the Gene Polk Park funds from FEMA are categorized as a mitigation project it is required to be completed this year to allow the City to be reimbursed for the required repairs. Comm Gold shared his recommendation for creating a budget committee. Discussion ensued.

There being no further comments, Mayor Fouraker closed public comment.

City Manager Francis presented the following resolutions for approval.

- RESOLUTION NO. 19-13 - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ESTABLISHING THE AD VALOREM TAX LEVY (MILLAGE RATE) UPON THE ASSESSED REAL PROPERTY AND BUSINESS PERSONAL PROPERTY TAX ROLES OF THE YEAR 2019
- RESOLUTION NO. 19-14 - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ADOPTING THE ANNUAL BUDGET OF THE CITY OF BELLE ISLE, FLORIDA FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020
- RESOLUTION NO. 19-15 - RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA ADOPTING THE FIVE YEAR CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEARS BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2024.

Comm Sims moved to adopt Resolution 19-13.

Comm Nielsen seconded the motion, which passed unanimously upon roll call 6:0.

Comm Sims moved to adopt Resolution 19-14.

Comm Nielsen seconded the motion.

Comm Gold shared his concerns with Resolutions 19-14 and stated he is not be able to vote for adoption.

Mayor Fouraker called for roll call

Nielsen, aye

Sims, aye

Shuck, aye

Carugno, nay

Gold, nay

Partin, nay

The motion failed 3:3.

City Attorney Geller said a motion to reconsider the Resolution must be made by the winning side. Due to the circumstances of a tie and the unusual situation, Attorney Geller advised that in his opinion, anyone on the Council could make a motion to reconsider.

Comm Sims moved to reconsider the adoption of Resolution 19-14.

Comm Nielsen seconded the motion.

City Manager Francis addressed the following to help with re-consideration,

- If the Budget is approved, it doesn't mean that there will be a franchise fee immediately applied for electric and garbage. Council will still have to have two readings to adopt an ordinance to put the franchise fee in place, which can be approved or voted down.

Comm Shuck said the FEMA money has not been received and agrees that it should not be placed in the budget. Once it is received, then Council can agree if and when the franchise fee should be approved.

City Attorney Geller urges and recommends approval of the budget tonight due to the timing of the legal posting requirement of the Florida Statutes.

Comm Gold called for a point of order and would like to see them followed. He said the budget be approved, just not tonight. He said he would be happy to pass the budget with the removal of the franchise fees and red light cameras.

Mayor Fouraker called for roll call on Comm Sims motion to reconsider Resolution 19-14.

Nielsen, aye

Sims, aye

Shuck, aye

Carugno, aye

Gold, nay

Partin, aye

The motion passed 5:1.

Comm Sims moved to adopt Resolution 19-14.

Comm Nielsen seconded the motion which passed upon roll call 5:1 with Comm Gold, nay.

Comm Sims moved to adopt Resolution 19-15.

Comm Nielsen seconded the motion, which passed unanimously upon roll call 6:0.

Mayor Fouraker opened for approval of Consent Items.

CONSENT ITEMS

- d. Monthly Reports: Finance, Code Enforcement, Fire, NAV Board, Marine Patrol, and PD
Council discussed the Lake Conway survey. City Manager said the survey is developed to determine specific issues on Lake Conway to allow them to formulate a plan to correct. The survey is being sponsored by Comm Uribe, OC District 3 Commissioner and Representative Eskamani. The City sent out the link to residents to allow for Belle Isle participation. Discussion ensued on the allocated hours given by the NAV Board to the Belle Isle Marine Patrol Officers.

Council asked for an update on the service call accident on Hansel Avenue. Chief Houston said the charges were dismissed against the Driver, who caused the damage. The Officer has a call into the State Attorney's office for an update and has not received a response. City Manager Francis said the City submitted a claim to the insurance company, which has been responded to and closed.

Comm Sims moved to approve Consent Item d.

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

CITIZEN COMMENTS

Mayor Fouraker opened for Citizen Comments, there being none he closed citizen comments.

UNFINISHED BUSINESS

ORDINANCE NO. 19-06 – SECOND READING AND ADOPTION

AN ORDINANCE GRANTING JJ'S WASTE AND RECYCLING, LLC, AN EXCLUSIVE SOLID WASTE AND RECYCLING COLLECTION SERVICE FRANCHISE; PRESCRIBING THE TERMS AND CONDITIONS ACCOMPANYING THE GRANT OF FRANCHISE; PROVIDING FOR SEVERABILITY OF CERTAIN PROVISIONS; AND PROVIDING AN EFFECTIVE DATE

City Clerk read by title.

Comm Partin moved to adopt Ordinance 19-06.

Comm Gold seconded the motion which passed 5:1 with Comm Carugno, nay.

Discuss/Approve Use Agreement with Cornerstone Charter Academy for the Use of Wallace Field

City Manager Francis said at the May 21, 2019 Council meeting; Council wanted to tie the Use Agreement to the By-Law changes. The CCA Board rejected the additional conditions and believed it to be unfair. The Use Agreement is not in effect at this time. If Council decides to adopt the Use Agreement the dates will have to be updated and removal of #5e, Exhibit A, and all the changes made at the September 12th meeting.

Comm Sims asked if Council approves the Use Agreement is it binding with the School. Mr. Francis said if the Use Agreement is approved, it will have to go back to CCA for reconsideration and approval.

Comm Carugno shared his frustration with the actions of the CCA Board members. He is in favor of moving forward for the kids and improving the property as a practice field however, he is finding it very hard to move forward with the relationship and dynamics of the process. He further believes that the Mayor of the City should have a vote on the Board.

Comm Partin shared his concern and frustration with CCA Board comments made at the last CCA Board meeting of “them and us.” In the best interest of the kids and the community, he believes the City should move forward with the Use Agreement.

Council consensus was to move forward with the requested changes and move forward with the Use Agreement before the January Board meeting. If the agreement fails, the City should consider making improvements.

Comm Gold asked for status on his request for the audio of the last meetings in 2016 with Mr. Brooks as Mayor. Mayor Fouraker asked that the City Clerk provide the audio of the last City Council meeting with Mayor Brooks. City Clerk said she emailed the audio as requested.

Mayor Fouraker welcomed and called on Ms. Cross from the CCA Board. Charlene Cross residing at 5260 Chiswich Circle spoke on behalf of CCA Board and the City as a representative for both entities and said she is making her decisions based on the best interest of the students and the community.

Comm Carugno moved to approve and remove the additional conditions added to the original Use Agreement, approve the Use Agreement, and forward the agreement to the CCA Board for approval.

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

NEW BUSINESS

Approval to tender an offer to Bank of America for the property at 6300 Hansel Avenue

The City Manager reported that the City is ready to make an offer for the Bank of America building and recommends approval of the Unsolicited Offer with the conditions as follows,

- The final contract has to be approved by the City Council at a future public meeting;
- The City has at least a 90-day due diligence period; and
- If the Closing does not occur except in the case that the City breaches the contract the Escrow money is to be returned; and
- The ATM can remain at the building during a time to be determined.

Comm Nielsen agrees that the school does need more space. The City owns most of the property that the school is on and it only makes sense for the City to be the entity that issues the bond to purchase the property. Mr. Taylor today, at the CCA Board meeting, admitted that the Governing Board could not issue the bond when the last time he stood in front of us saying that they could.

After discussion, Comm Nielsen moved to give the City Manager authority to negotiate and execute a contract to purchase the Bank of America property located at 6300 Hansel Avenue which is contingent upon City Council approval at a future public meeting and authorize the City Manager to make an escrow deposit under such contract not to exceed \$200,000 on the condition that the escrow deposit is refundable if the City Council does not approve the contract at a future City Council meeting, if contract is terminated by the City during the due diligence period, or if the contingencies for the City closing upon the property do not timely occur.

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

Approval of \$600 sponsorship for Pioneer Days

The City received a request for a donation from Pine Castle Pioneer Days for the amount of \$600.00 – February 22-23, 2020.

The donation will allow for the City to place a banner on the stage, half-page ad, and will improve the relationship with the residents and community.

Comm Nielsen moved to approve the \$600 sponsorship for Pioneer Days.

Comm Carugno seconded the motion.

After discussion, the motion passed unanimously 6:0.

CITY ATTORNEY'S REPORT

Briefing on Lake Conway Issues

Attorney Geller reported on the Lake Conway concern of what the NAV Board's authority is on Lake. His office has received further information on the project and will be putting together a report to the Council of the findings. They found that it appears that the 1957 law that created the NAV Board giving authority to the County was never repealed, and the County may have more authority on the Lakes than they believe. City Manager Francis said he would like to have Attorney Ardaman meet with Rep Eskamini's Office to finalize the findings.

After further discussion, Attorney Geller requested additional budget authority and allocated up to \$18,500 in billable hours to formulate a written opinion for City Council and provide direction moving forward.

Comm Nielsen moved to allow a budget not to exceed \$18,500 for the Conway Lake Project.

Comm Shuck seconded the motion.

After discussion, the motion passed unanimously 6:0.

CITY MANAGER'S REPORT

Issues Log update

City Manager Francis reported the following,

- Wind Drift Project – Project is complete (on time and budget). Punch list to be reviewed before the final payment is submitted.
- Chicane replacement on Trentwood is going to start soon with an estimated total price of \$25,000.
- Hoffner/Conway – Working with the County to permit Hoffner Avenue to place a concrete median strip and writing a proposal to submit and move forward.
- Traffic Study – Transportation Master Plan is complete. A copy of the plan was given to Metro Plan Orlando, who has agreed to cover additional review of the Plans by HDR, on behalf of the City totaling \$149,928.30. This review will provide a better transportation plan for the City.
- Fountain – Project is complete. Dedication date to be determined.
- Strategic Plan – The staff has received the facilitator's report. Staff will bring forward an action plan for approval.
- Municipal Code Update - Residents in Windsor Place received letters regarding non-permitted use of proper sidewalks. He further spoke with the HOA, who said they also do not allow pavers over the sidewalks. He said that it is written in the City Ordinance and the HOA covenants.
- Parking – The issue is closed and is being enforced by Code Enforcement and Police Department.
- Forensic Audit – Three policies recommended by the auditor will be presented to Council at the next meeting.
- Gmail vs. Outlook – Chief Houston and City Clerk will provide an update at a next Council meeting.

CHIEF'S REPORT

Chief Houston reported the following,

- Chief Houston reported that there were duck hunters on the lake this weekend. They are being monitored, and all complied.
- Coffee with Cop will be held at the Wawa on Hoffner on October 2nd.
- Chief reported on mail thefts from residential mailboxes. She recommends dropping off all outgoing bills and statements to the post office for delivery.
- Sgt Ivar Ruiz was successful in apprehending suspicious individuals at Crunch Fitness.
- Officer Bennett responded to the call of a child stuck in a swing and happy to report that the child is safe.
- Comm Carugno spoke of mail and telephone scams. Chief Houston recommended all residents avoid answering suspicious mail and calls soliciting personal information.

MAYOR'S REPORT

Mayor Fouraker reported that he is working on obtaining Federal Funds for transportation projects. He is happy to see a consistent effort in support of CCA and the City's efforts. He further thanked Jenevieve and the Oakridge students for their support with the City's AV.

COUNCIL REPORT

- Comm Carugno announced that the Boat Parade is scheduled for December 13th, 14th, and 15th.
- Comm Shuck asked for City sponsorship to the Ductoberfest on October 26th. The application is due October 1st and asked for the agenda item for discussion and approval.
- Comm Partin spoke on the westbound Hoffner/Conway traffic. He asked if the City can communicate with the County to add a double left, single straight, and a double right lane to eliminate the traffic. City Manager Francis said that intersection belongs to FDOT, who previously said the intersection is not wide enough to accommodate the configuration of additional lanes.

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