



CITY OF BELLE ISLE, FL CITY COUNCIL MEETING

Tuesday, October 15, 2024 * 6:30 PM

MINUTES

Present was:

Mayor - Nicholas Fouraker
District 1 – Commissioner – Frank Vertolli
District 2 – Commissioner – Holly Bobrowski
District 3 – Commissioner – Danny Otterbacher
District 4 Vice Mayor – Jason Carson
District 5 Commissioner – Beth Lowell
District 6 Commissioner – Stan Smith
District 7 Commissioner – Jim Partin

Absent was:

NA

1. Call to Order and Confirmation of Quorum

Vice Mayor Carson called the meeting to order at 6:30 pm, and the Clerk confirmed quorum. City Manager Rick Rudometkin, Attorney Dan Langley, Chief Grimm, Public Works Director Phil Price, and City Clerk Yolanda Quiceno were also present. Comm Lowell is in attendance via telephone conference.

2. Invocation and Pledge to Flag

Comm Otterbacher gave the invocation and led the Pledge to the Flag.

3. Public Comments and Announcements

Tony Carugno, residing at 2372 Hoffner Avenue, thanked the City for the Hurricane clean-up. He announced that the ANAC Meeting will be held on Friday, Oct 18, 2024, at 3265 Rickenbacher Way, Orlando, at 10 a.m.

Mayor Fouraker joined the session.

4. Presentations

a. Orange County Public Schools Half-Cent Sales Tax Extension - Andy Orrell

Andy Orrell spoke on the Half-Cent Sales Tax on the Nov 5th Ballot. He stated that it is a continuation of what is already in place for building new schools and updating and maintaining existing schools. The State does not provide funding for facility school programs. He provided a handout for reference.

b. PD Award - Wawa Appreciation

Deputy Chief Millis asked the Council for approval of the Proclamation and asked that it be read at the following City Council meeting when a Wawa representative can be present to accept the acknowledgment. DC Millis thanked Wawa for their partnership.

Comm Smith moved to approve the presentation and read it at the next Council meeting.

Vice Mayor Carson seconded the motion which passed unanimously 7:0.

c. Proclamation: Bat Appreciation Day Oct 15, 2024

Ms. Eli presented her Bat Appreciation Day for her Girl Scouts Gold Award.
Mayor Fouraker read the Proclamation.

Comm Bobrowski moved to approve the proclamation.

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

5. Consent Items –

a. Approval of the City Council Meeting minutes - October 7, 2024

Vice Mayor Carson moved to approve the consent item as presented.

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

6. Unfinished Business

- a. **ORDINANCE NO. 24-04 SECOND READING AND ADOPTION:** AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE SECTION 50-102 ACCESSORY STRUCTURES TO ALLOW THE INSTALLATION OF FENCES AND WALLS IN FRONT YARDS WITHIN CERTAIN DEFINED OVERLAY AREAS AND CREATING RESTRICTIONS FOR SUCH FENCES AND WALLS: PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

City Clerk read Ordinance 24-04 by Title.

City Manager Rudometkin said the yellow highlights are the changes made at the First Reading (Sections 3a, 3f, 5a, 7, 13a and b, 17a1,2,3, 13b1 and 2).

Mayor Fouraker asked for Council consent to open citizen comments. The Council agreed.

Anthony Carugno, a resident, asked if the front walls and fences will need a variance if they are replaced with the same material and location. CM Rudometkin said that after a discussion with staff, the Board agreed that a permit would be required and reviewed on a case-by-case basis.

Comm Smith moved to adopt Ordinance 24-04 as presented.

Comm Partin seconded the motion upon roll call with Comm Bobrowski, nay. The motion passed 6:1.

Reorder 4(d) - Proclamation: Week of the Family Nov 2-9, 2024

Mayor Fouraker asked to consider moving the presentation forward to allow the representative time to attend. The Council agreed to the request.

Comm Bobrowski moved to approve the proclamation.

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

Ms. Elizabeth Ratner was presented with the Proclamation for the Week of the Family on Nov-2-9.

Mayor Fouraker read the Proclamation.

7. New Business

- a. Notice of Condemnation: 3904 Arajo Court, Parcel ID 20-23-30-1646-01-050 - Sec. 10 - ARTICLE VII. - DILAPIDATED, DANGEROUS, DECAYED STRUCTURES AND APPURTENANCES, Belle Isle Code of Ordinances.

Deputy Chief Millis presented his findings with the Code Enforcement effort for 3904 Arajo Court. He stated that the agency, through Code Enforcement, has tried to locate and notice the property owner. They have sent certified mail to the subject address and have not gotten hold of the property owner. DC Millis described the property as complete disarray and roof damage and recommended it be condemned, citing Code Violation 10.31 originally on July 13, 2022,

City Clerk confirmed that the publication of the hearing was posted in the Newspaper.

Attorney Langley summarized the Order of Condemnation. His office has completed a title and parcel search and found two mortgages. Certified mail notices had been forwarded to the subject address and another address at a Weekly Stay Hotel address, and the property owner could not be located. Based on the Code and the fact that the property owner could not be located, the City has published the Notice of Hearing for a couple of consecutive weeks as notice.

The condemnation process allows the City to demolish the vacant, uninhabitable, dilapidated, and nuisance home. The City Council judges the hearing based on the Code Enforcement Orders and this hearing. An Order for 3904 Arajo Court has been submitted for Council consideration based on Sections 10-192 through 10-200 of the City Code.

The City has the power to condemn the structure, which is in violation of Sections 10-192, 10-96, and 10-200 under the City Code and Florida law. The property at 3904 Arajo Court is currently vacant, and the structure is unlawful, unsightly, dilapidated, and decayed, creating a danger to the surrounding properties. The structure in the property constitutes a public nuisance that needs to be abated and a hazardous condition that needs to be corrected.

The staff will need the Order approved to establish the level of demolishing the structure and having it removed from the property. If approved, the City Manager would bring forward costs for removal and demolition of the structure at a later meeting, including fees for independent contractors for Council consideration to move forward. The expenses incurred by the City will constitute a lien/judgment on the property. However, because there are two mortgages on the property, they will be superior to any lien we place on the structure. Our lien will be inferior, and likely, the City will not get their money back for removing the structure.

Staff requests approval of the Condemnation and removal of the Hazardous Condition Order as presented.

Mayor Fouraker said he lives in the neighborhood and gave testimony that the yard is unkept and attracting rodents. The neighbors are currently parking cars in the driveway, making it look like someone is occupying the home to avoid vagrant and squatting activity. If the Council agrees to move forward with the Order, he will hope that demolishing the house is also approved; otherwise, there is no need to spend taxpayer dollars. The benefit of curing the blight is putting pressure on two lenders to correct the hazardous conditions and help the community remove the nuisance.

Comm Smith moved to approve the Order of Condemnation presented by the City Attorney for 3904 Arajo Court, Belle Isle, FL 32812. Comm Partin seconded the motion.

Mayor Fouraker opened for citizen comment.

Dolores Davis, residing at 4228 Arajo Court, stated that she had been cleaning and upkeeping the property and asked that the home not be demolished. She further asked if the City would consider selling her the house. Mayor Fouraker said there are two lien-holder interests in the title. The City has tried numerous times to contact the property owner and has not been successful. It must follow the legal process.

The motion passed unanimously 7:0.

Mayor Fouraker asked to reorder the agenda to move item e forward.
Council agreed.

- e. Consideration of CCA Board Member Applications - Current Board Member Charlyne Cross, Applicants Shannon Davis, and Blaine Worak.

Mayor Fouraker opened the interview process for CCA Board member applications.

The City Manager said the City appoints two CCA Board member applications every three years for consideration in April 2025. The staff received three applications; Charlyne Cross and Shannon Davis were present.

The Council agreed to a three-minute interview with each candidate. They asked that the candidate not being interviewed wait outside the room until called. After interviewing both candidates, the Council agreed to appoint both candidates to the CCA Board for consideration and ratification at the January 2025 Board meeting and appointment for April 2025.

- b. Extension of McDirmit Davis (Auditors) Contract for FY 09/30/2024 Audit Services
CM Rudometkin asked for consideration and approval to extend the current Auditors' contract for the 2023/2024 fiscal year with no change in cost. After closing out FY 2023/2024, the staff will present an RFP for Auditing Services and appoint a Council member to the Audit Committee at the next Council meeting.

Vice Mayor Carson moved to extend McDirmit Davis's contract to provide audit services for the 2024 fiscal year. Comm Otterbacher seconded the motion, which passed unanimously 7:0.

- c. Renewal of Property Assessed Clean Energy Program with Florida Green Finance Authority (ORD 21-16)

Attorney Langley spoke on the proposed renewal of the Florida Green Finance Authority (Pace Program). Attorney Langley said several years ago, the City was approached by the PACE Program for quasi-government entities to loan money to improve their homes. Special assessments in the tax rolls essentially secure these loans. These programs have encountered some criticism from residential borrowers, and the legislature took some action to require additional disclosures by the lenders. One of the programs solicited the city to continue their agreement.

The Statute requires council approval for these programs to operate in our City. Approval of their program in our city allows them to place the loan on the tax roll for the homes within our city limits. The other three programs have not been submitted for renewal. Attorney Langley said he represented other surrounding cities, and some are rethinking to renew the program in their city because they are concerned that many residents do not truly understand the program.

and its ramifications. Attorney Langley recommended that the renewal not be approved. The City is not obligated to do so, and the other three programs have not been submitted for renewal. Discussion ensued. The Council agreed and was not in agreement to renew due to the predatory nature of the programs.

Comm Bobrowski moved to not renew with the Pace programs and instructed the City Attorney and the City Manager to terminate all the Pace Programs.

Mayor Fouraker shared his concern and highlighted a different perspective. Pace is necessary; not renewing it gives credit card companies a win. There is no federal usury law on credit cards. Mayor Fouraker read the Usury law and said Florida laws limit the interest rate that lenders can charge on loans. Pace is a fixed interest rate solution that makes home-buying and necessary repairs more affordable. Discussion ensued.

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

d. Reschedule/Cancel the Nov 5, 2024, City Council Meeting

Vice Mayor Carson moved to cancel the Nov 5, 2024, City Council meeting.

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

8. Attorney's Report - na

Vice Mayor Carson moved to extend the meeting for 15 minutes.

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

9. City Manager's Report

a. City Manager's Task List

The City Manager's Task List was provided for review and reported the following,

- CM Rudometkin thanked the staff for all the assistance with Hurricane Milton.
- Mr. Rudometkin stated that there was an overwhelming amount of yard debris. The City will only schedule a one-time pick-up for the residents. He will update the Council on whether the city can apply for FEMA reimbursement.
Comm Partin expressed concern about the finances of hurricane debris pickup since we are still waiting for FEMA reimbursement for the last hurricane. He would like to ensure a cap on the amount paid out. CM Rudometkin said that if there is another hurricane event, the City may be unable to pick up debris as quickly or at all.
- The Centennial celebration is on Saturday, and I look forward to seeing everyone at the event.
- **CM asked for Council consensus to waive building permits for fixes due to hurricane-related permits. The Council agreed to instruct the City Manager to waive fees for hurricane-related permits on a case-by-case basis.**

b. Public Work's Report

Mr. Price reported the following,

- JJs pick-ups should be in containers and bundled. The Debris contractors will pick up the loose debris from the Hurricane.
- The Centennial Tree was uprooted and will be replanted and cleaned up.
- City Hall landscaping will be contracted out with an RFP and has been obligated with ARPA funds.

10. Mayor's Report

- Mayor Fouraker thanked staff for the round o'clock assistance with Hurricane Milton.
- Officer Matthews and Offer Trendafilov were the city's EEOC representatives for this hurricane event.
- Mayor Fouraker spoke briefly on lowering the boards of the weir. He stated that the boards were removed briefly, and OC was ordered to put them back. He reminded Council that the Daetwyler weir is not permitted and that he is unsure why St. Johns Water Mgmt. is in charge of removing and replacing the boards. Every inch of rain that falls is greater because we also receive the water from other lakes from the north. Moving forward, he would like to have the Council as stakeholders at the NAV Board meetings.

Vice Mayor Carson moved to extend the meeting for 15 minutes.

Comm Otterbacher seconded the motion, which passed unanimously 6:0, with Comm Bobrowski, nay.

11. Items from Council

- Comm Bobrowski said she would like the Council to consider the City Manager's evaluation on the agenda for January 2025 and resubmit the Comp Plan with the change to include the word "may" in the omitted historical building section.
- Council reminder the residents that volunteers are needed for the Centennial.
- Council thanked PD and PW staff for their help during the hurricane.
- Thank you to Dave Smith for the sand his company provided for the residents.

12. Adjournment

With no further business, Mayor Fouraker called for a motion to adjourn the meeting, which was unanimously approved at 7:15 pm.