



MINUTES
CC Regular Session – 6:30 pm
October 20, 2020
Virtual Conference

The Belle Isle City Council met in a City Council Regular session on October 20, 2020, at 6:30 p.m. on a virtual webinar (zoom.us/j/81582344601).

Present was:

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

Absent was:

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

CALL TO ORDER

Mayor Fouraker opened the meeting at 6:30 pm, gave the invocation, and led the Pledge to the Flag. The City Clerk confirmed quorum.

CITIZEN COMMENTS

Mayor Fouraker opened for citizen comments.

The City Clerk reported that she received an email from Rick Miller residing at 2001 Nela Avenue, Belle Isle, FL, dated October 20, 2020, regarding the Retirement Contribution Increase. Mayor Fouraker read the public comment for the record as requested,

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

CONSENT ITEMS

- a. **RESOLUTION 20-16:** A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE DEFINED CONTRIBUTION RETIREMENT PLAN FOR THE EMPLOYEES OF BELLE ISLE; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.
- b. September Monthly Reports: Finance Report, Police Department, Marine Patrol, Code Enforcement, and OC Fire.

Mayor Fouraker Read Resolution 20-16 for the record.

Mayor Fouraker read the public comment for the record as requested,

“Commissioners and Mayor- Tonight I write to you as a citizen of Belle Isle to express my concern over an item on the consent agenda. The use of the consent agenda should be limited to administrative items that do not need public debate or comment. Tonight we have an item on the agenda that has not previously appeared before the Budget Advisory Committee, nor was it included in the budget. This is the increase in retirement contributions for city staff. The current agenda item is for an increase of 1% for civilian staff, and 1/2 (.5)% for law enforcement. This would bring the totals to 14% for civilian staff and 17.5% for law enforcement. These retirement contributions are on top of the rather generous increases that the city just awarded these employee groups. Civilian staff received a 5% bump and law enforcement received between 7.62% and 46.93% increase, depending on where the officer sat on the pay schedule during the budget process. Additionally, the police pay plan includes a 4% salary increase in years 2 and 3. These are all very 'rich' plan changes for the public sector when the cost of living has only increased by 1.3-1.5% according to the federal government bureau of labor statistics from last year to this year. I urge the city commission to refer this item as well as any other item that

has budget implications to the Budget Advisory Committee for its review and recommendations before the commission takes action. Thank you!”

Comm Nielsen asked the City Manager if the Resolution can be read later to allow the Budget Committee review. Mr. Francis said this was passed by the City Council as part of the Police Pay Plan and included in the budget.

Comm Nielsen moved to approve the consent agenda as presented.

Comm Sims seconded the motion.

Comm Gold shared his concern and said he would like to vote on the Resolution separately.

After discussion, the motion passed 6:1 with Comm Gold, nay.

UNFINISHED BUSINESS

Proposed Ordinance to change “After-the-Fact” permits and fines

Mr. Francis said one of the issues that continually surfaces is residents building without permits. At the October 6th Council meeting, the Council acknowledged that the section needs to be revised. The City Manager presented the following edits for consideration,

1. *After the Fact Fee is defined as “an improvement made to a property prior to March 1, 2010. The improvement has been existing, used, occupied, or otherwise known to the current owner as legal. It is not shown, located or identified upon any property record within the permitting department of the city.”*
2. *Working without a Permit – Fees will be assessed on non-permitted work as of March 2010. Edit was defined as follows, “commencement of an improvement made or completed to a property after March 1, 2010, and prior to the issuance of a permit; the improvements of which may include building, electrical, gas, mechanical, plumbing, or roofing work.”*
 - a. *Penalties to include, “In all cases where work for which a permit is required is started, proceeded with, or completed before the permit is obtained, except where specific permission is granted to proceed by the City Manager or the City Manager’s designee, the permit fee due to the city shall be as follows:*
 - i. *If the valuation of the non-permitted structure is \$5,000 or less, the fee shall be \$1,000 plus all costs incurred by the City in assessing the value of the non-permitted structure.*
 - ii. *If the valuation of the non-permitted structure is more than \$5,000, the fee shall be \$1,000 plus ten (10) percent of the valuation of the non-permitted structure and all costs incurred by the City in assessing the value of the non-permitted structure.*
 - iii. *Payment of the after-the-fact permit fee shall not be a defense in a prosecution for doing the work for which a permit was required without having first obtained the necessary permit.*

Comm Nielsen said the penalty must be substantial enough to discourage homeowners from working without a permit. She suggested that a grace period be allowed for correction for those residents who have less expensive repairs before the Ordinance goes into effect.

Comm Gold said he agrees with a penalty; however, he does not want the punishment to be so severe that it would place the city under un-necessary litigation. He would like to see a draft comparison to other cities, i.e., the City of Orlando, Windermere, and Winter Park.

Comm Carugno shared his concern with the proposed fine and said he would like to see a 5-10% penalty and an incremental percentage for additional violations. Council further discussed other measures and ratios on the value of a structure.

After further discussion, Comm Nielsen moved to direct the City Manager to prepare the Ordinance for review and adoption. Mayor Fouraker said before a motion can be made, he would like to continue with the Council discussion. Discussion ensued to table for further consideration.

After further discussion, Comm Nielsen withdrew her initial motion and moved to direct the City Manager to present the first draft for consideration.

Comm Sims seconded the motion.

The motion failed 4:3 with Comm Partin, Comm Carugno, Comm Readey, and Comm Gold, nay.

Comm Sims asked to table the discussion.

Comm Gold moved to have the City Manager present draft comparisons from neighboring Cities (Windermere, Winter Park, and Orlando) for consideration, including the incorporation of the discussion topics.

Comm Readey seconded the motion.

Comm Sims shared his concern with the unnecessary work imposed on the staff.

Mayor Fouraker shared his frustrations with the discussion and prolonging of a response on a decision. Discussion ensued.

The motion failed 5:2 with Comm Carugno, Comm Shuck, Comm Nielsen, Comm Partin, Comm Sims, nay.

Comm Sims moved to have the City Manager draft an Ordinance for First Reading and consideration incorporating the discussion topics. Comm Nielsen seconded the motion.

Comm Gold stated the opposing side could not make the motion.

Comm Partin moved to table the discussion.

Comm Nielsen seconded the motion, which passed unanimously 7:0.

NEW BUSINESS

Consider changing Nov 3rd CC Meeting to Nov 4th due to Election

Comm Gold moved to reschedule the November 3rd meeting to November 4th due to the Election.

Comm Readey seconded the motion, which passed unanimously 7:0.

ATTORNEY REPORT

Attorney Ardaman said discussions continue on the proposed Interlocal Agreement involving the Sheriff's Office Marine Patrol and FWC. He will keep the Council updated on ongoing-discussions.

CITY MANAGER REPORT

City Manager Francis gave an overview of the following,

- As of November 1st, the City Council will have to return to in-person meetings per the Governors' Order. The City Council session scheduled for November 4th will be held in-person at the City Hall Chambers.
- Mr. Francis reported that he approached a company (lobbyists) on the current Lake issues for review. He will send the findings to the City Attorney and Council for discussion.
- November 4th is the deadline for the City newsletter articles
- Ethics training was completed last week for 2020-21. Training is available on the FLC website.
- On the November 4th agenda, City Council will hear the appeal of Jeff Giles dock
- On the November 20th agenda, City Council will hear the appeal to the Wallace Field's special exception. Attorney Ardaman spoke on exparte communication for the upcoming hearings.

Issues Log:

- Paving – Reviewing the new year paving projects. The City will continue to piggyback with paving contracts with Middlesex Paving.
- Storm Drainage – Moving forward with Wind Willow and St Moritz. 50% complete – Stafford, Pam, and St Partin. Scheduled utility locates for Sol Avenue project. He said that the NAV Board had received its lake study. They have listed nine projects- one of which is Delia beach. He will communicate with the Board to see if they would split the funding and reimburse the City for the completed work.
- Traffic Study – The City received changes to the maps. He will post at City Hall after the final review. RFP was completed for the crosswalk/beacon project.
- Wallace Field – Site Plan tabled to the P&Z Meeting in November. Appeal to City Council on Nov 17th.

- Acquisition of Property – BOA purchased closing scheduled for November 11th. Mr. Francis said he postponed staff discussions with CCA on the expansion project until returning to the office.
- CCA Lease – Mr. Francis said he is working on a draft lease for consideration to ensure that all the points discussed would be included. Mayor Fouraker shared his concern and opposition with the City taking the lead on drafting a lease.
- Annexation – Working on scheduling a meeting before Thanksgiving with Waltham residents to discuss annexation into the City. Also, he will meet with a Publix representative for possible annexation.
- Mr. Francis gave a brief overview of the Sol paving project to rebuild the road and add better drainage to eliminate flooding.

Appointment of Todd Tatum – Solid Waste Committee

Comm Readey moved to appoint Todd Tatum – District 5 to the Solid Waste Committee.

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

Chief's Report

Chief Houston reported on the missing person case. She thanked the volunteers, other Agencies, and exceptional staff for their support and commitment. She stated that the family would be hosting a celebration of life at the Action Church in Belle Isle Commons. Council shared their appreciation to the staff and volunteers on the Hollingsworth case.

MAYOR'S REPORT

- Mayor Fouraker commended the Chief and her staff for their commitment. He further acknowledged the support of the countless volunteers and surrounding agencies. He reported that September is National Suicide month and shared the following hotline for anyone who needs some help – 800-273-8255.
- Mayor Fouraker spoke on and shared a chart from the NAV Board and their total expenses. He said he would like to have Council think of other things the City may need to complete through the MSTU tax dollars and send it to the City Manager for reporting. He congratulated John Evertsen for his appointment with the NAV Board.

COUNCIL REPORT

Comm Carugno

- Boat Parade dates for Dec 18th on the South Lake, and Dec 19 and Dec 20th for the middle and north lakes.
- Bike Parade is scheduled for November 23rd.
- He shared a brief overview of his calls to the Noise abatement hotline.

Comm Readey

- Comm Readey shared his excitement about his grandson's participation on the CCA Football team.

Comm Shuck

- Comm Shuck reported that there is an opening for District 3 on the Planning & Zoning Board. Please send a letter of interest to the City.

Comm Gold

- Comm Gold thanked the staff for the quick turnaround on installing the benches on Hoffner.

Comm Nielsen

- Comm Nielsen presented a Flyer for Pioneer Days 2021. She said if the event is canceled due to COVID, all sponsorships will be reimbursed.

ADJOURNMENT

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion passed unanimously at 8:23 p.m.

Yolanda Quiceno, CMC, City Clerk