



city council minutes

MINUTES
July 16, 2019
Regular Session 6:30 pm

The Belle Isle City Council met in a regular session on July 16, 2019, at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

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

Absent was:

Mayor Nicholas Fouraker

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

CALL TO ORDER

Vice Mayor Readey called the City Council Regular Session to order at 6:30 pm and confirmed quorum. Commissioner Shuck gave the invocation and led the Pledge to the flag.

PRESENTATION

Chief Houston congratulated Sergeant Ruiz on a successful apprehension of a suspect on the run in Orange County. She announced that the Orange County

Vice Mayor Readey announced that Mayor Fouraker had a prior engagement and will be in attendance at 7:30 pm. He requested Item #3-Presentation of CCA Refunding of Existing Debt be moved later on the agenda until his arrival.

CONSENT ITEMS

- a. Approval of the City Council meeting minutes for May 21, 2019
- b. Approval of the City Council meeting minutes for July 2, 2019
- c. Resolution 19-08 – A Resolution of the City of Belle Isle, Florida, amending the budget for the fiscal year beginning October 1, 2018, and ending September 30, 2109, providing an effective date.
- d. Monthly Reports

Comm Sims motioned to approve the Consent Agenda as presented.

Comm Nielsen seconded the motion.

Comm Gold asked to remove item c Resolution 19-08 from the consent agenda.

Comm Sims amended the motion to remove item c Resolution 19-08 for discussion.

The motion was unanimously approved 7:0.

Acting Mayor Reading called for public comment on Resolution 19-08.

Clayton Van Kamp residing at 5452 Ming Drive shared his concern with the proposed budget amendment. He said the fund balance last year was projected less than reported. He further shared his concern with the FEMA distribution and asked if the funds will be received this year. He recommended creating a budget committee and ways to look for a reduction in cost moving forward.

Mr. Francis said last year's fund balance included the money due from FEMA from three debris reimbursements have not been received totaling \$900,000.

Comm Gold asked why the fund balance carryover is contingent upon accepting the Resolution. Mr. Francis said approval of the Resolution is to amend the budget to show the deficit of revenue.

Comm Carugno asked about the increase in legal fees.

Mr. Francis said the fees are attributed to research on Council direction such as lot splits, reimbursement of attorney's fee, cornerstone use agreement. Also, the total cost includes fees for the Planning & Zoning Attorney.

After discussion, Comm Nielsen motioned to approve item c – Resolution 19-08.

Comm Sims seconded the motion.

Comm Gold clarified his interpretation and said the resolution is to show what is spent and not contingent upon approval.

The motion was unanimously approved 7:0.

EXCUSE ABSENCE

Acting Mayor Readey called for a motion to excuse Mayor Fouraker, Vice Mayor Readey and Comm Carugno from the July 2, 2019, Council meeting.

Comm Gold motioned to excuse Mayor Fouraker, Vice Mayor Readey and Comm Carugno from the July 2, 2019, Council meeting.

Comm Nielsen seconded the motion which passed 6:1 with Comm Carugno-nay.

CITIZEN COMMENT

Acting Mayor Readey opened for citizen comment.

There being no comments Acting Mayor Readey closed citizen comment.

UNFINISHED BUSINESS

Donation Policy

City Manager Francis said the proposed policy covers restricted and unrestricted donations; procedures for accepting donations; and an agreement between the donor and City as to what conditions may be placed on the donation. Also, the policy has been reviewed by the City Attorney. Mr. Francis asked for a motion to approve.

Comm Nielsen motioned to approve the Donation Policy.

Comm Gold seconded the motion which passed unanimously 7:0.

NEW BUSINESS

a. Discussion of Urban Chickens

Acting Mayor Readey opened for public comment.

Emily Wakley, residing at 3019 Indian Drive, spoke in favor of allowing chickens within the City limits and exploring a Pilot program similar to the City Orlando. She encourages the Council to educate them by attending Back Yard Chicken classes before moving forward.

City Manager Francis gave a brief overview of previous Council meetings that were met with little success. The staff discussed this topic, and although other municipalities allow chickens, the staff determined that allowing chickens from the City may be staff intensive, especially in the beginning. He introduced JK Yarborough, a representative from the Extension Center, to talk about chickens.

Mr. Yarborough works for Orange and Seminole Counties educating residents by providing monthly classes on Back Yard Chickens. He noted that once completed; the attendee will receive a certificate of completion. He covers all aspects of having chickens from cost, purchase, housing, predators, and upkeep.

After discussion, the Council discussed the personal benefits and code enforcement issues that may occur.

Comm Carugno motioned to not allow chickens within the City limits.

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

b. Discussion on Renaming Certain City Recreational Areas

Comm Shuck opened the discussion and said he had received calls by some residents complaining about the use of the beach areas throughout the day and night. He proposed changing the names of the two areas in the city Delia Beach and Swann Beach because these areas are not technically beaches and are drawing more of a nuisance crowd. Mr. Francis said without changing the Comp Plan; he does not believe the name can be changed. Also, these two areas are public parks and open to the public. In the interim, the City can refrain from using "beach" for those parks until they are officially changed in the Comp Plan. If the nuisance happens more at night, the City can add more patrol and ensure that the gates are closed in the evening. Council agreed with the recommendation offered by the City Manager.

c. Planning and Zoning Appointment

Mr. Francis reported, after further research, the applicant who applied for the Planning and Zoning Board open position does not live in District 6 and will not be able to be appointed. There will be no appointment made and the City will re-advertise the vacancy.

d. Discussion on Proposed Ordinance – Slow Speed/Minimum Wake Zones

City Manager Francis said over the past years, traffic on the Conway Chain of Lakes has significantly increased, especially personal watercraft. He spoke of a recent incident on the Lake and the safety concerns that are a common occurrence but never reported. There are several residents on the north lake who have shown interests in annexing into the City. Since the City limit borders the entire lake, he has drafted an ordinance to slow the speed through the narrows. In addition to controlling the speed on the lake and safety on the water, the staff is looking into limiting the sale of alcohol and fuel at the Sunoco station on Daetwyler.

The ordinances that the City and County have in place cannot be enforced because the Florida Wildlife Commission (FWC) has not recognized the ordinances. Comm Uribe informed him that the Sheriff's Office takes the lead on starting the process of getting a Bill in place before presenting to FWC. The staff recommends the City continue to work in partnership with the County and our State Legislators but continue to move forward toward adopting this ordinance as a backup plan.

Comm Carugno asked if the City Attorney has started the process on the preliminary research. Attorney Ardaman said there might be some hurdles before bringing it forward to FWC. Mr. Ardaman said if the City engages the County and maybe the City of Edgewood, it may create positive media recognition, public perception, and government entities participation. He will be meeting with the Chief and Marine Patrol to review our Code and Orange County Code for similarities and differences before bringing it back to Council for review. For the record, Comm Carugno said he and the City Manager have met with many of the residents on the North Lake. He asked the Mayor if he plans to attend any future meetings on the North Lake he should let staff know so that they do not violate any Sunshine Law and be present at the same meeting.

Mayor Fouraker said he is coordinating with House Representative Eskamani on legislation changes to establish lake speed limits and clarifying the definition between reckless and careless. He said because all of the lakes are not in our jurisdiction, we need to continue working in partnership with the County to move things forward.

Acting Mayor Readey opened for public comment.

- August Stanton resident for 70 years on the North Shore thanked Council for laboring support over the current issues.
- Mr. Gene residing at 1700 Lake Grove Lane said he was the person involved in the recent incident with a jet skier and would welcome the Mayor and Council to all meetings held on the Northside of the Lake to make our lakes safer.
- Alexander Klein, a north lake resident, spoke on two fundamental problems: safety on the lake and environmental. He addressed the MSTU tax and said he had been told the lake is "Switzerland" and if nothing is done it will get out of control and someone will get hurt.

Mayor Fouraker asked moving forward the City should research how much Belle Isle residents other Orange County residents contribute to MSTU tax dollars. Bobby Lance residing at 6615 Matchett Road said Belle Isle resident contributions are about 2/3. Discussion ensued.

After discussion, Comm Nielsen moved to forward the draft Ordinance to the City Attorney for review and first reading at the August 6, 2019, City Council meeting.

Comm Carugno seconded the motion.

Comm Partin asked if the Council can be notified if the Attorney cost exceeds \$15,000 before further in the process.

The motion was unanimously approved 7:0.

Mayor Fouraker called for a motion to excuse Comm Readey from the remainder of the meeting.

Comm Nielsen motioned to excuse Vice Mayor Readey from the remainder of the meeting.

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

PRESENTATION: CCA Refunding of Existing Debt – Taylor Smith, Cornerstone Charter Academy (CCA) Consultant

City Manager Francis introduced Taylor Smith, CCA consultant and said the information outlined in the packet is a third option to refinance CCA debt. The Council was presented two other options (1) buy the property and (2) purchase the building, and both were declined. The consultant will provide option three to determine Council's direction and willingness to participate in this option.

Taylor Smith, CCA Consultant, said he had been a part of the journey from the very beginning. Mr. Smith gave a recap of the previous presentation at CCA and the current structure of the lease. He said the school's excellent performance is allowing for this option to be offered. He said the proposed option if approved, will take the City out of the obligation of the maintenance game, will not change the ownership, will not extend or change the term of the lease. Also, the remaining cost of the Wallace Field repayment will be forgiven adding to the City's General Fund. He presented the following third alternative as follows,

1. CCA Acquisition of Property from COBI - declined
2. CCA Ground Lease from COBI - declined
3. CCA-COBI lease modification to allow CCA to refund existing debt, fund expansion and assume maintenance of the Property – proposed

Wesley Bradish, Ziegler Managing Director, said they did the original financing in 2012. This significant opportunity can be achieved because the school is viewed very favorably. The immediate savings from this Ziegler 2019 Refunding will give an annual savings of 100,000 per year. He reported the following,

- Current annual debt \$708,000
- New annual debt \$608,000
- Annual Savings \$100,000 per year
- Total Current Savings \$2,400,000

Refunding & Cornerstone Masterplan 2.0 Annual Debt Payments

- \$1,375,000 per year for 23 years
- 3.8% interest rate fixed for the expansion
- \$859 annual per student station

Benefits to the City of Belle Isle

- School assumes maintenance obligations of campus (deferred current and future)
- General Revenue Fund savings from Wallace Park annual repayments to Public Funds School Rental Account
- The city, retains ownership of School facilities
- 100% of existing City debt repaid

Council asked the following questions,

1. Q-The documents speak to the Security on the 1st mortgage on its facility - Are the buildings on the property to be used as security for the new loan as referenced in section 2 of the June 26, 2019 letter.
 - a. Mr. Smith said there would not be a mortgage on the property. He said that applies to the Texaco station and will need to be clarified.
2. The CCA Governing Board has not made any attempts to meet with the City Council, and some of the benefits need to be discussed and clarified as a group – there needs to be a cooperative effort before moving forward.
3. Q-What is the City's recourse to ensure the completion of the required inspections and repairs.
 - a. The City can add the language to the lease to request a monthly/yearly maintenance report.
4. Q-What is the administrative costs and property insurance fees to the City.

- a. Mr. Francis said he does not believe the loss is substantial. He will provide a report to the Council for review.
5. Q-Does this change any of the relationship with the City and the school remaining a Municipal City Charter School or a Chartered Municipality.
 - a. The question can be answered once a joint session scheduled with CCA and Orange County.
6. Q-Does this change any of the relationship with the City and the school remaining a Municipal City Charter School or a Chartered Municipality.
7. Q-Should the City obtain a Bond Counsel to be our advocate and decipher the proposed plan.
 - a. Attorney Ardaman stated that he had not had the opportunity to review the document in its entirety.
8. Q-Does the City have a seat at the table to oversee to construction and future planning.
 - a. Mr. Smith said the City add it as a condition to the lease modification.
9. Q-What happens if nothing happens tonight, there are a few dates on the proposal; how long is this process going to take to complete and what happens if the September 9th deadline is not met.
 - a. Mr. Smith said the dates were set in the contract during previous discussions with CCA to lock the rate. The risk is that the rates may go up and miss the 60-month loan opportunity on interest rates. The process takes approximately 60-90 days.
10. Q-Can the City refund/payoff the bonds at this time without going through this process.

After further discussion, Comm Carugno motioned not to consider the refinancing debt proposal. Comm Nielsen seconded the motion which passed 6:1 with Comm Shuck – nay.

EXTENSION OF MEETING TIME

Comm Gold motioned to extend the meeting to 9:15 pm.

Comm Partin seconded the motion which passed 5:1 with Comm Sims – nay.

ATTORNEY REPORT – No report.

CITY MANAGER'S REPORT

Issues Log update

Budget Workshops – Aug 13 and Aug 27 Budget Workshops, Sept 3-First Budget Hearing and Sept 17 Budget Approval
Mayor Fouraker asked if Council is open to creating a Budget Advisory Committee.

Comm Gold motioned to approve the creation of a Budget Committee.

The motion dies for lack of a second.

After discussion, Mayor Fouraker acknowledged that there is not enough time to create a committee, due to the prescribed schedule for budget approval; however, he recommended putting a process in place to start the creation of a budget committee after the CAFR has been presented.

Fountain – The fountain will be up and running, and dedication of the fountain will be scheduled at a later time.

Parking - The City will start sending information on the Parking changes per the Ordinance before issuing citations.

CHIEF'S REPORT – No report.

MAYOR'S REPORT– No report.

COUNCIL REPORT

Comm Carugno reported on the ANAC meeting discussions.

ADJOURNMENT

There being no further business Comm Sims called for a motion to adjourn. The motion was passed unanimously at 9:10 p.m.

Yolanda Quiceno, CMC, City Clerk