



city council agenda

Agenda
October 03, 2017 * 6:30 PM
City Council Meeting
City Hall Chambers 1600 Nela Avenue

Lydia Pisano Mayor	Kurt Ardaman City Attorney	Bob Francis City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Bobby Lance District 4	Harv Readey District 5	Lenny Mosse 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.

Meeting Procedures

Workshops are a working session and do not allow for public comment. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

1. Call to Order and Confirmation of Quorum

2. Invocation and Pledge to Flag - Sue Nielsen District 7

3. Consent Items

- a. Approval of the City Council Regular session minutes for September 5, 2017
- b. Approval of the Workshop session minutes for September 25, 2017
- c. Approval of the Special Called session minutes for September 28, 2017

4. Citizen's Comments

Persons desiring to address the Council MUST complete and provide to 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. ORDINANCE 17-11 – SECOND READING AND ADOPTION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING SECTION CHAPTER 30, ARTICLE III, SECITON 30-74 (b) RELATING TO FINES BY INCREASING THE FINE FOR PARKING VIOLATIONS; SECTION 30-76 (b) AND SECTION 30-76 (c) RELATING TO FINES AND HEARINGS INCREASING THE HEARING AND DELINQUENT FEE; SECTION 30-77 (b) RELATING TO IMPOUNDMENT ORDER TO PAY CITATIONS; SECTION 30-105 PENALTIES INCREASING THE FINE FOR COMMERCIAL VEHICLES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.
- b. Review/Approval of the City of Belle Isle Comins Development Settlement Agreement

6. New Business

- a. Approval of the Memorandum of Understanding between City of Belle Isle and Orange County Intergovernmental Radio System Encryption Key
- b. Discuss agreement between the City of Belle Isle and the Cornerstone Charter School Academy for use of the Wallace field

"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 51

- c. RESOLUTION 17-23 - A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE FISCAL YEAR 2016-2017 ANNUAL BUDGET TO INCREASE THE BUDGETED EXPENDITURES IN THE GENERAL GOVERNMENT DEPARTMENT OF THE GENERAL FUND FOR EMERGENCY EXPENSES RELATING TO HURRICANE IRMA; AND PROVIDING AN EFFECTIVE DATE.

- d. ORDINANCE 17-12 – FIRST READING AND CONSIDERATION - AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF “LOT 2 WALLACE STREET” AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO PUBLIC BUILDINGS DISTRICT(PUB); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

7. Attorney Report

8. City Manager Report

- a. Issues Log update
- b. Paving and Drainage discussion
- c. Chief's Report

9. Mayor's Report

10. Council Reports

11. Adjournment



city council minutes

MINUTES
September 5, 2017 * 6:30 p.m.
City Council Regular Session

The Belle Isle City Council met in a City Council Regular Session on September 5, 2017 at 6:30 p.m. at the City Hall Chambers located at 1600 Nela Avenue, Belle Isle, FL 32809.

Present:

Mayor Pisano
Commissioner Gold
Commissioner Carugno
Commissioner Weinsier
Vice Mayor/Commissioner Readey
Commissioner Lance
Commissioner Nielsen

Absent:

Commissioner Mosse

Also present: Attorney Tom Callan, City Manager Bob Francis, Chief Houston, and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website at www.cityofbelleislefl.org and at City Hall.

CALL TO ORDER

Mayor Pisano called the meeting to order at 6:30pm. Comm Lance gave the invocation and led the pledge to the flag.

CONSENT AGENDA

a) Approval of the City Council Regular Session minutes for August 15, 2017.

Comm Weinsier moved to approve the minutes for August 15, 2017.

Comm Nielsen seconded the motion.

Comm Carugno requested the following corrections,

Page 5- Council Reports reads as follows, "Comm Carugno shared his concerns with the trash left behind by those who use the lake between 6-8am."

Should read, "Comm Carugno shared his concerns with the trash left behind on private property by those who use the lake. He requested more patrol by the Belle Isle Police Department between the hours of 6-8am."

Page 5-Council Reports reads as follows, "Comm Carugno addressed the safety at the s curve on Judge and Daetwyler Drive. After Discussion, he asked the City to request placing a flashing speed sign going west on the road."

Should read, "Comm Carugno addressed the safety ~~at the s curve~~ on Judge and Daetwyler Drive. After Discussion, he asked the City to request placing a flashing speed sign going west on ~~the road~~ Hoffner Avenue."

CITIZEN'S COMMENTS

Mayor Pisano opened for Citizen Comments.

- Phil Price residing at 7440 Daetwyler Drive said on Daetwyler, going south, after the flashing light there is no end school zone sign. Chief Houston said this is a County Road and the City will call Orange County.
- Faye Evans residing at 1614 Overlook Road asked if the tarps being used for the supplies be saved for future hurricanes.
- Pedro Torres residing at 5464 Chiswich Circle asked who oversees the Home Owner's Association. Mayor Pisano directed Mr. Torres to www.myfloridalicense.com for further information.

There being no further comment, Mayor Pisano closed the citizen comment section.

Mayor Pisano opened for the First Budget Public hearing.

City Manager Francis said at 7:30pm he and Mayor Pisano will have to join a scheduled conference with the Governor and the City Manager's of Florida cities.

FIRST BUDGET PUBLIC HEARING

City Manager Francis presented the Fiscal year 2017-2018 Budget and Budget Message He stated that nothing has changed since the budget workshop. He gave a brief overview of the highlights of the budget as follows,

General Fund

- Millage to remain at 4.4018
- Budgeted amount of 4% COLA for all employees
- City increase 12.5% of Police employee retirement
- City increase to 9.5% of non-uniform employee retirement
- BING Grants decreased to \$7,000/District
- Urban Forestry increase to \$20,000
- Road Operating supplies increase to \$12,500 for new signage
- Request to Lake Conway Navigation Board to contribute to Marine Patrol Boat (\$23,000)

Stormwater Fund

- Request to Lake Conway Navigation Board to contribute to Street Sweeper (\$75,000 for sweeper; \$5,000 for aquatic weed control)

Charter School

- Engineering Fees of \$40,000 for CIP Plan and Stormwater issue at field

Capital Improvement Plan

- General Fund - Equipment
 - Code Enforcement Vehicle \$25,000*
 - Police Vehicles \$67,500 (2 vehicles)
 - Police Radios \$30,000 (6 radios)
 - Marine Patrol Boat \$50,000
 - Public Works Dump Truck \$35,000
 - Public Works Wood Chipper \$7,500
- General Fund – Projects
 - Swann Beach Beautification \$12,000
 - Street Resurfacing & Curbing \$250,000
 - LED Street Lighting \$10,000
 - Sidewalk Replacement \$20,000
- Stormwater Fund – Equipment
 - Public Works Street Sweeper \$175,000
- Stormwater Fund – Projects
 - St. Partin Drainage \$10,000
 - Belle Vista Drainage \$10,000
 - Gene Polk Park Project \$180,000
 - Perkins Boat Ramp \$38,000
 - Lake Conway Shores Drainage \$117,550

- Charter School – Projects
 - High School Roof Replacement \$170,000
 - HVAC Replacement \$150,000

In addition, City Manager Francis said the City is looking at three increases to the personnel, (1) Part-time Social Media/Marketing, (2) Public Works employee and (3) Community Resource Officer for the Police Department.

Mayor Pisano opened for Public Hearing and Citizen Comments.

- Anna Maria Fiola residing at 2493 Trentwood Blvd requested if the street sweeping of the City can be scheduled on non-trash pickup days.

There being no further comments, Mayor Pisano closed public comment and opened for Board discussion.

**Comm Gold moved to approve the budget for second reading as presented.
Comm Lance seconded the motion which passed unanimously upon roll call,**

**Comm Neilsen, aye
Comm Lance, aye
Comm Carugno, aye
Comm Weinsier, aye
Vice Mayor Readey, aye
Comm Gold, aye**

UNFINISHED BUSINESS

- a) ORDINANCE 17-08 - FIRST READING AND CONSIDERATION AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, CREATING A DEFINITION FOR "AUTOMATED EXTERNAL DEFIBRILLATORS"; CREATING CHAPTER ENTITLED "AUTOMATED EXTERNAL DEFIBRILLATORS" TO REQUIRE AUTOMATED EXTERNAL DEFIBRILLATORS AT CERTAIN BUILDINGS; PROVIDING FOR THE INSTALLATION AND OPERATION REQUIREMENTS TO MAINTAINING AN AUTOMATED EXTERNAL DEFIBRILLATOR; PROVIDING FOR FEES, PENALTIES AND APPLICABILITY; PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

**Comm Gold moved to present Ordinance 17-08 for second reading.
Comm Lance seconded the motion, which was unanimously approved.**

- b) ORDINANCE 17-07 - FIRST READING AND CONSIDERATION AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA. DESIGNATING THE CITY OF BELLE ISLE AS A BIRD SANCTUARY: SPECIFYING UNLAWFUL ACTS: AMENDING CHAPTER 4, SECTION 4-1 OF THE BELLE ISLE MUNICIPAL CODE PROVIDING FOR PRESERVATION OF WETLANDS AND THE CONWAY CHAIN OF LAKES WITHIN THE CITY; ESTABLISHING RESPONSIBILITIES OF CERTAIN CITY DEPARTMENTS; PROHIBITIVE ACTIVITY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

City Manager Francis said that Ordinance 17-07 was written according to the Florida Wildlife Commission (FWC) guidelines to create a bird sanctuary. He reported that he did receive a call from Shannon Wright Regional Manager of FWC who is not in favor of this Ordinance moving forward. They have not had a bird sanctuary request since 1980. If the Ordinance as written is not approved by FWC it will be more detailed than what we current have in the code.

**Comm Weinsier moved to present Ordinance 17-07 for second reading.
Comm Lance seconded the motion, which was unanimously approved upon roll call.**

- c) ORDINANCE No.: 17-10 – FIRST READING AND CONSIDERATION AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA; AMENDING THE BELLE ISLE CODE OF ORDINANCES CONCERNING AIRPORT ZONING REGULATIONS; BY AMENDING PART II, CODE OF ORDINANCES; BY AMENDING SUBPART B, LAND DEVELOPMENT CODE; BY AMENDING CHAPTER 44, COMMUNICATION TOWERS, TO CREATE ARTICLE V, AIRPORT ZONING REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

City Manager Francis said that the Planning & Zoning Board has recommended approval of the ordinance.

**Vice Mayor Readey moved to present Ordinance 17-10 for second reading.
Comm Gold seconded the motion, which was unanimously approved.**

NEW BUSINESS

- a) RESOLUTION NO. 17-19 - RESOLUTION OF THE CITY OF BELLE ISLE ESTABLISHING A POLICY FOR NAMING PUBLIC PARKS AND RECREATIONAL FACILITIES

City Manager Francis discussed the issue of naming public places for people in the City. He clarified, if there is already a public place named for a person than that name will not be change.

**Comm Nielsen moved to adopt Resolution 17-19 naming of public places.
Vice Mayor Readey seconded the motion, which was unanimously approved.**

- b) City Attorney search

City Manager Francis reported that the City receive seven responses for the Request for Proposal (RFP) for the City Attorney. A committee of four performed the review and selected three for Council review and interview (1) Shepard & Smith, (2) Fishbach Dominick and (3) Gayle Owens Law. He further added that Attorney Kruppenbacher do not submit a proposal because the City already has a contract and the Council already knows of their work and their fee schedule. In the RFP it allows the Council to waive any requirements of the RFP and Council can approve to add Attorney Kruppenbacher to the selection.

Counsel consensus was to interview the three law firms before adding Attorney Kruppenbacher to the list.

For the record, Comm Weinsier said it was never his concern that Attorney Kruppenbacher was not at all City meetings. His concern was having continuity of a regular Attorney at every meeting.

Faye Evans asked, what were the qualifications the City was asking for from the applicants? City Manager Francis said the RFP asked for expertise in Government/Municipal law, annexation and eminent domain.

Council discussed and agreed to the interview schedule for September 13th starting at 6:00pm giving each applicant a 30 minute interview with a 15 minute break in between each interview.

- c) Parking Fines Ordinance review

City Manager Francis said the current codes provides for parking fines of \$35 for parking violations. This \$35 fine has proven to be insufficient for deterring violations. The proposed amendment is to raise the fines to \$150.00. If Council has no objections it can presented for First Reading at the next City Council meeting.

Comm Carugno asked how the cars will be towed if a citation is processed. Chief Houston said it will be tagged and given a 24 hour waiting period before towing. Discussion ensued.

Attorney Callan asked if the violators have open tickets will they be prevented from getting replacement tags. Mr. Francis said that has not been included to the ordinance. Council consensus was to have the City Attorney research enforcement and penalty for open tickets and parking time limits. In addition, parking fines cannot be given to those areas not posted correctly.

Comm Carugno moved to present the parking fines ordinance for first reading at the September 19th Council meeting.

Comm Nielsen seconded the motion, which was unanimously approved.

d) Approval of Conway Isles Bing Grant application

City Manager Francis provided the Conway Isle BING Grant for additional security cameras. The amount of the project is \$5,900 but the grant amount is \$2,000. The grant meets the criteria and the funds are available.

Comm Gold moved to approve the Conway Isle Bing Grant for \$2,000.00.

Comm Nielsen seconded the motion, which was unanimously approved.

Comm Readey motioned for a 15 minutes recess to allow the City Manager and Mayor to participate in the Governors conference call.

Comm Nielsen seconded the motion, which was unanimously passed.

ATTORNEY REPORT

Attorney Callan provided a settlement agreement for the Comins Development LLC application. He gave a brief overview of the mediation hearing and a revised preliminary concept plan. The original PD application had 12 units along the lake consisting of two groups of six. They have agreed to construct three groups of three separated by a 35 foot strip in the middle. On the boat dock issue it was kept similar to the P&Z recommendation which was 3600 sq ft total and two piers. In addition, they agreed that the location and length of the boat dock should be subject to the permitting process of the City.

The document that was provided was received late yesterday. The document has some definitional issues. The underlines and strike outs are for consideration. Attorney Callan gave a brief overview of his redlined corrections to date. He pointed out the layout and design of the boat dock to be determined by a separate permitting process except for the terminal platform. Council discussion ensued on the site plan.

Attorney Callan said if approved tonight it will come back to City Council for review and approval of the final conceptual plan and a Public Hearing. This process is a settlement agreement to adopt the PD Ordinance that was rejected but with a new concept plan and conditions. Attorney Callan said that there were no objections from the public at the proceedings. This process allows more flexibility to the City to negotiate a smaller dock, less units and more open space overall. If the City Council rejects the settlement agreement it will go back to a hearing officer for a recommended order.

Attorney Callan said Council should forward any concerns to the City Manager or City Attorney no later than September 5th, 2017 for presentation at the September 19th City Council meeting.

CITY MANAGER REPORT

Bob Francis said that the items on the issues log are moving along. He reported that he will be meeting with Jack Liberty, his Attorney and the County Attorney to determine the correct Lake Level for closure of the boat ramps using the new Datum 88 vs. the old Datum 29.

Mr. Francis provided a few options for the New Welcome Belle Isle signs. Consensus was to move forward with option one. In conclusion, Mr. Francis reminded Council of the Charter review meeting on September 25th at 6:00pm.

Mr. Francis thanked everyone for their support with the Texas Hurricane Relief event. He suggested for future events Council calling a special or emergency meeting to consider logistical details for the entire event from beginning to end.

CHIEF'S REPORT

Chief Houston reported on the following,

- Chief Houston reported that the agency is ready for the Hurricane and have prepared accordingly.

MAYOR'S REPORT

Mayor Pisano gave a Hurricane Irma Preparedness update per the Governor's conference call.

COUNCIL REPORTS

Comm Gold – District 1

- No report.

Comm Carugno – District 2

- Comm Carugno discussed equipment standby for the hurricane and asked if Orange County will pull any boards to lower the Lake levels. Comm Lance said he has not heard of anything as of yet.
- He reported that residents have complained about Mattamy Homes doing construction in early hours of the morning.
- He further mentioned, for future discussion, revisiting the Boat Dock Ordinance, the 25 mph zone on Hoffner, low hanging trees, 4-lanes opening across Conway and residents concern on the home on Windsor Place with bullet holes.

Comm Weinsier – District 3

- No report.

Comm Lance – District 4

- Comm Lance also added that he has received calls that Mattamy Homes is working in the early hours of the morning. He advised the residents to call the patrol phone.
- Comm Lance also shared his concern with the current Boat Dock Ordinance and its interpretation. Mr. Francis said he spoke with the City Attorney and suggested that Council rescind the current Boat Dock Ordinance and adopts a temporary moratorium for 90-days to allow the City to revisit discussion.

Upon discussion, Comm Lance moved to adopt an Emergency Moratorium Resolution effective immediately and hold on any boat dock permits being issued for thirty days or until the City Council posts for a hearing on September 19, 2017.

Comm Nielsen seconded the motion, which was unanimously approved.

Comm Nielsen – District 7

- Comm Nielsen spoke of scheduling a City Manager Evaluation. Mr. Francis provided Council with City Manager Performance Evaluation Examples as a template. Comm Nielsen made a motion to use the City Manager Performance Evaluation that was provided for this year. She further added that Council should review evaluating the City Clerk as well. Council consensus was to gather more information and schedule for a future date.
- Comm Nielsen reported that she received a call from a resident on Willoughby. They feel like they are being neglected due to the fact that their roads have not been paved. Comm Nielsen said those streets have not been paved for over 30 years and should be made a priority. Mr. Francis said they are on the schedule this year however the paving projects have been delayed due to the weather.

ADJOURNMENT

There being no further business, Mayor Pisano called for a motion to adjourn, unanimously approved at 9:15p.m.

Yolanda Quiceno
CMC-City Clerk



city council minutes

**Minutes
September 25, 2017 * 6:00p.m.
Workshop Session**

Lydia Pisano Mayor	Tom Callan City Attorney	Bob Francis City Manager	Ed Gold District 1	Anthony Carugno District 2	Jeremy Weinsier District 3	Bobby Lance District 4	Harv Readey District 5	Lenny Mosse District 6	Sue Nielsen District 7
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The Belle Isle City Council met in a City Council Workshop session on September 25, 2017 at 6:00p.m. in the Belle Isle City Hall Council Chambers.

Present was:

Mayor Pisano
Commissioner Carugno
Commissioner Weinsier
Commissioner Lance
Commissioner Nielsen

Absent was:

Commissioner Gold
Commissioner Readey
Commissioner Mosse

Also present was Attorney Tom Callan, City Manager Bob Francis and City Clerk Yolanda Quiceno. Meeting audio is available on the City's website and at City Hall.

CALL TO ORDER

Mayor Pisano called the City Council workshop to order at 6:00 p.m.

CHARTER REVIEW AND DISCUSSION

Mayor Pisano opened the discussion for Charter changes of Sections 1.01 through 8.11.

Attorney Callan recommended that the City continue to be a City Manager/Council form of government with the Mayor being a non-voting member. One of the big changes for discussion is to redraw the districts and create a Council of seven to five commissioners.

Council discussed Sections 1.01 through 8.10 and recommended the sections to be considered for change as follows,

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) ~~five (5)~~ commissioners; one residing in each of seven (7) ~~five (5)~~ 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.

After discussion, Council consensus was to hold the composition of city council until the next Census in 2020.

Sec. 3.02. - Qualifications.

~~Commissioners~~ City council and candidates for ~~commissioner~~ any position of city council shall have resided in the city and the city district at least one (1) year immediately prior to the date on which they ~~qualify~~ apply to the City Clerk for qualification to run for the office of commissioner or mayor; shall be a registered voter in Orange County with proof from the Orange County Supervisor of Elections; or as later designated, at an address within the city district for at least one (i) year immediately prior to the date on which they apply to the City Clerk for qualification to run for the office of commissioner, or mayor; and shall ~~have the~~ meet and satisfy all qualifications of electors therein. No person may qualify as a candidate for commissioner who holds another public office, whether federal, to be a voter in the state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of commissioner without first resigning from the other office. of Florida.

Sec. 3.04. - Election and terms.

The regular election of the city commissioners shall be held on the second Tuesday after the first Monday in March of each year, in the manner provided in Article VI of this charter, and shall be for a term of three (3) years.

Sec. 3.06. – Commissioner or mayor not to hold two elected offices: vacancies.

(B) No person may qualify as a candidate for commissioner or mayor who holds another elected public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of commissioner without first resigning from the other office. However, a commissioner or mayor may continue to serve on an advisory federal, state, district, county, or municipal board, or commission, or committee.

(C) No commissioner or mayor may qualify for another office unless at least ten (10) days prior to the first day of qualifying for another the other office, the commissioner or mayor seeking the office must submit to the City Clerk a written resignation, which resignation shall be effective no later than the date the commissioner or mayor would take the new office, if elected. The resignation shall be irrevocable.

Sec. 3.07. - Vacancies; forfeiture of office; filling of vacancies.

(A) Vacancies: The office of a commissioner or mayor shall become vacant upon his or her's death, disability, resignation, entry upon the office of mayor, removal from office in any manner authorized by this Charter or state law or forfeiture of office.

(B) Forfeiture of office: A commissioner or mayor shall forfeit be deemed to have forfeited the office if the commissioner or mayor:

- (1) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by law.
- (2) Violates any standard of conduct or code of ethics established by law or {this Charter or commits} convicted of a misdemeanor of the second degree or a felony of any degree.
- (3) Misses five (5) four (4) consecutive, regularly scheduled council meetings in a twelve month period from first Tuesday of April of each year, without being excused as specifically approved by Resolution or motion by the council for each absence.
- (4) Failure to maintain and keep a bona-fide residency in the city district as elected for the term in Section 3.05, above, or be a bona-fide resident of the city.

(C) Filling of vacancies: A vacancy on the council whether of a commissioner or mayor shall be filled by the mayor council appointing a candidate from the district where the vacancy has occurred.

- (1) The appointee council shall be confirmed by a direct the City Manager to post the vacancy on the city website and at city hall. The city manager shall provide and process applications for the vacancy, review the application for completeness, and provide the completed applications to the City Clerk. City Clerk shall verify that the applicant satisfies the residency and qualifications requirements to hold the office as indicated in this Charter and under State law, and all public disclosure requirements for any elected official that may be required under state law, this Charter or other applicable law. City Manager and City Clerk shall then submit the applications to the City Council for review, consideration or approval.
- (2) City Council may interview all or a portion of the applicants if it so desires. The method and manner of selection of the applicant to fill the vacancy shall be in the Council's discretion. Majority vote of the council. at a public hearing shall approve the new member to fill the vacancy. The selected applicant must agree to accept the position and comply with all applicable state, local or municipal laws, rules, charters or ordinances including all public disclosure requirements. If not, the council shall select another applicant for the vacancy.
- (3) The filling of the office shall be completed no later than 60 days within one month of the date that the council seat or office of mayor was vacated. After the seat has been filled, the newly appointed commissioner will or mayor shall hold the applicable office until the next regular election scheduled for that district office.

(D) Extraordinary vacancies: In the event that all a majority of the commissioners are removed by death, disability, resignation or forfeiture of office, the governor shall appoint an interim council that who shall immediately call for a special election. to be held within 90 days.

Sec. 3.08. - Procedure.

(A) Meetings.

- (i) The council shall meet regularly at least once in every month, at the City Hall on the second and fourth Tuesday of each month or at such time and place as the council may prescribe by rule, at the second meeting of April for each coming 12-month term.
- (ii) Special meetings may be held on the call of the mayor or a majority of the commissioners and, whenever practicable, upon no less than twelve (12) hours' notice to each commissioner and the public. All meetings shall be public. (B)
- (iii) All meetings shall be posted online and at the City Hall and be public and open to the public.

(B) Rules and journal.

- (i) The council shall determine its own rules ~~and~~ for parliamentary procedure and the approval at the meeting, except the rules shall not be in conflict with the terms of this Charter.
- (ii) The Mayor shall preside over the meeting, participate in discussion but not vote. If the Mayor needs to abstain from any portion of the proceeding due conflict of interest as defined under state law or under this charter, the mayor shall set pass the gavel to the Vice Mayor or in its absence to a commissioner designated by council
- (iii) The order of the agenda and order of business for the meeting shall be set by the City Manager no later than 4 business days prior to the regularly scheduled meeting. The City Manager shall include any items as requested or designated to the City Manager by majority vote of the Council. The City Manager shall include any items submitted by the mayor for the meeting agenda prior to the agenda cut-off date. Three business days prior to the City Council meeting, the agenda package and backup items shall be ready for each meeting of the City Council member at City Hall to pick-up and shall be available for public inspection at the City Clerk office. The City Manager shall attempt and use best efforts to make the agenda and all back up documentation available to the public for view on the City website.
- (iv) The agenda package at a minimum shall contain the minutes from the prior meeting, and a report of the expenditures, check register or similar report and report of all city issued checks or drafts since the previous meeting.

(C) Voting. Voting, on ordinances and resolutions, shall be by roll call and shall be recorded in the journal. A majority of the council shall constitute a quorum; but a smaller number may adjourn from time to time and may compel the attendance of absent commissioners in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in Section 3.07, shall be valid or binding unless adopted by the affirmative vote of the majority of a quorum present.

Sec. 3.19. — ~~Past references to City council members designated commissioners.~~

All references in the Belle Isle City Charter, Code of Ordinances, ordinances and resolutions to the terms "Belle Isle City Council member(s)" and "councilman" shall be changed to "Belle Isle City Commissioner(s)." Similarly, any terms not expressly listed in this section but which refer to the city council member(s) or member(s) shall be changed to reflect the change from council member(s) to commissioner(s).

Sec. 4.02. - Mayor: Qualifications and terms of office.

(A) ~~The mayor shall be an elector of the city and shall have resided in the city for at least one (1) year immediately prior to the date on which he qualifies to run for the office of mayor. No person may qualify as a or any candidate for mayor who holds another public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with the office of mayor without first resigning from the other office. shall have and possess, and maintain for the duration of the term, all of the qualifications outlined in Section 3.02 above. The mayor shall be elected for a term of three (3) years and shall serve until a successor takes office. If the mayor shall cease to possess any of the qualifications for the office of mayor during the term of office, the office shall be forfeit[ed] and the mayor shall be removed by the council.~~

(B) The mayor shall be subject to the terms and conditions listed in Section 3.06 and 3.07, above.

Sec. 4.03. - Vice-mayor: Election.

At the first council meeting in May, after each regular city election, or whenever a vacancy occurs, the council shall elect one of its members as vice-mayor. ~~While serving as acting mayor, the vice mayor shall not have a vote on any matter coming before the council.~~

Sec. 4.04. - Vice-mayor: Duties, term and appointment of council member [commissioner].

(A) During the temporary absence or temporary disability of the mayor, the vice-mayor of the council shall perform the duties of the office of mayor and ~~during such time shall not serve in the capacity of a~~ retains his or her duties as commissioner.

(B) In the case of the death, resignation, removal of the mayor, or a prolonged disability that is expected to last ~~beyond~~ the normal remaining term of the mayor, the vice-mayor shall perform the duties of the office of mayor until the next regular election. The city council shall by resolution at a regularly scheduled public hearing designate the vice-mayor as the mayor for the remainder of the term. At the next regular election, an election for a new mayor shall be held for the unexpired portion of the original mayor's term.

(C) Upon assuming the duties of the office of mayor in (B), above, the ~~vice-mayor~~ council shall appoint a ~~temporary~~ commissioner, in accordance with section 3.07 of the city charter, to fill the vacancy created by the vice-mayor serving as acting mayor. However, ~~the~~

~~temporary~~ such commissioner shall only hold office until the next regular election or if the vice-mayor reassumes the office, whichever first occurs.

Sec. 4.05. - Powers and duties of the mayor.

The mayor shall:

- (A) Preside over all council meetings and shall have the right to take part in discussion but may not vote.
- (B) Represent the city ~~in~~ at meetings designated by City Council in advance concerning matters of the intergovernmental relationships;
- (C) Be recognized as head of the city government for all ceremonial purposes only, by the governor ~~for purposes of military 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 up-coming 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) ~~Set the agenda for council meetings and~~ Serve as presiding officer, ~~though the~~ at any scheduled or specially held city council shall retain the power to add such items to the agenda ~~as it may choose meeting.~~
- (G) Assist the City Manager 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 c

Sec. 4.06. - Mayor: Veto power.

- (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 vetod disapproved,~~ the mayor shall, no later than the next regular meeting of the council ~~occurring or~~ 30 days or more after the date the ordinance or resolution was ~~presented to the mayor 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 ~~two thirds (2/3)~~ 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 ~~occurring or~~ 30 days or more after the date the ordinance or resolution was ~~presented to the mayor first adopted by the council, whichever occurs first,~~ the ordinance or resolution shall become effective ~~10 days after~~ immediately. City Clerk shall keep track of such meeting 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 ~~approval or disapproval by~~ 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.

After discussion, Council consensus was to not make any changes to Sec 4.06 at this time. Section 4.06 should remain in its current form.

Sec. 4.11. - City Clerk

There shall be a city clerk appointed and subject to removal, upon recommendation of the City Manager, by a majority of the city council. The city clerk shall give notice of council meetings to its members and the public, keep a record and journal of its proceedings which shall be a public record, ~~and~~ prepare minutes of meetings, maintain city records, be the custodian for city records, comply with all requirements under Florida Law or the city's charter, ordinances or resolutions for records management,

perform such other duties as are assigned by this charter ~~or the city manager,~~ city ordinances and resolutions or vote by City Council. The City clerk shall be under the supervision of the City Manager. In addition to the record keeping duties of the City Clerk, the City Clerk may be designated tasks by the City Manager.

Sec. 4.13. - Administrative code.

The City Manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the council, subject to approval by Council and adopted by resolution.

After review of the Charter, Attorney Callan said he will provide the City Manager his comments and changes for the next Council meeting.

OTHER BUSINESS

- Commissioner Lance gave an invitation to Council for a Chili Cook Off at Daetwyler Shores on November 11 from 4:00-7:00pm. He further reported that a friend from Minneapolis told him that he heard from some friends in Houston who thanked the City of Belle Isle for all their help.
- Comm Carugno asked if the Council can schedule a special called meeting to repeal the emergency ordinance. He further asked if the City can contact Orange County to slow down the release of the Lake water before it goes too low. Discussion ensued.
Council consensus was to wait until further information is received from Orange County EPD before lifting the emergency ordinance and the debris on the Lake has been cleared.
- Mayor Pisano reported that the Special Events Committee met and has recommended a Veterans Day Parade on October 11, 2017. Council asked for a report of proposed expenses to be reviewed at the following City Council meeting. They shared their concern of the short time frame to organize a successful event. Mayor Pisano said she will start getting sponsors for the event and advertise accordingly.

ADJOURNMENT

There being no further business, Mayor Pisano adjourned the workshop at 8:30pm.

Yolanda Quiceno
CMC, City Clerk



The Belle Isle City Council met in a Special Called session on September 28, 2017 at 9:25 a.m. in the Belle Isle City Hall Council Chambers.

Present was:

Mayor Lydia Pisano
Commissioner Anthony Carugno
Commissioner Jeremy Weinsier
Commissioner Bobby Lance
Commissioner Sue Nielsen

Absent was:

Vice Mayor/Commissioner Harvey Readey
Commissioner Gold
Commissioner Lenny Mosse

Also present was City Manager Bob Francis, Chief Laura Houston and City Clerk Yolanda Quiceno.

CALL TO ORDER

Mayor Pisano called the meeting to order at 9:25am and the City Clerk confirmed quorum. Mayor Pisano gave the invocation and led the Pledge to the flag.

City Manager Bob Francis said the purpose of this special meeting is to discuss rescinding the State of Emergency Proclamation and Emergency Ordinance 17-13 establishing the Idle Speed/No Wake Zone. He does not believe that there is any longer a State of Emergency in the City of Belle Isle. He requested a motion to rescind the State of Emergency Proclamation.

Comm Nielsen motioned to rescind the State of Emergency Proclamation.
Comm Lance seconded the motion.

Mayor Pisano opened for public comment. There being none she closed public comment and opened for Council discussion.

Mayor Pisano asked if there are residents who have not yet submitted for FEMA assistance during the State of Emergency would this hinder their application. City Manager Francis said, no, it would not hinder their application and the City can provide them a copy of the Proclamation that was passed if needed.

Motion was unanimously approved 4:0

City Manager Francis asked for Council discussion to rescind Emergency Ordinance 17-03 establishing an idle speed/no wake zone. This ordinance was passed due to the extensive damage due to docks, boats, vessels and water crafts in the Lake Conway Chain of lakes and the submerged debris. Because the lake was so high there was the continued possibility of more damage caused by wakes to other docks and shorelines. As far as the level of the lake it has come down since the passing of the Ordinance; however, it may still be in a condition to be considered hazardous. There are no submerged issues as referenced in the Belle Isle Police Report dated September 26, 2017.

Orange County has opened both of their public ramps but does not necessarily mean that the no wake zone is off. He asked for a Council motion to rescind the Emergency Ordinance.

Comm Lance said before he calls for a motion he would like the City to continue the strong enforcement of the no wake activity on the lake. City Manager Francis stated if the Emergency Ordinance is rescind the lake activity restrictions will be off and the City will be enforcing the normal pre-hurricane rules. Discussion ensued.

Chief Houston stated that the City is out of NAV Board hours and the Belle Isle Police staff will be the only enforcement on the lake at this time. Council discussed contacting the NAV Board and the Orange County Marine Patrol to patrol Lake Conway until the NAV Board budget is finalized. Comm Nielsen asked if the City can fund the OC Officers for the weekend and get reimbursed by the NAV Board.

Comm Lance asked if it was possible to deputize citizens to be vigilant. Chief Houston said it may deter some activity however it will not have any legal standing.

Comm Carugno said yesterday Orange County opened the public boat ramps and shared his concern with the speeding of boats and jet skis a few hours later. There are seawalls and property collapsing in the Lake. He would like to give the residents on the lake a few more days to allow them to rebuild and secure their property. He is opposed to lifting the no wake zone at this time.

City Manager Francis asked if there are wakes on the lake is there potential damage, by wakes, to boat docks and shorelines. Comm Carugno further shared his concern with the safety issue and the water level.

Comm Nielsen said since there are so many unanswered issues for Lake front homeowners she motioned to postpone the No Wake Ordinance until the Tuesday City Council meeting.

Comm Lance seconded the motion.

Chief Houston stated that she does not believe the Orange County Sheriff's office will be able to enforce a City Ordinance.

Comm Weinsier said he is very sympathetic for the lake sore homeowners; however, as per the City Attorney, the longer this Ordinance stays in effect the greater chance the City is going to be in a position to be sued. Comm Weinsier said this Ordinance will punish the people who follow the rules for the few who violate the law.

Comm Lance said he is in agreement but the Attorney also said the Ordinance has to be approved by the State. By the time we get approval or disapproval we would have lifted the Ordinance and we need to protect our residents.

City Manager Francis said, through Home Rule and our City Code, the City is allowed to pass Emergency Ordinances for the sake of protecting the citizens and their property. In addition, the Ordinance does state that it will repeal itself after 60-days.

Chief Houston said the Ordinance is enforceable with a City Code violation only. There is a Florida State Statute 327.46 referencing No Wake and the Police Officers will give citations in violation of that Statute. Discussion ensued on enforcement of the No Wake on Lake Conway by Belle Isle Police Department and the County.

After discussion Comm Nielsen withdrew her motion to postpone Ordinance 17-13.

Comm Lance seconded the motion.

Comm Lance moved to rescind Ordinance 17-13.

Comm Nielsen seconded the motion.

Comm Carugno asked if we repeal this Ordinance now there is no going back. However, if we postpone the motion it will allow the City more time to gather more information and secure the patrolling of the Lake by the Belle Isle Police Department and Orange County. Council consensus was to contact Comm Pete Clarke and Mayor Jacobs and ask for some assistance with protecting the rights of the Lakeshore property owners and enforcement of the no wake zone. Discussion ensued.

City Manager Francis suggested that the City pass another Emergency Ordinance reducing the no wake zone for the entire lake within 500 feet of the lakeshore and forward same to the Florida Wildlife Commission (FWC) for consensus in protecting our shoreline.

Comm Lance called for the question.

Comm Weinsier seconded the motion which unanimously passed.

Comm Lance moved to rescind the No Wake Zone Ordinance.

Comm Nielsen seconded the motion, which passed 3:1 with Comm Carugno nay.

Comm Weinsier moved that the City enact an Emergency Ordinance establishing an idle speed no wake boat restricted area,

- a) Within 500 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways more than 300 feet in width or within 300 feet of any boat ramp, hoist, marine railway, or other launching or landing facility available for use by the general boating public on waterways not exceeding 300 feet in width.
- b) Within 500 feet of fuel pumps or dispensers at any marine fueling facility that sells motor fuel to the general boating public on waterways more than 300 feet in width or within 300 feet of the fuel pumps or dispensers at any licensed terminal facility that sells motor fuel to the general boating public on waterways not exceeding 300 feet in width.
- c) Inside or within 300 feet of any lock structure.

Comm Lance seconded the motion.

Comm Carugno shared his concern that the motioned does not include reference to the shoreline and residential properties.

Comm Weinsier amended his motion to include that there is,

- d) An idle speed/ no wake boating restricted area within 500 feet of any shoreline.
- e) Within 300 feet of a confluence of water bodies presenting a blind corner, a bend in a narrow channel or fairway, or such other area if an intervening obstruction to visibility may obscure other vessels or other users of the waterway.

Comm Lance seconded the amended motion which passed upon roll call,

Comm Nielsen, aye

Comm Lance, aye

Comm Weinsier, aye

Comm Carugno, aye

Other Business

Mayor Pisano requested Council consensus to read a Proclamation at Pete Madison's 60th birthday party proclaiming September 29, 2017 as Pete Madison Day.

Comm Lance moved to approve the Proclamation.

Comm Carugno seconded the motion which was unanimously approved.

City Manager Francis reported that the Belle Isle Police Department provided a list of addresses that still have hurricane debris. The list will be given to Pete Madison who will collect one additional sweep of the City. Once the items are collected there will be no more Hurricane debris pickups. Any further yard brush will need to be bagged and schedule as regular pickup for Republic.

Adjournment

There being no further business Mayor Pisano called for a motion to adjourn, unanimously approved at 10:30 a.m.

Yolanda Quiceno

CMC, City Clerk

ORDINANCE 17-11

AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA, AMENDING SECTION CHAPTER 30, ARTICLE III, SECTION 30-74 (b) RELATING TO FINES BY INCREASING THE FINE FOR PARKING VIOLATIONS; SECTION 30-76 (b) AND SECTION 30-76 (c) RELATING TO FINES AND HEARINGS INCREASING THE HEARING AND DELINQUENT FEE; SECTION 30-77 (b) RELATING TO IMPOUNDMENT ORDER TO PAY CITATIONS; SECTION 30-105 PENALTIES INCREASING THE FINE FOR COMMERCIAL VEHICLES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council recognizes that there has been an increasing number of parking violations at certain locations within the city occurring on a frequent basis; and

WHEREAS, the City Council recognizes that such violators pose a risk to public safety and the citizens of Belle Isle, and

WHEREAS, the City Council recognizes that the current schedule of fines no longer serves as a deterrent for such violators; and

WHEREAS, the City Council finds it necessary to amend the City of Belle Isle Code of Ordinances in order to better prevent further parking violations and provide for the safety of its citizens; and

WHEREAS, for purposes of this Ordinance, text with underlined (underlined) type shall constitute additions to the original text and text with strikethrough (~~strikethrough~~) type shall constitute deletions to the original text;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLE ISLE, ORANGE COUNTY, FLORIDA:

SECTION 1. The City Council of the City of Belle Isle, Florida hereby amends Sections 30-74, 30-76, 30-77, and 30-105 of the City of Belle Isle Code of Ordinances to read:

A. Sec. 30-74. - Issuance of citation; schedule of fines. (b) The amount of such civil penalty shall be as follows: (1) One Hundred fifty Dollars (\$150) ~~Thirty-five dollars~~ for each violation of any offense, except for the offense listed in subsection (b)(2) of this section;

B. Sec. 30-76. - Fines and hearings. (b) *Hearing request by person cited.* Any person summoned by a parking violation citation, upon the payment of a fee of \$150.00 ~~\$35.00~~ in cash, money order or cashier's check, may within five working days after issuance of the citation file with the city manager a written request for a hearing before the city council. Such hearing shall be set at a regular or special meeting to be held not later than 60 days after the filing of such request. The person summoned by the parking violation citation shall be given at least five working days' written notice of the time and place of such hearing. At the completion of the hearing, the city council shall decide whether or not the citation was justified and whether or not the fine should be imposed/upheld. In the event the city council overturns the parking violation, the fee of \$150.00 ~~\$35.00~~ shall be refunded to the person that paid such fee within five working days of the city council's decision.

(c) *Delinquent fee; notice of summons for failure to respond.* If any person summoned by a parking violation citation on a motor vehicle does not respond to such citation within five business days, by either paying the fine or requesting a hearing under subsection (b) of this section, the city manager shall assess a \$25.00 ~~\$10.00~~ penalty against the registered owner of the vehicle. In addition, a notice of summons shall be sent, by certified mail, to the registered owner of the motor vehicle which was cited, informing such owner of the parking violation citation and the failure to comply therewith. Such notice shall direct the recipient to respond within ten calendar days; otherwise, a summons will be issued for failure to comply. Costs in the amount of \$10.00 ~~\$5.00~~ shall be assessed incident to this notification process.

C. Sec. 30-77. - Impoundment. (b) *Impounding and storage charges.* The cost of fines, towing or removing a vehicle impounded under this article and the cost of storing same shall be chargeable against the owner and shall be a lien upon the vehicle. The owner of the vehicle shall pay these charges before the vehicle will be released. Payment for parking fines to the City will be paid first before the cost of impounding and storing. The owner will present a City receipt to the towing/storage company as proof that the vehicle can be released. The vehicle may be stored in a public or private place. If the vehicle is stored in a private place, the amount charged for storage shall be the amount provided for by contract between the private storage facility and the enforcement officer. The charges to the owner for towing shall be the amount provided for in any wrecker contract between the towing company and the city. If the owner of a vehicle impounded under this article does not claim such vehicle within 60 days, the enforcement officer is hereby authorized to declare such vehicle an abandoned vehicle and to dispose of such vehicle in accordance with article II of this chapter.

D. Sec. 30-105. - Penalties. (a)

Any person cited under this division shall pay the city a fine of ~~\$100.00~~ \$75.00 for the first violation and a fine of ~~\$250~~\$150.00 for each subsequent violation. Each day that a violation of this division continues or is permitted to exist after the issuance of a civil citation shall constitute a separate offense under this division.

SECTION 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 3. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

SECTION 4. This ordinance shall become effective immediately upon final passage by the City Council.

First Reading held this 19th day of September, 2017

Second Reading held this 3rd day of October, 2017

Advertised for Second Reading on the 23rd day of September, 2017.

	YES	NO	ABSENT
Ed Gold	_____	_____	_____
Anthony Carugno	_____	_____	_____
Jeremy Weinsie r	_____	_____	_____
Bobby Lance	_____	_____	_____
Harvey Readey	_____	_____	_____
Lenny Mosse	_____	_____	_____
Sue Nielsen	_____	_____	_____

LYDIA PISANO, MAYOR

ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, City Clerk of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 17-11 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____, 2017, at which session a quorum of its members were present.

Yolanda Quiceno, CMC-City Clerk



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

Meeting Date: October 3, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Settlement Agreement for Comins Development

Background: In Accordance With F.S. 70.51, a Settlement Agreement between the City and Comins Development has been reached. A draft was presented to the Council by the City Attorney at the September 19 Council Meeting for review. The City Council suggested modifications and no action was taken at the September 19 meeting. Since that time, the City Attorney has changed and the new attorney, Dan Langley made additional changes that are in line with Council's direction.

Staff Recommendation: Continue to discuss the Agreement to insure that it meets Council approval and answers the concerns of Council.

Suggested Motion: I move to approve the Settlement Agreement between the City and Comins Development and direct the City Clerk to advertise for a public hearing to be held on October 17, 2017.

Alternatives: Do not approve the Settlement Agreement

Fiscal Impact: Undetermined at this time.

Attachments: Revised Settlement Agreement

PROCEEDING PURSUANT TO SECTION 70.51, FLORIDA STATUTES,
IN AND FOR BELLE ISLE, FLORIDA

COMINS DEVELOPMENT I, LLC, a
Florida limited liability company,

Petitioner,

vs. BELLE ISLE, FLORIDA,

File No. _____

Respondent.

_____ /

SETTLEMENT AGREEMENT

COMINS DEVELOPMENT I, LLC, a Florida limited liability company, (hereinafter called "Petitioner"), and the CITY OF BELLE ISLE, FLORIDA, a municipal corporation formed and existing under the laws of the State of Florida (hereinafter called the "City"), hereby enter into this Settlement Agreement and agree to the following facts, terms and conditions:

1. The City Manager shall present this Settlement Agreement to the Belle Isle City Council (the "City Council") for approval on ~~September 19~~October 3, 2017, or as soon thereafter as can be reasonably accomplished. If the City Council approves this Settlement Agreement, it will proceed to schedule and conduct a public hearing to-for consideration for approval of e the Revised PD (as defined herein) which if approved will be a final resolution of the proceeding filed by Petitioner pursuant to Section 70.51, Florida Statutes. If the City Council fails to approve the Settlement Agreement or the Revised PD (as hereafter defined), this proceeding shall continue pursuant to Section 70.51, Florida Statutes, and a hearing will be scheduled before Lewis W. Stone, Esq., the Special Magistrate appointed in this matter.

2. On June 1, 2017, Petitioner filed a Request for Relief under Section 70.51, Florida Statute regarding the City's denial of a Planned Development / Preliminary Concept Plan (collectively, the "Original PD") for the proposed Silver Isles Townhome Project comprised of two parcels owned by Petitioner and a larger parcel owned by 7710 Daetwyler LLC. Without waiving any defense or claim, City in this settlement agreement has treated the three parcels as one (the "Properties").

3. The Properties are located on Daetwyler Drive in the City and have approximately 350 feet of frontage on Lake Conway.

4. Portions of the Properties were formerly used as a mobile home park, a restaurant and a single family home. Three docks and one boat ramp exist on the Properties.

5. The Properties have a Medium Density Future Land Use Map designation that requires a development density of between 5.6 and 10 dwelling units per acre. The Properties are currently zoned R-2, which allows multiple-family dwelling units at that density. The City's Planned Development District also allows multiple-family dwelling units at that density.
6. On April 25, 2017, the City's Planning and Zoning Board recommended approval of the Original PD with specific conditions.
7. On May 2, 2017, the City Council denied the proposed preliminary concept plan and thereby the Original PD, and this proceeding was timely filed within thirty (30) days following the denial.
8. On August 29, 2017, a mediation between the Petitioner and the City was conducted by the Special Magistrate. At the mediation, the Petitioner presented a revised preliminary concept plans/PD district concept plan ("Concept Plan") and conceptual architectural renderings (the "Architectural Concepts") for consideration by the City's representatives at the mediation. Attached hereto as Exhibit "A" and Exhibit "B" respectively. The following terms of this Settlement Agreement were negotiated at the mediation and will be considered for approval by the City Council (collectively sometimes herein the "Revised PD"):
 - A. The Concept Plan is acceptable with the following modifications:
 - (i) Add a note to the Concept Plan establishing the minimum size of the townhome units at 2,000 s.f. and requiring that each unit have a double car garage.
 - (ii) Remove the twelve (12) parallel parking spaces north and south of the pool area and replace them with the maximum number of angled parking spaces (potentially 18-22 spaces) that can be provided using accepted engineering practices without decreasing the minimum square footage of any townhome unit or the total number of townhome units.
 - (iii) The location of buildings shown on the Concept Plan are approved unless they need to be shifted to accommodate the angled parking.
 - (iv) The City shall coordinate the Orange County Fire Department's review and approval of the street layout in the Concept Plan.
 - (v) Depict the location of any dumpsters / recyclers on the Concept Plan and include a note stating they will be screened by a wall and gate.
 - (vi) The two (2) Architectural Concepts attached to this Settlement Agreement as Exhibit "B" shall be part of

the PD approval and the Concept Plan. The Petitioner shall develop the site with buildings that include the elements from the Architectural Concepts for the design of the townhome units.

(vii) The nine (9) townhome units facing the lake shall not exceed a thirty foot (30') height limit; the twenty-one (21) non-lakefront townhome units shall not exceed a thirty-five foot (35') height limit.

(viii) The recreational open space areas located on either side of the center lakefront building shown on the Concept Plan shall include hardscape elements and a landscape planting plan substantially similar to the depiction on Exhibit "C" attached hereto and incorporated herein by reference, which shall be used to mask the first floor of the buildings across the street and also to add trees to visually soften or break up the view of the buildings from the lake. The ultimate type and description of landscaping shall be included in the Development Plan.

(ix) Add a note on the Concept Plan requiring the Properties to be platted at one time in a single plat.

(x) Add a note on the Concept Plan stating that copies of the State Department of Environmental Protection ("DEP") and Orange County permits issued for lakefront clearing shall be provided with the Development Plan submittal.

B. The following conditions shall apply to the dock and fishing/observation piers:

(i) Dock permitting shall occur only after platting and creation of the homeowners' association (the "HOA") for the PD.

(ii) The applicant for any dock or fishing/observation piers shall be the HOA.

(iii) The dock and fishing/observation piers shall be owned by the HOA. The HOA may lease boat slips to individual owners of the townhome units in the PD.

(iv) No boathouses shall be allowed on the dock or on the fishing/observation piers.

(v) No storage lockers shall be located on the dock or the fishing/observation piers.

(vi) No dock or fishing/observation pier shall be located within thirty feet (30') from the residential property to the north or twenty feet (20') from the property to the south.

(vii) No overnight mooring, or other mooring more than 1 hour in during a 24-hour period, shall be allowed on a fishing/observation pier. Drop-off and pick-up of boat passengers from the southern fishing/observation pier is allowed.

(viii) The length and location of the dock and the fishing/observation piers shall be governed by the City Code permitting process; provided, however, that the size of the dock and of the fishing/observation piers

shall comply with the following conditions set forth below that were recommended by the Planning and Zoning Board on April 25, 2017. In the event of a conflict between the City Code and the conditions set forth in this Settlement Agreement, the conditions set forth in the Settlement Agreement shall control.

(ix) The existing boat docks and boat ramp on the Properties shall be removed prior to installation of the proposed 10-slip boat dock and the fishing/observation piers;

(x) The proposed 10-slip boat dock shall not be permitted by the City nor constructed before 25% of the total number of units approved within this PD have been permitted, constructed, and issued a certificate of occupancy;

(xi) The 10-slip boat dock shall be deed restricted to use only by residents/property owners within the PD and shall not be utilized for commercial lease or profit;

(xiii) The location, length and layout and design of the boat dock and fishing/observation piers shall be determined through a separate Belle Isle permitting process in accordance with the Belle Isle boat dock regulations, except that the terminal platform of the fishing/observation piers shall be no larger than ten feet by twenty feet (10' X 20'), the height of the dock and the fishing/observation piers shall be no greater than five feet (5') above the Normal High Water Line ("NHWL"), and the maximum size of the 10-slip boat dock terminal platform shall be 3,600 square feet.

9. The first reading of the Revised PD; with ~~these the aforesaid~~ conditions and the revised Concept Plan, shall be scheduled for hearing before the City Council as soon as reasonably possible following the City Council's approval of this Settlement Agreement and after the Petitioner submitting a complete application package containing all the required documentation and information for consideration of the Revised PD.
10. The Petitioner shall reimburse the City for legal review of all agreements related to this proceeding or the Revised PD, not to exceed \$4,000.00. The City shall send an invoice to the Petitioner for the amount owed and include reasonable detail of the legal work performed for which reimbursement is requested.
11. The Petitioner and the City shall each pay one-half (1/2) of an invoice to be sent by the Special Magistrate for his services within twenty (20) days following receipt of the invoice.
12. The Petitioner acknowledges and agrees that the City, through the Police Department or the Code Enforcement Officer, shall have authority to enter the properties at any time, present or in the future, to enforce the terms and conditions set forth in this Settlement Agreement and Revised PD once approved

by the City Council.

13. The Petitioner acknowledges and agrees that the City cannot contractually agree to rezone the Property and that this Settlement Agreement does not do so and that all rezonings (including the Revised PD contemplated herein) are subject to an evaluation after a properly noticed and held public hearing to determine whether the applicable approval criteria set forth in the City's Comprehensive Plan and land development regulations have been satisfied. The City Council's approval of this Settlement Agreement shall not obligate the City or the City Council to approve the Revised PD contemplated herein. If the Revised PD is not approved by the City Council, this Settlement Agreement shall be null and void and the Section 70.51, Fla. Stat. proceeding shall proceed to hearing. Nothing in this Settlement Agreement shall: (i) constitute a waiver of or be construed as a restriction on or release of the City's police power and zoning authority and regulations, or (2) constitute or be deemed to require the City to issue any development order, development permit or any legislative, quasi-judicial or administrative approval or particular decision.
14. If the City Commission approves the Revised PD contemplated herein or any version of the Revised PD for which Petitioner consents as acceptable, Petitioner agrees that it thereby waives and releases the City and its officials, officers and employees from any and all petitions for writ of certiorari, Bert J. Harris Act claims, § 70.51, Florida Statutes proceedings, appeals, damages, causes of action, claims and lawsuits arising out or relating to the City Council's denial of the Original PD.
15. This Settlement Agreement and the City Council's consideration of this Settlement Agreement and the Revised PD constitutes a good faith attempt to resolve a disputed matter in a § 70.51, Fla. Stat. proceeding. If this Settlement Agreement and the Revised PD are not approved by the City Council, then this Settlement Agreement and the City Council meeting to consider this Settlement Agreement and hearing to consider the Revised PD and any record containing or referring to this Settlement Agreement, the Revised PD and Concept Plan and the related settlement discussions shall not be used by either party as evidence or be admissible in any judicial or administrative proceeding for any purpose. If the City Council rejects this Settlement Agreement or denies the Revised, Petitioner acknowledges and agrees that such decision by the City Council constitutes a rejection of a settlement proposal and is not reviewable or appealable (via petition for writ of certiorari or otherwise) to a court of law through an action brought by Petitioner.

AGREED TO AS OF THE LATEST DATE INDICTED BELOW.

PETITIONER

Comins Development I, LLC, a Florida

limited liability company

By: Its:

Dated:

[Signatures Continue on Following Page] 6

0927036\169750\4896096v7

CITY OF BELLE ISLE, FLORIDA

Lydia Pisano, Mayor This _____ day of _____, 2017. ATTEST:

Clerk

Approved as to form and legality:

Thomas P. Callan, Assistant City Attorney

Exhibit "A"
(Concept Plan)

Exhibit "B"
("Architectural Concepts")



Lake View Elevation

Building 3

Building 2

Building 1



Lake View Elevation Building 3



Lake View Elevation Building 2



Lake View Elevation Building 1

Silver Isles Townhomes
 Belle Isle, Orange County, Florida

Elevation - West Side
 3-3-3 Units Buildings - Lake View - Elevation A





Silver Isles Townhomes
 844 sq. ft., Orange County, Florida

Elevation - West Side
 3-3 Units Buildings - Lake View - Elevation 3



Exhibit "C"

(Hardscape and Landscape Concepts for Lakefront Open Spaces Between Buildings)



Sheriff Jerry L. Demings

ORANGE COUNTY SHERIFF'S OFFICE

TELEPHONE: 407.254.7000 ❖ P.O. BOX 1440, ORLANDO, FLORIDA 32802-1440 ❖ WWW.OCSO.COM

August 29, 2017

Chief Laura Houston
Belle Isle Police Department
1521 Nela Avenue
Belle Isle, FL 32809

Re: Encryption MOU for OC Government 2017

To All:

I am writing to you all to request that you sign the enclosed agreement between your various entities and the Orange County Sheriff's Office. This MOU will be for the use of the Encryption Key for the Sheriff's Communication System. We have made a few changes which we consider to be minor in nature, most specifically the requirement that the confidentiality of the key be properly maintained and not released to any other person or entity.

This same agreement has already been entered into between the Sheriff and the Orange County Board of Commissioners. I am including a copy of that agreement and Agenda Item for you records.

If you have any questions or concerns, please feel free to contact me at the address provided below.

Thanks for your help.

Dorothy K. Burk
Senior Assistant General Counsel

DKB/km

Enclosures



*The First Law Enforcement Agency
in Orange County to Receive Both
International and State Accreditation*



MEMORANDUM OF UNDERSTANDING

Orange County Intergovernmental Radio System Encryption Key

THIS AGREEMENT, made this _____ day of AUG 01 2017, 2017, by and between the Orange County Sheriff's Office, hereinafter referred to as the "Sheriff;" the City of Apopka, hereinafter referred to as "Apopka;" the City of Belle Isle, hereinafter referred to as "Belle Isle;" the Town of Eatonville, hereinafter referred to as "Eatonville;" the City of Edgewood, hereinafter referred to "Edgewood;" the City of Maitland, hereinafter referred to as "Maitland;" the Town of Oakland, hereinafter referred to as "Oakland;" the City of Ocoee, hereinafter referred to as "Ocoee;" the City of Orlando, hereinafter referred to as "Orlando;" the University of Central Florida, hereinafter referred to as "UCF;" the Town of Windermere, hereinafter referred to as "Windermere;" the City of Winter Garden, hereinafter referred to as "Winter Garden;" the City of Winter Park, hereinafter referred to as "Winter Park;" Orange County Government, hereinafter referred to as "Orange County;" and Orange County School Police, hereinafter referred to as "School Police" agree as follows:

WHEREAS; the parties to this agreement are all governmental public safety agencies who share common public safety radio systems, and

WHEREAS; certain communications and information transmitted over said radios contain confidential and emergency information not subject to public disclosure, and

WHEREAS; the parties believe that it is necessary to ensure the confidentiality and security of radio transmissions made by their public safety agencies.

NOW THEREFORE; the parties agree to the establishment of parameters for use of a common encryption key for all public safety radios operating on the Orange County Intergovernmental Radio System.

1. Term

The term of this agreement shall commence on the _____ day of AUG 01 2017, 2017 and shall be automatically renewable on a year-to-year basis.

2. Termination

Parties may withdraw from this agreement upon sixty (60) days prior written notice to all other participants. The parties individually agree that in the event that they withdraw from this agreement, any encryption information previously provided to them including the encryption key will remain confidential.


3. Policy


The user agencies operating on the Orange County Intergovernmental Radio System hereinafter referred to as the "Radio System" will:

1. Agree to utilize the same encryption key for all public safety radios.
2. Agree to keep the encryption key in a secure location and to take every precaution to keep the key secret.
3. Immediately notify the Orange County Sheriff's Office in the event they have reason to believe that the confidentiality of the encryption key has been compromised.
4. Agree not to change the encryption key used for the Radio System without coordinating that change with all of the other signatories of this Agreement.
5. Agree not to program the encryption key into any non-public safety radio.
6. Agree not to release the encryption key to any other user or entity not listed as a signatory to this agreement without the express prior written consent of all of the signatories.
7. Not provide encrypted radios for use by non-public safety personnel.
8. Agree to periodically change the encryption key for the Radio System in concert with the other signatories.
9. Agree not to release the encryption key to any agency outside Orange County, Florida, unless law enforcement agencies require access for mutual aid. (Examples: Task Force, MBI, etc.)

4. Amendments

This Agreement shall not be amended except in writing and executed by the parties.


Jerry L. Demings
as Sheriff of Orange County, Florida


Renaldo L. Rivero
Undersheriff
Acting Sheriff

Date: 7/20/17

FOR USE AND RELIANCE ONLY BY THE
SHERIFF OF ORANGE COUNTY, FLORIDA.
APPROVED AS TO FORM AND LEGALITY
THIS 20 DAY OF July, 2017.


Dorothy Bunt acting
General Counsel

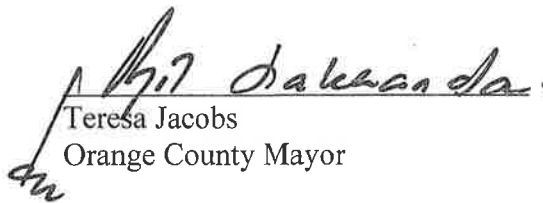
ORANGE COUNTY GOVERNMENT



Rafael Mena
Chief Information Officer
Information Systems & Services

APPROVED:
ORANGE COUNTY, FLORIDA

ATTEST:


Teresa Jacobs
Orange County Mayor

APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS FOR ORANGE COUNTY,
FLORIDA, AT A MEETING HELD ON
AUG 01 2017

UNDER AGENDA NO. _____.

FOR USE AND RELIANCE ONLY
BY ORANGE COUNTY,
FLORIDA. APPROVED AS TO
FORM AND LEGALITY THIS
____ DAY OF _____, 2017.

County Attorney

BELLE ISLE POLICE DEPARTMENT

Laura Houston

Laura Houston
Chief of Police

Date: 9/20/17

APPROVED:
BELLE ISLE, FLORIDA

ATTEST: _____

[Signature]

City Clerk

Lydia Pisano
Mayor

APPROVED BY THE CITY
COMMISSION OF THE CITY
OF BELLE ISLE, FLORIDA, AT A
MEETING HELD ON

UNDER AGENDA NO. _____.

FOR USE AND RELIANCE ONLY
BY THE CITY OF BELLE ISLE,
FLORIDA. APPROVED AS TO
FORM AND LEGALITY THIS _____
DAY OF _____ 201__.

City Attorney



Interoffice Memorandum

July 20, 2017

TO: Mayor Teresa Jacobs
-AND-
Board of County Commissioners

FROM: Rafael Mena, Chief Information Officer
Information Systems & Services Division

THRU: Rich Steiner, Enterprise IT Supervisor, Radio Services
Information Systems & Services Division

SUBJECT: Approval of Memorandum of Understanding Orange County
Intergovernmental Radio System Encryption Key

This Memorandum of Understanding (MOU) is structured as a unilateral agreement allowing Orange County public safety agencies access to the Orange County Intergovernmental Radio System. There will be no cost to Orange County since there is no additional equipment involved with this agreement. The MOU will establish parameters for use of a common encryption key for the public safety radios operating on the system.

ACTION REQUESTED: Approval of Memorandum of Understanding Orange County Intergovernmental Radio System Encryption Key by and between the Orange County Sheriff's Office, the City of Apopka, the City of Belle Isle, the Town of Eatonville, the City of Edgewood, the City of Maitland, the Town of Oakland, the City of Ocoee, the City of Orlando, the University of Central Florida, the Town of Windermere, the City of Winter Garden, the City of Winter Park, Orange County Government, and Orange County School Police for public safety radios operating on the Orange County Intergovernmental Radio System at no cost to Orange County.

RM/RS/ri

c: Eric Gassman, Chief Accountability Officer, Office of Accountability



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

Meeting Date: October 3, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Use of Wallace Field by Cornerstone Charter Academy (CCA)

Background: CCA has requested use of the Wallace Field for athletic activities, specifically for football practice. Currently, CCA practices on their game field. This causes maintenance issues for CCA because the game field has to be repaired prior to a game. CCA has also offered to “grade” the Wallace field at their expense if the City will allow the use.

The City Council directed the City Manager to draft an agreement for Council review for use of the Wallace Field by CCA. The draft is enclosed.

Staff Recommendation: Direct the City Manager and City Attorney to finalize the agreement for review and work with CCA staff and Counsel on the terms of the Agreement.

Suggested Motion: None needed. Just a consensus of Council to Continue to move toward an agreement.

Alternatives: Do not move forward and deny the request of CCA.

Fiscal Impact: None to the City that is not already incurred. CCA has offered (prior to this meeting) to make improvements to the field at their expense.

Attachments: Draft agreement

AN AGREEMENT BETWEEN CORNERSTONE CHARTER ACADEMY AND CITY OF BELLE ISLE FOR THE PURPOSE OF ALLOWING CORNERSTONE CHARTER ACADEMY TO USE THE WALLACE STREET FIELD AND ESTABLISHING CONDITIONS FOR USE

THIS AGREEMENT, made this ____ of _____, 2017 by and between the Cornerstone Charter Academy (hereinafter the "CCA") and the City of Belle Isle (hereinafter the "City").

RECITALS

1. Florida Statute 163.01 authorizes governmental entities to enter into written agreements for the performance of any or all functions and activities that either party, its officers or agents, has the authority to perform on its own. The agreement may provide that the entities cooperate in the construction, improvement, operation and maintenance of facilities.
2. The City owns real property commonly known as Wallace Field ("Field") that is zoned Public Buildings District (PUB) which permits Open Space/ Recreational Facility and that is currently not being put to any beneficial use.
3. CCA does not have adequate practice facilities at this time.
4. CCA desires to improve the Field for use as a practice field for its athletic programs.
5. The City has agreed to allow the CCA to use the Field until such time as the City determines that the Field property should be used for other purposes on the terms and conditions set forth below.

AGREEMENT

In consideration of the mutual covenants of CCA and City, each to the other giving, CCA and City do hereby agree as follows:

Section 1. Construction, Maintenance and Repair. The City grants CCA the exclusive right and privilege to conduct practice for its athletic programs, and other uses approved by the City, on the Field, and all associated rights to use the Field for that purpose. The CCA is responsible for costs associated with the construction, maintenance, upkeep and repair of the Field as agreed to with the City.

- a. The Field is subject to review and approval under Belle Isle Municipal Code Section 54-83 as a permitted to use subject to site plan review. Approval of the Agreement does not constitute approval of the intended use. CCA shall prepare a site plan for the Field for submission to the City Planning and Zoning Board for approval. The Site Plan will be approved by the City prior to submission. The City will be the applicant and be responsible for completing the application for site plan approval.
- b. CCA will be responsible for the construction and improvements of the Field according to the approved Site Plan. The cost of the construction and improvements will be the responsibility of CCA.

- c. The City will maintain the appearance and general condition of the Field. Costs to maintain the Field will be divided equally between CCA and the City. The City will prepare an itemized invoice for CCA for maintenance of the Field. The invoice will be paid within 30 days of receipt by CCA.

Section 2. Operation.

- a. Priority of Use. CCA is authorized to conduct practice for its athletic programs, and other uses approved by the City, on the Field at times scheduled by CCA. Use of the Field by CCA will be during daylight hours only. The City will have priority to use the Field for City purposes; however the City will coordinate with CCA for scheduling of the Field. The City may also close the Field to for maintenance (by the City or CCA) or for an emergency.
- b. Fielding and Traffic. The parties anticipate that the Disc Golf Course will bring additional vehicular traffic to the area. Parking will only be allowed on CCA property (CCA parking lots). Vehicles, other than official City vehicles, or CCA vehicles necessary to transport equipment to and from the Field, will not be allowed unless written permission is given by the City. Unauthorized vehicles parked at and around the Field will be cited and/or towed at the owner's expense. Drop off and pick up of students at the Field will be allowed as long as the adjacent property owners have access to their property. If traffic, due to drop off or pick up, becomes a nuisance, the City will notify CCA and the practice will be discontinued. It is the responsibility of CCA to convey these rules to the students, faculty, and parents.

Section 3. Compliance with Laws. CCA shall be responsible for compliance with all federal, state and local laws, orders and regulations in connection with its use of the Field.

Section 4. Insurance. CCA, at its cost, shall provide liability coverage in the amount of One Million and No Cents (\$1,000,000.00) Dollars per occurrence, and Three Million and No Cents (\$3,000,000.00) Dollars in the aggregate. All insurance shall be placed with companies admitted to do business in the State of Florida or which shall have an AM Best rating of at least an "A". The City must be a certificate holder on any policy of insurance purchased by CCA in compliance with this Agreement, and it is entitled to receive a copy of any policies of insurance within thirty (30) days of the effective date of the policy. CCA shall obtain the insurer's agreement to give not less than thirty (30) days advance notice to the City before cancellation, expiration or alteration of any policy insurance. CCA agrees to maintain such policies of insurance during the term of this Agreement, and any failure to do so will constitute a breach of the terms of the Agreement. The City shall be named as an additional insured and said policy will be primary over any other collectible insurance for any liability arising out of claims in connection with this Agreement.

Section 5. Indemnification. CCA and the City agree to be fully responsible for its own acts or omissions and its own agents, contractors, servants, employees, licensees, or invitees, and any acts of negligence, or its agents' acts of negligence when acting within the scope of their employment, and agrees to be liable for any damages resulting from said negligence. Each Party shall indemnify and save the other

Party harmless from and against, and shall reimburse the indemnified Party for, all liabilities, obligations, damages, fines, penalties, claims, demands, costs, charges, judgments and expenses, whether founded in tort, contract, or otherwise, including attorney's fees and costs for any act or neglect of the indemnifying Party in connection with the respective Party's obligation under this Agreement. Nothing contained herein shall be deemed a waiver by the City or Academy of its immunities provided by law, including those immunities set forth in Section 768.28, Florida Statutes. Notwithstanding the above, nothing in this provision shall operate to release either the Licensor or Licensee from its own affirmative duties with respect to this Agreement, and neither party is obligated to indemnify the other party for the other party's wrongful or tortious conduct.

Section 6. Term.

- a. The term of this agreement shall be ten (10) years; provided, however, that the City may terminate this Agreement prior to its expiration with ninety prior written notice when the City determines that it is necessary and convenient to sell the Field, or use it for some other purpose. The written notice shall specify the termination date of this Agreement, which date must be no less than ninety (90) days after the date of this notice. This Agreement may otherwise be terminated upon the mutual agreement of the governing bodies of both the CCA and the City, or, without such agreement, in the event of a material breach of the terms and conditions of the Agreement by one of the parties. A material breach is considered to have occurred if, after receipt of written notice from the non-breaching party, the breaching party fails to cure the breach, or take responsible steps to cure the breach, within thirty (30) days after the date of the written notice.
- b. This Agreement shall automatically renew for additional ten (10) year periods unless either party delivers written notice to the other party of its intent not to renew no less than ninety (90) days prior to the expiration of the current term.
- c. Upon termination of this Agreement, the CCA shall remove all equipment and leave the Field in good condition, wear and tear due to normal use excepted.

Section 7. Attorney Fees. In the event of any action to enforce the terms of this agreement, the prevailing party shall be entitled to recover from the other party, in addition to costs and disbursements, its reasonable attorney fees at arbitration, trial and on appeal.

Section 8. Miscellaneous.

- a. This Agreement shall be binding on and inure to the benefit of the parties and their respective heirs, personal representatives, successors, and permitted assigns.
- b. Neither the Agreement nor any of the rights, interests, or obligations under this Agreement shall be assigned by any party without the prior written consent of the other parties.
- c. Nothing in this Agreement, express or implied, is intended or shall be construed to confer on any person, other than the parties to this Agreement, any right, remedy, or claim under or with respect to this Agreement.

- d. This instrument may be amended only by an instrument in writing executed by all the parties, which writing must refer to this instrument.
- e. The parties agree that the remedy at law for any breach or threatened breach by a party may, by its nature, be inadequate, and that the other parties shall be entitled, in addition to damages, to a restraining order, temporary and permanent injunctive relief, specific performance, and other appropriate equitable relief, without showing or proving that any monetary damage has been sustained.
- f. If any provision of this Agreement shall be invalid or unenforceable in any respect for any reason, the validity and enforceability of any such provision in any other respect and of the remaining provisions of the Agreement shall not be in any way impaired.
- g. This Agreement constitutes the entire agreement and understanding of the parties with respect to the subject matter of this Agreement and supersedes all prior understandings and agreements, whether written or oral, among the parties with respect to such subject matter.

IN WITNESS WHERE OF, the City and CCA have executed this agreement pursuant to due authority, as evidences by the signatures of the duly appointed representatives of each entity below.



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

Meeting Date: October 3, 2017

To: Honorable Mayor and City Council Members

From: B. Francis, City Manager

Subject: Resolution 17-23

Background: The City is tracking its expenses from Hurricane Irma under Emergency Expenses – Hurricane Irma (001-519-00-3417). We estimate the costs will be approximately \$900,000. The City has already paid \$589,113 in vegetative debris removal only. The attached resolution is to approve a budget amendment of \$900,000 from Reserves to the Emergency Expenses. We expect to be reimbursed by FEMA for these costs but when that would occur is undetermined at this time as FEMA is still collecting all data of damages.

Staff Recommendation: Approve Resolution 17-23

Suggested Motion: I move we approve Resolution 17-23

Alternatives: Do not approve the resolution and consider using the City's line of credit (\$750,000) to pay for these costs. .

Fiscal Impact: \$900,000 from Reserves.

Attachments: Resolution 17-23

1 RESOLUTION NO. 17-23

2
3 A RESOLUTION OF THE CITY OF BELLE ISLE, FLORIDA AMENDING THE
4 FISCAL YEAR 2016-2017 ANNUAL BUDGET TO INCREASE THE BUDGETED
5 EXPENDITURES IN THE GENERAL GOVERNMENT DEPARTMENT OF THE GENERAL
6 FUND FOR EMERGENCY EXPENSES RELATING TO HURRICANE IRMA; AND
7 PROVIDING AN EFFECTIVE DATE.

8
9 WHEREAS, pursuant to Resolution 16-10, the City of Belle Isle has
10 adopted the budget for fiscal year 2016-2017; and

11 WHEREAS, the City was impacted significantly by Hurricane Irma and the
12 City declared a State of Emergency effective on September 8, 2017; and

13 WHEREAS, the City has incurred unforeseen expenses relating to
14 Hurricane Irma; and

15 WHEREAS, the City of Belle Isle desires to amend the budget using
16 reserves in the General Fund to cover the cost of Hurricane Irma
17 expenditures;

18 WHEREAS, Section 166.241(4)(c) Florida Statutes require such a budget
19 amendment to be adopted in the same manner as the original budget.

20 Therefore, the City Council of the City of Belle Isle, Florida hereby
21 resolves:

22 Section 1. The City Council hereby authorizes a budget amendment to
23 transfer \$900,000 as follows:

24 FROM TO
25 General Fund Reserves 001-519-00-3417
Emergency Expenses — Hurricane Irma

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Section 2. This Resolution shall take effect upon its adoption.

Adopted by the City Council on this 3rd day of October, 2017.

Lydia Pisano, Mayor

Attest:

Yolanda Quiceno, City Clerk

Approved as to form and legality
City Attorney

STATE OF FLORIDA
COUNTY OF ORANGE

I, YOLANDA QUICENO, CITY CLERK OF THE CITY OF BELLE ISLE, FLORIDA, do hereby certify that the above and foregoing Resolution No. 17-23 was duly and legally passed and adopted by the Belle Isle City Council in session assembled, at which session a quorum of its members were present on the _____ day of October, 2017.

Yolanda Quiceno, City Clerk

ORDINANCE 17-12

ORDINANCE 17-12: AN ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA APPROVING THE REZONING APPLICATION OF THE CITY OF BELLE ISLE, PROPERTY OWNER/APPLICANT OF "LOT 2 WALLACE STREET" AND REZONING THAT CERTAIN PROPERTY LOCATED ON WALLACE STREET, BELLE ISLE, FLORIDA, IDENTIFIED IN THE ORANGE COUNTY TAX ROLLS WITH PARCEL NUMBER 24-23-29-8977-00-021 MORE PARTICULARLY DESCRIBED IN ORANGE COUNTY RECORDS, ORANGE COUNTY, FLORIDA, FROM SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) TO PUBLIC BUILDINGS DISTRICT(PUB); PROVIDING FOR SEVERABILITY, REPEALER, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Belle Isle, Florida (hereinafter "Property Owner/Applicant") has made application for the rezoning of City property located on E. Wallace Street, PARCEL NUMBERS 24-23-29-8977-00-021, more particularly described in Exhibit "A", Legal Description, (hereinafter "the Property") from SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) to PUBLIC BUILDINGS DISTRICT (PUB); and

WHEREAS, the City intends to use the property as open space for public events; and

WHEREAS, the Planning and Zoning Board of the City of Belle Isle has reviewed the proposed rezoning pursuant to Chapter 42, Section 42-65 of the Land Development Code of the Belle Isle Code of Ordinances, found it to be compatible with the surrounding areas and consistent with the density permitted under the City of Belle Isle Comprehensive Plan, and has recommended the rezoning be approved by the City Council; and

WHEREAS, the City Council has reviewed the proposed rezoning pursuant to Chapter 42, Section 42-65 of the Land Development Code of the Belle Isle Code of Ordinances and found it to be compatible with the surrounding areas and consistent with the density permitted under the City of Belle Isle Comprehensive Plan;

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

1 **SECTION 1.** The property located on E. Wallace Street, Belle Isle, Florida, being more particularly described as
2 PARCEL NUMBER 24-23-29-8977-00-021 more particularly described in Exhibit "A", Legal Description, is
3 hereby rezoned from SINGLE-FAMILY DWELLING DISTRICT (R-1-AA) to PUBLIC BUILDINGS DISTRICT (PUB).
4

5 **SECTION 2.** Severability. If any word, phrase, sentence, clause or other portion of this Ordinance is
6 determined to be invalid, void or unconstitutional, the remainder of this Ordinance shall remain in effect.
7

8 **SECTION 4.** Effective date. This Ordinance shall take effect immediately.
9

10 First Reading held this 3rd day of October, 2017
11 Second Reading held this 17th day of October, 2017
12 Advertised for Second Reading on the 7th day of October 2017.
13

	YES	NO	ABSENT
15 Ed Gold	_____	_____	_____
16 Anthony Carugno	_____	_____	_____
17 Jeremy Weinsier	_____	_____	_____
18 Bobby Lance	_____	_____	_____
19 Harvey Readey	_____	_____	_____
20 Lenny Mosse	_____	_____	_____
21 Sue Nielsen	_____	_____	_____

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23 _____
24 **LYDIA PISANO, MAYOR**
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ATTEST: _____

Yolanda Quiceno, CMC-City Clerk

Approved as to form and legality City Attorney

STATE OF FLORIDA

COUNTY OF ORANGE

I, Yolanda Quiceno, CITY CLERK of the City of Belle Isle do hereby certify that the above and foregoing document ORDINANCE 17-12 was duly and legally passed by the Belle Isle City Council, in session assembled on the _____ day of _____ 2017, at which session a quorum of its members were present.

Exhibit "A"

ADDENDUM

Borrower: The City of Belle Isle		File No.: 16-1129	
Property Address: Lot 2 Wallace Street		Case No.	
City: Belle Isle	State: FL	Zip: 32809	
Lender: The City of Belle Isle			
<p>Legal Description WALLER SUB 26/105 PART OF LOT 2 DESC AS BEG SW COR OF SAID LOT 2 TH RUN N00-07-50E 300 FT S89-55-55E 359.92 FT S04-13-30W 300.39 FT S90-00-00W 338.47 FT TO POB</p>			

Addendum Page 1 of 1

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