



# city council agenda

**Agenda**  
**December 01, 2020 \* 6:30 PM**  
**City Council Meeting**  
**City Council Chambers, 1600 Nela Avenue**

Nicholas Fouraker Mayor	Kurt Ardaman City Attorney	Bob Francis City Manager	Ed Gold District 1	Anthony Carugno District 2	Karl Shuck District 3	Mike Sims District 4	Harv Readey District 5	Jim Partin District 6	Sue Nielsen District 7
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## Welcome

Welcome to the City of Belle Isle City Council meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at [cityofbelleislefl.org](http://cityofbelleislefl.org).

1. Call to Order and Confirmation of Quorum
  2. Invocation and Pledge to Flag - Comm Sims - District 4
  3. Consent Items (5 minutes)
    - a. Approval of the November 4, 2020, City Council minutes
    - b. Approval of the November 24, 2020, City Council Special Called Meeting minutes
  4. Citizen's Comments - **Persons desiring to address the Council MUST complete and provide the City Clerk a yellow "Request to Speak" form located by the door.** After being recognized by the Mayor, persons are asked to come forward and speak from the lectern, state their name and address, and direct all remarks to the Council as a body and not to individual members of the Council, staff or audience. **Citizen comments and each section of the agenda where public comment is allowed are limited to three (3) minutes.** Questions will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent, or slanderous remarks are not permitted. Thank you.
  5. Unfinished Business
    - a. Draft Ordinance on After-the-Fact Permits (30 minutes)
  6. New Business
    - a. Discussion on Medical Insurance for Council Members RESOLUTION NO. 20-19 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, RELATING TO OPTIONAL INSURANCE BENEFITS FOR THE CURRENT MAYOR AND CITY COUNCIL MEMBERS OF THE CITY; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE (15 minutes)
    - b. Discussion on Hiring a Lobbyist (15 minutes)
    - c. RESOLUTION 20-18 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, CHANGING CERTAIN RULES AND POLICIES REGARDING USE OF THE PERKINS BOAT RAMP AS A WATERCRAFT LAUNCHING FACILITY (15 minutes)
    - d. Request by Rick Miller for Attorney General Opinion (15 minutes)
  7. Attorney Report (5 minutes)
  8. City Manager Report
    - a. Issues Log (10 minutes)
    - b. Chief's Report (5 minutes)
  9. Mayor's Report (5 minutes)
  10. Council Reports (20 minutes)
    - a. Approval of Bing Grant Application: Windsor Place Community - Playground Swing Set (15 minutes)
  11. Adjournment
- Additional Items
- a. [Additional Information/Changes to the December 1, 2020, City Council Meeting](#)

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"If a person decides to appeal any decision made by the Council with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105). "Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-851-7730) at least 48 hours in advance of the meeting." -Page 1 of 1



The Belle Isle City Council met in a City Council Regular session on November 4, 2020, at 6:30 p.m. at City Hall 1600 Nela Avenue, Belle Isle, FL 32809.

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 Langley, Chief Houston, and City Clerk Yolanda Quiceno.

**CALL TO ORDER**

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

Mayor Fouraker shared his condolences to Comm Readey and his family on the passing of his wife, Alice Readey. Comm Readey said they would have a Memorial Service at St John’s Vianney on November 21, 2020, at 1:00 pm.

**APPEAL OF PUBLIC HEARING**

Mayor Fouraker opened the Public Hearing and called for any exparte communication. He stated that Mr. Giles is his neighbor and has had numerous conversations with the applicant regarding the proposed variance and Dale Robinson.

Comm Partin and Comm Carugno also shared that they have had some communication and have seen the property from the waterside.

Don Gervase, Attorney for the applicant, spoke on the denial of the variance and clarified some of the existing issues that were not addressed at the Planning & Zoning meeting. Mr. Gervase provided a handout with Orange County Maps from 2006-2020 and 10 photos of the dock. He addressed the following citing City Code Section 48-33,

1. The last meeting staff’s recommendation addressed all of the issues and recommended approval of the variance request.
2. The dock was put in place over ten years ago and grandfathered-in.
3. As a reference point, the aerial photos from 2006-2020 show the structures very close to each other and always abutting.
4. In 2018, the roofline changed. Attorney Gervase stated that the applicant pulled a permit for a new roof for his home and, at the same time, repaired his existing boat dock roof. The applicant was not aware that a separate roof permit was required.
5. The applicant corrected a safety hazard with a 2-foot extension, into his property, on the right side of the boat skip, and has enhanced the boat dock’s complete safety and that of his neighbor Mr. Robinson.
6. The applicant has complied with the Code and passed inspections once he was informed that he did not initially follow the City Code by the City.
7. This is a unique situation to enhance the community and to have to deconstruct the dock would be wasteful when it has been grandfathered-in. Attorney Gervase asked that the Council grant the variance before passing the proposed After-the-Fact Ordinance.

John Giles, residing at 6838 Seminole Drive, said he is a licensed electrical contractor and explained that he was not aware that additional permits were required when repairing his boat dock. In good faith, we were beautifying the property and was not aware of the Code.

Dale Robinson’s residing at 5834 Cove Drive, spoke in favor of the proposed variance. As a resident of 53 years, he said he has no objection to the repairs. He understands that the docks are very close, but the expansion provides him much needed access to his dock and board system.

Mayor Fouraker opened for public comment. There being none, he closed public comment and opened for Council discussion.

Comm Readey asked if the dock was structurally sound and inspected by an Engineer. Mr. Giles said, yes, the additions have already passed the permitting phase. Comm Readey said the inspector should have caught the setbacks of the dock.

Comm Partin asked if the P&Z Board provided a recommendation. City Manager Francis said yes, it was to deny the variance.

Attorney Langley read the requested variance for the record; pursuant to Belle Isle Code Sec. 48-33, the Board shall consider and take action on a requested variance from Sec. 48-32 (A) (1) and Sec. 48-34 to allow an expansion of the dock to extend the roof of an existing nonconforming dock, allow replacement of pilings and decking on the nonconforming dock, and allow a variance from the required side setback for the existing dock, submitted by applicant Jeffrey Giles, located at 5842 Cove Drive, Belle Isle, FL 32812 also known as Parcel Number 20-23-30-1660-00-090.

Attorney Langley said this is a de novo meeting, and Council grants a motion to approve or deny the variance on what is presented at this meeting.

Comm Nielsen asked if the applicant is asking for approval of variance after completing the work without a permit. Mr. Giles said, yes. Comm Nielsen shared her concern and said Mr. Giles is a licensed contractor and should have known better and have followed the rules. She is inclined to deny the variance and support the decision made by the Planning & Zoning Board.

City Manager Francis gave an overview of his findings and referenced Section 48-34(b)-Maintenance and repair of docks and Section 48-34(c)-Nonconforming “grandfathered” docks. Mr. Francis spoke on the following,

1. The current issue is self-created because he failed to obtain a permit. If he would have received a permit, he would have been informed of the requirements, setbacks, and permitting.
2. The roof was repaired and lowered, having the two docks to touch, causing a safety hazard without a permit. The walkway was added with no permit. In 2016, the Orange County Code and City Code was clear that a separate permit was required to initiate any construction to a boat dock or pilings.

Mr. Francis further noted prior violations for a patio, no turbidity barrier around the dock, no safety fence around a swimming pool, sand beach installation violation with EPD, and unsubstantiated violation for a drain field non-permitted room addition/bathroom.

Mrs. Giles residing at 5842 Cove Drive, shared her frustration, and explained the drain field's unsubstantiated violations and proposed room addition/bathroom.

Comm Sims said this type of work requires a permit, and if the process was followed, the applicant would not be having this discussion because the need for the variances would have been evident. He agrees with Comm Nielsen and is inclined to second the motion to deny the variance.

Comm Shuck called for the question.

Comm Gold asked how the applicant can rectify the wrong without costing the applicant a high cost; what harm has it caused. City Manager Francis said the harm caused was that the rules were not followed. The applicant has violated the Code on numerous occasions, and in this instance, the abutting docks have caused a navigational safety hazard.

Comm Carugno shared his concern with the extended walkway and the pictures that show a pump on the beach and lights on the dock. The amount of work on the dock is way over the amount that was written in the permit. Comm Carugno said there is a lot more unpermitted work done in the City, and if the Council lets this go, it is opening a Pandora’s Box.

**Comm Nielsen moved to deny the appeal of Public Hearing 2020-08-006 application for a variance by Jeffrey Giles, 5842 Cove Drive, Belle Isle, FL 32812. She also moved that the dock located at 5842 Cove Drive be brought into conformance with Section 48 of the BIMC by applying for and receiving an approved permit within 90-days of the date of this hearing and constructing the dock within 6-months of the date of the permit.**

**Comm Sims seconded the motion, which passed unanimously by roll call 7:0.**

**CONSENT ITEMS**

- a. Approval of the October 6, 2020, City Council minutes.
- b. Approval of the October 20, 2020, City Council minutes.

**Comm Shuck moved to approve Consent Items a and b as presented.  
Comm Gold seconded the motion, which passed unanimously upon roll call 7:0.**

**CITIZEN COMMENTS**

Mayor Fouraker opened for citizen comments.  
There being no comments presented, Mayor Fouraker closed citizen comments.

**UNFINISHED BUSINESS**

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

Mr. Francis said, as a result of the October 20, 2020 meeting, the Council directs that the staff research what other municipalities provide in the way of penalties associates with after-the-fact fees. He offered a list of approx 10-cities that currently apply after-the-fact fees. He spoke of an existing violation of Seminole. To reiterate, he said permits are essential because they provide a permanent record of work and inspections on a project. He asked Council three questions.

1. Does the Council want to have a date of March 1, 2010, as discussed or the date of the Ordinance adoption?
2. Does the Council want to have both the After-The-Fact permit and Work-Without-Permit permit or just an ATF permit?
3. What is considered a fair penalty but strong enough to dissuade residents from applying for a permit?

**Comm Carugno moved to accept the staff recommendation to increase the after-the-fact penalty and direct that the appropriate Ordinance be drafted for a first reading.  
Comm Sims seconded the motion for discussion.  
Comm Gold said he would like to see the penalty breakdown as simple and sufficiently painful and be based on double the permit fee and triple the after-the-fact fee.  
After discussion, the motion passed unanimously upon roll call 7:0.**

**NEW BUSINESS**

Donation Request for Pioneer Days

**Comm Nielsen motioned to sponsor \$600.00 to the Pine Castle Pioneer Days for the acoustic stage.  
Comm Gold seconded the motion, which passed unanimously upon roll call 7:0.**

**ATTORNEY REPORT**

No report.

**CITY MANAGER REPORT**

City Manager Francis gave an overview of the following,

- November 11 is Veterans Day – City will send a message via elert.
- November 13<sup>th</sup>, the City will be closed for the installation of a generator. However, the City Clerk will be available from 8-12 noon on Friday, November 13<sup>th</sup> to accept qualifying packets.
- Bing Grant (10,000) for Lake Conway Estates Dock has been completed.
- The first week in December, staff will meet with Sienna Condos staff to discuss Annexation
- He will be on vacation from November 16-20
- Tri-County League of Cities asked if the City would like to host the luncheon on April 15, 2020. Council consensus was in favor of the request, and Council will discuss at a later date on location and menu.
- New Red Cedar was planted at City Hall. The tree will serve as the City’s permanent Christmas Tree.
- RFP out for Flashing Beacon/Crosswalk on Hoffner and Monet.
- OC and Wawa have been working together to correct the right-in to the plaza. Two options discussed; the more favorable is to put a right in only by Wendy’s and Wawa.

**Issues Log:**

- The staff is working on the cost of paving for proposed projects.
- Storm Drainage – Flag locates on Sol moving forward.
- 1631 Wind Willow project moving forward; Stafford Ave and Pam Circle project plans almost complete for approval.
- We are awaiting the NAV Board report on the current project list to partner 50/50 split.
- Wallace Appeal to be heard on November 17, 2020
- Close on the BOA property on November 10, 2020. The car dealership is currently parking on the lot and will be noticed accordingly by BIPD once the City closes on the property.
- CCA discussions on the expansion continue.
- Waltham residents and Publix continue discussions regarding involuntary Annexation.

**Re-Appointments of Doug DeYoung-District 1 and Emily Wakley-District 5 for the Tree Advisory Board**

**Comm Sims moved to reappoint Doug DeYoung and Emily Wakely to the Tree Advisory Board.  
Comm Gold seconded the motion, which passed unanimously upon roll call 7:0.**

**Chief’s Report**

Chief Houston reported on the following,

1. Chief Houston urges all residents to be respectful to Law Enforcement, who are doing their job and upholding the law.
2. Holidays around the corner - Do Not Drink and Drive.
3. Zero Tolerance – Traffic detail by Cork and Fork
4. We are placing portable signs and speed trailers around the City.

**Special Events Committee Holiday Report**

Holly Bobrowski, Chairman of the Special Events Committee, presented the Holiday Santa Ride for consideration. Following the CDC Guidelines and social distancing, the Committee recommends a two-night (December 15-16, 2020) Santa Ride around the neighborhoods. No one will be allowed on the sleigh other than the Mayor, Santa, and three members of the Committee. Toys and small candy bags will be provided in a sealed cellophane bag to prevent any contamination.

Comm Carugno said he received an email from Anita Saaco from Lake Conway estates who said she did not see the need for such expense at this time and asked if the Committee will be able to obtain donations. Ms. Bobrowksi said she is working on donations for the event.

**The consensus was to move forward with the proposed event.  
Comm Carugno asked Council for consideration and a motion to cancel the second meeting, December 15, 2020.  
Comm Gold seconded the meeting, which passed unanimously upon roll call 7:0.**

**MAYOR'S REPORT**

Mayor Fouraker reported on the following,

1. Mayor Fouraker spoke on the NAV Boards' agenda item to increase the City's MSTU taxes and review the assessment report to improve the canals. He announced the NAV Board meeting is scheduled for Tuesday at 6:30 pm – Environmental Division Office 3165 McCrory Place Suite 200, Orlando. He asked for resident and Council participation. Any comments or questions and requests to attend the meeting can be emailed to [Tara.Erbanik@ocfl.net](mailto:Tara.Erbanik@ocfl.net).
2. KUDOS to Otter Paddle for the Lake Cleanup efforts.
3. KUDOS to the Public Works Department for their work on Hoffner.

**COUNCIL REPORT**

Comm Gold

- Comm Gold thanked the BIPD for their commitment to the community. He further thanked them for their assistance in clearing the group of individuals camping out at Cork and Fork.

Comm Carugno

- Daytona Ordinance – Comm Carugno noted that Daytona had passed an ordinance: Vehicle Noise on and asked staff to research further to see if we can apply a similar ordinance in our Code.
- Santa Ride – December 14, 15 and 16<sup>th</sup>
- ANAC Meeting – December 11, 2020, Orlando Intl Airport Conference Room
- Free firewood available. If interest, please contact Comm Carugno.

Comm Nielsen

- Comm Nielsen said she believes wearing masks is required in Orange County and should consider placing signs accordingly.

**ADJOURNMENT**

There being no further business, Mayor Fouraker called for a motion to adjourn. The motion passed unanimously at 9:45 p.m.

Yolanda Quiceno, CMC, City Clerk



The Belle Isle City Council met in a City Council Special Called Session on November 24, 2020, at 6:30 pm at City Hall 1600 Nela Avenue, Belle Isle, FL 32809.

Present was:

Absent was:

Commissioner Ed Gold  
Commissioner Anthony Carugno  
Commissioner Karl Shuck  
Commissioner Harvey Readey  
Commissioner Jim Partin  
Commissioner Sue Nielsen

Mayor Nicholas Fouraker  
Commissioner Mike Sims

Also present were City Manager Bob Francis, Cpl. Vincent Ferraiuolo, and City Clerk Yolanda Quiceno.

**CALL TO ORDER**

Vice Mayor Carugno called the meeting to order at 6:30 pm.  
Comm Shuck gave the invocation and led the Pledge to the Flag.  
The City Clerk confirmed quorum.

Vice Mayor Carugno called for a motion to excuse Comm Sims from the meeting.

**Comm Partin motioned to excuse Comm Sims from tonight’s meeting.  
Comm Gold seconded the motion, which passed unanimously 6:0.**

**APPROVAL OF RESOLUTION 20-17**

RESOLUTION NO. 20-17 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020, CREATING A CAPITAL IMPROVEMENT FUND FOR REVENUE BOND, SERIES 2020.

Vice Mayor Carugno read the Resolution by Title.

City Manager Francis said, according to the bond documents, the City is required to keep all fund monies separate. The Auditor recommends the Resolution be approved and created no later than November 30, 2020. This Resolution will separate the funds of the \$2.6m Bond, allowing for transparency and accountability.

**Comm Shuck moved to approved Resolution 20-17 as presented.  
Comm Gold seconded the motion, which passed unanimously upon roll call 6:0.**

**ADJOURNMENT**

There being no further business, Vice Mayor Carugno called for a motion to adjourn. The motion passed unanimously at 6:37 pm.

Yolanda Quiceno, CMC, City Clerk



**CITY OF BELLE ISLE, FLORIDA  
CITY COUNCIL AGENDA ITEM COVER SHEET**

**Meeting Date:** December 1, 2020

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** “After the Fact” (ATF) Permits

**Background:** As a result of the November 4, 2020 meeting on the above subject, the City Council directed that the City staff prepare a draft ordinance for “after-the-fact” (ATF) permits. The issue still remaining is the amount of fines to be levied for ATF permits as defined below and working without a permit (WWP) as defined below.

Currently Belle Isle is double the permit fee, but it is not much of a deterrent. However if the Council wants to continue with this fee, then there is no need to change the BIMC. For my reasons stated in my previous two memos, I believe that this could be an issue for property owners and staff at some time.

To reiterate, permits are essential because they provide a permanent record of the work performed and inspections conducted on the project. It is important to meet code standards to ensure safety for current and future owners. Codes are not only written for safety reasons, but also for environmental and energy saving considerations. For the property owner, a home or business is an investment. If a construction project does not comply with the codes, the value of the investment could be reduced. Also, property insurers may not cover work or damages caused by work done without permits and inspections. Lastly, the City could make the owner take down the unpermitted work and therefore the project is more expensive.

**AFT or AFT/WWP**

Work done without a permit prior to March 1, 2010 will be considered “**After-The-Fact**”. Work done after March 1, 2010 will be considered “**Working Without a Permit**”

“**After-The-Fact**” 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 and is not shown, located or identified upon any property record within the permitting department of the city.”

“**Working Without a Permit**” will be defined as “commencement of an improvement made or completed to a property after March 1, 2010 and prior to the issuance of a permit; the improvement of which may include building, electrical, gas, mechanical, plumbing, or roofing work.”



**After-The-Fact Permit**

The purpose of the ATF permit is not to verify compliance with the current code, but to observe if the current state of the building, structure, or any component is safe to utilize for its' intended use. Many un-permitted improvements were built years ago, and as such, they may not be in compliance with the current Florida Building Codes and the BIMC.

An ATF permit does not grant permission to make alterations, changes, renovations, or any remodeling improvement which is the function of a regular building permit. The ATF permit is intended to be a vehicle to document the existing improvement, legitimize existing improvements through inspections, insure the un-permitted work is safe, and inform any current and future interested parties the result of ATF inspections.

ATF permits can be considered as the grand-fathering of un-permitted improvements. The improvements of which have been existing, used, occupied, or otherwise known to the current owner as legal and not shown, located or identified upon any property record within the city.

To assist properties affected with un-permitted improvements the city would establish a policy to simplify the issuance of permits and simplify the process of inspections for ATF work.

**Working Without a Permit**

Working without a permit (WWP) is defined as the commencement of an improvement made or completed to a property after March1 ,2010 and prior to the issuance of a permit; the improvement of which may include building, electrical, gas, mechanical, plumbing, or roofing work or work identified, observed, or revealed during the course of an investigation or inspection of a valid permit; the work of which was not specifically described on the original permit application for which the permit was issued . In this instance, the permit applicant will be required to stop their current improvement and obtain approval of their revisions from the building official prior to recommencing their project. This may also require the permit applicant to get another permit for any improvement not included with the original description of work.

**FEES**

- 1. ATF fee would be the cost of a permit plus any inspection costs related to inspections.
- 2. WWP fee: \$500 and double the cost of the permit fee plus all costs related to the issuance of the permit and inspections.

**Staff Recommendation:** Direct the staff to prepare the ordinance for a first reading based on tonight's discussion and recommendations.

**Suggested Motion:** I move that we direct that Ordinance 20-13 be written in final form with changes approved this evening and read the ordinance for the first time at the December 1, 2020 Council Meeting.

**Alternatives:** Do not change the current code

**Fiscal Impact:** TBD

**Attachments:** Draft ordinance 20-13.

**ORDINANCE 20-13**

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING THE BELLE ISLE LAND DEVELOPMENT CODE, CHAPTER 6, ARTICLE I, SECTION 6-3 – PENALTY FOR FAILURE TO OBTAIN PERMIT; PROVIDING FOR AN AFTER-THE-FACT (ATF) PERMIT AND WORKING WITHOUT A PERMIT (WWP) PROCEDURES; PROVIDING FOR FEES AND PENALTIES; PROVIDING CODIFICATION, SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the City Council has found and determined that the adoption of this Ordinance is in the interests of the public health, safety and welfare, will aid in the harmonious, orderly and progressive development of the City, and serves a valid public purpose.

BE IT ORDAINED by the City Council of the City of Belle Isle, Florida as follows:

SECTION 1

Section. 6-5. - Failure to Obtain Permit.

~~The penalty for failure to obtain a permit required by any code or ordinance adopted by this chapter shall be set at double the permit fee.~~

(a) Definitions:

(1) An After-The-Fact (“ATF”) Improvement is defined as an improvement made to a property prior to March 1, 2010, and which improvement has been existing, used, occupied, or otherwise known to the current owner as legal and is not shown, located or identified upon any property record within the permitting department of the city.

(2) Working Without a Permit (“WWP”) is defined as commencement of an improvement made or completed to a property after March 1, 2010, and prior to the issuance of a permit; the improvement of which may include building, electrical, gas, mechanical, plumbing, or roofing work.

(b) ATF Permit Procedure:

(1) ATF Purpose:

- i. The purpose of the ATF permit is not to verify compliance with the current code, but to observe if the current state of the building, structure, or any component is safe to utilize for its intended use. Many unpermitted improvements were built years ago, and as such, they may not be in compliance with the current Florida Building Codes and the BIMC. An ATF permit is not a substitute for a standard building permit and does not grant permission to make alterations, changes,

renovations, or any remodeling improvement. Rather, the ATF permit is intended to be a vehicle to document the existing improvement, legitimize existing improvements through inspections, ensure the unpermitted work is safe or otherwise unlikely to cause immediate harm, and inform any current and future interested parties of the result of ATF inspections.

- ii. The ATF permit program is intended to grandfather unpermitted improvements made prior to March 1, 2010, which improvements have been existing, used, occupied, or otherwise known to the current owner as legal and not shown, located, or identified upon any property record within the city. To assist properties affected by unpermitted improvements, the city establishes this policy to simplify the issuance of permits and simplify the process of inspections for ATF Improvements.

(2) ATF Permits:

- i. Obtaining an ATF permit is similar to the process to obtain a regular permit. Improvements made to existing unpermitted improvements do not qualify as ATF Improvements, and require the issuance of additional permits and filing of a Notice of Commencement. The City will provide the applicant with an application marked "ATF" to effectively communicate to any interested party what type of permit was issued.
- ii. ATF permits may be obtained without a contract or direct contract as defined in § 713.01, Florida Statutes, and therefore, the filing of a Notice of Commencement is not required prior to the first inspection. Such improvements, where constructed prior to March 1, 2010, are assumed to have been existing, used, occupied, or otherwise known to the current owner as legal and not requiring any further improvements.

(3) ATF Inspections:

- i. Once the permit is issued, the permit applicant must obtain their necessary approved final inspections.
- ii. The City will schedule ATF final inspections once the ATF permit is issued. Additional inspections may require the issuance of separate permits.
- iii. Alternative inspections, as described in Section (5), may be granted as determined by the building official or City Manager.

- iv. The building official is authorized to impose current applicable, technical code requirements if his or her inspection reveals the current state of the building, structure, or any component thereof is not safe to utilize for its intended use. Additional work may require the issuance of separate permits.
- v. Inspectors may require the removal of materials (at the applicant's cost) to verify internal components are sufficient for their intended use.
- vi. At the inspectors' discretion, approval may be granted if the building, structure, or any component has withstood the test of time; there's no evidence of hazard, rot, or decay; the building system components are sufficiently operating without interruption, and the building or structure is structurally sound.
- vii. Appliances and equipment may be considered approved if they are installed in a manner substantially consistent with the code, meaning that the installation of such appliances or equipment meets the intent of the code for life safety and fire resistance purposes.

(4) ATF Alternative Method of Inspection:

- i. LICENSED PROFESSIONAL AFFIDAVIT - Once the ATF permit is issued the property owner may select to have an outside inspection service, architect, or professional engineer visit the site to conduct and provide third party inspections.
- ii. THIRD PARTY INSPECTION - The third party inspector shall submit an affidavit to the building official including copies of inspection reports and a final certificate certifying the ATF improvement(s), including the structure, electrical, gas, mechanical, or plumbing system, has/have been erected in accordance with the requirements of the technical codes.
- iii. The building official must require verification that any person conducting inspections pursuant to this ordinance is qualified as a building code inspector licensed in the appropriate category pursuant to Part XII of Chapter 468, Florida Statutes.
- iv. The third party inspection service, architect, or professional engineer must assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances.

- v. The building official may consider granting administrative variations of this policy/procedure; however, any such variation from this policy or procedure will not be interpreted as setting precedent or waiving the city’s rights pursuant to this ordinance.

(c) WWP Procedure.

(1) WWP Purpose and Definition. Working without a permit (WWP) is defined as the commencement of an improvement made or completed to a property after March 1 ,2010 and prior to the issuance of a permit; the improvement of which may include building, electrical, gas, mechanical, plumbing, or roofing work or work identified, observed, or revealed during the course of an investigation or inspection of a valid permit; the work of which was not specifically described on the original permit application for which the permit was issued . In this instance, the permit applicant will be required to stop their current improvement and obtain approval of their revisions from the building official prior to recommencing their project. This may also require the permit applicant to get another permit for any improvement not included with the original description of work.

(2) WWP Permit Fee. 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 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.

(3) WWP Generally:

- i. The process of obtaining a permit for work started prior to the issuance of a permit is the same process used to obtain a regular permit. The applicant is required to

create 2-sets of construction documents, which includes at a minimum a site plan, floor plan, exterior elevations, and structural connection details. All such information is required in order to obtain a permit.

- ii. Improvements made to buildings, structures, or properties must be in compliance with the Florida Building Code. The Florida Building Code (FBC) applies to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every public and private building, structure or facility, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy in all buildings and structures must comply with the applicable provisions provided in the FBC.
  
- iii. Properties Located Within Designated Flood Zones: Improvements located within a designated flood zone must be in compliance with the federal flood regulations, technical bulletins, and applicable Flood Damage Prevention ordinance found in Chapter 48, Article IV, of the City’s Municipal Code. Such improvements must be brought into compliance during this process.

(4) WWP Notice of Commencement: Permits for projects classified as WWP will not be issued without filing a Notice of Commencement.

(5) WWP Permits: The following procedures must be followed to obtain permits and inspections for work begun and/or completed without first obtaining any required permits as indicated herein:

- i. If plans are required, they will be received and logged-in for plan review by the city. City staff will determine if plans must be formally submitted or reviewed over the counter. The plans submitted will be required to meet requirements for new construction.
  
- ii. The City will provide permit applicants a job placard marked “WWP” to effectively communicate to any interested party what type of permit was issued.

(6) Inspections:

- i. Upon issuance of the permit(s), the permit applicant must schedule the most appropriate type of inspection(s), based on the scope of work, within 30 days from the issuance of a permit.

- ii. The applicant will be responsible to open and expose areas for inspection. All affected areas must be readily accessible for inspections.
- iii. WWP inspections may require the removal of materials to sufficiently conduct any inspection. The inspector may require removal of sufficient materials to expose the major elements.
- iv. Any work found in noncompliance will be rejected and the applicant will be asked to complete or rework the deficiencies.
- v. The applicant will be responsible for the costs of the inspection.

(7) Authority of the Building Official. The building official may consider granting variations of this policy/procedure yet, variation from this policy/procedure will not be interpreted as setting a precedent or constituting a waiver of the requirements of this ordinance.

(d) ATF and WWP Permit Fees/Penalties:

- (1) The fee for an ATF permit is the cost of the permit plus any inspection costs related to inspections conducted by the city in accordance therewith.
- (2) The fee for a WWP permit is \$500 plus double the cost of the applicable permit fee plus all costs related to the city’s issuance of the permit and inspections.

SECTION 2. Codification. This Ordinance shall be incorporated into and codified within the Municipal Code of the City of Belle Isle, Florida. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical, and similar or like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this ordinance or the Land Development Code may be freely made.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other ordinance or provision of law, this Ordinance will govern and control to the extent of the conflict, as allowable under the law.

SECTION 5. Effective Date. This Ordinance shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

First Reading on \_\_\_\_\_, \_\_\_\_, 2020.

Second Reading and Adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Karl Shuck	_____	_____	_____
Mike Sims	_____	_____	_____
Harvey Readey	_____	_____	_____
Jim Partin	_____	_____	_____
Sue Nielsen	_____	_____	_____

ATTEST:

\_\_\_\_\_

Yolanda Quiceno, CMC  
City Clerk

\_\_\_\_\_

Nicholas Fouraker, Mayor

\_\_\_\_\_

Approved as to form and legality  
For use and reliance by the City  
Kurt Ardaman, City Attorney





**CITY OF BELLE ISLE, FLORIDA  
CITY COUNCIL AGENDA ITEM COVER SHEET**

**Meeting Date:** December 1, 2020

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** Medical Insurance for Councilmembers

**Background:** Commissioner Partin requested that the Council discuss the possibility of Councilmembers being able to receive health insurance from the City’s health insurance plan. The Council recently passed a resolution allowing the Mayor and City Council members shall be eligible to participate in the City’s dental and vision benefits package currently available to City employees. The Council can participate under the same guidelines as the dental and vision if the Council passes a resolution allowing the Council to purchase the City’s health insurance.

**Staff Recommendation:** Approve Resolution 20-19 to allow Councilmembers to participate in the City’s health insurance plan currently available to City Employees.

**Suggested Motion:** I move that we approve Resolution 20-19 allowing Councilmembers to participate in the City’s health insurance plan currently available to City employees.

**Alternatives:** Do not approve Councilmembers to participate.

**Fiscal Impact:** \$9,547.32 annually per elected official.

**Attachments:** Resolution 20-19

**RESOLUTION # 20-19**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA, RELATING TO OPTIONAL INSURANCE BENEFITS FOR THE CURRENT MAYOR AND CITY COUNCIL MEMBERS OF THE CITY; PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, section 112.08(2), Florida Statutes, authorizes the City of Belle Isle (“City”) to provide and pay out of the City’s available funds for all or part of the premiums for life, health, accident, hospitalization, legal expense, or annuity insurance, or all or any kinds of such insurance, for the officers and employees of the local governmental unit and for health, accident, hospitalization, and legal expense insurance for the dependents of such officers and employees upon a group insurance plan; and

**WHEREAS**, the current Mayor and City Council have elected not to receive an annual salary, but are eligible, individually, to participate in the City’s health benefits package currently available to City employees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, FLORIDA:**

**SECTION 1: RECITALS.** The foregoing recitals are confirmed as being true and correct and are hereby made a part of this Resolution.

**SECTION 2: DETERMINATION.** The City Council hereby determines that, effective December 1, 2020, the current Mayor and City Council members shall be eligible to participate in the City’s health benefits package currently available to City employees. The City shall pay the entire premium for such benefits. The Mayor and City Council members who elect to participate in these benefits shall be eligible for “employee only” coverage.

**SECTION 3. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, word or provision of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

**SECTION 4. CONFLICTS.** In the event of a conflict or conflicts between this Resolution or and any other resolution or provision of law, this Resolution controls to the extent of the conflict, as allowable under the law.

**SECTION 5. EFFECTIVE DATE.** This Resolution shall become effective immediately upon adoption by the City Council of the City of Belle Isle, Florida.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2020, by the City Council of the City of Belle Isle, Florida.

CITY COUNCIL  
CITY OF BELLE ISLE

\_\_\_\_\_  
Nicholas Fouraker, Mayor

ATTEST:

\_\_\_\_\_  
Yolanda Quiceno, City Clerk

\_\_\_\_\_  
Date



**CITY OF BELLE ISLE, FLORIDA  
CITY COUNCIL AGENDA ITEM COVER SHEET**

**Meeting Date:** December 1, 2020

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** Resolution 20-18 Perkins Ramp Change

**Background:** At the October 6<sup>th</sup> Council Meeting, the City Manager explained to the City Council the reason for the 20' boat length at Perkins Ramp. The Council directed that the City Manager reach out to the property owners to discuss the possibility of increasing the length to 25'. The City Manager did so and the property owner is willing to see if the longer length works. The City Manager, with changes from the owner's attorney, drafted the proposed resolution.

According the BIMC, Section 18-20 (a) (3), Rules and regulations specific to the use of the Perkins Boat Ramp shall be posted at the facility and may be modified, as deemed necessary, by the city council.

**Staff Recommendation:** Approve Resolution 20-18 to change the length of the boats from 20' to 25'.

**Suggested Motion:** I move we approve Resolution 20-18.

**Alternatives:** Don't approve and have the length remain at 20 feet. .

**Fiscal Impact:** N/A

**Attachments:** Resolution 20-18

**RESOLUTION 20-18**

**A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, CHANGING CERTAIN RULES AND POLICIES REGARDING USE OF THE PERKINS BOAT RAMP AS A WATERCRAFT LAUNCHING FACILITY.**

**WHEREAS**, the City of Belle Isle has complete jurisdiction and control of the Perkins Boat Ramp; and

**WHEREAS**, it is incumbent upon the City to preserve and protect the residential nature, economic and esthetic value of its neighborhoods through the promulgation and enforcement of rules and regulations which provide for the health, safety, and welfare of the residents; and

**WHEREAS**, the City desires to continue to allow the full use of the facility by the Belle Isle citizens for the purpose of launching watercraft in a safe and responsible manner; and

**NOW, THEREFORE BE IT RESOLVED** that the following changes to the rules and regulations of adopted by the City Council by Resolution 03-07 shall be implemented and enforced by the City of Belle Isle:

1. Watercraft greater than 25’ in length shall be prohibited from launching at the Perkins Boat Ramp.
2. Vehicles with watercraft trailers shall be prohibited from parking at the diagonal spaces at Perkins Boat Ramp if they will impede access to the ramp. The City will mark the spaces to show the maximum length. Vehicles that impede access to the ramp will be fined and towed at the owner’s expense.
3. If increasing the length of the watercraft to 25’ in any way, disrupts the quiet enjoyment of the property owners adjacent to the ramp, the City will, upon the request of the property owners, revert back to the 20’ maximum boat length.
4. All other rules listed in Resolution 03-07 remain in effect.

This Resolution shall take immediate effect upon enactment. Passed and adopted this 1<sup>st</sup> day of December, 2020.

CITY OF BELLE ISLE

ATTEST

\_\_\_\_\_  
Nicholas Fouraker, Mayor

\_\_\_\_\_  
Yolanda Quiceno, City Clerk



**CITY OF BELLE ISLE, FLORIDA  
CITY COUNCIL AGENDA ITEM COVER SHEET**

**Meeting Date:** December 1, 2020

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** Request by Rick Miller

**Background:** Since Rick Miller is an unopposed candidate for City Council, he has requested that the issue of whether Councilmembers are allowed to speak with the Mayor without violating Sunshine Laws. Mr. Miller stated that he has been working with the Mayor and council members on a number of initiatives in his capacity as Budget Committee Chair and he would like clarity on if those communications could continue.

I spoke to the City Attorney about this and the City Attorney sent an email to the Mayor regarding this issue previously. Although the City Attorney has already given an opinion on this issue, Mr. Miller is requesting Council discuss the issue and refer it to the Attorney General for an opinion to clarify this matter.

**Staff Recommendation:** The staff will defer to the City Attorney on a recommendation.

**Suggested Motion:** None suggested. Depends on what the City Attorney advises.

**Alternatives:** Do not seek AG opinion

**Fiscal Impact:** TBD

**Attachments:** Rick Miller Emails  
City Attorney Email

## City Attorney Opinion - Sunshine Law for Mayor and Unopposed Candidates

Rick Miller <rmiller1970@gmail.com>  
To: Bob Francis <bfrancis@belleislefl.gov>  
Cc: Yolanda Quiceno <yquiceno@belleislefl.gov>

Wed, Nov 18, 2020 at 8:19 AM

Bob-

The reason for my query is that as you know, I have been working with the Mayor and some council members on a number of initiatives in my capacity as Chairman of the Budget Advisory Committee. I would like to get clarity on our communications going forward. Can you confirm with the city attorney the attached Florida Attorney General Opinions (AGO 90-26) titled "Sunshine Law, mayor possessing veto power only" which allows the Mayor to speak with council members. As you recall, the mayor was added to the city commission during a charter amendment a few years ago, however, the Mayor doesn't vote. I believe I heard something to the effect that the mayor was not allowed to speak with council members as he was now part of the body based on comments from the city attorney. The AG Opinion (attached) says the opposite. The key differentiator was the "power to vote".

"the power to vote was a primary factor in determining whether the mayor was considered to be a part of the city council for purposes of the Sunshine Law. Under the charter for the City of Sweetwater, the mayor is a separate executive officer possessing no power to vote under any circumstances.[4] The power to veto with no accompanying power to vote would not appear to make the mayor a member of the council for purposes of the Sunshine Law.[5]

Accordingly, I am of the opinion that the mayor, possessing only the power to veto, is not a member of the city council to whom the Sunshine Law applies. Meetings between the mayor and an individual member of the council, therefore, would not generally be subject to the terms of s. 286.011, F.S.

My take away from this advisory legal opinion is that the mayor can work with individual council members as long as he is not working as a go-between advising members of others' views. Please confirm this with our attorney.

On a similar note, a separate opinion applies to candidates running unopposed. AGO 98-60 "Sunshine Law--unopposed candidate" clarifies that candidates in unopposed elections are NOT subject to sunshine laws until after the election.

"a candidate without opposition in the general election is not considered to be elected for the purpose of the Florida Election Code until the date of the general election.[5] ... Accordingly, I am of the opinion that although a candidate running for city commission may be unopposed, he or she is not considered to be a member-elect for purposes of the Government in the Sunshine Law until the election has been held."

AG90-26 - <http://www.myfloridalegal.com/ago.nsf/Opinions/5F21648E8EAE9852852563D1004D7599>

AG98-90 - <http://www.myfloridalegal.com/ago.nsf/Opinions/B944CF8BCC74AA47852566910047D975>

Thank you.

--

Rick Miller  
2001 Nela Ave. | Belle Isle, FL 32809



mobile 407 437 7505 | work 321 986 6600 e [rmiller1970@gmail.com](mailto:rmiller1970@gmail.com)

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## Fwd: City Attorney Opinion on Mayor Subject to Sunshine Law

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Rick Miller <rmiller1970@gmail.com>

Wed, Nov 25, 2020 at 1:58 PM

To: Bob Francis <bfrancis@belleislefl.gov>, Yolanda Quiceno <yquiceno@belleislefl.gov>

See below.

Sent from my iPhone, please excuse any typos

Begin forwarded message:

**From:** Kacie Prowant <Kacie.Prowant@myfloridalegal.com>

**Date:** November 25, 2020 at 12:42:52 PM EST

**To:** RMILLER1970@gmail.com

**Subject:** RE: City Attorney Opinion on Mayor Subject to Sunshine Law

Dear Mr. Miller,

We have received the inquiry that you, as an unopposed candidate for the Belle Isle City Council, have posed regarding whether the Mayor of Belle Isle is considered to be a member of the City Council for purposes of Florida's Government in the Sunshine law. A majority of the existing Council members have not requested an opinion from this office concerning the question that you pose. Because this office is unable to provide legal advice to you regarding this matter under the statutory authority of the Attorney General to provide legal opinions, we are unable to comment on your question.

Teresa L. Mussetto

Senior Assistant Attorney General



**From:** [Dan Langley](#)  
**To:** [Nicholas Fouraker: mayor@belleislefl.gov](mailto:mayor@belleislefl.gov)  
**Cc:** [Kurt Ardaman](#)  
**Subject:** Belle Isle - Mayor Subject to Sunshine Law  
**Date:** Wednesday, April 10, 2019 11:22:00 AM  
**Importance:** High

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Dear Mayor Fouraker:

As previously stated by Kurt Ardaman and me, as Mayor you are subject to the Sunshine Law and are not permitted to have discussions with any Council member regarding City business that foreseeably could come before the City Council except during public meetings of the City Council; that includes no one-on-one discussions with a Council member.

The position of Mayor is a non-voting member of the City Council pursuant to Section 3.01 of the City Charter. Regardless of the non-voting status and limited veto authority of the Mayor, the fact that the Mayor is a member of the Council makes the Sunshine Law applicable.

As I said I would, I discussed this matter this morning with Special Counsel for Open Government, Pat Gleason with the Florida Office of Attorney General and she concurs with our opinion -- the Mayor is subject to the Sunshine Law as a non-voting member and presiding officer (chair) of the City Council.

With regard to this subject, the Government-In-The-Sunshine Manual (2019), page 8, states:

**b. Mayor meeting with individual city commissioner or city council member**

If the mayor *is a member of the council* or has a voice in decision-making through the power to break tie votes, meetings between the mayor and a member of the city council to discuss some matter which will come before the city council *are subject to the Sunshine Law.*

AGOs 83-70 and 75-210. However, if a decision falls within the administrative functions of the mayor and would not come before the city council for consideration, discussions between an individual member of the city council and the mayor are not subject to the

Sunshine Law since such discussions do not relate to a matter which will foreseeably come before the city council for action. *Id.*

On the other hand, if the mayor is *not* a member of the city council and does not possess any power to vote even in the case of a tie vote but possesses only the power to veto legislation, the mayor may privately meet with an individual member of the city council without violating the Sunshine Law, provided the mayor is not acting as a liaison between members and neither individual has been delegated the authority to act on behalf of the council. AGOs 90-26 and 85-36. *And see* Inf. Op. to Cassady, April 7, 2005 (mayor who *is not* a member of the city council and cannot vote even in the event of a tie, may meet with an individual council member to discuss the mayor's recommendations to the council concerning prospective appointees). *Cf. City of Sunrise v. News and Sun-Sentinel Company*, 542 So. 2d 1354 (Fla. 4th DCA 1989) (since mayor was responsible under the city charter for disciplining city employees, mayor in carrying out this function was not subject to s. 286.011, F.S.).

To the extent that the City or you have received contrary advice in the past, we recommend that you disregard it and comply with the Sunshine Law.

Please carefully review the Sunshine Law memorandum that we provided to you and let us know if you have any questions or need any clarifications.

Thank you.

Daniel W. Langley  
Fishback Dominick

1947 Lee Road  
Winter Park, Florida 32789  
Telephone (407) 262-8400  
Email: [dlanglely@fishbacklaw.com](mailto:dlanglely@fishbacklaw.com)

*Board Certified in City, County and Local Government Law*



**FISHBACK ♦ DOMINICK**

ESTABLISHED 1935

ATTORNEYS AND COUNSELORS AT LAW

**Belle Isle Issues Log  
12/1/20**

a.

<u>Issue</u>	<u>Description</u>	<u>Start Date</u>	<u>POC</u>	<u>Expected Completion Date</u>	<u>Completed Action</u>	<u>Next steps</u>
Street Paving	The City staff will conduct a street assessment to determine the pavement conditions and determine if the prior assessment is still valid. When complete, the staff will set-up a Capital Improvement Program for street paving. Program	7/1/2020	PW/CM	TBD	The City has been successful in paving several streets over the past few years; most recently the area around City Hall.	City to conduct Pavement Assessment and develop CIP for paving (next Fiscal Year). \$200,000 Allocated for District 3 in FY20-21 Budget. Measuring streets for estimate of cost for those streets listed in FY20-21 Budget. Working on a cost estimate based on street measurements
Storm Drainage	The City Engineer recently completed an assessment of the storm system. Some trouble spots have been corrected (Wind Drift, Derine, Chiswick) CM and Finance Director developed Storm Water CIP	4/3/2017	ENG/CM	TBD	Stormwater CIP was developed and reviewed by Budget Committee, who recommend approval. City staff to start reconditioning swales in trouble areas. Council workshop to be scheduled for review drainage issues. Work at Jade Circle Swales done.	Materials ordered for 1631 Wind Willow. Plans 50% complete for Stafford & Pam and 6504 St. Partin outfall; survey and locates ordered for Sol Ave. CM to see what Nav Bd might pay for. <b>Pipe lining on St. Moritz and Jade completed.</b>
Traffic Studies	Increased traffic in and through Belle Isle prompted the Council to allocate funds for city-wide traffic study to improve traffic flow. Study was done and resulting Traffic Master Plan was adopted by Council. Due to the City's membership in Metroplan Orlando, they are conducting additional studies focusing on Hoffner Ave.	4/3/2017	CM/Eng.	Sept. 2020	City's TMP completed and adopted. Metroplan study is nearing completion. Hoffner median constructed but still needs additional work. WaWa to reconfigure entrance (Working on permit with OC). Citizen feedback sent back to MetroPlan. Metroplan Consultant to work toward finalizing report.	OC/City working together to install RRFB at Monet/Hoffner crosswalk. RFP done for Crosswalk. New plans and final project document to be reviewed by City staff for changes based on citizen input. <b>RRFB needs to be rebid due to confusion with the specification.</b>
Wallace Field	City purchased large area at Wallace/Matchett for open space. Issues with Wallace Street Plat in this area with people trespassing on private property. District 2 Comm. And CM met with residents to discuss solutions. Council met on June 14 and issues was discussed. Council directed that a fence would be erected around property. Dist. 2 Comm. and CM to meet with residents to discuss options for Wallace Street plat. Area is still zoned R-2.	6/14/2017	Dist.2 Comm and CM	9/30/2020	Fence installed. Zoning changed to OS. Agreement for CCA use of the field being reviewed by school. Trees planted as part of Arbor Day Celebration. Workshop held on development. CCA and City to review CCA draft plan. All changes sent to CCA Board for review. Possibility to be on their June 26 agenda. CA rejected change in Use Agreement regarding by-laws and rejected by-	City to talk to County on a joint drainage plan in the area (depends on Nav Bd project). P&Z decision granting special exception is being appealed to Council. <b>The site plan tabled at Planning and Zoning until a decision is made on the appeal.</b>

**Belle Isle Issues Log  
12/1/20**

a.

					law changes suggested by the City. Use Agreement adopted. CCA planning park site plan. CCA/City staff met to go over site plan requirements. CCA working with City Planner for site plan submission. CCA completed site plan. Council approved site plan concepts.	
City acquisition of Property	Council discussed possibility of acquiring parcels within the City and directed City staff look at options on how to acquire property.	3/20/2018	CM	8/31/2020	Cross lake purchase is on hold until County reschedules PH. Mayor/CM to meet with Commissioner Uribe and Adjacent property owner on Cross Lake on March 4. CM/Comm. Cross Lake Property deed recorded and improvements made (closed). BoA agreement finalized.	Financing complete. PSA executed by Mayor and BoA. <b>BoA is now owned by the City. Discuss possible open house.</b>
Charter School (CCA)	There has been infrastructure issues at Cornerstone for some time. The City owns the property and leases it to CCA. The City is responsible for replacing major systems at CCA according to the lease.	4/3/2017	CM	Ongoing	Capital Facility Plan complete. CCA considering purchase of property. Roofs are being patched, not replaced at this time. Letter was sent to CCA Board asking for joint meeting and other Board issues. CM sent memorandum to CCA outlining conditions for refinancing. CCA discussed and rejected all the conditions sent by Council.	CM and CCA Chair met to discuss working on conditions. Meeting held with City team to discuss refinancing 2012 bond and additional CCA borrowing. <b>New Lease draft sent to Budget Committee for review. CCA Staff and City staff meeting to discuss expansion is postponed (date TBD).</b>
Municipal Code Update	The City Council contracted with a planner to update the municipal code. This process was not completed and needs to be completed. There have been significant code changes in the past few years that need to be in the code.	4/3/2017	CM/CC	Ongoing	Meet with consultant to determine what was done and what is left to do. P&Z Board looking at possible changes to fence/wall requirements. Discussion of sidewalk maintenance. Ordinance adoption for Home Occupation and Golf Carts.	On-going as needed. Drafting additional impact fee language for development to the Land Development Code.
Comp Plan Updates	The comp plan is reviewed every 7 years to see if it needs to be updated. The City Council contracted with a planner to update the comprehensive plan.	3/1/2017	Council Planner CM	Ongoing	Meet with consultant to determine what was done and what is left to do.	City Manager and Planner to review 2009 Comp Plan for errors discovered in Zoning Map. No Update
Annexation	Council discussed the desire to annex contiguous property in order to build the tax base and possibly provide more commercial development in Belle Isle.	4/3/2017	Council CM	12/28/2020	Council determined the priority to annex. Planner completed 1st report. City Staff reviewing.	CM working with Waltham property owners to set up meeting. Made initial contact with Conway Crossings Rep. <b>Meeting with Sienna Condos on December 3</b>



**CITY OF BELLE ISLE, FLORIDA  
CITY COUNCIL AGENDA ITEM COVER SHEET**

**Meeting Date:** December 1, 2020

**To:** Honorable Mayor and City Council Members

**From:** B. Francis, City Manager

**Subject:** BING Grant for Windsor Place

**Background:** Windsor Place subdivision is applying for a BING Grant for new playground equipment. The total amount of the project is \$11,294.93, and the grant amount is \$8,794.93 and Windsor Place provides the remainder of \$2,500. This is a District 7 grant application. The grant meets the criteria and the funds are available; however, the policy calls for a 50% match, which this clearly exceeds. Section 2.i. of the BING Policy states: Provide a 50/50 match of the total cost of the project, including cash, volunteer effort, materials, or any combination (based upon availability) of cash and in-kind services.

Total amount allocated for the BING Program for FY20-21 is \$5,000 per District.

Commissioner Nielsen would need to request another Commissioner contribute a portion of their allocation if the project is to be funded for the requested amount or the budgeted allocation.

**Staff Recommendation:** Approve the grant, but determine the amount of funding.

**Suggested Motion:** I move to approve the BING Grant for Windsor Place for playground equipment in the amount of (To Be Determined).

**Alternatives:** Do not approve.

**Fiscal Impact:** Amount not to exceed \$8,794.93 if fully funded.

**Attachments:** Grant application



CITY OF BELLE ISLE  
NEIGHBORHOOD PRIDE GRANTS

Grant Application

Submit the original application along with any attachments to The City of Belle Isle, 1600 Nela Avenue, Belle Isle FL 32809. Grants will be awarded on a first come, first served basis by district.

PLEASE PRINT

Applicant Contact Information

Applicant Organization Name: Windsor Place Community

Project Contact Name: Tawana Dinardo

Mailing Address: 5345 Hawford Circle  
Belle Isle, FL 32812  
City, State Zip

Daytime Phone: 321.689.4543 Evening Phone: Same

Email: \_\_\_\_\_

ALTERNATIVE CONTACT INFORMATION

Alternate Contact Name: Alex Burnett

Daytime Phone: 407.222.2049 Evening Phone: \_\_\_\_\_

Email: alexburnett@gmail.com

GRANT INFORMATION

Type of Project — please select all that apply:

- Landscaping
- Reader Board Sign
- Ground Lighting
- Wall/Fence pressure washing and or painting
- Irrigation "Repairs"
- Total amount of project: \$ 11,294.93
- Grant amount requested: \$ 8794.93
- Neighborhood participation amount (remainder of invoice) \$ 2500
- Fountains
- Other (please explain) Play ground swing set
- Project Street Address or Nearest Intersection: 5321 Hawford Cr

**PROJECT INFORMATION**

Please provide the answers to the following questions.

- 1. Description of the Project - This summary should provide an overview of the entire project; include what improvements will be constructed, installed, or applied. Remember to demonstrate the need for the project.

See Attachment I and II

- 2. State the location and land ownership of the proposed project - Is the project on public property? (Right-of-way use agreement/permit will be required.) Please state the exact location of the project, including an address or cross streets.

See Attachment I and III

- 3. Attach 2-5 photos, and include a brief description of each photo. Please also provide the original color photos.

- 4. Project Maintenance: Describe how the property has been maintained in the past, and how the project will be maintained and by whom after it is completed.

See Attachment I

- 5. Describe why this project is important to the community. Provide a brief summary of how the project will enhance the quality of life in the community. How will this project empower your organization to work together to accomplish common goals and objectives? (i.e., to improve neighborhood communication and participation).

See Attachment I

**BING TEAM ROSTER**

Each organization is required to have at least a 3 to 5 member team who will help plan and implement your community project. Team members will be required to sign the team member roster as a part of the grant application. Each team member must indicate his or her role/responsibility on the team.

PRINT NAME & SIGNATURE		ADDRESS/PHONE/EMAIL	ROLE/RESPONSIBILITY
Print Tawana Dinardo	Signature 	5345 Hawford Cr. Belle Isle, FL 32812 321-689-4543	Application Writer Project Lead
Print Alex Burnett	Signature 	5357 Hawford Cr. Belle Isle, FL 32812 407-222-2049	HOA Board Member
Print Anthony Dinardo	Signature 	5345 Hawford Cr. Belle Isle, FL 32812 724-622-1535	Researcher
Print	Signature		
Print	Signature		

**SUGGESTED TEAM ROLES:** **PROJECT MANAGER** — Team Captain. Responsible for leading project, getting a group consensus on which project the group wants to pursue. **ASST PROJECT MANAGER** — Co-Captain. Will work in concert with the project manager and assist obtaining quote(s) once the project idea has been decided upon. This position can also serve as the "Fund Watcher monitoring project expenses. **APPLICATION WRITER** — will work with project manager in organizing and developing BING application and submitting final report and pictures upon completion of project.



## Grant Application- Windsor Place HOA Attachment I

### **Project Information:**

**1. Description of Project:** Install vinyl swing set (see attachment II) with protective barrier and approved safety mulch. The swing set that is currently in the tennis court location is damaged and unsafe. It was donated to the community and was several years old when we obtained it. The HOA has spent money to replace the parts that became damaged with continual use, however it has not held up well. After doing research on play ground equipment, it was advised to use vinyl since it does have a life-time warranty and will last the duration of time. The vinyl option unfortunately is more expensive (bid attached), however it only makes sense to buy something that will be cost effective over time, as well as endure weather and wear. Since the play set was donated, it has become an essential part of our community.

**2. State the location and ownership of the proposed project:** The Windsor Place Tennis Court area. It is the property of the Homeowner's Association. The area is located at 5321 Hawford Circle, Belle Isle, FL 32812 (see diagram attachment III)

**3. Attach 2-5 photos:** Photos attached (see attachment IV)

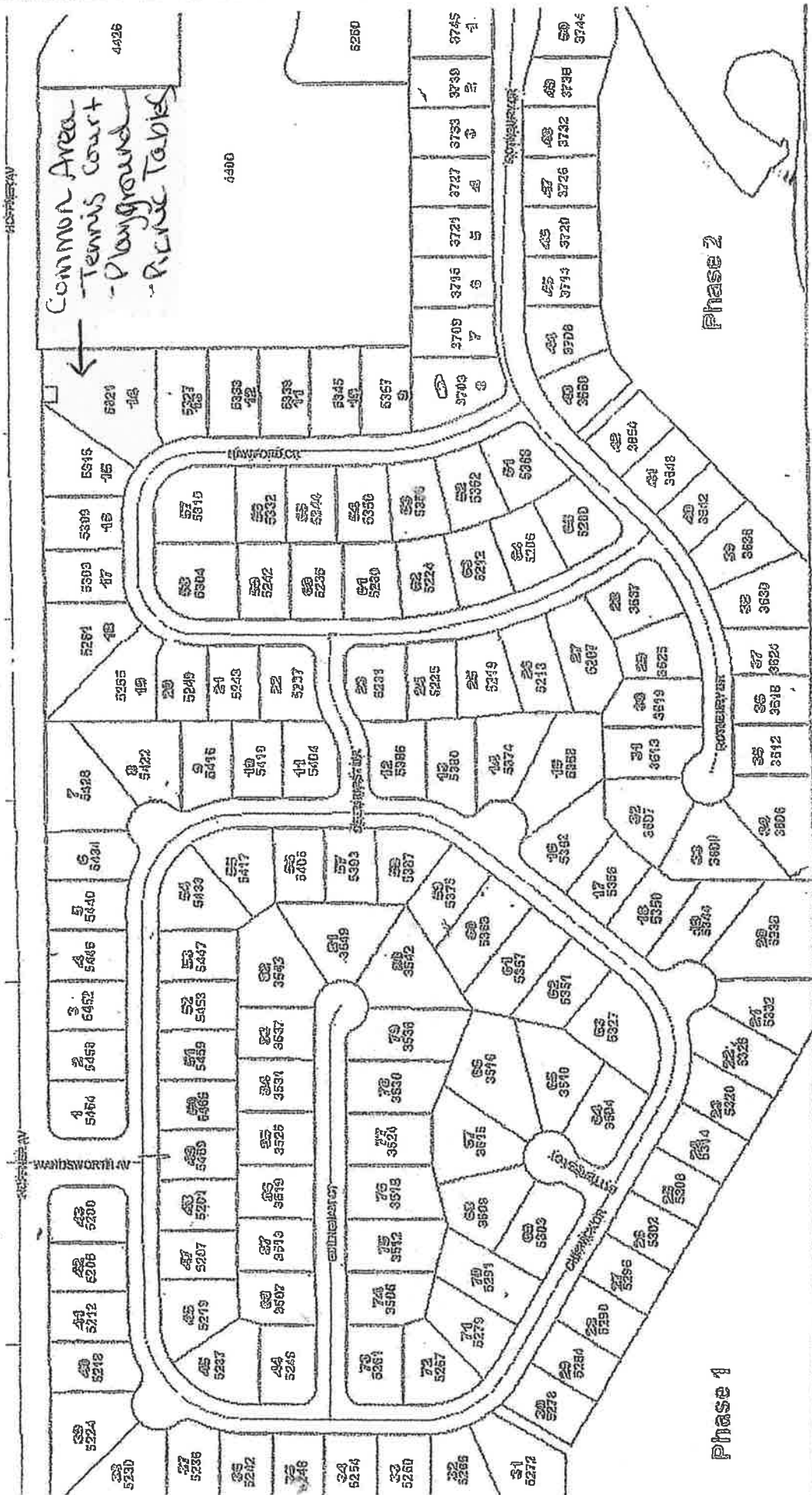
**4. Project Maintenance- Describe how the property has been maintained in the past and how the project will be maintained and by whom after it is completed:** The Windsor Place HOA Board of Directors has the responsibility to ensure the area is maintained. The Board of Directors conducts routine inspections of the area.

**5. Describe how this project is important to the community. Provide a brief summary of how the project will enhance the quality of life in the community. How will this project empower your organization to work together to accomplish common goals and objectives?** Being able to provide the children of our neighborhood a place to play and explore their creative side is monumental. Not only will the playground provide fun and entertainment for the children, it will give them physical activity which is essential to their health. The U.S Department of Health and Human Services include in their Physical Activity Guidelines that children should do 60 minutes or more of moderate-to -vigorous physical activity daily. Having this designated play area will also help to develop motor skills, social skills, and cognitive skills which will transcend from the playground to the classroom. This project will not only be great for the children of the community but for the parents as well. It will provide a place for neighbors to gather and socialize. Having a place to gather will also provide a sense of unity and something the community can feel proud of together. The play ground will also enhance the appeal of future homebuyers to live in Windsor Place and the City of Belle Isle.

# Attachment II



# Attachment III Windsor Place





Optimus Installs LLC

1355 Bennett Drive, Suite 233  
Longwood, FL 32750  
321-316-4762

[info@playnationorlando.com](mailto:info@playnationorlando.com)

INVOICE NO. 5846

DATE November 12, 2020

Purchaser promises to pay Optimus Installs, LLC (DBA Playnation Orlando, DBA Outdoor Living & Play) in full for the equipment upon receipt. If final balance due or any other unpaid amount must be collected from purchaser, purchaser agrees to pay in addition to the final balance due or any other unpaid amount, all cost & expenses, including reasonable attorney fees, associated with collection. Any final balance due or any other unpaid amount not paid upon receipt of equipment shall carry interest rate of 18% per annum until paid.

**Sold To** Windsor Place  
**Address** 5321 Hawford CR  
**City,State** Belle Isle FL32812  
**Phone** 3216894543  
**Email** t-rex6@hotmail.com

Print Name \_\_\_\_\_  
Signature \_\_\_\_\_

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
Felix	5846	50% Down, 50% Week Prior To Completion	

QUANTITY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1.00	VINYLNATION E-54 SWING SET Blue and White	\$ 8,799.00	\$ 8,799.00
1.00	1 Ton of rubber mulch	\$ 950.00	\$ 950.00
1.00	Fabric and adtional PVC	\$ 550.00	\$ 550.00
2.00		\$	-
1.00		\$	-
1.00		\$	-
1.00		\$	-

Play set removal \$275

Purchaser approves location of installation, and acceptance of playground equipment and or outdoor structure. It is the Purchaser's responsibility to ensure that the play area be resilient, safe and free of any potential hazards. All play activity must be adult supervised. Playground equipment and outdoor structures come with a manufacturer's warranty for the Purchaser. Playnation Orlando/Outdoor Living and Play/Optimus Installs, LLC expressly disclaims all warranties, expressed or limited including any implied warranty of merchantability or fitness for a particular purpose and sells the playground equipment "As Is" and makes no guarantees about the playground equipment's quality or performance. Playnation Orlando/Outdoor Living and Play/Optimus Installs, LLC assumes no responsibility or liability for incidental or consequential damages or injuries which may arise from the purchaser or use of said equipment. Purchaser accepts this disclaimer. Wooden playsets will show distortion, as well as seasoning checks/cracks. These are natural characteristics of wood and in no way should affect the structural integrity of the swingset.

SUBTOTAL	\$	10,299.00
SALES TAX		720.93
TOTAL	\$	11,019.93

Make all checks payable to Optimus Installs, LLC  
**THANK YOU FOR YOUR BUSINESS!**

+ 275.00  
\$ 11,294.93

BUDGET AND GRANT REQUEST		
NAME OF BUSINESS	TOTAL COST	DESCRIPTION OF SERVICES
Play Nation Orlando	\$8,799.00	Vinyl Swing Set E-54 (Depending on inventory how long ordering can be)
	\$950.00	Mulch
	\$550.00	Fabric and PVC
	\$275.00	Play set removal (old)
<b>TOTAL AMOUNT OF PROJECT</b>	\$11,294.93	
<b>GRANT AMOUNT REQUESTED</b>	\$8,794.93	
<b>NEIGHBORHOOD PARTICIPATION AMOUNT (REMAINDER OF INVOICE)</b>	\$2,500.00	

VENDOR ACKNOWLEDGEMENT FORM

Your company is bidding to be selected to perform services for a neighborhood organization as part of Belle Isle Neighborhood Grant (BING).

Please read this acknowledgement in its entirety before proceeding with any activity. By the below form you are accepting the terms set forth:

- o Please attach proof of insurance for workman compensation (waiver of subrogation), Commercial General Liability and Business Automobile Liability policies with submission of your quote. (see attached sample)
- o You acknowledge that you will comply with all vendor requirements.
- o You are not to start any work on the proposed project until you have been granted permission by The City of Belle Isle.
- o The quote provided by your organization should include all costs associated with completing this project, i.e. — labor, material, permitting, engineering and design.
- o You understand that if you are completing work that requires permitting, you must be a Belle Isle registered contractor. There is no cost associated with this process.
- o You understand that the City of Belle Isle will not be responsible for costs exceeding the amount on the original quote.
- o You are aware that the project must be completed within 45 days of approval of the Project.
- o If your services or costs have changed or the project is delayed, the City of Belle Isle must be contacted immediately.
- o Upon completion of the project, you are to invoice the City of Belle Isle with the exact products/services identified on the original quote. Any deviation may result in loss of payment.

OPTIMUS INSTALLS, LLC dba PLAYNATION ORLANDO  
Company Name

STEPHANIE ALBERT  
Print Name

Signature: 

Title: OWNER

Date: NOVEMBER 16, 2020



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY) **a.**  
3/24/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

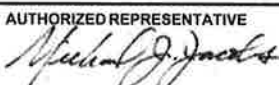
<b>PRODUCER</b> Associated Benefits and Risk Consulting, LLC 6000 Clearwater Drive Minnetonka MN 55343	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): 952-945-0200      FAX (A/C, No): 952-945-9477 E-MAIL ADDRESS:	
	<b>INSURER(S) AFFORDING COVERAGE</b> NAIC #	
<b>INSURED</b> Optimus Installs, LLC DbA: Outdoor Living and Play 114 Highline Drive Longwood FL 32750	INSURER A : Hanover Insurance Company      22292	
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

**COVERAGES**      **CERTIFICATE NUMBER:** 1000686516      **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:			LHXD910124 01	4/22/2020	4/22/2021	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N	N/A			PER STATUTE    OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

<b>CERTIFICATE HOLDER</b>  Evidence of Coverage	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



# CITY OF BELLE ISLE, FL

1600 NELA AVENUE, BELLE ISLE, FL 32809 \* TEL 407-851-7730

## MEMORANDUM

From the Desk of Bob Francis, City Manager

**To:** Mayor and Council  
**Date:** December 1, 2020  
**Re:** Changes/Additional Information to December 1, 2020 Council Meeting Agenda

The following information is provided to you for tonight's meeting:

Agenda Item 6.b. Hiring a Lobbyist: The engagement letter for considering a lobbyist is included. The lobbyist will work with the City Attorney and City Manager on issues that involve the issues that Belle Isle residents have with enforcement of safety on Laker Conway. This topic was brought up at the Budget Committee Meeting yesterday; however, although the Committee was in favor, they did not take action. The funding for this (\$30,000) would come from the City Attorney line.

Agenda Item 6.c. Resolution 20-18: I was contacted on November 30<sup>th</sup> that one of the residents in the area near Perkins Ramp had a problem with the proposed resolution and suggested the changes in the included resolution to allow for 22.5' for all other watercraft except for pontoon boats which will be 24'.

Agenda Item 6.d. Request for AG Opinion: Mr. Miller sent the enclosed email on November 30 regarding his request for the City Council to request an opinion from the AG on whether the Mayor is included as a member of Council under the Sunshine Laws, or can the Mayor have a discussion with a Commissioner. Included with his email is the AG Opinion 90-26 which he references. I sent this on to the City Attorney for further review and included the City Attorney's response.

Agenda Item 10.a. BING Application: Commissioner Nielsen sent an updated budget for the Windsor Place BING application for a playground. It increases the budget from \$11,294.93 to \$15,467.93. The HOA is requesting \$8,467.93. The grant meets the criteria and the funds are available; however, the policy calls for a 50% match, which this clearly exceeds. Section 2.i. of the 2017 BING Policy states: Provide a 50/50 match of the total cost of the project, including cash, volunteer effort, materials, or any combination (based upon availability) of cash and in-kind services. Therefore, the amount allowed is \$7,733.96. In the FY20-21 Budget, each Commissioner is allocated \$5,000. Unless another Commissioner provides additional BING funding, the City will fund \$5,000, or other amount as determined by Commissioner Nielsen.



Agenda Item 6.b. Hiring a Lobbyist



**ORLANDO OFFICE**

The Empire Building  
28 W. Central Blvd., Suite 260  
Orlando, FL 32801

**O:** 407.650.5052  
**F:** 407.650.2069  
thesoutherngroup.com

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11/18/2020

Bob Francis  
City Manager  
City of Belle Isle  
1600 Nela Ave  
Belle Isle, FL 32809

Dear Mr. Francis:

Thank you very much for your interest in The Southern Group of Florida, Inc. (The Southern Group). We appreciate the opportunity to provide lobbying services to the City of Belle Isle. The Southern Group is committed to providing the highest level of service in furtherance of your goals. This agreement will describe the terms under which that representation will occur.

You have asked that we represent City of Belle Isle in front of state and local government on issues relating to Lake Conway including boat safety. In addition, as part of our scope of service, The Southern Group will provide ancillary services such as electronically forwarding to you on a daily basis relevant newspaper articles, analyses, and important governmental announcements. You may wish to review in detail the qualifications of the team at [www.thesoutherngroup.com](http://www.thesoutherngroup.com). However, in order to ensure that your needs are efficiently and fully addressed, I will be the primary contact for this representation. If I should ever be unavailable, I would encourage you to contact Oscar Anderson.

In exchange for these services, City of Belle Isle has agreed to pay The Southern Group \$5,000 a month starting November 1, 2020 through April 30, 2021. For your convenience, payment may be remitted via ACH or wire transfer. If you are interested in either of these payment options, please indicate so on the enclosed client information form and someone from our accounting team will follow up with you. Otherwise, all payments should be remitted to P.O. Box 10570, Tallahassee, FL 32302. No monthly costs will be incurred without your prior approval. Also, by signing below, you agree that you will complete any forms necessary to comply with lobbyist registration requirements under Florida law that may arise as a result of our representation of Finrock during the term of this contract or after its termination should reporting periods overlap.

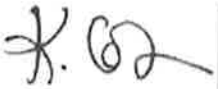
Please be aware that Florida has a lobbying fee disclosure law that requires quarterly disclosure of fees. Please review the attached fee disclosure form to fully understand this regulatory requirement and ensure that you agree with the information we will be submitting to comply.

Mr. Bob Francis  
Page 2

It should also be noted that The Southern Group has affiliated offices in other states and within the state of Florida. The Southern Group has a policy of declining representation of clients when that representation would immediately create a direct conflict with other clients that The Southern Group currently represents. You have retained The Southern Group for representation in Florida, and we know of no conflicts with our current clients. In order to ensure the candor and trust in our relationship that forms the basis of effective representation, it is the policy of The Southern Group to keep confidential within each office all information about your business interests and strategies.

I believe the above reflects our understanding. If it does, please sign this agreement and return with the completed client information, which is enclosed. I appreciate your attention to this matter and look forward to working with you. Please never hesitate to contact me if we can assist the City of Belle Isle in any way.

Sincerely,



Kelly Cohen

Enclosures

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Mr. Bob Francis

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11/18/2020

Agenda Item 6.c. Resolution 20-18

**RESOLUTION 20-18**

**A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA, CHANGING CERTAIN RULES AND POLICIES REGARDING USE OF THE PERKINS BOAT RAMP AS A WATERCRAFT LAUNCHING FACILITY.**

**WHEREAS**, the City of Belle Isle has complete jurisdiction and control of the Perkins Boat Ramp; and

**WHEREAS**, it is incumbent upon the City to preserve and protect the residential nature, economic and esthetic value of its neighborhoods through the promulgation and enforcement of rules and regulations which provide for the health, safety, and welfare of the residents; and

**WHEREAS**, the City desires to continue to allow the use of the facility by the Belle Isle citizens for the limited purpose of launching watercraft in a safe and responsible manner; and

**NOW, THEREFORE BE IT RESOLVED** that the following changes to the rules and regulations of adopted by the City Council by Resolution 03-07 shall be implemented and enforced by the City of Belle Isle:

1. Watercraft greater than ~~25'~~ 22.5' in length shall be prohibited from launching at the Perkins Boat Ramp, with the exception of pontoon boats which may not exceed 24'.
2. Vehicles with watercraft trailers shall be prohibited from parking at the diagonal spaces at Perkins Boat Ramp if they will impede access to the ramp. The City will mark the spaces to show the maximum length. Vehicles that impede access to the ramp will be fined and towed at the owner's expense.
3. If increasing the length of the watercraft to ~~25'~~ 22.5' for watercraft other than pontoon boats and 24' for pontoon boats, in any way, disrupts the quiet enjoyment of the property owners in the community near the ramp, the City will, upon the request of the property owners, revert back to the 20' maximum boat length.
4. All other rules listed in Resolution 03-07 remain in effect.

This Resolution shall take immediate effect upon enactment. Passed and adopted this 1<sup>st</sup> day of December, 2020.

CITY OF BELLE ISLE

ATTEST

\_\_\_\_\_  
Nicholas Fouraker, Mayor

\_\_\_\_\_  
Yolanda Quiceno, City Clerk

Agenda Item 6.d. Request for AG Opinion

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## City Attorney Opinion - Sunshine Law for Mayor and Unopposed Candidates

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Rick Miller <rmiller1970@gmail.com>  
To: Bob Francis <bfrancis@belleislefl.gov>  
Cc: Yolanda Quiceno <yquiceno@belleislefl.gov>

Mon, Nov 30, 2020 at 7:53 PM

Good question.

I did see you put it on the agenda (thanks). I can either use this as talking points or you can share it with the commission. Let me know your thoughts.

Sample of what I'm seeking and why...may not be the best language.

Whereas, the City of Belle Isle Charter section 4.01 states that the mayor shall be the "head of state" of the City of Belle Isle and shall have limited duties and powers as are specifically enumerated under this charter;

Whereas, the City of Belle Isle Charter section 4.05 innumerate the powers and duties of the mayor including

(A) Preside over all council meetings and shall have the right to take part in discussion but may not vote.

(B) Represent the city at meetings designated by city council in advance concerning matters of the city interested within intergovernmental relationships;

(C) Be recognized as head of the city government for all ceremonial purposes only, by the governor after the proper declaration of martial law by the governor, and for service of process;

(D) Present an annual "state of the city" message to the city council on the first meeting in the month of November of each year from the floor of the city hall outlining issues of concern for the upcoming year and legislative and grant sessions;

(E) Sign contracts as directed by city council on behalf of the city that have been previously approved by the council.

(F) Serve as presiding officer at any scheduled or specially held city council meeting.

(G) Assist the city manager and to insert items in the city agenda under the mayors report and perform such other duties as are specified in this charter or may be required by the council.

Whereas, the City of Belle Isle Charter section 4.06 innumerate the power of the mayor to have Veto power, as described below

(A) Except as otherwise provided herein, any ordinance or resolution adopted by the council shall be presented to the mayor for approval or disapproval.

The mayor shall approve or disapprove the item no later than 3 business days after the meeting in which the item was approved. If approved, the mayor shall sign the ordinance or resolution forthwith and deliver same to the city clerk with immediate action and it shall become effective according to the terms thereof. If disapproved, the mayor shall, no later than the next regular meeting of the council or 30 days after the date the ordinance or resolution

was first adopted by the council, whichever occurs first, return the ordinance or resolution to the council without his or her signature, accompanied by a message indicating the reasons for the disapproval and recommendation. The council may override the disapproval of the mayor by a majority vote of all the commissioners present at the meeting in which the disapproval is received, in which event, the ordinance or resolution shall become effective 10 days after such meeting. In the event the mayor does not approve the ordinance or resolution and does not return the disapproved ordinance to the council by the next regular meeting of the council or 30 days after the date the ordinance or resolution was first adopted by the council, whichever occurs first, the ordinance or resolution shall become effective immediately. City clerk shall keep track of such time periods and provide to council the outcome of any action or inaction by the mayor as to any use of the veto power.

(B) Ordinances or resolutions regarding the following matters shall not be subject to veto power of the mayor:

- (1) Quasi-judicial decisions of the council, including by way of example but not by way of limitation, interpretations of the City of Belle Isle Code and appeals of city board decisions;
- (2) Reductions in code enforcement penalties;
- (3) Determinations of the council to enter into a contract;
- (4) Personnel actions, including but not limited to, hiring, termination, disciplinary and promotional decisions; and
- (5) Decisions regarding issues to be placed on or removed from council agenda.

Whereas, the Belle Isle City Commission, via ordinance (2-54) allows the council to create advisory committees and the same ordinance states the mayor **may** be a voting member of the advisory committee for the district in which he or she resides, but also states that the mayor **shall** serve as a nonvoting ex-officio member of any advisory committee on which the mayor is not a voting member.

Whereas, the Mayor, has not elected to be a voting member of any advisory committee and therefore per the ordinance holds an ex-officio seat on all the advisory boards in Belle Isle.

Whereas, the Mayor, via an agreement with the City of Belle Isle Charter Schools Inc. also holds an ex-officio seat on the board of directors.

Now THEREFORE, we the City Commission would like to refer this matter to the Attorney General for the State of Florida to render an advisory opinion as to whether or not the mayor, who is a non-voting member of the City Council, who has no authority to break tie votes, and only limited veto authority and also holds Ex-Officio seats on the City of Belle Isle Charter Schools Inc board of directors, as well as an Ex-Officio seat on each of the City of Belle Isle advisory boards is subject to Florida's Government in the Sunshine law by answering these three questions:

May the mayor, who is by charter a non-voting member of the city council, who does **NOT** have the authority to vote or break tie votes but who does possess the veto power over legislation passed by the city council, privately meet with an individual member of the city council without violating the Government-in-the-Sunshine Law?

May the mayor, who is an ex-officio member of the City of Belle Isle Charter Schools Inc. board of directors meet privately with members of the board of directors without violating



the Government-in-the-Sunshine Law?

a.

Similarly, may the mayor, who is an ex-officio member of the City of Belle Isle Advisory Committees (Solid Waste, Tree, Budget, Special Events, and Police) meet privately with members of the advisory boards without violating the Government-in-the-Sunshine Law?

Using AGO 90-26 as a guide, the key differentiator was "the power to vote was a primary factor in determining whether the mayor was considered to be a part of the city council for purposes of the Sunshine Law."

Please advise.

[Quoted text hidden]

# Florida Attorney General Advisory Legal Opinion

Number: AGO 90-26

Date: April 11, 1990

Subject: Sunshine Law, mayor possessing veto power only

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Mr. Joseph H. Weil  
City Attorney  
City of Sweetwater  
500 Southwest 109th Avenue  
Sweetwater, Florida 33174-1398

RE: MUNICIPALITIES--GOVERNMENT IN THE SUNSHINE LAW--applicability of Sunshine Law to discussions between mayor possessing only veto power and individual member of city council

Dear Mr. Weil:

You ask substantially the following question:

May the mayor, who is not a member of the city council and does not have the authority to break tie votes but who possesses the veto power over legislation passed by the city council, privately meet with an individual member of the city council without violating the Government-in-the-Sunshine Law?

In sum, I am of the opinion that:

The mayor, possessing only the veto power, may meet privately with an individual member of the city council without violating the Government-in-the-Sunshine Law provided he is not acting as a liaison between council members and neither he nor the council member have been delegated the authority to act on behalf of the council.

According to your letter, the Mayor of the City of Sweetwater is not a member of the city council which has its own president and vice-president. He does not participate in the council proceedings except to be allowed to speak. He has no voting power and in the case of a tie vote, is not permitted to break the tie with a vote.

The mayor, however, does have the power to veto legislation passed by the council. The council may override the mayor's veto by a five-sevenths vote of the entire council. You ask whether this veto power places the mayor within the legislative process to the extent that he is prohibited from meeting privately with individual members of the city council.

Section 286.011, F.S., the Government-in-the-Sunshine Law, provides in pertinent part:

"(1) All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting."

The statute has been held to be applicable to meetings of two or more members of a public board or commission.[1] In addition, the term "meeting" has been interpreted to encompass informal discussions and deliberations as well as formal action taken by a public body.[2]

Clearly, when two or more members of the city council meet to discuss some matter which will come before the council for action, such a meeting is subject to the Sunshine Law. However, whether the provisions of s. 286.011, F.S., are applicable between a mayor and individual members of the council turns on the nature of the relationship between the mayor and the city council.

In those municipalities where the mayor is a member of the city council, discussions between the mayor and another member of the council clearly would be subject to the Sunshine Law. This office has also stated that where the mayor is not a member of the council but has a voice in the decision-making process through the authority to break a tie vote, the mayor is subject to the requirements of the Sunshine Law when discussing matters which could come before the entire council and possibly involve him through his power to break ties.[3]

In each of those opinions, the power to vote was a primary factor in determining whether the mayor was considered to be a part of the city council for purposes of the Sunshine Law. Under the charter for the City of Sweetwater, the mayor is a separate executive officer possessing no power to vote under any circumstances.[4] The power to veto with no accompanying power to vote would not appear to make the mayor a member of the council for purposes of the Sunshine Law.[5]

Accordingly, I am of the opinion that the mayor, possessing only the power to veto, is not a member of the city council to whom the Sunshine Law applies. Meetings between the mayor and an individual member of the council, therefore, would not generally be subject to the terms of s. 286.011, F.S.

This is not to say that instances may not arise in which the Sunshine Law would be applicable. For example, if the mayor is acting as a liaison between members of the council on matters which will come before the council, the Sunshine Law would be applicable to such meetings between the mayor and an individual member of the council.[6] Moreover, if the mayor of the individual council member, or both, have been delegated the authority to act on behalf of the city council, the Sunshine Law would be applicable to any discussion between these individuals regarding such matters.[7]

Sincerely,

a.

Robert A. Butterworth  
Attorney General

RAB/tjw

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[1] See *Hough v. Stembridge*, 278 So.2d 288 (3 D.C.A. Fla., 1973); *City of Miami Beach v. Berns*, 245 So.2d 38 (Fla. 1971).

[2] See, e.g., *Board of Public Instruction of Broward County v. Doran*, 224 So.2d 693 (Fla. 1969).

[3] See AGO's 75-210 and 85-36. Compare AGO 83-70 stating that if some matter falls within the administrative functions of the mayor and would not come before the city council for consideration and further actions, discussions between the mayor and an individual council member are not subject to the Sunshine Law.

[4] See ss. 4.01 and 4.09, Charter, City of Sweetwater.

[5] See AGO 85-36 in which this office concluded that the mayor of the Town of Branford who had no power to vote but possessed the power to veto was not subject to the Sunshine Law. Cf. *Advisory Opinion to the Governor*, 12 So.2d 583 (Fla.1943), in which the Court stated that the Governor's duty to review legislation is an executive rather than legislative function.

[6] See, e.g., *Blackford v. School Board of Orange County*, 375 So.2d 578 (5 D.C.A. Fla., 1979), in which the court held that scheduled successive meetings between the school superintendent and individual members of the school board held in order to avoid a public airing of a controversial redistricting plan violated the Sunshine Law. And see AGO's 74-47 and 89-39, respectively, stating that a city manager and county commission aides are not subject to the Sunshine Law unless they are acting as liaisons between board members.

[7] See AGO 90-17 in which the office discussed the applicability of the Sunshine Law to a commissioner negotiating a garbage collection contract. And see AGO 74-294 concluding the Sunshine Law was applicable to a single member of a public board to whom the authority to act on behalf of the board had been delegated.

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## City Attorney Opinion - Sunshine Law for Mayor and Unopposed Candidates

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Dan Langley <dlangley@fishbacklaw.com>

Tue, Dec 1, 2020 at 8:18 AM

To: Bob Francis <bfrancis@belleislefl.gov>, Kurt Ardaman <ardaman@fishbacklaw.com>

Bob/Kurt:

Council member-elect Miller is missing the part of AGO 90-26 discussing how the City of Sweetwater Mayor **was not** a member of the Council and did not chair the City Council meetings. That Mayor in AGO 90-26 was effectively an administrator like a city manager and not a member of the City Council.

**“According to your letter, the Mayor of the City of Sweetwater is not a member of the city council which has its own president and vice-president. He does not participate in the council proceedings except to be allowed to speak. He has no voting power and in the case of a tie vote, is not permitted to break the tie with a vote.” See AGO 90-26**

Section 3.01 of the Belle Isle Charter expressly makes the Mayor a member of the City Council. Under Section 3.01, City Charter, the term “City Council” includes the commissioners and the mayor. The Sunshine Law prohibits non-public meeting discussions between two or more members of the same board, commission or council discussing city business. Since the Mayor is on the city council he cannot have non-public city business discussions with any other member of the city council.

Sec. 3.01. - Creation, powers and composition of city council.

There shall be a city council with all the legislative powers of the city vested therein. The city council may by ordinance or resolution prescribe the manner in which any power of the city shall be exercised. The city council shall consist of seven (7) commissioners; one residing in each of seven (7) election districts, elected at large by the qualified voters of the city. **The mayor shall be a non-voting member of the city council.** The term city council in this Charter shall include the commissioners and the mayor.

I have no problem with asking for an AGO for the City if that is what the Council wants to do. Thanks.

**Daniel W. Langley**

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Agenda Item 10.a. BING Application

BELLE ISLE NEIGHBORHOOD GRANTS (BING)

BUDGET AND GRANT REQUEST		
NAME OF BUSINESS	TOTAL COST	DESCRIPTION OF SERVICES
Vinyl Nation	\$ 8799.00	Vinyl Swing Set E-54
	\$ 2300	Playground Border 8" (32 x 28)
	\$ 250	Fabric liner
	\$ 2850	3-ton rubber mulch
	\$ 275 (Not taxed)	Removal of old swing set
<b>TOTAL AMOUNT OF PROJECT</b>	\$ 15,467.93	
<b>GRANT AMOUNT REQUESTED</b>	\$ 8467.93	
<b>NEIGHBORHOOD PARTICIPATION AMOUNT (REMAINDER OF INVOICE)</b>	\$ 7000.00	