



**CITY OF BELLE ISLE, FL
CITY COUNCIL MEETING**

Tuesday, December 20, 2022, * 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 5 Commissioner – Beth Lowell
District 6 Commissioner – Stan Smith
District 7 Commissioner – Jim Partin

Absent was:

District 4 Commissioner – Randy Holihan

1. Call to Order and Confirmation of Quorum

Mayor Fouraker called the meeting to order at 6:30 pm, and the Clerk confirmed quorum. Also present were City Manager Francis, Attorney Langley, Chief Houston, Deputy Chief Grimm, Planner Raquel Lozano, and City Clerk Yolanda Quiceno.

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 Holihan from today's meeting.
Comm Gold moved to excuse Comm Holihan from the December 20, 2022, meeting.
Comm Lowell seconded the motion, which passed unanimously 6:0.

3. Consent Items - n/a.

Approval of City Council meeting minutes – November 15, 2022
Approval of City Council meeting minutes – December 6, 2022

Comm Partin made corrections to the minutes of December 6, 2022, as follows,

Page 1, 7a reads, "He presented an updated site survey for the 1209 Hoffner Avenue property, .56 acres of open space with a 25-foot easement off Hoffner;.."

Should read, "He presented an updated site survey for the 1209 Hoffner Avenue property, .56 acres of open space with a ~~25~~20-foot easement off Hoffner;.."

Page 2, 7a reads, "We do not have excess property, and this is a ~~very~~ inexpensive acquisition that allows us to plant our flag further toward Hansel Avenue."

Should read, "We do not have excess property, and this is a fairly inexpensive acquisition that allows us to plant our flag further toward Hansel Avenue and can be used as a bargaining chip."

Page 2, 7a motion reads, "~~Comm Smith moved to accept the offer to purchase the property at 1209 Hoffner Avenue for \$200,000, contingent on a clear environmental assessment. Comm Gold seconded the motion, which passed unanimously 5:0.~~"

Should read, "Comm Smith moved to continue to move forward with the purchase of this property, pending all reviews, environmental surveys, and everything comes back clean. Comm Gold seconded the motion, which passed unanimously 5:0."

There being no further edits, Comm Gold moved to approve the minutes as corrected.
Comm Carugno clarified the Purchasing Policy threshold required for Council approval.
Comm Lowell seconded the motion, which passed unanimously 6:0.

4. Citizen's Comments

Mayor Fouraker opened for Citizen Comments.

Donella Altice residing at 1309 E Wallace Street, spoke regarding the new municipal building and asked if they would consider placing the new City Hall/Police Department on Wallace Field. It would be an added safety feature for the kids attending CCA and the homes surrounding Wallace field and provide easy access for patrol vehicles. The boat access and ramp will also be conveniently accessible. She shared her concerns with individuals who use the field and wander into private property.

There being no further comments, Mayor Fouraker closed citizen comments.

5. Unfinished Business

a. Discussion/Approval to create the position of Assistant City Manager

City Manager Francis spoke on his request for approval of an Assistant City Manager. The Budget Committee had a previous discussion on the new position, which was placed on the needs list as a priority; however, it was not funded in the budget. He resubmitted a list of projects and the responsibilities of the Public Works Director and the City Manager. He said it does not include the day-to-day items or attending City meetings. Mr. Francis said he called the Florida League of Cities to see if they have a list of cities that have an assistant City Manager. They said they did not have the data. He noted that the position is not based on population but on ongoing projects.

Mr. Francis noted that the salary range would be less than the former Director's.

As a clarification, Comm Smith said that at the last meeting, he would like to see a job description, qualifications, and cost allocation.

Comm Shuck said he could see the need because the job of the City Manager is much more complicated than a few years ago. It will also provide for a succession plan.

Comm Carugno said he would like to see this go to the Budget Committee to see how they would allocate the funds and whether the Council can interview and hire for the position.

Comm Lowell asked if the position would have any employees report to them. Mr. Francis said the Public Works Director would probably fall under their supervision.

Comm Lowell said the list of the Public Works Director is separate from the additional responsibilities of the City Manager. It may speed up some of the projects in addition to and not in lieu of because they both hold different responsibilities. She also believes it should go to the Budget Committee for a recommendation.

Comm Partin said it would be prudent to table this discussion and have the Budget Committee review the request for a recommendation to Council.

Mayor Fouraker said the City Manager could use some assistance to work at a higher level. It can be a succession plan, and he would like to have the Council schedule a workshop after the Budget Committee's recommendation to further discuss the position and the process.

Comm Gold said that after a review of the to-do list, many of the projects would fall under the Public Works Director, and he wonders how much of a load will be taken off the City Manager.

Comm Carugno moved to table discussion to the first meeting in February after the Budget Committee meeting review with an option to schedule a workshop for discussion.

Comm Partin seconded the motion.

Comm Partin said the suggestion of a workshop is a good idea and allows Council to develop a hiring process.

Comm Shuck said he thought it was the City Manager's responsibility to hire his staff, not for Council to hire them to work with the City Manager.

Attorney Langley said that once the position is created, the City Manager will fill the role under the Charter. The Council can provide input about the job qualifications. In addition, Comm Shuck asked for clarification on the budget committee's role in recommending the position; will they be creating the job description, or is it to find funding? Mayor Fouraker said it would be for funding and creating a budget line item for the additional staff.

City Manager Francis said the Assistant City Manager could apply for the City Manager's position once it is opened and advertised by Council. The Assistant will only fill the spot in the absence of the City Manager.

Comm Gold said many hypotheticals might happen in the City Manager's absence. In filling the position, and Council defines the position under their discretion. Attorney Langley said the Charter is very specific: the City Manager hires and fires all staff. The City Council can only hire and fire the City Manager and Clerk. If the City Manager is comfortable with this process, he can ask for Council input; however, it is inconsistent with the Charter.

Comm Gold said that because it may be a successor, he believes the Council should have the right to choose and select the right fit. He would like to see a survey of the surrounding five cities on how much they spent per Populus/project on City Management.

The motion passed 5:1 passed with Comm Shuck, nay.

6. New Business

a. Approval to extend the waiver for permit fees for damaged docks

City Manager Francis said Council passed a resolution to allow the waiver of building permit fees for various items through December 28, 2022. Many residents continue to repair their docks and roofs. He asked for a 90-day extension of the deadline from December 28, 2022, to March 31, 2023, for hurricane-related repair.

Comm Gold moved to extend the waiver of permit fees for Hurricane related damages to March 31, 2023.

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

b. Social Media Services Request for Proposal

Mr. Francis said the RFP for Social Media Services was included in the budget to allow the hiring of a consultant. City Manager Francis asked for a discussion before advertising.

Comm Smith moved to approve moving forward with the RFP for Social Media Services.

Comm Lowell seconded the motion.

Comm Gold asked to add language to include ADA compliance.

Mr. Francis said there is a Hold Harmless section in the agreement on Page 42.

The motion passed unanimously 6:0.

c. Discuss Receipt of Unsolicited Proposal for New Police Facility

City Manager Francis said that under Florida Statute, there is a vehicle in which to procure services Public Partner Partnership (P3). It also allows entities to submit to the Governing body unsolicited proposals. We received one from the Public Safety Development Group and a \$10,000 check as an application/review fee, per Statute. At the end of the evaluation period, staff can recommend to Council to approve or deny. If the Council does not accept, they can reject it and return the proposal and the application fee now or after the evaluation period. City Manager Francis said that at this time, the location is up in the air, and we are looking to negotiate one location.

Attorney Langley said the City could issue an RFP to solicit what it wants. Many details need to be worked out; in his experience, other cities have rejected these proposals. Under the Statute, the City must have a team to evaluate/vet the proposal and other details before moving forward.

Comm Partin said there is some benefit to turn-key; however, the Council will not be justified to not look at other companies that can provide the same services. City Manager Francis said the proposal could be returned at any time until an agreement is signed, and a Resolution is passed.

Comm Smith asked if the proposal is confidential due to the red borders in the document. Attorney Langley said the P3 Statute was repealed, and the entire proposal is open to public record.

Comm Lowell moved not to evaluate the proposal and return the check.

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

d. Approve Monetary Donation of Peter Madison Management

City Manager Francis reported that the City had received a monetary donation of \$40,000 from Pete Madison for police equipment. As per the City's donation policy, it must be brought to Council for approval. Comm Gold asked if there was a conflict in accepting the donation. City Manager Francis said he is not aware of any conflicts. Attorney Langley noted the City could accept the donation because it goes directly to the City, not an individual.

Comm Gold moved to approve the donation of Peter Madison Management in the amount of \$40,000.

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

7. Attorney's Report - na

8. City Manager's Report

a. Issues Log

- City Manager Francis announced the following community meetings.
 - Jan 5th – 6 pm at the Extension Center to discuss the Clarion Hotel from Commercial to PD
 - January 12 – 5:30 pm CCA Auditorium to discuss the campus expansion
- City Manager Francis stated that the staff had interviewed four good candidates for the PW's position. He will announce the selection at the following Council meeting,
- Mr. Francis gave an overview of the Issues Log dated December 20, 2022. He added that he received an extensive email from Greg Gent regarding airport noise and will contact him to discuss further.

b. Chief's Report

Chief Houston reported on the following,

- Chief Houston said she visited Idaho and St. Marie properties that the City Inspectors have posted.
- The Police Department had a promotion ceremony and congratulated Andrew Clark as Corporal.
- Reach out to your neighbors and elderly residents with the upcoming cold weather. Chief Houston said if requested, the City can set up City Hall as a shelter for residents during this cold front. She called for donations of coats, blankets, and towels.

9. Mayor's Report

Mayor Fouraker reported on the following,

- Mayor Fouraker spoke of his concerns with the Hoffner purchase. He highlighted some events that led to him not approving the Letter of Intent. He requested a copy of the contract and the survey and noticed it was signed on November 25. He discovered in the title commitment that the 20-foot easement, the only egress, and ingress on the property, is a wellhead. The adjacent property owner holds a claim to that wellhead and does not want to move it. This creates a title defect, and we will not be able to get title insurance. At a minimum, this issue was sloppy, confusing, and challenging. At a maximum, he doesn't understand why Council was not apprised of these material issues. In June, the Council did give the City Manager authorization to negotiate business terms and letters of intent. Still, he was not authorized to sign the documents creating improper handling of documents.

Comm Gold asked if the City received the 25,000. Mayor Fouraker said it was terminated on time.

Comm Partin said he needs to understand if this was an oversight on the commercial property broker.

City Manager Francis said that when they talked with the owner, he was aware of some of the challenges; however, the homeowner was willing to work through the issues. On November 16, he sent an email, call or text to Council members on the property before bringing it to the December 6th Council meeting. The only Council member that objected was Vice Mayor Partin, stating that the price of \$210,000 was on the high end. On Thanksgiving, the broker sent a standard document, and he signed it to start the due diligence process. He told the broker that this must go to Council for a vote, and the broker understood. On December 6, he brought it forward and asked Council to move forward with the purchase. Before December 6, he sent it to the City Attorney, who said there was a red flag. Mr. Francis noted that he doesn't think that it can't be overcome. He stated that there was no intent to dupe the Council and finds it highly offensive that the Mayor said he has no integrity.

City Manager Francis said the Mayor did not feel comfortable signing the document because (1) he didn't walk the property, (2) he disagreed that it is a good piece of property, and (3) he didn't speak to Comm Uribe about the property. Mr. Francis then signed the cancellation paperwork and sent it not to lose the escrow. Mr. Francis said he should have brought the contract to Council and apologized, knowing that if the Council said no on December 6, we would get the escrow back. That was what he was thinking, and he did not do anything malicious or hide anything from Council and certainly does not have to have his integrity questioned. He made an error.

Mayor Fouraker said the Council decided on the purchase with what was made available. The Council should be able to have all the material facts. With the title defect, the property is worth less than \$200,000 because a bank cannot lend on that property with the easement issue. Some risk management practices were missed; Council did not review the contract, we did not have an appraisal, and the City Manager certainly needed to have the authority to sign a contract on behalf of the City. Mayor Fouraker apologized for stating he did not have integrity; however, not having all the evidence, he was placed in a position he does not want to ever be in again.

Comm Partin said Mayor Fouraker made the right decision to bring this forward and apologized for the statements made in the email.

Attorney Langley said that if the Council wants to move forward with the purchase with the known facts as presented, you might want to make a motion to approve the purchase with a different closing date. If not, nothing else is required. Mayor Fouraker said it is not a fair price with those defects. The property cannot get financing with the wellhead issue, and the City needs a mock site plan or uses declared.

Comm Carugno moved forward with purchasing the 1209 Hoffner Avenue property for \$200,000 with the same terms previously discussed, with a closing date at the City Manager's discretion. Comm Shuck seconded the motion, which failed 3:4 with Comm Partin, Comm Smith, Comm Lowell, and Comm Gold, nay.

The Mayor called for a 5-minute comfort break.

- Mayor Fouraker pledged to advertise for the Comp Plan and Traffic Committee members.
- Mayor Fouraker thanked Comm Uribe for moving the community meeting to discuss the Clarian Hotel to the AG Center on January 5h. He asked Mr. Francis for an update to reconcile the application with the code/variances versus what it would take to build the building from scratch. Mr. Francis said he is unsure if the staff can create a logical document. Orange County has many regulations, and we will not be able to get into all the regulations and give an effective report. Mr. Francis said there might be something in State Statute 164 – Conflict Resolution that we could discuss. Attorney Langley said if the City wants to object to the project, they must be present at the meeting to add them for the record.
- He asked for an update on registering Septic companies working in the City. Mr. Francis said it would be an ordinance change and will bring brought forward at a future meeting.

10. Items from Council

- Comm Partin spoke about caring for our senior residents and thanked staff for leading the blanket and coat drive. He would like to help establish an elder care program.
- Comm Lowell asked staff to send an elert asking for gently used blankets and coats.
- Raquel Lozano, City Planner, gave a brief update on the artificial turf survey closing on January 1, 2023.
- Comm Carugno said he would like to bring forward the purchase of the Hoffner property on the next agenda. He thought it would be a great property to own. He further spoke on the high weeds in Lake Conway. He added that the weeds are causing damage to people's property.

11. Adjournment

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