



city council minutes

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

The Belle Isle City Council met in a City Council Regular session on October 6, 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 Harv Readey
Commissioner Jim Partin
Commissioner Sue Nielsen

Absent was:

Commissioner Mike Sims
Commissioner Karl Shuck

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, and City Clerk confirmed quorum.
Comm Partin gave the invocation and led the Pledge to the Flag.

Mayor Fouraker announced the absence of Comm Sims and Comm Shuck and called for a motion for an excused absence.

Comm Carugno motioned to excuse Comm Sims and Comm Shuck from today's meeting.

Comm Gold seconded the motion, which passed unanimously 5:0

CITIZEN COMMENTS

Mayor Fouraker opened for citizen comments.

City Clerk reported that she did not receive any comments for this meeting.

There being no comments, Mayor Fouraker closed citizen comments.

UNFINISHED BUSINESS

Approval of 2012 Bond Refinancing with Cornerstone Charter Academy (CCA)

City Manager Francis reported that the City has continued to negotiate with CCA on refinancing the 2012 Bond. The City's Financial Advisors, staff, and CCA's Financial Team met on a conference call on September 23, 2020, to review the options. After discussions, both parties recommended moving forward with the refinancing of the bond. The next step is to draft a new lease between the City and CCA. Mr. Francis provided the financial information by Ziegler Banking. Mr. Francis recommended moving forward and said the refinancing would remove the \$9m debt from the City's books.

Comm Carugno asked if the Budget Committee reviewed this. Mr. Francis said the Budget Committee has recommended not moving forward because of the current relationship with the CCA School Board. However, the City's Financial Advisors highly recommended that the City move forward.

Comm Nielsen said the City will continue to be the landlord and own the Charter. The only change will be that CCA will solely be responsible for the debt and remove the City from the financing. Mr. Francis said the relationship remains the same other than the maintenance responsibility, which will be managed by the school.

Mr. Miller, resident, and Chairman of the Budget Committee said the budget committee's concerns were related to the lease conditions. Some of the issues discussed related to (a) the maintenance of the property, (b) what happens if the school was to close and become an asset on the City's books with no revenue source, and (c) more information on CCA's ongoing operations needed. Once these items are discussed and approved, should the City move forward. Comm Readey asked if there was a reason why the City cannot wait to refinance until these questions have been cleared,

Comm Gold said he did not see an analysis that shows why the City cannot restructure the bond and take over the payments; our relationship with CCA is ill-defined. He would like to understand the relationship better before involving the citizens in anything further.

Mayor Fouraker shared his concern with extending the lease and asked if CCA can refinance the bond and raise the \$12m without extending the lease's term dates. He does not believe there is any compelling reason to extend the date.

Mr. Francis clarified that the City taxpayers will not and do not have any responsibility for payment of the debt; this was the case from the very beginning. The relationship we have with the school will continue to be Tenant/Landlord. Mr. Francis said the relationship and the refinancing are two separate issues. Discussion ensued.

David Moore, City's Financial Advisor, said no, the school could not raise funds without the refinancing because it would be restructured using the same vehicle. The refinancing will be with a third party as proposed, or the entire total will be through the City. Mr. Moore clarified that the agenda item is not approving a Resolution that is a legal document to allow the refinance. It is mainly allowing the City Manager to negotiate a draft lease with the City Attorney and CCA for approval by City Council. Mr. Moore said the proposed extending of the lease would be a better cash flow option for CCA; however, acceptance of extending the lease is a policy decision, and Council can instruct the City Manager to negotiate a shorter term. Discussion ensued.

Comm Partin spoke on the process and said the City deserves to receive revenue for that property, and having the \$9m off the city books is considered a right action by the City. He further added that the City would need to negotiate the rents moving forward.

Comm Nielsen clarified that approval is not negotiating any agreement. It authorizes the City Manager to continue the negotiations of the lease for Council approval. She does not feel the City should continue carrying the \$9m debt in the City books.

Comm Nielsen moved to authorize the City Manager to continue negotiations for the bond refinancing and lease amendment with CCA to bring back to City Council for approval. Comm Readey seconded the motion.

Comm Gold said he would like to have the Budget Committee's recommendations before it comes to Council.

After further discussion, Comm Nielsen amended the motion to include recommendations from the Budget Committee before it comes to Council. The motion passed 4:1 with Comm Carugno, nay.

CONSENT ITEMS

- a. Approval of the September 23, 2020, City Council minutes

Comm Nielsen made a change to include the percentage of the rollback rate as required. The City Clerk stated that the amended minutes were posted, and the edits can be found on the 2nd page of the agenda, Call to Order: 3rd paragraph, 2nd bullet.

Comm Nielsen moved to approve the minutes of September 23, 2020, as amended.

Comm Gold seconded the motion, which passed unanimously 5:0.

NEW BUSINESS

Proposed ordinance to change "After-the-Fact" permits and fines

Mr. Francis shared the concerns with non-permitted work. He said most permit fees are minimal, and some will take the chance and build without a permit, and if they get caught, they would only have to pay a double permit fee. He requested the following change for consideration, a fine amount of \$5,000 or ten (10%) of the non-permitted structure's valuation, whichever is greater.

Comm Carugno shared his concern and said the \$5,000 is a little “stiff” and asked if the Planning & Zoning Board can oversee the process instead of being appealed to City Council. Mr. Francis said this does not have to do with the Planning & Zoning Board; it has to do with the permitting process through Universal Engineering or Zoning Department. The City currently has a Code Enforcement Special Magistrate, and the process may be cumbersome to move the penalty through. Discussion ensued.

After discussing the permitting process, the City Manager proposed Council make any recommendations they would like to see added to the ordinance in the motion for approval.

Comm Carugno moved to increase the after-the-fact permit to \$1,000 or 10%, whichever is greater, and direct the appropriate ordinance to be drafted for the first reading with a start date beginning year or after approval of the second reading.

Comm Gold recommended that the City send out extensive communication of the new rule. City Manager Francis asked for clarification of the motion.

After discussion, Comm Carugno moved to accept staff recommendation to increase the after-the-fact permit penalty and direct the appropriate ordinance to be drafted for the first reading with a start date beginning of the calendar year or after approval the second reading.

Comm Nielsen seconded the motion, which passed unanimously 5:0.

Reconsideration of Boat Length at City Ramps

City Manager said this is presented to Council attention again because the Police Department has begun enforcing the rule. He has received complaints from residents that they could not launch their boats because they were over 21ft. At certain times, when there was no enforcement, some of the residents said they did not have a problem launching their boats.

He said the measure came into effect in 2003 when the City wanted to have Perkins Boat Ramp permits. The adjoining property owner sued the City in court and won. While obtaining the Perkins Boat Ramp permit, a condition of the permit issued that a set of rules be developed and approved by the City and the adjoining homeowner. As part of Resolution 03-07, it was agreed that we would not allow boats over 20ft, and trailers over 23ft to launch to avoid damaging the ramp.

Comm Readey said it would not be wise to go against the original Resolution just because we were lax in enforcing the rule. Mayor Fouraker shared his concern and said there is a practical issue and asked if is this hurting anyone or is the 20ft too arbitrary.

Comm Partin said it would be beneficial to go back to Mr. Liberty, the homeowner and see if he is willing to change the agreement. Mr. Francis said the agreement does state if there are any changes, the City should go back to the adjacent property owner. Mr. Francis asked if the Council would like to table the discussion until he speaks with the adjoining homeowner.

Comm Carugno said he would like to motion to allow a maximum boat length of 26 feet. Comm Nielsen said it would be prudent to check with an Engineer to confirm if a boat larger than 21ft can safely launch the current ramp design. Discussion ensued on a couple of scenarios.

Comm Readey moved to table the discussion to the next scheduled Council meeting to allow the City Manager to (1) speak to the adjoining homeowner, Mr. Liberty, (2) define how a boat is measured, and (3) confirm from an engineering perspective that the Perkins Boat Ramp is equipped to have larger vessels launch from it. Comm Nielsen seconded the motion, which passed unanimously 5:0.

ATTORNEY REPORT

Attorney Ardaman reported on a conversation with the Sheriff's Office and their General Counsel regarding the Lake Conway Issues. He said they discussed the current enforcement concerns on the Lake and a potential Interlocal Agreement concerning coordination of enforcement and applicable laws. He noted that additional regulations on the Lake were discussed with the County and FWC. FWC is asserting its jurisdiction on the City's position. The staff will continue to pursue other options for the enforcement on the Lake and the sand bar with the Sheriff's Office in the interim. Finally, the staff is researching a no-vessel exclusion zone and swimming area similar to the Butler Chain of Lakes. Attorney Ardaman gave a brief overview of the discussions with Orange County BOCC.

CITY MANAGER REPORT

City Manager Francis gave an overview as follows,

Issues Log

- Paving – Reviewing estimates for 20/21 paving projects. Comm Nielsen asked if all the streets in the City have been rated. Mr. Francis said no, however the city-wide rating would be started soon.
- Storm Drainage – City staff has located at Wind Willow for excavating swales. Quotes received for St Marie and Jade. Stafford and St Partin at 50% completion. City ordered a survey of Sol Avenue to get the appropriate slope for reconstruction work.
- Traffic Study – The City received and is reviewing new plans and project documents. Once updated plans are accepted, the staff will post new plans for resident comments. The staff received a resident request for a few benches on Hoffner Avenue from Regal Park to the shopping center. After further reviewing, the City decided to place benches and garbage cans or pet stations on Louvre, the crosswalk on Monet, and Dorian.
- Wallace Field – P&Z tabled the site plan; however, they did approve the special exception. An appeal was received from the neighbors in the area for Council review. At the next P&Z meeting, they will continue with consideration of the site plan.
- Acquisition of Property – Due diligence period with BOA should be completed by October 12th unless some new issue arises. Preliminary discussions on potential annexation areas.
- Annexation – Staff will be sending a letter to residents on Randolph, Wilkes, and Waltham re Annexation. Some residents have been asking to annex into the City, and he recommended they speak with Comm Uribe.
- Lancaster House – Comm Uribe continues to work with the private property owner.
- Ethics Training – Available by FLC. Staff offering Council the opportunity to meet in the Chambers to attend the seminar. COVID guidelines will be followed, and lunch will be provided.
- Multi-Family Unit – The City received letters from residents on Nela regarding the upcoming project. He recommended that they contact their OC representative Mayra Uribe.
- Virtual Meetings – Governor has announced Nov 1st to allow in-person meetings, and a quorum must be present to move forward. If Council members feel that they have a health risk, please let the City Clerk know to make arrangements. On Nov 3 is our first in-person meeting. Election Day falls on Nov 3rd, and staff will ask to have the City Council meeting moved to a later date or canceled.
- Comm Nielsen asked for the formula on how to compute the rollback rate.

Special Events Committee Fall Event

Board Chairman Bobrowski presented the Hay Y'all its Fall event. Ms. Bobrowski provided a flyer with the details. The event will be held at the green space at City Hall with an entry fee of \$25 and \$40 business/corporate. The cost to the City is minimal. The entry fees should cover most of the expenses. Council agreed to have the Girl/Boy Scouts or Civic organizations free participation.

Comm Partin moved to approve the proposal for the Fall event.

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

Comm Carugno moved to extend the meeting to 9:15 pm.

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

Chief's Report

Chief Houston reported on the missing person. She said the agency has received over 50 Crime Line Tips. Chief Houston asked for the public's continued support in finding the missing person.

MAYOR'S REPORT

- Mayor Fouraker thanked all the volunteers for their support to the Belle Isle family.
- Mayor Fouraker gave a brief report on his new home's start/completion and thanked Council for their support.

COUNCIL REPORT

Comm Carugno

- ANAC meeting is scheduled for Friday, October 16th.
- Requested discussion on moving December meeting dates for the holidays.
- Wallace Field – Mr. Francis said core drainage sampling is currently being conducted on the field.
- Golf Carts – Mr. Francis said staff is sending a letter to all HOAs in the City for their input. He is expecting another 2-week before the start date.
- Boat Parade dates for Dec 18th on the South Lake, and Dec 19 and Dec 20th.

Comm Nielsen

- Annual donation for Pioneer Days. She will provide more information at the next meeting.
- Comm Nielsen spoke on a future hiring of an Asst for the City Manager to help move some of the projects.

ADJOURNMENT

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion passed unanimously at 9:05 p.m.

Yolanda Quiceno, CMC, City Clerk