



The Belle Isle City Council met in a City Council Regular session on December 1, 2020, at 6:30 pm 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 Ardaman, Chief Houston, and City Clerk Yolanda Quiceno.

CALL TO ORDER

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

CONSENT ITEMS

- Approval of the November 4, 2020, City Council minutes
 - Approval of the November 24, 2020, City Council Special Called Meeting minutes
- Comm Carugno moved to approve the consent agenda as presented.**
Comm Partin seconded the motion, which passed unanimously 7:0.

CITIZENS COMMENTS

Mayor Fouraker opened for citizen comments. The City Clerk said she had not received any comments via email or in-person. There being none, he closed citizen comments.

UNFINISHED BUSINESS

Draft Ordinance on After-the-Fact Permits

City Manager Francis said most of the changes were made due to the meeting on November 4, 2020, other than the fines will be with after-the-fact permits and working without a permit. He provided fees/penalties for consideration. If approved by Council, the Ordinance can go for the first reading at the January 5, 2020 meeting.

Vice Mayor Carugno moved that the Council direct Ordinance 20-13 be written in final form with changes approved this evening and read the Ordinance for the first time at the January 5, 2021 meeting.
Comm Sims seconded the motion.

Comm Gold said he agrees with the staff recommendations.

Comm Carugno spoke on the penalty for "Working without a Permit" using a 3-tier process starting at 10% for the first violation, 20% for the second, and 30% for the third.

Comm Nielsen agrees with the recommendation on Page 13 that included \$1000+ all costs and \$1000 plus 10% of all expenses.

After discussion, the motion failed 4:3 with Comm Nielsen, Comm Partin, Comm Readey, and Comm Shuck, nay

Comm Readey moved that the Council direct Ordinance 20-13 be written in final form to include the staff recommendations as presented and read the Ordinance for the first time at the January 5, 2021 meeting.

Comm Gold seconded the motion.

The motion passed 6:1 with Comm Carugno, nay.

NEW BUSINESS

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.

Mayor Fouraker read the Resolution for the record.

Mayor Fouraker stated this discussion was in response to a question raised by a Council member asking if a Council member can pay and be part of the City's Medical benefits at a zero cost to the City.

City Manager Francis apologized for misunderstanding the request. The Resolution will allow the Mayor and Council to participate in the City's Health Plan and pay for their premium, similar to the Dental and Vision Resolution passed earlier in the year.

Comm Nielsen moved to approve Resolution 20-19, allowing Council members to participate in the City's Health Insurance plan currently available to City employees.

Comm Partin seconded the motion for discussion.

Comm Readey shared his concern with the risk of pre-existing conditions and insurance renewal once a council member is no longer part of the Council.

Comm Nielsen said one of the benefits is to allow participation in the policy group rate.

Comm Partin said he wants to make sure that the Resolution is written so that there will not be any use of City funds. Also, he said he was surprised by the number of favorable positions on this request from the public.

Mayor Fouraker shared his concerns on the public reaction to the Resolution. He asked the Council if they would like to pass the Resolution for a future Council or an internal conviction for those currently serving.

Mr. Francis said he contacted the Florida League of Cities for a list of cities that provide benefits. He said they do not keep a list of cities that offer benefits, but they did give a list of those Cities that provide a salary for the Mayor and Council members.

Comm Carugno asked for Council consideration to table the motion for approval until the Resolution can be edited accordingly. For future reference, these types of resolutions should be scheduled as a referendum for resident approval.

Comm Gold shared his concern with providing a salary to Council members for a voluntary position. He believes it will bring forward a negative result.

Comm Sims said the benefit might incentivize others to participate in City Government. He said this is a reasonable privilege and there is no cost to the City.

After further discussion, the motion passed unanimously 7:0.

Discussion on Hiring a Lobbyist

City Manager Francis said Hiring a Lobbyist was brought to the Budget Committee; however, they did not take action due to not having enough information, although they were in favor. One of the primary reasons he would like to solicit a Lobbyist is to lobby the FWC for help with the control out on Lake Conway. He said if the lobbyist cannot move forward with FWC within 6-

months, the contract will end. There is no action needed at this time. He will bring back the discussion item to the budget Committee on December 18 before carrying it forward for Council consideration. Discussion ensued on the process.

Mr. Miller, Chairman of the Budget Committee and Resident residing at 2001 Nela Avenue, shared the Budget Committee's concerns. He said the Committee discussed the need for more information, would like to see a Request for Qualifications or procurement issued. He further asked, does the Community know and has a consensus on what the City is lobbying for. The Committee will reopen the discussion at a later meeting for a recommendation to Council.

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

Mayor Fouraker read the Resolution by title.

City Manager Francis said according to the current permit with Orange County for the Perkins Boat Ramp, Resolution 2003 and BIMC Section 18-29 of the City Code, to make changes to the current rules, the request must be brought back to Council for approval. One of the requirements is not to allow any watercraft more than 25' and no parking trailer over 23' feet. He met with the community neighbors around Perkins Ramp, who agreed that they do not want to go to a 25' feet in height watercraft. However, Pontoon boats up to 24' should be allowed. He provided a revised Resolution (Page 45 of the packet) for consideration showing 22.5' for watercraft and 24' feet for pontoon boats.

Comm Readey spoke on past events of washout created by larger boats at the lip of the slip, making it impossible for boats to get in and out. Mr. Francis said back in 2003, one of the rules was only to allow retrieving of vessels with a winch because of the sand erosion. In addition, about two years ago, the City placed wheels blocks and the slip to avoid any erosion, which is why the neighbors are in favor of the proposed 22.5 ft. watercraft.

Comm Sims moved to approve Resolution 20-18 with a watercraft length no larger than 22.5 in length and 24' for pontoon boats.

Comm Nielsen seconded the motion that passed 6:1 with Comm Readey, nay.

Request by Rick Miller for Attorney General Opinion

Mr. Francis said Mr. Miller contacted the City to discuss whether or not the Mayor falls under the Sunshine Law. He has been working with the Mayor and some Commissioners on several initiatives in his capacity as Budget Committee Chair. Mr. Miller would like clarity on those communications if they can continue or not.

Mr. Francis said the City Attorney back in 2019 noted since the charter change, the Mayor is now part of the City Council and bound by the same Sunshine Laws. In April, Mr. Miller will be sworn in as a Council member and wanted to open discussion.

Attorney Ardaman said the need and ability to have the type of communication Mr. Miller is trying to have is well-founded. There is no complete guidance; however, he found that the Attorney General's opinion is different from our situation. It has several similar characteristics. The difference is that our Charter makes the Mayor a part of the City Council, and he also chairs the meetings.

There is a way to have the Mayor and Council meeting about City business. They can notice the meeting and allow the public to attend. Attorney Ardaman said based on the conversations he has had with FLC representatives, he recommends and says it is unwise to have the Mayor meet with Council members and Council Member-elects. He would be happy to request an Attorney General Opinion; if under the law, will a candidate be a council-member elect, with an affirmative vote from Council. Discussion ensued.

Comm Nielsen said, per the Charter, and since Mr. Miller did not have any opposition, he is considered a Council member-elect after qualification. The City Clerk confirmed that since Mr. Miller was unopposed, there would be no election in April.

Mr. Miller, residing at 2001 Nela Avenue, spoke on the Attorney General's opinion 98-60. He had three questions for clarification 1) Mayor's Non-voting member status and if the sunshine law applies, (2) Ex-Oficio status on the CCA Board and how the sunshine law applies, and (3) Mayors communication with other members of City Committees and Boards. He noted that the questions were sent to the City Manager via email and added to the packet - page 49. Mr. Miller said it would be difficult for the

Mayor to do his job appropriately and communicate with the community and its board's members if he is not allowed to open a dialogue. Discussion ensued, and Council consensus was to follow the City Attorney's advice and err on the side of caution. Comm Sims further added that it might be prudent to resign from the Budget Committee upon swear-in in April.

Comm Gold moved to direct the City Attorney to contact the Attorney General for an opinion.

Comm Partin seconded the motion that passed 5:2 with Comm Carugno and Comm Nielsen, nay.

ATTORNEY REPORT

Attorney Ardaman reported that he has been working with the Police Department and the Sheriff's office to enforce the Chain of Lakes. The agreement is not a comprehensive solution but one of the first steps in regulating the lakes.

CITY MANAGER REPORT

Issues Log

City Manager Francis gave a brief report on the following,

- Dog Park – The City received a request to make Regal Park into a dog park. He asked if the Council would like to consider the possibility. Council consensus was to move forward and get stakeholder comments. Mr. Francis said he would have staff prepare a survey for the community response.
- Paving – Measurements for the streets listed in the 2021 Budget – awaiting estimates. Part of the funds will be diverted to the Sol Avenue project.
- Drainage – Jade/Ming has been completed. The pipelining in St Moritz schedule for next week. 1631 Wind Willow has been completed. T-connections are being placed in the underground lines on Stafford and Pam.
- NAV Board – Working with NAV Board to see if they will share on specific projects in our City.
- Traffic Study – Within the next meetings, he will bring forward the Transportation project's Consultant plans.
- Bids for Crosswalk – Bids were received for the crosswalk on Monet. One of the bidders had a problem with reading the specs, so that the City will resubmit for bids. The next crosswalk bid will be at Pleasure Island and Hoffner.
- Wallace Field - At the last Council meeting, there were many discussions discussed on the site plan. The P&Z Board tabled the site plan discussion, and all the testimony at the CC meeting should not have been allowed. The special exception on the agenda was for organized athletics on the field and Council definition and placing a building on a field in relation to passive use. Mr. Francis also provided a brief update on the process.
- Mr. Francis asked Council if they would agree to have the staff schedule an open house at the Bank of America (BOA) building for the community to view the drawings for the newly purchased BOA building and Wallace field. Council agreed to the request.
- The Budget Committee reviewed the draft of the new CCA lease and provided comments for Council discussion.
- Wawa – They will be converting the right-in-only by January 2021
- Comp Plan – Update 2024
- Annexation – The City will be sending out letters to Publix and HOA Sienna Condos for consideration.

Chief's Report

Chief Houston reported on the following,

- The Operational Memo of Understanding enrolls all municipalities in Orange County to assist one another has been submitted for signature.
- The Agency has been certified as in compliance with Federal law and allows the City to submit for FDLE future funds.
- Chief Houston reminded everyone not to drink and drive this holiday season.

MAYOR'S REPORT

Special Events Chair report

- Holly Bobrowski gave an update on the City events. She reminded all of the upcoming Santa Ride on December 15 and December 16. She announced that Santa would be giving out toys and candy to all children. The staff will post maps, and the route will be sent via elert before the first night.
- Hey Y'all, Its Fall event hand-painted pallets was donated to the City to be placed in a City park.

Mayor Fouraker thanked Council, Staff, Boards, and Committees for all their hard work this year.

COUNCIL REPORTS

Approval of Bing Grant Application: Windsor Place Community - Playground Swing Set

Comm Nielsen presented the Windsor Place Bing Grant application. She said they currently have a small play structure and want to replace it with a sturdy, safe vinyl set. The total amount needed is \$8795, and she is only allowed to give \$5000 and asked if the Council would like to cost-share the grant for the full amount. Comm Gold agreed and offered to add the balance to complete the total amount.

Mr. Francis said to provide more than the 50/50 match, the Council would have to suspend the policy in the motion.

After discussion, Comm Carugno moved to suspend the 50/50 match of the policy and approve the Bing Grant with a donation of \$5000 from District 7 and \$3467.93 from District 1. Comm Gold seconded the motion that passed unanimously 7:0.

Comm Carugno reported on the following,

- ANAC meeting
- Boat Parade – December 18- South Lake, Dec 19th Middle Lake, and December 20 North Lake

ADJOURNMENT

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

Yolanda Quiceno, CMC, City Clerk

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